

Town of Upton  
Regular Town Council Meeting  
March 10, 2020

**THE REGULAR MEETING** of the Town Council of Upton, Wyoming was held at 7:00 p.m. on Tuesday, March 10, 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.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER DAVID WATT SECONDED a motion to approve the February 11, 2020 regular meeting minutes as published. All ayes, MOTION CARRIED.

COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve the February 25, 2020 special meeting minutes with corrections. The published minutes incorrectly listed Hot Iron, Inc. as the apparent low bidder for the BNSF Emergency Waterline Repair. The apparent low bidder was DRM, Inc. 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 NORMAN MOVED, COUNCIL MEMBER STIRMEL SECONDED a motion to approve the claims for March to date. All ayes, MOTION CARRIED.

COUNCIL MEMBER JOE WATT MOVED, COUNCIL MEMBER DAVID WATT SECONDED a motion to approve claims paid in February including utilities, payroll expenses and approved grant expenses. All ayes, MOTION CARRIED.

**CLAIMS PAID:**

Deposit Refund (refunds) \$25.43, \$125.00; Transfer (reserves, debt service) \$500.00, \$600.00, \$670.00; ACM, LLP (service) \$4,500.00; Alpha Communications (lease) \$50.00; AT&T (phones) \$339.81; Black Hills Energy (utilities) \$6,142.62, \$1,096.23; BlueCross BlueShield of WY (benefit) \$13,341.79; Cambria Supply (supplies) \$16.58; Chase Cardservices (parts, supplies, training, fuel, postage, equipment) \$9,889.73; City of Newcastle (dispatch) \$1,686.00; Collins Communications, Inc. (service) \$423.00; Crook County District Court (garnishment) \$570.13; CW Waste (contract) \$11,664.00; Department of Treasury (taxes) \$9,467.60; Eastern Wyoming Equipment Co. (supplies) \$59.98; Energy Laboratories (samples) \$306.00; FirstNet (phones) \$175.20; Gillette Steel Center (parts) \$703.00; Hughes Law Office (retainer) \$1,600.00; Inland Truck Parts (parts) \$266.25; Joe's (supplies) \$99.31; Linda Taebel (services) \$270.00; Local Government Liability Pool (insurance) \$5,322.00; Norco, Inc. (supplies) \$194.78; Northwest Pipe Fitting (parts) \$47.13; One Call (service) \$3.00; Postmaster (postage) \$174.65; Powder River Heating & AC (service) \$521.00; Railroad Management Co. (license fee) \$258.95; RT Communications (phones) \$688.08; S & S Parts and Performance (supplies) \$429.67; Scott's Small Engine (part) \$400.00; Servall (mats) \$88.44; Top Office Products, Inc. (service, supplies) \$51.00; Town of Upton (utilities) \$208.35; Upton Co-op (fuel, parts, supplies) \$2,078.85; UVFD (reimburse) \$2,523.16; Verizon (phone) \$41.57; Weston County Gazette (publishing) \$647.50; WY Water Development Commission (grant application fee) \$1,000.00; WY Retirement (benefit) \$6,149.85, \$285.00; Zabel & Associates (service) \$2,800.00.

The following invoices will be paid from grant and/or loan funds when received: Bearlodge Engineering (Pine Street BNSF Emergency Repair, Pearl Street Project) \$8,362.50, \$1,265.00.

**SALARIES:** \$27,673.79

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## **CLAIMS DENIED: NONE**

The master plan discussion was removed from the agenda until further notice.

Mayor Beck asked for public comment regarding the third and final reading of Ordinance No. 1, Series 2020-Parking Restrictions for Street Maintenance to Include Street Sweeping. There being none, COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve ORDINANCE NO. 1, SERIES 2020 entitled: AN ORDINANCE AMENDING CHAPTER 10 SECTION 10.16-PARKING AND ADDING SECTION 10.16.032 OF THE TOWN OF UPTON CODE-PARKING RESTRICTIONS FOR STREET MAINTENANCE TO INCLUDE STREET SWEEPING. All ayes, MOTION CARRIED. The ordinance can also be viewed in its entirety at [www.townofupton.com](http://www.townofupton.com).

Mayor Beck asked for public comment regarding Resolution No. 7, 2020-Upton Municipal Gun Club NRA Grant Sponsor. There being none, COUNCIL MEMBER JOE WATT MOVED, COUNCIL MEMBER STIRMEL SECONDED a motion to approve Resolution No. 7, 2020 entitled: A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE NRA FOUNDATION GRANT PROGRAM ON BEHALF OF THE GOVERNING BODY FOR THE TOWN OF UPTON. The Upton Gun Club submitted an application to the NRA Foundation for the purpose of building a new clubhouse at the municipal range, however, funds can only be awarded to organizations with a 501(c)(3) designation or government entity. Upon approval, the Town of Upton would act as a pass through for the funds in the amount of approximately \$21,000. All ayes, MOTION CARRIED.

Mayor Beck opened the discussion for the renewal of the Upton Golf Association Management Agreement. Shannon Johnston, with the Upton Golf Association, reviewed some highlighted points of the agreement and stated that the Association was agreeable to most of the terms including the addition of a thirty-day notice of termination provision. She proposed that the Association would need approximately \$20,000.00 to open the doors for the course this season, including \$5,000 for a fire suppression system in the indoor grilling area. Mayor Beck asked for a detailed accounting of the request and for reports from the State Fire Marshall as well. Ms. Johnston will provide that information. The Association also questioned a requirement to provide equipment maintenance with the worry that major maintenance to a piece of Town owned equipment would be unfeasible. That provision was discussed, and Attorney Hughes will make agreeable modifications to the agreement. COUNCIL MEMBER DAVID WATT MOVED, COUNCIL MEMBER STIRMEL SECONDED a motion to conditionally approve the Management Agreement with the changes to the questioned maintenance provision. All ayes, MOTION CARRIED.

At approximately 7:37p.m. Mayor Beck opened the liquor license hearing regarding the transfer of a retail liquor license from James Parks dba Country Corner to ITT Services, Inc. dba Irontown Tavern asking for public comments or objections. Clerk/Treasurer Millar confirmed that the transfer application is in compliance with state statute and town ordinances. Owner of Irontown Tavern asked for clarification on the effective date of the license and confirmation that they could operate on the current license until the April 1, 2020, the effective date of the transfer. This had already been worked out with the state Liquor Division. The hearing was closed at 7:38p.m.

COUNCIL MEMBER DAVID WATT MOVED, COUNCIL MEMBER JOE WATT SECONDED a motion to approve the transfer of a retail liquor license from James Parks dba Country Corner to ITT Services, Inc. dba Irontown Tavern for the period of April 1, 2020 through March 31, 2021. All ayes, MOTION CARRIED.

Mayor Beck asked for public comment regarding Resolution No. 8, 2020-Upton Economic Development Board Grant Match Application. Chief Bridge explained that she had been approached by the UEDB to do a presentation on programs and needs within her department. The UEDB then encouraged to apply for grant

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funding through the board. This resolution would be for an application in the amount of \$5,000.00 to offset annual costs of a replacement plan for tasers used in the Upton Police Department. COUNCIL MEMBER DAVID WATT MOVED, COUNCIL MEMBER JOE WATT SECONDED a motion to approve Resolution No. 8, 2020 entitled: A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE UPTON ECONOMIC DEVELOPMENT BOARD ON BEHALF OF THE GOVERNING BODY FOR THE TOWN OF UPTON. All ayes, MOTION CARRIED.

Mayor Beck asked for public comment regarding approval of the construction agreement with Hot Iron, Inc. for the Pearl Street Project. Attorney Hughes had reviewed the agreement and found non-substantive errors including a blank completion date and other clerical errors. He recommended that the council approve the agreement contingent upon correction of the errors, and he will contact Hot Iron, Inc. to make those corrections. COUNCIL MEMBER JOE WATT MOVED, COUNCIL MEMBER STIRMEL SECONDED a motion to conditionally approve the agreement pending correction of the identified errors. All ayes, MOTION CARRIED.

Mayor Beck asked for public comment regarding approval of the construction agreement with DRM, Inc. for the BNSF Emergency Waterline Repair project. Attorney Hughes again identified several similar non-substantive and clerical errors in the agreement and recommended approval contingent upon correction being made and asked that Superintendent Lindstrom contact DRM, Inc. to have them make the corrections. COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to conditionally approve the agreement pending correction of the identified errors. All ayes, MOTION CARRIED.

Mayor Beck asked for public comment regarding conditional approval of a renewal contract with VCN (Visionary) for the leased space on the water tower in the industrial park. Attorney Hughes and staff had reviewed the proposed renewal terms and asked that VCN make the following changes: a) two year term, non-automatic renewal, and renewal contract negotiations would begin at least 90 days before contract expiration and b) an addition to the 24/7 access provision that access granted outside of normal business hours, weekends and on observed holidays would be charged to VCN at a rate of \$35.00/hour to offset overtime costs incurred for access to the equipment. VCN had agreed to the proposed changes via email with Attorney Hughes. He will ask that they rewrite the contract for signature. COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER JOE WATT SECONDED a motion to conditionally approve the renewal contract with VCN with the proposed and accepted changes. All ayes, MOTION CARRIED.

COUNCIL MEMBER JOE WATT MOVED, COUNCIL MEMBER DAVID WATT SECONDED a motion to approve holding a budget hearing at approximately 7:30p.m. during the regular meeting to be held April 14, 2020 to amend the budget in the following particulars:

Increase the General Fund Budget by \$12,000.00 by budgeting \$12,000.00 from General Fund Cash Reserves. The monies will be used to pay for audit services from ACM, LLP as quoted “not to exceed \$12,000.00”.

All ayes, MOTION CARRIED.

COUNCIL MEMBER DAVID WATT MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve the Upton Chamber of Commerce’s request to have, not sell or provide, alcohol at the Festival of Tables event on March 28, 2020. All ayes, MOTION CARRIED.

COUNCIL MEMBER DAVID WATT MOVED, COUNCIL MEMBER JOE WATT SECONDED a motion for Clerk/Treasurer Millar to act as the voting delegate from the Town of Upton at the Summer WAM Convention in Laramie in June. All ayes, MOTION CARRIED.

Chief Bridge gave her report and confirmed that the resolution passed at the February meeting for a police vehicle grant had been approved.

Chief Strong was absent, and his report was on hand for review.

Superintendent Lindstrom gave his report and updated the council on projects and grant applications.

Clerk/Treasurer Millar gave her report and a brief legislative update. She had been asked at a previous meeting to research disconnecting the power at the golf course through the off season and reported that the cost was the same as if the breakers were just turned off. Clerk/Treasurer Millar also asked for the council's nomination for re-election to the WAM-JPIC board as her term is expiring in April. The WAM-JPIC Board oversees the town's health insurance program. The Council agreed to nominate her and took the recommendation to also nominate Michele Richlin, Clerk for the Town of Deaver and Tony Cross, member of the Jackson Hole Airport Joint Powers Board.

A letter of interest was received for a board position at the Upton Housing Authority. Mayor Beck asked that an ad for interest be run so it was not just by word of mouth.

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 8:06 p.m.

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Travis Beck, Mayor

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Attest Kelley Millar, Clerk-Treasurer