

COUNCIL PROCEEDINGS

REGULAR

August 19, 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 19th day of August 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, Louise Carter-King, Robin Kuntz, Ted Jerred, Kevin McGrath, John Opseth, and Mayor Tom Murphy.

Staff present: J. Carter Napier, City Administrator; Charlie Anderson, City Attorney; Pamela L. Boger, Administrative Services Director; Dustin Hamilton, Director of Engineering and Development Services; Kendall Glover, Utilities Director; Sawley Wilde, Public Works Director; Chuck Deaton, Lieutenant; 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. Pastor Mike Wilson of New Life Wesleyan 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 Opseth 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, 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 Minutes - August 5, 2013.

Regular Meeting - August 5, 2013.

Work Session - August 12, 2013.

Ordinance Third Reading - Consent Agenda

ORDINANCE 3802

AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE CITY OF GILLETTE, WYOMING, FOR PROPERTY GENERALLY LOCATED AT 200 RICHARDS AVENUE AND LEGALLY DESCRIBED AS LOT 1, BLOCK 4, PARK ADDITION, FROM R-4, MULTI FAMILY RESIDENTIAL DISTRICT, TO C-2, CENTRAL BUSINESS DISTRICT, SUBJECT TO ALL PLANNING REQUIREMENTS

New Business - Consent Agenda

Approval of a permanent water line and temporary construction easement for the Gillette Regional Water Supply Project-Phase I District Extensions, with Jason L. and Lucy Ann Bush c/o Campbell County Abstract Company in the amount of \$10,660.

Approval of a permanent water line and temporary construction easement for the Gillette Regional Water Supply Project-Phase I

District Extensions, with the Robert F. Barlow Trust in the amount of \$14,727.

Bills and Claims

A & B BUSINESS EQUIPMENT	261.01
ADDI WEINHARDT	500.00
AIR TECH INC	433.50
ALSCO	917.13
AMANDA MORRISON	250.00
AMERICAN NATIONAL BANK	47,270.41
ANA MARIA HERRERA	131.62
ANIMAL MEDICAL CENTER OF	1,486.00
ANTELOPE RIDGE APTS LP	64.79
ARROW PRINTING AND GRAPHI	213.00
BEXTON & CORINNE CARLISLE	57.59
BIG HORN VETERINARY HOSPI	50.00
BLUE CROSS BLUE SHEILD OF	179,809.14
BORDER STATES ELECTRIC	3,359.90
BRADLEY NELSON	61.63
BRENT WILLIAMS	30.00
BRESNAN COMMUNICATIONS	902.95
BRUCE ENGINEERING SERVICE	1,994.27
BW INSURANCE AGENCY INC	50.00
CAMPBELL COUNTY ABSTRACT	17,046.00
CAMPBELL COUNTY CHAMBER O	3,023.50
CAMPBELL COUNTY COORDINAT	7,360.19
CAMPBELL COUNTY ENGINEERS	90,667.90
CAMPBELL COUNTY JOINT POW	22,061.34
CAMPBELL COUNTY PUBLIC LA	30,845.98
CAMPBELL COUNTY SENIOR CI	1,116.50
CANRIG DRILLING LTD	61.57
CENTURYLINK	2,457.65
CHANCE LAND	82.63
CHOPHOUSE RESTAURANT THE	635.75
CHRIS & TAWNI AMMONS	120.35
CITY OF GILLETTE	121.48
CITY OF GILLETTE - PETTY	300.35
CODY MILES	303.50
COLLINS COMMUNICATIONS IN	3,720.00
COLORADO STATE UNIVERSITY	496.00
CONTRACTORS SUPPLY INC	5,513.93
COREY HANNAH	18.00
CRAIG FURMAN	50.00
CRESCENT ELECTRIC SUPPLY	992.18
CRUM ELECTRIC SUPPLY COMP	33,083.00
CUMMINS ROCKY MOUNTAIN IN	1,082.24
CUNDYLAND LLP	379.67
DALE BUCKINGHAM ARCHITECT	149.19
DAN STROUP	120.00
DANA KEPNER COMPANY INC	2,954.40
DAVID P WAGNER	151.12
DELTA DENTAL OF WYOMING	23,718.95
DENNIS & SHAYLA KOSMICKI	89.72

DEREK & CHRISTIAN ROWE	200.06
DESERT MOUNTAIN CORPORATI	51,011.88
DESIGN CONSTRUCTION LLC	10,728.20
DOUG DUMBRILL	670.00
DPC INDUSTRIES INC	3,858.98
DRM INC	89,231.66
DUKES FAMILY TRUST	330.44
DUSTIN AHRENS	86.79
DYKMAN ELECTRICAL INC	32,660.65
EASTVIEW ESTATES LLC	104.87
ENERGY LABORATORIES INC	450.00
ENVIRONMENTAL & CIVIL SOL	34,850.87
ERIC VOS	100.00
ERMOLD PARK AND RECREATIO	14,260.00
ESCO GILLETTE	1,059.54
EXPRESS SCRIPTS INC	22,316.98
FEDEX	347.19
FIRST INTERSTATE BANK OF	300.80
FIRST NATIONAL BANK OF GI	32,172.66
FIRST NORTHERN BANK OF WY	29,027.86
FOURUM LLC	130.08
FRANDSON SAFETY INC	224.00
G & G LANDSCAPING INC	93,700.00
G C S	448.00
GAYLE & ROGER PARSONS	12.93
GEORGETTE HOFFMAN	59.23
GEORGIA GARLAND	84.01
GERALD MOREL	66.22
GILLETTE APARTMENTS	300.00
GILLETTE PRINTING COMPANY	378.25
GILLETTE RENTAL COMPANY	121.42
GILLETTE STOCK CAR RACING	24,439.00
GILLETTE WINNELSON COMPAN	6.66
GREENLINE EQUIPMENT	4,537.78
HD SUPPLY POWER SOLUTIONS	1,333.00
HDR ARCHITECTURE INC	162,278.49
HEARTLAND KUBOTA LLC	167.19
HIGHVIEW MHC LLC	64.71
HKM ENGINEERING	31,637.70
HLADKY CONSTRUCTION	238,939.19
HOLD'EM PROPERTIES LLC	35.89
HOMAX OIL	628.60
ICE CREAM LAND TO GO	332.32
INDIAN HILLS APTS	22.24
INTEGRATED INFORMATION SO	700.00
INTER-MOUNTAIN LABS INC	146.00
INTERSTATE COMPANIES INC	358.10
ISC INC	2,119.90
IVAN UGALDE	20.00
JACKIE ROBERTS	67.47
JACOB & ANN DICKSON	68.12
JACOB ADAMS	99.30
JASON MOYNIHAN	146.26

JEANA & WADE WILEY	151.15
JEREMY DOWDY	238.67
JESSICA HOGGE	59.38
JIM BROWN	165.82
JLC SIGN SYSTEMS INC	13.50
JOANNE & CHARLES TWEEDY	115.00
JODY WILKIE	59.91
JOE SANCHEZ	43.35
JOHN WILTBANK	60.94
JOHNSON CONTROLS INC	434.50
KADRMAS LEE & JACKSON INC	6,266.68
KAREN K HOFFMANN	770.00
KEITH & SHAWNA MCILNAY	275.00
KEMBERLY MITCHELL	81.35
KEYHOLE BROADCASTING	999.00
KIMBERLEY GERBER	139.08
K-MART	16.12
KOIS BROTHERS EQUIPMENT C	664.32
KRIZ-DAVIS COMPANY	488.77
KRYSTAL D NELSON	91.13
L.N.H. TAYLOR	150.00
LETICIA RAMIREZ JONES	187.50
LEX	64.24
LORETTA ATKINSTON	157.01
LOUISE CARTER KING	23.73
LUELLEN JOHNSON	106.35
MAINLINE INFORMATION SYST	5,625.04
MANNING WRECKER SERVICE L	200.00
MEADOW DIMAS	115.90
MELISSA WELTER	26.16
MICHAEL GRASKEY JR	100.00
MICHEAL ANTONOVICH	78.54
MICHELE GENOW	160.21
MINING ELECTRICAL SERVICE	2,894.23
MONICA & STEVEN MORRIS	18.96
MONUMENT HOMEBUILDERS	78.04
MORRISON MAIERLE INC	35,527.48
MOTEL 6	100.00
MOUNTAIN VIEW BUILDING IN	242,544.26
MURPHY ROSIER	50.02
NALEN INGHAM	33.22
NEVE'S UNIFORM INC	1,801.08
NICK CARTER	92.35
NORCO INC	793.10
NORTH STAR ENERGY & CONST	425,433.70
NORTHEAST ENTERPRISES LLC	7,301.00
NORTHERN WYOMING COMMUNIT	612.97
NORTHLAND INDUSTRIAL SPEC	65,388.00
ONE CALL OF WYOMING COPR	371.25
ONLINE INFORMATION SERVIC	555.87
OPTIMUM MEDIA SALES	1,500.00
PAT WEEDE MEMORIAL WRESTL	2,444.00
PATTI DAVIDSMEIER	53.12

PCA ENGINEERING INC	93,972.77
PEARL UNDERWOOD	275.00
PLATTS MCGRAW-HILL COMPAN	4,750.00
POWDER RIVER CONTRUCTION	313,699.74
POWDER RIVER ENERGY CORPO	410.89
POWDER RIVER OFFICE SUPPL	2,674.32
POWDER RIVER SYMPHONY	9,776.00
PROELECTRIC INC	10,280.45
R & L DETAILING	167.47
RANCH CREEK PROP INC	37.56
RAYLENE HIBBS	110.46
RAZOR CITY LOCKSMITH LLC	524.70
REMINGTON ESTATES, LLC	15,750.00
RENEA TAYLOR	29.48
RENGAGE MOTORSPORTS	166.29
RICHARD G & SANDRA L PFAF	640.00
RINGER LAW P.C.	2,260.00
ROBERT & MARISOL RANGEL	29.59
ROBERT GROW	116.22
ROBERT L KNOX	108.82
ROBERT MELVIN	438.61
ROBIN KUNTZ	14.98
RYAN BUCK	55.87
S & S BUILDERS	163,289.89
SAFARILAND LLC	895.00
SAFEGUARD BUSINESS SYSTEM	3,452.19
SAIC ENERGY ENVIRONMENT &	6,121.38
SALT CREEK VETERINARY CLI	50.00
SCOTT WHITLOCK & SHEILA V	2,980.00
SELECTRON TECHNOLOGIES IN	19,210.00
SHEPPERSON ENTERPIRSES LL	26.18
SHERMAN & REILLY INC	348.97
SIGNBOSS LLC	1,774.63
SIMON CONTRACTORS	361,993.91
SMYLIE ANIMAL CLINIC	50.00
SOLVINGTECH LLC	37.50
SOUTH FORK APARTMENTS, LL	31.33
SOUTHERN COMPUTER WAREHOU	8,395.02
SOUTHWESTERN EQUIPMENT CO	76.15
SPRING BACK COLORADO	650.00
STANLEY M SLOWIK INC	325.00
STUART C IRBY CO	744.10
SUMMIT SUPPLY CORPORATION	31,113.93
SWEETWATER GAP ENTERPRISE	450.00
TAMBRA MARTENS	126.53
TECHNICAL MARKETING MFG I	539.99
TERRA SMITH	155.36
THAT EMBROIDERY PLACE	264.78
THOMAS P NORRIS	50.47
THOMSON WEST	3,321.45
TOBIAS & JOAN HEWITT	133.08
TRAVIS KRUGER	109.00
TRAVIS RAISLEY	55.22

TRI MOUNTAIN CONSTRUCTION	190.02
TRI-CITY EXCAVATION INC	3,795.00
TRUGREEN CHEMLAWN	59.50
T'S 2 PLEASE	261.00
TYLER SMART	19.31
ULTRA MAX	2,686.00
UNIVERSAL ATHLETIC SERVIC	124.00
UPHOLSTERY BY LADONNA	185.00
VAN EWING CONSTRUCTION	364,183.86
VERIZON WIRELESS	152.04
VISION INTERNET PROVIDERS	9,168.36
VISIONARY COMMUNICATIONS	451.88
WAL-MART	50.00
WARREN & SHARON EVANS	101.28
WASTE CONNECTIONS OF WYOM	348.45
WATERWORKS INDUSTRIES INC	3,898.10
WELLS FARGO BANK	26,414.60
WESCO DISTRIBUTION INC	11,903.04
WEST 4TH ST PARTNERS	42.15
WESTERN INDUSTRIAL INC	71,008.22
WESTERN STATIONERS	5,105.31
WOLD PROPERTIES	78.18
WYOMING ASSOCIATION MUNIC	29,962.00
WYOMING DEPT OF EMPLOYMEN	5,084.44
WYOMING DEPT OF TRANSPORT	501.94
WYOMING RENTS LLC	220.00
WYOMING STATE DEPT OF WOR	20.00
WYOPASS	125.00
XEROX CORPORATION	1,598.13
XYLEM WATER SOLUTIONS USA	1,121.12
ZACH LONDON	26.14

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

Approval of Conflict Claims

It was moved by Councilman Jerred and seconded by Councilman Rothleutner to approve a conflict claim for Councilwoman Carter-King in the amount of \$62.14 (\$38.41 to Powder River Office Supply and \$23.73 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: Jerred, McGrath, Opseth, Rothleutner, Kuntz, and Mayor Murphy. Councilwoman Carter-King abstained. The Presiding Officer declared the motion carried.

It was moved by Councilman Jerred 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.

Oral Comments

Mayor Murphy informed the public that the design for the downtown reconstruct is 50% complete. Several downtown business owners were present at the last committee meeting. In response to citizen concerns regarding water usage on Monday's, Mayor Murphy reported that approximately 5,000,000 gallons of water is being used.

Public Comments

A citizen asked the Council if the secondary street in front of Farmer's Coop would re-open after the new Senior Center is built. City Administrator Napier confirmed that the street would re-open and Utilities Director Glover added as soon as the water lines are completed the road will open to traffic.

Council Reports

Mayor Murphy asked for Council reports. There were none.

Written Comments

Mayor Murphy asked for written comments. City Clerk Abelseth reported several written comments had been received in reference to the memorial and park bench program, extending Sunday hours for the liquor establishments, and the removal of alley dumpsters.

Ordinance Third Reading

ORDINANCE 3803

AN ORDINANCE TO ESTABLISH HOURS OF OPERATION FOR LIQUOR LICENSES AND AMEND SECTION 3-6 OF THE CITY CODE

It was moved by Councilman Opseth and seconded by Councilman Rothleutner to approve the foregoing Ordinance on third and final reading. Mayor Murphy laid ground rules for public comments concerning this Ordinance which would allow each citizen five minutes to express their concerns to the Council. Mayor Murphy also asked that citizens be cognizant of remarks that have already been made. Roy Edwards stated that he is in opposition of extending the hours and would like to see no alcohol sold on Sundays. Scott Clem presented Council with a petition totaling 380 signatures opposing the extension of Sunday hours for liquor establishments. Mr. Clem feels the City has been more of a hindrance regarding this issue and then presented Council, with his opinion of good solutions. Bruce Kelley, owner of Mingles, feels there is enough government in business and is in favor of the Ordinance. Mr. Kelley informed Council that his business follows through with the mandatory T.I.P.'s training, and always reports to the Police when an argument or fight breaks out. He also informed Council that his business does not serve anyone who is drunk. Amy Ameck, representing Pokey's BBQ, stated that she is in favor of extending the Sunday hours. She feels that morals need to begin in the home and that there should be more education concerning responsible drinking habits for the community. Other concerned citizens spoke to the Council as well, in regards to the Ordinance. Councilman Kuntz stated he received a chart from SAAC concerning other cities and towns in Wyoming in regards to DUI statistics and wanted to voice his concerns. He went on to say that the chart he received from SAAC shows Gillette as twelfth on the list for DUI arrests. If this Ordinance is passed, he questioned if Gillette would move up on this list. He stated that the City spends a lot of money to prevent alcohol abuse and feels that if the

Ordinance passes, the Council is sending the wrong message. Councilman Kuntz questioned if the Council is ready to look at all the Ordinances that are more restrictive than the State to be fair to all the business owners, and asked what has changed in the community that would require a change to the Ordinance. Spring Wilkins, representing SAAC, clarified the information on the charts. She stated there were two charts: the first reported the total number of DUI arrests in every county and the second chart reported DUI's per capita, with Gillette being number three on the list. She went on to say that the two cities above Gillette on the list do not have restrictions on their sale hours as well. After further discussion, roll was called on the motion with the following results. Council Members voting aye: Opseth, Rothleutner, Carter-King, Jerred, McGrath, and Mayor Murphy. Voting nay: Kuntz. The Presiding Officer declared the motion carried.

New Business

It was moved by Councilman Opseth and seconded by Councilwoman Carter-King to approve a malt beverage permit requested by Katie Peace for an outdoor "End of Summer" concert at Prairie Fire Brewing Company located at 601 S. Douglas Hwy on September 13, 2013, from 4:00 p.m. to midnight that will include outdoor music. Mayor Murphy asked for discussion. Katie Peace informed the Council of the events planned and stated that the band would face toward the building in hopes of restricting the sound from the surrounding neighborhood. Councilman Jerred asked Ms. Peace if she worked with the Police Department to ensure the decibels are within range. Ms. Peace assured the Council that she did, and has obtained all necessary permits required for her event. After the discussion, 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 Councilwoman Carter-King and seconded by Councilman McGrath to approve a street closure permit for Dan and Tonya Stroup for their Ninth Annual Block Party for the 3300 Block of Alberta Drive on September 6, 2013, from 6:00 p.m. to 10:00 p.m. 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 Councilwoman Carter-King and seconded by Councilman Rothleutner to approve a street closure permit for Michael Foote, Sustainability Coordinator, for a Mattress Recycling Program and Community Cleanup Event kickoff on College Drive, located between the Health Sciences Education Center and Slate Street, on September 7, 2013, from 10:00 a.m. to 2:00 p.m. 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.

RESOLUTION 2425

A RESOLUTION TO SUPPORT A FEDERAL MINERAL ROYALTY CAPITAL
CONSTRUCTION ACCOUNT GRANT APPLICATION BY THE CAMPBELL
COUNTY MEMORIAL HOSPITAL TO THE WYOMING STATE LOAN AND
INVESTMENTS BOARD.

It was moved by Councilwoman Carter-King and seconded by Councilman Jerred to approve the foregoing Resolution to support a Federal

Mineral Royalty Capital Construction Account Grant Application by the Campbell County Memorial Hospital to the Wyoming State Loan and Investment Board. Mayor Murphy asked City Attorney Anderson for an explanation of the request. Mr. Anderson explained that this resolution is in support of a resolution that was passed by the Campbell County Memorial Hospital in which they are seeking \$2,000,000 from the State for the Pioneer Manor Project. After the explanation, 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.

RESOLUTION 2426

A RESOLUTION AUTHORIZING SUBMISSION OF A FEDERAL MINERAL ROYALTY CAPITAL CONSTRUCTION ACCOUNT GRANT APPLICATION TO THE OFFICE OF STATE LOAN AND INVESTMENT BOARD ON BEHALF OF THE GOVERNING BODY FOR THE CITY OF GILLETTE, WYOMING FOR THE PURPOSE OF THE 2013 SEWER MAIN REPLACEMENT PROJECT, TO REPLACE DETERIORATED AND FAILING SECTIONS OF THE SANITARY SEWER COLLECTION SYSTEM.

It was moved by Councilman Jerred and seconded by Councilman Opseth to approve the foregoing Resolution for the submittal of a grant application for the 2013 Sewer Main Replacement Project to the Office of State Lands and Investments Board in the amount of \$1,173,000. Mayor Murphy asked City Administrator Napier for an explanation of the request. Mr. Napier explained this is a 50/50 grant the City is pursuing for the sewer main replacement, primarily for the older section of the downtown area. It is anticipated that the total project will be in the neighborhood of \$2,300,000 and the City is pursuing \$1,173,000. Mayor Murphy asked staff for confirmation that sewer mains are in the alleys of the older section of town. Mr. Napier confirmed they are. Mayor Murphy asked if the citizens in these areas have been notified of the possibility of the project. Mr. Napier stated that residents have been notified to some degree, and went on to say that a couple weeks ago Council mentioned giving residents within these areas at least a year's notice; but is quite confident that has not taken place. Mayor Murphy stated that offering construction methods like pipe bursting and giving the residents an idea of what it would cost to replace their services before the sewer line is replaced, and new concrete or asphalt is laid, would be a good idea. He then asked staff to ensure that the residents are notified of the upcoming projects. After the discussion, roll was called 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 Councilman Rothleutner and seconded by Councilwoman Carter-King to approve a professional services agreement for design and bidding services associated with the 2013 Sanitary Sewer Main Replacement Project with HDR Engineering, Inc., in the amount of \$109,050. 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 Opseth and seconded by Councilwoman Carter-King to approve a professional services agreement for design and bidding services associated with the 2013 Water Main Replacement Project with KLJ in the amount of \$119,989. 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 Opseth and seconded by Councilman Rothleutner to approve a professional services agreement for electrical design, grounding design, EasiLinc relaying, transformer pad and oil containment design for the Donkey Creek Substation to Power Engineers, Inc., in the amount of \$135,566. 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.

RESOLUTION 2427

A RESOLUTION FOR THE SUBMITTAL OF A DANIELS FUND GRANT APPLICATION FOR THE LEGION BASEBALL FIELD

It was moved by Councilwoman Carter-King and seconded by Councilman Rothleutner to approve the foregoing Resolution for the submittal of a Daniels Fund Grant Application for the Legion Baseball Field. 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 Rothleutner to approve a professional services agreement for software analysis and configuration with Avolve Software, Inc., of Scottsdale, Arizona, in the amount of \$74,450. Mayor Murphy stated that the City spends a lot of money on software and questioned the need for an analysis. City Administrator Napier explained that this is an opportunity for ePlan's to become a standalone version and staff is hopeful that this will prevent future upgrades. After the explanation, 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.

It was moved by Councilman Opseth and seconded by Councilman Rothleutner to accept public improvements for the City Hall Remodel, Phase II Project, installed by Norton Construction, Inc., in the amount of \$684,817.72. Mayor Murphy stated the remodel has improved efficiencies on the second floor. 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.

RESOLUTION 2428

A RESOLUTION TO APPROVE THE MEMORIAL BENCH AND TREE PROGRAM DEVELOPED BY THE PARKS AND BEAUTIFICATION BOARD

It was moved by Councilman Jerred and seconded by Councilman Rothleutner to approve the foregoing Resolution approving the Memorial Bench and Tree Program developed by the Parks and Beautification Board. Mayor Murphy asked for discussion. Angie Dahl and Sue Roberts spoke to the Council in support of the Resolution. Councilman McGrath stated his opposition to the Resolution and presented a packet of information from various organizations in regards to the planting of a tree or memorial bench to memorialize suicide. He requested that this information be put into record of tonight's meeting. The following is a list of the publications within that packet. This information is available for viewing in the

City Clerk's Office. *Society for the Prevention of Teen Suicide; American Foundation for Suicide Prevention; Suicide Prevention Resource Center; Suicide Contagion and the Reporting of Suicide: Recommendations from a National Workshop; QPR Institute; and the National Institute of Mental Health.* After the discussion, roll was called on the motion with the following results. Council Members voting aye: Opseth, Rothleutner, Carter-King, Kuntz, Jerred, and Mayor Murphy. Voting nay: McGrath. The Presiding Officer declared the motion carried.

Appointments

It was moved by Council President Opseth and seconded by Councilman Rothleutner to appoint Karen Johnson to the Parks & Beautification Board. 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.

Special Orders of the Day

Mayor Murphy opened into a public hearing for the transfer of ownership of a retail liquor license from Richfield Hospitality, Inc., to LOF Gillette, LLC, d.b.a., Clarion Western Plaza, located at 2009 S. Douglas Highway. Richard Horning, attorney, gave background information concerning the request. He went on to say that LOF Gillette, LLC, an acronym for Lodging Opportunity Fund, is a large business that specializes in purchasing and rehabilitating large properties, such as the Clarion. Sometime next week there will be a court order which finalizes the transaction and end the litigation. Councilman Jerred asked if the Clarion would continue operations. Mr. Horning affirmed that operations would continue. After the discussion, Mayor Murphy closed the public hearing.

It was moved by Councilman Opseth and seconded by Councilman Rothleutner to approve the transfer of ownership of a retail liquor license from Richfield Hospitality, Inc., to LOF Gillette, LLC, d.b.a., Clarion Western Plaza, located at 2009 S. Douglas Highway. Mayor Murphy asked for further 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.

Mayor Murphy opened into a public hearing for the Gillette Avenue Improvements Project Downtown Development Grant Application to the Business Ready Community Grant and Loan Program. John Cosner, representing the Gillette Main Street Organization, explained the request and went on to say that this is an opportunity to stimulate and revitalize downtown to better meet the needs of the community. After the discussion, Mayor Murphy closed the public hearing.

RESOLUTION 2429

A RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION TO THE BUSINESS READY COMMUNITY GRANT AND LOAN PROGRAM FOR A BUSINESS READY COMMUNITY DOWNTOWN DEVELOPMENT PROJECT GRANT ON BEHALF OF THE GOVERNING BODY FOR THE CITY OF GILLETTE

It was moved by Councilwoman Carter-King and seconded by Councilman Kuntz to approve the foregoing Resolution authorizing submission of an application to the Business Ready Community Grant and Loan Program for a Downtown Development Grant Project on behalf of the

Governing Body for the City of Gillette for the Gillette Avenue Improvements Project in the amount of \$1,000,000. Mayor Murphy asked for further 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.

Adjournment

There being no further business to come before the Council, the meeting was adjourned at 8:32 p.m. The next regularly scheduled meeting will be Tuesday, September 3, 2013.

Tom Murphy, Mayor

(S E A L)

ATTEST:

Karlene Abelseth, City Clerk

Publication date: August 28, 2013