

FINANCE COMMITTEE MINUTES

Due to the 4th of July holiday, a meeting of the Finance Committee was instead held on Tuesday, July 6, 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, and Ken Esquibel.
Absent: Richard Johnson.

CITY STAFF: Charles Bloom, Planning & Development Department Director; Robin Lockman, City Treasurer; TJ Barttelbort, Purchasing Manager; Teresa Moore, Community Recreation & Events Director; Michael O'Donnell, City Attorney; Lara White, City Attorney's Office Manager; Tom Cobb, City Engineer; Jason Sanchez, Community Recreation & Events Deputy Director; Craig LaVoy, Public Works Deputy Director; Brenda Moureaux, Deputy City Treasurer; Eric Fountain, Compliance Director; Lieutenant David Janes, Police Department;; Andrew Worshek, Mayor's Chief of Staff; Tom Mason, Metropolitan Planning Organization (MPO) Director; Renee Smith, Grants Manager; Dustin Swalla, I.T. Manager; and Kris Jones, City Clerk.

OTHERS PRESENT: Mayor Patrick Collins; Pete Laybourn, City Councilman Ward I; Dr. Mark Rinne and Tom Segrave, City Councilmen Ward II; Tom Bass, Michael Bohl, and Judy Lane, Wyoming Bank & Trust; Kevin Paintner, American National Bank; Scott Meier, President/CEO Wyoming Bankers Association; Barbara Kuzma, Tanya Stogsdill, and Lori Kuzma, Kuzma Success Realty; Cathie Tabor-Douglas, Town Square Title of Wyoming, LLC; Wendy Owen; Lisa Tabke; T. Johnson; Ward Anderson and Greg Jones, Jonah Bank of Wyoming; Ann Nelson and David Cook, Western States Bank; Buck Wilson, Larry Sutherland, and Joe Prunty, #1 Properties; Becky Minnick, Cheyenne Board of Realtors; Max Minnick, Wyoming Board of Realtors; Mark Miracle; Vince Bertagnolli, Summit Title Services; Corey Loghry, Lynn Buys Houses; Doug Rhodes and Terrance Bell, Wyoming Air National Guard; Cara Vredenburg, ERA Frontier; Stig Hallingbye, First State Bank; Sam Van Riper, Bear Paw Realty; Pat Goble, First American Title; James Bowers, Coldwell Banker; Patti Riesland, Mayor's Council for People with Disabilities; Vasily Campbell, Eco-Site, LLC; Sue Castaneda, Cheyenne Animal Shelter; and Tim Ostic.

AGENDA ITEMS

16. **ORDINANCE –3rd READING –** Creating a new Section 8.60.210, Liens, of Chapter 8.60, Nuisances, of Title 8, Health and Safety, of the Code of the City of Cheyenne, Wyoming.

Mr. Esquibel moved to approve on 3rd and final reading, seconded by Dr. Aldrich. Motion failed with Dr. Aldrich voting "NO" and Mr. Esquibel voting "YES".

DISCUSSION: Michael O'Donnell, City Attorney, provided a staff report and advised the proposed ordinance will establish the City as the priority lean holder, to allow for the recouping of funds used to ensure properties are safe for the public and noted the following three agenda items are similar in nature. Mr. O'Donnell provided examples of the City stepping in to clean up

properties for the public's health and safety and its current inability to recoup those related expenses. Mr. O'Donnell provided information on State law as related to the lean processes and referenced the City of Cheyenne as having a "home rule status" which allows the City to protect the public in grave circumstances. Scott Meier, President/CEO Wyoming Bankers Association, spoke against the proposed ordinance and voiced concerns as they relate to the banking industry. Mr. Meier's concerns included recording of a lean and other cost prohibiting considerations. Upon inquiry, Mr. Meier provided information related to the risk on mortgages and tax lean notices. Judy Lane, Wyoming Bank & Trust, spoke against the proposed ordinance as related to secondary markets and the stability of mortgages. Corey Loghry, Lynn Buys Houses, provided information related to the Blight Committee that was formed in 2017 and noted recommendations from the committee, to her knowledge, were never followed up on. Ms. Loghry provided examples of blighted properties that have been rehabbed and information on remediation costs of those properties. Ward Anderson, Jonah Bank of Wyoming, voiced concerns on the potential effects on affordable housing and the increase of interest rates. Cathie Tabor-Douglas, Town Square Title of Wyoming, LLC, voiced concerns on the proposed ordinances related to underwriting of mortgages and title insurance. Max Minnick, Wyoming Board of Realtors, spoke against the proposed ordinances and advised the change will affect every real estate transaction and supported the City as a secondary priority in recouping expenses. Mr. O'Donnell provided information related to the concerns voiced and noted exercising this power is rarely used by the City and leans would be required through City Code to be recorded to the public. Upon inquiry, Mr. Minnick advised that 80% of all home loans run through the secondary market. Dr. Aldrich discussed rewording of the ordinances including removing the word "priority". Upon inquiry, Mr. O'Donnell advised the amount of the leans are minimal and removing the word "priority" would make it impossible for the City to recoup any funds used. Tanya Stogsdill, Kuzma Success Realty, supported the City's position of cleaning up blighted properties and recommended the hiring of an additional Community Resource Officer to handle nuisances. Mr. Esquibel advised the hiring of an additional compliance officer has been approved and spoke in support of the ordinance. Dr. Aldrich advised she would not support the ordinance in its current form.

17. ORDINANCE –3rd READING – Creating a new Section 12.04.240, Liens, 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.

Dr. Aldrich moved to approve on 3rd and final reading, seconded by Mr. Esquibel. Motion failed with Dr. Aldrich voting "NO" and Mr. Esquibel voting "YES".

DISCUSSION: Michael O'Donnell, City Attorney, provided a staff report and advised the ordinance will establish the City as the priority lean holder as it relates to streets, sidewalks, and driveways. Lori Kuzma, Kuzma Success Realty, recommend increasing taxes to fund the maintenance of sidewalks by the City. Corey Loghry, Lynn Buys Houses, advised the Blight Committee also discussed curb and sidewalk issues and advised she didn't believe any of the recommendations were pursued. Mr. Esquibel noted the State would have to approve increased property taxes to cover the maintenance of curbs and sidewalks.

18. ORDINANCE –3rd READING – Creating a new Section 15.24.030, Liens, of Chapter 15.24, Dangerous Building Code, of Title 15, Buildings and Construction, of the Code of the City of Cheyenne, Wyoming.

Mr. Esquibel moved to approve on 3rd and final reading, seconded by Dr. Aldrich. Motion failed with Dr. Aldrich voting “NO” and Mr. Esquibel voting “YES”.

DISCUSSION: Michael O’Donnell, City Attorney, provided a staff report and advised the ordinance will establish the City as the priority lean holder as it relates to buildings and construction.

19. ORDINANCE –3rd READING – Amending various sections of Chapter 5.04, Business Licenses Generally, of Title 5, Business Licenses and Regulations, of the Code of the City of Cheyenne, Wyoming.

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

DISCUSSION: Michael O’Donnell, City Attorney, provided a staff report and advised the ordinance change is to reflect the revised Administrative Hearing Procedure which removes the hearing process from the governing body and replaces the responsibilities with a designated hearing officer.

20. ORDINANCE –3rd READING – Amending various sections of Chapter 5.52, Massage Establishments, of Title 5, Business Licenses and Regulations, of the Code of the City of Cheyenne, Wyoming.

Mr. Esquibel moved to approve on 3rd 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 the ordinance change is to reflect the revised Administrative Hearing Procedure which removes the hearing process from the governing body and replaces the responsibilities with a designated hearing officer.

21. ORDINANCE –3rd READING – Amending various sections of Chapter 8.60, Nuisances, of Title 8, Health and Safety, of the Code of the City of Cheyenne, Wyoming.

Dr. Aldrich moved to approve on 3rd and final reading, seconded by Mr. Esquibel. Motion failed with Dr. Aldrich voting “NO” and Mr. Esquibel voting “YES”.

DISCUSSION: Michael O’Donnell, City Attorney, provided a staff report and advised the ordinance change is to reflect the revised Administrative Hearing Procedure which removes the hearing process from the governing body and replaces the responsibilities with a designated hearing officer.

31. RESOLUTION – Approving propositions to impose the 1% Specific Purpose Sales and Use Tax in Laramie County, State of Wyoming, for the exclusive purpose of funding specific purposes for specific amounts; the propositions to be voted on at a special election to be held November 2, 2021. (SPONSOR – MR. SEGRAVE)

Dr. Aldrich moved to adopt, seconded by Mr. Esquibel. Dr. Aldrich moved to amend by substitute dated July 6, 2021, seconded by Mr. Esquibel. Motion to amend carried by unanimous voice vote. Dr. Aldrich moved to amend by adding the word “lighting” following “sidewalk”, seconded by Mr. Esquibel. Motion to amend the amendment carried by unanimous voice vote. Main motion, as amended, carried with Dr. Aldrich and Mr. Esquibel voting “YES” and Mr. Roybal voting “NO”.

DISCUSSION: Michael O’Donnell, City Attorney, provided a staff report and advised this proposed resolution is required as a show of support of the 6th Penny ballot and noted the resolution includes the ballot verbiage for the fourteen (14) propositions. Mr. O’Donnell advised how excess collections will be expended according to the resolution. Tom Segrave, City Councilman Ward II, voiced concerns related to proposition #10 for Downtown Improvements and Maintenance Projects to include the 17th Street Lighting Project and the specific language to complete the project. Mr. O’Donnell advised in discussions with other council members, concerns were raised with specifically naming the project and the confusion it may cause with voters since the project has already been approved on a previous ballot. Dr. Mark Rinne, City Councilman Ward II, clarified the project title, 17th Street Lighting Project, was requested to remain in the proposition however it was requested the word “maintenance” replace the word “completion” as related to the project. Upon inquiry, Tom Cobb, City Engineer, provided information related to completion of the project. Mr. O’Donnell recommended adding the word “lighting” to the resolution might be an appropriate compromise. Mr. Segrave expressed additional concerns with the vagueness of the verbiage in Proposition #10 and the sudden last-minute modifications to the verbiage. Prior to the meeting ending, Mr. O’Donnell clarified the resolution for the 6th Penny must be in its final form for the Laramie County Commissioners meeting that afternoon and a delay of the final language would result in a 6-month delay of the ballot. Dr. Rinne provided additional information on the language as it related to the 17th Street Lighting Project. Following discussion by the committee, it was agreed the word “lighting” would be supported for final adoption of the resolution on Monday, July 12, 2021.

33. RESOLUTION – Authorizing the City of Cheyenne to accept a grant award from the U.S. Department of Treasury for the American Rescue Plan Coronavirus State and Local Fiscal Recovery Funds in the amount of \$12,191,813.00. (SPONSOR – MR. ROYBAL)

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

DISCUSSION: Renee Smith, Grants Manager, provided a staff report and advised the resolution is to authorize the acceptance of funds from the American Rescue Plan.

34. RESOLUTION – Authorizing the City of Cheyenne Community Recreation and Events Department to apply for a Small Business Administration Shuttered Venue Operators Grant

to recoup a portion of revenue losses incurred as a result of mandatory coronavirus induced Civic Center closures. (SPONSOR – MR. ROYBAL)

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

DISCUSSION: Renee Smith, Grants Manager, provided a staff report and advised the resolution is to authorize the acceptance of funds for revenue lost from the closure of the Civic Center during the Covid-19 pandemic. Upon inquiry, Ms. Smith advised this grant is for cultural venues only and does not include recreation venues.

35. RESOLUTION – Authorizing the City of Cheyenne Community Recreation and Events Department to apply for a Cheyenne Community Recreation District Recreation Mill Grant to purchase scoreboards and sound systems for the Cheyenne Junior League Athletic Complex. (SPONSOR – MR. ROYBAL)

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

DISCUSSION: Renee Smith, Grants Manager, provided a staff report and advised the resolution is to authorize the acceptance of funds for scoreboards and sound systems for 3 fields. Upon inquiry, Ms. Smith advised the grant applications have been submitted and noted in the future the resolutions will be presented to the governing body prior to submittal of the applications. Upon inquiry, Jason Sanchez, Community Recreation & Events Deputy Director, provided information on the type of scoreboards to be purchased.

38. LEASES/CONTRACTS/LEGAL:

- i) Lease agreement between XESI and the City of Cheyenne, Information Technology Department, to lease 1 copier for duplication services. (General Fund)

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

DISCUSSION: Dustin Swalla, I.T. Manager, provided a staff report and advised the proposed contract includes a single copier to replace two copies currently used by I.T. and noted an estimated savings of \$600 a month. Upon inquiry, Mr. Swalla, advised there was no buyout cost on the old contract.

- j) Professional Services Agreement between Y2 Consultants, Jackson, WY, and the City of Cheyenne, Metropolitan Planning Organization (MPO), for the East Pershing Boulevard Design Plan. (MPO Federal Funds)

Mr. Esquibel moved to approve in an amount not to exceed \$94,036.00, seconded by Dr. Aldrich. Motion carried by unanimous voice vote.

DISCUSSION: Tom Mason, MPO Director, provided a staff report and advised the contract is for development of a design plan along Pershing Boulevard from Linconway to Christensen Road.

- k) Agreement between the City of Cheyenne, Cheyenne Police Department, and Laramie County School District No. 1 for law enforcement services at various schools and school-related events. (Revenue to the City)

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

DISCUSSION: Lieutenant David Janes, Police Department, provided a staff report and advised the contract is identical to the last years contract including the payment of officers by the school district.

- l) Memorandum of Agreement between the 153D Airlift Wing, Wyoming Air National Guard, and the City of Cheyenne, Cheyenne Police Department for Law Enforcement Assistance.

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

DISCUSSION: Lieutenant David Janes, Police Department, provided a staff report and advised the contract is identical to a previous agreement except for updated commander and chief of police names.

- m) Easement and Assignment of Lease Agreement between the City of Cheyenne and Eco-Site, LLC, Boca Raton, FL, for a tower, utility, and access easement. (Revenue to the City)

Mr. Esquibel moved to approve revenue in an amount of \$344,000.00, seconded by Dr. Aldrich Motion carried by unanimous voice vote.

DISCUSSION: Teresa Moore, Community Recreation & Events Director, provided a staff report and advised the proposed lease is for a cell phone tower located at the Cheyenne Junior League Athletic Complex and upon inquiry, advised the tower would remain at the location and this agreement provides easement and access to the tower. Michael O'Donnell, City Attorney, provided information on the rate of the lease. Vasily Campbell, Eco-Site, LLC, made himself available for questions and thanked the committee for considering the offer.

- n) Lease Agreement between the City of Cheyenne and Wyoming Department of Environmental Quality (WDEQ) for the installation and use of ambient air quality and meteorological monitors. (Revenue to the City)

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

DISCUSSION: Teresa Moore, Community Recreation & Events Director, provided a staff report and advised this is a renewal of a long-standing lease. Upon inquiry, Ms. Moore advised the funds from the agreement will go into the general fund.

- o) Agreement between the City of Cheyenne and the Cheyenne Animal Shelter/Services for Animal Control and Animal Shelter Services. (General Fund)

Mr. Esquibel moved to approve in an amount not to exceed \$425,000.00, seconded by Dr. Aldrich. Mr. Esquibel moved to amend by substitute dated June 30, 2021, seconded by Dr. Aldrich. Motion to amend carried by unanimous voice vote. Main motion, as amended, carried by unanimous voice vote.

DISCUSSION: Michael O'Donnell, City Attorney, provided a staff report and advised the proposed contract is for short term animal shelter and animal control services to be provided by the Cheyenne Animal Shelter at a monthly fee based on the previously requested annual amount. Mr. O'Donnell advised the contract is for 6 months, but it is anticipated a decision on continuing services will be made within 90 days. Upon inquiry, Mr. O'Donnell provided information on the rate for services.

OTHER BUSINESS

Memorandum of Agreement between Robin and Debbie Courtier, the City of Cheyenne, and the Wyoming Department of Transportation to grant a Detention Pond Easement to the Wyoming Department of Transportation described as a parcel of land located in Tract 29 of Dell Range Addition, Second Filing, a Subdivision in Laramie County located in the NE1/4 of Section 22, T. 14 N., R. 66 W. of the 6th P.M., Laramie County, Wyoming, containing 1.45 acres (generally located the intersection of Storey Boulevard and College Drive).

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

DISCUSSION: Mayor Patrick Collins, provided a staff report and advised on the evening of July 5, 2021, a verbal agreement had been reached to give permission to the City and WYDOT to enter the Courtier's land to allow for testing of soils and drilling to determine if it is possible to modify the detention pond. Michael O'Donnell, City Attorney, advised a lawsuit has been filed on behalf of neighbors on the east side of College Drive and upon inquiry, advised they are county residents.

There being no further items for the agenda to come before the Finance Committee, the meeting was adjourned at 1:46 p.m.

Submitted by,



Jennifer McClelland
Executive Assistant to the City Council