

Several community
events slated
for Saturday 3

Bobcat Invitational
in spotlight on
Friday at HSCHS 6

High school band,
choir, Overtones
excel at Festival 9

Spring Clean-Up
comes to close
on Friday 14

Thermopolis
Hot Springs

Independent Record

SPECIAL INTERNET PREVIEW VOLUME 113, No. 17, April 26, 2012 THERMOPOLIS, WY 82443 USPS 627-300 75¢

Nakamura Lane dispute discussed

by Cindy Glasson
The Hot Springs County Commissioners held a formal public hearing April 17 regarding a dispute over the use of Nakamura Lane north of Thermopolis.

Three years ago, the Nakamura Trust attempted to take a portion of the family's land and create a subdivision. Several obstacles prevented the trust from being able to proceed, and the commissioners denied approval of the request.

Mieko (Nakamura) Ayer began litigation, asking Nakamura Lane be considered a public rather than private road, stating the land had been used publicly for more than 100 years. The process would include condemning the private road and making it public, thereby giving the Nakamuras access to their family lands.

In the interim, a motion to dismiss the condemnation litigation was filed by attorney John Davis, representing Dr. Vernon Miller.

The lane is, in fact, owned by Miller. Although listed on maps in the assessor's office as a public road, legally, it is not. Fifth Judicial District Judge Steven Cranfill had already ruled the Nakamuras did not have access to the property via Nakamura Lane.

Dave Hooper, attorney for the trust, said attempts had been made to purchase a right-of-way to the land through Miller and Lofink, but it was felt the cost was unreasonable and the restrictions that were asked for were unacceptable.

Davis stated Hooper had not contacted him or the Millers, but he had sent a proposal to Hooper with a list of restrictions for the use of the lane — along with a dollar amount for the easement in an attempt to start a dialogue rather than spend time and money on multi-year litigation.

Under oath, Miller said he had purchased his property in 1987 and had no objection to Toshiro Nakamura, Ayer's brother, using the lane to get to the 18-acre family parcel, but the easement did not include the remaining 200 or so acres.

Miller also said his attorney had sent a letter to the trust with the list of restrictions and a price for the easement, but had never received any response from Hooper.

Hooper then questioned Ayer about the road access where she indicated she did not realize the family did not have access to the land until they attempted the subdivision.

"We had been there long before the Millers and the Lofinks," Ayer said. "When I found out we did not have legal access, I was shocked."

Commissioners' deliberation

A motion to dismiss the condemnation litigation by the Nakamura Trust was left up to the commissioners to decide first.

Commission Chair Brad Basse said he felt they needed to deny the motion to dismiss.

"If we go on with these proceedings, I think we'll be right back here again," he said.

Commissioner John Lumley agreed with Basse; however, Commissioner Mike Baker disagreed, saying the legal statute describes the need to show sufficient efforts.

"We need to see those sufficient efforts," Baker said. "Being shocked and then not responding does not show sufficient effort."

"Nothing appears in the record other than comments. No written description of the Ayers ever contacting the others to make an effort."

Davis reminded the commissioners a court had already determined the Nakamuras have no legal access to the land.

Hooper agreed, adding that the commissioners have the right to certify the case to district court, allowing a higher court to determine if there is an access and to what, if any, compensation the Millers and Lofinks would be entitled.

"Frankly," Hooper said, "we would like to see it sent to district court, simply for a matter of convenience."

Davis, on the other hand, said he and his client would like to see the commissioners maintain jurisdiction on the matter as they have some deep knowledge of the case, having handled the issue for the past three years.

The commissioners finally agreed to give both sides 10 days to present proposals that would hopefully be agreeable to both parties regarding an easement on the lane.

They will review the proposals during their next meeting, May 1.

Overtones sing and dance



Makayla Murdaugh, Kaylee Groh and Kendra Gerrells lead others in the Overtones Show Choir during the Pre-District Concert at the auditorium. The Overtones, choir and band all earned superior ratings at the District Festival. — J.D. Stetson photo

Daniels selected as TMS principal

by Joe Sovia
Breez Daniels will be the new Thermopolis Middle School principal for the 2012-13 school year, replacing Matt Spring. Daniels is currently instructional facilitator and director of technology in Hot Springs County School District No. 1. She will officially make the transition to TMS principal July 1.

The resignation of Spring and transition of Daniels to the principal position was unanimously approved by trustees during Thursday's regular board meeting.

Spring is completing his third year as TMS principal. He said Friday he had accepted a position in Sheridan County School District No. 1 as Tongue River Middle School principal. He will begin his duties in Ranchester on July 1.

With Daniels going to TMS, secondary science teacher London Jenks — in his second year in the district — has been approved as instructional facilitator and director of technology. He will retain his teaching duties at the high school.

Trustees Liz Mahoney, Joe Martinez and Hub Whitt were appointed to the committee to select a new high school principal, to replace Jason McArthur, who transitions to special services director July 1. There will also be district staff and parents on the committee.

Daniels, a 1987 graduate of Hot Springs County High School, is serving her third year as district instructional facilitator and is in her first year as tech-

nology director. Those positions were combined for the current 2011-12 school year. She has been in a partnership with Rick Engelbrecht, the district network specialist.



Breez Daniels

"He's a key player in technology in the district," Daniels said. "He understands the ins and outs of our infrastructure."

Dating back to her years of education at the University of Wyoming, Daniels had school administration in mind. She was an elementary education major with an emphasis on a middle school endorsement.

"It's an honor being a hometown person and going into a leadership role," she said of the TMS principal position. "Over the last three years, I have been very teacher-focused. I now have a bigger and broader scope of work with technology, students and parents."

Former RWE teacher

Daniels' first teaching position was as a computer specialist teacher at Ralph Witters Elementary in Thermopolis in 1996. After five years, her husband Troy's employment took the family to Gillette. She was employed by the Campbell County School District for three years. At Sage Valley Junior High, Daniels was reading strategy teacher for seventh and eighth graders and ninth-grade social studies teacher.

"It was a great assignment," she said, and it allowed her to complete her onsite internship for an

See Daniels on page 10

School trustees approve budget

by Joe Sovia
Hot Springs County School District No. 1 trustees approved a \$10.799 million General Fund preliminary budget for the 2012-13 school year during Thursday's regular meeting.

Good news for the district is that the new budget can be balanced without taking any money out of reserves, according to Business Manager Lisa Pearce.

"We were right on with projections. There were no surprises," she told trustees. "It's basically a 'status quo' funding level."

By that, Pearce meant the 2012-13 budget will be very similar to this year's budget.

Compared to 2012-13, the district was guaranteed to receive \$10.74 million for the General Fund for the current year.

"There were some vocational

dollars subtracted. It was give and take," Pearce said.

Based on estimates, the district will have about \$60,000 more in funding for 2012-13, partially because of a small increase in enrollment. Funding is based on a "three-year rolling average" of average daily (student) membership, or ADM.

See Budget on page 10

Prom king and queen



John Gibson and Rayann Lofink were crowned Prom king and queen during the Grand March. Also part of the royalty were Maggie Paris, Taylor Schwalbe, Colter Brown and Cody Shinost. — Joe Sovia photo

Hospital plans for 2012-13 budget

by J.D. Stetson
Hot Springs County Memorial Hospital plans to end the fiscal year with a net surplus of \$333,421.

The hospital's board of trustees met April 17 for its regular meeting where they were presented with projections for the end of the 2012 fiscal year in June and for next fiscal year's budget. The next fiscal year runs from July 1, 2012, to June 30, 2013.

The hospital anticipates ending the current fiscal year with \$13.5 million in operating revenues and \$13.7 million in expenses. The hospital also plans to end the year with \$451,814 in non-operating revenues, which can include grants, donations, tax subsidies, investment income and the county's annual contribution to the hospital.

For next fiscal year, the hospital anticipates \$14.4 million in operating revenues, \$772,000 in non-operating revenues and \$14.7 million in expenses. The net surplus is expected to be about \$555,254.

The hospital does not expect to see huge increases in its volumes in the next budget cycle, said Robin Roling, Chief Executive Officer (CEO), in a follow-up interview.

The hospital is requesting a \$200,000 contribution from the county, which would help pay for new computers, printers, point-of-care carts and a document scanning station.

The board was provided a full list of capital equipment requests; however, Roling said she and hospital staff still plan to go through the list in order to prioritize and further assess the requests.

Included in the list is the hospital's upgrade to ePharmacy, which is being paid for through a \$590,875 grant from the Leona M.

and Harry B. Helmsley Charitable Trust.

The ePharmacy will give doctors immediate access to a pharmacist — 24 hours a day, seven days a week. It covers the cost of new medication cabinets for the emergency room and ambulance, as well as equipment to connect doctors to the pharmacist.

Electronic medical records

The hospital is currently working to complete contracts with Billings Clinic and Cerner to join the regional system for electronic medical records.

Nationally, hospitals across the country have been encouraged to develop and initiate an electronic medical record system in order to improve accuracy and safety in health care delivery, Roling said.

The hospital has applied for grants in order to recoup the costs of implementing the system, but the hospital will only receive the grant money if the system is in place and it meets "meaningful use" criteria over a period of time established by the federal and state agencies.

The hospital does not expect the grant money will be available in the next fiscal year because they do not expect to reach "meaningful use" until the following fiscal year, 2013-14.

In the meantime, the hospital plans to enter into short-term financing to help cover the cost to install the system. It plans to repay the loans once the grant money is released to the hospital.

Telecommunications

Roling wants people in the community to know the hospital is working to address

an issue regarding contacting the hospital by phone.

In the past, the hospital has missed calls because either all of the circuits were full or hospital staff did not hear the call come in.

Roling said she herself has had calls to the hospital go unanswered and thinks the hospital can make the improvements necessary to improve the customer service.

The new goal is to have a new telecommunications system installed and operating by July 25 with a seamless transition between the two systems.

The new system should ensure all calls coming to the hospital are answered in a timely manner, Roling said.

Radiology

Roling reported the hospital also has made strides in its plans to provide radiology services after a contract runs out with Fremont Radiology April 28.

Hospital staff has worked diligently to prepare for the deadline. The hospital has a pending contract with Dr. John Bramble of Banner Health to provide radiology services four days a week, with two half-days at the hospital, and the remainder of the time through teleradiology services.

The agreement is part of a larger partnership with Washakie Medical Center.

The hospital also signed a contract with vRad, a national teleradiology company, to provide teleradiology services to the hospital when Bramble is not available.

The hospital expects Bramble to be able to begin work at the hospital April 30.

"We had all hands on deck to get the process going," Roling said.

Daniels

administration endorsement (21 credit hours) in 2004. She had already earned her master's degree in curriculum and instruction.

Then the Daniels family moved back to Hot Springs County from a "niche-oriented" community.

"I wanted our kids to have a small-town school experience," she said, and wanted them to have the full extracurricular experience, which include sports and agriculture programs, such as FFA.

"As a mom, I thought it would not be a conscious effort to make that career move (to administration) until they were older," she said. Steth will graduate from UW on May 5 and SashAnn is a UW freshman. Strite is in sixth grade at TMS.

From 2001 to 2011, Daniels taught graduate courses to teachers across the United States for Lesley University. She taught three-credit-hour courses to teachers in Washington, New Mexico, Georgia, Alaska and 12 other states in a Friday-Sunday format.

"This was an amazing opportunity to travel and meet teachers, see their schools and hear their perspectives. It gives me a true understanding of how fortunate we are in Wyoming to have our amazing facilities and funding for education," Daniels said.

She is enthused about the opportunity for her at TMS.

"The staff there is very dedicated," Daniels said. "We have a good mix of veterans and newbies. It will be a good team to join."

With the second year of the four-

TMS Principal Matt Spring has resigned to accept the same position at Tongue River Middle School. See the story on page 8 for details.

and-a-half day school week coming up in 2012-13, it will be a challenge to schedule and create a good impact, she said.

"The Lights On (Afterschool) Program is fantastic," Daniels said.

from page 1

"There is an academic flair and focus and it will still be entertaining (for students). It's a huge benefit for our community."

Staff shuffling

During action taken by the board pertaining to staffing recommendations, trustees accepted the resignation of kindergarten teacher Sarah Spring, who is leaving the district with her husband, Matt Spring.

With the retirement of high school librarian Cindy Toth, the transfer of Mary Myers to that position was approved. Kristin Francisco was transferred to elementary reading specialist/coach and TMS Read 180 teacher. Donna Daniels, who is teaching secondary math and science, will teach science full time for the 2012-13 school year.

Trustees also approved the hiring of Jesus Davila as a secondary math teacher for 2012-13 and John Cramer for a summer student work position at the bus garage, effective May 25.



Kendra Gerrells sings Ave Maria during the Pre-District Concert last week.

Budget

from page 1

The state funding model is "cost based," according to Pearce.

With "programmatic" adjustments, the district will be able to eliminate a projected \$251,000 deficit for 2012-13. And that will allow the district to authorize "steps and lanes" for teachers. A full-time middle school social studies position will be reduced to .43 FTE (full-time equivalent) for the next school year after being elevated from that level to full time last fall.

"We accomplished our goal and we did it with no RIFs (reduction in force)," Pearce said.

Pearce said there would be about \$1.1 million in special revenues in 2012-13, but Wyoming school districts will not receive any more ARRA (American Recovery and Reinvestment Act) funding. Those funds ended with the 2011-12 school year.

In shuffling of district funds, \$400,000 was moved from the Capital Construction account to the General Fund, then the money was moved to Depreciation Reserve. The district was unable to transfer another \$284,000 from Capital Construction due to Wyoming Department of Education restrictions.

The new budget will include a 4 percent increase for health insurance for district employees, and Pearce said dental and vision insurance costs would rise by 7 percent. The district contributes a flat dollar amount and the State of Wyoming kicks in some funding as well, she said.


Pearce pointed out there has not been an external cost adjustment, or ECA, from the State the last four school years.

"Every district in the state is going through the same situation," she said of restricted funding for public education in Wyoming. "We've been proactive."

Trustees will approve the final budget for 2012-13 during their July board meeting.

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UROLOGY Update



by
Gregory S. Stewart, M.D.
Board Certified Urologist

RECIPE FOR REDUCED RISK

In recent years, the incidence of prostate cancer has begun to drop and survival rates are rising. As a possible means of lowering risk, avoid a high-fat diet, especially one rich in red meat and other sources of animal fat. Eat lots of fruits, vegetables, and grains. Plant foods are rich in vitamins and various phytochemicals that may be protective. In particular, eat tomatoes and tomato sauce. The carotenoid lycopene appears to help prevent prostate cancer, and tomatoes contain the most lycopene. Consume more selenium from such sources as fish, whole grains, and Brazil nuts. Vitamin E supplements, especially those containing "mixed tocopherols" may help. This vitamin also works with selenium. Adequate vitamin D may also be protective.

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