

## COUNCIL PROCEEDINGS

REGULAR

March 18, 2013

7:00 p.m.

A meeting of the City Council, of the City of Gillette, County of Campbell, State of Wyoming, was held on Monday the 18th day of March 2013, in the Council Chambers of City Hall, the regular meeting place of said Council in said City, pursuant to due notice and call. The Presiding Officer called the meeting to order and upon roll call the following were found to be present:

Council Members present: Louise Carter-King, Robin Kuntz, Ted Jerred, Kevin McGrath, John Opseth, and Mayor Tom Murphy.

Council Member absent: Forrest Rothleutner.

Staff present: J. Carter Napier, City Administrator; Charlie Anderson, City Attorney; Pamela L. Boger, Administrative Services Director; Kendall Glover, Utilities Director; Dustin Hamilton, Director of Engineering and Development Services; Jim Hloucal, Chief of Police; Tom Pitlick, Finance Director; Sawley Wilde, Public Works Director; Michael Foote, Sustainability Coordinator; Kris Jones, Utility Services Manager; Joe Lunne, Public Information Officer; Patti Davidsmeier, Community & Gov't Relations Manager; and Karlene Abelseth, City Clerk.

Thereupon the following proceedings were had and taken. Reverend Ed Sisti of Open Door Church gave the Invocation. The Pledge of Allegiance was led by Councilman McGrath.

The Presiding Officer called for approval of the General Agenda. It was moved by Councilwoman Carter-King and seconded by Councilman McGrath to approve the General Agenda. Mayor Murphy asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Carter-King, Kuntz, Jerred, McGrath, Opseth, and Mayor Murphy. The Presiding Officer declared the motion carried.

The Presiding Officer called for approval of the Consent Agenda. The Consent Agenda consists of the following:

### Approval of Minutes

Pre-Meeting - March 4, 2013.

Regular Meeting - March 4, 2013.

Executive Session - March 4, 2013.

### New Business

#### Bills and Claims

A & B BUSINESS EQUIPMENT INC.	291.81
ACTION LOCK AND KEY	334.00
ADECCO EMPLOYMENT SERVICES	1,499.19
AIR-TECH INC.	408.55
AIRGAS INTERMOUNTAIN	402.30
ALSCO	1,533.59
ANIMAL MEDICAL CENTER OF WYO LLC	1,009.00
ARROW PRINTING & GRAPHICS, INC	4,414.00
AT&T MOBILITY NATIONAL ACCOUNTS	3,837.50
AVI SYSTEMS	7,260.62
BEAR'S NATURALLY CLEAN	89.30

BIG HORN VETERINARY HOSPITAL	325.00
BLUE CROSS-BLUE SHIELD OF WYOMING	232,446.28
BORDER STATES ELECTRIC	16,800.88
BOYS AND GIRLS CLUB	33,500.00
BREANNA'S BAKERY	23.99
BRIDGE COMMUNICATIONS	350.00
BRUCE ENGINEERING SERVICES CORP	1,325.75
CAMPBELL COUNTY ABSTRACT	29,591.00
CAMPBELL COUNTY CHAMBER	2,025.25
CAMPBELL COUNTY COORDINATED	956.56
CAMPBELL COUNTY JOINT POWERS	216,823.00
CAMPBELL COUNTY OBSERVER	800.00
CAMPBELL COUNTY SENIOR CITIZEN	87,500.00
CAMPBELL COUNTY SHERIFF	10,850.00
CARTER-KING, LOUISE	23.73
CENTURYLINK-PHONE CHARGES	2,505.72
CHOPHOUSE RESTAURANT, THE	390.00
CITY OF GILLETTE-PETTY CASH	69.00
CLARK SAFETY/LOSS CONTROL SERV	900.00
COLLINS COMMUNICATIONS, INC	19,906.04
CONSOLIDATED ENGINEERS, INC.	18,841.66
CONTRACTORS SUPPLY, INC.	2,013.48
CRESCENT ELECTRIC SUPPLY	2,381.28
CUES, INC.	2,100.29
CUMMINS ROCKY MOUNTAIN, INC.	2,481.45
DALE BUCKINGHAM ARCHITECTS, LLC.	8,979.35
DANA KEPNER COMPANY, INC.	3,387.00
DELTA DENTAL OF WYOMING	19,843.23
DESERT MOUNTAIN CORP	72,298.08
DRM INC	51,537.48
DXP ENTERPRISES, INC	1,074.20
E Z TOWING & RECOVERY, INC	594.37
ECOBRAADMIN.COM, INC.	263.00
EDGE CONSTRUCTION SUPPLY	4,660.15
EFLEXGROUP.COM, INC.	6,834.57
EMBROIDERY PLACE, THAT	67.98
ENTENMANN ROVIN CO.	92.36
EXPRESS-SCRIPTS, INC.	51,861.70
FAMILY HEALTH	492.00
FARMER BROTHERS COMPANY	662.03
FEDERAL EXPRESS CORP.	503.03
FIRST INTERSTATE BANK-GILLETTE	16,643.95
FIRST INTERSTATE BANK-MT	38.20
FIRST NAT'L BANK-GILLETTE	47,757.62
FORCE AMERICA, INC.	102.98
FRANKLIN, SHAWN	200.00
FRANKS ALIGNMENT	68.00
GILLETTE WINNELSON COMPANY	3,743.36
GLOVER, KENDALL	499.96
GOOGLE INC	8,500.00
GOURMET ON THE GO, LLC	365.00
GOVCONNECTION	715.10
GREENLINE EQUIPMENT	224.24
HD SUPPLY POWER SOLUTIONS, LTD	85,192.18

HDR ENGINEERING, INC	34,754.22
HKM ENGINEERING INC.	14,922.10
HLADKY CONSTRUCTION	700.00
HOMAX OIL	2,109.36
ICMA RETIREMENT TRUST 401	272.85
ICMA RETIREMENT TRUST-457	6,696.18
ING EMPLOYEE BENEFITS	143.75
INTEGRATED INFORMATION SOLUTIONS	700.00
INTERMOUNTAIN SWEEPER CO.	107.52
ISC INC.	5,813.00
JACK'S HEAVY EQUIPMENT	637.39
JUDICIAL VENDORS	1,131.19
KADRMAS, LEE & JACKSON, INC.	6,259.60
KENDIG KEAST COLLABORATIVE	16,298.09
KIMBERLING, OWEN	250.00
KRAMER'S CARPET CLEANING	498.00
KRIZ-DAVIS COMPANY	5,685.62
KUNTZ, ROBIN M.	14.98
KUSTOM SIGNALS, INC	782.72
MCM GENERAL CONTRACTORS	26,490.15
MIDWEST FINDS	650.00
MISC. VENDOR	531.96
MORRISON MAIERLE, INC.	55,532.61
MURPHY, TOM	38.28
MYERS, AMANDA	100.00
NATIONAL IMPRINT CORPORATION	240.15
NEVE'S UNIFORM INC.	180.93
NEWMAN SIGNS, INC.	1,543.35
NEWS RECORD	6,699.06
NORCO, INC	809.12
NORTHWEST LINEMAN COLLEGE	506.00
NORTON CONSTRUCTION CORP	148,860.00
OCCUPATIONAL TESTING INC (OTI)	470.00
OVERHEAD DOOR CO COPR	426.00
PAINTBRUSH SEWER & DRAIN	440.00
PCA ENGINEERING, INC.	61,426.49
PINKERTON CONSULTING & INVESTIGAT	168.00
POWDER RIVER ENERGY CORP.	4,103.17
POWDER RIVER OFFICE SUPPLY	3,146.22
POWER ENGINEERS INC.	2,119.99
PRIME POWER & COMMUNICATIONS	26,638.00
PRO BUILT HOMES, INC.	560.00
PROELECTRIC, INC.	49,663.95
QUALITY FLOOR COVERING, LLC	2,612.34
RAILROAD MANAGEMENT CO. III, LLC	500.00
RDG SCHUTTE WILSCAM BIRGE	7,455.00
REDROCK TOWING, LLC	155.00
RINGER LAW, P.C.	4,015.00
ROCKY MOUNTAIN BUSINESS EQUIP, LLC	558.05
RYTHER, WAYNE	114.36
S & S BUILDERS, LLC.	161,295.89
SHIELDS PLUMBING HEAT & AIR	765.00
SICKS, ALLEN	3,000.00
SIGNBOSS LLC	422.39

SOURCE EQUIPMENT	714.96
SOUTHERN COMPUTER WAREHOUSE	112,659.80
SOUTHWESTERN EQUIPMENT COMPANY	91.92
SPENCER FLUID POWER	158.61
SPIEGEL & MCDIARMID, LLP	6,855.00
STACIE MCDONALD PR CONSULTING	450.00
STUART C. IRBY CO.	252.27
SUNGARD PUBLIC SECTOR INC.	74.42
T-M SERVICE COMPANY INC	5,563.08
THE ACTIVE NETWORK, INC	2,800.00
TRU-TECH PRODUCTS	1,736.46
TYLER TECHNOLOGIES INC.	16,619.18
U S IDENTIFICATION MANUAL	82.50
U S POSTAL SERVICE	200.00
U S TREASURY-EFTPS	198,731.44
ULTIMATE OFFICE	63.45
UMB BANK-CARD CENTER	108,128.70
UNTAMED DESIGN LLC	315.00
UTILITY OVERPAYMENTS ONLY	3,433.65
VAN EWING CONSTRUCTION CORP	429,818.59
VERIZON WIRELESS	160.06
VISIONARY COMMUNICATIONS	451.88
VOLVO CONSTRUCTION EQUIPMENT RENTS	966.39
WAGNER, JEREMIAH	250.00
WATERWORKS INDUSTRIES INC	793.35
WAUSAU EQUIPMENT COMPANY, INC.	3,424.46
WESCO DISTRIBUTION, INC.	52,559.75
WEST PLAINS ENGINEERING	175.00
WESTERN WASTE SOLUTIONS, INC	10,566.30
WHITE'S FRONTIER MOTORS	1,827.00
WIRELESS ADVANCE COMMUNICATION	8,599.40
WYODAK RESOURCES DEVELOPMENT CORP.	33,266.00
WYOMING DEPARTMENT OF TRANSP	1,423.47
WYOMING STATE-REVENUE & TAX	108,155.60
WYOMING WATER SOLUTIONS	27.00
WYOPASS	550.00
WYOSTAR	4,228,172.08
Y ENVIRONMENTAL	2,034.90

It was moved by Councilman Jerred and seconded by Councilman McGrath to approve the Consent Agenda. Mayor Murphy asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Kuntz, Jerred, McGrath, Opseth, Carter-King, and Mayor Murphy. The Presiding Officer declared the motion carried.

#### Approval of Conflict Claims

It was moved by Councilman McGrath and seconded by Councilman Opseth to approve a conflict claim for Councilwoman Carter-King in the amount of \$5,067.91 (Internet reimbursement, \$23.73 - Powder River Office Supply, \$5,044.18). Mayor Murphy asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Jerred, McGrath, Opseth, Kuntz, and Mayor Murphy. Councilwoman Carter-King abstained. The Presiding Officer declared the motion carried.

It was moved by Councilwoman Carter-King and seconded by Councilman McGrath to approve a conflict claim for Councilman Kuntz in the amount of \$14.98 for internet reimbursement. Mayor Murphy asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: McGrath, Opseth, Carter-King, Jerred, and Mayor Murphy. Councilman Kuntz abstained. The Presiding Officer declared the motion carried.

It was moved by Councilman McGrath and seconded by Councilwoman Carter-King to approve a conflict claim for Mayor Murphy in the amount of \$38.28 for travel reimbursement to the National League of Cities conference. Mayor Murphy asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Opseth, Carter-King, Kuntz, Jerred, and McGrath. Mayor Murphy abstained. The Presiding Officer declared the motion carried.

#### For the Good of the Community

Councilman McGrath expressed his appreciation to the Girl's Basketball Team for their participation in the State Championship games.

Mayor Murphy stated he was honored to be a judge in the "Gillette's Got Talent" contest. Mayor Murphy said it was well attended and that Gillette has a lot of talented citizens.

Councilman Kuntz informed the public that Councilman Rothleutner isn't present at tonight's meeting as he is with his wife who is in labor with their second child.

#### Public Comments

Mayor Murphy asked for public comments. There were none.

#### Council Reports

Mayor Murphy asked for Council reports. There were none.

#### Written Comments

Mayor Murphy asked for written comments. City Clerk Abelseth reported that emails were received from Kathy Halverson and Norman Gram concerning the Water Wasting Ordinance. Mr. Gram also commented on the Spring Clean-Up Program.

#### Ordinance Third Reading

### ORDINANCE 3785

#### AN ORDINANCE TO PROVIDE NEW REGULATIONS FOR FALSE ALARMS AND AMEND THE GILLETTE CITY CODE

It was moved by Councilwoman Carter-King and seconded by Councilman Opseth to approve the foregoing Ordinance on third and final reading. Mayor Murphy asked for discussion. Scott Clem stated he agrees that something needs to be done concerning the false alarms, however, feels the administrative fees are too restrictive and asked the Council to reconsider an alternative. Councilman McGrath reiterated that he feels it is the responsibility of the Police to respond to all calls. After the discussion, roll was called on the motion with the following results. Council Members voting aye: Carter-King, Kuntz, Jerred,

Opseth, and Mayor Murphy. Council Member voting nay: McGrath. The Presiding Officer declared the motion carried.

#### ORDINANCE 13-04

##### AN ORDINANCE TO AMEND SECTION 17-21 OF THE GILLETTE CITY CODE CONCERNING WATER WASTING

It was moved by Councilman Jerred and seconded by Councilman McGrath to approve the foregoing Ordinance on third and final reading. It was moved by Council President Opseth and seconded by Councilman McGrath to table the foregoing Ordinance until the April 1, 2013, meeting. Roll was called on the motion to table with the following results. Council Members voting aye: Jerred, McGrath, Opseth, Carter-King, Kuntz, and Mayor Murphy. The Presiding Officer declared the motion carried and the Ordinance tabled.

#### Ordinance Second Reading

#### ORDINANCE 13-05

##### AN ORDINANCE AMENDING GILLETTE CITY CODE SECTIONS 17-6 A.1, 17-6 B.1, 17-6.C.1, 17-6.D.1, 17-6.E.1, AND 17-6.G. TO REVISE RATES FOR ELECTRICAL SERVICE WITHIN THE CITY OF GILLETTE

It was moved by Councilman Opseth and seconded by Councilwoman Carter-King to approve the foregoing Ordinance on second reading. Mayor Murphy asked for discussion. Cathy Rainy questioned the need for the rate increases and expressed her concerns about the same. After the discussion, roll was called on the motion with the following results. Council Members voting aye: McGrath, Opseth, Carter-King, Kuntz, Jerred, and Mayor Murphy. The Presiding Officer declared the motion carried.

#### ORDINANCE 13-06

##### AN ORDINANCE AMENDING SECTION 9-1(L) OF THE GILLETTE CITY CODE TO INCREASE THE REFUSE COLLECTION FEES FOR SOLID WASTE PICKUP

It was moved by Councilman McGrath and seconded by Councilman Jerred to approve the foregoing Ordinance on second reading. Mayor Murphy asked for discussion. Diane Solomon asked how Gillette's utility rates compare with other cities of comparable size. City Administrator Napier stated that Gillette's utility rates, as a whole, are extremely competitive. Ms. Solomon asked how Gillette's revenues compare with other cities. Mr. Napier stated what sets Gillette apart from other municipalities is our low electrical rates due to Council's investment in purchasing the ability to produce our own energy. Mayor Murphy directed staff to do a comparison of utility rates with Cheyenne, Casper, Rock Springs and Laramie, and make the information available for public viewing. Dave Allison expressed his concerns with the recycling program. Scott Clem expressed his support to the Council for their decision to raise the utility rates. After the discussion, roll was called on the motion with the following results. Council Members voting aye: Opseth, Carter-King, Kuntz, Jerred, McGrath, and Mayor Murphy. The Presiding Officer declared the motion carried.

#### ORDINANCE 13-07

##### AN ORDINANCE TO REVISE RATES FOR WASTEWATER SERVICE FURNISHED BY THE CITY OF GILLETTE

It was moved by Councilman Kuntz and seconded by Councilman McGrath to approve the foregoing Ordinance on second reading. Mayor Murphy asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Carter-King, Kuntz, Jerred, McGrath, Opseth, and Mayor Murphy. The Presiding Officer declared the motion carried.

#### New Business

It was moved by Councilman Jerred and seconded by Councilman McGrath to approve Parks & Beautification By-Laws. Mayor Murphy asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Kuntz, Jerred, McGrath, Opseth, Carter-King, and Mayor Murphy. The Presiding Officer declared the motion carried.

It was moved by Councilman Opseth and seconded by Councilman McGrath to approve a professional services agreement for construction management services associated with the Water Tank Rehabilitation (Z1-R1) Painting Project with Morrison-Maierle in the amount of \$47,845. Mayor Murphy asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Jerred, McGrath, Opseth, Carter-King, Kuntz, and Mayor Murphy. The Presiding Officer declared the motion carried.

It was moved by Councilman Jerred and seconded by Councilwoman Carter-King to approve a Resolution to authorize the annexation of Campex. It was moved by Council President Opseth and seconded by Councilman Jerred to table the Resolution until the April 1, 2013, Council Meeting. Roll was called on the motion to table with the following results. Council Members voting aye: Opseth, Carter-King, Kuntz, Jerred, McGrath, and Mayor Murphy. The Presiding Officer declared the motion carried.

It was moved by Councilman Jerred and seconded by Councilman McGrath to approve a bid award for the Alley PMS 2013 Project to S&S Builders, LLC, in the amount of \$194,494.85. Mayor Murphy asked for background information. City Administrator Napier explained this project will include the total surface and sanitary sewer replacement line of the alley between Osborne Avenue and Emerson Avenue from Third Street to Fourth Street, also known as the "Maycock Alley", and the total surface replacement of the alley between East Laramie Street and East Lincoln Street east from Bundy Avenue, including 10 linear feet of sanitary sewer, also known as the "East Alley." There were seven bids received with respect to this project and S&S Builders is the apparent low bidder. The engineer's estimate for this project was \$222,204. After the discussion, roll was called on the motion with the following results. Council Members voting aye: Carter-King, Kuntz, Jerred, McGrath, Opseth, and Mayor Murphy. The Presiding Officer declared the motion carried.

It was moved by Councilman Opseth and seconded by Councilwoman Carter-King to approve a professional services agreement for construction management associated with the Alley PMS 2013 Project with Bruce Engineering, Inc., in the amount of \$43,863. Mayor Murphy asked for discussion. Councilman Kuntz asked why the percentage associated with the project's cost is so high. City Administrator Napier stated that alley projects can be complex due to the utilities that go through the alley's, and there is a concern there could be an oversight in costs; staff wants to ensure that possible unforeseen oversight costs are covered. Mr. Napier noted that even though this is a 22.6% in comparison to actual construction dollars, it equates to \$877 per day and

generally speaking, the average is approximately \$1,000 per day. Steve Bruce, Bruce Engineering, Inc., thanked the Council for their consideration of his company's services for this project. After the discussion, roll was called on the motion with the following results. Council Members voting aye: Carter-King, Jerred, McGrath, Opseth, and Mayor Murphy. Council Member voting nay: Councilman Kuntz. The Presiding Officer declared the motion carried.

It was moved by Councilwoman Carter-King and seconded by Councilman Opseth to approve a bid award for the Sunflower Park Drainage Improvements Project to Hladky Construction, Inc., in the amount of \$938,602. Mayor Murphy asked for background information. City Administrator Napier explained that there were seven bids received for this project and Hladky Construction, Inc., appears to be the low bidder. The engineer's estimate totaled \$1,465,425. Councilman McGrath asked if this will prevent the use of barricades in this area when it rains. Mr. Napier stated it should be more successful now with water run-off than what it is currently. Councilman Kuntz asked if they were changing the size of the culverts. Director of Engineering and Development Services Hamilton explained the major components pertaining to this project would be widening the trickle channel and improving the aprons to some of the crossings as well as access to the channel, but there will be no focus on improving the street crossings during this project. After further discussion, roll was called on the motion with the following results. Council Members voting aye: Kuntz, Jerred, McGrath, Opseth, Carter-King, and Mayor Murphy. The Presiding Officer declared the motion carried.

#### Administrator's Report

Mayor Murphy asked for an Administrator's Report. There was none.

#### Special Orders of the Day

Mayor Murphy opened into a public hearing for the Westover Road - Skyline Drive Annexation. City Administrator Napier explained that the property owner would like to sell this piece of property which consists of 2.58 acres surrounded by City property in order for the development of a commercial business. Diane Solomon asked why the City annexes properties. Mr. Napier explained annexations are done for the purpose of supplying City utilities to a property and the owner is looking to sell this property for commercial purposes and would need these types of services. After the discussion, Mayor Murphy closed the public hearing.

#### RESOLUTION 2411

##### A RESOLUTION PROVIDING FOR THE EXTENSION OF THE BOUNDARIES OF THE CITY OF GILLETTE, WYOMING, AND ANNEXATION OF A TRACT OF LAND KNOWN AS THE WESTOVER ROAD - SKYLINE DRIVE ANNEXATION CONTIGUOUS AND ADJOINING THE PRESENT BOUNDARIES

It was moved by Councilwoman Carter-King and seconded by Councilman Jerred to approve the foregoing Resolution for the annexation of a tract of land known as the Westover Road - Skyline Drive Annexation. Mayor Murphy asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Jerred, McGrath, Opseth, Carter-King, Kuntz, and Mayor Murphy. The Presiding Officer declared the motion carried.



ORDINANCE 13-08

AN ORDINANCE APPROVING AND AUTHORIZING THE EXTENSION  
OF THE BOUNDARIES OF THE CITY OF GILLETTE, WYOMING,  
AND ANNEXATION OF A TRACT OF LAND KNOWN AS  
THE WESTOVER ROAD - SKYLINE DRIVE ANNEXATION  
CONTIGUOUS AND ADJOINING THE PRESENT BOUNDARIES AND  
ESTABLISHING A C-1, GENERAL COMMERCIAL ZONING DISTRICT,  
SUBJECT TO ALL PLANNING REQUIREMENTS

It was moved by Councilwoman Carter-King and seconded by Councilman Jerred to approve the foregoing Ordinance on first reading. Mayor Murphy asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: McGrath, Opseth, Carter-King, Kuntz, Jerred, and Mayor Murphy. The Presiding Officer declared the motion carried.

Adjournment

There being no further business to come before the Council, the meeting was adjourned at 8:00 p.m. The next regularly scheduled meeting will be Monday, April 1, 2013.

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Tom Murphy, Mayor

(S E A L)  
ATTEST:

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Karlene Abelseth, City Clerk

Publication date: March 27, 2013