

Town of Upton  
Regular Town Council Meeting  
January 9, 2018

**THE REGULAR MEETING** of the Town Council of Upton, Wyoming was held at 7:00 p.m. on Tuesday, January 9, 2018 at the Upton Community Center located at 917 N HWY 116 in Upton, Wyoming.

Present: Mayor Travis Beck, Council Members Nathan Todd, Justin Norman and Dennis Stirmel.  
Absent: Council Member David Watt.

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

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER STIRMEL SECONDED a motion to approve the December 12, 2017 meeting minutes as published. All ayes, MOTION CARRIED.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER STIRMEL SECONDED a motion to approve the claims for December and January to date with the exception of CNA Surety (bond) \$100.00 and Michael's Construction (retainage) \$63,353.00 (reduced to \$23,353.00 see below). All ayes, MOTION CARRIED.

**CLAIMS PAID:**

Meter Deposit Refunds (refund) \$95.18; Alpha Communications (tower) \$50.00; American Welding (supplies) \$41.50; Arrow Service (fuel) \$58.12; AT&T (cells) \$380.79; B-4 (parts, supplies) \$451.25; BHE (utility) \$871.15, \$5,408.30; BCBS (benefit) \$14,261.59; Cambria Supply (parts) \$146.63; Chase Card Services (credit card) \$2,512.71; CW Waste (contract) \$5,964.15; City of Newcastle (dispatch) \$1,686.00; Collins Communications (alarm monitor & service) \$28.00, \$551.66; Dept. of Treasury (taxes) \$10,791.36; Dept. of Workforce Services (benefit) \$93.22, \$0.00, \$0.00; Eastern WY Equipment (tools) \$111.19; Energy Labs (testing) \$40.00; First State Bank (transfer) \$670.00, \$30,037.06, \$13,120.00, \$5,000.00; Gillette Steel Center (parts) \$156.00, \$114.60; Hughes Law Office (services) \$1,182.10; Industrial Alternator (parts) \$200.00; Inland Truck Parts Co. (parts) \$132.14; JW Services (retainage) \$54,379.92; Joe's Food Center (supplies) \$38.30; Kriz-Davis (lights) \$804.00; Norco (supplies) \$132.69; One Call (locates) \$4.50; Postmaster (postage) \$159.12; Record Supply (parts) \$674.88; RT Communications (phones) \$675.57; Servall (mats) \$85.96; Slattery Enterprises (camera sewer) \$420.00; The Radar Shop (radar recerts) \$189.00; Top Office (services) \$51.00, \$153.83; UVFD (supplies, services) \$907.43; Upton Co-Op (fuel, parts) \$1,634.03; Verizon (cell) \$45.27; Wal-Mart (supplies) \$293.38; Weston County Gazette (publishing) \$857.00; Weston County Senior Services (contribution) \$3,000.00; Weston County Treasurer (fee) \$275.66; WY Law Enforcement Academy (meals) \$25.00; WY Network (website) \$50.00; WPOA (dues) \$30.00; WY Retirement (benefit) \$6,599.94, \$300.00; WY Surplus (tools) \$75.00.

The following invoices will be paid from grant funds when received: Bearlodge Engineering (4<sup>th</sup> Street project, Pine Street project) \$6,540.63.

**SALARIES:** \$28,677.68.

**CLAIMS DENIED:** CNA Surety (bond) \$100.00 and Michael's Construction (retainage) \$63,353.00 (reduced to \$23,353.00 see below)

Mayor Travis Beck made the following annual appointments: Vice Mayor-David Watt; Attorney-Mark Hughes. Financial institutions-FirsTier Bank, First State Bank of Newcastle and Wyoming Government Investment Fund. Official newspaper-Weston County Gazette. Commission appointments: General Government-Dennis Stirmel;

Fire and Police Department-Nathan Todd; Streets, Sewer, and Water-David Watt; Landfill-Justin Norman. No municipal judge was appointed at this time.

Fire Chief Strong asked for the remaining firetruck to be removed from the agenda.

Mayor Beck will contact the members of Upton Golf, LLC. regarding plans for continuing a lease in fiscal year 2019.

Mayor Beck discussed a letter received from Michael's Construction for the Park Project sod replacement as per the construction documents and a letter from ARETE Design Group encouraging the Town to reject Change Order No. 005-008 for the project. Discussion regarding a claim by the Town of Upton against the retainage amount for Michael's Construction was held. Superintendent Lindstrom had been in contact with Michael's Construction asking for an amount related to the remaining items on the punch list. No communication relating to pricing was received prior to the meeting. COUNCIL MEMBER TODD MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to withhold \$40,000.00 from the final amount of \$63,353.00 due to be paid on January 31, 2018 until all punch list items have been cured. All ayes, MOTION CARRIED. A claim for \$23,353.00 will be input and a check for that amount will be issued on January 31, 2018 to Michael's Construction pending any further claims made against the project by that date.

Rick Rothleutner, with the Upton Municipal Gun Club, updated the Council on the forthcoming easement for power to the Club's shooting range. A contact at Powder River Energy Corporation should be sending GPS points to the Town and they hope to have the agreement in place soon. Council Member Todd had been in contact with a representative from the Inyan Kara Bowhunters about cleaning up an area next to the shooting range. The gun club was given permission to clean up and use the property for archery and orienteering training.

COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve the finalized version of the lease agreement between the Town of Upton and Senior Center Board for use of the Upton Senior Center. All ayes, MOTION CARRIED.

Denise Bradshaw, with Weston County Homeland Security, asked the Council to appoint a point of contact for the Regional Hazard Mitigation Plan from the Town of Upton. After discussion, the points of contact will be Superintendent Mark Lindstrom, Clerk-Treasurer Kelley Millar and Deputy Clerk-Treasurer June Shell.

At approximately 7:42 p.m., Mayor Beck opened the budget hearing asking for public comment. There being none, the hearing closed at 7:44 p.m. COUNCIL MEMBER TODD MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve amending the budget in the following particulars:

Increase the Water Fund Budget by \$1,392,000.00 by budgeting \$1,000,000.00 in grant funding from Mineral Royalties Grant 17040WE and \$392,000.00 from JPA Loan No. 17589 Weston. The monies will be used for the Pine Street Water and Sewer Project. All ayes, MOTION CARRIED.

COUNCIL MEMBER TODD MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve a building permit variance for Sagebrush Properties. All ayes, MOTION CARRIED.

Clerk-Treasurer Millar requested a Liquor License Hearing to be held during the next regular meeting on February 13, 2018 at approximately 7:30 p.m. COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve the hearing. All ayes, MOTION CARRIED.

The Upton Chamber of Commerce requested permission for alcohol to be allowed at two upcoming events, January 20, 2018 and March 10, 2018. No alcohol will be sold. COUNCIL MEMBER TODD MOVED, COUNCIL MEMBER STIRMEL SECONDED a motion to approve the requests. All ayes, MOTION CARRIED.

Ken Rathbun, with Bearlodge Engineering, was present to explain a change order to the engineering contract due to a cancelled invoice and miscalculation on the change order for additional work done in the 4<sup>th</sup> Street Emergency Water Line Replacement Project. COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve the Engineering Change Order No. 002 in the amount of \$6,540.63. All ayes, MOTION CARRIED.

Mr. Rathbun also presented final paperwork and DEQ releases for the 4<sup>th</sup> Street Project to be signed by Mayor Beck.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER TODD SECONDED a motion to pass the first reading of Ordinance No. 1, Series 2018 entitled: AN ORDINANCE AMENDING SECTION 2.20.020, UPTON MUNICIPAL CODE, TO DECREASE THE NUMBER OF MEMBERS OF THE PLANNING COMMISSION OF THE TOWN OF UPTON FROM SEVEN MEMBERS TO FIVE MEMBERS. All ayes, MOTION CARRIED.

COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to pass the first reading of Ordinance No. 2, Series 2018 entitled: AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE 6 (ANIMALS) OF THE UPTON MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE. All ayes, MOTION CARRIED.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER STIRMEL SECONDED a motion to approve Resolution No. 1, 2018 entitled: A RESOLUTION AUTHORIZING SUBMISSION OF A FEDERAL MINERAL ROYALTIES CAPITAL CONSTRUCTION ACCOUNT GRANT APPLICATION TO THE STATE LAND AND INVESTMENT BOARD ON BEHALF OF THE GOVERNING BODY FOR THE TOWN OF UPTON FOR THE WILLOW STREET WATER AND SEWER REPLACEMENT PROJECT IN THE AMOUNT OF \$848,028.00. All ayes, MOTION CARRIED.

COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve Resolution No. 2, 2018 entitled: A RESOLUTION AUTHORIZING SUBMISSION OF A FEDERAL MINERAL ROYALTIES CAPITAL CONSTRUCTION ACCOUNT GRANT APPLICATION TO THE STATE LAND AND INVESTMENT BOARD ON BEHALF OF THE GOVERNING BODY FOR THE TOWN OF UPTON FOR PATROL VEHICLE REPLACEMENT IN THE AMOUNT OF \$70,000.00. All ayes, MOTION CARRIED.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER STIRMEL SECONDED a motion to approve Resolution No. 3, 2018 entitled: A RESOLUTION AUTHORIZING SUBMISSION OF A FEDERAL MINERAL ROYALTIES CAPITAL CONSTRUCTION ACCOUNT GRANT APPLICATION TO THE STATE LAND AND INVESTMENT BOARD ON BEHALF OF THE GOVERNING BODY FOR THE TOWN OF UPTON FOR THE 3<sup>RD</sup> STREET WATER AND SEWER LINE REPLACEMENT IN THE AMOUNT OF \$230,128.00. All ayes, MOTION CARRIED.

More information is needed before a review of town appointed boards can be discussed.

Police Chief Bridge presented her report. She noted that Officer David Larson had celebrated his 20 year service anniversary in December. She also asked the Council for permission to institute a wellness program for the police department where challenging health goals are set and when the goals are achieved the officers would be rewarded with additional comp days. Council Member Todd asked to make sure that over time was not necessary to cover the comped shifts. Chief Bridge also told the Council that vests had been fitted and ordered and could possibly be reimbursed up to 50% through a US Department of Justice program. She asked that reimbursement monies be allocated back to the police department budget.

Fire Chief Strong presented his report. It was noted that December had been a quiet month, and that there had been nine ambulance runs in the first nine days of 2018.

Superintendent Lindstrom presented his report. Mayor Beck congratulated Lindstrom on being chosen as the Weston County Gazette's Citizen of the Year.

Clerk-Treasurer Millar reminded the Council of the upcoming WAM Convention and asked for those interested to let her know as soon as possible. She also reminded the group that the SLIB meeting for the Rail Car Project would be held next week in Cheyenne. Mayor Beck and Superintendent Lindstrom will be attending the meeting. Clerk-Treasurer Millar asked that department heads have preliminary budget requests to her by March 15, 2018. She will send reminder notes to outside entities that make funding requests as well. She also asked the Council to consider nominating her to continue to fill a position on the WAM-JPIC Board so that the Town had a seat at the table regarding health insurance provided through the board. Mayor Beck made the nomination. Elections for the board will be held in the spring.

Attorney Hughes discussed options for municipal judge candidates. Ms. Lynda Black and Mr. Jim Peck had declined the offers. Chief Bridge suggested communicating with Mr. Alex Burger. Attorney Hughes will make contact and noted that his office had received notice that Judge Crow would not be available to hold court until March.

There being no further business, COUNCIL MEMBER TODD MOVED, COUNCIL MEMBER STIRMEL SECONDED a motion to adjourn. All ayes, MOTION CARRIED. The meeting adjourned at 8:31 p.m.

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Mayor

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Attest

Clerk-Treasurer