

STATE OF WYOMING)
)
COUNTY OF HOT SPRINGS)

OFFICE OF THE BOARD OF
COUNTY COMMISSIONERS
THERMOPOLIS WYOMING
July 6, 2010

The Hot Springs County Board of Commissioners met in regular session on Tuesday, July 6, 2010, at 9:00 a.m. in the Public Meeting room in the Government Annex.

Present were Commissioners John P. Lumley, Brad Basse and Mike Baker. Also present were County Clerk Hans Odde, County Attorney Jerry Williams and Administrative Assistant to the Commissioners Penny Herdt. Chairman John P. Lumley led those present in the Pledge of Allegiance.

Approval of Agenda

Brad Basse moved to approve the agenda with the following addition:

ADD: Other Business 7. Brett Belden Board Resignations

Mike Baker seconded the motion. Motion carried.

Approval of Minutes

Brad W. Basse made a motion to approve the minutes of June 1 and 15, 2010, as presented, and June 30, 2010 corrected as to meeting date and chairman's signature. Mike Baker seconded the motion. Motion carried.

Public Hearing – Final Budget Amendments

Chairman Lumley opened the public hearing for the year-end budget amendments at 9:15 a.m. Clerk Odde presented a spreadsheet outlining the required amendments for the 2009-2010 fiscal year (see attached). The total of the budget amendments is \$697,857.00. Of that amount, \$367,872.00 comes from unanticipated revenue (grants) and \$329,985.00 will come from the cash carry-over accounts. After three calls for public comment and hearing none, Chairman Lumley declared the public hearing closed at 9:25 a.m. Mike Baker moved to approve the final 2009-2010 budget amendments in the amount of \$697,857.00 as presented. Brad Basse seconded the motion. Motion carried.

Consider Public Health Contract Amendment #1

Public Health Nurse Bree Gerber presented Amendment #1 to the Public Health Contract with the State of Wyoming for the Commissioner's approval. The purpose of the amendment is to ensure that the County Public Health Department agrees to comply with all HIPAA regulations and to implement reasonable security measures to maintain the integrity and confidentiality of Protected Health Information. The County Attorney has reviewed the amendment and has no major problems with its form. Brad Basse moved to approve the First Amendment to the Contract between the Wyoming Department of Health, Community & Public Health Division, Public Health Nursing Section, and HSC Public Health Nursing dated May, 2010. Mike Baker seconded the motion. Motion carried.

Emergency Management Monthly Report

Emergency Management Coordinator Bill Gordon reported that he will not be attending the August 3, 2010 meeting as he will be attending a Motorola-hosted WYO-Link radio programming training in Lander. Chairman Lumley asked Mr. Gordon to begin developing a plan for relocation of courthouse operations to the Alternate Emergency Operations Center/Search & Rescue Building in the event of an emergency requiring such relocation. Commissioner Basse discussed using the AEOC/SAR as an off-site data backup storage site for county operations. Mr. Gordon has discussed this with Troy Bath, and is developing a plan for it. Mr. Gordon asked the Commissioners for a letter to RT Communications with their signatures regarding finalization of a plan for and testing of the ability to transfer 911 lines and administrative lines from the courthouse to the AEOC in the event of an emergency. Staff will work with Mr. Gordon to draft said letter for the Commissioners' signature requesting a meeting to work on this issue. The Commissioners asked Mr. Gordon to procure a generator for the AEOC/SAR building, as there is not one installed there at this time.

Maintenance Monthly Report

Maintenance Foreman Chuck Carver appeared briefly to request that his report be postponed to next month, as he was in the middle of installing the new air conditioning compressor for the Law Enforcement Center.

Road & Bridge Monthly Report

Road & Bridge Foreman Ray Shaffer updated the Commissioners on the county's gravel pits. The East Sunnyside Pit has been officially released by the state. The opening of the Ready pit has been completed – stripping is finished and the crossing is installed. The pit run being stored at the County pit has been moved to Buffalo Creek road for that project. The State has been stockpiling rock from the canyon on the County pit site for use by different entities in the county. The gravel stockpile on Nate Brown's property has disappeared, so the new stockpile will be clearly signed as the county's property. The first two miles of the Buffalo Creek Road project have been completed—the new cattle guard has been installed and the fencing is finished. Gravel is being placed this week. New pipes are being installed as needed on the county roads – a trackhoe was rented for this project. Road & Bridge has been working with the Emergency Management Coordinator to stockpile sand/sandbags throughout the county in case of flooding. All county roads have been mowed, and spraying of the ditches is underway. Bids are being received for the new truck. The contract for the truck will be awarded at the July 20, 2010 meeting. The Road & Bridge department has been hauling obsolete/excess items to the old Search & Rescue building for the surplus equipment auction to be held this fall. RT Communications has finished installing the fiber optic cabling on Carter Ranch Road and is nearly finished on Grass Creek Road. Mr. Shaffer reviewed the various road maintenance projects planned for this summer and fall in the county.

Mr. Shaffer reported that he has some leads on a chip spreader machine for the county. The chip seal project will start as soon as chips are acquired. Mr. Shaffer requested approval by the Commissioners to establish a second lead-man position so that he can have one lead man in the shop at all times and one lead man in the field as necessary. The lead man position will pay \$0.25/hour more than the regular Road & Bridge positions. Mike Baker moved to authorize Mr. Shaffer to appoint up to two lead men to aid in the operations of his department. Brad Basse seconded the motion. Motion carried.

Discussion was held regarding the Approach Application from Jim Madsen. Mr. Shaffer reported that the approach has been completed to everyone's satisfaction. Brad Basse moved to approve the approach application submitted by Jim Madsen. Mike Baker seconded the motion. Discussion: Madsen has met all the requirements for a new approach and submitted all necessary paperwork. The approach permit form needs reworking to improve its clarity. Mr. Shaffer indicated that this would be done as part of the new county road policy currently under development. Motion carried.

Mr. Shaffer asked for and was given authorization to proceed with obtaining a county cell phone assigned to the Road & Bridge department.

Youth Alternatives Monthly Report

Director Bob Wyss reported that he has picked up several more participants this month. Still have not heard on grant approval – now expect to hear by July 24, 2010. Current grant runs through September 30, 2010, so there is no problem with program funding at this time. Director Wyss anticipates full funding of the grant. Director Wyss gave Commissioner Baker an overview of his program and answered questions about the program from Commissioner Baker. Mr. Wyss presented his Second Quarter Draw Down Request in the amount of \$5,497.21. Mike Baker moved to approve the second quarter VAO/OJJDP "Non-Participating State" Grant Reimbursement Request in the amount of \$5,497.21. Brad Basse seconded the motion. Motion carried.

Planner Monthly Report

Planner Lee Campbell reviewed the background information on Carol Pickett's appeal of the granting of a septic system permit on a property in Red Lane. The system had been installed prior to Ms. Pickett's notification of appeal. After considerable discussion, due to the timing of the granting of the permit, installation of the system, and Ms. Pickett's appeal, as well as the regulatory requirements of the permit process, the appeal was tabled until further information can be obtained by the Planner and the County Attorney.

Planner Campbell presented a draft letter to Jim Pehringer, USDA Wildlife Services District Supervisor, in support of the proposed Hot Springs County Sage Grouse Project as requested by Natural Resources Planning Committee member Dee Hillberry. Brad Basse moved approval of the letter as presented. Mike Baker seconded the motion. Motion carried.

Consider Lodging Tax Board Member Appointment

No applications have been received for this position, so it will be re-advertised, with appointment to occur at the August 3, 2010 meeting.

Public Hearing – Owl Creek Water District CDBG Application

Chairman John P. Lumley opened the public hearing for the Owl Creek Water District Water System Community Development Block Grant Application at 11:28 a.m. Owl Creek Water District representative Harry Hughes, P.E., reviewed the proposed water system project and thanked the Commissioners for their sponsorship of the grant application. After three calls for further public comment, hearing none, Chairman Lumley declared the public hearing closed at 11:32 a.m. Brad Basse moved approval of Resolution #2010-03 as follows:

RESOLUTION NUMBER 2010-03
A RESOLUTION AUTHORIZING THE SUBMISSION
OF AN APPLICATION BY HOT SPRINGS COUNTY
FOR A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION
FOR DESIGN AND CONSTRUCTION OF A NEW POTABLE WATER SYSTEM FOR THE OWL
CREEK WATER DISTRICT

WHEREAS, the Owl Creek Water District (the “District”), is a water district duly formed and organized under the Water and Sewer District Law, Chapter 10, Title 41, Wyoming Statutes; and

WHEREAS, a public hearing was held on July 6, 2010 by the Hot Springs County Commissioners, to solicit public comment upon a request from the District to submit an application for a Community Development Grant under the Community Development Block Grant Program to assist in financing the design and construction of a new potable water system (Project); and

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

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

WHEREAS, the District plans to integrate other state and local funds to implement the Project.

NOW, THEREFORE BE IT RESOLVED that the Board of County Commissioners approves the submission of a grant application in the amount of \$500,000.00 for a Community Development Grant under the Community Development Block Grant Program to assist in funding the Project, and hereby certifies that all public participation requirements have been met.

BE IT FURTHER RESOLVED that the County intends to enter into a Grant Management and Development Agreement with the District which complies with the CDBG Rules and Regulations and hereby directs the Board Chairman and County Clerk to execute said Agreement upon approval of the County Attorney.

BE IT FURTHER RESOLVED that John P. Lumley, Chairman of the Hot Springs County Commissioners, is hereby designated and authorized 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 6th day of July, 2010.

Board of County Commissioners
Hot Springs County, Wyoming
John P. Lumley, Chairman

Attest:
Hans Odde, Hot Springs County Clerk

Mike Baker seconded the motion. Discussion: Commissioner Baker expressed his concern regarding the cost of the project per person served. Planner Campbell spoke to the benefits provided to the county by installation of a rural water system in regards to a reduction in the number of future wells being drilled and possibly impacting the Big Spring system. Harry Hughes reviewed the funding package, outlining the various sources of funds including grants, loans and user fees that will be used to pay for and provide ongoing support for the water system. County Attorney Jerry Williams asked for clarification regarding phases of the project. This grant application addresses only the initial phases (I & II) of the project. Later phases (III & IV) are planned for, but are not economically feasible at this time. Motion carried. Brad Basse moved approval of the Grant Management & Development Agreement between Hot Springs County and the Owl Creek Water District. Mike Baker seconded the motion. Motion carried.

Discuss Overpayment of 1995 Severance Tax Distributions

In 1995, there was an overpayment of Severance Tax distributions by the State Treasurer’s office to cities, towns and counties within the state. The State Treasurer’s Office is now proposing to recover those overpayments by reducing future distributions from the State to the cities, towns and counties. However, information regarding repayment amounts, terms and payment options received from the Treasurer’s Office to date has been extremely confusing and incomplete. Brad Basse moved to draft a letter to Darla Conn, Chief Accountant, State Treasurer’s Office, asking for disposition of the overpayment of county mineral severance taxes. Mike Baker seconded the motion. Motion carried. The letter will be copied to the Town of Thermopolis, East Thermopolis and Kirby.

Lou Falgoust – Budget Discussion

Sheriff Lou Falgoust and Deputy Cindy Magelky appeared before the Commissioners to discuss ways to reduce the Sheriff and Jail budgets for the 2010-2011 fiscal year to approximately \$685,150.00. After extensive discussion, Sheriff Falgoust and Deputy Magelky agreed to do their best to meet the new numbers.

Airport Update

GDA Representatives Dusty Spomer and Rick Patton gave the Commissioners an update on the progress toward the new airport. The primary focus of the update was on the progress of land acquisition negotiations with Joe Holden, the current landowner. Mr. Holden has given verbal permission for access to the land parcel in question for surveying and runway marking. A permission form is being drawn up for signature to make sure there are no misunderstandings concerning access to the property. Questions arose regarding the amount of land to be acquired at this time. The Commissioners agreed that it would be advisable to acquire enough land for present and future needs at this time. Mr. Patton will continue to update the Commissioners as negotiations with Mr. Holden proceed. The July edition of the Airport Update Newsletter will be available by the end of this week.

Airport Fuel System SPCC Plan

Ray and Jocelyne Arey reported that the airport has received its Class A and B Operator License renewals from the WDEQ. Every airport with an above-ground fuel storage system is required by law to have a formal Spill Prevention, Containment & Clean-up Plan in place. At this time, the Hot Springs County Airport does not have an SPCC plan in place. The company who does the fuel tank inspections has submitted a quote of \$2100.00 to prepare an SPCC plan for the airport. This is considerably less than such a plan would usually cost, which is made possible by the fact that the company has already done some of the preliminary work for the plan during its regular tank inspection process. Also, on October 13, 2010 the Operations Annual Inspection will be performed for the airport. The Areys wanted the Commissioners to be aware of these upcoming expenses as they set the final budget for 2010-2011.

Consider Employee Handbook Consideration

The revised Employee Policy Handbook has been approved by the County Commissioners and signed by the elected officials. In order for the handbook policies to go into effect, all employees affected by the policies must receive some sort of consideration upon signing the Acknowledgement of Receipt and Review page from the handbook and returning it to the Clerk's office. After discussing the various possible types of consideration, Mike Baker moved to provide consideration in the form of 4 hours of paid time off, outside of normal vacation and/or compensation time, to the employee upon signature of the Acknowledgement of Receipt/Review page by the employee, to be taken within the current (2010-2011) fiscal year. The elected officials will be provided with a copy of the handbook and signature pages for distribution to their employees, with a requested time frame for return of the signature pages to the Clerk's Office.

Other Business

Appoint Canvass Board – Clerk Odde presented his list of candidates for the Canvass Board for approval. Mike Baker moved to approve the appointment of Ann Deromedi, Marlene Christofferson and Hans Odde to the Canvass Board for the 2010 Elections. Brad Basse seconded the motion. Motion carried.

Senior Center Feasibility Study Draw Down Request #3 – Clerk Odde presented the HSC Senior Center Feasibility Study Draw Down #3 in the amount of \$4,955.00 for the Commissioners' approval. Brad Basse moved approval of Draw Down Request #3 for the HSC Senior Center Feasibility Study in the amount of \$4,955.00, with the match amount to be provided by the HSC Senior Citizen's Center. Mike Baker seconded the motion. Motion carried.

Consider Brewski #1 Well Permit – Clerk Odde reported that he had not yet received any feedback on this well application from the county's geological consultant. The item was tabled until the July 19, 2010, Special Commissioners Meeting.

Consider County Health Officer Contract – Clerk Odde presented the contract award agreement for the County Health Officer in the amount of \$12,000.00 for the time period August 30, 2010 through August 31, 2011 for the Commissioners' approval. Mike Baker moved to accept and approve the Grant Award Agreement for the US Department of Health & Human Services Public Health Emergency Response Wyoming Department of Health, Hot Springs County Health Officer Howard Willson and Hot Springs County in the amount of \$12,000.00 for the time period August 30, 2010 through August 31, 2011. Brad Basse seconded the motion. Motion carried.

Consider Outlaw Trail Ride 24-Hour Malt Beverage Permits – Clerk Odde presented an application from the Outlaw Trail Ride for eight 24-hour Malt Beverage permits for the time period 7/31/10 – 8/7/10. All the paperwork has been completed and the fee has been paid. Brad Basse moved to approve the Outlaw Trail Ride's application for eight 24-Hour Malt Beverage Permits for the time period 7/31/10-8/7/10. Mike Baker seconded the motion. Discussion: All requirements have been complied with, and past trail rides have not experienced problems with dispensing alcohol requiring the intervention of law enforcement. Motion carried.

Consider Stop-Loss Insurance Proposal – Clerk Odde presented the Stop-Loss Insurance proposal from American National Insurance Company for the Commissioners' approval. Mike Baker moved to accept the Stop-Loss Insurance proposal from American National Insurance Company. Brad Basse seconded the motion. Motion carried.

Brett Belden Board Resignations – Brett Belden has submitted his resignation from all county boards for personal family reasons effective July 15, 2010. Mike Baker moved to accept Mr. Belden's resignations with deep regret and begin advertising for replacements to be named at the August 3, 2010, meeting. Brad Basse seconded the motion. Discussion: Mr. Belden has been an excellent board member, and will be missed. Motion carried.

Correspondence

- U.S. Dept. of the Interior** – PILT Payment Press Release
- Assessor** – Heinze Ranch Family Partition
- Thermopolis-HSC EDC** – Disposition of Mobile Home/Garage on Lane 3
- NOWCAP** – Housing Preservation Program Pre-Application Notification
- Greater Learning Foundation Board Minutes**
- Library Board Minutes**

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

Executive Session: Brad Basse moved to enter Executive Session at 2:17 p.m. for personnel discussions. Mike Baker seconded the motion. Motion carried. At 2:36 p.m., Mike Baker moved to leave Executive Session. Brad Basse 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 at this time, Brad W. Basse moved to adjourn at 2:37 p.m. Mike Baker seconded the motion. Motion carried.

Attest:

John P. Lumley, Chairman

Hans Odde, Clerk to the Board