

## COUNCIL PROCEEDINGS

Council Pre-Meeting

January 5, 2016

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 5th day of January 2016, 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: Kevin McGrath, Billy Montgomery, Dan Barks, Tim Carsrud, Ted Jerred, Robin Kuntz, and Mayor Louise Carter-King.

Staff present: J. Carter Napier, City Administrator; Charlie Anderson, City Attorney; Patrick Davidson, Asst. City Attorney; Kendall Glover, Utilities Director; Dustin Hamilton, Development Services Director; Jim Hloucal, Chief of Police; Tom Pitlick, Finance Director; Evan Byrd, Fleet Manager; Brent Wasson, Lieutenant; Geno Palazzari, Communications Manager; Patti Davidsmeier, Community & Gov't Relations Manager; and Karlene Abelseth, City Clerk.

### Warm-Up Items

City Administrator Napier reported phone calls and emails and such regarding the mural on Gillette Avenue and 3<sup>rd</sup> Street. Discussions have included the possibility of relocating a pole that will be erected as part of the downtown Gillette Plaza Project to avoid visual interference with the mural. Mr. Napier's recommendation is not to relocate the pole; for two reasons. One, the particular pole in question is not just a luminaire but actually a structural component of the overhead cable network used to hang the lights for the design concept of the plaza. If this post is moved, then the overhead network should be re-engineered. This post is an engineered post to accommodate the weight of the overhead structure. Secondly, staff was informed by the property owner, it is their plan to remove the mural. From a policy standpoint, it doesn't make sense to re-engineer the project to accommodate a mural that may be temporary in nature. Mayor Carter-King asked if the funding from the state would be jeopardized if it was decided to re-locate the pole. Mr. Napier stated that it is important to keep in mind that a proposal was submitted to the Business Council based on a particular design. It would make sense to inform the Business Council of any change in the scope of the project. After some discussion, Mr. Napier re-iterated that his recommendation would be the same.

Councilman Montgomery expressed his gratitude to staff for his great orientation experience.

### Body Camera Demonstration

Chief Hloucal and Lieutenant Wasson explained and demonstrated the newly placed body cameras that the police department has implemented.

### Discussion of the Lodging Tax Capital Construction Fund MOU

City Attorney Anderson explained that this MOU, prepared by the County Attorney, simplifies the version of the Lodging Tax MOU that Council approved some time ago. This MOU establishes a fund made up of 10% of the on-going revenues from the Lodging Tax and says that the fund will be used to construct a Visitor's Center.

It requires all four (4) entities agree on the location of the facility and how the funds are spent. Once there is enough money to build the facility, it would be possible for one of the parties to withdraw and begin receiving 10% for themselves. After some discussion, Councilman Barks asked about the funds once there is enough money to build the facility. City Attorney Anderson replied that one party can notify the other parties that it no longer wants its proportionate share to be withheld once there is a sufficient amount of money to build the facility. After some discussion, Council felt it was important to proceed forward, getting the agreement put into place. City Administrator Napier stated that staff will submit a formal request to the January 19<sup>th</sup> Council Meeting, for Council's consideration.

#### Review of the January 5<sup>th</sup> Agenda

City Administrator Napier explained agenda Item M6, *Council Consideration for the Acceptance of Public Improvements for the Gillette Softball/Baseball Complex Construction Manager at Risk (CMAR) Project, Installed by Van Ewing Construction, Inc., in the Amount of \$7,668,071.45*. A question was asked pertaining to the impact of liquidated damages with regard to this project. Liquidated damages, with respect to this project, were not included in the language of this particular project. He explained the concepts of a guaranteed maximum price. Mr. Napier added that there is the potential for a claim with regard to a portion of the retainage. A sub-contractor has indicated that they may be due some additional payment from the general contractor. That boils down to the sub-contractor and the general contractor coming to an agreement and Mr. Napier suggests that this is something the City doesn't necessarily need to weigh-in on. He added that this should not impact the acceptance motion and recommends that Council accept the public improvements. Councilman Barks questioned several details that need to be completed, such as light poles, cleaning of drainages and such, and asked if anything is being withheld until those details are completed. Development Services Director Hamilton replied that there is still a contract open for phase I. Some of the details, such as the drainage work, that cannot be completed at this time due to the timing of the season. If the work is not completed, then the City will complete the work and bill the contractor. Further discussion regarding phase I of the project took place.

#### Executive Session

It was moved Councilman by Carsrud and seconded by Councilman McGrath to move into an Executive Session to discuss personnel. Roll was called on the motion with the following results. Council Members voting aye: Barks, Carsrud, Jerred, Kuntz, McGrath, Montgomery, and Mayor Carter-King. The Presiding Officer declared the motion carried.

#### Adjournment

There being no further business to come before the Council, the meeting adjourned at 6:46 p.m.

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Mayor Louise Carter-King

(S E A L)

ATTEST:

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Karlene Abelseth, City Clerk  
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