

**REPORT TO THE  
MINUTES OF THE BOARD OF  
CARBON COUNTY COMMISSIONERS  
REGULAR MEETING  
Tuesday, January 6, 2015  
County Courthouse, Rawlins, Wyoming**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, January 6, 2015 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.

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

**NOMINATIONS FOR CHAIRMAN**

Chairman Chapman resigned his position as Chairman effective immediately and Vice Chairman Espy took over as acting Chairman. Commissioner Chapman nominated Commissioner Espy as Chairman and Commissioner Johnson moved that nominations cease and that a unanimous ballot be cast. The motion carried unanimously.

Commissioner Jones nominated Commissioner Glode and Commissioner Chapman nominated Commissioner Johnson as Vice Chairman. Commissioner Johnson moved that nominations cease and Commissioner Chapman seconded. Commissioners Glode and Jones voted for Commissioner Glode and Commissioners Johnson, Chapman and Chairman Espy voted for Commissioner Johnson. The motion carried with Commissioner Johnson declared as Vice Chairman.

Commissioner Jones thanked Commissioner Chapman for serving as Chairman.

**ADDITIONS / CORRECTIONS**

Chairman Espy added the designation of depositories for the county under the Treasurer.

**VOUCHERS**

Commissioner Chapman moved to approve the report of expenditures in the amount of \$529,108.61. Commissioner Jones seconded and the motion carried unanimously.

Commissioner Chapman moved to pay bills to Rawlins Automotive for \$134.25, Shively Hardware for \$148.45 and True Value of Rawlins for \$933.63 for an aggregate total of bills paid today of \$530,324.94. Commissioner Johnson seconded and the motion carried with all voting for the motion except Commissioner Glode who abstained due to personal conflicts.

Vendor	Detail Line Description	Total
ALL IN 1 CONSTRUCTION LLC	BUILDING REPAIRS	\$ 563.24
ALL IN ONE	GREASE TRAP PUMPING	\$ 650.00
ALSCO, AMERICAN LINEN DIVISION	TOWELS/SOAP/MATS	\$ 137.15
AMERIGAS	PROPANE SERVICES	\$ 1,494.09
BARGREEN ELLINGSON	SUPPLIES	\$ 385.54
BECK CONSULTING	FEMA MITIGATION PLAN	\$ 2,556.00
BLAKEMAN PROPANE	PROPANE SERVICES	\$ 896.33
BOB BARKER COMPANY, INC.	JAIL SUPPLIES	\$ 369.05
BRANNON, J REED	MILEAGE	\$ 120.00
BROWN'N GOLD CONTRACTING	SNOW REMOVAL	\$ 140.00
BUILD RITE LUMBER SUPPLY	SUPPLIES	\$ 4.98
BUSTOS, CHRISTINA	INTERPRETING SERVICES	\$ 20.00
CANDY MOUNTAIN	WATER/EQUIPMENT RENTAL	\$ 75.00
CARBON COUNTY HIGHER EDUCATION CTR	ROMAN EMT CLASS REGISTRATION	\$ 365.00
CARBON COUNTY SENIOR SERVICES	3RD QTR MATCHING FUNDS	\$ 65,000.00
CARBON COUNTY TREASURER	VARIOUS CASH ITEMS	\$ 516.93
CASPER WINNELSON CO	SUPPLIES	\$ 224.90
CATHEDRAL HOME FOR CHILDREN	YOUTH CRISIS CENTER FUNDING	\$ 500.00
CBM FOOD SERVICE	JAIL MEALS	\$ 11,959.80
CDW GOVERNMENT, INC.	IT EQUIPMENT	\$ 5,332.40
CEDARS HEALTH	MEDICAL SERVICES	\$ 85.00
CENTRAL WYOMING NEUROLOGY	MEDICAL SERVICES	\$ 136.72
CENTURY LINK	TELEPHONE SERVICES	\$ 129.09
CENTURYLINK	TELEPHONE SERVICES	\$ 10,515.04
CENTURYLINK-PHOENIX	TELEPHONE SERVICES	\$ 246.90
CHARTER COMMUNICATIONS	CABLE SERVICES	\$ 33.77
CMI-TECO	SUPPLIES	\$ 180.63
CNA SURETY	ELECTED OFFICIAL BONDS	\$ 4,320.00
COLORADO DOORWAYS INC	JAIL DOOR REPLACEMENT	\$ 885.00
DAVIDSON FAMILY DENTAL	DENTAL SERVICES	\$ 202.00
DELL MARKETING L.P.	IT EQUIPMENT	\$ 1,025.09
DIRTY BOYZ SANITATION, INC	GARBAGE SERVICES	\$ 220.00
DIXON, TOWN OF	WATER SERVICES	\$ 263.00
DJ'S	GLASS REPAIRS	\$ 315.10
ELK MOUNTAIN, TOWN OF	ELK MOUNTAIN SENIOR CENTER	\$ 1,000.00
ERICKSON & ROBERTS	LEGAL SERVICES	\$ 323.46
FASTENAL	SUPPLIES	\$ 21.01
FAY ENGINEERING CORP.	PROFESSIONAL SERVICES	\$ 481.65
FEDEX	POSTAGE	\$ 36.68
FRANCE, DWIGHT	FUEL/MILEAGE	\$ 208.79
FREMONT MOTORS – RAWLINS	VEHICLE MAINTENANCE	\$ 2,402.58
FRUDE, CANDICE	MILEAGE	\$ 41.50

GALLS/QUARTERMASTER	NAMEPLATES	\$ 14.00
GCR ELECTRONICS, LLC	SITE RENTALS	\$ 1,200.00
GDA ENGINEERS	ENGINEERING SERVICES	\$ 3,198.44
GLAXOSMITHKLINE PHARMACEUTICALS	PH HEALTH VACCINE	\$ 726.20
GRAINGER	SUPPLIES	\$ 360.82
GRAPHIC SPORTS	NAMEPLATE	\$ 12.95
HIGH DESERT WELDING & MACHINE LLC	SUPPLIES/REPAIRS	\$ 791.10
HIGH PLAINS POWER	ELECTRICAL SERVICES	\$ 397.60
ISC, INC	ONSITE SUPPORT	\$ 54,400.00
IVINSON MEMORIAL HOSPITAL	LABORATORY SERVICES	\$ 124.00
J H KASPAR OIL COMPANY	FUEL	\$ 4,404.21
JACKALOPE PRINTING	SUPPLIES	\$ 223.91
KENCO SECURITY AND TECHNOLOGY	LABOR AND TRAVEL	\$ 350.00
KILBURN TIRE COMPANY	VEHICLE MAINTENANCE	\$ 1,699.81
KINETIC LEASING	LEASE PAYMENT	\$ 25,038.00
KING SOOPERS CUSTOMER CHARGES	SUPPLIES	\$ 134.22
KIRSCH, ARCHIE P	COUNTY HEALTH OFFICER	\$ 1,300.00
KONE ELEVATORS ESCALATORS	ELEVATOR MAINTENANCE	\$ 325.29
L N CURTIS & SONS	SUPPLIES	\$ 9,454.50
MARTINEZ, JANICE	REIMBURSEMENT	\$ 34.97
MOORE MEDICAL CORP.	MEDICAL SUPPLIES	\$ 917.24
MT HOOD SOLUTIONS	CLEANING SUPPLIES	\$ 469.93
MURANE & BOSTWICK, LLC.	SERVICES	\$ 518.20
MY OFFICE ETC.	SUPPLIES	\$ 1,199.08
MYERS TIRE SUPPLY CO.	PARTS	\$ 50.04
NEUTRON INDUSTRIES	SUPPLIES	\$ 545.25
NEW PIG CORPORATION	SUPPLIES	\$ 516.27
NORCO, INC.	WELDER	\$ 4,170.48
OPFAR, CLAUDIA	MILEAGE	\$ 39.00
P M P C ENGINEERING	HARSHMAN ST EXTENSION	\$ 4,219.28
PERKINS OIL CO	FUEL	\$ 880.57
PHILLIPS 66-CONOCO-76	GAS	\$ 83.14
PINNACLE PUBLIC FINANCE, INC	CARBON BLD HVAC LEASE	\$ 158,740.93
PITNEY BOWES	LEASING CHARGES	\$ 1,171.70
PITNEY BOWES INC	RENTAL CHARGES	\$ 357.78
PLATTE VALLEY BANK	HARSHMAN ST EXT RETAINAGE	\$ 5,139.99
PLATTE VALLEY MEDICAL CLINIC	MEDICAL SERVICES	\$ 252.00
PRAIRIE PELLA WYOMING LLC	KEYS	\$ 100.00
PROFORMA	SUPPLIES	\$ 187.66
PUBLIC SAFETY CENTER, INC	SEALING TAPE	\$ 228.62
QUESTAR GAS	GAS SERVICES	\$ 153.87
QUILL CORPORATION	SUPPLIES	\$ 206.07
RAWLINS - C.C. CHAMBER OF COMMERCE	MEMBERSHIP RENEWAL	\$ 100.00

RAWLINS AUTOMOTIVE	PARTS	\$ 134.25
RAWLINS URGENT CARE	MEDICAL SERVICES	\$ 175.00
RAWLINS, CITY OF	COPIES/CLERICAL TIME	\$ 241.00
REDWOOD TOXICOLOGY LABORATORY, INC.	DRUG TEST KITS	\$ 289.11
RICOH USA INC	IT COPIERS	\$ 1,577.48
ROCKY MOUNTAIN POWER	ELECTRICAL SERVICES	\$ 17,689.89
RYAN ELECTRONICS INC	PAGER REPAIR/CONTRACT FEE	\$ 5,259.88
SARATOGA AUTO PARTS, INC.	PARTS	\$ 32.76
SECURITY TRANSPORT SERVICES, INC.	JAIL EXTRADITIONS	\$ 1,536.00
SHIVELY HARDWARE	PARTS	\$ 148.45
SIMPLYWELL	SERVICE FEE	\$ 300.00
SMITH TRANSFER & STORAGE, INC.	MOVE PALLET OF PAPER	\$ 187.50
SNAKE RIVER PRESS	NEWSPAPER ADS	\$ 72.00
SOURCE GAS	GAS SERVICES	\$ 18,109.46
SOUTHWEST M.R.O., LLC	RANDOM DRUG SCREENS	\$ 25.00
SPECIALIZED PATHOLOGY CONSULTANTS	ROUTINE AUTOPSY	\$ 1,040.00
STAPLES ADVANTAGE	OFFICE SUPPLIES	\$ 598.55
STATE OF WYOMING A & I	MAINFRAME ACCESS	\$ 14.26
STC CONSTRUCTION CO INC	HARSHMAN STREET EXTENSION	\$ 46,259.95
STODDARD, CURTIS T.	DENTAL SERVICES	\$ 494.00
TERMINIX	PEST CONTROL	\$ 758.00
THOMSON REUTERS-WEST PYMT CENTER	INFORMATION CHARGES	\$ 768.39
TREBRON COMPANY, INC	SOFTWARE MAINTENANCE	\$ 3,621.00
TRUE VALUE OF RAWLINS	SUPPLIES	\$ 933.63
TYLER TECHNOLOGIES, INC	ITAX/IDOC WEBHOSTING	\$ 275.63
U S POSTMASTER-RAWLINS	PO BOX RENT	\$ 112.00
UNION TELEPHONE COMPANY	TELEPHONE SERVICES	\$ 252.60
V-1 PROPANE	PROPANE SERVICES	\$ 3,452.02
VALLEY OIL COMPANY	FUEL	\$ 2,365.54
VAN'S WHOLESALE LLC	SUPPLIES	\$ 752.11
VENTURE TECHNOLOGIES	HARDWARE MAINTENANCE	\$ 6,781.79
VERIZON WIRELESS	TELEPHONE SERVICES	\$ 279.79
WARRIOR SERVICES, LLC	PEST CONTROL	\$ 60.00
WELLS, JACQUELIN	MILEAGE	\$ 219.00
WESTERN TRUCK REPAIR	BATTERIES	\$ 449.85
WILSON, MARGARET	PATCHES	\$ 36.00
WY MACHINERY COMPANY	EQUIPMENT PARTS/REPAIRS	\$ 15,577.51
YOUNG, CHARLES MD	MEDICAL SERVICES	\$ 625.00
GRAND TOTAL		\$ 530,324.94

## **CONSENT AGENDA**

Commissioner Glode moved to approve the consent agenda. Commissioner Johnson seconded and Clerk Bartlett noted the consent agenda includes the December 16, 2014 regular meeting minutes; a bond for Michael J. Smith, Treasurer for the Jeffrey Center in the amount of \$5,000.00; and bonds for David Cesko and Mark Kostovny, Board Members for Memorial Hospital of Carbon County both in the amount of \$25,000.00; and Planning & Development Department receipts for \$860.00. The motion carried unanimously.

## **ELECTED OFFICIALS / DEPARTMENT HEADS**

### **Assessor**

County Assessor Cheryl Ross presented abates and rebates for the Chairman's signature.

### **Clerk**

Gwynn Bartlett, County Clerk reported the county will host the January 14 Carbon County Council of Government's (COG) meeting and asked if anyone had an idea for a speaker. John Zeiger, Emergency Management Coordinator suggested inviting the Wyoming Department of Homeland Security to discuss the FEMA flood mapping program they are beginning in the county. They are on the agenda later today and will be asked.

Clerk Bartlett noted that financial disclosures were on file in the Treasurer's Office as of today for all Commissioners, Cindy Baldwin, Chris Rutherford and herself.

Clerk Bartlett advised that Commissioner Chapman signed a letter to the Wyoming Department of Health dated December 18 to support the Carbon County Counseling Center in their submittal of an application for funding for the fiscal year 2016 and asked the BOCC to ratify the Chairman's signature.

Commissioner Glode moved to ratify the Chairman's signature on a letter to the Wyoming Department of Health. Commissioner Johnson seconded and the motion carried unanimously.

Clerk Bartlett discussed the new COBRA rates and requested the BOCC adopt the actuarial figured COBRA rates effective January 1 through September 31, 2015.

Commissioner Johnson moved to adopt the COBRA rates for Plans A and B for January 1, 2015 through September 30, 2015. Commissioner Jones seconded and the motion carried unanimously.

Commissioner Glode moved to reappoint Marcella Redmond to the Jeffrey Center Board for a five-year term expiring November 2019. Commissioner Johnson seconded and the motion carried unanimously.

Commissioner Johnson moved to reappoint Garry Goergen and appoint John Strand to the Predator Management District for three-year terms expiring December 2017 noting Mr. Strand will be the at-large member. Commissioner Chapman seconded and the motion carried

unanimously.

Commissioner Glode moved to appoint Donna Pipher to the South Central Wyoming Emergency Medical Services Joint Powers Board for a three-year unexpired term expiring July 2015. Commissioner Jones seconded and the motion carried unanimously.

### **Treasurer**

Commissioner Johnson moved to approve Resolution No. 2015-01, Carbon County Investment Policy. Commissioner Glode seconded and the motion carried unanimously.

## **RESOLUTION NO. 2015- 01 CARBON COUNTY INVESTMENT POLICY**

WHEREAS, W.S. §9-4-831(h) mandates every political subdivision adopts “a statement of investment policy”; and

WHEREAS, CARBON COUNTY desires to adopt an investment policy at least as restrictive with respect to the types of investment as authorized by W.S. §9-4-831(a), a copy of which is affixed hereto and incorporated herein by this reference.

NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF CARBON COUNTY, WYOMING:

- (a) The CARBON COUNTY financial accounting procedures are divided among the County Commissioners, the County Clerk and the County Treasurer. The County Clerk is designated as budget officer (W.S. §16-4-102(a)(iv)); the County Treasurer is in charge of the county treasury (W.S. § 18-3-804). Warrants for payment from the treasury must be authorized by the Board of County Commissioners (W.S. §18-3-504 and 18-3-805);
- (b) It shall be the policy of the Carbon County Treasurer to invest public funds in a manner which will provide the highest investment return with the maximum security, and conforming to all federal, state and local laws and regulations governing the investment of public funds;
  - (1) To the extent possible, the Carbon County Treasurer will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the Carbon County Treasurer will not directly invest in securities maturing more than two (2) year from the date of purchase.
  - (2) Funds in excess of cash flow requirements may be invested in securities maturing not more than five (5) years, if the maturity of such investments is made to coincide as nearly as practicable with the expected use of funds.
- (c) Any person affecting an investment transaction on behalf of CARBON COUNTY, or offering investment advice, shall sign a statement indicating he or she has read this policy and agrees to abide by this policy and by applicable federal, state and local laws with respect to the advice given and transactions undertaken on behalf of the County.

(d) The Carbon County Treasurer shall be, and is hereby authorized to make such statutory investments, at his or her discretion, as will conform to this policy which shall be deemed at least as restrictive as the types of investments authorized by W.S. §9-4-831(a).

(1) The County shall diversify its instruments by security type and institution. With the exception of U.S. Treasury securities, certificates of deposits and authorized pool, no more than twenty-five percent (25%) of the County's total investment portfolio will be invested in a single security type.

(2) To provide assurance that the County will be able to continue financial operations without interruption and dependent upon interest rates, satisfaction with services, the County will generally attempt to utilize at least two financial institutions as depositories.

(e) The Treasurer is charged with the responsibility of providing a monthly financial report, to include investment activity and returns, in the County's Financial Report.

(f) This policy shall be effective through the calendar year 2015

WHEREFORE, be it resolved that the Board of County Commissioners adopts the aforementioned policy and this policy shall be reviewed on an annual basis.

ADOPTED this 6<sup>th</sup> day of January, 2015

BOARD OF COUNTY COMMISSIONERS

-s- Leo Chapman

-s- Lindy Glode

-s- John Espy

-s- Sue Jones

-s- John Johnson

ATTEST:

-s- Gwynn Bartlett, County Clerk

Cindy Baldwin, County Treasurer asked that the local banks be declared depositories.

Commissioner Glode moved to designate the Rawlins National Bank, Bank of Commerce and the Bank of the West as depositories for the county. Commissioner Chapman seconded and the motion carried unanimously.

Treasurer Baldwin reported BP America and Legacy Resources protested taxes last year however the county was never notified by the companies last May as required. The requirement for the companies to notify the county before budget is to allow the potential refunds to be accounted for in the county's budget.

**Attorney**

Mike Kelly, Deputy Attorney reported a biannual meeting was recently held for DKRW and their fourth quarterly report was released late last month.

Mr. Kelly reported on December 19 Shoshone Coal Corporation applied for a Phase 1 bond release for approximately 300 acres. He discussed this with Bill Nation, Road & Bridge Superintendent who indicated he believed this was successfully reclaimed.

### **Road & Bridge**

Bill Nation, Road & Bridge Superintendent discussed the Cooperative Agreement with the Department of Environmental Quality (DEQ) for the use of a \$10 million grant from the Department of Interior for the upgrade and relocation of Carbon County Road #3 and asked the BOCC to ratify the Chairman's signature on a letter to the DEQ.

Commissioner Jones moved to ratify the Chairman's signature on a letter to Stephen S. Toalson, Jr., DEQ-Administration requesting that the \$10 million AML funds be released without the necessity of meeting any further criteria or if it is not feasible to release the funds, an extension through the end of DKRW's extension from the Industrial Siting Council approximately two years from now. Commissioner Johnson seconded and the motion carried unanimously.

Clerk Bartlett advised that the DEQ has responded to the letter and will have a new agreement prepared with an end date of June 30, 2016, the date the legislative appropriation expires. She asked the BOCC and Mr. Nation if they would like to clarify the route in the original agreement and suggested the county use something very vague. It was determined the original route description would be requested including that the final route of the road would be determined by the BOCC.

Clerk Bartlett suggested requesting the funding up front rather than on a reimbursable basis, even if they only provided \$1 million at a time stating this project would likely be hard for the county to cash flow. The BOCC agreed this should be requested.

Mr. Nation provided an update on his progress on the DMK Bridge, otherwise described as the old Sanger Bridge on County Road #660. He has been working with PMPC Engineering and Brush Creek Ranch. He must now submit a scope of work to Wyoming Department of Transportation's bridge team and he dispersed a draft scope for the Board's review including to place I-beams, rebar and form up for concrete at northeast abutment, remove the ramp and fill, add decking end to expose the northeast abutment top, remove all spall and rotten concrete and reform the top, reset cap plates, and replace all decking, back wall and fill as needed. Mr. Nation stated this scope would also serve as the written agreement with Brush Creek Ranch.

Commissioner Glode moved to enter into an agreement with Brush Creek Ranch using the scope of work as previously described. Commissioner Jones seconded and Mr. Kelly reported that he has not had an opportunity to turn this into an enforceable agreement however he feels this would be sufficient for the work being done. He emphasized that this is not an enforceable contract should there be any dispute. The motion carried with all Commissioners voting for the motion except Commissioner Johnson who voted against the motion.

The Chairman authorized Mr. Nation to sign this agreement and keep Mr. Kelly up to date on his progress on the project.

## **Public Health**

Jacqueline Wells, Public Health Nurse, presented an update on services her office has provided in the past month.

## **FEMA FLOOD PLAIN MAPS**

Kim Johnson, Melinda Gibson and Jackie Erwin from the Wyoming Department of Homeland Security were present via telephone and discussed the Risk MAP Flood Risk Program. This particular program would potentially update the county's and municipality's maps that insurance agencies use for flood insurance ratings. Federal funding would pay for the project with absolutely no cost to local governments to participate and the project officially begins in March 2015. Mr. Johnson outlined the process for the project and agreed to be the speaker at next week's Carbon County Council of Government's meeting.

## **RECESS**

Chairman Espy called a recess at 10:24 a.m. and reconvened at 10:30 a.m.

## **WEED AND PEST CONTROL BOARD**

Chairman Espy opened a public meeting at 10:25 a.m. to consider appointments of individuals to the Weed and Pest Control Board. Clerk Bartlett verified that petitions for each applicant were received by the deadline, each was signed by at least 10 landowners of the county and each applicant is a registered voter. Chairman Espy called for public comment and there being none he closed the public meeting at 10:31 a.m.

Commissioner Glode moved to reappoint Mary Ann Boles to Area II, Hanna, Elmo, Medicine Bow and Beth Shorma to Area V, Baggs for four-year terms expiring January 2019. Commissioner Johnson seconded and the motion carried unanimously.

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

Myra Evans, Interim Chief Executive Officer and Chelle Keplinger, Chief Financial Officer for MHCC presented a financial analysis as of November 30, 2014 as well as the hospital's audit for the last fiscal year. Also present was board member Henry Hewitt.

Ms. Evans reported there were a few weaknesses found including segregation of duties however this is only because of low staffing and some individuals doing multiple duties, very common in smaller organizations. Mr. Hewitt stated his pleasure for the reliable numbers and the "clean" audit.

Ms. Evans reported the Hospital Board hired an engineering firm that presented them with three options to fix the HVAC. The board has approved the minor investment totaling approximately \$400,000.00 to partially fix the system using countywide consensus funds. The engineering firm

will be performing documents for the bidding of the work.

Commissioner Chapman moved to approve a State of Wyoming State Loan and Investment Board Grant Agreement up to the amount of \$400,000.00 countywide consensus funds for the MHCC HVAC Replacement Project. Commissioner Johnson seconded and the motion carried unanimously.

Mr. Hewitt thanked the county and other municipalities for allowing these funds to the county and hospital for this project. He noted that while this does not completely fix the problem, these fixes will alleviate current issues while still being used towards total replacement. The BOCC agreed they didn't feel this would be a redundant cost.

Clerk Bartlett reported she is working with Karran Bedwell at the hospital to find funding for the engineering to completely fix the entire building and verified the BOCC would be willing to sponsor such a grant.

## **PLANNING & ZONING**

### **Certifications**

Sid Fox, County Planning Director presented the Certifications of Recommended Action for Union Telephone, C.U. Case File No. 2015-01 and C.U. Case File No. 2015-02.

Commissioner Jones moved to accept the Certifications of Recommended Action from the Carbon County Planning & Zoning Commission for C.U. Case File No. 2015-01 for Union Telephone's request for a Conditional Use Permit to permit a telecommunications tower approximately 15 feet in height and C.U. Case File No. 2015-02 for Union Telephone's request for a Conditional Use Permit to permit a telecommunications tower approximately 65 feet in height and schedule a public hearing for February 3, 2015 at 1:30 p.m. at the County Courthouse in Rawlins, Wyoming. Commissioner Glode seconded and the motion carried unanimously.

## **COMMISSIONERS DISCUSSION**

Chairman Espy reported Carbon County's week for being at the legislature is next week and he and Commissioner Glode are going and asked if any others are going. Commissioner Jones may go towards the end of the week and Commissioners Johnson and Chapman may attend if able.

## **PLANNING & ZONING**

### **Public Hearing – ZRA Case File No. 2014-02**

Chairman Espy opened a public hearing at 11:00 a.m. to hear Planning & Zoning ZRA Case File No. 2014-02. Mr. Fox presented ZRA Case File No. 2014-02 to amend the text of the Zoning

Resolution to add low hazard-low volume treatment, processing, storage and transfer facility as a land use in the Heavy Industrial, Limited Industrial, Highway Commercial and the Ranching, Agriculture, Mining (RAM) Zone Districts. Mr. Fox summarized the staff report presented to the BOCC. The case was initially heard October 7 and at that time the BOCC asked the Planning Staff to take a look at the introduction of this use into RAM and provide further information.

Mr. Fox stated that on November 3 and December 1 the matter was discussed with the Planning Commission. The recommendation is that transfer stations be conditionally allowed in RAM, Highway Commercial, Limited Industrial and Heavy Industrial. The use would not be permitted in Neighborhood Commercial.

Mr. Fox outlined standards and criteria used for evaluating every conditional use permit (CUP) and then proposed criteria for evaluation of transfer stations. He described a minimum standard that transfer stations must contain all municipal solid waste in a building in all zone districts and that they must be located within 2 miles of a municipality. The proposed criteria for transfer stations also include comments submitted by the adjacent municipality should be considered, mitigation for potential impacts, use must be adequately served by the facility, and a setback beginning from the exterior boundary of the permitted land must be 500' away from the nearest occupied dwelling. The Planning & Zoning Commission proposed deleting the requirement for consideration of comments from the adjacent municipality. Mr. Fox noted staff recommends approval of the text amendment.

Commissioner Glode asked Planning & Zoning Commissioner Grabow to further explain his written comments. Mr. Grabow reported the CUP portion allows for flexibility and for example the proposed language requires transfer stations to be located within 2 miles but it can be waived so he feels this does not accomplish anything to include that language. Mr. Grabow stated he believes they already had the authority and flexibility to proceed without going through this process.

Commissioner Chapman asked if the 2 mile limit would prevent these from popping up throughout the county. Mr. Fox stated he thinks the answer is yes adding he thinks the 2 mile rule is consistent with the Carbon County Land Use Plan (CCLUP). Commissioner Johnson stated he likes the 2 mile area and likes the waiver. By having this in the document the focus will first be on the 2 mile area that he feels these stations should stay in.

Commissioner Chapman asked if the BOCC could add additional provisions to a CUP on any specific case if they desire, for example monitoring wells. Commissioner Johnson stated he feels the county could add criteria if desired. Commissioner Glode stated this would come under the conditional use permit itself. Mr. Fox clarified that the BOCC can add conditions but they should relate somewhat to the evaluation criteria if possible. Commissioner Chapman also asked why the staff report discusses dropping the words solid waste "processing" but then the term is used throughout the staff report. Mr. Fox reported they picked up the state's definition of a transfer station which includes the word processing so that may open the use up and that if the BOCC wanted to limit the use they may want to delete the word processing. Commissioner Chapman stated his concern that if the waste could not be processed it could be piled up outside.

Chairman Espy stated the waste is required to be stored inside and Planning & Zoning Commissioner Wilson agreed.

Chairman Espy called for additional public comment. There being no additional comments, Chairman Espy closed the hearing at 11:29 a.m.

Commissioner Glode moved that the BOCC approve the text amendment ZRA Case File No. 2014-02, to add low hazard-low volume treatment, processing, storage and transfer facility as a land use in the Heavy Industrial, Limited Industrial, Highway Commercial and the Ranching, Agriculture, Mining Zone Districts, with the three bullets from the proposed criteria included from the staff report. Commissioner Johnson seconded for discussion. Commissioner Johnson proposed a friendly amendment to add all four bullet points in the proposed criteria from the staff report and Commissioner Glode agreed. The motion carried with Commissioners Johnson and Glode and Chairman Espy voting for the motion, Commissioner Chapman voting against the motion and Commissioner Jones who abstained due to a personal conflict.

The BOCC complimented the staff and the Planning & Zoning Commission on their work on this case. Clerk Bartlett asked if there would be a resolution for the matter. Mr. Kelly stated he had a few major concerns from a proposed resolution including the 2 mile limit as this only applies to the RAM zone not other zoning as those could be in other areas of the county. Mr. Kelly stated they could potentially have a resolution brought this afternoon. Mr. Fox reported there is not a resolution prepared for this afternoon's case as they anticipated there would likely be conditions placed on that case.

### **SENATOR HICKS**

Senator Larry Hicks joined the meeting and discussed the \$10 million AML funding for County Road #3. He discussed the long and short-term financial position for the state as being static for the near future. There have been several attempts to raid these funds from the legislature and it is a remote possibility that DKRW will construct a plant anytime in the near future. The legislature has a project coming in the next session for construction of a reservoir with Haggerty Creek named the West Fork of Battle Creek. To keep the project in Carbon County Senator Hicks proposed diverting some of the AML funds to this superfund project site for remediation of the copper from the Haggerty mine flowing into the creek which would then allow construction of the reservoir.

Commissioner Johnson asked if the superfund site designation opens up funds for remediation. Senator Hicks stated the EPA has determined it will continue to allow the toxic level of copper to remain and will not fund remediation. He proposes bringing the level of copper down to a non-toxic range.

Commissioner Jones asked who benefits from the reservoir in the end. Senator Hicks explained this would provide supplemental irrigation, enhance recreational opportunities in Carbon County and preclude regulatory takings under the Endangered Species Act. He explained the 1906 water rights from the Belvedere Ditch maintain landowner's water rights and they won't be taken for the reservoir.

Commissioner Johnson stated that given the constituent base he represents he would prefer to see the AML funds stay where they are. Commissioner Glode reported last year there was scrambling during the legislature to go after the \$10 million and with DKRW's history she would prefer to see something actively occurring to keep the funds in Carbon County.

Bill Nation reported that the \$10 million hinges on the success of DKRW and asked Senator Hicks to consider allowing the county to use the funds for the road without the criteria for DKRW's construction. He asked the Senator to advocate for this.

Senator Hicks stated that AML funds are not designed as a road fund and without the associated mining project the county will likely lose the funds. Commissioner Johnson stated DKRW is still "on track" in the state's eyes and it is beyond this Board to say whether it will be built or not.

Clerk Bartlett asked how much of the funding Senator Hicks would like to use towards the copper remediation and he replied he expects to have the figure next week. He asked for direction from the BOCC on how they would like him to proceed should the raid occur during the legislative session. Chairman Espy stated that DKRW still has time to construct and he hates to raid the funds today. He would like to keep the funding for the road but if there is a raid do what we have to do to ensure the funding stays in the county.

Commissioner Johnson stated both projects would be proper use of the AML funds and asked what the opportunity is to gain additional AML funds for the water projects. Senator Hicks stated with the state's AML funds declining the demand is greater than the pool and ultimately AML funds could be obtained but it could be years. If funding is found for remediation, there could be 2017 construction.

## **RECESS**

Chairman Espy called a recess at 11:36 a.m. and reconvened at 1:30 p.m.

## **PLANNING & ZONING**

### **Public Hearing – C.U. Case File No. 2014-03**

Chairman Espy opened a public hearing at 1:30 p.m. to hear Planning & Zoning C.U. Case File No. 2014-03. Mr. Fox presented C.U. Case File No. 2014-03 – Patrick & Rose Cain / dba Dirty Boyz Sanitation Services, Inc.'s request for a Conditional Use Permit for the construction, operation and maintenance of a low volume, low hazard solid waste transfer station. Mr. Fox reported the BOCC initially heard the case October 7 and tabled the case at that time. He noted the staff reported the site is located within the 2 mile boundary west of Rawlins for a 3 acre fenced site. The company is expected to make approximately 15 weekly trips to and from the site. The Wyoming Department of Environmental Quality (DEQ) permits transfer stations but requires approval of the county prior to the state permit being issued.

Mr. Fox stated the Planning & Zoning Commission recommended denial only because of procedural reasons to move the case forward after a split vote. Mr. Fox noted DEQ requires a \$20,000.00 cleanup bond with the application for the transfer station permit.

Mr. Fox stated there are 11 recommended conditions in the staff report and what is being approved is in the site plan and application and does not give them approval to do recycling or processing.

Jonathan Schnal, Attorney for Dirty Boyz, reported he reviewed the staff report and agrees with the recommendations and the case supports approval. He added he believes the applicant meets the criteria approved earlier today with the text amendment to the CCLUP.

Commissioner Chapman asked if the applicant ceased business, if the applicant felt they have sufficient bonding to clean up the area. Pat Cain stated the threshold is set by the DEQ and should therefore be sufficient. Commissioner Chapman also asked if there was any proposal for well monitoring and water testing to monitor potential contamination. Mr. Cain stated they would comply with the DEQ but that the building design is an 8" thick concrete floor and 8' concrete walls therefore none of the trash will be leaking out. The plan is the hauling truck will be inside the building and solid waste will load it immediately into the transfer truck therefore not resting on the floor. Mr. Cain expects 1.5 loads per week to its final destination. He stated they are adequately protected through building design and the DEQ process. The building is swept up but not washed down according to Mr. Cain and if there are liquids it is absorbed into the truck.

Mr. Schnal clarified the floor and concrete container is simply a mechanism for transfer from one truck to the other, not for storage. Commissioner Chapman clarified the trash would not remain on the floor even overnight or on a weekend and Mr. Cain stated no, they have an individual living nearby that would be transferring the waste from the floor to the truck.

Commissioner Johnson asked if the trucks would be washed inside and Mr. Cain stated they are not washed inside but rather at a commercial carwash. Commissioner Johnson clarified they do not have a DEQ permit and Mr. Cain stated the permit cannot be approved until the county has finished its process. Commissioner Johnson asked how dust control would be enforced. Mr. Schnal stated as with any other condition on a use permit, nearby property owners could file a complaint with the county and/or the DEQ. Mr. Cain reported he believes one person moving to the Cherokee Road area would be making more trips to the area than their trucks. Commissioner Johnson stated the county would likely be responsible to put magnesium chloride on the road if there were a dust problem and he is concerned about the expense of that. He asked Mr. Nation if the road can handle the truck traffic. Mr. Nation confirmed this road is a light commercial industrial strength road and is sufficient to handle the traffic. Mr. Cain stated the individual who hauls the Rawlins waste lives on this road. Mr. Schnal stated they agree with the proposed conditions and they would be willing to work out some kind of arrangement to mitigate a dust problem should one arise.

Commissioner Glode asked if magnesium chloride has been applied to the road previously and asked unless things change drastically, would Dirty Boyz' truck traffic cost more to maintain it. Mr. Nation stated the road is already maintained for the current traffic.

Commissioner Chapman asked how many tons are in a cubic yard. Mr. Cain stated he believes there are .167 tons in a cubic yard and their trailer holds about 15 tons. Commissioner Chapman asked if other agencies wanted to use their facility, could they expand. Mr. Cain stated he could not because of the DEQ's restrictions for a low volume transfer station.

Mr. Fox clarified that the county definition is up to 50 cubic yards per day and Dirty Boyz' application included only 35 cubic yards per day therefore if approved, the BOCC may want to clarify this. Mr. Cain stated the current average take is approximately 35 per day currently. Mr. Schnal stated the transfer station is a stop-gap measure until their future plans come to fruition.

Chairman Espy asked if the DEQ requires a run-off water plan for the site. Bob Doctor with the DEQ stated there is not a storm water management plan as activities are conducted inside a facility and this is the same for monitoring wells. Chairman Espy asked if there have ever been issues and Mr. Doctor stated he has never seen an issue.

Commissioner Johnson stated his concern that the transfer station goes through a school bus route and he is not convinced there is no hazard from the added truck traffic. Mr. Schnal stated in September when he discussed the matter with Mr. Nation, he indicated the issues are mitigated through stop signs and speed controls. He stated various kinds of traffic on the roads are typical for rural Wyoming.

Mr. Kelly reported the hearing today allows the BOCC to impose certain conditions or simply accept the proposed conditions. For example, he stated traffic could be limited during certain hours or put a time limit on the permit and review it later.

Commissioner Johnson stated he does realize there are other trucks in the area including other semis. Mr. Cain stated his nieces and nephews live in the area and he does not feel there is concern. Commissioner Chapman stated he does like the thought of a condition of a time frame for reevaluation. Mr. Schnal stated the applicant would be investing a significant amount of money into the project therefore could not deal with the permit being pulled afterwards.

Mr. Fox stated the CUP would be good for two years under current code or continued if a building permit is issued it continues otherwise there could be an annual or two year review for a simple update and compliance with conditions.

Mr. Cain reported he lives here and is not an absentee owner and would not do anything to jeopardize his business or the people that live out there.

Mr. Doctor stated the DEQ's permit is issued for 8 years and if there are conditions the DEQ would need to write their permit letter to accommodate the county's conditions. He stated they would likely require the applicant to notify the DEQ if the CUP were pulled in the future so they could start enforcing the cleanup process. Mr. Doctor stated there are three hurdles before the

DEQ issues the permit. First the county must approve, bonding requirements and finally public notice and comment.

Commissioner Johnson asked Mr. Cain if he would be agreeable to an annual review the first couple of years and Mr. Cain fully agreed to this. Mr. Fox reported at 8 years when the state permit expires, the owner should be required to provide an additional update. Commissioner Glode suggested an annual review through the term. Mr. Cain stated the DEQ can come to the facility for unannounced inspections at any time and maybe the county could be notified of this. Mr. Doctor stated they try to conduct annual inspections but can't promise annually. They do respond to complaints at all times and suggested the county could condition the facility operator to provide the county with inspection reports. Mr. Doctor agreed that if they saw a significant violation they would absolutely notify the county.

Ian Douglas asked if the project meets the existing criteria #1 to serve an obvious public need. Commissioner Glode stated she feels because the facility is a public need and Mr. Fox replied that solid waste collection and proper disposal is an obvious potential public health issue and concern if not properly managed. He is very comfortable that the use is a public service and necessary.

Mr. Schnal echoed Mr. Fox and added the county is facing the closure of the Rawlins Landfill and the price of collections and the tipping fees and the ramifications of this are already being seen in the countryside. The transfer station will keep Dirty Boyz competitive and provide a means for an obvious need. Mr. Cain added the Rawlins Landfill charges approximately \$130.00 per ton more than anywhere else in the state. Mr. Douglas clarified if the obvious public need is simply lower prices. Commissioner Johnson stated this is part of it but the duty, the task and the end result is a place to properly dispose of waste. Mr. Douglas asked if this is not being handled by the Rawlins Landfill. Chairman Espy stated he sees this as private enterprise working. If there is a way private enterprise can provide a public service cheaper than the public sector then he sees this as a need.

Commissioner Chapman stated if the transfer station is approved the applicant should address the concerns of adjacent landowners if there are any and keep them satisfied. Mr. Cain stated the Morgan's wrote a letter and he personally took them to the site and they were satisfied with its location. He stated he anticipates no odor and there are already odors in the area from a truck stop lagoon and livestock. Chairman Espy made one last call for public comments for or against this case then closed the hearing at 2:32 p.m.

Commissioner Glode moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2015-03, 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 No. 2014-03 – Patrick & Rose Cain / dba Dirty Boyz Sanitation Services, Inc.'s request for a Conditional Use Permit for the construction, operation and maintenance of a low volume, low hazard solid waste transfer station with written conditions in the staff report #1-11 adding condition #12 that the applicant shall come before the Board of County Commissioners annually for review and adding condition #13 that the applicant shall provide the county with all DEQ inspection reports and that the

permit is specifically written according to the applicant's operations description and site plan. Clerk Bartlett asked if the BOCC needed to approve the resolution from this morning's hearing on the text amendment prior to approving this case and Mr. Kelly agreed that should be handled first. Commissioner Glode moved to table this motion and Commissioner Johnson seconded and the motion carried with all Commissioners voting for the motion except Commissioner Jones who abstained.

**ZRA Case File No. 2014-02**

Commissioner Johnson moved to approve Resolution No. 2015-02, A Resolution of the Board of County Commissioners of Carbon County Wyoming adopting the recommendation of the Carbon County Planning & Zoning Commission regarding a text amendment to the Carbon County Zoning Resolution to add the conditional allowance of low hazard-low volume treatment, processing, storage and transfer facility as a land use in the Heavy Industrial, Limited Industrial, Highway Commercial and the Ranching, Agriculture, Mining Zone Districts. Commissioner Glode seconded and the motion carried unanimously except Commissioner Jones who abstained.

**Resolution No. 2015 – 02**

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

**ZRA Case File #2014-02**

**(Zoning Resolution Amendment-Text Amendment)**

**WHEREAS**, pursuant to Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission scheduled a public hearing for Monday, December 1, 2014, which said public hearing was advertised by public notice at least thirty (30) days prior to said regular hearing date; and

**WHEREAS**, at the Monday December 1, 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 Monday, December 1, 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 text amendment 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 Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation of this zoning amendment resolution-text amendment to the Carbon County Zoning Resolution of 2003, as amended for Carbon County, Wyoming, advertised by public notice at least 14 days prior to a public hearing to take public input and comments on the proposed text amendment, which said hearing occurred on Tuesday, January 6, 2015; 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 text amendment; and

**WHEREAS**, the Carbon County Board of County Commissioners in considering the proposed text 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 text 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 following text amendment to the Carbon County Zoning Resolution of 2003, as amended.

**ZRA Case File #2014-02:** In accordance with Section 6.7, of the Carbon County Zoning Resolution, Amendments to the Zoning Resolution and Zoning Records, the Carbon County Board of County Commissioners considered a zoning resolution amendment or text amendment of the Zoning Resolution to add Low Hazard-Low Volume Treatment, Processing, Storage and Transfer Facility as a land use in the Heavy Industrial (MH), Limited Industrial (ML), Highway Commercial (C-2), and the Ranching, Agriculture, Mining (RAM) Zone Districts. The definition of a Low Hazard-Low Volume Treatment, Processing, Storage and Transfer Facility is hereby added to Chapter III, Definitions to be defined as follows: a solid waste transfer, treatment, storage and processing facility receiving 50 cubic yards or less of solid waste per day and occupying no more than five (5) acres, including a twenty foot buffer zone within a fenced facility boundary, which individually or in combination manage no more than the specified types and quantities of waste as described and permitted by the WDEQ.

The Zoning Resolution is further amended to include the following standards and criteria for Low Hazard-Low Volume Treatment, Processing, Storage and Transfer Facilities:

<b>P=Permitted by right C=Conditional Use Permit required</b>	<b>Zone Districts</b>				
	Ranching Agriculture Mining (RAM)	Neighborhood Commercial (C-1)	Highway Commercial (C-2)	Limited Industrial (ML)	Heavy Industrial (MH)
Low Hazard-Low Volume treatment, processing, storage and transfer facility (1)	C(2)	Not Permitted	C	C	C

Standards: Exceptions may be granted to (1) and (2) upon receiving a recommendation from the Planning and Zoning Commission and consideration at a public hearing.

(1) LH-LV treatment, processing, storage and transfer facilities are permitted only if the MSW taken to the transfer station is deposited, stored and transferred entirely within a building with four walls and a roof.

(2) Facility must be located within two (2) miles of a town or city limits.

Exemption: Farming & Ranching Operations, which means lands and facilities owned by a person engaged in farming or ranching and used to dispose of solid waste generated incidental to his or her farming or ranching operation.

In addition, when considering an application to locate a Low Hazard-Low Volume Treatment, Processing, Storage and Transfer Facility, the Planning and Zoning Commission and the Board of County Commissioners shall consider the following:

- The referral comments submitted by the City or Town within 2 miles of the proposed site.
- The proposed use shall be adequately served by facilities and services; including but not necessarily limited to, legal and physical access and circulation, water and wastewater facilities, emergency response and fire protection.
- The applicant has identified and proposed mitigation for the following potential impacts:
  - Odor, Traffic, Noise, Dust and Mud, Litter, Vectors, Fire, Hazardous Wastes, Wash Down Water.
- The exterior boundary of land permitted as a Low Hazard-Low Volume Treatment, Processing, Storage and Transfer Facility shall be located at least 500 feet (500') from the nearest occupied dwelling unit or house.
  - Unless waived in writing by the person owning the occupied dwelling unit or house.

The following definitions are hereby added to Chapter III-Definitions:

Commercial Solid Waste Management Facility: Means any facility receiving a monthly average greater than five hundred (500) short tons per day of unprocessed household refuse or mixed household and industrial refuse for management or disposal.

Construction/Demolition Landfill: Means a solid waste management facility that accepts only inert construction waste, demolition waste, street sweepings, brush or other material specifically approved by the Wyoming Department of Environmental Quality.

Municipal Solid Waste: Means solid waste resulting from or incidental to residential, community, trade or business activities, including garbage, rubbish, abandoned automobiles, and all other solid waste other than construction and demolition, industrial, or hazardous waste.

Solid Waste: Means garbage, and other discarded solid material, material including solid waste materials resulting from industrial, commercial and agricultural operations and from community activities, but does not include solids and dissolved materials in sewerage and other wastewater and sludges.

Municipal Solid Waste Landfill (MSWLF): Means a solid waste management facility for the land burial of municipal solid waste that utilizes an engineered method of controls to avoid creating a hazard to the public health, the environment, plants or animals.

Occupied Dwelling Unit or House: Means a permanent building or fixed mobile home that is currently being used on a permanent or temporary basis for human habitation.

Processing Plant: Means a solid waste management facility used or designed to transfer, shred, grind, bale, compost, salvage, separate, reclaim, or provide other treatment of solid waste.

**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 Zoning Resolution Amendment-Text Amendment 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 6th day of January, 2015.

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

- s- John Espy, Chairman
- s- John Johnson, Vice Chairman
- s- Leo Chapman, Member
- s- Lindy Glode, Member
- Sue Jones, Member – Abstained

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

**C.U. Case File No. 2014-03**

Commissioner Glode moved to pull the Conditional Use Permit case motion for Dirty Boyz from the table. Commissioner Johnson seconded and the motion carried unanimously except Commissioner Jones who abstained. The Chairman called for further discussion on the motion and Commissioner Glode ensured the record specifically included the applicant's operation description and site plan. The motion is as follows: Based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2015-03, 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 No. 2014-03 – Patrick & Rose Cain / dba Dirty Boyz Sanitation Services, Inc.'s request for a Conditional Use Permit for the construction, operation and maintenance of a low volume, low hazard solid waste transfer station with written conditions in the staff report #1-11 adding condition #12 that the applicant shall come before the Board of County Commissioners annually for review and adding condition #13 that the applicant shall provide the county with all DEQ inspection reports and that the permit is specifically written according to the applicant's operations description and site plan.

Commissioner Glode made a friendly amendment that the annual updates only be until such time as the BOCC deems it is no longer necessary. The motion carried with all Commissioners voting for the motion except Commissioner Jones who abstained.

The resolution will be signed at the next regular BOCC meeting.

**RECESS**

Chairman Espy called a recess at 2:41 p.m. and reconvened at 2:50 p.m.

## **CITIZEN/COMMISSIONERS DISCUSSION**

Commissioner Glode reported she attended the Governor's inauguration last night. She will be lobbying for the Wyoming County Commissioners Association (WCCA) next week in Cheyenne. The Wyoming Women's Foundation has asked her to be on their panel.

Commissioner Johnson reported he retained an attorney to determine if he has a conflict on the DKRW matters and they feel he has no conflict of interest however he will still be conservative to his dialogue on the DKRW matters but at the same time he will determine if his constituents need his voice heard.

Chairman Espy reported that he will also be lobbying in Cheyenne next week and throughout the session.

Commissioner Glode asked the BOCC to designate its representative for WCCA.

Commissioner Johnson moved to designate Lindy Glode as the county's representative for the Wyoming County Commissioners Association for the next two years. Commissioner Chapman seconded and the motion carried unanimously.

Commissioner Johnson asked how the county would proceed with AML funds after speaking with Senator Hicks earlier today. Mr. Nation suggested keeping all the funding for the road. Commissioner Jones agreed and stated there is a whole lot more to the story of the dam than what was presented. Commissioner Johnson felt there should be funding with the superfund designation and the road serves a better purpose.

## **EXECUTIVE SESSION**

Commissioner Jones moved to go into executive session at 3:06 p.m. with Clerk Bartlett and Attorney Mike Kelly to discuss personnel and potential litigation and other matters considered confidential by law. Commissioner Chapman seconded and the motion carried unanimously.

Commissioner Johnson moved to come out of executive session at 3:23 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Glode seconded and the motion carried unanimously.

## **ADJOURNMENT**

Commissioner Johnson moved to adjourn the meeting at 3:24 p.m. Commissioner Chapman seconded and the motion carried unanimously.

A regular meeting of this Board will be held February 3, 2015 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.