

STATE OF WYOMING)
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COUNTY OF HOT SPRINGS)
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OFFICE OF THE BOARD OF
COUNTY COMMISSIONERS
THERMOPOLIS, WYOMING
April 15, 2014

The Hot Springs Board of County Commissioners met in regular session on Tuesday, April 15, 2014 at 4:00 p.m. in the Public Meeting Room at the Government Annex.

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

Chairman Baker led those present in the Pledge of Allegiance.

Approval of Agenda

John Lumley moved to approve the agenda with the following changes:

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| DELETE: | 6:30 p.m. | Commissioners | 8. Consider Final Plat—Wind River Subdivision |
| ADD: | 6:30 p.m. | Commissioners | 8. WCCA Budget Discussion |

Brad Basse seconded the motion. Motion carried.

Airport Update

Phase III Update – GDA representative Jeremy Gilb presented a draft of Contract Addendum A to Amendment #6 to GDA’s 5-Year Contract for the Commissioners’ and County Attorney’s review prior to approval at the May 6th meeting. Addendum A will require a change order for the contractor, which will also be presented for signature at the May 6th meeting. Mr. Gilb reported that Engineer Roy Warren will be conducting weekly progress updates at the construction site and invited the Commissioners to attend these whenever they wish to.

Phase IV Update – Mr. Gilb presented a draft of Contract Addendum A to Amendment #7 to GDA’s 5-Year Contract for the Commissioners’ and County Attorney’s review prior to approval at the May 6th meeting. This addendum, like the one for Phase III, is necessitated by the recent FAA rule changes, which have created more engineering work on GDA’s part to complete the required geometric design revisions. Mr. Gilb reported that the Phase IV bid documents will contain three choices for bid packages – Bid Schedule I (100 days), Bid Schedule I & II (105 days), and Bid Schedule I, II & III (125 days). There will be a mandatory pre-bid meeting on April 17th at the Government Annex at 2:00 p.m. Bids will be awarded on April 30th.

Holden Proposed Language Change – Joe Holden has contacted the Commissioners requesting a change to the letter regarding final acquisition payment approved at the last meeting. The Commissioners agreed that, as the letter has been finalized and sent to the Holden’s, the FAA and WYDOT, no changes will be made at this point. Commissioner Baker will reply to Mr. Holden’s email indicating the County will not be changing the letter as it has already been sent to all concerned parties, but confirming that the County intends to follow all Federal guidelines/regulations concerning relocation reimbursement and act in good faith to meet their commitments to Mr. Holden.

TANF/CPI Grant Application

Public Health Nurse Marie McDougal presented the annual application for the TANF/CPI Grant for the Commissioners’ consideration. Brad Basse moved to authorize the chairman’s signature on the TANF/CPI Grant application. John P. Lumley seconded the motion. Motion carried.

Memorandum of Understanding – Public Health Services

Ms. McDougal presented the MOU between Hot Springs County and the State Public Health Division for Public Health Services in Hot Springs County. The MOU states that the State will provide 65% of the salaries and benefits for State Public Health Employees in the County and the County will provide 35% as well as office space, utilities, etc. John Lumley moved to approve the MOU between Hot Springs County and the Wyoming Department of Health, Public Health Division, for the time period of July 1, 2014 – June 30, 2016. Brad Basse seconded the motion. Motion carried.

Road & Bridge Monthly Report

Road Asset Management Plan (RAMP) – R&B Supervisor Dave Schlager presented the Draft RAMP manual developed by Ray Shaffer over the past several months for review by the Commissioners. He would like to set up a work session with Mr. Shaffer and the Commissioners to go over any changes they might deem necessary after reviewing the manual.

R&B Supervisor Dave Schlager reported that the new plow truck has arrived and is ready to go. The gravel crushing project has been completed and the pit area has been cleaned up. Spring blading of county roads has begun. Work on approach pipes continues as time and weather permits. Mr. Schlager notified the Commissioners that the Road & Bridge employees will go to a 4-Day, 10-Hour/Day workweek beginning the first of May. The H-Diamond-W 4-H camp would like to erect signage on Grass Creek Road giving directions and mileage to the camp. They are willing to purchase the signs and install them or allow the County to install them if that is the preferred alternative. The Commissioners approved the installation of signs for H-Diamond-W 4-H Camp on Grass Creek Road. The Hot Springs Aero Modelers Club is working with the Lights On program through the school and has asked if Road & Bridge could blade the vegetation off the runways at the Model Airplane park to make them more usable. The Commissioners approved the request as it involves programming through the school district. Mr. Schlager reported that R&B will be doing some blading for the State Park on the road to Legend Rock again this year when they have their road maintenance equipment in the area.

Right-Of Way Encroachment – Mr. Schlager reported that there are some problems developing along some of the county roads due to a lack of clear mapping and monument markers. In particular at this time on Jones Road a fence is under construction that is encroaching on to the County's right of way. Mr. Schlager will visit with the owner of the fence and ask him to move it. He would like to see better mapping and monumenting of the county roads so that these types of problems do not occur in the future.

Round 5 High Risk Rural Road Program Agreement – Mr. Schlager presented the Round 5 HRRRP Award Agreement for the Commissioners' approval. This award in the amount of \$100,000.00 will be used to begin the County's guardrail project on East River Road. There is a required 9.51% match requirement, which is eligible to come out of State County Road Funds. Mr. Schlager anticipates receiving a similar HRRRP award under Round 6 in 2015 to complete the guardrail project in a timely manner. Brad moved to approve the chairman's signature on the Round 5 HRRRP Agreement for the Hot Springs County HRRRPP CN15021. John Lumley seconded the motion. Motion carried.

Peil Utility License Agreement – Brad and Dawn Peil have submitted a ULA application to replace an open irrigation ditch with a pipeline and gated pipe system for irrigation. Mr. Schlager has reviewed the application and asked that the following conditions be added for approval:

1. A minimum of 30' of cover on the pipe.
2. Install tracer wire with the pipe.
3. Pipe must be placed in the North outside 5' of the County right-of-way.
4. Installer must make provisions for water in barrow pit to flow under or over

Connection pipe at Station 21+09 in the County right-of-way

The conditions were outlined on Attachment #1 to the ULA application and signed off on by the applicant. All required fees have been paid. John Lumley moved to approve the Utility License Agreement between Hot Springs County and Brad & Dawn Peil for utility work in the County's right-of-way on Skelton Road approximately 500' from Cowboy Mine Road subject to the conditions outlined in Attachment #1 as signed by the applicant. Brad Basse seconded the motion. Motion carried.

Main Street Wyoming Update

Main Street Board Liaison Amanda Moeller provided the Commissioners with an update to the Main Street Thermopolis project. A board has been established with officers as follows: Drew Foster – President, Dan Herdt – Vice-President, Lea Schoenewald – Secretary and Tracy Linko – Treasurer. The formal application for Main Street Wyoming affiliate program is due in December. At this time the group is operating under the Chamber's 501(C)6 charter. The boundaries of the improvement project at this time are from the stoplight at 6th Street and Broadway east to 5th Street, south to Arapahoe Street and west back to 6th Street. One of the aims of the project is to maintain the historic integrity of the area. Many of the buildings down Broadway and along 5th street are listed on the Historic Register as a district already. The owner of the Klink block has submitted a grant application to begin work on restoration of his building, particularly the old Mac's Bar section. Ms. Moeller will report regularly to Commissioners on the progress of the Main Street Thermopolis project.

Public Hearing – Jadeco Land Use Change Request

Commissioner Brad Basse removed himself from participation as a Commissioner in this matter as he is the owner of the company requesting the land use change. Jadeco, Inc. has requested a Land Use Change from residential use to commercial use for approximately 0.14 acres located approximately 800 feet south of the Thermopolis town limits on the southwest corner of Lane 3 and Highway 20 South. Planner Bo Bowman reviewed the action taken by the Land Use Planning Board which resulted in a recommendation for approval of the change with conditions as noted in the Planning Office cover memo in the Commissioners' packets. Chairman Baker declared the public hearing open for comment at 5:20 p.m. Neighboring landowner John Zupan posed some questions regarding signage and the storage containers proposed for the site. Mr. Zupan also stated that, as the proposed plans for the site included fencing, he wished to be clear that the fence along the edge of the property in question was located on the Zupan property, not the property line, and he did not want any newly constructed fence tied into his existing fence in any way. Mr. Basse responded to Mr. Zupan's questions regarding signage and use of the property. Commissioners Baker and Lumley asked Mr. Basse for clarification on lighting, access and water usage at the site. Planner Bowman indicated that proper advertising and notification of the public hearing had been done. After three calls for further comment, receiving none, Chairman Baker declared the public hearing closed at 5:28 p.m. Commissioners Baker and Lumley completed the Relative and Absolute Policies checklists and both reported a positive score for the proposed change. John Lumley moved to approve Jadeco, Inc.'s request for a land use change from residential to commercial use for the property described as a portion of Government Lot 4, Section 2, Township 42 North, Range 95 West, with the following conditions:

1. Parking and driveway areas shall be surfaced in gravel or a similar material to reduce weeds and dust.
2. Any exterior lighting shall be shielded and downcast. Prior to construction, an exterior lighting plan shall first be submitted for the review and approval of staff. This lighting plan shall provide for illumination while minimizing the number, direction, and intensity of light fixtures when viewed from off-site.
3. A Weed Management Plan shall be submitted for the review and approval of staff.

Mike Baker seconded the motion. Motion carried.

Public Hearing – Willson Land Use Change Request

Dr. Howard and Belinda Willson have requested a Land Use Change from to reclassify approximately 10.0 acres from Agricultural to Industrial to allow a gravel pit. An asphalt plant is not part of this request. Planner Bo Bowman reviewed the action taken by the Land Use Planning Board which resulted in a recommendation for approval of the change, specifying that the pit would be "a temporary gravel pit for a period of three years from approval," and included the following condition:

1. All necessary state and federal permits (Air Quality, Stormwater Discharge, WYPDES, etc.) shall be obtained prior to the operation of the facility. Copies of all state and federal permits obtained shall be provided to the County Planning Office.

Planner Bowman noted that his staff report recommended thirteen conditions, and the County Policies checklists submitted to the LUPB were based on the thirteen conditions being met.

Chairman Baker declared the public hearing on the Willson's land use change request open for public comment at 5:40 p.m. Dr. Willson gave a brief review of the reasons behind his request for the land use change. He is currently in discussions with WYDOT regarding a possible contract for the gravel produced at the pit. Tom Anderson spoke to his concern regarding the single condition proposed in the LUPB's recommendation. He feels that most of the other twelve conditions as recommended in the Staff Report to the LUPB should be reinstated. Steve Chapel expressed his concerns about road maintenance, traffic noise due to his shift work schedule, dust abatement and the speed of traffic on the road. Steve Boyer stated that he feels gravel pits do not make good neighbors. His primary concern had to do with the pit's potential effect on the groundwater levels in the area. Dr. Willson responded to all the expressed concerns and agreed that they were valid concerns that he planned to fully address before going forward with the pit. After three calls for further comment, receiving none, Chairman Baker declared the public hearing closed at 5:48 p.m. After clarification on a right-of-way easement across Chapel's property to the Willson property, the Commissioners completed the Absolute and Relative Policy checklists. All three Commissioners reported a net positive score on the checklists. Brad Basse moved approval of the Land Use Change Request to reclassify approximately 10.0 acres of Dr. Howard and Belinda Willson's property from Agricultural to Industrial subject to Conditions 3, 4, 12, and 13 from the Planner's Staff Report.

John Lumley seconded the motion. Discussion: Commissioner Lumley moved to amend the original motion to also include Condition 6 from the Staff Report. Commissioner Basse seconded the motion to amend. Discussion: after consultation with the County Attorney regarding the County's ability or lack thereof to impose the requirement for installation of a stop sign, Commissioner Lumley requested that the stop sign requirement be removed from Condition 6. Second concurred. Motion to amend carried. Discussion on original motion: Commissioner Basse moved to amend the original motion to strike "other reasonable measures" from Condition 12. John Lumley seconded the motion. Motion to amend with changes to Condition 12 carried. Discussion: the Commissioners agreed they had no authority to control either the traffic noise level or the speed limit on a private road. Call for the question. Motion carried to approve the land use change request with the following conditions:

1. A Weed Management Plan shall be submitted for the review and approval of staff
2. The applicants shall provide for regular solid waste removal, in a covered vehicle or trailer, to an approved landfill. Containers shall be screened, covered, or protected to prevent blowing trash.
3. Prior to the start of commercial mining operations, the following improvements shall be made to Sprowl Road: resurface the road gravel from the applicants' entrance to the highway, install two turnouts to accommodate opposing traffic.
4. Prior to the start of commercial mining operations, agreements shall be reached with the Lucerne Pumping Plant Company and Owl Creek Irrigation District concerning improvements to the two irrigation ditch crossings on Sprowl Road. Such improvements may include additional road base, culvert extensions and road widening, and protecting the ditches from gravel pit traffic.
5. All necessary state and federal permits (Air Quality, Stormwater Discharge, WYPDES, etc.) shall be obtained prior to the operation of the facility. Copies of all state and federal permits obtained shall be provided to the County Planning Office.

Airport Expenses Reimbursement Request

JT Aviation, the current airport FBO, has submitted a letter informing the Commissioners that there have been some unanticipated expenses that will cause them to be over their annual budget at the end of the year. After the reviewing the bills, the Commissioners agreed to consider them at their May meeting, with the notation that they are reasonable and necessary expenses and the budget overage will be addressed at the end of the year.

Wyoming County Commissioners Association Budget Discussion

WCCA Board representative Brad Basse presented the budget that will be considered at the Spring WCCA meeting in Saratoga. There have been some significant changes to the budget this year and the WCCA board is asking for input from the Commissioners prior to the Spring meeting. After some consideration, John Lumley moved to authorize Brad Basse to vote in favor of the budget at the Spring WCCA Board meeting. Brad Basse seconded the motion. Motion carried.

Other Business

Commissioners Scholarship Award – The Commissioners reviewed the thirteen applications received for the 2014 County Commissioners' Freshman Scholarships. Three recipients were chosen, as well as three alternates. Names of the scholarship winners will be announced at the Hot Springs County School District's Senior Awards Night Ceremony to be held on Tuesday, May 13, 2014.

Consider WYECIP Contract Extension – The contract with the Wyoming Business Council for oversight of the WYECIP Energy project expires June 30, 2014. As it is not certain the project will be finalized by that date, the Commissioners agreed that Chairman Baker will respond to the WBC's inquiry with a request for an extension of the contract through December 31, 2014.

Lane 3 Power Line Update – Chairman Baker reported that he has discussed this matter with Rocky Mountain Power representatives and they want to deal with the power line issue at the same time as they deal with the lowering of the power service pole if required when Jadeco installs their access off of Lane 3. As the land use change request for Jadeco was approved earlier in the meeting, this matter can now move forward. Chairman Baker will continue to follow up on this matter.

Owl Creek Water District CDBG Grant Drawdown Request #25 – Clerk Webber presented Grant Draft Request #25 for the Owl Creek Water project. John Lumley moved to approve the Wyoming Business Council Investment Ready Communities Grant Draft Request #25 for the Owl Creek Water District Water Supply project in the amount of \$5,126.00. Brad Basse seconded the motion. Motion carried.

Appoint Substance Abuse Treatment Contract Select Committee Representative – Shawna Pena, State Mental Health Division, has asked the Commissioners to appoint a representative to the Select Committee to select a provided for Substance Abuse services in Hot Springs County. After reviewing the background for this request, and after receiving input from Hot Springs County Counseling Center Director Al Braaten, the Commissioners decided on a slightly different course of action. Brad Basse moved to draft a letter to Ms. Pena, with copies to Mental Health Division personnel Chris Newman and Alice Russler relative to the Substance Abuse Treatment contract for Hot Springs County. John Lumley seconded the motion. Discussion: the letter will first request a meeting with representatives of the Mental Health Division prior to the meeting of the Select Committee to award the Substance Abuse Services contract, and second will invoke the Commissioners' statutory right to proceed as the members of the Select Committee with State Mental Health personnel as the only additional members of the Committee. Motion carried.

Correspondence

Fair Board Minutes – March, 2014

Airport Monthly Operations Report – March, 2014

Shay Conner – Retirement Notification – After review of Shay Conner's letter of notification, Brad Basse moved to accept Shay Conner's retirement effective May 31, 2014. John Lumley seconded the motion. Motion carried.

Library Board Minutes – March, 2014

Adjournment

There being no further business to come before the Board of County Commissioners at this time, Brad Basse moved to adjourn. Chairman Baker declared the meeting adjourned at 7:40 p.m.

ATTEST:

Mike Baker, Chairman

Nina Webber, Clerk to the Board