

WESTON COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
December 19, 2017

The meeting of the Weston County Board of Commissioners was called to order by Chairman Bill Lambert at 9:00 a.m. at the Weston County Courthouse Annex. Commissioners Bill Lambert, Tony Barton, Marty Ertman, Tracy Hunt, and Ed Wagoner, and Clerk Jill Sellers were present. Vice Chairman Barton opened the meeting with prayer, and Commissioner Wagoner led the Pledge of Allegiance.

APPROVAL OF AGENDA

Indigent burial and Weston County Solid Waste Board update were added to the agenda under New Business, and Hein Bond agreement under Administrator. Commissioner Wagoner moved to approve the agenda as amended; seconded by Vice Chairman Barton. Carried.

APPROVAL OF MINUTES

Vice Chairman Barton moved to approve the minutes of December 5, 2017; seconded by Commissioner Wagoner. Carried.

ATTORNEY GENERAL

Chairman Lambert reported on the response from Attorney General Peter K. Michael on the letter from the Commissioners regarding case number CR-202, whereby no action was taken by the AG, per W.S. 9-1-603. Vice Chairman Barton moved to share the letter from the Attorney General with District Court Judge Michael N. Deegan; seconded by Commissioner Hunt. Carried. Clerk Sellers immediately emailed the scanned letter to Gidget Macke, Clerk of District Court.

COURTROOM REMODEL PROJECT

Randy Hein, Hein Bond Architect, reported on the bid opening that took place on December 18, 2017 for the Courtroom Remodel Project. Four contractors bid on the project. Mr. Hein recommended a 15% contingency in the project budget; he also noted furniture and other finishing costs to consider. The low bid was from Michael's Construction at \$657,307.00. Vice Chairman Barton contacted Michael's Construction, and Mike Jorgensen iterated that he is confident in his bid, in that he quoted another fire protection company (not Western States Fire Protection), which lowered his bid total. However, there are questions on warranty provisions on the fire system installation work already completed by Western States. No action taken.

The AIA Contract for engineering in the amount of \$78,160.00 was presented. No action taken.

STATE LEGISLATORS

Senator Ogden Driskill, Representative Hans Hunt and Representative Tyler Lindholm discussed various issues, including: Governor Matt Mead presented the biennium budget, which is about \$805 million short; savings is being used to balance the budget. New taxes are not likely, as there is not support for that option in legislature or the public; counties would likely still receive \$105 million in Direct Distribution, but the formula for receipt may be recalculated. The possibility of a county being allowed to levy food tax was also discussed.

Representative Hunt offered that Impacted Road Assistance Program could be solidified to care for roads. Senator Driskill reported that the oil industry is investing highly in eastern Wyoming, and it could positively affect our economy.

Abandoned Mine Land (AML) funds could become available in the next biennium. Senator Driskill recommended that Weston and Crook partner to use those funds to create a regional landfill. Commissioner Wagoner reported that the Weston County Solid Waste Board is in preliminary stages, specifically researching land purchase options. The legislators indicated that they would support working with Department of Environmental Quality to move forward with unlined landfill pits.

Chairman Lambert asked about the statutes on appointments and voting for the Predator Board positions, as they are not clear. The legislators recommended that the people bring suggested changes to statutes to them, and the legislators can run it through the process.

The state prisons are 97% full, and the choices of rehabilitation programs or building new prisons are being discussed. Schools, prisons and health care are about 80% of the state budget. Representative Lindholm commented on association insurance groups, as an option to help decrease private health care costs. However, most impact is tied to federal action. Representative Hunt is tracking the idea of regional health care plans.

Jim Darlington, Weston County resident, reported that he is paying for taxes on Highway 450 that runs through his property. County easement is 30' from center of the road. Assessor Tina Conklin reported that those taxes have been exempted. Attorney Curley researched the question, and noted that there is no case law on the subject. Assessor Conklin agreed that clarification to the statutes would be helpful. The legislators agreed that they would review these statutes.

John Marshall, Upton Economic Development Board, thanked the legislators for their letters of support for their railcar project. Their board will be addressing the State Land and Investment Board in January, and asked for their support in Cheyenne. Mr. Marshall reported that they plan to be operational and hiring by June 2018.

Carol Thurman, Weston County resident, asked the legislators for options to address unsatisfactory elected officials, and for better options to protect our community and children, referring to case number CR-202. Vice Chairman Barton voiced that the Commissioners do not have all the information to make a judgment. Representative Hunt offered that the issue could be addressed by changes in statute, in order to possibly conduct a recall election, or other recourse. Senator Driskill noted that the statutes provide great discretion to the Office of the County Attorney. Commissioner Hunt offered that a review process could be added to statute. Representative Lindholm noted that he has no confidence in the Attorney General's Office, and suggested that the AG ought to also be an elected official.

Senator Meier joined the meeting at 11:25 a.m., and commented on Direct Distribution and his support for hardship counties to remain as such. Goshen County went with a 1/4-penny sales tax, which has helped cover their infrastructure costs. Senator Meier reported on plans to create a long-term care facility for veterans in Wyoming, likely in Buffalo.

Representative Lindholm commented on extra-territorial jurisdiction issues, and whether or not the Commissioners would want the legislators to support House Bill 13 and 14.

Budget discussion continued, including the planned use of unrealized capital gains as part of the budget, and options to fund education.

Steve Ladwig, Newcastle City Council, remarked on school truancy, and asked the legislators to review whether or not there remains a need for excused and unexcused absences in statute.

A break was called for lunch at 12:12 p.m.; reconvened at 1:00 p.m. at Weston County Circuit Court.

SIXTH CIRCUIT COURT MAGISTRATE

As provided by W.S. 5-9-206(b), Chief Justice Burke met with the Commissioners to discuss the replacement of retiring Judge Stan Sheehan. The meeting was conducted via video conference; Judge Matt Castano also attended via video from Circuit Court in Sundance. Attorney Curley commented that every county should have a full-time magistrate available at all times for warrants, writs of habeus corpus, etc. Commissioner Hunt noted that although the video conference technology is impressive, it is imperative to provide the opportunity to physically appear before a judge. The Commissioners offered their support for a continued full-time magistrate in Weston County. Chief Justice Burke thanked the Commissioners for their input.

A break was called at 1:24 p.m. to return to the Weston County Courthouse Annex; reconvened at 1:35 p.m.

Commissioner Hunt moved to send a letter to Chief Justice Burke, voicing the Commissioners' support for a full-time magistrate in Weston County; seconded by Commissioner Ertman. Carried. Clerk Sellers will prepare a letter for the Commissioners' signatures.

RIP 003

Attorney William Curley reported from the RIP Committee on RIP 003, the far western and southern part of Weston County. Commissioner Ertman had provided documentation on the Cheyenne River Road. The RIP Committee recommended that the RIP 003 map be reissued to include Cheyenne River Road, and to advertise it to the public.

ADMINISTRATOR

Administrative Assistant Brookelyn Weigel reported that the Consensus Funds agreement was signed by the City of Newcastle and the City of Upton. CMAQ Agreement for Morrissey Road was not signed, as its eligibility certification form was missing. Clerk Sellers will prepare a Budget Amendment for CMAQ Morrissey Road. Final payment for the Youth Building Roof Project was presented for payment, which will close MRG-15123. Vice Chairman Barton moved to pay Albright Construction in the amount of \$13,521.50 for final payment on the Youth Building Roof Project; seconded by Commissioner Hunt. Commissioner Ertman voted nay. Carried.

OLD BUSINESS

Hale Redding, Weed & Pest reported on the warranty deed on the Renew Building from Renew to Weed & Pest. Attorney Curley is assisting with the documents to record the right of first refusal for the County.

NEW BUSINESS

Clerk Sellers reported on the County Clerk's Association of Wyoming's efforts to conduct Town Hall meetings to present information on options to conduct elections in Wyoming in the future, specifically regarding the funding to replace aging election equipment.

Clerk Sellers reported on SLIB Audit. The majority of the response is complete, but there are missing documents, which include bid documents and final completion notices. The Commissioners reviewed each grant on the list.

Commissioner Hunt moved to authorize the Chairman's signature on a letter to Randy Hein of Hein Bond Architecture requesting bid documents for MRG-17026 (Emergency Repairs) from Howard White Construction and MRG-17042 (Courthouse Remodel) from Mountain Peak Builders and; and CWC-13424 (Courthouse Improvement) and CWC 15122 (Courthouse Improvements) from Mountain Peak Builders; seconded by Commissioner Wagoner. Carried.

Vice Chairman Barton moved to authorize the Chairman's signature on a letter to Jerry Hunt of Weston Engineering regarding final completion for MRG-09255 (Emergency Operations Center) and for MRG-11181 (Road & Bridge Shop Foundation); seconded by Commissioner Hunt. Carried.

Vice Chairman Barton moved to authorize the Chairman's signature on a letter to HDR Engineering requesting documents for CWC-15123 (Youth Exhibit Hall Improvements); seconded by Commissioner Ertman. Carried.

Vice Chairman Barton moved to authorize the Chairman's signature on a letter to API requesting documentation for MRG-15091 (Fire Alarm and Sprinkler System); seconded by Commissioner Ertman. Carried.

The Commissioners agreed to send information to the State and Land and Investment Board providing documentation on our grant match for MRG-17042, in order to remain eligible for the \$300,000.00 SLIB grant for the Courthouse Remodel Project.

Commissioner Ertman moved to authorize signatures on the Eligibility Certification Form for preliminary engineering for Lynch Road/Little Thunder Creek in the amount of \$45,000.00, Upton-Fairview/Soda Creek Crossing for \$35,000.00; seconded by Vice Chairman Barton. Carried.

Commissioner Ertman reported on the proposal from Campbell County to share attorney costs regarding the Thunder Basin Grasslands on the prairie dog issue. The Commissioners indicated their interest in reviewing a potential partnership with Campbell County; Commissioner Ertman will contact Campbell County Commissioner Matt Avery to discuss a possible Request For Proposal to determine services and costs.

Clerk Sellers reported that the new Federal standard mileage rate is 54.5 cents per mile; that the County may be able to use its credit card points for travel; and that the FY2017 Audit Report will be issued by Porter, Muirhead, Cornia & Howard on December 29, 2017.

Mike Worden, Worden Funeral Home Director, contacted Clerk Sellers, and the family decided not to submit the application for indigent burial.

Ed Wagoner reported that the Weston County Solid Waste District will have two board vacancies in January, as Brian Pischke's and Ron Brunner's terms are expired. Now three-year terms. Mr. Wagoner reported on a meeting with Craig McOmie, DEQ, on a \$500,000.00 grant, which would be 90/10 match requirement, to close the Osage landfill.

EXECUTIVE SESSION

Commissioner Wagoner moved to go into Executive Session per W.S. 16-4-405(a)(ii); seconded by Commissioner Hunt. Carried. Executive Session began at 4:14 p.m.; reconvened at 5:02 p.m. Personnel was discussed in Executive Session; no action was taken.

Attorney Curley reported that Judge Deegan did not accept the plea agreement on case number CR-202, and the case was dismissed without prejudice, so it can be refiled.

PUBLIC COMMENT

None.

With no further business, the meeting was adjourned at 5:11 p.m.

Bill Lambert
Chairman

Attest: Jill Sellers
Weston County Clerk