

Town of Upton
Regular Town Council Meeting
November 9, 2021

THE REGULAR MEETING of the Town Council of Upton, Wyoming, was called to order at 7:00 p.m. on Tuesday, November 9, 2021, at the Upton City Hall located at 725 2nd Street in Upton, Wyoming.

Present: Travis Beck, Mayor, Council Members Dennis Stirmel, Joe Watt and Nicholas Trandahl. Council Member Justin Norman was absent. Staff present included Attorney Mark Hughes, Clerk/Treasurer Kelley Millar, Superintendent Mark Lindstrom, Fire Chief Mike Hiatt and Police Chief Susan Bridge. Public attendance included Ann Barker with the *Weston County Gazette*, Rick Rothleutner with the Upton Gun Club, Tiffany Riehemann with the Upton Volunteer Fire Department, and Brenda Kujath.

COUNCIL MEMBER TRANDAHL MOVED, COUNCIL MEMBER WATT SECONDED a motion to approve the consent agenda which included of the October 12, 2021 regular meeting as published, claims paid for November to date, and claims paid in October to include utility payments, payroll, and approved grant expenses. All ayes, MOTION CARRIED.

COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER TRANDAHL SECONDED a motion to approve the claims from the Upton CoOp with Council Member Watt recusing himself due to a conflict of interest. All ayes, MOTION CARRIED.

COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER WATT SECONDED a motion to approve the Weston County Gazette with Council Member Trandahl recusing himself due to a conflict of interest. All ayes, MOTION CARRIED.

CLAIMS PAID:

Deposit Refund (refunds) \$9.15, \$75.97, \$49.00; Reimbursements: \$67.91; Transfer (reserves, debt service) \$500.00, \$1,200.00, \$670.00; Alpha Communications (lease) \$50.00, \$50.00; Arrow Service (fuel) \$22.60; AT&T (phones) \$248.70; Bailey Crackel (service) \$180.00; Big Iron Auctions (ARPA funds equipment) \$24,550.00; Black Hills Energy (utilities) \$262.89, \$5,723.80; Black Mountain Software (ARPA funds software) \$5789.25; Blue Cross Blue Shield of WY (benefits) \$15,305.02; Cambria Supply (supplies) \$33.02; Chase Cardservices (parts, supplies, training, fuel, postage, equipment) \$3,096.39; City of Newcastle (dispatch) \$1,686.00; Collins Communications, Inc. (service) \$242.00; Contractor's Supply (parts) \$79.92; Cowboy State Rebuilders, LLC (parts) \$211.57; Crackel Artworks (mural) \$990.33; Crook County District Court (garnishment) \$669.48; CR Electric (service) \$75.00; CW Waste (contract) \$12,528.00, \$900.00; Department of Treasury (taxes) \$10,604.98; Eastern Wyoming Equipment Co (parts) \$79.98; Emily Cork (service) \$255.00; EJ Construction & Services (service) \$219.00; Energy Laboratories (samples) \$322.00; ES Designs (service) \$503.00; FirstNet (phones) \$175.76; First State Bank of Newcastle (debt payment) \$16,517.84; Gillette Steel (supplies) \$451.20; Great Western Tire Co (parts) \$110.40; Global Heat Transfer (service) \$82.37; Honnen Equipment Co of WY (parts) \$806.08; Hughes Law Office (retainer) \$1,600.00; Inland Truck Parts Co (supplies) \$19.92; Joe's Food Center (supplies) \$75.16; One Call of WY (locates) \$3.00; Norco (supplies) \$668.91; Northwest Pipefitting (supplies) \$359.68; Postmaster (postage) \$215.20; PRECorp (utilities) \$514.08; Range (phones) \$627.33; Raquel Merritt (service) \$30.00; Record Distributing (parts) \$48.56; Ringer Law, P.C. (service) \$892.50; S & S Parts and Performance (supplies, parts) \$1,156.19; Scott Lindstrom (equipment) \$800.00; Scott's Small Engine Repair (service) \$219.00; Servall (service) \$79.88; Team Laboratory Chemical, LLC (supplies) \$158.00; Town of Upton (utilities) \$208.35; Upton Co-op (fuel, parts, supplies) \$3,537.61; UVFD (reimburse) \$641.78; Verizon (phone) \$79.48; Weston County Clerk (fee) \$12.00; Weston County Gazette (publishing) \$414.25; Weston County School District #7 (supplies) \$33.00; Weston County Treasurer (fee) \$468.65; Wyoming Office of State Lands (debt payment) \$26,615.27, \$19,389.13; WY Retirement (benefit) \$6,967.09, \$168.75.

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The following invoices will be paid from grant and/or loan funds when received: Bearlodge Engineering (service) \$13,640.00, \$880.00 for the Willow Street and Emergency Lagoon #3 Repairs Project.

SALARIES: \$37,633.88

CLAIMS DENIED: NONE

Superintendent Lindstrom reported a mobile home variance request to the Council for Brenda Kujath and recommended approval of the request. COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER STIRMEL SECONDED a motion to approve the mobile home variance request for Brenda Kujath at 504 Willow Street. All ayes, MOTION CARRIED. The permit is considered approved and will be signed by the Planning Commission at their next meeting.

Mayor Beck asked for public comment regarding Ordinance No. 3, Series 2021-Range Franchise agreement and Jason Hendricks with Range Communications joined the meeting by phone. Attorney Hughes clarified what state statute required and allowed for pass through of franchise fees and when Range thought they might bring fiber optic connections through Upton. Mr. Hendricks stated that Range did not currently have plans to pass franchise fees on to customers, but that they did not prefer to have that binding language in the agreement since they had agreed to a 2% fee with a 5-year term instead of the originally proposed 1% fee with a 10-year term. He shared that Range had applied for NTIA funding to deploy fiber to the “complete community” and they should know more about that funding soon, with an estimated build out in 2022. He also noted that in the absence of that funding, Range would pursue other options to get fiber to Upton. Attorney Hughes advised the Council that though the current agreement before them did not include provisions for no franchise fee pass through and no projected fiber deployment date, that Range was not likely to sign an agreement with those provisions at this time so this may be as good as it gets for now. There being no further comments, COUNCIL MEMBER TRANDAHL MOVED, COUNCIL MEMBER STIRMEL SECONDED a motion to approve Ordinance No. 3, Series 2021 entitled: A FRANCHISE ORDINANCE GRANTING CERTAIN RIGHTS AND PRIVILAGES TO RT COMMUNICATIONS, INC. DBA RANGE AND ITS SUCCESSORS AND ASSIGNS as modified on the third reading. All ayes, MOTION CARRIED. The ordinance can be viewed in person at city hall or online at www.townofupton.com.

Mayor Beck asked for public comment regarding Resolution No. 12, 2021. Superintendent Lindstrom informed the Council of plans to install posts at the Upton City Park to hold the Veteran’s Banners. COUNCIL MEMBER TRANDAHL MOVED, COUNCIL MEMBER WATT SECONDED a motion to approve Resolution No. 12, 2021 entitled: A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE WYOMING COMMUNITY GAS GRANT PROGRAM ON BEHALF OF THE GOVERNING BODY FOR THE TOWN OF UPTON in the amount of \$2,500.00 for materials to complete Veteran’s Row at the Upton City Park with the labor to install the posts provided by the Town of Upton. All ayes, MOTION CARRIED.

At approximately 7:13 p.m., Mayor Beck open the budget amendment hearing calling for public comment. There being none, the hearing was closed at 7:14 p.m. COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER STIRMEL SECONDED a motion to approve amending the Town of Upton FYE 2022 Budget in the following particulars:

Increase the Sewer Fund Budget by \$406,000.00 by budgeting \$26,000.00 from Sewer Fund Cash Reserves and \$380,000.00 received from the State Loan & Investment Board through the Mineral Royalty Grant program. The monies will be used to purchase replacement parts for the Vactor truck in the amount of \$7,000.00; for the 5% local match for the Emergency Lagoon #3 Repairs Project in the amount of \$19,000.00; and for the 95% MRG emergency grant for the Emergency Lagoon #3 Repairs Project in the amount of \$380,000.00.

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All ayes, MOTION CARRIED.

Mayor Beck asked for public comment regarding two presented policies. Clerk/Treasurer Millar explained the updates needed to the Snowbird and Seasonal Utility Service Policy to include new procedures using Black Mountain Software modules purchased with ARPA funding and reviewed the Conflict of Interest Policy as necessary to make sure the current policy was still applicable as written. COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER TRANDAHL SECONDED a motion to approve the changes to the Snowbird and Seasonal Utility Service Policy and the review of the Conflict of Interest Policy. All ayes, MOTION CARRIED.

Chief Bridge gave her report and updated the Council on progress with Chief Keller of the Newcastle Police Department and Sherriff Colvard regarding policies and procedures related to dispatch.

Chief Hiatt gave his report.

Superintendent Lindstrom gave his report.

Clerk/Treasurer Millar gave her report. She presented the ballot for the Local Government Liability Pool elections and recommended votes for Mayor Krakow of Albin, Council Member Smith of Rawlins and Special District Representative Woodward. The Council agreed by consensus for to vote as recommended.

Council Member Trandahl suggested extending a formal invitation to Senator Driskill, Representative Neiman and Representative Williams for the December meeting to discuss and get updates on the redistricting process. Clerk/Treasurer Millar will invite them via email.

COUNCIL MEMBER STIRMEL MOVED, COUNCIL MEMBER TRANDAHL SECONDED A MOTION to adjourn. All ayes, MOTION CARRIED. The meeting adjourned at 7:30 pm.

Travis Beck, Mayor

Attest: Kelley Millar, Clerk-Treasurer