

A meeting of the City Council was held on Tuesday the 19th day of June 2018.

Present were Councilmen Barks, Carsrud, Kuntz, Lundvall, Montgomery, and Mayor Carter-King; City Administrator Davidson; Directors Cole, Henderson, and Wilde; Lt. Deaton; Chief Building Official, Rogers; Deputy Chief Building Official Brown; Managers Palazzari, Toscana and Wasson; and Deputy City Clerk Staskiewicz.

The Invocation and Pledge of Allegiance were led by Councilman Tim Carsrud.

### **Approval of General Agenda**

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

### **Approval of Consent Agenda**

#### **Minutes**

Work Session – May 29, 2018; Executive Session – May 29, 2018; Pre-Meeting – June 5, 2018; Executive Session – June 5, 2018; Regular Meeting – June 5, 2018; Special Meeting – June 12, 2018.

### **Bills and Claims**

Absolute Auto, LLC, 50.00; Accurate Backflow Testing Wyo, 871.00; Adecco Employment Services, 1,355.20; Advance Auto Parts, 185.74; Alarid, Ashton, 76.99; Allen, Tasha, 96.34; AlSCO, 1,338.93; Altec Industries Inc, 149.03; Alvarado, Miguel, 12.31; Alyshia Vigil, 20.00; American Welding & Gas Inc, 29.96; Anderson, Megan, 167.34; Anixter Power Solutions, 11,427.85; Arrow Printing And Graphics Inc, 357.00; Assure Co Risk Management & Regulator Compliance, 350.00; AVP Consulting LLC, 52.85; Backward & In Heels, 107.22; Badger Daylighting Corp, 13,557.87; Big D Sanitation, 1,150.00; Big Horn Tire Inc, 104.00; Black Cat Construction LLC, 2,260.92; Black Hills Wyoming LLC, 3,521.00; Blue Cross Blue Shield of Wyoming, 42,761.78; Blue Cross Blue Shield of Wyoming, 47,178.52; Blue Cross Blue Shield of Wyoming, 7,454.82; Blue Cross Blue Shield of Wyoming, 24,807.52; Bomgaars Supply, 663.14; Border States Electric, 2,291.86; Buchanan Excavating, 11,000.00; Buffalo Federal Bank, 10,653.62; Bunn, Chrissy, 110.53; Byram, Randy & Tammy, 18.61; Callan Brothers, 310.00; Campbell County Coordinated Benefits Trust, 927.50; Campbell County Coordinated Benefits Trust, 127.50; Campbell County Engineers, 82,669.25; Campbell County Hospital District, 1,265.00; Campbell County Sheriff, 10,250.00; Carnahan, Clynt, 185.86; CEM Sales & Service, 3,544.23; City of Gillette, 368.47; City of Gillette - Petty Cash, 91.50; CNA Surety, 100.00; Collins Communications Inc, 11,934.17; Cooper, Sara, 78.15; COP Wyoming LLC, 183,441.42; Corey White, 1,000.00; Cummins Rocky Mountain Inc, 4,948.34; Dads Truck and Auto LLC, 75.00; Dana Kepner Company Inc, 27,014.45; Dave Lueras, 14.95; Dawn Allen, 420.00; Debra Semple, 412.00; Delfino, China, 115.72; Delta Dental of Wyoming, 27,712.10; Design Construction LLC, 9,588.00; Dowl LLC, 80,024.07; DRM Inc, 113,934.25; E Z Towing & Recovery Inc, 527.50; EarthChannel Communications Inc, 6,985.00; Eaton Sales & Service LLC, 413.00; Edge Construction Supply, 257.60; Electrical Specialists, 50.00; Elenburg, James & Christina, 121.52; Elkins, Philip, 137.46; Employment Testing Services Inc, 425.00; Empty Sea, 588.69; Energy Laboratories Inc, 529.75; Express Scripts Inc, 12,400.00; Express Scripts Inc, 8,976.84; Express Scripts Inc, 170.00; Fabiola Murguia, 800.00; Fannie Mae, 67.24; Fannie Mae, 125.89; Fannie Mae, 176.05; Farmer Brothers Company, 638.75; Federal Express Corporation, 453.35; Fedex, 97.58; Felmler, Kara, 397.64; Ferguson Enterprises, Inc #1701, 490.44; First Interstate Bank of Gillette, 20,382.38; First National Bank of Gillette, 41,087.67; First Northern Bank of Wyoming, 12,659.36; Follum, Shay & Cheri, 314.56; Forterra Concrete Products, 2,264.85; Frandson Safety Inc, 80.00; G and G Landscaping Inc, 31,541.62; Galls, An Aramark Company, 153.45; Garry Ginn, 100.00; Gillette Contractors Supply Inc, 9,748.32; Gillette Winnelson Company, 29.98; Gonzalez, Rosa, 167.45; Google Inc, 3,329.01; GovConnection, 678.02; Govolution, LLC, 1,499.50; GW Construction, LLC, 27,896.50; H & H Safety, 1,230.00; Hach Company, 96.98; HDR Inc - US Engineering Accounts Receivable, 22,741.39; Homax Oil, 2,978.02; Hot Iron, 95,882.58; Intermountain Record Center Inc, 775.95; It Outlet Inc, 7,930.04; J. Craig Abraham, 700.00; Jacob, James J, 11.34; Jeremy Traverse, 100.00; JLC Sign Systems Inc, 915.00; John K. Griffith, 261.00; Kadrmas Lee & Jackson Inc, 20,983.87; Kaycee-Buffalo-Johnson County Economic, 11,500.00; Kayla Leingang, 50.00; Knowbe4 Inc, 5,919.48; Kois Brothers Equipment Company, 3,572.98; Kois Brothers Equipment Company, 2,908.00; Legend Communications of Wyoming, 3,251.52; Long, Robert, 29.42; Louise Carter King, 23.73; Martinez-Saroff, Kyla, 124.18; McLain, Mindi, 133.95; McNeilus Truck & Manufacturing, 1,990.65; Michael Averett, 50.00; Midland Implement Co Inc, 109.40; Morrison Maierle Inc, 8,698.67; Mountain States Pipe & Supply, 33.60; Mueller, Kimberly, 71.56; Municipal Energy Agency of Nebraska, 9,095.23; Nevins, Jennifer, 17.65; News Record, 7,816.91; Norco Inc, 2,431.20; Nunn Utility Locating, LLC, 1,431.00; Oglesby, Sterling, 107.92; One Call of Wyoming Corp,

423.75; Online Information Services Inc, 351.30; Overhead Door Co of Gillette, 8,980.00; Paintbrush Sewer & Drain, 1,200.00; PCA Engineering Inc, 10,150.00; PCA Engineering Inc, 24,545.80; Pete Lien & Sons Inc, 206.33; Philips, Janice, 29.62; Postal Pros Southwest Inc, 2,017.25; Powder River Energy Corporation, 5,250.00; Powder River Heating & Conditioning Corporation, 13,401.15; Powder River Office Supply Inc, 65.99; Power Screening LLC, 11,895.00; ProElectric Inc, 2,891.43; Railroad Management Co LLC, 656.74; Recreation Supply Company Inc, 225.36; Reichert, Matt, 173.06; Richardson Athletics, 2,140.49; Robin Kuntz, 14.98; Rosenbaum, Alexander, 115.29; S & S Builders, 20,836.36; S & S Builders, 50,463.22; Salt Lake Wholesale Sports, 442.40; Sandra Cross, 25.00; Scallen, Joe, 86.68; Shane Schultz Plumbing & Heating, 133.00; Shay Follum, 200.00; Sheaffer, Lorna & Ron, 123.21; Shinabarger, Warren C, 184.08; Siegling, Andrew, 388.11; Signboss LLC, 221.48; Silas Fitzsimmons, 100.00; Silver Spur Trading LLC, 156.41; Simon Contractors, 316,008.16; Sioux Falls Children's Home Society, 300.00; Smith's, 125.00; Smith's, 50.00; Source Office Products, 342.10; Spencer Fluid Power, 200.00; Steven K Mcmanamen Attorney At Law, 100.00; Stockdill, Andrew, 145.96; Structural Dynamics LLC, 12,916.75; Sundance Equipment Company, 309.10; Tabatt, Melodie, 95.69; Teachers Corner, 15.99; Team Laboratory Chemical Corporation, 140.50; Technical Marketing Mfg Inc, 1,444.35; Thompson, Sarah, 101.78; Thomson West, 456.00; Thunder Basin Ford LLC, 27,427.39; Tim Carsrud, 21.50; Titan Machinery Inc, 2,011.53; Van Ewing Construction, 30,638.85; Visionary Communications, 969.14; Verizon, 2,761.85; Walker, Sally & Myron, 89.05; Wal-Mart, 60.01; Warne Chemical & Equipment Co, 552.50; Waste Connections, Inc., 431.95; WCDA, 7.30; Wesco Receivables Corp, 13,246.50; Wesley Munson, 50.00; West Plains Engineering, 2,362.50; Western Waste Solutions Inc, 4,080.00; Wyodak Resources Development Corp, 109,791.84; Wyodak Resources Development Corp, 35,474.16; Wyoming Association Municipalities, 150.00; Wyoming Dept of Transportation, 383.87; Wyoming Law Enforcement Academy, 5,884.00; Wyoming Marine, 5.99; Wyoming Secretary of State, 50.00; Wyoming State Revenue and Tax, 91,562.61; Zabel & Associates, 2,500.00

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

#### **Approval of Conflict Claims**

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

Councilman Carsrud made a motion to approve a conflict claim for Mayor Carter-King in the amount of \$89.72; seconded by Councilman Kuntz. Barks, Montgomery, Kuntz, Carsrud, and Lundvall voted aye. Mayor Carter-King abstained. The motion carried.

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

#### **Comments**

Council – Councilman Carsrud commended City Crews for the success of the Girl's Fastpitch Tournament over the past weekend. Councilman Barks announced the schedule for the upcoming Donkey Creek Festival. Public Communications Manager Palazzari reminded the public that tornado recovery is still in process at Oriva Hills; the Oriva Hills Tornado Long-term Recovery Committee is inviting anyone with fencing skills to volunteer on Saturday to help build and repair fencing in the Oriva Hills area.

Public – Roy Edwards expressed concern regarding the scheduled roadwork at the railroad crossings on Burma Avenue and Garner Lake Road. Acting Development Services Director Cole advised that the milling project would take 15 to 20 minutes and should not have a significant impact on traffic.

#### **Unfinished Business**

Ordinance 2nd Reading - TABLED

#### **ORDINANCE 18-09**

**AN ORDINANCE TO AMEND THE DISTRICT ZONING MAP OF THE CITY OF GILLETTE, WYOMING, FOR PROPERTY GENERALLY LOCATED AT 201 W 4TH STREET AND 402 WARREN AVENUE AND LEGALLY DESCRIBED AS LOTS 1 & 2, BLOCK 5, THIRD ADDITION SUBDIVISION AND ADJOINING RIGHT-OF-WAY EAST AND NORTH, AND THE RIGHT-OF-WAY EAST OF LOTS 4, 5, & 6, BLOCK 12, SECOND ADDITION SUBDIVISION, FROM R-2, SINGLE AND TWO FAMILY RESIDENTIAL ZONING DISTRICT TO C-2, CENTRAL BUSINESS ZONING DISTRICT, SUBJECT TO ALL PLANNING REQUIREMENTS**

Councilman Carsrud made a motion to remove the foregoing Ordinance from the table; seconded by Councilman Barks. All voted aye. The motion carried and the Ordinance was removed from the table

for discussion. Councilman Barks made a motion at the June 5, 2018 Council Meeting to approve the foregoing Ordinance on second reading; seconded by Councilman Carsrud, the motion remained in effect and carried forward to this agenda for discussion and consideration. Alex Berger, the applicant for the zoning amendment, expressed concerns that Staff had changed their recommendation regarding the zoning amendment. He reminded Council that the zoning change was approved by the Planning Commission and approved by Council on first reading of the ordinance. The item was tabled on second reading of the ordinance, after receipt of a letter from a neighborhood resident. Mr. Berger requested that Council respectfully approve the zoning amendment, stating that he felt the downtown area could grow stagnant without growth. Councilman Carsrud expressed concerns regarding parking. Mr. Berger stated that customer parking would be behind the building and not on the street, and referred to other businesses in the area that utilize on-street customer parking on a short-term basis. Mr. Berger stated that he knew, when he purchased the property, that there was the possibility that the property would not be re-zoned; he did not enter into a contingent agreement and purchased the house with the hope that the property would be re-zoned. Director Cole summarized a memorandum regarding staff recommendation, citing that the property does not appear to be “contiguous and adjacent” to the existing C-2 zoning district, without using the right-of-way as a factor, as required by the City Zoning Ordinance. Director Cole discussed the possible property uses allowed in a C-2 zoning district and stated that the allowed uses would likely conflict with the residential uses within the area. He did not see a problem with a law office, but stated that in the future, the property could be sold with the possibility of a liquor store or bowling alley or other use that didn’t fit in a residential area. Staff was not concerned with Mr. Berger’s proposed use of the property, the concern was potential utilization of the property, if it was sold and allowed to develop under a C-2 zoning district. Director Cole stated that the listing realtor was advised that the only allowed use for the property was single family or two-family dwelling units. Staff also advised the listing realtor that re-zone would be hard to achieve, based on other unsuccessful zoning amendment applications in that area. The listing agent was advised, via email, that C-2 zoning would not be supported by City Staff. Director Cole advised Council that he would not advise re-zoning this property as a C-2 classification. Mayor Carter-King asked what zoning classification would be allowed. Director Cole recommended the development of a transitional zoning overlay that would possibly allow for traditional office space within a residential district that was close to the central business district. This would serve as a transition from the residential district to the core central business district, while maintaining the residential character in the residential zones that are adjacent and contiguous to the downtown core business district, and allowing for uses that are more of a professional office environment. This type of district is not currently allowed. The zoning overlay would need to be developed, public hearings held, and notification made to surrounding property owners before the zoning amendment could be recommended for City Council’s consideration. Mayor Carter-King asked if a C-O zoning would be appropriate for this property. Director Cole stated that, unfortunately, to establish a C-O zone there needs to be a minimum district contiguous size of one (1) acre, without the use of the right-of-way for factoring the acre. This property does not contain enough acreage to create a C-O zone. Councilman Barks asked if the time frame for developing the zoning overlay could be expedited. Director Cole stated that State Statute dictates the process, which includes public hearings and notification to surrounding property owners, which takes time to accomplish. Council reviewed and discussed the maps that had been presented at a previous meeting. Council discussed Ordinance 3360, which regulates residential parking permits on Warren Avenue between 4th Street and 5th Street, and ensures each residence has parking in front of their property. Director Cole stated that a C-2 zone does not require any off-street parking. Council discussed the zoning types in the general downtown area. Councilman Barks stated that, if this zoning request is denied, he would like expedited development of a zoning overlay that would allow for office use in the area, to accommodate Mr. Berger’s zoning needs. After the discussion, Barks, Montgomery, Lundvall, and Mayor Carter-King voted nay. Councilmen Kuntz and Carsrud voted aye. The motion was defeated.

#### **ORDINANCE 18-10**

**AN ORDINANCE APPROVING AND AUTHORIZING THE EXTENSION OF THE BOUNDARIES OF THE CITY OF GILLETTE, WYOMING, AND ANNEXATION OF A TRACT OF LAND KNOWN AS THE COUNTRY CLUB ISLAND ANNEXATION, ENTIRELY ADJACENT AND CONTIGUOUS TO THE PRESENT BOUNDARIES OF THE CITY OF GILLETTE, WYOMING, PURSUANT TO W.S. 15-1-404, AND ESTABLISHING AN A, AGRICULTURAL ZONING DISTRICT AN R-S, SUBURBAN RESIDENTIAL ZONING DISTRICT, AND AN R-2, SINGLE AND TWO FAMILY RESIDENTIAL ZONING DISTRICT, SUBJECT TO ALL PLANNING REQUIREMENTS**

Councilman Carsrud made a motion to approve the foregoing Ordinance on second reading; seconded by Councilman Kuntz. Roy Edwards, Cindy Luth, Ernie Cummings, Judy Cummings, and Marlene Fetty spoke to Council regarding concerns regarding the annexation. Discussion ensued. Mr. Edwards asked that the record show that the church property, which consists of the church, parsonage, and an additional house, could continue with their current solid waste disposal for one combined account rather than three separate solid waste accounts. Mayor Carter-King assured Mr. Edwards that because of the church, they are considered a commercial property and would be allowed to utilize the services of the solid waste

company of their choice. City Administrator Davidson stated that he didn't think it was unreasonable to allow the parsonage and the additional house on the property to be considered part of the church property. Mr. Edwards also requested that they would not be required to utilize the City's sanitary sewer system until it was within a certain distance of the property. Councilman Barks requested that staff include a buffer timeframe of 3 years for the payment of tap fees. Administrator Davidson stated that the annexation report would be amended to reflect the request. Councilman Carsrud asked about the sewer lines in the area. Director Cole stated that sewer has been extended to areas of Country Club Road that have been annexed. The lots considered in the current annexation request all have septic systems in the back of their lots. If the City were to add sewer lines in the front of their lots, each individual home owner would likely have to install a pump to pump the sewage to the front of the lot to reach the sewer main. Mayor Carter-King asked if there was a plan for providing sewer services. Director Cole stated that the discussion could arise in the future if the septic systems fail and citizens need sewer services; customers would have significant costs involved with properly abandoning their leech fields and extending their sewer service lines. Councilman Barks clarified that, with this annexation, property owners are not currently required to connect to the City's sanitary sewer line. Director Cole stated that a future Local Improvement District could be established to help home owners spread the cost of the service lines over a period of years. Councilman Kuntz asked for information regarding all utility costs. Administrator Davidson summarized a memo, prepared by Director Cole, that showed a comparison of PRECORP electrical costs with the City's electrical costs and a comparison of County versus City property taxes. Mr. Cummings asked if the City provides the meters. Director Cole stated that the City provides the meter for the electric utilities; fees for water meters would be assessed, along with plant investment fees, after the three-year buffer period. Marlene Fetty expressed concern that the electrical hookup to her home may not be up to City Code and was worried about being without electrical service. Administrator Davidson reminded Council that this is the second reading of the ordinance. If the annexation is approved on third reading, the City would be in a better position to assess Mrs. Fetty's situation. Upon completion of all discussion, all voted aye. The motion carried.

#### **New Business** **Minute Action**

Councilman Carsrud made a motion to approve a street closure permit on July 26, 2018, from 5:00 p.m. to 7:00 p.m. for the 3rd Street Plaza for a Meet the Candidates, Ice Cream Social, requested by Tracy Mathews and Gail Lofing with the Campbell County Chamber of Commerce; seconded by Councilman Montgomery. All voted aye. The motion carried.

#### **RESOLUTION 2664** **A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR** **FEDERAL FUNDING THROUGH THE TRANSPORTATION ALTERNATIVES** **PROGRAM ADMINISTERED BY THE WYOMING DEPARTMENT OF** **TRANSPORTATION FOR THE PURPOSES OF THE DONKEY CREEK PATHWAY** **CONNECTIONS PROJECT**

Councilman Kuntz made a motion to approve the foregoing Resolution authorizing the submission of an application for federal funding through the Transportation Alternatives Program administered by the Wyoming Department of Transportation for the purposes of the Donkey Creek Pathway Connections Project.; seconded by Councilman Barks. Administrator Davidson notified Council that this is a 1% Project. All voted aye. The motion carried.

Councilman Carsrud made a motion to approve a bid award for the 4J Pathway Repairs project to Wyoming Earthmoving Corporation (WEC) in the Amount of \$150,014.60 (1% Project); seconded by Councilman Barks. Administrator Davidson provided an explanation of the consideration. All voted aye. The motion carried.

Councilman Barks made a motion for the acceptance of public improvements for the Large Asphalt Patch Spring 2018 project, installed by Simon Contractors, in the amount of \$75,980.00 (1% Project); seconded by Councilman Montgomery. Administrator Davidson provided an explanation of the consideration. All voted aye. The motion carried.

Councilman Carsrud made a motion for the acceptance of public improvements for the Gillette Regional Water Supply Project Phase I District Extensions, installed by Hot Iron, Inc., in the amount of \$204,581.06; seconded by Councilman Montgomery. Administrator Davidson provided an explanation of the consideration. All voted aye. The motion carried.

Councilman Barks made a motion to approve a professional services agreement for design and bidding services for the Wastewater Treatment Plan Digester Tank Coating Project with Morrison-Maierle, Inc., in the amount of \$22,198.00; seconded by Councilman Carsrud. All voted aye. The motion carried.

Councilman Barks made a motion to approve a One Percent Tax Education Agreement between Campbell County, the City of Gillette, the Town of Wright, and the Campbell County Chamber of Commerce; seconded by Councilman Montgomery. Administrator Davidson provided an explanation of the consideration. All voted aye. The motion carried.

#### Ordinance 1st Reading

**ORDINANCE 18-12**  
**AN ORDINANCE TO AMEND CHAPTER FIVE OF THE GILLETTE CITY**  
**CODE TO ADOPT AND AMEND THE 2018 EDITIONS OF THE**  
**INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL**  
**CODE, THE INTERNATIONAL PLUMBING CODE, THE INTERNATIONAL**  
**MECHANICAL CODE, THE INTERNATIONAL FUEL GAS CODE, THE**  
**INTERNATIONAL FIRE CODE, AND THE INTERNATIONAL EXISTING**  
**BUILDING CODE**

Councilman Carsrud made a motion to approve the foregoing Ordinance on first reading; seconded by Councilman Kuntz. Deputy Chief Building Official Brown provided an explanation of the consideration. All voted aye. The motion carried.

#### Appointments

Councilman Kuntz made a motion to appoint Michael Cole to the Wyoming Association of Risk Management Board; seconded by Councilman Barks. All voted aye. The motion carried.

#### Public Hearings and Considerations

Mayor Carter-King opened into a public hearing for the proposed amendments to the Gillette City Budget for FY2017-18. Administrator Davidson provided an explanation of the consideration. No further comments were made and the public hearing was closed.

**RESOLUTION 2665**  
**A RESOLUTION AMENDING THE GILLETTE CITY BUDGET FOR THE**  
**2017-18 FISCAL YEAR PURSUANT TO W.S. 16-4-113**

Councilman Kuntz made a motion to approve the foregoing Resolution amending the Gillette City Budget for the 2017-18 Fiscal Year pursuant to W.S. 16-4-113; seconded by Councilman Montgomery. All voted aye. The motion carried.

Mayor Carter-King opened into a public hearing to consider the Gillette City Budget for FY2018-2019. Councilman Kuntz thanked staff for their hard work on the budget process. Sherry England, Executive Director of the YES House, expressed her appreciation for Council's support of the YES House. The public hearing was closed.

**ORDINANCE 3948**  
**AN ORDINANCE PROVIDING FOR THE ANNUAL APPROPRIATION OF MONEY FOR**  
**THE MAINTENANCE OF THE CITY OF GILLETTE, WYOMING, FOR FY2018-2019.**

Councilman Kuntz made a motion to approve the foregoing Ordinance on third and final reading; seconded by Councilman Montgomery. All voted aye. The motion carried.

#### Executive Session

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

#### Adjournment

There being no further business, the meeting was adjourned at 8:50 p.m. The next scheduled meeting will be held on July 3, 2018, 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: June 27, 2018

---

Louise Carter-King, Mayor