



**Cheyenne Downtown Development Authority**  
**Board of Directors Meeting Minutes**  
**Thursday, September 17, 2019**

**Present:** Bruce Heimbeck, President  
Jonathan Savelle, Vice-President  
Steve Borin, Treasurer  
Astrid, Secretary  
Dan Holbrook  
Craig Kerrigan  
Breck Collier  
Jeff White, Council Liaison  
Charles Bloom, City Planning & Development  
Linda Heath, sitting in for Amber Ash, Laramie Co. Commission  
Don Herrold, Historic Preservation Rep

**Staff:** Vicki Dugger, Genee Vidakovich  
**Guests:** Amy Mahoney, Lindsay Wozniak, Julie Tucker, Eric Fountain (Mayor's Chief of Staff),  
James Johnson, Councilman Pete Laybourn

**Absent:** Del Lummis

Bruce Heimbeck called the meeting to order at 3:02 pm.

**Consent Agenda:** Bruce asked if anyone wanted to pull any items off the Consent Agenda. No one did. He then asked if there were any questions regarding Consent Agenda items. There were none. He then entertained a motion to approve the Consent Agenda. Jonathan Savelle made the motion to approve; Astrid seconded the motion. There was no discussion. Motion passed unanimously.

Bruce then welcomed new DDA Board member Breck Collier, owner of Red Bison Home. Board members and guests introduced themselves to Breck.

**Director's Report:** Dugger briefed the Board on a "just announced" new business coming to town, Big Horn Studio Designs; to open in October. They will be located next to Alexis Drake, helping boost the Boutique Manufacturing that DDA is working to expand. Dugger said the Mill Levy process is moving forward; that letters and brochures had gone out to property owners. She also said that Del Lummis and Dave Hatch (downtown property owners) had agreed to write guest columns for the WTE and that John Dinneen and Glen Garrett would be reaching out to property owners they know in support of the Mill

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Levy. She also recommended that Board members look over the property owners' contact list that was in the Board packet and encouraged them to reach out to anyone they know to help build support for the successful passage of the Mill Levy. She reminded the Board that the Mill Levy election will be over, and results in, by the next DDA Board meeting in October.

Jonathan Savelle had a question from the staff report about DDA cleaning up the Hole. Dugger clarified that it was the property adjacent to the Hynds and that trash had been dumped there. 17<sup>th</sup> Street Lighting: to date, a contractor has not been procured. Dugger stated that DDA will continue to work on this and coordinate with Glen Garrett on getting bulbs that have polycarbonate globes.

**President's Report:** Mill Levy work is being done and the property owners are being notified and communicated to about the importance of the Levy. Forward greater Cheyenne Board Update: Some of the initiatives are moving along well and some are not; with JJ Chen being the Downtown Revitalization initiative leader. Heimback mentioned DDA moving forward with the downtown housing initiative and perhaps looking at partnering with Forward Greater Cheyenne on an entrepreneurial project (similar to the one Red Wing, MN has done). The merchant's group and Boot Loot are going well with meetings on Wednesday; and he complimented the synergy that's growing. Halloween activities are being planned for the Saturday before Halloween. The Pop-Up Gallery, that's been in place for the past five months during Art Walk night has been very successful and good for Downtown. For the Wyoming Arts Summit on November 9<sup>th</sup>, the Kreuzer Building has been secured as a Pop-Up for that event. The Plains Hotel, and other locations, will be having both music and art during that event. He also mentioned that DDA staffing is being looked at, as to what skill sets and focus will be most beneficial (see more on this in New Business).

**City & Brownfield Revolving Loan Committee Update:** Charles Bloom reported that the new signage for Accomplice had been approved. He also said that the next Brownfield Revolving Loan Committee will be meeting on Sept. 24<sup>th</sup> at 10:30 am; where Robert Slaughter will be providing an update on the Bell Building project. He said that the Bell Building is in the volunteer remediation stage right now. He also said the project is still in the planning phase and no plans have been submitted to the Building Department for permitting. Astrid mentioned, that as an adjacent property owner, she would like to have a copy of the meeting notes from the Sept. 24<sup>th</sup> meeting; wanting to make sure that the potential for airborne contaminants during the remediation will be taken care of.

**Laramie County Commission Report:** Linda Heath reported on behalf Amber Ash. She updated the Board on the recent County Fair and how the new events center was able to be used for the first time. She also said a lot of events are being scheduled that include: A drive-in movie, a car show, the FFA's Denim Ball, etc. On the Detention Center project, Linda said the completion on the building is expected by the end of October and that by the end of the year all of the fences will come down and the project completed. Dan Holbrook asked about where the process is for the development of the hotel/convention center/commercial project at Sweetgrass. Charles Bloom said that the Planned Unit Development Plan had been approved and the final plat will be the next planning element moving forward.



**Historic Preservation Board Report:** Don Herrold reported that the primary focus right now is the upcoming “Tour the Legend” Historic Homes Tour that will take place on Saturday, September 21<sup>st</sup>, from 10 am – 4 pm; with the theme being “Women of Wyoming”. Tickets available online or day of tour.

**New Business:**

- **Audit Report:** A special DDA Board meeting is needed to review, and (hopefully) approve the DDA FY2019 Audit. This meeting has been set for October 10<sup>th</sup>, 12 – 1:30 pm at the Library. DDA will provide lunch. A special meeting is needed in order to hear the report from the auditor and make a decision on the audit’s passage prior to it being due to the City by October 15, 2019.
- **DDA Staffing:** Bruce said that he has had a conversation with Align regarding them assisting DDA will hiring. He let the Board know that the first step will be a survey out to the Board and Staff and that this will be taking place shortly.
- **DDA’s Plan as Part of MOU Requirements:** Dugger had emailed the Board a draft *Goals, Metrics & Plans of Action* document as part of the requirement of DDA’s current MOU with the City of Cheyenne. Jonathan had some comments, including correcting misstated dates and asking for a matrix to be included that outlined the metric, description, goal, baseline and comparative in the document. Everyone agreed having a simple matrix, in addition to the narrative, would be an excellent addition to the document – as well correcting the dates. There was also a more general discussion around other issues that may be holding downtown back such as crime – and how Cheyenne compares to other cities. Steve Borin stated that while DDA is waiting for the information to be collected (re: the MOU) that we should also be investigating the reasons that downtown housing is not being created. After additional discussion, Bruce called for a motion to adopt the *Goals, Metrics & Plans of Action* document with the dates corrected and inclusion of a matrix. (Dugger said that she would email the updated document to everyone before submitting it to the City.) Steve Borin made the motion; Dan Holbrook seconded. No other discussion. Motion passed unanimously.
- **Councilman Laybourn’s Questions & Comments to the DDA Board:** Prior to the Board meeting, Councilman Laybourn let Bruce know that he would be coming to the meeting to ask questions regarding several areas that he has concerns about. Mr. Laybourn supplied those questions to DDA on Thursday morning, prior to the meeting, that afternoon. Vicki Dugger created a response to each of those questions in a document that included both the questions and responses. **That document is attached to these Minutes as part of the record.** Mr. Laybourn said that he had not expected to be given written responses, but that he still had concerns and questions and would be reaching out to DDA Board members. Several Board members spoke after Mr. Laybourn; with the general gist being: 1) All complaints are about things in the past that we, as a Board, have no control over – we need to be looking to the future; and 2) where are your (Mr. Laybourn’s) solutions? All we are hearing is negativity with no positive solutions



offered. Bruce confirmed with Mr. Laybourn that all future DDA-related questions would be submitted in writing. Mr. Laybourn agreed this would be the case.

- Julie Tucker, from the Mayor's Council on Disabilities, let the DDA Board know that she and Annissa Gerard had visually surveyed downtown streets, checking on their accessibility and that a report from that effort would be forthcoming. She also stated that a Curb & Gutter report would be forthcoming from another group.
- James Johnson, a guest, complimented DDA on Boot Loot but said that restaurants aren't pushing it and that no one knows about it. Dugger stated that she had heard the restaurant complaint the previous day and that more outreach to them was needed – and agreed, "Yes, it needs to get up on our website."

There was no other discussion or new business. The meeting was adjourned at 4:17 pm.

(See document on following pages that is included as part of the record of this meeting.)



## Answers to Councilman Laybourn's Questions to DDA on 9/18/19

Answers were provided by Vicki D. Dugger, Executive Director of Cheyenne DDA, on 9/19/19

DDA's responses to the questions are noted in **bold blue**.

Q#1 What was the genesis of the Tax Increment Financing proposal and the current status of that effort, as well as an explanation of the hiring of an Oregon consultant evidently without a legal review of Wyoming Law in that regard?

**A: The origin of the Urban Renewal Feasibility Study came out of Forward Greater Cheyenne's Implementation Plan (August 2018) on Initiative #1: Downtown Revitalization. Task 1.2 under that initiative reads: Enable new mechanisms to finance and guide intentional redevelopment in Downtown Cheyenne. Tax Increment Financing is such a tool. The current status is that the study is complete following a work session with council and staff members. The final document was emailed to the governing body. It is now in the governing body's court to move the effort forward. DDA commissioned the study and has done all it can to move the discussion forward. The next step would be for the governing body to take up the project with the next-step action of the creation of the plan.**

The second part of this question seems to hint at the fact that Wyoming Law excludes the hiring of a contractor from out of state. This is simply not true as stated by the Federal Interstate Commerce Commission. What I believe the intent of the second part of this question is: what is the explanation of hiring an out of state consultant without extensive knowledge of Wyoming Law? DDA's response to this question: An out of state consultant was hired to conduct this feasibility study because of his extensive experience in the analysis of the feasibility of such districts; along with the creation of the study findings and final plans for implementation. His firm consults on such projects outside of Oregon and did conduct a review Wyoming State Statutes regarding Urban Renewal Districts/Tax Increment Financing for this project. To DDA's understanding, there is not a consultant with the depth of experience in this area of expertise within the state. Also, this tool is not widely used in the State of Wyoming to-date, and as a result, consultants in states such as Oregon, Montana and Idaho have considerably more experience in this type of study.

Q#2 What is the board's explanation of the fact that they have failed to meet their duty under city code to report the expenditures and the financial condition of the board to the city council after every monthly meeting?

**A: Since its inception, the governing body has had a representative on the DDA Board that has received all monthly financial reports. When DDA was requested to supply the records to the entire governing body, DDA complied quickly by emailing the financial reports (including two years of financial audits) dating from 7/1/17 – 4/30/19. Council Roybal emailed Mr. Laybourn those past financial records on Thursday, July 11, 2019. Since that time, DDA provides these monthly**



reports to Councilman Jeff White; who, as DDA's liaison to council, has agreed to share these reports with the rest of the governing body.

Q#3 What is the board's explanation of the denial of Anthony Ortiz's facade improvement program application, particularly in comparison to other grants that were awarded?

A: Again, as has been explained on several occasions, the Design Committee met with, and tried to work with Mr. Ortiz, in regard to his plans to significantly alter the defining characteristics of his façade so that a workable compromise could be met and Mr. Ortiz could be awarded a Façade Improvement Grant. Just to be clear: The Façade Improvement Grant Application packet clearly states, "Projects should respect the historic context of downtown and the integrity of the original design elements of the building, as well as the design and integrity of the neighboring buildings." Proposed projects, where the façade has defining characteristics, also need to adhere to the Secretary of Interior's Standards – as part of the FIP program is funded through federal dollars funneled through the State Historic Preservation Office. As a requirement of the federal dollars, the Design Committee, in conjunction with the State Historic Preservation Office, does a presentation to the applicants and their architects about the Secretary of Interior's Standards and why they're important; Ortiz was present at that meeting and did not ask any questions pertaining to his building or desired changes to his building. According to the members of the Design Committee (that is made of up design and planning professionals), the changes Mr. Ortiz proposed for his façade *did not* respect the integrity of the original design elements of the building. Mr. Ortiz proposed the removal of the decorative planter wall, which the committee deemed a defining characteristic of the building. The Design Committee stated that even though Mr. Ortiz's building had not been part of a historic survey, it is, in fact, an excellent example of Mid-Century Modern design and construction and it imbues, in its original state, defining characteristics of that building style and era.

Other grants that were awarded for this FY19 round of Façade Improvement Grants include:

- Hoffman Building (restoration work on the façade to stabilize prior to painting the metal cornice, metal storefront and restore the original wood windows)
- Mendicino Building (explained below)
- Plains Hotel (Originally this was a very large project but the Design Committee worked with the owner to break it down into multiple components. However, the intent is to replace the non-original windows to a more original appearance and restore the cornice and related bricks that are deteriorating.)
- Grier Building (4<sup>th</sup> floor windows restoration)
- Radican Building (remove transom cover and install new glass transom with new awning to align with more historic features)

- **Goodyear Building (explained below)**

**Two of these projects had questions regarding their defining features from a historic preservation point of view: The Mendicino Building and the Goodyear Building. The owner of the Mendicino Building wished to remove the 1960's storefront that had been over the top of the historic early 1900s brick storefront; with the goal to restore the storefront to its original look and feel. During the Cheyenne Historic Preservation Board's Downtown Historic District update, this building was surveyed and deemed non-contributing by the consultant, so removal of the 1960s façade would not change that determination and the Committee felt it would improve the look of the building and allow for full building use, which was not currently occurring. The Design Committee agreed with this course of action and approved the project. On the Goodyear Building, the Design Committee felt the original vernacular architecture of this building was more in keeping with an older suburban development style; but one that did not warrant any specific defining characteristics. Again, this building was surveyed as part of the Downtown Historic District update, and due to the previous modifications that had taken place to this building, it had lost its original characteristics already, so the Committee felt comfortable in allowing these changes to occur. However, when considering this project, the committee strongly felt that providing grant assistance to this project (which had been most empty and in derelict condition for several years and in a very prominent location coming into the downtown core) was a good course of action.**

**Q#4 What is the current status of the DDA Foundation? What activities has the foundation undertaken in the past eighteen month?**

**A: The Downtown Development Foundation (DDF) is an active nonprofit. In the last 18 months, they have held quarterly meetings, kept minutes and adhered to rules governing a nonprofit. In the last three months, the DDF has committed support in the amount of \$2,000 to DDA for the printing of the updated Downtown Historic Walking Tour brochure (25,000 were printed). For other questions regarding the DDF, please contact Wally Erickson, the DDF Board President.**

**Q#5 What expenditures have been incurred regarding the synthetic ice rink and has that program been terminated?**

**A: Following are a list of expenses related to the synthetic ice rink. Currently, the DDA has put the ice rink on the market to communities in Wyoming and Nebraska. To date, the rink has not sold and is still in the possession of DDA.**

**From its inception, current total expenses have been \$46,001.01 for the Ice Rink and DDA has received \$12,024.90 in sponsorship funding. Following are totals for the rink. Note: keep in mind the total exceeds the \$46,001 but that is due to the ice rink being moved to a fixed asset instead of an expense.**



- Rental/Purchase of the Rink: \$63,310.00 (had \$5,000 refundable deposit)
- Insurance: \$ 7,174.00
- Employment Expenses \$ 7,312.81
- Advertising: \$3,277.07
- Meals: \$195.79
- Storage Fees: \$2,520
- License Fees: \$1,275
- Supplies/Tools: \$4,188.73

For FY2019, rink-related expenses were \$14,920.09 and sponsorship was \$46.

The details on the rental and purchase of the rink are as follow:

- 12/13/16 All Year Sports Galaxy \$14,760
- 12/14/16 All Year Sports Galaxy \$5,000 – damage deposit that was refundable
- 1/18/17 Deposit of \$5,200 does not have company it came from (this came before my time my best guess is it's the refund for the deposit)
  
- 6/21/17 KwikRink \$24,000
- 6/21/17 KwikRink \$5,000
- 1/31/18 KwikRink \$14,550

The KwikRink rink was the only one purchased and that was moved over to a fixed asset with last year's audit.

As a point of reference, this project was put into place before the hiring of the current Executive Director and last winter was the first opportunity to see this project in action. Due to the lower numbers of people using the rink, lower donations/sponsorships, the high cost of temp personnel to keep the rink open and the monthly costs associated with storing the rink, the consensus of the Board and Executive Director would be to dispose of the rink to stop any further monetary hemorrhage for an asset that is getting less and less use.

*[Handwritten signature]*  
10/17/19