

STATE OF WYOMING)
)
COUNTY OF HOT SPRINGS)

OFFICE OF THE BOARD OF
COUNTY COMMISSIONERS
THERMOPOLIS WYOMING
March 02, 2010

The Hot Springs County Board of Commissioners met in regular session on Tuesday, March 2, 2010, at 9:00 a.m. in the Commissioners' Room at the Courthouse.

Present were Commissioners Brad W. Basse and John P. Lumley. Also present were County Clerk Hans Odde, Hot Springs County Attorney Jerry D. Williams and Administrative Assistant to the Commissioners Penny Herdt. Chairman John P. Lumley led those present in the Pledge of Allegiance. Chairman Lumley suspended Roberts Rules of Order so that business could be conducted in the absence of Commissioner Frank T. Manning. Dr. Manning is still hospitalized in Billings after surgery.

Approval of Agenda

Brad W. Basse moved to approve the agenda with the following amendments:
DELETE: **Bill Gordon** 2. Emergency Management Monthly Report
John P. Lumley seconded the motion. Motion carried.

Approval of Minutes

Brad W. Basse made a motion to approve the minutes of February 2 and 16, 2010, as presented. John P. Lumley seconded the motion. Motion carried.

Approve Bills

The following bills were submitted for approval: (see attached) Chairman Lumley pointed out that some of the bills would be signed by only one Commissioner per the advice of the County Attorney under the "Lesser of Two Evils" doctrine. Any bill involving one of the Commissioners will only be signed by the other Commissioner, and will be ratified upon Commissioner Manning's return. Payroll for February, 2010 - \$144,456.65.

Weed & Pest Special Mill Request

Weed & Pest representatives Marvin Andreen and Jay Duvall appeared before the Commissioners to request that they be allowed to levy the second mill available to them through the county budget. This money is used to match grant funds requested from various state and federal agencies. These grants are used for mosquito control programs, weed control programs, and other special management programs throughout the County. Brad W. Basse moved to authorize the assessment of the additional mill for mosquito abatement and other projects for the Weed & Pest District. John P. Lumley seconded the motion. Motion carried.

Maintenance Monthly Report

Maintenance Foreman Chuck Carver reported that he has been busy getting things up and running in the Government Annex Building. There have been some kinks to work out with the HVAC system in the new building, but progress is being made.

Road & Bridge Monthly Report

Acting Road & Bridge Foreman Ray Shaffer and Planner Lee Campbell discussed the progress on the Ready Gravel Pit. Roy Ready already had a mining permit from the DEQ, so an application for transfer must be filed. Brad W. Basse moved to approve the application for transfer of Roy and Amy Ready's mining permit #1477-ET to Hot Springs County under the County's General Mining Permit #582. John P. Lumley seconded the motion. Motion carried. As part of the transfer application, two other forms must be signed. Brad W. Basse moved to approve the Notification & Surface Owner Consent For Limited Mining Operations form for signature. John P. Lumley seconded the motion. Motion carried. Brad W. Basse moved to approve the Reclamation Liability Assumption by Hot Springs County under Permit #1477-ET for the Ready Pit for signature. John P. Lumley seconded the motion. Motion carried. In conjunction with the application for transfer, a Notice of Intent to Request Discharge Authorization for Storm Water from Mineral Mining or Industrial Activities must be filed with the DEQ-Water Quality Division. Brad W. Basse moved to approve the NOI-Water Discharge form for the Ready Pit for signature. John P. Lumley seconded the motion. Motion carried.

Regarding the closure of the Harvey pit, Planner Campbell has put the agreement in writing and sent a copy to Ken Harvey. There is still some question regarding Mr. Harvey's desire to install a drainage system in the pit. The County's intent for reclamation does not include being involved in any drainage project. Mr. Shaffer and Mr. Harvey will continue to work on a plan for reclamation that is agreeable to all parties.

Regarding the Ready Pit, Mr. Shaffer reported that there is now a signed materials agreement for \$1.00/yard. Planner Campbell will assist with planning and design for the pit to address drainage issues, etc. The next steps will include hiring a contractor to come in and strip the topsoil off the pit and stockpile it on the site. The road to the site needs repairs and Mr. Shaffer indicated that the County has some old leftover cold mix that can be used to repair the road.

Other maintenance items: The cattle guards need replaced on East Sunnyside Road. Mr. Shaffer plans to use some CRF money to replace the cattle guards. The Cat tracks have been replaced and the unit is ready to go. An engine out of one of the trucks will be sent for repairs in the near future—the repairs will run about \$20,000.00. The new shop floor is being sealed and then the shop will be ready for use.

Youth Alternatives Monthly Report

Director Bob Wyss reported he currently has 10 participants in his program. Mr. Wyss indicated that he has just received the paperwork for the VOA grant, which is due in six weeks. The grant is only for one year this time instead of the normal two. Mr. Wyss anticipates that he will be budgeting more of the grant money toward community service and less toward out of county transportation of juveniles, as this reflects how the money is actually being spent.

County Planner Monthly Report

Planner Lee Campbell reported on the Gooseberry-Cottonwood Forest Management plan. The Forest Service notified Mr. Campbell that they will be going out for bids on the logging portion of the plan this week. The logging project should reduce fire danger and improve the forest habitat. Planner Campbell reported that WYO-Ben has received their mining permit so that operations can continue. The federal decision on listing sage grouse is due next week.

Personnel Handbook Review Update

Judy Carswell reviewed the progress on the Personnel Handbook to date. Bill Miller with the LGLP met with the committee to review the handbook and offer suggestions. At this point, we are waiting for the County Attorney and the Commissioners to review a couple of sections and make a decision regarding consideration, after which the handbook will be ready for approval.

Public Hearing - Owl Creek Gravel Products Land Use Change

Chairman Lumley declared the Public Hearing on the Owl Creek Gravel Products Land Use Change Request open at 11:15 a.m. Planner Campbell provided an Affidavit of Publication showing that the required public notice had been given. A letter was received from the Land Use Planning Board recommending granting of the Land Use Change request with no conditions attached. No written comments have been received regarding the change to date. Citizen C.W. Clark asked how close to the end of the runway of the proposed new airport the gravel pit would be located. No one present had a definite measurement at hand. After three calls for further comment, and receiving none, Chairman Lumley declared the hearing closed at 11:21 a.m. Brad W. Basse moved to approve the land use change request from agricultural use to industrial use for the 60 acre parcel owned by Owl Creek Gravel Products. John P. Lumley seconded the motion. Motion carried.

Review County Attorney Resolution 2006-4

Resolution #2006-4 set the County Attorney position as a part-time position for the term January 1, 2007 through December 31, 2010. In light of the expiration of this resolution at the end of the year, Clerk Odde requested that the Commissioners begin consideration of whether to renew the resolution or change the status of the County Attorney position to full-time. A decision needs to be made prior to the official election filing period, which runs from May 13 – 28, 2010. Input was received from several local citizens, including local attorney Sandy Baker, Richard Baker, Jim Skelton, C. W. Clark, and Ailene Boyles. No action regarding this resolution will be taken by the Commissioners until Commissioner Manning returns and is able to give his input.

Hospital Board Appointment

Clerk Odde presented the Commissioners with three applicants for the Hospital Board position recently vacated by Rhonda Skar's resignation. Applicants were Randy Wahler, Brian Green and Jerry Langbehn.

At 1:05 p.m. Brad W. Basse moved to enter Executive Session to interview the applicants. John P. Lumley seconded the motion. Motion carried. Brad W. Basse moved to leave Executive Session at 1:26 p.m. John P. Lumley seconded the motion. Motion carried. The first vote was split between two candidates. A second vote resulted in two votes for Brian Green. Brad W. Basse moved to cast a unanimous ballot for Brian Green as the newest member of the Hospital Board. John P. Lumley seconded the motion. Motion carried. Letters will be sent to all candidates.

Hospital Issues Update

Hospital Board Chairman Bill Williams and Hospital CEO Charlie Meyers appeared to update the Commissioners on various hospital issues. The hospital has decided to go ahead with construction of the new Endoscopy Suite within the current SLIB grant timeframe. An architect is currently putting bid documents together for potential bidding within the next two months.

The primary outcome of last month's retreat was a determination to find funding to hire an architect or other consultant to develop a Master Facilities Plan for the future of the hospital. It is hoped that the Master Facilities Plan can be completed this year. In response to questioning by the Commissioners regarding the upcoming budget, Dr. Williams indicated that the hospital will be looking for approximately \$230,000.00 in capital construction money in this year's budget. Clerk Odde discussed an earlier grant for hospital roof repairs that came in considerably under budget, with approximately \$22,000.00 remaining in consensus funds. These remaining funds are still available for re-allocation to other approved consensus projects, but require a letter from the Hospital Board relinquishing the funds before they can be re-allocated. Dr. Williams agreed to provide the letter to the Commissioners by the end of the week. Investigation into the Exhaust Fan project revealed that, although the fan itself only cost \$4,000.00 (the amount of the grant), when it came time to install the fan, the various regulatory requirements for design and installation were going to cost another \$30,000.00, which had not be budgeted for, so the project was cancelled.

Other Business

HSC Court Security Management Committee – Sheriff Lou Falgoust appeared before the Commissioners to review the State recommendations for Court Security procedures. It seems likely that the recommendations will become legislative requirements in the near future. Sheriff Falgoust anticipates that there will be Homeland Security funds available for the implementation of at least some of the recommendations. At this time, there needs to be an initial meeting of the local Court Security Management committee to begin work on ways to meet the recommendations. In compliance with the State recommendations, this committee will consist of the County Commissioners, Judge Robert Skar, Judge Thomas Herrington, Sheriff Falgoust, Deputy Dan Pebbles, County Attorney Jerry Williams and Police Chief Mark Nelson. A report on the Committee's activities and plans needs to be filed with the State by July 1, 2010 – Deputy Pebbles will take care of this requirement. Clerk Odde will set up the meeting date and time and notify committee members.

Consider Airport "Fly-In" Request for State Aid Application – Clerk Odde presented the Airport's Request for State Aid Application for their annual Fly-In, which includes an air show and pancake breakfast this year. This is a 100% grant from the WYDOT-Aeronautics Division. The total amount requested this year is \$3,520.00. Brad W. Basse moved to approve the Request for State Aid to the WYDOT-Aeronautics Division for the Airport Fly-In in the amount of \$3,520.00 for signature. John P. Lumley seconded the motion. Motion carried.

Road & Bridge Foreman Search Update – Clerk Odde reported that seven applications have been received for the position of Road & Bridge Foreman. After discussion, the Commissioners decided to interview applicants on Monday, March 15th, and make their selection at their regular meeting on Tuesday, March 16th.

Consider Final Forest Road Agreement – Clerk Odde presented the final draft of the 2010 Forest Road Agreement providing for maintenance of the Grass Creek road up to the Shoshone forest line for the Commissioners' approval. Accompanying the agreement was the 2010 Annual Plan of Project Work & Maintenance for Grass Creek Road, outlining the County's proposed repair projects and maintenance on Grass Creek Road. Brad W. Basse moved to approve the 2010 Annual Plan of Project Work & Maintenance for Grass Creek Road. John P. Lumley seconded the motion. Motion carried. Brad W. Basse moved to approve the Road Project Agreement between Hot Springs County and the USFS-Shoshone National Forest – Agreement #10-RO-11021400-006, providing reimbursement to the county up to the amount of \$8,000.00. John P. Lumley seconded the motion. Motion carried. Brad W. Basse move to approve the Cooperative Forest Road Agreement between Hot Springs County and the USFS-

Shoshone National Forest – Agreement #10-RO-11021400-005. John P. Lumley seconded the motion. Motion carried. The above agreements will run from March 3, 2010, to December 31, 2014.

Consider District Court Computer Request – Clerk Odde presented a request from the Clerk of District Court for a new computer for the incoming Deputy Clerk. A quote has been received from Traveling Computers in the amount of \$899.00. Brad W. Basse moved to approve the purchase of a computer for the Clerk of District Court’s office per the quote from Traveling Computers for the amount of \$899.00, with funds to come from courthouse equipment. John P. Lumley seconded the motion. Motion carried.

Consider Government Annex Draw Down Request #18 – Clerk Odde presented County Government Annex Draw Down Request #18 in the amount of \$11,802.24 for the Commissioners’ approval. This will be the final draw down request for this project, as all grant funds have now been expended. County Attorney Williams advised the Commissioners that they are subject to the “lesser of two evils” doctrine as Commissioner Basse is a subcontractor on the project and Commissioner Manning is in the hospital, leaving Chairman Lumley as the only Commissioner physically capable of acting on the draw down request. Chairman Lumley will, therefore, sign the draw down request in the amount of \$11,802.24 based on the County Attorney’s advice and Commissioner Manning will ratify the request on his return.

Consider Search & Rescue/AEOC Building Draw Down Request #8 – Clerk Odde presented Draw Down Request #8 for the Search & Rescue/AEOC Building in the amount of \$11,074.23. This will be the final draw down request for this project, as all grant funds have now been expended. After discussing the situation with the County Attorney, Commissioner Basse, having no involvement in this particular billing, moved to approve Draw Down Request #8 in the amount of \$11,074.23. John P. Lumley seconded the motion. Motion carried.

Correspondence

Wyoming Dept. of Revenue – Special District Compliance Report – All special districts were reported to be in compliance with Dept. of Revenue reporting requirements

HSC Weed & Pest – Grasshopper Control Survey

Thermopolis-HSC Chamber of Commerce – 3-On-3 Information

Ed McAuslan – WACO 2010 Theme Activities

The Commissioners reviewed the foregoing items. No action was required or taken at this time.

Adjournment

There being no further business to come before the Board at this time, Brad W. Basse moved to adjourn at 2:30 p.m. John P. Lumley seconded the motion. Motion carried.

Attest:

John P. Lumley, Chairman

Hans Odde, Clerk to the Board

BILLS – FEBRUARY, 2010

KONE INC. 331.05 / HANSON'S FIRE EQUIPMENT 296.25 / BRANHAM PUBLISHING CO 72.80

CASPER STAR TRIBUNE 29.99 / HOT SPRINGS VETERINARY CLINIC 36.00

HASCO INDUSTRIAL SUPPLY 847.10 / S & H GLASS, INC. 1,494.00 / BRUCO, INC. 431.12

OVERHEAD DOOR CO OF RIVERTON- 55.00 / ST.VINCENT HEALTHCARE 512.54

SPAN PUBLISHING, INC. 144.00 / GALLS INC. 84.96 / AFLAC 687.60

STATE OF WYOMING – A&I 83.90 / ALL PRO SOUND, INC. 12,276.00

ANITA WEISBECK 61.00 / ATLAS OFFICE PRODUCTS, INC. 45.99

BASIN MECHANICAL, INC. 27,600.00 / BIG HORN WATER 93.00

BLAIR'S SUPER MARKET 191.94 / BOB'S UPHOLSTERY 119.20 / PITNEY BOWES 130.88

BROKERS NATIONAL LIFE 433.30 / BUSY BEE'S PRINTING 77.23

CUSTOMIZED COMMUNICATIONS, INC. 639.68 / THERMOPOLIS HARDWARE 827.83

COLONIAL SUPPLEMENTAL INS. 248.45 / VERIZON WIRELESS 56.52
VERIZON WIRELESS 40.27 / VERIZON WIRELESS 62.78 / VERIZON WIRELESS 265.84
VERIZON WIRELESS 47.53 / COOPERATIVE EXTENSION SERVICE 4,839.00
TERESA K. CORNELLA 374.20 / CINDY MAGELKY 52.08
DOLLAR DISCOUNT (RESTITUTION) 84.21 / DON'S IGA 262.65
D.R.A. SERVICES LLC 5,147.61 / DRIVE TRAIN INDUSTRIES, INC. 338.32
ECONO SIGNS LLC 888.36 / ELECTRONIC DATA SOLUTIONS 345.74
EXPRESS POLICE SUPPLY, INC 86.98 / FASTENAL COMPANY 108.71
ROCKY MOUNTAIN FIRE SYSTEMS 101.68 / FLEETWOOD FINANCIAL CORP. 3,693.68
PINNACLE BANK OF THERMOPOLIS 34,213.40 / FOOD SERVICES OF AMERICA 505.98
FRANDSON SAFETY INC. 10.00 / GRAYSON & ASSOCIATES, INC. 692.84
GROATHOUSE CONSTRUCTION, INC. 104,960.00 / HOLIDAY INN OF CODY 464.38
THE HON COMPANY 14,055.12 / HONNEN EQUIPMENT CO. 806.52
HOT SPRINGS ARMORY REGIONAL 5,000.00
HOT SPRINGS COUNTY HEALTH INS ACCT 50,617.45
HOT SPRINGS CO. SCHOOL DIST #1 3,113.79 / INDEPENDENT RECORD 2,158.05
INDOFF INC. 840.54 / INNOVATIVE AUTO BODY, LLC 537.54 / JAMES V. MILLS 279.79
JOHN LUMLEY 574.72 / JULIE MORTIMORE 80.00 / KAREN SLOCUM 309.00
KARST MOTORSPORTS, INC. 9,653.96 / KENT A. RICHINS 300.00
KNAPP SUPPLY & EQUIPMENT CO. 1,085.96 / LAIRD SANITATION, LLC 465.00
LEE A. CAMPBELL 561.37 / HOLDING'S LITTLE AMERICA 782.49
LOUIS L. WALRATH 380.00 / MAARET MCCAULEY 216.00 / MARY GORDON 286.30
MARY L. SCHEIBLE 1,050.00 / MBA OF WYOMING 51,630.00 / MEADOW GOLD DAIRY
160.58
HOT SPRINGS CO. MEM. HOSPITAL 592.96 / MESSENGER & JUROVICH, P.C. 40.00
MICKEYJEAN FORD 59.36 / MODERN MACHINERY CO., INC. 12,242.32
MOORE MEDICAL, LLC 7.04 / NATRONA COUNTY ATTORNEY 31.25
O'REILLY AUTO PARTS 9.49 / OWL LUMBER INC. 802.24 / P&S MACHINE, INC. 2,728.30
ROCKY MOUNTAIN POWER 3,342.75 / PAMIDA 35.96 / PERFORMANCE AUTO & GLASS
147.04
PERFORMANCE AUTO & GLASS 796.22 / PLAN ONE/ARCHITECTS 1,815.56
PLAINSMAN PRINTING & SUPPLY 852.42 / PRINT ZONE 5.79 / QWEST 655.57
RANGE MAGAZINE 19.95 / RED ROCK FAMILY PRACTICE PC 500.00
GORRELL & HOPKINSON, P.C. 120.00 / RIVERBEND SHEETMETAL, LLC 47.84
ROCKY MOUNTAIN INFORMATION NETWORK 100.00 / ROAD-RUNNER TWO, LLC 61.11
ROY DECKER & SONS INC. 25,000.00 / RT COMMUNICATIONS, INC. 1,887.76
SANDRA L BAKER 40.00 / SHOSHONE OFFICE SUPPLY 852.65 / SPRINGHILL SUITES
70.00
STACIA H. LINTON 15.48 / THE STANDARD INS. CO. 1,312.01
STEHLIN PLUMBING & CONTRACTING 275.00 / TEAM LABORATORY CHEMICAL CORP. 101.00
TEEPEE POOLS 351.00 / TERRY WILSON 116.54 / THE CAKE HOUSE 65.00
TOWN OF THERMOPOLIS 1,145.66 / TRAVELING COMPUTERS, INC. 605.99
TRI COUNTY TELEPHONE ASSOC, INC 333.65 / US DEPT OF HOMELAND SECURITY 4,415.01
VAXSERVE, INC. 536.00 / VERIZON WIRELESS 44.34 / VICKLUND PHARMACY 3.00
VISA - CARD ONE 722.96 / VISA - CARD TWO 536.66 / VISA - CARD THREE 601.97
VISA - CARD FOUR 504.00 / VISA - CARD FIVE 208.03 / VISA (CARD EIGHT) 75.79
VISA 114.66 / VISA 90.75 / W.A.R.M. PROPERTY INS. POOL 475.00
WCS TELECOM 302.35 / WOLTERS, KLUWER HEALTH 45.43
EMPLOYMENT TAX DIVISION 1,999.65 / WYOMING TAXPAYERS ASSOCIATION 200.00
WYOMING ASSOCIATION OF COUNTY 100.00 / WYOMING.COM 20.00
WYOMING DIVISION OF 410.00 / ORCHARD TRUST COMPANY 5,705.00
WY DEPT. OF ENVIRONMENTAL 700.00 / WYOMING GAS 3,333.05 / WYONET INC. 113.95
WYO RETIREMENT SYSTEM 17,621.78 / 036-NCPERS GROUP LIFE INS. 256.00
ZUPAN ELECTRIC, INC. 561.98