

**CITY OF GREEN RIVER  
CITY COUNCIL PROCEEDINGS  
January 19, 2010**

The Governing Body of the City of Green River met in regular session at 7 p.m. in the City Hall Council Chambers. Mayor Castillon called the meeting to order and Council Member Morck led the Pledge of Allegiance. The following Council Members were present: Pete Rust, Carl Morck, Ted York, Tom McCullough, Jim Boan, and Lisa Maes. The following were present representing the City: City Administrator Barry Cook, Director of Finance Jeff Nieters, Director of Community Development Laura Hansen, Director of Public Works Mike Nelson, Fire Chief/Emergency Services Director Mike Kennedy, Acting Chief of Police Burke Morin, Director of Human Resources Debbie Klein Robertson, Parks and Recreation Director Walt Bratton, City Planner John Dahlgren, Recreation Supervisor Brenda Roosa, City Attorney Ford Bussart, GIS Specialist Jason Brown, and Public Information Coordinator Stephen Pyles.

**APPROVAL OF THE AGENDA**

Mayor Castillon added Sweetwater County Travel and Tourism grant agreements to the consent agenda.

Council Member Boan moved to approve the agenda with the addition. Council Member Rust seconded. Motion carried. (7-0)

**PRESENTATIONS**

**Military Recognition of Ryan L. Desmond**

Council Member York presented the Wyoming flag, city plaque, and t-shirt to Ryan's wife Elizabeth Desmond. Also present were his mother Kim Koon and brother Devin Koon.

Mayor Castillon presented the Wyoming flag, city plaque, and t-shirt to Navy Lt.J.G. Robert L. Ross III. Also present were his parents Robert and Carol Ross, his wife Becky, and daughter Sydney.

**Child Development Center**

Nancy Johnson gave her story as a person with disabilities, a professional that works with children with disabilities, and a mother of a child with disabilities. She focused on the services the Child Development Center was able to provide for her son, who is now living independently and is a student at Western Wyoming College. She asked the governing body to support a 6<sup>th</sup> penny tax for a building for their use.

**Juvenile Truancy Program**

Tina Juancorena stated they are currently serving fifty individuals. She asked the governing body to approve the waiver of direct subgrant award for the 2009 Juvenile Accountability Block Grant for the FYE 2011.

**Joint Powers Telecom Board**

This presentation was delayed until 8:03 p.m. so board chairman Steve Shea could give a presentation to the City of Rock Springs earlier in the evening.

Mr. Shea noted the two cities had spent approximately \$400,000 each on the fiber project since 1999 as a means to spur economic development and to provide better communications for the local governments with high band service. They are currently providing services to the two cities, the county, the college, juvenile detention, the libraries, and law enforcement. The board had decided once they crossed a certain threshold in revenue, they would give any overage back to the cities.

They have gone up to 155 megabits through Contact Communications, and they have also been able to reduce their service fees. At the present time they have about 35 megabits to spare that could be used by other entities.

Mr. Shea asked the governing body if there were any other services or projects they would like them to work on. He noted there are about \$4 billion dollars worth of grants available to cities to improve their bandwidth communications.

Vice-chairman Toby Jacques presented a check in the amount of \$25,000 to Mayor Castillon. *Mr. Shea had presented a check for the same amount to the City of Rock Springs earlier in the evening.*

Mayor Castillon was very happy to accept the check noting it was unprecedented.

Council Member McCullough reminded Mr. Shea he is totally against the board offering bandwidth to the private sector. He believes it sets up a situation of the government competing against local businesses. As long as the board continues to provide services to governments and schools he has no problem with it. He also questioned Mr. Shea's continued terms as the board chairman, since the joint powers agreement has a limit on terms of service.

Mr. Shea stated the issue regarding providing service to local businesses would have to be debated. He believes it is more of an issue of providing for the greater public good.

### **GIS Web Mapping Demonstration**

The city's GIS Specialist, Jason Brown, demonstrated the GIS mapping program that will make geographic information available on the city's website for department heads, employees, developers, realtors, and citizens.

The system provides more up to date visuals and parcel information that Goggle-Earth doesn't provide. There are strict guidelines that are followed to protect confidential information.

The system is connected to the county's system and has both county and city data. Mr. Brown would also like to add city park information.

By working with the county the city saved over \$17,000 and approximately 6 months to a year of staff time needed to create an independent system for the city, and the need to hire additional staff to maintain it.

Laura Hansen noted it made no sense at all for the city to expend money and time to re-create something that had already been done by the county. They will continue to work with the county and add more layers to be used strictly by city staff. She noted the program is already available on the county's website. The city's new website is scheduled for completion in April 2010.

### **CITIZEN REQUESTS AND OTHER COMMUNICATIONS**

Dean Bowers expressed his opposition to the ordinance banning the use of cell phones while driving. He feels it is another unnecessary and copycat law the council seems to think they need to address. It's another example of this council going in the wrong direction.

### **ORDINANCES**

#### **Prohibiting the Use of Cell Phones While Driving**

**Second Reading:** An ordinance amending Chapter 24 of the Green River Code of Ordinances, to include Section 24-16 of the Green River Code of Ordinances, City of Green River, State of Wyoming, prohibiting the use of cell phones while driving.

The governing body expressed their feelings on the ordinance, interpretation of statistics, whether the inattentive driving law addressed the problem, and noted citizen's concerns that had been communicated to them since the first reading.

Council Member Rust stated he would propose an amendment on third reading to ban the use of hands free devices also.

Another citizen, who is a bus driver, stated he sees inattentive driving all the time. He is against the ordinance. He believes the police have the tools they need to address someone who is doing other things while driving, whether it is using a cell phone, sorting mail, or picking up a dropped cigarette.

Larry Ray stated he is against texting while driving, but not so much against the use of the cell phones. He is opposed to Council Member Rust's proposed ban on hands free cell phone devices. He thinks that is going too far.

Council Member McCullough moved to approve the ordinance on second reading. Council Member Boan seconded. Motion carried (6-1) with Council Member York voting no.

## **RESOLUTIONS**

### **Budget Increase for Killdeer Wetlands**

**R10-07:** A resolution for the governing body of the City of Green River, Wyoming, to approve an increase in expenditure authority and to accept a donation from the Greenbelt Task Force in the Capital Projects Fund for the Killdeer Wetland Project in the amount of \$5,000.

Council Member Maes moved to approve the resolution accepting the \$5,000 donation from the Greenbelt Task Force and authorization to deposit it into the Killdeer Wetlands expenditure account. Any remaining funds from the FYE 2010 budget will be rolled over into the FYE 2011 in support of completing the Killdeer Wetlands Rehabilitation Project. Council Member York seconded. Motion carried. (7-0)

### **Budget Increase for Tomahawk Building**

**R10-08:** A resolution for the governing body of the City of Green River, Wyoming, to approve an increase in expenditure authority in the Capital Projects Fund for a grant for the Tomahawk Rehabilitation Project in the amount of \$120,000.

Mr. Cook noted the \$120,000 would be coming in from the Wyoming Business Council from the grant for the renovation of the Tomahawk. Since the payments have to go through the city's budget, the \$120,000 needs to be added to the city budget for expenditure.

Council Member York moved to approve the resolution. Council Member Maes seconded. Motion carried. (7-0)

### **Budget Increase for Scott's Bottom Bridge Replacement**

**R10-09:** A resolution for the governing body of the City of Green River, Wyoming, to approve an increase in expenditure authority in the Capital Projects Fund for the city's match on the Scott's Bottom Bridge replacement project in the amount of \$250,000.

Mr. Cook noted the city has been working with the state for approximately seven years to get a new bridge over the Green River on the FMC road. The two-lane bridge project is scheduled to start this summer. The old bridge will remain in place until the new bridge is completed. The project is a 90/10 split with the state funding 90%. The \$250,000 is the city's 10% obligated match for the project.

Council Member McCullough moved to approve the resolution. Council Member Boan seconded. Motion carried. (7-0)

### **Budget Increase for Green River Water Line Crossing**

**R10-10:** A resolution for the governing body of the City of Green River, Wyoming, to approve an increase in expenditure authority in the Capital Projects Fund for the Green River Water Crossing Project in the amount of \$500,000.

Mr. Cook noted the 16” water line across the river had broken during the high water flows during the summer. The replacement is being designed by Nelson Engineering. A placement site has been selected above the Uinta Bridge. The line has to be replaced to tie the north side of town back into the water system and provide redundancy. A grant application will be submitted to the State Land and Investment Board for \$500,000. The city will match the \$500,000 for a \$1 million dollar project.

Council Member McCullough added there was two lines that ran to the north side of town before the line broke. There has to be two different systems to make sure if one breaks they can still get water to the north side of town.

Council Member Boan stated he is upset by the whole issue. He feels it could have been avoided, and the break is due to incompetence by the Whitewater Park renovation contractor. This is another situation where no one is being held accountable for costing the taxpayers of the city money. He is only voting for the funding because the work has to be done. Somewhere along the line someone has to start being held accountable for mistakes like this.

Council Member Maes felt the unprecedented amount of rain and winter runoffs were contributing factors. She had never seen the water levels so high in Green River.

Responding to questions from Council Member Maes, Mr. Cook stated he wasn’t an engineer, but in his opinion, the high water flows that existed through the entire summer were due to water released by the Bureau of Reclamation. The contractor was doing what he was directed to do. The high water flows were unpredictable. Mr. Cook stated he had never seen the water so high since his fifteen years of living in Green River.

Council Member Rust noted the city had no control over the water flows. Neither did the Bureau of Reclamation in regards to dam operation. He feels we need to be careful in making judgments of science and drawing conclusions based on something he doesn’t feel they are competent to make.

Council Member Boan felt anyone who has lived by the river would know you had to take into consideration the amount of winter run off when diverting water to a small area. He felt work on the project should have been stopped until the high water period was over.

Council Member Rust moved to approve the resolution. Council Member McCullough seconded. Motion carried. (7-0)

### **Budget Increase for Water Diversion Litigation Fund**

**R10-11:** A resolution for the governing body of the City of Green River, Wyoming, to approve an increase in expenditure authority in the General Fund for the Green River Water Diversion Litigation Defense Fund in the amount of \$50,000.

Mayor Castillon noted per the litigation agreement each entity was to contribute \$150,000 each. The city has only budgeted \$100,000. He wanted to make sure Green River fulfilled their obligation according to the agreement. There are other people besides Mr. Million out there wanting to take water out of the Green River. So the diversion issue is not over yet. The money needs to be available if they need to hire legal council. If the money isn’t used, then the council can decide what to do with it later on.

The mayor added the committee had agreed no money would be expended without the approval of all the governing bodies. So each entity still has control on how the resources are expended.

Council Member McCullough moved to approve the resolution. Council Member Maes seconded. Motion carried. (7-0)

### **Budget Increase for Citywide Wireless Project**

**R10-12:** A resolution for the governing body of the City of Green River, Wyoming, to approve an increase in expenditure authority in the Capital Projects Fund for the Citywide Wireless Project in the amount of \$450,000.

Mr. Cook noted this will allow the city to move forward with a contract for services to complete the wireless project in approximately 18 months, instead of three years, with funding in this year's budget and a carry over into the next.

Council Member Morck moved to approve the resolution. Council Member Maes seconded. Motion carried. (7-0)

### **Budget Increase for North I-80 Service Road (Trail) Project**

**R10-13:** A resolution for the governing body of the City of Green River, Wyoming, to approve an increase in expenditure authority in the Capital Projects Fund for the North I-80 Service Road Project in the amount of \$100,000.

Mr. Cook stated this will allow the surveying and acquisition of easements needed to get the project started this year.

Responding to questions from Council Member Boan, the mayor stated the county and the city of Rock Springs hadn't budgeted money for the project yet. They are waiting for the joint agreement to be approved first. Mr. Bussart is working on that agreement now. Each entity will be responsible for a certain section of the "trail" and 1/3 of the project cost. The City of Green River will be responsible for the first two miles within the city limits.

Council Member McCullough stated the trail is estimated to be about seven miles long. The county and Rock Springs will share the responsibility for the remaining five miles. He noted there will have to be changes in the direction of the trail in some sections due to easements that have already been issued for water, fiber, and gas lines. The project is going to take a while. So the improvements probably won't take place for another two to three years.

Ms. Hansen noted she had drafted the agreement for the county to also provide the engineering and preliminary survey work within the Green River city limits. She believes another memorandum of understanding should be drafted for the actual "trail" construction responsibilities.

Council Member McCullough moved to approve the resolution. Council Member Maes seconded. Motion carried. (7-0)

## **COUNCIL ACTION ITEMS**

### **Waive Direct Subgrant Award for Juvenile Accountability Block Grant**

Council Member Rust moved to waive the 2009 JABG direct subgrant award in the amount of \$3,569, to combine it with Sweetwater County's, agree to the 10% grant match of \$397 in the FYE 2011 budget, and authorize the mayor to sign the Waiver of Direct Subgrant Award agreement. Council Member Boan seconded. Motion carried. (7-0)

### **Catering Permit for Ducks Unlimited**

Council Member Maes moved to approve the issuance of a catering permit to cater alcohol to Bon Ton Roulet, doing business as Liquid Emotions Lounge/Clearview Bowling Center for the Ducks Unlimited Annual Banquet and Auction, on Saturday, February 6, 2010, at the Pavilion, from 4:30 p.m. to midnight. Council Member McCullough seconded. Motion carried (6-1) with Council Member York voting no.

### **Waive User Fees for Rodeo Arena**

Council Member Morck moved to waive the user fees (\$1,740) for the Rodeo Arena for the Castle Rock Roping Club's 2010 season. Council Member Boan seconded. Motion carried. (7-0)

## **Construction Engineering Services for Visitor's Center**

Council Member Boan expressed his concern about paying for design and engineering services to build a building on land the city still doesn't own.

Mr. Cook stated he had spoken with Craig Neilson who informed him the proposal from the city had been received and was being reviewed by their real estate people in Salt Lake City. In all likelihood it will be forwarded on to Portland, Oregon for the board to review, and then submitted to the Wyoming Public Service Commission for approval. The representatives he has spoken with locally, and in Salt Lake City, have been very positive about the city being able to purchase the land. They aren't aware of any that have been turned down. However, it takes a long time to go through the channels.

Mr. Cook also noted the bidding process for the project will be going on simultaneously in hopes of starting the project this summer once the land has been purchased.

Council Member Rust moved to authorize the agreement with Uinta Engineering and Surveying, Inc. (UESI) to pay for construction engineering services for the Visitor Center, bid preparation and construction related services in the amount of \$51,600, pending legal review. Council Member McCullough seconded. Motion carried. (7-0)

## **CONSENT AGENDA**

Council Member Maes moved to approve the following consent agenda items. Council Member Rust seconded. Motion carried. (7-0)

- A cooperative agreement with WYDOT for the FMC/Scott's Bottom Bridge Replacement Project (State Project number ARSCT 0.00 0C04A01.)
- Addendum #2 to Hilride Progression Development Group for the Bike Park in the amount of \$1,100 to conduct a 3-day community volunteer build training session April 9-11, 2010.
- The Union Pacific Vendor Statement of Business and Legal Relationships and the Union Pacific Web Enabled Computer System Access Agreement for the Union Pacific Employer Fitness Program at the Recreation Center.
- The Community Development and Parks Department SAVIN 8045SPF copier maintenance agreement with Copier & Supply Co., Inc. for \$.012 per copy.
- The Phaser 7400 printer service agreement with Xerox Corp. in the amount of \$800.10.
- Authorization for the Mayor to sign the Release and Settlement of Property Waiver, release the waiver to the insurance company when the city receives payment, and authorization for the Mayor to address a letter to the Liberty Mutual Group stating he has been authorized to sign and deliver the waiver when the city receives payment of \$1,184.34.
- The release of retainage and payment to Reiman Construction for the FMC Road Project in the amount of \$85,684.20.
- The ratification of the WYDOT Materials Agreement for the new FMC Bridge dated December 10, 2009. WYDOT Number 0C04086.
- An agreement with Nelson Engineering in the amount of \$9,600 for preparation of a grant application and submission to the State Land and Investment Board (SLIB), and attendance at the SLIB meeting, for funding assistance of the water line beneath the Green River, pending legal review.
- The Interagency Agreement with the Wyoming Division of Criminal Investigation for Karl Bode to work with the Southwest Drug Task Force effective December 28, 2009.

- Submission for, and to receive if funded, a 2010 Community Tree Planting Grant from the Wyoming State Forestry Division for up to \$2,000. Project total is \$4,000. The Horse Corral Committee and the Parks and Recreation Department will each contribute \$1,000 to meet the \$2,000 matching funds requirement.
- The Sweetwater County Travel & Tourism Grant Agreements for the following 2010 events: Art on the Green (\$4,000), and Crystal Classic Ice Sculpting Competition (\$4,000).
- The Minutes for: January 5, 2010 and January 12, 2010
- Financial Reports and Payment of Bills:     *Outstanding Invoices* = \$238,091.29  
*Prepaid Invoices* = \$179,199.38                 *Payroll Expenditures* = \$368,483.30  
*Pre-authorization Payments* = \$755,500.00

### **CITY ADMINISTRATOR’S REPORT**

Mr. Cook noted the Consensus Revenue Expenditure Group will be submitting their numbers to the Joint Appropriations Committee this week. He is very anxious to see the projections for the next biennium, and whether they will remain the same as the October projections.

He gave the governing body the FYE 2011 city budget process time line with budget adoption by resolution on June 15, 2010. All the workshops are set for May on Thursday evenings. Staff will be starting the process in February.

He stated he had received an email from PEG Development/The Ridge Development stating they were not going to be able to complete their *Planned Urban Development* project and will be putting the remaining undeveloped sections of land up for sale.

He also put a report on the estimated costs of the Whitewater Park project in the governing body’s mail boxes.

He noted there would be public hearings on grant applications to the Wyoming Business Council by SWEDA for the public parking lot, and Futures for Phase Two of the Tomahawk Building Rehabilitation, at the February 2, 2010 council meeting.

### **CITY ATTORNEY’S REPORT**

Mr. Bussart had nothing to report.

Council Member Rust asked Mr. Bussart to explain the state statutes regarding a sixth-penny tax. Mr. Bussart noted the information is in Title 39. To bring the tax to vote by the citizens requires a consensus of the county commissioners **and** two-thirds of the incorporated cities of the county. The “project” has to be dollar specific and project specific. The revenue cannot be used for operations of the project. The bottom line fact is, if the county commissioners don’t adopt a resolution for placement on the ballot, it doesn’t matter if two-thirds of the incorporated governing bodies did. Without the resolution from the county commissioners nothing happens.

### **MAYOR AND COUNCIL REPORTS**

Council Member York mentioned the Burbots Bash being put on by the Chamber of Commerce this Saturday. He stated they are good eating.

Council Member Maes thanked city staff for helping the mayor put all of the information together for his presentation at the legislators meeting on January 13, 2010. She would like to get the email information out to the public so they can contact all of the state legislators.

She also noted the Racquetball Tournament is this weekend and suggested folks attend. She commended Ms. Krumholz for the work she is doing.

Council Member Boan asked if either SWEDA or Futures had submitted their yearend reports, and list of contacts they had made on behalf of the city, that were due by the end of December. Mr. Cook stated he hadn't received anything.

Council Member McCullough had nothing to report.

Council Member Morck had nothing to report.

Council Member Rust stated he will research statistics on hands free cell phone devices, and urban versus small town accident statistics involving cell phones.

He also stated it is absolutely critical to address the reduction in revenues for cities and towns being proposed by the state. If the city doesn't get the money, they won't be able to provide the status of services they have been. Our legislative delegation supports the cities, so people need to contact people they know throughout the state to get the word out and let them know the cities and towns are in trouble. It needs to be done in order to get the maximum amount of revenue out of the legislature.

Council Member Rust also noted there would be a retirement reception held for Wayne Zickefoose on January 22<sup>nd</sup>.

Mayor Castillon noted the cuts being proposed by the governor are going to affect the services provided, and quality of life for the citizens of Green River in one way or another. He noted some communities have already started a reduction in work force.

He stated representatives from the county commissioners and the cities of Rock Springs and Green River will be attending the legislative session on February 11, 2010 to lobby for funding.

The Mayor stated he attended the Flaming Gorge Scenic Byways Committee meeting regarding efforts to designate points along the gorge for National Scenic Byway and the All American Go Points recognition. He asked for the committee to be placed on the next workshop to explain the scenic byways initiative they have been working on for about eight years, and also the proposed High Desert Interpretive Center in Rock Springs.

## **ADJOURNMENT**

Council Member Rust moved to adjourn at 9:07 p.m. Council Member York seconded. Motion carried. (7-0)

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H. Castillon, Mayor

ATTEST:

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Jeffrey V. Nieters, City Clerk