

November 1, 2011

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, Randy Rossman, Lenard D. Seeley, Jerry Shepperson, and County Clerk, Mamie C. Krank. Commissioner Marty Ertman was not present.

**Good of the Order**

Commissioner Seeley gave the Invocation and Commissioner Shepperson led the delegation in the Pledge of Allegiance.

**Weston County Event Center**

The Commissioners discussed ongoing problems at the Weston County Event Center, warranty periods for the project and contractor insurance. Chairman Bruce stated that he had spoken with Bob Hartley, Engineer for the City of Newcastle, Dean Kettley, Fairgrounds Manager, and a private contractor who all agree that the Weston County Event Center is safe for occupancy at this time. No action was taken, this issue will be revisited.

**Approve Minutes**

A motion was made by Commissioner Rossman, seconded by Commissioner Shepperson, to approve the minutes of the regular meeting held on 10-18-11, and the minutes of a Special Meeting held 10-21-11. Motion carried.

**Federal Emergency Management Agency (FEMA) Grant**

Doug Jorrey, Homeland Security Coordinator, presented the Commissioners with a grant from the Federal Emergency Management Agency (FEMA) for disaster relief and emergency assistance totaling of \$306,590.36. This grant is designed to help the County pay for flood damage to County Roads. The Federal share is 75% or \$229,942.77, because of assistance from the State of Wyoming in the amount of \$65,150.45, the remaining County match is reduced to \$11,497.14. A motion was made by Commissioner Rossman, seconded by Commissioner Seeley, to authorize the Chairman to sign the FEMA Grant Award. Motion carried.

**Local Emergency Planning Committees (LEPC)**

Doug Jorrey, Homeland Security Coordinator, presented the Commissioners with a grant from the Office of Homeland Security for Hazardous Materials, Local Emergency Planning Committees (LEPC) in the amount of \$2,251.06. The County match for this grant would be \$450.21. A motion was made by Commissioner Shepperson, seconded by Commissioner Rossman, to authorize the Chairman to sign the LEPC Grant Award. Motion carried.

**Accept Collections**

A motion was made by Commissioner Rossman, seconded by Commissioner Seeley, to accept the collections of District Court in the amount of \$2,253.00 and the collections of the County Clerk in the amount of \$8,140.75. Carried.

The meeting recessed at 9:38 a.m. and reconvened at 9:47 a.m. with all present.

**Rescission of Transaction**

Susan Overman, County Treasurer, presented the Commissioners with a Rescission of Transaction on Jason T. Williams for a Not Sufficient Funds Check in the amount of \$958.71. After discussion, a motion was made by Commissioner Shepperson, seconded by Commissioner Rossman, to sign the Rescission of Transaction on Jason T. Williams in the amount of \$958.71. Carried.

**Cancellation of Taxes**

Susan Overman, County Treasurer, presented Cancellations of Taxes #944, in the amount of \$156.45, in the name of Jack Colson, #945, in the amount of \$212.91, in the name of Oilfield Salvage & Service, #946 in the amount of \$74.05, in the name of Mobile Mini Storage, #947, in the amount of \$100.94, in the name of Mobile Mini Storage, and #948, in the amount of \$13.60, in the name of Mobile Mini Storage. A motion was made by Commissioner Rossman, seconded by Commissioner Shepperson, to accept and sign the Cancellation of Taxes numbered 944 through 948. Carried.

### **Newcastle Area Chamber of Commerce**

The Commissioners discussed an Annual Banquet to be hosted by the Newcastle Chamber of Commerce on November 4, 2011 at the Weston County Senior Center beginning at 6:00 p.m. No action was taken.

### **Subdivision Improvement Agreement (SIA)**

The Commissioners discussed a letter received from Joe Sandrini, Planning & Zoning Board Member, regarding the Subdivision Improvement Agreement (SIA) and Definitions adopted by the Weston County Board of Commissioners on October 18, 2011. No action was taken, this issue will be revisited.

### **Budget Amendment Hearing - Public Health**

The hour being 10:00 a.m., Chairman Bruce opened a Budget Amendment Hearing to consider transferring monies in the General Fund portion of the budget because of an unanticipated grant through Public Health for Community Reproductive/Contraceptive Health in the amount of \$2,223.00. 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 Rossman, seconded by Commissioner Shepperson, to approve the amendments. Carried.

### **Special Districts**

The Commissioners reviewed correspondence from the Department of Audit regarding Special Districts in Weston County who have not filed an annual report as required by Wyoming statutes. Mamie C. Krank, County Clerk, informed the Commissioners that the two districts listed: Cambria Improvement & Service District and the Weston County Travel Commission, Joint Powers Board had both been notified and a copy of the Department of Audit letter had been mailed to each of the Special Districts by her office. No action was taken.

### **Circuit Court Security**

A letter from Judge Dollison regarding security issues in the Circuit Court Room was read by the Commissioners. No action was taken, this issue will be revisited.

### **Subdivision Improvement Agreement (SIA)**

The Commissioners discussed the Subdivision Improvement Agreement (SIA) revisal committee that was formed when the SIA was adopted on October 18, 2011. Commissioner Randy Rossman, revisal committee member, addressed concerns brought up by Planning & Zoning Board Member, Joe Sandrini. Commissioner Rossman stated he believed those concerns could be resolved. The position of a County Engineer was considered and discussed. No action was taken.

### **Sheriff's Department**

Sheriff Bryan Colvard met with the Commissioners and gave the department report including accounts receivable and fees collected. Sheriff Colvard also discussed progress on the roof repairs and an insurance claim submitted for the damage to the front doors of the Sheriff's Department. Sheriff Colvard stated he has contacted the Wyoming Department of Transportation (WYDOT) to determine if Weston County could benefit from a discount offered when purchasing vehicles through the state program. Sheriff Colvard will collect information and present it to the Commissioners. No action was taken.

The meeting recessed at 12:00 p.m. and reconvened at 1:30 p.m. all present, except Commissioner Shepperson.

### **Rare Element Resources LTD**

George Byers, Paul Berkstrom, Linda Tokarczyk, and Jay Pickarts, Rare Element Resources, LTD, met with the Commissioners and gave a power point presentation on their company and initial results from the 2011 Bear Lodge Drilling Project, outside of Sundance, WY.

The hour being 1:35 p.m. Commissioner Shepperson joined the meeting.

The presenters began by explaining that Rare Earth Elements (REE) are an unusual group of metallic elements with unique properties: chemical, catalytic, magnetic, metallurgical and phosphorescent. The Japanese call REE the "seeds of technology". Currently China accounts for approximately 96% of the world's production of Rare Earth Elements. The group went on

to explain that a mine for Rare Earth Elements has been established outside of Sundance, Wyoming, in the Bear Lodge area, and is possibly the fourth best deposit of REE in the world . Chemical treatments are used to refine the raw materials. The Rare Element Resources Group plans to bring excavated material in the form of fine sand from the Bear Lodge mine to the Upton Industrial Park outside of Upton, Wyoming, for further chemical refinement. The group plans on mining approximately 1,000 tons a day and after initial on-site refining, will truck approximately 500 tons of product per day to the Upton site. The mine will have a life span of 16-40 years and will be approximately ½ mile by ¼ mile wide and 500 feet deep. The Commissioners discussed the reclamation process, NEPA Process and Environmental Protection Agency Requirements. The group estimated forty jobs will be created in the area. Further information can be obtained on the internet at [www.rareelementresources.com](http://www.rareelementresources.com). The group was thanked for their presentation. No action was taken.

#### **Osage Park Committee**

Members of the Osage Park Committee, Cliff Perkins, Joe Wood Sr., and Candy Wood, met with the Commissioners to discuss creating a park at the end of Sheridan Street in Osage, Wyoming. The committee members expressed an interest in obtaining title to the approximate one acre parcel of land. The Commissioners decide to research the issue before taking action. No action was taken, this issue will be revisited.

The meeting recessed at 2:16 p.m. and reconvened at 2:25 p.m. with all present.

#### **Weston County Event Center**

Chairman Bruce announced that this portion of the Commissioners Meeting would be audio recorded for future reference. Fran Lehman was present to audio record the session, Jerry Hunt, Weston Engineering, also joined the meeting. Kyle Gillette, Schutz Foss Architects, met with the Commissioners to discuss ongoing damage to the Weston County Event Center due to unknown causes. Mr. Gillette stated that an on-site visit was made by the contractor Butch Swarm, Paul Reed Construction, on October 21, 2011, who was committed to finding the problem and working toward a solution. A future meeting between Weston County and Paul Reed Construction was discussed; no date has been set at this time. The Event Center shows evidence of movement; there are gaps between the floors and walls, as well as many cracks, doors that will not close; damage to door frames and the metal siding. Mr. Gillette stated that he had a design and structural engineer complete a site visit and look for uplift in the attic area. Mr. Gillette stated there was no evidence of uplift found at the building. Mr. Gillette handed out maps showing the existing concrete slab contours at the Weston County Event Center. The maps were based on over 70 laser level points taken, and prepared by Design 3 Engineering on Oct. 28, 2011. The map shows variances in the slab from (+) ½ inch at the highest level to (-) 1 ¾ inches at the lowest point. At this time Mr. Gillette believes that settling or possible void areas in the compacted fill under the building may be causing the problems. Many tests are being completed, including boring holes to investigate the foundation, footings, and fill material. Mr. Gillette pledged to determine and resolve the issues at the Weston County Event Center. Until the cause of the problems can be determined, it is unclear who will be financially responsible for the repairs. Chairman Bruce thanked Mr. Gillette for his attendance and his continued pledge to find and correct the problems at the Weston County Event Center. No action was taken, this issue will be revisited.

The meeting recessed at 3:18 p.m. and reconvened at 3:36 p.m. with all present.

#### **Road & Bridge Department**

Rick Williams, Road & Bridge Foreman, met with the Commissioners and began by stating that Fisher Sand & Gravel may need to pre-order gravel for projects to be completed in the next fiscal year. After discussion, the Commissioners agree that Mr. Williams should pre-order 50,000 tons of gravel to be crushed for projects in fiscal year 2013. County roads and equipment were discussed. The possibility of selling a 1989 Freightliner to the Weston County Fire District was discussed. No action was taken.

#### **Approve Vouchers**

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

066 NCPERS, financial admin, \$272.00, AFLAC, payroll ded, \$1,886.39, Blue Cross Blue Shield, financial admin, \$49,372.85, Dept of Employment, financial admin, \$3,182.12, Office of Child

Support, payroll ded, \$175.00, Orchard Trust, payroll ded, \$1,200.00, WEBT, financial admin, \$171.30, Weston County Clerk, financial admin, \$37,470.55, WY Child Support, payroll ded, \$514.00, WY Retirement System, financial admin, \$22,782.22, WY Retirement System, financial admin, \$581.87, Fisher Sand & Gravel, cong-mit, \$57,143.52, Jeff Regan Trucking, cong-mit, \$92,725.00, Black Hills Plumbing, retrofit mallo, \$14,080.00, Hermes Consolidated Inc, gas/oil, \$26,402.12, ADI Insurance Agency, ins exp, \$39,801.00, Jeff Regan Trucking, cong-mit, \$17,875.00, Fisher Sand & Gravel, cong-mit, \$16,651.32, Ad Pro, supp, \$1,680.17, Alpha Communications, tower rent, \$55.00, AlSCO, janitor supp, \$100.72, American Institutional Supply, brd of prisoners, \$53.70, Apex Technology Solutions, comp software, \$1,100.00, AT&T Mobility, comm, \$1,070.54, Bearlodge LTD Inc, misc, \$600.00, Black Hills Chemical & Janitorial, brd of prisoners, \$103.83, Black Hills Plumbing, repair/maint, \$465.67, Black Hills Power, util, \$2,724.20, Brownells Inc, officer equip, \$230.07, Tom W. Bruce, mile/trvl, \$76.00, Bryan Colvard, misc/veh maint/fuel, \$209.25, Butler Machinery Co, repair/maint, \$248.31, Byrand Streeter, contract wages, \$1,071.88, C&J Newcastle Hardware, repair/maint, \$748.05, Cambria Supply, repair/maint, \$331.23, Casey Thorson, janitor supp, \$1,400.00, CDW Government Inc, p-hlth exp, \$1,964.25, City of Gillette, school exp, \$1,300.00, City of Newcastle, util/dispatch/pub def/landfill/circuit crt/p-hlth exp, \$12,383.78, Crook Co Medical Services Dist, jail medical, \$317.00, Culligan Water Conditioning, misc, \$59.00, Decker's Food Center, school exp, \$78.86, Division of Criminal Invstgtn, srch & rscue, \$78.00, Dixon Bros Inc, gas/oil, \$183.26, Drive Train Industries Inc, repair/maint, \$307.22, Eddie's Truck Center, repair/maint, \$1,455.72, Election Center, school exp, \$150.00, Family Dollar Stores, supp, \$9.25, Fastenal Company, repair/maint, \$176.74, Fisher Sand & Gravel, grvl/rd mtrl, \$15,775.32, Fred's Welding Service, brd of prisoners, \$192.50, Gateway Auto Supply, repair/maint/veh maint, \$1,160.99, Godfrey's Brake Service, repair/maint, \$334.19, Golden West Technologies, hmlnd sec exp, \$89.97, Hansen & Peck, office exp/financial admin, \$3,903.28, IAAO, comm, \$200.00, Jeff Regan Trucking, grvl/rd mtrl, \$33,312.50, Jerry Shepperson, mile/trvl, \$271.00, Karl's, brd of prisoners, \$338.00, KASL, p-hlth exp, \$684.00, Lenard D. Seeley, mile/trvl, \$60.00, Lichen Research Center, comp software, \$1,000.00, Lori Bickford, p-hlth exp, \$173.91, Marco Inc, copier maint/supp/post/freight, \$342.34, Martha L. Ertman, mile/trvl, \$135.00, MasterCard, school exp/mile/trvl, \$1,342.04, Max Masters, gis land records, \$1,900.00, MG Oil Company, gas/oil, \$2,907.05, Midwest Cancer Screening, p-hlth exp, \$23.70, Minuteman Lube Center, veh maint/fuel, \$159.70, Mountain States Lithographing, financial admin, \$169.77, Natrona Co Sheriff's Office, youth services, \$273.00, Neve's Uniforms Inc, uniforms, \$259.86, Newcastle Ambulance Service, ambulance, \$1,458.33, Newcastle Motors, veh maint/hmlnd sec exp, \$1,417.43, News Letter Journal, print/publ/supp, \$525.74, Osage Ambulance, ambulance, \$4,375.00, Pamida, janitor supp/brd of prisoners, \$100.72, Plainsman, new equip/supp, \$1,278.05, Powder River Energy Corp, util/hmlnd sec exp/p-hlth exp, \$1,080.58, Power Plan OIB, repair/maint/cntrct/equip/lbr, \$5,421.71, Randy Rossman, mile/trvl, \$24.00, Ringer Law PC, special attny, \$218.00, Roadrunner Disposal Service, util, \$55.00, Rocky Mt Info Network, invstgtns, \$50.00, Roger Hespe, misc/veh maint/fuel, \$174.01, Roscoe Steel & Culvert Co, lmbcr/clvrts/brdg/post/freight, \$6,137.61, RT Communications, comm, \$1,923.63, Safety Depot, p-hlth exp, \$401.77, Sanofi Pasteur, p-hlth exp, \$1,392.26, Servall Uniform/Linen Co, repair/maint, \$183.15, Source Gas, util, \$283.46, Sundance Equipment Co, repair/maint, \$565.14, The Sundance Times, ag exp, \$30.00, Team Lab Chemical Corp, gas/oil, \$214.00, Tina Conklin, school exp, \$414.09, Top Office Products, supp/misc/p-hlth exp, \$1,162.50, Unemployment Tax Division, financial admin, \$6,028.00, University of Wyoming, misc, \$54.00, Upton Ambulance, ambulance, \$4,375.00, Verizon Wireless, p-hlth exp, \$78.49, VISA, school exp/comm, \$3,146.13, Voelker's Auto body, misc, \$261.00, WCS, comm/p-hlth exp, \$204.05, WD Larson Co LTD Inc, repair/maint, \$239.26, West End Water District, util, \$60.00, WC 4-H Council, ag exp, \$192.45, WC Gazette, print/publ, \$1,523.50, WC Health Services, invol commit/jail medical/in-home hlth/autopsies, \$3,858.62, WC Humane Society, humane soc, \$750.00, WC Road & Bridge, veh maint/fuel/gas/oil, \$4,498.39, WC Sheriff's Office, brd of prisoners/youth services/post, \$35.91, Wireless Advanced Communications, new equip, \$2,508.25, Woody's Food Center, p-hlth exp, \$45.03, WY Automotive Co, gas/oil/repair/maint, \$105.95, WY Dept of Health, p-hlth exp, \$15,888.18, WY Guardian Ad Litem, special attny, \$924.70, WY Honor Conservation Camp, brd of prisoners, \$1,593.20, WY Network, financial admin, \$201.25, Xerox Direct, ag supp, \$704.66. Net Payroll \$132,157.08.

There being no further business to come before the Commission, the meeting adjourned at 4:21 p.m.

Attest: Mamie C. Krank  
County Clerk

Tom W. Bruce  
Chairman