

June 18, 2013

The regular meeting of the Weston County Commissioners convened at 9:01 a.m. with Chairman Seeley presiding. Present for the meeting were Commissioners: Lenard D. Seeley, Jerry Shepperson, Randy Rossman, Marty Ertman, Tracy Hunt and County Clerk, Mamie C. Krank.

Chairman Seeley announced that this meeting would be audio recorded.

Invocation and Pledge of Allegiance

Commissioner Rossman gave the Invocation and Commissioner Ertman led the delegation in the Pledge of Allegiance.

Minutes

A motion was made by Commissioner Ertman, seconded by Commissioner Shepperson, to remove restroom breaks from the minutes in light of government efficiency. Carried. The minutes will no longer reflect when a single Commissioner leaves the meeting for a short period of time.

Approve Minutes

A motion was made by Commissioner Shepperson, seconded by Commissioner Rossman, to approve the minutes of the regular meeting held June 4, 2013; with the following corrections: change the heading "Corporations Meeting" to "Joint Revenue Meeting" and under the Weston County Event Center heading change "Mr. Hunt" to "Jerry Hunt, Contract Engineer". Discussion ensued, carried.

Rare Element Resources

Mike Finn, Rare Element Resources (RER), met with the Commissioners and discussed the completion of RER's Plan of Operations. The Commissioners requested to be a part of the Coordination and NEPA Process for RER permitting. Mr. Finn stated that a public information meeting will be held in Upton at the Middle School Auditorium on July 23, 2013, from 6:30 p.m. to 8:30 p.m. and in Sundance at the High School Auditorium on July 24, 2013, from 6:30 p.m. to 8:30 p.m. Mr. Finn invited the Commissioners and public to attend. No action was taken.

Refinery

Terry Elliott and Ed Kiesling, concerned citizens, met with the Commissioners to discuss concerns regarding the Refinery's close proximity to the Newcastle High School. Mr. Kiesling expressed concerns regarding hazardous chemicals used by the refinery and the City of Newcastle's recent decision to annex a new portion of refinery property into city limits. Information previously distributed to each Commissioner was discussed as well as recent news articles regarding an explosion in West, Texas at a fertilizer plant. Mr. Elliott and Mr. Kiesling were thanked for providing information to the Board. No action was taken.

The meeting recessed at 9:55 a.m. and reconvened at 9:59 with all present.

2011 Congestion Mitigation Air Quality

A motion was made by Commissioner Ertman, seconded by Commissioner Hunt, to reject all 2011 Congestion Mitigation Air Quality (CMAQ) Bids received. Lengthy discussion ensued, including using County Road Funds (CRF) to pay for the Contract Gravel Hauling/Equipment Rental portion of the road projects. This would alleviate the gravel hauling contractor from complying with complicated Federal regulations. Carried.

All bids remained sealed and were returned to each bidder. All bidders were present and received their sealed bid. An Equipment Rental Bid will be advertised and Weston County will use County Road Funds to pay for the supplemental gravel hauling portion of this project.

The meeting recessed at 10:20 a.m. and reconvened at 10:25 a.m. with all present.

The Commissioners resumed the discussion regarding Federal Requirements, Bid Bond Requirements, and County Road Funds. Minimum tonnage per contract was discussed with Rick Williams, Road & Bridge Foreman.

The meeting recessed at 10:30 a.m. and reconvened at 10:40 a.m. with all present.

Liquor License Transfer

A motion was made by Commissioner Shepperson, seconded by Commissioner Rossman, to set a Public Hearing for July 16, 2013 at 10:00 a.m. The purpose of the Public Hearing is to consider the transfer of a Limited Retail Liquor License from Cedar Pines Country Club to Upton Golf Association, Inc., an entity which is one in the same. Discussion ensued. Carried.

Rebate of Taxes

A motion was made by Commissioner Ertman, seconded by Commissioner Shepperson, to approve a Rebate of Taxes numbered 1054 for Kings X Oil, LLC in the amount of \$82.97. Carried.

Wyoming Women Infants and Children (WIC)

A motion was made by Commissioner Hunt, seconded by Commissioner Rossman, to authorize Chairman Seeley's signature on the revised WIC Contract for Fiscal Year 2014 in the amount of \$9,500.00. This contract was retyped by the WY Department of Health. Carried. The WIC contract was the same as the one signed in the meeting of June 4, 2013 and included revisions made by Don Hansen, County Attorney.

Upton Logistics Center Traffic Study

A motion was made by Commissioner Shepperson, seconded by Commissioner Rossman, to authorize Chairman Seeley's signature on a Business Ready Community (BRC) Grant for the Traffic Study in the Upton Logistics Center, in the amount of \$25,000.00. Discussion ensued. Carried.

Budget Workshop

A motion was made by Commissioner Rossman, seconded by Commissioner Shepperson, to set a Budget Workshop for June 18, 2013, at 3:00 p.m. Carried.

Fiscal Year 2014 Budget Hearing

A motion was made by Commissioner Shepperson, seconded by Commissioner Ertman, to set a Budget Hearing for July 15, 2013, at 7:00 p.m. The purpose of the Budget Hearing is to consider adopting the Fiscal Year 2014 Budget. Carried.

Employee Appreciation Day

A motion was made by Commissioner Shepperson, seconded by Commissioner Hunt, to allow an employee appreciation day on Friday, July 5, 2013. Carried.

Joint Transportation Committee Meeting

Commissioner Ertman gave a report on a Joint Transportation Committee Meeting she attended on June 11, 2013. Commissioner Ertman discussed the decline of Wyoming Department of Transportation funding. WyoLink funding and WyoLink coverage problems were also discussed. No action was taken.

Wyoming County Commissioners Association (WCCA)

Commissioner Ertman updated the Board on a WCCA Board Meeting she attended. The limitations of Fuel Tax on counties and County Direct Distribution monies were discussed. Commissioner Ertman was thanked for her reports. No action was taken.

Budget Amendment Hearing – Ag Department

The hour being 11:22 a.m. Chairman Seeley opened a Budget Amendment Hearing to consider the transfer of \$300.00 to the Ag Department budget for Fiscal Year 2013. Chairman Seeley called for public comment; hearing none, the public comment portion of the Budget Amendment was closed. A motion was made by Commissioner Hunt, seconded by Commissioner Shepperson, to approve the budget amendment in the amount of \$300.00 as advertised. Carried.

Prairie Dogs

Chairman Seeley briefed the Board on a meeting he attended in Douglas, WY, concerning prairie dog management. Chairman Seeley stated that the USFS Record of Decision (ROD)

allows poisoning as a method of control for prairie dogs and this was discussed at the Douglas meeting. No action was taken.

Sheriff's Department

Bryan Colvard, County Sheriff, met with the Commissioners and discussed two estimates he has received for replacing approximately 110 feet of sidewalk at the Law Enforcement Center. The Commissioners agreed that Sheriff Colvard should accept an estimate and get the work completed. Sheriff Colvard discussed water damage at the Law Enforcement Center due to the recent rains. The damage has been reported to the insurance company. No action was taken.

Commissioner Scholarship

Chairman Seeley read aloud a thank you card received from Adam Gettinger, a Commissioners Scholarship Award recipient. No action was taken.

The meeting recessed at 11:55 a.m. and reconvened at 1:30 p.m. with all present, except Commissioner Hunt.

Weston County Event Center

Dave Spencer, Wyoming Business Council, met with the Commissioner and discussed the Weston County Event Center.

Commissioner Hunt joined the meeting at 1:32 p.m.

Commissioners Rossman and Commissioner Ertman stated that Mark Gordon, WY State Treasurer, toured the facility while in Newcastle for the Republican Party Lincoln Day Dinner on June 8, 2013. Mr. Spencer stated that he will attend a State Lands and Investment Board (SLIB) Meeting on June 20, 2013 to report on the status of the Event Center. No action was taken.

Upton Logistics Center – Traffic Study

Dave Spencer, Wyoming Business Council, discussed the Traffic Study to be completed in the Upton Logistics Center. Mr. Spencer suggested that a representative from Rare Element Resources (RER) should be on the Traffic Study Committee, and noted that RER conducted a traffic study last year which may be helpful to Weston County. No action was taken.

The meeting recessed at 2:02 p.m. and reconvened at 2:07 p.m. with all present.

Sheriff's Department – Canine Unit

The Commissioners discussed the implementation of a canine unit in the Sheriff's Department. Extenuating costs of the canine unit and other concerns were discussed. No action was taken.

Prairie Dogs

Bob and Jean Harshbarger, resident experts, met with the Commissioners and discussed prairie dog management and the coordination procedures for the NEPA process. Governor Mead's Prairie Dog management proposal and the quarter mile buffer zone around deeded land was discussed. Mr. Harshbarger stated that any correspondence sent to the United States Forest Service (USFS) should be directed to Daniel Jiron, Regional Forester. No action was taken.

Focus

Sharon Strickland and Diana Williams, Director of Focus, met with the Commissioners and requested an executive session to discuss matters of pending litigation involving Weston County.

The meeting recessed at 2:53 p.m. and reconvened at 3:03 p.m. with all present. Don Hansen, County Attorney, joined the meeting.

Executive Session

A motion was made by Commissioner Shepperson, seconded by Commissioner Rossman, to enter into executive session under Wyoming Statute 16-4-405 (a)(iii) to discuss matters of proposed litigation to which the governing body may be a party. Carried. The meeting

entered executive session at 3:04 p.m. and returned to open session at 3:08 p.m. with all present.

Sheriff's Department -Canine Unit

The Commissioners further discussed the possible implementation of a canine unit in the Sheriff's Department with Don Hansen, County Attorney. The Commissioners decided not to implement a canine unit in the Sheriff's Department. No action was taken.

Road & Bridge Department

Rick Williams, Road & Bridge Foreman and Joni Kachelhoffer, WY DOT, met with the Commissioners and discussed gravel. The bid for Weston County to purchase gravel from WY DOT came in higher than previously estimated. Ms. Kachelhoffer explained that the State Project on Highway 16 East will continue through Fiscal Year 2015. Weston County could purchase half of the gravel in Fiscal Year 2014 and half in Fiscal Year 2015. The Commissioners discussed the gravel being engineered specifically for Weston County and using County Road Fund (CRF) monies for the purchase. A motion was made by Commissioner Ertman, seconded by Commissioner Rossman, to concur with the WY DOT Agreement to crush 50,000 tons of gravel for Weston County through Fiscal Year 2015 at a cost of approximately \$540,284.00. Carried. A letter was drafted to concur with the award of contract for State Project ARSCT-N442A02 and given to Ms. Kachelhoffer.

The meeting recessed at 4:11 p.m. and reconvened at 4:21 p.m. with all present.

Rick Williams, Road & Bridge Foreman, discussed the purchase of 15,000 tons of gravel from the Tenke Pit for this year's use. The Commissioners agree that the funds are available and Mr. Williams should purchase the gravel. The Commissioners discussed Big Plum Creek Road. Through research it was agreed that the Big Plum Creek Road is not a county road but is a public road. The Commissioners and Mr. Williams discussed equipment and requests for dust suppression on various roads. No action was taken.

There being no further business to come before the Commission the meeting adjourned at 5:07 p.m.

Attest: Mamie C. Krank
County Clerk

Lenard D. Seeley
Chairman