

**CITY OF GREEN RIVER
CITY COUNCIL PROCEEDINGS
February 2, 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 Laura Hansen 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, Chief of Police John Love, Director of Human Resources Debbie Klein Robertson, Parks and Recreation Director Walt Bratton, Parks Supervisor Alyssa Krumholz, Parks Supervisor Sherry Schumacher, City Planner John Dahlgren, Building Inspector Dave Allred, City Attorney Ford Bussart, and Public Information Coordinator Stephen Pyles. Also present were Main Street Manager Maggie Adams, Green River Historic Preservation Commission Member Ruth Lauritzen, Wyoming Business Council South Central Regional Director Pat Robbins, Green River Futures President Brad Sutherland, Green River Futures Board Chair Paul Stephens, and SWEDA Director Michelle Hostettler.

APPROVAL OF THE AGENDA

Mayor Castillon added a contract for a 2010 Crystal Classic judge to the consent agenda.

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

PROCLAMATIONS

Congenital Heart Defect Awareness Week

Debbie Klein Robertson read the proclamation and Mayor Castillon declared February 7 – 14, 2010 as Congenital Heart Defect Awareness Week.

CITIZEN REQUESTS AND OTHER COMMUNICATIONS

An unidentified citizen (Jerry) presented information from studies done on cell phone use and questioned whether the cell phone ordinance would really have any influence on the reduction of vehicle accidents. He believes the law will be difficult to enforce, and the tools to take care of the issue are already in place. He hates to see us do anything just because it is a trend.

PUBLIC HEARINGS

Grant Application for the Wild Horse Canyon Road Parking Lot

Submission of an application for a Wyoming Business Council 2010 Community Development Block Grant for Economic Development in the amount of \$500,000.

Mayor Castillon opened the hearing at 7:10 p.m.

SWEDA Director Michelle Hostettler noted the grant is a federal pass through grant. She was notified last Friday that the \$500,000 grants were no longer available because of budget cuts. Therefore the application amount will change to \$300,000.

Ms. Hostettler noted there has also been some confusion regarding the size of the parking lot. It was her and Mr. Pilcher's understanding the city would be doing the entire parking lot. They would like to have the parking lot paved from front to back using the \$300,000 grant funding, and then reapply for another grant for the landscaping and lighting of the parking area.

Mr. Cook noted the paving estimate for the back half of the parking lot was \$260,000. A guess estimate is the \$300,000 will cover the paving of three-fourths of the parking lot. It is proposed the paving will start from the street and then move towards the back of the lot as funding allows.

The city will retain ownership of the entire parking area, and Mr. Pilcher will lease the lower section for his business parking.

Ms. Hostettler provided the governing body with an impact study that was completed by Wyoming Business Council South Central Regional Director, Pat Robbins, in accordance with the Wyoming Business Council's practices.

Ms. Robbins stated the Wyoming Business Council has a model specifically developed for the state of Wyoming. The numbers are plugged into the model and then it runs the impact analysis for a three year period. So based on the information given to her by Ms. Hostettler, the restaurant will have thirty employees the first year, thirty-five the second year, and thirty-eight the third year. The analysis gives information on direct impacts for the creation of jobs, payrolls, and tax revenues. It also provides indirect impacts such as the benefits to other businesses, support for additional construction of local building space, population impact, and also factors in regional impacts.

Ms. Hansen noted Community Development didn't have a cost estimate on the paving of the parking lot from the front to the back, because she was not aware of the lease option being offered to Mr. Pilcher.

Ms. Hansen asked for clarification on the differences in building values in the grant application and the letter of consideration. The grant application states the building will be an 8,000 sq. ft. building at \$2,594,942. The latest building drawing showed the building footprint to be 9,287 sq. ft., and the October 30, 2009 request letter from Mr. Pilcher states a commercial loan can only be issued for \$1 million as opposed to \$2 million as originally estimated. This information is important because the cost of the building permit will be substantially higher than was portrayed in her staff report submitted for the council meeting. Her estimates were based on a \$1 million building. So, if the building is \$2.6 million the request to waive the building permit fee later in the meeting will go from \$9,553.62 to \$17,305.03.

Ms. Hansen had also been concerned about Mr. Pilcher meeting the 40 space parking lot requirement. Originally the 1.167 acres on the back portion of the lot was to be completed by the city for use as public parking, and is listed in the resolution as 1.167 acres. The July 10, 2009 cost estimate drawings prepared by Public Works Director Mike Nelson were also based on the 1.167 acres. Ms. Hansen noted anyone who comes in to Community Development with a proposal to build a restaurant of this size would have to install forty parking spaces. She is concerned if Mr. Pilcher is not going to be required to build the forty parking spaces, the next person will question why they have to. However, the governing body has the authority to waive that requirement. After hearing Ms. Hostettler's comment regarding the lease, the issue seems to be taken care of.

Ms. Hansen was also concerned regarding Mr. Picher's commitment towards the construction of the restaurant in connection with the grant, since the grant is tied specifically to the parking lot and the creation of jobs by the Sidelines Restaurant. The grant requires "certification by the sponsoring local government and the business that in the event the project is not completed and the business does not relocate or expand, all grant funds will be returned to the state." Therefore, if the parking lot is constructed and the restaurant is not, the city will be liable to pay the grant money back. There needs to be a legally binding contract between the city and Mr. Pilcher to address this issue.

Ms. Hostettler stated when Mr. Pilcher first considered bringing his restaurant to Green River the economy was doing much better and he was going to borrow \$2 million dollars for the project along with a \$1 million investment of his own money. With the change in the economy, the amount he can borrow went from \$2 million to \$1 million, and he will make a \$1 million investment of his own money. His letter of consideration only discussed the loan amount and not the total cost of the project.

Ms. Hostettler apologized for any misunderstandings caused by her not being aware of the grant protocol. She suggested a procedure be written so anyone going through the grant process will know who to contact and who to include in meetings regarding a grant so there are no mistakes that could affect the public hearing.

Ms. Hostettler suggested an agreement be drafted that would meet the certification needs for all grant applications that she could use when people come and talk to her about bringing their business to Green River.

Ms. Hostettler noted they could provide any documentation, the governing body would need, to address any other questions they may have on Mr. Pilcher's project.

Regarding the resolution being considered after the public hearing, the acreage and the amount could be fixed and then brought back to the governing body to consider at another meeting. The application isn't due until March 1st.

Responding to questions from Council Member Rust, Mr. Bussart stated he wanted the governing body to understand if they received the grant, and built the parking lot, and Mr. Pilcher didn't move forward with his project, the city will have a \$300,000 parking lot, and have to return the \$300,000 grant funds back to the state. The substance of the contract will take some negotiation. Mr. Pilcher may say, if he can't do the deal, he won't do the deal.

Council Member Boan noted the resolution was for the submission of the grant, and there is still time to work out the contract with Mr. Picher. If the small details can't be worked out, and the city receives the grant, they won't have to accept it.

There were no other comments submitted.

The mayor closed the hearing at 7:40 p.m.

Grant Applications for the Tomahawk Building

Wyoming Business Council 2010 Business Ready Community Grant in the amount of \$1,500,000 and a Wyoming Business Council 2010 - Community Development Block Grant in the amount of \$500,000.

Mayor Castillon opened the hearing at 7:40 p.m.

Green River Futures President, Brad Sutherland, noted they were preparing two grants for the Tomahawk Building Renovation and asking the City of Green River to sponsor the grants as applicant. Futures will continue to own and manage the building.

The first grant application is for a \$300,000 Community Development Block Grant for Downtown Development. The second application is for a \$1.5 million Business Ready Community Grant. No match funding from the city is needed for the grants. The \$1.8 million will be used to renovate the second and third floors so they can be used for office and retail space. Futures plans on relocating to the building and Main Street may also. When the restoration project is completed, the building will offer over 3,000 sq. ft. in storage space for tenants, 11,500 sq. ft. of retail office space, and 4,200 sq. ft. of live/work office space. This means space for twenty businesses, with an average of three employees. Most of the sixty jobs created will be new.

The project has been recommended by the City of Green River Urban Renewal Agency, the Green River Main Street Program, the Blue Canopy Group that did the city's branding and marketing study, and by the strategic plan summit. They've also received letters of support from the community on the project.

The project has been studied extensively, and Futures is ready to get the job done with the city's support. Mr. Sutherland noted they need the full governing body's support to complete the project.

Mr. Sutherland noted when they first acquired the building the market rental rate was \$3.50/sq. ft. Since they purchased the building they have increased the rent to \$4/sq. ft. The rents will be increased as improvements are made to the building to what they believe is the market rate. Mr. Sutherland stated they are not using government money to subsidize lower rental rates, *as rumored*. It is their hope that as the building improvements are made, the tenant's business will also increase so they can absorb the gradual rate increases.

Mr. Sutherland noted there had been some concerns regarding parking availability. There are only about twelve parking spaces surrounding the building. Futures addresses the limited parking within the tenant lease agreements, requiring parking in the public parking lots (for example the Railroad Avenue parking lot). If the city does realize their goal to renovate and make the

downtown area a vibrant place, the city may have to address the downtown parking issue at that time.

Futures' Chairman Paul Stephens addressed questions from the governing body. He noted that along with Michelle Hostettler they were notified, on Friday, the \$500,000 grants were no longer available, and so they will be applying for a \$300,000 grant. He doesn't believe the reduction will be an obstacle.

The basic outline for the building is to invite in twenty new businesses. Depending on the nature of the businesses, they are hopeful they can employ two to three people per business. He noted there is a new print design business at the Tomahawk, and also a mortgage company. Futures is working on negotiations with other businesses that will be a nice addition to the downtown area.

While every community has home based businesses, Mr. Stephens hopes Futures will be able to attract 10% of the home based businesses that are ready to relocate and/or expand.

The current market rental rate is \$9/sq. ft. The rental rates at the Tomahawk will be lower for the following three reasons:

1. The businesses are being asked to do business in a construction environment
2. The tenants will be paying their own utility costs. Other landlords pay for the utilities and increase their rental rates accordingly.
3. A lot of the businesses they are trying to attract are "start up" businesses. The lower rent will provide "start up" businesses with a little bit of a push to start out successfully and provide economic development.

Futures will monitor the rental rates carefully. They don't plan to undercut the rates of other property owners, or cause a mass exit to the Tomahawk because they have the cheapest rent.

Mr. Stephens noted the goals and purpose of Green River Futures, Inc. is not limited to the Tomahawk Building. They are predicting a renovation completion date of approximately 2013. At that time, the rentals will cover the operating costs, and provide a breakeven point. Futures is not looking for the building to provide 100% of their operating budget. That is not the design of the project. Once all the grant requirements have been met, Futures may come before the governing body and ask for a joint decision on whether Futures should continue to manage the building or sell it. Until the building is sold there won't really be any money of a material nature that will meet the mayor's idea of the taxpayer seeing a return on their investment.

Council Member York added it is a process. The taxpayers are going to see the benefits as each new business comes in.

Mr. Stephens stated they are trying to create a downtown cluster, spurred by the Tomahawk renovation, that will create business activity and foot traffic that will spill out to all the downtown businesses.

Mr. Stephens stated they will be very disappointed if they don't receive the grants, because it will retard the renovation process. They will not be able to renovate the second and third floors, or install the elevator until they can apply for and receive grant funding. However, they will continue to operate and try to inject economic revitalization into this end of town.

There were no other comments presented.

Mayor Castillon closed the hearing at 7:57 p.m.

ORDINANCES

Banning Cell Phone Use While Driving

10-01: 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.

Council Member McCullough moved to approve the ordinance on third reading. Council Member York seconded.

The members of the governing body presented information from research they had done to support their position on the ordinance, and their communications from the public.

Chief Love explained the difficulties officers will have with trying to enforce the ordinance because it will be difficult to prove a violation. They'll have to see how it all plays out in court. He also discussed how they issue tickets for inattentive driving whether the violator is using a cell phone or not. If the council's goal is voluntary compliance, the majority of the people will comply with the new ordinance.

Mr. Cook noted if the ordinance passed, signage for the ordinance would be placed at the three entrances into the city. Once the ordinance has been published, it will become law, and enforcement will start on March 1, 2010. The fines will be the same as those for inattentive driving, \$65 for the first offense and \$210 for the second offense.

After a lengthy debate, Council Member Boan called for the question.

Motion carried (6-1) with Council Member York voting no.

RESOLUTIONS

Grant Application for the Wild Horse Canyon Parking Lot

R10-14: A resolution authorizing submission of an application to the Wyoming Business Council for a Community Development Block Grant for Economic Development on behalf of the governing body of the City of Green River.

Council Member Boan moved to approve the resolution authorizing the submission of an application to the Wyoming Business Council in the amount of \$500,000 for a public parking lot in Wild Horse Canyon. Council Member McCullough seconded.

Council Member Boan amended his motion to approve the resolution authorizing the submission of an application to the Wyoming Business Council in the amount of \$300,000 for a public parking lot in Wild Horse Canyon, and amended the acreage from 1.167 to 2 acres. Council Member McCullough seconded. Motion carried. (7-0)

Documentation for the Implementation of the Internal Revenue Code for Wyoming Retirement Contributions

R10-15: A resolution to document the City of Green River's implementation of the provisions of Section 414(h)(2) of the Internal Revenue Code, regarding employer pick-up of employee retirement contributions to the Wyoming Retirement System *for law enforcement personnel*.

R10-16: A resolution to document the City of Green River's implementation of the provisions of Section 414(h)(2) of the Internal Revenue Code, regarding employer pick-up of employee retirement contributions to the Wyoming Retirement System.

Ms. Robertson stated during their audit Wyoming Retirement was not able to locate documentation for the city's participation in the system. So, several months ago, they contacted the city and asked for resolutions to officially document the city's participation in the two Wyoming Retirement Systems.

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

Budget Increase and Acceptance of Donation for the Bike Park Project

R10-17: A resolution for the governing body of the City of Green River, Wyoming, to approve an increase in expenditure authority and to accept the donation in the Capital Projects Fund from Trona Valley FCU for the Bike Pump Park in the amount of \$500.

Council Member McCullough moved to approve the resolution for the Volunteer Community Build Event food and refreshments on April 9-11, 2010. Council Member Boan seconded. Motion carried. (7-0)

Council Member McCullough thanked Trona Valley Federal Credit Union for their donation.

Encroachment Easement for Don Van Matre

R10-18: A resolution authorizing and directing the governing body of the City of Green River, Sweetwater County, Wyoming to grant an easement for encroachment to Donald Van Matre.

Mr. Dahlgren stated this easement will correct a mistake made by the city surveyor around 2004.

Mr. Bussart noted there was an improper survey done when the easement exchange was done originally. Mr. Van Matre's building does not encroach on the city easement, but the overhang on the roof does.

Council Member York moved to approve the resolution granting an encroachment easement to the Van Matre's at 217 and 218 Uinta Drive and 55 Astle Avenue. Council Member Boan seconded. Motion carried. (7-0)

COUNCIL ACTION ITEMS

Proposal from Sidelines Sports Bar

For the sake of discussion Council Member York moved to approve the October 30, 2009 request from Sonny Pilcher with the following amendments:

- 1) The purchase of the footprint for the building shall be at the appraised value of \$4.02 per square foot. The total amount is to be determined based on a final approved site plan.
- 2) The annual fee for the 30-year lease shall be based on the appraised value of the property at \$4.02 per square foot.
- 3) Building, landfill and tap fees shall not be waived.
- 4) All permitting and review processes shall be adhered to including Development Plan review and approval, Building Permit application, review and approval, inspections, the liquor license application process, etc.).
- 5) The agreement is subject to the preparation, review and approval of all legal documents necessary for the transaction.

Council Member Rust seconded.

The governing body discussed the purchase price of the land at the appraised \$37,333.74 value versus Mr. Pilcher's offer of \$2,500.

Ms. Hansen noted Mr. Pilcher had requested the following:

1. To purchase the building foot print for \$2,500
2. To lease the remaining portion of Lot 1 for parking at \$1,000 per year for a 30-year period
3. To purchase a full retail liquor license
4. For the \$500,000 Community Development Block Grant to be approved for the construction of a community parking lot on the upper portion of Lot 1 of the Towers Subdivision
5. A request to waive all fees (tap fees, building permit fees, landfill fees, etc.)

She also noted:

- The July 2009 appraisal on the entire two acre parcel was \$350,000 or \$4.02 per square foot.
- Based on the estimated \$2,594,942 building amount, the building permit fees will be \$14,762.41, which Mr. Pilcher has asked to be waived. If he has to go with a ¾" water line, the water and sewer tap fees will be \$1,591.96. If he has to go with a 1" water line, the water and sewer tap fees will be \$2,542.62. So, the total amount of fees Mr. Pilcher is asking to be waived is \$17,305.03.
- Based on Mr. Pilcher's proposal, the projected revenue for the city is: \$2,500 for the land, \$30,000 for the life of the lease, and zero dollars in fees, which equals \$32,500 in revenues for the city.
- On the other hand a second option would be: \$37,334 for the land, \$137,666 for the thirty-year lease based on the appraisal value, and payment of \$17,305.03 in fees. That comes to \$192,305.03 in revenues for the city.
- So, there is a potential loss \$150,805.03 in revenues for the city.

Council Member McCullough suggested Mr. Pilcher purchase the building foot print land for the appraised price of \$37,333.74, the city not waive the fees, and they offer Mr. Pilcher a lease at \$1,000 per year, for thirty years, giving him a \$107,000 savings. He believes this will eliminate any questions from other business owners about fairness, because Mr. Pilcher will be required to pay for the land and pay fees just like any other business.

Responding to a comment made by Ms. Hostettler, Council Member Boan stated the city's offer for a \$107,000 savings was a pretty good indication of the city's desire to have Mr. Pilcher's business locate in Green River.

Mr. Pilcher stated he understood their stand on the fees, which is part of doing business anywhere. He feels the \$1,000/year lease is a good deal. However, he would like to negotiate on the cost of the land. His whole project has to service the debt. Even if the city pays for the parking lot, he will still need to decide whether he wants to borrow a million and invest a million of his own money towards the project. He feels the governing body could help him more by reducing the cost of the land. He also noted the time of year his building is built will make a big difference on when the parking lot can be built.

Council Member McCullough noted in the scope of a \$2 million project, the \$37,000 for the land isn't a whole lot.

Council Member Maes suggested they could offer the land to Mr. Pilcher at the same 34% discount given to the Hampton Inn, which would make the purchase price \$24,640.27.

Council Member Rust felt they should be more conservative than they have been in the past, because of the change in the economic situation. He feels the \$107,000 is a substantial commitment on the part of the city, and hopes it is a concession for Mr. Pilcher to bring his restaurant to Green River.

Ms. Hostettler stated she would hate to see Green River miss out on the opportunity for the restaurant to be built in Green River. That is why she is asking the governing body to make every concession they can.

Responding to a question from Council Member Boan, Mr. Pilcher stated he would have to go home and punch out the numbers after the council made their decision.

Council Member Rust withdrew his motion.

Council Member Boan moved to approve the following with Council Member McCullough seconding. Motion carried. (7-0)

- 1) The purchase price for the approximate 9,287 sq. ft. building footprint is \$24,640
- 2) A 30-year lease, at \$1,000 per year, for the lower portion of Lot 1 of the Towers Subdivision for parking
- 3) Allow the issuance a full liquor license
- 4) Authorize the submission of the parking lot grant for \$300,000
- 5) Deny the request to waive the building, landfill and tap fees

Mr. Pilcher stated he would have an answer back to the governing body within a week or two on his decision.

Twenty-Four Hour Openings

Council Member Maes moved to approve the special twenty-four hour openings requested by the Green River Liquor Association for Friday, June 25, 2010, Saturday, June 26, 2010 (Flaming Gorge Days); Saturday, October 30, 2010 (Halloween); and Friday, December 31, 2010 (New Year's Eve). Council Member McCullough seconded. Motion carried (6-1) with Council Member York voting no.

Waive GRRC Rental Fees for 2010 GRHS Senior Class Party

Council Member Rust moved to waive the reduced rental fee of \$810 for the 2010 Green River High School senior class party at the recreation center on May 29, 2010. Council Member Boan seconded. Motion carried. (7-0)

Bid Award for Phase I of the Pedestrian Viaduct Project

Mr. Cook noted the project will start with Phase I to renovate the two ramps on both sides of the viaduct.

Mr. Dahlgren noted the \$156,170.47 for construction management on the project had already been approved by the governing body last year. There is about \$1.3 million in the budget. The bid award will bring the project costs up to \$1.15 million. So, there is a little extra left over.

Council Member Maes moved to award the bid for Phase One to DeBernardi Construction in the amount of \$983,695.50. Council Member Morck seconded. Motion carried. (7-0)

Request to Waive Building Permit Fees

Brian Seppie stated the board is relocating their high voltage service line into the plant to get them out of the flood plan. The project is being designed by an electrical engineer, and the engineer will be doing the required site inspections. Because it is a public facility the board was required to purchase the electrical permit through the state fire marshal's office. So the design and inspection fees for the project have been paid to the state fire marshal's office. The same plans were sent to the city. So, from the board's perspective having the city do the inspections the fire marshal is doing for the project is a duplication of services. If the facility wasn't a public facility they would not need to go through the fire marshal's office.

Historically, both Green River and Rock Springs have waived the building permit fees for the board because they are another governmental entity.

Council Member Rust argued if the city wasn't incurring any expenses or sending staff out to do inspections, then the board shouldn't be required to pay the fees.

Building Inspector Dave Allred stated the state fire marshal's office would be doing all the inspections and submitting the reports to the Community Development Department. The city will inspect the site, but he isn't qualified to do some of the higher inspections, and in that event the city accepts their reports.

Ms. Hansen stated this issue had come before the governing body because city staff does not have the flexibility or authority to make the decision to waive fees.

Council Member York moved **not** to waive the building permit fees for the Electrical Relocation Project at the Water Treatment Plant as requested by the Green River – Rock Springs – Sweetwater County Joint Powers Water Board. Council Member Boan seconded. Motion carried (5-2) with Council Members Rust and York voting no.

Adoption of the Marketing Branding and Design Action Plan

Council Member McCullough felt to not adopt the plan after spending \$80,000 would be wrong, and the plan should be implemented in phases as funds allowed.

Council Member Boan stated they may have to adopt it because they paid \$80,000 for it, but he doesn't believe they have to implement the whole thing. He has a problem with the logo and the emphasis on the river. He feels the old logo represents the city, the river, and the rock formations.

Responding to a question from Council Member Boan, Main Street Manager Maggie Adams stated she has a degree in draft design, and yes, the logo will be difficult to use for a lot of applications. She noted the Green doesn't receive the same attention as the River. The city's name is Green River.



Mr. Dahlgren felt the logo was clean, simple, and different from other communities that also have rivers and mountains in their logos. It is a unique way of telling the story of Green River. He noted the tag line "fish it, float it, live it" can always be changed. Mr. Dahlgren noted it was a unanimous vote to adopt the logo by those who attended the steering committee meeting.

Council Member York noted the governing body had also been asked to submit their opinions on the logo selection.

Mayor Castillon stated he had responded negatively to the logo and the study, because it didn't focus on tourism which he feels should be emphasized in accordance with the fourth goal of the strategic plan.

Mr. Dahlgren read a portion of a letter Chamber of Commerce Director Janet Hartford had asked him to present at the meeting. She supports several portions of the plan,

"1) Expedition Plaza theme, 2) way finding, gateway, and identity features, 3) façade and signage recommendations for downtown, 4) and making downtown more walk-able are all very good, and are consistent with the City's Goals.

I feel that tourism is still a way to diversify our economy and we should most certainly look to ways of increasing that sector of development. Tourism Development will also provide our community with quality of life infrastructure."

Mr. Dahlgren noted tourism wasn't given as big a role as gas, oil and trona in the plan. However, tourism and tourists are discussed more than 120 times. It discusses the target market and target audience, which includes travelers more than 50 times. It also discusses creating a three-hundred mile radius to market people within that area most likely to visit. It discusses using assets we already have to create more tourism and capture more travelers, i.e. the river and its resources, our parks and trails systems, art festivals, John Wesley Powell, the railroad, our downtown, etc.

Mr. Dahlgren believes the Blue Canopy plan supports the governing body's strategic plan's sixth goal to expand Green River as a tourist destination. He also believes the steering committee saw its support of the strategic plan. However, if there is a concentrated focus in that direction, they can use the plan to create more tourism than Blue Canopy proposed.

Council Member Maes felt Blue Canopy did an excellent job of compiling all the data they collected, including interviews, into a useable working document. It can be expanded to focus on tourism. The city doesn't have to do everything. They can implement what the council agrees on in phases. She supports the adoption of the logo, because pictures and graphics can be inserted.

Council Member Morck also liked the document, but felt it is missed seeing Green River as an oasis.

Council Member York moved to adopt the Marketing, Branding and Design Action Plan and the logos as presented. Council Member Rust seconded. Motion carried (6-1) with the Mayor voting no.

Catering Permits

Council Member Rust moved to approve the issuance of catering permits to the Embassy Tavern for the Crystal Classic Snowshoe Softball Tournament at Stratton Myers Ball Fields from 10 a.m. to 6 p.m. on Saturday, February 13, 2010; and the Crystal Classic Awards Banquet at the Pavilion from 3 p.m. to 6 p.m. on Monday, February 15, 2010. Council Member Maes seconded. Motion carried (6-1) with Council Member York voting no.

CONSENT AGENDA

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

- Ratification of an agreement with Ohlson Lavoie Collaborative (OLC) for a forensic investigation of natatorium moisture issues at the Green River Recreation Center in the amount not to exceed \$12,900.
- A Horse Corral Lease with Margaret Lewis for Corral #18.
- A contract with Kelly Strampe in the amount of \$250 for advertising the high school girls soccer. The contract approved on December 5, 2009 was for advertising in the newspaper. Ms. Strampe said it was too expensive, and asked for a new contract for radio advertising.
- The Alcohol Inspection Contract with the Wyoming Association of Sheriffs and Chiefs of Police to provide alcohol compliance inspections based on a rate of \$85 per inspection.
- A proposal with Dubbe Moulder Architects to provide professional architectural services, for an amount not to exceed \$4,500, to prepare a Best Use Study for the possible future use of the church building at 295 West Flaming Gorge Way.
- The 2010 American Red Cross/Green River Recreation Center Authorized Provider Agreement.
- A change order with CivicPlus in the amount of \$1,450 for 50 addition city website pages.
- The grant of right-of-way amendment Serial Number WYW 139924 with the Bureau of Land Management for the Killdeer Wetlands Project.
- The adoption of Home Rule for Electrical Plan Review of medical facilities.
- A time extension of the Inberg Miller Engineering service agreement for the FMC Park Road Improvements through December 31, 2010.
- An amendment to the agreement with Nelson Engineering for the South East Water Improvement Project in the amount of \$40,200 to design water improvements for the Faith – Evans area, from the intersection of Uinta Drive and Indian Hills Drive, to eliminate the need for the existing Mansface Pump Station.
- A contract with Jeff DeJong in the amount of \$850 to replace Bonnie Lampman as the NICA Sanctioned Judge for the 2010 Crystal Classic.
- The Minutes for: January 19, 2010
- Financial Reports and Payment of Bills: *Outstanding Invoices* = \$360,436.38
Prepaid Invoices = \$66,732.01 *Payroll Expenditures* = \$361,446.64
Pre-authorization Payments = \$755,000.00

CITY ADMINISTRATOR'S REPORT

Mr. Cook noted the retirement of Nuisance Officer Wayne Zickefoose and his supervision of the weed crew. Mr. Cook stated the nuisance officer position will not be filled and the duties will be split as follows:

- The nuisance enforcement will be done by the Community Development Department as part of the property maintenance code.
- The weed crew will move to the Parks and Recreation Department
- The work restitution program through the municipal court will be discontinued. After a discussion with Municipal Court Judge Jason Petri, it was brought to Mr. Cook's attention that some of the work restitution participants are felons. So, with the retirement of Officer Zickefoose the city no longer has the qualified personnel or the funding to handle the work restitution program.

Mr. Cook stated he has informed all the department heads that he is implementing a hiring freeze on all full and part-time positions. He doesn't want to hire people within the next three to four months only to be faced with personnel issues going into the next budget year given the city's revenue situation. So, no positions will be filled automatically, they will have to go through Mr. Cook first. There are currently two positions that will not be filled, the Nuisance Officer, and a fleet maintenance position.

Mr. Cook noted the Joint Appropriations Committee met last Thursday, and they added another \$20 million to the funding for local governments. That means a 50% cut from the \$3 million the city is used to receiving.

Mr. Cook noted the Community Development Department had put together a goal plan and noted he had sent a copy of it to the governing body.

He asked the governing body to look back over the Capital Project spreadsheet they had discussed at the January workshop.

Mr. Cook noted the workshop for next week has several items on it and will be a lengthy meeting. He asked the governing body to review the items and let him know if there was something they would like to remove.

He acknowledged Police Department personnel on their receipt of the Great Job Award and a letter of commendation. Police Dispatcher Kristy Grisham assisted in a 911 call and was able to assist the caller in administering CPR in a life threatening situation. Police Officer Luke Benson assisted a juvenile that was experiencing difficulty in breathing in another life threatening situation.

Responding to a question from the Mayor, Mr. Cook noted the city will continue to pursue the purchase of the BLM land to the west of Green River. However, based on the archeological analysis of Section 12 there is a 40-60 acre piece that has artifacts in it. Therefore, the city will ask for the 40-60 acre portions that contain artifacts in both sections be removed from consideration, leaving approximately 600 acres in each section available for purchase. The city will need to send a letter to the BLM modifying their application to purchase the land remaining in Sections 10 and 12.

Mr. Cook added a \$10,000 grant is covering the work being done by Dr. Dudley Gardner at the Peru Hill site, which is scheduled to continue for another two years. The State Historical Preservation Office is scheduled to perform the historical review work on the old railroad grade line within the next six months.

He believes the city is still another 18-24 months away from being able to purchase Sections 10 and 12 from the BLM.

Council Member Maes noted in light of the Jamestown water situation, getting water to the BLM land to the west, the problems they keep running into regarding the purchase of land to the west,

and the commitments the city has made to improving the “road” between Green River and Rock Springs, maybe it makes more sense to look at moving eastward instead of westward.

Mayor Castillon noted the city dropped their initial request to purchase land to the east because the land wasn't on the BLM's Section 8 Property List for disposal which requires congressional action. The land has to be removed from the public property domain before it can be sold. Once approved by congress, the land will have to go through the same historical review process the sections to the west have been going through which has already taken three years. The sections to the west had already been identified for purchase and development by the BLM, *when the city decided to check into purchasing them.*

CITY ATTORNEY'S REPORT

Responding to questions from Council Member McCullough, Mr. Bussart gave a brief update on the Winter Building. A Supreme Court decision was handed down on January 12, 2010. The Supreme Court opinion held that Mr. Pleasant, as the contractor, was entitled to some money from Ms. Winter, the same ruling as the district court. However, in reviewing the district court's opinion, the Supreme Court felt there was a miscalculation of the damage amount or the amount Mr. Pleasant was entitled, and remanded the case back to the district court for further proceedings to deal with the miscalculation. So, the case is either back in the district court, or is about to be, and there will be further proceedings by the district judge to reconcile the miscalculation to the amount of damages. If and when that is done, or if the parties can agree on an amount without having to go through a court proceeding in front of a judge, Mr. Bussart's assumption is the Winter's will pay Mr. Pleasant the amount of money that he is owed, then the building will be back in the hands of the Winter's, the litigation will be over, and the city will be in a position to do whatever deemed appropriate to address the issue.

MAYOR AND COUNCIL REPORTS

Council Member Rust asked Mr. Cook if he had consulted with any of the members of the governing body regarding the hiring freeze, or not replacing Officer Zickefoose. Mr. Cook stated he had not.

Council Member York stated he had heard the city was considering a layoff. Mr. Cook said no there wasn't.

Council Member Maes reminded everyone about the Crystal Classic. She noted Maggie Adams and the Main Street Board were helping Parks and Recreation with the event.

Council Member Boan stated a request had been sent to the boards of Green River Futures and SWEDA to provide a list of people they have contacted on behalf of the city to justify what they are paid to do. In response, Mr. Sutherland had told him his board had decided the information was confidential and would not be related to the city, even in executive session. Mr. Boan believes the taxpayers have a right to know if Futures is doing their primary job. He believes Futures is not supplying the report because they have failed to make an effort to bring new businesses to Green River. SWEDA has also failed to provide the information. He still wants the information.

Council Member McCullough request Council Member Morck's microphone be fixed so he could be heard.

Chief Love and Mr. Cook responded to Council Member McCullough's concern about the combined dispatch center project stalling.

Chief Love stated the joint powers board for the communications center had been approved by the Attorney General. The Chief will present his recommendations for board members at the next council meeting. There is a meeting tomorrow, at 1:30 p.m. to look at the old fire station (*at the corner of Uinta and Shoshone*) as a possible site for the combined dispatch center in Green River. The city of Rock Springs and the county still need to appoint their board members. If they do, a board meeting could be held by the end of the month.

Council Member Morck had nothing to report.

Mayor Castellon noted Aaron Million had identified his end users so the Corp of Engineers will be reviewing them, sending the city a resolution on the validity of Mr. Million's end users.

Responding to a question from the Mayor, Mr. Bratton stated the governing body had approved the right-of-way for the Killdeer Wetlands, a grant for \$75,000 has been submitted through the North American Wetlands Conservation Act, and a grant for \$250,000 was submitted to the Wyoming Landscape Conservation Initiative. They will know by March 31st whether the task force received the grants. There is \$430,000 in the budget, and approximately \$600,000 is needed to complete the project. If the grants are awarded, work will begin as soon as possible. He noted there is a very small window to work in the *wetlands* area from approximately May 15th to August 30th.

The Mayor asked the governing body and staff to do everything they could to attend the legislative reception next week. He asked the citizens to continue to submit their comments to the state legislators concerning funding for Green River.

ADJOURNMENT

Council Member Boan moved to adjourn at 10 p.m. Council Member McCullough seconded. Motion carried. (7-0)

H. Castellon, Mayor

ATTEST:

Jeffrey V. Nieters, City Clerk