

## **FINANCE COMMITTEE MINUTES**

A meeting of the Finance Committee was held on Monday, June 1, 2020 via an Electronic meeting, starting at 11:00 A.M. Those in attendance were as follows:

**COMMITTEE MEMBERS:** Mike Luna, Chairman; Ken Esquibel, Pete Laybourn and Jeff White.

**CITY STAFF:** Charles Bloom, Planning & Development Director; Mike O'Donnell, City Attorney; Alessandra McCoy-Fakelman, Deputy City Attorney; Tom Mason, Metropolitan Planning Organization (MPO) Director; Robin Lockman, City Treasurer; Tom Cobb, City Engineer; Jason Sanchez, Community Recreation & Events Deputy Director; Eric Fountain, Mayor's Chief of Staff; TJ Bartelbort, Purchasing Manager; Kris Jones, City Clerk; Anissa Gerrard, Traffic Engineer; Chief Greg Hoggatt, Fire & Rescue; Joe Chenchar, Assistant City Attorney; Craig LaVoy, Public Works Deputy Director; Ashley Miller, Board of Public Utilities (BOPU) Administration Manager; Brendan Ames, Chief Economic Development Officer; Sam Berta, Construction Engineer; Brenda Moureaux, Deputy City Treasurer; Shellie Colgan, Legal Assistant; Wes Bay, Deputy City Engineer; and Amy Gorbey, Vender Coordinator.

**OTHERS PRESENT:** Mayor Marian Orr; Margaret Austin, Wyoming Tribune Eagle; Joe Dougherty, Resident of Ward II; Amber Ash, Downtown Development Authority Executive Director; Tim Barth, Cheyenne Regional Airport Director of Aviation; Ben Hornok, TC Solutions; and Nathan Banton, Cheyenne Regional Airport.

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## **AGENDA ITEMS**

10. **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. Laybourn moved to approve on 3<sup>rd</sup> and Final Reading, seconded by Mr. Esquibel. Motion carried by unanimous voice vote.

**DISCUSSION:** Ashley Miller, BOPU Administration Manager, provided a staff report and advised no additional information has been provided since second reading at the May 26, 2020 meeting of the governing body.

15. **ORDINANCE – 2<sup>nd</sup> READING –** Amending Section 5.12.110, Open Container-Sales and Consumption-Exceptions, and Section 5.12.120, Special Use Areas-Special Event Permit of Chapter 5.12, Alcoholic Liquor and Malt Beverages, of Title 4, Business

Licenses and Regulations, of the Municipal Code of the City of Cheyenne, Wyoming.  
(SPONSORS – MR. CASE & MR. WHITE)

Mr. White moved to approve on 2<sup>nd</sup> Reading, seconded by Mr. Esquibel. Motion carried with Mr. Esquibel and Mr. White voting “YES” and Mr. Laybourn voting “NO”.

**DISCUSSION:** Alessandra McCoy-Fakelman, Deputy City Attorney, provided a staff report and advised this change would allow those establishments with retail liquor licenses, special malt beverage permittees, satellite distillery permittees, microbrewery permittees or satellite winery permittees to sell, dispense and allow consumption of alcoholic liquor or malt beverages on an enclosed sidewalk directly adjacent to the licensed building. Ms. McCoy-Fakelman advised on the requirements for sidewalk consumption includes: A written request to the city clerk, approval by the chief of police and submission of plans for permitted sidewalk premises to the city engineer.

16. ORDINANCE – 2<sup>nd</sup> READING – Amending Section 8.40.063, Food Service Establishments-Sidewalk Cafes, of Chapter 8.40, Food and Food Service Establishments, of Title 8, Health and Safety, of the Municipal Code of the City of Cheyenne, Wyoming.  
(SPONSORS – MR. CASE & MR. WHITE)

Mr. Esquibel moved to approve on 2<sup>nd</sup> Reading, seconded by Mr. White. Motion carried with Mr. Esquibel and Mr. White voting “YES” and Mr. Laybourn voting “NO”.

**DISCUSSION:** Alessandra McCoy-Fakelman, Deputy City Attorney, provided a staff report and advised this change would allow for the use of direct dispensing windows for set up or pass through to be used by wait staff to patrons.

17. ORDINANCE – 2<sup>nd</sup> READING – Granting a Non-Exclusive Franchise to Union Telephone Company within the rights-of-way of the City of Cheyenne, Wyoming.  
(SPONSOR – MR. WHITE)

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

**DISCUSSION:** Alessandra McCoy-Fakelman, Deputy City Attorney, provided a staff report and advised outside counsel was used for their expertise in finalizing this franchise agreement including the fee structure.

23. RESOLUTION – Temporarily suspending Resolution No. 6023 which establishes that all revenue from City Contract No. 5902 to be split evenly between the City of Cheyenne Solid Waste Enterprise fund, the Board of Public Utilities, and the newly established Belvoir Ranch Recreation Special Revenue Fund. (SPONSOR – MR. LUNA)

Mr. Laybourn moved to adopt, seconded by Mr. White. Motion carried by unanimous voice vote.

**DISCUSSION:** Alessandra McCoy-Fakelman, Deputy City Attorney, provided a staff report and advised this recently passed Resolution split the wind farm revenue between the 3 entities however, due to COVID-19 and the extreme budget situation, staff recommends suspending the resolution for FY 2021 and all funds be distributed into the General Fund. Upon inquiry, Ms. McCoy-Fakelman advised on the applicable fees for the wind farm.

24. RESOLUTION – Temporarily suspending Resolution No. 5635 which establishes guidelines for the maximum amount of excess revenue that may be collected for the operation of Cheyenne’s Solid Waste Fund. (SPONSOR – MR. LUNA)

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

**DISCUSSION:** Alessandra McCoy-Fakelman, Deputy City Attorney, provided a staff report and advised this resolution will increase the transfer of funds from the Solid Waste Enterprise Fund for FY 2021 from 5% to 9.3%.

26. RESOLUTION – Approving the budget of the Cheyenne Regional Airport Board for the Fiscal Year beginning July 1, 2020 and ending June 30, 2021. (SPONSOR – MR. LUNA)

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

**DISCUSSION:** Robin Lockman, City Treasurer, provided a staff report and advised municipal code requires approval of the Cheyenne Regional Airport’s budget. Upon inquiry, Tim Barth, Cheyenne Regional Airport Director of Aviation, advised on non-operating revenues and grant match for upcoming runway work.

27. LEASES/CONTRACTS/LEGAL:

- i) A Coronavirus Aid, Relief, and Economic Security Act (CARES ACT) Airport Grant Agreement between the United States of America Federal Aviation Administration, the City of Cheyenne, The County of Laramie and The Cheyenne Regional Airport Board. (CARES ACT Airport Grant)

Mr. Laybourn moved to approve in an amount not to exceed \$4,730,218.00, seconded by Mr. Esquibel. Motion carried by unanimous voice vote.

**DISCUSSION:** Nathan Banton, Cheyenne Regional Airport, advised due to the Airport Board being a Joint Powers Board, that all grant agreements require approval from the City and reported this grant will provide funds for lost revenue to the airport as a result of COVID-19.

28. CHANGE ORDERS/CONTRACT MODIFICATIONS

- c) Contract Modification #3 to Contract #6918 between the City of Cheyenne and FCI Constructions of Wyoming, LLC, to remove Furniture, Fixtures and Equipment (FF&E) Budget. (Specific Purpose Sales Tax)

Mr. Laybourn moved to approve in an amount not to exceed 107,500.00, seconded by Mr. White. Motion carried by unanimous voice vote.

**DISCUSSION:** Ben Hornok, TC Solutions, advised this modification will remove furniture, fixtures and equipment (FFE) from the scope of work under this (construction) contract and moved it to the project manager's contract. Upon inquiry, Robin Lockman, City Treasurer, advised these funds have already been appropriated for this project and there will not be a need for additional funds.

- d) Contract Modification #3 to Contract #6924 between the City of Cheyenne and TC Solutions, LLC, to add purchase and management of furniture, equipment, building commissioning, moving and signage. (Specific Purpose Sales Tax)

Mr. Laybourn moved to approve in an amount not to exceed \$453,382.00, seconded by Mr. White. Motion carried by unanimous voice vote.

**DISCUSSION:** Ben Hornok, TC Solutions, advised this modification will add in furniture, fixtures, equipment, commissioning, moving and signage costs. Mr. Hornok reported that these are all within the budget and there are anticipated savings to the courthouse project. Upon inquiry, Mr. Hornok advised it is anticipated that the new courthouse will be fully operational September 1<sup>st</sup>.

- e) Contract Modification #1 to Contract #6927 between the City of Cheyenne and Wyoming Homeland Security for the Cheyenne Regional Emergency Response Team #7 extending the term of the grant through December 31, 2020. (DHS Grant)

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

**DISCUSSION:** Chief Greg Hoggatt, Fire & Rescue, provided a staff report and advised the equipment has been purchased under this grant however, remaining funds may be used for additional equipment needs.

- f) Contract Modification #1 to Contract #6976 between the City of Cheyenne and Reiman Corporation for additional construction services of the Evers Boulevard Reconstruction Project. (2018-2022 1% Sales Tax)

Mr. White moved to approve in an amount not to exceed \$160,000.00, seconded by Mr. Esquibel. Motion carried by unanimous voice vote.

**DISCUSSION:** Sam Berta, Construction Engineer, provided a staff report and advised additional work is required to stabilize the base of the roadway and additional import material for storm sewer instillation. Mr. Berta reported half of this contract will be paid by the BOPU which has been approved by their board.

There being no further items for the agenda to come before the Finance Committee, the meeting was adjourned at 11:42 A.M.

Submitted by,



Jennifer McClelland  
Executive Assistant to the City Council