

WYOMING BUSINESS COUNCIL **BOARD OF DIRECTORS MEETING**

May 25 & 26, 2016 • Rock Springs, Wyoming



#ThinkWYO

Board of Directors Agenda

Rock Springs, Wyoming • Broadway Theater • May 25-26, 2016

WEDNESDAY, MAY 25, 2016

(Times are tentative and subject to change without notice)

Wednesday dress code is business casual.

Location: Rock Springs, Holiday Inn – 1675 Sunset Dr.

2:00 - 4:15 p.m. **Tour of Rock Springs Economic Development Sites**

4:30-6 p.m. **Public reception at Freight Station**

THURSDAY, MAY 26, 2016

(Times are tentative and subject to change without notice)

Thursday dress code is business attire.

8:30 a.m. **Convene public meeting** – Broadway Theater, 618 Broadway

- Welcome to Rock Springs – Pat Robbins, Regional Director
- Introduction of Board members and new members
- Board Co-Chairman Jim Espy's comments

8:50 a.m. **Action Item:** Minutes approval from March 10 Board meeting *(Section A)*

8:55 a.m. **Strategic update**
– Shawn Reese, Business Council Chief Executive Officer, and directors

9:15 a.m. **Personnel, Budget and Audit Committee Report** *(Section B)*
– Pete Illoway, Chair
– Diane Joyce, Chief Financial and Administrative Officer, will provide comments on current financials
Action Item: Acceptance of financial statements

9:45 a.m. **Community Grant and Loan Committee Reports** *(Section D)*
– Megan Goetz, Chair

- Community Development Block Grant Program

CDBG Application Summary				
	Applicant	Project	Project Type	Amount Requested Recommendation
1	Buffalo	Public Infrastructure	Imminent Threat Flood Hazard	\$193,132 \$193,132
	TOTAL			\$193,132 \$193,132
	Available CDBG Funds			\$2,613,779
	Remaining CDBG funding if project is funded			\$2,420,647

Action Item: Approval of staff recommendation

- **Business Ready Community Program (BRC)**

- o Approved projects not yet started
- o Program Allocation Plan

Action Item: Adoption of Allocation Plan

- **Business Ready Communities (BRC) applications for review and action**

– Julie Kozlowski, BRC Program Manager, will present staff recommendations for the following applications:

BRC Applications Received March 1, 2016					
Applicant	Project	Type of Grant	Request	Staff Recommendation	Pg. #
1a. Laramie, City of	Bright Agrotech	Business Committed Grant	\$ 2,685,750	\$ 2,685,750	D-21
1b. Laramie, City of	Bright Agrotech	Business Committed Loan	\$ 209,250	\$ 209,250	D-21
2a. Alpine, Town of	Commerical Expansion Project	Community Readiness	\$ 1,538,944	\$ 1,538,944	D-27
2b. Apine, Town of	Commerical Expansion Project	Community Readiness Grant	\$ 226,683	\$ 226,683	D-27
3. Greybull, Town of	Business Park Improvements	Community Readiness	\$ 1,260,000	\$ 900,000	D-31
4a. Jackson Hole Airport Board	Wastewater Treatment Conveyance	Community Readiness Grant	\$ 1,500,000	\$ 1,500,000	D-35
4b. Jackson Hole Airport JPB	Wastewater Treatment Conveyance	Community Readiness Loan	\$ 1,000,000	\$ 500,000	D-35
5. Afton, Town of	Hospital Lane Improvements	Community Readiness	\$ 312,750	\$ -	D-39
6. Cowley, Town of	Community Center Expansion	Community Enhancement	\$ 425,600	\$ -	D-43
Total Requests			\$ 9,158,977	\$ 7,560,627	
Available BRC Funding			\$ 7,573,284	\$ 7,573,284	
Funds remaining if awarded				\$ 12,657	

All projects will be introduced and comments taken on all projects before a motion or vote is made.

Action Item: Approval of staff recommendations

Noon

Lunch Break

- Provided for board and staff - on site
- Guests may wish to enjoy one of the local restaurants

1:30 p.m.

BRC rules

Action Item: Approval of proposed BRC rule changes

1:50 p.m.

Business Contract and Loan Committee Report (*Section C*)

– Kelly Lockhart, Chair

– Ben Avery, Business and Industry Division Director, will report on:

- Wyoming Industrial Development Corporation (WIDC) loan request

Action Item: Approval of loan request

- Loan Portfolio Exam Report

Action Item: Acceptance of report

- Small Business Investment Credit (SBIC) Report

Action Item: Acceptance of report

- Challenge Loan Reporting Requirements

Action Item: Acceptance of report

- Loan Policy – adding BRC loans

Action Item: Approval of policy

- Contracts in excess of \$100,000

o WBC headquarters property lease - \$180,768 – Diane Joyce, CFAO

Action Item: Approval of lease

o **University of Wyoming Contracts**

– Tom Johnson, CPO, and Dr. William Gern, UW Vice President for Research

o UW – Manufacturing-Works, \$1,177,706

o UW – Wyoming Technology Business Center, \$858,300

o UW – Market Research Center, \$624,952

o UW – SBIR/STTR, \$528,256

o UW – Research Products Center, \$196,590

Action Item: Approval of contracts

3:30 p.m.

Other Board Matters – Co-Chairman Espy

- Other business

- Upcoming meeting dates and locations

Sept. 7-8 Worland

Dec. 8-9 Cheyenne

3:45 p.m.

Closing remarks and adjournment



DRAFT



Board of Directors Meeting

Torrington, Wyoming • March 10, 2016

BOARD MEMBERS PRESENT

Jay Anderson, Cactus Covello, Megan Goetz, Ron Harvey, Pete Illoway, Kelly Lockhart, Lynne Michelena, Aaron Sopko, Mike Sullivan, Jim Espy, Allen Hoopes and Tom Scott.

BOARD MEMBER ABSENT

Mike Wandler, Greg Hill and Mike Easley.

WBC STAFF PRESENT

CEO, Shawn Reese; CFAO, Diane Joyce; CPO, Tom Johnson; Directors: Ben Avery, Ron Gullberg, Molly Spangler and Lisa Johnson; Regional Directors: Leah Bruscino, Kim Rightmer, Pat Robbins, Elaina Zempel, Dave Spencer and Heather Tupper. Other staff present included: Josh Keefe, Tom Dixon, Julie Kozlowski, Ben Peterson, Andy Greenman and Linda Hollings.

CALL TO ORDER/WELCOME/INTRODUCTIONS

Co-Chair Lynne Michelena called the meeting to order at 8:27 a.m. She thanked the city of Torrington for hosting the meeting. She stated that board members and staff had participated in an impressive tour of economic development projects around the town. The town is to be commended for its efforts and it was rewarding to see various projects that the WBC had had a part in. She thanked all who had traveled and those on the phone for their interest in the board meeting.

Board members introduced themselves and stated where they were from and the business they were in. Michelena stated that two new board members had been appointed by Governor Mead to the board, Greg Hill, Hess Energy and Mike Easley, Powder River Energy Corporation. She asked CEO Reese to give a brief background of the new members as they were unable to attend the meeting.

MINUTES APPROVAL

The minutes from the December 9, 2015 meeting in Cheyenne were presented for approval.

MOTION: Illoway moved to approve the minutes; Sullivan seconded the motion. All voted in favor; motion passed.

Minutes from the December 22, 2015 call in meeting were presented for approval.

MOTION: Harvey moved to approve the minutes; Anderson seconded the motion. All voted in favor; motion passed.

NOMINATING COMMITTEE REPORT

Co-Chair Michelena read a report from Dick Bratton, outgoing board member, who had chaired the nominating committee. The letter stated that the nominating committee consisting of himself, Co-Chair Michelena, Cactus Covello, Jim Espy and Pat Schmidt. The letter indicated that the committee had met and discussed nominations for the 2016 year. The committee took into consideration term lengths, dedication of time needed to fulfill the offices and indicated desire to serve as an officer. The committee nominated Jim Espy for Co-Chair; Cactus Covello Vice Chair and Pete Illoway for Secretary Treasurer. It was recommended that Kelly Lockhart and Megan Goetz join the officers elected in making up the Executive Committee.

MOTION: Scott moved to approve the recommendation of the nominating committee concerning the officers for 2016. Sopko seconded the motion; all voted in favor. Motion passed.

Outgoing Co-Chair Michelena turn the gavel and meeting over to Jim Espy the new Co-Chair.

Co-Chair Espy thanked Michelena for her service as Co-Chair as well as serving the citizens and the state of Wyoming. He presented her with the gavel she used during her tenure as Co-Chair.

WELCOME TO TORRINGTON

Board member Cactus Covello introduced Wally Wolski, President of the Goshen County Economic Development Corporation. Wolski welcomed the board and staff to Torrington and Goshen County. He briefed the board on the history of Torrington and Goshen County. Goshen County is primarily an agriculture region producing corn, cattle winter wheat, hay and beans. Torrington has recently completed certification for the Torrington East Side Industrial Park as a certified site; the second in Wyoming. He thanked the Board for their grant awards for several projects in Torrington.

BOARD COMMITTEE ASSIGNMENTS

Co-Chair Espy announced committee assignments. The Personnel, Budget and Audit committee will be chaired by Pete Illoway, with Mike Sullivan, Mike Wandler and Mike Easley serving on the committee; the Business Contract and Loan committee will be chaired by Kelly Lockhart, with Tom Scott, Ron Harvey and Greg Hill serving and the Community Grant and Loan committee will be chaired by Megan Goetz, with Cactus Covello, Aaron Sopko, Jay Anderson, Allen Hoopes, and Lynne Michelena serving on the committee. The Industrial Development advisory committee will consist of Pete Illoway and Jay Anderson serving as co-chairs; the Small Business advisory committee will be consist of Ron Harvey as chair, Mike Easley, Mike Sullivan, Tom Scott, Allen Hoopes, and Kelly Lockhart; the Technology Development advisory committee will consist of Aaron Sopko as chair, Pete Illoway and Allen Hoopes; the Community Development advisory committee will consist of Megan Goetz as chair, Cactus Covello, Allen Hoopes and Aaron Sopko and the Market advisory committee will consist of Mike Wandler as chair and Greg Hill.

Espy encouraged board member to look over the list of advisory committees and notify him of any committees they wished to serve on.

TOUR 23 UPDATE

Ann Nelson, representing the Wyoming Business Alliance, reported on Tour 23; the concept, program development and the next steps the Alliance is looking at in regards to the information gathered during the Tour.

CEO REPORT

CEO Reese reported on several initiatives being worked by the Business Council. He summarized the importance of continuing Tour 23, overall strategic plan, rebuilding and rejuvenation of Lusk after the flood, several communication and community projects, and exporting. Ben Avery, Director of Business and Industry, introduced new hire Joshua Keefe. Josh is the new Economic Development Finance Manager.

PERSONNEL, BUDGET & AUDIT REPORT

CFAO Diane Joyce reported on and summarized the financial status of the WBC. Due to grant activity, expenditures are slightly behind last year at this time; spent and encumbered amounts are comparable to amounts in the prior year; amounts for data services is lower than previous to a cost reduction in services; and professional service expenditures and encumbrances for the current year are lower compared to the previous year due to some one-time contracts in the previous year.

MOTION: Covello moves to accept the financials as reported; Harvey seconded the motion. All voted in favor; motion passed.

Joyce summarized the budget reduction proposal. Total cut from WBC equal about \$14.6 million or 17.6% overall. The majority of the reduction comes from the Investment Ready Communities budget at approximately \$14.5 million. Staff and board members discussed if there would be need to do head-cuts. Staff had already been asked to be especially mindful of travel, vehicle expenses and overall supplies. Board members asked if we felt there would be further reduction requests. Staff was not sure – but felt it was very likely to get a further reduction request.

By-Laws Subcommittee

Megan Goetz, Subcommittee Chair, introduced the revamped Board By-Laws. She presented for the board's approval updated and rewritten by-laws. This was the first update since the WBC beginning in 1998. Board members had received the updated by-laws for review prior to the meeting. Goetz indicated a wording change to what the directors received was desired. Under "Article IV. Officers, item E, Executive Committee" the word "Past Co-Chair" needed to be added after Secretary/Treasurer. The section would be reworded to read " E. Executive Committee. The Executive Committee shall consist of the Co-Chairman, Vice-Chairman, Secretary/Treasurer, Past Co-Chairman and two other Directors of the Board".

MOTION: Sopko moved to insert the word "Past Co-Chairman" as requested. Sullivan seconded the motion. All voted in favor; motion passed.

MOTION: Illoway moved to accept the new Board By-Laws as presented. Hoopes seconded the motion; all voted in favor. Motion passed.

BUSINESS CONTRACTS AND LOANS

Ben Avery, Director of the Business and Industry Division, presented a direct loan request from Ward Alternative Energy, LLC in the amount of \$1,000,000. The funds would be used to construct a compressed natural gas fueling station in Evansville, Wyoming. The terms of repayment include no interest or principal payments due for the first two years of the term loan. All deferred interest during the first two years of the loan term shall accrue to the principal balance. After the two year deferred payment period, accrued interest and principal will be amortized over 18 years. Staff recommended approval of the direct loan.

MOTION: Scott moved to approve the loan as presented; Illoway seconded the motion. All voted in favor. Motion passed.

Board asked for an additional collateral lien search conducted before the closing.

Board members had received several reports for review before the meeting including Past Due, Loan Loss Reserve Analysis, and Charge-off Balances.

MOTION: Illoway moved to accept the reports as presented; Harvey seconded the motion. All voted in favor; motion passed.

COMMUNITY GRANT AND LOAN COMMITTEE

Old Business – (The Alpine request was approved at a previous board meeting; then rescinded at a call-in board meeting and is being re-presented)

Town of Alpine request – Business Committed Grant Request - \$2,873,798

Funding was requested to purchase 3.6 acres of undeveloped land, construction of a 20,000 square-foot building to house a distillery, extension and upgrade of an existing road to the property and extension of an 8-inch water main loop to improve fire suppression supply and system reliability. The purpose of the project is the recruitment of Grand Teton Distillery headquarters and a distilling facility. Grand Teton Distillery is currently based in Idaho.

The WBC staff had done extensive research into the craft distilling industry. Tom Johnson, Chief Performance Officer, presented a report on staff findings. Board and staff heard testimony from Grand Teton Distillery, and a contingent of Wyoming Craft Distillers who were against the project.

Board, staff and distillers discussed and listened to comments on incentives that would be a result of the grant; the current market for product; lease payments being applied to the purchase of the building; likely hood of Grand Teton locating to Alpine without the building being constructed.

The board heard from representative of Lincoln County and Alpine. They also heard from representatives of Backwards Distilling, Jackson Hole Stillworks and Single Track Spirits. Issues discussed included competition, the use of BRC funds for recruitment, opportunities for Wyoming agriculture producers and marketing efforts. The WBC Board asked Grand Teton Distilling if it would relocate to Alpine if the proposed building was leased and sold at market rate. The business said it was unlikely.

MOTION: Illoway moved to approve infrastructure up to \$1.5 million to Alpine for road work, land purchase, and waterline upgrades. Scott seconded the motion. One board member (Hoopes) voted nay on the motion; the remaining voted in favor of the motion. Motion passed.

New Business Ready Community Requests

Committee Chair Goetz indicated that the board would hear comments and discussion on all the new applications/projects before voting on a specific project.

Staff presented the following projects for consideration:

1. Sweetwater County - Sweetwater Events Complex

Requested: \$2,480,769

Staff recommendation: \$2,480,769

Discussion/Comments: County had missed out on hosting events due to lack infrastructure, potential job creation, potential events to be booked at facility, and timeframe for construction. Board asked if Sweetwater could still do project with a reduced award of \$2,000,000. The applicant indicated they could not as the project had already been pared down by 17% and all available resources were committed at the time.

2. Guernsey, Town of - Phoenix Project/Culver Hotel Restoration
Requested: \$750,000 Staff recommendation: \$750,000
Discussion/Comments: Board member in favor of project - location of Camp Guernsey provides opportunities for restaurant and hotel renovation. Board asked for clarification if the existing restaurant would close; it would not. Project representatives confirmed that the new restaurant would be an addition to the community. A common kitchen would serve both restaurants.
3. Kemmerer-Diamondville Water & Wastewater Joint Powers Board
Redundant Transmission Line
Requested: \$555,914 Staff Recommendation: \$555,914
Discussion/Comments: Board asked if funding from Water Development Commission had been approved; it had. Project would move forward without WBC funding but it would deplete their reserves. Project representatives spoke in support of the application.
4. Green River, City of - Northside Lift Station Renovation
Requested: \$1,297,000 Staff Recommendation: \$1,297,000
Discussion/Comments: City representatives spoke of the importance of infrastructure and support of the project.
5. Wright, Town of - Southern Campbell County Agriculture Complex
Requested: \$190,000 Staff Recommendation: \$190,000
Discussion/Comments: importance of project to town, especially in the view of the downturn in the economy; project would allow town to host one-day events if RV hook-ups and permanent stalls are available. While there was not any job creation anticipated, the project would help retain jobs and business development in the community.
6. Superior, Town of - Community and Events Facility
Requested: \$500,000 Staff Recommendation: \$500,000
Discussion/Comments: funding should be contingent on Mineral Royalty grant; board asked if it would be cheaper to tear down the entire existing structure and rebuild – the Mayor indicated they had explored that option and it was more costly.
7. Rock Springs, Sweetwater County Airport Board – Rock Springs Airport Project
Requested: \$3,000,000 Staff Recommendation: \$0
Discussion/Comments: Air service a priority in state and resubmission of application next year. Project representatives spoke in support of application.
8. Evanston, City of - Roundhouse
Requested: \$3,000,000 Staff Recommendation: \$0
Discussion/Comments: Renovation has been done in phases, project on one of the last phases, resubmission next year, city adding economic development tax to help with funding, and support from a possible tenant, Wind River Brewing.
9. Sheridan, City of - WYO Performing Arts & Education Center
Requested: \$2,000,000 Staff Recommendation: \$0
Discussion/Comments: Direct tie between the amenities the theater offers and economic development and project being done in phases. Resubmit application next year when maybe the economy will be better and more funding would be available
10. Campbell County - **Withdrawn** - Airport Hanger

11. Upton, Town of - Upton Park

Requested: \$386,000

Staff Recommendation: \$0

Discussion/Comments: Town representatives spoke in favor of project. Consider resubmitting the application next year.

12. Campbell County - **Withdrawn** – Business Park Study

13. Hulett, Town of - Hulett Clinic Feasibility Study

Requested: \$25,000

Staff Recommendation: \$0

Discussion/Comments: Board suggested staff research whether there were similar studies done that would be of assistance to Hulett. Resubmit next year.

14. Sinclair, Town of - Sinclair Theater Feasibility Study

Requested: \$25,000

Staff Recommendation: \$0

Discussion Comments: Board inquired about phasing the project and funding sources for implementation. Resubmit next year; check to see if larger companies in the area would help with project

MOTION: Illoway moved to put projects 1 through 7 on a consent list with the recommendation that Sweetwater County Events receive only \$2 million. Scott seconded the motion; all voted. Motion for consent list passed.

Sweetwater County representatives were asked if they could make the \$2 million for the project work; the representatives stated that the \$2 million would not work and they had already scaled the project back by approximately 17%.

MOTION: Illoway moved to approve the consent list as stated in the previous motion; Scott seconded the motion. All voted in favor, motion passed.

MOTION: Illoway moved to reevaluate projects 8 and 9 at the September board meeting. Sullivan seconded the motion; all voted in favor. Motion passed

MOTION: Illoway moved to accept staff's recommendation of no funding on projects 11, 13 and 14. Scott seconded the motion. All voted with one nay (Sullivan) be voiced; motion passed.

BRC Rules Update

Staff summarized the changes that were being looked at in regards to the Business Ready Communities rules. Major areas changed or modified included match, revenue recapture, application deadlines and Child and Senior Care. The intention is to release the rules to the public again for comments and have the final ready for approval at the May board meeting.

CDBG Annual Action Plan

Board members received the action plan prior to the meeting for review. Staff asked if there were any questions or comments on the plan. None were voiced.

MOTION: Covello moved to accept the action plan; Illoway seconded the motion. All voted in favor. Motion passed

OTHER BUSINESS/ADJOURNMENT

Upcoming board meetings and locations were announced as follows:

May 25–26	Rock Springs
Sept. 7–8	Worland
Dec. 8–9	Cheyenne

There being no other business, the meeting adjourned at 4:50pm.

Respectfully Submitted:

Linda Hollings, Recorder

Date

Pete Illoway, Secretary/Treasurer

Date





WELCOME TO ROCK SPRINGS

Preserving the past, looking to the future

Visitors to downtown Rock Springs first notice the Union Pacific line splitting the city's core in half.

Railcars, and the coal that fed them, helped Rock Springs boom time and again in the past century-plus.

Today, downtown Rock Springs proponents are incorporating that history into a new kind of economic development.

The old John Bunning Transfer Station adjacent to the rail was transformed into an events space and the home of Rock Springs Main Street/Urban Renewal Agency with

the help of a \$990,000 grant from the Wyoming Business Council, the state's economic development agency.

Rock Springs also partnered with the Business Council to renovate the West/Rock Theater downtown into a performing arts and cinema venue. The Business Council contributed about half of the \$3 million project funding. Since completion in 2012, the theater has attracted about 11,000 people a year to enjoy everything from music and dance programs to school functions and classic movie watch parties.

Main Street/URA also encouraged more people to visit both sides of downtown by turning the dark, unwelcoming pedestrian underpass into a brightly-lit artists' gallery. There is a waiting list for future contributors.

Main Street/URA Manager Chad Banks is finding other creative ways to draw people downtown. The month-long Downtown Burger Challenge encourages people to chow down at local eateries. Participants have one month to eat at all five burger joints in town and share pictures of themselves with burger in hand on social media

for proof. Burger lovers receive a certificate and a T-shirt, restaurants enjoy exposure and downtown comes alive at lunch.

“We are always looking for nontraditional types of events that aren’t just one day long,” Banks said. “It’s hugely popular, and restaurants see a huge uptick. It’s a direct impact to the businesses.”

Another new Rock Springs program is the rental assistance grant funded by Rock Springs Main Street/URA. The program is designed to ease the wild swings a new business can face in its first 18 months. The

agency has a list of about a dozen key retailers that could qualify for the program including apparel, electronics, specialty food stores, sporting goods and restaurants.

Rejuvenating downtown is about more than inviting the new, however, so Rock Springs Main Street/URA has built a successful façade grant program for existing businesses.

The program pays up to \$5,000 to help renovate the exterior of a building. Those grants have assisted about 30 owners during the past eight years, Banks said.

Mega expansion

Not all of Rock Springs’ economic development is happening on Main Street. One of the town’s largest employers is building a \$400 million ammonia production plant to supplement its nearby fertilizer production facility.

Simplot’s 200-plus workforce is expected to add another 25 permanent jobs in addition to the 400 construction jobs while work is underway.

The new plant will produce 600 tons of ammonia daily, according to company officials.

The Freight Station building on Main Street has been renovated and is a hub for both public and private events.



Taking off

Other activity happening on the edge of Rock Springs includes major infrastructure upgrades to the Rock Springs-Sweetwater County Regional Airport.

Local economic development officials believe the work is crucial to recruiting new businesses to the area.

“Site selectors, business leaders, anyone deciding to relocate or expand, when they land, we want them to realize we are ready to take care of them,” said Devon Brubaker, manager at Rock Springs-Sweetwater County airport. “It’s no different than a water or sewer line. It is critical infrastructure for industry to meet their transportation needs.”

To that end, the airport joint powers board partnered with the Business Council and the Wyoming Department of Transportation to build a new water storage and distribution system for the airport in 2014. The Business Council contributed \$1 million to the project.

The infrastructure work made it possible to pursue the construction of a new hangar and terminal for general aviation, non-commercial pilots. The Business Council provided \$1 million in April toward that project.

General aviation plunges \$14 million annually into the Sweetwater County economy, Brubaker explained. The new terminal and



A downtown Rock Springs pedestrian votes for her favorite piece of art. The Rock Springs Main Street/Urban Renewal Agency opened the Underground Art Gallery to encourage people to walk between both sides of downtown

hangar will help that number climb.

“It’s going to give people a reason to stop here and explore,” Brubaker said. “And, hopefully, it will open doors to economic development, not just at the airport, but in the region.”

Horse cents

A regional airport is vital for company executives, but Rock Springs also has its eyes on the kind of visitor more likely to travel by truck.

The Sweetwater Events Complex received a \$2.5 million Business Council grant in April to add new horse stalls, along with water and sewer lines, so the facility can compete for large-scale equestrian events like the National High School Finals Rodeo.

The high school rodeo adds \$1.9 million a year to the local economy. Proponents of the project say an upgraded Sweetwater Events

Complex will complement events facilities like the Camplex in Gillette and help Wyoming maintain its reputation as the world’s rodeo capital.

Many angles, one mission

Rock Springs officials are approaching the challenges of diversifying their economy from many directions. Main Street proponents are finding creative ways to preserve historic buildings and use them to promote culture and community. Small businesses are partnering with the public sector to fill gaps in the local retail sector. Economic developers are connecting Rock Springs to the rest of the world by building a quality regional airport. And tourism experts are finding new ways to lure visitors to nationally-recognized events.

Meanwhile, Western Wyoming Community College is training the next generation of workers to ensure Rock Springs remains a thriving city. In the last decade,

the Business Council has provided money for two facilities that have helped provide a better learning environment for students. The first was a \$2.4 million compression technology laboratory designed to train students for certificates and degrees in applied science. Before the lab was built, the nearest training center for compression technology was in New Mexico.

The other facility was completed in 2014. The \$1.5 million workforce training facility provides students with hands-on training for the oil, gas, coal and trona industries.

Rock Springs' varied approach to economic development, combined with Western Wyoming's dedication to workforce training, has the city poised to tackle the financial hardships, changing markets and evolving technology ahead.



The newly refurbished 370-seat theater is owned and operated by the city of Rock Springs and is part of the historic downtown district.



The summer farmers market is held at Depot Park in downtown Rock Springs.

COMMUNITY PROFILE

24,601

Total population of the city of Rock Springs.



The population in Rock Springs has grown 6.79% since 2010.

HOW MANY EMPLOYEES DO BUSINESSES IN ROCK SPRINGS HAVE?



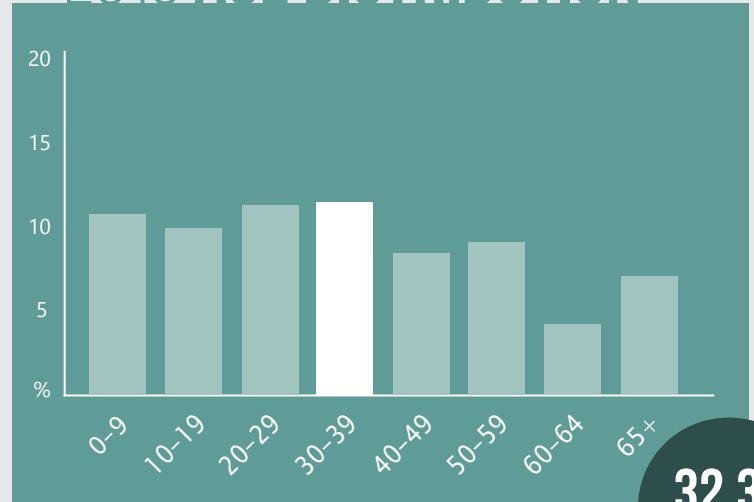
1-4 Employees	56.12%
5-9 Employees	21.75%
10-19 Employees	10.52%
20-49 Employees	7.72%
50-99 Employees	2.57%
100+ Employees	1.33%



MEDIAN HOUSEHOLD INCOME

\$70,896

2015 AGE DISTRIBUTION



32.38
MEDIAN AGE

TRANSPORTATION

Residents spend an average of 19 minutes commuting to work. Rock Springs is served by 4 airports within 50 miles. Rail can be accessed within the community. Interstates can be accessed within the community.



19 MIN.
COMMUTE TRAVEL TIME

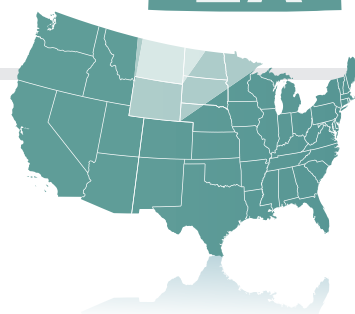
INCOME AND SPENDING

Workers in Rock Springs earn a median yearly household income of \$70,896. 57% of the households earn more than the national average each year. Household expenditures average \$60,314 per year. The majority of earnings get spent on shelter, transportation, food and beverages, health care and utilities.

GDP GROWTH
2X

2016-2026 Strategic Framework for

INCREASING WYOMING'S PROSPERITY



VISION

- Wyoming's industries are strong, diverse and expanding.
- Small business is a big deal.
- Wyoming is the technology center of the High Plains.
- Communities have the highest quality of life.
- Wyoming knows no boundaries.

STRETCH GOAL

Wyoming will outpace the nation's GDP growth rate by a factor of two.

STRATEGIES

THINK BIG

Industrial Development

- Expand value-added opportunities for at least 3 resource bases
- Increase industrial readiness

THINK SMALL

Business Development

- Grow jobs and profitability of existing businesses with special attention to those that create the highest economic output

THINK NEW

Technology Development

- Grow technology to be the fourth largest economic sector

THINK LOCAL

Community Development

- Increase livability of communities

THINK GLOBAL

International Development

- Increase investment in Wyoming
- Increase international trade

TARGETS

- Increase jobs in advanced industries by 25%
- Increase average earnings per job by 10%

- Rank first in number of new business starts per 1,000 employees
- Increase five-year small business survival rate to 50%

- Double number of patents awarded
- Double SBIR grants awarded
- Achieve 1-gigabit-per-second internet service in 75% of municipalities

- Increase score on diversity index by 10%
- Increase total property and sales tax collections by 35%

- Double foreign direct investment in Wyoming
- Increase Wyoming exports by 50%

BUILDING BLOCKS

KEY INITIATIVES

LEADERSHIP/CIVIC DEVELOPMENT & THE ROLE OF PUBLIC POLICY

Wyoming communities leverage policies and partnerships in an efficient regulatory environment.

INFRASTRUCTURE DEVELOPMENT

Wyoming is connected and business ready.

WORKFORCE DEVELOPMENT

Wyoming's workforce is educated and ready for the future.

QUALITY OF LIFE

Wyoming's communities are destinations where people want to live and work.

ENTREPRENEUR DEVELOPMENT

Wyoming's entrepreneurs innovate, create, and compete in the global market.

EXISTING BUSINESS DEVELOPMENT

Wyoming businesses are growing and thriving.

NEW BUSINESS RECRUITMENT

Wyoming attracts world-class companies through its extensive networks.



BUSINESS COUNCIL

WHAT DRIVES US

We communicate and we are a team.

We are flexible, collaborative and get the work done.

We work in an environment of integrity, support and pride.

We make change happen and we are leaders.

PERSONNEL, BUDGET, AND AUDIT COMMITTEE



AGENDA ITEMS

May 26, 2016

Personnel:

- B-5** Personnel Report
- B-6** Organizational Chart
- B-7** Functional Chart

Budget and Audit:

- B-9** Notes to Financials
- B-11** Financial Statements



PERSONNEL REPORT

May 26, 2016

Staffing & Recruitment Update:

Farewells:

- Livestock Genetics Program Manager
Scott Keith – April 2016

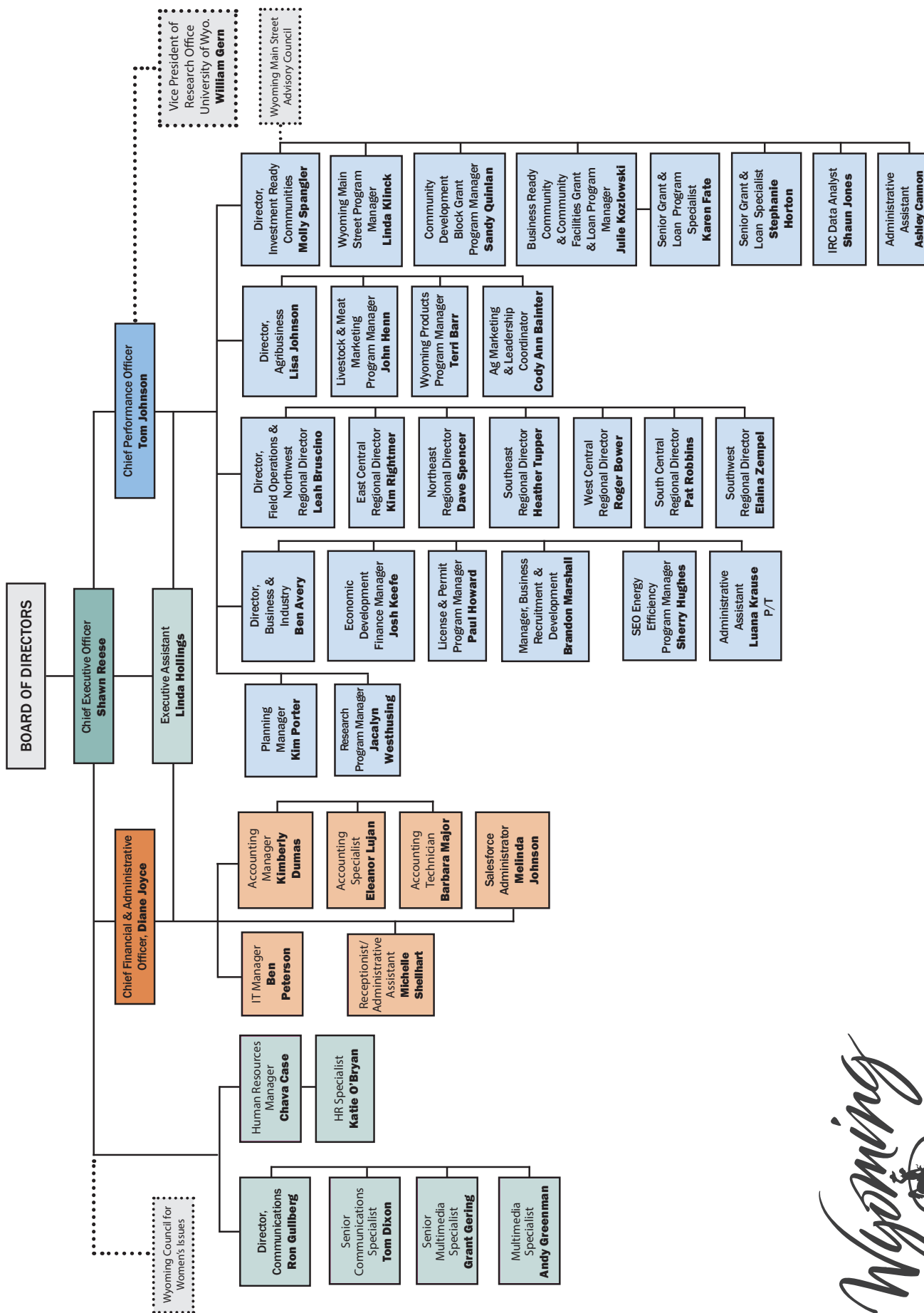
Promotions:

- Lisa Johnson, Agribusiness Director
Filled the role on a permanent basis effective March 1, 2016
- Heather Tupper, SE Regional Director
Filled the role on a permanent basis effective March 1, 2016

Budget & Staffing Update:

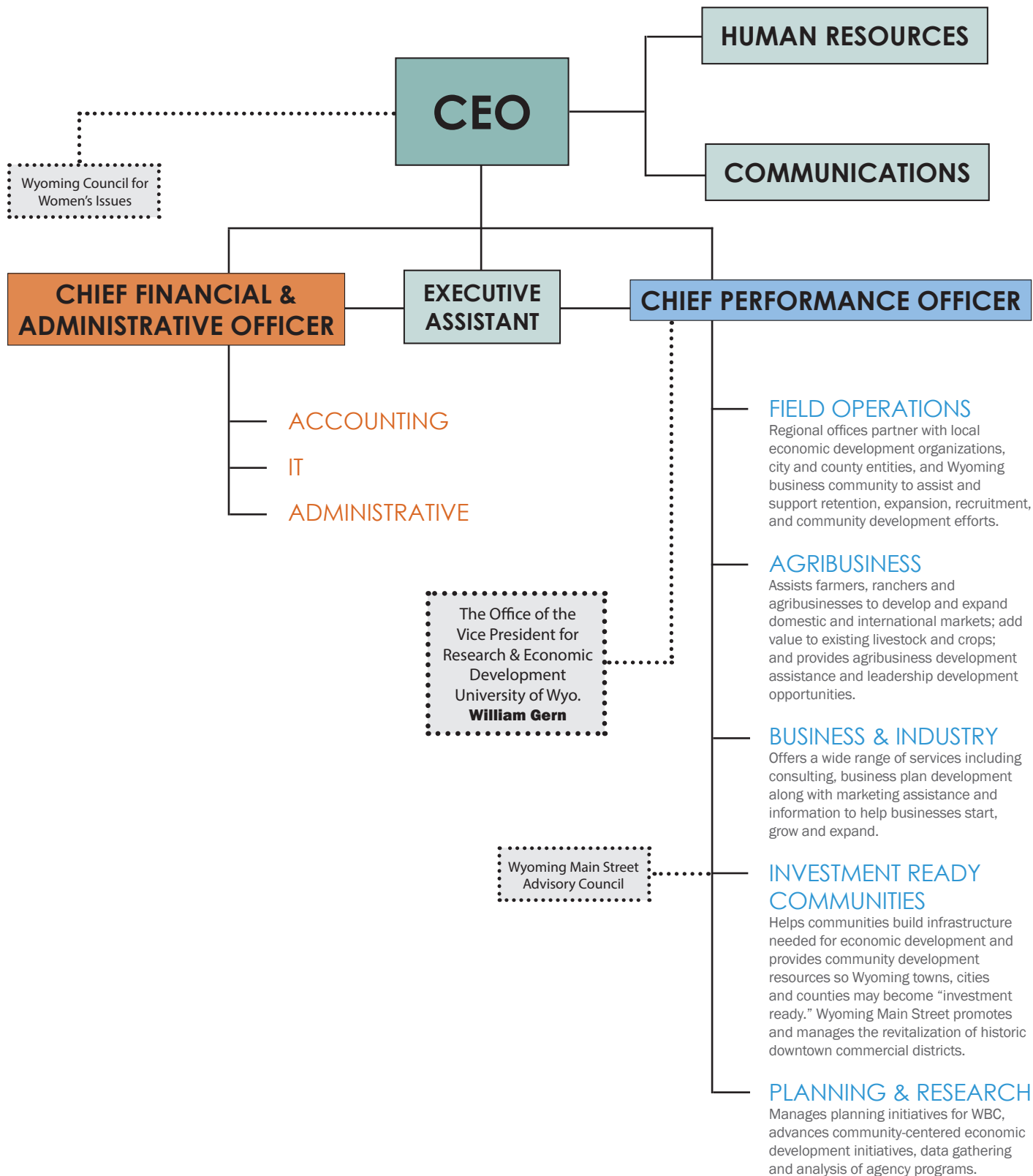
During the 2016 Legislative Budget Session, WBC's position count was reduced by four (4) positions. The final result is a total position pool of fifty (50) staff members.

Position	Vacancy Date
SBIC Program Manager	October 2012
Seasonal Interns (2 positions)	September 2014
Program Manager	
WRDC Vacant Position	February 2015
Administrative Assistant, PT	
Administrative Assistant, FT	October 2015
Program Manager	September 2015
Program Manager	October 2015
Manager	
Program Manager	April 2016



Updated | May 26, 2016





Updated | May 26, 2016



WYOMING BUSINESS COUNCIL
FY2016 Comments on Financial Statements
Six months ended March 31, 2016 - UNAUDITED

Comparative YTD Expenditures

- FY2016 is the second of 2 years in the 2015-16 biennium which started July 1, 2014 (see Note 1)
- Total expenditures and encumbrances for the current year-to-date is 60.78% of the budget as compared to 52.04% for the previous year-to-date; this is primarily due to activity in grants
 - o The Business Ready Community Program has \$17.19 million in projects approved by WBC board and SLIB but not yet encumbered as of 03/31/16; as those grants agreements become effective, they will be encumbered.
- Amounts spent and encumbered in the current year for personal services (i.e. wages and benefits) and support services are lower compared to previous year (cumulatively 65.91% in FY16 vs. 69.88% in FY15) due to spending restrictions imposed by the Governor's Office in the current fiscal year.
- Amounts for data services are lower compared to the previous year (46.50% in FY16 vs. 49.83% in FY15) due to a decrease in the overall costs of services and onetime expenses in prior year.
- Non-operating expenses and encumbrances in the current year include \$546,057 encumbered for a BRC loan to the City of Cheyenne for the Swan Ranch Rail Spur Development and \$2,645,046 encumbered for a BRC loan to the City of Gillette for the Southern Industrial Addition Annexation.
- Professional service expenditures and encumbrances for the current year are comparable to the previous year (85.12% vs. 85.40%).
- Total amount spent in the current fiscal year against encumbrances from previous bienniums is \$8.08 million (see Note 2).

Investment Ready Community Reconciliation

- Total IRC available funds per the Financial Statements as of 3/31/16 are \$32,852,901.21 after taking into account reconciling amounts, the funds available for BRC projects is \$7,573,284.

Encumbrances

- \$39.1 million encumbered in current fiscal year, primarily for BRC and CDBG projects.
- \$8.2 million remains encumbered in previous bienniums, primarily for BRC, CFP and CDBG projects.

Cash Balances

- Economic Development fund has \$16.66 million in cash after obligations; year-to-date receipts total \$579,905.18 which is comprised of principal and interest payments received on loans and investment income earned through the State Treasurer's office on the cash in the fund.
- Section 300(d) of the 2016 Budget Bill requires the transfer of funds in the Seed Capital Fund to the budget reserve account.

Loans Receivable

- Total loans outstanding net of allowances, are \$10.76 million as of 3/31/16; total principal and interest received since 7/1/2015 is \$715,266.

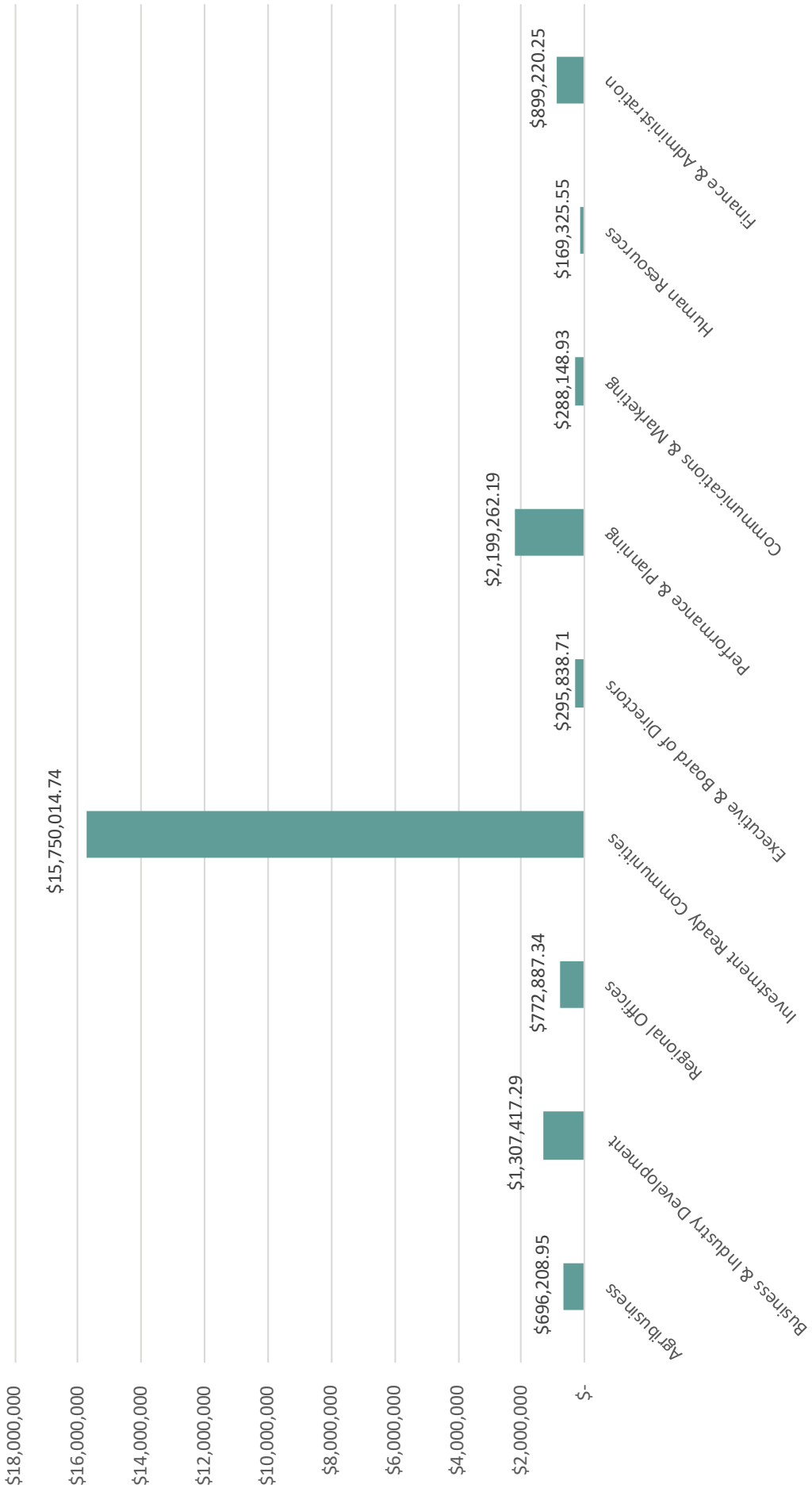
Dues and Memberships

- Total paid year-to-date for dues and memberships is \$19,965 vs. \$31,406 for the previous year.

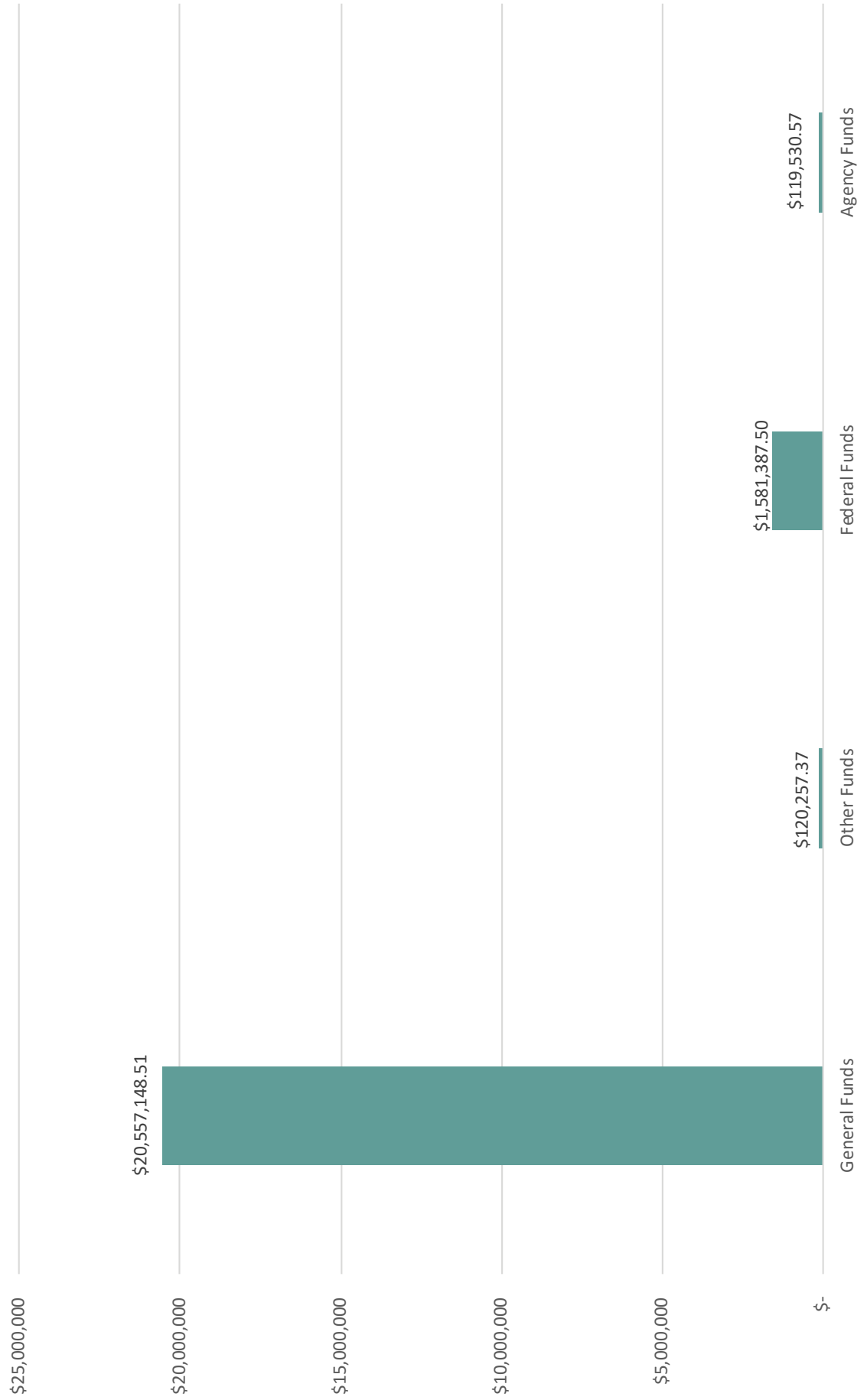
WYOMING BUSINESS COUNCIL
Comparative Year to Date Expenditures - Unaudited

		Current fiscal year to date: 7/1/2015 - 3/31/16					Previous fiscal year to date: 7/1/2014 - 3/31/15				
		BUDGETED	EXPENDED	ENCUMBERED	BALANCE	%	BUDGETED	EXPENDED	ENCUMBERED	BALANCE	%
PROGRAM EXPENDITURE SUMMARY											
Agribusiness		\$ 1,224,610.33	\$ 696,208.95	\$ 37,780.75	\$ 490,620.63	59.94%	\$ 1,236,076.74	\$ 786,398.35	\$ 21,971.74	\$ 427,706.65	65.40%
Business & Industry Development		\$ 6,892,555.18	\$ 1,307,417.29	\$ 508,371.46	\$ 5,076,766.43	26.34%	\$ 9,043,673.51	\$ 3,209,777.56	\$ 1,363,897.70	\$ 4,469,998.25	50.57%
Regional Offices		\$ 1,105,694.00	\$ 772,887.34	\$ 3,840.00	\$ 328,966.66	70.25%	\$ 1,181,778.00	\$ 819,361.10	\$ 2,962.00	\$ 359,454.90	69.58%
Investment Ready Communities	Note 3	\$ 85,875,757.38	\$ 15,750,014.74	\$ 37,272,841.43	\$ 32,852,901.21	61.74%	\$ 73,287,886.10	\$ 13,936,144.63	\$ 23,383,468.00	\$ 35,968,273.47	50.92%
Executive & Board of Directors	Note 3	\$ 443,124.46	\$ 295,838.71	\$ 20.00	\$ 147,265.75	66.77%	\$ 1,087,532.00	\$ 741,228.23	\$ 16,605.00	\$ 329,698.77	69.68%
Performance & Planning	Note 3	\$ 3,494,770.34	\$ 2,199,262.19	\$ 1,117,109.59	\$ 178,398.56	94.90%	\$ -	\$ -	\$ -	\$ -	N/A
Communications & Marketing	Note 3	\$ 484,981.11	\$ 288,148.93	\$ 67,509.95	\$ 129,322.23	73.33%	\$ -	\$ -	\$ -	\$ -	N/A
Human Resources	Note 3	\$ 238,470.00	\$ 169,325.55	\$ 1,500.00	\$ 67,644.45	71.63%	\$ -	\$ -	\$ -	\$ -	N/A
Finance & Administration	Note 3	\$ 1,337,132.28	\$ 899,220.25	\$ 64,059.28	\$ 373,852.75	72.04%	\$ 463,601.00	\$ 300,998.07	\$ -	\$ 162,602.93	64.93%
Rural Development/Mainstreet	Note 3	\$ -	\$ -	\$ -	\$ -	N/A	\$ 959,911.00	\$ 499,923.13	\$ 167,662.38	\$ 292,325.49	69.55%
Support Services	Note 3	\$ -	\$ -	\$ -	\$ -	N/A	\$ 1,028,617.99	\$ 646,663.99	\$ 48,311.15	\$ 333,642.85	67.56%
TOTAL		\$ 101,097,095.08	\$ 22,378,323.95	\$ 39,073,032.46	\$ 39,645,738.67	60.78%	\$ 88,289,076.34	\$ 20,940,495.06	\$ 25,004,877.97	\$ 42,343,703.31	52.04%
LINE ITEM EXPENDITURE SUMMARY											
Personal services	100.00	\$ 4,821,386.33	\$ 3,366,252.79	\$ -	\$ 1,455,133.54	69.82%	\$ 4,844,607.04	\$ 3,457,387.66	\$ -	\$ 1,387,219.38	71.37%
Support services	200.00	\$ 1,652,981.19	\$ 872,217.86	\$ 28,753.94	\$ 752,009.39	54.51%	\$ 1,568,115.60	\$ 1,000,242.73	\$ 23,859.00	\$ 544,013.87	65.31%
Central data services	400.00	\$ 116,942.04	\$ 54,382.86	\$ -	\$ 62,559.18	46.50%	\$ 107,867.00	\$ 53,751.07	\$ -	\$ 54,115.93	49.83%
Grants	600.00	\$ 81,581,334.67	\$ 15,138,767.38	\$ 33,996,643.31	\$ 32,445,923.98	60.23%	\$ 69,969,609.19	\$ 11,353,331.00	\$ 22,723,394.50	\$ 35,892,883.69	48.70%
Non-operating expenses	800.00	\$ 7,299,393.15	\$ 15,285.38	\$ 3,191,103.00	\$ 4,093,004.77	43.93%	\$ 6,988,001.46	\$ 2,487,796.35	\$ 737,236.00	\$ 3,762,969.11	46.15%
Professional services	900.00	\$ 5,625,057.70	\$ 2,931,417.68	\$ 1,856,532.21	\$ 837,107.81	85.12%	\$ 4,810,876.05	\$ 2,587,986.25	\$ 1,520,388.47	\$ 702,501.33	85.40%
TOTAL		\$ 101,097,095.08	\$ 22,378,323.95	\$ 39,073,032.46	\$ 39,645,738.67	60.78%	\$ 88,289,076.34	\$ 20,940,495.06	\$ 25,004,877.97	\$ 42,343,703.31	52.04%
EXPENDITURES BY FUNDING SOURCE											
General Funds		\$ 90,122,681.30	\$ 20,557,148.51	\$ 36,070,907.80	\$ 33,494,624.99	62.83%	\$ 79,889,347.55	\$ 19,656,384.76	\$ 22,478,456.36	\$ 37,754,506.43	52.74%
Other Funds		\$ 261,585.23	\$ 120,257.37	\$ -	\$ 141,327.86	45.97%	\$ 356,510.00	\$ 207,274.30	\$ -	\$ 149,235.70	58.14%
Federal Funds		\$ 6,312,802.15	\$ 1,581,387.50	\$ 2,810,115.65	\$ 1,921,299.00	69.57%	\$ 3,928,784.81	\$ 792,826.19	\$ 2,319,615.64	\$ 816,342.98	79.22%
Agency Funds		\$ 4,400,026.40	\$ 119,530.57	\$ 192,009.01	\$ 4,088,486.82	7.08%	\$ 4,114,433.98	\$ 284,009.81	\$ 206,805.97	\$ 3,623,618.20	11.93%
TOTAL		\$ 101,097,095.08	\$ 22,378,323.95	\$ 39,073,032.46	\$ 39,645,738.67	60.78%	\$ 88,289,076.34	\$ 20,940,495.06	\$ 25,004,877.97	\$ 42,343,703.31	52.04%
Note 1 - Current fiscal year of 2016 is the second year of the 2015/16 biennium which ends June 30, 2016.											
For comparative purposes, following is the total appropriation for the WBC, excluding tourism, for these bienniums:											
	2015/16	\$ 92,202,246.00									
	2013/14	\$ 83,838,005.00									
	2011/12	\$ 87,093,216.00									
	2009/10	\$ 119,594,084.00									
	2007/08	\$ 141,827,683.00									
	2005/06	\$ 67,583,125.00									
	2003/04	\$ 20,855,289.00									
	2001/02	\$ 11,277,264.00									
	1999/00	\$ 11,564,998.00									
Note 2 - Current year expenditures against prior biennium encumbrances are not included in the FY16 amounts. The total amount of FY16 expenditures made out of prior biennium encumbrances is \$8,081,852 and is comprised of the following:											

Expenditures by Program



Expenditures by Funding Source



WYOMING BUSINESS COUNCIL
Investment Ready Community (IRC) Reconciliation
March 31, 2016 - Unaudited

Total IRC available funds per Financial Statements 3/31/16	\$ 32,852,901.21
Reduce IRC available funds for non-BRC amounts:	
IRC Administration	\$ (162,992.36)
Community Facilities Program	\$ -
Community Development Block Grant Program	\$ (1,393,046.87)
Main Street Program	\$ (216,565.08)
	<u>\$ 31,080,296.90</u>
Add: BRC encumbrance deobligations after 3/31/16	\$ 845,096.00
Add: BRC loan repayments received as of 3/31/16	\$ -
Less: BRC loan repayments budgeted and not received as of 3/31/16	\$ (364,187.72)
Less: BRC executed awards encumbered after 3/31/16	\$ (6,792,904.00)
Less: BRC awards approved but not encumbered as of 3/31/16	\$ (17,194,763.00)
Less: Variance	\$ (254.18)
	<u>\$ 7,573,284.00</u>
Balance per BRC Available Funds Summary	<u>\$ 7,573,284.00</u>

WYOMING BUSINESS COUNCIL
List of Encumbrances
March 31, 2016 - Unaudited

Vendor Name	Division	End Date	Total Encumbrance	Outstanding Encumbrances Current BFY	Prior BFY	Description	Prior Biennium or Expired Encumbrance Status
Civic Resource Group LLC	Administration	30-Jun-16	\$ 90,855	\$ 64,829	\$ -	Maintenance of WBC website	
Dona Playdon	Administration	31-Dec-16	\$ 3,000	\$ 1,500	\$ -	Review and update WCWI handbook	
Edifice Lex Partnership	Administration	30-Jun-16	\$ 2,700	\$ 675	\$ -	Office Lease	
Green House Data	Administration	30-Jun-16	\$ 9,812	\$ 2,676	\$ -	Hosting WBC websites	
Kleen Sweep Janitorial Inc.	Administration	30-Jun-16	\$ 21,197	\$ 7,108	\$ -	Janitorial services	
Land Investment LLC	Administration	30-Jun-16	\$ 113,436	\$ 18,906	\$ -	Office Lease	
McGee, Heame, Paiz, LLC	Administration	31-Dec-16	\$ 73,700	\$ 37,300	\$ -	Audit Services	
End of year encumbrances	Various	Various	\$ 160	\$ 92	\$ -	Telecommunications, Central Mail, Motor Vehicles, Copiers, Workers' Comp., etc.	
			\$ 314,860	\$ 133,086	\$ -		
Riverside Research Institute	Agribusiness	31-Dec-16	\$ 15,000	\$ 15,000	\$ -	National Marketmaker	
Trade Show Incentive Grants	Agribusiness	Various	\$ 18,875	\$ 17,616	\$ -	Various	
End of year encumbrances	Agribusiness	Various	\$ 8,230	\$ 5,165	\$ -	Telecommunications, Central Mail, Motor Vehicles, Copiers, Workers' Comp., etc.	
			\$ 42,105	\$ 37,781	\$ -		
APG Media of the Rockies	Business & Industry	30-Jun-16	\$ 10,600	\$ 6,700	\$ -	Publishing services	
C & E Marketing Group Inc.	Business & Industry	30-Jun-16	\$ 5,000	\$ 534	\$ -	Small business energy audit and retrofit	
Caprio LLC	Business & Industry	30-Jun-16	\$ 5,000	\$ 3,500	\$ -	Level 2 Energy audit and retrofits	To be closed out
Cheyenne Family YMCA	Business & Industry	31-Dec-15	\$ 5,000	\$ 1	\$ -	Small business energy audit and retrofit	
Clifford D. Root	Business & Industry	30-Jun-16	\$ 10,000	\$ -	\$ 9,515	Analysis, research and planning to improve rail service in Wyoming	
Covenant Lutheran Church	Business & Industry	30-Jun-16	\$ 5,000	\$ 5,000	\$ -	Level 2 Energy audit and retrofits	
Craftco Metals Services Inc.	Business & Industry	30-Jun-16	\$ 5,000	\$ 947	\$ -	Level 2 Energy audit and retrofits	
Episcopal Dioceses of Wyoming	Business & Industry	30-Jun-16	\$ 5,000	\$ 5,000	\$ -	Level 2 Energy audit and retrofits	
HMC Global Limited	Business & Industry	30-Jun-16	\$ 81,800	\$ -	\$ 13,000	Recruit European companies interested in expanding in Wyoming	
Idea Inc.	Business & Industry	31-Dec-15	\$ 5,000	\$ 959	\$ -	Small business energy audit and retrofit	To be closed out
JDWBL LLC	Business & Industry	30-Jun-16	\$ 10,000	\$ 10,000	\$ -	Level 2 Energy audit and retrofits	
Kleen Sweep Janitorial Inc.	Business & Industry	30-Jun-16	\$ 583	\$ 152	\$ -	Janitorial services	
Land Investment LLC	Business & Industry	30-Jun-16	\$ 6,120	\$ 1,020	\$ -	Office lease	
Markee Escrow Services Inc.	Business & Industry	30-Jun-16	\$ 25,000	\$ 17,545	\$ -	Loan servicing and reporting	
McCallum Sweeney Consulting Inc.	Business & Industry	30-Jun-16	\$ 9,109	\$ -	\$ 5,291	To create guidelines for a shovel-ready site evaluation and certificate program	
National Council for Community Devel.	Business & Industry	30-Jun-16	\$ 10,000	\$ 3,333	\$ -	Reviewing, structuring, and financing projects for the Council	
Platte County	Business & Industry	30-Jun-16	\$ 5,000	\$ 5,000	\$ -	Level 2 Energy audit and retrofits	
P. Olen Shider	Business & Industry	30-Jun-16	\$ 20,000	\$ 16,810	\$ -	Prepare loan documents	To be closed out
Powder River Energy Corp	Business & Industry	31-Dec-15	\$ 5,100	\$ -	\$ 5,100	Renewable energy credits	
Powell Mercantile Inc.	Business & Industry	30-Jun-16	\$ 5,000	\$ 4,250	\$ -	Level 2 Energy audit and retrofits	
Ramshorn Inn Redevelopment LLC	Business & Industry	30-Jun-16	\$ 5,000	\$ 3,500	\$ -	Level 2 Energy audit and retrofits	
Steel Market Analysis Corporation	Business & Industry	30-Jun-16	\$ 22,541	\$ -	\$ 17,131	To determine feasibility of expanding iron mining and steel processing in Wyoming	
Sunset Properties Inc.	Business & Industry	30-Jun-16	\$ 5,000	\$ 5,000	\$ -	Level 2 Energy audit and retrofits	
The Local Restaurant LLC	Business & Industry	30-Jun-16	\$ 5,000	\$ 42,882	\$ -	Level 2 Energy audit and retrofits	
Trident Energy Services	Business & Industry	30-Jun-16	\$ 100,000	\$ 5,000	\$ -	WYECOP	
United Presbyterian Church	Business & Industry	30-Jun-16	\$ 5,000	\$ 5,000	\$ -	Level 2 Energy audit and retrofits	
University of Wyoming	Business & Industry	30-Jun-16	\$ 175,000	\$ 157,654	\$ -	Manufacturing works	
University of Wyoming	Business & Industry	30-Jun-16	\$ 304,128	\$ 12,990	\$ -	SBIR-research and development products	
University of Wyoming	Business & Industry	30-Jun-16	\$ 806,278	\$ 20,154	\$ -	Small Business Development Centers-training for new and existing business	
University of Wyoming	Business & Industry	30-Jun-16	\$ 702,150	\$ 30,436	\$ -	High capacity internet connectivity service to WY Tech Business Center	
University of Wyoming	Business & Industry	30-Jun-16	\$ 312,476	\$ 19,727	\$ -	Market Research Center	
University of Wyoming	Business & Industry	30-Jun-16	\$ 133,887	\$ 1,328	\$ -	PTAC-procurement technology assistance center	
University of Wyoming	Business & Industry	30-Jun-16	\$ 98,265	\$ 19,450	\$ -	Research Product Center	
Wyoming Association of Municipalities	Business & Industry	30-Jun-16	\$ 5,000	\$ 3,451	\$ -	Small business energy audits and retrofits	
Wyoming Chamber of Commerce	Business & Industry	30-Jun-16	\$ 25,650	\$ 14,169	\$ -	Conduct professional development	
Wyoming Conference of Building Officials	Business & Industry	30-Jun-16	\$ 10,000	\$ 6,428	\$ -	To provide costs for conducting Energy Codes Conference	
Wyoming Economic Development	Business & Industry	30-Sep-16	\$ 58,965	\$ 39,502	\$ -	Provide services to local economic development organizations	
Wyoming Women's Business Center	Business & Industry	30-Sep-16	\$ 194,136	\$ 40,907	\$ -	Assist small business & entrepreneurs throughout Wyoming	
End of year encumbrances	Various	Various	\$ 45	\$ 45	\$ -	Telecommunications, Central Mail, Motor Vehicles, Copiers, Workers' Comp., etc.	
			\$ 3,201,883	\$ 508,372	\$ 50,037		

Albany County Treasurer	Invest. Ready Commun.	30-Jun-19	\$	500,000	\$	500,000	\$	-	BRC grant: BBBS Mentoring Center Renovation(Nellie Isles School Bldg.)
Albany County Treasurer	Invest. Ready Commun.	30-Jun-19	\$	829,754	\$	753,452	\$	-	CPF grant: BBBS Mentoring Center Renovation(Nellie Isles School Bldg.)
Albany County Treasurer	Invest. Ready Commun.	31-Aug-16	\$	408,744	\$	408,744	\$	-	CDBG grant: Hospice project
Albany County Treasurer	Invest. Ready Commun.	30-Jun-19	\$	1,000,000	\$	1,000,000	\$	-	BRC grant: Hospice House
Albany County Treasurer	Invest. Ready Commun.	30-Jun-20	\$	1,459,807	\$	1,459,807	\$	-	BRC grant: PL&S Quarry & Lime Plant
Big Horn County	Invest. Ready Commun.	31-Jul-17	\$	50,000	\$	50,000	\$	-	CDBG grant: Natural resources and comp land
Buffalo Development Association	Invest. Ready Commun.	30-Jun-16	\$	28,758	\$	16,754	\$	-	Main Street grant: Technical assistance
Buffalo Johnson Commerce JPB	Invest. Ready Commun.	30-Nov-16	\$	20,212	\$	13,064	\$	-	BRC grant: East Corridor Feasibility Study
Buffalo Johnson Commerce JPB	Invest. Ready Commun.	30-Jun-19	\$	1,000,000	\$	115,606	\$	-	CPF grant: Renovate portion of former Clear Creek Elementary School
Cheyenne Downtown Development Auth.	Invest. Ready Commun.	30-Jun-16	\$	18,000	\$	6,009	\$	-	Main Street grant: Technical assistance
Cheyenne Regional Airport Board	Invest. Ready Commun.	30-Jun-20	\$	3,000,000	\$	3,000,000	\$	-	BRC grant: CRA new terminal project
City of Buffalo	Invest. Ready Commun.	30-Nov-16	\$	24,338	\$	16,101	\$	-	BRC grant: Eastern Corridor Tech Park study
City of Buffalo	Invest. Ready Commun.	1-Jun-18	\$	100,000	\$	51,250	\$	-	BRC grant: Tri-Cities Marketing Initiative
City of Buffalo	Invest. Ready Commun.	30-Jun-20	\$	1,758,961	\$	1,758,961	\$	-	BRC grant: Benteen-Lobba-Fetterman
City of Casper	Invest. Ready Commun.	30-Jun-20	\$	1,000,000	\$	-	\$	1,000,000	BRC grant: Old Yellowstone District Infrastructure
City of Casper	Invest. Ready Commun.	30-Jun-20	\$	500,000	\$	500,000	\$	-	BRC grant: Platte River revival
City of Cheyenne	Invest. Ready Commun.	30-Jun-26	\$	3,000,000	\$	548,057	\$	-	BRC grant: Loan Rail Spur development with Swan Ranch Development
City of Cheyenne	Invest. Ready Commun.	30-Jun-20	\$	500,000	\$	500,000	\$	-	BRC grant: Cheyenne West Edge and Civic Center Commons
City of Cody	Invest. Ready Commun.	30-Jun-16	\$	25,000	\$	-	\$	9,903	BRC grant: Gunsmitting School
City of Cody	Invest. Ready Commun.	31-Oct-15	\$	395,000	\$	-	\$	9,083	CDBG grant: Mountain Spirit Habitat for Humanity Infrastructure
City of Cody	Invest. Ready Commun.	1-Jun-18	\$	378,000	\$	378,000	\$	-	CDBG grant: Cody Cupboard
City of Evanston	Invest. Ready Commun.	31-Dec-15	\$	50,000	\$	-	\$	12,538	CDBG grant: Evanston Rail Access Business Park Plan
City of Evanston	Invest. Ready Commun.	30-Jun-19	\$	498,655	\$	25,794	\$	-	BRC grant: Bear Meadows Enhancement Plan
City of Evanston	Invest. Ready Commun.	30-Sep-17	\$	5,985	\$	5,985	\$	-	CDBG grant: Tools for Business Success
City of Gillette	Invest. Ready Commun.	30-Nov-15	\$	50,000	\$	-	\$	9,720	BRC grant: Broadband Study
City of Gillette	Invest. Ready Commun.	30-Jun-19	\$	500,000	\$	231,438	\$	-	BRC grant: Gillette Convertible ST-Public Plaza
City of Gillette	Invest. Ready Commun.	30-Jun-19	\$	867,670	\$	24,643	\$	-	CPF grant: Gillette Youth Learning Center
City of Gillette	Invest. Ready Commun.	30-Jun-20	\$	275,000	\$	275,000	\$	-	BRC grant: Downtown Plaza-public facilities
City of Gillette	Invest. Ready Commun.	30-Jun-36	\$	2,645,046	\$	2,645,046	\$	-	BRC grant: Southern Industrial
City of Green River	Invest. Ready Commun.	30-Jun-17	\$	25,000	\$	-	\$	10	BRC grant: Greater Green River Interplatic airport feasibility study
City of Green River	Invest. Ready Commun.	30-Jun-16	\$	22,000	\$	2,000	\$	3,000	Main Street grant: Technical assistance
City of Green River	Invest. Ready Commun.	30-Nov-16	\$	25,000	\$	25,000	\$	-	BRC grant: URAMS Plan
City of Green River	Invest. Ready Commun.	30-Jun-20	\$	84,000	\$	84,000	\$	-	BRC grant: Wayfinding
City of Kemmerer	Invest. Ready Commun.	30-Jun-19	\$	500,000	\$	500,000	\$	-	BRC grant: Sports Field Access & Packing Facilities
City of Kemmerer	Invest. Ready Commun.	31-Dec-15	\$	15,000	\$	5,273	\$	-	CDBG grant: Wilcox Building feasibility study
City of Kemmerer	Invest. Ready Commun.	30-Jun-20	\$	1,925,500	\$	1,845,904	\$	-	BRC grant: Water Storage Tank Project
City of Kemmerer	Invest. Ready Commun.	31-Dec-14	\$	27,000	\$	-	\$	23,795	Main Street grant: Technical assistance
City of Laramie	Invest. Ready Commun.	30-Nov-16	\$	50,000	\$	50,000	\$	-	BRC grant: Retail leakage analysis
City of Laramie	Invest. Ready Commun.	30-Jun-17	\$	2,983,879	\$	2,088,364	\$	-	BRC grant: UL Technology Center Expansion
City of Laramie	Invest. Ready Commun.	30-Jun-20	\$	2,935,924	\$	2,935,924	\$	-	BRC grant: Tungsten HP & P
City of Powell	Invest. Ready Commun.	30-Jun-19	\$	946,404	\$	-	\$	109,869	BRC grant: GFO Inc.- phase 2
City of Rawlins	Invest. Ready Commun.	30-Jun-18	\$	297,475	\$	-	\$	297,475	BRC grant: Rawlins Wayfinding
City of Rawlins	Invest. Ready Commun.	30-Jun-19	\$	1,000,000	\$	-	\$	1,000,000	BRC grant: Downtown Façade Easement Program
City of Rawlins	Invest. Ready Commun.	30-Apr-16	\$	250,000	\$	-	\$	250,000	CDBG grant: Downtown Façade Easement Program
City of Rawlins	Invest. Ready Commun.	22-Sep-16	\$	250,000	\$	250,000	\$	-	CDBG grant: Downtown Façade Easement Program phase 2
City of Rawlins	Invest. Ready Commun.	30-Jun-19	\$	442,000	\$	67,301	\$	-	BRC grant: Rawlins Road Improvements/Fairfield Inn
City of Rawlins	Invest. Ready Commun.	30-Jun-16	\$	60,000	\$	40,000	\$	19,364	Main Street grant: Technical assistance
City of Rock Springs	Invest. Ready Commun.	30-Jun-19	\$	500,000	\$	372,080	\$	-	BRC grant: Community and Visitors Center
City of Rock Springs	Invest. Ready Commun.	23-Sep-16	\$	300,000	\$	300,000	\$	-	CDBG grant: Community and Visitor's Center
City of Sheridan	Invest. Ready Commun.	31-Dec-15	\$	15,000	\$	3,911	\$	-	CDBG grant: Sheridan Administration and Brain injury study (planning)
City of Sheridan	Invest. Ready Commun.	30-Jun-19	\$	500,000	\$	477,714	\$	-	BRC grant: Daybreak Facility Senior Center
City of Sheridan	Invest. Ready Commun.	30-Jun-20	\$	1,000,000	\$	1,000,000	\$	-	BRC grant: Daybreak Facility Senior Center
City of Sundance	Invest. Ready Commun.	30-Jun-19	\$	1,356,780	\$	-	\$	9,796	BRC grant: Croell Redi-mix Infrastructure Development
City of Sundance	Invest. Ready Commun.	30-Nov-16	\$	25,000	\$	25,000	\$	-	BRC grant: Downtown Planning Feasibility Study
City of Torrington	Invest. Ready Commun.	30-Jun-18	\$	957,830	\$	-	\$	31,962	BRC grant: 21st and Main Street Downtown Development project
City of Torrington	Invest. Ready Commun.	30-Jun-19	\$	1,887,101	\$	1,883,603	\$	-	BRC grant: Cold Springs Substation
City of Worland	Invest. Ready Commun.	31-Jul-15	\$	33,750	\$	-	\$	306	CDBG grant: Comprehensive ED/CD Master Plan
City of Worland	Invest. Ready Commun.	1-Jul-21	\$	386,527	\$	386,527	\$	-	CDBG grant: Office expansion for Crisis Prevention and Response Center
Converse Area New Development	Invest. Ready Commun.	31-Mar-16	\$	13,200	\$	13,200	\$	-	Main Street grant: Technical assistance
Converse County Treasurer	Invest. Ready Commun.	30-Nov-15	\$	18,750	\$	3,514	\$	-	BRC grant: Fiber Feasibility Study
Crook County	Invest. Ready Commun.	30-Jun-16	\$	25,000	\$	25,000	\$	-	BRC grant: D Road feasibility study
Downtown Sheridan Association	Invest. Ready Commun.	30-Jun-16	\$	23,186	\$	15,387	\$	-	Main Street grant: Technical assistance
Economic Joint Powers Board	Invest. Ready Commun.	30-Jun-19	\$	994,193	\$	93,493	\$	-	BRC grant: CAEDA Spec. Building
Economic Joint Powers Board	Invest. Ready Commun.	30-Jun-20	\$	500,000	\$	500,000	\$	-	BRC grant: 1st phase property infrastructure for Casper Downtown Public Plaza
Evanston Urban Renewal Agency	Invest. Ready Commun.	30-Jun-16	\$	19,630	\$	19,630	\$	-	Main Street grant: Technical assistance
Fremont County Treasurer	Invest. Ready Commun.	21-Aug-16	\$	150,000	\$	46,296	\$	-	CDBG grant: Fremont County Courthouse and Extension building ADA
Gillette Main Street	Invest. Ready Commun.	30-Jun-16	\$	20,000	\$	6,753	\$	-	Main Street grant: Technical assistance
Goshen County Treasurer	Invest. Ready Commun.	30-Jun-20	\$	1,000,000	\$	910,303	\$	-	BRC grant: Goshen County Care Center Expansion
Goshen County Treasurer	Invest. Ready Commun.	30-Nov-16	\$	50,000	\$	50,000	\$	-	BRC grant: Goshen County regional targeted industry plan

final invoices processing-to be closed out
To be closed out

Jackson Hole Energy Sustainability Proj.	Invest. Ready Commun.	30-Jun-18	\$	766,665	\$	766,665	\$	-	BRC grant: Compressed natural gas fueling station	
Johnson County Treasurer	Invest. Ready Commun.	30-Nov-16	\$	24,650	\$	24,650	\$	-	BRC grant: Multi-use training center	
Laramie County Treasurer	Invest. Ready Commun.	30-Jun-18	\$	5,000,000	\$	-	\$	3,000,000	BRC grant: Microsoft (project summit)	
Laramie County Treasurer	Invest. Ready Commun.	30-Jun-18	\$	2,250,000	\$	-	\$	750,000	BRC grant: Microsoft 2013 expansion	
Laramie County Treasurer	Invest. Ready Commun.	30-Jun-18	\$	2,250,000	\$	-	\$	76,416	BRC grant: Green House Data Center CHY2 Data Center	
Laramie County Treasurer	Invest. Ready Commun.	30-Jun-16	\$	50,000	\$	-	\$	27,480	BRC grant: Regional Fiber-Broadband plan	
Laramie County Treasurer	Invest. Ready Commun.	30-Sep-16	\$	40,000	\$	-	\$	-	CDBG grant: Homeownership Assistance	
Laramie County Treasurer	Invest. Ready Commun.	30-Nov-16	\$	25,000	\$	25,000	\$	-	BRC grant: Fair Feasibility study	
Laramie Mainstreet Alliance	Invest. Ready Commun.	30-Jun-16	\$	19,500	\$	15,110	\$	-	Main Street Grant: Technical Assistance	
Lincoln County Treasurer	Invest. Ready Commun.	30-Jun-16	\$	1,401,456	\$	1,401,456	\$	-	BRC grant: Fiber Optics Extension	
Main Street Pinedale	Invest. Ready Commun.	30-Jun-16	\$	7,000	\$	7,000	\$	-	Main Street grant: Technical assistance	
Main Street Thermopolis	Invest. Ready Commun.	30-Jun-16	\$	7,000	\$	7,000	\$	-	Main Street grant: Technical assistance	
Natrona County Treasurer	Invest. Ready Commun.	30-Jun-18	\$	1,500,000	\$	-	\$	409,363	BRC grant: CCR water and sewer infrastructure	
Natrona County Treasurer	Invest. Ready Commun.	30-Jun-20	\$	2,578,000	\$	1,620,712	\$	-	BRC grant: CNC International Airport Spec Hanger	
Natrona County Treasurer	Invest. Ready Commun.	30-Jun-20	\$	500,000	\$	108,121	\$	-	BRC grant: Casper Mountain Biathlon Facility	
Natrona County Treasurer	Invest. Ready Commun.	30-Jun-19	\$	905,249	\$	-	\$	641,554	BRC grant: Mountain West Data Center cost reduction	
Natrona County Treasurer	Invest. Ready Commun.	30-Nov-16	\$	50,000	\$	50,000	\$	-	BRC grant: Natrona County CEDS	
Park County	Invest. Ready Commun.	30-Jun-19	\$	485,391	\$	222,702	\$	-	BRC grant: Park County Fairgrounds Facility	
Platte County Treasurer	Invest. Ready Commun.	30-Nov-16	\$	50,000	\$	25,492	\$	-	BRC grant: S.E. Wyoming Energy and Transmission Plan	
Sheridan Economic & Educational Devel.	Invest. Ready Commun.	30-Nov-16	\$	50,000	\$	-	\$	50,000	BRC grant: Arts and Cultural Economy Sheridan and Johnson County	
SE Wyoming Economic Development Dist.	Invest. Ready Commun.	30-Jun-15	\$	25,943	\$	-	\$	4,000	Main Street grant: Technical assistance	To be closed out
Sublette County Treasurer	Invest. Ready Commun.	31-Dec-15	\$	50,000	\$	-	\$	50,000	CDBG grant: ED master plan	To be closed out
Teton County	Invest. Ready Commun.	30-Jun-20	\$	750,000	\$	750,000	\$	-	BRC grant: Merrill Childcare Facility	
Town of Altton	Invest. Ready Commun.	30-Jun-19	\$	3,000,000	\$	924,083	\$	-	BRC grant: Alton Transformation Initiative	
Town of Alpine	Invest. Ready Commun.	30-Jun-19	\$	2,949,425	\$	65,210	\$	-	BRC grant: Melvin Brewing Expansion	
Town of Basin	Invest. Ready Commun.	21-Aug-16	\$	38,800	\$	166	\$	-	CDBG grant: Town Hall ADA	
Town of Bear River	Invest. Ready Commun.	31-Dec-15	\$	37,500	\$	16,159	\$	-	CDBG grant: Bear River Strategic Plan	
Town of Cowley	Invest. Ready Commun.	30-Jun-19	\$	500,000	\$	101,422	\$	-	BRC grant: Cowley Recreation Complex	
Town of Dubois	Invest. Ready Commun.	30-Nov-16	\$	25,000	\$	4,507	\$	-	BRC grant: Wind River Discoveries	
Town of Glendo	Invest. Ready Commun.	30-Jun-17	\$	754,294	\$	-	\$	29,155	BRC grant: Glendo Business Park	
Town of Evansville	Invest. Ready Commun.	1-Jul-21	\$	249,084	\$	249,084	\$	-	CDBG grant: Water booster pump station and sewer main line upgrade	
Town of Glenrock	Invest. Ready Commun.	30-Jun-16	\$	7,000	\$	7,000	\$	-	Main Street grant: Technical assistance	
Town of Glenrock	Invest. Ready Commun.	30-Jun-20	\$	1,350,000	\$	840,168	\$	-	BRC grant: McGinley Orthopedic Innovations Building	
Town of Granger	Invest. Ready Commun.	30-Jun-18	\$	1,000,000	\$	-	\$	123,443	CFP grant: George Patton Community Center	
Town of Greybull	Invest. Ready Commun.	30-Jun-19	\$	320,000	\$	57,038	\$	-	BRC grant: Herb Asp Recreation Center renovation	
Town of Greybull	Invest. Ready Commun.	31-Dec-15	\$	15,000	\$	56	\$	-	CDBG grant: Housing planning	To be closed out
Town of Guernsey	Invest. Ready Commun.	22-Aug-16	\$	197,792	\$	11,477	\$	-	CDBG grant: Guernsey Fire Hall addition	
Town of Guernsey	Invest. Ready Commun.	30-Jun-20	\$	437,650	\$	412,339	\$	-	BRC grant: Electrical Substation	
Town of Kirby	Invest. Ready Commun.	22-Sep-16	\$	86,000	\$	69,552	\$	-	CDBG grant: Town Hall ADA retrofit	
Town of Lingle	Invest. Ready Commun.	30-Jun-18	\$	236,832	\$	-	\$	70,607	BRC grant: Electric Substation expansion	
Town of Mills	Invest. Ready Commun.	31-Dec-15	\$	347,828	\$	-	\$	25,623	CDBG grant: Wyoming Blvd. water main replacement	
Town of Mills	Invest. Ready Commun.	22-Aug-16	\$	462,280	\$	73,242	\$	-	CDBG grant: Water storage tank and water main upgrade	
Town of Mills	Invest. Ready Commun.	1-Jul-21	\$	394,992	\$	394,992	\$	-	CDBG grant: Water well replacement and West Belt Loop water system	
Town of Pine Bluffs	Invest. Ready Commun.	30-Jun-20	\$	123,935	\$	76,850	\$	-	BRC grant: Pine Bluffs Veteran's Memorial	
Town of Pine Bluffs	Invest. Ready Commun.	30-Nov-16	\$	50,000	\$	50,000	\$	-	BRC grant: North Wells land use master plan	
Town of Ranchester	Invest. Ready Commun.	30-Jun-19	\$	977,500	\$	-	\$	69,206	BRC grant: Ranchester Merchandise (formerly Commercial Development)	
Town of Saratoga	Invest. Ready Commun.	31-Dec-15	\$	49,500	\$	12,994	\$	-	CDBG grant: Saratoga master plan	To be closed out
Town of Thayne	Invest. Ready Commun.	30-Nov-16	\$	46,875	\$	7,500	\$	-	BRC grant: High Tech Regional targeted industry study	
Town of Thayne	Invest. Ready Commun.	30-Jun-20	\$	1,141,066	\$	491,521	\$	-	BRC grant: Thayne Business Ready Lots	
Town of Wheatland	Invest. Ready Commun.	30-Nov-16	\$	50,000	\$	30,676	\$	-	BRC grant: 16th Street reconstruction plan	
Town of Wheatland	Invest. Ready Commun.	31-Jan-16	\$	11,796	\$	4,949	\$	-	Main Street grant: Technical assistance	
Weston County Treasurer	Invest. Ready Commun.	30-Jun-16	\$	25,000	\$	-	\$	7,690	BRC grant: Upton Logistics Center traffic study	
End of year encumbrances	Invest. Ready Commun.	Various	\$	60	\$	60	\$	-	Telecommunications, Central Mail, Motor Vehicles, Copiers, Workers' Comp., etc.	
			\$	76,175,142	\$	37,272,841	\$	8,121,358		
University of Wyoming	Performance & Planning	30-Jun-16	\$	304,128	\$	126,365	\$	-	SBIR-research and development products	
University of Wyoming	Performance & Planning	30-Jun-16	\$	98,295	\$	43,665	\$	-	Research Product Center	
University of Wyoming	Performance & Planning	30-Jun-16	\$	702,150	\$	239,595	\$	-	High capacity internet connectivity service to WY Tech Business Center	
University of Wyoming	Performance & Planning	30-Jun-16	\$	312,476	\$	115,259	\$	-	Market Research Center	
University of Wyoming	Performance & Planning	31-Aug-16	\$	133,887	\$	57,465	\$	-	PTAC	
University of Wyoming	Performance & Planning	30-Sep-16	\$	806,278	\$	429,972	\$	-	Small Business Development Center	
Wyoming Women's Business Center	Performance & Planning	30-Sep-16	\$	194,136	\$	104,789	\$	-	Assist small business and entrepreneurs	
			\$	2,551,350	\$	1,117,110	\$	-		
Edifice Lex Partnership	Regional Offices	30-Jun-16	\$	2,700	\$	675	\$	-	Office lease	
Roy Markgard	Regional Offices	30-Jun-16	\$	1,800	\$	600	\$	-	Office lease	
University of Wyoming	Regional Offices	30-Jun-16	\$	1,650	\$	990	\$	-	Office lease	
Wells Fargo Bank of Northwest	Regional Offices	30-Jun-16	\$	5,775	\$	1,575	\$	-	Office lease	
End of year encumbrances		Various	\$	-	\$	-	\$	-	Telecommunications, Central Mail, Motor Vehicles, Copiers, Workers' Comp., etc.	
			\$	11,925	\$	3,840	\$	-		
			\$	82,297,266	\$	39,073,030	\$	8,171,396		

WYOMING BUSINESS COUNCIL
Statement of Cash Balances
March 31, 2016 - Unaudited

Wyoming Business Council Funds						
	Petty Cash	Economic Development (Note 1)	WBC	Seed Capital (Note 2)	Rural Rehabilitation (Note 3)	Business Ready Communities
Cash balance before obligations	\$ 250.00	\$ 19,266,429.01	\$ 258,084.05	\$ 614,287.39	\$ 4,501,888.59	\$ 89,856.40
Obligated funds:						
Undistributed WIDC challenge loan LOC	\$ -	\$ (1,100,000.00)	\$ -	\$ -	\$ -	\$ -
Undistributed Ward Alternative Energy, LLC	\$ -	\$ (1,000,000.00)	\$ -	\$ -	\$ -	\$ -
Pending transfer to budget reserve account	\$ -	\$ -	\$ -	\$ (614,287.39)	\$ -	\$ -
Encumbered funds**	\$ -	\$ (192,009.01)	\$ -	\$ -	\$ -	\$ (17,593.00)
Accounts payable & other liabilities, and deferred revenue	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Unobligated 2015/2016 biennium budget	\$ -	\$ (312,851.32)	\$ (26,392.71)	\$ -	\$ (47,312.25)	\$ (72,263.40)
Total obligated funds	\$ -	\$ (2,604,860.33)	\$ (26,392.71)	\$ (614,287.39)	\$ (47,312.25)	\$ (89,856.40)
Cash balance	\$ 250.00	\$ 16,661,568.68	\$ 231,691.34	\$ -	\$ 4,454,576.34	\$ -
Year-to-date receipts	\$ -	\$ 579,905.18	\$ 30,301.46	\$ 8,595.98	\$ 63,169.22	\$ -
Note 1 - Amendment IV, Challenge and Bridge loans						
Note 2 - STEA and Seed Capital Fund						
Note 3 - Funds must be spent according to the terms of an agreement with the US Farmers Home Administration						

Governor's Office Funds - Petroleum Violation Escrows -- as of 03/31/2016						
	Exxon	Diamond Shamrock	Stripper Wells			
Cash balance before obligations	\$ 3,280,803.96	\$ 38,976.40	\$ 1,091,483.95			
Obligated funds:						
Encumbered funds**	\$ (120,778.60)	\$ -	\$ (71,997.40)			
Accounts payable & other liabilities, and deferred revenue	\$ -	\$ -	\$ -			
Unspent State Energy Plan	\$ (466,360.00)	\$ -	\$ (3,237.00)			
Total obligated funds	\$ (587,138.60)	\$ -	\$ (75,234.40)			
Cash balance	\$ 2,693,665.36	\$ 38,976.40	\$ 1,016,249.55			
Year-to-date receipts	\$ 46,822.13	\$ 545.41	\$ 15,308.88			
** does not include contracts that have not been fully executed (i.e. - all signatures obtained)						

WYOMING BUSINESS COUNCIL
Loans Receivable - Unaudited

	Balances as of March 31, 2016					Cash Receipts Since 7/01/15		Comments
	Origination Date	Loan Balance	Allowance	Write-off	Net Balance	Principal	Interest	
Economic Disaster Loans (see Notes 1 and 2)								
Beet growers (see attached detail)		\$ 187,725 \$	19,711 \$	- \$	168,014 \$	217,492 \$	18,013 \$	
		\$ 187,725 \$	19,711 \$	- \$	168,014 \$	217,492 \$	18,013 \$	
Challenge Loans								
Ascent 2000 (see Note 1)	12/19/06	\$ 21,640 \$	21,640 \$	- \$	(0) \$	2,088 \$	609 \$	100% reserve against loan balance
		\$ 21,640 \$	21,640 \$	- \$	(0) \$	2,088 \$	609 \$	
Bridge Loans (see Note 1)								
Cowboy Inn	8/22/13	\$ 162,553 \$	- \$	- \$	162,553 \$	11,572 \$	5,027 \$	
Gluten Free Oats	12/2/09	\$ 112,590 \$	- \$	- \$	112,590 \$	8,360 \$	4,590 \$	
L & L Ventures LLC	7/23/13	\$ 91,292 \$	- \$	- \$	91,292 \$	3,526 \$	2,878 \$	
Triphyto, LLC	6/12/06	\$ 32,376 \$	- \$	- \$	32,376 \$	2,657 \$	975 \$	
		\$ 398,812 \$	- \$	- \$	398,812 \$	26,114 \$	13,471 \$	
Mainstreet Loans (see Note 1)								
65Coffeen LLC	1/27/10	\$ 11,551 \$	- \$	- \$	11,551 \$	2,274 \$	384 \$	
Grimshaw Investments LLC	4/20/10	\$ 35,845 \$	- \$	- \$	35,845 \$	5,790 \$	1,166 \$	
		\$ 47,396 \$	- \$	- \$	47,396 \$	8,064 \$	1,550 \$	
Amendment IV Loans (see Note 1)								
Tenupah, LLC	5/12/95	\$ 361,116 \$	200,000 \$	- \$	161,116 \$	24,228 \$	2,392 \$	
		\$ 361,116 \$	200,000 \$	- \$	161,116 \$	24,228 \$	2,392 \$	
Natural Gas Infrastructure Loans (see Note 4)								
Star Valley Natural Gas LLC	9/22/14	\$ 239,809 \$	- \$	- \$	239,809 \$	- \$	- \$	
		\$ 239,809 \$	- \$	- \$	239,809 \$	- \$	- \$	
BRC Loans (see Note 2)								
City of Cheyenne (Swan Ranch)	4/9/15	\$ 2,453,943 \$	- \$	- \$	2,453,943 \$	- \$	- \$	
City of Lander	10/23/14	\$ 119,555 \$	- \$	- \$	119,555 \$	30,445 \$	1,500 \$	
City of Laramie - HIVIZ Corporation	6/25/15	\$ 518,375 \$	- \$	- \$	518,375 \$	- \$	- \$	
Jackson Hole Airport Board-1	1/7/10	\$ 617,961 \$	- \$	- \$	617,961 \$	150,688 \$	7,686 \$	
Jackson Hole Airport Board-2	5/11/15	\$ 3,000,000 \$	- \$	- \$	3,000,000 \$	- \$	- \$	
Teton County	12/6/10	\$ 782,827 \$	- \$	- \$	782,827 \$	149,055 \$	9,319 \$	
Town of Jackson - Snow King Mountain	3/31/15	\$ 957,448 \$	- \$	- \$	957,448 \$	42,552 \$	10,000 \$	
		\$ 8,450,108 \$	- \$	- \$	8,450,108 \$	372,740 \$	28,505 \$	
ARRA SEP Loans (see Note 3)								
Town of Basin	5/8/12	\$ 87,931 \$	- \$	- \$	87,931 \$	- \$	- \$	
Lower Valley Energy	6/27/12	\$ 1,318,965 \$	- \$	- \$	1,318,965 \$	- \$	- \$	
		\$ 1,406,896 \$	- \$	- \$	1,406,896 \$	- \$	- \$	
Unallocated allowance		\$ - \$	107,492 \$	- \$	(107,492)			
Total		\$ 11,113,502 \$	348,843 \$	- \$	10,764,659 \$	650,726 \$	64,540 \$	

Note 1 - does not include pymts received by Markee (loan service provider) but not yet remitted to WBC; pymts received by Markee in the current month are remitted to WBC after the end of the month

Note 2 - annual principal and interest payments; repayment of loan commences 1 year after fully drawn.

Note 3 - interest only payments for 2 years; principal and interest annually thereafter.

Note 4 - deferred interest is accrued and added to the principal balance. Deferred interest \$14,809.22 as of 3/31/16.

Note 1 - does not include pymts received by Markee (loan service provider) but not yet remitted to WBC; pymts received by Markee in the current month are remitted to WBC after the end of the month

Note 2 - annual principal and interest payments; repayment of loan commences 1 year after fully drawn.

Note 3 - interest only payments for 2 years; principal and interest annually thereafter.

Note 4 - deferred interest is accrued and added to the principal balance. Deferred Interest \$14,809.22 as of 3/31/16.

WYOMING BUSINESS COUNCIL

Loans Receivable - Economic Disaster Loans Detail - Unaudited

	Balances as of March 31, 2016					Cash Receipts Since 7/1/15		Comments
	Origination Date	Loan Balance	Allowance	Write-off	Net Balance	Principal	Interest	
Beet Grower Loans								
Adobe Butte Ranch	4/25/07	\$ 2,446	\$ -	\$ -	\$ 2,446	\$ 2,343	\$ 226	
Berthod, Michael	4/27/07	\$ 2,552	\$ -	\$ -	\$ 2,552	\$ 2,496	\$ 227	
Big Horn Land/Livestock	4/26/07	\$ 1,167	\$ -	\$ -	\$ 1,167	\$ 1,119	\$ 103	
Christensen, Dennis	4/27/07	\$ 3,469	\$ -	\$ -	\$ 3,469	\$ 3,335	\$ 307	
Christensen, Kent	8/3/07	\$ 2,537	\$ -	\$ -	\$ 2,537	\$ 2,470	\$ 223	
Clark Enterprises	4/25/07	\$ -	\$ -	\$ -	\$ -	\$ 3,412	\$ 162	loan paid 1/2016
Craft, Lloyd	4/26/07	\$ 2,572	\$ -	\$ -	\$ 2,572	\$ 2,487	\$ 232	
Dellos Farms	4/26/07	\$ 3,958	\$ -	\$ -	\$ 3,958	\$ 3,799	\$ 343	
Edwards Ranch	4/25/07	\$ 7,244	\$ -	\$ -	\$ 7,244	\$ 6,887	\$ 664	
Eugene Miller & Sons	4/26/07	\$ 8,553	\$ -	\$ -	\$ 8,553	\$ 8,837	\$ 793	
Foss, Lucas	8/2/07	\$ 3,071	\$ -	\$ -	\$ 3,071	\$ 2,893	\$ 271	
Foss, Jerry	8/2/07	\$ 1,628	\$ -	\$ -	\$ 1,628	\$ 1,546	\$ 142	
Geis, Nick	4/25/07	\$ 7,139	\$ -	\$ -	\$ 7,139	\$ 6,803	\$ 626	
Haun Farms	4/26/07	\$ 2,851	\$ -	\$ -	\$ 2,851	\$ 2,727	\$ 257	
Jennings, James	4/27/07	\$ -	\$ -	\$ -	\$ -	\$ 1,178	\$ 53	loan paid 11/2015
Jordan Farms	4/26/07	\$ 7,317	\$ -	\$ -	\$ 7,317	\$ 7,455	\$ 648	
Keller Farms	4/26/07	\$ 5,254	\$ -	\$ -	\$ 5,254	\$ 5,432	\$ 476	
Keller, Kevin	4/25/07	\$ 12,788	\$ -	\$ -	\$ 12,788	\$ -	\$ -	
Madden, Danny	8/2/07	\$ 5,727	\$ -	\$ -	\$ 5,727	\$ 5,916	\$ 535	
Mendez Brothers	4/25/07	\$ 6,261	\$ -	\$ -	\$ 6,261	\$ 6,022	\$ 554	
Michael Vigil Farms	4/25/07	\$ 4,395	\$ -	\$ -	\$ 4,395	\$ 4,209	\$ 405	
Ondo, Mike	4/26/07	\$ 2,913	\$ -	\$ -	\$ 2,913	\$ 2,790	\$ 258	
Palesk Farms	4/26/07	\$ -	\$ -	\$ -	\$ -	\$ 30,769	\$ 1,411	loan paid 11/2015
Pince, Daniel	4/27/07	\$ 9,818	\$ -	\$ -	\$ 9,818	\$ 9,396	\$ 862	
Propp Farms	4/25/07	\$ -	\$ -	\$ -	\$ -	\$ 7,940	\$ 382	loan paid 1/2016
Sage Creek Land & Cattle Co.	4/25/07	\$ 7,770	\$ -	\$ -	\$ 7,770	\$ 7,570	\$ 685	
Sage Creek Land & Cattle Partnership	4/25/07	\$ 6,653	\$ -	\$ -	\$ 6,653	\$ 6,827	\$ 602	
South Flat Land & Livestock	4/26/07	\$ 17,100	\$ -	\$ -	\$ 17,100	\$ 16,311	\$ 1,574	
TD Farms	4/26/07	\$ 12,312	\$ -	\$ -	\$ 12,312	\$ 11,877	\$ 1,091	
Taylor, Dustin	4/27/07	\$ 4,055	\$ -	\$ -	\$ 4,055	\$ 3,998	\$ 371	
Wildman, Howard	4/25/07	\$ 8,363	\$ -	\$ -	\$ 8,363	\$ 8,853	\$ 777	
Weber & Sons	4/25/07	\$ 4,819	\$ -	\$ -	\$ 4,819	\$ 4,655	\$ 425	
Weber Ag	4/26/07	\$ 15,782	\$ -	\$ -	\$ 15,782	\$ 17,551	\$ 1,644	
Weilever, Jearld	4/27/07	\$ 7,208	\$ -	\$ -	\$ 7,208	\$ 7,587	\$ 684	
Allowance against loan pool (non-specific loans)		\$ -	\$ 19,711	\$ -	\$ (19,711)			
Total Beet Grower loans		\$ 187,725	\$ 19,711	\$ -	\$ 168,014	\$ 217,492	\$ 18,013	

WYOMING BUSINESS COUNCIL
FY2016 Dues and Memberships Expenditures
Nine months ended March 31, 2016 - Unaudited

		Current	Previous
		Year to	Year
Vendor Name	Division	Date	Totals
American Society for Training and Development	Administration	\$ -	\$ -
Association for Talent Development	Administration	\$ -	\$ 150
Corenet Global Inc.	Administration	\$ -	\$ -
EdutainmentLIVE ITPro.TV	Administration	\$ -	\$ -
ISC2-Certified Information Systems Security Professional	Administration	\$ -	\$ 170
CXO Executives Network	Administration	\$ -	\$ 379
Government Finance Officer Association	Administration	\$ 160	\$ 320
Grant Station	Administration	\$ -	\$ 249
Information System Security Association	Administration	\$ -	\$ -
International Economic Development Council	Administration	\$ -	\$ 165
Mountain States Employers Council Inc.	Administration	\$ 5,200	\$ 5,100
National Association of Commissions for Women-WCWI	Administration	\$ -	\$ 229
National Council for Public Private Partnerships	Administration	\$ -	\$ -
Society for Human Resource Management Organization	Administration	\$ 190	\$ 375
The Council for Community and Economic Research	Administration	\$ -	\$ -
Wyoming Association of Broadcasters	Administration	\$ -	\$ 125
Wyoming Association of Municipalities	Administration	\$ 350	\$ 350
Wyoming Association of Non Profit Organizations	Administration	\$ 300	\$ 300
Wyoming Economic Development Association	Administration	\$ 545	\$ 1,035
Wyoming Taxpayers Association	Administration	\$ 195	\$ 195
Wyoming Press Association	Administration	\$ -	\$ -
		\$ 6,940	\$ 9,142
CattleFax	Agribusiness	\$ -	\$ 400
International Organic Inspectors Association	Agribusiness	\$ -	\$ 160
Livestock Publications Council	Agribusiness	\$ -	\$ 160
Nebraska Alfalfa Marketing Association	Agribusiness	\$ -	\$ 75
North American Agricultural Marketing Officials	Agribusiness	\$ -	\$ 300
National Association of Rural Rehabilitation Corporations	Agribusiness	\$ 150	\$ 150
National Cattlemen's Beef Association	Agribusiness	\$ -	\$ 100
National Western Stock Show	Agribusiness	\$ -	\$ -
Samson LLC (previously Ag Info Link)	Agribusiness	\$ 1,000	\$ 1,000
Stockgrowers Association	Agribusiness	\$ 120	\$ 100
Western U.S. Agricultural Trade Association	Agribusiness	\$ -	\$ 3,369
Wyoming Cowboy Hall of Fame	Agribusiness	\$ -	\$ 1,000
Wyoming Crop Improvement Association	Agribusiness	\$ 10	\$ 10
Wyoming Economic Development Association	Agribusiness	\$ 85	\$ 85
Wyoming Farmers Market Assoc./Buy Fresh Buy Local	Agribusiness	\$ -	\$ -
Wyoming Stockgrowers Association	Agribusiness	\$ -	\$ -
Wyoming Wheat Growers Association	Agribusiness	\$ -	\$ -
		\$ 1,365	\$ 6,909
American Wind Energy Association	Business & Industry	\$ -	\$ -
Business Retention and Expansion International	Business & Industry	\$ -	\$ 100
Corenet Global	Business & Industry	\$ -	\$ 340
Council of Development Finance Agencies Inc.	Business & Industry	\$ 750	\$ 400
Energy Services Coalition	Business & Industry	\$ 140	\$ 140
Industrial Asset Management Council	Business & Industry	\$ 1,495	\$ 1,495
International Code Council	Business & Industry	\$ -	\$ 350
International Economic Development Council	Business & Industry	\$ 1,360	\$ 1,295
National Association of State Energy Officials	Business & Industry	\$ -	\$ -
National Rural Economic Developers Association	Business & Industry	\$ -	\$ 1,250
National Shooting Sports Foundation Inc.	Business & Industry	\$ 200	\$ 200
Wyoming Bankers Association	Business & Industry	\$ 300	\$ 300
Wyoming Economic Development Association	Business & Industry	\$ 255	\$ 340
		\$ 4,500	\$ 6,210
Council of State Community Development Agencies	Investment Ready Communities	\$ -	\$ -
Gillette Main Street	Main Street	\$ -	\$ 350
International Economic Development Council	Investment Ready Communities	\$ 175	\$ -
National Main Street Center Inc.	Main Street	\$ 4,450	\$ 4,100
National Trust for Historic Preservation	Main Street	\$ -	\$ 250
Wyoming Association of Housing and Redevelopment	Investment Ready Communities	\$ -	\$ 75
Wyoming Economic Development Association	Investment Ready Communities	\$ 425	\$ 1,640
		\$ 5,050	\$ 6,415

Basin Chamber of Commerce	Regional Offices	\$ -	\$ 40
Casper Area Chamber of Commerce	Regional Offices	\$ 300	\$ -
Casper Area Economic Development Association	Regional Offices	\$ -	\$ 250
Cody County Chamber of Commerce	Regional Offices	\$ 150	\$ 150
Douglas Area Chamber of Commerce	Regional Offices	\$ 100	\$ -
Forward Casper-Casper Area Economic Development Association	Regional Offices	\$ -	\$ -
Goshen County Economic Development	Regional Offices	\$ 200	\$ -
International Economic Development Council	Regional Offices	\$ -	\$ 495
Lovell Area Chamber of Commerce	Regional Offices	\$ 65	\$ 85
Meeteetse Visitor Center/Chamber of Commerce	Regional Offices	\$ 30	\$ 30
Niobrara Chamber of Commerce	Regional Offices	\$ -	\$ -
Powell Economic Partnership Inc.	Regional Offices	\$ -	\$ 150
Powell Valley Chamber of Commerce	Regional Offices	\$ 150	\$ 150
Platte County Economic Development Corporation	Regional Offices	\$ -	\$ 200
Thermopolis-Hot Springs Chamber of Commerce	Regional Offices	\$ 195	\$ 175
Washakie Development Association	Regional Offices	\$ 100	\$ 100
Worland-Ten Sleep Chamber of Commerce	Regional Offices	\$ 225	\$ 225
Wyoming Economic Development Association	Regional Offices	\$ 595	\$ 680
Wyoming Planning Association	Regional Offices	\$ -	\$ -
		\$ 2,110	\$ 2,730
Total		\$ 19,965	\$ 31,406

BUSINESS CONTRACT AND LOAN COMMITTEE



AGENDA ITEMS

May 26, 2016

Business Contract and Loan Committee:

- C-5** Wyoming Industrial Development Corporation (WIDC) loan request — \$1,100,000 — Josh Keefe, **Action Item**
- C-8** Loan portfolio exam report — Josh Keefe, **Action Item**
- C-19** Small Business Investment Company (SBIC) report — Josh Keefe, **Action Item**
- C-23** Challenge Loan Reporting Requirements — Josh Keefe, **Action Item: Acceptance of Report**
- C-24** Loan policy — adding BRC loans — Ben Avery, Molly Spangler
Action Item: Approval of Policy
- C-41** Contracts in excess of \$100,000
 - Property lease - \$180,768 — Diane Joyce
 - Manufacturing-Works - \$1,777,706.00
 - Market Research Center - \$624,952.00
 - SBIR/STTR - \$518,256.00
 - Research Product Center - \$196,590.00All presented by Tom Johnson
Action Item: Approval of Contracts



Credit Memorandum

Client: Wyoming Industrial Development Corporation (WIDC)
Date: April 30, 2016
Purpose: Renewal of Revolving Line of Credit

§ 9-12-304. Criteria for loans.

- a) ... loans under this article may only be made by the council to ... state development organizations ...

WIDC is a state development organization created in 1967

- (i) The ... state development organization will contribute an amount of cash equivalent at least equal to the loan it receives under this article...
WIDC makes SBA guaranteed loans and sells the guaranteed portion leveraging the funds 5/1.
- (ii) The ... state development organization will consolidate the loan it receives under this article and its required contribution under paragraph (i) of this subsection and make loans to Wyoming businesses and investments in support of Wyoming businesses ...
All advances are made for the benefit of businesses
- (iii) The ... state development organization has been endorsed by a resolution of the council; and
Current and previous loan approvals have been an endorsement
- (iv) As part of any agreement under this article and to ensure funds loaned or committed under this section are invested by the ... state development organization in local economic development in a reasonable period of time, the council shall reserve the right to terminate the agreement.
The reservation is in the note and loan agreement

- b) Loans or loan commitments or any combination thereof shall be made under this article only:

- (i) ... if the total amount to state development organizations does not exceed three million five hundred thousand dollars (\$3,500,000);
Total loan commitments do not exceed \$3,500,000
- (ii) If there are sufficient funds in the economic development enterprise account to fully fund it and all other outstanding commitments and loans;
There are adequate funds in the account
- (iii) If funds provided by the state are adequately collateralized. The adequacy of the collateral shall be determined by the council;
The loan will be collateralized at no more than 85% loan to collateral value

On May 31, 2002 the Wyoming Business Council originated a revolving line of credit in the maximum amount of \$2,500,000.00 to WIDC as authorized in the Wyoming Partnership Challenge Loan Program (attachment 1 is a listing of the applicable statute). There have been several renewals and modifications since origination. The current RLOC in the amount of \$1,100,000 matures on May 31, 2016.

This line of credit originated in May 2002 with an initial advance of \$1,600,000 for the benefit of two third party businesses. Subsequent advances and pay downs were made since origination. The balance peaked at \$1,810,000 in 2005. WIDC paid the balance of the revolving line of credit to zero on 12-31-2012 and has rested at a zero balance since 12-31-2012.

Due to the sale of several parcels of real estate securing the note the WBC decreased the RLOC to \$1,100,000.

Line of Credit	\$1,100,000
Current balance	-\$0-
Collateral	Assignment of third party notes and mortgages on other owned Real Estate
Collateral Value	Real Estate collateral consisting of a 1 st REM on 1330 North Derrick Dr. in Casper and 310 Limestone in Gillette valued at \$1,541,220. Source: Broker opinion dated April 21, 2014
LTV	Shall not exceed policy of 85%
Repayment	Interest payable semi-annually, principal payments due semi-annually in the same amount of the principal reductions received by WIDC on the third party notes.
Interest Rate	4%
Term	Proposed maturity 5-31-2018

Project: WIDC uses this line of credit to make SBA guaranteed loans to various qualifying businesses throughout the State. The WIDC serviced loan amounts of approximately \$44,125,262 (as of 9/30/2015).

History: WIDC was created by legislation in 1967 to serve as a non-bank lender, using federal and state loan programs to assist Wyoming's small businesses. WIDC has demonstrated a good track record in providing loan funds for developing businesses in the State of Wyoming.

- All documentation as required in the loan agreement is in file and current
- Collateral coverage is adequate
- All payments have been made as agreed

Cash Flow:

WIDC-Frontier CDC, Inc.				
		9/30/2015	9/30/2014	9/30/2013
Net Cash Provided by operating activities		\$ 106,023	\$ 190,828	\$ 202,238
Net Cash Provided (used) by investing activities		\$ (36,416)	\$ 56,206	\$ 108,442
Cash Flow Avail for D/S		\$ 69,607	\$ 247,034	\$ 310,680
Debt Service				
Cash paid on notes payable		\$ 36,328	\$ 35,968	\$ 181,548
Cash paid on capital lease		\$ 6,597	\$ 6,507	\$ 6,426
Cash paid to former shareholders		\$ -	\$ -	\$ 690
Total Debt Service		\$ 42,925	\$ 42,475	\$ 188,664
Cushion (Short fall)		\$ 26,682	\$ 204,559	\$ 122,016
DSCR		1.62	5.82	1.65

The table above represents the accrual cash flow for WIDC-Frontier CDC, Inc. The analysis was taken from the last three years of audited financial statements.

- Repayment of the subject RLOC will be derived from the collection of underlying notes.
- The Non-Profit Organization exhibits positive unrestricted net assets for 9-30-2015, 9-30-2014, and 9-30-2013 of \$2,088,788, \$2,020,822, and \$1,903,381, respectively; a positive historical trend.

The net available balance in the Economic Development (as of 3/31/16) fund is \$16,661,569.

Recommendation:

Staff recommends that the Board of Directors of the Wyoming Business Council approve the renewal of the revolving line of credit in the amount of \$1,100,000.00 (one million one hundred thousand dollars and 00/100 cents) as presented in this Credit Memorandum.

Josh Keefe
Economic Development Finance Manager



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Memorandum

To: Joint Minerals, Business and Economic Development Interim Committee
From: Shawn Reese, CEO
Subject: Challenge Loan Report
Date: May 26, 2016

W.S. 9-12-306. Audit; report

(b) On or before July 15 of each year, the council shall submit a written report to the Joint Minerals, Business and Economic Development Interim Committee reviewing rules adopted by the council during the reporting period, presenting a portfolio of the loans made under the program and presenting a risk analysis of the portfolio of loans prepared by the state banking commissioner. The report, portfolio of loans and risk analysis required under this subsection shall be public record. The risk analysis prepared by the state banking commissioner shall not be subject to the limitations of W.S. 9-1-512.

Exhibit A – Rules adopted by the council during the reporting period

- Updated Challenge Loan rules were promulgated on May 28, 2015

Exhibit B – Portfolio of loans in the program as of 12-31-15

- New loan(s) during reporting period
 - There were no new loans in the period

Exhibit C – Report of Examination by the State of Wyoming, Department of Audit Division of Banking

- The WBC is administrating the loans it has funded under the Program in a satisfactory manner.

Exhibit D – Wyoming Business Council Loan Report of Examination Summary and Management Corrective Actions

- The Challenge Loan Program has made or participated in 168 loans since 1998
- Total loans have been \$49,533,605 with the State's portion being \$17,399,961
- Interest collected over last 15 fiscal years (2000- 2015) totals \$4,409,827
- Estimated jobs created or retained of 621

Exhibit E – Cumulative Loan Loss & History of Challenge Loan Portfolio

- 10 loans totaling \$311,185 have been charged off (1.79% loan loss)

Loan#	Proj#	Loan Program	Lead Lender	Borrower	RE Document#	Funding Date	Int Rate	Orig Date	Amount Due	Next Pymt Date	Pymt Freq	Original Balance	Current Balance	Principal Pymt	Interest Pymt	Service Fee	LC Fee	Total Payment	Date Last Payment	Interest To Date
100001	201	CHALLENGE	WBC	ASCENT 2000	ASCENT 2000	ASCENT2000	4.00%	12/19/2006	\$308.67	1/10/2016	M	\$96,000.00	\$22,107.77	\$237.65	\$62.14	\$8.88	\$0.00	\$308.67	12/15/2015	12/15/2015
Totals												\$96,000.00	\$22,107.77	\$237.65	\$62.14	\$8.88	\$0.00	\$308.67		
200017	202	BRIDGE	FNB	GLUTEN FREE OATS LLC	GLUTEN FREE OATS LLC	07GLUTENFREE	5.25%	12/2/2009	\$1,350.00	1/5/2016	M	\$174,000.00	\$114,479.57	\$967.33	\$488.24	\$46.50	\$0.00	\$1,502.07	12/4/2015	12/4/2015
200029	202	BRIDGE	RNB	L & L VENTURES LLC	L & L VENTURES LLC	13LLVENTURES	4.50%	7/23/2013	\$790.00	12/30/2015	M	\$103,831.37	\$91,773.29	\$435.05	\$317.61	\$39.70	\$0.00	\$793.36	11/30/2015	11/30/2015
200030	202	BRIDGE	CNB	COWBOY INN LLC	COWBOY INN LLC	14COWBOYINN	4.50%	8/22/2013	\$1,300.00	1/14/2016	M	\$209,925.49	\$165,236.72	\$1,603.86	\$407.83	\$50.98	\$0.00	\$2,062.67	12/1/2015	12/1/2015
Totals												\$487,756.86	\$371,489.58	\$3,006.24	\$1,213.68	\$137.18	\$0.00	\$4,357.10		
300001	203	GUARANTEE	SEC 1ST	TRIPHYTO LLC AND OTHERS	TRIPHYTO LLC AND OTHERS	06TRIPHYTO	4.25%	6/12/2006	\$400.00	1/20/2016	M	\$55,694.54	\$32,971.73	\$300.23	\$110.90	\$6.93	\$0.00	\$418.06	12/21/2015	12/20/2015
Totals												\$55,694.54	\$32,971.73	\$300.23	\$110.90	\$6.93	\$0.00	\$418.06		
400100	210	BEET	WBC	ADOBE BUTTE RANCH LLC	ADOBE BUTTE RANCH LLC	07ADOBBUTTE	4.50%	4/25/2007	\$2,568.52	12/1/2016	A	\$18,670.00	\$2,446.34	\$2,342.96	\$200.50	\$25.06	\$0.00	\$2,568.52	12/7/2015	12/7/2015
400101	210	BEET	WBC	MICHAEL T BERTHOD	MICHAEL T BERTHOD	07MICHTBERT	4.50%	4/27/2007	\$2,722.33	12/1/2016	A	\$19,788.08	\$2,552.28	\$0.00	\$0.00	\$0.00	\$0.00	\$2,552.28	11/27/2015	11/27/2015
400102	210	BEET	WBC	BIG HORN LAND & LIVESTOCK	BIG HORN LAND & LIVESTOCK	07BIGHORNLL	4.50%	4/26/2007	\$2,122.24	12/1/2016	A	\$6,884.23	\$1,167.02	\$1,118.81	\$91.94	\$11.49	\$61.11	\$1,283.35	12/17/2015	12/17/2015
400103	210	BEET	WBC	DENNIS E CHRISTENSEN	DENNIS E CHRISTENSEN	07DENNISCHR	4.50%	4/27/2007	\$3,642.28	12/1/2016	A	\$26,475.00	\$3,468.97	\$3,335.25	\$272.92	\$34.11	\$0.00	\$3,642.28	12/2/2015	12/2/2015
400104	210	BEET	WBC	CLARK ENTERPRISES INC	CLARK ENTERPRISES INC	07CLARKENTR	4.50%	4/25/2007	\$7,291.45	12/1/2016	A	\$53,000.00	\$0.00	\$3,411.88	\$148.96	\$17.99	\$0.00	\$3,573.83	12/11/2015	12/11/2015
400105	210	BEET	WBC	LLOYD JR & TERRY CRAFT	LLOYD JR & TERRY CRAFT	07LLOYDCRAF	4.50%	4/26/2007	\$2,719.18	12/1/2016	A	\$19,765.17	\$2,572.36	\$0.00	\$0.00	\$0.00	\$0.00	\$2,572.36	11/27/2015	11/27/2015
400106	210	BEET	WBC	DELLOS FARMS INC	DELLOS FARMS INC	07DELLOSFRM	4.50%	4/26/2007	\$4,142.11	12/1/2016	A	\$30,108.16	\$3,958.38	\$0.00	\$0.00	\$0.00	\$0.00	\$3,958.38	12/11/2015	12/11/2015
400107	210	BEET	WBC	EDWARDS RANCH INC	EDWARDS RANCH INC	07EDWARDSRA	4.50%	4/25/2007	\$7,550.47	12/1/2016	A	\$54,882.78	\$7,244.08	\$6,886.71	\$590.01	\$73.75	\$0.00	\$7,550.47	12/14/2015	12/14/2015
400108	210	BEET	WBC	EUGENE MILLER AND SONS	EUGENE MILLER AND SONS	07EUGENEMIL	4.50%	4/26/2007	\$9,630.21	12/1/2016	A	\$70,000.00	\$8,553.48	\$8,836.92	\$705.15	\$88.14	\$0.00	\$9,630.21	12/7/2015	12/7/2015
400109	210	BEET	WBC	NICK E GEIS II	NICK E GEIS II	07GEIS	4.50%	4/25/2007	\$7,429.02	12/1/2016	A	\$54,000.00	\$7,139.34	\$6,803.32	\$556.18	\$69.52	\$0.00	\$7,429.02	12/2/2015	12/2/2015
400110	210	BEET	WBC	HAUN FARMS INC	HAUN FARMS INC	07HAUNFARMS	4.50%	4/26/2007	\$2,983.30	12/1/2016	A	\$21,685.00	\$2,851.25	\$2,726.79	\$228.01	\$28.50	\$0.00	\$2,983.30	12/11/2015	12/11/2015
400111	210	BEET	WBC	JAMES W JENNINGS	JAMES W JENNINGS	07JENNINGS	4.50%	4/27/2007	\$1,437.65	12/1/2016	A	\$10,450.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	11/30/2015	11/30/2015
400112	210	BEET	WBC	JORDAN FARMS INC	JORDAN FARMS INC	07JORDANFRM	4.50%	4/26/2007	\$8,103.14	12/1/2016	A	\$58,900.00	\$7,317.45	\$7,454.78	\$576.32	\$72.04	\$0.00	\$8,103.14	12/2/2015	12/2/2015
400113	210	BEET	WBC	KELLER FARMS INC	KELLER FARMS INC	07KELLERFAR	4.50%	4/26/2007	\$5,908.09	12/1/2016	A	\$42,944.65	\$5,254.38	\$0.00	\$0.00	\$0.00	\$0.00	\$5,254.38	11/27/2015	11/27/2015
400114	210	BEET	WBC	KEVEN KELLER FARMS	KEVEN KELLER FARMS	07KEVINKELL	4.50%	4/25/2007	\$6,781.49	12/1/2016	A	\$49,293.20	\$12,788.28	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	1/8/2015	1/8/2015
400117	210	BEET	WBC	LOUIS WEBER AND SONS	LOUIS WEBER AND SONS	07LOUISWEBR	4.50%	4/25/2007	\$5,080.44	12/1/2016	A	\$36,928.68	\$4,819.30	\$0.00	\$0.00	\$0.00	\$0.00	\$4,819.30	11/25/2015	11/25/2015
400118	210	BEET	WBC	MENDEZ BROTHERS	MENDEZ BROTHERS	07MENDEZBRO	4.50%	4/25/2007	\$6,576.18	12/1/2016	A	\$47,800.84	\$6,261.18	\$6,021.93	\$492.67	\$61.58	\$0.00	\$6,576.18	12/2/2015	12/2/2015
400119	210	BEET	WBC	MICHAEL VIGIL FARMS INC	MICHAEL VIGIL FARMS INC	07MICHVGRFM	4.50%	4/25/2007	\$4,614.25	12/1/2016	A	\$33,540.00	\$4,394.75	\$4,209.05	\$360.18	\$45.02	\$0.00	\$4,614.25	12/7/2015	12/7/2015
400120	210	BEET	WBC	MIKE ONDO	MIKE ONDO	07MIKEONDO	4.50%	4/26/2007	\$3,048.38	12/1/2016	A	\$22,158.04	\$2,913.47	\$0.00	\$0.00	\$0.00	\$0.00	\$2,913.47	11/30/2015	11/30/2015
400121	210	BEET	WBC	PALESK FARMS INC	PALESK FARMS INC	07PALESKFRM	4.50%	4/26/2007	\$16,493.75	12/1/2016	A	\$119,889.63	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	11/24/2015	12/1/2015
400122	210	BEET	WBC	DANIEL J PINCE	DANIEL J PINCE	07DANPINCE	4.50%	4/27/2007	\$10,258.45	12/1/2016	A	\$74,566.54	\$9,817.57	\$9,396.20	\$766.44	\$95.81	\$0.00	\$10,258.45	12/2/2015	12/2/2015
400124	210	BEET	WBC	PROPP FARMS	PROPP FARMS	07PROPPFARM	4.50%	4/25/2007	\$4,264.81	12/1/2016	A	\$31,000.00	\$0.00	\$4,041.24	\$13.73	\$1.72	\$0.00	\$4,056.69	12/28/2015	12/31/2015
400125	210	BEET	WBC	SAGE CREEK LAND & CATTLE	SAGE CREEK LAND & CATTLE	07SAGECREK	4.50%	4/25/2007	\$8,254.47	12/1/2016	A	\$60,000.00	\$7,769.91	\$0.00	\$0.00	\$0.00	\$0.00	\$7,769.91	11/25/2015	11/25/2015
400126	210	BEET	WBC	SAGE CREEK LAND & CATTLE	SAGE CREEK LAND & CATTLE	07SAGECRL&C	4.50%	4/25/2007	\$7,429.02	12/1/2016	A	\$6,653.13	\$6,653.13	\$0.00	\$0.00	\$0.00	\$0.00	\$6,653.13	11/25/2015	11/25/2015
400127	210	BEET	WBC	SOUTH FLAT LAND & CATTLE	SOUTH FLAT LAND & CATTLE	07SOUTHFLAT	4.50%	4/26/2007	\$17,884.68	12/1/2016	A	\$130,000.00	\$17,099.72	\$16,311.16	\$1,398.68	\$174.84	\$0.00	\$17,884.68	12/11/2015	12/11/2015
400128	210	BEET	WBC	DUSTIN L TAYLOR	DUSTIN L TAYLOR	07DTAYLOR	4.50%	4/27/2007	\$4,369.18	12/1/2016	A	\$31,758.68	\$8,052.60	\$0.00	\$0.00	\$0.00	\$0.00	\$8,052.60	1/5/2015	1/5/2015
400129	210	BEET	WBC	TD FARMS INC	TD FARMS INC	07TDFARMINC	4.50%	4/26/2007	\$12,968.69	12/1/2016	A	\$94,266.70	\$12,311.71	\$0.00	\$0.00	\$0.00	\$0.00	\$12,311.71	11/25/2015	11/25/2015
400130	210	BEET	WBC	WEBER AG LLC	WEBER AG LLC	07WEBERAG	4.50%	4/26/2007	\$19,195.21	12/1/2016	A	\$139,525.93	\$33,332.92	\$0.00	\$0.00	\$0.00	\$0.00	\$33,332.92	12/10/2014	12/10/2014
400131	210	BEET	WBC	JEARLD W WELIEVER	JEARLD W WELIEVER	07WELIEVER	4.50%	4/27/2007	\$7,877.28	12/1/2016	A	\$57,258.27	\$7,207.55	\$7,587.14	\$608.00	\$76.00	\$0.00	\$8,271.14	12/11/2015	12/11/2015
400132	210	BEET	WBC	HOWARD WILDMAN	HOWARD WILDMAN	07HOWARDEW	4.50%	4/25/2007	\$9,630.21	12/1/2016	A	\$70,000.00	\$8,363.32	\$0.00	\$0.00	\$0.00	\$0.00	\$8,363.32	11/27/2015	11/27/2015
400133	210	BEET	WBC	LUCAS FOSS	LUCAS FOSS	07LUCASFOSS	4.50%	8/2/2007	\$3,164.21	12/1/2016	A	\$23,000.00	\$3,070.90	\$2,892.90	\$241.16	\$30.15	\$158.21	\$3,322.42	12/1/2015	12/1/2015
400134	210	BEET	WBC	JERRY FOSS	JERRY FOSS	07JERRYFOSS	4.50%	8/2/2007	\$1,688.42	12/1/2016	A	\$12,272.77	\$1,628.09	\$1,546.35	\$126.28	\$15.79	\$0.00	\$1,688.42	12/9/2015	12/9/2015
400135	210	BEET	WBC	KENT A CHRISTENSEN	KENT A CHRISTENSEN	07KENTCHRISTENSEN	4.50%	8/3/2007	\$2,693.12	12/1/2016	A	\$19,575.74	\$2,536.86	\$0.00	\$0.00	\$0.00	\$0.00	\$2,536.86	11/25/2015	11/25/2015
400136	210	BEET	WBC	DANNY J MADDEN	DANNY J MADDEN	07DANNYMADDEN	4.50%	8/2/2007	\$6,451.83	12/1/2016	A	\$46,897.00	\$5,727.29	\$0.00	\$0.00	\$0.00	\$0.00	\$5,727.29	11/27/2015	11/27/2015
Totals												\$1,643,285.09	\$209,273.88	\$94,923.39	\$7,372.13	\$921.51	\$219.32	\$103,436.35		
600001	206	AMEND/IV	WBC	TENUPAH	TENUPAH	9602AVL	1.00%	1/26/2006	\$3,000.00	1/10/2016	M	\$800,000.00	\$366,515.17	\$2,716.75	\$141.62	\$141.63	\$0.00	\$3,000.00	12/14/2015	12/14/2015
Totals												\$800,000.00	\$366,515.17	\$2,716.75	\$141.62	\$141.63	\$0.00	\$3,000.00		
700001	207	NAT GAS	WBC	STAR VALLEY NATURAL GAS	STAR VALLEY NATURAL GAS	15STARVALNATGAS	4.50%	9/22/2014	\$1,662.10	10/20/2016	A	\$225,000.00	\$237,986.61	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		9/22/2014
Totals												\$225,000.00	\$237,986.61	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		
900011	211	MAIN ST	WBC	65 COFFEEN LLC	65 COFFEEN LLC	106SCOFFEEN	4.50%	1/27/2010	\$390.00	1/26/2016	M	\$28,000.00	\$12,066.12	\$250.89	\$44.54	\$5.57	\$0.00	\$301.00	12/28/2015	12/28/2015
900012	211	MAIN ST	WBC	GRIMSHAW INVESTMENTS LLC	GRIMSHAW INVESTMENTS LLC	10GRIMSHAW	4.50%	4/20/2010	\$790.00	1/20/2016	M	\$76,200.00	\$37,134.91	\$682.76	\$96.32	\$11.92	\$0.00	\$790.00	12/9/2015	12/9/2015
Totals												\$104,200.00	\$49,201.03	\$933.65	\$139.86	\$17.49	\$0.00	\$1,091.00		
Grand Totals												\$3,411,936.49	\$1,289,545.77	\$102,117.91	\$9,040.33	\$1,233.62	\$219.32	\$112,611.18		



STATE OF WYOMING
DEPARTMENT OF AUDIT

DIVISION OF BANKING

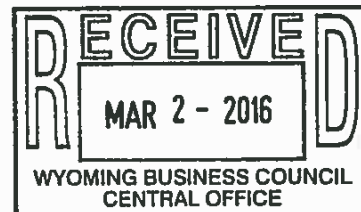
(307) 777-7793 Fax (307) 777-3555 Email: jeff.vogel@wyo.gov

Matthew H. Mead
Governor

Jeffrey C. Vogel
Director

Albert L. Forkner
Commissioner

February 29, 2016



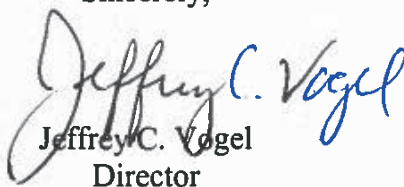
Shawn Reese, Chief Executive Officer
Wyoming Business Council
214 West 15th Street
Cheyenne, Wyoming 82002-0240

Dear Mr. Reese:

Enclosed please find the Report of Examination of the Wyoming Business Council Challenge Loan Program made by examiners of the Department of Audit, Division of Banking, pursuant to Wyoming Statute 9-12-306. This office concurs with the findings and comments of the examiners.

If you have any questions regarding the Report of Examination, please do not hesitate to contact my office.

Sincerely,


Jeffrey C. Vogel
Director

Enclosure



Report of Examination

Wyoming Business Council's

Wyoming Partnership Challenge Loan Program

Consisting of Loans to: Development Organizations;

Guarantee Loan Participations; Bridge Financing;

Economic Disaster Loans; Loan Guarantee Program;

Main Street Loan Participations; and

Natural Gas Fueling Infrastructure Loans.

Prepared by:

The Division of Banking

Department of Audit, State of Wyoming

February 22, 2016

EXAMINATION SCOPE

The purpose of this examination is to review loans funded by the Wyoming Business Council (WBC) under the Wyoming Partnership Challenge Loan Program (Program) and the credit administration of those loans. Loans made under the Program were examined for compliance with statutes and regulations as well as prudent underwriting standards. Additionally, loans were reviewed for proper documentation and compliance with WBC's loan policy.

Wyoming Statute 9-12-306 mandates the examination of the Program by the Department of Audit. The Director of the State of Wyoming's Department of Audit or designee is required to annually examine loans made under the Program and submit a Report of Examination to the Governor, the Legislature, and the WBC. Per the Program's Rules and Regulations, a portfolio report of all loans as of December 31 is to be submitted to the State Banking Commissioner no later than January 15. The State Banking Commissioner is then required to complete an audit of the loan portfolio on or before April 1, with a completed audit report presented to the WBC on or before May 1.

This examination was completed on February 23, 2016. The loan review included all outstanding loans made under the Partnership Challenge Loan Program (Development, Bridge, and Guarantee Loan Participations), payment histories of Economic Disaster Loans (Seed/Beet/Bean Growers), and the Natural Gas Fueling Infrastructure Loan. This equated to one Development loan, three Bridge loans, one Guarantee Participation loan, and one Natural Gas Fueling Infrastructure loan. As this is the final year for all of the remaining Beet loans, payment histories were reviewed to determine if any will not be able to pay off as expected when the loans mature on December 1, 2016.

PROGRAM OVERVIEW

Article 3 of the Wyoming Economic Development Act

The Program is governed by Wyoming Statutes 9-12-301 through 9-12-307. The Program is funded through the Economic Development Enterprise Fund Account and is administered by the WBC. The WBC has adopted the Rules and Regulations of the Program in order to implement Article 3. These rules include Chapter 1, Wyoming Partnership Challenge Loan Program (Loans to Development Organizations, Bridge Financing, and Guarantee Loan Participations); Chapter 2, Economic Disaster Loans; Chapter 3, Loan Guarantee Program; Chapter 4, Wyoming Main Street Loan Participation; and Chapter 5, Natural Gas Fueling Infrastructure Loans.

Chapter 1 – Wyoming Partnership Challenge Loan Program

Loans made under Chapter 1 of the WBC's Rules and Regulations consist of loans made to community or state development organizations, loans for bridge financing, and guarantee loan participations. As defined by statutes, a community development organization is a group of private citizens organized as a business entity for the purpose of providing financing for new, existing, or expanding businesses and other economic or community development purposes

throughout Wyoming. A state development organization is a corporation with the authority to provide financing for new, existing, or expanding businesses and to fulfill other economic or community development purposes throughout the state. Bridge financing is for projects where a commercial lender originates the loan and the WBC shares in the loan. Guarantee loan participations are for projects where a bank has a Federal guaranteed loan to guarantee repayment of a loan to a business.

The total amount of loans and loan commitments made to a single community development organization is limited to \$500,000. Total loans and commitments made to state development organizations are limited to \$3,500,000. Bridge financing loans and loan commitments to a business are limited to \$1,000,000, an increase of \$500,000 per 2015 legislative changes. Loans to a business qualifying for guarantee loan participation are limited to \$2,000,000, an increase of \$1,000,000 per 2015 legislative changes.

<u>Chapter 1 - Challenge Loans</u>			
<u>Loan Type</u>	<u>12/31/2015</u>	<u>12/31/2014</u>	<u>12/31/2013</u>
Development Loans	\$ 22,108	\$ 24,867	\$ 27,522
Bridge Loans	371,490	400,716	869,250
Guarantee Loan Participations	32,972	36,480	544,348
Total Loans	\$426,570	\$462,063	\$1,441,120
Loans 30 Days or More Past Due	\$0	\$0	\$0

At year-end 2015 there were five Challenge loans made pursuant to Chapter 1, the same as reported at year-end 2014, though reductions in principals via payments totaled \$35,493. The Challenge Loans include one Development Loan, three Bridge Loans, and one Guarantee Loan Participation. No new Challenge loans were originated in 2015.

Chapter 2 – Economic Disaster Loans

Loans made under Chapter 2 of the Rules and Regulations are intended for businesses that have been adversely affected by an economic disaster. The statutes define an economic disaster as an event occurring in Wyoming that has an economic impact with total lost revenues to impacted businesses in a twelve-month period of at least \$4,000,000, or an economic impact with total lost revenues of impacted businesses in four or less counties in a twelve-month period of at least \$1,000,000.

<u>Chapter 2 – Economic Disaster Loans</u>			
	<u>12/31/2015</u>	<u>12/31/2014</u>	<u>12/31/2013</u>
Seed/Bean/Beet Grower Loans	\$366,515	\$415,001	\$640,935
Number of Loans Outstanding	30	34	40
Loans 30 Days or More Past Due	\$54,174	\$38,268	\$0

Payments and pay-offs resulted in a reduction of \$225,934 for 2014 and \$48,486 for 2015. There were no new Disaster loans originated in 2015. Additionally, there are no Seed or Bean loans on the WBC's books, only Beet loans. Three Beet loans were over 30 days past due as of year-end 2015. Two of the loans were brought current prior to the on-site portion of the examination. However, the Keven Keller Farms note for \$12,788 remains delinquent.

Chapter 3 – Loan Guarantee Program

Chapter 3 is for loan guarantees in which the WBC guarantees a portion of a bank loan made to a business. Such loan guarantees are not to exceed \$100,000 per loan guaranteed or 80 percent of any net loan loss by the bank, whichever is less. The WBC has not guaranteed any loans under this program.

Chapter 4 – Wyoming Main Street Loan Participation

Chapter 4 is for loans in which the WBC participates with a commercial lender that has made a loan to a business for building improvements to maintain the structure's historical character. The maximum participation is limited to 75 percent of the loan or \$100,000, whichever is less.

<u>Chapter 4 – Wyoming Main Street Loans</u>			
	<u>12/31/2015</u>	<u>12/31/2014</u>	<u>12/31/2013</u>
Main Street Loans	\$0	\$0	\$0

At year-end 2015, there were no loans funded under this program.

Chapter 5 – Natural Gas Fueling Infrastructure (NGFI) Loans

Loans made under Chapter 5 of the Rules and Regulations are intended for direct loans made by the WBC for natural gas fueling infrastructure. This program originated from 2013 legislation. As defined by statutes, a natural gas fueling infrastructure loan is for the costs of the engineering, design, real property, equipment, and labor necessary to install a functioning natural gas filling station to fuel motor vehicles which operate on natural gas as transportation fuel. Loans issued under this chapter may not exceed 75 percent of the total project cost or \$1,000,000, whichever is less.

<u>Chapter 5 – Natural Gas Fueling Infrastructure Loans</u>			
	<u>12/31/2015</u>	<u>12/31/2014</u>	<u>12/31/2013</u>
NGFI Loans	\$237,987	\$225,000	\$0
Loans 30 Days or More Past Due	\$0	\$0	\$0

The increase of \$12,987 from year-end 2014 to year-end 2015 is due to the note's structure. The first 24 payments are capitalized onto the existing balance of the loan and actual payments do not begin until October of 2016.

Administration

The program is administered by the Business and Industry Division of the WBC. Prior to the December 9, 2015, Board of Directors Meeting, the former Business Finance Program Manager, who had been in the position since August of 2012, resigned his position. During the on-site portion of the examination, management stated the WBC had found a replacement for the position.

Servicing

The WBC contracts with Markee Escrow Services, Inc., of Cheyenne, WY for servicing of the loan portfolio.

FINDINGS

Overall, the WBC is administering the loans it has funded under the Program in a satisfactory manner. WBC staff perform credit analysis on loans as new financial information is obtained as well as on new loan requests.

Borrower Creditworthiness

Overall, loans funded under the Program continue to be financially sound. However, there are two borrowers whose financial conditions appear to be deteriorating. Current financial statements (12/31/15) for Ascent 2000 Training Solutions, LLC, shows net income continues to decline and liquid assets equal only 31 percent of current liabilities. Cowboy Inn, LLC's most recent tax return (2014) details net losses and only a nominal cash flow position. The WBC is encouraged to monitor these borrowers for possible further deterioration.

Loans with Documentation Exceptions

Loan file documentation exception ratios are measured by dividing the dollar amount of exceptions found by the dollar volume of loans reviewed. The table below details the dollar amounts of documentation exceptions cited at this examination. Initial exceptions are considered somewhat high, though with such a small loan portfolio, any exception will disproportionately inflate the percentages. However, after corrections, the overall volume of exceptions remains at a very manageable level.

<u>Loan File Documentation Exceptions</u>		
<u>Category</u>	<u>Amount (000)</u>	<u>Percentage</u>
All Exceptions – Initial	\$528	80%
All Exceptions – After Corrections	\$33	5%
Financial Statement Exceptions – Initial	\$363	55%
Financial Statement Exceptions – After Corrections	\$33	5%
Total Dollar Volume of Loans Reviewed	\$665	

Exceptions marked with an asterisk (*) were corrected during the on-site portion of the examination.

Cowboy Inn, LLC

- No evidence of insurance for HWY 187 property.*

L & L Ventures, LLC

- Incomplete tax return.*

Star Valley Natural Gas, LLC

- Stale financial statements; expired insurance.*

Triphyto, LLC, et al

- Stale tax returns.

Exit Meetings

On February 24, 2016, prior to examiners' departure, a meeting was held with Markee Escrow Services, Inc. Manager Ken Sherman and Examiners Justin Mabie and Cliff Collins to review findings. Subsequent to this meeting, a teleconference was conducted with Business and Industry Division Director Ben Avery and Examiner Collins to review the examination's findings.



Albert L. Forkner, Commissioner

**Wyoming Business Council (WBC) Staff Comments on Department of Audit,
Division of Banking Report (April 21, 2015) - Challenge Loan Report of Examination**

WBC staff comments address findings that begin on page 4 of the report.

1. General Comments in the Report (beginning on page 4 under FINDINGS):

- **Overall, the WBC is administering the loans it has funded under The Program in a satisfactory manner. WBC staff completes a cash flow analysis on loans as new financial information is obtained as well as on new loan requests. (page 4)**

- Staff Response:

The Challenge Loan program has been successful in helping Wyoming businesses expand and relocate to the state. There were no violations of law and the portfolio performs very well with low delinquency, minimal charge offs, interest generated to make more loans and jobs created across the state. WBC staff is diligent in carrying out its fiscal responsibility while working hard to assist new and expanding businesses.

2. Borrower Creditworthiness (page 4):

- Loans funded under the Program continue to be financially sound. There were two borrowers whose position appears to be deteriorating, however, the WBC will continue to monitor these two relationships and work to minimize the risk of any potential loss. These loans have performed as agreed thus far.

3. Loans not in Apparent Compliance with Rules and Regulations:

- **None noted at the end of the examination.**

4. Loans with Documentation Exceptions (page 4&5): There was *one* financial statement exception at this examination. Overall, the volume of exceptions remains manageable.

- Staff Response:

WBC staff works throughout the year to minimize documentation exceptions. As the portfolio size decreases, one exception can significantly affect the percentage calculations. WBC staff will address documentation exceptions loan by loan. If the documentation exception(s) was cleared during the examination and noted with an asterisk (*), staff won't address it in the comments.

- There was one document exception for a stale tax return of a borrower that was not collected during the examination time period. This tax return has not been collected as of yet, but the servicer is in regular contact with the lender and has historically been very good at passing on information once

received. This loan represents 5% of the total loan portfolio (loan balance is currently \$32,069).

Additional Challenge Loan Program Information (as of 12/31/15):

- a. The Challenge Loan Program has made or participated in 168 loans since 1998
- b. Total loans have been \$49,533,605 with the State's portion being \$17,399,961
- c. Interest collected over last 15 fiscal years (2000- 2015) totals \$4,409,827
- d. 10 loans totaling \$311,185 have been charged off (1.79% loan loss)
- e. Estimated jobs created or retained of 621

2016 ANNUAL REPORT

SBIC



The Wyoming Small Business Investment Credit (SBIC) program provides alternative sources of capital to qualifying Wyoming businesses and entrepreneurs. In 2010, the Wyoming Legislature allocated \$30 million to the program in the form of tax credits. The funds are managed by private investment companies certified and regulated by the Wyoming Business Council (WBC) to make investments in Wyoming businesses. The Business Council qualifies participating businesses, manages and markets the program and provides reports to the Legislature.

As of December 31, 2015, cumulative SBIC investments (since 12/2011):

- \$14,271,672 total investment amount
- Leveraged \$11,777,769 in follow-on capital
- Helped create 131 jobs
- Financed a total of 15 businesses in Lander, Jackson, Alpine, Cody, Wilson, Moorcroft, Laramie, Sheridan, Casper, Gillette and Pinedale.
- Financed businesses in the following industries: meat processing, tourism, interior design, motion picture and video industries, construction, energy production service companies, manufacturing analytical instruments, machinery manufacturing, HVAC services, digital media and advertising services, car wash, real estate investment/development, pet services and a brewery.

Investment Companies

The WBC Board of Directors certifies venture capital or private equity companies to act as a Wyoming Small Business Investment Company (SBIC). To receive certification, a SBIC must be located, headquartered and licensed to conduct business in Wyoming and have at least two investment managers with a minimum of five years of experience in money management in venture capital, private investment or as an officer in a commercial bank. SBICs invest designated capital into qualified businesses. The SBIC's investments, either in the form of a debt instrument or equity purchase, stimulate job creation by making capital available to Wyoming businesses.

Participating investors in SBICs are insurance companies with premium tax liability owed to the state of Wyoming. Insurance companies, in turn, receive a tax credit equal to the amount of their investment. A participating investor earns credit against any state premium tax liability up to one hundred percent (100%) of the participating investor's investment of designated capital in a Wyoming small business investment company. The total amount of tax credits earned by participating investors totaled \$2,303,000 for the year 2015.

Per Wyoming Statute 9-12-1307				
Years	2	4	6	8
Percentage Invested	25%	50%	70%	100%

*If percentage isn't met within proper time frame then investment company doesn't receive their management fee.

Wyoming Small Business Investment Companies	Designated Capital	Date of Certification	Standing	Amount of Tax Credits through 2015	Investments as a % of Designated Capital
Enhanced Capital Wyoming Fund, LLC	\$25,000,000	12/12/11	Good	\$1,883,000	50.85%
Petros Wyoming Fund I, LLC	\$5,000,000	2/27/14	Good	\$420,000	31.2%
	\$30,000,000				

The Businesses

To be considered for SBIC financing, a business must:

- Be headquartered and principally operated in Wyoming (at least 60 percent of the employees are employed in Wyoming or the business has committed in writing to move to Wyoming as a condition of the investment)
- Intend to remain in Wyoming after the receipt of the qualified investment
- Have 250 employees or less
- Not be a franchise or an affiliate of an SBIC and not be predominantly engaged in:
 1. Professional services provided by accountants, doctors or lawyers
 2. Banking or lending
 3. Insurance
 4. Direct gambling activities

Investments made by Enhanced Capital Wyoming Fund LLC

Business	Investment Date	Investment Amount	Debt or Equity	Industrial Classification (NAICS)	Employees at time of Investment	Employees as of 12/31/15	Follow-On Capital	Location
Wyoming Authentic Products, LLC	12/13/12 5/28/13 1/17/14 9/15/14 1/28/15	\$100,000 \$100,000 \$32,653 \$38,776 \$38,775	Equity Equity Equity Equity Equity	Meat Processed (311612)	1	10	\$980,606	Cody
Total		\$310,204					\$980,606	
Fireside Glamping, LLC.	12/14/12	\$400,000	Debt	RV Parks and Campgrounds (721211)	4	8	-	Wilson
Total		\$400,000						
WRJ Design Associates, Ltd	2/11/13	\$250,000	Debt	Decorating Consulting Services, Interior (541410)	4	10	\$100,000	Jackson
Total		\$250,000					\$100,000	
Teton Gravity Research, LLC	3/12/13	\$700,000	Debt	Motion Picture and Video Industries (512100)	20	20	\$33,000	Jackson
Total		\$700,000					\$33,000	
Peak Builders, Inc.	3/13/13	\$400,000	Debt	New Single Family Construction (235115)	28	39	-	Jackson
Total		\$400,000						
Flowtech Fueling, LLC	7/1/13	\$250,000	Debt	Coal Mining Support Services (213113)	5	5	-	Moorcroft
Total		\$250,000						
SciApps, Inc.	7/9/13 3/2/15 8/17/15 8/31/15	\$1,000,000 \$750,000 \$250,000 \$250,000	Debt Debt Debt Equity	Design, manufacture, and sale of portable analytical instruments (334516)	11	38	\$7,540,825	Laramie
Total		\$2,250,000					\$7,540,825	



• Grow jobs and profitability and assist expansion of small businesses

Investments made by Enhanced Capital Wyoming Fund LLC

Business	Investment Date	Investment Amount	Debt or Equity	Industrial Classification (NAICS)	Employees at time of Investment	Employees as of 12/31/15	Follow-On Capital	Location	
Vacuum Technologies Corporation	8/21/13	\$750,000	Debt	Other Commercial and Service Industry Machinery Manufacturing (333318)	60	128	-	Sheridan	
Total		\$750,000							
CK Mechanical	9/27/13	\$750,000	Debt	Plumbing, Heating & Air Conditioning (238220)	42	70	\$1,523,338	Casper	
Total		\$750,000						\$1,523,338	
Solving Tech, Inc./Fuzion Energy	2/20/14	\$1,300,000	Debt	Oil & Gas Support Services (213112)	80	56	\$1,000,000	Gillette	
	3/7/14	\$150,000	Debt						
	3/12/14	\$150,000	Debt						
	3/31/14	\$300,000	Debt						
	4/9/14	\$100,000	Debt						
4/18/14	\$600,000	Debt							
Total		\$2,600,000						\$1,000,000	
PitchEngine, Inc.	3/16/2015	\$150,000	Debt	Digital Media & Advertising (519130)	14	14	\$300,000	Lander	
	12/8/2015	\$150,000	Debt						
Total		\$300,000						\$300,000	
Rocky Mountain Wash, LLC	4/28/2015	\$70,000	Debt	Car Wash & RE Investment (811192)	31	31	-	Pinedale	
Total		\$70,000						\$33,000	
DogJax, LLC	7/31/15	\$881,500	Debt	Pet Services (812910)	14	16	-	Jackson	
Total		\$881,500							
L2 Development Partners, LLC	8/28/15 10/26/15	\$750,000 \$2,050,000	Debt Debt	RE Acquisition & Development (651201)	3	3	-	Jackson	
Total		\$2,800,000							

GRAND TOTAL	\$12,711,704	Equity = \$560,204 (4.4%) Debt = \$12,151,500 (95.6%)		317	448	\$11,477,769	
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Investments made by Petros Wyoming Fund I, LLC

Business	Investment Date	Investment Amount	Debt or Equity	Industrial Classification (NAICS)	Employees at time of Investment	Employees as of 12/31/15	Follow-On Capital	Location
PitchEngine, Inc.	3/16/2015 12/8/2015	\$150,000 \$150,000	Debt Debt	Digital Media & Advertising (519130)	10	14	\$300,000	Lander
Total		\$300,000					\$300,000	
Alpine Keg SPE I, LLC	10/23/15	\$259,968	Debt	Brewery (312120)	3	3	-	Alpine
Total		\$259,968						
L2 Development Partners, LLC	8/11/15	\$1,000,000	Debt	RE Acquisition & Development (651201)	3	3	-	Jackson
Total		\$1,800,000						
GRAND TOTAL		\$1,559,968	Equity=\$0 Debt=100%		16	20	\$300,000	

Combined SBIC Program Totals

Investment Amount	Debt or Equity	Employees at time of investment	Employees as of 12/31/15	Follow-On Capital
\$14,271,672	Equity=\$560,204 (3.9%) Debt=\$13,711,468 (96.1%)	320	451	\$11,777,769



Think SMALL

• Grow jobs and profitability and assist expansion of small businesses



BUSINESS COUNCIL
214 W. 15th Street
Cheyenne, WY 82002
Tel: (307) 777-2800 Fax: (307) 777-2838
www.wyomingbusiness.org

Memorandum

To: Wyoming Business Council Board of Directors
From: Josh Keefe
Subject: Challenge Loan Reporting Requirements
Date: May 26, 2016

1. **Past Due Report.** Challenge Loan Policy requires quarterly reporting of all loans 30 days or more past due.
 - There are no loans past due during the quarter ending March 31, 2016.
2. **Loan Loss Reserve Analysis.** Challenge Loan Policy requires a review of all loans that are delinquent (over 30 days past due) and a specific reserve will be allocated if the review warrants. There will be an additional unallocated reserve of one-half of one percent of the total portfolio balance.
 - As of March 31, 2016 no loans were 30 days or more past due.
 - Council staff recommends a reserve allocation of 10% for the combined balance of the Economic Emergency Loans (Seed Grower, Bean Grower and Beet Grower Loans). The current balance in that reserve is 10% or \$18,160.
 - The unallocated reserve is more than adequate with a balance of \$107,492 while policy requires a minimum of \$6,222.
 - There are no identified credits that are not past due but could present collection problems in the future.
3. **Charge off balances.**
 - None to report.

Staff Recommendation: Staff recommends acceptance of this report.

Wyoming Business Council

Loan Policies and Standards

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GENERAL POLICY

1.1 Introduction

Loan standards and procedures that are uniform throughout the Wyoming Business Council (WBC) are necessary for quality control to ensure good, consistent service to our borrowers, and fiduciary responsibility to the State of Wyoming and the Federal Government. Uniform standards will allow the WBC to be familiar with the normal requirements for each type of loan in our portfolio.

The Board of Directors, in making loans and providing direction to other Council personnel and Service Organizations engaged in the preparation, administration and safekeeping of loan documents, shall be guided by the following Loan Policy and Standards as adopted by the Board of Directors.

The basic loan policy of the Wyoming Business Council is to provide financing to business entities and communities in the State of Wyoming in an effort to promote economic development within the state and to service the loan portfolio in a responsible manner. Financing provided by the Council is intended to be an alternative and/or complement to existing commercial financing sources that are available, not as the primary lending source. All loans, with the exception of Business Ready Community (BRC) loans, should be made in anticipation of transitioning the borrowing needs from the Wyoming Business Council to commercial sources.

The provision of finance at below-market interest rates, when viewed in terms of a risk adjusted return basis, should be done only when necessary to assist/incite businesses expanding or relocating to Wyoming. The Wyoming Business Council believes companies that have been financed by the Council, with the exception of BRC loans, should ultimately be financed by the private sector. Therefore, when the WBC is providing a loan, the loan terms should be structured to build in interest rate increases over time, in order to make the WBC loans similar to those provided by commercial lenders, and thereby encourage a refinancing.

The Board of Directors realizes the lending of money by the Council necessarily includes some business risk and some losses are to be expected. It is the policy of this Board of Directors to maintain a reserve for future loan losses. Loans, with the approval of the Board of Directors, may be charged off only after such loans have received maximum collection effort.

1.2 Loans Not Considered Desirable

The following loans are not considered desirable for the purpose of the WBC. Such loans will ordinarily be declined unless specifically approved by the Board for reasons that justify an exception to this policy.

- (1) Loans that do not promote economic development within the State of Wyoming.
- (2) Real estate mortgage loans secured by proceeds of the settlement of an estate, unless these loans are fully collateralized or guaranteed by the estate and approved by the Council's attorney.
- (3) Loans secured by stock in a closed corporation which has no ready market.
- (4) Loans secured by restricted or lettered stock.
- (5) Capital loans to a business enterprise in which the loan cannot be repaid within a reasonable period except by borrowing elsewhere or by liquidating the business.
- (6) Unsecured loans.

1.3 Appraisal Program for Loans Involving Real Estate

Appraisals shall be performed by a qualified, independent fee paid appraiser selected by the WBC or lead lender who is competent and knowledgeable of the relevant markets. The WBC does not favor appraisers from one or more councils or exclude individuals based on their lack of such membership. The appraisal policy will be based on compliance with Part 323 of Federal Deposit Insurance Corporation Rules and Regulations on transactions with a value of \$250,000 or more. This regulation identifies which transactions by financial institutions require an appraisal by a certified or licensed appraiser.

The appraisal should conform to the Uniform Standards of Professional Appraisal Practice (USAP) adopted by the appraisal standards Board of the Appraisal Foundation. For transactions that are otherwise exempt from appraisal requirements, an appropriate evaluation of the real property will be performed. However, prudent lending standards still require such loans and other real estate related transactions be supported by adequately prepared estimations of collateral value. An independent appraisal is one in which the appraiser is not involved in the loan.

The appraisal performed by an independent appraiser must reflect a value and an analysis as to how the value is determined. Any deviation from this policy will also be based on compliance with Part 323 of Federal Deposit Insurance Corporation Rules and Regulations. If a real estate loan is renewed, a new appraisal is not required if:

- (1) The borrower has performed satisfactorily according to the original terms.
- (2) No additional money has been advanced other than as previously agreed.
- (3) The credit standing of the borrower has not deteriorated.
- (4) There has been no significant deterioration in market conditions or physical aspects of the property that would threaten the collateral protection.

Part 323.3(b) of the FDIC Rules and Regulations requires appropriate evaluations for real estate-related transactions that do not require the services of a state certified or licensed appraiser.

In the event an appraisal is not required for a transaction involving an existing extension of credit, an evaluation may be obtained, provided that:

- (1) There has been no obvious and material change in market conditions of physical aspects of the property that threatens the adequacy of the institution's real estate collateral protection after the transaction, even with the advancement of new monies; or
- (2) There is no advancement of new monies, other than funds necessary to cover reasonable closing costs.

In the case of a BRC loan, an appraisal may be waived in accordance with BRC rules.

1.4 Environmental Risk

Loans to be secured by real estate must be carefully examined for possible environmental risk through an environmental review that will be completed prior to loan processing.

The WBC should focus on hazardous construction materials (e.g. lead paint, asbestos), hazardous waste storage sites, leaking drums, retention ponds, discolored vegetation, underground storage tanks, and adjacent properties.

Any evidence of environmental contamination will require a more detailed assessment; the results of which may dictate the borrower remediate the hazardous waste before closing the loan. In addition, during the due diligence process prior to making the loan, the WBC's Business Finance Program Manager should determine if the borrower shall execute warranties and indemnifications at the closing as to the property's environmental condition and proposed use.

A questionnaire is attached.

1.5 Repayment Terms

All loans should have a realistic repayment plan. The maturity of the loan should be related to the anticipated source of repayment, cash flow of the borrower, purpose of the loan, the useful life of the collateral and be consistent with State Statutes.

Collateral does not repay loans; cash flow repays loans. The collateral package provided as security should reflect the source of repayment. At all times, the collateral should be sufficient to adequately protect the commercial lender from a decline in market value. Substantial collateral does not alone justify an extension of credit.

1.6 Guaranty of Loans

It is the policy of the WBC that all loans to closely held companies will be guaranteed by the principals of the company. Where this requirement is waived, it must be substantiated by the financial strength of the company and documented in the credit file. Any deviation from this policy must have the prior approval of the Board.

1.7 Loan Authority

All loan requests under the Challenge Loan program are to be submitted to the Business Development subcommittee, and ultimately to the Board for final approval.

All loan requests under the Business Ready Community program are to be submitted to the Community Development subcommittee and ultimately to the Board for recommendation to the State Loan and Investment Board (SLIB) for final approval.

All presentations to the Board will include at a minimum the following information as applicable:

- (1) Borrower's name
- (2) Business/project description and purpose of the loan request
- (3) Amount of loan
- (4) Term of loan
- (5) Proposed interest rate
- (6) Economic development benefits to the State of Wyoming
- (7) Total repayment program
- (8) Financial information and analysis demonstrating an ability to repay the loan
- (9) Risks and mitigants
- (10) Proposed guaranty(s)
- (11) Proposed collateral
- (12) Value of collateral
- (13) Terms and conditions of the proposed loan agreement, including covenants

1.8 Underwriting Guidelines

The WBC may impose loan terms, conditions and covenants in order to monitor loan performance and economic development. Examples of those terms, conditions, and covenants, which would be established on a loan-by-loan basis may include:

- (1) No dividends or other shareholder distributions, except for loans with S-Corporations and partnerships whereby income taxes are assessed at the shareholder level. Those distributions will require prior approval by the WBC.
- (2) Limitations on shareholder salaries and increases in shareholder salaries.
- (3) Restrictions on additional indebtedness, salary increases, capital expenditures.
- (4) Restrictions for lease payments for the use of property and equipment owned by affiliated entities.
- (5) Pre-established ratios and other specifically identified measurement requirements.
- (6) Periodic reports, including financial statements and other reports deemed necessary to monitor the operations of the business and the economic development impacts within the State of Wyoming.

Under the Challenge Loan programs, maximum loan to value shall not exceed 85%, unless otherwise specified, however a borrower may desire to finance 100% of the project cost and may provide additional collateral in lieu of cash down payment.

1.9 Loan Administration

The WBC shall prepare a credit application/memorandum to the credit file for each type of loan. The credit application/memorandum will be in writing and will cover the following points:

- (1) The credit worthiness of the borrower
- (2) The purpose of the loan
- (3) The economic development benefits for making the loan
- (4) Financial statement analysis to show an adequate source of repayment
- (5) Collateral/guarantor analysis to demonstrate adequate backup sources of repayment
- (6) Personal guarantees by corporate officers/shareholders if a closed corporation
- (7) An analysis of whether a business plan or pro-forma financial statements are required
- (8) Other information used to come to a decision on making the loan

A credit file shall be established and maintained for each borrower, which shall include in all cases the borrower's current financial statement, tax returns and the credit application/memorandum. Loan agreements should clearly identify the borrower's responsibility for providing future financial information including required information (e.g. audited financial statements, internal financial statements, tax returns, compliance with loan covenants, required UCC updates, etc) and when such information is due to the WBC and/or servicing agent. The information needs and due dates will be compiled into a database that will be used to establish a tickler system to maintain compliance with this policy. The credit file will include copies of all documents and correspondence pertinent to each loan.

Loan administration may be delegated to a servicing agent approved by the Board. The contract with the servicing agent will specify those duties and responsibilities to be performed, including reporting to the WBC and/or the Board on a frequent basis.

Minimum documentation for real estate loans shall include the promissory note, environmental check, a written recorded copy of the mortgage, Title Opinion or Title Insurance, a copy of the appraisal of the property, and an insurance certificate or binder insuring the property against damage and showing the WBC / or lead lender as loss payee.

Minimum documentation for loans secured by marketable equipment shall consist of the promissory note, a security agreement that can be supported by a financing statement. At least one of these documents must be filed with the appropriate authority. Documentation on loans made on the titled equipment shall include, in addition to the security agreement, recorded copies of the title showing the WBC / or lead lender as the secured party and an insurance certificate or binder insuring the property against damage and showing the WBC / or lead lender as loss payee.

All personnel shall take the utmost care in the security and safekeeping of loan documents. All promissory notes shall be kept in a secure fireproof location with a third party servicing agent.

The WBC or its designee shall conduct loan review documentation on a continuing basis for all loans.

Interest due on loans is to be collected from borrowers according to the terms and conditions of the loan agreement and note.

1.10 Loan Review

Successful loan review systems have specified time frames for reviews, accountability through required reporting to the proper level of the organization and a consistently applied system.

The portfolio is currently very small and each loan is reviewed for credit quality and documentation requirements annually either by the Department of Audit, Division of Banking or the Independent Auditors Financial Report. These external audits will be the loan review process until the portfolio grows to justify staff independent of the loan function to perform reviews.

1.11 Reserve for Loan Loss Policy

The WBC will implement the policies and procedures as a means of analyzing the adequacy of the loan loss allowance on an ongoing basis. The purpose of the analysis will be to identify the risks in the loan portfolio with the exception of BRC loans and assure the allowance is adequate should those risks become future losses. Items that should be considered when identifying such risks are listed in Appendix A to this chapter.

The adequacy of the allowance will be made at the end of each quarter and reports, as specified in this policy, of the analysis will be presented to the Board. The Board will determine if the reserve is adequate.

The reserve will be arrived at per the following:

- All loans that are delinquent (over 30 days past due) will be reviewed. A specific reserve will be allocated for each of these loans if the review warrants.

- There will be an additional unallocated reserve of one-half of one percent of the total portfolio balance.
- There will be a 10% reserve for Economic Disaster loans.

1.12 Loan Collections

The WBC has reasonably conservative loan policies designed to preclude delinquencies and losses in the loan portfolio. If policies are followed, the WBC should not experience an undue amount of collection problems. Successful collections and workouts depend on early identification of credit weaknesses so the relationship between loan collections and loan monitoring cannot be emphasized enough.

A 10-day notice in advance of maturity is mailed. Late notices are to be sent on the 10th day a note becomes delinquent. Contacts and collection efforts should be started on the 10th delinquent day. From that point forward, all remarks pertaining to the workout of the delinquent account should be dated with the day, month, and year the contact is made. All loans 30 days or more past due are required to be reported to the Board.

Late charges are not only a deterrent to late payment by the borrower but also compensate the WBC for the extra cost of collection and loss of use of the payment amount. It is the WBC's policy to collect all late charges and great selectivity will be exercised in making any exceptions. In addition, interest will be collected to the actual date of payment for loans paid after maturity. Once a decision has been made to call the loan, the following steps will be taken:

- (1) The WBC will consult with its attorney in all matters.
- (2) It is preferable that the note be past due when the note is called. If, while working a problem loan the note must be renewed, it should either be renewed as a demand note or it should contain an enforceable clause.
- (3) Once a decision has been made for demand of a note, a letter is sent which spells out the reasons the WBC is making demand. The WBC's policy is not to use demand letters as idle threats. The WBC does not send demand letters until it is ready to call the loan.
- (4) The collateral securing the loan must be protected. The WBC may take physical possession of the collateral early in the process or the WBC may take a physical inventory.
- (5) It is important that the WBC does not lose its guarantees by oversight during the liquidation process.

1.13 Renewals and Extensions

All requests for short-term deferrals or extensions may be considered.

All requests to renew loans shall adhere to the same process as the underwriting standards and documentation for the initial provision of credit.

The Board or its designee shall review all renewals and these shall be treated as any other loan with respect to the Board's authority and approval. It is customary that if such requests are granted, that amendment fees are appropriate, as well as a potential change in interest rates and other terms. Potential problems will be immediately and appropriately dealt with. Renewals, deferments, and extensions shall not be used to defer a potential problem or loss to a later date.

It is important for the WBC to maintain its position in regards to the collateral; therefore, renewal or extension of a loan may be necessary to accomplish this objective. On any extension or renewal, a complete comment shall be placed in the credit file as to the nature of the extension or renewal, new interest rate, maturity date, etc.

1.14 Non-Accrual of Interest

The WBC will not accrue interest and report income in the WBC's financial statements when:

- (1) Any loan which is maintained on a cash basis because of the deterioration in the financial position of the borrower.
- (2) Any loan for which payment in full of interest or principal is not expected.
- (3) Any loan upon which principal or interest has been in default for a period of 90 days or more unless it is both well secured and in the process of collection.

From the perspective of the borrower's liability to the WBC, the loan will continue to accrue interest in accordance with the terms of the loan agreement.

A non-accrual loan may be restored to an accrual status when payments are current or when it otherwise becomes well secured and in the process of collection.

1.15 Loan Charge Off Procedures

It is the WBC's policy to charge-off those loans whose collectability is sufficiently questionable that the WBC can no longer justify showing the loan as an asset in its financial statements. These loans are charged-off by crediting the appropriate loan category and debiting the reserves for loan accounts. Charged-off loans must be approved by the Board prior to charging-off.

Collection efforts will continue on all charge-off loans unless the balance is determined uncollectable due to bankruptcy, complete liquidation and settlement agreement, death or any other occurrence, which will render the balance uncollectable.

A report will be presented annually to the Board.

1.16 Reporting Requirements

Reporting requirements to the Board or its designee with respect to the loan portfolio will include the following:

- (1) Listing of loans 30 days or more past due provided at each Board meeting.
- (2) Computation of allowance for loan losses provided at each Board meeting.
- (3) Report of examination by the Department of Audit, Division of Banking will be presented at the first Board meeting following the receipt of the report.
- (4) Report as required by W.S. 9-12-306(b) to the Board prior to July of each year.

Challenge Loan Policy

2.1 Purpose

To provide loan policies and procedures that are uniform and for quality control to ensure good, consistent service.

2.2 Scope

The Wyoming Business Council Board of Directors and any staff that has oversight of the Challenge loan portfolio or loan administration responsibilities. Please refer to the Wyoming Partnership Challenge Loan Program Rules and Regulations for detailed requirements and procedures.

2.3. Definitions

“Borrower” means the community development organization or a state development organization, which applies for, commits to, and is responsible for repayment of funds provided under this program;

“Business” means any existing enterprise which employs people within the state, provides services within the state, uses resources within the state or otherwise adds economic value to goods, services or resources within the state, and includes farm and ranch operations;

“Cash or cash equivalent” means liquid assets including savings, checking and money market accounts, certificates of deposit, stocks, bonds or cash value life insurance or other similar assets. Equity in real estate holdings and other fixed assets is not to be considered liquid assets;

“Commercial Lender” means commercial institutions that loan money, including banks, credit unions, mutual savings banks, savings and loan associations, stock savings banks, or trust companies.

“Community development organization” means a group of private citizens organized as a business entity authorized to do business in this state for the purpose of providing financing for new, existing, or expanding businesses and other economic or community development purposes in Wyoming, and which may take equity positions and shall take security positions in its borrowers’ businesses and appropriate personal guarantees from the owners thereof;

“Economic Disaster Loan(s)” means loans made to eligible businesses in an economic disaster area as defined by W.S. 9-15-301(a)(v), where such loans are funded by the Challenge Loan Program;

“Servicing agent” means the qualified entity contracted by the WBC to service the loans in the portfolio and to provide administrative services for the program;

“State development organization” means a corporation organized under W.S. 17-11-101 through 17-11-120 with the authority to provide financing for new, existing or expanding businesses, and to fulfill other economic or community development purposes throughout the state of Wyoming, and which may take equity positions and shall take security positions in its borrowers’ businesses and appropriate personal guarantees from the owners thereof;

“Main street loan participation” means a provision of financing by the WBC in which the WBC participates with a Commercial Lender that has made a loan to a business for building improvements to maintain the structure’s historical character; and

“Natural gas fueling infrastructure loan” means a loan issued by the WBC for the costs of the engineering, design, real property, equipment and labor necessary to install a functioning natural gas filling station to fuel motor vehicles, which operate on natural gas as a transportation fuel.

2.4 Loan Policy

The basic loan policy of the WBC will be to service the borrowing needs of entities that enhance the economic development of the State of Wyoming on a sound and prudent basis that is beneficial to the people of Wyoming.

The Board, in discharging its duty, will ensure that loans in the WBC's portfolio are made on a sound and collectable basis promoting economic development within statutory authorization.

2.5 Types of Loans

The types of loans and financing the WBC will provide to entities in promoting economic development are as follows:

(1) Commercial Loans

- a. Loans secured by a security interest in marketable equipment are to be amortized over a period not to exceed 120 months. The loan should not exceed 85% of value.
- b. Working capital loans secured by inventory and/or accounts receivable should be made to a borrower whose financial condition and income clearly indicate an ability to repay without resorting to liquidation of inventory and/or the accounts receivable securing the loan. The terms of these loans should not exceed one year and an aging schedule and inventory listing should be updated at least quarterly. The loan should not exceed 50% of the value of the eligible inventory and 60% of the value of the eligible accounts receivable. Eligible accounts receivable includes only those accounts that are not more than 60 days past due. Eligible inventory would exclude inventory that is not marketable or obsolete.

(2) Real Estate Loans

- a. Permanent real estate loans secured preferably by first mortgages on improved business or commercial properties. Real estate loans including any prior liens shall not exceed 85% of appraised value and loan maturity shall not exceed 240 months.
- b. Main Street Loan Participation: A provision of financing by the WBC in which the WBC participates with a Commercial Lender that has made a loan to a business, preferably located in the downtown area of a municipality, for building improvements to maintain the structure’s historical character.

(3) Economic Disaster Loans

Economic disaster loans will be granted only after an economic disaster has been declared, as defined by law and adopted rules.

- a. The WBC can only approve loans to applicants with a reasonable ability to repay the loan and other obligations from earnings. The terms of each loan are established in accordance with each borrower's ability to repay but shall not exceed 120 months.
- b. As required by law, the interest rate for each loan is based on the WBC's determination of whether each applicant has the ability to repay. Substantial economic injury is the inability of a business to meet its obligations as they mature and to pay its ordinary and necessary operating expenses.

(4) Natural gas fueling infrastructure loans

Natural gas fueling infrastructure loans are direct loans from the challenge loan program for natural gas fueling infrastructure.

- a. Funds must be used for the costs of the engineering, design, real property, equipment and labor necessary to install a functioning natural gas fueling station.
- b. Payment terms consist of no interest or principal payments due for the first two (2) years of the term loan. All deferred interest during the first two (2) years of the term loan shall accrue to the principal balance.
- c. Loans are to be amortized over a period not to exceed 240 months. Loans should not exceed 75% of the total costs of land, building and equipment or one million dollars (\$1,000,000), whichever is less.

(5) Future Investment or Loan Programs

Modifications will be made to the policy in this chapter as necessary to reflect changes made to existing state statute.

Business Ready Community Loan Policy

3.1 Purpose

To provide loan policies and procedures that are uniform and for quality control to ensure good, consistent service.

3.2 Scope

The Wyoming Business Council Board of Directors and any staff that has oversight of the Business Ready Community Loan portfolio or loan administration responsibilities. Please refer to the Business Ready Community Grant and Loan Program Rules for detailed requirements and procedures.

3.3 Loan Policy

A BRC loan may be made to fund a portion of any project that is an eligible activity. A BRC loan can be used in conjunction with a BRC grant. In no event shall a loan be made to pay off or refinance an existing loan.

The Board, in discharging its duty, will ensure that loans in the WBC's portfolio are made on a sound and collectable basis promoting economic development within statutory authorization.

3.4 Additional Information

(1) Applicant shall supply to the Wyoming Business Council any relevant ongoing or new information that arises any time after applicant's initial submission of the above information which may influence or bear upon the review of the proposed loan, including without limitation, new or altered financing arrangements, statutory, regulatory or rule changes which may impact applicant's project or operations or the proposal thereof, or any other changes.

(2) In addition to information in the project application, the Wyoming Business Council may ask for additional information necessary for the Wyoming Business Council to conduct its due diligence in review of the application. Applicants shall respond to such requests in a timely manner with complete and current information.

3.5 Interest rate, Term and Fees:

Please refer to the Business Ready Community Grant and Loan Program Rules for detailed requirements and procedures.

3.6 Collateral

Please refer to the Business Ready Community Grant and Loan Program Rules for detailed requirements and procedures. In addition, the following must be adhered to:

- (1) All loan projects that create a lease or sales revenue based asset must be secured.
- (2) Preferred collateral must be held in the name of the public borrower. Underlying collateral (e.g. notes, leases) shall be assigned to the WBC.

(3) Permanent real estate loans shall be secured preferably by first mortgages on improved business or commercial properties.

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Indicating Trouble

Problem and Work-Out Loans

The following list represents only a small portion of the many causes of borrowers' financial problems and many of these problems exist in perfectly good companies. One item by itself does not necessarily mean a company is in trouble; however, a combination of these symptoms may indicate a problem loan, either now or in the future.

These symptoms have been labeled as non-financial because they do not appear directly on the borrower's financial statement, but their effects too often do. They often involve the expenditure of money, and many are quasi-financial in nature.

- 1) Inability to meet commitments on schedule: These may involve production, delivery, or contract completion. The results can be canceled orders, returned goods, penalties assessed, and payments held back. These conditions often arise from overselling or poor planning. They are a direct reflection on the quality of a company's management.
- 2) Recurrence of problems presumed to have been solved: Personnel problems rank high on the list here. A constant turnover of bookkeepers or office managers, each expected to correct the shortcomings of his predecessor, is a good example. Too often this indicates highly questionable management practices and a lack of executive stability.
- 3) Lack of functional planning: Forecasts for both short and long-range operations are non-existent, vague, or downright unreliable. What actually occurs seldom bears any practical relationship to what was predicted. All plans are based on the needs of the moment.
- 4) Capital stagnation: Owners are unwilling to supply needed additional capital on either a temporary or permanent basis. Profits are regularly drained off. Owners have a set limit on risk capital and will inject no more funds in the business. Creditors are expected to assume all risks above an established capital base. Often owners are unwilling to pay the price (in the form of money or loss of control) for new capital funds.
- 5) Poor financial housekeeping practices: Owners are unwilling to pay the price for quality auditing reports or functional bookkeeping systems. Procedures to protect assets such as cash and inventories are missing. Maintenance of books and ledgers is sloppy, and posting schedules are erratic.
- 6) Loss of senior management or other staff: Loss of senior management and/or high employee turnover.

Environmental Checklist



Borrower _____
Date _____

Address _____
Property Type _____ Loan Amount \$ _____
Contact Person _____ Phone _____

1. Has the property ever been used for industrial or manufacturing purposes?
If Yes: Dates of industrial or manufacturing use? _____
2. Has the property ever been used for commercial purposes which involve storage, use or disposal of chemicals, or agricultural purposes?
If Yes: Dates of commercial agricultural use? _____
3. Are there any storage tanks located on the property or underground? (Inspect noticeable cleared areas that might indicate possible burial of substances)
4. Is there any evidence of waste materials on the property (e.g. 55 gallon drums, pails, barrels, bottles, refuse piles, sludge, concrete slabs with rust stains, vertical piping, etc.)?
5. Is there any sign of stained soils, standing liquids or odors?
6. Is there any sparse, stunted, dead or distressed vegetation?
7. Are there any ponds, lagoons or wetlands on the property that (a) have ever been used for industrial or commercial purposes, or (b) contain evidence of oily sheens or discoloration? *(Circle those that apply)*
If Yes: Dates of industrial or commercial use _____
8. Are there electrical transformers or capacitors on the property that may contain PCBs?
9. Does the property have old structures which (a) may have asbestos containing materials (e.g. insulation, sprayed-on fireproofing, pipe wrap, friable ceiling tiles or acoustical plaster, (b) have had expandable foam insulation either pumped on or blown in (especially formaldehyde foam) insulation, (c) lead-based paint, or (d) have had radon exposure? *(Circle those that apply)*
10. Could activities at adjacent businesses pose potential environmental risks?
11. Do any procedures violate on-site and off-site waste disposal practices?
12. Are any hazardous substances used or created in a production process on the premises?
If Yes: What kind? _____
How are they delivered, handled and stored? _____
13. Are conditions such that hazardous substances located on the premises or related to the real property may contaminate our personal property collateral (e.g. inventory, equipment)?

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
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<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

Additional Assessments Conducted:

Records Search ☐ Date: _____ ☐ Waived
Phase I ☐ Date: _____ ☐ Waived
Phase II ☐ Date: _____ ☐ Waived

I hereby certify that, to the best of my knowledge, the above information is true and complete.

(Individual Inspecting Property) _____ Date _____

and/or _____



\$100,000 + CONTRACT EXCEPTION REQUEST

Agency No:	085	Agency Name:	Wyoming Business Council (WBC)
Division:	Finance and Administration		
Contract Amount:	\$180,768.00		
Does this Require a Business Case?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Business Case Number:	N/A
Funding Source: (GF, FF, OF)	GF	Is this a construction contract?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

BUDGET CODES

Agency:	085	Division:	0100	Unit:	0186	Fund:	001	APPR:	101
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Please provide an explanation of the crucial necessity of this contract and the expected impact to the Agency if the contract is not approved.

The WBC requests approval to renew the building lease for its offices located at 214 West 15th Street in Cheyenne. This renewal is for a 2 year term that would expire June 30, 2018. The WBC has leased offices in this same building since 1998 and our current lease expires June 30, 2016. The rates negotiated in this renewal are at the same levels as those in our current lease. The impact of not renewing this lease would mean that the WBC would have to find new office space prior to the expiration of our current lease when much potential office space is already leased to other State agencies due to the Capitol complex remodeling project. The WBC would also incur significant moving costs that are not included in its BFY15 or BFY17 budgets.

Internal Use Only

<p><u>EXECUTIVE REVIEW COMMITTEE</u></p> <p>_____</p> <p>Governor or Designated Representative</p>	<p><u>4/7/10</u></p> <p>Date</p>	<p><input checked="" type="checkbox"/> Approved</p> <p><input type="checkbox"/> Denied</p>
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Agency Directors must submit this form via email to:

A & I Budget Division
ai-budget1@wyo.gov

Rev: 10/2015

**REAL PROPERTY LEASE BETWEEN
LAND INVESTMENT, LLC
AND
STATE OF WYOMING, WYOMING BUSINESS COUNCIL**

1. **Parties.** This Lease is made between Land Investment, LLC (Lessor), whose address is: P.O. Box 262, Cheyenne, Wyoming 82003; and the State of Wyoming, Wyoming Business Council (Council), whose address is: 214 West 15th Street, Cheyenne, WY 82002. In consideration of the mutual covenants contained herein, the parties agree as follows:

- A. Lessor's contact information is:

P. O. Box 262
Cheyenne, Wyoming 82003

- B. Council's contact information is:

214 West 15th Street
Cheyenne, Wyoming 82002

- C. In the event that any of the above information changes, the party whose information has changed shall immediately notify the other party.

2. **Purpose of Lease.**

- A. Lessor is the sole owner of the building and land (Premises) described below, and desires to lease the Premises to a suitable lessee (Council) for business purposes.
- B. Council desires to lease the Premises for conducting government business. The Premises shall be occupied by the Wyoming Business Council.
- C. The parties desire to enter into an agreement (Lease) defining their rights, duties, and liabilities relating to the lease of the Premises.
- D. For consideration, Lessor leases to the Council the building (Premises) located in the County of Laramie, State of Wyoming, and more particularly described as follows:

The building located at 214 West 15th Street, Cheyenne, Wyoming 82001.

3. **Term of Lease.** Lessor leases the above Premises for a term of 24 (twenty-four) months or two (2) years, commencing July 1, 2016, and terminating on June 30, 2018, or sooner as provided herein. This Lease is not valid and shall not become effective until it is signed by an authorized representative of the Lessor and an authorized representative of the Council and approved as to form by the Office of the Wyoming Attorney General.

The effective date of this Lease shall be the date of the last signature, and the Lease shall commence on the date of the last signature or on the date specified in the Term of Lease provision, whichever is later. This Lease may be extended under the same terms and conditions by mutual written agreement of the parties to this Lease.

4. **Rent Payment.** The rent to be paid by the Council to Lessor shall be seven thousand five hundred thirty-two dollars (\$7,532.00) per month. Rent shall be paid in advance, on or before the first day of each month, for that period's rental, during the term of this Lease. All rental payments shall be made to Lessor at the address specified above. The total amount of rent paid under this Lease shall not exceed one hundred eighty thousand seven hundred sixty-eight dollars (\$180,768.00).

5. **Responsibilities of Lessor.**

- A. **Quiet Enjoyment.** Lessor warrants that Council shall be granted peaceable and quiet enjoyment of the Premises free from any eviction or interference by Lessor if Council pays the rent, and otherwise fully and punctually performs the terms and conditions imposed on Council.
- B. **Taxes.** Lessor shall pay all taxes, assessments, or other governmental charges that shall or may during the lease term be imposed on, or arise in connection with the Premises.

6. **Responsibilities of Council.**

- A. **Access to Premises.** Council shall permit Lessor or its agents to enter the portion of the Premises occupied by the Council at all reasonable hours to inspect the Premises or make repairs, provided Council's use of the Premises shall not be unreasonably impaired.
- B. **Non-assignment.** Neither the Council nor its successors or assigns shall, without Lessor's consent, assign, mortgage, pledge, or encumber this Lease or sublet the Premises in whole or in part, or permit the Premises to be used or occupied by others.
- C. **Surrender of Possession.** Council shall, on the last day of the term, or on earlier termination and forfeiture of the Lease, peaceably and quietly surrender and deliver the Premises to Lessor free of subleases, including all buildings, additions, and improvements constructed or placed thereon by Council, except moveable trade fixtures, all in good condition and repair.
- D. **Utilities.** In the event that no other lessees or users are located on or using the Premises, all applications and connections for necessary utility services on the Premises shall be made in the name of the Council only, and the Council shall be solely liable for utility charges as they become due, including those for sewer, water, gas, electricity, telephone, snow removal, garbage and janitorial service.

7. **Special Provisions.**

A. Alterations, Additions and Improvements.

- (i) Council may, with the Lessor's prior written approval and at Council's own expense, at any time during the lease term, make alterations, additions, or improvements in and to the Premises. No structural or substantial portion of the Premises shall be demolished or removed by the Council without the prior written consent of Lessor. Alterations shall be performed in a workmanlike manner and shall not weaken or impair the structural strength, or lessen the value, of the Premises.
- (ii) All alterations, additions, and improvements on or in the Premises at the commencement of the term or erected or installed during the term, shall become part of the Premises and the sole property of Lessor, except that all moveable trade fixtures installed by Council shall remain the property of the Council.

B. Condition of Premises.

- (i) **Council:** Council has examined and knows the condition of the Premises to be leased.
- (ii) **Lessor:** Lessor agrees to provide the leased Premises in good order and repair. Lessor shall disclose all known contamination or hazardous conditions and substantial defects to Council. In the event Lessor fails to disclose any known contamination or hazardous conditions or substantial defects, Council may immediately terminate this Lease.

C. Destruction of Premises.

- (i) **Substantial Destruction.** If the Premises are damaged by fire or other casualty which, in the opinion of Council, makes the Premises substantially unusable, the obligation to make payment under this Lease shall cease until the Premises are substantially usable by Council.
 - (a) **Repair.** Council and Lessor shall, as soon as reasonably practicable, prepare and sign a written itemized list of damages and required repairs, known as the "Substantial/Partial Destruction and Repair List." The list shall contain the following:
 - (1) Damage to be repaired by either Lessor or Council;
 - (2) Damage that will not be repaired; and

(3) The dates by which either Lessor or Council shall complete repairs.

(b) **Failure to Repair.** If the repairs, as specified in the Substantial/Partial Destruction and Repair List, are not completed within the time therein specified, or as otherwise mutually agreed upon by Council and Lessor, this Lease may be terminated by either party.

(ii) **Partial Destruction.** In the event of partial destruction of the Premises, Council shall be entitled to a proportionate reduction of rent while repairs are being made. The amount of the proportionate reduction shall be based on the extent to which the destruction and repairs interfere with the business carried on by Council.

(a) **Repair.** Council and Lessor shall, as soon as reasonably practicable, prepare and sign a written itemized list of damages and required repairs, known as the "Substantial/Partial Destruction and Repair List." The list shall contain the following:

(1) Damages to be repaired by either Lessor or Council;

(2) Damages that will not be repaired; and

(3) The dates by which Lessor or Council shall complete repairs.

(b) **Failure to Repair.** If the repairs, as specified in the Substantial/Partial Destruction and Repair List are not completed within the time specified, or as otherwise mutually agreed upon by Council and Lessor, Council may terminate this Lease.

D. Easements, Contracts, or Encumbrances. The parties shall be bound by all existing easements, contracts, and encumbrances of record relating to the Premises.

E. Insurance.

(i) **Lessor:** During the term of this Lease and for any further time that Lessor shall hold the Premises, Lessor shall obtain and maintain, at its expense, insurance on all buildings, improvements, and equipment on the Premises, including all alterations, additions, and improvements, with all standard extended coverage that may be required by any first mortgagee, including insurance against loss or damage by fire.

(ii) **Council:** During the term of this Lease and for any further time that the Council shall hold the Premises, Council shall provide coverage through

its commercial insurance program for personal property kept at the Premises. To the extent allowable under the Governmental Claims Act, the Council shall be self-insured for liability through the State Self Insurance Program (SSIP).

F. Repairs.

- (i) **Lessor:** Lessor shall keep in good repair all structural components of the building and grounds, exterior and interior walls, floors and ceilings of the Premises. Lessor shall also keep in good repair all of the Premises' operating systems, including but not limited to plumbing, electrical, heating, ventilation and air-conditioning systems.
- (ii) **Council:** Council, at its own expense, shall repair any damage or injuries caused by Council, its customers, members, invitees, agents or employees, but not including normal wear and tear.

G. Successors and Assigns. This Lease and the terms and conditions hereof apply to and are binding on the purchasers, heirs, legal representatives, successors, assigns, agents and employees of both parties.

H. Time is of the Essence. Time is of the essence in all provisions of this Lease.

8. General Provisions.

- A. Amendments.** Any changes, modifications, revisions, or amendments to this Lease which are mutually agreed upon by the parties to this Lease shall be incorporated by written instrument, executed and signed by all parties to this Lease.
- B. Nondiscrimination.** The Lessor shall comply with the Civil Rights Act of 1964, the Wyoming Fair Employment Practices Act (Wyo. Stat. § 27-9-105 *et seq.*), the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101, *et seq.*, and the Age Discrimination Act of 1975 and/or any properly promulgated rules and regulations thereto and shall not discriminate against any individual on the grounds of age, sex, color, race, religion, national origin, or disability in connection with the performance under this agreement.
- C. Applicable Law/Venue.** The construction, interpretation and enforcement of this Lease shall be governed by the laws of the State of Wyoming. The Courts of the State of Wyoming shall have jurisdiction over this Lease and the parties, and the venue shall be the First Judicial District, Laramie County, Wyoming.
- D. Assignment/Contract Not Used as Collateral.** Neither party shall assign or otherwise transfer any of the rights or delegate any of the duties set forth in this Lease without the prior written consent of the other party.

- E. Availability of Funds.** Each payment obligation of the Council is conditioned upon the availability of government funds which are appropriated or allocated for the payment of this obligation. If funds are not allocated and available for the continuance of this Lease, this Lease may be terminated by the Council at the end of the period for which the funds are available. Council shall notify the Lessor at the earliest possible time that the Lease will or may be affected by a shortage of funds. No penalty shall accrue to Council in the event this provision is exercised, and Council shall not be obligated or liable for any future payments due or for any damages as a result of termination under this provision. This provision shall not be construed to permit Council to terminate this Lease to acquire a similar rental from another party.
- F. Entirety of Lease.** This Lease, consisting of eight (8) pages, constitutes the entire lease agreement between the parties and supersedes all prior negotiations, representations or contracts, either written or oral.
- G. Indemnification.** The Lessor shall release, indemnify, and hold harmless the State, the Council, and their officers, agents, employees, successors and assigns from any cause of action, or claims or demands arising out of pre-existing conditions, Lessor's nondisclosure of known contamination, or Lessor's performance or failure to perform under this Lease.
- H. Notice.** All notices, arising out of, or from the provisions of this Lease shall be in writing and given to the parties at the address provided under this Lease, either by regular mail or delivery in person. In the event of a change of address, the party who address has changed will immediately notify the other party to the Lease in writing.
- I. Sovereign Immunity.** The State of Wyoming and Council do not waive sovereign immunity by entering into this Lease, and specifically retain immunity and all defenses available to them as sovereigns pursuant to Wyo. Stat. § 1-39-104(a) 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 immunity. The parties agree that any ambiguity in this Contract shall not be strictly construed, either against or for either party, except that any ambiguity as to sovereign immunity shall be construed in favor of sovereign immunity.
- J. Termination.** This Lease may be terminated immediately for cause if the Lessor fails to perform in accordance with the terms of this Lease.
- K. Third Party Beneficiary Rights.** The parties do not intend to create in any other individual or entity the status of third party beneficiary, and this Lease shall not be construed so as to create such status. The rights, duties and obligations contained in this Lease shall operate only between the parties to this Lease, and shall inure solely to the benefit of the parties to this Lease. The provisions of this Lease are intended only to assist the parties in determining and performing their

obligations under this Lease. The parties to this Lease intend and expressly agree that only parties signatory to this Lease shall have any legal or equitable right to seek to enforce this Lease, to seek any remedy arising out of a party's performance or failure to perform any term or condition of this Lease, or to bring an action for the breach of this Lease.

L. Unlawful or Ultrahazardous Activity. Neither party shall use or occupy the Premises or any part thereof for any unlawful or ultrahazardous purpose. A violation of this section by either party shall constitute sufficient grounds for immediate termination of this Lease by the non-violating party. Council agrees to use the Premises in full compliance with all state and federal laws, rules and regulations, and with all city ordinances.

M. Waiver. The failure by Lessor or Council to insist upon the strict performance of any term or condition of this Lease, or to exercise any right, power or remedy consequent upon a breach, shall not constitute a waiver of any such breach of such term or condition. A waiver of any breach shall not affect or alter this Lease, and each and every term and condition of this Lease shall continue in full force and effect regardless of any breach.

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

9. **Signatures.** The parties to this Lease, through their duly authorized representative, have executed this Lease on the dates set out below, and certify that they have read, understand, and agree to the terms and conditions of this Lease.

The effective date of this Lease is the date of the signature last affixed to this page.

COUNCIL:

State of Wyoming, Wyoming Business Council

Shawn Reese, Chief Executive Officer

Date

Diane Joyce, Chief Financial and Administrative Officer

Date

LESSOR:

Land Investment, LLC

Sue Patrick, Manager

Date

ATTORNEY GENERAL'S OFFICE: APPROVAL AS TO FORM

Susan G. O'Brien, Senior Assistant Attorney General

Date



\$100,000 + CONTRACT EXCEPTION REQUEST

Agency No:	085	Agency Name:	Wyoming Business Council (WBC)
Division Name:	Performance and Planning		
Contract Amount:	\$1,177,706.00 – for a two (2) year term from 7/1/16 to 6/30/18		
Does this Require a Business Case?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Business Case Number:	N/A
Funding Source: (GF, FF, OF)	GF	Is this a construction contract?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

BUDGET CODES

Agency:	085	Division:	0100	Unit:	0119	Fund:	001	APPR:	101
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Please provide an explanation of the crucial necessity of this contract and the expected impact to the Agency if the contract is not approved.

Manufacturing-Works (M-W). The WBC partners with a variety of agencies and organizations to fulfill its mission. One of the most important partnerships is with the Business Resource Network (BRN), which includes certain programs at the University of Wyoming (UW). Collectively, the BFY17/18 BRN contracts will be reduced a total of \$716,000 from BFY15/16 amounts. This amount of this contract has been reduced \$40,000 from the current contract. M-W will implement this cut by not filling a vacant position.

M-W provides business assistance and training on manufacturing technology and techniques. The funds provided by the WBC through this contract are leveraged with other funds from UW and the National Institute of Standards & Industry (NIST) to provide this service to small and medium businesses and entrepreneurs throughout the state. The impact of not approving this contract would significantly reduce services provided by M-W to manufacturers in the state, cause M-W to lay off employees and jeopardize the funding provided by UW and NIST for this program.

Internal Use Only

<input type="checkbox"/>	<u>EXECUTIVE REVIEW</u> <u>COMMITTEE</u>	Approved <input checked="" type="checkbox"/>
	Executive Review Committee: _____	Denied - Reason: _____
	Date <u>4/26/16</u>	

Rev: 10/2015

ATTACHMENT A SCOPE OF WORK

The University of Wyoming/Manufacturing-Works shall be the principal agent for providing business assistance and training in the following areas for manufacturing:

- a. Need Assessment: Analysis of strengths, weaknesses, opportunities, and threats associated with the potential or ongoing operation of business enterprises, particularly manufacturing.
- b. Innovation: Offerings based on Deming Principles for guaranteed bottom line company growth and added-value.
- c. Prototype Development and Fabrication: Utilizing professional engineering skills and other Wyoming established commercial businesses to bring new products to market.
- d. Energy Assessments and Alternative Energy Solutions: For best utilization of existing energy and risk management of new emerging energy technologies and applications.
- e. Sustainability: Deployment through environmental work-ups: green supplier tradeoffs and green supplier networks to embrace new energy usage approaches and waste management alternatives.
- f. Lean and Office Lean: Deployment to improve productivity and reduce waste through any business enterprise using licensed and certified technicians and techniques.
- g. Comprehensive Business Planning: Documentation of goals and objectives, as well as the strategies and alternatives for achieving them, particularly in manufacturing.
- h. Applied Market Research and Market Strategy: Consideration of markets for products and how to best take said products to those markets, both national and international.
- i. Financial Statement Analysis and Control: Evaluation of past and present financial health and position, particularly manufacturing, leveraging financial opportunities.
- j. Cash Flow Analysis and Financial Projections: Study of forecasted cash flows and operations when requested by the client to bring more agile operations and alternatives.
- k. Debt and Equity Funding Development: Evaluation and presentation of financing requirements and opportunities when requested by the client.
- l. Valuation Methods: Utilization of tools to determine value when buying and/or selling businesses when requested by the client, part of business succession planning.

- m. Strategic Planning: Definition of business objectives (the vision) and the application of that vision to help guide the decisional process when requested by the client.
- n. Management Issues: Examination of business policies and procedures, management styles, human resources, organization development, including project management, particularly in manufacturing.
- o. Training: Identification and coordination of group training to address specific issues affecting Wyoming's businesses, particularly manufacturing, in most instances utilizing well-known recognized speakers and trainers with national reputations.
- p. City/State Agreement: Provide consistent, cooperative communication and services regarding the Export/Import Bank pertaining to Wyoming export opportunities.

Manufacturing-Works

Estimated FY 2017 Budget Biennium – Year 1

Description	NIST	WBC	Program Income	Amount
Salaries	\$237,936	\$285,008	\$267,800	\$790,744
Fringe Benefits	\$118,642	\$142,114	\$143,347	\$404,103
Travel	\$30,000	\$80,000	\$0	\$110,000
Equipment	\$0	\$0	\$0	\$0
Supplies	\$6,000	\$10,000	\$0	\$16,000
Contractual	\$4,000	\$8,000	\$0	\$12,000
Other	\$72,086	\$63,731	\$0	\$135,817
Indirect Charges	\$31,336	\$0	\$0	\$31,336
TOTAL	\$500,000	\$588,853	\$411,147	\$1,500,000

Estimated FY 2018 Budget Biennium – Year 2

Description	NIST	WBC	Program Income	Amount
Salaries	\$237,936	\$285,008	\$267,800	\$790,744
Fringe Benefits	\$118,642	\$142,114	\$143,347	\$404,103
Travel	\$30,000	\$80,000	\$0	\$110,000
Equipment	\$0	\$0	\$0	\$0
Supplies	\$6,000	\$10,000	\$0	\$16,000
Contractual	\$4,000	\$8,000	\$0	\$12,000
Other	\$72,086	\$63,731	\$0	\$135,817
Indirect Charges	\$31,336	\$0	\$0	\$31,336
TOTAL	\$500,000	\$588,853	\$411,147	\$1,500,000

FOOTNOTE: The University of Wyoming provides in the form of Unrecovered Indirect Costs (approximately \$245,800 annually) and contributed office space (\$1,600*5=\$8,000) annually, which are not direct cash, but program contributions.

\$100,000 + CONTRACT EXCEPTION REQUEST

Agency No:	085	Agency Name:	Wyoming Business Council (WBC)
Division Name:	Performance and Planning		
Contract Amount:	\$858,300.00 – for a two (2) year term from 7/1/16 to 6/30/18		
Does this Require a Business Case?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Business Case Number:	N/A
Funding Source: (GF, FF, OF)	GF	Is this a construction contract?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

BUDGET CODES

Agency:	085	Division:	0100	Unit:	0119	Fund:	001	APPR:	101
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Please provide an explanation of the crucial necessity of this contract and the expected impact to the Agency if the contract is not approved.

Wyoming Technology Business Center (WTBC). The WBC partners with a variety of agencies and organizations to fulfill its mission. One of the most important partnerships is with the Business Resource Network (BRN), which includes certain programs at the University of Wyoming (UW). Collectively, the BFY17/18 BRN contracts will be reduced a total of \$716,000 from BFY15/16 amounts. The amount of this contract has been reduced \$546,000 from the current contract.

WTBC Data Center will remain operational until June 30, 2017 due to an existing client service level agreement with Medicine Bow Technologies (MBT). MBT provides IT services to Iverson Memorial Hospital, the Riverton hospital and other rural hospitals. Immediate closure of the WTBC Data Center would present a serious hardship for both MBT and the community. Therefore, WTBC will reduce operational costs in managing the data center and reduce WTBC staff through eliminating open positions along with eliminating current personnel.

In FY17 the WTBC will eliminate (1) Business Counselor position, (1) Assistant Director position, (1) Assistant Data Center Manager, (1) Data Center Specialist, and (1) Network Specialist positions. WTBC will reduce operational costs of the WTBC Data Center by reducing internet bandwidth connectivity along with reductions in performing preventative maintenance. The WTBC Data Center will be supervised by UW IT staff through departmental service agreements rather than full-time, benefited staffing. These actions allow for the \$251,243 cut for FY17.

In FY18 the WTBC will maintain all eliminated positions from FY17 and will commence on decommissioning the WTBC Data Center. After decommissioning of all Hazmat materials, electricity costs will be eliminated along with all maintenance costs. Our service agreements with UW IT will be reduced to basic networking support. These additional cost saving measures will allow for the \$294,757 cut for FY18.

**EXECUTIVE REVIEW
COMMITTEE**

Rev: 10/2015

4/26/16 Approved

Scope of Work

Project Description

The program shall make broadband services and an associated data center environment available to businesses contracted with the WTBC as a continuance of the Broadband Enhancement program in FY17. This provides a competitive advantage for high-capacity broadband dependent businesses by providing cost advantaged primary and redundant broadband capacity inside the WTBC. The broadband services, redundancy, and high capacity Internet access will remain in FY18, however the associated data center environment will be decommissioned due to budget cuts and competitive cloud-based alternatives. Additionally, the WTBC will continue statewide educational networking programs in FY17 and FY18.

Scope of Work

1. The University of Wyoming, WTBC will ensure that the broadband services are managed and maintained to provide the primary and redundant high capacity Internet connectivity and access for the data center within the WTBC. The WTBC will provide periodic reports concerning outages in the data center.
2. The University of Wyoming, WTBC will plan, coordinate, and decommission the WTBC data center during FY18.
3. The University of Wyoming, WTBC will support the technology entrepreneurial growth and development of businesses in the State through the continuance of the e2e Wyoming, a networking educational program.
4. The University of Wyoming, WTBC executive team will provide Statewide managerial support and business advising training and services to WTBC incubator staff and clients.
5. The University of Wyoming, WTBC will report aggregated economic impact data across all WTBC incubator programs annually to the Wyoming Business Council. The report will include:
 - Number of companies operating within WTBC facilities, associated industries represented, and square footage occupied.
 - Number of FTE employees and average wages of employees of those companies.
 - Total revenues of those companies.
 - Total payroll of those companies.
 - Number of graduated companies continuing operations in Wyoming.
 - Attendance and impact reporting on e2e Wyoming programming.

WTBC FY 2017 Budget for Wyoming Business Council Grant

Maintenance

Chiller Maintenance	JCI Contract, fan motor replacement	\$1,950.00
Breaker/Electrical Scan	IR Scan	\$1,500.00
Generator Maintenance	Materials, batteries, hose replacement	\$3,775.00
CRAH Units	Monthly UW, and Outside Contract Filter replacement, standard maintenance	\$1,800.00
UPS Maintenance	Preventative Maintenance, twice per year	\$6,600.00
Unplanned	Major equipment failure/rentals	\$10,000.00
		\$25,625.00

Utilities

Electrical	Electricity at \$5,000/month	\$60,000.00
Broadband	Bresnan charges at \$2,880/month	\$34,560.00
		\$94,560.00

Data Center Support Services

Network Systems Specialist	Network maintenance, monitoring systems support, client gear installation, service agreement rate	\$25,000.00
Data Center Specialist	Onsite monitoring and on-call, service agreement rate	\$15,000.00
		\$40,000.00

e2e Programs

Venue Rental	5 events each year per location (Laramie, Casper and Sheridan)	\$17,125.00
Travel	5 events each year per location (Laramie, Casper and Sheridan)	\$15,000.00
		\$32,125.00

Miscellaneous

WTBC Data Center Video Storage	UW IT, 45 day retention, off-site replication	\$2,949.00
		\$2,949.00

Salaries

Chief Operating Officer	Oversight of the administrative functions, counseling and coordinates Data Center management (77%)	\$102,286.00
Assistant Director	Oversight of e2e program, client relations, and counseling. (1 at 100%)	\$79,296.00
Fringe Benefits		\$74,066.00
		\$255,648.00
TOTAL		\$450,907.00

*20% unrecovered indirect costs (\$90,181)– UW services includes office space and amenities (access to legal counsel, all aspects of HR services, sponsored programs management, etc.)

WTBC FY 2018 Budget for Wyoming Business Council Grant

Data Center Decommissioning

Miscellaneous	Costs to decommission and dispose of the WTBC data center	\$25,060.00
		<u>\$25,060.00</u>

Utilities

Electrical	Electricity at \$5,000/month for 4 months	\$20,000.00
Broadband	Bresnan charges at \$2,880/month	\$34,560.00
		<u>\$54,560.00</u>

Data Center Support Services

Network Systems Specialist	Network maintenance, monitoring systems support, decommissioning services, service rate agreement	\$25,000.00
Data Center Specialist	Onsite monitoring, decommissioning support, service agreement rate	\$15,000.00
		<u>\$40,000.00</u>

e2e Programs

Venue Rental	5 events each year per location (Laramie, Casper and Sheridan)	\$17,125.00
Travel	5 events each year per location (Laramie, Casper and Sheridan)	\$15,000.00
		<u>\$32,125.00</u>

Salaries

Chief Operating Officer	Oversight of the administrative functions, counseling and coordinates Data Center management (77%)	\$102,286.00
Assistant Director	Oversight of e2e program, client relations, and counseling. (1 at 100%)	\$79,296.00
Fringe Benefits		\$74,066.00
		<u>\$255,648.00</u>

TOTAL	\$407,393.00
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*20% unrecovered indirect costs (\$81,479)– UW services includes office space and amenities (access to legal counsel, all aspects of HR services, sponsored programs management, etc.)

ATTACHMENT A
Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) AGREEMENT

I. SBIR Phase 0 and Phase 00 Preparation Award Programs – Scope of Work

A. For each fiscal year of this contract (FY17 and FY18) the Council will provide up to one hundred twenty-nine thousand one hundred twenty-eight dollars (\$129,128) for the coordination and administration of the SBIR/STTR program. The Council will provide up to one hundred thirty thousand dollars (\$130,000) to be distributed through competitive awards to qualifying Wyoming small businesses in amounts generally not to exceed five thousand dollars (\$5,000) per award through procedures outlined in I B and I C.

B. Small businesses that wish to compete for the Phase 0 funds will submit a brief proposal (no more than three pages) to the SBIR Program Manager that summarizes proposed Phase 0 activities. The SBIR Program Manager will prepare and distribute guidelines to facilitate preparation of Phase 0 proposals. The closing date for submission of Phase 0 funding requests will be the first day of each month.

C. Small business wishing to compete for Phase 00 Proposal preparation funds will submit a brief (no more than three pages plus supporting documentation) to the SBIR Program Manager for evaluation in a manner identical to that described in paragraph B, above. Those proposals found to be qualified will receive an award of up to five thousand dollars (\$5,000), one thousand six hundred and fifty dollars (\$1,650) of which shall be allocated to a professional review and comment of at least two sequential proposal drafts prior to the submission of the Phase II proposal to the relevant federal agency.

D. A three-member committee appointed by the SBIR Program Manager will evaluate the Phase 0 and Phase 00 proposals. The committee members will be from the Wyoming small business community, and should be knowledgeable about and experienced in the SBIR/STTR competition process.

Each month, the three-member committee will rank the proposals submitted, and the SBIR Program Manager will forward the committee's award recommendations to the Vice President for Research and Economic Development and the Council. The Vice President for Research and Economic Development and the Council will approve or deny the recommendations and the SBIR Program Manager will generally announce Phase 0 and Phase 00 awards by the 15th day of each month.

II. University of Wyoming SBIR/STTR Coordination and Administration

A. The University of Wyoming through the Wyoming Small Business Development Center will continue as the coordinator and administrator of the statewide SBIR/STTR outreach activities. The University through the Wyoming Small Business Development Center shall retain the services of a qualified SBIR/STTR Program Manager and will administer all aspects of the Program Manager's activities related to the promotion and development of SBIR/STTR activities for Wyoming's small business.

B. SBIR/STTR administration and coordination of activities to be performed by the University, through SBIR/STTR Program Manager or the state, associate state director, or other designee of the Wyoming Small Business Development Center, include but are not limited to the following:

1. Travel
 - a. Extensive travel throughout Wyoming to meet with people who have ideas or technologies that are candidates for SBIR/STTR funding.
 - b. Travel to national and regional SBIR/STTR conferences to meet with federal agency program managers, receive training on program changes and assist Wyoming entrepreneurs with networking, program requirements and education.
 - c. Travel to Washington, DC to educate legislature on impact of SBIR/STTR program on Wyoming small businesses, includes testifying before the legislative committees and sub-committees.
 - d. Identify mentors to work with Phase 0 and Phase 00 awardees.
2. Supplies
 - a. Publication of Wyoming SBIR/STTR Newsletter, www.uwyo.edu/sbir website, pamphlets and fliers advertising program.
 - b. Reviewing and commenting on SBIR proposals from Wyoming entrepreneurs prior to submission at national level thereby making high quality competitive proposals.
 - c. Arranging workshops and other meetings that describe SBIR programs and educate Wyoming businesses regarding the SBIR/STTR program requirements.
 - d. Train mentors and Phase 0/00 reviewers.
 - e. Administration of Phase 0 and Phase 00 program includes advising clients of program details, reviewing proposals for compliance making recommendations for improved competitive Phase 0/00 proposals, preparing contract and ensure contract obligations are met, authorizing dissemination of Phase 0/00 funds.
 - f. Provide support to the Council and its partners relative to technology related business development in Wyoming.

ATTACHMENT B

**WSSI Budget FY 2017
July 1, 2016-June 30, 2017**

Wyoming SBIR/STTR Initiative BUDGET		Sub Totals
Salaries and Fringe Benefits	98,437	
Travel (employee and client)	2,000	
Supplies, Phones, copies, etc.	3691.00	
Equipment	0	
Contractual Services	25,000	
Subtotal Administrative		129,128
Phase 0/00 awards	130,000	
Subtotal Contractual Phase 0/00		130,000
WBC TOTAL	\$259,128	\$259,128
Unrecovered Indirect Costs contribution (20%)*	\$51,826	\$51,826
	\$310,954	\$310,954

**WSSI Budget FY 2018
July 1, 2017-June 30, 2018**

Wyoming SBIR/STTR Initiative BUDGET		Sub Totals
Salaries and Fringe Benefits	98,437	
Travel (employee and client)	2,000	
Supplies, Phones, copies, etc.	3,691	
Equipment	0	
Contractual Services	25,000	
Subtotal Administrative		129,128
Phase 0/00 awards	130,000	
Subtotal Contractual Phase 0/00		130,000
WBC TOTAL	\$259,128	\$259,128
UW Unrecovered Indirect Costs contribution (20%)*	\$51,826	\$51,826
	\$310,954	\$310,954

*unrecovered indirect costs— UW services includes office space and amenities (WSSI – 139 ft² office @ \$5.00/ ft², plus access to a 600 ft² conference room), access to legal counsel, all aspects of HR services, sponsored programs management, etc.

\$100,000 + CONTRACT EXCEPTION REQUEST

Agency No:	085	Agency Name:	Wyoming Business Council (WBC)
Division Name:	Performance and Planning		
Contract Amount:	\$196,590.00 – for a two (2) year term from 7/1/16 to 6/30/18		
Does this Require a Business Case?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Business Case Number:	N/A
Funding Source: (GF, FF, OF)	GF	Is this a construction contract?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

BUDGET CODES

Agency:	085	Division:	0100	Unit:	0119	Fund:	001	APPR:	101
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Please provide an explanation of the crucial necessity of this contract and the expected impact to the Agency if the contract is not approved.

Research Products Center (RPC). The WBC partners with a variety of agencies and organizations to fulfill its mission. One of the most important partnerships is with the Business Resource Network (BRN), which includes certain programs at the University of Wyoming (UW). Collectively, the BFY17/18 BRN contracts will be reduced a total of \$716,000 from BFY15/16 amounts; the amount of this contract remains the same as the current contract.

The RPC provides assistance to small businesses and entrepreneurs throughout the state by improving technology transfer from the University and its faculty and staff to businesses and ventures throughout the state. The RPC also assists Wyoming businesses with intellectual property protection, initial market assessments of potential technologies and ventures, and preparation of licensing agreements. Due to a lack of patent attorneys in the state, the impact of not approving this contract would force Wyoming businesses to go outside the state for these services and would also cause the RPC to lay off employees.

Internal Use Only

<input type="checkbox"/>	<u>EXECUTIVE REVIEW COMMITTEE</u>	Approved <input checked="" type="checkbox"/>
	_____ Executive Review Committee:	<u>5/2/16</u> Date
		Denied - Reason:

Rev: 10/2015

ATTACHMENT A
Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) AGREEMENT

I. SBIR Phase 0 and Phase 00 Preparation Award Programs – Scope of Work

A. For each fiscal year of this contract (FY17 and FY18) the Council will provide up to one hundred twenty-nine thousand one hundred twenty-eight dollars (\$129,128) for the coordination and administration of the SBIR/STTR program. The Council will provide up to one hundred thirty thousand dollars (\$130,000) to be distributed through competitive awards to qualifying Wyoming small businesses in amounts generally not to exceed five thousand dollars (\$5,000) per award through procedures outlined in I B and I C.

B. Small businesses that wish to compete for the Phase 0 funds will submit a brief proposal (no more than three pages) to the SBIR Program Manager that summarizes proposed Phase 0 activities. The SBIR Program Manager will prepare and distribute guidelines to facilitate preparation of Phase 0 proposals. The closing date for submission of Phase 0 funding requests will be the first day of each month.

C. Small business wishing to compete for Phase 00 Proposal preparation funds will submit a brief (no more than three pages plus supporting documentation) to the SBIR Program Manager for evaluation in a manner identical to that described in paragraph B, above. Those proposals found to be qualified will receive an award of up to five thousand dollars (\$5,000), one thousand six hundred and fifty dollars (\$1,650) of which shall be allocated to a professional review and comment of at least two sequential proposal drafts prior to the submission of the Phase II proposal to the relevant federal agency.

D. A three-member committee appointed by the SBIR Program Manager will evaluate the Phase 0 and Phase 00 proposals. The committee members will be from the Wyoming small business community, and should be knowledgeable about and experienced in the SBIR/STTR competition process.

Each month, the three-member committee will rank the proposals submitted, and the SBIR Program Manager will forward the committee's award recommendations to the Vice President for Research and Economic Development and the Council. The Vice President for Research and Economic Development and the Council will approve or deny the recommendations and the SBIR Program Manager will generally announce Phase 0 and Phase 00 awards by the 15th day of each month.

II. University of Wyoming SBIR/STTR Coordination and Administration

A. The University of Wyoming through the Wyoming Small Business Development Center will continue as the coordinator and administrator of the statewide SBIR/STTR outreach activities. The University through the Wyoming Small Business Development Center shall retain the services of a qualified SBIR/STTR Program Manager and will administer all aspects of the Program Manager's activities related to the promotion and development of SBIR/STTR activities for Wyoming's small business.

B. SBIR/STTR administration and coordination of activities to be performed by the University, through SBIR/STTR Program Manager or the state, associate state director, or other designee of the Wyoming Small Business Development Center, include but are not limited to the following:

1. Travel
 - a. Extensive travel throughout Wyoming to meet with people who have ideas or technologies that are candidates for SBIR/STTR funding.
 - b. Travel to national and regional SBIR/STTR conferences to meet with federal agency program managers, receive training on program changes and assist Wyoming entrepreneurs with networking, program requirements and education.
 - c. Travel to Washington, DC to educate legislature on impact of SBIR/STTR program on Wyoming small businesses, includes testifying before the legislative committees and sub-committees.
 - d. Identify mentors to work with Phase 0 and Phase 00 awardees.
2. Supplies
 - a. Publication of Wyoming SBIR/STTR Newsletter, www.uwyo.edu/sbir website, pamphlets and fliers advertising program.
 - b. Reviewing and commenting on SBIR proposals from Wyoming entrepreneurs prior to submission at national level thereby making high quality competitive proposals.
 - c. Arranging workshops and other meetings that describe SBIR programs and educate Wyoming businesses regarding the SBIR/STTR program requirements.
 - d. Train mentors and Phase 0/00 reviewers.
 - e. Administration of Phase 0 and Phase 00 program includes advising clients of program details, reviewing proposals for compliance making recommendations for improved competitive Phase 0/00 proposals, preparing contract and ensure contract obligations are met, authorizing dissemination of Phase 0/00 funds.
 - f. Provide support to the Council and its partners relative to technology related business development in Wyoming.

ATTACHMENT B
Research Products Center
FY 2017 – FY 2018 budgets

FY 2017 Budget

DESCRIPTION	Amount
Salaries	63,863
Fringe Benefits & Taxes	11,674
Travel	2,000
Computer Resources	9,650
Supplies	11,108
TOTAL	98,295

FY 2018 Budget

DESCRIPTION	Amount
Salaries	63,863
Fringe Benefits & Taxes	11,674
Travel	2,000
Computer Resources	9,650
Supplies	11,108
TOTAL	98,295

*20% unrecovered indirect costs (\$19,659 annually)– UW services includes office space and amenities (access to legal counsel, all aspects of HR services, sponsored programs management, etc.)

COMMUNITY GRANT AND LOAN COMMITTEE



AGENDA ITEMS

May 26, 2016

Community Grant and Loan Committee:

D-7 Community Grant and Loan Block Grant Program
Action Item: Approval of Staff Recommendation

D-15 Business Ready Community Program

- Approved Projects Not Yet Started
- Program Allocation Plan

Action Item: Adoption of Allocation Plan

D-19 Business Ready Communities Applications
Action Item: Approval of Staff Recommendations

D-47 Business Ready Community Rules
Action Item: Approval of Proposed BRC Rule Changes





Community Development Block Grant Program

Report and Recommendations to the Wyoming Business Council

May 26, 2016

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CDBG Application and Financial Summary	D-7
Buffalo	D-9



CDBG Application and Financial Summary

CDBG Application Summary				
	Applicant	Project	Project Type	Amount Requested Recommendation
1	Buffalo	Public Infrastructure	Imminent Threat Flood Hazard	\$193,132 \$193,132
	TOTAL			\$193,132 \$193,132
	Available CDBG Funds			\$2,613,779
	Remaining CDBG funding if project is funded			\$2,420,647

Awards are contingent on satisfactory execution and administration of previous grants or loans by an applicant. Other contingencies, if any, are spelled out in the project descriptions.





**Business Ready
Community Grant
and Loan Program**

BUFFALO

\$193,131 CDBG Imminent Threat Grant

Flood Hazard Mitigation

Staff Recommendation:
Fund as requested

Imminent Threat CDBG Project Type

All CDBG projects must address a national objective of benefiting low- and moderate-income people, preventing or eliminating slum and blight or addressing an urgent need. Imminent threat grants meet a particular urgency in a community. According to Wyoming CDBG rules, *“Imminent threat grants must be a catastrophic or emergency situation that creates an impending or immediate threat, danger or peril to human health and safety.”* The project must receive an emergency declaration by the Governor, grant requests may not exceed \$250,000 and applications for imminent threat may be submitted at any time. An activity addresses the national objective if the applicant certifies and the state determines:

- The activity alleviates existing conditions which pose a serious and immediate threat to the health or welfare of the community. For example, damage to a municipal sewer lagoon due to a flood.
- The threat is of recent origin or recently became urgent. A condition is considered to be of recent origin if it developed or became urgent within the last 18 months.
- The applicant is unable to finance the activity on their own, and other sources of funding are not available.

The Wyoming Business Council Board makes a recommendation to the Governor. The Governor makes the final decision on imminent threat grants.

Project Description

On June 3, 2015, Buffalo suffered severe flooding due to rainfall and runoff. The runoff gathers at Dump Draw (located west of town) and flows through a channel in the golf course, which connects to a culvert unable to handle the event because of volume and debris. This culvert is approximately 0.25 miles in length and runs under the developed area of the city until it outfalls into Clear Creek.

The city of Buffalo requests a \$193,131 CDBG Imminent Threat grant, in addition to a Federal Emergency Management Agency (FEMA) grant, to design and construct a 40-foot dam spillway area for flood mitigation. The detention dam spill will be located in Dump Draw, which is outside of city limits and privately owned by French Creek Properties Inc. The dam site and flood inundation surface site will be approximately 1.5 acres and six acres respectively. French Creek Properties will enter into a 100-year easements with the city for these sites.

The total project cost is approximately \$693,000, of which a Federal Emergency Management Agency (FEMA) Hazard Mitigation Program grant will pay up to 75% provided the grant request is approved in

July 2016. The CDBG request will be the 25% required match to complete the project. If both the CDBG and FEMA grants are awarded, a detention system will be built to hold more flood water and avoid future flooding. The project includes two phases:

- Phase 1 includes a CDBG grant. This portion includes site work and engineering to begin construction on the detention wall. CDBG funds will be spent to acquire the easement, design and engineering work, and beginning construction.
- Phase 2 is the expenditure of FEMA funds. These grant funds will help to complete construction of the project. The anticipated grant from FEMA will be \$519,770.

Project Goals and Benefits

The purpose of the project is to address the National Objective of “urgent need.” There have been four flooding events since the 1980s. A system of culverts was constructed to slow high rainfall event floodwaters, but sudden rainfall causes the culverts to fill and flood waters rapidly enter the city. Without this project, there is a higher likelihood such a disaster will occur again.

The city of Buffalo completed a Benefit Cost Analysis (BCA), as required for the FEMA grants. FEMA has a BCA program for entities to use to determine a benefit cost ratio for their proposed project. The analysis determined there are 216 affected properties in the area. Assumptions were made based on elevation of the affected area and rainfall events of various frequencies (i.e. 10yr, 50yr, 100yr, & 500yr) were evaluated. This information was used to predict/estimate the approximate number of houses that would receive damage for each storm and a cost of the damage was estimated base on depth of water which correlated to replacement costs and displacement costs based on the property type. The same process was then repeated to model the affected area after the storm detention infrastructure was in place. The costs were then correlated to show what the dam would protect and give a cost benefit ratio to correlate the actual cost of completing the project including project maintenance against the projected damage costs potential eliminated/minimized due to the mitigation measures. See the following charts:

According to an engineering report by Cumbre Professional Group, Inc., another disaster could result in 78-93 damaged properties totaling between \$8MM-\$21MM in damage. This project will significantly mitigate potential damages. Johnson County Health Care Center, the region’s hospital, is in the affected area. Another disaster could impact the hospital’s access and the ability to provide services.

Project Funding

Total project cost is \$693,027, of which \$193,131 is a CDBG request and \$519,770 will be FEMA Hazard Mitigation Program grant funding. Cost estimates for this project were prepared by Cumbre Professional Group, Inc. (CPG).

CPG advised the city there will be some required engineering permits and a site investigation during the environmental analysis. The city is working with CPG engineering to negotiate the easement. Funding must be in place before the permitting and easements can move forward.

Before Mitigation		
Precipitation Event	Approximate Number of Damaged Properties	Total Damage
10-year	78	\$8,653,701.24
50-year	81	\$18,045,791.14
100-year	81	\$18,502,068.22
500-year	93	\$21,013,060.58

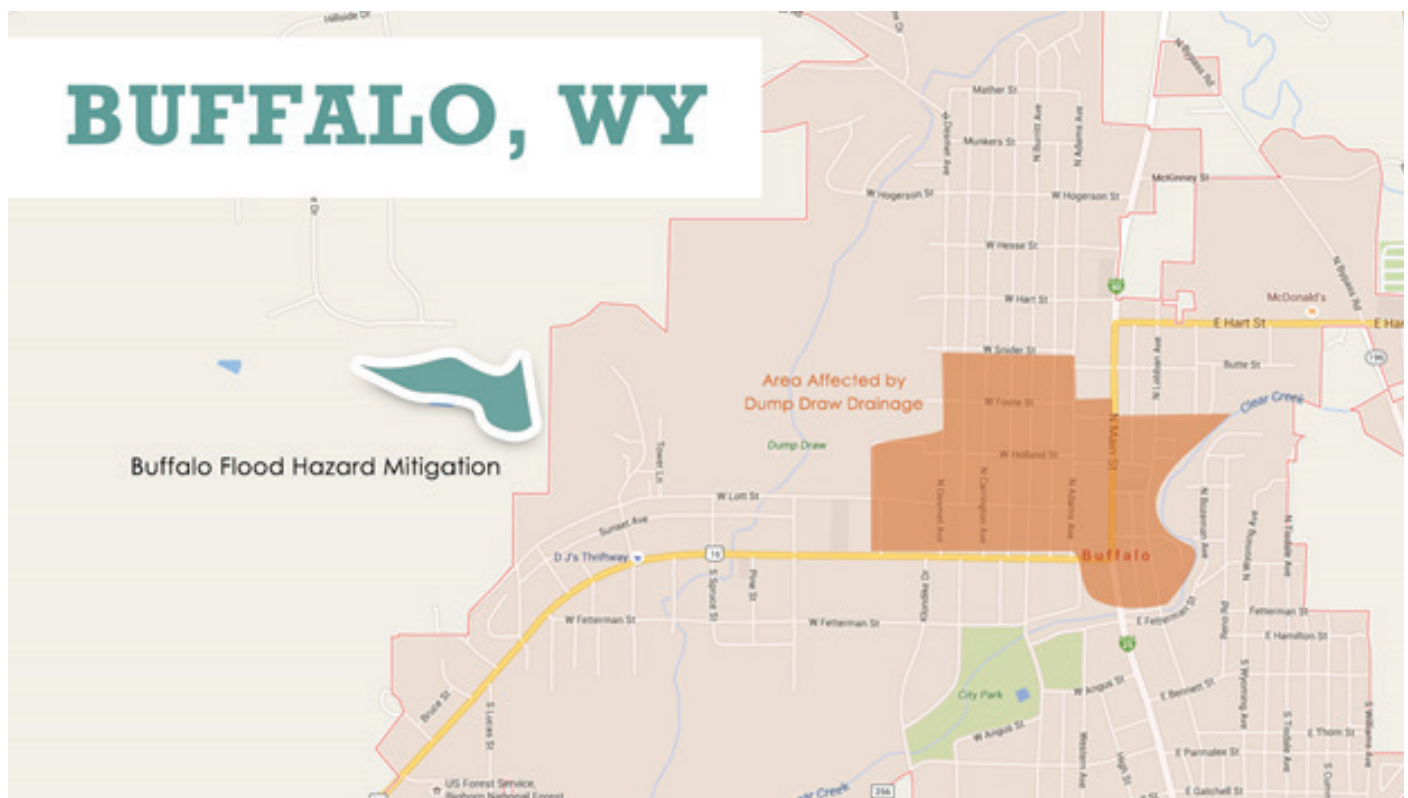
After Mitigation		
Precipitation Event	Approximate Number of Damaged Properties	Total Damage
10-year	0	\$0.00
50-year	17	\$3,178,697.76
100-year	53	\$10,762,254.08
500-year	79	\$17,382,572.51

Staff Recommendation

Staff recommends funding the imminent threat grant in the amount of \$193,131, as requested. This will satisfy the National Objective of addressing an urgent need. The entire local population of 4,638 will benefit from the project. CDBG funding is contingent on the following:

- FEMA grant award (to be decided in July 2016).
- Execution of the 100-year easement agreements between the private landowner and the city of Buffalo, as well as a market analysis to verify the cost of the easements.
- Approval of the 2016 Annual Action Plan and availability of the 2016 CDBG funds.

	Buffalo Imminent Threat Flood Hazard Mitigation			
Purpose	The city of Buffalo requests a \$173,257 CDBG Imminent Threat grant to construct a flood hazard detention area for flood mitigation.			
Project Budget	Projected Grant Expenditure Schedule			
	Description	CDBG	Match	Total
			Cash: FEMA HMPG Grant	
	Non-Construction Costs	\$ 114,378	\$ -	\$ 114,378
	Construction Costs	\$ 78,753	\$ 579,396	\$ 658,149
	Total Project Cost	\$ 193,131	\$ 579,396	\$ 772,527
Performance Measures	Measure	Quantity		Notes
	Beneficiaries	4,638 people		Estimated from affected area
Project Infrastructure	Detention Area Size	6 Acres		
	Detention Area Capacity	95 Acre-Feet		







Business Ready Community Grant and Loan Program

Report and Recommendations to the Wyoming Business Council

May 26, 2016

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Business Ready Community (BRC) Program – Projects Not Started

Rules: Chapter 1, Section 14 of the BRC rules state, *“For projects that have not been started within one year: Council staff will notify a grantee/borrower of a pending expiration prior to the one-year anniversary of the grant/loan approval. The grantee/borrower can submit a written request to continue the project. Council staff may request new and/or updated information and documentation. Council staff may recommend and the Council may grant an extension of time in which to start the project.”*

Project Status:

Grantee/Borrower	Project	Date of Award	Award
Rawlins	Downtown Façade	1/16/2014	\$ 1,000,000
Rawlins	Wayfinding	6/20/2013	\$ 297,475
Fremont County	Cameco	10/3/2013	\$ 1,500,000
Cheyenne	Elevated Walkway-grant	1/16/2014	\$ 562,248
Cheyenne	Elevated Walkway-loan	1/16/2014	\$ 187,500
Jackson Hole Energy Sustainability JPB	CNG Fuel Station	1/16/2014	\$ 766,665

Staff Recommendations:

- Staff recommends amending the rule information to include “or terminate the project.”
“For projects that have not been started within one year: Council staff will notify a grantee/borrower of a pending expiration prior to the one-year anniversary of the grant/loan approval. The grantee/borrower can submit a written request to continue the project. Council staff may request new and/or updated information and documentation. Council staff may recommend and the Council may grant an extension of time in which to start the project or terminate the project.”
- Rawlins Façade – This is a complicated project and staff has been working with the community on this. The community has memorandums of agreements (MOAs) with all property owners. Now it is working with the architect to finalize the specific information needed for easements. The community received CDBG funds and is drawing down those funds first. *Staff recommends moving forward as planned.*
- Rawlins Wayfinding – The bids were higher than the estimates. The community is adjusting the project to accommodate the lower budget. *Staff recommends moving forward as planned.*
- Fremont County Cameco – The county requested proceeding as a Community Readiness project because CAMECO cannot commit to moving forward with the project however the road upgrades still promise to benefit Fremont and Natrona county and will leverage over \$2 million in Abandoned Mine Land (AML) funds. *Staff recommends continuing work with the county to understand the project changes and merits as a Community Readiness project.*
- Cheyenne Elevated Walkway – The walkway will connect the parking garage and a to-be-constructed hotel in downtown Cheyenne. The hotel project increased in cost. Staff is updated regularly on the progress of the hotel developer obtaining necessary financing. Staff requested updated information on the status of hotel financing. Staff asked for an official request that explains why the project has not yet begun and why it merits an extension. *Staff recommends the board approve the extension to November 15, 2016 as requested.*

6. Jackson Hole Sustainability Joint Powers Board CNG station – The grantee proposes changes to the project site and other items. Staff asked for an official request that explains why the project has not yet begun and why it merits an extension. *Staff recommends rescinding the project and de-obligating the funds. The applicant may re-apply when the new scope and location of the project are determined.*

Business Ready Community (BRC) Program Allocation Plan

Purpose of Allocation Plan

- Ensure funds are available throughout the biennium (July 1, 2016 through June 30, 2018) for opportunities as they arise
- Allows the board to set and communicate priorities for funding specific project types

Considerations

- Flexibility vs. rigidity
 - Staff recommends the allocation plan is used as a guideline and not a hard and fast rule.
- Priorities
 - Staff recommends prioritizing funding (highest priorities get allocated most funding, lower priorities get some funding).
 - Staff recommends higher priority projects can “pull” money from lower priority allocations, but not the other way around.
 - Alternatively, the Board could elect not to fund low priorities.
- Quarterly vs. annual/biennial
 - Staff recommends the allocation plan is developed for quarterly funding to further ensure the projects recommended align with state and local priorities.
- Budgets will change over time based on actual awards, carry-over funds, de-obligations, loan repayments, revenue recapture.
 - Staff recommends budget adjustments are distributed proportionally according to allocation percentages.
- State Loan and Investment Board (SLIB)
 - Staff recommends a presentation of the allocation plan to SLIB by the WBC Board.

Funding for BFY17/18:

- The biennial budget is \$41,588,051. Funds are continuously appropriated, which means they "roll-over" from fiscal year to fiscal year.
 - Staff recommends reserving \$9.5MM for potential budget cuts (8% cuts to WBC budget is about \$6M) and the Sheridan and Rock Springs projects which may return to the SLIB.
 - A \$9.5MM reserve leaves \$32,088,051 for the biennium, or a suggested \$16,044,026 available each year (\$4,011,006 per quarter).
- The budget will need be regularly adjusted based on de-obligations, principal and interest payments from loans will be received, and revenue recapture will be returned the BRC fund.

Options

1. Allocation based on historic awards (based previous three year awards)

BRC Project Types	Priorities	% of Allocation	Annual Allocation	Quarterly Allocation
Business Committed and Data Center	High	35%	\$ 5,615,408.93	\$ 1,403,852.23
Community Readiness	Medium	48%	\$ 7,701,132.24	\$ 1,925,283.06
Community Enhancement	Low	16%	\$ 2,567,044.08	\$ 641,761.02
Planning	Low	1%	\$ 160,440.26	\$ 40,110.06
Totals		100%	\$ 16,044,026	\$ 4,011,006

2. Based on new priorities

- a. Different percentages that still allocate funds to lower priorities. Below is one example of different percentages.

BRC Project Types	Priorities	% of Allocation	Annual Allocation	Quarterly Allocation
Business Committed and Data Center	High	60%	\$ 9,626,415.30	\$ 2,406,603.83
Community Readiness	Medium	30%	\$ 4,813,207.65	\$ 1,203,301.91
Community Enhancement	Low	9%	\$ 1,443,962.30	\$ 360,990.57
Planning	Low	1%	\$ 160,440.26	\$ 40,110.06
Totals		100%	\$ 16,044,026	\$ 4,011,006

- b. Percentages that do not allocate funds to lower priorities (in other words, the WBC would not recommend enhancements or planning grants)

BRC Project Types	Priorities	% of Allocation	Annual Allocation	Quarterly Allocation
Business Committed and Data Center	High	60%	\$ 9,626,415.30	\$ 2,406,603.83
Community Readiness	Medium	40%	\$ 6,417,610.20	\$ 1,604,402.55
Community Enhancement	Low	0%	\$ -	\$ -
Planning	Low	0%	\$ -	\$ -
Totals		100%	\$ 16,044,026	\$ 4,011,006

Staff Recommendation: Staff recommends the Board approve BRC allocation plan Option 2a (percentages can be adjusted) with the following considerations:

- The allocation plan is a guide and will be revisited regularly with adjustments approved by Board
- Any new funds are redistributed quarterly according to percentage allocation
- Higher priority projects can be funded out of allocations for lower priorities if insufficient funds have been allocated; however, lower allocation projects cannot be funded out of higher priority allocations

BRC Financial Summary

Available Funds Summary	
	BRC
Net Appropriations	\$ 336,261,255
Awards Adjusted by Deobligations	\$ (335,218,153)
BRC Loan Principal and Interest Payments Received to Date	\$ 1,830,182
Total Available Funds	\$ 7,573,284

BRC Application and Program Summary

The office of the Attorney General conducts a review of each application and project structure. Awards are contingent on satisfactory execution and administration of previous grants or loans by an applicant. Other contingencies, if any, are defined in the project descriptions.

Any remaining funds will be added to the 2017/2018 biennium allocation.

BRC Applications Received March 1, 2016					
Applicant	Project	Type of Grant	Request	Staff Recommendation	Pg. #
1a. Laramie, City of	Bright Agrotech	Business Committed Grant	\$ 2,685,750	\$ 2,685,750	D-21
1b. Laramie, City of	Bright Agrotech	Business Committed Loan	\$ 209,250	\$ 209,250	D-21
2a. Alpine, Town of	Commerical Expansion Project	Community Readiness	\$ 1,538,944	\$ 1,538,944	D-27
2b. Apine, Town of	Commerical Expansion Project	Community Readiness Grant	\$ 226,683	\$ 226,683	D-27
3. Greybull, Town of	Business Park Improvements	Community Readiness	\$ 1,260,000	\$ 900,000	D-31
4a. Jackson Hole Airport Board	Wastewater Treatment Conveyance	Community Readiness Grant	\$ 1,500,000	\$ 1,500,000	D-35
4b. Jackson Hole Airport JPB	Wastewater Treatment Conveyance	Community Readiness Loan	\$ 1,000,000	\$ 500,000	D-35
5. Afton, Town of	Hospital Lane Improvements	Community Readiness	\$ 312,750	\$ -	D-39
6. Cowley, Town of	Community Center Expansion	Community Enhancement	\$ 425,600	\$ -	D-43
Total Requests			\$ 9,158,977	\$ 7,560,627	
Available BRC Funding			\$ 7,573,284	\$ 7,573,284	
Funds remaining if awarded				\$ 12,657	





LARAMIE

\$2,685,750 Business Committed Grant Request
\$209,250 BRC Loan Request

Bright Agrotech Headquarters

Staff Recommendation:
Fund as requested

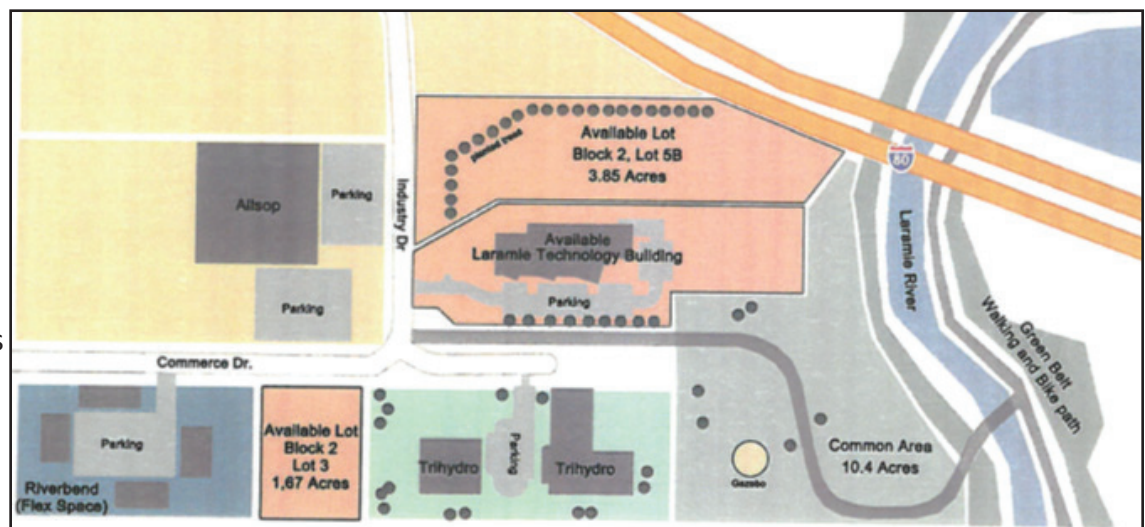
**Business Ready
Community Grant
and Loan Program**

Project Description

The city of Laramie requests a \$2,685,750 Business Ready Community (BRC), Business Committed grant and a \$209,250 BRC loan for the construction of a 12,150 square-foot building to house Bright Agrotech's headquarters and manufacturing space. The Laramie Chamber Business Alliance (LCBA) will provide a 3.85-acre lot in the Laramie River Business Park. The company, a graduate of the Wyoming Technology Business Center (WTBC) on the University of Wyoming campus, develops, manufactures, assembles, sells and installs its patented ZipGrow indoor vertical farming equipment, as well as management software and services to optimize the growing system.

The Business

Nate Storey conceived Bright Agrotech during a doctoral research project and founded the company in a garage in 2010 in Laramie. The business has been growing since. In 2011, Storey was awarded a UW Ellbogen scholarship, which allowed him to rent space and receive mentoring services at the WTBC. After graduating from the incubator, Bright Agrotech partnered with Allsop (a Laramie company that manufactures computer accessories such as mouse pads, wrist rests and CD Jewel cases) to rent space and share delivery and shipping needs. This partnership worked well but Bright Agrotech requires additional space to expand again, which Allsop does not have. Available lots in the Cirrus Sky park were considered. Although there is a technology component to Bright Agrotech, the warehousing nature of this business is incompatible with the Cirrus Sky tech zoning. The lot identified by the company and the LCBA is across the street from the Allsop building, which will allow the two companies to continue their established partnership.



Bright Agrotech offers growing systems and software packages to farmers in the U.S. (approximately 70% of sales) and around the world (30% of sales). It provides education and customer service through a network and online university the company founded and manages (Upstart Farmers Network and UpStart University), giving farmers the tools necessary to be successful.

The company currently employs 29 people and draws heavily from the University of Wyoming graduate pool. Approximately 38% of the staff hold technical positions and the remaining staff are in manufacturing. Bright Agrotech offers bonuses based on company performance.

Bright Agrotech has received a significant amount of coverage this past year in traditional media and trade industry reports. Here is a link to a recent article about the importance of technology in Bright Agrotech's design and engineering process.

The company's product was also featured during last year's Milan World Fair.

Project Goals and Benefits

Bright Agrotech projects hiring 40 additional employees within three years. The entry level positions will start at \$14.03 per hour with technical positions paying \$20 - \$40 per hour. The company does not yet offer benefits but hopes to start offering stock options to employees by the end of 2016. Many employees will be hired through an internship-to-employment pipeline from the University of Wyoming that allows students to gain work experience while pursuing degrees.

This project provides job opportunities, the influx of new payroll into the community and increased sales tax revenue. For every job created at Bright Agrotech, .22 jobs in the community are indirectly supported in the community. Payroll has a larger impact. For every \$1 of payroll, an additional 48 cents of payroll is indirectly supported in the community. Finally, for every \$1 of new sales created by Bright Agrotech, an additional 22 cents of sales are supported in the local economy.

The LCBA will collect an estimated \$695,000 in recaptured lease payments that will be invested in additional local economic development opportunities.

Timeline

The applicant estimates the project will be complete by May 2017.

Funding

The total project cost is \$3,565,824, of which \$2,685,750 represents a BRC Business Committed grant, \$209,250 a BRC loan and the in-kind value of the land, \$670,824 (established by a broker's opinion). Justin Larson, a licensed Wyoming architect, provided cost estimates. Cost per square foot is \$233.

Sources	
BRC amount	\$2,685,750
Cash Match	\$ 209,250
In-Kind Match	\$ 670,824
Total eligible project cost	\$3,565,824
BRC % of total eligible project costs	75%
Local % of total eligible project costs	25%
Uses	
Land Value	
Land Value (In-Kind Match)	\$ 670,824
Non-Construction Costs	
Architectural and Engineering fees	\$ 400,000
Other fees (surveys, tests, etc.)	\$ 140,040
Project inspection fees	\$ 25,000
Construction Costs	
Site work	\$ 450,000
<i>Building Components:</i>	
Electrical Systems	\$ 198,000
Mechanical, plumbing, HVAC systems	\$ 245,000
Landscaping	\$ 68,000
Foundation and/or Structural Framing system	\$ 825,000
Interior Finishes	\$ 248,000
Fire Protection	\$ 39,600
Contingencies (10%)	\$ 256,360
Total Uses	\$3,565,824

Loan Terms

Total Project: \$3,565,824

Total Loan: \$209,250

BRC Grant: \$2,685,750

Collateral: Building to be constructed

Repayment: The loan will be repaid from lease payments (from Bright Agrotech to LCBA). It will be amortized over the 10-year term of the loan and LCBA will make annual payments to the WBC.

Term: 10 years

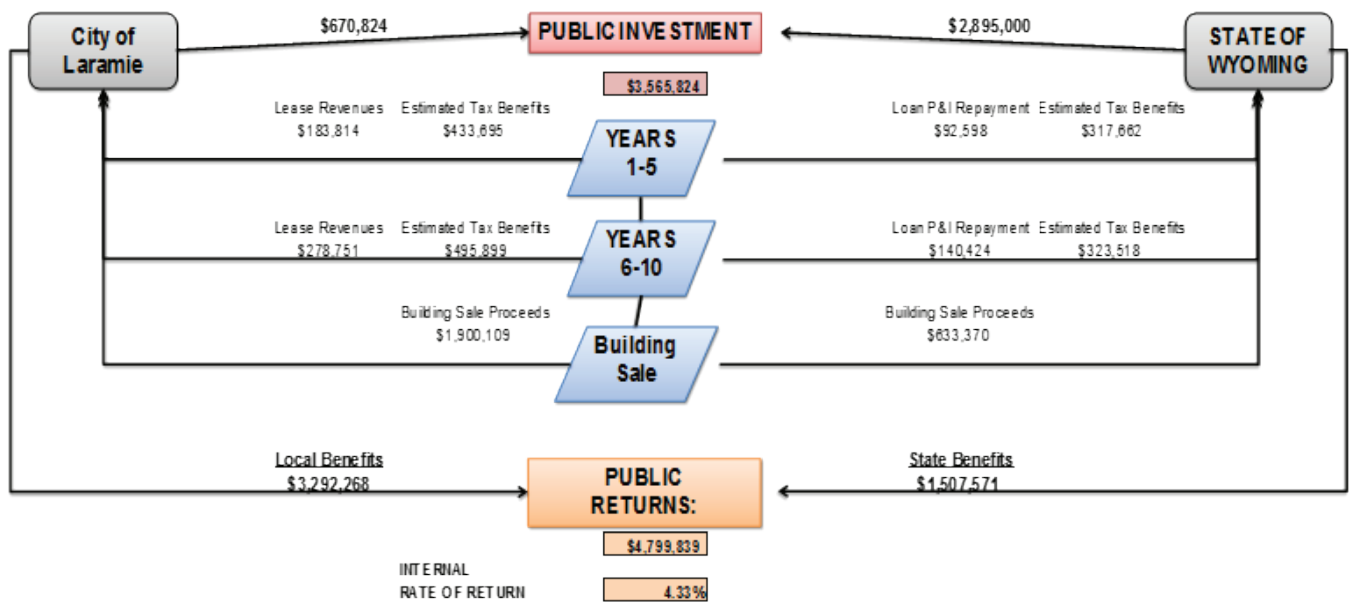
Interest Rate: 2%

Fees: .5% loan fee (not to exceed \$5,000)

Other fees (i.e. loan documentation, appraisal, filing, etc.) are the responsibility of the city of Laramie, LCBA and Bright Agrotech

The city of Laramie/LCBA will repay the BRC Program \$233,022 in principal and interest.

LCBA will have a mortgage on the facility. The WBC will take an assignment of that mortgage and lease payments



Lease and Revenue Recapture

The LCBA will deed the property to the city of Laramie during construction of the building. The property and building will be owned by the LCBA when the project is complete. Bright Agrotech will lease the building for \$42,525 in the first year with the rate escalating to a year-ten amount of \$85,050 (with years seven through 10 being at market rate). Lease payments will be used to make the BRC loan payments.

Bright Agrotech will be responsible for the payment of all taxes, insurance and utilities. Bright Agrotech will also be responsible for all fixtures and equipment estimated at \$400,000.

The company has the option to purchase the property after year three. Should the business exercise the option to purchase, the purchase price will be the actual final construction cost increased by 1.5 percent compounded annually. If the business has met the agreed upon job creation and payroll projection goals, the purchase price will be the final construction cost less lease payments paid.

Proceeds from the sale of the building will be handled as follows:

- 50 percent to the LCBA for continued economic development efforts including infrastructure needs for ongoing LCBA projects, marketing and operations and maintenance.
- 25 percent to be retained by the LCBA as matching funds for future grant requests with the Wyoming Business Council.
- 25 percent to the BRC program.

Attorney General Opinion

The Attorney General has reviewed the loan request and finds that it comports with applicable rules and municipal statutes. Whether the project comports with Article 16, Section 6 of the Wyoming Constitution is still under review.

Staff Recommendation

Staff recommends funding a Business Committed grant in the amount of \$2,685,750, as requested. Staff further recommends a BRC loan in the amount of \$209,250, as requested.

Performance measures for this project include the construction of the 12,150 square-foot building, job creation, additional sales and additional private investment.

Project Overview

City of Laramie - Bright Agrotech				
Purpose	The city of Laramie requests a \$2,685,750 Business Committed grant and a \$209,250 Business Ready Community (BRC) loan for the construction of a 12,150 square-foot building to house Bright Agrotech's headquarters and manufacturing space.			
Project Budget	Projected Grant Expenditure Schedule			
	Description	BRC	Match	Total
			Cash	In-Kind
	Land	\$ -	\$ -	\$ 670,824
	Non-Construction Costs	\$ 423,780	\$ 141,260	\$ -
Performance Measures	Construction Costs	\$ 582,490	\$ 285,490	\$ -
	Total Project Cost	\$ 1,006,270	\$ 426,750	\$ 670,824
	Measure	Quantity	Notes	
	Businesses Assisted	1		
	Return on Investment	4.33%		
Project Infrastructure	Loan Repayment	\$ 233,022	10 year term, 2% interest	
	Revenue Recapture	\$ 633,670	25% of building sale (estimated)	
	County Median Wage	\$ 14.07		
	Median Wage of Jobs Created	\$ 21.00		
	Jobs to be Created (3 Year Projection)	40		
Project Infrastructure	Jobs to be Retained	29		
	Additional Investment	\$400,000	Equipment and furnishings	
	Acres Developed	3.85		
Project Infrastructure	New Building Construction	12,150 SF		

LARAMIE, WY







ALPINE

\$1,538,944 Community Readiness Grant Request
\$226,683 BRC Loan Request

Commercial Expansion

**Business Ready
Community Grant
and Loan Program**

Staff Recommendation:
Fund as requested

Project Description

The town of Alpine requests a Business Ready Community (BRC), Community Readiness grant in the amount of \$1,538,944 and a BRC loan in the amount of \$226,683 to complete a commercial expansion project. The project includes purchasing approximately 35 acres from the Wyoming Game and Fish Department, the extension and upgrade of an existing road to this property, the extension of an 8-inch water main loop to improve fire suppression supply and system reliability and extension/improvement of the road to a recreational lake access. The town of Alpine will own the land and improvements and will market the property for commercial development.

The town has seen interest in the property since the construction of a town-owned building being leased to Melvin Brewing, a previously funded BRC project. The land is easily accessible and has a high aesthetic value. The town's water and sewer capacities are ample to service the property and any interested business. The town has received an inquiry from an in-state brewery and Melvin Brewing has indicated interest in expansion.

Project Goals and Benefits

This project provides an opportunity for the town of Alpine to purchase property (17 acres) that currently belongs to the Wyoming Game and Fish Department, which considers the property nonessential.

If Alpine purchases the property, it will secure 5.1 acres where the wastewater treatment facility is located (presently on a 50-year lease). The access road will provide another means of access for the Melvin Brewing plant, which is constructed and brewing operations are underway. Further, this road will be an alternate recreational access to Palisades Lake, a popular destination spot. Finally, completion of a water main loop will provide redundant supply and increased fire flow to the wastewater treatment plant and to the main line that will serve Melvin Brewing and future development.

The Game and Fish Department suggested an additional 18 acres be included in the property purchase. They are small parcels scattered in and around Alpine that have additional development potential as well as providing access to other town properties and private lands that could be developed.

In total, the project will make 26 town-owned acres available for development with an additional seven acres that will be available for roads, pathways, utilities or possibly some community enhancement

potential. The number of lots and subsequently lot size are not yet determined. This will depend upon the type of interest and business opportunities that develop.

Timeline

The applicant estimates the project will be complete by June 2017.

Funding

The total project cost is \$1,775,627, of which \$1,538,944 represents the Community Readiness grant and \$226,683 represents the BRC loan. Rendezvous Engineering and Nield Appraisal Services are contributing \$5,000 cash each.

Rendezvous Engineering provided cost estimates.

Loan Terms

Total Project: \$1,775,627

Total Loan: \$226,683

BRC Grant: \$1,538,944

Collateral: Proposed BRC-funded Property

Repayment: 75% of the funds realized from the sale/lease of each commercial lot will be used to pay the BRC loan. The remaining 25% will be used for operations and maintenance of the road and utilities.

Term: Loan will be satisfied upon the completion of the sale of the subject property.

Interest Rate: 0%

Fees: .5% loan fee (not to exceed \$5,000)

Other fees (i.e. loan documentation, appraisal, filing, etc.) are the responsibility of the town of Alpine.

The town of Alpine will repay the BRC program \$226,683 in principal and interest.

Sources	
BRC amount	\$ 1,765,627
Cash Match	\$ 10,000
Total eligible project cost	\$ 1,775,627
BRC % of total eligible project costs	99%
Local % of total eligible project costs	1%
Uses	
Land Acquisition Costs	
Land	\$ 789,650
Non-Construction Costs	
Architectural and Engineering fees	\$ 10,000
Construction Costs	
Other (water line, road)	\$ 975,977
Total Uses	\$ 1,775,627

Revenue Recapture

After the sale of lots satisfies the repayment of the BRC loan, Alpine intends to use any additional revenues for ongoing economic development efforts which may include:

- Contributions to the Lincoln County Revolving Loan Fund
- Payments toward Alpine's sewer plant loans with the intent of lowering tap fees to foster future business development

Attorney General Opinion

The Attorney General has reviewed the loan request and finds that it comports with applicable rules and municipal statutes.

Staff Recommendation

Staff recommends funding as a Community Readiness grant in the amount of \$1,538,944 and a BRC loan in the amount of \$226,683, as requested.

Performance measures for this project include the purchase of the 35.5 acres of Game and Fish land, completion of the water line and access road, lot sales and additional business recruitment.

Project Overview

Town of Alpine - Commercial Expansion Project				
Purpose				
Project Budget	Projected Grant Expenditure Schedule			
	Description	BRC	Match	Total
			Cash (Alpine)	
	Land	\$ 785,203	\$ 4,447	\$ 789,650
	Non-Construction Costs	\$ 9,944	\$ 56	\$ 10,000
	Construction Costs	\$ 970,480	\$ 5,497	\$ 975,977
	Total Project Cost	\$ 1,765,627	\$ 10,000	\$ 1,775,627
Performance Measures	Measure		Quantity	
	Businesses Assisted		1	Melvin Brewing, others to be recruited
	Loan Repayment		\$ 226,683	75% of lot sales
	Revenue Recapture			25% of lot sales
	Additional Investment		Unknown	Businesses to be recruited
Project Infrastructure	Acres Developed		35.5	
	Water line		1,900 LF	Plus hydrants, lift stations, connections to existing infrastructure
	Road		3,200 LF	

ALPINE, WY





GREYBULL

\$1,260,000 Community Readiness Grant Request

Greybull Business Park Improvements Project

**Business Ready
Community Grant
and Loan Program**

Staff Recommendation:
Partially fund

Project Description

The town of Greybull requests a \$1,260,000 Business Ready Community (BRC), Community Readiness grant for road and sewer improvements to the business park. The town completed the planning and zoning for the 15-lot, 28.29-acre park. Roads have been graded and the town paid for the designs and estimates for road improvements and sewer utility extensions into the business park. Greybull also installed a gas mainline and telecommunications conduit that will serve all 15 lots and a sewer line on the east side of the park to facilitate development. The grant request will help the town install the sewer line that ties into the previously installed sewer main and pave the roads. Interest is high. By early June, 11 of 15 available lots will be sold to five businesses expanding in the Bighorn Basin. These expansions are expected to create seven to 10 jobs.

This is the last remaining commercial open space within Greybull for expansion of local business or development of new business. The area adjacent to the business park was a refinery. The current landowner (BP Amoco) is working with Wyoming Department of Environmental Quality through the Voluntary Remediation Program (VRP). A small portion of lot two lies within the VRP boundary. The rest of the park is outside the boundary of the VRP and thus exempt from development restrictions. However, the town of Greybull elected to apply the same use control restrictions on all acreage in the business park to minimize the potential for future exposures to any as-yet undiscovered contaminants.

Project Goals and Benefits

There is limited space available for expansion of local businesses or development of new enterprises because of geographical constraints and the town being nearly built-out. This commercial open space is the best place to develop and to concentrate commercial activities away from the town's residential area.

Revenues may be derived from the sale of lots. Additional taxes may be collected as lots are developed, and there may be job creation as a result of this business development.

Timeline

The applicant estimates the project will be complete by May 2017.

Funding

The total project cost is \$1,510,400, of which \$1,260,000 represents the BRC Community Readiness grant. The grant is matched by \$64,205 in cash from the town of Greybull and \$186,195 in-kind as previous improvements to the business park (design, basic road grading, gas, conduit and sewer main installation).

Nelson Engineering provided cost estimates.

Staff Recommendation

Staff recommends partial funding as a Community Readiness grant in the amount of \$900,000 to assist with paving the roads. Greybull's required match will be \$135,000. This portion of the project was identified by Greybull as a higher priority than the sewer improvements. In the future, when the sewer improvements are constructed, they will be placed on the south side of the road in the right-of-way. Conduits will be installed crossing under the road to the north side at the time of paving so that utilities can be installed under the road at a later date without disturbing the roadwork.

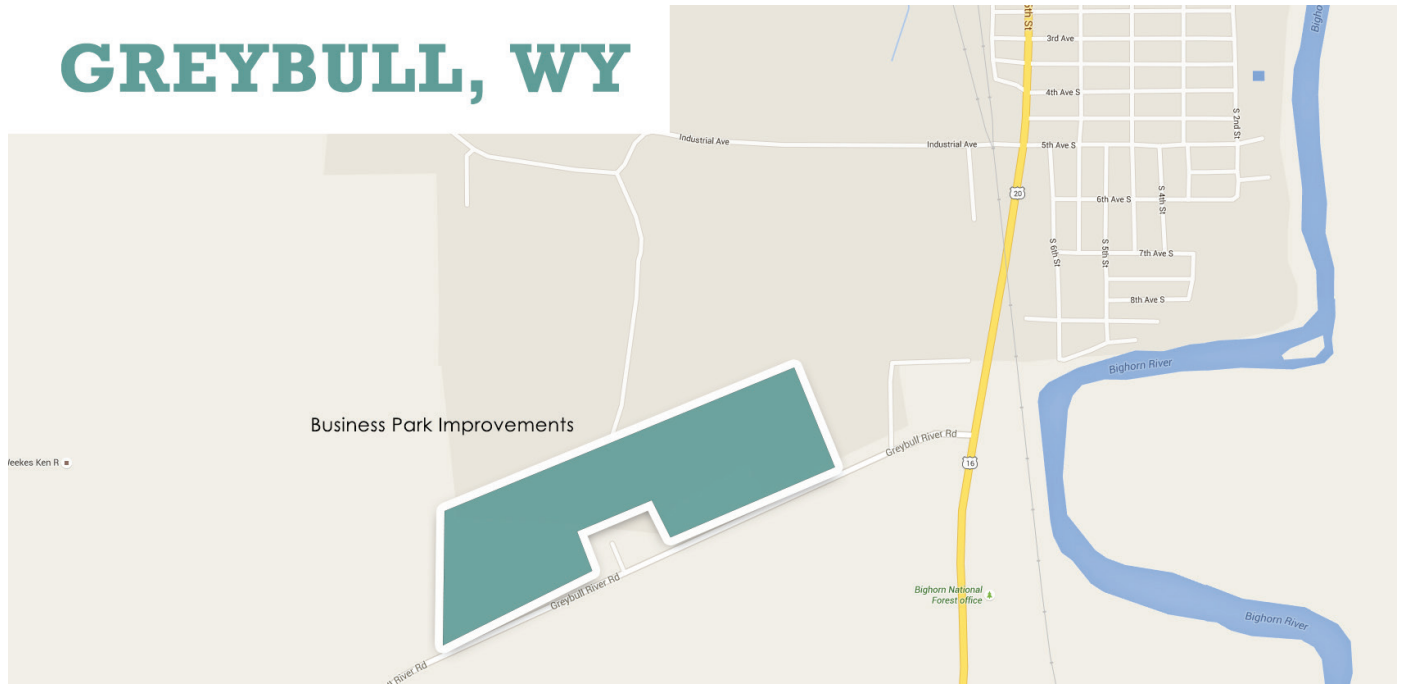
Performance measures for the project include the road improvements, any business recruitment or retention and the sale of additional lots.

Sources	
BRC amount	\$ 1,260,000
Cash Match	\$ 64,205
In-Kind Match	\$ 186,195
Total eligible project cost	\$ 1,510,400
BRC % of total eligible project costs	83%
Local % of total eligible project costs	17%
Uses	
Land Acquisition Costs	
Land	\$ 1,500
Non-Construction Costs	
Architectural and Engineering fees	\$ 97,184
Other fees (surveys, tests, etc.)	\$ 39,363
Construction Costs	
Site work	\$ 88,738
Sewer	\$ 254,315
Roads (paving)	\$ 925,975
Contingencies (7%)	\$ 103,325
Total Uses	\$ 1,510,400

Project Overview

Town of Greybull - Business Park Improvements				
Purpose				
Project Budget	Projected Grant Expenditure Schedule			
	Description	BRC	Match	Total
			Cash	In-Kind (Greybull)
	Land	\$ 1,427	\$ 73	\$ 1,500
	Non-Construction Costs	\$ 129,926	\$ 6,621	\$ 136,547
	Construction Costs	\$ 1,305,814	\$ 66,539	\$ 1,372,353
	Total Project Cost	\$ 1,437,167	\$ 73,233	\$ 186,195
Performance Measures	Measure	Quantity	Notes	
	Businesses Assisted	5	Business expansions	
	Revenue Recapture			
	Jobs to be Created (3 Year Projection)	7 to 10		
	Additional Investment	Unknown		
Project Infrastructure	Acres Developed	28.29		
	Sewer	3,300 LF		
	Road	4,750 LF		

GREYBULL, WY







Business Ready Community Grant and Loan Program

JACKSON HOLE AIRPORT BOARD

\$1,500,000 Community Readiness Grant Request
\$1,000,000 BRC Loan Request

Wastewater Treatment Conveyance

Staff Recommendation:

Fund grant as requested
Partially fund loan request

Project Description

The Jackson Hole Airport Board requests a \$1,500,000 Business Ready Community (BRC), Community Readiness grant and a \$1,000,000 BRC loan to construct a pipeline and related improvements to convey wastewater from the Jackson Hole Airport to the town of Jackson's wastewater treatment facility. The board commissioned a detailed study (prepared by Jorgensen Associate Engineers) to analyze the feasibility and estimate the cost of such a project. This request is the result of that study, which identified the best corridor in which to place the infrastructure and identified the costs to do so.

The airport is located within Grand Teton National Park, and the aquifer is classified as Class I (outstanding) waters by the Wyoming Department of Environmental Quality and the U.S. Environmental Protection Agency. In 2013, a bioreactor wastewater treatment system was installed to consolidate and treat domestic wastewater. The system has failed to perform as presented and is not treating the water in a manner that may be discharged into Class I waters long term. The Wyoming Department of Environmental Quality is allowing discharge under a temporary permit and is monitoring it.

The airport board has yet to determine if legal action will be required to rectify the wastewater problems and the inability of the current system to function as intended.

The failing system and the need to seek a long-term solution led the airport board to pursue an alternative identified in the Jorgensen study. Sewer lines and pumping facilities will be installed through the Spring Gulch Road corridor to the Gros Ventre Utility Company. The Gros Ventre utility connects to the Spring Creek Ranch conveyance system, which connects to the town of Jackson wastewater treatment facility. This solution provides the airport with reliable wastewater disposal and adds to the customer base of the existing utilities.



This project allows the airport to not only continue operations, but to increase passenger traffic without negatively impacting the environment. It will also reduce operating costs and long-term replacement costs compared with an onsite treatment plant.

Permits and/or approvals will be required from the National Park Service, Department of Environmental Quality, the Wyoming Department of Transportation and the Teton County Commissioners. The airport board is in the process of permit application or request for approval for everything that is required

Project Goals and Benefits

The wastewater treatment construction will allow the airport to maintain and enhance air service to the community and thereby retain and expand local jobs.

The project will also be an incentive for retaining current air providers and may incentivize new carriers, as well.

The current leach field was built in 1988 and is near capacity with the current treatment system. The new system will resolve this issue.

Timeline

The applicant estimates the project will be completed by November 2016.

Funding

The total project cost is \$3,290,153, of which \$1,500,000 represents the BRC Community Readiness grant and \$1,000,000 represents the BRC loan. The grant is matched by \$581,283 in cash from the airport and \$208,870 in-kind (project design and bidding fees already paid to the architect).

Jorgensen Engineering provided cost estimates.

Sources	
BRC amount	\$ 2,500,000
Cash Match	\$ 581,283
In-Kind Match	\$ 208,870
Total eligible project cost	\$3,290,153
BRC % of total eligible project costs	76%
Local % of total eligible project costs	24%
Uses	
Non-Construction Costs	
Architectural and Engineering fees	\$ 459,520
Construction Costs	
Sewer line construction	\$ 2,088,745
Miscellaneous/Other (Estimated connection fees)	\$ 240,000
Contingencies (15%)	\$ 501,888
Total Uses	\$3,290,153

Loan Terms

Total Project: \$3,290,153

Total Loan: \$1,000,000

BRC Grant: \$1,500,000

Collateral: Net airport revenues

Repayment: Net airport revenues will be the source of repayment. The loan will amortize over the 10-year term of the loan and the airport board will make annual payments to the Business Council.

Term: 10 years

Interest Rate: 1.5%

Fees: .5% loan fee (not to exceed \$5,000)

Other fees (i.e. loan documentation, appraisal, filing, etc.) are the responsibility of the Jackson Hole Airport Board

The Jackson Hole Airport JPB will repay the BRC program \$1,077,498 in principal and interest.

The WBC will take an assignment of revenues (net airport revenues).

Attorney General Opinion

The Attorney General has reviewed the loan request and finds that it comports with applicable rules and municipal statutes.

Staff Recommendation

Staff recommends partial funding of a Community Readiness grant in the amount of \$1,500,000. Staff further recommends a BRC loan in the amount of \$500,000, as requested.

Performance measures include the construction of the pipelines, pumping stations and connections to the Gros Ventre, Spring Gulch and town of Jackson facilities. Performance will also be measured by the number of enplanements and increased job creation.

Contingencies include the permits required from the National Park Service, Department of Environmental Quality, the WYDOT right-of-way encroachment permit and approval by the Teton County Commissioners to use the Spring Gulch Road county right-of-way. All requests are in process and approval is anticipated.

The Business Council also requests regular updates concerning potential cost recovery on the failed bioreactor waste system. Should costs be recovered by the airport, the Business Council requires an amount to be applied as grant revenue recapture back to the BRC program. The amount will be determined by the WBC at the time of settlement.

Jackson Hole Airport Board - Wastewater Treatment Conveyance				
Purpose	The Jackson Hole Airport Board requests a \$1,500,000 Community Readiness grant and a \$1,000,000 BRC loan to construct a pipeline and related improvements to convey wastewater from the Jackson Hole Airport to the town of Jackson's wastewater treatment facility.			
Project Budget	Projected Grant Expenditure Schedule			
	Description	BRC	Match	Total
			Cash	In-Kind
	Non-Construction Costs	\$ 372,832	\$ 86,688	\$ -
	Construction Costs	\$2,296,635	\$ 533,998	\$ -
Performance Measures	Total Project Cost	\$2,669,467	\$ 620,686	\$ 208,870
	Measure		Quantity	Notes
	Businesses Assisted		1	Jackson Hole Airport
Project Infrastructure	Loan Repayment		\$ 1,077,498	10 year term, 1.5% interest
	Sewer		15,250 LF	Manholes, connections, road re-surfacing

JACKSON, WY





AFTON

\$312,750 Community Readiness Grant Request

Hospital Lane Project

**Business Ready
Community Grant
and Loan Program**

Staff Recommendation:
Do not fund

Project Overview

Project Description

The town of Afton requests a \$312,750 Business Ready Community (BRC), Community Readiness grant. The project will resurface Hospital Lane and add pedestrian safety enhancements to Adams Street (perpendicular to Hospital Lane) including curbing, buffer lanes, crosswalks and ADA-compliant sidewalks that are properly delineated.

Hospital Lane is the main access road to the Star Valley Medical Center (SVMC). SVMC continues to grow. In the past year, a multimillion dollar surgical center and emergency room expansion were completed. The hospital has been developing and will continue to pursue a niche as a center of excellence for orthopedic surgery bringing patients from Jackson, Rock Springs and other Wyoming communities, as well as Utah and Idaho.

SVMC is also in the planning stages for an obstetrics and gynecology wing, as well as a medical office building. Safe, well-marked access now and in the future is essential, as the SVMC is the region's only critical access care center.

In addition to increasing vehicle and pedestrian traffic as SVMC increases services, Afton is addressing the projected traffic issues resulting from increased local tourism and visitors to the temple presently being constructed by the Church of Jesus Christ of Latter-day Saints. The temple is located three blocks from the SVMC.

Project Goals and Benefits

The SVMC is a primary sector job creator that employs 310. Plans to grow and increase employment and services depend on safe access to the facility.

The town of Afton has identified secondary roads for increased tourist traffic, particularly in the area of the temple and SVMC, that have pedestrian crossing and sidewalks as safety and



traffic control priorities.

Timeline

The applicant estimates the project will be complete by fall 2017.

Funding

The total project cost is \$416,960, of which \$312,750 represents the Community Readiness grant. The grant is matched by \$104,210 cash from the town of Afton. The cash match comes from revenue recapture associated with the Star Valley Medical Center clinic lease payments, a previous BRC project.

Sunrise Engineering provided cost estimates.

Sources	
BRC amount	\$ 312,750
Cash Match	\$ 104,210
Total eligible project cost	\$ 416,960
BRC % of total eligible project costs	75%
Local % of total eligible project costs	25%
Uses	
Non-Construction Costs	
Architectural and Engineering fees	\$ 62,841
Other fees (surveys, tests, etc.)	\$ 18,000
Construction Costs	
Site work	\$ 288,531
Contingencies (13%)	\$ 47,588
Total Uses	\$ 416,960

Staff Recommendation

Due to limited funds and higher-priority projects with an urgency, staff does not recommend funding.

Project Overview

Town of Afton - Hospital Lane			
Purpose	The town of Afton requests a \$312,750 Community Readiness grant. The project will re-surface Hospital Lane and add pedestrian safety enhancements for Adams Street (perpendicular to Hospital Lane) including curbing, buffer lanes, crosswalks and ADA-compliant sidewalks that are properly delineated.		
Project Budget	Projected Grant Expenditure Schedule		
	Description	BRC	Match
			Cash
	Non-Construction Costs	\$ 60,637	\$ 20,204
	Construction Costs	\$ 252,113	\$ 84,006
	Total Project Cost	\$ 312,750	\$ 104,210
Performance Measures	Measure	Quantity	Notes
	Businesses Assisted	1	SVMC, others may benefit from better traffic flow and safety measures
	Road Improvements	2	Hospital Lane, Adams Street
	Safety Improvements		Crosswalks, sidewalks, buffer lanes
Project Infrastructure	Road Resurfacing	24 LF	Hospital Lane
	Buffer	8 feet wide	Adams Street
	ADA Compliant Sidewalk	6 feet wide	Adams Street
	Vehicle travel lanes	2	Adams Street

AFTON, WY







COWLEY

\$425,600 Community Enhancement Grant Request

Community Center Expansion

**Business Ready
Community Grant
and Loan Program**

Staff Recommendation:
Do not fund

Project Description

The town of Cowley requests a \$425,600 Business Ready Community (BRC), Community Enhancement grant to expand the Cowley Community Center. Funds will be used to renovate the Rasmussen building adjacent to the historic Cowley log gym. Cowley purchased the Rasmussen building in 2009. A structural assessment by Pryor Mountain Engineering has determined the building is sound. The usable space (2,640 square feet) will be renovated and a breezeway will be added (1,320 square feet). The breezeway will connect the Rasmussen building to the log gym. The addition of a commercial kitchen in the Rasmussen building will expand the type of events that can be hosted in both buildings.

Community Facility funds (\$991,960) were used in 2012 to renovate the log gym for use as community gathering space. As it is a gym, the facility is primarily used for sports activities. The recreational use is controlled by a key card issued with a membership and the facility is available 24 hours a day. Using the facility for other community events or classes prevents members from being able to access the gym for fitness activities.

The community plans to use the Rasmussen building for 4-H meetings and classes that may be offered by the University of Wyoming Extension program and Northwest College, as well as training space for local business needs, if the facility is renovated. The building could also be used for after-school and summer recreation classes.

Cowley was awarded \$300,000 in 2007 for lighting, benches and landscaping on Main Street. The town also received \$500,000 in 2014 for the Cowley Recreation Complex (tied into the recreation district and services available at the log gym). The complex project added lighting to an existing ball field, a spray park, play area, picnic space and sled hill. All previous projects have been successfully completed.

Project Goals and Benefits

This project will provide space for Increased use of the community center with less conflict for the use of space in the log gym. Additional class offerings and expanded recreation program offerings will be possible. The commercial kitchen will make the facility available for a variety of uses not possible in the log gym at this time.

Available space for business meetings and trainings is also a desired outcome.

Timeline

The applicant estimates the project will be complete by February 2018.

Funding

The total project cost is \$851,200, of which \$425,600 represents the BRC Community Readiness grant. The grant is matched by \$201,200 in-kind (value of the building established by broker's opinion), \$206,900 cash from the town of Cowley, \$12,500 from the Big Horn Rural Electric Association and \$5,000 from The Office Shop (a local business).

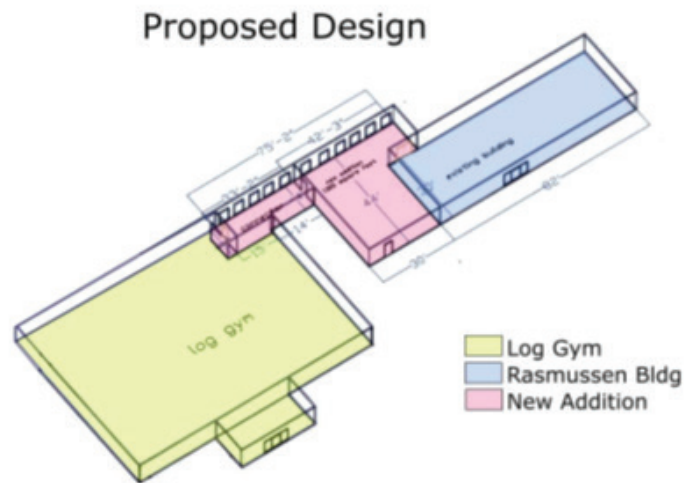
Pryor Mountain Engineering provided cost estimates.

Cost per square foot is \$142.

Sources	
BRC amount	\$ 425,600
Cash Match	\$ 224,400
In-Kind Match	\$ 201,200
Total eligible project cost	\$ 851,200
BRC % of total eligible project costs	50%
Local % of total eligible project costs	50%
Uses	
Property Value	
Property Value (In-Kind Match)	\$ 201,200
Non-Construction Costs	
Architectural and Engineering fees	\$ 75,000
Other fees (surveys, tests, etc.)	\$ 13,000
Construction Costs	
Site work	\$ 9,625
<i>Building Components:</i>	
Electrical Systems	\$ 40,500
Mechanical, plumbing, HVAC systems	\$ 91,800
Foundation and/or Structural Framing system	\$ 153,225
Interior Finishes	\$ 176,050
Miscellaneous/Other (equipment)	\$ 38,800
Contingencies (9%)	\$ 52,000
Total Uses	\$ 851,200

Staff Recommendation

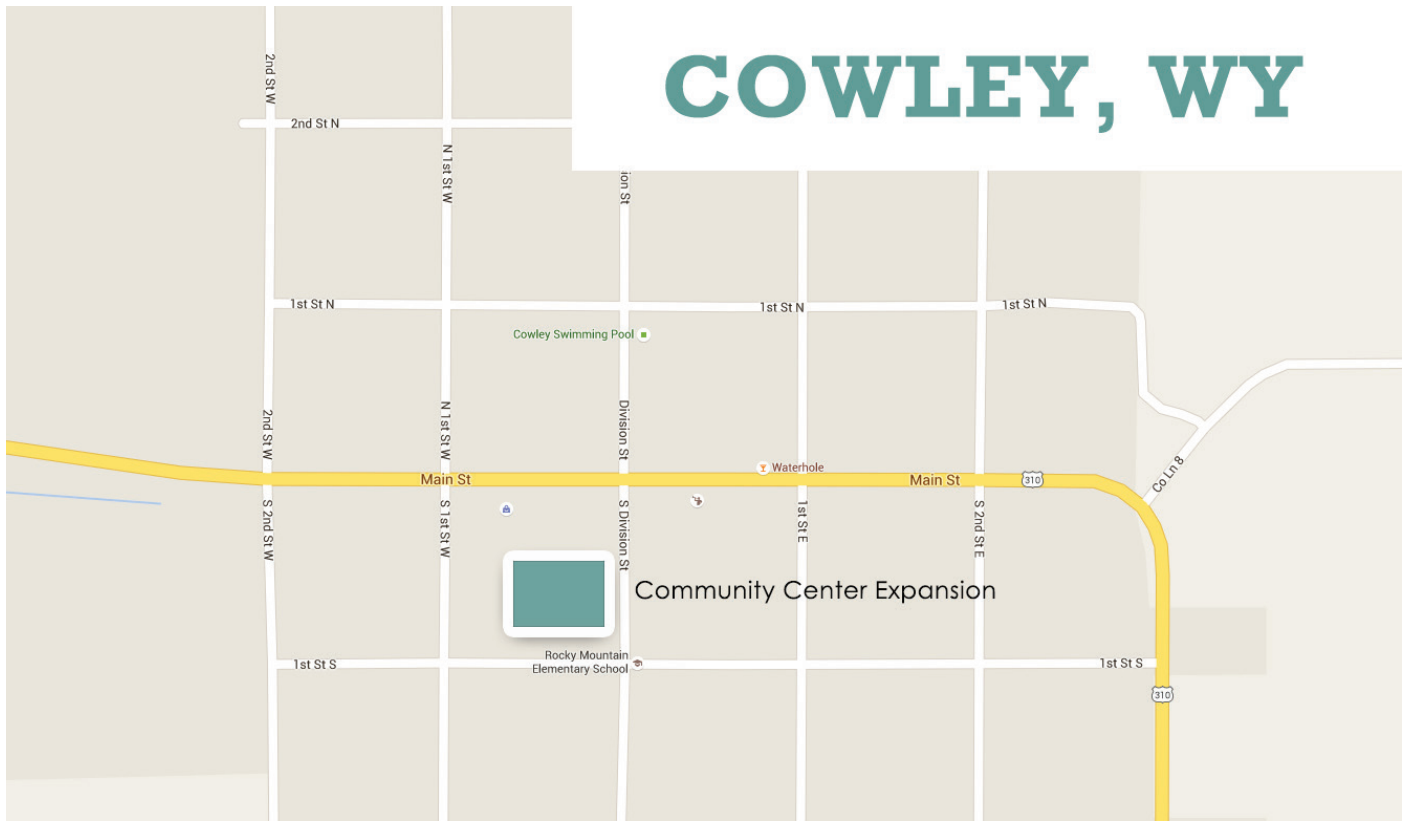
Due to limited funds and higher-priority projects with an urgency, staff does not recommend funding.



Project Overview

Town of Cowley - Community Center Expansion				
Purpose	The town of Cowley requests a \$425,600 Community Enhancement grant to expand the Cowley Community Center. Funds will be used to renovate the Rasmussen building adjacent to the historic log gym and to add a breezeway connecting the two buildings.			
Project Budget	Projected Grant Expenditure Schedule			
	Description	BRC	Match	Total
			Cash	In-Kind
	Land		\$ -	\$ 201,200
	Non-Construction Costs	\$ 57,620	\$ 30,380	\$ -
Performance Measures	Construction Costs	\$ 367,980	\$ 194,020	\$ -
	Total Project Cost	\$ 425,600	\$ 224,400	\$ 201,200
				\$ 851,200
Project Infrastructure	Measure	Quantity	Notes	
	Number of events		Presumed to increase	
	Number of recreation center memberships		Presumed to increase	
	Number of meetings / trainings for businesses		New availability - number to be determined.	
Project Infrastructure	Existing Building Construction	2,640 SF		
	New Building Construction	1,320 SF	Breezeway	
	Commercial Kitchen	1	Available to Rasmussen and log gym.	

COWLEY, WY







April 22, 2016

Wyoming Business Council
C/O Julie Kozlowski
214 West 15th Street
Cheyenne, WY 82002

Dear Ms. Kozlowski,

Please share with Business Council Members my support for the second phase of the Business Park in Greybull. This project has been in the works for many years as we waited for Amoco to clean up the old refinery site to DEQ standards for business use. While the cleanup was in progress, the town worked carefully to plan what they wanted their community to look like. Now things are moving fast!

Greybull zoned and registered the south side of the site as 15 business lots. Two lots have been sold to Atwood Family Funeral Directors and the foundation is being poured for their building. There is a strong interest from four additional businesses and it is expected that eight more lots will be purchased in the next 3 weeks as paperwork is finalized.

Wyoming needs to diversify the economic base. Greybull is actively doing that. Seven to 10 new jobs is a great boost. What a nice change to have a business park with lots sold and buildings going up before it is completely developed because of the demand! It is a great contrast to business parks in some communities that were built to prepare for businesses to come that now stand empty. The Greybull Park is two-thirds sold!

Although their application is for road and sewer improvements, Greybull is prepared to phase in the project by doing the roads first and then sewer improvements later. There are plans to install sewer on the side of the roads so as not to tear up recently installed pavement. And, there are plans to have the businesses install temporary septic/holding tanks until the sewer lines are in. All businesses are low occupancy and do not need sewer hookups immediately.

Greybull has community buy-in. They have spent town money to get to this point and plan on paying for additional work such as additional fire hydrants to support the new businesses. They are now asking for help to catch up to the demand after doing everything they could on their own.

Please consider funding this project. It is a wise investment of state money that will give us a return in sales and property taxes. This is especially important when unemployment is rising across the state.

Respectfully,

Elaine D. Harvey
Representative Elaine D. Harvey

**Representative
Elaine Harvey**

**Wyoming House of
Representatives
House District 26**

District Address

792 Garfield Avenue

Lovell, WY 82431

307-548-7866

harvey00@tctwest.net

Committees

*Labor, Health and Social Services,
Chairman*





Big Horn County

STATE OF WYOMING

Office of The County Commissioners

P.O. Box 31
Basin WY
82410

COUNTY COMMISSIONERS

Jerold S Ewen, Chairman

Felix N Carrizales

John G Hyde

Lori Smallwood, County Clerk

Becky Lindsey, Treasurer

Gina Anderson, Assessor

Kim Adams, Prosecuting Attorney

Serena Lipp, Clerk of District Court

Kenneth Blackburn, Sheriff

Delmar Atwood, Coroner

Phone: 307-568-2357 Fax 307-568-9375

www.bighorncountyny.gov

May 3, 2016

Wyoming Business Council
C/O Julie Kozlowski
214 West 15th Street
Cheyenne, WY 82002

Re: Greybull Business Park Development

Dear Wyoming Business Council Member,

The Big Horn County Commissioners are pleased to take this opportunity to express our support of the development of the Greybull Business Park and the Town of Greybull's application to your organization for this project. The need for this development has been made evident by the interest generated among business owners for purchase of these lots. We are looking forward to the expansion of existing businesses and the creation of new commercial activity that is made possible by the Town of Greybull's progressive planning and positive action.

During this time of economic challenges to our state, developments such as this will help our communities succeed in spite of the downturn of the energy sector. The Big Horn County Commission supports this development because it will bring much needed jobs, private investment and tax revenue to Big Horn County. Your funding will help ensure the success of this project and create new and very much needed economic opportunities for citizens and business to our county.

Sincerely,

Jerold S. Ewen
Chairman



861 Highway 20 S., Basin, WY 82410
307-568-9988/307-272-9256

May 2, 2016

Wyoming Business Council
C/ Julie Kozlowski
214 West 15th St
Cheyenne, WY 82002

Dear Council Members,

I am writing this letter to you to show my support for the Town of Greybull Business Park. I am excited about this opportunity as I have grown up in the town and have seen the progress that the current council has made to help sustain the town. The development of this business park is going to be a great asset to the town and surrounding community. It will help draw small businesses to the area as well as allow current businesses to grow.

I am currently in the process of purchasing land in the park to produce ready-mixed concrete and precast. I believe having my business in this park will benefit my customers as it is centrally located in the county. This opportunity will allow me to expand my business to selling landscape materials as well.

As a business owner, the proposed improvements of paved roads and sewer is very pleasing. I believe the residents of the Town of Greybull and Big Horn County will greatly benefit by these improvements as well. It will make it much more appealing to shop locally as well as enticing more small businesses to the park.

Thank you for your time,

Doug Zierolf, owner
URock Concrete & Materials, LLC



DAVIES MACHINE SHOP

3547 Greybull River Road • Greybull, Wyoming 82426 • (307) 765-2048 • Fax (307) 765-2092

April 29, 2016

Wyoming Business Council
c/o Julie Kozlowski
214 West 15th Street
Cheyenne, WY 82002

Dear Council Members:

This letter is to voice our support for the Greybull Business Park. As a business owner in the Greybull area for over 40 years we realize the importance of readily available infrastructure, such as roads, sewer, water and power when establishing a new business.

We are currently in the process of purchasing property in the Business Park and should close in mid-May. The location and layout of the project area allows for greater visibility and accessibility for our proposed business expansion. This project should prove very attractive for anybody contemplating starting or relocating a business to the Greybull area.

We would like to commend the Greybull Town Council for their forward thinking in developing this Business Park. We strongly encourage the Wyoming Business Council to look favorably on funding this project.

Sincerely,

A handwritten signature in dark ink, appearing to read "Deborah Davies Craft", written in a cursive style.

Deborah Davies Craft
Davies Machine shop

.....

PO Box 207
120 1st Avenue West
Deaver, WY 82421

Town of Deaver

April 28, 2016

Wyoming Business Council
C/O Julie Kozlowski
214 West 15th Street
Cheyenne, WY 82002

Dear Council Members:

Growth is a beautiful thing. The Town of Deaver is encouraged to see that the Town of Greybull is taking action to expand their community. The financial struggle for small towns is a genuine and ongoing concern. It is encouraging to see the immense response from business owners for the Town of Greybull's Business Park.

Expansion is the key to the success of towns in the Bighorn Basin. The Town of Deaver is hoping to expand and grow in the near future as well. The Town of Deaver fully supports the Town of Greybull in their grant request from the Wyoming Business Council for this project.

Respectfully,



Michael Beyer
Mayor, Town of Deaver

Phone 307-664-2736
Fax 307-664-2508
deavertown@tchwest.net

.....

ZELLER CONSTRUCTION, INC.

257 Windy Run
307-272-4143

Greybull, WY 82426
307-765-2093

Wyoming Business Council
Julie Kozlowski
214 W. 15th St.
Cheyenne, WY 82002

April 26th, 2016

Dear Council Members,

I am very pleased to write to you in support of the new business park in Greybull. The availability of property in the park for sale and development has been a long wait for me personally. My business is now ten years old and I have been involved in hundreds of different jobs in our Greybull area. Primarily we do new and remodel residential construction and are also proud to have completed a number of commercial projects as well. I have been fortunate to be able to employ from three to eight full time employees through the years, depending on our work load.

I have been in need of a headquarters for my operation for the last eight years. Greybull has very limited land that is suitable for this. I talked with town officials back in 2008 about purchasing land on the Greybull River Road. Through the work of current and former Town Council members, this opportunity has become a reality. Getting BP Amoco to sign off on their remediation, along with clearance for the DEQ, was crucial to the project. This process has taken some time, effort and expense on the part of the Town of Greybull, but the result is well worth the effort.

I am excited and anxious to occupy my lot and build our new shop and office, plus have room for future expansion. My business plan allows for creation of additional full time positions and will further our ability to take on expanded construction opportunities. The proposed improvements, road paving and sewer service will turn this business park into a model for other towns to emulate.

Thank you,



Todd Zeller, Owner
Zeller Construction, Inc.

Town of Lovell

336 Nevada Avenue
PO Box 188
Lovell, WY 82431

Phone: 307-548-6551
Fax: 307-548-7614

Email: tol@tclwest.net
Website: www.TownOfLovell.com

April 26, 2016

Wyoming Business Council
C/O Julie Kozlowski
214 West 15th Street
Cheyenne, Wyoming 82002

Dear Julie,

I am writing this letter of support for the Town of Greybull's development of the Greybull Business Park. As Town Administrator of Lovell, I clearly understand the hardships of growth and economic development in small communities. Greybull's request for the development of this area is a smart move to help better their area, and the Big Horn County as a whole. Many miles separate our two fine communities, but growth in the Big Horn Basin affects us both greatly. I commend Greybull's proactive thinking, and I feel that this business park will be ideal for new or established businesses to utilize; which will in turn add growth to our beautiful region.

Warm Regards,



Jedediah Rex Nebel, Town Administrator

Mayor: Angel J. Montanez
Administrator: Jedediah Nebel
Clerk/Treasurer: Valerie Beal
Attorney: Sandra Kitchen



Council: Brian Dickson
Scott Allred
Bruce Wolsey
Kevin Jones

"The biggest little town in Wyoming."

Town of Frannie

Mayor: Vance Peregoy
Council: Terry Moore
Council: Shane Roberts
Council: Mary Myers
Council: Millie Armstrong



April 25, 2016

Wyoming Business Council
C/O Julie Kozlowski
214 West 15th Street
Cheyenne, WY 82002

Dear members of the Wyoming Business Council,

Business development in our small communities is essential for growth. While the size of businesses moving into the Greybull Business Park is not large, the impact is great. It will create job growth and opportunities for the citizens of Greybull.

As the mayor of a small community, I am excited to see our sister communities capable of advancement. With business growth, comes the potential for those to follow suit. This type of forward thinking promotes excitement for those residents living in Greybull and its effects are felt throughout our area.

I support the Town of Greybull in moving forward with the development of their Business Park and ask that you consider moving forward in approving the grant for this town.

With warmest regards,

R. Vance Peregoy
Mayor-Town of Frannie

P.O. Box 72 ♦ Frannie, WY 82423
Phone: (307) 664-2323 ♦ TDD: 711 ♦ Web: <http://franniwy.govoffice2.com>

"This institution is an equal opportunity provider and employer."

April 22, 2016

Wyoming Business Council
c/o Julie Kozlowski
214 West 15th St.
Cheyenne, Wy. 82002

Ron's Supermarket Inc.
Ron Fiene, (President)
P.O. Box 272
Greybull, Wy. 82426
(307)-921-9753

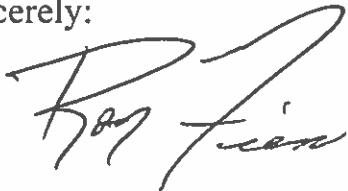
To The Members of the Council:

This letter is written in support in support of the Greybull Light Industrial Park. I have been born and raised in Greybull, and continue to think of myself as a positive and involved citizen of our community. I have owned and operated Ron's Food Farm for over 36 years. In this time I have purchased property, and built some businesses. I am currently the owner and the landlord, for Blair's Supermarket & liquor Store, the Shopko Store and Pharmacy, and Security State Bank, of Greybull. In addition I am an investor and the Secretary of the Big Horn Basin Ethanol, with 26 acres of land in the old refinery area of Greybull, located in the heavy Industrial Park. We continue to look for good uses for economic growth in this area.

With the town offering these assorted lots to competent businesses, I see an opportunity for the town to create a few more jobs, but at the same time build interest into other opportunities in this area. I am currently assisting Todd Zeller, owner of Zeller Construction, a very well respected building contractor, to place his shop, as well as relocate a log home manufacturing business to this area. This new business would definitely benefit from some much needed infrastructure. A paved road on the north side, that would accommodate truck traffic would be most desirable. As of now the milled logs would arrive on the south side of the property, run thru the staging and processing area, and then be available to load on the north side of the property. Having the improvements of a sewer and especially paved roads would be a huge benefit.

I really do feel if we are successful in getting the first few new businesses in, more will follow. Excitement creates excitement, and I am confident we will begin to fill our extra land with more and more businesses. I do appreciate your consideration in helping achieve our mission.

Sincerely:

A handwritten signature in black ink, appearing to read "Ron Fiene". The signature is fluid and cursive, with the first name "Ron" and last name "Fiene" clearly distinguishable.

Greybull
620 Greybull Ave.

Atwood Family Funeral Directors, Inc.

Basin
419 West C

P.O. Box 460 Basin, WY 82410

Phone: (307) 568-2041

Fax: (307) 568-2727

620 Greybull Avenue
Greybull, WY 82426
April 14, 2016

Wyoming Business Council
c/o Julie Kozlowski
214 West 15th Street
Cheyenne, WY 82002

Dear Council Members,

My family, friends and business associates have been voicing our support for the Greybull Town Council and their forward thinking projects! We see their project of a Business Park as a huge jolt of positive energy into the main vein of our town. Without this forward thinking Council, Greybull like many towns across Wyoming could deteriorate over the coming decades. This project offers our local citizens an environmentally friendly place to grow our businesses, make private investment into our local community and offers economically positive alternatives to doing nothing!

As a stakeholder in the project, I understand the importance of making a good impression on business owners, visitors and area residents. The investment in improvements such as paving the roads and the addition of septic service are of utmost importance to the Business Park lot owners. I would urge you to consider the positive effects that these well-studied and thoughtful improvements can have not just for Greybull but for all of the Big Horn Basin.

I represent the longest running funeral home and ambulance service in the State of Wyoming. In order for towns and multigenerational business to continue, you must be proactive in planning for the future. I commend the Greybull Council on this Park development. I think this is one of the most exciting ventures and largest investments in economic and community development this town has made. After the Business Park is developed it will bring more private investment, more jobs and ultimately more opportunity to Greybull. I love this town and I can't wait to see it grow in such a positive direction!! Any State or Federal funding you can make available to this project would be greatly appreciated.

Warm Regards,



Clayton Draggoo, owner
Atwood Family Funeral Directors & Ambulance

ZELLER CONSTRUCTION, INC.

257 Windy Run
307-272-4143

Greybull, WY 82426
307-765-2093

Wyoming Business Council
Julie Kozlowski
214 W. 15th St.
Cheyenne, WY 82002

April 26th, 2016

Dear Council Members,

I am very pleased to write to you in support of the new business park in Greybull. The availability of property in the park for sale and development has been a long wait for me personally. My business is now ten years old and I have been involved in hundreds of different jobs in our Greybull area. Primarily we do new and remodel residential construction and are also proud to have completed a number of commercial projects as well. I have been fortunate to be able to employ from three to eight full time employees through the years, depending on our work load.

I have been in need of a headquarters for my operation for the last eight years. Greybull has very limited land that is suitable for this. I talked with town officials back in 2008 about purchasing land on the Greybull River Road. Through the work of current and former Town Council members, this opportunity has become a reality. Getting BP Amoco to sign off on their remediation, along with clearance for the DEQ, was crucial to the project. This process has taken some time, effort and expense on the part of the Town of Greybull, but the result is well worth the effort.

I am excited and anxious to occupy my lot and build our new shop and office, plus have room for future expansion. My business plan allows for creation of additional full time positions and will further our ability to take on expanded construction opportunities. The proposed improvements, road paving and sewer service will turn this business park into a model for other towns to emulate.

Thank you,

A handwritten signature in black ink, appearing to read "Todd Zeller", with a stylized flourish at the end.

Todd Zeller, Owner
Zeller Construction, Inc.

**Greybull Area Chamber of Commerce
521 Greybull Ave
Greybull, WY 82426
(307) 765-2100**

Wyoming Business Council
c/o Julie Koziowski
214 West 15th Street
Cheyenne, WY 82002

Dear Council Members,

The Greybull Area Chamber of Commerce strongly supports the Greybull Town Council and their project for the Greybull Business Park. In our current challenging, economy Greybull is moving forward and diversifying our local economy with the development of the business park.

Expansion of the Greybull Business Park will not only be a benefit to Greybull but will benefit the entire Big Horn Basin. By investing in the paving of the roads and expansion of the sewer lines to the business park Greybull will be ideally positioned for future business expansion, job growth and development. In the past four years Greybull has been experiencing a renaissance of sorts with the purchase and remodel of old, historic downtown buildings. With the addition, expansion and structural improvements of the business park will further add more value to the town and area. As more and more businesses are interested in the business park and make offers on the lots the chamber is optimistic for the future business climate of Greybull.

The Greybull Area Chamber of Commerce encourages you to consider funding for the Greybull Business Park and help the Basin grow and economically expand. Thank you for consideration in this worth while project.

Sincerely,

Greybull Area Chamber of Commerce

A handwritten signature in cursive script, reading "Juliana Brown". The signature is written in dark ink and is positioned below the typed name of the Greybull Area Chamber of Commerce.



COUNTY COMMISSIONERS

Jerold S Ewen, Chairman

Felix N Carrizales

John G Hyde

Lori Smallwood, County Clerk

Becky Lindsey, Treasurer

Gina Anderson, Assessor

Kim Adams, Prosecuting Attorney

Serena Lipp, Clerk of District Court

Kenneth Blackburn, Sheriff

Delmar Atwood, Coroner

Office of The County Commissioners

*P.O. Box 31
Basin WY
82410*

Phone: 307-568-2357 Fax 307-568-9375

www.bighorncountywy.gov

April 5, 2016

**The Town Of Cowley
20 S. Division Street
Cowley WY 82420
Attn: Joel Peterson, Mayor**

Re: Training Center

Dear Mayor Peterson,

We would like to take this opportunity to share our support of your proposed Training Center project. The addition of a facility with these capabilities in the Town of Cowley will be of great benefit to the citizens and businesses of Big Horn County.

This project is a fantastic addition to the wonderful Log Gym renovation project you recently completed. Big Horn County will certainly have multiple opportunities and reasons to utilize this proposed training center. Possible uses include everything from trainings and meetings to possibly changing the election polling location from the log gym to this new center.

We support this project and applaud your ambition to renovate and improve the facility to benefit the citizens of Big Horn County.

Sincerely,

Jerold S. Ewen, Chairman

Senator **R. Ray Peterson**
Revenue Committee Chairman
Wyoming Senate **Senate District 19**
P.O. Box 193 • Cowley, WY 82420



home (307) 548-6405
email Ray.Peterson@wyoleg.gov

March 28, 2016

Town of Cowley
Grant Application
Log Gym Complex

To Whom This May Concern,

The community of Cowley is seeking a grant for the Log Gym Complex project which will renovate and connect the former high school shop to the current, recently remodeled log gym. As you might be aware the log gym is the only community center the town has. It is primarily used for recreational activities such as basketball, volleyball and exercising in the work out area. This has been a great project for the community as the facility is used by many of our youth and adults alike. Other activities are held in this facility such as dances, weddings, programs and other large public gatherings. The log gym is designated as an historical building and the recent renovations completed, were to ensure the original look to the building be maintained. What has been lacking over the last few years, since its renovation, is a place to prepare and serve food. Because of its log structure and historical value, a kitchen facility inside of this building would be questionable. The option of utilizing the building next to the gym as a kitchen facility and then connecting the two buildings with a breezeway was developed by the town council as a possible solution.

The proposal would allow both the recently remodeled gym and the adjacent facility to be fully used as a place for all types of events. Many of our local companies have voiced support of the project as they would use the facility for training meetings and other company gatherings. Other meetings and social events would utilize the buildings as well and would help us showcase the beautiful structure of the log gym to many more visitors to our community. This project would continue and further enhance our economic development efforts. More activities, more people, more services required. Eating establishments, hotels, quick stores and all other main street businesses would benefit from a project such as this. I would ask you to consider this grant application and to participate in this project.

Thank you for your service to this state and for your consideration of this grant application.

Sincerely,

A handwritten signature in dark ink, appearing to read "R. Ray Peterson", is written over a light-colored background.

R. Ray Peterson
Wyoming State Senator

April 5,2016

To Whom It May Concern:

Please consider this as a letter of support for the proposed renovation project of the Cowley log gym. According to our information, the building will be expanded and renovated to include a much needed training center for employees in various businesses, as well as employee training for safety and O.S.H.A. In addition, a new full service kitchen will be added to the structure.

We are involved in the agricultural industry, with maintenance of hundreds of thousands of bees that produce hundreds of thousands of pounds of honey, and we feel that this project is worthy of funding. There is a great need for training in O.S.H.A. and safety, and it will be nice that the building and instructors will be so close so as not to involve extensive travel. It will also satisfy the need for additional space for large events that require a kitchen.

We wish to offer our wholehearted support to this project, and we hope that a grant can be secured in order for the renovation to move forward.

Thank you,

Von Zeller/Owner
John Sponsel/Partner
Ben Zeller/Partner
Zeller & Sons Honey Co.
307 548 2818



**Cowley-Riverton-Casper-Green River
Sheridan-Cheyenne**
Equipment - Furniture - Supplies
P.O. Box 65 - Cowley, WY. 82420
Ph. 1-800-442-0981 - Fx. 307-548-7470
www.officeshopinc.com

February 24, 2016

Town of Cowley
Cowley, Wyoming

Dear Council,

A facility designed for training and educations that can be accessed by businesses in this region is a brilliant idea. The Office Shop could consolidate our training seminars and increase seating space to accommodate our other locations.

The Office Shop would like to partner with the Town of Cowley in your effort to create this center. We are committing \$5000.00 to help move this project forward.

Thank you for your efforts,

Joel Peterson
President

**MAIN OFFICES**

P.O. Box 126

675 Road 7 1/2

Cowley, WY 82420

(307) 548-2242

(307) 548-2678 FAX

February 24, 2016

To: Wyoming Business Council

RE: Town of Cowley Training Center

Dear Council,

As a business located in Cowley, we are very excited about the potential for a new training/meeting center right here "at home". We currently provide training for our employees at a facility in a nearby town. Having a facility located here would definitely be beneficial for our company for our internal training needs.

Additionally, there would be potential for more training for our employees through other services that may be provided at the center by third parties, such as CPR training, etc. Having a meeting spot so close "at hand" would increase our ability to stay current in our industry.

Not only do we work here, but we live here. We could envision activities/classes that would be of interest to us being offered at the facility. Any activity that increases the number of people coming to Cowley will help out the businesses we do have here.

We have a beautiful, healthy town and we feel that adding such a benefit as a training/meeting center will only add to its attractiveness. If you would like more information or input, please feel free to call either of us at (307)548-2242.

Sincerely,

David Rael
PresidentJennie Rael
Vice-President

Big Horn County School District No. One

P.O. Box 688
Cowley Wyoming 82420
307-548-2254
FAX 307-548-7610

SHON HOCKER
Superintendent

RICHARD PARKER
Business Manager

GENEVIEVE MANN
District Secretary

LORI PETERSON
Bookkeeper

February 23, 2016

Dear Mayor Peterson,

I would like to take this opportunity to let you know of the school district's support for the proposed renovation of the old Cowley school shop/Rasmussen Repair building and the addition of a kitchen to complete the Cowley Log Gym Community Center.


The Log Gym has been a great asset to the school district for a variety of activities. We have used it for sports practices/games and many students and parents use the equipment for exercising. The district has used the gym for our big "Back to School In-service" with our staff and we are looking forward to the addition of a kitchen for preparing and serving meals for those occasions. We are also looking forward to the proposed classrooms that can be used as a facility for safety training, bus driver training or for First Aid/CPR. With the addition of a stage and good sound system, a variety of meetings such as the high school sports award banquets and high school dances could also be held at this location.

Because this community center is adjacent to our district office and elementary school, it would be very convenient for our employees to attend the Wyoming Health Fair blood draw and annual flu shots at the proposed facility.

Our community has made good use of the Log Gym for weddings, class reunions, talent programs, Christmas celebrations and many more occasions. These various uses will benefit greatly from the addition of a new attached kitchen facility.

We wholeheartedly support your proposal for the renovations and improvements to the community center.

Sincerely,



Shon Hocker
Superintendent





February 22, 2016

Mr Shawn Reese, CEO
Wyoming Business Council
214 West 15th St.
Cheyenne, WY 82002-0240

Dear Mr. Reese,

I am writing to indicate my support for the Town of Cowley's project to expand the existing Rasmussen Building to expand the Community Center. Northwest College is interested in using the renovated space for Continuing Ed and Workforce Development classes in the area.

This project will allow Northwest College to deliver educational events to the residents of Cowley and possibly those in surrounding areas. Having a facility where residents can come together to learn is vital to the town's growth and productivity. In this refurbished space, Northwest College can offer credit classes, workforce trainings, adult basic education classes, English as a Second Language classes for non-native speakers, and community education.

Additionally, many full day trainings and seminars require meals for the participants. The expansion of the community center will provide access to a commercial kitchen which makes this possible.

Thank you for your time and consideration of the Cowley Community Center Expansion. I encourage you to look upon this project favorably as it would be a valuable asset for my department's goals of community outreach and development.

Sincerely,

Ronda Peer
Dean of Extended Campus and Workforce
Northwest College



213 E. 3RD STREET
LOVELL, WY 82431
PHONE (307) 548-6216
FAX (307) 548-6218

February 22, 2016

Wyoming Business Council
214 West 15th Street
Cheyenne, WY 82002


Re: Letter of Support

Dear Council:

Bairco Construction, Inc. and its employees would greatly benefit from having access to a facility in Cowley that would accommodate our staff for training and continued education. We are committed to the health and welfare of our employees. Each year our employees receive several types of safety and other training. We provide the standard, 10-hour courses required by OSHA as well as several specialized safety courses. Additionally, we host continuing education classes for staff members. Our facility is not large enough for every employee to attend a training session. This makes it necessary for the company to conduct multiple sessions of the same curriculum. This doubles the cost of providing trainings, causes added disruption to normal business activities and oftentimes excludes employees from the opportunity of continued education.

Bairco Construction, Inc. would appreciate the Council's consideration. If you have any additional information on how this facility would benefit Bairco Construction, Inc. and our employees, please don't hesitate to contact me at (307) 548-6216.

Sincerely,


Stacy Bair
President



Wilson Bros. Construction Inc.

Five Generations of Construction Excellence

Phone: (307)548-6559

Fax: (307)548-6594

Email: office@wilson-bros.com

PO Box 636, Cowley WY 82420

February 22, 2016

The Town of Cowley
20 S Division St.
Cowley, WY 82420
Attn: Joel Peterson, Mayor

Re: Training Center

Dear Mr. Peterson,

Wilson Bros. Construction, Inc. strongly encourages the construction of a training center/presentation center in Cowley, WY. As it currently stands we utilize the Lovell Community Center for training purposes. Though the facility is adequate the poor acoustics, lack of ability to utilize electronic media, lack of a proper sound system, and the inability to portion off such a large space results in less effective and efficient training.

Proper and thorough safety training and best practices training are imperative in the construction industry. Though every industry has their safety challenges very few industries operate with the constant threat of severe injury or death like the construction industry does. There were 4,251 US private industry worker fatalities in 2014 of which 874 (20.5%) were construction fatalities with another 1,289 (28%) transportation and material moving fatalities. Occupational injuries and fatalities are emotionally and financially devastating for the families of those injured or killed, while also being very costly to the economy as a whole through lost productivity. Access to first-rate training facilities to improve the quality of worker safety training isn't just a convenience in our industry, it's a matter of life and death.

Along with safety training the need for environmental protection training is rapidly growing as federal regulations and fines for failing to meet those regulations increase. Having properly trained employees who are up-to-date on the latest federal requirements ensure that we are able to 1) keep ourselves away from the financial burdens of fines and penalties and 2) effectively protect our areas plant-life, animal-life, clean air, and pristine waters.

The north Big Horn Basin has an inordinately high concentration of mining and construction companies all of which would greatly benefit from a high quality training center that the area is sorely lacking. As federal and state regulations grow more time and resources must be spent by businesses to train employees. This creates a heavy burden on small businesses—like those throughout Wyoming. Facilities that are equipped for training purposes can greatly reduce this burden by allowing for increased efficiency of training and increased quality of training.

Best Regards,

Jeffrey M. Wilson, CPA
Business Manager



University of Wyoming Extension
College of Agriculture and Natural Resources
Big Horn County
Box 587 *** 4782 Hwy 310
Greybull, WY 82426
(307) 765-2868 • fax (307) 765-2235 • gasvoda@uwyo.edu

February 9, 2016

Mayor Joel Peterson
20 S Division Street
Cowley, WY 82420

Dear Mayor Peterson:

University of Wyoming Northwest Area (Park, Big Horn, Washakie, Hot Springs, Fremont, and Wind River Indian Reservation) Extension Educators would utilize a meeting room/classroom enhancement in Cowley. The 22 Northwest Area Educators consist of (2) Nutrition and Food Safety, (3) Ag and Horticulture, (3) Sustainable Management of Rangeland Resources, (1) Community Development Education, (7) Cent\$ible Nutrition, and (6) 4-H/Youth Educators. Area Educators often look for locations to host workshops, classes and clinics. The Log Gym Enhancement Project opens many doors for learning with a certified kitchen and classrooms.

Cent\$ible Nutrition Educator teaches families the importance of cooking at home with their families. The children learn how to cook from hands on lessons, having a kitchen and a classroom is an ideal teaching setting for this program.

Big Horn County 4-H has three active clubs in the Cowley/Deaver/Frannie area. The clubs would utilize the meeting room for monthly club meetings, in addition to weekly workshops during the spring and summer. The Big Horn County Extension team hosts a yearly 4-H/Ag Fun Day for 2nd and 3rd graders, in which this facility could easily house.

Big Horn County Extension is interested in the details of a University of Wyoming Extension Educator membership utilizing the building for teaching and hosting meetings.

Sincerely Yours,

Gretchen Gasvoda-Kelso



BIG HORN COUNTY SHERIFF'S OFFICE

Sheriff Kenneth G Blackburn

***415 Murphy Street P.O. Box 69, Basin, WY 82410**

***Ph: 307-568-2324 Fax: 307-568-2312**

February 9, 2016

Wyoming Business Council
214 W. 15th St.
Cheyenne, WY 82002

RE: Community Enhancement Grant

Dear Mr. Reese,

I'm writing this letter on behalf of Big Horn County Sheriff's Department. I strongly support the town of Cowley's upgrade project for classroom and kitchen space in the log gym Community Center. As a department we are in desperate need of training space, this project would be a perfect fit.

Additionally, Cowley is a perfect location for an emergency operations center as it is generally protected from our major weather disaster areas and could be a great shelter area for the entire County. I can think of a lot of other uses as well.

Please fund this project as it will fill many community needs.

Sincerely yours,

Kenneth G. Blackburn
Sheriff, Big Horn County

Overview of Proposed BRC Rule Change Recommendations

Match Recommendations:

- The applicant's match category will be determined using local share of state sales tax figures and population figures.
- The match percentage will be based on total project cost; these percentages would remain as proposed.
- Engineering and design work completed within six months of the date a project application deadline may be counted as cash match.
- Real estate owned by the applicant or community development organization and not purchased or developed with BRC funds may be used as cash match. The value of all real estate donations must be verified by a certified appraisal or market analysis as determined by Council staff.
- Below is an overview of the proposed match for each project type:

BRC Required Match			
	Category 1 Applicant	Category 2 Applicant	Notes
Business Committed	10%	5%	Half of match must be cash
Managed Data Center	125%	125%	Based on payroll and capital investment
Community Readiness	10%	5%	Half of match must be cash
Community Enhancement	25%	20%	Half of match must be cash
Planning	25%	25%	Match must be all cash
The Category of a joint powers board will be determined by the location of the project.			
All matches are calculated as a percentage of total project cost.			

Revenue Recapture Recommendations:

- The minimum amount of net revenue recaptured to the Wyoming Business Council be 25%. A minimum of twenty-five percent (25%) of net revenue generated must be reimbursed to the BRC fund up to the original grant amount of the project. Revenue recapture requirements may be satisfied by repayment of a BRC loan or via revenue recapture payments unless otherwise prohibited by governmental rules or regulations.
- All funds recaptured at the local level shall be placed in a segregated economic development account.
- Up to fifty percent of local recapture may be used for operational expenses if matched dollar-for-dollar by local funds.
- Define "net revenue" as "income generated by the lease or sale of a BRC funded asset, minus expenses associated with maintaining the asset. Deductible expenses must be paid by owner and can include utility costs, insurance, property taxes, pest control, repairs, property association fees and property maintenance."

Projects with Private Developers Recommendation:

- Projects involving a private developer must demonstrate the projected economic impacts are at least as great as the BRC grant assistance and may be demonstrated through repayment of grant funds, direct jobs created, projected tax benefits and/or donation of real estate that is not otherwise necessary for the project to the applicant or an agent of the applicant. The value of all real estate donations must be verified by a certified appraisal or market analysis as determined by Council staff.

Community Development Organization (CDO) Owned Assets Recommendation:

- Unless the project is owned by an applicant, there shall be documentation that in the event of dissolution of the owner, BRC-funded infrastructure must revert to the sponsoring applicant or a related city, town, county, joint powers board or tribe. This requirement may be satisfied by either specific language within articles of incorporation or a filing of the real estate record with the county of record.

BRC Loan Recommendations:

- Loans to non-revenue generating project will have an interest rate floor of zero percent (0%).
- Loans to revenue generating projects will have an interest rate floor of one percent (1%)
- Loans may have a one-time loan servicing fee of one-half of one percent (.5%) not to exceed \$5,000 and will be serviced through a third-party contract.
- No match is required for loans.
- All loan projects that create a lease or revenue-based asset must be secured.
- Loans may be non-recourse the general fund obligations of any city, town or county.
- “Non-recourse loan” is defined as “a loan that is secured by a pledge of collateral, typically real property. If the borrower defaults, the Council can seize collateral, but will not seek any further compensations from the borrower.”

Community Readiness and Downtown Development Project Types Recommendation:

- Staff recommends the Downtown Development category be removed from rules. All downtown development projects will apply as Community Readiness grants and loans.

Community Enhancement Project Type Recommendation:

- The Community Enhancement category will include, but not be limited to, child care, senior care and workforce projects.
- The maximum amount for enhancements is \$500,000. Match will be 25% of total project cost for category 1 applicants and 20% for category 2 applicants.

Funding Cycles Recommendation:

- Applications will be accepted in accordance with a schedule of deadlines which staff will make available annually. Awards per applicant will be limited to the

Business Committed	No Limit
Managed Data Center Cost Reduction	No Limit
Community Readiness	One per calendar year
Community Enhancement	One per calendar year
Planning	One per calendar year

following:

Operations and Maintenance Recommendation:

- Applicants will be required to adopt an O&M plan for the life of the BRC-funded asset.

Reporting Recommendation:

- Grantees/borrowers will report on project performances measure for a period of five years.

Managed Data Cost Reduction Grant Recommendation:

- Funds will be disbursed up to five years as the business match is realized.

Projects not started:

- Clearly state staff and Council's ability to terminate a project.

Business Ready Communities (BRC)

Proposed Rule Change Recommendations

Staff Recommendation: Staff recommends the Wyoming Business Council (WBC) Board adopt the rule changes. If approved by the WBC Board, the rules will be reviewed by the Legislative Service and Secretary of State's offices. The Governor has up to 75 days for final review and decision. If accepted, the rules will be formally adopted.

Attachment 1 – Overview of rule change recommendations

Attachment 2 - Copy of the Proposed Rules

Attachment 3 – Effective BRC rule date recommendations

Background: Staff received public comments on rule changes following the March 2016 WBC Board meeting. Additionally, staff met with the Wyoming Economic Development Association (WEDA) Executive Board to discuss rule changes in more detail.

The purpose of the rules changes is to make the program:

- More accessible
- Simple to use
- More sustainable at the program and local levels
- Accountable to constituents, as well as the State Legislature

Public Comment (Round 1): During the July 2015 public comment period, staff received 48 different comments from communities and organizations throughout the state. Staff also received 42 signed petitions from individuals. The board reviewed staff responses to those comments.

Public Comment (Round 2): During the March-April 2016 public comment period, staff received five letters with public comments. Copies of the comment letters are available upon request. Following is a summary of comments received (the summary does not include comments in support of the proposed rule changes).

Match Comment:

- One commenter asked staff to consider making the match provisions consistent and the same for all communities. A tiered match category may prevent inequities.

Staff Response: Staff recommends no change, as the proposed tiered system is consistent with other state programs.

Revenue Recapture Comments:

- One commenter stated that a one-size-fits-all approach to revenue recapture is not the best plan. Additionally, the commenter inquired about models explored in staff's research.
- One commenter asked for changes such as this to be phased in over time.

BRC Rules Recommendation - WBC Board Meeting 5.26.16

1

- Two commenters expressed the need for a definition of “net revenue.”
- One commenter stated there should be no restrictions on how revenue recapture funds may be spent. For example, an economic development organization may have cash savings for projects but no funds for salaries and operational expenses.

Staff Response: Staff recommends no change to the recommendation.

- Over the past year, staff modeled the following options for revenue recapture:
 - No Policy Changes
 - 50% State Recapture of Net Revenues
 - 30% State Recapture of Net Revenues
 - 25% State Recapture of Net Revenues
 - 4-Tier System for Cumulative Awards to Communities
 - \$0-\$3M in BRC Awards 0% State Recapture
 - \$3M-\$6M in BRC Awards 30% State Recapture
 - \$6M-\$18M in BRC Awards 50% State Recapture
 - >\$18M in BRC Awards 70% State Recapture
 - Fund 30% of All BRC Projects through Loans
- Staff recognized the early suggestions of a need to define “net revenue” and previously recommended to define “net revenue” as “income generated by the lease or sale of a BRC-funded asset minus expenses associated with maintaining the asset. Deductible expenses must be paid by owner and can include utility costs, insurance, property taxes, pest control, repairs, property association fees and property maintenance.”
- Staff recommends the board adopt an effective rule date for new projects.

Projects with Private Developers Comment:

- One commenter stated this rule may impact a community’s ability to have effective economic development public-private partnerships. The comment included a suggestion for staff to review past projects and determine the impact on those projects with the assumption this rule was in place.

Staff Response: Staff looked at the past five years’ projects that involved private developers. The proposed rule would not have impacted the projects’ ability to move forward. Staff recommends no change to the proposed rule.

Funding Cycles Comment:

- One commenter said only allowing one Community Readiness project per year limits the ability of a community to simultaneously work on downtown development projects and other readiness projects.

Staff Response: This change will impact communities' ability to apply for multiple readiness projects; however, staff recommends no change to the proposed rule because of limited available funds.

Effective BRC Rule Date

Option 1:

- Rules are effective for all projects awarded in FY16. This means all applications submitted June 1, 2016 and thereafter will be subject to the new rule changes. Consequences include:
 - Communities are currently working on projects for the June 1 date with the existing rules in mind. Project restructuring may be difficult.
 - New applications for the June 1, 2016 round are not updated.

Option 2:

- Rules are effective for all applications submitted Sept. 1, 2016 and thereafter. Consequences include:
 - Less revenue recapture back to the BRC fund.
 - Higher match requirements for projects submitted at the June 1, 2016 deadline.

Option 3:

- Projects moving forward to the September Business Council Board and October SLIB meetings may have the choice of which rules to follow. After October, all projects will be subject to the new rules. Consequences include:
 - This may be difficult for both staff and communities to administer and structure.

Staff Recommendation: Staff discussed these options with the Wyoming Economic Development Association Executive Board. Staff believes the easiest way to make this transition would be to have a clean start date of all projects submitted on and after the Sept. 1, 2016 deadline be subject to the new rules. Staff recommends Option 2.

STATE OF WYOMING
BUSINESS READY COMMUNITY GRANT AND LOAN PROGRAM
RULES

Most recent amendments filed November 22, 2013

Rules are anticipated to be effective for all projects awarded after July 1, 2016

WYOMING BUSINESS COUNCIL
214 West 15th Street
Cheyenne, WY 82002

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Chapter 1

GENERAL PROVISIONS

Section 1. Purpose.

(a) The purpose of the program is to promote economic development at the city, town and county levels in order to improve economic health and a stronger state economy. These rules are adopted in order to implement W.S. 9-12-602 through 9-12-603, which provide for the making of grants and loans to eligible applicants for economic or educational development infrastructure. The rules provide for a method of application, review and recommendation, the establishment of terms and conditions of awards and a hearing process.

(b) Guiding Principles of the Business Ready Community Grant and Loan Program:

(i) Support to Wyoming's communities that are diverse in size, resources and economies.

(ii) Focus Business Ready Community funding on projects that will lead to sustainability of the program and local economic development efforts.

(iii) Support projects that will help people, families and communities thrive.

(iv) Increase the capacity of community and economic development partnerships and cooperative efforts between the private and public sectors recognizing that each has its own responsibilities.

(v) Support and encourage communities that develop innovative responses to their economic challenges through a flexible review and recommendation process.

Section 2. Authority. Rulemaking for this program is the responsibility of the Wyoming Business Council as authorized by W.S. 9-12-104(a)(iv) and W.S. 9-12-601.

Section 3. Definitions.

(a) "Board" means the Wyoming State Loan and Investment Board.

(b) "Community Development Organization" means a business entity organized to provide services as an agent of the applicant for the exclusive mission of helping to develop and support economic development within a specified city, region or state by providing necessary resources and assistance.

- (c) “Council” means the Wyoming Business Council Board of Directors.
- (d) “Council staff” means the staff of the Wyoming Business Council assigned to administer the program.
- (e) “Eligible project costs” means total project cost, less ineligible project costs. Examples of ineligible costs include appliances, equipment, furnishings and other features of the facility which are not physically attached.
- (f) “Cash match” means cash contributed to the total eligible project cost. Real estate owned by the applicant or community development organization may be used as cash if the property in question was not purchased or developed by BRC funds and the value of the real estate is supported by an appraisal. Engineering and design work completed within six months of the date a project application is received by the Wyoming Business Council may be counted as cash match.
- (g) “In-kind match” are contributions with value and must be applicable to the period to which the matching requirement applies and must be necessary for the project. Examples of in-kind contributions include labor, materials and real estate. In-kind contributions must be verifiable from the records showing how the value placed on in-kind contributions was derived. Labor services will be reported using rates consistent with those ordinarily paid by the applicant or other employers for similar work in the same labor market. Donated materials will be valued at market value at the time of donation. The value of donated buildings or land will be established using a market value or appraisal set by an independent appraiser or a market analysis prepared by a licensed realtor.
- (h) “Multi-year project” means a large scale, stand-alone project which will be constructed over separate calendar years and which cannot be separated into smaller, independently operational phases.
- (i) “Phased projects” means a project in which parts (“phases”) are completed and fully functional before the entire project is built-out. For example, a business park that will eventually have twenty lots may be phased such that infrastructure will open up five lots at a time over four different phases. The first five lots can be occupied immediately upon completion of the infrastructure and do not require completion of the remaining three phases.
- (j) “Political subdivision” is an entity, serving as an agent for the applicant that meets two of the three following criteria:
- (i) A governmental function with a local purpose;
 - (ii) Officers elected by the district’s inhabitants;

(iii) Provisions for assessment of taxes for finance purposes.

(k) “Primary jobs” are jobs created or retained by a business(es) that provide(s) goods and services that are primarily exported out of the state, that gain market share from imports to the state, or that meet an unmet need in the market area and result in the creation of new wealth.

(l) “Revenue generating project” means real property developed with Business Ready Community grants that can generate revenue from, lease payments or the proceeds from the sale of real property.

(i) “Net Revenue” means income generated by the lease or sale of a BRC funded asset, less expenses associated with maintaining the asset. Deductible expenses must be paid by owner and can include utility costs, insurance, property taxes, pest control, repairs, property association fees and property maintenance.

(m) “State Development Organization” means a corporation organized under W.S. 17-11-101 through 17-11-120 with the authority to provide financing for new, existing or expanding businesses and to fulfill other economic or community development purposes throughout the state of Wyoming and which may take equity positions and shall take security positions in its borrowers’ businesses and appropriate personal guarantees from the owners thereof.

Section 4. Eligible Applicants.

(a) A county, an incorporated city or town and joint powers board may apply for funding. A joint powers board may apply with the approval of all participating agencies to the joint powers agreement.

(b) The Council may enter into a contract/cooperative agreement with the Eastern Shoshone or the Northern Arapahoe Tribe in order to promote the purpose of this program.

(c) An applicant may contract with a Community Development Organization, State Development Organization or political subdivision to use BRC funds.

Section 5. Type of Projects. A grant or loan may be used for the following types of projects:

(a) A Business Committed Project is a project in which an applicant has a business committed to start-up, expand, locate or retain jobs in the community. The applicant must demonstrate that new primary jobs will be created or retained by the

business and that the new jobs will be created at or above the county mean and/or median wages and/or improve community and economic capacity. In addition to assisting a particular business, a Business Committed Project may also fulfill the purpose of a Community Readiness Project. The maximum grant amount is \$3,000,000. Funding in excess of the maximum grant amount may be applied for as a BRC loan.

(b) A Community Readiness Project is a project which has no specific business committed to expand or locate in a community. The community wants to build infrastructure to ready itself for new business development under a specific strategy or plan of action; for example, development of a business or industrial park, a downtown development project or facilities for labor force or entrepreneurial training. The applicant must demonstrate potential exists for creation of new primary jobs. The maximum grant amount is \$3,000,000. Funding in excess of the maximum grant amount may be applied for as a BRC loan.

(c) A Community Enhancement Project is a project in which an applicant wants to improve the community's aesthetic character or quality of life in order to make itself more attractive for business development or workforce attraction and/or retention under a specific strategy or plan of action; for example, landscaping, recreational, convention facilities, community centers, senior care or child care infrastructure. Landscaping and streetscaping enhancements must be located in commercial districts, sites of business activity or high visibility areas. Recreation, convention or cultural centers must have a draw greater than the jurisdictional boundaries of the applicant. The maximum grant amount is \$500,000. Funding in excess of the maximum grant amount may be applied for as a BRC loan.

(d) A planning project is a project in which an applicant creates or further develops a community's economic development strategy and outlines an implementation plan.

(i) An economic development plan assesses the community as a whole and identifies potential future economic development opportunities. This includes regional targeted industry plans. The maximum award is \$50,000.

(ii) A feasibility study is a site specific or industry specific plan to determine the feasibility of a project to meet economic development objectives. The maximum award is \$25,000.

(iii) A promotional plan addresses marketing of a community's assets. The maximum award is \$25,000.

(iv) A tourism plan addresses economic development opportunities for a defined region or community related to tourism. The maximum award is \$25,000.

Section 6. Eligible Activities.

(a) The following are eligible activities:

(i) Grant and loan funds may be used for economic or educational development infrastructure projects which may include, but are not limited to, water, sewer, streets and roads, telecommunications, airports, purchase of rights of way, purchase of land, buildings, facilities, industrial and business parks, industrial site or business district development, amenities within a business or industrial park, landscaping, recreational and convention facilities and other physical projects;

(ii) Grant and loan funds may not be used for the rehabilitation or expansion of existing infrastructure unless the Council determines the rehabilitation or expansion is necessary to meet the purpose of the program;

(iii) Grant and loan funds may be used for the expansion of infrastructure previously funded under this program for phased projects.

(b) Grants for planning projects may only be used for the creation of the planning document(s). Funds may not be used for salary costs of the applicant or local organizations, travel costs for anyone other than the planning consultant(s) or reproduction of any promotional materials.

Section 7. Ownership of Infrastructure

(a) The infrastructure funded by this program shall be owned by the applicant or an agent of the applicant: community development organization, state development organization or political subdivision.

(b) Unless the project is owned by an applicant, there shall be documentation that in the event of dissolution of the owner, BRC-funded infrastructure must revert to the sponsoring applicant or a related city, town, county, joint powers board or tribe. This requirement may be satisfied by either specific language within articles of incorporation or a filing of the real estate record with the county of record.

(c) The infrastructure or facility can be sold to a private entity without advertising the sale or calling for bids, provided that the grantee and/or borrower makes a determination that the sale will benefit the economic development of the community and holds a public hearing, notice of which shall include the appraised value of all real properties, at least once each week for three (3) consecutive weeks in a newspaper of general circulation in the county in which the grantee and/or borrower is located. All sales must be done in accordance with all applicable statutes.

Section 8. Revenue Generating Projects. Revenue generated by the applicant or an owner described in Section 7 must be recaptured at a negotiated rate commensurate with the public investment. A minimum of twenty-five percent (25%) of net revenue generated must be reimbursed to the BRC fund up to the original grant amount of the project. Revenue recapture requirements may be satisfied by repayment of a BRC loan or via revenue recapture payments unless otherwise prohibited by governmental rules or regulations.

(a) All funds recaptured at the local level shall be placed in a segregated economic development account.

(b) No more than fifty percent (50%) of local recapture may be used for operational expenses if matched dollar-for-dollar by local funds.

(c) Revenue recapture must be repaid to the BRC fund annually or according to a schedule agreeable to Council staff.

Section 9. Projects Involving a Private Developer. Projects involving a private developer must demonstrate the projected economic impacts are at least as great as the BRC assistance and may be demonstrated through repayment of BRC funds, direct jobs created, projected tax benefits and/or donation of real estate that is not otherwise necessary for the project to the applicant or an agent of the applicant. The value of all real estate donations must be verified by a certified appraisal or market analysis as determined by Council staff.

Section 10. Local Public Hearing and Approval.

(a) An applicant is required to inform and educate the public and business community to the greatest extent possible about the proposed economic development project (including, but not limited to the economic development opportunity, possible funding sources and alternative solutions) utilizing a variety of techniques and media. The applicant must make readily available to the public access to the application and associated materials, exclusive of business plans or business financial information. An applicant shall actively solicit citizen input that can be submitted via writing, electronically or in person at a public hearing. A minimum of one public hearing is required before submission of an application. For the purposes of this program, seven (7) days is the minimum period for notification of a hearing date. Public notice shall be published in a newspaper of general circulation within the boundaries of the applicant or as approved by the Council staff. If the project facility is to be located outside the boundaries of the applicant, the applicant shall hold an additional public hearing near the location of the proposed project facility. The notice shall contain a concise description of the proposed project and state that time will be set aside at the public hearing to take testimony from citizens about the project.

(i) To inform the public and gather information, any public hearing should at a minimum:

(A) Identify the economic development opportunity(ies);

(B) Explore all known possible funding sources and alternative solutions to the opportunity(ies);

(C) Contain a comprehensive description of the proposed project;

(D) Solicit testimony from citizens who may feel that the proposed project might compete with an existing business.

(ii) An applicant must use its best efforts to notify all providers of similar services in the market area about the public hearing at least seven (7) days in advance of the public hearing.

(b) An application must be accompanied by a description of the applicant's public engagement process, written comments received by the applicant, evidence of the public hearing notification, minutes from the public hearing and a signed resolution passed by the applicant or participating agencies to a joint powers board after the public hearing is held and public comments are considered.

Section 11. Application Procedures.

(a) Each Wyoming Business Council Regional Director is available to assist applicants with the development of projects and preparation of applications. The Regional Director will use resources available such as the Department of Workforce Services and Wyoming's Community Colleges to define available workforce training programs that could be used in conjunction with educational development infrastructure and/or the labor market/workforce portion of the application. Draft applications must be provided to the Regional Director two weeks prior to submission.

(i) The applicant must schedule a consultation with a Wyoming Business Council Regional Director to discuss the project. The Wyoming Business Council Regional Director will submit preliminary comments and concerns along with the application. A copy of the draft application and draft application materials must be submitted to the Wyoming Business Council Regional Director at least two weeks before the application submission deadline;

(b) An application shall be reviewed by the council staff to determine eligibility and completeness.

(c) All grant and loan applications shall be reviewed by the office of the Attorney General for project structure, including recapture provisions, in advance of Council consideration.

(d) A complete application shall be forwarded by the Council staff with a recommendation to the Council for review. Incomplete applications will be either tabled or sent back to the applicant for resubmittal at a different time. An application that is determined by the Council staff to be incomplete shall be provided an explanation of the findings in writing within thirty (30) working days of its receipt where practical.

(e) The Council staff shall publish statewide notice of Council and Board meetings at which Business Ready Grant and Loan Program applications will be discussed.

(f) The Council shall consider each application, allow for comments from the public, the applicant and the Council staff and refer to the Board the application with a recommendation.

(g) Under extraordinary circumstances, the Council may recommend a waiver of rule requirements if the Council determines the waiver is consistent with the purpose of the Business Ready Community Grant and Loan Program.

Section 12. Application Submittal Requirements.

(a) Application Submittal Requirements. An applicant shall submit the required application form and supplemental documentation as required by Council staff.

(b) Other information as requested by Council staff.

(c) Previous Applicant. An applicant must show that satisfactory performance has been demonstrated under previous grants and/or loans awarded through this program.

Section 13. Allocation Plan and Funding Cycles

(a) The Council may adopt a funding allocation plan for BRC projects and prioritize project types.

(b) Applications will be accepted according to an annual deadline schedule posted by the Council.

(c) BRC awards per applicant are limited as follows:

Business Committed	No Limit
Managed Data Center Cost Reduction	No Limit
Community Readiness	One per calendar year
Community Enhancement	One per calendar year
Planning	One per calendar year

(d) An applicant may request, with a single application, grant or loan funds up to the annual maximum amount for a multi-year project for a period not to exceed three (3) fiscal years. The applicant must demonstrate how the project meets the definition of a multi-year project.

Section 14. Application Evaluation. In addition to the Guiding Principles for the Business Ready Community Grant and Loan Program the Council may evaluate a grant and/or loan application utilizing one or more of the following criteria and measures:

(a) The extent to which the project will increase the number of primary jobs;

(b) The extent to which the project will create jobs at or above the county mean and/or median wages;

(c) The extent to which the project will create sustainable jobs or jobs with benefits such as health insurance and retirement;

(d) The extent to which the demand for those services outpaces the existing supply of services causing a detriment to the ability of the applicant to develop its workforce, community needs and economy;

(e) The extent of private investment in capital equipment and/or facilities for a new or existing business. Preference is given to projects leveraging private investment;

(f) The extent to which the project aligns with targeted industries identified by the local and regional community as well as the Council;

(g) The extent to which the total revenue for an existing business is increased;

(h) The extent to which the market share increases for an existing business as measured by units sold or some other measure that competitors in the market generally recognize as valid;

- (i) The viability and thoroughness of a business plan which includes, at a minimum, a business description, management qualifications, market investigation, balance sheet, profit and loss for the previous three (3) years or tax returns for the previous three (3) years and cash flow projections for the next three (3) years;
- (j) The extent to which the project helps an applicant attract new businesses and/or expand and retain existing business(es);
- (k) The extent to which the project helps an applicant fulfill community development goals related to economic development;
- (l) The extent to which the project helps an applicant diversify its economy;
- (m) The extent to which the project builds upon an applicant's unique assets and characteristics to develop momentum in market niches;
- (n) The extent to which the project is ready to begin construction and/or implementation. For example, projects have secured financing, permits and licensing, zoning classifications, annexation, appraisals and purchase agreements necessary to complete the project;
- (o) The extent to which the project helps the applicant grow the local workforce;
- (p) The extent to which the project helps the applicant expand entrepreneurial and/or workforce training;
- (q) The viability and thoroughness of the recapture plan for revenue generating projects that will anticipate revenue streams and prioritize economic development initiatives to be paid for with the revenue while allowing the applicant flexibility to respond to opportunities;
- (r) The extent to which the project involves the use of a Business Ready Community loan;
- (s) The extent to which the project leverages additional private investment.
- (t) The extent to which the project assists the applicant's Main Street Program efforts;
- (u) The extent to which the Community Enhancement project provides a listing of proposed community enhancement projects and site related to economic development along with preliminary cost estimates;

(v) The extent to which the planning project will create or further develop an applicant's specific economic development strategy;

(w) The extent to which the planning project will potentially lead to job creation or retention;

(x) The extent to which the planning project will address methods of funding to implement the plan;

(y) The extent to which the tourism planning project will increase overnight visitors, local sales tax revenue, local lodging tax revenue and local employment opportunities and earnings;

(z) Satisfactory performance under previous grants awarded through this program;

(aa) The extent to which the project will provide for information technology services to the state or to the applicant at a price discounted from the fair market value of the services;

(bb) The extent to which the project will provide information technology services to technology related businesses in the state, at a price discounted from the fair market value of the services;

(cc) The extent to which the project will facilitate the expansion or retention of a business developed at the University of Wyoming Business Technology Center;

(dd) In order to determine compliance with Article 16, Section 6 of the Wyoming Constitution, the Council staff will consult with the Attorney General when evaluating a request to fund a "Business Committed" project, project involving a private developer or a "Managed Data Center Cost Reduction" project. The application and the Council recommendation will be reviewed by the Attorney General using the following criteria:

- (i) A public purpose must exist;
- (ii) Adequate consideration must be exchanged;
- (iii) Statutory authority must exist.

Section 15. Grant Match Requirements for Projects Other than Managed Data Center Cost Reduction grants.

- (a) BRC loans do not require a match.
- (b) A BRC loan can be used to satisfy match requirement.
- (c) Match is based on total eligible project costs.
- (d) Following is a breakdown:

BRC Required Match			
	Category 1 Applicant	Category 2 Applicant	Notes
Business Committed	10%	5%	Half of match must be cash
Community Readiness	10%	5%	Half of match must be cash
Community Enhancement	25%	20%	Half of match must be cash
Planning	25%	25%	Match must be all cash
All matches are calculated as a percentage of total project cost.			

(e) A grant for a “Planning” project shall require a minimum cash match of twenty-five percent (25%) of total eligible project activities. Community Development Block Grant funds cannot be used for a match.

(f) Applicants for all other projects are categorized based on population and local government share of state sales and use tax per capita. Categories determine the required match. Sales and use tax figures are updated annually by the Wyoming Department of Revenue and population figures are updated every five years by the U.S. Census Bureau. Sales and use tax figures used for determination will be an average of the three most recent years’ data available. A schedule of categories will be regularly updated and posted on the Wyoming Business Council website.

(i) Category One applicants are those municipalities with a population greater than 1,300 or are located in a county where the three-year average of the local government share of state sales and use tax per capita is more than 70% of the statewide average.

(ii) Category Two applicants are those municipalities with a population under 1,300 or are located in a county where the three-year average of the local government share of state sales and use tax per capita is less than 70% of the statewide average.

(iii) In the case of a joint powers board, the project’s location will determine its categorization.

Section 16. Fund Disbursement, Project Monitoring, Performance Measures and Revenue Recapture Reporting.

(a) **Procurement Standards.** Applicants must follow state procurement regulations for cities and towns and the Wyoming Preference Act. If a non-municipal

applicant has a procurement policy, staff or qualified consultants reserve the right to review that policy prior to fund disbursements.

(b) Fund Disbursement. Funds shall be disbursed to the applicant only as needed to discharge obligations incurred in accordance with the Board approved eligible project costs. Request for disbursement shall be made via the online grant management system, access to which shall be provided by Council staff. Requests for fund disbursement must be supported by adequate proof that such an obligation has been incurred for the project purpose and is due and owing.

(c) Fund Reversion.

(i) If the Council staff determines that a project has not been completed within a reasonable time, Council staff shall notify the applicant in writing at least thirty (30) days prior to presenting the matter for Council review.

(ii) If the Council staff determines that the project is complete, but the full amount of the grant or loan has not been expended, the Council staff shall notify grantee of this determination. Thirty (30) days following the notification, the unused portion of the grant or loan shall revert to the BRC Fund.

(iii) For projects that have not been started within one year: Council staff will notify a grantee/borrower of a pending expiration prior to the one-year anniversary of the grant/loan approval. The grantee/borrower can submit a written request to continue the project. Council staff may request new and/or updated information and documentation. Council staff may recommend and the Council may grant an extension of time in which to start the project or terminate the project.

(iv) For projects with contingencies: Council staff may request a monthly update on the status of the contingencies. The grantee/borrower has the option to submit a new application or may request an extension or modification of the contingency terms through the Council staff. Council staff may recommend and the Council may grant an extension of time or modification to the contingencies.

(d) Project Monitoring.

(i) Reports. Within fifteen (15) calendar days of the conclusion of each calendar quarter during the term of the grant or loan contract, the applicant shall supply Council staff with a progress report. Each progress report shall set forth in narrative form the work accomplished under the grant or loan during the quarter and shall include a financial status report. At the end of the project, the applicant shall furnish Council staff with a comprehensive report of the project. The applicant shall likewise furnish the Council staff with a cumulative financial statement, reflecting the total expenditure pursuant to this grant agreement.

(ii) Audits and inspections. The Council staff may, at its expense, conduct an audit of the records of the applicant and inspect the construction and operation of the project.

(iii) Record retention. Grantee agrees to retain all records related to the project for five (5) years following the Council staff's date of notice to grantee of closeout of the grant.

(e) Project Evaluation.

(i) Reports. Upon project construction, the grantee/borrower shall annual reports for five years project outcomes against established measures. Council staff shall tailor reports to the specific nature of each grant or loan, in agreements between the Council and grantee.

(ii) Evaluation results. The Council shall use the evaluation report information to measure program outcomes, to promote learning from experience and to improve program performance. Evaluation results will be available to other grantees.

(iii) At the end of the term of a BRC project, the Grantee/Borrower shall provide a comprehensive report to the Council staff, in a format prescribed by the Council staff that is a cumulative financial and performance report of the project. This report shall, at a minimum, include a detailed accounting of project expenditures that were paid for with BRC grant or loan funds, match contributed, recapture revenue(s) received, how recaptured revenues were or will be used, how recaptured revenue use complies with the rules of the BRC program and the project grant/loan agreement and a list of the accomplishments that resulted from the grant or loan. An authorized official of the Grantee/Borrower shall certify, under penalty of false swearing, that the information in the report is true. The Council staff reserves the right to require a BRC project audit to be conducted by the director of the department of audit or his designee. The cost of this audit shall be the responsibility of the Grantee/Borrower.

(iv) A grant/loan recipient shall keep recapture funds in a segregated account and report on such to council staff for the term of the revenue recapture agreement.

Chapter 2

REPEALED

Chapter 3

BUSINESS READY COMMUNITY LOAN INFORMATION

Section 1. Definitions.

(a) “Non-recourse loan” is a loan that is secured by a pledge of collateral, typically real property. If the borrower defaults, the Council can seize collateral, but will not seek any further compensation from the borrower.

Section 2. General Policy. A BRC loan may be made to fund all or a portion of any project that is an eligible activity. A BRC loan can be used in conjunction with a BRC grant. In no event shall a loan be made to pay off or refinance existing debt.

Section 3. Application Submittal Requirements.

(a) In addition to application requirements in Chapter 1, the following items are required:

(i) A copy of the signed resolution of support from the applicant or the member agencies if the applicant is a joint powers board that includes source of repayment of the loan and the proposed security for the loan;

(ii) If applicable, documentation of any environmental requirements (at the expense of the borrower). Council staff will determine the level of environmental review required;

(iii) If applicable, determination if property is subject to federal flood regulations. An applicant must include a federal floodplain map and identify location of proposed collateral. If necessary, flood and hazard insurance will be required at the expense of the borrower;

(iv) If applicable, an applicant must include guarantees, letters of credit and any other proposed security;

(v) A letter from the applicant’s attorney addressing the following in detail:

- (A) The applicant’s authority to enter into the loan;
- (B) The applicant’s current indebtedness and borrowing capacity;
- (C) Whether or not this loan will require an election;
- (D) Method of repayment and revenue sources;

(E) Affirmation that Wyoming State Constitution debt provisions and all other applicable statutes will be followed.

(vi) In order for the Council to determine the ability of the applicant to repay a loan and to aid the Attorney General in evaluating the legality of the proposed indebtedness, an applicant shall provide an annual budget for the preceding and current fiscal years and a completed financial statement provided on a “General Financial Information” form provided by the Council staff, that includes, but is not limited to the following information:

(A) Assessed valuation for the current and two (2) preceding fiscal years;

(B) Total bonded and non-bonded indebtedness, including outstanding principal balance, interest rate and remaining term;

(C) Total mills levied within the jurisdiction of the applicant for the current and two (2) preceding years: and, a breakdown of the mill levy for the current fiscal year;

(D) Sales and use tax imposed within the jurisdiction of the applicant;

(E) A summary of the applicant’s total investments and cash balances for the three (3) preceding fiscal years.

(vii) Council staff may require additional information in accordance with Council loan policies.

(viii) Other applicable information as requested by the Council staff.

Section 4. Loan Amount.

(a) The maximum loan amount is \$3,000,000 per application.

Section 5. Interest Rate and Term. A Business Ready Community Loan shall be made at the following interest rates as recommended by the Council and established by the Board and reflective of market rates.

(a) A floor of zero percent (0%) for non-revenue generating projects.

(b) A floor of one percent (1%) for revenue generating projects.

(c) Loans may have a one-time servicing fee of one-half of one percent (0.5%) not to exceed \$5,000 and will be serviced through a third-party contract.

(d) Fees such as origination, documentation, filing appraisal and any additional fees will be paid by the applicant.

(e) The term of the loan will be based upon the useful life of the asset not to exceed 30 years.

Section 6. Security Interest.

(a) A loan shall be adequately collateralized as recommended by the Council and determined by the Board. The Council may recommend and the Board may require a first position security interest in the revenue generating facility and the related user fees or assessments. Other security may be required as determined by the Council and approved by the Board. A borrower will be required to maintain adequate insurance on the proposed infrastructure, pay applicable taxes and assessments when due and maintain the infrastructure in good condition. An applicant will be required to provide a complete appraisal on the collateral. Council reserves the right to review and accept the appraisal or assign the appraisal to a third party at the cost of the applicant. An appraisal may be waived in the event staff determines the project has sufficient equity coverage.

(b) Loans may be non-recourse.

Section 7. Attorney General Opinion. No loan shall be made without the written opinion of the Attorney General certifying the legality of the transaction and all loan documents. An election approving the project and borrowing for the project by the qualified electors of the borrowing entity shall be required only if the Attorney General determines such an election is otherwise required by law.

Section 8. Loan Evaluation. In addition to Application Evaluation criteria in Chapter 1, council staff shall evaluate a loan application utilizing the following criteria:

(a) Whether the user fees or assessments generated by the project will be sufficient so that the loan may be considered a reasonable and prudent investment of state funds;

(b) Whether the applicant is current on repayment obligations to the Business Ready Community account or other state loan accounts.

Section 9. Council Consideration. The Council shall consider each application, allow for comments from the public, the applicant and the Council staff and refer to

the Board a recommendation including the amount of the loan, the term of the loan and the type of security required to secure the loan.

Section 10. Disbursement of Loan Proceeds. Funds shall be disbursed to the applicant as needed to discharge obligations incurred in accordance with the Board approved eligible project costs. Request for disbursement shall be made via the online grant and loan management system access to which shall be provided by the Council staff. Disbursement requests shall be supported by adequate proof that such an obligation has been incurred for the project purpose and is due and owing.

Chapter 4

BUSINESS READY COMMUNITY MANAGED DATA CENTER COST REDUCTION FUNDING

Section 1. Definitions.

(a) “Managed Data Center” means a center whose primary purpose is the centralized repository for storage, management and dissemination of data and information for multiple businesses. This definition does not include spaces primarily for housing office computers, including individual work stations, servers associated with workstations or small server rooms. For the purposes of these rules, the Council has adopted the Uptime Institute, Inc.’s four tiered classification approach to site power infrastructure. Projects must be similar and align with the characteristics of the tier classifications or another widely accepted metric for evaluating data centers.

(i) Tier IV data centers support companies with an international market presence delivering around the clock, year round services in a highly competitive market. Tier IV businesses are based on E-commerce, market transactions or financial settlement processes. The businesses tend to be large, global companies spanning multiple time zones.

(ii) Tier III data centers support internal and external clients around the clock, year round such as service centers and help desks, but can schedule short periods when limited service is acceptable.

(iii) Tier II data centers are typically internet-based companies without serious financial penalties for quality of service commitments and small businesses whose information technology requirements are mostly limited to traditional normal business hours, allowing system shutdown during “off-hours”.

(iv) Tier I data centers are small businesses where information technology primarily enhances internal business process and whose web-presence is as a passive marketing tool. For example, internet based startup companies without quality of service commitments.

Section 2. Maximum Amount and Match.

(a) The maximum grant amount is \$2,250,000. The grant amount will be determined by the business’ match amount.

(b) The grant shall require a minimum private investment match that is at least one hundred twenty-five percent (125%) greater than the “Managed Data Center Cost Reduction” grant. No less than fifty percent (50%) of the match shall be calculated by the net wages of those employees earning one hundred fifty percent (150%) of the median wage for all occupations in all industries within the county in which the project will take place. Nor more than fifty percent (50%) of the match shall be calculated by the private capital investments in taxable items. The following table shows three (3) examples of grant amounts and the required match. The match can be realized up to five years. The following table shows three (3) examples of grant amounts and the required match.

Total Grant Amount	Percent of Minimum Consideration	Minimum Required Match (Realized over 5 Years)	Minimum Percent of Required Consideration Comprised of Wages (100% of which are 150% the County Median)	Minimum Required Wages (100% of which are 150% above County Median)	Maximum Private Capital Investment in Taxable Items Allowable as Consideration
\$ 2,250,000	125%	\$ 2,812,500	50%	\$ 1,406,250	\$ 1,406,250
\$ 1,500,000	125%	\$ 1,875,000	50%	\$ 937,500	\$ 937,500
\$ 750,000	125%	\$ 937,500	50%	\$ 468,750	\$ 468,750

Section 3. Eligible Project Activities. Grants for Managed Data Center Cost Reduction projects may be used for the reduction of the costs of electrical power, broadband or both.

Section 4. Fund Disbursement, Project Monitoring and Project Evaluation. Managed Data Center Cost Reduction projects are subject to all requirements listed in Chapter 1, Section 15 and the following:

(a) Funds will only be disbursed for businesses that are in operation in the jurisdiction of the applicant. Funds may be disbursed over five years applicant realizes the match requirement. Annual grant disbursements may total no more than one-third (1/3) the total amount in addition to the unused balance available from previous grant years.

(b) If the Council staff determines that a business participating in a “Managed Data Center Cost Reduction” project is not operating within one year from the time the grant is approved, the grant will automatically expire. Based on information supplied by the grantee, Council staff may grant an extension of time in which the business must start operations.

(c) If the Council staff determines that five (5) years has elapsed since the commencement of operations of a business participating in a “Managed Data Center Cost Reduction” project and the match requirement has not been met, then the full or

partial amount of grant disbursed to the applicant may be reimbursed to the BRC account.

Section 5. Application Evaluation. In addition to other application evaluation criteria in Chapter 1, Managed Data Center Cost Reduction requests will be evaluated on the extent to which the project will provide for the growth or recruitment of managed data centers at Tier II, Tier III and Tier IV levels or similar levels. Preference will be given to Tier III or Tier IV level or similar level managed data centers.

Section 6. Application Submittal Requirements

- (a) Applicant must follow application requirements in Chapter 1.
- (b) In addition to other requirements listed for a development agreement in Chapter 1, the following must be included:
 - (i) An agreement that the business will repay all grant funds expended at a reasonable rate of return as negotiated with the applicant and approved by the Council if the business relocates from the political subdivision within five (5) years from first receiving funds;
 - (ii) An agreement that the business will repay all grant funds expended at a reasonable rate of return as negotiated with the applicant and approved by the Council if the business does not meet its match requirements within five (5) years from first receiving funds;
 - (iii) An understanding of the required match and job creation requirements;
 - (iv) The terms of the fund disbursements and a statement of which utility costs will be reduced using the grant funds and in what amount;
 - (v) An understanding of the timeline for the business to become operational;
 - (vi) An offer by the business and an acceptance or declination by the applicant to provide a stated amount of information technology storage services to the applicant at a price discounted from the fair market value of the services;
 - (vii) The signed contingency may also include a commitment by the business to offer a stated amount of information technology services to the state or a Wyoming based technology related business at a price discounted from the fair market value of the services;

(viii) (If applicable) A signed lease agreement or memorandum agreement with regards to the terms of a lease agreement;

(ix) (If applicable) Evidence that there is or will be infrastructure, architecture and services necessary for the support of a data center at a Tier II, Tier III or Tier IV level or similar level.

(c) At the applicant's expense, the Council staff may request a disinterested third party to validate a data center's Tier level, review a business plan or examine other aspects of an application. Council staff must approve the third party.