

CITY OF GREEN RIVER
CITY COUNCIL WORKSHOP PROCEEDINGS
March 8, 2011

The Governing Body of the City of Green River met in workshop session at 6:00 pm in the City Hall Council Chambers. Mayor Castillon called the meeting to order. 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 Finance Jeff Nieters, Payroll/Purchasing Supervisor Trish Mansfield, Accounting Supervisor Chris Meats, Director of Community Development Laura Hansen, Community Development Planner Ladale Brinton, URA/Main Street Administrator John Dahlgren, Chief of Police John Love, Fire Chief/Emergency Services Mike Kennedy, Interim Parks and Recreation Director Allan Wilson, and Public Information Coordinator Stephen Pyles.

Extreme Country Stampede Tour

Cindy Brandjord presented the Extreme Country Stampede Tour event to council. The plan is to have this event July 9 and 10, 2011. This event has World Cup bull riding, Free Style Motor Cross, Country Music Performers, and some barbeque competitions. This event is all about family. The tickets are \$30.00 for an adult and kids under twelve are free.

Ms. Brandjord asked council to waive the fees for usage of the rodeo arena and Stratton Myers Park. She would like them to wave the fee for the arena sound system, provide arena dragging, and light fee for the two day events. She is also asking for council to provide staff for police patrol, garbage pick-up, and the preparation for Sunday's performance.

Council Member McCullough reported staff had said it would be hard to provide the dirt preparation for the motor cross and the bull riding event.

Ms. Brandjord said the motor cross event has its own pre-made jumps so they will not need to do any preparation.

The Mayor asked if liquor will be served at the event.

Ms. Brandjord said they are discussing the serving of liquor but they have not decided yet.

Council Member Smith asked if she has a group of volunteers or is she doing it herself.

Ms. Brandjord said she has a group of volunteers and the event coordinator, Ken Churchill will have his people do the set up.

Council Member Boan asked if staff has come up with the total cost for staffing this event.

Mr. Cook said the in-kind cost for staff is \$3,000 each day. The rodeo arena fees would be waived and the Stratton Myers complex fees would be waived at a cost of \$2,000. The total would be \$8,000.

Council Member Boan said until we hold it for one year we will not find the answers to the questions they have. He will support this event.

Council Member Smith asked if volunteers could sub for the staff so the cost would be lower.

Allan Wilson, Interim Parks and Recreation Director, said they could for the trash pickup but not for the dragging of the arena.

Council Member Smith asked if Ms. Brandjord could generate enough volunteers to do so.

Ms. Brandjord said she will try.

Council Member McCullough asked if there is any money made from this event where will the money go.

Ms. Brandjord said they are not sure. She is trying to get the 4-H Club involved, and she has contacted Cowboys against Cancer.

Council Member Killpack asked how successful the events have been in other areas.

Ms. Brandjord said they have been very successful. She has Charlie Sampson a professional bull rider willing to judge at no cost. She also has Abe Morris the writer of *My Hat Still Fits* that will announce for no cost.

Council Member Coppolo asked if this is a PRCA event.

Ms. Brandjord said no, it is World Cup Bull Riding event. This event brings in bull riders from all over the world.

Council Member McCullough asked council if they agree to put the waving of fees on the agenda for March 15, 2011.

Council members agreed.

Construction Method for Tomahawk Building

Mr. Cook said he wanted to inform council on the intent to move forward with the construction manager process for the bidding on the Tomahawk.

Construction manager at risk means a type of construction management delivery in which the construction manager at risk is an advocate for the public entity as determined by the contracts throughout the preconstruction phase of a project. In the construction phase of a project, the construction manager at risk is responsible for all project subcontracts and purchase orders and may conduct all or a portion of the construction project work. Under this delivery method, the construction manager at risk is responsible for providing a guaranteed maximum price for the project to the public entity prior to commencing the construction project and the construction manager at risk shall be required to bond any project with guaranteed maximum price in excess of one hundred thousand dollars in accordance with W.S. 16-6-112.

The construction manager at risk works with the city, the architect, and does not use the bidding process to go with the lowest bid. The city and the architect will work together to select the construction manager at risk.

Mr. Cook would like to move forward with this process because he feels; it gives the city the flexibility to hire the contractor they want, it makes sure the project is done properly, it allows them to control the project better, and it reduces the ability of change orders through the process. This is being done across the state of Wyoming and is permissible by law. He would like to direct the architect to move forward with the process.

Council Member Killpack asked if the cost would be controlled with this arrangement.

Mr. Cook said the integrity of all members would be relied upon. It gives flexibility to go local and it provides us with guaranteed maximum amount for the project.

Council Member Killpack asked if this excludes change orders that come up.

Gerry Myers, from Myers Anderson Architects, said all the subcontractors work is bid out. Unless there is a reason for disqualification the contractor will go with the low bid. The contractor cannot pick a subcontractor that is higher in cost just because he knows them unless there is justification.

Council Member Killpack said that it still could happen.

Mr. Myers said the contractor is the advocate for the project and is working for the city and has the cities best interest in mind.

Council Member Killpack asked if going with the construction manager eliminates the cities risk.

Mr. Cook said the risk is when you take the competitive RFP's and there are five bidders. Two local and three from out of state and the local bidders do not qualify. The job goes to an out of state bidder so you have a political environment where someone from out of state is awarded the project. This is where you would be scrutinized. He would like to go in the other direction and hire locally and not be stuck with the out of state low bid.

Council Member Killpack asked if the council will lose control of the project doing it this way.

Mr. Cook said he would keep the council informed. The whole intent is to have someone working on behalf of the city and not on the opposite side.

Council Member Coppolo said the construction manager way would bring it local because you are bidding on pieces of the job. The greatest benefit is the ability to control the costs of each project.

Brad Sutherland from Futures said if they would have been in charge of the project, they would have used the construction manager at risk. It is a great way to have more control on the cost of the project. It is a great way to work with grant programs because there is a total cost of the project up front.

Council Member Boan said he supports going with the construction manager.

Council Member Smith said he supports it also. He asked if we can pay for the construction manager out of grant funds, do we have enough grant funding to do the project, and can we still do this project within the two years that is contracted with Futures.

Mr. Cook said yes.

Council Member McCullough asked if council would like this to be placed on the agenda for the March 15, 2011 meeting.

Mr. Cook said it does not need to be put on the agenda.

Mr. Myers said they are not at final design or ready to bid yet. By the time the construction manager is here the project will be ready to start.

The Mayor clarified that the construction manager goes out and hires the subcontractors. He asked who picks up the bonding for the project. He also asked about the roof and the potential asbestos removal being included in the project.

Mr. Cook said the construction manager bonds for the project.

Mr. Myers said there was discussion about the possibility of asbestos, but they have not taken any samples or looked at the study. There will have to be more research done but this will be a part of the project.

Integrated Software Systems

Mr. Cook said he intends to put \$650,000 in next year's budget for new software that will benefit all seven departments within the city. The main portion of the software program was purchased in 2002. The city uses seven additional software programs that are not integrated with the finance system.

There are several reasons why this is important to staff. The life span of the current financial software has created a new product and will not be upgrading the one we have. At some point we will be forced to move forward. The citizens are requesting real-time conveniences like online bill payments. The current program for payroll is prone to errors and is time consuming.

The benefits of upgrading our time and attendance, and payroll software are:

- Integrating time and attendance with payroll system. This would allow the labor rules to be handled by a new fully integrated payroll/personnel software package.
- Streamline efficiencies with an integrated Human Resources module which will eliminate double entry, implement internal controls, and no longer require the management of two separate databases now occurring with Human Resources and Payroll.
- Enjoy immediate and current data history with drill-down capabilities for all city supervisors and department heads to track their division's labor costs.
- It will provide accurate and complete benefit information to the employees.
- Provide extensive reporting capabilities

Council Member Boan said he thinks it is time to upgrade, but his concern is the access of records in each department being protected.

Council Member Coppolo asked about the cost of the software that the city has now. He said there is a value to what the maintenance is for all the software.

Council Member McCullough asked if staff has looked into other areas that have this software system. He wanted to know if training on the software was included in the cost.

Mr. Nieters said he will be doing site visits and the training is included in the RFP's.

Council Member Smith said he is in support of this but there needs to be a lead person in this.

The Mayor clarified that this software does not include the cost of Microsoft upgrades.

Mr. Nieters said the Mayor is correct. Staff will be coming to council later for the money for Windows 7.

Increase for Utility Deposits

Chris Meats, Accounting Supervisor, said there has been an increase in tenants moving out and leaving unpaid balances. Since the landlords are ultimately responsible for the unpaid balances, these accounts are being reverted back into the landlord's name. He feels that increasing the deposit to \$150 would help eliminate some of the problems. This change would take effect on April 1, 2011.

It will not affect anyone who has already paid their deposit. It will only affect the new tenants. Mr. Meats said that staff has sent out letters to twenty-five landlords, they had thirteen responses in support and two against.

Council Member Coppolo asked if staff is having problems collecting from people that are gone and what is the process of collection that we use now to make sure we get the money, does the city put liens on the property.

Mr. Meats said no we do not put liens on the property. If money is owed it is ultimately the responsibility of the landlord.

Council Member Coppolo asked about people who own homes and leave with money owed for utilities.

Mr. Meats said on a house that is in foreclosure the money is collected through the assessments.

Mr. Meats asked the council if he could move forward with a resolution at the March 15, 2011 council meeting for an increase to the Schedule of Fees.

All council members said yes.

Green River Main Street Three-Year Plan

John Dahlgren, URA/Main Street Administrator, said having this plan will give a guideline that staff can follow for the next three years. Green River Main Street was organized as an offshoot

of the Urban Renewal Agency. It was accepted into the state and federal program in 2005 as one of the original Wyoming Main Street communities.

Three-year plan goals: Help existing businesses succeed, help attract new businesses to the Main Street area, implement the marketing, design and branding study ideas for the downtown area, improve the aesthetics of the Main Street District, improve access and accessibility in the Main Street District, increase the connectivity of businesses within the Main Street District, and engage the youth of the community for the Main Street program.

The Mayor said he would like to see an action plan for each of the goals.

Mr. Dahlgren said the committees will look at the plan and they will work together on how they can accomplish the goals.

Council Member Coppolo suggested adding completion dates to the goals.

Council Member Maes commended Mr. Dahlgren on his accomplishments with Main Street.

Council Member Coppolo said Mr. Dahlgren should talk to the local nursery about doing the flower pots on Flaming Gorge Way.

Planning and Zoning Commission and Board of Adjustment Restructuring

Laura Hansen, Director of Community Development, presented a proposal to combine the Planning and Zoning Commission and the Board of Adjustment. They are commissions that are outlined by state statutes. Staff has heard many times from the public that the City of Green River is not business friendly and the processes are not user friendly. This idea would streamline the processes, shortening the time frame for development, and reduce the unnecessary burden on the public. Having one board that can hear both applications at one time could complete the process quicker.

Ladale Brinton, Community Development Planner, said concerns have been raised as to how the Planning and Zoning Commission could hear variance request because they make the laws-ordinances of the city. She said the Planning and Zoning Commission does not make the ordinances, the governing body has the power and responsibility to make or change the laws. The Planning and Zoning Commission makes the recommendation to the governing body about plans, language amendments, and land regulations.

She said the Planning and Zoning Commission would have more of a history or background as to why the ordinance was instituted. Variance applications are requests to vary or adjust the strict application of the requirements of the zoning ordinance where it can be shown that, by reason of physical constraint of the lot in question, literal enforcement of the ordinance would result in unnecessary hardship to the extent that the property might be prohibited from being used in a manner similar to the other property in the same zone district. There are eight findings of fact that are required to be met prior to the granting of a variance.

Any appeals from the Board of Adjustment are made to District Court. They do not come before council. She reviewed this with the Karen Marty, Board of Adjustment Attorney, and she stated that she could not see where there would be a problem. However, it would take some ordinance changes.

Ms. Brinton has contacted other communities to see if they have combined the two commissions. She said Evanston, Cody, Riverton, and Laramie all have combined the commissions.

Council Member Smith asked what communities did not combine the commissions, and did they give a reason why they did not combine them.

Ms. Brinton said Sheridan and Rawlins were the only two that have not and they did not give any reasons why.

Norm Shantz, volunteer on the Board of Adjustment, clarified the Planning and Zoning Commission makes recommendations to the council, the Board of Adjustment decisions do not

go before the council. He personally has enjoyed being on the Board of Adjustment and he would not mind serving on the Planning and Zoning Commission. He does not see any benefit to combining the boards. He suggested advertising for volunteers for the commissions in the paper so that it goes out to more people.

Council Member Killpack asked if there is a variance request at the first of the month, is there a reason they have to wait until the end of the month for the Board of Adjustment to meet and make a decision.

Ms. Brinton said it is because of the ordinance requiring advertising in the paper. They have to advertise for the meeting fifteen days prior to the meeting taking place.

Council Member Killpack said it wouldn't make any difference even if they combine the commissions.

Ms. Brinton said if you miss the variance deadline you have to wait a month. It would still be longer if you have to wait for the Board of Adjustment. The deadline for the variances is not a set date.

Council Member Killpack said no matter when you place the variance application you will have to wait even if they combine the commissions.

Ms. Hansen said the main thing they are getting at is if someone has to get a special use permit to build a fence along with their office building. They would have to go through the Planning and Zoning Commission first, then to city council for approval, and in addition they would have to go to the Board of Adjustment. If the Planning and Zoning Commission was combined with the Board of Adjustment they would only have to go to one place.

Council Member Killpack asked how much time would be saved if the boards were combined.

Ms. Brinton said it would depend on the calendar days.

Council Member Smith asked if there is anything in the ordinance that says the chair of the Board of Adjustment cannot call a special meeting on the third Thursday if needed.

Ms. Brinton said no, they have had a special meeting one time before.

Council Member Coppolo said having enough volunteers to serve on a consistent basis is a problem. If you combine the two commissions he believes it will help.

Council Member Smith said having served on both boards; he does not feel they do the same thing. The Planning and Zoning is informal and the Board of Adjustment is formal. He feels Planning and Zoning is a great training ground for people who end up going to the Board of Adjustment. He is not in favor of combining the two.

Council Member Maes said the council asked staff to look into streamlining and being more business friendly. Staff thinks this is a way they could provide quicker service to citizens.

The Mayor asked what ordinance changes would be required.

Ms. Brinton said if they were to combine both boards staff would rewrite the Planning and Zoning section and merge the ordinances applying to the boards separately into one.

The Mayor asked how many decisions have been referred to District Court, and how many variants staff receives in a year.

Ms. Brinton said she has only known of one that went to District Court and was upheld in the last fourteen or so years. The requests have dropped from twelve to fourteen within a year to around three or four a year now. If they rewrite the ordinances they can address the issues that are commonly brought up as a variance and drop the numbers even more.

Ms. Hansen said the board's differences are currently being worked on. The boards need to be formal with legal representation. She is looking at the issue from the public's point of view and they do not like to go to more places than they have to.

Pete Gailey from the Board of Adjustment said he is not in favor of joining the two committees. He believes it is an extreme conflict of interest. If he ends up having to attend two to three meetings a month it is more than what he signed up for. He has a life and things he likes to do and that is why he likes serving on the board that he only goes to one meeting a month.

Jim Steiss, from the Planning and Zoning Commission, said he feels he can change hats pretty easily. He would rather have the two combined so he does not have to go to another meeting a month. He is in favor of merging the two boards.

Steve Galley, from the Planning and Zoning Commission, said there was a universal discussion of the conflict of interest. He was pleased to see the eight criteria that the Board of Adjustment has to consider when they hear a variance. There may be a feeling from the citizens that they are going into a meeting with the deck stacked against them, because the people who serve on the Planning and Zoning Commission are the same as the people serving on the Board of Adjustment.

Norm Shantz asked if they were going to have the combined boards acting on variances at the first and second meeting a month to accomplish more.

Ms. Brinton said she does not have any plans. She is waiting on the recommendation from council. If it was to work out that they could have two hearings that would be fine.

Norm Shantz said he thinks there should be some degree of authority given to staff to handle minor variance.

Council Member Coppolo said there will not be a need for all the meetings to be combined. It will depend on what is before the committee.

Ms. Brinton said that is right. They may need to meet and only review Planning and Zoning issues or Board of Adjustment issues at one time.

Council Member Coppolo said they could speed up the service by combining the boards because they will have more options to hear requests.

Ms. Brinton said yes.

Council Member Killpack asked if there was a need for the Board of Adjustment to meet in the six month time that they did not.

Ms. Brinton said no. It all depends on how you look at it. Volunteers are an issue. They have advertised on channel thirteen and by word of mouth for volunteers, but it seems to be an issue still. She feels it is easier to get seven members on a board to serve the purpose of both rather than fourteen people to serve on two separate boards.

Council Member Boan said he can see both sides of the issue. If there is no building going on then there is no need for variance requests. He will support keeping them separate.

Council Member McCullough said he thinks they should keep the boards separate, but have an alternate pool of volunteers to serve on both. Have nine people serve as needed for both boards.

Ms. Hansen said she has never heard of floating volunteers that serve on boards.

Council Member Smith said some of the people that serve on the Board of Adjustment or Planning and Zoning Commission have experience serving on both boards. He still feels it is better to keep the boards separate, but sharing members would be fine.

Ms. Brinton said there is concern by the Planning and Zoning Commission members that filled in on the Board of Adjustment. They did not want to serve on both boards. She is not sure what the volunteers that serve on either board will choose to do.

Council Member Boan asked if there are already three people serving on both, why not combine them then.

Council Member Killpack asked if each committee has to have seven members.

Ms. Hansen said the statues say at least five members, but our city ordinance says seven.

Council Member Killpack said it could be changed back to five so there isn't a problem.

The Mayor said it is time to move forward and put it on the agenda to see what happens.

Mr. Cook said the Director of Community Development has created a timeline: A public hearing before Planning and Zoning on March 23, 2011. April 19, 2011 for the first reading of the ordinance, the second reading on May 3, 2011, and the third reading on May 17, 2011 with an effective date of May 25, 2011.

The Mayor thanked the volunteers that filled in on the Board of Adjustment.

City Administrator's Report

Mr. Cook said the city will be moving forward with the service agreement for the service road. The agreement is on the agenda for March 15, 2011. The City of Green River will be responsible for 48% (\$73,986.67) of the project with the other entities responsible for 26% (\$41,056.67) each.

The timeline for the renovation of the HVAC system at the Recreation Center is starting on March 7, 2011 with major construction the week of March 14, 2011 with completion in the month of May.

Staff is currently conducting the annual employee performance evaluations.

Mayor and Council Reports

Council Member Smith thanked Community Development staff and volunteers for their service.

Council Member McCullough thanked the four volunteers who attended the meeting.

Council Member Coppolo reiterated the comments from other council members. He hopes to see some of the Main Street plan implemented soon.

Council Member Maes said she agrees with council members. She thanked staff for their opinion and explanation on issues. She thanked Mr. Dahlgren with Main Street for doing a good job.

Council Member Boan said thank you to staff and Main Street for their hard work.

Council Member Killpack said thank you to staff for their continued good work. He said council members are not trying to be offensive or disrespectful. They are trying to get the information they need. He said he would not be at the meeting next week. He will be in Cancun.

The Mayor echoed council member's comments. He also thanked volunteers for their services.

He said a business owner came to him with some concerns on how the city was doing business. He suggested streamlining things within the city to make it easier for citizens. He said he asked the citizen to gather five people together to serve on an advisory group to discuss concerns or ideas they may have.

He said he met with the commissioners on Friday to go over the ownership of the CDC building. The County feels they need to take over the project in Green River and the building in Rock Springs. He suggested they have a workshop.

He said on Monday, March 14, 2011, at 10:00 am, there will be a water meeting. The purpose of this meeting is to discuss how they are going to continue with the level three study.

Mr. Cook said the meeting was called by the Wyoming Water and Development Commission. They received the funding for the joint analysis for the City of Green River and the RIO-Vista Water and Sewer District. Bryan Seppie will be doing the presentation and requested both entities be present.

Adjournment

The meeting adjourned at 9:03 pm.

H. Castillon, Mayor

ATTEST:

Jeffrey V. Nieters, City Clerk