

**CITY OF GREEN RIVER
CITY COUNCIL PROCEEDINGS
January 4, 2011**

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 Washington Elementary School students led the Pledge of Allegiance: Nathan Keller, Morgan Keller, Madison Young, Gauge Jorgensen, Kamryn Keller, Ben Burrows, and Brady Young.

The following Council Members were present: Tom McCullough, Jim Boan, Lisa Maes, Adam Coppolo, Gene Smith, and Gary Killpack. 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, City Attorney Galen West, and Public Information Coordinator Stephen Pyles.

APPROVAL OF THE AGENDA

The Mayor noted the addition of an Executive Session to discuss personnel, and Council Action Item B: Appointment of Council Officers.

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

PRESENTATIONS

Oath of Office

A ceremony was performed to welcome the elected members to the council.

Chamber of Commerce Update

Janet Hartford updated council on the following:

- The large increase in gift certificates that were purchased this season.
- She will be traveling to Denver, Colorado for the International Sportsman's Expo. She has combined efforts with Sweetwater County Travel and Tourism Board. The Travel and Tourism Board conducts two expo's per year. The second one is in March in Salt Lake City, Utah.
- Lunch and Learn is January 19, 2011, at 12:00 pm, at China Gardens.
- On February 7, 2011 Eric Kuhn from the Colorado Water District will be doing two presentations, one at 7:30 am and one at 12:00 pm. This is tentatively scheduled at the Hampton Inn in Green River.
- She is looking for nominations for the Extinguished Citizen Award and the Outstanding Citizen Award.
- January 22 through January 29, 2011 is the Burbot Bash fishing derby. These animals are predatory and they are causing a large problem in the reservoir. The entry fee is \$30.00. There will be great prizes. More information is available on grchamber.com.

Council Member McCullough asked for an update on the Visitor's Center building.

Mrs. Hartford said it is coming along and will hopefully be completed by the end of the month.

PROCLAMATIONS

National Mentoring Month

Malinda Baas from the YWCA Big Brothers Big Sisters program read the proclamation and the Mayor declared January National Mentoring Month in Green River, and called upon all citizens, businesses, public and private agencies, religious and educational institutions to join the mentoring movement and to be a part of the YWCA Big Brothers Big Sisters Program.

CITIZEN REQUESTS AND OTHER COMMUNICATIONS

Jim Robertson, an employee of the Parks and Recreation Department, asked if the governing body would consider increasing the expenditure authority for a ladder increase for employee's. A ladder increase is based on evaluations and years of service so this would not be for every employee but a small number of employee's.

ORDINANCES

Consideration of an Ordinance creating Section 6-9 of the Green River Code of Ordinances, City of Green River, State of Wyoming, to prohibit the feeding of wild animals within the corporate limits of the City of Green River.

Council Member Killpack moved to approve the ordinance on 1st reading. Council Member McCullough seconded.

Council Member McCullough asked City Prosecutor Lisa Botham to explain the ordinance.

Ms. Botham said the ordinance was taken from a number of different laws that are in effect along with consideration of issues the Animal Control officers are dealing with.

The ordinance attempts to deal with deer and other wild animals that are becoming an issue. The ordinance will not get rid of the deer but it could possibly cut down on the concentration of the deer. This ordinance is not intended to prohibit any person from placing food out for their domestic pets or livestock which is thereafter being eaten by wild animals. It requires that they knowingly and intentionally put out food for the specific reason of feeding the wild animals.

She said there are three major directions council can go. They can leave it as it is, prohibit the feeding of wild animals completely, or designate areas that people can feed the wild animals, like Scott's Bottom or FMC Park.

Council Member Boan said he will not support this ordinance. He asked who came up with the 5 foot height requirement for bird feeders. The average deer is 4 ½ foot to 5 foot tall so this would not stop them from eating the bird food. He asked, if he puts a bag of food on his porch for his dog and wild animals come and eat it would he be fined?

Ms. Botham said no, the ordinance states a fine will be given if the person is knowingly and intentionally putting the food out to feed the wild animals.

Council Member Coppolo said the enforceability of this ordinance is not feasible.

Ms. Botham said this ordinance is not going to stop the people that occasionally set out apples for the deer but this is going to stop the people that are feeding the deer everyday intentionally.

Council Member Coppolo said he agrees some modifications need to be done to the ordinance.

Council Member Killpack said he agrees the height needs to be changed. He feels this should have been addressed a couple of years ago. If it had been addressed it would not be as large of a problem now.

The Mayor said if changes need to be made, they can do it now because this is the first reading.

Council Member Maes said she has spoken to people that do not want the ordinance passed. She suggests that people plant different items the deer will not eat in the areas that are not protected by fences and then put the items the deer might eat in their backyards where the deer cannot get to them. She would like to look at an alternative that would list an area where people can feed the deer.

Council Member McCullough said the more people feed the deer the more of a problem it becomes. He feels the problem needs to be address.

Council Member Smith said he agrees this needs to be addressed, but he has not heard any suggestions on the changes that need to be made.

Council Member Boan said he will have some suggestions but he wants some time to put them together.

Council Member Coppolo said in Yellowstone National Park they were allowing people to feed the animals. This was causing some issues so they made it where people cannot feed them anymore. The city should take this into consideration.

Ms. Botham asked council to remember, if they raise the height of the bird feeders it will make it harder for people to fill the feeders.

Council Member McCullough said they know there are a few people that feed the deer and this is the problem.

Council Member Smith said he has no problem with the height being changed.

Ann Graham said there are many reasons for the deer coming into town, we are moving onto their land and it is much dryer lately. She said she has done research on the health issues of the deer if they are fed. She said it is the quality of food being fed to them not the fact that they are being fed. She has never heard of anyone being harmed from the deer. They do not bother anyone. She thinks speeding is a bigger issue than the deer. She said this ordinance will change her quality of life. She enjoys the wildlife of the area and she is not the only person who feeds the deer.

Deon Clipbird, owns a small landscaping business, says she is for this ordinance. The deer are getting smarter and coming through her fence to get what they want. Something needs to be done about this.

Michael Newcome, an Idaho Street resident, said the deer issue came up because Mrs. Graham did not allow a person to let his dogs chase the deer. He lives in this neighborhood and does not have any problem with the deer. He said this is an opportunity to bring more people into the community.

Council Member Killpack said he does not think the citizens of Green River should be told by the deer what they can plant in their yards. It is a citizen's decision to plant what they would like.

Don Cuthburton, resident on New Mexico Street, said he has an informational letter he would like council to look at from the Wyoming Game and Fish in Kemmerer. The letter explains the problem that Kemmerer is having. He said he complained about the deer being fed because it was bringing deer into his neighborhood in large numbers and causing a large amount of damage in his yard. He is a wildlife advocate and has been selected to represent the state on a wildlife damage claim. He does not feel that he should have to give up landscaping his yard because someone wants to feed the deer.

The Mayor called for the question.

Motion carried (5-2) with Council Members Maes and Boan voting no.

RESOLUTIONS

Full Time Public Information Coordinator

R11-01: 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 Legislative Budget for a full-time Public Information Coordinator position in the amount of \$18,657.63.

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

Council Member Smith said the city has been under a hiring freeze for most of the year and he thinks what is being done here is going against procedure and policies that are in place within the city. All other requests for the budget year were denied.

He motioned to table the resolution. Council Member Coppolo seconded.

Motion denied (2-5) with Council Members Killpack, Boan, McCullough, Maes, and the Mayor voting no.

Council Member McCullough asked legal counsel if they are following policy or not.

Mr. West said he has not looked at the personnel policy on this matter. The governing body in general has the authority to change a position from part-time to full-time.

Council Member Smith said having the authority to make it full-time is not the issue. It is the way it is being filled. He asked the Director of Human Resources to explain the policy.

Council Member McCullough said this is not a vacant position.

Mrs. Robertson said the position is a vacant full-time position until there is an action form appointing the person to the position.

Council Member Boan said this was done at the last council meeting. They came in after the executive session and motioned to make this a full-time position. The hiring freeze was determined by the council and it was their decision to make this position full-time.

Mr. Cook said this is why the resolution is before the council tonight. They can make the position full-time but it has no budget authority.

Council Member Killpack asked if this job was ever a full-time job. He feels council has the authority to change the position to full-time.

Mrs. Robertson said she is not challenging the authority of council to change the position to full-time. What she is saying is, the position once it is created, has policies to follow for filling the position.

Council Member Boan asked when the policy was put into effect.

Mrs. Robertson said it has been in effect for at least thirteen years.

Council Member Boan asked within those years has every single person filling any position been done without deviating from the policy.

Mrs. Robertson said she could not recall any time when they did not follow policy.

The Mayor said this position was created as part-time initially but was planned to go full-time when money was available in the budget.

Mrs. Robertson said she was not aware of any promise of the position going full-time.

Council Member Boan said he remembers the intent of the position was to be full-time but because of budget issues they made it part-time until funding was available.

Council Member Killpack said it comes down to one thing, if it is appropriate. He feels with what legal counsel has said it is appropriate.

Council Member Maes said the question is not about full-time or part time. There are policies that need to be followed when filling a position.

Council Member Smith had no issue with moving part-time to full-time, but whether there are policies that need to be followed.

Council Member McCullough asked how long it would take to follow the policy.

Mrs. Robertson said it will be advertised internally. If there are any other applicants they would be reviewed. If there is only one then he would be appointed. This process takes no more than three weeks.

Council Member McCullough said he feels the policy should be followed. If this is done maybe it will be acceptable to city staff.

Council Member Boan said the motion is to approve a full-time position. He called for the question.

The Mayor asked for explanation on what policy was not followed.

Mrs. Robertson said the position was filled as part-time not full-time. So putting the position to full-time is creating a new position and policies have to be followed.

Council Member Killpack said he feels it is inappropriate that a person who has worked in the position has to fight for the position if it goes full-time. He would like to see the policy changed.

The Mayor called for the question.

Motion carried. (7-0)

COUNCIL ACTION ITEMS

Pedestrian Viaduct Change Orders Number 3 and 4

Council Member Maes moved to accept Change Order #3 and Change Order #4 for the Green River Pedestrian Viaduct Project for the total amount of \$67,664.50. Council Member McCullough seconded.

Council Member Boan asked for an explanation on change order number four.

Mr. Wilson said the change order was based on complying with ADA requirements.

Council Member Boan asked if these requirements were laid out in the bid.

Mr. Wilson said yes they were but there were some changes that had to be made in order to comply.

Council Member Boan asked who designed this project.

Mr. Wilson said it was Short Elliott. He clarified that even with the change orders they are still within budget.

Council Member Boan asked for the total cost of all the change orders for this project.

Mr. Wilson said approximately \$80,000. He said the total for the project with the change orders is \$1 million.

Council Member Maes asked what the total amount was that was budgeted for the project.

Mr. Wilson said \$1.3 million.

Council Member Boan asked if the change orders included the cost for concrete.

Mr. Wilson said yes.

Council Member Coppolo asked if this project is completed.

Mr. Wilson said everything is done except painting and the painting will be done in the spring.

The Mayor said change orders as a whole are going to be looked into more by the council. They do understand the unforeseen issues that can come up during a project so they are asking staff and contractors to be more cautious. During the tough budget times the money might not be available for change orders.

Motion carried. (7-0)

Election of Council Officers

Council Member Boan nominated Council Member McCullough for Council President. Motion carried. (7-0)

Council Member Boan nominated Council Member Maes for Council Vice President. Motion carried. (7-0)

CONSENT AGENDA

Council Member Killpack moved to approve the following consent agenda items. Council Member Boan seconded. Motion carried. (7-0)

- The agreement and payment to the organizers of the Thoman Memorial Wrestling Tournament for the City to be a sponsor for the January 2011 event in the amount of \$750.
- Authorization for the Parks and Recreation Department to follow the Agreement of Disbursement for a 2011 Sweetwater County Travel and Tourism grant for the Smash and Splash Racquetball Tournament.
- An addendum for custodial services for the Recreation Center with Castle Cleaning Company to increase the contract by \$3,050.
- A contract with 7C Buckers Ranch/Rodeo in the amount of \$8,200 for the 2011 Overland Stage Stampede Rodeo.
- Authorization for the Mayor to sign the documentation FEMA is requesting for the Direct Deposit for the Assistance to Firefighters Grant Application.
- Approval for the City Clerk to accept the Public Officials Discloser Forms as submitted.
- Approval of the Minutes for: December 7, 2010, December 14, 2010 Workshop, December 21, 2010.
- Financial Reports and Payment of Bills:

Prepaid Invoices = \$23,945.25	Outstanding Invoices = \$136,515.27
Pre-authorization Payments = \$755,000	Payroll Expenditures = \$918,328.17

CITY ADMINISTRATOR'S REPORT

Mr. Cook asked for council's attention to the plaque for the National Gold Medal Award for excellence in the field of Parks and Recreation Management that is currently hanging in the council chambers. He commended the Parks and Recreation Department for their accomplishments. He said he received a letter of accommodation from Detective Corporal Robert Ross for Detective Janet Kauchich for outstanding work in solving crimes. He also reported the total cost of advertising for this year, to date, is \$25,000 for public notices and \$45,000 for legal. This is lower than previous years advertising has been.

The topics on the agenda for the workshop on January 11, 2011:

- Downtown Shopping Spree Winner
- Tire disposal policy
- Presentation from Terregon
- Union Pacific Depot/Tourism

CITY ATTORNEY'S REPORT

Mr. West had nothing to report.

MAYOR AND COUNCIL REPORTS

Council Member Killpack thanked the citizens that elected him.

Council Member Boan congratulated Parks and Recreation on the award. He thanked the Rocket Miner for the write-up they had done for the tourism committee. He was disappointed in the Green River Star. He asked for an update on the Winter building.

Mr. Cook said the study was completed and is on file.

Mrs. Hansen said there was a gentleman that inquired about the property and building. She has not heard back from him. She will have an update for the council at the workshop next week.

Council Member Boan congratulated the Police Department and the Detective for a job well done.

Council Member Maes congratulated the Parks and Recreation Department. She said she read the study on the Winter building and she is glad it is not as bad as the rumors had said it was. She hopes realtors can market the property. She said she read the report on the officer that had solved some burglary cases and she said it is good to know that we have great employee's out there doing a great job. She asked about the Christmas trees still being up on Uinta Drive.

Council Member Coppolo thanked everyone for electing him into office. He feels this is going to be a challenge but he is looking forward to serving the community. He congratulated the Police Department and the Detective for their outstanding work.

Council Member McCullough thanked everyone for electing him into office and he congratulated the newly elected members.

Council Member Smith thanked voters that voted for him. He will do whatever he can to represent the community. He congratulated the Police Department and the officer on a job well done. He also congratulated the Parks and Recreation Department on their plaque. He is looking forward to working with everyone.

The Mayor congratulated the Parks and Recreation Department and the Police Department for a job well done. He reminded everyone about the council workshop on January 15, 2011, from 8:00 am to 2:00 pm. The WAM Conference is January 19 through January 21, 2011 in Cheyenne, Wyoming.

ADJOURN TO EXECUTIVE SESSION

Council Member McCullough moved to adjourn to executive session on personnel at 8:57 pm. Council Member Coppolo seconded. Motion carried. (7-0)

RECONVENE

Council Member Coppolo moved to reconvene from executive session at 9:20 pm. Council Member Boan seconded. Motion carried (7-0)

COUNCIL ACTION ITEM

Council Member Killpack moved to approve extending the contract with Mr. West (*West Law Office, PC*) for one year. Council Member McCullough seconded. Motion carried. (7-0)

ADJOURNMENT

Council Member Coppolo moved to adjourn at 9:21 pm. Council Member Maes seconded. Motion carried. (7-0)

H. Castillon, Mayor

ATTEST:

Jeffrey V. Nieters, City Clerk