

City Council Meeting Minutes
April 22, 2019

The regular meeting of the Douglas City Council was held on Monday, April 22, 2019, at 5:30 p.m. in the Council Chambers of City Hall at 101 N. 4th Street, Douglas, Wyoming.

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL: Mayor Kemper called the meeting to order and led the assembly in the Pledge of Allegiance. Upon roll call the following were present:

Mayor:	Rene' Kemper
Council Members:	John Bartling
	Monty Gilbreath
	Kim Pexton
	Karl E. Hertz

Others Present:

City Administrator	Jonathan Teichert
City Clerk	Karen Rimmer
City Treasurer	Mary Nicol
Chief of Police	Ron Casalenda
Public Works Director	John Harbarger
Community Dev. Director	Clara Chaffin
IT Director	Gary Schwarz

Disclosures by City Councilmembers: Mayor Kemper asked for disclosures of any conflicts of interest for Council members; there were none.

Consent Agenda: Councilmember Bartling moved to approve the Consent Agenda as presented: **Item 2.I. Corrections, Additions, and Approval of Agenda for April 22, 2019; Item 2.II. Consideration of Resolutions and Ordinance by Title Only; Item 2.III. Minutes, Regular City Council Meeting, April 8, 2019; Item 2.IV. Minutes, City Council Work Session, April 8, 2019; Item 2.V. Minutes, Joint City Council/County Commissioner Work Session, April 17, 2019; 2.VI. Minutes, Regular Planning and Zoning Commission Meeting, April 15, 2019.** Councilmember Pexton seconded; no discussion and motion approved 5-0.

Proclamations/Special Recognitions: **Item 3.I. Proclamation, Arbor Day 2019:** Councilmember Gilbreath read the proclamation declaring Friday, May 10, 2019, as Arbor Day within the City of Douglas.

Presentations to Council/Public Hearings: **Item 4.I. Public Hearing, Resolution 1996, Authorizing Bighorn Construction and Reclamation, LLC to Proceed with a Type B Development for the Construction of an Office, Shop and Construction Yard in a PLI-Planned Light Industrial Zone at 915 North 4th Street (Northgate Development Subdivision, Block 11, Lot 2), Douglas, Wyoming:** Mayor Kemper opened the public hearing; Director Chaffin provided the staff report, including purpose of this development; vicinity map and location; size; zoning; existing

48 and surrounding land use; history; proposed project details;
49 additional infrastructure requirements; and reviewing agencies
50 and correlating comments. City staff and the Planning and Zoning
51 Commission recommended approval as presented. There were no
52 comments from the applicant and no comments in favor or
53 opposition of the resolution. Mayor Kemper closed the public
54 hearing. Councilmember Hertz moved to approve Resolution 1996 as
55 presented; seconded by Councilmember Gilbreath; no discussion
56 and motion approved 5-0. **Item 4.II. Public Hearing, Resolution**
57 **1997, Authorizing a Conditional Use Permit for the Keeping of**
58 **Fowl in an R-2 Medium Density Residential Zone at 1541 Meadow**
59 **Lane (Stone River Meadows #2, Lot 70), City of Douglas:** Mayor
60 Kemper opened the public hearing; Director Chaffin provided the
61 staff report, including purpose; vicinity map and location;
62 size; zoning; existing and surrounding land use; history; and
63 staff analysis including two comments received prior to the
64 public hearing in opposition of the application. City staff and
65 the Planning and Zoning Commission recommended approval with
66 conditions as presented. There were no comments from the
67 applicant and no additional comments in favor or opposition of
68 the resolution. Following questions and comments from Council,
69 Mayor Kemper closed the public hearing. Councilmember Pexton
70 moved to approve Resolution 1997 as presented; seconded by
71 Councilmember Bartling; no discussion and motion failed 0-5.
72 **Item 4.III. Public Hearing, Resolution 1998, Approving the**
73 **Halverson Minor Subdivision, Being Portions of Lots 4 and 8, The**
74 **SE 1/4 SW 1/4 of Section 33, Township 33 North, Range 71 West,**
75 **Converse County, Wyoming:** Mayor Kemper opened the public
76 hearing; Director Chaffin provided the staff report, including
77 purpose of development; vicinity map and location; size;
78 existing and surrounding land use; history; proposed project
79 details; and staff analysis. This property is located in the
80 county and therefore not subject to zoning. City staff and the
81 Planning and Zoning Commission recommended approval as presented
82 with reservations as to future development of the property given
83 the lack of county zoning regulations. Director Chaffin answered
84 Council and staff questions including potential future
85 annexation. There were no comments from the applicant and no
86 comments in favor or opposition of the resolution. Mayor Kemper
87 closed the public hearing. Councilmember Bartling moved to
88 approve Resolution 1998 as presented; seconded by Councilmember
89 Gilbreath; no discussion and motion approved 4-1 with
90 Councilmember Bartling opposing the motion. **Item 4.IV. Show**
91 **Cause Hearing, Los Espinos, Inc. DBA LaCosta Mexican Restaurant,**
92 **Sales Tax Delinquency:** Mayor Kemper opened the show cause
93 hearing; the City Clerk provided a staff report for the City,
94 including an overview of the violation and sales tax

95 delinquencies/liquor holds in general; history of violations for
96 the license holder; former Council actions in similar
97 situations; and conclusions and recommendations. Mr. Jose Lopez,
98 Douglas location manager, spoke on behalf of the license holder,
99 Los Espinos, Inc. He provided an explanation of how this
100 violation occurred and answered Council questions regarding how
101 he intends to mitigate this type of violation occurring in the
102 future. Following final Council comments and questions, Mayor
103 Kemper closed the show cause hearing. No further action was
104 taken by Council.

105 **Public Comments:** Mel Glover, Superintendent of the Pioneer
106 Museum, Camp Douglas, and Fort Fetterman, approached Council to
107 provide an overview of his request for Community Service Grant
108 funds for FY2020. His request is primarily for staff for Fort
109 Fetterman and minor repairs at the Museum. He explained funding
110 cuts on the state level are the impetus for his request and
111 answered Council questions. Council thanked him for the work he
112 is doing; his request will be considered as part of the FY2020
113 budget process. Kara Eberspecher, owner of the Princess Theater,
114 approached Council to discuss concerns with the N. 3rd Street
115 improvement project; she provided petition she created titled
116 "Rethink N. 3rd Street Revamp" containing approximately 200
117 signatures to the Clerk. She expressed concerns pertaining to
118 the decreased number of parking spaces in the current plan due
119 to what she feels are unnecessary trees and sidewalk bump-outs.
120 She stated that she was in favor overall of the project but not
121 these aspects of it. Council members asked questions and
122 provided some insight and history of this design, which began
123 with the Douglas Master Plan adoption in 2014 and continued with
124 a Downtown Needs Assessment in 2015, and is a priority project
125 due to the condition of the water lines and storm sewer drainage
126 in this area. The Clerk explained for the record how the public
127 can sign up for notifications regarding City Council regular and
128 work session meetings. Stacey Poppinga, owner of This-n-That
129 Thrift Store, approached Council and provided a letter from
130 MaryAnn Russell, owner of a hair salon on N. 3rd Street, stating
131 opposition to the N. 3rd Street improvements. Ms. Poppinga
132 expressed concerns with the project, primarily reduced parking
133 spaces and inaccuracies in the design plans. John Hunt, owner
134 of Headstrong Brewery, approached Council and also expressed
135 concerns with the N. 3rd Street Improvement project regarding
136 parking and snow removal, as well as a specific business
137 operating out the City Parking lot between N. 2nd and N. 3rd
138 Streets; he stated this area will need to be utilized by
139 downtown customers during this project. He stated he is in favor
140 of the project overall. Stacey Poppinga again approached
141 Council and asked additional questions regarding status of

142 design and anticipated start date. Brian Hardy approached
143 Council and expressed concerns with the inaccuracies that he
144 claims to have found within the design plans for the project. He
145 is also concerned about the reduction in parking and had
146 questions regarding the bidding process and start date for this
147 project. Following brief discussion amongst Council and staff,
148 Mayor and Council thanked all speakers for their comments.

149 **Council Items: Item 6.I. Bid Recommendation, New Specified Tee**
150 **Mower, Douglas Community Club Motion:** Councilmember Hertz moved
151 to accept the bid from Stotz Equipment in the amount of
152 \$32,600.00 as presented and further moved to authorize the City
153 Administrator to approve all associated documentation; seconded
154 by Councilmember Gilbreath; no discussion and motion approved 5-
155 0. **Item 6.II. Bid Recommendation, New Specified VFD Pump System**
156 **Control for 5 HP, 40 HP, and 100 HP Pumps, Douglas Community**
157 **Club:** Councilmember Bartling moved to accept the bid from
158 Granite Peak Pump Service Inc. in the amount of \$38,365.84 as
159 presented and further moved to authorize the City Administrator
160 to approve all associated documentation; Councilmember Gilbreath
161 seconded; no discussion and motion approve 5-0. **Item 6.III. Bid**
162 **Recommendation, Douglas Park Cemetery Expansion Project:**
163 Councilmember Pexton moved to accept the bid from Chalk Buttes
164 Landscaping in the total amount of \$304,160.00 as presented and
165 further moved to authorize the City Administrator to approve all
166 associated documentation; seconded by Councilmember Hertz; no
167 discussion and motion approved 5-0. **Item 6.IV. Bid**
168 **Recommendation, Washington Park Pump Replacement Project:**
169 Councilmember Pexton moved to accept the bid from Chalk Buttes
170 Landscaping in the amount of \$92,374.00 as presented and further
171 moved to authorize the City Administrator to approve all
172 associated documentation; Councilmember Gilbreath seconded; no
173 discussion and motion approved 5-0. **Item 6.V. Bid**
174 **Recommendation, Douglas Pathway Project (TAP Grant):** Brooke
175 Bulgrin, P.E., Inberg-Miller Engineers, approached Council and
176 provided an overview of the project; grant funds received from
177 WYDOT; the City's required fund match; overview and engineer's
178 estimated construction costs for Schedules A and B; overall
179 engineering costs; and the bid tabulation results. Following
180 further questions and discussion, Councilmember Gilbreath moved
181 to accept the bid from Powder River Construction in the amount
182 of \$226,636.00 for both Schedule A and B as recommended
183 contingent upon approval of the recommendation from WYDOT, and
184 further moved to authorize the City Administrator to approve all
185 associated documentation; Councilmember Bartling seconded; no
186 further discussion and motion approved 4-1 with Councilmember
187 Gilbreath opposing the motion.

188 **Council Information:** Item 7.I. Sales Tax Report, April 2019;
189 Item 7.II. Treasurer's Report, March 2019; Item 7.III. Quarterly
190 Financial Statement, Quarter Ending March 31, 2019; Item 7.IV.
191 Dashboards, March 2019: Councilman Gilbreath stated that the
192 City has collected 221.22% of the FY2019 budget and is now
193 averaging \$1.327 million per month in sales tax income. The
194 Clerk stated for the record that the Arbor Day celebration will
195 take place at Douglas Upper Elementary School at 2:00 p.m. on May
196 10, 2019. No further discussion and no action taken.

197 **Adjourn:** Councilmember Bartling moved to adjourn the regular
198 Council meeting; Councilmember Hertz seconded; no discussion and
199 motion approved 5-0. Regular meeting adjourned at 7:07 p.m.

200 **ATTEST:**

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Karen Rimmer, City Clerk

205 Published: May 1, 2019

Rene' Kemper, Mayor