

## COUNCIL PROCEEDINGS

REGULAR

August 18, 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 18th day of August 2015, in the Second Floor Community Room of City Hall, the temporary 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: Ted Jerred, Robin Kuntz, Kevin McGrath, Forrest Rothleutner, Dan Barks, Tim Carsrud, and Mayor Louise Carter-King.

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, Development Services Director; Jim Hloucal, Chief of Police; Tom Pitlick, Finance Director; Sawley Wilde, Public Works Director; Kurt Siebenaler, City Engineer; Josh Richardson, Senior Civil Engineer; 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 Pastor Ron Merritt of Cornerstone Church of God.

### Pledge of Allegiance

The Pledge of Allegiance was led by Councilman Carsrud.

### Approval of General Agenda

It was moved by Councilman Carsrud and seconded by Councilman Rothleutner to approve the General Agenda. 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.

### Approval of Minutes

City/County/Town of Wright - August 4, 2015

Pre-Meeting - August 4, 2015

Regular Meeting - August 4, 2015

### Ordinance Third Reading - Consent Agenda

#### ORDINANCE 3865

AN ORDINANCE PROVIDING FOR THE VACATION  
OF A PORTION OF A 20 FOOT WIDE GENERAL UTILITY EASEMENT LOCATED ON  
LOT 1-B, RESUBDIVISION OF LOT 1-A AND LOT 2-A, LASTING LEGACY PARK  
SUBDIVISION, AS SHOWN ON THE EXHIBIT "A" MAP, IN THE CITY OF  
GILLETTE, WYOMING, SUBJECT TO ALL PLANNING REQUIREMENTS

ORDINANCE 3866

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 BETCHER ANNEXATION  
CONTIGUOUS AND ADJOINING THE PRESENT BOUNDARIES AND  
ESTABLISHING A C-3, BUSINESS/SERVICES ZONING DISTRICT AND I-1,  
LIGHT INDUSTRIAL ZONING DISTRICT,  
SUBJECT TO ALL PLANNING REQUIREMENTS

Ordinance Second Reading

ORDINANCE 15-19

AN ORDINANCE PROVIDING FOR THE VACATION  
OF A 5 FOOT WIDE GENERAL UTILITY EASEMENT LOCATED ON LOT 2G, BLOCK  
1, THE VILLAS AT LEGACY RIDGE SUBDIVISION, AS SHOWN ON THE EXHIBIT  
"A" MAP, IN THE CITY OF GILLETTE, WYOMING, SUBJECT TO ALL PLANNING  
REQUIREMENTS

New Business - Consent Agenda

Bills & Claims

FIRST AMERICAN TITLE	1701.00
CAMPBELL COUNTY TREASURER	636.54
CITY OF GILLETTE - PETTY	300.00
SECURITY STATE BANK	134375.00
RAYMOND F. & SUSAN E. ELS	3600.00
ADAIN MARTIN	6500.00
ADECCO EMPLOYMENT SERVICE	104.16
ADOBE SYSTEMS INC	596.19
AIR TECH INC	1723.64
AIRGAS INTERMOUNTAIN	96.34
ALSCO	1029.88
ANDREANNA PIERCE	50.00
ARROW PRINTING AND GRAPHI	170.00
AT ARCHITECTURE	8260.00
B & H PHOTO VIDEO PRO-AUD	961.85
LEGEND COMMUNICATIONS OF	984.00
BENNETT WEBER & HERMSTAD	8430.00
BENTLEY SYSTEMS INC	6708.00
BORDER STATES ELECTRIC	18630.91
BRENNTAG PACIFIC, INC	10252.50
BRUCE ENGINEERING SERVICE	19280.50
BSP OF WYOMING LLC	2170.00
BW INSURANCE AGENCY INC	50.00
CAMEL TOWING LLC	90.00
CAMPBELL COUNTY CONSERVAT	15000.00
PATRIOT PUBLISHING	688.00
CAMPBELL COUNTY CHAMBER O	1000.00
CAMPBELL COUNTY GOVERNMEN	20830.00
CAMPBELL COUNTY SHERIFF	15375.00
CAMPBELL COUNTY WEED AND	212.28
CARR COATINGS LLC	63531.00
CENTRILIFT DIVISION OF HU	300.00
CENTURYLINK	284.00
CENTURYLINK	2806.03

CHALK BUTTES LANDSCAPING	8915.61
CITY OF GILLETTE	273.66
CITY CLERK OFFICE	679.54
CITY OF GILLETTE - PETTY	85.75
COLLINS COMMUNICATIONS IN	9943.87
COLORADO STATE UNIVERSITY	558.00
COLORADO MATERIALS	2631.00
COLUMBINE CONTROL COMPANY	591.74
CONSOLIDATED ENGINEERS IN	7582.33
CONSOLIDATED WATER SOLUTI	2835.96
CONTRACTORS SUPPLY INC	12133.74
CPS DISTRIBUTORS	9137.50
CRESCENT ELECTRIC SUPPLY	139.60
DALE BUCKINGHAM ARCHITECT	3055.06
DANA KEPNER COMPANY INC	24060.15
DELL COMPUTER CORP	10484.16
DESERT MOUNTAIN CORPORATI	15519.41
DEXTER'S AUTOMOTIVE	225.00
DIEBOLD INC	3147.50
DOWL LLC	53845.25
DRM INC	51040.10
DXP ENTERPRISES INC	799.20
EDGE CONSTRUCTION SUPPLY	118.41
ENERGY LABORATORIES INC	123.50
ENVIRONMENTAL & CIVIL SOL	10197.43
FAIRMONT SUPPLY COMPANY	71.14
FARMER BROTHERS COMPANY	656.90
FASTENAL COMPANY	241.86
FEDERAL EXPRESS CORPORATI	839.87
FIREMASTER DEPT 1019	1477.00
FIRST AMERICAN TITLE	235.00
FIRST INTERSTATE BANK OF	18200.00
FIRST NATIONAL BANK OF GI	128651.27
FIRST NORTHERN BANK OF WY	2947.15
CRAIG FURMAN	50.00
DALE HELSPER	1290.00
GAMETIME	69.45
GILLETTE COLLEGE	83750.00
GILLETTE PET VET CLINIC	282.50
GILLETTE WINNELSON COMPAN	20.93
GOURMET ON THE GO LLC	108.00
GOVCONNECTION	398.32
GRAINGER INDUSTRIAL	125.15
GREEN EARTH SUPPLY	2668.00
HACH COMPANY	8490.79
HAWKINS INC	4911.00
HD SUPPLY POWER SOLUTIONS	284718.00
HDR ENGINEERING INC	55802.89
HLADKY CONSTRUCTION	309836.05
HOT IRON	635282.05
IACP NETLOGIN	875.00
INTEGRATED INFORMATION SO	700.00
WESLEY JAMES CURTIS	500.00
INTER-MOUNTAIN LABS INC	206.00
INTERNATIONAL CODE COUNCI	387.00

J B STORAGE CONTAINERS	150.00
JOHNSON CONTROLS INC	3197.44
KADRMAS LEE & JACKSON INC	1707.00
KOIS BROTHERS EQUIPMENT C	17290.00
KONE INC	1861.53
KRIZ-DAVIS COMPANY	2206.41
ROBIN KUNTZ	14.98
LONG BUILDING TECHNOLOGIE	7216.00
LOUISE CARTER KING	23.73
LYLE SIGNS INC	1410.00
MACHINE PRODUCTS INC	354.38
MCM GENERAL CONTRACTORS	14590.96
MERCHANT JOB TRAINING AND	550.00
MID WEST PEST MANAGEMENT	2414.00
ALLAN ARBACH	365.00
BURT MCCANN	243.00
DALLAS ENGLER JR	157.00
DON DAVIS	235.00
JAMEN LANG	139.49
JULIANNE WITHAM	100.00
PATRICK TOTZKE	100.00
TRACY OVERTON	100.00
WAL-MART	223.88
ALYSHIA VIGIL	20.00
AMBER KRAMLICH	500.00
CAMPBELL COUNTY HIGH SCHO	176.00
CAMPBELL COUNTY ROAD AND	100.00
CHARTER BUSINESS PLANNING	87.50
CHRISTINE THARP	422.06
ELISE GEIER	50.00
FAYE GUEDESSE	87.50
HELSMAN MANAGEMENT SERVIC	150.00
JAMES FICKEL	60.00
JOHN LAVALLEE	40.00
JORDAN GLICK	100.00
MICHAEL BENSON	800.00
MISTY HENAGHAN	150.00
SARAH WINTER	100.00
SCOTT LINDBLOM	200.00
SCOTT SETTLES	250.00
SHADOW RISHER	200.00
TWIN SPRUCE JUNIOR HIGH	50.00
AFLAC	517.25
ALAN CANAMAR	140.40
ALEX COTE	182.34
ALLISHA A SMITH	34.31
ALYX BEATTIE	169.29
ANTHONY & JORDANNE MILLER	138.17
APRIL CARSON	21.34
ASPEN FARMER	140.58
BARBARA ROBINSON	39.59
BONITA MORISETTE	93.24
BRADLEY DYE	118.39
BRANDON POPE	62.68
CASSIE & SEAN CLYMER	235.29

CENTURY 21 REAL ESTATES A	25.79
CHARLES HOWELL	116.76
CHELSIE & MICHAEL CREW	85.12
CHRISSY BUNN	46.42
CHRISTINE & BRIAN FOUST	126.10
CHRISTOPHER WEDEMEYER	166.69
CITY OF GILLETTE	200.15
CRYSTAL NICHOLS	142.49
CYNTHIA & GRANT BROWN	93.59
DAVID JARAMILLO	57.17
DELWAYNE REINHOLZ	21.07
DESERT RUN APARTMENTS I	33.76
DESERT RUN APARTMENTS I &	64.98
DEVON BOEN	142.94
ELIZABETH ZACHARIAS	41.95
FUTURE PREP CORP	34.98
JACOB JONES	44.09
JAMES D BEASLEY	29.15
JANICE ARBACH	28.36
JENNIFER CONZLEMAN	50.31
JONATHAN WHELAN	100.88
KAITLIN BLACK	51.66
KASEY SCOTT-RUFF	97.22
KATHY HALE	16.74
KELLY OU	29.90
LARRY GLENN	107.67
LINDA MARTIN	167.45
LORI ARTHUR	160.88
MARIO & SANDRA ARCADIA	145.54
MG OIL GILLETTE	51.79
MICKAYLA CAPPS	121.24
MILDRED ESTELL	73.79
MYLES O'LOUGHLIN	80.01
NICOLE CLIFFORD	81.45
PEDRO & BRIZANERI CASTANE	134.22
RAZOR CITY REALTY	201.73
REBECCA REED	84.74
ROBERT & BARBARA ESQUIBEL	144.65
ROBERT MEETZE	56.04
SIERRA HAMILTON	117.19
SMITH CONSTRUCTION	370.97
STEVEN MARSHALL	101.05
SUN MING XING	85.98
TARA GRAHAM	89.20
TASHAWNA SINGER	132.93
TERRY REINER	87.34
TINA JO SMITH	41.67
TORIN WIRTANEN	6.11
TRUONG KIMANH	62.27
ULIAN HOGEN	139.79
WHITNEY STEARNS	35.09
XAVIERA MCCLAIN	151.88
MOA WYOMING INC	230813.03
MODULAR SPACE CORPORATION	800.00
MORRISON MAIERLE INC	45886.64

NEVE'S UNIFORM INC	30.65
NEWMAN SIGNS INC	1123.52
NEWS RECORD	8725.38
NOEL GRIFFITH JR AND ASSO	8250.00
NORCO INC	3481.56
NORTHWEST LINEMAN COLLEGE	534.00
NORTON CONSTRUCTION	163800.00
ONLINE INFORMATION SERVIC	467.40
PACIFIC CASCADE CORPORATI	98.55
PAINTBRUSH SEWER & DRAIN	13597.93
PCA ENGINEERING INC	57283.11
PETE LIEN & SONS INC	3703.24
PINKERTON CONSULTING & IN	555.70
PIPESTONE EQUIPMENT	995.51
POWDER RIVER CONSTRUCTION	591781.23
POWDER RIVER ENERGY CORPO	242.03
POWDER RIVER HEATING & CO	1419.23
POWDER RIVER OFFICE SUPPL	832.43
POWER ENGINEERS INC	8970.23
PROELECTRIC INC	13819.79
QUALITY AUTO, LLC	25000.00
RAILROAD MANAGEMENT CO LL	546.36
RECREATION SUPPLY COMPANY	217.44
RED HILLS VETERINARY HOSP	1505.00
REDROCK TOWING LLC	90.00
ROCKY MOUNTAIN BUSINESS E	385.53
S & S BUILDERS	305068.57
LAW OFFICES OF SAMUEL NOR	2500.00
SCHULTE TA INC	48982.50
SCOTT BROTHERS INC	11335.98
SIMON CONTRACTORS	176506.65
SIMPSON'S PRINTING	3021.00
SOLOMON ELECTRIC SUPPLY	180.00
SOURCEGAS	3106.80
STANLEY M SLOWIK INC	350.00
STOTZ EQUIPMENT	272.86
SUNDANCE EQUIPMENT COMPAN	61.52
JAIME REYNOLDS	200.00
BUFFALO FEDERAL BANK	70586.89
THE BANK OF LOVELL	7059.00
THUNDER BASIN VETENARIAN	80.00
TIM CARSRUD	21.50
TECHNICAL MARKETING MFG I	3553.19
TYLER TECHNOLOGIES INC	6811.93
US GEOLOGICAL SURVEY	18200.00
U S POSTAL SERVICE/HASLER	10000.00
VAN EWING CONSTRUCTION	110171.24
VERIZON WIRELESS	1553.73
VISIONARY COMMUNICATIONS	453.64
WAMCAT	130.00
WARNE CHEMICAL & EQUIPMEN	4113.00
WASTE CONNECTIONS, INC.	747.10
WELLS FARGO BANK	19611.85
WESCO RECEIVABLES CORP	32712.44
WESTERN SERVICES LLC	1785.00

WESTERN STATIONERS	5986.98
WYOMING ASSOC SHERIFF & P	500.00
WYOMING DEPT OF TRANSPORT	775.45
WYOMING SECRETARY OF STAT	60.00
XEROX CORPORATION	1267.08
XYLEM WATER SOLUTIONS USA	551.82
Y ENVIRONMENTAL	936.25
Y.E.S. HOUSE FOUNDATION	1000.00
ZOETIS INC	223.00
OFFICE OF STATE LANDS AND	1004877.47
TOTAL ADMINISTRATION SERV	505.05
BLACK HILLS POWER & LIGHT	98499.39
BLACK HILLS POWER & LIGHT	1644.00
BLACK HILLS WYOMING LLC	3333.00
BLACK HILLS WYOMING LLC	317749.16
FIRST INTERSTATE BANK OF	103.95
TOTAL ADMINISTRATION SERV	12.00
TOTAL ADMINISTRATION SERV	505.05
WYODAK RESOURCES DEVELOPM	200953.63
WYODAK RESOURCES DEVELOPM	34431.49
WYOMING STATE REVENUE AND	100145.22
CAMPBELL COUNTY COORDINAT	2930.16
CAMPBELL COUNTY COORDINAT	145.00
BLUE CROSS BLUE SHIELD OF	36701.41
BLUE CROSS BLUE SHIELD OF	16634.29
EXPRESS SCRIPTS INC	15501.94
EXPRESS SCRIPTS INC	9501.33
BLUE CROSS BLUE SHIELD OF	12044.64
BLUE CROSS BLUE SHIELD OF	98169.70
EXPRESS SCRIPTS INC	6290.45

It was moved by Councilman McGrath and seconded by Councilman Barks 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 Rothleutner and seconded by Councilman McGrath to approve a conflict claim for Councilman Carsrud in the amount of \$21.50 for internet reimbursement. 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, and Mayor Carter-King. Councilman Carsrud abstained. The Presiding Officer declared the motion carried.

It was moved by Councilman Carsrud and seconded by Councilman Jerred to approve a conflict claim for Mayor Carter-King in the amount of \$856.16 (\$23.73 internet reimbursement and \$832.43 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.

It was moved by Councilman McGrath and seconded by Councilman Jerred to approve a conflict claim for Councilman Kuntz in the

amount of \$14.98 for internet reimbursement. 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, and Mayor Carter-King. Councilman Kuntz abstained. The Presiding Officer declared the motion carried.

#### Oral Comments

The Mayor and Council recognized Travis Cruse as the 2015 Second Quarter P.R.I.D.E. recipient.

#### For the Good of the Community

Councilman Barks commended the Cam-Plex staff and the Professional Guild International staff for the recent display of fireworks during the PGI conference.

#### 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 there were none.

#### Ordinance Third Reading - Tabled Item

##### ORDINANCE 15-15

AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP  
OF THE CITY OF GILLETTE, WYOMING, LEGALLY DESCRIBED AS A PORTION OF  
TRACT 2C, ENERGY PARK THIRD ADDITION, FROM M-H, MOBILE HOME  
DISTRICT, TO C-1, GENERAL COMMERCIAL DISTRICT,  
SUBJECT TO ALL PLANNING REQUIREMENTS

Mayor Carter-King asked for a motion to remove the foregoing Ordinance from the table. No motion was made and the Ordinance remains tabled.

#### Ordinance First Reading

##### ORDINANCE 15-20

AN ORDINANCE CREATING A PROGRAM OF HISTORIC PRESERVATION, AND  
CREATING AN HISTORIC PRESERVATION COMMISSION TO IMPLEMENT THE  
PROGRAM UNDER THE CERTIFIED LOCAL GOVERNMENT  
PROGRAM OF THE STATE OF WYOMING

It was moved by Councilman Rothleutner and seconded by Councilman Carsrud to approve the foregoing Ordinance on first reading. Mayor Carter-King asked for an explanation regarding the request. City Administrator Napier explained the request. Charlene Busk explained the program and stated that there are opportunities for grants. She added that three to eleven members will need to be appointed to the Board and went on to say that there is a young lady with a degree in Historic Preservation that lives in Gillette, who is interested in a Board position. After the discussion, 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.

#### New Business

It was moved by Councilman Rothleutner and seconded by Councilman McGrath to approve a catering permit for August 21, 2015, from 7:00 p.m. to midnight, for a "Last Summertime Bash" requested by Mingles Lounge that will include outdoor music. Councilman Jerred asked if the location will need to be moved in the future due to the construction of the new bank. Chief Hloucal stated that he is not aware of a location change. Roll was then 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 Carsrud to approve a street closure permit from 3:00 p.m. to 8:00 p.m., and an open container permit from 5:00 p.m. to 7:00 p.m., located on Gillette Avenue between 3<sup>rd</sup> Street and 4<sup>th</sup> Street on Thursday, September 3<sup>rd</sup> for a Campbell County Chamber of Commerce - Energizer Member Appreciation Mixer, requested by Campbell County Chamber of Commerce. Brenda Boss, Interim Executive Director, explained the event. Roll was then 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 approve a bid award for one (1) new full-size 4-door Ford Police Interceptor to Thunder Basin Ford of Gillette, Wyoming, in the amount of \$24,783.10. 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, Jerred, and Mayor Carter-King. The Presiding Officer declared the motion carried.

It was moved by Councilman Carsrud and seconded by Councilman Jerred to approve a bid award for one (1) new 2016 six-wheel Regenerative Air Street Sweeper to Titan Machinery of Gillette, Wyoming, in the amount of \$204,047.82. 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 McGrath and seconded by Councilman Rothleutner to approve three (3) new 2016 Ford ¾ ton 4WD extended cab pickups to Thunder Basin Ford of Gillette, Wyoming, in the amount of \$81,689.88. 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 McGrath and seconded by Councilman Jerred to approve a bid award for two (2) new 2016 Ford AWD Utility Police Interceptor SUVs to Thunder Basin Ford of Gillette, Wyoming, in the amount of \$55,853.78. 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 Jerred to approve a bid award for two (2) new Ford ½ ton 4WD extended cab pickups to Thunder Basin Ford of Gillette, Wyoming, in the amount of \$50,822.66. 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 McGrath to approve a Business Ready Community Grant and Loan Program Community Readiness Loan Agreement between the Wyoming Business Council and the City of Gillette. Mayor Carter-King asked for an explanation regarding the request. City Administrator Napier explained that Council authorized the City to pursue an application with the Business Council to seek funds for the Southern Industrial Park. The City has the loan documents that allow for the access of State funds to continue the effort that grant funds have already afforded the City from the state through the Business Council. This is the second portion of dollars needed to access in order to make the expansion of the power utility into that area complete. After the explanation, 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.

#### RESOLUTION 2534

WHEREAS, Energy Capital Economic Development wishes to submit a Wyoming Business Council (WBC) Business Ready Community Grant (BRC) program grant application to purchase Overland Investment at 345 Sinclair Street in Campbell County, Wyoming. The 3.152 acre property is contiguous to the City of Gillette, and is covered by a recorded annexation agreement to receive City utility services; and

WHEREAS, The Grant will be a maximum of \$1,500,000 and will be sponsored by Campbell County Wyoming; and

WHEREAS, The project to purchase the existing facilities, has an estimated project cost of \$1,725,000 which total includes the Grant and a local match of \$225,000 from a low or no interest WBC loan; and

WHEREAS, the Energy Capital Economic Development to intends to use the existing buildings on the site for economic development activities to attract new business to Gillette and assist other local businesses to expand and grow, which will increase the economic diversity of Gillette and Campbell County; and

WHEREAS, the City of Gillette supports the grant application.

NOW, THEREFORE, BE IT RESOLVED by the City of Gillette, to approve an application from Campbell County Wyoming, on behalf of the Energy Capital Economic Development for a maximum of \$1,500,000 for the Business Ready Community Grant and Loan Program for a Grant to purchase the Overland Investment property on Sinclair Street in Gillette, Wyoming.

It was moved by Councilman Rothleutner and seconded by Councilman McGrath to approve the foregoing Resolution to support a Wyoming Business Council grant application by the Energy Capital Economic Development to purchase the Intertec Building and land on Sinclair Drive. Mayor Carter-King asked for an explanation regarding the request. City Administrator Napier explained that this request is not sponsored by the City; it is only a Resolution of support. Mr.

Napier added that this does not require financial contribution or financial partnership. Phil Christopherson, CEO for Energy Capital Economic Development, explained that this is an opportunity to assist an existing business that has been in operation in Gillette for approximately 10 years. The business has slowly gone downhill and no longer needs this size of building. By purchasing this building, it will assist this business, as well as provide office space for businesses that are expanding or that are looking to locate in Gillette. Energy Capital Economic Development would own and lease the building; revenue collected would assist the ECED in operations, making the ECED less reliant on the City and County for financial support. However, he added, this would be a long term view. 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 McGrath and seconded by Councilman Jerred to approve a bid award for the Boxelder Road Extension - Phase III Project to Earth Work Solutions (WY), in the amount of \$2,640,972.04 (1% Project). Mayor Carter-King asked for an explanation regarding the request. City Administrator Napier explained that this is a unique recommendation as Earth Work Solutions is not the apparent low bidder. Mountain View Building is the low bidder, with a bid amount of \$2,617,463. He reported that the engineer's estimate for the project was roughly \$2.6 million dollars and there is a budgeted amount of \$3,000,000. The primary concern with regard to the recommendation ties primarily with the proposed methodology that Mountain View Building indicated in their narrative in regards to getting the project done. Mr. Napier explained that a large portion of this project is dedicated to moving a large amount of dirt. Earth Work Solutions' methodology indicates that four to six scrapers would be used in the beginning of the project; Mountain View Building indicated having one or two scrapers in the beginning of the project. The narrative does indicate that if additional scrapers would be needed, and satisfactory job progress was not being made in a timely fashion, they would sub with other contractors and bring additional scrapers into the project. The other concern that staff has identified with regard to this project is timeliness issues that Mountain View Building has done for past City projects; most recently with Boxelder - Phase II and the Westover Water Tank Project. Mr. Napier reported on the days of penalties associated with these projects in which Mountain View Building paid damages. He then reported on projects where Mountain View Building was the primary contractor and finished the projects in a timely manner and was not in penalty. With the proposed methodology that Mountain View Building has proposed, and the recent experiences that the City has had, those items together are what substantiated the reasons behind staff's recommendation that Earth Work Solutions be considered. Mr. Napier added, with regard to awarding the bid to a contractor who is not the lowest bidder, it could be argued that the City is agreeing to pay more for a project. Staff did not come into this decision lightly, but does have concerns about timeliness as it is an important factor for completing the project as it could cause ramifications with which the community, and Council, would not be pleased. Mayor Carter-King asked that other than the penalties, was Mountain View Building notified of the City's concerns. Mr. Napier stated that an open dialog between staff and Mountain View Building has taken place and they are aware of the City's position. Councilman Jerred asked if there is also a timeliness issue with WYDOT. Mr. Napier reported that does add a particular complexity to the project as WYDOT will be performing the furthest western end of the Boxelder corridor, connecting Hwy 50 to Overdale Drive. The portion of this project that will be worked on is Burma Road to Hwy

50. For the City, it would seem important, to time the completion of both projects as close as possible, to open the road together, having the entire corridor open at once if possible. Jason Speilman, President of Mountain View Building, requested Council to approve the bid award to Mountain View Building as they are the lowest bidder. He then gave personal background on himself and family, as well as his business. He reported that Mountain View Building has completed four large projects for the City, and two large projects outside of Gillette and all documents submitted for this project were in order. He reported that during Boxelder Road Phase II Project there were 60 documents to change the orders and does not feel that it was solely a contractor's issue. He added that it was also the wettest 12 month period in the past 100 years that pushed the project's schedule. The Boxelder Road Phase III Project has a much simpler schedule and he feels there is less opportunity for unforeseen circumstances. He added that Mountain View Building can keep this schedule. Mr. Speilman then addressed the equipment concerns, stating that if given the opportunity, his company could have four scrappers, early in the job, to ease this concern. He feels that Mountain View Building would save the City tax money as they would be self-performing the pipework, whereas Earth Work Solutions is proposing to use a subcontractor for the pipework. He added that Mountain View Building has the equipment, personnel and resources to complete the project. Mountain View Building has strong relationships with local equipment dealers, therefore, equipment should not be a concern. He then addressed warranty work by stating that Mountain View Building has, and does, stand by their work. He reported that he is the only contractor that would use the proposed fencing company recommended by the property owner and added that he would be using local Gillette crews, and hiring additional workers if needed. Mayor Carter-King asked Mr. Speilman if the reason Mountain View Building was so late on the Boxelder Road Phase II Project, was due to weather and change orders. Mr. Speilman stated there were a variety of reasons and added that there were things he could have done differently on the project. There were more changes on this project than all the other projects he has done in the last four years. Mayor Carter-King asked if additional days were granted when there was a change order. Mr. Speilman stated that he was given some time but felt he was never given enough. He stated that it was an extensive landscaping project, and the landscape tasks doubled in most instances. The road was functioning but there was a lot of landscaping going on. Councilman Jerred asked if they did receive the bid and brought in additional equipment, would it be for the same bid amount. Mr. Speilman confirmed it would. Discussion of additional days granted due to the October snow storm, as well as the process of a working day contract and change orders took place. Councilman Kuntz asked if Mountain View Building's substantial late days and additional 30 days was due to the landscaping. Mr. Hamilton reported that the substantial completion was five and half days in liquidated damages and 35 and a half days for final completion. The road was opened for use, however, the sidewalks weren't complete. The project went into winter shut down after the road opened on December 2<sup>nd</sup> and there was still substantial completion items that needed to take place in the spring startup, such as sidewalk installation, which is a critical component of a project; liquidated damages were assessed after the winter shut down. Mark Hines, DOWL, explained that the contractor was given 105 days to complete the project, with an additional 37 - 38 days given to the contractor for various items to cover the additional work. Councilman McGrath asked if cuts in the concrete will affect the integrity of the roadway. Mr. Hines reported that it can be done properly, but it is not preferable. Councilman McGrath asked Mr. Speilman if he was aware of the number of panels that were cut out of the roadway. Mr. Speilman explained that a panel was cut due to

a large crack, along with some manhole diamonds that were cut and re-poured. After the discussion, roll was called on the motion with the following results. Council Members voting aye: McGrath, Barks, Carsrud, and Mayor Carter-King. Voting nay: Jerred and Kuntz. Councilman Rothleutner abstained. The Presiding Officer declared the motion carried.

It was moved by Councilman McGrath and seconded by Councilman Jerred to approve a professional services agreement for construction management services associated with the Boxelder Road Extension - Phase III Project, with DOWL, in the amount of \$227,810 (1% Project). Mayor Carter-King asked for an explanation regarding the request. City Administrator Napier explained this is the oversight component to the Boxelder Road Extension - Phase III Project. Roll was then called on the motion with the following results. Council Members voting aye: Barks, Carsrud, Jerred, Kuntz, McGrath, and Mayor Carter-King. Councilman Rothleutner abstained. The Presiding Officer declared the motion carried.

It was moved by Councilman Rothleutner and seconded by Councilman Jerred to accept public improvements for the Maple Avenue Culvert Replacement Project installed by S&S Builders, LLC, in the amount of \$413,373.28 (1% Project). Councilman Kuntz asked, with the recent downpour of rain, how the culvert performed. Development Services Hamilton informed the Council that the culvert performed very well. City Administrator Napier added that the project came in under budget and Consensus Funds also played a part in the project. After further discussion, 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.

#### RESOLUTION 2535

A RESOLUTION INITIATING ANNEXATION OF A TRACT OF LAND  
CONTIGUOUS TO THE CITY OF GILLETTE, WYOMING, PURSUANT TO  
W.S. 15-1-403 AND 15-1-405, KNOWN AS THE KINTZ ADDITION  
AND ESTABLISHING A PUBLIC HEARING DATE OF OCTOBER 6,  
2015, FOR THE ANNEXATION PUBLIC HEARING

It was moved by Councilman Rothleutner and seconded by Councilman Jerred to approve the foregoing Resolution initiating annexation of a tract of land contiguous to the City of Gillette, Wyoming, pursuant to W.S. 15-1-403 and 15-1-405, known as the Kintz Addition, and establishing a public hearing date of October 6, 2015 for the annexation public hearing. City Administrator Napier explained the petitioner's request. After the explanation, 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.

#### Appointments

Councilman Rothleutner asked staff's recommendation to the appointment. City Administrator Napier explained that with regard to the Energy Capital Economic Development entity would be the Mayor and City Administrator and stated that there were no changes being proposed for this particular motion. It was Mr. Napier's understanding that the appointment was to be for the NEWEDC Board. After further discussion, it was decided to table the request until further clarification could be obtained. Therefore, it was moved by Councilman Barks and seconded by Councilman Rothleutner to table the appointment until the next Regular Meeting. 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 and the appointment tabled.

#### 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 bar & grill liquor license application requested by Prairie Fire Brewing Company, LLC, d.b.a. Prairie Fire Brewing Company, located at 601 S. Douglas Hwy. Councilman Kuntz asked Tom Kremer, owner, if he understood that there is a 60/40 split between food and alcohol sales. Mr. Kremer confirmed he was aware of the 60/40 split. After the discussion, Mayor Carter-King closed the public hearing.

It was moved by Councilman Barks and seconded by Councilman Carsrud to approve a bar & grill liquor license application requested by Prairie Fire Brewing Company, LLC, d.b.a. Prairie Fire Brewing Company. 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, Kuntz, and Mayor Carter-King. Voting nay: Jerred. The Presiding Officer declared the motion carried.

#### Adjournment

There being no further business to come before the Council, the meeting was adjourned at 8:14 p.m. The next regularly scheduled meeting will be Tuesday, September 1, 2015.

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Mayor Louise Carter-King

(S E A L)  
ATTEST:

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Karlene Abelseth, City Clerk  
Publication Date: August 26, 2015