

STATE OF WYOMING )  
 )  
COUNTY OF HOT SPRINGS )

OFFICE OF THE BOARD OF  
COUNTY COMMISSIONERS  
THERMOPOLIS WYOMING  
November 4, 2014

The Hot Springs County Board of Commissioners met in regular session on Tuesday, November 4, 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, County Attorney Jerry Williams and Administrative Assistant to the Commissioners Penny Herdt. Chairman Baker led those present in the Pledge of Allegiance.

**Approval of Agenda**

John Lumley made a motion to approve the agenda as presented. Brad Basse seconded the motion. Motion carried.

**Approval of Minutes**

Brad Basse made a motion to approve the minutes of the regular meetings on October 7 & 21, 2014 as presented. John Lumley seconded the motion. Motion carried.

**Maintenance Monthly Report**

Maintenance Foreman Chuck Carver reported setup for the election went well. Preparations for winter are well underway. The museum roof project audit has been conducted and Mr. Carver reviewed the results. One of the suggestions involved consulting with an engineer, so Commissioner Basse will provide Mr. Carver with the name of an engineer who might be suitable. Mr. Carver will submit a final report on this project on the 18<sup>th</sup> of November.

**Road & Bridge Monthly Report**

Road & Bridge Supervisor Dave Schlager reported that Fall blading continues. Kirby Creek graveling is complete. The Owl Creek Water Project on Jones Road appears to be going well. Repairs to the wash on Cowboy Mine Road are complete. Graveling of Sand Draw has begun. Another crushing project will be required next year. The new blade should be delivered about December 10<sup>th</sup>.

**Planner Monthly Report**

Planner Bo Bowman asked to table the Final Plat for the Kirby Creek Subdivision to November 18<sup>th</sup> as it is not quite ready for approval. The NRPC will meet on November 12<sup>th</sup>. Mr. Bowman reminded the Commissioners of the draft comment letter for the EPA rule changes they are working on. Chairman Baker noted that the comment deadline has been extended once again. The Land Use Planning Committee will meet on November 19<sup>th</sup> with one use change on the agenda. Mr. Bowman and Mr. Schlager are working together to determine what, if anything, needs to be done with the BNSF crossing at the County gravel pit to bring it into compliance with state standards. Lindsey Woodward is looking into replacing the chemical storage building for Weed & Pest. Mr. Bowman is working on the required site plan for the building to submit to Kevin Skates at the State Park.

**NRPC Appointment** – Mark Thiesse has returned to Thermopolis and submitted an application to rejoin the NRPC. There are several open positions on the board at this time. Brad Basse moved to appoint Mark Thiesse to the NRPC effective immediately. John Lumley seconded the motion. Motion carried.

**Youth Alternatives Monthly Report**

Director Alan Rossler reported there are currently six participants in the diversion program, and one on supervised probation. There were two successful completions in September. Mr. Rossler discussed the following questions with VOA Director Craig Figus regarding the Grant funding: 1. Is there a need to supplement anything in the grant application if the Town continues to refuse to work with the County Attorney regarding the single point of entry? 2. Is there a need for additional documentation for the revised budget as awarded in the grant? 3. Will the Town's refusal to participate in the single point of entry requirement for youthful citations affect eligibility for the Grant award going forward? Mr. Figus indicated that the answer to all three questions is "no". Mr. Rossler added that there may be a need to do some different things with data collection in the future, but the collection process is working fine for now.

Mr. Rossler reported that he is working on a revised budget for the VOA. He is also preparing an orientation program for his successor to help them get up to speed quickly. Mr. Rossler reminded the Commissioners that his last day will be November 24<sup>th</sup>, and that he will continue to be available for assistance after that date if needed.

VOA 2012/2013 Sub-Award Grant Agreement – Action on this grant agreement was tabled to November 18<sup>th</sup> to give the County Attorney time to review the contents of the agreement.

### **Emergency Management Monthly Report**

Emergency Management Coordinator Bill Gordon presented the annual Homeland Security Grants for the Commissioners' consideration. Brad Basse moved to accept the USDHS-State Homeland Security Grant-Coroner Allocation-FY2014 in the amount of \$2,505.00 for the time period of September 1, 2014 – May 31, 2016. John Lumley seconded the motion. Motion carried. Brad Basse moved to accept the USDHA-State Homeland Security Grant for Law Enforcement & Terrorism Prevention-oriented Activities (Sheriff)-FY2014 in the amount of \$5,536.97 for the time period of September 1, 2014 – May 31, 2016. John Lumley seconded the motion. Motion carried. Brad Basse moved to accept the USDHS State Homeland Security Grant for Emergency Management-FY2014 in the amount of \$33,961.73 for the time period of September 1, 2014 – May 31, 2016. John Lumley seconded the motion. Motion carried.

Mr. Gordon reported that he will have the battery replaced and the weather station operational by noon today.

### **WYECIP Project Update**

Chairman Baker reported that he has received an email from Sherry Hughes with the Wyoming Business Council requesting a conference call with the Commissioners to discuss the status of the WYECIP project. Chairman Baker will get the call set up and send call-in information to the Commissioners.

### **Tax Rebates / Supplementals**

County Assessor Shelley Deromedi presented the following rebates to the County Commissioners for approval:

1. Rebate #14-14 – Parcel #4394 for tax year 2008 (District 100) – ST MARY LAND & EXPLORATION – DOR NOVC 2014-0594 A deficiency assessment was issued by DOR as the result of an audit which found discrepancies in production reporting for tax year 2008-2010. There was an over assessment of \$51 on group #651 in Murphy Dome in Tax year 2008 necessitating a rebate of taxes in the amount of \$3.63. John Lumley moved to approve rebate #14-14 to St. Mary Land & Exploration for Parcel #4394 in the amount of \$3.63. Brad Basse seconded the motion. Motion carried.
2. Rebate #15-14 – Parcel #4394 for tax year 2010 (District 100) – ST MARY LAND & EXPLORATION – DOR NOVC 2014-0594 A deficiency assessment was issued by DOR as the result of an audit which found discrepancies in production reporting for tax year 2008-2010. There was an over assessment of \$180 on group #651 in Murphy Dome in Tax year 2010 necessitating a rebate of taxes in the amount of \$11.64. John Lumley moved to approve rebate #15-14 to St. Mary Land & Exploration for Parcel #4394 in the amount of \$11.64. Brad Basse seconded the motion. Motion carried.
3. Rebate #16-14 – Parcel #3628 for tax year 2014 (District 100) – PHILLIPS 66 PIPELINE LLC – DOR Revised Notice of Value Changes Certificate. Phillips 66 appealed their 2014 value. During the course of the appeal, a settlement was reached, resulting in a revised value in 10 counties. Hot Springs County has an over assessment of \$3,804 in Tax District 100 necessitating a rebate of taxes in the amount of \$240.58. John Lumley moved to approve rebate #16-14 to Phillips 66 Pipeline, LLC for Parcel #3628 in the amount of \$240.58. Brad Basse seconded the motion. Motion carried.

The following Supplemental Tax Notices have been processed through the Treasurer's Office:

1. Nance Petroleum Corporation – Parcel #996-08 for Tax Year 2008 (District 100) DOR NOVC 2014-0593. DOR issued a Deficiency Assessment as a result of an audit which resulted in under assessment of \$10,071 on Group #651 at Murphy Dome. This resulted in the need for a supplemental tax notice for tax year 2008 in the amount of \$717.06.
2. St. Mary Land & Exploration – Parcel #4394-09 for Tax Year 2009 (District 100) DOR NOVC 2014-0594. DOR issued a Deficiency Assessment as a result of an audit which resulted in under

assessment of \$3,462 on Group #651 at Murphy Dome. This resulted in the need for a supplemental tax notice for tax year 2009 in the amount of \$232.06.

### **Public Hearing – Bobcat Storage Subdivision**

Planner Bo Bowman reviewed the activity leading to today's public hearing on the land use change request and preliminary plat review for the Bobcat Storage Subdivision. Scott Miller, on behalf of Canyon Land & Livestock, Inc., has requested approval of a land use change from Residential to either Commercial or Industrial use and a Preliminary Plat to subdivide approximately 8.66 acres into nine nonresidential lots. The Land Use Planning Board forwarded this request with a "do pass" recommendation for the change from Residential to Industrial use, and a recommendation for approval of the subdivision with 18 conditions of approval.

Chairman Baker opened the hearing for public comment at 11:15 a.m. Discussion ensued regarding the possible kinds of land use designations available to the Commissioners. County Attorney Williams asked Mr. Miller if he had any objections to the Commissioners adding a condition of approval allowing the County to act to enforce the covenants. Mr. Miller did not have any objection to this, but the Commissioners decided not to add this condition for consideration. Chairman Baker asked Mr. Miller to confirm that no one but Mr. Miller would be constructing the storage buildings. Mr. Miller confirmed that he would be constructing the storage buildings prior to selling the lots and no other construction would be allowed. After three calls for public comment, receiving none, Chairman Baker declared the public hearing closed at 11:33 a.m. After the Commissioners completed the Relative and Absolute Policies Checklists, with a positive score from all three Commissioners, Brad Basse moved to approve a land use change allowing a specific use of indoor storage for the Bobcat Storage Subdivision, for Lots 10 & 11 in the Bobcat Estates Subdivision, subject to the following eighteen conditions of approval:

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. However, should the applicant require more time to satisfy condition #17 (amending the Bobcat Estates Subdivision Restrictive Covenants) an additional six months may be granted.
2. A Weed Management Plan shall be submitted for the review and approval of staff.
3. All parking and driveway areas shall be surfaced in gravel or a similar material to reduce dust.
4. Each lot owner 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. Compliance with this requirement shall be enforced by the Lot Owners' Association.
5. A notation shall be placed on the Final Plat stating that a Hot Springs County Access Permit will be necessary for the construction of any driveways onto Lane 12, and that County driveway design and construction criteria shall be met.
6. A notation shall be placed on the Final Plat, and the Restrictive Covenants shall also note, that there shall be a minimum front building setback of 25 ft. (including the 15 ft. utility easement) to allow for adequate temporary vehicle parking.
7. A notation shall be placed on the Final Plat, and the Restrictive Covenants shall also note, that there shall be a minimum building setback of 15 ft. from the top of the bank as indicated on the plat.
8. A notation shall be placed on the Final Plat, and the Restrictive Covenants shall also note, that no public sewer and water service is being provided to the lots, and also that Hot Springs County will not issue septic permits for the lots.
9. This subdivision shall be for storage use only. The Restrictive Covenants shall specifically prohibit residential activity, including camping and recreational vehicle use. The Restrictive Covenants may allow storage for businesses, but onsite commercial activity such as sales, repair, or fabrication shall be prohibited.
10. The Restrictive Covenants for this subdivision shall include language stating that no fencing, including lot and perimeter fencing, shall be extended into the drainage area.
11. The Restrictive Covenants for this subdivision shall include language prohibiting development, landscaping, fencing, or earthwork within the drainage area at the north end of the subdivision. The Final Plat shall clearly identify the area where such prohibitions apply.
12. The Restrictive Covenants for this subdivision shall include a prohibition on outdoor storage, including the storage of vehicles.

13. The Restrictive Covenants for this subdivision shall include a prohibition on business signs, whether free-standing or on the face of a building.
14. The Restrictive Covenants for this subdivision shall include a prohibition on the construction of septic systems on any of the proposed lots.
15. A Lot Owners' Association shall be established, and membership shall be mandatory for all lot owners.
16. The Restrictive Covenants for this subdivision and the By-laws of the Lot Owners' Association shall be recorded along with the Final Plat.
17. Prior to submitting the Final Plat, the applicant shall obtain approval from the Bobcat Estates Homeowners' Association of an amendment to the Bobcat Estate covenants removing Lots 10 and 11 from those covenants.
18. Prior to submitting the Final Plat, the applicant shall submit the final version of the Restrictive Covenants to the County Attorney, for review of format and content.

**Note 1.** The following conditions of approval require notations on the Final Plat: 5, 6, 7, and 8.

**Note 2.** The following conditions of approval require specific language to be included in the Restrictive Covenants: 6, 7, 8, 9, 10, 11, 12, 13, and 14.

**Note 3.** The following conditions must be met prior to submitting the Final Plat: 2, 4, 17, and 18.

John Lumley seconded the motion. Motion carried.

Brad Basse moved to approve the Preliminary Plat for the Bobcat Storage Subdivision dividing the 8.66 acres in Lots 10 & 11 into nine non-residential lots, as outlined in the foregoing Conditions of Approval for the Land Use Change. John Lumley seconded the motion. Motion carried.

### **Executive Session – Potential Litigation/Personnel**

John Lumley moved to enter Executive Session for reasons of Potential Litigation/Personnel at 1:05 p.m. Brad Basse seconded the motion. Motion carried. John Lumley moved to leave Executive Session at 1:30 p.m. Brad Basse seconded the motion. Motion carried. No action was taken during or as a result of the Executive Session. Staff will set up a work session with all members of J-T Aviation and the Commission for Monday, November 10<sup>th</sup> at 1:00 p.m. in the Annex meeting room.

### **Airport Update**

**Construction** – GDA representatives Dustin Spomer and Jeremy Gilb asked for input from the Commissioners regarding the types of hangars and other buildings they would like to see going forward at the new airport. At this time, an SRE building is planned for construction and funding for it is in place. As for hangars, the immediate primary goal is construction of an FBO hangar of sufficient size to attract future FBO's. GDA still feels it would be worth the money to engage an architect at least through the scoping portion of the SRE/Terminal building project. The Commissioners asked GDA to move forward with the scoping phase of the SRE/Terminal Building project.

**FAA AIP-04 Request For Reimbursement #5** – Jeremy Gilb presented FAA Request for Reimbursement #5 for the Commissioners' approval. John Lumley moved approval of FAA Project 3-56-0043-04 RFR #5 in the amount of \$1,722,903.00. Brad Basse seconded the motion. Motion carried.

**WYDOT-Aeronautics Division THP-11E-3030 Request for Reimbursement #5** – Mr. Gilb presented WYDOT-Aeronautics Division Request for Reimbursement #5 for the Commissioners' approval. John Lumley moved approval of WYDOT-Aeronautics Division Project THP-11E-3030 RFR #5 in the amount of \$153,146.00. Brad Basse seconded the motion. Motion carried.

**WYDOT-Aeronautics Division THP-11B-2794 Request for Reimbursement #20** – Mr. Spomer presented WYDOT-Aeronautics Division Request for Reimbursement #20 for the Commissioners' approval, noting that this should be the final request for reimbursement for relocation expenses for Joe Holden. John Lumley moved approval of WYDOT-Aeronautics Division Project THP-11B-2794 RFR #20 in the amount of \$9,066.00. Brad Basse seconded the motion. Motion carried. Regarding the Displaced Persons issue, no response has been received from Jamie Bardell at this time. GDA is still working with Charlie Holden on verification of various items on his claim.

**Phase III & IV Update** – Paving is now complete. The hot plant is still assembled as all test results have not been received yet. Concrete work has been completed. Fencing is nearly finished. Parking lot striping will occur this week and signage will be installed soon. Topsoil has been placed and seeding/mulching is moving forward. The contractor is still waiting on High Plains Power to move the construction office to its new location. The contractor has approximately 13 contract days left for Phase III and no contract days

left for Phase IV. There may be a change order required to add contract days for Phase IV, but at this point, the County is not incurring any additional costs due to the overrun.

Phase V – There will be a pre-design work session for Phase V (Electrical, NavAids, etc.) of the Airport Relocation Project at 9:30 a.m. on November 5, 2014 at the Annex meeting room.

### **Sheriff's Office – Vehicle Repairs**

Lou Falgoust and Cindy Magelky appeared before the Commissioners to request that repairs to a department vehicle resulting from a collision with a deer be paid from the Emergency Expenditures budget item. The Commissioners instructed Sheriff Falgoust to pay for the repairs from the Sheriff's budget, with the option of requesting a budget amendment at year-end if necessary.

### **Other Business**

Review Assistant Public Defender Appointment – Hope Gedes has been nominated for appointment as an Assistant Public Defender in the Fifth Judicial District. The Commissioners did not find it necessary to submit public input on this appointment.

December SLIB Meeting Representation – Clerk Webber asked about the procedure for attending the meeting of the State Lands & Investment Board in Cheyenne in December to discuss the Consensus Grant projects. The Commissioners agreed that attendance was not generally necessary for Consensus projects.

Owl Creek Water District CDBG DDR #31 – Clerk Webber presented CDBG Grant Draft Request #31 for the Owl Creek Water District's expansion project for the Commissioners' consideration. John Lumley moved to approve the Wyoming Business Council Investment Ready Communities CDBG Grant Draft Request #31 for the Owl Creek Water District Water Supply project in the amount of \$150,350.00. Brad Basse seconded the motion. Motion carried.

Employee Evaluations – The Commissioners agreed to conduct employee evaluations on November 18<sup>th</sup>, beginning at 10:00 a.m. Staff will schedule the evaluation times for Chuck Carver, Dave Schlager, Bo Bowman and Penny Herdt.

### **Correspondence**

**Mortimore Family** – Thank You

**Chamber of Commerce** – November Newsletter

**Bureau of Reclamation** – Wyoming Area Manager Appointment

**Governor's Office** – Vilos Appointment

**WYDOT** – STIP Manual

**Land Use Planning Board** – Minutes – September, 2014  
October, 2014

**Library Board** – Minutes – September, 2014

**Natural Resource Planning Committee** – September, 2014

### **Approve Bills**

The following bills were submitted for approval: (see attached). Payroll for October, 2014 – \$170,620.86

### **Adjournment**

There being no further business to come before the Board at this time, John Lumley moved to adjourn. Chairman Baker declared the meeting adjourned at 3:30 p.m.

Attest:

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Mike Baker, Chairman

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Nina Webber, Clerk to the Board

**BILLS – OCTOBER, 2014**

HOT SPRINGS VETERINARY CLINIC 72.00 / DEPARTMENT OF HEALTH 21,442.83/ BRUCO, INC. 419.89 / ST. VINCENT HEALTHCARE 355.26 / GALLS LLC 222.53 / AFLAC (ACCOUNT #HW652) 599.01 / ENTERPRISES TECHNOLOGY SERVICES 19.08 / AIT LABORATORIES 180.00 / LAW OFFICE OF ALEX H. SITZ, III 3,135.35  
ALLEGIANCE BENEFIT PLAN MANGT, INC. 33,990.02 / ANITA WEISBECK 235.78 / CHARTER COMMUNICATIONS 55.20 / AUTO & RV SPECIALTIES INC. 50.00 / BIG HORN WATER 62.40 / LONG BUILDING TECHNOLOGIES, INC. 1,171.25  
BLAIR'S SUPER MARKET 346.41 / BRAD W. BASSE 355.60 / BRETT ANDREEN 201.60 / BRENNA HUCKFELDT 14.56 / AMERITAS LIFE INSURANCE CORP, 629.20 / ZUERCHER TECHNOLOGIES LLC 975.00 /  
CHILDREN'S ADVOCACY PROJECT, INC. 3,000.00 / CHRISTOPHER J. KING, P.C. 1,575.00 /  
RED ROCK FAMILY PRACTICE 109.00 / THERMOPOLIS HARDWARE 192.31 / COLONIAL SUPPLEMENTAL INS. 34.70  
VERIZON WIRELESS 55.83 / VERIZON WIRELESS 48.85 / VERIZON WIRELESS 55.84 / VERIZON WIRELESS 157.68 / VERIZON WIRELESS 48.01 / CRESTLINE SPECIALTIES, INC 161.38 / THERMOPOLIS-HOT SPRINGS CO. EDC 25,000.00  
ELECTION SYSTEMS & SOFTWARE 5,898.15 / FINISHING TOUCHES 5,007.00 /  
SHELL FLEET PLUS PROCESSING CENTER 61.53 / FLEETPRIDE 49.00 / PINNACLE BANK OF THERMOPOLIS 41,870.46 / GDA ENGINEERS 233,555.38 / GOTTSCHKE THERAPY REHAB WELLNESS 240.00 / BETH PRICE 46.72  
HIGH PLAINS POWER 66.95 / HOT SPRINGS COUNTY HEALTH INS ACCT 61,492.86  
HOT SPRINGS CO. SCHOOL DIST #1 6,760.21 / R.L. HUDSON, LAND SURVEYOR 495.00  
INDEPENDENT RECORD 3,335.01 / INDOFF INC. 167.16 / INTERNATIONAL ASSOCIATION OF 200.00 /  
JERRY D. WILLIAMS 37.56 / JILL LOGAN 825.00 / JOHN P. LUMLEY 740.54 / JOHNSTONE SUPPLY 158.41  
JOSEPH W. HOLDEN/ 9,250.83 / JT AVIATION LLC 5,159.96 / JULIA'S RENTAL SALES & SERVICE INC. 600.00 /  
KAREN SLOCUM 115.82 / LYCOX ENTERPRISES, INC. 21,410.00 / MARY A. GORDON 173.04  
MARIE MCDUGALL 20.66 / MESSENGER & OVERFIELD 1,764.00 / NACCTFO TREASURER 75.00  
NEVE'S UNIFORMS, INC. 167.84 / NINA WEBBER 63.84 / O'REILLY AUTO PARTS 463.62  
O'REILLY AUTO PARTS 29.99 / THE OFFICE SHOP, INC 293.41 / OWL LUMBER INC. 118.83  
OWL CREEK WATER DISTRICT 150,350.00 / ROCKY MOUNTAIN POWER 4,082.22  
PAUL REED CONSTRUCTION & SUPPLY INC 1,680,713.84 / PINNACLE BANK OF THERMOPOLIS 3,109.00 /  
PINNACLE BANK OF THERMOPOLIS 4,509.00 / PLAINSMAN PRINTING & SUPPLY 664.43 / POSITIVE PROMOTIONS 750.89  
POSTMASTER 909.70 / CENTURY LINK 655.17 / ROCKY MOUNTAIN RECOVERY SYSTEMS 437.30  
REESE & RAY'S IGA 96.87 / GORRELL & HOPKINSON, P.C. 120.00 / RIVERTON TIRE & OIL CO., INC. 684.44 /  
ROCKY MOUNTAIN POWER 1,200.00 / RT COMMUNICATIONS, INC. 2,122.49 / SERLKAY PRINTING 491.00  
SHELLEY DEROMEDI 61.60 / SHOSHONE OFFICE SUPPLY 750.81 / SHOPKO STORES OPERATING CO., LLC 41.35 /  
SIGNS OF SUTHERLAND AUTO 88.00 / HOT SPRINGS CO SENIOR CITIZENS INC 40.00 / THE STANDARD INS. CO. 1,477.34  
STAR PLUNGE 90.00 / STEHLIN PLUMBING & CONTRACTING 311.00 / SYSCO MONTANA, INC. 3,022.82 /  
TUMBLEWEED PROPANE 512.71 / TEAM LABORATORY CHEMICAL CORP. 336.95 / TEPEE POOLS 138.00  
TOWN OF THERMOPOLIS 1,160.10 / TRAVELING COMPUTERS, INC. 4,778.48 /  
TRI COUNTY TELEPHONE ASSOC, INC 333.65 / NORCO, INC. 119.09  
VERIZON WIRELESS 42.61 / VERIZON WIRELESS 32.53 / VICKLUND PHARMACY 54.40  
VISA - CARD ONE 580.84 / VISA - CARD TWO 215.79 / VISA - CARD THREE 762.37  
VISA - CARD FOUR 561.00 / VISA - CARD FIVE 584.77 / VISA (CARD EIGHT) 135.63  
VISA 191.31 / VISA 78.42 / VISA 275.21 / VISA 1,103.87 / WYOMING COUNTY ASSESSOR'S ASSOC. 14.95 /  
WCS TELECOM 20.97 / THOMSON REUTERS - WEST 192.02 / WYOMING DEPT. OF WORKFORCE SERVICES 3,040.53  
WYOMING STATE BAR 355.00 / WYOMING.COM 95.00 / WYOMING DIVISION OF 164.00 /  
ORCHARD TRUST COMPANY 6,354.26 / WYOMING STATE 4-H FOUNDATION 100.00  
WYOMING CLERK OF DISTRICT COURT 125.00 / WYONET INC. 227.90  
WYO RETIREMENT SYSTEM 26,113.87 / 036-NCPERS GROUP LIFE INS. 336.00