

STATE OF WYOMING)
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COUNTY OF HOT SPRINGS)
OFFICE OF THE BOARD OF
COUNTY COMMISSIONERS
THERMOPOLIS, WYOMING
September 15, 2015

The Hot Springs Board of County Commissioners met in regular session on Tuesday, September 15, 2015 at 4:00 p.m. in the Public Meeting Room at the Government Annex. Present were Commissioners Brad Basse and Tom Ryan. Commissioner John Lumley joined the meeting by phone when his vote was required. Also present were County Clerk Nina Webber, County Attorney Jerry Williams and Administrative Assistant to the Commissioners Penny Herdt. Chairman Basse led those present in the Pledge of Allegiance. Chairman Basse noted that regular Parliamentary Procedure would be suspended in the absence of Commissioner Lumley

Approval of Agenda

Tom Ryan moved to approve the agenda with the following changes:

- ADD:** Executive Session for reasons of Potential Litigation immediately following the Agenda Approval
- 1.B.ii. Retraction of AIP 05/THP 11F RFR's #4,5,6 – Consider Revised RFR #4
 - 1.C.i. Formal Bid Protest – Seneca Companies
 - 4.5 Bid Opening – ADA Restroom Remodel

Brad Basse seconded the motion. Motion carried.

Executive Session #1

Tom Ryan moved to enter into Executive Session for reasons of potential litigation at 4:05 p.m. Brad Basse seconded the motion. Motion carried. Those present at the Executive Session included Commissioners Basse and Ryan, Clerk Webber, GDA representatives Gilb and Spomer and Admin Herdt. Tom Ryan moved to leave Executive Session at 4:20 p.m. Brad Basse seconded the motion. Motion carried. No action was taken during or as the result of the Executive Session.

Airport Update

Sealcoat & Marking Project Update – Mr. Gilb reported that the final coat of paint will be applied to the runway/airfield on September 21st and 22nd.

Phase V Update

Change Order No. 2 – Mr. Gilb presented Change Order No. 2 for the Commissioners' consideration. This change order changes the AWOS transformer to an outside installation, includes a change in the type of gravel course and changes the milestone date of the contract from October 2, 2015 to October 16, 2015. Tom Ryan moved approval of Change Order No. 2 for the Phase V Airfield Lighting & NAVAIDS project changing the milestone date to October 16, 2015, and changing the location of the AWOS Transformer for a total amount of \$6,322.00 contingent upon FAA approval. Brad Basse seconded the motion. Motion carried.

Rescission of AIP 05 / THP 11F Requests for Reimbursement #'s 4, 5 & 6 – Mr. Gilb reported that, due to a change in the procedures for grant reimbursement submittals after a staffing change at the WYDOT, they would like to rescind RFR #'s 4, 5 & 6 and submit a revised RFR #4 in their place. Commissioner Lumley joined the meeting by phone for this discussion.

John Lumley moved to rescind FAA Project 3-56-0043-05 RFR #4 as presented at the August 18, 2015 meeting. Tom Ryan seconded the motion. Motion carried. John Lumley moved to rescind WYDOT-Aeronautics Division Project ATHP-11F RFR #4 as presented at the August 18, 2015 meeting. Tom Ryan seconded the motion. Motion carried.

John Lumley moved to rescind FAA Project 3-56-0043-05 RFR #5 as presented at the September 1, 2015 meeting. Tom Ryan seconded the motion. Motion carried. Tom Ryan moved to rescind WYDOT-Aeronautics Division Project ATHP-11F RFR #5 as presented at the September 1, 2015 meeting. John Lumley seconded the motion. Motion carried.

Tom Ryan moved to rescind FAA Project 3-56-0043-05 RFR #6 as presented at the September 1, 2015 meeting. John Lumley seconded the motion. Motion carried. John Lumley moved to rescind WYDOT-Aeronautics Division Project ATHP-11F RFR #6 as presented at the September 1, 2015 meeting. Tom Ryan seconded the motion. Motion carried. Commissioner Lumley left the meeting at this time.

Tom Ryan moved to approve FAA Project 3-56-0043-05 RFR #4 - Revised in the amount of \$168,077.19. Brad Basse seconded the motion. Motion carried. Tom Ryan moved to approve WYDOT-

Aeronautics Division Project ATHP-11F RFR #4 – Revised in the amount of \$14,940.20. Brad Basse seconded the motion. Motion carried.

Fuel Tank Procurement – Seneca Companies, the apparent second low bidder on the fuel tank procurement project, has filed a formal protest regarding the apparent low bidder, Mountain West Construction. Mr. Gilb indicated that GDA still reviewing all the bids and is not ready to make a formal recommendation of award at this time. Action on the contract award was tabled until a formal Recommendation of Award is received.

Underdrain Project – The bid documents for the underdrain project required to manage the seep issue will be released on Thursday, September 17th. Bid opening will be October 7th, the contract will be awarded on October 20th, and construction is scheduled to start November 9th

SRE Building Update

Change Order No. 5 – This change order includes the addition of metal canopy soffits, installation of additional conduit, a roof-mounted flag pole light and installation of CAT-6 Cabling and termination of 27 drops. Commissioner Lumley joined the meeting by phone for this discussion. Tom Ryan moved to approve Change Order No. 5 to the SRE Terminal Building project for the changes as listed in the document in the amount of \$9,130.80, and adding ten days to the contract time for a completion date of October 26, 2015. John Lumley seconded the motion. Chairman Basse abstained from voting due to his status as a subcontractor on the project. Motion carried.

Landscaping – The landscaping for the building is not a SLIB-eligible expense, but would be covered under the WYDOT Aeronautics grant. Only one proposal has been received for the landscaping at this time. There was no response to the solicitation from any local entities. GDA will continue to work on this.

Furniture, Fixtures & Equipment – Shop equipment is grant-eligible, but furniture and equipment for the office is not. GDA will investigate what equipment is needed for the shop and will develop a list of furniture and fixtures for the office portion of the building

Airport Sign – Mr. Spomer has obtained several quotes for the new airport sign panel. Signs of Sutherland in Worland seems to have the best price. Tom Ryan moved to allow GDA to enter into an agreement for the airport sign panel with Signs of Sutherland for an amount not to exceed \$2,000.00. Brad Basse seconded the motion. Discussion: the solar lighting for the sign will not be completely installed until after the sign is in place to allow for proper placement of the lights. Motion carried.

Grand Opening – Mr. Spomer reported that the airport has been assigned the call letters “HSG” at this time. Form 5010 will be issued establishing the presence of the airport on October 15th, but a NOTAM will be issued concurrently stating that the airport will remain closed until further notice. Chairman Basse will complete the NOTAM certification application as the County representative to issue NOTAM’s. Certification will take about a week. More users will be added at a later date.

T- Hangar Update – Mr. Spomer presented the layout labeled Exhibit A – Hangar Blocks B & C which establishes the T-hangar placements and lease lot dimensions. Lot B-2 (small) and Lot B-1 (large) will be the initial lots assigned and the lots will be assigned sequentially thereafter as the leases are received. Tom Ryan moved to approve Exhibit A – Hangar Blocks B & C. Brad Basse seconded the motion. Discussion: Exhibit A will be recorded in the Clerk’s office and fire numbers will be assigned to each lot. Motion carried.

Aeronautics Commission Meeting – Mr. Spomer notified the Commissioners that they will have a ten minute time slot to address the Commission on September 30th. A specific time will be identified next week.

Tenant Notification – Final day for tenants who wish to purchase/move their T-hangars is today. The T-hangars may be moved to the new airport as soon as all the lease/purchase paperwork has been signed and payment made. Tenants will be asked to avoid any construction work on November 7th. The Commissioners authorized GDA to act as the County’s representative to help resolve any problems that may arise during the relocation of the T-hangars to the new airport property until the new FBO is in place.

FBO Selection – Tom Ryan moved to approve the FBO Agreement between Hot Springs County and Nate Messenger, dba Owl Creek Aviation, contingent upon review and approval of the agreement by the County Attorney. Brad Basse seconded the motion. Discussion: terms of the three-year agreement include payment to OCA of \$93,384.00 the first year (pro-rated from 7/1/15), \$87,384.00 the second year, and \$84,384.00 the third year. Fuel handling fee will be \$0.25/gallon. Utilities for the SRE Terminal building will be paid two-thirds by the County and one-third by OCA. Equipment fuel costs will also be split two-thirds to the County and one-third to OCA. Water costs will be borne by the County. Beginning date for the agreement is October 19, 2015. Motion carried.

Public Hearing – Liquor License Application – Cindy Ellison

Chairman Basse declared the public hearing for Cindy Ellison’s application for a new retail liquor license open at 6:06 p.m. Clerk Webber reported that all the necessary paperwork has been filed and the fee has been received. After three calls for public comment, receiving none, Chairman Basse declared the public hearing closed at 6:08 p.m. Tom Ryan moved to approve the retail liquor license from Cindy Ellison. Brad Basse seconded the motion. Motion carried.

Public Hearing – Liquor License Renewal Application – Stone’s Throw Restaurant

Chairman Basse declared the public hearing for Jennifer Fisher’s (dba Stone’s Throw Restaurant & Bar) application to renew her retail liquor license open at 6:09 p.m. Clerk Webber reported that all the necessary paperwork has been filed and the fee has been received. A check with local law enforcement did not reveal any complaints connected to the restaurant in the past year. After three calls for public comment, receiving none, Chairman Basse declared the public hearing closed at 6:11 p.m. Tom Ryan moved to approve the retail liquor license renewal application for Jennifer Fisher, dba Stone’s Throw Restaurant & Bar. Brad Basse seconded the motion. Motion carried.

Tax Rebate Correction

Assessor Shelley Deromedi submitted the following correction to a previously approved tax rebate:

1. Rebate #13-15A – Parcel #6748 for tax year 2015 (District 101) – WYO-BEN, INC. – Bentonite Production at Lucerne-Thermopolis Pit, Group #098540 during 2014 - DOR NOVC 2015-0534 – WYO-BEN filed an amended return to correct fiscal year reporting to calendar year reporting, resulting in overassessment in District 0101 for tax year 2015 in the amount of 74,074. This necessitates a rebate of taxes in the amount of **\$5,333.63**, not the **\$6,510.09** which was noted on the original rebate #13-15.

Tom Ryan moved to cancel Rebate #13-15 and approve Rebate #13-15A to WYO-Ben for parcel #6748, tax year 2015 in the amount of \$5,333.63. Brad Basse seconded the motion. Motion carried.

ADA Restroom Bid Opening

One bid was received in response to the advertising for proposals to convert the downstairs restroom to a unisex, ADA compliant restroom. The bid was from Patterson Construction in the amount of \$6,840.00, with an estimated completion date of 11/15/15. Chuck Carver will review the bid and return with a recommendation of award at the October 6th meeting.

Owl Creek Hill Road Signage Request

The Commissioners received a letter from a landowner on Owl Creek Hill Road requesting that the County place signage advising users to stay on the paved road at all times. Road & Bridge Supervisor Dave Schlager stated that he was concerned that a sign would be vandalized and might be seen by some as a challenge rather than a request. Road & Bridge personnel will continue to monitor the situation and try to keep any dumped items picked up.

D.A.R. Constitution Week Proclamation

Clerk Webber presented a proclamation for the Commissioners’ signature declaring September 17-23 as Constitution Week in Hot Springs County. This proclamation was requested by the area chapter of the D.A.R., but no one from the group was able to attend this meeting. Tom Ryan moved to sign a proclamation declaring Constitution Week as follows:

**HOT SPRINGS COUNTY COMMISSIONERS
PROCLAMATION DECLARING
SEPTEMBER 17-23, 2015 AS
CONSTITUTION WEEK**

- o **WHEREAS:** September 17, 2015 marks the two hundred twenty-eighth anniversary of the drafting of the Constitution of the United States of America by the Constitutional convention, and
- o **WHEREAS:** It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion, and
- o **WHEREAS:** Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

- o **NOW, THEREFORE**, We, the undersigned County Commissioners of Hot Springs County, Wyoming, **DO HEREBY PROCLAIM** the week of **September 17-23, 2015** as

CONSTITUTION WEEK

And ask our citizens to reaffirm the ideals that the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

- o IN WITNESS WHEREOF, we have hereunto set our hand, and caused the Seal of the County of Hot Springs, Wyoming to be affixed On this 15th day of September, in the year of our Lord, Two Thousand Fifteen.

ATTEST:

Brad Basse, Chairman
John P. Lumley, Vice-Chairman
Tom Ryan, Commissioner

Nina Webber, County Clerk

Brad Basse seconded the motion. Motion carried.

Other Business

Ratify TCT West Installation Request – To meet the construction deadline, with the concurrence of the other Commissioners, Chairman Basse signed the TCT West installation request form last week. Tom Ryan moved to ratify Chairman Basse’s signature on the installation request form with TCT West. Brad Basse seconded the motion. Motion carried.

Approach Agreement – Nelson – Barry Nelson has applied for an Approach Agreement permit for Lot 19 in the Bobcat Storage subdivision on Lane 12. R&B Supervisor Dave Schlager has reviewed the location and has no objections to the permit. Tom Ryan moved to approve the Approach Agreement between Hot Springs County and Barry Nelson for an approach on Lane 12 to Lot 19 in the Bobcat Storage Subdivision. Brad Basse seconded the motion. Discussion: The required fee was submitted with the application. Motion carried.

Approach Agreement – Basse – In the absence of a quorum of Commissioners eligible to vote on this item, it was tabled to the October 6th meeting.

Approach Agreement – Wallingford – Doug Wallingford has applied for an Approach Agreement permit for an approach on County Road 15-21 (Skelton Road) located approximately ¼ mile from the start of Skelton Road. R&B Supervisor Dave Schlager has reviewed the location and has no objections to the permit. Tom Ryan moved to approve the Approach Agreement between Hot Springs County and Doug Wallingford for the approach on Skelton Road as described in the permit application. Brad Basse seconded the motion. Discussion: the required fee was submitted with the application. Motion carried.

Correspondence

- Fair Board Minutes** – August, 2015
- Library Board Minutes** – August, 2015
- NRPC Minutes** – August, 2015
- Airport Operations Report** – August, 2015

The Commissioners reviewed the foregoing correspondence items. No further action was required.

Executive Session #2

Tom Ryan moved to enter Executive Session for reasons of potential litigation at 6:38 p.m. Brad Basse seconded the motion. Motion carried. Those present for the Executive Session were Commissioners Basse and Lumley, Clerk Webber, County Attorney Williams and Admin Herdt. Tom Ryan moved to leave Executive Session at 6:48 p.m. No action was taken during or as the result of the Executive Session.

JT Aviation Contract Review

JT Aviation representatives Tim and Sylvia Lippincott and Shawn and Jerry Fields met with the Commissioners to discuss termination of the FBO contract at the old airport. Jerry indicated that there is only about 300 gallons of fuel left in the tank. Tim agreed to purchase fuel for his plane elsewhere until the new airport is open, which would allow the fuel currently in the tank to last until the old airport officially closes. The County will purchase whatever fuel remains in the tank when the old airport closes. Agreement was reached to officially close the old airport on December 1, 2015. The County Attorney will draw up a formal document terminating the contract between JTA and the County by mutual agreement as of December 1, 2015 for signature by both parties.

Adjourn

There being no further business to come before the board, Tom Ryan moved to adjourn. Brad Basse declared the meeting adjourned at 7:06 p.m.

ATTEST:

Brad Basse, Chairman

Nina Webber, Clerk to the Board