

Town of Upton
Regular Town Council Meeting
April 11, 2023

THE REGULAR MEETING of the Town Council of Upton, Wyoming, was called to order at 7:00 p.m. on Tuesday, April 11, 2023, at the Upton City Hall located at 725 2nd Street in Upton, Wyoming.

Present: Mayor Nicholas Trandahl, Council Members Joe Watt, Justin Norman, Rick Rothleutner and Tiffany McMillan. Staff present included Clerk/Treasurer Kelley Millar, Superintendent Mark Lindstrom, Foreman Amber Ryan, Police Chief Susan Bridge and Attorney Dublin Hughes. Public attendance Lisa LeVasseur and Kade McMillan with the *Weston County Gazette*, Lori Materi with the Airport Board, Taylor Maunumaki, Michael Maunumaki, Kelly Wozney, Sandy Upton, Dave Upton, Linda Brainard, Kenny Rathbun of Engineering Associates, Betty Strong, Tabitha Pierce, Mykel Pierce, Sharlene Lee, Dan Lee, Mr. Nick Johnson and his students: Erin Bears, Lily Trandahl, Matt Stirmel, Bridger Bruce, Kailer Duarte, Chase Mills, and Eric Edlund.

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER MCMILLAN SECONDED a motion to approve the consent agenda which included the minutes from the March 14, 2023 regular meeting as published, claims paid for April to date, and claims paid in March (utility payments, payroll, and approved grant/loan expenses). All ayes, MOTION CARRIED.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER ROTHLEUTNER SECONDED a motion to approve the claims for the Upton CoOp with Council Member Watt recused due to a conflict of interest. All ayes. MOTION CARRIED.

COUNCIL MEMBER ROTHLEUTNER MOVED, COUNCIL MEMBER MCMILLAN SECONDED a motion to approve the claims for the Weston County Gazette with Mayor Trandahl recused due to a conflict of interest. All ayes. MOTION CARRIED.

CLAIMS PAID:

Deposit/Overpayment (refunds) \$546.00; Reimbursements Kami Erland (supplies) \$19.98; Transfer (reserves, debt service) \$500.00, \$1,200.00, \$670.00; Alpha Communications (tower lease) \$50.00; AT&T Mobility (utilities) \$207.67; Bailey Crackel (services) \$345.00; Bearlodge Engineering (service for 6th Street, Pathways, Transfer Station and Birch/Colorado Projects) \$1,500.00, \$620.00, \$1,972.60, \$850.00; Big Horn Hydraulics (parts) \$436.32; Black Hills Energy (utilities) \$5,542.31, \$1,853.66; Blakeman Propane (fuel) \$56.08; Blue Cross Blue Shield (benefit) \$9,655.86; Chase Cardservices (parts, supplies, training, fuel, postage, equipment) \$9,049.54; City of Newcastle (dispatch) \$1,686.00; Collins Communications, Inc. (service) \$503.00; CW Waste (contract) \$12,408.00; Dearborn National (benefits) \$89.86; Department of Treasury (taxes) \$10,601.88; Department of Workforce Service (benefits) \$2,747.66; Emily Cork (service) \$277.50; Energy Labs (testing) \$191.00; FirstNet (utility) \$200.20, \$175.96; Honnen Equipment (parts) \$198.01; Hughes Law Office (retainer) \$1,600.00; McKaylia Stevenson (service) \$60.00; Northwest Pipefitting (parts) \$2,640.51; One Call of WY (dues, locates) \$6.00; Postmaster (postage) \$243.36; PRECorp (utility) \$748.41; Range (phones) \$629.55; Record Distributing (parts) \$62.48; Redwood Toxicology (supplies) \$150.00; S&S Parts and Performance (parts) \$224.20; Servall (service) \$43.73; Top Office Supply (service) \$10.01; Town of Upton (utilities) \$377.55; Upton Chamber of Commerce (tables) \$450.00; Upton Co-op (fuel, parts, supplies) \$2,629.93; USA Bluebook (supplies) \$700.28; UVFD (reimbursement) \$2,030.85; Verizon (phone) \$85.38; WAMCAT (reimburse overpayment) \$10.99; Weston County Gazette (publishing) \$220.50; Weston County Senior Services (contribution) \$3,000.00; WY Retirement (benefit) \$6,786.83, \$168.75; WY Secretary of State (fee) \$5.00.

The following invoices will be paid from grant and/or loan funds when received: Wyoming Earth Moving Co. (service) \$2,980.00, \$600.00 for the Emergency Lagoon Project and Willow Street Water & Sewer Project.

SALARIES: \$29,119.92

CLAIMS DENIED: NONE

Mayor Trandahl recognized Taylohr Maunumaki of Upton to speak in support of allowing backyard chickens within city limits. Sandy Upton was recognized next to speak against allowing backyard chickens within city limits. Chief Bridge expressed concerns about the limits of the Upton Police Department in responding to issues arising from allowing backyard chickens. No action was taken.

Mayor Trandahl read the following proclamation titles:

- National Child Abuse & Prevention Awareness Month- April 2023
- National Public Safety Telecommunications Week-April 9-15, 2023
- Arbor Day-April 28, 2023
- International Municipal Clerk's Week-April 30-May 6, 2023
- National Firefighter's Day-May 4, 2023
- National Police Week- May 15-21, 2023
- National EMS Week- May 21-27, 2024
- National Public Works Week- May 21-27, 2023

He expressed his appreciation for staff and volunteers who serve the public in any capacity.

At approximately 7:26 p.m., Mayor Trandahl opened the budget amendment hearing. He asked for staff and public comment. Tabitha Pierce asked about the matching funds amounts to be paid by taxpayers. That information was clarified, and it was noted that matching funds for capital improvements specific to ARPA funds had already been set aside as part of the grant application requirements. There being no further questions or comments, the hearing was closed at 7:23 p.m.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER MCMILLAN SECONDED a motion to approve amending the FY 2022-2023 in the following particulars:

- a. Increase the Water Fund Budget in the amount of \$1,054,400.00 by budgeting \$898,790.00 to be received from Water & Sewer ARPA Funds awarded at the October Special SLIB meeting and \$158,610.00 from Capital Improvement Reserve. The monies will be used for work on the 6th Street Water & Sewer project.
- b. Increase the Sewer Fund Budget in the amount of \$642,600.00 by budgeting \$546,210.00 to be received from Water & Sewer ARPA Funds awarded at the October Special SLIB meeting and \$96,390.00 from Capital Improvement Reserve. The monies will be used for work on the 6th Street Water & Sewer project.

All ayes, MOTION CARRIED.

Kenny Rathbun of Engineering Associates, f/k/a Bearlodge Engineering, presented information to the Council regarding the Upton Trails and Pathways (UTAP) project funding in partnership with WYDOT. His purpose was to gather expectations and input from the Council and staff. He referenced maps that had been sent out to stakeholders for their input as well and will leave larger maps at City Hall to help answer questions. There will also be a survey link at www.townofupton.com for the public to fill out.

COUNCIL MEMBER MCMILLAN MOVED, COUNCIL MEMBER ROTHLEUTHER SECONDED a motion to approve the second reading of Ordinance No. 1, Series 2023-Defining Vacancy for Mayor and Councilman. There was no public comment. Attorney Hughes explained the ordinance was required by state statute. There were no further questions or comments. All ayes, MOTION CARRIED.

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COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER WATT SECONDED a motion to approve the FYE 2024 Management Agreement between the Town of Upton and the Upton Golf Association. Council. Tabitha Pierce and Mykel Pierce presented a profit and loss for 2022 and read through a report from the UGA. Ms. Pierce stated that the Association would like to “make a go of it” another year for the course, she updated that new board members had recently been elected and wanted to stress that they wanted to be sure to be more transparent this year. She agreed to have monthly financial reports as well as updated activity reports to the Clerk before council meetings. She also said the UGA had been looking at a recreation grant with a 50/50 match for improvements at the golf course. Mayor Trandahl reminded the Association that, as a non-profit organization, they had many funding opportunities they needed to pursue, that the Town would not be the sole funding source for grant matches or other needs and that the Association needed to be doing fundraising. There were no further questions or comments. All ayes, MOTION CARRIED.

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve the Mayor’s appointment of Tiffany McMillan to the Upton Golf Association Board as the city representative, with Council Member McMillan recused from the vote. There were no further questions or comments. All ayes, MOTION CARRIED.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER ROTHLEUTHNER SECONDED a motion to approve Resolution No. 6, 2023 entitled: A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE WYOMING ENERGY AUTHORITY’S STATE ENERGY PROGRAM GRANT ON BEHALF OF THE GOVERNING BODY FOR THE TOWN OF UPTON. Mayor Trandahl asked for public comment. Clerk/Treasurer Millar explained the resolution was in anticipation of grant funding for replacement of inefficient lighting at the community center and that the 2023 program had not opened yet, so the application would be submitted at a later date. There were no further questions or comments. All ayes, MOTION CARRIED.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER WATT SECONDED a motion to approve the first reading of Ordinance No. 2, Series 2023-Update Trash Collection. Superintendent Lindstrom and Clerk/Treasurer Millar explained that cans were not being removed from streets in a timely manner as indicated in the ordinance, currently stating cans were to be removed within 48 hours of being emptied. The new language indicated that public works would pick up any cans out for more than 24 hours after being emptied and that a fee to be set by resolution would be required before the can would be returned. There were no further questions or comments. All ayes, MOTION CARRIED.

Mayor Trandahl asked Vice Mayor Norman to take the chair. COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER MCMILLAN SECONDED a motion to approve Brittany Trandahl as one of the Town of Upton’s appointments to the Weston County Travel Commission for another term. Council Member Rothleutner added that Mrs. Trandahl was great to work with and Kade McMillan noted that her work on the commission had been a great asset to Upton. There were no further questions or comments. With Mayor Trandahl recused, all ayes, MOTION CARRIED.

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER MCMILLAN SECONDED a motion to approve the vacation of protective covenants at the Upton Logistics Park. Superintendent Lindstrom explained that the covenants were no longer relevant or necessary. There were no further questions or comments. All ayes, MOTION CARRIED.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER WATT SECONDED a motion to approve a variance covering land adjacent to the railroad tracks within the Upton Logistics Park. Superintendent Lindstrom explained that Tiger Transfer would always retain ownership of the tracks when selling parcels of land and that title searches were flagging the lack of set back on the track side for all of those properties so one

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variance for all of the track within the park would be more efficient. He reiterated that anyone building in the park would still need to obtain a building permit. There were no further questions or comments. All ayes, MOTION CARRIED.

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER ROTHLEUTNER SECONDED a motion to approve changes to UPTON 036-Paid Holiday & Closure Schedule Policy and UPTON 018-Collections Policy. Changes to UPTON 036 were:

Section 3.1-add “if the employee is scheduled to work on the day of the holiday or the day observed for the holiday.”

Section 3.7-add “The intent of holiday pay is to bring an employees work week to not more than 40 regular hours.”

Clerk/Treasurer Millar explained that some confusion was consistently created over paid holidays when the date or observed date did not fall on an employees scheduled date of work. Chief Bridge and Superintendent Lindstrom reviewed and agreed with the updated language for clarification.

Changes to UPTON 018 were:

Section 4.3-delete “shall” insert “may” regarding letters from the Attorney for initial contact regarding past due utility balances.

There were no further questions or comments. All ayes, MOTION CARRIED.

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER ROTHLEUTNER SECONDED a motion to approve Change Order No. 2 from Wyoming Earthmoving Company for the Emergency Lagoon Project to add two weather days. The change order does not change the amount of the contract. There were no questions or comments. All ayes, MOTION CARRIED.

Chief Bridge gave her report and updated the Council on a meeting she had attended with Mayor Gualtieri and Chief Bowles of the City of Newcastle regarding the swatting incident from early April and the response. She also stated that Mayor Gualtieri and Chief Bowles had briefly brought up dispatch. She noted that Sheriff Colvard had shared that he had his marching orders and Upton was welcome to join them if that’s what was decided. Council Member Watt wanted to be clear that whoever provides dispatch services needed to be aware that full disclosure would be required.

Chief Riehemann gave his report. He shared that fire season was upon us even with snow still on the ground and also that Upton currently had only one certified EMT. Council Member McMillan asked about logistics for joining the department as EMS. Chief Riehemann and Council Member McMillan will discuss further.

Superintendent Lindstrom gave his report and shared that the Town was successful in being awarded a grant for the Highway 16 Waterline Crossing from the state’s ARPA Water & Sewer Grant Program.

Clerk/Treasurer Millar gave her report and presented a letter from Wyoming Community Gas detailing the contribution of \$3,954.97 for 2022. The funds had been previously allocated to a mural and the Veteran’s Banner project. Dates for the FYE 2024 budget workshop were discussed with Friday, April 28th at 7:00 p.m. and Tuesday, May 16th at 7:00 p.m. Clerk/Treasurer Millar will have budget information out to the Council next week.

Council Member Watt noted that Mayor Trandahl is on a billboard advertising Weston County between Upton and Newcastle.

There being no further business before the Council, COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER MCMILLAN SECONDED A MOTION to adjourn. All ayes, MOTION CARRIED. The meeting adjourned at 8:55 p.m.

Nicholas Trandahl, Mayor

Attest: Kelley Millar, Clerk/Treasurer