

**BOARD OF CARBON COUNTY COMMISSIONERS**  
**Regular Meeting**  
**Tuesday, January 7, 2003**  
**Rawlins, Wyoming**

The regular meeting of the Board of Carbon County Commissioners was held on Tuesday, January 7, 2003, in the Commissioners' Meeting Room of the Carbon County Courthouse in Rawlins, Wyoming. Attending the meeting were Commissioners Lee Meacham and Linda Fleming and Chairman Artlin Zeiger; Linda Ann Smith, Carbon County Clerk; Alice Garvin, Chief Deputy County Clerk; Shelley Welsh, and Deputy County Clerk.

Chairman Zeiger called the meeting to order at 9:00 a.m.

**VOUCHERS**

The following vouchers were submitted for payment:

AT&T	Various	\$508.20
AT&T Cable Services	Sheriff	\$54.84
Alco	Clerk / Cooperative Ext.	\$67.55
Alsco	Road & Bridge	\$100.66
American LaFrance	Fire Protection	\$48.18
Amerigas	Various	\$1,284.83
Artistry in Glass	Building & Grounds	\$450.00
Avaya, Inc.	Radio Tech	\$123.87
Bartlett, Sue RN	Public Health	\$258.06
Bi-Rite Pharmacy	Public Health	\$28.19
Black Hills Ammunition	Sheriff	\$758.00
Bob Barker Company	Jail	\$100.09
Booher, Patricia	Cooperative Extension	\$239.98
Brown, Estella	Grants	\$17.82
Busey, Sharalee	Public Health	\$76.23
CC&G, Inc.	SC/Road & Bridge	\$156,681.37
Carbon County Chamber	Clerk / Cooperative Ext.	\$108.24
Carbon County Senior Center	Senior Center	\$32,500.00
Carbon County Strike Team	Fire Protection	\$195.44
Carbon County TV & Radio	Sheriff	\$5.99
Carbon Power & Light	Senior Ctr. / Fire Protection	\$844.24
CenturyTel	Sheriff / Road & Bridge	\$123.65
Cesko, David MD	Jail / Administration	\$1,545.00
Complete Car Care	Sheriff	\$65.03
Computer Software Associates	Administration	\$29,181.00
Conoco Incorporated	Sheriff	\$184.66
Corporate Express	Various	\$565.38
Cottontree Inn	Administration	\$217.59
Craftsman Electric	Senior Center	\$287.00
Crawford, Eric	Cooperative Extension	\$1,195.71
Crawford, Warren	Cooperative Extension	\$97.10
Cruz, Sally	Public Health	\$30.03
CSK Auto, Inc.	Sheriff	\$3.99
Custom Builders	SC/Road & Bridge	\$36,000.00
D&K Sanitation	Various	\$261.00
Daily Times	Sheriff / Administration	\$626.61
Dallin Motors Inc.	Sheriff	\$52.44
Day, Dave	Carbon Building	\$3,339.00
Diebold Election Systems	Elections	\$3,177.49
Dixon, Town of	Road & Bridge	\$33.50
Dubois Telephone Exchange	Road & Bridge	\$39.85
E&H Industrial Supply	Road & Bridge	\$527.55
Eagle Uniform Supply	Carbon Building	\$57.87

Elk Mountain Towing	Sheriff	\$32.84
Elk Mountain, Town of	Road & Bridge	\$82.97
Encampment, Town of	Road & Bridge	\$45.00
Engstrom, James D. DDS	Jail	\$250.00
Evans, Morgan	Jail	\$77.00
Evergreen Disposal	Senior Center / R&B	\$105.00
Farmer Brothers Coffee	Clerk	\$44.75
France, Dwight	Fire Protection	\$233.98
Gases Plus	Fire Protection	\$10.80
Glaxosmithkline	Public Health	\$636.96
Golden Rule Computer	Administration	\$199.98
Gosevner, Maxine	Public Health	\$61.71
Grainger	Road & Bridge	\$32.70
Graphic Sports	Sheriff / Administration	\$113.60
Hanna, Town of	Road & Bridge	\$46.00
Hettgar, Bridget M. RN	Public Health	\$31.02
High Plains Power	Senior Center / R&B	\$145.99
Hillcrest Spring Water	Road & Bridge	\$11.00
Hilltop Lube	Sheriff	\$50.50
Hoke, John L.	Administration	\$360.00
Ikon Office Solutions	Public Health / Admin	\$292.43
IOS Capital	Administration	\$358.00
Jack's Body & Fender	Emergency Management	\$89.00
Jackalope Printing	Various	\$392.97
JB's Stop-N-Shop	Sheriff	\$236.00
KAR Products	Road & Bridge	\$262.84
Kilburn Tire Company	Various	\$1,726.83
KN Energy Inc.	Various	\$8,670.42
Krames	Grants	\$62.33
Kroger	Cooperative Extension	\$28.18
L&L Electric	Courthouse	\$1,449.09
LN Curtis & Sons	Fire Protection	\$534.75
Lariat International	Road & Bridge	\$230.68
Lawson Sanitation	Emergency Management	\$20.00
Long Building Technologies	Building & Grounds	\$12,765.00
M Lee Publishing	Administration	\$197.00
MacPherson, Kelly & Thompson	Administration	\$5,411.68
Med-Tech Resource	Fire Protection	\$1,168.37
Medicine Bown, Town of	Senior Center / R&B	\$91.20
Memorial Hospital of Carbon County	Jail / Administration	\$1,203.13
Nibbles & Bytes	Sheriff	\$117.00
Northern Tool Equipment	Road & Bridge	\$525.47
PMPC Engineering	SC/Road & Bridge	\$47,374.12
Pacific Power & Light	Various	\$3,320.24
Page One West	Various	\$278.72
Pamida Inc.	Various	\$77.55
Pedersen Planning Consultants	Grants	\$2,500.00
Perkins Oil Co.	Sheriff	\$189.54
Plainsman Printing	Clerk	\$420.58
Plan One / Architects	Grants / Building & Grounds	\$39,953.65
Public Safety Warehouse	Sheriff	\$35.70
Questar Gas	Senior Center	\$134.56
Quill Corporation	Clerk / Cooperative Ext.	\$274.20
QWest	Various	\$5,100.01
Radisson Hotel Casper	Public Health	\$4.50
Rawlins Glass	Sheriff / R&B	\$789.88
Rawlins, City of	Various	\$913.79
Robert Jack Smith & Assoc.	Administration	\$3,160.50
Robidoux Brothers	Sheriff	\$143.00
Ross' Automotive Service	Sheriff	\$215.29

Royal Sanitary Supply	Courthouse	\$63.32
Ryan Electronics Inc.	Radio Tech	\$2,658.33
S&S Disposal	Road & Bridge	\$20.00
Saratoga Construction	Road & Bridge	\$22.77
Saratoga Sun	Administration	\$1,053.78
Shepard Construction	Courthouse	\$2,370.00
Sirchie	Jail	\$66.33
Smith, Susan	Grants	\$23.43
T&M Service	Road & Bridge	\$249.64
T&T Plumbing	Courthouse	\$332.50
Terminix	Carbon Bldg. / Senior Ctr.	\$65.00
Terry's Towing	Sheriff	\$75.00
Thompson Publishing	Administration	\$329.00
Trading Post	Sheriff / Road & Bridge	\$102.04
Trevathan, Sabrina	Administration	\$113.50
Trib.com	Planning	\$19.95
True Value of Rawlins	Courthouse	\$110.52
Union Pacific Railroad	SC/Road & Bridge	\$1,418.75
Union Telephone Company	Various	\$856.53
United Medical Center	Sheriff	\$100.00
Valley Food & Liquor	Public Health	\$12.00
Verizon Wireless	Various	\$297.18
Viking Office Products	Attorney / Cooperative Ext.	\$194.51
Washboard, The	Courthouse	\$42.75
West Group Payment Center	Attorney	\$310.53
Whirlpool Corporation	Public Health	\$186.89
Wiant, James	Road & Bridge	\$1,494.60
Wilson's Self Service	Sheriff	\$10.48
Wyoming Department of Family Services	WIC	\$99.54
WY Investigators Association	Sheriff	\$25.00
WY Machinery Company	Road & Bridge	\$2,383.13
WY Paper Supply	Courthouse / Jail	\$314.91
Wyoming Business Council	Commissioners	\$170.00
Wyoming.com	Cooperative Extension	\$239.40
Yampa Valley Electric	Senior Center / R&B	\$834.89
Young, Charles MD	Administration	\$90.00
Zee	Road & Bridge	\$102.20
<b>GRAND TOTAL</b>		<b>\$432,211.63</b>

## **CLERK**

Linda Fleming moved to elect Artlin Zeiger as Chairman of the Carbon County Commissioners Board. Lee Meacham seconded. The motion carried unanimously.

Linda Fleming moved that the Rawlins Daily Times and the Saratoga Sun be designated as Carbon County's official newspapers. Lee Meacham seconded. The motion carried unanimously.

Disclosure statements were completed by all elected officials.

The Clerk advised that the State Lands and Investments Board is scheduled to meet on January 23, 2003 in Cheyenne. Carbon County submitted two (2) grants, the Carbon County Jail Project and the Noyes Clinic Project, in Baggs.

The Clerk advised she has forwarded changes on the Capital Facilities Tax Resolutions to Todd Bishop at Kaiser and Company. Todd Bishop and Irene Archibald are on the Commissioners' agenda for the meeting on January 21, 2003 in Medicine Bow.

The Clerk received an estimate in the amount of \$500 from Max Alderete to

remove the platform and carpet in the Commissioners' Room. This area was previously used by County Court as a courtroom. The Commissioners approved the work to be done as estimated.

The Clerk advised the Commissioners that Memorial Hospital of Carbon County filed their reports with the auditors as required by new laws.

### **Board Appointments**

Lee Meacham moved to reappoint Mary Ann Boles to the Carbon County Weed and Pest Board. Linda Fleming seconded. The motion carried unanimously.

Linda Fleming moved to reappoint John Clark to the Dixon Airport Board. Lee Meacham seconded. The motion carried unanimously.

Linda Fleming moved to appoint Nancy Anderson to the Carbon County Museum Board. Lee Meacham seconded. The motion carried unanimously.

The Clerk advised she had received a letter from Christine Moon, Secretary for the High Country Joint Powers Board, which included various changes recently made to the Board. Ms. Moon advised that Al Santilli, Barbara Gonzales and Cheryl Hobson have all resigned from the Board due to personal reasons. Penny Nesvik of Elk Mountain has been appointed to fill Al Santilli's seat, and William Madasz of Medicine Bow has been appointed to fill Cheryl Hobson's seat. The seat for Barbara Gonzales is still vacant.

Lee Meacham moved that the appointments of Penny Nesvik and William Madasz be ratified as appointments to the High Country Joint Powers Board. Linda Fleming seconded. The motion carried unanimously.

The Clerk advised that the Highline Watershed Improvement District Board had notified her that Kurt Bucholz submitted his resignation on December 18, 2002, and Greg Ryan was appointed to fill the vacancy. These are elected positions.

### **Bonds**

Approved were:

Western Surety Bond #68874155 for Rusena Cobb of Savery as Treasurer of the Little Snake River Museum District of Savery in the amount of \$2,000.

Western Surety Bond #69380997 for Kristine A. Lessard of Hanna as the Treasurer for the Town of Hanna in the amount of \$100,000.

Nationwide Mutual Insurance Company Bond No. 7900531229 for Janet R. B. Herold as Clerk/Treasurer for the Town of Baggs in the amount of \$50,000.

### **Elected Officials Status Changes**

Status Change forms for salary increases effective January 2003 for Carbon County elected officials were signed by Chairman Zeiger.

### **911 Surcharge**

The Clerk advised that a public hearing will be held on February 4, 2003 for a proposed resolution to impose a monthly surcharge on the telephone service to pay for costs of an enhanced 911 emergency telephone system. Counties are authorized, after a public hearing, to impose a monthly surcharge of fifty cents (50¢) upon each local access telephone line within the portion of the County's jurisdiction, in which the 911 service is provided.

### **Minutes**

Linda Fleming moved to approve the minutes of December 17, 2002 as presented. Lee Meacham seconded. The motion carried unanimously.

### **Carbon County Public Health Agreement**

Lee Meacham moved that Chairman Zeiger be authorized to sign the Agreement for Professional / Prenatal Instructor Services between Carbon County Public Health Nursing Services and Marchia Bernal. Linda Fleming seconded. The motion carried unanimously.

### **Wyoming Retirement System Deferred Compensation**

Linda Fleming moved that Carbon County adopt Resolution 2003-01 for the Wyoming Retirement System for the Deferred Compensation Plan for the benefit of Carbon County employees. Lee Meacham seconded. The motion carried unanimously.

## **RESOLUTION 2003-01**

### **RESOLUTION ADOPTING THE WYOMING RETIREMENT SYSTEM DEFERRED COMPENSATION PLAN FOR THE BENEFIT OF EMPLOYEES OF CARBON COUNTY, WYOMING (Political Subdivision)**

WHEREAS, the individuals signing below have the authority to take the action set forth herein on behalf of the Political Subdivision.

WHEREAS, the Political Subdivision wishes to adopt the Wyoming Retirement System Deferred Compensation Plan, an eligible deferred compensation plan governed by Section 457 of the Internal Revenue Code, for its employees pursuant to enabling Wyoming Statute Article 5, Sections 9-3-501 through 9-3-508.

NOW THEREFORE, BE IT RESOLVED, that the Political Subdivision adopts the Wyoming Retirement System Deferred Compensation Plan (Plan), effective January 7, 2003.

FURTHER RESOLVED, that the participation of the Political Subdivision's employees in the State Plan shall be governed by the plan document, a copy of which is attached, the services agreement(s), and any and all rules and regulations promulgated by the Wyoming Retirement System Board.

FURTHER RESOLVED, that the Political Subdivision agrees to be bound by and honor the decisions and action taken by the Wyoming Retirement System Board, the plan administrator, in connection with Plan management and administration, including but not limited to, amending or terminating the Plan, selecting investment options and service providers, and approving unforeseeable emergency requests.

FURTHER RESOLVED, that the Political Subdivision agrees that no employee shall be allowed to contribute more than the maximum annual contribution into the Plan. If Political Subdivision offers one or more other 457 plans, Political Subdivision shall coordinate the maximum annual contribution among all of the plans and agrees that any excess deferrals resulting from participation in multiple plans shall be attributable to and distributed from one of the other 457 plans, not the Wyoming Retirement System 457 Plan.

FURTHER RESOLVED, that the Political Subdivision will facilitate educational programs developed for use with the State Plan at least once a year, and, to the extent possible, to allow employees to attend during working hours.

FURTHER RESOLVED, Carbon County Clerk and/or Chief Deputy County Clerk, as chief payroll clerk, is hereby authorized to provide all relevant information to

Wyoming Retirement System 457 Plan Administrator as requested.

Dated this 7th day of January, 2003.

-s- Artlin Zeiger, Chairman  
Carbon County Commissioners

Attest:

-s- Linda Ann Smith, County Clerk

### **ELECTED OFFICIALS**

#### **Official Carbon County Depositories**

Linda Fleming moved that the Rawlins National Bank, Bank of Commerce, Community First Bank in Rawlins and Community First Bank in Saratoga be approved as Carbon County's official depositories. Lee Meacham seconded. The motion carried unanimously.

### **SENIOR SERVICES**

Bill Michie presented his monthly report to the Commissioners.

### **JAIL COMMITTEE**

Sheriff Colson advised that the Jail Committee will be holding informational public meetings in each Carbon County town.

Sheriff Colson advised that the Construction Manager at Risk advertisements have been published. Bids are due on Friday, January 31, 2003, and Commissioners will open the bids at 10:30 a.m. on February 4, 2003.

### **Juvenile Justice**

Linda Fleming moved that the Commissioners be authorized to sign the Carbon County Juvenile Justice Administration By-Laws. Lee Meacham seconded. The motion carried unanimously.

### **EXECUTIVE SESSION**

Linda Fleming moved to enter into executive session to discuss personnel issues at 11:10 a.m. Lee Meacham seconded. The motion carried unanimously.

Linda Fleming moved to come out of executive session at 11:37 a.m. Lee Meacham seconded. The motion carried unanimously.

### **EMERGENCY MANAGEMENT**

Greg Zabel came before the Commissioners and presented his monthly report.

Greg Zabel advised that two officers (Leo Black and Steve Doolin) from the Wyoming State Penitentiary will be working with juveniles in trouble with alcohol and drug problems to help counsel them. Mr. Zabel advised that Sheriff Colson had volunteered to assist in this counseling process, but there is a conflict due to his inability to release any juvenile records or information. Linda Fleming suggested the County obtain copies of the recommendations from Judge Stebner and the Wyoming Department of Family Services endorsing Mr. Black and Mr. Doolin before the officers begin using the Armory for counseling purposes to avoid any liability issues for the County.

## **GIS / GPS**

Karen Larsen and Alan Frank updated the Commissioners on the status of the rural addressing project.

Lee Meacham moved that the Chairman be authorized to sign the contract with Premier Data for GIS services, with the revisions made by Tom Thompson, Carbon County Civil Attorney. Linda Fleming seconded. The motion carried unanimously.

## **LUNCH**

Chairman Zeiger recessed the meeting for lunch at 12:10 p.m., and the meeting was reconvened at 1:15 p.m.

## **EXECUTIVE SESSION**

Linda Fleming moved to enter into executive session to discuss litigation issues at 1:22 p.m. Lee Meacham seconded. The motion carried unanimously.

Lee Meacham moved to come out of executive session at 2:30 p.m. Linda Fleming seconded. The motion carried unanimously.

## **PLANNING AND ZONING**

No report was given from Planning and Zoning.

## **CARBON COUNTY CIVIL ATTORNEY**

Linda Fleming moved that Carbon County deny the claim of Universal Transport Inc., Robert L. Farley and Kathryn Jean Farley. Lee Meacham seconded. The motion carried unanimously.

## **RECESS**

Chairman Zeiger recessed the meeting at 2:30 p.m. and reconvened the meeting at 2:47 p.m.

## **ROAD AND BRIDGE**

Bill Nation presented his bi-monthly report to the Commissioners.

Lee Meacham moved that Chairman Zeiger be authorized to sign the perpetual right-of-way easement with Wyoming Game and Fish for County Road #347 (Savage Road). Chairman Zeiger seconded. Linda Fleming abstained from the vote. The motion carried unanimously.

## **RECESS**

Chairman Zeiger recessed the meeting at 3:06 p.m. and reconvened the meeting at 3:19 p.m.

## **TOWN OF SARATOGA JOINT POWERS BOARD**

Hank Jewell, Town of Saratoga Mayor, and Joe Glode requested the Commissioners sign a resolution supporting a recreation center / performing arts auditorium in Saratoga.

Linda Fleming moved that Carbon County adopt a resolution approving, ratifying, and agreeing to be bound by the terms and conditions of an ordinance yet to be adopted by the Saratoga Town Council and approved by the Attorney General, contingent upon the ordinance being adopted being the same ordinance that was presented at this meeting with Carbon County Resolution 2003-02 attached. Lee Meacham seconded. The motion carried unanimously.

### **RESOLUTION 2003-02**

THE UNDERSIGNED, duly elected, qualified and acting individuals, constituting the Board of County Commissioners of the County of Carbon, State of Wyoming, do hereby certify that we have reviewed the above and foregoing Ordinance of the Saratoga Town Council and do hereby, by the authority vested in us by the laws of the State of Wyoming, and in particular, pursuant to the authority vested in us by Title 16, Chapter 1, Article 1, Wyoming Statutes, 1977, do hereby take the following action.

RESOLVED, the Board of County Commissioners, Carbon County, State of Wyoming in accordance with the authority vested in us by Title 16, Chapter 1, Wyoming Statutes, 1977, do hereby approve, ratify, adopt and agree to be bound by the terms and conditions of Ordinance No. (blank) adopted by the Saratoga Town Council on the (blank) day of (blank), 2003; Subject however, to said Ordinance being approved by the Wyoming Attorney General and to the filing thereof with the Wyoming Secretary of State and Carbon County Clerk.

Dated this 7th day of January, 2003.

-s- Artlin Zeiger, Chairman  
-s- Linda Fleming, Commissioner  
-s- Lee Meacham, Commissioner

Attest:

-s- Linda Ann Smith, Carbon County Clerk

## **INTERNAL REVENUE SERVICE**

Dwayne Jacobs, Federal State and Local Government Specialist, gave a power point presentation to the Commissioners explaining Internal Revenue Service rules on employee taxable and non-taxable benefits.

## **RECESS**

Chairman Zeiger recessed the meeting at 7:00 p.m.

## **WEDNESDAY, JANUARY 8, 2003**

The meeting was reconvened at 9:00 a.m. on January 8, 2003.

## **PUBLIC HEARING**

### **AMENDMENTS TO THE 1972 PLANNING AND ZONING RESOLUTIONS**

Chairman Zeiger opened the public hearing for public comment at 9:00 a.m. on Proposed Amendments to the 1972 Planning and Zoning Resolutions.

A court reporter was present at the public hearing and testimony given at this hearing will be provided under separate cover.

Chairman Zeiger closed the public hearing at 11:40 a.m.

## **RECESS**

Chairman Zeiger recessed the meeting at 12:00 p.m. and the meeting was reconvened at 1:35 p.m.

### **Stratton vs. Reidy**

Lee Meacham moved that the Commissioners sign the decision letter in the Stratton vs. Reidy matter, Carbon County Commissioners Docket #CCR-01-001, have disseminated to parties involved and adopt the Findings of Fact and Conclusions as follows:

#### **Findings of Fact and Conclusion**

The Commissioners find that there is no legally enforceable access to Tract 49 at the present time, and that the applicant has sufficiently demonstrated the necessity of a private road to achieve that access. It is the opinion of the Commissioners that a road of 1 ¼ miles, even though not all in the State of Wyoming, is considerably more convenient than 6 ½ miles over unimproved dirt road that will not meet the requirements of the applicant with the anticipated use of large trucks. There is no legally enforceable right to use the Forest Road 807 by any member of the public according to the evidence. While the ability of the applicant to use the Forest Road is not challenged, the road would require substantial change to meet the need of the applicant, something that is not required on the portion of the private road in Wyoming. Therefore, it is the finding of the Commissioners that Tract 49 has no legal enforceable outlet to a public road and that a necessity of access has been adequately demonstrated by the applicant.

Further, and by subsequent order, three freeholders and electors shall be appointed as viewers and appraisers pursuant to the provisions of W.S. 24-9-101, et. seq, with instructions and direction to bring their findings to the Commissioners.

Dated this 8th day of January, 2003.

-s- Artlin Zeiger, Chairman  
-s- Linda L. Fleming, Commissioner  
-s- Lee Meacham, Commissioner

Linda Fleming seconded. The motion carried unanimously.

## **RECESS**

Chairman Zeiger recessed the meeting at 1:45 p.m. and reconvened the meeting at 1:50 p.m.

## **EXECUTIVE SESSION**

Lee Meacham moved to go into executive session at 1:50 p.m. to discuss

litigation issues. Linda Fleming seconded. The motion carried unanimously.

Linda Fleming moved to come out of executive session at 2:40 p.m. Lee Meacham seconded. The motion carried unanimously.

**ADJOURNMENT**

Chairman Zeiger adjourned the meeting at 2:41 p.m.

BOARD OF COUNTY COMMISSIONERS  
CARBON COUNTY, WYOMING

-s- Artlin Zeiger, Chairman

ATTEST:

-s- Linda Ann Smith, Clerk