

Town of Upton
Regular Town Council Meeting
December 11, 2018

THE REGULAR MEETING of the Town Council of Upton, Wyoming was held at 7:00 p.m. on Tuesday, December 11, 2018 at the Upton City Hall located at 725 2nd Street in Upton, Wyoming.

Present: Mayor Travis Beck, Council Members Justin Norman, Nathan Todd and Dennis Stirmel. Council Member David Watt joined the meeting at 7:20 p.m.

Mayor Beck called the meeting to order by leading the group in the Pledge of Allegiance at 7:05 p.m.

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

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

COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve claims paid in November including utilities and payroll expenses. All ayes, MOTION CARRIED.

CLAIMS PAID:

Deposit Refund (refunds) \$163.00; Transfers (reserves) \$500.00, \$600.00; Action Lock & Key (services) \$315.00; Alpha Communications (service) \$50.00; Amy Douglas (services) \$500.00; B-4 Automotive (supplies/parts) \$332.18; Bearlodge Engineering (services) \$1,100.00; Black Hills Energy (utilities) \$4,931.20, \$592.42; Blakeman Propane (fuel) \$74.33; BCBS (benefit) \$13,617.65; Border States Electric Supply (supplies) \$670.00; Buffalo Chamber of Commerce (decorations) \$500.00; Chase Card Services (supplies/parts/new equipment) \$4,548.07; City of Newcastle (dispatch) \$1,686.00; C.N.A. Surety (bond) \$400.00; Collins Communications, Inc. (services) \$28.00, \$33.00; Contractor's Supply (supplies) \$1,155.87; Crook County District Court (garnishment) \$553.48; CW Waste (contract) \$5,964.15; Department of Treasury (taxes) \$9,969.81; DRM, Inc. (services) \$3,050.00; Energy Laboratories, Inc. (sample testing) \$265; First State Bank (transfer) \$670.00; Great Western Tire Co. (supplies) \$738.00; Hughes Law Office (services) \$892.70; Joe's Food Center (supplies) \$23.05; Kelley Millar (mileage) \$61.48; Linda Taebel (services) \$273.75; Norco (supplies) \$227.00; Omega Computers (services) \$95.00, \$137.50; One Call of WY (locates) \$8.25; Postmaster (postage) \$165.20; Raquel Merritt (services) \$60.00; RT Communications (phones) \$657.77; Servall Uniform & Linen Supply (services) \$68.70; Top Office Products, Inc. (services) \$126.55; Upton CO-OP Assn. (parts/supplies/fuels) \$2,628.19; USDA Forest Service (permit) \$147.83; UVFD (reimbursement) 683.29; Verizon Wireless (phone) \$45.39; Weston County Gazette (publications) \$633.75; Weston County Clerk (election fees) \$505.44; Weston County Peace Officers Assn. (dues) \$45.00; WY Network (services) \$50.00; WY Retirement (benefit) \$330.00, \$6,247.52.

The following invoices will be paid from grant and/or loan funds when received: Always There Heating & Cooling, LLC (PD HVAC project) \$6,632.00; Bearlodge Engineering (Upper Pine Street project, 3rd Street Project) \$16,197.50, \$1,797.50; Timberline Services (Upper Pine Street project) \$31,371.63 + \$2,230.37 in retainage held above contractual requirements.

SALARIES: \$29,815.22

CLAIMS DENIED: NONE

Attorney Hughes is still waiting on signatures from the Wyoming Department of Transportation for the annexation petition. He is hopeful that it will be ready at the January meeting and would like to see the entire annexation process complete before the end of 2019 to ensure that the 2020 Census is accurate.

Clerk-Treasurer Millar updated the Council on the status of the state audit, completed in August 2018. The Department of Audit accepted the Town's responses to the identified findings and the report is now a matter of public record. Mayor Beck asked if the report had been published on the Department's website, and it had not.

COUNCIL MEMBER TODD MOVED, COUNCIL MEMBER STIRMEL SECONDED a motion to approve Resolution No. 9, Series 2018: A RESOLUTION TO AUTHORIZE THE SUBMISSION OF AN APPLICATION TO THE WYOMING COMMUNITY GAS GRANT PROGRAM ON BEHALF OF THE GOVERNING BODY OF THE TOWN OF UPTON in the amount of \$5,000.00 for the Veteran's Banner Project. This project idea was brought before the Council at the November meeting by Jackie and Vivien Cowger. All ayes, MOTION CARRIED. A copy of the resolution in its entirety is available at City Hall and at www.townofupton.com.

COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve Resolution No. 10, Series 2018: A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT FOR A SEARCH GRANT ON BEHALF OF THE GOVERNING BODY OF THE TOWN OF UPTON in the amount of \$30,000.00 to assist in financing infrastructure projects for the Town of Upton. All ayes, MOTION CARRIED. A copy of the resolution in its entirety is available at City Hall and at www.townofupton.com.

COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve Resolution No. 11, Series 2018: A RESOLUTION AUTHORIZING THE SUBMISSION OF A CAPITAL CONSTRUCTION LOAN APPLICATION TO THE OFFICE OF STATE LOAN AND INVESTMENT BOARD ON BEHALF OF THE GOVERNING BODY OF THE TOWN OF UPTON in the amount of \$130,000.00 for the purpose of replacement of Pearl Street. This application is in conjunction with a Mineral Royalties Grant application for the replacement of water and sewer infrastructure on Pearl Street and would be for the replacement of the street surface that is not covered under the MRG program. All ayes, MOTION CARRIED. A copy of the resolution in its entirety is available at City Hall and at www.townofupton.com.

COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve the first reading of Ordinance No. 1, Series 2019 entitled: AN ORDINANCE AMENDING THE SECTION 2.08.020, UPTON MUNICIPAL CODE, UPDATING BOND AMOUNT REQUIREMENTS FOR ANY PERSONS WITH CUSTODY OF TOWN OF UPTON FUNDS. All ayes, MOTION CARRIED.

At approximately 7:12 p.m., Mayor Beck opened the public hearing regarding the adoption of the Wyoming Region I Hazard Mitigation Plan. Kim Johnson, with the Wyoming Office of Homeland Security, and Denise Bradshaw, with the Weston County Office of Homeland Security, discussed the mitigation plan and clarified that the map used in the mitigation plan was not a map identifying flood zones, but rather a map that identifies potential flood hazards. The map from 1976 that shows "Flood Zone A", was shown to the Council. Mr. Johnson stated that Weston County and the Town of Upton do not participate in the National Flood Insurance Program, but that the City of Newcastle does currently. He also clarified that adoption of the mitigation plan has absolutely no effect on the Town's participation in the NFIP. Council Member Todd asked about some issues that had been discussed from Campbell County where a home under remodel had a flood plain running through the middle of it and the homeowner had problems obtaining permits to make any changes to the home at all. Mr. Johnson said that Campbell County does participate in the NFIP and has adopted the federal minimum requirements regarding flood zones. It was his opinion that the issues that may have occurred in Unofficial Minutes of the Regular Meeting December 11, 2018

Campbell County would have been due to the guidelines and requirements specifically adopted and codified there.

Mr. Johnson and Ms. Bradshaw had driven through the area in question earlier in the day and had identified some potential mitigation projects that could be considered. He restated that the mitigation plan will not affect any of the properties in the flood zone area identified on the 1976 map.

Residents in the identified area, Bev Vrana, John Henwood, Wade Vrana and Kayla Caylor were in attendance. Ms. Vrana and Mr. Henwood have lived in the area for over 30 years and have never experienced a property damaging flood event. Mayor Beck clarified that the Town would have to voluntarily participate in the NFIP and designate the area an official flood zone before any properties would be affected. He further clarified that the mitigation plan was completely separate from the NFIP and would enable the Town to have access to grant funding for mitigation projects. Mr. Johnson echoed the clarification and stated that adoption of the mitigation plan allows for all types of hazards to be addressed.

Ms. Vrana pointed out that Iron Creek heads in the county and that any mitigation would need to start there. Council Member Todd asked Mr. Johnson why the Town of Upton would adopt the mitigation plan. Mr. Johnson explained the grant funds available for pre-mitigation and mitigation were much more stably funded and a larger pot of monies than for post disaster funding. He also stated that sometimes mitigation and capital improvement projects can work well together. Ms. Vrana asked about the ratio of grant funding to local match. Mr. Johnson explained that the federal funding would be at a 75% federal/25% local ratio for most of the programs.

Council Member Todd asked what project Mr. Johnson would consider pre-mitigation projects for the identified area. Mr. Johnson said the project needs to be cost effective and that more active areas are easier to measure than the area around Iron Creek.

Ms. Caylor asked if the Town really needs to adopt the plan since there are other grant money options available without the plan. Mayor Beck answered that adopting the plan opened up more options but did not take away from the current funding options. Council Member Watt also interjected that there are a lot of different mitigation areas aside from flood hazards.

Council Member Todd asked if Lusk had a mitigation plan in place before the flood there. Mr. Johnson said that Niobrara County did have a plan in place and explained how the city, county, state and federal government reacted to the disaster.

Ms. Caylor asked for clarification of who participates in the NFIP and asked if the Town of Upton has any plans of moving forward to participate in the program. Mr. Johnson stated that the City of Newcastle does participate in the NFIP and that Weston County and the Town of Upton do not participate. Mayor Beck stated that the Town of Upton has no current plans to participate in the program.

COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER WATT SECONDED a motion to adjourn the public hearing at 8:06 p.m.

At approximately 8:07 p.m. Mayor Beck opened the budget amendment hearing. There were no comments or objections and the hearing closed at 8:08 p.m.

COUNCIL MEMBER WATT MOVED, COUNCILMEMBER STIRMEL SECONDED a motion to approve amending the budget in the following particulars:

Increase the General Fund Budget by \$10,278.00 by budgeting \$10,278.00 from grant monies awarded by the Wyoming Business Council. The monies will be used for the Police Department HVAC and lighting retro fit project.

All ayes, MOTION CARRIED.

COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve Resolution No. 12, Series 2018: A RESOLUTION ADOPTING THE WYOMING REGION I HAZARD MITIGATION PLAN ON BEHALF OF THE GOVERNING BODY OF THE TOWN OF UPTON.

All ayes, MOTION CARRIED. A copy of the resolution in its entirety is available at City Hall and at www.townofupton.com.

Kenny Rathbun gave an update on the Pine Street project. The contractor is in hibernation at this time with their last working day having been November 28, 2018. There are 22 remaining contract days and 9 additional weather days to complete the project in the spring.

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER STIRMEL SECONDED a motion to approve the Cash Handling Policy, Service Agreement Policy, Holiday Closure/Paid Leave Policy, and the Collections Policy. All ayes, MOTION CARRIED.

Council Member Todd asked if the Council would be interested in a resolution regarding outside entities using the Town's attorney and reimbursement of incurred fees. He cited expenses related to the rail car facility that did not come to fruition and other expenses incurred during the infrastructure projects at the industrial park in previous years. He had spoken with Attorney Hughes about how much the City of Sundance pays in a retainer fee and noted that there are years that the Town of Upton has spent more in fees than a retainer may cost. He asked that the Council consider the options moving forward.

Chief Bridge gave her report and noted that the first SRO Committee meeting is scheduled for mid-December. Council Member Todd recognized Chief Bridge for the positive changes in the Police Department and thanked her for her work.

Chief Strong gave his report.

Superintendent Lindstrom gave his report.

Clerk-Treasurer Millar gave her report.

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to table the 2019 Winter WAM Voting Delegate designation. All ayes, MOTION CARRIED.

There being no further business, COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER STIRMEL SECONDED a motion to adjourn. All ayes, MOTION CARRIED. The meeting adjourned at 8:23 p.m.

Travis Beck, Mayor

Attest Kelley Millar, Clerk-Treasurer