

A meeting of the City Council was held on Tuesday the 1st day of October 2019.

Present were Councilmen Brown, Carsrud, Lundvall, McLeland, Montgomery, Neary, and Mayor Carter-King; City Administrator Davidson and City Attorney Reyes; Directors Cole, Henderson, Hloucal, Muzzarelli, and Wilde; Managers Schoen, Palazzari, and Toscana; Planner Sanders; City Clerk Staskiewicz and Deputy Clerk Crawford.

### **Invocation and Pledge of Allegiance**

The Invocation was led by Reverend Ed Sisti of Open Door Church. The Pledge of Allegiance was led by the Buffalo Ridge Elementary Bison of the Month Students.

### **Approval of General Agenda**

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

### **Approval of Consent Agenda**

#### **Minutes**

Work Session – September 10, 2019; Executive Session – September 10, 2019; Pre-Meeting – September 17, 2019; Executive Session – September 17, 2019; Regular Meeting – September 17, 2019; Work Session – September 24, 2019

### **Ordinance 3rd Reading - Consent**

#### **ORDINANCE NO. 3969**

**AN ORDINANCE PROVIDING FOR THE VACATION OF THE  
EASTERLY 4' PORTION OF A 15' WIDE UTILITY EASEMENT  
LOCATED IN LOT 5, BLOCK 2, NORTHLAND VILLAGE MOBILE  
HOME PARK, FIRST FILING, PHASE III SUBDIVISION,  
AS SHOWN ON EXHIBIT "A" MAP, IN THE CITY OF GILLETTE,  
WYOMING, SUBJECT TO ALL PLANNING REQUIREMENTS.**

### **Bills and Claims**

Absolute Auto, LLC, 106.07; Adamson Police Products, 305.00; Adobe Systems Inc, 152.90; Advance Auto Parts, 1,335.12; Alan Stuber, 250.00; AlSCO, 877.74; Altec Industries Inc, 1,081.45; AM Signal Inc, 1,090.90; Amanda Goetz, 250.00; American Welding & Gas Inc, 32.83; Andy Lucas, 250.00; Anixter Power Solutions, 6,404.41; Annalicia Brodie, 150.00; Anthony, Kenneth & Sally, 137.77; Arete Design Group, 1,201.60; Arrow Printing and Graphics Inc, 84.80; Associated Glass Inc, 738.68; Assure Co Risk Management & Regulator Compliance, 350.00; AT&T Mobility National Accounts, 4,457.37; Austin Baumberger, 250.00; AVP Consulting LLC, 52.85; Bagwell, Jessica, 165.37; Bailey, Joshua, 109.90; Big Horn Tire Inc, 921.24; BJ Nelson Inc/Nelson Auto Glass, 406.25; Black Cat Construction LLC, 5,293.78; Black Hawk Crane and Rigging Inc, 920.00; Black Hills Energy, 2,372.63; Black Hills Power & Light, 92,448.21; Black Hills Power & Light, 1,460.14; Black Hills Power & Light, 265,865.41; Black Hills Power & Light, 316,475.13; Black Hills Wyoming LLC, 208,308.08; Black Hills Wyoming LLC, 334,506.43; Blue Cross Blue Shield of Wyoming, 110,249.83; Blue Cross Blue Shield of Wyoming, 174.17; Blue Cross Blue Shield of Wyoming, 101,823.11; Border States Electric, 5,584.05; Brent Wasson, 200.00; Brian Roesner, 250.00; Broken Link Construction LLC, 17,691.01; Bryan Taylor, 250.00; Burns and McDonnell Corporation, 24,502.31; Caballero, Hali, 64.13; Campbell County Hospital District, 1,005.50; Campbell County Landfill, 88,606.50; Campbell County Parks and Recreation Center, 50.00; Campbell County Sheriff, 8,375.00; Carr Coatings LLC, 745.00; CBH Co-Op, 24,040.78; Centurylink, 267.86; Chavez, Michael, 100.81; Chuck Deaton, 200.00; City of Gillette, 50.00; Collection Professionals Gillette, 576.76; Collins Communications Inc, 5,900.79; Cornerstone General Contractors, 172.26; Crescent Electric Supply, 128.46; Croft, Jessica, 13.85; Crook County Clerk, 38.00; Crum Electric Supply Company, 1,273.48; Cues Inc, 2,500.00; Cummins Rocky Mountain Inc, 2,157.99; Cummins Rocky Mountain Inc, 1,064.23; Dads Truck and Auto LLC, 80.00; Dan Stroup, 250.00; DBC Irrigation Supply, 517.96; Dean Welch, 250.00; Dell Computer Corp, 76,448.20; Department of Energy, 55,920.84; Derek Weinhardt, 250.00; Derek Weinhardt, 100.00; DOWL LLC, 4,467.50; DPC Industries Inc, 6,039.00; DRM Inc, 15,076.87; Employment Testing Services Inc, 1,012.00; Energy Laboratories Inc, 2,209.00; Englebert, Clay, 106.54; Eric Vos, 250.00; Fairmont Supply Company, 17.40; Falcon Environmental Corporation, 3,457.03; Farmer Brothers Company, 910.65; Fastenal Company, 71.06; Fenton, Christine, 177.07; First Interstate Bank of Gillette, 31.06; First Northern Bank of Wyoming, 7,462.50; Fosen, Jacqueline, 45.16; Galls, An Aramark Company, 63.00; Garry Ginn, 100.00; GE Digital LLC, 26,422.52; Gillette Contractors Supply Inc, 3,161.22; Gillette Winnelson Company, 163.65; Granicus LLC, 12,936.00; Greg Brothers, 250.00; Greub, Trenton, 125.75; Griffith, Alexis, 125.63; GW Construction, LLC, 1,475.50; Hach Company, 376.37; Harris, Cyndi, 97.71; Hasquet, Shawn, 8.86; HDR Inc - US Engineering Accounts Receivable, 15,722.56; Hendryx, Whitney, 128.10; Holly Campbell, 200.00; Homax Oil, 6,363.28; Home Fire Foods, 299.25; Hot Iron, 78,260.52; Hub International Mountain States Limited,

100.00; Hub International Mountain States Limited, 50.00; Inberg Miller Engineers, 890.22; Ingersoll, Hailey, 104.36; Inland Truck Parts, 68.99; Interstate Companies Inc, 6,694.77; Iris Estrada Cortez, 415.84; Jack's Truck Center Inc, 554.14; Jason Hall, 100.00; Jason Marcus, 250.00; Jennifer Ivory, 50.00; Jeremiah Wagner, 200.00; Jerry Van Damme, 250.00; Jessica Hostetter, 91.88; Jim Hloucal, 200.00; JLC Sign Systems Inc, 187.00; Jones, Alicia, 132.64; Karen Johnson, 56.56; Karibett Enriguez Gonzalez, 25.00; Kelly, Meladie, 82.03; KOIS Brothers Equipment Company, 1,468.83; Kristopher Hunter, 250.00; Kyle Sprague, 250.00; Ladonna Hatch, 290.00; Lavra Lehan, 650.00; Layne Christensen Company, 590.19; Learning Tree International USA Inc, 3,200.00; LexisNexis Matthew Bender, 576.46; Lord, Jeraldine, 29.70; Lowe Roofing Inc, 208.70; Malone, Ted Jr, 116.89; Manna Spiritual Nourishment, 146.35; Mary Kelly, 7,375.00; McCargish, Kristen, 142.36; MCM General Contractors, 24,698.66; Michael Palo, 250.00; Michael Stulken, 610.00; MidWest Pest Management, 510.00; MII Life Insurance, Incorporated, 4,343.19; MII Life Insurance, Incorporated, 2,143.06; Mike Schaan, 90.00; Mountain Peak Builders LLC, 4,037.12; Mountain Peaks Diagnostics, LLC, 108.40; MRC Global (US) Inc, 4,749.00; Nelson, Bradley, 31.06; Newman Signs Inc, 2,670.00; Norco Inc, 513.77; Northwest Lineman College, 1,220.00; One Call of Wyoming Corp, 333.00; Overson, Erika & Braden, 180.82; Paintbrush Sewer & Drain, 3,065.00; Patrick Totzke, 250.00; PCA Engineering Inc, 42,969.38; Peregrine Leadership Institute, 395.00; Postal Pros Southwest Inc, 4,269.07; Powder River Energy Corporation, 8,109.01; Powder River Heating & Conditioning Corporation, 14,550.59; Pro Force Law Enforcement, 2,475.00; ProElectric Inc, 40,211.31; Purvis Industries, LLC, 312.43; Rapport, LLC, 370.61; Razor City Locksmith LLC, 468.45; Record Supply Inc Napa, 593.44; Ringer Law P.C., 8,700.00; Ruby Tuesday, 12.69; Ryan Mahylis, 200.00; Ryan Mussell, 250.00; Ryan Warne, 250.00; S&S Builders, 23,257.50; SafariLand LLC, 335.00; Sawtooth Materials, 6,120.00; SD Myers, LLC, 112.00; Selena Nava, 50.00; Shawn L Haight, 9,090.50; Simon Contractors, 946.72; Sioux Falls Children's Home Society, 300.00; Snyder, Michael, 130.66; Source Office Products, 365.46; State of Wyoming - DCI, 15.00; Steven Dillard, 200.00; Strata Inc, 724.00; Strickland, Kashara, 44.65; Tanner Clemens, 250.00; Team Laboratory Chemical Corporation, 160.00; That Embroidery Place, 436.34; Thunder Basin Ford LLC, 808.55; Titan Machinery Inc, 3,287.06; TJ Electric LLC, 5,111.43; Trina Kershaw, 100.00; TW Enterprises Inc, 1,983.35; Tyler Technologies Inc, 5,801.56; UMB Bank, 81,224.02; Universal Athletic Service, 288.00; Vavi Damingo, 250.00; Versa Products, 4,845.00; Vic Robertson, 250.00; Virginia Dean, 288.77; Waylon Rader, 10.00; Waylon Rader, 5.00; Weber, Sara, 33.26; Wesco Receivables Corp, 4,057.78; WYODAK Resources Development Corp, 154,748.52; Wyoming Dept of Transportation, 14.16; Wyoming Marine, 49.75; Wyoming Roofing LLC, 67,162.50; Wyoming Secretary of State, 30.00; WYOSTAR, 989,094.00; WYOSTAR, 25,250.00; WYOSTAR, 250,000.00; Xerox Corporation, 55.18; Zach Parker, 250.00

Approval of a Facility Maintenance Agreement for Campbell County Joint Powers Fire Board Facilities.

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

### **Comments**

Council Comments – Councilman Neary congratulated Gillette for hosting a successful State Tennis Tournament; Campbell County High School boys finished in the top three (3).

Other Comments – The Mayor and Council recognized Sergeant Jason Marcus of the Police Department for 20 years of service to the City.

Mayor Carter-King proclaimed the Month of October 2019 as Domestic Violence Awareness Month. Shawna McDonald, Prevention and Education Coordinator of the Gillette Abuse Refuge Foundation, explained the events scheduled for October.

Communications Manager Palazzari announced the 2019 Summer Parks photo contest winners.

Communications Manager Palazzari provided a video presentation of past and upcoming events from around the community.

### **Unfinished Business – Ordinance 2nd Reading**

#### **ORDINANCE NO. 19-17 AN ORDINANCE TO AMEND CHAPTER 11, SECTION 11-10 OF THE GILLETTE CITY CODE TO REVISE CITY SNOW ROUTES AND SNOW EMERGENCY DECLARATIONS**

Councilman Montgomery made a motion to approve the foregoing Ordinance on 2nd reading; seconded by Councilman Carsrud. Mayor Carter-King explained that citizens expressed concern with the proposed changes to the ordinance at the last Council Work Session, and it was decided to discuss the proposed changes with Staff and find alternate ideas and suggestions. Mayor Carter-King reported that the last snow season had 27 snow events, with only five (5) snow events resulting in a snow level that required the removal of vehicles from the snow routes. The Mayor explained that the issues with snow

removal on 4th Street, 6th Street, and 7th Street were caused by the accumulation of snow from smaller storms, not requiring the removal of vehicles, and extremely cold temperatures. Snow plows experienced difficulties removing the accumulation of snow and ice around the parked vehicles. Administrator Davidson spoke with Staff to discuss options, and concluded with the suggestion of amending the ordinance to allow the City Administrator the discretion of closing streets, before, during, and following snow storms, as needed for snow removal, rather than prohibiting parking on designated streets from November through March. Citizens would be notified in advance of the discretionary, temporary, parking restrictions, which would allow City Snow Crews full access to streets for snow and ice removal. The amended version of the Ordinance would also allow the City full access to streets for other issues that could occur, such as ice buildup from water line breaks. Mayor Carter-King clarified that the proposed amendment would allow for discretionary closure of any street within the city limits, and not be limited to the emergency snow routes. John Yarkosky of Arrow Printing, who previously spoke against the ordinance with concerns for accessing his business on 4th Street, spoke in favor of the proposed amendment of the Ordinance. Councilman Brown expressed appreciation to Staff for the proposed amendment. Council President Montgomery made a motion to amend the proposed changes to Chapter 11, Section 11-10 (C) (3) (b) approved on first reading on September 17, 2019, to read, “the Administrator, in his sole discretion, is authorized before, during, or after any Snow Emergency to implement any emergency measures and restrictions reasonably necessary to protect the public health, safety, and welfare, including but not limited to prohibiting parking on any City street”; seconded by Councilman Carsrud. All voted aye. The motion to amend the Ordinance carried. Mayor Carter-King asked Council to vote on the second reading of the Ordinance, as amended. All voted aye. The motion for the amended Ordinance on second reading carried.

#### **ORDINANCE 19-18**

#### **AN ORDINANCE TO AMEND CHAPTER 14, SECTION 14 A OF THE GILLETTE CITY CODE TO REVISE CITY PARK HOURS**

Councilman Carsrud made a motion to approve the foregoing Ordinance on 2nd reading; seconded by Councilman Montgomery. All voted aye. The motion carried.

#### **New Business**

#### **Minute Action**

Councilman Brown made a motion to approve a parade permit on Gillette Avenue from 7th Street to 1st Street, October 10, 2019, from 4:00 p.m. to 4:30 p.m., for the Campbell County High School Homecoming Parade, requested by Campbell County High School Student Council; seconded by Councilman Lundvall. Representatives from the Campbell County High School Student Council explained the parade request. All voted aye. The motion carried.

Councilman Montgomery made a motion to approve a parade permit on Highway 14/16 from 4-J Road to Osborne Avenue, November 11, 2019, from 12:30 p.m. to 2:30 p.m., for a Veteran’s Day Parade, requested by Kerwin Burton; seconded by Councilman Brown. All voted aye. The motion carried.

Councilman Carsrud made a motion to approve a Professional Services Agreement for Design and Bidding Services associated with the 2020 Sanitary Sewer Main Replacement Project, with HDR Engineering, Inc., in the amount of \$282,325 (1% Project); seconded by Councilman McLeland. Administrator Davidson explained the consideration. All voted aye. The motion carried.

#### **RESOLUTION NO. 2707**

#### **A RESOLUTION APPROVING AND AUTHORIZING THE FINAL PLAT KNOWN AS THE ANTELOPE VALLEY BUSINESS PARK, PHASE III, LOTS 14A & 14B, ANTELOPE VALLEY BUSINESS PARK SUBDIVISION; TO THE CITY OF GILLETTE, WYOMING, SUBJECT TO ALL PLANNING REQUIREMENTS.**

Councilman Brown made a motion to approve the foregoing Resolution approving and authorizing the final plat known as the Antelope Valley Business Park, Phase III, Lots 14A & 14B, Antelope Valley Business Park Subdivision; to the City of Gillette, Wyoming, subject to all Planning Requirements (Planning Commission Vote 4/0); seconded by Councilman Montgomery. Administrator Davidson explained the consideration. All voted aye. The motion carried.

Councilman Brown made a motion to approve a bid award for the Animal Control Renovation to Norton Construction, in the amount of \$834,000; seconded by Councilman Carsrud. Administrator Davidson explained the consideration. All voted aye. The motion carried.

#### **Ordinance 1st Reading**

#### **ORDINANCE NO. 19-19**

**AN ORDINANCE APPROVING AND AUTHORIZING AN AMENDMENT TO  
ORDINANCE 3827 AND ASSOCIATED VILLAS AT TENTH HOLE ESTATES PHASE  
1, PLANNED UNIT DEVELOPMENT PLAT TO BE KNOWN AS FINAL PUD PLAT, A  
RESUDIVISION OF LOTS 17-28, BLOCK 3, VILLAS AT TENTH HOLE ESTATES,  
PHASE I, TO THE CITY OF GILLETTE, WYOMING**

Councilman McLeland made a motion to approve the foregoing Ordinance on first reading; seconded by Councilman Montgomery. Administrator Davidson explained the consideration. All voted aye. The motion carried.

**Public Hearings and Considerations**

Mayor Carter-King opened a public hearing for a zoning text amendment to the Zoning Ordinance of the City of Gillette, Wyoming, to amend Section 16 Definitions, Section 9.B., Off-Street Parking and Loading Requirements, and Section 5, Administration and Enforcement, subject to all Planning Requirements (Planning Commission vote 4/0). City Administrator Davidson explained that this ordinance would allow the City options to abate or remedy potholes in parking lots owned by private businesses. Administrator Davidson cited concerns not only for damages to private vehicles, but also the inability of emergency vehicles to enter damaged parking lots to reach their destination. City Planner Sanders informed Council of the abatement process. The complaints would be handled by the Planning and Zoning Division, with the aid of the City Engineer, to assess the parking lots and determine if the size of the potholes would create a safety hazard. A notice of the violation would be issued to the property owner, which would provide the owner a 10-day opportunity to present the Planning Division with a plan to remedy the pothole. If the property owner does not take action to correct the issue, the City would issue a final notice. If there is no response to the final notice, the City would take action to abate the property by obtaining quotes for repair of the property. The property owner would be billed for the repairs, with the possibility of a lien placed on the property for non-payment. Mayor Carter-King stated that private property pothole repairs have been an on-going issue for many years. Mayor Carter-King closed the public hearing.

**ORDINANCE NO. 19-20**

**AN ORDINANCE APPROVING AND AUTHORIZING A ZONING TEXT AMENDMENT  
TO AMEND THE ZONING ORDINANCE OF THE CITY OF GILLETTE, WYOMING, TO  
AMEND SECTION 16 DEFINITIONS, SECTION 9.B., OFF-STREET PARKING AND  
LOADING REQUIREMENTS AND SECTION 5, ADMINISTRATION AND  
ENFORCEMENT; SUBJECT TO ALL PLANNING REQUIREMENTS**

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

Mayor Carter-King opened a public hearing for the transfer of ownership of retail liquor license RTL-24 from RMH Franchise Corporation, d.b.a. Applebee's Neighborhood Grill & Bar, located at 1927 Cliff Davis Drive, to AB Gillette WY, LLC, d.b.a. Applebee's Neighborhood Grill & Bar. Administrator Davidson explained the consideration. Heather Sutherland, Applebee's General Manager, thanked Council for considering the transfer. Mayor Carter-King closed the public hearing.

Councilman Carsrud made a motion to approve the transfer of ownership of Retail Liquor License RTL-24 from RMH Franchise Corporation, d.b.a. Applebee's Neighborhood Grill & Bar, located at 1927 Cliff Davis Drive, to AB Gillette WY, LLC, d.b.a. Applebee's Neighborhood Grill & Bar; seconded by Councilman Lundvall. All voted aye. The motion carried.

**Adjournment**

There being no further business to come before the Council, the meeting adjourned at 8:03 p.m. The next regularly scheduled meeting will be held on October 15, 2019, 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)

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Louise Carter-King, Mayor

ATTEST:

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Cindy Staskiewicz, City Clerk  
Publication Date: October 9, 2019