

## 06-04-2013 COMMISSIONER PROCEEDINGS

The Board of County Commissioners met at the above date beginning at 9:00 a.m. Those present were Chairman Aaron Anderson, Member Ron Harvey, Terry Wolf and Clerk to the Board Mary Grace Strauch. The meeting was opened with the Pledge of Allegiance led by County Commissioner Ron Harvey.

A motion was made by Commissioner Harvey and seconded by Commissioner Wolf to approve the minutes of the May 21, 2013 meeting. Motion carried.

A motion was made by Commissioner Harvey and seconded by Commissioner Wolf to convene into executive session at 9:00 am as per state statute 16-4-405 to consider and receive information classified as confidential by law, and on matters concerning litigation to which the governing body is a party or proposed litigation to which the governing body may be a party, with County Attorney Marcy Argeris. Motion carried. A motion was made by Commissioner Harvey and seconded by Commissioner Wolf to reconvene into regular session beginning at 10:26 am. Motion carried.

Hospital Board members Dan Scheuerman, Kip Mathison, Ruth Bower, Rob Orchard, Anna Venable, Banner Health CEO Margie Molitor, County Attorney Marcy Argeris, WDA Director Le Ann Chenoweth, and Doreen South met with the board to discuss the outcome of the executive session. A motion was made by Commissioner Wolf and seconded by Commissioner Harvey to hire Freudenthal and Bonds of Cheyenne as outside legal counsel and consultant to assist with all hospital documents. Motion carried.

Hospital Board Chairman Dan Scheuerman asked in which direction were the commissioners going regarding a letter that the hospital board sent to the commissioners that was submitted on May 31, 2013. There will be no further discussion at this time until the commissioners have met with their legal counsel in regards to several items and issues that need to be resolved. Anna presented an analysis of the questionnaire that had been given out to the public for input. Discussion was held on a timeframe on moving forward.

Vouchers for May 2013 were paid as follows:

Northern Wyoming Daily News Publisher Lee Lockhart met with the board to discuss the legality of an executive session and why the public could not be informed of any negotiations that were being discussed. County Attorney Marcy Argeris entered the meeting and explained the state statutes that qualifies the executive sessions.

A motion was made by Commissioner Wolf and seconded by Commissioner Harvey to convene into executive session at 11:16 am as per state statute 16-4-405 to consider and receive

information classified as confidential by law, and on matters concerning litigation to which the governing body is a party or proposed litigation to which the governing body may be a party, with County Attorney Marcy Argeris and newly hired counsel Steve Freudenthal by skype. Motion carried. A motion was made by Commissioner Harvey and seconded by Commissioner Wolf to reconvene into regular session beginning at 12:19 am. Motion carried. Several appointments on the agenda were cancelled and a meeting will be held to discuss the outcome of the executive session with the hospital board members this afternoon.

Wyoming State BBQ representative Jim O'Connor and Building Maintenance Manager Tom Schmeltzer met with the board regarding lighting. Jim reported that 1000 watt lights and labor would be donated by Jadeco. There will be no cost to the county. Discussion was held on the stability of the poles that are currently at the site and the need to have the lights placed on their own circuit. A motion was made by Commissioner Wolf and seconded by Commissioner Harvey to allow the Wyoming BBQ to install lights on two new poles and coordinate with Tom Schmeltzer on the placement of the poles. Motion carried.

Building Maintenance Manager Tom Schmeltzer reported that the crack sealing of the asphalt by the concession area quote was over \$2000.00. Tom would rather use an asphalt patch and not the crack seal. He will have the road and bridge crew look over the area and receive additional prices before a decision is made. Commissioner Harvey reported that the Public Health parking lot needs to be sealed. Tom stated that his crew would be able to do the sealing. Tom and crew will be cleaning roofs and continue to clean the fairgrounds area.

Two gravel bids were received from McGarvin-Moberly as follows: Rome Hill Pit 15,000 cubic yards 1 1/2 inch crush \$292,706.00, 3/4 inch crush same price. West Side Pit 20,000 cubic yards 1 1/2 inch crush \$201,431.00, 3/4 inch crush same price. The bids were taken under advisement to be reviewed.

Hospital Board members Dan Scheuerman, Kip Mathison, Ruth Bower, Anna Venable, Gil McEndree, County Attorney Marcy Argeris, and Banner Health CEO Margie Molitor met with the board to discuss the outcome of the executive session. Discussion was held on the course of action by the county commissioners to deal with as many concerns as possible. All three commissioners discussed the timeline regarding the current lease, the miscommunication between the hospital board and the commissioners in regards to the first proposal that was presented and not giving the commissioners any time to review the offer, and not keeping the commissioners informed that the hospital board was working with Banner Health on a proposal except for one meeting two years ago when Commissioner Harvey was asked if the commissioners were interested in expansion of the building and also discussed was the need for the commissioners to be objective in looking at all options that are available to make the best decision that can be made for the entire county not just the hospital. Commissioner Anderson stated that a letter will be sent from their legal counsel regarding what is needed to move forward with option 3, which is to look at a new proposal from Banner Health. The first need is an extension on the current lease, financial statements and minutes from the last 36 months from the hospital board, and the architectural drawings given to the county

commissioners. Further discussion was held on the involvement of the hospital board with Banner Health and communication issues between the hospital board and county commissioners. A motion was made by Commissioner Wolf and seconded by Commissioner Harvey to follow Option 3, which it to review a new proposal from Banner Health, with guidance from legal counsel/consultant and when the three needs are met in regards to the extension, financial statements and minutes and receiving the architectural designs. Motion carried.

RT Communications Representative Tobi Johansen, Sheriff Steve Rakness, Administrative Assistant Wanda Richard and Brooke Smith met with the board to discuss savings to the county in regards to phone service and internet service provided by RT Communications. Discussion was held on having someone from RT Communications trained to assist with our phone system. Discussion was held on the savings that could be received regarding the PRI account if there is enough space available and after further discussion it was found that there is not enough space at this time to warrant any savings with the PRI. Tobi will discuss the option of the training with management at RT Communications and report back.

A motion was made by Commissioner Harvey and seconded by Commissioner Wolf to lift the hiring freeze in order to hire a road and bridge superintendent.. Motion carried.

A motion was made by Commissioner Harvey and seconded by Commissioner Wolf to authorize the chairman to sign the Certificate of Substantial Completion regarding the Septage Facility Site after the test run has been completed satisfactorily. Motion carried.

County Attorney Marcy Argeris discussed with the board the draft letter received from Freudenthal and Bonds counsel.

Road and Bridge Superintendent Tete Weston and crew members Tom Peterson, Ryan Amick, Randy Chenoweth and Dan Murray met with the board to discuss how the crew will proceed in the next few weeks with the resignation of Tete being effective June 7, 2013. Discussion was held on projects the crew continues to work on and upcoming projects that need to be completed. If the crew has any issues they are to contact Commissioner Anderson.

Planner David Anderson met with the board to discuss the vacation of Lot 1 in the Little Gooseberry Flatts Subdivision. Lot 1 and an adjacent parcel of land outside of the plat will be sold as one lot for financial purposes of the landowner. The Planning Commission has given approval of the vacation of the lot. A motion was made by Commissioner Wolf and seconded by Commissioner Harvey to accept the recommendation of the planning commission to vacate Lot 1 out of the Little Gooseberry Subdivision. Motion carried.

David reported that the fencing will begin soon on the septage site area. A test run will be held on June 5 at the septage site facility. Discussion was held on a fee to be charged and user's agreement. David will work on both of these before a decision is made.

County Attorney Marcy Argeris reported to the board that the changes in the letter to Banner Health have been sent to Freudenthal and Bonds.

CONSENT AGENDA

1. Accept Big Horn Regional Joint Powers Board basic financial statements June 30, 2012.
2. Authorize chairman to sign draw down request regarding Citizens Corp grant in the amount of \$2,493.91.
3. Accept Community Center Joint Power Board Financial Statements June 30, 2012 and 2011.
4. Authorize chairman to sign draw down request in the amount of \$239.89 regarding the Homeland Security Grant.
5. Authorize chairman to sign Wyoming Business Council draw down in the amount of \$74,861.00 regarding the Washakie Development Association Site project.
6. Accept monthly reports for Sheriff's Dept. \$6,595.00, County Clerk \$8,173.75.
7. All commissioners sign letter to Engineering Associates regarding a change order with the septage site project.
8. Authorize chairman to sign events contract for an event to be held at the fairgrounds that will be selling alcohol.

A motion was made by Commissioner Wolf and seconded by Commissioner Harvey to accept the Consent Agenda. Motion carried.

Discussion was held on payment for the snowplow truck. There have been many delays in regards to the completion of the snowplow and payment will not be made until the 2013/2014 budget.

There being no further business to come before the board, a motion was made by Commissioner Harvey and seconded by Commissioner Wolf to adjourn the meeting. Motion carried.

(Seal)

Mary Grace Strauch  
Clerk to the Board

Aaron Anderson, Chairman  
Washakie County Commissioners