

**CITY OF GREEN RIVER
CITY COUNCIL PROCEEDINGS
December 20, 2011**

The Governing Body of the City of Green River met in regular session at 7 pm in the City Hall Council Chambers. Acting Mayor Tom McCullough called the meeting to order and Animal Control Calendar winners led the Pledge of Allegiance: CeNedra Hooley, Hailee Gavin, Piper Nichelson, Rose Klein, Elaina Klein, Alexis Welch, Vanessa Welch, Tory Green, McKayla Green, Conner Wilkins, Cade Wilkins, Sara Rich, and Makenna Renzelman. The following Council Members were present: Gary Killpack, Gene Smith, Jim Boan, and Lisa Maes. The following were present representing the City: City Administrator Barry Cook, Director of Public Works Mike Nelson, Director of Human Resources Debbie Klein Robertson, Director of Finance Jeff Nieters, Director of Community Development Laura Leigh, 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.

Mayor Castillon and Council Member Coppolo were not present.

APPROVAL OF THE AGENDA

Acting Mayor McCullough noted the addition of Council Action Item G: Change city policy regarding Utility turnoffs.

Council Member Boan moved to approve the agenda as amended. Council Member Smith seconded. Motion carried. (5-0)

PRESENTATIONS

Military Recognition for Wendy Veal

Acting Mayor McCullough presented Ms. Veal with a plaque, t-shirt, and a flag and he thanked her for her service in the military.

Animal Control Calendar Awards

Animal Control Officer Jamie Green thanked the council, students, and parents for their participation with this calendar. There were a lot of entries this year so the decision was very hard. She presented all the winners with a calendar, gift certificate, and an art kit. The winners were: CeNedra Hooley, Hailee Gavin, Piper Nichelson, Rose Klein, Elaina Klein, Alexis Welch, Vanessa Welch, Tory Green, McKayla Green, Avery Mele, Conner Wilkins, Cade Wilkins, Sara Rich, Makenna Renzelman, and Kinley Cochrane.

Acting Mayor McCullough thanked the Animal Control Officers and the winners for making a very nice calendar for the city.

Chamber of Commerce Update

Director of the Chamber of Commerce Janet Hartford said they have continued being very busy at the Visitor's Center and are averaging over sixty people a day.

The Sweetwater County Photo Contest Calendars are available at the Green River Chamber of Commerce. They turned out very well this year and she thanked Board Member Bob Burke, with the UPS Store for their generous donation of free printing.

Lunch and Learn will take place December 21, 2011 at 12 pm, at the Wrangler. The winners of the Adopt-A-Tree program will be announced at the lunch. This program went well and all of the decorations look great.

The Chamber's Affairs Committee will be hosting a Legislative Forum January 5th, 2012 beginning at 6 pm, in the Council Chambers. This forum will be televised live on channel thirteen.

The Chamber is accepting applications for the 2012 Sweetwater County Leadership Class. Classes will begin on January 12, 2012 and continue with full-day classes through June.

Ms. Hartford will be attending the 2012 Sportsman Expo in Denver, Colorado on January 5th through the 8th.

The Visitor's Center will be closed December 23rd through January 2nd. They will open again on January 3rd, 2012. They will have the vestibule stocked with upcoming events so anyone can come and access that information 24/7.

Acting Mayor McCullough said the Christmas tree ornament looks nice and the Christmas card turned out good. He asked for an update on the basement.

Director of Parks and Recreation Allan Wilson said the basement is around three quarters of the way framed. The electricians and air duct people are coming in next week. They will start sheet rocking soon and hope to be finished in March.

Auditor's Report

Steve Capson from Karren, Hendricks, Stagg, Allen & Company presented the draft audit. He said the opinions are unqualified, they did not find any problems with management, they did not have any significant adjustments that had to be made, and they did not find that any opinion shopping was done. He said the financial statements do contain some estimates. One of them is the depreciation values.

He said the city accounting is broken up into funds and all of those funds are all included in the financial statements. Council can take a look at the draft and if they have any questions to let him know.

Acting Mayor McCullough thanked Mr. Capson.

CITIZEN REQUESTS AND OTHER COMMUNICATIONS

Flaming Gorge Days Committee President Deli Frantzen said the committee is respectfully requesting that the Mayor and Council re-evaluate the Flaming Gorge Days current funding during the city's midyear finance evaluations. In previous years, \$18,000 was provided for the event and unfortunately, with last year's budget cuts their funding was decreased to \$10,000. They are asking for the additional \$8,000 in January 2012 to help supplement continued increases in overhead expenses for Flaming Gorge Days.

Acting Mayor McCullough said he will support them as long as the city has the money. He thinks Flaming Gorge Days is a good thing for Green River and the volunteers do a good job.

Council Members Smith, Maes, Boan, and Killpack said they will support them too.

ORDINANCES

Regulate the Shooting of Bows within City Limits

2nd Reading: An ordinance amending Section 18-61 of the Green River Code of Ordinances, City of Green River, State of Wyoming, to regulate the shooting of bows within city limits.

Council Member Maes moved to approve the ordinance on second reading. Council Member Boan seconded.

Council Member Smith said he does not think there is a reason for this ordinance and he will not support it. He understands the concern but there has been no citizen concern on this issue.

Council Member Maes said she thinks bows should be included in the ordinance before something happens. There are places for people to practice their bows now so they should not need to practice in their yards.

Council Killpack said he will support this ordinance because it is a safety issue.

Motion carried (4-1) with Council Member Smith voting no.

Alternative Energy Addition

2nd Reading: The addition of Chapter 15 to Appendix B – Alternative Energy to the Code of Ordinances

Council Member Killpack moved to approve the ordinance on second reading. Council Member Boan seconded. Motion carried. (5-0)

COUNCIL ACTION ITEMS

Re-appointment to the Personnel Board

Council Member Smith moved to confirm the Mayor's re-appointment of Glen Hill to the Personnel Board for a 3-year term. Council Member Killpack seconded. Motion carried. (5-0)

Extend Rental Hours for New Year's Eve Pavilion Rental

Council Member Boan moved to deny the extension of this rental period to Edgar Gonzales for his New Year's Eve Dance at the Pavilion on Expedition Island Park on Saturday, December 31, 2011. Council Member Killpack seconded.

Council Member Boan asked why they weren't going to allow them an extension when they have before.

Mr. Wilson said they were not recommending they extend the hours because they wanted to have the music until 1 am and clean-up until 2 am. He said there is a policy set and it should be followed.

Council Member Boan said he feels there are exceptions to every policy and he thinks New Year's Eve should be one that they allow. If they have to be cleaned up and closed by midnight then that defeats the purpose of having the dance. He thinks they should be allowed to go until 1 am and clean up until 2 am. He will vote against it.

Council Member Killpack said he will vote against it to because he thinks they should be allowed an extra hour.

Mr. Wilson said there will be alcohol brought into the party.

Council Member Boan said the alcohol will be there until 1 am so it is not going to make a difference.

Mr. Wilson said previously they have had to withhold part of their deposit because this party was smoking in the pavilion and there was damage to the carpets.

Council Member Smith said they should modify the policy to allow the extra hour on New Year's Eve.

Council Member Killpack moved to amend the motion to allow the extension. Council Member Boan seconded. Motion carried. (5-0)

Original motion carried. (5-0)

Release the \$2.2 million Mortgage on the Tomahawk Building

Council Member Smith moved to approve the release of the \$2.2 million mortgage on the Tomahawk building and authorize the Mayor to sign the release of Real Estate Mortgage. Council Member Maes seconded.

Mr. Cook said when the city acquired the first grant from the Wyoming Business Council in the amount of \$300,000 with the local match of \$100,000 the city secured a lien mortgage of approximately \$400,000 on the Tomahawk facility. This was recorded at the courthouse. When the city secured an additional \$1.8 million there was an additional amount placed bringing it to \$2.2 million. Now that they city has released the \$1.8 million back to the Wyoming Business Council it is being recommended to release the amount of the lien. It will bring it back to the original amount of \$400,000. It is conditioned upon by the Wyoming Business Council that the building cannot be sold for five years. Currently, the city is one and a half years into those five years.

Council Member Smith asked if the only requirement left to release the mortgage is the five years.

Mr. Cook said that is right.

Council Member Killpack asked if there is a default, who is responsible?

Mr. West said the property owner would be responsible. If there was a sale of the property within the five years then the \$400,000 lien would have to be satisfied first. It is a requirement of the Wyoming Business Council and the grant agreement.

Council Member Boan asked how much the lien costs the city.

Mr. Cook said the city does not pay anything.

Mr. West said it is the city's obligation to say the property will not be sold within the five years and that is why the city has the mortgage on the property.

Council Member Killpack asked if then the city would be responsible to pay the money back to the Wyoming Business Council.

Mr. West said as long as the city obtains the mortgage then it is not in violation of the grant agreement.

Council Member Smith clarified that Futures could not sell the building without clearing the mortgage first so the city should have nothing to worry about.

Mr. West said that is right.

Motion carried. (5-0)

Change Order to the SCI, Inc Contract

Council Member Maes moved to approve the Change Order to the SCI, Inc. contract in the amount of \$4,263 for a load-out chute at the Rodeo Arena Capital Improvement 15-900-9215. Council Member Smith seconded.

Council Member Boan asked if the money for this change order is coming out of the money set aside for this project.

Mr. Cook said yes.

Motion carried. (5-0)

Construction Manager at Risk Agreement for the CDC Building

Council Member Boan moved to award the contract to Groathouse Construction to serve as the Contract Manager at Risk for the Child Development Center Project - Capital Improvement Project 15-900-9216. Council Member Killpack seconded.

Council Member Killpack asked for clarification.

Mr. Wilson said this motion approves the Contract Manager at Risk with a total cost to start at \$10,000 and then a 5% cost of the total project when the project has started.

Council Member Killpack asked what this contract locks Groathouse into.

Katie Johnson from Groathouse Construction said before they break ground or take bids they will provide a guarantee maximum price and when the project is in the process or complete if there is an amount higher than the maximum price, Groathouse would be responsible. If the amount comes in below then the money will be returned to the city.

She said A1-33 contract is a two part contract. The pre-construction fee of \$10,000 is to cover the costs to get the city the initial plan and then if the city decides to go forward with the guaranteed maximum price then that is when Groathouse would get paid, the 5% of the contract costs.

Council Member Killpack said they are only locked into the \$10,000 unless they accept the guaranteed maximum price.

Council Member Smith asked if the bids come in higher than the amount that has been secured to the building, what happens then.

Mr. Cook said you would have to redesign the project to get it below the amount.

Ms. Johnson said if that happened, they have experience with construction and can work with the city to get the cost where it needs to be.

Motion carried. (5-0)

Marketing Agreement with Service Line Warranties of America

Council Member Smith moved to approve the Marketing Agreement with SLWA and authorize the Mayor to sign it on behalf of the City of Green River. Council Member Maes seconded.

Council Member Maes said she is glad that this could be added to the agenda so quickly, it is a great thing for the citizens.

Council Member Boan said this is great and he will be watching for it in the mail. He hopes the citizens give this consideration. The city could have received royalties but the council decided to give that back to the citizens so if you sign up you would have a savings of 28%. He would highly recommend people to take part in this.

Council Member Smith said he is glad it is available and that it is volunteer and not mandatory.

Council Member Killpack clarified to get the full 28% discount you have to pay annually.

Motion carried. (5-0)

Policy Change Regarding Utility Turn-offs

Council Member Smith moved the city policy be changed to only approve utility turn off if the owner is occupying the property. Council Member Boan seconded.

Mr. West said existing city ordinance provides that the owner of the property is responsible for water and sewer utilities no matter who occupies the property. It also provides that any occupant other than the owner can have the utilities put in their name only if the owner gives them permission to do so. If the owner requests a turn off without knowledge of the tenant it can be turned off since the owner is responsible for the utilities. With this change, if the owner requests a turn off and does not occupy the property, the service to the property would not be shut off.

Council Member Killpack asked if the owner is responsible for the service and the renter decides not to pay for the services then how is that going to affect the owner.

Mr. West said yes the owner is stuck with the bill but the owner has the right to evict the tenant who is not paying for the services. Unfortunately, the city gets put into the middle of disputes of property owners and tenants.

Acting Mayor McCullough asked if the tenant does not pay the bill, the owner of the property can still request that the services be shut off.

Mr. West said no. With this change the property owner would be required to evict the tenants of the property before they could order a shut off of the utilities.

Acting Mayor McCullough said that would take too much power away from the owner of the property. If the tenants refuse to pay the bill, as the owner they should be able to request a shut off.

Mr. West said if they choose to not pay the rent then you can evict them but you cannot use the city to help in the eviction of the tenants by shutting off the utilities.

Acting Mayor McCullough said if the renter wants to pay the water bill then they should be able to.

Mr. West said the existing ordinance will not allow the renter to establish a utility service account unless the owner gives them permission to do so. It is in the control of the owner and what they allow the renters to do.

Council Member Killpack motioned to table so they can discuss this at a workshop. Council Member Boan seconded. Motion carried. (5-0)

Council Member Boan asked if this can be put on the January 10, 2012 workshop agenda.

CONSENT AGENDA

Council Member Smith moved to approve the following consent agenda items. Council Member Killpack seconded. Motion carried. (5-0)

- Addendum 1 adding Federal Consulting requirements to the agreement for professional services with Clarion Associates for the Comprehensive Plan Update Project
- Send a letter to the Federal Energy Regulatory Commission in regards to seeking intervener status which would allow the City of Green River to obtain information throughout the course of the Million water diversion project.
- Donation of a 2001 Dodge Intrepid 4-door sedan to the Sweetwater County School District #2
- A new Letter of Agreement extending the deadline for the completion of the River Cove Addition subdivision improvements to June 30, 2012'
- Authorization to accept the bid from the OCI Safety Department, Sole bidder, for the sale of the Fire Department's Bauer Breathing Air Compressor and 3500 psi Air Storage Bottles in the amount of \$5,000.01
- An agreement with Melissa Connely, in the amount of \$2,500, to conduct a paleontological field survey of BLM Sections 10 & 12 subject to a final contract approval by legal counsel
- Approval for the Solid Waste Division submittal of a grant application through the USDA Rural Development Utilities Programs to provide technical assistance for management of Solid Waste with an emphasis on recycling through outreach to include hands on training and education to rural areas throughout Southwest Wyoming and Northeast Utah. The Division will provide program instruction, equipment assistance and provide an educational video under the issuance of this grant
- Minutes for December 6, 2011 Council
- Financial Reports and Payment of Bills:

Prepaid Invoices = \$96,881.18	Outstanding Invoices = \$576,728.84
Pre-authorization Payments = \$755,000.00	Payroll Expenditures = \$406,763.05

CITY ADMINISTRATOR'S REPORT

Mr. Cook said the Holiday Trash and Tree Collection schedule is posted on the website and on channel thirteen and if anyone has questions call the Public Works Department.

He placed a letter of accommodations for a Police Officer for his due diligence as an officer with the City of Green River.

He said he was informed the Joint Communications Center will be responding to all of the 911 calls like the city does now. The JPCC should be finished in February 2012.

He received an agreement from the Union Pacific Railroad to extend the leased area to go into the grassy area. This will be no extra cost to the city. This will be coming before council later.

Effective, January 2nd, 2012, Interim Police Chief Chris Steffen will be the new Police Chief for the City of Green River. He is very pleased with his efforts and accomplishments during the interim position. He will be under six month's probation but he does believe he will do a great job.

CITY ATTORNEY'S REPORT

Mr. West had nothing to report.

MAYOR AND COUNCIL REPORTS

Council Member Smith congratulated Jeff Nieters along with his staff on the excellent audit report and Chief Steffen on his appointment.

Council Member Maes said if you are on digital channel thirteen is 13.3 but if you are on analog channel thirteen is 23. She congratulated Chris Steffen. She wished everyone a Merry Christmas.

Council Member Boan congratulated Mr. Nieters and his staff on the audit report and Chief Steffen for his appointment.

He said on December 31, 2011 the 6th Penny tax will be finished and it only took nine months in Sweetwater County to collect the \$9.7 million needed for the CDC Projects. These kinds of projects cannot be done without this tax. He wants everyone to remember that it does not have anything to do with raising their taxes, it helps projects happen that benefit the cities and county.

Council Member Killpack said the URA has met and they appreciate the support the council has given them. He congratulated Mr. Nieters and his staff for a great audit and Chief Chris Steffen for his appointment. He thanked the previous council for their hard work on getting the Visitor's Center built and making it a success.

Acting Mayor McCullough congratulated Mr. Nieters and Chris Steffen. He wished everyone a Merry Christmas and reminded everyone to be safe.

ADJOURNMENT

Council Member Boan moved to adjourn at 8:35 pm. Council Member Maes seconded. Motion carried. (5-0)

H. Castillon, Mayor

ATTEST:

Jeffrey V. Nieters, City Clerk