

COUNCIL PROCEEDINGS

REGULAR

November 18, 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 18th day of November 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: Forrest Rothleutner, Tim Carsrud, Louise Carter-King, Ted Jerred, Robin Kuntz, Kevin McGrath, and Mayor John Opseth.

Councilman Elect Dan Barks.

Staff present: J. Carter Napier, City Administrator; Charlie Anderson, City Attorney; Pamela L. Boger, Administrative Services Director; Patrick Davidson, Asst. City Attorney; Kendall Glover, Utilities Director; Dustin Hamilton, Director of Development Services; Brent Wasson, Lieutenant; Kent Clark, Public Works Operational Manager; Joe Lunne, Public Information Officer; and Karlene Abelseth, City Clerk.

Invocation

Thereupon the following proceedings were had and taken. Pastor Susan Reichenberg of First Presbyterian Church gave the Invocation.

Pledge of Allegiance

The Pledge of Allegiance was led by Councilman Carsrud.

Approval of General Agenda

It was moved by Councilman Rothleutner and seconded by Councilman Carsrud 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 - September 16, 2014.

Pre-Meeting - November 4, 2014.

Regular Meeting - November 4, 2014.

Ordinance Third Reading - Consent Agenda

ORDINANCE 3844

AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE CITY OF GILLETTE, WYOMING, FOR PROPERTY GENERALLY LOCATED AT 4195 BUTLER SPAETH ROAD AND LEGALLY DESCRIBED AS LOT 1B, EDWARDS SUBDIVISION, FROM C-3, BUSINESS/SERVICES DISTRICT, TO I-1, LIGHT INDUSTRIAL DISTRICT, SUBJECT TO ALL PLANNING REQUIREMENTS

ORDINANCE 3845

AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE CITY OF GILLETTE, WYOMING, FOR PROPERTY GENERALLY LOCATED AT 4180 BUTLER

SPAETH ROAD AND LEGALLY DESCRIBED AS A PORTION OF LOT 1A, EDWARDS SUBDIVISION AND PROPERTY GENERALLY LOCATED AT 3945 ARIEL AVENUE AND LEGALLY DESCRIBED AS A PORTION OF TRACT T, MOON MEADOW ESTATES NO. 3 SUBDIVISION FROM C-3, BUSINESS/SERVICES DISTRICT, TO I-1, LIGHT INDUSTRIAL DISTRICT, SUBJECT TO ALL PLANNING REQUIREMENTS

ORDINANCE 3846

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 FORD ANNEXATION CONTIGUOUS AND ADJOINING THE PRESENT BOUNDARIES AND ESTABLISHING AN I-1, LIGHT INDUSTRIAL ZONING DISTRICT, SUBJECT TO ALL PLANNING REQUIREMENTS

New Business - Consent Agenda

Approval of a water service agreement with the Spring Hill Ranch Improvement and Service District.

Approval of a water service agreement with the Cook Road Water District.

Approval of a water service agreement with the Bennor Estates Improvement Service District.

Approval of a water service agreement with the Eight Mile Improvement and Service District.

Approval of a water service agreement with the Southfork Estates Improvement and Service District.

Approval of a water service agreement with the Rafter D ISD.

Bills & Claims

A1 INVESTMENTS	43.53
ADECCO EMPLOYMENT SERVICE	127.76
ALLEN ADAMS	24.36
ALSCO	815.31
ALYSHIA VIGIL	50.00
AMERICAN WATER WORKS	187.00
ARBUCKLE LODGE	1782.00
ARLIS HAMILTON	100.79
ARROW PRINTING AND GRAPHI	910.00
B & H PHOTO VIDEO PRO-AUD	4699.79
BACK YARD INVESTMENTS	10.20
BALFOUR BEATTY RAIL INC	251.79
BEAR'S NATURALLY CLEAN	12.25
BETH & BILL HONEYCUTT	103.07
BIG D SANITATION CORP	100.00
BLACK CAT CONSTRUCTION LL	17592.44
BLACK HILLS POWER & LIGHT	189463.00
BLACK HILLS POWER & LIGHT	109602.35
BLACK HILLS POWER & LIGHT	1867.99
BLACK HILLS POWER & LIGHT	12321.00
BLACK HILLS WYOMING LLC	151429.09
BLUE CROSS BLUE SHEILD OF WY	63328.75
BLUE CROSS BLUE SHEILD OF WY	27726.83
BLUE CROSS BLUE SHEILD OF WY	35431.65

BLUE CROSS BLUE SHEILD OF WY	11470.00
BRENNA DODGE	39.99
BRIAN VANDEKAMP	91.32
BRUCE ENGINEERING SERVICE	9255.00
CALEB DUNCAN	90.20
CALEB OLSON	136.01
CAMPBELL COUNTY CHAMBER O	150.50
CAMPBELL COUNTY ECONOMIC	90000.00
CAMPBELL COUNTY HOSPITAL	245.50
CAMPBELL COUNTY SENIOR CI	1134.00
CAMPBELL COUNTY SHERIFF	14525.00
CHALK BUTTES LANDSCAPING	40246.54
CHERI BRYAN	100.00
CITY OF GILLETTE	50.00
CITY OF GILLETTE	154.69
CLARICE GREKOFF	43.01
CLARK SAFETY INC MONTE RU	1000.00
CLAUS LLC	6682.50
CLERK'S OFFICE	37.49
COLLINS COMMUNICATIONS	34.39
CONNELYS GREENHOUSE	30728.75
CONSOLIDATED WATER SOLUTI	5213.19
CONTRACTORS SUPPLY INC	1721.22
CONVERSE COUNTY BANK	262.78
COORDINATED CARE PARTNERS	290.00
DAN BRIDGES	6.87
DANA KEPNER COMPANY INC	44.70
DANELLE & NATHANIEL MAUCH	160.76
DAVID INGERSOLL	38.40
DELTA DENTAL OF WYOMING	17220.40
DESERT RUN APTS I & II	64.81
DESIREE HAMMOND	100.00
DEVAN DENNIS	141.26
DIJULIO DISPLAYS INC	20915.92
DRV TECHNOLOGIES INC	1658.50
E Z TOWING & RECOVERY INC	65.00
EDGE CONSTRUCTION SUPPLY	1478.24
EDGE CONSTRUCTION SUPPLY	153.48
EJ COLLINS, PE	92879.05
ELECTRICAL SPECIALISTS	925.52
EMS EXPANSION	2350.00
ENERGY LABORATORIES INC	36.00
EXPRESS SCRIPTS INC	11176.60
EXPRESS SCRIPTS INC	9594.28
FANNIE MAE	155.08
FARMER BROTHERS COMPANY	427.33
FERGUSON ENTERPRISES, INC	2282.20
FIREMASTER DEPT 1019	3607.56
FIRST INTERSTATE BANK OF	128.95
FIRST INTERSTATE BANK OF	161.85
FIRST NATIONAL BANK OF GI	26926.38
FUGRO GEOSPATIAL, INC	20572.09
GARY CURTIS	24.63

GEORGE SUCHOR	100.00
GILLETTE ENERGY ROTARY CL	192.50
GILLETTE PRINTING COMPANY	2122.29
GILLETTE WINNELSON COMPAN	189.92
GOOGLE INC	6.25
GREG'S WELDING CORPORATIO	1632.50
GRISWOLD SPRAYING INC	3036.00
HACH COMPANY	1953.43
HD SUPPLY POWER SOLUTIONS	49568.13
HDR ENGINEERING INC	252342.33
HEARTLAND KUBOTA LLC	101.50
HELENA DANIELSON	139.16
HKM ENGINEERING	29014.03
HLADKY CONSTRUCTION	243537.39
HOPE RATHE-HOLMAN	123.43
INNOVYZE INC	1800.00
INTEGRATED INFORMATION SO	700.00
INTERMOUNTAIN CONSTRUCTIO	4752.08
ISC INC	34790.74
J B STORAGE CONTAINERS	560.00
JASON MATERI	25.00
JESSICA MCGALIN	17.71
JOHN D CHAMBERS	271.16
JOHNSON CONTROLS INC	3140.00
JORDAN GLICK	100.00
JORGE PINA	2500.00
JOSH STAINBROOK	88.81
JUAN SIERRA-AMAYA	62.99
JUSTIN SWANSON	34.07
KASEY WELCH	90.10
KAYLA HOFFMAN	35.26
KELSIE HARRIS	145.89
KOIS BROTHERS EQUIPMENT C	462.72
KRISTINA WUNDER	30.00
LARRY MANNING	981.40
LEONARD & VICKI TAYLOR	81.57
LISA KERRY STOMPRUD	1000.00
LISA WANDLER	148.40
LORA NUTTALL	143.07
MCM GENERAL CONTRACTORS	65941.94
MEDICAL PRIORITY CONSULTA	975.00
MELISSA SALZER	155.25
MELISSA STAHLEY-CUMMINGS	500.00
MICHAEL TIEFENTHALER	25.00
MIKE JUNDT	93.00
MILSOFT INTEGRATED SOLUTI	8660.00
MODULAR SPACE CORPORATION	994.28
MORRISON MAIERLE INC	48963.58
MOUNTAIN STATES EMPLOYERS	5000.00
MUNICIPAL ENERGY AGENCY O	164511.45
NATASHUA & VICTOR NAVA	9.92
NATIONAL NINE	100.00
NE WY ECONOMIC DEVELOPMEN	12500.00

NEWMAN SIGNS INC	5119.20
NEWS RECORD	15835.23
NOEL GRIFFITH JR AND ASSO	750.00
NORCO INC	1758.67
NORMA LIPPERT	50.00
NORTHERN ELECTRIC SERVICE	2293.63
ONLINE INFORMATION SERVIC	87.39
PCA ENGINEERING INC	103137.32
PETE LIEN & SONS INC	333.90
PICKREL LAND AND CATTLE C	235.00
PINKERTON CONSULTING & IN	20.90
POLYDYNE INC	8184.00
POPPY HUNT	44.28
POWDER RIVER CONSTRUCTION	1123.00
POWDER RIVER ENERGY CORPO	312.85
POWDER RIVER MOWING LLC	3967.20
POWDER RIVER OFFICE SUPPL	3752.26
PRIME POWER & COMMUNICATI	15250.00
PROELECTRIC INC	37701.05
RAILROAD MANAGEMENT CO LL	321.56
RANDY MORRIS	85.75
RAUL N TORRES	3800.00
RAY CUMPTON	15.02
RAZOR CITY RENTAL	45.00
RICHARD DOUGLAS DUMBRILL	4502.12
S & S BUILDERS	542386.45
SAFETY-KLEEN SYSTEMS INC	160.69
SAMANTHA NICKEL	25.00
SAMANTHA RUPPERT	85.62
SARAH SPEELMON	163.45
SCOTT BROTHERS INC	338.00
SHERWIN WILLIAMS	289.19
SOURCEGAS	7628.67
SOUTHERN COMPUTER WAREHOU	24516.90
STEPHEN HIPSZKY	75.00
STOTZ EQUIPMENT	2093.59
STUART C IRBY CO	476.60
SULZER EMS INC	2884.80
SUNGARD PUBLIC SECTOR INC	74.86
TAMI DICKINSON	50.00
TAMMY STEEVER	162.06
TAMRA BRUNS	30.63
TAYA & JONATHON FISHER	104.10
THAT EMBROIDERY PLACE	424.50
THE PIN CENTER	10447.42
THE ROSE SALON LLC	33.87
TOM PITLICK	47.60
TOTAL ADMINISTRATION SERV	13.00
TUCKER ELECTRIC INC	1797.50
TYLER TECHNOLOGIES INC	36731.52
U-LOCK STORAGE	100.00
UNIVERSAL ATHLETIC SERVIC	1030.00
VAN EWING CONSTRUCTION	546000.17

VERIPIC	1109.62
VERIZON WIRELESS	160.06
VISION INTERNET PROVIDERS	10744.00
VISIONARY COMMUNICATIONS	452.76
WALMART	217.90
WASTE CONNECTIONS OF WYOM	714.30
WESCO RECEIVABLES CORP	6616.50
WESTERN WASTE SOLUTIONS I	10210.05
WYODAK RESOURCES DEVELOPM	204410.90
WYODAK RESOURCES DEVELOPM	33820.13
WYOMING DEPT OF TRANSPORT	993.15
WYOMING STATE	30.00
WYOMING STATE	96649.13
WYOSTAR	2500000.00
WYOSTAR	2836023.53
ZOETIS INC	203.00

It was moved by Councilman Jerred and seconded by Councilman Rothleutner 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 - General Agenda

It was moved by Councilman Jerred and seconded by Councilman Rothleutner to approve a conflict claim for Council Member Carter-King in the amount of \$3,752.26 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. Council Member Carter-King abstained. The Presiding Officer declared the motion carried.

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

Mayor Opseth proclaimed Saturday, November 29, 2014, as Small Business Saturday.

The Mayor and Council recognized Matthew Hutton of Rozet Elementary School and Art Teacher, Brenna Chafee as the 2014 Christmas Pin Contest winner.

The Mayor and Council recognized HDR, Inc., for their efforts in the Gillette Avenue Reconstruction Project.

#### 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.

## Unfinished Business - General Agenda

It was moved by Councilwoman Carter-King and seconded by Councilman Kuntz to remove from the table the consideration for the approval of a request from LOF Gillette, LLC, d.b.a. Clarion Western Plaza, to relocate their dispensing room at 2009 S. Douglas Hwy from a 1397 sq. ft. room in the NW corner of the building, to a 22' X 36' room in the center of the north side of the building known as Dillingeer's Room. 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 and the item removed from the table. City Administrator Napier explained the request. After the explanation, it was moved by Councilwoman Carter-King and seconded by Councilman McGrath to approve the request from LOF Gillette, LLC, d.b.a. Clarion Western Plaza, to relocate their dispensing room at 2009 S. Douglas Hwy from a 1397 sq. ft. room in the NW corner of the building, to a 22' X 36' room in the center of the north side of the building known as Dillingeer's Room. Mayor Opseth asked for further discussion. There was none. 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.

It was moved by Councilwoman Carter-King and seconded by Councilman Carsrud to remove from the table the consideration for the issuance of a Bar & Grill Liquor License to Sapporo Wyoming, Inc., d.b.a. Sapporo Japanese Steakhouse, located at 1000 E Boxelder Road. 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 and the item removed from the table. It was moved by Councilwoman Carter-King and seconded by Councilman McGrath to consider the issuance of a Bar & Grill Liquor License to Sapporo Wyoming, Inc., d.b.a. Sapporo Japanese Steakhouse, located at 1000 E Boxelder Road. Councilman Rothleutner informed the public that Sapporo Wyoming, Inc. submitted a letter to withdraw their application to request a Bar & Grill Liquor License. Roll was called on the motion with the following results. Council Members voting aye: Carsrud. Council Members voting nay: Carter-King, Jerred, Kuntz, McGrath, Rothleutner, and Mayor Opseth. The Presiding Officer declared the motion to approve the issuance of a Bar & Grill Liquor License to Sapporo Wyoming, Inc., d.b.a. Sapporo Japanese Steakhouse, located at 1000 E Boxelder Road, denied.

It was moved by Councilwoman Carter-King and seconded by Councilman Rothleutner to remove from the table the consideration for the issuance of a Bar & Grill Liquor License to Burro Loco, LLC, d.b.a. Fiesta Tequila Mexican Restaurant, located at 900 Camel Drive, Suite I. Brittany L. Jimenez Ocampo approached the Council with regard to Burro Loco, LLC's request for a Bar & Grill Liquor License. She explained to Council how Fiesta Tequila Mexican Restaurant began and the business that it has become today. Due to the restaurant's growth, she wants to move the location of the restaurant for expansion. The remodeling plan will include a bar setting, which a Bar & Grill Liquor License allows. Cary Martin, Chairman of the Board for the Chamber of Commerce, reported the Chamber of Commerce's support for the issuance of the Bar & Grill Liquor License to Fiesta Tequila Mexican Restaurant. After Ms. Ocampo gave background information with regard to her business and plans for the future, Councilmen Kuntz and Jerred voiced concerns with regard to Fiesta Tequila Mexican Restaurant exceeding the Wyoming Statute requirement of a 60/40 split of food and alcohol sales. Councilman McGrath voiced his concern of a license of this type so close to the High School. After the discussion, roll was

called on the motion with the following results. Council Members voting aye: Rothleutner, Carsrud, Carter-King, and Mayor Opseth. Voting nay: Jerred, Kuntz, and McGrath.

Ordinance Third Reading - General Agenda

ORDINANCE 3847

AN ORDINANCE TO AMEND SECTION 17-47 (a) (5) OF THE GILLETTE CITY CODE TO REVISE WHOLESALE WATER RATES FOR WATER FURNISHED BY THE CITY OF GILLETTE

It was moved by Councilwoman Carter-King and seconded by Councilman Rothleutner to approve the foregoing Ordinance on third and final reading. 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.

Ordinance Second Reading

ORDINANCE 14-35

AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE CITY OF GILLETTE, WYOMING, FOR PROPERTY GENERALLY LOCATED AT 3000 LAKEWAY ROAD AND LEGALLY DESCRIBED AS TRACT A, MOONSHINER ESTATES II, PHASE I WITH THREE PARCELS FROM R-R, RURAL RESIDENTIAL DISTRICT TO R-1, SINGLE FAMILY RESIDENTIAL DISTRICT, AND TWO PARCELS FROM R-R, RURAL RESIDENTIAL DISTRICT TO R-S, SUBURBAN RESIDENTIAL DISTRICT SUBJECT TO ALL PLANNING REQUIREMENTS

It was moved by Councilman Rothleutner and seconded by Councilwoman Carter-King to approve the foregoing Ordinance on second reading. Mayor Opseth asked for discussion. Mayor Opseth reported that the applicant has requested that this request be tabled until January 6, 2015. It was moved by Councilman Rothleutner and seconded by Councilman McGrath to table this Ordinance until January 6, 2015. Roll was called on the motion to table 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 and the Ordinance tabled until January 6, 2015.

Ordinance First Reading

AN ORDINANCE TO AMEND SECTION 5-I-8 B (17) OF THE GILLETTE CITY CODE

It was moved by Councilman Rothleutner and seconded by Councilman Carsrud to approve the foregoing Ordinance on first reading. Mayor Opseth asked for an explanation of the request. City Administrator Napier explained that instead of unilaterally required key boxes for all newly constructed buildings, key boxes will only be required for buildings that would include fire alarm systems in their buildings and other suppression systems, and it would not require key boxes to be installed for businesses that are open 24 hours where employees are on hand at all times of the day. Mr. Napier added that the Board of Examiners has reviewed and passed the changes unanimously. After the explanation, 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.



New Business - General Agenda

RESOLUTION 2498

A RESOLUTION APPROVING AND AUTHORIZING THE FINAL PLAT FOR  
LOTS 1 AND 2, BLOCK 1, LONGMONT ADDITION TO THE CITY OF  
GILLETTE, WYOMING, SUBJECT TO ALL PLANNING REQUIREMENTS

It was moved by Councilman Rothleutner and seconded by Councilman Carsrud to approve the foregoing Resolution approving and authorizing the final plat for Lots 1 & 2, Block 1, Longmont Addition to the City of Gillette, Wyoming, subject to all Planning requirements. Councilman Jerred asked if this is property that has been reviewed by the Council in the past. Director of Development Services Hamilton confirmed that Council has reviewed this in the past; in July the City did vacate a piece of land that ran through this property. This request is following up with vacated property to absorb it into the new parcel. After the discussion, 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.

It was moved by Councilwoman Carter-King and seconded by Councilman Jerred to accept public improvements for the I-90 Landscaping Project, installed by Chalk Buttes Landscaping, Inc., in the amount of \$97,086.77 (1% Project). 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, Carter-King, 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 lease with the Gillette Girls' Fastpitch Association, Inc. Mayor Opseth asked for discussion. Councilman Jerred asked if the Girls' Fastpitch Association and the Gillette Little League groups were able to come to an understanding as it relates to balancing the use of the fields with the overlapping seasons. Kevin Kinsley, President of the Girls' Fastpitch Association, stated that he feels all those details have been worked out, and is willing to work with the Gillette Little League. He then announced an award that the Gillette Girls' Fastpitch Association has received for hosting the National Tournament. After the discussion, roll was called on the motion with the following results. Council Members voting aye: Rothleutner, Carsrud, Carter-King, Jerred, and Mayor Opseth. Voting nay: Kuntz and McGrath. The Presiding Officer declared the motion carried.

Appointments

It was moved by Council President Carter-King and seconded by Councilman Carsrud to appoint Councilman Jerred as Board Liaison of the Boys' & Girls' Club. 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, Kuntz, and Mayor Opseth. Councilman Jerred abstained. The Presiding Officer declared the motion carried.

Administrator's Report

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

## Special Orders of the Day

Mayor Opseth opened into a public hearing to consider the issuance of a Bar & Grill Liquor License to H&H Cuisine, Inc., d.b.a. Ruby Tuesday, located at 500 E. Boxelder Road. Todd Hoekstra, owner of H&H Cuisine, Inc., explained that the intention is to break ground in the spring and be open and operational in the fall. Cary Martin, Chairman of the Board for the Chamber of Commerce, reported the Chamber of Commerce's support for the issuance of the Bar & Grill Liquor License to Ruby Tuesday. No further comments were made and the public hearing closed.

It was moved by Councilwoman Carter-King and seconded by Councilman Rothleutner to approve a Bar & Grill Liquor License to H&H Cuisine, Inc., d.b.a. Ruby Tuesday, located at 500 E. Boxelder Road. Mayor Opseth asked for further 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.

Mayor Opseth opened into a public hearing for the Southern Industrial Addition Annexation. Mike Easley, Chief Executive Officer of Powder River Energy Corporation, reported that PRECorp accepts the fact that the City has a right to take its service territory through the annexation process. Pursuant to that, PRECorp and the City have had an agreement in place for some time that allows the process to facilitate the taking of PRECorp's territory and customers. That agreement has two basic components: one is a wholesale component where arrangements are made to minimize the impacts on the wholesale power supply; the second part to the agreement is related to the distribution and energy sales costs. Efforts have been made by City staff and PRECorp staff to come up with parameters of a capital cost for acquiring the system. He reported that the revenue impact is approximately \$1,000,000 and pursuant to the agreement, would result in a payment of 1.5 times that revenue; that would be approximately \$1,600,000 in payment of that lost revenue along with the purchase of the facilities. The impact on PRECorp's remaining customers is about \$150,000 due to the loss of this load. Mr. Easley understands that annexations are never easy and there is balancing of interests that need to be made; one of those is costs. Part of the economics of this appears to be the Business Ready Community Grant and he wants the Council to know that PRECorp is not opposed to that grant program. He went on to say that he feels that it is important that the grant application be a fair representation of the facts. One thing in the existing grant application process, from his perspective, is that PRECorp's service quality and their ability to serve is called into question. He went on to explain that this particular area is served off of a rural system. The customers within this particular area have exposure to disturbances, weather events, and so on, further down the line other than just the Southern Industrial Park. Mr. Easley reported that according to his records, there were 44 events (disturbances on the line, bumps, blinks and outages) over the past year. Of those 44 events, 10 of those directly impacted this particular area. Over a full year of 8760 hours, the customer was without power for approximately 20 hours; this is a result of having line extensions that go into the countryside. He understands that the City's plan is to expand an existing sub-station on site and install a denser distribution system. He feels that this is an ability to provide an enhancement in power in the future. This doesn't mean that PRECorp does not have the ability or willingness to provide the service quality needed for those customers to grow. He then explained the load of the feeder in the area, and feels there is plenty of capacity to serve the load. He went on to say

that if PRECorp was able to be a part of the grant application process it would be more reflective of what the differences are between what can be provided through a circuit with lots of line miles exposure compared to a denser area. Lastly, he stated that the City of Gillette is positioned to go to the state for state funding to assist with the costs of the annexation and feels the process with the Business Council and SLIB Board provide an adequate opportunity to make the decision whether or not it is good public policy and is not up to PRECorp to take a position on. He enjoys working with City Administrator Napier and is confident that the two entities can take the current agreements and find a way to address PRECorp's concerns so the outcome remains a good working relationship with the City. Councilman Kuntz asked Mr. Easley if he is asking that the City franchise PRECorp to serve that area. Mr. Easley explained that the agreement actually allows for the existing power provider to continue providing power for five years; or also allows for a five year franchise. If the City feels that this is something to explore, PRECorp would be willing to look at franchising. Representatives of Joy Global, Liebherr Mining Company, Sunshine Paint and Auto Body spoke to the Council with regard to their experiences with power interruptions and stated that they are in favor of the annexation. Judy Deegan, 5200 Lundock Ct., expressed her concerns with flooding issues since Southern Drive was completed. She explained that she has been with PRECorp for 30 years and has not had any issues. She stated that she has addressed the flooding issues with the County and has signed an agreement with them to take care of the cleanup; however, they have not addressed the issue of fixing the ditches. Councilman McGrath requested that staff look at the drainage issues that Ms. Deegan spoke of. Director of Development Services Hamilton stated that staff can certainly look at the drainage issues; however, one thing to note, even though Southern Drive is included in the annexation, there is a shared roads MOU with the County, and the County will still be in charge of the Southern Drive road and right-of-way. After the discussion, Mayor Opseth closed the public hearing.

#### RESOLUTION 2499

A RESOLUTION PROVIDING FOR THE EXTENSION OF THE BOUNDARIES OF THE CITY OF GILLETTE, WYOMING, AND ANNEXATION OF A TRACT OF LAND KNOWN AS THE SOUTHERN INDUSTRIAL ADDITION ANNEXATION CONTIGUOUS AND ADJOINING THE PRESENT BOUNDARIES

It was moved by Councilman Rothleutner and seconded by Councilman Kuntz to approve the foregoing Resolution providing for the extension of the boundaries of the City of Gillette, Wyoming, and annexation of a tract of land known as the Southern Industrial Addition Annexation contiguous and adjoining the present boundaries. Mayor Opseth asked for further 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.

#### ORDINANCE 14-37

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 SOUTHERN INDUSTRIAL ADDITION ANNEXATION, CONTIGUOUS AND ADJOINING THE PRESENT BOUNDARIES AND ESTABLISHING A C-1, GENERAL COMMERCIAL ZONING DISTRICT, A C-3, BUSINESS/SERVICES ZONING DISTRICT, AN I-1, LIGHT INDUSTRIAL ZONING DISTRICT, AND AN I-2, HEAVY INDUSTRIAL ZONING DISTRICT SUBJECT TO ALL PLANNING REQUIREMENTS

It was moved by Councilman Rothleutner and seconded by Councilman Jerred to approve the foregoing Ordinance on first reading. 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.

Mayor Opseth opened into a public hearing for the approval of the Regional Marketing Development Study. City Administrator Napier explained that the City of Buffalo, City of Sheridan, and the City of Gillette are combining efforts to find ways to regionally market our communities to potential businesses that would come into the area. This study will assist with better ways of approaching the marketing concept. He added that this is a requirement of the Business Council in making application for the funds. After the explanation, Mayor Opseth closed the public hearing.

#### RESOLUTION 2500

A RESOLUTION AUTHORIZING SUBMISSION OF APPLICATION TO THE WYOMING BUSINESS COUNCIL UNDER THE BUSINESS READY COMMUNITY GRANT AND LOAN PROGRAM FOR A PLANNING PROJECT ON BEHALF OF THE GOVERNING BODY OF THE CITY OF GILLETTE, WYOMING

It was moved by Councilwoman Carter-King and seconded by Councilman Jerred to approve the foregoing Resolution for the approval of the Regional Marketing Development Study. 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.

#### Executive Session

It was moved by Councilman McGrath and seconded by Councilman Rothleutner to move into an Executive Session to discuss litigation and personnel. 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 and the group moved into an Executive Session at 8:32 p.m.

#### 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, December 2, 2014.

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Mayor John Opseth

(S E A L)

ATTEST:

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Karlene Abelseth, City Clerk

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