

STATE OF WYOMING )  
 )  
COUNTY OF HOT SPRINGS )

OFFICE OF THE BOARD OF  
COUNTY COMMISSIONERS  
THERMOPOLIS WYOMING  
January 08, 2013

The Hot Springs County Board of Commissioners met in regular session on Tuesday, January 8, 2013 at 9:00 a.m. in the Commissioners Room at the Courthouse.

Present were Commissioners Brad Basse, John Lumley and Mike Baker. Also present were County Clerk Hans Odde, County Attorney Jerry D. Williams and Administrative Assistant to the Commissioners Penny Herdt. Chairman Brad Basse led those present in the Pledge of Allegiance.

#### **Approval of Agenda**

John Lumley made a motion to approve the agenda with the following change:

ADD: 2. Road & Bridge – a. Wyoming Access Program Application

Mike Baker seconded the motion. Motion carried.

#### **Approval of Minutes**

John Lumley made a motion to approve the minutes of December 4 and 18, 2012 as submitted. Mike Baker seconded. Motion carried.

#### **Approve Bills**

The following bills were submitted for approval: (see attached). Payroll for December 2012 - \$161,008.77.

#### **Reorganization 2013**

1. **Select Chairman and Vice Chairman** – John Lumley moved to reappoint Brad Basse as Chairman and Mike Baker as Vice Chairman. Mike Baker seconded the motion. Motion carried.
2. **Set Meeting Dates** – John Lumley made a motion to set the meeting dates for the Board of Commissioners as the first and third Tuesday of every month, with the first meeting of the month starting at 9:00 a.m. and the second meeting of the month starting at 4:00 p.m., with no exceptions at this time. Mike Baker seconded the motion. Motion carried.
3. **Appoint County's Official Paper** – Mike Baker made a motion to designate the Independent Record as the County's official newspaper. John Lumley seconded. Motion carried.
4. **Set Commissioner's Special Areas of Responsibility** – After discussion, Mike Baker made a motion designating the following as areas of special responsibility for each Commissioner:
  - Brad W. Basse:** Town Properties, Town of Thermopolis, Search and Rescue, Thermopolis Hot Springs Economic Development Company, Basin Authority Child Support Enforcement, Land Use/Planning, Hot Springs County Museum, Bighorn Basin Nature & Discovery Center Joint Powers Board, and Wyoming County Commissioners Association Board of Directors.
  - John P. Lumley:** Chamber of Commerce, Town Properties, Senior Citizen Center, Town of Thermopolis, Hot Springs County Memorial Hospital and BLM Bighorn Basin RMP, Shoshone National Forest Plan Revision.
  - Mike Baker:** Town Properties, Town of Thermopolis, Armory Joint Powers Board, Hot Springs County Library, Hot Springs County Fairboard, Human Resources, BLM Bighorn Basin RMP, Road & Bridge and Tribal Liaison, Shoshone National Forest Plan Revision

The Yellowstone Development District is no longer active and was removed from Commissioner Lumley's list of responsibilities. The Shoshone National Forest Plan Revision was added to Baker and Lumley's lists, with Commissioner Baker as the lead and Commissioner Lumley as the second in this area. John Lumley seconded the motion. Motion carried.

5. **Set County Holidays for 2013**– John Lumley made a motion to approve the County Holidays for 2013 as presented. Mike Baker seconded the motion. Motion carried. The 2013 County Holiday schedule will be as follows:

02/18/13 – President's Day (Third Monday in February)  
05/27/13 – Memorial Day (Last Monday in May)  
07/04/13 – Independence Day – Thursday  
09/02/13 – Labor Day (First Monday in September)  
10/14/13 – Columbus Day – Monday (Observed)  
11/11/13 – Veteran's Day – Monday  
11/28-29/13 – Thanksgiving Holiday – Thursday & Friday  
12/24/13 – Christmas Eve – Tuesday – Close at Noon  
12/25/13 – Christmas Day – Wednesday  
01/01/14 – New Year's Day - Wednesday

- 6. Public Office Disclosure Statements** – Clerk Odde presented each Commissioner with a Public Office Disclosure Statement which State Statute requires every elected official to fill out annually. Commissioners will fill out the statements and return them to Clerk Odde as soon as possible.

#### **Youth Alternatives Monthly Report**

Director Alan Rossler reported that he currently has 15 active participants in the diversion program. There were no 48-Hour holds in December. A review of the program for 2012 indicated there were a total of 46 participants – 35 of them new to the program in 2012. There were only 5 repeat participants in 2012. Charges involved were drugs, alcohol, tobacco use, assault, criminal entry, driving offenses, interference with a police officer and reckless endangerment. There were three 48-Hour holds in 2012. Director Rossler thanked the Board of Commissioners for their continued support of the program.

#### **Road and Bridge Monthly Report**

Road and Bridge Supervisor Ray Shaffer reported that he is working with the Planner to complete and submit his year-end reports to the State and the DEQ. Work continues on the fire number and rural addressing projects. He is still working on a Road Policy manual for the county, as well as Asset Management planning and a Risk Management plan. Mr. Shaffer wanted to inform the Commissioners of a large repair expense that will be incurred shortly. One of the graders requires major repairs costing an estimated \$10,000 before spring arrives. He is currently in the process of obtaining quotes for the repair from various entities. Mr. Shaffer distributed copies of the annual county road condition report and reviewed the report with the Commissioners. Most of the county's gravel roads are in good condition, with only one narrow spot on Grass Creek Road needing major work this year.

Wyoming Federal Lands Access Program – Mr. Shaffer discussed a recent call for applications from the Federal Dept. of Transportation for project applications for funding through the Wyoming Federal Lands Access Program. The consensus was that this might be a good opportunity to obtain funding for at least the planning and engineering portion of the rebuilding project that will soon be necessary for Black Mountain Road. Mr. Shaffer will work with Clerk Odde to complete and submit the application, which is due January 31, 2013.

#### **Emergency Management Monthly Report**

Emergency Management Coordinator Bill Gordon reported that all the County radios have been upgraded with the WYO-Link programming and will be operational as soon as the paperwork is completed. Mr. Gordon discussed House Bill 18 coming out of the Corporations/Elections/Political Subdivisions committee at the State Legislative session this month. This bill has the potential to eliminate the county's ability to collect the current 911 surcharge used for maintenance and upgrading of the 911 System, which Mr. Gordon pointed out would be very detrimental to the County's budget. He asked that the Commissioners bring it to the attention of the Wyoming County Commissioners Association for review and discussion with the legislators.

#### **Maintenance Monthly Report**

Maintenance Foreman Chuck Carver reported that the HVAC pumps at the library have been repaired and a relay replaced there over the holidays. HVAC pumps at the Annex are being repaired this week. The Jail plumbing and electrical system has been upgraded to accommodate the installation of a new washer and dryer. As a result of the recent energy audit, two electric meters have been identified for removal at the storage units on Mondell. Power will be run from one building to the other to eliminate the need for the additional meters. The Christmas lights will be removed by the end of the week.

Commissioner Lumley asked about the apparent lack of ADA access at one of the sidewalk entrances near the new parking lot. Mr. Carver replied that the entrance existed prior to the installation of the new sidewalks, and so was grandfathered in, but that plans are to replace it with an ADA-compliant section in the spring anyway.

### **County Planner Monthly Report**

Planner Bo Bowman reported that the Natural Resources Planning Committee is meeting every month. Their current areas of focus include the TDML study, the Hot Springs Protection Area, and the ongoing Sage Grouse Study.

The Land Use Planning Board is meeting next week to review an application for a subdivision in the Owl Creek area. Mr. Bowman anticipates this item will come before the Commissioners in February.

Mr. Bowman indicated that he is working with Road & Bridge Supervisor Ray Shaffer to submit the year-end gravel pit report and the 582 water quality permit to the State and DEQ. He will also submit a year-end summary on the septic system program to the DEQ.

Work continues on the road issues. No formal adoption of Road 19 as a county road can be found in the records of Johnson County or Bighorn County. A final report from Mr. Bowman will be issued in the near future. Mr. Bowman is working with Mr. Shaffer to determine and record the correct location for Road 15. Regarding the work on county road records – a chart is in the works to identify the legal information for each of the county roads (ownership, easements, rights-of-way), with a goal to eventually have all the county road records collected in one central location.

The final plat for the McClintock subdivision was presented for signature as approved at a previous meeting. Vice-Chairman Baker signed the plat as Chairman Basse was absent at the meeting at which it was approved.

### **Moment of Silence**

The Commissioners observed a moment of silence in recognition of the passing over the holidays of former Commissioner Elwyn Fisher.

### **Hot Springs County Boards & Committee Appointments**

Clerk Odde presented the county board openings to the Commissioners as follows:

<b><u>Fair Board</u></b>	1 opening / 1 applicant
<b><u>Hospital Board</u></b>	1 openings / 1 applicant
<b><u>Land Use Planning Board</u></b>	2 openings / 1 applicant
<b><u>Library Board</u></b>	2 openings / 0 applicants
<b><u>Museum Board</u></b>	2 openings / 0 applicants
<b><u>Predatory Animal Control Board</u></b>	1 opening / 1 applicant
<b><u>Natural Resources Planning Committee</u></b>	6 openings / 1 applicant
<b><u>Weed &amp; Pest Board</u></b>	3 openings / 3 applicants

The Commissioners reviewed the applications received in response to the advertisements placed in the Independent Record. Clerk Odde reviewed the requirements for board applications – Each applicant was to have filled out a Board Member Application form and returned it to the Clerk's office no later than 5:00 p.m. on December 31, 2012. The Land Use Planning Board and the Natural Resources Planning Committee did not receive enough applications to fill all the open positions. The Library, Lodging Tax and Museum Boards did not receive any applications to fill the open positions. County Clerk Odde will re-advertise for those positions and they will be filled at a later meeting. A ballot vote was taken before appointments were made and the following positions were appointed:

<b><u>Fair Board</u></b>	Arlea McCumber
<b><u>Hospital Board</u></b>	Heath Overfield
<b><u>Land Use Planning Board</u></b>	Stephen Medvigy
<b><u>Natural Resources Planning Board</u></b>	Stephen Medvigy
<b><u>Predatory Animal Control Board</u></b>	Kent Hessenthaler – Sportsman
<b><u>Weed &amp; Pest Board</u></b>	Wyatt Agar – Area 1, Bruce Thurgood – Area 3, Chip Axtell – Area 4

John P. Lumley made the motion to certify the appointments. Mike Baker seconded. Discussion: a notification letter will be sent to all applicants notifying them of their appointments. Motion carried.

### **Final Lane 3 Report**

Engineering Associates representative Ian Sporkin-Morrison appeared before the Commissioners to give a final report on the Lane 3 Improvement project. Mr. Morrison distributed a draft of the final County Road 37 – Lane 3 plat for the Commissioners' review. Final completion was granted on December 14, 2012.

Discussion followed regarding assessment of liquidated damages for the project. Mr. Morrison reported possible liquidated damages of \$27,300.00 for failure to meet the Substantial Completion date and \$15,300.00 for failure to meet the Final Completion date for a total of \$42,600.00 available in liquidated damages. After consideration of all the circumstances surrounding the project, Mike Baker moved to forego three days of damages at \$850.00 per day for a total assessment of \$40,050.00 in liquidated damages to Dave's Asphalt Company. John Lumley seconded the motion. Motion carried. Mr. Morrison will relay this information to the contractor. The Commissioners asked Clerk Odde to investigate any grant requirements that might be involved in the sale of the corner lot owned by the County on Lane 3. Mr. Morrison reported that the required parking blocks for the edge of the Shopko parking lot will be purchased through the grant and Road & Bridge will install them.

#### **Owl Creek Water District Inclusion Petitions**

OCWD representative Bart Bader and attorney James Michel presented a certificate of approval by the Owl Creek Water District of Petitions for Inclusion in the OCWD from Leann Clouse and Barbara & Robert Ross. The OCWD Board is asking the Commissioners to approve by resolution the petitions for inclusion in the amended map. Mike Baker moved to approve by Resolution 2013-01 the inclusion in the Owl Creek Water District Map of the properties of Leann Clouse and Barbara & Robert Ross as legally described in their petitions. John Lumley seconded the motion. Motion carried. Resolution 2013-01 reads as follows:

#### **RESOLUTION 2013-01**

#### **ORDER**

#### **OF THE HOT SPRINGS COUNTY BOARD OF COUNTY COMMISSIONERS INCLUDING THE PETITIONING LANDOWNERS INTO OWL CREEK WATER DISTRICT WITHOUT ELECTION OF ADDITIONAL BOARD MEMBERS**

THIS MATTER of the Inclusion of additional landowners in the Owl Creek Water District has come before the Hot Springs County Board of County Commissioners (herein call "the Board"), pursuant to Resolution 2013-01, entitled Petition for Inclusion of Petitioning Landowners within Owl Creek Water District. The Board finds that the Petition is properly signed by the all the voters within the area to be included and filed with the County Clerk and that an order should be entered approving the Petition; therefore;

IT IS HEREBY ORDERED by the duly elected, qualified and acting Hot Springs Board of County Commissioners, by and through its Chairman, that the Petition for Inclusion of Petitioning Landowners within Owl Creek Water District is hereby APPROVED and Robert Gene Ross and Leann M. Clouse and their associated real property as described in their applications are included within the Owl Creek Water District. The only other voter in the affected area, Barbara I. Ross, joined in the petition.

IT IS FURTHER HEREBY ORDERED AND HELD that an election need not be held for an additional director as none is required in accordance with Wyoming Statutes.

IT IS FURTHER HEREBY ORDERED AND HELD to amend the district map to include the real property of Robert Gene Ross and Leann M. Clouse as described in their Petition for Inclusion.

DATED this 8<sup>th</sup> day of January, 2013.

**BOARD OF COUNTY COMMISSIONERS OF HOT SPRINGS COUNTY, WYOMING**

**Brad Basse, Chairman**

#### **Airport Update**

Airport FBO Brett Crowley notified the Commissioners that he intends to move back to Alaska and wishes to terminate his contract with the County as the Fixed Base Operator of the airport. He suggested that the Commissioners consider two options – either he would sell his company and the new owner could assume the contract for the balance of the contract period, or the contract could be vacated by both parties and rebid. His time period is somewhat flexible, but he would like to be gone by the middle of March. After lengthy discussion with input from two outside parties interested in the FBO contract and the County Attorney, the Commissioners decided to begin work on mutual termination of the current contract and call for new bids. Crowleys will submit a written request to terminate the contract and the Commissioners will work from there to obtain a new contract.

### **Other Business**

Lane 3 IRP Draw Down Request #27 – Clerk Odde presented IRP Draw Down Request #27 for the Lane 3 project. Mike Baker moved to approve Draw Down Request #27 for the Lane 3, Phase 1 & 2, IRP #CN15020 in the amount of \$6,638.91. John Lumley seconded the motion. Motion carried.

Lane 3 SLIB Grant Draft Request #27 – Clerk Odde presented SLIB Grant Draft Request #27 for the Lane 3 project. John P. Lumley moved to approve Grant Draft Request #27 for SLIB Grant #MRG-11008HS in the amount of \$6,107.80. Mike Baker seconded the motion. Motion carried.

Owl Creek Water Project CDBG Draw Down Request #14 – Clerk Odde presented Draw Down Request #14 for the Owl Creek Water project. John P. Lumley moved to approve the Wyoming Business Council Investment Ready Communities Draw Down Request #14 for the Owl Creek Water District project in the amount of \$3,159.00. Mike Baker seconded the motion. Motion carried.

FAA– AIP #02 Request for Reimbursement #13– Clerk Odde presented FAA Request for Reimbursement #13 for the Commissioners' approval. Mike Baker moved to approve FAA Project 3-56-0043-02 RFR #13 in the amount of \$74,595.00. John Lumley seconded the motion. Motion carried.

WYDOT - Aeronautics Division AIP-02-THP-11C-2807 Request for Reimbursement #13 – THP-11C – 2807 – Clerk Odde presented WYDOT-Aeronautics Division Request for Reimbursement #13 for the Commissioners' approval. John Lumley moved to approve WYDOT-Aeronautics Division Project THP-11C-2807/FAA #3-56-0043-02 RFR #13 in the amount of \$2,355.00. Mike Baker seconded the motion. Motion carried.

WYDOT - Aeronautics Division Request for Reimbursement #3 – AIP-02-THP-11B-2794 – Clerk Odde presented WYDOT-Aeronautics Division Request for Reimbursement #3 for State Project #THP-11B-2794 for the Commissioners' approval. Mike Baker moved to approve WYDOT-Aeronautics Division Project THP-11B-2794 RFR #2 in the amount of \$92,474.00. John Lumley seconded the motion. Motion carried.

Consider Bighorn Federal Depository Resolution – Clerk Odde presented a Public Funds Depository Resolution from Big Horn Federal Savings Bank for the Treasurer for the Commissioners' approval. Chairman Basse declared a conflict of interest in this matter due to his status as a director for Big Horn Federal Savings Bank and stepped down from the chair. John P. Lumley moved to approve Big Horn Federal's application to serve as a public funds depository for the Hot Springs County Treasurer. Mike Baker seconded the motion. Motion carried with Lumley and Baker voting aye and Basse abstaining.

Consider Amendment #2 – Airport Project State #THP-11C – Grant #2807 – Clerk Odde presented Amendment #2 to the airport project grant #THP-11C-2807 for the Commissioners' approval. This amendment is to officially accept the additional money awarded by the State in September, 2011 for the new airport project. Mike Baker moved to approve the chairman's signature on Amendment #2-THP-11C-2807 in the amount of \$11,656.00. John Lumley seconded the motion. Motion carried.

### **Correspondence**

**Dept. of Audit** – Annual Cost of Government Report

**Chamber of Commerce** – January, 2013 Newsletter

**George K. Baum & Company** – Election Services Brochure

**HSC Planner** – Approval Letter for Peterman Bed & Breakfast

**WYDOT Aeronautics** – WACIP Update

**HSC Predator Management District** – Annual Report, 2012

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

### **Adjournment**

There being no further business to come before the Board at this time, Mike Baker moved to adjourn. Brad Basse declared the meeting adjourned at 3:10 p.m.

Attest:

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Brad Basse, Chairman

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Hans Odde, Clerk to the Board

**BILLS – DECEMBER, 2012**

WYOMING SHERIFF'S ASSOCIATION 300.00 / BRANHAM PUBLISHING CO 100.00  
HOT SPRINGS VETERINARY CLINIC 161.00 / DAY-TIMERS, INC. 36.98  
BRUCO, INC. 83.17 / ST. VINCENT HEALTHCARE 177.63  
GALLS, AN ARAMARK COMPANY 129.97 / AFLAC (ACCOUNT #HW652) 798.65  
STATE OF WYOMING - A&I 34.75 / AIT LABORATORIES 180.00  
ALLEGIANCE BENEFIT PLAN MANGT, INC. 165,975.51 / ANITA WEISBECK 55.72  
H.O.P.E AGENCY & CRISIS LINE 375.00 / ATLAS OFFICE PRODUCTS, INC. 15.99  
BRESNAN COMMUNICATIONS 55.20 / BARTON STAM 179.98 / BIG HORN WATER 76.50  
BIG HORN ENERGY 2,152.01 / BLAIR'S SUPER MARKET 551.18  
PITNEY BOWES INC. 288.54 / BRAD W. BASSE 188.65 / BROKERS NATIONAL LIFE 510.20  
BROWN'S WESTERN APP 892.99 / BRUCE N. "BO" BOWMAN 13.32  
BULLBERRY SYSTEMS, INC. 600.00 / CASSIE NORSKOG 87.55  
THERMOPOLIS HARDWARE 260.17 / COLONIAL SUPPLEMENTAL INS. 148.60  
VERIZON WIRELESS 55.81 / VERIZON WIRELESS 48.83 / VERIZON WIRELESS 57.91  
VERIZON WIRELESS 196.22 / VERIZON WIRELESS 48.03  
CROWLEY AIR SERVICE, LLC 4,961.09 / ECONO SIGNS LLC 778.16  
ENGINEERING ASSOCIATES 13,019.50 / FASTENAL COMPANY 31.84 / FASTENERS INC. 62.46  
PINNACLE BANK OF THERMOPOLIS 37,876.86 / FORENSICS LIMITED, LLC 160.00  
MORTIMORE FUNERAL HOME 976.00 / GDA ENGINEERS 47,232.54  
GOTTSCHKE THERAPY REHAB WELLNESS 370.00 / MOUNTAIN WEST BUSINESS SOLUTIONS  
58.00  
MOUNTAIN WEST BUSINESS SOLUTIONS 105.00 / HI COUNTRY PRINTING 27.65  
HIGH COUNTRY CONSTRUCTION INC 125,596.26 / HIGH PLAINS POWER 54.41  
HAMPTON INN & SUITES - BUFFALO 154.00 / RAMADA PLAZA RIVERSIDE 385.00  
HOT SPRINGS COUNTY HEALTH INS ACCT 58,256.98  
HOT SPRINGS CO. SCHOOL DIST #1 5,081.30 / INDEPENDENT RECORD 855.08  
INDOFF INC. 509.62 / JADE HOUCHIN 85.00 / JILL JACOBSON-LOGAN 675.00  
JOHN P. LUMLEY 183.25 / KNAPP SUPPLY & EQUIPMENT CO. 224.60  
MARY A. GORDON 69.80 / MARK MORTIMORE 269.47 / MARY L. SCHEIBLE 725.00  
MEADOW GOLD BILLINGS 279.16 / HOT SPRINGS COUNSELING SERV. 8,750.10  
MESSENGER & OVERFIELD 4,110.89 / MURDOCH OIL, INC. 462.00  
NADA USED CAR GUIDE 485.00 / NEVE'S UNIFORMS, INC. 124.88  
NIELSEN OIL CO., INC. 20.00 / NEWMAN TRAFFIC SIGNS 245.38  
ONE STOP REPAIR & 110.37 / O'REILLY AUTO PARTS 135.61  
O'REILLY AUTO PARTS 251.33 / O'REILLY AUTO PARTS 97.99 / OWL LUMBER INC. 25.00  
OWL CREEK WATER DISTRICT 3,159.00 / ROCKY MOUNTAIN POWER 4,600.52  
PERFORMANCE AUTO & GLASS 339.80 / PERFORMANCE AUTO & GLASS 28.49  
PENNY T. HERDT 136.53 / PINNACLE BANK OF THERMOPOLIS 590.00  
PINNACLE BANK OF THERMOPOLIS 2,115.00 / POSTMASTER 776.50 / PRINT ZONE 176.50  
QUARTERMASTER, INC. 309.92 / CENTURY LINK 652.20 / THE RADAR SHOP 295.00  
RAYMOND E. SHAFFER 20.60 / REESE & RAY IGA 34.39  
GORRELL & HOPKINSON, P.C. 1,140.81 / RT COMMUNICATIONS, INC. 2,035.13  
SEALS UNLIMITED, INC. 178.56 / SHELLEY DEROMEDI 150.90  
SHOSHONE OFFICE SUPPLY 288.95 / SHOPKO THERMOPOLIS 60.92  
THE STANDARD INS. CO. 1,410.13 / STEHLIN PLUMBING & CONTRACTING 370.00  
SYSCO MONTANA, INC. 3,043.66 / TEAM LABORATORY CHEMICAL CORP. 1,024.15  
TEPEE POOLS 330.00 / THERMOPOLIS SINCLAIR 669.08  
THOMAS L. BENNETT, M.D. 4,740.00 / TOWN OF THERMOPOLIS 24,116.36  
TRI COUNTY TELEPHONE ASSOC, INC 333.65 / NORCO, INC. 75.15  
VERIZON WIRELESS 42.59 / VERIZON WIRELESS 67.37 / VICKLUND PHARMACY 277.29  
VISA - CARD ONE 238.19 / VISA - CARD TWO 43.90 / VISA - CARD FOUR 98.92  
VISA - CARD SEVEN 149.95 / VISA (CARD EIGHT) 373.48 / VISA 87.19 / VISA 855.40  
VISA 267.83 / VISA 13.01 / WYOMING CO COMMISSIONERS ASSOC 450.00  
WYOMING COUNTY & PROSECUTING 200.00 / WCS TELECOM 4.39

WEST PAYMENT CENTER 127.16 / WEST-TECH SUPPLY & SERVICES 455.00  
WYOMING DEPT. OF WORKFORCE SERVICES 2,410.65 / WYOMING.COM 38.75  
WYOMING DIVISION OF 109.00 / ORCHARD TRUST COMPANY 5,179.26  
WYOMING GAS 2,302.41 / WYONET INC. 113.95 / WYO RETIREMENT SYSTEM 22,818.97  
036-NCPERS GROUP LIFE INS. 352.00 / WY-TEST 71.50 / ZUPAN ELECTRIC, INC. 887.06