

**CITY OF GREEN RIVER
CITY COUNCIL PROCEEDINGS
July 6, 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 Sandy Da Rif, from Senator Barrasso's office, led the Pledge of Allegiance. The following Council Members were present: 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 Community Development Laura Hansen, Chief of Police John Love, Fire Chief/Emergency Services Mike Kennedy, Parks and Recreation Director Walt Bratton, Parks Supervisor Allan Wilson, Parks and Recreation Supervisor Kevin Sadler, Urban Renewal/Main Street Administrator John Dahlgren, City Attorney Ford Bussart, and Public Information Coordinator Stephen Pyles. Council Candidates Gary Killpack, Gene Smith, and Dick Wilson were also in attendance.

APPROVAL OF THE AGENDA

Mayor Castillon moved the "Financial Reports and Payment of Bills" from the consent agenda to council action items at the request of Council Member Boan.

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

PRESENTATIONS

Town of Granger

Mayor Lenore Perry stated Granger was contributing \$3,000 towards the effort to protect the Green River. Its water is much more valuable than our oil. They are also willing and eager to contribute time to getting the message out about the critical situation with the reallocation of its water.

Great Job Award

Mr. Cook presented Green River Recreation Center Building Maintenance Operator Dave Hyer with the Great Job Award for completing his six month probationary time period with excellence, obtaining his certification for Pool Operator and Aquatic Facility Operator with near perfect scores, his teamwork, his dedication, his work ethic and pleasant demeanor.

Sweetwater County Leadership Class Project Award

2010 Class graduate Laura Hansen presented Sweetwater County Food Bank Director Kathy Siler with a check in the amount of \$1,438.56 collected during the class project food drive. They also collected four hundred and ninety pounds of food. Other class graduates Dan Stanton (Industrial Services, Inc.), Randy Hansen (JFC Engineers and Surveyors), Sandy Da Rif (Field Representative for Senator Barrasso) were also present.

PROCLAMATIONS

Parks and Recreation Month

Parks and Recreation Supervisor Kevin Sadler read the proclamation and Mayor Castillon proclaimed the month of July as Parks and Recreation Month.

CITIZEN REQUESTS AND OTHER COMMUNICATIONS

Mayor Castillon noted it was Council Member Morck's birthday, and cake would be served following the meeting.

John Dahlgren reminded everyone the Main Street Farmer's Market would be starting tomorrow, and every Wednesday, from 4 p.m. to 7 p.m., on Railroad Avenue.

RESOLUTIONS

Water Line Easement from Castle Rock Special Hospital District

R10-59: A resolution authorizing the City of Green River, Wyoming, to accept from Castle Rock Special Hospital District, a permanent easement for installation, maintenance and repair of a water line and pressure reducing valve vault.

Mr. Cook noted this is part of the SE Water Improvement Project which includes a water line going up past the medical clinic and over the hill to tie into the improvements that were installed last summer on Faith Circle.

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

Budget Increase for the Southeast Storm Drain Project

R10-60: A resolution for the governing body of the City of Green River, Wyoming, to approve an increase expenditure authority in the Capital Projects Fund for the Southeast Teton Storm Drain Project in the amount of \$200,000.

Mr. Cook explained the city had received a notice of violation from DEQ regarding some storm drain run off that has occurred in the area of East Teton. An easement was provided to the developer several years ago to install a culvert under East Teton to provide drainage through private property down underneath the greenbelt and into the river. The storm runoff over the last couple of years has caused some problems, and DEQ wants the city to fix it by encapsulating it so the water doesn't run over the surface.

There is also silt in the river that needs to be removed. DEQ and the Army Corp of Engineers have been notified that the city is proceeding with the repair and removal of the silt. The city is looking into whether the city is fully responsible for the repair or whether the developer has some responsibility to assist.

Council Member Maes suggested part of the money they receive from the sixth penny reimbursement be allocated to replace the money being taken out of the Risk Management Fund for the storm drain repair.

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

Budget Increase for Consolidated Dispatch

R10-61: A resolution for the governing body of the City of Green River, Wyoming, to approve an increase in expenditure authority in the Capital Projects Fund for the Consolidated Dispatch Center Program in the amount of \$174,761.

Chief Love stated this was the exact amount of the WyoLink grant. The money needs to be in the budget to purchase Green River's share of the radio consoles for the Combined Dispatch Center, then the city will get a reimbursement from the grant.

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

Power Line Easement to Rocky Mountain Power/PacifiCorp

R10-62: A resolution authorizing the City of Green River, Wyoming, to enter into a power line easement with Rocky Mountain Power/PacifiCorp. (*line replacement at the Spaceport*)

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

COUNCIL ACTION ITEMS

Joint Powers Combined Communications Center Lease

Council Member McCullough moved to approve the *five year* lease with the Combined Communications Center Joint Powers Board for #5 Shoshone Avenue in the amount of \$10 per month. Council Member Maes seconded. Motion carried. (6-0)

Repeal of Sweetwater County Community Juvenile Services Board Agreement

Mr. Bussart stated the county commissioners had restructured the agreement and added about fifteen more people to a committee that was already so unwieldy it will fail to function. The agreement is just a conduit to provide funding for juvenile services.

Council Member Boan moved to repeal the agreement passed on April 20, 2010 for the Sweetwater County Community Juvenile Services Board. Council Member McCullough seconded. Motion carried. (6-0)

Sweetwater County Community Juvenile Services Board Agreement

Council Member Rust moved to approve the revised agreement for the Sweetwater County Community Juvenile Services Board. Council Member McCullough seconded. Motion carried. (6-0)

Withdrawal from Energy Efficiency and Conservation Block Grant

Mr. Cook explained the city had been notified they had received a \$50,000 grant from the federal government stimulus money for an energy efficiency project. The original project was to help with the boiler replacement at the recreation center. However, the contractor that installed the boiler was unwilling to provide the necessary federal documentation the grant required unless they were paid an additional \$20,000. So, the council decided not to use the grant for the boiler.

The city asked the federal government for permission to change the scope for the grant, and permission to use the grant for an energy efficiency study of all the city facilities with recommendations to create energy efficiency. Staff worked several months to create a request for proposals to put the project out for bid. However, when the time for the pre-bid meeting came no one showed up. Staff is at a loss on how to proceed. Staff recommendation is to notify the federal government the city is no longer interested in accepting the grant.

Council Member Rust stated Pat Robbins had thought it was rather odd that no one was interested in doing the energy study for the city. Similar grants have been used in several communities throughout the state, and companies did the study free of charge. She thought the companies would be happy to do the study for the city if they got paid. He thinks the city should contact the Wyoming communities that have already had an energy study done, and find out if one of the companies would do one for Green River.

Council Member Rust is totally against turning down the grant. He wants staff to come up with another use for the money. He understands it takes a lot of staff time to process a grant application, and feels the city should hire somebody to write grants for the city.

Council Member Maes felt they should look at using the grant for wind energy for the recreation center. Mr. Wilson noted they would have to rewrite the grant and then reapply, with no guarantee the city would get the grant. It would take a lot of staff time to research the needed products to make sure they meet the grant requirements (*made in the USA*), and work with Rocky Mountain Power. It is more complicated than working on a residential system.

Ms. Hansen noted three companies had contacted the city regarding their interest in doing the energy audit for the city. However, they didn't show up at the mandatory pre-bid meeting. The city will have to restart the whole grant application process over if the scope is changed, and that depends on whether the Department of Energy will even allow the city to submit a third application. The city was lucky they were allowed to reapply the last time.

Council Member Boan felt the city should use the grant to purchase solar panels for the Pavilion and put them in storage until they could install them to test the amount of energy that could be generated by solar power. He also feels the city needs to hire a professional grant writer so once the city receives a grant they don't lose it.

Council Member Morck moved to withdraw the City of Green River's participation with the Energy Conservation Block Grant and to notify the Department of Energy as necessary. Council Member Maes seconded. Motion carried (4-2) with Council Members Maes and Rust voting no.

Appointment of a Student Representative to the Planning and Zoning Commission

Council Member McCullough moved to approve the Mayor's appointment of Bethany Jones as the newest student representative to the Planning and Zoning Commission. Council Member Morck seconded. Motion carried. (6-0)

Change Order for 2009 Capital Improvement Project Arizona/Birch/Crossbow Project

Mr. Cook explained the council had directed funding allocated for work on Arizona be used to pay for the additional traffic controls they authorized for the work on Faith and Evans last year in the amount of \$110,000.

In addition, the water system maps used to design this year's improvements were not accurate, because they didn't show water lines located on private property. The lines on private property have to be moved into the street. Also, the AC water main at the Evans/Faith intersection was brittle and forced the contractor to make the tie further up Evans Street. The additions cost an additional \$100,000 for the surface work.

On Birch Street, the design was based on one boring from 1982 which indicated there was 3.5 inches of base course under the existing asphalt pavement, but it was found the majority of the street had little or no base course with shale rock material below it. This required import fill be provided at an additional cost of \$14,076 and an additional 21 days of contract time.

Council Member Morck moved to approve Change Order #2 for the 2009 Capital Improvement Project, *to Pallezen Construction*, in the amount of \$224,076 and to increase the contract time by 21 days to complete the project according to the scope of work on the original project. Council Member McCullough seconded. Motion carried. (6-0)

Financial Reports and Payment of Bills

Council Member Boan questioned the need to purchase chairs at the cost of \$1,661 each for the dispatch.

Chief Love explained the chairs are being used 24 hours a day, seven days a week. (*The chairs are used by several different dispatchers, each with different needs*). They can expend the money to replace a chair that can be used for three years, or spend \$800 and replace a chair every six months. Once the chairs are replaced the old chairs are used by other offices in the police department. He's used one of the dispatch chairs for an additional three years. The chairs are the cost of doing business.

Council Member Boan moved to approve the financial reports and payment of bills as follows:

Outstanding Invoices = \$1,008,606.50
Prepaid Invoices = \$76,533.87 *Payroll Expenditures* = \$553,222.41
Pre-authorization Payments = \$755,000.00

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

CONSENT AGENDA

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

- Approval of the Horse Corral Lease Agreement with Joseph Pearson for corral #30.
- Approval of the Horse Corral Lease Agreement with Maria Salido for corral #71.
- Ratification of an agreement for the Recovery Act: Justice Assistance Grant (JAG) Program Award in the amount of \$28,115.
- Ratification on an amendment for the WyoLink joint dispatch center grant in the amount of \$24,761.
- Approval of the professional services agreement with Custom Events for \$2,900.25 and with GooseJumps, LLC for \$2,110 for rentals of inflatable's for the 4th Annual Playful City USA / Health and Wellness Day in partnership with the Sweetwater County School District # 2.
- Approval of a Professional Service Agreement with Nelson Engineering for construction engineering in the amount of \$60,000 to complete the 16" water main crossing the Green River.
- Approval of the Minutes for: June 15, 2010.

CITY ADMINISTRATOR'S REPORT

Mr. Cook reported on the following:

- Public notices and advertising on the 6th Penny projects completed over the last five years have been published and placed on Channel 13 thanking the citizens for their support of the major infrastructure improvements.
- He submitted a request to the Wyoming Association of Municipalities regarding proposed legislation to reduce legal public notice publication costs for communities in Wyoming, allowing them to use other methods to provide legal notices. The cost for publication of legal notices has increased steadily over the last four years. Green River's current costs are over \$400,000 a year.
- The in-kind services for Flaming Gorge Days totaled \$54,000; \$23,000 by Parks and Recreation, \$5,000 by Public Works, \$25,000 by the Police Department, and \$5,000 by the Fire Department.
- Agenda items proposed for the July 13th workshop and special council meeting.

CITY ATTORNEY'S REPORT

Responding to a request from the Mayor, Mr. Bussart reported on his meeting at the governor's office regarding the Million Water Diversion Project.

Those who attended were the Governor, the Attorney General, the Director of the Wyoming Water Development Commission, The Director of the State Engineers Office, and an attorney general who was writing an opinion. The topic of the meeting was: Wyoming's Legislature has passed an anti-export statute which states no water which originates in Wyoming can be diverted to another state without the approval of the Wyoming Legislature. So, the discussion focused on that legal opinion, and whether this water Mr. Million or Mr. Yager are trying to divert out of the Flaming Gorge and take to Colorado, is indeed Colorado water, even under the allotments dictated by the Colorado River Compact. Or, that given some projections, that with global warming and the palpably visible disappearance of the glaciers in the Wind Rivers within five years, whether Colorado will even have any water.

The argument is, the Colorado Conservation Commission of Colorado hired an expert and asked them to do a future projection on whether any of the water would be Colorado water within the foreseeable future. They used five models and three of them resulted in a prediction that not one drop of this water within a very short number of years would be Colorado water. So, the

question is, if its Colorado's allotment, you can't use the anti-export statute, but if it is Wyoming's water, then the legislature has the legal authority to squelch the project, so to speak.

There will be a lot of different schools of thought on the projections, but the legal team for the committee feels pretty comfortable that there will be at a point, in short order, where they can demonstrate that it is not Colorado water, and if the legislature doesn't let go of it, because it is Wyoming water, then the projects will never happen.

Mr. Bussart stated the governor had reassured him he is adamantly opposed to the projects.

MAYOR AND COUNCIL REPORTS

Council Member Rust asked if Mr. Bussart had seen the development agreements for the Tomahawk grants. Mr. Bussart stated he had. The one he had drafted last fall, and also two new ones, written by someone else, which he didn't agree with.

Council Member Maes stated she understood the contractor for the visitor's center was going to hire local subcontractors. She would like a list of the subcontractors for the project; she wants to see how many of them are local. She wished everyone a belated July 4th and happy birthday to Council Member Morck.

Council Member Boan would like to have a workshop to put some teeth into the Strategic Plan to capitalize on tourism. He also asked the public to wear life vests and be cautious when they were in or around the river.

Council Member McCullough thanked the Fire, Police and Sheriff's Departments for the recovery on the river. They did an outstanding job. He thought the fireworks display was great. He also acknowledged the council candidates who attended the meeting.

Council Member Morck stated he has trouble hearing, and thanked staff for providing the hearing device that will enable him to hear what is going on at the meetings.

Mayor Castillon stated he had attended the ground breaking ceremonies for the visitor's center, the grand opening of the Busy Bee, and talked with gubernatorial candidate Rita Meyer when she was in Green River. He met with author and publisher of the *Wyoming Elements* by Sonia Klein. Klein was very impressed with the Green River Parks and Recreation facilities.

He stated the committee on the Million Project will be meeting with Rita Brand with the Army Corp of Engineers in Rock Springs on July 13th.

He stated he is starting to form a committee to start recruiting events to Green River. He noted Jenissa Bartlett with Sweetwater County Travel and Tourism had been on the Main Street board. He would like to get her on board. He stated he had met with Dave Hanks, Tom Wilson, and the Director of Activities at Western Wyoming Community College about bringing activities to Green River. The WWCC director stated they would like to start with speech and debate with Green River providing qualified judges for the event.

ADJOURNMENT

Council Member Boan moved to adjourn at 8:17 p.m. Council Member McCullough seconded. Motion carried. (6-0)

H. Castillon, Mayor

ATTEST:

Jeffrey V. Nieters, City Clerk