

FINANCE COMMITTEE MINUTES

Due to the President's Day Holiday, a meeting of the Finance Committee was instead held on Tuesday, February 16, 2021 via an Electronic meeting, starting at 12:00 P.M. Those in attendance were as follows:

COMMITTEE MEMBERS: Scott Roybal, Chairman; Dr. Michelle Aldrich, Ken Esquibel, and Richard Johnson.

CITY STAFF: Charles Bloom, Planning & Development Director; Robin Lockman, City Treasurer; TJ Barttelbort, Purchasing Manager; Brenda Moureaux, Deputy City Treasurer; Teresa Moore, Community Recreation & Events Director; Tom Mason, Metropolitan Planning Organization (MPO) Director; Interim Chief John Kopper and Division Chief Byron Matthews, Cheyenne Fire and Rescue Department; Vicki Nemecek, Public Works Director; Mike O'Donnell, City Attorney; Alessandra McCoy-Fakelman, Deputy City Attorney; Frank Strong, Board of Public Utilities (BOPU) Operations/Maintenance Manager; Tom Cobb, City Engineer; Jason Sanchez, Community Recreation & Events Deputy Director; Sam Berta, Construction Engineer; Doug Klahn, Construction Manager; Lara White, City Attorney's Office Manager; Jillian Harris, MPO Senior Planner; and Kris Jones, City Clerk.

OTHERS PRESENT: Pete Laybourn, City Councilman Ward I; Patti Reiland, Mayor's Council for People with Disabilities (MCPD), Dick Mason; Amber Ash, Downtown Development Authority (DDA) Executive Director; T. Cordier; Margaret Austin, Wyoming Tribune Eagle; Brandon Swain; and Megin Rux.

AGENDA ITEMS

12. **ORDINANCE –2nd READING –** Amending various sections of Chapter 12.04, Streets, Sidewalks, and Driveways Generally, of Title 12, Streets, Sidewalks and Public Places, of the Code of the City of Cheyenne, Wyoming. (SPONSOR – PETE LAYBOURN)

Mr. Esquibel joined the meeting at 12:08 P.M. during discussion on this item.

Mr. Johnson moved to approve on 2nd reading, seconded by Mr. Esquibel. Mr. Johnson moved to amend by substitute as submitted on February 16, 2021 by the City Attorney's Office, seconded by Mr. Esquibel. Motion to amend carried by unanimous voice vote. Main motion as amended carried by unanimous voice vote.

DISCUSSION: Alessandra McCoy-Fakelman, Deputy City Attorney, provided a staff report and advised this City Council driven ordinance change pertains to the responsibility of sidewalk, curb and gutter in the Downtown Development District. Ms. McCoy-Fakelman reviewed changes to this ordinance including the City's responsibility for repairs to curb and gutter, the property owner's responsibility for sidewalk repairs, and oversight of the ordinance. Ms. McCoy-Fakelman

proposed an amendment which includes clarification regarding responsibilities of the City and the property owner. Upon inquiry, Vicki Nemecek, Public Works Director, provided information regarding funding for repairs using 6th Penny funds from the concrete and street repair line item. Dr. Aldrich expressed a need for curb and gutter repairs in each ward throughout the City. Pete Laybourn, City Councilman Ward I, ordinance sponsor, acknowledged the need for repairs in each Ward however reported due to increased pedestrian traffic within the downtown core there is a need to meet the regulation of the American's with Disabilities Act (ADA). Amber Ash, DDA Executive Director, advised the need for pedestrian friendly access to downtown business. Patti Reiland, MCPD, was present at the meeting but due to technical difficulties was unable to provide information. Mr. Laybourn advised the MCPD previously identified issues within the downtown core and expressed safety concerns along the Cheyenne Frontier Days parade route.

16. RESOLUTION – Authorizing the sale of surplus city-owned property generally located at the northeast corner of Morrie Avenue and east Lincolnway, together with improvements thereon, and authorizing the Mayor to proceed with sale and transfer of the property. (SPONSOR – SCOTT ROYBAL)

Dr. Aldrich moved to adopt, seconded by Mr. Esquibel. Motion carried by unanimous voice vote.

DISCUSSION: Charles Bloom, Planning & Development Director, provided a staff report and advised one written offer was received to purchase this property and provided information on staff's estimated value of the land. Upon inquiry, Mr. Bloom explained the process of selling the land under this new procedure. Upon inquiry, Alessandra McCoy-Fakelman, Deputy City Attorney, advised a future resolution would be drafted and proposed directing the funds from the sale of this property to the Revolving Land Fund. Brandon Swain, proposed buyer, provided information on future development of the property and access to the development. Frank Strong, BOPU Operations/Maintenance Manager, provided information related to existing utilities on the property.

17. RESOLUTION – Calling for an Americans with Disabilities Act Compliance evaluation and transition plan for the City of Cheyenne Municipal Building. (SPONSOR – PETE LAYBOURN)

Dr. Aldrich moved to adopt, seconded by Mr. Johnson. Motion carried by unanimous voice vote.

DISCUSSION: Mike O'Donnell, City Attorney, provided information and advised the City of Cheyenne Municipal building is not in compliance with the ADA and noted the risks of an investigation could result in immediate remediation of the entire building. Mr. O'Donnell advised this resolution would allow for creation of a transition plan for the building to become ADA compliant. Robin Lockman, City Treasurer, advised no funding source has been identified for either the transition plan or for future remediation. Vicki Nemecek, Public Works Director, provided information on potential funding for the transition plan and advised a future work session is planned to discuss a 6th Penny project to remodel the City Municipal Building which would address all ADA concerns. Dr. Aldrich expressed concern regarding implementation and completion of the plan noting, history has shown it's not uncommon for plans such as these to lay dormant. Pete Laybourn, City Councilman Ward I, resolution sponsor, advised as the liaison to

the MCPD, that the City has a responsibility to make the building accessible and reported additional concerns with the security of the building. Dick Mason, voiced concern regarding the differences between the building code and ADA regulations. Mr. O'Donnell advised that ADA is a Federal law, and if more restrictive, would take precedent over the building code.

20. LEASES/CONTRACTS/LLEGAL:

- f) Professional Services Agreement between the City of Cheyenne, Cheyenne Metropolitan Planning Organization (MPO), and BenchMark Engineers, PC for the Walterscheid Boulevard Reconstruction Plan. (MPO Federal Funds)

Mr. Johnson moved to approve in an amount not to exceed \$97,794.00, seconded by Mr. Esquibel. Motion carried by unanimous voice vote.

Mr. Johnson following discussion and vote on this item excused himself for the remainder of the meeting due to a previous employment commitment at 11:55 P.M.

DISCUSSION: Jillian Harris, MPO Senior Planner, provided a staff report and advised the vicinity of study is Walterscheid Boulevard from Deming Drive to West College Drive and that staff recommends approval.

- g) Agreement between the City of Cheyenne and LuckyDog Recreation, Ashton, ID, for the Pioneer Park Play System Project. (Community Development Block Grant)

Dr. Aldrich moved to approve in an amount not to exceed \$216,996.00, seconded by Mr. Esquibel. Motion carried by unanimous voice vote.

DISCUSSION: Jason Sanchez, Community Recreation & Events Deputy Director, provided a staff report and advised a Community Development Block Grant was received to replace the playground system and safety surface. Mr. Sanchez advised the MCPD was consulted with on both this project and the following agenda item.

- h) Agreement between the City of Cheyenne and Star Playgrounds, Littleton, CO, for the South Lions Park Play System Project. (Community Facility Fees Fund and Land and Water Conservation Grant)

Dr. Aldrich moved to approve in an amount not to exceed \$249,499.00, seconded by Mr. Esquibel. Motion carried by unanimous voice vote.

DISCUSSION: Jason Sanchez, Community Recreation & Events Deputy Director, provided a staff report and advised funds from Community Facility Fees will be used to match the Land and Water Conservation Grant to replace the playground in south Lyons Park. Mr. Esquibel expressed thanks to the Community Recreation & Events Department staff and commended the use of this grant.

- i) Grant Award Agreement with the State of WY Office of Homeland Security for a grant from the U.S. Department of Homeland Security (DHS), FEMA, Grant Programs Directorate, SHSP Grant Fiscal Year 2018 in the amount of \$3,418.28 for the Cheyenne Regional Response Team #7. (DHS Grand Code: EMW-2018-SS-00065)

Dr. Aldrich moved to approve, seconded by Mr. Esquibel. Motion carried by unanimous voice vote.

DISCUSSION: Interim Chief John Kopper, Cheyenne Fire and Rescue Department, provided a staff report and advised this amendment is to extend the date which will allow the Department to utilize all the funds.

21. CHANGE ORDERS/CONTRACT MODIFICATIONS:

- d) Contract Modification #1 to Contract #7134 between the City of Cheyenne and AVI Professional Corporation for construction management services for the Capitol Basin 26th Street Storm Sewer Extension Design Project. (2015-2018 1% Sales Tax)

Mr. Esquibel moved to approve in an amount not to exceed \$316,903.00, seconded by Dr. Aldrich. Motion carried by unanimous voice vote.

DISCUSSION: Sam Berta, Construction Engineer, provided a staff report and advised the modification is to provide for construction management, noting this is a joint project with the BOPU. Upon inquiry, Tom Cobb, City Engineer, provided information on potential reimbursement from the State of Wyoming.

22. CONSIDERATION OF BIDS/PURCHASES/REQUESTS FOR PROPOSALS:

- a) Consideration of Bid #S-1-21 for a Contract between the City of Cheyenne and Simon Contractors, for the 24th Street Mill and Overlay Project. (2015-2018 and 2019-2022 1% Sales Tax)

Dr. Aldrich moved to accept the bid from Simon Contractors, Cheyenne, Wyoming in an amount not to exceed \$1,166,112.15, seconded by Mr. Esquibel. Motion carried by unanimous voice vote.

DISCUSSION: Doug Klahn, Construction Manager, provided a staff report and advised the project along 24th Street from Missile Drive to Warren Avenue includes the mill and overlay of all asphalt and repair of all curb, gutter, sidewalk and any other concrete in disrepair. Upon inquiry, Mr. Klahn provided information on the amount of sidewalk to be replaced.

There being no further items for the agenda to come before the Finance Committee, the meeting was adjourned at 1:10 P.M.

Submitted by,

A handwritten signature in blue ink that reads "J. McClelland". The signature is written in a cursive style with a large, stylized initial "J".

Jennifer McClelland
Executive Assistant to the City Council