

"ANYTHING TWO PEOPLE KNOW IS NOT A SECRET."

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Downtown buildings design standards

Down. But not out.

by *Dave Featherly*

If I ever needed reminding why it is almost never a productive use of my time to attend a city council meeting, I got it bigtime on Monday night, September 10th.

Five hours.

It took five hours to reach a vote on the subject I went to observe. It was well up on the Agenda but it took five hours to arrive at a vote. The first hour was not well spent - debating whether to pay Wardell Academy money owed them for work already performed - but a couple things did come out of the delay.

One is that a contract modification which exceeds the original contract amount and is more than \$1.8 million should never be a part of the "Consent" items. For years, contractors have played the City by bidding low, only to come back for modifications (changes) that represent their profits or increase their profits. If complete bids were required up-front, perhaps another company would be the low bidder.

Whatever. An expenditures that represents 3.7% of the City's annual general fund spending cannot be buried among appointments to meaningless boards and commissions. And, as often as the City has approved illegal annexations, those actions should stand on their own and not be among dozens of less critical actions.

The feature attraction this night was the Third Reading of the controversial Downtown Building Design edicts. Every decade, the same determined control freaks resurrect the same earlier-defeated ordinance and present it to a new group of uninformed council members.

For example, in 1996, Dr. Mark Rinne, then president of the council and now back on as a member, sponsored a set of demands virtually the same as the ones making their way through council this Monday night. I've been told that Mark forgot what happened in 1996 so I'll remind him here. I was at that Committee of the Whole meeting when Mark got his keister handed to him by Jack Spiker, who pointed out building after building in the downtown that would not meet the ordinance requirements, including the new County Building, which could not have

been built because of all the glass.

Mark Rinne is a proponent of "save those wide-lapel suit coats and pencil-thin ties, they will someday come back into style," and is with a new group of sycophants who are even weaker than those surrounding him in 1996. So, like the playground merry-go-round, this hackneyed piece of "legislation" comes round and round again. At about decade intervals. 1988, 1996, 2007.

In 1996, Rinne chaired the COW as president and could not hold his own against the well-prepared downtown property owner and elected-but-not-yet-sworn-in Jack Spiker. Mark remembers doing better than he did that night. As chair, he did not vote. Jim Lynch seconded Joe Bonds' motion to approve Rinne's bill, but then voted against it after Spiker's effective presentation in opposition.

Joe Bonds, who so desperately wanted to be loved and respected by the dentist, voted for approval. But, Lynch, Maggie Carter, Joe Phelan and Don Pierson voted against. That happened on November 20, 1996. Minutes of the next City Council meeting on November 25, 1996 reflect that Rinne tried to move the ordinance ahead but failed. He told the full body that there was "no recommendation" from COW but actually should have said COW recommended against approval but he brought it forward for further discussion anyway. That is perfectly permissible.

He introduced a major amendment, requiring DDA to bring every action before the full Council and it failed on a tie vote.

Dr. Rinne, seeing the light he shines in open mouths "announced he was withdrawing the ordinance from the agenda."

For eleven years.

Then it reared its ugly head again.

It is also interesting to note the minor changes made to the 1996 ordinance that was defeated 4-1 for reintroduction in 2007. "Design Standards and Guidelines" became "Downtown Cheyenne Design Standards." And, "Design Assistance Review Board" became "Design Review Board." Different ribbon, same pig.

At Monday night's council meeting, the term, "downtown's on a roll" was repeated like it was rehearsed. Dogma.

On a roll? A fire claimed most of a block in the downtown. On a roll? Venerable downtown businesses like Dinneen's, Grier's, Z's Home Furnishings and Roedel's Drugs have closed, are closing or have moved from the downtown. On a roll? The mayor's own retail store has been reduced to 1/3 its pre-mayoral size.

On a roll? The Hynds Building has been empty and abandoned for 21 years. The magnificent and historic Tivoli Building is closed and was last used by an unaccredited diploma seller. The downtown parking garage is underused and a drain on the coffers of the City, DDA and CACVB. On a roll?

Obviously, someone needs to wake up and smell the lattè.

There were some common threads about whom spoke on which side of the issue Monday night. Those in support were usually "joiners" or those who might benefit financially with the passage. Those opposed were generally those who would have to pay the freight if they wanted to improve their own building fronts.

Jack Spiker, Judy Case and Don Pierson were not in attendance at this meeting. Having an interminably long look at the dais, it was impossible not to think that of the four up there who owned businesses, none operated them in the downtown. When the owner of Mad Cyclez spoke very earnestly and eloquently about his business and his building, he could have pointed out, "When I had an opportunity to open a business here in Cheyenne, I chose the downtown - unlike you, Mr. Collins, who chose Dell Range, or you, Mr. Segrave, who chose Yellowstone Rd., or you Dr. Rinne, who chose a Cheyenne neighborhood, or you, Mr. Brown, who chose Hot Springs. None of you, who tonight can make a decision binding on me and others who own property in the downtown, chose to support the area of Cheyenne you profess to so dearly love."

It was also interesting to listen to the supporters of this ordinance denigrate Dell Range and its businesses - as though

there was something unseemly and dastardly about the national and regional chains who operate on or a block either side of Dell Range and in the mall.

Patrick was pretty silent on this criticism.

Another interesting storyline about this controversy is that those who represent the downtown (Ward 1 councilmen Jimmy Valdez and Pete Laybourn) opposed this further obstacle to development and growth in the area (as Judy Case would likely have, too), while those from the other wards had no qualms about imposing new restrictions. None of them spoke about the ratty conditions or appearance of buildings in their wards. It is as though Cheyenne is only the downtown.

A representative of the Hynds Building ownership (the Foreclosure King) spoke in favor of the ordinance and commented how, without the "guidelines," they could "stucco the Hynds and paint it purple." Know what, David? After 21 years of being empty and an eyesore, I don't give a rat's patootey is you sheetrock the walls and paint it black. That would be preferable to another 21 years of being empty and abandoned. Another person who spoke in support talked about all the great stuff he had done in the downtown. He forgot to mention that he did them without this ordinance - that he did them because they made good business sense.

Supporters speak as though they're the only ones who are responsible, respectful of Cheyenne's legacy, and mindful of their building's heritage. Just them. Not you. **YOU** have to be controlled. Nonsense! Stay out of the way of free enterprise and private businesses. Far away!

On Third Reading, ordinance approval requires a majority of the elected body (6 of 10). The mayor has recused himself so supporters needed 6 of 9. At Monday's meeting, there were only 7 members present - 6 had to vote "yes" for the ordinance to pass. Pete Laybourn and Jimmy Valdez (in a commendable show of courage), both voted "no." The measure failed. Mark Rinne, after consulting with city attorney Mike Basom, cast the final vote and voted "no" so he could bring the ordinance back for reconsideration at the next Council meeting. He is counting on Don Pierson's support. Don opposed the same ordinance in 1996.

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