

Town of Upton
Regular Town Council Meeting
May 9, 2023

THE REGULAR MEETING of the Town Council of Upton, Wyoming, was called to order at 7:00 p.m. on Tuesday, May 9, 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, Police Chief Susan Bridge, Fire Chief Les Riehemann and Attorney Mark Hughes. Public attendance included Lisa LeVasseur with the *Weston County Gazette*, Tabitha & Mykel Pierce with the Upton Golf Association, Donna Hogue, Joey Danens, Kyle Hamilton, Jennifer Hamilton, David Hofeld, Tracie Haynes, Jackie Cowger, Chief Bowles with the City of Newcastle, and Deputy Fields with the Weston County Sheriff's Office.

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER MCMILLAN SECONDED a motion to approve the consent agenda which included the minutes from the April 11, 2023 regular meeting as published, claims paid for May to date, and claims paid in April (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 & Weston County Gazette with Council Member Watt and Mayor Trandahl recused due to a conflict of interest. All ayes. MOTION CARRIED.

CLAIMS PAID:

Deposit/Overpayment (refunds) \$125.00, \$141.45; Reimbursements June Shell (meals) \$50.30; Transfer (reserves, debt service) \$500.00, \$1,200.00, \$670.00; Alpha Communications (tower lease) \$50.00; Arrow (fuel) \$53.16; AT&T Mobility (utilities) \$206.42; Big Horn Hydraulics (parts) \$7.74; Black Hills Energy (utilities) \$5,061.29, \$1,198.50; Blue Cross Blue Shield (benefit) \$12,276.74; Border States Electric (parts) \$116.34; Cambria Supply (supplies) \$8.91; Chase Cardservices (parts, supplies, training, fuel, postage, equipment) \$8,082.06; City of Newcastle (dispatch) \$1,686.00; Collins Communications, Inc. (service) \$58.00; Contractors Supply (parts) \$101.52; Craig's Sales (equipment) \$1,036.23; CW Waste (contract) \$14,000.00; Department of Treasury (taxes) \$9,999.83; Embroidery by SuEllen (service) \$325.00; Emily Cork (service) \$270.00; Energy Labs (testing) \$815.00; FirstNet (utility) \$200.20, \$175.80; Gillette Steel (parts) \$420.00; Honnen Equipment (parts) \$341.00; Hughes Law Office (retainer) \$1,600.00; Joe's (supplies) \$156.53; Maguire Iron, Inc. (supplies) \$28.50; McKaylia Stevenson (service) \$75.00; MorrisonMaierle (service) \$52,371.80; Northwest Pipefitting (parts) \$1,730.00; One Call of WY (dues, locates) \$5.25; Postmaster (permit, postage) \$290.00, \$243.36; PRECorp (utility) \$626.09; Range (phones) \$627.30; Servall (service) \$93.46; Top Office Supply (service) \$51.00; Town of Upton (utilities) \$365.00; Upton Chamber of Commerce (tables) \$225.00; Upton Co-op (fuel, parts, supplies) \$3,133.29; UVFD (reimbursement) \$553.90; Verizon (phone) \$74.90; Weston County Gazette (publishing) \$588.00; Weston County Natural Resource District (trees) \$1,040.00; Weston County Peace Officers Assn. (dues) \$60.00; WY Retirement (benefit) \$6,280.37, \$168.75.

The following invoices will be paid from grant and/or loan funds when received: Wyoming Earth Moving Co. (service) \$4,491.85, \$85,345.00 for the Emergency Lagoon Project.

SALARIES: \$30,880.74

CLAIMS DENIED: NONE

Mr. David Hofeld came before the Council to request reimbursement for plumbing expenses incurred at his residence. He explained a sewer issue that caused back up into his basement and that the plumber had scoped
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his line past his tap into the main. The plumber then called the city and public works responded. After jetting, the line was cleared. Mr. Hofeld said it took about two hours for his line to drain completely after the main had been jetted. The plumber was on site at his home for approximately 3 hours. Attorney Hughes explained that the claim had been denied, reviewed and then denied again by the Local Government Liability Pool which is the Town's liability insurance group. Mr. Hughes explained that the denial reason followed state statute in that no negligence by a city employee was found in regard to the sewer issue. Mr. Hofeld asked if the Council would be willing to pay a portion of the costs, \$200.00, for the plumber. Mayor Trandahl reiterated the denial reason from LGLP and expressed concern in setting a precedent by paying on a claim that had been denied by insurance. No action was taken.

Mr. Joey Danens came before the Council to request changes to the Upton Municipal Code regarding the axle weight and allowed number of axles for trucks traveling and parking on city streets. Chief Bridge has been in contact with Mr. Danens regarding the issue and citations that he received for allegedly being out of compliance with the ordinance. Attorney Hughes offered that the issue would be better addressed in municipal court as far as the citations. Mayor Trandahl noted that the portion of UMC was already being addressed and welcomed public input. No action was taken.

Jackie Cowger came before the Council to thank them and the city staff for their help in making the Veteran's Banner Project successful. She also asked if left over materials could be given to her group for additional poles as she had located a volunteer who would assemble and paint poles offering more space for display at the park. Superintendent Lindstrom will make those materials available and offered assistance in continuing the project by way of materials.

Mayor Trandahl and Attorney Hughes read a Proclamation designating William "Bill" Palmer Day on his next birthday, February 19, 2024 and here forward on that day to celebrate the life and service of our dear friend Bill.

Mayor Trandahl read by title Proclamations for National Historical Preservation Month for May 2023, National Travel & Tourism Week for May 7-13, 2023 and National Economic Development Week for May 8-12, 2023.

Tabitha and Mykel Pierce gave an update from the Upton Golf Association.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER MCMILLAN SECONDED a motion to approve the third and final reading of Ordinance No. 1, Series 2023 entitled: AN ORDINANCE DEFINING "VACANCY" IN THE OFFICE OF MAYOR OR COUNCILMAN AND PROVIDING FOR A PROCEDURE TO FILL A VACANCY, SEVERABILITY, REPEALING CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE. There being no public comment or further discussion, all ayes, MOTION CARRIED.

COUNCIL MEMBER ROTHLEUTNER MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve the second reading of Ordinance No. 2, Series 2023 entitled: AN ORDINANCE AMENDING PORTIONS OF CHAPTER 8 SECTIONS 8.04.025 for REQUIREMENTS FOR GARBAGE COLLECTION SERVICE. There was no public comment and Attorney Hughes reviewed the draft. All ayes, MOTION CARRIED.

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER MCMILLAN SECONDED a motion to approve the following contracts for engineering with Engineering Associates:

- a. Highway 16 Water Crossing project for updated permitting and construction in the amount of \$35,190.00.
- b. 6th Street Water & Sewer project for construction in the amount of \$132,011.00.
- c. Colorado Avenue project for design and permitting in the amount of \$76,085.00.
- d. Montana Avenue project for design and permitting in the amount of \$55,657.00.

Projects a and b have been funded with ARPA monies from the State Loan and Investment Board. Projects c and d will be submitted for funding to the SRF programs. A friendly amendment to the original motion suggested by Attorney Hughes added a contingency for his review of the contracts and successful funding of the projects. There being no further comments or discussion, all ayes, MOTION CARRIED.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER WATT SECONDED a motion to waive any conflict regarding representation by Hughes Law Office for the Town of Upton and City of Newcastle in the dispatch discussions. Attorney Hughes explained that in a conversation with the Wyoming State Bar Association, a conflict was confirmed as Hughes Law Office represents both municipalities. He further explained that the waiver would avoid both municipalities having to obtain and pay for outside counsel for the dispatch matter. After further discussion, Mayor Trandahl, Council Members Norman, McMillan and Rothleutner voted yay, and Council Member Watt voted nay. MOTION CARRIED.

COUNCIL MEMBER MCMILLAN MOVED, COUNCIL MEMBER WATT SECONDED a motion to approve moving the regular meeting from June 13, 2023 to Monday June 19, 2023 at 7:00 p.m. in order to accommodate staff attendance to federal funding summit from June 12-15, 2023. There being no further discussion, all ayes, MOTION CARRIED.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER WATT SECONDED a motion to approve holding the annual appropriations hearing at 6:45 p.m. on Monday, June 19, 2023 before the regular meeting. A friendly amendment changed the time to 6:30 p.m. All ayes, MOTION CARRIED.

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER MCMILLAN SECONDED a motion to approve renewal of a five-year lease agreement between the Town of Upton and Upton Gun Club through June 30, 2028. Council Member Rothleutner recused himself due to a conflict of interest. Attorney Hughes raised a concern of the five-year term being longer than any of the currently sitting members of the governing body. Clerk/Treasurer Millar noted that the previous contract had been for five years. The consensus of the Council was that the term was acceptable for the agreement. All ayes, MOTION CARRIED.

COUNCIL MEMBER MCMILLAN MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve renewal of a two-year agreement between the Town of Upton and CW Waste, Inc. for garbage haul through June 30, 2025. The consensus of the Council noted the great service and relationship with CW Waste. All ayes, MOTION CARRIED.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER WATT SECONDED a motion to approve Resolution No. 11, 2023-Colorado Avenue Water & Sewer Project DWSRF Loan Application in the amount of \$485,852.00. Superintendent Lindstrom explained that the projects could be eligible for up to 100% principal forgiveness and possibly lower matching amounts. Updated information will be shared as it changes. All ayes, MOTION CARRIED.

COUNCIL MEMBER MCMILLAN MOVED, COUNCIL MEMBER ROTHLEUTNER SECONDED a motion to approve Resolution No. 12, 2023-Colorado Avenue Water & Sewer Project CWSRF Loan Application in the amount of \$275,000.00. All ayes, MOTION CARRIED.

COUNCIL MEMBER MCMILLAN MOVED, COUNCIL MEMBER WATT SECONDED a motion to approve Resolution No. 13, 2023- Montana Avenue Water & Sewer Project DWSRF Loan Application in the amount of \$420,018.00. All ayes, MOTION CARRIED.

COUNCIL MEMBER MCMILLAN MOVED, COUNCIL MEMBER WATT SECONDED a motion to approve Resolution No. 14, 2023- Montana Avenue Water & Sewer Project CWSRF Loan Application in the amount of \$136,554.00. All ayes, MOTION CARRIED.

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Chief Bridge gave her report.

Chief Riehemann gave his report.

Superintendent Lindstrom gave his report.

Clerk/Treasurer Millar gave her report.

Council Member McMillan asked for the Country Club Estates covenants review to be scheduled in a special meeting after the June meeting.

There being no further business before the Council, COUNCIL MEMBER MCMILLAN MOVED, COUNCIL MEMBER NORMAN SECONDED A MOTION to adjourn. All ayes, MOTION CARRIED. The meeting adjourned at 8:31 p.m.

Nicholas Trandahl, Mayor

Attest: Kelley Millar, Clerk/Treasurer