

**CITY OF GREEN RIVER
CITY COUNCIL PROCEEDINGS
June 1, 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 the following Washington Elementary students led the Pledge of Allegiance: Devin Bobbitt, Tya Brangham, Austin Collar, Trenton Collar, Justin Collier, McKenzie Hall, Kayle Hymas, and Gillian Maldonado. The students were also recognized for growing flowers and planting them around the art sculptures on Uinta Dr.

The following Council Members were present: Ted York, Pete Rust, Carl Morck, Tom McCullough, Jim Boan, and Lisa Maes. The following were present representing the City: City Administrator Barry Cook, Director of Public Works Mike Nelson, Director of Human Resources Debbie Klein Robertson, Acting Director of Finance Chris Meats, Director of Community Development Laura Hansen, Chief of Police John Love, Fire Chief/Emergency Services Mike Kennedy, Parks and Recreation Director Walt Bratton, City Attorney Ford Bussart, and Public Information Coordinator Stephen Pyles.

APPROVAL OF THE AGENDA

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

PRESENTATIONS

2010 Sweetwater County Leadership Institute Project

2010 Leadership Institute graduate Laura Hansen explained their community service project for a food drive for the Sweetwater County Food Bank June 7th through the 12th. They are also taking cash donations which will be used to purchase food from the Food Bank of the Rockies at 8¢ per pound.

Green River High School Speech & Debate Team Recognition

Stephen Pyles explained the outstanding achievements of the team, and Mayor Castillon presented the city plaque in recognition of their winning the state championship.

The 4A State Championship students Abby Goyn, Tiffany Adamski, Randi McClure, Erin Shadrick, Chrissy Whisonant, Sarah Harris, Michelle Hargrove, Jerry Stott, Will Cronk, Chris Andrews, Sam Bentley accepted the recognition award from the city. Head Coach Carina Heisinger and assistant coaches Dan Parson and Lisa Shadrick were also present.

Recognition of Craig Sorensen

Mayor Castillon presented the Key to the City to Dr. Craig Sorensen in recognition of his service to the community and as School District No. 2 Superintendent.

PROCLAMATIONS

Bike Park

Tom McIntosh read the proclamation and the Mayor declared June 5, 2010 as Green River Bike Park Day.

Flaming Gorge Days

Wendy Kraft read the proclamation and the Mayor declared June 24th – June 26th as 2010 Flaming Gorge Days.

CITIZEN REQUESTS AND OTHER COMMUNICATIONS

Jim Dean, organizer of the 30th Annual Western Wyoming Karate Tournament, and owner of Pineda's Kenpo Karate, expressed his frustration and disappointment with the city's failure to honor their MOU for the use of the recreation center during the tournament, and Mr. Bratton's lack of professionalism regarding the matter, and his intimidation of city employees and department heads.

Mr. Dean stated he was instructed by the governing body to work with Mr. Bratton for a successful 2010 event. At a meeting with Council Member Kallas and Mr. Bratton, a Memorandum of Understanding was agreed on which required him to rent the recreation center rather than the city co-sponsoring the event as was done in prior years. The MOU was completed and he agreed to the rental of the recreation center including the pool area on Friday and Saturday. Mr. Dean stated he was also required to submit a monthly status report on the tournament to Mr. Bratton.

He questioned the closure of the pool area during the tournament in conflict of the MOU agreed on in August 2009. He felt the work could have been scheduled before or after the tournament. He wasn't questioning the repairs only their timing. He understands liability issues. If the city knew about the problems with the pool roof in 2009 why did they wait until the tournament to make the repairs?

He noted this is the second largest event for the city. There were 35 students from Green River and Rock Springs, and 230 students from out of town. He noted this year's tournament was one of the twelve qualifiers for the promoter's championship event. First and second place winners will advance to the promoter's championship in Anaheim, and will be performing in Disneyland.

Council Member McCullough apologized and commended Mr. Dean on the success of the event. He would like the event to continue to be held in Green River and he offered to help Mr. Dean with next year's event. Council Member McCullough stated outside of some catastrophic event the pool should be open for next year.

Mr. Dean stated he would prefer not to work with Mr. Bratton. Council Member McCullough felt that decision would be up to the city administrator to make.

Mayor Castillon stated, based on staff's recommendation, the governing body had approved the closure of the pool because they didn't want to risk liability since they had already had a fatality at the pool.

Council Member York stated he had voted for the pool closure because he was concerned about the roof falling in. He had no idea the pool was used by the tournament group. He didn't believe the pool closure during the tournament was intentional. If Mr. Dean had issues with Mr. Bratton, he needed to take them to the city administrator.

Council Member Rust stated he heard a lot of good reports on the tournament. He felt embarrassed by the issue Mr. Dean had brought forward, and for not inquiring about how the tournament would be affected by the pool closure. He felt if the tournament had been brought up during the discussions on the pool closure, he would have voted differently.

Council Member Boan agreed the issues with Mr. Bratton would have to be addressed through the city administrator. He asked Mr. Dean to give the city one more chance to make things right for next year's tournament. He offered to help Council Member McCullough.

Jenna Cann, interim general manager for the Hampton Inn, stated over the course of three days the tournament was responsible for \$8,725 in revenue for the hotel. The hotel is also a proud sponsor of the tournament. They believe the tournament is a positive thing for the county and Green River. It would be a shame to send the tournament somewhere else.

Mayor Castillon read a letter from student Devin Bobbitt in support of Mr. Dean.

Arctic Circle owner Robert Berg stated the tournament is his third busiest day out of the year, and second busiest weekend in sales. He would hate to see the tournament relocate. It would be a downfall for the city. Losing the tournament does not present Green River as a business friendly place. He also questioned the timing of the repairs.

Council Member Maes thanked Mr. Dean for his program. She didn't realize the repairs were being done during the tournament or she would have questioned the timing. She apologized for the oversight, and stated she would also be willing to help out with next year's event, if Mr. Dean decided to hold it in Green River. She asked Mr. Dean to talk with the city administrator about his problems with Mr. Bratton.

Mayor Castillon stated they would do everything they could to make next year's event successful.

PUBLIC HEARINGS

Request for the Transfer of a Retail Liquor License

Transfer of the Retail Liquor License from Payless Liquor & Sporting Goods, Inc. to Wyoming Embroidery & Sporting Goods.

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

There were no comments or concerns presented. The Mayor closed the hearing at 7:58 p.m.

RESOLUTIONS

Acceptance of a Utility Easement from School District No. 2

R10-49: A resolution authorizing the City of Green River, Wyoming, to accept from Sweetwater County School District Number Two, State of Wyoming, a permanent easement for installation, maintenance and repair of a water line and PRV vault.

Mr. Cook noted the easement was needed to complete the southeast water expansion project to accommodate development and growth for potential developers in that area of the city. The infrastructure will go up Uinta, down Upland, and over to Hitching Post. It will provide water quicker and address the fire flow issues.

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

Budget Modification to Purchase Diagnostic Equipment

R10-50: A resolution for the governing body of the City of Green River, Wyoming, to approve a modification in expenditure authority in the General Fund for the Public Works Department Fleet Division for automotive diagnostic equipment in the amount of \$5,400.

Addressing questions from Council Member Boan, Mr. Nelson stated it wasn't that the money wasn't needed in the other line items. It was a matter of priority. They need the equipment to assist in repairs.

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

Budget Modification for CIP 2009 Evans/Arizona/Crossbow

R10-51: 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 to complete the final Capital Improvement Project of the 6th penny tax collections, voted by the citizens of Sweetwater County, in the amount of \$290,000.

Mr. Cook noted the money was being transferred out of the risk management fund to complete the project. \$110,000 had to be transferred in order to complete the two blocks of improvements on Arizona that were removed from the project last year in order to pay for the additional traffic control in the Faith and Evans area. \$120,000 had to be transferred because the old water system maps used to design the project improvements were not accurate, so service lines on private

property had to be relocated into the street. The design for the Birch Street improvements were based on bore holes from 1980 which were not accurate, so \$60,000 needed to be transferred to cover the cost of import fill.

Responding to questions from Council Member Boan, Mr. Nelson noted the engineering for this project was done in-house. The engineers went on the assumption that the lines would go straight from one valve to another based on the drawings. The lines didn't match the drawings and came out at a 45° angle on to private property and then 45° back to hit the next valve at a different angle. The drawings should have been amended when the subdivisions was originally done. Regarding the bore holes from 1980, the materials shouldn't have changed. If it was rock in 1980 it should still have been rock now. Perhaps there wasn't enough sampling done at that time. He felt any additional boring would have driven up the costs of the project.

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

Council Member York left the meeting at this point.

COUNCIL ACTION ITEMS

Malt Beverage Permits

Council Member McCullough moved to approve the issuance of Malt Beverage Permits to the Flaming Gorge Days Committee for Friday, June 25, 2010, from 10 a.m. to 5 p.m., at Evers Park, and from 5 p.m. until midnight at Stratton Myers; Saturday, June 26, 2010 from 10 a.m. until 5 p.m. at Evers Park, and from 5 p.m. until midnight at Stratton Myers Park. Council Member Maes seconded.

Council Member Boan moved to amend the motion to change the time to start serving alcohol from 10 a.m. to noon. Council Member Rust seconded the motion for the sake of discussion.

Committee member Wendy Kraft explained the events start at 10 a.m. and they have always requested the permits to start at the same time. She wasn't sure, number wise, what their sales are early in the day. She stated people purchase their tickets early or for the whole weekend, which helps with the congestion later on at night.

Ms. Kraft noted their volunteers will be participating in the TIPS training on June 3rd from 6 to 8 p.m.

Council Member Boan stated he made the motion because he wants people to realize, from the information presented from Council Member Rust's group. They need to start discussing some of the problems with alcohol *in the county*.

Council Member Rust felt there were more people who needed to take part in the discussion on underage drinking besides the Flaming Gorge Days Committee, such as people in the courts, and the juvenile system to help identify if it is an issue. The statistics say there is a problem, and that is why he got involved.

Council Member Boan withdrew his motion, and Council Member Rust withdrew his second.

Council Member McCullough thanked the committee for addressing the problems they had had with the VIP tent. He commended the committee for all the hours they put in, without credit, for all they bring to the city. They do a great job.

Mr. Cook noted the committee had been present at the May 11th workshop and talked with the governing body for forty-five minutes. They had been schedule to come back to the June 8th workshop for more discussion. He had received an email from Council Member Rust asking for the discussion on the underage drinking to be held at a workshop after the budget was passed. Mr. Cook can put the underage drinking issue on the July workshop if that is council's wish.

Nacho Flores, a new member to the committee, stated a lot of people come back to Green River during Flaming Gorge Days. He wouldn't have volunteered to serve on the committee if alcohol

was a problem. The people from out of town who participate in the activities are back home to enjoy themselves. They don't come here to abuse *alcohol*. The problems aren't early in the morning; they are at the concerts which are for the adults.

The first motion carried. (6-0)

Catering Permit

Council Member Maes moved to approve the issuance of a catering permit to Lews Inc., to cater alcohol for the Cortnee Dalton Wedding, on Saturday, June 19, 2010, at the Pavilion, from 3 p.m. to 11 p.m. Council Member McCullough seconded. Motion carried. (6-0)

Open Container Permit

Council Member Morck moved to issue an open container permit to the Wild Horse Saloon for the Disabled American Veterans Poker Run, and Flaming Gorge Days weekend, on June 25th and 26th for the two all night openings from 12 p.m. to 5 a.m. in the Wild Horse Saloon Parking Lot. Council Member Boan seconded. Motion carried. (6-0)

Bid Award for the Visitor's Center

At the request of Council Member McCullough, Mr. Meats explained the state statute for the 5% provision for a certified local contractor's low bid. If the 5% is added to the lowest local resident contractor's bid, and the non-resident contractor's bid is still lower, the bid will be awarded to the non-resident contractor.

Mr. Meats noted there were five bids. The low bid came out of Idaho for \$635,798. The only Wyoming bid was \$722,000. So, if the Wyoming bid had come in between \$635,000 to \$667,000 the governing body could have awarded the bid to the Wyoming contractor.

Council Member McCullough moved to award the bid, and approve the agreement to Century Contractors in the amount of \$635,798. Council Member Boan seconded. Motion carried. (6-0)

CONSENT AGENDA

Council Member Rust moved to approve the following consent agenda items. Council Member Boan seconded. Motion carried. (6-0)

- In-kind assistance during Flaming Gorge Days involving city staff, facilities and equipment.
- To waive the business license requirements and associated fees for the Festival in the Park vendors during Flaming Gorge Days.
- The Mutual Aid Agreement between the City of Green River and the Town of Granger for the exchange of Emergency Response.
- A Memorandum of Agreement for fire protection to Jamestown.
- A horse corral lease agreement with Jim & Stasia Spurrier for corrals #38 and #43.
- The Minutes for: May 6, 2010; May 11, 2010; May 13, 2010; May 18, 2010; May 20, 2010; and May 27, 2010.
- Financial Reports and Payment of Bills:
Prepaid Invoices = \$40,806.93
Pre-authorization Payments = \$655,000.00
Outstanding Invoices = \$532,666.05
Payroll Expenditures = \$367,286.49

CITY ADMINISTRATOR'S REPORT

Mr. Cook:

- Announced the work on the spur road off of Scott's Bottom Road had started earlier in the day. The work will included the installation of sewer and water services to the corporate limits of the city. The work is being funded by a consensus grant.
- Stated the pre-bid meeting for the Energy Grant study will be held on June 7th.
- He congratulated Stephen Pyles on his acceptance to the 2011 Wyoming Leadership group class which starts in August in Laramie. Acceptance into the program is very competitive process.
- Noted the following items from the Traffic Committee would be coming before the governing body for consideration. (Parking issue on South Carolina, parking issue in front of Harrison Elementary, downtown parking study, stop bar placed at the corner of Monroe and Uinta, request to WYDOT to address crosswalks on Uinta)
- He gave the council a list of fourteen items they needed to review before attending the budget workshop on Thursday.
- He reviewed the June 8th workshop agenda items.
- He apologized for the oversight of the pool closure during the martial arts tournament. However, the city had met all seven items of the MOU with Mr. Dean for the use of the recreation center with the exception of the pool. He believes, based on their past liability experience, the city made the right decision to close the pool during the martial arts tournament. He noted the city subsidized the tournament in the amount of \$2,500. No other group that rents the facility gets a subsidy at that rate. He believes the governing body made the right decision for the pool area repairs at the right time.
- He announced the recreation center pool would be open this Saturday, two weeks ahead of schedule, just in time for school getting out and summer swimming lessons to start.

Council Questions

Council Member Boan asked for the workshop on underage drinking in July to be citywide. He would like the liquor license owners, and any one that has something to do with the serving of alcohol to attend the meeting. It's not one group's problem.

Mayor Castillon agreed and asked for citizen participation, and DARE representatives. He hopes it doesn't turn out like the contractors meeting where they invited everyone and only one person showed up.

CITY ATTORNEY'S REPORT

Mr. Bussart made remarks regarding the Jim Dean situation. He felt Mr. Dean's comments were unwarranted and unjustified. He didn't know when everything evolved, but according to his recollection, some professional engineers together with city staff made a determination, in February, that the roofing structure at the recreation center facility was in eminent danger of collapse. And because of the recommendations, the governing body chose to close down the pool.

He can't speak on Mr. Bratton's relationships with Mr. Dean or for that matter Mr. Bratton's skills with dealing with anybody else. But his recommendation was to get the pool area shut down so instead of having one dead six-year old kid, "we don't have thirty dead six-year old kids floating in the pool when the hundred pound structure comes down on them." He believes the governing body exercised prudence and good judgment, and frankly the whole thing with Mr. Dean is a red herring, and they don't owe anybody an apology. If he was a parent of a kid involved with anything at the recreation center that involved his kid being in the pool, he'd be damned grateful for the judgment the governing body exercised.

Council Member Boan asked about an email to get a consensus regarding a payment to Questar. He doesn't like dealing with city business by email in order to get a consensus.

Mr. Bussart stated decisions to spend public money have to be made based on a vote taken at an open public meeting, duly called and conducted. The exception, which he has always advised, is if there is an exigent or emergency situation. At that point, the city administrator has the authority to poll the council to get four members to authorize expenditure with the proposition that it will be ratified at the next regular meeting after the fact. He would not do the poll through a computer, but verbally. He isn't sure what the issue is with Questar.

Council Member McCullough felt, sometimes when things don't go good for people, it doesn't hurt one iota for a city representative to apologize. He believes the council made the right decision. He was apologizing in order to get people to work together again. He feels that is important.

Mr. Bussart stated that was fine, and he didn't want to debate the issue with Council Member McCullough. But what occurred here tonight diminished the institutional integrity, reputation, and credibility of the city of Green River, because he apologized for something when the city didn't do anything wrong.

Council Member McCullough stated he was happy with his decision and thanked Mr. Bussart for his advice.

MAYOR AND COUNCIL REPORTS

Council Member Rust stated, procedurally, maybe there was some things that could have been done differently regarding the Mr. Dean's issue. He congratulated the GRHS Speech and Debate Team on their championship. There are some really sharp kids in that group. Council Member Rust noted he would be judging the Sidewalk Chalk it Up Contest so he wouldn't be able to attend the opening of the Bike Park.

Council Member Maes thanked the elementary students for leading the Pledge of Allegiance.

She questioned whether the pool had been shut down immediately when they heard about the problems with the pool area, or if it had remained open until the work on the problem had started. She thought the pool should have been shut down before that if there was eminent danger. She hopes everyone can move on, get along, and do the right thing.

Mr. Cook stated the pool was shut down when the contractors started work on the repair.

Mr. Bussart noted Council Member Maes made a great point. If there was an eminent danger, the pool should have been shut down immediately, and he believes that was his recommendation. The question the governing body needs to ask, to get to the bottom of this dispute, is had the pool been closed down immediately based on eminent danger, would the karate tournament have ended up being canceled because of the scheduling of the contracting?

Mr. Bussart stated they needed to get the answer.

Council Member Boan thanked all the people responsible for the Bike Park opening this weekend. It was a community effort. He also thanked the Washington School students for planting the flowers. He congratulated the speech team. He asked Janet Hartford to thank the people on the Flaming Gorge Days Committee for all the hard work they put in to bring the event to Green River. He isn't blaming or picking on them for the alcohol problems in Green River. It just happens that their event happens to be the major event that has happened since he became a council member. He just believes it's time Green River participated in dealing with the problems with alcohol in Green River and the state of Wyoming.

Council Member McCullough congratulated the speech team and gave a reminder on the Bike Park opening.

Council Member Morck felt it was a good meeting, they got a lot accomplished, and he is proud of that.

Mayor Castillon noted the grants for the Tomahawk had not been awarded as reported by an article in the Green River Star. Mr. Cook and Ms. Hansen will be going to the *Wyoming*

Business Council meeting on Thursday to get their recommendation on whether the grants should be awarded. He also noted the grants weren't being awarded to Futures but to the city. He also noted the grant award was contingent on the Wyoming Business Council receiving a signed development agreement between the city and Futures.

The mayor congratulated the Speech and Debate Team. He thanked the elementary students for their participation in the council meetings. He wished Council Member Rust luck in judging the Chalk It Up contest.

Laura Hansen reported on the State Transportation Improvement Program meeting she had attended with Mike Nelson.

- Regarding the study on the east interchange, Mr. Eddins stated they won't even consider putting the interchange on the STIP list down the line until the city has a specific plan, specific funding, specific agreement, between Green River and the county, and he would like to have a workshop to discuss it.
- Regarding the review of the interchange by the Maverick on Uinta, they weren't given an answer to the request for a study and review. (If the county decides to relinquish their road and bridge property to the city, then the city would like the interchange reconfigured so the interchange isn't offset.
- Regarding the stripping on the crosswalks on Uinta—that is in their 2010 plan.

Mr. Bussart reported, on behalf of the Steering Committee, on the Million Project. They had been schedule for an hour meeting with the governor, the executive director of the water development commission and the state engineer's office on Friday, at 9: 30 a.m.

He has talked to a couple members of the Joint Powers Water Board about submitting a letter regarding their involvement with the project.

He further explained there were people from here to Las Vegas who have a stake on this outcome, and the dog in this hunt. We need to be getting these people, including the Joint Powers Water Board to start participating in the payment of what is going to be a very expensive exercise to help pay for it. And with respect to our standing to challenge Mr. Million's project, the water board owns all of the water rights. Green River, Rock Springs, and the county have no water rights. We don't want to get to a point where our standing, to challenge this issue in court or in an administrative proceeding before the Corps of Engineers, is questioned because we don't have water rights. We need to get them on board, whether they pay or not, as a named party because they have the water rights.

ADJOURNMENT

Council Member Rust moved to adjourn at 8:57 p.m. Council Member McCullough seconded. Motion carried. (6-0)

H. Castillon, Mayor

ATTEST:

Jeffrey V. Nieters, City Clerk