

**CITY OF GREEN RIVER
CITY COUNCIL PROCEEDINGS
MARCH 1, 2016**

The Governing Body of the City of Green River met in regular session at 7 pm in the City Hall Council Chambers. Mayor Pete Rust called the meeting to order. The following Council Members were present: Gary Killpack, Mark Peterson, Ted Barney, Allan Wilson, Brett Stokes, and Lisa Maes. The following were present representing the City: City Administrator Reed Clevenger, Director of Public Works Mark Westenskow, Director of Finance Chris Meats, Director of Community Development Laura Profaizer, Chief of Police Chris Steffen, Interim Fire Chief Mike Liberty, Parks and Recreation Director Brad Raney, URA/Main Street Administrator Jennie Melvin, City Prosecutor Bobby Pineda, and City Attorney Galen West.

APPROVAL OF THE AGENDA

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

PRESENTATIONS

Mayor Rust presented Marine Lieutenant Colonel Pete Bailiff with a plaque to honor him for his years of service in the Marine Corps.

Marine Lieutenant Colonel Pete Bailiff presented Harry Hollar with an American Flag and a certificate for everything he does for local service members.

Angela Shutran gave a brief update on the Green River Chamber of Commerce.

Juvenile Detective, Carrie Fischer gave a brief update on the Child Forensic Interview Training the Green River Police Department hosted in October 2015.

ORDINANCES

Addition to the Disorderly Conduct Ordinance

3rd Reading: An ordinance adding a new division to Article IV, of Chapter 18, of the Green River Code of Ordinance, City of Green River, State of Wyoming, to establish and regulate disorderly conduct

Council Member Wilson moved to approve on third reading an ordinance adding a new division to Article IV, of Chapter 18, of the Green River Code of Ordinance, City of Green River, State of Wyoming, to establish and regulate disorderly conduct. Council Member Stokes seconded.

Council Member Peterson said he is concerned with the wording in the ordinance. What is the definition of opprobrious words? When he looked it up it said it meant expressing. That leaves it really broad and can be used in the wrong way.

Mr. Pineda said basically it is any language that is abusive, aggressive, or disparaging. Anything that can incite violence. It would really go towards fights or breach of peace. The county has to prosecute these types of issues even if the Green River Police Department arrests them. If this ordinance is approved it would give him the right to prosecute these types of cases.

Council Member Peterson said he is concerned that it infringes on people's freedom of speech. He is not a fan and he will vote against the ordinance.

Mr. Pineda said it is not created to infringe on freedom of speech it is to stop any dangerous situations.

Council Member Killpack asked why paragraph 4 was removed.

Mr. Pineda said it was removed after council members and community members voiced their concerns. He discussed these issues with Mr. Clevenger and Chief Steffen and it was decided that there are other ordinances that can help enforce the goals that the Police Department wanted to achieve.

Council Member Killpack asked if the ordinance, as it is now, will be able to achieve the goals set forth to accomplish.

Mr. Pineda said yes.

Council Member Killpack asked what businesses can do if transients are sitting on their property and they want them removed.

Chief Steffen said they can still have them removed. This will not deter the ability to enforce what the business owner wants.

Council Member Killpack asked if the ordinance accomplished what he needed with the changes.

Chief Steffen said yes.

Council Member Stokes said he was upset when he noticed the ordinance had been changed. It passed two readings and was fine and did not need to be changed. As long as everyone is okay with it, he is as well.

Council Member Wilson said he was upset as well when it was changed but as long as it can be enforced he is okay with it.

Mayor Rust said public process goes both ways and sometimes doesn't include everyone's opinion. He received comments from one person about the ordinance being too broad. He has a definition of aggressive panhandling and everyone can look at it to see if this needs to be included. The ordinance does not need to be approved tonight we need to make sure the ordinance has everything included in order to enforce it. The definition states that aggressive panhandling is solicitation made in person for immediate donation of money or other gratuity. This may be done by vocal appeal, asking or requesting, cursing, badging, sympathy appeals, harassing, threats or demands. Or by non-vocal appeal using signs or signals, gestures, pastures, children, animals or props. It is the habitual manipulative, intimidory use of another individual's sympathy, fear of guilt or insecurities, for monetary gain. It is a form of emotional and financial abuse.

Council Member Killpack said there have been a few incidences that he felt intimidated by transients so maybe this is something that should be discussed. He asked Chief Steffen if this should be added to the ordinance.

Chief Steffen said typically the calls they receive dealing with transients would be best described as aggressive panhandling. Businesses contact them because it does not work well to have large groups outside their businesses. He suggested removing paragraph four because he felt more strongly that if the constitutionality or the ability to prosecute is in question then they should not have it included.

Mr. Pineda said he would like the ordinance be voted on as it is tonight to help him with issues occurring now. Any changes that need to be addressed can be done at a later date.

Motion carried (6-1) with Council Member Peterson voting no.

RESOLUTIONS

2nd South Reconstruction Project

R16-10: A resolution of the governing body of the City of Green River, Wyoming, to approve an increase in the Capital Projects Fund for the 2nd South Reconstruction Project in the amount of \$4,000,000.

Council Member Wilson moved to approve the resolution to approve an increase in the Capital Projects Fund for the 2nd South Reconstruction Project, in the amount of \$4,000,000. Council Member Peterson seconded.

Mr. Westenskow said this is part of 6th Penny projects that were approved by voters. This year is year 3 projects. 2nd South will be completed in 4 phases and will replace curb, gutter and sidewalks on both sides, along with the water main. Bids that were received came in lower than estimated. The estimated amount was \$4.6 million and the lowest bid came in at \$3 million. They have anticipated completing beautification projects along with the reconstruction of the street which included street trees, decorative lighting, and different sidewalk treatments. These are not in the base bid but with the funds available they will be able to complete them as the project continues.

Council Member Peterson clarified the project is being increased by \$1 million and that is for the beautification.

Mr. Westenskow said it is to provide the budget authority to do the beautification element.

Council Member Peterson asked what they are beautifying.

Mr. Westenskow said they will be adding decorative lighting, street trees, different sidewalk elements that were included in the design. They were concerned that they would not have the funding available to do the beautification elements so they are pleased to see they do have funds available.

Council Member Peterson asked if 6th Penny monies can be used by other entities and can be put towards other things as well.

Council Member Stokes said there have been other agencies that have participated in the 6th Penny monies; such as Castle Rock Ambulance and Medical Center.

Mayor Rust said Memorial Hospital participated in the last 6th Penny to do the improvements they have done.

Council Member Peterson asked since sales tax revenues are down can we use 6th Penny monies to help make up the difference.

Mr. Westenskow said no those funds can only be used for that specific slate of projects and once they are completed then any overages can be used for like projects but that won't be until 2018.

Mayor Rust said the city does not initiate the 6th penny projects. It is a funding mechanism for projects if approved by voters.

Council Member Killpack said you cannot change the projects once they have been approved. This \$4 million has already been set aside for the 6th Penny projects; it is not coming out of the City's budget.

Council Member Killpack asked how they were informing businesses in the area that will be affected and are they going to leave an access to the street at all times.

Mr. Westenskow said they have sent notices out to every property owner on 2nd South to invite them to come in to an early heads-up meeting on the project. They sadly had very few people show up. They have also been approached by businesses after and had phone calls on it as well. One thing that came out of the early meeting was a strategy to construct the road in such a way that won't be a problem to businesses for the entire season. They are directing the contractor to start at one end and stay within a segment. The contractor will not be allowed to move on in the project until a certain amount of work is completed on the current phase. They will work phase by phase so there are two entrances open at any given time and people can get to those businesses in the area. Phase 4 will be the only time the underpass will not be available. During Flaming Gorge Days and River Festival the contractor will have to have to road opened, trenches have to be full, and the contractor has to be gone so people can enjoy the events.

Council Member Wilson asked if they will try to get the landscaping part bid so work can be done simultaneously.

Mr. Westenskow said yes, the underground work is included in the water line component. They included the beautification elements as an alternate just in case bids came in to high they could remove that component. The lowest bidder did not include pricing for that so they will have to get pricing on some of those elements. They will have to work out the details on the beautification parts of the projects.

Council Member Wilson asked if the curb and gutters will be the same on 2nd South as they are on the other new streets.

Mr. Westenskow said they will be similar but they will make sure they are at an adequate width.

Council Member Wilson asked if the drainage issues by the railroad will be fixed.

Mr. Westenskow said yes.

Council Member Wilson said they should send letters to the mines that have busses so they know as well.

Mr. Westenskow said they will do so. The more notice given the better.

Mayor Rust said the council approved a study years ago on the beautification of 2nd South and that is what is being used as a tool to help get funding for what we need to have done.

Motion carried. (7-0)

COUNCIL ACTION ITEMS

Utility Rate Study

Council Member Killpack moved to accept the Request for Proposal from NewGen Strategies & Solutions, in the amount of \$48,330, and to approve the contract with NewGen Strategies & Solutions for the utility rate study, pending legal approval. Council Member Wilson seconded.

Council Member Peterson asked why the city is paying for another study. Citizens in Green River do not like studies.

Mr. Meats said the city is currently running three different billing philosophies in the three different Enterprise Funds and are running multiple different strategies. Some of the billing strategies we use are 30 years old and do not have any new trends. We are running a declining balance rate water structure which is almost unheard of. We have some of the expertise needed in house but not all. The study will take around 200 to 300 hours and is on a tight timeframe. Having someone else complete it will help. The city just does not have any extra staff hours to put towards this study; they will be helping. If the city wants to receive or apply for a State Revolving Fund (SRF) loan we cannot have a declining rate structure. These are all items that have to be considered and bringing someone on board who has the expertise in these areas will help. \$48,000 is not very expensive; the city of Laramie did a study 6 years or so ago and it was \$100,000. This will give us national guidelines from other areas as well.

Council Member Killpack said we budgeted \$60,000 for this study so the city will save money. He said it seems this vendor has the expertise needed.

Mr. Meats said they do have the most experience in all of the components.

Motion carried. (7-0)

Award Task Order 4 to Inberg-Miller Engineers for 2017 Capital Improvement Projects

Council Member Stokes moved to award Task Order 4 to Inberg-Miller Engineers for subsurface exploration services for the 6th Penny CIP Project 2017, in the amount of \$7,200, and authorize the Mayor to sign the Task Order. Council Member Peterson seconded. Motion carried. (7-0)

Award Task Order 5 to Inberg-Miller Engineers for the 2018 Capital Improvement Projects

Council Member Maes moved to award Task Order 5 to Inberg-Miller Engineers for subsurface exploration services for the 6th Penny CIP Project 2018, in the amount of \$7,500, and authorize the Mayor to sign the Task Order. Council Member Stokes seconded. Motion carried. (7-0)

Award Task Order 6 to Inberg-Miller Engineers for the 2016 Capital Improvement Projects

Council Member Wilson moved to award Task Order 6 to Inberg-Miller Engineers for construction materials testing services for the 6th Penny CIP Project 2016, in the amount of \$90,580, and authorize the Mayor to sign the Task Order. Council Member Peterson seconded. Motion carried. (7-0)

Award the 2016 Capital Improvement Project – 2nd South Reconstruction

Council Member Barney moved to award the 2016 CIP - 2nd South Street Reconstruction Project (6th Penny Year 3), including the Base Bid, Bid Alternate #1, and Bid Alternate #3A, to DeBernardi Construction Company, Inc., in the amount of \$2,908,089, and authorize the Mayor to sign the agreement. Council Member Stokes seconded.

Mayor Rust asked what Alternate #1 and #3A are.

Mr. Westenskow said given the amount of traffic on 2nd South they composed the bid with an asphalt pavement section and a concrete pavement section. Alternate #1 is the asphalt pavement section. Alternate #3A is the basic enhancement which is a block retaining wall that will run from the concrete ramp at the overpass up toward the underpass so it will look consistent to the underpass and includes conduit.

Motion carried. (7-0)

CONSENT AGENDA

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

- Issuance of a catering permit to Lew's Inc. for Painting with a Twist event on Saturday, March 19, 2016, from 3 pm to 11 pm, at the Expedition Island Pavilion
- Issuance of a catering permit to Lew's Inc. for the Ciner Company Picnic on Saturday, July 23, 2016, from 11 am to 7 pm, at the Expedition Island Pavilion
- Sale of Surplus desks to Mission at Castle Rock, for the amount of \$10
- Minutes for: February 16, 2016
- Payment of Bills:

Prepaid Invoices = \$89,794.53	Outstanding Invoices = \$144,194.18
Payroll Expenditures = \$315,377.08	Pre-authorization Payments = \$1,065,000.00

CITY ADMINISTRATOR'S REPORT

Mr. Clevenger congratulated Taylor Law on being sworn in as a Police Officer. He said the legislative session went well but there are concerns on budget and the direct distribution for towns and cities. It looks like the city could receive \$745,000 to \$900,000 based on which formula they use. The city workshop will not be March 8, 2016 but will be on March 22, 2016. We will review the budget as it is now, review the budget workshop schedule, and discuss the additional Verizon tower.

CITY ATTORNEY'S REPORT

Mr. West had nothing to report.

MAYOR AND COUNCIL REPORTS

Council Member Stokes had nothing to report.

Council Member Killpack asked when the Finance Committee will meet. He believes in transparency since the budget shortage is around \$930,000.

Mr. Clevenger said the meeting will be sometime next week.

Council Member Maes congratulated Pete Balliff for all of his military accomplishments and Harry Hollar for that entire community. She is happy to see that Main Street is accomplishing their goals and have all of their committees filled.

Council Member Barney said the tax dollars are down and can be brought back up if we found a way to increase the tourism footprint.

Council Member Peterson said the legislative session went well and he felt it was a good idea to show them that cities and towns will need support. He thanked Mr. Meats for attending with them as well.

Council Member Wilson said we still need to send emails to push for funding. This budget year is going to be tough and we don't know if rates will need to be increased or not. He asked when the budget schedule will be available.

Mayor Rust said it is important to go and have a presence at the legislative sessions. He will be attending a Wyoming Business Council meeting in Torrington to discuss a \$1.2 million grant for the North Side Lift Station Project. He complemented Carrie Fischer on the success of the Child Forensic Interview Training. He congratulated Green River Wrestlers for winning State and the Boys Swim Team for finishing 7th at State Swimming.

ADJOURNMENT

Council Member Wilson moved to adjourn at 8:39 pm. Council Member Killpack seconded. Motion carried. (7-0)

Pete Rust, Mayor

ATTEST:

Chris Meats, City Clerk