

MINUTES OF A REGULAR MEETING OF THE SINCLAIR TOWN COUNCIL OF THE TOWN OF SINCLAIR, WYOMING HELD AT 5:30 P.M. ON THURSDAY, JUNE 16, 2022, IN THE COUNCIL CHAMBERS OF THE SINCLAIR TOWN OFFICE BUILDING.

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

TOWN EMPLOYEES PRESENT: Town Attorney Mike Roberts, Clerk/Treasurer Ashley Masselink, Assistant Treasurer Izabela Tysver, Chief Jeff Sanders, Maintenance Employee Roger Chizek, Fire Chief Gene Goetz

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

OPENING OF MEETING: Mayor Johansson called the meeting to order. Councilmember Dunlap moved to approve June 2, 2022, council minutes. Seconded by Councilmember Gabelson, motion passed unanimously.

APPROVAL OF THE AGENDA: Councilmember McWhorter moved to approve amended agenda for tonight's meeting. Seconded by Councilmember Dunlap, motion passed unanimously.

RESIDENTS: Zade Cyr asked Council where he stands for building a fence as he brought his plans to the Town clerk but was told she cant issue any permits at this time until they hire an interim building inspector. Cyr shared that he gave the plans to the clerk and hoped everyone has a copy. Mayor Johansson shared that the fence needs to be with in the ordinance of the Town and not going off uniformly like it has been done in the past.

Cyr shared he is a foot and a half in more then what the easement asks for but not far enough in according to the ordinances. The ordinance states that he needs to be 9 and ½ feet in and Cyr shared if it was 9 and ½ feet in but there is a tree in the way. Cyr also asked what is going to be done about all the residents that are out of compliance with the ordinance and the Council shared they are working on it. Cyr shared he is doing the right thing and coming to the Town Council for advice as others have not done in the past and got away with doing it out of the ordinances.

Cyr is requesting a variance to only be in 4 and ½ feet in for the right of way like the easement states and have a variance from the ordinance that states he needs to be 9 and ½ feet. The Council shared the town will look at this and in writing, will get back to the resident if they are approved or not.

GUESTS: Doug Mainwaring with Richardson Construction shared a letter that Richardson Construction received from the attorney of the insurance company. The letter was saying it found Richardson Construction to be at default for the fire sprinkler head break. The finding was for the four-inch insulation that was missing in the closet. In the letter it states the insulation was removed as per the State Fire Marshall during the inspection. Mainwaring shared if the insurance company asks them to hold off doing any work at this time they will need to comply.

PROJECT UPDATES: Jason Knopp with Edge Engineering shared with Council since Wyoming Business Grant was awarded to the Town of Sinclair, the Town would be cutting ties with Richardson Construction going forward for additional work. Knopp requested approval for change order number 16 to omit exterior stucco work from the project for a credit of \$37,920.00 with no additional contract days. Councilmember McWhorter moved to approve change order 16 to omit exterior stucco work in the amount of \$37,920.00 for a credit and no additional contract days. Seconded by Councilmember Dunlap, motion passed unanimously.

Knopp shared the Wyoming Business Grant money will come in 4 to 6 weeks so about mid of July. Knopp shared he would like to go out for bid in August and give people 4 to 6 weeks so they can come on site to visit the project before bidding but he is not making it mandatory for a bidder to come on site to bid.

Maintenance employee Roger Chizek asked if Richardson Construction ever came and moved the gas line that was showing on top of the post office which was part of the work that was done at the theater. Mainwaring shared he believed it was completed but if not to let Knopp know and they would schedule it for completion.

ZONING, TREE, RECREATION BOARD: Motion was made for Emily Townsend resignation from Zoning, Recreation and Tree board by Councilmember McWhorter. Seconded by Councilmember Dunlap, motion passed unanimously. Council requested that advertising go out for all boards to get residents to join.

FIRE DEPARTMENT: Fire Chief Gene Goetz shared he will have a date for the arrival of the outbuilding. Goetz also shared that he would have a better quote for the truck bed as well by next meeting. Councilmember McWhorter asked how the town siren was going and Goetz shared good the siren is tested on Fridays at noon when the refinery tests their alarm.

Councilmember Serres thanked the Fire Department for holding the flag burning ceremony.

STREETS & PARKS DEPARTMENT: Maintenance Employee Roger Chizek shared he is still working on the sprinkler system at the ball field but has the ones at the school fixed.

Councilmember McWhorter asked how many residents are out of compliance with fences. Chizek shared that more residents are out of compliance than in compliance. Chizek shared whether there is a sidewalk or not, the approaches are there and show where the sidewalks would be and you can see where people are over the sidewalk where they would be if they were there. Chizek suggested to leave everyone be who is not in compliance and go forward.

Knopp shared the town can look at doing a sidewalk program to help with getting residents off the right of ways.

Councilmember Dunlap shared the council should have a workshop and get moving on these non-compliant residents.

Councilmember Gabelson shared the town needs to move forward as Cyr has been to the council meeting twice now about his fence and still has not answer.

Councilmember McWhorter shared this isn't something that will get resolved right away and there will be unhappy people.

Councilmember Gabelson shared when you can do one for one you cant do for the other that's when it gets scary.

Knopp shared the Town could look at getting a permit usage for the residents that are on the town's property. This permit can give residents a permit to use the land but if something needs to be rebuilt, it can't be rebuilt. The permits can also have that if the house is ever sold, the usage permit is not passed on the next resident who must correct the issue.

TOWN BUILDINGS: Councilmember McWhorter asked if the AC is fixed at the school yet and Chizek shared they needed for the weather to get warmer to check it but he would call them.

Councilmember Serres asked if TVs have been ordered for upstairs. Masselink shared the last she knew was at the last budget workshop with maintenance, John was going to look at what sizes were needed and what else was needed. Masselink shared she has not received any information on what needed to be ordered. Councilmember Serres moved to approve purchasing 4 TVs upstairs. Seconded by councilmember McWhorter, motion passed unanimously.

Councilmember Dunlap moved to approve purchasing a microwave and fridge. Seconded by Councilmember Gabelson, motion passed unanimously.

POLICE DEPARTMENT: Chief Jeff Sanders shared with Council the bond schedule and discussion was held. Councilmember McWhorter asked Chief Sanders how the truck was coming along. Sanders shared he was waiting until it was closer to the start of next fiscal year to go out for bid.

Sanders requested approval to advertise to go out to bid for the new police truck. Councilmember Dunlap moved to approve Sanders to advertise to go out to bid for the new police truck. Seconded by Councilmember McWhorter, motion passed unanimously.

RECREATION/EVENTS DEPARTMENT: Community Events Director Monte Thayer was not present, but Mayor Johansson shared that there will be a CPR class that is scheduled for next Tuesday at 8 to noon with a limit of 12 people. Johansson shared this is open for the residents in the Town as well as the employees. Johansson encouraged employees and council to get their certification and that the Town would pay for it. Councilmember Dunlap asked if the volunteer fire department could go as well. Johansson shared they can go, but they would need to pay the \$10.00 themselves as the town would not pay for them. Masselink asked what budget the funds will come out of for the employees who attend the CPR training. Johansson shared to take them out of the recreation department.

Johansson shared that yesterday, June 15, there was 9 kids that went to the Little Snake Museum. He also shared that on June 22 there will be a field trip to Encampment Museum and the Indian bathtubs.

FINANCIAL DEPARTMENT: Clerk/Treasurer Ashley Masselink requested approval for the third and final reading of the Ordinance 399 for the budget with all the amendments and being balanced. Councilmember McWhorter moved to approve Ordinance 399 for the budget for Fiscal Year 2023 with the amendments and balanced. Seconded by Serres, motion passed unanimously.

TOWN ATTORNEY: Town Attorney Mike Roberts apologized to Council for not catching it earlier but back in 2019 he gave a presentation about workplace harassment. Everyone who attended the presentation in 2019 signed in and signed the sheet of paper acknowledging they know about workplace harassment. Since then, there has been employees coming and going that have not been given the documents. Roberts thought it would be a good idea to have new employees and any employee who has not signed the harassment policy do so. Roberts shared what made him think about this was the new summer help that was hired. Roberts shared there are some articles that talk about what is harassment and how to report. That way if something did happen, we can show that the employees have had training on this topic and if someone were to sue. Mayor Johansson shared that at the WAM conference they went over harassment, and he didn't realize what can be considered workplace harassment. Johansson even shared that at WAM they talked about sexual harassment as well. Roberts shared this is only about harassment and not specific like sexual harassment. It might not even be something obvious as it is all how the person perceives it. Roberts shared this way people can modify what they are doing, and lot of the times harassment is as taken as a joke, but to one person it's not a joke. This would help to make people feel better and make it more sure proof. Roberts gave all information to the clerk to give to employees going forward and to those who are missing it in their personal files. It was shared that only Sanders, Serres and Johansson are the only employees that have had the training that Roberts gave in 2019.

Councilmember Dunlap shared he believes it should be done annually or every few years as there is always something new coming out and employees should be aware of. Dunlap also shared the railroad has a three-hour class just on harassment, so everyone is on the same page, and it is refreshed in their minds.

UNFINISHED BUSINESS: Assistant Treasurer Izabela Tysver shared with Council pictures that a resident brought into the office showing that residents are not following the water restrictions. The resident that brought the pictures in was very upset because according to what we, the Town has asked residents to do is to not water during the heat of the day (10 am to 6 pm) this has been documented in the town bulletin. The office has received several calls about water restriction to make sure residents are watering correctly as they see others watering when they have been asked not to. Tysver asked Council how important it is for holding residents responsible for the water restrictions.

Tysver shared there have been a lot of residents complaining about other residents watering during the middle of the day, specifically Town employees and Council members. Tysver asked how the Council would like the office to handle these concerns as they come in frequently. Johansson shared that we need to be telling residents we are on water restrictions, and no one is to water during 10 am and 6 pm.

Johansson shared he has addressed at least one resident about this, and they admitted to watering during the day and that they will stop watering during the restricted hours. Johansson also shared he talked to another resident that shared they were having problems with their sprinkler system. Johansson shared the resident wouldn't typically water during the day, but they were checking their sprinkler system to make sure it was working. Johansson shared these are the only two cases

he was aware of but that when he was at, the WAM conference someone did reach out to him in an email. Johansson shared with the resident if they would like to come talk to him about what was going on he would be happy to talk to them and the resident declined as they are done talking about it.

Tysver shared those facts are facts and one becomes lost for what to do when you tell everyone the same thing, but some do, and some don't. We keep talking about how we are a small town everyone sees everything and all you have to do is walk around the town to see it.

Chief Sanders shared with Council that the Town has no ordinance that can enforce holding residents accountable for not following the water restrictions.

Mayor Johansson shared the Town has not set a penalty for that and he believes if residents are notified then the next time they get a citation. Sanders shared there is nothing in writing that would let the police department enforce this. Roberts shared the Town can ask but has no legal grounds to enforce it.

Councilmember Dunlap asked if the Town could make a general ordinance that makes residents comply with restriction set forth by the Council. Roberts shared that is something that could be done.

Clerk Masselink shared that we the people who are employed by the Town need to be representing what we are as a Town and what we are asking the residents to do. If someone sees the clerk watering during the restricted times then the resident will follow the example being set. The Town needs to have the employees who are employed by the Town hold themselves accountable as we are representing how we should follow rules.

Maintenance employee Chizek shared the residents might see some sprinklers on at the park, but they are working on those. Masselink shared no one has complained about the maintenance employees, it has only been residents. Tysver shared that people can see Chizek is actively working on them, not just watering to water during the restricted time.

Councilmember McWhorter shared she has been struggling with her sprinkler system and that's the only time they can fix it is during the day.

Tysver shared she doesn't need explanations, its not for her to take them on she was just sharing what others have shared. Tysver was seeking clarification about the water restrictions.

Mayor Johansson shared he was glad Tysver brought this up as he was wondering how the residents have been doing. Johansson shared by looking at the water reports the Town is getting, the Town is not pulling any more water then normal but also is not any lower then normal as well. He shared in about a day or day and a half the Town is dropping about a foot to a foot and half. Johansson shared Rawlins is filling the Town of Sinclair tank and it is funny how depending on who you talk to in Rawlins, one will say they have a lot of water, and another will say they are short on water.

Chief Sanders shared that he stands corrected that under public utilities 9-1-16 water conservation during anytime that water is in short supply or there is any water emergency whatsoever, the mayor and town council may establish reasonable rules and regulations for the town. Said reasonable rules and regulations may include, but not limited by way of limitation, the power to regulate water use on any uniform basis deemed necessary by the town council and the power to impose lawn watering and other water use restrictions within the town.

Sanders shared that then 9-1-17 gives what water use restrictions can be and what penalties can be. The Council would set the penalty for what the police department could give out for going such restriction.

Councilmember Dunlap shared that everyone agrees to start giving warnings to people who are watering during the restricted times and anyone who gets citation after the warning the citation will be a "must appear" in court. Councilmember Dunlap moved to approve giving residents warnings for watering during restricted time and after the warning they will get a citation that is a "must appear". Seconded by Councilmember McWhorter, motion passed unanimously

Councilmember Dunlap shared that he has had residents ask him about water restrictions as well along with the shooting that happened in Town a couple months ago.

Chief Sanders shared that he has had a conversation with the mayor and a few other folks recently and he is sorry it is a court case and he can't share the details that are involved that took place did not threaten or endanger any body else in the community. Sanders shared he has a letter from the County Attorney, that stated they didn't wish to follow up on prosecution.

NEW BUSINESS: Mayor Johansson shared he has talked to Roger Chizek as being an interim building inspector, but Chizek would like to only do it from this day forward. Chizek shared he doesn't want to be apart of anything that was just talked about. Mayor Johansson shared it would be from this day forward. Roberts asked what does interim building inspector mean and what does the interim building inspector do? Tysver shared he doesn't have his certification and qualifications yet. Chizek shared he is going to get certified but at this point he is not currently certified. Roberts shared that at this point Chizek can't and won't do anything at this time, so the Town doesn't need an interim building inspector as there won't be anything for him to do. When people come in and want to get a building permit, we can't have the clerk sign off on these building permits. That is why Roberts suggested having an interim building inspector. For when people come to the Town and want to get a building permit. The town can take the plans and have someone go over and look and see what they are requesting in a building permit is really what they are asking for and is located where they said it will be. Some of the building plans the Town has don't even have everything on there, so the Town is issuing building permits that is for stuff that the Town doesn't even know what the residents are building. Roberts shared that it doesn't even have to be Chizek but someone has to go check out the plans to make sure that what is being built is what is on the plans that are given to the Town. Making sure that everything is legitimate if not we are issuing building permits for something we didn't even know was going to be built there so that's why Roberts suggested the Town has interim building inspector so we can move forward on some of this stuff.

Instead of being stuck with the clerk not knowing whether to issue one or not because as the clerk doesn't know and doesn't have that background and is not able to go look. These are some of the concerns Roberts had about not having Chizek stepping in to do any of the building inspector things until he is officially a building inspector. Robert shared not saying they are going to use Chizek, but the Town needs to have someone investigate these before we can decide on whether to allow a permit. Chizek asked if Roberts was talking about licensed interim Roberts shared no, that he was talking about Chizek going over and looking to see and make sure what the plans are showing what they are requesting in the building permit. Example is the resident can be saying they are building a fence and it is on their property, but really they are on the town's property based on that the town can issue or deny the permit. Roberts wouldn't advise that Chizek make the decisions on whether a building permit can be issued but just advising back to the administration (Council or Mayor) of what he saw, so the Town has a basis to make decision on whether to approve the permit or not.

Tysver shared she was confused and didn't understand the process. She shared the clerks aren't qualified to give building permit and Chizek is not qualified to give building permits so what is everyone doing? Councilmember Serres shared what she thought the process should be and the Town might need to update the current process. She gave an example about someone wanting to build a home: the resident comes in and asks for a building permit. This is where Serres believes there is a break down as there are not specific instructions on how to go about getting the permit. Serres shared there should be a list of items that needs to be filled out along with a check list with the drawing and all things they will need pertaining the home they are going to build. Once they have all the information and everything filled out then the clerk can give it to Chizek and he can go physically look at the plans and the location to make sure everything is ok. Chizek can't tell the clerk whether to issue a permit or not but gives the information to the clerk and the clerk gives the information back to the Council or Mayor for them to decide. Tysver shared that she is confused as the clerks can't issue a building permit but after council or mayor makes the decision then the clerks can issue a building permit. The Council doesn't want the clerk issuing a building permit as they don't have the knowledge to give one but with Chizek's help will get the knowledge needed to issue a permit but after council or mayor makes decision on whether permit can be issued. If all the requirements are met, then then there is no reason why a permit can't be given. Tysver asked what the requirements are. Roberts shared they are in the ordinance, the permit must have two copies of plans. He couldn't remember all of it. Serres shared the town should just have a new process that explains what needs to be filled out.

Councilmember Gabelson shared how are the clerks going to know what all is needed to start with; she asked if there be packets. Serres shared yes and the process needs to be updated.

Tysver asked, in the end who is issuing the permit and Johansson shared the council will give approval for the clerk to issue the permit. Tysver shared the clerk has been the one issuing in the past with no approval from any council members.

Councilmember Dunlap asked if someone is an interim person why they can't make decisions just like an interim police chief, they are not the chief but they can make chief decisions. Dunlap asked what the differences is in the decision-making process. Roberts shared the process for decision making it's the administration (council or mayor) decision to issue the permit whether the building inspector is qualified or not the council holds the decision. The town could eventually give the decision making to a person who is qualified in that position of building inspector, but they might get blow back so best to let council make the decision. Roberts shared there could be an application that gives where the information can be found and what they need when they come to get a permit.

Councilmember McWhorter asked where they can get the information.

Tysver shared the clerks don't have any of this information. Roberts shared that he would prepare the application

Roberts shared everyone is responsible for knowing what the laws, are and the Town doesn't have to point out what all the laws are. The town can put on the applicant ordinance number for reference Roberts also shared if someone comes in without plans, then it is denied.

Masselink shared she got a building permit for an egress window in her basement and asked what she needed for her building permit as she didn't give plans of the window. She shared that the town would need to go back to everyone's permits as everyone is missing items in their building permits that would grant their building permits to not be valid.

Councilmember McWhorter moved to make a motion to approve Chizek as the interim building inspector. Seconded by Councilmember Gabelson, motion passed unanimously.

Councilmember Serres shared CCOG meeting on July 20, 2022 will need to get RSVP's out and dinner planned as Su Casa is closed on Wednesdays now.

Councilmember Gabelson asked if there needs to be a workshop to get the things organized. Serres shared she was just sharing information with everyone as there will only be one meeting before then to get things taken care of.

BILLS: Councilmember Gabelson moved to pay the bills and to accept them for payment. Seconded by Councilmember McWhorter, motion passed unanimously.

Mayor Johansson adjourned the meeting at 8:13 pm.

The next regularly scheduled council meeting will be held on July 7, 2022, at 5:30 p.m. in the Council Chambers of the Town office building.

The Council Meetings are recorded sessions available for public view at Townhall office.

Leif Johansson, Mayor
TOWN OF SINCLAIR

ATTEST: CLERK/TREASURER