

**CITY OF GREEN RIVER
CITY COUNCIL WORKSHOP PROCEEDINGS
November 8, 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: Gary Killpack, Tom McCullough, Jim Boan, and Lisa Maes. The following were present representing the City: City Administrator Barry Cook, Director of Finance Jeff Nieters, Director of Community Development Laura Leigh, Interim Chief of Police Chris Steffen, Parks and Recreation Supervisor Allan Wilson, and Public Affairs Specialist Stephen Pyles.

Council Members Smith and Coppolo were not present.

Veterans Presentation

The Mayor presented Veteran Earl McDonald, Veteran Bob Clevenger, Veteran Harry Holler, Veteran Jim Shirey, and Veteran Don Munoz with a red shirt, a pin, and a copy of the Red Shirt Friday proclamation to thank them for their service in the military. He also thanked all veteran organizations in the community. He said this Friday, November 11, 2011 is Veteran's Day and reminded all veterans about upcoming events in the community. Lincoln Middle School is having the annual Veteran's Day program, the Hospital is having a luncheon for veterans from 11:30 am to 1:30 pm, Applebee's and Golden Corral restaurants, and the Golden Hour Senior Citizen Center is providing meals to veterans. On Thursday, November 10, 2011 the Girl Scout Troops will be hosting a spaghetti dinner at the Golden Hour Senior Citizen Center.

Council Members McCullough and Maes thanked the veterans for their time and service.

Council Member Boan thanked them and reminded everyone about the holiday card drive. The due date for the holiday cards is December 6, 2011. They can be turned into the Community Development Department or Sweetwater Trophies in Green River.

Council Member Killpack thanked the servicemen for what they do for this country and the community.

Wilkins Peak Trail System

Tom McIntosh from the Sweetwater Mountain Bike Association said the bike trails history began in 1999 with the combined concepts from Tom McIntosh, Wade Liedtke, Brent Skorez, Rodger Moellendorf, and Andy Tenney. The committees work began in the spring of 2001 with the strategic plan for a trail system. The obstacles encountered were land use issues and liability concerns. Having a bike path could increase area commerce, develop recreational activities for our community, increase tourism, demonstrate responsible land stewardship, and enhance access to scenic landscapes. Sweetwater County would be a great place to have a bike trail because of the abundance of high desert terrain, it's located on the I-80 Corridor, it's milder summer climate, there are no other developed trail system in Southwestern Wyoming, it is a premium single track experience, it complements the Bike Park and the Green Belt to provide a biking experience for any level of rider.

He said after fifteen years the dream has become a reality. The Bike Park and the land steward's agreement with the Bureau of Land Management, the Forest Service, Rock Springs Grazing, City of Green River, Green River Chamber of Commerce, and the Sweetwater County Mountain Bike Association are complete. The Wilkins Peak Trail System is developed and mapped and a \$2 million liability policy has been purchased at a cost of \$515 a year.

The key benefits are:

- Local safe inexpensive recreation
- Viable tourism potential
- Appealing to all age groups

- Educates youth on proper land use
- Great form of exercise
- Enhances the fun in living

To Do List:

- Complete signage – April 2012
- Produce and publish trail maps and descriptions – March 2012
- Build kiosks at trail head parking – June 2012
- Promote and market trails – current
- Recruit trail sponsorships – current
- Apply for Intermountain Bike Association epic trails status – current
- Research further trail development
- Build the local mountain biking community
- Mountain bike jam – July, 21, 2012

Mr. McIntosh thanked Jason Brown, Allan Wilson, the Mayor and Council members and city staff, Green River Chamber of Commerce, and Sweetwater Travel and Tourism for all of their support and help on this project. He said anyone is welcome to join the Sweetwater Mountain Bike Association. There is a \$25 annual fee.

Council Member McCullough thanked the members of the bike club for their efforts and extended his support to them.

Council Member Maes thanked everyone that has been involved. She appreciates the hard work they have put towards the project.

Council Member Killpack thanked them too. He is very impressed on the positivity of the group.

The Mayor also thanked them for their efforts and said he will continue supporting them.

Mr. McIntosh thanked Ms. Hartford for helping them.

Municipal Court Presentation

Municipal Court Clerk Lynn Birch went over the basics of citation and court summons.

Citations:

- Police department enters the citation and then walks it over to the court
- Court enters the citation into computer system and case is filed
- Schedule appearance (only if it is a must appear)
- Reporting to the State and the Wyoming Department of Transportation and newspapers

Forfeitable Citations:

- Those not marked must appear/first offences can be paid and there is nothing further that will need to be done.
- Unpaid – a bench warrant is issued

Traffic Citations:

- Paid citations are reported to the state
- Unpaid citations are reported to the State and the NRVC (Non-Resident Violator Compact). Wyoming notifies each state involved with the NRVC when any non-resident has a traffic citation and has not paid it. There are only four states that are not involved with the NRVC.

After studying police reports, the City Prosecutor may bring charges against an individual, or individuals, by issuing a Summons to Appear before the Municipal Court. The information and Affidavit in Support of Information are the documents which charge the Defendant(s) with a crime, such as passing a school bus, shoplifting, indecent exposure, which is a violation of city ordinance.

When charges are filed by the City Prosecutor:

- The officer's copy is placed in his/her box in the police department (this notifies the officer there are charges to be read and signed for)
- Officer has to have his/her signature notarized
- Once notarized, the judge reads and signs the Affidavit and Summons
- File is processed and entered, an Appearance date is scheduled
- The Police Department serves the Summons and a copy of the Information and Affidavit in Support of Information (charging documents) is given to the defendant.

Court Orders - If they plead guilty their sentences can consist of: fines, other court orders, jail, probation, traffic school programs, online alcohol programs, shoplifting programs, or teen court.

Trials – If they plead not guilty they can obtain a court appointed attorney or retain an attorney themselves or defend themselves. The court appointed attorney fees will be repaid to the city. Once this is completed then subpoenas are issued, a bench trial begins with witnesses or a jury trial begins with jurors. The court is constantly keeping in contact with defendants by letter, notices of setting, appearances, motions due, and the balance of fines due. If a defendant has non-compliance issues then they have to go back to court where they can have a probation revocation or contempt of court, suspension of license, or warrants issued.

Reporting traffic violations (paid or unpaid) the court does notify the State. On unpaid violations they notify the State and NRVC. They also send out a Failure to Pay Notice to the defendant.

Defendants have the right to appeal their sentence with the District Court or Supreme Court.

The Municipal Court is obligated to give information to the press, even juveniles that are charged as adults are sent to the press.

Council Member McCullough asked how many people have trials in a month.

Ms. Birch said it varies. Currently they have five bench trials set. There is one jury trial set but many times they are taken care of before the trial occurs.

Council Member McCullough asked how many warrants are issued.

Ms. Birch said currently there are approximately 140.

Council Member McCullough asked if the Police Department is currently trying to track down the people that have warrants.

Ms. Birch said yes.

The Mayor asked how much does the court bring in by fines.

Ms. Birch said from July 1, 2004 until September 28 they have collected \$845,817.60. In January 2007 to December 31, 2007 there were 1,257 charges filed with dispositions totaling 1,217 so the total amount collected was \$126,233.04. January 1, 2010 to December 31, 2010 there were 998 charges filed and dispositions filed were 996 with the total amount collected at \$111,876.37.

The Mayor asked if she has seen an increase in the activity in the courts.

Ms. Birch said yes. They have more defendants that want to explain their reasoning's to the judge and more are pleading not guilty. On a second offence, defendants have to appear before the judge.

The Mayor asked where the money goes after it is collected.

Ms. Birch said the court appointed attorneys, and any fees are paid directly to the city by the Municipal Court.

Mr. Cook asked why the court does not deal with driving under the influence violations.

Ms. Birch said to her understanding, there was no place to put anyone that was in violation. She now said they can start doing them again. She said she has been asked why the Municipal Court does not handle driving under suspension violations as well.

The Mayor asked if this would require council vote in order to reinstate it.

Update on the Visitor's Center Basement

Director of Parks and Recreation Allan Wilson said there will be a storage area with a meeting room area in the basement. They have to work around the maintenance area that is already there. Mr. Roosa has an estimate of \$13,000 to sheetrock the walls and put in a drop ceiling. There is electrical and HVAC work that will need to be done at a cost of \$25,000 to \$28,000.

Staff has been directed to look into the cost of putting in a media center. He suggests keeping it small and put in an overhead projector, a drop screen, and to run some category five cable for a computer system plus a small microphone system.

Information Technology Specialist Stacey Nutt said she was asked to look into media capabilities in the visitor's center basement. She said to purchase the equipment for this media center would be \$50,000 to \$60,000. The channel thirteen and cable TV production equipment would cost \$40,000 to \$60,000. The costs would depend on what is needed.

Her concerns are: the need for fiber to be run to the building, the size of the room, and that there is a 4" support beam that will be in the way for video production.

She suggests, if it is council's wish to go forward with the media center they plan for it now before the walls are built so staff can integrate the media systems design into the wall structure to accommodate all the necessary cabling.

The Mayor said he asked staff to look into this location for the media center. He said there is no location in Green River that can accommodate meetings like this. He does not see the immediate need for a bigger council chambers area but there will be a need for it in the future. It looks like it would take \$100,000 to \$150,000 just for the media center.

Mr. Wilson said staff is looking into putting some cat five cables in there so they will have it for the future. Staff is recommending the media center be put into city hall since the fiber is already here.

Council Member Boan thanked staff for doing what they were asked but he does not understand why there is a need to move channel thirteen equipment into that facility. He agrees with staff, the media center should be located here at city hall since the police department and court will be moving.

The Mayor said this was just a proposal. The city does not have an emergency management center on this side of the city and this could serve as an emergency management location.

Mr. Wilson said there is approximately \$25,000 in the account to finish the basement.

Council Member Maes said she agrees with staff. The best place is here at city hall. There will be a lot of space available when the police department moves into their new building.

Mr. Wilson said he would look into the cost of putting in projectors and some wiring for the future use. He estimates needing around \$10,000 on top of the money already set aside for the basement.

The Mayor asked him to do so.

Director of the Green River Chamber of Commerce Janet Hartford said the forest service staff has looked at the visitor's center for a future location. They seem to like the facility and are looking forward to the possibility of working with the city.

Update on Weed Abatement and Landscaping on City Right-of Ways and Alleys

Mr. Wilson said the Parks and Recreation Department took over the weed crew a couple of years ago. They inherited the equipment and the seasonal hours. They did not receive the full time position or the operational budget that they had. In 2010 they had 3,055 total man hours involved with the weed crew. This year it was 2,600 hours. The city's Parks and Recreation Department maintains 3,000,605 square feet of turf area, which is equal to 82.8 acres. They maintain roughly 7,000,648 square feet of weed areas, which equals 175.6 acres. This is double the amount.

He does not think it should be the city's responsibility to keep the weeds down in front of people's property. He feels they are responsible for shoveling their own walks so why are they not held responsible for keeping their weeds under control. He does understand the maintenance of the collector streets, Uinta Drive and Flaming Gorge Way. He said they have had three claims for broken windshields with two of them occurring in alleyways.

He said he is looking for more direction on how council would like the city to look. He asked if they should have citizens maintain their right-of-ways. For instance, 2nd North behind City Hall does not fall under the city's responsibility it is the citizen's responsibility.

Council Member McCullough said there are lots of areas they can spray one time and deal with other issues later. When you trim you have to go back and keep doing it over again so spraying would be best.

Mr. Wilson said he does not have the equipment to have more than two groups spraying at one time. He said one more sprayer and more personnel would help two.

Council Member Boan said city property is city property and he will not ask property owners to clean up city property. Alleys are city property too and property owners are not allowed to do anything with the alleys so it is up to the city to maintain them.

Council Member Killpack asked what Mr. Wilson recommends to do.

Mr. Wilson said he would spray. He will be asking for more money in his next year's budget to be able to get the equipment he needs to do so.

Council Members agreed staff should spray the weeds.

Council Member Maes said as far as landscaping on main streets, the greenery looks very good and she would like for it to stay.

Mr. Wilson said staff is trying to keep the greenery on those areas but they are looking into a mixture of rock and green in other areas. He informed council that quite a few trees along Flaming Gorge Way will be removed because of the oyster scale issues.

The Mayor said he has been getting a lot of calls on weed issues in Green River so he does think spraying them would be good. He asked if staff is current on the regulations of spraying chemicals.

Mr. Wilson said 90% of his staff is licensed to spray the chemicals so they are in compliance with the requirements. They are audited every year and they have to keep all of the records to prove who sprayed, when they sprayed, where they sprayed, and the weather at that time the spraying occurred.

1st Quarter Financial Report

Director of Finance Jeff Nieters presented the financials for the first quarter July 01, 2011 to September 30, 2011.

Actual Revenues:

Percentages:

• Intergovernmental - \$192,745	4%
• Franchise tax - \$68,583	2%
• Property Tax - \$14,233	0%
• Services/Misc/Court/Permits/Fees - \$180,579	4%
• State Sales Tax - \$1,763,523	36%
• Local Sales Tax - \$1,453,007	30%
• State One-Time Funding - \$924,789	17%
• Fuel/Minor Taxes/Grants/Donations - \$246,833	5%
• Mineral Royalty/Severance - \$0	0%

Actual Expenditures:

Percentages:

• General Government - \$735,516	18%
• Police - \$1,295,863	32%
• Fire Department - \$112,803	3%
• Community Development - \$155,846	4%
• Public Works - \$574,346	14%
• Parks and Recreation - \$1,165,331	29%

The expenditure budget verses the actual budget should average around 25%. The General Government is at 22%, Police is at 28%, the Fire Department is at 16%, Community Development is at 23%, Public Works is at 22%, and the Parks and Recreation is at 26%. Some of these are higher and that is due to the retirees and seasonal employees from the summer.

The Enterprise Funds:

Actual Expenditures:

- Solid Waste is at 25%
- Wastewater is at 29%
- Water is at 34%.

There are two accounts that are higher than 25% but that is no cause for concern. These accounts have higher usage during the summer.

Net Income/ (Loss):

- Solid Waste is \$94,000
- Wastewater is \$70,000
- Water is at \$233,000

Mr. Nieters said at the end of the first quarter the city is physically strong and the sales tax is still strong. The General Fund expenditures are under control and the Enterprise Funds are making money and in control.

Hunting Ordinance Amendments

Mr. Cook said there is a concern that citizens are allowed to shoot compound bows within the city limits. Staff has taken a look into this and they recommend, if council wishes this to be changed then they change the ordinance 18-61: Throwing Projectiles and leave 18-62: Hunting and Trapping Prohibited the same.

Council Member Maes said she was the one that brought this up. She finds this to be very dangerous. The projectile says stones and bricks but she thinks the arrows should be included.

Council Member McCullough said he remembers this ordinance and thought it was crazy that compound bows were not being included. He would like to see it included in the ordinance.

Council Member Boan asked about the complaints the police department has had on this issue.

Interim Chief Steffen said he was not aware of any complaints until the one Council Member Maes is talking about. He does agree that a bow can do damage. There is an area that people can use their compound bows safely so making this change would be fine.

Council Member Boan asked if the inside range was free to use by anyone.

Chief Steffen said no. He said the issue is a board member of the club has to be present in order to have it open, for liability reasons, but while it is open it is a minimal fee of \$5.00 for anyone to shoot all they want.

Council Member Killpack said he supports the change; he would rather be proactive now instead of waiting until someone gets hurt.

Council Member McCullough said the areas are very nice and would accommodate anyone who would like to practice.

Council Member Killpack asked if the council would approve of Mr. Cook putting a transfer of money to the URA Board on the agenda for next week. This would get them started doing some projects that they are looking into. He would like to support them by giving them \$150,000. He said \$38,000 was set aside for SWEDA and there is \$200,000 in the tourism budget so money from both could be used.

The Mayor said he would like to set aside resources for them to start. He would like the council to get together and come up with the guidelines for the URA and then they can look into funding them. He said they do not have to do the whole amount now they can give them a small amount to start.

Council Member Boan said he does not have any objections to giving money to the URA to get started but he wants to make sure that the URA has been organized according to state statutes. As far as the money set aside for tourism, as long as it is used for a tourist attraction he will support it.

The Mayor said they will have to come up with an attorney, bank account and this money will help.

Council Member Killpack said they were looking into doing some things for the holidays so that is why he was asking.

URA Board Member Debbie Alvarez said they are looking into putting some lights on the viaduct and doing something with the clock tower. They would do clear lights so they can use them all year. She would like to purchase the lights for the viaduct. She is planning to talk to Union Pacific also.

Council Member Killpack said they could give them \$50,000 to start.

All council members agreed.

City Administrator's Report

Mr. Cook said he gave council an update of the last five years of consensus funding in Sweetwater County. This is to give the council an idea on how much funding it takes for capital projects to get implemented and how it has gone down over the past five years. Consensus funding is a process that the State of Wyoming has developed to provide capital construction or infrastructure funding for the counties in Wyoming. A lump sum is divided up among all of the counties.

Under his direction the Human Resource Department is looking into adjusted seasonal hourly rates. Last year the rate for seasonal workers was very high, in his opinion. He said in doing research they have seen three rates out there for seasonal workers: retail, public sector, and energy and mines. There could be changes to this later.

The Inberg-Miller study is reaching its completion and they will be charged with coming up with a preferred route for the alternate road between Green River and Rock Springs. If this is allowed the city would have gone beyond the requirements. If the city decides to go for federal money then the city will be required to do a lot of this work again. He has asked Mr. Brown to let him know when he will need to organize a meeting between the cities and the county to discuss the direction they would like to go.

Council Member McCullough said he does not think they can do this locally; they will need federal funding.

The Mayor said it will not hurt to have a meeting but he does agree with Council Member McCullough that they will need federal help to pay for the project.

Council Member McCullough said if they could delay the preferred route.

Mr. Cook said yes. They could tell them thank you and inform them they do not need to go any further. This way the direction of funding can be decided later.

He has asked the Fire Department and the Community Development Department to consider exploring the home rule concept for inspections. He said this would no longer require the State Fire Marshalls review. Having the State Fire Marshall review the plans causes a delay in getting projects done. The Home Rule would let the city provide the inspections with people on staff or contracted out. All of the plans for the Tomahawk had to be sent to Cheyenne for final approval and it cost the city \$5,000. He said City of Rock Springs does have a home rule.

Council Member McCullough said he understood the city was already under home rule.

Mr. Cook said staff presented this to the council but they chose not to go forward with it.

Council Member Killpack said he would support it.

The Mayor said he would like to see the pros, cons and cost savings.

Director of Community Development Laura Leigh said the city only has home rule on electrical. As far as fire inspection it has to go to the state. They still require a plan review from city staff along with the state so for the developer the process is doubled.

Mr. Cook said the Southside Water project was originally a 380 day contract and it started on June 15, 2010. The completion date was to be August 1, 2011. The city extended the engineering contract with Nelson Engineering at a cost of \$134,500 to get to the new completion date of November 1, 2011. It is now November 8, 2011 and the project is not complete. Staff will be meeting with Nelson Engineering and various parties on November 9, 2011 at 1:00 pm in the Council Chambers and will be recommending a winter shutdown effective November 18, 2011. They will require no outside work be done after November 18, 2011. They will allow some cleanup around town but no streets will be torn up.

The Mayor asked if this would delay the 3rd South Project.

Mr. Cook said no, it is almost completed and the half of a block will remain gravel for the winter.

Mr. Cook said the Parks and Recreation staff went to Riverton to make a presentation on hosting the 2012 State Little League Tournament. It was awarded to the City of Green River and will occur the week after the National High School Rodeo.

Mayor and Council Reports

Council Member Killpack thanked Interim Chief Steffen for his help with an issue a citizen had on trailers. He suggested the council and city staff wear their red shirts at the next council meeting November 15, 2011 to support the troops.

Council Member Boan said he still has not received the report from the Human Resources Department on the types of Workman's Comp injuries that have occurred.

He said he will be gone from Wednesday until Friday afternoon but he will attend the Employee Appreciation Dinner. He will not be able to attend the meeting on Thursday.

Council Members Maes and McCullough had nothing to report.

The Mayor said he met with the governor on Saturday and learned that the oil and gas companies pay \$3.4 billion in taxes and royalties to the state. This does not include the soda ash or coal. He said they will be looking into closing landfills. State agencies have been asked to cut their staff by five to ten percent. The state has a rainy day account at a balance of \$1.5 million and now they want it to go to \$3 billion. This would cut the amounts going to cities and counties. He said he is going to draft a resolution for the governing body to approve to oppose Aaron Million's recent application to the Federal Energy Regulatory Commission regarding hydropower development.

Adjournment

The Meeting adjourned at 9:40 pm.

H. Castillon, Mayor

ATTEST:

Jeffrey V. Nieters, City Clerk