

Town of Upton
Regular Town Council Meeting
May 14, 2019

THE REGULAR MEETING of the Town Council of Upton, Wyoming was held at 7:00 p.m. on Tuesday, May 14, 2019 at the Upton City Hall located at 725 2nd Street in Upton, Wyoming.

Present: Mayor Travis Beck, Council Members Dennis Stirmel, Justin Norman, Joe Watt and David Watt.

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

Fire Chief John Strong, Captain Les Riehemann and EMT Tiffany Riehemann gave a brief demonstration of a new piece of equipment purchased using Wyoming Workforce Service grant monies and matching funds. The “Stair Chair” is a useful tool when the need to maneuver stairs or tight spaces arises in patient contact.

COUNCIL MEMBER DAVID WATT MOVED, COUNCIL MEMBER JOE WATT SECONDED a motion to approve the April 9, 2019 regular meeting minutes as published. All ayes, MOTION CARRIED.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER STIRMEL SECONDED a motion to approve the Upton Co-op bill. Council Member Joe Watt recused himself due to a conflict of interest. All ayes, MOTION CARRIED.

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

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER JOE WATT SECONDED a motion to approve claims paid in April including utilities, payroll expenses and renewal permit to the Wyoming DEQ. All ayes, MOTION CARRIED.

CLAIMS PAID:

Deposit Refund (refunds) NONE; Other Refunds (refunds) \$68.50; Transfers (reserves) \$500.00, \$600.00; \$32,326.00; David Larson (reimbursement-fuel) \$57.02; Kelley Millar (reimbursement-mileage) \$124.47; Action Lock & Key (parts) \$205.73; ADI Insurance Agency (bonds) \$2,300.00; Alpha Communications (lease) \$50.00; AT&T (cell phones) \$385.46; B-4 Automotive (supplies/parts/services) \$411.54; Bearlodge Engineering (services for golf course) \$915.00; Black Hills Ammunition (supplies) \$629.00; Black Hills Energy (utilities) \$6,514.86, \$632.53; BCBS (benefits) \$12,888.73; Border States Electric Supply (supplies) \$804.00; Chase Card Services (supplies/parts/new equipment/travel/training) \$5,634.30; City of Newcastle (dispatch) \$1,686.00; Collins Communications, Inc. (services) \$61.00; Contractor’s Supply, Inc. (parts) \$259.09; Craig’s Sales-Service Rental (equipment) \$2,074.75; Crook County District Court (garnishment) \$610.22; CW Waste (contract) \$5,964.15; Department of Treasury (taxes) \$10,003.77; Energy Laboratories, Inc. (sample testing) \$590.00; Environmental Products & Acc. LLC (parts) \$330.91; Ferno-Washington, Inc. (equipment) \$13,062.46; First State Bank (transfer) \$670.00; Great Western Tire Co. (services) \$629.85; Hawkins, Inc. (chemicals) \$607.67; Hughes Law Office (services) \$1,709.80; Joe’s Food Center (supplies) \$85.62; JubJub, Inc. (web hosting) \$30.00; Linda Taebel (services) \$363.75; LGLP (insurance) \$5,479.00; Norco (supplies) \$265.64; Northwest Pipe Fitting, Inc. (parts) \$1,501.93; OSLI (loan fee) \$900.00; One Call of WY (locates) \$13.50; Postmaster (postage) \$164.50, \$235.00; PRECorp (utilities) \$747.23, \$558.71; Power Plan (services) \$522.72; Rocky Mountain Print Solutions (supplies) \$284.00; RT Communications (phones) \$646.25; Servall Uniform & Linen Supply (services) \$123.02; Simon (supplies) \$355.83; Top Office Products, Inc. (services/supplies) \$119.00; Town of Upton (petty cash) \$25.00; Upton Co-op Assn. (parts/supplies/fuels) \$2,626.16; USA Blue Book (supplies) \$703.19; UVFD (reimbursement) \$5,706.69; Verizon Wireless (phone) \$40.78; Weston County Gazette (publications) \$991.25; WYDEQ (permit renewal) \$500.00; Wyoming

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Machinery (parts) \$117.03; Wyoming Network (services) \$25.00; WY Retirement (benefits) \$345.00, \$6,237.71.

The following invoices will be paid from grant and/or loan funds when received: Bearlodge Engineering (3rd Street and Pine Street Projects) \$230.00, \$632.50.

SALARIES: \$27,822.77

CLAIMS DENIED: NONE

Mayor Beck opened the discussion regarding the updated Golf Course Management Agreement. The changes to the agreement include an updated term to match the term of the potential county liquor license from July 1st, 2019 through June 30th, 2020, and the need for only a Director's and Operator's liability insurance policy as opposed to both property and liability policies. The overall agreement changes the "lease" language to "management contract" to better define the nature of the agreement. COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve the agreement as presented with consensus from the Upton Golf Association. All ayes, MOTION CARRIED.

Steve Hampton gave a brief update of the Upton Golf Association finances and budget for the upcoming fiscal year. He also presented an invoice for the purchase of a new greens sander in the amount of \$3,600.00. It had been previously discussed that budget monies may be available for the purchase of the equipment, however, updated budget information showed that the cost of the equipment would create a deficit in the budget. A discussion regarding a budget amendment to cover the cost of the equipment was held with caveats that the proposed budget for the next fiscal year may be reduced by the same amount.

COUNCIL MEMBER DAVID WATT MOVED, COUNCIL MEMBER JOE WATT SECONDED a motion to hold a budget amendment hearing at approximately 7:15 p.m. to amend the Town of Upton fiscal year 2018-2019 budget in the following particulars:

Increase the General Fund budget by \$3,600.00 by budgeting \$3,600.00 from General Fund Cash

Reserves. The monies would be used to purchase a greens sander for the Cedar Pines Golf Course.

All ayes, MOTION CARRIED.

At approximately 7:28 p.m. Mayor Beck opened the budget amendment hearing to amend the fiscal year 2018-2019 Town of Upton budget in the following particulars:

- a. Increase the Water Fund budget by \$15,000.00 by budgeting \$15,000.00 from USDA grant funds awarded for a search grant.
- b. Increase the Sewer Fund budget by \$15,000.00 by budgeting \$15,000.00 from USDA grant funds awarded for a search grant.

There being no objections or comments, Mayor Beck asked Clerk/Treasurer Millar to give a brief explanation of the proposed amendment. The monies are from a Search Grant awarded from the USDA to develop and Preliminary Engineering Report on the Town of Upton water and sewer systems. The monies may not be expended in this fiscal year; however, the amendment would ensure payment could be made if necessary.

COUNCIL MEMBER JOE WATT MOVED, COUNCIL MEMBER DAVID WATT SECONDED a motion to approve amending the budget as stated above. All ayes, MOTION CARRIED.

COUNCIL MEMBER DAVID WATT MOVED, COUNCIL MEMBER JOE WATT SECONDED a motion to table the NTI agreement until the June 11th meeting so Attorney Hughes could follow up on requested changes that had not been addressed by NTI in the most recent update. All ayes, MOTION CARRIED.

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COUNCIL MEMBER DAVID WATT MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve the Pearl Street Project Design Engineering Agreement with Bearlodge Engineering. All ayes, MOTION CARRIED.

Mayor Beck opened the sole bid received for the use playground equipment. COUNCIL MEMBER JOE WATT MOVED, COUNCIL MEMBER STIRMEL SECONDED a motion to accept the bid of \$800.00 from Ayme Ahrens. Clerk/Treasurer Millar will make notification of the award and set up an appointment for pickup within in the timeframe established by the bid requirements. Attorney Hughes confirmed that no waiver was needed as the equipment was advertised “as is”. All ayes, MOTION CARRIED.

Chief Bridge discussed adding a timeframe to the garbage can ordinance for cans to be removed from the streets. Council Member Joe Watt suggested adding a provision for moving the cans off the immediate right-of-way or sidewalk as well. The cost of a replacement can damaged for any reason was also discussed. After discussion, the ordinance will be edited and brought to the June 11th meeting for first review and reading.

Chief Bridge also discussed a parking ordinance that would prevent the storage of campers, recreation vehicles, trailers, etc. on the city streets and help with street cleaning efforts. A draft ordinance will be presented at the June 11th meeting.

COUNCIL MEMBER DAVID WATT MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve the updated Senior Center Board Lease Agreement. The updates included a term of five years, expiring June 30, 2024 and a provision for the payment of city utility bills by the Board as required by state law. Members of the Senior Center Board were present and concurred with the updates. All ayes, MOTION CARRIED.

Clerk/Treasurer Millar asked for clarification of ownership regarding concrete planter near the center that used to house the motel signage. Contact will be made with the last known owner to discuss upkeep of the planter and the now empty lot.

COUNCIL MEMBER JOE WATT MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve updated water and sewer tap fees and rules. The fees had not been updated since 2009 and increased from \$1,400.00 to \$1,600.00 for a ¾” water service, \$2,000.00 for a 1” water service, from \$425.00 to \$650.00 for a 4” sewer service. Larger sewer services would increase costs based on the Town’s cost of goods. More information about water and sewer service tap fees and rules is available at www.townofupton.com or in person at City Hall during regular business hours. All ayes, MOTION CARRIED.

COUNCIL MEMBER DAVID WATT MOVED, COUNCIL MEMBER JOE WATT SECONDED a motion to table Resolution No. 3, 2019-Utility Rate Increases 2019. The Council asked Clerk/Treasurer Millar to run number for increasing the price of a 300-gallon container from \$45.00 to \$80.00 per pick up and report back how that change would affect the proposed Landfill Budget. Updated information will be presented at the June 11th meeting. All ayes, MOTION CARRIED.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER STIRMEL SECONDED a motion to approve **Resolution No. 4, 2019-Designation of an Official Custodian of Public Records for the Town of Upton**. Clerk/Treasurer Millar explained that with the passage of Senate File 57-Public Records Act, the Town would be required to officially designate a public records custodian whose information will be added to a state-wide database as an official contact for public records. The provisions the Town had in place with Policy 005-Public Records Revision 001 would need to be updated to mirror the requirements of the state statute effective July 1, 2019. Clerk/Treasurer Kelley Millar was listed as the Town’s Official Custodian of Public Records. All ayes, MOTION CARRIED. The resolution is available at www.townofupton.com or in person at City Hall during regular business hours.

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COUNCIL MEMBER JOE WATT MOVED, COUNCIL MEMBER STIRMEL SECONDED a motion to approve the revisions to Policy 005-Public Records Revision 002 that mirrors the requirements of the new Public Records Act. The fee schedule for public records requests was not altered. All ayes, MOTION CARRIED. The updated policy and public records fee schedule can be viewed in person at City Hall during regular business hours.

COUNCIL MEMBER DAVID WATT MOVED, COUNCIL MEMBER JOE WATT SECONDED a motion to approve **Resolution No. 5, 2019-CCL 19001 Weston Pearl Street Project Loan** that allows Mayor Beck to sign the loan papers related to the project and Clerk/Treasurer Millar to attest his signature on the documents. All ayes, MOTION CARRIED. The resolution is available at www.townofupton.com or in person at City Hall during regular business hours.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER STIRMEL SECONDED a motion to approve the first reading of **Ordinance No. 3, Series 2019 entitled: AN ORDINANCE ADOPTING WIRELESS COMMUNICATION FACILITES REGULATIONS AND PROVIDING FOR AN EFFECTIVE DATE.** The ordinance addresses recently passed federal legislation regarding the placement of wireless communication equipment on public property and enables the Town to promote and manage public streets, highways, rights-of-way and public places in the overall interest of public health, safety and welfare. All ayes, MOTION CARRIED. Second reading of the ordinance will take place at the June 11th meeting. The draft ordinance is available at www.townofupton.com or in person at City Hall during normal business hours.

COUNCIL MEMBER DAVID WATT MOVED, COUNCIL MEMBER JOE WATT SECONDED a motion to approve the first reading of **Ordinance No. 5, Series 2019 entitled: AN ORDINANCE AMENDING CHAPTER 5.04 OF UPTON MUNICIPAL CODE CREATING A PROCESS FOR THE ISSUANCE, RENEWAL, SUSPENSION AND REVOCATION OF LIQUOR LICENSES BY THE GOVERNING BODY OF THE TOWN OF UPTON, WYOMING.** The ordinance is a comprehensive approach to handling liquor licenses issued by the Town and encompasses changes the Town would like to see regarding compliance checks and failures as well. All ayes, MOTION CARRIED. Second reading of the ordinance will take place at the June 11th meeting. The draft ordinance is available at www.townofupton.com or in person at City Hall during regular business hours.

A discussion regarding the issuance of keys for the baseball complex was held. The locks for the bathrooms, storage and concession stand have recently been changed and keys must be checked out at City Hall, then returned at the end of the season. Clerk/Treasurer Millar asked for some clarification as to whom was authorized to have keys and how that would be determined. The consensus of the Council was to have the Upton Baseball group and the Upton Soccer group decide who should have keys for their organizations and get that information to City Hall. It was suggested by the Town's liability insurance pool to have agreements for use and proof of liability coverage from the groups using the facilities. Council Member Norman will check with interested parties for this year's concessions.

Chief Bridge gave her report and updated the Council on activities in her department.

Chief Strong gave his report.

Superintendent Lindstrom gave his report and updated the Council on projects starting back up for the season.

Council Member Joe Watt asked about the demolition on Second Street. Superintendent Lindstrom explained that ownership of the property had been verified with the Weston County Assessor's office before the permit was issued, as is standard practice and due diligence for the Town, and that portions of Ash Street may be blocked during the process by the contractor.

Clerk/Treasurer Millar gave her report and shared with the Council that Deputy Clerk June Shell had been awarded a Wyoming Association of Municipalities Scholarship for the Summer Convention in Sheridan in June. The scholarship pays for the entire cost of the convention registration and lodging. Deputy Clerk Shell was also awarded a scholarship from the Wyoming Association of Municipal Clerks and Treasurers in the amount of \$250.00 of reimbursable costs for the WAM event held in Pinedale last year. Clerk/Treasurer Millar also presented a Merchant Agreement with GovPay.Net as an option to pay utility bills, court fines, and other fees with a credit card. Fees would be charged to the user and the service would be free for the Town. More information from other municipalities will be reviewed before proceeding.

COUNCIL MEMBER JOE WATT MOVED, COUNCIL MEMBER DAVID WATT SECONDED a motion to hold the annual appropriations budget hearing at 6:45 p.m. on June 11, 2019 before the regular meeting. All ayes, MOTION CARRIED.

Mayor Beck brought up discussion on clean up week or a replacement program for a limited time as the landfill nears closure. Each residential and commercial customer will be allowed two free dumps total starting June 1 through September 1, 2019, tentatively, on regularly scheduled dump days. Superintendent Lindstrom is working on the permitting process for options at the Upton Landfill beyond the anticipated closure to municipal solid waste later this year. **More information will be forthcoming in the Weston County Gazette as the dates are finalized.**

There being no further business, COUNCIL MEMBER DAVID WATT MOVED, COUNCIL MEMBER JOE WATT SECONDED a motion to adjourn. All ayes, MOTION CARRIED. The meeting adjourned at 8:44 p.m.

Travis Beck, Mayor

Attest Kelley Millar, Clerk-Treasurer