

**CITY OF GREEN RIVER
CITY COUNCIL PROCEEDINGS
October 5, 2010**

The Governing Body of the City of Green River met in regular session at 7 pm in the City Hall Council Chambers. Mayor Castillon called the meeting to order and Jackson Elementary School Students led the Pledge of Allegiance: Josh Mattson, Abby Mattson, Nathan Nelson, Kaylee Nelson, Korbin Cuthbertson, McKayla Cuthbertson, Janae Neff, Addyson Neff, Kassie Bohlmann, Konnar Bohlmann, Sheridan Sherwin, and Greg Sherwin.

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, Chief of Police John Love, Fire Chief/Emergency Services Mike Kennedy, Parks and Recreation Director Walt Bratton, Parks, Facility, and Projects Manager Allan Wilson, Recreation Supervisor Sherry Schumacher, Recreation Supervisor Kevin Sadler, Acting City Attorney Galen West, and Public Information Coordinator Stephen Pyles.

APPROVAL OF THE AGENDA

The Mayor noted changes to the agenda. Addition under Council Action Item D: Consideration to approve the contract with Short, Elliot, and Hendrickson for an additional six weeks of full time field inspection, for an amount not to exceed \$36,000.

Addition to Resolution Items C: Consideration of a budget resolution to approve an increase in expenditure authority in the Capitol Projects Fund for the Tomahawk Hotel Building Renovation Project in the amount of \$180,000.

The addition of an Executive Session on Personnel.

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

PRESENTATIONS

SWEDA Update

Mr. Cook read a letter from Michelle Hostetler since she was unable to attend. There are a few details to address before Eleutain moves to Green River next week. Some time ago she talked to Mr. Cook about assisting Eleutain with a portion of the company's setup costs. They concurred that the best assistance to the company and future Green River businesses is to supply the college with cubicles that can be used by all companies entering the new business incubator. They did some research and were able to find 32 chairs at no cost, and 32 used cubicles at a cost of \$2,992. The one remaining challenge is to find a way to get the 32 chairs from County surplus to the Western Wyoming Community College Green River Center.

Rio Vista Water Project Update

Kael Jasperson, Jamestown Rio Vista Water District Vice Chairman, said they are interested in joining with the City of Green River. He is here to ask for support from the council for the project, and to answer any questions that they might have. He would like to schedule a workshop, where they can discuss any concerns. He feels the workshop would be a great opportunity to work together and move forward.

Council Member Rust asked for the name of the engineering company they are currently working with.

Mr. Jasperson said Sunrise Engineers out of Evanston, Wyoming. He said the biggest questions right now are the size of the line, and the route.

Council Member York said the route is a big issue, but he is in favor of working together to get this project going. He asked what kind of response they were getting from the Joint Powers Water Board.

Mr. Jasperson said the Joint Powers Water Boards plan is to supply all communities with water, and they feel this is an opportunity to do so. They are thinking about a regional center that would supply all surrounding areas. This would be in their best interest.

PROCLAMATIONS

Domestic Violence Awareness

Carrol Ann Milano, YWCA Executive Director, read the proclamation and the Mayor declared October 2010 as Domestic Violence Awareness Month.

Christie DeGrendale, YWCA Board of Directors Program Officer, invited council to a meeting October 6, 2010, at 9:00 am, at the Rock Springs Holiday Inn, to discuss a Justice Center that would put all help available in one location.

National Disability Employment Awareness Month

Beth Whitman, Business Leadership Network Director, read the proclamation and the Mayor declared October 2010 as National Disability Employment Awareness Month.

Mrs. Whittman asked council for their support in the amount of \$1250 for the Mayors' Leadership Awards celebration. She also welcomed council to attend.

CITIZEN REQUESTS AND OTHER COMMUNICATIONS

Andy Pleasant, Pleasant Construction, commented on the Resolution for the Tomahawk. He questioned a couple of items on the resolution. He said it was never put out for bid, and he wants to know why it is being awarded to an out of state firm.

Bob Woodward, Castle Rock Electric, questioned the council on the resolution for the Tomahawk. He said there might not be a statute that says they have to bid it out, but it does not make it right. He thought the 10% fee from the firm was on the high side.

Tim Montgomery, local business owner, also had question on this resolution for the Tomahawk. He wanted to know why this project did not go out for bid.

ORDINANCES

10-06: 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 of City Parks.

Council Member McCullough moved to approve the ordinance on the third reading. Council Member Morck seconded.

Council Member McCullough asked for Mr. Cook to explain what the ordinance will do.

Barry Cook, stated Section 19-60 City Park Hours: The hours of operation for all parks within the City limits is 5:00 am until midnight, unless otherwise posted. It shall be unlawful for any person to be in a city park between 12:00 midnight and 5:00 am 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 said building as set forth in the rental agreement with the City.

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 area. Motorized vehicle shall include, but is not limited to all cars, trucks, all terrain

vehicles (ATVs), motorized scooters, motorcycles, and dirt bikes. This section shall not apply to police vehicles, fire trucks, or city maintenance vehicles.

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

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. (7-0)

RESOLUTIONS

R10-83: A Resolution for the governing body of the City of Green River, Wyoming, to approve an increase in expenditure authority in the General Fund for the Police Department to repair PD radio equipment in the amount of \$4,700.

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

R10-84: A Resolution for the governing body of the City of Green River, Wyoming, certifying the Green River Main Street Plan of Action as requested by the Wyoming Main Street Board of Advisers.

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

Council Member McCullough thanked all the different volunteers that have helped Main Street.

Council Member Maes said thank you to John Dahlgren for stepping up to the plate with Main Street.

The Mayor also thanked everyone that has been a part of Main Street and sent out his appreciation for all they have done.

Motion carried. (7-0)

R10-85: A Resolution for the governing body of the City of Green River, Wyoming, to approve an increase in expenditure authority in the Capitol Projects Fund for the Tomahawk Hotel Building Renovation Project in the amount of \$180,000.

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

Council Member McCullough said the people that have come to express their concerns over this resolution need to be answered so he asked Mr. Cook to explain.

Mr. Cook stated the resolution simply sets up a line item for money to be allocated by moving the \$100,000 the council set aside for this project along with \$80,000 into a line item.

Council Member York asked if the council can obligate money that they do not have.

Mr. Cook replied no. The council is not spending any of the money from the grant. This money is coming from the reserve and will be put back when the grant is received from the Wyoming Business Council.

Council Member Rust asked if someone could guarantee, if this is approved tonight, it will not cause any issues with receiving the grant.

Mr. Cook said there will be no money spent from the grant before the grant is received. The money will be coming from the reserve account, and he does not see them spending \$180,000 in four weeks.

Council Member York said there is a sense of urgency for this, and he feels this isn't the right way to run things.

Council Member Rust said there seems to be a sense of urgency on certain things. This has been brought up multiple times but still continues.

Council Member Boan said this is up to the governing body to move forward. If by some chance the grant is not awarded, then the money will be put right back. There will be no money spent, it is just being moved.

Council Member York clarified the money will not be spent until the grant is received.

Mr. Cook said the governing body cannot enter into an agreement with anyone until they have the money set aside in a line item.

Motion carried. (7-0)

COUNCIL ACTION ITEMS

Issuance of a Catering Permit to Brazils Inc., dba Embassy Tavern to sell alcohol during the Realtor's Boo Bash Annual Benefit Event.

Council Member Morck moved to approve issuance of a Catering Permit to Brazels Inc. dba Embassy Tavern to sell alcohol during the Realtor's Boo Bash Annual Benefit Event on Saturday October 23, 2010 from 6:00 pm to Midnight at the Island Pavilion. Council Member Maes seconded.

Motion carried (6-1) with Council Member York voting no.

Appointment of Craig Wolfing to the Sweetwater County Board of Health for a 4-year term.

Council Member Boan moved to approve to confirm the Mayor's appointment of Craig Wolfing to the Sweetwater County Board of Health for a four year term expiring October 2014. Council Member Morck seconded. Motion carried. (7-0)

Approval of an agreement with Myers Anderson Architects for design, construction engineering work on the Tomahawk Building in the amount of \$180,000.

Council Member Morck moved to approve.

Council Member McCullough seconded, and added to the motion to state: Approval of an agreement with Myers Anderson Architects for design and construction engineering work on the Tomahawk Building in the amount of \$180,000 contingent upon the signing of the Grant Development and Management Agreement between Futures Inc. and the City of Green River. Council Member Morck approved the amended motion.

Council Member McCullough asked for clarification.

Mr. Cook said what is before the council is the consideration to enter into a contractual arrangement with Myers Anderson Architects for the Tomahawk Building. This company is a Wyoming firm, they have an office in Evanston, Wyoming, and they have done many projects there and surrounding areas. Under state law it is considered a professional service which is not required to go out for bid. When there are designs that need to be done it does not have to be bid out, but when the design is done and the construction needs to begin, this is the part that will be bid out.

Galen West, Acting City Attorney, said he is in agreement with Mr. Cook over the professional services. He has not researched the requirements of the Wyoming Business Council on grants being bid as public works projects so he will have to look into it.

Mr. Cook said if there are any questions, Jerry Myers from Myers Anderson Architects, is present and he would be happy to answer any questions the council may have.

Council Member Boan said he is happy with the architect because he has seen this company's work. He reminded the local businessmen, the contractual work will be bid out.

Council Member York asked Mr. Myers if he lives in Evanston.

Mr. Myers replied he lives in Pocatello, Idaho, but they have an office in Evanston.

Council Member York asked if he could call himself a Wyoming business man.

Mr. Myers said yes he is. Over 75% of his work last year was done here in Wyoming from his office in Pocatello. This is the reason why he chose to build an office in Evanston.

Council Member York asked if he had done any work previously on the Tomahawk Building.

Mr. Myers said he had through some technical assistant grants. They have done some work with code assessments, developmental, and design of tenant spaces.

Council Member York asked if Mr. Myers sent a letter to Mr. Cook and the Mayor over interest in continuing work on the Tomahawk Building.

Mr. Cook said it was not Mr. Myer, but it was Plan One Architects in Rock Springs.

Council Member York asked if Plan One Architects were considered for the design like they had asked.

Mr. Cook said no they were not.

Council Member York said he is concerned that another company can request to be considered for the design and they were not. He asked who made the decision on the designing firm.

Mr. Cook said it was his recommendation.

Council Member York asked Mr. Myers if his 10% fee was high.

Mr. Myers said his fee was normal and on the low side.

Council Member Boan asked if Mr. Myers had a good working relationship with Future's.

Mr. Myer's said he has a good relationship with Mr. Sutherland but he has not formally met the board.

Council Member McCullough asked Mike Frink, Member of the Futures Board of Directors, what he thought of this designing firm.

Mr. Frink said he is fine with the company. He has seen his work and has spoken to Mr. Myers personally.

Council Member Rust said this is not about Mr. Myers and how good of a job he can do. This is about a local architect wanting to be considered and they were not. Plan One Architect should have been considered along with Myers Anderson Architects. He asked Mr. Cook if anyone else was in on this recommendation.

Mr. Cook said no. This was a recommendation from him and now it is council's decision to vote yes or no. To his knowledge the time he has been here it has never been bid out for professional services.

Council Member Maes concurred with Council Member Rust. She was surprised over the sudden decision being made without input from council. She questioned Mr. Myers over the basic information on the agreement he proposed.

Mr. Myers replied they will work with the City over any aspects on the design. He also stated that he is not here in an adversarial position. He wants everyone to be comfortable with this project and would be happy to answer any questions or concerns.

Council Member York said his biggest problem is that another company was not included. He was wondering if this is not approved tonight, what the procedure would be to move forward.

Mr. Cook said the other option is to direct staff to go out and request proposals from other companies. This could take two to three months to prepare but it can be done.

Council Member Rust asked why it would take so long to prepare a RFP. There is a proposal on the table and he is wondering why the council could not just ask another company for a proposal. He asked what he was missing in this whole thing to make it take that long. He thinks that just adding one more proposal could not possibly take so much time.

Mr. Cook said he is basing this on past experience.

Council Member Rust asked why another architectural firm can't submit a proposal just like the Myers Anderson Architects did.

The Mayor said this company is familiar with the building and what is needed.

Council Member Rust said the other company had been involved with some aspects of the building also.

The Mayor said they were not involved to the extent that this company had been.

Council Member McCullough said he is bothered by this whole thing. These issues were brought before the council before and no issues were mentioned. The council has plenty of time to bring up any issues they may have with this. This has been done before on other projects and no one has a problem with them. He said these issues should have been brought before the council ahead of time so then it could be discussed.

Council Member Rust asked when could he have brought it up, they just received the email on Friday of last week.

Council Member McCullough said he is convinced Myers Anderson Architects is the company that is the best for this project. He feels what needs to be done is to move forward with the project. Anything with Futures seems to have the same issues, and he is tired of it. He wants to move on.

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

Approval of the contract with Short, Elliot, and Hendrickson to provide for an additional six weeks of full time field inspection, for an amount not to exceed \$36,000.

Council Member Morck moved to approve the contract addendum with Short, Elliot, and Hendrickson to provide for an additional six weeks of full time field inspection, for an amount not to exceed \$36,000. Council Member McCullough seconded.

Council Member Boan asked for an explanation.

Allan Wilson, Parks, Facility, and Project Manager, said there were provisions in the contract for weather but it was not just the weather that caused this problem. The contract is for 26 weeks of work, and we need more time, at least six more weeks of work. Mr. Wilson has just recently taken over this project, and he is trying to get everything done before weather comes into play.

Council Member Boan asked if there would be any additional funding needed in the spring if this goes on.

Mr. Wilson said no, there is money allotted for this project.

Motion carried. (7-0)

CONSENT AGENDA

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

- Contract with Fireworks West International of Logan, Utah for the July 4, 2011 Fireworks Display in the amount of \$20,000.
- Lease agreement with Jessie Bloomer for horse corral #113.
- The 2010 Tough Turkey Annual Co-Ed Volleyball Tournament Officials Agreement not to exceed \$750.
- Agreement with CGI Communications, Inc for the Movie Tour Book.
- Contract with Rick Carroll for the Green River High School Varsity Basketball coach, for \$500 to collaborate on the Pee Wee Youth Basketball Program.
- Pole Attachment Agreement with Rocky Mountain Power for the Citywide Wireless System for approximately \$100 per year lease/rental fee.
- Minutes for September 14, 2010 Special Council, September 14, 2010 Workshop, September 21, 2010 with attachment of Ford Bussart's Eulogy, and September 28, 2010 Special Council.
- Financial Reports and Payment of Bills:
Prepaid Invoices = \$26,129.92 Outstanding Invoices = \$692,620.81
Pre-authorization Payments = \$755,000.00 Payroll Expenditures = \$262,245.55

Motion carried. (7-0)

Galen West, Acting City Attorney, commented he was asked earlier about the process for the public to address the council, i.e. when is the appropriate time for the Mayor to ask for public input. Mr. West said he did not suggest that it was improper for the mayor to ask for citizen input at any time of the meeting. He was simply answering the question. The Mayor is able to direct any public comment at any time during the meeting if he chooses.

CITY ADMINISTRATOR'S REPORT

Mr. Cook said recently one of the art pieces on Uinta Drive was vandalized. The City provides these for the enjoyment of the citizens and requests help in stopping any vandalism from occurring. He has given council a list of the 6th Penny Projects that have been completed. The Solid Waste Department has sent out a recycling letter that he put in council's mail boxes. He said thank you for their continued effort with recycling. Mr. Cook reminded everyone about the City's Adopt A Highway Program, on Saturday, October 9, 2010. If anyone is interested in helping they can call Linda Roosa.

The workshop for next week will require a special council meeting to award a bid for the Storm Drain Project.

CITY ATTORNEY'S REPORT

Mr. West had nothing to report.

MAYOR AND COUNCIL REPORTS

Council Member Rust mentioned he did not bring Futures up during the conversations earlier; they have nothing to do with this project. He had heard the council saying over and over they want to change the bidding process and how things are purchased. He has tried to get the council together on this issue but he has only received two responses.

Council Member York asked who owns the land that is across from Penny's Dinner. He commends Bob Roth on the remodeling of his building on Uinta. He is disappointed in the County Commissioners over the land exchange. He also did not bring up Futures.

Council Member Maes said she had concerns over hiring an architect. She feels there should have been more information on this project and other businesses should have had a chance to be included.

Council Member Boan said he received a letter from Mr. Dean over the karate tournament being moved to Rock Springs. He is very disappointed in this, because the council and staff did all they could to guarantee him that there would not be a problem this year if he stayed. He asked about the Winter's building.

Mr. Cook said the owner had come in a couple of days after the issue was brought up, and informed him she has a buyer. She asked for more time, and if the City would be interested in buying the land if this buyer chose not to. Mr. Cook told her to send him a letter stating she would like to sell the property to the City along with the cost. The City would have to know the structural integrity of the building, and he asked Laura Hansen if she could ask an engineering firm to check into it. She said Sunrise Engineering would be willing to do so at a cost of \$600.

Council Members Boan, McCullough, Morck, and the Mayor thanked SWEDA for their hard work.

ADJOURN TO EXECUTIVE SESSION

Council Member Boan moved to adjourn to Executive Session on personnel at 9:02 pm. Council Member York seconded. Motion carried. (7-0)

RECONVENE

Council Member Boan moved to reconvene from Executive Session at 9:19 pm. Council Member Rust seconded. Motion carried. (7-0)

Council Member McCullough moved to authorize the Mayor to enter into a legal services agreement with Galen West through the end of the year for city attorney services. Council Member Rust seconded. Motion carried. (7-0)

ADJOURNMENT

Council Member McCullough moved to adjourn at 9:20 pm. Council Member Rust seconded. Motion carried. (7-0)

H. Castillon, Mayor

ATTEST:

Jeffrey V. Nieters, City Clerk