

**CITY OF GREEN RIVER
CITY COUNCIL PROCEEDINGS
February 1, 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 Truman Elementary School students led the Pledge of Allegiance: Ashlyn Santhuff, Domenik Kunkle, Danny Christensen, Kaitlyn Banks, Kamern Santhuff, Alexa Molina, and Audrey Kunkle.

The following Council Members were present: Tom McCullough, Jim Boan, 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 Finance Jeff Nieters, Director of Community Development Laura Hansen, Urban Renewal/Main Street Administrator John Dahlgren, Chief of Police John Love, Animal Control Officers Tracy Wyant and Kim Wilkins, Assistant Fire Chief Mike Liberty, Interim Parks and Recreation Director Allan Wilson, City Attorney Galen West, City Prosecutor Lisa Botham, and Public Information Coordinator Stephen Pyles.

Council Member Maes was not present.

APPROVAL OF THE AGENDA

Mayor Castillon asked for a motion to approve the agenda and to add the consideration of a letter of support for the Sweetwater County Airport Water Structure Project as Council Action item E.

Council Member Boan moved to *approve the agenda with the Mayor's addition* and to add the consideration of a budget item specifically to build or remodel a tourist attraction in the amount of \$200,000 as Council Action Item F.

The Motion was seconded.

Motion carried. (6-0)

PRESENTATIONS

Tree Advisory Board

Dottie Krauss, Chairman of the Tree Advisory Board, said this board has raised \$4,000 in prizes for the Arbor Day Celebration. She thanked all board members and Mr. Wilson for their continuing support.

The Mayor said he has received a letter from a citizen expressing her concern about the Tamarisk/salt cedar plants that are growing like wild here within the city.

Mr. Wilson said he is addressing these issues and they are planning to remove the problem plants. Staff is planning to replace those plants with Buffalo Berries and Cottonwoods. They are hoping to acquire a grant for the replacement plants.

Green River Main Street Presentation

Mr. Dahlgren planned to present a plaque to Nory Gunter for her participation on the Main Street Board but she was not present.

SWEDA Update

Michelle Hostetler, Director of SWEDA, updated council on the status of their current projects.

CITIZEN REQUESTS AND OTHER COMMUNICATIONS

Mr. Pyles reminded everyone to cheer for our city on <http://wehearyouamerica.readersdigest.com> He said the city is currently ranked 28.

ORDINANCES

Deer Feeding Ordinance

11-01: 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 deer.

Council Member McCullough moved to approve the ordinance on the third reading to prohibit the feeding of deer within the city limits, effective on May 1, 2011. Council Member Coppolo seconded.

Dwayne Kerr, from the Game and Fish, said he recommends the ordinance be changed to cover the entire city within the city limits. He would encourage the addition of a definition of supplemental feed. He also said the Game and Fish will not be responsible for enforcing the ordinance.

Council Member Coppolo asked if the Game and Fish is lobbying to make this a state wide regulation like other areas have done.

Mr. Kerr said some areas have state regulations but the state feels it should be dealt with on a local basis.

The Mayor presented a petition that he received from local citizens in opposition to the deer feeding ordinance.

Ann Graham, an Idaho Street resident, asked if it was legal for people to throw rocks at the deer or chase the deer.

Mr. Kerr said no, it constitutes harassment because it is undue stress on the wildlife.

Mrs. Graham said she would abide by the ordinance if the city council passes it, but she wanted to know if she puts out orange peels for the squirrels and the deer eat them, will she be fined.

Council Member McCullough said if the deer are eating them, then yes they would address it.

Officer Wyant said chasing or throwing rocks at the deer would be under the nuisance ordinance. It would be considered cruelty to the animals or malicious mischief.

Mr. Kerr said if someone is trying to get something out of their yard and they use water to shew them away it would be a reasonable effort and not harassment.

The Mayor said a citizen called him and said if you spread grated down Irish Spring soap around your flowers it would stop the deer from eating them.

Mr. Kerr said they have a list of deer resistant items available at the Game and Fish Department.

Council Member Smith motioned to amend paragraph A, by removing "in any zoned residential or business district within city limits" to state "it is unlawful for any person to provide supplemental feed for deer within the city limits".

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

Council Member McCullough motioned to add part D: "supplemental feed means human food including garbage, domestic pet food, pellet forage feed and hay, salt or mineral supplements, grain and other food sources".

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

Original Motion carried. (5-1) Council Member Boan voted no.

RESOLUTIONS

Over-Collection of the 6th Penny Tax

R11-04: A resolution for the governing body of the City of Green River, Wyoming, to approve an increase in the Capital Projects Funds for the over-collection amount of the 6th Penny Tax in the amount of \$544,330.98.

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

Water Salesman

R11-05: A resolution for the governing body of the City of Green River, Wyoming, to approve the increase in the Capital Projects Fund for the construction of a water salesman in the amount of \$20,000.

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

Council Member Boan asked about the side street box option with a lock for \$990. He asked if the card system was going to be like a credit card, and how to insure the water being taken is being taken by a corral owner.

Mr. Nelson said it is a box where people can pay with quarters and it locks. He said every time the card is swiped it will record the amount of water being used, this way it can be found out if there are multiple cards for one person or if they are allowing others to use it, just by the usage.

Council Member Killpack asked if people from out of town could use it.

Mr. Cook said it could be used by anyone because if you do not have a horse corral swipe card then you pay for the water.

Motion carried. (6-0)

Recreation Cooling System Project

R11-06: A resolution for the governing body of the City of Green River, Wyoming, to increase the Capital Projects Fund for the Recreation Center Cooling System Project in the amount of \$60,000 and to award the bid to Long Technologies in the amount of \$208,960.

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

Matt Doll, from the Ballard Group, said the higher cost for the project then what was estimated was due to many different items. He said the Recreation Center is an old building with issues that will come forward when any upgrades are made.

He proposed four items that could be taken out of the bid specs to bring the project closer to budget: delete the four isolation valves to be installed above the main floor ceiling, leave the existing hydronic steel piping in the hallway at the racquetball courts and remove only the minimal amount required, delete the replacement of the existing copper hydronic piping back to the mains, and delete the heating coil, the coil pump, associated piping and tie-in.

Council Member Smith asked if they left out the four items would there be any detrimental effects.

Mr. Doll said his concern is that next year they would have to come back and say the new system does not work because of the pipes. It would not take more construction time but it would have to go through the bidding process again and that takes up to four weeks.

Mr. Wilson said he recommends they keep the four items in so they will not have to address it later.

Council Member Boan asked who will be responsible for overseeing the project.

Mr. Wilson said he would be responsible.

The Mayor asked if Long Technologies was a Wyoming business.

Mr. Wilson said yes.

Motion carried. (6-0)

COUNCIL ACTION ITEMS

Wyoming Wildlife and Natural Resource Trust Grant

Council Member Smith moved to approve the submittal and receipt of if awarded a \$60,000 grant proposal to the Wyoming Wildlife and Natural Resource Trust for the Riparian Greenbelt Russian Olive/Tamarisk Control and Nature Tree/Shrub Rehabilitation Project in the Parks and Recreation Department. Council Member McCullough seconded.

Council Member Coppolo asked for clarification on the amount the city will have to match to this project.

Mr. Wilson said he would not be coming to the council for money because they can use the time spent on this project as the “in kind” match. (*Labor hours = in kind money*)

This grant would allow a project that would consist of removing noxious weed trees and replanting native trees.

Kevin Spence, Habitat Biologist for the Game and Fish, said the project benefit would be addressing the issue of the weed trees while they can be controlled without a large cost, and keep wildlife habitat diverse.

Council Member Coppolo asked if this was a collaborative effort from Fontenelle down through the river basin.

Mr. Spence said yes.

Council Member Smith asked where the matching money was going to come from.

Mr. Cook said there would be no dollars requested. It is in kind money so the time staff has committed up to this point would be considered the payment.

Motion carried. (6-0)

Appointments on the Green River Historic Preservation Commission

Council Member Smith moved to confirm the Mayor’s appointment of Molly Dahlgren and Mark Peterson to the Green River Historic Preservation Commission. Council Member Boan seconded. Motion carried. (6-0)

River Crossing Project Amendment

Council Member McCullough moved to authorize an amendment to the Professional Services Agreement with Nelson Engineering for Construction Engineering of the Water River Crossing Project in the amount of \$31,000. Council Member Killpack seconded.

Council Member Boan asked where the money was coming from.

Mr. Cook said it is coming out of the line item for the SLIB Grant.

Council Member Boan asked if there was any way of eliminating contractors from doing these things at a cost to the city.

Mr. West said if the contractor can acquire performance and payment bonds they are considered a responsible bidder so they have the right to bid and the city has to go with the lowest bidder.

Council Member Boan asked when the project restarts will there be additional costs from Nelson Engineering.

Mr. Cook said Nelson Engineering has estimated the total cost to complete the project to be \$91,000.

Council Member Coppolo asked if Nelson Engineering is the project manager on the project and if they are why they aren't keeping better track of the contractors and the timelines.

Mr. Cook said city staff and Nelson Engineering have met many times and have tried to get the contractor to complete the job. They were allowed to work 24 hours a day so the project could be completed but they have not.

Council Member Killpack asked about a penalty clause for not completing the project on time.

Mr. Cook said yes, it is a \$1,000 a day.

Philip Gyr, Project Manager from Nelson Engineering, said the \$31,000 includes their cost to complete the project in the spring. As far as managing the project better, they cannot direct the contractor to work, they can only lay out a time line and hope they follow it.

Motion carried. (6-0)

Utility Storage Building Project

Council Member Killpack moved to award the Utility Storage Building Project to A. Pleasant Construction, Inc. in the amount of \$163,000 and to approve the Agreement. Council Member Boan seconded.

Council Member Boan asked who is going to be responsible for the project.

Mr. Cook said it will be a combined effort from the Public Works Department Utility Supervisor, and Mr. Wilson.

Council Member McCullough asked if there will be a performance bond to tell them if it is not completed within the timeline there can be penalties issued, and whether the contractor knows there will be no change orders allowed.

Mr. Cook said yes.

Council Member Killpack asked about the two different project costs listed.

Mr. Cook said there are two project bids, one for winter and one for summer.

Motion carried. (6-0)

Sweetwater County Airport Water Structure Project

Council Member McCullough moved to approve a letter of support from the Mayor for the Sweetwater County Airport Water Structure Project. Council Member Coppolo seconded. Motioned carried. (6-0)

Budget Line Item for Tourism Attraction

Council Member Boan moved to approve the budgeted line item specifically to rebuild or remodel a tourist attraction in the amount of \$200,000. Council Member McCullough seconded.

Council Member Boan said the tourism committee had their first meeting and they have decided to move forward. They are interested in acquiring the depot from Union Pacific to make it a permanent tourist attraction. He thanked the council for being willing to put money aside for tourism.

Council Member McCullough said he thinks the council should wait to put money aside until April. He would like to hear from the tourism committee on what they plan to do with the money. He will not support the issue tonight.

Council Member Smith moved to table until February 14, 2011 so it can be put on the agenda as a budget resolution and not a council action Item.

Council Member Boan withdrew his motion. Council Member McCullough withdrew his second.

CONSENT AGENDA

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

- A request from the Green River Liquor Association for twenty-four hour openings on Friday, June 24, 2011, Saturday, June 25, 2011, Saturday, October 29, 2011, and Saturday, December 31, 2011.
- A Catering Permit to China Garden, Inc. to cater alcoholic and malt beverages for the Duck's Unlimited Banquet on Saturday, February 5, 2011 from 5 pm to 11:30 pm at the Expedition Island Pavilion.
- An Agreement with Experience Pros/Eric Reamer for the D.A.R.E. Culmination Events in the amount of \$1,500 plus \$365 for travel expenses pending legal review by the City Attorney.
- Auto-renewal of the Agreement with Cisco for InfoStream Content Management Services in the amount of \$495 per month for Channel 13.
- Minutes for: January 11, 2011 Workshop; January 18, 2011 Council, January 15, 2011 Special Council Meeting, January 15, 2011 Workshop and Retreat.
- Financial Reports and Payment of Bills:

Prepaid Invoices = \$4,836.45	Outstanding Invoices = \$363,306.07
Pre-authorization Payments = \$755,000.00	Payroll Expenditures = \$348,023.48

CITY ADMINISTRATOR'S REPORT

Mr. Cook said the Southside Water System Improvement Project is moving forward and will be completed in late summer.

The Fleet Replacement Committee has some new criteria for the vehicle replacement program and they will be presenting it to council at a later date.

The Traffic Committee topics of discussion: speed bumps request for McKinney Street (not recommended), no parking zone on the west side of courthouse (recommended), remove the one hour parking signs in front of the courthouse on Flaming Gorge Way (recommended), request for a children at play sign on Pecan Street (not recommended), handicap parking at 163 S 5th West (not recommended).

Mr. Cook also discussed WAM Municipal issues and the Workshop agenda for next week.

CITY ATTORNEY'S REPORT

Mr. West had nothing to report.

MAYOR AND COUNCIL REPORTS

Council Member Killpack had nothing to report.

Council Member Boan thanked Mr. Peterson and Mrs. Dahlgren for volunteering to serve on a board. He also requested that the Mayor write a letter of interest for the Depot building.

Council Member Coppolo would like to see the Traffic Committee put no long term parking signs up in front of parks where children play.

Council Member McCullough had nothing to report.

Council Member Smith thanked the Tree Committee and Mr. Wilson for their help with the trees in the area. He also thanked the volunteers that serve on boards.

The Mayor said he has received a book titled *Rethinking* and recommended everyone read it. He asked why there are speed bumps in trailer courts.

Mr. Cook said trailer parks are privately owned property.

The Mayor said he would like to share the cost with the City of Rock Springs to bring in a key note speaker that spoke at the WAM Conference. He feels it would benefit the council and the community.

He also said the County Commissioners appointed Mr. Kolb as the representative on the Trans Basin Water Project. They are in support of the Sweetwater County Airport Water Structure Project. He said the Commissioners would like to see an in state contractors preference in order to keep local money in Wyoming.

ADJOURNMENT TO EXECUTIVE SESSION

Council Member McCullough moved to adjourn to executive session on personnel at 8:57 pm. Council Member Smith seconded. Motion carried. (6-0)

RECONVENE

Council Member Boan motioned to reconvene at 10:01 pm. Council Member McCullough seconded. Motion carried. (6-0)

COUNCIL ACTION ITEM

Council Member Boan motioned to re-appoint the City Administrator, City Attorney, City Prosecutor, and the Municipal Judge. Council Member Coppolo seconded. Motion carried. (6-0)

ADJOURNMENT

Council Member Boan motioned to adjourn at 10:02 pm. Council Member Killpack seconded. Motioned carried. (6-0)

H. Castillon, Mayor

ATTEST:

Jeffrey V. Nieters, City Clerk