

**MINUTES OF THE BOARD OF  
CARBON COUNTY COMMISSIONERS  
REGULAR MEETING  
Tuesday, November 17, 2009  
County Courthouse, Rawlins, Wyoming**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, November 17, 2009 at the County Courthouse in Rawlins, Wyoming. Attending the meeting were Chairman Terry Weickum, Vice Chairman Jerry Paxton; Commissioner Charles C. Young; Attorney Cindy DeLancey; Deputy Attorney Mike Kelly; County Clerk Gwynn Bartlett; and Deputy Clerk Kathy Turner.

Chairman Weickum called the meeting to order at 9:05 a.m.

**VOUCHERS**

Commissioner Paxton moved to approve the report of expenditures in the amount of \$891,866.28. Commissioner Young seconded and the motion carried unanimously.

| Vendor                              | Detail Line Description      | Total        |
|-------------------------------------|------------------------------|--------------|
| ALCO                                | SUPPLIES                     | \$34.17      |
| ALSCO, AMERICAN LINEN DIVISION      | SHOP SUPPLIES                | \$334.59     |
| AMERICAN PLANNING ASSOCIATION       | APA MEMBERSHIP               | \$69.00      |
| AMERIGAS                            | PROPANE                      | \$2,205.30   |
| BANK OF COMMERCE (ACH)              | ACH FEES NOVEMBER            | \$32.50      |
| BANK OF COMMERCE (DEBIT CARD)       | VARIOUS CHARGES              | \$2,263.75   |
| BARKHURST, RAY                      | BOARDS FAIR MILEAGE          | \$34.80      |
| BEHAVIORAL INTERVENTIONS            | MONITORING SERVICES          | \$346.97     |
| BEST WESTERN COTTONTREE             | ROOM CHARGES                 | \$300.00     |
| BI-RITE PHARMACY                    | JAIL-RX'S                    | \$4,419.61   |
| BLACK HILLS AMMUNITION              | AMMUNITION                   | \$749.00     |
| BOB BARKER COMPANY, INC.            | JAIL SUPPLIES                | \$1,517.06   |
| BOUGERE, LIBBY                      | FACILITATOR FEES             | \$1,000.00   |
| BOYS & GIRLS CLUBS OF CARBON COUNTY | 1ST QTR SEVERANCE PMT        | \$7,500.00   |
| BRESNAN COMMUNICATIONS              | CABLE & INTERNET SERVICES    | \$5,552.46   |
| BRODY CHEMICAL                      | HAND CLEANER                 | \$123.24     |
| BUFFALO RUN RESIDENTIALS, LLC       | RENT                         | \$4,787.34   |
| BUILD RITE LUMBER SUPPLY            | SUPPLIES                     | \$205.91     |
| BUILDING THE LSRV WE WANT           | SEVERANCE PMT                | \$2,500.00   |
| C N A SURETY                        | BONDS                        | \$200.00     |
| C O V E                             | 1ST QTR SEVERANCE PMT        | \$1,875.00   |
| CARBON COUNTY CHILD DEVELOPMENT CTR | 1ST QTR SEVERANCE PMT        | \$1,875.00   |
| CARBON COUNTY CORONER               | CONFERENCE FEES              | \$100.00     |
| CARBON COUNTY COUNSELING CENTER     | 1ST QTR SEVERANCE            | \$2,500.00   |
| CARBON COUNTY ECONOMIC DEVELOPMT    | 1ST QTR SEVERANCE PMT        | \$6,250.00   |
| CARBON COUNTY PREDATORY ANIMAL BD   | 1ST PMT SEVERANCE            | \$2,000.00   |
| CARBON COUNTY SENIOR SERVICES       | 2ND QTR MATCHING FUNDS/MEALS | \$65,039.00  |
| CARBON COUNTY TREASURER             | VARIOUS CASH ITEMS           | \$921.32     |
| CARBON COUNTY VETERINARY HOSPITAL   | CANINE MEDICATION            | \$237.00     |
| CARBON POWER & LIGHT INC            | ELECTRICAL SERVICE           | \$2,184.30   |
| CASH-WA DISTRIBUTING                | KITCHEN SUPPLIES             | \$104.20     |
| CATERPILLAR FINANCIAL SERVICES CORP | LEASE PMTS                   | \$163,600.47 |
| CBM FOOD SERVICE                    | JAIL PRISONER BOARD          | \$9,987.74   |
| CHANDRA, V. RAJA-HEALTH OFFICER     | CONTRACT WAGES               | \$1,345.00   |
| CHILDRESS ELECTRIC INC              | ELECTRICAL REPAIRS           | \$9,950.57   |
| COMMUNITY RESOURCE CENTER           | DUES                         | \$25.00      |
| CONOCOPHILLIPS                      | FUEL                         | \$18.01      |
| COWBOY SUPPLY HOUSE                 | CARBON BUILDING SUPPLIES     | \$137.75     |
| COWDIN, JOHN                        | BOARDS FAIR MILEAGE          | \$32.40      |
| CRESTLINE                           | SHERIFF SUPPLIES             | \$473.60     |
| CULLIGAN WATER CONDITIONING         | REPAIRS                      | \$59.00      |
| CUSTOM CREATIONS                    | HATS & JACKETS               | \$686.24     |
| CYR, NANCY                          | MILEAGE                      | \$126.50     |
| DAILY TIMES                         | NEWSPAPER ADS                | \$2,645.04   |

|                                    |                               |              |
|------------------------------------|-------------------------------|--------------|
| DELANCEY, DAVE                     | BOARDS FAIR MILEAGE           | \$24.00      |
| DIRST, MICHAEL                     | RENT                          | \$400.00     |
| DOWNTOWN DEVELOPMENT AUTHORITY     | 1ST PMT SEVERANCE             | \$1,000.00   |
| DRUMMOND REFRIGERATION             | REPAIRS                       | \$1,463.11   |
| DUBOIS TELEPHONE EXCHANGE          | PHONE SERVICE                 | \$234.29     |
| EAGLE UNIFORM SUPPLY               | MATS                          | \$130.82     |
| ELK MOUNTAIN VOLUNTEER FIRE DEPT   | FUEL/OXYGEN/REPAIRS           | \$960.89     |
| ELK MOUNTAIN, TOWN OF              | WATER SERVICES                | \$44.50      |
| ENCAMPMENT PRESCHOOL               | 1ST PMT SEVERANCE             | \$2,500.00   |
| ENCAMPMENT, TOWN OF                | WATER SERVICES                | \$66.00      |
| ENERGY MINERALS COUNTIES COALITION | CONTRACT SERVICES             | \$25,000.00  |
| ENGSTROM, JAMES D. DDS             | JAIL DENTAL CARE              | \$2,500.00   |
| EXCEL PRESCHOOL                    | 1ST QTR SEVERANCE PMT         | \$1,875.00   |
| FARMER BROTHERS COFFEE             | SUPPLIES                      | \$99.05      |
| FIRST SOUTHERN BAPTIST CHURCH      | REGISTRATION & WORKBOOKS      | \$70.00      |
| FLEET SERVICES                     | FUEL                          | \$45.69      |
| FORSTER LANDSCAPE & CONSTRUCTION   | WINTERIZE SPRINKLER SYSTEMS   | \$1,005.00   |
| FRANCE FLYING SERVICE              | FIRE PRO VEHICLE EXP FUEL/RPR | \$71.85      |
| FREMONT MOTORS - RAWLINS           | VEHICLE REPAIRS               | \$5,507.27   |
| FSH COMMUNICATIONS                 | PAYPHONE SERVICES             | \$70.00      |
| GALE, GWEN R.N.                    | MILEAGE                       | \$4.00       |
| GASES PLUS                         | CYLINDER RENTALS              | \$648.21     |
| GCR ELECTRONICS, LLC               | SITE RENTAL                   | \$900.00     |
| GOLDEN, MARY                       | MEALS/SUPPLIES/MILEAGE        | \$361.53     |
| GOSVENOR, MAXINE                   | MILEAGE                       | \$23.50      |
| GRAINGER                           | PARTS & SUPPLIES              | \$743.57     |
| GRAPHIC SPORTS                     | OFFICE SUPPLIES               | \$195.80     |
| GREATER WY BIG BROS/SISTERS        | 1ST QTR SEVERANCE PMT         | \$2,500.00   |
| HAMAKER EXCAVATION, INC            | PROJECT #402                  | \$2,000.00   |
| HANNA BASIN HISTORICAL SOCIETY     | 1ST PMT SEVERANCE             | \$1,000.00   |
| HANNA, TOWN OF                     | R&B UTL WATER/GARBAGE         | \$76.00      |
| HILLCREST SPRING WATER, INC.       | SUPPLIES                      | \$43.00      |
| HILLTOP CONOCO                     | FUEL                          | \$256.36     |
| HSBC BUSINESS SOLUTIONS            | JACKS FOR SHOP & TRUCKS       | \$433.90     |
| HUNNEL'S MOBILE SERVICE & REPAIR   | VEHICLE REPAIRS               | \$1,500.00   |
| I A A O                            | DUES                          | \$350.00     |
| IKON FINANCIAL SERVICES            | IT COPIERS                    | \$504.00     |
| J H KASPAR OIL COMPANY             | FUEL                          | \$6,937.31   |
| JACKALOPE PRINTING                 | SUPPLIES                      | \$105.00     |
| KENCO SECURITY AND TECHNOLOGY      | ALARM MONITORING/REPAIRS      | \$244.00     |
| KILBURN TIRE COMPANY               | TIRES                         | \$5,312.65   |
| KINETIC LEASING                    | LEASE PMTS                    | \$191,781.00 |
| KONE ELEVATORS ESCALATORS          | ELEVATOR MAINTENANCE          | \$2,921.26   |
| KOSTOVNY, MARK                     | BOARDS MHCC MILEAGE           | \$126.00     |
| L & L ELECTRIC                     | ELECTRICAL REPAIRS            | \$3,424.71   |
| LARIAT QUICK STOP                  | FUEL                          | \$158.01     |
| LEXBO LLC                          | OFFICE RENTAL                 | \$450.00     |
| LITTLE RASCALS PRESCHOOL           | 1ST PMT SEVERANCE             | \$1,000.00   |
| LITTLE SNAKE RIVER EVENTS CENTER   | 1ST PMT SEVERANCE             | \$1,250.00   |
| LONG BUILDING TECHNOLOGIES, INC.   | BUILDING REPAIRS              | \$3,444.62   |
| LORMAN EDUCATION SERVICES          | REGISTRATION                  | \$339.00     |
| MADER, TSCHACHER, PETERSON & CO.   | ADMIN AUDIT                   | \$2,100.00   |
| MATTHEW BENDER & CO, INC.          | WY COURT RULES                | \$430.58     |
| MEDICAL ARTS PRESS                 | SUPPLIES                      | \$86.36      |
| MEDICINE BOW CONSERVATION DISTRICT | 1ST QTR SEVERANCE PMT         | \$7,500.00   |
| MEDICINE BOW HEALTH CENTER         | H&W MED BOW CLINIC            | \$23,750.00  |
| MEDICINE BOW, TOWN OF              | WATER & SEWER                 | \$108.00     |
| MEMORIAL HOSPITAL OF CARBON COUNTY | HOME HEALTH PROGRAM           | \$2,737.50   |
| MICROTECHNOLOGIES, INC.            | REFRIGERATOR GUARD/SENSOR     | \$530.50     |
| MOORE MEDICAL CORP.                | MEDICAL SUPPLIES              | \$85.53      |
| MOTOROLA                           | RADIO                         | \$5,485.00   |
| MOUNTAIN VIEW CEMETERY             | 1ST PMT SEVERANCE             | \$2,750.00   |
| MPM CORP / EVERGREEN DISPOSAL      | GARBAGE SERVICES              | \$35.00      |
| MUDDY GAP TRAILER PARK             | FIRE JUL, AUG, SEP WATER      | \$90.00      |
| MURANE & BOSTWICK, LLC.            | LEGAL SERVICES                | \$2,293.95   |

|                                       |                                |             |
|---------------------------------------|--------------------------------|-------------|
| NATIONAL OILWELL VARCO                | VEHICLE MAINTENANCE            | \$48.90     |
| NDAA                                  | 2010 NDAA DUES                 | \$95.00     |
| NORTHWEST MEDIA INC                   | SHERIFF SUPPLIES               | \$963.25    |
| NOYES HEALTH CARE CENTER              | 1ST PMT SEVERANCE              | \$2,500.00  |
| OLD PENITENTIARY JOINT POWERS BOARD   | 1ST QTR SEVERANCE PMT          | \$12,525.00 |
| PACKARD, CHANTEL                      | SUPPLIES                       | \$16.93     |
| PAMIDA INC                            | SUPPLIES                       | \$384.00    |
| PAXTON, JERRY                         | MILEAGE                        | \$365.00    |
| PDR                                   | RENTAL CHARGES                 | \$1,350.00  |
| PERKINS OIL CO                        | FUEL                           | \$373.96    |
| PERKINS, DAVE                         | MILEAGE/WITNESS FEE            | \$200.00    |
| PET PARTNERS                          | 1ST PMT SEVERANCE              | \$2,000.00  |
| PITNEY BOWES                          | ADMIN POSTAGE                  | \$621.00    |
| PLATTE VALLEY COMMUNITY CENTER        | 1ST QTR SEVERANCE PMT          | \$5,000.00  |
| PRO-CHEM INDUSTRIAL, LLC              | LAUNDRY & CLEANING SUPPLIES    | \$605.77    |
| PROJECT PREVENTION                    | 1ST PMT SEVERANCE/MISC CHGES   | \$3,129.85  |
| PUBLIC SAFETY CENTER, INC             | SUPPLIES                       | \$2,476.93  |
| QUESTAR GAS                           | GAS SERVICE                    | \$13.36     |
| QUILL CORPORATION                     | SUPPLIES                       | \$120.58    |
| QWEST                                 | PHONE LINES                    | \$3,086.06  |
| QWEST-KENTUCKY                        | PHONE SERVICES                 | \$159.45    |
| QWEST-PHOENIX                         | TELEPHONE SERVICES             | \$4,886.70  |
| RAWLINS AUTOMOTIVE                    | VEHICLE PARTS                  | \$676.74    |
| RAWLINS CARBON COUNTY AIRPORT BOARD   | 1ST QTR SEVERANCE PMT          | \$10,000.00 |
| RAWLINS FIRE EXTINGUISHER             | ANNUAL INSPECTION              | \$470.00    |
| RAWLINS, CITY OF                      | WATER SERVICES                 | \$3,911.43  |
| RAWLINS-CARBON CO CHAMBER COMMERCE    | 1ST PMT SEVERANCE              | \$2,500.00  |
| RELIABLE                              | PAPER & TONER                  | \$325.26    |
| ROBERT JACK SMITH & ASSOC             | JOB #9058 STAKE BLDG           | \$400.00    |
| ROCK RIVER, TOWN OF                   | FULL PMT SEVERANCE             | \$500.00    |
| ROCKY MOUNTAIN POWER                  | ELECTRICAL SERVICES            | \$10,463.95 |
| ROSS' AUTOMOTIVE SERVICES             | SHERIFF MAINT & REPAIR VEHICLE | \$75.34     |
| RYAN ELECTRONICS INC                  | CONTRACT FEE/SUPPLIES          | \$18,007.29 |
| S E D MEDICAL LABORATORY              | DRUG SCREENING                 | \$189.33    |
| SARATOGA AIRPORT BOARD                | 1ST QTR SEVERANCE PMT          | \$1,875.00  |
| SARATOGA HISTORICAL & CULTURAL ASSOC. | 1ST PMT SEVERANCE PMT          | \$1,000.00  |
| SARATOGA PLATTE VALLEY                | 1ST PMT SEVERANCE              | \$2,500.00  |
| SARATOGA SUN                          | NEWSPAPER RENEWAL              | \$34.00     |
| SARATOGA, TOWN OF – LANDFILL          | LEASE PMT                      | \$2,000.00  |
| SARATOGA, TOWN OF – WATER             | WATER & SEWER                  | \$94.25     |
| SCHERER CONSTRUCTION, L.L.C.          | PAY EST # 2 - DIXON AIRPORT    | \$85,891.41 |
| SHELL FLEET PLUS                      | FUEL                           | \$221.37    |
| SHEPARD'S                             | FUEL                           | \$2,014.30  |
| SHIVELY HARDWARE                      | PARTS                          | \$816.08    |
| SNAKE RIVER PRESS                     | NEWSPAPER ADS                  | \$1,056.00  |
| SOURCE GAS                            | GAS SERVICES                   | \$461.96    |
| SOUTH CENTRAL WY EMS                  | 1ST QTR SEVERANCE PMT          | \$23,000.00 |
| SOUTHERN WY RETIRED & SENIOR VOLUNTR  | FULL PMT SEVERANCE             | \$500.00    |
| SPILLMAN TECHNOLOGIES                 | ATTORNEYS OFFICE SOFTWARE      | \$9,282.00  |
| SPRINGSTON, MERLIE                    | RENT                           | \$1,700.00  |
| STAPLES ADVANTAGE                     | SUPPLIES                       | \$173.95    |
| STATE OF WY (DEPT OF HEALTH)          | MOTOR VEHICLE BILLING          | \$163.50    |
| SUNRISE SANITATION SERVICE, LLC.      | GARBAGE SERVICES               | \$55.00     |
| TERMINIX                              | PEST CONTROL                   | \$70.00     |
| TIGER MART                            | FUEL                           | \$38.65     |
| TRADING POST                          | FUEL/DOG FOOD                  | \$158.15    |
| TREVATHAN, SABRINA RPR                | TRANSCRIPTION                  | \$837.60    |
| TRIPLE XXX CONTRACTING, INC.          | GARBAGE SERVICES               | \$50.00     |
| TRUE VALUE OF RAWLINS                 | SUPPLIES                       | \$2,945.64  |
| U S BANK                              | SHERIFF INVESTIGATIONS         | \$95.44     |
| UNION TELEPHONE COMPANY               | TELEPHONE SERVICES             | \$127.46    |
| UNITED WAY OF CARBON COUNTY           | FULL PMT SEVERANCE             | \$1,000.00  |
| UNIVERSITY OF WY CHICANO STUDIES      | SEVERANCE PMT                  | \$1,000.00  |
| VALLEY OIL COMPANY                    | FUEL                           | \$3,634.87  |
| VAN'S WHOLESALE LLC                   | SUPPLIES                       | \$646.41    |

|                            |                     |              |
|----------------------------|---------------------|--------------|
| VERIZON WIRELESS           | TELEPHONE SERVICES  | \$480.38     |
| WALDRON, PATTY             | BOARDS FAIR MILEAGE | \$46.20      |
| WALZ, GABRIEL              | MILEAGE             | \$622.50     |
| WASHBOARD, THE             | SUPPLIES            | \$13.74      |
| WEE FOLKS PLACE            | SEVERANCE PMT       | \$750.00     |
| WEICKUM, TERRY             | MILEAGE/PHONE       | \$213.00     |
| WELD CO SHERIFF S OFFICE   | PAPER SERVICE       | \$38.75      |
| WESTERN TRUCK REPAIR       | TRUCK PARTS         | \$1,360.25   |
| WESTERN WY FAMILY PLANNING | SEVERANCE PMT       | \$1,250.00   |
| WILSON, MARGARET           | PATCHES             | \$18.00      |
| WRECK-A-MEND               | VEHICLE MAINTENANCE | \$392.00     |
| WY MACHINERY COMPANY       | EQUIPMENT PARTS     | \$8,515.49   |
| WY STATE BAR               | JOB AD              | \$117.00     |
| WY STATE FORESTRY          | SUPPLIES            | \$13,887.90  |
| WY STATIONERY              | SUPPLIES            | \$2,120.06   |
| WY WASTE SERVICES-RAWLINS  | GARBAGE SERVICES    | \$1,080.22   |
| XEROX CAPITAL SERVICES     | IT COPIERS          | \$195.29     |
| XEROX CORPORATION-RENT     | IT COPIERS          | \$1,691.82   |
| YAMPA VALLEY ELECTRIC      | ELECTRICAL SERVICES | \$607.45     |
| YOUNG, CHARLES             | MILEAGE             | \$135.00     |
| ZEE                        | MEDICAL SUPPLIES    | \$14.95      |
| GRAND TOTAL                |                     | \$891,866.28 |

### **AGENDA AMENDMENT**

Commissioner Paxton moved to amend the agenda to add Carl Claborn at 11:25 a.m. and add Memorial Hospital of Carbon County at 1:15 p.m. Commissioner Young seconded and the motion carried unanimously.

### **CLERK**

#### **Minutes**

Commissioner Young moved to approve the minutes of the November 3, 2009 regular meeting of the Board of Carbon County Commissioners as presented. Commissioner Paxton seconded and the motion carried unanimously.

#### **Council of Governments**

Clerk Bartlett advised Carbon County is hosting the December Council of Governments meeting and there was discussion of possible guest speakers.

#### **Planning Director**

Clerk Bartlett asked if the BOCC would like her office to advertise for the Planning Director position and the BOCC asked her to do so.

#### **Bonds**

Commissioner Young moved to approve a \$25,000.00 bond for Joan Braun, Secretary Treasurer for the Saratoga-Carbon County Impact Joint Powers Board, a bond rider for Pam Paulson, Town of Hanna changing her bond number only, and a \$25,000.00 bond for Judy Christopherson, Clerk/Treasurer for the Town of Elk Mountain. Commissioner Paxton seconded and the motion carried unanimously.

#### **Monthly Receipts**

Commissioner Young moved to accept Planning and Development receipts in the amount of \$600.00 for the month of October 2009. Commissioner Paxton seconded and the motion carried unanimously.

**Recovery Zone Bonds**

Clerk Bartlett presented a resolution relating to the Recovery Zone bonds and stated it has been reviewed and approved by Attorney DeLancey.

Commissioner Young moved to approve Resolution No. 2009-36, A Resolution Designating a Recovery Zone Pursuant to the American Recovery and Reinvestment Tax Act of 2009 for the Purpose of Issuing Recovery Zone Economic Development Bonds in the amount of \$24,323,000.00 and Recovery Zone Facility Bonds in the amount of \$36,484,000.00. Commissioner Paxton seconded and the motion carried unanimously.

**RESOLUTION NO. 2009-36**

**A RESOLUTION DESIGNATING A RECOVERY ZONE PURSUANT TO THE AMERICAN RECOVERY AND REINVESTMENT TAX ACT OF 2009 FOR THE PURPOSE OF ISSUING RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS AND RECOVERY ZONE FACILITY BONDS.**

WHEREAS, Carbon County, Wyoming (the "County") has received an allocation of the national Recovery Zone Economic Development Bonds limitation in the amount of \$24,323,000 and an allocation of the national Recovery Zone Facility Bonds limitation in the amount of \$36,484,000 pursuant to the American Recovery and Reinvestment Tax Act of 2009, codified in Title 26 of the United States Code and Internal Revenue Service, Notice 2009-50, issued on June 12, 2009 (collectively, the Allocations); and

WHEREAS, the County understands that the Allocations are to be used for the issuance of Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds pursuant to Section 1400U-2 or 1400U-3, respectively, of the Internal Revenue Code of 1986, as amended (the "Code"), such bonds to be referred to collectively as "Recovery Zone Bonds"; and

WHEREAS, the County understands that Recovery Zone Bonds are to be issued with respect to or to finance certain expenditures located in or attributable to an area within the jurisdiction of the County that the County determines has a significant level of one or more of the following factors: poverty, unemployment, home foreclosures, or general distress (such factors referred to herein as the "Distress Factors"); and

WHEREAS, the County has determined that the Distress Factors have been caused by one or more of the Underlying Conditions of Distress described in Section 1 hereof; and

WHEREAS, the County desires to designate the area described in Section 3 hereof as a Recovery Zone to provide for the possible issuance of Recovery Zone Bonds (such area being referred to herein as the "Recovery Zone");

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

**Section 1. Underlying Conditions of Distress.** The Board of County Commissioners of the County (the "Commissioners") hereby finds and determines that the Recovery Zone identified in Section 3 hereof suffers from one or more of the following conditions (each an "Underlying Condition of Distress"):

| Check those that apply |   |
|------------------------|---|
| ✓                      | The Recovery Zone has experienced significant increases in unemployment during the calendar years 2008 and 2009.  |
| ☐                      | The Recovery Zone has experienced significant increases in home foreclosures and business failures [during the calendar years 2008 and 2009].   |
| ☐                      | The Recovery Zone suffers from significant poverty.   |
| ☐                      | Within the entire Recovery Zone there is a significant number of buildings and improvements which, by reason of dilapidation, deterioration, age or obsolescence, illegal use of individual structures, presence of structures below minimum code standards, abandonment, excessive vacancies, inadequate provision for ventilation, light, air sanitation, utilities or open spaces, high density of population and overcrowding of buildings, overcrowding of land, the existence of conditions which endanger life or property by fire and other causes, excessive land coverage, deleterious land use or layout, depreciation of physical maintenance, and lack of community planning, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare of the Recovery Zone. |
| ☐                      | There are substantial real properties on which there is a vacant structure and on which real property taxes have been delinquent for one year or more and orders have been issued by the Recovery Zone's fire official, building official or health official, and there has been no compliance with those orders within the prescribed time given by such official or within ninety days, whichever is longer, or the owner has declared in writing to the building official that the property is abandoned or there has been a determination by the Commissioners that the vacant structure contributes to housing blight.   |
| ☐                      | The Recovery Zone has generally suffered from declining population or an increase in property tax delinquency.  |
| ☐                      | The Recovery Zone has suffered from a material decline (using historical numbers) in retail sales.  |
|                        | The Recovery Zone has experienced a decline in property tax or sales tax revenues, resulting in budget cuts and   |

|                          |  |
|--------------------------|--|
| <input type="checkbox"/> | an ensuing reduction in the governmental services provided by the County within the Recovery Zone since 2008.  |
| <input type="checkbox"/> | The Recovery Zone has experienced economic distress by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990. |
| <input type="checkbox"/> | A significant portion of the Recovery Zone has been designated as an empowerment zone or renewal community before February 17, 2009.   |

**Section 2. Distress Factors.** The Commissioners hereby find and determine that, as a result of the Underlying Condition(s) of Distress, the Recovery Zone has experienced a significant level of one or more of the Distress Factors (*i.e.* poverty, unemployment, home foreclosures, or general distress).

**Section 3. Designation of Recovery Zone.** Based upon the findings and determinations of the Underlying Condition(s) of Distress and the resulting Distress Factors, the Commissioners hereby designate the entire area within the jurisdictional boundaries of the County as the "Recovery Zone" for the County:

**Section 4. Further Action.** The appropriate staff and officers of the County are authorized and directed: to take all necessary steps to identify appropriate projects for which the issuance of bonds will further the goals established for Recovery Zone Bonds in order to cure the Distress Factors within the Recovery Zone; and to identify other economic development incentives and programs which may be available under Federal or Wyoming laws for such projects which will further the goals established for Recovery Zone Bonds.

**Section 5. Ratification.** All action heretofore taken by the County and by the officers thereof not inconsistent herewith directed toward this Recovery Zone designation is hereby ratified, approved and confirmed.

**Section 6. Repealer.** All resolutions or parts thereof in conflict with this resolution are hereby repealed.

**Section 7. Severability.** Should any part or provision of this resolution ever be judicially determined to be invalid or unenforceable, such determination shall not affect the remaining parts and provisions hereof, the intention being that each part or provision of this resolution is severable.

**ADOPTED AND APPROVED as of the 17th day of November, 2009.**

( S E A L )

BOARD OF COUNTY COMMISSIONERS  
CARBON COUNTY, WYOMING  
-s- Terry Weickum, Chairman

**ATTESTED:**

-s- Gwynn G. Bartlett, County Clerk

**Project Cost Reimbursement Statement**

Clerk Bartlett presented reimbursement requests prepared by Jon Anderson of PMPC related to Sinclair Bypass project.

Commissioner Young moved to accept the FY2009 Project Cost Reimbursement Statements for the Wyoming Department of Transportation, Project #SCPI804244, Request No. 2 revised in the amount of \$81,627.51 and Request No. 3 in the amount of \$43,202.20; and Industrial Roads Project, Project #CN06064, Request No. 1 in the amount of \$40,014.40 for the West Sinclair Bypass project. Commissioner Paxton seconded and the motion carried unanimous.

**Retirement Contributions**

Clerk Bartlett presented a resolution related to the County's retirement contributions Wyoming Retirement System.

Commissioner Young moved to approve Resolution No. 2009-37, A Resolution to Document Carbon County's Implementation of the Provisions of Section 414(h)(2) of the Internal Revenue Code, Regarding Employer Pick-up of Employee Retirement Contributions to the Wyoming Retirement System. Commissioner Paxton seconded and the motion carried unanimously.

**RESOLUTION NO. 2009-37**

**A RESOLUTION TO DOCUMENT CARBON COUNTY'S  
IMPLEMENTATION OF THE PROVISIONS OF SECTION  
414(h)(2) OF THE INTERNAL REVENUE CODE, REGARDING EMPLOYER  
PICK-UP OF EMPLOYEE RETIREMENT CONTRIBUTIONS TO THE WYOMING  
RETIREMENT SYSTEM**

WHEREAS, Carbon County has the authority to implement the provisions of section 414(h)(2) of the Internal Revenue Code (IRC); and

WHEREAS, Carbon County took official action regarding section 414(h)(2) IRC on November 17, 2009; and

WHEREAS, Carbon County wishes to adopt this resolution in order to have additional documentation confirming its prior formal actions to pick up contributions under the Plans.

WHEREAS, Carbon County has determined that even though the implementation of the provisions of section 414(h)(2) IRC is not required by law, the tax benefit offered by section 414(h)(2) IRC should be provided to its employees who are members of the Wyoming Retirement System:

BE IT HEREBY RESOLVED BY THE CARBON COUNTY COMMISSIONERS AS FOLLOWS:

I. That Carbon County will implement the provisions of section 414(h)(2) Internal Revenue Code by making employee contributions pursuant to W.S. § 9-3-412(b) on behalf of its employees who are members of the Wyoming Retirement System. "Employee contributions" shall mean those contributions to the Wyoming Retirement System which are deducted from the salary of employees and are credited to individual employee's accounts.

II. That the contributions made by Carbon County to the Wyoming Retirement System, although designated as employee contributions, are being paid to the Wyoming Retirement System by Carbon County in lieu of contributions by the employees who are members of the Wyoming Retirement System.

III. That employees shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by Carbon County to the Wyoming Retirement System.

IV. That Carbon County shall pay to the Wyoming Retirement System the contributions designated as employee contributions from the same source of funds as used in paying salary.

V. That the amount of the contributions designated as employee contributions and picked-up by Carbon County to the Wyoming Retirement System on behalf of an employee shall be the entire contribution required of the employee by the Wyoming Retirement Act.

VI. That the contributions designated as employee contributions made by Carbon County to the Wyoming Retirement System shall be treated for all purposes, other than taxation, in the same way that member contributions are treated by the Wyoming Retirement System.

VII. This resolution is effective on the same date that Carbon County first provided for employee contributions, and shall apply prospectively to all future employee contributions.

ATTEST:

CARBON COUNTY CLERK

BOARD OF COUNTY COMMISSIONERS

Signature: -s- Gwynn G. Bartlett

Name: Gwynn G. Bartlett

Date: November 17, 2009

Signature: -s- Terry Weickum

Name: Terry Weickum

Date: November 17, 2009

### **Memorandums of Understanding**

Clerk Bartlett presented a Memorandum of Understanding between the Board of Trustees of the Memorial Hospital of Carbon County and the County. She advised the Memorandum of Understanding was approved at a previous meeting.

Commissioner Paxton moved to approve the Memorandum of Understanding between the Board of Trustees of the Memorial Hospital of Carbon County and Board of County Commissioners of the County of Carbon to provide funding for the Qualified Rate Adjustment Payment for Fiscal Year 2009 to Memorial Hospital of Carbon County in the amount of \$332,359.00 ratifying the decision to give Memorial Hospital of Carbon County this amount and that this amount will be reimbursed by the State. Chairman Weickum seconded with Commissioner Paxton and Chairman Weickum voting for the motion and Commissioner Young abstained from the vote.

Clerk Bartlett advised she received a Memorandum of Understanding today signed by the Town of Hanna for fire protection. Attorney DeLancey advised she received comments from the County Fire Department regarding the inventory and would like to have the Town of Hanna's attorney look at the differences before moving forward. Attorney DeLancey agreed to look into the issue with Fire Warden Dwight France.

## **AGENDA AMENDMENT**

Commissioner Paxton moved to amend the agenda to reflect an executive session at 9:45 a.m. Commissioner Young seconded and the motion carried unanimously.

## **EXECUTIVE SESSION**

Commissioner Paxton moved to go into executive session at 9:45 a.m. with Clerk Bartlett, Attorney DeLancey, and Deputy Attorney Mike Kelly to discuss personnel and other matters considered confidential by law. Commissioner Young seconded and the motion carried unanimously.

Commissioner Paxton moved to come out of executive session at 9:53 a.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.

## **COUNTY VOLUNTEER**

Commissioner Paxton moved to appoint Brenda Zeiger as a County volunteer. Commissioner Young seconded and the motion carried unanimously.

## **ECONOMIC DEVELOPMENT CORPORATION**

Cindy Wallace, Executive Director of the Economic Development Corporation (EDC) introduced herself and advised she has worked for County governments. She asked the BOCC to let her know what they expect from her. Commissioner Paxton advised he met with Forest Service retirees on the beetle kill and one action was to involve the EDC to help develop a process to entice businesses to come into the Industrial Park complex and develop a package of materials to include an inventory of the size of the Industrial Park, size and opportunities through the business bonds and Wyoming Business Council should also be involved. Ms. Wallace advised she has to work on their website. The BOCC expressed its concerns about the past Economic Development.

## **COMMISSIONERS DISCUSSION**

Chairman Weickum stated he has attended a few Hospital Board meetings and they have decided to negotiate with Quorum Health and a contract should be forthcoming. He complimented the Hospital Board for their diligence.

## **ELECTED OFFICIALS / DEPARTMENT HEADS**

### **Attorney**

Attorney DeLancey presented a Memorandum of Understanding (MOU) regarding E911 fund distribution. The Board asked Treasurer Baldwin to review the MOU briefly.

### **Clerk of Court**

Lindy Glode, Clerk of Court, reported she is on a Supreme Court Technology Committee to develop a software package for all of the State's Clerks of District Court. She stated this is funded by the legislature.

### **E911 Memorandum of Understanding**

Commissioner Paxton moved to enter into a Memorandum of Understanding Between the City of Rawlins and Carbon County regarding E911 funding for a term of July 1, 2009 through June 30, 2010. Commissioner Young seconded and the motion carried unanimously.

### **Treasurer**

County Treasurer Cindy Baldwin reported the County's portion of the recently received impact funds for the Echo Springs project was \$6,090.71, the remainder of the funding goes to the City of Rawlins.

Treasurer Baldwin reported that she received the funding from the Bank of Commerce related to the Energy Savings Lease for the Hospital. She discussed veteran's exemptions and the fact that the legislature did not appropriate enough funding to cover these therefore of the \$96,562.88 the County used, the County only received \$69,566.65. If the legislature appropriates additional funding, we will receive the remainder.

Treasurer Baldwin reported PacifiCorp has paid their first half of property tax under protest and are appealing through the State on a portion of this.

There was discussion of the design work for Memorial Hospital of Carbon County's specific purpose tax project and that Gregg Olson will be in later today to discuss this.

### **Assessor**

County Assessor Sheryl Snider presented three abates for the Chairman's signature. Commissioner Paxton asked how it works if a veteran has an exemption and their taxes are being escrowed. Treasurer Baldwin stated that the exemption is taken off before the tax bill is even issued.

It was noticed that the recorder was off since the executive session at 9:45 a.m. and it was turned back on at 10:32 a.m.

### **Buildings Manager**

Leroy Graham, Buildings Manager, reported the Fairgrounds multipurpose facility is progressing well and the iron should be up by the end of the week. He stated the drilling permit is approved for the Dixon Airport. Mr. Graham noted that power and phone estimates are higher than expected and he stated that the fuel system can not be completed without these things in place.

### **Road & Bridge**

Bill Nation, Road & Bridge Superintendent, requested an executive session.

Commissioner Paxton moved to amend the agenda to add an executive session at 10:42 a.m. Commissioner Young seconded and the motion carried unanimously.

Commission Paxton moved to go into executive session at 10:42 a.m. with Clerk Bartlett, Bill Nation, Attorney DeLancey, and Mike Kelly, to discuss legal matters and other matters considered confidential by law. Commissioner Young seconded and the motion carried unanimously.

Commissioner Paxton moved to come out of executive session at 11:02 a.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.

### **Area Work**

Commissioner Young left the meeting at 11:06 a.m. and returned at 11:09 a.m.

Mr. Nation reported the wings are on all the blades. He reported in Rawlins they have checked all tires on vehicles and equipment and repaired a hydraulic leak on a blade unit 3042. In the Encampment, Saratoga, Baggs, Elk Mountain, Medicine Bow and Hanna areas they continue to blade and plow snow from the County roads and check the school bus routes. He further reported they have installed new culverts off of County Road 1 and poured concrete over the new pipes and installed a new culvert on County Road 408.

### **Emergency Management**

John Zeiger reported incident command system (ICS) training is during tomorrow's Council of Governments meeting. Larry Trapp stated the importance of elected officials attending this training as well as additional ICS training in January.

Mr. Zeiger reported that he recently had to open the armory as an emergency shelter. Mr. Zeiger stated he will be looking into an evacuation plan for residents in and near the forest due to the fire danger from dead, beetle killed trees. He plans to meet with County Fire after the first of the year to accomplish this.

### **Information Technology**

Matt Webster introduced William Weisenburg, the new IT Specialist for the County. He stated there is no way to add additional phone extensions at the Carbon Building without an additional piece of equipment. Mr. Webster received an approval number to purchase this.

### **County Fire**

Larry Trapp of County Fire stated the Hanna inventory needs to be reviewed before any Memorandum of Understanding is signed for fire protection. He stated one of the pieces of equipment did not pass a pump test however the issue is minor and should be repaired easily. Mr. Trapp stated there are also several minor maintenance issues at the Hanna Fire Station that will need addressed as well.

Mr. Trapp requested a pay raise for volunteer fireman.

Commissioner Young moved to increase the volunteer fireman pay from \$9.00 to \$11.00 and from \$14.00 to \$16.00 per hour. Commissioner Paxton seconded and the motion carried unanimously.

Mr. Trapp advised the Encampment fire truck should be delivered in April.

## **BOARD INTERVIEWS AND APPOINTMENTS**

### **Planning & Zoning Commission**

Ed (Shorty) Ballard and Richard Wilson interviewed for consideration of reappointment to the Planning & Zoning Commission.

Commissioner Paxton moved to reappoint Ed (Shorty) Ballard and Richard Wilson to the Planning & Zoning Commission for three-year terms expiring December 2012. Commissioner Young seconded and the motion carried unanimously.

### **Jeffrey Center Board**

Marcella Redmond was interviewed for consideration of appointment and Alice Garvin was interviewed for consideration of reappointment to the Jeffrey Center Board. Larry Harris requested to be considered for reappointment to the Jeffrey Center Board and was unable to be reached to schedule an interview and declined to submit an application noting his record speaks for itself.

Commissioner Paxton moved to appoint Marcella Redmond and reappoint Alice Garvin to the Jeffrey Center Board for five-year terms expiring December 2014. Commissioner Young seconded and the motion carried unanimously.

### **Carbon County Detention Facility Joint Powers Board**

Tim Hofmann applied for consideration of reappointment to the Carbon County Detention Facility Joint Powers Board to be interviewed by telephone at the BOCC's discretion.

Commissioner Paxton moved to reappoint Tim Hofmann to the Carbon County Detention Facility Joint Powers Board for a three-year term expiring December 2012. Commissioner Young seconded and the motion carried unanimously.

### **Predator Management District**

Ralph Jackson applied for appointment and Jeff Corson applied for reappointment to the Predator Management District, both to be interviewed by telephone at the BOCC's discretion.

Commissioner Paxton moved to reappoint Jeff Corson to the Predator Management District to a three-year term expiring December 2012. Commissioner Young seconded and the motion carried unanimously.

### **CARL CLABORN**

Carl Claborn discussed his current living situation. Chairman Weickum reported that Mr. Claborn currently lives at Skyline Acres and has been asked by the County to move by November 21, 2009. Mr. Claborn requested an extension. Chairman Weickum asked that a Sheriff Deputy take Mr. Claborn to the Department of Family Services who will likely assist him complete paperwork to find an alternative place to live.

### **RECESS**

Chairman Weickum recessed for lunch at 12:00 p.m. and reconvened at 1:19 p.m. Commissioner Young was not present.

### **SPECIFIC PURPOSE TAX**

Gregg Olson, Construction Manager at Risk for Memorial Hospital of Carbon County (MHCC), stated there have been some additional services required by the architects pertaining to the specific purpose tax project at MHCC. He presented a schematic design budget and specifically discussed emergency power upgrades and a chiller replacement. The design for these items will cost \$58,245.00. Mr. Olson stated he expects no further design costs. Mr. Olson estimates the funds will be needed around February and he agreed to keep the Treasurer informed.

Commissioner Young joined the meeting at 1:25 p.m.

Mr. Olson stated that he will provide MHCC a report November 24th regarding cost estimates. He also proposes December 1st for the architect to provide a virtual tour of their work.

Commissioner Paxton moved to approve Amendment Number One To The Memorandum of Understanding Between the Board of County Commissioners of the County of Carbon (BOCC) and the Board of Trustees of the Memorial Hospital of Carbon County (MHCC) dated June 23, 2009, approving an additional \$58,245.00 to MHCC subject to the terms and conditions in the original Memorandum of Understanding for design of a chilled water system and an emergency electrical system. Commissioner Young seconded and the motion carried unanimously.

Mr. Lovato stated he should be receiving a draft contract by Quorum in the next day or so then it will be forwarded for legal review.

### **PLANNING & ZONING**

#### **Public Hearing Case File No. 09-18**

Chairman Weickum opened a public hearing at 1:37 p.m. to hear Planning & Zoning Case File No. 09-02. Kristy Rowan of Planning and Development presented the following: **Case File No. 09-18 – Gwendolyn “Gwen” C. Fordham:** Request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR) on approximately 40 acres. Density being maximum of one (1) single family dwelling unit and associated structures per 5 acres. The FPSR Zone allows seasonal recreational and residential activities.

Chairman Weickum called for comments for or against this case. There being no comments, Chairman Weickum closed the public hearing at 1:40 p.m.

Commissioner Paxton moved to follow staff recommendations and approve Planning & Zoning Case File No. 09-18 Gwendolyn “Gwen” C. Fordham’s request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR) on approximately 40 acres for a maximum of one single family dwelling unit and associated structures per 5 acres, subject to the conditions outlined by the Planning & Zoning

Commission in the amended Exhibit A. Commissioner Young seconded and the motion carried unanimously.

Commissioner Paxton moved to approve Resolution No. 2009-38, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning Commission regarding Planning & Zoning Case File No. 09-18. Commissioner Young seconded and the motion carried unanimously.

### **Resolution No. 2009 - 38**

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 Monday, October 5, 2009, 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 Tuesday, November 17, 2009; 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) Case File #09-18 – Gwendolyn “Gwen” Fordham:** Request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR) on approximately 40 acres. 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 subject property is located approximately 2 miles west of Carbon County Road #291 (Hanna Leo Road/Kortes Road) near the Pathfinder Reservoir and near Rocky Gap.

**Legal Description:**

NW1/4 NW1/4, Section 22, T28N, R83W, 6<sup>th</sup> P.M., Carbon County, Wyoming

**Density:**

Pursuant to the recommendations of the Carbon County Planning and Zoning Commission: The density for the FPSR zoning district being a maximum of one (1) single family dwelling unit and associated structures per 5 acres.

**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 40 acres.

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 17<sup>th</sup> day of November 2009.

**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

**Public Hearing – Carbon County Zoning Resolution of 2003 Amended 01-06-2004 Proposed Amendments & Changes**

Chairman Weickum declared that it is now 1:45 pm on November 17, 2009, and he opened a public hearing noting that before comment is accepted from the public, he wanted to note a few items for the record.

The matter before the BOCC today is a recommendation from the Planning & Zoning Commission to amend the Carbon County Zoning Resolution. The Planning and Zoning Commission and the Board of County Commissioners may pursuant to the statutory procedures outlined in Wyo. Stat. 18-5-202 (b) and (c) take any and all actions to make amendments to the Carbon County Zoning Resolution.

The Planning and Zoning Commission held a public hearing September 21, 2009 on its consideration of proposed recommended amendments to the Carbon County Zoning Resolution. The notice for the hearing was advertised in the Rawlins Daily Times, Saratoga Sun and the Snake River Press.

After the public comment was accepted by the Planning Commission the public hearing was closed. On October 5, 2009 the Planning and Zoning Commission discussed in public the proposed amendments and any comments received. After the discussion, a motion was made and seconded to approve a resolution certifying the recommended amendments to the zoning resolution to the Carbon County Board of County Commissioners. The Planning and Zoning Commission then voted on the Motion, and the Motion was passed unanimously.

The Planning and Zoning Commission certified its recommendations to this Board, The Board of County Commissioners at the Board of County Commissioners by way of the resolution adopted on October 5, 2009.

Consistent with Wyo. Stat. 18-5-202 (c), The Board of County Commissioners are required to have one public hearing which is being held now, this public hearing has been duly advertised in the Rawlins Daily Times, Saratoga Sun and Snake River Press at least 14 days prior to this hearing. This is the procedure that was also outlined and accepted by the Court in CV-08-240 (Adams v. Carbon County Commissioners and Carbon County Planning and Zoning Commission.)

Public comment will be accepted verbally and written comment that has been received is acknowledged. For those of you wishing to comment, please state your name for the record and you will have five minutes to comment. Chairman Weickum noted many written comments were received and will be considered. He then opened the floor for public comment.

Jay Grabow respectfully requested that amendment #5 be removed from the proposed changes. He stated this is controversial and not in line with the proposed changes. He stated the issue of parcel size or regulating development in the RAM parcel is a major issue in the County and how to institute regulations and expediting without full review would be a mistake in his opinion.

Casey Wailes stated he is representing Golden Eagle Mill and himself and discussed his concern that the BOCC keep land owners rights in mind while making their decision. He discussed the existence of so many small lots already smaller than the guidelines and the use of forest inholding of land.

Steve Adams objected to the whole zoning regulation the way it is submitted on process and principal and stated the principal one of the key issues is changing the special use permit to where it goes directly to the County Commissioners and if you do that you don't need a planning board all you need is a secretary, that politicizes all decisions made in the County. The second is process, the way he visualizes it and the way the County and secretary said, dual land use plan of

the land use tells you to revisit the zoning regulations. He stated process to him is critical, approve the land use plan and then bring your zoning regulations back. He recommends that nothing be approved at this time.

Sonja Collamer presented and read her written comment and stated she is concerned as the proposed lot size reduction from 640 to 35 must be supported by the current 1998 Land Use Plan and it is not supported by that document. She noted numerous citations she feels are applicable. Ms. Collamer urged the BOCC to reject the proposed amendment.

Hal Alcorn stated it appears there is an interest in large land owners to keep the 640 however he feels that those individuals can keep their acreage. He stated a land owner should be able to sell something under 640 if they desire. He is in favor of the resolution to go to 35 acres.

Ed (Shorty) Ballard presented a petition of land owners supporting the amendments being presented today and stated he supports the amendments before the BOCC. He further stated his general support for the amendments.

Steve Golnar of the City of Rawlins stated the City has been following the land use process and does not understand the urgency of changing zoning until the Land Use Plan is completed. He stated he would like to initiate a discussion regarding how municipalities and the County can work together for development in the city or town expansion area and the one mile current jurisdiction for subdivisions.

Dan Mika asked the BOCC to wait on the change for the rezone until the Land Use Plan has been adopted. He stated the Land Use Plan would assist in directing zoning.

Scott Kerbs of Saratoga spoke in opposition to the amendment as a private citizen noting he is not representing any organization that he is involved with. He stated that the changes will grandfather in small parcels and clarified that individuals can sell small parcels now but the regulations apply when one goes to the Planning Commission for a zone change. He thinks the process has been circumvented by the BOCC by removal of individuals from the Planning Commission and he feels this was not done right as the majority opinion (in his opinion) is to support removal of the 35 acre amendment.

Bobbie Wagoner stated any change now is premature with the Land Use Plan coming up due to the expense and input that went into that document. She stated she feels this is out of order.

Casey Wailes stated that in King County Washington, an individual must place a large sign on the property to notify the public of zone changes.

Chairman Weickum called for further comment and there being none, Chairman Weickum closed the public hearing at 2:10 p.m.

Commissioner Paxton moved to accept the recommendations of the Planning & Zoning Commission as presented. Commissioner Young seconded and the motion carried unanimously.

Commissioner Paxton moved to approve Resolution No. 2009-39, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission for the Proposed Amendments & Changes to the Carbon County Zoning Resolution of 2003 Amended 01-06-2004. Commissioner Young seconded and the motion carried unanimously.

### **Resolution No. 2009 - 39**

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 Monday, September 21, 2009, 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 which were otherwise received; and

**WHEREAS**, at its regularly scheduled meeting on October 5, 2009, the Carbon County Planning and Zoning Commission considered additional comments received on the proposed amendments/changes and after due consideration, voted to certify in writing, by a Resolution duly approved, its recommendation for proposed amendments/changes to the Carbon County Zoning Resolution of 2003, as amended for Carbon County, Wyoming, to the Board of County Commissioners to adopt the proposed amendments/changes as an 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 in the Rawlins Daily Times, Saratoga Sun, and Snake River Press at least 14 days prior to a public hearing to take public input and comments on the proposed amendment which said hearing occurred on Tuesday, November 17, 2009; and

**WHEREAS**, at said public hearing, the Board of 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/changes; and

**WHEREAS**, the Carbon County Commissioners in considering the said proposed amendments/changes 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 amendments/changes are 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 a majority vote, the Carbon County Commissioners moved to approve the following amendments/changes to the Carbon County Zoning Resolution of 2003 as amended.

**(1) Carbon County Zoning Resolution of 2003 Amended 01-06-2004 and Amended 11-17-2009 Proposed Amendments/Changes:**

The proposed amendments and changes are as follows, but may be amended, modified or additions may be made after public hearing(s) and public input:

1. Section 2.5 is to be modified to read as follows:

Section 2.5 CLASSES OF DISTRICTS

For the purposes of this Resolution, the County is divided into ten (10) classes of zoning districts as follows:

|                       |   |
|-----------------------|---|
| Section 4.2 RAM Zone  | Ranching, Agriculture, Mining (Formally Open Range (OR))                                    |
| Section 4.5 FPSR Zone | Forestry Production and Seasonal Recreation (Formally Forest Production & Recreation (FPR)) |
| Section 4.6 RRA Zone  | Rural Residential Agriculture   |
| Section 4.7 RD Zone   | Residential Single Family   |
| Section 4.8 C-1 Zone  | Neighborhood Commercial   |
| Section 4.9 C-2 Zone  | Highway Commercial  |
| Section 4.10 ML Zone  | Limited Industrial  |
| Section 4.11 MB Zone  | Business Park   |
| Section 4.12 MH Zone  | Heavy Industrial (Formally Industrial)  |
| Section 4.13 PUD Zone | Planned Unit Development  |

Any lot or parcel of land, created by any legal means prior to the adoption of this resolution, may continue to be used for the existing use if such use was legally permitted under the former zoning district. In addition to allowing the continuation of a legally permitted existing use, those lots or parcels shall also be entitled to all of those principally permitted uses under the current zoning district as described in this resolution and may also be considered for those conditionally permitted uses and accessory uses as provided in the current zoning district.

2. Chapter III Definitions-the definition of Zoning Officer is modified to read as follows:  
Zoning Officer

The Carbon County Planning and Development Director appointed by the Board of County Commissioners of Carbon County and any person designated by him/her to administer and enforce this zoning resolution.

3. Sections 4.3 – Agricultural Exclusive Zone and Section 4.4 – Agricultural General Zone are to be deleted.
4. The use of “Grazing and Penning” is to be added as a principal permitted use in the Ranching, Agriculture and Mining zone and the Rural Residential Agriculture zone. Specifically, Section 4.2 a. is amended to add a paragraph 11 to read: “11) Grazing and

Penning” and Section 4.6 a. is amended to add a paragraph 8 to read: “8) Grazing and Penning”.

5. Section 4.2 is to be modified to change the minimum parcel size from 640 acres to 35 acres. Specifically, section 4.2 d. (1) is to be modified in pertinent part to read as follows:

(1) Minimal parcel size 35 acres;

- a. Any lot or parcel of land less than 35 acres in size created by any legal means prior to the adoption to this Resolution, may continue to be used for the existing use if such use was legally permitted under the prior Zoning District. In addition to allowing the continuation of a legally permitted existing use, those lots or parcels shall also be entitled to all of those principally permitted uses under the ranching, agricultural, mining (RAM), Zoning District as described in this Resolution and may also be considered for those conditionally permitted uses and accessory uses as provided in the RAM Zoning District.
- b. Exceptions from minimum parcel size – the following exceptions from the RAM minimum lot size of 35 acres are intended to allow the land owner to create smaller parcels without requiring a zone change when the purpose is not the beginning of a general conversion of the use of the subject lands.....

6. Section 5.4 pertaining to signs is to be modified as follows:

Section 5.4 SIGNS

See definition of Signs in Chapter III.

In all Districts, maximum permitted sizes of signs of each listed type shall be in accordance with the regulations contained in the following schedule:

| Zoning Districts   | Professional or Announcement Sign on Residence Building | Identification Business or Industrial Building or Use   | Real Estate For Sale or For Rent Sign, or Construction Sign | Advertising Signs |
|--|---|---|---|-------------------|
| RD- Residential<br>RRA – Rural Residential<br>Agriculture<br>FPSR – Forestry<br>Production and Seasonal Recreation | 2 sq. ft.   | 4 sq. ft.   | 6 sq. ft.   | Prohibited        |
| RAM – Ranching, Agriculture, Mining  | 3 sq. ft.   | 6 sq. ft.   | 32 sq. ft.  | Prohibited        |
| C-1 – Neighborhood Commercial  | 3 sq. ft.   | For each building wall or facade: 2 sq. ft. aggregate area for each one (1) foot horizontal length of facade, | 6 sq. ft.   | Prohibited        |

| Zoning Districts   | Professional or Announcement Sign on Residence Building | Identification Business or Industrial Building or Use  | Real Estate For Sale or For Rent Sign, or Construction Sign | Advertising Signs                  |
|--|---|--|---|------------------------------------|
|  |   | but not to exceed an aggregate area of 120 sq. ft. on any one facade   |   |                                    |
| C-2 – Highway Commercial   | 3 sq. ft.   | For each building wall or facade: 2 sq. ft. aggregate area for each one (1) foot horizontal length of facade, but not to exceed an aggregate area of 120 sq. ft. on any one facade | 6 sq. ft.   | 750 sq. ft.                        |
| ML- Limited Industrial<br>MH- Heavy Industrial<br>MB – Business Park | 3 sq. ft.   | For each building wall or facade: 2 sq. ft. aggregate area for each one (1) foot horizontal length of facade, but not to exceed an aggregate area of 120 sq. ft. on any one facade | 6 sq. ft.   | 750 sq. ft.                        |
| PUD – Planned Unit Development                                       | 3 sq. ft.   | 6 sq. ft.  | 6 sq. ft.   | Follow PUD Guidelines/Requirements |

7. Amend Section 5.6, Conditionally permitted uses as follows:

Section 5.6 Conditionally Permitted Use Requirements (Conditional Use Permits) or CUP

Due to their unusual and unique features, conditionally permitted uses shall be subject to the following requirements to ensure the best interests of the health, safety and welfare of Carbon County citizens. Conditionally Permitted Uses shall be permitted in Districts where designated, only after review by the Planning Commission and approval by the Board of County Commissioners. The basic criterion to be used in reviewing applications for conditionally permitted uses shall be whether or not granting the permit for development either by itself or in combination with other developments will subvert the stated purposes of the established District. If so, the permit shall be denied and the petitioner will have the option of requesting a zone change.

- a. Pre-Application Meeting

Prior to submittal of any application for Conditional Use Permit, all applicants will schedule a pre-application meeting with the Planning and Development Director or his/her designee. The purpose of the pre-application meeting is to: 1) help facilitate a complete application; 2) result in timely processing, as well as affording an early opportunity to meet to determine if a conditional use permit is appropriate; and to discuss any other issues relevant to an application.

b. Conditional Use Permit Application Procedure

- 1) Application for a Conditional Use Permit shall be submitted by the record owner of the property which will be the subject of the proposed conditional use permit to the office of the Planning and Development Department on a form provide for that purpose. In the event that an applicant is other than the record owner, then the record owner must sign the application along with the applicant. The applicant shall provide all information as required on the application and such other data, information and plans required by the Planning and Development Director, and necessary for full evaluation by the Planning Commission.
- 2) Adjacent Landowners and interested parties within a radius of three hundred (300) foot radius shall be notified of the application and shall be notified of the opportunity to provide written comment to the Planning and Zoning Commission.
- 3) The Applicant shall post a visible notice on the property subject to the application that the property is being considered for conditional use and shall specify the conditional use requested. The Notice and its location shall be approved by the Planning and Development Director at the pre-application conference.
- 4) The Planning and Zoning Commission shall consider the Conditional Use Application during their regular meeting. The application will be placed on the agenda of the Planning and Zoning Commission within ninety (90) days after a completed application being received.

c. Consideration by Commission and Board

Action on the application a Conditional Use Permit must be taken and a recommendation must be made by the Planning and Zoning Commission to the Board of County Commissioners within ninety (90) days from date of receipt of the completed application, unless otherwise agreed by the applicant. The Planning and Zoning Commission shall make the following determinations prior to recommending approval of an application for a Conditional Use Permit.

- 1) The proposed use shall serve an obvious public need.
- 2) The proposed use will not be detrimental to the surrounding area or to established uses.
- 3) That adequate and safe access and circulation shall be provided.
- 4) That any resulting commercial and truck traffic shall not use a residential street nor create a hazard to a developed residential area.
- 5) That the record owner has taken adequate steps to minimize and control potential environmental problems that might result from the proposed use.

The Planning and Zoning Commission may recommend to the Board of County Commissioners: (1) approval of the application as submitted; (2) approval of the application subject to such modifications as it deems necessary; (3) denial of the application. With the express approval of the applicant, the Planning and Zoning Commission may table the application indefinitely or dismiss the application.

The recommendation of the Planning and Zoning Commission shall be considered by the Board of County Commissioners at the next regular meeting of the Board after the Planning Commission's recommended action and after the required advertisement of the public hearing in this paragraph. The Board of County Commissioners shall hold one public hearing on the application after advertising notice of the hearing at least seven (7) days in advance of the hearing in a newspaper of general circulation in Carbon County. The Board of County Commissioners shall make the following determinations prior to approval of an application for a Conditional Use Permit.

- a) The proposed use shall serve an obvious public need.
- b) The proposed use will not be detrimental to the surrounding area or to established uses.
- c) That adequate and safe access and circulation shall be provided.
- d) That any resulting commercial and truck traffic shall not use a residential street nor create a hazard to a developed residential area.
- e) That the record owner has taken adequate steps to minimize and control potential environmental problems that might result from the proposed use.

After closing the public hearing on the application, the Board shall: (1) approve the application as recommended by the Planning and Zoning Commission; (2) approve the application subject to such modifications as it deems necessary; (3) deny the application; or (4) table the application to a specific date not to exceed sixty (60) days. With the express approval of the applicant, the Board may table the application indefinitely or dismiss the application.

The record owner, or as may be applicable, the applicant, shall pay a fee for the conditional use permit based on a fee schedule approved by the Board of County Commissioners.

Records of all applications made and decisions rendered, together with all maps, drawings, descriptions of conditions applied shall be kept and maintained as described in Chapter VI. A copy of the decision rendered and conditions applied shall be transmitted to the applicant and the record owner, if different than the applicant. No conditional use permit shall be transferred without the prior approval of the Board of County Commissioners, for good cause shown.

Any use for which a conditional use permit is granted must be commenced within two (2) years from the date of approval, otherwise the conditional use permit shall become null and void and be of no further effect and any uses approved in accordance with the permit shall not be permitted without any action on the part of Carbon County. If any such use cannot be commenced until construction of structures, buildings and other physical assets associated with the use are completed, then construction of such structures, buildings and other physical assets must be commenced not later than two years from the date of approval of the conditional use permit and completed within a reasonable amount of time in accordance with the timeframe normally required for such construction. If such construction is not commenced and completed as required, then the conditional use permit shall become null and void and be of no further effect and any uses approved in accordance with the permit shall not be permitted without any action on the part of Carbon County.

8. The fourth paragraph of section 6.3, pertaining to building permits is to be modified to read as follows:

The procedure for applications for issuance of a Building Permit shall be in accordance with the following provisions:

- 1) The applicant must be the record owner or must certify under oath that they received authorization from the record owner to submit the application.
- 2) Applications for a Building Permit shall be submitted to the Zoning Officer for processing. All applications for Building Permits shall be accompanied by a legal description of the property, a plot plan showing the dimensions of the lot to be built upon, the dimensions and location of any existing buildings or structures on the lot, the dimensions and location of the proposed building, building addition or structure, and any other such information as may be necessary to provide for the enforcement of the provisions of this Resolution. No Building Permit shall be issued unless the applicant provides proof of ownership and of valid, legal and useable access to the property from a public highway, road or street. The width of said access must be in accordance with any applicable County standards or state statute for access.

The Zoning Officer shall act promptly upon any permit application filed and shall grant permits where the proposed construction or use complies with the requirements of this Resolution. If the Zoning Officer denies an application, the reasons for such denial shall be specified in writing and the applicant notified of his right of appeal to the Board. If construction has not been started within 180 days of the date of the issuance of the building permit, the permit shall be void and no construction may be commenced under the permit.

If the Zoning Officer finds that any work is not in accordance with the information supplied on the permit application or is in violation of this Resolution or any other applicable regulations, or should the Zoning Officer find that there has been any misrepresentation in connection with the application for the permit, the Zoning Officer shall notify the holder of the permit of such findings and that the violation must be corrected. The holder of the permit shall have five working days to correct the violation. If the violation is not corrected, the Zoning Officer shall revoke the permit and shall serve written notice thereof of the grounds therefore and of the right of appeal to the Board upon the permit holder. No permit holder, their representatives, agents or employees shall proceed with any work authorized by the building permit after such notice is received unless and until the violation is corrected.

9. Add the following language to Section 4.13 in Planned Unit Development zone:

Procedure:

Before a tract of land may be considered for zoning as a planned unit development, the owner of the property shall:

- A. Meet with the County Planner or a member of the planning office staff to discuss the proposal prior to submission of any application;
- B. Submit, prior to the development of an existing or proposed PUD the following to the County planning office:
  1. A concept plan and a subdivision permit application, if necessary,
  2. The concept plan shall consist of, as a minimum, the following information:
    - a. An explanation of the objectives to be achieved by the planned unit development,
    - b. A list of the abutting owners of record within a radius of three hundred (300) feet of the subject property and their addresses from available records,
    - c. A statement of architectural theme and building type, distinguishing the uses of single-family dwellings, multifamily dwellings, townhouses, condominiums, and commercial and industrial structures,
    - d. A program describing the uses and activities to be permitted within each area, including the following:
      - i. The types, sizes, and mixture of dwelling units.
      - ii. The acreage or square footage of each use, including non-residential parking, roadways, easements, rights-of-way, and recreational areas
      - iii. The number of off-street parking spaces.
      - iv. Any other applicable restrictions such as building setbacks, height limits, access, grades, or widths of roads.
      - v. The overall density for the entire planned unit development, as well as the maximum density for each land use, excluding rights-of-way and easements.

vi. The proportion of land to be left in a natural condition as major open space or preserved areas, stated in terms of acreage or square footage, if any, as well as the ratio of open space in areas to be developed, stated on a square foot per unit basis.

vii. The portion and location of land to be retained for public purposes, such as schools and fire stations.

viii. A written statement by a registered, professional engineer(s), which shall describe the following:

(A) The proposed method and arrangement for a domestic water system, and the projected usage and needs.

(B) The proposed method and arrangement for a sewer system, and the projected usage and needs.

(C) The soil, geological, and ground water conditions of the site; the manner in which storm drainage will be handled.

ix. If the PUD is to be developed in stages, a description of each stage and an estimated date of completion for each stage. Any change or alteration in the design of the PUD or completion, will require the owner to submit an amended plan in compliance with the applicable most current rules and regulations adopted by the County.

10. Amend Section 6.2 as follows:

Section 6.2 ENFORCEMENT

a. Enforcement Responsibility

1) It shall be the responsibility to the Zoning Officer, to administer this Carbon County Zoning Resolution.

2) It shall be unlawful to locate, erect, construct, reconstruct, enlarge, maintain, or use any building or use any land within the unincorporated area of Carbon County without first obtaining a Building Permit from the Carbon County Planning and Development Department, and no such Building Permit shall be issued unless the plans for the proposed building, structure, or use fully comply with this Zoning Resolution. The Carbon County Planning and Development Department, shall act upon any application filed with it; shall grant a Building Permit in all cases where the proposed construction or use complies with the requirements of the Zoning Resolution; and if it denies the application, shall specify the reasons for such denial. Fees for filing of applications for Building Permits shall be in accordance with the provisions of Section 6.3 a.

b. County Zoning Enforcement Agent

1) The Zoning Officer is the zoning enforcement agent for the administration and enforcement of the provisions of this Resolution.

2) The Zoning Officer (or his/her designee) shall have the authority and responsibility to enter upon any public or private premises and make inspection thereof at any reasonable time, and for any proper purpose in enforcing this Resolution. Further, upon reasonable cause or questions to proper compliance, to revoke any Building Permit and issue cease and desist orders requiring the cessation of any building, moving, alteration or use which is in violation of the provisions of this Resolution.

11. Amend Section 6.3 a. as follows:

a. Building Permit Fees; Validity; Transferability.

To be set by the Board of County Commissioners and reviewed on a regular basis.

1) A building permit shall be valid for a period of one (1) year from the date of issuance and all construction authorized by the permit must be completed within the one year period. The Zoning Officer may extend the time that a building permit is valid for a period not to exceed an additional one (1) year period upon application by the person to whom the building permit was issued and for good cause.

2) A building permit may not be transferred.

12. Add the following paragraph c. to Section 6.7 pertaining to the procedure for zone changes:

c. Specific Procedure for zone changes.

A zone map amendment (zone change hereafter) is a Resolution adopted by the Board which changes the zoning district classification of a particular parcel of land on the official zone map of Carbon County. When acting on zone changes, the Commission and Board shall require that the applicant provide evidence that the proposed zone change will meet at least one of the following criteria:

1. Is necessary to come into compliance with the Zoning Resolution;

2. The existing zoning of the land was the result of a clerical error;

3. The existing zoning of the land was based on a mistake of fact;

4. The existing zoning of the land failed to take into account the constraints on the affected property due to natural characteristics of the land, including but not limited to, steep slopes, floodplain, unstable soils, and inadequate drainage;

5. The affected property or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage a redevelopment of the area or to recognize the changed character of the area; or

6. The proposed rezoning is necessary in order to provide land for a community need that was not anticipated at the time of adoption of the Zoning Resolution.

Subject to the procedures specified in this section, zone changes may be initiated in any of the following ways:

(a) By the Commission upon its own motion.

(b) By the Board upon its own motion.

(c) By petition by a majority of the owner(s) of record or the contract purchaser(s) of the property with the consent of the record owner(s), owning a majority of the property to be rezoned.

When initiated by a property owner, an application for a zone change must be submitted on an application form provided by the County planning office, signed by the owner and applicant (if different from the owner) and accompanied by a site plan. Said application must be signed by the owner and must contain the names and mailing addresses of all adjacent property owners, as well as any other information determined to be necessary by the County planning office. In order to provide the County planning office with sufficient time to make any desired on-site inspection and have the proposed zone change advertised, the application must be filed with the County planning office a minimum of thirty days plus five working days prior to the Planning Commission meeting at which the application is to be considered.

The Board may establish a zone change fee sufficient to cover the cost of the public notice, as well as other expenses incidental to the review and processing of the application. The fee must be paid at the time the application is submitted and is not refundable.

The Commission shall hold a public hearing before recommending the amendment of the zoning district classification of any parcel of land within the unincorporated areas of Carbon County. Notice of the time and place of the hearing shall be given by one publication in a newspaper of general circulation in the County at least ten (10) days before the date of the hearing. The notice shall contain the legal description and address, if one exists, of the land proposed for the zone change.

Not less than seven days prior to the Commission meeting, the property shall be posted with a notice of the application. The County planning office will attempt to notify all adjacent property owners as listed on the application by mail of the date, time and location of the meeting at which the application will be considered. Failure to notify a property owner due to clerical oversight or failure of mail delivery shall not affect the validity of the decision of the Planning Commission on the application.

The Planning Commission shall conduct a public hearing on the application and may also consider written communications from any person regarding the application. After the close of its hearing, the Planning Commission shall recommend to the Board: (1) approval of the application as submitted; (2) approval of the application subject to such modifications as it deems necessary; (3) denial of the application; or the Planning Commission may table the application to a specific date not to exceed sixty (60) days. With the express approval of the applicant, the Commission may table the application indefinitely or it may dismiss the application.

The Board, before adopting the recommendations of the Commission, shall hold a public hearing. Notice of the time and place of the hearing shall be given by one publication in a newspaper of general circulation in the County at least fourteen (14) days before the date of the hearing. Not less than seven days prior to the Board meeting, the County planning office will mail to the applicant a written notice of the date, time and location of the Board meeting at which the application will be considered.

The Board shall conduct a public hearing, as provided by law on the application and may also consider written communications from any person regarding the application. After closing the public hearing on the application, the Board shall: (1) approve the rezoning of the application as recommended by the Planning Commission; (2) approve the application as submitted, if different than as approved by the Planning Commission; (3) deny the application; (4) remand the application to the Planning Commission for reconsideration; or (5) table the application to a specific date not to exceed sixty (60) days. With the express approval of the applicant, the Board may table the application indefinitely or dismiss the application.

Either the Planning Commission or the Board may require the applicant to furnish additional information so that the Planning Commission or Board or both can make a more informed decision. The information requested may include, but not be limited to, geotechnical reports, percolation tests, water analyses, and traffic studies. Such information is to be provided at the sole expense of the applicant.

The Carbon County Zoning Resolution of 2003 amended 01-06-2004 will be superseded by the amended resolution, which will be titled: *The Carbon County Zoning Resolution of 2003 amended 11-17-2009*.

**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 proposed amendments/changes as certified to them in writing by the Carbon County Planning and Zoning Commission.

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 17<sup>th</sup> day of November, 2009.

**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

**EXECUTIVE SESSION**

Commissioner Paxton moved to go into executive session at 2:11 p.m. with Attorney DeLancey, Mike Kelly, Assessor Snider and Clerk Bartlett to discuss matters considered confidential by law, real estate transactions which would be affected by publicity. Commissioner Young seconded and the motion carried unanimously.

Assessor Snider left the session at 2:38 p.m. Cindy Baldwin joined the session at 2:45 p.m. Commissioner Paxton moved to come out of executive session at 2:53 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.

**ADJOURNMENT**

There being no further business, Chairman Weickum adjourned the meeting at 2:55 p.m.

-s- Gwynn G. Bartlett, County Clerk

Approved this 1<sup>st</sup> day of December 2009

BOARD OF COUNTY COMMISSIONERS  
CARBON COUNTY, WYOMING

-s- Terry Weickum, Chairman