

**CITY OF GREEN RIVER
CITY COUNCIL PROCEEDINGS
March 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 Council Member Maes 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 Allan Wilson, City Attorney Ford Bussart, and Public Information Coordinator Stephen Pyles. Parks and Recreation Supervisor Alyssa Krumholz, Main Street Manager Maggie Adams, City Planner John Dahlgren, and Asst. Fire Chiefs Mike Liberty and Dea Cargile were also present.

APPROVAL OF THE AGENDA

Mayor Castillon added a Memorandum of Understanding to promote victim's rights to the Consent Agenda, and an executive session to discuss land acquisitions. Mr. Cook removed the annual report by Sweetwater County Travel and Tourism.

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

PRESENTATIONS

Business Leadership Network Update

Beth Whitman spoke on behalf of the Business Leadership Network which promotes training for people with disabilities. She noted the Rock'n River Chef's Challenge will be held on April 30, 2010. They raised \$14,492 last year, and Green River won the Chef's Challenge. She also mentioned the Leadership Award program.

CITIZEN REQUESTS AND OTHER COMMUNICATIONS

Green River Main Street Promotions committee member, Mike Frink invited participation in the 4th Annual Liberty Day Celebration, on March 27th, on Railroad Avenue. Green River students will be there asking their questions on the constitution. The money collected will be used to help with the downtown revitalization.

Futures' board member, Pati Smith, introduced the other board members attending the meeting (Paul Stevens, student member Trent Bennett, Mike Frink, Jeff Wilson), and asked for volunteers to come and help with the renovation of the Tomahawk on their next volunteer work day.

Local businesswoman, Linda Failoni, stated she thought it was time the city took over the Tomahawk project, so the tenants wouldn't have to endure a three year construction period. It would cut out the middle man, the extra layer of intrusion, for the businesses. She feels Futures' roll is totally unnecessary. She doesn't believe the Tomahawk project fits the Futures' mission statement for economic development. She expressed her concerns regarding the unfair advantages Futures has as a non-profit organization. It creates unfair competition for other property owners and businesses, because they can set their rental and retail spaces below the free market, and they can offer other perks and incentives an independent business owner can't compete with.

Local businessman, Scott Hamel, asked for a response to the following questions:

- What has Futures done over the last year to bring businesses to Green River?
- Is there a prospective buyer for the Tomahawk on the table?
- To Mr. Bussart: If Futures closes its doors, will the building revert back to the city, and what happens to Futures' assets?

Mayor Castillon stated they would get back with him.

Paul Stevens stated they will be happy to address Mr. Hamel's questions. Futures' doors are wide open, they are transparent. He will show them Futures' books, and financial condition. He invited Ms. Failoni and Mr. Hamel to attend their next board meeting.

Futures' President Brad Sutherland stated they had a bid opening for the windows and doors for the Tomahawk. The bid came in at \$153,500 from the Window and Door Store in Green River. That will leave \$9,500 for contingencies.

He added, Futures and the revolving loan fund are good tools to help new and old businesses prosper. Futures is here for all of them.

He noted, as a reminder, that when Futures bought the building, the rent charged by private property landlords to private tenants was \$3.50 per sq. ft. So, the rent at the Tomahawk was set at \$3.50. It will be increased to \$4.50 in July, with incremental increases as the improvements are completed.

Brian Luth stated he moved to Green River five years ago. He spoke in support of the Futures board and any other organization that is willing to take on ownership or responsibility to rebuild downtown. He believes Green River's main street is an eyesore.

He is disappointed in those who attack or believe those improvements are all for personal gain. He believes the true purpose is to create a place we can enjoy and take our families to spend money instead of going to Rock Springs or Utah. He believes he is speaking on behalf of the majority of other young citizens who are new to the area. He would like to see more organizations like Futures take every opportunity they can to rebuild an area and make it more attractive and allow local businesses to grow economically. He begged the governing body to continue to support downtown development, and for folks to volunteer in the effort to rebuild an area that needs a lot of help and support.

Downtown business owner and URA member, Mike Frink, noted he had moved his business to the downtown area. He believes in the downtown. He has put hundreds and hundreds of volunteer hours downtown. He believes the downtown area can be revitalized using all of the entities that are currently involved. It takes a long time for things to happen. He noted the parking situation is being improved as things progress. If they get the grant for the Tomahawk, everyone—URA, Main Street, Futures, will work hard on the parking situation, there are places they can do things. He believes the renovation of the Tomahawk is going to help his and every other downtown business.

Local business owner, Nicole Nilles, stated she was moving to the Tomahawk. She chose to move to the Tomahawk because of the location, not because of lower rent. The potential of the building is fantastic. She stated while she was working at her new location, she had twenty people stick their heads in. She has never had that kind of traffic at her current location. She believes her new location at the Tomahawk will be really good for her business. She's very excited about her move, and asked the city to continue to support the project.

PUBLIC HEARINGS

Request by Gudinos Inc. for a Restaurant Liquor License

Gudinos, Inc. doing business as Wrangler Cafe has requested a restaurant liquor license.

Mayor Castillon opened the public hearing at 7:35 p.m.

There were no concerns or comments presented.

The Mayor closed the hearing at 7:35 p.m.

Renewal of Gudinos Inc. Restaurant Liquor License

Gudinos, Inc. doing business as Wrangler Cafe has requested the renewal of their restaurant liquor license, if issued on March 16, 2010, to correlate with the renewal of all city liquor licenses through March 31, 2011.

Mayor Castillon opened the public hearing at 7:36 p.m.

There were no concerns or comments presented.

The Mayor closed the hearing at 7:36 p.m.

RESOLUTIONS

Basic Emergency Plan Amendment and Adoption

R10-24: A resolution for the Governing Body of the City of Green River, Wyoming, adopting the Basic Emergency Operations Plan for 2010 as amended, and authorization for the Mayor to recognize and sign the Sweetwater County Emergency Operations Plan.

Fire Chief Kennedy noted the amendments are the yearly updates for personnel changes and contact and board information. The plan itself remains the same as when adopted in 2006.

Mayor Castillon encouraged the governing body and citizens to participate in the excellent training opportunities offered by the Green River Fire Department and the county through the emergency management exercises.

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

Budget Modification for Backup Generator Project

R10-25: A resolution for the Governing Body of the City of Green River, Wyoming, to approve a modification in expenditure authority in the Capital Projects Fund for the Backup Generator Project in the amount of \$6,600.

Responding to questions from Council Member McCullough, Mr. Wilson stated once the project was completed, the generator at the Public Works Facility would provide the electricity for continued operation. The system includes a backup server to City Hall and a backup server for all the facility computers. On Friday, when Rocky Mountain Power does a transformer turnover, the Public Works Facility will be operating from four to six hours on the generator.

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

Budget Increase for the Arts Program and Authorization to Accept Donations

R10-26: A resolution for the Governing Body of the City of Green River, Wyoming, to approve an increase in expenditure authority and to accept the donations into the Capital Projects Fund in the Arts Development Program budget for the purchase of public art in the amount of \$4,942.25.

Council Member Maes noted the Art Council made an excellent investment in the art work by Eric Dowdle. The \$4,800 is the first of many commissions the city will receive from the sale of the "Green River, Wyoming" print.

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

Budget Modification for Pool Condensation Rectification Project

R10-27: A resolution for the Governing Body of the City of Green River, Wyoming, to approve a modification in expenditure authority in the Capital Projects Fund for the Pool Condensation Rectification Project in the amount of \$243,846.

Mr. Wilson explained why staff was recommending Option I – to correct the air treatment to the ceiling space and to take care of the risk management issues, with the follow up of Option II – to correct the exposed roof structure in five to seven years as a capital project.

Addressing questions from Council Member Boan, Mr. Wilson stated Ohlson Lavoie would be preparing the bid documents. The bid will have to be awarded to the lowest bidder that meets specifications according to state statues. He can't give the governing body a guarantee on whether the vendor will still be in business, years down the road, in case problems come up later on.

Addressing questions from Council Member McCullough, Mr. Wilson stated they have a tight work schedule for the project. They hope to have a mandatory pre-bid meeting on March 16th, with a bid award at a special council meeting on March 30th. They hope to have the pool area open by June 18th.

Responding to questions from Council Member Rust, Mr. Bratton stated swim lessons during the months of April and May will have to be canceled, with a reimbursement to people who have already paid for the lessons and the use of the pool. Lessons will resume in mid-June.

Responding to questions from Mayor Castillon, Mr. Wilson stated the steel structure of the building seems to be in good shape.

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

Wyoming Surplus Property

R10-28: A resolution by the Governing Body of the City of Green River, Wyoming, authorizing city representatives to acquire surplus property from the State of Wyoming Surplus Property.

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

COUNCIL ACTION ITEMS

Approval of Liquor License Renewals

Responding to questions from Council Member McCullough, Chief Love stated they haven't had any problems in the last year with any of the liquor license holders, and if there were, they have been worked out. Compliance checks are done on all of the establishments to see if they will sell to someone underage, and they have all passed. There is also an educational program that goes along with that sponsored by the Chiefs and Sheriffs Association.

Council Member McCullough moved to approve the renewal of the liquor licenses as presented for the period from April 1, 2010 through March 31, 2011. Council Member Boan seconded. Motion carried (6-1) with Council Member York voting no.

Amendment to Joint Powers Telecom Board Joint Action Agreement

Mr. Nieters explained the city was getting a good deal with 15 more megabytes at less than half the cost. He also noted the Blairtown point of presence is nearly full, which means the Joint Powers Telecom Board will have to purchase and install new equipment which will make purchasing additional bandwidth more expensive. The city needs the 30 megabytes to provide the necessary bandwidth for the new citywide wireless system.

Council Member Rust moved to approve the amendment for an additional 15 megabytes of bandwidth at an additional cost of \$646.65 per month. Council Member Maes seconded. Motion carried. (7-0)

Appointments to the Urban Renewal Agency Board

Council Member Maes moved to confirm the Mayor's appointments of Jacque Driggs (*term expires July 2011*) and John Canaday, Jr. (*term expires March 2013*) to the URA Board. Council Member Morck seconded. Motion carried. (7-0)

Joint Cooperative Agreement for Service Road to Rock Springs

Responding to questions from Council Member McCullough, Mr. Bussart stated he hasn't heard back from either the county or the City of Rock Springs attorneys in terms of modifications or amendments. Perhaps with this governing body's approval, it will give them some impetus to respond.

Council Member McCullough moved to approve the cooperative agreement with the City of Rock Springs and the Sweetwater County Commissioners for the Green River-Rock Springs Route Alignment and Survey Project. Council Member Boan seconded. Motion carried. (7-0)

Appointment to the Planning and Zoning Commission

Council Member McCullough moved to re-appoint Jim Steiss to the Planning and Zoning Commission for a three-year term. Council Member Morck seconded. Motion carried. (7-0)

Contract for Landfill Cell #6 Excavation

Council Member Boan questioned the difference between the two bidders; the other bidder had bid \$54,400. He doesn't want an "oops, we need a change order."

Mr. Cook stated he didn't know why there was such a big difference, but staff is confident with the bid from Longhorn Construction. They have done work for the city before.

Council Member York moved to enter into an agreement with Longhorn Construction for the excavation of Municipal Landfill Cell #6 in the amount of \$29,640. Council Member McCullough seconded. Motion carried. (7-0)

CONSENT AGENDA

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

- The memorandum of understanding with the Green River Greenbelt Task Force from March 2010 to March 2011.
- Authorization to remove ATV machines from the city landfill by Scott Coon.
- The business associate agreement with Willis of Colorado, Inc. as the agent/consultant for WEBT for the city health insurance plan.
- The contract with DeBernardi Construction for the Pedestrian Viaduct Project in the amount of \$983,695.50 and authorization to give notice to proceed.
- Authorization for the Solid Waste Division to submit an application for an EPA CARE Program grant in the amount of \$283,875 for a Community Based Toxic (Hazardous) Waste Disposal Project.
- A memorandum of understanding with other law enforcement agencies, the Sweetwater County Attorney's Office, and the Sweetwater County Victim Witness Coordinators to promote victim's rights, and authorization for Chief Love to sign the MOU.
- The Minutes for: February 16, 2010 Council, and February 22, 2010 Special Council Workshop
- Financial Reports and Payment of Bills:
Outstanding Invoices = \$366,266.22
Prepaid Invoices = \$5,462.89 *Payroll Expenditures* = \$349,737.29
Pre-authorization Payments = \$755,000.00

CITY ADMINISTRATOR'S REPORT

Mr. Cook noted the Police Department will start the enforcement of the new cell phone ordinance. The signs for the ordinance have been posted at all three entrances to the city.

Mr. Cook stated he is meeting with the department heads to work on the draft budget during the month of March. This is going to be a very difficult budget, with the reduction in sales tax revenues by 30%. There will be no capital projects, no asset acquisitions, employee salaries will be frozen, and they will still need to cut approximately \$1.2 million. The employees will actually take a cut in salary because of they will be paying for the increased cost of employee benefits.

It was a very frustrating time in Cheyenne this year. He believes the state legislators are leading Wyoming down a very dangerous road. The state of Wyoming needs to look in the mirror when they start second guessing local governments and how they spend their money, when the state criticizes the federal government for doing the same thing to them by hanging onto tax revenues instead of sharing them with the local governments.

Mr. Cook mentioned items to be discussed at the March workshop.

Responding to a question from Council Member Boan, Mr. Cook stated the Police Department is still in the process of purchasing cell phone hands free devices for the officers.

CITY ATTORNEY'S REPORT

Mr. Bussart had nothing to report.

Mayor Castillon stated Stephen Pyles was trying to make arrangements for a mid-March *public forum* on the Million Water Diversion Issue.

Mr. Bussart stated they needed to get the law professor on board, but he needs the representation agreement first, and understood it would be discussed at the March 15th meeting.

MAYOR AND COUNCIL REPORTS

Council Member Rust stated he would be presenting information regarding the issuance of malt beverage permits and underage drinking. He believes the system is broken and it needs fixed.

He encouraged participation in Liberty Day.

Council Member Rust sarcastically thanked the state legislature for everything they've done for the cities this session. It's a disgrace that the state has billions of dollars in surplus monies, and they're keeping it.

Council Member York asked if there was a hiring freeze. Mr. Cook stated there was for all part-time and full-time positions. In order for a position to be filled, it has to be reviewed by him. The freeze does not apply to the hiring of seasonal employees.

He thanked the Mayor for his letter supporting the Tomahawk project. He noted two new businesses are coming to Green River and will be located in the Tomahawk. He stated the building is usually open, and invited people to come and look at what is being done. They've had a lot of volunteers coming in and offering their help.

He read parts of a letter from Randy Walker also supporting the renovation, "to continue to work together ... accept the opportunities that come our way, for opportunity is not a lengthy visitor ... let's save our downtown."

Council Member Maes stated she was very disappointed in the manner the Rock Springs 6th Penny meeting was conducted. She was also disappointed in the minutes of the meeting, because the names of the other county representatives who attended were no mentioned.

She stated she had asked the Community Development Department to do a survey on the varying rental rates. She asked them to clarify the information further by providing the square footage for the rental fees being charged by local property owners for residential and commercial property so she can get an average cost per sq. ft.

Council Member Boan thanked all the individuals who volunteer to serve on the boards and commissions. He also thanked the people at the state capital for “nothing”.

Council Member McCullough thanked the folks who had presented their concerns and comments during the Citizens Comments portion of the meeting.

Council Member Morck also thanked the people who volunteer to serve the city. He also invited people to come out and support Liberty Day.

Mayor Castillon stated he was also very disappointed in the manner the Rock Springs 6th Penny meeting was conducted. He stated a \$34,000 survey will be done in May and June to poll the citizens on whether they will support any of the proposed items for the 6th penny ballot. The cost of the survey will be split three ways. Another 6th Penny meeting has been scheduled for March 23, 2010 to form a 6th penny committee. He is recommending Regina Clark and Sandy Owens represent Green River.

The Mayor reported on his attendance to the WAM Winter Conference, and encouraged participation in the Liberty Day activities.

ADJOURNMENT TO EXECUTIVE SESSION

Council Member Rust moved to adjourn to executive session to discuss land acquisitions at 8:35 p.m. Council Member York seconded. Motion carried. (7-0)

RECONVENE

Council Member Rust moved to reconvene at 9:05 p.m. Council Member Boan seconded. Motion carried. (7-0)

ADJOURNMENT

Council Member Rust moved to adjourn at 9:06 p.m. Council Member Boan seconded. Motion carried. (7-0)

H. Castillon, Mayor

ATTEST:

Jeffrey V. Nieters, City Clerk