

Town of Encampment
Regular Meeting
July 08, 2021
7:00 p.m.

The Town of Encampment met in regular session at the Encampment Town Hall on Thursday July 08, 2021 at 7:00 p.m. with Mayor Greg Salisbury presiding. Council members present were Stas Banach, Bill Craig, Shannon Fagan-Craig and Gary Stull. Town personnel present was Doreen Harvey, Clerk/Treasurer. Public Guests present were Kim Loftice, Lela Konecny of Meriwether Timber and Bob Herring. Audience members were Byron Barkhurst, County Commissioner; Richard Wilson, Carbon County Planning & Development; Bob & Maggie Kelley, Bob and Ros Herring, Janice & Gary White, Kermit Stewart, Jeff Streeter, Michael Smith, Gary & Joan Dowdy, Claudia Wilson, Rachel Cogswell, Mary Priquet, Cindy Hamilton, Kristy, Rowan, Scott & Rachael Priegel; Peggy Huntley, Kevin & Cathy Waldo; Mike Wade, Leroy & LeAnn Stephenson, Helen Weiland, Jeb Steward, Jim McKinney, Becky Kreusel, Patty Ramirez, Tom Tracy, Crysta Matyjasik, Pat McLinskey and Mary Jo Greenwood, Jon Nelson of North Fork Engineering, and Josh Wood and Kaitlyn Campbell of the Saratoga Sun.

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

AGENDA

Stull moved to approve the agenda with the addition, Banach seconded and the motion was passed.

MINUTES

Craig moved to approve the minutes of the June 10, 2021 regular meeting as distributed, Fagan-Craig seconded and the motion was passed.

FINANCIAL STATEMENT/MONTHLY BILLS

Clerk/Treasurer Harvey advised that at 100% of the budget year revenues were at about 121% and expenses were at about 50% largely due grants, project delays and Specific Purpose Tax revenue. She advised that the interest on WYOSTAR accounts had not yet posted. Stull moved to approve the June 2021 financial statement, the June 2021 payroll and contracted liabilities in the amount of \$28,965.72; late monthly bills in the amount of \$65,628.10 including the payment to Vulcan Industries for the screen for the sewer project, and the regular monthly bills in the amount of \$25,435.08, Craig seconded and the motion was passed. Harvey advised that due to the meeting falling early in the month there would likely have late bills again this month.

Blue-Cross/Blue-Shield \$5,893.15
Bridger Fabrication, LLC \$422.02
Carbon Power & Light \$3,761.36
CNA Surety \$362.50
Evergreen Disposal \$22.50
Ferguson Waterworks \$2,897.47
Olde Trading Post, LLC \$43.90
One-Call of Wyoming \$39.00
Posey Wagon Portable Toilets \$120.00
Rocky Mountain Air Solutions \$44.72
Saratoga Auto Parts \$279.16
Saratoga Sun \$127.50
Shively Hardware Co. \$330.03
Union Wireless \$624.14
UPRSWDD \$9,863.50
US Postal Service \$24.00

Visa \$387.13
WAMCAT \$65.00
Xerox Financial Services \$93.65
Xesi Document Solutions \$34.35
TOTAL \$25,435.08

PAYROLL TAXES AND LIABILITIES

AFLAC \$76.72
Dearborn National \$42.93
Workers Compensation \$604.72
WY Retirement System \$3,140.91
WY Retirement- VFD \$337.50
Unemployment Insurance \$339.58
US Treasury \$2,588.44
US Treasury \$2,540.14
WY Child Support \$393.00

WY Child Support \$393.00
Net Payroll \$18,508.78
TOTAL \$28,965.72

Late Monthly Bills
Motorola Solutions \$1,459.98
Corkle Oil \$615.85
Corkle Oil \$525.00
Bandit Fireworks \$2,500.00
Russell, Doug \$150.00
Nuhn, Katrina \$379.34
Vulcan Industries \$59,589.00
Riverside Garage \$203.63
Heiman Fire Equipment \$82.90
Doggett Greenhouse \$122.40
TOTAL \$65,628.10

PUBLIC GUESTS

Kim Loftice-Request for Engine Brake Signs: Ms. Loftice was present to ask the council to reconsider their noise ordinance and add signs for engine brakes at the edge of town. Mayor Salisbury noted that he did call the Saratoga mill and ask advise them of the issue, asking them to please advise the drivers that are hauling through Encampment. It was noted that one particular truck starts at the top of the hill and uses his engine brake the whole way down and is particularly loud. The mayor noted that he had also heard that one at his property. He advised that he will continue to keep the pressure on the trucks and that there is a plan for the signage already.

Lela Konecny- Meriwether Timber: Ms. Konecny stated that she was present as an advisor to Meriwether Timber which is a Wyoming company seeking investments to revitalize communities. She advised that she has been in the industry on all sides- sawmilling, forecasting, in mom-and-pop companies, etc. She noted that she was advised of an opportunity at the Encampment mill site. She noted that the current lessee has been in the position for quite some time with no production, no logs, no jobs, no economic development. She advised the council that it is the best lumber market in 25-years and noted that perhaps it was time to consider a change, to be open to capacity, help the forest, benefit the community, jobs and all that it provides. Families, use of businesses, etc. She reiterated that Meriwether is a Wyoming Company that would pay a fair living wage, create housing for families, using Encampment first then outsourcing. They would work in an eco-friendly way. She advised the council they should consider a public/private partnership on what is unutilized. Fagan-Craig advised her that as of now, the site it is in a lease. Ms. Konecny asked the council to consider them as lessee by taking action and casting a vote not to renew the current lease. Banach advised that the council needs more specific information to consider, asking if she was looking for investment, a partnership to give a portion of profits to Town? He suggested a written proposal to review offering answers to the incentives given. Ms. Konecny noted the she has met a lot of resistance, but would love to give back to the community. The timeline of the lease renewal was noted and she asked again for the assurance that the lease would not be renewed. Banach advised her to bring the information and allow time for consideration. No action was taken.

Bob Herring-Brush Creek Ranch P.U.D.: Mr. Herring was present to the council some of the information he had gathered about what he believed were 36 wells planned by BCR in the watershed serving Encampment. He noted that it was generally understood that there is no unappropriated water from the source. He noted that he believed the BCR should be asked to show that the wells would not be hydrologically connected the Upper Platte River and do not injure downstream users. He also referenced the Platte River Recovery Implementation Plan of 2007 noting that statements in the BCR Plan were untrue due to the endangered Plover and Whooping Crane in the area. He reiterated that it is not just one well, it has the potential of being 36 wells and septic and that he did not believe those downstream would be adequately protected. He noted that there were ponds listed that should also be reviewed by the Corp of Engineers. Fisheries and wildlife should come first. Concern was also expressed about contamination, citing zones listed in the Town of Encampment 2019 Source Water Protection Plan, distances on each side and distance to headwaters. He noted that Willow Creek is in zone 2 and that the plan to run generators could contaminate with fuel, oil at the source of each operation. He saw the potential for 12-16 generators not including ski lifts. Also noted were setbacks between wells and septic tanks served by leach fields not meeting specifications. He noted that we all live the valley for the quality of life. The proposal will be mean more people and more traffic with both summer and winter recreation, but also more impact on emergency services, law enforcement, game and fishing, etc. The council thanked Mr. Herring for his comments.

Janice White: Mrs. White also asked to address the council on the matter. She noted that there were 4-6 1000-gallon fuel tanks already present on the property. She noted that she was concerned about septic failure, even if it were pumped and hauled the quantity could be as much as 25,000 gallons a day. She wanted to know where they would take it. Encampments cannot handle septic dumping; Saratoga is at capacity with it. She also brought up concerns about permitting and the time frames for those permits. Concerns were expressed about traffic, parking, snowcats, and all of it being more than 20 people a day as noted in their sketch plan. She noted that she also found it disconcerting that there was a rebuttal to questions from the public a few days before the public meeting was even held. She did not feel that things were on an even keel with the application. She noted that they should be asked to slow the process down and that we should all approach the process logically and not emotionally. Public skiing will never be, people are kept at their facilities, helicoptered in. The 4 helicopter pads are not just for emergencies. The short-term gain will not the negative long-term effects.

Comments from many audience members began randomly inter-disbursed with Mrs. Whites comments. Concerns were expressed about other things BCR had done that were either violations or blatantly dishonest, having no consequences; fines being insignificant in amount to impact owner; permits being issued retroactively; the current application not covering things like capacity or permissions for parking at the 140' x 70' lot on highway 70 which is used also by the public; what do they plan to do with their trash, both construction debris and household; the fact that their plan rhetoric makes it seem as if they are good, kind, stewards of the land, but talked about rocks and soils that do not occur on the slopes; the siting of access points one of which appears to be through a private access of another property owner; questions on use of timber from the mountain when they were cutting it; disruption to game, moose population migrating in; the size of their structured being over 20,000 square foot and the amount of water use and septic volume each one will utilize believed to be well above any level of capacity for the area; is flight for ski injury really realistic in inclement weather, where will they be flown to; current water capacities measures above all drainage and at confluence, data used to compare; the many statements made in the plan that were either not quite true or had no substance to them; fisheries that Wyoming Game and Fish are not aware of; sampling and comparison with 2006 watershed study; possible installation of gages or a flume to measure water changes; other comments and further discussion continued.

Mrs. White noted that as of July 7th the State Engineers Office had not applications to consider for the property. Mr. Herring noted that he believed the applications should be looked at by them as a development, not just one application at a time.

Mayor Salisbury advised that concerns in the watershed will be address by the Town at the Public Hearing with the help of the town engineer. He noted that the Town had been waiting for the application to know what the plan was before they could begin the process, but that the town can only do so much. Other agencies hold the control and have the power to make sure the development does not impact the watershed. He noted that DEQ had already been advised about culverts being placed in the creek. He asked the county officials present to make sure that they have the permits for the well and septic use in hand before approving anything. They are permitting a major development, not just few structures. The county should help hold them accountable.

Gary White suggested that perhaps a 10-million-dollar surety bond would be in order to ensure that contaminants would not be in our watershed.

Discussion turned to the permitting process and the county role. When asked about why County Planning and Development had not been to the property to see what was already being done under the guise of the sketch plan or temporary plan for yurts, Mr. Wilson from Carbon County Planning and Development advised the audience that they did not have the authority. Audience members challenged that statement. He advised the audience that they are the eyes and ears of the county. He noted that the county does not have staff to inspect. He invited each audience member to attend the public hearing on the 12th, but advised them there would be a 5-minute speaking limit. He noted that the Planning and Development application process has a time frame to meet also. There will be two additional public hearings on the matter and time to continue comment. Audience members noted that the process should be slowed down so that it can be done correctly, permit for wells and septic in hand first.

County Commissioner Byron Barkhurst joined the conversation and addressed the audience. He noted that all of the comments are not falling on deaf ears. He noted that he grew up here, has family here and that he too has an interest to preserve our way of life, but also noted that they have to govern by the black and white. They are working with aged standards and studies. The law is behind the times. Daily fines for violation would be insignificant amounts to the property owner. He noted that he is for private property rights and that they try to treat all applicants the same. He noted again that the conversation had been very enlightening and encouraged those present to stay involved. He noted that they try to balance private property owner rights while holding to the law. Mr. Barkhurst fielded comments from the audience, taking exception to some belligerent comments. He noted that the Planning and Development Department can table, negotiate or remove part of it during the review process. The ideas being brought will help with decisions. Audience members traveled back though items already listed earlier in the meeting. He reminded the audience of the 2001 deed restriction that tied up the parcel so that County Planning and Development would have a say. Audience members noted that this development is something that cannot be undone and that it will affect us forever.

Jon Nelson, North Fork Engineering identified himself as the engineer for the Town of Encampment and noted that the concerns being expressed are all valid, but that legally the only one that the Town has any power over are the issues that they can be held to, which is water quality and the proper permitting of their well and septic systems. The State Engineers will be advised of the potential impact. Audience members again hoped that they would have to permit the project as a whole and not one piece at a time. Mr. Nelson noted that parsing can be something an engineer does, but that there is one sentence in a regulation on it, or it can be at the discretion of DEQ to take a more comprehensive look at applications. An audience member noted that there needs to be clear repercussions for contamination.

Jeb Steward noted to the audience that as a former elected official his interest has always been water development and ensuring that development does not injure or impact down stream by depletion. He showed the audience a map from the Platte River recovery plan, stating that areas outside of the green are determined to not be connected hydrologically to the waters of the Platte. He noted that Wyoming is mandated to show that development does not deplete water in the Platte River Valley, harm endangered species and has to be aware of multiple wells and their impact. Without proper scrutiny this affects an area larger than just the Town of Encampment.

Richard Wilson reiterated that there is a checklist of agencies notified when they accepted an application in order to give all an opportunity for input, including various agencies, Game & Fish, Forest Service and landowners. It is a planned process.

Discussion returned to the inability to access private property to follow up on the existing sketch plan. Comments were made that the county had no codes, no reason and no authority to inspect. Audience members did not seem to agree with the statement. The overwhelming suggestion was made that if the county does approve the plan, they should add the stipulation to the plan and that Carbon County needs to work on their process, especially access. Clerk/Treasurer Harvey asked Mr. Wilson to confirm that Carbon County Planning and Zoning plans and information could be found on their website so that the audience knew where they could get information. Mr. Wilson noted that County Commissioners meets are also broadcast and that planning and zoning meetings can also be attending by phone. However, the remodel has been having some affects on the phone system.

In summary, audience members asked the planning and development representative and the county commissioners to lease help slow down the process and make sure that they are seeking their permits for well and septic correctly prior to approving any further building. Audience members were asked to continue to go to meeting, write letters, talk to their representatives and the state. They were advised that the Public Hearing on the issue will be Monday at 10:00 a.m. downstairs at the Carbon County building. Audience members thanked the council for the efforts. Mayor Salisbury thanked everyone for showing up and bring lots of great information.

(Clerks notes: Due to the length of the discussion councilman Craig had to leave and was unable to complete the meeting. Effort was made to capture comments, but due to the open nature of the discussion some comments may have been missed.)

UNFINISHED BUSINESS

Sewer Lagoon Improvement Project: Mr. Nelson advised the council he has been working on the building size, layout and location for the headworks and has marked in on the ground. It will be 28' x 15' with an electrical room and an open room for the screen, measuring flume, valves and dumpster. the electrical room is separate because the main room is considered a hazardous environment. He should have an estimate of cost soon. He advised the council that he would be attending the Public Meeting on Monday on the prior issue.

Carbon County Planning & Zoning- Brush Creek Planned Unit Development: This matter was discussed during the Public Guest section of the agenda.

COMMITTEE REPORTS

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

Planning Commission: Clerk/Treasurer Harvey advised that a meeting was held the prior night, but that she had not had time to complete the minutes. Council and Planning Commission member Banach advised that the applications were mainly fences.

Department of Public Works: A written report was submitted

ADDITIONS TO THE AGENDA

Fire Department- Request for Purchase/Installation of On-demand Water Heater and Utility Sink:

Clerk/Treasurer Harvey advised that with the volume of hose being washed that the purchase was necessary. Stull moved to allow the purchase and installation of the on-demand water heater and utility sink at an estimated cost of \$1,500.00, Fagan-Craig seconded and the motion was passed.

NEW BUSINESS

Big Foot Radio Advertising or Music in the Park Estimate \$520.00: Clerk/Treasurer Harvey noted that the expense was over her spending limit. The Carbon County Visitors Council grant would cover \$360.00 of the cost. Fagan-Craig moved to approve the radio advertisement as estimated, Banach seconded and the motion was passed.

Request to Increase Limit on Visa to \$5,000.00- Resolution #2012-03: Clerk/Treasurer Harvey advised that there were times where the current limit of \$2,000.00 just was not enough. Especially if there was something on the card and an emergency purchase was needed. She noted that the RNB Visa Card required a resolution by the council in order to consider an increase. Stull moved to approve resolution #2021-03 allowing the increase if the Visa spending limit to \$5,000.00, Banach seconded and the motion was passed.

Year-End Transfers to Reserve Accounts: Clerk/Treasurer Harvey advised that WYOSTAR investment interest had not yet posted, but that she had prepared a list of transfers based on past practices of the Town of Encampment. She noted that transfers to the water and sewer reserves would be actual revenue once the interest posted. Fagan-Craig moved to authorize year-end transfers of all revenue for the water and sewer departments once interest has posted, \$10,000 to the Truck Fund; \$10,000.00 to the Equipment Replacement Fund; \$25,000.00 to the Fire Department Equipment Fund; \$10,000.00 to the GEOH Fund; \$4,000.00 to the Park Safety Fund; \$5,000.00 to the Cemetery Fund; \$10,610.68 to the ERVFD Fund; \$38,402.62 to the Impact Fund, Banach seconded and the motion was passed.

Irrigation Issue- Ratify Refunds Estimated at \$991.50: Clerk/Treasurer Harvey advise that the estimate was less that she had initially estimated after taking into consideration some historical use on properties affected. Stull moved to ratify the refund of excess water used by those affected by the irrigation outage through no fault of their own at the cost of \$991.50, Fagan-Craig seconded and the motion was passed.

Purchase of Food for Community BBQ: Clerk/Treasurer Harvey noted that she had not had tie to get together an estimate on the cost, but that it was just over \$1,000.00 last year. She asked the council to consider up to \$1,500.00 for the food, stating that she bet it would be less. Banach moved to allow up to \$1,500.00 for the purchase of food for the Community BBQ, Stull seconded and the motion was passed.

State of Wyoming A.R.P.A. Direct Funding: Clerk/Treasurer Harvey advised that she had gotten the required information together to apply for the funding. \$36,942.36 had been awarded and there would be another installment of the same. She noted that its use had to be tied to COVID and suggested that anything the council consider the use for should probably be presented to the state for approval so that we are not in violation of the rules. The council agreed and the matter will be further discussed at a later date.

Circle H Roofing- Quote for Firehall Roof Repair: Clerk/Treasurer Harvey noted that the Fire Department had discussed roof repair about a year ago. It leaks like a sieve. department members had done some work trying to repair it. An estimate was received to complete that repair in the amount of \$23,500.00. Council noted that the process should likely be published as a repair or replacement of the roof so that the expertise of contractors can be taken into consideration and an informed decision made. Fagan-Craig moved to go out to bid for the repair or replacement of the roof at the fire hall, Stull seconded and the motion was passed.

Mathew Cruickshank- Resignation: The Council accepted the resignation by consensus.

Executive Session- Personnel: This executive session was not utilized. Mayor Salisbury and Council Banach conducted an interview of an applicant earlier in the month. Fagan Craig moved to hire applicant Ben Freytag on six-month trial basis at a rate of \$17/ hour, with a starting date of August 1st, Stull seconded and the motion was passed. Mayor Salisbury stated that Katrina Nuhn had agreed prior to act as a contract operator on oversite of reports. He advised she had set the going rate of \$600.00 per month and \$25.00 per hour when needed. Banach moved to accept the rate as offered, Fagan-Craig seconded and the motion was passed.

CORRESPONDENCE:

WAM, WARWS, UPRSWDD, CCVC, CCSPTJPB, State of Wyoming, info & newsletters.

Carbon County Planning & Development- Public Hearing July 12th

Encampment School Seniors- Thank You

Ben Tieszen- Thank You

Fire District Preliminary Information

With no further business, Stull moved to adjourn at 9:32 p.m. p.m., Fagan-Craig seconded and the motion was passed.


Doreen Harvey, CMC
Clerk/Treasurer

Approved: August 12, 2021



Greg Salisbury, Mayor

Attest:



Doreen Harvey, CMC, Clerk/Treasurer