MINUTES OF THE REGULAR MEETING
OF THE TOWN COUNCIL OF UPTON, WYOMING
Held on May 12, 2015

THE REGULAR MEETING of the Town Council of Upton, Wyoming was held at 7:00 p.m. on May 12, 2015 at the Upton Community Center located at 917 N HWY 116 in Upton, Wyoming. Present for the meeting were Mayor Dustin Upton, Councilmen Mark Mitchell, Nathan Todd, and David Watt. Also present were Attorney Mark Hughes, Lynn Hofland, John Strong, David Upton, Judy Keller, Lucy McKenzie, Connie Montgomery, Neil Schiller, Victoria Schiller, Ken Rathbun, Ray Norris, Brittany Crump, Sandy Baird, Dave Spencer, Mike Finn, Donna Tavegia, Bill Tavegia, Kelley Millar, and Rona Barker. Councilman Travis Beck was absent.

Mayor Upton opened the meeting by leading the group in the Pledge of Allegiance.

Councilman Watt made a motion to approve the minutes of the regular meeting of the Town Council held on April 14, 2015. Councilman Mitchell seconded the motion, and all voted "aye". Motion carried.

The following bills were presented for approval and payment: Alpha Communications, $50.00; Chase Cardmember Services, $1,884.16; City of Newcastle, $1,575.00; Mark Lindstrom, $22.27; ADI Insurance Agency, $105.00; Aflac, $122.31; Arrow Service, 726.11; AT&T Mobility, $276.74; Black Hills Chemical, $346.37; Curry Garage Door, $720.00; Collins Communications, $28.00; Dakota Business, $70.00; Deere Credit Inc., $1,855.94; Dept. of Treasury, $14,046.63; Franmar Chemical, $52.95; Hughes Law Office, $1,694.50; Joe's Food Center, $379.61; NCPERS Wyoming, $16.00; Newcastle Fire Suppression, $51.79; NEWEDF, $500.00; Petty Cash, $22.76; Norco, $158.76; RT Communications, $760.84, 262.21; Source Gas, $613.03; Servall, $56.43; State of WY, $8,000.00, $100.00; Stine Electronics, $1,352.00; Sundance Equipment Co., $55.30; Top Office Supply, $104.04; Upton Coop, $319.85; UVFD, $1,626.57; WAM, $450.00; Walmart Community/RFCSLLC, $250.36; Weston County Gazette, $509.38; Weston County Treasurer, $20.90; William Palmer, $506.83; Department of Workforce Services, $897.55, $210.20; Wyoming Network, $30.00; Wyoming Retirement System, $6,620.35, $325.00; B-4 Automotive, $409.90 ;BHP, $5,543.19; Contractors Supply, $19.86; Deposit Refunds, $608.85; Energy Labs, $100.00; First State Bank (transfer), $670.00; Kriz Davis Co., $447.00; One Call of Wyoming, $18.00; Postmaster, $220.00, $164.56;BCBS, $8,977.50; Gateway Auto Supply, $76.18; Honnen; Lloyd Davis, $5,415.00; Northwest Pipe, $360.15; PRECorp, $236.55; Upton Co-op, $1,504.82.
SALARIES: Rona Barker, $2,771.50; David Brooks, $1,662.73; Joseph Creamer, $3,304.22; Patrick Crow, $300.14; Michael Hobbs, $2,627.89; Lynn Hofland, $3,878.94; Virginia Jenkins, $67.69; David Larson, $3,401.93; Mark Lindstrom, $4,868.30; Corina McPeters, $148.17; Kelly Millar, $2,170.84; Colleen Moneymaker, $1,011.05; Connie Montgomery, $321.42; William Palmer, $3,067.85; Jason Pinter, $1,678.71; Dustin Upton, $153.92; Robert Willis, $1,944.75. Councilman Watt made a motion to approve the bills. Councilman Todd seconded the motion, all voted in favor. Motion carried.

Lucy McKenzie read a letter in regard to her opposition to the proposed $3.00 fee that would help pay community center expenses. She felt that so many people that are on fixed incomes could not afford an additional charge to be added to their monthly billing. Mrs. McKenzie then stated that she did not believe that any building should be erected in the park to house a museum, gift shop, or a room for the Chamber of Commerce and Development Board. Long term costs were also a concern. Mrs. McKenzie did agree that the bathrooms should be updated. Connie Montgomery voiced her support of Lucy's statement.

Neil Schiller gave an overview of the Upton Baseball Program. He stated that they did not need money, but they did need a little help in keeping up on the baseball fields. Mr. Schiller said that, with Council permission, they would like to put a sprinkler system and sod on the unfinished south baseball field. Councilman Mitchell offered help with the spraying and mowing. The broken bathroom urinal and window will be fixed by the Town. The Schillers were asked to come back to a Council meeting at the end of baseball season to make a plan to put the sod down.

A written request was received by the Council to put some property up for sale in the Sawmill Addition. Upon advice from Attorney Hughes, this request was tabled until the special meeting of May 26, 2015.

At 7:30 p.m. a Budget Amendment Hearing was held. Mayor Upton called for a comment and objection period to amend the Town Budget for the Fiscal Year 2014-2015. There being no comments or objections, Councilman Watt made a motion to amend the Budget in the following particular:

> Increase the General Fund Budget by $4,150.00, the Sewer Fund Budget by $1,660.00, and the Water Fund Budget by $2,490.00 by budgeting general fund cash reserves. The money will be used to pay additional employee benefits in the amount of $8,300.00 that was not originally budgeted for.

Councilman Mitchell seconded the motion, and all voted in favor. The motion carried. Councilman Mitchell then made a motion to amend the Budget in the following particular:

> Increase the General Fund Budget by $25,000 by budgeting $18,750.00 which will be received from the Wyoming Business Council as a BRC Grant for the Feasibility Study for a Multi-Purpose Community Facility in the Upton City Park. The balance $6,250.00 will come as matching funds to the grant from the Weston County Development Board.

Councilman Watt seconded the motion, and all voted in favor. The motion carried. The hearing closed at 7:32 p.m.

Sandy Baird, architect for the Feasibility Study, updated the Council in regard to the findings of the Study. He told the Council that three options stood out. The first option was with the museum. Mr. Baird did not feel that the Study showed that this option was feasible at this time because it was not within the projected budget. Option two was restrooms, a band shell, concrete pad, and improve the parking lots. Option three included restrooms, a picnic shelter that seats 144 people, a band shell, concrete pad, improve the parking lots, and there may be enough money for a few additional items. There will be one more meeting held to allow public input. This meeting will be scheduled before the end of May so that an informed decision can be made in regard to which option is most feasible.

Councilman Mitchell presented the Golf Course Report to the Council. Judy Keller then presented the Senior Center Report. Judy also wanted the Council to know that a $3.00 additional fee to support the

community center would put too much of a burden on the seniors. There was no report presented from the Airport Board.

Wyoming Network, Inc. proposed a web page at a cost of $50.00 per month. Golden Shovel proposed building a web page at a cost of $800 per month that would be paid for by Weston County Development Board for one year. A possible four entities would share the monthly cost at the end of the free period. Councilman Todd made a motion to sign the contract with Wyoming Network, Inc. after much discussion was held in regard to the matter. Councilman Watt seconded the motion, and all voted in favor. Motion carried. Councilman Todd remarked that a $3,000 savings would be realized in a three year contract with Wyoming Network versus the other option.

Councilman Mitchell made a motion to approve Change Order No. 1 with Bearlodge Engineering and Surveying for the First Street Water Improvements, 2015. This Change Order modifies the Engineering services fee proposal of the original Agreement with an increase of $2,390.00 for replacement of water service and a utility easement required for replacement of the Upton Co-op water service line. Councilman Todd seconded the motion, and all voted in favor. Motion carried.

Mayor Upton called for a motion to pass on the third and final reading ORDINANCE NO. 1, SERIES 2015 entitled:

AN ORDINANCE AMENDING PORTIONS OF CHAPTER 15.20, UPTON MUNICIPAL CODE INDIVIDUAL MOBILE HOME LOT DEVELOPMENT

Councilman Mitchell made a motion to pass ORDINANCE NO. 1, SERIES 2015. The motion was seconded by Councilman Watt, and all voted in favor. Motion carried.

Councilman Watt made a motion to approve the City and Town Dispatch Agreement between the City of Newcastle, Wyoming and the Town of Upton, Wyoming. Councilman Mitchell seconded the motion, and all voted "aye". Motion carried. The new agreement is for dispatch services effective July, 1, 2015 at a cost of $1,622.00 per month.

Councilman Watt made a motion to approve the annual WAM-JPIC Health Benefit for Town of Upton employees. Councilman Todd seconded the motion, and all voted in favor. The monthly premium for the health plan remained the same as last year.

Councilman Mitchell made a motion to pass Resolution No. 2, 2015. Councilman Todd seconded the motion and all voted in favor. The Resolution is as follows:

RESOLUTION OF THE TOWN OF UPTON, WYOMING
RESOLUTION NO. 2, 2015

WHEREAS The Town of Upton, Wyoming recognizes the importance of trees in our lives for the beauty, shade, shelter, protection and wildlife habitat they provide; and

WHEREAS the Town of Upton, Wyoming believes it is important to establish a date upon which its residents may recognize and celebrate the importance of trees in Upton, Wyoming; and

WHEREAS the Town of Upton, Wyoming urges its residents to plant trees annually and to care for the trees so that all persons may enjoy the beauty of trees in Upton, Wyoming; and

WHEREAS the Town of Upton, Wyoming recognizes that trees provide a living legacy for future generations of its residents to use and enjoy.

NOW, THEREFORE, BE IT RESOLVED the Governing Body of the Town of Upton, Wyoming, that:

June 5, 2015, and annually thereafter, is hereby proclaimed as Arbor Day in the Town of Upton, Wyoming, to be celebrated and observed as may be appropriate to honor the importance of trees in our daily lives and to promote the planting and care of trees in Upton, Wyoming.

DATED: May 12, 2015

Town of Upton, Wyoming

Attorney Hughes reviewed the Memorandum of Understanding for the Northeast Wyoming Municipal Leaders stating that his only concern was the jurisdiction in which disputes would be settled. The agreement called for any dispute litigation to be handled in Cheyenne. Attorney Hughes said this was possibly to make sure disputes were handled on neutral ground, and is insignificant to the overall agreement. He also mentioned that the Mayor of Sundance had attended NEWY meetings and that there seemed to be a benefit to the town of Sundance. Mayor Upton said he is hoping to be able start attending the meetings held on Saturdays each month. As of now, City Superintendent Mark Lindstrom attends the meetings on behalf of the town. Mayor Upton and Attorney Hughes agreed that the NEWY meetings are an excellent way to network. Councilman Mitchell made the motion to sign the agreement and pay the fee of $500.00, seconded by Councilman Watt. Councilmen Mitchell and Watt vote aye, and Councilman Todd voted nay. Motion carried.

A discussion on the Community Center lead to the matter being tabled until more public input can be gathered in regards to proposed ways to support the building. Councilman Mitchell discussed the lack of public input and how it affects the council's ability to make informed decisions. Councilman Todd moved to table the discussion and Councilman Mitchell seconded the motion. All voted aye. Motion carried.

Mayor Upton discussed the Personnel Policy and asked Attorney Hughes for clarification on holiday hours paid versus scheduled work hours. If an employee is scheduled for 8 hours, that is what he/she will be paid for and if an employee is scheduled for 10 hours, then those hours would be paid as holiday pay. Attorney Hughes recommended that the Council pass the policy as it is state through revisions and the workshop. Councilman Todd made a motion to pass the Personnel Policy, seconded by Councilman Watt. All voted in favor. Motion carried.

Kenny Rathbun updated the Council that some staking and surveying had taken place for the Cedar Street issue noting where the current record shows property lines and occupancies. He said his firm still needs to do a value judgement that would involve the surrounding property owners. This item will remain on the agenda for the next regular meeting.

A Budget Ordinance Hearing was set for June 9, 2015 at 6:45 p.m. at the Community Center at 917 Ash Street, prior to the regular meeting. A hearing to pass the Budget Ordinance on an emergency basis will be held on June 23, 2015 at 5 p.m. at City Hall at 725 2nd Street.

Mayor Upton and the Council reviewed the proposed resolutions to be adopted at the WAM Convention. The Council discussed selecting a voting delegate for the 2015 WAM Convention. Councilman Mitchell made the motion that Mayor Upton be the voting delegate for the Town of Upton, and Councilman Watt seconded the motion. All voted in favor and the motion carried. City Superintendent Lindstrom will be an alternate in the case that Mayor Upton is unable to vote.

Mayor Upton reminded the Council that the WAM Convention was coming up in June and that those who wished to attend needed to get their information to Superintendent Lindstrom as soon as possible so they could be registered and have rooms reserved. Mayor Upton also reminded the Council that Teen Delegate information for the WAM Convention needed to be turned in by May 15, 2015.

Mayor Upton issued as reminder to the Council, Judy Keller with the Senior Center, Fire Chief Strong, and Police Chief Hofland that the budget workshop would be held on May 26, 2015 at 7:30 p.m.

Police Chief Hofland gave his report. Councilman Watt asked Attorney Hughes about who would be responsible for trash that is blowing from one yard to another, or that is carried across properties when a building is demolished. Attorney Hughes will look in to the current ordinances and advise the Council. If there is no littering or other relevant ordinance found, it was suggested that one be drafted to address these concerns.

Fire Chief Strong gave his report.

Mayor Upton stated to the Council and audience that the building abatement is still on going and that the debris is still being taken at the dump for free but that may not always be the case so time is of the essence in this matter. He also said that one trailer or similar sized demolished home resulted in equivalent of one week of trash dumping at the landfill which lessens its lifecycle. Councilman Watt told the Council that the Fire Marshall said to go ahead with finishing the Council Chambers in City Hall because it appeared that the improvements planned would be sufficient. Clerk Barker reminded the group that Wyoming Community Gas had given some funds specifically for the improvements at City Hall that still needed to be used before the end of the fiscal year.

Councilman Watt and Superintendent Lindstrom had been looking into grant monies available for the remodel of City Hall and the Police Station through SLIB and other state agencies. There are monies available and more research will be done to see what options are most appropriate for the Town of Upton. Attorney Hughes suggested contacting Kathy Lenz in Sundance for help with grants.

Mayor Upton said that the building inspector had not been able to make it down at this time. He is working on a new list and will share his thoughts with the Council as well as take their recommendations and get the compiled list to the inspector for review.

Councilman Mitchell moved that the Council adjourn into executive session to discuss personnel matters. Councilman Watt seconded the motion and the Council entered executive session at 9:18 p.m. Councilman Mitchell made a motion to resume the regular meeting. Councilman Watt seconded the motion and the regular meeting resumed at 9:35 p.m. Hiring decisions were made.

There being no further business before the Council, a motion was made to adjourn by Councilman Watt, and it was seconded by Councilman Todd. All voted in favor. Motion carried. The meeting adjourned at 9:38 p.m.