

RESOLUTION NO. 2019- 59

A RESOLUTION ACCEPTING AND APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ROCK SPRINGS, WYOMING, AND THE ROCK SPRINGS-SWEETWATER COUNTY AIRPORT BOARD, A WYOMING JOINT POWERS AIRPORT BOARD, AND AUTHORIZING TIMOTHY A. KAUMO, AS MAYOR OF THE CITY OF ROCK SPRINGS, WYOMING, AND MATTHEW L. MCBURNETT, AS CITY CLERK OF THE CITY OF ROCK SPRINGS, WYOMING, TO EXECUTE SAID MEMORANDUM OF UNDERSTANDING ON BEHALF OF SAID CITY.

WHEREAS, the above-named parties desire to enter into a Memorandum of Understanding for the purpose of designing, constructing and financing a new fuel tank farm at the Southwest Wyoming Regional Airport; and,

WHEREAS, the Governing Body of the City of Rock Springs has said Memorandum of Understanding before it and has given it careful consideration and review.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF ROCK SPRINGS, STATE OF WYOMING:

Section 1. That the Memorandum of Understanding between the City of Rock Springs, Wyoming, and the Rock Springs-Sweetwater County Airport Board, a Wyoming Joint Powers Airport Board, for the purpose of a new fuel tank farm at the Southwest Wyoming Regional Airport, attached hereto and by this reference made a part hereof, be and it is hereby accepted and approved by the Governing Body of said City.

Section 2. That the Mayor of said City, be, and he is hereby authorized, empowered and directed to execute said Memorandum of Understanding on behalf of said City; and that the City Clerk of said City, be, and he is hereby, authorized and directed to attest to said Memorandum of Understanding, and to attach to each duplicate original of said Memorandum of Understanding a certified copy of this Resolution.

PASSED AND APPROVED this _____ day of _____, 2019.

President of the Council

Mayor

Attest:

City Clerk

Handwritten initials and date: *AKM*
5/14/19

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING is entered into this _____ day of _____, 2019 by and between the City of Rock Springs, a Wyoming Municipal Corporation, (hereinafter referred to as "the City"), and the Rock Springs-Sweetwater County Airport Board, a Wyoming Joint Powers Airport Board, (hereinafter referred to as RSSCAB).

WHEREAS, Wyoming law allows governmental entities to cooperate with and assist each other to accomplish goals which any one of them could lawfully accomplish alone; and,

WHEREAS, the need for a new fuel tank farm at the Southwest Wyoming Regional Airport has arisen which will require financing, design, and construction; and,

WHEREAS, RSSCAB has obtained a matching grant from the State of Wyoming Department of Transportation in the approximate amount of One Hundred Ninety-Two Thousand Dollars (\$192,000.00) for the purpose of doing site work, electrical and utility installation, bollards, paving, lighting, storm sewer, and installing an oil/water separator for the planned tank farm; and,

WHEREAS, RSSCAB has requested an additional Forty-Eight Thousand Dollars (\$48,000.00) from their member agencies for funding to match said grant in the Fiscal Year 2020; and,

WHEREAS, RSSCAB has gathered additional funds to aid in financing the project by adding to its Fuel Farm Reserve Account, but still lacks the total funding necessary to complete the tank farm project (the Project) without additional financial assistance; and,

WHEREAS, the City is a member agency of RSSCAB and owns the land upon which the tank farm is to be located; and,

WHEREAS, the Governing Body of the City of Rock Springs recognizes the need for completing the Project, and recognizes the long-term economic benefit to the citizens of the City of Rock Springs and to the citizens of Sweetwater County of having a modern, optimally-functioning airport, and wishes to cooperate and lend its assistance to RSSCAB in accomplishing this goal; and,

WHEREAS, the total cost of the Project is estimated to be approximately One Million Two Hundred Thousand Dollars (1,200,000.00), of which the City would be responsible for approximately Eight Hundred Thousand Dollars (\$800,000.00), over and above its required, annual contributions as a participating agency.

NOW, THEREFORE, IN SUPPORT OF THEIR MUTUAL COVENANTS, AND IN EXCHANGE FOR VALUABLE CONSIDERATION, THE RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED, THE CITY AND RSSCAB AGREE TO THE FOLLOWING:

- I. The Project shall be designed, constructed, and funded according to the following schedules:

Schedule 1: All site work including the installation of electrical, utilities, bollards, paving, lighting, storm sewer, and an oil/water separator shall be accomplished by RSSCAB utilizing State Grant Funds from the Wyoming Department of Transportation as well as matching funds derived from its member agencies;

Schedule 2: Project design, installation of fuel tanks, piping, pumps, a fuel management system, windbreak and add alternatives from Schedule 3 shall be funded jointly by the City and RSSCAB from funds that have accumulated in RSSCAB's Fuel Farm Reserve Account. Once all funds reserved for design and construction of the Project by RSSCAB in Schedule 2 have been expended, the City will fund the remainder of the Project through to completion;

Schedule 3: Will be reserved for add alternatives referred to in Schedule 2 to be determined during design.

- II. Following RSSCAB's expenditure of accumulated funds as described above, RSSCAB shall submit vouchers to the City with copies of the pay applications from RSSCAB's contractors and engineers. The City shall thereafter reimburse RSSCAB for the expenditure within 45 days.
- III. Upon completion of the Project, all improvements installed in contemplation of this Memorandum of Understanding shall become the property of the City. RSSCAB shall enter into a new lease with the City for the land and the improvements for a mutually agreeable term and at a rate to be determined when the final cost of the Project can be assessed.
- IV. All work shall be accomplished in a manner that is consistent with Wyoming law regarding the design, construction, and installation of public improvements.

Rock Springs, Sweetwater County
Airport Board,

City of Rock Springs,

Chairman

Timothy A. Kaumo, Mayor

Attest:

Attest:

Secretary

Clerk