

October 18, 2011

The regular meeting of the Weston County Commissioners convened at 8:57 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 Seeley led the delegation in the Pledge of Allegiance.

Approve Minutes

A motion was made by Commissioner Shepperson, seconded by Commissioner Rossman, to approve the minutes of the regular meeting held on 10-04-11. Motion carried.

Planning & Zoning Board

A letter of interest was received from Fran Lehman, to serve as secretary to the Planning & Zoning Board. A motion was made by Commissioner Seeley, seconded by Commissioner Ertman, to appoint Fran Lehman to serve as Secretary to the Planning & Zoning Board and to be available to open the Courthouse for Planning & Zoning Meetings held on the third Thursday of each month. Carried.

Upton Library

The Commissioner received a quote for repairs to the heat tape at the Upton Branch Library. After review and discussion, a motion was made by Commissioner Shepperson, seconded by Commissioner Rossman, to accept the quote for replacement of a portion of the heat tape at the Upton Library building, received from Black Hills Plumbing, in the amount of \$735.00. Motion carried.

Resolution #11-18 Open Burning Restrictions Lifted

A Resolution to lift the Burning Restrictions in Weston County was read aloud by Chairman Bruce. After discussion, a motion was made by Commissioner Rossman, seconded by Commissioner Ertman, to approve and sign the Resolution numbered 11-18, to lift the open burning restrictions in Weston County. Carried.

Cancellation of Taxes

Susan Overman, County Treasurer, presented Cancellations of Taxes #942, in the amount of \$149.07, in the name of Lissolo Oil, and #943, in the amount of \$2,206.87, in the name of Verizon Wireless. A motion was made by Commissioner Shepperson, seconded by Commissioner Seeley, to accept and sign both Cancellation of Taxes #942 and #943. Carried.

The hour being 9:05 a.m., Donald Hansen, County Attorney, joined the meeting.

Public Health Grant

The Commissioners reviewed and discussed a grant for Public Health, Community Reproductive and Contraceptive Health Care in the amount of \$2,223.00. A motion was made by Commissioner Shepperson, seconded by Commissioner Rossman, to accept the grant for Public Health and authorize Chairman Bruce to sign the agreement. Motion carried.

Budget Amendment Hearing

A motion was made by Commissioner Rossman, seconded by Commissioner Shepperson, to set a Budget Amendment Hearing for November 1, 2011, at 10:00 a.m. to consider amending the general fund portion of the budget in the amount of \$2,223.00 for the unanticipated grant through Public Health for reproductive health. Motion carried.

The hour being 9:10 a.m., Jerry Hunt, Weston Engineering, joined the meeting.

Weston County Event Center

Jerry Hunt, Weston Engineering, discussed issues he had witnessed at the new Weston County Event Center building on a visit he made to the building last week. Mr. Hunt was asked by Weston County to meet with the Architect, Kyle Gillett of Schutz Foss Architects, to view problems originally reported to the county by Dean Kettley, Fairgrounds Manager. Mr. Hunt

related that the building is shifting and causing damage to the walls, door frames, and metal siding. Mr. Hunt believes the problems are concentrated on the South half of the Weston County Event Center, and agrees with Mr. Gillett, Schutz Foss Architects, that monitoring of the building and stationary points of reference are needed to isolate the cause of the shifting. Discussion ensued regarding a legal response or written notice of damages and the warranty period for the contractor to repair damages. The Commissioners agree that a letter of notice will be drafted and sent to Kyle Gillett, Schutz Foss Architects, as well as the Contractor, Paul Reed Construction, explaining the damage to date at the Weston County Event Center. The Commissioners further discussed the possibility of holding the retention payment of \$86,282.33 due to Paul Reed Construction, and a final payment of \$4,050.00 due to Schutz Foss Architects. County Attorney Don Hansen advised the Board of legal issues. After discussion, a motion was made by Commissioner Shepperson, seconded by Commissioner Rossman, to pay both final payments once they have been properly advertised. The vote was as follows: Commissioners Shepperson, Seeley, and Rossman voted yea; Commissioners Ertman and Bruce voted nay. Carried.

The meeting recessed at 9:55 a.m. and reconvened at 10:00 .m. with all present.

Subdivision Improvement Agreement (SIA) & Definitions

The hour being 10:00 a.m., Chairman Bruce opened a Public Hearing to consider adopting the Subdivision Improvement Agreement (SIA), Exhibit c, and Definitions, Exhibit b, to the Weston County Subdivision Rules and Regulations. Chairman Bruce asked Mamie Krank, County Clerk, if any written comments had been received regarding the proposed Subdivision Improvement Agreement or Definitions. Mamie Krank, County Clerk, stated that there had been no written comments or email correspondence received. Chairman Bruce called for public comment. Lou Sandrini, a member of the public, addressed the Commissioners with multiple concerns ranging from inconsistencies in verbiage in the proposed SIA, to clarity issues regarding inspections, warranties, and completion dates. Lou Sandrini also discussed comments made by the Wyoming Club prior to the SIA and Definitions being adopted on an Emergency Basis on August 16, 2011. Joe Sandrini, Planning & Zoning Board Member, believes that the proposed Subdivision Improvement Agreement (SIA) needs to be cleaned up and areas need to be addressed and clarified, but the proposed SIA is better than the previous version. Chairman Bruce asked for any further public comment, hearing none; the public comment portion of the hearing was closed at 10:20 a.m. The Commissioners discussed legalities with County Attorney, Donald Hansen, who advised that the current SIA and Definitions adopted on an emergency basis would expire if no action was taken. The Subdivision Rules and Regulations would revert back to the previous version before the adoption of the emergency rules. Mr. Hansen also advised that if the SIA and Definitions were adopted; the Commissioners could take action at a later date to amend verbiage. Mr. Hansen also stated the Commissioners could place a moratorium on issuing any subdivision permits, which may allow the County to amend Subdivision Rules and Regulations. A motion was made by Commissioner Shepperson, seconded by Commissioner Seeley, to allow the current Emergency Rules adopted on August 16, 2011, to expire. Discussion ensued, the motion was defeated. The vote was as follows: Commissioners Seeley and Shepperson voted yea; Commissioners Ertman, Rossman, and Bruce voted nay. A motion was made by Commissioner Rossman, seconded by Commissioner Ertman, to adopt the proposed Exhibit c, Subdivision Improvement Agreement, and Exhibit b, Definitions for Subdivision Rules and Regulations. Motion carried. The vote was as follows: Commissioners Bruce, Ertman, and Rossman voted yea; Commissioners Seeley and Shepperson voted nay. The Commissioners discussed forming a committee to revise the verbiage in the adopted Subdivision Improvement Agreement and Definitions. A motion was made by Commissioner Rossman, seconded by Commissioner Ertman, to form a committee made up of the following members: Jerry Hunt, Lou Sandrini, Bob Bonnar, Joe Sandrini, Carol Mark, Don Hansen, Commissioner Rossman, Commissioner Ertman, and a representative from the Wyoming Club, to revise the SIA and Definitions for later review. Motion carried.

Pending Restaurant Liquor License

The hour being 10:30 a.m. a public hearing was opened to consider a pending application for a Restaurant Liquor License made by Frank J. Rawhouser. 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 Shepperson, to approve the Restaurant Liquor License applied for by Frank J. Rawhouser, in the name of Canyon Springs Stage Stop Steakhouse. After discussing the advertising dates, it was noted that the hearing

was scheduled to be held on November 15, 2011. Mamie Krank, County Clerk, apologized for the agenda error, and confirmed the hearing date of November 15, 2011. Commissioner Rossman rescinded the previous motion, Commissioner Shepperson agrees to the action. Motion rescinded.

Budget Amendment Public Health

The hour being 10:45 a.m. Chairman Bruce opened a public hearing to consider amending the County Budget for the Fiscal Year 2012 because of an unanticipated grant through Public Health Emergency Preparedness for the County Health Officer in the amount of \$12,000.00. Chairman Bruce called for public comment, hearing none; the public comment portion of the hearing was closed. A motion was made by Commissioner Shepperson, seconded by Commissioner Ertman, to approve the Public Health Emergency Preparedness County Health Officer grant in the amount of \$12,000.00, and allocate the monies to an expenditure account. Carried.

Oneok Pipeline

Commissioner Seeley gave an overview of a meeting with Oneok Pipeline representatives attended by Commissioner Ertman and himself on October 6, 2011. Commissioner Seeley discussed the progress of the pipeline project, and concerns raised by landowners regarding the surveys being conducted for the pipeline. No action was taken.

Schaefer Voucher

The Commissioners reviewed a voucher submitted by Joe Schaefer in the amount of \$750.00 for personal items Mr. Schaefer stated were left on the Mallo Camp property. A motion was made by Commissioner Rossman, seconded by Commissioner Seeley, to deny the request for payment by Joe Schaefer. Carried

Weston County Flag

The Commissioners discussed the possibility of creating a Weston County flag to be used in the Wyoming State Fair 100 year celebration, which takes place in August 2012. Mamie Krank, County Clerk, agreed to obtain price quotes for the Commissioners approval. No action was taken, this issue will be revisited.

Road & Bridge Department

Rick Williams, Road & Bridge Foreman, gave the department report. Progress on the Lynch Road and erosion on the Salt Creek Road were discussed. Mr. Williams discussed calcium pellets versus magnesium chloride for dust control on County Roads. Calcium pellets are more expensive; but are also cleaner and can be applied without water, unlike the magnesium chloride treatments. Mr. Williams relayed that he had demonstrated a Caterpillar Motor Grader and would recommend its purchase to the Commissioners. The Commissioners agree that Mr. Williams should purchase the Caterpillar Motor Grader for the Weston County Road & Bridge Department. No action was taken.

Sheriff's Department

Sheriff Bryan Colvard met with the Commissioners and discussed progress on the Sheriff Office roof repairs. Sheriff Colvard also discussed damage done by the storm and strong winds experienced last week, which took one glass door completely off the Sheriff's Office. Sheriff Colvard also discussed equipment and stated that his department has two high mileage vehicles which will need to be replaced. No action was taken.

There being no further business to come before the Commission, the meeting adjourned at 11:53 a.m.

Attest: Mamie C. Krank
County Clerk

Tom W. Bruce
Chairman