

A meeting of the City Council was held on Tuesday, the 20th day of June 2017. The Invocation was led by Reverend Susan Reichenberg of First Presbyterian Church and the Pledge of Allegiance led by Councilman Barks.

Present were Councilmen Barks, Kuntz, Lundvall, McGrath, Montgomery, and Mayor Carter-King; City Administrator Napier; Attorneys Davidson and Reyes; Directors Boger, Cole, Hamilton, Pitlick, and Wilde; Lt. Wasson; Managers Palazzari and Davidsmeier; and Deputy City Clerk Staskiewicz.

Approval of General Agenda

Councilman Kuntz made a motion to approve the General Agenda; seconded by Councilman McGrath. All voted aye. The motion carried.

Approval of Consent Agenda

Minutes:

Executive Session, May 31, 2017; Executive Session, June 6, 2017; Pre-Meeting, June 6, 2017; Regular Meeting, June 6, 2017.

Bills and Claims

1st Class Realty, 28.78; Aaqua Tools, Inc, 678.34; Adecco Employment Services, 271.04; Air Tech Inc, 2,671.00; AlSCO, 1,116.74; Alyshia Vigil, 20.00; Am Signal Inc, 720.46; Andreanna Elbert, 50.00; Anixter Power Solutions, 175,250.34; Anna Martin, 75.00; Architectural Specialties LLC, 531.00; Armstrong, Matthew, 131.82; Ashley Wilson, 1,200.00; Associated Glass Inc, 678.48; Assure Co Risk Management & Regulator Compliance, 350.00; Auto Connect, 285.85; AYP Consulting LLC, 73.61; Bell Nob Golf Shop, 5,650.00; Bennett, Michael L, 145.56; Big Horn Tire Inc, 170.00; Black Cat Construction LLC, 2,990.00; Black Hawk Crane And Rigging Inc, 417.50; Black Hills Power & Light, 246,409.00; Black Hills Power & Light, 137,136.14; Black Hills Power & Light, 88,978.58; Black Hills Power & Light, 141,014.83; Black Hills Wyoming LLC 3,450.00; Black Hills Wyoming LLC, 159,152.42; Bland, Kara, 191.87; Blue Cross Blue Shield Of Wyoming, 68,944.08; Blue Cross Blue Shield Of Wyoming, 51,367.19; Blue Cross Blue Shield Of Wyoming, 54,260.23; Blue Cross Blue Shield Of Wyoming, 86,239.43; Boekhout, Robert, 138.89; Boothill Night Club, 28.69; Border States Electric, 19,570.00; Brady, Jerry, 134.20; Brenntag Pacifi Inc, 10,367.65; Brian Hartle, 300.00; Brian Mccolley, 32.31; Buffalo Federal Bank, 27,464.30; Bunn, Chrissy, 41.81; Calibration Technicians & Supply Inc, 95.56; California State Controller, 138.82; Campbell County Clerk Office, 34.00; Campbell County Engineers, 1,008.00; Campbell County Hospital District, 1, 841.50; Campbell County Senior Citizen Center, 862.50; Campbell County Sheriff, 5,200.00; Carolyn Matthews, 100.00; Carquest Auto Parts, 351.54; Catmull, Katrina, 135.23; Centurylink, 2,830.27; Charles Andrews, 100.00; Choice Advertising, 761.91; Christine Stegman, 250.00; Christofferson, Nick, 208.09; City Of Gillette, 6,122.38; City Of Gillette - Petty Cash, 119.00; Collins Communications Inc, 4,591.00; Concrete Conservation Inc, 40,000.00; Consolidated Engineers Inc, 10,723.45; Consolidated Water Solutions, 2,871.33; Cornerstone Lawn Services, LLC, 150.00; Craig Belecky, 300.00; Craig Furman, 50.00; Crnich, Belinda, 70.53; Crystal Ott, 100.00; Cummins Rocky Mountain Inc, 949.15; Dana Kepner Company Inc, 18,199.73; Daniel Kluver, 300.00; Dave Lueras, 8.97; Dave Paulekas, 53.00; Deborah Petitt, 250.00; Deca Wasson, 356.79; Design Construction LLC, 16,860.28; Donald Wulf Jr, 46.00; Dowl LLC, 4,731.75; DRM Inc, 253,177.90; Edge Construction Supply, 180.04; Edge Electric, Inc, 493.34; Edlund, Maxine, 189.01; Edwards, Renita, 183.01; Eischeid Investments LLC, 1,043.30; Eischeid Investments LLC, 441.70; Employment Testing Services Inc, 508.00; Empty Sea, 293.47; Eric Dearcorn, 71.45; Eric Weltmer, 300.00; Express Scripts Inc, 10,259.24; Express Scripts Inc, 23,156.21; Express Scripts Inc, 17,508.30; Farmer Brothers Company, 45.00; Fedex, 561.04; Ferguson Enterprises, Inc #1701, 1,337.50; First National Bank Of Gillette, 2,519.49; First Northern Bank Of Wyoming, 28,130.88; Flying Phoenix Interstate, 1,500.00; Frandson Safety Inc, 140.00; FRG-Gillette, LLC, 321.14; FRG-Gillette, LLC, 1,433.86; Gametime, 84,782.82; Gillette Contractors Supply Inc, 1,768.72; Govolution, LLC, 1, 409.80; Greg's Welding Corporation, 372.94; Haase, Jared, 42.62; Hack, Aj, 71.27; Harnish, Mariah, 170.80; Hawkins Inc, 7,558.62; HDR Inc - US Engineering Accounts Receivable, 33,375.50; Hillcrest Spring Water Inc, 162.00; Homax Oil, 27,539.66; Hot Iron, 247,178.70; Intermountain Record Center Inc, 655.44; ISKK, LLC, 268.39; Jack's Truck Center Inc, 1,666.08; Jason Marcus, 639.34; Jeffery Lewis, 352.00; Jeremy Dowdy, 26.25; Jerry Fitzner, 183.21; Jessie Lile, 39.64; Jim Hloucal, 29.95; Karen's Delivery Service, 11.00; Kendall Wigger, 300.00; Kimbley, James, 54.90; Kois Brothers Equipment Company, 613.96; Koudelka, Daniel, 521.50; Kristian Cruz Jimenez, 141.40; Kriz-Davis Company, 4,506.96; Ladonna Hatch, 295.00; Land Surveying Incorporated, 1,850.00; Legend Communications Of Wyoming, 3,379.26; Long Building Technologies, 3,880.00; Louise Carter King, 23.73; Major Metal Service LLC, 109.20; Manders, Jonathan, 110.46; Mark Wernsmann, 300.00; Mckinney, Tasa & Jason, 103.25; MCM General

Contractors, 75,508.61; Mcneilus Truck & Manufacturing, 95.78; Midland Implement Co Inc, 189.90; Morrison Maierle Inc, 37,176.89; Mountain States Pipe & Supply, 1,703.44; N E W Therapeutic Solutions, 204.10; Nation, Christina, 532.43; Neve's Uniform Inc, 1,016.89; New Life Wesleyan, 360.47; Norco Inc, 5,147.87; Olson, Joleen, 150.45; PCA Engineering Inc, 44,834.68; Peak Mountain Inc, 166.17; Peak Mountain Inc, 238.83; Pete Lien & Sons Inc, 400.50; PF Pettibone & Company, 279.90; Phillips, Jack, 174.36; Pinkerton Consulting & Investigation, 1,111.35; Pizza Carrello, 456.63; Pizza Carrello, 1,073.37; Pokeys BBQ, 241.24; Pokeys BBQ, 523.76; Postal Pros Southwest Inc, 3,385.85; Powder River Construction, 31,547.15; Powder River Energy Corporation, 1,029.52; Powder River Heating & Conditioning Corporation, 657.00; Powder River Shredders LLC, 110.00; Price, Sarah, 83.40; Pridgeon, Amy, 39.38; Prime Rib Restaurant, 299.91; Prime Rib Restaurant, 1,005.09; Prime Rib Restaurant, 180.00; Proelectric Inc, 68,344.34; Ramirez, Alfredo, 52.54; Razor City Rental, 22.33; Riley Larkins, 610.00; Rivera, Amy, 20.20; Roberta Thwreatt, 504.00; Robin Kuntz, 14.98; Rocky Mountain Business Equipment LLC, 1,786.76; Rodgers, John & Myrna, 341.61; Rodriguez, Dominic, 113.01; Roger Boschee, 500.00; Romano-Smith, Mary, 127.11; Russell, Andrea, 162.76; Ryan Mahylis, 108.24; Ryley Constable, 100.00; S & S Builders, 22,894.90; Sapporo Wy Inc, 108.94; Sapporo Wy Inc, 566.06; Scott Tousignant, 500.00; Shaun Hannigan, 137.68; Signboss LLC, 3,973.18; Simon Contractors, 22,675.43; Slocum, Jerri, 89.47; Source Office Products, 1,552.39; Southern Computer Warehouse, 520.22; Steve Wagemen, 90.75; Stotz Equipment, 10,261.69; Stuart C Irby Co, 926.08; Sundance Equipment Company, 452.03; Sundance Lounge, 100.00; Sundance Lounge, 200.00; Taco John's & Good Times - Gillette, 20,430.00; Taylor Management LLC, 296.38; Taylor Management LLC, 738.62; Team Laboratory Chemical Corporation, 133.00; Temperature Technology, Inc, 609.44; That Embroidery Place, 443.00; The Range, 541.20; Tim Carsrud, 21.50; Titan Machinery Inc, 385,489.30; Torres, Adrian, 99.32; Total Administration Services Corp., 536.31; Traf O Teria System, 260.17; Traffic Signal Controls Inc, 3,790.00; Transource Services Corp, 534.60; Trinidad, Gildred, 81.05; Tromble, Chance, 80.62; Trugreen Chemlawn, 5,529.15; TW Enterprises Inc, 2,581.10; Two M Company Inc, 117.50; Tyler Technologies Inc, 150.00; UMB Bank, 72,525.60; United Central Industrial Supply Co, 183.75; Valcom Salt Lake, LC, 4,335.00; Van Ewing Construction, 77,610.78; Verizon Wireless, 2,282.52; Visionary Communications, 969.14; Waste Connections, Inc., 37,394.91; Wausau Equipment Company Inc, 4,255.63; WCDA, 27.36; Wesco Receivables Corp, 18,769.15; Western Services LLC, 10,000.00; Western Stationers, 2,913.79; Western Waste Solutions Inc, 4,175.00; Wilder Metal Art & Fabrication, 367.45; Wireless Advance Communication, 111.50; Wyodak Resources Development Corp, 188,840.40; Wyodak Resources Development Corp, 34,764.57; Wyoming Dept Of Transportation, 12,451.79; Wyoming Machinery Co, 1,092.40; Wyoming Marine, 89.96; Wyoming State Revenue And Tax, 89,343.01; Xerox Corporation, 59.97

Other – Consent

Approval to write off bad debt on uncollectible accounts receivable accounts in the amount of \$3,016.93.

Councilman Montgomery made a motion to approve the Consent Agenda; seconded by Councilman Barks. All voted aye. The motion carried.

Approval of Conflict Claims

Councilman Barks made a motion to approve a conflict claim for Mayor Carter-King in the amount of \$23.73; seconded by Councilman Kuntz. Montgomery, Barks, Lundvall, McGrath and Kuntz voted aye. Mayor Carter-King verbally abstained. The motion carried.

Councilman McGrath made a motion to approve a conflict claim for Council Member Carsrud in the amount of \$21.50; seconded by Councilman Kuntz. Montgomery, Barks, Lundvall, McGrath, Kuntz and Mayor Carter-King voted aye. The motion carried.

Councilman Barks made a motion to approve a conflict claim for Council Member Kuntz in the amount of \$14.98; seconded by Councilman McGrath. Montgomery, Barks, Lundvall, McGrath, and Mayor Carter-King voted aye. Council Member Kuntz abstained. The motion carried.

Comments

Council – Councilman Montgomery invited the community to attend the Donkey Creek Festival on June 23rd & June 24th.

Written – Deputy Clerk Staskiewicz reported the receipt of two (2) written comments, one regarding the impact of not allowing retail liquor licenses for use as collateral, and one from a limited liquor license club requesting to allow minors accompanied by an adult in their dining room for benefit meals and events.

Public – Citizen Mark Junek expressed concerns regarding a parking enforcement issue.

Other – The Mayor and Council recognized Doug Ninas as the 2017 1st Quarter P.R.I.D.E. Award Recipient.

Unfinished Business
Ordinance 2nd Reading

ORDINANCE 17-15

AN ORDINANCE AMENDING SECTION 2-2(A) AND 2-2(E) OF THE GILLETTE CITY CODE TO ESTABLISH THE ASSISTANT CITY ATTORNEY AS AN EMPLOYEE OF THE CITY ATTORNEY AND TO ESTABLISH DUTIES OF THE SAME.

Councilman Barks made a motion to approve the foregoing Ordinance on second reading; seconded by Councilman McGrath. All voted aye. The motion carried.

Ordinance 3rd Reading

ORDINANCE 3926

AN ORDINANCE TO RECODIFY AND GENERALLY REVISE CHAPTER 3 OF THE GILLETTE CITY CODE TO REVISE THE LICENSING AND REGULATION OF ALCOHOLIC BEVERAGES

Councilman Barks made a motion to approve the foregoing Ordinance on third and final reading; seconded by Councilman Montgomery. *Councilman McGrath made a motion to amend the ordinance by striking 3-16 (1) Prohibitions on Certain Persons from Holding a Liquor License. (1) "The Mayor, member of the City Council or County Commissioner for Campbell County, Wyoming".* There was no second for the motion. John Cosner, President of 1st National Bank, requested an amendment to allow liquor licenses to be held as security for financial institutions, which would enable the commerce of a liquor license to be transferred to another holder to continue their operation, if the operation were to fail and the bank were to take it over. Mayor Carter-King explained that the ordinance does not prevent a bank or a lender from using the license as collateral. Attorney Davidson explained that the fundamental issue is that the license holder is not the owner of the license, therefore, any transfer of that license would require action by the Council. As proposed under the ordinance, banks would be free to lend with the license as collateral, but they do so at their own risk because they are lending money on something that is not owned by the individual to whom they are lending. In the event of a license renewal or transfer, it would be required that the bank come to Council for action, which is not inconsistent with the way Council has dealt with these issues in the past. It must be made clear that this is not an automatic opportunity for a lender to assume the license without Council action. Liquor licenses belong to the governing body and the Council has free reign to set conditions on those licenses, and one of those conditions would be that Council has no obligation to renew or transfer the license. Mr. Cosner stated that the preferential treatment that had occurred in the past for a failed liquor store or retail business, which allowed the transfer of the license from the business owner to the lending institution, would now require the lending institution to seek Council action to transfer the license to the existing lender. Attorney Davidson clarified that lending institutions have always had to seek Council action under Wyoming law. The preferential right did exist in Wyoming Statute, that preferential right has never been challenged in front of the Wyoming Supreme Court and has always been interpreted to mean, in the most general sense, that someone in the chain of title or a lender would have some ability to step in based on their financing agreements and take a position. The legislature has granted the ability for the Council to exercise their power over the licenses that appear before them. This does not prohibit banks from lending on it or from coming forward to ask for the license to be put in their name for the purposes of liquidation or the packaging of the sale of the asset, but it does require Council action. In the past, the City has been in the position where they have had to deal with a borrower and a lender who were at odds with each other as to the nature and the extent of who had the ability to renew the license and who was the current owner of the license, which put the City in the awkward position of trying to determine what to do with their license. It is the roll of the court system, not the roll of the Council and not the roll of the City Clerk, to determine where that license should go. Mr. Cosner argued that if the liquor license is returned to the City, the building no longer has a liquor license without going through the same process that was recently experienced with Wal-Mart attempting to obtain a license through a transfer process. The lender would now have a building with no liquor license. Mayor Carter-King stated that she believed the intent of the Council would be to keep the liquor license with the building as a package deal, as had occurred in the past with the Attitudes' building. City Attorney Davidson agreed that one issue is that it is not always a local bank as the lender, it could be a private venture group that is not associated with the City of Gillette, it could be a loan that was purchased by a third party, there are other solutions other than allowing the bank to come in and potentially have access to that license. It is Council's authority to determine who gets the licenses and it doesn't matter if there is a separate agreement between a borrower and a lender where they determine amongst themselves what to do with the license, the license is held by the City and the City has the right to determine where that license goes. Mr. Cosner stated that lenders will not be comfortable with the knowledge that a liquor license can be pulled from the establishment. There has been a value established for the property by the marketplace that includes the value of the license; the building and the license are integrated. Mayor Carter-King commented that the Council does not set that price, it is all on the risk of the lender. Mr. Cosner stated that the marketplace

establishes the price because there are a limited number of licenses available. Mayor Carter-King commented that in 2020 when the census is completed, or, as the legislature did this year and just wiped away most of the existing liquor laws, it could be determined that retail licenses are unlimited or Gillette could be granted more retail licenses. Because there is no guarantee that retail liquor licenses will always remain limited, Council cannot attach a value to the license once it is assigned. Mr. Cosner stated that he is not as concerned about the value of the license alone, he is concerned about the combination of the building and the license, which determines the value of the property, without having some preferential treatment for the license and building combination. Attorney Davidson stated that the words "without the approval of Council" could be added to §3-17 Pledging or Hypothecating a Retail Liquor License as Collateral.

(b) Liquor licenses are not assignable, therefore, the Council will not renew or transfer a retail liquor license to any person or entity asserting an interest in any license by virtue of a security interest, lease, or other financial obligation "**without the approval of Council**". The added wording would slightly soften the point from a lender's prospective, but still clearly identifies that it is within the Council's control as to whether the license is issued. Mayor Carter-King commented that a lender could approach Council to request that the license be marketed with the building. She recalled that when Attitudes was sold, the lender was granted 90 days to sell the building and the license before action would have been taken to take the license; they successfully completed the transaction in the allotted time frame. Councilman Barks asked if the added wording could be interpreted that the banks couldn't even make the loan initially. Attorney Davidson stated that it would not be interpreted that the bank is not willingly able to lend for whatever they feel is appropriate under the circumstances, it has no impact on their ability, it simply has an impact on the ability for them to assert absolute control over the license without Council's consideration. Todd Hoese, co-owner of Good Times Liquors & Lounge, asked Council to seek to find central ground that would work for both the City and for retail liquor license holders that would allow a bank to take a lien position. Mr. Hoese asked if the City would consider allowing a lender 90 days, or more appropriately, 6 months, for a transitional period, where the liquor license is not in use, giving a lender time to find a buyer for a failed retail liquor business, before the City takes the license. Mayor Carter-King stated that the bank can come to Council to state their intent and negotiate an extension of time before the liquor license is returned to the City. Mr. Hoese's concern is if the bankruptcy occurs in December, there is no window of time before the renewal period is upon them and the license reverts to the City with no time for a transfer of the license. *Councilman Kuntz made a motion to make an amendment to state that in the event of a business failure, the bank or financial institution be allowed one (1) year to sell it as a package deal.* There was no second on the motion. Councilman Barks asked if the request is for a "grace period" in which the City would not re-issue the license. Councilman Kuntz stated that he would like to allow them time to sell the business as a package deal. Councilman Barks partially agreed, but felt that a year was too long, he would agree to not re-commit the license for a 90-day period. Mayor Carter-King appreciated that Councilman Kuntz was trying to come up with a compromise, but she felt that Council was afforded the obligation from the State to award the licenses. When a license is awarded, it is not awarded to the lender, it is awarded to the entity applying for the license. The City has no control of who the lender is and the City could lose control over the liquor license, which was not the intent of the State. Attorney Davidson stated that going back to the basic premise that this is not an item that is owned or can be borrowed upon or transferred, the proposed ordinance is very clear that a license will not be allowed to be parked, specifically, the State Legislature mandated that licenses will not be parked for more than a year without further action. Amending the ordinance still puts City Staff in the position of trying to determine who should be the one that holds the license, files for the renewal, and would engage in the purchase of beverages from the State. All transfers still must have the State's approval and there is a "black out" period during the renewal process where transfers cannot take place. There would be an issue if the designated "grace period" falls within that "black out" period, the license would automatically revert to the City. The extension of the "grace period" does not alleviate the fundamental concern that there are too many variables that need to be addressed on a case by case basis by the Council. Ken Barkey, owner of Prime Rib Restaurant, stated that no lender would be willing to make a loan without a security in the liquor license. Mr. Barkey questioned what would happen with existing loans with liquor licenses as security; he suggested including wording that a grace period would be offered as long it was approved by the Council. Mr. Barkey feels that it is not realistic for a buyer to be able to purchase a business and the liquor license up front without the help of financing. Mayor Carter-King asked how the licenses were view before the State changed the statute. Attorney Davidson advised that the matter has been before Council 4 times in the last 15 years. In one instance, the Council took the license back, there was a private lender involved in the transaction. Recent bills that did not pass the legislature would have devalued the liquor license completely, that is the risk that lenders take. With the legislature that was passed, the licenses do retain some sort of value and lenders can go before Council to request an extension of time. Councilman Barks clarified that if the bank currently has a loan secured with the liquor license, the liquor license cannot be transferred without the approval of Council. Mayor Carter-King asked how the process would have played out a year ago if a business defaulted on a loan with a

liquor license as security. Attorney Davidson stated that it would depend on the internal documents of the loan. The bank would request a transfer of the liquor license utilizing the loan documents, financing agreement, collateralization agreement, etc., to request that the City transfer the license to the bank. The City Clerk, along with Council, would have to determine if the documents were appropriate without a court order. Generally, the holder of the license would sign a letter that would relinquish the license to the lender. The issue is when there are competing interests in the license and City Council is asked to determine who should be the victor. Council should not be put in the position to have to make that decision. The legislative language removed the preferential right of the license, specifically preferential right of renewal. Councilman Barks made a motion *that a 90-day commitment would be allowed to the bank in which the liquor license would not be re-assigned*. There was no second on the motion. Mr. Cosner commented that 90 days was not a reasonable time frame to negotiate a transaction in keeping the building and the license together, the preferential right would give the bank time; one (1) year would be reasonable. Mayor Carter-King stated that it would be better for Council to not commit to a specific time frame of 90 days or six months, it would be better for the bank to come to Council and negotiate the time needed rather than be locked into a specific period. Luke Wilkins, President of Security State Bank, stated that the value of the real estate would decrease if the liquor license did not remain with the property. He proposed that the ordinance include a provision for banks to apply for the license to liquidate the property. Mayor Carter-King clarified that Mr. Wilkins suggestion would be that if a business went under, the bank would apply for the liquor license and ask Council to issue the license to the bank. Mr. Wilkins stated that would be the only way they could liquidate the inventory. Attorney Davidson stated that the concern would be that if the bank is the holder of the liquor license the bank would have the right to purchase and sell liquor. Attorney Davidson informed Council that any amendment “on the fly” is going to require substantial consideration and re-wording to get it right; in the extent that a whole new methodology of how the ordinance should be worded is being suggested, considerable thought and discussion would be required. Councilman Barks commented that it would not be the intent of Council to award a liquor license to a bank so that they could sell liquor. Mayor Carter-King inquired about tabling the ordinance. Attorney Davidson stated that the ordinance must be approved before the end of June prior to the lapsing of Wyoming’s liquor laws, and in effect by July 1st; this is the final reading of the ordinance. Councilman Kuntz commented that the ordinance could be passed and placed into effect by July 1st and then discussed and amended in the future. Councilman Barks *made a motion that the amendment suggested by Attorney Davidson adding the words “without the approval of council” to 3-17(b) be made*. Attorney Davidson restated the amendment, “Liquor licenses are not assignable, therefore, the Council will not renew or transfer a retail liquor license to any person or entity asserting an interest in any license by virtue of a security interest, lease, or other financial obligation **without the approval of Council.**” Seconded by Councilman Kuntz. Mr. Wilkins clarified that it was not his intent to have the bank sell alcohol, he was just looking for game rules. Mayor Carter-King stated that all the affected parties would be invited to attend a work session to re-address the issues with the ordinance. Barks, Lundvall, McGrath, and Mayor Carter-King voted aye. Montgomery and Kuntz voted nay. The motion for the amendment carried. Todd Hoese asked Council to remove the word “only” from 3-24(a)(6)(A) “Persons under the age of twenty-one (21) years may enter or remain in the licensed building only when accompanied by his parent or guardian who is at least twenty-one (21) years of age and the licensed building is for the sale of alcoholic or malt beverages for **only** off-premises consumption and separate from any licensed building for on-premises consumption. Mr. Hoese explained the wine tastings at Good Times as allowing customers to try a small sample of a half an ounce to an ounce to market a product. Mr. Hoese would like to propose the addition of “if the licensee is offering a tasting or other sampling event, this should be only done in an area that is separated and clearly marked that persons under the age of 21 are not allowed to be in the area”. He proposed roping off an area for the tasting event and not allowing minors in the area. Mayor Carter-King clarified that Councilman McGrath made a motion to amend the ordinance at the June 13th Work Session to insert the word “only”. Councilman McGrath explained that he didn’t feel that small children should be standing around during a wine tasting, with the understanding that one taste could lead to another, etc., and a small child would be getting in a vehicle with an impaired driver. Councilman McGrath stated that he was okay with the proposal of roping off the area and not allowing minors in the area. *Councilman McGrath made a motion to remove the word “only” and add verbiage to not allow minors around the wine tasting*. Attorney Davidson advised Council that this was, again, not something that he felt should be changed on the fly without more discussion and thought. *Councilman McGrath amended his motion to remove the word “only” [off-premises consumption] from 3-24(a)(6)(A)*; seconded by Councilman Barks. All voted aye. The motion carried. All voted aye on the original motion as amended for the 3rd and final reading of the ordinance.

New Business – Minute Action

Councilman Barks made a motion to approve a street closure for July 4th, from 7:00 a.m. to 8:00 p.m. on the Third Street Plaza, and on Gillette Avenue between 2nd Street and 4th Street, and on 3rd Street, West

to the Alley, from 1:30 p.m. to 8:00 p.m., for a 4th of July Car Show, requested by Kelly Stone of Sunrise Wellness & Recovery; seconded by Councilman Lundvall. All voted aye. The motion carried.

Councilman McGrath made a motion to approve a malt beverage permit for the Gillette Main Street Brewfest 2017 on July 22nd from 4:00 p.m. to 8:00 p.m. that will encompass the 3rd Street Plaza, the intersection of Gillette Avenue and 3rd Street west to the alley, as well as the parking lot between Gillette Brewing Company and Kendrick Avenue, requested by the Gillette Main Street Committee; seconded by Councilman Barks. Councilman Montgomery asked how underage drinking would be controlled. Laura Bourne, Vice President of the Gillette Main Street Committee and Co-Chair of the Brewfest, stated that they will utilize the same prevention as in the previous 3 years, wrist bands, servers will be TIPS trained, and IDs will be scanned to ensure that there is no underage drinking. All voted aye. The motion carried.

Councilman Montgomery made a motion to approve a street closure for August 19th, from 6:00 a.m. to midnight on Gillette Avenue from 1st Street to 5th Street, including the Third Street Plaza, for Eclipse Festival 2017, requested by the Gillette Main Street Committee; seconded by Councilman Barks. All voted aye. The motion carried.

Councilman Montgomery made a motion to approve an open container permit for August 19th, from 3:00 p.m. to midnight on Gillette Avenue from 1st Street to 5th Street, including the Third Street Plaza, for Eclipse Festival 2017, requested by the Gillette Main Street Committee; seconded by Councilman Barks. Councilman Montgomery asked how underage drinking would be controlled. Laura Bourne, Vice President of the Gillette Main Street Committee and Co-Chair of the Brewfest stated that they will utilize the same prevention as previously identified, and added that one of their co-executive directors has been certified to be a TIPS trainer. All voted aye. The motion carried.

Councilman McGrath made a motion to authorize the Mayor to sign an agreement between Campbell County Health and the City of Gillette to provide telecommunication services for a new fiber connection between Campbell County Health (Hospital) and City of Gillette Fiber Vault #10 (FV10); seconded by Councilman Montgomery. Administrator Napier provided a brief explanation regarding the consideration. All voted aye. The motion carried.

RESOLUTION 2621

A RESOLUTION TO REPEAL RESOLUTION 2327 CONCERNING PROVIDING WATER TO GILLETTE REGIONAL WATER SUPPLY SYSTEM CUSTOMERS

Councilman Barks made a motion to approve the foregoing Resolution; seconded by Councilman McGrath. Administrator Napier provided a brief explanation regarding the consideration. All voted aye. The motion carried.

Councilman Barks made a motion to accept public improvements for the Gillette Madison Pipeline Project, Contract 5, installed by Record Steel and Construction, Inc., (RSCI) in the amount of \$7,827,417; seconded by Councilman McGrath. All voted aye. The motion carried.

Councilman Lundvall made a motion to approve the sale of the Meadow Hills substation transformer to T&R Electric Supply Co., Inc., in the amount of \$20,000; seconded by Councilman Barks. All voted aye. The motion carried.

Councilman McGrath made a motion to approve a bid award for the annual miscellaneous electrical service drops to ProElectric, Inc., of Gillette, Wyoming; seconded by Councilman Kuntz. All voted aye. The motion carried.

RESOLUTION 2622

A RESOLUTION APPROVING AND AUTHORIZING THE FINAL PLAT FOR THE RESUBDIVISION OF LOT 2 AND LOT 3, TRACT A, BUNDY ADDITION; LOT 12, BLOCK 4, AND THE EAST 60.5 FEET OF LOT 1, BLOCK 5, NORTHSIDE ADDITION; TO THE CITY OF GILLETTE, WYOMING, SUBJECT TO ALL PLANNING REQUIREMENTS

Councilman Barks made a motion to approve the foregoing Resolution; seconded by Councilman McGrath. All voted aye. The motion carried.

RESOLUTION 2623

A RESOLUTION PROVIDING FOR THE REPEAL OF RESOLUTION NO. 2580 WHICH APPROVED THE FINAL PLAT FOR LOTS 1 AND 2, BETCHER SUBDIVISION TO THE CITY OF GILLETTE, WYOMING

Councilman Barks made a motion to approve the foregoing Resolution; seconded by Councilman Montgomery. All voted aye. The motion carried.

RESOLUTION 2624

A RESOLUTION APPROVING AND AUTHORIZING THE FINAL PLAT FOR THE RESUBDIVISION OF TRACT C, MOON SHADOW NO. 2 SUBDIVISION, FIRST FILING; AND A PORTION OF NE ¼ SW ¼, AND NW ¼ OF SECTION 2, T49N, R72W OF THE SIXTH P.M. TO THE CITY OF GILLETTE, WYOMING, SUBJECT TO ALL PLANNING REQUIREMENTS

Councilman Barks made a motion to approve the foregoing Resolution; seconded by Councilman Montgomery. All voted aye. The motion carried.

Councilman McGrath made a motion to approve the acceptance of public improvements for the Gillette College Student Housing Phase II project, installed by Van Ewing Construction, Inc., in the amount of \$10,701,155.30; seconded by Councilman Montgomery. All voted aye. The motion carried.

Councilman Montgomery made a motion to approve a bid award for the base bid and alternate 1 for the Parks maintenance facility parking and shelter (old Fire Station #3) to Van Ewing Construction, Inc., in the amount of \$260,060.43 (1% project); seconded by Councilman Lundvall. Administrator Napier provided an explanation regarding the consideration. Councilman McGrath verified that this does not include any work to the building. Administrator Napier stated this is only for surface work relating to the parking lot and the sidewalk that would access the new Park pavilion. Montgomery, Lundvall, McGrath, Kuntz, and Mayor Carter-King vote aye; Councilman Barks left the room temporarily with no vote. The motion carried.

Ordinance 1st Reading

ORDINANCE 17-18

AN ORDINANCE TO AMEND SECTION 11-25 OF THE GILLETTE CITY CODE TO INCREASE THE OVERTIME PARKING FINES FOR THE CITY OF GILLETTE

Councilman Lundvall made a motion to approve the foregoing Ordinance on first reading; seconded by Councilman Montgomery. Trevers Chapman, owner of Rapsallions Barber Shop, expressed concerns that the parking fine increase would have a negative effect on business, and he asked Council to reconsider the rate increase. Mayor Carter-King advised that this is the first reading of the ordinance and expressed appreciation for the comments; she would like input from the Gillette Main Street Committee before the next reading of the ordinance. Montgomery, Barks, Lundvall, McGrath, and Mayor Carter-King voted aye. Kuntz voted nay. The motion carried.

Appointments

Council President Barks made a motion to appoint the following Citizen Advisory Board Members (all terms are full 3-year terms expiring in June 2020 unless otherwise noted): Personnel Review Board - Ann Neary and Terri Lesley; Mayor's Art Council - Dan Morton, Mitchell Benson, Mary Ellen Young, Stacey Moeller, and Mark Paxton; Campbell County Joint Powers Fire Board - Cory Bryngelson; Parks & Beautification Board - Matt Stroot and Pam Boger; Regional Water Panel Joint Powers Board - Duane Evenson; Planning Commission - Ted Jerred (full term expires 2020), Trevor Matson (partial term expires 2019), Jennifer Tuomela (partial term expires 2018), and Sheryl Martin (partial term expires 2018); Community Juvenile Services Board - Councilman Kevin McGrath and Police Chief Jim Hloucal; Finance Committee - Cliff Kirk; seconded by Councilman Kuntz. Montgomery, Barks, Lundvall, Kuntz, and Mayor Carter-King voted aye. Councilman McGrath abstained. The motion carried.

Public Hearings and Considerations

Mayor Carter-King opened into a public hearing to consider amendments to the Gillette City Budget for FY2016-2017. Administrator Napier provided a brief explanation regarding the consideration. The public hearing was closed.

RESOLUTION 2625

A RESOLUTION AMENDING THE GILLETTE CITY BUDGET FOR THE 2016-17 FISCAL YEAR PURSUANT TO W.S. 16-4-113.

Councilman McGrath made a motion to approve the foregoing Resolution; seconded by Councilman Barks. Council President Barks made a motion to approve the amendment to the Fiscal Year 2016-17 Budget as presented and as advertised in the News Record; seconded by Councilman Kuntz. Administrator Napier provided a brief explanation that the amendment to the amended Resolution included \$5, 000 from the lottery funds for the Eclipse activities, as discussed at the June 13th Special Meeting. All voted aye on the amendment. The motion carried. All voted aye on the original motion as amended.

Mayor Carter-King opened into a public hearing to consider the Gillette City Budget for FY2017-2018. No comments were made. The public hearing was closed.

ORDINANCE 3927

AN ORDINANCE PROVIDING FOR THE ANNUAL APPROPRIATION OF MONEY FOR THE MAINTENANCE OF THE CITY OF GILLETTE, WYOMING FOR THE COMING FISCAL YEAR
Councilman Kuntz made a motion to approve the foregoing Ordinance on 3rd and final reading; seconded by Councilman McGrath. All voted aye. The motion carried.

Mayor Carter-King opened into a public hearing to consider a request by Big Lost Meadery, LLC, d.b.a. Big Lost Meadery (Microbrewery Permit MB-02 and Winery Satellite WSP-01) to allow for persons under the age of twenty-one (21) years to remain in their licensed building until 2:00 a.m. No comments were made. The public hearing was closed.

Councilman Barks made a motion to approve a request by Big Lost Meadery, LLC, d.b.a. Big Lost Meadery (Microbrewery Permit MB-02 and Winery Satellite WSP-01) to allow for persons under the age of twenty-one (21) years to remain in their licensed building until 2:00 a.m.; seconded by Councilman Montgomery. All voted aye. The motion carried.

Adjournment

Mayor Carter-King expressed her thanks to City Administrator Napier for the legacy he has left with the City of Gillette and wished him luck. Mr. Napier expressed his thanks to the Council for allowing him to work at the City. There being no further business, the meeting was adjourned at 9:04 p.m. The next scheduled meeting will be held on July 5, 2017, Council Chambers, City Hall.

This meeting can be viewed in its entirety at <http://www.gillettewy.gov/CityCouncilVideos.html>. Minutes can be viewed at <http://www.gillettewy.gov/CityCouncilMinutes.html>.

(S E A L)

ATTEST:

Cindy Staskiewicz, Deputy City Clerk
Publication Date: June 28, 2017

Louise Carter-King, Mayor