

COUNCIL PROCEEDINGS

REGULAR

January 19, 2016

7:09 p.m.

A meeting of the City Council, of the City of Gillette, County of Campbell, State of Wyoming, was held on Tuesday, the 19th day of January 2016, 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: Ted Jerred, Robin Kuntz, Kevin McGrath, Billy Montgomery, Dan Barks, Tim Carsrud, 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; 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 McGrath and seconded by Councilman Jerred to call the regular meeting of January 19, 2016, 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 City Administrator Napier.

Pledge of Allegiance

The Pledge of Allegiance was led by Julie Blazek's Lakeview Elementary School Kindergarten Class.

Approval of General Agenda

It was moved by Councilman Carsrud and seconded by Councilman Kuntz to approve the General Agenda. Mayor Carter-King asked for discussion. There was none. Council was asked 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

Executive Session - December 8, 2015

Executive Session - December 15, 2015

Pre-Meeting - January 5, 2016

Regular Meeting - January 5, 2016

Work Session - January 12, 2016

Ordinance Second Reading - Consent Agenda

ORDINANCE 16-01

AN ORDINANCE PROVIDING FOR THE VACATION
OF A 50 FOOT WIDE GENERAL UTILITY EASEMENT LOCATED ON TRACTS P
AND Q, MOON MEADOW ESTATES NO. 3, A RE-SUBDIVISION OF TRACT 4,
MOON MEADOW ESTATES, AND TRACTS K AND J, MOON MEADOW ESTATES
NO.2, AS SHOWN ON THE EXHIBIT "A" MAP, IN THE CITY OF GILLETTE,
WYOMING, SUBJECT TO ALL PLANNING REQUIREMENTS

New Business - Consent Agenda

Approval of a revised Business Ready Community Grant and Loan
Program Community Readiness loan agreement between the Wyoming
Business Council and the City of Gillette.

Bills & Claims

FIRST AMERICAN TITLE	130.00
ACTION LOCK AND KEY	120.00
ALSCO	1075.51
AMERI-TECH EQUIPMENT COMP	4054.20
AMERICAN EQUIPMENT INC	4170.35
AMERICAN PUBLIC POWER ASS	2763.71
ANIXTER POWER SOLUTIONS	32030.18
ARROW PRINTING AND GRAPHI	328.90
AT ARCHITECTURE	26365.00
AVI SYSTEMS	16007.62
B & H PHOTO VIDEO PRO-AUD	6499.32
BENNETT WEBER & HERMSTAD	23455.00
BIG D SANITATION	1210.00
BLACK CAT CONSTRUCTION LL	92487.27
BOOT HILL INC	1302.50
BORDER STATES ELECTRIC	1596.00
BOSS ENTERPRISES INC	625.00
BREANNA'S BAKERY	43.98
BRUCE ENGINEERING SERVICE	12885.00
CAMPBELL COUNTY PUBLIC LA	160104.25
CAMPBELL COUNTY ENGINEERS	1029.00
CAMPBELL COUNTY PUBLIC HE	5325.00
CAMPBELL COUNTY SHERIFF	100.00
CARR COATINGS LLC	15444.35
CATALOGIC SOFTWARE INC	720.00
CENTURYLINK	277.01
CHOICE ADVERTISING	965.70
EISCHEID INVESTMENTS, LLC	480.00
CITY CLERK OFFICE	9933.19
CITY OF GILLETTE - PETTY	227.86
COLLINS COMMUNICATIONS IN	3670.87
CONSOLIDATED ENGINEERS IN	13397.31
CONSOLIDATED WATER SOLUTI	2849.33
CONTRACTORS SUPPLY INC	14428.34
COOLED, INC	598.00
CPS DISTRIBUTORS	403.20
CRUM ELECTRIC SUPPLY COMP	1322.00
CTA INC	7576.94

DERRIE CULEY	50.00
DANA KEPNER COMPANY INC	475.06
DESERT MOUNTAIN CORPORATI	41872.76
DOWL LLC	60054.64
DRM INC	59547.54
DXP ENTERPRISES INC	1064.20
E Z TOWING & RECOVERY INC	65.00
EARTH WORK SOLUTIONS	135128.94
EMPLOYMENT TESTING SERVIC	861.00
ENERGY CAPITAL ECONOMIC D	30000.00
ENERGY LABORATORIES INC	1134.00
FAIRMONT SUPPLY COMPANY	465.95
FALCON ENVIRONMENTAL CORP	57.92
FAMILY HEALTH	1602.00
FANNIE MAE	166.42
FARMER CO-OP	539.88
FEDEX	383.82
FIRETECH, LLC	2197.14
FIRST INTERSTATE BANK OF	23650.00
FIRST NATIONAL BANK OF GI	41760.87
FLAGSHOOTER LLC	684.98
FOOTHILLS THEATRE	3846.25
FORCE AMERICA INC	50100.24
FRANDSON SAFETY INC	1167.00
GILLETTE ABUSE REFUGE COR	32000.00
GILLETTE ENERGY ROTARY CL	192.50
GREAT WESTERN PARK AND PL	15952.00
GLOBAL TECHNOLOGY RESOURC	34972.55
GUTERMANN INC	4308.00
HDR ENGINEERING INC	43354.28
HERITAGE VILLAGE WATER &	480.00
HILLCREST SPRING WATER IN	140.00
HILLYARD INC	353.28
HLADKY CONSTRUCTION	3488.00
HUB INTERNATIONAL MOUNTAI	50.00
INSIGHT PUBLIC SECTOR	862.95
INTER-MOUNTAIN LABS INC	75.00
IT OUTLET INC	6720.00
JLC SIGN SYSTEMS INC	160.00
JOHNSON CONTROLS INC	9153.29
KADRMAS LEE & JACKSON INC	28695.51
KRIZ-DAVIS COMPANY	6894.82
ROBIN KUNTZ	14.98
LEXISNEXIS MATTHEW BENDER	357.57
LOUISE CARTER KING	23.73
MACHINE PRODUCTS INC	88.00
MAGNET FORENSICS USA, INC	1000.00
MARQUISS, JOEL	87.47
MCM GENERAL CONTRACTORS	11304.67
MERCHANT JOB TRAINING AND	550.00
MILLER, GERALD R	99.13
MILLER, JERRY	44.75
ALAN STUBER	100.00
ASHLEY REED	47.73

CHAD TREBBY	178.95
DANE CLEMETSON	1600.00
JASON MARCUS	1171.95
KYLE SPRAGUE	111.00
LAURA ZIEGLER	48.30
MICHAEL FOOTE	1062.00
SIERRA PARKER	69.96
WAL-MART	27.92
ALBERTSONS	6.00
ALYSHIA VIGIL	20.00
BEN GARRO	720.00
CAMPBELL COUNTY ROAD & BR	100.00
CCH	200.00
CHARTER BUSINESS PLANNING	87.50
FAYE GUEDESSE	87.50
JORDAN GLICK	120.00
KEITH GRIZZLE	100.00
LIBERTY SERVICES	225.00
MISTY HENAGHAN	300.00
S & S BUILDERS	75.00
SARAH WINTER	100.00
SCOTT SETTLES	250.00
SIENNA CORTEZ	135.00
TODD CRASE	200.00
TONJA SLATER	100.00
UPS	150.00
AGEE, WALKER	143.59
BEJARANO, BENJAMIN	68.13
COLE, KEVIN	153.98
GEORGE, JADEN	188.23
HALL, MATT	155.14
HOFFMANN, ALEX	154.17
M B I	34.76
NELSON, BRADLEY	50.76
PAFF, JANELLE	140.45
PERAZA, SAIVADOR	129.40
RIPLEY, TYLER	11.09
MOA WYOMING INC	43798.70
ALAN MCCLINTOCK	1900.00
MORRISON MAIERLE INC	29751.00
NATIONAL BAND & TAG CO	1143.75
NEVE'S UNIFORM INC	702.38
NEWS RECORD	6374.25
NORCO INC	3516.63
NORTON CONSTRUCTION	212850.00
O'REILLY AUTO PARTS	906.84
ONLINE INFORMATION SERVIC	313.50
PAINTBRUSH SEWER & DRAIN	120.00
PAULI, EDWARD	145.64
PC NATION	319.65
PCA ENGINEERING INC	56454.66
PERSONAL FRONTIERS INC	15000.00
PINKERTON CONSULTING & IN	260.35
POWDER RIVER CONSTRUCTION	24978.07

POWDER RIVER ENERGY CORPO	696.13
POWDER RIVER OFFICE SUPPL	1133.09
PRO BUILT HOMES INC	2625.00
PROELECTRIC INC	24540.07
PRUDENTIAL PREFERRED PROP	97.89
RAILROAD MANAGEMENT CO LL	2868.00
RALPH KINGAN ENTERPRISE	52.35
RENKEN PLUMBING LLC	212.00
RESOURCE ACTION PROGRAMS	3471.00
RIEDESEL, KRISTI & ERIC	139.79
ROTO ROOTER SEWER SERVICE	250.00
SCHUTZ FOSS ARCHITECTS PC	35707.40
PETERSON CONSULTANTS, INC	3600.00
SIMON CONTRACTORS	182023.55
SITEIMPROVE INC	3675.00
SOLOMON ELECTRIC SUPPLY	90.00
SOURCE OFFICE PRODUCTS	3220.20
SOURCEGAS	12133.73
STRATA INC	4860.25
T-M SERVICE COMPANY INC	543.16
THAT EMBROIDERY PLACE	221.00
TIM CARSRUD	21.50
TECHNICAL MARKETING MFG I	4663.82
TOTER INC	3718.91
TRAFFIC PARTS INC	575.00
TYLER TECHNOLOGIES INC	11053.26
USABBLUEBOOK	312.47
VAN EWING CONSTRUCTION	248074.79
VERIZON WIRELESS	1878.32
VISIONARY COMMUNICATIONS	969.14
WALKER INSPECTION	10195.00
WASTE CONNECTIONS, INC.	341.55
WATER ENVIRONMNET FEDERAT	106.00
WESCO RECEIVABLES CORP	8287.55
WESTERN STATIONERS	3489.75
WESTERN WASTE SOLUTIONS I	10376.30
WHEAT, JOHN & SHIRLEY	83.46
WWQ & PCA ASSOC	630.00
WYOMING DEPT OF TRANSPORT	388.96
WYOMING MACHINERY CO	685.09
WYOMING SUPREME COURT	6940.00
XEROX CORPORATION	2566.83
YOUTH EMERGENCY SERVICES	37500.00
WYOMING STATE REVENUE AND	104132.40
BLUE CROSS BLUE SHIELD OF	11,919.00
BLUE CROSS BLUE SHIELD OF	44,230.44
BLUE CROSS BLUE SHIELD OF	46,763.72
EXPRESS SCRIPTS INC	10,390.40
EXPRESS SCRIPTS INC	10,623.22

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

It was moved by Councilman Carsrud and seconded by Councilman McGrath to approve a conflict claim for Mayor Carter-King in the amount of \$1,156.82 (internet reimbursement - \$23.73 and Powder River Office Supply - \$1,133.09). Mayor Carter-King asked for discussion. There was none. Council was asked 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.

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

Oral Comments

Mayor Carter-King announced the winning statistics for the Gillette College Pronghorns.

Councilman Carsrud encouraged citizens to continue shopping locally and support local businesses.

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.

New Business

It was moved by Councilman McGrath and seconded by Councilman Carsrud to approve a street closure for the 3rd Street Plaza, located on 3rd Street between Gillette Avenue and Kendrick Avenue, on February 20th from 9:00 a.m. to 5:30 p.m., requested by the Gillette Main Street Committee. Mayor Carter-King asked for discussion. Jessica Sedars, Executive Director, Gillette Mainstreet Committee, explained the event. After the explanation, Council was asked 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 the City's Financial Audit Report for the fiscal year 2015. Mayor Carter-King asked for discussion. City Administrator Napier thanked the Finance staff for their efforts preparing the City's financial information for the auditors review. Council was asked to cast their vote. The vote was recorded as follows: Jerred, Barks, Carsrud, Montgomery, McGrath, Kuntz, and Mayor Carter-King. The motion carried.

It was moved by Councilman Carsrud and seconded by Councilman McGrath to approve a revised Lodging Tax Memorandum of Understanding. Mayor Carter-King asked for discussion. There was none. Council was asked 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.

RESOLUTION 2552

A RESOLUTION APPROVING AND AUTHORIZING
THE FINAL PLAT FOR A RESUBDIVISION OF LOT 2A OF THE
DEVON ADDITION, TO BE KNOWN AS LOTS 2A AND 2B
TO THE CITY OF GILLETTE, WYOMING,
SUBJECT TO ALL PLANNING REQUIREMENTS

It was moved by Councilman Kuntz and seconded by Councilman Jerred to approve the foregoing Resolution approving and authorizing the final plat for a resubdivision of Lot 2 of the Devon Addition, to be known as Lots 2A and 2B, to the City of Gillette, Wyoming, subject to all Planning requirements. Mayor Carter-King asked for discussion. There was none. Council was asked 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 Barks and seconded by Councilman Jerred to accept public improvements for the Westover Road Improvements Project, installed by Powder River Construction, Inc., in the amount of \$1,313,979.85 (1% Project). Mayor Carter-King asked for an explanation regarding the request. City Administrator Napier explained that the project included a portion of Westover Road between Burma Road and Hwy 50 which included some intersection improvements and he is happy to report that the project came within budget. After the explanation, Council was asked 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.

Appointments

It was moved by Council President Carsrud and seconded by Councilman Barks to appoint Mark Smith to the Campbell County Joint Powers Lodging Tax Board. Mayor Carter-King asked for discussion. There was none. Council was asked 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.

Administrator's Report

Mayor Carter-King asked for an Administrator's Report. City Administrator Napier said there was nothing to report.

Special Orders of the Day

Mayor Carter-King opened into a public hearing to consider an application for the transfer of ownership of a retail liquor license from M. Farid Khan and Bibi Israr Khan, d.b.a. Tower West Lodge to Discount Liquors, LLC, d.b.a. Razor City Discount Liquors, located at 821 Madison Avenue. Tom Simons, Discount Liquors, LLC, reported that the intention of his company is to open a retail space that will occupy approximately 15,000 - 19,000 square feet with a capital of roughly 4.5 million dollars. The building will house a premium retail liquor store and a wine tasting library. He then provided background information regarding his partner, Kon In. Mr. Simons went on to say that Discount Liquors will mirror Mr. In's liquor store, Star Liquors, located in Sheridan, but on a larger scale. The timeline for this project will be approximately 12-16 months. Councilman Carsrud asked about using local contractors for the project. Mr. Simons stated that their goal is to use local contractors. Councilman Jerred asked if the same building design would be used as presented previously, and asked if Mr. Simons intentions are to complete the street. Mr. Simons reported that the same building design would be used and they will complete the street to the end of their property. Councilman Jerred asked if Tower West Lodge currently provides off-site catering. Mr. Simon reported that Tower West Lodge does very little catering and he has offered to assist Tower West Lodge with any of their off-site catering needs. Mayor Carter-King asked Mr. Simons if he had any objections of adding a contingency regarding the project completion date and dollar amount, if Council were to approve the transfer. Mr. Simons stated that he had no objections to the contingencies. He is hopeful that the timeframe will be less than 12 months, but is confident it will be completed within 12-16 months. Councilman McGrath asked Mr. Simons if he understood that if the project is not completed within the specified timeframe of 16 months, then the liquor license would be relinquished back to the City of Gillette. Mr. Simons stated that he understood the contingencies and is quite sure the project would be completed within the timeframe given. Todd Hoese, Barry Hayden, Steve Besel, Bruce Kelley, Riley Hunter, Grant Edmunds, Bob Downey, and Greg Dougherty all spoke of their objections to the transfer of the retail liquor license and the proposed location. Objections included the number and location of existing licenses in the vicinity; the possible detriment to the current retail liquor license businesses, and the effects of the current economy. A list of the retail liquor license holders located within the vicinity of Hwy 59 was mentioned. Councilman Jerred asked how many of the 13 businesses mentioned were set up to sell packaged liquor. After some discussion, it was determined that approximately, 5 or 6 businesses are set up to sell packaged liquor within the vicinity. After the discussion, Mayor Carter-King closed the public hearing.

It was moved by Councilman McGrath and seconded by Councilman Montgomery to approve the transfer of ownership of a retail liquor license from M. Farid Khan and Bibi Israr Khan, d.b.a. Tower West Lodge to Discount Liquors, LLC, d.b.a. Razor City Discount Liquors, located at 821 Madison Avenue. Mayor Carter-King asked for discussion. Councilman Barks stated he has been torn between supporting new private enterprise and protecting the existing private enterprise in our community, and has decided to vote against the transfer of ownership and support the businesses that have supported our community for many years. Councilman Kuntz stated that in reading the statute he feels it is very subjective, and feels this was the intent of the legislation to allow city and counties to have a say regarding the number of businesses in any given location. Councilman Carsrud stated he has also been torn regarding liquor license issues and thanked

the businesses who came before Council to voice their concerns. Councilman Jerred stated that he, too, has been torn on this issue, however, he needs to look at the best interest for the City and who will be the revenue generators; the state issues these licenses for that purpose and, therefore, will support the transfer of ownership. After the comments, Council was asked to cast their vote. The vote was recorded as follows: Jerred, Carsrud, Montgomery, McGrath, and Mayor Carter-King voting aye. Councilmen Barks and Kuntz voting nay. The motion carried.

Mayor Carter-King opened into a public hearing to consider a resort liquor license submitted by M. Farid Khan and Bibi Israr Khan, d.b.a. Tower West Lodge, located at 109 N. Hwy 14-16. No comments were made and the public hearing closed.

It was moved by Councilman Jerred and seconded by Councilman McGrath to approve a resort liquor license submitted by M. Farid Khan and Bibi Israr Khan, d.b.a. Tower West Lodge, located at 109 N. Hwy 14-16. Mayor Carter-King asked for discussion. Councilman Barks stated that with the outcome of the previous vote, he will be supporting this request as he does not want to see one of Gillette's hotels without an operational liquor license. Council was asked to cast their vote. The vote was recorded as follows: Jerred, Barks, Carsrud, Montgomery, McGrath, Kuntz, and Mayor Carter-King. The motion carried.

Mayor Carter-King opened a public hearing to consider an application for the transfer of ownership of a retail liquor license from Corner Pocket of Gillette, Inc., d.b.a. Mingles Lounge to B&B Kelley of Gillette, LLC, d.b.a. Mingles/Uncle Fredies, located at 2209 S. Douglas Hwy. No comments were made and the public hearing closed.

It was moved by Councilman McGrath and seconded by Councilman Carsrud to approve an application for the transfer of ownership of a retail liquor license from Corner Pocket of Gillette, Inc., d.b.a. Mingles Lounge to B&B Kelley of Gillette, LLC, d.b.a. Mingles/Uncle Fredies, located at 2209 S. Douglas Hwy. Mayor Carter-King asked for discussion. There was none. Council was asked to cast their vote. The vote was recorded as follows: Jerred, Barks, Carsrud, Montgomery, McGrath, Kuntz, and Mayor Carter-King. The motion carried.

Mayor Carter-King opened a public hearing to consider an application for the transfer of ownership of a retail liquor license from White Pony, Inc., d.b.a. Humphrey's Bar & Grill to B&B Kelley of Wyoming, LLC, d.b.a. Humphrey's Bar & Grill, located at 408 W. Juniper Lane. Bruce Kelley informed the Council that the request is due to company restructuring. After the comment, the public hearing was closed.

It was moved by Councilman Jerred and seconded by Councilman Carsrud to approve an application for the transfer of ownership of a retail liquor license from White Pony, Inc., d.b.a. Humphrey's Bar & Grill to B&B Kelley of Wyoming, LLC, d.b.a. Humphrey's Bar & Grill, located at 408 W. Juniper Lane. Mayor Carter-King asked for discussion. There was none. Council was asked to cast their vote. The vote was recorded as follows: Jerred, Barks, Carsrud, Montgomery, McGrath, Kuntz, and Mayor Carter-King. The motion carried.

Executive Session

It was moved by Councilman Kuntz and seconded by Councilman McGrath to move into an Executive Session to discuss litigation

and personnel. Council was asked 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 meeting adjourned at 8:19 p.m.

The next regularly scheduled meeting will be held on February 2, 2016.

Mayor Louise Carter-King

(S E A L)

ATTEST:

Karlene Abelseth, City Clerk
Publication Date: January 27, 2016