

STATE OF WYOMING            )  
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COUNTY OF HOT SPRINGS    )  
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OFFICE OF THE BOARD OF  
COUNTY COMMISSIONERS  
THERMOPOLIS, WYOMING  
November 17, 2009

The Hot Springs Board of County Commissioners met in regular session on Tuesday, November 17, 2009, 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 County Attorney Jerry Williams, County Clerk Hans Odde and Administrative 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 additions:

ADD: Other Business                   4. Library Board Advance Request

Frank T. Manning seconded the motion. Motion carried.

**Assessed Valuation Estimate**

Tom Sullivan, Sr. appeared before the Commissioners to offer his estimate regarding the assessed valuation for Hot Springs County for the fiscal year 2010-2011. Based on past and current market conditions, Mr. Sullivan offered an estimated valuation of \$210,000,000.00. The Commissioners thanked Mr. Sullivan for volunteering his expertise and assistance to the County.

**Grass Creek Forest Road Agreement**

Tim Elder did not appear, so this item was withdrawn from the agenda.

**J-U-B Engineers Presentation**

Lew Lott and Chuck Larson with J-U-B Engineers gave a short presentation to the Commissioners regarding their desire and ability to assist with the building of a new airport in Hot Springs County, if such a project comes to pass.

**Consider H1N1 Phase III Contract**

Public Health Nurse Bree Gerber presented the H1N1 Phase III Contract between the Wyoming Department of Health and Hot Springs County Public Health Nursing Services for the Commissioners' approval. Federal funding for this contract is provided through the Centers for Disease Control & Prevention. County Attorney Williams has reviewed and approved the contract. Frank T. Manning moved to accept the H1N1 Phase III Grant Contract between the Wyoming Department of Health and Hot Springs County Public Health Nursing Services in the amount of \$72,669.00 for the period November 1, 2009—September 30, 2010. John P. Lumley seconded the motion. Motion carried.

**Consider County Gravel Pit Lease Request**

County resident Tim Anderson appeared before the Commissioners with a request to lease a portion of the old Harvey Gravel Pit and surrounding land for archery hunting. Chairman Basse stated that he had spoken with Road & Bridge Foreman Jim Skelton about this matter, and Mr. Skelton was not enthusiastic about setting the precedent of leasing county lands for private recreation and hunting purposes. After discussion, the Commissioners declined to lease the land to Mr. Anderson at this time.

**Lane 3 Planning Discussion**

Clerk Odde and consultant Harry Hughes gave the Commissioners an update on the Lane 3 Project funding status. The contract for the Industrial Road Program (IRP) Grant in the amount of \$650,000.00 has been received for acceptance and signature. However, the CDBG application to the State Lands & Investments Board (SLIB) for a \$300,000.00 grant does not meet the grant requirements and is not being recommended for funding at this time. As the CDBG money was planned as part of the match for the IRP

grant, Clerk Odde indicated that a new look at the funding process would be necessary. There is a two year window for the IRP grant during which progress must be shown on the project or the money returned to the State. Mr. Hughes stated that his discussions with Julie Kozlowski of the Wyoming Business Council indicated that there is the possibility of other funding options available for the project, and Clerk Odde stated that with a two year progress window, there was the possibility of budgeting additional funds for the project. Clerk Odde recommended the Commissioners execute the IRP Grant contract at this time and move ahead with the necessary real estate transactions, engineering and design process, as some matching money is currently budgeted for the Lane 3 project. Chairman Basse felt that another step that should be taken as soon as possible was the designation of Lane 3 as a County Road. John P. Lumley made a motion to add approval of the IRP grant to the agenda. Frank T. Manning seconded the motion. Motion carried. John P. Lumley moved to approve the Cooperative Agreement between the Wyoming Department of Transportation and the Hot Springs County Commission for Phase 1 & 2 of the Lane 3 Project in the amount of \$650,000.00. Frank T. Manning seconded the motion. Motion carried. The Commissioners instructed Clerk Odde to withdraw the CDBG Grant application for this round of funding, and asked Mr. Hughes to explore other funding options with the Wyoming Business Council.

### **Other Business**

**Wyoming Retirement System Pickup Resolutions** – Clerk Odde presented two resolutions to bring the County into compliance with Internal Revenue Code Section 414(h)(2) regarding employer “pick-up” of employee retirement system contributions for tax purposes. Although this decision was made by the Board of County Commissioners many years ago, a resolution outlining and confirming that decision is now required to bring the county into compliance with federal requirements. Two resolutions are required, as the law enforcement employee pick-up rate is different from the other county employees’ rate. After discussion, Frank T. Manning moved to approve Resolution #2009-12 regarding regular county employees as follows:

**2009-12**  
**A RESOLUTION TO DOCUMENT HOT SPRINGS COUNTY COMMISSION**  
**IMPLEMENTATION OF THE PROVISIONS OF SECTION**  
**414(h)(2) OF THE INTERNAL REVENUE CODE, REGARDING EMPLOYER**  
**PICK-UP OF EMPLOYEE RETIREMENT CONTRIBUTIONS TO THE WYOMING RETIREMENT**  
**SYSTEM**

**WHEREAS**, the Hot Springs County Commission has the authority to implement the provisions of section 414(h)(2) of the Internal Revenue Code (IRC); and

**WHEREAS**, the Hot Springs County Commission took official action regarding section 414(h)(2) IRC on November 17, 2009; and

**WHEREAS**, Hot Springs County Commission wishes to adopt this resolution in order to have additional documentation confirming its prior formal actions to pick up contributions under the Plans.

**WHEREAS**, the Hot Springs County Commission has determined that even though the implementation of the provisions of section 414(h)(2) IRC is not required by law, the tax benefit offered by section 414(h)(2) IRC should be provided to its employees who are members of the Wyoming Retirement System:

**BE IT HEREBY RESOLVED BY THE GOVERNING BOARD OF THE COUNTY OF HOT SPRINGS AS FOLLOWS:**

**I.** That the Hot Springs County Commission will implement the provisions of section 414(h)(2) Internal Revenue Code by making employee contributions pursuant to W.S. § 9-3-412(b) on behalf of its employees who are members of the Wyoming Retirement System. “Employee contributions” shall mean those contributions to the Wyoming Retirement System which are deducted from the salary of employees and are credited to individual employee’s accounts.

**II.** That the contributions made by the Hot Springs County Commission to the Wyoming Retirement System, although designated as employee contributions, are being paid to the Wyoming Retirement System by the Hot Springs County Commission in lieu of contributions by the employees who are members of the Wyoming Retirement System.

**III.** That employees shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the Hot Springs County Commission to the Wyoming Retirement System.

**IV.** That the Hot Springs County Commission shall pay to the Wyoming Retirement System the contributions designated as employee contributions from the same source of funds as used in paying salary.

**V.** That the amount of the contributions designated as employee contributions and picked-up by the Hot Springs County Commission to the Wyoming Retirement System on behalf of an employee shall be the entire contribution required of the employee by the Wyoming Retirement Act.

**VI.** That the contributions designated as employee contributions made by the Hot Springs County Commission to the Wyoming Retirement System shall be treated for all purposes, other than taxation, in the same way that member contributions are treated by the Wyoming Retirement System.

VII. This resolution is effective on the same date that the Hot Springs County Commission first provided for employee contributions, and shall apply prospectively to all future employee contributions.

**ATTEST:**

Hans Odde, County Clerk  
November 17, 2009

Brad W. Basse, Chairman  
November 17, 2009

John P. Lumley seconded the motion. Motion carried.

John P. Lumley moved to approve Resolution #2009-13 regarding county law enforcement employees as follows:

**2009-13  
A RESOLUTION TO DOCUMENT HOT SPRINGS COUNTY COMMISSION/LAW  
IMPLEMENTATION OF THE PROVISIONS OF SECTION  
414(h)(2) OF THE INTERNAL REVENUE CODE, REGARDING EMPLOYER  
PICK-UP OF EMPLOYEE RETIREMENT CONTRIBUTIONS TO THE WYOMING RETIREMENT  
SYSTEM**

**WHEREAS**, the Hot Springs County Commission/Law has the authority to implement the provisions of section 414(h)(2) of the Internal Revenue Code (IRC); and

**WHEREAS**, the Hot Springs County Commission/Law took official action regarding section 414(h)(2) IRC on November 17, 2009]; and

**WHEREAS**, Hot Springs County Commission/Law wishes to adopt this resolution in order to have additional documentation confirming its prior formal actions to pick up contributions under the Plans.

**WHEREAS**, the Hot Springs County Commission/Law has determined that even though the implementation of the provisions of section 414(h)(2) IRC is not required by law, the tax benefit offered by section 414(h)(2) IRC should be provided to its employees who are members of the Wyoming Retirement System:

**BE IT HEREBY RESOLVED BY THE GOVERNING BOARD OF THE COUNTY OF HOT SPRINGS AS FOLLOWS:**

I. That the Hot Springs County Commission/Law will implement the provisions of section 414(h)(2) Internal Revenue Code by making employee contributions pursuant to W.S. § 9-3-412(b) on behalf of its employees who are members of the Wyoming Retirement System. "Employee contributions" shall mean those contributions to the Wyoming Retirement System which are deducted from the salary of employees and are credited to individual employee's accounts.

II. That the contributions made by the Hot Springs County Commission/Law to the Wyoming Retirement System, although designated as employee contributions, are being paid to the Wyoming Retirement System by the Hot Springs County Commission/Law in lieu of contributions by the employees who are members of the Wyoming Retirement System.

III. That employees shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by the Hot Springs County Commission/Law to the Wyoming Retirement System.

IV. That the Hot Springs County Commission/Law shall pay to the Wyoming Retirement System the contributions designated as employee contributions from the same source of funds as used in paying salary.

V. That the amount of the contributions designated as employee contributions and picked-up by the Hot Springs County Commission/Law to the Wyoming Retirement System on behalf of an employee shall be the entire contribution required of the employee by the Wyoming Retirement Act.

VI. That the contributions designated as employee contributions made by the Hot Springs County Commission/Law to the Wyoming Retirement System shall be treated for all purposes, other than taxation, in the same way that member contributions are treated by the Wyoming Retirement System.

VII. This resolution is effective on the same date that the Hot Springs County Commission/Law first provided for employee contributions, and shall apply prospectively to all future employee contributions.

**ATTEST:**

Hans Odde, County Clerk  
November 17, 2009

Brad W. Basse, Chairman  
November 17, 2009

Frank T. Manning seconded the motion. Motion carried.

**Public Defender Appointment Notification/Input** – The Commissioners considered a request for input on the appointment of Michelle McColloch Burns as an Assistant Public Defender for the Fifth Judicial District. Neither the Commissioners nor the County Attorney had any comments to submit on this matter at this time.

**LGLP Board Member Nominations** – As the LGLP Board representative, Chairman Basse reviewed the nominations from the board. No other names were suggested by the Commissioners for nomination at this time.

**Library Board Levy Advance Request** – Clerk Odde presented a levy advance request from Chris Bendlin, Library Director, in the amount of \$12,000.00. Due to a timing issue regarding when the levy money is received, the Library Board will be about \$12,000.00 short for November expenses. County

Treasurer Mickey Jean Ford has confirmed that the money is available for the advance. Frank T. Manning moved to approve a \$12,000.00 advance on levy monies owed to the Library. John P. Lumley seconded the motion. Motion carried. Chris has asked about progress on the lighting update grant application. Chairman Basse is working on gathering information for the application. It is due in January. Discussion was held regarding Campbell County's dissolution of their county-appointed boards last week due to their auditor's interpretation of the GASB Rule #54. Clerk Odde reported that he has discussed this with the county's auditor, and the auditor indicated that Hot Springs County boards are set up as component entities, not funded by special revenue accounts, so they are in compliance with the GASB Rule #54 already.

**Correspondence**

**Lodging Tax Board Minutes**

**Fairboard Minutes**

**Library Board Minutes**

**DEQ – John Corra – CBM Working Group**

**Airport Traffic Count – October, 2009**

**Owl Creek Water District Update**

**GDA – Introduce new WYDOT Aeronautics Commissioner Ray Lee**

Commissioners reviewed the foregoing correspondence items. No action was necessary or taken at this time.

**Executive Session**

Frank T. Manning moved to enter Executive Session at 5:55 p.m. to discuss personnel issues. John P. Lumley seconded the motion. Motion carried. Those present for the Executive Session included Commissioners Basse, Lumley and Manning, Clerk Odde, Admin Herdt, County Coroner Clark Mortimore and Mark Mortimore. John P. Lumley moved to come out of Executive Session at 6:35 p.m. No action was 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 6:35 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