

STATE OF WYOMING)
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COUNTY OF HOT SPRINGS)
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OFFICE OF THE BOARD OF
COUNTY COMMISSIONERS
THERMOPOLIS, WYOMING
May 21, 2013

The Hot Springs Board of County Commissioners met in regular session on Tuesday, May 21, 2013 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 change:

ADD: 4:05 p.m. Commissioners Lane 3 Property Sale Discussion

Mike Baker seconded the motion. Motion carried.

Lane 3 Property Sale Discussion

Vice-Chairman Baker announced that the advertised parcel on Lane 3 owned by the county was auctioned at 3:00 p.m. today, May 21, 2013. At the request of the Commissioners, the County Clerk had obtained two fair market value analyses from local realtors for the purpose of setting a minimum bid for the property. At the Vice-Chairman's request, the FMV amount and the minimum bid remained unknown to anyone except the County Clerk until after the auction was concluded. The three bidders were John Zupan, Steve Jellis and Brad Basse. The property was sold to Jadeco, Incorporated for the sum of \$37,500.00. After the auction was complete, the Clerk revealed the minimum bid/FMVA amount to be \$20,000.00. Payment has been received and closing will be in two weeks to allow non-county property to be removed from the site. No further action was required on the part of the Commissioners.

WYECIP Project Update

TRANE representative and project manager Dan Marshall updated the Commissioners on the status of the WYECIP project. The project schedule is being updated to reflect the changes in scope and construction execution to this point.

Mr. Marshall presented Courtroom/Road & Bridge Lighting Change Order #1 for the Commissioners' approval and signature. This change order reflects input from Judge Skar regarding the type of lighting fixtures to be installed in the courtroom and a slight increase in the number of fixtures for the Road & Bridge building due to a counting error when the number of required fixtures was determined. Mike Baker moved to approve Change Order #1 for Lighting Scope Change for Courtroom and Road & Bridge in the amount of \$11,348.59, which increases the total contract amount to \$819,802.59. John Lumley seconded the motion. Chairman Basse recused himself from voting due to his status as a subcontractor on the project. Motion carried. Maintenance Foreman Chuck Carver asked if a change order was necessary for the HSCCC concrete work contracted by the county instead of Trane. Clerk Odde stated that the voucher could be submitted and paid out of the project expense line item with no need for a change order. There will likely be some delay in the completion of the lighting projects in the Ag Storage building, Library, Law Enforcement Center and the Courthouse as they are on hold pending the completion of audits by Rocky Mountain Power. These audits are required as part of the rebates applied for by Trane on behalf of the project.

Mr. Marshall indicated that final project commissioning is projected for June 10, 2013, with an expected project closeout date of June 18, 2013. The next scheduled weekly project update meeting is scheduled for May 28.

National Nursing Assistants Week Proclamation

This item was tabled until further information could be obtained.

Public Health Emergency Preparedness Contract

Public Health Nurse Marie McDougall presented the PH Emergency Preparedness Contract for the Commissioners' approval. The County Attorney has reviewed the contract and his requested changes have been made. John Lumley moved to approve the Public Health Emergency Preparedness Contract between Hot Springs County and the State Dept. of Health in the amount of \$37,642.00 for the time period of July 1, 2013 through June 30, 2014. Mike Baker seconded the motion. Motion carried.

Maternal Child Health Contract

PHN McDougall presented the Maternal/Child Health Contract for the Commissioners' approval. Funds available through this contract amount to a maximum of \$24,500.00. There is a change in the way the funding is distributed this time. Previously, the funds were sent directly to the county. Starting this contract period, reimbursement must be applied for as the funds are expended. Mrs. McDougall asked the Commissioners if they had given any further consideration to her request for approval to hire an additional nurse to assist with Maternal/Child Health duties. The position would be a State employee with some funding on the County's part just as Mrs. McDougall's position is. Additional cost to the County for the position is anticipated to be approximately \$16,000.00 total, including benefits. She has accounted for this position in her upcoming budget request, but must notify the State soon whether the Commissioners are willing to support this position. The County Attorney has reviewed the contract and his requested changes have been made. John Lumley moved to approve the Maternal/Child Health contract between Hot Springs County and the State Dept. of Health in the amount of \$24,500.00 for the period of July 1, 2013 through June 30, 2014, Mike Baker seconded the motion. Motion carried. Mrs. McDougall then presented the Business Agreement for the M/CH contract. This agreement runs concurrent with the M/CH contract and seeks to satisfy the requirements for the privacy, security and transmission of protected health information per state statute. Mike Baker moved to approve the Business Associate Agreement between Hot Springs County and the State Dept. of Health for the period of July 1, 2013 through June 30, 2014. John Lumley seconded the motion. Motion carried.

County Health Officer Contract

PHN McDougall presented the annual County Health Officer contract covering Dr. Howard Willson for the Commissioners' approval. Dr. Willson has reviewed the contract and is in agreement with its stipulations. The County Attorney has reviewed the contract and his requested changes have been made. John Lumley moved to approve the contract between the Wyoming Dept. of Health, Dr. Howard Willson and Hot Springs County in the amount of \$9,600.00 for the period of July 1, 2013 through June 30, 2014. Mike Baker seconded the motion. Discussion: This contract reduces the State's share of the CHO's salary by \$200.00/month. Dr. Willson is aware of this and has agreed to accept the contract as written. Motion carried.

Sheriff's Department Issues

School Resource Officer Position – Sheriff Lou Falgoust reported to the Commissioners that the school district has declined to fund their portion of the School Resource Officer's position for the upcoming fiscal year. The grant used for the County's portion of this position expires June

30, 2013. Sheriff Falgoust asked if the Commissioners would be willing to fund the position completely going forward. The Commissioners felt this would not be a good use of funds if the school district did not perceive the position to be valuable enough to fund a portion of it going forward. The current SRO will be placed in a patrol position and one of the patrol officers will move to the Jail, which has one opening at this time.

Court Officer Position – Sheriff Falgoust discussed funding for a full-time Court Officer position. This position does not currently exist but the potential necessity for it has been discussed. The State may eventually require this position to be filled, but has provided no funding for it at this time. The Commissioners did not feel that there was funding available for this position in the upcoming budget year.

Juvenile Detention Billing – As previously requested by the Commissioners, Sheriff Falgoust reported that the final bill for detention of a juvenile in Natrona County facilities earlier this year has been received in the amount of \$5,460.00. The Commissioners thanked Sheriff Falgoust for keeping them apprised of the amounts.

Excess Vacation Accumulation – The Commissioners asked Sheriff about his plans to deal with the large amounts of vacation accrued by one of his staff. The County Employee Handbook sets limits on the allowable amount of vacation accrued by employees and the employee in question far exceeds this cap. Sheriff Falgoust indicated that he will ask the employee to use the excess vacation time as quickly as possible.

Executive Session 1 – Potential Litigation

Mike Baker moved to enter Executive Session for reasons of potential litigation at 5:00 p.m. John Lumley seconded the motion. Motion carried. Those present for the Executive Session included Commissioners Basse, Baker and Lumley, County Attorney Williams, Clerk Odde, Sheriff Lou Falgoust, and Admin Herdt. Mike Baker moved leave Executive Session at 5:10 p.m. John Lumley seconded the motion. Motion carried. No action was taken during or as a result of the Executive Session

Executive Session 2 – Potential Litigation

John Lumley moved to enter Executive Session for reasons of potential litigation at 5:12 p.m. Mike Baker seconded the motion. Motion carried. Those present for the Executive Session included Commissioners Basse, Baker and Lumley, County Attorney Williams, Clerk Odde, Admin Herdt, and GDA representatives Dustin Spomer and Jeremy Gilb. Mike Baker moved leave Executive Session at 6:13 p.m. John Lumley seconded the motion. Motion carried. No action was taken during or as a result of the Executive Session

Airport Update

Phase I Certificate of Substantial Completion – Jeremy Gilb presented the Phase I Certificate of Substantial Completion for the Commissioners' signature. There will be a final walk-through on Friday, May 24, 2013 at the project site. Mr. Gilb noted that WYDOT Aeronautics personnel will attend the walk-through, but the FAA will not be able to be there. Mike Baker moved approval of signatures on the Certificate of Substantial Completion – Phase I of the airport project. John Lumley seconded the motion. Motion carried.

Easements – Mr. Gilb distributed a drawing showing the location of all the easements for the Commissioners' review. Approval of the easements has been received from the FAA and is still pending from WYDOT and the County Attorney. Mike Baker moved to approve the 20' underground utility easement from Hot Springs County to Holden Land Company, LLC, contingent upon approval by WYDOT, Holden Land Company, LLC and the County Attorney. John Lumley seconded the motion. Motion carried. Mike Baker moved to approve the 40' wide utility easement from Holden Land Company, LLC to Hot Springs County, contingent upon

approval by WYDOT, Holden Land Company, LLC and the County Attorney. John Lumley seconded the motion. Motion carried.

Modification – High Plains Power Contract – 3 Phase Power – Mr. Gilb presented a revised contract with High Plains Power for 3-Phase power to the airport site. The revision states that the monthly minimum charge begins as soon as the meter is installed, not five years later as stated in the original contract approved by the Commissioners at their May 7th meeting. Mike Baker moved approval of the revised contract for 3-Phase power to the airport site. John Lumley seconded the motion. Motion carried.

Phase III Bid Award Discussion – Dustin Spomer reviewed the GDA Recommendation of Award letter for Phase III of the airport relocation project. Of the seven bids received, Scarsella Brothers, Inc. of Kent, Washington was the apparent low bidder with a bid of \$6,499,057.05. After a compliance review of the bids, GDA recommended rejecting the Scarsella bid as an unbalanced and non-responsive bid. GDA recommended awarding the project to Paul Reed Construction in the amount of \$6,784,990.26. There also appears to be full justification for the county to reject all bids and re-bid the project, with the recommendation that re-bidding be done as soon as possible with no more than a four week advertising period. After a discussion regarding the reasons behind the recommendations offered in the ROA, Commissioner Baker asked what the impact of re-bidding the project would be. Mr. Spomer indicated that he believes re-bidding is likely to result in fewer and higher bids for the Phase III project. Mr. Spomer stated that Scarsella Brothers and Paul Reed Construction were subjected to an equally intense vetting process prior to the issuance of the Recommendation of Award letter. Mike Baker moved to reject the low bid of \$6,499,057.05 from Scarsella Brothers, Inc. on the grounds that it is an unbalanced and non-responsive bid and there is probable cause to believe that the bid would not result in the lowest possible price for the project. John Lumley seconded the motion. Motion carried with Baker and Lumley voting aye, Basse abstaining due to his declared conflict of interest. John Lumley moved to approve Paul Reed Construction Inc.'s bid for Bid Schedules 1+2+3 for Phase III of the Airport Relocation project in the amount of \$6,784,990.26, contingent upon the following:

- Receiving a Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grant AND a State of Wyoming Aeronautics grant together with local match meeting or exceeding the required amount, and
- Receiving writing concurrence of the award from the FAA and State of Wyoming Aeronautics Division

AND upon receiving the grants and written concurrence, the Hot Springs County Commissioners approve the Vice-Chairman's signature on the Notice of Award to Paul Reed Construction for Bid Schedules 1+2+3 for a total amount of \$6,784,990.26. Mike Baker seconded the motion. Motion carried with Baker and Lumley voting aye, Basse abstaining due to his declared conflict of interest.

Phase III Bid Award Letter to FAA - Mike Baker moved to approve a letter to the FAA on behalf of the Hot Springs County Commissioners stating their intentions to award this project once funding and concurrence has been received. The purpose of this letter is for the government agencies to secure the project funding. John Lumley seconded the motion. Motion carried with Baker and Lumley voting aye, Basse abstaining due to his declared conflict of interest.

County Health Insurance Review

Brad Johnson, the County's insurance consultant, appeared before the Commissioners to discuss the upcoming renewal of the County's health insurance policies. After reviewing the 2012-2013 plan year, Mr. Johnson indicated that the proposed renewal premium will increase approximately \$110,000.00 over last year, an increase of approximately 17%, if everything remains the same in terms of deductibles, coverages, etc. After extensive discussion, per Mr. Johnson's recommendation, John Lumley moved to authorize Clerk Odde's signature on the

Excess Risk Stop Loss Disclosure Statement to lock in the quoted rate prior to the renewal date for the Reinsurance portion of the policy. Mike Baker seconded the motion. Motion carried. Mr. Johnson will prepare a list of renewal options and recommendations for the 2013-2014 renewal for the Commissioners' consideration at the June 4th Commission meeting.

Other Business

State of Wyoming Risk Management Settlement – No action required at this time.

Crowell & Moring, LLP Retention Letter – Clerk Odde presented a formal retention letter for the services of Bruce Salzburg as discussed at the May 7, 2013 Commissioners meeting. Mr. Salzburg has been retained to assist with the Phase III Airport Project contract bid as the County Attorney requested. Mike Baker moved to approve the chairman's signature on the retention letter. John Lumley seconded the motion. Motion carried.

NRPC Memo – Rainbow Terraces – The NRPC has asked the Commissioners to draft a letter to Governor Mead asking for action to rectify the current situation with the Rainbow Terraces in the State Park. John Lumley moved to have Planner Bowman draft such a letter for approval at the next Commissioners meeting. Mike Baker seconded the motion. Motion carried.

Appointment of Special Prosecutor – County Attorney Jerry Williams presented a resolution for the Commissioners' signature appointing Marcy Argeris as a Special Prosecutor as approved at the March 19th Commissioners meeting. No further action was required beyond affixing the signatures.

USFS Grass Creek Road Maintenance Agreement – Modification #3 – Clerk Odde presented the annual agreement with the U.S. Forest Service providing funding to the County for maintenance of the Grass Creek Road by the county Road & Bridge department. The County Attorney has reviewed and approved this modified agreement. John Lumley moved to approve the Chairman's signature on Modification #3 of the Maintenance Agreement for Grass Creek Road between the U.S. Forest Service and Hot Springs County providing funding in the amount of \$8,000.00 for the time period of April 1, 2013-December 31, 2013. Mike Baker seconded the motion. Motion carried.

Correspondence

Fair Board Minutes – April, 2013

County Assessor – County Abstract

Kalyn Marquart – Scholarship Thank You

Hot Springs Conservation District – Owl Creek Mgmt Plan TMDL Report Meeting

Notification

NRPC Minutes – April, 2013

Library Board Minutes – April, 2013

The Commissioners reviewed the foregoing correspondence. No further action was required or taken at this time.

Adjournment

There being no further business to come before the Board of County Commissioners at this time, John Lumley moved to adjourn. Chairman Basse declared the meeting adjourned at 8:45 p.m.

ATTEST:

Brad Basse, Chairman

Hans Odde, County Clerk