

Cheyenne Downtown Development Authority (DDA)
Meeting of the Board of Directors
Monday, June 15, 2023, 10:00 a.m.

Meeting Minutes

I. Call to Order

II. Roll Call – by Staff

Wendy Volk, President
Bruce Heimbuck
Dave Teubner
Stephanie Reece - Zoom
Pete Laybourn
Amber Nuse - Absent
Danica Mrozinsky
Jamie Winters
Buck Holmes - Zoom

III. Minutes:

- A. [May 18, 2023](#) Motion to approve by Laybourn, seconded by Reece. Volk, motions to amend minutes to clarify acronyms, moved by Laybourn seconded by Winters. Motion passes. Minutes approved.

IV. New Business

A. [DDA Balance Sheet/DDA Budget vs. Actual through May 31, 2023](#)

Robin Lockman, City Treasurer. I have two current reports from QuickBooks, they have been reconciled through August.

Glen Garrett: I am trying to understand the documents. The balance sheet differs for December 31 to now.

Robin Lockman: The City of Cheyenne paid 250k by check to the DDA.

- Motion to approve by Winters, seconded Reece. Motion passes.
- Buck Holmes joined the meeting via Zoom.

B. [Outstanding Grant Application Requests](#)

Staff has concerns of the Business Improvement Grant, as the funds are for private use and not public facing. Stefanie Boster has distributed a legal opinion prepared by Lindsey Woznick. This is a confidential memorandum regarding where funding can go from the DDA. And indicates that funds have to be a public improvement.

Volk: Why was this document not presented earlier?

Boster: City Staff did not have access to this document at the time. It was on the DDA Google Drive.

Bloom: We do recognize applications that have been approved and were done so in error. We are not asking for any repayment of those grants. Staff cannot move forward with applications that are in violation of State Statute and the Wyoming Constitution. We believe that some of these are still valid. Those that have outside improvements would still qualify. Those Business Improvement Grants are for Westby's outside patio and the Children's Museum work that is outside. We are

asking that they fill out the correct applications. We plan to work with the applicants to continue their work and to keep these projects open to the public. I would ask to postpone Westby Edge and the Children's Museum to the next Board meeting.

Volk: I have a memo from the December regarding eligible funding.

Tuebner: Have the applications been pulled from the website?

Bloom: Yes

Tuebner: This is a real challenge; we have some important business that have applied when the grant was up. It is hard for me to be changing a program after they have applied.

Boster: The Business Improvement Grant did not get approval from this Board, the City Council or the Planning Commission in violation of 15.9.208. This was not a legitimate program.

Winters: I believe what the staff is saying is that the memorandum and State Statutes preclude the BIG (Business Improvement Grant) application and grant process that the prior Board has gone through.

Laybourn: This is a situation I am not hearing any suggestions that we need further legal opinions. The City Attorney opinion is that the BIG (Business Improvement Grant) programs are invalid. We are here today to make sure that what we do comply with State Statute. We need to get the Plan of Development clarified.

Heimbuck: I would be remiss if I voted to approve funds that someone could challenge and ask you to payback. And apply now under the CIG (Capital Improvement Grant).

Volk: Visit Cheyenne did hire an attorney, that shows a difference of legal opinion.

Boster: The Business Improvement Grant did not get approval from this Board, City Council or the Planning Commission. It assumes that it did. It did not, the legal opinion is correct for the CIG (Capital Improvement Grant) program, all the grants that this Board has dispersed since 1991 under CIG (Capital Improvement Grant) same with the FIP (Façade Improvement Program) the BIG (Business Improvement Grant) did not go through the process and the legal opinion did not address that.

Bloom: The last legal opinion it did direct the DDA to establish the design committee, which is later in the agenda. In looking at this we have evaluated quite a few other DDA organizations. Colorado and Wyoming used almost the same legislation. A lot of the programs through the DDA's are matching grants, public facing improvements and parks improvements. We have not been able to identify a single other grant program that goes to the extent of the BIG (Business Improvement Grant) program. It is not out there, there is a reason for that. We will be looking at our Plan of Development to roll out with the blessing from the DDA Board in August. This would incorporate the Reed Rail plan, the 15th Street Experience and the Lincolnway placemaking plan. Logan Simpson will put this together. We are looking at getting a price proposal by the next meeting.

Mrozinsky: Has staff looked into if they would qualify under the CIG (Capital Improvement Grant)?

Bloom: They are grant applications; they are not automatically approved. We did look into how they would align with the CIG (Capital Improvement Grant), the

majority of these don't qualify as they are interior to the building.

Heimbuck: I can't vote to approve grants that would be challenged legally.

Chad Willett: The discussion revolves around on opinion rather than fact. This should be based on legal facts. Our grant was recruited by the Board and Members of the staff. The decisions were based on our projects that meet the requirements of the grant. We met the necessary requirements for the grants, our site plan was going above and beyond what was required from the City. We agreed to stipulations from Mr. Bloom on our project to move forward with the understanding that the funds would be available by the time that the City Council required our project to be complete. The Planning & Development Dept was holding up our application for these recommendations, or we would not be able to move forward to our completion date. We succumbed to those with the understanding that our grant application would have met the stipulations. I implore the Board to postpone this decision and at best approve these applications. It feels very personal that we have to squash this. I am helping to redevelop the West Edge. I implore you to surpass the individual opinions they undermine the integrity of our community.

Greg Vaughn: This is disappointing, I understand the predicament that you are in. I wanted to express that this wasn't the best way to handle things. It was disappointing to see that the grants were denied without us being able to do anything about it. Why are we pushing for an ultimate denial and not a postponement?

Cory Laughry: The City Attorney said that the BIG (Business Improvement Grant) program would be legitimate had it gone through the Board. Is there an answer?

Bloom: The first iteration of the BIG (Business Improvement Grant) program was presented, but there was no action on implementation. The issue isn't the Board approving it but the Planning Commission and Council approval per State Statute as part of a Plan of Development.

Cory Laughry: Can this be accomplished now?

Volk: There is a process and can be accomplished. We appreciate that all of these projects are improving Downtown. It wasn't properly blessed, and we are going to rectify it.

Cory Laughry: I am hoping that the answer isn't just no, but we can go back and look at the previous legal opinion.

Heimbuck: Motion to postpone grant approvals until next month. Seconded by Mrozinsky. I would encourage our applicants to look at the CIG (Capital Improvement Grant) to see if their items can fall into this. The question still lies in public benefit vs private benefit and will have to be addressed in the work with City Council.

Mrozinsky: If we are asking applicants to reframe their applications, would having them apply under the CIG (Capital Improvement Grant) be the better option.

Bloom: We would recommend postponement; the next goal is to get the CIG (Capital Improvement Grant) applications out to them and go through the components that would be applicable.

Laybourn: Motion to postpone this two weeks.

Bloom: We would recommend an earlier meeting for next month. Meeting on July 13th.

Laybourn: Motion amended to postpone to July 13th. Seconded by Winters. Motion passes. Motion to postpone grant applications to July 13th. Motion passes. Holmes: I would recommend that you request from the City Attorney how the DDA should disperse funds.

C. [Design Review Committee](#)

Volk: There was a Design Committee to vet applications but was dismantled. There was no connectivity from the Design Committee and the DDA Board.

Bloom: If the Board is going to serve as the Design Committee, it should be less than a quorum so that we don't violate open meetings law. Also, usually with a façade improvement program that there is a façade easement to ensure that improvement remains.

D. [Planter Update](#)

Gabrukiewicz: The planters have been completed. I spoke with Mr. Ernste about maintenance, he has replaced any dead plants and they are looking very good.

Laybourn: The planter next to the Capital building is falling apart. We can choose some other planters that are in better shape be moved to replace it We are looking for approval to pursue this.

These planters are not owned by the City but filled by the DDA.

E. [Downtown Kiosks](#)

Gabrukiewicz: presents photos of the existing kiosks and the proposed new ones.

Laybourn: Could we get a rendering of kiosk #2?

Bloom: The annual maintenance of these would be \$400 - \$600.

Payne: The costs is under the City. The kiosk is 3 foot square and 7 feet tall

F. [Recommendation of Board Members](#)

Bloom: Two terms are expiring, and two vacancies. The Board is able to make recommendations to the Mayor for approval. Members would be appointed at the July 10th meeting of the Governing Body. There is an advertisement on the City/DDA website to the Board Application.

Laybourn: Is there an update on the Plan of Development and a consultant?

Bloom: We had a meeting yesterday with Logan Simpson, they are going to put together a scope and price proposal. And will be brought before you on the July 13th meeting.

Motion to have work session prior to the July 13th meeting.

G. Board Member Nominations (No report –Three Nominations needed)

V. Adjournment: Motion to adjourn by, seconded by. Motion passes. Meeting ended at 12:15pm am.