

MINUTES OF THE REGULAR COUNCIL MEETING  
TOWN OF LUSK  
AUGUST 1, 2023, 5:00 P.M.

The Town Council of the Town of Lusk met in regular session at 5:00 p.m. in the Council Chambers of Town Hall on Tuesday, August 1, 2023.

Council Members Present: Mayor Doug Lytle, Council Members Dean Nelson, Tom Dooper, Chantry Filener

Also Present: Attorney Dennis Meier  
Desirae Matthews-LeLeux, Clerk/Treasurer  
Todd Skrukud, Director of Public Works  
Chief Bo Krein  
Linda Frye, Grant Manager  
Royce Thompson, Airport Manager & Electric Supervisor  
Sheila Youngquist, Deputy Clerk/Treasurer  
Taylor Willis, Utility Billing Clerk  
Trevor Barner, Golf Course Superintendent  
Joyce Hammer, Swimming Pool Manager  
Mike Mayville, EMS Director

Desi LeLeux led everyone in the Pledge of Allegiance.

MAYOR LYTLE called the meeting to order at 5:00 p.m.

COUNCIL MEMBER FILENER MOVED, SECOND BY COUNCIL MEMBER DOOPER, to approve a consent agenda for item numbers three (3) through six (6). MOTION CARRIED.

VOUCHERS FOR PAYMENT

14 County Tire	Vehicle Repairs	\$200.00
AFLAC	Payroll Deduction	\$762.74
Allbright's True Value	Supplies	\$2,843.87
ALSCO/American Linen	Mat Rental	\$215.26
Aquaflow Int'l, Inc.	Water Metering System	\$1,393.00
BankCard Center 2477	Subscriptions/Parts & Supplies/Postage	\$164.50
BankCard Center 3814	Parts/Supplies/Training/Subscription/Dues/Postage	\$2,225.06
BankCard Center 4389	Subscriptions/Parts/Supplies	\$1,612.37
BankCard Center 7939	PD Parts/Supplies/Uniforms/Postage/ Subscriptions	\$1,537.09
BankCard Center 9385	Card Fees	\$28.73
Bauerkemper's Inc	Parks Equipment Repair	\$188.00
Black Hills Energy	Gas Service	\$1,924.86
Boldon Welding & Repair LLC	Equipment Repair	\$283.37
Border State Industries Inc.	Electric Parts/Supplies	\$2,933.46
Caselle Inc.	Office Support & Maintenance	\$1,233.00

Century Link	Phone Services	\$959.64
CMIT Solutions of WYCenter	PD Firewall/Services	\$708.00
Collection Professionals	Overpayment Refund	\$142.50
Communication Technology	PD Radios	\$232.75
Connecting Point	Copier Lease	\$100.00
Doyle J. Davies	Municipal Judge	\$1,000.00
Decker's Food Center	Supplies	\$383.59
Delta Dental	Employee Dental Insurance	\$883.30
Diaz Gonzalez, Julio Enrique	Muni Court Overpayment Refund	\$10.00
Dockery, Brett	Golf Course New Equipment	\$400.00
Dooley Enterprise, Inc	Ammunition	\$2,279.99
Energy Laboratories INC.	Water Samples	\$66.00
Fairbanks Scales, Inc	Scale Maintenance	\$2,879.09
Filener, Chantry	Reimburse FD Supplies	\$452.88
First Net	PD Phones/New Equipment	\$1,582.20
Franks Parts Company	Parts/Supplies/Repairs	\$1,927.29
Gas Fire Services	FD Maintenance	\$900.00
Great American Financial Services	Copier Lease	\$100.00
Hawkins, Inc	Chlorine/Chemicals	\$2,248.78
HDR, Inc	Consultant Fees	\$6,893.83
Herren Bros. True Value	Cemetery Parts/Supplies	\$123.00
Hicks, Akila	Utility Deposit/Over payment Refund	\$850.52
Hiser, Breanna	Refund Overpayment	\$45.32
Hughett, Joesie	Utility Deposit Refund	\$135.02
Ideal Linen/Bluffs	Shop Parts/Supplies	\$149.99
Jergenson, Doug	Monthly Wage Animal Control	\$1,400.00
Kremers, Riki	Rec Grant Basketball Camp	\$225.00
LACAL Equipment, Inc	Vehicle Maintenance	\$252.22
LeLeux Enterpirse, LLC	Monthly Wage Pro Shop	\$2,600.00
Lumen	Phone, Long Distance	\$22.00
Lusk Herald	Legal Advertising/Advertising	\$3,139.06
Lusk Lodging Tax Board	Tax Distribution	\$5,546.28
Mayville, Mike	Reimburse Ambulance Supplies	\$81.50
McCann, Joseph & Nila	Utility Deposit Refund	\$81.81
McDaniel, Jalyn	Utility Deposit Refund	\$163.77
Meier Building	Rent	\$800.00
Meier Law Office	Monthly Retainer	\$3,000.00
Melkay	Transfer Station Repairs	\$16,000.00
Maloney, Michael	Reimburse Over Payment	\$125.06
Midland Implement Co	Parts & Supplies/Irrigation Repairs	\$2,726.52
Harberts, Mike	IT Services	\$2,410.00
Motorola Solutions, Inc	PD New Equipment/Grant	\$1,108.50
Newman Traffic Signs	Signs	\$233.51

Niobrara Chamber of Commerce	Promotion	\$187.50
Niobrara County Library	Internet Service	\$250.00
Niobrara County Treasurer	Communications Contract	\$6,301.50
Niobrara Electric Association	Utilities	\$49.43
One-Call of Wyoming	Dig Tickets	\$30.75
Sinclair, Pine Bluffs	Airport Fuel	\$7,368.40
Stinker Stores Inc	Fuel	\$6,104.20
Summit Fire & Security	Maintenance/Services/Parts/Supplies	\$2,348.00
TDS Trash Collection	Tipping Fees Transfer Station/Pump out	\$4,219.20
Torrington Office Supplies	Supplies	\$104.95
Underground Enterprises	Transfer Station Fees	\$2,100.00
Visionary Communications Inc.	Internet Service	\$541.31
WAM	WAM Membership	\$2,117.00
W.M.P.A.	Power Purchase	\$88,870.39
WAM/WCCA	Lease Payment	\$786.55
Work Warehouse, Inc	Uniforms	\$721.93
WY Dept. of Workforce Services	Worker's Compensation	\$2,418.75
WY Educators Benefit Trust	Employee Insurance	\$30,079.25
WY Retirement System	Government Contribution	\$16,562.32
Total Vouchers		\$254,075.66

<u>MANUAL CHECKS</u>	<u>July 2023</u>	
Underground Enterprises	Transfer Station Haul Fees	\$2,250.00
Black Hills Energy	Utility Gas Services	\$1,704.93
Century Link	Phone Services	\$961.53
Delta Dental	Employee Dental Insurance	\$883.30
Niobrara Electric Association	Utilities/Poles	\$1,458.70
W.M.P.A.	Power Purchase	\$85,587.55
Wyoming Educators Benefit Trust	Employee Insurance	\$30,079.25
Wyoming Retirement System	Government Contribution	\$23,944.50
Twisted Threads	Rec Dept/Football & Volleyball Camp	\$1,080.00
AVI PC Engineering	Engineering Fees	\$24,377.70
Oftedal Construction, Inc	Contractor Payment	\$593,479.75
Circuit Court of Niobrara County	Writ of Wages, Garnishment	\$321.74
Clerk of District Court, Second Judicial	Writ of Wages, Garnishment	\$348.56
Wyoming Child Support	Writ of Wages, Garnishment	\$184.61
Wyoming Secretary of State	Notary Fee	\$60.00
Frye, Linda	Training Reimbursement- Hotel	\$636.00
Postmaster	Utility Mailings	\$322.39
Norberg, Rory	Per Diem/Mileage Water Samples	\$150.00

Bankcard Center 9385	Shop Parts/Supplies	\$95.54
Local Govt. Liability Pool	Bond/Property/Auto Insurance	\$12,490.00
Circuit Court of Niobrara County	Writ of Wages, Garnishment	\$870.93
Clerk of District Court, Second Judicial	Writ of Wages, Garnishment	\$348.56
Wyoming Child Support	Writ of Wages, Garnishment	\$184.61
AVI PC Engineering	Engineering Fees	\$41,268.37
Oftedal Construction, Inc	Contractor Payment	\$917,580.64
	Total	\$1,740,669.16

Visitors:

Verlene Matney approached the council on behalf of Lusk Liquor Store regarding the open container permit that was submitted by Lusk Liquor Store, LLC. The council had multiple questions regarding the permit and their concern over the safety of the public. They clarified that Caboose Park was not owned by the Town. Matney stated that they wanted use of the property at different times which consisted of using the parking lot for different events. They have taken measures by putting up a temporary fenced area behind the building and plan to put up panels. The mayor asked that they provide something formal showing the extension of the serving area. The open container permit is an agenda item.

COUNCIL MEMBER NELSON MOVED, SECOND BY COUNCIL MEMBER FILENER, to amend the agenda and add New Business, e) Extension of Licensed Premises for Lusk Liquor Store, LLC. MAYOR LYTLE, COUNCIL MEMBERS NELSON & FILENER VOTED AYE, COUNCIL MEMBER DOOPER VOTED NAY. MOTION CARRIED.

Jim and Amy Pontarolo approached the council regarding the sewage in their basement. Pontarolo stated that he has had sewage in his basement three times in the past thirty days and can't leave town if it rains. He installed a sewer check valve, and it has helped but has not stopped it. He would like to be constructive and work with the town to find a fix. Public works director Skrukrud stated that the system can handle a population of 3000 but both lift stations have issues keeping up with the excessive rain. The water/sewer department is in the process of getting a pump. Skrukrud is not sure where the infiltration is coming from but is going to actively work to find the problem and help remedy the situation.

Department Updates:

Mike Mayville reported the Ambulance Service has been busy and is making all calls requested to do. The service received the rec grant, and it will be used to purchase supplies and he is working with supply companies. He has been working on new protocols as well as a phone app that will allow EMT's to access all protocols customized to the department. All will be approved by Dr. Falkenburg before going online. Mayor Lytle asked about the timeline for a new ambulance. He is in the early stages of that, and Linda is working on a grant for the new ambulance. He is also working on another grant that if awarded has the potential to be matched by another entity at 100% and a second entity at 50%. Still in financial stages. Talking with other ambulance services nearby about chevy chassis. The only criteria he has is for the rig to be serviced in Scottsbluff or Wheatland. 8-6 has held together on all the runs. 5-4 is waiting for a call back, parts are on order, and he hopes to get it back as quickly as possible.

Trevor Barner reported that the weather finally straightened out making everything more routine and consistent. Greens are finally responding and moving in the right direction. Not seeing the regrowth he is wanting to see but is going to keep after it. It will need to be remedied before fall. Trimming trees and knocking down weeds. Put in a new control system on the driving range tee and can be run from the main computer or cell phone by Wi-Fi.

Chief Krein gave a report on Police Department statistics for July. They are preparing for Sturgis. He stated an officer is heading to Ohio in a couple weeks for the new dog placement. He has been working with Sheriff Starkey on radio encryption.

Joyce Hammer reported that she has been working with Todd on the end of season pool hours and closure. The pool will close September 5<sup>th</sup>. August 1<sup>st</sup>-20<sup>th</sup> will be regular hours. August 21<sup>st</sup>-Sept 4<sup>th</sup> will have lap swim morning and afternoon. Regular swim will be Monday -Thur 4-7pm. Friday- Sunday 1-7pm. Swimming lessons were a big hit with grants and donations totaling \$3,300. Four complete sessions, one country session (one day a week), two sessions had to be cancelled (one was 32 kids, other 36 kids), 124 kids total for swimming lessons. Next year she will ask for more with the grant. She reported she has had some issues with chemicals. It is supposed to be self-sufficient. Stabilizer was discussed with CPO certified operator and instructor. She is using more stabilizer now with the hard rains we have been getting and has resulted in using less chlorine. John & Rory have been working weekends to help her. She stated that she has been working with Todd to find someone to repaint the pool.

Royce Thompson reported that there is an airport inspection coming up and the airport is in great shape. Had a record fuel sale month, sold 1600 gallons of fuel. The electric department is still fixing things from the past few storms that were torn up. Received poles in for the line-upgrade. He has received the switching order and the power outage is set for September 17<sup>th</sup> at 1:00pm for approximately 7 hours. The only thing that will stop it will be the weather.

Linda Frye reported that she has still not heard anything on the safer grant for the fire department, she checks several times a week. James has not heard anything on the cyber security grant, either. She submitted the two applications for the ARPA Grant- \$2 million for the water/sewer and again for the street sweeper and vac truck. She is working on a mineral royalties grant for a new ambulance and will get that submitted by the end of month. It will be reviewed at the SLIB board meeting on October 5<sup>th</sup>. She is continuing to look for street money. Mayor Lytle asked about IJJA money, she stated she doesn't know if we qualify for that, and you must have a match. She will find out more information on this funding.

Desi LeLeux reported the meeting with FAA to go over the airport CIP program was rescheduled for August 18<sup>th</sup>. Aflac reenrollment is on August 9<sup>th</sup>. There is a virtual training with the Department of Audit scheduled for August 23<sup>rd</sup> from 9am to 5pm. It is a required training to comply with receiving federal funding. An email was sent to each council member to get signed up. The training will be broadcast at the Town Hall. They will find out further information about the training and let everyone know. James said it may be September before they hear anything about the cyber security grant. The ambulance cd matured and was closed, and the money was moved to Wyoming CLASS. There are two CDs, meter deposit & perpetual care, that have matured and will be moving from Bank of the West to Lusk State Bank.

Todd Skrukrud reported that he is waiting for an estimate for the AC unit in the office and an updated estimate for the Recycling heaters. The loader is down, lost pump and will be late August before it is back up and running. Trying to keep up with mowing. Excessive rain is causing issues as everyone knows. Project is holding off on main line and moving to curb on 3<sup>rd</sup> street depending on rain. They will move to the addition sewer work when all caught up. ARS is done at the transfer station. He received two estimates to repaint and sent them to Rob and waited to hear back. Marvin Hammer said they are trying to get Kilmer's cut & hayed but will start mobbing into the business park and airport. Mayor Lytle asked about the sidewalks on 3<sup>rd</sup> street and if Todd could explain that. Todd explained, they have applied for a TAP Grant for sidewalks on 3<sup>rd</sup> street, but don't know how much they will receive. They are not planning on touching any sidewalks west of Pine Street. Between Main and Pine are 10-foot sidewalks. They worked out a deal with the Ranger with them fixing the wall, they will replace the sidewalk. On the rest of the sidewalk, they will only replace half so it will jive with the curb. And, hopefully with the TAP grant they will come back and replace the other half. Desi stated they won't hear about the grant until October.

#### Old Business:

COUNCIL MEMBER DOOPER MOVED, SECOND BY COUNCIL MEMBER NELSON, to approve together **Ordinance No. 6-5-260**, An Ordinance Amending Existing Ordinance 6-5-260 To Conform to Wyoming Statute and Retitling the Same as "Gambling – Definition";

**Ordinance No. 6-5-270**, An Ordinance Amending Existing Ordinance 6-5-270 To Conform to Wyoming Statute and Retitling the Same as "Gambling; Professional Gambling; Penalties"; and

**Ordinance No. 6-5-280**, An Ordinance Amending Existing Ordinance 6-5-280 To Conform to Wyoming Statute and Retitling the Same as "Gambling Devices, Gambling Records, Gambling Proceeds Subject to Seizure; Disposition Thereof; Antique Gambling Devices Protected" on first reading. Attorney Meier and Chief Krein stated these ordinances were drafted in 1978 and are being redrafted to adhere to Wyoming Statutes on gambling, on third reading. MOTION CARRIED.

COUNCIL MEMBER NELSON MOVED, SECOND BY COUNCIL MEMBER DOOPER, to approve together **Ordinance No. 11-20-740**, An Ordinance Amending Existing Ordinance 11-20-740 at Paragraph (G) to Change the Automatic Annual Rate Increase for Water from Two Percent (2%) to Five Percent (5%), and **Ordinance No. 11-15-410**, An Ordinance Amending Existing Ordinance 11-15-410 at Paragraph (5) to Change the Automatic Annual Rate Increase for Sewer from Two Percent (2%) to Five Percent (5%), on second reading. MOTION CARRIED.

The council accepted the resignation of council member Adam Dickson.

#### New Business:

Mayor Lytle requested to appoint Ron Pfister to fill the vacant council seat. COUNCIL MEMBER DOOPER MOVED, SECOND BY COUNCIL MEMBER NELSON to approve the Mayor's request. MOTION CARRIED. Town Attorney Dennis Meier administered the Oath of Office to newly appointed council member, Ron Pfister. Pfister joined the council and took his council seat.

COUNCIL MEMBER DOOPER MOVED, SECOND BY COUNCIL MEMBER PFISTER, to approve the livestock permit renewals for Chris Trudeau, Susan Beecher, and Sara DesEnfants. MOTION CARRIED.

COUNCIL MEMBER FILENER MOVED, SECOND BY COUNCIL MEMBER NELSON, to approve the temporary open container permit for the EMS Community Benefit for August 26, 2023. MOTION CARRIED.

COUNCIL MEMBER NELSON MOVED, SECOND BY COUNCIL MEMBER FILENER, to approve the amended temporary open container permit for Lusk Liquor Store & Lounge, LLC to read as follows: For events in parking lot owned by Lusk Liquor with approval by the Mayor and Chief of Police from August 1<sup>st</sup> to September 5<sup>th</sup>. There was discussion over the safety of the public with the property having a drive-thru window. The council asked where owner Rob Carpenter was and if he could attend the meeting to discuss the changes to his permit. Mr. Carpenter joined the meeting at 6:20 p.m. The council shared with Carpenter the changes to the permit, and he agreed to all the changes. MAYOR LYTLE, COUNCIL MEMBERS NELSON, PFISTER AND FILENER VOTED AYE, COUNCIL MEMBER DOOPER VOTED NAY. MOTION CARRIED.

COUNCIL MEMBER DOOPER MOVED, SECOND BY COUNCIL MEMBER FILENER, to approve Resolution No. 23-22. MOTION CARRIED.

COUNCIL MEMBER PFISTER MOVED, SECOND BY COUNCIL MEMBER NELSON, to approve the extension of the Lusk Liquor Store, LLC serving area as the licensing authority for the liquor license upon approval from Chief Krien and Public Work Director Skrukud. There was discussion on the safety of the fenced area and Todd requested that they draw up and provide a map of the extended area. MOTION CARRIED.

The next regular Council meeting will be Tuesday, September 5, 2023, at 5:00 p.m.

There being no further business to come before the Council, the meeting was adjourned at 6:28 p.m.

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Douglas E. Lytle, Mayor

ATTEST:

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Desirae Matthews-LeLeux, Clerk/Treasurer