

**MINUTES OF THE BOARD OF  
CARBON COUNTY COMMISSIONERS  
REGULAR MEETING  
Tuesday, September 17, 2013  
Elk Mountain Senior Center, Elk Mountain, Wyoming**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, September 17, 2013 at the Elk Mountain Senior Center in Elk Mountain, Wyoming. Attending the meeting were Chairman Leo Chapman; Vice Chairman John Espy; Commissioners Lindy Glode, Sue Jones and John Johnson; Deputy County Attorney Mike Kelly; and County Clerk Gwynn Bartlett.

Chairman Chapman called the meeting to order at 2:00 p.m.

**VOUCHERS**

Commissioner Espy moved to approve the report of expenditures in the amount of \$152,562.52. Commissioner Glode seconded and the motion carried unanimously.

Commissioner Espy moved to approve payment to Sunrise Sanitation in the amount of \$60.00, Rawlins Automotive in the amount of \$441.89, Shively Hardware in the amount of \$64.02 and True Value in the amount of \$814.86. Commissioner Johnson seconded with all voting for the motion except Commissioners Jones and Glode who abstained due to personal conflicts.

Vendor	Detail Line Description	Total
ALCO	SUPPLIES	\$124.76
ALSCO, AMERICAN LINEN DIVISION	SUPPLIES	\$117.88
BAGGS, TOWN OF	WATER SERVICES	\$140.85
BANK OF COMMERCE (DEBIT CARD)	VARIOUS CHARGES	\$8,844.40
BEHAVIORAL INTERVENTIONS	ELECTRONIC MONITORING	\$562.50
BI-RITE PHARMACY	PRESCRIPTIONS	\$2,346.69
BROWN'S TOWING & RECOVERY	TOW CHARGES	\$439.00
BUILD RITE LUMBER SUPPLY	SUPPLIES	\$119.00
CANDY MOUNTAIN	EQUIPMENT RENTAL/WATER	\$45.00
CAPITOL COMMUNICATIONS	NETWORK CABLING	\$3,314.63
CARBON COUNTY SENIOR SERVICES	HEALTH SUBSIDY	\$3,000.00
CARBON COUNTY TREASURER	VARIOUS CASH ITEMS	\$1,169.80
CARBON POWER & LIGHT INC	ELECTRICAL SERVICES	\$1,840.49
CBM FOOD SERVICE	JAIL MEALS	\$6,254.16
CDW GOVERNMENT, INC.	SUPPLIES	\$217.63
CENTURYLINK-PHOENIX	TELEPHONE SERVICES	\$136.91
CMI-TECO	SUPPLIES	\$66.04
COLEMAN, GREG	FUELS MITIGATION COST	\$2,025.39
CRUZ, PAUL	LAWN & SPRINKLER MAINTENANCE	\$250.00

CULLIGAN WATER CONDITIONING	EQUIPMENT REPAIRS	\$251.00
CURFMAN, KENNETH	FUELS MITIGATION COST	\$2,100.00
DAILY TIMES	NEWSPAPER ADS	\$1,760.44
DELEON, JOHN	LEGAL SERVICES	\$2,505.00
DIRTY BOYZ SANITATION, INC	GARBAGE SERVICES	\$212.00
DUBOIS TELEPHONE EXCHANGE	TELEPHONE SERVICES	\$41.04
ENCAMPMENT, TOWN OF	WATER SERVICES	\$77.00
ENGSTROM, JAMES D. DDS	DENTAL SERVICES	\$2,500.00
ERICKSON & ROBERTS	LEGAL SERVICES	\$559.79
FAIR, JANET & DAN	FUELS MITIGATION COST	\$2,100.00
FAMILY VISION CLINIC PC	VISION SERVICES	\$20.00
FARMER BROTHERS COFFEE	SUPPLIES	\$105.22
FREMONT MOTORS - RAWLINS	SUPPLIES	\$77.98
FRUDE, CANDICE	MILEAGE	\$28.50
GCR ELECTRONICS, LLC	SITE RENTALS	\$900.00
GOLDEN, MARY	MILEAGE	\$58.00
GRAINGER	SUPPLIES	\$573.70
HERRING, ROS	LAWN CARE	\$55.00
HI COUNTRY LANDSCAPES & LAWN CARE LLC	LAWN CARE	\$2,600.00
HIGH DESERT WELDING & MACHINE LLC	B&G HVAC REPAIRS	\$212.50
HIGH PLAINS VISION CENTER	VISION SERVICES	\$128.00
HILLCREST SPRING WATER, INC.	EQUIPMENT RENTAL/WATER	\$53.00
HILLTOP CONOCO	FUEL	\$144.29
HILLTOP LUBE & AUTOMOTIVE	OIL CHANGE/TIRES	\$1,794.04
HORIZON LABORATORY, LLC	LABORATORY SERVICES	\$219.00
J H KASPAR OIL COMPANY	FUEL	\$11,568.35
JACKALOPE PRINTING	SUPPLIES	\$37.90
KAISER, DON	LAWN CARE	\$80.00
KILBURN TIRE COMPANY	OIL CHANGE	\$127.45
L & L ELECTRIC	ELECTRICAL REPAIRS	\$1,018.00
LEXBO LLC	OFFICE RENTAL	\$500.00
LONG BUILDING TECHNOLOGIES, INC.	B&G HVAC REPAIRS	\$148.82
MATTHEW BENDER & CO, INC.	WY CRIME & TRAFFIC BOOK	\$602.91
MEDICINE BOW HEALTH CENTER	HEALTH SUBSIDY	\$1,000.00
MEDICINE BOW, TOWN OF	WATER SERVICES	\$150.00
MIDWEST FIRE EQUIPMENT & REPAIR CO, INC	SUPPLIES	\$705.56
MOTOROLA	RADIOS	\$24,206.88
MPM CORP / EVERGREEN DISPOSAL	GARBAGE SERVICES	\$100.00
MURANE & BOSTWICK, LLC.	PROFESSIONAL SERVICES	\$208.00
MY OFFICE ETC.	SUPPLIES	\$582.86
NEVE'S UNIFORMS	SHERIFF UNIFORMS	\$65.94
NORCO, INC.	CYLINDER RENTAL/SUPPLIES	\$1,031.23

NORTH PARK PROPANE, LLC	PROPANE SERVICES	\$270.90
OFFICE DEPOT	SUPPLIES	\$111.08
OPTIMUM	CABLE/INTERNET/PHONE	\$386.34
PATHFINDER LAW OFFICES LLC	LEGAL SERVICES	\$525.00
PERKINS OIL CO	FUEL	\$3,875.22
PERUE PRINTING	SUPPLIES	\$1,019.00
PITNEY BOWES	SUPPLIES	\$147.88
PITNEY BOWES INC	EQUIPMENT LEASE	\$1,120.41
PLATTE VALLEY MEDICAL CLINIC	MEDICAL SERVICES	\$59.32
QUILL CORPORATION	SUPPLIES	\$219.88
RAWLINS AUTOMOTIVE	SUPPLIES	\$441.89
RAWLINS EYE CARE	VISION SERVICES	\$166.00
RAWLINS GLASS	GLASS REPLACEMENT	\$115.07
RAWLINS URGENT CARE	MEDICAL SERVICES	\$59.00
RAWLINS, CITY OF	WATER SERVICES	\$8,024.05
ROCKY MOUNTAIN POWER	ELECTRICAL SERVICES	\$13,879.74
ROSS' AUTOMOTIVE SERVICES	OIL CHANGE	\$108.41
RYAN ELECTRONICS INC	MAINTENANCE FEE	\$5,900.18
SARATOGA AUTO PARTS, INC.	SUPPLIES	\$276.53
SARATOGA SUN	NEWSPAPER ADS	\$1,738.80
SARATOGA, TOWN OF	WATER SERVICES	\$99.43
SHEPARD'S	FUEL/TIRES	\$3,369.23
SHIVELY HARDWARE	SUPPLIES	\$64.02
SHOPKO	SUPPLIES	\$93.98
SOURCE GAS	GAS SERVICES	\$543.62
SUNRISE SANITATION SERVICE, LLC.	GARBAGE SERVICES	\$60.00
SWEETWATER COUNTY SHERIFF'S OFFICE	INMATE HOUSING	\$2,520.00
SWISHER HYGIENE FRANCHISEE TRUST	CLEANING SUPPLIES	\$468.14
TANDAN SANITATION SERVICES	GARBAGE SERVICES	\$50.00
TERMINIX	PEST CONTROL	\$919.00
THE QUIK LUBE	OIL CHANGE	\$50.95
THOS. Y. PICKETT & CO., INC.	VALUATION CONTRACT INSTALLMENT	\$5,500.00
TRADING POST	FUEL	\$523.03
TRUE VALUE OF RAWLINS	SUPPLIES	\$814.86
TYLER TECHNOLOGIES, INC	SOFTWARE/SUPPLIES	\$1,882.47
U S POSTMASTER-BAGGS	PO BOX RENT	\$38.00
U S POSTMASTER-RAWLINS	PO BOX RENT	\$58.00
UNION TELEPHONE COMPANY	TELEPHONE SERVICES	\$1,929.21
UTILITY BILL SOLUTIONS GROUP	UTILITY SAVINGS	\$143.37
VALLEY FOOD & LIQUOR	SUPPLIES	\$10.62
VALLEY OIL COMPANY	FUEL	\$260.62
VALLEY PHARMACY	PRESCRIPTIONS	\$197.27

VAN'S WHOLESALE LLC	SUPPLIES	\$460.51
WACERS	MEMBERSHIP	\$25.00
WELLS, JACQUELIN	MILEAGE	\$35.50
WEST PAYMENT CENTER	SUBSCRIPTION	\$156.00
WY EMERGENCY MEDICAL SERVICES	REGISTRATION	\$200.00
WY PUBLIC HEALTH LABORATORY	LABORATORY SERVICES	\$42.00
WY STATE FIRE MARSHAL'S OFFICE	FIREFIGHTING ESSENTIALS	\$188.25
WY WASTE SERVICES-RAWLINS	GARBAGE SERVICES	\$1,346.19
XEROX CORPORATION-RENT	IT COPIERS	\$444.55
YAMPA VALLEY ELECTRIC	ELECTRICAL SERVICES	\$780.24
GRAND TOTAL		\$153,943.29

### **ADDITIONS / CORRECTIONS**

There were no additions or corrections.

### **CLERK**

#### **Minutes**

Commissioner Glode moved to approve the minutes of the September 3, 2013 regular meeting of the Board of Carbon County Commissioners as presented. Commissioner Jones seconded and the motion carried unanimously.

#### **Bonds**

Commissioner Glode moved to approve a bond for Patricia Hays, Treasurer for the Carbon County Library System in the amount of \$10,000.00; Cheryl M. Jordan, Municipality Recreation Director for the Town of Sinclair in the amount of \$5,000.00; Kimberly Hytrek, Treasurer for Carbon County Visitor's Council in the amount of \$100,000.00; and Michael Bradford, Treasurer for Memorial Hospital of Carbon County in the amount of \$25,000.00. Commissioner Jones seconded and the motion carried unanimously.

#### **Monthly Receipts**

Clerk Bartlett reported fees were collected for the County Clerk totaling \$22,752.25 and the Clerk of District Court in the amount of \$2,805.50 both for the month of August 2013.

#### **Board Appointment**

Commissioner Jones moved to reappoint Amos Hall to the Valley Community Center Joint Powers Board for a three-year term expiring July 2016. Commissioner Johnson seconded and the motion carried unanimously.

### **Dixon Airport**

Clerk Bartlett presented two draft letters recommending the selection of GDA Engineers for engineering and planning services at the Dixon Airport

Commissioner Espy moved to authorize the Chairman's signature on a letter to Dustin Spomer and Rick Patton recommending the selection of GDA Engineers for engineering and planning services at the Dixon Airport. Commissioner Glode seconded and the motion carried unanimously.

### **TANF Grant Contract**

Clerk Bartlett reported the county has sponsored a Temporary Assistance for Needy Families (TANF) grant and presented Contract for Services Agreements for Boys & Girls Clubs of Carbon County and Big Brothers Big Sisters.

Commissioner Espy moved to authorize the Chairman's signature on the Contract for Services Agreement, Carbon County Temporary Assistance for Needy Families (TANF) Grant Award, CFDA #93.558 between Carbon County and Boys & Girls Clubs of Carbon County, Big Brothers Big Sisters and Laramie Youth Crisis Center. Commissioner Glode seconded and the motion carried unanimously.

### **Community Service Agency Contracts**

Clerk Bartlett presented the Community Service Agency Contracts for the entities that were allocated funds from the 2013-2014 county budget and explained the purpose of the contract.

Commissioner Johnson moved to authorize the Chairman's signature on the Contract for Services Agreement between Carbon County and the Economic Development Corporation, Little Snake River Event Center, Medicine Bow Rural Health Care District, Old Pen Joint Powers Board, Rawlins - Carbon County Airport Board, South Central Wyoming Emergency Medical Service Joint Powers Board, and Town of Rock River for funds allocated from the 2013-2014 county budget. Commissioner Jones seconded and the motion carried unanimously.

### **Property Transfer**

Clerk Bartlett advised documents are being prepared to transfer a portion of the parcel containing the Little Rascals Preschool and the Senior Center to the Town of Baggs and requested authorization for the Chairman to sign all necessary items to transfer the property.

Commissioner Johnson moved to authorize the Chairman to sign all necessary items related to the transfer of the parcel containing the Little Rascals Preschool and the Senior Center to the Town of Baggs, contingent upon approval by Carbon County Senior Services, Inc. Commissioner Espy seconded and the motion carried unanimously.

### **Union Telephone – Wyoming Business Council Grant**

Clerk Bartlett presented a Contract for Services with Asbestos and Technical Services to remove asbestos found at the Union Telephone Building.

Commissioner Glode moved to approve the Contract for Services between Carbon County Wyoming and Asbestos & Technical Services Inc. to remove asbestos at the Union Telephone Building in the amount of \$10,300.00. Commissioner Johnson seconded and the motion carried unanimously.

### **DKRW Industrial Siting Permit**

Clerk Bartlett distributed a letter from the Elk Mountain Town Council to the Department of Environmental Quality (DEQ) requesting the denial of DKRW's extension to their Industrial Siting permit. Mr. Kelly reported the October 1 hearing will consider the matter. Commissioner Johnson asked for clarification on what will occur at the meeting and Mr. Kelly stated Medicine Bow Fuel and Power must make a presentation to prove grounds to continue the permit. There was discussion that the BOCC needs additional questions answered including water issues. Commissioner Johnson stated he would encourage the DEQ to allow a question and answer period at the hearing and that he is worried that a large facility as this could be constructed without a complete Environmental Impact Statement. Commissioner Glode suggested each Commissioner send the Chairman their proposed questions for County Planner Sid Fox and Attorney Kelly's review.

### **Homeland Security Grant**

Clerk Bartlett asked for the Chairman's signature on the Notice of Intent to accept a Homeland Security award.

Commissioner Espy moved to authorize the Chairman to sign the Non-Binding Notice of Intent to Accept Award Agreement for the 2014 Hazardous Materials Emergency Preparedness Planning grant in the amount of \$1,687.34. Commissioner Glode seconded and the motion carried unanimously.

### **Broadband**

Clerk Bartlett discussed a proposal from Western States Wireless to use the county's buildings for free to attach their business equipment to which they will use to sell broadband to the community. In exchange, the county will get to use broadband internet for free at those locations.

### **Insurance**

Clerk Bartlett discussed a report she received computing recommended funding factors and COBRA premiums for the Carbon County Health Plan and noted that COBRA premiums will likely change.

Commissioner Glode moved to authorize the County Clerk to set COBRA rates for the upcoming year. Commissioner Espy seconded and the motion carried unanimously.

## **ELECTED OFFICIALS / DEPARTMENT HEADS**

### **Treasurer**

County Treasurer Cindy Baldwin presented abates on behalf of the County Assessor. Treasurer Baldwin reported she received NOVCS from 2009 taxes for BP adding another \$2 million in assessed valuation for the county. She reported tax bills will be dispersed the first of October.

### **Buildings Manager**

Buildings Manager Craig Jones noted that he reviewed the bids from LM Olson in the amount of \$365,400.00 and Shepard Construction in the amount of \$381,000.00 for the window and door project at the Carbon Building and doors at the Courthouse to ensure the bids meet the specifications and recommended going with the low bid from LM Olson in the amount of \$365,400.00.

Commissioner Glode moved to approve the low bid from LM Olson in the amount of \$322,000.00 for the Carbon Building and \$43,400.00 for the Courthouse totaling \$365,400.00. Commissioner Espy seconded and the motion carried unanimously.

Mr. Jones reported that he will be purchasing additional fuel for the Dixon Airport due to high demand however this may exceed his budget.

### **Attorney**

Commissioner Jones moved to authorize the Chairman to sign the Contract for Services with LM Olson in the amount of \$365,400.00 for the Carbon Building HVAC and Courthouse door and window project. Commissioner Johnson seconded and the motion carried unanimously.

Mr. Kelly reported he will be presenting contracts for engineering and consulting services at the Dixon Airport at the next meeting. He has notified the Wyoming Department of Transportation that the Dixon Airport crack seal will move forward with GDA's engineers coming to measure existing cracks. After these measurements are submitted a cost estimate will be arrived at which will dictate the county's share of the project.

Mr. Kelly reported the comments for the Transwest Express draft Environmental Impact Statement (EIS) are due by the month's end and requested a preauthorization of the Chairman's signature on the comments once completed.

Commissioner Johnson moved to authorize the Chairman's signature on a letter outlining the county's comments for the Transwest Express draft EIS contingent upon the BOCC's review. Commissioner Glode seconded and the motion carried unanimously.

### **Fire**

County Fire Warden John Rutherford presented a Mutual Aid Agreement with the Town of Sinclair noting Attorney Kelly has reviewed it. He explained while the agreement allows the county to provide services into their service area it does not bind the county to provide those services. It is a five year

agreement that also allows the county to receive reimbursement for services performed. He noted he will be looking at similar agreements with other jurisdictions.

Commissioner Johnson moved to authorize the Chairman's Signature on a five year Mutual Aid Agreement Between the Carbon County Fire Department and the Sinclair Fire Department. Commissioner Glode seconded and the motion carried unanimously.

Mr. Rutherford noted he is working on a similar agreement with Medicine Bow noting the agreement calls for them to request assistance in certain circumstances rather than an automatic response from the county. Mr. Fox offered to prepare a map as an exhibit to the agreement to clearly identify the boundaries.

Mr. Rutherford discussed the west Battle Fire and that this should have been a county fire but the Bureau of Land Management had initially taken on the response. In the end, each entity determined it would absorb its own costs.

### **Planning**

County Planning Director Sid Fox discussed a vacant property at Ft. Steele noting there is a potential nuisance violation at the site as there are several vacated mobile homes and other junk and he plans to pursue the matter with the landowner.

### **Road & Bridge**

Road & Bridge Superintendent Bill Nation opened bids for the Phase 2 CMAQ for the Dad/Wamsutter Road. Ready Oilfield Service, Inc. bid \$48,500.00 per mile and C&B Sand and Gravel bid \$50,527.00 per mile. Mr. Nation reported no bids were received for the High Risk Rural Road (HRRR) for County Road #351. Mr. Nation recommended accepting the low bid and noted he would have Attorney Kelly prepare a contract for the project.

Commissioner Glode moved to accept the low bid from Ready Oilfield Service, Inc. for \$48,500.00 per mile for the CMAQ project on the Dad/Wamsutter Road. Commissioner Jones seconded and Commissioner Johnson asked when the project would be completed and how many miles this would complete. Mr. Nation responded this would be done immediately and complete approximately seven miles. The motion carried unanimously.

Mr. Nation reported that because he received no bids on the HRRR project he would like to attach this to another project the highway department will complete.

Mr. Nation discussed a draft letter from the BOCC to the Department of Environmental Quality as a formal request from Carbon County to amend the Cooperative Agreement Between the Department of Environmental Quality and Carbon County dated June 2009 requesting the requirements of Part 5G be deleted and Carbon County be allowed to use the allocation for the same scope of work, including a new bridge with the existing criteria. The letter also discusses that the county would like to improve the remainder of road from the DKRW site to Interstate 80. Commissioner Johnson stated he has a conflict on the matter because he has an option to purchase the property in a few years however he voiced his support.

Commissioner Jones moved to authorize the Chairman's signature on a letter to the Wyoming Department of Environmental Quality requesting the abandon mine land agreement for \$10 million for County Roads #1 and #3 be amended to allow the county to continue without the triggers in Part 5G of the original agreement. Commissioner Espy seconded and the motion carried with all voting for the motion except Commissioner Johnson who abstained due to a personal conflict.

## **PLANNING & ZONING**

### **Public Hearing – S.U.P. Case File No. 99-06**

Chairman Chapman opened a public hearing at 3:44 p.m. to hear Planning & Zoning S.U.P. Case File No. 99-06. Sid Fox, Planning Director presented S.U.P. Case File No. 99-06 – Platte River Power Authority (Applicant) and Medicine Bow River Ranch of Wyoming LLC and formerly the Albany Carbon Properties Group LLC (Owner's) request for transfer authorizing the Medicine Bow Wind Project from the Platte River Power Authority to Gamesa as the new project owner and operator. John Bleem of Platte River Power Authority stated the turbines will be retrofitted with new technology if approved. The alternative would be to use the turbines as they stand and take them down in a few years as they are already beyond their useful life. Johanne Sharp Sermania from Gamesa USA commented the retrofit by their company would be the first in the United States and would showcase this technology but the retrofit exists worldwide in 2,000 other turbines. This retrofit will also qualify for a production tax benefit as well. The retrofit is electrical only but does not change the footprint of the turbines.

Commissioner Johnson asked if the group had any plans for expansion and if the property was permitted for further development. Mr. Bleem stated they have no plans currently for expansion, especially with sage grouse issues.

Mr. Kelly reported the hearing was advertised as a transfer of a use permit from 1999 however an additional permit from 1994 was not advertised to be transferred however to save the group an additional trip he pointed out they will likely want to transfer the additional permit in the near future.

Mr. Kelly reported because the one permit was advertised, he advised advertising the second permit separately. Mr. Fox stated that when he began to review the request there was reference in the 1999 permit to the 1994 permit therefore he assumed the 1994 permit was included in the transfer however he would defer to the advice of Attorney Kelly.

Chairman Chapman called for comments for or against this matter. There being no comments Chairman Chapman closed the public hearing at 3:58 p.m.

Commissioner Espy moved to approve S.U.P. Case File No. 99-06. Commissioner Johnson seconded and Commissioner Espy clarified that all permits will be consistent with current rules. Mr. Fox stated each permit must come before the board on a case by case basis. Commissioner Jones moved to amend the motion to approve Resolution 2013-37, A Resolution of the Board of County Commissioners of Carbon County Transferring Permit for S.U.P. Case File No. 99-06. Commissioner Glode seconded and there was discussion by Joe Wilson of the Platte River Power Authority who reported they would like the permit to be transferred to Gamesa Project Company rather than Gamesa Energy USA LLC. Mr. Kelly reported the public notice is simply for public input however there is no requirement for

advertising the transfer. He advised changing the additional permit at a future meeting but allowing the 1999 permit to be transferred today. Ms. Sharp Sermania stated to qualify for the tax credit they need to move forward immediately. There was further discussion that Gamesa Project Company was not even formed yet. The amendment carried with all voting for the amendment except Commissioner Glode who voted against the amendment. The original motion carried with Commissioners Espy, Jones and Chairman Chapman voting for the motion and Commissioners Glode and Johnson voted against the motion.

**Resolution No. 2013 – 37**

**A Resolution of the Board of County Commissioners of Carbon County, Wyoming.**

**S.U.P. Case File #99-06**

**(SPECIAL USE PERMIT)**

**TRANSFER OF PERMIT**

**“MEDICINE BOW WIND PROJECT”**

**WHEREAS**, pursuant to the Carbon County Zoning Resolution of 2003, as amended, specifically, Section 5.6 – Conditionally Permitted Uses and Section 5.11 (d) (17) Transfer of Conditional Use Permits – Wind Energy Facilities-Overlay District, “No conditional use permit shall be transferred without the prior approval of the Board of County Commissioners.”; and

**WHEREAS**, the Platte River Power Authority submitted a letter to the Planning Director dated September 3, 2013, requesting the Board transfer the Special Use Permit Case File #99-06 authorizing the “Medicine Bow Wind Project” to Gamesa Energy USA LLC (Gamesa); and

**WHEREAS**, the Platte River Power Authority is currently negotiating the terms and conditions of the sale of its wind energy facility to Gamesa; and Gamesa is proposing to re-tool or retrofit the existing turbines which should extend the life and increase the power output of the facility; and

**WHEREAS**, the Carbon County Board of County Commissioners advertised by public notice and provided notice to the property owner and adjacent property owners prior to said public hearing to take public input and comments which said public hearing occurred on Tuesday, September 17, 2013; 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 permit transfer; and

**WHEREAS**, the Carbon County Board of County Commissioners having considered said request to transfer the Special Use Permit, currently referred to as a Conditional Use Permit, and having found good cause for the permit transfer and having also reviewed and considered the Carbon County Zoning Resolution of 2003, as amended, specifically, Section 5.6 – Conditional Use Permits and Section 5.11 – Wind Energy Facilities-Overlay District; and

**WHEREAS**, the Carbon County Board of County Commissioners have determined that the request to transfer the Special Use Permit, currently referred to as a Conditional Use Permit, is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and 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 Special Use Permit/Conditional Use Permit Transfer:

**Special Use Permit (S.U.P.) Case File #99-06**

**Project Name:** “Medicine Bow Wind Project”

**Permitee:** Platte River Power Authority

**Transfer to:** Gamesa Energy USA LLC

**Land Owner:** Medicine Bow River Ranch of Wyoming, LLC

**General Location:** Approximately 5 miles southwest of Medicine Bow and south and east of Carbon County Road #3 (Elk Mountain-Medicine Bow Road).

**Parcel Number(s):** 22793610000900

**Legal Description:** The property legally described as 75 acres in the NW1/4 NW1/4; N1/2 SW1/4 NW1/4; W1/2 W1/2 NE1/4 NW1/4; W1/2 NW1/4 SE1/4 NW1/4 of Section 36, T22N, R79W; and, That property legally described as 60 acres in the NE1/4 SE1/4; N1/2 SE1/4 SE1/4, Section 36, T22N, R79W; and, That property legally described as 460 acres in the S1/2 S1/2 NW1/4; SW1/4; NE1/4; W1/2 SE1/4; S1/2 SE1/4 SE1/4, Section 36, T22N, R79W, all in Carbon County, Wyoming.

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

**NOW THEREFORE BE IT RESOLVED BY THE CARBON COUNTY**

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

1. That the Carbon County Board of County Commissioners, hereby approves this transfer of SUP-Special Use Permit (also known as CUP-Conditional Use Permit) for the “Medicine Bow Wind Project” Special Use Permit (S.U.P Case #99-06) .
2. The new permittee is: Gamesa.  
Gamesa Energy USA LLC  
3001 Broadway Street NE Suite 695  
Minneapolis, MN 55413

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 17<sup>th</sup> day of September, 2013.

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

By: -s- Leo Chapman, Chairman  
-s- John Espy, Vice Chairman  
-s- Sue Jones, Member

Attest:  
-s- Gwynn G. Bartlett, Carbon County Clerk

**SECURE RURAL SCHOOLS ACT FUNDS**

**Public Hearing**

Chairman Chapman opened a public hearing at 4:18 p.m. to hear comments concerning the use of Title III Secure Rural Schools Act Funds.

Clerk Bartlett noted that a public notice for the hearing was placed in the Saratoga Sun July 31, 2013. Clerk Bartlett stated that she would recommend the county use funds to reimburse ourselves for search & rescue and emergency services on national forest land. Projects for the current year were for reimbursement to the county for these same projects. There were no public comments and Chairman Chapman closed the hearing at 4:21 p.m.

Commissioner Glode moved to use Title III Secure Rural Schools Act Funds to reimburse the county for search & rescue and emergency services on national forest lands. Commissioner Jones seconded and the motion carried unanimously.

### **RECESS**

Chairman Chapman called a recess at 4:22 p.m. and reconvened at 4:37 p.m.

### **COMMISSIONERS DISCUSSION**

Commissioner Johnson stated he is looking forward to the upcoming DEQ hearing on the DKRW permit and that he does not have ties to DKRW and he will be speaking his mind at that hearing about the project as he feels he has no conflict. Chairman Chapman reported that he agrees Commissioner Johnson has no ties with DKRW but he does have an option to purchase land potentially tied to the project and that he feels the BOCC may be sued if there is a perception of a conflict and asked that Commissioner Johnson reconsider. Commissioner Johnson clarified he has no monetary ties as a result of the project. Chairman Chapman clarified that if any property could be lost as a result of the project that could be construed as a conflict. Commissioner Johnson stated his grazing lease with Arch could be recalled with 30 days notice and is annual anyway. Commissioner Espy stated he does not feel the perception of a conflict and threat of a lawsuit should dictate the board's actions and that any potential conflict should be determined by the board member and legal counsel. Chairman Chapman strongly advised Commissioner Johnson to speak with counsel about any potential conflict.

Chairman Chapman stated he and John Rutherford spoke about a memorandum of understanding with Sweetwater County and he will be discussing this with their commission next week. Chairman Chapman reported he attended the Focus Ranch gathering yesterday.

### **CITIZEN DISCUSSION**

Morgan Irene, Elk Mountain Mayor, discussed the letter to the DEQ regarding DKRW's permit amendment noting they would be attending the meeting in Wheatland October 1 however because they are not a party they will likely not be heard.

Mr. Irene reported the town's Verizon connection has been inoperable for several weeks now. He reported he made a complaint with the Federal Communications Commission.

**ADJOURNMENT**

Commissioner Jones moved to adjourn the meeting at 5:03 p.m. Commissioner Glode seconded and the motion carried unanimously.

-s- Gwynn G. Bartlett, Carbon County Clerk

Approved this 2nd day of October 2013

BOARD OF COUNTY COMMISSIONERS  
CARBON COUNTY, WYOMING

-s- Leo Chapman, Chairman