

**CITY OF GREEN RIVER
CITY COUNCIL PROCEEDINGS
April 20, 2010**

The Governing Body of the City of Green River met in regular session at 7 p.m. in the City Hall Council Chambers. Mayor Castellon called the meeting to order and Washington Elementary Students Abby Atkinson, Austin Emmert, Ridge Hester, Kolbi Hester, Nick Findlow and Jacob Findlow led the Pledge of Allegiance. The following Council Members were present: Carl Morck, Ted York, 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 Hansen, Director of Public Works Mike Nelson, Fire Chief/Emergency Services Director Mike Kennedy, Chief of Police John Love, Director of Human Resources Debbie Klein Robertson, Parks Supervisor Allan Wilson, City Attorney Ford Bussart, Parks and Recreation Supervisor Kevin Sadler, City Planner John Dahlgren, and Public Information Coordinator Stephen Pyles.

APPROVAL OF THE AGENDA

Mayor Castellon added the consideration of a budget resolution to install equipment on a police vehicle.

Council Member Boan moved to approve the agenda as amended. Council Member McCullough seconded. Motion carried. (6-0)

PRESENTATIONS

STAR Transit Update

Director Judy Owens reported there have been 13,964 fixed route rides from August to March. Since the shuttle routes started from Green River to Rock Springs six months ago, they have had 1,674 rides, with 276 originating at the Railroad Avenue stop, 644 direct pickups, and 754 rides back from Rock Springs. She also explained the bus routes and noted the fare is still \$1, and riders over the age of sixty ride for free.

Ms. Owens also requested \$29,630 to fund the program for the coming budget year.

Council Member McCullough stated she was not allotted any funds for the coming year, but hoped the governing body would be able to come up with some money to help continue the services STAR Transit is providing for Green River citizens.

PROCLAMATIONS

National Nurses Week

Kathy Luzmoor read the proclamation and Mayor Castellon proclaimed May 6 – 12 as National Nurses Week in Green River. Nurses Karlana Sheehan and Kathy Kumer were also present for the reading of the proclamation.

Arbor Day Proclamation

Allan Wilson, Dottie Krauss, and Clarissa Hardy read the proclamation, and Mayor Castellon designated Saturday, May 1, 2010 as the day to celebrate Arbor Day in Green River.

National Crime Victims' Rights Week

County Attorney Brett Johnson read the proclamation and Mayor Castellon declared the week of April 18 – April 24, 2010 as National Crime Victims' Rights Week.

Mayor Castellon recognized Police Officer Luke Benson for his outstanding efforts in Crime Prevention.

CITIZEN REQUESTS AND OTHER COMMUNICATIONS

Harry Holler noted there were six Green River students attending the American Legion's Boys and Girls State, four boys and two girls. He thanked the Embassy and Ponderosa, and the other businesses and private citizens who have made contributions to the Boy's and Girl's State program.

He also asked for donations of computers, the citizens weren't using, for use by families who have servicemen and women serving in the Middle East. If they will call him, he will pick them up.

PUBLIC HEARINGS

Modifications to Chapter 7 of Appendix B of the Green River Code of Ordinances to include the Design Overlay District

Mayor Castillon opened the hearing at 7:30 p.m.

Laura Hansen noted they are taking the general design guidelines under the jurisdiction of the Urban Renewal Agency and moving them under the zoning ordinance, creating zoning overlay districts that will go through the zoning process rather than the Urban Renewal Agency.

There were no other comments or concerns presented. The Mayor closed the hearing at 7:31 p.m.

Modifications to the Official Zoning Map

Mayor Castillon opened the hearing at 7:31 p.m.

Laura Hansen noted the changes add the overlay districts to the zoning map.

There were no other comments or concerns presented. The Mayor closed the hearing at 7:32 p.m.

ORDINANCES

Sweetwater Television Franchise Agreement Renewal

10-02: An ordinance amending Subsections Sections A, B, E, F, I, and R of Section 1 of Green River Ordinance No. 90-9, and Sections A, B, E, F, I, and R of Article I, Appendix D 'Franchise' of the Green River Code of Ordinances, City of Green River, State of Wyoming, to increase the indemnification requirements, to extend the term of said ordinance, which granted to Sweetwater Television Company, its successor and assigns, a non-exclusive right and franchise to install, maintain, and operate in, over, under and upon the present and future streets, alleys, public grounds and ways of the City of Green River, Sweetwater County, Wyoming lines and equipment necessary to provide cable television signals, for the purpose of providing cable television, internet, telephone, and other related services to the City of Green River, the inhabitants thereof, and others, and to provide for an effective date.

Responding to a question from Mayor Castillon, Mr. Bussart stated after the second reading of the ordinance the city had been contacted by a representative of Wyoming.com. They requested an amendment that would require Sweetwater Television to provide advertising access on the cable television advertising channel for Wyoming.com. Mr. Bussart contacted a cable television communications lawyer, in Washington, D.C., who advised him amending the ordinance would violate the Federal Cable Act, Federal Communications Act, and the United States Code. So, based on that opinion, Mr. Bussart's recommendation is the governing body not honor the requested amendment to the ordinance by Wyoming.com.

Council Member McCullough moved to approve the ordinance on third reading. Council Member Boan seconded. Motion carried. (6-0)

Repeal of Chapter 26 of the Green River Code of Ordinances

First Reading: An ordinance repealing Green River Ordinances Nos. 04-09, 05-06, and 5-11, and Chapter 26 of the Green River Code of Ordinances entitled Urban Renewal, as the same has been restated in Chapter 7 of Appendix B – Zoning – of the Green River Code under Overlay Districts.

Council Member York moved to approve the ordinance on first reading. Council Member Maes seconded. Motion carried. (6-0)

Modifications to Chapter 7 of the Zoning Ordinance

First Reading: An ordinance amending Chapter 7 of Green River Ordinance No. 87-16, and Sections 7.1 through 7.3 of Chapter 7 of Appendix B – Zoning – of the Green River Code of Ordinances, and creating Section 7.4 of Appendix B of the Green River Code of Ordinances, City of Green River, State of Wyoming, to incorporate the provisions of Chapter 26 of the Code of Ordinances on Urban Renewal into the Zoning Ordinance as an Overlay District.

Council Member Morck moved to approve the ordinance on first reading. Council Member Boan seconded. Motion carried. (6-0)

Modifications to Official Zoning Map

First Reading: An Ordinance amending the Official Zoning Map to show the Bronze Belt Overlay District, the Green Belt Overlay District, and the Design Review Overlay District.

Council Member Morck moved to approve the ordinance on first reading. Council Member Maes seconded. Motion carried. (6-0)

RESOLUTIONS

Budget Increase for Arbor Day Donations

R10-39: A resolution for the governing body of the City of Green River, Wyoming, to approve an increase in revenue and expenditure authority and to accept a donation in the General Fund for the Arbor Day Celebration in the amount of \$525.

Council Member Maes moved to approve the resolution. Council Member Boan seconded. Motion carried. (6-0)

Council Member McCullough thanked PacifiCorp for their \$500 donation and Trona Valley Federal Credit Union for their \$25 donation.

Acceptance of Utility Easement from Hunter's Run LLC

R10-40: A resolution for the City of Green River, Wyoming, approving and accepting a permanent utility easement from Hunter's Run, LLC, a Wyoming Limited Liability Company situated in the NE ¼ of Section 34, Township 18 North, Range 107 West, 6th P.M., City of Green River, Sweetwater County, Wyoming.

Council Member Boan moved to approve the resolution. Council Member McCullough seconded. Motion carried. (6-0)

National League of Cities Prescription Card Program

R10-41: A resolution for the governing body of the City of Green River, Wyoming, to participate in the National League of Cities Prescription Discount Card Program.

Mr. Cook noted since the city is a member of the National League of Cities they are able to provide the card to the citizens of Green River. It allows people with no insurance to get their prescriptions at a discount.

Council Member Maes moved to approve the resolution. Council Member McCullough seconded. Motion carried. (6-0)

Budget Increase for Leisure Programs Training

R10-42: A resolution for the governing body of the City of Green River, Wyoming, to approve an increase in revenue and expenditure authority in the General Fund for a training grant in the Leisure Program budget in the amount of \$250.

Council Member Maes moved to approve the resolution. Council Member Boan seconded. Motion carried. (6-0)

Budget Increase for Capital Improvement Projects 2009 Crossbow Phase

R10-43: A resolution for the governing body of the City of Green River, Wyoming, to approve an increase in expenditure authority in the Capital Projects Fund for the CIP 2009 Crossbow Project in the amount of \$1,022,800.

Mr. Cook noted this is the last of the sixth penny projects. It was delayed until this summer because water and sewer improvements needed to be done. The resolution allows the money set aside in the other funds to be consolidated into the Capital Projects Fund.

Council Member McCullough moved to approve the resolution. Council Member Morck seconded. Motion carried. (6-0)

Budget Modification for Police Vehicle Equipment

R10-44: A resolution for the governing body of the City of Green River, Wyoming, to approve a modification expenditure authority in the General Fund for the Police Department to install police equipment in a vehicle for the amount of \$3,337.

Council Member York moved to approve the resolution. Council Member McCullough seconded. Motion carried. (6-0)

COUNCIL ACTION ITEMS

2010 WAM Delegates

Council Member McCullough moved to appoint Mayor Castillon as the city's official voting delegate for the 2010 WAM Annual Convention and business meeting, and Barry Cook as the alternate. Council Member Boan seconded. Motion carried (5-0-1) with the mayor abstaining.

Contract to Implement the Integrated Solid Waste Management Plan

Council Member McCullough stated he wanted to forewarn the citizens that the landfill will be closed.

Mr. Cook stated the city was required to implement the plan by the state of Wyoming. Currently, the city provides collection, recycling, and landfill operations, all covered under the Solid Waste Fund. Inberg Miller was hired to do the consolidated waste study so the city could look at their options. The governing body chose to move to a transfer station. The plan was submitted to the state and has been accepted, and now we are moving into the implementation stage.

A transfer station will be constructed and the landfill operations will be discontinued. Solid waste will be collected and then transported to the Solid Waste District No. 1 in Rock Springs. There will be future discussions on rate charges and agreement terms with District No. 1 later this summer.

Mr. Nelson stated the landfill is scheduled to be shut down in 2015.

Council Member Morck moved to continue the landfill engineering service agreement with Inberg Miller Engineers for the implementation of the Integrated Solid Waste Management Plan. Council Member Maes seconded. Motion carried (5-1) with Council Member York voting no.

Agreement for SE Water Expansion Project – Construction Engineering Phase I

Mr. Cook noted Nelson came up with a model and design that was compatible with the Joint Powers Water Board Master Plan to get water from the treatment plant through the complicated Green River water system zones to the southeast area being developed. The city received a consensus grant for the project.

The work for Phase I will include:

- An 18 inch transmission line
- A new pump station on Upland Way
- A new 16 inch transmission line
- Miscellaneous tank control improvements
- A new 12 inch water distribution line servicing the Faith Evans Subdivision
- Miscellaneous south side system improvements

Council Member Morck moved to approve an agreement with Nelson Engineering for the Construction Engineering Phase I SE Water Expansion Project (*in the amount of \$382,000*). Council Member Maes seconded. Motion carried. (6-0)

Sweetwater County Community Juvenile Services Board Agreement

Council Member McCullough noted this is not a joint powers board, there will be no cost to the city, and the county will receive \$134,000 which will be managed by the county grants department. The county commissioners still need to approve the agreement.

County Attorney Brett Johnson added the Wyoming legislature had passed legislation specifically for a community juvenile services board. The idea being the state would give the money to a local board, to control and administer locally, to help juveniles at risk of going off the track. He doesn't know what the commissioner's position is on the agreement, but he is hopeful the people from the governor's office will be able to dissuade their fears.

Council Member York moved to authorize the Mayor to sign the agreement for the Sweetwater County Community Juvenile Services Board. Council Member Morck seconded. Motion carried. (6-0)

Traffic Committee Report

Mr. Cook noted the Traffic Committee recommendations as follows:

- Deny the request for a no parking area on one side of South Carolina.
- Approval of the request to create a parking lot on East 3rd South across from Evers Park.
- Approval for city staff to ask WYDOT to repaint the crosswalks on Uinta as soon as possible, and to paint a stop-bar on Uinta off of Monroe Avenue and Evans Street before the crosswalk. (Mr. Cook will write a letter to WYDOT about the crosswalks and also include an inquiry on when the traffic light at Uinta and Second South will be replaced.)
- No major capital reconstruction projects will be undertaken at this time to setup a multi-year street modification program to add parking aprons on Flaming Gorge Way, Railroad Avenue and Second South.
- The Community Development Department will undertake a new parking study of the downtown area and report back to the governing body at a future workshop.
- Streets Division staff will start installing signage to meet the 2010 Uniform Traffic Code requiring larger signs with larger print.

Council Member McCullough moved to approve the April 13, 2010 Traffic Committee Report as presented. Council Member Morck seconded. Motion carried. (6-0)

Bid Award for Capital Improvements Project 2009 – Crossbow Utility Phase

Council Member York moved to award the Capital Improvement Project 2009 – Crossbow Utility Phase to Lewis & Lewis in the amount of \$974,084.65. Council Member McCullough seconded. Motion carried. (6-0)

Waiver of Park Fees for Boy Scouts of America

Debbie Robertson noted her cub scouts group has already contacted Allan Wilson about volunteering to help with Arbor Day. So, in return for the waiving of the fees, the scouts are willing to give their time and energy back to the community.

Troop Leaders Sarah Bell and Lori Ungaro explained the activities for the event and the community services the boys are doing to earn their patches.

Council Member Morck moved to approve the waiver of all user fees associated with the June 18-19, 2010 Boy Scouts of America Trapper Trails Traveling Day Camp (rental of the pool in the Green River Recreation Center and the Indian Hills Park and picnic shelter.) Council Member Boan seconded. Motion carried. (6-0)

Council Member Boan stated this coming budget year the council will have to look more closely at waiving fees, because the city basically doesn't have the money to continue doing so.

CONSENT AGENDA

Council Member McCullough moved to approve the following consent agenda items. Council Member Maes seconded. Motion carried. (6-0)

- A contract with Chris Mulhall for the Parks & Recreation Adult Summer Golf Lessons for \$270 (6 participants) and a maximum amount of \$540. The maximum contract amount for both sessions is \$1,080.
- A contract with Chris Mulhall for the Green Level Hook A Kid on Golf Program for \$30 per participant and maximum contract amount of \$1,500.
- A contract with Chris Mulhall for the Tee Level Hook A Kid on Golf Program for \$30 per participant and the maximum contract amount of \$720.
- A contract with the Green River High School Track Program (Head Coach, Steve Boyd) to provide instruction and staffing for the 2010 Hershey Track and Field Program in the amount of \$325.
- The proposal from the Green River Junior Babe Ruth Baseball League for 2010 Concession Stand Operation at Stratton Myers Park.
- The Cooperative Agreement with WYDOT for the Urban Systems Reconnaissance Report for designated streets in Green River (E. & W. Teton Blvd and Hitching Post Drive) in the amount of \$20,000 over a three year period.
- The final payment and release of retainage to Longhorn Construction for the Municipal Landfill Cell #6 Excavation in the amount of \$2,964.
- Authorization for Jessica Samulson to remove planters and lawn chairs, and Bill Olmstead to remove a horse hay feeder from the landfill.
- The Minutes for: April 6, 2010 and April 13, 2010.
- Financial Reports and Payment of Bills: Outstanding Invoices = \$248,872.88
Prepaid Invoices = \$74,357.70 Payroll Expenditures = \$348,388.89
Pre-authorization Payments = \$770,000.00

Council Member York left the meeting at this point of the meeting.

CITY ADMINISTRATOR'S REPORT

Mr. Cook noted the following summer construction projects have been in the planning stages for many years.

- The FMC Park Bridge over the Green River – this is a WYDOT project and the city has been working with the state for over seven years to get it done. The city has a local match.
- The Scott’s Bottom Road will be completed as part of the bridge project.
- The spur road off of Scott’s Bottom will also be bid out for completion this summer
- The final two sixth penny projects – Birch and Arizona Streets, and the Crossbow Project.
- Work has already started on the Pedestrian Viaduct.

He noted the budget for FYE2011 will be very tight. He wants the citizens to understand the dollars to pay for the projects have been saved over many years.

He stated they hope to get the Visitor Center going this summer as well. They are still working on a lease agreement with Rocky Mountain Power for the land to build the center on. Once they solve the lease issues, the request for bids will go out, hopefully in the next couple of weeks.

Mr. Cook announced Clean Up Day will be May 8th, and Spring Clean Up Week is May 3rd – 7th.

He also stated budget workshops will start on Thursday, May 6th, 6:30 p.m. in council chambers. The workshops will be televised. City staff has cut close to \$2 million or 11 % out of their operating fund. Sales tax revenues are still down by about 30%, and the state has cut the revenue sharing by approximately 3 to 4%.

CITY ATTORNEY’S REPORT

Responding to questions from the Mayor, Mr. Bussart reported on the legal team for the Million Diversion issue. The team is on their way and will consist of Mr. Bussart and attorney Dick Honaker. They have met at the University of Wyoming – College of Law with the Environmental and Water Law Professor Larry McDonald. He is considered to be one of the foremost experts on the law of the river (Law of the Colorado Impact). Professor McDonald has agreed to work in consultation with Mr. Bussart and Mr. Honaker. He was also present to meet with the legal team and the committee in executive session yesterday.

Mr. Bussart and Mr. Honaker will have a conference call, on Friday, with Professor McDonald, to discuss the seven point strategy they are developing. They will also be meeting with Rita Brand, the Army Corps of Engineers contact person. They will be talking and meeting with the state engineer’s office, because, if the Army Corps ultimately grants the permit Mr. Million is seeking, Mr. Bussart believes, under the Wyoming Constitution, it is still subject to the acquisition of permitting by the state engineer.

At the end of the day, even if the Corps of Engineers approves the Million permit, it is subject to review and potential veto by the Environmental Protection Agency. And wrapped into this constellation of issues it will all get litigated either at the administrator level or the federal court level. There are an abundance of environmental issues, i.e. the four protected species which will create conflict potentially between the EPA and the Corps of Engineers. So the legal team will be looking at all their strategies and trying to meet with all those agencies. Mr. Million has been flying under the radar for three years, and making his record, so, most of what is before the Corps of Engineers is Mr. Million’s story. There is another story to be told, and we’re about three years behind him and starting to get it formulated and written. That’s what the legal team will be starting to do, getting that record of proceedings to the Corps of Engineers fleshed out with, as Paul Harvey would have said, “the rest of the story.”

MAYOR AND COUNCIL REPORTS

Council Member Maes congratulated Katie Duncombe on her Outstanding Young Professional Scholarship Award to attend the Mid-West Regional. She noted Mr. Bratton had received the Fellow Award.

She noted without the benefit of the sixth penny tax there are several projects that wouldn’t have gotten done, i.e. the new bridge over to the Pavilion, and the sewer and water improvements over on the north side. They may be looking at the sixth penny again in the future to get other projects done. The city will be finishing up on their last capital projects this summer, and after that,

because of the bare bones budget, there won't be any more. She will be able to help with the Rock 'n River Chefs Challenge.

Council Member Boan stated it seems to him there is something seriously wrong with the system when almost everyone in the county, with the exception of three people, want to at least try to put something on the ballot for the sixth penny, and then those three people are able to shut it down.

Council Member McCullough had nothing to report.

Council Member Morck had nothing to report.

Mayor Castillon congratulated the volunteers involved with the proclamations, and encouraged participation in the Arbor Day Celebration activities.

He noted Mr. Cook had presented a balanced budget to the governing body at the budget retreat. Now it will be up to the governing body to keep it that way or live with the consequences of how they follow the recommendations and move things around. He thanked Mr. Cook and his staff for their time and effort. The budget cuts are going to hurt the quality of life in Green River, and he hopes we can weather the storm.

He commented on the work going on at the Pedestrian Viaduct.

He encouraged the donation of computers to help Harry Holler out.

He gave a brief overview of the Water Diversion Committee meeting on Monday, and encouraged submission of factual reporting (or papers) on environmental and habitat issues to help with the effort to block the Million Water Diversion Project.

ADJOURNMENT

Council Member Boan moved to adjourn at 8:26 p.m. Council Member McCullough seconded. Motion carried. (5-0)

H. Castillon, Mayor

ATTEST:

Jeffrey V. Nieters, City Clerk