

COUNCIL PROCEEDINGS

REGULAR

February 4, 2014

7:00 p.m.

A meeting of the City Council, of the City of Gillette, County of Campbell, State of Wyoming, was held on Tuesday the 4th day of February 2014, 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: Robin Kuntz, Kevin McGrath, Forrest Rothleutner, Tim Carsrud, Louise Carter-King, Ted Jerred, and Mayor Opseth.

Staff present: J. Carter Napier, City Administrator; Charlie Anderson, City Attorney; Kendall Glover, Utilities Director; Dustin Hamilton, Development Services Director; Chuck Deaton, Lieutenant; Joe Lunne, Public Information Officer; Patti Davidsmeier, Community & Gov't Relations Manager; and Karlene Abelseth, City Clerk.

Invocation

Thereupon the following proceedings were had and taken. Reverend Toby Holt of Reformed Presbyterian Church gave the Invocation.

Pledge of Allegiance

The Pledge of Allegiance was led by Councilman Kuntz.

Approval of General Agenda

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

Approval of Minutes

Work Session - January 14, 2014.  
Pre-Meeting - January 21, 2014.  
Regular Meeting - January 21, 2014.  
Work Session - January 28, 2014.

Ordinance Second Reading - Consent Agenda

ORDINANCE 14-01

AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE CITY OF GILLETTE, WYOMING, FOR PROPERTY GENERALLY LOCATED AT 3851 SOUTH GARNER LAKE ROAD AND LEGALLY DESCRIBED AS LOT 1, FULL MOON ADDITION, FROM C-1, GENERAL COMMERCIAL DISTRICT, TO I-1, LIGHT INDUSTRIAL DISTRICT, SUBJECT TO ALL PLANNING REQUIREMENTS

New Business - Consent Agenda

Approval of a performance and completion agreement for acceptance of remaining construction items for the Gillette Madison Pipeline Project with Raymond F. Elsner and Susan E. Elsner in the amount of \$2,000.

Bills and Claims

A & B BUSINESS EQUIPMENT	\$287.11
ADECCO EMPLOYMENT SERVICE	\$1,652.04
AIRGAS INTERMOUNTAIN	\$39.41
ALSCO	\$1,037.40
ALYSHIA VIGIL	\$20.00
AMERICAN PUBLIC POWER ASS	\$2,537.05
AMERICAN WATER WORKS	\$1,748.00
ANDREANNA PIERCE	\$50.00
ARROW PRINTING AND GRAPHI	\$617.90
ASSURE CO RISK MANAGEMENT	\$500.00
AT & T MOBILITY NATIONAL	\$3,881.21
B & H PHOTO VIDEO PRO-AUD	\$245.32
BEAR'S NATURALLY CLEAN	\$498.00
BENNETT WEBER & HERMSTAD	\$6,225.00
BLACK HILLS POWER & LIGHT	\$200,003.00
BLUE CROSS BLUE SHEILD OF	\$127,822.76
BORDER STATES ELECTRIC	\$695.04
BOYS AND GIRLS CLUB OF CA	\$32,748.50
BRANDY STROPE	\$16.36
BREANNA'S BAKERY	\$19.00
BRIAN ELLISON	\$190.23
BURNS AND MCDONNELL CORPO	\$121,636.13
BW INSURANCE AGENCY INC	\$50.00
CABLEXPRESS CORPORATION	\$608.50
CAMPBELL COUNTY BAR ASSOC	\$13.24
CAMPBELL COUNTY CHAMBER O	\$13,134.25
CAMPBELL COUNTY CLERK OFF	\$14,083.00
CAMPBELL COUNTY COORDINAT	\$147.50
CAMPBELL COUNTY HOSPITAL	\$435.00
CAMPBELL COUNTY JOINT POW	\$377,211.40
CAMPBELL COUNTY PUBLIC HE	\$3,030.00
CAMPBELL COUNTY PUBLIC LA	\$133,825.75
CAMPBELL COUNTY SENIOR CI	\$1,098.50
CAMPBELL COUNTY SHERIFF	\$8,850.00
CENTRALIA MACHINE AND FAB	\$23,245.14
CENTURYLINK	\$2,986.68
CHARTER MEDIA	\$400.00
CITY CLERK OFFICE	\$13,229.06
CITY OF GILLETTE	\$140.00
CLIMB WYOMING	\$14,419.00
CONNELY TREES	\$801.39
CONTRACTORS SUPPLY INC	\$265.15
COORDINATED CARE PARTNERS	\$278.00
CRAIG FURMAN	\$100.00
CRESCENT ELECTRIC SUPPLY	\$1,698.00
DALY DAVIDSON & SORENSON	\$50.00
DESERT MOUNTAIN CORPORATI	\$13,528.56
DEVIN COON	\$579.21
DEXTER'S AUTOMOTIVE	\$253.00
DXP ENTERPRISES INC	\$78.00
EARTH WORK SOLUTIONS	\$23,650.00
ENERGY LABORATORIES INC	\$279.00
ENERGY SHARE OF WYOMING	\$676.19
EXPRESS SCRIPTS INC	\$38,294.69
FAIRMONT SUPPLY COMPANY	\$22.56
FALCON ENVIRONMENTAL CORP	\$889.55
FAMOUS FOOTWEAR	\$64.99
FARMER BROTHERS COMPANY	\$1,446.62
FASTENAL COMPANY	\$1,141.06
FEDEX	\$111.21
FIRST AMERICAN TITLE	\$2,440.00
FIRST INTERSTATE BANK OF	\$128.95
FRANDSON SAFETY INC	\$224.00
FRANK PROSUTTE	\$50.42

GEORGE SUCHOR	\$100.00
GILLETTE PRINTING COMPANY	\$131.26
GILLETTE WINNELSON COMPAN	\$31.74
GOURMET ON THE GO LLC	\$359.40
GREGORY JOHNSON	\$9,210.00
GRIMM'S PUMP AND INDUSTRI	\$9.50
GROUND ENGINEERING CONSUL	\$2,741.00
HD SUPPLY POWER SOLUTIONS	\$13,284.70
HEAVEN LINT	\$250.00
HKM ENGINEERING	\$18,653.89
HOMAX OIL	\$268.43
INTEGRITY PAINTING	\$8,650.00
INTERMOUNTAIN SWEEPER COM	\$143.56
INTERSTATE COMPANIES INC	\$488.00
IT OUTLET INC	\$23,226.21
JAIME REYNOLDS	\$595.45
JLC SIGN SYSTEMS INC	\$93.50
JOHN OR BRENDA SNYDER	\$33.50
JOSHUA BAILEY	\$141.03
KATHY HANSON	\$50.00
KATHY PAXTON	\$97.44
KONE INC	\$1,802.94
KRIZ-DAVIS COMPANY	\$8,491.91
KUSTOM SIGNALS, INC	\$611.05
LORRAINE CHAPMAN	\$43.39
LOUISE CARTER KING	\$23.73
M G OIL COMPANY	\$3,511.68
MACHINE PRODUCTS INC	\$1,928.58
MANNING WRECKER SERVICE L	\$60.00
MARYANN LUGAN	\$125.00
MCM GENERAL CONTRACTORS	\$29,623.10
MUNICIPAL ENERGY AGENCY O	\$902,608.20
NEVE'S UNIFORM INC	\$472.52
NEWMAN SIGNS INC	\$2,126.10
NOELIA CARVALLO	\$149.89
NORCO INC	\$7,501.44
OCCUPATIONAL TESTING INC	\$2,881.75
ONE CALL OF WYOMING COPR	\$112.75
OUTLAW OIL & FIELD SERVIC	\$62.42
PARKS PLUMBING	\$722.40
PCA ENGINEERING INC	\$15,857.27
PEEK TRAFFIC CORPORATION	\$1,811.14
POWDER RIVER CONSTRUCTION	\$19,758.41
POWDER RIVER ENERGY CORPO	\$6,030.80
POWDER RIVER HEATING & CO	\$254,548.69
POWDER RIVER OFFICE SUPPL	\$5,407.26
POWER ENGINEERS INC	\$15,211.04
PRIME POWER & COMMUNICATI	\$60,087.00
PRO BUILT HOMES INC	\$1,625.00
PRO FORCE MARKETING INC	\$1,662.00
PROELECTRIC INC	\$1,687.50
RANDI LAATSCH	\$150.00
RICHARD DOUGLAS DUMBRILL	\$9,255.31
RISING SUN ART	\$3,285.00
ROBIN KUNTZ	\$14.98
SHANE SORUM	\$86.19
SIERRA HOOK	\$23.70
SITEIMPROVE INC	\$3,675.00
SOURCEGAS	\$14,659.45
SOUTH FORK APARTMENTS, LL	\$24.12
SOUTHERN COMPUTER WAREHOU	\$1,135.39
SPIEGEL & MCDIARMID LLP	\$1,045.00
STEVE WAGEMAN	\$100.00
STOTZ EQUIPMENT	\$58,878.17
STUART C IRBY CO	\$47.74
SUSAN LEMPKA	\$200.00

TERESA MERRITT	\$500.00
THAT EMBROIDERY PLACE	\$145.58
THE PIN CENTER	\$4,630.00
THOMAS A FORD	\$2,985.00
THUNDER BASIN FORD LLC	\$271,904.76
TRAFFIC PARTS INC	\$6,600.00
TRAFFIC SIGNAL CONTROLS I	\$1,221.00
TWEETERS TOWING	\$1,218.70
TYLER TECHNOLOGIES INC	\$29,218.22
U S POSTAL SERVICE/HASLER	\$45,000.00
ULTRA MAX	\$1,841.00
UMB BANK	\$55,584.69
USABLUEBOOK	\$66.75
VERIZON WIRELESS	\$1,251.90
VERNIE KIRKPATRICK	\$55.90
VISIONARY COMMUNICATIONS	\$452.76
WAL-MART	\$494.40
WESCO RECEIVABLES CORP	\$13,267.43
WESTERN STATIONERS	\$3,438.50
WESTERN WASTE SOLUTIONS I	\$10,323.80
WYOMING DEPARTMENT OF HEA	\$808.00
WYOMING DEPT OF TRANSPORT	\$11.00
WYOMING SECRETARY OF STAT	\$90.00
WYOMING SUPREME COURT	\$5,414.62
WYOMING WATER SOLUTIONS	\$175.50
WYOSTAR	\$1,000,000.00
YATES PETROLEUM CORP	\$50.00
ZOETIS INC	\$275.75

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

#### Approval of Conflict Claims

It was moved by Councilman Rothleutner and seconded by Councilman Jerred to approve a conflict claim for Councilwoman Carter-King in the amount of \$6,170.15 (\$23.73 for internet reimbursement and \$6,146.42 to Powder River Office Supply). Mayor Opseth asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Jerred, Kuntz, McGrath, Rothleutner, Carsrud, and Mayor Opseth. 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 Opseth asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: McGrath, Rothleutner, Carsrud, Carter-King, Jerred, and Mayor Opseth. Councilman Kuntz abstained. The Presiding Officer declared the motion carried.

#### Oral Comments - For the Good of the Community

The Mayor and Council recognized Kenton Hall as the 2013 Fourth Quarter P.R.I.D.E. recipient.

Public Information Officer Lunne gave a video presentation of past and upcoming events around the community.

Public Comments

Mayor Opseth asked for public comments. There were none.

Council Reports

Mayor Opseth asked for Council reports. There were none.

Written Comments

Mayor Opseth asked for written comments. City Clerk Abelseth reported there were none.

Ordinance First Reading

ORDINANCE 14-02

AN ORDINANCE TO AMEND SECTION 14-39 OF THE GILLETTE CITY CODE TO INCLUDE ELECTRONIC CIGARETTES IN THE DEFINITION OF TOBACCO PRODUCTS WHICH MAY NOT BE SOLD, GIVEN OR DELIVERED TO MINORS UNDER THE AGE OF 18

It was moved by Councilwoman Carter-King and seconded by Councilman McGrath to approve the foregoing Ordinance on first reading. Mayor Opseth asked for an explanation of the request. City Administrator Napier explained that this would expand the current Ordinance to include electronic cigarettes which would prohibit the sale to minors. This change would also align with the State's regulations. After the discussion, roll was called on the motion with the following results. Council Members voting aye: McGrath, Rothleutner, Carsrud, Carter-King, Jerred, Kuntz, and Mayor Opseth. The Presiding Officer declared the motion carried.

ORDINANCE 14-03

AN ORDINANCE TO DEFINE BOTTLE CLUBS AND PROVIDE FOR THEIR OPERATION ONLY IN ESTABLISHMENTS OPERATING BY VIRTUE OF A LIQUOR LICENSE

It was moved by Councilman Rothleutner and seconded by Councilwoman Carter-King to approve the foregoing Ordinance on first reading. Mayor Opseth asked for an explanation of the request. City Administrator Napier explained that this Ordinance proposes that anyone holding a liquor license could offer this option as a service. However, this would not allow someone who does not hold a liquor license to operate a Bottle Club. Mayor Opseth asked for the definition of a Bottle Club. Mr. Napier explained that this service would allow for someone to bring their own alcohol to consume and possibly store at the licensed establishment. After the explanation, roll was called on the motion with the following results. Council Members voting aye: Rothleutner, Carsrud, Carter-King, Jerred, McGrath, and Mayor Opseth. Voting nay: Kuntz. The Presiding Officer declared the motion carried.

New Business - General Agenda

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 2013 Water Main Replacement Project with Kadrmas, Lee & Jackson, Inc., in the amount of \$143,518.20. Mayor Opseth asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Carsrud, Carter-King, Jerred, Kuntz, McGrath, Rothleutner, and Mayor Opseth. The Presiding Officer declared the motion carried.

It was moved by Councilwoman Carter-King and seconded by Councilman Rothleutner to approve a permit request from the Campbell County Cemetery District to re-drill water well No. 4 on cemetery property in accordance with Chapter 12 of the City Code and to waive the permit fee. Mayor Opseth asked for discussion. Councilman Jerred inquired if a meeting with the surrounding neighbors had taken place informing them of the 24 hour drilling. Darrin Edmonds, Cemetery Board Member, stated there is a meeting scheduled tomorrow at 1:00 p.m. to explain the project. Mr. Edmonds stated that letters had been sent to the surrounding residents inviting them to the upcoming Board Meeting where they could address the Board with their concerns. Councilman McGrath asked Mr. Edmonds if he had heard correctly that the Board will not be meeting with the surrounding neighbors until tomorrow. Mr. Edmonds concurred that was correct. Councilman McGrath suggested tabling the request until the February 18, 2014, meeting, allowing citizens time to address their concerns with the Board prior to Council taking formal action on the request. After further discussion, it was moved by Councilman McGrath and seconded by Councilman Jerred to table the request until February 18th. Roll was called on the motion to table with the following results. Council Members voting aye: Jerred, McGrath, Rothleutner, Carsrud, Carter-King, and Mayor Opseth. Voting nay: Kuntz. The Presiding Officer declared the motion carried and the request tabled until February 18, 2014.

It was moved by Councilman McGrath and seconded by Councilman Rothleutner to authorize the Mayor to sign a Memorandum of Understanding (MOU) between the Wyoming Department of Transportation and the City of Gillette for the Gillette Avenue Improvements Project. Mayor Opseth asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Kuntz, McGrath, Rothleutner, Carsrud, Carter-King, Jerred, and Mayor Opseth. The Presiding Officer declared the motion carried.

It was moved by Councilwoman Carter-King and seconded by Councilman McGrath to approve a professional services agreement for design and bidding services associated with the Fox Park - Park Improvements Project, with Environmental and Civil Solutions, LLC, in the amount of \$39,190. Mayor Opseth asked for discussion. Councilman Jerred asked if the connectivity issue between Morning Side Estates and Fox Park has been addressed. Director of Development Services Hamilton stated the design for sidewalks between the Morning Side Estates area to Fox Park's park is near completion. There are still a few easements needing to be acquired before the project can be let. After the discussion, roll was called on the motion with the following results. Council Members voting aye: McGrath, Rothleutner, Carsrud, Carter-King, Jerred, Kuntz, and Mayor Opseth. The Presiding Officer declared the motion carried.

#### Appointments

It was moved by Council President Carter-King and seconded by Councilman McGrath to appoint Corey Bryngelson to the Campbell County Joint Powers Fire Board, and Mike Oakley and Ken McKillop to the Public Works & Utilities Advisory Committee. Mayor Opseth asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Rothleutner, Carsrud, Carter-King, Jerred, Kuntz, McGrath, and Mayor Opseth. The Presiding Officer declared the motion carried.

#### Administrator's Report

Mayor Opseth asked for an Administrator's Report. City Administrator Napier reported there was none.

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 Tuesday, February 18, 2014.

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John Opseth, Mayor

(S E A L)

ATTEST:

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Karlene Abelseth, City Clerk

Publication date: February 12, 2014