

FINANCE COMMITTEE MINUTES

Due to inclement weather the Finance Committee that was scheduled for Monday, March 15, 2021 at 12:00 P.M. was instead held on Wednesday, March 17, 2021 at 12:00 P.M. via an electronic meeting. 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; Lisa Pafford, Planning & Development Deputy Director; Robin Lockman, City Treasurer; TJ Barttelbort, Purchasing Manager; Teresa Moore, Community Recreation & Events Director; Interim Chief John Kopper, Division Chief Byron Matthews and Division Chief Andrew Dykshorn, Cheyenne Fire and Rescue Department; Mike O'Donnell, City Attorney; Alessandra McCoy-Fakelman, Deputy City Attorney; Detective Aaron Willmarth, Police Department; Tom Cobb, City Engineer; Brenda Moureaux, Deputy City Treasurer; Craig LaVoy, Public Works Deputy Director; Doug Klahn, Construction Manager; Darrin Hass, Human Resources Director; Eric Fountain, Mayor's Chief of Staff; Jeanne Vetter, Parks & Greenway Planner; Jade Herstein, Family Support Services Supervisor; Lori DeVilbiss, Recreation Manager; Lara White, City Attorney's Office Manager; and Kris Jones, City Clerk.

OTHERS PRESENT: Mayor Patrick Collins; Jeff White, City Council President; Pete Laybourn, City Councilman Ward I; Amber Ash, Downtown Development Authority (DDA) Executive Director; Sativa Osiris, Diamond Dog Body Piercing; Zach Lankford; Todd Bishop, Kaiser Wealth Management President & CEO; Rick Thompson, Hathaway & Kunz, LLP; John Rivera and Brenden McKinny, Wyoming Promise Board Members.

AGENDA ITEMS

8. APPLICATIONS/LICENSES/PERMITS

- a) Application for a restaurant liquor license application filed with the City Clerk's office for Machapuchare Inc. d/b/a Durbar Nepalese & Indian Bistro, 3515 E. Lincolnway, Cheyenne, Wyoming.

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

DISCUSSION: Kris Jones, City Clerk, provided a staff report and advised the restaurant liquor license application has been reviewed by the required agencies and determined eligible. Upon inquiry, Ms. Jones provided information on the annual renewal of restaurant liquor licenses.

13. **ORDINANCE –3rd READING –** Amending Chapter 5.68, Body Art Establishments and Operations, of the Code of the City of Cheyenne, Wyoming.

Dr. Aldrich moved to approve on 3rd and final reading however, due to a lack of a second, the item failed.

DISCUSSION: Alessandra McCoy-Fakelman, Deputy City Attorney, provided a staff report and advised no additional changes have been made since approval on 2nd reading at the March 8, 2021 meeting of the Governing Body and noted a memorandum was sent to council providing additional requested information.

14. ORDINANCE –3rd READING – Amending Section 5.12.150, Suspension or Revocation of License; Denial of Permit, of Chapter 5.12, Alcoholic Liquor and Malt Beverages, of Title 5, Business Licenses and Regulations, of the Code of the City of Cheyenne, Wyoming.

Mr. Johnson moved to approve on 3rd and final reading, seconded by Mr. Esquibel. Motion carried by unanimous voice vote.

DISCUSSION: Michael O'Donnell, Deputy City Attorney, provided a staff report and reviewed the changes to the ordinance and advised a future proposal would include guidelines for the appeal and hearing process.

15. ORDINANCE –2nd READING – Amending Section 5.12.110, Open Container-Sales and Consumption-Exceptions, of Chapter 5.12, Alcoholic Liquor and Malt Beverages, of Title 5, Business Licenses and Regulations, of the Municipal Code of the City of Cheyenne, Wyoming. (SPONSOR – MR. COOK, MR. ESQUIBEL, MR. JOHNSON, DR. RINNE, MR. ROYBAL, AND MR. WHITE)

Mr. Johnson moved to approve on 2nd reading, seconded by Mr. Esquibel. Motion carried by unanimous voice vote.

DISCUSSION: Alessandra McCoy-Fakelman, Deputy City Attorney, provided a staff report and advised this is a council initiated change and reviewed changes allowing open containers in the Downtown District between the Thursday preceding Memorial Day to the Monday of Labor Day during the hours of 8:00 a.m. and 10:00 p.m. Ms. McCoy-Fakelman noted possession of open containers shall always be allowed, according to the ordinance, on the 4th of July, Cheyenne Day and Founder's Day (or Statehood Day) and must be in a plastic cup. Ms. McCoy-Fakelman advised that the periods of time, as well as the boundaries of special areas or districts may be established and/or modified by resolution adopted by the Governing Body. Ms. McCoy-Fakelman reviewed statutory changes including the restriction of catering permits to wine and malt beverages and the deregulation of requirements for activities within Frontier Park, noting an additional amendment will be presented regarding Frontier Park in the coming weeks. Mr. Johnson advised an amendment is expected to address future issues with the use of wristbands. Amber Ash, DDA Executive Director, spoke in favor of the ordinance change and provided an overview of last year's events allowing open containers in the Downtown District.

24. RESOLUTION – Authorizing the Cheyenne Police Department to apply for Wyoming Department of Transportation, Highway Safety Program, Grant Funding for the City’s Mobile D.U.I. Command Vehicle. (SPONSOR – DR. ALDRICH)

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

DISCUSSION: Detective Aaron Willmarth, Police Department, provided a staff report and overview of the activities and cost of the command vehicle. Dr. Aldrich spoke in support of grant funding to offset overtime expenses and thanked Detective Willmarth for writing the grant. Upon inquiry, Detective Willmarth provided information related to vehicle staffing and training.

26. RESOLUTION – Supporting and recommending the United States Congress propose and send to the states for ratification, an amendment to the United States Constitution clarifying the distinction between the rights of natural persons and the rights of corporations, unions, and other legal entities, and providing Congress and the State Legislatures the right to regulate monies raised and spent for political purposes. (SPONSORS – DR. ALDRICH and MR. LAYBOURN)

Dr. Aldrich moved to adopt, seconded by Mr. Esquibel. Motion carried with Dr. Aldrich and Mr. Esquibel voting “YES” and Mr. Johnson voting “NO”.

Mr. Johnson following discussion and vote on this item excused himself for the remainder of the meeting due to a previous employment commitment at 12:55 P.M. Mr. White, City Council President, replaced Mr. Johnson for the remainder of the meeting as a voting member of the committee.

DISCUSSION: Pete Laybourn, City Councilman Ward I, resolution sponsor, provided an overview of issues related to dark money and its influence on politics. John Rivera, Wyoming Promise Board Member, provided a detailed explanation and examples of dark money use as it relates to the political environment. Brenden McKinny, Wyoming Promise Board Member, spoke in support of the resolution. Dr. Aldrich advised Bryan Cook, City Councilman Ward II, also is supportive and had been interested in sponsoring the resolution. Mr. Esquibel voiced support for the resolution and advised the influence of dark money can be just as detrimental in less populated areas.

27. RESOLUTION – Authorizing the issuance and sale by the City of Cheyenne, Wyoming of Revenue Refunding Bonds, Series 2021, in a principal amount not to exceed \$5,445,000, for the purpose of refunding the City’s outstanding Refunding Revenue Bonds, Series 2012; prescribing the form of said Series 2021 Bonds; providing for the payment of the principal and interest thereon; ratifying, approving and confirming previous actions of officers and members of the Governing Body of the City and employees thereof; and determining other matters related to the bonds. (SPONSOR – MR. ROYBAL)

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

DISCUSSION: Robin Lockman, City Treasurer, provided a staff report and provided information on the refinancing of the bonds and liquidation of the debt reserve fund. Ms. Lockman reviewed the history of the bonds, reported the current annual interest rate and balance, advised future net savings and annual interest rates, and noted refinancing would not extend the term of the bond. Ms. Lockman reviewed the fees associated with the refinancing and advised a new debt reserve fund will be set up for the final balloon payment in April of 2028. Todd Bishop, Kaiser Wealth Management President & CEO, thanked Ms. Lockman and her staff for their assistance.

28. LEASES/CONTRACTS/LLEGAL:

- b) Professional Services Agreement between the City of Cheyenne, Fire & Rescue Department and Stitches Acute Care Center to provide occupational medical exams. (2019-2022 1% Sales Tax)

Mr. White moved to approve in an amount not to exceed \$65,000.00, seconded by Mr. Esquibel. Motion carried by unanimous voice vote.

DISCUSSION: Division Chief Andrew Dykshorn, Cheyenne Fire and Rescue Department, provided a staff report and advised this agreement will streamline medical services and fees. Upon inquiry, Division Chief Dykshorn, advised other medical providers were contacted but were unresponsive and noted City/County Health is utilized for some services. Upon inquiry, Darrin Hass, Human Resources Director, advised a cost analysis has not been conducted regarding rehabilitation or occupational therapy.

- c) Sponsorship Agreement between the City of Cheyenne and Spradley Barr Toyota for the 2021-2022 Performing Arts Series, Family Film Series Presenting Sponsor, Sponsor of the Cheyenne Civic Center audio control desk and as an Art Access Sponsor. (revenue to the city)

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

DISCUSSION: Lori DeVilbiss, Recreation Manager, provided a staff report and advised this agreement is in support of the Civic Center and outlines areas of recognition of the sponsor. Upon inquiry, Ms. DeVilbiss, advised the contract does not designate the funds be deposited to the Civic Center Foundation fund and an amendment could be made to direct this.

- d) Sponsorship Agreement between the City of Cheyenne and HollyFrontier Cheyenne Renewable Diesel Company, LLC, to designate HollyFrontier as the Presenting Sponsor of SuperDay 2021, SuperDay Tour de Prairie and SuperDay 5K Walk/Run. (revenue to the city)

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

DISCUSSION: Lori DeVilbiss, Recreation Manager, provided a staff report and advised this agreement is in support of Super Day and related activities. Ms. DiVilbiss reported due to the cancelling of the event, the sponsor was not invoiced the previous year.

- e) Memorandum of Understanding between the City of Cheyenne and Laramie County School District #1 to provide transportation services for the summer Rec Camp Program.

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

DISCUSSION: Teresa Moore, Community Recreation & Events Director, provided a staff report and advised this annual agreement is to provide transportation for the summer recreation camp program. Upon inquiry, Lori DeVilbiss, Recreation Manager, advised the increased costs will be offset with reduced usage of Laramie County School District #1 buses. Jade Herstein, Family Support Services Supervisor, provided additional information on utilizing City owned buses and noted an excellent partnership with the school district and their staff.

- f) Agreement between the City of Cheyenne and Employee On-Boarding Specialties for drug screening and alcohol testing services.

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

DISCUSSION: Darrin Hass, Human Resources Director, provided a staff report and advised this annual contract is for pre-employment, post-accident and other drug testing services. Mr. Hass noted there was no increase in rates.

29. CHANGE ORDERS/CONTRACT MODIFICATIONS:

- c) Contract Modification #1 to Contract #7277 between the City of Cheyenne and 4 Quarters Excavation and Development for the East Cheyenne Community Park, Parking Lot and Trailhead Project. (Specific Purpose Sales Tax)

Mr. White moved to approve in an amount not to exceed \$8,100.00, seconded by Mr. Esquibel. Motion carried with Mr. Esquibel and Mr. White voting "YES" and Dr. Aldrich voting "NO".

DISCUSSION: Jeanne Vetter, Parks & Greenway Planner, provided a staff report and advised this modification represents the actual material increase cost of vinyl coated fencing due to increased steel prices. Upon inquiry, Ms. Vetter, advised the increase in steel prices were universal to all contractors and provided information on potential increases of other building materials. Dr. Aldrich noted she would not be supportive of this modification due to the timeliness of the modification from the initial bid award.

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

- d) Consideration of Bid #S-7-21 for a Contract between the City of Cheyenne and Synergy Construction, LLC, for the Happy Jack Landfill Front Entrance and Scale House Project. (Solid Waste Fund)

Mr. White moved to accept the bid from Synergy Construction, LLC, Lovell, WY, in an amount not to exceed \$2,537,363.00, seconded by Mr. Esquibel. Motion carried by unanimous voice vote.

DISCUSSION: Craig LaVoy, Public Works Deputy Director, provided a staff report and advised this project will update the landfill entrance and scale as required by the Department of Environmental Quality (DEQ). Upon inquiry, Mr. LaVoy advised in addition to the scale house building, an office building and an additional outbuilding are included in the bid.

- e) Consideration of Bid #S-10-21 for a Contract between the City of Cheyenne and JTL Group Inc., d/b/a Knife River, for the 2021 City Overlay Part 1 Project. (2019-2022 1% Sales Tax)

Dr. Aldrich moved to accept the bid from JTL Group Inc., d/b/a Knife River, Cheyenne, WY, in an amount not to exceed \$2,116,969.90, seconded by Mr. White. Motion carried by unanimous voice vote.

DISCUSSION: Doug Klahn, Construction Manager, provided a staff report and advised the funding source is incorrect and should be specific purpose sales tax. Mr. Klahn provided information on the project, which includes concrete and asphalt work on the streets along and including, King Arthur Way between Camelot Court to Ogden Road and noted this project is part of the City's Payment Management Plan. Upon inquiry, Mr. Klahn reported the project will cover 1.03 miles.

- f) Consideration of Bid #S-12-21 for a Contract between the City of Cheyenne and S & S Builders, LLC, for the Dey Avenue Greenway Connector Project. (Specific Purpose Sales Tax)

Mr. White moved to accept the bid from S & S Builders, LLC, Cheyenne, WY, in an amount not to exceed \$273,762.25, seconded by Dr. Aldrich. Motion carried by unanimous voice vote.

DISCUSSION: Jeanne Vetter, Parks & Greenway Planner, provided a staff report and advised this contract is for connections to existing greenway along Dey Avenue between Missile Drive, Martin Luther King Jr. Park, the wetlands Pump House and Ames Avenue noting the timeline for completion. Upon inquiry, Ms. Vetter provided information on concrete costs. Mr. Laybourn, City Council Ward I, supported the contract and requested review of the connections within the contract. Mr. White thanked Ms. Vetter for her work on this connection.

- g) Consideration of Bid #S-13-21 for a Contract between the City of Cheyenne and Simon Contractors, for the 2021 City Overlay Part 2 Project. (2019-2022 1% Sales Tax)

Mr. White moved to accept the bid from Simon Contractors, Cheyenne, WY, in an amount not to exceed \$1,317,698.76, seconded by Mr. Esquibel. Motion carried by unanimous voice vote.

DISCUSSION: Doug Klahn, Construction Manager, provided a staff report and advised the funding source is incorrect and should be specific purpose sales tax. Mr. Klahn provided information on the project, which includes areas along Central Avenue, Evergreen Street, Golden Hill Street and Ranger Drive and noted this project is part of the City's Payment Management Plan. Upon inquiry, Mr. Klahn reported the project will cover 1.75 miles.

- h) Consideration of Bid #E-17-21 for a furnishing four (4) utility carts for the City of Cheyenne Parks Division. (2015-2018 1% Sales Tax)

Mr. White moved to accept the bid from Colorado Golf & Turf, Littleton, CO, in an amount not to exceed \$39,736.00, seconded by Dr. Aldrich. Motion carried by unanimous voice vote.

DISCUSSION: Teresa Moore, Community Recreation & Events Director, provided a staff report and advised this contract is to replace aged utility carts used for transporting maintenance equipment.

There being no further items for the agenda to come before the Finance Committee, the meeting was adjourned at 1:34 P.M.

Submitted by,



Jennifer McClelland
Executive Assistant to the City Council