

Town of Upton
Regular Town Council Meeting
March 13, 2018

THE REGULAR MEETING of the Town Council of Upton, Wyoming was held at 7:00 p.m. on Tuesday, March 13, 2018 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. Council Member David Watt joined the meeting at 7:37pm. Absent: Dennis Stirmel.

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

COUNCIL MEMBER TODD MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve the March 13, 2018 meeting minutes as published. All ayes, MOTION CARRIED.

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

CLAIMS PAID:

Meter Deposit Refunds (refund) \$61.36; Alpha Communications (tower) \$50.00; AT&T (cells) \$383.07; B-4 (parts, supplies) \$864.30; BHE (utility) \$1,442.39, \$5,913.90; BCBS (benefit) \$14,261.59; Cambria Supply (parts) \$113.12; Chase Card Services (credit card) \$3,359.08; City of Newcastle (dispatch) \$1,686.00; Collins Communications (alarm monitor & service) \$28.00; Contractor's Supply (parts) \$1,077.48, \$543.72; CW Waste (contract) \$5,964.15; Dept. of Treasury (taxes) \$9,858.89; Dept. of Workforce Services (benefit) \$1,425.11; Energy Labs (testing) \$44.00; Fair Manufacturing (supplies) \$1,249.76; First State Bank (transfer) \$670.00; Gillette Steel Center (parts) \$430.00; Howard White Construction, LLC (labor, materials) \$22,731.79; Gillette Steel (parts) \$48.00; Hughes Law Office (services) \$1,187.70; Inland Truck Parts (parts) \$1,505.11; Joe's Food Center (supplies) \$25.75; Norco (supplies) \$371.16; Omega Computers (service) \$52.50; One Call of WY (locates) \$0.75; Postmaster (postage) \$162.40; PreCorp (utility) \$717.92; Railroad Management Co. (license) \$214.01; Record Supply (parts) \$32.44; RT Communications (phones) \$675.21; Servall (mats) \$85.96; Todd Family, LLP (equipment) \$500.00; Top Office (services) \$51.00; UVFD (supplies, services) \$2,120.61; Upton Co-Op (fuel, parts, supplies) \$3,436.08; Verizon (cell) \$45.31; Weston County Gazette (publishing) \$718.25; WY Assn. of Rural Water (training) \$770.00; WY Network (website) \$50.00; WY Retirement (benefit) \$6,701.84, \$345.00; Yellowstone Valley Parts (parts) \$448.22.

The following invoices will be paid from grant and/or loan funds when received: Bearlodge Engineering (Pine Street project) \$8,715.00, \$5,904.00.

SALARIES: \$29,686.64.

CLAIMS DENIED: NONE.

COUNCIL MEMBER TODD MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve support of a Proclamation for National Public Safety Telecommunications Week April 8-14, 2018. All ayes, MOTION CARRIED.

Mayor Beck made announcements regarding ENDOW meetings available online and live on Facebook, the next NEWY meeting on March 24, 2018 at Gillette City Hall at 8:00 a.m. where the upcoming Congressional Tour Committee will convene, and a training opportunity from the Wyoming Business Council on April 21, 2018 in Gillette after the NEWY meeting at City Hall.

Mayor Beck then discussed the Rail Car Cleaning Facility project. He explained that a contingency included in the motion to approve funds at the SLIB meeting for state funding was that approximately \$5.9 million in funds needed to be in an account in the businesses name no later than the February 28, 2018 deadline. The Wyoming Business Council had received a lot of paperwork on the deadline from the business and needed time to verify that the contingency had been met. Mayor Beck spoke with the WBC on Monday, March 12, 2018 was updated that the requirements had not been met so the WBC rejected the project at this time. He went on to say that in conversations with John Marshall, from the Upton Economic Development Board, and the WBC the project would go through a new process and be reapplied for with requirement for the funds from the contingency to be in place before any approval is given. He will keep the Council as updated as he can with how the process moves forward and asked that the agenda item to approve the Project Development & Administration Agreement stay tabled until it comes back up. Council Member Todd wanted to note that Mr. Marshall had placed a call to City Hall earlier in the day asking to keep this information confidential, however, he felt that there were a lot of people in the community making financial decisions based on this information and that the information should be available. Council Member Norman and Attorney Hughes agreed noting that the information would be subject to the Wyoming Public Records Act. Mayor Beck also agreed that it was important for the right information to be out there as there are a lot of people making decisions based on the information for this project.

COUNCIL MEMBER TODD MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to take the Visionary Communications contract review off the table. All ayes, MOTION CARRIED.

Attorney Hughes reviewed the contract with Visionary Communications for the Council and recommended moving forward with an approval for the two-year term and other provisions giving Superintendent Lindstrom sufficient control of the process. COUNCIL MEMBER TODD MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve the presented contract between the Town of Upton and Visionary Communications Inc. All ayes, MOTION CARRIED.

Mayor Beck spoke with Beau Garcia, from Upton High School. There are two events planned at the golf course in April and Upton is slated to host the state golf tournament in Gillette next year. Mr. Garcia had speculated that the golf team may go away without a local course or join with the Newcastle team and move up to class 3A. Mr. Garcia also asked if the Club House would be available so they could potentially have the parents serve a meal as a fundraiser for the team. Mayor Beck will speak with Upton Golf, LLC about caring for the greens for the events.

At approximately 7:17 p.m. Mayor Beck opened the two sealed bids received for the advertised Lot 1F1, Original Addition. The first bid opened was from Bryce and Alean Bujarski in the amount of two-thousand five-hundred fifty dollars (\$2,550.00). A check for the entire bid amount and the additional twenty dollars (\$20.00) for filing fees accompanied the bid. The second bid opened was from David Wise in the amount of one-thousand seven-hundred fifty-one dollars. The bid was not accompanied by the required deposit of 10%. COUNCIL MEMBER TODD MOVED to reject the bids. Mayor Beck asked for his reasoning, to which he responded that he felt like the Town could ask for more for the lot. Mayor Beck noted that both bids were over the minimum set by the Council at the last meeting; with that information Council Member Todd rescinded his motion. COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER TODD SECONDED a motion accept the bid from Bryce and Alean Bujarski in the amount of \$2,550.00. All ayes, MOTION CARRIED. Clerk-Treasurer Millar will make contact with the successful bidder and get deed information to Attorney Hughes. Contact will also be made with the unsuccessful bidder.

Mayor Beck then moved back to Public Comments to award a Certificate of Appreciation to Alyssa Jackson for her work with the Upton Soccer League and her other work behind the scenes as well.

Denice Bradshaw, with Weston County Homeland Security, informed the Council that the Town of Upton was listed in the flood zone when it was mapped out but that they had not been participating in the National Flood Insurance Program since approximately 1976 when the area was mapped. She stated that if the Town wanted to participate in the flood portion of the Hazard Mitigation Project that they would need to participate in the NFIP or no funds for flood disasters would be available. Council Member Todd asked what participating in the program could mean for anyone wanting to get a mortgage for a property in town. Ms. Bradshaw said she wasn't sure and would need to refer to the experts who were unavailable for this meeting. She agreed that participating could have financial implications for the community. Mayor Beck asked if the Town could still move forward with the plan, just not the flood portion. Ms. Bradshaw said yes and that the flood project could be added at any time. Mayor Beck also addressed the numerous emails regarding the project and asked that the information just be sent to the established points of contact so it could be passed on as necessary. Ms. Bradshaw encouraged the group to keep moving forward with gathering the information.

Stacie Hoxie, with FOCUS, came before the Council to outline the services she would like to be able to offer in Upton. She asked if there was a place she could meet with clients on a regular and emergency basis. She offered to draft a Memorandum of Understanding between the Town and FOCUS for the use of a space. Ms. Hoxie will stop by City Hall to pick up a key and develop a schedule. She also asked if the group would think about a ranching family that could be honored as the grand marshal of the FOCUS parade.

COUNCIL MEMBER TODD MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve Ordinance No. 1, Series, 2018: AN ORDINANCE AMENDING THE 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 on the third and final reading. All ayes, MOTION CARRIED. To view this or any Town of Upton Municipal Ordinance please visit www.townofupton.com or city hall for a paper copy.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER TODD SECONDED a motion to approve Ordinance No. 2, Series 2018: AN ORDINANCE AMENDING VARIOUS SECTIONS OF TITLE 6 (ANIMALS) OF THE UPTON MUNICIPAL CODE AND PROVIDING FOR AN EFFECTIVE DATE on the third and final reading. All ayes, MOTION CARRIED. To view this or any Town of Upton Municipal Ordinance please visit www.townofupton.com or city hall for a paper copy.

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve the recommendation of the apparent low bidder, Timberline Services, in the amount of \$773,118.94 and approval for the Mayor's signature on the notice of award. All ayes, MOTION CARRIED.

COUNCIL MEMBER WATT, COUNCIL MEMBER NORMAN SECONDED a motion to approve the contract with Bearlodge Engineering for the Upper Pine Street project construction phase in the amount of \$136,030.00, contingent on the review from Attorney Hughes. All ayes, MOTION CARRIED.

COUNCIL MEMBER TODD MOVED, COUNCIL MEMBER WATT SECONDED a motion to approve Change Order No. 001 to the Design contract to reduce the amount by \$18,673.00 for a total contract amount of \$63,327.00. All ayes, MOTION CARRIED.

Council Member Todd asked about keeping information confidential for citizens or businesses interesting in purchasing city property for economic development. He noted that several pages of documentation provided by Atlas Coal I had been marked confidential but other citizens had not been given that option recently. Attorney Hughes did not recall confidential documents for Atlas Coal I, and cited the Wyoming Public Records Act. He will provide a copy to the Council so they can review what information must be disclosed. Mayor Beck told the Council of an experience he had in his first council term where a developer had attempted to use the confidential

nature of business to manipulate the Council into an executive session rather discussing the sale of land in an open meeting.

Police Chief Bridge's report was presented as she was unable to attend the meeting. Council Member Todd updated the Council that Jason Millar, with EJ Construction and Services, LLC, had made contact and would be finishing up the addition to the front of the police department building soon.

Fire Chief Strong presented his report.

Superintendent Lindstrom presented his report and updated the Council on the Park Project. He has made contact directly with Michael's Construction regarding the remaining punch list items and showed the Council pictures of run off water leaking into all of the rooms of the building. The leaking will be addressed with Michael's Construction as well.

Clerk-Treasurer Millar presented the Council with a pricing sheet from RT Communications. She had visited with Tobi Johansen from RT about several town entities that were paying more for less service than the minimum packages now offered by RT. The lowest price for services required a three-year contract commitment. Clerk Millar would like to look at other internet provider options and negotiate pricing without contracts with RT.

A sealed bid inquiry was received for the pasture lease from John Dean. The Council discussed the current lease holder and options for annexing the pasture property into the city limits in preparation for growth and proactive response to recently passed legislation. Superintendent Lindstrom will begin the annexation process for the pasture land. Clerk Millar will contact Mr. Dean.

A ballot for the WAM-JPIC Board election was presented to the Council. Clerk Millar asked that a ballot be returned as soon as possible to meet the March 23, 2018 deadline. A request for any resolutions to be approved at the 2018 WAM Summer Convention was presented as well and will be revisited at the April meeting.

Attorney Alex Berger had submitted his resume and references for the Municipal Judge position for review. Attorney Hughes and Chief Bridge have had positive working experiences with Mr. Berger. Mayor Beck has been in contact with Mr. Berger and his references and told the Council that he was agreeable to the current salary budgeted for the judge or his hourly rate of \$175.00. Attorney Hughes advised that a Municipal Judge needed to be appointed soon as the Town has been without a judge and pending cases need to be heard as soon as possible. COUNCIL MEMBER TODD MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to appoint Alex R. Berger as the Municipal Judge for the Town of Upton for the remaining term of 2018. All ayes, MOTION CARRIED.

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 8:26 p.m.

Mayor

Attest

Clerk-Treasurer