

STATE OF WYOMING            )  
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COUNTY OF HOT SPRINGS    )  
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OFFICE OF THE BOARD OF  
COUNTY COMMISSIONERS  
THERMOPOLIS, WYOMING  
January 15, 2013

The Hot Springs Board of County Commissioners met in regular session on Tuesday, January 15, 2013 at 4:00 p.m. in the Public Meeting Room at the Government Annex.

Present were Commissioners Brad Basse, John Lumley and Mike Baker. Also present were County Attorney Jerry Williams, County Clerk Hans Odde and Administrative Assistant to the Commissioners Penny Herdt.

Chairman Basse led those present in the Pledge of Allegiance.

**Approval of Agenda**

Mike Baker moved to approve the agenda with the following changes:

- ADD:** Commissioners            Consider Appointment of County Treasurer prior to Item 1 at  
  4:05 p.m.  
          Other Business            2. Consider Vacation of Crowley Air Service Contract

John Lumley seconded the motion. Motion carried.

**Consider Treasurer Appointment**

At the request of Chairman Basse, Republican Central Committee representatives Mike Baker and Jerry Williams reviewed the process used to select the candidates whose names were forwarded to the Commissioners for consideration at this meeting. The candidates moving forward for the Commissioners’ consideration included Mike Gular, Lorraine Quarberg and Isabelle Willson. Chairman Basse then outlined the selection process to be followed by the Commissioners in appointing the new treasurer. Citizen Dan Pebbles offered his comments regarding the process. Clerk Odde tallied the ballots cast by the Commissioners and announced that the clear winner was Isabelle Willson. Mike Baker moved to appoint Isabelle Willson to fill the vacancy in the office of the County Treasurer for the balance of the term expiring January 1, 2015. John Lumley seconded the motion. Discussion: Chairman Basse stated that, after interviewing the three candidates earlier in the day, he felt that all three were well-qualified for the office and that the Republican Central Committee had fulfilled their duty to provide three qualified candidates for the Commissioners’ consideration. Motion carried. Clerk Odde will notify the candidates of the Commissioners’ decision.

**Airport Update**

Relocation – Dustin Spomer reported that Michelle Colby (designated Disinterested Third Party) has had a serious family emergency recently and, therefore, there has not been a lot of progress in negotiations with the Holdens to date. Ms. Colby has now returned to work and Mr. Spomer anticipates negotiations will proceed more quickly from here on in.

Phase I – The contractor has entered a winter shutdown at this time. Both access roads are usable now, with final shaping and compacting to occur in the spring. There are fourteen working days remaining on the contract. Mr. Spomer anticipates finishing Phase I on time and under budget

Phase II – FAA and State approval of the contract awarded by the Commissioners on December 18, 2012 has been received. The Notice of Award has been signed and sent to High Country Construction of Lander along with the contract documents for acceptance and signature. When the documents are completed and returned, they will be presented to the Commissioners for signature. The Phase II project contract contains eighty working days and must be complete by June 28, 2013. John Lumley moved to approve the Chairman’s signature

on the Phase II project Notice to Proceed and Contract documents when received, subject to review by the County Attorney. Mike Baker seconded the motion. Motion carried.

Phase II Independent Fee Estimate – The IFE has been completed, and Clerk Odde presented the Record of Negotiation required by the FAA for the Commissioners’ consideration. GDA also presented Amendment No. 5 to their contract with the county for their fee proposal for Phase II engineering as reviewed in the IFE. Mike Baker moved approval of the chairman’s signature on the Record of Negotiation to be submitted to the FAA. John Lumley seconded the motion. Motion carried. Mike Baker moved to approve the chairman’s signature on Amendment No. 5 to the General Contract between GDA Engineers and Hot Springs County. John Lumley seconded the motion. Motion carried.

Phase III – Jeremy Gilb reviewed the work session held prior to the Commissioners meeting to work on the logistics and funding for the Phase III project. The project will finish the remaining earthwork for the airport site and build a 23,000 square yard apron with space for six tiedowns and multiple hangars. This project will use 2013 funding in the amount of roughly \$8.5MM. Mr. Gilb expects that the 75% documents will be ready by the beginning of February, the 100% documents to be available by the middle of February, and a seven-week bid period to be advertised about the third week of February. Bid opening will be approximately April 10, 2013. Construction for the Phase III project will likely go through the end of 2014. Mr. Gilb presented the Phase III federal and state grant applications for the Commissioners’ consideration. These are 90%/8%/2% grants in the total amount of \$8.5 MM, with the following breakdown – Federal share = \$7.65 MM, State share = \$680,000.00 and Local share = \$170,000.00. The grant applications are due no later than March 31, 2013, but need to be submitted as quickly as possible. Mike Baker moved approval of the chairman’s signature on the grant applications to the FAA and WYDOT Aeronautics division pending review by the county attorney and the Commissioners. John Lumley seconded the motion. Motion carried.

WACIP – Mr. Gilb reviewed the current version of the 2012 Wyoming Aviation Capital Improvement Program. There has been some movement of funding between areas, but the net amount remains the same.

**Consider South Thermopolis Water & Sewer District Petition for Enlargement**

STWSD representative Neal Miller presented a Petition For Inclusion from Jack and Ellen Baird, including a metes and bounds description and map as required by the Assessor. He also presented a resolution from the STWSD board accepting the Petition for Inclusion. After reviewing the documents presented, John Lumley moved to approve County Resolution & Order 2013-2 as follows:

**RESOLUTION & ORDER 2013-02  
OF THE HOT SPRINGS COUNTY BOARD OF COUNTY COMMISSIONERS  
INCLUDING THE PETITIONING LANDOWNERS INTO SOUTH THERMOPOLIS  
WATER & SEWER DISTRICT WITHOUT ELECTION  
OF ADDITIONAL BOARD MEMBERS**

THIS MATTER of the Inclusion of additional landowners in the South Thermopolis Water & Sewer District has come before the Hot Springs County Board of County Commissioners (herein call “the Board”), pursuant to Resolution 2013-02, entitled Petition for Inclusion of Petitioning Landowners within South Thermopolis Water & Sewer District. The Board finds that the Petition is properly signed by the all the voters within the area to be included and filed with the County Clerk and that an order should be entered approving the Petition; therefore;

IT IS HEREBY ORDERED by the duly elected, qualified and acting Hot Springs Board of County Commissioners, by and through its Chairman, that the Petition for Inclusion of Petitioning Landowners within South Thermopolis Water & Sewer District is hereby APPROVED and Jack and Ellen Baird and their associated real property as described in their application is included within the South Thermopolis Water & Sewer District.

IT IS FURTHER HEREBY ORDERED AND HELD that an election need not be held for an additional director as none is required in accordance with Wyoming Statutes.

IT IS FURTHER HEREBY ORDERED AND HELD to amend the district map to include the real property of Jack and Ellen Baird as described in their Petition for Inclusion.

DATED this 15<sup>th</sup> day of January, 2013.

**BOARD OF COUNTY COMMISSIONERS OF HOT SPRINGS COUNTY, WYOMING**

Attest: Hans Odde, County Clerk

Brad Basse, Chairman

Mike Baker seconded the motion. Discussion: Mr. Miller confirmed that this land can be and will be served by the District if the Commissioners approve the resolution. Motion carried.

**Lane 3 Liquidated Damages Discussion**

Art Dykman – Dave’s Asphalt, Gino D’Angelo – Viper Underground, and Engineering Associates representatives Ian Sporkin-Morrison and Anthony Barnett appeared before the Commissioners to discuss the Commissioners’ decision at their January 8, 2013 meeting to assess a total of \$40,050.00 in liquidated damages from Dave’s Asphalt in connection with the failure to meet the contract deadlines for Substantial and Final Completion of the Lane 3 project. After extensive discussion with input from all the concerned parties, the Commissioners indicated that if representatives from Engineering Associates and Dave’s Asphalt can reach an agreement to reduce the final bills for the project, they would consider reducing the liquidated damages. Otherwise the decision rendered at the last meeting will stand.

**Executive Session – Potential Litigation – Road Records**

John Lumley moved to enter Executive Session for reasons of potential litigation concerning road records at 5:50 p.m. Mike Baker seconded the motion. Motion carried. John Lumley moved to leave Executive Session at 6:55 p.m. Mike Baker seconded the motion. Motion carried. No action was taken during or as a result of Executive Session.

**School Bus Turnaround**

Road & Bridge supervisor Ray Shaffer asked for the Commissioners’ approval to construct a school bus turnaround within the right-of way near TJ Owsley’s place on East River Road. The Commissioners had no problem with Road & Bridge doing this.

**Other Business**

WYDOT Acceptance Certificate – Lane 3 – This item was tabled until final billing has been received on the recommendation of Engineering Associates representative Ian Sporkin-Morrison.

Notification-Crowley Air Service Contract Vacation – Clerk Odde presented a letter from Crowley Air Service formally notifying the Commissioners of their desire to vacate their contract as FBO of the airport as of the end of March, 2013. John Lumley moved to, with regret, release Crowley Air Service from the contract and approve vacation of the contract by Hot Springs County effective April 15, 2013 or at such time as a new FBO is under contract. Mike Baker seconded the motion. Motion carried.

**Correspondence**

1. Chamber of Commerce – Business/Citizen of the Year Nominations
2. Airport Operations Report – December, 2012
3. Airport Operations – Annual Summary, 2012
4. Library Board Minutes – December, 2012
5. Fair Board Minutes – December, 2012
6. Cottonwood/Grass Creek Watershed Improvement District – Board of Directors, 2013
7. Larry Marcott – Parliamentarian Services
8. Wyoming Natural Resource Foundation – Living Legacy Program – Bring Back The Canopy

The Commissioners reviewed the foregoing correspondence. No further action was required or taken at this time.

**Adjournment**

There being no further business to come before the Board of County Commissioners at this time, John Lumley moved to adjourn. Chairman Basse declared the meeting adjourned at 7:05 p.m.

ATTEST:

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Brad Basse, Chairman

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Hans Odde, County Clerk