

CITY OF GREEN RIVER
CITY COUNCIL PROCEEDINGS

May 18, 2010

The Governing Body of the City of Green River met in regular session at 7:01 p.m. in the City Hall Council Chambers. Mayor Castillon called the meeting to order and the Cub Scout Pack #312 led the Pledge of Allegiance. The Cub Scouts were: Ty Sturlaugson, Benjamin Stone, Dalton Robertson, Kaden Gailey, Eric Dahlgren, Aaron English, Garrison Schultz, Shawn O'Toole, Alex Davis, Cole Ungaro, Presley Lucero, and Alec Wisenbaler. Mayor Castillon expressed appreciation to the troop and presented them with a certificate, a city pin and tattoo stickers. The following Council Members were present: Pete Rust, Carl Morck, Ted York, Jim Boan, Tom McCullough 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 and Recreation Supervisor Kevin Sadler, Community Development Zoning/Building Tech Ladale Brinton, City Attorney Ford Bussart, and Public Information Coordinator Stephen Pyles.

APPROVAL OF THE AGENDA

Mayor Castillon added Golden Spatula Award to Presentations and removed the Revised Agreement for the Sweetwater County Community Juvenile Service Board from Council Action Items. The Mayor asked for a vote to approve the amended agenda. Motion carried (7-0).

Mayor Castillon explained the agreement was removed because they hadn't received the revised agreement and they also needed to rescind their original approval.

PRESENTATIONS

CPR Save Citation

Assistant Chief Emergency Services Darrell Wilfong from Castle Rock Hospital District presented a CPR Save Citation to Communications Officer Kristy Grisham, Corporal Debbie Tippy, and Police Officer Luke Benson. Mr. Wilfong stated the citation is for an incident that occurred January 17th when Ms. Grisham assisted a 911 call for an unknown medical incident. Because of Ms. Grisham's skill and proficiency she was able to instruct the caller on the proper procedure to start cardio pulmonary resuscitation until the first two patrol officers arrived on scene. These officers were Corporal Debbie Tippy and Luke Benson. Chief of Police John Love accepted the Citation for Kristy Grisham. Mayor Castillon expressed appreciation to the recipients of the citation.

Chamber of Commerce Update

Janet Hartford stated the next Lunch & Learn will be held on May 19, 2010 at the Rolling Green Country Club. Steve Wolff will be present to discuss the Upper Colorado River Basin. She stated the Cleanup Day was successful with 350 volunteers from Lincoln School and over ninety other volunteers. The tonnage collected was less than the prior year because they focused the cleanup within the city limits. She expressed appreciation to Mike Nelson, Allan Wilson and staff for their assistance. Ms. Hartford informed the council the Bike Park will officially open on June 5th with a Mountain Bike Jam and ribbon cutting event. There will be a Scenic By-Way Goal Setting meeting at the Red Canyon Lodge on May 25th and 26th. The Chamber is working on putting together a Convention Activity Committee that will work on bidding conventions, athletic events and other meetings. The Sweetwater County Leadership Class will be sponsoring a Food Drive from June 7th through June 12th. Citizens may drop off goods at the Green River Chamber, City Hall at Community Development Office, the Rock Springs Chamber, and on June 12th at the Albertsons parking lot.

Golden Spatula Award

Mayor Castillon recognized the staff members for winning the annual Gold Spatula Award at the Rock River Event. Stephen Pyle thanked them and announced the menu items: Fish shaped pita cracker with salmon spread, whiskey sauced meat ball, and a minted chocolate truffle. Ms. Robertson stated the menu represents Green River. The truffle and meatball represent the rocks and the salmon that swim in the river. Those present to receive the award were Ladale Brinton, Debbie Klein Robertson, Jim Robertson, Laura Hansen, John Dahlgren and Barry Cook. Mayor Castillon expressed appreciation and stated it would tough to repeat.

PROCLAMATIONS

EMS Week

Darrel Wilfong read the proclamation and Mayor Castillon proclaimed the week of May 16th through the 22nd Emergency Medical Services (EMS) Week. Peg Leininger from Castle Rock Hospital District was also present to accept the proclamation.

CITIZEN REQUESTS AND OTHER COMMUNICATIONS

SWEDA Director Michelle Hostettler apologized for not attending the last workshop due to a medical emergency. She stated she wanted to address some concerns regarding the Wild Horse parking lot. Ms. Hostettler stated Sonny Pelcher from Sidelines Restaurant is very committed to the project and has hired an architect who will begin working with the city's director of community development department. The Wyoming Business Council is also excited about the project and in full support of it. She recommended that the city wait until August and submit for the five hundred thousand dollars. Ms. Hostettler stated she had e-mailed Mr. Cook and Mayor Castillon regarding the status of the project. Council Member York requested that council members be included in the distribution list for the updates. Ms. Hostettler apologized for not including them.

Main Street Board Chairperson Norrie Gunter expressed support for the Main Street Program. She listed the Main Street Board 2009-2010 accomplishments. She state Main Street receives \$30,000 in technical support yearly and the grant fund received and the fund raiser funds goes back into the city's coffers and can then be used to offset expenses.

PUBLIC HEARINGS

Special Use Permit to Paul Lewis at 200 East 4th South #5

Mayor Castillon opened the hearing at 7:39 p.m.

Mr. Dahlgren explained that recreational vehicles are not a permitted use for living space in the city's mobile home parks. However, this RV is not a typical recreational vehicle. The Planning and Zoning Commission unanimously recommended granting the special use permit to use the RV as living quarters.

Council Member McCullough questioned the site elevation. Mr. Dahlgren stated they are in the process of getting a flood elevation certificate to make sure it is elevated properly.

There were no other comments or concerns presented. The Mayor closed the hearing at 7:41 p.m.

ORDINANCES

Repeal of Chapter 26

10-3: An ordinance repealing Green River Ordinances No's 04-09, 05-06, and 5-11, and Chapter 26 of the Green River Code of Ordinances entitled Urban Renew, as the same has been restated in Chapter 7 of Appendix B – Zoning – of the Green River Code under Overlay Districts.

Council Member McCullough moved to approve the ordinance on 3rd reading. Council Member Rust seconded. Motion carried. (7-0)

Incorporation of Chapter 26 as Overlay District

10-4 An ordinance amending Chapter 7 of Green River Ordinance No 87-16 and Sections 7.1 through 7.3 of Chapter 7 of Appendix B – Zoning – of the Green River Code of Ordinances, and creating Section 7.4 of Appendix B of the Green River Code of Ordinances, City of Green River, State of Wyoming, to incorporate the provisions of Chapter 26 of the Code of Ordinances on Urban Renewal into the Zoning Ordinance as an Overlay District.

Council Member Boan moved to approve the ordinance on 3rd reading. Council Member McCullough seconded. Motion carried. (7-0)

Addition of Overlay Districts to Official Zoning Map

10-5 An ordinance amending the official Zoning Map to show the Bronze Belt Overlay District, the Green Belt Overlay District and the Design Review Overlay District.

Member Rust moved to approve the ordinance on 3rd reading. Council Member Maes seconded.

Council Member McCullough asked Ms. Hansen to explain the modification. Ms. Hansen stated the goal is to take the design out of the URA and move it to the Planning and Zoning. This allows for a streamline mapping process.

Motion carried. (7-0)

RESOLUTIONS

R10-48 A resolution for the governing body of the City of Green River, Wyoming, to issue a special use permit requested by Paul Lewis to allow for the use of a recreational vehicle as living quarters at 200 East 4th South #5, Green River, WY.

Council Member Rust moved to approve the resolution. Council Member McCullough seconded.

Council Member McCullough stated he sees no problem in following the Planning and Zoning Board recommendation. Council Member Boan concurred

Motion carried. (7-0)

COUNCIL ACTION ITEMS

Malt Beverage Permit to Paul Hester for the Overland Stage Stampede Rodeo.

Council Member Maes moved to approve the issuance of Malt Beverage Permits to the Overland Stage Stampede Committee for Friday, June 11 and Saturday, June 12, 2010, from 6 p.m. to 11 p.m., at the Rodeo Arena. Council Member Maes seconded.

Council Member McCullough explained in the future they might have to acquire liability insurance. He asked who would be dispensing the alcohol and Mr. Hester indicated volunteers would be doing the dispensing. Mr. Hester explained they would be required to show identification and wear a wrist band in order to consume alcohol. Mr. Hester stated the alcohol is purchased from Western Wyoming Beverage and Teton Distributing.

Council Member Maes stated the rodeo is sanctioned by the IMPRN and that they provide insurance for the rodeo. Mr. Hester is going to look into this.

Motion carried (6-1) with Council Member York voting nay.

Open Container Permit to the Ponderosa Bar and the Embassy Tavern for the Annual Rally in the Alley.

Council Member McCullough moved to approve the issuance of an Open Container Permit to the Ponderosa Bar and Lounge, and the Embassy Tavern for Saturday, July 31, 2010, from 5 p.m. to midnight, on the block between the Embassy and the Ponderosa, authorization for the block to be barricaded during that period of times, the issuance of three large garbage bins, and to waive the fees associated with dumpsters. Council Member Boan seconded.

Motion carried (6-1) with Council Member York voting nay.

Michelle Ginestar requested the time for the permit be from 12 noon to midnight.

Council Member Rust moved to amend the motion to approve the permit from 12 noon to midnight. Council Member McCullough seconded. Motion carried (7-0).

Malt Beverage Permit to Asencion Pichardo for a Mexican Dance.

Council Member Rust moved to approve the issuance of a Malt Beverage Permit to Asencion Pichardo for a Mexican Dance on Friday, May 21, 2010, from 7:00 p.m. to Midnight. Council Member Boan seconded.

Council Member McCullough asked who would be selling the alcohol. Mr. Pichardo stated an individual from Salt Lake City. There was some discussion about whether the individual selling the alcohol had a Wyoming liquor license. It was clarified that the permit was for malt beverages only and a liquor license is not required. Council Member McCullough stated for future requests they might have to show liability insurance.

Motion carried (6-1) with Council Member York voting nay.

City Facility Rental Policy

Council Member York moved to table the item until after the budget session. Council Member Rust seconded. Motion carried. (7-0)

Appointment to the Golden Generation Advisory Board

Council Member Boan moved to confirm the Mayor's appointment of Pamela Spivack to a three-year term on the Golden Generation Advisory Board, Council Member McCullough seconded. Motion carried. (6-0)

Bid Award for the Green River Southside Water System Improvements.

Council Member Maes moved to award the bid for the Green River Southside Water System Improvements in the amount of \$2,957,090 to Jackman Construction, Inc. and to approve the agreement. Council Member Boan seconded.

Council Member Boan questioned the difference between the lowest bid and the other two bids and expressed his concern to make sure Jackman meet all the requirements. He is not in favor of change orders and feels they should hold the contractor to the original bid amount unless there are unforeseen circumstances.

Council Member Rust commented on the differences between the bids.

Mr. Nelson stated there were eleven potential bidders at the pre-bid meeting and only three decided to bid. The City's consulting engineer, Nelson Engineering, has discussed their concern that Jackman Construction's bid is \$800,000 lower than the second place bid. The consultant has reviewed the bid and there is a letter stating they recommend Jackman Construction.

Mr. Bussart asked if there would be an engineer on site that would be inspecting. Mr. Nelson confirmed the engineer would be on site inspecting.

Motion carried. (7-0)

CONSENT AGENDA

Council Member Rust moved to approve the following consent agenda items. Council Member Maes seconded.

- Release of retainage and final payment to CivicPlus for City Website.
- A Horse Corral Lease Agreement with: Doug & Sandra Lauze for corral #96; Thomas Munoz for corral #112; and Ruben Flores for corrals #119 and #120.
- A contract with Castle Cleaning Co. for custodial services from July 1, 2010 through June 3, 211 at the Recreation Center for \$60,000.
- A contract for beverage vending services with Western Wyoming Beverages at the Recreation Center.
- Acceptance of the Amended Assistance Agreement for the Recovery Act-Energy Efficiency and Conservation Block Grant (EECBG) in the amount of \$50,000 for the completion of an Energy Efficiency and Conservation Needs Assessment.
- A membership agreement with WyoLink for the Fire Department
- The minutes for May 4, 2010.
- Financial Reports and Payment of Bills: Outstanding Invoices = \$826,278.00
Prepaid Invoices = \$266,126.94 Payroll Expenditures = \$348,373.76
Pre-authorization Payments = \$761,200.00

Motion carried. (7-0)

CITY ADMINISTRATOR'S REPORT

Mr. Cook stated the city is working to secure a lease agreement with Rocky Mountain Power for the Visitor Center. A mandatory pre-bid hearing was held on May 18, 2010. The bid opening will be held within the next ten days. The bidding process requirements are in order and they hope to have the lease approved at a Special Council meeting prior to the final budget workshop on May 27, 2010.

Mr. Cook noted the following:

- Hitching Post Drive is now open.
- Construction is continuing on Birch and Arizona.
- Viaduct project continues to move forward.
- DEQ violation – Being reviewed by DEQ staff. Their staff person was here on Monday for an on-site presentation. Mr. Cook stated he believes they will extend the city several months to address the drainage issue.
- Needs feedback regarding the resolutions that WAM is proposing in Evanston.
- Notice regarding the Joint Powers Communication Board lease on the building on the corner of Shoshone and Uinta. The appraisal was completed and the information has been distributed to the governing body. Mr. Cook is seeking direction from council if they want to continue leasing or to sell it.

CITY ATTORNEY'S REPORT

Mr. Bussart stated he has received a copy of the order regarding the Winter Building on Flaming Gorge. The Community Development Department can begin to develop strategy on how they want to deal with it.

Mr. Bussart stated the legal team has met with the Steering Committee on the Million water diversion matter. He stated on June 3rd they had a tentative meeting scheduled with the Governor, the Attorney General, the Executive Director of the Engineering Office and the Executive Director of the Water Development Commission to develop further strategies as to how to go forward. The Steering Committee members are: Paula Wonnocott, Hank Castillon, Craig Nelson, Ron Hughes, and Dan Hartley. He stated the Million project is on hold until the court can validate the end user letters.

Responding to Council Member Boan's concern about change orders, Mr. Bussart stated there is a difference between entering into a lump sum contract and having discovered during the performance of the contract blatant or unforeseen conditions. For instance water lines that are portrayed on a map that are not where they are suppose to be. Suddenly we have a big problem and low balling the bid and expecting them to make up the deficiency in the low balling, by

change orders that are less than credible. So any contractor who tries that tactic with the City of Green River should be put on notice and should be aware that that will be scrutinized quite thoroughly.

Council Member Boan stated he would like Community Development, within the next thirty days, to get a hold of the Winter building owner to find out what their plans are for the building, so the governing body can decide what action they are going to take.

MAYOR AND COUNCIL REPORTS

Council Member Morck had nothing to report.

Council Member McCullough stated he attended the karate tournament this past weekend at the Recreation Center. He stated it was a very well run quality tournament. Mr. McCullough stated he is in favor of leasing the building with the option to buy to the Joint Powers Communication Board. Council Member McCullough commented on the facility rental policy issue. He suggested anyone renting the Pavilion, and who will be using the kitchen, be required to have liability insurance, and anyone serving alcohol at the Pavilion be required to have liquor license liability insurance. All others using city facilities will be required to sign a waiver of liability.

Council Member Boan expressed appreciation to the Emergency Medical Service volunteers and congratulated the police department staff on receiving the CPR Save Citation. He is also in favor of leasing the building to the Joint Powers Communication Board.

Council Member Maes stated she had received some calls regarding the loud music coming from Club 86. Ms. Maes expressed concern, that at the budget meeting, Mr. Bratton had stated the weeds were only going to be taken care of until June 30th. She thought some of the funds from the eradication budget were transferred to Parks and Recreation and they were going to take care of the weeds. She has had several citizens express concerns about this. They wonder what is going to happen to them since the city isn't taking care of their own weeds. Mr. Bussart stated if weeds are a nuisance, or some kind of a threat to public safety, then the resident's weeds are a nuisance and the city's weeds are a nuisance, but the city cannot enforce against the public if they cannot comply with the ordinance.

Council Member Maes commented on the removal of the ECB from the budget and asked whose idea it was to remove it.

Council Member Maes asked if the construction project on the viaduct would close the parking lot on Railroad Avenue during the Rally in the Alley event. Mr. Dahlgren assured her the part that is closed now is the only portion of the lot that will be closed during the rally.

Council Member Maes expressed concern about the evergreens along Flaming Gorge and Uinta. Mr. Bratton stated the sprinkler systems were being turned on this week.

Council Member York stated he was in favor of leasing the building with the option to buy to the Joint Powers Communication Board. He stated he had also received calls regarding the noise at Club 86. He asked that the owner be notified to correct the problem.

Council Member Rust stated he is also in favor of a lease/purchase agreement for the dispatch center. He commented on the karate tournament held at the Recreation Center. Mr. Rust asked what is going to happen with the Winter's Building? He feels that they need to start working on it as soon as possible. Mr. Bussart stated when they purchased a building permit they were allocated a certain amount of time to complete the project.

Ms. Hansen stated under the ordinance they have two years to complete the building before the permit expires. The permit has expired and the building inspector is already working on notifying them. They can either remove it or bring to the current standards. There are issues that need to be addressed because the code has changed since the building was started.

Mr. Bussart stated unless the owner completes the building, the city can remove what is there now at the owner's expense.

Council Member Rust stated he would like more discussion on the Malt Beverage Permit issue when the budget sessions are over.

Mayor Castillon stated he received several call regarding the crossing guards. He informed them they would do whatever possible to fund the program. He encouraged everyone to attend the Lunch and Learn and listen to Steven Wolff's presentation. He expressed appreciation to the volunteers involved with the clean up. Mayor Castillon congratulated Corporal Tippy and Officer Benson.

Mayor Castillon questioned what will be done with the equipment currently stored at the communication building. Mr. Cook informed him they would need to find a new location to store the equipment.

Mayor Castillon stated the city would be receiving the first draw from the \$150,000 commitment toward the Million project. He stated the invoice would be divided between the City of Rock Springs, the City of Green River, and Sweetwater County.

ADJOURNMENT

Council Member Boan moved to adjourn at 8:40 p.m. Council Member McCullough seconded. Motion carried. (7-0)

H. Castillon Mayor

ATTEST:

Jeffrey V. Nieters, City Clerk