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Homes to feature  
festive spirit

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Hoop teams host  
Bobcat Invite  
this weekend

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in Thermopolis  
last Friday

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wants paint on  
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Thermopolis  
Hot Springs

# Independent Record

SPECIAL INTERNET PREVIEW

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THERMOPOLIS, WY 82443

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## Suit filed after Pearce land use change granted

by Cindy Glasson

A suit has been filed in Fifth Judicial District Court requesting a reversal of a decision by the Hot Springs County Commissioners to allow a land use change for acreage owned by Russ and Lisa Pearce.

A land use change from agricultural to industrial for 10 acres, to be used as a gravel pit, was granted by the commissioners on Nov. 2.

According to court documents filed Nov. 22 by Jean Cotton of Cotton Farms LLC, Donald and Nancy Scogin, Steven and Vicky Boyer and Gene and Mary Lou McGee, the group contends the commissioners did not follow proper procedures when it approved the application by the Pearces and McGarvin-Moberly to create the gravel pit.

"In granting the application, the board's actions were arbitrary, capricious, an abuse of discretion, not in accordance with

law, without observance of procedure required by law," the petition reads.

Public hearings were held four separate times before the land use change was approved, two with the county's land use planning board and two with the county commissioners.

The landowners say the commission failed to comply with criterion set forth in the Hot Springs County Land Use Plan.

The group cites a section in the plan requiring the commission to "protect the health, safety and welfare of the citizens of the county," and to discourage "developments that might limit the viability of neighboring farms or ranch operations by creating ... water management problems."

The commissioners have contended throughout the process they are not in the business of managing water in the county;

*See Pearce on page 8*

### Snow pile-up



Town of Thermopolis street crew member Stan Kraushaar dumps snow into a pile Monday morning on Broadway Street. Efficient crews had most of the windrowed snow hauled off

by Tuesday afternoon. Most parts of town received about 5 inches of snow last weekend. Read more about the snow-storm on page 10.  
— Joe Sovo photo

## File closed, no charges to be filed in alleged 'graduation party'

by Joe Sovo

Hot Springs County Attorney Jerry Williams has closed the file on the investigation of a graduation party in May 2010 that allegedly involved consumption of alcohol by several underage persons.

According to the Hot Springs County Sheriff's Office incident table, the party occurred at an Upper East River Road residence, beginning the evening of May 22 and extending past midnight. It was not until about two weeks later, on June 4, a complaint was filed with the sheriff's office.

In his report, deputy Dave Larson stated captain Richard Fernandez of the Washakie County Sheriff's Office was

contacted to provide the investigation since there was a Hot Springs County Sheriff's Office employee named as one of the attendees of the party.

In the report, Larson said on or about June 16, he and Falgoust called deputy Gary Sikes, the school resource officer, into the Law Enforcement Center to talk to him about the party. At that time, Sikes resigned his position and declined any comments or statements.

Larson said on June 18, he and Fernandez interviewed three of the female attendees of the party. One was a 19-year-old who said she was unable to bring her 16-year-old brother home due to his level of intoxication.

Larson and Fernandez were unable to set up an interview with the 16-year-old who was allegedly consuming alcohol at the party.

At a later date, the 16-year-old's mother was contacted. The report indicated Larson received a statement saying her daughter and son went to the graduation party on May 22 and her son "did not make it home." The statement also indicated the mother contacted one of the hosts of the party and expressed concern that her son had been given alcohol without her knowledge or consent.

The hosts of the party told Fernandez they did not "see or provide anyone under the age of 21 alcohol," according

to his report.

In his narrative, Fernandez stated Sikes – who was not a party host – was "allegedly at a party where subjects under the age of 21 were consuming alcoholic beverages and failed to report or act as required by his department policies and procedures."

"From the beginning we were aware of the possibility a deputy sheriff was involved," Falgoust said Tuesday.

Williams stated in a memo to Falgoust he had no "firm evidence" the 16-year-old received alcohol at the party, and the inability to interview the youth led to closure of the file.

Williams wrote the complaining

witness – the sister of the 16-year-old – stated she believes some unknown college students brought in the alcohol being consumed by the underage persons. Without any evidence the hosts knew the 18-year-olds at the party were consuming alcohol, the only chargeable offense related to hosting requires the person be under the age of 18.

"I am willing to review this case later on, in light of the failure to receive that critical information, I do not believe it is appropriate to go forward with prosecution at this time," Williams said in his memo to Falgoust.

"We will reopen it if we have new information," the sheriff said.

## Christmas Tree Fest set Dec. 6

Central Bank & Trust hosts its 10th annual Christmas Tree Festival on Monday, Dec. 6 at the Thermopolis bank. Refreshments will be served during the social hour beginning at 5:30 p.m. The tree and wreath auction starts at 6:30 p.m.

This is your opportunity to grace your home with a beautifully decorated Christmas tree, wreath or both, and also donate to a good cause.

All proceeds from the Christmas Tree Festival go to the Thermopolis Community Fund. Some of the beneficiaries are H.O.P.E. Agency, Fourth of July Fireworks, Hot Springs Greater Learning Foundation, Hot Springs County School District No. 1, Books for Babies, PRCA Rodeo, Hot Springs County Memorial Hospital Foundation Fund and the Gift of the Waters Pageant.

Christmas trees in the Central Bank & Trust lobby were decorated Monday and Tuesday. Wreaths were picked up, decorated and returned to CB&T earlier this week.

Christmas Tree Festival coordinator Valerie Bjorhus said there were 13 decorated trees for the auction along with 20 wreaths. Sponsors of the trees and wreaths and their title/theme are listed on the back page of this issue of the Thermopolis Independent Record.

This year the trees and wreaths are all artificial. The wreaths are 24 inches in diameter. The trees are six to seven feet tall and are pre-lit with white lights. If winning bidders do not want to use the pre-lit lights, do not plug them in.

There will be a preview of the trees and wreaths Wednesday through Monday, Dec. 1-6 during bank lobby hours.

For further information about the Christmas Tree Festival, call Valerie Bjorhus at CB&T, 864-5561.



Jessica Lutz of the Roundtop Wranglers 4-H Club decorates a tree Monday at Central Bank & Trust. It is one of 13 trees available during the CB&T Christmas Tree Festival auction, along with 20 wreaths.  
— Joe Sovo photo

## Lodging Tax Board cuts funding of 3-on-3

by J.D. Stetson

Members of the Hot Springs County Lodging Tax Joint Powers Board have chosen not to fund \$12,000 for the Thermopolis 2011 3-on-3 Basketball Tournament.

The board met Nov. 23 to discuss funding for the basketball tournament with Thermopolis-Hot Springs Chamber of Commerce Board President Donna Nally and Executive Director Kathy Wallingford.

The decision to cut funding for the 3-on-3 was due in part to the lack of community involvement in the event and the belief by Lodging Tax Board members that many businesses in town are discouraged from opening during the event because

of shoplifting and vandalism.

Another part was the actual cost of the May event and the return on investment for the chamber.

Lodging Tax Board members disagreed with spending \$5,450 on television advertising for the event, which they believed would be ineffective because most people who attend already know about the event. They also questioned who approves advertising for the event because the board was not presented with advertisements during prior 3-on-3s even though they foot most of the cost.

**Benefits some, but not all**

The Lodging Tax Board also questioned the cost

*See 3-on-3 on page 8*

## School calendar focus of public meeting

During their October regular meeting the Hot Springs County School Board of Trustees voted to allow the district to continue to study the feasibility of moving to a 4 1/2-day week for the 2011-12 school year.

The school district hosted a public meeting for patron input on the proposed calendar in early November. A second meeting is set for 5:30 p.m. Thursday, Dec. 9 at the Thermopolis Middle School commons. Parents of students are encouraged to attend to get more information about the proposal and voice their concerns.

The district calendar committee spent several months looking at ways to increase contact time between the students and the regular classroom teacher. Concerns about the number of

classes being taught by substitutes stemmed from the fact that classroom teachers are pulled away by activities travel, curriculum meetings and staff development, according to the school district. The goal of the calendar committee is to provide more student contact time and consistency for families.

With a 4 1/2-day week, student contact hours within the calendar would virtually be the same. However, student contact time with the regular classroom teacher would increase, the study shows. The number of hours employees would work would be exactly the same. Currently teachers work 1,488 hours within their contract.

All early release times for collaboration and all but one day of staff development that

currently happens within the school year would happen on Friday afternoon.

Student consistency was also a significant consideration for the committee. In the proposed plan K-8 students would have lunch available every day, including Friday. The Lights On program would be available on Friday afternoon for K-8 students until 3:30 p.m. This would provide essentially the same weekly structure that is currently available for parents and students.

District officials invite patrons to go to the HSCSD website and complete a brief survey. The website is [www.hotsprings.k12.wy.us/](http://www.hotsprings.k12.wy.us/). Click on the "Hot Springs County School District Studying Alternative Week" link to take the survey.