

# CHEYENNE HERALD

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**the local advocacy journal**

## From three county commissioners to five

I've suggested for some time that voters should consider approving an increase in county commissioners from three to five. The way that can be done is through a petition-driven referendum.

But I have asked no one else to get involved in this subject. I have not spoken with anyone, including one of the guys who just participated in the petition drive to repeal or defeat the cell phone ban ordinance, nor have I encouraged him to assume a leadership role in a petition drive related to the number of county commissioners.

I am not looking for anyone to carry the water on this one but I realize I can't prevent someone from muddying the water.

Still, I am not flattered that someone picked up on my thoughts and is going off ill-prepared. If a petition drive is mounted, it must be successful. And petition drives are not personality driven, they are issue driven. Few know the issues well enough to present it to potential petition signers and get 7,000 - 8,000 county registered voters to sign the petition. This is nothing like a cell phone ban.

There are specific reasons to support increasing the county commission from three to five members. Many. Some are directed at two tired commissioners but, overall, the objective does not involve their past performance to any great extent. This is not an attempted recall petition - that protection is not provided county voters. Once elected, an officeholder is harder to displace than rust.

Because it is so premature to announce plans for such a petition drive, all of the legal questions have not been answered. That will come. As will other answers.

I believe the best way to approach such a petition drive is to point it toward a vote coinciding with the 2010 primary election. There will be two county commissioners elected in November next year (the seats now held by Jeff Ketcham and Diane Humphrey). The reason to tie in with that primary election is that, when done at the same election, it would not cost the county additional money for such a referendum. A well-planned petition drive should be timed to be completed to make the ballot with the candidate primary election in 2010. Not too soon, nor too late.

The petition signature drive would have to be well-organized to be both effective and successful. At least 30-50 dedicated volunteers need to be recruited so each can gather 150-200 signatures and there can be no doubt the petition drive would then force a vote of the people at large.

Incumbent commissioners (Ketcham and Humphrey) may oppose adding to their number and voters could take that into consideration when voting in that primary - assuming each would seek their eighth and fourth terms, respectively.

If possible, it would be preferable to divide what is now being paid the three commissioners to five if the petition drive were successful. That would pay each of five ~\$24,000 annually. City Council members are paid \$12,000 annually and they have far greater responsibilities than the commissioners, who cannot enact law and deal with a far smaller budget and other elected county officials provide direct supervision to county employees.

Reasons for five commissioners rather than three will come soon. A petition drive would begin after the first of the year - if it appears voters want the change.

## DDA smackdown!

Ouch!

In a total repudiation for the DDA director and board, downtown property owners for the first time since initially passing the property tax on themselves in 1994, rejected it with Tuesday's vote.

DDA insiders and sycophants will spin the results and do everything but accept responsibility. They'll blame everything from Obama to the economy to the weather to the Fort Collins balloon hoax.

There is no backing away from this smackdown. What will the DDA insiders and city elected officials who are ultimately responsible for the waste of funds by the DDA over the past eight years, do with the message this loss brings?

The DDA director (more of an office manager) used every exaggeration she could think of to get downtown property owners to approve the continuation of the ten mill property tax on downtown properties. In a September/October 2009 4-color mailer, she took credit for everything but the railroad, Frontier Mall and the airport.

This piece was sent to foreign (out-of-town) owners who don't necessarily know the dreadful condition of Cheyenne's downtown. Nearly a quarter of downtown properties are owned by people who do not get their mail with a local zip code. They would be easiest to mislead.

She splashed on the front of this mailer: "DDA wins Downtown Award." What? How in the name of God could our downtown win an award? What kind of lies, distortions and/or exaggerations were made on the application to even be considered? The Boots Walker promo is a joke.

Who else applied, Diamond City, a Montana ghost town for over a hundred years?

What has happened to our downtown in this decade is not a laughing matter. And to hear and read that those responsible think they've done a commendable job and the downtown is prospering and the future is bright makes it more troubling.

In this same mailer, the DDA disclosed that FY2009 actual spending was \$767,371.53. For what, you ask? You can't see more than a few hundreds dollars worth of spending down there? A misleading title "Consumer & Investor Marketing" took 35.5% of the funds. "Downtown Beautification" another 27.5%. How much was spent on promoting downtown businesses, the ones paying \$160,000 of self-imposed additional property taxes into the DDA coffers? That may be the "Business & Economic Development" figure of 14%.

But, that heading must also include the ill-advised annual payment of \$75,000 to the City to help pay for the ill-advised downtown parking garage. If that is the case, only 4% of the budget was truly spent on promoting downtown retail and restaurants. That would seem more accurate.

There is no way around it. The management of DDA has been woeful and needs to change. All board members should resign and a new slate appointed. New members must include downtown retail, restaurant and lodging owners or managers. No more than a single attorney, no more than two financial people (bankers, etc.). Property owners conveyed a loud and clear message. Change. Then, tell Cheyenne residents the truth. You'd be surprised how that will set you free.

## Votes in the DDA defeat

There are some startling revelations in the details of the special election to determine whether an additional ten mills of property tax would again be approved on downtown properties (buildings and vacant lots). It lost 46 for, 50 against.

Votes are allocated by property tax billings, not value of property. So, a vacant lot of a few thousand square feet carries the same weight as the WT-E main building. The absurdity of that is shown by a vacant lot a ways northeast of the WT-E main building - less than 3,200 sq. ft. and assessed for \$3,400. An additional ten mills of property tax would cost that owner \$34.00. The Tribune-Eagle property is on about 1 3/4 acres with a total value of \$4,680,980, and an assessed value of \$538,313 (assessed "industrial" - at 11.5% rather than 9.5% of total value).

If the ten mill property tax had passed, the WT-E would have paid an additional \$3,800 for their HQ. The WT-E was one of few operating major downtown businesses to support the additional property tax. More than half of the support came from two people who have parlayed a handful of buildings, many small, many empty and vacant lots/alleys into 27 votes, casting most of the "yes" votes.

Al Wiederspahn condo'd the tiny Colony Building into 11 votes. The assessor's website believes there are "various owners" because that is what a condo building requires. But, there aren't. There is but one owner of the 11 small offices.

There were 324 possible votes. 246 (75.9%) of the owners have local addresses and 78 (24.1%) are out of towners.

Almost all of the votes cast in this special election were by local owners - 92 of the 96 total votes cast - 95.8%. Only four votes were cast by owners with addresses other than Cheyenne and one property owner cast three of those. Amazingly, only four were cast for out of town owners. And only four from non-insiders. Here's who I think cast the "Yes" votes:

Wyoming Tribune-Eagle	3
Al Wiederspahn	16
John Dinneen	11
DDA board members *	12
All other downtown properties	4
	46

This election turned on four votes. Had First Interstate Bank, whose CEO is a DDA board member, voted in favor of the additional property tax, the vote would have been a tie. They didn't.

Had any other bank also voted in favor, the tax would have passed. (*Many DDA board members work for, or are, tenants and not eligible to vote. Did all eligible DDA board members vote? Doubtful.*)

Large benefactors of, and players in, the downtown did not vote - Dish Network, Cheyenne Light, UP Railroad, Qwest, Murray, Volk, Flack Outdoor, Plains Hotel and Taco John's among them. There are eight banks in the downtown and they were eligible to cast 18 votes. They cast none. American National, Bankom (Bank of the West), Cheyenne State, Community First, First Interstate, First National, Security First and Wyoming National did not support the additional tax. None of them.

\* DDA members who own downtown properties or who control votes for downtown properties.

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