

**CITY OF GREEN RIVER**  
**CITY COUNCIL WORKSHOP PROCEEDINGS**  
**May 10, 2011**

The Governing Body of the City of Green River met in workshop session at 6:30 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, and Gene Smith. 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, Director of Human Resources Debbie Klein Robertson, Chief of Police John Love, Fire Chief/Emergency Services Mike Kennedy, Interim Parks and Recreation Director Allan Wilson, and Public Affairs Specialist Stephen Pyles.

Council Members Coppolo and Killpack were not present.

**Joint Powers Telecom Board**

Joint Powers Telecom Board Chairman David Halter said the board was formed around ten years ago and its mission is to provide for an efficient orderly and economical feasible method of purchasing, constructing, financing, and the operating of the two telecommunications systems. The original idea was to build fiber to the home but they were told to provide access to governmental agencies only. They provide service to the City of Rock Springs, City of Green River, Sweetwater County, the Sweetwater County Library System, and Western Wyoming Community College.

The proposed plan is to open up the fiber network to local providers in the area. This will help with the internet demands in the area. Contact Communications is a sister company of Wyoming.com and is a Certified Licensed Exchange Carrier. They would like to lease fiber from the JPTB at the level three POP to a wireless connection on White Mountain.

The JPTB will not be competing with local providers. They will not re-sell bandwidth to consumers that are able to get it from another provider. They are not subsidizing private businesses.

Wyoming.com will provide all equipment and facilities to expand the infrastructure on this project. Contact Communications will be building out the fiber optics to improve the services in the Rock Springs community as well as Green River. They will not be allowed to re-sell bandwidth to local providers other than Wyoming.com and JPTB. Contact will be providing a redundant connection to the JPTB. Contact will be required to give the JPTB a discount on their bandwidth charges from level three. This will lower the government rates.

The residents of all communities will benefit by having more options for internet connectivity. The local providers would be able to keep up with the demand and the cities would be up to date on the speed with more bandwidth to spare.

The Mayor said this is the first time council has received a good idea on what the board is all about and their plans. He thanked him for a job well done.

Council Member Boan asked about the Memorandum of Understanding Section 3: In doing so the JPTB will not directly compete with private businesses in the final delivery of Telecommunication Services to the end user, except in those circumstances where private businesses do not or will not provide similar services to the residents of Rock Springs or Green River.

He asked if they would provide services to residential homes.

Mr. Halter said they would not provide any services to residential homes unless the other local providers cannot or will not. He reminded council that the MOU can be changed, it is not finalized.

Council Member Boan said he supports opening up the network, but he does not like the paragraph as it is because they would be in direct competition with local companies.

Council Member McCullough asked council if they would agree to have this put on the agenda for the next meeting to vote on the MOU.

All Council Members agreed to have it put on May 17, 2011 council meeting agenda.

### **FMC Spur Road Inberg-Miller Agreement Amendment**

Mr. Cook said Items two and three on the agenda are amendments to the contract for the Spur Road Project from Inberg-Miller and Reiman Construction. The first is a change order request for an additional \$69,525 from Inberg-Miller and the second is for additional time for construction from Reiman Construction.

Public Works Director Mike Nelson said the project was supposed to be completed in October of last year, but they came in December for a change order for the breaking down of rock. The project had a winter shut down in December and that is why they are in need of a change order and more time to complete the job.

Inberg-Miller Engineer Mike Brown said the project was supposed to be completed on October 14, 2010. December 21, 2010 the contractors shut down for the winter. The contractor has started back up on the project as of Monday May 9, 2011. This time extension has come about by the amount of rock that has to be crushed and excavated on the project. The contractor has requested to have a one hundred day extension for the project. The change order for the \$69,525 comes from the extension of days for the project.

Council Member Boan said he would not vote for this change order. He can't imagine why it would take almost the same amount of time to complete this project as the project was bid for. The project was bid for 130 days and they are asking for an extension of 100 days. He will not give any more money until the job is complete and they can discuss the finalized amounts.

Mr. Brown said the original contract time was for 130 days. The 100 day time extension is because of the rock excavation overrun and hauling of the rock from the borrow site.

Council Member Killpack entered at this time.

Council Member McCullough asked "how did they not know the rock was there?"

Mr. Brown said they did know it was there but they did not know it was as extensive as it was. They estimated approximately 31,500 cubic yards of rock would be removed and today they have removed 39,000 cubic yards of rock.

Council Member Boan said in the report that was given to the contractors when they bid on the project, on page three, it states there is a high amount of rock there and it would take specialized equipment to break it down. The contractors knew about the rock when they bid.

He asked who is responsible for making sure the contractor has everything on site like he should.

Mr. Nelson said it is the responsibility of the city, the engineer, and the contractor. Everyone knew that the equipment that was on site would not be able to break down the rock as specified in the contract.

Council Member Boan said all three are at fault.

Council Member McCullough asked if there will be any more change orders on this project.

Mr. Brown said the contractor has assured him that they can finish the job in the amount of time they have asked for, and Inberg-Miller will not be asking for anything more.

Mr. Nelson said there will be one more change order at the end of the project. It will be the final adjusting change order. He said when they say 100 days it does not mean as of today, starting this week it is around 35 more days until complete.

## **FMC Spur Road Reiman C.O. #2**

Reiman Construction Representative Scott Reiman said they will complete this project within thirty days. They have held to their statement, that they will not be asking for more change orders to complete this job. The rock has been a large issue and the companies that are working on this project have had to come back in stages to complete their work and that is a large reason for the extra time needed. He invited everyone out to take a look at the site to see what they are working with.

Council Member Boan asked when the project completion date with the change orders is.

Mr. Nelson said it will be the middle of June.

## **Lynn Jackman Presentation on SE Water Improvement Project**

Mr. Cook reported that the City Attorney Mr. West has requested that Mr. Jackman's legal representative not speak tonight. This is an open meeting and Mr. Jackman has the time to express his concerns but his counsel cannot speak.

The Mayor said he will not go back and forth over legal issues but if Mr. Jackman would like to speak he is welcome.

Attorney Clark Stith said he is disappointed. He requested this meeting and Mr. West never indicated that he would not be able to speak, but Mr. Jackman could speak for himself.

Mr. Jackman said this weekend he delivered packages to each council member. He said there have been a number of deceptions by the city staff on how change orders have originated. Council only sees one number. They do not see all of the bid papers. He said there has been no low balling on a bid. Every bid form has so many feet of pipe that is needed and that is what is bid on and the only way they end up needing a change order is because of more pipe being used than originally bid on. This is not his fault; it is the addition of products on the project.

His profits come from the mobilization part of the bid, and this has been limited to 10%. This is where the contractors would put their total profits into to help make it through the job. He would never profit from the addition of pipe.

He said they have had tremendous difficulties with the engineering company. They were told that the pipe they had on site was used. He had to go to the seller and then to the manufacturing company to say it was new pipe. He had to cut out and add new pipe and did so with the inspector watching, and when he bolted them together, the inspector made him cut them off because the pipe did not have the numbers he wanted on them.

On another job he needed three 10-inch pipes, and he was told one had stamps and the other two do not so they were not accepted. They are required to bring in sand for one of the projects and they truck it in from a site that was given to them by the city. They were accused, by the inspector of taking sand at night and using it on another job so now they have to have their trucks weighed before they get the sand and then after. This has never been required and is not the way you treat contractors.

Mr. Jackman said he received a letter from the engineer to have the superintendant removed from the job just because she is a woman and smarter than the engineers on the project. The inspector found him at home and proceeded to beat him up. If this would have been done at any other job he would have been thrown off the job, but he can do it and nothing gets done about it.

He said there is a pump-house on a project and there are four suction barrels. These were supposed to come in on November 3, 2010. They tried and tried to call them to see why they were not on site but no one would talk to them. There was only one specified in the bid so they cannot go anywhere else.

He said there was a building permit problem. February 11, 2011 was the first day they requested a building permit. They were told that there has been no final review of the project plans done by the Fire Marshal. They sent the plans to him and two months later he came back with some

recommendations: a roof hatch that is bigger than the trusses so they will have to be ordered and replaced, he wants 26 foot drives around the building. He contacted the Fire Marshal to see if these issues were addressed and he said no. Then he called the engineer and asked him the same question and he said yes, everything was taken care of. He is not sure what to do about this problem.

He applauds the council for taking the steps with the FMC Spur Road change order issues.

He said the city has great assets in the engineers they have, Dave Westling and Steve Monk, and he would like to see one of them put on this project.

The Mayor asked Mr. Jackman if he was going to be able to complete the job on time.

Mr. Jackman said he does not see any problems with being able to finish on time, but it could change if they have to put the road in like the Fire Marshal is requesting. They have met every date that has been requested of them.

Council Member Boan asked who is responsible for sending the plans to the Fire Marshal.

Community Development Building Inspector David Allred said the owner or the contractor. He noticed that there was no building permit. He told them they had to submit the plan to the Fire Marshal for approval.

Council Member Boan asked what part does the Community Development Department play in the plans.

Mr. Allred said the engineer should have sent him a set of plans. He did not receive any plans until the project was going forward.

Council Member Boan asked how this project went out for bid without staff looking at the plans.

Community Development Director Laura Hansen deferred the question to Mr. Nelson. She said Community Development's responsibility is, when a complete application is received they forward it on for review.

Mr. Nelson said the way it was set up in the specifications, the plans, in the pre-bid meeting, and the pre-construction meeting, was that all of that is the responsibility of the contractor.

Council Member Boan asked if this was written out in a contract.

Mr. Nelson said yes.

Mr. Jackman said in the specifications he was required to get a building permit and that is it. He was told by the Fire Inspector that it was unusual for the contractor to be sending the plans to him.

### **Structural Study for Winter Building**

Plan One Architect Charles Van Over said he was asked to draw up some plans for the new Police Department. What he has tried to do is use the skeleton of the existing building. In the basement they have: bays for vehicles, temporary holding cells, shooting range with an armory, and an evidence storage room. On the main floor there is: squad room, evidence room and offices, work spaces, sheriff's office, clerical offices, fingerprinting room, interview rooms, restrooms, locker room, and a conference room. On the next floor they have: detective offices, interview rooms, break room, bathrooms and lockers, storage spaces, and other offices.

Council Member Boan asked about the cost of the shooting range.

Mr. Van Over said they are not sure on the cost.

Council Member Maes said there are other places that have shooting ranges so they could ask them.

Chief Love said he would check into it.

Council Member McCullough asked what the square footage is that the Police Department occupies now.

Mr. Van Over said he does not know the square footage numbers.

Council Member McCullough said it is considerably more than what they have now.

Mr. Van Over said at least two to three times more.

Council Member McCullough said the Municipal Court could go onto the third floor since there is so much room.

The Mayor asked if the building would be ADA accessible and if there was an elevator.

Mr. Van Over said yes.

The Mayor asked about the parking.

Mr. Van Over said there are around 48 spaces to park in total.

Chief Love said the structural study that was completed stated that the building was in great condition. The estimate to redo some of the things that need to be done was \$55,000. His next plan is to move forward by going to the SLIB Board and presenting these plans to them to receive some of the grants that are available.

Mr. Van Over said the construction costs are rising but he estimates the cost to build at around one to two million.

Council Member McCullough said they need to move forward with this and go for the grants to help pay for the project.

Council Member Boan asked what the council needs to do to move forward.

Chief Love said to consider a project coordinator and get money to Plan One Architects for their services.

Council Member Killpack asked if this needs to be put on the agenda for next meeting.

Chief Love said they could go to the SLIB Board with what they have now.

Council Member Killpack asked if they needed to pay Mr. Van Over for his services.

Mr. Van Over said what he has done so far he has not charged the city, but in order to move forward he will require a signed contract.

The Mayor clarified the cost to move forward now is \$125,000.

Mr. Cook said if council would like to move forward with the \$125,000 now, they will have to have a resolution or wait until next budget and add it to the budget as of July 1, 2011. It is all up to how fast council would like to move forward with the project.

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

Mr. Cook said Municipal Court has requested that they be moved to the Budget Workshop on May 19, 2011, instead of May 12, 2011, to present their budget since they will be attending a conference.

He is recommending that the scheduled June 21, 2011 Adopt the Budget will be changed to June 14, 2011 since two governing body members will be gone. This is normal workshop time so they will start at 6:30 pm.

There was an issue that Mr. Jackman did not bring up and that is Force Accounts. He had some concerns on how they were done. It is required that all force account requests had to come before the governing body and this made it look like it was a change order, but it had already been set up for the project. Normally, this is not how they are worked, so they met with Mr. West and he said they no longer need to do this. They can follow the usual procedures and he is planning this to take effect starting with next year's budget.

The Budget Workshop will be May 12, 2011 at 6:30 pm. The department presentations that are scheduled are Community Development, Police, Human Resources Legislative/Administration/Prosecutor.

### **Mayor and Council Reports**

The Mayor said they discussed the early retirement package earlier and now they should set a total number of people that can take part in this. They said what has been brought up is offering them half of their annual pay or their insurance paid for five years. This is a onetime offer and they would like to move forward and possibly have this initiated by June 30, 2011.

Council Member McCullough said he is comfortable with offering it to seven people, one per department.

Council Member Maes said there are some departments that are small so she does not like the limit of seven people. Some departments are larger and they would be alright if more than one left.

Council Member Smith suggested ten in total. There are only six departments that have people that are able to take the offer. He suggested having it at one or 10% of department.

Council Member Killpack said the first thing they need to do is make a definition of what criteria they would like to have that qualifies the employees to retire. He would hate to see it as one per department.

Director of Human Resources Debbie Robertson said in the past they used twenty years of service with the city. Right now with that criteria there would only be ten people that would fall under that.

The Mayor said it will be up to the people to take it or not.

Council Member Boan said they should wait to see the draft before they decide the number of employees they will offer it to.

Council Member Smith had nothing to report.

Council Member McCullough thanked everyone who was involved in the clean-up.

The Mayor thanked everyone who participated in the Chef's Challenge.

Council Member Maes thanked everyone for participating in the Chef's Challenge.

Council Member Boan said on May 21, 2011 from 7:00 am to 11:00 am there will be a pancake breakfast put on by the VFW 2321 at the Golden Hour Senior Center. He also said we absolutely have to find a way to get our projects done without so much controversy. With the documents that Mr. Jackman gave him, he would like to fire both the engineer and the contractor. This type of action should not be allowed by any company.

Council Member Killpack thanked the employees for the work they do and for the Chef's Challenge.

**Adjournment**

The meeting adjourned at 9:00 pm.

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H. Castillon, Mayor

ATTEST:

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Jeffrey V. Nieters, City Clerk