

Council debates rights-of-way

by Jonathan Green

Three members of the Thermopolis Town Council and mayor Bill Malloy listened to more detailed proposals for two business expansions Tuesday.

The 90-minute work session was lightly attended. Two representatives each from Blair's Super Market and Nature's Corner answered council members' questions.

Both expansions, as envisioned, would require the council to grant revocable license agreements for using town rights-of-way.

Blair's Super Market

Blair's would like to expand 17 feet west toward Seventh Street, 15 feet to the north toward Richards Street and 50 feet to the east into the parking lot.

The western expansion would intrude about 15 feet into the town right-of-way and leave ten feet between a relocated loading dock and Seventh Street, as would the northern addition.

Kent Foulger, a part-owner of Blair's, told the council he wanted to build into the right-of-way to provide a more positive shopping experience for customers, and to enable some backroom modifications to ease stocking issues.

Foulger said the plans could be rewritten to extend the store further east than the 50 feet currently envisioned but he would rather not.

If the store is not extended to the west the loading dock could not be reconstructed to allow for pallets to be stocked in freezers at the rear of the store, Foulger said.

If the northward growth is disallowed, the store will need to lengthen further into the parking lot, resulting in unsatisfactorily long aisles for customers to shop, he said.

Engineer Health Overfield said it is up to the council on whether to grant the waivers, but added, "I'm not sure opening this can of worms is the best idea."

"Our intention is not to open a can of worms in this town," Foulger said.

He anticipates the 23-employee staff to grow to 30-35 people after a satisfactory expansion. But he said the project will go ahead whether it can use the right-of-way or not.

"Aesthetically-wise is our (design) concern," he said. "We are here for the long haul."

Assistant to the mayor Dan Stansill advised the council that town rights-of-way belong to the public and cautioned the members to take stock of the implications of setting a precedent allowing permanent construction on the property.

Council member Al Braaten raised an even more wide-reaching possibility, reducing the rights-of-way. Overfield agreed with Braaten's assertion the width had been set many years ago at 100 feet to allow for horse-drawn wagons to turn around in the road. Braaten questioned whether such widths are still necessary.

If the council were to reduce the widths of the rights-of-way, it remains unclear how the town would cede that property back into private ownership.

Nature's Corner

Nature's Corner owner Sarah Ferrell and building designer Stephan Heinen returned to address the council on the topic of installing a wheelchair accessible ramp and veranda on her storefront.

The ramp seemed to be the easier issue on which to compromise. While not Heinen's preferred design, a ramp can be built that is temporary, or removable without needing to jackhammer out the sidewalk.

The veranda continued to present a difficult point to the council, although it seemed as opposition had softened since the meeting a week ago.

The crux of the issue involves the use of columns below the veranda on the sidewalk. Because they are weight supporting and would likely be bolted to the concrete they would probably not be considered temporary.

The council members seemed to be generally supportive of Ferrell's proposal. They are barred from taking any action at a work session.

The council meets again Tuesday in regular session when the Blair's and Nature's Corner issues are likely to be addressed. Foulger has indicated he would like to progress as quickly as possible to begin construction.

Council member Tom Linann was not at the work session.



Krynn McGinty, 8, waves at a friend as she approaches the front doors of Ralph Witters Elementary School for the first day of classes on Monday. —Pat Schmidt photo

Hearing for club license

A public hearing next Tuesday at 11:20 a.m. before the Hot Springs County Commissioners may result in the transfer of the retail liquor license from Red Cliffs Steak and Seafood to the Legion Town and Country Club Golf Board.

According to county clerk Hans Odde, the permit is currently in the name of Jeannie Waltz, who is leasing the restaurant building for Red Cliffs. Odde indicated the liquor permit ends Oct. 6.

Tom Sullivan Sr., a member, said the golf club board made the decision not to renew the current contract for the restaurant building and is considering options for new management.

Waltz did not respond to calls for her side of the story from the Independent Record.

Renewal of the liquor license for the Flying Dutchman held by Violet Van Buskirk is also to be considered. The hearing is in the county commission meeting room in the courthouse basement.

State park lease negotiations discussed by state legislative committee during session in Thermop

by Cindy Glasson

The contents of new lease agreements between the state and the TePee Pools and Star Plunge are still up in the air after a meeting of the Wyoming Legislature's Joint Travel, Recreation, Wildlife and Cultural Resources Committee at the Days Inn in Thermopolis on Monday and Tuesday.

Milward Simpson, Wyoming State Parks and Cultural Resources director, proposed a statute change that would allow a penalty clause and an increase in the percentage of the concessionaire's fees to the state.

He said the statute change was advised by the state attorney general and the governor to even the playing field for all involved. He said this would eliminate the current flexibility with contracts and make the contracts less subject to interpretation.

Bruce Burns senate co-chair of the committee, questioned Simpson regarding the flexibility issue. Simpson indicated although there are contracts with the various concessionaires in parks around the state, there is a lot of leeway when it comes to violations of the contracts.

Representative Kermit Brown said this plan is completely counter-intuitive.

"You want discretion and flexibility," he said. "If you want to make this a statute change, you're tying the state's hands."

Brown went on to say if there is inconsistency "you have no one to blame but yourself."

The proposed statute change would also limit inspections of concessionaire properties to once per year and only within limited business hours.

Brown opposed that idea, saying limiting the times a property can be inspected does not make sense, voicing concern over investigating a problem that might be reported during hours not included in the statute.

Burns also commented on the \$2,500 penalty Simpson proposed for violations.

"Don't put a (specific) number in a statute," he said. "As soon as it becomes law its out of date."

Rep. Pat Childers, co-chair of the committee, asked Simpson why the department doesn't simply renegotiate the contracts, develop new leases and build leeway into it.

Simpson indicated he had met with the gov-

ernor and the attorney general and asked how other states handled these types of contracts. He said he was told other states put it into their statutes.

"You don't need the state to tell you how to do this," Brown said.

Ed Moriarty, part owner of the TePee Pool, spoke on behalf of state park concessionaires.

"We have millions of dollars invested in our buildings and have substantially upgraded things," he said. "We've shown a great revenue increase since 1990."

Moriarty said the Plaza Hotel had invested \$4 million into their property and were turned down for bank funding because they could not guarantee a lease from the state for more than 20 years in length. He urged the committee to consider negotiating leases for longer periods of time.

Moriarty said the TePee is willing to have inspections at any time, unannounced.

Bill Moriarty, another partial owner, said the TePee Pool contract expired three years ago and they have been going on a month-to-month basis with the state. He said they aren't even sure

what their gross payment percentage is supposed to be as it had changed from 1% in 2006 to 1.25% in 2007 and back down to 1% for 2008.

Simpson said his department would like to see a higher rate, 2%, in the next contract.

Ernie Over, chairman of the State Parks and Cultural Resources Commission, said the committee had been dealing with this issue for years.

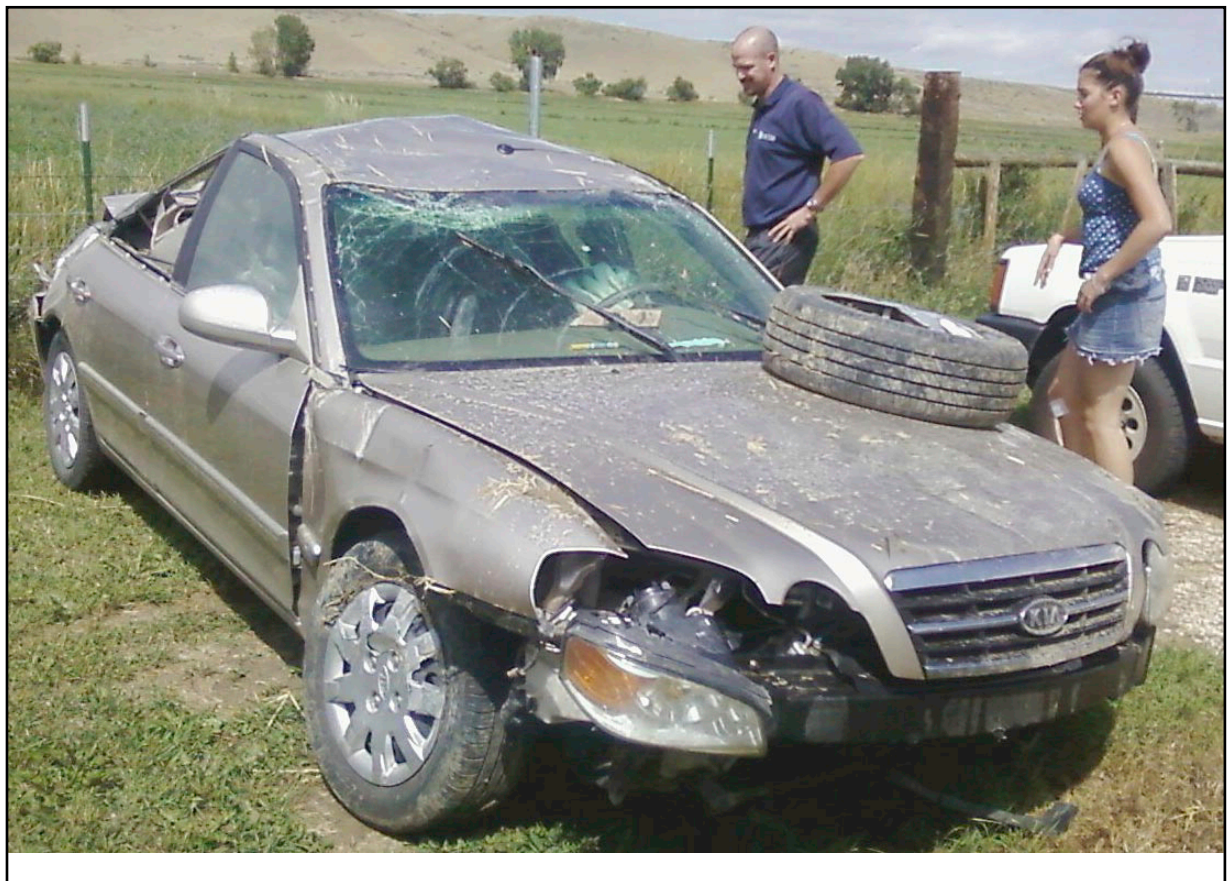
"The concessionaires have great advantage over similar businesses because they are on state park grounds," he said. Over said there is disparity in payments and the committee would like to see those payments better regulated.

"Let's go back to the commission, get a template together, get the concessionaires together and pound this out," Sen. Kit Jennings said.

He said Simpson should know when leases are coming up and renegotiation of contracts should start a couple of years ahead of time.

Simpson agreed to return to the attorney general with the legislators' suggestions and start the process for renegotiation of contracts.

Game and Fish Department issues dominated the joint committee's discussions on Monday.



Tasha Kozlowski and her father, Donnie Bjorhus, look at the 2004 Kia after the wreck.

Seat belts credited with saving lives of two girls

by Pat Schmidt

"If it wasn't for the seat belts, neither girl would have survived this crash. I am so thankful that she listened to me when I said that she and any other passenger must wear seat belts; otherwise they don't ride with her."

That is Valerie Bjorhus' assessment of a spectacular wreck her daughter, Natasha Kozlowski, and a friend, Tamarah Byer, survived on the morning of Aug. 19 on their way to Billings.

Tasha, a 2009 Hot Springs County High School graduate, was to start classes at Northwest College in Powell on the next day.

About three miles north of Belfry, the pair encountered heavy rain. As she rounded a corner, Tasha's 2004 Kia Optima hydroplaned into the oncoming lane.

The wheels finally grabbed and sling-shot the vehicle back across their lane into the borrow ditch.

It struck the bank of an irrigation canal and flipped end over end into a field, then flipped sideways, ending up on its roof.

Two farmers who witnessed the accident said the vehicle flipped five or six times. The young women released their seat belts and crawled out through the broken driver's window.

The farmers had already called in the accident.

"Tasha's car was pretty much packed to go to college on Thursday, so its contents were spread all over the side of the road since the windows were gone," her mother said. "Fortunately for her the highway patrolmen and the wrecker service picked up everything they could find and put it back into the car."

"When we went to retrieve her stuff she got it back somewhat muddy. The only thing that didn't make it was her ironing board, which snapped in half."

Both girls were checked at a Billings hospital, and x-rays showed neither had any broken bones.

"The only cut was a minor one on Natasha's knee," Valerie said. "They both have bruise marks from the seat belt, but that was it."