

A Special Meeting of the City Council was held on Tuesday the 13th day of December 2016.

Present were Councilmen Barks, Carsrud, Jerred, Kuntz, McGrath, Montgomery, and Mayor Carter-King; Administrator Napier; Attorneys Anderson and Davidson; Directors Glover, Hamilton, Hloucal, Pitlick, and Wilde; Managers Palazzari and Davidsmeier; and City Clerk Abelseth.

Also present was Councilman Elect Lundvall.

Warm Up Items

Councilman Barks asked for an update on the number of recycling sign-ups. Administrator Napier reported 447 to date. He added that Western Waste Solutions has offered to begin the recycling pickup even though the 900 sign up minimum has not been met and will not require compensation from the City. If Council is in agreement, staff could prepare an amendment to the current agreement for Council's consideration. After general discussion, Council directed staff to prepare an amendment to the agreement for formal consideration during the December 20th Council meeting; Councilman Carsrud mentioned that a possible invitation for a City/County Basketball game challenge could be forthcoming; Councilman Kuntz acknowledged and thanked those involved with the photos with Santa event.

Action Item

ORDINANCE 3907

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF GILLETTE, WYOMING, TO ALLOW COMMERCIAL RECREATION AS A PERMITTED USE WITH THE CITY'S I-1, LIGHT INDUSTRIAL DISTRICT, SUBJECT TO ALL PLANNING REQUIREMENTS

Councilman Carsrud moved to approve the foregoing Ordinance on third and final reading; seconded by Councilman McGrath. All voted aye. The motion carried.

Integrated Test Center (ITC) Update

Jason Begger, Executive Director, Wyoming Infrastructure Authority, provided a presentation of the Integrated Test Center.

Yard Waste Ordinance Discussion

Administrator Napier stated that staff was able to get feedback from the community. There are a couple of options. If Council is interested, the item could be un-tabled for formal consideration. The other option is the idea that there are other ordinances that have abeyances such as the water restriction ordinance. If council wanted other alternatives to consider he feels that this concept could apply to the yard waste ordinance, as well. There is language that would temporarily lift the restrictions throughout the year, addressing the concerns of the public. General discussion ensued. Dave Allison addressed the Council. Councilman McGrath suggested that this topic be discussed at the Council Retreat.

Razor City Discount Liquors Update

Tom Simons, owner of Razor City Discount Liquors, informed the Council that the project is still progressing and the road is complete; Mr. Kon In is unavailable at this time, but as far as he knows, the project is still progressing. Mayor Carter-King asked if he has obtained a site plan or building plan. Mr. Simons replied he has not; he will know more when Mr. In returns. Mr. Simons reiterated that the road is complete and the project still progressing. Councilman Barks stated that a month or two ago he (Mr. Simons) had informed the City attorneys that Council was no longer to address him, that correspondence needed to go through Mr. Simons' attorney. Councilman Barks asked if that is correct. Mr. Simons denied that he had said that, and added, that's why he is at this meeting. Councilman Barks asked Attorney Anderson when the 16 months are up. Attorney Anderson replied that the 16-month period would be up in May or June. Councilman Barks stated that when Council voted on the liquor license issued to him, there was a very clear understanding, he feels, between Mr. Simons and the Council, that the building would be open for business within 16 months; that's the way the letter is written. Councilman Barks added that he doesn't see how a 3-4 million-dollar building could be built in a few months and, therefore, will be voting against the renewal. Councilman Carsrud asked if the City has approved the road. Mr. Napier stated that there is a process in which the work that Mr. Simons is speaking about would need to be brought forward for formal acceptance by the Council and would become a public road at that point. Director Hamilton reported that the City is not at the point of accepting the project. Staff is still waiting on tests regarding the street section that was put in, and there are concerns with street cross sections. Mayor

Carter-King asked why Mr. Simons would build the road without obtaining building permits to construct the building at the same time. Mr. Simons stated due to the weather, he needed to get the road in. Councilman Jerred asked why a site plan has not been obtained. Mr. Simons stated that he wasn't quite sure; he would need to get with Kon regarding the site plan as he is handling that portion. Mayor Carter-King asked if Mr. Simons realizes the difficulties that the Council is having with this. Mr. Simons stated that he understands the City's concerns. When this first began it was all a "go deal". The downturn in the economy caused bank issues, there have been Councilmen addressing banks stating that the license would not be renewed, which has given the banks concern. That is why he got a lawyer involved. Simons stated that he guesses it is up to the City whether this goes forward or not. Mayor Carter-King stated "Mr. Simons, you can't blame us." She added that there was a lot of debate on whether or not to issue this license to you, and we put a lot of faith into what you said. The reason licenses are issued is to bring revenue to the City. The license could be with someone else bringing in revenue. Mr. Simons stated that the license was with someone else, and he purchased the license. Councilman Jerred asked City Clerk Abelseth what the required amount of yearly alcohol purchases is for a license holder. City Clerk Abelseth stated that it is \$2,000 a year for a retail liquor license holder. Councilman Jerred asked Mr. Simons if he has purchased \$2,000 of alcohol. Mr. Simons stated that he has not. He added that he spoke with the State Liquor Division and they will not allow for the purchase of alcohol until the building is up. When he originally provided the 12 or 16 months, he was not aware that the State Statute provides 2-3 years to put the license into service as long as there is progression and a showing of good faith. Mayor Carter-King reiterated that Council was told that the building would be up in 12 – 16 months. He replied that he knows that, but with the downturn in the economy, banks get worried, and they had to come up with more money down. The City is going to do what it is going to do, but we are progressing. He has \$520,000 already into the project. He wouldn't have paved the street if he would have known that he wasn't going to get a building up. Mayor Carter-King stated that it seems if he was going to build a building, that a site plan would have been provided and a building permit pulled. Councilman Barks asked why Mr. Simons had signed an agreement, that clearly stated, that the building would be opened for business in 16 months. Mr. Simons stated, that is what we were trying to do. Councilman Barks asked if he admits that he did sign an agreement. Mr. Simons stated that he doesn't know if there is a signed agreement or a verbal agreement, but when he went before the Council, that is what he was trying to do. Councilman Barks stated that there is an agreement and that Mr. Simons did sign it. Mr. Simons replied "ok". Mayor Carter-King ended by saying that Mr. Simons does not have much information for Council. When you say the downturn in the economy, and all the excuses, it would have been nice if you would have kept the Council informed, rather than the City having to call you to get an update. Mr. Simons stated that he has met with Carter a few times during the process. Councilman Jerred commented that Mr. Simons had also met with the Council a few months ago and at that time stated that a site plan would be filed. Mr. Simons agreed and stated that he had completed the road in the meantime. Councilman McGrath asked when Kon would be back. Mr. Simons stated that he wasn't sure; he builds houses in Korea. Councilman McGrath stated then he may not be back by February. Mr. Simons replied that he would be back by then, he only works there a few weeks at a time; he will definitely be back before then. Mayor Carter-King asked, after Mr. Kon In returns, would that be the next update. Mr. Simons stated that he would get with the Council after the Holidays. Mayor Carter-King asked that Director Hamilton keep the Council informed of the road issues.

Madison Operational Update

Water Services Manager Monahan provided an update on the Water Department's operational procedures regarding the Madison.

Ordinance for New Utility Line Extensions Policy Discussion

Electrical Superintendent Wolf provided information for the proposed ordinance change regarding a new utility line extensions policy. General discussion ensued. After the discussion, it was decided to place the request on the December 20th agenda for formal consideration.

Review December 20th Agenda

The group reviewed the upcoming agenda items.

Adjournment

There being no further business to come before the Council, the meeting adjourned at 7:40 p.m. An audio recording of this meeting is available in the City Clerk's Office.

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ATTEST:
