

"ANYTHING TWO PEOPLE KNOW IS NOT A SECRET."

THE  
CHEYENNE

HERALD

FREE!  
TAKE ONE

the local advocacy journal

In depth. Independent. Stories of Local Interest. Since January 2002.

November 27, 2006 • Issue No. 112 • Next issue December 11, 2006

# The Grasslands. A satellite City that will not be a part of this City?

If you ever tire of reading Gary Larsen's "The Far Side," may I offer some alternative fare?

Just pick up one of the pleadings done by Cheyenne City Attorney Mike Basom.

To say that his legal positions are bizarre would be like saying that the Titanic hit a little ice.

Mikey and the Divorce Attorneys who comprise the legal team at City Hall aren't very adept at drafting legal prose. And Logic 101 must have been a class skipped by all.

The latest questionable annexation to be challenged involves the approximate 2200 acres of the Grasslands Research Station - an area held under lease by the USDA until 199 years from 1928.

To set up this annexation, readers need to be reminded that Jack Spiker, in the person of Patrick Collins, tried to convince the Legislature two years ago to change the annexation statutes. After having lost in the Wyoming Supreme Court on an illegal annexation approval of land separated from the city boundary by a quarter mile, Collins the Lobbyist tried to convince legislators (who believe annexation issues are confined to Cheyenne) that Wyoming cities would greatly benefit by being able to leapfrog over federal property to annex land on the distant side.

Let's see ... who would that help?

If you said "Cheyenne," you win. Everybody reading will receive what's in the briefcase I'm holding.

The thought of annexing the land held under lease by one federal agency but having to pass over a military base was unique to the Capital City. Patrick the Lobbyist (akin to Cedric the Entertainer) also wanted legislators to buy into a change whereby a municipality (now remember this is to benefit all Wyoming cities, not just Cheyenne) could annex land far distant from its borders if the use of

that land would be an industrial park.

Let's see now, who would benefit from that change? Of, yes, Wal\*Mart was going to build a distribution center west of Cheyenne and, according to Patrick the Lobbyist, would not do so unless the land was in the City.

Not so fast, pilgrim. Wal\*Mart could care less where the land falls - so long as they get the concessions they demand and so long as public water and sewer is provided to them - at taxpayer expense.

Guess what? That Wal\*Mart distribution center is under construction and it is in the county. They were granted concessions on community facilities fees, landscaping, and were provided public sewer and water.

Anybody think legislators will remember that attempt to gain an approval of changes to the annexation statutes was based on a lie? Me neither.

So when the Legislature would not grant the City of Cheyenne carte blanche to hop over the Base to annex 2200 acres owned by them out there, the City had to devise an alternate plan.

It became what is known as a 407 annexation. No, that's not the engine size of a classic Pontiac GTO. That's the section of the annexation law referring to a municipality annexing land it owns. In the past, that action has been taken to annex land where the wastewater treatment center is and where the sanitation department transfer station is.

Let the subterfuge begin.

And let the lies commence.

Before the mayor, Segrave and a USDA guy enjoyed lunch paid for by you, the readers, at the Olive Garden in Fort Collins, the Botanic Gardens Foundation Board had their eye on a part of the land known as "the Grasslands." They had visions of preserving a deteriorating

piece of the 2200 acres that was being ignored by an unconcerned and uncaring USDA. This happened well before that lunch at Olive Garden. Only later did the Foundation Board learn that the City was using them as a reason to justify the annexation.

The lies had commenced.

The crux of the legal positions now is that the City holds that they can annex the land because they own it and that they do not have to comply with any of the sections of the annexation statutes. They rely on a ruling referred to as "**Kroenlein**," which Patrick the Lobbyist was apparently briefed on by Patrick the Wolfman, Wyoming's Attorney General, at a kid's hockey game.

Plaintiff's who oppose the annexation include Elizabeth Cox, who has been (successfully) down this road before, Sam Galeotos, and another. Their attorney is Gay Woodhouse, who has spanked the City so often that private attorneys don't seem to want to face her anymore - hence the City Attorney who lied to Judge Kalokathis in the only courtroom appearance he has made in nearly six years in that position has been assigned the unenviable task of facing "the Terminator."

The Plaintiff's stands are that the City does have to comply with most sections of the annexation law and they have not.

Mikey the Banker and the Family Law Girls have actually put pen to paper and defend the exemptions made in this annexation (properties annexed become part of the City and must comply with all zoning rules that apply to other City residents) on the basis that the land being annexed is not adjacent or contiguous (I'm pleased to have educated so many attorneys on those definitions) so, even though it will be annexed, it will not be a part of the City and zoning rules will not apply.

Whaaaaat?

If that was the plan for Village West and

Saddle Ridge, why didn't they say so?

The exemptions include: Livestock on the land, shooting firearms, nuisances, and there will be no requirements for public water and sewer.

He can't be serious. He can not be serious. But, unfortunately, he is.

**Kroenlein**, by the way, involved a competitive dispute centered around a liquor license which was issued by the Town of Torrington. A parcel was annexed on the basis of petition by all property owners to be annexed (a provision of annexation law which was stricken in 2001). A competitor thought it was a conflict of interest that the Town Attorney was a property owner in the parcel annexed and had influence on the new liquor license being issued. **Kroenlein** had nothing to do with land solely owned by the Town - Torrington did not own any of the land.

Since that decision, the local Cotton case was decided by the Wyoming Supreme Court. That ruling set the City's dominoes tumbling. All three of the illegally considered and approved annexations that were challenged were voided.

This dispute is slightly different but the Cotton v. City decision clearly put the Supreme Court in the corner of our long-held argument that case law and precedent required municipalities to grow from the "center out," not hopscotching all over surrounding unincorporated and undeveloped land to find the most valuable rural property to develop.

Residents fear an annexation such as this one can be what the future may portend. This city government cannot enter into an irrevocable contract which would preclude them **OR** a subsequent city government from developing, disposing of, or annexing to the land now being annexed. This City administration and legal team simply cannot be trusted. Whatever they commit to must be taken with a grain of salt. Mike Basom has lied in open court. Enough said. (Concludes on page 4)

WWW.CHEYENNEHERALD.COM