

COUNCIL PROCEEDINGS

REGULAR

August 5, 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 5th day of August 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: Kevin McGrath, Forrest Rothleutner, Tim Carsrud, Louise Carter-King, Ted Jerred, Robin Kuntz, and Mayor John Opseth.

Staff present: J. Carter Napier, City Administrator; Charlie Anderson, City Attorney; John Aguirre, Human Resource Director; Dustin Hamilton, Director of Development Services; Kendall Glover, Utilities Director; Jim Hloucal, Police Chief; Tom Pitlick, Finance Director; Kent Clark, Public Works Operations Manager; Joe Lunne, Public Information Officer; Patti Davidsmeier, Gov't Relations Manager; and Karlene Abelseth City Clerk.

Invocation

Thereupon the following proceedings were had and taken. Father Reymond Canete of Saint Matthew's Catholic Church gave the Invocation.

Pledge of Allegiance

The Pledge of Allegiance was led by Councilman Jerred.

Approval of General Agenda

It was moved by Councilman Jerred and seconded by Councilman McGrath 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

Executive Session - July 1, 2014.

Pre-Meeting - July 15, 2014.

Regular Meeting - July 15, 2014.

Ordinance Third Reading - Consent Agenda

ORDINANCE 3833

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 BOBCAT ANNEXATION CONTIGUOUS AND ADJOINING THE PRESENT
BOUNDARIES AND ESTABLISHING A C-1, GENERAL COMMERCIAL ZONING
DISTRICT, SUBJECT TO ALL PLANNING REQUIREMENTS

ORDINANCE 3834

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 HAGEN-SHELSTAD 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 14-22

AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP
OF THE CITY OF GILLETTE, WYOMING, FOR PROPERTY GENERALLY LOCATED
AT 4000 AND 4145 CRESTFIELD COURT AND 4001 AND 4100 HIGH CLIFF
COURT AND LEGALLY DESCRIBED AS LOTS 13, 14, 35, AND 36, CRESTFIELD
SUBDIVISION, FROM R-S, SUBURBAN RESIDENTIAL DISTRICT, TO R-R, RURAL
RESIDENTIAL DISTRICT, SUBJECT TO ALL PLANNING REQUIREMENTS

ORDINANCE 14-23

AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP
OF THE CITY OF GILLETTE, WYOMING, FOR PROPERTY GENERALLY LOCATED
AT 706 HANNUM ROAD AND LEGALLY DESCRIBED AS A PORTION OF UNPLATTED
PROPERTY FROM R-1, SINGLE FAMILY RESIDENTIAL DISTRICT, TO R-R,
RURAL RESIDENTIAL DISTRICT, SUBJECT TO ALL PLANNING REQUIREMENTS

ORDINANCE 14-24

AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE CITY OF
GILLETTE, WYOMING, FOR PROPERTY GENERALLY LOCATED SOUTH OF
CHICKASAW AVENUE AND WEST OF WIGWAM BOULEVARD AND LEGALLY DESCRIBED
AS A PORTION OF LOT A, A RESUBDIVISION OF TRACT M, SUNBURST
SUBDIVISION NO. 3, AND THE ADJACENT VACATED PORTION OF CROW AVENUE
FROM M-H, MOBILE HOME DISTRICT TO C-1, GENERAL COMMERCIAL DISTRICT,
SUBJECT TO ALL PLANNING REQUIREMENTS

New Business - Consent Agenda

Approval of D.A. Davidson and Edward D. Jones for inclusion in the
selling group with RBC Capital Markets for the sale of the 2014 A
and B Lease Revenue Bonds by the Consolidated Wyoming
Municipalities Electric Power System Joint Powers Board.

Bills & Claims

AARON DAVIS	2300.00
ACTION LOCK AND KEY	128.03
AFFILIATES IN COUNSELING	225.00
ALEX & SARA DOXTATER	59.62
ALICEA FLOATE	104.61
ALICIA LAMASTERS	140.79
ALL ROAD LEASE LLC	125.00
ALSCO	1353.02
AMANDA CHENEY	144.78
AMANDA MORRISON	50.00
AMERICAN WELDING & GAS IN	328.04
ANDREANNA PIERCE	100.00
ANDREW SCHOFIELD	155.87
ANDREW YOUNGS	41.31
ANGIE FRANK	148.32
ANIMAL MEDICAL CENTER OF	33.50
ARBUCKLE LODGE	1758.00

ARROW PRINTING AND GRAPHI	217.75
ASSURE CO RISK MANAGEMENT	500.00
AT & T MOBILITY NATIONAL	3177.71
AVOLVE SOFTWARE CORPORATI	10904.00
B EVAN BYRD	340.50
BARBARA & JERROLD ROBISON	40.96
BEAR'S NATURALLY CLEAN	572.03
BEN CASE	41.84
BGM BUILDINGS	356.01
BIG D SANITATION	6057.50
BIGHORN PUBLIC AFFAIRS GR	5100.00
BLACK CAT CONSTRUCTION LL	147056.59
BLACK HILLS POWER & LIGHT	48734.48
BLACK HILLS POWER & LIGHT	17719.00
BLACK HILLS POWER & LIGHT	191507.00
BLACK HILLS POWER & LIGHT	177881.50
BLUE CROSS BLUE SHEILD OF	50583.04
BLUE CROSS BLUE SHEILD OF	58393.10
BLUE CROSS BLUE SHEILD OF	40390.97
BLUE CROSS BLUE SHEILD OF	160815.73
BMI SYSTEMS GROUP	2250.00
BOB OSTLUND	50.00
BONITA MORISETTE	24.32
BORDER STATES ELECTRIC	1813.32
BREANNA'S BAKERY	167.99
BRENT WILLIAMS	100.00
BRIAN & TONYA MACY	158.42
BRITTNEY MURRAY	111.16
BURNS AND MCDONNELL CORPO	66976.44
CALVIN BEAMON	125.02
CAMDEN HINKLE	75.00
CAMPBELL COUNTY CHAMBER O	19730.75
CAMPBELL COUNTY COORDINAT	6337.37
CAMPBELL COUNTY COORDINAT	137.50
CAMPBELL COUNTY ENGINEERS	87961.30
CAMPBELL COUNTY HOSPITAL	1569.00
CAMPBELL COUNTY JUVENILE	19548.65
CAMPBELL COUNTY PARKS AND	15717.00
CAMPBELL COUNTY PREDATORY	1875.00
CAMPBELL COUNTY PUBLIC HE	90.00
CAMPBELL COUNTY PUBLIC LA	144278.75
CAMPBELL COUNTY WEED AND	606.84
CANDACE SMITH	61.86
CANDY GILLIAM	133.89
CARL MATSON	365.00
CAROLYN HAUBER	206.10
CASPER STAR TRIBUNE	773.30
CATHY BARNEY	100.00
CEDAR CREEK TIMBER CORPOR	5302.50
CENTURYLINK	2775.17
CHARTER MEDIA	202.00
CHASE HOME FINANCIAL	125.77

CHOICE ADVERTISING	1092.57
CHRIS RHOADES & PAULA OLS	163.00
CHRISTOPHER AMEND	50.00
CITY MANAGEMENT ALUMNI AN	100.00
CITY OF GILLETTE	350.00
CITY OF GILLETTE - PETTY	287.91
CJ SLOAN	79.00
CLARENCE HINCKLEY	55.38
COLLINS COMMUNICATIONS IN	5161.00
CONNELYS GREENHOUSE	15245.00
CONSOLIDATED ENGINEERS IN	1471.53
CONTRACTORS SUPPLY INC	10370.14
COUNCIL MEMBER TIM CARSRU	21.50
CPS DISTRIBUTORS	6603.75
CRAIG FURMAN	100.00
CRAIG'S VENDING	218.50
CRESCENT ELECTRIC SUPPLY	2686.12
CRUM ELECTRIC SUPPLY COMP	2040.00
CUES INC	151.96
DALE BUCKINGHAM ARCHITECT	4322.58
DANA FOLDEN	69.02
DANA KEPNER COMPANY INC	5797.49
DAVID CONINE	200.00
DAVID HARVEL	32.42
DEBRA SEMPLE	616.00
DENNIS BRILL	108.08
DESERT MOUNTAIN CORPORATI	36645.57
DICK SANDY	91.84
DLT SOLUTIONS LLC	10027.66
DOTTIE COOK	108.58
DOUG & LORI MAXWELL	86.47
DRM INC	11450.00
DUSTYN GOODWIN	48.03
DXP ENTERPRISES INC	3358.40
DYKMAN ELECTRICAL INC	1657.00
E Z TOWING & RECOVERY INC	615.00
EARTHCHANNEL COMMUNICATIO	6985.00
EDD COLLINS	50.00
EDGE CONSTRUCTION SUPPLY	4770.37
EFLEXGROUP.COM INC	476.19
EMILY FABER	53.69
ENERGY LABORATORIES INC	20.00
ENERGY SHARE OF WYOMING	735.92
ENTENMANN ROVIN COMPANY	101.00
ENVIRONMENTAL & CIVIL SOL	3816.15
ERA BOARDWALK	64.81
EVENSON'S PLUMBING	383.00
EXPRESS SCRIPTS INC	7720.27
EXPRESS SCRIPTS INC	24122.19
EXPRESS SCRIPTS INC	7300.72
FAIRMONT SUPPLY COMPANY	2718.00
FAMILY HEALTH	492.00

FARMER BROTHERS COMPANY	969.94
FASTENAL COMPANY	276.44
FEDEX	303.27
FERGUSON ENTERPRISES, INC	18244.47
FIRST AMERICAN TITLE	1875.00
FIRST INTERSTATE BANK OF	15915.00
FIRST INTERSTATE BANK OF	265.80
FLOGISTIX WYOMING LLC	1673.99
FRANDSON SAFETY INC	96.00
FUGRO GEOSPATIAL, INC	44127.91
G C S	3783.50
GAMETIME	4486.09
GEORGE SUCHOR	100.00
GILLETTE COLLEGE	105.00
GILLETTE PRINTING COMPANY	255.50
GILLETTE WINNELSON COMPAN	64.39
GLEND A BRANDT	100.00
GOURMET ON THE GO LLC	421.20
GOVERNMENT FINANCE OFFICE	225.00
GOVOLUTION, LLC	106.50
GREGORY KRICHER	102.43
GREG'S WELDING CORPORATIO	20903.00
HAWKINS INC	11503.26
HD SUPPLY POWER SOLUTIONS	2311.00
HEATH VONEYE	78.40
HELSMAN MANAGEMENT SERVIC	150.00
HIGH PLAINS BUILDERS, LLC	97.59
HIGHMARK LANDSCAPING	372.30
HKM ENGINEERING	7502.39
HLADKY CONSTRUCTION	15100.00
HOMAX OIL	69832.88
HOWARD SUPPLY COMPANY	229.65
INDIAN HILLS APTS	21.11
INFINITY BUILDERS	128.30
INTEGRATED INFORMATION SO	700.00
INTEGRITY PAINTING	57350.00
INTERMOUNTAIN TREE EXPERT	16697.50
ISC INC	34287.00
J&M USED BOOK STORE	12.00
JAKE MCINNALLY	29.92
JAMES HLOUCAL	100.00
JAMI & CASEY PELTON	17.37
JAMIE & JAKE BYERS	159.29
JASON MATERI	25.00
JASON VIGIL	333.80
JEFFREY & JAN SUNTKEN	17.28
JENNIFER IVORY	100.00
JERRY MILLER	151.27
JERRY WINTER	150.00
JESSICA & RICHARD GAFFIEL	181.62
JESSICA BAEZA-CHAVIRA	23.51
JIM'S WATER SERVICE	826.11

JOHN MARKLEY	97.40
JORDAN SNIDER	99.33
JOSH & STACY PEDERSEN	194.73
JOSH STAINBROOK	100.00
JP FLACO LLC	140.50
JUAN FLORES	96.78
KASSEBURG CANINE	19000.00
K-MART	40.97
KOIS BROTHERS EQUIPMENT C	14000.00
KONE INC	1802.94
KORTERRA INC	900.00
KRISTINA WUNDER	50.00
KRISTY STODDARD	98.83
KRIZ-DAVIS COMPANY	18535.00
LAKER CHEMICAL INC	3610.00
LANNA BRYAN	48.79
LEVI KREHMEYER & LICO SIF	15605.65
LIFESTYLE HOMES INC	96.59
LONG BUILDING TECHNOLOGIE	36200.00
LONG'S PLUMBING & HEATING	19096.24
LORI BENTZ	121.89
LOUISE CARTER KING	23.73
LYLE SIGNS INC	2440.00
MACHINE PRODUCTS INC	2017.93
MAGLIN CORPORATION	28240.00
MAILFINANCE	6108.00
MAINLINE INFORMATION SYST	68381.25
MAJOR METAL SERVICE LLC	140.00
MARIA BOUZIS	100.00
MCKENNA MCREARY	75.00
MCM GENERAL CONTRACTORS	1007.55
MESERVE, TRESSA H	59.03
MFG REMINGTON, LLC	22.35
MICHAEL FITZGERALD	293.00
MICHAEL FOOTE	600.00
MICHELLE HAMES	118.81
MID WEST PEST MANAGEMENT	6035.00
MIDLAND IMPLEMENT CO INC	17000.00
MINNESOTA MUNICIPAL UTLIT	1290.00
MONICA & TRAVIS GLADSON	95.41
MOTOROLA GOVERNMENT MARKE	12011.88
MULLIGAN TRAILER SALES	2965.00
MURRAY & CRYSTAL TERRY	50.00
NANCY STOLPE	150.00
NATE BLOCK	75.00
NATIONSTAR MORTGAGE LLC	182.92
NEVE'S UNIFORM INC	239.44
NEWMAN SIGNS INC	1594.33
NEWS RECORD	17787.35
NOBLE ENERGY INC	92.59
NORCO INC	4665.12
NOREEN DINAN	30.73

NORTHWEST LINEMAN COLLEGE	506.00
OFFICE OF STATE LANDS AND	48441.60
ONE CALL OF WYOMING COPR	418.50
ONLINE INFORMATION SERVIC	530.48
O'REILLY AUTO PARTS	237.77
PC HOUSING	159.40
PCA ENGINEERING INC	1508.25
PEEK TRAFFIC CORPORATION	673.62
POKEYS BBQ	2822.50
POWDER RIVER CONSTRUCTION	302.75
POWDER RIVER ENERGY CORPO	17219.22
POWDER RIVER HEATING & CO	9553.00
POWDER RIVER MOWING LLC	5706.65
POWDER RIVER OFFICE SUPPL	14887.23
POWDER RIVER POWER	4424.04
PRIME POWER & COMMUNICATI	10707.50
PROELECTRIC INC	1299.97
RACHEL BLAIR	113.99
RAILROAD MANAGEMENT CO LL	3380.17
RANCH CREEK PROP INC	28.28
RAZOR CITY LOCKSMITH LLC	560.80
RECREATION SUPPLY COMPANY	1548.00
RED HILLS VETERINARY HOSP	2145.00
RED TIGER WELL SERVICE	69483.95
REMAX PROFESSIONALS	68.71
RICHARD DOUGLAS DUMBRILL	8915.95
ROBERT HENSLEY	59.39
ROBIN KUNTZ	14.98
ROBUSCHI USA INC	8033.45
ROCKY MOUNTAIN BUSINESS E	621.96
RONI LEONARD	132.35
S J LOUIS CONSTRUCTION, I	143235.00
SALT LAKE WHOLESALE SPORT	15800.96
SAMANTHA HENDRICKSON	77.70
SCOTT BROTHERS INC	422.00
SCOTT SETTLES	250.00
SELECTRON TECHNOLOGIES IN	20170.00
SHAD HEUSSNER	14.83
SHANE PRENTICE	22.50
SHEILA ALLEN	32.26
SHELLY & GARY KINZIE	272.36
SIMPSON'S PRINTING	3900.00
SKYLAR MOSER	200.00
SOLOMON ELECTRIC SUPPLY	45.00
SOURCEGAS	6860.07
SOUTH FORK APARTMENTS, LL	100.12
SOUTHWESTERN EQUIPMENT CO	481.45
SPRING CREEK DESIGNS	240.00
SPRING WILKINS	542.40
STOTZ EQUIPMENT	14373.58
SUNGARD PUBLIC SECTOR INC	73.04
SUSAN LEMPKA	200.00

TANISHA LINDAUER	115.36
THAT EMBROIDERY PLACE	40.00
THOMAS CRIAG	53.15
THUNDER BASIN FORD LLC	43950.00
TOPAZ RENTAL PROP LLC	59.31
TRAFFIC & PARKING CONTROL	275.00
TRI MOUNTAIN CONSTRUCTION	124.62
TRISTON HARVEY	63.59
TROUNG KIMANH	387.96
TYLER TECHNOLOGIES INC	6800.00
TYLER WATTS	294.00
UMB BANK	124828.54
UNIVERSAL ATHLETIC SERVIC	424.00
VERIZON WIRELESS	1250.80
VISIONARY COMMUNICATIONS	452.76
WAL-MART	51.39
WAMCAT	65.00
WELLS FARGO BANK	2500.00
WESCO RECEIVABLES CORP	6097.90
WESTERN ENGINEERING, INC	1720.00
WESTERN SERVICES LLC	2260.00
WESTERN WASTE SOLUTIONS I	10363.80
WIRELESS ADVANCE COMMUNIC	52018.03
WYODAK RESOURCES DEVELOPM	33820.13
WYODAK RESOURCES DEVELOPM	194831.61
WYODAK RESOURCES DEVELOPM	33820.13
WYOMING DEPARTMENT OF HEA	912.00
WYOMING WATER SOLUTIONS	202.50
WYOSTAR	2652360.34
XEROX CORPORATION	2044.97

It was moved by Councilman Jerred and seconded by Councilman Carsrud 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 Jerred and seconded by Councilman Rothleutner to approve a conflict claim for Councilwoman Carter-King in the amount of \$14,910.96 (\$14,887.23 to Powder River Office Supply and \$23.73 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: 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 Rothleutner to approve a conflict claim for Councilman Carsrud in the amount of \$21.50 for internet reimbursement. Mayor Opseth asked for discussion. There was none. Roll was called on the motion with the following result. Council Members voting aye: Kuntz, McGrath, Rothleutner, Carter-King, Jerred, and Mayor Opseth. Councilman

Carsrud abstained. The Presiding Officer declared the motion carried.

It was moved by Councilman Rothleutner and Councilwoman Carter-King 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

The Mayor and Council recognized Connie Anderson for 25 years of service to the City of Gillette.

The Mayor and Council recognized Bob Molder for 25 years of service to the City of Gillette.

The Mayor and Council recognized Kris Jones for 25 years of service to the City of Gillette.

For the Good of the Community

The Mayor and Council recognized Claudia Urlaub and Larry Reznicek for their years of service on the Personnel Review Board.

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. There were none.

New Business - General Agenda

It was moved by Councilman Jerred and seconded by Councilman Rothleutner to approve a request from 311 Restaurant & lounge to extend their serving area to include a 60' X 24' patio area on the south side of the building. 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.

It was moved by Councilwoman Carter-King and seconded by Councilman McGrath to approve a lease of real property with the Campbell County Fire Department for Fire Station #3. Mayor Opseth asked for an explanation of the request. City Administrator Napier explained this is property that the Fire Department has occupied for a while. In the original deed that transferred the land to the City, it was made clear that a sale or transfer could not take place even though it was to another Governmental entity. Clarification of how the land should be used is within the lease. After the discussion, 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 Jerred to approve a bid award for the I-90/Hwy 59 Interchange Landscaping Project to Chalk Buttes Landscaping in the amount of \$88,524.76 (1% Project). Mayor Opseth reiterated that this is a 1% Project. Roll was then called on the motion with the following results. Council Members voting aye: Carter-King, Jerred, Kuntz, McGrath, Rothleutner, Carsrud, and Mayor Opseth.

Administrator's Report

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

Special Orders of the Day

Mayor Opseth opened into a public hearing to amend the zoning ordinance of the City of Gillette, Wyoming, to add Section 7c.(9), recreational vehicles in a mobile home park. Ryan McGrath of Cox, Horning and McGrath Law Firm, representing Nodel Parks who operates two mobile home parks in Gillette, the North Gurley Mobile Home Court and the Antelope Mobile Home Court, expressed his support of the amendment, however, feels the five year sunset proposed in the ordinance will pose the same issues in the future of what the housing needs may be. He suggested either make the change permanent and allow mobile home parks to have RV spaces, or an auto renewal that would allow for the Planning Commission to see if the housing need still exists in the future. Councilman McGrath asked if an auto renewable amendment was passed could Council at anytime, deny it in the future. City Attorney Anderson stated that he is not familiar with an auto renewable clause. He is familiar with sunsets and open ended ordinances; this ordinance, as drafted, has a five year life span. After further discussion, Mayor Opseth closed the public hearing.

ORDINANCE 14-25

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF GILLETTE, WYOMING, TO ADD SECTION 7 c. (9), RECREATIONAL VEHICLES IN A MOBILE HOME PARK

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

Mayor Opseth opened a public hearing for the zoning map amendment for un-platted property generally located at 1500 Moonshiner Lane and legally described as a portion of the SW1/4, SW1/4, Section 29, T50N, R72W, of the Sixth Principal Meridian, Campbell County, Wyoming, from R-1, single family residential district, to R-S, suburban residential district. Mary Ann Marshall asked for clarification of what R-S, suburban residential district means. Development Services Director Hamilton explained that the difference is density and lot size. The minimum lot size for R-1 is 6,000 square feet and the minimum lot size for R-S is 22,000 square feet with the proposed zoning designation. Councilman Jerred asked

how many lots will be on the property. Mr. Hamilton replied that he believes there will be six or seven lots that will encompass the property. After the discussion, Mayor Opseth closed the public hearing.

ORDINANCE 14-26

AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP
OF THE CITY OF GILLETTE, WYOMING, FOR UNPLATTED PROPERTY
GENERALLY LOCATED AT 1500 MOONSHINER LANE, LEGALLY DESCRIBED AS A
PORTION OF THE SW1/4 SW1/4 SECTION 29, T50N, R72W OF THE SIXTH
PRINCIPAL MERIDIAN, CAMPBELL COUNTY, WYOMING, FROM R-1, SINGLE
FAMILY RESIDENTIAL DISTRICT, TO R-S, SUBURBAN RESIDENTIAL
DISTRICT, 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 Opseth asked for further 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.

Appeal hearing before the City Council of the decision of the board of Examiners which affirmed the determination of the Fire Marshal to require the installation of a key box at Marshall Jewelry. Bruce Marshall, owner of Marshall Jewelry, presented their argument to Council. Mr. Marshall began by stating that there is an ordinance which requires an outside key box on a new or remodeled business. Approximately a year ago, Marshall Jewelry remodeled their business and expanded from 2,000 square feet to approximately 3,500 square feet. Because of this, they are now required to install a key box on the outside of their business. Mr. Marshall stated that he has inventory with a retail value of several million dollars on hand and because of security issues does not feel having a key box would be in their best interest. Their insurance company requires that 70% of their inventory be secured in order to be insured, which leaves approximately 1.5 million dollars of inventory left on display. Mr. Bruce then explained the security alarm system installed in his building, and also explained a burglary process known as the "smash and grab" technique. He informed Council that he contacted seven other communities around Wyoming and found that five of the seven communities he contacted do not have a key box requirement. Councilman Jerred asked if there was equipment in the building that was fire prone. Mr. Marshall replied that he has an oxygen torch, but nothing is on when there is no one present. Councilman Jerred asked if there was a fire suppression system. Mr. Marshall replied there was not. Councilman McGrath asked for a response time if the Marshall's were called due to a fire. Mr. Marshall replied that he and his wife are approximately 12 minutes away. Their Store Manager is less than eight minutes away. They also have other employees with key access should the need arise. Councilman McGrath asked if there was a fire, what their insurance company's policy is if the fire department does need to break the glass in the windows. Mr. Marshall replied that both he and the insurance company would expect the fire department to go through the windows. Councilwoman Carter-King asked what cities Mr. Marshall spoke with that did require lock boxes. Mr. Marshall stated Cheyenne and Cody. Councilman Carsrud asked if Mr. Marshall was aware, during or prior to construction, that the lock box was a requirement. Mr. Marshall replied that he had found out after the construction was completed, however, his contractor could have known prior to the construction. Councilman Kuntz asked Mr. Marshall if there is a sprinkler system in his business. Mr.

Marshall stated there is not. Councilman Kuntz asked Development Services Director Hamilton if any of the other businesses located in the Silverado Center had sprinkler systems. Mr. Hamilton stated that he doesn't know. Mayor Opseth informed Mr. Marshall that the transcripts and the video were made available to Council. City Attorney Anderson commented for the record, that the appeal is on the record developed at the Board of Examiners and some of the testimony that Council has heard was not presented in front of the Board of Examiners. Mr. Anderson went on to say that the comments in regard to other cities and what their ordinances might have and the quotes that were attributed to someone about Knox boxes, were not presented to the Board of Examiners and therefore, the Board did not have the opportunity to rule on these arguments. Eric Acton, Fire Marshal, presented Council with examples of what a Knox box looks like, how it works and addressed points that Mr. Marshall had made in his argument. Mr. Acton stated that the presence of the box offers no more security than what is already there and that it would be easier for someone to do a "smash and grab." He requested that he be given time to research the other cities that do require and install the boxes so he could provide a list to the Council. Mr. Acton then explained entry access practices of the fire department. The fire department will break windows when it is appropriate to do so for purposes of ventilation, but not for entry. He then explained that once a window is broken, the fire department is then responsible for security to the building. When entry is accessed through a door, the door can be secured when the fire department leaves which is a benefit to the owner. Councilwoman Carter-King asked how many businesses in Gillette currently have the lock box in place. Mr. Acton stated approximately 300. Councilwoman Carter-King asked if the businesses were all new construction. Mr. Acton replied that some are due to new construction or newly altered buildings; some have also been requested by business owners. Councilwoman Carter-King then asked how the fire department gains access if there is no lock box. Mr. Acton replied that it depends on the circumstances. If immediate entry is needed then they will force the door open. If it's an instance where they can wait for a key holder to arrive, the fire department will contact the sheriff's office to make contact with the key holder. Councilwoman Carter-King asked about the keys for the lock boxes and where they are stored. Mr. Acton replied that there is a master key and each fire truck unit has a lock box with the key inside that can only be accessed by a punch code. If there is ever a question about illegal entry, then it can be audited. Councilman McGrath asked how many fire firefighters have a punch code to access these boxes. Mr. Acton stated that there are some volunteers, however, the general rule is Captain and above; special permission can be obtained from the Chief. Those who have punch codes to access the master key go through training and they know the expectation and security involved with this process. Councilman Carsrud asked who is responsible after the fire department leaves if the alarm is not re-activated. Mr. Acton replied that the fire department requires contact information so if access to the building is needed, then they have a contact person. If an alarm cannot be re-activated then fire department personnel will remain on scene until a contact person from the business arrives. Councilman Carsrud asked if the contractors know beforehand that the lock boxes are required to be installed. Mr. Acton stated that when the building permit is applied for, different agencies involved with that building have an opportunity to present their comments or requirements from that particular agency. Mr. Acton stated that he submits a letter in regard to the requirements and if a key box is required, then yes, it is in his submittal letter prior to the contractor obtaining a building permit. After the discussion, Mayor Opseth commented that the Board of Examiners

worked hard on this matter and he doesn't see how they could have come to any other conclusion than the one they made, and he expressed his appreciation for their time and efforts. However, he can also relate to the Marshall's. He went on to say that this is an International Code and doesn't feel that it is an ideal code. Mayor Opseth stated that he would like to see the Board of Examiners' decision overturned and then requested that City Administrator Napier and City Attorney Anderson work on re-writing the ordinance to possibly make the lock boxes optional. After the discussion, it was moved by Councilwoman Carter-King and seconded by Councilman Jerred to affirm. Mayor Opseth asked for further discussion. There was none. Roll was called on the motion with the following results. Council Members voting nay: McGrath, Rothleutner, Carsrud, Carter-King, Jerred, Kuntz, and Mayor Opseth. The Presiding Officer declared that the decision of the Board of Examiners, which affirmed the determination of the Fire Marshal to require the installation of a key box at Marshall Jewelry, is reversed.

Adjournment

There being no further business to come before the Council, the meeting was adjourned at 8:09 p.m. The next regularly scheduled meeting will be Tuesday, August 19, 2014.

John Opseth, Mayor

(S E A L)

ATTEST:

Karlene Abelseth, City Clerk

Publication Date: July 23, 2014