

October 2, 2012

The regular meeting of the Weston County Commissioners convened at 9:00 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 Chairman Bruce led the Delegation in the Pledge of Allegiance.

Meeting Changed

A motion was made by Commissioner Shepperson, seconded by Commissioner Rossman, to allow the November 6, 2012 meeting to be county business only with no appointments, due to the General Election; and to move the November 20 meeting to November 15, 2012. Carried.

Approve Minutes

A motion was made by Commissioner Seeley, seconded by Commissioner Shepperson, to approve the minutes of the regular meeting held September 25, 2012, as advertised. Carried.

Accept Collections

A motion was made by Commissioner Shepperson, seconded by Commissioner Rossman, to accept the collections of the District Court in the amount of \$1,769.19 and the County Clerk in the amount of \$8,184.50. Carried.

Budget Hearing - Emergency Preparedness

A motion was made by Commissioner Shepperson, seconded by Commissioner Seeley, to set a Budget Hearing for October 16, 2012, at 10:30 a.m. to consider increasing the general fund for an unanticipated Public Health Emergency Preparedness Grant in the amount of \$24,000.00. Carried.

Budget Hearing – 2011 FEMA/Ponderosa Road

A motion was made by Commissioner Shepperson, seconded by Commissioner Rossman, to set a Budget Hearing for October 16, 2012 at 11:00 a.m. to consider a transfer of funds from the FEMA/Ponderosa Road Grant to the general fund in the amount of \$13,820.00. The funds were originally expended from general fund instead of the grant. Carried.

Fair Board

The Commissioners reviewed Findings of Fact numbered one and two and Conclusions of Law numbered one and two which were compiled by Don Hansen, County Attorney. Discussion ensued. A motion was made by Commissioner Shepperson, seconded by Commissioner Ertman, to accept the Finding of Fact #1. Carried. The recorded votes were as follows: Commissioners Shepperson and Seeley: yea; Commissioners Rossman and Ertman, nay. Chairman Bruce cast the tie breaking vote of yea.

A motion was made by Commissioner Rossman, seconded by Commissioner Ertman, to disregard the Findings of Fact #2. Carried. The recorded votes were as follows: Commissioner Shepperson: nay; Commissioners Ertman, Rossman and Seeley: yea.

A motion was made by Commissioner Seeley, seconded by Commissioner Shepperson, to accept the Conclusions of Law #2, based on the Findings of Fact #1 which was accepted; and sign the Order of Removal for Colleen Donaldson from the Weston County Fair Board. Carried. The recorded votes were as follows: Commissioner Shepperson and Seeley: yea; Commissioners Rossman and Ertman: nay. Chairman Bruce cast the tie breaking vote of yea.

A motion was made by Commissioner Seeley, seconded by Commissioner Shepperson, to reject the Conclusions of Law #1. Carried. The recorded votes were as follows: Commissioner Seeley and Shepperson: yea; Commissioners Rossman and Ertman: nay. Chairman Bruce cast the tie breaking vote of yea.

A motion was made by Commissioner Seeley, seconded by Commissioner Shepperson, to provide copies of all Findings of Facts, Conclusions of Law, and the Order of Removal to Colleen Donaldson. Carried.

A motion was made by Commissioner Rossman, seconded by Commissioner Ertman, to remove all remaining Fair Board Members with cause. Discussion ensued. No votes were cast.

Budget Amendment Hearing Fair Board

The hour being 10:00 a.m. Chairman Bruce opened a Budget Amendment hearing to consider increasing the Fair Board revenue by \$10,709.54 for unanticipated revenues received from the State of Wyoming state Forestry Division for services rendered during the Oil Creek Fire. Chairman Bruce called for public comment; hearing none the public comment portion of the hearing was closed at 10:03 a.m. A motion was made by Commissioner Shepperson, seconded by Commissioner Rossman, to authorize the amendment to the Fair Board revenues in the amount of \$10,709.54. Carried. The Budget Amendment hearing was closed at 10:04 a.m.

Fair Board

Discussion ensued regarding prior action taken to remove Fair Board member Colleen Donaldson. Chairman Bruce read aloud the Finding of Fact #1 for those in attendance.

The meeting recessed at 10:18 a.m. and reconvened at 10:28 a.m. with all present.

Fair Board

Discussion ensued regarding possible violations of the open meeting laws by three members of the current Weston County Fair Board. Robert Bonnar of the News Letter Journal distributed copies of a Formal Complaint which outlined the possible violations to each Commissioner. Commissioner Rossman rescinds his prior motion to remove all Fair Board Members with cause. Commissioner Ertman agrees to the rescission. A motion was made by Commissioner Rossman, seconded by Commissioner Ertman, to remove Rick Wehri, Marilyn Schmoker and Curtis Rankin from the Fair Board for potential violations of Wyoming's open meeting laws. Discussion ensued. Carried. The Board of Commissioners will draft a letter to be sent to the three Fair Board members along with a copy of the Formal Complaint drafted to Robert Bonnar.

A motion was made by Commissioner Ertman for Chairman Bruce to draft the letter to the Fair Board Members regarding their removal. Discussion ensued; Commissioner Ertman rescinded her motion.

The meeting recessed at 11:35 a.m. and reconvened at 11:42 a.m. with all present.

Sheriff's Department

Bryan Colvard, Sheriff, met with the Commissioners and gave the department report including accounts receivable and monthly fees. Sheriff Colvard discussed the Emergency Operations Center project. No action was taken.

The meeting recessed at 12:00 p.m. and reconvened at 1:24 p.m. with all present, Don Hansen, County Attorney, joined the meeting.

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. A motion was made by Commissioner Shepperson, seconded by Commissioner Seeley, to authorize Chairman Bruce's signature on a letter addressed to Mark Gillette for crushing 50,000 tons of Grading J Base gravel, to be combined with the WY DOT project. Discussion ensued; carried.

Fair Board

The Commissioners discussed prior action taken to remove three members the Fair Board with Don Hansen, County Attorney. Mr. Hansen agreed to draft a letter to the Fair Board Members to inform them of the action taken by the Commissioners. A motion was made by Commissioner Seeley, seconded by Commissioner Ertman, to advertise one vacant position on the Weston County Fair Board. Carried.

Weston County Event Center

Don Hansen, County Attorney, met with the Commissioners and discussed correspondence from Dan Murphy, attorney for Paul Reed Construction, concerning the Weston County Event Center. The correspondence requests that Weston County submit a written demand for settlement. Mr. Hansen suggested that Weston County have an architect or engineer review before responding. No action was taken, this issue will be revisited.

Approve Minutes

A motion was made by Commissioner Seeley, seconded by Commissioner Shepperson, to amend a previous motion to approve the minutes of the regular meeting held September 25, 2012, as advertised; amend to add (ii) after Wyoming Statute 16-4-405 reference to the Executive Session portion of the September 25, 2012 minutes. Carried.

Mallo Camp Board

The Commissioners discussed a letter of complaint received from the Trailbuster's Snowmobile Club against the Mallo Camp Board Manager. The Commissioners decided to send a copy of the letter from Trailbuster's to the Mallo Camp Board. No action was taken.

The meeting recessed at 2:40 p.m. and reconvened at 2:55 p.m. with all present.

Oil Creek Fire - Flash Flood Mitigation

Doug Jorrey, Homeland Security Coordinator; Rick Williams, Road & Bridge Foreman; and Adam Wyant, Natural Resources Conservation Service (NRCS), discussed flash flood mitigation in the Oil Creek Fire areas. The group discussed six departments working together which include the National Weather Service, Homeland Security, State Forestry, Weston County Fire Protection District and NRCS. Mr. Wyant explained that there may be funding through the NRCS to mitigate damage and prevent further damage from flooding in the Oil Creek Fire areas. This funding would require an in-kind match from the County. A motion was made by Commissioner Ertman, seconded by Commissioner Shepperson, to allow Weston County to be a sponsor for NRCS Emergency Watershed Protection (EWP) program to mitigate flooding in the affected fire areas. Carried.

Contract Engineering Services

Rick Williams, Road & Bridge Foreman, presented paperwork to request contract engineering services from Weston Engineering for the Old Shop Roof and New Shop Foundation projects at Road & Bridge. The requests include advertisements and bid packets be completed by the engineer. A motion was made by Commissioner Ertman, seconded by Commissioner Rossman, to authorize Chairman Bruce's signature on the two requests for Contract Engineering Services for the Road & Bridge Department. Carried.

County Road Fund

The Commissioners discussed County Road Fund expenditures for the Breakneck Road improvements with Rick Williams, Road & Bridge Foreman. The Commissioners also discussed the need to compile a depreciation list for equipment at the Road & Bridge Department. No action was taken.

Approve Vouchers

A motion was made by Commissioner Shepperson, seconded by Commissioner Rossman, to approve the vouchers as presented. Carried. They are as follows:

066 NCPERS, financial admin, \$272.00, AFLAC, payroll ded, \$1,852.72, Blue Cross Blue Shield, financial admin, \$52,837.54, Office of Child Support, payroll ded, \$175.00, Orchard Trust, payroll ded, \$1,295.00, WEBT, financial admin, \$185.10, Weston County Clerk, financial admin, \$37,972.57, WY Child Support, payroll ded, \$625.00, WY Dept of Workforce Services, financial admin, \$3,036.09, WY Retirement System, financial admin, \$23,722.21, WY Retirement System, financial admin, \$596.78, Central WC Solid Waste Dist, cwcswd, \$5,625.00, Hermes Consolidated Inc, oil/gas, \$28,288.54, Hermes Consolidated Inc, oil/gas, \$27,867.32, Pitney Bowes Inc, misc, \$794.67, A&B Welding Supply Co, repair/maint, \$48.68, Ad Pro, new equip/supp/brd of prisoners, \$1,118.84, ADI Insurance Agency, insurance, \$42,389.00, Advanced Drug Testing Inc, misc, \$52.00, Aimpro Tactical, school exp, \$285.00, Alert Magazine, p-hlth exp, \$125.00, Alpha Communications, tower rent, \$55.00, AlSCO, janitor supp, \$105.80,

Apex Technology Solutions, comp software, \$1,100.00, Arrow Electric Inc, brd of prisoners, \$375.00, AT&T Mobility, comm, \$872.99, Batteries Plus, officer equip, \$470.40, Black Hills Chemical & Janitorial, brd of prisoners, \$250.72, Black Hills Plumbing, repair/maint, \$3,514.75, Black Hills Power, util, \$3,623.38, Black Hills Printing & Signs, p-hlth exp/brd of prisoners, \$132.99, Bob Barker Co, brd of prisoners, \$309.65, Tom W. Bruce, mile/trvl, \$503.00, Butler Machinery Co, repair/maint, \$252.88, Byrand Streeter, contract wages, \$1,071.82, C&J Newcastle Hardware, repair/maint, \$776.47, Cambria Supply, repair/maint, \$184.31, Carmen Simon, p-hlth exp, \$185.38, Casey Thorson, janitor supp, \$1,340.00, Chuck's Sprinkler Service, library repair, \$4,200.00, City of Newcastle, util, \$8,559.38, Clinical Lab of Black Hills PC, autopsies, \$1,619.00, Comtronix, p-hlth exp, \$369.00, Culligan Water Conditioning, misc, \$15.00, Daniel R. Bau, officer equip, \$3,750.00, Decker's Market, supp, \$106.35, Delane Haynes, school exp, \$16.00, Destination X, srch & rescue, \$303.48, Dixon Bros Inc, oil/gas, \$359.80, Drive Train Industries Inc, repair/maint, \$100.29, Election Systems & Software Inc, print/publ, \$252.00, Fastenal Company, supp, \$72.07, Fisher Sand & Gravel, grvl/rd mtrl, \$20,133.48, Gateway Auto Supply, repair/maint, \$366.45, Gillette Medical Imaging, autopsies, \$123.00, Gillette Reproductive Health, p-hlth exp, \$392.41, Godfrey's Brake Service, repair/maint, \$265.45, Great Western Tire Co, repair/maint, \$1,197.28, Hansen & Peck, attny, \$4,250.00, Hansen Equipment Co, repair/maint, \$45.00, Hillyard/Sioux Falls, janitor supp, \$117.88, Jerry Shepperson, mile/trvl, \$149.00, Jodi Brooks, wic, \$5.18, John's Electric, repair/maint, \$108.00, Keyhole Technologies LLC, school exp, \$388.00, Kone Inc, repair/maint, \$2,402.72, Kreislers Inc, wic, \$119.90, Lea Mitchell, coroner exp, \$150.00, Lenard D. Seeley, mile/trvl, \$40.00, Lichen Research Center, comp software, \$1,000.00, Lori Bickford, p-hlth exp, \$122.64, Mallo Camp, mallo camp, \$2,500.00, MasterCard, school exp/veh maint, \$765.49, Max Masters, gis land records, \$1,900.00, MG Oil Company, oil/gas, \$1,598.94, Michelle Sweet, p-hlth exp, \$57.08, Midwest Cancer Screening, p-hlth exp, \$35.60, Minuteman Lube Center, veh maint/fuel, \$55.00, Moore Medical LLC, p-hlth exp, \$552.20, Newcastle Ambulance Service, amblnc/invol commit/jail medical, \$6,331.66, Newcastle Equipment Co Inc, repair/maint, \$38.73, Newcastle Motors, veh maint/fuel, \$1,037.62, Newcastle Paint & Body, veh maint/fuel, \$60.00, News Letter Journal, supp/print/publ/advert tax sls, \$9,390.35, Northern WY Mental Health, mntl hlth, \$2,500.00, Osage Water District, grvl/rd mtrl, \$220.00, Overhead Door Company of RC, repair/maint, \$2,577.53, Paul E. Bombeck Jr, janitor supp, \$45.00, Plainsman, supp, \$2,453.48, Porter Muirhead Cornia & Howard CPAs, financial admin, \$20,000.00, Positive Promotions, p-hlth exp, \$1,115.18, Powder River Energy Corp, util, \$1,461.82, Power Plan OIB, repair/maint, \$190.16, Randy Rossman, mile/trvl, \$24.00, Regional Health, autopsies, \$379.00, Reserve Acct-Pitney Bowes, post/freight, \$600.00, Ringer Law PC, attny, \$276.00, Roadrunner Disposal Service, util, \$55.00, Robert Kenney, coroner exp, \$98.00, Roger Hespe, coroner exp, \$63.29, Rosenberg Historical Consult, hist prsrv, \$313.48, RT Communications, comm, \$2,106.89, Sanofi Pasteur, p-hlth exp, \$2,490.51, Secretary of State, misc, \$30.00, Servall Uniform/Linen Co, repair/maint, \$251.46, Source Gas, util, \$151.83, Thar's Feed & Ranch, lmbr/clvrts/brdg, \$212.85, Thomson Reuters, law library, \$142.00, Tina Conklin, school exp, \$528.50, Top Office Products, supp/misc/p-hlth exp, \$8,667.57, Town of Upton, community center, \$250.00, Uline, supp, \$421.27, Ultra Max, equip/ammo, \$1,877.00, Upton Senior Center, sr citizens, \$625.00, UDSA Forest Service, ag exp, \$3,074.47, Vaccine Education Center, p-hlth exp, \$29.00, Vaisala Inc, awos, \$449.00, Verizon Wireless, p-hlth exp, \$49.73, VISA, misc/p-hlth exp/ag exp, \$194.92, WC Natural Resource Dist, nat res garden, \$125.00, WCS, comm, \$197.12, Wesco Gas, brd of prisoners, \$199.88, West End Water District, util, \$60.00, Western Printing, elctn supp, \$236.39, WC Childrens Ctr, chldrns ctr, \$3,750.00, WC 4-H Council, ag exp, \$50.20, WC Gazette, print/publ, \$615.00, WC Health Services, autopsies, \$342.94, WC Road & Bridge, veh maint/fuel/hmlnd sec exp/ag exp, \$4,894.90, WC Sheriff's Office, post/freight, \$37.15, Wireless Advanced Communications, officer equip, \$280.00, Woody's Food Center, brd of prisoners/supp/ag exp, \$171.39, WY Automotive, veh repair/maint, \$281.45, WY County Clerks Assoc, school exp, \$100.00, WY Dept of Health, p-hlth exp, \$549.00, WY Honor Conservation Camp, brd of prisoners, \$4,846.85, WY Network, financial admin, \$201.25. Net Payroll, \$133,036.76.

There being no further business to come before the Commission the meeting adjourned at 4:25 p.m.

Attest: Mamie C. Krank
County Clerk

Tom W. Bruce
Chairman