

STATE OF WYOMING)
)
COUNTY OF HOT SPRINGS)

OFFICE OF THE BOARD OF
COUNTY COMMISSIONERS
THERMOPOLIS WYOMING
July 1, 2014

The Hot Springs County Board of Commissioners met in regular session on Tuesday, July 1, 2014 at 9:00 a.m. in the Commissioners Room at the Government Annex.

Present were Commissioners Mike Baker, Brad Basse and John Lumley. Also present were County Clerk Nina Webber and County Attorney Jerry Williams. Chairman Baker led those present in the Pledge of Allegiance.

Approval of Agenda

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

ADD: Other Business	Marie McDougall	5. Maternal Child Health Contract
	Commissioners	6. Airport Fly-In Grant In Aid Approval

Brad Basse seconded the motion. Motion carried.

Approval of Minutes

Brad Basse made a motion to approve the minutes of the regular meetings on June 3 and 17, 2014 as presented. John Lumley seconded the motion. Motion carried.

TY Pickett Contract

County Assessor Shelley Deromedi presented the annual contract with Thomas Y. Pickett & Company for the Commissioners' approval. This company assists the Assessor's office with tax valuations of industrial properties within the county. The County Attorney has reviewed and approved the content of the contract. Brad Basse moved to approve the contract between Thomas Y. Pickett & Company and Hot Springs County for industrial appraisal assistance for fiscal year 2014-2015 in the amount of \$3,500.00. John Lumley seconded the motion. Motion carried.

Dept. of Revenue Memorandum of Understanding – RealWare V5 Conversion

Ms. Deromedi presented a memorandum of understanding between the State Department of Revenue and Hot Springs County for the Commissioners' approval. This MOU establishes guidelines for the delivery and installation of the hardware necessary for conversion to RealWare V5, which is used to operate the County's appraisal system. This MOU has been reviewed by the County Attorney and his requested changes have been made. John Lumley moved to approve the MOU between the State of Wyoming Department of Revenue and Hot Springs County regarding hardware installation and software access for the CAMA system in the Assessor's office. Brad Basse seconded the motion. Discussion: the estimated value of the hardware involved is \$18,568.00. Motion carried.

Maintenance Monthly Report

Maintenance Foreman Chuck Carver reported that Big Horn Energy has been sold to Long Technologies. Mr. Carver does not anticipate any change in dealings with this company. Mr. Ohrmund, the new custodian, is working out well. Mr. Carver reported that he has begun to work on using his accumulated Comp and Vacation hours as he is confident that his staff can handle things in his absence.

Maintenance is working on ways to discourage nesting birds at the Annex – keeping the area clean is an ongoing challenge as the birds have become more attracted to the open spaces at the top of the Annex building. Commissioner Basse asked Mr. Carver to be a little more cognizant of the lighting situation at the Courthouse, Annex and Library as lights often seem to go for an extended period of time burned out before being replaced, which is a problem particularly with the igniter-driven lights. When the light is out, the igniter continues to operate, which leads to failure of the igniter, which is costly to replace. Mr. Carver agreed to be more attentive to the lighting in his weekly and monthly inspections.

The library sidewalks will be replaced shortly now that the new budget year has begun. Mr. Carver hopes to address several issues with the sidewalks in the library area during this project including tree root intrusion, sinking areas toward the back and an overall need to lift the sidewalk from Arapahoe to the Ag Extension building to get it above the grade of the lawn. Mr. Carver asked about bringing in an engineer to oversee the concrete replacement project at the back of the law enforcement center as part of the

Request for Proposals he is currently developing. The Commissioners did not directly address this matter at this time.

Emergency Management Monthly Report

Emergency Management Coordinator Bill Gordon reported the outflow from Boysen is currently at 3,700 cubic feet per second. The reservoir is reporting 98% full. There is a potential for increasing the flow to as much as 5,000 cfs in the near future.

Regarding the required annual report to Homeland Security on equipment valued over \$5,000.00, Mr. Gordon reported that is still a work in progress as there are still questions regarding who determines the current value and what methods will be used to do that statewide.

Commissioner Lumley asked Mr. Gordon about available funding for radios for Search and Rescue. Mr. Gordon will discuss this with Sheriff Falgoust and the Search & Rescue folks to determine need and potential costs.

Road & Bridge Monthly Report

Road & Bridge Supervisor Dave Schlager reported that most of the asphalt patching is finished. All roads have been bladed at least once, some of them twice. Gravel has been placed on the far end of Coyote Run and the middle of Rimrock Drive, and chips have been staged for the project on Cottonwood this fall. Re-graveling on Kirby Creek has begun. Shoulder mowing is in progress – the flail mower is working well. Weed & Pest has started spraying the roads and will continue this month. The new walk and roll has been delivered and put into service. The Commissioners asked Mr. Schlager to look into financing options for purchasing a new blade this year. Mr. Schlager indicated he would like to check out a guaranteed buy-back/lease option for the new blade as that often results in a lower price. As the old Champion blades are not worth much for trade, he is planning to keep the old machines to use for at least another three years.

Bridge Inspection Report – The WYDOT Bridge Inspection report dated June 18, 2014 shows no critical deficiencies on the bridges inspected in February, 2014. Commissioner Baker noted that the last wooden bridge in the state at Owl Creek is currently being replaced.

Utility License Agreement – RT Communications – RT Communications has submitted a Utility License Agreement for work on West Sunnyside Lane, crossing under the road approximately 0.76 miles from the Highway 120 intersection. After reviewing the application with Mr. Schlager, John Lumley moved to approve the Utility License Agreement between RT Communications and Hot Springs County for work on County Road 15-27W located approximately 0.76 miles from the intersection of CR15-27W and Highway 120. Brad Basse seconded the motion. Discussion: the required payment has been received. Motion carried. Mr. Schlager reminded the Commissioners that the RAMP policy is still waiting for their review and approval and that it contains new License Agreement Forms and sections to address any potential problems that may arise with future License Agreements.

Youth Alternatives Monthly Report

Director Alan Rossler reported his numbers remain steady with seven participants in the diversion program and two on probation. There were no 48-hour holds and no detentions in June. Mr. Rossler presented his quarterly drawdown request for April 1 – June 30, 2014. John Lumley moved to authorize the chairman's signature on the Drawdown Request for the VOANR/OJJDP 2011 Non-Participating State Award Sub-Grant CFDA #16.540 for the time period of 04/01/14-06/30/14 in the amount of \$793.44. Brad Basse seconded the motion. Motion carried.

2012 Non-Participating State Grant Application – Mr. Rossler presented the VOANR 2012 OJJDP Non-Participating State Grant Application for the Commissioners' review and signature. The County Attorney and Sheriff have reviewed the application and deemed it acceptable. The amount requested for the grant this year is \$25,740.00. Brad Basse moved to authorize the chairman's signature on the VOANR 2012 OJJDP Non-Participating State Grant Application. John Lumley seconded the motion. Motion carried.

Planner Monthly Report

Planner Bo Bowman reported the NRPC will be meeting on July 9th. The focus of the NRPC has changed slightly to look at perhaps increasing their membership to include more varied areas of expertise. The NRPC is asking that the Commissioners consider advertising for more members for their board. The Commissioners felt that, due to the cost of advertising, it would be best to combine this with advertising for other County Board openings as they occur. Mr. Bowman has suggested that the current members

keep an eye out for people who might be a good fit and encourage them to apply for membership on the board.

The Land Use Planning Board will not meet this month as they have nothing new to consider at this time. Mr. Bowman reported that he anticipates a new subdivision application next month but has nothing formal at this time. Mr. Bowman outlined some changes he would like to see in the subdivision process going forward involving more information up front leading to fewer surprises at the end. He is currently working on a re-write of the County's Land Use Plan and will address the subdivision process in this draft. When the draft is complete, he will present it to the LUPB and the County Attorney for review before bringing it to the Commissioners for review and approval.

Work continues on the Welcome to Thermopolis brochure. Mr. Bowman is also working on updating the Planner job description.

The septic system is in full swing, but off to a pretty slow start. Mr. Bowman will update the Commissioners as the summer goes on.

Public Hearing – Bridger Wireless Cell Tower Land Use Change Request

Chairman Baker declared the public hearing on the Bridger Wireless, LLC Land Use Change Request open at 11:00 a.m. Planner Bo Bowman reviewed the request from Bridger Wireless, LLC to reclassify approximately 0.19 acres of Bruce and Barb Ostermann's property on the south side of King Road from Agricultural to Industrial for the installation of a 195' tall un-stayed cell tower and support shed approximately 500' east of the railroad right-of-way. The LUPB has recommended approval of the land use change with the following conditions:

1. Parking and driveway areas shall be surfaced in gravel or a similar material to reduce weeds and dust.
2. There shall be no exterior lighting on the proposed tower, adjacent accessory building, or elsewhere on the exterior of the property.
3. A Weed Management Plan shall be submitted for the review and approval of staff.
4. The applicant shall execute a Road maintenance Agreement for King Road.
5. The proposed tower structure shall not exceed 200 ft. in height, excluding its lightning rod.
6. The emergency generator shall meet noise standards suitable for a residential area.
7. Should the proposed cell tower use cease in the future, the Institutional designation shall revert back to Agricultural. Any replacement institutional use on this property shall be reviewed by the County as a new Land Use Change proposal.

Commissioner Basse asked about a requirement for a beacon on the tower. Mr. Bowman replied that a beacon is only required for structures taller than 200', so that requirement does not apply here. After three calls for public comment, receiving none, Chairman Baker declared the public hearing closed. The Commissioners completed the Absolute and Relative Policies Checklists, resulting in a positive score for the land use change. Brad Basse moved to approve the land use change request from Bridger Wireless, LLC to reclassify 0.19 acres from agricultural to institutional for the purposes of construction of a cell tower and accessory structure at the northeast corner of Section 36, Township 45 North, Range 85 West with the seven conditions delineated in the Memorandum from the County Planner to the Commission dated June 20, 2014. John Lumley seconded the motion. Discussion: Basse moved to amend the motion to change Condition 2 to read as follows: *There shall be no permanent dusk to dawn exterior lighting on the proposed tower adjacent to the exterior of the accessory building or elsewhere on exterior of the property. Switch-controlled lighting at the accessory building as necessary for maintenance, repair and construction shall be allowed.* Lumley seconded the motion to amend. Motion carried. Vote called on original motion as amended. Motion carried.

Consider Natural Resources Plan Revision

The draft revision of the County's Natural Resources Plan has been available for review and comment for four months and was presented for the Commissioners' approval today. NRPC members Chuck Carver and Randy Wahler were in attendance to give input on suggested changes to the plan. After considerable discussion and wordsmithing, John Lumley moved to approve the revised Natural Resources Plan with the additions and changes outlined in today's discussion. Brad Basse seconded the motion. Discussion: Commissioner Basse asked that the changes be incorporated into a final draft document to be reviewed for accuracy and completeness by the Commissioners prior to affixing their signatures. Commissioner Lumley requested electronic copies of the final draft be sent to all three Commissioners, Planner Bowman

and members of the NRPC for review prior to signature. Motion carried. A copy of the final, signed Natural Resources Plan will be available in the Clerk's Office and the Planner's Office for public review.

Sheriff's Office Policy & Procedures Revision and Implementation

Larry and Chris Bentley appeared before the Commissioners to discuss their concerns with the policies and procedures as they currently exist in the Sheriff's Office. Mr. Bentley distributed the following statement which Chairman Baker asked to be included as part of the minutes:

To the Commissioners, County Attorney and Sheriff of Hot Springs County

We are Chris and Larry Bentley, tax payers in Hot Springs County. We have recently won a jury award and judgment in Federal Court against the Sheriff and this county. During the trial, numerous deficiencies were revealed in court, under oath by the Sheriff, which violates both State and Federal law.

We would ask that the Commissioners have the County Attorney review the transcript of the trial, and the Sheriff's sworn deposition, and identify to you the deficiencies in the Sheriff's Department, by recommendations on avoiding future lawsuits. One example that has to be addressed is the fact that current Sheriff Department policies were found to be in violation of State and Federal law. We therefore are suggesting that the Commissioners request the County Attorney to examine all Hot Springs County policies for state and federal compliance. As taxpayers, we cannot stress enough that this is the prudent thing to be done.

We also request that the Commissioners address the fact that prior to litigation, concerns were brought to the Commissioners by citizens many times, involving the Sheriff's Department. This resulted in the citizens being ridiculed in public by the Sheriff, for these complaints. The Sheriff denied allegations at that time. Under oath, in sworn testimony, the Sheriff admitted such allegations were true in his department. No documented reprimand for such acts were recorded, which was against the Sheriff Departments own policies. To add to that additionally, the DCI investigator admitted under oath that he did not review the policies or procedures involved in this county.

In summary:

- Sheriff's Office Policies Violate State and Federal Law and because of those policies, fines and jail time could apply
- Sheriff's Office denied and gave misleading statements to it's citizens
- Sworn Testimony by the Sheriff revealed unacceptable behavior by the Sheriff's office that should be further investigated.

We hope that this county has learned through lost merit and monetary loss, that in order to rectify this situation in the future, we would ask the commissioners to look into complaints voiced of it's citizens, and further be in compliance with State and Federal law.

Mr. Bentley offered to answer any questions the Commissioners might have. Chairman Baker stated that, while this document implies that the Commissioners oversee the Sheriff's department, he did not see that the Commissioners had any statutory authority over the Sheriff in regard to anything except the setting of his budget. Mr. Bentley stated that what they were asking for was a review by the County Attorney of the Policies and Procedures established by the Sheriff for his department to ensure they meet statutory requirements. County Attorney Williams stated that he could review any policies or procedures brought to him, but had not been provided with anything to review until June 30th, when Sheriff Falgoust brought him a policy adopted by the Sheriff's department regarding the destruction of animals for review. CA Williams stated further that, as the Sheriff was represented at the trial referred to by the Bentleys by outside attorneys via the Local Governmental Liability Pool (LGLP), he had no knowledge of what actually transpired during the trial and could not comment on it. After further discussion of the issues at hand, the Commissioners stated that they did not have the statutory authority to do what the Bentleys were asking

of them. CA Williams thanked the Bentleys for their calm attitude and demeanor during the presentation and discussion of their request.

Airport Update

Phase III – GDA representative Jeremy Gilb presented Change Order No. 2 to the Phase III project. This change order deals with the removal of the requirement of smoothness testing on the top finished surface of the P-152S material only, and a change to the backfill material around the vertical edge drain. The plans call for using the on-site gravel material. However, this on-site gravel has larger sized rock than expected and larger rock than was encountered in the test holes during the geotechnical investigation. GDA is concerned about the large rocks damaging the edge drain while backfilling the trench and would like to change to a smaller, coarse-graded rock material. This change order has been submitted to WYDOT and the FAA and received preliminary verbal approval. Brad Basse moved to approve Change Order No. 2 for Phase III of the Airport Relocation project in the amount of \$435.50, contingent upon receipt of WYDOT and FAA concurrence. John Lumley seconded the motion. Motion carried. A similar change order will be presented for Phase IV at the next meeting. Work continues on a plan to deal with the seep identified in the construction area.

Phase IV – The contractor continues to make substantial progress. FAA and WYDOT personnel will be at the site for a tour on Monday, July 7th. Mr. Gilb invited the Commissioners and Cindy Glasson with the Independent Record to be a part of this if they so desired.

Dryden-LaRue Relocation Budget Update/Re-Submittal – Mr. Gilb reviewed a letter from Dryden & LaRue containing a re-submittal of their budget for relocation. Commissioners agreed that the additional spreadsheet produced by Dustin Spomer aided greatly in their understanding of the letter from D&L.

Weed Spraying Estimate Discussion – Mr. Gilb reported that the FAA sees the weed spraying as a non-eligible maintenance issue, but pre-treatment prior to seeding would be eligible. Commissioner Baker indicated that Weed & Pest will treat some of the noxious weeds at no cost, but the time for control this year has passed. It was decided to work with pre-treatment options prior to seeding the area next spring after the topsoil has been replaced.

Inspectors – Mr. Gilb has discussed the inspection question with WYDOT and the FAA, and determined that specific individual inspectors for each phase of the project are not necessary, as long as the site inspectors can keep up with the required inspections and reports. .

Other Business

Child Support Enforcement Cooperative Agreements – The Commissioners reviewed the cooperative agreements regarding Child Support Enforcement between the Wyoming Dept. of Family Services-CSE and the Clerk of District Court. The County Attorney has reviewed these agreements and finds them acceptable. John Lumley moved to approve the Cooperative Agreement for Responsibilities between the Wyoming Dept. of Family Services-CSE and the HSC Clerk of District Court for the time period of July 1, 2014 through June 30, 2016 for an amount not to exceed \$8,508.00. Brad Basse seconded the motion. Motion carried. Brad Basse moved to approve the Cooperative Agreement for Receipt and Distribution of Payments between the Wyoming Department of Family Services-CSE and the HSC Clerk of District Court for the time period of July 1, 2014 through June 30, 2016. John Lumley seconded the motion. Motion carried.

Allegiance Benefit Plan Administrative Services Agreement – The County Attorney has reviewed the agreement and finds it acceptable. Brad Basse moved to approve the Administrative Services Agreement, including Appendices A, B, C and D between Hot Springs County and Allegiance Benefit Plan Management for third-party administrator services for the Hot Springs County Benefit Plan for the period of July 1, 2014 through June 30, 2015. John Lumley seconded the motion. Motion carried.

Employment Benefit Plan – Amendment No. 2 – This amendment addresses the June, 2014 Restricted Open Enrollment period held due to changes in the Employee Benefit Plan implemented on July 1, 2014. Brad Basse moved to approve Amendment No. 2 to the Summary Plan Document for the Hot Springs County Employee Group Benefit Plan. John Lumley seconded the motion. Motion carried.

2014-2015 Juvenile Detention/Transportation Contract – The Commissioners reviewed the annual contract with Natrona County providing for housing and transportation for juveniles requiring detention. The contract has been reviewed and approved by the County Attorney and signed by Sheriff Falgoust. John Lumley moved to approve the contract between Natrona County and Hot Springs County

Sheriff's Offices for provision of juvenile detention services and sentencing options. Brad Basse seconded the motion. Motion carried.

Maternal /Child Health Memorandum of Understanding – Public Health – Public Health Director Marie McDougall presented the Maternal/Child Health MOU for the Commissioners' approval. Funds available through this MOU amount to a maximum of \$49,000.00 over a period of two years. The County Attorney has reviewed the MOU and finds it to be acceptable. John Lumley moved to approve the Maternal/Child Health Services Memorandum of Understanding between Hot Springs County and the Wyoming Dept. of Health, Public Health Division in the amount of \$49,000.00 for the period of July 1, 2014 through June 30, 2016. Brad Basse seconded the motion. Motion carried.

Airport Fly-In Grant-In-Aid – The Commissioners reviewed the Certificate of Grant-In-Aid received from WYDOT-Aeronautics for the Airport Fly-In currently scheduled for August 16th. John Lumley moved to sign the Certificate of Grant-In-Aid from WYDOT-Aeronautics for the Airport Fly-In in the amount of \$2,416.00. Brad Basse seconded the motion. Motion carried.

Correspondence

FAA – Amendment No. 2 Approval

Dept. of Revenue – Owl Creek Water District Petition Review

Dept. of Health – FY 2015 Substance Abuse Contract Award

Land Use Planning Board – Minutes, March, 2014

NOWCAP – Housing Preservation Program Pre-Application Notification

WY DEQ / STP – Airport MSA Report Approval

The Commissioners reviewed the correspondence items. No further action on the items was required at this time.

Executive Session – Brad Basse moved to enter into Executive Session for reasons of potential litigation. John Lumley seconded the motion. Motion carried. Brad Basse moved to leave Executive Session. John Lumley 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 at this time, Brad Basse moved to adjourn. Chairman Baker declared the meeting adjourned.

Attest:

Mike Baker, Chairman

Nina Webber, Clerk to the Board