



Block Grant Program to assist in funding the project, and further certifies that all public participation requirements have been met.

**BE IT FURTHER RESOLVED** that the County intends to enter into a Development Agreement with the Owl Creek Rural Water District which complies with the CDBG Rules and Regulations and hereby directs the Chairman and County Clerk to execute said Development Agreement upon approval by the County Attorney.

**BE IT FURTHER RESOLVED** that Brad Basse, Chairman of the Hot Springs County Commissioners is hereby designated and authorized as representative of Hot Springs County to act on behalf of Hot Springs County and the Hot Springs County Commissioners on all matters relating to the grant application.

**PASSED, APPROVED AND ADOPTED** this 21<sup>st</sup> day of July, 2009  
Board of Commissioners  
Hot Springs County, Wyoming  
Brad Basse, Chairman  
Attest:  
Hans Odde, Hot Springs County Clerk

John P. Lumley seconded the motion. Motion carried. John P. Lumley moved to approve the Grant Management & Development Agreement between the Owl Creek Rural Water District and Hot Springs County to be submitted with the aforementioned grant application. Frank T. Manning seconded the motion. Motion carried.

### **Public Hearing – CDBG Funding Request – Lane 3 Project**

Chairman Brad W. Basse declared the public hearing for the CDBG application for funding for infrastructure design and construction of improvements to Lane 3 open at 4:20 p.m. Clerk Odde presented Resolution #2009-11 authorizing submission of the CDBG application for the Commissioners' approval and signature. Chairman Basse called for public comments on the grant application. Thermopolis-Hot Springs County EDC Executive Director Lorraine Quarberg spoke in favor of the grant application and thanked the Commissioners for their support of the project. There being no further public comments, Chairman Basse declared the public hearing closed at 4:25 p.m. John P. Lumley moved to approve Resolution #2009-11 as follows:

#### **RESOLUTION # 2009-11**

**A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION BY THE COUNTY OF HOT SPRINGS FOR A COMMUNITY DEVELOPMENT GRANT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FOR THE PURPOSE OF INFRASTRUCTURE DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO LANE 3.**

**WHEREAS**, the furtherance of economic development in Hot Springs County is a goal of Hot Springs County; and

**WHEREAS**, the furtherance of economic development in Hot Springs County will promote the health, safety, prosperity, security and general welfare of its inhabitants; and

**WHEREAS**, a public hearing was held on July 21, 2009 by the Hot Springs County Commissioners, to solicit public comment Community Development Grant under the Community Development Block Grant Infrastructure Program to assist in assist in financing design and construction of improvements to Lane 3; and

**WHEREAS**, the County of Hot Springs recognizes the need for and the benefit to the residents of Hot Springs County of the project; and

**WHEREAS**, the Community Development Grant requires that certain criteria be met, as described in the final CDBG Rules and Regulations governing the program, and to the best of our knowledge the grant application meets those criteria; and

**WHEREAS**, Hot Springs County plans to integrate other state, local, and in-kind funds; and

**NOW, THEREFORE BE IT RESOLVED** that the Board of County Commissioners approves the submission of a grant application, for approximately \$300,000.00 for a Community Development Grant under the Community Development Block Grant Infrastructure Program to assist in funding the project, and further certifies that all public participation requirements have been met.

**BE IT FURTHER RESOLVED** that Brad Basse, Chairman of the Hot Springs County Commissioners is hereby designated and authorized as representative of Hot Springs County to act on behalf of Hot Springs County and the Hot Springs County Commissioners on all matters relating to the grant application.

**PASSED, APPROVED AND ADOPTED** this 21<sup>st</sup> day of July, 2009  
Board of Commissioners  
Hot Springs County, Wyoming  
Brad Basse, Chairman  
Attest:  
Hans Odde, Hot Springs County Clerk

Frank T. Manning seconded the motion. Motion carried.

### **Health Insurance Update**

Brad Johnson, the county's insurance consultant, presented the Commissioners with an update about the County's health insurance program. Mr. Johnson suggested that Commissioners might want to consider setting aside some extra money to offset the potential cost of pending claims. Upon resolution of the pending claims, Mr. Johnson suggested another review to consider the possibility of switching to a new re-insurance carrier. The Commissioners asked Mr. Johnson to return for further discussion when the pending claims have been resolved.

### **WyoHOME Project Needs Assessment**

Emily Christensen did not appear, so this item was removed from the agenda. .

### **Museum Remodel**

Museum Director Ross Rhodes appeared before the Commissioners to request approval of a remodeling project the museum would like to undertake to improve the visibility at the entrance to the museum. The current situation makes it difficult to see visitors as they enter or leave the museum. After some discussion, the Commissioners authorized Mr. Rhodes to proceed with plans and cost estimates, and return with progress reports as necessary.

### **Assessor - Rebates & Supplementals**

County Assessor Shelley Deromedi reported that the County's Assessment Roll was accepted by the State Board of Equalization, with no further equalization necessary. Ms. Deromedi presented the following rebates and supplemental for the Commissioners' approval:

**Rebate #11-09** – Shelley Deromedi for Merit Energy Company - 2004 Parcel #3379 — Oil Production at Hamilton Dome Group #s 2269 and 6099 during 2003. DOR issued NOV Change 2009-0205 on the basis on an audit conducted by Dept of Audit for tax years 2003 thru 2005. The audit resulted in over-assessment of \$11,361 on Group #2269 and under-assessment of \$1,719 on Group #6099, for a net change of in value of -\$9642. Taxes in the amount of \$720.26 need to be rebated. Frank T. Manning moved to approve Rebate #11-09 to Merit Energy Company in the amount of \$720.26. John P. Lumley seconded the motion. Motion carried.

**Rebate #12-09** – Shelley Deromedi for Merit Energy Company - 2005 Parcel #3379 — Oil Production at Hamilton Dome Group #s 2269 and 6099 during 2004. DOR issued NOV Change 2009-0205 on the basis on an audit conducted by Dept of Audit for tax years 2003 thru 2005. The audit resulted in under-assessment of \$1048 on Group #2269 and over-assessment of \$5804 on Group #6099, for a net change of in value of -\$4756. Taxes in the amount of \$335.10 need to be rebated. John P. Lumley moved to approve Rebate #12-09 to Merit Energy Company in the amount of \$335.10. Frank T. Manning seconded the motion. Motion carried.

**Supplemental** processed through County Treasurer as follows:

**1. Merit Energy Company**-Parcel #033379–DOR NOVC 2009-0205 2002 Oil Production at Hamilton Dome. DOR issued NOV Change 2009-0205 on the basis on an audit conducted by Dept of Audit for tax years 2003 thru 2005. The audit resulted in over-assessment of \$193 on Group #2269 and under-assessment of \$37,357 on Group #6099, for a net change of in value of \$37,164. A supplemental tax notice was issued in the amount of \$2,580.11.

### **Assessor – Office Air Conditioning Issues**

Assessor Deromedi reported that only the air conditioning unit in the vault is operating properly, with the two units in the main office not operating properly, resulting in an excessively warm working environment for the office staff. Ms. Deromedi asked that a ceiling fan be considered if the issues with the heat pumps cannot be resolved, as the floor fans they are currently using to try to improve air flow are very noisy and make it hard to communicate with customers. Maintenance Supervisor Chuck Carver indicated that he is working to resolve the problem.

### **Assessor – Office Space Issues**

Assessor Deromedi asked that consideration be given to her office moving downstairs to the Commissioners' Room when construction of the Government Annex is complete and the Commissioners move to their new room in that building. Measurements indicate that, to gain much-needed room for the Assessor's staff, they would also need two of the basement offices currently occupied by the Planner and

the Youth Alternatives program. Commissioners took the matter under advisement for further consideration as the Government Annex building is completed.

### **Other Business**

**Page Laminating Request** – Clerk Odde presented an estimate from Tri-State Binders for lamination of full pages and replacement/repair of the covers of the abstract books in the Clerk’s office. The estimated cost is \$8,636.00. Clerk Odde requested the Commissioners approve funds from the Courthouse Equipment budget in the amount of \$9,500.00 to cover any contingencies. Frank T. Manning moved to retain Tri-State Binders to laminate the Abstract books at a cost not to exceed \$9,500.00, funds to come from the Courthouse Equipment budget. John P. Lumley seconded the motion. Motion carried.

**Assistant Public Defender Appointment Review** – Commissioners reviewed a letter received from State Public Defender Diane Lozano notifying them of the hiring of Sandra Lee Baker as an Assistant Public Defender for the Fifth Judicial District and requesting the Commissioners’ input and approval. Frank T. Manning moved to approve the hiring of Sandy Lee Baker as an Assistant Public Defender for the Fifth Judicial District. John P. Lumley seconded the motion. Discussion: A letter will be sent to Ms. Lozano’s office indicating approval of Ms. Baker’s hiring. Motion carried.

**Utility License Agreement – Travis McDermott** – Clerk Odde presented a Utility License Agreement between Hot Springs County and Rocky Mountain Power to provide service to Travis McDermott within the county. Road & Bridge Supervisor Jim Skelton has reviewed and approved the agreement. All the paperwork is in order and is accompanied by a check for the required fee. John P. Lumley moved to approve the utility license agreement with Rocky Mountain Power. Frank T. Manning seconded the motion. Motion carried.

**Contract for Electrical Service for 117 North 4<sup>th</sup> Street** – Clerk Odde presented a Contract for Electric Service between Hot Springs County and Rocky Mountain Power for service at 117 North 4<sup>th</sup> Street (Government Annex Building). The Commissioners selected the Contract Administration Credit Option in the amount of \$4,255.00 to cover the Customer Paid Costs for the contract. Chairman Basse recused himself from discussion and voting due to his status as a subcontractor on the project. Frank T. Manning moved to approve the General Service Contract between Hot Springs County and Rocky Mountain Power for service at 117 North 4<sup>th</sup> Street in the amount of \$4,255.00 under the Contract Administration Credit Option. John P. Lumley seconded the motion. Motion carried.

**Airport Maintenance Project THP-04A – Approval of Notice of Award from WYDOT** – Clerk Odde presented the Notice of Award Concurrence from WYDOT along with the Notice of Award for the Airport Pavement Maintenance Project for the Commissioners’ signature. Upon approval, the Notice of Award and Concurrence letter will be sent to Maxwell Asphalt along with the Project Contract. Maxwell Asphalt will then review and sign the contract and submit it to the Commissioners for approval at a future meeting. John P. Lumley moved to approve the Notice of Award for Airport Maintenance Project THP-04A in the amount of \$105,755.30 to Maxwell Asphalt, Inc. Frank T. Manning seconded the motion. Motion carried.

**Bank of Bridger-Thermopolis Branch Depository Resolution** – Clerk Odde presented a request from the Bank of Thermopolis to act as a depository for Hot Springs County funds. John P. Lumley moved to approve the Bank of Thermopolis as depository for county funds. Frank T. Manning seconded the motion. Motion carried.

**Extended Professional Services Agreement - 4-H Program Assistant** – Clerk Odde presented an extension of the current Professional Services Agreement between Hot Springs County and the University of Wyoming regarding the 4-H/Youth Professional. This extension sets the payment terms and effective dates for the 2009-2010 fiscal year. The County will make payments of \$4,839.00 to UW in October, 2009, January, March and June, 2010 for a total of \$19,356.00. The extension will be for the period of July 1, 2009 through June 30, 2010. John P. Lumley moved to approve the Extended Professional Services Agreement between Hot Springs County and the University of Wyoming in the amount of \$19,356.00 for the period July 1, 2009 through June 30, 2010. Frank T. Manning seconded the motion. Motion carried.

**Certificate of Owner's Consent – Subdivision Plat of Wilson Addition to Town of Kirby** – Local Surveyor Rick Hudson appeared before the Commissioners to discuss the Subdivision Plat of the Wilson Addition to the Town of Kirby. The County's involvement in this subdivision traces back to a quitclaim deed dated 09-09-1944 which made the County the owner of a road easement for a road located partially in the current subdivision. Mr. Hudson suggested that the Commissioners sign a Certificate of Owner's Consent to transfer the road and easement to the Town of Kirby as part of the plat of the new subdivision. Clerk Odde and County Attorney Jerry Williams have reviewed the documents and concur with Mr. Hudson's recommendation. After discussion, Frank T. Manning moved to sign the Certificate of Owner's consent, transferring the road and easement to the Town of Kirby. John P. Lumley seconded the motion. Motion carried.

**CDBG Agreement – Senior Center Feasibility Study** – Clerk Odde presented the Community Development Block Grant Agreement for the Senior Center Feasibility Study in the amount of \$33,333.00. County Attorney Jerry Williams has reviewed and approved the grant agreement. The grant amount includes an \$8,333.00 match amount to be provided by the Hot Springs County Senior Center. Frank T. Manning moved to approve the CDBG Agreement between the Wyoming Business Council and Hot Springs County for the Senior Center Feasibility Study in the amount of \$33,333.00. John P. Lumley seconded the motion. Motion carried.

**Testing Fee Proposal – County Government Annex Project** – Clerk Odde presented the Materials Testing Fee Proposal from DOWL-HKM for the Government Annex construction. The proposal sets a flat rate fee of \$9,450.00, with an option to go on a time and materials basis if so desired. Clerk Odde reviewed the possible costs associated with each choice per his conversation with Jerald Miller of DOWL-HKM. Chairman Basse recused himself from discussion and voting due to his status as a subcontractor on the project. After some discussion, John P. Lumley moved to approve the Flat Rate Testing Fee schedule in the amount of \$9,450.00. Frank T. Manning seconded the motion. Motion carried.

**Letter Regarding EQC Litigation** – Clerk Odde presented a letter drafted by Margo Sabec with the law offices of Williams, Porter, Day & Neville, P.C., regarding the on-going EQC litigation over rejection of the socio-economic impact study requested by Hot Springs, Washakie, Johnson and Weston counties regarding the proposed new statewide water quality standards. If approved by the four counties involved, the letter will be sent to eight other Wyoming counties inviting them to participate in the lawsuit by the filing of *amicus curiae* (Friend-of-the-Court) briefs in support of the Counties' position. John P. Lumley moved to approve the letter for signature. Frank T. Manning seconded the motion. Motion carried.

**Substitute Consensus Project List Correction** – Clerk Odde presented a corrected Substitute Consensus Project List for the Commissioners' approval and signature. The original list had a typographical error in the "Match %" section, which has now been corrected. Frank T. Manning moved to approve the amended Substitute Consensus Project List as presented. John P. Lumley seconded the motion. Motion carried.

### Correspondence

**BLM** – RMP Documentation Map Request – Commissioners reviewed the map of the 113 acres of Big Horn River tracts proposed for management by the BLM in the BHB RMP. Clerk Odde was asked to invite BLM Field Manager Karla Bird to address the Commissioners regarding the BHB RMP and the BLM's land management plans for Hot Springs County.

**State Land & Investments Board** – Transportation Enterprise Fund Grant Application

**WYDOT** – BN Railroad Crossing Designation Change – Nakamura Road

**County Treasurer** – Final Valuation – 2009

**Office of Homeland Security** – 2009 Pre-Disaster Mitigation Program

**State Board of Control** – Notice to Appropriators of Water

**Wyoming Association of Municipalities** – Energy Lease Program – Request for Proposals

**Airport Traffic Count** – June, 2009

**Grant Sanders – Inberg-Miller** – Response to RFP for testing – Government Annex Building – Mr. Sanders read a letter of apology to the County for Inberg-Miller's lack of response to

the RFP for testing services for the new Government Annex Building. The Commissioners thanked Mr. Sanders for his time.

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

**Executive Session**

At 6:35 p.m., Frank T. Manning moved to enter Executive Session to deal with pending litigation matters. John P. Lumley seconded the motion. Motion carried. At 6:55 p.m., Frank T. Manning moved to return to regular session. John P. Lumley seconded the motion. Motion carried. No actions were taken during or as a result of the executive session.

**Adjournment**

There being no further business to come before the Board of County Commissioners at this time, Frank T. Manning moved to adjourn the meeting at 7:00 p.m. John P. Lumley seconded the motion. Motion carried.

ATTEST:

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Brad W. Basse, Chairman

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Hans Odde, County Clerk