

STATE OF WYOMING)
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COUNTY OF HOT SPRINGS)
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OFFICE OF THE BOARD OF
COUNTY COMMISSIONERS
THERMOPOLIS, WYOMING
October 16, 2012

The Hot Springs Board of County Commissioners met in regular session on Tuesday, October 16, 2012 at 4:00 p.m. in the Public Meeting Room at the Government Annex.

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

Chairman Basse led those present in the Pledge of Allegiance.

Approval of Agenda

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

ADD: 4:05 p.m. Executive Session – Personnel

4:10 p.m. GDA 2. c. Amendment #4 to Five-Year Generalized Agreement

Mike Baker seconded the motion. Motion carried.

Executive Session

John Lumley moved to enter Executive Session at 4:05 p.m. to discuss personnel issues. Mike Baker seconded the motion. Motion carried. John Lumley moved to leave Executive Session at 4:08 p.m. Mike Baker seconded the motion. Motion carried. No action was taken during or as a result of the Executive Session.

Treasurer Retirement Notification

Treasurer Mickey Jean Ford formally notified the Commissioners that she intends to retire from office effective December 31, 2012. Mrs. Ford has worked for the County since 1982. The Commissioners accepted her resignation with sincere regret and thanked her for her many years of service. The Commissioners will begin the process of replacing Mrs. Ford in January.

Airport Update

Phase I Contracts – The contracts for Phase I have been received and signed as discussed and approved at the last Commissioners meeting.

Independent Fee Estimate – Phase I – The IFE has been completed and received from CH2MHill. The IFE total for services for Phase I of the airport project was \$193,566.00. As GDA’s total per Amendment #4 was \$175,398.00, no further action is required in connection with the IFE. The IFE has been reviewed and accepted by the FAA. Mike Baker moved to formally accept the IFE from CH2MHill as a matter of record. John Lumley seconded the motion. Motion carried.

Amendment #4 to Generalized 5 Year Agreement – This amendment was submitted by GDA for expenses relating to Phase 1 of the airport project. Total compensation to GDA for Amendment #4 is \$175,398.00. John Lumley moved to approve Amendment #4 to the Generalized Five-Year Agreement between GDA Engineers and Hot Springs County. Mike Baker seconded the motion. Discussion: the County Attorney has reviewed the amendment and approved it with the correction of a typographical error on Page 14 Section 8.10.c. sentence 4 – “states” should be “stakes”. Motion carried.

Project Update – Jeremy Gilb reported that construction on Phase I has begun. The contractor plans to continue work until the ground freezes. It is planned that all the demolition will be complete and the fence will be finished at that time. Completion date for Phase I is May 15, 2013. As discussed in the work session held earlier in the day, the Phase II planning is nearly

complete and bid documents are expected to be available to contractors by October 22, 2013. There will be a pre-bid conference on November 1st at the Annex, with bids due to the Clerk's office by 10:00 a.m. on November 14th. Bids will be opened on November 14th at 10:15 a.m. and awarded at the Commissioners meeting on November 20, 2013. Construction of Phase II is expected to commence in early spring of 2013.

Planner Monthly Report

Planner Bo Bowman reported that the NRPC met last week. They will meet in November and have asked Commissioner Baker to be present at that meeting to discuss the activities of the Sage Grouse Working Group. The Planning Board will not meet in October. Planner Bowman reported that there have been two large commercial septic system projects completed in the county this year – one for Wyoming Whiskey and one for New Era Petroleum. These systems were designed by engineers and approved by the DEQ. Twenty-two septic permit applications have been issued so far this year. Mr. Bowman reported that the Shoshone Forest Plan Revision process continues and expressed some frustration with the pace and efficiency of the plan process. The NRPC's County Land Use Plan review continues and is within two months of a final draft. This draft, with markups, will be distributed for the Commissioners' review when it is ready.

Meeteetse Draw BLM Agreement – Planner Bowman reminded the Commissioners that he had sent them the final draft of the agreement earlier in the month. The agreement is currently being circulated for signatures of all the involved parties. Mike Baker declared a conflict of interest in the matter as an affected land owner and personal signor to the agreement. After review and discussion of the agreement, John Lumley moved to approve the chairman's signature on the Agreement among the BLM, Wyoming State Historic Preservation Office and Wyo-Ben, Inc. Regarding Mitigation of Adverse Effects to Historic Properties Resulting From the Meeteetse Draw Bentonite Mine in Hot Springs County, Wyoming when it is received in Hot Springs County. Chairman Basse stepped down from the chair to second the motion. Commissioner Baker abstained from voting due to his previously declared conflict of interest. Motion carried.

Denton Replat – Planner Bowman presented two copies of the final plat for the Denton subdivision for the Chairman's signature. The only change to the preliminary plat approved earlier was the addition of some easement language on the plat. There were no conditions placed on the preliminary plat, so Chairman Basse signed the final plat as presented.

County Road 19 East – Planner Bowman reviewed his report on his Road 19 research for the Commissioners. After discussion, the Commissioners agreed asked Mr. Bowman to do a little more research on the road's history in Johnson County records and report back. No decisions were made at this time, although the Commission as a whole expressed a disinclination to abandon the right of way.

Lane 12 Cattle Guard Discussion

Local citizens Jim and Phyllis Crandall and Mr. and Mrs. Dick Riggs requested time to speak to the Commissioners regarding the recent removal of a cattle guard from Lane 12. The Commissioners indicated that no action could be taken as this item was not on the advertised agenda, but allowed the citizens to speak on this subject. The cattle guard removal issue will be placed on the November 20th agenda as a public discussion item.

Schedule Change – First Meeting in January, 2013

As the first Tuesday in January, 2013 is a holiday, and the new Commissioner will not be sworn in until the following Monday, the Commissioners discussed the necessity of moving the meeting date to January 8, 2013. Mike Baker moved to change the first meeting of the Board of County Commissioners from January 1, 2013 to January 8, 2013. John Lumley seconded the motion. Motion carried.

Lane 3 Update

Engineering Associates representative Ian Morrison reported that work continues on Lane 3. The contractor has submitted a letter asking for an extension of the substantial completion date and stating that substantial completion might occur by October 31, 2012. After discussion, the Commissioners decided to allow the contractor to finish the project and when substantial completion is achieved, make a decision regarding liquidated damages at that time. Mr. Morrison and Heath Overfield were asked to communicate to the contractor that substantial completion was expected by October 15, 2012, and that the Commissioners were not happy with the current status of the project.

South Thermopolis Water & Sewer District Utility License Agreements

STWSD representative Heath Overfield appeared before the Commissioners to discuss the various utility license agreements with the County that will be required as their water pipeline project moves forward. No action on the Commissioners part is required at this time. Mr. Overfield simply wanted to give the Commission a heads up on this issue, as it is going to involve several county road crossings and will, therefore, require several different license agreements.

Consider Petition/Order for Owl Creek Water District Director Appointments

Clerk Odde presented a resolution from the OCWD requesting the Commissioners to sign an order reappointing Don McCumber, Colter McCumber and Rees Jackman as Directors of the OCWD without election, as provided for by State Statute 22-29-202. The District inadvertently missed the election date for these directors and would like them reappointed by the Commissioners for a term ending in November, 2015, at which time they will stand for re-election by members of the district. The proposed order also establishes an election date for the two remaining board directors, Ken Harvey and Bart Bader, of November, 2013. OCWD representatives Harry Hughes and Linda McCumber indicated that the board intends to revise their bylaws to establish election dates concurrent with the General Election cycle to avoid this misstep in the future. John Lumley moved to accept Resolution 2012-06 from OCWD and approve the chairman's signature on the order reappointing Don McCumber, Colter McCumber and Rees Jackman to the Board of Directors for Owl Creek Water District until November, 2015 and establishing an election date for Ken Harvey and Bart Bader of November, 2013. Mike Baker seconded the motion. Motion carried. Full text of the order is as follows:

ORDER

OF THE HOT SPRINGS COUNTY BOARD OF COUNTY COMMISSIONERS REAPPOINTING THREE (3) DIRECTORS OF THE OWL CREEK WATER DISTRICT WITHOUT ELECTION

THIS MATTER of the Reappointment of Three (3) Directors of the Owl Creek Water District has come before the Hot Springs County Board of County Commissioners (herein called "the Board"), pursuant to Resolution 2012-06, entitled Petition for Reappointment of Three (3) Directors of the Owl Creek Water District Without Election. The Board finds that the Petition is properly signed by the President of the Owl Creek Water District 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 Reappointment of Three (3) Directors of the Owl Creek Water District Without Election of the Owl Creek Water District is hereby APPROVED and Don McCumber, Colter McCumber and Rees Jackman are hereby reappointed to serve as directors until November 2015.

IT IS FURTHER HEREBY ORDERED AND HELD that an election need not be held until November 2013, for the other two serving Directors Bart Bader and Ken Harvey in accordance with Wyoming Statutes.

DATED this 16th day of October, 2012.

BOARD OF COUNTY COMMISSIONERS OF HOT SPRINGS COUNTY, WYOMING

/s/ Brad Basse, Chairman

STATE OF WYOMING)
)SS.

COUNTY OF HOT SPRINGS)

The foregoing document was acknowledged before me by Brad Basse, Chairman of the Hot Springs County Board of County Commissioners, this 16th day of October, 2012.

Witness my hand and official seal.

Hans Odde, Notary Public
County Clerk

Other Business

LGLP Board Nominations – This item was tabled from the last meeting to allow input from Chairman Basse as a board member. There were no nominations put forward from the Commissioners outside of the names on the ballot. No action taken.

Removal of Countywide Fire Ban – Clerk Odde presented a letter from County Fire Warden Jay Duvall recommending lifting of the county-wide fire ban at this time. Mike Baker moved to lift the county-wide fire ban effective immediately. John Lumley seconded the motion. Discussion: the lifting of the fire ban only affects private and county-owned lands within Hot Springs County. Motion carried. The Commissioners expressed their thanks and appreciation to the residents of Hot Springs County for their cooperation with the ban which has resulted in a remarkably fire-free year given the potential for a bad fire year.

WYO-Link Lease Agreement – Clerk Odde presented the lease between Hot Springs County and WYDOT covering the equipment installed at the WYO-Link site west of Thermopolis. The lease has been reviewed and approved as to form by the County Attorney. John Lumley moved to approve the Chairman’s signature on the lease between Hot Springs County and WYDOT for the WYO-Link transmitter site equipment for the thirty-year period commencing January 1, 2012 and ending December 31, 2042. Mike Baker seconded the motion. Motion carried.

Correspondence

Dept. of Audit – Non-Compliance Report – September 30, 2012

Fair Board Minutes – September, 2012

County Attorney – Deputy Coroner Appointment

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

Adjournment

There being no further business to come before the Board of County Commissioners at this time, Chairman Basse declared the meeting adjourned at 6:45 p.m.

ATTEST:

Brad Basse, Chairman

Hans Odde, County Clerk