

## **MINUTES OF THE BIG HORN COUNTY COMMISSION MEETING**

NAME: Big Horn County Commission                      TYPE: Regular Session

PLACE: Big Horn County Courthouse Commissioner's Chambers

DATE: **November 15<sup>th</sup>, 2016**                                      TIME: 9:00 AM

**Chairman: Jerold S. Ewen, Members present: John Hyde, Felix Carrizales**

**Other County Representatives: Lori Smallwood, County Clerk;**

List of attendees on file.

The meeting was called to order at 9:00 AM by Chairman Ewen; followed by the Pledge of Allegiance led by Hyde. Ewen recognized guests and presented the agenda, a **motion** was made by Hyde to accept the agenda as amended, the motion was seconded and carried.

Willie Bridges– Pryor Mtn. Engineering / Road and Bridge: Hovey's report included the following: Road 26 work has begun; a truck that needs repair on aluminum housing; and repair was done to a large wash out under the Beaver Creek Road that will need a new culvert in the spring. Carrizales requested an update on the water gap in the easement on Road 9. Hovey reported that the landowner has not yet responded as previously agreed but he will contact the land owner again. Carrizales asked if access permits had been issued on Road 9 & Lane 35. Hovey will research a permit for that access and report back.

Bridges reported that the cultural survey has been completed at the Table Mountain pit and has found nothing significant. Bridges reported that the wetland delineation requested by the Army Corp of Engineers for Road 7 ½ revealed that only 15 square feet of wetlands will be disturbed by the project and that he expects a 404 permit for the project will be issued soon. This will enable the project to move forward.

Ewen shared a request for the County to participate in the construction of a fence along the Odessa Cemetery Road. Bridges shared that county precedent is to not do fencing. Ewen will discuss the issue further with the folks requesting assistance and will inquire again about who removed the cattle guard from the road.

Bobby Jenks & Kami Neighbors- BHC Public Health: Jenks reported on Public Health activities. She discussed funding for immunizations and her desire to utilize either a revolving fund, a budget adjustment or a budget augmentation. Neighbors gave an overview of the EBOLA/infectious disease grant and the use of grant funds for law enforcement protection items.

Jenks summarized confusion and concern brought out after the last Commission meeting regarding actions being planned to address e-coli contamination of the big wash area in Cowley. Jenks and Neighbors requested guidance. Monitoring, responsible entities and best approach to help with the situation were discussed. Jenks reiterated that public health, safety and education are the mandates for her department. Jenks shared outreach ideas. Jenks reported that the Town of Cowley has a tentative plan but she is not sure what that plan entails. Ewen said he believes that the scope of the response to the contamination problem needs to be limited to providing public information and getting Cowley to enforce no swimming in the swimming hole. Hyde shared that the County is willing to do inspection of septic systems for folks that are not within the city limits. Hill stated that there is no way to check compliance and function of septic systems that aren't currently failing.

Joel Peterson – Mayor of Cowley attended. Hyde summarized the planned public awareness campaign and asked Peterson what the Town of Cowley planned to do about the situation. Peterson agreed with the public awareness plans but stated he didn't think the contamination issue was solely Cowley's responsibility because the water was entering the town contaminated. There was discussion about potential sources and origination points for the contamination and that most waterways have similar contamination. Peterson stated he believes there is an opportunity to fix the issue by slowing the water down through the entire Shoshone River drainage as it makes its way through the area which will reduce contamination levels. Carrizales shared that he has learned this isn't an issue that has an immediate resolution. Peterson stated that he thinks the State might have an interest in helping solve this throughout the Big Horn Basin/County. Peterson said that the State is primed to

put resources towards slowing water down. Peterson said he will gladly participate in the outreach efforts. Jenks shared that timing will be the key to keeping kids out of that water source this summer.

Carl Meyer – Airport Manager: Meyer reviewed airport activities as outlined in his report, including discussion on the Greybull Airport waterline, HUBZone designation as well as the electronic signature process for FAA & State grant requests for reimbursement.

Hyde moved for an executive session for potential litigation, the **motion** was seconded and carried. The session was adjourned with no action taken.

Marquerite VanDyke & Carol Willard -Deputy County Clerks: VanDyke & Willard presented bills and payroll items. Hyde moved to approve the bills as presented, the **motion** was seconded and carried. Smallwood presented the HIMT recommendation to retain BCBSWY as the dental insurance provider for the County. Carrizales recommended that the Commission as a whole not attend those meetings but that a Commission representative be involved. Ewen stated that it is key for the Commission to be well informed on this important topic. By consensus the Commission agreed to address Commission attendance at the first meeting in January.

ALSCO 48.28, AMERICAN WELDING & GAS INC. 245.54, AMERICAN POLYGRAPH ASSOCIATION 150.00, AMERICAN STEWARDS OF LIBERTY (DBA) 5,000.00, SANDRA L ARMSTRONG 150.00, ASCENT AVIATION GROUP, INC 60.00, AXIS FORENSIC TOXICOLOGY, INC 250.00, B&G INDUSTRIES LLC 55.00, MARY BAIR 57.24, BAZOOKA LUMBER & LIVESTOCK LLC 158.46, BASIN REPUBLICAN RUSTLER 330.00, FORENSIC MEDICINE & PATHOLOGY, PLLC 3,900.00,134339 BIG R MANUFACTURING, INC. 14,550.00, BIG HORN CO-OP MARKETING ASSN 661.91, BIG HORN CO-OP MARKETING ASSN 4,409.03, BIG HORN CO-OP MARKETING ASSN 12.99 FIRE PROTECTION DIST. #5 150.56, BIG HORN DRUG TESTING 400.00, BIG HORN RURAL ELECTRIC CO. 449.20, GREGORY BLENKINSOP 88.56, MICHELLE M. BURNS 4,324.39, CANON FINANCIAL SERVICES 338.66, CARQUEST AUTO PARTS 1,156.40, CENTURY COMPANIES INC 15,899.06, JANE CHAVIRA 25.92, CENTURY LINK 38.33, CENTRAL DRUG SYSTEM 3.50, CENTER POINT LARGE PRINT 171.36, COMMERCIAL SERVICE HVAC,INC 520.12, COMMUNICATION TECHNOLOGIES, INC. 13,748.87, COPENHAVER, KATH, KITCHEN 150.00, BIG HORN COUNTY TREASURER 619.28, CRUM ELECTRIC SUPPLY CO. 16.70, DEMCO 993.62, DOUBLE R SERVICE, LLC 35.00, EVERETT DUNKLEE 24.84, FAIRBANKS MEDICAL CONSULTING, PC 800.00, FIRE PROTECTION DISTRICT #3 94.10, FIRE PROTECTION DISTRICT #4 272.89, GRETCHEN GASVODA KELSO 30.00, GDA ENGINEERS 3,322.50, GREEN PRO SOLUTIONS 864.50, GREYBULL CHAMBER OF COMMERCE 40.00, GREYBULL STANDARD 30.00, TOWN OF GREYBULL 230.80, GUMDROP BOOKS 155.84, PATTI HOFF 7.59, JOHN G. HYDE 403.38, CAROLA HYDE 165.00, J&E, INC. 21,831.11, BOBBIE JENKS 470.82, KELLY G JONES 171.60, JOHN R. HALEY IV 219.52, KATHY JO JENSEN 155.00, KENNETH A JENSEN 155.00, KANE FUNERAL HOME 380.00, KEEGAN, KRISJANSON & MILES, PC 150.00, KB COMMERCIAL PRODUCTS 185.87, LAWSON PRODUCTS, INC. 202.71, AUSTIN E LEONHARDT 590.71, LOVELL CAR CLINIC 60.00, DEBBI MCKIM 152.56, LINDA L MARTIN 165.00, MAYES BROTHERS LLC 115.49, PATRICIA MESSAMER 150.00, KRISTY MICHAELS 20.00, MINCHOW'S SERVICE 4,811.21, MOUNTAIN GEAR 577.12, MOUNTAIN MOTOR SUPPLY 96.27, CATHY J MUNIS 32.40, MURDOCH OIL, INC. 352.48, NORTH BIG HORN HOSPITAL 1,672.00, NORTH BIG HORN SENIOR CITIZENS 750.00, O'REILLY AUTO PARTS 1,475.04, THE OFFICE SHOP, INC. 2,649.81, OVERLAND EXPRESS MART 119.51, PARK COUNTY CLERK 60.15, KAYE PENNO 320.00, PUBLIC DEFENDER 450.00, QUILL CORPORATION 163.53, RIVERBEND PLUMBING & HEATING 550.00, ROCKY MOUNTAIN POWER 1,664.57, SHARON A ROTH 150.00, RURAL FIRE PROTECTION DIST. #1 283.04, S&L INDUSTRIAL 27,157.53, SMITH FUNERAL SERVICE 1,200.00, SELBY'S 178.19, SHOPKO STORE OPERATING CO, LLC 15.99, MAE SMITH 30.00, SOUTH BIG HORN COUNTY HOSPITAL DIST 2,500.00, SOUTH BIG HORN COUNTY HOSPITAL 91.50, SOUTH BIG HORN SENIOR CITIZENS 947.96, SOUTH BIG HORN SENIOR

CITIZENS 133.24, WENDY PRESS SWEENEY 219.63, TCT WEST, INC. 6,496.91, TCT WEST, INC. 970.28, THOMSON REUTERS - WEST 222.48, TRACTOR & EQUIPMENT CO. 1,246.66, TRANSUNION RISK & ALTERNATIVE 25.00, TRAVELING COMPUTERS, INC. 449.00, TRI COUNTY TELEPHONE ASSOC. 66.24, TW ENTERPRISES, INC. 6,212.00, TYLER TECHNOLOGIES, INC 165.38, SECURITY STATE BANK 8,431.57, WY DEPT OF WORKFORCE SERVICES 5,779.85, VALLEY HARDWARE 388.32, VERIZON WIRELESS 132.69, WDEQ VOLUNTARY REMEDIATION PROGRAM 440.00, WYONET, INC 2,236.40, WORLAND CLEANERS & SUPPLY 119.44, WEX BANK 3,456.27, WYOMING GAS 1,959.47, WY PUBLIC HEALTH LABORATORY 14.00, WYOMING STATE 4-H FOUNDATION 100.00, JAN E BARNETT 274.66, CATHY C BAYERT 161.88, SUSAN G BENTLEY 168.36, JUNE BOOTH 231.72, ROX ANNE BREWER 201.88, GRACE M BRIGGS 150.00, DARRELL L CARIVEAU 181.44, DIANE H CAUFFMAN 229.84, JAMES KNIGHT ELLIOTT 35.00, MARILYN K MCCOY 135.00, MICHAEL BRUCE MCCOY 155.00, LINDA HARP 145.00, JOYCE A NATION 145.00, MATT D SCHAFFER 140.00, VANA B CAMP 142.50, PAUL JOHN DUBOWY 150.00, SHELLIE KAYE SANDERS 150.00, JEANNA WASSMER 155.00, MARGARET R DAVIDSON 155.00, SUNSHYNE TRYON 137.50, MARTIN T HINCKLEY 147.00, MERNA F WINTERS 150.00, ANN R JOYCE 135.00, MONNETTE L WILCOX 140.00, DEIDRE CLENDENEN 137.50, CARLA M. COHEN KELLEY 145.00, SARAH B COLLINS 140.74, LISA COOK 155.00, CINDY CORDOVA 150.00, PATSIE A COZZENS 165.00, RENA A. CROFT 150.00, PAULA DEE 165.00, ELAINE DOBBS 177.62, CHARLES L DUNCAN 187.80, SUSAN S DUNCAN 146.48, ALVIN S. EMMETT 169.14, FAYE J FARR 217.28, SHERI HARTMAN 175.92, JANICE R. FINK 240.00, LOREN W. GOOD 27.00, JILL HITZ 150.00, LINDA M. HITZ 150.00, PRISCILLA E JEZIORSKI 155.00, SHERALDEAN JONES 165.00, JANET E. KUMMERFELDT 296.00, JANICE M MANGUS 150.00, SANDRA L MENKE 155.00, JUDY MORRIS 163.64, LINDA BUSH MOSER 155.00, LYNETTE MURRAY 140.00, BETTE D NEAL 140.00, LINDA L NEVILLE 225.12, MARGARET NATION 155.00, ERLINDA K PARKER 150.00, CARRIE PREATOR 155.00, NANCY E PREIS 150.00, KELLI M STEENBAKKERS 150.00, DEBORAH LEA WASSMER 145.00, DEBRA M REDLAND 195.00, ARLENE L ROSS 150.00, DARLA SAAM 155.00, SHERRY THOMPSON 170.00, DUSTI TRYON 191.94, CARYL C. TURNER 165.00, NANCY CAROL WALKER 150.00, JANICE L. WANTULOK 234.84, SHIRLEY A WILLIAMS 155.00, JUDY WINTERS 232.12, MOLLY J YATES 214.10

Sheila Paumer – Fair Operations Manager: Paumer reported on her trip to Spokane and the meetings and trainings she attended. Rust removal and painting of the red iron has begun in the multipurpose building. D. Craft commented on how happy the School District and families were with the use of the multipurpose building for the fall carnival and how well the building worked for that type of event.

Joy Hill – Big Horn County Land Planning: Hill presented activities of the department including an update on a school buffer zones project she is working on. Hill asked for and Ewen provided an overview of the Leavitt Reservoir project. Hill stated that flood plain and impoundment issues will require permits. Ewen suggested that Hill follow up with J.E. Anderson for more detail and coordination.

Nicole Geis – Resident Road 26: Geis presented a power point presentation/video of recent flooding on Road 26. Geis explained that water breaches had damaged her fields and property. Geis shared her dissatisfaction regarding the lack of notification and warning they received. She said that the expense for all of this is overwhelming for them. Ewen ask if she had an estimate on damages. Geis presented their denial letter from their insurance company and clarified that no flood insurance was purchased because they were not in a flood plain. Ewen stated that he is not sure of what assistance the County could offer in this situation. Hyde asked if she was implying that the county is liable. Geis made the statement that this was exactly what she was implying. Geis stated that poor maintenance of the culverts was the cause of the flood. Dobbs explained the requirements for state or national assistance and that this event did not reached the magnitude required to qualify for the disaster declaration needed for those types of assistance. Bridges shared the timeline of damage and ordering of culverts to fix the issue that appeared with the unseasonal rain. A BNSF representative stated that this is the first event of this type that has happened in this area for them as well. It was pointed out that

there is no precedent for helping repair flood damage and that if Geis is accusing negligence then that would lead to litigation and can't be discussed any further. Geis asked if the county has insurance. Ewen explained the limits of insurance held by the County. Senator Geis suggested that Big Horn County go to the Governor to request assistance. Dobbs informed him that the County doesn't qualify to even request assistance in this event. It was also clarified that during the last flooding FEMA money could only be used for infrastructure and could not be applied to private property damage. Dobbs has reported the events to the State and was advised that the only avenues available were Red Cross, Salvation Army, etc. Dobbs reiterated that she pursued all possible avenues and has all the documentation.

Old and New Business: Ewen informed the Commission that representation will be needed for the Big Horn Mountain Coalition and the Basin Authority and briefly outlined the purpose of each organization. Hyde asked if it is appropriate to appoint that position before the new board member is seated. Ewen will report back to both organizations that a replacement will be appointed at the first meeting in January. An MOU with the BLM for Cooperator status on the Leavitt Reservoir expansion project was presented. Carrizales asked for clarification on the MOU and project. Ewen and Hyde provided an overview of the process and the project. Hyde moved to approve the MOU on the Leavitt Reservoir as presented, the **motion** was seconded and carried. Ron Salyer attended to contribute to discussion of contribution by the County to the Lighthouse facility expansion project in Washakie County. Carrizales stated that he is looking for opinions from those who are most familiar with the facility and the needs it intends to serve. Salyer shared that the relationship between parties is a bit better than in previous times, however, bed space continues to be unavailable to Big Horn County. Salyer expressed concerns about the true security of the planned rooms as well as concern with public perception of the expanded patient numbers in the community around the Lighthouse. Carrizales shared that the amount being requested to support the effort sponsored by Senator Peterson would be \$5,000 from Big Horn County which is reasonable but still not a good use of limited resources if we can't ever get space for County residents in need. Ewen expressed concern regarding building requirements for a secure hold facility, the cost of that type of construction, and how the estimate didn't seem to be in line with the required scope of work. Ewen asked if there was a business plan that shows the balancing of the cost vs benefit. Carrizales agreed to ask for additional information. Hyde pointed out that the State is responsible for these patients after 72 hours, not the County, and suggested that the questions need to be resolved and the plans reviewed before the Commission agrees to participate. Ewen gave an overview of the Big Horn Basin Transportation Authority that managed the State funds for the bus line that ran between northern Big Horn County and Cody. Ewen stated that the line stopped operating some years ago but the Joint Powers Board still owns a bus, which needs to be disposed of. There is some interest in the bus but it can't be sold so the idea is to transfer that to another government entity. By consensus the Commission agreed to have Ewen move the effort forward to transfer the bus as allowed by joint powers board statutes.

Smallwood presented Good of the County Items and Mail: **Financial Statements:** Serena Lipp – District Court Clerk (October 2016); Lori Smallwood – County Clerk (October 2016); Ken Blackburn-Sheriff (October 2016) **Monthly Report(s) and prepared correspondence review:** Weed and Pest Minutes (October 2016) **Bonds:** Roger Easum-Park County Fire Protection Dist. #1 (\$2,000); Cynde Braten-Byron Drainage Dist. (\$10,000) **Cancellation of Taxes:** Michael & Karen Vigil parcel # 15-00-000-00247

Hyde moved to adjourn, the **motion** was seconded and carried.

STATE OF WYOMING     )  
COUNTY OF BIG HORN    )

I, Lori Smallwood, County Clerk and Ex-Officio of the Board of the County Commissioners, do hereby certify November 15<sup>th</sup>, 2016

These minutes can be viewed electronically at [www.bighorncountywy.gov](http://www.bighorncountywy.gov)

