

STATE OF WYOMING)
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COUNTY OF HOT SPRINGS)
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OFFICE OF THE BOARD OF
COUNTY COMMISSIONERS
THERMOPOLIS, WYOMING
February 16, 2010

The Hot Springs Board of County Commissioners met in regular session on Tuesday, February 16, 2010, at 4:00 p.m. in the Commissioners' Room at the Courthouse.

Present were Commissioners Brad W. Basse and John P. Lumley. Also present were County Attorney Jerry Williams, County Clerk Hans Odde and Administrative Assistant Penny Herdt.

Chairman John P. Lumley led those present in the Pledge of Allegiance. Chairman Lumley suspended Roberts Rules of Order to enable business to be conducted in the absence of Commissioner Manning due to illness.

Approval of Agenda

Brad W. Basse moved to approve the agenda with the following additions:

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| ADD: Commissioners | Appoint Hospital Board Member |
| Other Business | 4. Consider RT Agreement for Fiber Service |
| | 5. Consider Consensus Block Grant Re-Allocation Application |
| | 6. Consider Pre-Decisional Letter to BLM and other Cooperators |

John P. Lumley seconded the motion. Motion carried.

Liquor License Transfer from Legion Town & Country Club to Krista Lynn Raymond, LLC

Chairman John P. Lumley declared the public hearing for the transfer of a liquor license from the Legion Town & Country Club to Krista Raymond, LLC open at 4:05 p.m. Clerk Odde indicated that all the proper notifications have been made regarding the license transfer. All requirements have been met for the license application, including updating the lease agreement. County Attorney Jerry Williams has no objections to the transfer. Law Enforcement reports no problems with the restaurant. There were no members of the public who wished to comment on the transfer. After three calls for further comment, hearing none, Chairman Lumley declared the public hearing closed at 4:08 p.m. Brad W. Basse moved to approve the transfer of the liquor license from the Legion Town & Country Club to Krista Raymond, LLC, dba Stone's Throw Restaurant located at 143 Airport Road. John P. Lumley seconded the motion. Motion carried.

Tax Rebates

Assessor Shelley Deromedi presented the following tax rebates for the Commissioners' approval:

1. **Rebate #06-10** – PACIFICORP, Parcel #2999 – State Assessment in District 100 for 2009– A Revised Notice of Value Certification was issued by DOR based on more accurate and complete CAP Rate Development which resulted in an over assessment of 62,137. Taxes in the amount of \$4,165.04 to be rebated.
2. **Rebate #07-10** – PACIFICORP, Parcel #5104 – State Assessment in District 101 for 2009– A Revised Notice of Value Certification was issued by DOR based on more accurate and complete CAP Rate Development which resulted in an over assessment of 4,369. Taxes in the amount of \$327.81 to be rebated.
3. **Rebate #08-10** – PACIFICORP, Parcel #5569 – State Assessment in District 102 for 2009– A Revised Notice of Value Certification was issued by DOR based on more accurate and complete CAP Rate Development which resulted in an over assessment of 449. Taxes in the amount of \$31.89 to be rebated.
4. **Rebate #09-10** – PACIFICORP, Parcel #3627 – State Assessment in District 106 for 2009– A Revised Notice of Value Certification was issued by DOR based on more accurate and complete CAP Rate Development which resulted in an over assessment of 733. Taxes in the amount of \$49.13 to be rebated.
5. **Rebate #10-10** – PACIFICORP, Parcel #2891 – State Assessment in District 150 for 2009– A Revised Notice of Value Certification was issued by DOR based on more accurate and complete

CAP Rate Development which resulted in an over assessment of 408. Taxes in the amount of \$29.39 to be rebated.

6. **Rebate #11-10** – PACIFICORP, Parcel #2895 – State Assessment in District 151 for 2009– A Revised Notice of Value Certification was issued by DOR based on more accurate and complete CAP Rate Development which resulted in an over assessment of 347. Taxes in the amount of \$24.99 to be rebated.
7. **Rebate #12-10** – PACIFICORP, Parcel #2657 – State Assessment in District 152 for 2009– A Revised Notice of Value Certification was issued by DOR based on more accurate and complete CAP Rate Development which resulted in an over assessment of 5,689. Taxes in the amount of \$410.42 to be rebated.
8. **Rebate #13-10** – PACIFICORP, Parcel #3092 – State Assessment in District 153 for 2009– A Revised Notice of Value Certification was issued by DOR based on more accurate and complete CAP Rate Development which resulted in an over assessment of 1. Taxes in the amount of only \$0.08 to be rebated.
9. **Rebate #14-10** – Champion Technologies, Parcel #3447 – Personal Property located in Hot Springs County. Tank value should have been based at 50% of new value for consistency across county, which resulted in over assessment of 1830. Taxes in the amount of \$137.30 to be rebated.

Brad W. Basse moved to approve Rebates #06-10 through 13-10 to PACIFICORP as presented. John P. Lumley seconded the motion. Motion carried. Brad W. Basse moved to approve Rebate #14-10 to Champion Technologies as presented. John P. Lumley seconded the motion. Motion carried.

Federal Oil & Gas Leasing Discussion – Tom Anderson

Business owner Tom Anderson appeared before the Commissioners to discuss problems with the way the Federal government is handling oil and gas leases at this time. His company has several leases that they have won and paid for, but are not being allowed to work at this time due to a federal injunction against their development. Mr. Anderson pointed out that this is not only costing his company money, but is also causing lost revenue to the county and the state. Chairman Lumley suggested the Commissioners write a letter to the BLM in support of releasing the leases in question for development and asking representatives from the BLM to appear before the Commissioners to discuss the reasons the leases are not being released for development. Mr. Anderson felt that such a letter might be helpful and agreed to supply the necessary data to base the letter on.

UW-CES Office Relocation

Barton Stam of the UW Cooperative Extension Service had previously approached the Commissioners to ask about plans for the current building after the Public Health Department moves into their new offices. UW-CES personnel would like to be able to use the whole building as their present location makes it difficult to meet ADA requirements. After some discussion, Brad W. Basse moved to dedicate the space vacated by the Public Health Department upon their move to the new Government Annex to use by the UW Cooperative Extension Service. John P. Lumley seconded the motion. Motion carried. Clerk Odde will notify Mr. Stam of the decision.

Lane 3 Consultant Selection

A work session was held by the members of the Lane 3 Consultant Selection Committee (Dan McAfee of WYDOT, Ray Shaffer of Road & Bridge, and Commissioners Lumley and Basse) to recommend a Lane 3 project consultant. As a result of that work session, the committee recommended Engineering Associates as the project consultant. Brad W. Basse moved to ratify the selection of Engineering Associates to provide consulting services for the Lane 3 Phase I & II Project #IRP 0.00 CN15020. John P. Lumley seconded the motion. Discussion: Commissioner Basse pointed out that the selection process for the consultant was in keeping with WYDOT requirements for this project. Motion carried.

Consider Airport Funding Issues

Clerk Odde indicated that he had been contacted by Kevin Luey with the FAA regarding funding for the new airport. There are two parts to the funding for the coming year. Program A is for consultant selection, design and land acquisition purposes. Program B funds would be for the construction phases after that. Due to the split-year nature of the funding, the FAA is asking the county to carryover their Part

A funding until Part B funds become available in April. At that time, the county would receive both the Part A and the Part B funds. This carryover carries the slight risk that Part B funds would not be allocated by the federal government, but Mr. Luey feels that this is an infinitesimal risk and is encouraging the County to carry over the Part A funds. Clerk Odde indicated that this would not cause a problem with the new airport timeline. Brad W. Basse moved to carry over Program A FAA Entitlement Funds for Fiscal Year 2010. John P. Lumley seconded the motion. Discussion: Carryover must be declared by February 22, 2010. Motion carried.

Public Hearing – Soaring Eagle Subdivision

Chairman Lumley declared the Public Hearing for the Soaring Eagle Subdivision open at 5:15 p.m. Present for the hearing were Planner Lee Campbell and Heath Overfield, consulting engineer for applicants Tim and Nancy Blaich. Planner Lee Campbell reviewed a letter from the Land Use Planning Commission with recommendations regarding the requested variances for the Soaring Eagle Subdivision. Mr. Overfield asked that the Commissioners approve the following three variances for the subdivision:

#1 – Sewage Disposal – subdivided lot is 3.16 acres in size, which is smaller than the 5.0 acres required by the County Land Use Plan for a septic system and water well to co-exist on the same lot.

#2 – Access for Emergency Vehicles – County Land Use Plan requires public access roads capable of servicing Emergency Response Vehicles to be provided for all residential lots or units. Private access is being proposed due to the single lot, minor nature of the subdivision.

#3 – Access Roadway Width – County Land Use Plan requires a minimum access roadway width of 60 feet for all public access roads to a subdivision. Subdivision access is to be provided by a private road, so a width of 20-40 feet is being proposed.

The Land Use Planning Commission gave a “Do Pass” recommendation for all three variances. After considerable discussion, Chairman Lumley called three times for further public comment on the subdivision. Receiving none, the public hearing was declared closed at 6:16 p.m. Brad W. Basse moved to approve the Soaring Eagle subdivision subject to the following conditions: 1) Deny Blaich Variance #1; 2) Grant Blaich Variances #2 and #3 with the stipulation that the access road be 30 feet wide and that the descriptive easement be recorded in the County Clerk’s office, with a development agreement to be drafted setting out roadway maintenance, etc. at the landowner’s discretion; 3) Water is to be provided by a centralized water system connected to the South Thermopolis Water & Sewer District; and 4) A Variance is granted to the requirement for connection to a centralized sewer system due to engineering constraints and the area topography. John P. Lumley seconded the motion. Motion carried.

Consider Counseling Center Letter of Support

Clerk Odde presented for the Commissioners’ consideration a letter in support of the HSC Counseling Services’ contract renewal application to the State to provide mental health and substance abuse services for Hot Springs County for fiscal year 2011. Brad W. Basse moved to approve the letter to Rodger McDaniel, Deputy Director of the State Mental Health & Substance Abuse Services Division dated February 16, 2010 in support of the HSC Counseling Services’ contract renewal application. John P. Lumley seconded the motion. Motion carried.

Appoint Hospital Board Member

This item was tabled until the March 2, 2010, meeting so that interviews of the candidates may be conducted prior to the appointment being made. Applicants have been contacted and interviews scheduled.

Other Business

Consider Auditor Engagement Letter – Clerk Odde presented a Letter of Engagement from the accounting firm of Koerwitz, Michel & Wright, outlining their proposed services and fees for performing the 2009-2010 Fiscal Year End Audit(s). Fees for a standard audit will range from \$15,000 to \$18,000. If a Single Audit is required due to the expenditure of \$500,000 or more in federal grant money, those additional fees will range from \$3,000 to \$3,500. Brad W. Basse moved to authorize the chairman’s signature on the Letter of Engagement dated February 4, 2010 from Koerwitz, Michel & Wright with the stipulation of fees not to exceed \$18,000 for the Standard Audit and fees not to exceed \$3,500 for a Single Audit if required by Circular A-133. John P. Lumley seconded the motion. Motion carried.

Consider Title 25 Facility Support Letter – Clerk Odde presented a letter for the Commissioners’ signature to be sent to our State legislators in support of a new Title 25 facility for the Big Horn Basin to be located in Worland. Brad W. Basse moved to approve the letter for signature with a few minor corrections. John P. Lumley seconded the motion. Motion carried.

RT Communications Utility License Agreement – Clerk Odde presented a Utility License Agreement with RT Communications for work on County Road 26 (Carter Ranch Road) and County Road 8 (Upper East River Road). The Road & Bridge Department has reviewed and approved the license agreement. All required fees have been paid. The County Attorney has reviewed the agreement and has no issues with it. Brad W. Basse moved to approve the Utility License Agreement between RT Communications and Hot Springs County for utility work in County Road 26 and County Road 8 rights of way. John P. Lumley seconded the motion. Motion carried.

Consider RT Communications Agreement for Fiber Service – Clerk Odde presented a Connection Agreement with RT Communications to provide PRI-ISDN service for the new Government Annex Building. Access fees would be \$1080.00 per year with a 20% discount available for a five-year contract term. Brad W. Basse moved to approve the ISDN-PRI Access Facility Service Arrangement Connection Agreement between RT Communications and Hot Springs County for a contract period of 5 years to take advantage of the 20% discount from the \$1080.00 annual fee. John P. Lumley seconded the motion. Discussion: Commissioner Basse asked County Attorney Williams about the propriety of signing a contract binding future Commissioners. County Attorney Williams indicated that this would be acceptable due to the necessity to do so to achieve the cost savings to the County. He did indicate that future Commissioners would have the ability to renege on the contract if they so desired. Motion carried.

Consider Consensus Block Grant Re-Allocation Application – Clerk Odde reported that in order to achieve the previously approved re-allocation of CBG funds remaining from the Town of Thermopolis’ Sewer Reconstruction Phase II project to its Broadway Water Main project, an application for re-allocation would need to be submitted to the SLIB committee. He presented the re-allocation application for the Commissioners’ signature. Brad W. Basse moved to authorize the Chairman’s signature on the Application for Re-Allocation of remaining funds from the Sewer Reconstruction Phase II project to the Broadway Water Main project for submission to the SLIB review committee. John P. Lumley seconded the motion. Motion carried.

Consider Pre-Decisional Letter to the BLM & Other Cooperators – Chairman Lumley presented a letter stating the County’s position on matters relating to the Bighorn Basin Resource Management Plan for the Commissioners’ approval. After discussion with the County Attorney, Brad W. Basse moved to authorize Chairman Lumley to sign and send a pre-decisional letter to Karla Bird and Caleb Hiner with the BLM relative to the BHB RMP revision. Under the rules of the Memorandum of Understanding governing the plan revision process, the contents of this pre-decisional letter will remain confidential until the results of the Plan Revision are released to the general public. John P. Lumley seconded the motion. Motion carried.

Correspondence

HSC Board Training Evaluation Results

VOA – 2008 Juvenile Detention Compliance Monitoring Report

PSC – 911 System Gross Receipts & Expenditure Reporting

Carol Pickett – Board Appointment

Fair Board Minutes

Library Board Minutes

USDA Forest Service – Scoping Statement – Shoshone National Forest Grazing Allotments

U.S. Dept. of the Interior – Snowmelt Runoff Forecast

Senior Board Letter – Services Provided

WACO Theme Letter

Senior Center Letter – Wyoming Dept. of Health response

Senior Citizen’s Board Minutes

Wyoming Game & Fish Dept. – Invasive Species Workshops

Commissioners reviewed the foregoing correspondence items. No action was required at this time.

Executive Session

At 6:27 p.m., Brad W. Basse moved to enter Executive Session for reasons of Personnel, Potential Litigation and Potential Land Acquisition. John P. Lumley seconded the motion. Motion carried. At 7:00 p.m., Brad W. Basse moved to exit Executive Session. John P. Lumley seconded the motion. Motion carried. 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 Brad W. Basse moved to adjourn the meeting at 7:01 p.m. John P. Lumley seconded the motion. Motion carried.

ATTEST:

John P. Lumley, Chairman

Hans Odde, County Clerk