

Record of Proceedings
Town of Chugwater, Wyoming
Town Council Meeting
November 7, 2016

Called To Order @ 7:00 PM

Pledge of Allegiance

Roll Call:

Councilperson Clark, Councilperson Redding, Mayor Sand, Councilperson Stinnette, Councilperson Schirmer all present and accounted for.

Approval of Agenda:

Motion made by Councilperson Redding and seconded by Councilperson Clark to approve the agenda. All in favor. Motion passed unanimously.

Approval of Previous Meeting Minutes:

Motion made by Councilperson Stinnette and seconded by Councilperson Clark to approve the minutes from the Town Council Meeting on October 3, 2016. All in favor. Motion passed unanimously.

Approval of Bills and Expenses:

Motion made by Councilperson Clark and seconded by Councilperson Redding to approve the bills and submit them for public view. Mayor Sand noted check #12581 in the amount of \$77,512.50 which was approved at the September Council meeting but was written after that meeting, which is the reason it is on this month's bills. Motion made by Councilperson Redding and seconded by Councilperson Stinnette to approve Steve Kelley's expenses. All in favor. Motions passed unanimously.

Reports:

1. Director of water and sewer report, Steve Kelley

Motion made by Councilperson Redding and seconded by Councilperson Clark to approve Steve's report for public view. All in favor. Motion passed unanimously.

2. Treasurer report, Patti Pierson.

Motion made by Councilperson Clark and seconded by Councilperson Stinnette to approve the Treasurer's report as presented for public review. All in favor. Motion passed unanimously.

Old Business:

Library

The Platte County Library does not have the funding to help with residing the library so the Town will have full financial responsibility to complete the work. This discussion will be tabled until March and David Weber of David Weber Construction Company will be contacted at that time so we can be put on his work schedule for spring. Councilperson Clark is in agreement with this decision.

New Business:

1. Chugwater Gun Club Lease Agreement

The Chugwater Gun Club would like the Governing Body of the Town of Chugwater to sign a lease agreement so that they can continue to operate and move forward with another NRA Grant for additional funding. The lease agreement is for 20 years, however, every year the lease agreement has to be renewed by letter. As with any

lease, this can be changed, updated or completely cancelled. There is no dollar amount specified on the lease because the Gun Club is responsible for their taxes, insurance, utility bills, etc. and will generate revenue and bring business into Chugwater. The Governing Body would have the option to adjust the rent every 3 years if they would like to do so. Councilperson Schirmer is concerned about the water safety although that has already been addressed by DEQ. He is also concerned about any future construction plans. Councilperson Stinnette would like a clause added to the agreement that there will be no construction on site without prior approval from the Governing Body. Councilperson Redding made a comment that the roof out at the gun range is blowing off and that the horses are causing damage to the target stands. The Gun Club Board will be made aware of it and make necessary repairs. Motion made by Councilperson Redding and seconded by Councilperson Clark to table this discussion until the December Council Meeting. All in favor. Motion passed unanimously.

2. Employment Policy

The new Federal Labor Law that goes into effect on December 1, 2016 allows for all salaried employees (with the exception of professional or executive positions) to have their salary increased to \$47,476.00 with a mandatory raise every 3 years. Since the Town cannot fiscally do so, this policy would take effect for all Town employees to go to an hourly basis. The policy was read by Mayor Sand. Councilperson Redding disagrees that the day after Thanksgiving should be taken as an unpaid day off since it would affect Steve Kelley's pay. Mayor Sand explained that since Steve is a full-time employee, this unpaid day does not pertain to him. Steve Kelley made the statement that last Wednesday the Supreme Court Judge blocked the new law which could change the policy. Councilperson Redding asked if the Town needs to pick Steve's insurance provider or if he can choose the one he wants. She stated that he picks the cheapest one already since the Town capped what they pay him for his insurance at \$230.00 per month. Mayor Sand thinks the Governing Body should monitor his health insurance. Councilperson Redding stated that he has done OK at getting his own insurance under ObamaCare. Mayor Sand reiterated that this policy is NOT in place for Steve Kelley, but for any full-time employee in the future. Councilperson Redding asked if Council was going to change the \$230.00 cap and Mayor Sand commented that it would be up to the Governing Body and is (and should be) included in the budget. Since State revenue and Mineral Royalties are both down, the Governing Body needs to figure out where to cut the budget or where to get the additional money needed. Councilperson Clark questioned when an employee is required to take time off within the following week how it can be approved by Council if they meet monthly. This needs to be clarified in the policy under the "Requested Time Off" heading to exclude comp time. Councilperson Clark's next question was if it is legal to have someone work overtime and not pay overtime. This policy is written to prohibit overtime but since overtime will happen, it explains how overtime will be handled. A policy can be changed at every meeting as long as Federal guidelines stay in place. Since the Town does not have a personnel department, non-compliance with the policy must be addressed by the Governing Body. Councilperson Redding asked how we make the change on Steve's pay. He is now at \$19.94 an hour and will not be allowed more than 40 hours per week under the new policy. Mayor Sand would also like to reference the Ordinance that states termination of an employee can only happen with Council's approval. Motion made by Councilperson Stinnette and seconded by Councilperson Clark to adopt the Pay and Benefit Policy for the Town of Chugwater employees with changes concerning the Ordinance and review of termination by Council and explanation of comp time and that approval is also contingent upon research into the ruling of the new Federal Labor Law as to implementation and the date of implementation. All in favor. Motion passed unanimously.

3. PVB/Gas Station

Platte Valley Bank is the lender for Alex Cadar and his financing has been obtained for the gas station through Platte Valley Bank. The bank has asked that Alex give them a mortgage of his leasehold interest. In order to do that they need the Governing Body to sign an addendum to the lease and to do an assignment of the Lessee's interest. This has to happen for Alex to get his financing. Mayor Sand stated that signing these documents means the Town cannot put a lien any buildings or equipment that Alex would put on the gas station property. The bank will hold the lien. The bank wants this security but will not take the building or any fixtures, however, nor can the Town take possession of the building or fixtures, without negotiations with the bank if Alex should default. Mayor Sand noted that the Town is protected by a bond if Alex should do anything to cause the Grant to be pulled, however, if the Governing Body does anything to cause the Grant to be pulled, the bond does not safeguard the

Town from any liability. If the Town of Chugwater does not work with Alex on these agreements, he could potentially file a complaint with the Wyoming Business Council against the Town of Chugwater. Motion made by Councilperson Stinnette and seconded by Councilperson Redding to sign the Addendum to Lease Agreement, Collateral Assignment and Mortgage Leasehold Interest Agreement. All in favor. Motion passed unanimously.

Upcoming Events:

A Holiday Bazaar at the Community Center will be held on December 3, 2016.

Meetings:

Town Council Meeting & Public Hearing – December 5, 2016 at 7:00 PM.

Open Forum:

Alex is working on safeguarding the gas station property from traffic because right now the foundation trench is exposed and not protected from anyone driving onto the property. It is a concern that it could be a dangerous situation especially with upcoming winter weather.

Platte County Commissioner, Eric Johnson, gave the Governing Body an update on the chip seal projects. Iron Mountain Road and JJ Road have been successfully completed. He stated that the Eclipse in August of 2017 will bring many tourists into Platte County and that Casper hotels are already full for the event.

Adjournment:

Motion by Councilperson Clark and seconded by Councilperson Redding to adjourn meeting at 8:12 PM. All in favor. Motion passed unanimously.

Town Clerk

Mayor