

STATE OF WYOMING                    )  
  )  
COUNTY OF HOT SPRINGS        )  
  )  
OFFICE OF THE BOARD OF  
COUNTY COMMISSIONERS  
THERMOPOLIS, WYOMING  
September 16, 2014

The Hot Springs Board of County Commissioners met in regular session on Tuesday, August 19, 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:

**ADD: Tracey Kinnaman**       Library Printer

Brad Basse seconded the motion. Motion carried.

**Airport Update**

SRE Building Grant – The grant award paperwork has been received, signed as approved at the September 2<sup>nd</sup> meeting and returned to the FAA. The total amount of the Grant THP-12A-3151 award is \$666,667.00 with a 90-10 match (\$600,000.00 – State, \$66,667.00 – Local).

WYDOT THP-11B – RFR #18 – Clerk Nina Webber presented WYDOT-Aeronautics Division Request for Reimbursement #18 for the Commissioners’ approval. John Lumley moved approval of WYDOT-Aeronautics Division Project THP-11B-2794 RFR #18 in the amount of \$1,724.00. Brad Basse seconded the motion. Motion carried.

Phase III Change Order #4 – GDA representative Dave Johnson presented Change Order #4 for the Phase III project for the Commissioners’ consideration. The items covered in the change order include earthwork, drainage, paving and electrical work revisions for Phase III. After reviewing the change order, Brad Basse moved to approve Contract Change Order #4 for Phase III of the Airport Relocation Project in the amount of \$9,046.78, contingent upon FAA and WYDOT concurrence. John Lumley seconded the motion. Motion carried.

Construction Update – Mr. Johnson reported that the paving has begun with the test strip passing inspection this week and full paving scheduled to start September 17<sup>th</sup>.

**LGLP Board Nominations**

Chairman Basse indicated that the LGLP Board has nominated him for re-election to the County Commissioner position and Donna Geho for the Special District 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.

**Library Printer**

Library Director Tracy Kinnaman appeared before the Commissioners to request funding for a new printer for the Library. The library recently installed new computers which were not compatible with the old printer, necessitating the purchase of a new printer, which was not included in the amount requested for the computer replacement project. Brad Basse moved to approve the expenditure of an additional \$2,063.16 out of Courthouse Equipment to complete the purchase of a new printer and installation of the new computers for the Library. John Lumley seconded the motion. Motion carried. Discussion followed regarding disposition of the monitors from the old computers. The Commissioners agreed that Ms. Kinnaman could give any unneeded monitors to other county entities that might have a use for them. Ms. Kinnaman will track disposition of the monitors on her annual asset report.

**Well Permit Review Discussion**

The geological consultant used by the Commissioners to review State well permit applications in the past is no longer able to do so. The Commissioners agreed that it is important to have someone review the applications prior to their approval by the State Engineer’s Office to ensure the well will not be likely to impact the Hot Springs area of concern regarding the Big Spring. Commissioner Lumley will contact local geologists to see who might be willing to review the permits and report back at the October 7<sup>th</sup> meeting.

### **Well Permit Application – Baird – Ellen & Jack #1**

The Commissioners reviewed the application from Jack and Ellen Baird for the Ellen & Jack #1 Well. Brad Basse moved to approve the application from the Bairds for the Ellen & Jack #1 Well. John Lumley seconded the motion. Discussion: It does not appear that this well would negatively impact the Hot Springs Area of Concern. Motion carried.

### **Public Hearing – Hillberry Subdivision**

Planner Bo Bowman reviewed the application for a land use change from agricultural to residential for lands owned by Dee Hillberry located in the northeast quarter of the southeast quarter of Section 33, Township 44 North, Range 94 West, and the preliminary plat for a one lot subdivision of approximately 6.1 acres. The Land Use Planning Board has reviewed the applications and forwarded them to the Commissioners with “do-pass” recommendations, subject to several conditions of approval for the subdivision, and no conditions for the land use change request. Chairman Baker opened the public hearing for comment at 5:13 p.m. Written comments received from area landowners Cecil and Kris McNeff and from the Hot Springs Conservation District were included in the Commissioners’ packets for consideration. After three calls for further public comment, receiving none, Chairman Baker declared the hearing closed at 5:15 p.m. The Commissioners then completed the required scoring checklists regarding absolute and relative policies in the Land Use Plan.

John Lumley moved to approve the land use change from agricultural to residential as requested by Dee Hillberry, representing Big Horn River Ranch, LLC for roughly 6.1 acres of land located in the northeast quarter of the southeast quarter of Section 33, Township 44 North, Range 94 West as shown on the map attached to the application. Brad Basse seconded the motion. Discussion: all absolute policies were complied with and the relative policies checklist resulted in a positive score from all three Commissioners. Motion carried.

Brad Basse moved to approve the preliminary plat of the Hillberry Subdivision, subject to the following conditions:

1. *This preliminary plat shall expire one year after the date of its approval. The final plat for this subdivision shall be submitted for the County’s review and approval prior to that expiration.*
2. *A Weed Management Plan shall be submitted for the review and approval of staff.*
3. *A notation shall be placed on the Final Plat stating that a WYDOT Residential Access Permit is required prior to the construction of a driveway onto Black Mountain Road, and also that a Hot Springs County Access Permit is required prior to construction for any driveway connection onto East River Road. Said notation shall also state that any future driveway connections onto East River Road shall meet County design and construction criteria for driveways.*
4. *A notation shall be placed on the Final Plat stating that any septic system on the property shall be permitted through the Hot Springs County Planning Office.*
5. *The building areas – at the northeast and northwest corners of the property – shall be identified on the Final Plat. The Final Plat shall also note that the lower elevations of the property are subject to periodic flooding, and that no structures shall be placed within this area.*
6. *Prior to recording the Final Plat, a Water Management Plan for the separation of water rights for this property shall be reviewed and approved by the Kirby Ditch Irrigation District.*

John Lumley seconded the motion. Discussion: County Attorney Jerry Williams felt that the issue of waste disposal should be addressed. Commissioner Basse moved to amend the original motion to include a seventh condition as follows:

7. *A solid waste management plan shall be submitted for the review and approval of staff.*

John Lumley seconded the motion to amend. Motion to amend carried. The original question was called. Motion carried.

### **Award Grader Bid/Financing Proposal**

**Grader Bid** – Road & Bridge Supervisor Dave Schlager presented the Commissioners with his recommendation to purchase the John Deere 770GP 2014 Motor Grader from Honnen Equipment, Casper, Wyoming for \$243,775.00, less trade-in of a 1999 Champion 730A Blade at \$32,500.00 for a net price of \$211,275.00. The sales agreement includes a guaranteed buyback of the grader at the end of 2 years/1500 hours in the amount of \$243,775.00. Mr. Schlager proposed putting 50% down and entering a commercial lease agreement for the remainder. He would then use the remaining budgeted funds to purchase a Walk and Roll directly from the manufacturer for use with the grader. Brad Basse moved the accept the bid from Honnen Equipment for a 2014 John Deere 770GP Motor Grader for \$243,775.00,

less trade-in of a 1999 Champion 730A Blade at \$32,500.00 for a net price of \$211,275.00, with a guaranteed buyback of \$243,775.00 at two years/1500 hours. John Lumley seconded the motion. Motion carried.

Grader Financing – Clerk Webber presented a grader financing bid summary for the Commissioners’ consideration. She noted that the buyback plan contained in Honnen Equipment’s bid was not contingent upon financing through the company. Commissioner Basse recused himself from the financing discussion due to his position on the board of directors for one of the competing banks. After review of the summary, John Lumley moved to accept the lease financing proposal from Bank of Thermopolis at a 2.82% fixed rate, with a \$1.00 buyback at the end of the lease and a waiver of the \$250.00 processing fee. The lease amount is not to be more than \$106,000.00. Mike Baker seconded the motion. Motion carried. Clerk Webber will work with the Bank of Thermopolis to finalize the paperwork.

Walk and Roll - Brad Basse moved to authorize Dave Schlager to purchase a new Walk and Roll for use with the new grader for an amount not to exceed \$22,000.00. John Lumley seconded the motion. Motion carried.

Lane 3 Parking – Mr. Schlager informed the Commissioners that he has been approached by several landowners on Lane 3 concerned with the safety of the entrance to Lane 3 off of Highway 20. Mr. Schlager asked the Commissioners for permission to establish a “No Parking” zone on both sides of the entrance to Lane 3 from Highway 20 South. Commissioner Basse recused himself from discussion and voting as he is one of the landowners on Lane 3. John Lumley moved to designate the area from the intersection of Highway 20 and Lane 3 to the first approach on the south side and parallel to that on the north side as a no-parking zone. Mike Baker seconded the motion. Discussion: it has become apparent that vehicles parked in the no-parking area constitute a traffic safety hazard when it comes to snow removal, trucks with trailers turning in from both the north and south, and vehicles entering and leaving Highway 20 to access the south entrance to the Shopko parking lot. The no-parking zone will be established by painting the curbs yellow. If it becomes necessary, signage will be installed by the Road & Bridge department. Motion carried.

#### **Court Security Measures Discussion**

Chairman Baker reported on the meetings of the Court Security Committee. The CSC meets on the first Friday of each month to discuss ways and means to develop better security measures for the Courts and the Courthouse. Chairman Baker will continue to report on the activities of the CSC each month.

#### **Fair Building Floor Repairs**

After inspection of the damage to the Fair Exhibit Building floor, the Commissioners agreed that repairs must be made to eliminate the safety hazard posed by the damaged floor. Concrete Solutions Technology of Cody has agreed to come and look at the floor and see what may need to be done. The inspection will be done at no charge to the County. Chairman Baker will continue to follow up on this item.

#### **D.A.R. Constitution Week Proclamation**

Clerk Webber presented a proclamation for the Commissioners’ signature declaring September 17-23 as Constitution Week in Hot Springs County. This proclamation was requested by the area chapter of the D.A.R., but no one from the group was able to attend this meeting. Brad Basse moved to sign a proclamation declaring Constitution Week as follows:

#### **PROCLAMATION**

- **WHEREAS:** September 17, 2014 marks the two hundred twenty-seventh anniversary of the drafting 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 the occasion, and
- **WHEREAS:** Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,
- **NOW, THEREFORE,** We, the undersigned County Commissioners of Hot Springs County, Wyoming, **DO HEREBY PROCLAIM** the week of **September 17-23, 2014** as

#### **CONSTITUTION WEEK**

and ask our citizens to reaffirm the ideals that the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

- IN WITNESS WHEREOF, we have hereunto set our hand, and caused the Seal of the County of Hot Springs, Wyoming to be affixed on this 16<sup>th</sup> day of September, in the year of our Lord, Two Thousand Fourteen.

**ATTEST:**

Mike Baker, Chairman                      Nina Webber, County Clerk  
Brad Basse, Vice-Chairman  
John P. Lumley, Commissioner

John Lumley seconded the motion. Motion carried

**Other Business**

State Health Insurance Pool Participation – The Commissioners received an email regarding the county's interest in participation in the state's health insurance pool. This topic is being studied by the Joint Appropriations Interim Committee and the WCCA is attempting to gauge interest on the part of the counties in participation. The Commissioners asked staff to provide updated numbers to the WCCA regarding number of employees and health insurance expenditures for FY 2013-2014. The Commissioners agreed that the level of interest/likelihood of participation question should receive a rating of 4 – *Likely in the short term to compare costs at a minimum.*

**Correspondence**

**Library Board Minutes** – August, 2014  
**Fair Board Minutes** – August, 2014  
**NRPC Minutes** – August, 2014  
**Airport Monthly Operations Report** – August, 2014  
**Conservation District** – Thank You (Basket)  
**USFWS** – Black Footed Ferret

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

**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 6:08 p.m.

ATTEST:

---

Mike Baker, Chairman

---

Nina Webber, Clerk to the Board