

A meeting of the City Council was held on Tuesday the 17th day of October 2017. The Invocation was then led by Pastor Brent Howard of Westside Baptist Church and the National Anthem was performed by the Gillette College Energy City Voices.

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

Approval of General Agenda

Councilman Lundvall 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 – September 5, 2017; Executive Session – September 19, 2017; Executive Session – September 26, 2017; Pre-Meeting – October 3, 2017; Regular Meeting – October 3, 2017.

Bills and Claims

Advance Auto Parts, 416.73; AlSCO, 1,070.42; Alyshia Vigil, 20.00; American Welding & Gas Inc, 27.75; Angela Readmond, 250.00; Anixter Power Solutions, 21,042.45; Arrow Printing And Graphics Inc, 240.00; Asher, Christy, 38.92; AVP Consulting LLC, 95.12; Back Yard Investments, LLC, 116.87; Big D Sanitation, 10,050.00; Billings Gazette, 141.75; Black Cat Construction LLC, 21,859.19; Black Hills Energy, 2,786.80; Black Hills Power & Light, 1,250.00; Black Hills Power & Light, 176,616.39; Black Hills Power & Light, 94,858.45; Black Hills Power & Light, 1,958.00; Black Hills Wyoming LLC, 3,450.00; Black Hills Wyoming LLC, 216,372.46; Blue Cross Blue Shield Of Wyoming, 20,647.53; Blue Cross Blue Shield Of Wyoming, 56,734.76; Blue Cross Blue Shield Of Wyoming, 49,133.99; Bob Molder, 243.27; Border States Electric, 4,031.63; Brandon Industries, 1,568.00; Brenden Lujan, 75.00; Brenntag Pacific, Inc, 200.00; Brian Hartle, 300.00; Calibration Technicians & Supply Inc, 97.84; Campbell County Clerk Office, 5.50; Campbell County Engineers, 2,314.50; Campbell County Hospital District, 865.00; Campbell County Public Land Board Complex, 157,901.50; Campbell County Public Works, 20,125.00; Campbell County Sheriff, 300.00; Cathy Barney, 50.00; Christopher And Amber Paulk, 159.09; City Of Gillette - Petty Cash, 78.23; City Of Gillette - Petty Cash, 84.00; CNA Surety, 100.00; Collins Communications Inc, 9,662.63; Colorado State University, 1,310.00; Consolidated Engineers Inc, 14,797.58; Core & Main, 1,517.50; Cornerstone Lawn Services, LLC, 100.00; Craig Belecky, 300.00; Craig Furman, 50.00; Cross Match Technologies Inc, 1,160.80; Crum Electric Supply Company, 1,059.16; Cues Inc, 1,172.58; Dana Kepner Company Inc, 1,940.50; Daniel Kluver, 300.00; Dave Lueras, 60.00; Dell Marketing LP, 47.31; Derek Weinhardt, 77.97; Derric Culey, 50.00; Dexter's Automotive, 301.00; Display Sales, 826.00; Dowl LLC, 4,249.40; DRM Inc, 77,897.69; Dustin Campbell, 41.66; Employment Testing Services Inc, 273.00; Energy Capital Economic Development, 30,000.00; Energy Laboratories Inc, 67.50; Eric Weltmer, 300.00; Ernest Bishop, 41.67; Estell, Samantha, 176.39; Ewert, Ryan, 165.08; Express Scripts Inc, 16,635.37; Express Scripts Inc, 10,559.78; Fedex, 1,036.88; First National Bank Of Gillette, 36,710.69; First Northern Bank Of Wyoming, 5,302.59; Fourum LLC, 38.85; Francis, Katherine, 156.48; Frank Conroy, 100.00; Frary, Adam, 61.22; Gades Sales Company Inc, 1,355.00; Gillette Contractors Supply Inc, 9,387.11; Gillette Energy Rotary Club, 59.50; Gillette Winnelson Company, 313.93; GW Construction, LLC, 27,388.50; Hach Company, 3,689.05; HDR Inc - US Engineering Accounts Receivable, 44,583.02; Hicks, Erin, 126.33; Hillcrest Spring Water Inc, 180.00; Homax Oil, 385.25; Hot Iron, 361,836.43; Hub International Mountain States Limited, 100.00; Inter-Mountain Labs Inc, 30.00; International Code Council Inc, 2,725.58; International Institute Of Municipal Clerks, 200.00; Interstate Companies Inc, 10,913.88; Jack's Truck Center Inc, 1,821.43; Jeri Martinson, 240.66; Jim Campbell, 250.00; Jim Hloucal, 72.90; JLC Sign Systems Inc, 140.80; John Aguirre, 131.84; Johnson Controls Inc, 7,897.09; JP Morgan Chase Bank, 78.37; Kadrmas Lee & Jackson Inc, 623.20; Kendall Wigger, 300.00; Kois Brothers Equipment Company, 40.48; Kriz-Davis Company, 40,975.00; Legend Communications Of Wyoming, 500.00; Louise Carter King, 23.73; Lytle, Kaycee, 47.60; M G Oil Company, 91.03; Mark Wernsmann, 300.00; MCM General Contractors, 54,235.43; Meredith, Jakob, 170.15; Morrison Maierle Inc, 37,072.00; Municipal Treatment Equipment, 255.76; Neve's Uniform Inc, 550.38; News Record, 4,137.24; Norco Inc, 2,212.75; Northwest Lineman College, 587.00; Norton Construction, 1,661.07; Oberg, Jill & David, 15.23; Online Information Services Inc, 372.90; Paxton, Kathy, 199.44; PCA Engineering Inc, 47,361.71; Pete Lien & Sons Inc, 1,183.66; Phelps, Garth, 120.78; Postal Pros Southwest Inc, 9,109.05; Powder River Construction, 174,524.55; Powder River Energy Corporation, 5,250.00; Powder River Heating & Conditioning Corporation, 5,983.14; PRBSHRM, 70.00; Productive Corporation, 47,836.50; Proelectric Inc, 12,917.95; Railroad Management Co LLC, 214.01; Rain For Rent, 7,058.01; Record

Supply Inc Napa, 306.84; Rinehart, Nichole, 164.67; River Oaks Communications Corporation, 715.50; Robin Kuntz, 14.98; S & S Builders, 326,032.52; Scott Brothers Inc, 778.00; Scott Tousignant, 500.00; Shawn Leair, 65.00; Shay Follum, 80.00; Sherwin Williams, 82.09; Silas Fitzsimmons, 41.67; Simon Contractors, 402,886.86; Source Office Products, 1,830.09; Structural Dynamics LLC, 28,956.40; Stuart C Irby Co, 1,471.64; Sundance Electric LLC, 79.21; Sundstrom, Amy, 154.78; Swain Holdings LLC, 135.66; Tactical Solutions International, Inc, 4,381.92; Temple, Mike, 4.53; Thunder Basin Ford LLC, 30,345.60; Tim Carsrud, 21.50; Traffic Safety Services Inc, 1,881.00; Transource Services Corp, 13,213.66; Travis Schipman, 200.00; Tru-Tech Products, 929.04; Two M Company Inc, 43.98; Tyler Technologies Inc, 30,000.00; Untamed Design LLC, 100.80; Van Ewing Construction, 223,348.71; Verizon Wireless, 2,247.79; Visionary Communications, 969.14; Wal-Mart, 65.00; Waste Connections, Inc., 964.04; Wesco Distribution Inc, 120.00; Wesco Receivables Corp, 67,157.62; West Plains Engineering, 4,190.00; Western Stationers, 8,092.65; Western Waste Solutions Inc, 4,210.00; Wireless Advance Communication, 4,148.54; Wisdom, Michael & Jane, 102.13; WWQ & PCA Assoc, 560.00; Wyodak Resources Development Corp, 184,386.00; Wyodak Resources Development Corp, 34,764.57; Wyoming Dept Of Transportation, 39.13; Wyoming Marine, 524.83; Wyoming State Board Of Veterinary Medicine, 50.00; Wyoming State Revenue And Tax, 100,757.70; Xerox Corporation, 74.92; Zoetis Inc, 114.00

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

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

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

Comments

Council – Councilman Montgomery thanked the Parks and Beautification Board for naming the shelter at Dalbey Park the “City of Gillette Veterans Memorial Shelter”.

Other – Comments – Communications Manager Palazzari presented the winning photos from the 2017 Summer Parks Photo Contest sponsored by the Parks and Beautification Board.

Unfinished Business

Ordinance 2nd Reading

ORDINANCE 17-26

AN ORDINANCE CONCERNING THE CREATION OF THE CITY OF GILLETTE, WYOMING, SPECIAL IMPROVEMENT DISTRICT NO. 52; ORDERING THE CONSTRUCTION AND INSTALLATION OF A NEW WATER SYSTEM AND ALL NECESSARY APPURTENANCES FOR THE SUBDIVISION COMMONLY REFERRED TO AS INTERSTATE INDUSTRIAL PARK, ALONG WITH THE NECESSARY SURFACE RECLAMATION OF GRADING AND VEGETATION; DESCRIBING THE SAME; DIRECTING THE CITY ENGINEER TO PREPARE THE PLANS AND SPECIFICATIONS THEREFOR; FIXING THE BOUNDARIES OF SAID DISTRICT; RATIFYING ALL CONSISTENT ACTION PREVIOUSLY TAKEN CONCERNING SUCH; AND PRESCRIBING DETAILS IN CONNECTION WITH SAID DISTRICT.

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

New Business

Minute Action

Councilman Barks made a motion to accept development improvements for the Madison Street Extension Project, installed by Powder River Construction, Inc., on behalf of the developer, Best, Inc.; seconded by Councilman Carsrud. All voted aye. The motion carried.

Councilman McGrath made a motion to accept public improvements for the Pavement Management System 2016 Schedule B project, installed by Simon Contractors, in the amount of \$909,199.41 (1%

Project); seconded by Councilman Barks. Attorney Davidson provided an explanation regarding the consideration. All voted aye. The motion carried.

Councilman McGrath made a motion to accept development improvements for the Big Horn Tire Fire Hydrant Extension project, installed by DRM, Inc., on behalf of the developer, John Crump; seconded by Councilman Carsrud. All voted aye. The motion carried.

Councilman Barks made a motion to authorize the Mayor to sign a cooperative agreement with the Wyoming Department of Transportation for a Gillette Area Urban Systems project for the Boxelder Road-Garner Lake traffic signal. (WYDOT Urban Systems Fund, 1% Project); seconded by Councilman Kuntz. Attorney Davidson provided an explanation regarding the consideration. All voted aye. The motion carried.

RESOLUTION 2638

A RESOLUTION APPROVING THE PROPOSED REVISION TO THE CAM-PLEX SPECIAL EVENTS ACCOUNT AND ASSOCIATED FINANCIAL POLICY.

Councilman Carsrud made a motion to approve the foregoing Resolution approving the proposed revisions to the Cam-Plex Special Events account and associated financial policy; seconded by Councilman McGrath. Attorney Davidson provided an explanation regarding the consideration. All voted aye. The motion carried.

Public Hearings and Considerations

Mayor Carter-King opened a public hearing for the transfer of ownership of retail liquor license RTL-25 from R&L, Inc., to DLM Investments, LLC, d.b.a. Energy Station, and transfer of said retail liquor license from 309 W Lakeway Road to 302 W Lakeway Rd, Suite 110. Mayor Carter-King asked Attorney Davidson to provide an explanation regarding the transfer. Attorney Davidson explained that because of the state laws that changed as of July 1st, combined with changes to Chapter 3 of Gillette City Code, a few points need to be made with regard to the transfer. Should the license be approved, Beverage Broker can no longer sell alcoholic or malt beverages after the Council has voted; in essence, Beverage Broker can no longer conduct business at their current establishment. If the transfer is approved, Beverage Broker can only send the alcoholic beverages back to the Wyoming Liquor Division, or transport the alcoholic beverages to the new location. At the new location, alcoholic and malt beverages can only be sold through suite 110, not through the entire building. Alcoholic and malt beverages cannot be sold in the other suite within the building, or anywhere else associated with that building. There is a convenience store and a pizzeria within the building and this transfer would not allow for the sale of alcoholic and malt beverages in the convenience store or associated with the pizzeria. All sales must only be through suite 110 based on the application, and based on City Code. Wesley Dowling, partner in DLM Investments, LLC, provided an overview of Energy Station's construction, design, and a brief plan of how the liquor store has been set up with scan ID to provide security, ensuring that customers who are purchasing alcohol and malt beverages are of legal age; he added that all the clerks have been TIPs and scan ID trained. He added that there are intentions to remodel the Beverage Broker building in hopes of adding an additional business on Lakeway Road. Finally, he added, all partners in this investment are residents of Gillette. Councilman Barks asked, DLM Investments, LLC has four (4), 25% ownerships, correct? Mr. Dowling stated that at the present time, there are three (3) ownerships: Mr. Dowling has 50%, Max LaCroix and Coi Morehead each have 25%; Bob and Lyla (R&L, Inc.), will receive 25% if the license is transferred. Councilman Barks asked who will be the managing partner of the liquor store. Mr. Dowling replied that he would more than likely manage the business aspect. Councilman Barks asked who the contact person would be in the event of violations. Mr. Dowling stated he would be the contact person. Councilman Barks stated that Mr. Dowling mentioned that all the partners are local businessmen, yet on the application Mr. LaCroix has listed a Rapid City address. Mr. Dowling reported that Mr. LaCroix has purchased a house and resides in Gillette. Councilman McGrath asked Mr. Dowling if he understood that alcohol could only be sold at suite 110, and not at the pizzeria. Mr. Dowling confirmed that he understood. He added that originally, the building was designed to have a half wall with glass partition; the City did not approve of this design. The liquor store was redesigned to have a locking door, hallway and separate exterior door. Councilman McGrath added that liquor can only be stored within the liquor store, for security reasons. Mr. Dowling concurred. Attorney Davidson inquired of the hallway between the two suites and asked if Mr. Dowling understood that the door must remain unlocked during business hours. Mr. Dowling stated he understood. Attorney Davidson reiterated that Mr. LaCroix has listed himself as a resident of Rapid City on the application, not a resident of Gillette. Mr. Dowling stated that Mr. LaCroix purchased a house in Gillette back in August. Attorney Davidson stated that, for purposes of the Secretary of State, Mr. LaCroix is the contact person and asked Mr. Dowling if he was aware of this. Mr. Dowling stated he was not. Attorney Davidson stated that these are concerns that need to be addressed. Mr. Davidson added that, in fact, it lists Mr. LaCroix as the managing partner with a South Dakota address. Again, Mr. Dowling stated he was not aware of this. Mr. Davidson stated that these are concerns that will need to

be addressed if the transfer takes place. Attorney Davidson then asked if this liquor license was pledged to any bank or lender. Mr. Dowling stated it was not. Mr. Davidson asked, then the license will be free and clear? Mr. Dowling replied "yes". Councilman Barks asked Attorney Davidson for clarification on remarks made regarding the Secretary of State. Mr. Davidson stated that the line of questioning is with regard to what is on file with the Wyoming Secretary of State. It indicates that Max LaCroix is the managing partner out of Rapid City. Councilman Barks stated that he is not comfortable voting on an application that is not correct. Attorney Davidson explained, the way the application is set up, and if the transfer is approved, it appears that R&L Corporation receives a 25% interest. What needs to be addressed is that the contact information is made clear so the Clerk has a clear application on file, and the Attorney's office has a clear contact point. Councilman Barks addressed Mr. Dowling. He stated that if this transfer is approved, the Downings will receive a 25% interest. With Bob and Lyla Downing having several years of experience operating a liquor store, why are they not the contact person and managing partner in case there is a problem. Mr. Dowling stated because he is the one who put the deal together, he negotiated the contract with Conoco, he negotiated the land project, he built the building, and his business practice is sound. He added that he runs several successful businesses in Campbell County. Councilman Barks asked Mr. Dowling if he has ever managed a liquor store. Mr. Dowling stated he has not. Councilman Barks asked Mr. Dowling if he knows how many years that the Downings have operated a liquor store. Mr. Dowling stated eight or nine years. He went on to say that obviously, he would have the Downings available for counsel, if needed. Mayor Carter-King asked if the information provided by Mr. LaCroix needed to be cleared up prior to voting on the consideration. Attorney Davidson stated that if Mr. LaCroix's information was correct at the point of application, under oath, and his address was in fact in Rapid City, then the document stands as is. It would be beneficial to have the information updated, but does not think it is fatal to the application. Councilman McGrath asked if there is any recourse if the corrections are not made. Attorney Davidson stated that Council always has recourse as the issuing party. Councilman Barks asked for a short recess. Mayor Carter-King granted the recess at 7:38 p.m. The meeting reconvened at 7:40 p.m. Mayor Carter-King asked if there was any further discussion regarding the transfer. There was none and the public hearing was closed

Councilman Kuntz made a motion to approve the transfer of ownership of retail liquor license RTL-25 from R&L, Inc., to DLM Investments, LLC, d.b.a. Energy Station, and transfer of location of said retail liquor license from 309 W Lakeway Road to 302 W Lakeway Rd, Suite 110; seconded by Councilman McGrath. Councilman McGrath made a motion to table the consideration to the November 7th meeting, allowing time for the application to be corrected and the manager of the liquor store to be determined; seconded by Councilman Barks. Montgomery, Carsrud, Kuntz and Mayor Carter-King voted nay. Councilmen Barks, Lundvall and McGrath voted aye. The motion to table failed. Mayor Carter-King asked for a vote on the original motion to approve the transfer of ownership and location of retail liquor license RTL-25. All voted aye. The motion carried.

Adjournment

There being no further business, the meeting was adjourned at 7:45 p.m. The next scheduled meeting will be held on November 7, 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:

Karlene Abelseth, City Clerk
Publication Date: October 25, 2017

Louise Carter-King, Mayor