Town of Upton
Regular Town Council Meeting
December 12, 2017

THE REGULAR MEETING of the Town Council of Upton, Wyoming was held at 7:00 p.m. on Tuesday, December 12, 2017 at the Upton Community Center located at 917 N HWY 116 in Upton, Wyoming.

Present: Mayor Travis Beck, Council Members Nathan Todd, and Justin Norman. David Watt joined the meeting at 7:14 p.m.
Absent: Dennis Stirmel.

Mayor Beck called the meeting to order by leading the group in the Pledge of Allegiance.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER TODD SECONDED a motion to approve the November 14, 2017 meeting minutes as published. All ayes, MOTION CARRIED.

COUNCIL MEMBER TODD MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve the claims for November and December to date. All ayes, MOTION CARRIED.

CLAIMS PAID:
Meter Deposit Refunds (refund) $133.00; Alpha Communications (tower) $50.00; AT&T (cells) $378.71; B-4 (parts, supplies) $265.08; Big Horn Hydraulics, Inc. (parts) $67.46; BHE (utility) $928.51, $4,915.43; Black Mountain Software (cemetery module) $2,275.50; BCBS (benefit) $14,261.59; Cambria Supply (parts) $51.16; CW Waste (contract) $5,964.15; Chase (credit card) $2,153.30; City of Newcastle (dispatch) $1,686.00; CNA Surety (bond) $120.00; Collins Communications (alarm monitor) $28.00; Contractors Supply (supplies) $10.00; DASH (PD supplies) $28.36; Dept. of Treasury (taxes) $11,705.89; Dept. of Workforce Services (benefit) $1,169.90, $296.46; Energy Labs (testing) $60.00; First State Bank (transfer) $1,340.00; Great Western Tire Co. (tires) $1,217.00; Hawkins, Inc. (chemicals) $627.58; Howard White Construction (senior center repairs) $6,551.00; Hughes Law Office (services) $1,214.20; Inland Truck Parts Co. (parts) $211.31; JB Auto Glass, LLC (windshields) $485.00; Joe's Food Center (supplies) $23.15; Municipal Code Corp. (freight) $29.63; Norco (supplies) $469.79; Norman Engle (contract services) $83.90; Town of Upton (utility balance) $141.10; Northwest Pipe Fitting (parts) $28.20; One Call of WY (locates) $3.75; Petty Cash (postage) $24.52; Postmaster (postage) $159.46; PRECorp (utility) $522.20; Record Supply (parts) $332.18; RT Communications (phones) $681.18; Servall (mats) $85.96; Stine Electronics (radio parts) $37.00; Top Office (services) $51.00, $5.39; Upton Co-Op (fuel, parts) $199.06, $3,515.38; USDA Forest Service (lease) $144.22; Verizon (cell) $45.27; Weston County Clerk (fee) $12.00; Weston County Gazette (publishing) $338.00; WY Assn. of Rural Water (dues) $425.00; WY Law Enforcement Academy (training) $1,573.90; WY Machinery (parts) $22.08; WY Network (website) $50.00; WY Retirement (benefit) $6,910.08, $300.00.

The following invoices will be paid from grant funds when received: ARETE (park project) $3,632.50; Michael's Construction (park project) $18,024.30 (correction); Bearlodge Engineering (4th Street project, Pine Street project) $12,110.00, $7,585.00.

SALARIES: $31,874.59.

CLAIMS DENIED: NONE

Jory Hillman and Neil Schiller with Upton Golf, LLC were in attendance and told the Council that they were not sure about renewing the lease for the upcoming fiscal year due to time constraints. Mr. Schiller said there are also issues with the equipment that had not been properly cared for in the past. He also noted that former Mayor

Upton had been aware of the issues and had told Mr. Schiller that he would not spend any more money at the golf course. Some options for continuing the lease would be to forgo the retail liquor license and apply for a beer and wine license instead, or asking the town for an employee to mow, or for someone else to run the Club House. Upton Golf, LLC thanked the Council for their support and asked that the issue be tabled and discussed in the coming months.

Mayor Beck addressed a letter of resignation from a Planning Board member and opened the discussion to change Ordinance No. 11, Series 2006 from requiring a seven member board to a five member board. The change will brought to the January meeting.

Attorney Hughes reviewed the latest draft of the lease agreement between the Town and the Senior Center Board and clarified some final questions. Council Member Todd asked if a provision could be added to have the tangible assets gifted to the Town returned to the Senior Center Board should the lease be terminated. Attorney Hughes will add the provision, revise the initial term of lease and add an annual auto-renewal. COUNCIL MEMBER TODD MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve the lease, as amended, effective January 1, 2018. All ayes, MOTION CARRIED.

Fire Chief Strong asked to forgo discussion on bidding for the 1977 Chevrolet Firetruck. COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to table the discussion until the January meeting. All ayes, MOTION CARRIED.

Mayor Beck reminded the Council that the next NEWY meeting would be held in Gillette on Saturday, January 27, 2018 at 8:00 a.m.

Tom McMillan addressed the Council about adding language to the current animal ordinances to include cats as nuisances, at-large, and throughout the ordinance. Mr. McMillan also told the Council that he would purchase and donate a kennel set up for housing cats at the dog pound. Attorney Hughes and Police Chief Bridge will work on the draft ordinance to present at the next meeting.

Rick Rothleutner, with the Upton Gun Club, was present to discuss the ongoing process of getting power to the gun range. He asked the Council to consider an alternate route than previously discussed due to the time it was taking for the Forrest Service to process the easement required to bury the line along the property belonging to the Forrest Service. The alternate route would draw from a transformer at the golf course club house and follow a cart path across the dam and to the gun range. Council Member Todd asked about revisiting other route options. Attorney Hughes and Superintendent Lindstrom will work up an easement for the alternate route, and look into the other options as well.

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve a correction to the June 2017 Joint Resolution moving only $26,434.00 from the Weston County Road and Bridge Shop Foundation to the Courthouse Improvement Project. All ayes, MOTION CARRIED.

Mayor Beck read a Budget Amendment Hearing Request to amend the Town of Upton's budget in the following particulars:
Increase the Water Fund Budget by $1,392,000.00 by budgeting $1,000,000.00 from MRG 17040WE and $392,000.00 from JPA Loan No. 17589 Weston. The monies will be used for the Pine Street Water and Sewer Project. COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve the budget hearing request. All ayes, MOTION CARRIED. This matter will be considered and acted upon by the Town Council of Upton, Wyoming at approximately 7:30 p.m. at the regular meeting held a 7:00 p.m. on January 9, 2018 at the Upton Community Center at 917 N HWY 16, Upton, Wyoming.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER WATT SECONDED a motion to approve Resolution No. 14, 2017 entitled: **A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE WYOMING COMMUNITY GAS GRANT PROGRAM ON BEHALF OF THE GOVERNING BODY FOR THE TOWN OF UPTON, WYOMING.** The grant application is to request funding assistance in changing the street lighting in the Town to more efficient LED bulbs in an effort to reduce electricity costs. All ayes, MOTION CARRIED.

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to take Change Orders 005-008 for the Upton City Park Improvement Project off the table for discussion. All ayes, MOTION CARRIED.

Architect Levi Van Buggenum, with ARETE Designs, and Mike Jorgenson, with Michael's Construction, were asked to clarify the charges on the four change orders as well as address some items on the most current punch list in regards to the project. Mr. Van Buggenum stated that some specifics for the sensors needed for the exhaust fan system were not appropriately defined and that the issue was coming up so late in the project because there were no weekly meetings held on site to address the issue sooner. Council Member Todd asked if the issue was part of the Architect's responsibility and who was responsible for the costs associated with the sensors and other change orders. Mr. Van Buggenum said that a team of people was involved in the project and that some of the responsibility may be with the Architect. He also added that, specific to Change Order No. 5, the system would not function without the sensors at an additional cost of $2,801.95 that was not in the original bid because it was not defined in the original scope. Superintendent Lindstrom asked if issues like this were not the reason that ARETE was hired and stated that he believes there is a liability with ARETE for some of the change orders presented at this meeting and earlier in the project as well. Both Council Member Todd and Watt agreed with Lindstrom's assessment. Mr. Van Buggenum said that he understood the Town's position and that he could do some research about who will take responsibility for the issues. Council Members Todd read an invoice presented with a claim from Michael's Construction for toilet paper dispensers that was an additional cost to the contract price and asked why that cost had not been included. Mr. Van Buggenum explained that specifications for paper and soap products were site specific and that he may be able to produce his notes where the decisions or need for decisions from the Town were discussed previously. Mayor Beck stated that the process is the concern and asked if there was someone else the Town should be asking for communication. Mr. Van Buggenum said that other than him, the Town could speak with his boss and that he would do his best to make sure the Town was happy but also stated that he did not have the authority to make promises at this meeting. Mayor Beck asked that he find out how the concerns could be addressed and have some communication for the next meeting. Mr. Jorgenson told the Council that he had missed the specification on the plans for sod and asked if hydro seeding would be an option. The Council and Superintendent Lindstrom would prefer sod as specified. Council Member Todd asked if the sidewalks on the south side of the project were ADA compliant and was assured by Mr. Van Buggenum that they were. There is a report regarding compliance in the "as-built" drawings in the completion paperwork. Further changes to the sidewalk layouts were discussed as future additions to the project.

COUNCIL MEMBER TODD MOVED, COUNCIL MEMBER WATT SECONDED a motion to table Change Orders 005-008 until further clarification from ARETE Designs. All ayes, MOTION CARRIED.

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve the publication of the Notice of Substantial Completion for the Park Project, with the caveat that an amount be withheld for any punch list items not corrected by the release of funds date. That amount will be determined by the Council at the next meeting. ARETE will get the ad created and forwarded to Clerk-Treasurer Millar. All ayes, MOTION CARRIED.

Attorney Hughes clarified with Mr. Van Buggenum that he and his firm represent the Town of Upton and are advocates for the Town's best interest in the project. He further stated that the Council needed clear, concrete

answers to the questions posed at the meeting. Mr. Van Buggenum stated that he fully understands the Town's position.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER TODD SECONDED a motion to approve the Mayor's signature on a Proclamation for Law Enforcement Appreciation Day to be observed on January 9, 2018. All ayes, MOTION CARRIED.

Chief Bridge presented her report and updated the Council on her department's activities over the last few months. She announced that Officer Allen had successfully graduated from the academy and would be taking solo shifts this month. She also noted that she had been to training on how to efficiently handle domestic violence cases better.

Chief Strong presented his report and noted that the Fire Department would be advertising for volunteers through the holiday season.

Superintendent Lindstrom presented his report and updated the Council on the LED street lighting project he is working on.

Clerk-Treasurer Millar asked for leeway to adjust the deadlines and timing of the property insurance RFP as she was informed by several interested parties that the timeline was too limited to provide an accurate, meaningful quote. The dates will be adjusted and the RFP will be resent. She also reminded the Council about the 2018 Winter WAM Convention in Cheyenne and asked that those interested commit soon so registrations can be booked at the least expensive rate.

Attorney Hughes updated the Council on a letter received from Attorney Don Hansen regarding an abatement property. Attorney Hughes advised that the Council give the issue time to play out and is confident that it will be resolved without action by the Town at this time.

Mayor Beck gave the Council an overview of the Wyoming Business Council Board meeting he and Superintendent Lindstrom had attended on December 7, 2017. He stated that the WBC Board was very excited about the project and that they had recommended the project for funding in full to the SLIB who meet on January 18, 2018 in Cheyenne to make the final decision regarding funding for the project. Council Member Todd asked about a discrepancy from what the current agreement stated would be paid to the Town from the lease payment and what the presented information at the WBC meeting stated. Mayor Beck had spoken to the WBC staff about the payment and was advised that the agreement would just need to be updated to reflect the accurate payment amount on the amortization schedule.

COUNCIL MEMBER TODD MOVED, COUNCIL MEMBER WATT SECONDED a motion to retire in to executive session for personnel under Wyoming State Statute 16-4-405(a)(ii) at 9:11 p.m. All ayes, MOTION CARRIED.

COUNCIL MEMBER TODD MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to return to the regular meeting at 9:39 p.m. All ayes, MOTION CARRIED. No decisions were made in the executive session and no action was taken.

There being no further business, COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER TODD SECONDED a motion to adjourn. All ayes, MOTION CARRIED. The meeting adjourned at 9:40 p.m.

Mayor

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Attest Clerk-Treasurer