

MINUTES OF A REGULAR MEETING OF THE SINCLAIR TOWN COUNCIL OF THE TOWN OF SINCLAIR, WYOMING HELD AT 5:30 P.M. ON THURSDAY, JANUARY 6, 2022, IN THE COUNCIL CHAMBERS OF THE SINCLAIR TOWN OFFICE BUILDING.

**COUNCIL MEMBERS PRESENT:** Mayor Leif Johansson, Councilmembers Brennan Dunlap, Phyllis McWhorter, and Michelle Serres.

**TOWN EMPLOYEES PRESENT:** Police Chief Jeff Sanders, Clerk/Treasurer Ashley Masselink, Assistant Treasurer Izabela Tysver, Maintenance Employee Roger Chizek, Maintenance Employee John Laux, Fire Chief Eugene Goetz.

**PLEDGE OF ALLEGIANCE:** Mayor Johansson lead everyone in the pledge of allegiance.

**OPENING OF MEETING:** Mayor Leif Johansson called the meeting to order. Councilmember McWhorter moved to approve December 16, 2021, minutes. Seconded by Councilman Dunlap, motion passed unanimously.

**APPROVAL OF THE AGENDA:** Mayor Johansson amended the agenda to remove Judges report as there was no fines paid and to add Rock Creek Wind Farm under new business. Councilmember McWhorter moved to approve amended agenda for tonight's meeting. Seconded by Councilmember Serres, motion passed unanimously.

**RESIDENTS:** Vicki Gabelson.

**OATH OF OFFICE:** Mayor Leif Johansson administered the Oath of Office to new Councilmember Vicki Gabelson.

**APPOINTMENTS:** Mayor Leif Johansson asked for a motion to reappoint Clerk/Treasurer. Councilmember Serres moved to reappoint Ashley Masselink as Clerk/Treasurer for the next two years. Seconded by Councilmember McWhorter, motion passed unanimously.

Mayor Johansson asked for a motion to reappoint the Police Chief. Councilmember Serres moved to reappoint Jeff Sanders as the Police Chief for the next two years. Seconded by Councilman Dunlap, motion passed unanimously.

Mayor Johansson asked for a motion to reappoint the Town Attorney. Councilmember McWhorter moved to reappoint Mike Roberts as the Town Attorney for the next two years. Seconded by Councilmember Serres, motion passed unanimously.

Mayor Johansson asked for a motion to reappoint the Municipal Judge. Councilmember Serres moved to reappoint Daniel Massey as the Municipal Judge for the next two years. Seconded by Councilmember McWhorter, motion passed unanimously.

Mayor Johansson asked for a motion to reappoint the Fire Chief. Councilmember Serres moved to reappoint Gene Goetz as Fire Chief for the next two years. Seconded by Councilmember McWhorter, motion passed unanimously.

**GUESTS:** Yvonne Johnson, the Carbon County Economic Director shared an update on working on getting pipe and drape for the Town and Fair. She will be submitting that with the next application.

**PROJECT UPDATES:** Edge Engineering was not able to attend the Council meeting, so Clerk/Treasurer Masselink shared with the Council the update she was given from Jason Knopp. Masselink shared they are still working at the theater to complete punch list items. She also shared that half of the door cores have been installed at the theater and the other half have still not shipped yet. She also shared that the Town Hall door cores have not shipped yet either.

Masselink asked the Council if they wanted to still go forward with submitting the Wyoming Business Grant application for the March 1<sup>st</sup> due date. The Council agreed that if they do it and get denied then at least the Town tried but if the Town doesn't try then there is no chance at all. Masselink shared she would let Jason Knopp know so he could get going with the application.

Masselink shared that Caspar Building Systems has completed their punch list items for Town Hall and there just needs to be a back check completed before it is signed off on. She also shared that Comtronix is scheduled to come January 10 to do the door access for the Town Hall.

Masselink shared that the school has no new update besides the contractor is scheduled to come down January 11 to check if the system held pressure.

**RECREATION DEPARTMENT:** Mayor Johansson shared that AI with the State will be here February 1, 2022, for a fire inspection of the Rec Hall. AI will be making sure that the exit signs are in the right place.

**ZONING BOARD:** Mayor Johansson shared the zoning board held their first meeting on January 5, 2022, at 5 pm. Johansson shared they selected Emily Townsend as president and Ellie Bennett as secretary. Johansson shared that Ellie would like to know about the position before she accepted the position of secretary. Johansson asked Police Chief Jeff Sanders to get with Emily Townsend to do a workshop to help them along in the process and so people understand. Police Chief Sanders agreed. He said he would get with Townsend to set this up.

Mayor Johansson shared that the zoning board will meet every 1<sup>st</sup> Wednesday of every quarter. The next meeting will be April 6, 2022. Councilmember Serres asked if this would not be too late for the current noncompliance issues. Johansson shared he believed there was a 60-day extension.

**FIRE DEPARTMENT:** Mayor Johansson shared that he would like to see the fire department get an inventory of all their items that are valued over \$200.00. Fire Gene Goetz asked if the value is only \$100.00 does he need to put that down. The Council responded that one item valued \$100.00 does not need to be put down. However, if there are five items of \$100.00 each, then to put them down.

**STREETS & PARKS DEPARTMENT:** Clerk/Treasurer Masselink shared that the guys are doing a good job removing snow.

**SANITARY LANDFILL, SANITARY & STORM SEWERS, WASTEWATER TREATMENT FACILITY AND WATER DEPARTMENT:** Mayor Leif Johansson asked the maintenance employees how things were going. Maintenance employee John Laux shared that the water sample was taken and turned in on time and the results came back good. Mayor Johansson asked how John's water test went and John shared it went ok, and now he knows what he needs to study. Johansson asked if Jim Halderson has been showing up on Mondays and completing his obligations. Laux shared that he does not know if Jim shows up on Mondays but that he does show up and that he is always available when they need something. Laux says he can't remember the exact days and times that Jim comes in.

**TOWN BUILDINGS:** Mayor Johansson thanked the maintenance department for removing all the Christmas lights. The maintenance department shared that everything is back in the church except for the big star as it is in a different building where it would fit.

**POLICE DEPARTMENT:** Chief Jeff Sanders shared with the Council that the Police Department is not operating within the Town employees' guidelines when it comes to Holidays. He stated that there are two things he would like to address. The first being item Letter B in Town Employee Guidelines book that talks about accrual. Sanders shared that Letter B states, "Holiday leave shall not be accrued, except that sworn members of the Police Department or Public Works employees required to work on a holiday shall, in lieu of actual pay, be entitled to take holiday leave on other day to be designated by the department head and approved by the Mayor." Sanders explained this would be on one of those weird mid-week holidays like 4<sup>th</sup> of July falling on Wednesday. This is a workday for a police office and the Mayor could approve that holiday to be taken at another day but would have to be presented that to the Mayor.

McWhorter asked if you take a holiday off or take another day off for the holiday is it right for that person to be taking calls on that holiday that is to be a day off. Sanders shared he would address this situation when he gets further into the discussion because that does happen. Sanders asked if everyone understands how that effects the police department. Tysver shared she doesn't understand and would like to understand.

Sanders gave an example of him working on Tuesday that is part of his schedule workday – let's say 4<sup>th</sup> of July falls on a Tuesday. Everyone else would take that day off. Tuesday is Officer Rosacker's regular day off. If he took that day off as his Holiday, he would have to take calls on a Holiday, or she would have to take calls on her day off. In order for him to be available, he asked to move this holiday to where he doesn't have to have calls after Mayor approval. This way he would have his holiday without having to take calls. So, Wednesdays and Thursdays are the days that are double covered by both police officers. That change would give them time to have the other officer on duty to take the calls while the other person can have the holiday off without having calls and having an actual day off.

Tysver said that if Tuesday is his working day, that is the day to be taken as holiday. Sanders said that this is not according to guidelines. The Police Department can ask the Mayor to change the Holiday day to another day. Tysver stated that if the Mayor can grant that to police department, then the Mayor should be able to grant that to other employees or departments as well. As the guidelines state, the maintenance department could be called out as well. In case if that happens, when called out would they then be able to move their holiday?

McWhorter asked if Sanders is going to talk about the Holidays that has been scheduled to have calls. She emphasized that Sanders is talking about wanting to move the Holiday so that he does not have a Holiday with calls-on. However, there were times she has noticed that there was a Holiday on a different day than the actual Holiday and that person still had calls.

Masselink gave an example that Officer Rosacker just had her New Year's Holiday on the New Year January 1, 2022, which was a working day for her, and she still had calls. Sanders asked everyone if he can be allowed to finish before we get into a big conversation as he can explain everything later.

The Section C he highlighted in the employee guidelines reads as follows, "Holidays which occur on Saturday shall be observed on the preceding Friday, and holidays which occur on Sunday shall be observed on the following Monday."

Sanders mentioned that he gave a calendar/schedule to Council members. He came to Council with the request to create an adjustment to the guidelines because his days off are Fridays, Saturdays, and Sundays. Rosacker days off are Sundays, Mondays, and Tuesday. Under the guidelines, if the Holiday falls on a Saturday his holiday would be then on Friday - that is already his day off so would not count as a Holiday. According to him, a Holiday is an additional day off outside of other days off. If Holiday falls on Sunday, that says that Rosacker would have to take her Holiday on Monday but that is her day off. Sanders asked the Council to make adjustment so the Police Department could move the Holidays that fall on Monday and Friday to Wednesday and Thursday. This would allow the officer on their Holiday to not have to take calls because the other officer would be on duty and could take the calls.

If the Council were to look at the Calendar of January that Sanders shared the Council would be able to see what he was explaining. Sanders shared that the Holiday for Martin Luther King on January 17, 2022, falls on Monday which is Rosacker regular day off and workday for him. In this case he would like to move his Holiday which falls on Monday to be taken on Thursday and give Rosacker her Holiday on Wednesday because on that they would have a coverage. McWhorter pointed out that Rosacker would still be on call as that is what shows on the calendar that Sanders provided. Sanders shared it was a typo on his part as there is a lot of cutting and pasting and he oversaw that day. Sanders assured that he would actually be the one who would have calls on Wednesday when Rosacker has her holiday. McWhorter shared she was very confused when looking at the schedule.

Tysver shared that one statement is not currently in our guidelines, but it should be added - that the Holiday should be taken on the next closest working day. In this case if the Holiday falls on Saturday, Sanders have two days to choose when he should be taking the Holiday. That would be only Thursday or Monday, not moving Holidays three or four days later. Tysver shared that Rosacker took her holiday on Saturday for New Years and had calls and he should have taken the next closest working day but chose to take a different day all together as his holiday was scheduled with having calls. Sanders shared that at the start of his presentation he shared he realized he was not within guidelines. Sanders shared he would like to be in the guidelines but that is why he is requesting an adjustment to guidelines going forward and he is aware that the Council wants to go through the guidelines but for now would like to have the adjustment granted for January and February.

Mayor Johansson shared that if Sanders takes his Holiday on Monday, then there is no coverage for Monday and someone off will have to take calls. Tysver shared that if we are making changes for one or two employees, the other employees might start coming too and wanting to make changes to the guidelines. She shared that the Police Department explains taking holidays on other days due to double coverage. She shared that the Town office has overlapping coverage as well and asked if they could change when they take their holidays, too. Tysver shared that there could be a few solutions to not changing guidelines. One having a rolling schedule like other police departments do including on call payments for those working on-call which will cover unequal scheduling of officers on-call. This is in the guidelines but has not been getting enforced and this will compensate the employee who is on call but not getting paid. This could relief in covering and not covering as there would be a benefit to having to work and be on-call. This would also create coverage on every day and not just six days a week, just like Rawlins has coverage every day of the year. Izabela wrapped it up with saying there are other solutions

to the guidelines then just changing the guidelines for one specific department. That would create other departments and employees unhappy and the townhall office knows that as it is the first to be hit with all the complaints from others.

Vicki asked if she is understanding it correctly that we are asking that if someone is called then they would get compensated for being on call. Tysver shared that we have that currently in the policy but has not been getting followed. Masselink shared that for Police Department it is \$1.50/hour on call but if the officer needs to come out physically, it is counted towards hours worked. Maintenance Department on call is paid for 4 hours at regular pay for every 24 hours on call unless they are physically called out then it is counted towards hours worked.

Sanders added that the on-call policy was written with him and McWhorter when she was Mayor at the time. Police Chief quit leaving only five part-time officers including Sanders. Sanders was asked to be interim police chief even though he was not a full-time just an hourly employee. The other part time employees all had other jobs. The Town wanted to get coverage for the Town. Part-time officers took calls to cover the Town so they could get benefits. McWhorter shared there was more to why the policy was written. There was something about fair labor board when there is so much time being covered on-call. McWhorter shared therefore this policy was written and everyone was back paid for those on-call hours. Sanders shared it was for only hourly employees. McWhorter shared that it was for everyone, hourly or salary. McWhorter shared everyone got a pay out right before Christmas.

Sanders shared that law enforcement is exempt as they are salary from the call out policy as they just get comp. time. Sanders shared an example that when he gets called out, he just gets one hour of comp time but the policy they are referring to is for hourly employees and that was back in 2004 but it has never been paid because it was strictly for hourly employees until we got full time chief and full-time employee. Masselink asked what Sanders was referring to as salary or hourly employee. Sanders answered that nonexempt hourly is who the policy was written for. He shared that he is salary, so he is an exempt employee but only receives comp. time but is not paid overtime. Sanders shared if he is called out, he gets comp. time. McWhorter asked if he gets comp time for these meetings and Sanders shared that everyone gets paid either comp time or overtime.

Sanders repeated his request that the only thing he is asking for is to have holidays on the Wednesdays and Thursdays. Sanders shared the reason they chose to not work Sundays was because it was the lowest call days of the week. Sanders explained that if he is on vacation and Lanette is off chances are you will get a sheriff's deputy on-call. Sanders asked that Council approve this adjustment, and if Council does not approve it, he will follow guidelines but there will be those days when one of the officers will have day off for a holiday and still have calls.

Mayor Johansson asked if the Council would like to vote on the adjustment to guidelines for the Police Department. Sanders pointed out there would not be any other meeting before the next holiday. Councilman Dunlap suggested they sit back and wait to discuss it another time as it was a little heated discussion.

McWhorter thank Sanders for what he brought to the Council but shared if they adjust this now it will be a domino effect because then they will need to adjust something else.

Sanders wanted to add that the Police Department has a totally different schedule then all other employees as the rest of the staff work Monday thru Friday. Sanders shared that the policy fits the other departments as they work Monday thru Friday 9 to 5 schedule, so they always have off on Saturday and Sunday. Sanders shared the police department works four days a week ten-hour day with a shift. Sanders explained the shift being himself Friday, Saturday, and Sunday and Rosacker - Sunday, Monday, and Tuesday, pointing out how their schedule shifted.

McWhorter mentioned that no one works on Sunday. Sanders shared that Rosacker working days are Wednesday, Thursday, Friday, and Saturday. His working days are Monday, Tuesday, Wednesday, and Thursday. Then Sanders shared this is comparing apples to oranges. McWhorter stated this is what she meant when she said that this could be a domino effect. Masselink shared these are things that need to be addressed as a whole and not as individual items. Sanders asked again for a temporary adjustment for the employee guidelines for the holidays for Monday and Friday to be taken on Wednesday and Thursday so they can have coverage for the Town as this is just not working for them taking the holidays on the days the Holidays fall or the next closest working days.

Mayor Johansson asked if he is just asking for the Equality Day Holiday. Sanders shared they will have the same problem in February with the Monday Holiday as well. Sanders shared this will give him two

months to get through while the Council gets through the guidelines that way, they will get six days a week and still cover the Town and will not have to take calls on their Holidays.

Masselink asked since Rosacker had her Holiday with calls why cannot the Town grant her a new Holiday as Sanders has changed his Holiday from Monday to Thursday because he was scheduled for calls. Sanders wanted to move his Holiday, but Rosacker had her Holiday and was scheduled with calls. If the Council changes it for him, then why the Town cannot change it for her as well.

Sanders shared he knows he was not in compliance but wants to get it right by going forward as he cannot fix what has already happened.

Tysver shared that by going forward we should start by following guidelines first before making adjustments. Sanders shared there are no benefits for him as he will be off when his wife will be working. Tysver shared that everyone would like to have a four-day weekend.

McWhorter shared those things need fixed going forward. Vicki asked if going forward then how soon the Council can sit down and go through this, so it is fair for all employees. Mayor shared it will be on the agenda a little later tonight under unfinished business to schedule a workshop. Mayor Johansson shared right now it is up to the Mayor to make any decisions if the Police Department can take a different day for those Holidays in January and February at this time.

Sanders asked the Mayor if he will be making the decisions going forward on a per basis need. Mayor said he will on the next Holiday and if there were a workshop before the next Holiday he would go from there.

Vicki shared that it is about good wording and have good points and the Council just needs to look at the guidelines going forward as a whole. McWhorter shared the guidelines are old and this was based on a different situation then now. She shared maybe the Town gets some part-time officers to help cover for now while the council takes their time to decide. Sanders shared he would be happy to share a conversation to why we don't have any part timers because according to him, there is a big reason for that. The Council thanked Sanders for his input and the Mayor shared he will let Sanders know about the Holidays going forward.

**FINANCIAL DEPARTMENT:** Clerk /Treasurer Masselink shared with the Council that at the start of the New Year the Town designates depositories at two banks, Bank of Commerce and RNB State Bank. Masselink requested approval to make the two banks designated depositories. Councilmember McWhorter moved to approve Bank of Commerce and RNB State Bank as Depositories. Seconded by Councilmember Serres, motion passed unanimously.

Masselink also shared that the CD that was in RNB State Bank will matured on January 1, 2022, and what the Council would like to do with the CD, reinvest or pull it out. Masselink shared RNB State Bank gave a rate of .45% for 12 months and Bank of Commerce gave a rate of .35% for 12 months. Masselink also shared that Troy Hunsucker also gave rates for 12 months for a U.S. Treasury bond at a rate of .355%. Troy also shared the next closest would-be Goldman Sachs CD with a rate of .350% but the FDIC will only insure up to \$250,000.00. The Council discussed that they would like to reinvest at RNB State Bank as they had the best rates. Masselink requested to get approval to reinvest the CD in RNB State Bank at the rate of .45% for a year. Councilmember McWhorter to approve reinvesting the CD with RNB State Bank at a rate of .45%. Seconded by Councilmember Gabelson, motion passed unanimously.

Masselink stated that Lezlee Musgrave came in and helped a little with W-2' and 1099.

Assistant Treasurer Izabela Tysver shared with the Council a new quote from Pine Cove for the upstairs of Town Hall as the quote was presented on November 4, 2021, and Council never approved it. They wanted Derrick with Pine Cove to come out and explain the quote to them. On November 18, 2021, Derrick with Pine Cove came and talked to Council about the quote. However, the quote was never approved as the Council started to talk to Derrick about phones for upstairs. Tysver explained that the quote has expired, and she presented the new quote price to the Council for approval. The new quote price was \$4,046.56. Councilmember Serres moved to approve the quote for Pine Cove to install and order switches for the upstairs. Seconded by Councilmember McWhorter, motion passed unanimously.

Masselink added that she got some information back from Pine Cove regarding the IP phones. She shared that Pine Cove doesn't provide phones or phone service but did provide someone that could provide those items. Council discussed looking into Charter/Spectrum and other providers. Yvonne Johansson shared that it is very hard to get any customer service with Charter/Spectrum. She shared

that Carbon County Economic Development just switched to them and things were not setup correctly and she can't get anyone to fix the problem.

Councilmember Gabelson shared the Rawlins Senior Center has a great phone system and she would find out who that provider was and let the Town Office know.

**UNFINISHED BUSINESS:** Mayor Johansson shared that the quilting club has asked if they can donate two quilts for the Town's 100<sup>th</sup> year anniversary that could be raffled off. They would like to donate one a year to be in place of their rental fees. The current fee for using the school for the quilters is \$250.00 a year plus a \$250.00 deposit. The quilters are asking that the deposit be waived, and the quilts be a form of paying for their next two years fees. Councilmember McWhorter moved to approve allowing the quilting club to provide two quilts for the Town's 100<sup>th</sup> year Anniversary to be raffled off in exchange for two years of renting the space and waiving the deposit.

It was discussed that on January 10, 2022, at 5 pm the workshop would be held to discuss the Town Employee Guidelines.

The Council discussed they would need to schedule a workshop to have Ryta Sondergard to come, and they could discuss the Events Director position and cleaning services. The Council asked that the Town office get a hold of Ryta and get back to the members with dates. The Council also asked that the Town Office call and get dates when Troy Hunsucker was available so they could schedule a workshop with him.

**NEW BUSINESS:** Mayor Johansson asked the Council if they wanted to be a party to the Rock Creek Wind Farm as they can receive impact funds from the project. The Council agreed they should be a party. Johansson also shared that he would like to see an inventory be done from each department. Johansson shared only items that are over \$200.00 value. Fire Chief Goetz shared that an inventory has not been completed by him and that it will be very time consuming. Masselink suggested that maybe maintenance could help him with inventory as he is a volunteer. She said maybe Jason Black would be able to as he is a firefighter volunteer and employee.

**BILLS:** Councilman Dunlap moved to pay the bills and to accept them for payment. Seconded by Councilmember Serres, motion passed unanimously.

Mayor Johansson adjourned the meeting at 7:05 p.m.

The next regularly scheduled council meeting will be held on January 20, 2022 at 5:30 p.m. in the Council Chambers of the Town office building.

Leif Johansson, Mayor  
TOWN OF SINCLAIR

ATTEST: CLERK/TREASURER