

**CITY OF GREEN RIVER
CITY COUNCIL PROCEEDINGS
February 7, 2012**

The Governing Body of the City of Green River met in regular session at 7 pm in the City Hall Council Chambers. Mayor Castillon called the meeting to order and Truman Elementary School students led the Pledge of Allegiance: Ted Jackson, Elijah Farnsworth, Jon Leininger, Kami Lloyd, Caeden Grubb, Josh Lewis, Allison Dickson, Jaron Shereda, Kinley Cochrane, Derick Wilcox, Talor Grenier, and Robyn Jaurgui. 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: City Administrator Barry Cook, Director of Public Works Mike Nelson, Director of Human Resources Debbie Klein Robertson, Accounting Supervisor Chris Meats, Director of Community Development Laura Leigh, Chief of Police Chris Steffen, Fire Chief/Emergency Services Mike Kennedy, Director of Parks and Recreation Allan Wilson, City Attorney Galen West, and Public Affairs Specialist Stephen Pyles.

APPROVAL OF THE AGENDA

Council Member Boan moved to approve the agenda with the removal of the Military Presentation, the addition of a presentation from STAR Transit and the addition of an Executive Session to discuss land acquisition and personnel issues. Council Member Coppolo seconded. Motion carried. (7-0)

PRESENTATIONS

Director of STAR Transit Judy Owens said in 2011 the STAR Transit provided 62,974 rides in Green River and Rock Springs. That is an increase of 15% from 2010. In Green River they had 22,759 rides, 36% of the total rides were in Green River. They are planning to do some improvements along the routes. They will purchase a new bus with grant money, will be building new shelters, and upgrading some shelters for better access.

The Mayor thanked her for the services that STAR Transit provides.

PROCLAMATIONS

The Mayor read the proclamation and declared the week of February 7 - 14, 2012 as Congenital Heart Defect Awareness Week in Green River and encouraged all citizens to increase awareness, education and services for congenital heart defects which affect thousands of babies in Wyoming each year.

CITIZEN REQUESTS AND OTHER COMMUNICATIONS

James Bronstein said he thinks the proposed changes to the ordinance are a poor decision for many reasons. First, it opens issues of accountability. What control does a property owner have over utility lines under paved streets? Who is responsible if a line is broken or collapses? Why should a property owner be responsible to dig up and repair a public city road? He said if the city is requiring the property owner to be responsible for city property then the cost for sewer and water should go down. If there is no physical impact why change it?

Carl Johnson said he agrees with Mr. Bronstein. He thinks the ordinance should be left as it is.

Council Member McCullough said the city's policy on the sewer lines, for the last 30 years, is the property owner is responsible for the line from the home to the property line. The city noticed there was nothing written in the codes regarding the sewer lines. The city is finally putting it in writing, the policy has not changed. He said the water line was the only one written in the ordinances and it states that the property owner is responsible for the water line from the home to the property line. He said the most common problem with sewer lines are tree roots.

Mr. Bronstein thanked Council Member McCullough for the clarification. He asked if the trees on city property cause a problem with a sewer line, then is the city responsible for the repairs.

Council Member McCullough said no. The property owner is responsible for the repairs no matter where the tree roots come from.

Mr. Bronstein asked if the property owner had the right to cut the tree down if it is causing a

problem.

Council Member McCullough said no.

The Mayor said the city will be sending out a press release to clarify.

Council Member Killpack said the insurance that will be offered is a positive thing for the citizens of Green River.

Council Member Coppolo clarified, if a contractor is working on the street and the sewer lines are damaged it will be the responsibility of the contractor to repair them.

ORDINANCES

Addition of Child Care Center and Family Child Care Center

2nd Reading: An ordinance amending Appendix B. Zoning, Section 9.2 Table of Uses, adding Child Care Center and Family Child Care Center, subject to the State of Wyoming Requirements (1.311 and 1.312) as permitted uses in the PB District (Planned Neighborhood Commercial District).

Council Member Coppolo moved to approve the ordinance on second reading. Council Member McCullough seconded. Motion carried. (7-0)

Amendment on Alcoholic Beverages Requirements

2nd Reading: An ordinance amending the Green River Code of Ordinances, City of Green River, State of Wyoming, Chapter 4: Alcoholic Beverages, Section 4-35 (e).

Council Member Smith moved to approve the ordinance on second reading. Council Member Killpack seconded. Motion carried. (7-0)

Ownership, Operation, and Maintenance Obligations of Sewer Service Lines

2nd Reading: An ordinance amending Section 25-17 of the Green River Code of Ordinances, City of Green River, State of Wyoming, to set forth ownership, operation and maintenance obligations regarding sewer service lines and connections to the city's sewer main.

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

Council Member Killpack said the insurance will be much cheaper than the repairs.

Council Member McCullough said the choice to get the insurance or not is completely up to the homeowner. The city is not forcing anyone to take part in the insurance.

Council Member Boan said the city has chosen not to take part in the ten percent royalty from the insurance. The city has chosen to pass the savings on to the citizens.

Motion carried. (7-0)

RESOLUTIONS

Bank Depositories

R12-06: A resolution for the governing body of the City of Green River, Wyoming, establishing and officially designating bank depositories for the purpose of earning a secured rate of return for the City of Green River.

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

Sweetwater County Resolution for the Bairoil Town Hall Project

A joint resolution, we the undersigned Sweetwater County Board of Commissioners,

hereby certify that the Board and at least seventy percent of the incorporated population within Sweetwater County have reached an agreement on the following projects to be funded under Chapter 88, Section 342 and in compliance with rules promulgated by the State Loan and Investment Board, Chapter 32.

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

Mr. Cook said the cities and towns of Sweetwater County had to designate where they were going to spend their consensus money as it came to the county. Resolutions had to be passed by all cities and towns to authorize the use of the money. Various communities were not prepared to identify what their consensus projects would be. Once they decide on a project a resolution has to be adopted by each governing body and sent to the state in order to divide the consensus money.

Motion carried. (7-0)

Flaming Gorge Days Funding

R12-07: A resolution for the governing body of the City of Green River, Wyoming, to approve an increase in the General Fund for the Flaming Gorge Days Committee in the amount of \$8,000.

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

Amendment of the City's Classification Plan – URA/Main Street Administrator

R12-08: A resolution amending the City's Classification Plan

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

Council Member Boan asked why a city employee would not answer to the council, they would only answer to the URA Board.

Mr. Cook said the URA/Main Street Administrator position will change as far as who this employee will report too. It is the desire of the URA/Main Street board to have supervisory authority over the new employee in order to have direct supervision and continuity with some of the programs and projects they would like to do.

Council Member Boan clarified that the council would be giving up control of a city employee that they hire.

Ms. Leigh said currently the URA/Main Street Administrator is supervised by the Director of Community Development. Rather than the department head telling that position what their work plan is and doing their evaluations, the board will be doing the evaluations. In the Memorandum of Understanding that will be looked at later, there is language in there stating that the city has the final say with the employee.

Council Member Boan asked if that leaves the city able to hire and fire that employee as they choose.

Ms. Leigh said it will be the city's employee and the URA Board will follow the city's personnel manual and procedures.

Council Member Coppolo asked if the URA Board would be hiring their own URA/Main Street Administrator.

Ms. Leigh said there will be a committee. She will be on it along with Human Resources, and URA/Main Street Board members.

Council Member Smith asked if this would be legal and is it acceptable to the benefit programs that are offered by the city.

Mr. West said the board will have day to day supervisory authority over the employee but the

city is retaining the ultimate authority of the employee.

Council Member Killpack asked if this was suggested by the state in order to help things run smoother.

Ms. Leigh said when it was suggested to the state, they supported it.

Ms. Leigh said the URA/Main Street employee will still stay in the Community Development Department.

Motion carried. (7-0)

COUNCIL ACTION ITEMS

Re-Appointment to the Tripartite Board

Council Member Coppolo moved to confirm the Mayor's re-appointment of Council Member Boan to the Sweetwater County Tripartite Board. Council Member Maes seconded.

Council Member Smith asked Council Member Boan what the function of the board is.

Council Member Boan said this board oversees the distribution of grant funding that reduces or eliminates the conditions of poverty in Sweetwater County. The board decides how much and who will receive a portion of the grant money. This is done once a year and then followed up on through the year. He said if any organizations are in need of grant funding they should get a hold of the Tripartite Board.

Motion carried. (7-0)

Appointments to the Personnel Board

Council Member Maes moved to confirm the Mayor's appointment of Joel Burbank to the Personnel Board and the re-appointment of Ron Carey as an alternate to the Personnel Board for three-year terms. Council Member Boan seconded. Motion carried. (7-0)

Appointment to the Green River Arts Council

Council Member McCullough moved to confirm the Mayor's appointment of Robert Kern to the Green River Arts Council for a two-year term expiring in February 2014. Council Member Maes seconded. Motion carried. (7-0)

Re-Appointment to the Urban Renewal/Main Street Agency Board

Council Member Smith moved to confirm the Mayor's appointment of Deborah Alvarez to the URA/Main Street Agency Board *for a term expiring September 2014*. Council Member Coppolo seconded. Motion carried. (7-0)

Bid Award for the New Street Sweeper

Mr. Cook said in order to provide a five percent preference to in-state bidders, they are required to have a certificate of residency from the State of Wyoming. They require this of all contracts, subcontracts, and suppliers. This was a requirement in the bid specifications for the Street Sweeper. Jack's Truck Equipment out of Rock Springs, Wyoming, bid \$250,221 for the sweeper but did not have the certificate of residency at the time the bids were opened. That firm has received the certification and therefore could receive the five percent preference. If they do receive the five percent preference they would be the low bidder. It is the recommendation of staff that the bid be awarded to Jack's Truck and Equipment for \$250,221 and to waive the informality at the time of bid opening since they have the certificate now.

Mr. West said the bid clearly specifies that the certificate was to be included with the bid but it was not. The governing body reserves the right to waive any informality with the bids. They could deny the bid based on the certificate not being included. It is the discretion of the governing body.

Council Member Maes said the certificate of residency requirements have not been in effect for

very long so a lot of businesses are not aware of them. She said she would recommend that Jack's Truck and Equipment be awarded the bid.

Council Member Coppolo asked if there could be any legal repercussions for the city awarding the bid to Jack's instead of the other company who thought they were going to be awarded the bid.

Mr. West said he cannot assure that the other party would not attempt repercussions but in his estimations they would not be successful since the city reserves the right to waive irregularities.

Council Member Smith asked if the state statute says anything about the timing in which the certificate can be received and if so does council have the right to waive that.

Mr. West said yes it does, at the time of bid. He believes that the council has the right to waive it because, in this instance, it is required at the time of bid opening to establish that you have a certificate of residency. The fact it was not submitted at the time of bid is ok because it is being submitted before the council is acting on the award of bid.

Council Member Boan moved to award the bid to Jack's Truck and Equipment for the net bid price of \$250,221. Council Member Maes seconded.

Council Member Killpack said he recommends the award not be changed because it was clear in the specifications that they needed to provide the certificate at the time of bid. He thinks this could be something they would have to do later with other bids. He will not vote for this.

Council Member Boan said this requirement is fairly new and business owners do not know about it and it can be tough to get it on time. He thinks they should try to give local businesses the best chance they can.

Council Member McCullough asked what the cost will be with the five percent preference.

Mr. Cook said if you apply the five percent Jack's Truck & Equipment would become the low bidder.

Council Member McCullough said the other bid is the low bidder. He asked if the five-percent would lower the amount of \$250,221.

Heath Lewinski from Jack's Truck and Equipment said at the time of bid he did present two forms that he thought were what was needed as a certificate of residency, but he was told they were not. He filed for the proper certificates and received it on Friday in the mail. He understands that all municipalities are not forced to follow this requirement of the certificate. He has not been required to have this on any other bids they have done. He said the other bidder would not have any problems because he will be providing assistance on the sweeper.

Council Member McCullough said he does not see the reduction in cost on the bid if they get the five percent preference.

Mr. Meats said if you take the \$240,597 low bid and you add five percent to that bid which is \$252,626.85 and Jack's Truck bid is \$250,221 which is under the \$252,626.85 that qualifies Jack's as the low bidder.

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

Bid Award for Sale of Recyclable Materials

Council Member Maes moved to approve the bid award to Rocky Mountain Recycling, Denver, Colorado in the amounts of \$110/T OCC (corrugated cardboard), \$55/T ONP (old news print), and \$60/T OP (office pack). Council Member Coppolo seconded. Motion carried. (7-0)

Urban Renewal/Main Street Memorandum of Understanding

Council Member Coppolo moved to approve the Memorandum of Understanding with the Urban Renewal/Main Street Agency Board regarding the supervision of the Urban Renewal/Main Street Administration and authorized the Mayor to sign it. Council Member Smith seconded. Motion carried. (7-0)

FMC Road Spur Project

Council Member Maes moved to approve the Release of Retainage in the amount of \$106,039.72 to Reiman Corp. for the FMC Road Spur Project completion. Council Member Coppolo seconded. Motion carried. (7-0)

CONSENT AGENDA

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

- Lease agreements with Amanda Quitberg for horse corral #20 and Jenny Daniel for horse corral #30
- Contract with 7C Buckers Ranch/Rodeo in the amount of \$8,500 for the 2012 Overland Stage Stampede Rodeo on Friday, June 8 and Saturday, June 9, 2012
- Approval and acceptance of a three-year lease agreement between the City of Green River and the 4-H Hope Project P.B.S. of Green River
- Catering Permit to Brazel's Inc. doing business as the Embassy Tavern to sell alcoholic beverages for the Crystal Classic Awards Dinner, on Saturday, February 18, 2012 from 4 pm to 8 pm at the Island Pavilion
- Catering Permit to Brazel's Inc. doing business as the Embassy Tavern to sell alcoholic beverages for the Crystal Classic Snowshoe Baseball, on Saturday, February 18, 2012 from 9 am to 4 pm at the Evers Field Maintenance Shop
- Catering Permit to the Ponderosa Bar to sell alcoholic beverages for the Crystal Classic Winter Festival on Friday, February 17, 2012 from 5:30 pm to 10 pm at the Expedition Island
- Approval to waive the reduced rental fee of \$825 for the 2012 Green River High School Senior Class Party at the Recreation Center on June 2, 2012
- Approve the special twenty-four hour openings requested by the Green River Liquor Association for Friday, June 22, 2012; Saturday, June 22, 2012; Saturday, March 17, 2012; and Monday, December 31, 2012
- Minutes for: January 10, 2012 Council Workshop and January 17, 2012 Council Meeting
- Financial Reports and Payment of Bills:

Prepaid Invoices = \$181,580.23	Outstanding Invoices = \$511,659.27
Pre-authorization Payments = \$865,000.00	Payroll Expenditures = \$684,441.92

CITY ADMINISTRATOR'S REPORT

Mr. Cook said he is working with the grants coordinator on a grant for the Union Pacific Railroad Depot building for future city use. It is a Planning Grant for \$15,000 and requires a match of twenty-five percent which is \$3,750.

He is working with Cindy Johnson from Mobilitat for a \$7,500 Technical Assistance grant to expand her business. The city will be the sponsor. It will require a public hearing and a resolution of support in the month of February.

The city is working with Utility Service Partners to offer insurance for service lines. The program information will be coming out in February and will offer insurance for sewer first and then water.

He discussed the agenda for the February 14, 2012 Workshop.

Mr. Cook said citizen action forms are available on the city's website.

CITY ATTORNEY'S REPORT

Mr. West said with the certificate of residency, it used to be that state law defined who a resident was for purpose of the bid preference and every local government entity, when bids were received, would make the determination on whether that party met the standard. That determination of residency function has been taken away from governments and is now done only by the State of Wyoming, Department of Workforce Services. This is a requirement and all agencies should be following it.

MAYOR AND COUNCIL REPORTS

Council Member Killpack said the service line insurance is a good thing and the price is very reasonable.

He said there have been some misconceptions that the URA/Main Street board is not working on main street issues, they are only working on URA issues. He said this is not true at all. The board is committed to both.

Council Member Boan said he and the Mayor have been attending NRA training this week. There is a need for more volunteers so if anyone is interested contact Mr. Wilson.

He said he is bothered by the fact that the Green River Chamber of Commerce held their goal setting session in the State of Utah. He does not understand it at all.

Council Member Maes said she attended a Great Divide Economic Committee and they discussed the five RFP's they received for the update to a study. This is a tool that other places can use to get information on other counties in the area. They have approved one proposal and will be presenting the best one to the county. She said it was previously proposed that the cost of the study be split by three with the City of Rock Springs, City of Green River, and the County paying \$633 each. She said they did receive a \$16,000 grant to pay the bulk amount of the update.

Council Member Coppolo encouraged everyone to consider the service line insurance because it is inexpensive.

He said he attended the Comprehensive Plan update meeting and it went well. He was surprised on the amount of work this group has already done.

Council Member McCullough had nothing to report.

Council Member Smith said he is happy that the city will be offering the service line insurance.

He said he understands Council Member Boan's concern with the Green River Chamber of Commerce holding their goal setting meeting in Utah but as a dues paying chamber member of Rock Springs and Green River Chambers the business owner has the right to have the meeting held at his place of business as do any other member.

The Mayor said he has been attending the NRA training. This has been a challenge and they have one more day left. Currently there are fifteen volunteers and they are looking for more volunteers. There will be around four hundred shooters involved in this event this summer so they will need all the help they can get.

ADJOURN TO EXECUTIVE SESSION

Council Member Boan moved to adjourn to executive session to discuss land and personnel issues at 8:26 pm. Council Member Killpack seconded. Motion carried. (7-0)

RECONVENE

Council Member Killpack moved to reconvene at 10:02 pm. Council Member Maes seconded. Motion carried (7-0)

ADJOURNMENT

Council Member Boan moved to adjourn at 10:05 pm. Council Member Maes seconded. Motion carried (7-0)

H. Castillon, Mayor

ATTEST:

Jeffrey V. Nieters, City Clerk