

STATE OF WYOMING)
)
COUNTY OF HOT SPRINGS)

OFFICE OF THE BOARD OF
COUNTY COMMISSIONERS

THERMOPOLIS, WYOMING
August 19, 2008

The Hot Springs County Board of Commissioners met in regular session on Tuesday, August 19, 2008 at 4:00 p.m. in the Commissioners Room at the Courthouse.

Present were Commissioners Brad W. Basse, John P. Lumley and Frank T. Manning. Also present were Hot Springs County Attorney Jerry D. Williams, County Clerk Hans Odde, and the Commissioners' Administrative Assistant Penny Herdt.

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 addition: Add Trudy Chittick – CT Scanner Financing at 4:35 p.m. Frank T. Manning seconded the motion. Motion carried.

Approval of Minutes

Frank T. Manning moved to approve the minutes of the June 30, 2008 – Special Fiscal Year-End meeting, and June 30, 2008 – Special TEAL Grant meeting as read. John P. Lumley seconded the motion. Motion carried.

Appointment to the Hospital Board

The Commissioners reviewed the two letters of interest received from citizens pertaining to serving on the Hospital Board. After discussion, a unanimous ballot was cast in favor of Rhonda Skar. Frank T. Manning moved that Rhonda Skar be appointed to the Hospital Board. John P. Lumley seconded the motion. Motion carried. The Board requested a letter of thanks be sent to both outgoing board member Howard Willson and applicant Marty Oravec.

Consider Revised MOU between Hot Springs County and the BLM

Deputy County Attorney Sandy Baker presented the MOU between Hot Springs County and the BLM regarding the Resource Management Project (RMP), with her suggested revisions. Ms. Baker stated that all of her concerns had been addressed by BLM representative, Bill Hill, and told the Commissioners that the final draft should be available for signature shortly. In response to questions from the Commissioners, Ms. Baker confirmed that Hot Springs County has Cooperator status in the RMP, which essentially means that the County must be notified of any and all meetings, planning sessions, etc., and that the BLM must address any and all questions and/or concerns from the County during the project.

Consider Comment Letter to the Environmental Quality Council (EQC)

County Planner Lee Campbell presented a letter for the Commissioners' signature addressed to David Waterstreet of the DEQ/WQD, and the EQC regarding Comments on the Proposed Agricultural Use Protection Policy Revisions of Chapter 1 - Water Quality Rules and Regulations. John P. Lumley moved to approve the letter for signature. Frank T. Manning seconded the motion. Motion carried.

Greater Learning Foundation (GLF) Report

No one was present from the GLF, so the report was cancelled.

Discussion - Public Health/County Annex Building

Chairman Brad Basse reported that the County was successful in applying for and receiving the final \$800,000.00 in funding from the State Loan Investment Board for the New Public Health/County Annex building. As a point of clarification, Chairman Basse reviewed the inclusion in the original new building plans of a room to be used as the Commissioners' Room/Public Meeting Room. There is a need for more space on the part of several departments in the courthouse, which may be able to be met through conversion of the current Commissioners' Room, and having a meeting room with separate access available to the various boards and groups in the community should be a definite benefit to the county as a whole. County Clerk Hans Odde presented an update on the progress being made on the project. The Geotechnical (Soils) Survey is in process, and the Site Survey will take place in the near future. The Asbestos Survey has not yet been scheduled. Discussion with the architect indicates a possible Spring, 2009, start date for actual construction of the building.

CT Scanner Financing Discussion

HSC Memorial Hospital CEO Trudy Chittick appeared before the Commissioners to report on a possible plan to use the \$600,000.00 received as part of last year's budget to purchase a new mammography machine, instead of financing the mammography machine and using the money to pay off the financed 64-Slice CT Scanner, as was originally discussed. Ms. Chittick stated that no action would be required on the part of the Commissioners, but that she wanted to keep them in the information loop regarding expenditure of the money before taking the proposal to her board. After extensive discussion, no action was taken, and Chairman Basse expressed appreciation to Ms. Chittick for keeping the Commissioners updated on this issue.

Harvey Gravel Pit Discussion

County Planner Lee Campbell presented a proposal to allow Mountain Construction Company to excavate gravel for the State Park Asphalt project from the Harvey Gravel Pit under Hot Springs County's General Mining Permit #582 and Water Discharge Permit #WYR320329. County Attorney Jerry Williams has reviewed the proposal and suggested that a clause requiring Mountain Construction to sign a "hold-harmless" agreement prior to commencing operations at the pit be inserted to protect the county from any liability resulting from said operations. John P. Lumley requested that Mr. Williams insert such a clause. After Attorney Williams did so, John P. Lumley moved to approve the proposal with the addition of the "Hold Harmless" requirement clause. Frank T. Manning seconded the motion. Motion carried.

Consider Red Rock Business Park Completion Date Extension

Economic Development Council Executive Director Lorraine Quarberg and Project Engineer Harry Hughes appeared before the Commissioners to request approval for a letter to the Wyoming Business Council requesting an extension of the completion date for the Red Rock Business Park to June 30, 2009. Due to unforeseen problems with the landscaper, the construction completion date of September 15, 2008, will not be met. The grant itself does not expire until 2011. After discussion, Frank T. Manning moved to approve the extension letter. John P. Lumley seconded the motion. Chairman Brad W. Basse recused himself from further discussion and the vote, declaring a conflict of interest as a subcontractor. Motion carried.

Ms. Quarberg discussed completion of the parts of the project that had been removed from the contract, asking about the bidding requirements. The Commissioners felt that those parts of the project were not subject to the bidding process, and instructed Ms. Quarberg to go ahead with what needed to be done to get the project completed in a timely fashion.

County Road 19 Discussion

Wyo-Ben Representatives Dale Nuttall, Rick Magstadt and Plant Manager Brandon Hetlund appeared before the Commissioners with County Planner Lee Campbell and Road & Bridge Foreman Jim Skelton to discuss Wyo-Ben's needs and responsibilities regarding necessary improvements to County Road 19 in order for Wyo-Ben to use the road for hauling in conjunction with operation of their bentonite plant. Wyo-Ben expects to have permit approval from the BLM by the end of September, and anticipates needing to use Road 19 within six months. Planner Campbell and Road & Bridge Foreman Skelton are in the process of researching the rights-of way and easements to ensure that they are in order. A copy of the County Road Standards will be provided to Wyo-Ben representatives to aid them in any required construction that Wyo-Ben might need to do on County Road 19. An "on-the-ground-walkthrough"/site visit is planned for Friday, August 22, 2008, at 9:00 a.m., involving the affected landowners, the BLM, Wyo-Ben representatives, County Commissioners, County Planner and County Road & Bridge personnel.

Other Business

SLIB Grant Funds Draw Down Requests - County Clerk Hans Odde presented the following SLIB Grant Funds Draw Down Requests:

Hot Springs County Memorial Hospital Endoscopy Suite Draw Down Request #2 - In the amount of \$1103.66 for a progress payment to the architectural firm of Pappas & Pappas Architects. John P. Lumley moved to approve Draw Down Request #2 for the HSC Memorial Hospital Endoscopy Suite Project in the amount of \$1103.66. Frank T. Manning seconded the motion. Motion carried.

Courthouse Key System Draw Down Request #5 – In the amount of \$843.75 for a PDA and software for the Joint Law Enforcement Center's portion of the Courthouse Key System project. This purchase of a second PDA and software was necessitated by the requirement for a separation of access between the Courthouse and the Joint Law Enforcement Center. Frank T. Manning moved to approve Draw Down Request #5 for the Courthouse Key System Project in the amount of \$843.75. John P. Lumley seconded the motion. Motion carried.

JLE Security Upgrade Phase 2 Draw Down Request #2 – In the amount of \$21,980.85 for window frames, locks and pushbuttons. John P. Lumley moved to approve Draw Down Request #2 for the JLE Security Upgrade Project - Phase 2 in the amount of \$21,980.85. Frank T. Manning seconded the motion. Chairman Basse recused himself from the vote due to a conflict of interest as a subcontractor on the project. Motion carried.

Consider MBA Treaty of Excess Loss Reinsurance – County Attorney Jerry Williams reported that he has reviewed the agreement and has no major issues with it. County Clerk Hans Odde reported that the County's Insurance Consultant, Brad Johnson, has also reviewed the agreement and has no issues with it. John P. Lumley moved to approve the MBA Treaty of Excess Loss Reinsurance and Advance Specific Excess Loss Reimbursement Administrative Letter for signature. Frank T. Manning seconded the motion. Motion carried.

Consider Contract with County Health Officer and Wyoming Department of Health – County Attorney Jerry Williams expressed some concern over Termination of Contract clause (X), but did not feel this clause precluded approval of the contract. John P. Lumley moved to approve the Contract between Howard Willson, M.D., Hot Springs County Health Officer and the Wyoming Department of Health, Public Health Emergency Preparedness Program. Frank T. Manning seconded the motion. Motion carried.

Consider Amended Contract with Plan 1 Architects for the New Public Health/Government Annex Building – Deputy County Attorney Sandy Baker presented the Amended Contract for review and signature. There were three major changes from the initial contract: 1. The clause in Subsection 2 requiring the County to agree to arbitration/mediation was removed at the county’s request; 2. Subsection 9.9.4.5 – Added the requirement that any subcontractor used must possess a General Contractor’s License Umbrella Policy of \$500,000; 3. Subsection 11.5.2 – Revised to reflect that payments will be made in accordance with the County Voucher System. Frank T. Manning moved to approve the revised Contract between Hot Springs County and Plan 1 Architects for the New Public Health/Government Annex Building for signature. John P. Lumley seconded the motion. Motion carried.

Consider Inberg-Miller Service Agreement for Lane 3 Feasibility Study - County Clerk Hans Odde presented the Service Agreement and Proposal for the Lane 3 Feasibility Study from Inberg-Miller Engineers. The agreement has been reviewed by the County Attorney with no significant objection. Frank T. Manning moved to approve the Inberg-Miller Service Agreement and Proposal for the Lane 3 Feasibility Study in the amount of \$33,333.00. John P. Lumley seconded the motion. Motion carried.

Consider Courthouse Roofing Contract – County Clerk Hans Odde presented the Contract for the Hot Springs County Courthouse Roofing Project from Redd Roofing Company to the Commissioners for approval. Frank T. Manning moved to approve the Hot Springs County Court House Re-Roof Contract from Redd Roofing in the amount of \$44,425.00. John P. Lumley seconded the motion. Motion carried.

Correspondence

Shirley Crawford – Letter in support and commendation of the Hot Springs County Sheriff’s Department staff for assistance rendered.

July, 2008, Airport Traffic Count

Library Board Minutes

Correspondence was reviewed by Commissioners. No action was taken.

Adjournment

There being no further business before the Board, Commissioner John P. Lumley made a motion to adjourn the meeting at 6:15 p.m. Frank T. Manning seconded. The motion carried.

Attest:

Hans Odde, County Clerk

Brad W. Basse, Chairman