

MINUTES OF THE REGULAR MEETING  
OF THE TOWN COUNCIL OF UPTON, WYOMING  
Held on February 10, 2015

**THE REGULAR MEETING** of the Town Council of Upton, Wyoming was held at 7:00 p.m. on February 10, 2015 at the Upton Community Center located at 917 N HWY 116 in Upton, Wyoming. Present for the meeting were Mayor Dustin Upton, Councilman Mark Mitchell, Nathan Todd, and David Watt. Also present were Attorney Mark Hughes, Mark Lindstrom, Joe Creamer, John Strong, Mike and Betty Finn, Robert Hartshorn, Ray Norris, Maureen Caldwell, Cort Cundy, Del Eisenhauer, Bob Eisenhauer, Richard Drexler, Mickie Remington, Casper Rasmussen, Don Kokesh, Vern Hendricks, Debra Douglas, Jim Martens, Melissa Wedderburn, Brittany Crump, Donna Kennedy, Bill Rainbolt, Alean Bujarski, Ann Barker, Kayla Caylor, Joe Vrana, 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 Mitchell made a motion to approve the minutes of the regular meeting of the Town Council held on January 12, 2015. Councilman Todd seconded the motion, and all voted "aye". Motion carried.

The following bills were presented for approval and payment: Aflac \$122.31; ADI Insurance \$150.00, \$436.00; Air Cleaning Specialists \$236.00; Alpha Communications \$50.00; Arrow Service \$695.62; AT&T \$382.43; BCBS \$7,120.11; Black Hills Chemical \$136.08; BHP \$7,638.36; B-4 Automotive, \$413.77; Chase Cardmember Services \$652.66; City of Newcastle \$1,575.00; Collins Communications \$28.00; Dakota Business \$214.00, \$190.00; Dept. of Treasury \$12,197.16; Dept. of Workforce Services \$228.48, \$848.87; Energy Labs \$40.00; First State Bank of Newcastle (transfer) \$670.00; Great Western Tire Co. \$1,218.80; Goodyear Tire \$51.39; Hughes Law Office \$2,934.50; Joe's Food Center \$157.16, \$100.38; Lloyd Davis \$5,415.00; LN Curtis & Sons \$74.26; Menards \$109.73; Mid-American Research Chemical \$180.34; NCPERS WY \$16.00; Norco, Inc., \$181.36; One Call WY \$181.25; RT Communications \$1,094.77; Servall \$72.06; Newman Traffic Signs \$113.86; Pacific Steel & Recycling \$329.62; PRECorp \$312.51; Record Supply \$25.40; Slattery Enterprises \$775.60; SourceGas \$3,104.52; Stine Electronics \$48.00; Sundance Equipment Co. \$21.47; Titan Machinery \$47.25; Top Office Products \$307.98; Postmaster \$42.00; USPS \$166.94; Upton Coop \$1,597.18; \$704.55; Upton Fire Dept. \$148.95; WAMCAT \$65.00; Weston County Gazette \$596.88; WY Fire Chief's Assoc. \$160.00; WY State Fireman's Association \$50.00; WY Network \$30.00; WY Retirement \$337.50, 5941.92; **SALARIES:** Rona Barker, \$2,827.91; David Brooks, \$1,708.30; Joseph Creamer, \$3,349.30; Patrick Crow, \$300.14; Michael Hobbs, \$2,587.83; Lynn Hofland, \$3,547.68; Virginia Jenkins, \$63.00; David Larson, \$2,891.48; Mark Lindstrom, \$4,637.75; Corina McPeters, \$148.17; Kelley Millar, \$529.99; Lynette MoneyMaker, \$1,113.16; Connie Montgomery, \$1,505.04; William Palmer, \$3,119.71; Jason Pinter, \$1,701.32; Don Sharkey, \$153.92; Dustin Upton, \$264.74; Bob Willis, \$252.76. Councilman Todd made a motion to approve the bills. Councilman Mitchell seconded the motion, all voted in favor. Motion carried.

Councilman Watt joined the meeting at 7:05 p.m.

Ordinance No. 1, Series 2015 entitled: AN ORDINANCE REGULATING MOBILE HOME LOT DEVELOPMENT was the next topic of discussion. Melissa Wedderburn expressed concerns that she would not be able to remodel inside or outside of her home or be able to afford approved materials to remodel and that she may be priced out of her home. She was also concerned about inspections that she felt may be imposed with that passage of the ordinance. Attorney Hughes stated that the Ordinance was not retroactive, but progressive. Mike Finn then read a prepared statement stating his concerns over the passage of the Ordinance. Alean Bujarski then spoke to the group stating her objections to the Ordinance. She felt that trailers and lots would be devalued overnight. Councilman Watt stated that this was the third reading of the Ordinance, and asked why no one had come in during the earlier readings. He encouraged public participation before the third reading on any Ordinance. At that point two of the audience stated that they were not allowed to be on the agenda until this meeting. At that time Councilman Todd called for a motion to table the last reading of the Ordinance. The motion died for lack of a second.

At 7:30 p.m. the liquor license hearing was held. Mayor Upton called for a comment/objection period. There being none, Councilman Watt moved to approve the liquor licenses for Oddette Inc. d/b/a Cowboy Bar, Joseph & Pamela Vandersnick d/b/a Country Corner (**contingent upon approval by the Wyoming Liquor Commission of the enclosed dispensing room size-Country Corner only**), Western Royalties d/b/a Sunset Amigo's, and Richard Drexler & Joni Rikke d/b/a Western Bar & Café. The motion was seconded by Councilman Mitchell and all voted in favor of the motion as stated.

Mayor Upton asked for additional comments from the group in regard to Ordinance No. 1, Series 2015 entitled: AN ORDINANCE REGULATING MOBILE HOME LOT DEVELOPMENT. Several more attendees stated their objections to the mobile home ordinance. At that time Councilman Mitchell made a motion to table the last reading of Ordinance No. 1, Series 2015. Councilman Todd seconded the motion, and all voted in favor. Motion carried. A time will be set to hold a workshop meeting.

Ray Norris extended an invitation to the Council for a meeting in February with the Weston County Development Board to discuss goals and the direction each board is heading for projects. Mr. Norris also stated that the WCDB would like to include the Upton Chamber of Commerce board in the meeting. The Council members will check their schedules and email the Clerk with availability. Mr. Norris then updated the Council on the Feasibility Study stating that nine companies had made contact for the project and two had followed through with applications. A meeting with one of the applicants, PB Communications of Sheridan, is scheduled for Wednesday, February 11, 2015 at 5:30 p.m. at the WCDB office. A meeting with the second applicant, Code of the West of Newcastle, will be scheduled with notification forthcoming to the Council.

Cort Cundy with CW Waste of Sundance gave the Council a proposal with three options to review for garbage service in the Upton area. Mr. Cundy is already taking over the rural routes formerly serviced by Lloyd Davis. The Council and Superintendent will review the proposals.

Maureen Caldwell, CEO at Weston County Health Services, presented the Council with the following resolution:

**A RESOLUTION SUPPORTING THE SUBMISSION OF A FEDERAL MINERAL ROYALTY CAPITAL CONSTRUCTION ACCOUNT GRANT APPLICATION TO THE STATE LOAN AND INVESTMENT BOARD ON BEHALF OF THE GOVERNING BODY FOR THE WESTON COUNTY HOSPITAL DISTRICT FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS ASSOCIATED WITH THE ADDITION TO THE NURSING HOME FOR A SPECIAL CARE UNIT AT THE WESTON COUNTY MANOR**

The grant would be in the amount of \$795,600 and require a 25% match from the hospital district. Councilman Mitchell made the motion to approve the resolution and Councilman Watt seconded. All vote aye and the motion passed.

Councilman Mitchell stated that the Golf Association would be meeting in the next week to choose officers and start planning for April activities at the golf course. Councilman Mitchell will relay the time and date of the meeting to the Clerk so the rest of the Council can make plans to attend.

Mayor Upton read a letter from John Cranmer requesting permission to stay overnight in the Upton City Park on June 26<sup>th</sup> -28<sup>th</sup> for NEWARA's HAM Field Day and called for a motion to approve the request. Councilman Watt moved to approve the overnight stay request which was seconded by Councilman Mitchell. All voted in favor and the motion passed.

Mayor Upton requested a workshop to discuss the proposed personnel policy and work on an acceptable final draft. Attorney Hughes pointed out inconsistencies between the proposed policy and existing ordinances. An email attached to the policy draft outlined options for proceeding that will be reviewed at the workshop.

An official notification of de-obligation of grant funds in the amount of \$4,834.29 for Grant 14-GPD-UP-LP-HLE14 was received. Mayor Upton will contact Chief Hofland for clarification to proceed.

Mayor Upton reminded the group that nominations for the WAM-JPIC/Health Insurance Board must be in the WAM office on or before Friday, February 27, 2015.

Mayor Upton recognized Debra Douglas, Upton Chamber of Commerce President, and asked for information on the upcoming Festival of Tables. The event is scheduled for Saturday, March 14<sup>th</sup>, 2015 at the Upton Community Center and tables can be sponsored for \$175.00. The theme of the table is up to the sponsor, dinner is included in the sponsorship fee. Mayor Upton asked the Council members, as individuals, to consider hosting a table for the event. Ms. Douglas stated that the deadline to reserve a table was March 1<sup>st</sup>, 2015.

Mayor Upton would like to get together with the Council again to address action plans from previous abatement notices and draft new abatement letters for recently identified buildings. Attorney Hughes reminded the Council that once buildings are identified an inspection would need to be done in order assure the ordinance applied before any new letters are sent. Once a list of identified properties is drafted Superintendent Mark Lindstrom will contact the inspector for availability.

Councilman Mitchell and Mayor Upton would like to revisit the Black Hills Power contract extension concerning the ability of one Council to hold future Councils responsible for past actions. Attorney Hughes went on record to state that he represents both PRECorp and the Town of Upton so he could not advise on the contract issues whatsoever. The Council agreed to investigate more options.

Officer Creamer gave the Police Department report. Mayor Upton commented that with the melting of the majority of the snow the enforcement of the junk ordinances needed to be addressed.

Fire Chief John Strong submitted his Fire Department report.

Superintendent Lindstrom submitted his written report.

Mayor Upton and Superintendent Lindstrom will discuss the Cedar Street and 6<sup>th</sup> Avenue issue on Monday, February 16, 2015.

Superintendent Lindstrom reported on the school project tie-in stating that he is looking in to some grants for upwards of \$1,000,000 and hoped that this would be a joint effort with the Dr. Stephens from the school district. The project would incorporate additional drainage to keep Birch and Willow Street clear.

Superintendent Lindstrom also told the Council that the landfill will accept debris from the abatement of buildings even if no abatement letter has been issued in regards to the particular building. He asked that all trash be removed from mobile homes taken to the landfill.

In other business, Debra Douglas, extended an invitation to the Council for the Upton Chamber of Commerce to help with any projects as the Council sees fit. She also invited the Council to the Chamber meeting on Thursday, February 12, 2015 at the Upton Elementary School.

Councilman Mitchell voiced his concerns with the potential passing of a Wyoming law doing away with “gun-free” zones. This would include schools and government buildings. He encouraged the group to contact Senators and Representatives with concerns.

Clerk Barker asked Mayor Upton for permission to re-clarify the rules for the agenda. Anyone is welcome to and encouraged to attend the meetings; however, those wishing to be on the agenda for a Town of Upton council meeting must contact City Hall at least seven days prior to the meeting.

A workshop for the review of Ordinance No. 1, Series 2015 entitled: AN ORDINANCE REGULATING MOBILE HOME LOT DEVELOPMENT, was scheduled for Monday, February 23<sup>rd</sup>, 2015 at 7:00 p.m. at the Upton Community Center. An additional workshop to address the personnel policy changes was scheduled for Monday, March 2<sup>nd</sup>, 2015 at 7:00 p.m. at the Upton Community Center. All workshops are open to the public.

Mayor Upton asked Superintendent Lindstrom about the June WAM dates. Superintendent Lindstrom will double check the dates and get that information to the Council.

There being no further business before the Council, a motion was made to adjourn by Councilman Watt, and it was seconded by Councilman Mitchell. All voted in favor. Motion carried. The meeting adjourned at 8:45 p.m.