

STATE OF WYOMING)
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COUNTY OF HOT SPRINGS)
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OFFICE OF THE BOARD OF
COUNTY COMMISSIONERS
THERMOPOLIS, WYOMING
September 17, 2013

The Hot Springs Board of County Commissioners met in regular session on Tuesday, September 17, 2013 at 4:00 p.m. in the Commissioners Room at the Government Annex.

Present were Commissioners Brad Basse, John Lumley and Mike Baker. Also present were County Attorney Jerry Williams, County Clerk Hans Odde and Administrative Assistant to the Commissioners Penny Herdt.

Chairman Basse led those present in the Pledge of Allegiance.

Approval of Agenda

Mike Baker moved to approve the agenda with the following change:

DELETE: 2. Maternal/Child Health Nurse – Mrs. Huckfeldt is out of town due to a death in the family. This item will be rescheduled at a later date.

John Lumley seconded the motion. Motion carried.

Consider Member Resignation from NRPC Board

Board Member Mark Thiesse has taken a new job in Cheyenne, and has submitted his resignation from the board. It was noted that DeLoyd Quarberg’s vacant position has also not been filled at this time. John Lumley moved to accept Mr. Thiesse’s resignation with regret, send him a letter thanking him for his service and authorize Clerk Odde to begin advertising for new board members immediately. Mike Baker seconded the motion. Motion carried.

D.A.R. Constitution Week Proclamation

D.A.R. representative Marilyn Strausborger presented the Proclamation declaring September 17-23, 2013 to be Constitution Week for the Commissioners’ approval. Mike Baker moved to sign a proclamation declaring Constitution Week as follows:

PROCLAMATION

WHEREAS: The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and
WHEREAS: September 17, 2013, marks the two hundred twenty-sixth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and
WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate it; and
WHEREAS: Public Law 915 guarantees the issuing of the Proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week;
NOW, THEREFORE, I, Brad Basse, by virtue of the authority vested in me as Chairman of the County Commissioners of the County of Hot Springs, in the State of Wyoming, do hereby proclaim the week of September 17 through 23 as

CONSTITUTION WEEK

AND ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.
IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the County of Hot Springs to be affixed this 17th day of September in the year of our Lord two thousand thirteen.

Attest:

Brad W. Basse, Chairman
Hot Springs County Board of Commissioner

Hans Odde, County Clerk

John Lumley seconded the motion. Discussion: Chairman Basse thanked Ms. Strausborger and Ruth Clare Yonkee for their efforts on behalf of the Constitution in Hot Springs County. Motion carried

Airport Update

Reconsider Motion to Approve FAA AIP04 DRAFT Grant Agreement – At the previous Commissioner meeting, the FAA AIP-04 Grant Agreement was approved by motion for an amount up to \$7.5MM. Jeremy Gilb reported that it now appears there may be additional money available from the FAA for this grant. Mike Baker moved to reconsider the motion to approve the grant from the September 3, 2013 meeting. John Lumley seconded the motion. Motion carried. Mike Baker moved to approve FAA Grant Agreement AIP #3-56-0043-04 in an amount not to exceed \$8.0MM for acceptance and signature when the finalized agreement is received. John Lumley seconded the motion. Motion carried.

Consider WYDOT Grant THP-11E Agreement - Clerk Odde presented the application for State Grant-In-Aid THP-11E for the Commissioners' consideration. This grant is for Phase III of the Airport Relocation project, and other Phases as may be funded by the FAA. After a review of the details of the application by Clerk Odde, Mike Baker moved approval of the Request for State Airport Aid THP-11E in the amount of \$684,444.00. John Lumley seconded the motion. Discussion: Commissioner Basse abstained from voting as he is one of the bidding sub-contractors on the project. Motion carried with Lumley and Baker voting aye and Basse abstaining.

Phase II Update – Mr. Gilb reported that the seeding should be finished by Thursday, September 19th. The final walkthrough for the Phase II project is scheduled for 10:00 a.m. on September 19, 2013. Discussion regarding liquidated damages to be assessed due to the contract days overrun by the contractor will be held at the October 1, 2013 Commissioners meeting. Commissioner Baker reported that the Weed & Pest department is planning to conduct a weed spraying project in the site vicinity in the near future and asked Mr. Gilb to discuss the possibility of including portions of the airport site with Weed & Pest employees to address the perennial weed problem at least on the perimeter of the site.

Phase III Update – Mr. Gilb reported that the contractor would like to start the Phase III project approximately October 8, 2013. Mike Baker moved to approve the contract documents between Paul Reed Construction and Hot Springs County for Phase III of the Airport Relocation Project after they have been finalized and returned by the contractor and reviewed by the County Attorney. John Lumley seconded the motion. Discussion: Commissioner Basse abstained from voting as he is one of the bidding sub-contractors on the project. Motion carried with Lumley and Baker voting aye and Basse abstaining. Mike Baker moved to issue the Notice to Proceed to Paul Reed Construction after the contract documents have been completed. John Lumley seconded the motion. Discussion: Commissioner Basse abstained from voting as he is one of the bidding sub-contractors on the project. Motion carried with Lumley and Baker voting aye and Basse abstaining.

Relocation Update – Mr. Gilb reported that concurrence has been received from the FAA on the contract with DOWL-HKM for relocation assistance with the Holden property, but not from WYDOT Aeronautics at this time. He anticipates having the approved contract for signature at the October 1st Commissioners meeting.

Public Hearing – Kevin Smith Land Use Change Request

Chairman Basse declared the public hearing on the Land Use Change Request filed by Kevin Smith open at 5:36 p.m. Kevin Smith has requested a Land Use Change to reclassify approximately 10.0 acres from the **Agricultural to Industrial** land use category, to allow the storage and maintenance of oilfield trucks and equipment. The subject property is a portion of the southwest quarter of the southeast quarter of Section 33, Township 43 North, Range 95 West. It fronts on the northeast side of U.S. Highway 120 W, opposite Sage Valley Subdivision, approximately 2.5 miles west of Thermopolis. It contains a metal shop building addressed as 250 Highway 120 W. Planner Bo Bowman reviewed the action on this request on the part of the Land Use Planning Committee, which has passed the request on to the Commissioners with a "Do Pass" recommendation. The Commissioners reviewed the application materials provided by

Planner Bowman and requested and received clarification from the applicant on a couple of areas. Chairman Basse called three times for further public comment on the matter. Receiving none, the chairman declared the hearing closed at 5:42 p.m. After completion of the Absolute and Relative Policies Checklist, the Commissioners reported final scores of +5, +8 and +3. Mike Baker moved approval of the request by Kevin Smith for a land use change from Agricultural to Industrial on the subject property as referred to in the application. John Lumley seconded the motion. Motion carried.

4-H/Youth Program Educator

Hot Springs County Extension Educator Barton Stam introduced the new 4-H/Youth Program Educator to the Commissioners. Joey Johnson began work in June, 2013. Mr. Johnson reviewed his activities over the summer. He is in the process of writing several grants to provide funding for different areas of the 4-H program. Mr. Johnson indicated that one of his goals for the program was to increase membership to over 100 participants next year. The Commissioners welcomed Mr. Johnson, thanked him for his efforts to date and wished him the best of luck going forward with the program.

Other Business

Consider WYECIP Certificate of Final Completion – Chuck Carver asked that this certificate not be signed at this time, as the project is not yet fully complete. Mr. Carver reviewed the current status of the project and asked that the Certificate of Final Completion be considered at the next meeting on October 1st.

LGLP Board Vacancy Nomination – Chairman Basse indicated that the LGLP Board has nominated for re-election Jim Hudelson for the County Commissioner position and Linda Ann Smith for the at-large position. No action is required unless the Commissioners wish to nominate someone else for these positions. There were no other names put forward by the Commissioners at this time.

Correspondence

Fair Board Minutes – August, 2013

CRC Art Auction – Save the Date

Chamber of Commerce – September, 2013 Newsletter

Airport Operations Summary – August, 2013

US D.O.T. – Wyoming Federal Lands Access Program Application – The County's last application for this program was denied. The next application period is October, 2013 – December, 2013. Road & Bridge Supervisor Dave Schlager will be encouraged to submit another application for funds to be used on a project on Black Mountain Road during the next funding period.

NRPC Board Minutes – August, 2013

Wyoming Dept. of Revenue – Notice of Valuation Change – Mosser Mining & Minerals

FOIA Response – B.I.A. Trust Lands

Executive Session – Litigation

John Lumley moved to enter Executive Session for reasons of potential litigation at 4:45 p.m. Mike Baker seconded the motion. Motion carried. Those present at the Executive Session were Commissioners Basse, Lumley and Baker, County Attorney Williams, Clerk Odde and Administrative Assistant Penny Herdt. Mike Baker moved to leave Executive Session at 5:10 p.m. John Lumley seconded the motion. Motion carried. No formal action was taken during the Executive Session. After returning to regular session, Mike Baker moved to authorize the expenditure of up to \$1,000.00 to assist former county employee Dave Larson in obtaining legal representation for his upcoming deposition as a witness in the Federal civil rights lawsuit against Hot Springs County filed by Larry and Chris Bentley. John Lumley seconded the motion. Motion

failed, with Baker voting aye, Lumley voting nay, and Chairman Basse breaking the tie with a nay vote.

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 6:20 p.m.

ATTEST:

Mike Baker, Vice-Chairman

Hans Odde, County Clerk