

Town of Upton  
Regular Town Council Meeting  
July 9, 2024

**THE REGULAR MEETING** of the Town Council of Upton, Wyoming, was called to order at 7:00 p.m. on Tuesday, July 9, 2024, at the Upton City Hall located at 725 2<sup>nd</sup> Street in Upton, Wyoming.

Present: Mayor Nicholas Trandahl, Council Members Rick Rothleutner, Justin Norman, Tiffany McMillan and Joe Watt. Staff present included Clerk/Treasurer Kelley Millar, Superintendent Mark Lindstrom, Chief Susan Bridge, Chief Les Riehemann and Attorney Mark Hughes. Public attendance included Brittany Trandahl with the *Weston County Gazette*, Kenny Rathbun with Engineering Associates, Mike Pogany, Ken Meirose and Lynn Kendall with Black Hills Energy, Toni Gipson with Upton Arena, and Justin McMillan with the Upton Golf Association.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER WATT SECONDED a motion to approve the consent agenda which included the minutes from the June 11, 2024 regular meeting as published, claims paid for July to date, and claims paid in June (utility payments, payroll, end of FYE expenses, 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 Co-op and the Weston County Gazette with Council Member Joe Watt and Mayor Trandahl recused due to a conflict of interest. All ayes. MOTION CARRIED.

**CLAIMS PAID:**

Deposit/Overpayment (refunds) 42.50; Reimbursements: \$29.17; Alpha Communications (service) \$50.00; Bailey Crackel (service) \$315.00; Black Hills Energy (utility) \$323.75, \$5,229.07; Black Mountain Software (software) \$13,480.50; Blue Cross Blue Shield (benefit) \$8,754.71; Carrot Top Industries (supplies) \$750.67; Chase Cardservices (parts, supplies, training, fuel, postage, equipment) \$11,011.50; Civic Plus (service) \$1,739.00; Collins Communications, Inc. (service) \$58.00; Combine Communications JPB (dispatch) \$8,915.83; Contractor's Supply (parts) \$91.96, \$143.96; Crook County District Court (garnishment) \$708.60; CW Waste (contract) \$12,732.00; Dearborn Life (benefit) \$64.95; Department of Treasury (taxes) \$8,313.21; Emily Cork (service) \$247.50; Energy Labs (testing) \$827.00; Engineering Associates (service) \$1,545.30; Gina Ravine (EMS Class) \$1,100.00; Howard White Construction (service) \$15,221.00; Hughes Law Office (retainer) \$1,600.00; Good Electric (service) \$350.00; Joe's (supplies) \$23.97; Michael Staiger (mileage) \$889.76; Municipal Emergency Services (equipment) \$7,650.00; Northwest Pipefitting (parts) \$770.00; One Call of WY (locates) \$8.25; Postmaster (postage) \$274.54; PREC (utility) \$639.87; Range (utilities) \$629.69; Rick's Electric (service) \$3,775.95; Ringer Law P.C (service) \$1,890.00; S&S Parts and Performance (parts) \$76.15; Servall (service) \$103.48; Sundance Extinguisher (service) \$207.00, \$267.00; Team Laboratory (supplies) \$328.50; Timberline Services, Inc. (supplies) \$1,098.60; Top Office Supply (service) \$165.09; Town of Upton (utilities) \$247.50; Upton Co-op (fuel, parts, supplies) \$3,424.03; Upton Municipal Court (fine) \$104.00; Verizon (phone) \$75.10; WAM (dues) \$1,530.58; WAM-WCCA (lease) \$231.88; WAMCAT (dues) \$150.00; WARM (property insurance) \$32,688.69; Weston County Gazette (publishing) \$791.25, \$9.30; WASCOP (training) \$1,994.00; Weston County Clerk (fee) \$12.00; WY Dept. of Workforce Services (benefit) \$4,340.15; WY Retirement (benefit) \$4,786.39, \$187.50, WY UI (benefit) \$0.00.

The following invoices will be paid from grant and/or loan funds when received: Engineering Associates (service) \$22,812.34, \$23,230.60, \$2,911.54 for the Montana Avenue, Phase I Infrastructure, and Colorado Avenue projects; Timberline Services (service) \$12,190.42, \$231,618.00 for the Montana Avenue project.

**SALARIES:** \$30,924.10

Unofficial Minutes of the Regular Meeting July 9, 2024

## **CLAIMS DENIED: NONE**

Justin McMillan and Council Member McMillan delivered an update for maintenance on equipment at the golf course and the most recent financial statement.

Lynn Kendall with Black Hills Energy was present to answer questions regarding a draft asset purchase agreement for the sale of the remaining electric distribution assets and an easement for the current substation. This was a continuation of a conversation that began in May 2024 with the initial draft agreement. COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER MCMILLAN SECONDED a motion to move forward with the process for selling the assets by advertising for and setting a public hearing as an economic development benefit to the Town. All ayes, MOTION CARRIED.

Council Member Rothleutner had shared some research regarding cemetery lot pricing in the surrounding area. Clerk/Treasurer Millar presented a draft Resolution with new rate options. No action was taken at this time. The item will be on the agenda for the August meeting.

At approximately 7:15 p.m. discussion regarding Town of Upton Liquor License 2, currently issued to Oddette, Inc. dba Cowboy Bar. There have been 10 recorded violations on this license since FYE 2019, eight of which have been for failure to pay sales tax as required by WS 12-2-306 and two violations for other matters related to the liquor license. No action was taken.

The council gave permission for Clerk/Treasurer Millar to research options related to senior meals in Upton after some recent and ongoing issues experienced. Clerk/Treasurer Millar expects to have information to present at the September meeting.

COUNCIL MEMBER MCMILLAN MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve Change Order No. 2 for Hot Iron, Inc. for the Highway 16 Project reconciliation for a decrease of \$4,290.82 in the total price and Change Order No. 4 for Hot Iron, Inc. for the 6<sup>th</sup> Street Project for an increase of \$19,689.87 in the total price. Both projects are completed, and notice has been published. All ayes, MOTION CARRIED.

COUNCIL MEMBER MCMILLAN MOVED, COUNCIL MEMBER WATT SECONDED a motion to approve Resolution No. 12, 2024 entitled: A RESOLUTION OF THE TOWN COUNCIL OF UPTON, WESTON COUNTY, WYOMING ADOPTING UTILITY RATE AMOUNT INCREASES IMMEDIATELY. All ayes, MOTION CARRIED. A copy of the resolution is available at [www.townofupton.com](http://www.townofupton.com) and will be published in the *Weston County Gazette*.

COUNCIL MEMBER MCMILLAN MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve moving the regular meeting scheduled for Tuesday, September 10, 2024 to Monday, September 9, 2024 to accommodate for the extended WAMCAT Fall Institute. All ayes, MOTION CARRIED.

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER MCMILLAN SECONDED a motion to approve holding a hearing at approximately 7:15 p.m. on Tuesday, August 13, 2024 during the regular meeting to amend the FYE 2024 budget in the following particulars:

- a. Increase the General Fund Budget by \$22,944.62 by budgeting \$22,944.62 from General Fund Cash Reserves. The monies will be used for inflationary overages in General Government in the amount of \$11,475.88, Court in the amount of \$2,567.36, Streets in the amount of \$7,749.44, Senior Housing in the amount of \$1,121.88 and Municipal Gun Club in the amount of \$30.06. (Both Senior Housing and the Municipal Gun Club expenditures have been reimbursed to date. General Government and

Streets have internal transfers in the amount of \$2,120.60 and \$27,828.73, respectively, affecting the bottom line of those department budgets.)

All ayes, MOTION CARRIED.

COUNCIL MEMBER MCMILLAN MOVED, COUNCIL MEMBER ROTHLEUTNER SECONDED a motion to approve the issuance of a Malt Beverage Permit (Rodeo Grounds) to Toni Gipson with Upton Arena for specified times on Friday, July 19<sup>th</sup> and Saturday, July 20<sup>th</sup> for the Sagebrush Scramble and Kids Rodeo events. All ayes, MOTION CARRIED.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER WATT SECONDED a motion to approve the issuance of an Open Container Permit related to the Malt Beverage Permit for the same specified duration on Friday, July 19<sup>th</sup> and Saturday, July 20<sup>th</sup> for the Upton Arena rodeo events. All ayes, MOTION CARRIED.

COUNCIL MEMBER ROTHLEUTNER MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve Change Order No. 1 for Timberline Services for the Montana Avenue project for an increase of \$42,918.07 and four additional working days with final completion set for July 23, 2024. This increase will not change the contract price as it will be paid from the Force Account for the project. All ayes, MOTION CARRIED.

Chief Bridge gave her report.

Chief Riehemann gave his report.

Superintendent Lindstrom gave his report.

Clerk/Treasurer Millar gave her report.

Attorney Hughes will work with Clerk/Treasurer Millar to develop the notice for the Asset Purchase Agreement public hearing.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER MCMILLAN SECONDED a motion at 8:04 p.m. to retire into executive session as allowed by WS 16-4-40(ii) Personnel & (ix) Receiving information classified as confidential by law. All ayes, MOTION CARRIED.

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to return to the regular meeting at 8:14 p.m. No action was taken.

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 8:14 p.m.

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Nicholas Trandahl, Mayor

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Attest: Kelley Millar, Clerk/Treasurer