

## COUNCIL PROCEEDINGS

Work Session  
p.m.

February 23, 2016

6:00

A Work Session meeting of the City Council of the City of Gillette, County of Campbell, State of Wyoming, was held on Tuesday the 23rd day of February 2016, in the second 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, Billy Montgomery, Dan Barks, Tim Carsrud, and Mayor Louise Carter-King.

Staff present: J. Carter Napier, City Administrator; Charlie Anderson, City Attorney; Pam Boger, Administrative Services Director; Patrick Davidson, Assistant 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; Geno Palazzari, Communications Manager; Patti Davidsmeier, Community & Gov't Relations Manager; and Karlene Abelseth, City Clerk.

### Warm Up Items

Councilman Montgomery reported on the Ice Festival. He continued by thanking the Gillette Main Street Committee for hosting the event. He then reported that he attended the Fireman's Award Banquet. He wanted to congratulate all those who received awards and thanked all the families for their support.

Councilman Carsrud stated that he attended the Pronghorn games and reported on their upcoming tournaments.

### Liquor Deliveries Discussion

City Administrator Napier stated there has been a proposal with regard to the delivery of liquor products by a retail liquor license holder, and they have been invited to explain their concept to the Council. He then introduced the proprietors of Creative Beverages, Riley Hunter and Grant Edmunds. Mr. Hunter reported on surrounding areas that allow for the delivery of alcoholic products and is inquiring how the City of Gillette would handle a delivery service such as this. He explained an app that is currently being used in the Denver area, called Drizly, the process for using the app, and how the delivery company is paid. Council raised concerns of the possible delivery to an underage person. Mr. Riley reported that it is the responsibility of the driver to ensure that they are delivering to a person of age. Mr. Hunter reported that an electronic ID reader would be used to identify the person's age; if it doesn't identify the person as 21 or older, then they won't follow through with the sale. According to Mr. Hunter, Drizly coordinates with each city's ordinances to ensure that their plan fits. Council questioned who would be responsible if alcohol is delivered to a minor. Mr. Hunter stated that the driver would be one of his employees, who would be TIP's trained, delivering the alcohol product; so it would be his company who would be held responsible. Council asked if State Statute allows for this. City Attorney Anderson reported that in his discussions with the Wyoming Liquor Division, their interpretation is that there is nothing in State Statute prohibiting this type of service; however, a draft ordinance has

been prepared that would prohibit this service in Gillette. Chief Hloucal weighed in on the issue. He stated that he has not heard of the Drizly app. He went on to say that no entity in Wyoming can profit off the sale of the alcohol except for the license holder. This could be problematic and there is the potential for the driver giving in and selling to a minor. Also, he is concerned that a sale could occur outside the city limits, which would be hard to regulate, monitor and enforce. He added that there are cities in Wyoming that do prohibit this type of service. Mr. Hloucal feels that there is need to either have an ordinance in place that either regulates the service, or prohibits the service. After further discussion, the draft ordinance was presented to Council and it was decided to schedule another discussion regarding this topic giving Mr. Hunter and Mr. Edmunds time to gather further information and present it to Council. The topic will be scheduled, tentatively, on the March 29<sup>th</sup> Work Session Agenda.

#### Update on Country Club Golf Course

City Administrator Napier gave an overview of the Country Club's partnership with the City that would, effectively, expand the partnership with regard to the use of land located at the Energy Sports Complex. The expansion would allow for the possibility of a more accelerated schedule as it relates to improvements for the back nine. In this context, however, there is more land that would be dedicated to the effort that could be included in an amended lease agreement, or even an MOU, particularly if Council has interest in expanding the land allowance to the Country Club. After the overview, Mr. Napier introduced Steve Crow. Mr. Crow gave some background information regarding the encroachment of the Energy Capital Sports Complex for their driving range. The City has leased, for a nominal fee, the section south of Garner Lake Road. He explained issues with regard to the flood plain and flood way, which would cause the course to be two holes short. He described other avenues for expansion, however, there would be a significant cost. The Club is requesting the additional 8.5 acres that haven't been discussed, and since the high school stadium is not going to be built, encroaching on the overflow parking area designated for the stadium. Diagrams of the area were provided and discussion of the additional 8.5 acres took place. After some discussion, staff recommended that an amendment could be made to the existing lease allowing for the use of the land. Staff also recommends an MOU be considered for all the ideas contemplated, and memorialize those ideas in an MOU for future reference. Mr. Crow then presented information regarding the potential for balls getting onto Garner Lake Road off of Hole 16. He explained that discussions had taken place with the golf course architect regarding the safety zones and precautions that would be put into place. He added that there is still potential of balls going onto Garner Lake Road, as well as the path area at the Energy Sports Complex. Council inquired of the liability if a ball was to cause damage. City Attorney Anderson stated, that under the lease, the Golf Club has provided liability insurance. Mr. Crow added that efforts have been made to answer this question; lawyers have informed them that the golfer is ultimately liable for the damages. City Attorney Anderson added that the lease provides that the Golf Club would hold the City harmless, and an obligation to indemnify the City. Discussion for the development of the land took place. Mr. Crow feels that by year end, a section of the course could be developed, in some form, and have the practice facilities open by next year. Mr. Crow reported on fund raising efforts. Discussion of the maintenance facility took place. Mr. Napier stated that the concept is to build both portions of the

maintenance facility at the same time and have a common wall. Staff does not feel comfortable saying yea or nay regarding the maintenance facility until the budget is reviewed. After the discussion, it was decided to hold off on this joint effort until the budget numbers are discussed.

#### Review Budget Amendment

Finance Director Pitlick informed Council of the upcoming budget amendment. The amendment will include the bond issuance for the student housing; the Council of Community Services' request; Back 9 Campaign; and the LID design for the Industrial Park. The total budget amendment is \$11,045,183.

#### Review of the March 1<sup>st</sup> Council Agenda

The group discussed the upcoming agenda items for March 1<sup>st</sup>. Discussion of Jim Edwards' appointment for March 8, 2016; insourcing a portion of construction management services; as well as the installation of a temporary traffic signal at the Boxelder Road/K-Mart approach took place.

#### Executive Session

It was moved by Councilman McGrath and seconded by Councilman Barks to move into an Executive Session to discuss personnel and confidential information. 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 and the group moved into an Executive Session at 7:25 p.m.

#### Adjournment

There being no further business to come before the Council, the Work Session meeting was adjourned at 7:25 p.m.

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Mayor Louise Carter-King

SEAL:

ATTEST:

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Karlene Abelseth, City Clerk

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