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Thermopolis
Hot Springs

Independent Record

SPECIAL INTERNET PREVIEW

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Building proposals pass

by Jonathan Green
The Thermopolis Town Council approved the Blair's Super Market and Nature's Corner expansion proposals on Tuesday.
Blair's proposal cut
Mayor Bill Malloy asked the council to deny Blair's request to build a permanent structure on the adjacent land. It has been previously reported the land concerned in the proposition is town right-of-way, but assistant to the mayor Dan Stansill said that is not the case.
"I'm not sure why we call anything 'right-of-way,'" he said, because land commonly referred to as right-of-way is dedicated on plats filed with the town and state. State statute indicates a dedication "to the use of the public" is the same as a deed, not a right the council can summarily dismiss.

The land in question, along Richards and Seventh streets, was dedicated to the use of the public when it was annexed into Thermopolis as part of the Brighton Addition in either 1908 or 1910, Stansill said.

Town attorney Ron Jurovich said the land was accepted as "fee simple" by the town, which has legal implications on its use that he had not had time to investigate. He speculated the land might revert back to Brighton's descendants if the town were to fail to maintain it in the use of the public.

Jurovich suggested he draw up an ordinance spelling out exactly what rights the town wished to assign to Blair's. But Blair's co-owner Kent Foulger said they could not wait for three readings of an ordinance (about a month and half) before moving ahead.

Councilman Dick Hall suggested granting Blair's a revocable license agreement to build a temporary loading dock or expansion on the dedicated land. He said so long as any construction is "not affixed" to the land it would be permissible.

A revocable license agreement is the usual way the town grants individuals and businesses revocable permission to build on right-of-way or dedicated land. Past council precedent has been such agreements must require the improvement to be removable.

"In my mind, anything is removable," Toni Casciato said.
Al Braaten and Casciato supported Hall's motion, which passed 3-2 over opposition from Malloy and councilman Tom

Linnan.

Foulger thanked the council, but then said, "We will cut back on our plans so we don't infringe on the right-of-way or whatever you have."

He said the company will continue working with the planning commission on the expansion.

Nature's Corner

The town council gave unanimous approval to a request from Sarah Ferrell and Stephen Heinen to build improvements to Ferrell's store, Nature's Corner, asking them to work with the planning commission to draft new requirements for downtown businesses.

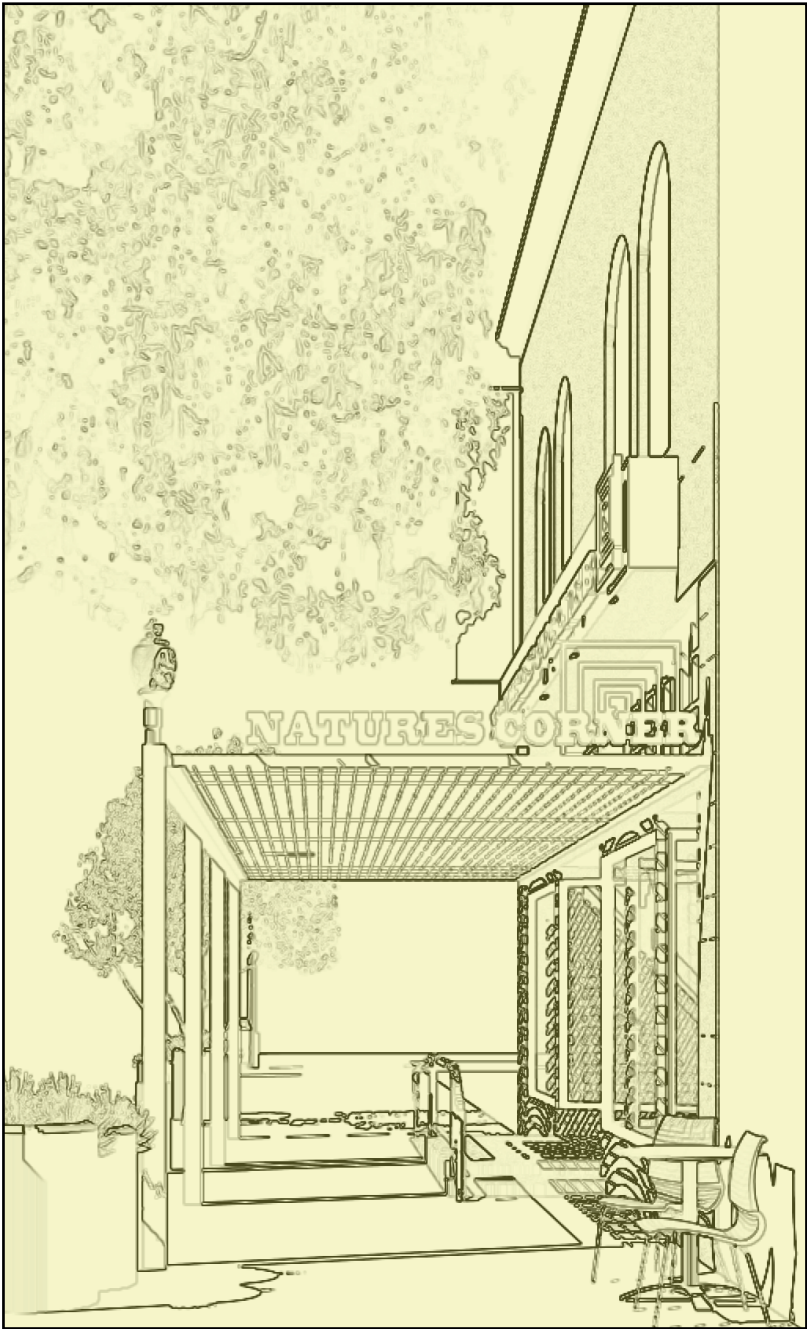
The current proposal calls for a veranda to be built ten feet over the sidewalk in front of the business, with supporting pylons built into the sidewalk. Hall suggested 12 feet might be more reasonable to preserve

a central corridor of the walkway for pedestrians but it was unclear whether that would interfere with streetlights.

Ferrell and Heinen will work with the planning commission to draft an ordinance amendment. Currently, canopies and verandas can be built three feet from buildings downtown. (Heinen told the council many downtown businesses currently have canopies and other overhangs six feet over the sidewalk, although none of them have pillars.)

Ferrell, Heinen and the planning commission will iron out a specific distance, eight, ten, or perhaps 12 feet, and decide whether the distance should be the maximum permissible distance or a mandated distance to enforce conformity.

Once the draft amendment is prepared the council will have an opportunity to vote on it.



An artist's rendition of the new Nature's Corner entrance.



Jaidan Rowan, 7, of Lander makes a giant splash after roaring down the slide at the TeePee Spa around midday on Sunday. --Pat Schmidt photo

Commission ponders licenses, landfill pact and school officer

by Cindy Glasson

The Hot Springs County Commissioners approved two liquor licenses, signed the county wide landfill agreement and discussed vehicle options for the new school resource officer on Tuesday.

There was also a closed executive session to discuss litigation.

The liquor license renewal for the Flying Dutchman south of Thermopolis was approved by the commissioners after a brief report from county clerk Hans Odde.

A second liquor license under the name Jeanne Waltz for Red Cliffs Steak and Seafood was transferred to the Legion Town and Country Club, Inc., and renewed.

Waltz has private parties scheduled at the restaurant after the license transfer. The Legion Town and Country Club gained approval from the state liquor commission to allow Waltz to serve liquor at the parties under the Legion license, according to Odde.

Landfill pact

The commissioners signed the landfill agreement with the Town of Thermopolis that was tabled at the Aug. 18 meeting. Kirby and East Thermopolis also pay Thermopolis to operate the landfill.

A landfill equipment replace-

ment fund was started by the Town of Thermopolis in 2006 in anticipation of replacing a track loader and elevating scraper. The track loader was purchased in May and the scraper is budgeted for this fiscal year.

In the newly signed landfill agreement, the Town of Thermopolis proposes to take the remainder of the funds from the equipment replacement fund, approximately \$120,000 and create a new fund that will cover more than equipment purchases. The Integrated Solid Waste Management Plan Conversion Fund would cover ongoing landfill operation and maintenance.

Before signing, the commissioners were assured there would be no change in the amount the county pays for its portion of the landfill agreement. That amount will remain at 28%, roughly \$78,000 for the year.

School resource officer

Sheriff Lou Falgoust advised the commissioners that interviews for the school resource officer are being held this week. Nine applications were received for the position and the school is participating in the interviews.

Falgoust said the only stumbling block in the process now appears to be a vehicle for the officer.

Initially, school superintendent Marty Kobza had suggested using one of the school's vehicles for the nine school months. Since then, Kobza has discovered policies will not allow that.

Falgoust and undersheriff Dave Larson have been research-

ing the possibility of purchasing a used vehicle. Falgoust hopes a vehicle can be found that will last the whole four years of the program.

Commissioner Frank Manning said he would like to see what the school's participation level will be in helping fund a vehicle before the commissioners give Falgoust the go-ahead to buy a vehicle.

The idea was tabled until the Sept. 15 meeting to allow the school district time to answer.

Well water litigation

During an executive session the commissioners spoke via conference call with commissioners from Johnson, Weston, Washakie and Campbell counties regarding litigation between those entities and the Department of Environmental Quality and the state's Environmental Quality Commission.

The counties filed suit against the DEQ and the EQC in the spring to prevent them from closing off the use of water discharged from oil, gas and coal bed methane wells.

Hot Springs County contends the discharge water is beneficial to wildlife, ranching and irrigation, especially downstream from the Hamilton Dome oilfield along Cottonwood Creek.

Fifth Judicial District judge Robert Skar heard a motion to dismiss from the DEQ and EQC in a session here on Monday. He took the request under advisement and will be ruling on the motion within the next two weeks, according to county officials.

What? No highs yet above 97 degrees?

This will go down as one of the mildest summers ever in Thermopolis.

The high temperature was 97 on two days, July 24 and Aug. 22. And the high never reached 96 on the other days, just 95.

Nobody can recall a summer when the official high on the National Weather Service equipment at the Thermopolis Wastewater Pumping Station didn't reach 100 degrees. Usually the high temperature surpasses 100 degrees on several days in Thermopolis.

The low temperatures were 37 degrees in June, 47 in July and 41 in August.

Average highs were 76 degrees in June, 88 in July and 84 in August.

Average lows were 49 degrees in June, 55 in July and 52 in August.

Precipitation for the first eight months of 2009 in Thermopolis is now at 8.07 inches, above average and far surpassing some of the recent drought years. The most precipitation this century was 11.01 inches in the first eight months of 2005.

Precipitation totals through August in recent years include:

2009: 8.07 inches.
2008: 7.3 inches.
2007: 7.06 inches.
2006: 4.30 inches.
2005: 11.01 inches.
2004: 8.98 inches.
2003: 9.9 inches.
2002: 5.58 inches.
2001: 5.53 inches.



A young woman jumps from the high diving board at the Star Plunge on Sunday, Hot Springs State Park officials and

businesses anticipate one last big turnout of visitors this Labor Day weekend. --Pat Schmidt photo