

## **BIG HORN COUNTY COMMISSIONERS' MINUTES**

**DATE TIME AND PLACE:** The Board of County Commissioners of Big Horn County, Wyoming, met in regular session on March 2 & 3, 2010. The meetings were called to order beginning with the Pledge of Allegiance at 9:00 a.m. at the office of the board of county commissioners in the Basin courthouse.

**BOARD MEMBERS PRESENT:** Thomas S. Hinman, chairman; Keith Grant, Jerold S. Ewen, members; and Dori Noyes, county clerk and clerk of the board

**Others Present at Various Times:** Karla Pomeroy and Brenda TenBoer, Basin Republican Rustler and Georgia Antley Hunt, county attorney

Jerry Denniston and Rod Wambeke, road and bridge foremen, and William (Willie) Bridges and Mike Calvin, Pryor Mountain Engineering, met with the commissioners to discuss road issues. Jerry told commissioners of his plans to establish a drain this year on Horse Creek Road, as there is a water seep from an irrigation ditch that is appearing in the road.

Willie gave an update on the Davis Lane project. He will get with the county attorney to identify the process of re-alignment or possibly vacating a portion of the lane and establishing a right of way. Willie will present the plat to record at the clerk's office.

Willie agreed to contact GDA to obtain a survey on County Road 52, the road to Medicine Lodge Campground state park. Updates on this road will be forthcoming.

Willie gave an update on the needs of the Hyattville road and also discussed the problems with the approach to the Blue Hills Subdivision in Hyattville. Willie will write a letter to the subdivision to change the approach location back to the location shown on the approved plat recorded in the clerk's office.

Rod said he put a steel deck on the Spence Bridge. Willie approved specifications for a pipe to use for Sidon Irrigation. Rod ordered the pipe and will work on the project this spring.

They discussed the problems with an approach on Lane 12. Willie recommended one approach for both lots. Keith said he doesn't believe that would solve the problem for the landowner. Willie said he doesn't believe there is a safety issue. Commissioners will discuss the issue further with Jim Waller.

Commissioner Ewen asked to be excused at 9:30 a.m. for a funeral.

Commissioners asked road and bridge to work with the county engineers to review the access agreements and utility licenses in the future and present them to the commissioners at a regularly scheduled meeting.

They also discussed the Lovell Annex jury room. Willie doesn't feel there would be any structural problems with the modification of the jury room. Commissioners will get with Judge Harrington for more information.

Willie discussed the North Big Horn County Senior Citizens Center project for adding insulation. He is not convinced that the insulation will help due to it currently being located in the rafters and not on the ceilings. Willie will get another opinion from another contractor to look at the situation.

William (Willie) Bridges and Mike Calvin, Pryor Mountain Engineering, met with the commissioners to discuss the draft of the engineer's contract. ***Commissioner Grant made a motion, seconded by Commissioner Hinman and carried, to accept the recommendation and changes by the county attorney and to sign the county attorney's revised edition of the consulting agreement contract between the Big Horn County Commission and William Bridges dba: Pryor Mountain Engineering.*** This contract is for the purpose of contracting and receiving professional services for engineering spelled out in the agreement.

***Commissioner Grant made a motion, seconded by Commissioner Hinman and carried, to accept the county attorney's recommendation to sign the 2010 aggregate stockpile (PME-120901) agreement between Big Horn County and Frost Rock Products Co. for crushing***

***gravel for the Cold Springs Road.***

Commissioners called for a short break, then resumed the meeting.

Dori Noyes, county clerk, presented the advertised transfer of funds for the public hearing. ***Commissioner Grant made a motion, seconded by Commissioner Hinman and carried, to sign Resolution 2009-2010, Transfer of Funds #8, March 2, 2010 and the Notice of Hearing #8, February 25, 2010. The resolution is as follows:***

**RESOLUTION 2009-2010 T.F. # 8 Date: March 2, 2010**

**WHEREAS**, it appears that by reason of unexpected requirements not reasonably foreseeable at the time the **2009-2010** budget was adopted, it will be necessary to transfer funds to the following budgets:

\$1,000.00 from Unanticipated Revenue (private donation) to 10-4-311-332-000 Public Health, Donations  
\$2,000.00 from Unanticipated Revenue (private donation) to 10-4-520-486-100 North Search and Rescue, Donations  
\$1,224.00 from Cash Reserve (county portion) 81-4-551-000-000 to 81-4-503-778-100 South Runway 200 Foot Extension (GEY-06F)  
\$60,000.00 from Unanticipated Revenue (grant funds) to 81-4-503-778-200 South Runway 200 Foot Extension (GEY-06F)  
\$29,145.83 Cash Reserve (county portion) 10-4-951-000-000 to 10-4-663-000 HRA Benefits

**AND WHEREAS**, due notice of the intention to make such transfer has been published as required by law, no objections have been made thereto;

**BE IT THEREFORE RESOLVED** that the amount be transferred to the funds designated.

**Dated this 2<sup>nd</sup> day of March, 2010.**

**Board of County Commissioners**

**Big Horn County, Wyoming**

**/s Thomas S. Hinman, Chairman**

**/s Keith M. Grant, Member**

**/s Jerold S. Ewen, Member**

**Attest:**

**/s Dori Noyes**

**County Clerk, Clerk of the Board**

Gwen Nelson and Carol Willard, clerk's deputies, met with the commissioners.

***Commissioner Grant made a motion, to approve the MBA health reimbursement.*** The original resolution is on file at the county clerk's office.

***Commissioner Grant made a motion, seconded by Commissioner Hinman and carried, to allow the bills and payroll.*** The following bills were presented, audited, approved by motion and warrants ordered, issued in payment of same: ABSAROKA DOOR 88.75 / AIR PETRO CORP. 123.95 / ALSOCO 34.61 / APPLE TIME 550.95 / ASPEN PRINTING 225.00 / ASSOCIATED CONSTRUCTION ENGINEERING 682.50 / DEL ATWOOD, JR 150.00 / KEVIN BALDWIN 1,200.00 / BASIN PHARMACY 2,364.50 / BASIN REPUBLICAN RUSTLER 692.50 / BASIN REPUBLICAN RUSTLER 145.00 / TOWN OF BASIN 7,262.96 / LINDA BOYCE 2,151.75 / CARDINAL HEALTH 403.54 / JANE CHAVIRA 22.50 / CIVIL AIR PATROL MAGAZINE 145.00 / CENTER MASS INC. 42.23 / COMMUNICATION TECHNOLOGIES, INC. 17,346.00 / KIM COWAN 402.50 / STEVEN CRANFILL 154.96 / DELL FINANCIAL SERVICES 124.48 / TOWN OF DEEVER 473.05 / DELUXE BUSINESS CHECKS & SOLUTIONS 173.76 / DOUBLE R SERVICE 71.85 / JERRY EWEN 952.59 / 5-J

CONTRACTING INC. 46,134.00 / FASTENAL 13.11 / DAVID FLITNER 77.84 / DEBBIE FOWLER 12.28 / GPS INTEL 1,200.00 / GRETCHEN GASVODA KELSO 30.00 / TRACY GIFFORD 17.16 / KRISTINE GODFREY 40.00 / LORRAINE GONZALEZ 24.00 / J. TRAVIS SMITH 300.00 / GOPPERT, ROHRBACK & SMITH 300.00 / JENNY GOOD 109.00 / FAWN GOTON 42.00 / GDA ENGINEERS 21,103.33 / KEITH GRANT 982.48 / GREEN PROVENCE 349.60 / GREYBULL BUILDING CENTER 3.35 / GREYBULL STANDARD 174.00 / GREYBULL STANDARD 25.00 / JANICE M. HANSEN, R.N. 219.84 / ROY HARPER 115.00 / JILL HARPER 43.50 / HEMOCUE, INC. 400.00 / HI MILE TIRE 2,387.88 / THOMAS S. HINMAN 656.70 / HONNEN EQUIPMENT CO. 57,968.86 / JOHN G. HYDE 72.19 / I-STATE TRUCK CENTER 80.15 / INLAND TRUCK PARTS COMPANY 53.00 / JABE CORPORATION 4,750.00 / JESSICA JONES 72.33 / KIMBERLY KOCH 916.20 / LAIRD SANITATION 130.00 / LAMAX CONSTRUCTION, INC. 1,100.00 / LAWSON PRODUCTS, INC. 1,259.05 / LET'S TALK CELLULAR 40.00 / BECKY A. LINDSEY 35.00 / LISA'S 35.70 / JESSICA LOEPER P.C. 85.00 / LITTLE AMERICA 471.72 / LOVELL CHRONICLE 466.86 / LOVELL CHRONICLE 588.70 / TOWN OF LOVELL 14.10 / MASTERCARD 4,886.11 / MESSENGER & JUROVICH, P.C. 87.02 / MIDWAY AUTO SALES 748.50 / MINCHOW'S SERVICE 445.56 / MONTANA-DAKOTA UTILITIES 2,019.93 / LOREN MORTENSEN 1,200.00 / KAMI NEIGHBORS 398.98 / NORTH BIG HORN SENIOR CITIZENS 150.00 / DORI NOYES 691.26 / THE OFFICE SHOP, INC. 644.97 / PATRICIA OLSON 93.79 / OVERLAND EXPRESS MART 93.35 / PAMIDA PHARMACY 4.99 / JOE WALKER DBA 5,844.00 / PETROLEUM TESTERS LLC. 175.00 / POWELL OFFICE SUPPLY 67.35 / POWELL VALLEY CLINIC 77.00 / WILLIAM E. BRIDGES 9,819.16 / QUARTERMASTER 752.76 / QUILL CORPORATION 842.17 / QWEST 34.84 / RDO EQUIPMENT CO. 665.14 / RED APPLE SUPERMARKET 66.42 / JAMES REILLY, P.C. 33,000.00 / RELIABLE OFFICE SUPPLIES 46.68 / ROCKY MOUNTAIN POWER 28.45 / KELLY ROWTON 22.50 / SAINT VINCENT HEALTHCARE 169.17 / COLEEN SCHEELER 44.50 / SECURITY BANK AGENCY 50.00 / SECURITY STATE BANK - PETTY CASH 18.45 / SUSAN SILER 35.00 / DALLEN SMITH 212.00 / SOUTH BIG HORN SENIOR CITIZENS 452.62 / ST. PAUL TRAVELERS 81.00 / SYSCO FOOD SERVICES 11,439.91 / TACOMA RUBBER STAMP 85.10 / TCT WEST, INC. 90.69 / TETON COUNTY SHERIFF 1,020.00 / TITAN MACHINERY 120.77 / TITAN ACCESS 671.98 / TRACTOR & EQUIPMENT CO. 656.50 / TRAVELING COMPUTERS, INC. 1,678.65 / U.S. POSTMASTER 508.00 / U.S. POSTMASTER 880.00 / U.W.C.E.S. 10.70 / VAISALA INC. 1,076.91 / GAIL E. VANDERPLOEG, LPN 75.00 / VERIZON WIRELESS 1,145.60 / RANDY E. WADDELL, O.D. 187.00 / LEWIS B. WALKER 2,213.90 / WASP BARCODE TECHNOLOGIES 357.00 / WASHAKIE COUNTY SHERIFF 70.00 / WAVES WEB DESIGN 382.50 / WHEATMARK 277.28 / KERI ANN WILSKE 5.00 / SUSAN WILEY, R.N. 216.74 / WINGFOOT COMMERCIAL TIRE SYSTEMS 278.41 / WYOMING DEPARTMENT OF AGRICULTURE 25.00 / WYOMING FIRE SAFETY 246.00 / WY DEQ 1,300.00 / WYO. PUBLIC HEALTH NURSING SERVICES 287.00 / ZEE MEDICAL SERVICE 72.75

Linda Harp, Stefanie Padilla and Chris Harp, L.P.H. Consulting (grants administration) met with the commissioners. ***Commissioner Grant made a motion, seconded by Commissioner Hinman and carried, to sign a document needed for a reporting requirement to the Wyoming Business Council for the Lovell boiler and the Basin courthouse lighting projects.***

VOA grant contract was presented to Linda for review. Linda will get with Brandy Davison and the sheriff on the administration of that grant. Linda or Brandy will present the contract for the grant at a later date and add to the budget at that time.

***Commissioner Grant made a motion, seconded by Commissioner Hinman and carried, to accept the recommendation of Linda Harp, grants administration, to approve a letter of***

**support for an application to the Division of Victim Assistance grant funding.** Linda said the grant was supported by the county attorney who will be on board for the program development.

**Commissioner Grant made a motion, seconded by Commissioner Hinman and carried to sign the request for reimbursement for the library windows and the senior citizen's center.**

Commissioner Ewen resumed the commissioners meeting at 11:40 a.m.

**Commissioner Grant made a motion, seconded by Commissioner Ewen and carried, to go to lunch at 11:55 a.m. and Commissioner Hinman, chairman, called the meeting to order at 2:10 p.m.**

**Commissioner Grant made a motion, seconded by Commissioner Ewen and carried, to appoint George McGregor as county commission appointed sportsman to the Predatory Animal Board for his first full term replacing C.J. Duncan.**

Ken Blackburn met with the commissioners to discuss the jail, deputies and budget. Ken gave an update on the potential expectations of jail revenue. The commissioners suggested that the sheriff cut back as much as possible. The sheriff agrees to support the county commissioners' suggestion.

Georgia Antley Hunt, county attorney, met with the commissioners to discuss tabled issues. Georgia said the MBA insurance issue will require outside legal representation due to her work load. She will work with the legal representation to help with costs, however, the statutes of limitations are two years and she has other priorities at the time. Commissioner Ewen recommended that the county attorney address this issue as soon as possible. **Commissioner Ewen made a motion, seconded by Commissioner Grant and carried, to go into executive session on personnel issues at 3:00 p.m. Those present: Commissioners Hinman, Grant and Ewen, Georgia Antley Hunt, county attorney and Dori Noyes, county clerk.**

**Commissioner Hinman, chairman, called for regular session at 3:25 p.m.**

**Commissioner Grant made a motion, seconded by Commissioner Ewen and carried, to approve the commissioners' February 16, 2010, minutes as corrected.**

**Commissioner Grant made a motion, seconded by Commissioner Ewen and carried, to adjourn at 4:00 p.m.**

Commissioner Ewen will prepare a picture to send to WACO and Commissioner Hinman filled out the Star Financial form for a previously used contractor for the clerk to send.

Michelle Prather, Michelle M. Burns and Cammy Griffin, Community Juvenile Service Board (CJSB), met with the commissioners to update them on the application for grant funds for the Community Juvenile Service Board. They presented a new budget which was requested for the grant application. They are getting the signatures needed for the application from the Joint Powers Board. They will keep the commissioners informed.

Jim Waller and Nick Wilson, land planning; Doug Cauffman, manager, and Robert Elliott, owner, Dorsey Creek Subdivision; Georgia Antley Hunt, county attorney; and Roy Holm, Holm, Blough and Company, met with the commissioners to present a subdivision plat and agreement to be considered as a financial guarantee for the Dorsey Creek Subdivision project. Jim Waller gave an overall synopsis of the process for the subdivision to this point. Jim said the planning and zoning recommended the approval of the agreement and the plats to the commissioners, however, encouraged those present to come before the board to give a presentation and to explain the financial guarantee Robert Elliott wishes to get accepted. Mr. Elliott recommended that the county hold a first lien on the 750 acres as a financial guarantee. Many questions were asked and answered by those present, resulting in the decision to table the approval of the plat and of the agreement until review of the documents presented could be researched further by the commissioners and the county attorney. Georgia was asked to review the overall project, before the commissioners would give a final decision.

Commission Chairman Thomas S. Hinman, called for a break at 10:40 a.m. and resumed

session at 10:50 a.m.

William Cauffman met with the commissioners to discuss a road that may need to be vacated that goes through the Burlington Cemetery. Commissioners asked Willie Bridges, county engineer, to look into further.

The fair board, county attorney and the treasurer met with the commissioners. Those present recommended they go into executive session on personnel issues. ***Commissioner Ewen made a motion, seconded by Commissioner Grant and carried, to go into executive session on personnel issues at 11:00 a.m.*** Those present: William (Willie) Bridges, Madeline Moody, Mitch Shelhamer, Alfred Anderson, Karen Sylvester, fair board members, Georgia Antley Hunt, county attorney; and by special request by the fair board, Becky Lindsey, treasurer. ***Commission Chairman Thomas S. Hinman, called for regular session at 11:30 a.m.***

Willie discussed the deficit the fair board bank account was in. After further explanation by the county treasurer and the board members, the commissioners agreed to help the board. ***Commissioner Grant made a motion, seconded by Commissioner Ewen and carried, to release the \$15,000.00 still available in the capital improvement budget set aside as a grant match for the fair board.***

Commissioners reviewed a letter of request from the Lovell Police Department to remodel the Lovell dispatch area. Commissioner Grant will discuss the matter with the judge and the commissioners will discuss the issue at a later date.

Jim Waller, land planning, and Georgia Antley Hunt, county attorney, met with the commissioners to present and request a salvage yard letter for consideration. ***Commissioner Ewen made a motion, Commissioner Grant refrained from the vote due to a conflict of interest, seconded by Commissioner Hinman and carried, to send a letter to Auto Plus Collision Center, c/o Gary Grant in Lovell stating the site location at 1770 Highway 310, is in an un-zoned area of Big Horn County, therefore a vehicle salvage and disposal license is allowed as no zoning regulation or resolution exists prohibiting such use.***

Jim gave an update on other land planning issues and a report of what the land planning office has been working on.

***Commissioner Grant made a motion, seconded by Commissioner Ewen and carried, to approve an approach application for Troy and Echo Caldwell. The property is located at T.S. 56, R. 96, and Section 15 to install a cement slab instead of a culvert.***

***Commissioner Grant made a motion, seconded by Commissioner Ewen and carried, to go into executive session upon request by the county attorney regarding legal advice at 2:40 p.m.*** Those present: Georgia Antley Hunt, county attorney; Becky Lindsey, treasurer; Commissioners Hinman, Grant and Ewen; and Dori Noyes, county clerk. Those present by telephone for a telephone conference were: Nicole Kramer, of Williams, Porter, Day and Neville, PC, law firm; and Dave Monk and Spencer Ellis, Cowley Drainage District board members. The county clerk recorded the conversation for future reference. ***Commission Chairman Thomas S. Hinman called for regular session at 3:00 p.m.***

***Commissioner Grant made a motion, seconded by Commissioner Ewen and carried, to ask Nicole Kramer, Williams, Porter, Day and Neville, PC, to negotiate a lease with NEPECO and the Cowley Drainage District regarding the Dalton Well.***

***Commissioner Grant made a motion, seconded by Commissioner Ewen and carried, to go into executive session upon request by the county attorney regarding litigation at 3:05 p.m.*** Those present were Georgia Antley Hunt, Commissioners Hinman, Grant and Ewen and Dori Noyes, county clerk. ***Commission Chairman Thomas S. Hinman called for regular session at 3:15 p.m.***

***Commissioner Ewen made a motion, amended, seconded by Commissioner Grant and carried, to sign the document presented by the county attorney upon her recommendation.***

The document is for defendant's response to plaintiffs' first request for production in the legal matter. Take out this portion: of Peter Birkholz vs. Billings Clinic.

Commissioner Hinman called for a break at 3:20 p.m. and resumed the meeting at 3:30 p.m.

Linda Harp, grants administration, met with the commissioners to discuss the budget and the block grant for the senior center. Additional funds were granted and need to be added to the budget. Linda will prepare the amount and the numbers needed to advertise.

### **NEW BUSINESS**

Commissioners considered, reviewed and approved the following:

**Bonds:** Loretta Bischoff, commissioner, Lovell Drainage District, \$1,000.00; Paul Rasmussen, Big Horn County School District #1 Recreation, \$5,000.00; Rodney L. Crosby, president, Sidon Irrigation District, \$50,000.00; Bill Johnsey, commissioner, Lovell Bench Drainage, \$1,000.00; Loretta Bischoff, treasurer, Hunt Canal Irrigation District, \$10,000.00; Jack W. Nicholls, treasurer, Lovell Cemetery District, \$1,000.00; Bradford J. Tippets, secretary/treasurer and commissioner, Sunlight Drainage District, \$1,000.00 each; George Kelso, treasurer, South Big Horn Conservation District, \$50,000.00; David Bischoff, secretary/treasurer, Lovell Drainage District, \$1,000.00; and Mary Fisher, principal, Big Horn School District #4

**Application for Cancellation of Taxes:** PacifiCorp Corporation the year 2009, described as parcels listed at the county assessor's office, in the amount of \$5,077.07 due to a revised notice of value change certification for 2009 Rocky Mountain Power dba PacifiCorp

**Application for Rebate:** Gene and Kris Robertson, for the 2009 year, property described as parcel #49-90-003-00207 in the amount of \$93.71 due to the building gone from the parcel.

**Financial Statements:** Dori Noyes, county clerk February 28, 2010, monthly statement, \$8,808.42; and Ken Blackburn, February 23, 2010, monthly statement, \$1,687.62.

**Minutes and Reports:** Sue Wiley, public health nurse, January 2010 monthly report; Big Horn County Solid Waste Disposal District corrective minutes for January 17, 2009; Planning and Zoning minutes for November 24, 2010, and January 12, 2010, and Local Emergency Planning Committee minutes for January 28, 2010.

There being no further business to come before the board and *upon motion by Commissioner Ewen, seconded by Commissioner Grant and carried, the board adjourned the meeting at 3:40 p.m.* The board will meet in regular session on **March 16, 2010.**

STATE OF WYOMING     )

) ss.

COUNTY OF BIG HORN    )

I, Dori Noyes, County Clerk and Ex-Officio of the Board of the County Commissioners, do hereby certify the above and foregoing to be a full, true and complete copy of proceedings had by board at its last regular meeting on **March 2 & 3, 2010.**

**Board of County Commissioners**

**Big Horn County, Wyoming**

**/s Thomas S. Hinman, Chairman**

**/s Keith M. Grant, Member**

**/s Jerold S. Ewen, Member**

**Attest: /s Dori Noyes, County Clerk, Clerk of the Board**