

FINANCE COMMITTEE MINUTES

A meeting of the Finance Committee was held on Monday, May 4, 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; Brendan Ames, Chief Economic Development Officer; 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 Barttelbort, Purchasing Manager; Kris Jones, City Clerk; Vicki Nemecek, Public Works Director; Jay Sullivan, Youth Alternatives Director; Mary Salas, Administrative Assistant to the City Council; Matt Theriault, Landfill Manager; Lara White, Legal Assistant; Amanda Leventis, Account Analyst; Teresa Moore, Community Recreation & Events Director; Anissa Gerrard, Traffic Engineer; Chief Brian Kozak, Police Department; Chief Greg Hoggatt, Fire & Rescue; Darrin Hass, Human Resources Director; Seth Lloyd, Planning & Development; Jeanne Vetter, Greenway & Parks Planner; Joe Chenchar, Assistant City Attorney; Lisa Pafford, Planning & Development Deputy Director; Craig LaVoy, Public Works Deputy Director; and Brendan Ames, Chief Economic Development Officer.

OTHERS PRESENT: Mayor Marian Orr; Margaret Austin, Wyoming Tribune Eagle; Rocky Case, City Council-Ward III; Dicky Shanor, City Council-Ward II; Patrick Crank, Cheyenne Frontier Days Legal Representative; Richard Mincer, Susan Castaneda and Officer Johnson, Cheyenne Animal Shelter; and JG Fox.

AGENDA ITEMS

7. **ORDINANCE – 2nd READING – Amending Chapter 10.56, Handicapped Parking Spaces, within Title 10, Vehicles and Traffic, of the Municipal Code of the City of Cheyenne, Wyoming. (SPONSOR – MR. WHITE)**

Mr. White moved to approve on 2nd Reading, seconded by Mr. Laybourn. Motion carried by unanimous voice vote.

DISCUSSION: Anissa Gerrard, Traffic Engineer, provided a staff report and advised the amendment updates language in accordance with the American's with Disabilities Act. Mr. White expressed appreciation to the Mayor's Council for People with Disabilities and Joe Chenchar, Assistant City Attorney, for their work on updating this ordinance.

8. **ORDINANCE – 2nd READING – Approving and establishing an amendment to the Temporary Permit Process contained in Title 5 of City Code. (SPONSORS – MR. CASE, MR. COOK, MR. LUNA, DR. RINNE, MR. ROYBAL, MR. SHANOR & MR. WHITE)**

Mr. White moved to approve on 2nd Reading, seconded by Mr. Esquibel. Mr. White moved to amend by substitute dated May 4, 2020, seconded by Mr. Esquibel. Motion to amend carried by unanimous voice vote. Main motion, as amended, carried by unanimous voice vote.

DISCUSSION: Chairman Luna advised this is a City Council-initiated item therefore, there is no official staff report. Mike O'Donnell, City Attorney, advised that Cheyenne Frontier Days and the Chief of Police have come to a compromise on the language to include the ability for the Chief of Police to temporarily suspend a temporary permit to maintain peace and order; health, safety and welfare of the public. Patrick Crank, Cheyenne Frontier Days Legal Representative, concurred with Mr. O'Donnell's comments and voiced support of the ordinance and substitute language amendments.

17. **LEASES/CONTRACTS/LEGAL:**

- d) Agreement between the City of Cheyenne, Laramie County, and Christensen's Inc., granting an access easement for use and maintenance of an access road and drainage conveyance across land owned by the City. (revenue to the City) (POSTPONED FROM 04-27-20)

Mr. Laybourn moved to approve, seconded by Mr. Esquibel. Mr. Laybourn moved to postpone until May 26, 2020, seconded by Mr. Esquibel. Motion carried by unanimous voice vote.

DISCUSSION: Charles Bloom, Planning & Development Director, provided a staff report and advised staff is requesting postponement to finalize modifications to include a Board of Public Utilities (BOPU) easement.

- e) Agreement between the City of Cheyenne, Laramie County, and Christensen's Inc., for driveway and drainage maintenance of an access road and drainage conveyance across land owned by the City. (POSTPONED FROM 04-27-20)

Mr. Laybourn moved to approve, seconded by Mr. Esquibel. Mr. Laybourn moved to postpone until May 26, 2020, seconded by Mr. Esquibel. Motion carried by unanimous voice vote

DISCUSSION: Charles Bloom, Planning & Development Director, provided a staff report and advised staff is requesting a postponement to incorporate changes as a result of modifications for the BOPU easement.

- f) Development Agreement between the City of Cheyenne and Leader Custom Homes, LLC, for regrading, installation and construction of sidewalks, utilities, drainage features and landscaping on City property in conjunction with development of the Willow Heights Subdivision.

Mr. White moved to approve in an amount not to exceed \$49,074.00, seconded by Mr. Laybourn. Motion carried by unanimous voice vote.

DISCUSSION: Charles Bloom, Planning & Development Director, provided a staff report and advised the proposed property is undeveloped with the exception of a section of Greenway and the planned development is for a residential neighborhood. Mr. Bloom explained that this agreement allows the developer to regrade and elevate the City owned property to install sidewalk, utilities and drainage features therefore, staff recommends compensation for the land because without the use of the land, the development as proposed could not occur. Upon inquiry, Mr. Bloom advised the final plat proposes fifteen single family lots and explained access will be primarily through the alley which will be widened to include a sidewalk connection. Mr. Laybourn voiced support for the development.

- g) Maintenance Agreement between the City of Cheyenne and Leader Custom Homes, LLC, for maintenance of improvements made upon land owned by the City in the area of the Willow Heights Subdivision.

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

DISCUSSION: Charles Bloom, Planning & Development Director, provided a staff report and advised the agreement requires Leader Custom Homes, LLC and its successors to maintain the non-Greenway improvements within the easement area including sidewalks and drainage features within the development.

18. CHANGE ORDERS/CONTRACT MODIFICATIONS

- c) Contract Modification #1 to Contract #6798 between the City of Cheyenne and Trihydro Corporation, Laramie, Wyoming, for Happy Jack Landfill Environmental Monitoring Services. (Solid Waste Fund)

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

DISCUSSION: Matt Theriault, Landfill Manager, provided a staff report and advised the amendment is a one-year extension for environmental monitoring of wells of surrounding property owners of the landfill. Upon inquiry, Mr. Theriault explained there are eight surrounding properties that have given permission for monitoring.

- d) Contract Extension Agreement to the Community Counseling and Intervention Services Agreement (City Contract No. 6266) between the City of Cheyenne Youth Alternatives Division and Laramie County School District Number One. (revenue to the City)

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

DISCUSSION: Jay Sullivan, Youth Alternatives Director, provided a staff report and advised the extension is for three additional years for counseling and group services for youth and families referred by Laramie County School District #1 (LCSD#1). Mr. Laybourn praised the program for 35 years of cooperation with LCSD#1.

19. **CONSIDERATION OF BIDS/PURCHASES/REQUESTS FOR PROPOSALS:**

- b) Consideration of Bid #S-9-20 for a contract between the City of Cheyenne and 4 Quarters Excavation & Development, for the Henderson Greenway Connector Project. (Specific Purpose Sales Tax)

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

DISCUSSION: Jeanne Vetter, Greenway & Parks Planner, provided a staff report and advised this is the second Greenway project to be constructed from the 2017 6th Penny ballot. Mr. Laybourn spoke in favor of the project.

21.

- a) **ORDINANCE – 2nd Reading – Approving and Establishing Amendments to various portions of Title 6 of City Code to redefine animal owner and amend fee structure. (SPONSORS – MR. CASE, MR. COOK, MR. LUNA, DR. RINNE, MR. ROYBAL, MR. SHANOR & MR. WHITE)**

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

DISCUSSION: Chairman Luna advised this is a City Council-initiated item therefore, there is no official staff report. Susan Castaneda, Cheyenne Animal Shelter, reviewed the amendments which include clarifying the definition of “owner”, fees for reclaiming pets and the ability to institute animal licensing. Upon inquiry, Officer Johnson, Cheyenne Animal Shelter, explained the changes in the ordinance would help with costs of kenneling animals and clarifies for Animal Control Officers the definition of “owner”.

- b) **RESOLUTION – Recommending a salary reduction for the City’s Governing Body. (SPONSORS – MR. CASE, MR. COOK, MR. LUNA, DR. RINNE, MR. ROYBAL, MR. SHANOR & MR. WHITE)**

Mr. White moved to adopt, seconded by Mr. Esquibel.

Mr. White moved to amend by substitute authored by Councilman Shanor which revised the Now Therefore, Be It Resolved clause by striking #1 and replacing it with: 1. The Governing

Body of the City of Cheyenne believes it is important for all members of the Governing Body to lead by example and incur a reduction in pay commensurate with the city department global percentage cut of 13% proposed in Mayor Orr's FY 2021 budget proposal. And by adding a new Section #2 in the Now, Therefore, Be It Resolved clause to read as follows: 2. All members of the Governing Body are encouraged to remit 13% of their salaries to the general fund each month of FY 2021 fiscal year, seconded by Mr. Esquibel.

Motion to amend carried with Mr. Esquibel and Mr. White voting "YES" and Mr. Laybourn voting "NO".

Mr. Esquibel moved to amend by replacing "Governing Body" with "City Council", removing the Mayor, seconded by Mr. White. Motion to amend carried with Mr. Esquibel and Mr. White voting "YES" and Mr. Laybourn voting "NO".

Mr. Esquibel moved to amend the Now Therefore, Be It Resolved clause, Section 2, to read as follows: "All members of the City Council are encouraged to remit 13% of their salaries which will sunset on December 31, 2020", seconded by Mr. White. Motion to amend carried with Mr. Esquibel and Mr. White voting "YES" and Mr. Laybourn voting "NO".

Mr. Esquibel moved to amend the Now Therefore, Be It Resolved clause, Section 2, by replacing "general fund" with "Forward Greater Cheyenne Emergency Relief Fund", seconded by Mr. White. Motion to amend carried with Mr. Esquibel and Mr. White voting "YES" and Mr. Laybourn voting "NO".

Main motion, as amended four times, carried with Mr. Esquibel and Mr. White voting "YES" and Mr. Laybourn voting "NO".

DISCUSSION: Chairman Luna advised this is a City Council-initiated item therefore, there is no official staff report. Dicky Shanor, City Council-Ward II, advised that the original draft of the resolution may have constitutional issues and that language relating to the budget is now outdated. Mr. Shanor presented an amendment with updated language to remit 13% of salaries and removes any constitutional issues by making the remittance voluntary. Mike O'Donnell, City Attorney, advised that his office opposes both the resolution and the proposed amendment. Upon inquiry, Mr. Shanor, advised he drafted the resolution with his colleagues and that due to time constraints he was unable to contact all members of council. Mr. Laybourn expressed that items directly effecting members of council should be communicated to all members and that all members are equal therefore, that he could not support the resolution or proposed amendment. Upon inquiry, Mr. O'Donnell advised that the amendment to make the remittance voluntary does make the resolution constitutional however, the intent of the original resolution was a political tactic.

There being no further items for the agenda to come before the Finance Committee, the meeting was adjourned at 12:05 A.M.

Submitted by,

A handwritten signature in blue ink that reads "J. McClelland". The signature is fluid and cursive, with the first name "J." and the last name "McClelland" clearly visible.

Jennifer McClelland
Executive Assistant to the City Council