

COUNCIL PROCEEDINGS

Council Pre-Meeting

June 16, 2015

6:00 p.m.

A Pre-Meeting of the City Council of the City of Gillette, County of Campbell, State of Wyoming, was held on Tuesday the 16th day of June 2015, in the third floor conference room, 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: Dan Barks, Tim Carsrud, Ted Jerred, Robin Kuntz, Forrest Rothleutner, and Mayor Louise Carter-King.

Council Member absent: Kevin McGrath

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; Kendall Glover, Utilities Director; Dustin Hamilton, Director of Development Services; Jim Hloucal, Police Chief; Tom Pitlick, Finance Director; Sawley Wilde, Public Works Director; Chuck Deaton, Lieutenant; Michelle Henderson, Finance Manager; Geno Palazzari, Communications Manager; Patti Davidsmeier, Community & Gov't Relations Manager; and Cindy Staskiewicz, Deputy City Clerk.

Warm Up Items

Mayor Carter-King asked for warm up items. City Administrator Napier asked Public Works Director Wilde to address a concern of John Norfolk, a local tree trimmer. Public Works Director Wilde referred to a News Record Editorial from October of 2014 regarding bids for tree trimming. In the editorial, Mr. Norfolk expressed that he felt the City's bidding process favored non-local contractors, and the article questioned the need for the tree trimmer to be a certified arborist. Director Wilde stated that the City's policy is to have an arborist on a contractor's staff in order to trim trees, however, removal of trees and stumps does not require an arborist. Councilman Kuntz asked if an arborist oversees city employee tree trimming. Director Wilde stated that the City has 3 certified arborists on staff and a 4th staff member is in the process of completing the 2-year certification process.

Mayor Carter-King commented that the City was represented by Council Members and Staff at the June Wyoming Association of Municipalities (WAM) convention. She was proud to announce that Governor Mead awarded the City of Gillette the Presidential Leadership Award for the services provided for the State by Patti Davidsmeier, Community & Government Relations Manager and Carter Napier, City Administrator. After hearing of Council issues in other communities, Mayor Carter-King expressed her gratitude for our current City Council; she was grateful that although they don't always agree on issues, disagreements are handled professionally and amicably.

30-Yard Construction Dumpsters

City Administrator Napier stated that there have been recent citizen concerns regarding trash and debris blowing from uncovered 30-yard construction dumpsters. The current City Ordinance allows for the dumpsters to remain uncovered; upon

Council's request, the Ordinance could be amended to allow some degree of containment of the dumpsters. One suggestion would be to require that the dumpsters are covered at the end of the day, but can remain open during the hours when the crews are working. He invited the private haulers and contractors that were present at the meeting to express their concerns and opinions. Tony Wille with High Plains Builders commented that he currently has 28 dumpsters on his building sites. He agreed to test the possibility of covering the dumpsters at the end of the working day. He said it took 20 minutes for one employee to cover one dumpster, which amounts to 9 extra hours per day to cover the dumpsters. The current Ordinance states that contractors must agree to provide a clean worksite, as long as contractors are complying with the ordinance, their worksites should remain clean. He also commented that citizens fill the dumpsters with non-construction materials. Mayor Carter-King asked staff to inquire as to how other communities handle construction dumpsters. Al Ryan of Ryan Sanitation commented that research shows that other communities do not require dumpsters to be covered. One remedy has been to relocate the dumpsters from the street areas to private properties. Construction materials are generally heavier materials that would not normally be disturbed by the wind. Most of the trash in a construction dumpster comes from pirate dumping, i.e. boxes, sod, mattresses, etc. He felt if there was a lid system on the dumpsters, pirate dumping would continue by piling trash on the lid and around the dumpsters. The representative from Kieffer Sanitation commented that 30-yard dumpsters are very tall and it would create a safety hazard for an individual to climb up on the dumpster to cover it with a tarp. Mike Ryan of Ryan Sanitation stated that all loads are covered with tarps when in transport to the landfill. He added that more thought and planning should go into the strategic placement of the dumpsters on the property to avoid major wind issues. Councilman Jerred commented that if the Ordinance was changed to require that the dumpsters were covered at night, Code Enforcement Officers would not be on duty for enforcement. The consensus of the Council was that the current Ordinance was effective and no changes were needed at this time.

Interstate Industrial Update

City Administrator Napier stated that as previously discussed, Interstate Industrial Subdivision has requested assistance from the City for obtaining State Revolving Funding for street and water system improvements. Staff spoke with the Wyoming SLIB Staff and the State was generally optimistic that the project would qualify for funding. The State Revolving Funding would be available for the water system improvements and the City has included funding in the upcoming budget, through the Pavement Management System for funding of the street improvements. The City of Gillette will initiate the loan request for the water system improvements and a local improvement district will be established to fund the water system. The State is offering a good rate for the loan in which the City would be the applicant and then assess repayment through an established local improvement district. 70% of the property owners have expressed an interest in petitioning for the local improvement district. Councilman Barks asked if the project was dependent on the State approval of the loan. Development Services Director Hamilton stated that the water system is dependent on the approval of the loan, unless another funding source could be found. The Drinking Water State Loan Fund is not often sought, which makes for higher odds of acceptance. Councilman Barks expressed concerns about costs for the property owners. Director Hamilton stated that the estimated cost of the water system is 1.4 million dollars and approximately 2.4 million dollars for the road

construction. City Attorney Anderson stated that the City will send a resolution of intent to form a local improvement district to the property owners, which will include a description and estimate of construction costs. The property owners then have the option to vote it down. If more than 50% of property owners vote in favor of the LID, the project will proceed forward. If the district is formed, it will go to bid for the design work, etc. and the construction contract must be within 5 to 10 percent of that estimate in order to proceed. There is a lot of protection for the landowners. Councilman Kuntz asked if Cummins was included in the LID. Development Services Director Hamilton stated that Cummins is in a different subdivision and they are already on City water. Engineering will move forward with the local improvement district process and preparation of an application.

Fire Station #3

City Administrator Napier reminded Council of the Memorandum of Understanding that was approved in October of 2014 designating the delivery method of construction for Fire Station #3 as a Design, Bid, Build method. Discussion at another pre-meeting leaned toward utilizing a Construction Manager at Risk (CMAR) delivery method. Staff is in need of a decision as to which delivery method the Council would most appreciate. Development Services Director Hamilton stated that with the Design, Bid, Build method the decision of whether to add 1,000 square feet to the footprint of the building would have to be made now, or decide if the budget can withstand additional funding in the spring to add the square footage, which could cause a delay in the project. A CMAR delivery method allows for knowledge of the cost upfront. CMAR also offers the opportunity for smaller companies to bid on the project and gain some experience. Mayor Carter-King asked if the existing MOU would need to be modified. City Attorney Anderson recommended that the MOU be amended; it might be confusing to have an MOU on file for a Design, Bid, Build delivery method, if they indeed choose to do something different. Councilman Barks asked if they decide to go with the CMAR method, the decision of the additional 1,000 square feet would not have to be decided immediately because that would be a part of the plan that would be negotiated. He would like to see a stopping point on the money rather than seeking additional State grant funds that could eventually be requested for another project. He feels up to 4 million dollars should be allowed, and if the project exceeds that amount then the project would need to be scaled back. Councilman Jerred stated that he has supported the Design, Bid, Build method up to this point, but after giving it some thought, he would now support a CMAR delivery method, especially the aspect of giving smaller firms more opportunity to gain some experience. Councilman Rothleutner asked if the City is locked into a time frame with the County for delivery of this project. City Administrator Napier stated, as far as the consensus program is concerned, we generally have two years, post-award, to get the project started. There is still a generous time frame to move on the project, although the greater concern is when the Fire Department is needing the facility on line. The application submitted to the State for this project was \$3,984,660. If the amount is exceeded, it would be appropriate to seek direction of the Council. Councilman Barks expressed concern that the Wright Senior project not be included in the funding decision. City Administrator Napier commented that the overall award to the County was 4.7 million dollars, the \$700,000 balance has been discussed, but not appropriated. Councilman Barks thought that the total amount for the fire station was projected at 3.3 million dollars. Development Services Director Hamilton clarified that the 3.3

million dollar amount did not include the road, which has been added to the project. Mayor Carter-King asked the Council Members present which delivery method would be preferred. Council Members in favor of a CMAR delivery method: Councilman Jerred, Councilman Carsrud, Councilman Barks, and Mayor Carter-King. Council Members in favor of a Design, Build, Bid delivery method: Councilman Rothleutner and Councilman Kuntz. The next step will be to seek the approval of Council to award a contract to appoint a Contract Manager at Risk, and a cost schedule will then be developed. Councilman Kuntz reiterated the importance of sticking to 3.9 million dollars for the project. Interim Fire Chief Ron Smith stated that he understands the budget numbers, but also realizes that Fire Station #7 underwent budget cuts, eliminating size, etc. and has had a lot of problems. He also expressed his appreciation to the City for their consideration of the project. Councilman Barks asked for the cost of Fire Station #7. Fire Chief Smith stated the cost was 1.5 million dollars.

New Retail Liquor License

The State has awarded an additional full retail liquor license to the City of Gillette. City Administrator Napier explained that the State did a mid-census calculation and allocated, state-wide, additional licenses, where applicable. The decision for Council will be to determine if the license is to be issued at this time and what process is needed. Mayor Carter-King asked if there are any restrictions with the license. City Administrator Napier stated that there is no issuance time frame, the Council can choose to issue the license right away or hold the license for future issuance. Councilman Jerred stated that the process that was used for the previous retail licenses worked well, and he recommended that the same process be used for this license. Councilman Kuntz recognized that it was a lot of extra work for staff to implement the process, but he felt it worked well. Councilman Barks asked if there are any potential national chains coming to Gillette in the near future. City Administrator Napier stated that he wasn't aware of any new construction or new businesses planning to come to Gillette. Robert Johnson, Manager of Walmart, stated that Walmart would be interested in applying for the license. Councilman Kuntz stated that the purpose of liquor licenses is the generation of revenue, and he feels they should be issued and not left sitting on a shelf. Mayor Carter-King reminded Council of the value of these liquor licenses. Councilman Barks asked if the County can issue their license in City limits. City Attorney Anderson stated it must be issued in the County, with an additional restriction of the number of County licenses issued within a 5 mile radius of the City limits. City Administrator Napier stated that Staff will put together a process and bring it to Council for approval. Councilman Jerred asked if this new license will have the same renewal period. City Administrator Napier stated that this license will renew at the same time as all the liquor licenses, but Council can issue this new license at any time.

Review June 16th Council Agenda

The group reviewed the upcoming agenda items. Councilman Barks commented that there seemed to be a high number of utility refunds on the Bills and Claims. Finance Director Pitlick stated he didn't feel the amount was unusually high, the refunds are done periodically and seem to be cyclical. Councilman Barks requested information regarding the comparison of utility refunds from this Bills and Claims listing versus refunds from the same period last year. Director Pitlick stated that the

information will be included in the June 19th General Information Packet.

Adjournment

There being no further business to come before the Council, the meeting adjourned at 7:00 p.m.

Mayor Louise Carter-King

(S E A L)

ATTEST:

Cindy Staskiewicz, Deputy City Clerk

Publish date: June 24, 2015