

**CITY OF GREEN RIVER
CITY COUNCIL PROCEEDINGS
November 15, 2011**

The Governing Body of the City of Green River met in regular session at 7 pm in the City Hall Council Chambers. Mayor Castellon called the meeting to order and Washington Elementary School students led the Pledge of Allegiance: Tyler Castellon, Paxton Castellon, Vanessa Valerio, David Ross, Jimmy Hamilton, Ali Smith, Presley Weaver, Maya Wiekhorst, Aurora Wiekhorst, Amaya Spartz, Trenton Collar, Brooke Crouse, Holly Lake, and Joshua Knieper. 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: Acting City Administrator Jeff Nieters, Director of Human Resources Debbie Klein Robertson, Director of Community Development Laura Leigh, URA/Main Street Administrator John Dahlgren, Interim Chief of Police Chris Steffen, Fire Chief/Emergency Services Mike Kennedy, Parks and Recreation Director Allan Wilson, City Attorney Galen West, and Public Affairs Specialist Stephen Pyles.

APPROVAL OF THE AGENDA

The Mayor noted the removal of the Key to the City presentation.

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

PRESENTATIONS

Military Recognition of Amanda D. Olguin

Harry Hollar presented Wanda Olguin with a t-shirt, plaque, and good wishes for her daughter, Amanda Olguin who is currently serving in the military. Mr. Hollar also mentioned her sister, Ashley Olguin who is the recipient of two purple hearts along with other metals and ribbons for her service.

PROCLAMATIONS

Love of Reading Week

Sweetwater County Library Public Relations Specialist Brittney Wells read the proclamation and the Mayor proclaimed November 14th - 18th as Love of Reading Week in Green River and he encouraged all citizens, young and old, to celebrate the joy of reading.

National Honor Society Week

Green River High School National Honor Society Students Davian Vanderpool and Damon Watts read the proclamation and the Mayor proclaimed November 14th – 18th as National Honor Society Week in Green River and urged citizens to seek opportunities to commend Honor Society members in our schools and support their activities as they prepare themselves for their future positions as leaders of our cities, states, nation and world.

CITIZEN REQUESTS AND OTHER COMMUNICATIONS

Resident Mitch Manley said he understands the five day parking limit ordinance, but it creates a problem for people on vacation. He is proposing the council amend the ordinance to say, if the motorized vehicle is registered, runs, is in good condition, and is parked in front of the registered residence it should be allowed to be parked there with a time limit of 21 days. He asked the council to consider his proposed amendment.

Ray Gurmor said residents on the north side have a problem with parking. They do not have any other place but the street to park their vehicles. He hopes the council considers the residents on the north side when they look into passing the ordinance change.

Sherry Aguirre said she agrees with the gentleman before her. There is no place for them to park but the street. She has three vehicles and all of them run and are registered, but she has to park them on her street. What is she supposed to do if the ordinance is passed?

Council Member Coppolo said the Police Department is aware of people who live on the north side and the parking issues they have. The ordinance is for areas that have off street parking. These are streets that do not have room to have people drive on them and park trailers or vehicles too. The north side of town is designed for on street parking with plenty of room to drive on.

The Mayor asked how long the ordinance had been in effect.

Interim Chief Steffen said as it is currently written, since 2004, but the five-day parking for motorized vehicles has not been changed in the twenty years he has been in the Police Department. He encouraged citizens to call him if they have any questions or concerns on any of the ordinances.

PUBLIC HEARINGS

Data Testimony relating to the proposed Alternative Energy Ordinance

Mayor Castillon opened the hearing at 7:25 pm.

URA/Main Street Administrator John Dahlgren said the Planning and Zoning Commission has worked on this ordinance since 2010. Solar and wind power are the fastest growing types of alternative energy sources. The Wyoming Solar Rights Act was passed in 1982 and does not allow localities to prohibit solar collectors. Solar rights can only be granted by the planning and zoning commission after a public hearing and the adjacent property owners have to be notified.

Solar arrays will be permitted in every zoning district. If they are on the roof they can only exceed the height of the roof by three feet, and if they are on the ground they have to meet the requirements of a shed structure.

Wind power will be permitted in every zoning district. The maximum tower height in lots less than twenty square feet is the allowable height in the district. The minimum set back is one hundred percent of the height of the tower. It must be able to land within your property.

Council Member Boan asked if the ordinance could be put on a workshop.

Council Member Killpack said he would support having it on a workshop.

Council Member Coppolo agreed.

Council Member McCullough said the Planning and Zoning Committee did a great job answering his questions. He did go by the one on Colorado Street and noticed it did not make noise so he does not have a problem with the proposed ordinance.

Council Member Maes said she understood most of it but questioned, if the property changed hands the new owner would not get the solar rights.

Council Member Smith said planning and zoning did a good job. He is perfectly fine with the current application.

The Mayor said he does not have any problems with what the Planning and Zoning Commission has come up with.

Council Member Killpack asked if the questions everyone has could be answered during the three readings of the ordinance.

Council Member Boan said he does not have a problem with the ordinance, but he would like to understand what he is voting on.

There were no other comments or concerns presented. The Mayor closed the hearing at 7:39 pm.

ORDINANCES

Amendment to the Parking of Motor and Towed Vehicles on Streets and Alleys

11-06: An ordinance amending Section 24-24 of the Green River Code of Ordinances, City of Green River, State of Wyoming, to change the number of days a vehicle can be parked on a city street.

Council Member Coppolo moved to approve the ordinance on third reading. Council Member Smith seconded.

Council Member Boan said the parking ordinance for motor vehicles is not being changed. The change is to stop people from abusing the parking of trailers on streets within the city.

Council Member Killpack said he will not support the ordinance because he does not see the change being a big improvement.

Council Member McCullough said he will support it. He assured the people on the north side of town that the police department is not going to target them for parking on the street.

Council Member Smith said he does not see this change affecting the north side of town. The change is for the parking of towed vehicles.

Council Member Killpack asked for clarification on the loading and unloading of a trailer for seventy-two hours. He said it does not mean that you have to be unloading or loading your trailer for seventy-two hours. He asked for clarification on parking trailers on the streets.

Interim Chief Steffen said for example, you have been notified that you need to move your trailer and you go move it by a foot. You would not be in violation, as it is written now. They want to stop people from doing this and making the change would help make it enforceable. He said it shouldn't be so complicated to enforce.

Council Member Killpack asked how the officer would know the difference if they just moved it a foot or if they left one night and came back the next day and then parked the trailer in a different place.

Mr. West said there were two enforcement issues with how the ordinance was written. One, you could stay on the street forever if you were unloading and loading. As it is written, you could go more than seventy-two hours so it was hard to enforce. The seconded is when they move the trailer around the corner; this is relative to the seventy-two hours also. It makes it hard to enforce. The burden is always going to be on the city to prove beyond a reasonable doubt that the ordinance was violated. The burden is not on the citizen to prove their innocence.

Council Member Killpack asked if this would lower the violations or not.

Interim Chief Steffen said he cannot say there will be more or less, but he hopes to write fewer citations.

Motion carried. (7-0)

RESOLUTIONS

Budget Increase for the URA/Main Street Board Special Projects

R11-74: A resolution for the governing body of the City of Green River, Wyoming, to approve an increase in expenditures in the General Fund for the URA/Main Street Board special projects in the amount of \$50,000 with the money only to be spent with the approval of the governing body.

Council Member Boan moved to approve the resolution. Council Member McCullough seconded.

Council Member Killpack said once the money goes into the URA account it will not have to be approved by the governing body.

Director of Finance Jeff Nieters said the money in the 440 account it is under the control of the city. If the city wrote the URA a check and it went into their account then it would be under their control.

Council Member Killpack asked, isn't the money going to the URA completely under their control because they are a separate entity?

Mr. West said it is a function of whose money it is. If it is city money then it takes council's approval.

Council Member Killpack clarified, as it is now, the URA could not spend any money without council's approval.

Mr. West said this is a city fund not a URA fund.

Council Member Coppolo asked if the URA will have to come back to the council for a project approval.

Mr. West said the intent is a plan will be developed and the projects are part of that. Once a plan is approved of by the council, the URA can spend the money how they choose for any of the projects in the plan.

Council Member McCullough said the \$50,000 is being set aside for the URA. They will have to come before council and ask for money for a project. This is just to start and once they are organized they can come to council with a need for the money and once approved, they would have total control.

Council Member Killpack said the city is micromanaging.

Council Member Smith said the URA is under a specific set of rules and Main Street is not under the same. So, who is the money being allocated to?

Mr. West said there is not a separate Main Street governmental entity as there is with the URA. The URA has to act in accordance with a plan approved by the governing body and pursuant to projects that have been approved by the governing body. The URA plan has not been developed yet.

Council Member Boan said the city has spent millions of dollars on agencies trying to improve our city. He has no problem with funding the URA but he wants to make sure it is done correctly. As it is right now, there is no request by the URA for money. He would like for the URA Board to come and tell the council what their plans are.

The Mayor said at a previous meeting on the URA, he asked for volunteers that would meet to discuss the guidelines and plans that the governing body would like the URA to follow. No one volunteered, and he thinks this should be done before they agree to give them money. Council Members Smith, Boan, Maes, and Killpack said they would volunteer.

He said the URA's power is not just over the Main Street District; they will have power over the municipality. That is why he thinks it is very important to come up with guidelines for the URA.

Council Member McCullough said if this motion is passed tonight then the URA can come forward to the council asking for money to do the projects they want.

Council Member Boan asked if the URA was being formed according to state statutes.

Director of Community Development Laura Leigh said yes. The URA is currently working on their bylaws. There are things they will need to have money for like an attorney and a bank account. Right now they are working under the 440 account which is under the city's control.

Council Member Killpack said the URA/Main Street is a separate entity and right now they cannot do anything.

The Mayor said they can if the city allows them to do so. If they say they want to light up the viaduct or the clock tower, they can if they come and ask the governing body.

Ms. Leigh said the one thing that needs to be understood is this board is operating with two separate functions right now. There is the urban renewal function and any urban renewal function has to be done according to the plan that is approved by the governing body. In her opinion stringing lights on the viaduct is not a URA function it is a Main Street function. Right now there were no funds available to go towards the URA and this is why the money is being put aside.

The Mayor suggested having a meeting on Monday, November 21, 2011 at 10:00 am in the Council Chambers to discuss the URA guidelines.

Motion carried. (7-0)

Budget Increase and Approval of Amendment for the Southeast Water Improvement Project

R11-75: A resolution for the governing body of the City of Green River, Wyoming, to approve an increase in expenditures in the Capital Projects Fund for the Southeast Water Expansion Project in the amount of \$38,335; and to approve amendment Number 2 with Nelson Engineering.

Council Member Coppolo moved to approve the resolution. Council Member Maes seconded.

Council Member Boan asked if Jackman Construction is not working, then why is the city being billed for the oversight.

Utility Manager George Michael said they have had a lot of complications on this project and staff feels it is important to have a middleman to oversee the project, and that is what Nelson Engineering has been doing. There is no way of knowing how long it is going to take to finish this job.

Council Member McCullough said Nelson Engineering is not the problem, they need to be there. There will be liquidated damages assessed on this project at \$1,500 a day for everyday the project is going over. The estimate for completion is by the end of June 2012.

Council Member Boan clarified, if this not going to be done until the end of June then this money would only cover 90 days.

Mr. Michael said it is around \$52,000 a month for Nelson Engineering's services. The work could take three weeks if it is done with full man power, but the contractor has not been working with a full crew so three months is an estimate.

Council Member Boan asked if they will be paying Nelson Engineering through the winter shut down.

Mr. Michael said no. It is going to shut down at the end of this week and then it will start again in April. The money allocated to Nelson Engineering is for April, May, and June when they resume work.

Council Member Coppolo asked if the city was bound to pay the \$102,000 to Nelson Engineering if the project is completed earlier.

Mr. Michael said no. This is worst case only; if it is completed earlier then they would not have to pay that amount.

Council Member Maes asked if the items up there are going to be left there during the winter.

Mr. Michael said they are hoping the contractor will do some clean up to the area.

The Mayor said he does have a problem with this. He asked how much has been collected so far on the liquidated damages.

Mr. Michael said the liquidated damages started in August, so three months at \$1,500 each day. This will not pay for all the extra costs, but it will cover some. So far it is around \$140,000 but if you add three more months it would be more.

The Mayor said it all depends if the liquidation can be collected. There is no assurance that it can be.

Council Member Killpack asked how the damages would be collected.

Mr. West said if there are remaining payments that need to be made it can be taken from them or it will have to be pursued through the contractor directly.

Motion carried. (7-0)

Opposition to the Regional Watershed Supply Project

R11-76: A resolution for the governing body of the City of Green River, Wyoming, expressing its continuing opposition to the Regional Watershed Supply Project including hydropower development.

Council Member Smith moved to approve the resolution. Council Member Boan seconded.

The Mayor said this is opposing the water diversion plan to divert water from the Green River to Colorado.

Council Member Maes said the public can go online and submit their comments at www.ferc.gov/doc-filing/ecomment.asp.

Motion carried. (7-0)

COUNCIL ACTION ITEMS

Appointments to the Green River Arts Council

Council Member Maes moved to confirm the Mayor's appointment of Meredith Thompson and Kristi Radosevich to the Green River Arts Council for two-year terms. Council Member McCullough seconded. Motion carried. (7-0)

Appointments to the Combined Communications Joint Powers Board

Council Member Coppolo moved to confirm the Mayor's appointment of Detective Sergeant Tom Jarvie *for a term expiring February 2013*, and the reappointment of Peggy Leininger *for a three-year term expiring February 2014*, to the Combined Communications Joint Powers Board. Council Member Maes seconded. Motion carried. (7-0)

Appointment to the Planning and Zoning Commission

Council Member Smith moved to confirm the Mayor's appointment of Scott Travis to the Planning and Zoning Commission for a three-year term. Council Member Coppolo seconded. Motion carried. (7-0)

Change Order #1 Capital Improvement Project, Schedule "B" (New Mexico Street)

Council Member Killpack moved to approve Change Order #1 *to Lewis and Lewis, Inc.* for the 2011 Capital Improvement Project, Schedule "B" (New Mexico) in the amount of \$6,278.00, to adjust the contract price to reflect as-built work and to close out this portion of the project. Council Member Maes seconded.

Engineer John Canaday said the extra cost is due to a curb and gutter being done in hand form instead of machine form, and some of the sections were larger than anticipated.

Council Member McCullough said they were not supposed to be doing any curb and gutters on New Mexico.

Mr. Canaday said they were replacing the radius on both ends of the street. The water was pooling up on both areas and causing erosion.

Council Member McCullough asked if they knew this had to be done then why was it missed, was it a mistake by staff.

Mr. Canaday said it was a staff mistake.

Motion carried. (7-0)

Change Order #2 2011 Capital Improvement Project, Schedule “C” (Expedition Island)

Council Member Coppolo moved to approve Change Order #2 to *Lewis and Lewis, Inc.* for the 2011 Capital Improvement Project, Schedule “C” (Expedition Island) in the amount of \$33,723.54, to adjust the contract price to reflect as-built work and to close out this portion of the project. Council Member McCullough seconded.

Mr. Canaday said this was due to the amount of asphalt estimated for the job. The map was not to scale so the cost of the asphalt was much higher. He said the Parks Department did do some work in house to save money.

Director of the Parks and Recreation Department Allan Wilson said he did come before council earlier to let them know there would be a change order for this project because of asphalt issues. He said there were soft pockets in the area so there was extra cost there and more concrete work needed to be done.

Council Member Killpack said this is \$70,000 more than the original price with both change orders.

Mr. Wilson said yes but there is money in the line item to cover the extra costs.

Council Member Maes asked how long had it been since the Expedition Island was paved.

Mr. Wilson said close to twenty-five years ago.

Council Member Smith asked if they are still within the amount allocated for the Capital Improvement Projects as a whole.

Mr. Nieters said the amount budgeted for Capital Improvements was \$2.7 million and the amount allocated so far was \$2.3 million. There is \$361,000 unallocated so far.

The Mayor said that number would not include the change orders.

Council Member Smith thanked Mr. Wilson for letting them know about the change order ahead of time.

Motion carried. (7-0)

CONSENT AGENDA

Council Member Killpack moved to approve the following consent agenda items. Council Member Coppolo seconded. Motion carried. (7-0)

- Contract with John King and Shamrocks N’ Shenanigans DJ Service for the 2011 Middle School New Year’s Eve Party in the amount of \$600

- Agreement with Rockhurst University Continuing Education Center for training on how to manage conflict and confrontation in the amount of \$3,000
- Ratification of the agreement with Rocky Mountain Power for the installation of power to the pump station on Upland Way
- To release the retainage in the amount of \$15,000 to A. Pleasant Construction for the Utility Storage Building Project
- Accept the donation of 14 pieces of 10' x 6" metal pipe from FMC, 8 panels of 10' x 3' metal grating from Pacific Steel to construct overhead storage in the Public Works Berto Castillon Recycling Facility, and the donation of electrical connections and materials from LOC Electric for the Recycling Baler main panel
- Minutes for: October 25, 2011 Special Council and November 1, 2011 Council
- Financial Reports and Payment of Bills:

Prepaid Invoices = \$616,951.20	Outstanding Invoices = \$337,965.42
Pre-authorization Payments = \$792,350.00	Payroll Expenditures = \$335,077.35

CITY ADMINISTRATOR'S REPORT

Mr. Nieters congratulated the Parks and Recreation Department for their nomination and fourth place finish in the 2011 National Gold Medalist Award.

He said the rodeo arena will be closed until further notice. Bids for the rodeo arena will be opened on November 30, 2011 at City Hall.

He discussed the workshop agenda for December 13, 2011.

Mr. Nieters said School District #2 asked if the council would agree to have a joint workshop on December 8th or 15th, 2011 to discuss cooperative agreements.

Council agreed to Thursday, December 8, 2011, at 6:30 pm, in the Council Chambers.

Mr. Wilson said the School District asked for a different day because the school board is having their normal board meeting on Tuesday, December 13, 2011 so they could not attend the city's regular workshop.

The Thanksgiving trash schedule is: Thursday's trash will be picked up on Wednesday, November 23, 2011 and Friday and Monday's trash will be picked up on Monday, November 28, 2011. The landfill will be closed on Thursday, November 24 and Friday, November 25 and will reopen on Saturday, November 26 from 9:00 am to 5:00 pm.

CITY ATTORNEY'S REPORT

Mr. West had nothing to report.

MAYOR AND COUNCIL REPORTS

Council Member Smith wished the best to Pam Spivack who is in the hospital recovering from a stroke.

The Mayor asked for council's direction on what they would like to do as far as the gift card they give to employees.

Council Member Maes said she thinks it should be given to full-time and part-time employees like it has been in the past.

Council Member McCullough suggested giving it to all full-time employees and the part-time employees who work twenty hours a week. He feels there needs to be some division in who gets them.

Council Member Killpack agreed with Council Member Maes.

Council Member Coppolo agreed with Council Members Maes and Killpack. This is a gift for the employees that serve the city.

Council Member Boan asked what the amount was for everyone.

The Mayor said around \$8,000.

Council Member Boan said he would agree with that amount for this year but he would like to discuss it in the future.

The Council Members agreed to give all employees, except seasonal a \$30 gift card.

Council Member McCullough had nothing to report.

Council Member Coppolo wished Pam a speedy recovery and hoped she is doing well.

Council Member Maes also wished Pam a speedy recovery. She reminded citizens to contact their local representatives and the state legislature to tell them how they feel about issues that are happening in the state.

Council Member Boan said he supports the URA, but he wants to make sure it is done right this time.

Council Member Killpack thanked everyone for wearing their t-shirts to support the troops.

The URA/Main Street Board will be having a meeting on Thursday, December 17, 2011, at 3:30 pm at City Hall. The board members are excited and will do a good job.

The Mayor thanked the local businesses that put on special events for Veteran's Day.

He said the legislature is planning to put \$1.5 billion more into the state rainy day fund. Currently, there is \$1.5 billion and they want to increase it to \$3 billion at our expense. People do not understand that the state is collecting taxes, but it is staying there instead of coming down to is good for the economy, but this does not come down to the cities or municipalities. The resources need to come back to the municipalities.

ADJOURNMENT

Council Member Boan moved to adjourn at 9:18 pm. Council Member Coppolo seconded. Motion carried. (7-0)

H. Castillon, Mayor

ATTEST:

Jeffrey V. Nieters, City Clerk