

April 17, 2012

The regular meeting of the Weston County Commissioners convened at 9:03 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 Shepperson, seconded by Commissioner Rossman, to approve the minutes of the regular meeting held April 3, 2012, and the minutes of a special meeting held April 4, 2012, as published. Carried.

**Rebate of Taxes #1017**

Susan Overman, County Treasurer, presented a rebate of taxes numbered 1017, issued to Bradford Oil Co., in the amount of \$474.60, for the Commissioners' consideration. A motion was made by Commissioner Rossman, seconded by Commissioner Shepperson, to approve the rebate of taxes #1017 and authorize the Chairman to sign. Carried.

**Malt Beverage Permit**

The Commissioners received two requests for twenty-four hour malt beverage permits from VFW Post 2516, both events will be held in the backyard of the VFW building. The first request is for May 19, 2012, to host a Spring Barbeque, and the second request is for June 23, 2012, to host a Wounded Warrior Poker Run. A motion was made by Commissioner Shepperson, seconded by Commissioner Ertman, to approve both requests made by the VFW Post 2516 for twenty-four hour malt beverage permits. Carried.

**County Flag**

Susan Overman, County Treasurer, met with the Commissioners to discuss the Weston County Flag Project and two quotes received for printing the flags. Mrs. Overman has received requests from members of the public who would like to purchase county flags. The Commissioners discussed allowing citizens to purchase county flags. Hearing no objections, the Commissioners agree that the public may participate. A motion was made by Commissioner Rossman, seconded by Commissioner Seeley, to advertise the availability of Weston County flags to the public. Orders must be paid in advance at Black Hills Printing & Signs in Newcastle by May 18, 2012. Carried.

**Sage Grouse Resolution**

A resolution for Greater Sage-Grouse Core Area Protection, which is based on Governor Meads' Executive Order #2011-5, was presented and read aloud by Chairman Bruce. A motion was made by Commissioner Shepperson, seconded by Commissioner Seeley, to adopt the resolution numbered 12-05 for Greater Sage-Grouse Core Area Protection. Carried.

**Voter Precinct Boundaries**

Mamie C. Krank, Weston County Clerk, met with the Commissioners to explain the proposed voter precinct boundary changes for 2012. The boundaries for Precincts 1-1, 1-2, 2-1, 3-1, 4-1, and 5-1 will remain unchanged. Ms. Krank explained that the proposed changes between precincts 5-2 and 5-3, which are located within the city limits of Newcastle, Wyoming, would more evenly distribute the voter population in these areas. Maps were distributed to the Commissioners showing the proposed changes. A motion was made by Commissioner Seeley, seconded by Commissioner Ertman, to set a public hearing for May 1, 2012, at 11:00 a.m., to obtain public comment of the proposed changes. Carried.

**County Audit**

An authorization for audit services for the year ending June 30, 2012, was received from Porter, Muirhead, Cornia & Howard, CPA's (PMCH) and reviewed by the Commissioners. A motion was made by Commissioner Shepperson, seconded by Commissioner Ertman, to authorize PMCH to complete Weston County's Audit for Fiscal Year 2012. Carried.

### **Central Weston County Solid Waste District (CWCSWD)**

The Commissioners received a resolution numbered 042012 of 0001 from the Central Weston County Solid Waste District (CWCSWD) which proposed enlargement of the districts' boundaries. The proposed enlargement would increase the district boundaries from approximately 1.3 Townships to 27 Townships within Weston County. A motion was made by Commissioner Shepperson, seconded by Commissioner Rossman, to accept and approve the CWCSWD boundary enlargement as proposed. Discussion ensued regarding the Department of Environmental Quality (DEQ) Regulations, landfills, and increased taxes to residents within the district. The Commissioners voted on the motion, having two votes for the proposed enlargement and two votes against the proposed enlargement, Chairman Bruce cast a deciding vote against the proposed enlargement. Motion failed. Recorded votes are as follows: Nay: Commissioners Ertman, Seeley, and Bruce; Yea: Commissioners Shepperson and Rossman.

### **CLG Historic Preservation Board**

Lucille Dumbrill, Fran Lehman, and Judy Lorenz, Members of the Historic Preservation Board, met with the Commissioners to discuss applying for a grant to restore the oldest cabin at Mallo Camp and convert it into a cultural center. Mrs. Dumbrill requested \$2,000.00 from Weston County's one percent sales tax funds. The Commissioners did not approve the request for one percent sales tax monies; however agreed that the grant should be applied for. A motion was made by Commissioner Seeley, seconded by Commissioner Ertman, to allow the CLG Historic Preservation Board to apply for a grant through the Wyoming Cultural Trust Fund. Carried.

### **Budget Hearing-Homeland Security**

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 three unanticipated grants for Homeland Security. The first Homeland Security LETPA-Coroner, in the amount of \$6,167.13, second Homeland Security LETPA-Sheriff, in the amount of \$10,761.62, and third Homeland Security Weston County Allocation, in the amount of \$55,637.24. Chairman Bruce opened the hearing for public comment; hearing none, the public comment period was closed at 10:03 a.m. A motion was made by Commissioner Shepperson, seconded by Commissioner Rossman, to approve the budget amendment for the three Homeland Security Grants as advertised. Carried. The hour being 10:04 a.m. Chairman Bruce closed the Budget Hearing.

The meeting recessed at 10:05 a.m. and reconvened at 10:16 a.m. with all present.

### **Weston County Event Center**

The Commissioners discussed the continued deterioration of the Weston County Event Center and a letter received from Don Hansen, County Attorney, who had recently toured the facility. The Commissioners discussed a prior request which they had made of Kyle Gillette, Schutz Foss Architects, in November of 2011, to have a notice sent to Paul Reed Construction's bonding company. The Commissioners questioned if the county had received a copy of the notice as requested. Mamie C. Krank, County Clerk, stated that to her knowledge, no such notice had been received. The Commissioners agreed to contact Don Hansen, County Attorney, and request immediate notice to be served on the bonding companies involved in the construction of the Weston County Event Center. No action was taken, this issue will be revisited. Mamie C. Krank, County Clerk, will relay the Commissioners request to the County Attorney.

### **Upton Industrial Park-Buffalo Creek Road**

Tom Barritt, Weston County Development Board Chairman, Dave Spencer, Wyoming Business Council, and Jaye Pickarts, Rare Element Resources, LTD, met with the Commissioners to discuss safety issues on the Buffalo Creek Road located in the Upton Industrial Park. Mr. Barritt discussed abandoning a portion of the Buffalo Creek Road (County Road 20A) which is inside the Upton Industrial Park. Mr. Barritt also discussed the need for a permanent solution to the traffic issues at a railroad crossing on the Buffalo Creek Road. Constructing an overpass for a railroad crossing was discussed as a safe alternative to the dangerous crossing on the road, which is currently a part of a school bus route. The group would like to work together with Weston County and the Department of Transportation to complete upgrades to the roads and traffic flow that will be beneficial to all parties. The upgrades will not only facilitate development but address public safety and environmental concerns present at the site. Mr. Pickarts discussed moving a transmission line closer to other utilities in the park. Mr. Spencer discussed new legislation, approved this year, which will allow for planning studies to be completed with Business Ready Community (BRC) Grant funding. A twenty-five percent match

is required for the BRC funding, however in-kind matches are accepted. Mr. Spencer stated that a project like the Upton Industrial Park traffic flow study could be applied for, and applications are due in September 2012. A motion was made by Commissioner Shepperson, seconded by Commissioner Seeley, to proceed with the traffic circulation study for the Upton Industrial Park with a maximum grant amount of \$50,000.00. Discussion ensued, motion carried.

#### **MT Pisgah Tower Lease**

Doug Jorrey, Homeland Security Coordinator, met with the Commissioners to discuss the possibility of Weston County leasing a free standing tower to Powder River Energy at MT Pisgah. The lease option would cover the cost of electricity from Powder River Energy for an existing Weston County tower located on Raven Creek. The Commissioners agree that Mr. Jorrey should proceed with the lease agreement. No action was taken.

#### **Mallo Camp Munitions Testing**

Guy Beaudoin, Lieutenant Colonel, Wyoming Army National Guard, met with the Commissioners to apologize for an unauthorized military munitions site inspection at Mallo Camp. The site inspection was conducted last year by the Army Corp of Engineers against the wishes of Weston County. Mr. Beaudoin stated that although two letters were received from Weston County which denied access to Mallo Camp, the testing was completed inadvertently. Commissioner Ertman requested copies of all field notes and information gained from the site visit. Mr. Beaudoin presented a letter of apology, a packet of findings, and promised to forward field notes to Weston County; he also stated that no munitions were found at Mallo Camp. The Commissioners thanked Mr. Beaudoin for his time and consideration. No action was taken.

#### **Snow Removal**

The Commissioners reviewed two snow removal proposals received from Leighton Construction and Whirlwind Services. A motion was made by Commissioner Ertman, seconded by Commissioner Rossman, to accept a proposal from Whirlwind Services for snow removal on the 3-tiered parking lot between the Courthouse, Law Enforcement Complex and City Hall, as well as the paved portion of the parking lot for the Public Health/WIC Building. Carried.

#### **United States Forest Service (USFS)**

The Commissioners received a letter from Misty Hays, US Forest Service, informing them of a meeting to be held in Wright, WY on April 19, 2012, at 1:30 p.m. to discuss prairie dog translocations. Commissioner Shepperson will attend. No action was taken.

#### **Two Elks Impact Analysis**

The Commissioners received information from the Department of Environmental Quality (DEQ), informing them of a meeting to be held in Douglas regarding the Two Elks project and an Impact Analysis study on April 24, 2012, at 1:00 p.m. Chairman Bruce will attend. No action was taken.

#### **Consensus Projects**

The Commissioners discussed possible Consensus Projects, including the upgrade/retrofit of all County buildings with new energy efficient lighting. A quote received from John's Electric to retrofit the Courthouse was presented by Mamie Krank, County Clerk. No action was taken, this issue will be revisited.

The meeting recessed at 11:57 a.m. and reconvened at 1:24 p.m. with all present.

#### **Burning Restrictions**

Daniel Tysdal, Weston County Fire Warden, met with the Commissioners to discuss burning restrictions in Weston County. The Commissioners discussed a provision in the Resolution which would allow the Fire Warden to temporarily lift and reinstate fire restrictions by advertisement. A motion was made by Commissioner Seeley, seconded by Commissioner Shepperson, to sign an open burning restrictions resolution effective May 1, 2012. Discussion ensued. Carried.

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

Jerry Hunt, Weston Engineering, met with the Commissioners to discuss continued structural issues at the Weston County Event Center. Mr. Hunt will visit the site to view the damage and speak with Kyle Gillette of Schutz Foss Architects. No action was taken, this issue will be revisited.

#### **Sage Grouse**

The Commissioners discussed a request from Denise Langley, for a letter to be drafted from the Board of Commissioners to the Department of Justice, regarding Sage Grouse management. The Commissioners decided that a letter will not be drafted and discussed the fact that individual comments were previously submitted by the Commissioners. No action was taken.

#### **County Commission Scholarships**

Applications for County Commission scholarships were reviewed. After discussion, a motion was made by Commissioner Shepperson, seconded by Commissioner Ertman, to award:

**Upton:** Jacob R. Kokesh, as the scholarship recipient from Upton. Carried.

A motion was made by Commissioner Seeley, seconded by Commissioner Rossman, to award:

**Newcastle:** Mitch D. Weigel, a new scholarship award from Newcastle. Carried.

A motion was made by Commissioner Rossman, seconded by Commissioner Ertman, to award: Kristina F. Mireles a new scholarship award from Newcastle. Carried.

A motion was made by Commissioner Ertman, seconded by Commissioner Rossman, to award a **Renewal Scholarship** to: Jeremy S. Beehler. Carried. A motion was made by Commissioner Rossman, seconded by Commissioner Ertman, to accept the following candidates as

**Alternates:** Kaitlyn R. Livingston, Joseph B. Rhoades, and Dylan M. Sharkey. Carried.

Chairman Bruce will present scholarships in Newcastle, and Commissioner Shepperson will present scholarships in Upton.

The meeting recessed at 2:25 p.m. and reconvened at 2:30 p.m. with all present.

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

Jerry Hunt, Weston Engineering, and Dave Spencer, WY Business Council, met with the Commissioners to discuss the Weston County Event Center. Mr. Hunt stated that after visiting the Event Center, it was evident that further settling had occurred. The issues seem to be localized on the South wall, although the kitchen area does not show as much damage as the women's restroom. Friends of Fair Board Members Nancy Darnell and Shawnda Morrison questioned if the building could be used during Fair this year. Mr. Hunt stated that the building is not in danger of falling down, however; recommended pressure testing the water lines to 120-130 PSI before mud jacking to determine if there are still water leaks. Mr. Hunt stated that normal pressures such as wind and temperature changes could affect an already damaged building differently than one which has not sustained damage. The Wyoming Business Council was a large contributor in the construction of the Event Center, and Mr. Spencer recommended Weston County send Notice to the bonding companies involved in the construction of the building as a first step to resolution. No action was taken, this issue will be revisited.

#### **Vacate Streets/Alleys in Osage**

Joe Wood Jr., Osage Improvement & Service District (OISD), met with the Commissioners to discuss the vacation of streets and alleys in Osage. Mr. Wood presented the Commissioners with a check for \$1,000.00 as requested, to defray the costs of advertisements and a viewer assigned to the project. A motion was made by Commissioner Shepperson, seconded by Commissioner Ertman, to accept a petition to vacate streets and alleys in Osage, to accept a check in the amount of \$1,000.00, and appoint Commissioner Rossman as viewer for the project. Carried.

#### **Library Carpet Project**

Brenda Ayres, Library Director, met with the Commissioners to discuss a project to replace damaged carpet in the Newcastle Branch Library. Mrs. Ayres stated that a grant request for the project had been denied by the State Lands & Investments Board (SLIB). Mrs. Ayres explained that she is attempting to complete the project before the Centennial celebration this summer and requested \$24,000.00 from the county. A motion was made by Commissioner Shepperson, seconded by Commissioner Seeley, to authorize the carpet replacement at the Newcastle Branch Library. The expenditure will be from general fund account

100.00.26.0621000.0000, at a cost of not more than \$24,000.00, to be installed before June 30, 2012. Carried. Recorded votes as follows: Yea: Commissioners Shepperson, Seeley, and Rossman; Nay: Commissioner Ertman.

**Road & Bridge Department**

Rick Williams, Road & Bridge Foreman, and Cris Marlow, Coates/Representative of Oneok Pipeline, met with the Commissioners to discuss county roads. The proposed route for the Oneok Pipeline, affected county roads, and maintenance were discussed. The Commissioners requested Mr. Williams take pictures of any county roads to be used by the pipeline before work begins in Weston County. Mr. Marlow stated that he had taken pictures of the affected county roads for Oneok Pipeline as well. Mr. Williams discussed progress on the Musser Road and stated that the work is very close to being completed. Mr. Williams discussed the 2011 Congestion Mitigation Air Quality (CMAQ) Projects, which have been started. No action was taken.

There being no further business to come before the Commission the meeting adjourned at 4:06 p.m.

Attest: Mamie C. Krank  
County Clerk

Tom W. Bruce  
Chairman