

**REPORT TO THE
MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, May 3, 2016
County Courthouse, Rawlins, Wyoming**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, May 3, 2016 at the County Courthouse in Rawlins, Wyoming. Attending the meeting were; Chairman John Espy; Vice Chairman John Johnson; Commissioners Lindy Glode, Leo Chapman and Sue Jones.

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

ADDITIONS / CORRECTIONS

The Chairman added documents for signature for Public Health.

VOUCHERS

Commissioner Glode moved to approve the report of expenditures in the amount of \$436,219.39. Commissioner Johnson seconded and the motion carried unanimously.

Commissioner Johnson moved to approve a bill to Rawlins Automotive for \$167.93, Shively Hardware for \$163.95 and True Value of Rawlins for \$1,097.34 for an aggregate total of bills paid today of \$437,648.61. Commissioner Chapman 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
AIT LABORATORIES	LAB SERVICES	\$410.00
ALL IN ONE SEPTIC & PLUMBING	GREASE TRAP PUMPING/BIOSMART	\$830.00
ALLEN, PATRICK C MD PC	ROUTINE AUTOPSY	\$1,165.00
ALLIED INSURANCE	ROBINSON NOTARY BOND	\$50.00
ALSCO, AMERICAN LINEN DIVISION	TOWELS/SOAP/MATS	\$32.84
AMERIGAS	PROPANE SERVICES	\$1,974.28
ASPEN FAMILY DENTAL	DENTAL SERVICES	\$198.00
AYALA, MEGAN	MEALS	\$203.87
BARKHURST, RAY	MILEAGE	\$34.80
BI INC.	ELECTRONIC MONITORING	\$1,682.41
BLAKEMAN PROPANE	PROPANE SERVICES	\$393.15
BOMGAARS SUPPLY	GLOVES/FUNNEL/OIL	\$23.57
BOYS & GIRLS CLUBS OF CARBON COUNTY	QTR 2 15-16 TANF	\$1,236.73
BUILD RITE LUMBER SUPPLY	SUPPLIES	\$9.64
C & B SAND & GRAVEL	ROADBASE	\$4,110.80
CANDY MOUNTAIN	CORONER SIGNS	\$40.00
CARBON COUNTY TREASURER	ASSORTED CASH ITEMS	\$417.39

CASPER WINNELSON CO	GASKET/SEAL/MOTOR	\$833.49
CATHEDRAL HOME FOR CHILDREN	YCC FUNDING	\$500.00
CBM FOOD SERVICE	JAIL MEALS	\$12,021.60
CENTURY LINK	TELEPHONE SERVICES	\$87.09
COWBOY CHEMICAL	SOAP/SPOT RINSE	\$288.00
COWBOY SUPPLY HOUSE	EQUIPMENT REPAIR/CLEANING SUPPLIES	\$1,083.85
CUSTOM BUILDERS	REAR DOOR LIBRARY REPAIR	\$3,729.65
DAILY TIMES	PUBLIC LEGAL NOTICE/MEETING NOTICE	\$89.12
DEVINE LAW	LEGAL SERVICES	\$2,103.75
DIRTY BOYZ SANITATION, INC	TRASH SERVICES	\$1,010.00
DIXON, TOWN OF	WATER SERVICES	\$130.00
DJ'S	REAR WINDOW/WINDSHIELD	\$764.44
DOMINION VOTING SYSTEMS, INC.	ELECTION SOFTWARE LICENSES	\$12,600.00
ELK MOUNTAIN, TOWN OF	WATER SERVICES	\$56.00
ERICKSON & ROBERTS	LEGAL SERVICES	\$80.00
FLEXSHARE BENEFITS	APRIL PREMIUMS	\$112.50
FOWLER, TRACY	HANNA FIRE DEPT PO BOX	\$40.00
GALLS/QUARTERMASTER	SHIRTS	\$42.86
GOLDEN, MARY	REIMBURSEMENTS	\$115.55
GRAINGER	FUSES	\$40.02
GRAPHIC SPORTS	ROBINSON NOTARY STAMP	\$39.95
GREATER WY BIG BROS/SISTERS	QTR 2 15-16 TANF	\$2,802.01
HERMAN, BOBBIE	MILEAGE	\$27.00
HIGH DESERT WELDING & MACHINE LLC	METAL/CUTS	\$97.14
HIGH PLAINS POWER	ELECTRICAL SERVICES	\$63.14
HIGH PLAINS VISION CENTER	VISION SERVICES	\$690.00
HORIZON LABORATORY, LLC	BLOOD TESTS	\$87.00
J H KASPAR OIL COMPANY	FUEL	\$85.21
JACK'S BODY & FENDER REPAIR	SHERIFF INVESTIGATIONS	\$467.00
KILBURN TIRE COMPANY	VEHICLE MAINTENANCE	\$1,742.32
KIRSCH, ARCHIE P	COUNTY HEALTH OFFICER	\$1,300.00
L N CURTIS & SONS	BUNKER BOOTS	\$199.87
LARAMIE YOUTH CRISIS CENTER	ADMIN FEE/SUPPLIES/WAGES	\$519.26
MEMORIAL HOSPITAL OF CARBON COUNTY	LAB WORK	\$689.25
MERCEDES TRANSCRIPTION, INC	TRANSCRIPTION	\$261.69
MILLER, JIM	MILEAGE	\$30.60
MOORE MEDICAL CORP.	MEDICAL SUPPLIES	\$1,776.54
MYERS ANDERSON	DESIGN	\$18,519.71
O'REILLY AUTO PARTS	CAPSULE	\$14.24
OTIS ELEVATOR COMPANY	ELEVATOR MAINTENANCE	\$2,712.00
PB ELECTRONICS INC	ANTENNA CABLE	\$154.00
PERKINS OIL CO	FUEL	\$54.05
PERRY, ABBY	FUEL/AG EXPO SOIL	\$39.60
PHILLIPS 66-CONOCO-76	FUEL	\$18.98

PICHE, JIM	MILEAGE	\$330.00
PITNEY BOWES	INK	\$169.99
PLATTE VALLEY MEDICAL CLINIC	MEDICAL SERVICES	\$150.00
PUBLIC SAFETY CENTER, INC	GLOVES	\$250.18
PURRINGTON, DAVID	2014/2015 REGISTRAR RECORDS	\$118.00
QUILL CORPORATION	ASSORTED OFFICE SUPPLIES	\$399.37
RAWLINS AUTOMOTIVE	VEHICLE MAINTENANCE	\$167.93
RAWLINS FAMILY MEDICAL, P.C.	MEDICAL SERVICES	\$350.00
RAWLINS SCREENPRINT & EMBROIDERY	EMBROIDERY	\$110.00
RAWLINS, CITY OF	WATER SERVICES/TRASH DISPOSAL	\$1,582.80
REGISTRATIONMAX, LLC	FAIR ENTRY	\$745.21
RESERVE ACCOUNT	POSTAGE	\$10,000.00
ROCKY MOUNTAIN POWER	ELECTRICAL SERVICES	\$13,195.36
ROSS' AUTOMOTIVE SERVICES	OIL CHANGE	\$47.89
RUAG AMMOTEC USA INC.	AMMUNITION	\$2,504.80
RYAN ELECTRONICS INC	MOORES RADIO REPAIR	\$393.00
SAGE CREEK EXCAVATING	ROCK	\$307.28
SAPP BROS TRUCK STOPS, INC.	TIRES	\$3,900.00
SARATOGA AUTO PARTS, INC.	VEHICLE MAINTENANCE	\$316.83
SARATOGA LUMBER & SUPPLY	CONSTRUCTION SUPPLIES/SAW BLADES	\$267.11
SARATOGA SUN	ADVERTISING FEES	\$959.13
SECURITY TRANSPORT SERVICES, INC.	INMATE EXTRADITION	\$1,162.50
SHEPARD'S	FUEL	\$437.48
SHIVELY HARDWARE	CHAIN/TIRES	\$163.95
SKYLINE MOTORS, INC.	VEHICLE MAINTENANCE	\$471.38
SOURCE GAS	GAS SERVICES	\$6,313.16
SOUTHWEST M.R.O., LLC	RANDOM TESTING	\$25.00
STANLEY CONVERGENT SECURITY SOLUTIONS	MAINTENANCE/MONITORING CHARGES	\$2,556.51
STAPLES ADVANTAGE	PLASTIC FLOOR MAT/ENVELOPES/PAPER	\$404.80
STODDARD, CURTIS T.	DENTAL SERVICES	\$642.00
STOTZ EQUIPMENT	BELT	\$45.73
TERMINIX	PEST CONTROL	\$849.00
THOMSON REUTERS-WEST PAYMENT CENTER	INFORMATION CHARGES	\$1,514.64
TRUE VALUE OF RAWLINS	ASSORTED MAINTENANCE SUPPLIES	\$1,097.34
UNION TELEPHONE COMPANY	TELEPHONE SERVICES	\$215.32
US BANK TRUST N.A.	HOSPITAL LEASE/BONDS	\$292,000.00
USI EDUCATION & GOVERNMENT SALES	CLEAR POUCHES	\$74.90
VAN'S WHOLESALE LLC	BUILDING SUPPLIES	\$698.17
WACO	ANNUAL DUES	\$325.00
WARRIOR SERVICES, LLC	PEST CONTROL	\$60.00
WEST END SINCLAIR	FUEL	\$44.93
WEX BANK	FUEL	\$258.35
WILSON, MARGARET	PATCHES	\$20.00
WIMPENNY, ROBERT G DDS	DENTAL SERVICES	\$1,092.00

WY ATTORNEY GENERAL	REGISTRATION FEES	\$375.00
WY DEPT OF AGRICULTURE	FOOD LICENSE	\$50.00
WY DEPT OF TRANSPORTATION	MOTOR FUEL LICENSE RENEWAL	\$50.00
WY GUARDIANS AD LITEM PROGRAM	QTR 2 GAL FEES	\$5,157.71
WY LAW ENFORCEMENT ACADEMY	TRAINING FEES	\$2,130.00
WY MACHINERY COMPANY	PARTS	\$108.98
WY PEACE OFFICERS ASSOC	ARCHULETA MEMBERSHIP	\$10.00
WY RETIREMENT SYSTEM	APRIL FIRE RETIREMENT	\$615.00
WY WASTE SERVICES-RAWLINS	GARBAGE SERVICES	\$922.75
YAMPA VALLEY ELECTRIC	ELECTRICAL SERVICES	\$560.47
ZIRMED, INC	PROFESSIONAL CLAIMS	\$0.70
Grand Total		\$437,648.61

CONSENT AGENDA

Commissioner Johnson moved to approve the consent agenda. Commissioner Chapman seconded and Clerk Bartlett noted the consent agenda includes the April 19, 2016 regular meeting minutes; April 20, 21 and 25, 2016 budget workshop minutes; County Clerk receipts for \$26,565.50, Planning and Development Department receipts for \$1,550.00. The motion carried unanimously.

ELECTED OFFICIALS / DEPARTMENT HEADS

Buildings & Grounds

Jim Piche, Buildings Manager presented the Engineering Design Associates agreements for the Jeffery Center generator and electrical projects. The agreements include administration and bidding of the electrical project and all services for the generator.

Mr. Piche reported the following: Kenco will install additional horn strobes by end of May at the Carbon Building. Watson Well will be drilling an irrigation well at the Fairgrounds by end of May; landscaping at the Carbon Building will be completed by county staff; the building facilities software will be online this week; and he hopes to hire one full-time individual for summer help.

Commissioner Jones moved to authorize the Chairman to sign the Authorization for Engineering Services for the Jeffrey Center Power Construction Administration and Bidding in the amount of \$750.00 and a separate agreement for the Jeffrey Center Generator Project in the amount of \$4,500.00 both with Engineering Design Associates. Commissioner Chapman seconded and the motion carried unanimously.

Clerk of District Court

Deborah Olson's retirement was effective as of May 2, 2016 and a letter notifying the Republican Party Chairman of the vacancy was presented. They will then have 15 days to submit

3 names for the BOCC to choose from. The BOCC will have 5 days to make their selection. The selected person will fill the term until December 31, 2016 at which time a person who will be elected in November 2016 will serve the remaining term of 2017-2018.

Commissioner Johnson moved to declare a vacancy in the office of Clerk of District Court and authorize the Chairman to sign a letter to the Republican Party Chairman regarding the vacancy. Commissioner Chapman seconded and the motion carried unanimously.

Carbon County Visitors Council – Leslie Jefferson

Ms. Jefferson presented a proclamation to recognize National Travel and Tourism Week which is May 1 – 7, 2016. The 2nd largest industry in Wyoming is Tourism generating \$3.3 billion in 2015 generating \$170 million in taxes and 32,000 jobs. Businesses in Carbon County see \$167.2 million spent \$9.7 million in taxes and generated 1,470 jobs.

Commissioner Glode moved to Proclaim May 1-7, 2016 as National Travel and Tourism Week. Commissioner Chapman seconded and the motion carried unanimously.

Carbon County Economic Development Corporation – Cindy Wallace

Ms. Wallace presented a Proclamation for Economic Development Week May 8-14, 2016. It celebrates the 90th year of the International Economic Development Council and recognizes the dedication the local economic developers who provide leadership and promoting economic well-being and quality of life for their communities.

Commissioners approved the proclamation to recognize May 8-14, 2016 as Economic Development Week.

Clerk - Health Consultant Selection

Clerk Bartlett presented the information on the Benefits Consultants. Each member discussed the pros or cons of having a consultant and which one would be best to suit county's needs.

Commissioner Glode moved to enter into a contract for benefit consulting services with Cobecon for one year with the option for up to a 4 year renewal. Commissioner Chapman seconded and the motion carried with all voting for the motion except Commissioners Johnson and Jones who voted against it.

Public Health

Amanda Brown, Public Health Nurse Manager and Jacqueline Wells, Area Manager presented the Memorandum of Understanding, Statement of Work for nursing services. Clerk Bartlett

brought up Senate File 60, Enrolled Act 42 from this year's legislature. This bill allows for the county to structure public health differently with the state and she asked if the BOCC wanted to consider this. The BOCC asked Ms. Brown and Ms. Wells to provide additional information and costs of each available structure.

Ms. Brown presented the Cash Handling Policy for review and signature.

Commissioner Jones moved to authorize the chairman to sign the Cash Handling Policy. Commissioner Chapman seconded and the motion carried unanimously.

Ms. Brown presented an update of services her office has provided.

Emergency Management

John Zeiger, Emergency Management Coordinator requested the Chairman be pre-authorized to sign an emergency flood declaration should it be needed.

Commissioner Chapman moved to authorize the Chairman to sign an emergency flood declaration should one be needed. Commissioner Johnson seconded and the motion carried unanimously.

Mr. Zeiger discussed the removal of sandbags in Saratoga that exist from past floods. He noted inmate crews will be on hand to complete the removal. Discussion ensued about why the bags were not removed previously and Mr. Zeiger stated that some landowners didn't want them removed and that it really is the local responsibility to remove them.

Attorney Davis suggested a written agreement with a municipality that if the county assists with such emergency events it would be the responsibility of the municipality or landowner after the event to cleanup or remove any remaining items, i.e. sandbags. County Fire Warden John Rutherford suggested that anytime you are managing an incident for another entity there should be a written agreement prior to delegate the authority.

There was discussion of the recent mass incident exercise that took place in Sinclair and Commissioner Johnson reported as part of the incident he was asked as a commissioner to provide \$50,000 funding and it prompted a question to him of what amount he is authorized to approve for such an incident. Attorney Davis will look into this and report back. Mr. Rutherford suggested a written cost share agreement would cover this as well.

IT

Matt Webster, IT Director discussed the quotes he has received for a new phone system and asked if he would need to formally bid this. The BOCC asked him to obtain one additional quote and return at the next meeting.

Chairman Espy recessed the meeting to enter into a County Board of Equalization Meeting at 10:42 a.m. and reconvened the regular meeting at 10:49 a.m.

BOARD OF EQUALIZATION RULES

Commissioner Johnson moved to adopt Resolution 2016 – 15 A Resolution of the Carbon County Board of County Commissioners for the Repeal of Resolution 2011-06 Which Established and/or Modified the Carbon County Rules of Practice and Procedure Governing Appeals before the Carbon County Board of Equalization. Commissioner Jones seconded and the motion carried unanimously.

Resolution No. 2016 – 15

A RESOLUTION OF THE CARBON COUNTY BOARD OF COUNTY COMMISSIONERS FOR THE REPEAL OF RESOLUTION 2011-06 WHICH ESTABLISHED AND/OR MODIFIED THE CARBON COUNTY RULES OF PRACTICE AND PROCEDURE GOVERNING APPEALS BEFORE THE CARBON COUNTY BOARD OF EQUALIZATION.

WHEREAS, pursuant to Wyo. Stat. Ann. § 16-3-103, the Carbon County Board of County Commissioners held a public hearing on Tuesday May 3, 2016, which said hearing was advertised by public notice at least forty-five (45) days prior to said hearing; and

WHEREAS, at the Tuesday May 3, 2016, public hearing, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of Commissioners to consider any comments which were made on the proposed repeal of rules of practice and procedure governing appeals before the Carbon County Board of Equalization; and

WHEREAS, the Wyoming statute governing appeals has been updated and modified since rules governing appeals were last adopted by Carbon County in resolution 2011-06; and

WHEREAS, Wyo. Stat. Ann. § 39-13-109(b)(i) was amended to include the requirement that the State Board of Equalization adopt rules to be followed by a county board of equalization when conducting such appeal; and

WHEREAS, the Carbon County Board of County Commissioners is desirous of maintaining consistency with legislative and/or regulation changes and to allow the Carbon County Board of Equalization to follow the State Board of Equalization's procedure to clarify and simplify the appeal process; and

WHEREAS, the Rules adopted by Carbon County Resolution No. 2011-06 must be repealed as authorized by Wyo. Stat. Ann. §§16-3-101 through 16-3-115, the Wyoming Administrative Procedure Act; and

WHEREAS, pursuant to and in accordance with Wyo. Stat. Ann. §16-3-101(b)(i), the Board of Carbon County Commissioners meets the definition of an agency responsible for rulemaking in accordance with the Wyoming Administrative Procedures Act; and

WHEREAS, the Board of County Commissioners, sitting as the Carbon County Board of Equalization, believes that maintaining consistency with legislative and/or regulation changes and to allow the Carbon County Board of Equalization to follow the State Board of Equalization's procedure to clarify and simplify the appeal process shall serve to protect the rights and interests of the citizens of Carbon County;

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

That Carbon County Resolution 2011-06 which established rules governing practice and procedure for appeals before the Carbon County Board of Equalization is hereby repealed, to allow conformance with the State Board of Equalization's promulgated procedure for the appeal process.

These rules are **REPEALED** by the Carbon County Board of Commissioners, after public hearing on said matter.

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 3rd day of May, 2016.

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

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

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

Fire

John Rutherford, County Fire Warden reported he is using grant funds to update the Countywide Protection Plan. It requires updating every 10 years and the last time Carbon County's was updated was 2006.

Mr. Rutherford reported that the State Fire Assistance grant funds have been received. This covers approximately \$16,000 of his salary and the assistant's salary in addition to other matches provided.

Mr. Rutherford presented the Annual Operating Plan for review and signature.

Commissioner Chapman moved to authorize the chairman to sign the Annual Operating Plan. Commissioner Jones seconded and the motion carried unanimously.

Warden Rutherford also presented a proclamation for National Arson Awareness Week May 1-7, 2016. During the years 2010-2014 Twenty Three percent (23%) of wildfires were arson. Over half a million fires are set by arsonists each year. Individual fires can cause damages to resources and communities costing over a hundred million dollars.

Commissioner Johnson moved to Proclaim May 1-7, 2016 as National Arson Awareness Week. Commissioner Glode seconded and the motion carried unanimously.

MEMORIAL HOSPITAL OF CARBON COUNTY (MHCC)

Dana Barnett, Chief Executive Officer and Chelle Keplinger, Chief Financial Officer for MHCC presented a financial analysis as of March 31, 2016. No board members were present.

Treasurer

Cindy Baldwin, County Treasurer presented an annual resolution for the county to allocate funds from FY16-17 for the 2010B and 2010C bond issue rental payments. These bonds are paid for with sales tax collections however the county must appropriate funds per the lease in case collections would not cover the bond payments.

Commissioner Glode moved to adopt Resolution No. 2016-16 a Resolution Authorizing Renewal of that Certain Lease and Agreement, dated as of December 23, 2010, Between Carbon County, Wyoming and the Carbon County 2009 Specific Purpose Tax Joint Powers Board, Through the Budget and Appropriation of Funds for the Payment of Rental Payments and Additional Rentals Thereunder for Fiscal Year 2016-17. Commissioner Johnson seconded and the motion carried unanimously.

RESOLUTION NO. 2016-16

RESOLUTION AUTHORIZING RENEWAL OF THAT CERTAIN LEASE AND AGREEMENT, DATED AS OF DECEMBER 23, 2010, BETWEEN CARBON COUNTY, WYOMING AND THE CARBON COUNTY 2009 SPECIFIC PURPOSE TAX JOINT POWERS BOARD, THROUGH THE BUDGET AND APPROPRIATION OF FUNDS FOR THE PAYMENT OF RENTAL PAYMENTS AND ADDITIONAL RENTALS THEREUNDER FOR FISCAL YEAR 2016-2017.

WHEREAS, Carbon County, Wyoming (the "County") has entered into that certain annually terminable Lease and Agreement, dated as of December 23, 2010 (the "Lease") with the Carbon County 2009 Specific Purpose Tax Joint Powers Board (the "Board"), whereby the County has subleased the Hospital Site (as defined in the Lease) from the Board and has further leased from the Board certain Improvements (as defined in the Lease) to be constructed on the Hospital Site; and

WHEREAS, Section 4.1 of said Lease provides that the County must annually determine whether or not to terminate said Lease effective June 30 of any Fiscal Year; and

WHEREAS, the County has determined to continue said Lease for the period from July 1, 2016, to and including June 30, 2017, and the Board of County Commissioners of the County (the "Commissioners") has determined and hereby confirms to U.S. Bank National Association, in Denver, Colorado (the "Trustee"), under that certain Indenture of Trust, dated as of January 11, 2010, as amended and supplemented by that certain First Supplement to Indenture of Trust, dated as of December 23, 2010 (collectively, the "Indenture"), between the Board and the Trustee, that there shall be included in the County's Fiscal Year 2016-2017 budget moneys to pay all 2010B Base Rental Payments, 2010C Base Rental Payments and reasonably estimated Additional Rentals for said period (as defined in the Lease), all as further provided in ARTICLE VI of said Lease;

NOW, THEREFORE, BE IT RESOLVED:

1. The County will include in its Fiscal Year 2016-2017 budget all payments required under the Lease for Fiscal Year 2016-2017

2. Pursuant to that certain 2009 Specific Purpose Tax Escrow Account Escrow Agreement, dated as of January 11, 2010, as amended (the "Escrow Agreement") with the Carbon County Treasurer, as escrow agent (the "Escrow Agent"), which established an escrow account (the "Escrow Account") for the collections that result from the imposition of a specific purpose sales and use tax that was imposed in the County effective April 1, 2009 (the "2009 Tax Revenues"), the Commissioners hereby specifically budget and appropriate \$833,890 in said 2009 Tax Revenues for the payment of 2010B Base Rental Payments under the Lease and further direct the Escrow Agent to make payments to the Trustee at the times and in the amounts as are set forth in such Escrow Agreement.

3. The Commissioners hereby further specifically budget and appropriate \$313,000 in County General Fund moneys (as defined in the Indenture) for the payment of 2010C Base Rental Payments under the Lease.

4. Submission of a copy of this resolution, along with a copy of the County's Fiscal Year 2016-2017 budget, to the Trustee, the Board and George K. Baum & Company, after adoption of the County's Fiscal Year 2016-2017 budget, will fully meet the requirements of Section 4.1 of the Lease.

THIS RESOLUTION is made and duly executed this 3rd day of May, 2016, in accordance with the authorization by a majority vote of the duly elected Commissioners.

CARBON COUNTY, WYOMING

By: -s- John Espy
Title: Chairman, Board of County Commissioners

ATTESTED:

By: -s- Gwynn Bartlett
Title: County Clerk

Treasurer Baldwin reported approximately \$5 million of bonds will be called from the 2010A bonds, for municipal projects.

BUDGET AMENDMENT FY 2016

Chairman Espy opened a public hearing at 11:30 a.m. to hear comments on amending the county's fiscal year 2016 budget.

Clerk Bartlett noted that notice of this public hearing was advertised in the Saratoga Sun on April 20, 2016. She stated that the Library budget will be amended with funds transferred from their reserve account in the amount of \$25,000.00. Chairman Espy called for comments and hearing no comments, closed the public hearing at 11:35 a.m.

Commissioner Chapman moved to adopt Resolution No. 2016-17, FY 2016 Budget Amendment Number One adding \$25,000.00 to the Library's budget from reserves to be expended. Commissioner Jones seconded and the motion carried unanimously.

**RESOLUTION 2016-17
FY 2016 BUDGET AMENDMENT NUMBER ONE**

WHEREAS Carbon County adopted the Fiscal Year 2016 Budget in accordance with the Wyoming Uniform Municipal Fiscal Procedures Act; and

WHEREAS the Board of Carbon County Commissioners wishes to amend the adopted budget in accordance with the same Act;

NOW, THEREFORE, BE IT RESOLVED that the following budget amendments are made.

Fund/Entity	15-16 Approved Budget	Amendment Amount	15-16 Amended Budget
Library \$742,695.16	\$717,695.16	\$25,000.00	

PASSED, APPROVED AND ADOPTED this 3rd day of May, 2016.

CARBON COUNTY, WYOMING
-s- John Espy, Chairman

ATTESTED:
-s- Gwynn G. Bartlett, County Clerk

Road & Bridge

Bill Nation, Road & Bridge Superintendent reported that the Elk Mountain Bridge project beams are in place. He also reported on other meetings he has attended and work his department has completed.

Clerk

Gwynn Bartlett, County Clerk presented information to designate the Election Districts/Precincts.

Commissioner Jones moved to approve Resolution No. 2016-18 A Resolution Adopting Official Voting Districts and Precincts for Carbon County, Wyoming. Commissioner Chapman seconded and the motion carried unanimously.

RESOLUTION NO. 2016 - 18

**RESOLUTION ADOPTING OFFICIAL VOTING DISTRICTS AND PRECINCTS FOR
CARBON COUNTY, WYOMING**

Whereas, the Sixty-first Legislature of the State of Wyoming has passed House Bill No. 32 with amendments, and such is now House Enrolled Act No. 0008 House of Representatives, wherein the boundaries for Senate District No. 11 and House Districts No. 15 and 47 have been established; and

Whereas, pursuant to Wyoming Statutes 22-7-101 through 22-7-105, the Board of County Commissioners with the advice and recommendation of the County Clerk, no later than its first meeting in May in every general election year shall divide the county into not more than thirty (30) election districts; and

Whereas, each district shall be designated by number, and

Whereas, election districts shall be changed only at this designated meeting; and

Whereas, the County Clerk has taken into consideration the action of the Sixty-first Legislature of the State of Wyoming, the wards as established by the City of Rawlins, and the one-man one-vote concept, and recommended to the County Commissioners of the County of Carbon that the districts be established as hereunto set forth on Exhibit "A", *Carbon County Election District Boundaries* and

Whereas, the Board of County Commissioners in and for Carbon County, Wyoming, hereby agree that such districts, precincts and any renumbering of precincts is in the best interests and convenience of the greatest number of electors involved, and such coincides with the boundaries of the municipality districts involved.

NOW, THEREFORE, BE IT RESOLVED, that the voting districts as set forth herein be adopted this date.

Dated this 3rd day of May 2016

Board of County Commissioners
Carbon County, Wyoming

By: -s- John Espy

Attest:

Name: -s- Gwynn G. Bartlett
Title: Carbon County Clerk

Commissioner Johnson moved to approve the absentee ballot procedures in W.S. §22-9-125(a)(i). Commissioner Chapman seconded and the motion carried unanimously.

Clerk Bartlett presented the Liquor License fee's spreadsheet for discussion. The BOCC asked the clerk to prepare a resolution with the following fees changed: Retail liquor license \$1,500.00; malt beverage permit \$500.00; restaurant liquor license \$2,000.00; 24 hour malt beverage permits \$50.00; and 24 hour catering permits \$50.00. Clerk Bartlett reported she would prepare a resolution for the board's consideration.

Clerk Bartlett presented the Subgrantee Agreement between the County and Memorial Hospital for signatures.

Commissioner Glode moved to authorize the chairman to sign the Subgrantee Agreement relating to the \$400,000 countywide consensus funds. Commissioner Chapman seconded and the motion carried unanimously.

Commissioners

Commissioner Glode moved to designate the Rawlins Daily Times as the County's Official Publication effective July 1, 2016. Commissioner Johnson seconded and the motion carried unanimously.

RECESS

Chairman Espy called a recess at 12:00 p.m. and reconvened at 1:30 p.m.

PLANNING & ZONING

Public Hearing – C.U. Case File No. 2016-05

Chairman Espy opened the public hearing at 1:30 p.m. to hear Planning & Zoning C.U. Case File No. 2016-05. Sid Fox, County Planning Director presented C.U. Case File No. 2016-05, Ogburn request for a Conditional Use Permit.

Commissioner Johnson asked about the requirement to not allow for delivery by semi and Mr. Ogburn reported that a representative from the Wyoming Department of Transportation wanted to limit truck traffic on the ramp to Interstate 80. Commissioner Johnson asked why the county would limit no semi deliveries. Chairman Espy stated if WYDOT approved an approach for semi traffic then the county should have language that semi traffic would then be acceptable. Mr. Fox recommended simply deleting staff condition #2 if the BOCC does not want to prohibit delivery by semi-tractor trailers.

Chairman Espy called for comments for or against the case. There being no additional comments he closed the hearing at 1:43 p.m.

Commissioner Johnson moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2016-19, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding C.U. Case File No. 2016-07, Ogburn request for a Conditional Use Permit including all recommended conditions except striking #2. Commissioner Glode seconded and the motion carried unanimously.

Resolution No. 2016 – 19

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

C.U. Case File #2016-05 – “A business that will not substantially distract from the residential character of the area – Storage Shed Business”

WHEREAS, pursuant to the Carbon County Zoning Resolution of 2015, and Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on Monday, April 4, 2016, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, April 4, 2016, 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, April 4, 2016, 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 2015 for Carbon County, Wyoming; and

WHEREAS, the Carbon County Board of County Commissioners, pursuant to the Carbon County Zoning Resolution of 2015, 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, May 3, 2016; 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 application; 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 2015, specifically, Section 5.4, 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 2015, 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 File #2016-05: A Conditional Use Permit request in the Rural Residential Agriculture (RRA) Zone. The proposed business is a wood shop that is primarily engaged in the construction of storage sheds within a 30'x48' pole barn. Conditional Uses are those uses that are not necessarily compatible with the other permitted uses allowed in a zone district but which may be compatible with existing and permitted uses allowed in the zone district based upon individual review of their location, design, configuration, density and intensity of use.

Petitioner: Jonathan Ogburn (Applicant and Land Owner)

Rural Address: 46 Herrera Lane

PIN: 21873110009100-Parent Parcel

Location: Approximately 2.5 – 3 miles southwest of Rawlins, on the east side of HWY 71

Legal Description: Lot 3, Herrera Minor Subdivision located in the S1/2 of the NE1/4 of Section 31, T21N, R87W, Carbon County, Wyoming.

TERMS AND CONDITIONS OF APPROVAL:

1. A WDOT access permit is required prior to operation of the business or a letter from WDOT indicating that the existing access is adequate to accommodate the proposed use.
2. ~~Not approved for delivery of materials by semi's tractor trailers.~~ (This condition was removed)
3. Storage of materials, tools and equipment must be contained within the building or under roofed extensions to the building.
4. Outside storage is limited to finished storage sheds or similar finished products.
5. The business operation is limited to the approximately two acres surrounding the primary shop building.
6. The Applicant(s) shall notify the Carbon County Planning & Development Department in writing of any material changes to the project subsequent to the County issuance of the Conditional Use Permit.
7. In accordance with Section 5.4-E, Expiration of Conditional Use Permits:
 - Any use for which a conditional use permit is granted must be commenced within two (2) years from the date of approval. If the Project is not commenced within two (2) years from the date of approval then the conditional use permit shall expire and become null and void and be of no further effect, except as extended in compliance with Section 5.4-F, Extension of Conditional Use Permits.
8. In accordance with Section 5.4-G, Transfer of Conditional Use Permits:
 - No conditional use permit shall be transferred without the prior approval of the Board of County Commissioners.
9. 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.

Amendments to Conditional Use Permits: A Conditional Use Permit may be amended pursuant to the procedures and standards as required for a new CUP application.

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 and as represented in the Conditional Use Permit Application (C.U. Case #2016-05 – “Non-nuisance Business – Storage Shed Business”).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 3rd day of May, 2016.

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

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

Attest:

-s-Gwynn G. Bartlett, Carbon County Clerk

C.U. Case File No. 2016-06

Chairman Espy opened a public hearing at 1:46 p.m. for Planning & Zoning C.U. Case File No. 2016-05. Mr. Fox presented C.U. Case File No. 2016-05, Civeo and Carbon County Living Facilities at Skyline. Mr. Fox reported this would allow temporary workers of all sorts to reside on the property for up to two years. He noted the two years begins from approval.

Chairman Espy called for comments for or against the case. Courtney Ney asked the BOCC about the condition that this measure was temporary and she would like reassurance as to what the BOCC is doing. There was discussion of the BOCC’s desire to sell the property but that it is working through some contingencies at this time to be able to do this. Commissioner Glode reported that while it was a temporary permit previously, the zone allows this and Ms. Ney reported that she did not expect 375 of them at a man camp. She stated they do not feel these individuals are vested in the community and she does not feel the safety aspect. Ms. Ney stated that she has had issues daily with the highway, dust, trash, lighting and she does not feel safe. She is concerned the application is listed at 100 beds however she was told this was a mistake and that was units, not beds. Mr. Allison stated he is not sure if there will or will not be a turn-around requiring beds this year but next year there may be the largest Sinclair has ever had. Mr. Allison reported they could require residents to drive on a road which would prevent them from driving near the houses on the west and they could also apply magnesium chloride for dust control. Mr. Allison stated that according to the county there were no trash problems but they

would provide additional 40 yard dumpsters. He stated he understands the concerns but that they are trying to be a good neighbor and he plans to be attentive to the issues prior to occupancy.

Patrick Taylor stated that trash concerns were on the highway going there by the workers. He asked if the facility could become low-income housing or if it was intended for temporary workers. Mr. Allison stated they are not interested in providing low-income housing. Civeo's main focus is Sinclair's turn around but he would agree that if asked to utilize for anything but the turn-around he would agree to return with additional permission.

Chairman Espy asked Mr. Allison if he visited other landowners about potentially placing units on private property and he referenced 3 he spoke to and encouraged to go to the county.

Mr. Fox reported that if the property is permitted why limit it to just a Sinclair turn around. Commissioner Johnson agreed and explained that he doesn't feel like the county should be competing with private enterprise but he doesn't feel like this may be the case.

Mr. Taylor asked why Sinclair isn't using the 15 acres they have behind the refinery. Commissioner Chapman stated Carbon County Economic Development spoke with them as recently as last night and they do not have plans to use it for residency at this time. Mr. Allison stated the liability for having workers on premise is Sinclair's issue. Mr. Allison stressed safety is the number one concern, both for the workers and for the surrounding residents.

Ms. Ney again stressed her concern for the quantity of people. Deputy Attorney Davis clarified that regardless of the owner, a conditional use permit for this purpose is allowed by the Zoning Resolution. Chairman Espy closed the hearing at 2:15 p.m.

Commissioner Chapman moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2016-20, 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. 2016-05, Civeo and Carbon County Living Facilities at Skyline Acres allowing up to 375 beds. Commissioner Glode seconded and the motion failed with Commissioners Chapman and Glode voting for the motion and Commissioners Johnson, Chairman Espy and Commissioner Jones voting against the motion.

Chairman Espy opened a public hearing at 2:18 p.m. to hear Planning & Zoning C.U. Case File No. 2016-07. Sid Fox, County Planning Director presented C.U. Case File No. 2016-07, Gourlay request for a Conditional Use Permit.

Chairman Espy called for comments for or against the case. Chairman Espy closed the hearing at 2:22 p.m.

Commissioner Chapman moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2016-20, 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. 2016-07, Gourlay

request for a Conditional Use Permit. Commissioner Jones seconded and the motion carried unanimously.

Resolution No. 2016 – 20

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

C.U. Case File #2016-07 – “A business that will not substantially distract from the residential character of the area – Oilfield Service Business”

WHEREAS, pursuant to the Carbon County Zoning Resolution of 2015, and Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on Monday, April 4, 2016, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, April 4, 2016, 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, April 4, 2016, 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 2015 for Carbon County, Wyoming; and

WHEREAS, the Carbon County Board of County Commissioners, pursuant to the Carbon County Zoning Resolution of 2015, 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, May 3, 2016; 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 application; 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 2015, specifically, Section 5.4, 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 2015, 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 File #2016-07: A Conditional Use Permit request in the Rural Residential Agriculture (RRA) Zone for a business that will not substantially distract from the residential character of the area. The proposed use is a small service business and shop that will serve the oil and gas industry, as more specifically described in the application.

Petitioners: David and Sydney Gourlay (Applicants) and D & S Management, LLC (Land Owner)

PIN: 12910930201000

Location: Approximately 1/4 mile south of Baggs on the east side of WY HWY 789.

Legal Description: Lot 10, Wille Subdivision located in portions of Sections 8 & 9, T12N, R91W, Carbon County, Wyoming.

TERMS AND CONDITIONS OF APPROVAL:

1. Prior to issuance of a Zoning Certificate, the applicant shall submit an as-built site plan-to scale-showing the actual location of the shop, office, parking area and proposed outside storage areas.
2. The building permit application must include building plans stamped by an engineer licensed in the State of Wyoming or that the manufacture's specifications be engineered for local conditions.
3. The commercial activity-buildings and outside storage is limited to the western half (330') of Lot 10.
4. There shall be no parking or storage of vehicles or equipment within 100 feet of South Battle Circle Road.
5. Lighting:
 - a. All pole mounted\free standing exterior lighting must be shielded, downcast and be not taller than 20 feet.
6. All maintenance of vehicles and equipment must be conducted inside the shop.
7. Fencing:
 - a. The applicant is encouraged to install sight obscuring fencing around all outside storage of materials and equipment.
8. If fugitive dust becomes a problem to nearby property owners, fugitive dust control will be required.
9. The Applicant(s) shall notify the Carbon County Planning & Development Department in writing of any material changes to the project subsequent to the County issuance of the Conditional Use Permit.
10. In accordance with Section 5.4-E, Expiration of Conditional Use Permits:
 - Any use for which a conditional use permit is granted must be commenced within two (2) years from the date of approval. If the Project is not commenced within two (2) years from the date of approval then the conditional use permit shall expire and become null and void and be of no further effect, except as extended in compliance with Section 5.4-F, Extension of Conditional Use Permits.
11. In accordance with Section 5.4-G, Transfer of Conditional Use Permits:
 - No conditional use permit shall be transferred without the prior approval of the Board of County Commissioners.
12. 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.

Amendments to Conditional Use Permits: A Conditional Use Permit may be amended pursuant to the procedures and standards as required for a new CUP application.

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 as represented in the Conditional Use Permit (C.U. Case #2016-07 – “A business that will not substantially distract from the residential character of the area – Oilfield Service Business”) for the Wille Subdivision, Lot 10.

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 3rd day of May, 2016.

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

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

Attest:

-s-Gwynn G. Bartlett, Carbon County Clerk

Certifications

Sid Fox, County Planning Director presented a Certification of Recommended Action for Linn, Vern & Barbara ZC, C.U. Case File No. 2016-03.

Commissioner Johnson moved to accept the Certification of Recommended Action from the Carbon County Planning & Zoning Commission for C.U. Case File No. 2016-03 for Linn, Vern & Barbara ZC and schedule a public hearing for June 7, 2016 at 1:30 p.m. at the County Courthouse in Rawlins, Wyoming. Commissioner Glode seconded and the motion carried unanimously.

Planning & Development

Sid Fox, County Planning Director presented a letter addressing the BLM-Environmental Assessment Scoping Comments-Adobe Town Wild Horse Management plan supporting the wild horse management efforts of the BLM and remaining involved and participating throughout the environmental review process.

Commissioner Jones moved to authorize the chairman to sign the letter to the BLM concerning the Adobe Town Wild Horse Management plan. Commissioner Glode seconded and the motion carried unanimously.

Mr. Fox reported that comments on the Continental Divide Environmental Impact Statement are due next week and asked if the BOCC would like to comment. The BOCC opted not to comment.

Commissioner Glode asked if Civeo would now have to move out this summer and Attorney Davis confirmed that individuals cannot reside on the property. Commissioner Glode asked when the county can sell the property.

Commissioner Chapman asked if the BOCC has precluded a future landowner from obtaining conditional use permit for the same purpose. Ms. Davis stated she felt a future landowner, if any can apply.

CITIZEN/COMMISSIONERS DISCUSSION

Commissioner Chapman reported he believe travel management plan comments are due soon.

Commissioner Glode moved to approve Resolution 2016-21, A Resolution of the Board of County Commissioners of the County of Carbon, State of Wyoming, Providing for the Regulation and Control of the Sale, Distribution, Possession, and Traffic of Alcoholic Liquor and Malt Beverages. Commissioner Johnson seconded and the motion carried unanimously.

RESOLUTION NO. 2016-21

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CARBON, STATE OF WYOMING, PROVIDING FOR THE REGULATION AND CONTROL OF THE SALE, DISTRIBUTION, POSSESSION, AND TRAFFIC OF ALCOHOLIC LIQUOR AND MALT BEVERAGES

WHEREAS, the Board of County Commissioners of the County of Carbon intends to provide for the regulation and control of the sale, distribution, possession and traffic of alcoholic liquor and malt beverages; and

WHEREAS, the Board of County Commissioners of the County of Carbon has determined that it is in the best interest of the County to rescind Resolution No. 2010-08 and create a new resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CARBON, THAT Resolution No. 2010-08 be rescinded and this resolution is hereby created and shall read as follows:

Alcoholic Beverages

Article I. Definitions and General Provisions

Section 1.10: Definitions. Except as otherwise noted below, definitions used in this chapter shall be as found in Wyo. Stat. § 12-1-101:

A. “Clerk”: shall mean the County Clerk of the County of Carbon, State of Wyoming.

Section 1.20: Compliance Required.

A. For the protection of the health, safety and welfare of the residents, citizens and guests hereof, that the sale, distribution, possession and traffic of alcoholic liquor and malt beverages shall be regulated to the extent that all such activity be, and the same hereby is, prohibited, except as provided in Title 12 Chapters 1 through 10, and that no sale at retail or possession of such substances shall occur within the jurisdictional limits of the County as authorized herein and exceptions provided in Wyo. Stat. § 12-1-101 *et seq.*, reserving certain powers to the State of Wyoming. It is the intent of this chapter to comply and coincide with provisions of Wyo. Stat. § 12-1-101, *et seq.*, which regulate such substances.

Article II. License Application

Section 2.10: Application for Annual License.

A. Any person desiring an annual license as authorized by Title 12 Chapter 4 shall make application to the County by delivering to the County Clerk, or County Clerks’ designated representative, on the form prepared by the Attorney General pursuant to Wyo. Stat. §§ 12-4-701 and 12-4-102 and provided to the applicant by the Clerk, a completed, verified and signed form. The license fee, or any other fees related to a

license shall be paid to the clerk at the time the application is filed or the clerk shall not commence processing the application. The information contained in the applications shall conform to the requirements of Wyo. Stat. § 12-4-102.

- B. Upon receipt of an application for a new, renewal, or transfer of a license, the Clerk shall promptly send one copy of the application to the Wyoming Liquor Commission and shall promptly prepare a notice of application, place a copy of the notice in a conspicuous place at the location shown in the application and publish the notice in a newspaper of general circulation in the county, once a week for four (4) consecutive weeks. The notice shall comply with the provisions of Wyo. Stat. § 12-4-104.
- C. On behalf of the licensing authority, the Clerk is authorized to request supporting documentation in conjunction with applications filed for a license or permit. Prior to issuance, review and inspections of the proposed premises may be conducted by various County department representatives as required by the County Clerk. Representatives of County departments may enter licensed and permitted premises during regular business hours to make reasonable inspections.

Section 2.20. Restrictions upon Applicants and License/ License Posting

- A. Except as provided in Section 2.10 (B), all permits and license recipients must post the license or permit in a conspicuous place within the licensed dispensing room described in the application.
- B. Any license issued pursuant to Wyo. Stat. § 12-4-103(a) (iv) shall be held by the clerk in the clerk's office, or other locations as designated by the clerk, until the license can be placed in a physically functional building.
- C. Licenses and permits may only be held by certain individuals or groups in accordance with W.S. § 12-4-103.

Section 2.30. Grounds for Denial of License. A license shall not be issued, renewed or transferred if the Board of County Commissioners finds from evidence presented at the hearing required under Wyo. Stat. § 12-4-104, any of the conditions found under Wyo. Stat. § 12-4-104(b), including:

- A. The holder of an expired annual license or one due for expiration, has a preference right to a renewal of that license for the same location, but such preference exists only to the extent explicitly authorized under Wyo. Stat. § 12-4-104(c). No other preference rights are authorized or recognized by Carbon County. The preference right granted under this section shall expire thirty (30) days after the expiration date shown on the most recently issued license or permit.

Section 2.40. Transfer of Annual License. A person seeking to transfer an annual license shall submit a new application form and shall pay to the clerk at the time of such application a non-refundable additional license fee of one hundred dollars (\$100.00). The transfer application shall be set for public hearing and otherwise considered by the Board of County Commissioners in a manner consistent with Wyo. Stat. § 12-4-601.

Section 2.50. Terms of Annual License.

- A. Annual licenses shall be for a period of not more than one (1) year, expiring each year on August 31. Annual licenses shall be a personal privilege of the licensee.
- B. The executor or administrator of the estate of a deceased licensee, when the estate consists in whole or in part of a business selling alcoholic or malt beverages under an annual license issued by the County, may exercise the personal privilege of the

deceased licensee under terms of the license until the expiration date of the license. If the license of the deceased licensee has not been transferred prior to the annual expiration date, the Board of County Commissioners shall consider the license of the deceased licensee as an unissued license.

- C. When a new application is made outside the normal time period the license fee shall be prorated from the date of approval through August 31.

LICENSES AND PERMITS

Section 3.10 Annual Licenses.

- A. The Board of County Commissioners of Carbon County is hereby authorized to issue the following annual licenses pursuant to state law and this chapter:
- 1) Retail Liquor License, in accordance with Wyo. Stat. § 12-4-201.
 - 2) Resort Retail Liquor License, in accordance with Wyo. Stat. §12-4-401.
 - 3) Limited Retail Liquor (Special Club) License, in accordance with Wyo. Stat § 12-4-301.
 - 4) Retail Malt Beverage Permit, in accordance with Wyo. Stat. § 12-4-201.
 - 5) Restaurant Liquor License, in accordance with Wyo. Stat. § 12-4-407.
 - 6) Microbrewery Permit, in accordance with Wyo. Stat. § 12-4-412.
 - 7) Winery Permit, in accordance with. Wyo. Stat. § 12-4-412.
 - a. Satellite winery permit in accordance wiht Wyo. Stat. § 12-4-412(d)
 - 8) Bar and Grill Liquor License, in accordance with Wyo. Stat. § 12-4-413.
 - 9) Special Malt Beverage Permit for Public Auditoriums, in accordance with Wyo. Stat. § 12-4-504.
 - 10) Motel/Hotel Minibar License, as defined in Wyo. Stat. § 12-5-201(e).
- B. The annual fee for each license shall be payable at the time of application, and shall be in the full amount as shown for each class of license below:
- 1) Retail Liquor License annual fee shall be one thousand five hundred dollars (\$1,500.00).
 - 2) Resort Retail Liquor License annual fee shall be two thousand dollars (\$2,000.00).
 - 3) Limited Retail Liquor (Special Club) License annual fee shall be seven hundred fifty dollars (\$750.00).
 - 4) Retail Malt Beverage Permit annual fee shall be five hundred dollars (\$500.00) except that when the permit is being issued for a location within five (5) miles of a city or town, the fee shall not be less than the comparable fee charged by the adjacent city or town.
 - 5) Restaurant Liquor License annual fee shall be two thousand dollars (\$2,000.00) except that when the license is being issued for a location within five (5) miles of a city or town, the fee shall not be less than the restaurant liquor license fee charged by that city or town.
 - 6) Microbrewery Permit annual fee shall be five hundred dollars (\$500.00).
 - 7) Winery Permit annual fee shall be five hundred dollars (\$500.00).
 - a. Satellite winery permit annual fee shall be one hundred dollars (\$100.00).
 - 8) Bar and Grill Liquor License annual fee shall be one thousand five hundred dollars (\$1,500.00).
 - 9) Special Malt Beverage Permit for Public Auditoriums annual fee shall be one thousand five-hundred dollars (\$1,500.00).

- 10) Motel/Hotel Minibar License annual fee shall be one-half (1/2) the fee paid for the original license.
 - 11) Additional dispensing room annual fee shall be two thirds (2/3) of the fee paid for the original license.
- C. No refund of all or any part of any license fee shall be made at any time following the issuance of the license.

Section 3.20. Temporary Licenses and Permits.

- A. The Board of County Commissioners of Carbon County is hereby authorized to issue the following temporary licenses pursuant to state law and this chapter:
- 1) Extended Club Hours Permit, as defined in Wyo. Stat. § 12-5-101(b).
 - 2) Temporary Dispensing Room Permit, as defined in Wyo. Stat. § 12-4-504 and 12-5-201(f), (g), (h), and (j).
 - 3) Temporary Dispensing Room Permit fee shall be ten dollars (\$10.00) per twenty four (24) hour period.
 - 4) For an extended Club Hours Permit there shall be no fee.
- B. The Carbon County Clerk is hereby authorized to issue the following 24-hour permits.
- a. Applications for these permits shall be accompanied by a letter from the owner(s) of the property where the event is to be held approving the sale of alcohol or malt beverages.
 - b. No person or organization shall receive more than twelve (12) malt beverage and twenty-four (24) catering permits for sales at the same premises in any one (1) year with the exceptions as defined in Wyo. Stat. § 12-4-502(c).
 - i. Malt Beverage Permit as defined in Wyo. Stat. § 12-4-502(a).
 - ii. Catering Permit as defined in Wyo. Stat. § 12-4-502(b).
 - iii. Malt Beverage Permit fee shall be fifty dollars (\$50.00) per twenty-four (24) hour period.
 - iv. Catering Permit fee shall be fifty dollars (\$50.00) per twenty-four (24) hour period.
- C. The person or organization requesting any of the permits outlined in 3.20 B shall present with the application for permit written agreement with the owner of the property giving said applicant the right to sell concessions within or on the property for the period for which the license will be effective.
- D. Application for any 24-hour permit issued under this chapter shall be made on the form for such provided by the County Clerk. The Clerk shall issue the requested permit in those cases authorized by this chapter. The Clerk shall then notify the Carbon County Sheriff's Office of the issuance of the permit. Where reason for denial is determined by the Clerk, the Clerk may deny the issuance of the permit. In those instances where the Clerk has refused to issue the requested permit, the applicant may request an appearance before the Board of County Commissioners and the Clerk shall place the matter upon the agenda for the Board of County Commissioners' determination.
- E. No refund of all or any part of any temporary license or permit fee shall be made at any time following the issuance of the license.

- F. Upon application in writing to the County Clerk and upon approval of the Board of County Commissioners, persons holding an operating limited retail (club) or restaurant liquor license, who are operating golf clubs, may sell and dispense alcoholic beverages within the boundaries of the golf club premises.

Article IV. Restrictions

Section 4.10. Hours of Operation.

- A. All licensees and permittees holding an annual or temporary license under this chapter shall be controlled by the schedule of hours set forth in subsection C of this section.
- B. The hours of operation for all licensees and permittees shall be as follows:
 - 1) On all days a licensee may open the dispensing room no earlier than six o'clock (6:00) a.m. and shall close the dispensing room and cease the sale of alcoholic and malt beverages not later than two o'clock (2:00) a.m.
- C. Excessive drinking of alcoholic liquor and malt beverages or disorderly conduct in any place licensed under this chapter shall not be permitted by the licensee. In addition to any penalty provided by the code or state law, excessive drinking or disorderly conduct may be caused for the initiation of suspension and/or revocation procedures.

Section 4.20. Drive-in Facilities. Upon approval of the original application by the Board of County Commissioners, or the renewal thereof, a drive-in area adjacent to or contiguous with the licensed room may be used by the holder of a retail liquor license for taking orders, making delivery of, and receiving payment for alcoholic or malt beverages under the terms and conditions found in W.S. § 12-5-301.

Article v. Violations

Section 5.10. Falsification of Application.

- A. It is unlawful for any person or organization to knowingly submit false information or false facts as true, or to submit a fact or piece of information without knowing such to be true or false, on an application for any license or permit authorized by this chapter, and that each application is being submitted shall be sworn to be true to the best of the knowledge by the person submitting such application.
- B. If, in the opinion of the County Attorney, a liquor license holder has acted in violation of this section, the County Attorney shall, upon action of the licensing authority, take action on behalf of the licensing authority pursuant to W.S. § 12-7-201 seeking revocation of the license or permit. Such action shall be in addition to any other penalties which may accrue to the license holder for violation of this section.

Section 5.20. Possession by Underage Persons. It is unlawful for any person under the age of twenty-one (21) years to possess, buy, sell, drink, consume or otherwise solicit the sale or purchase of alcoholic liquor or malt beverages in the County. As used in this section, possession shall also include alcohol which has been consumed and is present within the body at the time of determination.

Section 5.30. Sales to Underage Persons. It is unlawful for any person to sell, give or deliver any alcoholic liquor or malt beverage to any person under the age of twenty-one (21) years, provided, however, that such prohibition shall not apply to any parent or guardian providing such to his or her child in the confines of their home.

Section 5.40. Use of False Proof of Age or Identity. It is unlawful for any person under the age of twenty-one (21) years to make, use or possess any identification which falsely indicates the

person's age as greater than twenty-one (21) years, whether in the person's correct name or not, or attempt to obtain any alcoholic liquor or malt beverage using any false identification.

Section 5.50. Dispensing Room Restrictions.

- A. It is unlawful for any person under the age of twenty-one (21) years to enter or remain in the dispensing room or brewing area of any premises licensed or permitted under this chapter to dispense or brew alcoholic liquor or malt beverages, except as provided for in this section.
- B. No licensee, permittee or agent, employee or servant to a licensee or permittee shall permit any person under the age of twenty-one (21) years to enter or remain in a dispensing room or brewing area of a licensed premise owned, operated, leased or managed by them.
- C. This subsection shall not apply to a licensee's employee under the age of twenty-one (21) years when, in the course of his employment, the employee is in the dispensing room and the dispensing room or brewing area is not open for the sale or dispensing of alcoholic beverages or brewing of malt beverages.
- D. This subsection does not apply to a person under the age of twenty-one (21) years if the underage person is in a dining or waiting area within the dispensing room with an adult no later than ten o'clock (10:00) p.m. Used herein, "adult" is defined as a person over the age of twenty-one (21) years, and "dining or waiting area" means specifically delineated area which has been submitted with the licensee's application.

All resolutions or parts of resolutions in conflict herewith are hereby repealed.

PASSED, APPROVED AND ADOPTED this 3rd day of May, 2016.

BOARD OF CARBON COUNTY COMMISSIONERS

By: -s- John Espy, Chairman

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

Commissioner Johnson asked about moving the Information Technology office to the old Human Resources Office and Clerk Bartlett reported that she intended to keep utilizing this space for elections but hadn't made up her mind yet.

Chairman Espy reported he was asked to apply to represent the Wyoming Resource Advisory Council.

EXECUTIVE SESSION

Commissioner Johnson moved to go into executive session at 2:47 p.m. with Clerk Bartlett and Ashley Mayfield Davis to discuss personnel and potential litigation. Commissioner Glode seconded and the motion carried unanimously.

Commissioner Chapman moved to come out of executive session at 3:15 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Jones seconded and the motion carried unanimously.

ADJOURNMENT

Commissioner Johnson moved to adjourn the meeting at 3:16 p.m. Commissioner Jones seconded and the motion carried unanimously.

A regular meeting of this Board will be held June 7, 2016 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.