

COUNCIL PROCEEDINGS

REGULAR

April 15, 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 15th day of April 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: Ted Jerred, Kevin McGrath, Forrest Rothleutner, Louise Carter-King, Robin Kuntz, and Council President Opseth.

Council Member absent: Mayor Tom Murphy.

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; Sawley Wilde, Public Works Director; Michael Foote, Sustainability Coordinator/Interim Public Information Officer; Geno Palazzari, PEG Manager; Patti Davidsmeier, Community & Gov't Relations Manager; and Karlene Abelseth, City Clerk.

Thereupon the following proceedings were had and taken. Reverend Gary Maness of High Plains Community Church gave the Invocation. The Pledge of Allegiance was led by Councilman President Opseth.

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. Council President Opseth 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, Rothleutner, and Council President Opseth. 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 - April 1, 2013.
Regular Meeting - April 1, 2013.
Executive Session - April 1, 2013.
Special Meeting - April 8, 2013.

Ordinance Third Reading

ORDINANCE 3790

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

Ordinance Second Reading

ORDINANCE 13-09

AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF A 50 FOOT WIDE GENERAL UTILITY EASEMENT LOCATED ON LOTS 1A, 1B, 1C AND 1D, BLOCK 9, ROLLING HILLS SUBDIVISION IN THE CITY OF GILLETTE, WYOMING, SUBJECT TO ALL PLANNING REQUIREMENTS.

ORDINANCE 13-10

AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE CITY OF GILLETTE, WYOMING, FOR PROPERTY GENERALLY LOCATED AT 2809 DOGWOOD AVENUE AND LEGALLY DESCRIBED AS LOTS 1A AND 1B, BLOCK 5, STOCKTRAIL SUBDIVISION, WHICH IS PROPOSED AS LOT 1C, BLOCK 5, STOCKTRAIL SUBDIVISION FROM C-1, GENERAL COMMERCIAL DISTRICT, TO I-1, LIGHT INDUSTRIAL DISTRICT, SUBJECT TO ALL PLANNING REQUIREMENTS

New Business - Consent Agenda

Approval of a permanent waterline and general utility easement and temporary construction easement for the Gillette Madison Pipeline Project with Jesse and Christina Kirschenmann, c/o Campbell County Abstract Company, in the amount of \$17,313.

Approval of a temporary construction easement for the Gillette Madison Pipeline Project with Rozet Ranchettes, LLC, c/o Campbell County Abstract Company, in the amount of \$8,528.

Approval of a long-term waterline easement and temporary construction easement for the Gillette Madison Pipeline Project with Wyodak Resources Development Corporation, c/o Campbell County Abstract Company, in the amount of \$6,282.

Bills and Claims

A & B BUSINESS EQUIPMENT INC.	273.89
ADECCO EMPLOYMENT SERVICES	1,134.98
AGUIRRE, JOHN	142.93
ALSCO	1,643.48
AM SIGNAL, INC.	3,200.00
ANTONOVICH, JAMES	285.00
AQUATIC SOLUTIONS	4,300.00
ARROW PRINTING & GRAPHICS, INC	200.90
BARNEY, CATHY	50.00
BEAR'S NATURALLY CLEAN	12.25
BIG HORN VETERINARY HOSPITAL	50.00
BLUE CROSS-BLUE SHIELD OF WYOMING	39,828.38
BORDER STATES ELECTRIC	6,139.34
BRESNAN COMMUNICATIONS	900.00
BURLINGTON NORTHERN SANTA FE	600.00
BUSINESS MAILING SOLUTIONS	387.00
CAMPBELL COUNTY ABSTRACT	32,123.00
CAMPBELL COUNTY CHAMBER	75.25
CAMPBELL COUNTY CLERK OFFICE	15,966.46
CAMPBELL COUNTY COORDINATED	4,501.47
CAMPBELL COUNTY HOSPITAL DIST	1,448.00
CAMPBELL COUNTY SHERIFF	14,950.00
CAMPBELL COUNTY TREASURER	245,158.17
CARTER-KING, LOUISE	23.73

CENTURYLINK-PHONE CHARGES	2,529.34
CITY OF GILLETTE	213,155.77
CITY OF GILLETTE-PETTY CASH	106.23
COLLINS COMMUNICATIONS, INC	14,191.72
COLMAN EQUIPMENT CO.	274.99
COMMUNITY FORESTRY CONSULTANTS INC	1,500.75
CONSOLIDATED ENGINEERS, INC.	22,454.33
CONTRACTORS SUPPLY, INC.	2,270.00
COORDINATED CARE PARTNERS	775.20
CRESCENT ELECTRIC SUPPLY	805.10
CRUM ELECTRIC SUPPLY CO	20,341.67
D D TRACTOR & DIESEL LLC	955.51
DALE BUCKINGHAM ARCHITECTS, LLC.	1,566.50
DELTA DENTAL OF WYOMING	20,741.71
DESERT MOUNTAIN CORP	35,575.24
DONKEY CREEK CONSTRUCTION, INC	325.00
DRM INC	20,399.00
DUMBRILL, DOUG	9,607.15
DXP ENTERPRISES, INC	520.00
EFLEXGROUP.COM, INC.	6,353.57
EMBROIDERY PLACE, THAT	56.94
ENERGY LABORATORIES, INC	136.00
EXPRESS-SCRIPTS, INC.	7,729.57
FARMER BROTHERS COMPANY	588.91
FIREMASTER-DEPT 1019	1,070.95
FIRST INTERSTATE BANK-GILLETTE	6,500.00
FIRST NAT'L BANK-GILLETTE	59,496.03
FIRST NORTHERN BANK OF WYOMING	12,805.33
FLAGSHOOTER, LLC	580.30
FRANK, COREY	163.28
GOURMET ON THE GO, LLC	140.00
HD SUPPLY POWER SOLUTIONS, LTD	49,991.84
HDR ENGINEERING, INC	17,744.17
HEARTLAND KUBOTA, LLC	68.87
HKM ENGINEERING INC.	8,209.75
HOFF, TARA	119.99
HOMAX OIL	64,254.14
HONNEN EQUIPMENT COMPANY	1,087.53
ICMA RETIREMENT TRUST 401	272.85
ICMA RETIREMENT TRUST-457	6,673.92
ING EMPLOYEE BENEFITS	143.75
INTEGRATED INFORMATION SOLUTIONS	700.00
INTELLIGENCE PRESS INC.	1,455.00
INTER-MOUNTAIN LABS, INC.	75.00
INTERSTATE COMPANIES, INC.	483.23
IT OUTLET INC.	590.19
J B STORAGE CONTAINERS	710.00
JOHN'S WELDING	713.00
JOHNSON CONTROLS, INC.	3,161.81
JUDICIAL VENDORS	3,339.19
JUVENILE ACCOUNTABILITY	131.00
KADRMAS, LEE & JACKSON, INC.	4,231.02
KENDIG KEAST COLLABORATIVE	10,003.43
KOIS BROTHERS EQUIPMENT CO.	586.31

KRIZ-DAVIS COMPANY	403.86
KUNTZ, ROBIN M.	14.98
KUSTOM SIGNALS, INC	670.73
LANNAN'S SUPPLY CO.	54.00
LIPKA AND ASSOC, PC	680.00
LYLE SIGNS INC	290.00
MAINLINE INFORMATION SYSTEMS INC.	434.98
MISC. VENDOR	100.00
MORRISON MAIERLE, INC.	49,576.86
MOUNTAIN VIEW BUILDING, INC.	115,247.96
MYERS, AMANDA	50.00
NEVE'S UNIFORM INC.	893.86
NEWMAN SIGNS, INC.	6,723.00
NORCO, INC	3,755.02
NORTHWEST SIGNAL SUPPLY, INC	13,925.00
NORTON CONSTRUCTION CORP	58,500.00
OCCUPATIONAL TESTING INC (OTI)	698.75
OFFICE OF STATE LANDS & INVEST	4,775.90
OLSON, TRACY	75.00
ONLINE INFORMATION SERVICES, INC.	451.60
OSTROM, ADAM	99.99
PCA ENGINEERING, INC.	53,996.72
PINKERTON CONSULTING & INVESTIGAT	1,425.70
POKEY'S BBQ	512.25
POWDER RIVER ENERGY CORP.	9,164.81
POWDER RIVER OFFICE SUPPLY	4,718.91
PRO BUILT HOMES, INC.	560.00
PROELECTRIC, INC.	1,244.00
RAZOR CITY LOCKSMITH, LLC	30.00
RDG SCHUTTE WILSCAM BIRGE	9,330.00
RICHARDSON, JOSH	50.00
RINGER LAW, P.C.	3,577.50
ROCKY MOUNTAIN BUSINESS EQUIP, LLC	65.00
S & S BUILDERS, LLC.	186,159.08
SAFETY-KLEEN SYSTEMS, INC.	615.44
SCOTT, JERALD O.	350.00
SIGNBOSS LLC	2,900.50
SOUTHWESTERN EQUIPMENT COMPANY	1,071.61
SPILLMAN TECHNOLOGIES, INC.	36,710.00
SPRING HILL PRESS, INC.	1,150.00
SUMMIT SUPPLY CORP OF COLORADO	26,301.30
SUNGARD PUBLIC SECTOR INC.	1,600.00
TEREX UTILITIES	2,968.03
TRAF O TERIA SYSTEM	608.23
TYLER TECHNOLOGIES INC.	43,165.92
U S TREASURY-EFTPS	191,129.24
UMB BANK-CARD CENTER	92,783.18
UNIVERSAL ATHLETIC SERV.	42.00
UPHOLSTERY BY LADONNA	285.00
UTILITY OVERPAYMENTS ONLY	5,020.79
VAN EWING CONSTRUCTION CORP	532,614.73
VERIZON WIRELESS	364.32
VISIONARY COMMUNICATIONS	451.88
WANDLER, LISA	163.45

WASTE CONNECTIONS OF WYOMING	657.94
WESCO DISTRIBUTION, INC.	24,900.60
WESTERN MICROSCOPE	115.00
WESTERN SERVICES, LLC	565.12
WIRELESS ADVANCE COMMUNICATION	3,326.80
WYODAK RESOURCES DEVELOPMENT CORP.	88,861.33
WYOMING ASSOC MUNICIPALITIES	210.00
WYOMING ASSOC OF RURAL	135.00
WYOMING DEPARTMENT OF TRANSP	637.56
WYOMING SECRETARY OF STATE	50.00
WYOMING STATE-REVENUE & TAX	96,387.77
WYOMING SUPREME COURT	7,636.54
WYOMING WATER SOLUTIONS	27.00

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

Approval of Conflict Claims

It was moved by Councilman Jerred and seconded by Councilman Kuntz to approve a conflict claim for Councilwoman Carter-King in the amount of \$6,618.44 (\$23.73-internet reimbursement and \$6,594.71-Powder River Office Supply). Council President Opseth asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Jerred, McGrath, Rothleutner, Kuntz, and Council President Opseth. Councilwoman Carter-King abstained. The Presiding Officer declared the motion carried.

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

Oral Comments

Council President Opseth proclaimed April 21-27, 2013 as "*Crime Victims' Rights Week*." Brandy Matteson explained the proclamation.

Council President Opseth proclaimed April 29, 2013 as "*Arbor Day*." Janie Kuntz explained the proclamation.

Council President Opseth proclaimed May 2, 2013 as "*National Day of Prayer*." Pastor Marty Crump explained the proclamation.

For the Good of the Community

Council President Opseth and the Council recognized the Campbell County High School Female Delegates attending the 2013 Wyoming Girls State.

Councilwoman Carter-King thanked the Public Works Departement for a job well done concerning snow removal efforts during last week's snow storm.

Public Comments

Shay Lundvall also commented on a job well done concerning the snow removal efforts during last week's snow storm.

Council Reports

Council President Opseth asked for Council reports. There were none.

Written Comments

Council President Opseth asked for written comments. City Clerk Abelseth said there were none.

New Business

RESOLUTION 2412

A RESOLUTION TO AMEND RESOLUTION NO. 2056 CONCERNING TERMS OF MEMBERS

It was moved by Councilman Jerred and seconded by Councilman McGrath to approve the foregoing Resolution to amend Resolution No. 2056 concerning terms of members on the Mayor's Art Council. Council President Opseth asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Rothleutner, Carter-King, Kuntz, Jerred, McGrath, and Council President Opseth. The Presiding Officer declared the motion carried.

It was moved by Councilwoman Carter-King and seconded by Councilman Jerred to accept development improvements for the Tanner Drive Extension, Legacy Parkway, and off-site sanitary sewer projects, installed by Western Excavating and DRM, Inc., on behalf of the developer, MC Hitt Development, LLC. Council President Opseth 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, Rothleutner, and Council President Opseth. The Presiding Officer declared the motion carried.

It was moved by Councilman Jerred and seconded by Councilman Kuntz to approve a bid award for the 2012 Water and Sanitary Sewer Main Replacement Project to North Star Energy and Construction, LLC, in the amount of \$2,732,944.32. Council President Opseth asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Kuntz, Jerred, McGrath, Rothleutner, Carter-King, and Council President Opseth. The Presiding Officer declared the motion carried.

It was moved by Councilwoman Carter-King and seconded by Councilman Rothleutner to approve a professional services agreement for construction management services associated with the 2012 Water and Sanitary Sewer Main Replacement Project with HDR Engineering, Inc., in the amount of \$259,112. Council President Opseth asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Jerred, McGrath, Rothleutner, Carter-King, Kuntz, and Council President Opseth. The Presiding Officer declared the motion carried.

It was moved by Councilman Rothleutner and seconded by Councilman Jerred to approve a bid award for the PMS 2013 Schedule B Project to Powder River Construction, Inc., in the amount of \$847,126.

Council President Opseth asked for background information. City Administrator Napier explained the project. He stated there were five bids received for the project and the engineer's estimate was \$1,002,550. After the discussion, roll was called on the motion with the following results. Council Members voting aye: McGrath, Rothleutner, Carter-King, Kuntz, Jerred, and Council President Opseth. The Presiding Officer declared the motion carried.

It was moved by Councilwoman Carter-King and seconded by Councilman Kuntz to approve a bid award for the PMS 2013 Schedule C Project to include the base bid and additive alternates 1 and 2, to Powder River Construction, Inc., in the amount of \$889,176.50. Council President Opseth asked for background information. City Administrator Napier explained the project and said there were six bids received for the project and the engineer's estimate was \$1,153,882.50. After the discussion, roll was called on the motion with the following results. Council Members voting aye: Rothleutner, Carter-King, Kuntz, Jerred, McGrath, and Council President Opseth. The Presiding Officer declared the motion carried.

It was moved by Councilwoman Carter-King and seconded by Councilman McGrath to approve a bid award for the base bid of the Enzi Drive Landscaping Project to G&G Landscaping, Inc., in the amount of \$189,000. Council President Opseth 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, Rothleutner, and Council President Opseth. The Presiding Officer declared the motion carried.

It was moved by Councilwoman Carter-King and seconded by Councilman Rothleutner to approve a professional services agreement for the construction management associated with the PMS 2013 Schedule C Project with Morrison-Maierle, Inc., in the amount of \$104,766. Council President Opseth asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Kuntz, Jerred, McGrath, Rothleutner, Carter-King, and Council President Opseth. The Presiding Officer declared the motion carried.

It was moved by Councilman Rothleutner and seconded by Councilwoman Carter-King to approve a professional services agreement for construction management associated with the PMS 2013 Schedule B Project with HDR Engineering, Inc., in the amount of \$105,928. Council President Opseth asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Jerred, McGrath, Rothleutner, Carter-King, Kuntz, and Council President Opseth. The Presiding Officer declared the motion carried.

Administrator's Report

Council President Opseth asked for an Administrator's Report. City Administrator Napier said there was none.

Special Orders of the Day

Council President Opseth opened a public hearing concerning the transfer of ownership of a retail liquor license from New Albertson's, Inc., d.b.a. Albertson's #2067 to Albertson's, LLC, d.b.a. Albertson's #2067. No comments were made and Council President Opseth closed the public hearing.

It was moved by Councilwoman Carter-King and seconded by Councilman McGrath to approve the transfer of ownership of a retail liquor license from New Albertson's, Inc., d.b.a.

Albertson's #2067 to Albertson's, LLC, d.b.a. Albertson's #2067. Council President Opseth asked for discussion. Councilwoman Carter-King asked if they were only changing their name. City Administrator Napier stated there are a number of Albertson's throughout the state of Wyoming going through the same process in regards to changes within their corporate structure; this is consistent with what is taking place throughout the state. After the discussion, roll was called on the motion with the following results. Council Members voting aye: McGrath, Rothleutner, Carter-King, Kuntz, Jerred, and Council President Opseth. The Presiding Officer declared the motion carried.

Council President Opseth opened a public hearing for the zoning map amendment for a tract of unplatted land generally located at 2200 South Burma Avenue from R-2, single and two family residential district, to C-1, general commercial zoning district. No comments were made and Council President Opseth closed the public hearing.

ORDINANCE 13-11

AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE CITY OF GILLETTE, WYOMING, FOR PROPERTY GENERALLY LOCATED AT 2200 SOUTH BURMA AVENUE AND LEGALLY DESCRIBED AS A TRACT OF UNPLATTED LAND SHOWN ON THE ATTACHED EXHIBIT A AND EXHIBIT B FROM R-2, SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT, TO C-1, GENERAL COMMERCIAL DISTRICT, SUBJECT TO ALL PLANNING REQUIREMENTS

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

Adjournment

There being no further business to come before the Council, the meeting was adjourned at 7:28 p.m. The next regularly scheduled meeting will be Monday, May 6, 2013.

Tom Murphy, Mayor

(S E A L)
ATTEST:

Karlene Abelseth, City Clerk

Publication date: April 24, 2013