

**MINUTES OF THE BOARD OF  
CARBON COUNTY COMMISSIONERS  
REGULAR MEETING  
Tuesday, November 13, 2007  
Hanna Senior Center, Hanna Wyoming**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, November 13, 2007 at the Hanna Senior Center, in Hanna Wyoming. Attending the meeting were Commissioners Terry Weickum and Jerry Paxton; County Clerk Gwynn Rothenberger; County Attorney Cindy DeLancey; and County Treasurer Cindy Baldwin. Chairman Artlin Zeiger was absent.

Commissioner Weickum called the meeting to order at 4:00 p.m.

**VOUCHERS**

The following vouchers were presented and approved for payment:

ALCO	SUPPLIES	106.85
ALSCO, AMERICAN LINEN	SUPPLIES	45.50
BG & J SANITATION	GARBAGE SERVICE	295.00
BI-RITE PHARMACY	JAIL RX	4,222.07
BI-RITE SPORTING GOODS	SUPPLIES	23.58
BLACK HILLS AMMUNITION	AMMUNITION	289.00
BOUGERE, LIBBY	FACILITATOR FEE	240.00
BRESNAN COMMUNICATIONS	TV & INTERNET SERVICES	351.10
BUCHHAMMER & KEHL	LEGAL SERVICES	439.51
BUILD RITE LUMBER SUPPLY	SUPPLIES	329.56
C N A SURETY	BOND	100.00
CARBON COUNTY VETERINARY	SUPPLIES	35.99
CARBON POWER & LIGHT	ELECTRICAL SERVICE	213.12
CATERPILLAR FINANCIAL	LEASE PAYMENTS	64,826.30
CBM FOOD SERVICE	JAIL FOOD	3,030.29
CDW GOVERNMENT, INC.	SUPPLIES	1,721.74
COLSON, PEGGY	SEWING SERVICES	90.00
COMMUNICATION SYSTEM	REPAIRS	2,059.29
COMPUTER SOFTWARE ASSOC.	MEMORY/SUPPLIES/PRINTERS	3,141.50
COPYEX LLC	REPAIRS	225.00
DATA IMAGING SYSTEMS	INDEXING OF DOCUMENTS	10,768.18
DEHERRERA & BACH LAW	LEGAL SERVICES	3,459.15
DELL MARKETING L.P.	COMPUTER	895.25
DIXON, TOWN OF	WATER & SEWER	33.50
DUBOIS TELEPHONE EXCCCHANGE	PHONE SERVICE	139.59
EAGLE UNIFORM SUPPLY	SUPPLIES	124.04
ENCAMPMENT, TOWN OF	WATER & SEWER	54.00
ERICKSON & ROBERTS	LEGAL SERVICES	5,710.05
FARMER BROTHERS COFFEE	SUPPLIES	106.17
FASTENAL	SUPPLIES	49.25
FREMONT MOTORS-RAWLINS	PARTS	68.94
FSH COMMUNICATIONS	COURTHOUSE PAYPHONE	70.00
G. NEIL COMPANIES	SUPPLIES	112.24
GASES PLUS	SUPPLIES	634.01
GCR ELECTRONICS, LLC	SITE RENTAL	450.00
HAGOOD, VICKI	MILEAGE	15.18
HANNA, TOWN OF	WATER & SEWER	76.00
HEROLD IRON WORKS	SUPPLIES	36.40
HILLCREST SPRING WATER	SUPPLIES	72.50
HOLIDAY INN EXPRESS	ROOM CHARGES	178.50

HOWARD SUPPLY COMPANY	CHAINS	1,624.35
HYLAND ENTERPRISES	SUPPLIES	76.95
IKON FINANCIAL SERVICES	RENT & IMAGES	424.29
INDEPENDANCE MEDICAL	SUPPLIES	6.52
INTERMOUNTAIN RECORD	MICROFILM	188.00
J H KASPAR OIL COMPANY	FUEL	7,497.52
JACKALOPE PRINTING	SUPPLIES	831.15
JEFFERSON COUNTY SHERIFF	SUBPOENA SERVICE	39.17
JERRY'S DONUTS	SUPPLIES	15.98
JUVE, JANE H	LEGAL SERVICES	4,530.86
KILBURN TIRE COMPANY	VEHICLE REPAIRS	48.50
KINETIC LEASING	LEASE PAYMENTS	123,907.00
KONE ELEVATORS ESCALATORS	ELEVATOR MAINTENANCE	1,321.14
KROGER - KING SOOPERS	SUPPLIES	67.31
LARIAT QUICK STOP	FUEL/SUPPLIES	2,592.90
LASCANO, LUIS	JANITORIAL SERVICES	3,700.00
LAWSON PRODUCTS INC	PARTS & SUPPLIES	323.38
LONG BUILDING TECHNOLOGIES	JEFFREY CENTER PARTS	114.55
MADER, TSCHACHER, PETERSON	PROGRESS BILLING-AUDITOR	5,000.00
MATTHEW BENDER & CO.	COURT RULES SUPPLEMENT	27.25
MEDICINE BOW, TOWN OF	WATER & SEWER	53.00
MORIARITY, CATHERINE	TRANSCRIPT PREPARATION	133.50
MPM CORP / EVERGREEN	GARBAGE SERVICES	20.00
NEUTRON INDUSTRIES	SUPPLIES	215.25
P M P C ENGINEERING	SEMINOE BOAT CLUB ROAD	2,090.00
PAMIDA INC	SUPPLIES	161.78
PERKINS OIL CO	FUEL	2,131.94
PERUE PRINTING	SUPPLIES	193.00
PICKETT, THOMAS Y	VALUATION REPORT	5,250.00
PRO-CHEM INDUSTRIAL	SUPPLIES	75.75
PUBLIC SAFETY CENTER	SUPPLIES	201.21
QUALITY INN	ROOM CHARGE	65.00
QUALITY LANDSCAPE	JAIL-WINTERIZE SPRINKLER	75.00
QWEST	PHONE SERVICE	68.32
RAWLINS AUTOMOTIVE	SUPPLIES	331.99
RAWLINS FIRE EXTINGUISHER	FIRE EXTINGUISHERS/SERVICE	501.00
RAWLINS, CITY OF	SEWER/WATER TAP FEES	2,550.00
RIDEOUT, RICHARD P.C	LEGAL SERVICES	1,015.79
ROCKY MOUNTAIN POWER	ELECTRICAL SERVICE	10,212.05
ROSS' AUTOMOTIVE SERVICE	VEHICLE SERVICE	117.27
RYAN ELECTRONICS INC	MTCE CONTRACT/CALL	4,044.79
SARATOGA AUTO PARTS	SUPPLIES	571.37
SARATOGA FEED & GRAIN	SUPPLIES	21.08
SARATOGA SUN	ADVERTISING	1,514.37
SHIVELY HARDWARE	SUPPLIES	54.33
SNAP-ON TOOLS	TOOLS	583.70
SOURCE GAS	GAS SERVICE	132.15
SPILLMAN TECHNOLOGIES	MAINTENANCE AGREEMENT	15,451.00
STAN'S QUIK LUBE	VEHICLE MAINTENANCE	37.57
STATE OF WYOMING A & I	COMPUTER LINK	11.60
SUNRISE SANITATION SERVICES	WATER & SEWER	25.00
TRUE VALUE OF RAWLINS	SUPPLIES	590.72
TYLER TECHNOLOGIES	COMPUTER/CREDIT	2,036.54
VALLEY OIL COMPANY	FUEL	3,858.56
VAN'S WHOLESALE	SUPPLIES	216.11
WY MACHINERY COMPANY	PART	70.83
WY STATIONERY	SUPPLIES	1,597.27

WY TAXPAYERS ASSOCIATION	MEMBERSHIP	100.00
XEROX CORPORATION	BASE CHARGE	356.18
YAMPA VALLEY ELECTRIC	ELECTRICAL SERVICE	94.48
	GRAND TOTAL	314,004.67

**CLERK**

**Saratoga Ambulance Service**

Clerk Rothenberger presented a letter from Sharon Fluty of the Saratoga Ambulance Service. Ms. Fluty indicated that after using the authorized funds from the county to purchase approved equipment, she has an additional \$5,991.43 that she is requesting authorization to spend on equipment and training.

Commissioner Paxton moved to allow Saratoga Ambulance Service to use a funding overage of \$5,991.43 on training and equipment. Commissioner Weickum seconded and the motion carried unanimously.

**LUCA Program**

Commissioner Paxton moved to authorize Commissioner Weickum to sign the Registration Form for the Local Update of Census Addresses Program after review and approval from Cindy DeLancey. Commissioner Weickum seconded and the motion carried unanimously.

**Forest Service MOU**

Clerk Rothenberger presented a revised Memorandum of Understanding (MOU) Between Carbon County, the Saratoga-Encampment-Rawlins Conservation District, Laramie Rivers Conservation District, Little Snake River Conservation District and the United States Department of Agriculture Forest Service Medicine Bow-Routt National Forests. She stated Sam Fairbairn of the Medicine Bow Routt National Forest notified her that the Board executed the incorrect version of this MOU and requested the Board sign FS Agreement No. 07-MU-11020600-051. The Board asked that Attorney DeLancey review the revisions to the agreement.

**Agenda Amendment**

Commissioner Paxton moved to amend the agenda to discuss building permit fees and add three executive sessions following regular business today. Commissioner Weickum seconded and the motion carried unanimously.

**ELECTED OFFICIALS / DEPARTMENT HEADS**

**Treasurer**

Cindy Baldwin reported tax collections continue and her office has collected approximately \$18 million. She added of the approximately \$54 million that will be collected roughly \$9 million will stay in the county's budget. Most of the remaining funds will go to the school districts.

A member of the audience asked if when the county losses revenue from oil and gas, why taxes do not decrease. Treasurer Baldwin and Commissioner Weickum explained the process of tax assessment and tax billing. Commissioner Weickum explained that county officials do pay particular attention to use the available funds in the best possible manner. He explained that county funds are used on various items such as maintenance of county buildings, road maintenance and related equipment, and law enforcement.

**Attorney**

Attorney DeLancey discussed the changes made to the Forest Service MOU Clerk Rothenberger presented earlier today. She stated she is comfortable with the Board executing the agreement but noted the signature line is Commissioner Paxton's signature.

Commissioner Paxton moved that the Chairman be authorized to sign FS Agreement No. 07-MU

-11020600-051, a Memorandum of Understanding Between Carbon County, the Saratoga-Encampment-Rawlins Conservation District, Laramie Rivers Conservation District, Little Snake River Conservation District and the United States Department of Agriculture Forest Service Medicine Bow-Routt National Forests. There was discussion regarding a similar MOU with the Medicine Bow Conservation District. Clerk Rothenberger asked that the motion be amended to state this Agreement takes the place of the previously signed version. Commissioner Paxton amended the original motion to state that this agreement takes the place of the previously signed version. Commissioner Weickum seconded and the motion carried unanimously.

### **Road & Bridge**

Bill Nation presented the Road & Bridge Report Dated November 13, 2007. Mr. Nation introduced Sherman Johnson, Area Supervisor. He then introduced Jason Kunzia of McMurry Ready Mix, the successful bidder of the Carbon County Roads 1 & 3 project.

### **Area Work**

There was a public request to add speed limit and or curve signs on County Road 3 near bear creek. Mr. Nation stated he would look into this and discuss the issue with the Area Supervisor. He stated that individuals must also solicit the Carbon County Sheriff's Office for enforcement of any signs that are put up.

There were further public questions clarifying the names of County Roads 1 & 3 that some individuals call County Road 402. This individual questioned which road Mr. Nation is speaking of. Mr. Nation offered to send her a County Road map and he explained where each road lies.

A community member complimented Mr. Nation on his use of grant funds to reconstruct County Roads 1 & 3 and asked him if he knew of a state grant program for the agriculture industry. Mr. Nation discussed the farm to market program whereby the state gave the farming community funds to transport their product. Mr. Nation added that this program is now known as the Road Fund. Funds are added to this based on county road miles, and population then the county targets ongoing services and uses these funds at their discretion.

Mr. Nation discussed the Elk Mountain Bridge and indicated this bridge is on the list to be funded by the Bridge Replacement Off – System Program (BROS) which is 90% federal 10% local grant funds. Commissioner Weickum complimented Mr. Nation on his continued effort to obtain grant funds for county road improvements and construction.

### **Planning & Development**

Lou Kline discussed ongoing projects in the Planning Department, specifically public meetings being held to take public comment on the 640 issue. Will Speer of the Planning Commission added there are upcoming ones in Medicine Bow and Baggs. Mr. Speer added that after the public comment period is complete, the planning Commission should be prepared on December 4, 2007 to make a recommendation to the BOCC. Mr. Speer added that the County has entered into a contract with consultants to update the Carbon County Land Use Plan.

### **Building Permits**

Commissioner Weickum discussed that the Carbon County Planning Commission recently voted to change the building permit fee schedule to add a cap of \$1,000.00 for a building permit fee in the unincorporated areas of Carbon County. Commissioner Weickum asked Mr. Speer to further explain the reasoning behind the change.

Mr. Speer stated the two main reasons were that the Planning Department staff felt it was time to revisit the issue and that PacifiCorp was going to make application for a wind farm that the building permit fee would have been approximately \$1 million. Mr. Speer stated the without building codes in effect at this time, and because the county provides no building inspectors, the county merely issues a building permit and can not justify the higher fees. The Planning Commission felt to cover the administrative expenses for the county, the \$1,000.00 cap is sufficient. Mr. Speer stated that these organizations building facilities do provide considerable tax base for the county, making up for the loss of revenue from a building permit. Commissioner Weickum stated that fire protection, police protection, roads and many other services must be provided for these companies and their employees and that they should be responsible to help pay for these things.

Treasurer Baldwin discussed the income flow for these types of projects and how they are taxed. She stated that the tax revenue will not be paid to the county until production begins and this is usually two to three years later, meanwhile the county must provide the services Commissioner Weickum discussed. She stated she understands economic development promotion, but the \$1,000.00 cap seems low for a billion dollar facility. She also discussed impact assistance the county receives, but added that this is usually shared between other affected counties and municipalities and only lasts for a limited time.

Ed Ballard of the Planning Commission stated he feels the county should be looking further down the road rather than just the immediate funding from a building permit. He feels the benefit of economic development outweighs the funds that might be collected from a building permit.

Commissioner Weickum stated these companies do cause a major impact to the county and that they come to make money, not to bring the county money. He feels they should pay their fair share. He asked how the new fee schedule compares to other counties and what the motivation behind the cap was.

Mr. Speer asked what benefit the county was providing for companies before the reduction in building permit fees. There was discussion of the services provided to these companies when they decide to build in Carbon County. Commissioner Weickum stated the Planning Commission has previously stated that property tax will not support the services necessary and questioned why the difference of opinion now. Commissioner Weickum presented the fee schedule from the City of Rawlins citing an example that a \$1,000.00 building permit would be the charge for an \$86,001.00 to \$87,000.00 structure. Mr. Speer stated the city has full inspection services including blue-print review services. Commissioner Weickum stated there is a plan review fee separate for the building permit fee and then discussed more examples of the fees. He stated for a \$100,000,001.00 and more expensive structure, Rawlins charges \$5,012.25 plus \$2.75 for each additional \$1,000.00. There would be an additional fee of 25% of the license fee for plan inspections.

Commissioner Weickum then presented Natrona County's fee schedule citing examples of building permit fees there. The building permit fee for a \$1,000,001.00 structure would be an initial charge of \$4,505.50 plus \$3.15 for each additional \$1,000.00 over \$1 million.

Commissioner Paxton stated he would like to know the fee structure of Albany County as they will have a similar wind farm facility going up there soon. Mr. Speer again stated that the inspection services are not available.

There was audience discussion of implementation of building codes and code enforcement. Commissioner Weickum replied that he agrees that building codes are necessary and discussed various reasons for his thoughts. He stated the idea was met with great opposition but he would personally like to see codes for Carbon County go forward.

Commissioner Weickum stated the Planning Commission has the authority to set building permit fees but that he is upset the cap is \$1,000.00 and feels that the individuals that deserve the break are residential uses. He added that he would like to see the Planning Commission revisit this very soon and asked them to do further research on issues in the future before making such drastic changes. Mr. Speer asked what the BOCC felt a fair cap would be. Commissioner Weickum suggested comparing with other county building permit fee schedules.

Commissioner Paxton asked that the Planning Commission look at neighboring counties and compare fees and services given for those building permit fees as well as look at possible exemptions given in Sweetwater County for oil and gas development. Commissioner Paxton stated this would be the best way to compare apples to apples.

## **COMMUNITY DISCUSSION**

Robert Meadows, Hanna resident and Linda Crabtree, Hanna Councilperson, reported they have been investigating an assisted living facility, otherwise known as greenhouse living, for elderly individuals in Hanna. Mr. Meadows stated he has formed a group that envisions a unit in front of the Hanna Senior Center. Commissioner Weickum pointed the group towards Mark Ducker, Carbon County Economic Development (EDC) Director adding that EDC should be able to assist this group in their endeavors. Mr. Meadows complimented Mr. Nation on his work for the

county.

Donna Pipher asked about the process for the formation of a joint powers board to examine emergency response in the county. Commissioner Weickum stated he has turned this over to Patsy Carter at Memorial Hospital of Carbon County. Attorney DeLancey stated she drafted the legal framework for the formation of a joint powers board and will disperse this to involved members soon.

Rita Clark asked if a memorandum of understanding could be drafted between the county, the Wyoming Game & Fish and the Bureau of Land Management regarding antelope killings near pipelines. Attorney DeLancey replied that it is the Game & Fish's investigative realm to bring violations to the County Attorney's Office and she stated her office values the wildlife resources the county offers and she takes these cases very seriously.

### **EXECUTIVE SESSION**

Commissioner Paxton moved to go into executive session at 5:53 p.m. with Clerk Rothenberger, Cindy DeLancey and Cal Rerucha to discuss personnel. Commissioner Weickum seconded and the motion carried unanimously.

Commissioner Paxton moved to come out of executive session at 6:10 p.m. and that the minutes of the session be approved as presented and sealed, and declared that no action was taken during the executive session. Commissioner Weickum seconded and the motion carried unanimously.

Commissioner Paxton moved to discontinue use of a local broker in reference to the county's healthcare plan effective immediately and that the County Clerk be authorized to prepare a letter to Meritain Health reflecting the change. Commissioner Weickum seconded and the motion carried unanimously.

### **EXECUTIVE SESSION**

Commissioner Paxton moved to go into executive session at 6:15 p.m. with Clerk Rothenberger, Cindy DeLancey, and Cal Rerucha to discuss potential litigation. Commissioner Weickum seconded and the motion carried unanimously.

Commissioner Paxton moved to come out of executive session at 6:20 p.m. and that the minutes of the session be approved as presented and sealed, and declared that no action was taken during the executive session. Commissioner Weickum seconded and the motion carried unanimously.

Attorney DeLancey left the meeting at 6:21 stating she must excuse herself from the upcoming executive session due to a possible conflict of interest. Commissioner Weickum recessed at 6:21 p.m. and reconvened at 6:22 p.m.

### **EXECUTIVE SESSION**

Commissioner Paxton moved to go into executive session at 6:22 p.m. with Clerk Rothenberger and Cal Rerucha to discuss potential litigation. Commissioner Weickum seconded and the motion carried unanimously.

Bill Nation joined the executive session at 6:25 p.m.

Commissioner Paxton moved to come out of executive session at 6:49 p.m. and that the minutes of the session be approved as presented and sealed, and declared that no action was taken during the executive session. Commissioner Weickum seconded and the motion carried unanimously.

### **ADJOURNMENT**

There being no further business, Commissioner Weickum adjourned the meeting at 6:49 p.m.

-s- Gwynn G. Rothenberger, Carbon County Clerk

Approved this 4th day of December, 2007.

BOARD OF COUNTY COMMISSIONERS

CARBON COUNTY, WYOMING

-s- Terry Weickum, Acting Chairman