

Town of Upton  
Regular Town Council Meeting  
July 14, 2020

**THE REGULAR MEETING** of the Town Council of Upton, Wyoming was called to order at 7:00 p.m. on Tuesday, July 14, 2020 at the Upton City Hall located at 725 2<sup>nd</sup> Street in Upton, Wyoming.

Present: Mayor Travis Beck, Council Members Dennis Stirmel, Justin Norman, David Watt and Joe Watt. Staff present included Attorney Mark Hughes, Clerk/Treasurer Kelley Millar, Superintendent Mark Lindstrom, and Chief of Police Susan Bridge. Public attendance included *Weston County Gazette Assistant Editor* Nicholas Trandahl, UEDB Executive Director Stephanie Salazar, UEDB Director Tony Barton, Upton Golf Association representatives Shannon Johnston, Roxanne Duarte and Tiffany White, Cindy Booth, WYO Services LLC owner Kyle Materi, Rick Rothleutner and Bearlodge Engineering owner Kenny Rathbun.

COUNCIL MEMBER JOE WATT MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve the June 9, 2020 regular meeting minutes and the June 9, 2020 Annual Appropriations Hearing minutes as published. All ayes, MOTION CARRIED.

COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER NORMAN 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 July to date. All ayes, MOTION CARRIED.

COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve claims paid in June including utilities, payroll expenses, approved grant expenses and fiscal year close out expenses. All ayes, MOTION CARRIED.

**CLAIMS PAID:**

Deposit Refund (refunds) \$59.00, \$125.00, \$40.60; Transfer (reserves, debt service) \$500.00, \$600.00, \$670.00; Alpha Communications (lease) \$50.00; AT&T (phones) \$339.30; Black Hills Energy (utilities) \$6,702.81, \$225.68; Black Mountain Software (fee) \$6,966.00; Blakeman Propane (fuel) \$34.13; BlueCross BlueShield of WY (benefit) \$14,591.72; Cambria Supply (supplies) \$58.36, \$12.16; Chase Cardservices (parts, supplies, training, fuel, postage, equipment) \$2,463.45; City of Newcastle (dispatch) \$1,686.00; Collins Communications, Inc. (service) \$895.60; Contractor's Supply (parts) \$2,647.68; Cowboy State Rebuilder, LLC (service) \$340.00; Crook County District Court (garnishment) \$655.45; CW Waste (contract) \$12,414.00; Dearborn National Life Insurance (benefit) \$113.37; Department of Treasury (taxes) \$10,413.08; Department of Workforce Services (benefit) \$93.92, \$459.92, \$3,903.07; Energy Laboratories (samples) \$387.00, \$169.00; FirstNet (phones) \$175.04; Fisher Sand & Gravel (supplies) \$192.28; Gillette Steel Center (parts) \$491.71; Great Western Tire Co (service) \$57.00, \$1,161.40; Grossenburg Implement, Inc. (parts) \$30.56; Guru Tech Co. (equipment) \$350.00; Hawkins (supplies) \$8.00; Heavy Metal Construction (service) \$1,590.00; Honnen Equipment Co. (parts) \$572.58; Hughes Law Office (retainer) \$1,600.00; Joe's Food Center (supplies) \$57.91; JubJub, Inc. (fees) \$130.00; Linda Taebel (services) \$90.00, \$255.00; Municipal Code Corporation (fee) \$225.00; Norco, Inc. (supplies) \$617.00; Northwest Pipe Fitting (supplies) \$2,474.05; One Call (service) \$10.50; Postmaster (postage) \$183.75; Powder River Energy (utilities) \$693.91; Raquel Merritt (service) \$30.00; Roxanne Duarte (reimburse for equipment purchase) \$975.00; RT Communications (phones) \$625.84; Scott's Small Engine Repair (equipment) \$300.00; Servall (mats) \$92.82; Top Office Products, Inc. (service, supplies) \$51.00, \$54.80; Town of Upton (utilities) \$208.35; Upton Co-op (fuel, parts, supplies) \$3,134.59; USA Bluebook (supplies) \$1,066.25, \$255.75; UVFD (reimburse) \$321.72, \$217.96; Verizon (phone) \$41.48; Weston County Children's Center (contribution) \$3,000.00; Weston County Gazette (publishing) \$836.50;  
Unofficial Minutes of the Regular Meeting July 14, 2020

Weston County Humane Society (contribution) \$1,200.00; Weston County Senior Services (contribution) \$3,000.00; Weston County Treasurer (fee) \$235.31; WAMCAT Treasurer (dues) \$130.00; Wyoming Association of Municipalities (dues) \$1,414.74; Wyoming Association of Risk Management (property insurance) \$27,771.82; Wyoming Earthmoving Company (service) \$4,345.00; WY Retirement (benefit) \$6,963.73, \$240.00.

The following invoices will be paid from grant and/or loan funds when received: Bearlodge Engineering (Pine Street BNSF Emergency Repair, Pearl Street Project) \$1522.50, \$17,848.75; Hot Iron, Inc. (Pearl Street Project) \$221,749.81; NTI, LLC (Pine Street BNSF Emergency Repair) \$645.00.

**SALARIES:** \$29,899.72

**CLAIMS DENIED: NONE**

Tiffany White, with the Upton Golf Association, spoke to the Council about an aerator had been purchased to replace the broken one for \$975.00. COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve payment for reimbursement of the aerator in the amount of \$975.00 from the line item specific to the golf course management contract to Roxanne Duarte. All ayes, MOTION CARRIED. Also discussed was the purchase of a used fairway mower in the amount of \$4,500.00 from Stotz Equipment in Casper. The Council agreed to purchase the mower out of the existing budget and hold a budget amendment hearing at approximately 7:15 p.m. during the regular meeting on August 11, 2020 in the following particulars:

Increase the General Fund Budget by \$4,500.00 by budgeting \$4,500.00 from the General Fund Reserves. The monies will be used to purchase a John Deere Fairway Mower Model 3235C for \$4,500.00.

Ms. White also shared that the Upton Economic Development Board had given the Upton Golf Association \$7,000.00 toward the purchase of a cover for the grill area and a new deck mower.

COUNCIL MEMBER DAVID WATT MOVED, COUNCIL MEMBER JOE WATT SECONDED a motion to approve the covenants for the Sawmill Addition Lots 1 through 8 of Block 40 as amended and to have the Clerk/Treasurer record the document with the Weston County Clerk. All ayes, MOTION CARRIED.

COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER JOE WATT SECONDED a motion to table the covenants for the Bobcat Subdivision Lots 1 through 7 until the August 11, 2020 meeting for review by Attorney Hughes. All ayes, MOTION CARRIED.

Clerk/Treasurer Millar updated the Council on options and information for the Upton Rest Area. She presented rough numbers for what it could cost the Town to operate the facility and shared the WYDOT provided information on what actual costs had been from April 30, 2019 through April 30, 2020.

Cindy Booth came before the Council to request a setback variance for a carport at her residence. The Council directed her to contact the adjacent property owner for a letter of permission to be outside of the setback requirements and revisit the variance in the future. COUNCIL MEMBER JOE WATT MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to deny the requested setback variance at this time. All ayes, MOTION CARRIED. Clerk/Treasurer Millar will issue a letter for Ms. Booth with the denial.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER STIRMEL SECONDED a motion to approve Resolution No. 12, 2020 entitled: A RESOLUTION AUTHORIZING THE TOWN OF UPTON TO PARTICIPATE IN THE WYOMING COOPERATIVE LIQUID ASSETS SECURITIES SYSTEM.

Clerk/Treasurer Millar explained that the new pool would be managed by local government colleagues and the marketing arm would be run by Troy Hunsaker and Robert Casaceli, also of PEAKS Investments, whom she  
Unofficial Minutes of the Regular Meeting July 14, 2020

trusts with public funds management. All ayes, MOTION CARRIED. The resolution can be viewed in person at City Hall or online at [www.townofupton.com](http://www.townofupton.com).

The Council considered and discussed a list of incentives for the proposed hotel construction. UEDB Executive Director, Stephanie Salazar, gave some insight on her previous experiences with similar projects and incentives that had been offered in other places. Mayor Beck noted that both Torrington and Guernsey, where other Cobblestone properties had recently been built, no incentives from the municipalities had been offered. He also had concerns that discounting utility services for any entity or person was made up for by increased rates for other payers as municipal water funds are statutorily required to be self-sustaining through rates. Other incentives were discussed with no official action taken.

COUNCIL MEMBER JOE WATT MOVED, COUNCIL MEMBER STIRMEL SECONDED a motion to table consideration of the land sale for economic development until the August 11, 2020 meeting. All ayes, MOTION CARRIED.

COUNCIL MEMBER DAVID WATT MOVED, COUNCIL MEMBER JOE WATT SECONDED a motion to approve Change Order No. 1 from Hot Iron, Inc. to reconcile project costs to actual in the amount of \$7,336.22 for a total final contract price of \$510,847.87. All ayes, MOTION CARRIED.

COUNCIL MEMBER DAVID WATT MOVED, COUNCIL MEMBER JOE WATT SECONDED a motion to approve the Mayor's signature on the Certificates of Substantial and Final Completion for the BNSF Emergency Waterline Repairs. All ayes, MOTION CARRIED.

COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve the Emergency Response Plan for the Town of Upton Water System as required for the previously awarded USDA Search Grant. All ayes, MOTION CARRIED.

COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER JOE WATT SECONDED a motion to allow the Class of 1970 Reunion to have, not sell, alcoholic beverages at the Upton Community Center on Friday, July 18, 2020. All ayes, MOTION CARRIED.

Chief Bridge gave her report and noted that the advisory committee for dispatch services in Weston County was moving forward.

Chief Strong submitted his report prior to the meeting.

Superintendent Lindstrom gave his report and updated the Council on projects and grant activities including the progress on the USDA Grant for Willow Street Water & Sewer Replacement project with an updated amount of \$344,000.00 for the matching funds and a total project of \$1,316,095.00.

Clerk/Treasurer Millar gave her report. She presented a letter of engagement from ACM, LLP to perform the FYE 2020 Financial Audit. COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve the engagement for audit services with ACM, LLP in the amount of \$12,900.00 for the fiscal year ending June 30, 2020. All ayes, MOTION CARRIED.

A grant agreement for the Willow Street Project, recently awarded at the June meeting from the State Lands and Investment Board, was received for signatures. COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve the Mayor's signature on the agreement in the amount of \$972,095.00 for the Willow Street Water & Sewer Replacement Project. All ayes, MOTION CARRIED.

COUNCIL MEMBER JOE WATT MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to adjourn into executive session under 16-4-405(a) (i) Threat of Security to Public Property and Public's Right of Access and 16-4-405(a)(iii) Possible Litigation to which the Town is or may be a party to. All ayes, MOTION CARRIED. The Council entered executive session at 8:42 p.m.

COUNCIL MEMBER DAVID WATT MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to return to the regular meeting. All ayes, MOTION CARRIED. The regular meeting reconvened at 9:34 p.m. with no action taken.

There being no further business, COUNCIL MEMBER JOE WATT MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to adjourn. All ayes, MOTION CARRIED. The meeting adjourned at 9:34 p.m.

---

Travis Beck, Mayor

---

Attest Kelley Millar, Clerk-Treasurer