

STATE OF WYOMING )  
 )  
COUNTY OF HOT SPRINGS )

OFFICE OF THE BOARD OF  
COUNTY COMMISSIONERS  
THERMOPOLIS, WYOMING  
August 5, 2008

The Hot Springs County Board of Commissioners met in regular session on Tuesday, August 5, 2008, at 9:00 a.m. in the Commissioners Room at the Courthouse.

Present were Commissioners Brad W. Basse, John P. Lumley and Frank T. Manning. Also present was County Clerk Hans Odde, Hot Springs County and Prosecuting Attorney Jerry D. Williams, and Executive Assistant to the Commissioners Penny Herdt.

Chairman Brad W. Basse led those present in the Pledge of Allegiance.

**Approval of Agenda**

John P. Lumley made a motion to approve the agenda with the following corrections:

- Add: Sue Blakey – Greater Learning Foundation
- Ed Capen – Mosquito Control
- Inberg-Miller – Geotechnical Services Agreement

Frank T. Manning seconded the motion. Motion carried.

**Approval of Minutes**

Frank T. Manning moved to approve the minutes of the July 1, 2008, July 15, 2008, and July 21, 2008, meetings, as read. John P. Lumley seconded the motion. Motion carried.

**Approve Bills**

The following bills were submitted for approval: (see attached) Payroll for July, 2008 – \$153,752.43

**Youth Alternatives Monthly Report and Draw Down Request**

Director Bob Wyss reported that he currently has 12 participants in the Youth Alternatives Program, with 2 set to graduate in 3 weeks. Mr. Wyss is considering allowing the participants to use some different classes such as 1<sup>st</sup> Aid/CPR Training, Alcohol Education Workshops, etc. to fulfill some of their community service requirements. Mr. Wyss requested input from the commissioners regarding transporting participants to these events/classes if necessary. Several options were suggested and Mr. Wyss will check into them.

Mr. Wyss presented the commissioners with a grant application for signature. The current WCCA/OJJDP “Non-Participating State” Grant is being taken over by the Volunteers of America (VOA). It is essentially the same grant with a change of sponsorship. The grant request is for \$44,020.00. John P. Lumley moved to approve and sign the grant application. Frank T. Manning seconded. Motion carried.

Mr. Wyss then presented Draw Down Request #13 for the WCCA/OJJDP Grant. Frank T. Manning moved to approve DDR #13 in the amount of \$1089.28 for the WCCA/OJJDP “Non-Participating State” Grant #2006-JF-FX-K002. John P. Lumley seconded the motion. Motion carried.

**Road & Bridge Monthly Report – Jim Skelton**

Road & Bridge Foreman Jim Skelton reported that the application of the MagChloride dust control agent is proceeding and seems to be working well. Grass Creek road is ready to be used after a two-week cure period following the application of the dust control agent. The cattle guard at John Leroux's was removed and placed at the boundary to the Forest Service Road.

Mr. Skelton noted that he will need about 10,000 gallons of tack oil to finish up the Hamilton Dome road work. He will use the tanker truck to haul it from Laurel, saving the county roughly \$1800.00 over having it delivered. Mr. Skelton would like to revert about 0.7 miles of the secondary road across the Dome to gravel, ending the overlay at the junction of the county road and the secondary road. The Commissioners agreed that overlay costs and maintenance issues made this a good idea.

Mr. Skelton requested that he be given the Application for Dust Control Funding as soon as it is received from WYDOT this fall. Funds are available to cover about 80% of the cost of dust abatement, but he often receives the form after the deadline for application has passed.

Mr. Skelton stated that he would like to put in a short road for loading water out of Kirby Creek during the Skelton Road project. This would require a \$50.00 permit from the State, which would be good for two years. The Commissioners approved this plan.

Mr. Skelton is still working on the cattle guard in the State Park. The cattle guard needs replaced, and an agreement is being worked out whereby the State Park would buy the cattle guard and the County Road & Bridge Department would install it.

### **Courthouse Monthly Report – Chuck Carver**

**Odd Fellows Building** – Mr. Carver stated that he would be holding off on removal of the steps and ramp at the Odd Fellows building until after the Asbestos Survey (and remediation, if necessary) is complete. Other possibilities for salvage were discussed. Mr. Carver will continue looking into the options. Mr. Carver reported that he is working with the Town to identify and resolve the ongoing issue with the water line to the building.

**Library Project** – Bighorn Energy will start on the Library project next week

**Courthouse Roof** – Contractors are ahead of schedule due to good weather and should be starting on the roof in the next couple of weeks.

### **Planning Monthly Report – Lee Campbell**

**Environmental Quality Council (EQC) Hearing Request** – Commissioners held a conference call with County Planner Lee Campbell, County Attorney Jerry Williams, DeLoyd Quarberg and Dorothy Milek of the NRPC, and Marvin Blakesley, Consultant, regarding the proposed new Water Quality Rules from the Department of Environmental Quality. Public comments on the proposed rules are being accepted until August 25<sup>th</sup>. Mr. Blakesley would like to have the public hearing on the proposed rules held in Hot Springs County to give as many people directly affected by the proposed rules as possible the opportunity to participate. Lee Campbell presented a letter to the EQC requesting the public hearing on the proposed rules be located in Thermopolis. Frank T. Manning moved to approve the letter for the Commissioners' signature. John P. Lumley seconded the motion. Motion carried.

**Gooseberry/Cottonwood Vegetation Management Project Letter** – Mr. Campbell presented the revised Comment Letter on the Gooseberry/Cottonwood Vegetation

Management Project for the Commissioners' approval and signature. John P. Lumley moved to approve the revised Gooseberry/Cottonwood Vegetation Management Project Comment Letter to the U.S. Forest Service for signature by the Commissioners. Frank T. Manning seconded the motion. Motion carried.

**DEQ Delegation Agreement** – Mr. Campbell asked that this be rescheduled for a later meeting as the Agreement is not yet completed.

**County Road 19** – Mr. Campbell reported that Wyo-Ben may have an interest in using County Road 19 to haul production from their mining operations, so he has been researching right-of-ways in preparation for that possibility.

### **Red Rock Business Park Draw Down Request**

Executive Director of the Thermopolis-Hot Springs Economic Development Company Lorraine Quarberg presented Draw Down Request #16 for the Business Park in the amount of \$529,823.00, with the County's 6% share coming to \$12,930.00. Chairman Brad Basse recused himself from the discussion and vote due to his company being one of the subcontractors on the project. Ms. Quarberg reported that Phase I is nearly finished. The underground drip system is almost done. Timing of the tree-planting is currently under discussion with the contractor and the landscaper. There is also some discussion regarding the EDC taking responsibility for the signage in the Business Park. John P. Lumley moved to approve the Wyoming Business Council Business Ready Community Grant and Loan Program Hot Spring County/Red Rock Business Park Draw Down Request #16, dated August 5, 2008 in the amount of \$516,893.00. Frank T. Manning seconded the motion. Motion carried.

### **Public Hearing – CDBG Planning Grant – Senior Citizens Center**

Chairman Basse opened the public hearing for the CDBG Planning Grant for the HSC Senior Citizens Center at 11:00 a.m. Jan Dickeson gave a presentation on the services provided by the Senior Citizens Center including historical and anticipated usage numbers, and outlined the space constraints of the current center. Grant monies would be used to hire a firm to identify center size requirements, property location and size requirements, estimated project costs, possible funding sources and potential reuse of the existing facility. The amount of the grant with matching funds is \$33,333.00. Chairman Basse called for public comment. Citizen Dick Hall thought it was a terrific idea. John P. Lumley stated that the Senior Citizens Board wholeheartedly endorses the project. Chairman Basse then declared the hearing closed at 11:10 a.m. John P. Lumley moved to approve the Planning Grant Application. Frank T. Manning seconded the motion. Motion carried. County Clerk Hans Odde presented the Commissioners with Resolution #2008-06 in support of the Grant Application. Frank T. Manning moved to approve Resolution #2008-06 in support of the WCDBG Senior Citizens Center Planning Grant. John P. Lumley seconded the motion. Motion carried.

### **RESOLUTION No. 2008- 06**

**WHEREAS**, the County of Hot Springs is proposing to apply for a Wyoming Community Development Block Grant to the Wyoming Business Council for a feasibility study for a proposed new Hot Springs County Senior Citizen's Center

**WHEREAS**, citizens of Hot Springs County, Wyoming have been given the opportunity to comment at a public hearing on August 5, 2008 concerning the matter; and

**WHEREAS**, the total amount of the study will be \$33,333; \$25,000 to come from grant funds and \$8,333 match to be provided by the Hot Springs County Senior Citizen's Center.,

**THEREFORE LET IT BE RESOLVED**, the Board of County Commissioners in and for Hot Springs County do hereby apply to the Wyoming Business Council for such grant.

RESOLVED THIS 5<sup>TH</sup> DAY OF AUGUST, 2008.

HOT SPRINGS COUNTY COMMISSIONERS

Brad W. Basse., Chairman

John P. Lumley, Vice Chairman

Frank T. Manning, Member

ATTEST:

Hans Odde, County Clerk

**Typewriter Purchase – Assessor's Office**

County Assessor Shelley Deromedi requested funds to purchase a new typewriter for the Assessor's Office in the amount of \$404.88. The typewriter they currently have is broken and the repair estimate exceeded the cost of a new typewriter. John P. Lumley moved to approve the purchase of a new typewriter in the amount of \$404.88. Frank T. Manning seconded the motion. Motion carried.

**Mill Levy Requests**

County Assessor Shelley Deromedi presented the Hot Springs County 2008 Mill Levy requests (copies available in the County Assessor's Office and the County Clerk's Office). Frank T. Manning moved to approve the mill levy requests as presented by Assessor Deromedi. John P. Lumley seconded the motion. After discussion of some items on the Special Districts Requests page, motion carried.

**County SLIB Funding**

Assistant to the Mayor Dan Stansill and Engineer Heath Overfield appeared before the commissioners to request an adjustment to two of the project budgets funded by the SLIB Consensus Grant – the Park Street Reconstruction Project and the Crack-Seal/Micro-Surfacing Street Maintenance Project. Mr. Stansill requested that \$130,000.00 be transferred from the Street Maintenance Project to the Park Street Reconstruction Project to cover a shortfall resulting from an unforeseen change in the Park Street Project from Resurfacing to Reconstruction. The Street Maintenance Project budget would retain sufficient funds to cover the Crack Seal portion of the project planned for this fall. The Micro-Surfacing portion of the Street Maintenance project, planned for next spring/summer, would be funded either from 2009 SLIB Funds or the town's General Fund, depending on the amount of unallocated SLIB Consensus Funds remaining at the end of the fiscal year. John P. Lumley moved to approve changing the amount of funding for the Park Street Project from \$200,000.00 to \$330,000.00, and the amount of funding for the Street Maintenance Project from \$180,000.00 to \$50,000.00. Discussion: No match changes were done. The amount of money to each entity remains the same, as does the bottom line number. Motion carried.

**Inberg-Miller Geotechnical Survey Approval** – County Attorney Jerry Williams presented the Inberg-Miller Geotechnical Services Agreement for the site of the proposed Public Health Building to the Commissioners for their approval. Frank T. Manning moved to approve the Geotechnical Services Agreement from Inberg-Miller. John P. Lumley seconded the motion. Motion carried.

**WYECIP Energy Audit**

Administrative Assistant Penny Herdt presented a report to the Commissioners on the Wyoming Energy Conservation Improvement Program (WYECIP). This program is sponsored by the Wyoming Business Council (WBC), and is intended to help reduce energy consumption in public and private non-profit buildings. After discussion, John P. Lumley moved that a resolution requesting a Facility Owner Contract from the WBC be prepared for approval at the August 19, 2008, Commissioners meeting. Frank T. Manning seconded the motion. Motion carried.

**Revised MOU Between Commissioners & BLM**

Deputy County Attorney Sandy Baker presented the Commissioners with a revised Memorandum of Understanding (MOU) between the BLM and the County Commissioners regarding the Resource Management Plan. The Commissioners requested that, per a prior resolution, DeLoyd Quarberg's name be inserted as the County Representative and Robert Overton's name be inserted as the Alternate Representative. Ms. Baker will get a final draft of the MOU to County Planner Lee Campbell for his perusal prior to presentation for final approval at the Commissioners meeting on August 19, 2008.

**Proposal to Apply for Funding from FNRPA**

County Clerk Hans Odde requested that the Commissioners approve a letter in support of the four Big Horn Basin Counties' application for funding from the Governor's Federal Natural Resources Policy Account (FNRPA) for consulting services from Environmental Resources Group (ERG) to provide assistance with the Counties' participation and input on the BLM Resource Management Plan. Frank T. Manning moved to approve the letter in support of the funding application. John P. Lumley seconded the motion. Discussion: Chairman Basse raised the point that the four-county group would like to hire ERG to provide assistance with the BLM RMP even if funding is not received from the FNRPA. Frank T. Manning amended his motion to reflect support of that plan. Second agreed with the amendment. Motion carried.

**Proposal for Asbestos Inventory for Building at 117 North 4<sup>th</sup>**

County Clerk Hans Odde presented a proposal from Terracon for Asbestos Design and Hazardous Material Inventory for the building at 117 North 4<sup>th</sup> to be demolished as part of the proposed Public Health Building project. This proposal is not for any abatement—it is for an inventory and design for abatement (if needed) only. John P. Lumley moved to approve Terracon's Proposal for Asbestos Design and Hazardous Material Inventory in the amount of \$9,790.00. Frank T. Manning seconded the motion. Motion carried.

**Water Issues – Monument Hill Cemetery**

Cemetery Board member Gerald Gerber appeared before the Commissioners asking about water rights and possible funding for a new water line to provide raw water for

irrigation at the cemetery instead of the treated water currently being used. Commissioners suggested that Dave Dietz might be able to clarify the water right issue. Several funding options such as Consensus Funding and USDA Grants/Loans were suggested to Mr. Gerber for research and application.

Mr. Gerber then questioned the need for the large number of boards in the county. He perceives a difficulty in getting an adequate number of qualified candidates for the various boards and wondered if more centralization was a good idea. Deputy County Attorney Baker stated that many of the county boards were required by statute, but added that Joint Powers Agreements between various boards are possible and do exist in some cases.

### **Business Ready Committed Grant**

Lorraine Quarberg reported that the company seeking this grant did not meet the wage qualifications so the application was withdrawn.

### **CDBG Agreement for Recreation Center Feasibility Study**

County Clerk Hans Odde asked that this be rescheduled for a later date, as he has not received the agreement in the mail yet.

### **Other Business**

**Outlaw Trail Ride** – Deputy County Attorney Sandy Baker requested that next year there be separate malt beverage applications for each day of the Trail Ride. No further action is required on this year's permits

**WARM Property Insurance Joint Powers Agreement** - County Clerk Hans Odde presented the Wyoming Association of Risk Management Property Insurance Joint Powers Agreement for approval. The agreement has been reviewed and approved by County Attorney Jerry Williams. Frank T. Manning moved to approve the WARM Joint Powers Agreement. John P. Lumley seconded the motion. Motion carried.

**MBA Administrative Services Agreement** – County Clerk Hans Odde presented the MBA Administrative Services Agreements for approval. County Attorney Jerry Williams has reviewed the Agreements and outlined the revisions he felt were necessary to the Agreements. John P. Lumley moved to approve the MBA Administrative Services Agreements with the revisions inserted by County Attorney Williams. Frank T. Manning seconded the motion. Motion carried.

### **SLIB Draw Down Requests**

- a. **JLE Security Upgrade Phase II DDR #1** - County Clerk Hans Odde presented JLE Security Upgrade Phase II Draw Down Request #1 in the amount of \$39,103.36 for approval. John P. Lumley moved to approve SLIB Draw Down Request #1 – JLE Security Upgrade Phase II in the amount of \$39,103.36. Frank T. Manning seconded the motion. Motion carried.
- b. **Courthouse Key System DDR #4** - County Clerk Hans Odde presented Courthouse Key System Draw Down Request #4 in the amount of \$1,904.25. Frank T. Manning moved to approve Courthouse Key System Draw Down Request #4 in the amount of \$1,904.25. John P. Lumley seconded the motion. Motion carried.

**Landfill Agreement** – County Clerk Hans Odde presented the Landfill Agreement between the towns of Thermopolis, East Thermopolis, and Kirby and Hot Springs County. The County’s 28% share of the costs of operating the landfill will be \$87,424.00 for this fiscal year. John P. Lumley moved to approve the Landfill Agreement. Frank T. Manning seconded the motion. Motion carried.

**Emergency Management Performance Grant Agreement** – County Clerk Hans Odde presented the Emergency Management Performance Grant Agreement for approval. This is the 50/50 Match Program that provides half of the Emergency Management budget. John P. Lumley moved to approve the U.S. Department of Homeland Security Emergency Management Performance Grant Agreement in the amount of \$20,824.00. Frank T. Manning seconded the motion. Motion carried.

**Recognition for Judge Gary P. Hartman** – Commissioners reviewed a letter recognizing former Judge Gary Hartman’s outstanding service to the County. Frank T. Manning moved to approve the letter of recognition. John P. Lumley seconded the motion. Motion carried.

**Greater Learning Foundation** – Toddi Darlington reported the GLF Committee has 30-40 days to gather information necessary to introduce a bill in the State Legislature to ask for \$13-\$15 million to build the proposed Interpretive Learning Center facility. The Committee has been informed that the bill should originate in the House via Representative Lorraine Quarberg, and that Representative Quarberg needs this information quickly so that she can get started immediately on this bill. As part of that process they would like permission to meet with the County Attorney to work on a Memorandum of Understanding regarding facility ownership, governance, partnerships, agreements, etc., and then report back on possible scenarios at the next Commissioners Meeting on August 19, 2008. Commissioner Manning expressed concern over the continued lack of a written agreement with the State Park regarding use of its land. Ms. Darlington stated that the GLF Committee is working with Ryan Lance in the Attorney General’s Office on this and that there will be a meeting WYDOT/State Park on August 21<sup>st</sup> to work out right-of-ways, etc. so that a written agreement with the State Park can be achieved. The Commissioners agreed to the GLF Committee’s working with the County Attorney and asked that they report back at the August 19, 2008, Commissioner Meeting.

**Mosquito Control** – Citizen Ed Capen appeared before the Commissioners to request their help in getting spraying for mosquito control in town. Commissioners suggested Mr. Capen attend the Weed & Pest Board meetings held on the first Wednesday of the month at 7:00 p.m. at the Weed & Pest shop building to discuss his concerns.

### **Correspondence**

**Museum Board Minutes** – Museum Board Member Dick Hall stated that things are going well and expressed great appreciation for Mr. Chuck Carver’s assistance with various repair and maintenance projects at the Museum. Chairman Basse asked Mr. Hall for further clarification on the video camera security system. Chairman Basse will review the system to make sure Mr. Hall received what he thought he ordered.

**WYDOT STIP Meeting Followup** – A letter was received from WYDOT District Engineer Shelby Carlson indicating that retrofitting of the stoplight to add audible tones

to the signal will take place in a timely manner. Regarding Lane 3 issues, Mr. Carlson indicated that if Lane 3 were a county road, funding might be available through the Industrial Roads Program for upgrades. A copy of the Industrial Road Program Policy was attached to the letter. The Highway US 20 South Speed Limit Study has been performed, and the data is being reviewed and evaluated. Findings and recommendations will be forthcoming.

**Steth Daniels** – Thank you note for Commissioners Scholarship Award

There being no further business before the board at this time, John P. Lumley moved to adjourn the meeting. Frank T. Manning seconded the motion. Motion carried.

Attest:

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Brad W Basse, Chairman

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Hans Odde, Clerk to the Board