

Board of Directors Agenda | Casper, WY | Thursday, September 30, 2021

(Times and order of agenda items are tentative and subject to change without notice)

SAFETY REMINDER: WBC Staff, Board Members and members of the public are encouraged to maintain social distance of six feet from others wherever possible, and to wear a mask covering the mouth and nose when distancing is not possible. *Individuals with symptoms of illness are asked to attend remotely, and all participants must adhere to Casper College safety protocols as posted throughout the facility.* Hand sanitizer, disposable masks and surface sanitizing wipes will be available.

In the Sharon J. Nichols Auditorium at the McMurry Career Studies Center – Casper College (Please see map on Page 4)

Dress Code is business attire – please wear your WBC name tag

10:00 a.m. Convene Public Meeting – Co-chair Kim DeVore

- Pledge of Allegiance
- Welcome and Roll Call of Board Members
- **ACTION ITEM:** Consideration of approval of September 2021 Consent Agenda Items:
 - Minutes from the May 2021 Regular Meeting at Cheyenne (*Page 5*)
 - Minutes from the July 12, 2021 Special Meeting by Webinar (*Page 10*)

10:15 a.m. Welcome to Casper – East Central Regional Director Kim Rightmer

- Welcome remarks from Jason DeWitt, President/CEO of Casper Chamber of Commerce

10:30 a.m. CEO Report – Chief Executive Officer Josh Dorrell

11:15 a.m. Strategy Standing Committee – Chairman Alex Klein

- **Economic Update** – Chief Strategy Officer Sarah Fitz-Gerald
- **Communications Update** – Strategic Communications Amy Quick

11:45 a.m. Field Operations Updates

- *Written updates from the Field Operations team begin on Page 12*

12:15 p.m. Lunch Break

- Lunch will be provided on-site for Board Members and WBC employees. Members of the public are encouraged to visit a local restaurant.

1:15 p.m. Services Standing Committee – Chairwoman Pam Thayer (*Page 20*)

- **Contract with Wyoming Women’s Business Center, Inc.** – Services Division Director Brandon Marshall
 - **ACTION ITEM:** Consideration of staff recommendations
- **Broadband Program Update** – Broadband Manager Ryan Kudera

- **Administrative Rules for the Broadband Development Grant Program – Agency Services**
Manager Warren Appel (*Page 31*)
 - **ACTION ITEM:** Consideration of adoption of Regular Rules for Chapter 3: Confidential Provider Information
 - **ACTION ITEM:** Consideration of adoption of Regular Rules for Chapter 4: Connect Wyoming Program
 - *A summary of comments received prior to this meeting is included as Appendix B beginning on Page 99*

1:45 p.m. Operations Standing Committee – Chairwoman Kathy Tomassi (*Page 40*)

- **Q4FY21 Financial Report – Accounting Manager Lyndsay Orr, CPA**
 - **ACTION ITEM:** Consideration of acceptance of Q4FY21 Financial Report
- **FY21 Financial Audit, FY23-24 Biennium Budget Timeline Update – Chief Operating Officer Amy Grenfell, Accounting Manager Lyndsay Orr**
- *The August-September 2021 Personnel Report begins on Page 41*

2:15 p.m. Investments Standing Committee – Chairman John Coyne III (*Page 50*)

- **Amendment 4 to the contract with Markee Escrow Services, Inc. – Economic Development Finance Manager Josh Keefe**
 - **ACTION ITEM:** Consideration of staff recommendations
- **Quarterly Challenge Loan Report – Business Finance Analyst Justin Mabie (*Page 45*)**
 - **ACTION ITEM:** Consideration of acceptance of quarterly Challenge Loan report
- **Presentation of New BRC Application and Evaluation tool – Investments Division Director Julie Kozlowski**
- **Review of BRC Budget and Project presentation (*Page 55*)**
 - *Correspondence regarding this project is included in the materials as Appendix A beginning on Page 66.*

BRC Applications Received June 1, 2021				
Applicant	Project	Type	Request	Staff Recommendation
Torrington, City of	M Lazy Heart Feed Mill Grant	Business Committed	\$ 3,000,000	\$3,000,000
Torrington, City of	M Lazy Heart Feed Mill Loan	Business Committed	\$ 3,000,000	\$3,000,000
Total Requests			\$ 6,000,000	\$ 6,000,000
Total Available BRC Funding				\$ 32,156,616
Funds remaining if awarded				\$ 26,156,616

Q1 Allocation			
BRC Project Types	Priorities	% of Allocation	Q1 Allocation Available
Business Committed & Managed Data Ctr	High	45%	\$ 3,617,619
Cost Reduction	Medium	54%	\$ 4,341,143
Community Development	Low	1%	\$ 80,392
Planning			\$ 8,039,154

- **ACTION ITEM:** Consideration of staff recommendations
- **Amendment 1 to BRC-Enhancement Grant to Sheridan County for Red Grade Trails – Grants Projects Manager John Wendling (*Page 61*)**
 - **ACTION ITEM:** Consideration of staff recommendations

3:30 p.m. Other Board Matters

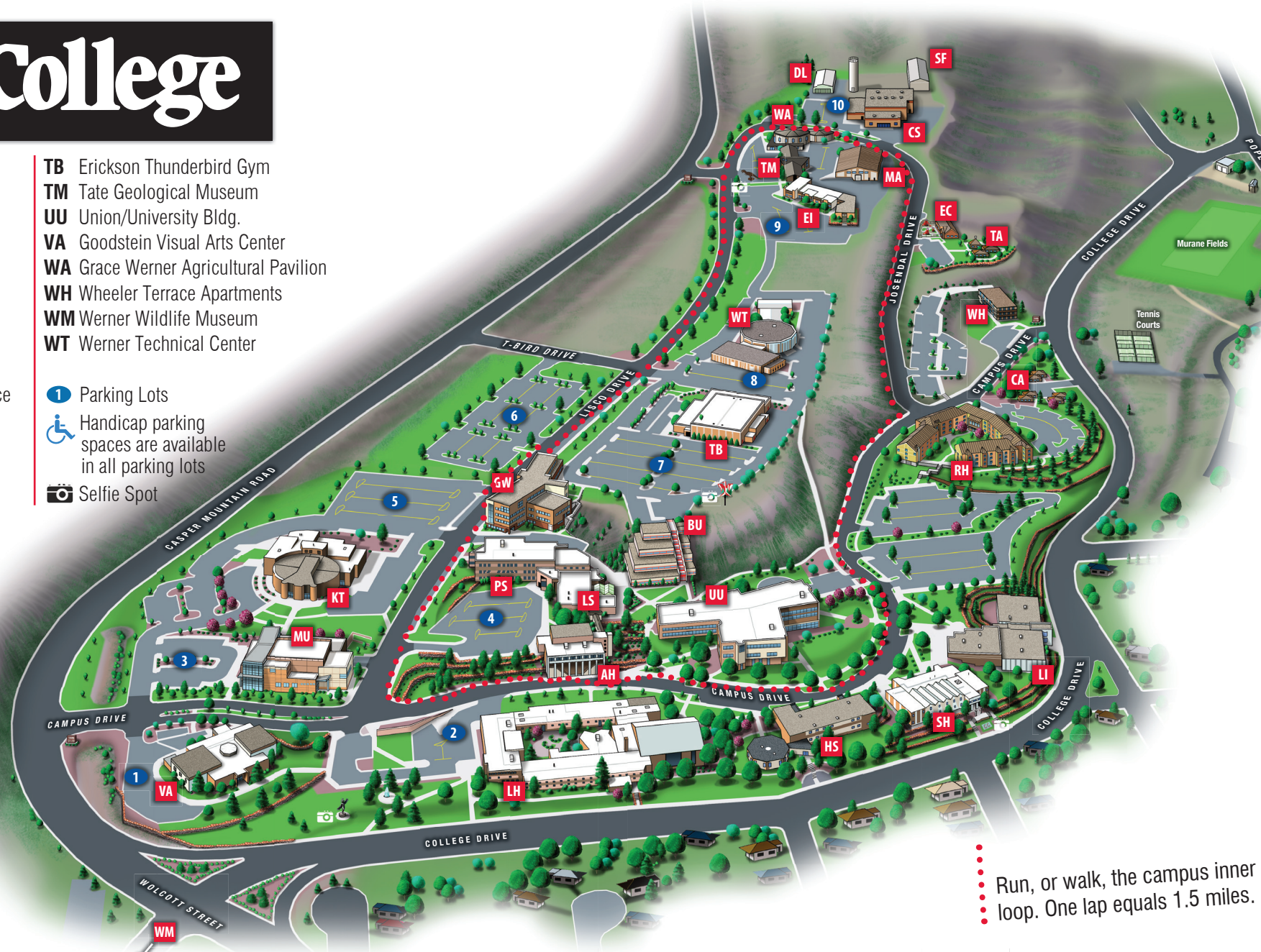
- **Joint Work Session with ENGAGE** – Friday, October 1, 2021 at Art321
 - Breakfast for Board and Staff at 7:00 a.m., Facilitated Work Session begins at 8:00 a.m.
- **Standing Committees** will meet this quarter during the week of November 1 (invites on Google Calendar):
 - **Investments Committee:** Tuesday, November 2 at 10:00 a.m.
 - **Strategy Execution Committee:** Tuesday, November 2 at 2:00 p.m.
 - **Operations Committee:** Wednesday, November 3 at 10:00 a.m.
 - **Services Committee:** Friday, November 5 at 10:00 a.m.
- **Next Regular Meeting of this Board:** Thursday, December 9 by Webinar

Casper College

AH Aley Hall
BU Thorson Institute of Business
CA Civic Apartments
CS McMurry Career Studies Center
DL Doornbos Livestock Facility
EC Early Childhood Learning Center
EI Myra Fox Skelton Energy Institute
GW Walter H. Nolte Gateway Center
HS Saunders Health Science Center
KT Krampert Center for Theatre & Dance
LH Liesinger Hall
LI Goodstein Foundation Library
LS Loftin Life Science Center
MA Maintenance Building
MU Music Building
PS Wold Physical Science Center
RH Residence Hall
SF Storage Facility
SH Strausner Hall
TA Thorson Apartments

TB Erickson Thunderbird Gym
TM Tate Geological Museum
UU Union/University Bldg.
VA Goodstein Visual Arts Center
WA Grace Werner Agricultural Pavilion
WH Wheeler Terrace Apartments
WM Werner Wildlife Museum
WT Werner Technical Center

- 1** Parking Lots
-  Handicap parking spaces are available in all parking lots
-  Selfie Spot



Map produced by mapformation.com, July 2012

Run, or walk, the campus inner loop. One lap equals 1.5 miles.

Helpful Phone Numbers

Academic Testing - 268-3850

Accounting and Financial Management - 268-2691

Athletic Office/ T-Bird Tickets - 268-3000

College Store - 268-2202

Career Services - 268-2089

Early Childhood Learning Center (daycare) - 268-2586

English Center - 268-2585

Enrollment Services (admissions, financial aid, registrar) - 268-2323

Housing/Student Activities - 268-2394

Library - 268-2269

Math Learning Center - 268-2865

Operator - 268-2100

SECURITY - 268-2688

Student Wellness - 268-2267

Student Services - 268-2201

Student Success - 268-2089

Tate Geological Museum - 268-2447

Theatre Box Office - 268-2500

Werner Wildlife Museum - 235-2108

Writing Center - 268-2610

125 College Drive, Casper, WY 82601

307-268-2100 • 800-442-2963

caspercollege.edu

Frequently Visited Locations

Jack McCann College Store (UU)
 Cafes (located in GW, LH, and UU)
 Durham Auditorium (AH)
 Empey Studio Theatre (KT)
 Enrollment Services (GW)
 – Admissions, Financial Aid, Registrar

Fitness Center (TB)
 Goodstein Gallery (VA)
 Goodstein Foundation Library (LI)
 Greenhouse (LS)
 Krampert Center for Theatre & Dance (KT)
 Sharon J. Nichols Auditorium (CS)

Scifers Dance Theatre (KT)
 Tate Geological Museum (TM)
 T-Bird Nest (UU)
 Thunderbird Gymnasium (TB)
 Werner Wildlife Museum (WM)
 (405 E. 15th Street)

Western History Center (LI)
 Wheeler Concert Hall (MU)
 Zahradnick Gallery (MU)

UPDATED 9/29/2021

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Wyoming Business Council Board of Directors
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REGULAR MEETING OF THE WYOMING BUSINESS COUNCIL BOARD OF DIRECTORS

Wednesday, May 12, 2021 | 8:00 a.m.

In the Cheyenne Frontier Days Chairman's Room and by Zoom Webinar

BOARD PRESENT: Erick Arens, Chuck Brown III, John Coyne III, Mike Easley, Cindy Johnson, Chuck Kenyon, Jason Kintzler, Alex Klein, Mark Law, Erin Moore, Pam Thayer, Kathy Tomassi

STAFF PRESENT: Bert Adam, Sue Akey, Warren Appel, Chava Case, Josh Dorrell, Karen Fate, Sarah Fitz-Gerald, Amy Grenfell, Ron Gullberg, Brandi Harlow, Shaun Jones, Josh Keefe, Kayla Kler, Linda Klinck, Julie Kozlowski, Ryan Kudera, Wendy Lopez, Brandon Marshall, Katie O'Bryan, Lyndsay Orr, Marcio Paes-Barreto, Ben Peterson, Kim Porter, Amy Quick, Noelle Reed, Kim Rightmer, Jill Tregemba, Heather Tupper, Elaina Zempel

CONVENE PUBLIC MEETING

Meeting was called to order at 8:00 by Vice-Chair Erin Moore, followed by the Pledge of Allegiance. Roll was called and quorum was established.

- **ACTION ITEM:** Motion to approve minutes from the March 2021 Regular Meeting by Ms. Tomassi, second by Ms. Thayer, and no discussion or correction. Motion carried unanimously.

WELCOME TO CHEYENNE

SE Regional Director Heather Tupper welcomed the Board to Cheyenne and thanked WBC staff Sue Akey, Warren Appel and Ben Peterson for their support of board meeting logistics. She then introduced Mayor of Cheyenne Patrick Collins who offered remarks to the Board.

CEO REPORT

Chief Executive Officer Josh Dorrell spoke to the ongoing strategic prioritization efforts and the planning being done to develop projects focused around the strategic plan.

Dorrell acknowledged Economic Development Finance Manager Josh Keefe for five years of service with the WBC, East Central Regional Manager Kim Rightmer and Accounting Technician Katie O'Bryan for ten years of service each with the WBC, and Business Ready Community Projects Manager Karen Fate for twenty years of service. Dorrell also acknowledged the pending retirements of Karen Fate and Grants Accounting Specialist Sherry Hughes with 23 years at the WBC.

Dorrell presented Mr. Easley with his gavel in recognition of his Co-chairmanship in 2020, then introduced WBC Data Manager Shaun Jones for a presentation on jobs data.

TOURISM AND ECONOMIC UPDATE DISCUSSION

Chief Strategy Officer Sarah Fitz-Gerald introduced the panel of tourism experts to present a tourism industry update for the board today. Diane Shober is the Executive Director of the Wyoming Office of Tourism, Chris Brown is the Executive Director of the Wyoming Lodging and Restaurant Association, and Board Member Alex Klein is the Vice President of Grand Teton Lodge Company. Topics included the opportunities Wyoming offers to visitors and the importance of visitor spending for our state and local economies, the challenges within the industry, and trends/forecasts in leisure and business travel.

INVESTMENTS STANDING COMMITTEE

Mr. Coyne provided a preview of the Committee agenda and thanked the communities for participating in today's meeting. Mr. Coyne also spoke to the recently-developed Investments Scorecard and this new mechanism that helps the WBC evaluate the impact of the funds we have to produce the most results, noting that this may result in a shift in the types of projects funded.

ADMINISTRATIVE RULES ACTIONS

Agency Services Manager Warren Appel presented a memo to the board regarding two actions pertaining to Business Ready Communities Grant and Loan Program rules as well as the Large Project Loan Program Rules.

In the case of the BRC rules, staff's decision to place the rules for public comment subsequent to the Board's action to adopt in December 2020 created a statutory conflict wherein the amended rules could not be filed with the Secretary of State's Registrar of Rules within ten days of the action, and so we require the board to take that action today so we can fully promulgate the rules.

As it pertains to the Large Project Loan Program rules, this board's action at its March 2021 meeting to adopt amended rules was determined to be flawed inasmuch as there were no existing rules to amend – the rules which previously pertained to this program existed within the State Treasurer's office and are now defunct as a result of the program's codification into the WBC statutes. The action sought from the board today is the adoption of new rules for the Large Project Loan Program.

- **ACTION ITEM:** Motion to adopt amended BRC rules by Mr. Kenyon, second by Mr. Kintzler, and no discussion. Motion carried unanimously.
- **ACTION ITEM:** Motion to adopt new rules for the Large Project Loan Program by Ms. Tomassi, second by Mr. Kenyon, and no discussion. Motion carried unanimously.

POWELL CONFERENCE CENTER EXTENSION REQUEST

Noelle Reed presented a request from the City of Powell for an extension on the Powell Conference Center BRC award. Due to a variety of circumstances including the COVID-19 pandemic, the community and the private partner have been unable to complete the project on the original timeline and are now requesting this two year construction period extension.

The Board heard comments from Rebekah Burns, Executive Director of the Powell Economic Partnership.

Ms. Thayer asked if the extension was still contingent upon the private funding, staff responded in the affirmative.

- **ACTION ITEM:** Motion to approve the two-year extension request for the Powell Conference Center by Mr. Law, second by Ms. Moore, and no discussion. Motion carried unanimously.

QUARTERLY CHALLENGE LOAN REPORT

Economic Development Finance Manager Josh Keefe presented the quarterly Challenge Loan report for review, and spoke to resolutions in some non-performing loans over the past quarter. The loan loss reserve remains adequate at \$1.9 million, including a full reserve of the Weber Ag and Brett Weber

loans. The resulting available fund balance is \$6,789,076, and there are no charge-off balances to report this quarter.

- **ACTION ITEM:** Motion to accept quarterly Challenge Loan report by Ms. Thayer, second by Ms. Johnson, and no discussion. Motion carried unanimously.

CHALLENGE LOAN PROGRAM ANNUAL AUDIT REPORT

Keefe then presented the results of the Banking Division's examination which is performed on an annual basis. The examination determined the WBC is administering the loans in a satisfactory manner and all related documentation is in order.

- **ACTION ITEM:** Motion to accept annual Challenge Loan audit report by Ms. Tomassi, second by Ms. Johnson, and no discussion. Motion carried unanimously.

ANNUAL CHALLENGE LOAN REPORT

The WBC is required to provide certain documentation on an annual basis to the Joint Minerals, Business and Economic Development committee, which includes an annual report of the Challenge Loan program. The WBC made 37 new loans during 2020 related to the canal collapse event in Goshen County, and Keefe again notes no exceptions on the annual audit. This report demonstrates modest growth in the fund, but wide-reaching economic impacts over its lifetime.

- **ACTION ITEM:** Motion to accept annual Challenge Loan report by Ms. Johnson, second by Mr. Kintzler, and no discussion. Motion carried unanimously.

ANNUAL SMALL BUSINESS INVESTMENT CREDIT REPORT

Keefe concluded by presenting the annual SBIC report, which offers a dollar-for-dollar tax credit on certain small business investments. Each of the investments have been made and the program is no longer official "active," but the tax credits continue to be utilized and will continue to exist until 2025 upon verification by the Wyoming Department of Insurance. 98% of the overall investments were in debt instruments, with the remaining 2% in equities.

- **ACTION ITEM:** Motion to accept annual SBIC report by Mr. Easley, second by Mr. Kenyon, and no discussion. Motion carried unanimously.

BUSINESS READY COMMUNITIES GRANT AND LOAN PROGRAM

Investments Division Director Julie Kozlowski presented the board with an overview of the budget and allocation plan for this quarter, including a preview of the projects for consideration today.

City of Mills Request

The City of Mills is seeking a \$1.9m community readiness grant to rehabilitate a five-acre riverfront site for commercial, including stabilization of the river banks and installation of water, sewer and fiber optic infrastructure. This grant does include a revenue recapture structure, unlike many other readiness grants. Staff recommends funding as requested.

The board heard comments in support of the project from Sabrina Kemper of the City of Mills, City of Mills Mayor Seth Coleman, City of Casper City Manager Carter Napier, and Rep. Pat Sweeney (HD58).

Laramie County Request

Laramie County is seeking a \$500,000 grant to establish a maker-to-market fabrication lab on the Laramie County Community College Campus, which is a part of LCCC's larger efforts to bolster technical education and soft skills development in the manufacturing sector. Staff recommends funding in the amount of \$232,000 for building modification, but is not recommending funding for the equipment portion of the request. Staff further recommends funding be contingent the receipt of other funds in support of the project.

The board heard comments in support of the project from LCCC President Dr. Joe Schaffer.

- **ACTION ITEM:** Motion to accept staff recommendations for the City of Mills request by Mr. Kenyon, second by Mr. Brown. Motion carried unanimously.
- **ACTION ITEM:** Motion to accept staff recommendations for the Laramie County request by Mr. Easley, second by Ms. Johnson. The motion failed by roll call vote with 2 Ayes and 10 Nays.

OPERATIONS STANDING COMMITTEE

Committee Chairwoman Kathy Tomassi offered special thanks to Sherry Hughes and Karen Fate in their retirements.

CULTURE AND PERFORMANCE UPDATE

Human Resources Manager Chava Case presented a report on Organizational Culture and Performance and efforts over the last six months to engage our employees in learning and developing relationships following the pandemic. This has included book club groups covering The Happiness Advantage and The Ideal Team Player, developing our personal purposes, and preparing to engage in the "WBC Road Tour" where our staff can engage within our communities on economic development projects and further reinforcing relationships.

Q3FY21 FINANCIAL UPDATE

Accounting Manager Lyndsay Orr presented the financials for the quarter ending March 31, 2021. Orr presented a review of the General and Federal Funds, as well as the CARES Act funds and remaining encumbrances and ongoing collections of Business Relief Program funds from audits and expenditure plans.

Chief Operating Officer Amy Grenfell responded to a question from Ms. Tomassi about CARES Audits and whether those are complete by saying the applicant audits are complete, but we continue to accept funds from businesses on repayment plans.

- **ACTION ITEM:** Motion to accept quarterly financial statements by Mr. Arens, second by Ms. Moore, and no discussion. Motion carried unanimously.

AUDIT SERVICES CONTRACT AMENDMENT

COO Amy Grenfell presented the proposed Amendment Two to the contract with MHP, LLP of Cheyenne for the FY21 financial audits. The proposed amendment would add \$52,000.00 to the contract as-amended, with Grenfell explaining the differential cost in this amendment is due to the majority of the

CARES funds being expended in FY21 as opposed to FY20 as under the original Contract and Amendment One.

Grenfell recommends approval of this Amendment Two, and offered that staff plans to go out for RFP for the audit services in the next year in anticipation of award of a contract for the FY22 financial audits.

- **ACTION ITEM:** Motion to approve amendment of the contract with MHP for the FY21 financial audits as presented by staff by Mr. Kenyon, second by Mr. Kintzler, and no discussion. Motion carried unanimously.

FIELD OPERATIONS UPDATE

The Board then heard updates from Northwest Regional Director Amy Quick, West Regional Director Elaina Zempel, East Central Regional Director Kim Rightmer, and Northeast Regional Director Brandi Harlow.

SERVICES STANDING COMMITTEE

Committee Chairwoman Pam Thayer thanked Services Director Brandon Marshall for putting together a summary of the offerings of the Services Division and helping clarify the roles and important work being done in the committee.

CONTRACT WITH UNIVERSITY OF WYOMING FOR THE BUSINESS RESOURCE NETWORK FY22 FUNDING

Marshall then presented a review of the proposed FY22 contract for continued funding of the Business Resource Network, which comprises a number of business support components. This contract represents a \$16,000 decrease on top of the most recent Step 2 reductions due to the elimination of two programs within the BRN. CEO Josh Dorrell and CSO Sarah Fitz-Gerald spoke to ongoing efforts with UW to continue building on new momentum and alignment with the WBC's strategy.

- **ACTION ITEM:** Motion to approve contract as presented by Mr. Brown, second by Ms. Johnson. Ms. Moore said she is glad to hear of improvements and hopes they continue with regular feedback by the Services Committee. Motion carried unanimously.

OTHER BOARD MATTERS and ADJOURNMENT

Ms. Moore concluded the meeting by speaking to the upcoming standing committees and the next regular meeting scheduled for September. With no further action before this Board, Ms. Moore adjourned the meeting at 2:46 p.m.

Respectfully Submitted,

Kathy Tomassi, Secretary/Treasurer

Warren R. Appel, Agency Services Manager

SPECIAL MEETING of the WYOMING BUSINESS COUNCIL BOARD OF DIRECTORS

Monday, July 12, 2021 | 1:00 p.m. | by Zoom Webinar

BOARD PRESENT: Erick Arens, Chuck Brown III, John Coyne III, Kim DeVore, Mike Easley, Cindy Johnson, Chuck Kenyon, Alex Klein, Mark Law, Erin Moore, Pam Thayer, Kathy Tomassi

STAFF PRESENT: Bert Adam, Warren Appel, Josh Dorrell, Sarah Fitz-Gerald, Brandi Harlow, Devin Kenney (AG Counsel), Julie Kozlowski, Ryan Kudera, Wendy Lopez, Justin Mabie, Brandon Marshall, Ben Peterson, Kim Porter, Amy Quick, Noelle Reed, Kim Rightmer, Jill Tregemba, Elaina Zempel

CONVENE PUBLIC MEETING

Meeting was called to order at 1:01 P.M. by Co-Chair Kim DeVore, followed by the Pledge of Allegiance. Roll was called and quorum was established.

ADMINISTRATIVE RULES FOR THE BROADBAND DEVELOPMENT GRANT PROGRAM

CEO Josh Dorrell introduced the rules actions by giving a recap of the recent history of the Broadband program and the issues with the previous legislation which made the program less-effective than the legislature intended.

Broadband Manager Ryan Kudera then discussed the cooperative effort of this Board, staff, and members of the Broadband Advisory Council to better-inform the legislation in SF0076 from the 2021 Legislative Session. Kudera explained that the new legislation permits the WBC to formalize in rule what had previously existed only as administrative procedure, and creates a solid framework for future funding programs if/when those are available.

Agency Services Manager Warren Appel then presented the Board with a memo detailing the proposed rulemaking actions, specifying that the amendments to Chapter 1 as well as the new rules in Chapter 2 are to be promulgated according to the WBC's "exempt" rulemaking process, while Chapter 3 requires adoption as Emergency Rules to satisfy the public comment period requirements imposed by the Legislation. Appel also noted the Emergency Rules are necessary in this case to meet the statutorily-imposed September 1, 2021 deadline for initial rules promulgation.

Ms. DeVore asked for clarification on the actions pertaining to Chapter 3, which Senior Assistant Attorney General Devin Kenney responded that two are required: a motion to "adopt" Emergency Rules for Chapter 3, as well as a motion to "approve" the Chapter 3 rules as Regular rules to set that process in motion. Mr. Kenney also noted that the Board's actions to adopt or approve these rules is contingent upon edits as required by the rulemaking process, and that a formal action to adopt the Chapter 3 regular rules will be necessary at a future meeting.

- **ACTION ITEM:** Motion to adopt amended regular rules for Chapter 1 – General Provisions by Ms. Tomassi, second by Ms. Moore, and no discussion. Motion carried unanimously.
- **ACTION ITEM:** Motion to adopt new regular rules for Chapter 2 – Middle Mile Program by Mr. Coyne, second by Mr. Kenyon, and no discussion. Motion carried unanimously.
- **ACTION ITEM:** Motion to adopt new emergency rules for Chapter 3 – Confidential Provider Information by Mr. Klein, second by Mr. Arens, and no discussion. Motion carried unanimously.

- **ACTION ITEM:** Motion to approve new regular rulemaking for Chapter 3 – Confidential Provider Information by Ms. Moore, second by Mr. Coyne, and no discussion. Motion carried unanimously.

Co-Chair DeVore and CEO Dorrell concluded the discussion with a recap of the many voices and interests involved in the crafting of the underlying legislation and these resulting rules, expressing confidence in these rules to meet the needs of industry to further-develop broadband in Wyoming.

OTHER BOARD MATTERS and ADJOURNMENT

Ms. DeVore concluded by reminding Board members of the now-changed committee meeting schedule in late August and spoke to the planned live meeting of the Board in Casper in September, the details for which will be announced in the near future.

With no further business before the Board, Ms. DeVore adjourned the meeting at 1:30 p.m.

Respectfully Submitted,

Kathy Tomassi, Secretary/Treasurer

Warren R. Appel, Agency Services Manager

Regional Director Board Report

September 2021

Brandi Harlow, Northeast (Campbell, Crook, Johnson, Sheridan, Weston)

Elaina Zempel, West Central (Fremont, Sublette, Teton)

Heather Tupper, Southeast (Albany, Carbon, Goshen, Laramie)

Kiley Ingersoll, Southwest (Lincoln, Sweetwater, Uinta)

Kim Rightmer, East Central (Converse, Natrona, Niobrara, Platte)

Kristin Fong, Northwest (Big Horn, Hot Springs, Park, Washakie)

In July, the Regional Director team was once again complete with Kiley Ingersoll and Kristin Fong coming on board. After a few days in Cheyenne getting to know a little about the WBC (Wyoming Business Council), both set off for their respective regions to embark on new adventures. This has given the entire regional team a chance to reconnect with partner entities throughout the state. Over the past two months, we have met with partner agencies such as the Department of Workforce Services, USDA, State Land and Investments, and SBDC (Small Business Development Center), to learn about the various programs and opportunities available to the communities and businesses of Wyoming. We have also spent more one-on-one time with different WBC team members learning about the programs and services internally.

In addition, the regional team has been engaging in various efforts, both internal and external, focusing on the resilience of Wyoming going forward. We have been working closely with our community partners to identify opportunities to utilize innovative programs from the EDA (Economic Development Administration), MoFi, and other state agencies. We have played an active role in the work to help the ongoing communications, platform, and broadband efforts. And, we have happily gotten our mobile offices back on the road, taking advantage of the summer travel season, to get out and spend time building connections across the state.

Northeast

Crook County

The Sundance Town Square, including the splash pad, public restrooms and performance space has been a huge gathering space for locals and travelers this summer. Old Stoney now offers the Crook County Museum on the second floor with a gift shop. The first floor has multiple office spaces and meeting rooms. All the offices are currently rented.

Campbell County

Gillette and Campbell County continue to focus on developing products from coal. The Wyoming Innovation Center, (formally known as the Advance Carbon Products Innovation Center) is under construction and expected to be completed by the end of the year. The facility will offer a space for companies to take their coal to products technology from the lab to larger scale testing, with the goal of developing into commercial scale.

Campbell County and the Gillette College Foundation are in the process of applying for an Economic Development Administration grant to fund a diversification strategy and office of Transition. If successful, the grant will fund two positions that will analyze existing diversification plans and develop an implementation strategy.

Johnson County

JOCO First, an economic development Joint Powers Board between the City of Buffalo, Johnson County and Town of Kaycee, continues to operate. The group has transitioned their staff's focus to tourism development. They also continue to own and operate the Bomber Mountain Civic Center.

Johnson County voters voted down a 1% Specific Purpose Excise Tax during a Special Election held in August. The proposed tax would have provided funding for several existing public amenities including fairgrounds, golf course, public pool, museums, and a new multi-purpose City Recreation Facility.

Sheridan County

Kennon Product, INC hosted an open house and VIP tours of their new manufacturing facility in mid-September. The new 40,000 sq foot building nearly doubled their existing space.

Sheridan County and the City of Sheridan have partnered to complete a Housing Needs Assessment to better understand what the community needs and develop long term solutions.

Weston County

The Upton Economic Development Board recently announced they have signed an agreement with Cobblestone Hotels, LLC to develop a 45-room hotel in Upton.

EcoTech Fuels LLC held a public meeting in Newcastle in July discussing the development of a \$398 million processing facility. The proposed project would take dead trees from the Black Hills and other areas of forest and turn them into advanced synthetic sustainable aviation fuel and diesel. The private renewable fuels company has met with the WBC and Wyoming Energy Authority to discuss the potential of financing through State bonding authority.

West Central

Teton County

Affordable/essential workforce housing is one of Jackson's biggest challenges. Last month, the Hughes Charitable Foundation made a record-breaking donation to the Jackson Hole Community Housing Trust. The gift of \$10 million is a direct investment in providing stable, affordable housing for human service workers in Teton County, Wyoming.

The \$10 million gift is directed toward housing the workers at a diversity of human service-focused organizations in Jackson Hole: Senior Center of Jackson Hole, Community Entry Services, Community Safety Network, Curran-Seely Foundation, One22, Teton Literacy Center, Children's Learning Center, Climb Wyoming, Jackson Hole Community Counseling, Teton Youth and Family Services, Teton County Sheriff's Office, Jackson Police Department, and Jackson Hole Fire/EMS.

Sublette County

The Dump and Fill station in Pinedale is more successful than initially anticipated. Reduced work stress in the Public Works Department, as the employees no longer are on call after hours as the station is available 24/7. And the credit card reporting system is simple and has also reduced man hours. The water fill system has allowed large contractors and construction/road crews to no longer tap fire hydrants. However, the water system is not without challenges, especially during the Wyoming winters and has frozen on several occasions. Town of Pinedale is exploring solutions to this issue.

Fremont County

Town of Shoshoni continues to make investment in their community. A Roadmap exercise has provided direction for the community and has spurred investment in a Master Plan, which has defined direction for the town. Shoshoni is submitting two applications to the business council, one of which will expand their wastewater system.

Cities of Riverton and Lander are beginning the work of exploring the Main Street Program and its applicability to their communities.

Southeast

The summer months proved to be busy for the southeast corner of the state. In Laramie County, summer visitation was substantial and June and July lodging tax broke all-time records with a 10% increase over any other time.

Albany County had a remarkably busy and strong summer season... for comparison, lodging tax revenue for summer of 2021 (June, July, August) saw an increase compared to summer of 2019 of 36%. August brought in more lodging tax revenue than any single month they have ever had. Through cell phone data tracking, Visit Laramie estimates that the area has seen around 2x the number of travelers than what they had in 2019 (they stopped comparing numbers to 2020 because it felt like an unfair comparison).

In Carbon County, visitation to the Rawlins Visitor Center is up by 65% while the Riverside Visitor Center is down 6% from last year. Lodging tax revenue is up 61% from last year with a 24% increase in short-term rental and a 13.5% increase in hotel stays. Average Daily Rates are up 3.5% in short term rentals and 14.9% in hotels. Unfortunately many of the larger guest ranches do not report through STR or AirDNA so the revenue to occupancy numbers don't quite match up. By sheer visitor numbers, the trend this summer was definitely more travel along I 80 and a small decrease in "off the beaten path" areas in Carbon County.

Construction projects are ongoing, despite supply chain complications and material costs. In Torrington, the Evergreen Assisted Living Plaza is in the final phases of completion with a celebration being planned later in October for the opening. The North Platte Valley Medical Center in Saratoga is progressing

nicely. The water line and concrete are complete and the metal structure is going up. The target opening is summer of 2022.

Conversations around housing market concerns continue throughout the region. Cheyenne, Laramie and Goshen County have all taken initiative to start working groups specifically to work on the issue. While funding remains a large obstacle, all three groups are looking for other solutions to explore to find relief for the market challenges.

Southwest

I would like to take the opportunity to introduce myself. I started as the Regional Director for this region on July 12, 2021. I previously worked for Uinta B.O.C.E.S. #1 as the assistant director, and I am excited for the prospect of being able to help move Wyoming forward through economic development and create opportunities for my children and others in the next generation. After starting this position, I have spent time learning my region, meeting people, and learning about the programs the WBC has to offer communities. In September, Josh Dorrell visited this region, and we had a variety of events and tours of the local area to familiarize ourselves with some of the people and places. Below is an update of other aspects of what is happening in each county.

Lincoln County

South Lincoln County has had a large focus around preparation and promotion for nuclear power. The community is excited for the opportunity, and it brings hopefulness to the area that has been so impacted by the downturn of coal. South Lincoln County is investigating impacts and ongoing research they can ensure nuclear power would be the right fit for their community. The County is also currently without a planner or assistant planner, and they are actively looking to recruit for these positions. The County is also finishing their EDA grant for coal impacted communities which allowed them to bring on Angelou Economics and build a website to support economic development. Housing costs in North Lincoln County continue to rise and may create hurdles to economic development. Lincoln county had an increase in population from the last census of 8.1%. Growth was primarily in the north portion of the county.

Sweetwater County

Sweetwater County is putting a 6th penny tax on the ballot in November. This would be a general purpose for public safety and economic development if it passes. The Superior Community & Events Center held a ribbon cutting for the building on September 24. Sweetwater County had a decrease in population from the last census of 3.5%. There is a group working on efforts to apply for the EDA ARPA funding.

Southwest Regional Airport Project: The construction of this project began in early August. Work is progressing well. They will be working on having foundations and slab on grade work completed by the end of October.

Uinta County

Evanston/Avalon Project: The Avalon project has hit a few roadblocks and Evanston is working through all options to get the project moving. Evanston has developed a new plan because material costs are still too high for us to justify bidding the vertical construction at this point. The project doubled in cost in

less than a year. Evanston will reduce the scope of the project as much as they can including removing TI, landscaping, a portion of paved parking, etc. Evanston severely underestimated the cost of mechanical, electrical, and plumbing on top of the 2.5x increase in steel. Evanston has finalized the site plan and separate site package and has started the advertising process and asked for bids. Evanston will pour footings and bring utilities to the site in preparation for a spring 2022 building package. Evanston is consistently looking for ways to help with the gap in funding.

Evanston/State Hospital Feasibility Study: The State Hospital Feasibility Study is being finalized. The old State Hospital is expected to be vacated by October 2021. No plan has been communicated as to what the State will do with the existing property.

Uinta County has started a team to put together a county-wide application for many of the EDA ARPA grant funding. Uinta County has decreased in population by 3.2% from the last census. Southwest Wyoming Outdoor Trail Systems (S.W.O.T.) is continuing to try and connect outdoor trails to connect communities and historic sites for recreational vehicle use throughout Southwest Wyoming.

East Central

Natrona County

Anticline Wind LLC received a conditional use permit from Natrona County to build an industrial wind project on private land north of Casper. The project is now moving through the permitting process with the Wyoming Industrial Siting Council. If the project can clearly state hurdles and secure funding, construction could begin in late 2024. The wind farm will house 33 to 52 turbines, be built on 24,276 acres of private property, generate up to 175 megawatts of electrical power and generate estimated state and local tax revenues over a 30-year span between \$34.01 million and \$60.7 million, including \$18.7-\$34 million in property taxes for the county.

Advance Casper held its first WyoBio Summit in August on the Casper College campus. There were more than 100 attendees and speakers and a broad mix of experts, attendees, and talent. WBC Board Chairman Kim DeVore served as a moderator for one of the panels. Advance Casper is already working on the 2022 conference.

Breakthrough 307 (Wyoming's only organized angel investment group) recently had its first exit. Information on the business has not yet been released. The exit came after only 3 years – much sooner than the original proposition of 5 – 7 years. The exit yielded a 114% increase in value. All the other companies still operating in the Funds' portfolio appear to be doing excellent.

Northwest

As one of the two newest members of the Wyoming Business Council, Kristin set two goals for her first two months on the job:

1. To make as many in-person visits and connections within the Northwest region of the State as possible. Introductions were initiated at all of the local Economic Development Organizations and Chambers of Commerce, in addition to several more county and town administrators, and elected officials. Thankfully most of these contacts were made prior to the rise in delta variant related COVID cases now prevalent throughout the State.
2. To contact and learn from as many WBC internal staff and external partners as possible. Internal team members have been enormously helpful in their accessibility and willingness to share history, context, and subtleties of rules and processes. Additional introductions were made to national and statewide partners including EDA, USDA, WEDA, WEA, SBDC, MW, WYDOT, Park County Travel Council, among many others. Kristin also enrolled and completed an Economic Development 101 Training Workshop in Rapid City, SD.

Big Horn

- WBC staff traveled to and met with key contacts in Greybull, Shell, Lovell, and Basin in July and August.
- Basin is pursuing rural development and placemaking grant opportunities for community enhancements including support for their winter lighting and shopping event and their Blueway trails project.
- Basin's fire department contacted Kristin and will pursue building a new fire hall with intent to provide natural disaster relief for community.
- Lovell is working on expanding their winter recreation opportunities by attending a Placemaking training in September.
- Lovell failed to receive any submissions in the spring, due to the limited capacity and supplies available from local contractors, so they will restart the bidding process for improvements to Constitution Park this fall.
- Greybull has been busy enhancing their community by coining a new motto, crowning Flower Hill with town letters, solar lights, and benches. They instituted several new events, children's activities, hiking trails, installed new flower boxes on Main Street, and provided a QR Code service to all businesses free of charge. They have published a new website, www.greybull.com and released a commercial: <https://fb.watch/6jli7ubACt/>. They were also very pleased to report that they opened 11 New Businesses bringing them from about 38+% empty commercial buildings to <4% in 15 months.
- Greybull reports that their biggest challenge remains capacity, with only one dedicated staff member and unreliable volunteer follow-through.
- Bighorn Recreation Collaborative met with Washakie County Commissioners to collaborate/partner on their Blueway Trails project. They plan to complete a boat ramp and restroom facility, which may come to WBC as a development grant request.
- Basin has completed a Placemaking grant application and is pleased to report that the revised Power of Ten exercise, which recognizes the challenges small communities face, is working well for them.

Hot Springs

- Main Street Thermopolis – Main Street Thermopolis has been submitting reports regularly and continuing their efforts for community engagement, including hosting booths at the local Farmers Market among other events.

- Thermopolis continues to make progress with grant applications for the National Park Service/Main Street Facade Improvement Grant pilot opportunity. Thanks to one of our Board members who offered assistance to several of the applicants, one building owner's application has been approved and there are several others who are in the final phases.
- Thermopolis is putting the finishing touches on our Summer Placemaking grant which includes completing the installation of decorative lighting, enhancing Bi-Centennial Park with painting and hanging seasonal banners, painting flag brackets on the light poles to blend in better, and upgrading wiring so the decorative lights are on an independent appropriate cycle. They held a work session recently which was well attended and included several volunteers who are "friends of Main Street" and are not Board members. Evidence of great community engagement!
- Thermopolis's main challenge is that they remain an all-volunteer organization. "While we do enjoy successes and continue to elevate our brand, we know we could be doing "more better". They were pleased to report that their downtown made it through the "first round" of the pandemic and even had new shops opening. This second round, with the Delta variant, has impacted their businesses more than the first. However, they have found that being a part of the state and national Main Street structure has been a source of strength. They look forward to hearing about the hiring of a new Manager for Wyoming Main Street.

Park

- WBC staff traveled to and met with key contacts in Cody and Powell in July and August which has resulted in regular communication about opportunities and projects.
- Forward Cody's @the Square Coworking Space is open and regularly utilized with everyone from local lawyers to small business owners.
- Forward Cody brought on 3 summer VISTA volunteers to help develop the @the Square Coworking Space in partnership with Powell Economic Partnership. They continue to pursue a partnership with Centro Community Partners out of Oakland, CA, a nonprofit that provides entrepreneurship/business education programs. 1 VISTA volunteer continues to assist Forward Cody this fall.
- Forward Cody celebrated the grand opening of Elk Plaza, an outdoor gathering space adjacent to the old Bank of the West building in downtown Cody in August. Mayor Matt Hall spoke on behalf of the City, and many main street business owners attended.
- Powell Economic Partnership (PEP) continues to offer Biz Over Breakfast as a way to introduce new and existing business owners to their services. Kristin attended one regularly scheduled meeting, which has resulted in regular communication about opportunities and projects.
- Wyoming Legacy Meats – Forward Cody has worked for two years to develop a new USDA-inspected, slaughter facility for the Wyoming Legacy Meats company. They were approved funding from the Economic Development Administration, but the project has been put on hold due to the owner's health concerns. James Klessens is in frequent contact with Kristin Fong regarding continued opportunity and potential sale of the business.
- Park County Clerk seeks to remove Sleeping Giant improvement loans from their books now that the facility is under new ownership. WBC has advised them to seek an appraisal and publish three public notices according to the statute.

Washakie

- Washakie County Library is complete! WBC staff toured the facility with County Commissioner Frandson and economic development staff in August. The Library will host a public grand opening celebration in October.

- The Worland Ten Sleep Chamber of Commerce has moved into the ground floor of the new Washakie County Library and has been busy scheduling events to engage with Main Street, including a Chamber of Commerce Customer Appreciation BBQ, 9/11 memorial service, Harvest Festival, and a Wyoming Sugar Lunch featuring WBC's own Josh Dorrell.
- Ten Sleep is having a busy summer with climbers, campers and recreationists and hosted a successful music festival, Nowoodstock, in mid-August.

**CONTRACT BETWEEN
WYOMING BUSINESS COUNCIL
AND
WYOMING WOMEN'S BUSINESS CENTER, INC.**

1. **Parties.** The parties to this Contract are the Wyoming Business Council (Council), whose address is: 214 West 15th Street, Cheyenne, Wyoming 82002 and Wyoming Women's Business Center, Inc. (Contractor), whose address is: P.O. Box 764, Laramie, Wyoming 82073.
2. **Purpose of Contract.** The purpose of this Contract is to set forth the terms and conditions by which the Contractor shall conduct a range of activities collectively designed to remove barriers to the creation and development of small businesses owned and controlled by women, disadvantaged people, artists, and crafts-persons throughout Wyoming.
3. **Term of Contract.** This Contract is effective when all parties have executed it (Effective Date). The term of the Contract is from October 1, 2021 or the Effective Date, whichever is later, through September 30, 2022. All services shall be completed during this term.

This Contract may be extended by agreement of both parties in writing and subject to the required approvals. There is no right or expectation of extension and any extension will be determined at the discretion of the Council.

4. **Payment.**
 - A. The Council agrees to pay the Contractor for the services described in Attachment A, Scope of Work, which is attached to and incorporated into this Contract by this reference. Total payment under this Contract shall not exceed one hundred twenty-three thousand, three hundred eight dollars (\$123,308.00). Payment shall be made within forty-five (45) days after submission of invoice pursuant to Wyo. Stat. § 16-6-602. Contractor shall submit invoices in sufficient detail to ensure that payments may be made in conformance with this Contract.
 - B. No payment shall be made for work performed before the Effective Date of this Contract. Should the Contractor fail to perform in a manner consistent with the terms and conditions set forth in this Contract, payment under this Contract may be withheld until such time as the Contractor performs its duties and responsibilities to the satisfaction of Council.
 - C. Except as otherwise provided in this Contract, the Contractor shall pay all costs and expenses, including travel, incurred by Contractor or on its behalf in connection with Contractor's performance and compliance with all of Contractor's obligations under this Contract.
5. **Responsibilities of Contractor.** The Contractor agrees to:
 - A. Provide the services described in Attachment A, Scope of Work.

- B. Maintain authorized and professional staff and consulting capacity to provide assistance to target businesses and entrepreneurs throughout the State of Wyoming.
- C. Ensure all activities related to small business development and/or assistance are coordinated with the efforts of the Council and entities identified by Council wherever feasible to minimize duplication of efforts.
- D. Provide annual progress reports to the Council

6. **Responsibilities of Council.** The Council agrees to:

- A. Pay Contractor in accordance with Section 4 above.
- B. Refer to Contractor any small businesses which come to the Council's attention which may qualify for and/or benefit from Contractor's services.
- C. Designate a point of contact on Council staff to act as a liaison to the Contractor.
- D. To the extent allowed by law, hold in confidence all information on the Contractor's clients which may be submitted to or shared with the Council as part of the Contractor's reporting obligations under this Contract.

7. **General Provisions.**

- A. **Amendments.** Any changes, modifications, revisions, or amendments to this Contract which are mutually agreed upon by the parties to this Contract shall be incorporated by written instrument, executed by all parties to this Contract.
- B. **Applicable Law, Rules of Construction, and Venue.** The construction, interpretation, and enforcement of this Contract shall be governed by the laws of the State of Wyoming, without regard to conflicts of law principles. The terms "hereof," "hereunder," "herein," and words of similar import, are intended to refer to this Contract as a whole and not to any particular provision or part. The Courts of the State of Wyoming shall have jurisdiction over this Contract and the parties. The venue shall be the First Judicial District, Laramie County, Wyoming.
- C. **Assignment Prohibited and Contract Shall Not be Used as Collateral.** Neither party shall assign or otherwise transfer any of the rights or delegate any of the duties set out in this Contract without the prior written consent of the other party. The Contractor shall not use this Contract, or any portion thereof, for collateral for any financial obligation without the prior written permission of the Council.
- D. **Audit and Access to Records.** The Council and its representatives shall have access to any books, documents, papers, electronic data, and records of the Contractor which are pertinent to this Contract.

The Contractor shall immediately, upon receiving written instruction from the Council, provide to any independent auditor or accountant all books, documents,

papers, electronic data, and records of the Contractor which are pertinent to this Contract. The Contractor shall cooperate fully with any such independent auditor or accountant during the entire course of any audit authorized by the Council.

- 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 and which may be limited for any reason including, but not limited to, congressional, legislative, gubernatorial, or administrative action. If funds are not allocated and available for continued performance of the Contract, the Contract may be terminated by the Council at the end of the period for which the funds are available. The Council shall notify the Contractor at the earliest possible time of the services which will or may be affected by a shortage of funds. No penalty shall accrue to the Council in the event this provision is exercised, and the Council shall not be obligated or liable for any future payments due or for any damages as a result of termination under this section.
- F. Award of Related Contracts.** The Council may award supplemental or successor contracts for work related to this Contract or may award contracts to other contractors for work related to this Contract. The Contractor shall cooperate fully with other contractors and the Council in all such cases.
- G. Certificate of Good Standing.** The Contractor shall provide to the Council a Certificate of Good Standing from the Wyoming Secretary of State, or other proof that Contractor is authorized to conduct business in the State of Wyoming, if required, before performing work under this Contract. Contractor shall ensure that all annual filings and corporate taxes due and owing to the Secretary of State's office are up-to-date before signing this Contract.
- H. Compliance with Laws.** The Contractor shall keep informed of and comply with all applicable federal, state, and local laws and regulations in the performance of this Contract.
- I. Confidentiality of Information.** All documents, data compilations, reports, computer programs, photographs, data, and other work provided to or produced by the Contractor in the performance of this Contract shall be kept confidential by the Contractor unless written permission is granted by the Council for its release. If and when Contractor receives a request for information subject to this Contract, Contractor shall notify Council within ten (10) days of such request and shall not release such information to a third party unless directed to do so by Council.
- J. Entirety of Contract.** This Contract, consisting of ten (10) pages; and Attachment A, Scope of Work, consisting of one (1) page, represent the entire and integrated Contract between the parties and supersede all prior negotiations, representations, and agreements, whether written or oral. In the event of a conflict or inconsistency between the language of this Contract and the language of any attachment or document incorporated by reference, the language of this Contract shall control.

- K. Ethics.** Contractor shall keep informed of and comply with the Wyoming Ethics and Disclosure Act (Wyo. Stat. § 9-13-101, *et seq.*) and any and all ethical standards governing Contractor's profession.
- L. Extensions.** Nothing in this Contract shall be interpreted or deemed to create an expectation that this Contract will be extended beyond the term described herein. Any extension of this Contract shall be initiated by the Council and shall be accomplished through a written amendment between the parties entered into before the expiration of the original Contract or any valid amendment thereto, and shall be effective only after it is reduced to writing and executed by all parties to the Contract.
- M. Force Majeure.** Neither party shall be liable for failure to perform under this Contract if such failure to perform arises out of causes beyond the control and without the fault or negligence of the nonperforming party. Such causes may include, but are not limited to, acts of God or the public enemy, fires, floods, epidemics, quarantine restrictions, freight embargoes, and unusually severe weather. This provision shall become effective only if the party failing to perform immediately notifies the other party of the extent and nature of the problem, limits delay in performance to that required by the event, and takes all reasonable steps to minimize delays.
- N. Indemnification.** The Contractor shall release, indemnify, and hold harmless the State, the Council, and their officers, agents, and employees from any and all claims, suits, liabilities, court awards, damages, costs, attorneys' fees, and expenses arising out of Contractor's failure to perform any of Contractor's duties and obligations hereunder or in connection with the negligent performance of Contractor's duties or obligations, including, but not limited to, any claims, suits, liabilities, court awards, damages, costs, attorneys' fees, and expenses arising out of Contractor's negligence or other tortious conduct.
- O. Independent Contractor.** The Contractor shall function as an independent contractor for the purposes of this Contract and shall not be considered an employee of the State of Wyoming for any purpose. Consistent with the express terms of this Contract, the Contractor shall be free from control or direction over the details of the performance of services under this Contract. The Contractor shall assume sole responsibility for any debts or liabilities that may be incurred by the Contractor in fulfilling the terms of this Contract and shall be solely responsible for the payment of all federal, state, and local taxes which may accrue because of this Contract. Nothing in this Contract shall be interpreted as authorizing the Contractor or its agents or employees to act as an agent or representative for or on behalf of the State of Wyoming or the Council or to incur any obligation of any kind on behalf of the State of Wyoming or the Council. The Contractor agrees that no health or hospitalization benefits, workers' compensation, unemployment insurance or similar benefits available to State of Wyoming employees will inure to the benefit of the Contractor or the Contractor's agents or employees as a result of this Contract.

- P. Nondiscrimination.** The Contractor 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 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 Contract.
- Q. Notices.** All notices arising out of, or from, the provisions of this Contract shall be in writing either by regular mail or delivery in person at the addresses provided under this Contract.
- R. Notice of Sale or Transfer.** The Contractor shall provide the Council with notice of any sale, transfer, merger, or consolidation of the assets of the Contractor. Such notice shall be provided in accordance with the notices provision of this Contract and, when possible and lawful, in advance of the transaction. If the Council determines that the sale, transfer, merger, or consolidation is not consistent with the continued satisfactory performance of the Contractor's obligations under this Contract, then the Council may, at its discretion, terminate or renegotiate the Contract.
- S. Ownership and Return of Documents and Information.** Council is the official custodian and owns all documents, data compilations, reports, computer programs, photographs, data, and other work provided to or produced by the Contractor in the performance of this Contract. Upon termination of services, for any reason, Contractor agrees to return all such original and derivative information and documents to the Council in a useable format. In the case of electronic transmission, such transmission shall be secured. The return of information by any other means shall be by a parcel service that utilizes tracking numbers. Upon Council's verified receipt of such information, Contractor agrees to physically and electronically destroy any residual Council-owned data, regardless of format, and any other storage media or areas containing such information. Contractor agrees to provide written notice to Council confirming the destruction of any such residual Council-owned data.
- T. Patent or Copyright Protection.** The Contractor recognizes that certain proprietary matters or techniques may be subject to patent, trademark, copyright, license, or other similar restrictions, and warrants that no work performed by the Contractor or its subcontractors will violate any such restriction. The Contractor shall defend and indemnify the Council for any infringement or alleged infringement of such patent, trademark, copyright, license, or other restrictions.
- U. Prior Approval.** This Contract shall not be binding upon either party, no services shall be performed, and the Wyoming State Auditor shall not draw warrants for payment, until this Contract has been fully executed, and approved as to form by the Office of the Attorney General.
- V. Insurance Requirements.**

- (i) During the term of this Contract, the Contractor shall obtain and maintain, and ensure that each subcontractor obtains and maintains, each type of insurance coverage specified in Insurance Coverage, below.
- (ii) All policies shall be primary over any insurance or self-insurance program carried by the Contractor or the State of Wyoming. All policies shall include clauses stating that each insurance carrier shall waive all rights of recovery under subrogation or otherwise against Contractor or the State, its agencies, institutions, organizations, officers, agents, employees, and volunteers.
- (iii) The Contractor shall provide Certificates of Insurance to the Council verifying each type of coverage required herein. If the policy is a “claims made” policy instead of an “occurrence” policy, the information provided shall include, but is not limited to, retroactive dates and extended reporting periods or tails.
- (iv) All policies shall be endorsed to provide at least thirty (30) days advance written notice of cancellation to the Council. A copy of the policy endorsement shall be provided with the Certificate of Insurance.
- (v) In case of a breach of any provision relating to Insurance Requirements or Insurance Coverage, the Council may, at the Council’s option, obtain and maintain, at the expense of the Contractor, such insurance in the name of the Contractor, or subcontractor, as the Council may deem proper and may deduct the cost of obtaining and maintaining such insurance from any sums which may be due or become due to the Contractor under this Contract.
- (vi) All policies required by this Contract shall be issued by an insurance company with an A.M. Best rating of A- VIII or better.
- (vii) The Council reserves the right to reject any policy issued by an insurance company that does not meet these requirements.

W. Insurance Coverage. The Contractor shall obtain and maintain the following insurance in accordance with the Insurance Requirements set forth above:

- (i) Commercial General Liability Insurance. Commercial general liability insurance (CGL) coverage, occurrence form, covering liability claims for bodily injury and property damage arising out of premises, operations, products and completed operations, and personal and advertising injury, with minimum limits as follows:
 - (a) \$1,000,000.00 each occurrence;
 - (b) \$1,000,000.00 personal injury and advertising injury;
 - (c) \$2,000,000.00 general aggregate; and
 - (d) \$2,000,000.00 products and completed operations.

The CGL policy shall include coverage for Explosion, Collapse and Underground property damage. This coverage may not be excluded by endorsement.

- (ii) Workers' Compensation and Employer's Liability Insurance. Employees hired in Wyoming to perform work under this Contract shall be covered by workers' compensation coverage obtained through the Wyoming Department of Workforce Services' workers' compensation program, if statutorily required. Employees brought into Wyoming from Contractor's home state to perform work under this Contract shall be covered by workers' compensation coverage obtained through the Wyoming Department of Workforce Services' workers' compensation program or other state or private workers' compensation insurance approved by the Wyoming Department of Workforce Services, if statutorily required.

The Contractor shall provide the Council with a Certificate of Good Standing or other proof of workers' compensation coverage for all of its employees who are to perform work under this Contract, if such coverage is required by law. If workers' compensation coverage is obtained by Contractor through the Wyoming Department of Workforce Services' workers' compensation program, Contractor shall also obtain Employer's Liability "Stop Gap" coverage through an endorsement to the CGL policy required by this Contract, with minimum limits as follows:

- (a) Bodily Injury by Accident: \$1,000,000.00 each accident;
- (b) Bodily Injury by Disease: \$1,000,000.00 each employee; and
- (c) Bodily Injury by Disease: \$1,000,000.00 policy limit.

- (iii) Unemployment Insurance. The Contractor shall be duly registered with the Department of Workforce Services and obtain such unemployment insurance coverage as required. The Contractor shall supply Council with a Certificate of Good Standing or other proof of unemployment insurance coverage.

- (iv) Automobile Liability Insurance. Automobile liability insurance covering any auto (including owned, hired, and non-owned) with minimum limits of \$1,000,000.00 each accident combined single limit.

- X. **Publicity.** Any publicity given to the projects, programs, or services provided herein, including, but not limited to, notices, information, pamphlets, press releases, research, reports, signs, and similar public notices in whatever form, prepared by or for the Contractor, shall identify the Council as the sponsoring agency and shall not be released without prior written approval from the Council.
- Y. **Severability.** Should any portion of this Contract be judicially determined to be illegal or unenforceable, the remainder of the Contract shall continue in full force and effect, and the parties may renegotiate the terms affected by the severance.

Z. Sovereign Immunity and Limitations. Pursuant to Wyo. Stat. § 1-39-104(a), the State of Wyoming and Council expressly reserve sovereign immunity by entering into this Contract and specifically retain all immunities and defenses available to them as sovereigns. The parties acknowledge that the State of Wyoming has sovereign immunity and only the Wyoming Legislature has the power to waive sovereign immunity. Designations of venue, choice of law, enforcement actions, and similar provisions shall 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.

AA. Taxes. The Contractor shall pay all taxes and other such amounts required by federal, state, and local law, including, but not limited to, federal and social security taxes, workers' compensation, unemployment insurance, and sales taxes.

BB. Termination of Contract. This Contract may be terminated, without cause, by the Council upon thirty (30) days written notice. This Contract may be terminated by the Council immediately for cause if the Contractor fails to perform in accordance with the terms of this Contract.

If at any time during the performance of this Contract, in the opinion of the Council, the work is not progressing satisfactorily or within the terms of this Contract, then, at the sole discretion of the Council and after written notice to the Contractor, the Council may terminate this Contract or any part of it. As of the termination date, the Contractor will be entitled to a pro rata payment for all work accomplished and accepted by the Council; however, the Contractor shall be liable to the Council for the entire cost of replacement services for the duration of the Contract term.

CC. 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 Contract shall not be construed so as to create such status. The rights, duties, and obligations contained in this Contract shall operate only between the parties to this Contract and shall inure solely to the benefit of the parties to this Contract. The provisions of this Contract are intended only to assist the parties in determining and performing their obligations under this Contract.

DD. Time is of the Essence. Time is of the essence in all provisions of this Contract.

EE. Titles Not Controlling. Titles of sections and subsections are for reference only and shall not be used to construe the language in this Contract.

FF. Waiver. The waiver of any breach of any term or condition in this Contract shall not be deemed a waiver of any prior or subsequent breach. Failure to object to a breach shall not constitute a waiver.

GG. Counterparts. This Contract may be executed in counterparts. Each counterpart, when executed and delivered, shall be deemed an original and all counterparts

together shall constitute one and the same Contract. Delivery by the Contractor of an originally signed counterpart of this Contract by facsimile or PDF shall be followed up immediately by delivery of the originally signed counterpart to the Council.

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8. **Signatures.** The parties to this Contract, either personally or through their duly authorized representatives, have executed this Contract on the dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this Contract.

The Effective Date of this Contract is the date of the signature last affixed to this page.

COUNCIL:

Wyoming Business Council

Josh Dorrell, Chief Executive Officer

Date

Brandon Marshall, Services Director

Date

CONTRACTOR:

Wyoming Women's Business Center, Inc.

Wendy J. Fanning, Executive Director

Date

ATTORNEY GENERAL'S OFFICE: APPROVAL AS TO FORM



Margaret A. R. Schwartz, Assistant Attorney General

#216240

9/17/21

Date

**ATTACHMENT A TO THE CONTRACT BETWEEN
WYOMING BUSINESS COUNCIL
AND
WYOMING WOMEN'S BUSINESS CENTER, INC.**

SCOPE OF WORK

The Wyoming Women's Business Center (Contractor) shall be a principal agent for providing small business assistance and training for women, disadvantaged people, artists, and crafts-persons in the following areas:

1. **Microloan Program:** Provide access to capital for budding entrepreneurs starting a microenterprise and existing small businesses looking to expand or grow. Contractor clients accessing the Microloan Program should have been denied financing through traditional means. Loan amounts range five hundred dollars (\$500) to fifty thousand dollars (\$50,000.00) for start-up or expanding small businesses located in the state of Wyoming. Loan terms can be flexible to meet borrowers' needs; however, most loan terms are five to seven (5-7) years at an interest rate of nine to twelve percent (9%-12%).
2. **Business Counseling and Education:** Assist target audience to develop their capacity for business planning and management, assess the financial needs of each client, and provide individualized counseling to ensure repayment of loans and success of small businesses.
2. **Workforce Upskilling:** Utilizing multiple online systems allowing tracking of client progress through education and training programming designed to increase entrepreneurial skill of clients, as well as online platform for training, increasing reach. Systems include DreamBuilder, MemberVault and Ascent platform.
3. **Works of Wyoming (WOW):** Fosters lifelong learning and ingenuity through personal consultations, programming, exclusive educational resources, and relevant online webinars that cultivate and expand an artist's ideas and goals. Through WOW, direct artists to resources and educational opportunities that help them excel in their pursuits, regardless of their income, education, experience, or demographic location.
4. **The WWBC Artist Space:** Provide affordable space, shared offices and services, hands-on entrepreneurship training, market support and opportunity to sell in the WOW retail store.
5. **Networking and Outreach:** The Contractor collaborates with many partners throughout the state to provide monthly networking webinars or face-to-face workshops on a variety of business topics.

Attachment A to the Contract between Wyoming Business Council and
Wyoming Women's Business Center, Inc.

Page 1 of 1

TO: Wyoming Business Council Board of Directors
Ms. Kim DeVore, Co-Chair
Ms. Pam Thayer, Services Committee Chair

FROM: Warren R. Appel, Agency Services Manager
Ryan Kudera, Broadband Manager

DATE: September 30, 2021

RE: Administrative Rules for the Broadband Development Grant Program

Madam Co-chair and Ms. Thayer,

Staff is requesting two actions related to rulemaking for the Broadband Development Grant Program. A narrative on these rules appears below, and a full packet of the proposed rules is attached to this memorandum for your reference.

ADOPTION OF CHAPTER 3 RULES:

As you may recall, this Board took action at its July 12, 2021 public meeting to adopt Emergency Rules for Chapter 3 pertaining to Confidential Provider Information to satisfy a September 1, 2021 legislative mandate, and concurrently approved those rules for Regular rulemaking. This rulemaking was subject to the “full” Wyoming Administrative Procedures Act rulemaking process as required by the authorizing legislation at W.S. § 9-12-1503(c).

A Public Comment period for this proposed rulemaking opened July 16, 2021 and closed on August 30, 2021. Within the comment period, the WBC received three comments:

1. A citizen commenting on the value of satellite-based broadband for rural Wyoming. Though relevant to the overall discussion of access to broadband, this comment is not germane to these rules regarding confidential provider information, nor is it relevant to the rulemaking process.
2. The Wyoming Telecommunications Association submitted comments via their counsel requesting two changes: 1) amending the definition of “confidential information” to include “any information required to be kept confidential pursuant to federal statute or regulation;” and 2) for reasons of security of critical infrastructure, the verbiage in 3(c)(ii)(B) be amended to remove “except where these exist in public rights-of-way.”
 - a. RESPONSE: WBC staff agrees with both suggestions and has revised the final rules to reflect the addition of the “federal” language under 3(c)(vi) and the deletion of text at (3)(c)(ii)(B).

3. Charter Communications submitted a comment expressing concern with the “public rights-of-way” exception in 3(c)(ii)(B) of the proposed rules as a potential threat to network integrity and security and requesting deletion of the “except where these exist in public rights-of-way.”
 - a. RESPONSE: As in 2a above, WBC staff agrees the deletion of this language is appropriate for this rulemaking and has made the appropriate edits to the final rules.

NEW CHAPTER 4 RULES:

Another result of legislative action from the 2021 Legislative Session was the creation of the Connect Wyoming program under HB0197 (2021 Laws, Ch. 92), which itself is the reinvention of a program administered by the WBC in 2020. This program aims to deploy remaining CARES Act funds as well as American Rescue Plan Act (ARPA) funds to promote the development of broadband in unserved and underserved areas of Wyoming. Preliminary draft legislation for the 2022 Session includes as much as \$150 million for this program.

The rules presented for your consideration today establish the framework for the program in rule, are heavily informed by feedback and lessons learned in 2020, and have been carefully reviewed by staff at the Attorney General’s office as well as the Governor’s Office.

To ensure we may begin accepting applications in mid-to-late November 2021, staff is recommending adoption of these rules under the WBC’s exempt rulemaking process. Since this process precludes a formal public comment period, AG counsel suggests this Board accept oral comments on the proposed Chapter 4 rulemaking prior to taking action.

RECOMMENDATIONS:

- 1. Adoption of new Regular rules for Chapter 3: Confidential Provider Information.**
- 2. Adoption of new Regular rules for Chapter 4: Connect Wyoming Program.**

Respectfully Submitted,

/s/

Warren R. Appel

Ryan Kudara

Chapter 3

Confidential Provider Information

Section 1. Purpose. These rules are adopted in order to establish guidelines for the handling and disclosure of confidential, trade secret, and proprietary information disclosed to or collected by the Wyoming Business Council through its administration of the Broadband Development Grant Program.

Section 2. Authority. These rules are promulgated as required by W.S. 9-12-1503(c)

Section 3. Definitions.

(a) “Act” means the Wyoming Public Records Act as set forth in W.S. 16-4-201 et seq.

(b) “Application Information” means all information contained within any application made to the Program, as well as all information provided as Addenda, Appendices or Attachments thereto, provided for purposes of project evaluation and funding determinations.

(c) “Confidential Information” means:

(i) Applicant tax information as set forth in W.S. 16-4-203(d)(xv).

(ii) Geophysical location information for critical infrastructure, including but not limited to:

(A) Points of Presence, Heads Ends, Network Operations/Security Centers, and Data Centers.

(B) Cable vaults, chases and/or conduits.

(C) Tower sites, including height, antenna azimuth and transmit power, and related backhaul.

(D) Any information which actually identifies any individual broadband user(s)/consumer(s), or which could reasonably be utilized to identify any individual broadband user(s)/consumer(s).

(iii) Lists or descriptions of equipment proposed or actually installed, as well as the proposed or actual configurations thereof.

(iv) Business Plans, Marketing Plans, Commercialization Plans, Deployment/Security Plans, Financial Records and similar information as set forth in W.S. 16-4-203(d)(v).

(v) Other information of a kind that would customarily not be released to the public by the person or entity from whom it was obtained.

(vi) Any information required to be kept confidential pursuant to federal statute or regulation.

(d) “Proprietary information” means information that, if released, would impair the government’s future ability to obtain necessary information or would cause substantial harm to the competitive position of the persons or entities providing the information.

(e) “Public Meeting” means as defined in W.S. 16-4-403.

(f) “Trade secret” means a secret, commercially valuable plan, formula, process, or device that is used for the making, preparing, compounding, or processing of trade commodities and that can be said to be the end product of either innovation or substantial effort.

Section 4. Disclosure of Public Records.

(a) Any record which does not qualify as confidential, trade secret, or proprietary is presumed to be a public record subject to release under the Wyoming Public Records Act. In addition to the items deemed subject to disclosure per W.S. 9-12-1503(c)(i) through 1503(c)(v), the following records are subject to public disclosure:

(i) Coverage/service area maps and shapefile information included with an application;

(ii) Actual speed test results including download, upload and latency speeds;

(iii) Proposed and/or actual costs and/or fees charge to or paid by consumers in any project area funded under the Program; and

(iv) De-identified/anonymized physical address information for locations proposed for funding or actually funded/served by the Program.

Section 5. Hearing procedure.

(a) The Board may hold a hearing at its discretion or on the request of any interested person to determine whether any information classified as confidential, trade secret, or proprietary should be subject to public disclosure.

(i) Interested persons must make a written request to the Broadband Manager or their designee requesting a hearing, specifying the relevant information sought to be subject to public disclosure, and the justification for the request. A request submitted by email shall be deemed sufficient.

(A) At the discretion of the Council, an action item related to the request shall be added to the agenda for the next Regular Public Meeting of the Board. In such event, the requesting party and all affected parties shall be notified of the date, time and place of the meeting at which the request shall be considered.

(B) Prior to any action on a request, the requesting party as well as the party or parties affected by the request shall have the opportunity to offer testimony related the request and any objections thereto, and field questions from the Board in public session.

(I) In the event the requesting party fails to attend the scheduled meeting of the Board to present testimony, the Board may summarily dismiss the request and the dismissal shall be noted in the meeting minutes.

(II) There shall be no distinction made between persons attending the Public Meeting virtually and those attending in-person.

(b) Public comment shall be accepted prior to any action by the Board.

(c) At its sole discretion, the Board may enter executive session to receive legal counsel related to the request pursuant to W.S. 16-4-405.

(d) All actions related to any decision by the Board to deem public any information following a hearing held pursuant to these rules shall be recorded in the meeting minutes.

(e) Any hearing which occurs pursuant to this Section of this Chapter of these rules shall be considered non-precedential and shall not bind the Board to take any future action predicated on that decision.

Chapter 4

Connect Wyoming Program

Section 1. Authority. These rules are promulgated by the Wyoming Business Council (“WBC”) pursuant to 2021 Session Laws, Chapter 92.

Section 2. Purpose. These rules are promulgated for the purpose of providing a regulatory framework for broadband development projects funded by the Connect Wyoming program.

Section 3. Definitions.

- (a) In addition to the definitions set forth in Chapter 1, as used in this program:
- (i) “Broadband Infrastructure” means terrestrial signal transmission facilities and associated network equipment and accessories deployed for the provision of broadband service to residential, business, and government customers. This definition explicitly excludes satellite-based infrastructure
 - (ii) “Connect Wyoming” means the program established by 2021 Session Laws, Chapter 92.
 - (iii) “Unserved or Underserved area” means an area where any delivery points contained therein do not have access to wireline broadband service offered with a download speed of at least twenty-five (25) Megabits per second (Mbps) and an upload speed of three (3) Megabits per second (Mbps) or more.

Section 4. Eligible Applicants

- (a) In addition to the definition set forth in Chapter 1, Eligible Applicants under this program:
- (i) Must submit coverage maps of their entire service area in Wyoming to the Broadband Map prior to the date of their application. This submission must be evidenced on each project application submitted pursuant to this section and performed according to the Broadband Map Guidance; and
 - (ii) Must offer mass market retail services by wireline or terrestrial fixed wireless technology which provides the capability to transmit and receive data from all or substantially all internet end points.

Section 5. Eligible Projects. The project must:

- (a) Be Broadband Infrastructure investment which provides broadband access to Unserved or Underserved area(s), and which shall be installed, owned, and operated by an Eligible Applicant.
- (b) Meet federal funding criteria, which is designed to address key areas of public health and safety by improving opportunities to telework, facilitate distance learning, and improve public safety.
- (c) Be a project which serves an Unserved or Underserved area(s) and which does not overbuild existing adequate broadband service.
 - (i) The Council shall not consider Applications for projects in areas with reliable speeds of one hundred (100) Megabits per second (Mbps) download and twenty (20)

Megabits per second (Mbps) upload, nor shall it consider projects for areas in which written agreements to develop services at or above this level prior to December 31, 2024 exist.

(d) Include Broadband Infrastructure and equipment costs meeting federal funding criteria which include:

(i) Middle-mile fiber-optic infrastructure the primary purpose of which is to connect last-mile infrastructure and networks to network service providers;

(ii) Last-mile fixed terrestrial infrastructure the primary purpose of which is to provide broadband internet service to end users or end-user devices, including households, businesses, public safety entities and community facilities.

Section 6. Eligible Costs. Eligible Costs include but are not limited to;

- (a) Construction and Materials.
- (b) New and rehabilitative construction contracts.
- (c) Architect and engineering services and legal and professional services, if required to complete the project.
- (d) Permitting fees.
- (e) Acquisition of Broadband Infrastructure equipment.
- (f) Equipment installation.

Section 7. Ineligible Costs. The following are Ineligible Costs and funds may not be used for;

- (a) General broadband planning not associated with the project.
- (b) Ongoing overhead, operating costs, or staff costs to include bonuses of any kind.
- (c) Political activities or lobbying.
- (d) Matching other Federal Awards.

Section 8. Application Process.

(a) The Council shall provide an application form and website which shall include instructions and the scoring matrix against which applications shall be evaluated.

(i) Applicants shall complete and submit the application, which shall include the following minimum information:

(A) Information which establishes the applicant's eligibility as set forth in Section 4(a) of this Chapter.

(B) Information which establishes the eligibility of the proposed project as set forth in Section 5 of this Chapter.

(C) A breakdown of eligible costs associated with the eligible project.

(D) A timeline for completion of the eligible project.

(E) A breakdown showing the amount of federal loans, grants, or aid provided for COVID-19 related purposes, including from the CARES Act, or other similarly purposed federal act, including funds from the Wyoming Community Development Authority funded by the CARES Act for which the applicant:

- (I) Believes they are eligible;
- (II) Has applied; or
- (III) Has received.

(ii) Each applicant shall file its application(s) electronically using the form(s) and website prescribed by the Council. Applications submitted via other means may be disqualified.

Section 9. Funding Terms and Conditions.

(a) Applicants shall not be required to have or provide matching funds, nor letters of support.

(b) The Council shall provide a uniform Contract for funding awards made under this program. All funds awarded under this program shall be contingent on the applicant's acceptance and execution of the Contract and strict compliance with all terms and conditions contained therein.

Section 10. Review, Prioritization, Recommendation.

(a) Each proposed service/project area must have its own application, and Applicants shall submit no more than one (1) application per proposed service/project area.

(b) Applicants may submit applications for multiple proposed service/project areas.

(c) Applications shall be received only during application periods to be specified by the Council.

(d) Applications which do not include all minimum required information shall be afforded ten (10) working days from notification to correct the deficiency. Applications which remain deficient after this period shall be disqualified.

(e) Complete applications shall be evaluated by a committee to include Council and Governor's Office staff, and according to the scoring matrix outlined in the application.

(f) Projects which develop communities of two thousand (2,000) persons population or less and/or unincorporated areas shall receive first priority.

(g) In situations where the Council receives multiple applications for any single project area, applications proposing fiber-optic infrastructure shall be afforded priority over applications proposing fixed wireless infrastructure.

(i) Applications proposing similar technology will be scored according to cost and demonstrated ability to complete the project.

(ii) In situations where the Council receives multiple applications for any single project area proposing comparable infrastructure, priority shall be afforded to the applicant proposing the fastest broadband speeds.

(h) All completed projects must reliably deliver minimum speeds of one hundred (100) megabits per second (Mbps) download and one hundred (100) Mbps upload.

(i) In cases where it is not practicable due to geography, topography, or financial cost to meet those standards, projects must reliably deliver at least one hundred (100) Mbps download speed and at least twenty (20) Mbps upload speed, and be scalable to a minimum of one hundred (100) Mbps download speed and one hundred (100) Mbps upload speed.

(i) The review committee shall rank eligible project applications and shall forward these to the Board with a recommendation of "fund" or "do not fund."

Section 11. Award and Challenges

(a) At least thirty (30) days prior to making any award under this program, the Council shall publicly post the proposed project areas via the Broadband Map.

(b) Each posting for a proposed project area shown on the Broadband Map shall provide a mechanism by which a Challenge may be filed and processed as set forth in Chapter 1.

(c) Challenges brought by any broadband provider on the basis of overbuild shall only be considered where the Challenging provider has submitted .shp or .kml files of their entire service area in Wyoming to the Broadband Map.

(d) The Board shall consider the recommendations of the evaluation committee and make awards at a public meeting held pursuant to the Wyoming Public Meetings Act.

Section 12. Certification. By applying under this program, each applicant certifies that:

(a) The statements contained in the application are true, complete, and accurate to the best of their knowledge.

(b) The funds shall be used to fund projects that create and retain local jobs and result in purposeful outcomes, including distance learning, telehealth public safety, commerce, and overall well-being.

(c) The applicant understands and acknowledges that failure to comply with these rules and/or the terms of any Contract(s) awarded under this program may result in the Council requiring a total or partial refund of the awarded funds and may affect applicant's eligibility for future funding under this or other Council programs.

(d) The applicant understands that the award of any contract(s) under this program is contingent upon the appropriation of funding by the Legislature of the State of Wyoming, and assumes risk of any loss in submitting application(s) under this program.

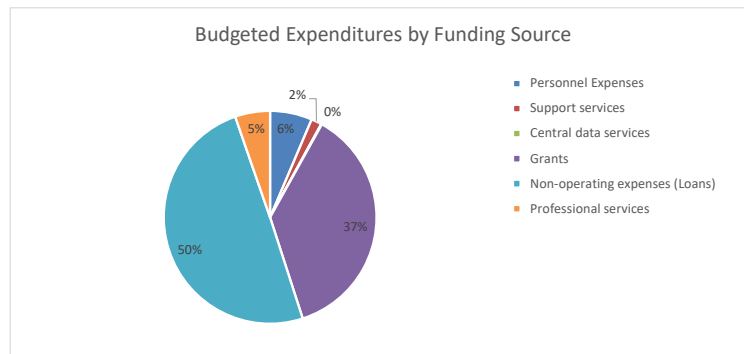
(e) Any other certification required by the Council.

Wyoming Business Council
Quarter Ending June 30, 2021 (2021/2022 Biennium)

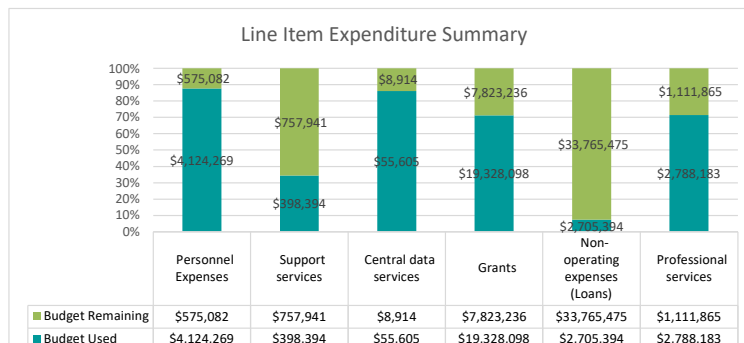
Optimum = 100%

BUDGET SUMMARY	BUDGET	EXPENDED	ENCUMBERED	BALANCE	%	Avail. Cash Balance	YTD Receipts
Economic Diversification							
Investments	\$27,414,277	\$150,991	\$15,109,652	\$12,153,633	55.67%		
General (BRC/CDBG)	\$25,000	\$850	\$0	\$24,150	3.40%		
Economic Loan	\$10,000	\$3,814	\$0	\$6,186	38.14%		
Business Ready Communities (includes MRG)	\$27,379,277	\$146,327	\$15,109,652	\$12,123,298	55.72%		
Services	\$3,445,902	\$1,709,107	\$568,232	\$1,168,562	66.09%		
General	\$2,316,310	\$1,575,273	\$449,982	\$291,055	87.43%		
Broadband Administration (fund 004)	\$213,692	\$4,392	\$0	\$209,300	2.06%		
Entrepreneurship	\$25,000	\$703	\$0	\$24,297	2.81%		
Main Street	\$235,000	\$18,226	\$113,000	\$103,774	55.84%		
Markets & Expansion	\$350,900	\$71,991	\$5,250	\$273,659	22.01%		
Recruitment	\$242,500	\$31,372	\$0	\$211,128	12.94%		
Rural Development	\$62,500	\$7,150	\$0	\$55,350	11.44%		
Wyoming Business Council							
Operations	\$5,152,840	\$4,260,708	\$7,290	\$884,842	82.83%		
Accounting	\$41,000	\$0	\$0	\$41,000	0.00%		
Agency Services	\$412,130	\$230,412	\$7,290	\$174,428	57.68%		
Board	\$29,050	\$12,903	\$0	\$16,147	44.42%		
Executive	\$14,250	\$4,087	\$0	\$10,163	28.68%		
HR (Non-Payroll)	\$119,250	\$32,706	\$0	\$86,544	27.43%		
HR (Payroll)	\$4,307,955	\$3,884,527	\$0	\$423,428	90.17%		
IT	\$229,205	\$96,073	\$0	\$133,132	41.92%		
Regional Directors	\$90,000	\$12,635	\$0	\$77,365	14.04%		
Strategy	\$409,696	\$94,831	\$207,685	\$107,180	73.84%		
Communications	\$44,000	\$3,653	\$0	\$40,347	8.30%		
Strategic Partnerships	\$365,696	\$91,178	\$207,685	\$66,833	81.72%		
TOTAL GENERAL FUNDS	\$36,512,714	\$6,228,273	\$15,892,859	\$14,391,582	60.58%		
Federal Funds							
Brownfield Revolving Loan Program	\$900,000	\$18,497	\$176,453	\$705,050	21.66%		
CDBG Program	\$9,306,991	\$2,706,502	\$4,136,662	\$2,463,827	73.53%		
Rural Development Block Grant	\$40,000	\$40,000	\$0	\$0	100.00%		
Specialty Crop Block Grant	\$21,750	\$14,950	\$6,500	\$300	98.62%		
State Trade and Export Program (STEP)	\$145,125	\$9,331	\$0	\$135,794	6.43%		
TOTAL FEDERAL FUNDS	\$10,413,866	\$2,789,280	\$4,319,615	\$3,304,971	68.26%		
Agency Funds							
Economic Loan Development (fund 039/089)*	\$26,140,876	\$97,551	\$25,399	\$26,017,926	0.47%	\$7,096,476	\$3,165,430
Rural Rehabilitation (fund 499)	\$300,000	\$40,857	\$0	\$259,143	13.62%	\$4,727,957	\$104,704
Wyoming Business Council (fund 085)	\$75,000	\$6,119	\$0	\$68,881	8.16%	\$205,312	\$7,710
TOTAL AGENCY FUNDS	\$26,515,876	\$144,527	\$25,399	\$26,345,950	0.64%		
TOTAL BUDGET	\$73,442,456	\$9,162,080	\$20,237,873	\$44,042,503	40.03%		
CARES Act COVID-19 Relief							
CARES ACT Agriculture Program	\$35,076,312	\$34,617,534	\$0	\$458,778	98.69%		
CARES ACT Business Relief Program	\$383,801,521	\$379,247,307	\$0	\$4,554,214	98.81%		
CARES ACT Connect Wyoming	\$56,455,806	\$48,392,908	\$0	\$8,062,898	85.72%		
CARES ACT Energy Rebound Program	\$30,000,000	\$28,704,241	\$0	\$1,295,759	95.68%		
CARES ACT Administration Funds	\$1,148,984	\$615,583	\$531,105	\$2,296	99.80%		
TOTAL CARES ACT	\$506,482,623	\$491,577,573	\$531,105	\$14,373,945	97.16%		

* \$25 million reserved for Large Loan Fund



Loan Type	Balance
Economic Disaster	7,903,611
Bridge	1,521,040
Amendment IV	-
Natural Gas Infrastructure	199,581
WyoTech	4,900,000
BRC	12,535,863
Unallocated Allowance	(81,012)
	<u>26,979,083</u>





PEOPLE AND PERFORMANCE

WBC BOARD OF DIRECTORS UPDATE

AUGUST 2021



PEOPLE

FAREWELLS

SHAUN JONES, DATA & RESEARCH MANAGER

KAREN FATE, BRC PROJECT MANAGER

SHERRY HUGHES, GRANT & LOAN ACCOUNTANT

LINDA KLINCK, MAIN STREET MANAGER

NEW ARRIVALS

KRISTIN FONG, NW REGIONAL DIRECTOR

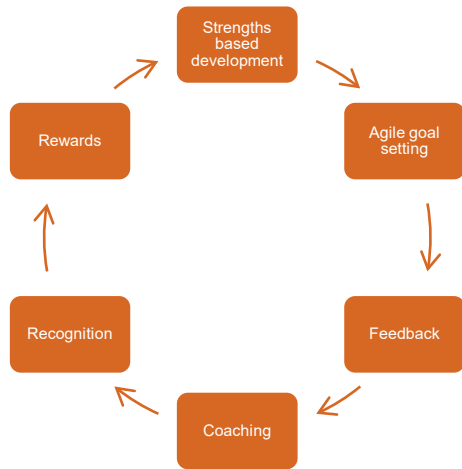
KILEY INGERSOLL, SW REGIONAL DIRECTOR

CURRENT RECRUITMENTS

GRANT & LOAN ACCOUNTANT

MAIN STREET MANAGER

PERFORMANCE



AGILE PERFORMANCE MANAGEMENT



GAINING EFFICIENCIES



OPTIMIZING EFFORT

AGILE PERFORMANCE MANAGEMENT



AGILE PERFORMANCE MANAGEMENT AS A FLUID AND CONTINUAL CONVERSATION THAT ADDS VALUES FOR EVERYONE, FOSTERS AND NURTURES INDIVIDUAL GROWTH AND PROMOTES ORGANIZATIONAL EVOLUTION.

A SYSTEM BY WHICH WE ARE EMPOWERED TO MATCH OUR BEHAVIORS TO OUR INTENTIONS: CLIFTON STRENGTHSFINDER, HAPPINESS ADVANTAGE, PURPOSE, AND IDEAL TEAM PLAYER

Strengths based development: Ongoing and continuous acknowledgement and leverage of our individual and collective strengths

Agile goal setting: Essential to the larger strategic vision by guiding responsive objectives to rapidly changing environments

Feedback: Performance enhancing conversations up, down, and across the organization for immediate impact

Coaching: Supportive discussions aimed at long-term development; ongoing and in the moment

Rewards and Recognition: Social recognition for smaller meaningful contributions that have impact toward broader organizational goals



GAINING EFFICIENCIES



Focus Fridays: Clearing our calendars of internal meetings to focus on work that requires dedicated thought, planning, and creativity

BambooHR: A cloud-based HRIS software that frees the team from manual processes and direct access for employees to their most important information

Policy Revisions: Ongoing evaluation of existing policies for coordination with the nature of individual work and evolving external realities

Sprint Planning and Cross-Team Collaboration: Brief small and large team meetings that inform and solicit input ensuring both project execution/continuity and continuous improvement

OPTIMIZING EFFORTS



Talent planning: Identifying existing expertise gaps and role definition within current budget and staffing abilities

Team capacity and budget: Evaluating human resource needs into the future and creating a budget that will support talent and staffing gaps

WHAT'S NEXT?



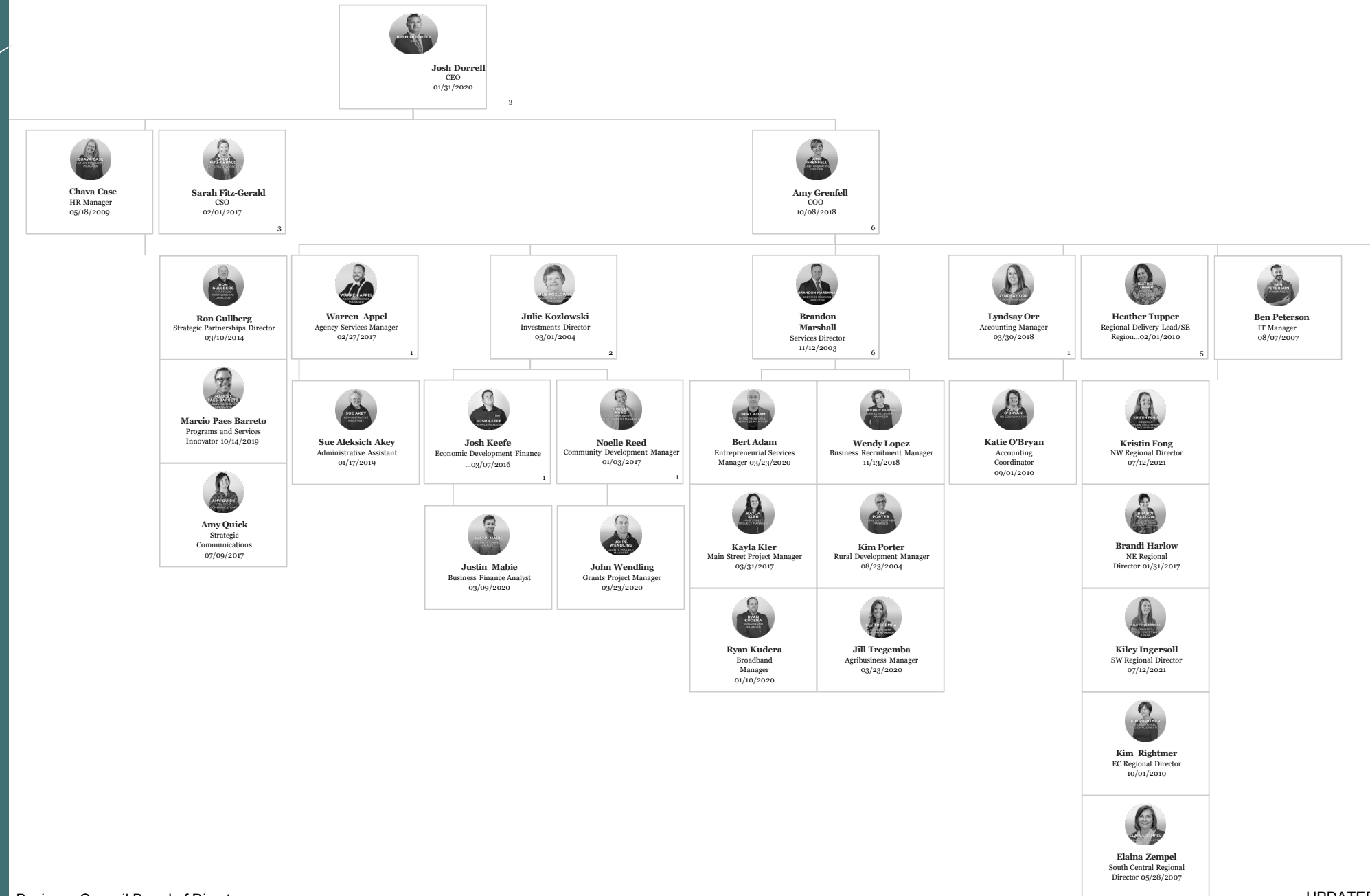
Agile performance management training

Comprehensive professional development

Strengths coaching

Building the team

Continuous onboarding





THANK YOU

Chava Case, HR Manager

chava.case@wyo.gov

307.287.8033

**AMENDMENT FOUR TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN
WYOMING BUSINESS COUNCIL
AND
MARKEE ESCROW SERVICES, INC.**

1. **Parties.** This Amendment is made and entered into by and between the Wyoming Business Council (Agency), whose address is: 214 West 15th Street, Cheyenne, WY 82002 and Markee Escrow Services, Inc. (Contractor), whose address is: 525 Randall Avenue, Cheyenne, WY 82001.
2. **Purpose of Amendment.** This Amendment shall constitute the fourth amendment to the Contract between the Agency and the Contractor. The purpose of this Amendment is to: a) extend the term of the Contract through June 30, 2022; b) increase the contract amount by one hundred forty thousand dollars (\$140,000.00) to three hundred thousand dollars (\$300,000.00); and c) to establish servicing fees payable to the Contractor.

The original Contract, dated June 24, 2019, required the Contractor to administer the Partnership Challenge Loan Program, the Wyoming Seed Capital Loan Program, Business Ready Community Loans, and the loan programs previously known as the Amendment IV Loan Program, along with any other current or potential new loan programs for a total Contract amount of eighty thousand dollars (\$80,000.00) with an expiration date of June 30, 2020.

Amendment One, dated June 23, 2020, amended the original Contract to: a) increase the total Contract dollar amount by fifteen thousand dollars (\$15,000.00) to ninety-five thousand dollars (\$95,000.00); and b) extend the term of the Contract through June 30, 2021.

Amendment Two, dated March 12, 2021, amended the original Contract to increase the total Contract dollar amount by sixty-five thousand dollars (\$65,000.00) to one hundred sixty thousand dollars (\$160,000.00).

Amendment Three, dated June 30, 2021, amended the original Contract to extend the term of the Contract through September 30, 2021.

3. **Term of the Amendment.** This Amendment shall commence upon the date the last required signature is affixed hereto, (Effective Date), and shall remain in full force and effect through the term of the Contract, as amended, unless terminated at an earlier date pursuant to the provisions of the Contract, or pursuant to federal or state statute, rule, or regulation.
4. **Amendments.**
 - A. The second sentence of Section 3 of the original Contract is hereby amended to read as follows:

“The term of this Contract is from June 24, 2019 through June 30, 2022.”

Amendment Four to the Professional Services Contract between Wyoming Business Council
and Markee Escrow Services, Inc.

Page 1 of 3

B. The second sentence of Section 4(A) of the original Contract is hereby amended to read as follows:
“The total payment under this Contract shall not exceed three hundred thousand dollars (\$300,000.00).”

C. Section 4(A) is hereby amended to add subsections (vi) and (vii), which shall read as follows:

“(vi) The Contractor shall be paid fifty (50) basis points for all loans originated under the Partnership Challenge Loan, the Wyoming Seed Capital Loan Program, Wyoming Main Street Loan Participations, Natural Gas Fueling Infrastructure Loans, and the loan programs previously known as the Amendment IV Loan Program.

“(vii) The Contractor shall be paid twenty-five (25) basis points for all loans originated under the Large Project Loan Program.”

5. **Amended Responsibilities of the Contractor.** Responsibilities of the Contractor have not changed.

6. **Amended Responsibilities of the Agency.** Responsibilities of the Agency have not changed.

7. **Special Provisions.**

A. **Same Terms and Conditions.** With the exception of items explicitly delineated in this Amendment, all terms and conditions of the original Contract, and any previous amendments, between the Agency and the Contractor, including but not limited to sovereign immunity, shall remain unchanged and in full force and effect.

B. **Counterparts.** This Amendment may be executed in counterparts. Each counterpart, when executed and delivered, shall be deemed an original and all counterparts together shall constitute one and the same Amendment. Delivery by the Contractor of an originally signed counterpart of this Amendment by facsimile or PDF shall be followed up immediately by delivery of the originally signed counterpart to the Agency.

8. **General Provisions.**

A. **Entirety of Contract.** The original Contract, consisting of eleven (11) pages; Amendment One, consisting of three (3) pages; Amendment Two, consisting of three (3) pages; Amendment Three consisting of three (3) pages; and this Amendment Four consisting of three (3) pages represent the entire and integrated agreement between the parties and supersede all prior negotiations, representations, and agreements, whether written or oral.

THE REMAINDER OF THIS PAGE WAS INTENTIONALLY LEFT BLANK.

9. **Signatures.** The parties to this Amendment, through their duly authorized representatives, have executed this Amendment on the dates set out below, and certify that they have read, understood, and agreed to the terms and conditions of this Amendment.

This Amendment is not binding on either party until approved by A&I Procurement and the Governor of the State of Wyoming or his designee, if required by Wyo. Stat. § 9-2-1016(b)(iv).

AGENCY:

Wyoming Business Council

Joshua J. Dorrell, Chief Executive Officer

Date

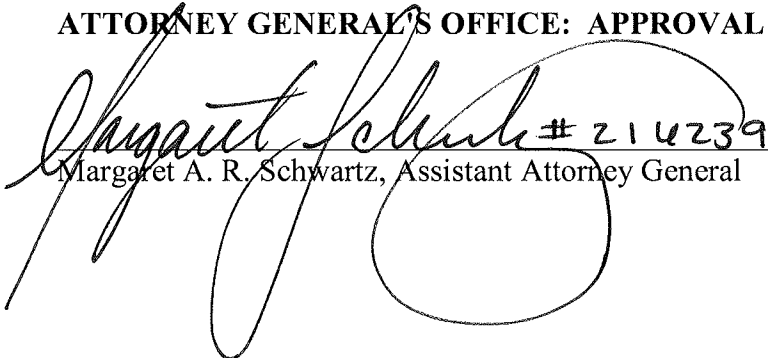
CONTRACTOR:

Markee Escrow Services, Inc.

Teresa Bertagnolli, President

Date

ATTORNEY GENERAL'S OFFICE: APPROVAL AS TO FORM


Margaret A. R. Schwartz, Assistant Attorney General

9/22/21
Date



Memorandum

To: Wyoming Business Council Board of Directors
From: Justin Mabie, Business Finance Analyst
Subject: Challenge Loan Reporting Requirements
Date: September 30, 2021

1. **Past Due Report.** Challenge Loan Policy requires quarterly reporting of all loans 30 days or more past due.
 - There were four past due payments on June 30, 2021:
 - **Weber Ag, LLC** (Economic Disaster Loan – 2017) was originated in July of 2017 as part of the Economic Disaster Loan declaration for the Wyoming Sugar Company. Multiple attempts have been made in the past months to contact the Borrower to no avail. A demand letter was sent on January 13, 2020. The Borrower had until 5:00pm, February 14, 2020 to respond to the letter. No response was received. The Wyoming Attorney General is in the process of filing a formal complaint against Weber Ag, LLC and Damon Weber. This loan is fully reserved and has a very high likelihood of being charged off (\$484,950.00).
 - **Edward Lay** (Economic Disaster Loan – 2020) was originated in March of 2020 as part of the Economic Disaster Loan Declaration for Goshen County Wyoming due to the collapse of the Gering/Ft. Laramie irrigation canal (tunnel). This is the first annual payment due for the borrower and the amount past due is \$3,736.91; loan balance is \$107,892.00. A demand for payment letter was sent on July 30, 2021, and a response has not yet been received.
 - **Ryan Riggs** (Economic Disaster Loan – 2020) was originated in March of 2020 as part of the Economic Disaster Loan Declaration for Goshen County Wyoming due to the collapse of the Gering/Ft. Laramie irrigation canal (tunnel). This is the first annual payment due for the borrower and the amount past due is \$4,897.32; loan balance is \$140,000.00. A demand for payment letter was sent on July 30, 2021, and a response has not yet been received.
 - **Cody Easum** (Economic Disaster Loan – 2017) was originated in November of 2017 as part of the Economic Disaster Loan declaration for

the Wyoming Sugar Company. Multiple attempts have been made by both the lender and servicer to no avail. A certified demand letter was mailed in April and again in July. The WBC is awaiting a response from the borrower. The amount past due is \$11,001.77; loan balance is \$64,067.44.

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.

- The unallocated reserve is adequate with a balance of **\$1,759,126.45**. The allocation includes a 10% loan loss reserve for the Economic Disaster Loans originated, plus 0.5% of the total loan portfolio. The reserve also includes a full reserve of Weber Ag, LLC (\$484,950).
- The resulting available fund balance in the Economic Development Fund is **\$7,096,476**.

3. **Charge off balances.**

- None to report at this time

4. **Other News.**

- Josh Keefe and Justin Mabie will be attending the 2021 Lenders Conference on September 15th and 16th in Riverton, Wyoming.

Staff Recommendation:

- **Staff recommends acceptance of this report.**



City of Torrington

M Lazy Heart Feed Mill

Wyoming Business Council Board of Directors
September 2021 Meeting Materials | Page 55 of 100



City of Torrington | M Lazy Heart Feed Mill Project Overview

The City of Torrington is requesting a \$3 million BRC grant and \$3 million BRC loan to construct a feed mill, warehouse and retail store for M Lazy Heart on 12 acres of land in the city-owned Eastside Industrial Park. M Lazy Heart's current store will remain open and located in the same place to sell quantities/products of the same size/nature. While the store is focused on livestock feeds, they also carry products for dogs, cats, sheep, etc. It is anticipated that if larger quantities were to be sold, a direct pick up of said products would happen at the proposed project site.

The proposed feed mill will have the capacity to grind, mix or pellet 65,000 tons of feed per year using a semi-automated system. The company is also looking at obtaining federal licenses to mix and manufacture Type B medicated feeds. A facility of this size with advanced technology does not currently exist in Wyoming.

The feed mill will have the storage capacity to store commodities on-site and utilize them as needed. Corn is grown in the Platte Valley and is utilized heavily in feed for livestock animals. As much as 30% of the feedstock that the facility will produce will be sourced locally (corn, oats & barley). Other crops such as soybeans will be explored with local producers.

Business Committed Application

	\$3,000,000 Grant Request
	\$3,000,000 Loan Request
\$2,985,598 Eligible Cost Cash Match (Total Cash Match + Private Equity = \$5,104,418)	
	\$244,000 In-Kind Match (Land)
	Total Eligible Costs: \$9,229,598
	Total Ineligible Costs: \$4,114,820
	Total Project Costs: \$13,344,418

Job Quality.

The company will create 19 FTE by the end of year five between the feed mill and feedstore. There is one position that falls below the county median wage of \$17.24/hr for the first year. It is considered an entry-level position and is above the national average for feed mill operations (\$15/hr). All positions created will be above the county median wage by year five (ranges from \$17.96-\$50.82/hr). The median wage for all positions in year five is \$25.44/hr, or 47.6% above county median wage. All positions are benefitted.

Company Strength.

The owners of M Lazy Heart are Paul and Christine Miller. The Millers moved their family to Torrington from Pennsylvania in 1999 to open a feedlot operation. The Millers currently own two businesses – Miller Cattle & Feedyards and the M Lazy Heart Ranch, located south of Torrington. Miller Cattle & Feedyards is a custom feeding operation and markets 10,000 cattle annually. M Lazy Heart Ranch raises and markets show cattle across the nation. The ranch is a nationally recognized source of quality show cattle genetics and has produced numerous winner's circle champions at major shows across the nation.

The Millers have created their own line of show feed to sell to customers, but that feed is currently milled and mixed in Colorado. The quality of their feed has been lacking for some time and they believe they can operate a feed mill to produce their own show feed at a higher quality as well as other feeds for their feedlot, other feedlots in the area, and contract with co-ops and producers to produce feed stock. The company anticipates at least 80% of product produced to be sold outside of Goshen County, and any product sold to their own feedyard would be done so at normal retail price.

In 2019, the Millers opened the M Lazy Heart Ranch Feedstore. The store is the avenue for M Lazy Heart to market their quality show cattle feed and will become an essential piece of the feed mill operation. or underused commercial space into economically productive property also helps boost the profitability of the district.

Job Quality - Staff Analysis

- *The company anticipates paying a median wage of \$25.44/hr which is above the national average (\$15/hr).*
- *Creation of 19 jobs over 5 years is above average for this community/county. The typical employer in Torrington (63.7% of establishments) and Goshen Co (65.7% of establishments) employs 1-4 positions.*
- *All jobs are benefitted.*
- *The project is aligned with the local agricultural-based economy and there is sufficient and appropriately skilled local workforce available. Since 2017, the City of Torrington has realized an 8.3% increase in population, with Goshen County seeing a 6.9% increase.*

Company Strength - Staff Analysis

- *Review and analysis of the company's business plan and financials did not raise any concerns.*
- *High potential for a national market.*
- *Owners are knowledgeable and experienced in the industry. They are experienced in securing relationships with nutritionists, knowledgeable in industry marketing, and are adept at building partnerships.*
- *Owners have a positive relationship with the local financing community.*

REVENUE RECAPTURE

The BRC loan will be repaid via a lease agreement between the City of Torrington and M Lazy Feed.

Loan Terms: 30 years with 2% IR
Lease Payments: \$233,950/yr for 30 years (with the option to buy after Y5)

Total Recapture to BRC Fund:
\$4,768,493 (\$4,018,493 loan repayment plus 25% of BRC grant at \$750,000)

Remaining 75% of BRC Grant (\$2,250,000) will remain with the City of Torrington for future economic and community development endeavors.

Community Engagement.

In 2015, the City of Torrington and Goshen County completed a Targeted Industry Study. That study stated that the region should focus their recruiting efforts on agribusiness and value-added agribusiness, as these were the biggest strengths of the area.

This project has also received local and regional support. The University of Wyoming, Colorado State University, and Eastern Wyoming College have submitted letters of support and expressed interest in collaborating with M Lazy Heart. This collaboration would enable undergraduate and graduate exposure to, and education in, commercial feed milling processes and nutrition. Local businesses have also submitted letters in support of this project, citing the option to have locally manufactured feed products would lower supplement costs, allow for on-site development, and decrease freight fees.

Finally, this project will create an opportunity for local producers to have additional markets available to them. As stated above, the company conservatively estimates they can utilize 30% of local commodities to produce their feed.

Community Engagement - Staff Analysis

- This project has above average potential for the local workforce. The numbers below show that Torrington and Goshen County's labor force is approximately half of their population. This alludes to the fact that they have an aging population, and their labor force is a smaller pool of their total population.
 - Torrington Population: 6,675
 - Torrington Labor Force: 3,062
 - Goshen Co Population: 13,102
 - Goshen Co Labor Force: 6,420
 - Goshen Co Unemployment: 3.5% (July 2021)
- Fits well with local economic development goals
- Potential to support local producers by increasing market potential

Economic Impact (Years to Recoup)

- Direct & Indirect - Total State Investment: 4.47 Yrs
- Direct & Indirect - Grant Only: 2.24 Yrs
- Direct & Indirect State Investments w/ Loan Payments: 4.07 Yrs

Performance Measures & Project Infrastructure



Additional Investment (Private + Bank Financing):
\$7,060,418

Loan Repayment (30 Yrs/2%): \$4,768,493

BRC Revenue Recapture:
\$750,000

Local Revenue Recapture:
\$2,250,000



County Median Wage:
\$17.24

Median Wage of Jobs Created Yr 1: \$24.07/hr
(Range: \$15.20 - \$41.81/hr)

Median Wages of Jobs Created Yr 5: \$25.44/hr
(Range: \$17.96-\$50.82/hr)

Median Benefits of Jobs Created Yr 5: \$6.74/hr



Jobs to be Created (5 Yr Projection): 19

Jobs to be Retained (5 Yr Projection): 3



BRC Funding % Leveraged: 33%



Economic Impact ROI: 4.47 Yrs



Acres Developed: 6

New Building Construction:
19,890 sf

City of Torrington - M Lazy Heart Feed

State Considerations.

Economic Impact ROI measures the economic “churn” of a project in the county where the project is located. The WBC contracts with a third-party vendor (Applied Economics) based out of Phoenix, Ariz, to determine this impact. The algorithm is formulated to each Wyoming county’s statistics and these market factors help determine the measurement.

- In Goshen County, agriculture is the main source of gross domestic product (GDP). M Lazy Heart’s project would have a direct annual impact, at maturity of the project, of \$957,510 per year. The indirect impact (supplier[s]) is \$384,490 per year; this is a total annual impact of \$1,342,000 generated in Goshen County. Induced impact is also measured in the report; however, it is not considered in the numbers below.

State Considerations - Staff Analysis

- *This project accomplishes the purpose of Wyoming’s Economic Development Strategy of creating new opportunities for Wyomingites by: Adding 19 new direct jobs and potentially many more due to increased income for Ag producers in Southeast Wyoming.*
 1. Drive innovation to create new markets: *The M Lazy Heart owners have created their own line of show feed to sell to customers, but that feed is currently milled and mixed in Colorado. The quality of their feed has been lacking for some time and they believe they can operate a feed mill to not only produce their own feed at a higher quality, but produce higher-quality feed for other feedlots, co-ops, and producers.*
 2. Increase access to domestic and international export markets: *M Lazy Heart Ranch raises and markets show cattle across the nation, and is nationally recognized at producing champions. There has been interest in this arena for quality show feed nationally.*
 3. Encourage development of new technology to create new expansion opportunities: *The proposed feed mill will utilize a semi-automated system to grind, mix or pellet 65,000 tons of feed per year. The company is also looking at obtaining federal licenses to mix and manufacture Type B medicated feeds. A facility of this size with advanced technology does not*

State Considerations - Staff Analysis, Cont.

- *BRC funds leveraged into the project are one-third of total project costs. WBC staff has spoken with the local financial institution providing equipment and working capital. The local community bank president has stated that the bank’s funding is contingent upon the approval of the WBC and SLIB. He further stated that the Millers have been a pleasure to have as customers and have performed as agreed on all previous debts, accounts, etc. He was excited to have an agricultural business in the community doing “value-added” products and not purely crop production. Further diligence is being completed by WBC staff and the financial institution to ensure collateral for the project is divided between the parties correctly.*
- *The potential additional income for local producers also increases with the completion of the proposed project. Corn is the primary crop for Goshen County. Goshen County Economic Development Corporation (GCEDC) was able to share yield figures (bushels/acre) and additional income that could be generated to the field mill.*
 - *There are (approx.) 30,000 acres of corn grown for grain in Goshen County and (approx.) 54,000 acres grown for grain in SE Wyoming (Goshen, Platte, and Laramie Counties). Using spot prices from Cargill Ag and savings in transportation costs by keeping the product (relatively) local, there is a potential for \$1,127,012 (30% = \$338,104) to be paid to Goshen County producers annually. If that figure is expanded to SE Wyoming, this number increases to \$1,878,962 (30% = \$563,689) annually.*
 - *This shows a substantial, indirect benefit to Goshen County with the completion of the project. Furthermore, the numbers shared in the paragraph above are not included in the Economic Impact ROI listed on Pg. 4.*

Total Project Costs: @ \$13.34 million

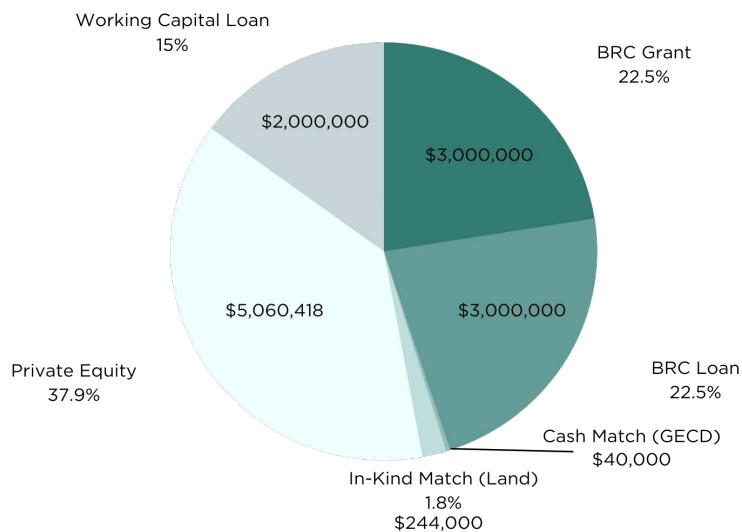
BRC Grant: \$3 M
BRC Loan: \$3 M

\$6 M

Private Equity: \$5 M
Working Capital
Loan: \$2 M

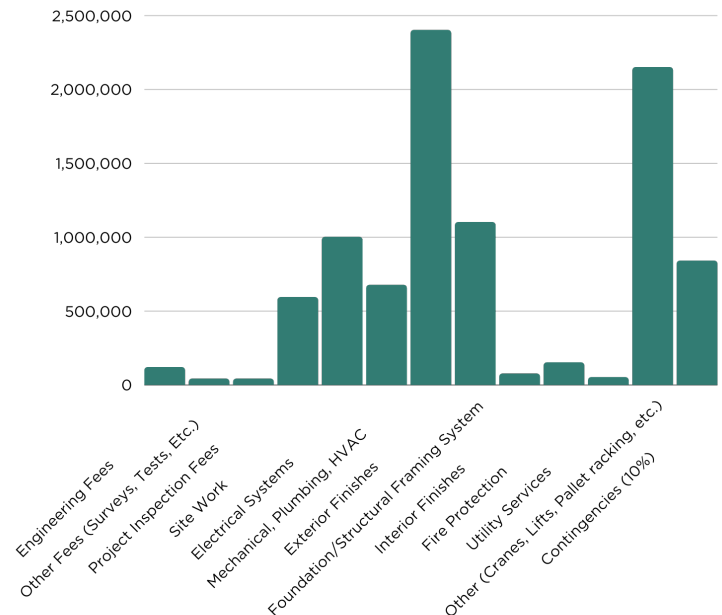
Cash Match
(GEDC): \$40,000
In-Kind Match
(Land): \$244,000

TOTAL PROJECT INCOME SOURCES



Total Eligible + Ineligible Project Costs: \$13,344,418

ELIGIBLE PROJECT INCOME USES



Total Eligible Project Costs: \$9,229,598

Staff Recommendation

Staff recommends funding, as requested

Adds Value

- Adds Value to a core Wyoming industry in keeping with the State's Economic Development Strategy.

Job Creation

- Above average job creation in terms of wages and for the regional economy and population.

Enhances Growth

- Will enhance the growth of Goshen County's agricultural ecosystem/economy.

Economic Impact

- Economic Impact on Goshen County is two-fold:
 - Recoups the total project cost in 4.47 years, which is within the 5-year reporting period required by the BRC program and fits in line with other recently funded BRC projects.
 - Indirect (supplier/producer) economic impact on Goshen County is between \$338,104-\$1,127,012 annually.

+ BRC Funding is well leveraged.

**Attorney General Opinion:
Pending**



MEMORANDUM

TO: WYOMING BUSINESS COUNCIL BOARD OF DIRECTORS

FROM: NOELLE REED

SUBJECT: SHERIDAN COUNTY RED GRADE TRAILS PROJECT MODIFICATION

DATE: SEPTEMBER 30, 2021

Sheridan County is requesting approval to modify work completed and funded by the Business Ready Community (BRC) Community Enhancement Red Grade Trails Project.

Project Overview:

The Wyoming Business Council Board of Directors recommended a BRC Community Enhancement grant to Sheridan County at the September 10, 2020 board meeting in the amount of \$500,000. The SLIB approved the recommendation at their October 1, 2020 meeting.

The BRC funds were allocated to help continue develop a very successful recreational amenity and business recruiting tool in Sheridan in the form of Phase II of the Red Grade Trails System. Phase II proposed to develop two parking facilities and approximately 12 trail miles of nonmotorized, multi-use trails on property managed by the Bighorn National Forest.

Each phase of this project was designed to be fully functional and usable as a standalone allowing the project to complete the phases as funding and resources became available. Phase 1 has been completed and is maintained through local funding from Sheridan County Land Trust staff and volunteers. Phase III will be completed through community support. At the time of the original board meeting, they had already raised \$100,000 for the third and final phase.

Modification Request:

Sheridan county is requesting a modification to the project scope of work to have original funding now cover 3 parking facilities and 10 miles of trails. The details and reasoning for this are as follows:

- BLM property that was permitted for use after the completion of phase II was recently made available for construction (much sooner than originally planned). This location is referenced on the attachment, Grant Modification Request, but is

very favorable and centrally located to the existing and proposed system. It helps to connect the entire system.

- The additional parking facility requested will service the BLM section of the Trails system which will consist of 2.25 miles of trails and will be constructed next Summer/Fall with funding that has already been raised in conjunction with the proposed Phase II trails.
- With the construction of two parking facilities already in the project plan, there is a potential for cost savings of continuing that work on a third parking facility while the contractor is already present and under contract.
- The 10 miles of the original 12 miles of Phase II will still be constructed with BRC funds. However, upon the completion of this project, in 2022, there will be a total of 12.25 miles of trails and 3 parking lots constructed with the combination of BRC and privately raised funds.

The modification to Red Grade Trails project to include the BLM parking facility provides for a much more conducive and comprehensive project that continues to leverage state funds through community funding and support. This pivot by the grantee allows for an earlier than anticipated upgrade to this outdoor amenity that is vital to the success of Sheridan and its business recruiting efforts.

Attachments:

- Sheridan Red Grade Trails Grant Modification Letter

Recommendation:

The Investment Division recommends and requests the Board approval of the modification to the scope of work to the Red Grade Trails Project.

Respectfully submitted,

Noelle Reed
Community Development Manager



SHERIDAN COUNTY COMMISSION

TERRY CRAM • CHRISTI HASWELL • TOM RINGLEY • NICK SIDDLE • LONNIE WRIGHT

August 17, 2021

Noelle Reed, CECD
Community Development Manager
Wyoming Business Council
214 W. 15th St.
Cheyenne, WY 82002

Dear Ms. Reed:

Sheridan County requests a change in scope for the Red Grade Trails project funded by the Wyoming Business Council (WBC). The funded proposal includes the construction of 12 miles of trail and 2 parking lots. This work was to occur entirely on Forest Service ownership and is west and separate of the previously constructed Red Grade Trails. This summer 6 miles of trail has been contracted with an expected completion of fall 2021. Additionally, Sheridan Community Land Trust (SCLT) staff are on schedule to complete 2 miles of trail by this fall and another 2 miles of trail by fall 2022. Finally, the 2 parking lots that are part of the scope are under contract with an expected completion still this fall. All total we anticipate completing 10 miles of trail and 2 parking lots by fall 2022. This fall we would like to go out to bid for the final portion of the WBC supported project. However, we request a change in scope.

Since the development of the proposal Sheridan County has secured permission to complete trails on the Bureau of Land Management (BLM) ownership. This ownership lies between the previously existing Red Grade Trails and the portions of trail being constructed with WBC support. Additionally, this summer SCLT has secured funding to develop 2.25 miles of trail within the BLM ownership. SCLT plans to bid this 2.25 miles of trail this fall with a construction date in 2022. With WBC support we would like to construct a third parking lot in 2022 that serves this reach of trail in lieu of completing another 2 miles of trail through the WBC support. In summary, we would like to modify the project scope from the construction of 12 miles of trail and 2 parking lots to 10 miles of trail and 3 parking lots.

Exhibit A (original scope) and Exhibit B (modified scope) are attached and demonstrate the requested modification.

Please contact me if you have questions.

Best Regards,

Nick Siddle, Chairman

224 South Main Street – Suite B1 – Sheridan, Wyoming 82801-4855
Phone: 307-674-2900 – Fax: 307-674-2909



Original Scope

Legend

Phase 1 - Built

Phase 2 - WBC Proposal

Phase 3 - Future Build

Phase 1 - Built

Phase 2 - WBC Proposal

Phase 3 - Future Build

Wyoming Business Council Board of Directors
September 2021 Meeting Materials | Page 64 of 100

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
UPDATED 9/29/2021

Modified Scope

Legend

- Phase 1 - Built
- Phase 2 - WBC Proposal
- Phase 3 - Future Build
- Phase 1 - Built
- Phase 2 - WBC Proposal
- Phase 3 - Construction 2022 - Non WBC Funding
- Phase 3 - Future Build

Appendix A:
Correspondence regarding City of Torrington BRC Application

February 1, 2021

Peak Beef Nutrition and Management Consulting, LLC
Sara J. Trojan, Ph.D.
5181 Squaw Creek Road Casper,
WY 82604
sarajtrojan@gmail.com

To Whom it May Concern:

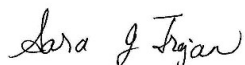
I am writing to support the business development proposal for construction of a feed mill associated with the M Lazy Heart Feed Store in Torrington, WY. As a consulting nutritionist and cattle rancher in WY, I can attest that there is a tremendous need for a local feed manufacturing source. Providing producers with the option of a source of locally manufactured feed products can lower supplement cost, allow for the development of site-specific feed products and services, maintain revenue within the state, and create jobs associated with product manufacturing, delivery and sales.

Given the isolated nature of Wyoming from a livestock feed resource standpoint, producers often have to absorb a large margin and freight cost when purchasing mineral or feed supplements. The addition of a local feed mill would lessen the financial burden of supplement costs to WY livestock producers. A feed mill in our state would also provide producers with the option to have site-specific supplements custom blended, rather than relying on products formulated for a more extensive region.

Further, all of the product that I supply to customers through my consulting business and that I use on my own operation are derived from out-of-state. Construction of a feed mill in WY would allow for revenue that is currently lost to out-of-state sales to remain in WY. Additionally, state employment opportunities would be generated through this entity.

There is presently not a large-scale feed manufacturing business in Wyoming. The implementation of a feed mill would improve overall price and service to Wyoming livestock producers, allow revenue that is currently lost to out-of-state markets to be captured within WY, and create jobs associated with the business. My firsthand experience in this business allows me to understand the dynamics of the state livestock feed sector; I fully support the development of a feed mill in WY and appreciate the benefits it would offer to our agricultural sector. Please do not hesitate contacting me with questions regarding this proposal.

Regards,



-WESTCO-

SERVICE | SOLUTIONS | SUCCESS

January 27, 2021

To whom it may concern:

Western Cooperative Company (WESTCO) sells feed in the Wyo-Braska region with branches in Torrington, Wyoming and Alliance, Ashby, Gering, Morrill and Oshkosh, Nebraska.

I understand that Paul Miller and/or his business is studying a project to build a new feed mill in Goshen County Wyoming.

We would be interested in receiving proposals to produce 2,000 ton of pelleted and texturized feed from this plant.

Sincerely,



David W. Briggs President & CEO

P O. Box H
Alliance, NE 69301
(308) 762-3112
westco.coop



Panhandle Cooperative Association

P.O. Box 2188 • SCOTTSBLUFF, NEBRASKA 69363-2188
PHONE (308) 632-5301
FAX (308) 632-5375

www.panhandlecoop.com

Scottsbluff, NE
Bridgeport, NE
Alliance, NE
Dalton, NE
Kimball, NE
Torrington, WY
Burns, WY

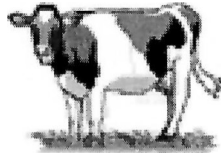
Panhandle Cooperative Association feed sales have grown by 52% in last two years with fiscal year 2020 sales exceeding \$3.5M. The challenge to increase that growth lies with the ability to have a reliable, cost effective supplier.

While Panhandle Coop certainly is a competitor in the animal nutrition arena with M Lazy Heart we have our own formulas developed by our own nutritionist, and marketing plan, just as they have with their operation. The challenge to making any feed mill profitable is tonnage through the plant. The challenge for retailers such as Panhandle is the freight to get finished product to our locations and customers. Assuming we can get competitive ingredient cost from M Lazy Heart we certainly would be interested in purchasing product there. Without knowing mill capabilities completely we could be a purchaser of 3-5,000 tons and depending on continued growth possibly more than that.

While I have been involved with different partnerships and joint ventures which all have produced challenges I believe Paul and Christine Millers business ethics have been proven to me through other small business arrangements we have participated in for over 15 years and I would look forward to continuing a working relationship if possible.

Sincerely

Charlie Wright
President/CEO
Panhandle Cooperative Association



Great Western Cattle Company

Physical Location: 7093 Road MA, Torrington, WY 82240
Office/Mailing Address: P.O. Box 757, Buttonwillow, CA 93206
(661) 746-1380

2/12/2021

This letter is in regards to Great Western Cattle Co. residing in Torrington, WY. We own and operate a feed lot for our Holstein heifers since 2015. We currently are feeding livestock feed and supplements that we have to purchase out of state. A local feed mill in Torrington would benefit our operation tremendously due to the fact that we could bid our products more locally and also save on freight for deliveries. We support the plan for M Lazy Heart Feeds, LLC to come into Torrington not just for our business but for the community.

Sincerely,

A handwritten signature in black ink, appearing to read "Willem De Boer". The signature is fluid and cursive.

Willem De Boer

Owner — Great Western Cattle Compan



Platte River Cattle Company, LLC

Physical Location: 7093 Road MA, Torrington, WY 82240

Office/Mailing Address: 14976 Ave. 168, Tulare, CA 93274

(559) 687-1253

2/12/2021

This letter is in regard to Platte River Cattle Co. residing in Torrington, WY. We own and operate a feed lot for our beef cattle since 2021. We currently are feeding livestock feed and supplements that we have to purchase out of state. A local feed mill in Torrington would benefit our operation tremendously due to the fact that we could bid our products more locally and also save on freight for deliveries. We support the plan for M Lazy Heart Feeds, LLC to come in o Torrington not just for our business but for the community.

Sincerely,

Willim De Boer

Owner – Platte River Cattle Company



Colorado State University
DEPARTMENT OF ANIMAL SCIENCES

Fort Collins, Colorado 80523-1171

Tel. (970) 491-6672

Fax (970) 491-0278

<http://ansci.colostate.edu>

February 8, 2021

Paul Miller
M Lazy Heart Feeds, LLC
4756 State Highway 154
Torrington, WY 82240

Dear Paul:

Per our telephone conversations and meeting, this letter is written to confirm that the Department of Animal Sciences, College of Agricultural Sciences, at Colorado State University (CSU) is interested in collaborating with M Lazy Heart Feeds on the new feedmill to be constructed. Our intentions are to meet with you on February 18, 2021, to discuss how a relationship might look and to contribute to any design provisions that would be entailed by such a relationship.

In discussions with our faculty, it appears that there is extensive interest in improving undergraduate and graduate exposure to, and education in, commercial feed milling processes. Such interest could likely extend beyond just our department as it is likely that economists, etc., may also have such an interest. Currently, and particularly with the ownership change with Ranchway Feeds in Fort Collins, our options for training students in this topic area have greatly diminished. Therefore, an opportunity to engage with your new mill would be fantastic given your proximity to Fort Collins and the likelihood that such a facility could be made available to students for education.

Likewise, many of our researchers often assemble diets for cattle, pigs, sheep, and horses that are targeted to meet specific research objectives. Such diets are often difficult to manufacture given the limitations on existing feed milling operations, even when strong partnerships with the university exist. So, discussing how formulations for research might be derived will be helpful. We operate facilities in Fort Collins, Saratoga, and Akron, so the opportunities in this space could be mutually attractive.

Thanks for considering this opportunity and we will look forward to our meeting on February 18th.

Sincerely,

Keith E. Belk
Professor and Head
Department of Animal Science

cc: James Pritchett, Dean of the College of Agricultural Sciences



College of Agriculture
and Natural Resources

Department 3684
1000 E. University Ave. • Laramie, WY 82071
(307) 766-2224 • fax (307) 766-2355

February 10, 2021

Dear Colleagues:

We are excited to support Mr. Paul Miller in his efforts to build a feed mill in Torrington, WY. A key component to the land grant university mission is our ability to conduct agriculture research and we rely heavily on custom diets and custom pelleted feeds to create research rations important for studies in animal nutrition and health. The University of Wyoming has animal research facilities located in both Laramie and Lingle, WY. However, our only current option is to have custom diets produced from a licensed feed mill out of state.

The close of the proximity of this new facility in Torrington to the SAREC R&E Center in Lingle would be extremely advantageous for UW livestock research. Additionally, Paul has indicated that UW would be able to bring students to the facility to learn about animal feed production in a modern facility enhancing the experiential learning experience for our College students. Training in feed mill operations will enhance employment opportunities for students to enter what is a thriving industry throughout the Midwest.

From our perspective, this feed mill would be a tremendous asset to the University and the entire State of Wyoming.

Sincerely,

Scott Lake, Director
Laramie Research and Extension Center

Barbara Rasco, Dean
College of Agriculture & Natural Resources



Office of the President

3200 West C Street • Torrington, WY 82240
307.532.8303 • 866.327.8996
307.532.8329 Fax • ewc.wy.edu

March 10, 2021

Goshen County Economic Development
110 West 22nd Avenue
Torrington, WY 82240

Subject: Support for Miller Feed Mill Project

To Whom It May Concern:

Eastern Wyoming College is committed to collaborating with and supporting the Miller grant application for the new proposed mill project in Goshen County, Wyoming. Christine and Paul Miller are proposing a feed mill project in Torrington that will provide an automated mill that will support four, full-time positions at the mill, with 3.5 positions at the proposed feed store with an additional 20 jobs, once the full capacity of each operation begins running at full capacity. Additional positions that would provide ancillary work in Torrington would include drivers, animal nutritionists, consultants, along with farming and construction. Local commodities would be utilized with the possibility of exportation of a Wyoming product nationally.

This proposed project has the potential to expand Goshen County's agricultural economy, adding new ag tech positions, as well, and Eastern Wyoming College could assist with the development of workforce for this project. If you have any questions regarding this letter of support, please feel free to contact me.

Most sincerely,

Lesley Travers, President
Eastern Wyoming College
3200 West C Street
Torrington, WY 82240
307.532.8202

Appendix C

Platte Valley Bank

2201 Main Street
P.O. Box 1057
Torrington, WY 82240-1057
Phone: (307) 532-2111
Fax: (307) 532-7631



Platte Valley Companies
Member FDIC

www.pvbank.com

info@pvbank.com

February 24, 2021

To Whom it May Concern

RE: M Lazy Heart Feedstore LLC Business Expansion and Mill Project

Dear Sir/Madame:

Platte Valley Bank fully supports and encourages the planned expansion of the M Lazy Heart Feeds exist in g business.

The Miller Family has utilized a store front since March of 2019 that has seen massive growth and has turned it into a diverse and viable livestock feed business. This expansion will allow them to blend feedlot supplements, process and grind feeds and create texturized and pelleted feed products for their feed store and other area retailers. Many of these products are being sourced from outside of the area and state. Bringing this to our area will result in increased purchases of local commodities creating a value-added agricultural product and result in increased employment for our community.

For these reasons we support this project and are appreciative of having this business expanding in our community.

Sincerely,

Brett A. Malm
Community President

Joe P. Guth
Corporate President

February 7, 2021

Ted L. Bentley
Retired President/CEO First State Bank
4359 State Hwy 156
Torrington, WY 82240
rockerranchwy@gmail.com

To Whom It May Concern:

I am writing this letter in support of the M Lazy Heart Feedstore LLC mill project. I have had a very enjoyable and successful relationship over the past 20 years with Paul and Christine Miller. From a business standpoint I was the primary loan officer on their business entities which included Miller Cattle and Feedyards LLC and M Lazy Heart LLC. These banking activities included financial analysis of cash flow projections, financial statements, tax returns, inventory reporting, equity requirements and many more reports involved in financing a large agricultural operation. Paul and Christine have always been knowledgeable regarding their financial position. Their numbers were accurate and their projections always conservative.

I have also had a great personal relationship with the Miller's and consider them some of my closest friends. Approximately 10 years ago I sold a small feedlot and farm to M Lazy Heart LLC. Interestingly, I purchased part of the farm back after my retirement 6 years ago! I have been a customer of their feed store since its inception along with periodically feeding cattle with Miller Cattle & Feedyards. I have also sold excess hay and silage on my farm to the Miller feedlot.

Since my retirement from First State Bank, I have periodically offered advice (when asked) on various business decisions by Paul and Christine. I encouraged the start of the original feedstore in an effort to provide some diversity in their operation. The growth and demand for these products has been far greater than was estimated. I believe the current plan of building a mill to provide additional feed products is an excellent idea. This will give a large geographic area more choices when buying feed products for their operation. In addition, this should provide a better grain market for our farmers in the North Platte Valley, specifically Goshen County. As a past board president of the Goshen County Economic Development Corporation I believe that expansion of existing operations will provide an immediate impact to the area.

In summary, I unequivocally support this project. Paul and Christine have proven to be successful in their past business ventures. They have the experience and marketing ability to make this project successful as well. Goshen county has been very fortunate to have these quality people be part of our community for the past 20 years. Hopefully, you act positive on their request. If you have any questions my phone number is 307-532-1536 and email address is above.

Sincerely,
Ted L. Bentley

Russell and Ila Zimmer

P.O. Box 236
901 East 27th Street
Torrington, Wyoming 82240-0236

June 24, 2021

Karen Fate
BRC Project Manager
Wyoming Business Council
214 West 15th St.
Cheyenne, WY 82002

Dear Karen,

Please find enclosed my copy of the letter I submitted to the Mayor of the City of Torrington before June 15, 2021. This was for the public hearing regarding a resolution for the COT to apply for a grant and a loan from the Wyoming Business Council. This was for the benefit of Paul and Christine Miller owners of M Lazy Heart Feed LLC. My letter was not read or even mentioned at the hearing. One part of my letter had to do with the fact that Paul Miller had asked the Goshen County Commissioners, before he asked the COT, to apply for this grant and loan and the Commissioners turned down the request. The Commissioners all thought that taking taxpayers' money for the benefit of an individual is wrong. This is a significant policy and should have been announced at the public meeting. I'm also sending you a copy of Shane Victorian's presentation at this meeting. He made several good points that should be considered, but it appeared the COT Council had already made up their mind and the public hearing was no more than a formality.

Maybe you have this information but, I thought it was important and I wanted to make sure you did have it.

Sincerely,



Russell Zimmer



PUBLIC HEARING

June 15, 2021

OBJECTIONS TO STATE MONIES GOING TO M LAZY HEART FEEDS

We strongly object to the Wyoming Business Council making any special low interest loans to Paul Miller or his firm M Lazy Heart Feeds Torrington, Wy.

We strongly object to the Wyoming Business Council making any grants to Paul Miller or his firm M Lazy Heart Feeds Torrington, WY.

Why do we say this-The reason is that the monies that the Business Council has is appropriated Wyoming taxpayer monies collect from every person or business on a equal basis. Then the Wyoming Legislature appropriates those monies to the Business Council for Economic improvement. The principle of using taxpayers monies to give to a individual person for his personal gain or through a business for a personal gain is not fair .To give taxpayers dollars to a public project is a different issue. The Torrington Fire Station was money from this appropriated fund but it has public benefits. The giving of taxpayers' dollars to individual is just wrong and unlawful.

Paul Miller representing M Lazy Heart Feeds asked the Goshen County Commissioners to apply for grants and low interest loans before he ask the COT. The commissioner answer was NO because they all felt that it was not right to give taxpayers monies to a person for his and only his benefit. There is no public benefit from this project.

This scheme would create competition with the existing animal feed manufacturing companies. As of now this special manufacturing business is meeting the demand and there are no reported shortage and no price cutting to interfere with all the supplier. If M Lazy Heart Feeds were to build this plant and to be successful they would need some of the excising market and this competition could be from price cutting. This is not fair to the excising manufacturing firms and certainly would not create a new economic development increase.

THIS SCHEME WOULD VIOLATE THE WYOMING CONSTITUTION IN SEVERAL PLACES.

(1) Prohibited Article 3, Sec.36. This amendment says the following "No appropriation shall be made for charitable, industrial, educational, or benevolent purposes to any person, corporation or community not under the absolute control of the state, nor to any denominational or sectarian institution or association". The COT and Lazy Heart Feeds plan is to build a animal feed mill which is a industrial project and that is prohibited. The constitution is very clear when it say no appropriation to any industrial facility. The Lazy Heart Feeds feed mill is strictly industrial facility that prepares and mixes animal feeds. The constitution is clear (No state funding). not under the absolute control of the state). The lease agreement does not give the state of Wyoming complete control of this facility. We know the COT and Lazy Heart Feeds will argue that Lazy Heart Feeds is not getting any monies that the COT is buying and paying for this feed mill and then leasing it back to Lazy Hearts Feed . The COT application is to

the Business Council for three million dollars more as a loan. The six million dollars is not for the COT to build a feed mill for them self , it is for Lazy Hearts Feeds that Paul and Christine Miller own.

Look at Wyoming Constitution Article 16, Section 6 which states in part:

Neither the state nor any county, city, township, town, school district, or any other political subdivision, shall loan or give its credit or make any donation to or in aid of any individual , association or corporation, except for necessary support of the poor. Paul and Christine Miller are individuals that would fall under this Constitutional amendment and would not be eligible for any taxpayers monies, also private enterprises are prohibited from grants and loans from taxpayer monies.

I have reviewed a research memo from the Wyoming Legislative Service Office dated October 31, 2005. The subject was "Comparison of Wyoming and other states- Constitution Prohibition against loans and gifts to individuals, Private Entities , etc. The law has a lot say about public funding vs. private funding and generally speaking profit making enterprises are prohibited from grants and loans from taxpayer monies.

The Wyoming Supreme Court would be the place to absolutely know if the COT and Lazy Heart Feeds have a constitutionally approved lease and could go forward with the lease as stated. I would suggest this.

Sincerely,

A handwritten signature in cursive script that reads "Russell Zimmer". The signature is written in dark ink and is positioned below the word "Sincerely,".

Russell Zimmer

July 17, 2021

Julie Kozlowski
Investment Division Director
Wyoming Business Council
214 West 15th St.
Cheyenne, WY 82002

Dear Julie.

Why does the COT want sole ownership of an industrial size animal feed manufacturing facility for a twenty year period? There is an answer and it is MONEY. I'll explain.

The answer is in two documents, the lease agreement between the COT and Paul and Christine Miller. The other document is the application for a \$3 million grant and \$3 million loan from the Wyoming Business Council to the City of Torrington.

This scheme is primarily designed by Jim Eddington, COT Attorney, and is the same principal as the request for money with Panhandle Coop and the COT, which the Business Council has turned down just recently. The scheme is to circumvent the Wyoming Constitution legally even if it takes 20 years to complete and this proposal will take 20 years.

Who wants this Money?. Just the COT and the Millers and for what purpose? The COT will gain \$ 244,000.00 from the sale of 12.2 acres of land that the Millers would buy over a five year period. The Millers would pay \$48,880.00 per year for five years. This land belongs to the City and is in the (Torrington Eastside Industrial Park). The City calls this financial scheme rent and there is no interest for the financing. After five years of paying rent and getting a deed from the city the property would belong to Paul and Christine Miller, and would be put in the name of MLazy Heart Feeds. The COT would get the \$244,000.00 in the first pay back and money could come from the grant money that the Wyoming Business Council would give the City. After five years the facilities should be completely built and the business of MLazy Heart Feed should be manufacturing and selling their products.

After the first five years, MLazyHearts Feed would start paying a lease payment \$233,476.42 per year for the next 15 years, This would be to the City of Torrington.

If the Millers and the COT follow the Lease and rent agreement as written, the Millers would become multi millionaires. The grant was for 3 Million dollars and The loan is for three Million dollars. After 20 years the City would give the Millers a warranty Deed and the grant money would be part of the assets of MLazy Heart Feeds in which the Millers would then be the owners. I highly object to this scheme, taking taxpayers monies and giving it to an individual. This violates Article 16- Sec.6 Of the Wyoming Constitutional

I studied the constitution a little more and in " Article 16-.Section12. (e) Notwithstanding the limitation of subsection (d) of this section, earnings on the revolving investment fund shall be added to the revolving investment fund and shall be invested as provided in this section. This constitution amendment talks of only loan monies and nothing of grants , nor should it because grants are prohibited elsewhere in the constitution. The name "revolving investment fund" is where the Wyoming Business Council gets the money to make these loans. The legislature has made an appropriation to this revolving investment fund. As the borrower pays the loan back this money must go back to the revolving investment fund for loaning again. This works fine with borrowed monies , but will not work at all with grant money. Grant money will not pay back into the "revolving investment fund" This then I ask the question, " where does the money for grants come from? I'm guessing it came from the revolving investment fund.

I realize nothing is going to happen until the Wyoming Business Council decides if it is going to fund this project for the \$6million dollars as the application has asked for.

The Wyoming Business Council should be concern about the lease agreement that was signed by Paul and Christine Miller, for MLazy Heart Feed and Randy Adams , Mayor, signed for the COT. This lease is for 20 years and that is way too long. The twenty years spam make the lease a lot more risky and the COT could be liable for most anything. The lease agreement makes the COT the owner of this project. In twenty years that the COT would be the owner of this animal feed plant they would be responsible for collecting the lease payment and paying the Wyoming Investment Council for 15 wears. There is a lot more responsibly for the COT and this would go on for fifteen years. This scheme is an very UNORTHODOX method of transferring money from the COT to individuals Paul and Christine Miller for this facility.

The benefit to the Wyoming Economic Development would be a few more employees working in Torrington and there is no guarantee of that. This scheme is complicated and with a \$6,million investment, it would be a very poor investment. The Wyoming Business Council should deny this illegal scheme and look for a better investment.

Sincerely ,



Russell Zimmer

August 16, 2021

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

Re: City of Torrington Application for M Lazy Heart Feed, LLC

Dear Council Board,

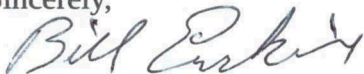
This letter is in reference to the above application. As a long time rancher/farmer and resident of Goshen County, I highly object to Wyoming taxpayer money being given to private individuals to build a feed mill. I fully understand how the money will first be given to the city; but in the end, M Lazy Heart Feed will be the sole owners and beneficiaries of this business. It would not be so concerning to me if there wasn't already a feed mill in our area. Z & W Mill has been in business in Torrington for many years. This business has not only been extremely generous in supporting agriculture programs and other community projects, but it has made it possible for Goshen County residents to buy feed and other ag products at economical prices. People from other counties come to buy at their mill because of their high quality products and competitive prices.

It would not be prudent for the State of Wyoming to give six million dollars to individuals who have not made livestock feed because the first five or ten years would be strictly an experiment in making and selling the feed. In my opinion, there are not enough producers in this state to support a mill of this size; therefore, they would have to export the feed and with no tax revenue coming in, the state won't gain or benefit, only M Lazy Heart Feed, LLC. In addition, this project will not help our county with sales tax revenue because as livestock producers, we do not pay sales tax on any feed that we purchase for our livestock.

I'm definitely not against other mills coming into our county, but that should be accomplished with their own funds, not from taxpayer money. I especially emphasize that issue because there is already a well-established mill in Torrington.

Please consider my above comments. I urge you to vote no on this project.

Sincerely,



Bill Erskine
Lingle, Wyoming 82223

September 16, 2021

Wyoming Business Council
214 West 15th Street
Cheyenne, WY 82002
ATTN: Noelle Reed, Community Development Manager

Dear Members of the Wyoming Business Council,

The City of Torrington recently submitted an application for a Business Ready Community (BRC) - Business Committed Grant and Loan for the construction of a feed mill facility in the East Side Industrial Park, which the city will then lease to M Lazy Heart Feeds, LLC. A public hearing on this application was held during the June 15th Torrington City Council Meeting. Despite the City's Resolutions of Support #2021-5 & #2021-6 stating that they "gave full consideration to all comments received" for the project, I heartily disagree. As an individual who spoke in opposition to the project, I assure you my remarks fell on deaf ears. As a concerned citizen, I would like to share my comments with you on why I believe you should turn down this application.

American businesses, from our country's founding, have thrived under the free-enterprise system. We are known for being the land of opportunity - that if you work hard, you can succeed. When we choose to spend our hard-earned dollars at a store, in essence, we are "voting" for their success.

For those of you unfamiliar with the Goshen County community, we are already well-served by a myriad of agricultural businesses. These include Z&W Mill, Bomgaars, Panhandle Coop, Westco, and more recently M Lazy Heart Feeds, just to name a few. The oldest businesses have been staples in our community for decades. Withstanding economic hardships, labor and housing shortages, and the ever-changing government rules and regulations, they have all managed to find a way to thrive in the competitive free-market economy. All the while, ensuring they continually find ways to support the many youth projects and endeavors throughout the regional area, including those of myself. All of these business are vested into the positive growth and success of our community.

I budget my money carefully and prudently "vote" for businesses when I spend my dollars with them. Everything from where I purchase my gas to where I buy my food and clothing, those are "votes" of confidence and support in a business – we *all* do it. But, don't forget that every time the till rings, or

we click “Check Out”, a certain percentage of that goes back to the government. Don’t get me wrong, government provides a number of great services – I enjoy my gravel road being maintained, paved streets and traffic signals, emergency services, etc. – services provided by no other private enterprise. Nonetheless, I believe it is my choice whether or not to support the various businesses in my community, not that of the City of Torrington, nor the Business Council, which is what you would be doing by providing this funding. My understanding is that the Business Council has recently supported several projects in this price range in various communities throughout the state. Many of these have been great blessings to those towns and statewide as they have brought in businesses that may have never-otherwise come to those areas. However, those monies have been awarded to businesses where there was no other competition of a similar type.

On the evening of the City Council Meeting, Mr. Braden Connor of Goshen County Economic Development boasted that, “the facility will be the largest and *only one of its kind* in the State of Wyoming.” Unfortunately, Mr. Connor must not know his service area very well, because about half a mile away from his office stands Z&W Mill, and 35 miles away is LaGrange Grain. I’d hardly say that it could be considered the only one of its kind, especially when there are two others in Goshen County. This is the problem with this particular situation. It is a direct and blatant interference in *at least* two businesses of the *same type*, in the *same community*. To construct a feed mill facility in the identified location is to now have 2 feed mill facilities, namely Z&W Mill and the proposed M Lazy Heart Feeds mill, within ~5 minutes (less than 2 miles) of each other. Currently, the two businesses are located about ~7 minutes (about 4 miles apart), with Bomgaars, Westco, and Panhandle Coop along the same route. In Wyoming, we are used to commuting. To drive to any of these locations is a nominal decision, especially when compared to driving across the towns of Casper, Cheyenne, or Laramie. The choice to award a grant and/or loan to the City of Torrington, which in turn will support M Lazy Heart Feeds, is to take my taxpayer dollars and “vote” for the success of one business over several others – a choice I didn’t make. You are choosing to help these two entities (the City of Torrington and M Lazy Heart Feeds) alienate a whole host of others who have been here for the long haul.

At the City Council Meeting, I mentioned that Wyoming State Statute (W.S.) 15-1-705 speaks to the considerations local municipalities are to review when contemplating Industrial Development Projects. Of those considerations are to:

- (A) Creating new or additional employment opportunities;
- (B) Expanding the tax base and increasing sales, property or other tax revenues to the municipality or county;

(C) Maintaining and promoting a stable, balanced and diversified economy among agriculture, natural resource development, business, commerce and trade;

With all due respect, I fail to see how the council's actions, or that of the Business Council, will promote the expansion of any of these items. Goshen County, not unlike any other community, currently faces a labor and housing shortage. Admittedly, they can create new employment opportunities, but if our community can't house them, and the workers won't come, what's the point? Additionally, W.S. 39-15-105 exempts, "*Sales of livestock, feeds for use in feeding livestock or poultry*" from being taxed. So since it's a *feed* mill, there shouldn't be anticipation for much tax revenue expansion. Finally, in a tight-knit agriculture community where we have our neighbor's back through the up's and the down's, how will singling out one business promote a stable and balanced economy among business and agriculture?

Finally, worthy of your consideration should be the fact that I am not opposed to the growth that results from a competitive free-market enterprise system. If the owners of any of the previously mentioned agricultural related businesses, or any other business for that matter, wants to grow and expand, that's great! But it should also continue to be my choice whether or not to use my hard-earned dollars to support their efforts. The underhanded methods being used to seemingly get a "leg-up" on the competition are reprehensible. And the fact that the City of Torrington is aiding and abetting this effort turns my stomach.

To support a singular, private business is to give an unfair advantage. As a young, concerned tax payer of Goshen County, I ask you to consider how your actions will impact the community that my generation, our children and grandchildren will know. I hope that future generations will see this as an area where the opportunity for business and growth will be fair and just, not one where there is fear of government partiality.

Thank you for your time and consideration,

A handwritten signature in black ink that reads "Chelsea H. Baars". The script is cursive and fluid, with the first name "Chelsea" being more prominent than the last name "Baars".

Chelsea Baars

Jay Em, Wyoming

307-340-0044

chelseabaars@yahoo.com

July 15, 2021

Ms. Kim Devore
Co-Chair, Board of Directors
Wyoming Business Council
777 West 1st Street
Casper, WY 82601

Re: City of Torrington BRC Application

Dear Ms. DeVore,

Thank you for your phone call on June 18, 2021 and suggesting that we share our concerns and objections to the above referenced application. The City of Torrington's application on behalf of M Lazy Heart Feed, LLC should be denied for several reasons. We hope to highlight numerous reasons for you to consider below.

PRIVATE PURPOSE NOT PUBLIC PURPOSE

The concept for this project and main motivation is purely personal. The venture sought will not benefit the public at large. M Lazy Heart Feed, LLC wants to create more profitability for themselves in and at their other businesses. It was revealed at a City of Torrington work session that they want to make products that will enhance their other businesses. Of the many entities owned by the Millers, this venture would produce products to directly benefit said entities. Miller Cattle and Feed yard would benefit directly with production of cattle feedlot pellets from this mill. M Lazy Heart Ranch located in Torrington and Lusk, Wyoming would benefit directly with cattle mineral produced at the new mill. M Lazy Heart Feed Store & Show Cattle would benefit directly with production of processed grain along with their line of Show Feed produced at the new mill. The largest beneficiaries of this mill project are the Millers themselves, not the public.

This venture does not fit the purpose of the Wyoming Business Council as stated in Section 1 of the Business Ready Community Grant and Loan Program rules. "These rules are adopted in order to implement W.S. 9-12-601 through 9- 12-603, which provide for the making of grants and loans to eligible applicants for economic or educational development infrastructure." The clear text of this statute indicated that the intent of the legislation was designed for public infrastructure. This project does not include any request for assistance to develop or expand public infrastructure. This facility will be located in the City owned industrial park where basic components of infrastructure such as natural gas, electricity, and water and sewer already exist. Nowhere in the application is the City asking for help to expand or enhance this existing infrastructure. In fact the City is applying for an EDA grant to build a road and utility service lines from the main infrastructure to the site at an estimated cost of \$600,000-\$700,000. I have enclosed the current City budget passed on June 15, 2021 which shows the grant revenue and construction expense. The only amount listed on the application for utility cost is \$50,000.

Paying for utility service to the facility with hope for more lot sales in their City industrial park proves that this project fails to provide a public purpose. There will be no public purpose for this site specific infrastructure, strictly private purpose.

The city failed to abide by W.S. 15-1-112(b) *"before the sale of any property of any city or town valued at five hundred dollars (\$500.00) or more...upon terms the governing body thereof determines, without advertising the sale or calling for bids, and after a public hearing, notice of which shall include the appraised value of all real properties involved."* Also Wyoming Business Council rules state "if the project involves the purchase of property, there must be a professional appraisal completed by a qualified appraiser." The City's attorney advised the Mayor and City Council that abiding by State statute and following the rules was not necessary and they opted for a "market analysis". This valuation was performed by a local realtor who is a board member of Goshen County Economic Development. Her comparisons of like properties included residential property, a listing of commercial property currently on the market in an inappropriate location, and one adjacent lot sold a few years ago within the same industrial park. In my limited research I found comparable sized property in the Glenrock Business Park of 11.7 acres listed for \$49,998 per acre, and a parcel of 10.42 acres in the Guernsey Industrial Park is listed for \$22,533 per acre. In not performing an appraisal it is clear that the City's accepted price of \$20,000 per acre for 12.2 acres is undervalued compared to other industrial sites in Wyoming. We believe the City's lots to be valued much higher if an appraisal was done as the law demands. This should have not been acceptable to the City Council but more importantly it should be unacceptable by the Wyoming Business Council. No bank in the State would loan monies to purchase real estate without a professional appraisal. And the law is blatantly clear that municipally owned property shall be appraised prior to sale.

By discounting the land, loaning at 0% interest with no down payment required, and paying for utility service to the facility with hope for more sales in their City industrial park, further proves that this project fails to provide a public purpose. What true benefit does the public receive? The only benefit is for the Miller's enterprises.

UNNECESSARY BURDEN

Another reason this project should not move forward is in the event of default or inability of M Lazy Heart Feed to pay the lease, the asset is then revoked with no penalty upon the lessee, unlike traditional private bank loans. The City of Torrington could not run the facility and more importantly would be forced to take on all repairs and maintenance which is not a budgeted item and would become an unnecessary burden to the City and taxpayers. The highly specialized equipment and facility would make it impossible to retrofit for any other purpose. The City coffers will grow minimally with the sale of the land and sale of utilities, but in the event of a default, this facility is specifically designed for feed manufacturing and no other entity could retrofit the facility for other uses, therefore the value would be significantly reduced. If another buyer could be found, it would be discounted for pennies on the dollar just to sell it. Again, an unnecessary burden to the City and local residents who may then be forced with higher utility rates to cover the property taxes owed.

SMALL JOB CREATION

Numerous interviews and local newspaper stories have revealed that they are looking for long term, secured employment opportunities for their three children. They will undoubtedly be a part of the numbers hired. Top-tiered wages will most likely be paid to themselves, not for jobs created outside of the family. This approach will not enhance the community by increased housing and those new employees becoming additional taxpayers to have a long term benefit to Goshen County. It is worth noting, the technical/professional job listed as created could easily be a nutritionist living outside of Torrington, who would only be a consultant and not a permanent employee exclusive to the feed mill. Employees who already are employed at the current feed store will undoubtedly continue employment at the new location. Again, no increase in new jobs created. There simply are no guarantees of any additional employees hired in years 3 and 4. This looks good on the application but on numerous occasions they have stated the mill will feature a high level of automation, thereby drastically reducing the need for additional employees. It is all speculation. This low number of new jobs doesn't justify the six million dollars they are asking for. This should be reason enough not to proceed with this project.

NO DIVERSIFICATION ONLY DIRECT COMPETITION

When agriculture is the backbone of Goshen County's economy, building another livestock feed business will not diversify that economy by bringing in something that already exists or is available, it will only reduce market share of those existing entities that is fought for every day. (Bomgaars, Panhandle Cooperative, Z & W Mill, Westco).

It is true Wyoming is not filled with many feed mills but what you may not know is there is existing supply of livestock feed not only in Torrington but easily attainable within a small distance (200-250mile radius). A list of manufacturers and or feed supplier locations that meet and exceed the demand for livestock feed include, but are not limited to:

Pine bluffs, WY	Morrill, Nebraska
Laramie, WY	Eaton, Colorado
Cheyenne, WY	Ft. Collins, Colorado
Douglas, WY	Denver, Colorado
Lusk, WY	Rapid City, South Dakota
Casper, WY	Belle Fourche, South Dakota

These feed suppliers offer every type of livestock feed, salt, mineral, and supplements that livestock producers are in need of. These businesses also have employees that potentially could lose employment as a result of this project. In fact the employment of seven or even twelve newly created jobs could in reality cause that many or more in lost jobs from the existing businesses in and around Torrington including Z & W Mill. This would not be a creation of new jobs but rather result in neutral employment which should not be seen as a positive outcome, instead a detriment to the community.

NO INCREASED DEMAND

The Beef Cluster Regional Profile of Southeast Wyoming including Goshen, Laramie, Niobrara, and Platte Counties was included in the application as a Beef Industry study compiled by Orbis Advantage and paid for by the WBC. The applicant attempts to sway the idea that a need exists for another feed manufacturing facility based on data within that study. This specific profile was created by the Wyoming Business Council in an attempt to show that beef slaughter processing facilities were lacking in the State back in 2018 (See attached paperwork). It detailed an altogether different subject matter than the need for more livestock feed directly manufactured within the region. The highlighted item that this project in question is focusing on is line 2 titled Animal Food Manufacturing (3111). This singular item states that of the \$54,659,127 spent on Animal Food in this four county region, 96% of the dollars are purchases for items that must be imported into the region from other places. Although this data is somewhat alarming at first glance, a closer look into what those numbers represent is necessary to then see how ineffective this profile is to the subject at hand.

The first consideration you should be aware of is that a large amount of animal feed ingredients are simply not available locally or even within the State of Wyoming. Examples of these ingredients would include bulk direct loads of Soybean meal; Sunflower meal, Cottonseed meal, as well as Wet and Dried Distillers Grain. This project, if built, would not address or change the origin of those commodity items listed above because they simply are not available within the State. The second consideration that these numbers are inaccurate is that pet food (Dog & Cat) dollars are likely included when they are not relevant to the subject at hand. These two factors alone skews the numbers to read that there is little feed manufactured locally, therefore resulting in a need for this project. This theory is greatly flawed due to not knowing exactly what encompasses these numbers or how they were developed. It is questionable as to where these numbers are derived because I am unaware of any type of data collected in regards to dollars produced within the livestock feed manufacturing industry. I along with various competitors that I have contacted have all indicated that they too do not divulge production or sales figures. In fact I know of no private business that reveals internal financial information to statistic companies. We are contacted by the USDA National Agriculture Statistic Service (USDA NASS) periodically for commodities purchased directly from farmers. Never once do they ask about internal feed production figures. As a result, this information should not be given credibility as proof of a needed facility. This study's sample of data does not prove there is a need for this type of facility in Wyoming.

True demand for livestock feed comes from the livestock themselves. Current data compiled from the USDA NASS for the years 2011-2021 finds that beef cattle inventory numbers in the region have not drastically increased in the last decade. I have attached those statistics in a graph to this letter. Slight decreases and then rebounds come during and after drought conditions which are cyclical and uncontrollable (2012-2015). Cattle numbers are and have been steady and most likely will not increase due to limited amount of grazing acres available. Based on this relevant data, it is logical to assume

there is not a large increased demand of livestock feed now or into the foreseeable future, and it is already being met by existing suppliers. In our 85 years of business, we would be some of the first to see any increased demand.

NO LOCAL BENEFIT TO FARMERS

It was mentioned by the Goshen County Economic Development Board President at the City Council Meeting where this application was given support, that local commodities would bring premium prices with this project and therefore a benefit to local farmers. This is hyperbole at best. Commodity pricing is based on the global futures market. Buyers of commodities rely on this as the basis for pricing to the supplier and therefore, the building of a feed mill in Torrington will not guarantee a premium price paid to local farmers. It is clearly not a smart business practice to pay a premium on feed ingredients. Increased local grain sales are not guaranteed from this project due to limited supply. In the end there are only a certain amount of acres able to be farmed, a certain amount of acre feet of water to irrigate with, and therefore importing of grains will most definitely have to occur. Buying grains outside of the local area does not improve the economy for local farmers. In summary, due to the fact that numerous specialty feedstuff ingredients are not sourced within Wyoming and local supply of grain commodities is already serving demand, this project will not create a boom economy for the local area farmers. Therefore, there will be no increased benefit gained to the local Ag driven economy from this project.

NO SALES TAX REVENUE

A final reason for denying this application is they have stated in the application on page four that the local and State economy will be positively impacted through sales tax collection. This is a completely inaccurate statement as **no** sales tax revenue will be generated on feed sales. This is because livestock feed is **tax exempt** in Wyoming. No revenue will be collected on the sale of electricity for the mill either. That is due to the fact that electricity used directly in the business of manufacturing or processing is **tax exempt**. No revenue will be collected on purchases of manufacturing machinery used directly in manufacturing by a NAICS qualified manufacturing company. These purchases are also **tax exempt**. See attached exemption form. Therefore, only a few hundred dollars a month will be sent to the Wyoming Revenue Department from sales of non-feed items that they might carry in the store front. This mill project would not return to the State or local economy high dollar tax revenue that could in return add to the Goshen County, City of Torrington, or State of Wyoming budgets. The only taxes paid by the mill would be an estimated \$100,561 on annual property taxes. This figure comes directly from the Goshen County Tax Assessor. Therefore, no positive impact to the State or local economy will be derived through sales tax from this project. This will not be a win for Goshen County and doesn't even begin to justify a six million dollar investment by the State.

SUMMARY

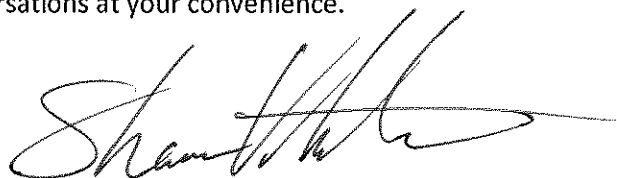
In closing, I hope you can see that this project is not worthy of considerations now or any time in the future on various levels. Most importantly this project will not provide for a public purpose, it will only give an unfair advantage directly to M Lazy Heart Feeds, LLC. The total dollars of the grant and loan requested is almost half (45%) of the whole project. They simply do not have enough skin in the game.

They have admitted in the application on page six that the funding is necessary for construction and cash flow. Torrington and all of Wyoming taxpayers are not served by this project, nor do taxpayers receive adequate value for their money. Instead, the government is funding a private business that's set up to serve paying customers---all at real financial risk. M Lazy Heart Feed has no proven track record of manufacturing livestock feed, period. In briefly looking at previous projects that the Business Council has funded, we found very few instances where the applicant had no business history in the industry they were looking to enter. At the very least, this should be too high of a risk for the State to consider investing in. They have not proven an increase in feed demand. The project will not diversify the local economy and will not provide a significant increase in job creation. No impact will be derived from sales tax. My in-depth knowledge of this industry comes from the fact that I have been directly involved in running a feed mill in Torrington for the last 34 years. I am the third generation to own Z & W Mill. The Mill itself has been a staple of this area for the past 85 years. The Wyoming Business Council should not be giving an unfair advantage for a business to compete against an already proven livestock feed manufacturing business within the same market area. That isn't fair to the hard working people of this community, and it most certainly is not fair to our business that's been established since the late 1930's. When government officials spend taxpayer money it must be for public purposes and must benefit the taxpayers directly. If M Lazy Heart Feed, LLC wants to compete, they should do it without assistance from the Wyoming Business Council or the State of Wyoming.

Thank you for your consideration to this matter and if I can answer any questions you may have, please call anytime. I am available to have more conversations at your convenience.



Mary Viktorin, President



Shane Viktorin, Manager

Z & W Mill, Inc.
P.O. Box 236
Torrington, WY 82240
307-532-2347

P.S. I would like to ask that Wyoming Business Council board member Charles "Chuck" Kenyon abstains from voting on this project as he is employed by the City of Torrington. This is a conflict of interest. Also Mr. Wentland in the Wyoming Attorney General's office is a nephew of the City's realtor Jackie Van Mark who is a sitting board member of Goshen County Economic Development. This is all a conflict of interest as outlined in W.S. 16-6-118.



Wyoming Sales Tax
Exemption Certificate
(see back of this form for instructions)

Tax must be collected on all sales of tangible personal property or taxable services unless an Exemption Certificate or Direct Pay Permit is furnished. Read instructions on back of form before completing this Certificate.

Issued to (Seller):		Date Issued:	
Street Address	City	State	Zip Code

To Be Completed By Purchaser: I, the undersigned, hereby certify that I am making an exempt purchase as follows:

Wyoming or Out of State Vendors sales/use tax license/registration number _____ Wyoming Non-licensed Rid

My principal business or activity is _____

I claim an exemption for the following reason(s) (place an X in applicable box or boxes):

Purchase For Resale:

☐ 1. Purchases made for resale or taxable services for resale. (Licensed vendors only.)

Purchase By Commercial Agricultural Producer:

☐ 2. Purchase of farm implements.

☐ 3. Purchase of livestock kept for agricultural use or for resale or for profit, which includes, but is not limited to: horses, cattle, mules, asses, sheep, swine, llamas, bison, ostrich, emu, poultry, fish, and bees.

☐ 4. Purchase of power or fuel used directly in agriculture. Must be metered, stored, or separately accounted for to distinguish it from non-exempt power or fuel.

☒ 5. Purchase of feeds used in commercial feeding of livestock for marketing purposes. Also includes seeds, roots, bulbs, small plants, and fertilizer planted or applied to land, the products of which are to be sold or applied to land in a state or Federal crop set aside program.

Purchase of Rolling Stock:

☐ 6. Purchase of rolling stock including locomotives purchased by interstate railroads, aircraft purchased by interstate air carriers which are holders of valid United States Civil Aeronautics Board permits or authorities, and trucks, truck tractors, trailers, semitrailers, and passenger buses in excess of ten thousand (10,000) pounds gross vehicle weight which are purchased by common or contract carriers or which are operating in interstate commerce under exemption clauses in federal law if they are to be used in interstate commerce.

Purchase Made By Persons Engaged In Manufacturing, Processing, Or Compounding:

☐ 7. Purchases of tangible personal property for manufacturing, processing or compounding if that property becomes an ingredient or component of the final manufactured product and purchases of containers, labels, or shipping cases used for the tangible personal property so manufactured, processed, or compounded.

☒ 8. Purchase of power or fuel by a person engaged in the business of manufacturing or processing when the same is consumed directly in manufacturing or processing. Must be metered, stored, or separately accounted for to distinguish it from non-exempt power or fuel.

☒ 9. Qualifying manufacturing machinery used directly and predominantly in manufacturing by a NAICS qualified manufacturing company.

☐ 10. Purchase of power or fuel by a person engaged in the transportation business when the power or fuel is used in generating motive power for actual transportation purposes.

☐ 11. Purchases of fuel for use as boiler fuel in the production of electricity.

Purchase By An Exempt Organization As Follows:

☐ 12.*Qualifying religious or charitable organizations.

☐ 13.*Qualifying Non-profit organizations providing meals or services to senior citizens.

☐ 14. United States Government.

☐ 15. State of Wyoming or its political subdivisions.

☐ 16. Wyoming Joint Apprenticeship Training Programs.

☐ 17. Qualifying Wyoming Joint Powers Boards.

☐ 18. Qualifying Wyoming Irrigation Districts.

☐ 19. Qualifying Wyoming Weed and Pest Districts.

Purchase Made By Special Groups:

☐ 20. Purchase made on the reservation by enrolled tribal members residing on the Wind River Indian Reservation.

☐ 21. Purchases of noncapitalized equipment and disposable supplies used in the direct medical or dental care of a patient.

☐ 22 Other: Specify: _____

Note: * All exemptions marked with an asterisk requires prior approval from the Department of Revenue before taking this exemption. Evidence of prior approval is a Department of Revenue letter of authority. I understand that by signing this certificate I may make "tax free" purchases of tangible personal property or purchase taxable services which are for exempt purposes. I will pay sales or use tax on all tangible personal property used or consumed in a taxable manner. In addition, I understand that I will be liable for the tax due, plus substantial penalty and interest for any erroneous or false use of this certificate.

Name of Purchaser	Street Address
Signature of Owner, Partner, Officer of Corporation, etc	City
Title:	State Zip

Fund:10-67 RESPONSIBLE OFFICIAL: Mayor

Fund: General FUNCTION: Community Projects

Acct. Code	Account Description	Actual FY2017	Actual FY2018	Actual FY2019	Actual FY2020	Approved FY2021	Proposed FY2022	
10-67-110	Wages	7,409	7,654	6,120	5,042	8,873	9,290	1
10-67-132	FICA	1,700	2,120	1,995	1,456	2,756	2,833	
10-67-134	Workers' Compensation	518	638	1,013	778	904	978	
10-67-136	Wyoming Retirement	0	0	0	0	0	0	
10-67-138	Health Insurance	81	0	0	0	0	0	
10-67-140	Select-Flex	0	0	0	0	0	0	
10-67-142	Liability Ins	0	0	4	14	0	0	
10-67-144	Life Insurance	0	0	0	0	0	0	
Subtotal Employee Services		\$9,708	\$10,412	\$9,132	\$7,290	\$12,533	\$13,101	
10-67-210	Emergency Preparedness	11,958	11,176	14,709	14,092	21,267	23,386	6
10-67-220	Senior Center	9,000	9,000	9,000	9,000	9,000	9,000	
10-67-230	Chamber of Commerce	5,400	0	0	0	0	0	4
10-67-250	Mental Health	0	0	0	0	0	0	
10-67-260	Optional Tax Projects	0	0	0	0	0	0	
10-67-270	Main St. Program	0	0	0	0	0	0	
10-67-280	Community Pride Foundation	0	0	0	0	0	0	
10-67-300	Wyo. Child & Family Dev.	1,425	1,500	1,750	2,000	2,000	2,000	
10-67-320	Economic Development	23,760	30,000	30,000	30,000	30,000	30,000	4
10-67-330	Tree Board	0	0	0	0	0	0	
10-67-340	Youth Alternatives expenses	9,900	9,900	0	0	0	0	3
10-67-350	Choice Gas Program	4,008	4,200	6,225	29,667	5,675	5,755	7
10-67-600	Christmas Decorations						7,500	9,N
10-67-670	Diversified Service	9,000	0	0	0	0	0	
10-67-680	RV Park Maintenance	816	3,140	2,719	0	0	0	8
10-67-730	Community Pass-through Grants	0	0	0	0	0	0	2
10-67-740	Victims Comp	1,000	1,000	1,000	1,000	1,000	1,000	
10-67-750	Community Clean-up	300	-7,854	-2,160	-4,037	500	500	
10-67-760	Public Restroom O&M	5,701	5,200	6,102	6,284	5,500	5,500	
10-67-770	Public Restroom Supplies	49	181	-18	161	300	300	
10-67-780	Mosquito Abatement	11,606	12,375	13,397	10,511	14,000	14,000	5
10-67-790	Weed & Pest Control	0	0	0	0	0	0	
10-67-800	Family Violence	1,000	1,000	1,000	1,000	1,000	1,000	
Subtotal Expenses		\$94,923	\$80,818	\$83,725	\$99,677	\$90,242	\$99,941	
TOTAL		\$104,631	\$91,229	\$92,856	\$106,967	\$102,775	\$113,042	

N=New

NOTES:

- Includes Public Restroom Janitor
- Pass-thru Grants
- Program is being reorganized-contribution now located in PD Budget.
- Partnership agreement for services provided (combined Chamber of Commerce and GCEDC)
- Mosquito Spraying, Part-time sprayers wages, supplies, chemical, training
- Includes Chuck Kenyon contract \$1,018 per month, Code Red \$4,667, Warning Sirens \$2,000, Training & travel \$1500, Internet \$600, supplies \$500; Carryover Enbridge & Oneoak Grant \$302.57; New Computer \$1,600
- EWC Scholarship \$1,750; Golf Licenses Rotary, Health Foundation, Valley Christian & DARE \$1,880; Other \$2,125
- RV Park Maintenance moved to Parks & Recreation
- Transferred from Electric Fund (New Account)

6/10/2021

Fund: 10 REVENUE: General Fund

Acct. Code	Account Description	Actual FY2018	Actual FY2019	Actual FY2020	Approved FY2021	Proposed FY2022	
10-31-100	Cigarette Tax	46,146	42,855	42,100	41,000	42,394	1
10-31-200	Sales Tax	894,429	1,089,022	1,118,275	684,238	1,088,206	
10-31-300	Use Tax						
10-31-400	State Gas Tax	225,918	260,913	208,802	188,200	183,189	1
10-31-450	State Special Fuels Tax			52,228		66,788	1
10-31-500	Severance Tax	241,344	241,173	241,173	241,174	240,000	1
10-31-520	Optional Sales Tax	794,399	958,420	983,121	639,210	952,883	
10-31-560	Lottery Proceeds	25,922	52,570	28,437	35,000	40,121	1
10-31-600	Property Tax	300,991	294,832	303,132	310,628	310,628	
10-31-700	Vehicle Registration	120,764	122,585	127,019	80,000	100,000	
10-31-800	Supplemental Local Government Fundin	1,077,929	1,047,072	1,136,114	1,000,000	994,718	5
10-32-100	Clerk Licenses & Permits	31,958	36,328	35,130	25,000	30,000	
10-32-200	Building Permits	6,607	39,742	59,939	6,500	8,000	
10-33-100	State/Federal Grants & Loans	41,005	34,660	151,348	586,452	42,570	2
10-33-125	Cares Act/ARA Grants					830,000	7
10-33-150	Lease Purchase	0	228,503	0	314,164	227,000	8
10-33-200	Community Grants	39,672	14,200	42,278	14,188		
10-33-300	Mineral Royalties	282,464	279,773	275,957	279,773	270,000	1
10-33-500	Police Department Grants	54,918	67,238	159,833	99,535	73,650	4
10-33-720	Kelly Trust Distribution-Construction						N
10-33-730	Kelly Trust Distribution-Gen, Charitable						N
10-34-100	Industrial Park	0	7,372	6,119	5,000	5,000	
10-34-120	Wyoming Community Gas Profit Share	13,567	14,087	14,265	12,500	13,000	
10-34-300	Storm Drain	0	0	0	0	0	
10-34-400	Weed & Pest	10,000	10,000	10,000	10,000	10,000	
10-34-500	Rural Fire Protection Re-im	37,962	42,979	44,372	45,893	50,035	3
10-34-600	Fees for Dispatch	8,000	8,000	8,000	8,000	8,000	
10-34-700	Improvement Districts	0	0	37,031	0	0	
10-34-800	Late Fees	72,308	71,819	62,522	38,000	64,000	
10-34-850	UB Administration Fee	16,580	15,809	14,612	10,000	13,000	
10-35-100	Police Fines City Court	189,379	180,132	135,754	120,000	120,000	
10-35-200	Security Alarms	0	0	0	0	0	
10-35-300	Police Reports Copies & Misc.	6,163	3,264	2,881	3,000	3,000	
10-35-400	911 Income	119,155	116,338	153,726	115,000	115,000	
10-36-100	Investment Income	53,811	223,369	197,363	100,000	90,000	
10-36-600	Park Camping Fee	14,879	14,881	14,462	10,000	15,000	
10-36-700	Memorial Donations	0	0	0	0	0	
10-36-900	Other Income	-73,644	25,815	56,169	20,000	20,000	
10-36-920	Recycling Income	159	0	0	0	0	
10-36-950	Community Center Income	5,911	18,421	19,650	13,200	14,200	6
10-37-100	Telephone Franchise	4,275	2,400	2,400	2,400	2,400	
10-37-150	Telecommunication Franchise			0	6,000	6,000	
10-37-200	Natural Gas Franchise	54,505	45,833	49,513	40,000	40,000	
10-37-300	Cable TV Franchise	17,088	18,497	19,333	15,000	15,000	
10-37-400	Public Access Fee Income	373,420	357,153	352,850	317,348	373,206	
10-37-500	Utility Administration Fee Income	1,635,428	1,674,131	1,610,118	1,755,955	2,048,319	
10-38-200	Transfer from Other Funds						
Total Available Revenue		\$6,743,411	\$7,660,185	\$7,776,028	\$7,192,358	\$8,525,307	

Notes: N=New

1. Budget amounts provided by WAM

2. Homeland Security Projects - funded 100% by grant: TPD Portable Radios \$17,425, Central Dispatch Radios \$13,106; Dispatch & Court Security \$12,039.

3. Normal contract reimbursements from Rural Fire District #3.

4. Goshen County Schools SRO \$20,000; Und. Age Drkg Grant \$4,850; Compliance Checks \$6,800; DCI Grant - Salary Reimbursement Rostad \$42,000

5. Supplemental Distribution from State of Wyoming. Will receive funds in August and January.

6. Child Care Rent \$6,600 & Janitorial \$6,600; Gym & Conestoga Rm Rent \$1,000

7. Golf Parking Lot \$250,000 (if available for street/parking lot infrastructure from future Federal Economic Stimulus Funds); Funding with EDA for Water & Sewer Line Installation and Natural Gas at Industrial Park \$580,000

8. Lease Purchase for Equipment \$227,000.

6/10/2021

Fund:10-70 RESPONSIBLE OFFICIAL: Clerk/Treasurer

Fund: General FUNCTION: Industrial Park

Acct. Code	Account Description	Actual FY2018	Actual FY2019	Actual FY2020	Approved FY2021	Proposed FY2022	
10-70-300	Professional & Technical Services	116	0	1,716	2,000	3,000	2
10-70-410	Utilities-Electric	2,964	2,680	3,028	3,000	3,500	
10-70-600	Property & Water Tax	9,274	8,361	8,624	10,000	10,000	
10-70-700	Facility O & M	380	1,684	5,126	2,500	2,500	1
10-70-820	Chemicals						
10-70-830	Fertilizer	0	221	416	1,000	1,000	
10-70-880	Machinery & Equipment						
10-70-885	Construction	0	0	127,836		580,000	3
10-70-960	Contingency						
TOTAL		\$12,733	\$12,946	\$146,746	\$18,500	\$600,000	

NOTES:

1. Misc O&M
2. Misc-survey, design
3. Industrial park water & sewer line installation & fire hydrants \$500,000 & Natural Gas Line Upgrade \$80,000.

Fund:10-72 RESPONSIBLE OFFICIAL: Clerk/Treasurer

Fund: General FUNCTION: Homesteader's Museum - Kelly Trust

Acct. Code	Account Description	Actual FY2018	Actual FY2019	Actual FY2020	Approved FY2021	Proposed FY2022	
10-72-840	Professional & Technical Services				50,000	9,500	
10-72-885	Utilities-Electric				40,000	38,000	
TOTAL		\$0	\$0	\$0	\$90,000	\$47,500	

New Fund in FY21 to track expenditures out of the distribution from the Kelly Trust

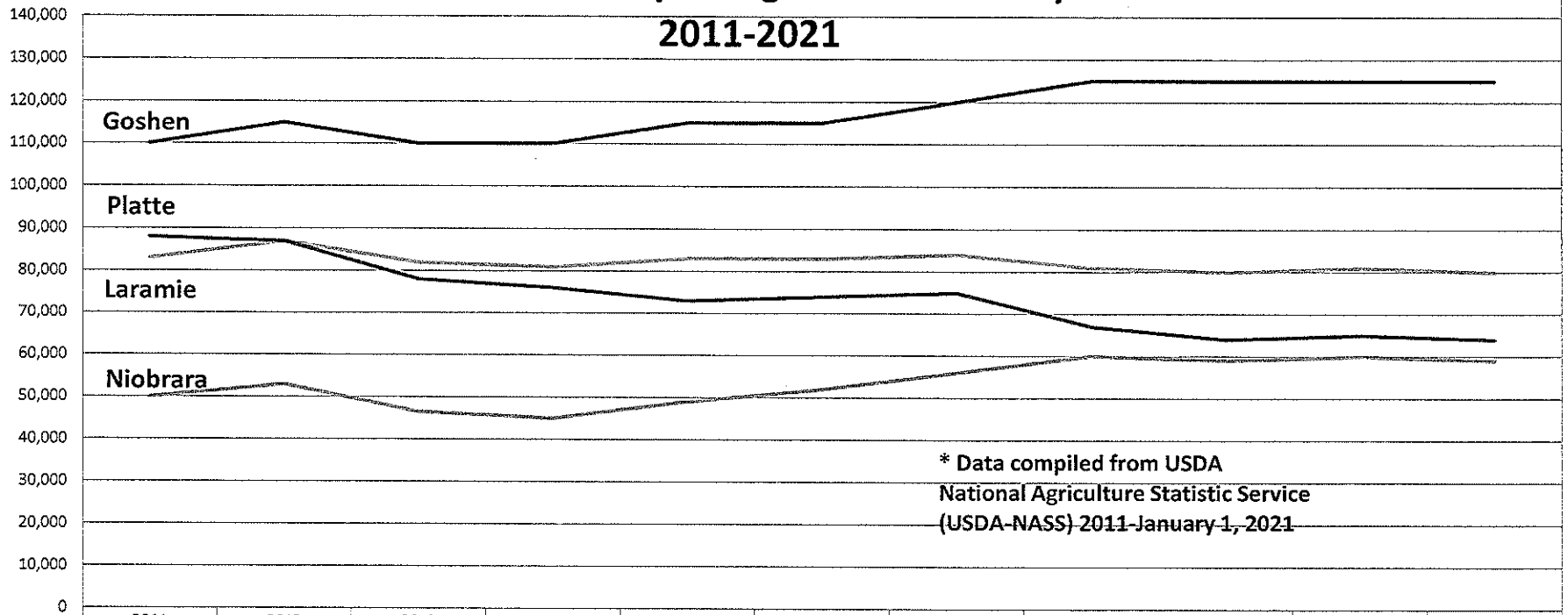
Beef Cluster: Detailed Supply Chain for Top Supply Industries, SOUTHEAST WYOMING (2018)

Purchases from NAICS	In-region Purchases		Imported Purchases		Total Purchases
Animal Production (1120)	\$30,993,326	54%	\$26,513,808	46%	\$57,507,135
Animal Food Manufacturing (3111)	\$1,962,729	4%	\$52,696,398	96%	\$54,659,127
Crop Production (1110)	\$9,681,813	62%	\$5,856,946	38%	\$15,538,758
Misc. Nondurable Goods Merchant Wholesalers (4249)	\$5,008,403	46%	\$5,785,373	54%	\$10,793,776
General Freight Trucking (4841)	\$5,597,800	66%	\$2,895,848	34%	\$8,493,648
Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers (4248)	\$1,952,865	27%	\$5,214,443	73%	\$7,167,309
Lessors of Real Estate (5311)	\$4,967,897	74%	\$1,748,762	26%	\$6,716,659
Chemical and Allied Products Merchant Wholesalers (4246)	\$2,791,840	42%	\$3,799,534	58%	\$6,591,374
Apparel, Piece Goods, and Notions Merchant Wholesalers (4243)	\$90,892	2%	\$5,853,977	98%	\$5,944,868
Petroleum and Coal Products Manufacturing (3241)	\$2,590,704	52%	\$2,403,870	48%	\$4,994,575
Paper and Paper Product Merchant Wholesalers (4241)	\$259,476	6%	\$4,185,901	94%	\$4,445,376
Activities Related to Real Estate (5313)	\$2,119,224	58%	\$1,547,993	42%	\$3,667,217
Support Activities for Crop Production (1151)	\$1,890,647	61%	\$1,234,352	39%	\$3,124,999
Specialized Freight Trucking (4842)	\$1,804,756	67%	\$895,752	33%	\$2,700,508
Wholesale Electronic Markets and Agents and Brokers (4251)	\$272,852	10%	\$2,356,112	90%	\$2,628,964
Offices of Real Estate Agents and Brokers (5312)	\$1,183,121	49%	\$1,225,121	51%	\$2,408,243
Animal Slaughtering and Processing (3116)	\$606,644	38%	\$1,003,025	62%	\$1,609,670
Grain and Oilseed Milling (3112)	\$14,770	1%	\$2,074,330	99%	\$2,089,100
Farm Product Raw Material Merchant Wholesalers (4245)	\$1,300,383	64%	\$733,058	36%	\$2,033,441
Petroleum and Petroleum Products Merchant Wholesalers (4247)	\$974,450	49%	\$1,000,429	51%	\$1,974,879
Rail Transportation (4821)	\$1,852,104	99%	\$19,940	1%	\$1,872,044
Spring and Wire Product Manufacturing (3326)	\$0	0%	\$1,818,906	100%	\$1,818,906
Grocery and Related Product Merchant Wholesalers (4244)	\$405,152	24%	\$1,250,289	76%	\$1,655,441
Electric Power Generation, Transmission and Distribution (2211)	\$1,180,451	71%	\$492,897	29%	\$1,673,348
Coal Mining (2121)	\$209,354	15%	\$1,171,896	85%	\$1,381,250
Commercial and Industrial Machinery and Equipment Rental and Leasing (5324)	\$549,088	49%	\$574,887	51%	\$1,123,974
Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturing (3253)	\$69,563	6%	\$1,016,606	94%	\$1,086,169
Agriculture, Construction, and Mining Machinery Manufacturing (3331)	\$71,111	7%	\$974,020	93%	\$1,045,131
Other Professional, Scientific, and Technical Services (5419)	\$783,409	83%	\$155,630	17%	\$939,039
Machinery, Equipment, and Supplies Merchant Wholesalers (4238)	\$206,405	26%	\$584,885	74%	\$791,290

Source: Emsi

Southeast Wyoming Cattle Inventory

2011-2021



* Data compiled from USDA
National Agriculture Statistic Service
(USDA-NASS) 2011-January 1, 2021



1 message

Thu, Sep 23, 2021 at 2:51 PM

John Ellis

Appendix B:
Summary of Public Comments for Broadband Development
Grant Program Rulemaking

Summary of Public Comment

I received a phone call from Liz Zerga of the Wyoming Telecommunications Association on 9/28/2021 at 1:40 P.M. regarding comments on the proposed rulemaking for the Connect Wyoming program.

Ms. Zerga informed me she intended to offer public comments on this proposed rulemaking at the 9/30/2021 public meeting of the Board, specifically regarding the existing definition of “Eligible Applicants” requiring the creation of public-private partnerships as a condition of eligibility, as well as the definition of “Unserved and Underserved” as used in this program.

I thanked Ms. Zerga for her comments and notice of her intent to address the board and the conversation concluded.

/s/

Ryan Kudera
Broadband Manager