

Town of Encampment  
Regular Meeting  
October 12, 2023  
7:00 p.m.

The Town of Encampment met in regular session at the Encampment Town Hall on Thursday October 12, 2023 at 7:00 p.m. with Mayor Shannon Fagan presiding. Council members present were Stas Banach, Bill Craig, Ashley McKinney and Steve Reichert. Town personnel present were Doreen Harvey, Clerk/Treasurer; Kevin Shue, Police Chief; Bill Acord, Public Works Supervisor and Trevor Vorn, Maintenance/Operator. Public Guest was Robert Herring. Audience members were Sandy Martin, Ted Benedict, Daniel Smith and Josh Luebbert of American West Construction, Jon Nelson of North Fork Engineering, Josh Wood of the Saratoga Sun and Keith Schricker of the Carbon County Comet.

The meeting was called to order by reciting the Pledge of Allegiance.

**AGENDA**

Banach moved to approve the agenda, McKinney seconded and the motion was passed.

**MINUTES**

Craig moved to approve the minutes of the September 14, 2023 regular as distributed, Reichert seconded and the motion was passed.

**FINANCIAL STATEMENT/MONTHLY BILLS**

Clerk/Treasurer Harvey advised that at 25% of the budget year, revenues were at about 22.36% of budget and expenses were at 13.9%. She noted that one of the invoices exceeded the spending limit due to a large cost increase for billing postcards. She was able to get the price decreased from over \$700.00, but they would not go below \$500.00. McKinney moved to approve the September 2023 financial statement, the September 2023 payroll, and contracted liabilities in the amount of \$22,632.92, late monthly bills in the amount of \$14,294.65 and the regular monthly bills in the amount of \$68,349.69, Craig seconded and the motion was passed.

Blue-Cross/Blue-Shield of WY \$6,284.67  
Carbon County Treasurer \$168.78  
Carbon Power & Light \$2,894.16  
Corkle Oil, LLC \$2,889.80  
Dana Kepner Company, LLC \$3,387.32  
Evergreen Disposal \$22.50  
Galls, LLC \$535.04  
Grainger, Inc \$366.98  
Karl's Auto Repair \$375.00  
North Fork Engineering \$31,750.79  
Northwest CO. Auto & Truck Pts \$335.99  
ODP Business Solutions \$216.39  
One-Call of Wyoming \$19.50  
Quill Corp \$68.57  
Riverside Garage & Cabins \$294.26  
Rocky Mtn Air Solutions \$148.68

Safeguard Business Systems \$522.55  
Saratoga Sun \$40.00  
SCWEMS \$3,842.00  
Shively Hardware Co. \$21.90  
Uline \$353.49  
Union Wireless \$583.55  
UPRSWDD \$9,690.25  
US Postal Service \$442.80  
Visa \$772.97  
Western States Fire Protection \$2,200.00  
Xerox Financial Services \$91.75  
Xesi Document Solutions \$30.00  
TOTAL \$68,349.69

**PAYROLL & CONTRACTED LIABILITIES**  
AFLAC \$76.72

Workers Compensation \$445.32  
WY Retirement System \$2,758.11  
WY Retirement- VFD \$337.50  
US Treasury \$2,041.67  
US Treasury \$1,912.12  
Net Payroll \$15,061.39  
TOTAL \$22,632.92

**LATE MONTHLY BILLS**  
Green Mtn Customs \$4,505.30  
Honnen Equipment \$53.66  
Jones Simkins \$9,315.00  
Saratoga Sun \$264.75  
Riverside Garage \$155.94  
Total \$14,294.65

**PUBLIC GUESTS**

Robert Herring-Placement of Parking Signs at 620 Rental: Mr. Herring was present to discuss the placement of residential parking signs and to ask about the placement of a **stop** sign at 6<sup>th</sup> and MacFarlane in lieu of the **yield** sign. Mr. Herring reported that at his VRBO he has guests that are snow machiners and that patrons from the business across the road park in from of his

business when they are open. He noted that in discussion with Chief Shue he does not know if it is enforceable, but he wanted to try. He also noted that he would like to see the *yield* sign at the junction of Sixth and MacFarlane be changed to a *stop* sign. He noted that he has he has complained for years trying to get drivers to stop or slow down at the corner. He has witnessed them not slowing down and having to back up when they miss the turn. Craig noted that all signs on the state highway belong to the state. Mr. Herring noted that if placed, an additional *stop ahead* sign would also need to be placed around Eighth or Ninth Street.

Councilman Criag noted that he would like to first discuss the parking sign. He suggested that if approved, there should be two signs with arrows marking that there was *no parking between signs*. Mayor Fagan noted that the sign should be on private property. It was agreed that there would be no enforcement because it is a public street. Mr. Herring noted that just having the sign there would likely ensure that most people would not park there. Banach noted that he was not in favor of it, but was not necessarily opposed. He agreed that the signs should be on private property. McKinney noted that she agreed that there should be two signs one at each end of the property. It was agreed that an application for the placement of signs should be submitted to the Planning Commission for review. It was noted that generally businesses are required to provide off-street parking when submitting an application. Reichert commented that the if the request is approved that everyone might want signs and that would create an issue for plowing or maintaining the road. Mayor Fagan reiterated that Mr. Herring should apply to the Planning Commission for their review as the signs would need to be on private property.

Discussion continued about the possibility of a *stop* sign at Sixth and MacFarlane. Chief Shue noted that he had contacted WYDOT's Public Information Officer and was waiting for her to return his call. He also noted that there was currently a traffic count being done by device and that the Town has no jurisdiction to control traffic flow on the highway. Craig noted that traffic flow has to meet certain standards and that WYDOT owns all signs on the highway. The Town owns those on the side streets. The Town will look into getting more information from WYDOT and discuss the matter further next month.

### **UNFINISHED BUSINESS**

Sewer Lagoon Improvement Project-Pay Application #3- \$759724.17 / Reallocate 2019 Specific Purpose Tax to Sewer Project Cost Overrun / Possible Contract Extension: Dan Smith and Josh Luebbert of AMC were present along with Mr. Nelson. Mr. Nelson reported on the significant progress made during the past month. He noted that most of the outdoor work had been completed except the bypass around the headworks and some of the metal on buildings. He noted that in the next week or two he anticipated backfilling the valve vault and bypass. The siding should be delivered tomorrow. The building has power, but they are waiting on heat and ventilation components. The screen is in the building and Vulcan should be on site next week.

Mr. Nelson presented pay application #3 in the amount of \$759,724.17. Banach asked if the town could pay it. Clerk/Treasurer Harvey advised that as with the last application, once the Town

approved it, it would be submitted for reimbursement prior to making the payment. Banach asked Mr. Nelson if we could be confident that there would not be any more increases in the project cost. Mr. Nelson noted that he did not foresee anything but that he did not know for sure as HVAC systems were not complete. Reichert moved to approve pay application #3 in the amount of \$759,724.17, Craig seconded and the motion was passed. Clerk/Treasurer Harvey noted that the reallocation of the 2019 Specific Purpose Tax funds had been overlooked at the last meeting. She reminded the council that the attorney had advised that the council be public with their action regarding the use of the tax. Craig moved to reallocate \$200,000.00 of the 2019 Specific Purpose Tax lowest priority to the cost overruns of the sewer project, Reichert seconded and the motion was passed.

In other matters, Mr. Nelson noted that Josh Luebbert and Dan Smith of American West Contracting were present to ask about a contract extension. It was noted that that by October 19<sup>th</sup> critical punch list components, screen discharge, influent flow, ability to discharge will all be complete. Substantial completion was schedule for November 5<sup>th</sup>. Mr. Luebbert noted that there are some delays in procurement that are affected by the Buy American component of the contract. Items affecting the steel exterior and the steel exterior door. He expects shipment by the second week in November. Mr. Smith added that with the Thanksgiving holiday they want to allow employees time with their families. They asked the council to consider the extend until December 1<sup>st</sup> for Final Completion. Craig moved to approve change order #8 allowing the substantial completion date to be changed to December 1<sup>st</sup>, Reichert seconded and the motion was passed. Mr. Nelson noted that the change order was just a mechanism and there is no cost, just time associated with the order. Banach asked to confirm that after October 19<sup>th</sup> that it would be up and running and that any bugs would be easier to detect while the contractors were present. He also noted that we were close to the end of the budget. Mr. Nelson acknowledged that statement and advised that he too was close to the limit of his task order for services, which was passed in 2018. He noted that he was willing to stick to the task order for costs and eat some time or that he would be willing to compromise. He noted that a few thousand dollars verses what the actual cost is would be brought to the council for discussion.

Town Projects-Town Hall Gutters, Update if any: Councilman Banach noted that he drilled a hole in the gutter and would see if that takes care of the issue. Public Works Supervisor Acord noted that they would try to add a down spout and wash the gutter out.

Property Insurance Renewal: Clerk/Treasurer Harvey noted that Hub International was unable to get any bids to provide property insurance after all of the pre-renewal work done. She noted that she had made some contacts and was expecting two bids. Farm Bureau and the Wyoming Association of Risk Management. With the policy expiring at the end of the month, Harvey asked the council to if they would like to consider allowing her and Banach to decide on the bids or if they would like to have a Special Meeting. Craig noted that Banach had extensive experience in the area. McKinney moved to allow Clerk/treasurer Harvey and councilman Banach to decide on the property insurance, Craig seconded and the motion was passed.

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Grader/Snowplow Upgrades: Public Works Supervisor Acord advised that he had no updates. The purchase of a loader would be about \$150,000.00. He is waiting on other information.

## **COMMITTEE REPORTS**

Police Department- Kevin Shue, Chief: A written report was submitted.

Planning Commission: Minutes of their previous meeting were submitted.

Department of Public Works: A written report was submitted.

Clerk/Treasurer- Doreen Harvey: Clerk/Treasurer Harvey advised the council that she had some transfers that she would like to do. She noted that one quarter of police wages were budgeted from impact funding and that she had some project matches that need to be transferred. She also noted that reimbursement had been received from the insurance carrier on the lightning strike and that the portion of 2009 Specific Purpose Tax that had been used for that repair could be replaced. Craig moved to allow the clerk to transfer \$21,373.05 from the Impact Fund; \$14,565.98 from the 2009 Specific Purpose Tax fund and \$37,033.10 from the General Fund Reserve for sewer project matches and to allow her to transfer \$9,942.86 back into the 2009 Specific Purpose Tax reserve to reimburse the portion used for the lightning strike at the water plant, Reichert seconded and the motion was passed.

Carbon County Council of Governments: Mayor Fagan noted that there was no update.

Watershed Protection Committee: Mayor Fagan noted that they were about done with testing. Public Works Supervisor Acord noted that there has been nothing abnormal so far.

## **ADDITIONS TO THE AGENDA**

There were no additions to the agenda.

## **NEW BUSINESS**

Red Wagon- Lease Renewal Request: Discussion ensued about increasing costs everywhere and whether or not the lease rate should be increased by \$50.00 per month, to \$300.00 per month. It was noted that the site provides an opportunity for local vendors. The council noted that they would like to postpone decision on the matter and invite Ms. Sneddon to attend the next council meeting to discuss the matter. The clerk was instructed to write her a letter.

White Dog Catering Permit-Aspen & Sage Market Days-New Date October 20 & 21:

Clerk/Treasurer Harvey noted that the permit had been issued for a different date, but that the prior event had been cancelled. The event will be held at the Opera House. Craig moved to reissue the permit for the event, McKinney seconded and the motion was passed.

Ratify Issuance of Fence Permit- Doggett Greenhouse: Concern was expressed about the applicant going straight to the council. Mayor Fagan noted that anything happening in the

Business Park or on public property goes through the council as previously decided. Banach noted that the fence was being built with stacked pallets to make it about six feet. He thought that the concept was for a tree yard to winter trees and help them to grow and acclimate to the area, and a wind break. Reichert expressed concern about the height of the fence exceeding the ordinance, noting that it was likely eight feet. Meeting the Site Distance Triangle and visibility were also discussed. Clerk/Treasurer Harvey reminded the council that the majority had given preliminary permission for them to build the fence. The matter was on the agenda to be ratified. The council agreed that they should have reviewed the application closer, but that they would like to discuss the matter with Zane Jacobsen to understand his reasons for the height. Craig moved to ratify the decision to allow Doggett Greenhouse to build the fence, McKinney seconded and the motion passed with Banach abstaining due to a close relationship with the Jacobsen family and Reichert voting nay. The clerk was instructed to draft a letter to Zane Jacobsen asking him to come to the next council meeting to discuss the reasoning behind the fence height.

CCVC Grant Contract- Winter Carnival \$1,315.38: Banach moved to approve the contract as presented, McKinney seconded and the motion was passed.

Logs at Sawmill: Mayor Fagan noted that a community member asked about taking the logs that have been setting at the mill site for years. McKinney noted that she was against it because there have likely been people who have asked before and were told no. Craig noted that he did not think that the town should give them away. Banach noted that he has not seen them and perhaps they were rotten. Reichert noted that the logs in the center of the pile may not be rotten. Clerk/Treasurer Harvey noted that in the past some of the wood was sold for what she thought was \$20.00 a pickup load, a waiver was signed but no chainsaws were allowed to be operated in the Business Park due to liability. Craig noted that he thought it was \$40.00 a load. He noted that he did not see the mill needing them as an issue, but that they should not be given away. The matter was tabled so that the clerk could look into the liability and release.

WAM Human Resources Workshop- October 25<sup>th</sup> - 27<sup>th</sup>- Harvey \$200.00: Clerk/Treasurer Harvey noted that she would like to attend the training in Saratoga. Banach moved to allow the clerk to attend the training at a cost of \$200.00, Craig seconded and the motion was passed.

Fire Prevention Education and Safety Supplies-Up to \$1,500.00: Clerk/Treasurer and Fire Department Secretary Harvey advised that the request is for the annual purchase of these supplies, which comes out of the ERVFD Fund. She noted that she did not think it would be \$1,500.00, but that with cost increases she was unsure. Craig moved to approve up to \$1,500.00 for fire prevention and safety education supplies, McKinney seconded and the motion was passed.

Garden Club- Moving Blue Star Memorial: Discussion ensued about the placement of the memorial currently. Mayor Fagan noted that it was not in the greatest place. Acord noted that his effort was about an hour on installation. It was agreed that it should be made more visible. The

council indicated that they were okay with moving it, but that the letter did not specify where. Public Works Supervisor Acord will work with the Garden Club on its placement. A letter will be sent to the Garden Club to advise them of that.

Possible Recreation Improvements: Mayor Fagan noted that she had been invited to meet with the Tourism Master Plan sub-committee of the Carbon County Visitors Council on the possibility of \$25,000 to be committed in Encampment for park improvements. She noted that in their weekly meetings she and Public Works bounced around the idea of making some improvements at the reservoir since it is regularly used by the school for microbiology study. They thought was perhaps signage, a kiosk, a walking path with dirt work done by the town, trees, benches, trash cans, etc. Nothing is happening now, but she wanted to be transparent with the council about the possibility of the funding for a spring project. Banach noted that it was a great idea because it gets used, but noted he had concerns about liability. There would need to be *use at own risk* or other risk signs placed.

Executive Session- Personnel: At 8:07 p.m. McKinney moved to go into executive session for the purpose of discussing personnel, Banach seconded and the motion was passed. Those in attendance were mayor Shannon Fagan and council members Stas Banach, Bill Craig, Ashely McKinney and Stee Reichert. At 8:28 p.m. Craig moved to return to regular session and seal the minutes and place them in the safe, Banach seconded and the motion was passed. McKinney moved to allow Mayor Fagan and Public Works Supervisor Bill Acord to interview applicants for the seasonal maintenance position and select the employee at a rate of up to \$18.00 an hour, Craig seconded and the motion was passed.

**CORRESPONDENCE:**

**CCVC, CCEDC, CCSPTJPB, CCCOG, SCWEMS, SPVCC, SLIB, UPRSWDD, WAM, WARWS info and news letters**

**Sandy Martin- Letter if Interest in representing Encampment to CCEDC-** Councilman Banach acknowledged Mrs. Martin who was in the audience. Mayor Fagan noted that she had spoken with Yvonne Johnson, Executive Director of the Carbon County Economic Development Corporation and that they were going through some changes and they were not ready to fill the vacant position yet.

**Grand Encampment Cowboy Gathering- Thank you**

**Sagebrush Senior Center- Thank you**

**Sierra Madre Muzzleloaders-Thank you**

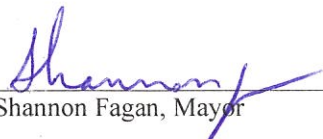
**Carbon County Planning and Zoning**

With no further business, Banach moved to adjourn at 8:32 p.m., Reichert seconded and the motion was passed.

Doreen Harvey, CMC  
Clerk/Treasurer

Approved: November 9, 2023

Attest:   
Doreen Harvey, CMC, Clerk/Treasurer

  
Shannon Fagan, Mayor