

STATE OF WYOMING                    )  
  )  
COUNTY OF HOT SPRINGS        )  
  )  
OFFICE OF THE BOARD OF  
COUNTY COMMISSIONERS  
THERMOPOLIS, WYOMING  
July 18, 2017

The Hot Springs Board of County Commissioners met in regular session on Tuesday, July 18, 2017, at 4:00 p.m. in the Public Meeting Room at the Government Annex. Present were Commissioners John Lumley, Tom Ryan and Phillip Scheel. Also present were County Clerk Nina Webber and Administrative Assistant to the Commissioners Penny Herdt. Chairman Lumley led those present in the Pledge of Allegiance.

**Approval of Agenda**

Tom Ryan moved to approve the agenda with the addition under Regular Business of Item 8 – Appointment of Special Prosecutor. Phillip Scheel seconded the motion. Motion carried.

**Approval of Minutes**

Tom Ryan moved approval of the minutes of the June 6 and June 20 regular meetings and the June 30 Special End of Year Budget meeting. Phillip Scheel seconded the motion. Motion carried.

**Search & Rescue/Sheriff Incident Reports**

Sheriff Lou Falgoust reported that the 2017 Dodge Ram 1500 had been the victim of a hit and run while parked outside the Law Enforcement Center. Damage was estimated at \$5,085.00. The insurance deductible is \$5,000.00. The repairs will come from the Sheriff’s budget and no insurance claim will be filed. Chad Baldes with Search & Rescue reviewed the incident in which the Jet Ski was damaged during a rescue operation on the river. Damage to the Jet Ski was estimated at \$4,800.00. As the insurance deductible is \$5,000.00, no insurance claim will be filed. Replacement cost of the Jet Ski was estimated by Mr. Baldes at \$15,000.00 - \$16,000.00. Chairman Lumley will contact Kent Connelly with the Wyoming Search & Rescue Council to check into the possibility of funds to offset the repairs as the Jet Ski was being used during a river rescue when the damages occurred. After 42 river rescue callouts in the last three weeks, Sheriff Falgoust will work with Bill Gordon and Dave Schlager to erect signs warning that the river is unsuitable for fishing or floating at this time.

**Airport Update**

AIP-09/AHSG03A Fuel Tank Construction Project RFR #1 – GDA representative Jeremy Gilb presented the first and final reimbursement requests for the fuel tank construction project, FAA Grant #AIP-09 and WYDOT Aeronautics Grant #AHSG3A. Tom Ryan moved to approve RFR #1 for FAA AIP-3-56-0043-009-2017 in the amount of \$300,000.00. Phillip Scheel seconded the motion. Motion carried. Phillip Scheel moved to approve RFR #1 for WYDOT AHSG03A in the amount of \$20,000.00. Tom Ryan seconded the motion. Motion carried.

AIP-09/AHSG03A Fuel Tank Construction Project Final Documents – Mr. Gilb presented the closeout documents for the fuel tank construction project for the Commissioners’ review and signature. Phillip Scheel moved approval of the Chairman’s signature on the Federal Financial Report showing a total project expenditure of \$349,021.01. Tom Ryan seconded the motion. Motion carried. Tom Ryan moved approval of the Chairman’s signature on the Grant Recipient Information Sheet. Phillip Scheel seconded the motion. Motion carried. Phillip Scheel moved approval of the Chairman’s signature on the Final Payment Summary Worksheet for Project AIP:3-56-043-009-2017. Tom Ryan seconded the motion. Motion carried.

HSG WACIP – Mr. Gilb presented the proposed 2017-2022 Wyoming Aviation Capital Improvement Program for Hot Springs County for the Commissioners’ review and comment. The Commissioners scheduled a WebEx meeting with the FAA for August 3<sup>rd</sup> from 1:00-2:00 p.m. to discuss using some of the programmed SRE funds to add a drainage project at HSG in 2017-18.

DBE Documents – Mr. Gilb presented documents required by the FAA regarding FAA funding and DBE Overall Goal Methodology for the Commissioners’ review. Tom Ryan moved the Chairman’s signature on a letter to Sonia Cruz with the FAA notifying her of the expected Federal funding for federal fiscal years 2018-2020. Phillip Scheel seconded the motion. Motion carried. Phillip Scheel moved the Chairman’s signature on the DBE Policy Statement to be included with the funding letter to Ms. Cruz. Tom Ryan seconded the motion. Motion carried.

### **Multi-Purpose Building Roof – Architect Consideration**

GDA representative Dustin Spomer and Thane Magelky with MaloneBeltonAbel, PC, joined the meeting by phone to discuss Mr. Magelky's proposed Scope of Work for inspection, establishing cause of damage and suggestions for a fix for the roof on the Multi-Purpose building at the Fairgrounds. Mr. Magelky estimated that Phase I – Inspection, Evaluation & Report could be completed by August 31<sup>st</sup>. Phase II – Bidding and Repair/Replacement completion would be contingent upon the bidding and award process, as well as working with the Fairboard to schedule the work around already booked events. Mr. Magelky will have an estimated cost for the Scope of Work available for consideration at the August 1<sup>st</sup> meeting.

### **Potential Fire Ban Discussion**

Fire Warden Dion Robbins appeared before the Commissioners to request imposition of fire restrictions in the county due to current fire potential conditions. Phillip Scheel moved to approve Resolution 2017-07 as follows:

#### **RESOLUTION #2017-07**

#### **ESTABLISHING FIRE RESTRICTIONS FOR HOT SPRINGS COUNTY**

**WHEREAS**, based upon recommendations of the **Hot Springs County Fire Warden**, the **Board of Hot Springs County Commissioners** are empowered by WYOMING STATE STATUTE **35-9-301** through **35-9-304** to close areas to fire when fire danger in the County is extreme because of drought, the presence of any excessive amount of flammable material or for any other sufficient reason; and

**WHEREAS**, the **Board of Hot Springs County Commissioners** find there is an extreme danger of fire throughout Hot Springs County because of drought conditions and there is a presence of excessive amounts of flammable materials and the fire danger is aggravated by open burning and the use of incendiary devices:

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF HOT SPRINGS COUNTY COMMISSIONERS:**

**1. Effective July 18, 2017 – Until further notice of this Board, any open fire or discharge of any class A, B, and/or C fireworks is prohibited on all unimproved State and Private Land including, but not limited to, all land owners in Hot Springs County or in which HOT SPRINGS COUNTY holds or owns an interest, including county roads, easements and rights-of-way in Hot Springs County. The prohibition is subject to the following exceptions:**

- A. Trash or refuse burned between the hours of 6:00 P.M. and 8:00 A.M. inside containers equipped with spark arrestors which are located within a cleared area that has at least a TEN (10) foot radius, and comply with all other laws and requirements.
- B. Camp Fires contained within an established fire ring at an established campground provided the fire is in compliance with BLM, FOREST SERVICE, and NATIONAL PARK SERVICE regulations in effect at the time.
- C. Charcoal fires within enclosed grills.
- D. Use of acetylene cutting torches or electric arc welders provided the torches or welders are used within a cleared area with at least a TEN (10) foot radius
- E. Propane or open fire branding activities provided the branding activities are conducted within a cleared area with at least a TEN (10) foot radius.
- F. Use of chain saws provided the chain saws have spark arrestors properly installed and functioning.
- G. Federal, State or Local Fire or Law Enforcement Officers participating in Fire, Emergency and Law Enforcement Activities.
- H. Public-sponsored fireworks displays which are coordinated with the Hot Springs County Fire Warden or his designee.

**2. Unimproved land is defined to mean cropland, agricultural land and undeveloped land which predominately remains in its natural forested or range condition.**

**3. The County Fire Warden shall promptly notify the Hot Springs County Board of Commissioners of any changes in the severity of the fire danger.**

**BE IT FURTHER RESOLVED**, that penalties specified in **W.S.S. 35-9-304** may be imposed for violations of this resolution, i.e. a fine not to exceed **ONE HUNDRED dollars (\$100.00) or imprisonment not to exceed thirty (30) days or both, to which may be added cost of restitution and all fire suppression costs.**

**BE IT FURTHER RESOLVED**, that the Hot Springs County Fire Warden shall notify the Wyoming State Forester of the limitations provided for by this resolution, as well as any and all Commissioners' Rules and Regulations and shall assist in the public notification by posting the order and circulating it to all local media.

Passed and Approved this 18<sup>th</sup> day of July, 2017

John Lumley, Chairman  
Tom Ryan, Vice-Chairman

ATTEST:  
Nina Webber, County Clerk  
Phillip Scheel, Commissioner

Tom Ryan seconded the motion. Motion carried.

**STWSD Proposed Budget**

South Thermopolis Water & Sewer District Chairman Neil Miller presented the District's 2017-18 budget for the Commissioners' approval. Tom Ryan moved to approve STWSD's proposed budget for 2017-18. Phillip Scheel seconded the motion. Motion carried.

**Park County Landfill Proposal**

The Commissioners reviewed a proposal from Park County regarding the handling of the county's waste stream. As the landfill is under the purview of the Town of Thermopolis, no action was taken on this matter at this time.

**Star Party**

Dr. Bob Krisko appeared before the Commissioners to ask permission to use the old airport runway as the site for a Star Party on the night of August 20<sup>th</sup>. The Commissioners and the County Attorney expressed some concern regarding potential liability to the county and asked the Clerk to check into special event insurance and/or liability concerns with Bill Miller of the Local Government Liability Pool. The matter will be reviewed at the August 1<sup>st</sup> meeting.

**Appointment of Special Prosecutor**

County Attorney Jerry Williams discussed a potential upcoming trial that will involve at least two different counties. In the interest of expediency and financial efficiency, he would like the Commissioners to appoint a special prosecutor who could combine the charges resulting in one trial and one prosecutor instead of two. Per Mr. Williams' recommendation, Tom Ryan moved to appoint Fremont County & Prosecuting Attorney Pat LeBrun and/or his deputies as Special Prosecutor to handle the referenced case. Phillip Scheel seconded the motion. Discussion: Mr. LeBrun would handle the case at no charge other than outside expenses. Motion carried.

**Other Business**

Weed & Pest Board Appointment – Phillip Scheel moved to appoint Mandy Wilson to fill the vacant Director position on the Weed & Pest Board for Area 3 created by Bruce Thurgood's resignation. Tom Ryan seconded the motion. Motion carried.

Kerstetter Hangar Fill Dirt Request – Paul Kerstetter submitted a written request for the County to provide and place fill dirt in front of his hangar site at the new airport such that the ground is level with the hangar end of the new 15 foot apron. After some discussion with the airport FBO, the Commissioners agreed to provide Mr. Kerstetter access to the pile of fill dirt located on the airport property. Mr. Kerstetter and/or his contractor will be responsible for placement of the dirt. Nate Messenger will communicate this decision to Mr. Kerstetter.

**Correspondence**

<b>U.S. Bankruptcy Court</b>	Vanguard Natural Resources Notice
<b>Fairboard Minutes</b>	June, 2017
<b>Fairboard</b>	Livestock Sale Invitation
<b>WAM</b>	WAM-WCCA Energy Lease Program RFP
<b>WREA</b>	WREN Magazine

The Commissioners reviewed the foregoing correspondence items. No additional action was required.

**Adjourn**

There being no further business to come before the board, Tom Ryan moved to adjourn. John Lumley declared the meeting adjourned at 5:55 p.m.

ATTEST:

---

John P. Lumley, Chairman

---

Nina Webber, Clerk to the Board