

**MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, March 16, 2010
Medicine Bow Senior Center, Medicine Bow, Wyoming**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, March 16, 2010 at the Medicine Bow Senior Center, Medicine Bow, Wyoming. Attending the meeting were Chairman Terry Weickum, Vice Chairman Jerry Paxton; Commissioner Charles C. Young; and County Clerk Gwynn Bartlett.

Chairman Weickum called the meeting to order at 4:09 p.m.

VOUCHERS

Commissioner Paxton moved to approve the report of expenditures in the amount of \$386,014.30. Commissioner Young seconded and the motion carried unanimously.

Commissioner Paxton moved to approve payment of an invoice to Dr. Young in the amount of \$95.00. Chairman Weickum seconded and the motion carried with Commissioner Paxton and Chairman Weickum voting for the motion and Commissioner Young abstained.

Commissioner Paxton moved to approve payment of an invoice to Candy Mountain in the amount of \$21.75. Commissioner Young seconded and the motion carried with Commissioners Paxton and Young voting for the motion and Chairman Weickum abstained.

Vendor	Detail Line Description	Total
ALCO	SUPPLIES	\$16.47
ALSCO, AMERICAN LINEN DIVISION	SHOP SUPPLIES	\$145.53
AMERICAN CORRECTIONAL ASSOC.	2010 SUPPLEMENTS	\$96.75
AMERIGAS	PROPANE SERVICES	\$2,480.16
AUTOMATIC GARAGE DOOR OF CHEYENNE INC	GARAGE DOOR	\$1,500.00
BANK OF COMMERCE (ACH)	PAYROLL FEES	\$32.50
BANK OF COMMERCE (DEBIT CARD)	MISC CHARGES	\$3,690.42
BEHAVIORAL INTERVENTIONS	ELECTRONIC MONITORING	\$481.45
BEST WESTERN COTTONTREE	RENTAL CHARGES	\$1,575.00
BEST WESTERN FOSSIL COUNTRY INN	ROOM CHARGES	\$70.00
BI-RITE PHARMACY	JAIL HEALTH	\$6,221.02
BI-RITE SPORTING GOODS	AMMUNITION	\$99.96
BOB BARKER COMPANY, INC.	SUPPLIES	\$632.36
BOYS & GIRLS CLUBS OF CARBON COUNTY	SEVERANCE TAX PMT	\$7,500.00
BRESNAN COMMUNICATIONS	ONLINE/TELEPHONE CHARGES	\$221.36
BUILD RITE LUMBER SUPPLY	SUPPLIES	\$203.19
BUSEY, BILL	OFFICE REPAIRS	\$30.00
C O V E	SEVERANCE TAX PMT	\$1,875.00
CANDY MOUNTAIN 2010	WATER COOLER/SUPPLIES	\$21.75
C C CHILD DEVELOPMENT CENTER	SEVERANCE TAX PMT	\$1,875.00
C C COUNSELING CENTER	SEVERANCE TAX PMT	\$2,500.00
C C ECONOMIC DEVELOPMENT	SEVERANCE TAX PMT	\$6,250.00
C C PREDATORY ANIMAL BOARD	SEVERANCE TAX PMT	\$2,000.00
C C SENIOR SERVICES	FEB MEALS	\$30.00
C C STRIKE TEAM	TRAINING MEALS	\$130.10
C C TREASURER	VARIOUS CASH ITEMS	\$785.43
CARBON POWER & LIGHT INC	ELECTRICAL SERVICES	\$1,872.42
CASPER WINNELSON CO	SUPPLIES	\$453.89
CBM FOOD SERVICE	JAIL PRISONER BOARD	\$3,236.04
CDW GOVERNMENT, INC.	SUPPLIES	\$615.55
CESKO, DAVID MD	MEDICAL SERVICES	\$270.00

CHEYENNE AREA CONVENTION AND VISITORS BUREAU	CONFERENCE	\$240.00
COMPUTER SOFTWARE ASSOCIATES	IDOC & ITAX HOSTING FEE	\$250.00
CONOCOPHILLIPS	FUEL	\$130.84
COUNTRY STORE	FUEL	\$44.00
CROSS COUNTRY EDUCATION	REGISTRATION	\$208.00
CSK AUTO, INC.	SUPPLIES	\$26.44
CULLIGAN WATER CONDITIONING	SUPPLIES	\$254.50
CUSTOM BUILDERS	R&B BATHROOM DESIGN	\$1,000.00
CYR, NANCY	MILEAGE	\$22.50
DAILY TIMES	NEWSPAPER ADS	\$1,344.33
DENVER SHERIFF DEPARTMENT	PAPER SERVICE	\$18.00
DOWNTOWN DEVELOPMENT AUTHORITY	SEVERANCE TAX PMT	\$1,000.00
DRUMMOND REFRIGERATION LLC	APPLIANCE REPAIRS	\$525.33
DUBOIS TELEPHONE EXCHANGE	TELEPHONE SERVICES	\$246.11
DUNCAN, WILLIAM	S & R REIMBURSEMENT	\$160.71
E & H PLUMBING & HANDYMAN	BUILDING REPAIRS	\$511.00
EAGLE UNIFORM SUPPLY	MATS	\$150.98
ELK MOUNTAIN, TOWN OF	WATER SERVICES	\$54.50
ENCAMPMENT PRESCHOOL	SEVERANCE TAX PMT	\$2,500.00
ENCAMPMENT, TOWN OF	WATER SERVICES	\$66.00
ENGSTROM, JAMES D. DDS	DENTAL SERVICES	\$5,979.00
EXCEL PRESCHOOL	SEC	\$1,875.00
FARMER BROTHERS COFFEE	SUPPLIES	\$102.30
FLEET SERVICES	FUEL	\$285.55
FORSTER LANDSCAPE & CONSTRUCTION, INC.	LAWN CARE	\$137.50
FOX, SID	TUITION REIMBURSEMENT	\$566.00
FREMONT MOTORS – RAWLINS	VEHICLE REPAIRS	\$63.99
FUJITSU	SCANNER MAINTENANCE	\$2,095.00
GALLS, AN ARAMARK COMPANY	SHERIFF UNIFORMS	\$110.77
GARNETT, JOANNE, FAICP	INTERVIEWS & MILEAGE	\$1,635.00
GASES PLUS	WELDING SUPPLIES	\$647.30
GCR ELECTRONICS, LLC	SITE RENTALS	\$900.00
GOLDEN, MARY	MILEAGE	\$66.50
GOSVENOR, MAXINE	MILEAGE	\$57.00
GRAINGER	SUPPLIES	\$290.48
GRAPHIC SPORTS	SUPPLIES	\$34.95
GREATER WY BIG BROS/SISTERS	SEVERANCE TAX PMT	\$2,500.00
HANNA BASIN HISTORICAL SOCIETY	SEVERANCE TAX PMT	\$1,000.00
HANNA, TOWN OF	GAS/WATER SERVICES	\$472.08
HASCO INDUSTRIAL SUPPLY	VEHICLE REPAIRS	\$320.87
HAYS, STEPHEN DDS	DENTAL SERVICES	\$650.00
HEROLD IRON WORKS	IRON	\$158.10
HETTGAR, BRIDGET M RN	MEALS/MILEAGE	\$245.59
HIGH PLAINS POWER	ELECTRICAL SERVICES	\$66.36
HIGH PLAINS VISION CENTER	VISION SERVICES	\$336.00
HILLCREST SPRING WATER, INC.	SUPPLIES	\$114.50
HILLTOP CONOCO	FUEL	\$189.41
HONES VETERINARY SERVICE, LLC	VET SERVICES	\$15.50
HYLAND ENTERPRISES	REPAIRS	\$28.50
IKON FINANCIAL SERVICES	IT COPIER RENT	\$2,082.00
J H KASPAR OIL COMPANY	OIL/FUEL	\$7,727.52
JACK, WILLIAM A.	CPR CLASSES	\$420.00
JACKALOPE PRINTING	OFFICE SUPPLIES	\$198.79
JERRY'S DONUTS	SUPPLIES	\$17.98
JOURNAL WATCH	DUES & SUBSCRIPTIONS	\$129.00
KAR KRAFT INC	VEHICLE MAINTENANCE	\$85.99
KATHLEEN J SCHEER, RMR,CRR	TRANSCRIPTION	\$1,781.25

KILBURN TIRE COMPANY	TIRES & BALANCE	\$805.52
KING SOOPERS CUSTOMER CHARGES	SUPPLIES	\$120.79
KONE ELEVATORS ESCALATORS	ELEVATOR MAINTENANCE	\$1,476.19
L & L ELECTRIC	ELECTRICAL REPAIR	\$1,654.55
LANNAN'S SUPPLY CO	SUPPLIES	\$80.00
LAWSON PRODUCTS INC	SUPPLIES	\$54.42
LEXBO LLC	OFFICE RENTAL	\$450.00
LINCOLN PRINTING PLUS, INC.	SUPPLIES	\$118.01
LIPPINCOTT WILLIAMS & WILKINS	SUBSCRIPTIONS	\$129.98
LITTLE RASCALS PRESCHOOL	SEVERANCE TAX PMT	\$1,000.00
LITTLE SNAKE RIVER EVENTS CENTER	SEVERANCE TAX PMT	\$1,250.00
LONG BUILDING TECHNOLOGIES, INC.	HVAC AGREEMENT/REPAIRS	\$15,180.00
MACPHERSON, KELLY & THOMPSON, LLC	LEGAL SERVICES	\$53.20
MAKINEN, SHAWN	RENTAL CHARGES	\$1,000.00
MEDIBADGE	SUPPLIES	\$58.90
MEDICINE BOW CONSERVATION DISTRICT	SEVERANCE TAX PMT	\$7,500.00
MEDICINE BOW HEALTH CENTER	SEVERANCE TAX PMT	\$23,750.00
MEDICINE BOW, TOWN OF	WATER SERVICES	\$108.00
MEMORIAL HOSPITAL OF CARBON COUNTY	MEDICAL SERVICES	\$38,429.69
MERCK & COMPANY, INC.	PUBLIC HEALTH VACCINE	\$503.14
MOBILE CONCRETE, INC	CEMENT	\$2,950.00
MOORE MEDICAL CORP.	MEDICAL SUPPLIES	\$91.87
MORIARITY, CATHERINE M.	ADMINISTRATION FEES	\$37.50
MOUNTAIN VIEW CEMETERY	SEVERANCE TAX PMT	\$2,750.00
MPM CORP / EVERGREEN DISPOSAL	WATER SERVICES	\$120.00
MYERS TIRE SUPPLY CO.	SUPPLIES	\$175.19
NOODLE SOUP	SUPPLIES	\$176.44
NORTHERN TOOL & EQUIPMENT	SUPPLIES	\$117.99
NOYES HEALTH CARE CENTER	SEVERANCE TAX PMT	\$2,500.00
OLD PENITENTIARY JOINT	SEVERANCE TAX PMT	\$12,525.00
PAGE ONE	PAGER SERVICE	\$264.46
PAMIDA INC	SUPPLIES	\$440.16
PERKINS OIL CO	FUEL	\$720.18
PERSONNEL EVALUATION, INC.	EVALUATION	\$20.00
PET PARTNERS	SEVERANCE TAX PMT	\$2,000.00
PLATTE VALLEY COMMUNITY CENTER	SEVERANCE TAX PMT	\$5,000.00
PLATTE VALLEY MEDICAL	MEDICAL SERVICES	\$75.00
POSITIVE PROMOTIONS	SUPPLIES	\$489.70
PRO-CHEM INDUSTRIAL, LLC	JAIL SUPPLIES	\$118.66
PROJECT PREVENTION	MISC CHARGES	\$2,969.00
Q BUSINESS SOURCE	PAYROLL WARRANTS	\$97.71
QUILL CORPORATION	OFFICE SUPPLIES	\$180.41
QWEST-PHOENIX	TELEPHONE SERVICES	\$4,926.63
RAWLINS AUTOMOTIVE	SUPPLIES	\$786.48
RAWLINS C C AIRPORT BOARD	SEVERANCE TAX PMT	\$10,000.00
RAWLINS EYE CARE	VISION SERVICES	\$400.00
RAWLINS FIRE EXTINGUISHER	ANNUAL INSPECTION	\$2,276.50
RAWLINS GLASS	GLASS	\$112.78
RAWLINS URGENT CARE	MEDICAL SERVICES	\$310.00
RAWLINS, CITY OF	WATER SERVICES	\$1,038.25
RAWLINS-C C CHAMBER COMMERCE	SEVERANCE TAX PMT	\$2,500.00
RELIABLE	SHERIFF SUPPLIES	\$132.74
ROCKY MOUNTAIN POWER	ELECTRICAL SERVICES	\$9,783.31
ROSS' AUTOMOTIVE SERVICES	VEHICLE REPAIRS	\$66.17
RYAN ELECTRONICS INC	MAINTENANCE CONTRACT	\$4,007.29
SARATOGA AIRPORT BOARD	SEVERANCE TAX PMT	\$1,875.00
SARATOGA AUTO PARTS, INC.	SUPPLIES	\$196.64

SARATOGA FEED & GRAIN	R&B SALT	\$356.50
SARATOGA HISTORICAL & CULTURAL ASSOC.	SEVERANCE TAX PMT	\$1,000.00
SARATOGA PLATTE VALLEY	SEVERANCE TAX PMT	\$2,500.00
SARATOGA SUN	NEWSPAPER ADS	\$536.50
SARATOGA, TOWN OF – WATER	WATER SERVICES	\$80.50
SECURITY TRANSPORT SERVICES, INC.	JAIL EXTRADITIONS	\$1,850.40
SHEPARD'S	FUEL	\$1,563.79
SHIVELY HARDWARE	PARTS & SUPPLIES	\$94.91
SOURCE GAS	GAS SERVICES	\$23,697.83
SOUTH CENTRAL WY EMS	SEVERANCE TAX PMT	\$23,000.00
SQUARE SHOOTERS EATING HOUSE	MEALS	\$95.55
STAN'S QUIK LUBE	VEHICLE MAINTENANCE	\$42.95
STAPLES ADVANTAGE	OFFICE SUPPLIES	\$174.35
STOCKS SERVICES	SNOW REMOVAL	\$680.00
STROM, CALVIN	REIMBURSEMENT	\$186.61
SUNRISE SANITATION SERVICE, LLC.	GARBAGE SERVICES	\$55.00
SUPPLY DISTRIBUTION CENTER	TONER	\$459.80
SWEET, JEFFREY C DDS PC	DENTAL SERVICES	\$126.00
SWEETWATER COUNTY SHERIFF'S OFFICE	JAIL CONTRACT HOUSING	\$10,500.00
T.W. ENTERPRISES, INC.	BUILDING REPAIRS	\$913.86
TERMINIX	PEST CONTROL	\$70.00
TIRE DISTRIBUTION SYSTEMS, INC.	TIRES & REPAIR	\$3,664.50
TRADING POST	FUEL/SUPPLIES	\$24.54
TRIPLE XXX CONTRACTING, INC.	GARBAGE SERVICES	\$50.00
TRUE VALUE OF RAWLINS	SUPPLIES	\$624.21
U S BANK	MISC CHARGES	\$2,819.65
U S POSTMASTER-RAWLINS	MAIL PERMIT	\$185.00
UNION TELEPHONE COMPANY	PHONE SERVICE	\$764.38
UNIVERSITY OF WY CHICANO STUDIES	SEVERANCE TAX PMT	\$1,000.00
VALLEY OIL COMPANY	VEHICLE REPAIRS	\$1,792.48
VALLEY PHARMACY	RX'S	\$277.18
VAN'S WHOLESALE LLC	SUPPLIES	\$113.57
VERIZON WIRELESS	TELEPHONE SERVICES	\$631.03
WAGON CIRCLE ORTHOPEDIC CLINIC	MEDICAL SERVICES	\$92.00
WEE FOLKS PLACE	SEVERANCE TAX PMT	\$750.00
WEST PAYMENT CENTER	INFORMATION CHARGES	\$564.01
WESTERN WY FAMILY PLANNING	SEVERANCE TAX PMT	\$1,250.00
WIMPENNY, ROBERT G DDS	DENTAL SERVICES	\$667.00
WOODWARD & ASSOCIATES, INC.	VINYL COSTS/INSTALLATION	\$12,586.00
WY BREASTFEEDING COALITION	2010 MEMBERSHIP DUES	\$50.00
WY DEPT OF HEALTH	MOTOR VEHICLE BILLING	\$163.50
WY FIRE ACADEMY	DUES & SUBSCRIPTIONS	\$203.94
WY MACHINERY COMPANY	PARTS & SUPPLIES	\$58.40
WY STATIONERY	OFFICE SUPPLIES	\$1,082.25
WY WASTE SERVICES-RAWLINS	GARBAGE SERVICES	\$1,187.45
WY-CON, INC.	PAY REQUEST #3	\$29,211.30
XEROX CORPORATION-RENT	IT COPIERS	\$2,312.03
YAMPA VALLEY ELECTRIC	ELECTRICAL SERVICES	\$923.26
YOUNG, CHARLES MD	MEDICAL SERVICES	\$95.00
GRAND TOTAL		\$ 386,131.05

CLERK

Liquor License Resolution

Clerk Bartlett presented a resolution to provide for the regulation and control of the sale, distribution, possession and traffic of alcoholic liquor and malt beverages.

Commissioner Young moved to approve Resolution 2010-08 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 Paxton seconded and the motion carried unanimously.

RESOLUTION NO. 2010-08

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. 2001-12 and create Resolution No. 2010-08o insure proper compliance by the licensees that hold liquor licenses;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CARBON, THAT Resolution No. 2001-12 be rescinded and Resolution No. 2010-08 and the same 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(2009):

- 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 dollars (\$1,000.00).
 - 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 three hundred dollars (\$300.00) 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 one thousand dollars (\$1,000.00) 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 \$100.00.
 - 8) Bar and Grill Liquor License annual fee shall be \$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 ten dollars (\$10.00) per twenty-four (24) hour period.
 - iv. Catering Permit fee shall be ten dollars (\$10.00) 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 16th day of March, 2010.

BOARD OF CARBON COUNTY COMMISSIONERS

By: -s- Terry Weickum, Chairman

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

OLD BALDY RESORT LIQUOR LICENSE

Chairman Weickum opened a public hearing at 4:19 p.m. to listen to all interested parties and receive public comment concerning Old Baldy's Resort Liquor License application. Kermit Brown stated he represents Old Baldy Corporation and that he and Old Baldy's General Manager, Roger Prenslow were present to answer any questions.

Clerk Bartlett reported for the record that per statute, notice was placed in the Rawlins Daily Times and the Saratoga Sun for four consecutive weeks and that the prorated fee in the amount of \$920.64 was paid to her office at the time the application was filed. There being no public comment, Chairman Weickum closed the public hearing at 4:21 p.m.

Commissioner Paxton moved to approve Old Baldy Corporation's application for a Resort Retail Liquor License for a term of March 17, 2010 through August 31, 2010 with a prorated fee of \$920.64. Commissioner Young seconded. Mr. Brown stated that the current club license would not be used further if this license is approved. The motion carried unanimously.

CLERK

Minutes

Commissioner Paxton moved to approve the minutes of the March 2, 2010 regular meeting of the Board of Carbon County Commissioners as presented. Commissioner Young seconded and the motion carried unanimously.

Coroner Homeland Security Grant

Clerk Bartlett presented a letter for approval to authorize the remainder of grant 07-ODP-CAR-LC-HLE7 to go towards the Coroner's morgue truck and trailer to be based in Casper. She added this will deplete this grant.

Commissioner Paxton moved to authorize the County Coroner to expend \$2,969.95 out of Homeland Security Fund 07-ODP-CAR-LC-HLE7 toward the purchase of a morgue truck. Commissioner Young seconded and the motion carried unanimously.

Counseling Center

Clerk Bartlett presented a letter for approval of Chairman Weickum's signature to offer support to the Carbon County Counseling Center. Chairman Weickum further explained the letter.

Commissioner Paxton moved to authorize the Chairman's signature on a letter of support to the Wyoming Department of Health on behalf of the Carbon County Counseling Center. Commissioner Young seconded and the motion carried unanimously.

Memorial Hospital of Carbon County (MHCC)

Clerk Bartlett presented a letter for approval of Chairman Weickum's signature that attests that MHCC is a county hospital and it was formed under the authorization of Wyoming Statutes.

Commissioner Paxton moved to approve a letter of attestation to the Memorial Hospital of Carbon County Trustees stating that Memorial Hospital of Carbon County is a county hospital formed under Wyo. Statute 18-8-101 *et. Seq.* Commissioner Young seconded and the motion carried unanimously.

County Fire Emergency Vehicle Resolution

Clerk Bartlett presented a resolution to authorize privately owned vehicles used by members of the Carbon County Fire Department as emergency vehicles.

Commissioner Paxton moved to approve Resolution 2010-09, a Resolution Authorizing Privately Owned Vehicles used by Members of the Carbon County Fire Department as Emergency Vehicles Pursuant to W.S. 31-5-102 (A) (Ii) (B) With Conditions And Requirements. Commissioner Young seconded and the motion carried unanimously.

RESOLUTION AUTHORIZING PRIVATELY OWNED VEHICLES USED BY MEMBERS OF THE CARBON COUNTY FIRE DEPARTMENT AS EMERGENCY VEHICLES PURSUANT TO W.S. 31-5-102 (a) (ii) (B) WITH CONDITIONS AND REQUIREMENTS.

WHEREAS, W.S. § 31-5-102 (a) (ii) (B) provides as follows: privately owned vehicles used by members of a fire department or emergency service organizations while performing or traveling to perform assigned fire fighting or emergency service duties are authorized emergency vehicles if:

- (I) Authorization in writing by the appropriate governing body of the city, town or county in which the emergency services organization is located:
- (II) Equipped with at least one (1) flashing red, white or amber light visible from the front of the vehicle; and
- (III) Equipped with a marker on the front of the vehicle indicating the Department or organization with which affiliated.

WHEREAS, the Carbon County Fire Department and the governing body of the County, the Carbon County Commissioners, feel certain privately owned vehicles should be designated as authorized emergency vehicles subject to certain conditions and requirements.

NOW THEREFORE THE BOARD OF CARBON COUNTY COMMISSIONERS, CARBON COUNTY WYOMING, RESOLVES:

Section 1. That the vehicles owned by the members of Carbon County Fire Department are hereby authorized emergency vehicles if they are properly equipped as required by Wyoming law,

Section 2. The above authorization is subject to the following conditions and requirements:

- (a) Carbon County Fire Department shall provide a list of the fireman vehicle license plate number for those vehicles which will be authorized emergency vehicles.
- (b) Four-wheelers or motorcycles will not be authorized as emergency vehicles.
- (c) The Carbon County Board of County Commissioners retains the ability to withdraw the entire authorization at any time or withdraw an individual fireman from this authorization.
- (d) The Carbon County Fire Department Division Chiefs shall make a determination if a County Fire Department Member shall have the privileges outlined above.

PASSED, APPROVED, AND ADOPTED THIS 16 day of March, 2010.

-s- Terry Weickum, Chairman

ATTEST:

-s- Gwynn G. Bartlett
County Clerk

Local Government Liability Pool Renewal

Clerk Bartlett presented the Local Government Liability Pool (LGLP) Renewal Membership Application for liability insurance coverage.

Commissioner Young moved to approve the submission of the Renewal Membership Application to the Local Government Liability Pool for liability insurance coverage from July 2010 through June 2011 noting a \$5,000.00 deductible. Commissioner Paxton seconded and the motion carried unanimously.

Law Enforcement Agreement

Clerk Bartlett presented the Cooperative Law Enforcement Annual Operating Plan and Modification One to the agreement. She noted Attorney DeLancey and Sheriff Colson have reviewed the documents and both recommend approval.

Commissioner Paxton moved to approve Agreement #10-LE-11020602-007, Cooperative Law Enforcement Annual Operating Plan & Financial Plan between the Carbon County Sheriff's Office and the U.S. Forest Service Medicine Bow-Routt National Forests and Modification One Exhibit A to the Cooperative Law Enforcement Annual Operating Plan & Financial Plan between the Carbon County Sheriff's Office and the U.S. Forest Service Medicine Bow-Routt National Forests. Commissioner Young seconded and the motion carried unanimously.

Board Appointment

Clerk Bartlett presented three renewal applications for reappointment to the Carbon County Senior Services Board. She stated a fourth application was received late for a new appointee. The BOCC stated that they do not wish to interview the new applicant at this time because the application was received late.

Commissioner Paxton moved to reappoint Jewel Allen to the Senior Services Board – Rawlins Area for a three-year term expiring April 2013, Rita Clark to the Senior Services Board – Elk Mountain Area for a three-year term expiring April 2013, and Dixie F. Shea to the Senior Services – Hanna Area for a three-year term expiring April 2013. Commissioner Young seconded and the motion carried unanimously.

Board Training

Clerk Bartlett reported she responded to Dave Throgmorton of the Carbon County Higher Education Center (CCHEC) about his request to the BOCC to make board training at the CCHEC mandatory. She stated her letter indicated the BOCC did not wish to make the training mandatory but that the Clerk's Office could disperse information that the CCHEC could provide. She reported that she has had no response nor received any information to date.

Chairman Weickum stated that he would like to clarify that when individuals apply for boards, they are asked during an interview if they are willing to take board training to assist them in dealing with employees, budgets, and other responsibilities. He stated that currently these boards are trained through the County Attorney's Office and this has been very effective. He noted that many boards are represented by their own attorneys and many of those boards have been trained by those individuals. He stated he appreciates Mr. Throgmorton's offer to provide further board training.

Commissioner Paxton added that many have likely read the Rawlins Daily Times editorial board letter and added that the Daily Times has likely not attended the trainings offered by the County Attorney and therefore is unable to comment on the trainings effectiveness. Commissioner Paxton also stated that he does not see any connection between the training and the budget issues with the Museum and the Memorial Hospital Trustees.

ELECTED OFFICIALS / DEPARTMENT HEADS

Treasurer

Treasurer Baldwin reported MHCC's levy fund currently contains \$382,335.95 and that approved equipment has not yet been purchased.

Treasurer Baldwin reported that seventeen appeals on taxes have been received from the State Board of Equalization and the majority are being taken in-kind and she further explained the process.

County Attorney

Deputy County Attorney Mike Kelly presented a Ratification and grant of easement.

Commissioner Paxton moved to approve a Ratification and Grant of Easement by Carbon County to Patrick W. Cain and Rose B. Cain for property adjacent to the Memorial Hospital of Carbon County. Commissioner Young seconded and the motion carried unanimously.

Road & Bridge

Bill Nation, Road & Bridge Superintendent, introduced Phil Cook, R&B employee for the Medicine Bow area and thanked him for his service. Mr. Nation presented Amendment Number One to the Congestion Mitigation / Air Quality (CMAQ) Agreement.

Commissioner Young moved to approve Amendment Number One to the Congestion Mitigation / Air Quality (CMAQ) Agreement – FY 2009 between the Wyoming Department of Transportation and the Board of Carbon County Commissioners, Federal Project No. CM0.00 CM09003 for

County Road #701 a/k/a Dad/Wamsutter Road in the amount of \$375,000.00. Commissioner Paxton seconded and the motion carried unanimously.

Mr. Nation reported that DKRW recently received approval for their guaranteed loan and stated he believes they are further on the financing process than they ever have been. He then provided an update of the Dunlap Wind project.

Buildings Manager

Leroy Graham, Buildings Manager opened sealed bids for restrooms at the Saratoga and Encampment Road & Bridge shops.

Bids were as follows for both shops unless otherwise noted: Energy Construction bid \$56,818.00; Raymer Construction bid \$58,103.00; D&P Construction bid \$77,870.85; Shepard Construction bid \$45,570.00 for Saratoga only; and Custom Builders bid \$53,808.00.

Mr. Graham stated he and Mr. Nation would review the bids and return with a recommendation.

Planning and Development

Sidney Fox introduced himself as the County's new Planning and Development Director.

EXECUTIVE SESSION

Commissioner Paxton moved to go into executive session at 5:14 p.m. with Clerk Bartlett and Deputy Attorney Mike Kelly to discuss matters considered confidential by law. Commissioner Young seconded and the motion carried unanimously

Commissioner Paxton moved to come out of executive session at 5:36 p.m. and that the minutes of the session be approved as written and sealed and declared that no action was taken during the session. Commissioner Young seconded and the motion carried unanimously.

NUISANCE RESOLUTION

Chairman Weickum opened a public hearing at 5:38 p.m. to listen to all interested parties and receive public comment concerning a Resolution regarding the Nuisance Resolution. Chairman Weickum read one written comment received signed by Shorty Ballard. There being no other public comment, Chairman Weickum closed the public hearing at 5:40 p.m.

Commissioner Paxton moved to adopt Resolution No. 2010-10, a Nuisance Resolution. Commissioner Young seconded and there was discussion by Commissioner Paxton that he has heard concerns about a complaint triggered process such as this and he stated that while he agrees with the resolution's purpose, he believes a mechanism should be in place for the County Planner to receive written complaints and that the Planning and Zoning Commission could work with the County Planner on such a complaint process. Chairman Weickum stated the resolution has been approved by the Planning & Zoning Commission and there has been considerable public comment period and he concurs with Commissioner Paxton's comments. The motion carried unanimously.

RESOLUTION NO. 2010-10 NUISANCE RESOLUTION

WHEREAS, the Carbon County Board of Commissioners under Wyoming Statute § 18-2-115 (a) is required to establish standards for determining when a site may be declared a nuisance under Wyo. Stat. 18-2-101(a)(viii);

NOW THEREFORE BE IT RESOLVED, the purpose of this resolution is to protect and provide for the highest level of health, safety and welfare for County citizens and to promote and encourage the maintenance of properties within Carbon County. This resolution shall not regulate any permitted industrial facility, to include junk dealers as described at Wyoming Statute § 33-18-101 et. seq. and properly permitted under Wyoming Department of Regulations or County Zoning Resolutions, or oil and gas or mining operations necessary to the extraction, production or exploration of the mineral resources nor shall this resolution be construed to impair or modify any rights afforded to farm or ranch operations pursuant to the Wyoming Right to Farm and Ranch Act, and as amended.

Section 1. Definitions as used herein.

(a) Nuisance: Any use or non-use of property, which presents a clear and definable threat to the life, health, safety or welfare of Carbon County citizens or which is otherwise defined at common law, Wyoming State Statute, or herein.

(b) Screening: The method by which the view from one property to another property is substantially shielded, concealed or hidden. Screening techniques include solid fences, walls, hedges, berms, significant setback or other County approved features.

(c) Accumulation: Massing or storing of material, debris, matter or waste in a manner that exceeds quantities that would commonly be considered reasonable or are significantly inconsistent with surrounding properties and like uses.

(d) Toxic material: Material that is listed by OSHA as a hazardous substance where exposure to said substance is greater than permitted by OSHA.

(e) Hazardous material: a substance or material that has been designated as hazardous under section 5103 of Federal hazardous materials transportation law (49 U.S.C. 5103). The term includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous under Hazardous Materials Regulations 49 CFR Parts 100-185 and/or Protection of the Environment 40 CFR Parts 1-766.

(f) Primary Property or Source: The main and significant property, area, spot or source from which a nuisance originates.

(g) Vehicle: as defined by Wyoming Statute under Title 31.

Section 2. General.

(a) A site, property, tract, lot, building grounds, area or other property may be declared a nuisance by the Board of County Commissioners in conformance with Wyoming Statute §18-2-101 *et seq.* if a nuisance, as listed in Section 2 (c) of this Resolution exists on said site, property, tract, lot, building grounds, area or other property.

(b) The Board of Carbon County Commissioners authorizes and designates the Carbon County Planning and Development Director to investigate and determine the existence of a nuisance and to make recommendations to the Commissioners concerning a property being a nuisance.

(c) The following may be declared a nuisance by the Board of Carbon County Commissioners:

- (1) Failure to keep material, debris, waste, refuse or garbage properly contained;
- (2) The outside, unscreened storage or keeping of four or more inoperable and unregistered vehicles;
- (3) The unscreened and/or unlicensed accumulation of materials, debris, waste recyclables, or other scrap or junk material;
- (4) The active or passive discharge into the environment of toxic or noxious materials in such concentrations as to endanger the public health from a primary property or source;
- (5) The active or passive contamination of any well, cistern, stream, lake, groundwater, or other body of water by sewage, waste or other materials or substances from a primary property or source;
- (6) Accumulation of decayed or decaying matter, trash, rubbish, garbage or any substance which is demonstrated and determined to be a health hazard;
- (7) Storage, use or disposal of hazardous material, in such quantity or manner that creates a public health hazard;
- (8) Any condition or situation which renders a structure designed and constructed for human habitation or any part thereof unsanitary, unhealthy or unfit for human habitation, occupancy or use, or renders any property unsanitary or unhealthy;

(d) Violations of the foregoing provisions may be enforced through any method authorized for enforcement through the provisions of Wyoming Statute § 18-2-101 *et seq.* or the Carbon County Zoning Resolutions. Such remedies may include injunction, mandamus or other form of judicial action and any other applicable method under law including but not limited to criminal citations. The selection of one remedy for enforcement shall not prohibit the implementation of any other remedies available under law. All remedies available may be used individually or cumulatively.

Approved this 16 day of March, 2010.

-s- Terry Weickum, Chairman

-s- Jerry Paxton

-s- Charles C. Young, M.D.

Attest:

-s- Gwynn G. Bartlett, County Clerk

CITIZEN DISCUSSION

Jeanette Fisher of the Medicine Bow Preschool stated she previously visited with the BOCC about obtaining funding for a preschool and noted she is currently in the process of obtaining a non-profit status. Clerk Bartlett replied she serves on the Tripartite Board and they will be giving daycare funding out soon.

COMMISSIONERS DISCUSSION

Commissioner Paxton reported that he serves on the Economic Development Corporation and he commended the EDC Director, Cindy Wallace on her work devising a brochure containing beetle kill information.

ROAD & BRIDGE RESTROOMS

Mr. Graham returned noting he and Mr. Nation recommend Custom Builders bids for both R&B shop restrooms totaling \$53,808.00.

Commissioner Paxton moved to accept the low bid from Custom Builders in the amount of \$53,808.00 for the Encampment and Saratoga Road & Bridge restrooms. Commissioner Young seconded and the motion carried unanimously.

PLANNING & ZONING

Certification of Z.C. Case File No. 09-19

Troy Maddox of the Planning and Zoning Commission presented the Certification of Recommended Action for Z.C. Case File No. 09-19.

Commissioner Young moved to schedule a public hearing for April 6, 2010 at 1:30 p.m. at the County Courthouse in Rawlins, Wyoming to hear Z.C. Case File No. 09-19, Old Baldy Club's request for a Zone Change from Neighborhood Commercial (C-1) to Residential (RD) Zone on the "Old Baldy Village Cottage Subdivision" encompasses approximately 0.54 acres, more or less. Commissioner Young seconded and the motion carried unanimously.

AGENDA AMENDMENT

Commissioner Paxton moved to amend the agenda to remove the 5:25 p.m. executive session. Commissioner Young seconded and the motion carried unanimously.

PLANNING & ZONING

Public Hearing Z.C. Case File No. 2009-20

Commissioner Paxton moved to untable Z.C. Case File No. 2009-20, Johnson's A Bar One Ranch Request for a Zone change from Ranching, Agriculture and Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR) on approximately 206.75 acres more or less. Commissioner Young seconded and the motion carried unanimously.

Chairman Weickum opened a public hearing at 5:58 p.m. to hear Planning & Zoning Z.C. Case File No. 2009-20 – Johnson's A Bar One Ranch's Request for a Zone change from Ranching, Agriculture and Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR) on approximately 206.75 acres more or less.

Chairman Weickum called for comments for or against this case. Lance Novak stated that his concern is that the character of the neighborhood has not changed, no community need has arisen needing a rezone, he feels the application is incomplete as item #7 does not provide proof of legal access to the land in question. Mr. Novak requested the application be tabled until A Bar One Ranch can prove there is an access road that would not result in future litigation. He requested the application be declared null and void due to the lack of proof of legal access.

Jill Duthie stated that she is appearing on behalf of the subdivision noting that they would like to keep things as they are and Mr. Novak has been a good spokesperson for them.

Bill MacPherson, appearing for A Bar One Ranch, stated that the requirements for a Zone Change are in Section 6.7 of the Rules of P&Z Commission and he does not see a requirement for legal access for a zone change and he does not think it is appropriate for the BOCC to consider that. He stated that the requirements have been met as considered by the Planning staff and by the P&Z Commission. Mr. MacPherson presented a map stating that even though he does not believe legal access should be considered, he feels the map shows the Oberg Pass Road West provides legal access to the lots pointed out on the map. He stated A Bar Ranch owns numerous sections that

would also provide legal access and that again in his opinion, legal access is not appropriate for a zone change but rather consideration for a later time for a building permit.

Mr. MacPherson noted that a document record in the Carbon County Clerk's Office as Book 690 Page 820, give A Bar One Ranch the right to use the road passing through their ranch and he presented a Supreme Court Case (Wilkoske) which he feels is relevant if access were to be considered. He asked the BOCC to consider the zone change and consider access another day if necessary.

Mr. Novak stated that the deed mentioned by Mr. MacPherson states that access is for the homeowners only and that the ranch reserved no right to use the road as it was given to the homeowners of the subdivision. He added that they have no right to use it except to get to their tracts in the subdivision. According to Mr. Novak, the subdivision is liable for the road, maintains it, they have a say as to the condition of the road and he feels it is clear that the ranch has no right to the road. Mr. Novak stated he feels this case should not be approved until another road is constructed and he stated it would be very difficult to build a road there without crossing over the homeowner's road.

Chairman Weickum noted that this public hearing was properly advertised and that written comments were received by the County Clerk's Office from Lance Novak on February 25 and from Bart and Barb McClellan and Jeff Morrow on March 5.

Mr. MacPherson stated that there is no requirement to cross BLM and the land is owned by the Ranch where a road may be built.

Chairman Weickum called for any further comments. There being no further comments, Chairman Weickum closed the public hearing at 6:11 p.m.

Commissioner Paxton moved to approve Planning & Zoning Z.C. Case File No. 2009-20 – Johnson's A Bar One Ranch request for a Zone change from Ranching, Agriculture and Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR) on approximately 206.75 acres more or less. Commissioner Young seconded and the motion carried unanimously.

Commissioner Young moved to approve Resolution No. 2010-11, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning Commission pursuant to Wyo. Statute 18-5-202 regarding Planning & Zoning Z.C. Case File No. 09-20, Johnson's A Bar One Ranch Zone Change request from RAM to FPSR on approximately 206.75 acres. Chairman Weickum seconded and the motion carried unanimously.

Resolution No. 2010 - 11

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

WHEREAS, pursuant to Wyo. Stat. Ann. §18-5-202(b) and (c), the Carbon County Planning and Zoning Commission held a public hearing on January 4, 2010, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at said public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said hearing; and

WHEREAS, at the conclusion of said public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Commissioners to adopt this amendment to the Carbon County Zoning Resolution of 2003 as amended for Carbon County, Wyoming; and

WHEREAS, the Carbon County Commissioners, pursuant to Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation for approval of this amendment to the Carbon County Zoning Resolution of 2003, as amended and subsequent amendments advertised by public notice at least 14 days prior to a public hearing to take public input and comments which said hearing occurred on February 2, 2010; and

WHEREAS, at said public hearing, the Carbon County Commissioners provided the opportunity for the public to comment and for the Carbon County Commissioners to consider any comments which were made on the proposed amendments; and

WHEREAS, the Carbon County Commissioners in considering the said amendment have also reviewed and considered the Carbon County Land Use Plan of 1998 as amended; and

WHEREAS, the Carbon County Commissioners have determined that the proposed amendment is in conformity with the Carbon County Land Use Plan of 1998 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 Commissioners, by majority vote, the Carbon County Commissioners moved to approve the following amendment(s) to the Carbon County Zoning Resolution of 2003 as amended.

(1) Z.C. Case File #2009-20 – Johnson’s A Bar One Ranch: Request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR) on approximately 206.75 acres, more or less. The density for the FPSR zoning district being a maximum of one (1) single family dwelling unit and associated structures per 5 acres. The FPSR Zone allows seasonal recreational and residential activities. The Oberg Pass Acres Record of Survey is located approximately 12 miles north and 12 miles east of Saratoga off Carbon County Road #412W (Oberg Pass Road).

Legal Description:

Legal Description for the Oberg Pass Acres Record of Survey:

The Northeast ¼ and the North ½ of the Southeast ¼ of Section 10, Township 18 North, Range 82 West, of the 6th Principal Meridian, Carbon County, Wyoming, containing 206.75 acres, more or less.

Density:

Pursuant to the recommendations of the Carbon County Planning and Zoning Commission: Density is being one (1) single-family dwelling unit and associated structures are permitted on approximately 5 acres (FPSR).

Note:

This application pertains to the zone change request only. Future division of land will be subject to the County Subdivision Resolution, and at that time it is recommended that the applicant contact the Wyoming State Geological Survey to determine where landslide hazards are located so they can be avoided.

Access:

Access is provided from Carbon County Road #412W (Oberg Pass Road).

Permits, Septic, Water, and Electricity:

All homeowners/property owners will be solely responsible for obtaining the appropriate permits for buildings, water, septic, and electricity. All homeowners/property owners will obtain electricity through the local utilities companies. In addition, all homeowners/property owners will be responsible for obtaining permits with Carbon County Planning and Development Department. Power lines will be located underground to protect the view shed. All appropriate permits (local, county, state, federal, etc.) **are required and must be obtained** prior to the start of any and all construction.

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

1. That the Carbon County Board of Commissioners, hereby adopt these amendment(s) as certified to them in writing by the Carbon County Planning and Zoning Commission and the existing zone shall be changed from Ranching, Agriculture, Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR) on approximately 206.75 acres.

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 16th day of March, 2010

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

By: -s- Terry Weickum, Chairman
-s- Jerry D. Paxton, Vice Chair
-s- Charles C. Young, M.D.

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

ADJOURNMENT

There being no further business, Chairman Weickum adjourned the meeting at 6:15 p.m.

-s- Gwynn G. Bartlett, Carbon County Clerk

Approved this 6th day of April 2010

BOARD OF COUNTY COMMISSIONERS
CARBON COUNTY, WYOMING

-s- Terry Weickum, Chairman