

Wyoming Conservation Corps Presentation

Hot Springs County graduate Michael Vassar and seven fellow Wyoming Conservation Corps crew members appeared before the Commissioners to discuss their work at Hot Springs State Park this summer. After a review of the history and goals of the Wyoming Conservation Corps, the group presented an entertaining and informative program discussing the service projects they have performed throughout the state and specifically at Hot Springs State Park this summer. The Commissioners thanked the crew members for their hard work in the county this summer and for taking the time to come and make the presentation.

Richard Miller Approach Agreement

Richard Miller has applied for an approach to be constructed on West Sunnyside Road (County Road 27W). Ray Shaffer has approved the approach plan, but the fee has not yet been received. Mike Baker moved to approve the approach agreement with Richard K. Miller for an approach on County Road 27W, 0.4 miles from the start of said County Road, contingent upon the fee being received from Mr. Miller. John Lumley seconded the motion. Discussion: Road & Bridge personnel will install the required culvert at Mr. Miller's expense. Motion carried.

Public Hearing – Rural Fire Protection District Land Use Change Request

Chairman Basse declared the public hearing on the HSC Rural Fire District's land use change request open at 5:20 p.m. Planner Bo Bowman stated that the Fire District is requesting a change in use from residential to industrial for lots 2 and 3 in the Dusty Acres Subdivision, located on the east side of Lane 7, approximately 600 feet south of its intersection with Lane 3. The purpose of the request is to allow construction of a fire training facility on the site and hold regular trainings for various types of fires. The application was duly-advertised and a public hearing held before the Land Use Planning Board. The LUPB has forwarded the request with a unanimous recommendation for approval with conditions as outlined in Planner Bowman's memo to the County Commissioners. As a point of clarification, Mr. Bowman pointed out that, at this time, South Thermopolis Water & Sewer District is unable to supply water to the site, so all water used would have to be hauled in. The Fire District is in negotiations with STWSD to hook into their water line when STWSD's current expansion project is complete.

Chairman Basse called for public comments. Area landowners Denny Wickenhauser, Homey Siems, Mike Ramsey, Pat Maschke, Sharon Lea, Scott Schwartz, Nita Ramsey and Randy VanBuskirk all expressed their objections to the land use change. Among the concerns raised by the commenters were loss of property value, air and water quality degradation, soil fragility in the area, chemical contamination of soils and drainages and sight/sound nuisances, as well as questions regarding who is responsible for legal oversight of the site once the land use change has been granted.

Several members of the fire district board and the fire department attended the hearing, with current Chief Dale Andreen and former Chief Mark Collins speaking for the district/department. Mr. Andreen and Mr. Collins outlined the plans for the site, including the need for proper permitting from the DEQ and the EPA. Those permits are not yet in hand, but will be applied for if the change of use is approved. STWSD has agreed to supply water to the site and feels they will be able to do so when their current expansion project is completed. Mr. Collins stressed that the amount of smoke emitted from the burn building will be very controlled and water use will not be excessive. Mr. Andreen provided Material Safety Data Sheets showing the chemicals used when water was not acceptable on different types of fires to be highly organic and biodegradable. The advantage of the location is that it provides the opportunity for more realistic training for both fires and extrication incidents due to the rugged, rural terrain available. Fire department member Jerry Williams spoke to the strong need for this type of facility somewhere within the county. Currently training opportunities are held once a year in Cody and Riverton, which, while they are good trainings, simply is not often enough to ensure a well-trained fire department.

The Commissioners asked for clarification of several issues from Mr. Andreen and Mr. Collins. After three calls for further public comment, receiving none, Chairman Basse declared the public hearing closed at 6:35 p.m. The Commissioners then completed the Absolute Policies and Relative Policies checklists as required by the County's Land Use Plan. Combined scoring of the checklists resulted in an overall score of negative one. Mike Baker moved to approve the land use change from residential use to industrial use. John Lumley seconded the motion. Chairman Basse called for a vote. Motion failed on a unanimous nay vote. The land use change request was denied. Planner Bowman asked about the procedure going forward if the applicant wishes to seek approval in the future. County Attorney Williams stated that, as the request has been denied, the applicant would need to start over from the beginning with the submission of an application to the Land Use Planning Board.

Airport Update

Phase II – Consider Change Order #4 – GDA representative Jeremy Gilb discussed a proposed change order giving the contractor additional contract days as requested due to weather delays experienced earlier in the project. While sympathetic to the contractor to a point, Mr. Gilb feels that the contractor recently has not been making as much effort to complete the project on time as he could be. The change order would also change the seeding dates shown in Spec Item T-901. Mr. Gilb suggested approximately 15 additional days would be appropriate before the imposition of liquidated damages due to the county incurring additional costs. The Commissioners indicated that they were willing to consider extra days until the County started to incur additional costs. Mr. Gilb will finalize the change order and return with it for approval at a future meeting.

2014 WACIP – Mr. Gilb reviewed the 2014 WACIP funding conference call with the FAA and WYDOT representatives held earlier in the day. 2015 Funding will be approximately \$3MM and includes nav-aids, lighting, fuel, and possibly two buildings. 2016 funding will include the Master Plan, 2017 funding is planned for the snow removal equipment building. WYDOT and the FAA are asking for long term funding requirements from the county – 2019 and beyond. Mr. Gilb will investigate what projects may be eligible for funding and communicate those ideas to the Commissioners via email for consideration prior to a decision at a future meeting.

DRAFT Grant Agreement for AIP#3-56-0043-03/04 – Mr. Gilb presented a draft of the next grant application for the Commissioners' review prior to taking action on it at the next meeting.

General Update – The Commissioners delayed action on the Phase III contract until more information is received on the AIP-03/04 funding award dates and amounts. Clerk Odde will draft a letter regarding the County's position on reassignment of the Holden water rights for review by the County Attorney prior to consideration by the Commissioners at the next meeting.

Correspondence

1. **HSC Jr. Livestock Auction Invitation**
2. **Fair Board Minutes** – June, 2013
3. **State Office of Lands & Investments** – SLIB Meeting Cancellation
4. **Museum Board Minutes** – June, 2013
5. **Airport Operations Report** – June, 2013
6. **WAM-WCCA** – Energy Lease Program Notification

The Commissioners reviewed the foregoing correspondence. No further action was required.

7. **U.S. Secretary of the Interior** – Indian Trust Lands Decision Notification – The Commissioners reviewed the letter from Marietta Shortbull, BIA Realty Officer, notifying the Northern Arapaho Business Council that the lands described informally as the Baird Property have been taken into trust status. Hot Springs County has until August 14, 2013 to appeal this decision if the County wishes to do so. The Commissioners asked

Clerk Odde to forward a copy of the decision letter to their outside counsel as soon as possible for review and recommendation of any action that might be taken.

Executive Session

Mike Baker moved to enter Executive Session for reasons of potential litigation at 8:00 p.m. John Lumley seconded the motion. Motion carried. John Lumley moved to leave Executive Session at 8:17 p.m. Mike Baker seconded the motion. Motion carried. No action was taken during or as a result of the Executive Session.

Adjournment

There being no further business to come before the Board of County Commissioners at this time, Mike Baker moved to adjourn. Chairman Basse declared the meeting adjourned at 8:20 p.m.

ATTEST:

Brad Basse, Chairman

Hans Odde, County Clerk