

**MINUTES OF THE BOARD OF CARBON COUNTY COMMISSIONERS
INDUSTRIAL SITING FUNDING WORKSHOP
Thursday, October 11, 2007
Medicine Bow Senior, Medicine Bow, Wyoming**

The Board of Carbon County Commissioners held a workshop Thursday, October 11, 2007 at the Medicine Bow Senior Center in Medicine Bow, Wyoming to discuss a proposed funding distribution schedule for industrial siting funding. Attending the meeting were Commissioners Terry Weickum and Jerry Paxton; County Clerk, Gwynn Rothenberger; County Treasurer, Cindy Baldwin; and County Attorney, Cindy DeLancey. Chairman Zeiger was absent.

Commissioner Weickum, Acting Chairman, called the meeting to order at 3:03 p.m. and called for introductions. He then explained a proposed funding distribution schedule prepared by the Department of Environmental Quality (DEQ) for funding resulting from an Industrial Siting Application from Medicine Bow Fuel and Power LLC (MBFP). He stated that DEQ has determined that the Counties of Carbon and Albany, the Towns of Saratoga, Elk Mountain, Rock River, Sinclair, Medicine Bow, and Hanna and the Cities of Rawlins and Laramie will be affected by MBFP's project and are therefore eligible for impact assistance funding. Commissioner Weickum added that if the group does not agree on funding distribution, the Industrial Siting Council (ISC) will decide and disperse funding as they see fit. Commissioner Weickum asked for one member from each entity to identify themselves as that entity's voting member.

Voting members from each entity are as follows: Jerry Paxton for Carbon County; Rick Christopherson for Elk Mountain; Linda Crabtree for Hanna; Troy Maddox for Medicine Bow; Mike Reed for Rawlins; Ed Glode for Saratoga; Phyllis McWhorter for Sinclair; Tim Chesnut for Albany County; Peter Wysocki for Laramie; and Sam Vieyra for Rock River.

Commissioner Weickum further explained the proposed funding distribution schedule that estimates \$1,280,000 the first year, \$1,408,000 the second year, and \$1,162,000 the third year to be divided between all affected entities. This proposal was strictly prepared based on a housing study included in MBFP's application.

Commissioner Weickum explained the options are to decide what each entity gets, or just to decide what each county will get and leave it up to each county to divide their percentage between municipalities located within that county. He added that distribution can be reviewed and adjusted each six months if the group prefers.

The proposed distribution schedule states the following percentages: Carbon County 33.8%, Elk Mountain 3.9%, Hanna 3.1%, Medicine Bow 19.3%, Rawlins 14.3%, Saratoga 0%, Sinclair 0%, Albany County 0%, Laramie 22.8% and Rock River 2.7%.

Commissioner Weickum proposed that Carbon County get 30%, Saratoga 2.8%, and Sinclair 1%, of funding annually.

Commissioner Chesnut asked if these funds are restricted and Mr. Schroeder replied that the funds are distributed directly to the County Treasurer and are not restricted. Attorney DeLancey stated these funds are statutorily required so no justification is necessary to the ISC on how they are used.

Commissioner Weickum discussed that he feels the distribution should be re-looked at every six months. Mr. Chesnut stated that he agrees with revisiting the schedule every six months, but asked why Albany County was not allotted any funding on the proposal. He proposed that the split between Carbon and Albany counties be 70/30 respectively rather than 75/25 because Laramie has plenty of available housing for purchase or rent and many open hotels. Commissioner Paxton and Mr. Reed stated they agree with reviewing the figures every six months to determine if an adjustment is necessary.

Todd Parfitt of DEQ stated that every six months, adjustments can be made to the distribution between counties by petition to the ISC, but distribution between municipalities can be done if all entities agree without petition to the ISC. He also clarified to Mr. Chesnut that the reason Albany County's proposed distribution is zero is because the proposed funding distribution schedule came from the housing study in MBFP's application that does not anticipate any individuals living in the unincorporated areas of that county.

Tom Schroeder explained that impact assistance is based on the growth of sales and use tax during the previous twelve month period. Mr. Parfitt added that when a company contacts DEQ to start construction, they contact the Department of Revenue who in turn calculates the twelve prior months of sales and use tax to establish a baseline, then the followings month's sales and use tax is compared to that baseline to determine that month's impact assistance funding. He added that predicted residency patterns dictated the funding schedule presented today.

Mr. Wysocki asked if quarterly reports would be provided to counties and municipalities to show them where individuals actually end up living to help reevaluate distribution. Mr. Schroeder stated they require a residency report for all workers from the contractor and DEQ gets this quarterly and will pass it on to each entity.

Rita Clark of Elk Mountain asked if the housing count is based on one employee or are families included. Commissioner Paxton stated the housing survey is only based on available housing, not the number of people living in these houses. Ms. Clark stated her concern that if workers bring families, this will impact schools. Commissioner Paxton stated that impact on schools would be taken care of in the school funding process. Marla Brown, City of Rawlins Clerk, asked if MBFP plans to provide transportation for their employees to the construction site. Commissioner Weickum stated there is no guarantee, but MBFP does plan to provide transportation from some areas.

RECESS

Commissioner Weickum called a recess at 3:43 p.m. and reconvened at 4:00 p.m.

Mr. Chesnut stated he thinks one of the biggest impacts will be felt in Laramie and the split should be 30% for Albany County and 70% for Carbon County. There was discussion about the number of available rentals and available housing in Laramie. Mr. Wysocki agreed with the funding split and added that there is abundant housing available in Laramie and the amenities there would most likely attract more employees. Mr. Vieyra stated he feels there is more offered in Laramie and he feels that especially if busing is provided, there will be more workers choosing to reside in Laramie.

Don Mayfield of Medicine Bow stated he feels the high rent in Laramie might prevent some individuals from choosing to live there and the man camps planned to be located in Carbon County will make more impacts there. Mr Reed stated the study presented by MBFP has factored in all these discussion points and he proposed revisiting the distribution in six months to one year.

Commissioner Paxton discussed the impacts on county roads and bridges in Carbon County and that if man camps will be located in Carbon County, the greatest impact will be there, therefore he agrees with the proposed 75% and 25% split between counties.

Commissioner Weickum called for a vote for 75% of funding to go to Carbon County and 25% for Albany County. All voting members from Carbon County agreed. Mr. Chesnut, Mr. Vieyra, and Mr. Wysocki stated they would agree if distribution was revisited in six months.

Commissioner Weickum polled all voting members asking if as a starting point, would each support the proposed percentages for each county and municipality if these amounts were reviewed in six months from commencement of construction and compared to the actual housing study from IDC. All voting members voted yes on the proposed funding schedule as follows: Carbon County 30.6%, Elk Mountain 3.9%, Medicine Bow 19.3%, Sinclair 1.0%, Hanna 3.1%, Saratoga 2.8%, Rawlins 14.3%, Albany County 0%, Rock River 2.5%, and Laramie 22.5%.

Attorney DeLancey asked that each voting member sign a letter addressed to Tom Schroeder stating the proposed percentages and stating that each member is authorized to make a decision on behalf of their entity and agrees on the funding distribution as stated above. A letter was subsequently presented that each voting member signed. The letter was then given to Mr. Schroeder.

RECESS

Commissioner Weickum called a recess at 5:00 p.m. and reconvened at 5:12 p.m.

Commissioner Paxton moved to approve the Settlement Agreement, the Stipulated Motion to Dismiss, the Order Dismissing and the Release of Default Judgment, the Judgment Imposing Civil Penalties, and the Judgment Awarding Attorney Fees in reference to Civil Case File No. CV-02-0110 and that they be executed by Acting Chairman Weickum. Commissioner Weickum seconded and the motion carried unanimously.

ADJOURNMENT

There being no further business, Commissioner Weickum adjourned the meeting at 5:13 p.m.

-s- Gwynn G. Rothenberger, Carbon County Clerk

Approved this 6th day of November, 2007.

BOARD OF COUNTY COMMISSIONERS
CARBON COUNTY, WYOMING

-s- Terry Weickum, Acting Chairman