

FINANCE COMMITTEE MINUTES

A meeting of the Finance Committee was held on Monday, February 7, 2022, at the Kiwanis Community House (due to Municipal Building closure) and via electronic meeting, starting at 12:00 p.m. Those in attendance were as follows:

COMMITTEE MEMBERS: Jeff White, Chairman; Dr. Michelle Aldrich; Ken Esquibel; and Richard Johnson.

CITY STAFF: TJ Barttelbort, Purchasing Manager; Vicki Nemecek, Public Works Director; Robin Lockman, City Treasurer; Tyler Nelson, I.T. Administrator; Brad Brooks, Board of Public Utilities (BOPU) Director; Randy Hickman, Street & Alley Manager; Craig LaVoy, Public Works Deputy Director; Tom Cobb, City Engineer; Stefanie Boster, City Attorney; Chief John Kopper and Division Chief Andrew Dykshorn, Fire and Rescue Department; Charles Bloom, Planning and Development Director; Captain; Steve Gaer, Facilities Manager; Jeanne Vetter, Parks & Greenway Planner; Seth Lloyd, Planning & Development Department; Andy Worshek, Mayor's Chief of Staff; Brenda Moureaux, Deputy City Treasurer; Teresa Moore, Community Recreation & Events Director; Nathaniel Kaufhold and Jake Ward, BOPU Industrial Pre-Treatment (IPP) Program; Matt Buelow, BOPU Water Reclamation Manager; Vicki Dowdy, BOPU; Lanna Donn, Botanic Gardens Office Manager; Tom Mason, Metropolitan Planning Organization Director; Jason Sanchez, Community Recreation & Events Deputy Director; Briana Ralda-Quinonez, Legal Assistant; and Kris Jones, City Clerk.

OTHERS PRESENT: Mayor Patrick Collins; Jim Wasson, Black Hills Energy; Pat Green & Lane Dunall, Wyoming Cattle Co., LLC; and Gunner Malm, Laramie County Commissioner.

AGENDA ITEMS

10. **ORDINANCE –2nd READING –** Amending Chapter 13.04 – Public Utilities Generally; Chapter 13.08 – Water Service System; Chapter 13.12 – Sewer System; Chapter 13.16 – Storm Sewers; and Chapter 13.20 – Wastewater Treatment & Disposal; of Title 13 – Public Services, of the Code of the City of Cheyenne, Wyoming. (SPONSOR – MR. JOHNSON)

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

DISCUSSION: Brad Brooks, BOPU Director, provided a staff report and advised the proposed ordinance amendments have been over a year long process and include audit recommendations by the Environmental Protection Agency (EPA) audit noting the approval process is simultaneous with the EPA and the governing body. Mr. Brooks advised the changes included involve the water, sewer and IPP program and explained the origin of the review and proposed changes. Mr. Brooks provided a brief overview of changes including updated definitions, clarification of maintenance responsibilities, billing and property owner responsibilities, updated planning and building codes, references to the BOPU Policy & Design Manual, and the implications of tampering with water

and/or sewer services. Jake Ward, BOPU IPP Program, provided information on the program and its relationship to the EPA. Mr. Ward explained the proposed changes include updated terminology, updated users of the program (typically non-residential users), certification statements, requirements of the program, and enforcement of fines and/or suspension of services. Nathaniel Kaufhold, BOPU IPP Program, made himself available for questions. Charles Bloom, Planning and Development Director, provided information on his departments review of the proposed changes and advised areas of concern were identified including water and sewer connections to all city lots, providing examples of lots that may not require connections, clarification of illegal use of water, updated shut off procedures, and a septic system exception process when annexation occurs. Upon inquiry, Mr. Bloom clarified the process of amending the recommendations from his department and advised those changes that cannot be accomplished immediately will be accomplished following the EPA approval. Mr. Brooks explained proposed changes in the future will not require an EPA audit. Upon inquiry, staff advised the amendments that may be accomplished immediately will be submitted for consideration at the next meeting of the governing body. Additional discussion included future amendments from the city engineering department and the impact on agreements with South Cheyenne Water & Sewer District and the Air Force Base.

12. **RESOLUTION** – Authorizing up to a \$14,890,000 interfund loan from the One Percent Sales Tax Capital Projects Fund to the Special Purpose Option Sales Tax Capital Projects Fund to facilitate the construction of three fire stations, purchase fire trucks and replace the cemetery irrigation system as approved by voters on the November 2, 2021, Sixth Penny Ballot. (SPONSOR – MR. WHITE)

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

DISCUSSION: Robin Lockman, City Treasurer, provided a staff report and advised the proposed resolution will allow the City to borrow money from the One Percent Sales Tax Fund (5th Penny) to be used on projects approved on the November 2, 2021, Specific Purpose Option Sales Tax Fund (6th Penny) ballot as allowed by State statute. Ms. Lockman provided information on the cash flow analysis and noted the potential inflationary risks with delaying projects. Chairman White and Mr. Esquibel thanked staff for their work in moving the projects forward.

13. **RESOLUTION** – Authorizing submission of a Federal Emergency Management Agency Preparedness Grant under the Staffing for Adequate Fire and Emergency Response (SAFER) Program, on behalf of the Governing Body of the City of Cheyenne, for the purpose of adding nine new firefighter positions. (SPONSOR – MR. WHITE)

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

DISCUSSION: Chief John Kopper, Fire and Rescue Department, provided a staff report and advised the proposed resolution will allow the department to apply for grant assistance to increase and/or maintain the number of trained, “front line” firefighters available to the community. Upon inquiry, Chief Kopper clarified the grant will be awarded by September 2022 and provided information on communication and advice received from the Grand Junction Fire and Rescue

Department (who was previously awarded the grant) with the application process and advised on average annual attrition rate.

15. LEASES/CONTRACTS/LLEGAL:

- a) Grant of Right-of-Way Easement on City Owned Property, per Exhibit A, between the City of Cheyenne and Cheyenne Light, Fuel and Power Company for a 150' wide right-of-way and easement for construction and maintenance of overhead power facilities.

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

DISCUSSION: Jeanne Vetter, Parks & Greenway Planner, provided a staff report and advised the proposed contract will grant right-of-way on the public greenway for the construction and maintenance of overhead power lines. Upon inquiry, Jim Wasson, Black Hills Energy, advised the transmission power lines will provide network power and link substations. Upon inquiry, Ms. Vetter advised the exchange of funds is in perpetuity and charges are not normally extended to utilities.

16. CHANGE ORDERS/CONTRACT MODIFICATIONS:

- a) Contract Modification #1 to Contract #6957 between the City of Cheyenne and Wyoming Cattle Co., LLC adding the Mariah Pasture and extending the term of the Belvoir Ranch Grazing Lease Agreement through December 31, 2024.

Mr. Esquibel moved to approve in an amount of \$187,477.50 annually, seconded by Mr. Johnson. Motion carried with Mr. Esquibel and Mr. Johnson voting "YES", and Dr. Aldrich voting "NO".

DISCUSSION: Vicki Nemecek, Public Works Director, provided a staff report and advised the proposed contract modification will allow for a 3-year extension and adds the Mariah property to the contract. Ms. Nemecek explained the Mariah property was previously identified as "over grazed" by the conservation district but recently has been determined grazable. Upon inquiry, Ms. Nemecek advised grazing rates are variant from year to year depending on the condition of the grass and provided information on the previous revenue on the ranch. Robin Lockman, City Treasurer, provided information on the operating expenses and advised additional information could be provided prior to the meeting of the governing body on February 14, 2022.

- b) Contract Modification #3 to Contract #6441 between the City of Cheyenne and Microsoft Corporation for the renewal to the City's Enterprise Office 365 Online Enrollment.

Mr. Esquibel moved to approve in an amount not to exceed \$365,187.60, seconded by Dr. Aldrich. Motion carried by unanimous voice vote.

DISCUSSION: Tyler Nelson, I.T. Administrator, provided a staff report and advised the proposed contract modification occurs every 3 years to modify the elements of the contract and noted the contract includes email addresses, email servers, and software. Upon inquiry, Mr. Nelson advised increases to the contract are due to additional employee email addresses, user licenses, and various upgrades to the software.

17. CONSIDERATION OF BIDS/PURCHASES/REQUESTS FOR PROPOSALS:

- b) Consideration of Bid #S-7-22 for a Contract between the City of Cheyenne and S&S Builders, LLC, for the Street and Alley Department Tent Building Repairs and Door Repairs Project. (2019-2022 1% Sales Tax)

Mr. Esquibel moved to approve in an amount not to exceed \$105,104.69, seconded by Mr. Johnson. Motion carried by unanimous voice vote.

DISCUSSION: Vicki Nemecek, Public Works Director, provided a staff report and advised the proposed bid will repair storage areas utilized by the Street & Alley Department. Upon inquiry, Craig LaVoy, Public Works Deputy Director, provided information on the wind damage to the tent building at the City of Cheyenne Landfill and its removal from the scope of work on the proposed contract. TJ Barttelbort, Purchasing Manager, provided additional information regarding the timing of a windstorm in the middle of the bid process resulting in the removal of the landfill tent from the scope of work. Stefanie Boster, City Attorney, advised based on Mr. Barttelbort's explanation, no additional corrections are required on the contract.

- c) Consideration of Bid #S-8-22 for a Contract between the City of Cheyenne and Front Range Roofing Systems, LLC, for the Ice and Events Center Roof Replacement Project. (General Fund)

Mr. Esquibel moved to approve in an amount not to exceed \$181,650.00, seconded by Mr. Johnson. Motion carried by unanimous voice vote.

Dr. Aldrich following discussion and vote on this item excused herself for the remainder of the meeting due to a previous employment commitment at 1:00 p.m.

DISCUSSION: Vicki Nemecek, Public Works Director, provided a staff report and advised the proposed bid is for replacement of the roof and stucco repair. Upon inquiry, Ms. Nemecek, advised an assessment of roofs is completed following each hailstorm for insurance purposes. Steve Gaer, Facilities Manager, confirmed the roof in question is the original roof and noted it is a rubber membrane roof, as recommended by and architect.

- d) Consideration to purchase between the City of Cheyenne, and KONE, Inc., for the repair of the South East0 Hydraulic Elevator located at the Jack Spiker Parking Garage. (General Fund Reserves)

Mr. Esquibel moved approve in an amount not to exceed \$42,665.00, seconded by Mr. Johnson. Motion carried by unanimous voice vote.

DISCUSSION: Vicki Nemecek, Public Works Director, provided a staff report and advised the proposed contract is in response to intermediate issues with the elevator.

OTHER ITEMS FOR THE AGENDA:

Professional Services Contract between the City of Cheyenne and Thomas Szott for City Prosecutor legal counsel services.

Mr. Esquibel moved to approve in an amount not to exceed \$86,400.00 annually, seconded by Mr. Johnson. Motion carried by unanimous voice vote.

DISCUSSION: Stefanie Boster, City Attorney, provided a staff report and advised the proposed agreement will allow her office to contract prosecutor services for the City while allowing the contractor to pursue opening a private practice. Upon inquiry, Ms. Boster provided information related to “conflicts of interest” within the contract.

There being no further items for the agenda to come before the Finance Committee, the meeting was adjourned at 1:06 p.m.

Submitted by,



Jennifer McClelland
Executive Assistant to the City Council