

**CITY OF GREEN RIVER  
CITY COUNCIL PROCEEDINGS  
August 3, 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 Castillon called the meeting to order and Gary Killpack led the Pledge of Allegiance. The following Council Members were present: Ted York, Pete Rust, Carl Morck, Tom McCullough, Jim Boan, and Lisa Maes. The following were present representing the City: City Administrator Barry Cook, Director of Human Resources Debbie Klein Robertson, Acting Director of Finance Trish Mansfield, Chief of Police John Love, Fire Chief/Emergency Services Mike Kennedy, Parks and Recreation Director Walt Bratton, Parks Supervisor Allan Wilson, URA/Main Street Administrator John Dahlgren, Parks and Recreation Supervisors Katie Duncombe, DARE Officer Dan Futia, City Attorney Ford Bussart, and Public Information Coordinator Stephen Pyles.

**APPROVAL OF THE AGENDA**

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

**PRESENTATIONS**

**D.A.R.E Scholarship Awards**

DARE Officer Dan Futia presented a \$600 Scholarship to Janelle Strampe and Mark Harris. He stated he has good community support for the program. The recipients had to submit their transcripts, three letters of recommendation, a resume and write an essay. Ms. Strampe and Mr. Harris read their essays on how DARE has affected their lives.

Council Member McCullough and Mayor Castillon congratulated the two recipients.

**STAR Transit Update**

Judy Owens expressed appreciation for council's continued support. She stated STAR Transit has expanded their routes by ten extra stops. They have sent out requests for proposals for shelters and the RFP's are due back by August 23<sup>rd</sup>. They are planning on installing a shelter on the west end of Flaming Gorge Way. STAR Transit has provided 55,040 rides. They are in the process of working with Community Development to put up signs to inform citizens of their locations.

**Chamber of Commerce Update**

Janet Hartford updated the council on the following topics:

- River Festival scheduled for August 20-21, 2010. Tickets are now available at the Chamber of Commerce Office.
- Chamber is hosting a luncheon at the Krazy Moose for Senator Engi on August 25, 2010.
- Lunch and Learn will be held at the Mi Casita on August 18, 2010.
- Ribbon cutting for the Rolling Green Golf Course on August 12, 2010 at 6:00 p.m.
- Ribbon cutting for E-Street Wireless on August 26, 2010.
- Photo Contest - She stated this year they have partnered with the Sweetwater County Fair on the photo contest. They have eighty-eight entries and they are being displayed at the Fair. The entries will also be on display at Evers Park during the River Festival.
- Building Status - They are laying conduit for electricity and cable. The contractors should be starting the framing next week. They have had weekly meetings with the contractor and city officials.

## **Main Street Update on Farmer's Market**

Farmer's Market Chair Person Bonnie Bigolin stated the new location on Railroad Ave. has been well received. They have received sponsorships from twelve local businesses totaling \$6,400. The main sponsors are Trona Valley FCU, FMC and Halliburton. The Farmer's Market has had an average of twenty vendors selling fruit and vegetables, bread and other baked goods and crafts items. In four weeks Main Street has grossed \$1,832.45 selling hamburgers, hot dogs and Beehive Cheese. In conjunction with the downtown businesses they are continuing with the Market Bucks, which is for every \$10 spent, you get \$1 to spend at the Farmer's Market. Ms. Bigolin stated the Farmer's Market will be going on through August 25<sup>th</sup>.

Council Member Boan commented on the downtown businesses being closed during the hours of the Farmer's Market and suggested they should stay open at least until 7:00 p.m. on the days of the event.

Council Members McCullough and Rush and Mayor Castillon expressed appreciation to Ms. Bigolin and stated they are doing a good job.

## **CITIZEN REQUESTS AND OTHER COMMUNICATIONS**

There were no citizen comments.

## **PUBLIC HEARINGS**

### **Special Use Permit for Residential Wind Turbines**

*James Bronstein requested a Special Use Permit for the construction of three roof-mounted residential wind turbines on his residence at 2320 Colorado Drive.*

Mayor Castillon opened the hearing at 7:25 p.m.

Mr. Dahlgren explained Mr. Bronstein had submitted the request in April. At that time Planning and Zoning felt they should write regulations rather than just grant someone a special use permit. Mr. Dahlgren stated they are in the process of drafting an ordinance to deal with regulating both tower-mounted systems and residential-mounted systems. He explained Mr. Bronstein is requesting a special use permit and meets all the requirements in the draft ordinance.

Mr. Dahlgren gave a Power Point presentation on residential wind power. He explained that Wyoming is a good wind energy resource. He presented the council with the common misconceptions of wind turbines.

Responding to concern from Mayor Castillon, Mr. Bronstein explained the Air Breeze wind turbines are approximately 42" diameter. He stated there are two neighbors that support his request in the audience. He explained the noise level from the turbine is no greater than the ambient level or sound of the wind.

Council Member McCullough expressed his concerns and stated this is a controversial issue.

Council Member Morck expressed concern regarding the safety of the turbines.

Council Member Boan asked if the request is approved, would Mr. Bronstein be willing to share the information with the city. Mr. Bronstein stated he would.

There were no other comments or concerns presented. The Mayor closed the hearing at 7:38 p.m.

## **RESOLUTIONS**

### **Budget Increase for Keith Young Memorial Foundation Donation**

**R10-67:** 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 from the Keith Young Memorial Foundation for the Parks and Recreation Department in the amount of \$1,500.

Council Member McCullough moved to approve the resolution to increase the revenue and expenditure authority and to accept the donation from the Keith L. Young Memorial Foundation in the amount of \$1,500 to be used for Leisure Programs Division part time staffing. Council Member Maes seconded.

Council Member McCullough expressed appreciation for the donation.

Motion carried. (7-0)

### **Acceptance of a Construction Easement from Gerhardt Spalding**

**R10-68:** A resolution authorizing the City of Green River, Wyoming, to accept from Gerhardt Spalding and Shelly Spalding, husband and wife, a two-year construction easement for installation, maintenance and repair of utilities for the Southeast Water Improvement Project.

Council Member Morck moved to approve the resolution. Council Member McCullough seconded. Motion carried. (7-0)

### **Special Purpose Tax for Child Development Center**

**R10-69:** A resolution approving the proposition for imposition of a one percent (1%) specific purpose sales and use excise tax in Sweetwater County, Wyoming, said proposition to be placed on the ballot at an election to be held on Tuesday, November 2, 2010.

Council Member Maes moved to approve and adopt the resolution supporting a 1% specific purpose sales and use tax on the November 2, 2010 ballot for the Sweetwater County Child Development Center. Council Member Morck seconded.

Council Member McCullough stated he supports the Child Development Center and if the issue is placed on the ballot he would vote in favor of it. However he explained he would be voting no on the resolution. He felt the city's chances of passing another sixth penny proposition in the near future for other projects, would be jeopardized.

Council Member Boan stated he also supports the Child Development Center and supports the resolution to place the proposition on the ballot.

Council Members Rust and Mast expressed support to the Child Development Center and the resolution.

Mayor Castillon stated a meeting was held with the mayors in the entire county and they expressed support for the resolution. He stated it was time for the Child Development Center to have a permanent home.

Motion carried, (6-1) with Council Member McCullough voting nay.

### **Special Use Permit for Residential Wind Turbines**

**R10-70:** A resolution for the governing body of the City of Green River, Wyoming, to issue a Special Use Permit requested by James Bronstein to allow for the installation and use of three (3) residential wind turbines at 2320 Colorado Drive, Green River, WY.

Council Member Rust moved to approve the special use permit for James Bronstein to install three Air Breeze wind turbines on his garage. Council Member Boan seconded.

Council Member McCullough stated the issue is controversial because some citizens are concerned about the view, some are concerned about the noise, and some don't care. He stated the ordinance should be approved prior to approval, and felt they are rushing the process. This is the reason he will be voting no on the resolution.

Council Member Boan stated he feels the ordinance should be postponed until they see how these turbines actually perform. He stated he supports the Special Use Permit request.

Responding to a question from Council Member Rust, Mr. Bronstein stated he has talked to his neighbors adjacent to his property and they have no issues or problem with the request.

Council Member Rust asked if Mr. Bronstein had contacted his neighbor all around his property. Mr. Bronstein stated he had contacted most, but had not been able to contact all of them, and the ones he contacted were in support of the turbine installation.

There was discussion on the special use permit process. Responding to a question from Council Member Rust, Mr. Dahlgren stated if the permit request is approved it would be forever, but it could later be revoked. Attorney Bussart advised that council has a broad discretion to put whatever condition they want on the permit. They can approve a conditional trial for six months or a year while the data is gathered, then look not only at Mr. Bronstein case, but the wisdom of doing wind power in general. The information gathered from Mr. Bronstein could be used when putting together an ordinance to deal with this issue.

There was a lengthy discussion regarding the noise level of the turbines and Mr. Bronstein assured them if the noise level was a concern, he would not be installing them because he would be the one bothered by the noise as well as the neighbors. Council Member York expressed the city currently has a nuisance ordinance that deals with the noise issue.

Council Member Morck stated he was apprehensive about the whole concept. He feels they will become dangerous, because they will get bigger and people will want more. He would like the view to stay as it is right now.

Council Member Rust suggested an amendment to issue a permit for six months with the condition the sixty decibel level not to exceed beyond the property lines. Mr. Bronstein stated the sixty decibel limit was fine. However the six months time limit has him a little leery, because he is installing the turbine himself and also has a full time job.

City Attorney stated the issue has been discussed for three months at the Planning and Zoning meetings and the council has had thirty-five minutes to discuss it. He feels it is premature to approve the request, if you don't start putting limits on it.

Motion carried, (5-2) with Council Members Morck and McCullough voting nay.

## **COUNCIL ACTION ITEMS**

### **Ratification of Reissuance of Open Container Permit**

Council Member Morck moved to approve the ratification of the reissuance of the Open Container Permit to the Ponderosa Bar and the Embassy Tavern for July 31, 2010 from 10 a.m. to midnight. Council Member Boan seconded.

Council Member Boan stated he supports the Rally but he did not like being polled by e-mail unless the issue is an emergency. He felt that the liquor establishments could have come back to council at four different meetings to ask for the extension. He expressed he did not support the serving of alcohol prior to noon.

Attorney Bussart explained there is a difference between polling subject to subsequent ratification and doing business and making decisions by e-mail. Making decision by e-mail is a violation of the open meetings act. What happened here is the city administrator asked to have some authority to take some administrative action subject to ratification.

Council Member Morck explained the reason for the ratification was because of miscommunication when the original request was submitted.

Motion carried, (6-1) with Council Member York voting nay.

### **Parks and Recreation Advisory Board Appointment**

Council Member McCullough moved to confirm the Mayor's appointment of JoAnn Leigh and Roger Nielson to the Parks and Recreation Advisory Board for three year terms. Council Member Boan seconded. Motion carried. (7-0)

### **River Festival Malt Beverage Permits**

Council Member Morck moved to approve the issuance of Malt Beverage Permits to the Green River Chamber of Commerce for Friday, August 20, 2010, from 3 p.m. to midnight, and for Saturday, August 21, 2010, from 11 a.m. to 6 p.m. Council Member Maes seconded.

Council Member Boan moved to amend the motion to change the time for Saturday, August 21<sup>st</sup> from noon to 6 p.m. Council Member Rust seconded.

Council Member Boan explained he did not support servicing alcohol prior to noon. Council Member Rust asked why they were requesting to serve until midnight on Friday. Ms. Hartford explained the reason is the crowd usually hangs out until after the fireworks are displayed. She stated they could stop serving at 11p.m. if council wanted to.

Amended motion failed (2-6) with Council Members Boan and Rust voting in favor.

Original motion carried, (4-3) with Council Members Boan, York and Rust voting nay.

### **Open Container Permit for Red Feather Poker Run**

Council Member Rust moved to approve the issuance of an Open Container Permit to the Red Feather, Inc., for the Poker Run to raise funds for Multiple Sclerosis, to be held on the east parking lot of the Red Feather, on Saturday, August, 14, 2010, from 5 p.m. to midnight. Council Member Maes seconded. Motion carried, (6-1) with Council Member York voting nay.

### **CONSENT AGENDA**

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

- A horse corral lease with Mike Edgmon for horse corral #18.
- Authorization for Scott Francis to remove a metal grill guard from the landfill.
- The annual agreement with Southwest Counseling Service for the Employee Assistance Program in the amount \$7,000 per year.
- To rescind the contract with the Green River Historic Preservation Commission approved on July 20, 2010.
- To rescind the contract with the Green River Community Chest approved on March 20, 2010.
- The Mutual Aid Agreement between the City of Green River and Sweetwater County Fire District #1 for the exchange of Emergency Response.
- An increase in the flexible spending account monthly minimum service fee from \$25 to \$50; approval of the Business Associates Agreement with AFLAC; and authorization for the Mayor to sign the Reimbursement Service Agreement.
- To provide assistance as requested by the Green River Chamber of Commerce for the 2010 River Festival.
- Ratification of the professional service agreement with the Ballard Group, Inc., for the chiller at the Green River Recreation Center in an amount not to exceed \$10,000.
- Approval of the Minutes for: July 13, 2010, July 13, 2010 Workshop, and July 20, 2010.

- Financial Reports and Payment of Bills:      *Outstanding Invoices* = \$1,148,986.96  
*Prepaid Invoices* = \$78,860.52                      *Payroll Expenditures* = \$398,394.61  
*Pre-authorization Payments* = \$842,600.00

## **CITY ADMINISTRATOR’S REPORT**

City Administrator Cook informed council on the following:

- Congratulated Debbie Klein-Robertson on receiving her certification from the Human Resource Institute. She received a high score and basically passed in six categories; strategic development, work force planning and employment, human resource development, compensation development, employee and labor relations and occupation health and safety security.
- There is a light agenda for next week’s workshop. He has not received all the backup information. He stated he has not received the petition or backup from the citizens who requested the Dog Park issue be placed on the agenda or the back up from the city prosecutor regarding Work Restitution.
- Water Improvement Project will require two crossings on Upland Way to Hitching Post. The first closing on Upland will be on Wednesday, August 11<sup>th</sup> from 8 a.m. to 5 p.m. at the entrance of the LDS Seminary. Access to the landfill, Doe Drive and the Seminary will be provided from Uinta Drive only.
- Nelson Engineering, who oversees the engineering design of the water project, contacted Public Works last week and on August 9<sup>th</sup> and 10<sup>th</sup> is going to require a tap into the main transmission line. Mr. Cook explained a Force Account was set up under this project to deal with additional issues that might come up, that would require additional expenses and time and material outside of the contract. The force account was approved by the city attorney, but the city attorney wanted all those expenses that come out of the force account to be presented to the governing body ahead of time and then ratified at a later date. Representative from Nelson Engineering distributed pictures of the tap and explained the process of the installation and the reason for the additional cost. Council approved the request to proceed.

## **CITY ATTORNEY’S REPORT**

Responding to Council Member York regarding a Wyoming statute on moving water, Mr. Bussart stated the question is whether the water is Colorado’s water or Wyoming water. If it is Colorado’s water in the river basin then the statute is probably trumped by the compact, but if it turns out the hydrology is erroneous because they over allocated. The water they are after may be Wyoming water, and if that is the case, statute does apply and cannot be exported without the approval of the Wyoming Legislature. This is what they are working on the legal side. There are other ongoing studies to look at the hydrology of the river.

## **MAYOR AND COUNCIL REPORTS**

Council Member Rust noted the attendance of election candidates Gene Smith, Dick Wilson and James Bronstein.

Council Member York asked if the council meeting scheduled for August 17<sup>th</sup> would be moved to August 16<sup>th</sup> due to the primary election. Council approved the meeting to be moved to the 16<sup>th</sup>.

Council Member Maes expressed concern regarding some dead spots on the city’s right-of ways along Flaming Gorge Way. Park Supervisor Allan Wilson assured her this issue is being addressed and taken care of.

Council Member Maes commented on the report regarding Travel and Training. She asked about the savings if someone does not use the funds and where does the money go.

Council Member Maes commented on the money from the 6<sup>th</sup> penny the city will be receiving in September. She suggested Department Heads should list their priority projects.

Council Member Maes congratulated Alyssa Krumholz on receiving the NRPA Scholarship and Ms. Robertson on her accomplishment.

Council Member Boan expressed appreciation for the Keith Young donation. He requested an update on the Winter Building status.

Council Member McCullough congratulated Mr. Rust on his accomplishment at the Senior Olympics. He expressed appreciation to Mr. Rust on running the Town Hall meeting about the underage drinking.

Mayor Castillon wished a happy birthday to Mr. McCullough whose birthday is on the 7<sup>th</sup>. He congratulated the two DARE Scholarship recipients. He encouraged attendance at the ribbon cutting at the Rolling Green Golf Course.

**ADJOURNMENT**

Council Member York moved to adjourn at 8:54 p.m. Council Member McCullough seconded. Motion carried. (7-0)

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H. Castillon, Mayor

ATTEST:

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Jeffrey V. Nieters, City Clerk