

## LEGAL NOTICE

### UNOFFICIAL MINUTES OF THE REGULAR MEETING OF THE TOWN COUNCIL OF UPTON, WESTON COUNTY, WYOMING

August 13, 2024

The REGULAR MEETING of the Town Council of Upton, Wyoming, was called to order at 7:00 p.m. on Tuesday, August 13, 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 with the *Weston County Gazette*, Kas Bishop with the Upton Chamber of Commerce, Mike Pogany and Lynn Kendall with Black Hills Energy, Toni Gipson and Sara Rankin with Upton Arena, John Ryan, and Delane and Trace Haynes.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER WATT SECONDED a motion to approve the consent agenda which included the minutes from the July 9, 2024 regular meeting as published, claims paid for August to date, and claims paid in July (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 Tiffany and Justin McMillan with Council Member McMillan recused due to a conflict of interest. All ayes. MOTION CARRIED.

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to approve the claims for Tiffany and Justin McMillan with Council Member McMillan recused due to a conflict of interest. All ayes. MOTION CARRIED.

#### CLAIMS PAID:

Deposit/Overpayment (refunds) \$150.00, \$31.50, \$32.92, \$51.00; Reimbursements: \$11,723.10, \$233.31; Alpha Communications (service) \$50.00; Association of Public Treasurers US & Canada (dues) \$359.00; Bailey Cracker (service) \$210.00; Black Hills Energy (utility) \$203.58, \$6,531.94; Black Mountain Software (software) \$759.00; Blue Cross Blue Shield (benefit) \$8,754.71; Business Radio Licensing (fee) \$115.00; Chase Cardservices (parts, supplies, training, fuel, postage, equipment) \$4,577.67; ClingerHagerman (audit) \$5,800.00; Collins Communications, Inc. (service) \$38.00; Combine Communications PPP (dispatch) \$8,915.83; CW Waste (contract) \$13,472.80; Dakota Testing (service) \$2,735.00, \$11,338.75; Department of Treasury (taxes) \$9,388.23; Eastern Wyoming Equipment Company, LLC (parts) \$798; EJ Construct & Serv (service) \$200.00, \$218.24; Emaly Cork (service) \$270.00; Energy Labs (testing) \$130.00; Engineering Associates (service) \$17,318.19, \$2,099.48, \$1,461.06, \$166.95; Guna Ravine (EMS Class) \$1,100.00; Hawkins (supplies) \$956.72; Hughes Law Office (retainer) \$1,600.00; Imperial Pump Solutions (service) \$1,725.94; Joe's (supplies) \$157.41; Jon Helberg (service) \$49.00; McKayla Stevenson (service) \$37.50; Michael Staiger (mileage) \$667.32; Newman Traffic Signs (supplies) \$149.30; North Angle (easement) \$700.00; One Call of WY (locates) \$7.50; Postmaster (postage) \$285.60; PREC (utility) \$689.86; Range (utilities) \$628.56; S&S Parts and Performance (parts) \$489.01; Servall (service) \$86.00; Sundance Extinguisher (service) \$230.00; Team Laboratory (supplies) \$613.00; Top Office Supply (service) \$134.48; Town of Upton (utilities) \$430.32; Tracy Motor Supply (parts) \$39.92; Upton Co-op (fuel, parts, supplies) \$1,929.18; Verizon (phone) \$75.12; Wally's Spraying (service) \$1,161.60; Weston County Children's Center (contribution) \$3,000.00; Weston County Gazette (publishing) \$748.00; Weston County Treasurer (fee) \$536.68; WY Network, Inc. (fee) \$300.00; WY Office of SLIB (loan payments) \$1,725.07, \$4,979.09; WY Retirement (benefit) \$5,607.52, \$187.50.

The following invoices will be paid from grant and/or loan funds when received: Engineering Associates (service) \$17,318.19, \$67,322.49, \$8,161.24 and \$166.95 for the Montana Avenue, Phase I Infrastructure, Colorado Avenue projects and North Pine Transmission Line; Timberline Services (service) \$100.00, \$1,300.00 for the Montana Avenue project.

SALARIES: \$28,958.44

#### CLAIMS DENIED: NONE

John Ryan came before the council to have speeding vehicles on Ash Street addressed. He asked for more transparency with policing activities suggesting a weekly report in the paper and shared that the community is expressing concern increasingly on social media and other outlets. Council Member Watt also commented on the speed concerns and Chief Bridge asked if Mr. Ryan had reported any of the incidents to dispatch. Mayor Trandahl and Council Member Norman shared that multiple calls have been made to the Weston County Sheriff's Office regarding a presence in Upton and that the WCSO assured them that coverage was being split equally between each end of the county.

There was no Upton Golf Association report.

Kas Bishop, representing the Upton Economic Development Board and the Upton Chamber of Commerce, gave the council an update on UEDB and Chamber activities and expressed interest in opening a more consistent line of communication between the groups and the Town. She also noted that the UEDB had given \$36,000.00 back to the community in grants and scholarships in fiscal year 2024.

COUNCIL MEMBER MCMILLAN MOVED, COUNCIL MEMBER ROTHLEUTNER SECONDED a motion to approve Resolution No. 13, 2024 entitled: A RESOLUTION UPDATING THE FEES FOR THE PURCHASE OF CEMETERY LOTS AT GREENWOOD CEMETERY IN UPTON, WYOMING. All ayes. MOTION CARRIED. The resolution can be viewed at [www.townofupton.com](http://www.townofupton.com) or in person at city hall.

COUNCIL MEMBER MCMILLAN MOVED, COUNCIL MEMBER ROTHLEUTNER SECONDED a motion to approve Resolution No. 14, 2024 entitled: A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE WYOMING DEPARTMENT OF WORKFORCE SERVICES EMS TRAINING GRANT ON BEHALF OF THE GOVERNING BODY FOR THE TOWN OF UPTON. All ayes. MOTION CARRIED. The resolution can be viewed at [www.townofupton.com](http://www.townofupton.com) or in person at city hall.

Mayor Trandahl called for a two-minute recess at 7:13 p.m.

At 7:15 p.m., Mayor Trandahl opened the budget hearing. Clerk/Treasurer Millar explained the amendment necessary for closing out fiscal year ending 6/30/2024. Council Member Watt asked some clarifying questions. There was no other public comment. The hearing closed at 7:16 p.m.

COUNCIL MEMBER MCMILLAN MOVED, COUNCIL MEMBER WATT SECONDED a motion to approve amending the FYE 2024 budget in the following particulars:

- 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 WATT MOVED, COUNCIL MEMBER MCMILLAN SECONDED a motion to approve awarding of the Transfer Station project bid to Falcon Construction in the amount of \$384,369.00. Bids were opened at City Hall on Friday, August 9, 2024 by Clerk/Treasurer Millar and Mayor Trandahl and then received DEQ approval for award Tuesday, August 13, 2024. All ayes. MOTION CARRIED.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER ROTHLEUTNER SECONDED a motion to approve the bid recommendation from Engineering Associates to award the Colorado Avenue Water & Sewer project to DRM, Inc. in the amount of \$615,871.29. All ayes. MOTION CARRIED.

COUNCIL MEMBER WATT MOVED, COUNCIL MEMBER MCMILLAN SECONDED a motion to approve a malt beverage permit, later amended to include an open container permit, for the Upton Arena's Ranch Rodeo Finals to be held on Saturday, September 28, 2024 at the Upton Rodeo Grounds. All ayes. MOTION CARRIED.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER ROTHLEUTNER SECONDED a motion to approve the Mayor's signature on the professional services agreement between Morrison-Maierle for the Upton Airport. All ayes. MOTION CARRIED.

Clerk/Treasurer Millar asked for a workshop to begin rewriting and updated Town of Upton ordinances. There will be a one-hour workshop prior to the regular meeting to be held on Tuesday, October 8, 2024.

At approximately 7:28 p.m., Mayor Trandahl opened the public hearing regarding the sale and transfer of electrical assets from the Town of Upton to Black Hills Energy. Mike Pogany with BHE spoke to the council regarding community partnerships and the progress BHE has made with the electrical system since the 1979 agreement and shared his appreciation for Upton. There was no other public comment. The hearing closed at 7:32 p.m.

COUNCIL MEMBER MCMILLAN MOVED, COUNCIL MEMBER WATT SECONDED a motion to approve the sale and transfer of assets included in the agreement to Black Hills Energy in the amount of \$211,252.50. This agreement also includes an easement for the property where the current substation is located for the duration that the substation remains on that property. All ayes. MOTION CARRIED.

Clerk/Treasurer Millar presented the Cemetery and Special Events policies for review only.

Attorney Hughes and Superintendent Lindstrom presented a non-exclusive franchise agreement from Charter Communications, Inc. to the council for review only. Attorney Hughes suggested some changes to terms of agreement language and that the council choose the fee percentage with language that the fee or part of the fee would not be passed on to any customer. There was also language regarding installation of the infrastructure that allowed for any and all street cuts necessary, which is not acceptable to the Town. The consensus was that a representative from Charter needed to attend a meeting to answer questions before any agreement could be considered further. Superintendent Lindstrom will reach out. This franchise is allegedly tied to ARPA funding that needs to be encumbered by contract by October 1, 2024. This will be added to the September meeting agenda.

Chief Bridge gave her report.

Chief Riehemann gave his report. EMS Supervisor Riehemann had added a calculation regarding the cost of what the July call hours would have cost for a paid service. With conservative numbers the total would have exceeded \$11,900.00.

Superintendent Lindstrom gave his report. Council Member Norman asked for an update regarding conversations with WYDOT about crosswalks and speed limit changes. Superintendent Lindstrom will follow up again and ask a representative from WYDOT to attend the next meeting.

Clerk/Treasurer Millar gave her report. She noted that ClingerHagerman was on site doing the FYE 2024 financial audit and reminded the council of a change to the regular meeting date to September 9th instead of Tuesday, September 10th to accommodate for training. She also noted the need for a special meeting on Tuesday, September 17th at 7:00 p.m. for a bid opening for the Three Phase Water & Sewer project. Clerk/Treasurer Millar also shared that the draft housing report for Upton was finished and available for review by the council. The report will be shared with the Wyoming Community Development Authority to have their input as the housing authority for the state and the final version will be publicly available.

COUNCIL MEMBER MCMILLAN MOVED, COUNCIL MEMBER NORMAN SECONDED a motion to retire into executive session at 8:07 p.m. as per W.S. 16-4-405(i) 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 employee, unless the employee, professional person or employee requests a public hearing. All ayes. MOTION CARRIED.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER MCMILLAN SECONDED a motion to return to the regular meeting with no action taken.

COUNCIL MEMBER NORMAN MOVED, COUNCIL MEMBER MCMILLAN SECONDED a motion to retire into executive session at 8:24 p.m. as per W.S. 16-4-405(i) 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 employee, unless the employee, professional person or employee requests a public hearing. All ayes. MOTION CARRIED.

COUNCIL MEMBER MCMILLAN MOVED, COUNCIL MEMBER WATT SECONDED a motion to return to the regular meeting with no action taken.

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 8:28 p.m.

Attest: Kelley Millar, Clerk/Treasurer

Publish: August 22, 2024.

Nicholas Trandahl, Mayor