

COUNCIL PROCEEDINGS

REGULAR

May 20, 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 20th day of May 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: Forrest Rothleutner, John Opseth, Louise Carter-King, Robin Kuntz, Ted Jerred, Kevin McGrath, and 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; Sawley Wilde, Public Works Director; Brent Wasson, Lieutenant; Mike Cole, Utilities Project Manager; Evan Byrd, Management Analyst; 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 Burry Bessee of First United Methodist Church gave the Invocation. The Pledge of Allegiance was led by Councilman Kuntz.

The Presiding Officer called for approval of the General Agenda. It was moved by Councilman McGrath and seconded by Councilwoman Carter-King 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, Rothleutner, 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

Work Session - April 29, 2013.
Pre-Meeting - May 6, 2013.
Regular Meeting - May 6, 2013.
Executive Session - May 8, 2013.
Budget Work Session #2 - May 13, 2013.
Budget Work Session #3 - May 14, 2013.

Ordinance Third Reading

ORDINANCE 3793

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

New Business - Consent Agenda

Approval of a temporary construction easement for the Gillette Madison Pipeline Project with Thomas Zebroski, c/o Campbell County Abstract Company, in the amount of \$7,465.

Approval for the write off of bad debt on uncollectible account receivable accounts in the amount of \$2,259.40.

Bills and Claims

| | |
|-----------------------------------|------------|
| A & B BUSINESS EQUIPMENT INC. | 261.01 |
| ADECCO EMPLOYMENT SERVICES | 686.07 |
| AIRGAS INTERMOUNTAIN | 402.55 |
| ALSCO | 1,329.81 |
| ANIMAL MEDICAL CENTER OF WYO LLC | 1,154.39 |
| ARROW PRINTING & GRAPHICS, INC | 3,930.80 |
| BARNEY, CATHY | 50.00 |
| BIG D SANITATION CORP | 100.00 |
| BIG HORN VETERINARY HOSPITAL | 150.00 |
| BLACK HILLS POWER & LIGHT | 231,930.57 |
| BLUE CROSS-BLUE SHIELD OF WYOMING | 90,689.27 |
| BORDER STATES ELECTRIC | 2,392.29 |
| BREANNA'S BAKERY | 23.99 |
| BRUCE ENGINEERING SERVICES CORP | 5,902.25 |
| BURLINGTON NORTHERN SANTA FE | 4,375.00 |
| CAMEL TOWING LLC | 125.00 |
| CAMPBELL COUNTY ABSTRACT | 47,339.00 |
| CAMPBELL COUNTY CHAMBER | 13,296.50 |
| CAMPBELL COUNTY COORDINATED | 883.20 |
| CAMPBELL COUNTY ENGINEERS | 69,617.40 |
| CAMPBELL COUNTY HOSPITAL DIST | 8,772.00 |
| CAMPBELL COUNTY OBSERVER | 400.00 |
| CAMPBELL COUNTY PUBLIC HEALTH | 61.00 |
| CAMPBELL COUNTY SENIOR CITIZEN | 1,303.00 |
| CAMPBELL COUNTY SHERIFF | 250.00 |
| CARMICHAEL, ROBERT | 2,043.00 |
| CARTER-KING, LOUISE | 23.73 |
| CENTER FOR RESOURCE CONSERVATION | 7,500.00 |
| CENTURYLINK-PHONE CHARGES | 2,523.16 |
| CHOICE ADVERTISING | 804.20 |
| CITY OF GILLETTE-PETTY CASH | 200.50 |
| CLARK SAFETY INC. MONTE RUSSELL | 900.00 |
| CLIMB WYOMING | 14,750.00 |
| COLLINS COMMUNICATIONS, INC | 18,405.40 |
| COMPASSCOM SOFTWARE | 10,146.00 |
| CONSOLIDATED ENGINEERS, INC. | 9,326.51 |
| CONSOLIDATED WATER SOLUTIONS | 2,775.11 |
| CONTRACTORS SUPPLY, INC. | 4,862.74 |
| CRESCENT ELECTRIC SUPPLY | 450.40 |
| CRUM ELECTRIC SUPPLY CO | 2,542.50 |
| DALE BUCKINGHAM ARCHITECTS, LLC. | 26,113.73 |
| DANA KEPNER COMPANY, INC. | 261.00 |
| DAVIS & CANNON LLP | 11,343.04 |
| DELTA DENTAL OF WYOMING | 23,177.47 |
| DESIGN/CONSTRUCTION LLC | 5,004.44 |
| DPC INDUSTRIES, INC. | 3,858.98 |
| DRM INC | 73,730.73 |
| DXP ENTERPRISES, INC | 234.00 |
| EARTH WORK SOLUTIONS | 11,700.00 |
| EDGE CONSTRUCTION SUPPLY | 264.81 |

| | |
|----------------------------------|------------|
| EFLEXGROUP.COM, INC. | 6,692.65 |
| ELY, KIRVEN D. & WINONA KAY | 570.50 |
| ENERGY LABORATORIES, INC | 20.00 |
| EXPRESS-SCRIPTS, INC. | 21,084.90 |
| FARMER BROTHERS COMPANY | 1,141.92 |
| FIRST INTERSTATE BANK-GILLETTE | 13,354.63 |
| FIRST NAT'L BANK-GILLETTE | 34,059.59 |
| FIRST NORTHERN BANK OF WYOMING | 31,228.78 |
| FORCE AMERICA, INC. | 102.82 |
| FRANDSON SAFETY, INC. | 96.00 |
| G&G LANDSCAPING, INC. | 32,040.00 |
| GENERAL DYNAMICS BROADBAND INC | 350.00 |
| GILLETTE ENERGY ROTARY CLUB | 204.50 |
| GILLETTE ROTARY CLUB | 235.30 |
| HAZLETT HSE CONSULTING | 2,000.00 |
| HD SUPPLY POWER SOLUTIONS, LTD | 2,760.24 |
| HDR ENGINEERING, INC | 54,614.53 |
| HKM ENGINEERING INC. | 86,128.22 |
| HOMAX OIL | 33,690.42 |
| ICMA RETIREMENT TRUST 401 | 272.85 |
| ICMA RETIREMENT TRUST-457 | 6,663.56 |
| INTEGRATED INFORMATION SOLUTIONS | 700.00 |
| INTER-MOUNTAIN LABS, INC. | 146.00 |
| ISC INC. | 503.00 |
| ITRON, INC. | 1,790.00 |
| J & J PLUMBING | 137.50 |
| J B STORAGE CONTAINERS | 150.00 |
| JOHN'S WELDING | 700.00 |
| JOHNSON CONTROLS, INC. | 799.00 |
| JOHNSON, GREGORY | 8,322.00 |
| JONES, LETICIA RAMIEREZ | 262.50 |
| JUDICIAL VENDORS | 839.00 |
| KADRMAS, LEE & JACKSON, INC. | 12,685.01 |
| KENDIG KEAST COLLABORATIVE | 11,575.67 |
| KIMBALL EQUIPMENT COMPANY | 597.25 |
| KRIZ-DAVIS COMPANY | 2,057.30 |
| KUNTZ, ROBIN M. | 14.98 |
| LANDSCAPES BY HOLCOMB, LLC | 745.75 |
| LANNAN'S SUPPLY CO. | 56.50 |
| LYLE SIGNS INC | 694.25 |
| MANNING WRECKER SERVICE, LLC | 60.00 |
| MCM GENERAL CONTRACTORS | 42,591.65 |
| MILLER LANDSCAPING | 1,134.94 |
| MISC. VENDOR | 947.50 |
| MORRISON MAIERLE, INC. | 49,722.12 |
| MOTOROLA | 3,000.00 |
| MOUNTAIN VIEW BUILDING, INC. | 207,328.29 |
| MUNICIPAL TREATMENT EQUIPMENT | 237.51 |
| MURPHY, TOM | 23.67 |
| MYERS, AMANDA | 150.00 |
| NATIONAL IMPRINT CORPORATION | 685.25 |
| NEWS RECORD | 10,577.45 |
| NORCO, INC | 1,594.37 |
| NORTON CONSTRUCTION CORP | 116,603.41 |

| | |
|------------------------------------|--------------|
| OCCUPATIONAL TESTING INC (OTI) | 685.00 |
| ONE CALL OF WYOMING COPR | 228.75 |
| ONLINE INFORMATION SERVICES, INC. | 397.20 |
| OPENTEXT INC | 8,775.00 |
| PAINTBRUSH SEWER & DRAIN | 7,473.00 |
| PARKS PLUMBING | 184.16 |
| PCA ENGINEERING, INC. | 71,384.29 |
| PIERCE, ANDREANNA | 150.00 |
| PINKERTON CONSULTING & INVESTIGAT | 324.80 |
| POKEY'S BBQ | 105.00 |
| POWDER RIVER CONSTRUCTION, INC | 10,487.88 |
| POWDER RIVER ENERGY CORP. | 8,451.22 |
| POWDER RIVER OFFICE SUPPLY | 1,590.02 |
| POWER ENGINEERS INC. | 3,217.66 |
| PRIME POWER & COMMUNICATIONS | 14,821.00 |
| PRIME RIB RESTAURANT | 1,960.00 |
| PROELECTRIC, INC. | 13,001.39 |
| QUALITY UTILITY EQUIPMENT | 654.11 |
| RAFT RIVER ELECTRIC | 570.00 |
| RAILROAD MANAGEMENT CO. III, LLC | 265.74 |
| RAZOR CITY LOCKSMITH, LLC | 256.90 |
| RDG SCHUTTE WILSCAM BIRGE | 3,735.00 |
| RDJ SPECIALTIES, INC. | 1,659.57 |
| REINTS, TIM | 1,142.00 |
| RESOURCE RECOVERY SYSTEMS OF NEB. | 1,750.00 |
| RINGER LAW, P.C. | 3,020.00 |
| ROCKY MOUNTAIN BUSINESS EQUIP, LLC | 260.80 |
| RODELL, LEONARD | 22.50 |
| S & S BUILDERS, LLC. | 29,290.12 |
| S D MYERS, INC. | 504.00 |
| SKAGGS COMPANIES, INC. | 2,334.00 |
| SKYLINE GRILLE | 350.00 |
| SMYLIE ANIMAL CLINIC | 50.00 |
| SOURCE OFFICE PRODUCTS | 8,550.00 |
| SOUTHERN COMPUTER WAREHOUSE | 1,765.46 |
| SPINDLER, ADAM | 762.50 |
| SWEET DELIVERIES | 159.50 |
| T-M SERVICE COMPANY INC | 4,147.31 |
| TRUGREEN CHEMLAWN | 122.50 |
| TRUJILLO, JOSEPH A. | 800.00 |
| TYLER TECHNOLOGIES INC. | 11,480.90 |
| U S TREASURY-EFTPS | 205,696.53 |
| UMB BANK-CARD CENTER | 88,609.36 |
| UNDERWRITERS LABORATORIES INC | 2,366.00 |
| UNIVERSAL ATHLETIC SERV. | 1,127.75 |
| UNTAMED DESIGN LLC | 2,325.00 |
| UTILITY OVERPAYMENTS ONLY | 7,234.32 |
| VAN EWING CONSTRUCTION CORP | 282,131.59 |
| VARITECH INDUSTRIES, INC | 71.53 |
| VISIONARY COMMUNICATIONS | 451.88 |
| WASTE CONNECTIONS OF WYOMING | 349.13 |
| WATERWORKS INDUSTRIES INC | 1,923.19 |
| WAUSAU EQUIPMENT COMPANY, INC. | 196.99 |
| WELLS FARGO BANK | 3,019,454.25 |

| | |
|------------------------------------|--------------|
| WESCO DISTRIBUTION, INC. | 2,452.40 |
| WEST PLAINS ENGINEERING | 455.00 |
| WESTERN SERVICES, LLC | 2,890.00 |
| WESTERN STATIONERS | 651.70 |
| WYODAK RESOURCES DEVELOPMENT CORP. | 173,857.92 |
| WYOMING ASSOC SHERIFF & POLICE | 500.00 |
| WYOMING CUSTODIAL ASSOCIATION | 210.00 |
| WYOMING DEPARTMENT OF TRANSP | 2,241.03 |
| WYOMING DEPT. OF EMPLOYMENT | 7,538.52 |
| WYOMING MACHINERY CO. | 10,282.58 |
| WYOMING SECRETARY OF STATE | 90.00 |
| WYOMING STATE-REVENUE & TAX | 95,184.22 |
| WYOMING TECHNOLOGY TRANSFER COPR | 1,300.00 |
| WYOMING WATER SOLUTIONS | 27.00 |
| WYOSTAR | 4,367,572.57 |
| XEROX CORPORATION | 2,628.71 |

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, Rothleutner, 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 Jerred to approve a conflict claim for Councilwoman Carter-King in the amount of \$2,623.18 (Powder River Office Supply - \$2,599.45 and internet reimbursement - \$23.73). 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, Rothleutner, 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, Rothleutner, Carter-King, Jerred, and Mayor Murphy. Councilman Kuntz abstained. The Presiding Officer declared the motion carried.

It was moved by Councilwoman Carter-King and seconded by Councilman Kuntz to approve a conflict claim for Councilman Rothleutner in the amount of \$40.60 to Mike's Hardware. 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, McGrath, and Mayor Murphy. Councilman Rothleutner abstained. The Presiding Officer declared the motion carried.

It was moved by Councilwoman Carter-King and seconded by Councilman Kuntz to approve a conflict claim for Mayor Murphy in the amount of \$23.67 for travel reimbursement to the National Main Street Conference and the WAM Committee Board Meeting. Mayor Murphy 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 Opseth. Mayor Murphy abstained. The Presiding Officer declared the motion carried.

Oral Comments

The Mayor and Council recognized the Campbell County High School State Champions.

Mayor Murphy proclaimed May 20, 2013, as "Coach Mike Curry Appreciation Day" and presented Coach Curry with the Key to the City.

For the Good of the Community

Mayor Murphy noted the grand opening of Jordan's and stated this is an example of hearing the citizen's voices concerning the need for more restaurants and shopping in the community.

Public Comments

Brian Likewise stated that in the early 80's the City of Gillette built a concrete channel to contain the Stonepile Creek runoff in right of way purchased from the mobile home park across the channel from his property. There was a 10' wide drainage easement adjacent to the creek which limited him, as a landowner, from what he could build in this easement so as not to impede the flow of water. Mr. Likewise went on to say that a concrete retaining wall with a chain link fence has been built five foot into this easement and stated that an easement does not give the City the right to build such a structure on his property. He then stated that someone employed by the City replaced his NE property corner placing it where the easement line used to be. He feels that the placement of this property corner shows the City's intention to take possession of this piece of property. This has reduced his lot from 7,700 square feet to 7,000 square feet. He stated that he has contacted City staff to work with them to correct this issue and feels the City needs to compensate those affected by this. Councilman Jerred asked what staff member he had been working with. Mr. Likewise stated Dustin. Mayor Murphy asked when this became apparent. Mr. Likewise stated it became apparent in 2010. Mayor Murphy noted that staff is taking careful note and will follow up with Mr. Likewise.

Council Reports

Mayor Murphy asked for Council reports. There were none.

Written Comments

Mayor Murphy asked for written comments. City Clerk Abelseth said there were none.

Ordinance Second Reading

ORDINANCE 13-12

AN ORDINANCE TO AMEND SECTION 14-33 (a) OF THE GILLETTE CITY CODE CONCERNING CONCEALED WEAPONS OTHER THAN FIREARMS

It was moved by Councilwoman Carter-King and seconded by Councilman Jerred 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. Councilman Rothleutner voted nay. The Presiding Officer declared the motion carried.

ORDINANCE 13-13

AN ORDINANCE TO AMEND PORTIONS OF SECTION 11-10(C) (3) OF THE GILLETTE CITY CODE TO EXTEND THE SNOW ROUTE ON 6TH STREET TO GILLETTE AVENUE AND TO ENACT SECTION 11-12 (h) OF THE GILLETTE CITY CODE CONCERNING PARKING ON DRIVEWAYS AND SIDEWALKS

It was moved by Councilwoman Carter-King and seconded by Councilman Jerred 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: Kuntz, Jerred, McGrath, Opseth, Rothleutner, Carter-King, and Mayor Murphy. The Presiding Officer declared the motion carried.

Ordinance First Reading

ORDINANCE 13-14

AN ORDINANCE TO AMEND SECTION 16-3 OF THE GILLETTE CITY CODE CONCERNING ENFORCEMENT OF SECTION 17-21 GCC BY SPECIAL MUNICIPAL OFFICERS

It was moved by Councilman Opseth and seconded by Councilwoman Carter-King to approve the foregoing Ordinance on first reading. Mayor Murphy asked for background information. City Administrator Napier explained that recently Council passed an Ordinance concerning enforcement of conservation measures, and more specifically, watering on Monday's. The Ordinance now needs to be updated in regards to authorizing individuals as Special Municipal Officers who can issue citations in regard to enforcement of the Ordinance. Those individuals would include the Community Service Officers, the Code Compliance Inspectors, and the Sustainability Coordinator. Mayor Murphy asked if these individuals would be the only ones authorized to issue citations. City Administrator Napier stated that certainly the police department would also be authorized to issue citations as well, but would not need special authorization like this would designate. Councilman McGrath stated he understands the need for enforcement, but cannot support authorizing anyone, other than law enforcement officers, issuing citations. He went on to say that these individuals are not trained on how to issue citations and feels this could put the individuals into a confrontational situation with a citizen while issuing a citation. Sherilyn Likewise stated her opposition to the proposed amendment. She stated that her tax dollars shouldn't be spent on employing Special Municipal Officers who will be issuing citations for watering. Ms. Likewise concluded her opposition by stating "My natural inclination is when you tell me that you are going to fine me to do it, is go right ahead; I dare you." Councilman Rothleutner stated that he will not be supporting this amendment as in the initial Ordinance there was no allowance for a sunset, and he feels it would have quelled constituent fears if it would have been spelled out the right way in the beginning. After the discussion, roll was called on the motion with the following results. Council Members voting aye: Jerred, Opseth, Carter-King, and Mayor Murphy. Voting nay: McGrath, Rothleutner, and Kuntz. The Presiding Officer declared the motion carried.

ORDINANCE 13-15

AN ORDINANCE PROVIDING FOR THE VACATION OF THE SOUTHERN FOUR FEET OF A TWENTY FOOT WIDE UTILITY EASEMENT LOCATED ALONG THE NORTH PROPERTY LINE ON LOT 10B, COLLINS HEIGHTS INDUSTRIAL PARK, AS SHOWN ON THE EXHIBIT "A" MAP, IN THE CITY OF GILLETTE, WYOMING, SUBJECT TO ALL PLANNING REQUIREMENTS

It was moved by Councilman Opseth and seconded by Councilman Rothleutner to approve the foregoing Ordinance on first reading. Mayor Murphy asked for background information. City Administrator Napier explained that property owner of Lot 10B is interested in expanding their facility. He went on to say, that there is a four foot wide and 20' long utility easement located on the north property boundary that is needed in order to expand the facility. The petitioner is asking that a portion of the utility easement be vacated. Dean Thompson, employee of Powder River Construction, stated that upon approval by City Council, he would like to make a special request that the building department issue a permit prior to the three readings of the Ordinance. He went on to say, at the beginning of the project, there was an existing building attached to the facility that needed to be demolished and he was not aware that the building was on top of a utility easement. Therefore, he is requesting that a portion of the utility easement be vacated in order to expand the facility. Mr. Thompson stated that he understands that if the permit is issued and the Ordinance not approved on the remaining readings, then the structure will be torn down. Mayor Murphy asked if City Administrator Napier was aware of this. Mr. Napier stated staff is aware of this request and reported there was a letter received from Powder River Construction stating their understanding that if they move forward with the construction, it would be at their own risk. After the discussion, roll was called on the motion with the following results. Council Members voting aye: McGrath, Opseth, Rothleutner, Carter-King, Kuntz, Jerred, and Mayor Murphy. The Presiding Officer declared the motion carried.

ORDINANCE 13-16

AN ORDINANCE PROVIDING FOR THE VACATION OF A TEN FOOT WIDE WALKING EASEMENT AS SHOWN ON THE EXHIBIT "A" MAP ON LOTS 13, 14, 29A, AND 30, BLOCK 10, RC RANCH, PHASE 2, IN THE CITY OF GILLETTE, WYOMING, 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 background information. City Administrator Napier stated there are four property owners that would like to utilize the rear of their properties to erect fences and landscaping and are requesting the vacation of the easement. After further discussion, roll was called on the motion with the following results. Council Members voting aye: Opseth, Rothleutner, Carter-King, Kuntz, Jerred, McGrath, and Mayor Murphy. The Presiding Officer declared the motion carried.

New Business

It was moved by Councilman Rothleutner and seconded by Councilman McGrath to pre-qualify general contractors for formal bidding purposes for the Gillette Madison Pipeline Project Contract 4b, 4c, 4d and 4f. Mayor Murphy 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, Opseth, and Mayor Murphy. The Presiding Officer declared the motion carried.

It was moved by Councilman Rothleutner and seconded by Councilman McGrath to approve a bid award for the base bid of the Ash Meadows Park Improvements Project to S&S Builders, LLC, in the amount of \$302,791.80. Mayor Murphy asked for back ground information. City Administrator Napier explained that several bids were received and S&S Builders, LLC, is the apparent low bidder. An alternate was included in the bid package which consisted of additional irrigation for the multi-use field; however, staff is recommending

only the base bid be awarded at this time. The base bid would include a shelter, play ground equipment, concrete sidewalk, half basketball court, landscaping, lighting, and new irrigation system. After the discussion, roll was called on the motion with the following results. Council Members voting aye: Carter-King, Kuntz, Jerred, McGrath, Opseth, Rothleutner, and Mayor Murphy. The Presiding Officer declared the motion carried.

RESOLUTION 2415

A RESOLUTION TO ADOPT THE SAFE ROUTE TO SCHOOLS TRAVEL PLAN

It was moved by Councilwoman Carter-King and seconded by Councilman Jerred to approve the foregoing Resolution to adopt the Safe Routes to Schools Travel Plan as a general guide to determine improvements needed to educate and encourage school attendance access using walking or biking modes of transportation, as prepared by Kadrmas, Lee and Jackson (KLJ), Inc. 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, Rothleutner, Carter-King, 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 reconnaissance design services associated with the Boxelder Road reconstruction, from Highway 59 to 4-J Road, with PCA Engineering, Inc., in the amount of \$58,320. Mayor Murphy asked for background information. City Administrator Napier explained that the traffic counts between Highway 59 and 4-J Road on Boxelder have increased. With these potential impacts, staff thought it appropriate to consider reconnaissance services for the consideration of the potential widening of Boxelder Road. It's anticipated that this assemblage of data would assist staff with a holistic understanding for some of the needs in this particular area. It would also give detail for right of ways that may exist for construction consideration several years down the road. After further discussion, roll was called on the motion with the following results. Council Members voting aye: Jerred, Opseth, Carter-King, and Mayor Murphy. Council Members voting nay: McGrath, Rothleutner, and Kuntz. The Presiding Officer declared the motion carried.

It was moved by Councilman Rothleutner and seconded by Councilwoman Carter-King to approve a catering permit requested by Mingles Lounge for June 28, 2013, from 9:00 p.m. to midnight for their annual "Summertime Bash". Mayor Murphy asked for background information. City Administrator Napier explained that this is for Mingles' annual Summertime Bash that will begin at 9:00 p.m. and end at 1:00 a.m. The reason for Council's consideration is due to the fact that there will be amplified music. Councilman McGrath asked if there were complaints received last year. Lieutenant Wasson stated there were no issues last year and asked for clarification of the times as his application showed 1:00 a.m. Councilman McGrath stated that it is his recollection that Council has requested that outdoor events with amplified music end at midnight. City Clerk Abelseth stated that, typically, in the past, Council has requested that the music end at midnight. Mayor Murphy stated the event could continue on until 1:00 a.m., however, it's the music that would need to end at midnight. After the discussion, roll was called on the motion with the following results. Council Members voting aye: McGrath, Opseth, Rothleutner, Carter-King, Kuntz, Jerred, and Mayor Murphy. The Presiding Officer declared the motion carried.

It was moved by Councilwoman Carter-King and seconded by Councilman McGrath to approve a parade permit requested by Campbell County Parks & Recreation for July 4th, beginning at 10:00 a.m. to 11:30 a.m., located on Second Street from 4-J Road south to Osborne Avenue. Mayor Murphy asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Opseth, Rothleutner, Carter-King, Kuntz, Jerred, McGrath, and Mayor Murphy. The Presiding Officer declared the motion carried.

It was moved by Councilman Rothleutner and seconded by Councilman Opseth to approve a street closure located on Warlow Drive west of the Aquatic Center entrance to North Osborne Avenue, and on Brooks Avenue between Lakeside Drive and Warlow Drive, requested by the Mayor's Art Council for June 8th from 1:00 p.m. to 2:00 p.m. for a "Time of Remembrance" at the Children's Memorial Remembrance Garden. Mayor Murphy asked for discussion. Councilman Kuntz stated there is construction in this area and asked if staff could ensure that the construction does not interfere with the ceremony. Roll was called on the motion with the following results. Council Members voting aye: Rothleutner, 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 Councilman Jerred to approve a request from Gillette Brewing Company to extend their serving area to include a covered patio area located on the east side of the building. 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, Rothleutner, and Mayor Murphy. The Presiding Officer declared the motion carried.

It was moved by Councilman Rothleutner and seconded by Councilman Jerred to approve a carnival permit requested by North Star Amusements and Post 42 American Legion Baseball, to be located at the Aquatic Center, June 10th through June 17, 2013. 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, Rothleutner, Carter-King, and Mayor Murphy. The Presiding Officer declared the motion carried.

It was moved by Councilman Opseth and seconded by Councilman Jerred to approve a pipeline license agreement for a 16" water transmission main crossing for the Westover Road Zone 2 Water Transmission Replacement Project, with BNSF Railroad, in the amount of \$4,375. 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, Rothleutner, Carter-King, Kuntz, and Mayor Murphy. The Presiding Officer declared the motion carried.

Appointments

Mayor Murphy inquired about the appointment of a voting delegate for the upcoming WAM Conference. Community & Gov't Relations Manager Davidsmeier reported that this item will be on the June 3rd agenda for Council's consideration.

Administrator's Report

Mayor Murphy asked for an Administrator's Report. City Administrator Napier said there was none.

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, June 3, 2013.

Tom Murphy, Mayor

(S E A L)

ATTEST:

Karlene Abelseth, City Clerk

Publication date: May 29, 2013