

12:09 PM 01/28/10

**OFFICIAL PROCEEDINGS OF THE BOARD OF  
COUNTY COMMISSIONERS, TETON COUNTY, WYOMING**

The Board of County Commissioners, Teton County, WY met in special session at 1:30 p.m. in the Commissioners Chambers, **January 20, 2010**, Teton County Administration Building.

Present: Hank Phibbs - Chairman, Andy Schwartz, Leland Christensen, Ben Ellis, and Paul Vogelheim - Commissioners. Sherry Daigle – County Clerk, Keith Gingery – County Civil Attorney, Wayne Neal – Roads and Levee, Steve Foster – County Commissioners Administrator and Sandy Birdyshaw – Deputy Clerk.

Chairman Phibbs called the meeting to order at 1:38 p.m.

**MATTERS FROM COMMISSION AND STAFF**

**1. Consideration of Teton County Snow Plowing Contract with Guthrie Construction**

Mr. Phibbs restated the issue brought up in yesterday's regular meeting relating to a snow plowing contract held with Guthrie Construction.

Mr. Neal, Road and Levee Superintendent addressed the Board. He feels that there has been negligence in the plowing so far this year. Mr. Guthrie is in the fourth year of a five year contract. During the first two years of the contract the road department had no complaints, in the third year complaints began coming as Guthrie's personnel diminished. This year there is no personnel to help maintain the contract. The snow plow contract calls for safe roads from 3am to 9pm and road checks to maintain the safety of the road. Mr. Neal reviewed the resident complaints that had been received this snow season. On January 19<sup>th</sup>, the roads department did road checks on Moulton Loop and Spring Gulch. Neither road had been plowed and contained 5 inches of snow with 12 inch drifts. At that time, an alternate snow plow contractor was called to clear the roads.

Mr. Guthrie spoke to the Board and stated he did not bring his daily log to affirm the events that Mr. Neal stated. Mr. Guthrie said he was unclear as to the exact time of day he was required to have the roads clear. He said he met Yellow Iron yesterday morning while he was plowing Moulton Loop. He said his level of service has not changed over the past four years. He stated the roads had not been impassable in the last four years.

Mr. Vogelheim asked Mr. Guthrie when he last plowed Moulton Loop. Mr. Guthrie said it is a secondary road and described his path for plowing. Mr. Vogelheim said he was on Moulton Loop Monday night and he slid off the road. Mr. Guthrie said he had plowed it on Monday. Mr. Vogelheim asked what has changed for him since the first two years. Mr. Guthrie stated nothing had changed; he has always done the plowing himself.

Mr. Ellis stated the times listed in the contract are to maintain safe county roads between those times. Mr. Guthrie understood that to mean passable. He asked who determines what safe travel is. Mr. Ellis asked how he was managing his private contracts along side county contracts. Mr. Guthrie stated Spring Creek is his only other contract and it depends on the storm. He will normally do the south end of Spring Creek first and then the county roads next and then the secondary roads. He said he is willing to change his path if needed.

Mr. Schwartz asked about prior conversations with Mr. Neal on complaints. Mr. Guthrie said he -- Mr. Schwartz -- Mr. Guthrie said he was on spring -- road at 445am yesterday and there was only a couple inches of snow. Mr. Guthrie said prior year complaints had come in from one individual who had a hidden agenda.

Mr. Vogelheim asked Mr. Neal about his meeting with Mr. Guthrie in December – were the complaints that have come in since then been from one person? Mr. Neal said no, they have been from multiple persons. Mr. Neal went over the complaints on the two other plowing contractors, which were 2 complaints. The Road Department has received nine complaints this snow year on Mr. Guthrie since December 8<sup>th</sup>.

Mr. Phibbs stated his understanding of the county contracts are clear - roads are to be clear between 3am and 9pm to permit safe travel. Mr. Neal read the exact contract language.

Mr. Phibbs asked if contractors are given direction at the beginning of each snow year. Mr. Neal stated each contract states plowing is not required to start until the snow depth is 3 inches. Mr. Guthrie stated they are not required to go out unless there is a 2 inch snowfall with a 3 inch snow pack on the road.

There was discussion amongst the Board about the action to take today, whether to cancel the contract or give strict stipulations to go forward with.

No action was taken.

**ADJOURNMENT**

Mr. Schwartz moved for adjournment, seconded by Mr. Christensen and the Motion passed unanimously. Meeting adjourned at 2:21 p.m.

TETON COUNTY BOARD OF COMMISSIONERS

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Hank Phibbs, Chair

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Ben Ellis, Vice-Chair

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Andy Schwartz, Commissioner

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Paul Vogelheim, Commissioner

ATTEST:

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Sherry L. Daigle, Clerk

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Leland Christensen, Commissioner