

FINANCE COMMITTEE MINUTES

A meeting of the Finance Committee was held on Monday, March 21, 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; Robin Lockman, City Treasurer; Tom Cobb, City Engineer; Stefanie Boster, City Attorney; Chief John Kopper, Division Chief's Byron Matthews and Andrew Dykshorn, and Brice Jacobson, EMS Lieutenant, Fire and Rescue Department; Charles Bloom, Planning and Development Director; Vicki Nemecek, Public Works Director; Renee Smith, Grants Manager; Jay Sullivan, Youth Alternatives Director; Brenda Moureaux, Deputy City Treasurer; Brad Brooks, Board of Public Utilities (BOPU) Director; Frank Strong, BOPU Operations/Maintenance Manager; Doug Klahn, Construction Manager; Tom Mason, Metropolitan Planning Organization (MPO) Director; Teresa Moore, Community Recreation & Events Director; Sargent Zack Johnson, Bomb Squad Commander; Jason Sanchez, Community Recreation & Events Deputy Director; Lori DeVilbiss, Recreation Manager; David Contreras, Sports Supervisor; Wes Bay, Deputy City Engineer; and Kris Jones, City Clerk.

OTHERS PRESENT: Mayor Patrick Collins; Patti Riesland, Mayor's Council for People with Disabilities; Stephanie Pickering, McGee, Hearne & Paiz (MHP) LLP; Gunner Malm, Laramie County Commissioner; Hank Bailey, Polo Ranch attorney and board member; Bev and Marcy Hobby, Polo Ranch owners; and Jim Hearne, Polo Ranch board member.

AGENDA ITEMS

23. RESOLUTION – Uncommitting \$329,630.00 in General Fund Reserves approved to be used for the purchase of the former Hitching Post, Lot 1, Block 1, P.A.S. Subdivision by the City of Cheyenne Governing Body on July 22, 2019. (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 on July 22, 2019, the governing body voted to approve a land purchase and sale agreement with Victory Real Estate Management LLC for land related to economic development purposes and committed \$329,630.00 in General Fund reserves noting the exchange never took place. Ms. Lockman explained formal action by the governing body is required to uncommit the funds.

26. RESOLUTION – To authorize the application for the Suicide Intervention Grant in the amount of \$73,582.00 from Cheyenne Regional Medical Center for the City of Cheyenne, Office of Youth Alternatives. (SPONSOR – MR. WHITE)

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

DISCUSSION: Jay Sullivan, Youth Alternatives Director, provided a staff report and advised the proposed application will renew a grant to provide suicide assessments referred by the community and Laramie County School District #1. Upon inquiry, Mr. Sullivan advised no match is required by any involved entities and explained the grant funds a part time counselor to perform the assessments.

27. RESOLUTION – Approving water and sanitary sewer services, by outside user water and sanitary sewer services agreements, for Dean Byrne, for Lot 3, Energy Park One, Situated in the NE¼ of Section 33, Township 13 North, Range 67 West, of the 6th P.M., Laramie County, Wyoming. (SPONSOR – MR. WHITE)

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

DISCUSSION: Frank Strong, BOPU Operations/Maintenance Manager, provided a staff report and advised the proposed standard user request has been approved by the required agencies.

28. LEASES/CONTRACTS/LEGAL:

- d) Agreement between the Board of Public Utilities and Polo Ranch Company regarding Quarter Circle Five subdivision well development and associated water entitlement. (POSTPONED FROM 03-14-22)

Mr. Esquibel moved to approve. Motion died due to the lack of a second.

DISCUSSION: Brad Brooks, BOPU Director, provided a staff report and advised the proposed agreement will allow development of twelve (12) lots and includes stipulations on allotted water usage from the Polo Ranch. Mr. Brooks advised the BOPU's board has approved the agreement. Mayor Patrick Collins voiced concerns with a history of litigation between the City and the Polo Ranch and requested assurance that there is no risk of future litigation. Hank Bailey, Polo Ranch attorney and board member, provided a history of the litigation between the parties, including the final ruling by the Wyoming Supreme Court in favor of the City of Cheyenne and of the Quarter Circle Five subdivision including the grandfathering of wells prior to 1996 and wells subsequent to 1996 which have a defined reduction of water use, similar to the proposed agreement. Upon inquiry, Stefanie Boster, City Attorney, advised the City may always be at risk of being sued however, suggested language be added to paragraph 8 that all parties agree to abide by the 1988 agreement. Mr. Brooks provided additional information from the agreement including the inability to subdivide the twelve (12) lots, that one well is allowed per lot, and the limits on landscaping. Additional discussion included a purchaser of one of the twelve (12) lots being advised of the terms of the proposed agreement and notification to existing property owners. Mr. Esquibel voiced support of the language recommended by the City Attorney.

- e) Contract between the City of Cheyenne, the City of Cheyenne Board of Public Utilities, and McGee, Hearne & Paiz LLP for financial and compliance auditing services for fiscal the year ending June 30, 2022. (General Fund)

Mr. Esquibel moved to approve in an amount not to exceed \$84,000.00, seconded by Dr. Aldrich. Motion carried by unanimous voice vote.

DISCUSSION: Robin Lockman, City Treasurer, provided a staff report and advised the proposed contract is for the fiscal year 2022 financial and compliance audit. Stephanie Pickering, MHP LLP, made herself available for questions. Upon inquiry, Ms. Lockman reported the term of the contract is for 1 year and provided information on the future request for proposals for this service. Chairman White praised the work by McGee, Hearne & Paiz for both the City and the Wyoming Department of Workforce Services.

- f) Agreement between the City of Cheyenne and the Cheyenne Umpire's Association to umpire and score the Recreation Division Adult Softball Leagues and Tournaments for 2022. (Recreation Programs Fund)

Mr. Esquibel moved to approve, seconded by Dr. Aldrich. Motion carried with Dr. Aldrich and Mr. Esquibel voting "YES" and Mr. Johnson voting "NO".

DISCUSSION: Lori DeVilbiss, Recreation Manager, provided a staff report and advised the proposed agreement is a renegotiated agreement for 1 year due to the decrease to one (1) required umpire per game and the addition of a mentoring program for umpires. Mr. Johnson voiced concerns with the different type of "force majeure" language in the proposed contract. Ms. DeVilbiss provided information related to weather cancellations including the Parks Division, Community Recreation & Events Department, and the umpire's ability to call a game because of weather. Stefanie Boster, City Attorney, advised there was great effort put into the negotiation of this proposed contract and pointed out the cancellation clause which would be considered the "force majeure" language in this particular contract. Mr. Esquibel voiced concerns with one (1) umpire per game and the potential for fatigue.

- g) 2022-2023 Collective Labor Agreement between the City of Cheyenne and Cheyenne Firefighters, Local Union No. 279, International Association of Firefighters.

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

DISCUSSION: Chief John Kopper, Fire and Rescue Department, provided a staff report and advised the proposed labor agreement was successfully negotiated on March 3, 2022, and noted the negotiations can be viewed online and the contract is available on the City's website. Chief Kopper thanked both parties and staff for their commitment and professionalism. Chairman White thanked Chief Kopper, the leadership of Local Union No. 279, the Mayor, the City Attorney, and his colleagues for a successful negotiation process.

- h) Contract between the City of Cheyenne, Cheyenne Fire & Rescue Department, and Stryker, Portage, MI, for equipment maintenance services. (General Fund)

Mr. Esquibel moved to approve in an amount not to exceed \$59,388.75, seconded by Dr. Aldrich. Motion carried by unanimous voice vote.

DISCUSSION: Brice Jacobson, EMS Lieutenant, Fire and Rescue Department, provided a staff report and advised the proposed contract is for a three (3) year maintenance agreement, including preventative maintenance for existing multi-parameter defibrillator monitors, chest compression devices, and automated external defibrillators. Upon inquiry, Robin Lockman, City Treasurer, advised the funding was previously budgeted through the General Fund for the Fire and Rescue Department and noted funds from reserves would be labeled "General Fund Reserves."

- i) Development Agreement between the City of Cheyenne and Laramie County School District Number One to outline responsibilities for public infrastructure improvements relating to the Coyote Ridge Elementary School Project. (2019-2022 1% Sales Tax)

Mr. Esquibel moved to approve in an amount not to exceed \$177,000.00, seconded by Dr. Aldrich. Motion carried with Dr. Aldrich and Mr. Esquibel voting "YES" and Mr. Johnson voting "NO".

DISCUSSION: Tom Cobb, City Engineer, provided a staff report and advised the proposed agreement is due to the State Construction Department not budgeting for Laramie County School District Number One offsite financial requirements associated with infrastructure improvements of Carlson Street and allows the City to acquire a parcel of land owned by the school district for future extension of Cribbon Avenue and York Drive. Mr. Cobb advised the City will file for reimbursement from adjacent property owners to cover the funding for the infrastructure improvements which include increased sidewalk widths. Upon inquiry, Mr. Cobb advised a separate development agreement will be proposed in the future for the Cribbon Avenue and York Drive extension with the developer of Harmony Valley and further explained the use of the property to be acquired. Mr. Johnson and Dr. Aldrich both expressed concerns with the proposed agreement due to the possibility of it not being budget neutral. Additional discussion included the appraisal documents and lack of comparable properties.

- j) Sponsorship Agreement between the City of Cheyenne and HollyFrontier Cheyenne Renewable Diesel Company, LLC, to designate HollyFrontier as the presenting sponsor of the 2022 Superday, Superday Tour de Prairie and Superday 5K Walk/Run. (Revenue to the City)

Mr. Esquibel moved to approve in an amount of \$25,000.00, seconded by Dr. Aldrich. Motion carried by unanimous voice vote.

DISCUSSION: Lori DeVilbiss, Recreation Manager, provided a staff report and advised the proposed agreement includes the sponsors new name and noted this is a long-standing partnership.

29. CHANGE ORDERS/CONTRACT MODIFICATIONS:

- b) Contract Modification #1 to Contract #7430 between the City of Cheyenne and Reiman Corp for the Carey Avenue Multi Use Path Project. (2019-2022 1% Sales Tax, Specific Purpose Sales Tax and WYDOT TAP Grant)

Mr. Esquibel moved to approve in an amount not to exceed \$29,484.00, seconded by Dr. Aldrich. Motion carried by unanimous voice vote.

DISCUSSION: Doug Klahn, Construction Manager, provided a staff report and advised the proposed modification will allow for additional work and materials required to remedy the unforeseen conflicts with the existing irrigation system along Carey Avenue and noted significant negotiations decreased the cost of the repairs. Mr. Klahn advised the construction will continue this spring with passage of this proposal.

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

- b) Consideration of Bid #E-14-22 for furnishing two (2) new 2022 4WD 72" front-mount mowers for the City of Cheyenne, Community Recreation & Event Department-Parks Division. (Specific Purpose Sales Tax)

Mr. Esquibel moved to accept the bid from Heartland Kubota, Sheridan, Wyoming, in an amount not to exceed \$74,350.00, seconded by Mr. Johnson. Motion carried by unanimous voice vote.

DISCUSSION: Jason Sanchez, Community Recreation & Events Deputy Director, provided a staff report and advised the proposal is to replace mowers that are 22 and 23 years old. Mr. Sanchez provided background information on this bid, as it was previously awarded but the contractor was unable to provide the equipment. Upon inquiry, Mr. Sanchez advised he believed the mowers are in stock and available for delivery. TJ Barttelbort, Purchasing Manager, provided information related to the previous bid including a slight savings to the City by going with a smaller mower. Additional conversation included use of a local dealership.

- c) Consideration of Bid #E-16-22 for furnishing bituminous asphalt hot mix, tack oil, and cold mix on an annual basis for the City of Cheyenne, Street & Alley Division. (2019-2022 1% Sales Tax)

Mr. Esquibel moved to accept the bid from Knife River d/b/a JTL Group Inc., Cheyenne, Wyoming, in an amount not to exceed \$434,500.00, seconded by Dr. Aldrich. Motion carried by unanimous voice vote.

DISCUSSION: Vicki Nemecek, Public Works Director, provided a staff report and advised the proposed bid is an annual contract and noted a \$51,000.00 increase from the previous year.

- d) Consideration of Bid #E-17-22 for furnishing aggregates on an annual basis for the City of Cheyenne, Street & Alley Division. (2019-2022 1% Sales Tax)

Mr. Esquibel moved to accept the bid from Croell Inc., Cheyenne, Wyoming, in an amount not to exceed \$37,500.00, seconded by Dr. Aldrich. Motion carried by unanimous voice vote.

DISCUSSION: Vicki Nemecek, Public Works Director, provided a staff report and advised the proposed bid is an annual contract and noted a slight reduction in cost. Ms. Nemecek also advised the BOPU is responsible for a portion of this contract in the amount of \$45,000.00. TJ Bartelbort, Purchasing Manager, provided information on the quarry from which the aggregate will come from.

- e) Consideration to purchase between the City of Cheyenne and MED-ENG, LLC, for the purchase of two (2) bomb suits for the City of Cheyenne, Cheyenne Police Department. (U.S. Department of Homeland Security Grant)

Mr. Esquibel moved to approve in an amount not to exceed \$71,318.00, seconded by Dr. Aldrich. Motion carried by unanimous voice vote.

DISCUSSION: Sargent Zack Johnson, Bomb Squad Commander, provided a staff report and advised the proposed purchase is a sole source purchase for two (2) bomb suits. Sargent Johnson provided information related to another available product including inferior components of the suit. Upon inquiry, Sargent Johnson explained improvements to the proposed suit.

There being no further items for the agenda to come before the Finance Committee, the meeting was adjourned at 1:17 p.m.

Submitted by,



Jennifer McClelland
Executive Assistant to the City Council