

Town of Upton
Regular Town Council Meeting
September 9, 2024

THE REGULAR MEETING of the Town Council of Upton, Wyoming, was called to order at 7:00 p.m. on Monday, September 9, 2024 at the Upton City Hall located at 725 2nd 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, EMS Supervisor Tiffany Riehemann and Attorney Mark Hughes. Public attendance included Brittany Trandahl and Lisa LeVasseur with the *Weston County Gazette*, Kas Bishop with the Upton Chamber of Commerce and Upton Economic Development Board, Mike Pogany and Lynn Kendall with Black Hills Energy, Mike Mores with Charter Communications, Michelle Edwards with WYDOT District 4, Kami Erland, and Mark and Marlys Mitchell.

COUNCIL MEMBER MCMILLAN MOVED, COUNCIL MEMBER WATT 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 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) \$37.92, \$97.95, \$68.92; Reimbursements: \$57.94, \$400.00 (damages); Bailey Crackel (service) \$315.00; Black Hills Energy (utility) \$202.80, \$6,563.04; Blue Cross Blue Shield (benefit) \$8,754.71; Chase Cardservices (parts, supplies, training, fuel, postage, equipment) \$6,668.02; CivicPlus (code) \$300.00; Collins Communications, Inc. (service) \$58.00; Combine Communications JPB (dispatch) \$8,915.83; CW Waste (contract) \$12,696.00; Department of Treasury (taxes) \$3.26, \$8,699.63; Emily Cork (service) \$270.00; Energy Labs (testing) \$1,053.00; Engineering Associates (service) \$1,661.00; Gillette Steel (parts) \$230.00; Gina Ravine (EMS Class) \$880.00; Howard White Construction (service) \$1,341.73; Hughes Law Office (retainer) \$1,600.00; Joe's (supplies) \$53.98; Michael Staiger (mileage) \$889.76; Midwest Assistance Program (fees) \$500.00; Newman Traffic Signs (supplies) \$91.45; Norco (supplies) \$35.10; Northwest Pipefittings (parts) \$8,865.98; Postmaster (postage) \$288.96; Range (utilities) \$633.72; S&S Parts and Performance (parts) \$117.75; Servall (service) \$103.48; Team Laboratory (supplies) \$920.00; Top Office Supply (service) \$261.43; Town of Upton (utilities) \$348.32; Texas Refinery Corp. (supplies) \$840.35; Upton Co-op (fuel, parts, supplies) \$1,612.61, \$245.86; UVFD (reimbursement) \$934.46; Verizon (phone) \$75.12; Weston County Gazette (publishing) \$2,009.03; Weston County Humane Society (contribution) \$1,200.00; Weston County Health Service (service) \$1,035.00; WYDOT (fees) \$390.00; WY Office of SLIB (loan payments) \$1,872.99, \$600.73, 821.96; WWQPCA (fees) \$750.00; WY Retirement (benefit) \$5,174.99, \$187.50.

The following invoices will be paid from grant and/or loan funds when received: Engineering Associates (service) \$67,967.58, \$6,068.74, \$2,217.00, \$8,150.78 (correction) and \$4,107.50 for the Phase I Infrastructure, Colorado Avenue and North Pine Transmission Line; Howard White Construction (service) \$3,180.00 for the Transfer Station project; and Slattery Enterprises (service) \$12,272.00 for the Phase I Infrastructure project.

SALARIES: \$27,656.69

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CLAIMS DENIED: Advanced Communications (fees) \$244.00. COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER MCMILLAN SECONDED a motion to table the payment of the Advanced Communications bill until a representative from the business can explain the increase. All ayes, MOTION CARRIED.

Oddette Lambert was not in attendance at the meeting.

Mark Mitchell approached the council regarding law enforcement and issues he had been experiencing. He praised the Weston County Sheriff's Office for responding, but shared concerns about response time and local law enforcement presence. He also inquired about his rights and responsibilities as a citizen and if there was a plan to address the situation moving forward. Mayor Trandahl responded that there is an active advertisement for officers running with a limited response. Council Member Norman also assured Mr. Mitchell that the search for replacement officers would be ongoing.

Michelle Edwards with WYDOT District 4 came before the council for an update on several speed studies in the area. She is actively working on the studies and asked for a priority list from the Town so she can focus her efforts in the reporting stage.

Council Member McMillan presented the Upton Golf Association financial report.

Kas Bishop came before the council for an update with the UEDB/Upton Chamber upcoming events. She also has been engaged by Chief Bridge for some social media content.

Alternative options for senior meals will be moved to the next meeting.

COUNCIL MEMBER ROTHLEUTNER MOVED, COUNCIL MEMBER MCMILLAN SECONDED a motion to approve a special permit for the Upton High School to hold a bonfire, contingent upon the group making contact with Upton Fire and Police Chiefs as required and that conditions are favorable to have a burning event. All ayes, MOTION CARRIED.

COUNCIL MEMBER MCMILLAN MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve the first 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 AND INDIRECT SUBSIDIARY OF CHARTER COMMUNICATIONS, INC. The agreement is under the Cable Act and would bring cable television, phone service, cellular service and fiber to Upton. The council shared concerns about tree removal and street cutting in the Town and the percentage of fee to be assessed. Second reading of the ordinance will take place at the October meeting. The MOTION CARRIED, with Council Member Watt voting nay.

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER MCMILLAN SECONDED a motion to approve Resolution No. 16, 2024-Mineral Royalty Grant Application in the amount of \$150,000.00 for the repainting of the 180-foot water tower in the industrial park. This grant application will require a match of \$50,000.00 from Water Fund Reserves. All ayes, MOTION CARRIED.

Resolution No. 15, 2024-TEA grant application was removed from the agenda with communication from the Office of State Lands and Investments that the purpose was not within the scope of the grant rules.

Mayor Trandahl read aloud the Proclamation for Patriot Day and John Strong Day, 2024 with Chief Riehemann and EMS Supervisor Riehemann in attendance.

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COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER ROTHLEUTNER SECONDED a motion to approve Resolution No. 17, 2024-T-Mobile Hometown Grant in the amount up to \$25,000.00 to help with pathways progress. All ayes, MOTION CARRIED.

COUNCIL MEMBER ROTHLEUTNER MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve the first 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. Lynn Kendall spoke to the council about the term of the franchise and shared what the level of fees for surrounding franchises. The Upton franchise would expire in December 2049, with the option to revisit provision every ten years through that date. The fee was proposed at 2%. Second reading of the ordinance will take place at the October meeting. The MOTION CARRIED, with Council Member Watt voting nay.

Chief Bridge gave her report and discussed the Advanced Communications bill. She noted that the Combined Dispatch Board had voted to have the City of Newcastle, Weston County and Town of Upton pay for this bill since it had not been included in the JPB's budget for fiscal year ending 2025.

Chief Riehemann gave his report.

Superintendent Lindstrom gave his report.

Clerk/Treasurer Millar gave her report.

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER MCMILLAN SECONDED a motion to retire into executive session as per WS 16-4-405(ii)-Personnel. All ayes, MOTION CARRIED.

COUNCIL MEMBER MCMILLAN MOVED, COUNCIL MEMBER WATT SECONDED a motion to return to the regular meeting. All ayes, MOTION CARRIED. No action was taken from.

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 8:28 p.m.

Nicholas Trandahl, Mayor

Attest: Kelley Millar, Clerk/Treasurer