

Town Council approves budget

by Mark Dykes

Following a brief public hearing during which there was no comment, the Thermopolis Town Council — with Mayor Mike Mortimore absent — approved the budget for the 2018-19 fiscal year on third reading, as well as Resolution 543 to officially adopt it.

According to the numbers, the upcoming fiscal year's revenues include: \$3,754,918 in the General Fund, including \$1,091,820 cash carryover; \$4,507,641 in the Enterprise Fund; \$3,084,500 in Enterprise Fund-Depreciation Reserve for transfers, loan, grant and cash carryover; \$575,600 in Insurance Trust Fund;

\$5,500 in the Nicholson Trust Fund, including a \$4,650 cash carryover; and \$400 in the Revolving Loan Fund.

Budget expenditures include: \$3,754,918 in the General Fund, including a cash reserve of \$100,000; \$2,955,530 in Enterprise Fund — 100 percent depreciation; \$3,084,500 in Enterprise Fund — Capital Outlay; \$575,600 in Insurance Trust Fund; \$5,500 in the Nicholson Trust Fund; and \$400 in the Revolving Loan Fund.

In other action, council approved three catering permits for Shorty's Liquor, for the park concert and pig wrestling at the fairgrounds,

both on July 31, and for Oktobrewfest on Oct. 6. A 24-hour malt beverage permit was approved for Thermopolis Cowboy Rendezvous Rodeo, for the rodeo this weekend. Regulation will be done through identification checks and wristbands for those 21 and over.

Approval was granted to allow the discharge of personal fireworks near the skate park prior to the main show; the request came from Derek Burrows. Fire Chief Mark Collins said the fire department was on board, so long as Burrows took care of all clean up

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photo by Dennis Nierzwicki

Dancin' in the rain

Even with the damp conditions, Sunday's Father's Day Hot Spot Car Rally brought plenty of visitors to the Hot Springs State Park. One of the younger attendees enjoyed splashing in the puddles as much as the cars.

Judge denies motion for partial judgment against TCT

by Mark Dykes

According to an order signed by District Judge Norman Young, a motion for partial summary judgment in a case against Tri-County Telephone Association (TCT) cooperative, filed by Joe and Barbara Campbell, has been denied.

Litigation against TCT and several individual defendants began in December of 2015 by the Campbells, who alleged misrepresentation and concern co-op members were entitled to more than capital credits when the sale happened and should have had more information provided. Additionally, there are allegations the assets of TCT were not properly appraised prior to the sale.

TCT then filed a complaint alleging Joe, a former TCT board member, maintained control of a company laptop he was required to return and took advantage of trade secrets on the computer and shared that information with others.

According to the contentions of the Campbells, the LLC Membership Purchase Agreement between BHT Investments Inc., and Tri-County Telephone dated September 19, 2014, and the Definitive Agreement and Plan of Merger among BHT Holdings, Inc., BHT Merger Corporation, Inc., and Tri-County Telephone Association, Inc., also dated September 19, 2014, are void.

More specifically, they contended a member's interest in a cooperative utility can be transferred only within the same household and is otherwise prohibited, a cooperative utility is barred from transitioning to a for-profit corporation as this transaction purported to do, and the statutorily required voting procedures to be conducted

upon disposition of a substantial portion of a cooperative utilities property, were not followed or were ignored.

In response, TCT and the other defendants contended the transaction was a merger, and a merger of a cooperative utility is specifically provided for pursuant to Article 11 of the Wyoming Cooperative Utility Act (WCUA). They further contended the meeting and voting requirements of the statutes and the Amendment and Restatement of the Bylaws of Tri-County Telephone Association, Inc., effective May 21, 2011, were complied with.

The Court found there was a legal, statutory framework by which the transaction could occur and therefore the agreements were not void in their inception. Specifically, the Court found that a Wyoming statute provides the statutory authority for the merger of a cooperative utility within an entity other than a cooperative utility, provided certain conditions are met.

The Court further found that the bylaws and Article 11 of the WCUA, provide for the distribution of member owned capital that occurred, and that the procedure utilized by the Board of Directors for the use of mail in ballots to vote to approve or disapprove the proposed merger agreements did not violate the applicable statutory authority and/or the bylaws.

Issues raised by the Campbells concerning irregularities in soliciting votes and the manner in which the votes were obtained, are disputed at this stage. However, the Court is of the opinion that voting at a meeting of the cooperative by mail or by proxy does not make the action approved at the meeting void.

Travel and Tourism financials

by Mark Dykes

During the Hot Springs Travel and Tourism Board's meeting, Director Amanda Moeller reported she was anticipating having something near the norm for the June deposit of lodging tax receipts. However, it was about \$3,000 less compared to last year. "That changes some numbers for us going into the next fiscal year," she said, but noted overall receipts are up four percent for the year.

As of Tuesday, the board had \$6,257 not spent out of the budget. Moeller pointed out there was not enough to pay out the special events for this fiscal year, so those will have to roll over to the next year, and she is still waiting on \$5,000 from the Wyoming Office of Tourism that should come this week or next.

Overall, the change to the budget is about \$500. "It's not a huge blow," Moeller said, "because I was being very conservative with the predictions." With regard to budget adjustments, Moeller pointed out everything does still balance out. The board did accept the end of year financial report.

In other action, the board approved a fiscal year 2018-19 contract with the Thermopolis-Hot Springs Chamber of Commerce. Under the contract, Travel and Tourism will provide up to \$3,000 for staff, paid out \$1,000 per month,

per invoice.

Bob Spain was elected the board vice president, a position recently vacated by Rick Tudor.

Also during the meeting, the board took up amending the bylaws to define "travel and tourism industry" for future board appointments. The issue stems from a recent meeting, during which a point was raised that a better definition might be necessary. Moeller said she called the Wyoming Lodging and Restaurant Association and spoke to Chris Brown, who said there is no standard definition and it's up to each community to decide their own. Brown, Moeller said, pointed out the leisure tax they went after was only for accommodations, food and beverage, recreation and retail shopping in regard to gifts and souvenirs, and did not include other areas such as propane and fuel.

Issues were raised by the recent decision by the Hot Springs County Commission to appoint Commissioner Phil Scheel to the Travel and Tourism Board, one of them being the definition of tourism.

During Tuesday's meeting of the commission, Scheel resigned from the Travel and Tourism Board and Matt Hughes was appointed.

Brown further added what's important for tourism in one community is different than in another, so it is up to the board to determine

the definition. By statute, Moeller said, "we only have to have enough people in travel and tourism to be a majority of the total board members, but if don't have a working definition for this board that's kind of moot."

Board member Carl Leyba expressed concern the board has a seat that is appointed by the state, and he wants to keep it local. Board President Angie Guyon noted the state representative can provide insight and give local boards an idea of the direction the state is going. Guyon also suggested board members come up with their own definitions of travel and tourism, then bring them together and compile a final definition.

The board also discussed finding time to do some strategic planning and goal setting better determine where they want to be in the next five to 10 years. It was suggested they develop some of the major points they want to address, then develop a plan. However, as summer is a busy time for many of the board members it was determined the meeting for plan development be scheduled later this year.

In other financial matters, Moeller reported the state budget was sent and passed, and a budget hearing for the Hot Springs Travel and Tourism Board is scheduled for Tuesday, July 17 prior to the regular meeting.