

September 25, 2012

The regular meeting of the Weston County Commissioners convened at 9:08 a.m. with Chairman Tom W. Bruce presiding. Present for the meeting were Commissioners: Tom W. Bruce, Marty Ertman, Randy Rossman, Lenard D. Seeley, Jerry Shepperson and County Clerk, Mamie C. Krank.

Good of the Order

Commissioner Seeley gave the invocation and Commissioner Shepperson led the Delegation in the Pledge of Allegiance.

Approve Minutes

A motion was made by Commissioner Seeley, seconded by Commissioner Shepperson, to approve the minutes of the regular meeting held September 4, 2012, with a correction to the Rescission of Transaction amount from \$650.00 to \$810.77. Carried.

Budget Hearing

A motion was made by Commissioner Shepperson, seconded by Commissioner Seeley, to set a Budget Hearing for October 2, 2012, at 10:00 a.m. to consider increasing the Weston County Fair Board revenue by \$10,709.54 for services rendered during the Oil Creek Fire. Carried.

Property Insurance Renewal

A motion was made by Commissioner Shepperson, seconded by Commissioner Rossman, to authorize Chairman Bruce's signature on the property insurance renewal received from ADI Insurance in the amount of \$42,389.00. Carried.

Cancellation of Taxes

Two cancellations of taxes were presented for the Commissioners review. The first #1022 to Gene Myrum in the amount of \$23.24, and the second #1023 to Michael and Jennifer Kadera in the amount of \$31.06. A motion was made by Commissioner Rossman, seconded by Commissioner Ertman, to approve both and authorize Chairman Bruce's signature on the Cancellation of Taxes #1022 and #1023. Carried.

Public Health Emergency Preparedness

The Commissioners reviewed a contract between Wyoming Department of Health, Public Health Division and Weston County in the amount of \$24,000.00 for Public Health Emergency Preparedness. A motion was made by Commissioner Shepperson, seconded by Commissioner Ertman, to approve the grant and authorize Chairman Bruce's signature on the contract for Public Health Emergency Preparedness. Carried.

Weston County Extension Office

The Commissioners reviewed Modification #9 to the lease agreement between the Forest Service and Weston County for the Weston County Extension Office. A motion was made by Commissioner Seeley, seconded by Commissioner Ertman, to approve the modification and authorize Chairman Bruce's signature on the document. Carried.

The meeting recessed at 9:45 a.m. and reconvened at 9:58 a.m. with all present.

Public Hearing – Removal of Fair Board Member

The hour being 10:00 a.m. Chairman Bruce opened a public hearing to consider the removal of a Weston County Fair Board Member, Colleen Donaldson. Also present for the Public Hearing: Don Hansen, Weston County Attorney and Randall Cox, Public Hearing Officer. Chairman Bruce turned the administration of the public hearing over to Randall Cox, Public Hearing Officer. Mr. Cox announced that the hearing was being recorded and asked Colleen Donaldson to introduce herself, which she did. Ms. Donaldson objected to the public notice and time constraints. Mr. Cox stated that he had been in contact with Nick Carter, an attorney out of Gillette, who did not request a continuance. Mr. Cox explained how evidence would be heard and explained that evidence showing why Ms. Donaldson should be removed would be heard before evidence to rebut the claims.

Jerrilyn Tapp, Rick Wehri, Marissa Sweet, and Shane Sweet were sworn in by Mr. Cox and testified against Colleen Donaldson. All witnesses stated that they were present at the

Weston County Fairgrounds on August 5, 2012, for the Junior Rodeo and witnessed misconduct by Colleen Donaldson, Fair Board Member.

Evidence in favor of removal of Colleen Donaldson, Fair Board Member, was closed at 10:33 a.m.

Jill Pischke, Teresa Hershey, Della Fordyce, Jolene Deveraux, Ellen McKenzie, Rosemary Hines, Brenda Sewell and Janet Perino requested to testify on behalf of Colleen Donaldson. All witnesses stood and were sworn in by Mr. Cox.

Colleen Donaldson was sworn in by Mr. Cox and related her recollection of the events of August 5, 2012. Ms. Donaldson admitted to saying the F word one time during a confrontation with Nora Lipp at the Fairgrounds. Ms. Donaldson stated that she had witnesses who would be able to testify in her defense and were present on August 5, 2012. Ms. Donaldson named: Shirley Marty, Les Marty, Zane Marty, Tori Mobley, Stacey Reed, Craig Deveraux and Tracy Hunt.

Mr. Cox called the first witness Jill Pischke. Ms. Pischke stated that she was present at the Fairgrounds on August 5, 2012, and related her recollection of the events.

Teresa Hershey was not present for the incident at the Fairgrounds on August 5, 2012; however, testified as a character witness for Ms. Donaldson.

Mr. Cox explained that testimony for removal would be limited to personal knowledge of the incident which occurred on August 5, 2012, as that was what was noticed to Ms. Donaldson in a letter from the County Commissioners. However, testimony for defense would be allowed to be more liberal for character witnesses on Ms. Donaldson's behalf.

The hearing recessed at 11:15 a.m. and reconvened at 11:47 a.m. with all present.

Mr. Cox explained due process and why character witnesses would be allowed for the defense of Ms. Donaldson. Ms. Donaldson did not call any witnesses.

Della Fordyce excused herself from testifying.

Ellen McKenzie, Rosemary Hines and Janet Perino stated they were not present for the incident at the Fairgrounds on August 5, 2012; however, testified as character witnesses on behalf of Ms. Donaldson. Ms. Donaldson had nothing further to add to the testimony.

Evidence against the removal of Colleen Donaldson, Fair Board Member, was closed at 12:08 p.m.

Mr. Cox asked Ms. Donaldson what reasonable effort was made to get all viable witnesses to attend the hearing. Ms. Donaldson stated that she had not contacted anyone.

Mr. Cox closed the public hearing at 12:09 p.m.

Chairman Bruce regained administration of the meeting, the meeting recessed at 12:10 p.m. and reconvened at 1:20 p.m. with all present.

County Health Officer Grant

The Commissioners reviewed a grant between the Wyoming Department of Health, Public Health Division and Weston County Health Officer and Weston County in the amount of \$10,000.00. A motion was made by Commissioner Shepperson, seconded by Commissioner Seeley, to authorize Chairman Bruce's signature on the County Health Officer Grant and set a Budget Amendment Hearing for October 16, 2012, at 10:00 a.m. Carried.

Local Government Liability Pool (LGLP)

The Commissioners discussed a letter from the LGLP requesting nominations for board vacancies. A motion was made by Commissioner Ertman, seconded by Commissioner Shepperson, to nominate Randy Rossman for the position of Board Member on the Local Government Liability Pool. Carried.

Fair Board

Don Hansen, County Attorney and the Commissioners discussed the next step to the Public Hearing to consider the removal of Colleen Donaldson from the Weston County Fair Board. Mr. Hansen explained that if it was decided to close the record on the hearing, no further evidence could be admitted and the Commissioners would need to deliberate on the finding of fact. If it was decided to leave the record of hearing open, more evidence on both sides could be presented.

A motion was made by Commissioner Shepperson, to close the record of hearing for the Fair Board. Due to a lack of a second, motion failed.

A motion was made by Commissioner Ertman, seconded by Commissioner Seeley, to leave the record of hearing open for the Fair Board. Carried. The recorded votes are as follows: Commissioners Ertman, Seeley and Rossman: yea; Commissioner Shepperson, nay.

Mr. Hansen questioned if the continued hearing would be limited to the events of August 5, 2012. Discussion ensued.

A motion was made by Commissioner Rossman, seconded by Commissioner Ertman, to remove all existing Fair Board Members effective immediately because they are dysfunctional. Discussion ensued. Motion failed. The recorded votes are as follows: Commissioner Rossman: yea; Commissioners Shepperson, Ertman and Seeley: nay.

A motion was made by Commissioner Ertman, seconded by Commissioner Rossman, to rescind a prior motion to leave the record of hearing open for the Fair Board. Carried.

A motion was made by Commissioner Shepperson, seconded by Commissioner Rossman, to close the evidentiary portion of the record of hearing for the Fair Board. Carried.

Mondell Airport

Byrand Streeter, Mondell Airport Board, met with the Commissioners and presented task order #3 between the City of Newcastle, Weston County and Morrison-Maierle, Inc. for the Runway Extension project at Mondell Field Airport. A motion was made by Commissioner Shepperson, seconded by Commissioner Seeley, to approve task order #3 for the Mondell Airport project in the amount of \$305,303.00, and authorize Chairman Bruce's signature on the FAA contract. Carried.

CLG Historic Preservation

Mary Capps and Lucille Dumbrill, Certified Local Government (CLG) Historic Preservation Board Members, met with the Commissioners to discuss an amendment to the grant for restoration of Cabin #3 at Mallo Camp. Mamie C. Krank, Weston County Clerk, explained to Ms. Capps and Mrs. Dumbrill that the previous grant was made between the CLG Historic Preservation Board and Wyoming Cultural Trust for \$13,900.00 and an amendment to this grant to include Weston County would be needed before monies can be paid to vendors. A motion was made by Commissioner Shepperson, seconded by Commissioner Ertman, to authorize Chairman Bruce's signature on a grant for \$7,000.00 with the Wyoming Humanities Council for educational exhibits at Mallo Camp Cabin #3; with a change to the sponsor from CLG Historic Preservation Board to Weston County. Carried. The changes were made and the contract was signed by Chairman Bruce, Mamie C. Krank, County Clerk, and Lucille Dumbrill, CLG Historic Preservation Board.

The meeting recessed at 2:48 p.m. and reconvened at 2:57 p.m. with all present.

Executive Session

A motion was made by Commissioner Seeley, seconded by Commissioner Shepperson, to enter executive session under Wyoming Statute 16-4-405 (ii) to deliberate on evidence presented at the Fair Board public hearing. Carried. The recorded votes are as follows: Commissioners Seeley, Shepperson, and Rossman: yea; Commissioner Ertman: nay. The executive session adjourned at 4:00 p.m. and returned to open meeting, with all present. Chairman Bruce explained to the audience that a written finding of fact will be compiled by Don Hansen, County Attorney, for the next Commissioners Meeting to be held on October 2, 2012, before a decision can be made.

A motion was made by Commissioner Ertman, seconded by Commissioner Rossman, to disregard the entire hearing of September 25, 2012. Failed. The recorded votes are as follows: Commissioners Ertman and Rossman: yea; Commissioners Seeley and Shepperson: nay; Chairman Bruce cast the tie breaking vote of nay.

Gravel Crushing

Rick Williams, Road & Bridge Foreman, and Joni Kachelhoffer, Wyoming Department of Transportation (WY DOT), met with the Commissioners to discuss the potential of Weston County purchasing gravel from WY DOT. Ms. Kachelhoffer explained that WY DOT has a large project on Highway 16, and Weston County could piggy back on that gravel crushing project at a reduced rate to stockpile for next year. The Commissioners tentatively commit to \$300,000.00 worth of gravel crushing for county stockpile. Ms. Kachelhoffer stated that there are materials remaining from the Flying V project north of Newcastle. If the county is interested in purchasing the gravel, Weston County would need to pursue a mineral agreement with the State Land Board for extra materials from the Flying V Project.

Breakneck Road

Rick Williams, Road & Bridge Foreman, discussed work done on Breakneck Road. Commissioner Ertman stated she would work with Mr. Williams to comply with the County Road Fund (CRF) requirements so claims from McMurray may be submitted for payment.

There being no further business to come before the Commission the meeting adjourned at 4:45 p.m.

Attest: Mamie C. Krank
County Clerk

Tom W. Bruce
Chairman