

COUNCIL PROCEEDINGS

REGULAR

June 3, 2013

7:05 p.m.

A meeting of the City Council, of the City of Gillette, County of Campbell, State of Wyoming, was held on Monday the 3rd day of June 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, Forrest Rothleutner, and Mayor Tom Murphy.

Council Member absent: John Opseth.

Staff present: J. Carter Napier, City Administrator; Charlie Anderson, City Attorney; John Aguirre, Human Resource Director; Kendall Glover, Utilities Director; Tom Pitlick, Finance Director; Brent Wasson, Lieutenant; Michael Foote, Sustainability Coordinator; Michael Surface, Senior Planner; Joe Lunne, Public Information Officer; and Karlene Abelseth, City Clerk.

Thereupon the following proceedings were had and taken. Reverend Phil Jones of Roadway Alliance 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 Councilman McGrath and seconded by Councilman Rothleutner 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, 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

Pre-Meeting - May 20, 2013.

Regular Meeting - May 20, 2013.

City/County/Town of Wright - May 21, 2013.

Ordinance Second Reading

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

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

New Business - Consent Agenda

Approval of a Master Subscription Agreement for provision of internet-based electronic payment services with Govolution Public Sector ePayments.

Bills and Claims

ACTION LOCK AND KEY	100.00
ADECCO EMPLOYMENT SERVICES	751.04
AIR SOLUTIONS LLC	9,924.00
AIRGAS INTERMOUNTAIN	36.90
ALSCO	1,055.23
BASIN RADIO NETWORK	2,640.00
BEAR'S NATURALLY CLEAN	578.05
BICYCLE SHOP	50.00
BIG D SANITATION CORP	4,925.00
BLACK HAWK CRANE &	770.00
BLACK HILLS POWER & LIGHT	335,623.00
BLACK HILLS WYOMING, LLC	950,000.00
BLUE CROSS-BLUE SHIELD OF WYOMING	88,195.70
BREANNA'S BAKERY	81.00
BRESNAN COMMUNICATIONS	900.00
BROWN, GLENDA	149.31
BURNS & MCDONNELL CORP	274,301.60
BW INSURANCE AGENCY, INC.	50.00
CAMEL TOWING LLC	120.00
CAMPBELL COUNTY ABSTRACT	22,285.50
CAMPBELL COUNTY CHAMBER	372.00
CDW-GOVERNMENT, INC.	11,117.48
CENTRILIFT	3,298.34
CHOPHOUSE RESTAURANT, THE	86.93
CITY OF GILLETTE	83,439.83
CITY OF GILLETTE-PETTY CASH	32.99
CLARK SAFETY INC. MONTE RUSSELL	900.00
CLAUS LLC	5,197.72
CLEMENT COMMUNICATIONS, INC.	228.28
COLE, MIKE	68.90
COLLINS COMMUNICATIONS, INC	28,079.98
CONSOLIDATED WATER SOLUTIONS	2,776.11
CONTRACTORS SUPPLY, INC.	12,483.53
CPS DISTRIBUTORS	2,282.25
CRESCENT ELECTRIC SUPPLY	226.30
CROOK COUNTY VETERINARY SERVICE	75.00
CUES, INC.	383.48
DANA KEPNER COMPANY, INC.	776.75
DAVIS & CANNON LLP	1,678.36
DEVINS, AMY	100.00
DONKEY CREEK FESTIVAL	20,000.00
DRM INC	13,880.67
DUMBRILL, DOUG	6,476.33
DXP ENTERPRISES, INC	475.20
EFLEXGROUP.COM, INC.	7,173.65
ENERGY LABORATORIES, INC	101.00
EXPRESS-SCRIPTS, INC.	15,729.73
FAIRMONT SUPPLY CO.	112.12
FARMER BROTHERS COMPANY	631.36
FIRST INTERSTATE BANK-GILLETTE	107.90
FRANDSON SAFETY, INC.	288.00
GARNEY WYOMING, INC.	444,803.05
GILLETTE JUNIOR HOCKEY LLC	283.02

GORSUCH, BARB	75.00
GROUND ENGINEERING CONSULTANTS	15,007.50
HALVORSEN, ALLISON	100.00
HD SUPPLY POWER SOLUTIONS, LTD	1,203.63
HORSLEY, STEVEN T. & LINDA E.	689.50
ICMA RETIREMENT TRUST 401	272.85
ICMA RETIREMENT TRUST-457	6,840.16
INTER-MOUNTAIN LABS, INC.	2,555.00
ITRON, INC.	1,591.93
J B STORAGE CONTAINERS	64.11
JOHNSON, RICHARD L. & KIMBERLE R.	664.50
JONES, LETICIA RAMIEREZ	25.00
JUDICIAL VENDORS	947.65
KEYHOLE BROADCASTING	1,584.00
LANDMARK, INC.	85.00
LEARNING TREE INTERNATIONAL USA INC	3,598.32
LINDGREN, WAYNE	263.86
LYLE SIGNS INC	110.77
M G OIL - GILLETTE	25,476.00
MARCUS, JASON	686.00
MCM GENERAL CONTRACTORS	11,020.05
MISC. VENDOR	7,555.50
MYERS, AMANDA	100.00
NATIONAL LEAGUE OF CITIES	1,861.00
NEVE'S UNIFORM INC.	264.24
NORCO, INC	2,028.31
OVERHEAD DOOR CO COPR	709.05
PAINTBRUSH SEWER & DRAIN	205.00
PCA ENGINEERING, INC.	875.00
PILOTS	815.00
PLATTE RIVER BUILDERS, INC.	22,572.00
POLYDYNE, INC.	8,184.00
POWDER RIVER CONSTRUCTION, INC	26,345.00
POWDER RIVER ENERGY CORP.	9,709.90
POWDER RIVER OFFICE SUPPLY	1,697.89
POWER ENGINEERS INC.	19,931.07
PRIME POWER & COMMUNICATIONS	19,378.00
PROELECTRIC, INC.	43,209.13
RED TIGER WELL SERVICE	43,675.00
RJM COMPANY	8,511.00
ROBERT J. O'NEIL LAW OFFICE	1,500.00
ROCKY MOUNTAIN BUSINESS EQUIP, LLC	115.00
SAIC ENERGY, ENVIRONMENT, &	4,116.00
SHIELDS PLUMBING HEAT & AIR	1,556.21
SIMPSON'S PRINTING	588.00
SOLVINGTECH, LLC	20,510.43
SOURCE OFFICE PRODUCTS	1,074.45
SOURCEGAS	12,992.46
SOUTHERN COMPUTER WAREHOUSE	2,346.63
STEINER THUESEN PLLC	7,056.54
SUNGARD PUBLIC SECTOR INC.	69.47
SWEET DELIVERIES	570.00
TARGET SIGN COMPANY, INC	200.00
THE ALPHA GROUP	525.00
TIC - THE INDUSTRIAL COMPANY WYO.	419,546.27

TRAVERSE, JEREMY	100.00
TYLER TECHNOLOGIES INC.	6,206.46
U S TREASURY-EFTPS	201,535.80
UNIVERSAL ATHLETIC SERV.	372.00
UNTAMED DESIGN LLC	40.00
UTILITY OVERPAYMENTS ONLY	9,554.56
VIGIL, SHELBY	75.00
VYROTECH LLC	625.00
WARM - LIABILITY POOL	22,545.64
WESCO DISTRIBUTION, INC.	337.00
WESTERN SERVICES, LLC	782.00
WESTERN WASTE SOLUTIONS, INC	10,528.80
WILDE, SAWLEY	63.84
WYOMING ASSOC MUNICIPALITIES	120.00
WYOMING WATER SOLUTIONS	182.25
YOUTH EMERGENCY SERVICES, INC	37,500.00

It was moved by Councilwoman Carter-King and seconded by Councilman Jerred 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, 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 Rothleutner to approve a conflict claim for Councilwoman Carter-King in the amount of \$1,697.89 to Powder River Office Supply. Mayor Murphy 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 Mayor Murphy. Councilwoman Carter-King abstained. The Presiding Officer declared the motion carried.

Oral Comments

The Mayor and Council recognized Steve Necklason for 25 years of service to the City of Gillette.

Mayor Murphy proclaimed the month of June 2013 as "National Safety Month."

For the Good of the Community

The Mayor and Council recognized Jeremy Harder for the 2013 "Hometown Media Award" in the Entertainment and Arts Access Center Professional Category.

Public Information Officer Lunne gave a presentation of past and upcoming events around the community. During the presentation, notification was given concerning the Gurley Overpass closure for a routine inspection on June 6th & 7th, between the hours of 9:00 a.m. and 3:00 p.m. After the presentation, Councilman McGrath directed staff to contact Burlington Northern to ask for their cooperation and not block the railroad crossings at Brooks Avenue and Burma Avenue during the times of the closure.

Public Comments

Dave Allison addressed the Council by asking for their cooperation with the County and budget money for the Air Enhancement Services. Mayor Murphy informed Mr. Allison the County's request was

received too late for consideration in this year's budgeting process; however, a Task Force is being created, which will include three Council Members, to determine the possible need for discussion during next year's budgeting process. Mr. Allison then touched on revenues that have been reported to be on the decline for the City and the County, and asked the Council to be cognizant of their budgeting decisions concerning the Field of Dreams.

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 Third Reading

ORDINANCE 3794

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 third and final reading. Mayor Murphy asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: McGrath, Carter-King, Kuntz, Jerred, and Mayor Murphy. Voting nay: Rothleutner. The Presiding Officer declared the motion carried.

ORDINANCE 3795

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 Rothleutner to approve the foregoing Ordinance on third and final reading. 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 Mayor Murphy. The Presiding Officer declared the motion carried.

Ordinance Second 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 Councilwoman Carter-King and seconded by Councilman Jerred to approve the foregoing Ordinance on second reading. Mayor Murphy asked for discussion. Councilman McGrath once again stated that he cannot support an Ordinance that authorizes anyone other than a law enforcement officer to issue citations. Councilman Jerred stated that after careful consideration, he will be voting to nay. Councilwoman Carter-King asked if the Special Municipal Officers receive training. City Administrator Napier stated that Municipal Officers do receive training in writing citations, dealing with troubled customers, etc. Councilwoman Carter-King asked if there have been any

instances, with the current Municipal Officer, threatening their safety. City Attorney Anderson stated there are Animal Control Officers who issue citations for animal violations and supposes that there probably have been some circumstances where a police officer was called for assistance. There have been police officers called for assistance with building code violations, and stated that there is excellent cooperation between the Special Municipal Officers and the Police Officers. Councilwoman Carter-King asked if the Ordinance is voted down, would it revert to only Police Officers issuing the citations. City Administrator Napier affirmed that as far as issuing the citations that is correct; however, that doesn't mean that staff could not build a case in regard to the complaints. Councilman Jerred stated there would be a few warnings given prior to the citation being issued, and asked if staff would have radio dispatch capabilities. City Administrator Napier replied that staff would make several attempts to contact the property owner. It is his understanding they don't carry hand held radios, but carry cell phones. Mayor Murphy asked if the vehicles they use have two-way radios. Mr. Napier replied that it is common for City vehicles to have two-way radios. Councilwoman Carter-King asked staff to keep Council updated concerning citations that are issued for violations of water wasting. After the discussion, roll was called on the motion with the following results. Council Members voting aye: Carter-King and Mayor Murphy. Council Members voting nay: Kuntz, Jerred, McGrath, and Rothleutner. The Presiding Officer declared the motion defeated and the Ordinance does not pass on second reading.

Appointments

It was moved by Councilman McGrath and seconded by Councilwoman Carter-King to appoint Mayor Murphy as voting delegate and City Administrator Napier as the alternate voting delegate, for the 2013 WAM Convention Business Meeting to be held in Riverton, Wyoming, on Saturday, June 15, 2013. Mayor Murphy asked City Administrator Napier if the Wyoming Association of Municipalities was contacted to inquire if they would allow him to be the alternate voting delegate. Mr. Napier affirmed that was correct. Roll was called on the motion with the following results. Council Members voting aye: Kuntz, Jerred, McGrath, Rothleutner, and Carter-King. Mayor Murphy abstained. The Presiding Officer declared the motion carried.

Administrator's Report

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

Special Orders of the Day

Mayor Murphy opened into a public hearing for the transfer of ownership of a retail liquor license from Pat's Liquors, Inc., to BGM Partners, LLC, d.b.a. Pat's Drive-Up Liquor, located at 600 S. Douglas Hwy. Bruce Brown, representative of BGM Partners, LLC, was available for questions. Councilman Jerred asked if the business would remain as Pat's Liquor. Mr. Brown affirmed that was correct and informed Council the intent was to create an Irish Pub Theme. No further comments were made and Mayor Murphy closed the public hearing.

It was moved by Councilman Jerred and seconded by Councilman Rothleutner to approve the transfer of ownership of a retail liquor license from Pat's Liquors, Inc., to BGM Partners, LLC, d.b.a. Pat's Drive-Up Liquor, located at 600 S. Douglas Hwy. Mayor Murphy 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 Mayor Murphy. The Presiding Officer declared the motion carried.

Mayor Murphy opened into a public hearing concerning a Zoning Map Amendment for Tracts 1-3 of the Proposed Cedar Rim Estates Subdivision, with Tract 1 to be Zoned C-1, General Commercial District, Tract 2 to be Zoned R-3, Single and Multiple Family Residential District, Tract 3 to be Zoned A, Agricultural Zoning District, and the Beaver Drive Right-of-Way to be Zoned to the Centerline and Correspond with the Adjacent Zoning Districts, as Shown on the Attached Exhibit 'A' and Exhibit 'B' Maps, Subject to all Planning Requirements. No comments were made and Mayor Murphy closed the public hearing.

ORDINANCE 13-17

AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE CITY OF GILLETTE, WYOMING, FOR PROPERTY GENERALLY LOCATED AT 1881 SOUTH BURMA AVENUE AND LEGALLY DESCRIBED AS TRACTS 1-3 OF THE PROPOSED CEDAR RIM ESTATES SUBDIVISION, WITH TRACT 1 TO BE ZONED C-1, GENERAL COMMERCIAL DISTRICT, TRACT 2 TO BE ZONED R-3, SINGLE AND MULTIPLE FAMILY RESIDENTIAL DISTRICT, TRACT 3 TO BE ZONED A, AGRICULTURAL ZONING DISTRICT, AND THE BEAVER DRIVE RIGHT-OF-WAY TO BE ZONED TO THE CENTERLINE AND CORRESPOND WITH THE ADJACENT ZONING DISTRICTS, AS SHOWN ON THE ATTACHED EXHIBIT 'A' AND EXHIBIT 'B' MAPS, SUBJECT TO ALL PLANNING REQUIREMENTS

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

Mayor Murphy opened into a public hearing concerning a Zoning Map amendment for Lot 1, Lakeland Hills Commercial Subdivision from C-P, Planned Neighborhood Business Zoning District to C-1, General Commercial Zoning District, Subject to all Planning Requirements. Councilwoman Carter-King asked for the Planning Commission's outcome when they considered the request. Senior Planner Surface explained that the vote was unanimous to move forward for City Council's consideration. Councilman Jerred asked what type of business is going in the C-1 Zoning District. Mr. Surface stated that Kum & Go is the applicant and they want to put in a convenience store and gas station. Councilwoman Carter-King asked for an explanation of a C-P zoning. Mr. Surface explained that a C-P Zoning is for neighborhood businesses and C-1 is for a great range of businesses. There was discussion concerning access to the property and Mr. Surface stated that the rezoning request is one step in the process and there are further details that need to be addressed, including the access; for the safety of the drivers as well as for the success of Kum & Go. After further discussion, Mayor Murphy closed the public hearing.

ORDINANCE 13-18

AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE CITY OF GILLETTE, WYOMING, FOR PROPERTY GENERALLY LOCATED AT 1001 EAST WARLOW DRIVE AND LEGALLY DESCRIBED AS LOT 1, LAKE LAND HILLS COMMERCIAL SUBDIVISION FROM C-P, PLANNED NEIGHBORHOOD BUSINESS DISTRICT TO C-1, GENERAL COMMERCIAL ZONING 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. Mayor Murphy asked for discussion. Councilman McGrath stated he will be voting nay for the first reading of the Ordinance in order to provide time to hear from the constituents who live in the area who may have concerns of the rezoning request. After the discussion, roll was called on the motion with the following results. Council Members voting aye: Rothleutner, Carter-King, Kuntz, Jerred, and Mayor Murphy. Council Member voting nay: McGrath. 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, June 17, 2013.

Tom Murphy, Mayor

(S E A L)

ATTEST:

Karlene Abelseth, City Clerk

Publication date: June 12, 2013