



coverage and \$160.00/month for family coverage, with consideration given to adjusting the employee contributions for all plan options on July 1, 2011. Mike Baker seconded the motion. Motion carried.

**Administrative Service Contract** – Clerk Odde presented and reviewed several documents regarding the county's health insurance renewal for the Commissioners' approval and signature. The County Attorney has reviewed and approved the documents. The Employer Notice of Participation – Health Management Services Contract outlines the Health Management Services provided by MBA of Wyoming, the County's third party insurance administrator. The Administrative Service Agreement covers the provision of administrative and advisory services with respect to the HSC Employee Benefit Plan. The HIPAA Addendum establishes the County's agreement to comply with the applicable Federal HIPAA requirements regarding the County's Employee Benefit Plan. Brad Basse moved to approve the Health Management Services Contract with MBA of Wyoming with a renewal date of July 1, 2010. Mike Baker seconded the motion. Discussion: Brad Johnson, the County's insurance consultant, has reviewed and approved these documents as to form and content. Motion carried. Mike Baker moved to approve the HIPAA Addendum to the Administrative Services Agreement. Brad Basse seconded the motion. Motion carried. Brad Basse moved to approve the Administrative Service Agreement between Hot Springs County and MBA of Wyoming. Mike Baker seconded the motion. Motion carried.

### **Consider TANF Grant Application**

Public Health Nurse Bree Gerber presented the TANF grant application for the Commissioners' approval. This grant provides temporary assistance to needy children and families in Hot Springs County. Mike Baker moved to approve the TANF grant application. Brad Basse seconded the motion. Motion carried.

### **Consider Adult Health Policy**

Ms. Gerber explained that the Public Health Office is now able to offer adult care clinics, which they weren't able to do in their old facility. This policy simply outlines the procedures to be followed and the levels of care to be provided by the adult care clinics. The current focus is on nail care, but Ms. Gerber hopes to expand the clinics to include A1C testing at cost, height and weight checks, and blood pressure checks, among other things. After considerable discussion, the Commissioners asked Ms. Gerber for time to consider the policy and its approval was tabled for consideration at a later date.

### **Consider Draft Airport Grant Agreement**

Clerk Odde presented a draft grant agreement between Hot Springs County and the FAA covering Land Acquisition, Master Design and Grading – Phase 1 for the new airport for the Commissioners' approval. The grant is currently in draft form due to possible changes in the dollar amount in the near term. Additional grant funding may become available, but must be accepted in a timely fashion or it will be lost to other entities. Therefore, Clerk Odde asked that the Commissioners approve the draft agreement at this time and authorize Chairman Lumley's signature on the final grant agreement as soon as it is received so that it may be returned as quickly as possible. The County Attorney has reviewed the agreement and, assuming no changes other than the dollar amount, has indicated that approval of the draft and authorization of the Chairman's signature on the final agreement would be acceptable. Brad Basse moved to approve the Draft Grant Agreement between Hot Springs County and the FAA for project #3-56-0032-03 and authorize the Chairman's signature on the Final Grant Agreement when it is received for the amount specified by the FAA in the Final Grant Agreement. Discussion: Enough money has been budgeted to cover the additional match needed as a result of increasing the amount of the grant for this fiscal year. The State has also allocated enough money this fiscal year to meet their increased match amount. Motion carried.

### **Consider Airport Snowplow Grant Application**

Commissioner Basse reported that at the WAECIP meeting in Cody this month, Wyoming Aeronautics Commission representatives encouraged the County to apply for grant funds to enable acquisition of a new snowplow for the airport at a 2% match rate, rather than the previously considered 20% match rate. Clerk Odde has prepared a Grant Application cover letter and a Request for State Airport Aid for the Commissioners' consideration. Mike Baker moved to approve the Grant Modification Cover Letter and the Request for State Airport Aid in the amount of \$173,500.00. Brad Basse seconded the motion. Discussion: The county attorney has reviewed and approved both of these documents. Motion carried.

### **Consider Bids for New Road & Bridge Truck**

This item was tabled at the request of Road & Bridge Foreman Ray Shaffer, as he has not had a chance to review the bids received. It was rescheduled for the August 3, 2010 Commission meeting.

#### **4-H Extension Educator**

4-H Extension Educator Marret McCauley appeared to officially notify the Commissioners of her resignation from her position in order to return to school this fall. The Commissioners expressed regret at her resignation and wished her well in her future endeavors. Ms. McCauley was presented with a certificate of appreciation from the Commissioners for a job well done.

#### **Lane 3 Update**

Engineering Associates representatives Heath Overfield and Ian Morrison appeared to discuss the draft Recon Report being prepared by Mr. Morrison for the Lane 3 project. Discussions with landowners and the County Planner during the preparation of the report have brought to light some issues which require the attention of the Commissioners. In order to complete the report, Mr. Morrison requested direction from the Commissioners regarding which of the three proposed alignments they desired to pursue, as well as a decision regarding location and length of the proposed sidewalks for the project. Confirmation of the requirements for the highway approach was also requested. Landowner Ken Boelens gave the Commissioners his input regarding the alignment of the Lane 3 extension as it relates to the property he owns and intends to build a home on in the area. Planner Lee Campbell discussed drainage issues and stressed that WYDOT does not want any drainage running off Lane 3 directly on to Highway 20 South. Engineer Heath Overfield indicated that the South Thermopolis Water & Sewer District is planning an expansion project and may be interested in installing their new water line located on Lane 3 prior to any paving being done. Mike Baker moved to approve Option 3 (shortest route) for the alignment of the Lane 3 connection to Lane 7. Brad Basse seconded the motion. Motion carried. Engineering Associates will include the Option 3 route and a revised cost estimate in the final recon report, as well as a resolution for the remnant property at the corner of Highway 20 and Lane 3.

#### **Consider Appeal of Weed Septic System Permit**

The hearing of the Pickett appeal of the granting of the Weed "Above-The-Ditch" septic system permit was declared open at 6:15 p.m. The County Attorney reviewed the rules of order governing the hearing and discussed what issues could be discussed during the hearing and which ones could not. The three issues relevant to the appeal are:

1. Was the appeal filed in a timely fashion?
2. Was there any violation of the state law requiring no more than one septic system per acre or the County's rules governing the issuance of the permit during the permitting process?
3. Is the property a commercial use property requiring professional engineering of the system per State statute?

Planner Lee Campbell reviewed the County Permit Appeals process currently in place and reviewed the facts and events leading up to Ms. Pickett's appeal of his granting of the Weed "Above the Ditch" Septic System permit. Ms. Pickett presented her case. The following three items of evidence were officially entered as exhibits for the appeal:

Exhibit #1 – Record of phone call between Planner Lee Campbell and DEQ/WQD representative James A. Brough of Lander on July 8, 2010 regarding the Determination of Residential or Commercial Use for the Weed Rentals SWWTF's on Red Lane

Exhibit #2 – Pictures taken by the installer of the septic system installation, the permitting of which is the subject of this appeal.

Exhibit #3 – A certified copy of the Weed "Above-The-Ditch" Septic System permit application.

Ms. Pickett called Ron Luther, 304 Red Lane, as a witness. Mr. Luther had no evidence to present pertinent to the issues in the appeal. Planner Lee Campbell then presented evidence in support of his position that the permit was properly granted. Liz Weed then was offered the opportunity to respond to the issues raised in the appeal. At the conclusion of Ms. Weed's statements, Chairman Lumley called three times for any further public comment. Receiving no response, the appeal hearing was declared closed at 7:37 p.m.

Issue #1 – Timeliness of appeal filing. Commissioner Basse stated that there seemed to be a deficiency in the system in that no public notice of granting of the permit is required, so any aggrieved party wishing to appeal the decision has no way of knowing the permit has been granted until the actual work has been started and can be visually observed. County Attorney Williams indicated that the appeals section of the

Land Use Plan (Section I) states that the appeal must be filed within 7 days from the date action is taken, and that, in the case of a septic system permit, the granting of the permit is not considered complete until the installation has been approved by the Planner. Therefore, it is up to the Commissioners' discretion as to when the 7 day time period starts running – on the date the permit was granted, or on the date the system installation was completed. Commissioner Basse moved for a Finding of Fact on Issue #1 that the evidence indicates that the appeal was filed within 7 days of the action taken. Mike Baker seconded the motion. Discussion: County Attorney Williams clarified that the Commissioners' intention is to have the 7-day appeal period go into effect on the date the permit is completed—in this case, when the Planner gave final approval of the installation. In the case of a denied permit, the 7-day period would commence on the date of denial. Motion carried.

Issue #2 – Violation of Permitting Process. Mike Baker moved for a Finding of Fact that Ms. Pickett has failed to prove any violation of State Statute, specifically regarding the density of one system per acre, occurred in the granting of the permit. Brad Basse seconded the motion. Motion carried. Mike Baker moved for a Finding of Fact that Ms. Pickett has not shown that there is a law requiring septic system spacing based on density and has not proved any violation of state setback requirements regarding this permit.

Issue #3 – Engineering Requirement. Brad Basse moved to issue a ruling that no commercial use of the property served by the permit has been proven. Consequently, no engineering requirement exists, so the permit does not violate Section G-2 of the County Land Use Plan. Mike Baker seconded the motion. Discussion: Commissioner Baker requested clarification of the verbiage in Section G-2 of the HSC Land Use Plan. After clarification was received, a vote was taken and the motion carried.

Mike Baker moved for a Finding of Fact upholding the actions of the County Planner in issuing the Weed "Above-The-Ditch" Septic System permit dated April 27, 2010. Brad Basse seconded the motion. Motion carried.

### **Consider Lane 3 Right-of-Way Transaction**

EDC Representative Harry Hughes presented the Commissioners with information regarding the status of the transactions involving property at 143 Lane 3 and 293 Coventry Circle. The Thermopolis-Hot Springs County EDC, acting in concert with the Board of Commissioners as they moved forward with planning for the Lane 3 Improvement project, purchased the property at 293 Coventry Circle, made improvements to the property and then exchanged the deed to the property for the deed to the property at 143 Lane 3 owned by C&C Properties. The County now wishes to acquire the property at 143 Lane 3 in order to use the lot for road right-of-way as part of the Lane 3 Improvement Project. Mr. Hughes presented a letter from the EDC outlining the dollar amount required for the County to purchase the property from the EDC. The Commissioners accepted the information from Mr. Hughes and asked that consideration of purchase of the property at 143 Lane 3 be placed on the agenda for their August 3, 2010, meeting.

### **Junk Complaint**

County resident Dave Voorhees has contacted the Commissioners regarding an issue with a neighbor he feels is placing excessive amounts of junk on his (the neighbor's) property, in violation of county regulations. In response to questioning by the Commissioners, County Attorney Jerry Williams suggested that pictures of the area in question be taken by a deputy sheriff and provided to the County Attorney for use in an investigation of compliance with the county land use plan by the neighbor. The Commissioners authorized the County Attorney to request law enforcement officers to take and submit to him pictures of the area in question in order to determine if an investigation of the situation is warranted.

### **Armory Joint Powers Board Lease Discussion**

Commissioner Baker, as the County's representative on the Armory Joint Powers Board, presented, for discussion purposes, the proposed Special Use Lease between the Wyoming Military Department and the Hot Springs Armory Regional Recreation Coalition (aka Armory Joint Powers Board). Currently, the Armory is owned by the Wyoming Military Department and the underlying land is owned by the State Parks Division, who leases the land to the Wyoming Military Department. This Special Use Lease would lease the Building to the HSARRC by the Wyoming Military Department and sub-lease the land to the HSARRC by the Wyoming Military Department. The proposal contains no monetary rental fees, but would hold the HSARRC responsible for any and all repairs and maintenance to the property, as well as

utilities and taxes. The consensus of the HSARRC was that each representative should consult with their individual entity prior to signing a lease committing to full maintenance and upkeep on a building the HSARRC was not going to own, hence Commissioner Baker's presentation today. The County Attorney will review the lease and discuss it further with Commissioner Baker.

**Other Business**

**Consider Boelens Approach Agreement** – Road & Bridge Foreman Ray Shaffer reported that he had inspected the area where Mr. Boelens intends to place his road approach and found it to be acceptable. Because it is a new approach, Mr. Boelens has submitted a formal Approach Agreement Application along with the required fee to the County. Mr. Shaffer indicated that, upon approval, the county would install the approach using a 15" X 38' culvert and pit run for the approach. Mr. Boelens will be billed for materials used. Brad Basse moved to approve the approach agreement between Ken Boelens and Hot Springs County. Mike Baker seconded the motion. Motion carried.

**Consider SPCC Plan Contract** – Clerk Odde presented a contract proposal from Apex Environmental, Inc. to prepare an SPCC plan for the Hot Springs County Airport as required by federal regulations. The County Attorney has reviewed the contract and all of his concerns have been adequately addressed. Brad Basse moved to approve the Contract for Services Proposal between Apex Environmental, Inc. and Hot Springs County for an SPCC Plan – Site Inspection and Document Preparation in the amount of \$2,100.00. Mike Baker seconded the motion. Motion carried.

**Consider Well Permits** – Clerk Odde presented two well permits – Brewski #1 and Anderson Home-721 Bighorn – for the Commissioners' consideration. County Geological Consultant Gretchen Hurley has reviewed both permits and recommended them for approval. Mike Baker moved to approve well permits Brewski #1 and Anderson Home-721 Bighorn. Brad Basse seconded the motion. Motion carried.

**Correspondence**

**Governor's Office** – Sarah N. Miles Appointment as Assistant Public Defender

**WYDEQ** – NPS Listserve Establishment

**HSC Assessor's Office** – St. Paul's Lutheran Church/Willard Wilson Boundary Line Adjustment

**Cablevision Systems Corporation** – Bresnan Acquisition

**Office of Homeland Security** – HMA Grant Program

**Airport Operations Report** – June, 2010

**WAM-WCCA** – Energy Lease Program

**Library Board Minutes**

**Fairboard Minutes**

**Hospital Board Minutes**

**Adjournment**

There being no further business to come before the Board of County Commissioners at this time, Brad Basse moved to adjourn the meeting at 8:30 p.m. Mike Baker seconded the motion. Motion carried.

ATTEST:

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John P. Lumley, Chairman

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Hans Odde, County Clerk