

Town of Upton
Regular Town Council Meeting
October 8, 2024

THE REGULAR MEETING of the Town Council of Upton, Wyoming, was called to order at 7:00 p.m. on Monday, October 8, 2024 at the Upton City Hall located at 725 2nd Street in Upton, Wyoming.

Present: Mayor Nicholas Trandahl, Council Members Rick Rothleutner, Justin Norman, and Joe Watt. Council Member Tiffany McMillan joined the meeting at 7:04 p.m. Staff present included Clerk/Treasurer Kelley Millar, Superintendent Mark Lindstrom, Chief Susan Bridge, Chief Les Riehemann, Police Secretary Kami Erland, Reserve Officer Mike Staiger and Attorney Mark Hughes. Public attendance included Brittany Trandahl and Lisa LeVasseur with the *Weston County Gazette*, Mike Pogany and Lynn Kendall with Black Hills Energy, Mike Mores with Charter Communications, Clark Coberly, Debbie Douglas, Kelly Stith and Dick Klinker with Advanced Communications, Sandy and Danny Hart, and Kevin Allen.

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve the consent agenda which included the minutes from the August 13, 2024 regular meeting as published, claims paid for September to date, and claims paid in August (utility payments, payroll, end of FYE expenses, and approved grant/loan expenses). All ayes, MOTION CARRIED.

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

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

CLAIMS PAID:

Deposit/Overpayment (refunds) \$37.92; Reimbursements: \$25.32, \$15.65, \$76.38, \$889.76; Arrow Service (parts) \$140.00; Bailey Crackel (service) \$315.00; Black Hills Energy (utility) \$202.00, \$6,272.73; Blue Cross Blue Shield (benefit) \$8,754.71; Big Horn Hydraulics (parts) \$95.30; Boundtree (supplies) \$163.50; Chase Cardservices (parts, supplies, training, fuel, postage, equipment) \$7,462.01; Collins Communications, Inc. (service) \$58.00; Combined Communications JPB (dispatch) \$8,915.83; CW Waste (contract) \$14,105.75; Dearborn National (benefit) \$50.27; Department of Treasury (taxes) \$8,082.27; Department of Workforce Services (benefit) \$3,685.79; Emily Cork (service) \$270.00; Energy Labs (testing) \$316.00; Fisher Sand & Gravel (supplies) \$124.78; Gina Ravine (EMS Class) \$1,320.00; Hughes Law Office (retainer) \$1,600.00; Independent Internet Solutions, LLC (service, parts) \$766.00; Joe's (supplies) \$30.86; Mission Communications, LLC (service) \$623.40; Midwest Pest Management (service) \$500.00; Newman Traffic Signs (supplies) \$540.03; Norco (supplies) \$34.93; Northwest Pipefitting (parts) \$1.80; One Call (locates) \$10.50; Postmaster (postage) \$287.84; PRECorp (utilities) \$807.59, \$633.92; Range (utilities) \$630.15; S&S Parts and Performance (parts) \$747.10, \$371.38; Servall (service) \$103.48; Sundance Extinguisher, LLC (service) \$342.00; Top Office Supply (service) \$169.70; Town of Upton (utilities) \$348.32; Upton Co-op (fuel, parts, supplies) \$3,993.47, \$134.80; Verizon (phone) \$75.15; Weston County Clerk (fee) \$12.00; Weston County Gazette (publishing) \$1,084.65; Weston County Senior Services (contribution) \$3,000.00; WYDOT (fees) \$10.00; WY Office of SLIB (loan payments) \$26,615.27, \$23,695.58; WY Retirement (benefit) \$4,789.76, \$187.50.

The following invoices will be paid from grant and/or loan funds when received: Engineering Associates (service) \$22,728.30 and \$10,097.03 for the Phase I, II & III Infrastructure, and North Pine Transmission Line projects; and Wyoming Earth Moving Company (service) \$47,750.00 for the Transfer Station project.

SALARIES: \$29,277.92

CLAIMS DENIED: NONE

Mayor Trandahl presented a service plaque to Kevin Allen, former Upton Police Officer and current Combined JPB Dispatcher, for his seven years with the Town of Upton.

Dick Klinker came before the council upon request to explain a bill received for tower rent that was a substantial increase from previous billings. This bill was discussed at the September meeting and tabled without payment until a clear explanation could be given by Advanced Communications. This bill was first presented to the Combined Dispatch JPB where it was decided that each entity was to pay an equal share of the total bill. The current agreement states that expenses necessary to operate maintain and preserve the Combined Communications Center will be split as follows: City of Newcastle 50%, Weston County 37% and Town of Upton 13%. Mr. Klinker stated that this information had not been shared with him to date. He also explained that there had not been any increase to this lease fee in nearly 20 years and that the increase was due to the advancing technology.

Debbie Douglas came before the council to ask the council to consider delaying the renewal of a non-exclusive franchise agreement with Black Hills Energy. Mrs. Douglas would like to see Powder River Energy Corporation as the electric utility provider for Upton and has been in contact with a former board member as well as Brian Mills, PRECorp's CEO. She shared that the Town had been with BHE for over 40 years, and she felt that it was time to give PRECorp a chance. Mayor Trandahl explained that he, Clerk/Treasurer Millar and Superintendent Lindstrom had visited with Mr. Mills and PRECorp engineer, Quinten Rodgers, the previous day and that PRECorp had indicated they would be starting a study as to their ability to become the electric utility provider for Upton, and that they would then approach the Town as the BHE franchise currently being considered for seconding reading at this meeting includes an "opener" clause at the ten year mark to allow for changes to the agreement. Mrs. Douglas asked how the community could be better informed of items the council is considering. Minutes from the Town of Upton public meetings are available in the *Weston County Gazette* and online at www.townofupton.com, or in person at city hall Monday through Friday from 8:00 a.m. to 5:00 p.m.

Council Member McMillan did not have financials for the Upton Golf Association but did give a brief report. She indicated that Justin McMillan will be in touch with Superintendent Lindstrom regarding some options for wells.

COUNCIL MEMBER MCMILLAN MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to pass the second reading of Ordinance No. 2, Series 2024 entitled- AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE FROM THE TOWN OF UPTON, WESTON COUNTY, WYOMING, TO BLACK HILLS POWER, INC., A SOUTH DAKOTA CORPORATION DOING BUSINESS IN THE STATE OF WYOMING AS BLACK HILLS ENERGY, ITS SUCCESSORS AND ASSIGNS, TO OPERATE AN ELECTRIC UTILITY SYSTEM WITHIN THE TOWN OF UPTON, WYOMING, FOR PROVIDING ELECTRIC SERVICE TO THE TOWN OF UPTON AND THE INHABITANTS THEREOF AND ESTABLISH THE TERMS AND CONDITIONS OF SAID FRANCHISE, INCLUDING THE EFFECTIVE DATE THEREOF. Lynn Kendall, Regional Manager of Public Affairs for BHE, spoke to the council regarding the relationship BHE is proud to have and to continue to offer the Town of Upton. She shared that BHE has a service center in Upton, and employee who is happy to be here with his family and that the reliability in Upton for power is less than 1 minute of loss of power for the last year. Mike Pogany, General Manager for Electric Unofficial Minutes of the Regular Meeting October 8, 2024

Operations with BHE, shared that BHE had a right and an obligation to provide electric service to the Town of Upton in their certificated territory and that if a franchise agreement were not extended for any reason BHE would continue to provide the service while an acceptable agreement is worked out. He also shared that BHE and PRECorp have an excellent relationship and work together quite often. He also explained that the cost paid for the remaining assets in the Upton electric system was a depreciated cost for the value of the assets. Council Member Watt voted nay, all other ayes, MOTION CARRIED.

[More information regarding the sale of assets can be found at www.townofupton.com and in the May 23, 2024-(minutes), July 18, 2024-(minutes and front page), July 25, 2024-(legal notices), August 1, 2024-(legal notices), August 8, 2024-(legal notices) and August 22, 2024-(minutes) editions of the *Weston County Gazette*.]

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER MCMILLAN SECONDED a motion to pass the second reading of Ordinance No. 3, Series 2024 entitled: AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE FROM THE TOWN OF UPTON, WESTON COUNTY, WYOMING TO SPECTRUM PACIFIC WEST, LLC AN INDIRECT SUBSIDIARY OF CHARTER COMMUNICATIONS, INC. TO PROVIDE SERVICES AS SPECIFIED IN THE AGREEMENT, ESTABLISHING THE TERMS AND CONDITIONS OF SAID FRANCHISE, AND PROVIDING FOR AN EFFECTIVE DATE. Mike Mores, with Charter, came before the council with an updated agreement marking changes requested by the council at the September meeting and approved for presentation by Attorney Hughes. Council Member Watt voted nay, all other ayes, MOTION CARRIED.

COUNCIL MEMBER ROTHLEUTNER MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve holding a budget amendment hearing in the following particulars:

- a. Increase the General Fund Budget by \$38,977.00 by budgeting General Fund Reserves in the amount of \$38,977.00. The monies will be used for compensation for Deputy Shell after earning a Certified Municipal Clerk designation in the amount of \$977.00 and for repairs to the roof at City Hall in the amount of \$38,000.00.
 - b. Increase the Water Fund Budget by \$414.00 by budgeting Water Fund Reserves in the amount of \$414.00. The monies will be used for compensation for Deputy Shell after earning a Certified Municipal Clerk designation.
 - c. Increase the Sewer Fund Budget by \$414.00 by budgeting Sewer Fund Reserves in the amount of \$414.00. The monies will be used for compensation for Deputy Shell after earning a Certified Municipal Clerk designation.
- Increase the Landfill/Sanitation Fund Budget by \$44.00 by budgeting Landfill/Sanitation Reserves in the amount of \$44.00. The monies will be used for compensation for Deputy Shell after earning a Certified Municipal Clerk designation.

This matter will be heard at approximately 7:15 p.m. during the regular meeting on Tuesday, November 12, 2024.

All ayes, MOTION CARRIED.

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER MCMILLAN SECONDED a motion to approve the staff recommendation that the designation of Wyoming Community Gas contribution funds in the amount of \$4,227.92 be used toward materials for the Veteran's Banner project. All ayes, MOTION CARRIED.

COUNCIL MEMBER ROTHLEUTNER MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve Change Order No. 1 from Falcon Construction in the amount of \$12,150.00 as an increase to the original contract price for the Transfer Station project. This change order will allow Falcon to provide the base and concrete pad for the building and ensure the work is under warranty by Falcon. All ayes, MOTION CARRIED.

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER MCMILLAN SECONDED a motion to accept the resignations of Police Chief Susan Bridge and Police Secretary Kami Erland, with regret. The resignations are effective Wednesday, October 16, 2024. Mayor Trandahl thanks Chief Bridge and Kami for their service to the Town of Upton. Chief Bridge gave a brief update on how the Upton Police Department could operate moving forward until a new Chief is hired. She and Kami offered to be available during the transition. All ayes, MOTION CARRIED. Mayor Trandahl again thanked them for their service and commitment to Upton and iterated that there would still be reserve officers and the Weston County Sheriff's Office for law enforcement coverage in Upton. Chief Bridge shared that citizens in need of assistance would need to call dispatch for a law enforcement response.

Clerk/Treasurer Millar suggested another workshop to review Title 2 of the Upton Municipal Code and job descriptions to be held at 6:00 p.m., before the regular meeting on December 10, 2024.

Chief Bridge gave her report and had permission to share the WCSO's call in Upton as well. She introduced Reserve Officer Chief Mike Staiger of Fort Laramie. Chief Staiger will stay as a reserve officer in Upton and requested that he have a law enforcement supervisor to report to and will honor the days in October he has committed to cover.

Chief Riehemann gave his report. He shared with the council that the department's SCBA equipment is no longer certifiable and will need to be replaced. He is gathering estimates and will keep the council informed.

Superintendent Lindstrom gave his report and noted that a special meeting will be held on Friday, October 11, 2024 at 6:00 p.m. to consider awarding the infrastructure contracts in Phase I of the large water and sewer projects. Notice for the meeting has been posted.

Clerk/Treasurer Millar gave her report.

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER MCMILLAN SECONDED a motion to retire into executive session as allowed by WS 16-4-405(ii) To consider the appointment, employment, right to practice or dismissal of a public officer, professional person or employee or to hear complaints or charges brought against an employee, professional person or officer unless the employee, professional person or officer requests a public hearing. All ayes, MOTION CARRIED at 8:33 p.m.

At 9:30 p.m., COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER MCMILLAN SECONDED a motion to return to the regular meeting.

Mayor Trandahl and Council Member Norman will speak with Sheriff Colvard regarding law enforcement coverage in Upton and supervising reserve officers. If Council Member Norman is not available, Council Member McMillan will step in. Crook County Sheriff's Office may be contacted as well. Chief Bridge will be asked to prepare an inventory of the Upton Police Department, including the vehicles. Clerk/Treasurer Millar was given permission to pursue training in her department to absorb some of the duties performed in the Police Secretary position. Superintendent Lindstrom will secure and maintain the UPD vehicles at the City Shop with a vehicle available for the reserve officers still providing coverage for the Town.

There being no further business before the Council, COUNCIL MEMBER MCMILLAN MOVED, COUNCIL MEMBER WATT SECONDED A MOTION to adjourn. All ayes, MOTION CARRIED. The meeting adjourned at 9:33 p.m.

Nicholas Trandahl, Mayor

Attest: Kelley Millar, Clerk/Treasurer