

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: **December 20th, 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: Bridges presented and recommended for approval a retroactive access permit for R. Preator and a utility permit for Sidon Irrigation on Road 6 ½. Bridges noted a request from Sidon Irrigation to waive the fees because burying the line is beneficial to the County. Hyde moved to approve the access permit and utility permit as presented including the fee waiver requested by Sidon Irrigation, the **motion** was seconded and carried. Bridges reported that the Army Corp of Engineers had approved the wetland permit for road 7/1/2 and that WYDOT hopes to finalize their approvals by the beginning of the year. Bridges reported speaking to Highway Commission members about the Road 3 railroad crossing and the Highway Commission expressed concern regarding the County's commitment to the expense of the crossing. There may be some misunderstanding on the part of Highway Commission regarding the County's problems with the current crossing and the lack of alternative routes. Bridges will compile a package to be presented at a Highway Commission meeting in the future. Bridges gave an update on the Odessa Cemetery Road. Discussion revealed a possible right-of-way width discrepancy between the deed a land owner has and research that Bridges has done. Bridges reported that the cattle guard will be reinstalled which should eliminate the need for the first gate and he will review easements, deeds, and lease holder information Bridges reported that a workable solution is possible however blading the road will be difficult due to the narrow roadway forced by a new fence built by a landowner along the route. Ewen suggested that Hovey, Anderson, Flitner and a Cemetery Board member should go to the sight and determine the best solution for all parties. Bridges shared an email received from D. Hogan requesting a follow-up meeting regarding unresolved questions from the Spring meeting regarding FS Road 17. Bridges said the FS still needs to identify a rock disposal area, removal of the rock berm along the edge of the road and size and construction of rolling dips. Carrizales suggested that a meeting be held during a Commission meeting, Hyde suggested they probably need more time than a Commission meeting allows and that it may work better to send a Commission representative and Bridges to meet with the FS and report back during a regular Commission meeting. Bridges will schedule the meeting for early January and get back to the Commission. Bridges reported receiving news from the BLM that the proposed expansion of the Eagle Pass Pit is going to have Sage Grouse restrictions and a permit doesn't seem likely. Since the Game & Fish seems to be who could make exception to allow the desired access, Bridges suggested contacting Game and Fish to discuss the concerns. By consensus, it was agreed that Hyde will contact Game and Fish about the topic. Carrizales asked for an update on Casey Cook's request to the county for the abandonment of a section of the old Greybull River Road. Bridges reported that a survey is the next step and he will move forward with a call for bids for that work.

Bobby Jenks - BHC Public Health: Jenks shared that Public Health's state car needs some maintenance, she will research and will move forward. Jenks presented an updated MOU for Public Health's use of Fire District #1 building in Lovell. Jenks shared County Attorney Adams comments and there was discussion about the needs of the County and The Fire District. Hyde moved to approve the MOU between BHC and Fire Dist. #1 as presented for office and clinic space for the Lovell Big Horn County Public Health office. Hyde pointed out this is a great arrangement for the entire county. Hyde expressed gratitude to Jenks for her exceptional work, planning and efforts to move this forward. Carrizales expressed concern that something may be over looked in the rush to move forward. There was discussion regarding small adjustments to make the space ADA compliant. The **motion** was seconded and carried

Carl Meyer – Airport Manager: Meyer presented the airport report. Meyer presented NAVAID maintenance grant applications for approval/signature. Hyde moved to approve the applications as presented, the **motion** was seconded and carried. Meyer reported that a business has expressed an interest in the possibility of building a hangar using a Wyoming Business Council Grant and Loan Program to use in operations at the Greybull Airport. Meyer gave an overview of requirements to participate in the program for both the County and the business and asked if the Commission was interested in further consideration of this opportunity. Hyde expressed interest as long as there is a commitment from the business that will ensure recovery of any funds the County would need to front for the program. Ewen expressed his support as well considering this could be a revenue neutral activity for the county. The Commission encouraged Meyer to proceed with the work necessary to help the potential business pursue that opportunity. Hyde requested an update on the Sheppard lease; Meyer reported that the County Attorney and he are working to obtain back payments and upcoming payments that are due.

Carol Willard -Deputy County Clerks: Willard presented bills and payroll items. Hyde moved to approve the bills as presented, the **motion** was seconded and carried.

ADMIRAL BEVERAGE 168.00, ALSCO 52.69, AMERICAN WELDING & GAS INC. 506.15, DEL ATWOOD, JR 15.74, WHITE LINE LLC 106.31, AUTO PLUS COLLISION CENTER 7,650.30, AXIS FORENSIC TOXICOLOGY, INC 250.00, BASIN REPUBLICAN RUSTLER 40.50, BASIN REPUBLICAN RUSTLER 242.00, MATTHEW BENDER & CO., INC. 243.38, THOMAS L BENNETT, MD 4,150.00, BIG HORN COUNTY EXTENSION 924.90, BIG HORN CO-OP MARKETING ASSN 803.88, BIG HORN CO-OP MARKETING ASSN 212.69, BIG HORN CO-OP MARKETING ASSN 75.00, BIG HORN CO-OP MARKETING ASSN 91.97, BIG HORN CO-OP MARKETING ASSN 58.48, BIG HORN COUNTY SOLID WASTE DIST. 156,753.59, BIG HORN RURAL ELECTRIC CO. 504.83, BIG HORN COUNTY WEED & PEST CONTROL 219.83, BILLINGS CLINIC TRAINING CENTER 135.00, BIO-MEDICAL DEVICES INTL. INC. 1,245.92, GREGORY BLENKINSOP 132.84, BROSIUS ELECTRIC 112.56, FELIX CARRIZALES 885.90, CARQUEST AUTO PARTS 2,778.18, CENTURY LINK 38.33, CENTRAL DRUG SYSTEM 103.50, CENTER POINT LARGE PRINT 171.36, COMMUNICATION TECHNOLOGIES, INC. 456.55, CATHLEEN COLLINS 81.68, COUNTY CLERK 15.00, BIG HORN COUNTY TREASURER 393.40, CHEYENNE REGIONAL MEDICAL CENTER 160.00, DONNA K CAPELLEN 23.97, DEMCO 392.17, DOUBLE R SERVICE, LLC 427.75, DOWNTOWN AUTO CLINIC, INC. 55.76, TIMOTHY A EAGLER 530.00, TINA ELY 21.26, FIRE PROTECTION & SAFETY 100.00, GRETCHEN GASVODA KELSO 237.00, CHRISTINA GREENFIELD 31.88, HD FILTER CLEANING 71.44, HALLMAN, HUNT & MICKELSON, PC 3,270.00, HALI-BRITE, INC 849.35, STEFAN F & TRACY A HARPER 297.44, HEART MOUNTAIN FARM SUPPLY 83.63, IAPE 50.00, JOHN R. HALEY IV 2,689.02, KANE FUNERAL HOME 380.00, KEEGAN, KRISJANSON & MILES, PC 150.00, CHRISTOPHER J KING, PC 525.00, LAWSON PRODUCTS, INC. 241.39, LOVELL CHRONICLE 346.00, LOVELL CHRONICLE 246.00, LEXI SANDERS 40.00, MAYES BROTHERS LLC 78.14, CARL MEYER 217.36, MCINTOSH OIL COMPANY 4,158.20, MESSENGER & OVERFIELD, PC 73.90, KRISTY MICHAELS 20.00, TED MENKE 35.64, MINCHOW'S SERVICE 7,591.57, MINCHOW'S FOOD COURT 52.99, MONTANA-DAKOTA UTILITIES 122.50, MOUNTAIN ELECTRIC OF WYOMING 3,555.24, MURDOCH OIL, INC. 940.37, N.A.D.A. APPRAISAL GUIDES 186.00, NATIONAL PEN COMPANY, LLC 131.44, KATHLEEN M. NICHOLS 84.12, NOBLE INDUSTRIAL SUPPLY CORP 403.74, O'REILLY AUTO PARTS 139.38, THE OFFICE SHOP, INC. 284.84, OFFICE ALLY 59.85, OVERLAND EXPRESS MART 36.93, KAYE PENNO 320.00, PITNEY BOWES GLOBAL 90.37, QUILL CORPORATION 820.25, RED APPLE SUPERMARKET 18.21, ROCKY MOUNTAIN POWER 1,591.34, ROCKY MOUNTAIN LIGHTS & SIRENS 2,985.00, SECURITY STATE BANK 100.00, SECURITY STATE BANK - PETTY CASH 2.66, SHOSHONE OFFICE SUPPLY 143.51, MAE SMITH 30.00, SOUTH BIG HORN COUNTY HOSPITAL DIST 2,500.00, SOUTH BIG HORN COUNTY HOSPITAL 157.62, SOUTH BIG HORN SENIOR CITIZENS 283.30, TASER INTERNATIONAL 191.00, THOMSON REUTERS - WEST 222.48, TRACTOR & EQUIPMENT CO. 2,281.58, TRANSUNION RISK & ALTERNATIVE 25.00, TRAVELING COMPUTERS, INC. 655.50

TRIPLE R WELDING INC 390.00, TW ENTERPRISES, INC. 876.15, TYLER TECHNOLOGIES, INC 165.38, SECURITY STATE BANK 6,690.33, U.S. POSTMASTER 66.00, U.S. POSTMASTER 215.00 UNIVERSITY OF WYOMING 18,723.00, VALLEY HARDWARE 301.37, JEANNE M VANGELDER 35.64 WYOMING RURAL DEVELOPMENT COUNCIL 400.00, WAVES WEB DESIGN 350.00, WOODWARD TRACTOR & RENTALS, INC. 1,256.25, WEX BANK 2,377.84, WYOMING OFFICE OF STATE 39,597.36, WYO DEPT. OF HEALTH 35,254.10, WYOMING GAS 2,884.35, WYOMING STATE LIBRARY 4,798.96, YOUNGS 52.52, SERENA K LIPP 13.42

Sheila Paumer – Fair Operations Manager: Paumer reported on winter issues with the multipurpose building and overhead doors. Paumer shared that she has received recent comments in support of the Advisory Committee plan. Paumer reported booking entertainment for the fair dance and that she plans to move the dance to the multipurpose building to avoid weather issues experienced in recent years.

Public Hearing Malt Beverage License Transfer: Smallwood presented the transfer of malt beverage permit from Shell Campground to The Clark Place DBA Shell Campground. Ms. Clark was in attendance and the Commission welcomed the new owners to Big Horn County. Hyde moved to transfer the malt beverage permit as presented, the **motion** was seconded and carried.

Jim Reilly – Annual Audit Report: Reilly presented the 2015-2016 Fiscal Year financial report/audit. There was discussion regarding Wyoming Retirement Liability concerns. Reilly shared that Wyoming's system is one of the better managed programs nationally.

Joy Hill – Big Horn County Land Planning: Adams and Hill met with the Commission to report developments to an ongoing access issue in the Laird Subdivision. Adams reported that the landowner's legal representatives have requested the County to move forward with a survey to determine a suitable access. Hill explained the access issue and items referenced on the plat. In the past, the property has been accessed through a railroad right of way. This access is not legally enforceable because no easement has been granted by the Railroad. There was discussion regarding who is responsible and what would be the process to create a legally enforceable access. An REA representative shared their experience with this land owner and informed the Commission that legal advice they received recommended that the problem should be resolved via District Court. There was discussion regarding right-of-way through parcels adjacent to the subdivision and owner liability when purchasing a parcel. Adams stated she will advise the land owner's legal counsel that the Commission has been made aware of the concern.

Hyde initiated discussion regarding a retroactive permit process that occurs when people create accesses, septic systems and such without necessary permits. He stated that this issue is countywide and there are inadequate resources to police this type of activity. Hyde asked for Adams recommendations for how to deal with this ongoing issue. Adams listed some examples of civil vs criminal avenues and said she will do additional research. There was discussion of establishing additional fees for retroactive permits and potential fines for noncompliance. Hill will do some additional research and report back at a later meeting with possible suggestions for retroactive fees. It was noted that there is concern regarding the ineffectiveness of currently issued "as built" septic permits, Hill will review that and report back as well. Adams pointed out that communication is the first step to resolving problems and increasing timely compliance. Carrizales shared a recent request to Big Horn County for contribution to an expansion of the Lighthouse in Washakie County and asked Adams for her experience and recommendation regarding the programs benefit to the County. Adams shared that her office has attempted to use the Lighthouse and there has been a lack of benefit to Big Horn County. Adams shared alternative methods they have used to get the needed help for citizens of Big Horn County. Hyde expressed his opinion that, since there are little tangible benefits, there is no reason for Big Horn County to provide funding or support. There was additional discussion regarding conflicting information regarding Big Horn county citizen usage of the lighthouse facility, Carrizales will continue to seek clarification.

Hill gave an update on work of the land planning department, including follow up with the flood plain development paperwork, research being done for a letter of support for the Town of Greybull's levy work, MOU development with Towns regarding addressing and cross training of employees to prepare the department for an upcoming retirement.

Public Hearing Transfer of Funds #5: Smallwood presented transfer of funds resolution #5. Hyde moved to approve the resolution as presented, the **motion** was seconded and carried. K. Grant commented that Big Horn County is in fantastic shape because of the Wildland Urban Interface Plan work this funding will facilitate.

Cynthia Johnson – South Sr. Center & South BHC Senior Services Board: Johnson presented a check for \$35,000 towards the HVAC project that was the balance of what was promised. Johnson expressed appreciation for how smoothly the project was completed and how good the new system is working.

Old and New Business: Hyde has been contacted by B. Crosby regarding Double Rafters Cattle Drive's request to the Forest service to relocate their special use authorization into an area of the Forest for which Crosby holds the current permit. Hyde is concerned with reallocation of resources from a Big Horn County resident and asked if it was appropriate for the Commission to submit comments to the Forest Service regarding this proposal. Ewen stated that the County is a collaborator on the Forest Use plan and that it is the Commission's responsibility to protect our citizen's allotments on the forest. Hyde moved that the County submit formal comments on the Double Rafter Cattle Drive proposal, the **motion** was seconded and carried. Hyde will draft comments for the Commission to review and edit. Smallwood presented minutes from the December 6th Commission meeting and Fair Public meeting. Hyde moved to approve minutes as presented, the **motion** was seconded and carried. Smallwood presented a draft 2017 Commission meeting schedule. Hyde moved to approve the 2017 meeting schedule as presented, the motion was seconded and carried. Smallwood presented County Resolution #6 to establish uniform procedures, fees, costs and charges for inspection, copying and producing of public record. Hyde moved to approve Resolution #6 as presented, the **motion** was seconded and carried. Smallwood presented applications to serve on the Land Planning Commission. Hyde moved to reappoint D. Neves and C. Alexander to the Commission for another term. Ewen presented a letter received from the BLM regarding possible cooperating agency status on the Alkali Reservoir project. Hyde moved to become a cooperating agency, the **motion** was seconded and carried. A Commission representative will be chosen at the January 3rd meeting.

Smallwood presented Good of the County Items and Mail: Financial Statements: Ken Blackburn - Sheriff (November 2016); Lori Smallwood – County Clerk (November 2016); Monthly Report(s) and prepared correspondence review: Byron Solid Waste Disposal District Minutes – (September, October, November 2016); Weed and Pest Minutes (November 2016); Library Board Minutes (July, August, September October, November 2016)

Carrizales moved to adjourn, Hyde expressed the gratitude of the Commission to have the opportunity to serve with Chairman Ewen. K. Grant thanked Ewen for all of his years of service as the Chairman and all his hard work and dedication. Carrizales shared that he appreciates Ewen's great leadership and support in his two years on the Commission. The **motion** for adjournment 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 December 20th, 2016

These minutes can be viewed electronically at www.bighorncountyywy.gov