

**CITY OF GREEN RIVER
CITY COUNCIL PROCEEDINGS
January 18, 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 the following Girl Scouts led the Pledge of Allegiance: Hayley Martinez, Faith Wooden, Kyra Holmes, Lauren Lee, Jerra Lester, Makayla Martin, Aspen Wooden, Sheridan Sherwin, Kiernan Jordan, Taryn Dahlgren, Madison Martin, and Tiffany Burns.

The following Council Members were present: Tom McCullough, Jim Boan, Lisa Maes, 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, Community Development Planner Ladale Brinton, Police Lieutenant Chris Steffen, Fire Chief/Emergency Services Mike Kennedy, Parks and Recreation Director Walt Bratton, Parks, Facility, and Project Manager Allan Wilson, Recreation Supervisor Kevin Sadler, Recreation Supervisor Alyssa Krumhotz, Animal Control Officer Tracy Wyant, City Prosecutor Lisa Botham, City Attorney Galen West, and Public Information Coordinator Stephen Pyles.

Council Member Coppolo was not present.

APPROVAL OF THE AGENDA

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

PRESENTATIONS

SWEDA Update

Michelle Hostetler, Director of SWEDA, welcomed Council Member Killpack to the Board. The Sidelines restaurant is still moving forward. The Brown's Field Coalition now includes Superior and Baroil. The Business Council is currently offering new Technical Assistance Grants. These grants are for private citizens or public businesses to build a web site to further their business. They require a business plan and financial reports.

Sweetwater Family Justice Center

Christie DeGrendele, from the YWCA of Sweetwater County, said this is a collaborative effort to make one place for victims to go to and receive any care that is needed. There will be a Strategic Planning Session February 2nd- 4th, 2011.

Presentation to the Parks and Recreation Department by Chase Stoeger

Mr. Bratton congratulated Chase Stoeger on being the representative of the Denver Broncos franchise at the 2011 NFL National Youth Punt, Pass & Kick Competition in the 8 and 9 year old division. He also congratulated him on becoming the Grand Champion.

Mr. Stoeger said the competition was really cool. The competition was hard, but he did meet a lot of people. He met Matt Schaub the quarterback from Houston Texas. His family went to support him and encouraged him to do his best.

CITIZEN REQUESTS AND OTHER COMMUNICATIONS

Donna Ragsdale, a resident, asked council why they were wasting time on trying to decide where she should hang her bird feeders and other things in her yard. She also asked who is going to enforce this law.

Council Member McCullough said the bird feeders portion will be removed. The Animal Control Officer will be enforcing the law.

Janet Hartford reminded council about the Lunch and Learn tomorrow at 12:00 pm, at China Garden. The Burbot Bash starts on January 22, 2011. Eric Kune will give a presentation on the water diversion on February 7, 2011 at the Hampton Inn in Green River. There will be two presentation times 7:00 am and 12:00 pm.

Ann Daley said someone said if you do not want the deer to eat items that you plant, plant what they do not like. This does not work, the deer will eat anything. She has planted many different flowers the deer aren't suppose to like, but they ate them anyway.

Mike Newcomb, a resident on Idaho Street, said the deer do not cause any issue with him. This all comes forward from one person that does not like the deer destroying his yard but his yard is nothing but stone. Once an ordinance is passed it is very hard to remove it later. If you have a squirrel eating from your birdfeeder and you have been notified about it you could end up with a \$750 fine. He said he knows that council says it will not happen but as the ordinance reads it could.

Johanna Spencer, resident on Idaho Street, asked why anyone isn't looking into the other animals that could be eating the vegetation like rabbits. She has the best grass on her street and she does not fertilize but her yard is fine even with the deer. She loves the wildlife in the area and thinks this is a bad idea.

Vern VanMatre, resident on Idaho Street, said he cautioned the council on making this law. If he is upset about the rabbits, or squirrels doing something in his yard, will the council pass an ordinance? People realize that they need to learn to live with wildlife but that is not done by passing an ordinance.

Melissa Orton, resident on East Teton, said she has seen the aggressiveness of deer, one charged her dog. She reminded people that Game and Fish say that feeding the deer is unhealthy for them. She asked if the ordinance is not passed and her children get sick or hurt from the deer, who is responsible.

Nathan Graham, whose mother lives on Idaho Street, said he saw an entire herd of antelope in Rock Springs this morning, is this ordinance going to stop them. Bringing a sniper into town would not be stood for. If the ordinance was going to stop the deer from coming in then he would support it, but he knows, it will not. The deer have not hurt anyone or anything.

Rob Hartman, resident on Hitching Post, said if people stop feeding the deer then nature will take its course. He agrees with the ordinance.

Nancy Mark, resident on West Teton, asked if the ordinance goes through, do they think it will stop the deer from coming into town. The ordinance will depend on neighbors reporting neighbors. There are other ordinances that are in effect but they do not enforce them either.

Lee Richards, resident, said she is in this area everyday and she does not see any bigger herds. This ordinance will not be enforced. She has heard that people are not worried about what is passed they will continue feeding the deer.

Don Williams, resident, said he is not for feeding the deer out of a troth. He plants flowers and other items, they do eat them but he does not think this is a problem. He said someone is killing the squirrels and no one is doing anything about that.

Ann Graham, resident on Idaho, said even with her feeding the deer they still move when she walks out. She has never had one be aggressive. She is not the only person in Green River that feeds the deer.

ORDINANCES

Deer Feeding Ordinance

2nd Reading: Consideration on Second reading 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 McCullough moved to approve the ordinance on second reading. Council Member Smith seconded.

Council Member Boan moved to table the ordinance. Council Member Maes seconded. Motion failed. (2-4) Council Members McCullough, Killpack, Smith, and the Mayor voted no.

Council Member Killpack said there are people for this and people against it. He has had deer in his yard that have been aggressive. It is getting to the point that they are not normal, they just look at you when you are there instead of running away. He is in favor of the ordinance maybe not how it is written, but he thinks this is a problem that needs to be addressed.

Lieutenant Steffen said as a police department they are tasked with enforcing the laws that the governing body passes.

Officer Wyant said she does think it needs to be addressed and it is enforceable. It will take educating the public, along with working with people. Shame on the person who calls on their neighbor to say the bird feeder is too low. She said if it is a legitimate problem or complaint, Animal Control will take the burden of proof on and go from there.

Council Member Maes asked about setting aside areas where people can feed the deer. Like the Scott's Bottom or the Wetlands area. She thinks they need to reword the ordinance.

Officer Wyant said as far as feeding outside city limits, it is a Game and Fish regulation. She believes that the deer are wildlife and they need to be left alone. It is a liability issue, what if someone gets hurt by a deer.

Council Member Smith motioned to make four changes the ordinance as follows:

- Remove paragraph B: A person shall be presumed to be intentionally feeding wild animals if the person places supplemental feed or causes the same to be placed, on the ground or on any outdoor platform that stands fewer than five feet above ground.
- Remove from paragraph D: notice that wild animals are capable of reaching any container of wild bird food, is proof that the same is not inaccessible.
- Add to paragraph D number 4: any person engaged in cultivating of a lawn or garden.

Council Member Smith allowed Council Member McCullough to add another change to his motion: to remove from Section E number 3: squirrels

Ms. Botham said with the changes council has made to the ordinance; it leaves people with no defense. For instance their neighbor said their birdfeeder was too low and wild animals were feeding from it, that person could be fined. They would have no defense to say that they did not know about it.

She would suggest that the council make the ordinance simple. Thou shall not feed the deer. It all depends on what the council would like to have listed. The council could put that the deer cannot be feed in the residential/ business areas but they could feed in any other area outside of the area listed.

Amended motion died due to lack of a second.

It is assumed that Council Member McCullough's motion and Council Member Smith second was to withdraw the original motion.

Council Member McCullough motioned to make it unlawful for any person to provide supplemental feed for the deer in any zone residential or business district within the city. Supplemental feed does not include planted or naturally growing materials. Violation of these shall be punishable by a fine up to \$750.

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

RESOLUTIONS

New City Code Books

R11-02: A resolution for the governing body of the City of Green River, Wyoming, to approve a modification in expenditure authority in the General Fund for a new formatted City Code Books in the amount of \$6,000.

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

Mr. Cook said the original code books were issued in 1982. There have been forty-nine supplemental changes made to those books. Some books are missing pages and binders are falling apart.

Motion carried. (6-0)

Bank Depositories

R11-03: A resolution establishing and officially designating bank depositories for the purpose of earning a secured rate of return for the City of Green River.

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

COUNCIL ACTION ITEMS

WYOLINK Membership Agreement

Council Member Smith moved to allow the Mayor and Chief of Police to sign the agreement between the Green River Police Department and the State of Wyoming to allow use of the statewide WYOLINK System. Council Member Boan seconded.

Motion carried. (6-0)

Agreement with Inberg Miller for the Green River/Rock Springs Alternate Route

Council Member McCullough moved to authorize staff to work with Inberg Miller Engineers to prepare an agreement for services for the Green River/Rock Springs Alternate Route. Council Member Killpack seconded.

Council Member Boan asked if the city considered any other engineering firms.

Mr. Cook said yes, they did a request for proposals and nine other firms were considered.

Motion carried. (6-0)

Visitor Center Lease

Council Member Killpack moved to approve the Lease Agreement between the City of Green River and the Green River Chamber of Commerce for the Visitor Center in the amount of \$1,000 per year. Council Member McCullough seconded. Motion carried. (6-0)

Tire Disposal

Council Member Boan moved to use an alternate disposal procedure for residential tires purchased at local tire dealers via a voucher system. Council Member McCullough seconded.

Mr. Cook said any dealer working within the city can use the customer's four free tires if they have a voucher from the customer.

Council Member McCullough asked if this is passed, when would the vouchers be available to the dealers, and will the dealers have to pick the vouchers up at City Hall.

Mr. Cook said yes they would have to pick them up here, and the voucher should be ready no later than the first of February.

Council Member Killpack asked if this would take the citizens free tires away and how they will keep track of the tires.

Mr. Cook said no it does not take the tires away from the citizen they can still dispose of them themselves. The tires will be kept track of just like they are now but with the dealers being able to bring vouchers up with the customer's authorization to use their four free tires instead of paying for them.

The Mayor asked if the tires would be counted on a yearly basis.

Mr. Cook said they will start counting right away. He will recommend a rate increase for the Solid Waste Fund at budget time. The Solid Waste Division needs to run on its own and currently does not. So with the tires included he will recommend an increase to offset rising cost.

Council Member Boan asked if he was planning to ask for an increase this next budget year anyway.

Mr. Cook said yes.

Council Member Smith asked how will they deal with someone who buys elsewhere and disposes of them himself and then buys at a local dealer and lets the dealer dispose of them with a voucher.

Mr. Cook said they are going to rely on the honesty of the citizens and the dealers.

Council Member Boan said once someone disposes of the tires at the landfill then they will fill out a form so it does not matter how they dispose of them, it will show that they already have used their free disposals.

Mrs. Roosa said this could happen, one way or another, the landfill will have to get the money for the tire disposal.

Council Member McCullough said this is only a trial and can be changed.

Council Member Killpack motioned to table until budget time.

Council Member Smith said he will not vote for this. He does not see the point in changing now and then again later.

Motion carried. (4-2) Council Member Killpack and Smith voted no.

CONSENT AGENDA

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

- To rescind the PacifiCorp/Rocky Mountain Power Wireless Pole Lease approved on October 5, 2010.
- Approve the PacifiCorp City Wide Wireless Pole Lease Agreement in the amount of \$390 per year.
- Acceptance by the City Clerk of the Public Officials Disclosure Form from City Attorney Galen West as submitted.
- Accept the proposal for newly formatted Code Books by the Municipal Code Corporation for an amount not to exceed \$6,000.
- Terminate the agreement with the Sweetwater County Historical Museum for the sale of Echoes from the Bluffs – Vol. II, for the Mayor to sign the termination letter, and to offer the museum the option to purchase the remaining books at a reduced amount of \$2,000.

- Minutes for: January 3, 2011 Special Council, January 4, 2011 Council
- Financial Reports and Payment of Bills:

Prepaid Invoices = \$207,881.39	Outstanding Invoices = \$630,528.66
Pre-authorization Payments = \$755,000	Payroll Expenditures = \$555,645.63

CITY ADMINISTRATOR’S REPORT

Mr. Cook reported the safety program within the city is going well and he thanked the safety monitors for a job well done. He recognized the Solid Waste Division on their Outstanding Management and Demonstrating Daily Exemplary Handling of Solid Waste Material Award for the second year. This plaque is hanging on the Wall of Honor in the Council Chambers.

Staff met with the architect, for the Tomahawk building, and is moving forward with the project.

He recognized two employees that are moving on from the city, Alyssa Krumhotz and Walt Bratton. He thanked them and wished them well on their future endeavors.

CITY ATTORNEY’S REPORT

Mr. West had nothing to report.

MAYOR AND COUNCIL REPORTS

Council Member Smith said he enjoys the kids doing the pledge. He requested a report on cost reduction and cost cutting by each department.

Council Member McCullough wished the best to Ms. Krumholz and Mr. Bratton.

Council Member Maes said she thinks the city should try to educate people on deer behavior. Congratulations to Chase Stoeger. She also thanked Ms. Krumholz and Mr. Bratton for a job well done.

Council Member Boan congratulated Chase Stoeger on his accomplishments. Thanked Ms. Krumholz and Mr. Bratton for their services. He thanked Mr. Pyles for bringing the kids in for the pledge. He asked if there was a timeline on when work might start on the Tomahawk.

Mr. Cook said he is hoping construction will start this summer.

Council Member Killpack echoed what everyone has said. He apologized to Mrs. Robertson and Mr. Cook on his comments on Mr. Pyle’s position. He asked if someone could check on the cost of light poles, to be put along the Green Belt.

The Mayor congratulated Chase Stoeger and Solid Waste on their awards. He thanked council and staff for attending the retreat and Ginni for a job well done preparing for it. He thanked Ms. Krumholz and Mr. Bratton for their services.

ADJOURNMENT

Council Member Boan moved to adjourn at 9:12 pm. Council Member McCullough seconded. Motion carried. (6-0)

H. Castillon, Mayor

ATTEST:

Jeffrey V. Nieters, City Clerk

