

**REPORT TO THE  
MINUTES OF THE BOARD OF  
CARBON COUNTY COMMISSIONERS  
REGULAR MEETING  
Tuesday, September 16, 2014  
Elk Mountain Senior Center, Elk Mountain, Wyoming**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, September 16, 2014 at the Elk Mountain Senior Center in Elk Mountain, Wyoming. Attending the meeting were; Chairman Leo Chapman; Vice Chairman John Espy; Commissioners Sue Jones and John Johnson. Commissioner Glode was absent.

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

**ADDITIONS / CORRECTIONS**

Commissioner Espy moved to remove the Mental Health Examiner from the agenda. Commissioner Johnson seconded and the motion carried unanimously.

**VOUCHERS**

Commissioner Jones moved to approve the report of expenditures in the amount of \$296,919.55. Commissioner Johnson seconded and the motion carried unanimously.

Commissioner Espy moved to approve a bill to Sunrise Sanitation for \$60.00, Rawlins Automotive for \$195.12, Shively Hardware for \$444.50 and True Value for \$735.98. Commissioner Johnson seconded and the motion carried with all voting for the motion except Commissioner Jones who abstained due to a personal conflict on the Sunrise Sanitation invoice.

Vendor	Detail Line Description	Total
ALCO	SUPPLIES	\$38.89
AMERICAN BAR ASSOCIATION	RERUCHA MEMBERSHIP	\$280.00
AMERIGAS	PROPANE SERVICES	\$318.84
BAGGS, TOWN OF	WATER SERVICES	\$165.70
BANK OF COMMERCE (DEBIT CARD)	VARIOUS CHARGES	\$7,525.43
BEHAVIORAL INTERVENTIONS	ELECTRONIC MONITORING	\$1,395.03
BOB BARKER COMPANY, INC.	SUPPLIES	\$315.12
BOYS & GIRLS CLUBS OF C C	GRANT FUNDS	\$4,959.98
BROWN, AMANDA	MEALS/MILEAGE	\$59.52
BUILD RITE LUMBER SUPPLY	SUPPLIES	\$28.60
BURKHART, CINDY	MILEAGE	\$20.00
CANDY MOUNTAIN	WATER/EQUIPMENT RENTAL	\$52.50
CARBON CTY SENIOR SERVICES	MATCHING FDS/HEALTH SUBSIDY/MEALS	\$68,564.00
CARBON CTY YOUTH CRISIS CENTER	GRANT FUNDS	\$7,725.69
CARBON POWER & LIGHT INC	ELECTRICAL SERVICES	\$2,161.20
CASPER WINNELSON CO	SUPPLIES	\$180.30

CBM FOOD SERVICE	JAIL MEALS	\$7,255.80
CENTRAL RESTAURANT PRODUCTS	SUPPLIES	\$39.83
CENTURYLINK	TELEPHONE SERVICES	\$387.35
CHARTER COMMUNICATIONS	CABLE/INTERNET SERVICES	\$299.90
CIVIL AIR PATROL MAGAZINE	MAGAZINE AD	\$195.00
CMI-TECO	PARTS	\$997.44
CNA SURETY	HOWARD NOTARY BOND	\$50.00
COCA-COLA BOTTLING CO HIGH CRTY	EQUIPMENT RENTAL	\$15.00
COWDIN, JOHN	MILEAGE	\$32.40
CRAIG, CATHY	MEALS/MOTEL	\$716.17
DAILY TIMES	ADS/NEWSPAPERS	\$167.52
DEGENHART, JEFF & LAURIE	FUELS MITIGATION COSTS	\$3,600.00
DELEON, JOHN	LEGAL SERVICES	\$2,207.25
DIRTY BOYZ SANITATION, INC	GARBAGE SERVICES	\$3,184.00
DJ'S	GLASS REPAIR	\$339.00
DRUMMOND REFRIGERATION LLC	REFRIGERATION REPAIRS	\$70.00
DUBOIS TELEPHONE EXCHANGE	TELEPHONE SERVICES	\$40.06
EICHENBERGER, MELISSA	MILEAGE/CALL OUT	\$585.00
ELK MOUNTAIN CONOCO	FUEL	\$308.86
ELK MOUNTAIN, TOWN OF	WATER SERVICES	\$54.50
ENCAMPMENT, TOWN OF	WATER SERVICES	\$107.75
ENGSTROM, JAMES D. DDS	DENTAL SERVICES	\$2,500.00
ERICKSON & ROBERTS	LEGAL SERVICES	\$1,037.96
FARMER BROTHERS COFFEE	COFFEE	\$163.24
FASTENAL	SUPPLIES	\$20.29
FEDEX	SHIPPING CHARGES	\$489.57
FLEXSHARE BENEFITS	SETUP FEES	\$500.00
FLOYD'S TRUCK CENTER	PARTS	\$177.82
FREMONT MOTORS – RAWLINS	VEHICLE MAINTENANCE	\$892.68
GCR ELECTRONICS, LLC	SITE RENTALS	\$1,200.00
GOLDEN, MARY	MILEAGE	\$28.00
GRAINGER	SUPPLIES	\$1,202.90
GREATER WY BIG BROS/SISTERS	GRANT FUNDS	\$2,212.79
HAGOOD, VICKI	MILEAGE	\$25.50
HANNA, TOWN OF	WATER SERVICES	\$417.84
HEIMAN FIRE DEPARTMENT	SUPPLIES	\$387.05
HILLTOP LUBE & AUTOMOTIVE	FLAT REPAIR	\$25.00
J H KASPAR OIL COMPANY	FUEL	\$9,076.08
JACKALOPE PRINTING	BUSINESS CARDS	\$25.00
JACK'S BODY & FENDER REPAIR	TOW CHARGES	\$430.00
JONES, DAVE	FUELS MITIGATION COSTS	\$2,086.42
KAISER, DON	LAWN CARE	\$130.00
KAISLER, TODD	MILEAGE	\$54.00
KENCO SECURITY AND TECHNOLOGY	ALARM MONITORING	\$36.00

KILBURN TIRE COMPANY	VEHICLE MAINTENANCE	\$892.45
KING SOOPERS CUSTOMER CHARGES	BIKE BLENDER PROGRAM SUPPLIES	\$23.16
KTGA/KBDY	RADIO AD	\$308.00
L & L ELECTRIC	ELECTRICAL REPAIRS	\$65.00
L N CURTIS & SONS	STRAINER	\$359.69
LEXBO LLC	OFFICE RENTAL	\$500.00
MEDICINE BOW, TOWN OF	WATER SERVICES	\$166.00
MEMORIAL HOSPITAL OF CARBON CTY	MEDICAL SERVICES	\$163.00
MERITAIN HEALTH	RUN OUT ADMINISTRATION	\$24,510.60
MILLER, JIM	MILEAGE	\$30.60
MPM CORP / EVERGREEN DISPOSAL	GARBAGE SERVICES	\$105.00
MY OFFICE ETC.	SUPPLIES	\$1,649.15
NEUTRON INDUSTRIES	CLEANING SUPPLIES	\$502.19
NEVE'S UNIFORMS	SHERIFF UNIFORMS	\$172.89
NORCO, INC.	CYLINDER RENTAL	\$784.61
PERKINS OIL CO	FUEL	\$2,250.76
PERUE PRINTING	SUPPLIES	\$142.00
POTTER, JORDAN	LAWN CARE	\$60.00
PUBLIC SAFETY CENTER, INC	VESTS	\$1,300.00
QUESTAR GAS	GAS SERVICES	\$11.00
QUILL CORPORATION	SUPPLIES	\$83.20
RACO INDUSTRIES	LABELS	\$419.42
RAWLINS AUTOMOTIVE	PARTS	\$195.12
RAWLINS, CITY OF	WATER SERVICES	\$7,001.40
RESERVE ACCOUNT	POSTAGE	\$10,000.00
RIVERSIDE GARAGE & CABINS	SPRAY PAINT	\$15.56
ROBERTS, MATT	TRANSFER CASE REPLACEMENT	\$900.00
ROCKY MOUNTAIN POWER	ELECTRICAL SERVICES	\$4,011.35
RUNYAN ENTERPRISES LLC	ELECTION DATABASE REVIEW	\$650.00
RYAN ELECTRONICS INC	MAINTENANCE CONTRACT FEE	\$5,033.88
SAFEGUARD BUSINESS SYSTEMS	AP CHECKS	\$325.80
SARATOGA AUTO PARTS, INC.	PARTS	\$150.39
SARATOGA SUN	NEWSPAPER ADS	\$88.00
SARATOGA, TOWN OF	WATER SERVICES	\$69.35
SCOTT, AARON & BRANDON	LAWN CARE	\$350.00
SECRETARY OF STATE	HOWARD NOTARY CERTIFICATE	\$30.00
SHEPARD CONSTRUCTION INC	CONSTRUCTION SERVICES	\$74,599.30
SHEPARD'S	FUEL	\$200.48
SHIVELY HARDWARE	TIRES	\$444.50
SHOPKO	SUPPLEMENTS	\$346.09
SNAKE RIVER PRESS	NOTICE OF VACANCY AD	\$72.00
SODERBERG, BONNIE	FUELS MITIGATION COSTS	\$2,100.00
SOURCE GAS	GAS SERVICES	\$2,775.05
SOUTHWEST M.R.O., LLC	DRUG SCREENING	\$25.00

SPECIALIZED PATHOLOGY CONSLTNTS	AUTOPSY	\$3,120.00
STAPLES ADVANTAGE	SUPPLIES	\$968.32
SUNRISE SANITATION SERVICE, LLC.	GARBAGE SERVICES	\$60.00
TANDAN SANITATION SERVICES	GARBAGE SERVICES	\$50.00
THE WOODEN SPOON	ELECTION JUDGE MEALS	\$520.00
THOMSON REUTERS-WEST PYMT CTR	INFORMATION CHARGES	\$848.53
TRADING POST	FUEL	\$444.12
TREVATHAN, SABRINA RMR	TRANSCRIPTION SERVICES	\$600.80
TRUE VALUE OF RAWLINS	HANGERS	\$735.98
U S POSTMASTER-BAGGS	PO BOX RENT	\$42.00
U S POSTMASTER-RAWLINS	PO BOX RENT	\$60.00
US BANK	USB DRIVE	\$1,778.50
VAN'S WHOLESALE LLC	SUPPLIES	\$181.59
WACO	2014 DUES	\$300.00
WEX BANK	FUEL	\$72.99
WILSON, MARGARET	PATCHES	\$9.00
WY BRAND INDUSTRIES	FLOOR FINISH/DEGREASER	\$526.40
WY DEPT OF HEALTH	MOTOR VEHICLE BILLING	\$127.00
WY MACHINERY COMPANY	PARTS	\$4,123.71
WY WASTE SERVICES-RAWLINS	GARBAGE SERVICES	\$1,500.17
YAMPA VALLEY ELECTRIC	ELECTRICAL SERVICES	\$842.28
GRAND TOTAL		\$298,355.15

## **CONSENT AGENDA**

Commissioner Johnson moved to approve the consent agenda. Commissioner Jones seconded and Clerk Bartlett noted the following items were included in the consent agenda: September 2, 2014 regular meeting minutes and September 3, 2014 special meeting minutes; a bond for Kristy R. Rowan, Treasurer for the Carbon County Library System Board for \$10,000.00; Clerk receipts for \$26,885.75; and Clerk of District Court receipts for \$2,386.00. The motion carried unanimously.

## **ELECTED OFFICIALS / DEPARTMENT HEADS**

### **Treasurer**

County Treasurer Cindy Baldwin presented one abatement for the Chairman's signature on behalf of County Assessor Cheryl Ross. She reported tax bills will be mailed out late this month.

### **Attorney**

Deputy County Attorney Mike Kelly presented an agreement with Ready Oilfield for \$157,695.06 for the Road & Bridge Congestion Mitigation Air Quality grant project.

Commissioner Espy moved to authorize the Chairman to sign an agreement between Carbon County and Ready Oilfield Services for the Congestion Mitigation Air Quality project for work on the Dad/Wamsutter Road in the amount of \$157,695.06. Commissioner Jones seconded and Commissioner Johnson clarified what was different about this than the motion made at the last meeting. Mr. Kelly reported that the previous motion was to accept the bid and this is to approve the contract. The motion carried unanimously.

Mr. Kelly also reported he is working with the individuals that Brent Wilson is transferring his lease to for his hangar at the Dixon Airport and he will present this at the next meeting.

### **Sheriff**

Sheriff Jerry Colson reported the water heater at the jail is leaking and needs replaced and that County Buildings Manager Craig Jones received quotes per the procurement policy. Sheriff Colson noted this would be paid for with jail operations and maintenance funds that were set aside when the jail was constructed. Mr. Jones reported the boiler room is built around the water heater and it would have to be cut out to remove it. He noted quotes were received for a 100 gallon tank of varying makes totaling \$14,200.00 plus freight, \$10,532.70, and \$13,054.25. He stated the one recommended to him by Long Technologies is to accept the \$14,200.00 bid as this piece of equipment has a better track record for longevity.

Commissioner Johnson moved to accept the recommendation of the Buildings & Grounds Manager and accept the quote of \$14,200.00 to replace the water heater at the jail using operations and maintenance funds. Commissioner Jones seconded and the motion carried unanimously.

### **Fire**

County Fire Warden John Rutherford, presented a revised fire agreement with the Town of Hanna noting Hanna has signed it and that he, Attorney Kelly and Clerk Bartlett have all worked on the document and are satisfied with it.

Commissioner Jones moved to approve a Memorandum of Understanding between the Town of Hanna, Wyoming and Board of Commissioners of the County of Carbon, Wyoming for Fire Protection Services. Commissioner Johnson seconded and the motion carried unanimously.

### **Road & Bridge**

Road & Bridge Superintendent Bill Nation reported the high risk rural road on County Road #351, the Seminole Road, has been delayed since 2011. This is a \$60,450.00 with a \$5,745.00 match from the county that involves installing rumble strips down the sides to help prevent fatalities. The project has been hung up however he will now be able to piggy back on another project nearby. The original project called for signs to be posted and delineator posts to be installed however only rumble strips and striping will be completed. He will present a modification for the BOCC's approval at a future meeting.

### **YOUTH CRISIS CENTER**

Megan Hendrickson of the Youth Crisis Center stated she knew the Wyoming County Commissioners Association will be meeting with Governor Mead next week at the Wyoming Association of County Officers conference and she asked that the BOCC speak with him about the importance of funding crisis centers around the state. She stated it would be an increase of \$1.29 million to cover all centers statewide.

## **ELECTED OFFICIALS / DEPARTMENT HEADS**

### **Clerk**

Commissioner Jones moved to appoint G. Glee Johnson to the Saratoga-Carbon County Impact Joint Powers Board for a three-year term expiring July 2017. Commissioner Espy seconded and the motion carried unanimously.

Clerk Bartlett reported Sarah Reilley was appointed to the Library Board in May and has resigned. She asked the BOCC to accept the resignation and wondered if they would like to consider either of the applicants who applied back in May, Elizabeth Hunt and Verla Wick or have her advertise the opening. She stated she has not contacted the other applicants as she was unsure how the BOCC would want to proceed.

Commissioner Johnson moved to regretfully accept Sarah Reilley's resignation from the Carbon County Library Board. Commissioner Jones seconded and the motion carried unanimously.

The BOCC asked the Clerk to re-advertise the opening.

Clerk Bartlett presented two contracts with Union Telephone on behalf of the IT Director, Matt Webster.

Commissioner Espy moved to approve the Chairman to sign two contracts with Union Telephone. Commissioner Johnson seconded and the motion carried unanimously.

Clerk Bartlett explained that when the power goes out in Rawlins, because of the way the Courthouse, Carbon Building and jail are connected the Courthouse has no phones and the jail's E911 software does not work. She stated the issue was recently discovered during a several hour outage and the IT Director would like to purchase a power supply for the Carbon Building to ensure the Courthouse phones and E911 dispatch software continues to operate during an outage. E911 funds can be used for this as it directly relates to dispatch.

Commissioner Espy moved to allow the IT Department to bid an emergency backup power at the Carbon Building. Commissioner Jones seconded and Commissioner Johnson noted he understands the need but stressed the importance of sticking with a budget and planning for such items. Clerk Bartlett reported that she did not believe the IT Director knew of the issue until the outage or he would have budgeted for the item. The motion carried unanimously.

Clerk Bartlett discussed health insurance. She requested the BOCC adopt the actuarial figured COBRA rates effective October 1, 2014.

Commissioner Espy moved to set COBRA rates at \$1,092.00 for a single and \$2,619.00 for a family effective October 1, 2014 noting these include the 2% statutory fee allowed. Commissioner Johnson seconded and the motion carried unanimously.

Clerk Bartlett noted at the last meeting she suggested that if the BOCC believes that the Wellness Program works that they offer a greater incentive to gain more interest. She stated the Wellness Committee recommends \$50.00 per month for a single or \$100.00 per month for a couple effective January 2015. Commissioner Jones reported that this would be spending more money when the goal is to save money and she asked how much the county will save with the program. Clerk Bartlett reported there is really no way to calculate a savings but the hope is that individuals will change their health habits over time therefore reducing health related claims. Commissioner Jones stated her concern that many of the wellness challenges are self-reporting and Clerk Bartlett agreed but noted that she and the committee cannot police each participant. Commissioner Johnson stated he appreciated Commissioner Jones' thoughts and the recommendation of the Wellness Committee however he is not ready to triple it.

Commissioner Johnson moved to offer a \$75.00 per quarter for a single or \$150.00 per quarter for a couple as the reward for participating in the county's Wellness Program effective January 2015. Commissioner Espy seconded and asked how many people are participating in wellness and Clerk Bartlett reported last quarter she believed around 22 employees were paid for participating. Chairman Chapman stated that while the reward recommended may be high it is all about trying to save the county money and this may do so in the long run. Commissioner Johnson stated he sees the merit in the program but he would like to see more participation. Commissioner Jones also sees the importance but she feels it is a part of the plan and it should be encouraged. Clerk Bartlett stated that she feels a higher reward would incentivize more participation. Mr. Nation stated that he respects the opportunity for the committee to make a recommendation and stated that by raising it the BOCC will know if participation is due to the money. Mr. Kelly stated as an employee he respectfully pointed out that premiums were in essence quadrupled and if the BOCC took the recommendation from the Wellness Committee the premiums would merely be tripled. Clerk Bartlett agreed that some may participate strictly for the incentive money however hopefully they will really be changing health habits merely by participation and again stated that raising the reward would likely increase participation. The motion carried with all Commissioners voting for the motion except Commissioner Espy who voted against.

Clerk Bartlett reported that because the county will offer two health insurance plans now, the BOCC needs to decide how to move forward with retirees on the county's plan. She recommended because individuals must work for the county for at least 15 years and usually many more years that the BOCC leave the fees the same as current, \$255.00 for a single and \$648.00 for a family and only offer one plan, likely the current benefit, but noted that the BOCC could offer both plans but would have to determine the premiums. Chairman Chapman discussed the costs of Medicare.

Commissioner Espy moved to set retiree rates at \$300.00 for a single and employee plus spouse at \$700.00 for Plan A, the lower deductible plan effective January 1, 2015. Commissioner Jones seconded and Commissioner Johnson discussed these rates in comparison to employee rates. Chairman Chapman asked why the retirees would have to pay more than employees. Commissioner Espy stated to not raise retirees when employees rates were raised significantly

would not be fair to the employees. The motion carried with all voting for the motion except Chairman Chapman who voted against.

Clerk Bartlett reminded the BOCC that employee meetings to explain all health insurance changes are September 29 and 30. She noted retirees are invited to these meetings as well.

Clerk Bartlett reported at the last meeting the BOCC moved and unanimously voted to move forward with a new vision plan with VSP effective October 1, 2014. She noted due to the lack of timing to notify employees of the changes she requested this be effective January 1, 2015. Meritain has offered to administer the current self-insured plan through December 31 for the same fees as they are currently charging. She did note this changed the rates slightly with VSP.

Commissioner Johnson moved to make the fully insured vision plan with VSP effective January 1, 2015 rather than October 1, 2014. Commissioner Espy seconded and the motion carried unanimously.

Clerk Bartlett also explained that the BOCC moved and voted to adopt the fully insured Delta Dental of WY dental plan effective October 1. For the same reasons of timing and because there was some confusion on this adoption, she would like this effective January 1, 2015. She understood the BOCC to adopt a fully insured plan not a self-insured plan. The fully insured plan would require 100% of employees not on another dental plan to take the county's dental plan and she felt that was not explained to the BOCC. She explained that Delta's other offering would require 50% of those not on another plan to take the county's plan and that Guardian's offering would require 65% participation. If self-insured, there would be no enrollment requirements with either company and they would simply administer the county's plan. Delta has a large network but only pays at the 51<sup>st</sup> percentile if someone goes out of network leaving the employee with a balanced bill they would be responsible for. Guardian has no network but pays at the 90<sup>th</sup> percentile for any bill.

If the county goes with a self-insured plan she noted the BOCC must also set fees to be effective January 1, 2015 and recommended the fees be \$28.00 for single, \$57.00 for employee + children, \$63.00 for employee + spouse and \$92.00 for family. This is approximately a 13.5% increase but would be necessary to cover the average claims for the self-insured plan.

Commissioner Espy moved to use Guardian to administer the county's self-insured dental plan effective January 1, 2015 and to set rates at \$28.00 for single, \$57.00 for employee + children, \$63.00 for employee + spouse and \$92.00 for family. Commissioner Jones seconded and the motion carried unanimously.

Clerk Bartlett proposed the BOCC adopt a Travel Medical Benefit Plan as a cost savings measure and presented a proposal prepared by Cobecon. Blue Cross Blue Shield (BCBS) has many providers and some of those are Blue Distinction Centers (BDC). These centers provide deeper discounts and normally have a higher success outcome from serious conditions which result in large claims. These include cardiac care, cancers, knee and hip replacement, spine surgery and transplants. Under the plan employees would be incentivized to use the BDC's by waiving the deductible and providing \$150.00 a day in travel limiting this to \$2,500.00 per year.

Commissioner Espy moved to adopt the proposed Travel Medical Benefit Plan effective January 1, 2015 as presented. Commissioner Johnson seconded and there was discussion that additional providers could be added at any time. The motion carried unanimously.

Clerk Bartlett presented various documents, including a resolution, to have Blue Cross of Wyoming administer the county's Flex Benefits program effective October 1, 2014.

Commissioner Jones moved to authorize the Chairman to sign Resolution No. 2014-29, Resolution to Approve and Adopt the Carbon County Employees Benefits Plan, the Flexshare Benefits Agreement and the Adoption Agreement all for the county's Flex Benefits Program. Commissioner Johnson seconded and the motion carried unanimously.

## **RESOLUTION NO. 2014 – 29**

### **RESOLUTION TO APPROVE AND ADOPT THE CARBON COUNTY EMPLOYEES FLEXIBLE BENEFITS PLAN**

**WHEREAS**, Carbon County desires to establish the Carbon County Employees Flexible Benefits Plan, "The Plan"; and

**WHEREAS**, a draft of The Plan has been presented to the governing board and is on file with the County Clerk; and

**WHEREAS**, flexible benefits plans in general provide that an employer may permit employees, individually, to elect to reduce salary and direct the employer to place the amount of such reduction into an account from which may be paid the individual employee's health insurance premiums, medical expenses, dependent care expenses and certain other expenses which federal tax laws permit as deductions from taxable income; and

**WHEREAS**, it will be of financial advantage to those employees of Carbon County who choose to be covered by the flexible benefits plan and results in neither advantage nor disadvantage to employees who choose not to be covered; and

**WHEREAS**, The Plan does not result in the provision of any additional benefits paid for by Carbon County and is expected to result in a saving of expenses to Carbon County as well as beneficial to employees who elect to participate in it.

**NOW, THEREFORE BE IT RESOLVED**, the form of Flexible Benefits Plan including any applicable Premium Only Plan, Dependent Care Assistance Program and Healthcare Flexible Spending Account Plan, effective January 1, 2014 with a prior third party administrator and effective October 1, 2014 with FlexShare Benefits, presented to this meeting is hereby approved and adopted and that the duly authorized agents of the Employer are hereby authorized and directed to execute and deliver to the Administrator of The Plan one or more counterparts of the Plan; and

**BE IT FURTHER RESOLVED**, the Administrator shall be instructed to take such actions that are deemed necessary and proper in order to implement The Plan, and to set up adequate accounting and administrative procedures to provide benefits under The Plan; and

**BE IT FURTHER RESOLVED**, the duly authorized agents of the Employer shall act as soon as possible to notify the Employees of the Employer of the adoption of the Flexible Benefits Plan by delivering to each Employee a copy of the summary description of The Plan in the form of the Summary Plan Description presented to this meeting, which form is hereby approved; and

**BE IT FURTHER RESOLVED**, the Board of County Commissioners of Carbon County, Wyoming, further certifies that attached hereto as Exhibits A, B and C, respectively, are true copies of the Adoption Agreement, Flexible Benefits Plan Document and Summary Plan Description approved and adopted in the foregoing resolutions; and

**BE IT FURTHER RESOLVED**, that the undersigned Principal of Carbon County Employees (the Employer) hereby certifies that the foregoing resolutions were duly adopted by the Employer on the 16<sup>th</sup> day of September, 2014, and that such resolutions have not been modified or rescinded as of the date hereof.

**APPROVED AND ADOPTED THIS 16<sup>th</sup> DAY OF SEPTEMBER, 2014.**

BOARD OF COMMISSIONERS  
CARBON COUNTY, WYOMING  
-s- Leo Chapman, Chairman

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

### **RECESS**

Chairman Chapman called a recess at 3:41 p.m. and reconvened at 3:51 p.m.

### **Buildings & Grounds**

Mr. Jones reported that the window and door project for the Carbon Building is complete. The initial completion date should have been in June however it was extended by one week by the BOCC previously and substantial completion was achieved July 1. He wanted to ensure the county still wanted to enforce the penalty as previously decided. The penalty was \$250.00 per day times 25 days totaling \$6,250.00. The final payment due is \$3,432.60.

Chairman Chapman stated he is not in favor of assessing the penalty because this is a long-time Rawlins contractor. He stated there is a bigger implication than just the dollars but the reputation could be affected also. Clerk Bartlett asked if Mr. Jones knew if the contractor was assessing his subcontractor a penalty and Mr. Jones stated he believed so and that it may be higher than the county's liquidated damages.

Commissioner Espy asked if the county could enter into negotiations with LM Olson on the matter. Commissioner Johnson asked why we have liquidated damages in a contract if the county is not going to enforce it. Chairman Chapman stated he is unsure of the extenuating circumstances as to why the project took so long and restated his concern for the contractor's reputation. Commissioner Johnson asked what precedent the county is setting by not assessing

the damages.

Mr. Kelly stated he recalled that in June he suggested Mr. Olson appear to explain the delay. He suggested that this still happen before assessing a penalty and allow the contractor to explain and potentially negotiate. The BOCC agreed and asked Clerk Bartlett to contact him. Commissioner Jones stated she is open to communication but the BOCC needs to follow the process regardless of who the contractor is and where they are from.

## **PLANNING & ZONING**

### **Certifications**

County Planning Director Sid Fox presented the Certifications of Recommended Action for MIN SUB Case File No. 2014-02 for Sinclair Wyoming Refining Company/Steve Sondergard; Z.C. Case File No. 2014-10 for Sinclair Wyoming Refining Company/Steve Sondergard; ZRA Case File No. 2014-01 for Dirty Boyz Sanitation Service, Inc. and Rose and Patrick Cain; and C.U. Case File No. 2014-03 for Dirty Boyz Sanitation Service, Inc. and Rose B. Cain and Patrick Cain.

Commissioner Johnson moved to accept the Certifications of Recommended Action from the Carbon County Planning & Zoning Commission for MIN SUB Case File No. 2014-02 – Sinclair Wyoming Refining Company/Steve Sondergard’s request for a Minor Subdivision to create one parcel, Lot 1 = 8.04 acres; Z.C. Case File No. 2014-10 - Sinclair Wyoming Refining Company/Steve Sondergard’s request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Heavy Industrial (MH) encompassing approximately 8.04 acres; ZRA Case File No. 2014-01 – Dirty Boys Sanitation Service, Inc. (Applicants) and Rose and Patrick Cain (Land Owner’s) request for a Zoning Resolution Amendment to amend the text of the Zoning Resolution to add “Transfer Station” as a Conditionally Permit Use in the Ranching, Agriculture, Mining (RAM) Zone District; and C.U. Case File No. 2014-03 for Dirty Boyz Sanitation Service, Inc. (Applicants) and Rose B. Cain and Patrick Cain (Land Owner’s) request for a Conditional Use Permit for the construction, operation, and maintenance of a transfer station; and to schedule a public hearing for October 7, 2014 at 1:30 p.m. at the County Courthouse in Rawlins, Wyoming. Commissioner Jones seconded and the motion carried unanimously.

Mr. Fox reported that the Planning & Zoning (P&Z) Commission recommends approval of the text amendment to add transfer stations as a conditionally permitted use in the RAM zone. If the BOCC agrees then they can act on the conditional use permit for Dirty Boys specifically which the P&Z Commission recommends for denial.

Mr. Fox explained that there were two members for and two members against recommending the conditional use permit for approval. There was another split motion to table the conditional use permit then move the zoning resolution amendment to the Commissioners. Ultimately the applicant requested the P&Z Commission deny the conditional use permit so they could move forward in a more timely fashion for the BOCC to consider and take final action one way or the other. There was such a motion and that carried unanimously.

Chairman Chapman asked if there was discussion of the continuation of the use of the current pole barn for their transfer station. Ken Besel of the P&Z Commission was also present and

noted that he asked the question at today's meeting and he understood Dirty Boyz to say they have not used it for two years. He noted adding language to the Zoning Resolution has never been done in Carbon County and Mr. Besel stated some members were not comfortable with a petitioner wanting to change such a document.

Mr. Nation asked Mr. Fox about the stipulations that may be applied if approved by the BOCC. Chairman Chapman asked what impact approval would have to the county road and Mr. Nation stated 14 more trucks to the county road each week therefore insignificant. He stated dust control may be affected but with the removal of magnesium chloride from his budget there will eventually be more dust.

Commissioner Jones stated the low volume low impact permit from the Department of Environmental Quality (DEQ) is being applied for by Dirty Boyz however it could be increased someday. Clerk Bartlett asked if the BOCC could place a condition that if approved it could only be a for a low impact transfer station per DEQ's rules and Mr. Fox confirmed this could be done. Mr. Besel stated the driving force for a timely decision, according to Dirty Boyz was the increase in the Rawlins Landfill fees. Mr. Fox read from the staff report the recommended conditions the BOCC could place if approved. Commissioner Jones reported the permits are very well monitored by the DEQ and she thinks the real issue lies with the individuals living in the area. She stated if those people do not want it and what it brings with it then they need to speak now. Chairman Chapman stated his concern for an established community and the transfer station coming in after the fact. Mr. Fox reported that the BOCC should stick to facts in the county's current documents, not how the neighbors feel about it. Clerk Bartlett asked if the project was approved if there was a need for the normal statement about county road maintenance as a condition of approval and Mr. Nation agreed this may be necessary.

Commissioner Espy reported he read the city's letter and they want the county to enforce their monopoly however they do not seem to care about consequences to individuals outside the city for the dumping of trash on properties.

#### **CITIZEN / COMMISSIONERS DISCUSSION**

Commissioner Jones discussed the employee stipend and the fact it was approved but to be taxed. She would like the \$1,000.00 per employee to be a net amount rather than taxed. The employee would potentially be paying up to over \$200.00 in taxes.

Commissioner Jones moved to make the employee stipend to be given in November a net amount of \$1,000.00. Commissioner Johnson seconded and noted that he thought that was the initial intent. The motion carried unanimously.

Commissioner Jones reported the predesign for the apron expansion for the Dixon Airport is in October and she will participate and invited the rest of the BOCC. She noted the crack sealer group is working but ran over a light and now no lights are working. Mr. Jones stated he will be repairing the lights tomorrow.

#### **ADJOURNMENT**

Commissioner Johnson moved to adjourn the meeting at 4:56 p.m. Commissioner Espy seconded and the motion carried unanimously.

A regular meeting of this Board will be held October 21 at 9:00 a.m. at the County Courthouse, 415 W. Pine St., Rawlins, WY. The public is invited to attend or you can listen online at the website listed below. To get on the agenda, call the Clerk's Office by the Thursday before the meeting. Per Wyo. Stat. §18-3-516(f), access to county information can be obtained at [www.carbonwy.com](http://www.carbonwy.com) or by calling the Clerk's Office at (307) 328-2668 or 1-800-250-9812.