

**CITY OF GREEN RIVER**  
**CITY COUNCIL WORKSHOP PROCEEDINGS**  
**April 12, 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, 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, and Public Affairs Specialist Stephen Pyles.

**Peru Hill Archeological Project**

Ruth Lauritzen, a representative from the Green River Historical Preservation Commission, said the Peru Hill project had archeological survey testing and data recovery for the sites in the Peru Hill area west of town. The people that were involved: the City of Green River, Bureau of Land Management, Sweetwater County Historical Museum, Western Archeological Services, Current Archeological Research, and the Green River Historic Preservation Commission.

Council Member Coppolo entered at this time.

Ms. Lauritzen explained the Green River Historical Preservation Commission is made up by 5 volunteer board members appointed by the Mayor which undertakes projects and consults on matters pertaining to historic preservation in Green River. The GRHPC was asked to seek a grant through the Wyoming Cultural Trust Fund to fund the position of the overall project which recorded, evaluated, and recovered data of the Peru town site. They received \$5,000 and it funded a two year Western Wyoming Community College field class on Archeological methods. It also provided local public programming including a public program and an eventual exhibit at the Sweetwater County Historical Museum.

The local programming was called Peru Tracking Down a Lost Railroad Section Camp which was done by Dr. Dudley Gardner. The Peru camp was established for maintenance on the railroad tracks. The buildings are no longer at the site.

Ms. Lauritzen said this has been a very interesting project because it brought the idea of the section camps to the people's minds. The final report for the Wyoming Cultural Trust Fund Grant will be going in at the end of this month.

Council Member McCullough thanked Ms. Lauritzen for her presentation and he asked where the exhibit will be.

Ms. Lauritzen said the artifacts are going to be in different locations, Western Wyoming Community College and at Western Archeological Services.

Council Member Boan said he read the report and found it very interesting.

**Legislative Presentation – Local Legislative Representatives**

Local Representative John Freeman said there were six main goals given to the legislators for the 2011 session:

- \$52 million given to cities and towns, \$26 million for services and \$26 million for construction. The budget finally came down to the cities receiving \$45 million for supplemental funding.
- There were two bills that the city wanted the legislators to support: The first was the diversion of 5% Sales Tax between cities but this did not go forward. The second was to raise the cap on severance tax and this did not get out of committee.
- The ten cents per gallon increase on gas taxes but the legislators are not interested in increasing taxes during an economic recovery.
- The modernization of Solid Waste Disposal and the legislature was proud to set aside \$15 million for the start.

- The city was against the mandates of excessive information by the Wyoming Press Association. This was an interesting discussion and the thought was there has to be a balance.
- A frontage road between the City of Rock Springs and the City of Green River but this did not come onto the floor.

Other high interest topics that were discussed:

- House Bill 143 which is to extend tax exemptions for manufacturing equipment.
- The Sex Offender Registration Amendment which states a juvenile sex offender did not go on the sex offender registration list when they turned eighteen. There was a compromise, if you are a repeat offender as a juvenile you will be put on the offender list after eighteen but if you did a small indiscretion you could work yourself off of the list.
- House bill 129 was also discussed and it proposed if a police officer pulls you over and requests you to take a breathalyzer and you say no, he then could call a Judge and get an electronic search and seizure and you would have to comply.
- Regarding County Commissioner vacancy issues, there was a bill passed that will require fifteen days for public comments before a new vacancy is filled.
- John Hastert worked hard to get the strangulation of a house member charge changed to a felony.

Mr. Freeman will continue to support the city's need for a dependable funding source. He said Representative Stan Blake sends his apologies for not being able to attend, he had to work late.

Council Member McCullough asked where the money for the interstate come from.

Mr. Freeman said he is not sure. Many legislators think that the money that they get from the mineral extraction will pay for the interstates. They have looked at a toll road on I-80.

The Mayor asked how the SF 103 the Gillette Madison Water Project Funding was ear marked by the legislature when it seems other areas have to struggle with asking the SLIB Board for assistance.

Mr. Freeman said during the legislation it was thought that Gillette needed that money to get the project going and to maintain their area.

The Mayor said the Energy Impact and County Roads program provides grants for counties. His understanding is that Sweetwater County will not be able to qualify for this \$6 million, but this county is one of the largest counties in Wyoming.

Mr. Freeman said this bill was set up to do some proactive measurements on roads that were being tore up by the high truck traffic from the oil and gas industry. Sweetwater County can raise a lot more money when they raise the mill levies and these other areas do not have the infrastructure to help raise the funds.

The Mayor was disappointed in the whole outcome of the legislative session. This will make it hard on communities to make it through the low economy and plan budgets.

Council Maes said quite a bit of the sales tax percentages that come to the cities has gone down. She said 70% of the population lives in a municipality. She said the people of the community need to call their legislators and let them know how they feel.

Mr. Freeman said one of the most important things the city has is WAM. The Wyoming Association of Municipalities could be a great way to have an advocate for local money and control.

Local Representative Stan Blake said he was disappointed in the amount of money that was given to the cities and counties. He was a part of the bill for Sex Offender Registry. He said the concealed weapon bill passed.

Mr. Cook asked since the ten cent tax on gas failed, where does Mr. Blake think the transportation will go now.

Mr. Blake said he thinks the discussion on the I-80 toll road will come back up and they are trying to exclude Wyoming residents from having to pay. He is not sure where the money will come from for repairing interstates.

He said he was disappointed that the extension for unemployment benefits did not go through.

### **Joint Powers Telecom Board Proposal**

Steve Shea, Chairman of the Joint Powers Telecom Board, said he will be stepping down from chair at the next meeting on Thursday, April 14, 2011, at 10:00 am in the Green River Council Chambers.

He said in 1998 fiber was coming into the area. Enron came through and negotiated with the cities to lay their lines on the Green River water pipelines. The cities paid for the fiber to go from Blairtown road all the way out to Point of Presence on Highway 430. The other company that had a part in this was Sweetwater Cable TV. They had the idea to run fiber on power polls in both cities. The cities fiber and Sweetwater Cable TV fiber is in the same cable in the same conduit. This was a large savings for all parties involved.

What Wyoming.com is proposing is to tie onto the Joint Powers Telecom Boards fiber backbone and come off of it at Crueljack's. The JPTB will simply be selling bandwidth and or fiber to Wyoming.com to open up services in the area. This would increase the amount of bandwidth that is offered to the cities.

Steve Shea said the JPTB does not sell to private entities, they only provide service to governmental agencies.

Council Member Killpack asked Mr. Shea why he is stepping down from the JPTB.

Mr. Shea said the language in the board's agreement is not clear and he has been on the board for 10 years. He had two terms on the board as a council member and two terms at large.

Council Member Killpack said he understands the two services aren't separated. If that is the case after he served his two terms then all the decisions that have been made have been done by an illegal board.

Mr. Shea said that is not correct. The board has been advised by the attorneys from the JPTB and the City of Rock Springs, that it would take processing through the courts to determine that. The JPTB has not had that many projects.

Council Member Killpack asked if he knows for sure if he acted legally or not.

Mr. Shea said he has not been given the expression that anything illegal has been done.

Council Member Killpack asked if that is the case why is he stepping down.

Mr. Shea said he is stepping down because there is a potential lawsuit and that could prevent the proposal from happening.

Council Member McCullough said he gave a good history on the JPTB. He feels Mr. Shea is planning for this like it is already a done deal. The way the JPTB has gone about this is wrong.

Mr. Shea said there has been no agreement signed. It is an opportunity to open up the network.

Steve Mossbrook, owner of Contact Communications and Wyoming.com, said what is being proposed is for Contact Communications to rent fiber from the JPTB. Contact Communications is a certificated communications carrier in Wyoming. Contact Communications is known as a competitive local exchange carrier; they compete with Qwest in a number of markets. The service that Wyoming.com provides to users in Wyoming also connects through Contact Communications as a carrier. Wyoming.com buys backbone connections from Contact Communications. What would happen under this proposal is mandated under Wyoming Law for any public entity that owns telecommunication facilities. One law enables public entities to build

communication facilities and the other enables carriers to use in a competitive neutral manner. The entities who own infrastructure are precluded from selling the infrastructure to compete with the carrier and to sell to retail users. Wyoming.com is the name you see that sells internet service. Wyoming.com is not involved in this deal with JPTB.

All that is being proposed is the additional bandwidth on the fiber out at the POP. Take the bandwidth back off the fiber at Crueljack's; where they would situate a much larger router because there is going to be a lot more bandwidth. Then the bandwidth would be sold to Wyoming.com at Crueljack's where they would route it to the tower at White Mountain south. The basis of this proposal was a grant to serve Atlantic City, Wyoming with internet. There is a cooperative grant that was given three years ago to provide internet service to 70 residents. The whole idea was to provide this service and possibly provide service to Farson, Big Piney, Jonah Fields, and Pinedale. They have actually designed this to service all these areas based on the need of bandwidth. Wyoming.com is already a partner with the JPTB. This proposal is almost identical to what the cities and Sweetwater Cable have been in. The big benefit to all is, by increasing the total bandwidth available, the cost will be cheaper.

Council Member McCullough asked when he proposed this to Joint Powers Telecom Board.

Mr. Mossbrook said he did not present any proposal to the board.

Council Member McCullough feels that Mr. Mossbrook went about this incorrectly and it should have been handled in a different manner.

Council Member Killpack asked who they presented the proposal too if they did not present it to the board and why weren't they going directly to the level three to purchase the bandwidth.

Mr. Mossbrook said level 3 is the giant carrier and Contact Communications buys as a carrier into level three. Contact Communications is asking to rent four strands of fiber to connect to Crueljack's where Wyoming.com would pick it up.

Council Member Killpack asked where the JPTB gets their signal from.

Mr. Mossbrook said from Contact Communications. He said there are two companies and they are totally separate. One is a certificated carrier and one is a retail service provider.

Council Member Smith asked where he could find the law that he spoke of.

Mr. Mossbrook said it is statute 37-15-413.

Council Member McCullough said he wanted to apologize to the council because of what he said about dissolving the Joint Powers Telecom Board. He did this because he thought the JPTB would vote in favor of this project without going to the council.

He said the JPTB was given a mandate by both cities to use bandwidth only for government systems. Mr. Shea should have come before both cities and ask if the JPTB could sell unused bandwidth to companies, but he did not. If council did give permission to sell bandwidth then it should be opened up to all companies. He said Wyoming.com has not come before the JPTB to say what they would like to do. All of this has been done through Mr. Shea the chairman on the JPTB.

The bylaws of the JPTB say that you can only serve two consecutive terms which would be six years, but Mr. Shea has served eleven years as chairperson. He thanked Mr. Shea for his service on the board.

Council Member McCullough also noted the JPTB is supposed to give council a copy of the minutes and yearly reports but this has not been done.

Council Member Boan asked how much will the JPTB charge for the bandwidth.

Mr. Shea said it will depend on what services they want.

Council Member Boan asked if Sweetwater Cable owns thirty-six strands of bandwidth; had they done anything to provide services to the other communities.

Marty Carrolo said no they do not plan to provide service to the other communities.

Council Member Boan asked the JPTB could draw up an agreement that says they could provide services only to the other communities and not to Green River or Rock Springs.

Mr. Shea said yes.

Council Member Boan asked if Farson, Big Piney, Atlantic City, and Pinedale have services right now.

Mr. Mossbrook said no, he does not believe they have anything.

Council Member Coppolo asked if this proposal is approved, will it give better service to the Rock Springs and Green River areas.

Mr. Mossbrook said yes a little bit down the road, it will also provide the ability to expand if needed.

Council Member Killpack said if they would be using the fiber that has been purchased by Sweetwater Cable.

Mr. Mossbrook said the conduit is owned by JPTB. There are thirty-three strands of fiber owned by JPTB. What is being proposed will run on the JPTB fiber only.

The Mayor said he is not a fan of joint boards. They take on a life of their own. He is opposed to government involvement in public utilities. It is supposed to be used to serve only government. He is opposed to the fact that this has happened without informing the cities. He feels the proposal is premature. It needs to include all other interested carriers. He said he sees it as a resource that should be offered to the public to provide better services. He said he will support what council decides to move forward with, but until he sees a formal proposal with details of what is needed he will not support it.

Mr. Mossbrook said under law the JPTB cannot sell to the public. They are just asking for a carrier to be able to rent the fiber.

The Mayor asked how many carriers are going to be involved.

Mr. Mossbrook said they are not sure. In the negotiations they are going to put up equipment to enable greater service.

The Mayor said if this is going to be done for one carrier then it should be opened up for all carriers. He said the JPTB needs to go back and open it up to all carriers and then pursue moving forward.

Mr. Shea said they have been waiting for this kind of opportunity to come forward. He said the JPTB will do what he requests.

The Mayor said the JPTB needs to come to the municipalities and clarify exactly what they need and how they plan to do this.

Mr. Shea said they have come to the council with a proposal, nothing has been signed.

Council Member Smith said he agrees with the Mayor. He hears that the public wants better service and they do not want the government keeping these resources to themselves.

Barbara Ramsey local business owner said she has concerns as a business owner. She has a medical business and the State of Wyoming has new requirements that are being issued to medical facilities. They are requiring electronic medical claims and records. The state has benchmarks that require these facilities to be capable to run off the internet with the speed that is

needed. They call it telemedicine. In this area we do not have the capabilities for the speed that other areas have. Unless they can comply with the federal or state mandated requirements they will have to shut the doors to their business. They need to have better service to help them comply with the telemedicine requirements. It is more than a demand for better service it is a necessity for the businesses.

Council Member Killpack asked what kind of speed she needs.

Ms. Ramsey said she asked if three would be enough by the year 2015, there won't be. Right now they would like to have ten but they currently have two.

Marty Carolo from Sweetwater Cable TV said like Wyoming.com they have seen an increase of capacity usage for internet of 40%. He saw it coming so Sweetwater Cable TV went forward with Qwest to increase their bandwidth. Next week they will go to 640 meg connect. Right now they offer speeds for businesses at 20 mega downstream by 10 upstream. They do not offer this to residential users because of the jump of internet usage after 3:00 pm. Right now businesses have upgraded to a standard business at 8 meg down by 1 1/2 meg up. They also have a standard plus at 12 meg down by 3 meg up. The bandwidth is there and the usage is in place; it is in the immediate future.

Al Carolo from Sweetwater Cable TV said it is not their interest of being in the middle of this fight but they have to protect their business. There are some issues that he would like to talk about. The first is Mr. Shea said they were going to sue him. That has not happened; they called their attorney and questioned the rules that were set down by both cities for the JPTB about the serving of terms on the board. They are forcing the issue because the bylaws need to be followed. Mr. Shea needs to go because he has lost the sight of the values and the original intent of the JPTB.

Mr. Carolo said Sweetwater Cable TV only purchased the cable that went from Blairtown to the other side of the city. They paid to have it extended from Blairtown to the Rock Springs City Hall. The cable was not blown in by him it was blown in by Enron and their contractors. They only paid for the fiber, and they were pleased to do so.

The JPTB has \$180,000 in their bank account; why are they not giving money back to the cities? They are planning to build a building to house a router and they will use this money to do so. He is wondering what kind of board is the JPTB, what is their purpose. He said perhaps the actions taken while Mr. Shea chaired are illegal since his term was over the six years.

Mr. Carolo said they are trying to survive in a very competitive market and they have spent over two million dollars trying to do so. He will not back down from Mr. Shea's removal from the board and he will not back down from requesting information. The cities would not have the circular interconnect if it was not for them. It costs the cities nothing to have this. He does not know what he has done to the cities to make them do this.

### **WYODOT Urban System Program Local Match**

The program was authorized by the Transportation Commission of Wyoming. The eligibility requirements are: population is greater than 5,000, approval by the Transportation Commission of Wyoming as an urban area, cooperative agreement to establish procedures, and an urban systems advisory committee has to be appointed.

The Urban Systems Advisory Committee is required for each designated urban area. They are responsible for recommending potential projects to local government officials. The committee should be comprised of city and county officials or designees, local citizens, WYDOT's district or resident engineer, and a representative from WYDOT's Planning Program. All projects must be initiated through this committee and any major change in project scope must be coordinated through it. There are seven steps that have to be followed by the committee:

- Make a prioritized list of projects
- Send a letter to the State Planning Engineer by the Urban Systems Advisory Committee asking for the project to be included in the State Transportation Improvement Program
- Prepare a planning study report

- Prepare a cooperative agreement between the City and WYDOT
- Prepare a final project sequence list based on the results of the reconnaissance reports
- Local elected officials and WYDOT ratify and certify project sequence lists
- Negotiation of a final cooperative agreement for phase two engineering and constructing the selected project

The funding is distributed by formula and allocated to all urban areas in Wyoming participating in the program. WYDOT pays 90% and the city's match is 10%. The City of Green River currently has an allocation of \$256,335.00. The city's current balance is \$2,200,000.00.

Council Member Coppolo asked why we do not use our own engineer instead of using WYDOT's engineer.

Ms. Hansen said WYDOT bids it out and they send it to who they want and we do not have a part in it.

Council Member Smith said there is good amount in the account. He asked if the city could do the first, second, and third priority streets that need to be done.

Mr. Nelson said it is not in the budget for next year so he said it would be a year later.

The Mayor asked Mr. Cook if the streets he is recommending in the budget are included in the priority streets.

Mr. Cook said no.

### **Child Development Center Building Discussion**

The Mayor said the city received a letter from the Sweetwater County Board of Commissioners Chairman Wally Johnson expressing the interest in owning the new CDC building that will be built in Green River.

The Mayor asked the council if they would approve of him signing a letter in support of the County taking ownership of the building and sending it back to the County Commissioners.

The Mayor said the CDC building is going to be on land leased from the city, so they will continue to do so even if the County owns the new building.

Council Member McCullough said if the County does not take the building, the city should step forward and take ownership of it.

All council members supported the Mayor's request.

Micki Pence Program Coordinator at the Child Development Center said her concern is that this will be done in a timely manner. She is not sure of the County's priorities.

Ann Owen, Regional Coordinator of the CDC, said they worked hard to get the sixth-cent passed, and they knew after it passed they would have to start working on who was going to own the building. She thanked the city for considering owning the building. She said the collection for the tax started April 1, 2011 and the Sweetwater County Treasurer estimates by June 10, 2011 there should be \$1.6 million. He thinks all of the money should be all collected by December. She thanked everyone for their support.

### **Social Media Update**

Stephen Pyles Public Affairs Specialist, said social media is the use of web-based and mobile technologies that seek to turn communication into interactive dialogue. The city uses social media because it creates awareness, engages people, publicizes city activities, informs the public of the city's work, news, and updates. The city uses three networks: Facebook, YouTube, and Twitter. He encourages everyone to check out the city's website at [www.cityofgreenriver.org](http://www.cityofgreenriver.org).

### **City Administrator's Report**

Mr. Cook said next week, at the council meeting, staff will propose a change to the Parking of Motor vehicles and towing vehicle on streets and alleys. They would like to change the language to say twenty-four consecutive hours instead of seventy-two hours. The way it is worded now makes it very hard to enforce. He would like to move this forward for first reading on April 19, 2011.

Council Member Coppolo said they need to add the sentences to say “any motor vehicle to park” or “allow the same vehicle to park on any street”.

Council Member Boan said he is not ready for a first reading before the council or the public had a chance to be informed or to discuss the changes.

Council Member Coppolo said the reading of the ordinances gives the public an opportunity to speak on any issues they have with the proposed changes.

Mr. Cook said it could take a month and a half to pass this change.

Council Member Killpack said he thinks twenty-four hours is too short.

Council Member Coppolo said he hates seeing the streets being used for storage. The problem with the ordinance now is a police officer cannot drive by and know how long the vehicle has been on the street.

Council Member Killpack said it will be the same if they change it to twenty-four hours.

Council Member Coppolo said they need to put the loading and unloading back into the ordinance.

Mr. Cook said basically it is unenforceable as it is written now.

Council Member Smith said they need to get it in motion and move forward.

Council Member McCullough said seventy-two hours instead of twenty-four hours should be plenty of time.

The Mayor and council approved to move it to first reading.

Mr. Cook said the recycling program agreement will expire this month and staff has been working diligently with Rock Springs to come up with another recycling agreement. He is asking for two council members to volunteer. Council Members Maes, Smith, and Coppolo volunteered.

Mr. Cook said interviews will take place tomorrow at 1:00 pm for the Construction Manager at Risk for the Tomahawk.

He would like to have a workshop for health insurance proposals on April 26, 2011, at 6:30 pm.

He said the Leads Luncheon last week was outstanding.

### **Mayor and Council Reports**

Council Member Smith had nothing to report.

Council Member McCullough said he has no problem with changing the budget workshops to 6:30 pm.

Council Member Coppolo said he will be attending the Airport Board meeting, and he will not be at the council meeting next week.

Council Member Maes had nothing to report.

Council Member Boan said the JBTB issue will be a hard decision to make. He said the city needs to get someone to write grants.

Council Member Killpack had nothing to report.

The Mayor said he met with the county commissioners and Mayor Demshar today, and they discussed budget issues, the Child Development Center Building in Green River, the Airport Board, and the legislative issues. He reminded everyone about the Citizen's Summit on Thursday, April 14, 2011.

### **Adjournment**

The meeting adjourned at 9:51 pm.

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H. Castillon, Mayor

ATTEST:

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Jeffrey V. Nieters, City Clerk