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Thermopolis
Hot Springs

Independent Record

SPECIAL INTERNET PREVIEW

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Injunction denied, Pearce land use change proceeds

by Cindy Glasson

Nearly a year has passed since Russ and Lisa Pearce requested a land use change for a portion of acreage they own north of Thermopolis.

Early last week, Judge Robert E. Skar heard several motions presented by attorney Mary Scheible on behalf of Jean Cotton and other residents in the area, including a motion to strike from the record recorded minutes of a public hearing held by the Hot Springs County Planning Board.

The recording in question was the result of a public hearing on the subject held in October.

At that meeting, Carl Toboga with Intertech Environmental of Laramie, acting as expert witness on behalf of the landowners in the area, was questioned by county attorney Jerry Williams whether he had any substantial proof the mining of gravel in the area would cause damage to Cotton's aquifer.

Toboga answered he had no such proof.

At that same meeting, two representatives from the Department of Environmental Quality (DEQ) gave their professional opinions on the matter and none could find reason to believe the gravel pit would interfere with the natural spring.

Skar denied Scheible's request to have the minutes stricken from the record.

The Pearces, along with McGarvin-Moberly Construction, the company planning on using the gravel for work on the Black Mountain road project this summer, requested affidavits provided in the case by Scheible be stricken from the record, stating those affidavits were based on conjecture, surmise and without any basis in fact or opinion of an expert.

Without Skar having to make any decision on the request, Scheible "stipulated to withdraw," basically taking the affidavits off the table.

However, Scheible asked the judge for an injunction to prevent the mining from beginning until all information is in and the judge has an opportunity to make a judgment.

Skar denied the request for an injunction, but gave both parties 10 days in which to ask for oral arguments to be heard in the case.

According to county planner Lee Campbell, air quality permits were received from the DEQ on Tuesday. With those permits in place, there is nothing to prevent the Pearces and McGarvin-Moberly from beginning the project.

Commissioners cleared of allegations

by Cindy Glasson

The Hot Springs County Commissioners have been cleared of any allegations of improper bidding or voting or use of influence by the Wyoming Department of Employment, Labor Standards office.

A request was made by a group of private citizens to have the commissioners investigat-

ed, alleging they were using their positions to gain undue advantage for their own interests over other businesses.

A letter dated April 4 from Cheri Doak, deputy administrator for the Labor Standards board stated, "Review of the evidence from the Commission meetings dating back to January 6, 2009 could uncov-

er no obvious violation of W.S. 16-6-188.

"While it is clear the community is small and there are many instances of interrelation between businesses, individuals and interests, a preponderance of the evidence does not lead to a conclusion that a violation has occurred," the letter stated.

Deputies arrest registered sex offender on seven felony counts involving minors

Hot Springs County Sheriff's deputies arrested Daniel Vern Keener, 56, on a Hot Springs County warrant, charging him with seven counts of sexual assault of a minor, all of which are felonies.

According to the jail roster for the Hot Springs County Detention Center, deputies arrested Keener on April 5 and he is currently being held on a \$100,000 bond.

According to the Wyoming Sexual Offender

Registry, Keener is a registered sex offender living in Hot Springs County who was convicted of lewdness involving a child on July 1, 1996, in Magna, Utah.

Sheriff Lou Falgoust said the warrant was issued as part of an old case that has been under investigation for quite some time.

For more information on Keener's registered sex offender profile, visit www.wysors.dci.wyo.gov.

Climbing toward good health



Kay Bjorklund learns the finer techniques of using the Versa Climber at the Gottsche Rehabilitation and Wellness Center booth during the Kiwanis Community Health Fair Saturday. Assisting her is Mike Kappus. —Cindy Glasson photo

State, county, town prepare for summer of roadwork

by J.D. Stetson

Residents may have already seen the first signs of the summer road construction season starting as orange-vested crews have worked the past two months northwest and south of town crack sealing and providing general road maintenance.

The Wyoming Department of Transportation (WYDOT) has issued a press release in honor of National Work Zone Awareness Week reminding motorists to slow down and pay attention as they come upon crews working around the state.

Within the past two years, more than 175 people around the state have been injured in crashes that occurred in work zones, and four out of five victims injured in the crashes have been motorists and not highway workers, according to the release.

WYDOT recommends drivers turn their headlights on in work zones, slow down, watch for signs and instructions from flaggers, avoid distractions such as cell phones and to be patient while crossing a work zone.

The agency expects mainly general maintenance such as chip sealing, crack sealing and patching this summer in Hot Springs County, said Cody Beers, WYDOT spokesman.

WYDOT has already started its district-wide crack sealing and maintenance upkeep for Hot Springs, Washakie, Park and Big Horn counties. The project entails crack sealing on Highway 120 west of Thermopolis and Highway 20 north and south of town.

"Thermopolis will be reasonably quiet this year," Beers said.

However, work will continue for maintenance and falling rock mitigation in the Wind River Canyon. Beers suggests drivers in the canyon be vigilant of work crews as they periodically remove fallen rock this spring and pay attention to advisories.

Next summer, WYDOT plans to start a \$2.12 million slope retention project in the canyon to fix about 11.34 miles of the road in isolated areas of the canyon, which will last through the spring, summer and fall.

The agency is planning to begin a pavement overlay and chip seal project on Black Mountain Road starting June 1 and running to July 1. Residents and workers should plan on traffic control

and delays to take place during the construction.

The \$3.2 million project, which will be conducted by contractor McGarvin-Moberly Construction, will entail overlays, grading, chip sealing and miscellaneous work. The contractor deadline for completion is Oct. 31.

The agency also could begin the Lane 3 project later this year, but plans are still preliminary for what portions of the project could get started first. It is a county road project paid for with a matching grant with the state and coordinated through WYDOT.

County roadwork

The Hot Springs County Road and Bridge Department may have to build a temporary road for Ryan Bros Trucking during the Lane 3 project, depending on which phase of the project is started first.

Road and bridge supervisor Ray Shaffer said the department will do what it can to minimize the inconvenience for local businesses and residents on Lane 3, but there are still unknowns with regard to what portions of the project could get started this year.

The department expects to spend at least \$250,000 this summer on in-house road projects, maintenance and upkeep for roads in the county. The amount of money spent on roadwork could get higher depending on how fast work progresses in the summer, Shaffer said.

The department plans to start a month-long project April 25 on Grass Creek Road to rebuild a section of the road to remove dangerous curves.

After Grass Creek is finished, the department expects later in the summer to widen and make drainage improvements to three miles of Buffalo Creek Road and to overlay five miles of Sand Draw Road. The department will also seal chip and provide road oil to 22 miles of county roads during the summer.

The department also plans to start replacing all county road signs under a federally mandated program. Shaffer expects the county will provide \$5,000 this summer for the project and will continue with another \$5,000 next summer, and so

It's gonna be close



From left, Sascha Mobbs, Stocktaw Evenston and Russell Gibbel watch their cars cross the finish line during the Boy Scouts Pinewood Derby last Friday at the LDS Church. Kyle Mosser's car finished first in the competition, with Ben Manning second and Mobbs third. Ryan Miller received the Best Workmanship Award and Logan Petty took honors for Most Unique with his Delorean. —Cindy Glasson photo

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