

## COUNCIL PROCEEDINGS

Work Session

November 10, 2015

5:30 p.m.

A Work Session meeting of the City Council of the City of Gillette, County of Campbell, State of Wyoming, was held on Tuesday the 10<sup>th</sup> day of November 2015, in the third floor conference room of City Hall, 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, Dan Barks, Tim Carsrud, and Mayor Louise Carter-King.

Staff present: J. Carter Napier, City Administrator; Charlie Anderson, City Attorney; Patrick Davidson, Assistant City Attorney; Pamela L. Boger, Administrative Services Director; Kendall Glover, Utilities Director; Dustin Hamilton, Development Services Director; Tom Pitlick, Finance Director; Dan Bridges, Electrical Engineering Manager; Ry Muzzarelli, Utilities Electrical Engineer; Heath VonEye, City Engineer; Kent Clark, Public Works Operations Manager; Kurt Siebenaler, City Engineer; Brent Wasson, Lieutenant; Geno Palazzari, Communications Manager; Patti Davidsmeier, Community & Gov't Relations Manager; and Karlene Abelseth, City Clerk.

### Warm Up Items

Mayor Carter-King asked for warm up items.

Councilman McGrath asked if Council would be in agreement of purchasing two wreaths, one for City Hall and one for City West, which recognizes all City employees who have served in the Armed Forces. Council was in agreement.

Development Services Hamilton updated the Council regarding work being performed on Burma Road. Mr. Hamilton reported that the work being performed is pavement management maintenance; joints in the concrete are being cleaned out and replaced in an effort to prolong the life of the pavement.

### Broadband Consultants Report

Electrical Engineering Manager Bridges gave background information regarding broadband needs for Gillette. Dusty Johnson, Vice President of Consulting, Vantage Point, gave a presentation regarding their findings. The presentation covered broadband findings, field findings, existing infrastructure evaluation, commercial market study, franchise reform and recommended steps to take next. Mr. Johnson stated that Gillette has good connectivity with nearly every household having access to 25 Mbps and lower. However, 50 Mbps or faster is a concern for future access. Field findings showed a suitability for future fiber construction. Areas that were reviewed were right-of-ways, mainline business corridors, drop corridors, and greenway areas. He touched on existing wireline providers and existing infrastructure. Vantage Point conducted a commercial market study which indicated a clear need for improved business internet services, barriers to overcome and potential outcomes. Mr. Johnson stated that the study encourages the City to streamline both the language and the requirements of its City Ordinance and franchise agreements relating to cable television; crossing of right-of-ways; public, educational, and government content; and delivery, collection and payment of franchise fees. Recommended next steps would be a broadband information

coordination, and community conversation on broadband. Key considerations are: the City's appetite for risk; the City's potential budget; the value of the existing City-to-consumer relationship, and will existing providers adequately address the problem. He then went over a few models of ownership and operation. Utilities Electrical Engineer Muzzarelli then gave staff's review of the Broadband report, exploring other options, ISP issues, and next steps for the City. Those steps are: conducting ISP interviews, having dialog regarding franchise and licensing agreements, and taking steps to eliminate roadblocks and rework or create new agreements. After the presentations and discussion, City Administrator Napier concluded by stating the study provides a good departure point with regard to a paradigm that the City has historically dealt with as it relates to the City being in the fiber business. Policy decisions can be made, now that there is good data, to determine what future steps will be taken and dialog needs to continue from this point forward. Encouragement to the private sector needs to take place so that the service demands from the community are met.

#### Visitor Center Discussion

City Administrator Napier informed the Council of a couple ideas that are percolating to the surface as it relates to financing options and stated that this is for informational purposes only. He stated that the City does not have cash to dedicate to the construction of the Visitor Center Facility. One idea is the possibility to look toward the Business Council for funding. It would bring \$500,000 to the table. However, this will not build a Visitor Center; additional funds will be required. Council could consider bonding options like were used for the Student Housing Project and the CT2 Project. However, expenses are incurred using bonding options and he would be less inclined to use this option. The other consideration would be to underwrite a balance of dollars that would supplement sources of funding, such as, potentially, the Business Council, and having those dollars paid back to the City over a period of time. The disadvantage would be that the City would be out 1-2 million dollars that couldn't be used for other projects and investments for a period of time. Councilman Jerred asked about possibly using consensus funding. City Administrator Napier stated it could be an option, however, informally, the County has mentioned a disinterest in using consensus funding for the Visitor Center; and he added, it is unsure that there will be a consensus funding program in the next biennium. Councilman Kuntz expressed concern of the Lodging Tax not passing in the near future. Councilman Barks inquired about the 10% holding. City Administrator Napier reported an MOU was passed that was designed to be an agreement between the City, County and Visitor Center Board. The Council did approve some language and authorized the Mayor to sign the agreement. The County revised some language within the agreement and signed the revised agreement. The revised agreement has gone to the Town of Wright, who has signed the agreement. The City, however, has not agreed to or signed the revised agreement. Councilman Barks asked Mr. Napier, if the City eventually signs the revised agreement, how the 10% tax plays into the options that were presented. Mr. Napier replied that the 10% generated from the annual proceeds of the collected tax can be used for things similar to a leased payment which would give the City a revenue stream to retire the obligation that would exist for the construction of the Visitor Center. The question that has not come to full consensus is whether or not portions of the remaining 90% can be used for the same purpose. At this point in time he is not prepared to say one way or the other that the 10%, and portions of the 90%, can

be made available to meet a funding obligation. Councilman Kuntz stated that the Council needs to decide if there would even be any interest if the County doesn't participate. If the County is not interested then he feels too much time would be wasted. City Administrator Napier replied that he has not been told that the County would not participate as a partner, however, he does know that the County is not in favor of using consensus funding as an option. Mr. Napier added that right now, sales tax is down 5% from what was budgeted. Timing is an issue, however, questions need to be answered prior to moving forward.

#### Goldenrod Avenue Discussion Update

Development Services Director Hamilton gave an update regarding street repairs on Goldenrod Avenue, Saddle String Circle, and Lonigan Circle. He reported that construction costs totaled \$325,456 and would be paid out of carryover/project savings from Pavement Management System 2014/2015 Projects. Funds would not be redistributed from the planned 2016 Pavement Management System Projects. Mr. Hamilton then addressed the erosion concerns. A follow-up inspection with Wyoming DEQ and the developer was held on September 9<sup>th</sup>. DEQ issued a letter of violation and required additional erosion/sediment control facilities be installed and reseeded of disturbed areas. The erosion and sediment control facilities have been installed. Councilman McGrath asked, if there are problems with erosion in the future, will DEQ follow up and require additional erosion and sediment control facilities. Mr. Hamilton stated that there is still a permit with DEQ, and it is not only the vacant lots that have a concern. There are occupied lots that still have not been landscaped. Councilman McGrath asked who is responsible to ensure that the homeowner is establishing a yard to prevent erosion. Mr. Hamilton replied that at this time there is a gap in that area; however, it is planned to be addressed in the upcoming Stormwater Ordinance.

#### Storm Water

City Engineer VonEye gave a presentation regarding Gillette's stormwater history, stormwater program and stormwater ordinance. Information was provided regarding Gillette's growth and stormwater infrastructure and why Gillette needs to address stormwater runoff. He reported on water quality concerns regarding Donkey Creek, Stonepile Creek and Belle Fourche River as well as the Fishing Lake. Mr. VonEye then highlighted proposed changes to the Gillette Stormwater Ordinance that included permit procedures and requirements; stormwater permit fees; erosion and sediment control inspections; Stormwater Pollution Prevention Plan (SWPPP) requirements; maintenance and repair of post construction stormwater facilities (detention ponds and drainage structures); non-stormwater discharges; waivers to post construction stormwater management (detention ponds); and enforcement and penalties. Council expressed concern regarding the detention ponds and the fees-in-lieu of. Development Services Hamilton stated that maintenance is costly to have all the pocket cells. The Master Plan is to regionalize the detention ponds and use the funds towards the regional level in order to build and maintain less outward structures. The ultimate decision will be made by the City whether or not a developer needs to build a detention pond. After further discussion, Mr. VonEye stated that the City of Gillette's goal is compliance; to proactively reduce erosion and sediment runoff from construction activities, and to take a progressive role in improving Gillette's surface water quality. He reported on input received from meetings with various Boards and the public. He

reported concerns of the public pertaining to the length of the ordinance, hazardous spill reporting, permit transfers to homeowners, redundancy with Wyoming DEQ permits, and fee schedules. He added there will be a public open house on December 10<sup>th</sup> to present the final draft Ordinance; the final draft Ordinance will be presented to Council in February or March for adoption.

#### Review November 17<sup>th</sup> Council Agenda Items

The group reviewed the upcoming agenda items.

#### Council Chambers Training

The Council moved to the Chambers to train on the newly installed Voting System processes.

#### Adjournment

There being no further business to come before the Council, the Work Session meeting was adjourned at 9:15 p.m.

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Mayor Louise Carter-King

SEAL:

ATTEST:

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Karlene Abelseth, City Clerk  
Publication Date: November 18, 2015