

COUNCIL PROCEEDINGS

Special Meeting

March 8, 2015

6:00 p.m.

A Special meeting of the City Council of the City of Gillette, County of Campbell, State of Wyoming, was held on Tuesday the 8th day of March 2016, in the 2nd floor Community 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; Pamela L. 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; Brent Wasson, Lieutenant; Levi Jensen, Utilities Project Manager; Steven Peterson, Utilities Engineering Manager; Dan Bridges, Utilities Electrical Manager; Ken Adair, Purchasing Manager; Geno Palazzari, Communications Manager; Patti Davidsmeier, Community & Government Relations Manager; and Karlene Abelseth, City Clerk.

Warm Up Items

Councilman Carsrud congratulated the Pronghorn's Boys & Girls Basketball teams, as well as, the Camels Basketball teams, for their recent wins.

Ordinance Second Reading

ORDINANCE 16-05

AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE CITY OF GILLETTE, WYOMING, FOR PROPERTY GENERALLY LOCATED AT 1490 HARVEST MOON DRIVE AND LEGALLY DESCRIBED AS A PORTION OF LOT 2A MOON MEADOW ESTATES NO. 5, A RESUBDIVISION OF LOTS 1 & 2 OF MOON MEADOW ESTATES NO. 5, A RESUBDIVISION OF TRACT R OF MOON MEADOW ESTATES NO. 3, FROM R-4, MULTI-FAMILY RESIDENTIAL DISTRICT TO C-1, GENERAL COMMERCIAL DISTRICT, SUBJECT TO ALL PLANNING REQUIREMENTS

It was moved by Councilman Carsrud and seconded by Councilman McGrath to approve the foregoing Ordinance on second reading. Mayor Carter-King asked for discussion. City Administrator Napier gave a brief description regarding the request. 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.

Action Items

It was moved by Councilman Jerred and seconded by Councilman Carsrud to approve a Resolution to approve amendments to the Gillette City Budget for FY2015/2016 in the amount of an additional \$25,100 for the Council of Community Services. City Administrator Napier provided background information regarding the request. He reminded Council of a letter received from the Council of Community Services requesting additional funds and, therefore, this line item was removed from the Budget Amendment Resolution from the previous meeting. Council asked if this was

an additional \$25,100, as stated in the title, or is this the same amount that was removed from the Budget Amendment Resolution. Mr. Napier confirmed this is the same amount that was removed. He then introduced Executive Director Staci Bungard. Ms. Bungard presented an Explanation of Financial Situation sheet, dated March 8, 2016. She explained that it was determined there is a greater need for additional funding than what was previously anticipated with regard to the \$25,100 funding request. After several hours of reviewing the budget, and consultation with Ms. McKay and Ms. Steiger, it was determined that the additional funding would be needed to make the Council of Community Services whole again; she does not anticipate this type of funding needed in the coming years. She gave background information regarding the problems she has addressed since her tenure with the Council of Community Services. Mayor Carter-King stated that the amount requested on the agenda is \$25,100, and asked what the Council of Community Services is now requesting. Ms. Bungard stated that the Council of Community Services is now requesting \$87,500, or an additional \$62,400 above the pending budget amendment. Discussions regarding the differences between what was being asked, and what is now being asked, as well as the decrease in grant funding, took place. City Administrator Napier reminded Council that the original funding request was in the amount of \$87,500. The reason staff recommended \$25,100, was to pay half of the outstanding bills of approximately, \$50,000. There was also an earmark put on the weatherization concept, because at the time, the Council of Community Services was not clear on what would be reimbursed by the State. He added the format of the request is different; the total dollar amount is the same. Mr. Napier stated that he is confused, however, on the request for \$16,500 for reimbursement towards maintenance/safety costs. Ms. Bungard explained that, in speaking with Mr. Napier, sometimes the Council will fund capital projects, and in this particular case, there have been some unfunded capital projects that the Council of Community Services has incurred over the last year. The \$16,500 represents a reimbursement for some of those maintenance costs. She then explained the current maintenance issues that still need to be addressed, and the reimbursement of the \$16,500 would assist with these costs. Discussions with regard to the Council of Community Services past reserve account, and where the money is now, took place. It was explained that the bulk of the money went towards the purchase of their store. County Commissioners Mickey Shober and Mark Christensen spoke to the Council. It was reported that in February, the County Commissioners approved the Council of Community Services' funding request of \$87,500, contingent upon the City's match. Commissioner Shober commended the Council of Community Services for their services, and the need for those services. Mayor Carter-King stated that Council understands the need for the services, however, there are several other organizations who provide services to the community, as well. What is concerning to her is the funding request increasing from \$25,100 to \$87,500. Commissioner Christensen clarified information that was provided by Ms. Bungard regarding the reserve account. There was a substantial reserve account in the past; however, previous management was not properly billing grants, was overrunning costs versus revenues, and the money was spent. There was a separate fund account set aside from the sale of the existing Second on Third building, and that money is what was used for the purchase of the new store. The initial request for funding was \$300,000; \$150,000 each from the City and the County. Additional information was provided by Commissioner Christensen regarding the operations of the Council of Community Services. At the time of the request for funding, the two entities agreed to split the costs, there were

requirements of the Council of Community Services to make changes such as obtaining a bookkeeper and reorganizing the Board; those changes have been made. The County approved \$87,500 however, the City is requiring accountability of the funds. From the County's perspective, there needs to be enough money for the Council of Community Services to sustain themselves. He feels that they are on the right track and have done what was asked of them. City Administrator Napier reiterated, what he believes he understands, is that the County has agreed to reimburse the Council of Community Services for costs they have incurred to work on their facilities of a not to exceed amount of \$16,500 and pay bills on the Council of Community Services' behalf. Council questioned the unrestricted \$43,000 in the money market funds and the \$85,457 in Certificates of Deposit that the Council of Community Services is reporting and why this money isn't being used to assist with their costs, and if the Council of Community Services is not going to build another building, why not use the \$25,443 in building/capital funds towards maintenance. Ms. Bungard stated that the Money Market funds are pledged to a certain program, along with other things, and would not be available to pay payroll or use toward maintenance for a building. She added the building/capital funds are to be used exclusively for the store building and, therefore, restricted, per the donor's request. She then went over the average monthly expenses from June to December totaling \$205,000 and added that they are preparing to cash a Certificate of Deposit. The Council of Community Services has held on as long as possible to keep the doors open, but, she added, there is a need for an infusion of money. Council expressed their support for the Council of Community Services, however, Councilman McGrath stated that before he could support their request for additional funding, he wants to know the outcome of the audit that is currently being conducted. Councilman Barks asked, if the request for the additional funds is approved, where the money would come from. City Administrator Napier replied the funds would come from the One Percent Fund. Further discussion took place regarding the Council of Community Services' additional funding request. During the discussion, City Administrator Napier suggested that their request be amended as a "not to exceed number". Robert Palmer spoke to the Council and said, together, the City and County wrote a letter to the Council of Community Services and asked them to do specific things and get the management under control; they have done that. As far as the audit goes, to his knowledge, the auditors haven't found anything. City Administrator Napier suggested, at the very least, to an amount of not to exceed \$71,000, which would include the \$25,100. After the discussion, it moved by Councilman Kuntz and seconded by Councilman Montgomery to amend the request as a not to exceed dollar amount of \$71,000. Mayor Carter-King asked for discussion. City Administrator Napier asked, with this motion, is Council indicating that they would feel comfortable with the direction staff would give in terms of the reimbursement of bills that the Council of Community Services would submit without coming back to the Council. Council concurred and directed staff to review the balance of the requested amount. City Attorney Anderson clarified that the \$25,100 was advertised so the amendment is to add the additional money from some other source. Mr. Napier stated that the source wouldn't change; just the amount. City Attorney Anderson stated, the action before the Council is to take the \$25,100 that was part of the last budget amendment; the additional money was not in the budget amendment and was not advertised. Eventually, the Council will need to amend the budget again. Mr. Napier clarified that the source of the funding would be one percent dollars. After the discussion, roll was called on the motion with the following results. Council Members voting aye: Jerred, Kuntz, Montgomery, Barks,

Carsrud, and Mayor Carter-King. Voting nay: McGrath. The Presiding Officer declared the motion carried and the request to fund \$71,000 carries. Mayor Carter-King asked for discussion on the original motion that now reads \$71,000. There was none. Council Members voting aye: Carsrud, Jerred, Kuntz, Montgomery, Barks, and Mayor Carter-King. Voting nay: McGrath. The Presiding Officer declared the motion carried.

It was moved by Councilman McGrath and seconded by Councilman Carsrud to approve a funding request for the Boys & Girls Club in the amount of \$2,000. Mayor Carter-King asked for discussion. City Administrator Napier explained that the Boys & Girls Club has indicated that the effort to bring on an interim director during the time they were searching for a full time director would have an added cost, over and above, what is ordinarily paid for a director in an amount of \$4,000. The County has indicated that they would be willing to pay half of this cost. Mr. Napier feels comfortable with paying the remaining amount of \$2,000; these dollars would come from One Percent funds. After the explanation, roll was called on the motion with the following results. Council Members voting aye: Kuntz, McGrath, Montgomery, Barks, Carsrud, Jerred, and Mayor Carter-King. The Presiding Officer declared the motion carried.

It was moved by Councilman McGrath and seconded by Councilman Montgomery to approve the Council Goals for FY2016-2017. Mayor Carter-King asked for discussion. City Administrator Napier explained the request. After the explanation, roll was called on the motion with the following results. Council Members voting aye: McGrath, Montgomery, Barks, Carsrud, Jerred, Kuntz, and Mayor Carter-King. The Presiding Officer declared the motion carried.

Purchasing Policy Discussion

Finance Director Pitlick presented proposed changes to the City's Purchasing Policy. He explained the changes and the reasoning behind the changes. Some of the changes reflect when the City Administrator needs to review and approve purchases, and issuance and approvals for purchasing cards, as well as the impact on the cardholder if the policy is not followed. He added that there was verbiage changed/added regarding sole source purchases, bid processes, advertising for bids, and awarding contracts.

Spring Clean Up Discussion

City Administrator Napier began by stating that due to the decrease in revenues, and the need to tighten budget requests, staff is proposing that the Spring Clean-Up program be one of the programs that is removed this year. If Council does not agree with staff's proposal, then Council could consider a reduced version of the spring clean-up such as a "drive and drop" program. Public Works Director Wilde then presented information regarding costs and issues from past clean-up efforts from 2013 through 2015. Council expressed concerns of where the trash would end up if the program was removed. Council was informed that there is \$200,000 budgeted this year for the program. Discussions of labor costs and external costs, took place. Council expressed concerns that if the program is removed, will there be a nuisance abatement problem. City Administrator Napier spoke of declining revenues and the goal of keeping the operational expense curve below the declining revenue curve. Staff has several ideas to bring forth during the upcoming budget process to assist with this goal. He reminded Council of discussions he had with them during the Council

Retreat and reiterated that the challenge isn't bringing forth ideas, it's the ability to implement the ideas to see a reduction in expenses, and it comes at the sacrifice of programs, particularly, if jobs are to be saved. After further discussion, staff was directed to place this discussion on an upcoming agenda for further discussion.

System Development Charges

City Administrator Napier suggested this discussion be moved to the upcoming Pre-Meeting agenda. Council was in agreement.

Review March 15th Council Agenda

The group discussed the upcoming agenda items for March 15th. Council inquired of Item #4. Development Services Director Hamilton explained this is a project where \$182,000 is available. There were 3 bids submitted ranging from \$255,000 - \$282,000. The project will be rebid with a modified scope of work. Council inquired of Item #5. Mr. Hamilton reported that this item was just received. Two items have changed - the internal storage shed and the 3-yard dumpster enclosure. These will be bid as add alternates. The cost of the project is \$3,583,555. Council inquired of Items 7 & 8. Utilities Manager Peterson reported that both projects were under the engineer's estimates. Council inquired of Items 9 & 10 and if the construction management services could be done in-house. Utilities Director Glover stated he wouldn't recommend these services be done in-house. There are only two engineers in utilities and one of them is busy with the Madison project. Development Services Director added that his staff would not be able to assist as they will be busy with upcoming projects as well. Council asked for a list of projects where staff will be overseeing the construction management aspect, and the costs associated with those projects. City Administrator Napier indicated that staff will be analyzing the projects to see if there is current revenue, in the one percent fund, to fund these projects. While staff is in the process of bidding these projects to understand what the revenue requirements will be, the City may be limited as to what projects can be done. Utilities Project Manager Jensen updated the Council on Items 11 and 12 regarding the Madison Project. City Attorney Anderson explained Item #1 as a non-disclosure agreement between the electrical staff and Qwest. Utilities Director Glover added that a request was received from CenturyLink to view the City's maps on all its proprietary locations for fiber. This is an agreement stating that CenturyLink will not share the information that is shared with them. He then explained the agreement regarding Item #6, adding that the construction standards need to be merged with current engineering standards to ensure proper documentation and mapping on the locations of the underground communication utilities.

Executive Session

It was moved by Councilman Montgomery and seconded by Councilman McGrath to move into an Executive Session to discuss litigation. Roll was called on the motion with the following results. Council Members voting aye: Montgomery, Barks, Carsrud, Jerred, Kuntz, McGrath, and Mayor Carter-King. The Presiding Officer declared the motion carried and the Special Meeting adjourned at 8:57 p.m.

Mayor Louise Carter-King

(S E A L)

ATTEST:

Karlene Abelseth, City Clerk

Publication Date: March 16, 2015