

Was money promised to the Botanic Gardens?

Yes, it was.

In writing.

By the mayor and city council president.

And, to formalize that promise, the Board of Directors of the Friends of the Cheyenne Botanic Gardens (BDFCBG) were wise enough to make Jack Spiker and Don Pierson reduce their verbal promise to writing.

A very, very good idea, as it turns out.

The signed "Memorialization of Support document" was inadequate to satisfy the BDFCBG. Kind of like a handshake with or verbal promise from an elected official. Not worth the paper it's written on.

So the BDFCBG made the mayor and city council president double dog swear to their promise. The brief "second promise" in on letterhead of the mayor of the City of Cheyenne and it is dated one day after the Memorialization of Support document is dated. The second document is presented first below.

Jack Spiker's problem is not that he's dishonest. I don't believe he is.

It is that he never drafts or dictates anything himself and then he will sign documents with contents he had no part in creating and then cannot remember what they said. Odds are that both of these incriminating documents were written by an office secretary and Jack just signed where she pointed.

Jack Spiker does not have a poor memory. He has virtually no memory.

The side agreement made by Jack Spiker and Don Pierson seems improper on its face. How many other council members were in the know? You can bet the ranch that Pete Laybourn and Judy Case weren't. And why was Jack scrambling to make these deals before he left the mayor's office? He was a lame duck mayor when this arrangement was made. When he had been elected to both the city council in 1996 and to the mayor's office in 2000, we asked the lame duck elected members at that time to not make major decisions which incoming members would have to deal with. As I recall, both times they cooperated. So, why Jack was making a last second, secretive deal before his term ended is both surprising and disappointing.

Jack and Don signed a memo that asked the Botanic Gardens group to accept their word as their bond. Now, they don't remember making promises to the Botanic Gardens about funding beyond what was approved on the 6th Penny ballot? The written promises aren't clear as to the amount of the commitment but it is my understanding that Jack and Don then felt the parcel of land they would sell would bring \$10 million and all of it would go to the Botanic Gardens - in exchange for them agreeing not to press to be on the 2008 Sixth Penny ballot - trying to create clear sailing for a rec center.

There should have been no horse-trading with any group, for any reason, to get them to agree to remain mute about their wishes to be included on the ballot. Nobody should have had that authority - especially Tom Segrave. While voters were approving the foolish request for money to design a new, unneeded airport terminal, the popular, well-supported Botanic Gardens needs were silently excluded. That stinks to high heaven.

Jack and most council members poured everything they had into getting the rec center proposition passed. In partnership with the daily newspaper, it was a non-stop onslaught of reasons people should vote for the rec center. Bogus poll results were published to convince everyone that the rec center vote was a slam dunk. The mayor even terminated a decades old "citizens survey" to use that several thousand dollars on the effort to get a rec center approved. As readers know, the rec center was rejected.

Wherever the funds may go if that parcel of land at Dell Range and Windmill is sold someday, it is unfortunate that it has come to this. It is sad that City assets have to be sold to provide more money for City government to possibly spend foolishly. The tens of millions of dollars that was squandered from 2001-2008 would be nice to have in the bank now.

Rick Kaysen inherited a situation you wouldn't wish on your brother-in-law.

And, now we uncover written proof that the former mayor was making deals he should not have been making. The current mayor will have to try to resolve the unfathomable damage done.

November 20, 2008

Cheyenne Botanic Gardens Board

Attached is a Memorialization of Support document signed by Mayor Spiker and Councilman Don Pierson for funding of the expansion of the Cheyenne Botanic Gardens. We must admit disappointment that we have been asked to present this document, as we have always felt that our word is our bond. Although agreed to, we feel the document is unnecessary.

/s/ Jack R. Spiker (as Mayor) and Don Pierson (as City Council President)

This is a written memorialization of representations by the sitting Mayor of the City of Cheyenne, Jack Spiker, and City Councilman, Don Pierson, made to the Friends of the Cheyenne Botanic Gardens (a 501(c)(3) Not-for-Profit Wyoming Corporation), regarding the proposed expansion of the Cheyenne Botanic Gardens.

The City of Cheyenne Parks and Recreation Department recognizes the need for expansion of the Cheyenne Botanic Gardens facility located in Lions Park to provide for additional production gardens, meeting space, and retail space. The Friends of the Cheyenne Botanic Gardens have worked with The Design Studio, Inc., an architectural services firm of Cheyenne, Wyoming, to prepare plans for the expanded facilities. The conceptual design phase plans were presented to the Board of Directors of the Friends of the Cheyenne Botanic Gardens (Board) on the 20th day of April, 2006.

A meeting was held by representatives of the Board and Mayor Spiker on the 21st day of June, 2006, to request that the expansion of the Botanic Gardens, reflected in the conceptual design drawings, be placed on the Capital Facilities Tax special election ballot for the May 6, 2008 election. As a result of that meeting, and at the urging of Mayor Spiker and City Councilman Tom Segrave, the expansion was not placed on the ballot. In lieu of a full funding request, it was suggested that a limited request for funding of drawings, planning and initial engineering of the expansion project, in the amount of \$750,000, be submitted for the referendum. Consistent with their suggestion, the Board agreed to reduce their request to \$750,000 for drawings, planning, and initial engineering attendant to the planned expansion.

At a meeting held on October 7, 2007, Mayor Spiker and Councilman Pierson pledged their support of funding the expansion project. The projected cost of the expansion is approximately Ten Million Dollars. It has been purposed that part of the funding for the expansion project be raised by the sale of property owned by the City of Cheyenne near the intersection of Windmill Road and Dell Range Boulevard (the Proposed Sale Property).

The Proposed Sale Property was conveyed to the City by the Administrator of Veterans Affairs, acting for and in behalf of the United States of America, on August 24, 1948. There was a restriction in the deed to the property stating that the City could not sell the subject property for any purpose other than recreation. Ms. Barbara Stafford, a member of the Board, in tandem with efforts from the City of Cheyenne, contacted the Wyoming Congressional delegation to request assistance in releasing the deed restriction on the subject property. On or about December 17, 2007, the Acting Secretary of Veterans Affairs of the United States of America executed a Release of Restriction on Use, allowing the property to be sold without a limitation on its intended use, if approved by local Veterans Administration officials.

This memorialization confirms and re-asserts that Mayor Jack Spiker and City Councilman Don Pierson pledge their support to use a portion of the proceeds of the sale of the Proposed Sale Property, currently owned by the City of Cheyenne, to fund the proposed expansion of the Botanic Gardens. Use of the proceeds from the sale, as well as the actual sale of the property itself, re-zoning, appraisal, due diligence investigations, approval of the 6(f) Conversion by the Federal Government and all other legal requirements, must be approved or accepted by the majority of the Governing Body of The City of Cheyenne. Mayor Spiker and Councilman Pierson have made no representations to the Board regarding how the Governing Body will vote on all the obligatory issues.

Dated this 19th day of November, 2008.

/s/ Jack R. Spiker, Mayor, and Don Pierson, City Councilman

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