

Falgoust wins race; Malloy re-elected

Mead eases by Petersen; Hill, Lummis win

Republican incumbent Lou Falgoust emerged the victor in the race for Hot Springs County sheriff in Tuesday’s general election. He was challenged by Independent Sam Donahue, a Wyoming Highway Patrol trooper.

Falgoust received 1,464 votes from the four combined precincts in the unofficial tally, or 65 percent of the vote, while Donahue had 668 (29 percent).

“We are grateful and appreciative of the confidence and support the community has expressed in us,” Falgoust said. “We are so very thankful and humbled. We believe in faith, family and community.”

Incumbent Bill Malloy won the non-partisan race for mayor of Thermopolis over James Raymond. Malloy received 58



Mary Jane Raczkowski uses a ballot enlarging machine to help her vote Tuesday at the Hot Springs County Fairgrounds. Of the 2,765 registered voters in the county 81 percent showed up for Tuesday's election. — J.D. Stetson photo

percent of the votes cast and Raymond had 38 percent.

“I’m happy to get back in,”

Malloy said Wednesday. “There are some projects I would like to see through.

“I’m really looking forward

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Thermopolis to celebrate Veterans Day

Residents will have several activities honoring Veterans Day in Thermopolis next week when various organizations gather for the holiday. Here’s a list of activities going on next week:

Thursday, Nov. 11

■ HSCHS Assembly: Hot Springs County High School FFA members will host a student assembly at 10 a.m. in the auditorium honoring veterans, with ceremonial music provided by the band and choir and a Power Point presentation on Thermopolis veterans. The event is free and is open to the public.

■ Memorial Services: Veterans Day Services will be at 11 a.m. at the VFW Post 2281.

■ Veterans Memory Tree Candlelight Ceremony: The event hosted by the VFW Post 2281 Ladies Auxiliary will be at 5:30 p.m. at Bicentennial Park. Names of veterans, alive or deceased, are printed on stars and placed on the tree. Anyone wishing to add a new name for the tree can call Nancy Madrigal at (307) 349-2573.

■ VFW Veterans Dinner: A dinner for veterans and their families will be at 7 p.m.

Friday, Nov. 12

■ Relay for Life Veterans Day Bake Sale: The event hosted by the Piglets Relay for Life Team will be at 8:30 a.m. at the Law Enforcement Center entrance.

Lehman's request to be passed on to DCI

by Cindy Glasson

A group of concerned citizens appeared before the Hot Springs County Commissioners Tuesday, asking for an outside investigation into allegations of misconduct on the part of the sheriff’s department.

A written complaint was given to county clerk Hans Odde on Oct. 25, alleging photographs were taken of high school cheerleaders in the parking lot of Pamida during a September fundraiser.

The complaint, authored by one of the cheerleader’s mothers, Julie Lehman, suggests two deputies, former undersheriff Dave Larson and deputy A.J. Helm, were seen “continually taking photographs of the girls” and “engaged in conversation, laughing and giggling.”

The complaint goes on to state the behavior was upsetting to

the cheerleaders as well as those adults who allegedly witnessed the incident.

At the commissioners meeting, Lehman presented the board with a notarized statement from another parent, Debbie Bauer, that Lehman said backs up her previous statements.

In addition, Lehman offered the board copies of the Decree of Divorce between Larson and his former wife, alleging it contains statements that will show Larson has a history of improper sexual behavior.

Commissioner Brad Basse said he was uncomfortable taking a copy of the divorce documents, even though they are public record.

Lehman’s mother, Betty Hawkins, addressed the commissioners, asking for an outside investigation.

“We have proof he’s (Larson) a sexual deviant,” Hawkins said. “They cannot be cured. When our teenagers are exploited we need to step in. The commissioners are the last ones we can turn to.”

“There are philosophical issues here that are deeper than this complaint,” Basse said.

Basse said he had been in contact with the Department of Criminal Investigation (DCI) in Cheyenne and had discussed the horse shooting, the cheerleader photos and the allegations of witness intimidation with them.

“DCI told me, unless there is something criminal, they will not get involved,” Basse said. “They suggested the parties send a letter to the attorney general or an outside agency to ask for an internal investigation.

“I’ve reviewed the duties of county commissioners as set forth

by the state and I’m not sure this board is the place for this. I’m really uncomfortable about overstepping our legal bounds.”

At that point in the public meeting, Lehman, Hawkins and others who had joined them at the meeting walked out of the commission chambers.

After the group left, Sheriff Lou Falgoust addressed the commissioners with a prepared statement, saying Chris Bentley had informed him he would be hearing from their attorney.

Falgoust said he had heard from the Bentleys’ attorney, effectively preventing him or his deputies from making any comment on the incident except through the two parties’ attorneys.

“You may say what you want, when you want, how you want,”

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Pearce land use change approved

by Cindy Glasson

A proposed land use change for 10 acres north of Thermopo-

lis was approved by the county commissioners at a special public meeting Oct. 22.

Russ and Lisa Pearce began the process to change the acreage from agricultural to indus-

trial in June, wishing to use the land for a single-use gravel pit. The Pearces had entered into a materials agreement with McGarvin-Moberly Construction to provide gravel for use in paving Black Mountain Road in 2011.

Considerable testimony was heard by both the commissioners and the land use planning board regarding water issues, the possibility of pioneer gravesites in the area and other concerns expressed by surrounding landowners at previous meetings.

At the Oct. 22 meeting, the commissioners agreed they had heard all the water issue testimony, and unless there was something new or factual to add to the discussion, they didn’t need to hear anything further on the water issues.

County attorney Jerry Williams reminded those in

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2010 General Election Results					
	Thermop Precinct 1	Thermop Precinct 2	East Precinct 3	West Precinct 4	TOTAL
Governor					
Matt Mead (R)	490	433	569	104	1596
Leslie Petersen (D)	139	122	118	22	401
Mike Wheeler (L)	16	28	25	22	73
Secretary of State					
Max Maxfield (R)	525	466	612	118	1721
Andrew Simons (D)	108	92	89	19	308
Candice De Laat (L)	28	51	40	8	127
U.S. States Representative					
Cynthia Lummis (R)	504	460	590	119	1673
David Wendt (D)	133	109	116	18	376
John V. Love (L)	37	40	48	10	135
State Auditor					
Cynthia Cloud (R)	572	544	656	124	1896
State Treasurer					
Joe Meyer (R)	577	550	658	128	1913
Superintendent of Public Instruction					
Cindy Hill (R)	422	396	512	116	1446
Mike Massie (D)	256	212	225	28	721
State House of Representatives					
Lorriane Quarberg (R)	462	476	536	107	1581
County Commissioner					
Mike Baker (R)	496	443	583	115	1637
John Lumley (R)	490	451	555	98	1594
County Coroner					
Mike Mortimore (R)	577	537	635	125	1874
County Attorney					
Jerry D. Williams (R)	485	444	486	91	1506
County Sheriff					
Lou Falgoust (R)	487	455	454	68	1464
Sam Donahue (L)	176	147	273	72	668
County Clerk					
Hans Odde (R)	611	556	686	125	1978
County Treasurer					
MickeyJean Ford (R)	615	568	697	131	2011
County Assessor					
Shelley Deromedi (R)	610	561	681	132	1984
Clerk of District Court					
Terri Cornella (R)	598	553	677	125	1953
Mayor - Town of Thermopolis					
Bill Malloy	406	361			767
James A. Raymond	260	249			509
Councilperson - Town of Thermopolis - (2) 4-year terms					
Tonja L. "Toni" Casciato	258	244			502
Marilyn Strausborger	243	224			467
Tony Larson	370	338			708
Tom Linnan	286	260			546
Hot Springs County School Board - (3) 4-year terms					
Elizabeth "Liz" Mahoney	303	282	328	57	970
Thomas A. Sullivan Jr.	440	407	491	90	1428
Hub Whitt	397	362	463	97	1319
Belenda Willson	277	245	313	73	908
HSC School Board - (1) Unexpired 2-year term					
Joe Martinez	503	488	562	112	1665
HSC Conservation District Director Rural - (2) 4-year terms					
Jerry Lake	387	371	490	108	1356
Terry Wilson	478	456	564	101	1599
HSC Conservation District Director At-Large - (1) 4-year term					
Bob Cunningham	203	218	260	37	718
Rich Olson	222	239	238	58	757
HSC Cemetery District Director - (3) 4-year terms					
Jerry L. Slagle	476	420	530	96	1522
Basil Sorensen	471	433	539	91	1534
HSC Cemetery District Director - (1) Unexpired 2-year term					
Cindy DeVries	525	512	593	111	1741
Mayor of the Town of East Thermopolis					
Reba N. Odde			80		80
Councilperson of the Town of East Thermopolis - (2) 4-year terms					
Delores Bush			69		69
David D. Peake			64		64
Mayor of the Town of Kirby					
Don Larson			18		18
Councilperson of the Town of Kirby - (2) 4-year terms					
Dale Bulman			19		19
Irene "Dolly" Hurley			14		14
Christine O'Brien			20		20
HS Rural Fire Protection District Director - (2) 4-year terms					
Jim Cowger			466	112	578
Ray E. Baird			482	96	578

Historical Society to salute veterans

The Wyoming State Historical Society, Hot Springs County Chapter will present a program at 2 p.m. Saturday, Nov. 13 at the Hot Springs County Museum and Cultural Center.

The free program, presented by Karl Allen, is a salute to veterans and open to the public. Refreshments will be served. Call 921-1551 for more information.

Halloween contest winner



Tanner and Porshia Birdsley won the Moonlight Madness Halloween age 0-2 costume contest Thursday night at Bicentennial Park. — J.D. Stetson photo

Pearce

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attendance that the county uses a point system to score the various aspects of a land use change in order to make their final decision.

“There are absolutes and there are relative policies,” Williams said. “There are negatives and positives that are used to create the end score.

“The commissioners can look at the scoring from the land use planners to make their decision, or they can start with a blank checklist to make their own decision.”

County planner Lee Campbell said the scoring had been calculated two ways.

One calculation was based on a “no conditions” permit, which scored negative-eight points.

The second calculation was based on a “conditional use” permit, which scored positive-three points.

Pipeline certification

Commissioner Brad Basse asked for clarification on one of the issues, a water pipeline that is said to be in the area.

Commissioner Mike Baker, who is also part of the Lucerne Water and Canal Company, indicated the canal company’s research shows the pipeline in question hasn’t been used in more than 10 years.

“We (the Lucerne Water and Canal Company) do not believe there is a legitimacy for that pipeline any longer,” Baker said. “I’m not sure we can ask them to put back into use a pipeline that has basically been abandoned.”

In addition, there is some question as to whether there is an actual easement for the pipeline.

According to Williams, a prescriptive easement is one usually created by use and can be considered abandoned after a time of non-use, whereas a written easement is permanent.

Pearce has agreed to replace the portion of the pipe that may be found in the area of the pit, but has no plans to replace the entire pipeline.

Managing water

Mary Scheible, attorney for one of the surrounding neighbors, asked to address the commissioners, saying she would like them to reconsider their stance on their part in managing water throughout the county.

“You have said you are not in the business of managing water,” Scheible said. “I feel it is something the board very much

needs to be involved in.

“The state controls the ownership, but the board needs to step up and manage the water.”

In addition, Scheible said the surrounding landowners would like to see certain conditions put on the Pearce permit.

One condition would be to make the land use change a temporary one, requesting an end date of Oct. 1, 2011.

Her second condition would fall on McGarvin-Moberly, requesting a \$500,000 bond from them to assist anyone that suffers damage because of the gravel mining.

“Has any professional told you, without a doubt, this project would hurt the water?” Williams asked.

Scheible said no, they had not.

Williams then asked Harry Hughes with Owl Creek Gravel if his mining operation had run into any problems with surrounding water.

Hughes indicated he had not encountered problems with water at his pit.

“I would suggest placing a time for completion on any permit,” Hughes said. “It’s commonly done in Park County when referencing a single-use project.”

Commissioner Baker questioned putting a time limit on the permit, asking Hughes if time for mitigation and reclamation should be considered.

“That would be a judgment call on the part of the commissioners,” Hughes said.

Ernest Skretteberg with McGarvin-Moberly agreed with Hughes, stating there are projects the Wyoming Department of Transportation puts a specific end date on. However, he expressed concern that putting a time limit on this project would put the company in a position where they could not bid on other smaller projects that could be run concurrently with the Black Mountain project.

“His (Hughes’) suggestion would put his company at an advantage to bid on those projects,” Skretteberg said.

Another area landowner, John Scoggin, expressed concern that granting the 10-acre gravel pit would lead to another and then another, leaving the area with a 60-acre lake.

“If it starts, it’s just going to keep going,” Scoggin said.

Russ Pearce addressed the commissioners, stating that it

has never been his intention to turn the gravel pit into a long-term project.

“Where does this all stop?” he asked. “It seems to be a sin to try to make a little money off my property to pay off some of my own debt.

“There’s a pit out there that’s been there for who knows how long, and it hasn’t affected the water. I don’t want a pit out there forever, either.”

Drilling test holes

Gordon DeSticka, head of reclamation for McGarvin-Moberly, said test holes they had drilled in the area did not run into any water.

“We only plan on going 12-14 feet at the maximum for the gravel,” DeSticka said. “Our equipment won’t go any deeper. The top soil will be stacked around three sides of the pit as a berm to control noise for the neighbors and we’ll be using water to control the dust.

“Our hours of operation are pretty flexible, but are somewhat determined by WYDOT. We’ll probably be running 10 hours per day from seven in the morning.”

The commissioners finally granted the Pearce a conditional use permit, including the following conditions:

- An archaeologist or other interested party shall monitor the topsoil removal, subsoil and gravel excavation for possible pioneer graves. If any remains are found, they will be recovered and may be given to the landowners for interment on the property or given to the historical society or cemetery district for possible identification.
- In addition, the county coroner will be notified of any remains found to determine if they are historical or recent in origin.
- In regards to the possible buried irrigation pipe, it shall be replaced in approximately the same position, in serviceable condition, but only the portion of pipe that was disturbed.
- The land will be returned to agricultural use within three years.
- No fencing, signage or lighting will be forced to be put in place since the gravel pit is adjacent to BNSF railroad, Canyon Concrete’s gravel pit and the Dowdy feedlot, all of which are compatible commercial or industrial areas.

Lehman

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Falgoust said. “We must wait and look forward to a time we can.”

Falgoust went on to say there is no pornography within the Hot Springs County Sheriff’s Office.

“That is malicious gossip, vicious ugly rumor, and simply untrue,” he said. “There were no pictures taken of any cheerleaders as alleged in the complaint.

“However, it is not wrong or unlawful for anyone to do so.”

Falgoust added that prescription medications are given to inmates of the Hot Springs County Detention Center in a lawful manner.

“Respectfully, Mr. Chairman and Board of County Commissioners,” he said, “this is not the appropriate place or venue for these matters.

“If any of you want to talk with me, please call me or come to my office.”

Commissioner Mike Baker said he believes it is time for an investigation by an outside agency.

“I have no doubt some of this is political,” Baker said, “but we need a settlement of all the issues. This is putting a taint on the county.”

Basse questioned who the issues should be addressed to, stating again that he had talked with DCI along with chairman John Lumley, and DCI had told them they would not get involved unless something criminal has taken place.

“If these kinds of things are going on, then we need to know,” Baker said. “Whether they are true or not, an outside investiga-

tion will be the best.”

County attorney Jerry Williams reminded the board there needs to be proof actual laws had been broken.

“Lies have put people in jail,” Williams said. “There has to be an allegation of an actual crime. You have to have proof beyond a reasonable doubt. If you’re going to put someone under jeopardy, you better have your facts right.

“We cannot make up new laws to prosecute people.”

Williams also expressed concern that the commissioners may not even have the authority to call for an investigation by an outside entity unless there is a clear crime.

“Stalking has to be a course of conduct (conduct that occurs on more than one occasion to a single person),” he said. “It is not illegal to take pictures. It is not illegal to own a camera.

“No matter how we feel about it, if there is no law, we cannot prosecute.”

Williams said a letter to the county clerk was not the proper course of action with a formal complaint. Instead, a written complaint must be given to the sheriff’s department first.

If the complainant then feels nothing has been done by the sheriff’s department, there are other options available.

“So there is no avenue for us to call for an investigation,” Baker asked.

“In the absence of a complaint being done properly, you do not,” Williams said.

Basse questioned Baker which

issues he felt needed investigation.

“I would say overstepping the bounds of law enforcement,” Baker said. “That is the root of all the issues.”

Basse said the commissioners just want to find an avenue to get an investigation accomplished to everyone’s satisfaction within their jurisdiction.

“Where does Hot Springs County go to clear its name?” Baker asked.

“Maybe an internal investigation by an outside source is the best,” Basse said. “Are we violating any laws by doing so?”

Williams told the pair nothing prohibits them from calling DCI and requesting an investigation; however, he pointed out they have no legal authority to do so.

“So DCI can just turn around and tell us we have no authority and not do anything anyway,” Basse said.

Basse moved to draft a letter to DCI requesting it look into the issues in the sheriff’s department.

“I think we need to be as up front as possible,” he said. “We need to explain the citizen’s concerns.”

Baker agreed, saying the wording of the letter would be critical and legal advice may be needed.

The motion passed with Baker and Basse both voting “aye.”

Commission chairman John Lumley was not in attendance at the meeting due to illness.

Election

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to the next four years, making Thermopolis even better.”

There will be one new member on the Thermopolis Town Council. Tony Larson, a certified write-in candidate, received 708 votes – the most cast for any of the four candidates for two seats. Tom Linnan, with 546 votes, will retain his council seat. Incumbent Toni Casciato fell just short in her bid for re-election; she had 502 votes. The fourth candidate, Marilyn Strausborger, finished with 467 votes.

There will also be a new trustee on the Hot Springs County School Board as Tom

Sullivan, Jr., was elected. He was the top vote getter, receiving 1,428 votes.

“I’m very thrilled and excited to serve,” Sullivan said after being elected. “I vow to give the students, educators, citizens and taxpayers of Hot Springs County all I have during the next four years on the school board.”

Incumbent Hub Whitt was re-elected to the school board, garnering 1,319 votes. Board chair Liz Mahoney was third in the voting for the three seats; she received 970 votes. Incumbent Belenda Willson lost her bid to retain her seat on the board,

receiving 908 votes.

The closest race in the county was for the at-large director position with the Hot Springs Conservation District, where Rich Olson edged Bob Cunningham by just 39 votes. Olson received 757 votes and Cunningham had 718.

Christine O’Brien and Dale Bulman were elected to the two open seats on the Kirby Town Council. O’Brien had 20 votes and Bulman finished with 19. Irene “Dolly” Hurley was third with 14 votes.

Results of the general election are unofficial until they

are certified by county clerk Odde.

Mead, Lummis, Hill win in county

Hot Springs County played a small part in electing Republican Matt Mead as the new governor of Wyoming.

Of the 2,244 votes cast in the county, Mead garnered 1,596 votes.

Leslie Petersen, the Democratic nominee for governor, garnered 401 votes, and Libertarian Mike Wheeler had 73. There were also 150 write-ins, one over vote and 23 under votes.

Statewide, Mead had 123,764 votes, which gave him a large majority over Petersen, who had 43,336 votes.

Mead is a former U.S. Attorney who opposes Obamacare, wants to strengthen Wyoming’s economy and wants to limit the federal endangered species act.

In the race for Wyoming’s single seat in the U.S. House of Representatives, Republican candidate Cynthia Lummis handily defeated Democrat David Wendt statewide and in Hot Springs County. Lummis garnered 1,673 votes and Wendt had 376 votes in the county.

For state superintendent of public instruction, Republican Cindy Hill beat Democrat Mike Massie handily at the state level. In the county, Hill took 1,446 votes and Massie had 721 votes.

The last contested race was for secretary of state. Incumbent Max Maxfield, a Republican, dominated Democrat Andrew Simons statewide. In the county, Maxfield took 1,721 votes and Simons had 308.

Running unopposed statewide were Cynthia Cloud for state auditor and Joe Meyer for state treasurer.