

CITY OF GREEN RIVER
SPECIAL CITY COUNCIL PROCEEDINGS
October 25, 2011

The Governing Body of the City of Green River met in special session at 6:30 pm in the City Hall Council Chambers. Mayor Castillon called the meeting to order and Galen West led the Pledge of Allegiance. The following Council Members were present: Gary Killpack, Gene Smith, Adam Coppolo, Tom McCullough, Jim Boan, and Lisa Maes. The following were present representing the City: City Administrator Barry Cook, Director of Finance Jeff Nieters, URA/Main Street Administrator John Dahlgren, City Attorney Galen West, and Public Affairs Specialist Stephen Pyles.

APPROVAL OF THE AGENDA

The Mayor noted the only item on the agenda was to discuss the agreement between the City of Green River and Futures for the Tomahawk.

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

The Mayor said there has been discussion between the city, Futures, and the Wyoming Business Council on the \$1.8 million grant money. There has been an effort made by the city to come to an agreement on the issue. There is a right of refusal issue between an individual and Futures that has caused a problem.

Mr. Cook said the city requested a quitclaim deed which required a waiver of right of first refusal that has not been signed. This would clear the title for the transfer from Futures to the city URA. Futures agreed to transfer the title to the city to move forward with the renovations. There are ten points addressed in the agreement:

- Futures will transfer by quitclaim deed all its interest in the property to the city for the benefit of the URA.
- Title of the property must be acceptable to the city and subject to no third party claims and no liens other than the current year taxes. The city will accept the property "As Is".
- All tenant leases must be assigned to the city at closing.
- The city will appropriate no more than \$200,000 to supplement the existing Wyoming Business Council grant to meet the bid price on the renovation to ensure the project will continue.
- During renovation and thereafter, Futures will market, manage, and administer the property for the purpose of generating revenue from tenants leasing property. Futures shall manage the property for a one year period. Futures will receive 50% of all revenues during the first year as a management fee. All building expenses will be paid by the city or URA.
- During the city's ownership of the property, the URA will act as the city's agent in coordinating with Futures.
- During Futures management of the property, Futures shall be permitted to occupy their existing office and boardroom at no charge.
- In the event that the city/URA sells the property within ten years following the completion of the renovations, the net proceeds shall be divided as 30% to Futures and 70% to the city or URA.
- Upon closing of the transfer of the property, the grant development agreement between Futures and the city will be terminated.
- The rights and obligation to Futures under these provisions shall not be assignable by any other party.

The state agreed to a scope of work that has to be completed in the renovations of the Tomahawk which totaled \$1,989,598. What is in front of council now is the approved scope of work from the Wyoming Business Council, an agreement to transfer title signed by both parties, and a right of refusal that has not been signed. If all of the items are completed, the city will transfer the money into an account to proceed with the renovations and the title transfer.

The Mayor said the only response from Futures was that the individual will not sign the right of refusal for the quitclaim deed. In absence of the right of refusal, the project cannot move forward. The city has done everything they can to keep the project moving forward.

COUNCIL ACTION ITEMS

Agreement between the City of Green River and Futures for the Tomahawk Property

Council Member McCullough moved to approve giving the grant back to the Wyoming Business Council concerning the Tomahawk renovation. Council Member Boan seconded.

Council Member McCullough said he would have liked for the project to continue and to have had Futures support at tonight's meeting. One individual with the right of refusal should not be able to stop the project from moving forward. He thanked the members of Futures for working hard on the project.

Council Member Coppolo agreed. It was disappointing that one individual can stop the project.

Council Member Smith said he supports the motion also, but is disappointed. He thanked the Wyoming Business Council for their efforts and confidence in Green River, and Futures for their efforts.

Council Member Maes said she has always supported the project and she hates to see it being stopped by one person. She agrees with the motion.

Council Member Killpack said he supports the motion. He wished council would have been aware of the right of refusal from the beginning.

Motion carried. (7-0)

CITY ADMINISTRATOR'S REPORT

Mr. Cook had nothing to report.

CITY ATTORNEY'S REPORT

Mr. West had nothing to report.

MAYOR AND COUNCIL REPORTS

The Mayor and all members of council had nothing to report.

ADJOURNMENT

Council Member Boan moved to adjourn at 6:49 pm. Council Member Coppolo seconded. Motion carried. (7-0)

H. Castillon, Mayor

ATTEST:

Jeffrey V. Nieters, City Clerk