

COUNCIL PROCEEDINGS

REGULAR

June 2, 2015

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 2nd day of June 2015, 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, Dan Barks, Tim Carsrud, Ted Jerred, and Mayor Louise Carter-King.

Staff present: J. Carter Napier, City Administrator; Charlie Anderson, City Attorney; John Aguirre, Human Resource Director; Pamela L. Boger, Administrative Services Director; Patrick Davidson, Asst. City Attorney; Dustin Hamilton, Director of Development Services; Kendall Glover, Utilities Director; Tom Pitlick, Finance Director; Sawley Wilde, Public Works Director; Brent Wasson, Lieutenant; Ry Muzzarelli, Utilities Electrical Engineer; Levi Jensen, Utilities Project Manager; Michelle Henderson, Finance Manager; Geno Palazzari, Communications Manager; Patti Davidsmeier, Community & Gov't Relations Manager; and Karlene Abelseth, City Clerk.

Thereupon the following proceedings were had and taken:

Invocation

The Invocation was given by Deacon Kim Carroll of St. Matthews Catholic Church.

Pledge of Allegiance

The Pledge of Allegiance was led Councilman Kuntz.

Approval of General Agenda

It was moved by Councilman McGrath and seconded by Councilman Carsrud to approve the General Agenda. It was moved by Councilman Rothleutner and seconded by Councilman Jerred to amend the agenda by adding "*Council Consideration for the Approval of the Electrical Service Area Transition Agreement Between the City of Gillette and Powder River Energy Corporation for Acquisition of Assets and Payment for Lost Revenues for the Southern Industrial Annexation Addition*" under New Business - Consent Agenda, Item b1. Mayor Carter-King asked for discussion regarding the amendment. There was none. Roll was called on the motion to amend the General Agenda with the following results. Council Members voting aye: Carsrud, Jerred, Kuntz, McGrath, Rothleutner, Barks, and Mayor Carter-King. The Presiding Officer declared the motion carried and the General Agenda amended adding Item b1 under New Business - Consent Agenda. Roll was called on the original motion with the following results. Council Members voting aye: Barks, Carsrud, Jerred, Kuntz, McGrath, Rothleutner, and Mayor Carter-King. The Presiding Officer declared the motion carried.

Approval of Minutes

Executive Session - March 31, 2015.

Pre-Meeting - May 19, 2015.

Regular Meeting - May 19, 2015.

Work Session - May 26, 2015.

Ordinance Third Reading - Consent Agenda

ORDINANCE 3859

AN ORDINANCE PROVIDING FOR THE VACATION
OF A PORTION OF PUBLIC RIGHT-OF-WAY, KNOWN AS FIRST STREET, LOCATED
SOUTHEAST OF THE INTERSECTION OF BROOKS AVENUE AND FIRST STREET, AS
SHOWN ON THE EXHIBIT "A" MAP, IN THE CITY OF GILLETTE, WYOMING,
SUBJECT TO ALL PLANNING REQUIREMENTS

Ordinance Second Reading - Consent Agenda

ORDINANCE 15-10

AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE CITY OF
GILLETTE, WYOMING, FOR PROPERTY GENERALLY LOCATED AT 815 E. 9TH
STREET AND LEGALLY DESCRIBED AS THE SOUTH 140' OF LOT 4, BLOCK 9,
BIVENS ADDITION, AND THE 20' WIDE ALLEY ADJACENT TO THE NORTH,
FROM R-2, SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT, TO C-1,
GENERAL COMMERCIAL DISTRICT, SUBJECT TO ALL PLANNING REQUIREMENTS

New Business - Consent Agenda

Approval of a water service agreement with the American Road
Improvement and Service District.

Approval of the write-off of uncollectible debt for General Billing
Accounts in the amount of \$2,991.88.

Approval of the Electrical Service Area Transition Agreement
Between the City of Gillette and Powder River Energy Corporation
for Acquisition of Assets and Payment for Lost Revenues for the
Southern Industrial Annexation Addition.

Bills & Claims

DENNIS L WILLIAMS AND GRA	4740.00
CHARLES L WILLIAMS	380.00
TWO M COMPANY INC	181.52
ADECCO EMPLOYMENT SERVICE	302.76
AIR TECH INC	212.50
ALSCO	683.68
ANDREANNA PIERCE	50.00
ANIMAL MEDICAL CENTER OF	724.00
ARROW PRINTING AND GRAPHI	170.00
AT & T MOBILITY NATIONAL	3196.36
AVI SYSTEMS	15607.00
AVP CONSULTING LLC	623.89
BLACK CAT CONSTRUCTION LL	67292.18
BORDER STATES ELECTRIC	20986.84
BREANNA'S BAKERY	15.64
BSN SPORTS	11687.97
BURNS AND MCDONNELL CORPO	350297.85
IMMEDIATE RESPONSE SPILL	9258.86
CAMEL TOWING LLC	65.00
CAMPBELL COUNTY SENIOR CI	172132.50

CAMPBELL COUNTY HOSPITAL	1644.00
CAMPBELL COUNTY ENGINEERS	84785.75
CAMPBELL COUNTY SHERIFF	300.00
CASPER STAR TRIBUNE	39.00
CENTURYLINK	2817.90
CHARTER MEDIA	402.00
CHRIS SUPPLY COMPANY INC	2236.00
CITY OF GILLETTE - PETTY	90.00
CLARK SAFETY INC MONTE RU	1100.00
COLLINS COMMUNICATIONS IN	49756.00
CONTRACTORS SUPPLY INC	1685.91
COP WYOMING LLC	339935.33
CRUM ELECTRIC SUPPLY COMP	20.55
CTA INC	949.03
CUES INC	4359.65
DALE BUCKINGHAM ARCHITECT	7912.17
DANA KEPNER COMPANY INC	8677.00
DELL COMPUTER CORP	836.54
RICHARD DOUGLAS DUMBRILL	3111.48
DOWL LLC	6726.25
DRM INC	17813.13
EDGE CONSTRUCTION SUPPLY	69.24
ENERGY LABORATORIES INC	2576.00
ENTENMANN ROVIN COMPANY	625.40
FAIRMONT SUPPLY COMPANY	275.59
FARMER BROTHERS COMPANY	527.25
FIRST INTERSTATE BANK OF	399154.25
FLEXSYSTEMS	2100.00
THOMAS A FORD	100.00
FRANDSON SAFETY INC	371.13
CRAIG FURMAN	250.00
G & G LANDSCAPING INC	108.00
GILLETTE COLLEGE	83750.00
GILLETTE ENERGY ROTARY CL	276.00
GILLETTE HOCKEY ASSOCIATI	500.00
GILLETTE WINNELSON COMPAN	37.40
GOVOLUTION, LLC	276.30
GREG'S WELDING CORPORATIO	25554.75
HACH COMPANY	1481.41
HD SUPPLY POWER SOLUTIONS	118779.04
HD SUPPLY WATERWORKS LTD	353.95
HILLCREST SPRING WATER IN	77.00
HOMAX OIL	16777.06
HOT IRON	2728.00
INTER-MOUNTAIN LABS INC	25.00
INTERSTATE COMPANIES INC	815.61
ITRON INC	1770.49
JENNIFER IVORY	50.00
JACKS HEAVY EQUIPMENT	1985.35
DEBRA SEMPLE	1080.00
KIMBALL EQUIPMENT COMPANY	6030.49
LEVI KREHMEYER & LICO SIF	10816.09
KRIZ-DAVIS COMPANY	11532.40
M G OIL COMPANY	33.10
MCM GENERAL CONTRACTORS	147523.29

MID WEST PEST MANAGEMENT	227.50
MIDLAND IMPLEMENT CO INC	88.16
BRIAN OGDEN	212.50
GREG BOWMAN	99.48
HOWARD JOHNSON	413.51
JEREMIAH WAGNER	80.91
MARY YOUNG	131.23
MATT WALKER	152.00
STEVE DILLARD	89.98
KYLE MCGEE	350.00
COLTON SELL	100.00
DAVID ZARATE	75.00
FAIRWAY ESTATES LLC	75.00
JASON MATERI	25.00
KAISER FANCIS OIL	200.00
LISA DEHERRERA	5.00
MICHAEL BENSON	200.00
MICHAEL TIEFENTHALER	25.00
SIERRA TURNER	20.00
SUSAN LEMPKA	200.00
TAMI DICKINSON	40.00
U-LOCK STORAGE	100.00
ALLIX BRAY	57.47
ANGEL TOMLINSON	80.15
ANNA BLACKFORD	243.33
ARLENE BRYANT	603.24
ASHLEY THOMAS	360.19
B W HICKS	114.53
BERNIE A DAMORI	131.76
BETTY BENEDICK	109.88
BRANDY EDLUND	9.74
BRIAN STUBBS	177.34
BRUCE P MORRISON	346.83
BRYAN S MILLS	30.46
CHARLIE BYERS	204.47
CHARLOTTE BRIDWELL	132.73
CHRIS HAMILTON	266.44
CHRISTIAN CHURCH	1563.12
CHRISTINA & JOSE MARTINEZ	60.87
CHRISTINE & JONATHON PORT	178.84
DANA FOLDEN	206.55
DEANNA & TREVOR KAY	473.71
DENNIS & CLARA ROGERS	77.01
DENNIS & TRACEY STIRMEL	12.68
DIANA FIELDS	45.94
DON & CAROL COOL	211.02
DONALD WILSON	75.87
DONNA ATKINS	60.29
DUANE & DEB CEBULSKI	766.25
EDISON & BECKY SAFORA	284.44
ERIC STOWE	6.34
GORDON & NILA GARRY	25.05
HEATHER RUSENG	119.86
HOLLY HOUGH	110.97
JACKSON HEWITT	314.37

JAMES BAYNE	400.90
JASON & JESSICA DOBYNS	42.52
JASON & RACHEL MATERI	159.42
JAYNE CUDMORE	567.25
JEREMY ZARRARANO	260.15
JIM MCLELAND	318.59
JOE HALLOCK	267.15
JOE KAWULOK	465.85
JOHN & KORRIE WISE	5.00
JOHN HARVEY JR	37.73
JONATHAN OSCHÉ	103.11
JONATHON BLAIR	134.81
JUAN CARDONA	83.89
JUSTIN & CHELSA ZIMBELMAN	100.87
JUSTIN MATTSON	64.70
KATHY & PAUL GLENN	68.14
KENDRA & MICHAEL BAKER	353.13
KIRTI & ILA PATEL	40.82
LANNY & DIXIE TURNER	281.73
LARRY HASELWOOD	107.23
LARRY MARCUS	34.94
LAVONNA SHANK	1040.58
LEONARD & THERESA MILLER	158.99
LINDA CATES	178.32
LISA & DAVID HARLEY	287.00
LISA WANDLER	133.30
LORI MITCHELL	47.46
MARGARET SUEDEKUM	158.18
MARILYNN OVERMAN	228.36
MARK SEVERSON	136.95
MARY R MAKI	439.76
MIKE & ANGELA WASSON	105.91
MIKE & DEETTE EBY	67.68
MIKE & SANDRA HOLLENBACK	614.44
MOLLY & DAVID MARQUISS	112.15
NICHOLAS BUNNING	145.43
PATRICK GIL	6.55
PAUL & TERRY NORFOLK	23.83
PETER W SACHSE	52.88
RANDALL & REGINA MONK	113.19
RICK & CONNIE LYNCH	55.42
ROBERT & TORI JEWELL	315.96
ROHY KEFFER	166.92
ROSALIND BACH	101.70
SARAH N BRUNS	405.30
SHAD HEUSSNER	50.28
STACIA FIELDS	153.13
STEVEN & BARBARA GONZALEZ	278.72
TRI NGUYEN	69.10
WALTER S & COLLEEN CROWEL	97.44
WESTSIDE BAPTIST CHURCH	379.65
AMANDA MORRISON	100.00
NEVE'S UNIFORM INC	1179.99
NEWS RECORD	3304.17
NORCO INC	2546.47

ONE CALL OF WYOMING COPR	413.25
PC NATION	947.74
PCA ENGINEERING INC	4734.20
MICHAEL A BAUGHMAN	400.00
POKEYS BBQ	130.00
POWDER RIVER CONSTRUCTION	335.68
POWDER RIVER ENERGY CORPO	1212.52
POWDER RIVER MOWING LLC	5313.60
PROELECTRIC INC	25238.71
PROTECH COMPUTING SERVICE	4094.58
RAIN FOR RENT	2922.85
RECORD STEEL AND CONSTRUC	530946.90
RED HILLS VETERINARY HOSP	1498.49
RINGER LAW P.C.	7855.00
SCHUTZ FOSS ARCHITECTS PC	54374.30
SIGNBOSS LLC	63.00
SKIP TO MY LOU CATERING	1356.25
SPENCER FLUID POWER	1400.00
AVS CONSULTING LLC	300.00
STOTZ EQUIPMENT	402.17
STRATA INC	896.00
SUNDANCE EQUIPMENT COMPAN	5260.31
SUNGARD PUBLIC SECTOR INC	83.99
JAIME REYNOLDS	225.00
TITAN MACHINERY INC	35812.37
TRUGREEN CHEMLAWN	14956.00
TW ENTERPRISES INC	5376.00
UNIVERSAL ATHLETIC SERVIC	6545.50
UNIVERSITY OF WYOMING TEC	2325.00
LADONNA HATCH	275.00
VERIZON WIRELESS	1394.99
VISION TECHNOLOGY SOLUTIO	940.08
WARNE CHEMICAL & EQUIPMEN	2883.90
FERGUSON ENTERPRISES, INC	660.00
WESCO RECEIVABLES CORP	39382.46
WESTERN STATIONERS	1954.00
WYOMING ASSOCIATION OF RU	525.00
WYOMING ASSOCIATION MUNIC	900.00
WYOMING WATER SOLUTIONS	41.65
BLACK HILLS POWER & LIGHT	198135.00
BLACK HILLS POWER & LIGHT	186571.54
BLACK HILLS WYOMING LLC	149354.00
BLACK HILLS WYOMING LLC	173804.88
TOTAL ADMINISTRATION SERV	534.00
UMB BANK	107230.96
WELLS FARGO BANK	3030880.19
WELLS FARGO BANK	1574015.19
WYODAK RESOURCES DEVELOPM	34431.49
S J LOUIS CONSTRUCTION, I	2721506.00
WYODAK RESOURCES DEVELOPM	140889.54
CAMPBELL COUNTY COORDINAT	6400.06
CAMPBELL COUNTY COORDINAT	150.00
DELTA DENTAL OF WYOMING	19900.80
WYOSTAR	600000.00
BLUE CROSS BLUE SHIELD OF	56488.41

BLUE CROSS BLUE SHIELD OF	110912.64
BLUE CROSS BLUE SHIELD OF	37661.53
EXPRESS SCRIPTS INC	4926.74
EXPRESS SCRIPTS INC	9781.54
EXPRESS SCRIPTS INC	9573.78

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

Approval of Conflict Claims - General Agenda

It was moved by Councilman Carsrud and seconded by Councilman Jerred to approve a conflict claim for Mayor Carter-King in the amount of \$1,681.18 to Powder River Office Supply. Mayor Carter-King asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Kuntz, McGrath, Rothleutner, Barks, Carsrud, and Jerred. Mayor Carter-King abstained. The Presiding Officer declared the motion carried.

Oral Comments

The Mayor and Council recognized Kent Clark for 30 years of service to the City of Gillette.

The Mayor and Council recognized the electrical division as recipients of the American Public Power Association Electrical Utility Safety Award. Utilities Superintendent Wolf explained the award.

Mayor Carter-King proclaimed the month of June 2015 as *National Safety Month*. Human Resource Director Aguirre explained the proclamation.

For the Good of the Community

Communications Manager Palazzari gave a video presentation of past and upcoming events around the community.

Councilman Jerred mentioned how beautiful the flower planters on Gillette Avenue look.

Councilman Barks acknowledged the Streets Division for their efforts of street sweeping.

Mayor Carter-King announced that this will be the last meeting held in the Council Chambers until after remodeling efforts have been completed for the new Council Chambers.

Public Comments

Mayor Carter-King asked for public comments. There were none.

Council Reports

Mayor Carter-King asked for Council reports. There were none.

Written Comments

Mayor Carter-King asked for written comments. City Clerk Abelseth reported that Financial Disclosure Statements had been received from the Mayor, Council, City Administrator, Finance Director, and City Clerk.

New Business

It was moved by Councilman McGrath and seconded by Councilman Carsrud to approve a street closure permit on Gillette Avenue from Second Street to the Burlington Northern Santa Fe (BNSF) Yard on August 8th, Between 9:00 a.m. and 9:30 p.m., for a Roof Top Concert Festival, requested by Gillette Main Street, that will include an open container permit between 2:00 p.m. and 9:00 p.m. Mayor Carter-King asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: McGrath, Rothleutner, Barks, Carsrud, Jerred, Kuntz, and Mayor Carter-King. The Presiding Officer declared the motion carried.

It was moved by Councilman Rothleutner and seconded by Councilman Jerred to approve a catering permit for June 12, 2015, beginning at 8:00 p.m. to 2:00 a.m. for a Mixed Martial Arts (MMA) After Party that will include a beer garden and outdoor music (music ending at midnight) requested by Tower West Lodge. Mayor Carter-King asked for discussion. Councilman Jerred asked if this is similar to what is approved for Mingles. City Clerk Abelseth affirmed it is similar. After the discussion, roll was called on the motion with the following results. Council Members voting aye: Rothleutner, Barks, Carsrud, Jerred, Kuntz, McGrath, and Mayor Carter-King. The Presiding Officer declared the motion carried.

It was moved by Councilman Rothleutner and seconded by Councilman Kuntz to approve an agreement to allow for the purchase of 3 megawatts of hydropower with Western Area Power Administration (WAPA) from October 1, 2024 through September 30, 2054, and authorizing the Mayor to execute the agreement on behalf of the City of Gillette. Mayor Carter-King asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Barks, Carsrud, Jerred, Kuntz, McGrath, Rothleutner, and Mayor Carter-King. The Presiding Officer declared the motion carried.

It was moved by Councilman Rothleutner and seconded by Councilman McGrath to approve Amendment No. 4 for the project agreement for the Gillette Madison Pipeline Joint Bonding Project to extend the project completion date to July 1, 2016, with the State of Wyoming Water Development Commission (WWDC). Mayor Carter-King asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Carsrud, Jerred, Kuntz, McGrath, Rothleutner, Barks, and Mayor Carter-King. The Presiding Officer declared the motion carried.

It was moved by Councilman Rothleutner and seconded by Councilman Barks to approve Amendment No. 6 to the 2009 Project Funding Agreement for grant funding for the Gillette Madison Pipeline Project with the State of Wyoming Water Development Commission (WWDC) in the amount of \$12,406,005 as authorized by the 2015 Wyoming State Legislature. Mayor Carter-King asked for an explanation regarding the request. City Administrator Napier explained that this is the sixth amendment of the project allowing the funds to be used. This will be the last agreement, securing the funds from the State. After the discussion, roll was called on the motion with the following results. Council Members voting aye: Jerred, Kuntz, McGrath, Rothleutner, Barks, Carsrud, and Mayor Carter-King. The Presiding Officer declared the motion carried.

It was moved by Councilman Rothleutner and seconded by Councilman Jerred to pre-qualify pipeline contractors for formal bidding purposes for the Gillette Madison Project Contract No. 4e. Mayor Carter-King asked for an explanation regarding the request. City Administrator Napier explained that this is a pre-qualification project and, in this particular instance, this will be 12 mile, 42" transmission line, connecting Moorcroft to Pine Ridge. After the discussion, roll was called on the motion with the following results. Council Members voting aye: Kuntz, McGrath, Rothleutner, Barks, Carsrud, Jerred, and Mayor Carter-King. The Presiding Officer declared the motion carried.

It was moved by Councilman Carsrud and seconded by Councilman Rothleutner to approve a professional services agreement for construction management associated with the Westover Road Improvements Project with PCA Engineering, Inc., in the amount of \$165,625 (1% Project). Mayor Carter-King asked for an explanation regarding the request. City Administrator Napier explained the project and the engineer's estimate. After the discussion, roll was called on the motion with the following results. Council Members voting aye: McGrath, Rothleutner, Barks, Carsrud, Jerred, Kuntz, and Mayor Carter-King. The Presiding Officer declared the motion carried.

It was moved by Councilman Jerred and seconded by Councilman Kuntz to approve a maintenance agreement for the Wyodak East and West Project (Hwy 51 Pathway) between the Wyoming Department of Transportation and the City of Gillette. Mayor Carter-King asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Rothleutner, Barks, Carsrud, Jerred, Kuntz, McGrath, and Mayor Carter-King. The Presiding Officer declared the motion carried.

It was moved by Councilman Jerred and seconded by Councilman Carsrud to approve a request from Campbell County, Wyoming, for the City of Gillette to contribute water and sewer plant investment fees, electrical capital contribution fees, and building permit fees on behalf of Campbell County, for the College Education and Activity Center Project in the amount of \$56,269. Mayor Carter-King asked for discussion. Councilman Kuntz informed the public that even though the City is contributing the various fees to the County, there is still a cost to the City for the contribution of these fees. Roll was called on the motion with the following results. Council Members voting aye: Barks, Carsrud, Jerred, Kuntz, McGrath, Rothleutner, and Mayor Carter-King. The Presiding Officer declared the motion carried.

Administrator's Report

Mayor Carter-King asked for an Administrator's report. City Administrator Napier reported there was no report.

Special Orders of the Day

Mayor Carter-King opened into a public hearing to consider a land trade with Lang Homes, Inc. City Attorney Anderson explained that this is a land trade of two portions of land on Burma Road to Lang Homes, Inc., in exchange for the right-of-way on Beaver Drive. Council approved an agreement in March 2012 to do the land trade once the parcels were legally described; this has happened and there will be a plat that will be recorded. After the discussion, Mayor Carter-King closed the public hearing.

RESOLUTION 2518

A RESOLUTION TO APPROVE A LAND TRADE WITH LANG
HOMES, INC.

It was moved by Councilman McGrath and seconded by Councilman Jerred to approve the foregoing Resolution approving a land trade with Lang Homes, Inc. Mayor Carter-King asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Carsrud, Jerred, Kuntz, McGrath, Rothleutner, Barks, and Mayor Carter-King. The Presiding Officer declared the motion carried.

Mayor Carter-King opened into a public hearing for the zoning map amendment for property generally located at 108 East Fifth Street and legally described as Lot 6, Block 7, Albany Addition, from C-O, Office and Institution District, to C-2, Central Business District. City Administrator Napier explained the petitioner is requesting that the zoning be changed from C-O to C-2. After the explanation, Mayor Carter-King closed the public hearing.

ORDINANCE 15-11

AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE CITY OF
GILLETTE, WYOMING, FOR PROPERTY GENERALLY LOCATED AT 108 EAST FIFTH
STREET AND LEGALLY DESCRIBED AS LOT 6, BLOCK 7, ALBANY ADDITION,
FROM C-O, OFFICE AND INSTITUTIONAL DISTRICT, TO C-2, CENTRAL
BUSINESS 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 Carter-King asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: Jerred, Kuntz, McGrath, Rothleutner, Barks, Carsrud, and Mayor Carter-King. The Presiding Officer declared the motion carried.

Mayor Carter-King opened into a public hearing for an Ordinance to amend the zoning Ordinance of the City of Gillette, Wyoming, to allow residential occupancy in permanent and mobile residential dwelling units for caretakers under certain conditions in the R-R, Rural Residential District. City Administrator Napier explained that the petitioner is requesting an amendment, in the form of a text addition, into the code that would allow for secondary residential accessory use of a single family dwelling area to be permitted. In this particular case, the suggestion is that it be made available for caretaker kinds of services, secondary to the primary living unit in the subject area, in an R-R zoning classification. It should be noted that staff is not in support of this particular consideration of expanding the code to allow for this type of application. The Planning Commission considered this request as well, and voted against the request on a 3 to 2 basis. Councilman Jerred asked if the Board of Adjustments would be in favor of the request as it doesn't meet specific criteria. Mr. Napier stated that given the cursory review of requirements, that typically the Board of Adjustments would consider for a variation of this nature, in his opinion, would not be able to grant the variance because of the inability to meet the criteria required by the BOA. If the BOA does not allow for a variance, then the petitioner could approach the BOA by virtue of a permitting process that they would initiate with the building department. If the BOA does not grant the variance, then the next alternative for the petitioner would be District Court. Mayor Carter-King asked staff to give a short summation regarding their recommendation against the approval for the request. Development Services Director Hamilton stated that staff is against the request due to the fact that in any residential zoning district in the city, residential occupancy is not a permitted accessory use. Staff sees this as

opening a door to other opportunities. The applicant has proposed, as part of the criteria for the text amendment, that the lot in question would have to be a minimum of two acres. Kelly Gangestad, explained the reasoning behind his request. He stated that he received a letter from the Planning Division notifying him that he was not in compliance with residential occupancy. He explained the size of the lots and the need for some residents in this area to have someone come and take care of their lot. He suggested several changes that Council could consider for changes to the ordinance. Councilman McGrath asked how long he intended to live here. Mr. Gangestad stated that his preference would be two to two and half years. After that time, he believes that the owner of the property would sell. Jacquie Ary, owner of the property, explained that due to her age, she does not anticipate living in the residence any longer than two and half years. Discussion of Mr. Gangestad living in an RV Park rather than on her property took place. After further discussion, Mayor Carter-King stated that changing the zoning is a complicated process. Not only is staff recommending the denial of the request, but the Planning Commission also voted against the request. Mayor Carter-King added that there are other choices such as the Gangestad's moving into the home, or moving their RV to an RV Park; there is also the option of approaching the BOA. She added that the Council considers changing the zoning very seriously as it affects the whole city. Councilman Kuntz asked if staff is aware of an ordinance in another city or town that allows for, or doesn't allow for, this type of use. City Attorney Anderson stated that he is not aware of any ordinance allowing this, and added that RV's are not allowed as primary dwelling units in the city, outside of RV Parks and for short-term, exceptional uses in mobile home parks. After further discussion, Mayor Carter-King closed the public hearing.

ORDINANCE 15-12

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE
CITY OF GILLETTE, WYOMING, TO ALLOW RESIDENTIAL OCCUPANCY IN
PERMANENT AND MOBILE RESIDENTIAL DWELLING UNITS FOR CARETAKERS
UNDER CERTAIN CONDITIONS IN THE R-R, RURAL RESIDENTIAL
DISTRICT, SUBJECT TO ALL PLANNING REQUIREMENTS

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

Mayor Carter-King opened into a public hearing to receive input on the sale of used property to Campbell County Health. City Administrator Napier explained that this is a police car that is no longer in use and will be used for transportation purposes only, not used or marked as an emergency vehicle. After the discussion, Mayor Carter-King closed the public hearing.

RESOLUTION 2519

A RESOLUTION TO AUTHORIZE THE SALE OF USED PROPERTY TO CAMPBELL
COUNTY HEALTH, CAMPBELL COUNTY, WYOMING FOLLOWING A PUBLIC HEARING
ADVERTISED IN A PUBLISHED NOTICE

It was moved by Councilman Jerred and seconded by Councilman Rothleutner to approve the foregoing Resolution to authorize the sale of used property to Campbell County Health. Mayor Carter-King asked for discussion. There was none. Roll was called on the motion with the following results. Council Members voting aye: McGrath,

Rothleutner, Barks, Carsrud, Jerred, Kuntz, and Mayor Carter-King. The Presiding Officer declared the motion carried.

Mayor Carter-King opened into a public hearing to consider the Gillette City Budget for FY2015-2016. City Administrator Napier explained the upcoming budget for FY2015-2016. In his estimation this is a conservative budget and this is the first of three readings. Council thanked staff for their efforts in creating a conservative budget. After the discussion, Mayor Carter-King closed the public hearing.

ORDINANCE 15-13

AN ORDINANCE PROVIDING FOR THE ANNUAL APPROPRIATION OF MONEY FOR THE MAINTENANCE OF THE CITY OF GILLETTE, WYOMING, FOR FY2015-2016

It was moved by Councilman Kuntz and seconded by Councilman McGrath to approve the foregoing Ordinance. Mayor Carter-King asked for discussion. Councilman Rothleutner stated that he supports the budget, however, he will be abstaining from all budget matters pertaining to personnel. After the discussion, roll was called on the motion with the following results. Council Members voting aye: Rothleutner voted aye, however, abstained from budget matters pertaining to personnel, Barks, Carsrud, Jerred, Kuntz, McGrath, and Mayor Carter-King. The Presiding Officer declared the motion carried.

Adjournment

There being no further business to come before the Council, the meeting was adjourned at 8:06 p.m. The next regularly scheduled meeting will be Tuesday, June 16, 2015.

Mayor Louise Carter-King

(S E A L)

ATTEST:

Karlene Abelseth, City Clerk

Publication Date: June 10, 2015