

October 16, 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

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

Approve Minutes

Discussion ensued regarding the Fair Board portion of the October 2, 2012 minutes. In the unofficial minutes under the Fair Board heading, the word "potential" precedes "violations"; the original motion did not include the word "potential". The Commissioners decided to revisit this issue later in the meeting, no action was taken.

Rebate of Taxes

The Commissioners reviewed a rebate of taxes #1024 in the name of Robert & Linda Albert for the amount of \$208.43. A motion was made by Commissioner Seeley, seconded by Commissioner Shepperson, to approve the Rebate of Taxes #1024. Carried.

Cancellation of Taxes

The Commissioners reviewed cancellation of taxes #1025 in the amount of \$9.24, #1026 in the amount of \$35.29, and #1027 in the amount of \$4.59; all to Pre Resources Rockies LP. A motion was made by Commissioner Seeley, seconded by Commissioner Shepperson, to approve the cancellation of taxes #1025, #1026 and #1027. Carried.

Joint Powers Agreement

A motion was made by Commissioner Seeley, seconded by Commissioner Ertman, to accept the Amended and Restated Joint Powers Agreement from the Wyoming Association of Municipalities for protective insurance coverage and authorize Chairman Bruce's signature on the document. Carried. The document was signed and will be placed on file in the County Clerk's Office.

Employee Appreciation Day

A motion was made by Commissioner Shepperson, seconded by Commissioner Rossman, to authorize November 23, 2012, the day after Thanksgiving, as an employee appreciation day. Carried.

Courthouse A/C Replacement Project

A motion was made by Commissioner Seeley, seconded by Commissioner Shepperson, to accept a request for contract engineering services through Weston Engineering for the Courthouse A/C Replacement Project, and authorize Chairman Bruce's signature on the form. Carried.

Commissioner Meeting Changed

A motion was made by Commissioner Shepperson, seconded by Commissioner Rossman, to set the first regular Commissioners Meeting in January 2013 for January 8, 2013 per W.S. 18-3-101. Discussion ensued. No vote was taken.

The meeting recessed at 9:35 a.m. and reconvened at 9:47 a.m. with all present.

Commissioner Shepperson withdrew his motion to change the first Commissioners Meeting in January from January 1, 2013 to January 8, 2013. Commissioner Rossman agreed to the withdrawal. The Commissioners researched the statutes and discussed writing a Resolution to address the issue of a Commissioners Meeting which occurs on a holiday. This issue will be revisited.

Budget Amendment Hearing – Weston County Health Officer

The hour being 10:00 a.m. Chairman Bruce opened a Budget Hearing to consider increasing the general fund portion of the budget because of unanticipated revenue in the amount of

\$10,000.00 received from the WY Department of Health for the Weston County Health Officer. Chairman Bruce called for public comment, hearing none; the public comment portion of the hearing was closed. A motion was made by Commissioner Seeley, seconded by Commissioner Rossman, to accept the budget amendment for the Weston County Health Officer in the amount of \$10,000.00. Carried. The hearing was closed at 10:03 a.m.

Osage Power Plant

Commissioner Seeley updated the Board on discussions with two American based companies for costs to implement "pyrolysis" which would get rid of trash and produce electricity at the Osage Power Plant. Commissioner Seeley has been in contact with James Bunch regarding the permitting required if the Osage Power Plant were to be utilized. Commissioner Seeley was thanked for the update. No action was taken.

Budget Amendment Hearing – Public Health

The hour being 10:30 a.m. Chairman Bruce opened a Budget Hearing to consider increasing the general fund portion of the budget because of unanticipated revenue in the amount of \$24,000.00 received from the WY Department of Health for the Public Health Emergency Preparedness Grant. Chairman Bruce called for public comment, hearing none; the public comment portion of the hearing was closed. A motion was made by Commissioner Ertman, seconded by Commissioner Rossman, to accept the budget amendment for the Public Health Emergency Preparedness Grant in the amount of \$24,000.00. Carried. The hearing was closed at 10:33 a.m.

The meeting recessed at 10:46 a.m. and reconvened at 11:00 a.m. with all present.

Budget Amendment Hearing – FEMA

The hour being 11:00 a.m. Chairman Bruce opened a Budget Hearing to consider the transfer of funds in the amount of \$13,820.00 from the FEMA Flood Recovery Grant to the general fund portion of the budget because of work completed on the Ponderosa Road in June 2011. Chairman Bruce called for public comment, hearing none; the public comment portion of the hearing was closed. A motion was made by Commissioner Rossman, seconded by Commissioner Seeley, to accept the FEMA budget amendment and transfer funds in the amount of \$13,820.00 to the general fund. Carried. The hearing was closed at 11:04 a.m.

The meeting recessed at 11:13 a.m. and reconvened at 11:25 a.m. with all present.

Resolution for First Commissioners Meeting

A motion was made by Commissioner Seeley, seconded by Commissioner Ertman, to adopt a Resolution to allow a Commissioners Meeting to be moved to the following Tuesday if it originally occurred on a holiday. Carried. The Resolution was signed and numbered 12-10.

Commissioners Meeting Changed

A motion was made by Commissioner Ertman, seconded by Commissioner Rossman, to reschedule the first Commissioners Meeting in January of 2013 to January 8, 2013 because of a holiday and referenced Resolution numbered 12-10 which was just adopted. Carried.

Sheriff's Department

Bryan Colvard, County Sheriff, met with the Commissioners and discussed the Emergency Operations Center (EOC) Project. Sheriff Colvard will meet with Patrick Amend, Architect for the project and discuss design changes to incorporate space for Circuit Court business in the EOC. No action was taken.

The meeting recessed at 11:52 a.m. and reconvened at 1:30 p.m. with all present.

Rare Element Resources

Linda Tokarczyk and Mike Finn, Rare Element Resources, met with the Commissioners and gave an update on the project. Ms. Tokarczyk related that it has been a very successful year and the project is very promising. Rare Element Resources (RER) is moving from the exploration phase into the development phase of mining. Possible routes to be used in the production phase of mining were discussed as well as local jobs and county road maintenance. Mr. Finn was introduced as the Weston County representative for Rare Element Resources. Mr. Finn has an office in Upton and promised to give the Commissioners progress reports on

the project. Ms. Tokarczyk requested support and attendance from the Commissioners and community at Forest Service scoping meetings. Ms. Tokarczyk and Mr. Finn were thanked for the information. No action was taken.

The meeting recessed at 2:08 p.m. and reconvened at 2:11 p.m. with all present.

Mondell Airport – AWOS

Byrand Streeter, Airport Manager and Airport Board Members: Dan Moudree, and John Patik, met with the Commissioners to discuss an Automated Weather Observation Service (AWOS) system upgrade. This upgrade will enable Newcastle weather information to be displayed on the internet for air travel reports at a cost of approximately \$720.00 per year which would be paid out of the Airport budget. A motion was made by Commissioner Shepperson, seconded by Commissioner Seeley, to approve the upgrade and authorize Chairman Bruce's signature on Amendment #3 for the AWOS Data Collection System Upgrade. Carried.

Mountain Pine Beetle

Hale Redding, Weston County Weed & Pest, met with the Commissioners to discuss a project to cut trees infested with Mountain Pine Beetles (MPB) at Mallo Camp. A motion was made by Commissioner Ertman, seconded by Commissioner Shepperson, to authorize Chairman Bruce's signature on a consent agreement with Weston County Weed & Pest to access and perform MPB mitigation work on the Mallo Camp property. Carried. A copy of the agreement will be forwarded to the Mallo Camp Board.

Tina Conklin, County Assessor, joined the meeting at 2:25 p.m.

Osage Improvement & Service District - Boundary Enlargement

Clifford Perkins, Osage Improvement & Service District (OISD) Board Member, met with the Commissioners to discuss a proposed boundary enlargement of the OISD to include portions of the Rockwell Petroleum US, Inc. lands. The Commissioners discussed a letter received from Tina Conklin, County Assessor, which outlined issues with the petition to enlarge the OISD boundaries. Mrs. Conklin, County Assessor, raised four main concerns in the letter to the Commissioners: the Resolution to Enlarge has a different legal description than the map provided for the enlargement; the map provided reads "Osage Water District" in two places and refers to the "water district" in two other places; the Resolution to Enlarge refers to lands "excluding the Russell Clyde lands" instead of describing the lands to be included; and the map and legal description are not legible. Mrs. Conklin discussed the fact that the Petition to Enlarge was modified after it had been signed and notarized by Rockwell Petroleum US, Inc. Commissioner Ertman raised concerns that Rockwell Petroleum US, Inc. is in the process of changing their name and questioned the inclusion of Osage Water District (OWD) Minutes with the Resolution for Boundary Enlargement of the OISD. Commissioner Ertman questioned if Mr. Perkins was trying to dissolve the OWD or merge it with the OISD rather than just enlarge the boundaries of the OISD. Mr. Perkins related that he was aware of the process to dissolve a district and that was not what he was attempting. Mr. Perkins also related that his goal was to eventually incorporate Osage and the OISD enlargement was the first step in this process. Mamie Krank, County Clerk, related the importance of filing a Mylar map with the county for future reference if the district is enlarged. Mr. Perkins agreed and stated he would return once the requested changes had been completed. No action was taken, this issue will be revisited.

The meeting recessed at 2:50 p.m. and reconvened at 2:58 p.m. with all present. Don Hansen, County Attorney, also joined the meeting.

Approve Minutes

Discussion ensued regarding the Fair Board portion of the October 2, 2012 unofficial minutes. A motion was made by Commissioner Seeley, seconded by Commissioner Shepperson, to approve the minutes of October 2, 2012, as advertised. Carried. The recorded votes are as follows: Yea: Commissioners Shepperson, Rossman, and Seeley; Nay: Commissioner Ertman.

Don Hansen, County Attorney, advised the Commission that although the motion made in the October 2, 2012 minutes was to "remove" three members of the Fair Board, the three members cannot be removed before they have the opportunity to have public hearings.

Fair Board

Rick Wehri and Curtis Rankin, Fair Board Members, met with the Commissioners to discuss action taken toward their removal in the October 2, 2012, Commissioners Meeting. Mr. Wehri stated that he had contacted the Law Office of Hansen & Peck for advice on August 21, 2012, prior to the Fair Board Meeting where the alleged violations of the open meetings laws occurred. The Commissioners received a letter from James Peck, Deputy County Attorney regarding a telephone conversation with Mr. Wehri. In Don Hansen's absence, Mr. Peck advised Mr. Wehri to enter executive session to protect the rights of the accused when discussing personnel. Mr. Wehri and Mr. Rankin stated that they followed the advice of the County Attorney's Office and feel they are now being penalized for following that advice. Mr. Rankin asked Mr. Hansen if he had heard back from the Attorney General. Mr. Hansen explained that he was in the process of drafting a letter to the Attorney General however, cautioned that a response may take up to six months. Commissioner Seeley explained that Roberts Rules of Order does allow for the reconsideration of a motion made in the previous Board Meeting. Commissioner Seeley stated that in the last Commissioners Meeting, a motion was made *"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."* A motion was made by Commissioner Seeley, seconded by Commissioner Shepperson, to reconsider the vote on the motion made and passed on October 2, 2012, to remove Rick Wehri, Marilyn Schmoker and Curtis Rankin from the Fair Board. Discussion ensued; Mr. Hansen recommended that if the Commissioners were considering a Board Member's removal, they should have a separate motion for each member. Chairman Bruce allowed public discussion. Bob Bonnar, News Letter Journal, requested that Chairman Bruce vote against the current motion. Public discussion was closed. Carried. The recorded votes are as follows: Yea: Commissioners Shepperson, Seeley, Rossman, and Chairman Bruce. Commissioner Ertman abstained.

Chairman Bruce explained that the result of the motion is a re-vote on the motion made October 2, 2012, to remove three Fair Board Members.

Commissioner Seeley re-stated the motion to be voted on, *"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."* Failed. The recorded votes are as follows: Nay: Commissioners Shepperson, Seeley, and Chairman Bruce; Yea: Commissioner Rossman; Commissioner Ertman abstained.

There being no further business to come before the Commission the meeting adjourned at 4:16 p.m.

Attest: Mamie C. Krank
County Clerk

Tom W. Bruce
Chairman