

Town of Upton
Regular Town Council Meeting
November 12, 2024

THE REGULAR MEETING of the Town Council of Upton, Wyoming, was called to order at 7:00 p.m. on Tuesday, November 12, 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 via Zoom. Staff present included Clerk/Treasurer Kelley Millar, Superintendent Mark Lindstrom, Chief Les Riehemann, and Attorney Mark Hughes. Public attendance included Brittany Trandahl with the *Weston County Gazette*, Weston County Undersheriff Dan Fields, Justin McMillan, Mike Pogany, Ken Meirose, Wes Ashton with Black Hills Energy, Mike Moers with Charter Communications, Debbie and Paul Douglas.

COUNCIL MEMBER ROTHLEUTNER MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve the consent agenda which included the minutes from the October 8, 2024 regular meeting as with the correction from “Monday” to “Tuesday”, the minutes from the October 11, 2024 special meeting as published, claims paid for November to date, and claims paid in October (utility payments, payroll, 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 Weston County Gazette and Upton Co-op with Mayor Trandahl and Council Member Joe Watt recused due to a conflict of interest. All ayes, MOTION CARRIED.

CLAIMS PAID:

Deposit/Overpayment (refunds) \$125.00, \$125.00; Reimbursements: \$2,446.84; Arrow Service (parts) \$88.08; Axon (service) \$4,299.40; Bailey Crackel (service) \$285.00; Black Hills Energy (utility) \$210.00, \$5,742.41; Blue Cross Blue Shield (benefit) \$8,052.89; Border States Electric (parts) \$1,615.63; Boundtree (supplies) \$1,459.99; Chase Cardservices (parts, supplies, training, fuel, postage, equipment) \$8,594.89; ClingerHagerman (audit) \$12,000.00, \$6,000.00; Collins Communications, Inc. (service) \$58.00; Combined Communications JPB (dispatch) \$8,915.83; Contractor’s Supply (parts) \$173.19; CW Waste (contract) \$12,696.00; Dana Kepner (parts) \$1,450.63; Department of Treasury (taxes) \$8,052.89, \$1,380.59; Emily Cork (service) \$300.00; Energy Labs (testing) \$182.00; Gina Ravine (EMS Class) \$2,360.42; Grossenburg (parts) \$74.39; Hughes Law Office (retainer) \$1,600.00; (supplies) \$13.19, \$8.58; Kyle Studie (service) \$550.00; LinkTech (service) \$202.50; Matheson Trigas Inc (supplies) \$223.07; Norco (parts) \$288.50; Normont Equipment (parts) \$2,496.38; Northwest Pipefitting (parts) \$4,363.85; One Call (locates) \$4.50; Parts One HD (parts) \$1,016.44; Postmaster (postage) \$287.28; PRECorp (utilities) \$570.03; Range (utilities) \$631.06; S&S Parts and Performance (parts) \$114.67; Servall (service) \$103.48; Team Laboratory (supplies) \$805.50; Top Office Supply (service) \$189.88; Torgerson’s (parts) \$800.00; Town of Upton (utilities) \$348.32; Upton Co-op (fuel, parts, supplies) \$1,302.20, \$156.65; UVFD (reimbursement) \$75.00; Verizon (phone) \$75.18; Weston County Clerk (fee) \$12.00; Weston County Gazette (publishing) \$654.15; Wyoming Apparatus LLC (service) \$1,226.00; Wyoming Earthmoving Company (service) \$2,500.00; WY Retirement (benefit) \$5,193.63, \$187.50.

The following invoices will be paid from grant and/or loan funds when received: Engineering Associates (service) \$34,492.78 and \$10,238.01 for the Phase I, II & III Infrastructure, and North Pine Transmission Line projects; and Falcon Construction (service) \$169,250.00 for the Transfer Station project.

SALARIES: \$29,823.30

CLAIMS DENIED: NONE

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Abbey Hagerman of ClingerHagerman, LLC. delivered a report on the Town's FYE 2024 audit and shared the unmodified opinion.

Debbie Douglas was present to deliver signatures asking for the council to wait until a report from Powder River Energy Corporation is received before proceeding with the renewal of the Black Hills Energy franchise agreement. She presented signature sheets with the Upton Chamber of Commerce logo that had been at several local businesses since October 17, 2024, information regarding an anticipated 6.5% rate increase from PRECorp effective January 1, 2025, and a rate increase proposal from Black Hills Energy for the state of Colorado. She reiterated from her previous testimony that PRECorp could not legally attend a meeting or deliver a study without the formal action of the Town of Upton council. Mayor Trandahl had spoken with Brian Mills, CEO for PRECorp earlier as well and confirmed that any study to be undertaken by PRECorp for taking over the Upton system would need to be officially initiated by formal action from the governing body.

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER ROTHLEUTNER SECONDED a motion to approve the third and final 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 ESTABLISHING THE TERMS AND CONDITIONS OF SAID FRANCHISE, INCLUDING THE EFFECTIVE DATE THEREOF. An amendment to Section 6, paragraph 1 of the agreement was presented and explained by Mike Pogany, General Manager of BHE. The amendment language splits the franchise fee 1% passed on to the customers and 1% born entirely from the gross revenues, as defined in the agreement, by Black Hills Energy. The Town would still be paid 2% of the gross revenues, as defined in the agreement. Council Members Watt and Rothleutner were friendly to the amendment of their motion. Wes Ashton, Operations Manager for Wyoming and South Dakota for BHE, clarified some rate information within the different locations of BHE and shared that the amendment language was similar to that of the franchise agreement in Newcastle with BHE. All ayes, MOTION CARRIED.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER ROTHLEUTNER SECONDED a motion to approve the third and final 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 Communications was in attendance to answer questions. Council Member Watt voted nay, all others voted aye, MOTION CARRIED.

Weston County Undersheriff, Dan Fields, presented a police report and shared information regarding calls in Upton. He stressed again that the council should be patient and to be sure that the right person or people were hired for Upton.

At 7:59 p.m. Mayor Trandahl opened a budget amendment hearing. There was no public comment, and the hearing was closed at 8:01 p.m.

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER ROTHLEUTNER SECONDED a motion to approve amending the Town of Upton FYE 2025 budget 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

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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.
- d. 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

All ayes, MOTION CARRIED.

Justin McMillan delivered the year-end report for the Cedar Pines Golf Course. Council Member McMillan shared that the course had done very well this season and would be in a good starting position for the 2025 season. She and Clerk/Treasurer Millar will begin working through the awarded Land and Water Conservation Fund.

Upon the request of Clerk/Treasurer Millar, COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER ROTHLEUTNER SECONDED a motion to table the Investment Policy update until the December meeting. All ayes, MOTION CARRIED.

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to accept the draft audit presented by ClingerHagerman, LLC for the FYE 2024 financial statements. All ayes, MOTION CARRIED.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER ROTHLEUTNER SECONDED a motion to approve Resolution No. 18, 2024 entitled: A RESOLUTION ADOPTING THE WYOMING REGION 1 HAZARD MITIGATION PLAN ON BEHALF OF THE GOVERNING BODY OF THE TOWN OF UPTON. All ayes, MOTION CARRIED.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER ROTHLEUTNER SECONDED a motion to approve Resolution No. 19, 2024 entitled: A RESOLUTION OF THE TOWN OF UPTON AUTHORIZING ACCESS TO PO BOX 44-UPTON POLICE DEPARTMENT. All ayes, MOTION CARRIED.

COUNCIL ROTHLEUTNER MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve holding a budget amendment hearing at approximately 7:15 p.m. during the regular meeting on December 10, 2024 in the following:

- a. Increase the General Fund Budget by \$17,275.00 by budgeting \$17,275.00 from General Fund Cash Reserves. The monies will be used to update security and at City Hall and the Upton Community Center.

All ayes, MOTION CARRIED.

Chief Riehemann gave his report and let the council know that Weston County had donated a 2008 Chevrolet Tahoe for the fire department command vehicle replacement. The title just needs to be transferred, and the Town will incur those costs. Bids for replacement of SCBA equipment are still being sought.

Superintendent Lindstrom gave his report and shared some law enforcement vehicle options he'd researched. COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER ROTHLEUTNER SECONDED a motion to approve Superintendent Lindstrom making the expenditure of not more than \$45,000.00 on a used vehicle for the Upton Police Department. Council Member Norman vote nay, all other aye, MOTION CARRIED.

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Superintendent Lindstrom also gave and updated, but still tentative, closure date for the Upton Landfill of June 30, 2025.

Clerk/Treasurer Millar gave her report and noted that another bill from Advanced Communications had been received with a highlighted note indicating that these costs were the responsibility of the Town of Upton. It was determined that the costs are dispatch related, regardless of the location of equipment. Clerk/Treasurer Millar was asked to notify Advanced Communications in writing of the denial of the payment for the invoice submitted referencing the Joint Powers Agreement for dispatch signed on August 4, 2023 cost allocation for each entity belonging to the Newcastle, Upton, Weston County Joint Powers Board for dispatch services. It was also discussed that the JPB had rejected former Chief Bridge's designation of Council Member Norman as the designee of the Upton Police Chief. After a brief discussion, COUNCIL MEMBER ROTHLEUTNER MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to appoint Fire Chief Riehemann to the position formerly held by Chief Bridge. All ayes, MOTION CARRIED. Clerk/Treasurer Millar will draft a letter of communication to the JPB.

There being no further business before the Council, COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER NORMAN SECONDED A MOTION to adjourn. All ayes, MOTION CARRIED. The meeting adjourned at 9:15 p.m.

Nicholas Trandahl, Mayor

Attest: Kelley Millar, Clerk/Treasurer