	CITY OF LANDER		
	CITY COUNCIL WORK SESSION MEETING		
	Tuesday, March 26, 2024, at 6:00 PM		
	City Council Chambers, 240 Lincoln Street		
	AGENDA		

Join Zoom Meeting

<https://us06web.zoom.us/j/88140719403?pwd=FB8CiVu6gwJDmCEUYhJ7oa55cnSW7o.1>

Meeting ID: 881 4071 9403

Passcode: 812679

- 1. MAYOR AND COUNCIL UPDATES**
- 2. STAFF REPORTS**
- 3. NEW BUSINESS (NON-ACTION ITEMS)**
 - A. Karen Wetzel Environment Discussion
 - B. Tim Nichols FCAG MOU
 - C. Discussion concerning suggested refinements of eligibility guidelines for LIFT applications.
- 4. ADJOURNMENT**

Upcoming Council Meetings:

Regular Meetings:

6:00 PM Tuesday, April 9, 2024, City Council Chambers

6:00 PM Tuesday, May 14, 2024, City Council Chambers

Work Sessions:

6:00 PM Tuesday, April 23, 2024, City Council Chambers

6:00 PM Tuesday, April 23, 2024, City Council Chambers

All meetings are subject to cancellation or change.

**Fremont County Sales Tax for Economic Development
Memorandum of Understanding**

This Memorandum of Understanding is made and entered into this ____ day of _____, 2024 by and between Fremont County ("County"), City of Riverton ("Riverton"), City of Lander ("Lander"), Town of Dubois ("Dubois"), Town of Shoshoni ("Shoshoni"), Town of Hudson ("Hudson"), and the Town of Pavillion ("Pavillion").

RECITALS

WHEREAS, W.S. §39-15-204(a)(vi) allows for an excise tax of up to one percent (1%) for economic development if approved by the electorate; and

WHEREAS, the proposition to approve an excise tax for the purpose of economic development was placed on the 2020 Primary Election ballot and approved by a majority of the qualified voters; and

WHEREAS, the proposition to renew the excise tax for the purpose of economic development will be placed on the 2024 General Election ballot

WHEREAS, the Economic Development shall be defined as "any project that retains or increases employment, and/or results in a net gain of money into the community"; and

WHEREAS thirty percent (30%) of the net proceeds of the tax shall be used to support transportation infrastructure such as commercial air service and ground transportation: the remaining seventy percent (70%) will be allocated to the County and 6 Municipalities based on population to manage and invest in economic development projects of their choosing; and

WHEREAS, if the proposed tax continuance is approved in the General Election November 5th, 2024, the tax will remain in effect, and as provided by W.S. 39-15-203(a)(v)(C) the same proposition shall be submitted at the general election in 2028; and

WHEREAS, if the proposition is approved by the qualified electors, the board of county commissioners shall by ordinance impose an excise tax upon retail sales of tangible personal property, admissions, and services as defined by Wyoming state statutes.

WHEREAS, the ballot verbiage is "Shall the Board of County Commissioners of the County of Fremont, State of Wyoming, be authorized to impose an excise tax for economic development of one-half percent (1/2%) upon retail sales of tangible personal property, admissions and services made within the county as defined by Wyoming state statutes, the purpose of which is for economic development. Economic Development shall be defined as any project that retains or increased employment, and/or results in a net gain of money into the community. Thirty percent (30%) of the net proceeds of the tax shall be used to support transportation infrastructure such as commercial air service and ground transportation: the remaining seventy percent (70%) will be allocated to the County and 6 Municipalities based on population to manage and invest in economic development projects of their choosing. Economic Development projects on the Wind River Indian Reservation are eligible for county allocation. If passed, the tax shall become effective on January 1st, 2025, and as provided by W.S. 39-15-203(a)(v)(C) the same proposition shall be submitted at the general election in 2028."

**ARTICLE I
PURPOSE**

Recognizing that economic development is important for the sustainability and growth of Fremont County, this MOU's purpose is to outline the best use of these sales tax funds for the benefits of its residents. While each municipality and the county may have different projects to best serve their citizens, the intent of this MOU is to provide guidelines so the tax collections can be efficiently and best used.

**ARTICLE II
ADMINISTRATION**

1. Parties agree the sales tax collected and distributed by the Wyoming Department of Revenue will be distributed to municipalities and county based on population and the funds will be used exclusively for Economic Development purposes. The first 30% of sales tax collected will be used for transportation purposes as outlined below:
 - 1.1. Parties agree that 20% of the sales tax for economic development received will be distributed monthly to City of Riverton for commercial air service. Fremont county Air Service Team (FAST) will review options and make recommendations to the Riverton City Council for final approval.
 - 1.2. Parties agree that 10% of the sales tax for economic development received will be distributed monthly to Fremont County Association of Governments (FCAG) for ground transportation. Wind River Transit Authority (WRTA) and other ground transportation entities may submit proposals and recommendations to FCAG for approval and distribution of funds.
 - 1.3. Parties agree to provide a representative to FCAG or any Fremont County collaborative group for the evaluation and determination of the annual transportation portion of costs.

2. The allocation of the remaining 70% of the sales tax collected for economic development shall be determined based on population and distributed among the Parties. Each Party agrees to distribute their respective share of sales tax proceeds on a monthly basis in accordance with the guidelines outlined in Appendix A. Additionally, funds designated for commercial air service and ground transportation shall be distributed as detailed in Section 1 above. Proceeds designated for ambulance service and any potential entrepreneurship programs shall be allocated to the County for distribution.

3. For the implementation of economic development projects and programs, each party agrees to ensure that their Economic Development Organization (EDO) complies with a standardized structure established across all entities. This standardized structure shall include but is not limited to the following:
 - 3.1. Establishment of clear criteria for evaluating economic development project proposals, encompassing factors such as economic impact, job creation and retention, and net inflow of cash into the community.
 - 3.2. Formation of a transparent review process wherein submitted project proposals are thoroughly evaluated by the designated EDO, considering the established criteria, before recommendations are made to the respective governing bodies.
 - 3.3. Appointment of representatives to oversee the evaluation and determination of the annual transportation portion of costs in collaboration with Fremont County collaborative groups or the Fremont County Association of Governments (FCAG).
Allocation of funds from the sales tax proceeds exclusively towards economic development initiatives within the community, ensuring adherence to the designated purpose of the tax.
 - 3.4. Collaboration with other municipalities or the County for joint projects or programs that benefit the greater Fremont County area, with the understanding that such collaborations must align with the standardized structure and serve the collective economic development goals of the region.

4. Parties shall not advance funds nor over-obligate project expenditures prior to receiving funds in the restricted line item.

- 5. Parties have the right to contribute and/or combine other funds (including grant awards) to acco projects.
- 6. Each party of this agreement shall have the right to spend their full distribution of sales tax for economic development purposes in their community. If their funds are not used or obligated to specific economic development projects by the general election in 2024, other parties of this agreement may apply to the governing body holding the unobligated funds for these funds to be used for economic development projects in other communities. Expenditures in each community shall be at the sole discretion of the community holding these funds. Collaboration is encouraged, and all parties agree the best use of these funds are for timely economic development projects within Fremont County.

**ARTICLE III
DISPUTES**

Any controversy or claim arising out of, or relating to, this Agreement, including, but not limited to, alleged breach of the Agreement, may be settled by mediation in accordance with Wyoming Statute §1-43-101. Should mediation fail, the Member(s) may proceed with any/all legal avenues available under Wyoming or Federal Law.

**ARTICLE IV
ENTIRE AGREEMENT**

The parties hereto agree this agreement represents the entire agreement of the parties and all prior negotiations, discussions and agreements have been incorporated herein.

**ARTICLE V
GOVERNMENTAL PARTIES**

The parties do not waive sovereign or governmental immunity by entering into this Agreement. Each of them specifically retains all immunities and defenses available to them as sovereigns or governmental entities pursuant to W.S. §1-39-101, et seq., and all other applicable law. Designations of venue, choice of law, enforcement actions, and similar provisions should not be construed as a waiver of sovereign or governmental immunity. The parties agree that any ambiguity in this Agreement shall not be strictly construed, either against or for either party, except that any ambiguity as to immunity shall be construed in favor of immunity.

**ARTICLE VI
EFFECTIVE DATE**

This Agreement becomes effective after the one-half percent (1/2%) Sales and Use Tax for Economic Development passes on the General Election Ballot on November 5, 2024. All parties will receive an executed copy of the MOU at that time, for their records.

**ARTICLE VII
MODIFICATION**

No provision of this Agreement may be modified or altered solely by an individual party. Modifications must comply with Wyoming State statute and require notification to all parties, who shall have thirty (30) days to respond before a vote by all parties during an FCAG, or similar meeting. A majority vote by the parties will result in an adoption of the modification and will be effective thirty (30) days after the date upon which the vote is taken.

**ARTICLE VIII
NO THIRD-PARTY BENEFICIARIES**

The parties do not intend to create in any other individual or entity the status of third-party beneficiary, and this Contract shall not be construed so as to create such status. The rights, duties and obligations contained in this Contract shall operate only between the parties to this Contract and shall inure solely to the benefit of the parties to this Contract. The provisions of this Contract are intended only to assist the parties in determining and performing their obligations under this Contract.

Now therefore, the authorized representative of the Governing Body listed below executes this Memorandum of Understanding through signature below:

**Fremont County, Wyoming, by and through its
Board of County Commissioners**

Larry Allen, Chairman

ATTEST:

City of Riverton, Wyoming

Timothy Hancock, Mayor

Town of Dubois, Wyoming

Patricia Neveaux, Mayor

City of Lander, Wyoming

Monte Richardson, Mayor

Town of Hudson, Wyoming

Sherry Oler, Mayor

Town of Pavillion, Wyoming

Matt Pattison, Mayor

Town of Shoshoni, Wyoming

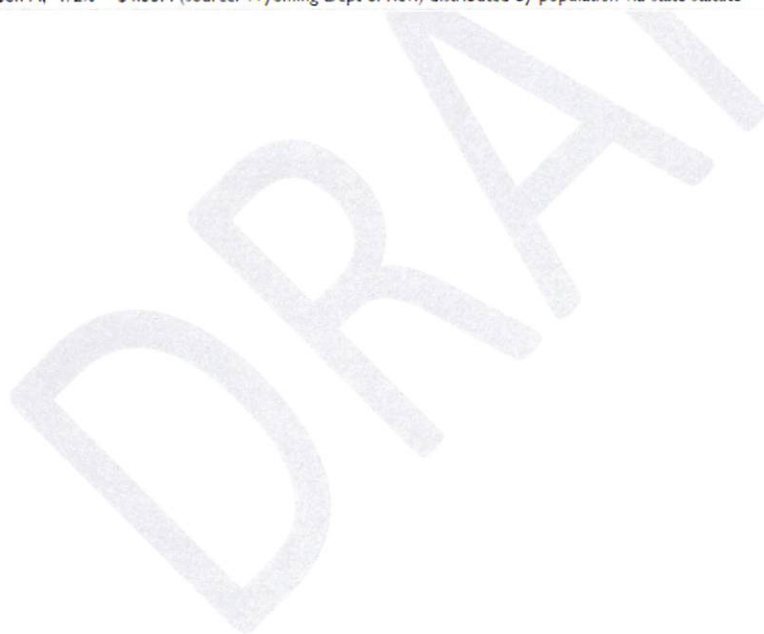
Joel Highsmith, Mayor

APPENDIX A

Distribution of discretionary 70% of the net proceeds of the tax

	1/2 % estimated disbursement	20% for commercial air service	10% for ground transportation	70% Economic Development projects			
				Additional Commercial air service	Additional Ground transportation	Ambulance services	Projects and Programs
				33%	10%	28%	29%
% of total disbursement	100%	20%	10%	23%	7%	20%	20%
Full county	\$4,359,061	\$871,812	\$435,906	\$1,006,943	\$305,134	\$854,376	\$884,889
Fremont	\$2,106,868	\$421,374	\$210,687	\$486,687	\$147,481	\$412,946	\$427,694
Dubois	\$101,216	\$20,243	\$10,122	\$23,381	\$7,085	\$19,838	\$20,547
Hudson	\$47,886	\$9,577	\$4,789	\$11,062	\$3,352	\$9,386	\$9,721
Lander	\$838,392	\$167,678	\$83,839	\$193,669	\$58,687	\$164,325	\$170,194
Pavillion	\$25,554	\$5,111	\$2,555	\$5,903	\$1,789	\$5,009	\$5,187
Riverton	\$1,186,815	\$237,363	\$118,682	\$274,154	\$83,077	\$232,616	\$240,923
Shoshoni	\$52,330	\$10,466	\$5,233	\$12,088	\$3,663	\$10,257	\$10,623

FY23 1% county sales tax = \$8.7M, 1/2% = \$4.35M (source: Wyoming Dept of Rev.) distributed by population via state statute



Suggested Refinements of Eligibility Guidelines for LIFT Applications

Outcomes of discussion:

- Better defined guidelines for applicants, resulting in best use of funds
- Clearer directions to LIFT volunteers for scoring
- Increase consistency from Council for process to continue

Eligibility

- Applicants can not apply more than once for the same project
 - Intent:**
 - Encouraging request for smaller, finite projects at lower funding request
 - Allows for larger, long term projects to receive on-going support, i.e. same applicant, different project for a large project like TMLC

Finance

- Applicant has to provide direct 50% funding match; can not use MOVE or EDGE funding for their match
- Must provide 3 year business plan
 - Applies to new and existing businesses
 - If not well done, send to SBDC to improve, not job of LIFT to develop business plan or improve application
- Financial review takes place currently, info kept confidential
 - Reviewed for bankruptcy
 - Applicant must certify if current on payroll; property, sales and income tax
 - In good standing with Secretary of State (doesn't apply to sole proprietor)
 - Tax returns and/or financial statements for last 2 years

Non-profit Organizations Eligibility

- Primary Dollar Events
 - I.e. Conference that brings people to Lander for meals, lodging
 - Offset operational costs (room rental, etc)
- New service, especially one that serves as a multiplier, such as child care or hospice that allows adults to be in workforce
- Creates well-paying job (minimum \$17.50/hour; benefited)

For-profit Organizations Eligibility

- A new product/service that keeps dollars in Fremont County (i.e. printing machine at Western Printing)
- Creates well-paying job (minimum \$17.50/hour and benefits preferred)
 - Restaurants should be able to show this including tips in business plan
- Items such as machines/equipment/building modification for direct operations
 - I.e. need garage door to for pallets fork-lifts, create walk-in cooler
- *Not* building purchase or major repairs (roofing, plumbing, foundation, etc)
- *Not* building upkeep

Place-making, Facade and Signage

Defining Facade and Signage from Port Angeles

- Rehabilitation, reconstruction, or restoration to the exterior, streetside of a building facade;
- Glass, windows, doors, trim, and accessories that are part of the streetside facade;
- Signage;
- Awnings, canopies, fences, and landscaping features;
- Street grade entrances which contribute to activity along street edge;
- Professional architectural/design/contractor fees as deemed appropriate for eligible projects;
- Improving empty Main Street windows? Public art?
 - Limited dollar amount for window art
- Other resources for benefit of and eligibility for facade and place-making programs:
 - [https://www.elevaterapidcity.com/clientuploads/PDFs/Elevate Rapid City Downtown Facade Loan Program.pdf](https://www.elevaterapidcity.com/clientuploads/PDFs/Elevate_Rapid_City_Downtown_Facade_Loan_Program.pdf)
 - <https://downtownboise.org/explore/beautification/placemaking-programs>

Supporting Existing Lander Businesses

- Required to follow City of Lander purchasing guidelines already in place
- Using local contractors/suppliers is currently scored in application

City Projects

Can the City apply for funds, if the projects benefit a large number of residents or enhance tourism? If so, the City should use the same application and be scored as other applicants. There is a “community Improvement” category of scoring

Wages

- Encourage applicants to apply for equipment or direct operations

- If wages are deemed eligible by Council:*
- Minimum \$17.50/hour; benefited
- Limit the percent of wage (already limited at 50% of funding)
- There could be cases in which salaries are best use of fund; defined time period
 - Need a compelling narrative that explains why funding wages is a flywheel to get business up and running for long-term success; Applicant must have match for wages
 - Limit to 1 year of funding (or different time frame?)

Recurring Primary Dollar Events

These are important drivers for economic development. Current scoring format may not favor PDEs in the way that best supports them.

- Small asks currently moved up 1 funding level
- Should PDE’s be scored differently? If so, next focus of refinement

- PDEs scored based on size, time of year, extent of out of town participants, etc
- Can PDEs receive funding more than once?
 - Do so in decreasing manner over multi-year period

Recapture of Funds (machines, building improvements, etc)

- Require repayment of funds awarded AND cost of city staff time to manage recapture if business changes hands, moves out of Lander, ceases to operate for any reason within three years of receiving funds.

Advertising LIFT Awards

Businesses that receive funding must agree to advertising:

- On door of business; at cash register; on website, invoices, etc

Additional question for consideration

- Should Council have liaison to LIFT?

Continued refinements of program

- Better define LIFT's responsibilities:
 - Send apps back to applicant for further refinement with guidelines/suggestions
 - Improve reporting information for higher specificity of impact
 - Request more specific documentation for reports
 - Wage report; sales tax report