

**CITY OF GREEN RIVER
CITY COUNCIL PROCEEDINGS
June 15, 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 Jeff Nieters led the Pledge of Allegiance. 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, Director of Finance Jeff Nieters, Director of Community Development Laura Hansen, City Planner John Dahlgren, Building Inspector Dave Allred, Chief of Police John Love, Fire Chief/Emergency Services Mike Kennedy, Parks and Recreation Director Walt Bratton, Parks Supervisor Allan Wilson, Parks and Recreation Supervisors Katie Duncombe, Alyssa Krumholz, Brenda Roosa, Kevin Sadler, and Sherry Schumacher, City Attorney Ford Bussart, and Public Information Coordinator Stephen Pyles.

The following were also in attendance: Members of the Green River Future's Board, Director of Green River Chamber of Commerce Janet Hartford, Director of SWEDA Michelle Hostetler, Council candidates Gene Carmody, Gary Killpack, Harry Holler, and Dick Wilson, and mayoral candidate Mike Frink.

APPROVAL OF THE AGENDA

Mayor Castillon removed the approval of a contract with Radio Network, to provide advertising for the Farmer's Market, from the consent agenda, and added the consideration of a request for an Open Container Permit from the Wild Horse Saloon.

Laura Hansen noted the item listed as a contract with Radio Network was not a contract, and shouldn't have been listed on the agenda.

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

CITIZEN REQUESTS AND OTHER COMMUNICATIONS

Mike Lynch spoke against the awarding of the construction contract for the Visitor's Center to Century Contractors because he felt it should have been given to a Wyoming Contractor, even if the city had to pay a little bit extra, to give the work to people in Wyoming who needed the jobs. He was also concerned that the bidder had put in a low bid thinking they would make up their costs with change orders, so that was unfair to the other bidders.

Mr. Cook explained the city had followed state statutes in awarding the bid. The five percent in state bid preference was calculated in, and the firm from Idaho still came in the lowest bidder.

Mr. Bussart noted it is not the prerogative of a city in Wyoming to give a bid to someone in Wyoming because we don't like somebody from Utah. If Utah is the low bidder, Wyoming Statute says they get the contract. Where change orders are concerned, every bidder is equally situated and the criteria for which change orders are allowed for unforeseen circumstances, special conditions, and nothing else is part of the bid process. We have to obey the law.

The following people spoke in favor of Futures, the governing body's continued funding of Futures, and the Tomahawk restoration project for downtown revitalization: Council candidate Harry Holler; local businessman, Main Street board member, and Future's board member Mike Frink; and Green River High School student and Future's student board member Trent Bennett.

The mayor interrupted Stephanie Fox to remind the audience there is a five minute limit for comments relating to one issue. Council Member York noted if there were other people who wanted to talk about Futures they could make their comments during the public hearing.

New Green River resident Stephanie Fox spoke in favor of Futures to bring an appealing edge to the downtown area. She asked the council not to stand in the way of progress.

PUBLIC HEARINGS

Proposed Budget for Fiscal Year Ending June 30, 2011

(Finance Director Jeff Nieters prepared the attached message to present to the governing body, for the public record, and gave a copy to each member of the governing body just before the meeting started. However, the mayor never called on him to give it.)

Mayor Castellon opened the hearing at 7:17 p.m.

The following spoke in opposition to Green River Futures and the city's continued funding of the organization: local businessman Scott Hamel, and local businessman and council candidate Gary Killpack.

The following spoke in favor of Futures, the board members, Brad Sutherland, the governing body's continued funding of the organization, Futures continued management of the Tomahawk Project, downtown revitalization, and Future's ability to help new businesses get started: local businessman and Tomahawk tenant Cody Deichmueller; local businessman Tim Montgomery; future Tomahawk tenant and business owner of a boutique shop Casey Callahan; a Tomahawk building business employee Amy Breininger; local businessman Andy Pleasant; high school student Alison Creager; Tomahawk tenant and business owner Nicole Nilles; local businessman Nick Montgomery; and former business owner Cliff Vanderpool.

Jody Lowell, representative for Sage Creek Bagels, stated they had to leave Green River because they lost their building. She noted they are a very successful business in Rock Springs and are looking forward to coming back to Green River. They aren't here now, because they don't have a place to go. Futures sought them out to locate in the Tomahawk. She is willing and excited to do that with at least eight new employees. The governing body's actions are putting her loans on hold, and also the remodeling of the space she wanted in the Tomahawk. She thinks they need a solid plan before they dissolve Futures.

Local businessman Nick Montgomery shared Ms. Lowell's concern about what the governing body had planned to complete the projects that Futures has started. He also noted local contractors didn't have the ability or resources to apply for grants the way Futures did.

Futures Chair Paul Stevens noted they had discussed the deep emotional issues and he wanted to present the business issues.

- A \$1.8 million grant is on the door step, all we have to do is reach out and take it. The State Loan and Investment Board and the Wyoming Business Council are acutely interested in the results of the meeting tonight.
- Green River needs their downtown revitalized. The Futures board members are well qualified to carry out the project. They have experience in real estate development and growth; and have done this type of project before. They have over two years invested in the pre-planning and planning of the project. They are prepared, poised and ready to run with the project.
- Question---does government typically do a better job of running projects, more profitably, and more capably than private enterprise?
- Does it make economic sense to switch horses out in the middle of the stream?
- Futures offers a unique set of resources to businesses—business planning, development and counseling, space to rent, and working capital loans to start up a business.
- Futures has done everything the city has told them they needed to do.
- They have the facts to substantiate their return on investment.

Mr. Stevens will be very disappointed if the city bundles Futures up and sets them out on the curb like a sack of trash.

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

BUDGET RESOLUTIONS

Adoption of the Budget for FYE2011

R10-52: A resolution making appropriations and adopting the budget for the City of Green River, Wyoming, for the fiscal year beginning July 1, 2010 and ending June 30, 2011.

Council Member McCullough moved to approve the resolution making appropriations and adopting the budget for the City of Green River, Wyoming, for the fiscal year beginning July 1, 2010 and ending June 30, 2011. Council Member Morck seconded.

Council Member York asked for permission to amend the motion. Then Council Member Boan asked for permission to speak. Mayor Castillon asked Council Member York to wait, and gave the floor to Council Member Boan.

Council Member Boan moved to accept the 2010-2011 budget as recommended with the following seven amendments.

1. Add \$35,094 (*actual amount is \$40,094*) to funding for community groups and fund them as follows:

		An increase of:
Retired & Senior Volunteer Program	\$1,000	Ø
Green River Food Bank	\$20,000	\$5,000
Golden Hour Senior Center	\$10,600	\$600
Youth Home	\$8,000	\$3,000
Historic Preservation Commission	\$2,500	Ø
Department of Juvenile Probation	Ø	Ø
Sweetwater Family Resource Center	\$5,000	\$2,000
Sweetwater County Child Development Center	\$25,000	\$10,000
Flaming Gorge Days	\$10,000	Ø
Sweetwater Economic Dev. Assoc.	\$38,679	\$8,679
Green River Futures	Ø	decrease of \$50,000
Chamber of Commerce	\$100,215	\$25,215
Drug Treatment Court of Swtr. Co.	\$8,000	\$3,000
Juvenile Accountability Block Grant	\$397	Ø
Star Transit	\$17,600	\$17,600
SW-WRAP BENA Kids Program	\$10,000	\$5,000
Sweetwater Events Center	Ø	Ø
Fireworks Display	\$20,000	\$10,000

2. Set aside \$100,000 for a grant manager (*actually a project manager*), if needed. Contingent on receiving grants from the State Loan and Investment Board.

Funding for one year only:

- | | |
|---|----------|
| 3. Pay full Wyoming Retirement increase for employees | \$65,000 |
| 4. Additional funding to Arts Council
<i>for FYE2011 funding of \$20,000</i> | \$10,000 |
| 5. Police Dept. overtime for Flaming Gorge Days 2011 | \$25,000 |
| 6. Crossing Guards | \$20,000 |
| 7. 4,000 weed crew hours | \$48,000 |

Council Member McCullough told Council Member Morck to second the motion.

Council Member Morck seconded.

There was a very heated discussion between the members of the governing body accompanied by clapping, booing, and shout outs from the audience.

Council Member York stated he was very disappointed in the actions of tonight, when Council Member McCullough has to tell Council Member Morck to make a second. It is very clear he spoke before Council Member Boan. He was very disappointed to find out three council members had been meeting behind the scenes to determine a different budget. He is tired of the foolishness and the politics. They have heard from business people. They have a family setting in the audience they want to line up against the wall and execute and send out of town. They know Futures has done a good job. He felt all they had to do was look at the figures to see the city was getting a return on their investment. What is happening tonight is not fair to the community, it isn't right, its politics. He is ashamed to be a part of what is going on right now. He is in support of a lot of things Mr. Boan included in his amendment, but he is not in favor of funding Futures at zero. He is really tired of what has been going on.

Mayor Castillon stated when Futures changed their mission from economic development to community development, he was against supporting them. Everyone knew that including the Futures board. He asked for a balance sheet and an income statement from Futures a couple of weeks ago, and they show a negative 46%. So, there is no return on investment. He feels anytime they start taking public money \$170,000 to \$180,000 and funding an organization, *they are creating competition* with the public sector.

Council Member McCullough thanked all the Futures people for coming in and explaining their course. This is his position on the issue: He doesn't have anything against Futures. He's talked to people who support Futures, and those that don't. There is also a large portion of people in the middle that don't have a clue of what is going on. He believes Futures has done an excellent job, but they have also been going out and attacking other people, and that is wrong.

We do have a divided council. On something like this they need to be united. He's had to listen to the division for about six months. He's listened to comments, criticism, and their cutting each other down. Times have changed. Now the city is going to put in a \$100,000 for a project manager contingent upon \$1.8 million grant award. So, the City of Green River is going to come in and take this over. They will answer all the different questions, the businesses will be able to come in and all of that. This is one way to get this corrected. They have to work together, they can't continue to work the way things are, it's wrong. So that is why he is going to support the amendment because they aren't getting anywhere. Everybody needs to work together now. Futures needs to reevaluate. People always say they need to support what the majority of the council is going to do. Let's see if that happens.

Council Member Rust stated part of the division problem that Council Member McCullough has been referring to came from Council Member Boan writing letters to the editor that contained false information. The division didn't occur from the folks out there, it has been created by this council and a couple of people in particular. He agrees 100% with Council Member York on what has gone on here, and it is a disgrace. He doesn't know how you can say an organization that's been funded for \$160,000 in the last year, got a \$150,000 *grant* for windows and doors, a \$300,000 *grant* and then a \$1.8 million *grant* with the potential to create jobs in the local economy *wasn't giving a return on investment*. He noted the grants weren't written by the city, Council Members Boan or McCullough, or Hank Castillon, they were written by the Green River Futures organization. Quite frankly, he just can't believe what has gone on.

Council Member Maes stated, in her opinion, Futures has done a fantastic job with the building. People also forgot they make loans to help small business through grants they received from USDA. Futures was started because people felt SWEDA was concentrating on economic development in Rock Springs. People wanted a focus on economic development specifically for Green River. So the city hired Futures. Futures hired Stephen Heavener, a very intelligent arrogant person. He did some things that really upset people. When Futures first started, the city didn't have any kind of indexing of the type of property that was available. So, Mr. Heavener put the information together. She also noted Mr. Heavener helped Community Development for several months when they were without a director. He helped the Hampton Inn with their building permits.

She wanted to allow Futures to finish the project. If the city hires a manager for the project for \$100,000 she is afraid, during the interim, of what is going to happen to the progress on the building. It's fine and dandy to restructure the community development department and Main Street, but that takes time to reorganize and get running again. You can't drop a project like this in someone's lap. She is very concerned the city is going to lose the grants. She is sad that no consideration was given to Futures and letting them finish the project.

Council Member York stated there are items in the amendment he does support, but he feels it was unfair not to support Futures. He apologized to the Sutherland family. He appreciates the time they spent in Green River. He believes what has been done was cruel and uncalled for.

Council Member McCullough called for the question.

Motion carried (4-3) with Council Members Maes, York and Rust voting no.

Council Member York left the meeting at this point.

Council Member McCullough moved to amend the motion to provide budget authority to pay our contractors for ongoing projects as follows:

CIP 2009 Evans/Arizona	\$200,000
Police Department Radio Purchase	\$30,000
Green River Water Crossing Project	\$50,000
North I-80 Service Road	\$100,000
FMC Road Improvements	\$250,000
Landfill Study	\$10,000
Ped. Viaduct Bridge Project	\$250,000
Green River Visitor's Center	\$100,000
FMC Bridge Replacement Project	\$75,000
Water SE Expansion Project	\$75,000
Building Acquisition Program (Tomahawk Bldg)	\$75,000
Citywide Wireless Project	\$50,000
Total <i>proposed carryover for FYE11</i>	\$1,440,000

Council Member Morck seconded. Motion carried. (6-0)

Amendment to Classification Plan

R10-53: A resolution amending the City's Classification Plan.

Council Member McCullough moved to approve the resolution amending the Classification Plan to add the position of Urban Renewal/Main Street Administrator. Council Member Boan seconded. Motion carried. (6-0)

Establishing Salaries and Wages for FYE2011

R10-54: A resolution establishing wages for all Elected and Appointed Officials of the City of Green River, Wyoming, for the Fiscal Year ending June 30, 2011.

Council Member Morck moved to approve the resolution. Council Member McCullough seconded. Motion carried. (6-0)

Adoption of the Schedule of Fees for FYE2011

R10-55: A resolution adopting the Schedule of Fees charged for services, products, licenses, rentals, etc. for the City of Green River, Wyoming, for the Fiscal Year beginning July 1, 2010 and ending June 30, 2011.

Council Member McCullough moved to approve the resolution. Council Member Morck seconded. Motion carried. (6-0)

RESOLUTIONS

Acceptance of an Easement from School District No. 2

R10-56: 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 utilities.

Mr. Cook noted the easement was needed in order to install the water line on Upland Way across school property. This is part of the water line improvement project that will be going up Uinta, over to Upland and then on to the intersection of Hitching Post and Upland.

Council Member McCullough moved to approve the resolution. Council Member Boan seconded. Motion carried. (6-0)

Budget Modification for Storage of the Special Response Team Vehicle

R10-57: A resolution for the governing body of the City of Green River, Wyoming, to approve an increase in expenditure authority in the General Fund to lease a storage unit for the Special Response Team vehicle for the Police Department in the amount of \$9,600.

Council Member Boan stated he wants a building built, as soon as the money is available, so they don't continue to have this expense every year.

Chief Love stated he understood there were some questions for what SRT stood for at the last council meeting. He noted it stands for Special Response Team. Green River's team has been in existence since 1983. He explained the history of the team, their training, their equipment, and their response to incidents. Members of the team contribute \$5 a month to the Special Response Team Association to help purchase equipment the city can't afford. They are one of the best teams in the state of Wyoming.

Chief Love noted last year the governing body allocated \$40,000 and he received a \$115,000 grant to purchase the SRT vehicle. The vehicle will be used to transfer officers and equipment to critical incidences in Green River, Sweetwater County and throughout the state of Wyoming as requested. It can also be used as a mobile command center and they will see it in use during Flaming Gorge Days.

Chief Love reminded the governing body that over the last six years he has requested funding for new police facilities for the work area in City Hall and for storage. The council cut the funding for the storage area in the new animal control building, yet they continued to fund other projects with dubious value to the city and the citizens of Green River. Despite what the council says, they have continued to place the Police Department facilities on the back burner for over six years.

He believes this council constantly and unfairly compares the Green River Police Department to Rock Springs. He doesn't think they realize what a good Police Department they have. They only have to look at Rock Springs violent crime rate, drive by shootings, and sexual assaults to realize what the Green River Police Department does for the citizens. They don't go out of their way to submit for awards or pat themselves on the back. But other people think they deserve awards. He noted the team received a recognition award from Lincoln County earlier in the day because of their actions in helping with a situation in Opal. Members of the team have also received Medals of Valor. Members of the team are also SWAT instructors at the Wyoming Police Academy.

So the bottom line is, instead of continuing to fight with council and other departments to find storage for the vehicle he decided, on his own, to rent a spot. It doesn't make any sense to leave a \$155,000 vehicle with over \$40,000 worth of equipment out on the street. The money will come from their drug seizure money which by state law can't go to anything but law enforcement, so it doesn't affect any other department's budget or the city's budget. The team is worth it, the vehicle is worth it.

Council Member Boan moved to approve the resolution to pay \$9,600 for a contract with Mildred Collier for a storage unit for the SRT vehicle. Council Member Morck seconded. Motion carried. (6-0)

Budget Modification to Purchase a Copier for the Police Department

R10-58: A resolution for the governing body of the City of Green River, Wyoming, to approve a modification in expenditure authority in the General Fund to purchase a document center for the Police Department in the amount of \$6,500.

Council Member Boan moved to approve the resolution. Council Member Morck seconded. Motion carried. (6-0)

COUNCIL ACTION ITEMS

Transfer of the Pay-Less Liquor & Sporting Goods Retail Liquor License

Council Member Morck moved to approve the transfer of the Retail Liquor License from Pay-Less Liquor & Sporting Goods, Inc. to Michael A. Brown and Connie R. Moon-Brown doing business as Wyoming Embroidery & Sporting Goods. Council Member McCullough seconded. Motion carried. (6-0)

Malt Beverage Permit

- The Visitor's Center will have an open house tomorrow at 4 p.m. Information on what the city has expended so far on the project was placed in the governing body's mailboxes.
- The State Loan and Investment Board will be meeting Thursday morning, June 17, 2010, at 7:30 a.m. to make a final determination on the grant awards for Business Ready Community Grants.
- The county commissioners made several changes to the service road agreement. It is being reviewed by the city attorneys for Green River and Rock Springs, and will be on the July 6, 2010 agenda for governing body re-consideration.

CITY ATTORNEY'S REPORT

Mr. Bussart asked for direction on how he was to write up the lease agreement for the Joint Powers Board Communication Center.

As a member of the board, Chief Love, stated the board would like to see a lease for \$10 a month for five years, and then renegotiate.

Mr. Bussart stated maybe he should include a reminder to Chief Lowell that according to the Joint Powers agreement the dispatch facility is never to leave Green River, period.

Council consensus was for him to draft a five-year lease in the amount of \$10 per month.

MAYOR AND COUNCIL REPORTS

Council Member Rust noted sometimes he lets his emotions get the best of him, so if he expressed his opinions too forcefully, he apologizes to the public. He doesn't apologize to the council, because he is disappointed that false information was the basis for some of the decisions that they make, and that's unfortunate.

Council Member Maes wished they had been allowed to discuss issues and concerns during the budget workshops; they only took presentations and didn't discuss anything else. She believes waiting until the last meeting to do everything and bringing an amendment at the last minute is craziness. If the city is going to take over the Tomahawk project, she wondered how they were going to cover the building maintenance, building management, insurance, utilities and everything else that goes with the building. It's not just a project manager they are hiring for \$100,000. How is the city going to pay for those extra costs?

She also wants someone to get in touch with the owners of Sage Creek Bagel to answer the questions they asked during the public hearing.

Council Member Boan had nothing to report.

Council Member McCullough stated this (*the Futures issue*) has put everybody at odds. The council is not united. He hopes they can work on things and improve now. He stated he supports the hotel project, and if the city gets the \$1.8 million grant, the city will be more in charge of the project instead of having an outside agency. He's always been strongly against government competing against private business, and so now they will have a little more say about that.

The Future's board did an outstanding job, but he believes they lost everything over the last six months when the issue became such a bitter thing that divided the community and the council. It wasn't a good positive thing, and that is why he voted the way he did.

Council Member Morck stated he had respect for Futures. It was difficult for them to work on a shoestring like they were attempting to do. However, he feels the city government can do a better job on the Tomahawk project. He suggested they move the city offices to the Tomahawk building and let the Police Department take over the first floor of city hall.

Mayor Castillon stated, as Council Member Rust pointed out at a previous meeting, tonight's meeting was the political process 101. There was a majority vote, and there are going to be a lot of issues. The mayor noted they (*the governing body*) didn't dissolve Futures. They are still a viable entity and it is up to them, since they own the building, to support their own process now.

He felt Mr. Cook did an excellent job of presenting a balanced budget which funded Futures at \$50,000. He took offense to comments made that he was involved in the initial proposed balanced budget presented by the city administrator.

The Mayor announced the ground breaking for the Visitor's Center would be the next day at 4 p.m.

ADJOURNMENT

Council Member Boan moved to adjourn at 8:54 p.m. Council Member McCullough seconded. Motion carried. (6-0)

H. Castillon, Mayor

ATTEST:

Jeffrey V. Nieters, City Clerk