

**REPORT TO THE
MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, October 7, 2014
County Courthouse, Rawlins, Wyoming**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, October 7, 2014 at the County Courthouse in Rawlins, Wyoming. Attending the meeting were; Chairman Leo Chapman; Vice Chairman John Espy; Commissioners Lindy Glode, Sue Jones and John Johnson. Commissioners Jones and Johnson were absent at the start of the meeting but joined the meeting at 9:10 a.m.

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

ADDITIONS / CORRECTIONS

Commissioner Espy moved to add an architectural contract with a firm for the Hugus Ferguson building for the Museum at the end of the meeting. Commissioner Glode seconded and the motion carried unanimously.

VOUCHERS

Commissioner Glode moved to approve the report of expenditures in the amount of \$485,150.31 noting this does not include the Bank of Commerce invoice. Commissioner Espy seconded and the motion carried unanimously.

Vendor	Detail Line Description	Total
AVFUEL CORPORATION	AVIATION FUEL	\$5,169.02
BANK OF COMMERCE (DEBIT CARD)	VARIOUS CHARGES	\$8,907.12
BESEL, KEN	MILEAGE	\$24.00
BLAKEMAN PROPANE	PROPANE SERVICES	\$168.24
BOB BARKER COMPANY, INC.	SUPPLIES	\$1,081.45
BOYS & GIRLS CLUBS OF CARBON COUNTY	SEP 2014 CSBG	\$1,850.36
BROWN, AMANDA	MILEAGE	\$12.00
BUCHANAN, KAREN	MILEAGE	\$77.40
BUILD RITE LUMBER SUPPLY	SUPPLIES/POSTAGE	\$237.53
BURKHART, CINDY	MILEAGE/SUPPLIES	\$23.75
C & D FABRICATION	INMATE CAGES	\$2,000.00
CANDY MOUNTAIN	WATER	\$45.00
CARBON COUNTY BAR ASSOCIATION	BAR DUES	\$240.00
CARBON COUNTY SENIOR SERVICES	MEALS/HEALTH SUBSIDY/MATCHING	\$66,810.00
CARBON COUNTY TREASURER	VARIOUS CASH ITEMS	\$1,060.45
CARBON COUNTY VETERINARY HOSPITAL	DOG FOOD	\$52.00

CARBON COUNTY YOUTH CRISIS CENTER	SEP 14 CSBG	\$4,235.76
CASPER WINNELSON CO	SUPPLIES	\$91.00
CATHEDRAL HOME FOR CHILDREN	YOUTH CRISIS CENTER FUNDING	\$1,000.00
CBM FOOD SERVICE	JAIL MEALS	\$11,964.80
CDW GOVERNMENT, INC.	SUPPLIES	\$2,158.42
CENTURY LINK	TELEPHONE SERVICES	\$463.27
CENTURYLINK	TELEPHONE SERVICES	\$394.95
CHARM-TEX, INC.	GLOVES	\$250.00
CHARTER COMMUNICATIONS	CABLE/INTERNET/TELEPHONE/FIBER LINES	\$5,584.46
CLYDE, JASON	MEALS/FUEL	\$62.65
CNA SURETY	ROSENTERER NOTARY BOND	\$50.00
COOKS CORRECTIONAL	BOWLS	\$132.95
DAILY TIMES	NEWSPAPER ADS	\$1,759.80
DEX MEDIA	TELEPHONE SERVICES	\$3.08
DIRTY BOYZ SANITATION, INC	TRASH SERVICES	\$207.00
DIXON, TOWN OF	WATER/SEWER	\$263.00
DOMINION VOTING SYSTEMS, INC.	TOUCH SCREEN KEYS	\$32.08
DUBOIS TELEPHONE EXCHANGE	TELEPHONE SERVICES	\$1,512.49
EASTMAN, PATRICK	MILEAGE	\$10.20
ELK MOUNTAIN DIESEL	CABLE TIES/ENGINE LABOR	\$3,041.33
ERICKSON & ROBERTS	LEGAL SERVICES	\$668.57
FOX, SID	MEAL/MILEAGE	\$170.00
FRUDE, CANDICE	MILEAGE	\$117.50
G & R CONTROLS, INC	BOILER PARTS	\$253.92
GALLS/QUARTERMASTER	SHIRTS	\$91.17
GCR ELECTRONICS, LLC	SITE RENTALS	\$1,200.00
GLAXOSMITHKLINE PHARMACEUTICALS	VACCINE	\$611.50
GRAINGER	SUPPLIES	\$738.47
GREATER WY BIG BROS/SISTERS	SEP 14 CSBG	\$1,216.99
HANNA, TOWN OF	WATER/SEWER	\$168.23
HEADS WEST SANITATION	SEPTIC SERVICE	\$324.50
HEIMAN FIRE DEPARTMENT	SUPPLIES	\$201.10
HIGH DESERT WELDING & MACHINE LLC	SUPPLIES	\$6.92
HIGH PLAINS POWER	ELECTRICAL SERVICES	\$389.89
INDEPENDENT TABULATION, INC.	SUPPLIES	\$125.10
INTERMOUNTAIN LOCK & SECURITY	KEYPAD ENTRY FLEX	\$165.43
INTERNATIONAL ACADEMICS OF EMERGENCY	GRIFFITH QUIZZES	\$20.00
ISC, INC	NETWORK UPGRADE	\$19,740.00
J H KASPAR OIL COMPANY	FUEL	\$11,817.80
JACKALOPE PRINTING	SUPPLIES	\$174.00
KENCO SECURITY AND TECHNOLOGY	ALARM SYSTEM MAINTENANCE	\$1,426.00
KILBURN TIRE COMPANY	VEHICLE MAINTENANCE	\$1,413.99

KING SOOPERS CUSTOMER CHARGES	FOOD SUPPLIES	\$50.08
KIRSCH, ARCHIE P	COUNTY HEALTH OFFICER	\$1,300.00
KONE ELEVATORS ESCALATORS	ELEVATOR MAINTENANCE	\$325.29
L & L ELECTRIC	REPLACE BALLAST/FIXTURE	\$270.60
L N CURTIS & SONS	SUPPLIES	\$6,814.73
LEXBO LLC	OFFICE RENTAL	\$500.00
LONG BUILDING TECHNOLOGIES, INC.	BUILDING MAINTENANCE	\$2,749.68
LS COUNSELING	COUNSELING SERVICES	\$150.00
MARTINEZ, JANICE	POSTAGE/SUPPLIES	\$20.26
MCKESSON MEDICAL	PH HEALTH VACCINE	\$3,618.00
MEMORIAL HOSPITAL OF CARBON COUNTY	MEDICAL SERVICES	\$3,297.05
MOORE MEDICAL CORP.	MEDICAL SUPPLIES	\$1,553.42
MOSS, BARBARA	MILEAGE	\$70.80
MPM CORP / EVERGREEN DISPOSAL	GARBAGE SERVICES	\$30.00
MURANE & BOSTWICK, LLC.	PROFESSIONAL SERVICES	\$464.00
MY OFFICE ETC.	OFFICE SUPPLIES	\$708.82
NEVE'S UNIFORMS	SHERIFF UNIFORMS	\$89.94
NORCO, INC.	SUPPLIES	\$54.38
OFFICE DEPOT	OFFICE SUPPLIES	\$116.10
OPFAR, CLAUDIA	MEAL	\$11.48
O'REILLY AUTO PARTS	PARTS	\$41.13
OTOOLE, PATRICK "EAMON"	MILEAGE	\$60.00
PERKINS OIL CO	FUEL	\$1,315.86
PERSONNEL EVALUATION, INC.	PERSONNEL EVALUATIONS	\$40.00
PHELPS COUNTY COURT	CERTIFIED COPIES	\$1.75
PHILLIPS 66-CONOCO-76	LATE FEE/INTEREST	\$22.99
PITNEY BOWES INC	POSTAGE MACHINE RENTAL	\$1,120.41
PMPC CIVIL ENGINEERS	ENGINEER SERVICES	\$16,993.54
QUESTAR GAS	GAS SERVICES	\$14.64
QUILL CORPORATION	SUPPLIES	\$575.65
RACO INDUSTRIES	LABELS	\$429.93
RASMUSSEN FURNITURE	VACUUM BAGS	\$13.98
RAWLINS AUTOMOTIVE	PARTS	\$769.61
RAWLINS EASTSIDE CARWASH	WASH CARDS	\$22.50
RAWLINS, CITY OF	WATER SERVICE	\$5,252.50
READY OILFIELD SERVICE, INC	ROAD MAINTENANCE	\$141,925.55
REYNOLDS, DEZIREE	MILEAGE/MEALS	\$201.29
RICOH USA INC	IT COPIERS	\$1,868.59
RICOH USA, INC	IT COPIERS	\$802.49
RIEHL, MATTHEW E. P.C.	LEGAL SERVICES	\$97.50
RIETVELD, TONI	TRAINING	\$134.31
ROCKY MOUNTAIN POWER	ELECTRICAL SERVICES	\$16,625.52
ROSS' AUTOMOTIVE SERVICES	VEHICLE MAINTENANCE	\$823.84

ROWAN, KRISTY	MEALS	\$13.96
RYAN ELECTRONICS INC	CONTRACT/SUPPLIES	\$7,182.44
SARATOGA AUTO PARTS, INC.	PARTS	\$649.69
SARATOGA SUN	NEWSPAPER ADS	\$516.00
SARATOGA, TOWN OF	WATER SERVICES	\$17.00
SECRETARY OF STATE	ROSENTERER NOTARY CERTIFICATE	\$30.00
SHEPARD CONSTRUCTION INC	UNION TELEPHONE BLD REMODEL	\$59,701.25
SHEPARD'S	FUEL	\$3,326.20
SHIVELY HARDWARE	SUPPLIES	\$1,170.20
SOURCE GAS	GAS SERVICES	\$4,475.47
STAPLES ADVANTAGE	SUPPLIES	\$497.02
STATE OF WYOMING A & I	MAINFRAME ACCESS	\$39.46
STEPHENSON, LEE ANN	MILEAGE	\$36.00
SWEETWATER COUNTY SHERIFF'S OFFICE	INMATE HOUSING	\$2,730.00
SWISHER HYGIENE FRANCHISEE TRUST	CLEANING SUPPLIES	\$197.22
TANDAN SANITATION SERVICES	GARBAGE SERVICES	\$50.00
TERMINIX	PEST CONTROL	\$919.00
THE MASTERS TOUCH, LLC	TAX MAILING SUPPLIES	\$1,031.36
THOMSON REUTERS-WEST PAYMENT CENTER	INFORMATION CHARGES	\$491.31
THOS. Y. PICKETT & CO., INC.	VALUATION CONTRACT INSTALLMENT	\$5,600.00
TRADING POST	GAS	\$279.21
TRUE VALUE OF RAWLINS	SUPPLIES	\$897.19
TYLER TECHNOLOGIES, INC	IDOC/ITAX	\$551.26
UNION TELEPHONE COMPANY	TELEPHONE SERVICES	\$6,738.18
VALLEY OIL COMPANY	FUEL	\$3,581.93
VAN'S WHOLESALE LLC	CLEANING SUPPLIES	\$1,576.49
VENTURE TECHNOLOGIES	DATA DOMAIN VDPA LICENSE	\$1,500.00
VERIZON WIRELESS	TELEPHONE SERVICES	\$1,215.07
W.S. DARLEY	SUPPLIES	\$589.36
WARRIOR SERVICES, LLC	PEST CONTROL	\$60.00
WATEROUS	SUPPLIES	\$1,411.39
WELLS, JACQUELIN	MEALS	\$23.44
WILSON, MARGARET	PATCHES	\$26.00
WY BRAND INDUSTRIES	CLEANING SUPPLIES	\$280.00
WY DEPT OF HEALTH	UNUSED FUNDS/SUPPLIES	\$13,395.94
WY LAW ENFORCEMENT ACADEMY	KELLEY RECERTIFICATION	\$185.00
WY MACHINERY COMPANY	SERVICE/LABOR	\$1,115.42
WY PUBLIC HEALTH LABORATORY	LAB SERVICES	\$193.00
WY STATE FORESTRY	SHIPPING CHARGES	\$10.58
YAMPA VALLEY ELECTRIC	ELECTRIC SERVICES	\$854.54
YOCUM, LEO	MILEAGE	\$24.00
ZIPLOCAL	CARBON COUNTY PRINT	\$348.00

GRAND TOTAL	\$496,894.43
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CONSENT AGENDA

Commissioner Glode moved to approve the consent agenda. Commissioner Espy seconded and Clerk Bartlett noted the consent agenda includes the amendment to the September 2 official minutes and the same amendment to the report to the minutes to correct the motion to approve Resolution No. 2014-28 for Z.C. Case File No. 2014-07 to read “Kody and Codey Stock’s request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Rural Residential Agriculture (RRA-20) encompassing approximately twenty acres subject to the Chairman’s signature on the plat”; September 16, 2014 regular meeting minutes; a bond rider for Brandee Nicole Forster, Clerk/Treasurer for the Town of Dixon; a bond and riders for Linda L. Crane, Treasurer for the Carbon County Visitors Council for \$100,000.00; Clerk receipts for \$28,870.75; Planning & Development Department receipts for \$645.00; Clerk of District Court receipts for \$2,685.19 and Attorney receipts for \$338.40. The motion carried unanimously.

Commissioners Jones and Johnson joined the meeting at 9:10 a.m.

VOUCHERS

Commissioner Espy moved to approve payment to Rawlins Automotive for \$769.61; Shively Hardware for \$1,170.20 and True Value of Rawlins for \$897.19 for a total of bills of \$487,987.31. Commissioner Johnson seconded and the motion carried with all voting for the motion except Commissioner Glode who abstained due to personal conflicts.

ELECTED OFFICIALS / DEPARTMENT HEADS

Mental Health

Glenn Biggs, County Mental Health Examiner, requested funds for training.

Commissioner Glode moved to allow Mr. Biggs up to \$2,000.00 from special projects for training and travel to Las Vegas. Commissioner Johnson seconded and the Chairman confirmed Mr. Biggs will have a budget next year. The motion carried unanimously.

Mr. Biggs reported he spoke with Ned Hill at the hospital and their architect about the remodel of the emergency detention rooms. He stated he has been somewhat involved and Clerk Bartlett reported when she receives plans she will consult with Mr. Biggs.

VOUCHERS

Commissioner Espy moved to approve the Bank of Commerce invoice in the amount of \$8,907.12. Commissioner Glode seconded and there was discussion about the type of expenditures for embroidered uniforms, hats, etc... and uniforms in general and what would be paid. The motion carried unanimously.

There was discussion that the expenditure for Emergency Management uniform pants would not be approved in the future as the Emergency Manager does not require uniforms.

ELECTED OFFICIALS / DEPARTMENT HEADS

Public Health

County Public Health (PH) Nurse Jackie Wells discussed agency services including the number of home visits with elderly, waiver cases, sexually transmitted disease testing, LT101 assessments, immunizations, school clinics, pregnancy tests, Lamaze classes, finishing the emergency operations plan, a mass prophylaxis drill, HIV management, and Boys & Girls Club visits. She has hired a new Public Health nursing position previously approved by the board and she will be hiring a receptionist in Saratoga.

She stated the flu vaccination costs are greatly increased this year. Last year this was \$11,000.00 however this year the order from the previous nurse was \$23,500.00, more than the total immunization fund. She cut back 100 doses as a cost savings measure as she feels that Walmart opening will help lessen PH's services. With her entire budget expended she is unable to provide other vaccinations and have had to turn clients away. She stated she may need additional funds to be able to order some vaccinations as they are money makers for the department and these are very necessary, especially for low income individuals that cannot afford to go elsewhere. She stated her department is cutting back in other areas but the vaccinations are very important. The BOCC stated to keep them posted and when she is near of going over budget to revisit with them and if there is a dire need for vaccinations they can amend her budget.

Planning

County Planning Director Sid Fox advised that Resolution No. 2014-25 for C.U. Case File No. 2014-02 for Casey Ebner approved September 2 included Condition #3 relating to the pole barn garage that should have been deleted and presented an amended resolution.

Commissioner Glode moved to approve Amended Resolution #2014-25, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding C.U. Case File #2014-02, Casey Ebner's request for a Conditional Use Permit in the C-2 Zone to allow residential use deleting Condition #3 from the conditions of approval. Commissioner Johnson seconded and the motion carried unanimously.

Resolution No. 2014 – 25 – AMENDED

The purpose of this amendment is remove Condition #3 which was not included in the motion by the Carbon County Board of County Commissioners on 09/02/2014.

C.U. Case File #2014-02

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, August 4, 2014, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, August 4, 2014, 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; and

WHEREAS, at the conclusion of the Monday, August 4, 2014, 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 Tuesday, September 2, 2014; 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 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 Conditional Use Permit Application.

C.U. Case #2014-02 – Casey Ebner (Applicant and Land Owner): Request for a Conditional Use Permit in the C-2 Zone to allow residential use by the owner or on-site manager.

Parcel Number: 20802140002500

Location: Approximately 6 miles east of Elk Mountain at Exit 260, south side of I-80 and west of Carbon County Road #402.

Legal Description: A certain tract or parcel of land formerly recorded in Book 954, Page 255 as the Farley tract and being situated in Section 21, Township 20 North, Range 80 West of the 6th Principal Meridian, Carbon County, Wyoming and being more particularly described as, to wit:

Legal Description-Continued: **COMMENCING** at a Found 3.5” Brass Cap at the Southeast corner of Section 21, Township 20 North, Range 80 West of the 6th Principal Meridian; Thence N 11° 22' 09" W a distance of 2,565.09 feet to a found 6” x 6” concrete State Highway Reference Marker with a 3.5” Brass Cap set atop, said monument lying on the Southwest Right-of-Way line of Interstate 80, said monument also being the Easternmost corner and the **POINT OF BEGINNING** of herein described tract; Thence N 37° 14' 50" W (record N 37° 47' W) a distance of 208.32 feet (record 209.3 feet) along aforementioned Southwest Right-of-Way line of Interstate 80 to a found 6” x 6” concrete State Highway Reference Marker with a 3.5” Brass Cap set atop; Thence N 37° 14' 45" W (record N 37° 47' W) a distance of 119.01 feet (record 119.05 feet) to a found 2” aluminum cap stamped “TR COR- LS 544” representing a survey of this tract performed in September, 2003 by Martin Pederson (WY PLS 544) on behalf of Robert Jack

Smith & Assoc., Inc., said monument being the Northernmost corner of herein described tract; Thence S 48°11' 10" W (record S 46° 58' W) a distance of 151.76 feet (record 153.38 feet) to a found 5/8" rebar with 1.5" aluminum cap stamped "2-4 RJS 398" representing aforementioned Pederson Survey; Thence along a non-tangent curve to the left whose chord bears S 12° 59' 52" W (record S 12° 30' 26" W) for a distance of 465.86 feet (record 463.78 feet), having a radius of 972.43 feet for an arc distance of 470.43 feet (record 468.29 feet) to a found 2" aluminum cap stamped "TR COR- LS 544" representing aforementioned Pederson Survey said monument being the Southwest corner of herein described tract; Thence N 89° 17' 19" E (record N 88° 42' E) for a distance of 349.29 feet (record 349.47 feet) to a found 2" aluminum cap stamped "TR COR- LS 544" representing aforementioned Pederson Survey and the Southeast corner of herein described tract; Thence along a non-tangent curve to the right whose chord bears N 12° 57' 05" E (record N 12° 30' 34"E) for a distance of 297.77 feet (record 297.06 feet), having a radius of 622.96 feet for an arc distance of 300.68 feet (record 299.95 feet) to the **POINT OF BEGINNING**, containing 3.66 acres, more or less, and being subject to any easements, grants, and/or right-of-ways thereon.

CONDITIONS OF APPROVAL:

1. The gravel parking/storage area must be constructed in a manner that controls runoff prior to reaching the county road ditch.
2. One (1) single family residential unit is the maximum number of residential structures allowed on the site. The camper cannot be used for housing employees on the site if or when a single family residential structure is placed on the site.

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.

NOW THEREFORE BE IT RESOLVED BY THE

BOARD OF COUNTY COMMISSIONERS OF CARBON COUNTY, WYOMING:

That the Carbon County Board of County Commissioners, hereby approves this Conditional Use Permit (CUP) as certified to them in writing by the Carbon County Planning and Zoning Commission regarding the Conditional Use Permit (C.U. Case #2014-02) encompassing approximately 3.66 acres in the Highway Commercial (C-2) Zone.

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 7th day of October, 2014.

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

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

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

Mr. Fox reported he has \$20,000.00 in his budget to update the county's subdivision regulations. This is not a sufficient budget however he has done quite a bit of work drafting sections and Orion Planning Group has offered to help him complete the process. Joanne Garnett is a partner

in this group and has worked for the county in the past and is familiar with Carbon County. He requested authorization to waive the procurement policy which would require him to obtain other informal quotes and that the Chairman sign the Professional Services Agreement for these services. Attorney Kelly noted he has reviewed the agreement and it is legally sufficient.

Commissioner Jones moved to waive the procurement policy and approve a Professional Services Agreement with Orion Planning Group for up to \$20,000.00 to revise the Subdivision Regulations. Commissioner Espy seconded and the motion carried unanimously.

Mr. Fox noted the regular Planning & Zoning (P&Z) Commission meeting was held yesterday. He noted they are still in the process of updating the Zoning Resolution. He foresees a joint work session between the two boards early next year. The P&Z Commission met with Power Company of Wyoming yesterday to hear an update. The conditional use permit requires an annual update to the P&Z Commission until construction is completed.

Mr. Fox stated there is an amendment and an Environmental Assessment to the Rawlins Resource Management Plan occurring with the Bureau of Land Management (BLM) and the county is a cooperator. Mr. Fox is planning on attending a cooperators meeting this Thursday in Rawlins and invited the BOCC. Mr. Fox is involved with monthly agency updates for the Transwest Express power line. They are currently dealing with Utah primarily about navigating through tribal lands.

Road & Bridge

Road & Bridge Superintendent Bill Nation reported the CMAQ project for 2014 on the Dad/Wamsutter Road is completed. Mr. Nation reported that in the future he may use this on County Road #608.

Mr. Nation reported the Sage Creek Road is open and is still under construction by Ace Engineering. He reported WYDOT's right-of-way specialists are still working out details of who owns the right-of-way around the bridge. He reported his crews have completed a major culvert project.

Buildings Manager

Gregg Olson from L.M. Olson, Inc. discussed the reasons for delayed completion of the Carbon Building door and window project. County Buildings Manager Craig Jones was also present. Mr. Olson noted that there were many reasons why the project was delayed. The start date was randomly chosen as "after winter" and with the late winter they started late. There were several road closures as well as high winds that did not allow the subcontractor to come from Cheyenne with their small U-Haul trailer on the Interstate. The substantial completion date was originally November 2014 however it eventually was moved up in final documents to June 1 then extended by the BOCC to June 7. He feels this was arbitrarily set with no real basis. He also stated he does not believe the county suffered any financial damage due to the delay therefore he did not feel the project should assess a penalty. Mr. Olson stated his subcontractor should have finished it on time and that they took on too many jobs at once. He asked the BOCC to consider if the county was really damaged by it and to not assess a penalty. He stated he would pass on any assessment of penalty to the subcontractor.

Mr. Olson stated liquidated damages must also be disclosed by him when he is applying for other jobs and that he is also punished by the assessment because he may lose future jobs over this. He stated that for the three weeks of delay the county's Building Manager did have time involved so Mr. Olson offered that if the county would waive the penalty, he would reimburse the county for Mr. Jones' time.

Commissioner Glode agreed that if the county waived the penalty, it would be fair for LM Olson to reimburse the county for some of Mr. Jones' time. Mr. Olson stated he was unaware of the previous meeting when the county discussed the penalty and apologized he was not present to explain this at that time. Commissioner Johnson asked what damages would amount to and Mr. Olson stated it was 25 days at \$250.00 per day totaling \$6,250.00.

Commissioner Johnson moved to waive liquidated damages on the Carbon Building door and window project with the condition that LM Olson reimburse the county for the building manager's time at a rate of \$80.00 per hour for 17.5 hours. Commissioner Espy seconded and the motion carried unanimously.

Mr. Jones reported he received quotes for the replacement of the roof at the Medicine Bow Clinic as follows noting he requested bids to replace shingles with shingles and a separate bid to replace shingles with a metal roof. Shepard Construction bid \$14,300.00 for shingles and \$18,120.00 for metal; Energy Construction bid \$11,585.00 for shingles plus \$490.00 dump fee and \$15,455.00 for metal; Jake White bid \$7,425.00 for shingles and \$8,500.00 for metal. Mr. Jones reported the gauges of metal between Energy Construction and Shepard are slightly different. He recommended accepting the low bid for a metal roof from Jake White.

Commissioner Glode moved to award the bid from Jake White for a metal roof at the Medicine Bow Clinic in the amount of \$8,500.00. Commissioner Johnson seconded and Mr. Jones noted this was not budgeted for because the issue arose after budget time however he feels that as long as no other major items occur he can use his maintenance budget. The motion carried unanimously.

RECESS

Chairman Chapman called a recess at 10:32 a.m. and reconvened at 10:42 a.m.

LANDFILLS

Don Cuin, citizen, and Bob Doctor of the Wyoming Department of Environmental Quality (DEQ) discussed landfills and transfer stations in the county. Mr. Cuin discussed Dirty Boyz request to be heard later today for a transfer station west of Rawlins. He stated while he does not like zoning regulations telling people what they can do with their property he does not feel individuals should be able to use their property in a way that affects others' property. He feels the request for a transfer station would affect the entire City of Rawlins and it needs carefully examined. He read a letter addressing the history of the Rawlins landfill and his belief that a countywide landfill district should be formed.

Commissioner Jones stated she thought the same way a few years back and that there needs to be a regional transfer station. Commissioner Johnson stated there is never a good time to try to implement a new tax and Mr. Cuin stated he feels that the tax district would solve many of the problems and asked the BOCC to consider it. Commissioner Jones stated the possibility of a district is not completely ruled out just because some of the smaller towns may not want to participate. Commissioner Johnson stated a steering committee may need to be formed to further investigate this and Mr. Cuin offered to work on this further.

MEMORIAL HOSPITAL OF CARBON COUNTY (MHCC)

Myra Evans, interim Chief Executive Officer (CEO) and Chelle Keplinger, Chief Financial Officer for MHCC presented a financial analysis as of August 31, 2014. Also present were board members David Cesko, MD and Henry Hewitt. Dr. Cesko discussed the transition to ICD 10 or 11 and that they are on track to make the transition.

Commissioner Johnson stated if indigent care was not so hefty, MHCC would have more funds to operate with. Ms. Keplinger stated approximately 20% of their potential \$40 million in services is free care, whether indigent or free care. This amount is care they could have billed for however with free care, the patients simply refuse to provide the appropriate paperwork.

Commissioner Glode asked if MHCC has a hospitalist. Dr. Cesko stated that each admitting physician does the work of a hospitalist. He stated the practice used to be internal medicine specialists became hospitalists and that MHCC has looked into hospitalists in the past and are still investigating the possibilities. He stated that until MHCC gets big enough to afford 2-3 hospitalists, one cannot handle the load by him or herself.

Chairman Chapman reported that Friday is the next meeting on countywide consensus funds for the hospital's HVAC project and invited them to attend.

Mr. Hewitt stated that while Dr. Cesko earlier stated the hospital is on schedule for ICD 10, they are not on any schedule to be prepared financially for the transition. He is worried about the need to approach banks in the future and they need as much funding as possible for the HVAC system to reserve their cash and future revenues for the ICD 10 transition. He feels the conversation for a large loan to finance these projects will need to occur late spring next year.

Ms. Keplinger stated \$66,683.00 of mill levy funds were allocated previously for the chiller repair and she would like to use some of these funds for the HVAC architectural fees instead. They were able to file an insurance claim on the chiller negating the need for levy funds. The engineering fee totals \$75,000.00 which will ultimately end up at around \$90,000.00 with reimbursable expenses.

Commissioner Jones moved to allow MHCC to reallocate mill levy funds from the chiller repair to the HVAC engineering fees. Commissioner Espy seconded and the motion carried unanimously.

Ms. Evans reported she is new to Rawlins as the interim CEO and she sees MHCC as having a great staff, doctors and a great community. Two issues she has noticed in the week she has been here is the HVAC as well as other infrastructure issues and MHCC must continue to recruit good

physicians.

Dr. Cesko reported the ER is going to be remodeled over the next week and the ER will be moved upstairs during this time. They have worked hard for a smooth transition.

EXECUTIVE SESSION

Commissioner Johnson moved to go into executive session at 11:45 a.m. with Clerk Bartlett and Deputy County Attorney Mike Kelly to discuss personnel, possible litigation and other matters considered confidential by law. Commissioner Espy seconded and the motion carried unanimously.

Commissioner Johnson moved to come out of executive session at 12:07 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Espy seconded and the motion carried unanimously.

RECESS

Chairman Chapman called a recess at 12:00 p.m. and reconvened at 1:15 p.m.

ECONOMIC DEVELOPMENT CORPORATION

Cindy Wallace, Executive Director of the Carbon County Economic Development Corporation (CCEDC) and a committee from the CCEDC discussed a proposal for the future use of the 30 acre county owned property at Skyline Acres between Rawlins and Sinclair. They propose to work with the county to market the property.

Doug Boyd, current CCEDC Chairman, stated the site is perfect for a shovel ready site to market in the county. They hope to arrange with the county to take the parcel over or manage it then help apply for grants to bring in utilities and road improvements then market it for long-term leases and potentially sell. Gary Conatser of CCEDC stated site selectors that visit the county are always looking for shovel ready sites and they foresee increased demand for this type of property in the near future.

Commissioner Johnson asked if the city would be willing to extend utilities to the site. Adam Mendenhall of CCEDC and Rawlins Planner stated there is currently a moratorium on extension however if this is for an economic development purpose they can extend up to 3 miles from their incorporated boundaries. Rawlins would need to pass an ordinance to allow this. He stated from the city's standpoint they are simply concerned with the appeal to the entryway to Rawlins. Whatever develops needs to be visually appealing.

The BOCC applauded the group for taking the lead and trying to develop the property. The BOCC asked Mr. Kelly how the county can convey to CCEDC without bidding the property out. Ms. Wallace replied that she and Mr. Kelly are working on a plan for this. n. Clerk Bartlett also pointed out that that revenue from the project must be used towards future economic development and that it likely can't be used for CCEDC's operation.

PLANNING & ZONING

Public Hearing – Minor Subdivision Case File No. 2014-02

Chairman Chapman opened a public hearing at 1:31 p.m. to hear Planning & Zoning Minor Subdivision Case File No. 2014-02. Planner/GIS Specialist Thomas Powell presented Minor Subdivision Case File No. 2014-02 – Sinclair Wyoming Refining Company/Steve Sondergard’s request to create one parcel, Lot 1 = 8.04 acres.

Chairman Chapman called for comments for or against this case. There being no comments, Chairman Chapman closed the hearing at 1:37 p.m.

Commissioner Jones moved to approve Resolution No. 2014-30, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding Minor Subdivision 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. Commissioner Johnson seconded and the motion carried unanimously.

Resolution No. 2014 – 30

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

MINOR SUB Case File #2014-02
“Sinclair Trucking Facility Minor Subdivision”

WHEREAS, pursuant to the requirements of Section 2.10.02 of the Subdivision Regulations of Carbon County, the Carbon County Planning and Zoning Commission scheduled a public hearing for Tuesday, September 2, 2014, which said public hearing was cancelled due to a lack of quorum and was rescheduled to Tuesday, September 16, 2014. The regular hearing date (September 2, 2014) was advertised by public notice at least thirty (30) days prior to said regular hearing date; and the rescheduled hearing date September 16, 2014, was advertised by public notice on September 10, 2014; and

WHEREAS, at the Tuesday, September 16, 2014, 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, the Carbon County Planning and Zoning Commission in considering the said proposed minor subdivision, “Sinclair Trucking Facility Minor Subdivision”, have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended, and the Carbon County Zoning Resolution of 2003, as amended; and

WHEREAS, at the conclusion of said public hearing on Tuesday, September 16, 2014, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners to approve the “Sinclair Trucking Facility Minor Subdivision” pursuant to the Carbon County Subdivision Regulations, as amended, for Carbon County, Wyoming; and

WHEREAS, the Carbon County Board of County Commissioners, pursuant to the requirements of Section 2.10.02 of the Carbon County Subdivision Regulations, and after receipt of said

certified recommendation for approval of this proposed minor subdivision, "Sinclair Trucking Facility Minor Subdivision", advertised by public notice at least 14 days prior to a public hearing to take public input and comments on the proposed amendment, which said hearing occurred on Tuesday, October 7, 2014; 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 minor subdivision; and

WHEREAS, the Carbon County Board of County Commissioners in considering the said proposed minor subdivision, "Sinclair Trucking Facility Minor Subdivision", have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended, and the Carbon County Zoning Resolution of 2003, as amended; and

WHEREAS, the Carbon County Board of County Commissioners have determined that the proposed minor subdivision, "Sinclair Trucking Facility Minor Subdivision", is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and the "Sinclair Trucking Facility Minor Subdivision" has been reviewed pursuant to the Carbon County Subdivision Regulations, 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 proposed minor subdivision, "Sinclair Trucking Facility Minor Subdivision", MIN SUB Case File #2014-02 – Sinclair Wyoming Refining Company.

Parcel Number: 21861610000800 – Parent Parcel

Location: North of the Town of Sinclair; north of Carbon County Road #351 (Seminoe Road) near the intersection of CCR #351 and Washington Avenue.

Legal Description: A PORTION OF PARCEL 8 AS RECORDED BY WARRANTY DEED AT RECEPTION NO. 0919521 IN THE OFFICE OF THE CARBON COUNTY CLERK AND RECORDER'S OFFICE, BEING THE SOUTH HALF OF SECTION 17, T21N, R86W. COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 17, AND CONSIDERING THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 17 TO BEAR N89°47'56"W WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE N00°04'56"E, 60.00 FEET TO THE POINT OF BEGINNING; LOT 1 MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE AFOREMENTIONED POINT OF BEGINNING LOCATED N00°04'56"E, 60.00 FEET FROM SAID SOUTHEAST CORNER OF SECTION 17, T21N, R86W; THENCE N36°51'31"E, 321.10 FEET TO THE POINT OF BEGINNING; THENCE N47°30'32"W, 360.00 FEET; THENCE N42°29'28"E, 1040.00 FEET; THENCE S47°30'32"E, 223.80 FEET; THENCE S21°28'08"W, 379.66 FEET; THENCE S42°29'28"W, 685.61 FEET TO THE POINT OF BEGINNING. SAID LOT ONE CONTAINING 8.04 ACRES (350,266 SQ. FT) MORE OR LESS.

NOW THEREFORE BE IT RESOLVED BY THE

BOARD OF COUNTY COMMISSIONERS OF CARBON COUNTY, WYOMING:

That the Carbon County Board of County Commissioners, hereby approves this minor subdivision, "Sinclair Trucking Facility Minor Subdivision", as certified to them in writing by the Carbon County Planning and Zoning Commission.

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 7th day of October, 2014.

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

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

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

Public Hearing – Z.C. Case File No. 2014-10

Chairman Chapman opened a public hearing at 1:40 p.m. and Mr. Powell presented 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.

Chairman Chapman called for comments for or against this case. There being no comments, Chairman Chapman closed the hearing at 1:44 p.m.

Commissioner Johnson moved to approve Resolution No. 2014-31, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding 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. Commissioner Jones seconded and the motion carried unanimously.

Resolution No. 2014 - 31

**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 #2014-10

WHEREAS, pursuant to Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission scheduled a public hearing for Tuesday, September 2, 2014, which said public hearing was cancelled due to a lack of quorum and was rescheduled to Tuesday, September 16, 2014. The regular hearing date (September 2, 2014) was advertised by public notice at least thirty (30) days prior to said regular hearing date; and the rescheduled hearing date September 16, 2014, was advertised by public notice on September 10, 2014; and

WHEREAS, at the Tuesday, September 16, 2014, 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; and

WHEREAS, at the conclusion of said Tuesday, September 16, 2014, 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 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 zoning amendment 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, which said hearing occurred on Tuesday, October 7, 2014; 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; and

WHEREAS, the Carbon County Board of County Commissioners in considering the proposed amendment have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended, and the Carbon County Zoning Resolution of 2003, as amended; 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 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 proposed zoning amendment to the Carbon County Official Zoning Map.

Z.C. Case File #2014-10 – Sinclair Wyoming Refining Company: Request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Heavy Industrial (MH) (Lot 1 = 8.04) encompassing approximately 8.04 acres. The MH Zone is intended to apply to areas devoted to normal operations of industries subject only to regulations as are needed to control congestion and protect surrounding areas.

Parcel Number: 21861610000800 – Parent Parcel

Location: North of the Town of Sinclair; north of Carbon County Road #351 (Seminoe Road) near the intersection of CCR #351 and Washington Avenue.

Legal Description: A PORTION OF PARCEL 8 AS RECORDED BY WARRANTY DEED AT RECEPTION NO. 0919521 IN THE OFFICE OF THE CARBON COUNTY CLERK AND RECORDER'S OFFICE, BEING THE SOUTH HALF OF SECTION 17, T21N, R86W. COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 17, AND CONSIDERING THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 17 TO BEAR N89°47'56"W WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO; THENCE N00°04'56"E, 60.00 FEET TO THE POINT OF BEGINNING; LOT 1 MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE AFOREMENTIONED POINT OF BEGINNING LOCATED N00°04'56"E, 60.00 FEET FROM SAID SOUTHEAST CORNER OF SECTION 17, T21N, R86W; THENCE N36°51'31"E, 321.10 FEET TO THE POINT OF BEGINNING; THENCE N47°30'32"W, 360.00 FEET; THENCE N42°29'28"E, 1040.00 FEET; THENCE S47°30'32"E, 223.80 FEET; THENCE S21°28'08"W, 379.66 FEET; THENCE S42°29'28"W, 685.61 FEET TO THE POINT OF BEGINNING. SAID LOT ONE CONTAINING 8.04 ACRES (350,266 SQ. FT) MORE OR LESS.

NOW THEREFORE BE IT RESOLVED BY THE

BOARD OF COUNTY COMMISSIONERS OF CARBON COUNTY, WYOMING:

That the Carbon County Board of County Commissioners, hereby adopts this amendment 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 Heavy Industrial (MH) for Lot 1, Sinclair Trucking Facility Minor Subdivision.

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 7th day of October, 2014.

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

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

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

Public Hearing – ZRA Case File No. 2014-01

Chairman Chapman opened a public hearing at 1:47 p.m. to hear Planning & Zoning ZRA Case File No. 2014-01. Mr. Fox presented ZRA Case File No. 2014-01 – Dirty Boyz Sanitation Service, Inc. (Applicants) and Rose and Patrick Cain’s request for a Zoning Resolution Amendment to amend the text of the Zoning Resolution to add “Transfer Station” as a Conditionally Permitted Use in the Ranching, Agriculture, Mining (RAM) Zone District. Mr. Fox reported they received one letter from the City of Rawlins which are included in the BOCC’s packet.

Mr. Fox stated there are not a lot of criteria but the BOCC should always consider the Comprehensive Land Use Plan in decisions like this. Mr. Fox noted 6-8 months ago the P&Z Commission discussed the need for transfer stations in the county and drafted recommendations to the BOCC to include transfer stations however this will take many more months as it is part of a larger revision to the Zoning Resolution. At Mr. Fox’s suggestion, the applicant came forward requesting the text amendment so they could move forward with their conditional use permit application. He noted staff recommends approval of the text amendment. While the BOCC is focusing on allowing a transfer station with a conditional use permit in the RAM zone today, the draft language of changes to the Zoning Resolution will also include transfer stations as a conditional use in the industrial zone. He noted the P&Z Commission recommended approval with a vote of 3 to 1.

Chairman Chapman called for comments for or against this case. Jonathan Schnal, the applicant’s representative reported they submitted the application for the text amendment at the staff’s insistence. He believes the current wording of the Zoning Resolution is rather ambiguous and they agree with the recommendation to approve the case. Mr. Schnal stated rural communities are becoming more dependent on transfer stations and the current language of the Zoning Resolution does not allow for opportunities to have a transfer station.

Adam Mendenhall, Rawlins City Planner stated from the city's perspective, with many landfills in the county slated to close there needs to be established criteria for transfer stations to reduce negative impacts on residential and other nearby uses. He stated the city agrees to the text amendment to the Zoning Resolution for those communities that really need the use because the majority of the county is zoned RAM. Mr. Mendenhall stated the types of criteria that should be considered when evaluating a conditional use permit.

Chairman Chapman stated that the change may be advantageous throughout the county as well as close to Rawlins. Mr. Fox stated that in terms of additional criteria, the conditional use permit criteria are somewhat generic as far as analyzing the impacts for a specific land use. Chairman Chapman asked if this were approved today, how would that action be amended if the BOCC determined it needed to be changed in the future.

Mr. Schnal reported that when he interprets the existing language of the Zoning Resolution it covers a transfer station in the RAM zone already. This specifies sanitary landfill operations in the plural. These are not defined within the code. Additionally it states public utilities and he feels Dirty Boyz is such because it is a public service and it is regulated by other government agencies including the Wyoming DEQ. Mr. Schnal stated he felt they could have applied for the conditional use permit without a text amendment but staff disagreed and encouraged the text amendment assuring him there would be no delay to the conditional use permit. He stated the activities are regulated by the DEQ and that DEQ cannot provide the proper permitting until the county makes a final determination. The DEQ could take up to 6 weeks additionally. He stated a delay will likely result in a significant increase to Dirty Boyz customers' rates because of the City of Rawlins increasing their rates.

Mr. Kelly reported that both he and Jim Bell, the P&Z Commission's attorney respectfully disagree that this is either a public utility or public facility.

Mr. Mendenhall recognized that Dirty Boyz is dependent upon consumers for business. He stated the city loses money currently on the landfill and their transfer station. He stated that at the point the landfill does close, the city's rates will likely be reduced. He agreed the DEQ does monitor transfer stations however this is environmental review only and they do not consider developmental concerns in the surrounding area.

Commissioner Glode stated most communities have transfer stations as conditionally permitted uses and Mr. Fox stated he did not know this for a fact. Commissioner Glode asked Mr. Doctor from the DEQ if this was true. Mr. Doctor replied that the DEQ must have local governmental approval before they will issue their permit and this has been their rule for over 20 years. He stated a number of transfer stations are going in at existing landfill sites and others are in completely separate areas. He noted some counties do not even have zoning therefore their counties have not addressed the issue at this time.

Commissioner Jones stated she is currently a board member of the Upper Platte River Solid Waste Disposal District and she owns a solid waste business in the Encampment/Riverside area. She understands the position Dirty Boyz is in as a business owner. She asked that the Rawlins fees be re-thought and discussed between the city and Dirty Boyz because there is no way Dirty Boyz can afford the city's fees. She stated this is a complicated issue and there are various levels of a transfer station and there are criteria placed on each by the DEQ. She believes the county,

P&Z Commission, staff and the BOCC must revisit the criteria for siting a transfer station simply because of the complexity of the issue and where these should or shouldn't be. She stated transfer stations may be a good economic business in the future due to landfill closures.

Commissioner Johnson agreed with Commissioner Jones and he would like to see the matter stopped at this point and sent back to the Planning & Zoning Department and Planning Commission to add some stipulations suggested by the City of Rawlins and potentially others.

Commissioner Espy agreed with both Commissioners Johnson and Jones and he struggles that the BOCC does not have a handle on the base outline the BOCC wants the conditions to be. Before an amendment is made, he would like to do this one time and not haphazardly proceed.

Jay Grabow P&Z Commissioner stated he has been involved in planning for quite some time and was a former county planner. He stated it is difficult to argue with the BOCC's points. He feels that the county's documents cannot cover every scenario but that solid waste disposal is a conditional use in the RAM zone and the county could never list everything that will ever come. He feels the BOCC needs to think of the people they serve and that sometimes perfection is the enemy. Mr. Grabow asked if there are conditions that have not been addressed that are critical to the transfer station and if so, put a hold on it. If not, then consider proceeding today. He again asked the BOCC what is missing by moving forward today. Commissioner Espy replied that if ground water is contaminated there is no second "bite at the apple" and he feels they must proceed cautiously. Commissioner Glode also replied that the question before the BOCC is to allow transfer stations as a conditionally permitted use, not where a good place is. She happens to agree that it should be allowed in general then each case studied individually.

Richard Wilson P&Z Commissioner stated how restrictive the text amendment should be. The county could adopt the DEQ regulations and that the board was split on how restrictive to be. He stated the presented language was a compromise that would allow development but still conditional use with an individual review process with higher restrictions on each case.

Mr. Schnal stated they have been blindsided with development criteria because this never came up with staff, applicant or the P&Z Commission. Sanitary landfill operations are already allowed and these are more impacting operation according to Mr. Schnal. He feels the applicant has invested a lot of money on the advice of county staff and he feels they are now walking into a moratorium. Chairman Chapman stated he hit the nail on the head and that the BOCC must review everything, including landfills and transfer stations. Commissioner Jones stated that because the BOCC may have a different way of looking at the matter than staff or the P&Z Commissioners, this is not a moratorium. She agrees the entire matter needs reviewed. She again asked if anyone has discussed this any further with the City of Rawlins because their rates are unrealistic. Her main concern is solid waste disposal, again including transfer stations, landfills, etc... and she feels this needs further discussion rather than piece meal and criteria needs to be in place prior.

Commissioner Johnson agreed with the staff's position that a transfer station is not consistent with the scope of the existing language but further stated that he does not feel transfer stations conditionally permitted in RAM is where the county should go. He is uncomfortable with the amendment because it is addressed in RAM and it needs to be addressed in some other zones. There being no further comments, Chairman Chapman closed the hearing at 2:31 p.m.

Commissioner Glode stated there is very little industrial land and she feels this is needed as a conditionally permitted use and while her preference is in industrial it may be needed in RAM also. The city's finances should not enter into this case file either.

Commissioner Jones moved to deny Case File No. 2014-01 Zoning Resolution Amendment with a stipulation to turn this back to the Planning Commission to review the criteria for solid waste disposal as it pertains to Carbon County Zoning. Commissioner Johnson seconded. Mr. Kelly asked if the denial is based on the fact that this is not currently a permitted use in RAM zoning. The BOCC agreed. The motion carried with all commissioners voting for the motion except Commissioner Glode who voted against.

Mr. Fox stated he does not feel the next case, Conditional Use Permit File No. 2014-03, can be heard since a transfer station is not allowed in the RAM zone. Chairman Chapman suggested a workshop and Commissioner Johnson stated he would like to see this issue revised as soon as possible. Mr. Kelly stated he agrees with Mr. Fox's assessment but asked if the applicant would be willing to table it indefinitely until the matter is worked out. Mr. Schnal stated they would rather the case be tabled then denied and having to start all over.

Commissioner Johnson moved to table Planning & Zoning C.U. Case File No. 2014-03 - 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. Commissioner Glode seconded and asked how it can be tabled while the use is denied. Commissioner Jones stated the Zoning Resolution changes will be forthcoming and then the applicant does not have to start over. Commissioner Jones stated they all have a real grasp on what the DEQ and landfills go through. This is complicated and serious. The motion carried unanimously.

Mr. Fox clarified that the planning staff does not insist that applicants do anything. They simply provide guidance through the process.

Certification

Mr. Powell presented the Certification of Recommended Action for Z.C. Case File No. 2014-11 for Reginald and Laurie Forster.

Commissioner Espy moved to accept the Certification of Recommended Action from the Carbon County Planning & Zoning Commission for Z.C. Case File No. 2014-11 – Reginald and Laurie Forster's request for a Zone Change from Ranching, Agriculture, Mining to Rural Residential Agriculture on approximately 8.01 acres and schedule a public hearing for November 12, 2014 at 1:30 p.m. at the County Courthouse in Rawlins, Wyoming. Commissioner Glode seconded and the motion carried unanimously.

ELECTED OFFICIALS / DEPARTMENT HEADS

Clerk

Clerk Bartlett discussed that the county's plan currently does not cover bariatric surgery and asked if the BOCC would like to consider covering this with some protections of medical necessity. While she did not provide a recommendation she stated this may help alleviate other types of large claims in the future like sleep apnea and diabetes.

Commissioner Johnson moved to add bariatric surgery (gastric bypass) as a covered service with medical necessity to the health insurance plan effective January 1, 2015. Commissioner Glode seconded and the motion carried unanimously.

Clerk Bartlett stated she would request a plan amendment with proposed language for the coverage and noted she did not believe this would affect the county's reinsurance policy and could be added mid-year.

Clerk Bartlett discussed the Travel Medical Benefit Program and asked if the BOCC was interested in covering other types of cancers besides just rare and complex and adding other providers outside the previously determined four states of Wyoming, Montana, Utah and Colorado. The BOCC was interested and Clerk Bartlett promised to return with a recommendation soon.

Clerk Bartlett presented change order #5 for the Union Wireless grant project increasing the contract cost by \$1,000.00.

Commissioner Glode moved to approve Change Order #5 for the Union Wireless grant increasing the contract by a net of \$1,000.00. Commissioner Johnson seconded and the motion carried unanimously.

Clerk Bartlett discussed the Union Wireless grant project and recommended extending Shepard Construction's contract to November 15, 2014 without penalty. She stated the contractor has had difficulty obtaining timely decisions from Union Wireless on many occasions delaying the completion.

Commissioner Espy moved to extend Shepard Construction's contract to November 15, 2014 with no penalty for the Union Wireless grant project. Commissioner Glode seconded and the motion carried unanimously.

Clerk Bartlett presented a notice of annual statements for signature and noted it was advertised per statute last month.

Commissioner Espy moved to authorize the Chairman's signature on the Legal Notice for the preliminary statement of receipts and expenditures for Carbon County Government for the period of July 1, 2013 through June 30, 2014. Commissioner Jones seconded and the motion carried unanimously.

Clerk Bartlett presented Contract for Services Agreements with subgrantees for funding under the 2014-2015 Community Services Block Grant (CSBG).

Commissioner Johnson moved to authorize the Chairman to sign the Contract for Services Agreements related to this grant with the Carbon County Youth Crisis Center, Carbon County

Public Health, Boys & Girls Clubs of Carbon County and Greater Wyoming Big Brothers Big Sisters. Commissioner Glode seconded and the motion carried unanimously.

Clerk Bartlett presented a draft letter to Carbon County Senior Services approving the improvements to the Encampment Senior Center to be funded with their endowment fund.

Commissioner Jones moved to authorize the Chairman's signature on a letter to Carbon County Senior Services approving the improvements to the Encampment Senior Center using no county funds. Commissioner Espy seconded and the motion carried unanimously.

Commissioners

Chairman Chapman discussed his meeting with the Rawlins City Manager regarding consensus funds. Clerk Bartlett reported revised consensus applications are due by October 8 for the October 10 meeting on the matter. She asked each municipality to submit revised applications to match their earlier cuts and potentially even cut more. Chairman Chapman offered to meet with the city again and try to work things out before Friday's meeting.

Commissioner Jones moved to authorize the Chairman's signature on the Wyoming Department of Transportation Aeronautics Division Certificate of State Grant-in-Aid in the amount of \$5,460.00 for payment of all fees associated with the annual maintenance of Dixon Airport AWOS. Commissioner Espy seconded and the motion carried unanimously.

MUSEUM ENGINEERING CONTRACT

Kelly Bohanan, Museum Director, presented a final contract between the county and Pahl Architecture for the Hugus Ferguson building for \$347,055.97 broken into phases noting the contract can be cancelled at any time with seven days' notice.

Commissioner Glode moved to enter into an agreement with Pahl Architecture PC and the county for services at the Hugus Ferguson building. Commissioner Johnson seconded and the motion carried unanimously.

Clerk Bartlett asked if the Museum's set aside was going to be used for this and noted they only have approximately \$150,000.00 and Ms. Bohanan stated that is the plan. It was clarified that the contract can be cancelled with seven days' notice so work would not be done beyond the funding available.

Ms. Bohanan noted that a campaign has begun for a donation and that something in the building would be named after the donor. Ms. Bohanan also stated she would notify Pahl Architecture that they do not need to proceed with construction documents at this time due to lack of funding.

CITIZEN / COMMISSIONERS DISCUSSION

Commissioner Jones reported a predesign meeting was held last week for the Dixon Airport's west apron expansion project. The total project is \$450,000.00. They also discussed the proposed moving of hangars and she presented a map of their current locations. She stated the

urgency is no longer there to move these hangars therefore a right of refusal may be setup where the county has first option to purchase these when the current owner goes to sell. Commissioner Jones reported the seal coat and pavement marking projects are complete. The crack seal is also complete.

Commissioner Johnson stated he and Commissioner Jones attended the Hanna school grand opening today and thanked the BOCC for the latitude to attend.

Commissioner Glode reported that Bob Ralston, the Wyoming County Commissioners Association President, asked her to be on the nominating committee for executive officers.

ADJOURNMENT

Commissioner Johnson moved to adjourn the meeting at 3:45 p.m. Commissioner Espy seconded and the motion carried unanimously.

A regular meeting of this Board will be held November 12, November 18 and December 2 all 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 or by calling the Clerk's Office at (307) 328-2668 or 1-800-250-9812.