

**MINUTES OF THE BOARD OF  
CARBON COUNTY COMMISSIONERS  
REGULAR MEETING  
Tuesday, May 1, 2012  
County Courthouse, Rawlins, Wyoming**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, May 1, 2012 at the County Courthouse in Rawlins, Wyoming. Attending the meeting were Chairman Terry Weickum; Vice Chairman Jerry Paxton; Commissioner Leo Chapman; Deputy County Attorney Mike Kelly; and Deputy Clerk Kathy Turner.

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

**AGENDA AMENDMENT**

Commissioner Paxton moved to amend the agenda to reflect a bid opening at 9:00 a.m. and also to have an executive session after the Commissioners discussion to discuss potential litigation, personnel and other matters considered confidential by law. Commissioner Chapman seconded and the motion carried unanimously.

**DIXON AIRPORT**

Leroy Graham, Buildings Manager opened two bids for the Dixon Airport NAVAIDS project for the painting of the new strips, lighting changes and new hydraulic gate and noted a representative from Modern Electric was present. Modern Electric from Casper, Wyoming bid a total of \$130,598.00 for Bid Schedules 1-3 and DACO Construction Co., Inc. from Norfolk, Nebraska bid a total of \$124,172.00 for Bid Schedules 1-3. Mr. Graham stated that GDA Engineers requested that we email the bids to them and they will return a recommendation via email this afternoon. Commissioner Paxton asked if we had anything in our policy that gives Wyoming companies an edge over out of state companies and Deputy Attorney Mike Kelly advised it is not necessarily in the county's policy but in the Wyoming Statues they get a 5% consideration.

**VOUCHERS**

Commissioner Chapman moved to approve the report of expenditures in the amount of \$220,400.73. Commissioner Paxton seconded and the motion carried unanimously.

Commissioner Chapman moved to approve payment to Candy Mountain in the amount of \$30.00. Commissioner Paxton seconded and the motion carried with Commissioners Chapman and Paxton voting for the motion and Chairman Weickum abstained noting he owns this company.

Vendor	Detail Line Description	Total
AIRPORT DEVELOPMENT GROUP	WILDLIFE HAZARD ASSESSMENT	\$12,250.00
ALLEN, PATRICK C MD PC	AUTOPSY	\$1,040.00
ALSCO, AMERICAN LINEN DIVISION	SUPPLIES	\$296.78
AMERIGAS	PROPANE SERVICES	\$1,299.70
API SYSTEMS INTEGRATORS	FIRE ALARM INSPECTION	\$487.00

ASPEN GROVE RENTALS	RENTAL ASSISTANCE	\$850.00
BARTLETT, SUE RN	MEALS/MILEAGE	\$38.26
BLACK DIAMOND ELECTRIC	ELECTRICAL MAINTENANCE	\$164.40
BOB BARKER COMPANY, INC.	SUPPLIES	\$928.34
BRESNAN COMMUNICATIONS	FIBER LINE	\$2,475.00
BUCHANAN, KAREN	MILEAGE	\$48.00
BUILD RITE LUMBER SUPPLY	SUPPLIES	\$49.78
BURTON, RICHARD	PARENTING CLASSES	\$300.00
CANDY MOUNTAIN	SUPPLIES	\$30.00
CARBON COUNTY SENIOR SERVICES	APRIL HEALTH SUBSIDY	\$7,988.33
CARBON COUNTY TREASURER	VARIOUS CASH ITEMS	\$692.59
CARBON POWER & LIGHT INC	ELECTRICAL SERVICES	\$989.18
CBM FOOD SERVICE	JAIL MEALS	\$3,743.00
CDW GOVERNMENT, INC.	IT EQUIPMENT	\$1,215.79
CENTRAL WYOMING SKIN	MEDICAL SERVICES	\$180.00
CENTURY LINK	TELEPHONE SERVICES	\$118.52
CENTURYLINK	TELEPHONE SERVICES	\$4,548.42
CENTURYLINK-PHOENIX	TELEPHONE SERVICES	\$376.33
CESKO FAMILY MEDICINE, PC	MEDICAL SERVICES	\$345.00
CMI-TECO	SUPPLIES	\$17.00
COMPUTER GENERATED SOLUTIONS	SOFTWARE MAINTENANCE	\$198.00
DAILY TIMES	NEWSPAPER ADS	\$491.95
DALLIN MOTORS INC	VEHICLE MAINTENANCE	\$35.95
DAVIDSON FAMILY DENTAL	DENTAL SERVICES	\$148.00
DIABETIC EXPRESS	SUPPLIES	\$73.80
DIXON, TOWN OF	WATER/SEWER SERVICES	\$186.00
DUBOIS TELEPHONE EXCHANGE	TELEPHONE SERVICES	\$40.55
EASTMAN, PATRICK	MILEAGE	\$29.10
ELK MOUNTAIN CONOCO	FUEL	\$471.43
EMERGENCY MEDICAL PRODUCTS, INC.	SUPPLIES	\$153.13
EVANS, JULIE	MILEAGE	\$25.20
FARMER BROTHERS COFFEE	SUPPLIES	\$82.16
FREMONT MOTORS - RAWLINS	VEHICLE MAINTENANCE	\$735.37
FRUDE, CANDICE	MEALS/MILEAGE	\$369.96
GALLS, AN ARAMARK COMPANY	SUPPLIES	\$132.96
GDA ENGINEERS	DIXON AIRPORT NAVAIDS	\$23,990.00
GEORGETOWN LAW ARCP	RENEWAL SUBSCRIPTION	\$85.00
GOLDEN, MARY	MILEAGE	\$60.00
GREATER WY BIG BROS/SISTERS	FEB CSBG	\$580.54
HEIMAN FIRE DEPARTMENT	GOGGLES	\$660.29
HEMOCUE	SUPPLIES	\$183.00
HIGH DESERT WELDING & MACHINE LLC	SUPPLIES	\$10.86

HIGH PLAINS POWER	ELECTRICAL SERVICES	\$298.16
HIGH PLAINS VISION CENTER	VISION SERVICES	\$120.00
HILLCREST SPRING WATER, INC.	EQUIPMENT RENTAL	\$13.00
HOLIDAY INN EXPRESS & SUITES	MOTEL CHARGES	\$385.00
IKON FINANCIAL SERVICES	IT COPIERS	\$2,995.59
J H KASPAR OIL COMPANY	FUEL	\$3,952.50
JACK, WILLIAM A.	CPR/FIRST AID CLASSES	\$70.00
JACKALOPE PRINTING	SUPPLIES	\$61.64
JERRY'S DONUTS	SUPPLIES	\$49.95
KENCO SECURITY AND TECHNOLOGY	ALARM MONITORING	\$34.00
KILBURN TIRE COMPANY	VEHICLE MAINTENANCE	\$30.00
KIRSCH, ARCHIE P	COUNTY HEALTH OFFICER	\$1,500.00
KONE ELEVATORS ESCALATORS	ELEVATOR MAINTENANCE	\$1,641.33
L N CURTIS & SONS	SUPPLIES	\$1,098.28
LONG BUILDING TECHNOLOGIES, INC.	WATER HEATER REPAIRS	\$331.72
MATSFORLESS.COM	SUPPLIES	\$851.05
MEDICINE BOW, TOWN OF	WATER SERVICES	\$73.00
MEMORIAL HOSPITAL OF CARBON COUNTY	MEDICAL SERVICES	\$2,651.00
MERCK SHARP & DOHME CORP.	PH HEALTH VACCINE	\$2,619.05
MOORE MEDICAL CORP.	SUPPLIES	\$194.77
MOSS, BARBARA	MILEAGE	\$54.60
MOTOROLA	SCWEMS MOBILE RADIOS	\$10,660.74
MPM CORP / EVERGREEN DISPOSAL	GARBAGE SERVICES	\$20.00
MURANE & BOSTWICK, LLC.	PROFESSIONAL SERVICES	\$176.00
NORCO, INC.	SUPPLIES	\$1,497.42
OAK TREE INN	MOTEL VOUCHERS	\$700.00
OPFAR, CLAUDIA	MEALS/MILEAGE	\$80.82
P M P C ENGINEERING	BRIDGE REPLACEMENTS	\$1,767.50
PAMIDA INC	SUPPLIES	\$118.87
PERKINS OIL CO	FUEL	\$7,667.52
PHILLIPS 66-CONOCO-76	FUEL	\$460.16
PLATTE VALLEY MEDICAL	MEDICAL SERVICES	\$160.00
PRAIRIE DOG ELECTRIC, LLC	ELECTRICAL REPAIRS	\$433.04
QUEST DIAGNOSTICS	RANDOM DRUG SCREENS	\$141.50
QUILL CORPORATION	SUPPLIES	\$64.35
RAWLINS AUTOMOTIVE	PARTS	\$273.09
RAWLINS CARBON COUNTY AIRPORT	FUEL	\$161.57
RAWLINS EYE CARE	VISION SERVICES	\$450.00
RAWLINS FIRE EXTINGUISHER	SCBA BOTTLE REPAIR	\$25.00
RAWLINS GLASS	WINDSHIELD REPLACEMENT	\$138.49
RAWLINS, CITY OF	FULL BURIAL	\$75.00
REIMAN CORP	BATTLE CREEK BRIDGE	\$24,918.75

RICOH USA, INC	SUPPLIES	\$1,138.01
ROCKY MOUNTAIN POWER	ELECTRICAL SERVICES	\$7,644.16
ROSTAD MORTUARY	CASKET	\$800.00
RYAN ELECTRONICS INC	REPEATERS & INSTALLATION	\$36,975.00
SANOPI PASTEUR, INC.	PH HEALTH VACCINE	\$516.70
SARATOGA AUTO PARTS, INC.	SUPPLIES	\$98.61
SARATOGA SUN	NEWSPAPER ADS	\$1,945.33
SHEA, DIXIE F	MILEAGE	\$24.00
SHELL FLEET PLUS	FUEL	\$91.72
SHEPARD'S	FUEL	\$3,800.55
SMILEMAKERS	SUPPLIES	\$54.88
SMITH, MAE	AG PROGRAM SUPPLIES	\$21.19
SOURCE GAS	GAS SERVICES	\$8,621.27
SPECIALIZED PATHOLOGY CONSULTANTS	AUTOPSY	\$1,040.00
STAN'S QUIK LUBE	VEHICLE MAINTENANCE	\$75.88
STAPLES ADVANTAGE	SUPPLIES	\$149.70
STATE OF WYOMING (A&I)	MAINFRAME ACCESS	\$20.59
STEPHENSON, LEE ANN	MILEAGE	\$38.40
SUMMIT TITLE SERVICES	BATTLE LAKE TOWN SITE	\$4,025.00
SUNRISE SANITATION SERVICE, LLC.	GARBAGE SERVICES	\$40.00
SWEET, JEFFREY C DDS PC	DENTAL SERVICES	\$272.00
SYMANTEC CORPORATION	SOFTWARE	\$698.00
TERMINIX	PEST CONTROL	\$38.00
TRADING POST	FUEL	\$113.76
TREVATHAN, SABRINA RPR	TRANSCRIPTION	\$777.20
TRUE VALUE OF RAWLINS	SUPPLIES	\$1,901.08
T'S KEYS	BUILDING MAINTENANCE	\$90.00
UNION TELEPHONE COMPANY	TELEPHONE SERVICES	\$1,763.60
VALLEY OIL COMPANY	FUEL	\$3,965.87
VAN'S WHOLESALE LLC	SUPPLIES	\$195.52
WILLE, WILLIAM R	BUILDING MAINTENANCE	\$600.00
WY DEPT OF ENVIRONMENTAL QUALITY	ADMIN SKYLINE ACRES	\$500.00
WY LAW ENFORCEMENT ACADEMY	OFFICER TRAINING	\$545.00
WY MACHINERY COMPANY	SUPPLIES	\$1,166.32
WY STATE FIRE ADVISORY BOARD	2012 RURAL FIREMANS DUES	\$300.00
WY STATE FORESTRY	SUPPLIES	\$6.00
WY STATIONERY	SUPPLIES	\$1,730.90
YAMPA VALLEY ELECTRIC	ELECTRICAL SERVICES	\$393.36
YOCUM, LEO	MILEAGE	\$24.00
GRAND TOTAL		\$220,430.73

## **CLERK**

### **Minutes**

Commissioner Chapman moved to approve the minutes of the April 17, 2012 regular meeting of the Board of Carbon County Commissioners as presented. Commissioner Paxton seconded and the motion carried unanimously.

### **Monthly Receipts**

Commissioner Chapman moved to approve the Carbon County Attorney discovery billing of earnings for April 2012 in the amount of \$143.70. Commissioner Paxton seconded and the motion carried unanimously.

### **Bonds**

Commissioner Chapman moved to approve a bond for Susan Munson, Deputy Clerk for the Town of Encampment in the amount of \$5,000.00 and Doreen Harvey, Court Clerk for the Town of Encampment in the amount of \$25,000.00. Commissioner Paxton seconded and the motion carried unanimously.

### **Hanna Elk Mountain Medicine Bow (HEM) Future Business Leaders of America (FBLA)**

Deputy Clerk Turner advised the HEM FBLA is asking for a donation to help eleven students attend the National FBLA Conference in San Antonio, Texas. The BOCC asked the Clerk's Office to draft a letter stating they recognize the importance of the organization and congratulate them on their achievement but it has been the BOCC's policy in the past not to do that as it opens up the door for other school organizations to do the same thing.

Commissioner Paxton moved to authorize the Chairman's signature on a letter explaining the circumstances surrounding the BOCC's decision and offering our congratulations and support of their organization. Commissioner Chapman seconded and the motion carried unanimously.

### **Homeless Prevention Grant Amendment**

Ms. Turner advised that Chairman Weickum signed an amendment to the Homeless Prevention and Rapid Rehousing program to increase the grant amount by \$15,000.00 and asked the BOCC to ratify the Chairman's signature on the agreement.

Commissioner Chapman moved to ratify the Chairman's signature on Amendment Number Two to the Grant Agreement Between the Wyoming Business Council and Carbon County Attorney's Office. Commissioner Paxton seconded and Chairman Weickum advised the amendment did give the county a little more money and helps people who are on the verge of losing their home or have no home to either save their home or get a home. He advised this has been very effective and a positive thing in our county and the county Attorney's Office has run this entire program and he signed the amendment as time constraints would not allow this to wait until the next meeting. The motion carried unanimously.

Chairman Weickum advised that Sherry Massey from the county Attorney's Office has worked very hard on this and she needs to be recognized for that.

## **RECESS**

Chairman Weickum called a recess at 9:28 a.m. and reconvened at 9:32 a.m.

## **ELECTED OFFICIALS / DEPARTMENT HEADS**

### **Attorney**

Mr. Kelly provided an update on upcoming meetings. Mr. Kelly advised he has been in discussions with GDA about the capital improvement project that we prepare every year for the Dixon Airport that is based on a five year plan and this year the county is using their money for the NAVAIDS project. He suggested that we rewrite our Wyoming Aviation Capital Improvement Program (WACIP) and put everything back another year so we can use this year's \$150,000.00 from the Federal Government to complete the NAVAIDS project. He advised that GDA Engineers has offered to work with us to rewrite our WACIP at no cost and asked for a motion to allow this. Commissioner Paxton asked if it was a conflict of interest for them to rewrite the plan for free and Mr. Kelly replied he does not think there is a problem.

Commissioner Paxton moved to authorize Attorney Kelly to work with GDA in rewriting the WACIP agreement to reflect current conditions. Commissioner Chapman seconded and the motion carried unanimously.

### **Treasurer**

County Treasurer Cindy Baldwin reported the county is starting to receive tax dollars but it has been slow. She advised we did get a settlement on one of the appealed audits and the county will only have to give them back \$11,000.00 plus their portion of the interest. She advised she has signed a contract that was approved by Mr. Kelly to have the tax bills printed, include postage and mailed out. She advised the contract was not any higher than last year except for the postage.

### **Assessor**

County Assessor Sheryl Snider presented abates and rebates for signature. She advised there is an increase in assessed valuation of \$3,433,045.00 and a negative adjustment of \$3,190,274.00 for an increase of \$242,771.00 assessed value. She advised they are in the third week of their 30 day appeal period and have had 47 reviews and may have 10 appeals. She advised the market went down however the cost replacement cost tables for building something increased from 5%-10%. She discussed the reports she has received for the estimated production from companies and noted the deadline for the reports is May 1. She advised locally assessed for last year that does not include production was \$235,404,287.00 unofficially and for 2012 we are looking at \$253,429,777.00 which is up approximately \$18,000,000.00.

### **Road & Bridge**

Road & Bridge Superintendent Bill Nation discussed crushed asphalt. He reported they are doing spring blading, culvert and cattle guard work and gravel projects. He noted they are checking all county road signs and replacing any that have been shot up or broken.

Mr. Nation reported the Battle Creek Bridge publication for substantial completion will be published in May and the contractor should be paid in full for the project after June 12. He reported the Rock Creek Bridge project is complete and the contractor has been paid in full. He advised they are going forward with the Pick Bridge FEMA grant with WLC Engineering and have put together a bid package and bids will be due by May 31. He advised he has applied for a temporary permit and has been working with the Seminole Boat Club located off the Seminole Road and the Bureau of Land Management (BLM) has granted permission to go on BLM land for a two year road.

Mr. Nation advised the largest wind mill in this hemisphere was knocked down yesterday at Medicine Bow as it was a 5 year project and lasted 10 years. There was a discussion and Mr. Nation advised he will track the reclamation costs for future information.

### **Planning**

Planning Director Sid Fox advised they had a regular Planning Commission meeting yesterday and did not have a quorum and will reschedule this meeting for the afternoon of May 21. He advised the Power Company of Wyoming did provide an update on their projects. Chairman Weickum asked if they talked about the Federal tax credit going away and what that will do to the economics of some of the wind projects. Mr. Fox replied no but they did have their pre application meeting with Industrial Siting and are moving forward and are anticipating their county conditional use permit application which will be submitted late summer or early fall.

Mr. Fox advised he attended a Brownfield Community Network meeting that provides ongoing networking for contaminated sites and he did talk about the Skyline Acres project and Sinclair use control area.

### **CLERK**

#### **Monthly Receipts**

Commissioner Chapman moved to approve the Clerk's statement of fees collected for the month of April 2012 in the amount of \$18,237.75. Commissioner Paxton seconded and the motion carried unanimously.

### **RECESS**

Chairman Weickum called a recess at 10:18 a.m. and reconvened at 10:58 a.m.

#### **MEMORIAL HOSPITAL OF CARBON COUNTY (MHCC)**

LaMar Wyse, acting Chief Executive Officer and Brenda Rees, MHCC Chief Financial Officer discussed the hospital's financial status as of March 31, 2012. Ms. Rees advised accounts receivables is inching up every week and they have cut the claims that need to be coded by more than half and should see the cash from this in about a month.

Ms. Rees noted there is a negative amount on recruitment and they are above budget on revenue. She noted they are keeping an eye on salaries and looking at staffing patterns if over budget. Mr. Wyse

advised they did have a positive bottom line but slightly behind budget but at least have a good budget to work with. He stated year to date is still in the hole but the operating margin that they can control is positive. There was a discussion on salaries and Mr. Wyse advised they did implement a productivity study program that equates their staffing with their volumes and they are in the 90th percentile.

Chairman Weickum asked how the billing is going and Ms. Rees advised the bills have been going out the door clean for the past 2 - 2 1/2 months and they do have representatives from HMS and Quorum at the hospital this week to assess the HMS system. She advised they are having issues with county employee claims and are figuring this out. She advised they have sent information to Mr. Kelly for behavioral health and they are gathering more information for them as requested. She advised they do have additional help to clean up the old accounts receivables for the next couple of months. Chairman Weickum asked how committed HMS is in getting that program working and Mr. Wyse stated that by Thursday afternoon the Quorum representative should let them know if HMS is the system they need or if they should go in a different direction. Commissioner Paxton asked if this information could be shared with the BOCC. Ms. Rees advised they have not spent the meaningful use money from the county except to pay off some bills and if they have not made a decision by June 30 they will give those funds back to the county. Ms. Baldwin noted she has read that they are possibly thinking about getting a new billing system and asked if they could afford to do that and not have any cash flow. Ms. Rees stated that is a good question and Mr. Wyse stated that is a big factor to consider. Ms. Rees explained how the system was input and that it was a bad process from the start and there was no training. Commissioner Chapman asked if the system has been upgraded and Mr. Wyse replied they upgraded what they had and Ms. Rees advised there is nothing missing from the software.

### **PATHFINDER RENEWABLE WIND ENERGY**

Holly Wold discussed the Whirlwind I Wind Project and that it has been ongoing for five years. She advised they have done environmental testing and the project will not be in any sage grouse areas. She advised there are 65,000 acres under lease from the BLM, State and private land owners.

### **NOYES CLINIC**

Tom Thompson, attorney for the Noyes Clinic advised the health care clinic met with the rural health care district in regards to the disposition of the building in Baggs and the consensus was that the building be sold to the health care district with the Commissioners approval and release of the reversionary clause for the purpose of attempting to move forward to providing medical services to the Little Snake River Valley. Chairman Weickum stated that the clause should remain in place with whoever has the building and asked how soon this could take place. Mr. Thompson advised a proposed lease has been sent to the rural health care district with a beginning lease date of May 15 and it is up to the rural health care district.

Commissioner Paxton asked at what price would the building be sold to the rural health care district and Mr. Thompson stated the appraisal value which is fair market value. Commissioner Paxton asked who paid for the modifications to the building and Carolyn Adams, Chairman of the Little Snake River (LSR) Rural Health Care District replied the health care district. Commissioner Paxton advised that it looks like the rural health care district will be paying twice as they paid for the improvements and then will pay fair market value. Mr. Thompson advised that is what the contract says and that under Wyoming State Statue they have to sell the assets at fair market value or in the best interest of the corporation and after the corporation is dissolved, the money will be set in an account for the Noyes

Health Care Clinic to take care of any liabilities which they are obligated to pay. He advised the articles of dissolution are filed with the Secretary of State then are sent to the Wyoming Attorney General's Office to determine how the funds will be distributed. Chairman Weickum advised that they are trying to decide if it would be better to take the building back. Mr. Thompson advised they have requested an appraisal of the property and personal property and will not have that appraisal until the end of June and that is why they decided to move forward with the lease with an option to purchase.

Mr. Kelly discussed the wording in the contract noting that if Noyes Clinic did not pay for the improvements then the county may not have to pay them but pay the rural health care district. Mr. Kelly stated that he does not see a statutory requirement to dispose of the building for fair market value and will have to work this out with Mr. Thompson.

Jim Espy, attorney for LSR Rural Health Care District advised it is their view that the building is between the Noyes Clinic and the BOCC and would like the two parties to work this out and they are willing and able to step in at any time to get health care back in the valley. Commissioner Paxton asked if there is a lease between the rural health care district and Noyes Clinic while they decide on the disposition of the building and Mr. Thompson stated that the problem with the clinic is the option to purchase. Mr. Thompson advised they will have to follow the nonprofit corporation act and when they file their dissolution, it will state where the funds will go.

Mr. Kelly advised he does not have a problem with leasing the building or the county taking back the building and paying the grantee for the money they put into it and selling the building to the health care district with a reversionary clause. Commissioner Paxton advised he does not have a problem with a lease taking place without a purchase clause. Mr. Kelly advised he does not think that the county has anything to say as the Noyes Clinic can lease the building. Chairman Weickum asked if the county would still have the right to take back the building with the revisionary clause and Mr. Kelly said as long as the building is not being operated as a health care clinic and it has not been over seven years.

Mr. Kelly suggested that he work with Mr. Thompson about either giving the building back to the county or to the health care district and Chairman Weickum suggested having a special meeting if necessary.

Mr. Thompson asked what the BOCC would like the clinic board do to and the BOCC asked for a letter of intent. Mr. Thompson asked if they have an issue with a lease and they stated no. Bob Stocks, Vice Chairman of the LSR Rural Health Care District asked if they enter into a lease is it the clinics and Chairman Weickum replied yes. Chairman Weickum stated if the clinic leases to the health care district with an option to buy the BOCC would not stand in the way and the health care district would have to decide if it is fair for them. Mr. Espy asked about the reversionary clause and Mr. Thompson advised that if the BOCC gives their approval they can put the wording in the lease agreement and they would need written permission from the Commissioners to sell the building to the health care district. Commissioner Paxton asked if the lease obligates the health care district and Mr. Thompson advised it is an option to purchase.

Mr. Kelly stated that if we could get Noyes Clinic to give the building to the county or the health care district this would be the best way to protect the taxpayers' money. Chairman Weickum asked if Mr. Kelly could have this ready in one week and he advised that he could.

Ms. Adams advised they can travel to Rawlins if a special meeting is necessary and Chairman Weickum stated they would like to have it in Baggs.

## **RECESS**

Chairman Weickum recessed for lunch at 12:30 p.m. and reconvened at 1:30 p.m.

## **PLANNING & ZONING**

### **Public Hearing – Z.C. Case File No. 2012-04**

Chairman Weickum opened a public hearing at 1:32 p.m. to hear Planning & Zoning Z.C. Case File No. 2012-04. Sid Fox, Planning Director presented Z.C. Case File No. 2012-04 – Patrick and Rose Cain (Applicants) and Ethel Barbee, Larry Gale and Jerry Gale (Owner's) request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-40). Chairman Weickum called for comments for or against this matter. There being no comments Chairman Weickum closed the public hearing at 1:38 p.m.

Commissioner Chapman moved to approve Resolution No. 2012-17 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding Zone Change Case File No. 2012-04. Commissioner Paxton seconded and the motion carried unanimously.

### **Resolution No. 2012 - 17**

**A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission.**

### **Z.C. Case File #2012-04**

**WHEREAS**, pursuant to Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on Monday, April 2, 2012, which said hearing was advertised by public notice at least thirty (30) days prior to hearing; and

**WHEREAS**, at the Monday, April 2, 2012, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said public hearing(s); and

**WHEREAS**, at the conclusion of said Monday, April 2, 2012, public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners to adopt the change(s) as an amendment to the Carbon County Official Zoning Map for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Board of County Commissioners, pursuant to Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation of this amendment(s) to the Carbon County Official Zoning Map, advertised by public notice at least 14 days prior to a public hearing to take public input and comments on the proposed amendment(s), which said hearing occurred on Tuesday, May 1, 2012; and

**WHEREAS**, at said public hearing, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed amendment(s); and

**WHEREAS**, the Carbon County Board of County Commissioners in considering said amendment(s) have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Wyoming Zoning Resolution of 2003, as amended; and

**WHEREAS**, the Carbon County Board of County Commissioners have determined that the proposed amendment(s) is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and the applicable provisions of the Carbon County Zoning Resolution of 2003, as amended; and otherwise promotes the health, safety and general welfare of the residents of Carbon County; and

**WHEREAS**, at a regularly scheduled meeting of the Carbon County Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the following amendment(s) to the Carbon County Official Zoning Map.

**Z.C. Case File #2012-04 – Patrick & Rose Cain (Applicant) and Ethel Barbee, Larry Gale, Jerry Gale (Owners):**

Zone Change from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-40). The RRA Zone is intended to be applied in areas of the County which are particularly suited to large lot development that allow both agricultural and residential uses. Subject property is located approximately 2.5 miles west of Rawlins and approximately 1 mile north of where Carbon County Road #451 (Cherokee Road) ends.

**Legal Description:**

98.66 acres, more or less, located in the S1/2 SW1/4 and S1/2 NW1/4 SW1/4, Section 12, T21N, R88W, 6<sup>th</sup> P.M., Carbon County, Wyoming.

**Parcel Number:** 21881220003500

**NOW THEREFORE BE IT RESOLVED BY THE  
BOARD OF COUNTY COMMISSIONERS OF CARBON COUNTY, WYOMING:**

1. That the Carbon County Board of County Commissioners, hereby adopt this amendment(s) as certified to them in writing by the Carbon County Planning and Zoning Commission and the existing zone shall be changed from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-40).

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 1st day of May, 2012.

**BOARD OF COUNTY COMMISSIONERS OF  
CARBON COUNTY, WYOMING**

By: -s- Terry Weickum, Chairman  
-s- Jerry D. Paxton, Vice Chair  
-s- Leo Chapman, Member

Attest:

-s- Kathy Turner, Deputy Clerk

## **Public Hearing – Z.C. Case File No. 2012-05**

Chairman Weickum opened a public hearing at 1:40 p.m. to hear Planning & Zoning Z.C. Case File No. 2012-05. Sid Fox, Planning Director presented Z.C. Case File No. 2012-05 – Gwen Gale’s request for a Zone Change from RAM to Residential (RD-205). He stated he did receive one comment from an adjacent homeowner but did not have a problem with this zone change. Chairman Weickum called for comments for or against this matter. There being no comments Chairman Weickum closed the public hearing at 1:44 p.m.

Commissioner Chapman moved to approve Resolution No. 2012-18 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding Zone Change Case File No. 2012-05. Commissioner Paxton seconded and the motion carried unanimously.

### **Resolution No. 2012 - 18**

**A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission.**

#### **Z.C. Case File #2012-05**

**WHEREAS**, pursuant to Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on Monday, April 2, 2012, which said hearing was advertised by public notice at least thirty (30) days prior to hearing; and

**WHEREAS**, at the Monday, April 2, 2012, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said public hearing(s); and

**WHEREAS**, at the conclusion of said Monday, April 2, 2012, public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners to adopt the change(s) as an amendment to the Carbon County Official Zoning Map for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Board of County Commissioners, pursuant to Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation of this amendment(s) to the Carbon County Official Zoning Map, advertised by public notice at least 14 days prior to a public hearing to take public input and comments on the proposed amendment(s), which said hearing occurred on Tuesday, May 1, 2012; and

**WHEREAS**, at said public hearing, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed amendment(s); and

**WHEREAS**, the Carbon County Board of County Commissioners in considering said amendment(s) have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Wyoming Zoning Resolution of 2003, as amended; and

**WHEREAS**, the Carbon County Board of County Commissioners have determined that the proposed amendment(s) is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and the applicable provisions of the Carbon County Zoning Resolution of 2003, as amended; and otherwise promotes the health, safety and general welfare of the residents of Carbon County; and

**WHEREAS**, at a regularly scheduled meeting of the Carbon County Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the following amendment(s) to the Carbon County Official Zoning Map.

**Z.C. Case File #2012-05 – Gwen Gale (Applicant and Owner):**

Zone Change from Ranching, Agriculture, Mining (RAM) to Residential (RD-2.5) on approximately 2.5 acres. The purpose of the Residential (RD) zone district is to provide area appropriate for residential uses within the County. Subject property is located approximately 2 miles west of Rawlins, on the east side of Carbon County Road #451 (Cherokee Road).

**Legal Description:**

2.5 acres, more or less, located in the E1/2 E1/2 E1/2 E1/2 S1/2 N1/2 NW1/4, Section 13, T21N, R88W, 6<sup>th</sup> P.M., Carbon County, Wyoming.

**Parcel Number:** 21881320007800

**NOW THEREFORE BE IT RESOLVED BY THE  
BOARD OF COUNTY COMMISSIONERS OF CARBON COUNTY, WYOMING:**

1. That the Carbon County Board of County Commissioners, hereby adopt this amendment(s) as certified to them in writing by the Carbon County Planning and Zoning Commission and the existing zone shall be changed from Ranching, Agriculture, Mining (RAM) to Residential (RD-2.5).

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 1st day of May, 2012.

**BOARD OF COUNTY COMMISSIONERS OF  
CARBON COUNTY, WYOMING**

By: -s- Terry Weickum, Chairman  
-s- Jerry D. Paxton, Vice Chair  
-s- Leo Chapman, Member

Attest:

-s- Kathy Turner, Deputy Clerk

**Public Hearing – C.U. Case File No. 2012-01**

Chairman Weickum opened a public hearing at 1:46 p.m. to hear Planning & Zoning C.U. Case File No. 2012-01. Mr. Fox presented C.U. Case File No. 2012-01 – Union Telephone Company (Applicant) and BLM – Rawlins Field Office (Land Owner's) request for a Conditional Use Permit on BLM lands that are zoned RAM. Mr. Fox stated that Carbon County has not previously issued permits on BLM land and the local BLM manager does not have a problem with the county requesting zoning permits on BLM land. He advised they did receive a comment from Road & Bridge but they have no problem with the request but cautioned that the area can have extreme winter conditions. He advised David Hinds from Union Telephone was present. Chairman Weickum called for comments for or against this matter.

Mr. Hinds advised that part of the criteria for this lease is to clean up the area, get this operational and is planned to be operational before the end of the year. He advised this will provide cellular coverage to the ranchers in the area.

There being no further comments Chairman Weickum closed the public hearing at 1:53 p.m.

Commissioner Chapman moved to approve Resolution No. 2012-19 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding Conditional Use Permit Case File No. 2012-01. Commissioner Paxton seconded and the motion carried unanimously.

### **Resolution No. 2012 - 19**

#### **A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission.**

##### **C.U. Case File #2012-01**

**WHEREAS**, pursuant to the Carbon County Zoning Resolution of 2003, as amended, and Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on Monday, April 2, 2012, which said hearing was advertised by public notice at least within thirty (30) days prior to said hearing; and

**WHEREAS**, at said public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said hearing; and

**WHEREAS**, at the conclusion of said public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners pursuant to the Carbon County Zoning Resolution of 2003 as amended for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Board of County Commissioners, pursuant to the Carbon County Zoning Resolution of 2003, as amended and Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation; advertised by public notice at least 14 days prior to a public hearing to take public input and comments which said hearing occurred on May 1, 2012; and

**WHEREAS**, at said public hearing, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed amendment(s); and

**WHEREAS**, the Carbon County Board of County Commissioners in considering said application have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2003, as amended, specifically, Section 5.6, Conditional Use Permits; and

**WHEREAS**, the Carbon County Board of County Commissioners have determined that the proposed amendment is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and the Carbon County Zoning Resolution of 2003, as amended otherwise promotes the health, safety and general welfare of the residents of Carbon County; and

**WHEREAS**, at a regularly scheduled meeting of the Carbon County Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the following Conditional Use Permit application.

**C.U. Case #2012-01 – Union Telephone Company (Applicant) and Bureau of Land Management (Owner):** Request for a Conditional Use Permit in the Ranching, Agriculture, Mining (RAM) Zone District to permit the following: a communication facility for cellular and microwave communications and their appurtenant uses and structures located on approximately 0.16 acres (6,750 sq.ft.). The site has

been previously used as a tower site and the existing tower height is approximately 75 feet. The proposed site is located approximately 3.42 miles south of Carbon County Road #102 (Leo-Shirley Basin Road) on BLM Road 3115 "Shirley Mountain Loop Road".

**Project Name:** Q Creek Ranch Communication Site

**Parcel Number:** 26810110060000

**Legal Description:**

A tract of leased land (6,750 sq.ft.) situated and located in the SE1/4 NE1/4, Section 19, T26N, R81W, 6<sup>th</sup> P.M., Carbon County, Wyoming.

**VIOLATION:** In the event the actions occurring pursuant to this permit are found to be in material violation of the terms and conditions of this permit, or are found to have been obtained by fraud, this permit shall be subject to all remedies allowed by law. Violation of any of the above restrictions can be grounds for terminating this Conditional Use Permit.

**CONDITIONS OF APPROVAL:**

1. **PERMIT EXPIRATION:** In accordance with Section 5.6, Construction must commence within two (2) years from the date of approval.
2. **FIELD CONTACT REPRESENTATIVE:** During construction of the project, the applicant shall designate a field contact representative (FCR) who will be responsible for overseeing compliance with conditions of approval, protective measures and coordination with the County and other regulatory agencies.
3. **COMPLIANCE WITH APPLICABLE LAWS:** The applicants shall comply with all federal, state, and local regulations.

**NOW THEREFORE BE IT RESOLVED BY THE  
BOARD OF COUNTY COMMISSIONERS OF CARBON COUNTY, WYOMING:**

1. That the Carbon County Board of County Commissioners, hereby approve this CUP-Conditional Use Permit as certified to them in writing by the Carbon County Planning and Zoning Commission regarding the Conditional Use Permit (C.U. Case #2012-01) on approximately 0.16 acres (6,750 sq.ft.) in the Ranching, Agriculture, Mining (RAM) Zone.

2. That any use for which this conditional use permit is granted must be commenced within two (2) years from the date of approval, otherwise this conditional use permit shall become null and void and be of no further effect in the absence of further action on the part of Carbon County.

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 1st day of May, 2012.

**BOARD OF COUNTY COMMISSIONERS OF  
CARBON COUNTY, WYOMING**

By: -s- Terry Weickum, Chairman  
-s- Jerry D. Paxton, Vice Chair  
-s- Leo Chapman, Member

Attest:

-s- Kathy Turner, Deputy Clerk

## **BUDGET**

Kristin Herr, Executive Director of the Carbon County Library System advised Katie Bray and Marilyn Pederson will be the interim co-directors and her last day is Friday. She advised the job has been posted nationally, 13 applications have been received and the interviews will be next week.

Ms. Herr presented the Library's budget request for 2012-2013. She noted LGLP is listed for two years as they do not have the money in this year's budget and can pay it in July but prefer to pay it in June every year. She advised the insurance has increased as they do have an employee who did not take out insurance last year and will be retiring and expect that her replacement will need insurance.

## **NATIONAL TRAVEL AND TOURISM PROCLAMATION**

Lisa Howell, Executive Director introduced Sharon Scott, Office Assistant of the Carbon County Visitors' Council. Ms. Howell advised they are doing a travel rally on May 8 and presented a proclamation declaring May 5-13, 2012 as National Travel and Tourism Week.

Commissioner Paxton moved to approve the National Travel and Tourism Week proclamation and read through the proclamation. Commissioner Chapman seconded and the motion carried unanimously.

## **DIXON AIRPORT**

Mr. Graham advised that since the entire bid went over the budgeted amount we have, GDA is recommending that Bid Schedule 1 be the only one that we do this year which is for the hydraulic gate, the REILS and the new lighting regulator in the amount of \$98,589.00. Mr. Graham advised we cannot use the 5% in state consideration because 90% of the funding is from the Federal Aviation Administration and they do not recognize state law for the 5% preferential treatment as these are Federal funds.

Commissioner Paxton moved to accept the low bid from DACO Construction for Bid Schedule 1 only for the hydraulic gate, REILS and regulator in the amount of \$98,589.00. Commissioner Chapman seconded and the motion carried unanimously.

Clerk Bartlett joined the meeting at 2:35 p.m.

## **COMMISSIONERS DISCUSSION**

Chairman Weickum advised on May 23 the Wyoming Business Alliance will have a seminar in Saratoga to discuss economic outlook of Wyoming. He advised Commissioner Paxton will not be able to attend the BOCC meeting in Hanna on May 15 and asked if this meeting should be changed to a different day and it was decided to keep the meeting on May 15 in Hanna.

Chairman Weickum discussed a letter addressed to the Carbon County Higher Education Center, BOCES Board Chairman and Members regarding articles that have been written about DKRW, the company, people, Commissioners, Economic Development Corporation, and Arch Coal and asked if the Commissioners would consider signing the letter. Commissioners Paxton and Chapman stated they did not oppose this letter.

Commissioner Paxton moved to approve a letter to the Carbon County Higher Education Center, BOCES Board regarding editorials that have been written by Dr. Throgmorton criticizing the DKRW project. Commissioner Chapman seconded and the motion carried unanimously.

Commissioner Paxton advised he and Mr. Kelly have attended another meeting of the Energy Minerals Counties Coalition (EMCC) with Wyoming Department of Transportation regarding the payment of funds for the CMAC project to EMCC and the funds will be equitably distributed between the remaining members of the board. He advised this board will not dissolve until all of the monies have been received.

Commissioner Paxton advised he attended a meeting with the BLM and citizens on the Green Mountain Common Allotment for anticipated lack of moisture that can affect the amount of vegetation to be available for grazing and there is one lawsuit that has been filed by a grazing lease holder and a discussion followed. He advised his requirement will be to give some consideration to animal behavior so the BLM decisions are made with the best judgment. He advised this is a complicated process and will not be sorted out any time soon.

Commissioner Paxton stated he will be attending a Western Interregional meeting in Santa Fe, New Mexico as his capacity as Chairman of the Public Lands Agriculture and Water Committee for the Wyoming County Commissioners Association regarding public lands as he feels that we should have representation there.

Commissioner Chapman stated that some time ago the City of Rawlins was discussing options of moving west of Rawlins with public services and would like the county to start a dialogue with the anticipation to get some property that would be useful for commercial purposes along those lines west of Rawlins because that is the best pop line where there is fiber optics access for a data processing center in conjunction with the city. Commissioner Paxton stated even if we encourage putting in the fiber optics and promote the development of the infrastructure in that area the landowners could go from there. Chairman Weickum stated we should at least help develop the point of present the pop which should have been down when they came through.

Commissioner Chapman asked where we are at with Union Telephone and Mr. Kelly advised he has not heard from Union's attorney after sending him the last revision.

### **EXECUTIVE SESSION**

Commissioner Paxton moved to go into executive session at 3:05 p.m. for personnel and other matters considered confidential by law with Deputy Attorney Mike Kelly, Clerk Bartlett and Chief Deputy Clerk Helen Winningham. Commissioner Chapman seconded and the motion carried unanimously.

Commissioner Paxton moved to come out of executive session at 3:25 p.m. noting no action was taken and directing that the minutes be signed and sealed. Chairman Weickum seconded and the motion carried unanimously.

**ADJOURNMENT**

Commissioner Paxton moved to adjourn the meeting at 3:29 p.m. Commissioner Chapman seconded and the motion carried unanimously.

-s- Gwynn G. Bartlett, Carbon County Clerk

Approved this 15th day of May 2012

BOARD OF COUNTY COMMISSIONERS  
CARBON COUNTY, WYOMING

-s- Terry Weickum, Chairman