

ENTITLED: "A RESOLUTION AMENDING RESOLUTION #3238 WHICH ADOPTED THE PLAN OF DEVELOPMENT FOR THE CORE AREA OF THE DOWNTOWN INCLUDING THE STREETScape DESIGN AND IMPROVEMENT PROGRAM; ESTABLISHING THE BOUNDARY FOR THE INITIAL TAX INCREMENT FINANCING AREA; AND BY SETTING FISCAL YEAR 1993 AS THE BASE YEAR FOR THE TAX INCREMENT FINANCING MECHANISM."

WHEREAS, The Downtown Development Authority was established in accordance with requirements of the Wyoming state statutes 15-9-201 *et seq.* as a petition was received by the governing body of the City of Cheyenne requesting the establishment and creation of the Downtown Development Authority, the governing body did call for a special municipal election which was held on March 20, 1984 and which passed with 4,015 votes cast by qualified electors and with the majority, 2,834 votes, approving the creation and establishment of the Downtown Development Authority; and,

WHEREAS, the governing body approved the establishment and creation of the Downtown Development Authority with the passage of Ordinance #2804, which was styled on Wyoming state statutes 15-9-201 *et seq.* on July 9, 1984 and this ordinance also defined the membership, powers and duties and the boundaries of the Downtown Development Authority district; and,

WHEREAS, the governing body of the City of Cheyenne reorganized the Downtown Development Authority with the passage of Ordinance #3122 on October 8, 1990 to focus the efforts of the Downtown Development Authority on the creation of a Plan of Development with the priority of initiating the physical improvements necessary to halt the spread of blight in the downtown and improve the economy of the community with the revitalization of the commercial core of the City; and,

WHEREAS, The Downtown Development Authority did create the "DDA Master Plan for the Downtown Cheyenne Core Area, 1991" which was presented to the Cheyenne-Laramie County Regional Planning Commission at a public hearing after 30 days public notice on November 18, 1991 and presented to the governing body of the City of Cheyenne at a public hearing after 15 days public notice and the governing body did adopt this plan as The Plan of Development in accordance with the requirements and procedures of Wyoming statutes 15-9-208; and,

WHEREAS, the "Cheyenne Downtown Streetscape Design and Improvement Program" was prepared to further define the physical improvements and the cost of those improvements for the public streets and public areas within the core of downtown Cheyenne and was presented to the Cheyenne-Laramie County Regional Planning Commission at a public hearing after public notice on **June 21, 1993** and the governing body will provide the notice required and hold the additional public hearing as required in Wyoming statutes 15-9-208.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CHEYENNE THAT:

SECTION 1: The Plan of Development for Downtown Cheyenne (DDA Master Plan for the Downtown Cheyenne Core Area, 1991) is amended to include the Cheyenne Downtown Streetscape Design and Improvement Program and these two documents shall be used a guide for the development of both the physical improvements and the other programs that the City and the Downtown Development Authority find necessary to halt the spread of blight and to provide for the revitalization of the downtown core.

SECTION 2: The governing body, in accordance with Wyoming statutes 15-9-207(c) *et seq.* do hereby establish that fiscal year 1993 is the base year for the collection of the incremental increase in both property and sales taxes, except the Optional 1% Sales Tax and the Capital Facilities Tax currently in effect. No funds shall be collected or distributed absent further approval of the governing body.

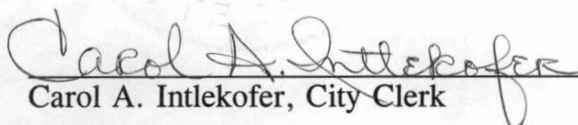
SECTION 3: The boundary for the collection of the incremental increase in both property and sales taxes shall include all of the area encompassed in the Cheyenne Downtown Streetscape Design and Improvement Program and that this area is further enlarged to encircle that area and thereby recapture a portion of the benefit the buffer properties will receive because of the physical improvements to the downtown core. This area shall be as shown on the attached exhibit.

PRESENTED, READ, AND ADOPTED ON THIS 28th DAY OF June -
 , 1993.

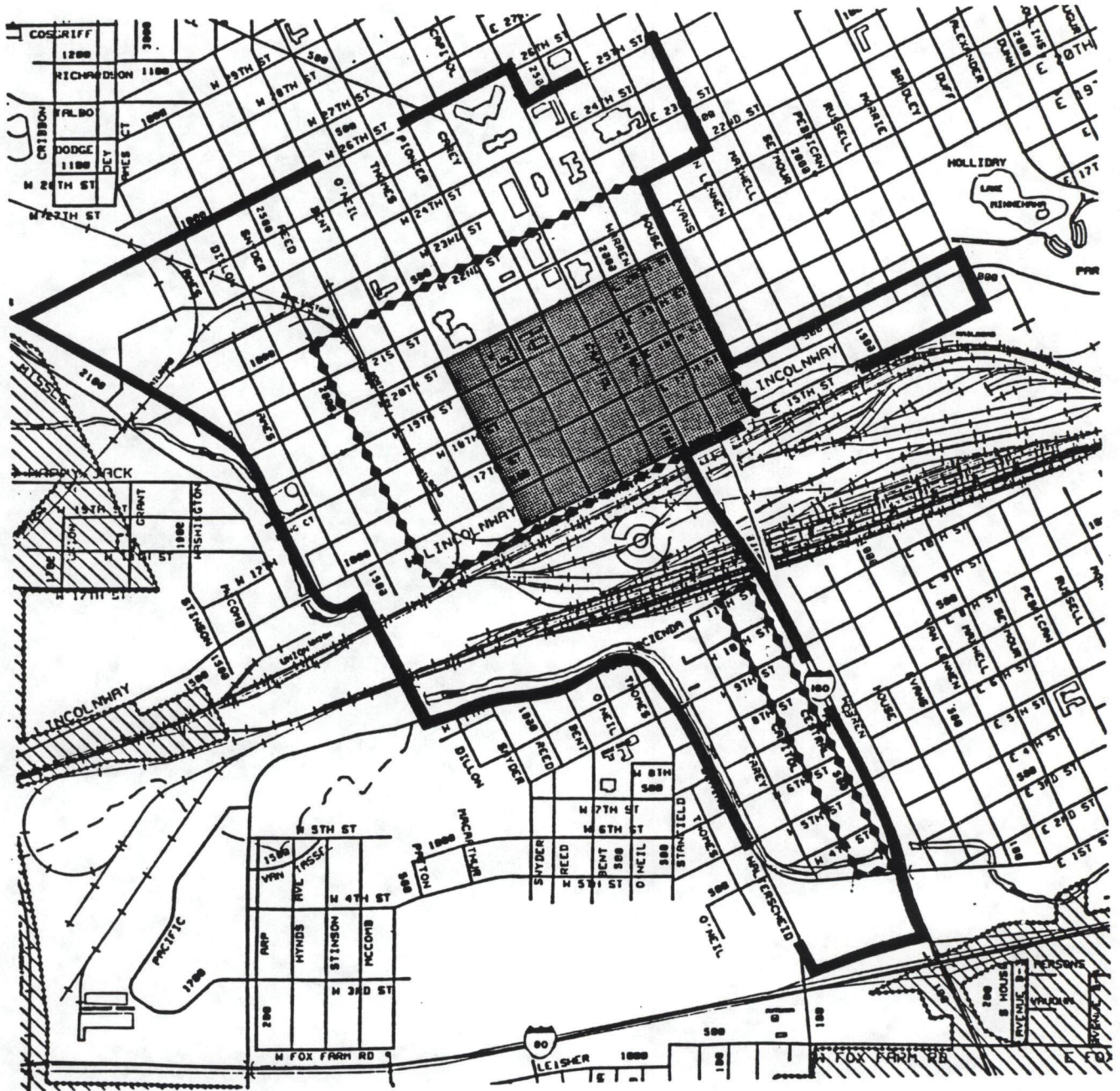

Leo A. Pando, Mayor

(SEAL)

ATTEST:


Carol A. Intlekofer, City Clerk

***Downtown Development Authority District Boundary
Streetscape Design Area
and Tax Increment Financing Area Boundary***



DDA District Boundary



Streetscape Design Area



Tax Increment Finance Boundary



CHEYENNE-LARAMIE COUNTY REGIONAL PLANNING OFFICE
2101 O'Neil Ave.
Cheyenne, WY 82001
(307) 637-6281

MEMORANDUM

TO : Mayor Pando
City Council Members
✓ Carol Intlekofer, City Clerk
Jack Gage, City Attorney
Joe Dougherty, Mayor's Office
FROM : Tom Bonds
DATE : June 28, 1993
SUBJECT : DDA's Tax Increment Financing Resolution

Attached is the "clean copy" of the Tax Increment Financing resolution requested by the City's Downtown Development Authority. This resolution does contain the additional language that was discussed at the Committee of the Whole last Wednesday evening. The language is added at the end of Section 2 on page 2 of the resolution. The Committee did recommend that this additional language be added so that they could introduce this copy as a substitute resolution and then adopt it.

Please do call if you have questions or if I can provide additional information.

City of Laramie

**EXAMPLE OF REVENUE GENERATED
BY
TAX INCREMENT FINANCING**

*per
Mary Keating Scott.*

Property Tax Increment

Laramie Downtown Development Authority
1992 Assessed Valuation = \$2,222,467

Assume \$1,000,000 in private investment.

Increase in assessed valuation is \$95,000.
(\$1,000,000 x 9.5% = \$95,000)

Base Revenue on base amount of \$2,222,467 assessed valuation

25.00 mills (school district)	\$555,561
18.00 mills (schools)	40,004
8.00 mills (city)	17,779
12.00 mills (county)	26,669
10.00 mills (DDA)	22,224
3.00 mills (hospital)	6,667
6.30 mills (school district bonds and interest)	14,001
<u>1.50 mills (other)</u>	<u>3,333</u>
83.80 mills	
Total Base Revenue	\$686,238

Tax Increment Revenue on \$95,000 increase in assessed valuation

25.00 mills (school district)	\$2,375
8.00 mills (city)	760
12.00 mills (county)	1,140
10.00 mills (DDA)	950
3.00 mills (hospital)	285
<u>1.50 mills (other)</u>	<u>142</u>
59.50 mills	
Total Tax Increment Revenue	\$5,652

Prepared by George K. Baum & Company

Sales Tax Increment

Total Laramie County Sales Tax Distribution for FY 1992 (4% tax rate)	\$ 15,025,026
Total Cheyenne Sales Tax Distribution for FY 1992* (4% tax rate)	10,272,608
Total Cheyenne Sales FY 1992 (4% tax rate)	256,815,200

Assume 10% of Sales is from Tax Increment Area:

Tax Increment Sales Tax Base Amount	25,681,520
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Assume 10% Increase in Sales:	2,568,152
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Tax Increment Sales Tax Distribution	51,363
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Cheyenne Revenue on Base Amount	513,630
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*Based on Distribution by percent of total county population.

Prepared by George K. Baum & Company

Approved as to
form only:

CONTRACT #4191

Date: 8-30-01

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING made and entered into this 30th day of August, 2001, by and between the City of Cheyenne (the "City") and the Cheyenne Downtown Development Authority (the "DDA") through its authorized undersigned representatives:

RECITALS

WHEREAS the City and the DDA, upon a review of applicable Wyoming Statutes, City of Cheyenne Resolutions and past practices, arrived at differing conclusions with respect to the proper manner in which to implement the Tax Increment Financing ("TIF") procedures to resolve the 1999 TIF payment (for sales taxes collected in 1998) and to give effect to City of Cheyenne Resolution No. 3403, dated June 28, 1993, City of Cheyenne Resolution No. 3453, dated October 25, 1993, and City of Cheyenne Resolution No. 3854, dated July 14, 1997, annexed hereto, identified collectively as Attachment A and incorporated by this reference; and

WHEREAS the City and the DDA duly appointed the undersigned as their respective representatives to negotiate and establish a mutually agreeable procedure through which the TIF amounts should be calculated; and

WHEREAS the undersigned representatives have resolved the 1999 TIF payment and have agreed upon a procedure to calculate the TIF amounts for the purposes of avoiding future disagreements, conforming to the above referenced Resolutions, and complying with applicable State law:

WITNESSETH

NOW, THEREFORE, the City and the DDA hereby set forth their mutual agreement with respect to the manner in which TIF calculations shall be made, as follows:

1. The definition of Sales Tax shall be that taken from Black's Law Dictionary, 7th Edition, as: "(a) tax imposed on sales of goods and services, usually measured as a percentage of their price. Where the tax is separately stated and collected on a transaction-by-transaction basis from the consumer, the seller has the statutory duty to collect the tax for the taxing jurisdiction."

2. W.S. Section 15-9-207 refers to municipal sales taxes collected "within the boundaries of the development area" as those to be included for purposes of TIF calculation. It is agreed that only those locations that are located within the boundaries of the DDA District shall be included in the TIF formula for sales tax collection.

3. To be included in the TIF formula, the sales tax must be collected from a property located inside the boundary of the DDA District. The sale must take place within the boundaries of the District, on a sale generated and collected within the boundaries of the District.

4. It is agreed that to fairly and accurately reflect the economic growth in the DDA District, the base year (1993) must be adjusted to exclude use tax and multiple location sales. In 1993, use tax was 10.528% of the total sales and use tax collected by the City of Cheyenne. Consequently, the 1993 base year shall be reduced 10.528% to account for the use tax included in that number. In 1999, multiple location sales made outside the District accounted for 6.679% of the total sales. Consequently, the base year shall be reduced by 6.679% to account for the multiple location sales included in that number. Therefore, as a result of factoring out use tax and multiple location sales, the base year is deemed to be \$61,572,298. (Calculated by taking the unadjusted 1993 base year of \$73,742,666 and subtracting 10.528% or \$7,763,628 leaving a remainder of \$65,979,038 from which 6.679% or \$4,406,740 was further subtracted consequently adjusting the 1993 base year from \$73,742,666 to \$61,572,298.

5. With respect to the calculation of TIF amounts for future payments, it is agreed that the DDA will prepare the list of businesses located within the DDA District and submit it to the State of Wyoming Department of Revenue, Excise Tax Division, by September 1 of each year. The Excise Tax Division will return to the DDA its calculations of the sales taxes paid by those businesses located within the DDA District. In turn, the DDA will submit those results to the City no later than September 15 of that same year. The City may then review and, if it so desires, audit those results no later than October 1 of the year. The TIF voucher shall be submitted for approval by the governing body at the first October meeting of the governing body and payment shall then be made to the DDA immediately following that meeting.

6. Businesses with multiple locations within the County shall be reported on a pro-rata basis in the ratio to which the number of locations within the DDA District bears to the total number of locations within the County. Said differently,

if a business has three locations within the County and only one within the DDA District, then one-third of the total sales tax shall be attributed to the DDA District for TIF purposes.

7. Use tax paid by businesses within the District shall not be includable in the TIF calculation.

8. The TIF formula for vehicle sales tax shall capture vehicle sales within the DDA District using the increment in vehicle sales from the current year to the previous year only, and shall determine the DDA's portion of automobile sales tax by the ratio which the number of dealers within the DDA bears to the number of dealers within the County. Said differently, if there are 21 auto dealers in the County and 4 are located in the District, 19% of the sales tax shall be agreed to have occurred within the DDA District for TIF purposes.

9. If a business was located in the District any time during the fiscal year, that business' sales tax shall be included for purposes of the calculation.

10. For purposes of settling the 1999 TIF payment (for sales taxes collected in 1998), payment will be made to the DDA in the amount of \$200,249.83. The year 2000 TIF payment (for sales taxes collected in 1999) shall be made within thirty days of submittal to the City by the DDA of the calculation returned by the Excise Tax Division of the State. The year 2001 TIF payment (for sales taxes collected in 2000) will be made in October of 2001 in accord with the procedures set out herein.

11. This Memorandum of Understanding shall be applicable to the TIF administration process in all future years unless otherwise changed by resolution of the governing body of the City.

Witness our hands the date and year first above written.

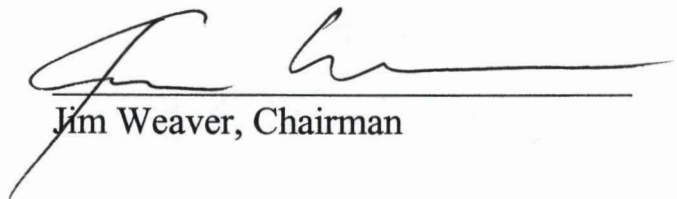
REPRESENTATIVES FOR THE
CITY OF CHEYENNE:

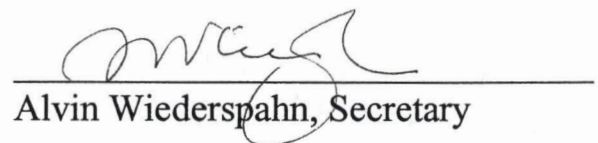


Patrick Collins, Councilman


Thomas Scherr, Councilman

REPRESENTATIVES FOR THE
DOWNTOWN DEVELOPMENT AUTHORITY:

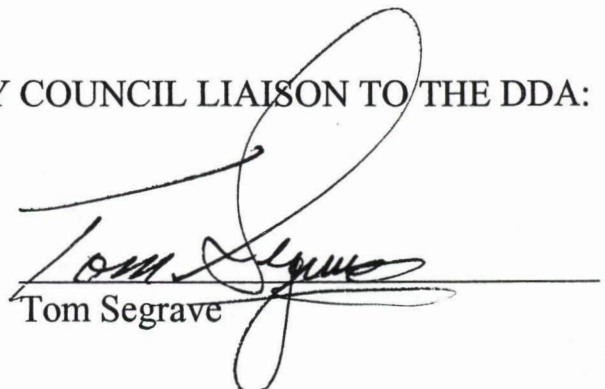

Jim Weaver, Chairman


Alvin Wiederspahn, Secretary

MAYOR OF THE CITY OF CHEYENNE:


Jack Spiker

CITY COUNCIL LIAISON TO THE DDA:


Tom Segrave