

## **FINANCE COMMITTEE MINUTES**

A meeting of the Finance Committee was held on Monday, June 7, 2021 in Committee Room 104 and via 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; Teresa Moore, Community Recreation & Events Director; Chief John Kopper, and Division Chief Byron Matthews, Cheyenne Fire and Rescue Department; Michael O'Donnell, City Attorney; Lara White, City Attorney's Office Manager; Tom Cobb, City Engineer; Jason Sanchez, Community Recreation & Events Deputy Director; Vicki Nemecek, Public Works Director; Craig LaVoy, Public Works Deputy Director; Darrin Hass, Human Resources Director; Brad Brooks, Board of Public Utilities (BOPU) Director; Ashley Miller, BOPU Administration Manager; and Kris Jones, City Clerk.

**OTHERS PRESENT:** Mayor Patrick Collins; Tom Segrave, City Councilman Ward II; Pete Laybourn, City Councilman Ward I; Tim Barth, Cheyenne Regional Airport Director; Nathan Banton, Cheyenne Regional Airport General Manager; Stacie McDonald, Visionary Communications, Inc.; James Childress; Amber Ash, Downtown Development Authority (DDA) Executive Director; Haylee Chenchar, DDA Assistant Director; Patti Riesland, Mayor's Council for People with Disabilities; and Brian Bau, Albany Restaurant, Bar, and Package Liquor.

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### **AGENDA ITEMS.**

**7. APPLICATIONS/LICENSES/PERMITS:**

- a) Application for a retail liquor license transfer of location filed with the City Clerk's Office for Poor Richard's, from 2233 E. Lincolnway to 1808 O'Neil Ave., 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 application has been reviewed by the City Clerk and Wyoming Liquor Division staff and the requirements pursuant to state statute and city code have been met. Ms. Jones advised the applicant plans to operate as a bar and package liquor store upon remodel of the future location.

- b) Application for a retail liquor license transfer of ownership filed with the City Clerk's Office for ARCHCO Albany, LLC d/b/a Albany Restaurant, Bar, and Package Liquor, 1506 Capitol Ave., Cheyenne, Wyoming (license currently held by Albany, Inc. d/b/a Albany Restaurant, Bar and Liquormart).

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 application has been reviewed by the City Clerk, Police Department and Wyoming Liquor Division staff and the requirements pursuant to state statute and city code have been met. Ms. Jones advised the business will be operating as a restaurant, bar, and liquor store in the current location. Brian Bau, Albany Restaurant, Bar, and Package Liquor, advised the business will maintain the current operation.

- c) Application for a bar and grill liquor license filed with the City Clerk's Office for Capitol Cuisine LLC d/b/a Ike's Bar & Grill, 122 West 6<sup>th</sup> St., Cheyenne, Wyoming.

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

**DISCUSSION:** Kris Jones, City Clerk, provided a staff report and advised the application has been reviewed by the City Clerk, Police Department and Wyoming Liquor Division staff and the requirements pursuant to state statute and city code have been met. Ms. Jones advised the building at the location, formally a restaurant, has been renovated and will operate as a bar and grill.

- 11. ORDINANCE –3<sup>rd</sup> READING – Amending Section 5.12.030, Licenses and Permits-Types, 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. Esquibel moved to approve on 3<sup>rd</sup> and final reading, seconded by Dr. Aldrich. Motion carried by unanimous voice vote.

**DISCUSSION:** Kris Jones, City Clerk, provided a staff report and advised that no additional information has been provided since approval on second reading on May 24, 2021 meeting of the governing body.

- 12. ORDINANCE –3<sup>rd</sup> READING – Amending various sections 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. Esquibel moved to approve on 3<sup>rd</sup> and final reading, seconded by Dr. Aldrich. Motion carried by unanimous voice vote.

**DISCUSSION:** Kris Jones, City Clerk, provided a staff report and advised that no additional information has been provided since approval on second reading on May 24, 2021 meeting of the governing body.

Mr. Johnson joined the meeting at 12:08 p.m. following the vote on item #12.

13. ORDINANCE –3<sup>rd</sup> READING – Amending various sections 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. Esquibel moved to approve on 3<sup>rd</sup> and final reading, seconded by Dr. Aldrich. Motion carried by unanimous voice vote.

**DISCUSSION:** Kris Jones, City Clerk, provided a staff report and advised that no additional information has been provided since approval on second reading on May 24, 2021 meeting of the governing body.

16. ORDINANCE –3<sup>rd</sup> READING – Granting a non-exclusive franchise to Visionary Communications, Inc., within the rights-of-way of the City of Cheyenne, Wyoming.

Mr. Esquibel moved to approve on 3<sup>rd</sup> and final reading, seconded by Dr. Aldrich. Motion carried by unanimous voice vote.

**DISCUSSION:** Michael O'Donnell, City Attorney, provided a staff report and advised that no additional information has been provided since approval on second reading on May 24, 2021 meeting of the governing body.

24. ORDINANCE –3<sup>rd</sup> READING – Approving and establishing revised water and sewer rates, tap and system development fees, administrative fees, service charges and penalties, and septic and commercial waste dump rates, as recommended by the Board of Public Utilities.

Mr. Johnson moved to approve on 3<sup>rd</sup> and final reading, seconded by Dr. Aldrich. Motion carried by unanimous voice vote.

**DISCUSSION:** Ashley Miller, BOPU Administration Manager, provided a staff report and advised a 5% increase on all fees across the board and no additional information has been provided since approval on second reading on May 24, 2021 meeting of the governing body.

28. ORDINANCE –2<sup>nd</sup> READING – Creating Section 13.04.141, Fee Assessment on Gross Revenues, of Chapter 13.04, Board of Public Utilities, of Title 13, Public Utilities Generally, of the Code of the City of Cheyenne, Wyoming. (SPONSOR – MR. SEGRAVE)

Mr. Johnson moved to approve on 3<sup>rd</sup> and final reading, seconded by Mr. Esquibel. Mr. Johnson moved to amend by substitute dated June 4, 2021, seconded by Mr. Esquibel. Motion to amend carried with Dr. Aldrich and Mr. Esquibel voting “YES” and Mr. Johnson voting “NO”. Main motion as amended carried with Dr. Aldrich and Mr. Esquibel voting “YES” and Mr. Johnson voting “NO”.

**DISCUSSION:** Michael O'Donnell, City Attorney, provided a staff report and advised the BOPU will collect on behalf of the City a 2% fee on monthly on gross revenues of water and sewage services and remit those fees to the City Treasurer as a pass through and noted a substitute

amendment has been circulated to clarify language. Upon inquiry, Brad Brooks, BOPU Director, advised the fee will be taken from the monthly service and usage fees on water and sewer paid by the public. Dr. Aldrich requested public education regarding the ordinance. Mayor Patrick Collins provided information on the relationship between the City and the BOPU, the exchange of services, and the need to generate revenue through new sources.

31. RESOLUTION – Approving the budget of the Cheyenne Regional Airport Board for the fiscal year beginning July 1, 2021 and ending June 30, 2022. (SPONSOR – MR. ROYBAL)

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

**DISCUSSION:** Robin Lockman, City Treasurer, provided a staff report and advised pursuant to City Code the Cheyenne Regional Airport is required to submit an annual budget to the governing body for approval. Tim Barth, Cheyenne Regional Airport Director, provided information on CARES funding received by the airport. Dr. Aldrich thanked Mr. Barth for his work and leadership at the airport.

32. RESOLUTION – Approving the budget of the Cheyenne Downtown Development Authority for the Fiscal Year beginning July 1, 2021 and ending June 30, 2022. (SPONSOR – MR. ROYBAL)

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

**DISCUSSION:** Robin Lockman, City Treasurer, provided a staff report and advised pursuant to City Code the Downtown Development Authority is required to submit an annual budget to the governing body for approval. Amber Ash, DDA Executive Director, provided an update on the new downtown Cheyenne sign, grant approvals and placement of new flower planters.

33. RESOLUTION – Authorizing the City Treasurer to discharge uncollectible debts in the amount of \$16,953.97 pursuant to Wyo. Stat. §16-4-502. (BOPU uncollectible debts). (SPONSOR – MR. LAYBOURN)

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

**DISCUSSION:** Ashley Miller, BOPU Administration Manager, provided a staff report and advised the accounts in question were placed with a local collection agency and efforts have been exhausted to collect the debts. Upon inquiry, Ms. Miller advised the write offs are out of the BOPU's account and provided information related to a specific account to be wrote off. Upon additional inquiry, Ms. Miller provided information on the collection process and explained certain situations, including death and bankruptcy, contribute to uncollectable dept.

37. CHANGE ORDERS/CONTRACT MODIFICATIONS:

- b) City Contract No. 150, Notice of Renewal of Lease Number 57-82HW-1-0171 from the United States Department of Agriculture, Agricultural Research Service, to lease the High Plains Grasslands Research Station.

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

**DISCUSSION:** Michael O'Donnell, City Attorney, provided a staff report and advised the contract is to extend the current lease.

- c) Contract modification #1 to Contract #7256 between the City of Cheyenne and Dan Hart Patrol Service, LLC, for the Happy Jack Landfill Phase 2, Cells 1, 2 and 3 Excavation Earthworks project for additional liner & shipping cost for the leachate trench. (Solid Waste Fund)

Mr. Johnson moved to approve in an amount not to exceed \$310,000.00, seconded by Mr. Esquibel. Motion carried with Mr. Esquibel and Mr. Johnson voting "YES" and Dr. Aldrich voting "NO".

**DISCUSSION:** Craig LaVoy, Public Works Deputy Director, provided a staff report and advised the modification will set up a force account to offset fuel costs that exceed 5% for off road diesel. Mr. LaVoy advised no fuel escalators were included in the contract or the following items' contract. Dr. Aldrich voiced concerns with the amount of change orders requested and the precedence it sets noting she would not support this change request or the following one.

- d) Contract modification #2 to Contract #7258 between the City of Cheyenne and Northwest Linings & Geotextile Products Inc., for the Happy Jack Landfill Phase 2, Cells 1, 2 and 3 Excavation Earthworks project for a force majeure cost increase for unprecedented condition in the polypropylene and resin market. (Solid Waste Fund)

Mr. Johnson moved to approve in an amount not to exceed \$310,000.00, seconded by Mr. Esquibel. Motion carried with Mr. Esquibel and Mr. Johnson voting "YES" and Dr. Aldrich voting "NO".

**DISCUSSION:** Craig LaVoy, Public Works Deputy Director, provided a staff report and advised the cost increase request is due to unprecedented condition in the polypropylene and resin market. Mr. LaVoy noted the secondary bidder was notified and advised they would also be asking for the same increase to offset the costs if they had been selected.

There being no further items for the agenda to come before the Finance Committee, the meeting was adjourned at 12:43 p.m.

Submitted by,

A handwritten signature in blue ink that reads "J. McClelland". The signature is written in a cursive, flowing style.

Jennifer McClelland  
Executive Assistant to the City Council