

A meeting of the City Council was held on Tuesday the 19th day of September 2017. The Invocation was led by Pastor Bill Morel of Family Life Church and the National Anthem was sung by the Gillette College Energy City Voices.

Present were Councilmen Barks, Carsrud, Kuntz, Lundvall, McGrath, Montgomery, and Mayor Carter-King; Interim Administrator Davidson; Interim Attorney Reyes; Directors Aguirre, Cole, and Wilde; Interim Directors VonEye and Henderson; Lt. Wasson; Managers Palazzari and Davidsmeier; and City Clerk Abelseth.

Approval of General Agenda

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

Approval of Consent Agenda

Minutes:

Work Session – August 8, 2017; Work Session – August 29, 2017; Pre-Meeting – September 5, 2017; Regular Meeting – September 5, 2017.

Ordinance 3rd Reading

ORDINANCE 3935

AN ORDINANCE TO AMEND ORDINANCE NO. 3528, P.U.D. PLAT OF THE RC RANCH BUSINESS PARK I TO THE CITY OF GILLETTE AND TO AMEND ORDINANCE NO. 3880, A RESUBDIVISION OF LOT 6 AND TRACT A. TO RESUBDIVIDE LOT 7 AND TRACT A1

Bills and Claims

1st Class Realty, 25.15; Absolute Auto, LLC, 7,200.00; Adecco Employment Services, 474.32; Advance Auto Parts, 235.82; Advanced Wear Coatings Inc, 403.76; Airgas Intermountain, 1,306.96; Alan Stuber, 250.00; Alsco, 1,221.33; American Welding & Gas Inc, 28.31; Amy Haas, 75.00; Anderson, Roger, 91.40; Andrew Lucus, 250.00; Anixter Power Solutions, 29,881.57; Architectural Specialties LLC, 353.44; Arrow Printing And Graphics Inc, 77.10; Assure Co Risk Management & Regulator Compliance, 350.00; Austin Baumberger, 100.00; Avp Consulting LLC, 107.01; Baker Hughes, A GE Company, LLC, 447.05; Baker, Branden, 97.00; Barker, Lance Allyn, 10.44; Benjamin Squires, 250.00; Billings Gazette, 1,766.25; Black Cat Construction LLC, 11,531.00; Black Hills Power & Light, 5,289.60; Black Hills Power & Light, 94,858.45; Black Hills Wyoming LLC, 292,184.29; Blakesley, James, 201.96; Blue Cross Blue Shield Of Wyoming, 57,964.10; Blue Cross Blue Shield Of Wyoming, 48,367.49; Blue Cross Blue Shield Of Wyoming, 96,256.33; Border States Electric, 3,136.60; Braun, Penny, 201.97; Breanna's Bakery, 88.00; Brent Wasson, 200.00; Brian Roesner, 250.00; Bruce Engineering, 265.99; Campbell County Coordinated Benefits Trust, 934.50; Campbell County Coordinated Benefits Trust, 123.75; Campbell County Hospital District, 450.00; Campbell County Joint Powers Fire Board, 279,373.50; Campbell County Joint Powers Fire Board, 442,154.00; Celaya, Mike, 145.01; Choice Advertising, 1,191.07; City Of Gillette - Petty Cash, 315.50; Clyde, Nephi Hal, 87.11; Collins Communications Inc, 4,724.33; Consolidated Engineers Inc, 19,918.80; Consolidated Water Solutions, 2,862.53; Core & Main, 888.00; Cornerstone Lawn Services, LLC 100.00; Cps Distributors, 1,542.00; Craig Furman, 50.00; Crum Electric Supply Company, 16,540.99; Crumbliss, Calvin, 166.83; Cues Inc, 221.02; Dale Helsper, 1,123.00; Dan Stroup, 250.00; Dean Welch, 250.00; Delta Dental Of Wyoming, 27,554.70; Derek Weinhardt, 250.00; Design Construction LLC, 2,139.00; Domino's Pizza, 30.00; DRM Inc, 428,187.33; Drum, Gordon, 48.07; Edge Electric, Inc, 790.40; Elden, Kraft Jr, 155.97; Employment Testing Services Inc, 144.00; Empty Sea, 547.40; Energy Laboratories Inc, 2,628.00; Evoqua Water Technologies LLC, 28,327.00; Express Scripts Inc, 15,834.79; Express Scripts Inc, 12,013.04; Fairmont Supply Company, 314.84; Farmer Brothers Company, 301.90; Ferguson Enterprises, Inc #1701, 1,814.10; First National Bank Of Gillette, 85,865.20; Flagshooter LLC, 447.45; Foothills Apartments, 34.48; Forrest Rothleutner, 250.00; Gades Sales Company Inc, 6,919.50; Gametime, 58,583.49; Gillette Contractors Supply Inc, 6,777.97; Gillette Winnelson Company, 209.68; Govolution, LLC, 1,458.20; Greg Brothers, 250.00; Harp, Jady, 84.64; Hawkins Inc, 98.50; HDR Inc - US Engineering Accounts Receivable, 66,972.33; Henderson, Jared, 127.68; Hladky Construction, 6,646.00; Hoaglund, Jacee, 103.73; Homax Oil, 282.38; Hot Iron, 351,011.26; HP Inc, 295.00; Hub International Mountain States Limited, 50.00; Hullinger, Paishence, 201.96; Huston, Dan, 81.54; Inter-Mountain Labs Inc, 245.00; Intermountain Traffic, LLC, 870.00; Irvin, Jason, 201.81; Jake Fitzner, 250.00; Jamisen Norlander, 250.00; JE Design Install & Fab LLC, 9,450.00; Jeffress, Scott, 201.88; Jenkins, Brandon, 143.53; Jennifer Ivory, 50.00; Jerry Dillinger, 323.00; John Lawrence, 250.00; JP Morgan Chase Bank, 213.68; Julianne Witham, 250.00; Karns, Cougar, 139.64; Kissack Water & Oil Service, 2,040.60; Kois Brothers Equipment Company, 2,079.81; Koppinger, Laurie, 133.53; Kristopher Hunter, 250.00; Kyle Sprague, 250.00;

Landers, Patrick, 158.56; Leb Inc, 161.84; Legend Communications Of Wyoming, 500.00; Loaf & Jug, 15.00; Lolley, Brianna, 202.06; Louise Carter King, 23.73; Marcus Taylor, 250.00; Martin, Sydney, 153.77; MCM General Contractors, 67,087.42; McNeilus Truck & Manufacturing, 121,443.29; Medora Corporation, 2,660.00; Michael's Construction Inc, 14,456.00; Mike Col, 74.44; Mike Fischer, 250.00; Miller, Christopher, 127.73; Miller, Rosalie, 188.71; Morrison Maierle Inc, 52,284.48; Neve's Uniform Inc, 871.44; News Record, 8,089.25; Nicole Long, 250.00; Niehoff, Mike, 101.75; Norco Inc, 1,567.49; Norton Construction, 478.00; Oedekoven Excavating And Construction LLC, 2,200.00; Office Of State Lands And Investments, 8,039.14; Online Information Services Inc, 332.40; Paintbrush Sewer & Drain, 2,490.00; Patrick Totzke, 250.00; PCA Engineering Inc, 90,436.65; Perez Cervantes, Adelaida, 41.42; Polydyne Inc, 8,184.00; Postal Pros Southwest Inc, 7,374.98; Powder River Construction, 380,650.70; Powder River Energy Corporation, 25,560.71; Powder River Heating & Conditioning Corporation, 469.50; Powder River Office Supply Inc, 102.04; Precision Welding Service, 337.03; Prima, 385.00; Proelectric Inc, 27,199.93; Promaac Systems Inc, 149.11; Rain For Rent, 3,630.40; Raisley Painting LLC, 3,600.00; Razor City Locksmith LLC, 1,190.40; Rebecca Runyon, 237.50; Redwolf Services LLC, 403.54; Ridley, Kyle, 131.59; Rios, Yessica, 117.73; River Oaks Communications Corporation, 5,712.75; Robin Kuntz, 14.98; Rod's American Market, 403.61; Roger Boschee, 456.92; Ryan Mussell, 250.00; Ryan Warne, 250.00; S & S Builders, 239,822.09; Schmidt, Chris, 111.26; Shane Schultz Plumbing & Heating, 318.50; Sherwin Williams, 32.56; Simon Contractors, 252,992.32; Smith, Mike J & Julie, 29.03; Soule, Cynthia & Raymond, 84.57; South Dakota Planners Association, 100.00; Southern Computer Warehouse, 874.56; State Of Wyoming, 10.00; Steven Dillard, 250.00; Structural Dynamics LLC, 19,808.32; Sullivan, Stephanie, 150.95; Tabler, Chad, 142.40; Talbott, Elly & Ben, 403.83; Tim Carsrud, 21.50; Titan Machinery Inc, 962.70; Todd, Kaitelynn, 139.49; Total Administration Services Corp., 525.69; Van Ewing Construction, 95,906.39; Vetter, Cindy & Arnold, 88.31; Visionary Communications, 969.14; Washington, Brandon, 86.64; Wesco Receivables Corp, 11,210.41; West Plains Engineering, 2,962.50; Western Stationers, 1,949.29; Western Waste Solutions Inc, 4,105.00; Wright, Nathan, 201.82; Wyodak Resources Development Corp, 163,100.78; Wyodak Resources Development Corp, 34,764.57; Wyoming Dept Of Transportation, 3,032.70; Wyoming Marine, 10.85; Wyoming Secretary Of State, 30.00; Wyoming State Revenue And Tax, 121,991.01; Xerox Corporation, 62.09; Zach Parker, 250.00; Zebroski, Melvin, 219.40; Zions Bank, 1,500.00.

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

Approval of Conflict Claims

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

Councilman Barks made a motion to approve a conflict claim for Mayor Carter-King in the amount of \$125.77; seconded by Councilman Carsrud. Montgomery, Carsrud, Barks, Lundvall, McGrath and Kuntz voted aye. Mayor Carter-King abstained. The motion carried.

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

Comments

Council – Councilman Kuntz acknowledged the amazing performance given by the Gillette College Energy City Voices.

Other – The Mayor and Council recognized Jason Gray as the 2nd Quarter P.R.I.D.E. Award Recipient.

Unfinished Business

Ordinance 2nd Reading

ORDINANCE 17-25

AN ORDINANCE AMENDING SECTION 16-1 OF THE GILLETTE CITY CODE TO AMEND SENTENCING PENALTIES FOR VIOLATIONS OF GILLETTE CITY CODE, CITY ORDINANCE OR OTHER RULE OR REGULATION PROMULGATED BY THE CITY OF GILLETTE

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

New Business

Minute Action

Councilman McGrath made a motion to approve a parade permit for October 12th from 4:30 p.m. to 5:00 p.m., beginning on 7th Street, north on Gillette Avenue to 1st Street for the Homecoming Parade, requested by Campbell County High School and Thunder Basin High School; seconded by Councilman Carsrud. All voted aye. The motion carried.

RESOLUTION 2634

A RESOLUTION APPROVING THE CITY'S HEALTH PLAN PREMIUMS AND PLAN DESIGN CHANGES EFFECTIVE JANUARY 1, 2018

Councilman Barks made a motion to approve the foregoing Resolution approving the City's health plan premiums and plan design amendments effective January 1, 2018; seconded by Councilman McGrath. All voted aye. The motion carried.

Councilman Barks made a motion to approve a professional services agreement for design and bidding services associated with the 2018 Sanitary Sewer Main Replacement Project, with DOWL, in the amount of \$94,256 (1% Project); seconded by Councilman Kuntz. Interim Administrator Davidson provided an explanation regarding the consideration. All voted aye. The motion carried.

RESOLUTION 2635

A RESOLUTION AUTHORIZING UTILITIES DEPARTMENT STAFF TO SUBMIT A LEVEL III GRANT APPLICATION ON BEHALF OF THE CITY OF GILLETTE IN THE AMOUNT OF \$2,563,857.32 TO THE WYOMING WATER DEVELOPMENT COMMISSION FOR PROJECTS TO EXTEND REGIONAL WATER SERVICE TO EXISTING IMPROVEMENT AND SERVICE DISTRICTS AND OTHER WATER SYSTEMS COLLECTIVELY REFERRED TO AS "WATER DISTRICTS" LOCATED WITHIN THE DESIGNATED SERVICE AREA AS ESTABLISHED BY THE DECEMBER 21, 2010 CITY/COUNTY JOINT POWERS AGREEMENT FOR THE GILLETTE REGIONAL WATER SUPPLY PROJECT.

Councilman McGrath made a motion to approve the foregoing Resolution; seconded by Councilman Carsrud. Interim Administrator Davidson provided an explanation regarding the consideration. All voted aye. The motion carried.

Appointments

Councilman Barks made a motion to appoint Utilities Director, Michael H. Cole, P.E., to the Board of Directors for the Wyoming Association of Risk Management (WARM); seconded by Councilman Carsrud. All voted aye. The motion carried.

Public Hearings and Considerations

Mayor Carter-King opened into a public hearing to consider the creation of Special Improvement District Number 52, within the City of Gillette, for the construction and installation of a new water system and all necessary appurtenances for the subdivision commonly referred to as Interstate Industrial Park. Interim Administrator Davidson began by providing the following background information as it relates to the Interstate Industrial Park. On August 15, 2017, the Gillette City Council approved a Resolution of Intent to create Special Improvement District No. 52. This resolution also provided a Notice of Public Hearing, to be set for September 19, 2017. The Resolution of Intent was advertised in the Gillette News Record on August 18, 2017. In addition, a copy of this resolution was mailed to each legal owner of record of property within the proposed Improvement District on August 24, 2017. Both the advertisement and mailing were provided at least 15 days prior to the date of the Public Hearing, as required by state statute. Any remonstrances or objections to the proposed creation of Special Improvement District No. 52, or to the Water System Improvements, were to be filed, in writing, with the Gillette City Clerk on or before 5:00 P.M. on Friday, September 15, 2017. These remonstrances or objections are to be heard and considered by the City Council during the Public Hearing on September 19, 2017. The subsequent Ordinance Ordering the Improvements and Initiating the Creation of Special Improvement District No. 52 will be presented before the Gillette City Council for their consideration at three readings on October 3, October 17, and November 7, 2017. The estimated cost for the Water System Improvements to be constructed and installed by way of the proposed Improvement District is \$2,050,000. The City of Gillette has applied for and received a Drinking Water State Revolving Fund (DWSRF) Loan from the Wyoming State Loan and Investment Board (SLIB) in the amount of \$2,050,000. The Loan Agreement was fully executed by the Mayor and the Governor on August 16, 2017. The proposed Road Improvements, additional work that is not to be included in the Assessment of the proposed Special Improvement District, is estimated at \$2,707,850 and is currently budgeted as part of the City's Optional 1% Sales Tax Fund. Mr. Davidson then requested the Clerk identify any objections that were received. City Clerk Abelseth reported that one timely objection was received from the R.T. Cox Law Firm on behalf of their client Emmerson Investments, LLC. Mayor Carter-King asked if the property owners within the Interstate Industrial Park signed an agreement for the LID. Mr.

Davidson stated that he does not have the exact number, but the majority of the individuals who own lots in the proposed LID have agreed to the formation of the LID. Emily Simper, R.T Cox Law Firm, explained that their client, Emmerson Investments, LLC, owns two lots within the Interstate Industrial Park, and is requesting that the two lots be consolidated into one lot and informed the Council that Emmerson Investments, LLC, is objecting to the LID. She explained that the City Planning Division had put a hold on the application, and Emmerson Investments was informed that they would not be able to have the plat consolidation approved until after the approval of the LID. The items required have been filed and they are awaiting a signature from the Planning Department. She is requesting that the Planning Department be allowed to sign the final documentation and not wait until after the formation of the LID. Interim Attorney Reyes explained the subdivision regulations and stated that legally, due to the timeline, the plat is still incomplete and void. General discussion ensued. Interim Director VonEye stated that he believes there are two different concerns: the assessment being assessed to this particular lot owner who has two lots in the improvement district, and the pending filing of the administrative plat that would combine two lots into one lot. He then provided a timeline of the administrative plat. It was received in April 2016 and reviewed in May 2016 at which time a formal staff meeting was conducted and met with the applicant to go through any outstanding requirements. For an administrative plat, that becomes the approval date, if you will, barring any objections. December 2016, there was contact with the applicant regarding the required outstanding items that had not been addressed. Subsequent to those discussions, a Mylar was received in January 2017. However, the Mylar did not have signatures. It wasn't until June of 2017 that the parties came in to sign the Mylar, and the fee to file the Mylar was not submitted until July 2017. After receiving a call regarding the filing of the plat, Mr. VonEye reviewed all the criteria needed and found that all the appropriate notes were still not on the plat. He went on to say that for every drainage easement there needs to be a standard note on the plat, which prevents any construction within the drainage easement; the plat is still incomplete. Council asked when the agreements were signed to move forward with the LID. Mr. VonEye stated that he believed the majority of land owners signed the agreement in October 2016. Council asked when staff was notified regarding receipt of the plat. Mr. VonEye stated staff was notified in April of 2016. Discussion ensued. Edd and Melanie Collins expressed their objection to the LID and shared concerns of not knowing a concrete dollar amount for their assessment. The information they received reflects an assessment amount of \$56,275.29, plus additional costs for plant investment fees, backflow prevention, as well as the possibility of a 10% increase, depending on bids. Ms. Collins asked if other options could be considered. Council asked for an explanation regarding the discrepancies between the dollar amounts. Director VonEye explained how the dollar amount was determined initially in the Resolution of Intent. Since the time of the Resolution of Intent being sent out, the City was awarded principal forgiveness on the loan from SLIB, which will decrease the property owner's amount to the mid \$40,000 range. If the property owner elects to pay the assessment off within 30 days of the lien being placed on the property, the dollar amount would be in the mid \$30,000 range. Additional fees for the property owners would be the plant investment fees per connection, which are based on the meter size set for their property, and the need for backflow prevention devices, which could range from \$500 - \$3,000, depending on the hazard classification and potential threat to the City's water system. General discussion ensued. Mr. Collins requested information regarding how many signed agreements were received. Staff was directed to compile the information. Mayor Carter-King closed the public hearing.

Councilman McGrath made a motion to direct City staff to bring forth the Ordinance ordering the improvements for Special Improvement District 52; seconded by Councilman Carsrud. All voted aye. The motion carried.

Executive Session

Councilman McGrath made a motion to move into an Executive Session to discuss personnel and litigation; seconded by Councilman Montgomery. All voted aye. The motion carried.

Adjournment

There being no further business, the meeting was adjourned at 8:43 p.m. The next scheduled meeting will be held on October 3, 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>.

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ATTEST:

