

COUNCIL PROCEEDINGS

REGULAR

December 1, 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 1st day of December 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: Billy Montgomery, Dan Barks, Tim Carsrud, Ted Jerred, Robin Kuntz, Kevin McGrath, and Mayor Louise Carter-King.

Staff present: J. Carter Napier, City Administrator; Charlie Anderson, City Attorney; Pam Boger, Administrative Services Director; Patrick Davidson, Asst. City Attorney; Kendall Glover, Utilities Director; Dustin Hamilton, Development Services Director; Tom Pitlick, Finance Director; Sawley Wilde, Public Works Director; Chuck Deaton, Lieutenant; Geno Palazzari, Communications Manager; Patti Davidsmeier, Community & Gov't Relations Manager; Karlene Abelseth, City Clerk; and Cindy Staskiewicz, Deputy City Clerk.

Thereupon the following proceedings were had and taken:

Call to Order

It was moved by Councilman Barks and seconded by Councilman McGrath to call the regular meeting of December 1, 2015, to order. Mayor Carter-King asked Council to cast their vote. The vote was recorded as follows: Jerred, Barks, Carsrud, Montgomery, McGrath, Kuntz, and Mayor Carter-King voting aye. The motion carried.

Invocation

The Invocation was given by Reverend Bill Morel of Family Life Church.

Pledge of Allegiance

The Pledge of Allegiance was led by Councilman McGrath.

Approval of General Agenda

It was moved by Councilman McGrath and seconded by Councilman Jerred to approve the General Agenda. Mayor Carter-King asked for discussion. There was none. Mayor Carter-King asked Council to cast their vote. The vote was recorded as follows: Jerred, Barks, Carsrud, Montgomery, McGrath, Kuntz, and Mayor Carter-King voting aye. The motion carried.

Approval of Minutes

Work Session - November 10, 2015

Special Meeting - November 16, 2015

Pre-Meeting - November 17, 2015

Regular Meeting - November 17, 2015

Ordinance Third Reading - Consent Agenda

ORDINANCE 3879

AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP FOR LOT 1
AND A PORTION OF LOT 2, MOON MEADOWS ESTATES NO. 5,
FROM C-1, GENERAL COMMERCIAL DISTRICT, TO R-4, MULTI FAMILY
RESIDENTIAL DISTRICT,
SUBJECT TO ALL PLANNING REQUIREMENTS

New Business - Consent Agenda

Approval of a water service agreement with the Stroup Trailer Court.

Bills & Claims

BRENNA CHAFEE	150.00
KENNA REDINGER	50.00
TACO JOHN'S & GOOD TIMES	1,000.00
RICHARD DOUGLAS DUMBRILL	4,749.36
WYOMING STATE BOARD OF VE	200.00
ACTION LOCK AND KEY	50.00
ADECCO EMPLOYMENT SERVICE	138.88
AIR TECH INC	435.00
AIRGAS INTERMOUNTAIN	515.54
ALSCO	1,005.31
AMERICAN PUBLIC POWER ASS	13,818.57
ANIMAL MEDICAL CENTER OF	300.00
ANIXTER POWER SOLUTIONS	65,286.97
ASSURE CO RISK MANAGEMENT	500.00
AT & T MOBILITY NATIONAL	2,991.43
AVP CONSULTING LLC	62.02
BENNETT WEBER & HERMSTAD	19,750.00
BILLINGS GAZETTE	635.40
BKS ENVIRONMENTAL ASSOCIA	1,086.00
BLACK CAT CONSTRUCTION LL	1,216.25
BORDER STATES ELECTRIC	5,331.33
BREANNA'S BAKERY	15.45
BRENNTAG PACIFIC, INC	10,157.83
BRUCE ENGINEERING SERVICE	8,251.00
BURNS AND MCDONNELL CORPO	330,251.57
CAMPBELL COUNTY JOINT POW	252,400.00
CAMPBELL COUNTY SENIOR CI	1,145.00
CAMPBELL COUNTY HOSPITAL	227.00
CAMPBELL COUNTY ENGINEERS	81,861.63
CAMPBELL COUNTY PUBLIC HE	163.00
CAMPBELL COUNTY SHERIFF	12,375.00
CEM SALES & SERVICE	48,091.00
CENTURYLINK	3,128.32
CHARTER MEDIA	400.00
CHILDREN'S HOME SOCIETY	125.00
SIOUX FALLS CHILDREN'S HO	125.00
CITY OF BUFFALO	3,800.00
CITY OF GILLETTE - PETTY	77.97
COLLINS COMMUNICATIONS IN	7,946.11
COMMUNITY BANK	57,984.49
CONCRETE STABILAZATION TE	105,715.00
CONTRACTORS SUPPLY INC	1,656.87
COOPER POWER SYSTEMS DIVI	18,405.00
CPS DISTRIBUTORS	1,160.00

CRUM ELECTRIC SUPPLY COMP	3,300.00
CTA INC	3,713.36
CUES INC	373.49
DALE BUCKINGHAM ARCHITECT	3,665.13
DONKEY CREEK FESTIVAL	40,000.00
RICHARD DOUGLAS DUMBRILL	2,590.00
DOWL LLC	42,243.50
DPC INDUSTRIES INC	8,005.20
DRM INC	36,326.57
EDGE CONSTRUCTION SUPPLY	25.65
EMPLOYMENT TESTING SERVIC	180.00
ENERGY LABORATORIES INC	2,553.50
ENTENMANN ROVIN COMPANY	292.65
FAMILY HEALTH	492.00
FARMER BROTHERS COMPANY	809.49
FASTENAL COMPANY	61.95
FEDEX	85.39
FIRST AMERICAN TITLE	250.00
FIRST INTERSTATE BANK OF	75,947.32
FIRST NATIONAL BANK OF GI	20,874.84
GAMETIME	793.22
GE INTELLIGENT PLATFORMS	23,150.00
GILLETTE GOLF CLUB CORPOR	262,083.00
GILLETTE PRINTING COMPANY	924.00
GILLETTE WINNELSON COMPAN	5,446.41
GREAT WESTERN PARK AND PL	1,943.15
GREEN EARTH SUPPLY	3,588.00
HD SUPPLY WATERWORKS LTD	5,689.27
HDR ENGINEERING INC	5,000.00
HOMAX OIL	24,213.52
HUB INTERNATIONAL MOUNTAI	50.00
INTER-MOUNTAIN LABS INC	151.00
JOHNSON CONTROLS INC	2,008.30
KADRMAS LEE & JACKSON INC	5,658.56
DEBRA SEMPLE	225.00
KRIZ-DAVIS COMPANY	2,046.50
LEXISNEXIS MATTHEW BENDER	600.48
LONG'S PLUMBING & HEATING	678.64
MCM GENERAL CONTRACTORS	23,948.96
MIDLAND IMPLEMENT CO INC	282.80
MILSOFT INTEGRATED SOLUTI	8,660.00
DAN BRIDGES	25.56
BRUCE HAMMOND	72.58
CLINT BURTON	39.73
DONNA HAMMOND	1,158.80
ERIC DEARCORN	100.00
JIM BROWN	92.00
JOHN AGUIRRE	235.74
JOHN SANDAVOL	75.00
PAMELA L BOGER	58.65
WAL-MART	76.57
CCH	200.00
CHARTER BUSINESS PLANNING	87.50
COURTNIE HANSON	100.00
DEBORAH PETTY	20.00

FAIRWAY ESTATES, LLC	75.00
FAUSTINO GARCIA	500.00
FAYE GUEDESSE	87.50
HASTINGS	63.97
HEATHER CARRILLO	1,132.87
HELSMAN MANAGEMENT SERVIC	150.00
HONG KONG	100.00
JAMES LECHLER	500.00
JASON MATERI	25.00
JORDAN GLICK	120.00
LISA DEHERRERA	200.00
MICHAEL TIEFENTHALER	25.00
MIKE HAGERMAN	100.00
MOTEL 6	100.00
POWDER RIVER CONSTRUCTION	521.44
SIENNA CORTEZ	300.00
TANJA SLATER	100.00
VALERIE DOUGHERTY	200.00
ANYTIME HYDRO EXCAVATION	110.75
BULLOCK, JONATHAN	26.92
COLLEGE PARK III, LLC	173.24
DONNER, JEREMIAH	42.30
EBERLEIN, SALLY	103.03
HODGES, JACOB	134.72
HUBER, STEPHANIE	34.65
HUITRON, MARIO	30.69
JJ OF GILLETTE LLC	320.55
JOHNSON, KYLE	57.83
LARSON, KYLE	73.62
MCINNALLY, JAKE	194.89
METHOD, KAYLA	200.00
MORRISON, CRAIG J	125.78
NELSON, JULIE	41.02
OKRAY, RANDY & ANGELA	111.18
PERAZA, ABRAHAM	84.88
PHILYAW, CORRINA	191.35
PLASCENCIA, FERMIN	363.58
RETTINGHOUSE, WAYNE & KER	134.40
SHAFFER, GAYLE & ROBERT	108.29
SHEPARD, TROY	158.19
SMITH, SARAH	64.46
STEWART & STEVENSON LLC	356.53
VILLEGAS, LILIANA	3.93
WILSON, QUACY	124.87
MUNICIPAL TREATMENT EQUIP	1,979.64
NELSON ENGINEERING	220.00
NEVE'S UNIFORM INC	1,200.75
NEWS RECORD	10,805.39
KEMCO MANUFACTURING LLC	11,590.17
NORCO INC	2,072.68
NORTON CONSTRUCTION	1,814.33
OCCUPATIONAL TESTING INC	440.00
PCA ENGINEERING INC	1,829.78
BEN TAUCHER	807.00
POKEYS BBQ	381.25

POWDER RIVER ENERGY CORPO	841.28
POWER SOLUTIONS LLC	2,391.83
PROELECTRIC INC	648.03
RECORD STEEL AND CONSTRUC	316,230.82
RED HILLS VETERINARY HOSP	400.00
REDROCK TOWING LLC	175.00
SCOTT BROTHERS INC	9,105.48
SECUREWORKS INC	6,148.00
SHERWIN WILLIAMS	52.42
SIMON CONTRACTORS	68,353.14
SKIP TO MY LOU CATERING	150.00
SOURCE OFFICE PRODUCTS	411.00
STOTZ EQUIPMENT	68.40
STRATA INC	3,156.25
SUNDANCE EQUIPMENT COMPAN	280.11
THUNDER BASIN VETENARIAN	50.00
LADONNA HATCH	170.00
U S POSTAL SERVICE/HASLER	25,000.00
VAN EWING CONSTRUCTION	187,873.56
VERIZON WIRELESS	160.04
FERGUSON ENTERPRISES, INC	69.55
WESCO RECEIVABLES CORP	4,684.77
WESTERN SERVICES LLC	850.00
WESTWOOD SIGN SHOP	27.00
WYOMING MACHINERY CO	214.35
WYOMING WATER SOLUTIONS	41.00
BLACK HILLS POWER & LIGHT	290,242.47
CARRIE SHEPARD	50,152.78
BLACK HILLS WYOMING LLC	119,700.09
COP WYOMING LLC	367,295.01
FIRST INTERSTATE BANK OF	103.95
ACTION DIRECT LLC	521,860.39
S J LOUIS CONSTRUCTION, I	3,723,373.02
TOTAL ADMINISTRATION SERV	485.81
UMB BANK	97,312.16
WELLS FARGO BANK	1,523,391.73
WELLS FARGO BANK	519,229.98
WYODAK RESOURCES DEVELOPM	96,799.81
CAMPBELL COUNTY COORDINAT	150.00
DELTA DENTAL OF WYOMING	17,827.30
CAMPBELL COUNTY COORDINAT	1,013.20
CAMPBELL COUNTY COORDINAT	1,930.55
BLUE CROSS BLUE SHIELD OF	79,169.99
BLUE CROSS BLUE SHIELD OF	202,537.50
BLUE CROSS BLUE SHIELD OF	59,187.59
EXPRESS SCRIPTS INC	11,877.58
EXPRESS SCRIPTS INC	10,106.75
EXPRESS SCRIPTS INC	8,909.30

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. Mayor Carter-King asked Council to cast their vote. The vote was recorded as follows: Jerred, Barks, Carsrud, Montgomery, McGrath, Kuntz, and Mayor Carter-King voting aye. The motion carried.

Approval of Conflict Claims - General Agenda

It was moved by Councilman Barks and seconded by Councilman Carsrud to approve a conflict claim for Mayor Carter-King in the amount of \$910.31 to Powder River Office Supply. Mayor Carter-King asked for discussion. There was none. Mayor Carter-King asked Council to cast their vote. The vote was recorded as follows: Jerred, Barks, Carsrud, Montgomery, McGrath, and Kuntz voting aye. Mayor Carter-King abstained. The motion carried.

Oral Comments

The Mayor and Council recognized Sawley Wilde for 25 years of service to the City of Gillette.

The Mayor and Council recognized Roger Brown for 25 years of service to the City of Gillette.

Mayor Carter-King proclaimed December 12, 2015 as "Wreaths Across America Day". Toni Brown explained the proclamation. Mayor Carter-King announced that the Council will be purchasing two wreaths, one to be placed at City Hall and one to be placed at City West, to recognize the City employees who have, or are, serving in the Armed Forces.

For the Good of the Community

Councilman Kuntz announced past and upcoming events around the community such as the Veterans Day Parade, Holiday Lighting Contest, City of Gillette's Holiday decorations and the upcoming 2015 Engineering Feast.

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 First Reading

ORDINANCE 15-32

AN ORDINANCE AMENDING ORDINANCE NO. 3528, P.U.D. PLAT OF THE RC RANCH BUSINESS PARK I TO THE CITY OF GILLETTE TO RESUBDIVIDE LOT 6 AND TRACT A.

It was moved by Councilman McGrath and seconded by Councilman Kuntz to approve the foregoing Ordinance on first reading. Mayor Carter-King asked for an explanation of the request. City Administrator Napier explained that the basic concept is to take Lot 6 and divide into three lots, Lot 6A, Lot 6B and Lot 6C to accommodate the petitioner's request. Councilman Jerred asked about the firewalls. Mr. Napier explained that the firewall issue would present itself should the properties in question want to be upgraded to commercial development. After the explanation, Mayor Carter-King asked Council to cast their vote. The vote was recorded as follows: Jerred, Barks, Carsrud, Montgomery, McGrath, Kuntz, and Mayor Carter-King. The motion carried.

New Business

It was moved by councilman Jerred and seconded by Councilman McGrath to approve a parade permit for December 5th from 2:00 p.m. to 2:30 p.m. for the A.B.A.T.E. Toy Store kick off, Located on Gillette Avenue between 7th Street and 1st Street, requested by A.B.A.T.E. of NE Wyoming. Mayor Carter-King asked for discussion. There was none. Mayor Carter-King asked Council to cast their vote. The vote was recorded as follows: Jerred, Barks, Carsrud, Montgomery, McGrath, Kuntz, and Mayor Carter-King voting aye. The motion carried.

It was moved by Councilman Carsrud and seconded by Councilman Kuntz to accept public improvements for the Wastewater Treatment Facility (WWTF) Aeration Basin and Final Clarifier Painting Project, installed by Carr Coatings, LLC, in the amount of \$197,124.25 (1% Project). Mayor Carter-King asked for an explanation regarding the request. City Administrator Napier explained the project and added that there was a savings in excess of \$30,000. After the explanation, Mayor Carter-King asked Council to cast their vote. The vote was recorded as follows: Jerred, Barks, Carsrud, Montgomery, McGrath, Kuntz, and Mayor Carter-King voting aye. The motion carried.

It was moved by Councilman McGrath and seconded by Councilman Carsrud to accept public improvements for the Fox Park-Park Improvements and Arley Acres Pathway Project, installed by DRM, Inc., in the amount of \$509,145.33 (1% Project). Mayor Carter-King asked for an explanation regarding the request. City Administrator Napier explained the project and added that there was a savings in excess of \$12,000. After the explanation, Mayor Carter-King asked Council to cast their vote. The vote was recorded as follows: Jerred, Barks, Carsrud, Montgomery, McGrath, Kuntz, and Mayor Carter-King voting aye: The motion carried.

It was moved by Councilman McGrath and seconded by Councilman Jerred to accept public improvements for the Downtown Tree Planting Project, installed by Tiger Tree Service, Inc., in the amount of \$78,020. Mayor Carter-King asked for an explanation regarding the request. City Administrator Napier explained that a number of trees were damaged due to a past storm, primarily, in the downtown area. Those trees have been removed and replaced. The cost of the project has been reimbursed by the City's insurance carrier. Mayor Carter-King asked how many trees were replaced. Public Works Director Wilde reported, in the downtown area alone, 162 trees were removed and 166 were planted. Councilman Barks asked if the other areas will be reimbursed by the City's insurance carrier. Mr. Wilde replied that the trees associated with the storm damage will be reimbursed by the City's insurance carrier. After the discussion, Mayor Carter-King asked Council to cast their vote. The vote was recorded as follows: Jerred, Barks, Carsrud, Montgomery, McGrath, Kuntz, and Mayor Carter-King voting aye. The motion carried.

It was moved by Councilman Carsrud and seconded by Councilman McGrath to accept public improvements for the Pavement Management System 2015 Schedule A Project, installed by Simon Contractors, in the amount of \$1,121,829.75 (1% Project). Mayor Carter-King asked for an explanation regarding the request. City Administrator Napier explained the project and added that there was a savings of approximately \$45,000. After the explanation, Mayor Carter-King asked Council to cast their vote. The vote was recorded as follows: Jerred, Barks, Carsrud, Montgomery, McGrath, Kuntz, and Mayor Carter-King voting aye. The motion carried.

It was moved by Councilman Jerred and seconded by Councilman McGrath to approve a bid award for three (3) new 2016 refuse trucks to Jack's Truck & Equipment of Gillette, Wyoming, in the amount of

\$787,746. Mayor Carter-King asked for discussion. Dan Williams, Sales Manager, Peterbuilt of Wyoming, located in Casper, Wyoming, stated that his company was the low bidder and presented the bid opening results to the Mayor and Council. He went on to say that Jack's Truck and Equipment failed to provide their Proof of Residency form, which is a requirement of the bid documents, and therefore, do not get a 5% in-state preferential. He then gave some background information regarding the Peterbuilt Company. He added that his company can provide excellent service and an excellent product, as well as a savings of just under \$102,000. Mayor Carter-King asked Mr. Williams if he had placed bids with the City in the past. Mr. Williams stated he had, however, it had been several years ago. He explained that the City of Gillette has a tight bid process and believes that the City single sources their vehicles. He then explained his product. Mayor Carter-King asked City Administrator Napier about the Proof of Residency form. Mr. Napier explained that this is not an A-typical request as part of the bidding process. Mr. Napier added that he is not aware of the issues behind the bidding process that Mr. Williams is bringing to Council's attention and, therefore, is not prepared to discuss these issues. Administrative Services Director Boger reported that the reason Peterbuilt of Wyoming did not receive the bid is they did not meet specifications. Specifications Peterbuilt of Wyoming did not meet were chassis strength, cab room, turning radius, and visibility. Mr. Williams then addressed the specifications mentioned. He explained the frame capacity of a Peterbuilt truck, versus the Auto Car truck that Jack's Truck & Equipment is presenting. There is one manufacturer in the industry that makes a variable drop frame, and that is Auto Car, and it is built into the specification. He then explained the "resistance to bending moment" (RBM). Mr. Williams feels that he has met, or exceeded the RBM requirements for the body manufacturer, and added that the only reason to have an RBM of 4,240,000 is to write someone out of the bid. He went on to explain that Peterbuilt's cab is 3" narrower, and again, only one manufacturer could meet this specification, and that is Auto Car. He then stated, in order to address the visibility and interior cab room, he provided Council with a list of references from municipalities around the state of Wyoming that are using the Peterbuilt product. Councilman Jerred asked about the issue of the turning radius. Mr. Williams stated that Peterbuilt has a 52 degree wheel cut, which is the tightest in the industry. He doesn't have the math on the turning radius itself, but it is tighter than their competitors. Councilman Jerred asked if the turn radius was in the bid specifications. Mr. Williams confirmed the turn radius was in the bid specifications. Councilman Jerred asked how he addressed the turning radius in the bid. Mr. Williams stated "did not comply". Mayor Carter-King asked Mr. Williams if he felt that the specifications were written for a sole source bid. Mr. Williams feels the specifications were written that way. City Administrator Napier stated that, fundamentally, sole sourcing doesn't allow for a competitive process. He added that he feels the City maintains a very open, competitive process, unless there is a rare circumstance where a piece of equipment is very specialized and could truly, only be provided by one particular vendor. He does not recommend sole sourcing and he would challenge the notion that these bid specifications were written for one particular bidder over another. Councilman McGrath asked if the Peterbuilt truck were awarded, would it work for the needs of staff. Administrative Services Director Boger stated that the Peterbuilt truck does not meet specifications and therefore, does not meet the needs of staff. She added that the turning radius of the Peterbuilt is 64' and the turning radius for the truck that staff is recommending is 45'. These types of specifications are critical to meet the needs of the Solid Waste drivers. Councilman Jerred asked if Ms. Boger was aware of any other manufacturer that meets that specification. Ms. Boger stated she was not aware of another manufacturer and

added that the specifications were written so that any vendor could submit a bid. She agrees the specifications were written very tightly because there are very specific needs. Mr. Williams stated he would like to go back to the sole source issue and read the bid specifications, which stated "three (3) new refuse truck chassis - Auto Car". He added that there is one Auto Car dealer in the state of Wyoming. Regarding the turning radius of his trucks, he stated that his trucks work in Cheyenne, Newcastle, Lovell, Powell, Green River, and all across the state. Councilman Kuntz asked for clarification if the bid specifications specifically state "cab chassis auto car" and asked if the suspension, as listed in the bid documents, is a sole source suspension in itself. Mr. Williams stated that the suspension is rated for 46,000 pounds; the frame rails are the portion in question. After further discussion, it was moved by Councilman Kuntz and seconded by Councilman Carsrud to table this item until the December 15, 2015, meeting which will allow time to research this further. Mayor Carter-King asked Council to cast their vote on the motion to table. The vote was recorded as follows: Jerred, Barks, Carsrud, Montgomery, McGrath, Kuntz, and Mayor Carter-King voting aye. The motion carried and the item tabled until December 15, 2015.

Special Orders of the Day

Mayor Carter-King opened into a public hearing to consider a retail liquor license application requested by Eischeid Investments, LLC, d.b.a. Chophouse Restaurant, Located at 113 S Gillette Avenue. Councilman Jerred asked for an explanation of contingencies regarding the issuance of the liquor license. Brent Eischeid, Eischeid Investments, LLC, explained that construction will begin and all the dates and deadlines in the letter will be tied to the retail liquor license. The bar & grill liquor license that Chophouse currently holds will be returned to the City. In the event that the dates and deadlines of the remodeling of the Chophouse are not completed on time, or to the extent described, the license would be revoked at that time. The remodel will be completed by the end of 2017. Mayor Carter-King asked for clarification as to what contingencies would be tied to the renewal of the liquor license. Attorney Anderson stated that it is staff's recommendation, should Council choose to grant the license, that the license be granted on the condition of the terms of the letter, and that the letter is part of the approval for the license. Mr. Anderson then read the letter entitled "Requirements for Granting of Retail Liquor License". The letter was read as follows:

November 18, 2015

Mayor Louise Carter-King
Gillette City Council
P.O. Box 3003
201 E. 5th Street
Gillette, WY 82717

RE: Requirements for Granting of Retail Liquor License

Dear Mayor and Council:

On September 22, 2015, Eischeid Investments, LLC provided a power point presentation to Council regarding anticipated improvements to the property commonly known as the "Chop House". This letter is intended to memorialize the actions to be undertaken by Eischeid Investments, LLC in regard to the granting of the liquor license.

1. A remodel will be undertaken upon granting of a retail liquor license. The remodel will be in the approximate amount of \$500,000. Radix Construction, Inc. will serve as the general

contractor for the project. Radix Construction, Inc. and Eishcheid Investments, LLC will rely on local subcontractors and suppliers to the extent possible to meet the timelines and construction specifications of the project.

2. The first phase of the remodel will include an outside bar in the parking lot area and outdoor seating in front of the business. The construction of the outdoor seating in the parking lot will begin approximately April 15, 2016 and will be completed within ninety (90) days of the start of construction. The outdoor seating will be designed as a 3 season room, with approximately 100 useful days per year. This will be accomplished through the use of heaters, fireplaces, air curtains or other designs. The South dining room remodel and outdoor dining area is to be completed in 2016.

3. The second phase of the remodel will be the North dining room, the main entryway, and a full bar remodel. This remodel will begin in January 2017 and will be completed before the end of that calendar year.

4. At the request of the City Council, Eischeid Investments, LLC will make regular reports to the Council, and will immediately notify the Council of any known or anticipated time delays that may arise that would affect the timelines established in this letter agreement.

We understand the representations made during the presentation are a condition, imposed by the City of Gillette, upon the granting of the retail liquor license. Eischeid Investments, LLC has agreed to make these improvements to the property. We acknowledge that the failure by Eischeid Investments, LLC to complete the remodel may result in the possible termination of the retail liquor license. Additionally, we will relinquish the retail liquor license if we cannot comply with these requirements, and further acknowledge that if relinquished, we may not be able to obtain a new liquor license.

Respectfully Submitted,

Brent Eischeid, managing member/President
Eischeid Investments, LLC

After the reading, Mayor Carter-King closed the public hearing.

It was moved by Councilman McGrath and seconded by Councilman Carsrud to approve a retail liquor license application requested by Eischeid Investments, LLC, d.b.a. Chophouse Restaurant, Located at 113 S. Gillette Avenue, with liquor license renewal contingent upon compliance with the terms of the November 18, 2015 letter from Brent Eischeid, entitled Requirements for Granting of Retail Liquor License. Mayor Carter-King asked for further discussion. Councilman Barks announced, to show he is not opposed to the Chophouse Restaurant receiving the retail liquor license, he would be voting in favor for the issuance. Councilman Jerred stated that he would be voting nay as he does not see how the City would be benefited with additional revenue. He added that he believes that retail liquor licenses benefit by off sale use. After the comments, Mayor Carter-King asked Council to cast their vote. The vote was reported as follows: Barks, Carsrud, Montgomery, McGrath, Kuntz, and Mayor Carter-King voting aye. Jerred voting nay. The motion carried.

Mayor Carter-King opened into a public hearing for a zoning map amendment of the City of Gillette, Wyoming, for property generally located at 4180 South Garner Lake Road, and legally described as a portion of Lot 2 Devon Addition, from C-3, Business/Services District to I-1, Light Industrial District. City Administrator

Napier explained that the request is to change the area from C-3 to I-1. The area would be used for a more aggressive land use for industrial purposes. Mayor Carter-King asked if any objections were received. Development Services Director stated there were no negative objections received. The request was recently before the Planning Commission and no one voiced concern. The Planning Commission passed the request unanimously. Mayor Carter-King closed the public hearing.

ORDINANCE 15-33

AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE CITY OF GILLETTE, WYOMING, FOR PROPERTY GENERALLY LOCATED AT 4180 SOUTH GARNER LAKE ROAD AND LEGALLY DESCRIBED AS A PORTION OF LOT 2 DEVON ADDITION, FROM C-3, BUSINESS/SERVICES DISTRICT, TO I-1, LIGHT INDUSTRIAL DISTRICT, SUBJECT TO ALL PLANNING REQUIREMENTS

It was moved by Councilman Carsrud and seconded by Councilman McGrath to approve the foregoing Ordinance on first reading. Mayor Carter-King asked for discussion. There was none. Mayor Carter-King asked Council to cast their vote. The vote was recorded as follows: Jerred, Barks, Carsrud, Montgomery, McGrath, Kuntz, and Mayor Carter-King voting yea. The motion carried.

Executive Session

It was moved by Councilman McGrath and seconded by Councilman Jerred to move into an Executive Session to discuss confidential matters. Mayor Carter-King asked for discussion. There was none. Mayor Carter-King asked Council to cast their vote. The vote was recorded as follows: Jerred, Barks, Carsrud, Montgomery, McGrath, Kuntz, and Mayor Carter-King voting aye. The motion carried and the Regular Meeting adjourned at 8:08 p.m. The next regularly scheduled meeting will be Tuesday, December 15, 2015.

Mayor Louise Carter-King

(S E A L)

ATTEST:

Karlene Abelseth, City Clerk
Publication Date: December 9, 2015