

**CITY OF GREEN RIVER  
CITY COUNCIL PROCEEDINGS  
September 21, 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 Harrison Elementary School Students led the Pledge of Allegiance: Lauren Lee, Jax Jacobson, Canaan Eslick, Sarah Wilson, Madison Tait, Aubrey Jensen, Ian Lord, and Isaac Bloomfield.

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 Finance Jeff Nieters, Director of Community Development Laura Hansen, Chief of Police John Love, Fire Chief/Emergency Services Mike Kennedy, Parks and Recreation Director Walt Bratton, Parks, Facility, and Project Manager Allan Wilson, Attorney Galen West, Planner Ladale Britton, Main Street/URA Manager John Dahlgren, Assistant City Engineer Dave Westling, Recreation Supervisor Alyssa Krumholz, and Public Information Coordinator Stephen Pyles.

Council candidates Gene Smith, Gary Killpack, Adam Coppolo, and Dick Wilson were also present.

Council had a moment of silence in remembrance of City Attorney Ford Bussart, and Tonia Milbar, the daughter of Betty Milbar and niece to Council Member Lisa Maes.

**APPROVAL OF THE AGENDA**

Mayor Castillon asked for a motion on the amended agenda with the added payment to Empire Steel Buildings for \$3,500 to the Prepaid Invoices.

Council Member Maes moved to approve the agenda as amended. Council Member Morck seconded.

City Administrator Barry Cook informed the council that Council Action Item B needed to be removed because they have not had an opportunity to meet with the contractor.

Council Member Boan moved to approve the removal of Item B from the agenda. Council Member Morck seconded.

Motion carried. (6-0)

**PRESENTATIONS**

**Wyoming Recreation and Park Association “Parks Maintenance Professional of the Year Award”**

Director of Parks and Recreation Walt Bratton presented Derek Roosa with the Parks and Recreation Maintenance Award from the Wyoming Recreational and Parks Association. Mr. Bratton congratulated Mr. Roosa on the state-wide excellence award, and thanked him for his 33.5 years of public service with the City of Green River Parks and Recreation Department.

**Wyoming Recreation and Parks Association “Citizen Advisory Board of the Year Award”**

Mr. Bratton presented Dwayne Kerr and Darrel Pollock, from the Green River Horse Corral Committee, with the 2010 Wyoming Recreation and Parks Association Citizen Advisory Board of the Year Award. He congratulated the Horse Corral Committee for receiving the state-wide excellence award. He also thanked them for their volunteer public service in partnership with the City of Green River Parks and Recreation Department.

**Killdeer Wetlands Rehabilitation Project Update**

Andy Siler, Vice President of the Green Belt Taskforce Committee, updated the council on the projects progress. The initial work has been completed. The diversion structure has been built and is working well.

Council Member McCullough asked for some clarifications on where the wetlands actually are.

The Mayor asked Mr. Siler to clarify what this project is, and what it will do for the community.

Mr. Siler said the site itself is around fifty acres. A large part of this area was dry sand and created a problem with blowing dust. Converting the area into wetlands will help control and reduce the potential of mosquitoes breeding, and stop the dust blowing into the air. The next generation of the project will be the reestablishment of cottonwood trees in the area, and the designation of a bird area. It will become a recreational area for the community. They are in the process of getting funding from three primary agencies, approximately \$100,000 to complete the south side of the project.

Council Member Boan asked Mr. Siler to get a hold of him when they were ready to plant the cottonwood trees, because he has a lot of starts he could give them from his property in the mountains.

## **PROCLAMATIONS**

### **National Community Planning Month**

Ladale Britton read the proclamation and the Mayor declared the month of October 2010 to be Community Planning Month.

## **CITIZEN REQUESTS AND OTHER COMMUNICATIONS**

Adam Coppolo questioned the BLM land purchase. He said he is opposed to the agreement because he does not feel the city is prepared to pay the cost. He asked how much the land was going to cost.

The Mayor said the City is not sure at this time, but it will be discussed at a later date. He thanked Mr. Coppolo for his comments.

Rudy King wanted clarification on the reason why the City has to hire engineers when we have a city engineer.

The Mayor answered, the City only has one city engineer and a lot of projects that need to be done.

Mr. King asked why we bring in non-local engineers when we have an engineering firm in the City. Can we not give the local engineers the job because they are local?

The Mayor said that these are bid on and have to be on a competitive basis.

Mr. Cook said there are no bidding preferences given, due to state statutes, and all the firms that are doing these projects in Green River are state of Wyoming firms.

Michelle Hostettler, Director of SWEDA, updated the council on three things: 1. The Sidelines Restaurant is looking forward to coming here. Sunny is planning to break ground in April, and he is planning to move to Green River. 2. Illusion Technology will be opening in the Western Wyoming Community College Green River Center in October with 65 teaching jobs. There will be a joint ad in the newspaper welcoming them. She reported Illusions Technology was so impressed with Busy Bee soaps that they are currently buying them and then giving them to their clients around the world. 3. The council will be receiving a ledger that involves recruitment that SWEDA does for the City every month. This way the council can see where their money is going. She also pointed out that when they recruit, they use local businesses such as the Hampton, Busy Bee, and R & B Meats.

She attended the Brown Fields Conference last week. They are a redevelopment program by the EPA, and they can bring millions into our community. In order to bring those millions of dollars into our community they have to act in a coalition. She has contacted the Mayor, Mr. Cook, Mr. Nieters, and Mrs. Hansen about being a part of this, and they have accepted. The average grant allocation per year is around \$1 million. She welcomes any council members that would like to take part in the coalition. The meeting will be rotated between Green River and Rock Springs.

Council Member McCullough thanked Mrs. Hostetler for her work with SWEDA.

Council Member Boan agreed and noted SWEDA, under her direction, has become a great company to bring businesses to the community. She has done a very good job.

Council Members Maes and Rust also thanked her.

The Mayor thanked her and SWEDA for their work with Illusion Technology. He clarified that Illusions will bring in 65 jobs now and 300 more later. The Sidelines is also going to bring in 41 jobs.

Mrs. Hostetler thanked Jeff Nieters' staff for helping her understand the fiber optic language.

Scott King, from the Sweetwater County Library Foundation, informed the council on the Wyoming Public Library Endowment Challenge and fundraiser on October 13, 2010, at 8:00 p.m., at the East Junior High Auditorium.

## **ORDINANCES**

### **Operation of City Vehicles in City Parks**

**2<sup>nd</sup> Reading: An Ordinance creating Sections 19-60 through 19-63 of the Green River Code of Ordinances, City of Green River, State of Wyoming, concerning the use and operation of vehicles in City parks.**

Council Member Boan moved to approve the ordinance on the 2nd reading. Council Member Morck seconded.

Mr. Cook noted in Section 19-60 City Park Hours: the hours of operation for all parks within the city limits are 5:00 a.m. to 12:00 midnight, unless posted otherwise. It shall be unlawful for any person to be in a park between 12:00 midnight and 5:00 without written permission of the City Administrator or the Director of Parks and Recreation. Exception: Persons utilizing the Pavilion on Expedition Island must abide by the rules of operation for the building as set forth in the rental agreement with the City.

In Section 19-61, Motorized Traffic Prohibited: it shall be unlawful for any person to operate a motorized vehicle within any city park, except for licensed vehicles on designated roadways and parking areas. Motorized vehicles shall include, but is not limited to all cars, trucks, and terrain vehicles (ATV'S), motorized scooters, motorcycles, and dirt bikes. This section shall not apply to police vehicles, fire trucks, or city maintenance vehicles.

In Section 19-62, Pedestrian Vehicles Restricted to Established Pathways: no person shall operate a non-motorized vehicle in any park except upon established or maintained pathways, trails, or walkways.

In Section 19-63, Unlawful Use of a Firearm or Archery Equipment: no person shall discharge a firearm or utilize an archery device in any city park except FMC Park, and then only in appropriately designated areas.

Motion carried. (6-0)

## **RESOLUTIONS**

### **Budget Increase for Dowdle Folk Art Donation**

**R10-79: 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 Green River Arts Development Program and to accept the donation by Dowdle Folk Art in the amount of \$958.**

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

#### **Budget Increase for Water Main Crossing the River Grant**

**R10-80: 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 River Crossing Grant from the State Loan and Investment Board in the amount of \$472,000.**

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

Council Member McCullough clarified the State is putting in half of the cost and the City is putting in the other half.

The Mayor agreed with Council Member McCullough and asked Mr. Cook to clarify the need for the water line.

Mr. Cook said the City submitted a grant application to the State asking for emergency funding for a 16 inch water main crossing the river. Last summer, due to high amounts of runoff, one of the two lines that carry water to the north side of town broke, leaving one pipe to service the north side of the city. There was a delay in receiving this money because the letter awarding the City the grant was never received.

The Mayor said this was an emergency project and that is why money needs to be allocated.

Motion carried. (6-0)

#### **Amendments to City's Personnel Manual**

**R10-81: A resolution amending the City's Personnel Manual for Definition of Terms, Education, Special Time Off, Volunteer Emergency Responder Call Policy, Performance Evaluations, Wage Adjustments, Uniform Policy, and Other Policies.**

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

Council Member Boan said he had asked for clarification information earlier regarding time off and wondered if those changes were included in the resolution.

Debbie Klein-Robertson, Director of Human Resources, said the changes were already included in the information Council Member Boan had requested earlier.

Council Member Maes asked about raises for the part-time people and why it was not included.

Mrs. Robertson said it was because there were no changes to that part of the manual. Instead of giving the council the entire manual they only gave the council the parts that had been changed.

Council Member Boan asked about the change for wage adjustments and why the city administrator will not have to sign the increase any longer.

Mrs. Robertson said the city administrator would have already approved the change. So they felt it was repetitive to have him sign it.

Motion carried. (6-0)

#### **Acquisition Proposal for BLM Land Sections 10 & 12**

**R10-82: A resolution authorizing submission of a proposal to the Bureau of Land Management to acquire land located in Sections 10 and 12, Township 18 North, Range 108 West, Sweetwater County, Wyoming, on behalf of the governing body of the City of Green River, Wyoming.**

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

Council Member McCullough said he wanted to clear up some things on the BLM land proposal. The proposal informs BLM that the City is interested in purchasing the land. In two to three years it will come back to the City and the council can go ahead and decide if they want to purchase the land and start the bidding process.

Council Member Boan said he is aware of the opposition that people have on the issue. The council is looking into purchasing the land, because it will give the City the opportunity to grow and bring businesses to our community.

Council Member Maes said she had some questions at the last workshop, and she felt the Mayor answered them very well. She said this is going to be a future plan for the City, and because of this, she will support it.

Council Member Morck asked where the water will cross the river.

The Mayor said Rio Vista has taken the lead to get water out to the Rio Vista Water District, and that is Jamestown. They have a proposal, and will present a plan to the governing body on Tuesday, October 5th at the council meeting. There is no intention or plan to annex Jamestown. If Jamestown would like to be annexed then they need to come to the council and ask.

Council Member Rust said this is the Mayor's opinion, and the council, as a body, has not entertained this at all.

Council Member McCullough said they are only letting the BLM know the City wants them to continue to get the land ready to sell.

The Mayor urged everyone to look at the Green River strategic plan. The land purchase is planning for future growth in the City.

Motion carried. (6-0)

## **COUNCIL ACTION ITEMS**

### **Changes to the Green River Main Street By-Laws**

Council Member Morck moved to approve. Council Member McCullough seconded.

The Mayor asked what changes were made.

Main Street/ URA Administrator John Dahlgren said in Article III Board of Directors, Section Three: Term of Office: states no member shall be appointed to serve more than two consecutive full three year terms without a minimum of a one year break from the board. Section Four: Resignation and Removal: the board removed immoral from line number four.

Motion carried. (6-0)

### **2009 Capitol Improvement Project Change Order**

Council Member Maes moved to approve change order #4 to Pallensen Construction for the 2009 Capitol Improvement Project in the amount of \$58,615.63. Council Member McCullough seconded.

Council Member Boan questioned the change orders on street improvements because of poor sub-grade. He suggested the City add the cost of sub-grade fill into the bids. This could possibly stop the problem with change orders.

Motion carried. (6-0)

### **Crossbow Utility Project Change Order**

Council Member Rust moved to approve change order #1 to Lewis and Lewis Inc. in the amount of \$197,363.55. Council Member Maes seconded.

Council Member Rust pointed out that this is money the City will get back.

Mr. Cook said this is the same account, so with the \$97,000 and the change order of \$58,000 the City saved a rough estimate of \$140,000.

Motion carried. (6-0)

### **South East Water Expansion Project Agreement**

Council Member Morck moved to approve the agreement with Infinity Power and Control in the amount of \$332,362.68. Council Member Boan seconded.

Motion carried. (6-0)

### **CONSENT AGENDA**

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

- An agreement with the Green River Booster Club for a banner to be displayed during the GRHS games.
- An agreement with Compu-time Corporation to provide help desk support and depot maintenance for the City's time keeping system for one year at an annual cost of \$4,050.
- An agreement with Western Wyoming Community College to provide teambuilding training, for the Finance Department, at a cost of approximately \$552 for thirteen employees.
- A contract renewal for continued landfill engineering services with Inberg Miller Engineers in the amount of \$18,500.
- An engagement contract with Karren, Hendrix, Stagg, Allen Company for the City annual audit, for an amount of \$20,000 - \$28,000.
- Approval of the Minutes for: September 7, 2010
- Financial Reports and Payment of Bills:  
Prepaid Invoices = \$132,925.99      Outstanding Invoices = \$609,184.80  
Pre-authorization Payments = \$755,000.00      Payroll Expenditures = \$340,904.92

Motion carried. (6-0)

### **CITY ADMINISTRATOR'S REPORT**

Mr. Cook said the City met with the County on Monday to try to move forward with the land exchange MOU. After a lengthy discussion it has been pointed out that the MOU needs to be rewritten and reviewed. The County had some issues with the City acquiring the smaller building and using it for whatever is needed. The County has some items in the building and does not have any place to go.

Council Member McCullough reminded Mr. Cook to make sure the MOU states the County has to build on the land they receive from the City.

Mr. Cook said it was already in the MOU the City presented to the County, and the County did not seem to have an issue with it.

Council Member Morck asked about the deed on the land.

Mr. Cook said if the County ever ceases to operate on the land, then the land will go back to the City.

Council Member Morck noted it wasn't stated in the deed.

Mr. Cook said the council could add a revisionary clause to the deed.

Council Member McCullough replied a council in the future could look into changing the zoning laws, and decide if the County is required to build on the land.

The Mayor felt this has been an experience. All the terms were agreed upon before, and it seems that the County always changes their minds. He also wanted to let the citizens know transaction records are being stored in the small building on a flood plain.

Mr. Cook said the City has begun taking down the old animal shelter building.

Mr. Cook also sent an email to the governing body to review, regarding the money the state is requiring the cities and towns to pay back, around \$2 million, for an accounting error made in 1994. If the council approves the email it will be sent to the state.

Council Member Maes asked if there was a statute of limitations for something like this.

Mr. Cook replied the state has no statute of limitations.

He said there will be a Special Council Meeting on Tuesday 28, 2010 at 6:00 p.m. The council will go over the agreement between the City of Green River and Green River Futures Inc.

Mr. Cook discussed items for the next workshop.

#### **CITY ATTORNEY'S REPORT**

Mr. West extended his condolences and those of the Firm on the loss of the City Attorney Mr. Ford Bussart. Mr. Bussart was very proud of representing the City, and was a Wyoming boy from the beginning to the end.

#### **MAYOR AND COUNCIL REPORTS**

Council Member Rust sent his thoughts and prayers out to Mr. Bussart's family. He will be missed.

Council Member Maes agreed with Council Member Rust and sent her condolences to Mrs. Bussart.

Council Member Boan said he will remember Mr. Bussart as a teacher, willing to teach anyone about city government. It is a great loss for the City.

Council Member McCullough congratulated the Mayor on being inducted into the Green River High School Hall of Fame. He also thanked the candidates for attending the meetings. He asked the council to consider having a workshop to discuss the deer problem.

The Mayor agreed. He had some people express concerns about people feeding the deer and the health issues.

Council Member Rust said he has not been aware of any issues but he would be willing to have a workshop.

Council Member Boan said he would like to discuss the deer issue.

Council Member McCullough said he will miss Mr. Bussart saying, "I have nothing unless council has questions."

Council Member Morck said Mr. Bussart will be greatly missed. He also said he is not satisfied with the MOU with the County.

The Mayor sent his condolences to the Bussart family, noting services will be at 11:00 a.m. on Friday, at the Catholic Church, with a reception following the services at the Pavilion.

**ADJOURNMENT**

Council Member Boan moved to adjourn at 8:23 p.m. Council Member McCullough seconded. Motion carried. (6-0)

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H. Castillon, Mayor

ATTEST:

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Jeffrey V. Nieters, City Clerk