

WHEREAS, the Board of County Commissioners received a request from the Hot Springs County Memorial Hospital Board on July 16, 2013 to conduct a public hearing to allow public comment on whether a hospital district formation election should be held, and

WHEREAS, the Board of County Commissioners held said public hearing on August 20, 2013, and

WHEREAS, Wyoming Statute §35-2-401(d)(i) gives the Board of Commissioners of Hot Springs County the authority to submit the question of establishing the special hospital district to the electors of the proposed district by resolution, and

WHEREAS, the proposed district boundaries shall be the entire County of Hot Springs, and

WHEREAS, the proposed district shall be named Hot Springs County Hospital District, and

WHEREAS, a special formation and initial district director election authorized under Wyoming Statute §22-21-103 shall be held on November 5, 2013.

NOW THEREFORE BE IT RESOLVED, that the Board of Commissioners of Hot Springs County hereby order the Hot Springs County Clerk to conduct an election on November 5, 2013 and submit the question of formation for a Special Hospital District and the election of the initial district directors to the electors of Hot Springs County.

Signed on this 20th day of August A.D. 2013

Brad W. Basse, Chairman
Mike Baker, Vice-Chairman
John P. Lumley, Commissioner

ATTEST:
Hans Odde, County Clerk

Mike Baker seconded the motion. Discussion: Commissioner Baker stated that he feels strongly that the hospital district issue should be placed before the voters, but he believes waiting until the General Election in November, 2014 will result in a more educated electorate and higher voter turnout than placing it before the voters in a Special Election held in November, 2013. Commissioner Baker also stressed that he feels there is a great deal of confusion regarding the separation of the hospital district establishment issue from the issue of the need for a new hospital, and that delaying the election until next year would allow time for clarification of these issues in the minds of the voters. Commissioner Lumley agreed with Commissioner Baker regarding the confusion over the two issues, but did not feel that postponing the election for a year would make an appreciable difference in the level of voter education. Chairman Basse expressed the hope that personal and business issues regarding support or lack thereof for the hospital district could be separated in the voter's minds. He stated that he would like to see the issue put before the voters when it has the best chance of passing the first time, and he believes November 5, 2013 is that time. The question was called. Commissioner Baker voted nay, Commissioner Lumley voted aye and Chairman Basse broke the tie with an aye vote. Motion carried.

Fred Carey – EDC Issues

Fred Carey, owner of Riverbend Sheet Metal, appeared before the Commissioners to express his unhappiness over the actions of the Thermopolis-Hot Springs County Economic Development Company in his recent dealings with them. Mr. Carey had purchased a lot from the EDC in the Red Rock Commercial Center earlier this year and has now sold the lot back to the EDC after he was unable to get financing to proceed with his business plans. Mr. Carey asked to go on record as being in total opposition to the funding set aside for the EDC in the 2013-2014 County Budget. Mr. Carey also expressed interest in the open board position on the EDC board resulting from the recent resignation of one of its members. The Commissioners explained the budget process to Mr. Carey and explained that they have no oversight authority for the EDC. It was suggested that Mr. Carey speak to the EDC Board members regarding his desire to serve as a board member.

WYECIP Update

TRANE representatives Kim Ketchum and Dan Marshall appeared before the Commissioners to announce that the Hot Springs County Energy Performance Contract is essentially complete.

Final commissioning and completion is anticipated by August 30th. Chuck Carver agreed with Ms. Ketchum and Mr. Marshall regarding the level of completion on the project. The next step in the process will be a final walkthrough with TRANE representatives and County representatives prior to the signing of the Certificate of Substantial Completion at the September 3, 2013 meeting. This walkthrough is scheduled for Tuesday, August 27th, at 2:00 p.m. After the final commissioning is complete, a measurements and validation team will be assigned to perform semi-annual reviews to ensure the county is achieving the contracted energy savings from the WYECIP project. Ms. Ketchum assured the Commissioners that a hand-off meeting will be arranged as soon as the M&V team has been assigned. Discussion ensued regarding individual control over the thermostats, as this has become a contentious issue in several offices. Ms. Ketchum suggested that this issue would be more efficiently discussed during the walkthrough next week.

Keypad Security System – Airport

Tim Lippincott and Jerry Fields appeared to update the Commissioners on current operations at the airport. There have been some problems with the fuel pumps, but at present they are working fine. Two airplanes have moved off the airport and one has moved on. Tim and Jerry have investigated pricing for a keypad security system for the airport gate and have come to the conclusion that Jadeco's bid is the lowest at \$250.00. Jadeco will proceed with installation of a keypad security system for the airport gate. Jerry asked about the radios discussed at an earlier meeting. Clerk Odde will check with Bill Gordon and let Jerry know as soon as possible.

Airport Update

Phase II – Jeremy Gilb reported that the contractor has finally provided an official request and justification for 21 additional days to achieve substantial completion of the Phase II project. Mr. Gilb does not believe that number is justified at this time. He will continue to investigate this and will present a change order for Commissioner approval at the next meeting. Commissioner Baker asked for a delineation of additional costs incurred for GDA's services above the contracted amount versus the amount budgeted for liquidated damages to accompany the change order when it is submitted for consideration. Regarding the sub-grade preparation for the parallel taxiway portion of the contract, the contractor has asked to reduce the amount of surveying and density testing and the specification on the smoothness testing. GDA recommends a reduction in the smoothness testing spec, but not in the amount of surveying and density testing and will submit a change order for this at the next meeting. The FAA and WYDOT have already agreed to these changes. Mr. Gilb asked the Commissioners to be thinking about a date for the final walkthrough for the Phase II project sometime in the latter part of September. No firm date was set at this time.

Phase III – Mr. Gilb reported that the contractor has agreed to extend the bid hold date by 30 days to September 15th. The FAA is still confident that Hot Springs County will receive funding in the third round of federal funding, which they expect to be released before the end of September.

Relocation Issues – Dustin Spomer reviewed the letter sent to the Commissioners by Michelle Colby, the attorney working with Joe Holden and Hot Springs County as a disinterested third party assisting with the land acquisition/relocation process. Ms. Colby has been under contract to Mr. Holden and has expended the amount agreed upon for her services. In her letter, Ms. Colby outlined the work done so far, proposed a scope and fee schedule for the remaining work to be done, and requested that her new contract be with the Commissioners rather than with the Holdens to ensure grant eligibility for the remaining work. Mr. Spomer suggested that the county go ahead with the contract with Ms. Colby to complete the work on the relocation process, as it appears that all of Ms. Colby's work will be reimbursable under the terms of the airport grants. Mike Baker moved to accept the terms and conditions of the letter dated July 15, 2013 to Hans Odde from Michelle Colby establishing a contract between Hot Springs County and DOWL HKM

for relocation assistance with the Holden property in the amount of \$21,790.00, contingent upon approval of the contract by the FAA and WYDOT Aeronautics. Brad Basse seconded the motion. Motion carried.

Mr. Spomer reported that Holdens have yet to sign the easement agreements with the County for water lines and utilities as approved at the May 21st meeting. If the remnant Holden property is sold without the easements signed and recorded, negotiations will have to start over with a new owner. After some discussion, Mike Baker moved to file the appropriate notice to the public that there exists an unexecuted contract between Hot Springs County and the Holdens containing easement requirements applicable to the remnant parcel as described in the unexecuted contract. Brad Basse seconded the motion. Motion carried.

Award Plow Truck Bid

After reviewing the bids opened on August 6, 2013 for the Road & Bridge plow truck for accuracy and completeness, R&B Supervisor Ray Shaffer recommended acceptance of the bid from Jack's Truck & Equipment for a Freightliner truck as specified in JTE's bid with the 380 horsepower engine option for a total price of \$150,166.00. After reviewing the complete specifications with Mr. Shaffer, Mike Baker moved to approve the purchase of a plow truck from Jack's Truck & Equipment as bid with the 380 hp engine option in the amount of \$150,166.00, funds to come from the Rolling Stock line item. Brad Basse seconded the motion. Motion carried.

Consider Road & Bridge Tractor Purchase

Road & Bridge Supervisor Ray Shaffer informed the Commissioners that his department has located a tractor to replace the old tractor used to pull the mowing equipment. The used New Holland 62 hp tractor is available from the local WYDOT shop at a cost of \$5,411.50. Mr. Shaffer requested permission to purchase the tractor using funds from the Rolling Stock line item. After some discussion, Mike Baker moved to approve the purchase of the New Holland tractor from WYDOT for an amount not to exceed \$5,500.00, with funds to come from the Rolling Stock line item. Brad Basse seconded the motion. Motion carried.

Consider Kodiak Petroleum Approach Permit Application

Kodiak Petroleum filed an approach permit application for an approach on East Sunnyside (County Road 27E). R&B Supervisor Shaffer has reviewed the application and approved it. All required fees have been received. Mike Baker moved approval of the Approach Agreement between Hot Springs County and Kodiak Petroleum for an approach to be located on County Road 27E approximately 0.3 miles from the start of said County Road. Brad Basse seconded the motion. Motion carried.

WYDOT Guardrail Discussion

R&B Supervisor Ray Shaffer reported that he has been approached by local WYDOT officials with an offer to sell recently-removed guardrails and posts to the county at scrap prices. The Commissioners authorized Mr. Shaffer to purchase the material if he feels the county will have a use for it and has the money available in his budget to purchase it.

Correspondence

BHBND Board Minutes – July, 2013

Library Board Minutes – July, 2013

NRPC Minutes – June, 2013

Fair Board Minutes – July, 2013

Museum Board Minutes – July, 2013

HSC Planner – Blough Letter re: Riverine Boundaries

Spectra Energy – Express-Platte Pipeline Information/Emergency Procedures

Executive Session – Personnel Issues

Mike Baker moved to enter Executive Session for reasons of potential litigation at 8:00 p.m. Brad Basse seconded the motion. Motion carried. Those present at the Executive Session were Commissioners Basse and Baker, County Attorney Williams, Clerk Odde, Deputy Clerk Karen Slocum, Maintenance Foreman Chuck Carver, and Administrative Assistant Herdt. Mike Baker moved to leave Executive Session at 8:37 p.m. Brad Basse seconded the motion. Motion carried. No formal action was taken during or as a result of the Executive Session.

Adjournment

There being no further business to come before the Board of County Commissioners at this time, Mike Baker moved to adjourn. Chairman Basse declared the meeting adjourned at 8:40 p.m.

ATTEST:

Brad Basse, Chairman

Hans Odde, County Clerk