

**MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, October 20, 2009
Hanna Senior Center, Hanna, Wyoming**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, October 20, 2009 at the Hanna Senior Center in Hanna, Wyoming. Attending the meeting were Chairman Terry Weickum, Vice Chairman Jerry Paxton; Commissioner Charles C. Young; County Attorney Cindy DeLancey; and Deputy Clerk Kathy Turner.

Chairman Weickum called the meeting to order at 4:10 p.m.

AGENDA AMENDMENT

Commissioner Young moved to amend the agenda to cancel the 5:15 p.m. Preschool in Medicine Bow; add 5:55 p.m. South Central Wyoming Emergency Medical Services Joint Powers Board; add 6:00 p.m. Fire Protection Town of Hanna; add 6:10 p.m. Memorial Hospital of Carbon County Board of Trustees; change 5:55 p.m. Citizen/Commissioners Discussion to 6:30 p.m.; and add 6:45 p.m. executive session. Commissioner Paxton seconded and the motion carried unanimously.

VOUCHERS

Commissioner Paxton moved to approve the report of expenditures in the amount of \$223,947.32. Commissioner Young seconded and the motion carried unanimously.

Vendor	Detail Line Description	Total
A & D OILFIELD DOZERS INC.	CCR 701 RETAINAGE	\$33,559.80
ALSCO, AMERICAN LINEN DIVISION	MATS	\$48.92
API SYSTEMS INTEGRATORS	TRAINING	\$867.50
ARLINGTON OUTPOST	VEHICLE MAINTENANCE	\$378.30
BAGGS, TOWN OF	WATER SERVICES	\$165.00
BANK OF COMMERCE (ACH)	ACH FEES	\$32.50
BANK OF COMMERCE (DEBIT CARD)	VARIOUS CASH ITEMS	\$4,587.84
BARKHURST, RAY	MILEAGE	\$34.80
BEHAVIORAL INTERVENTIONS	ELECTRONIC MONITORING SVCS	\$300.73
BI-RITE PHARMACY	JAIL RX'S	\$4,521.87
BOB BARKER COMPANY, INC.	JAIL SUPPLIES	\$148.78
BRESNAN COMMUNICATIONS	ONLINE/PHONE/FIBER LINE	\$2,872.31
BROWN, STEVEN	MEALS/SUPPLIES	\$66.70
BUILD RITE LUMBER SUPPLY	WEATHER STRIP	\$16.98
BUYROLLS INC/ DBA CADPAPERROLLS.COM	PLOTTER PAPER	\$149.80
CARBON COUNTY SENIOR SERVICES	JACK LOWRANCE MEALS	\$37.50
CARBON POWER & LIGHT INC	ELECTRICAL SERVICE	\$1,233.09
CARE MORE TURF MAINTENANCE	LAWN CARE	\$3,339.00
CBM FOOD SERVICE	JAIL PRISONER BOARD	\$5,623.20
CENTURYTEL	PHONE SERVICE	\$53.95
CHAMBERS, JOHN D., P.C.	LEGAL SERVICES	\$1,548.00
CHANDRA, V RAJA MD	ADMIN VITAL STATISTICS	\$116.00
CHILDRESS ELECTRIC INC	ELECTRICAL WORK-FAIRGRDS	\$236.62
COAST TO COAST SOLUTIONS	PROPERTY BAGS	\$1,266.24
COUNTRY STORE	FUEL	\$12.54
COWDIN, JOHN	MILEAGE	\$34.80
CSK AUTO, INC.	PARTS	\$3.29
DAILY TIMES	ADVERTISING	\$1,850.08
DELL COMPUTERS	COMPUTER SUPPLIES	\$1,055.05
DRUMMOND REFRIGERATION	REFRIGERATOR REPAIRS	\$544.00
DUBOIS TELEPHONE EXCHANGE	PHONE SERVICES	\$87.42
E & H PLUMBING & HANDYMAN	BUILDING REPAIRS	\$677.00
EAGLE UNIFORM SUPPLY	MATS	\$214.70
ENGSTROM, JAMES D. DDS	DENTAL SERVICES	\$2,500.00
ERICKSON & ROBERTS	LEGAL SERVICES	\$3,533.53
EVANS, MORGAN	HAIRCUTS-JAIL	\$288.00

FLEET SERVICES	FUEL	\$187.89
FORSTER LANDSCAPE & CONSTRUCTION	REPAIRS	\$35.00
FREMONT MOTORS – RAWLINS	VEHICLE MAINTENANCE	\$1,339.39
FREUDENTHAL, & BONDS, PC	MASTER LEASE-PURCHASE AGMT	\$5,500.00
FSH COMMUNICATIONS	PHONE SERVICES	\$70.00
GALE, GWEN R.N.	REIMBURSEMENT	\$114.56
GOSVENOR, MAXINE	MILEAGE	\$20.00
HANFT, JENNIFER PAIGE	LEGAL SERVICES	\$230.00
HERTER, JACQUES PHD	EVALUATION	\$475.00
HEWARD, TODD & MALEA	LAWN CARE	\$262.00
HILLCREST SPRING WATER, INC.	SUPPLIES	\$40.90
HILLTOP CONOCO	FUEL	\$224.01
IKON OFFICE SOLUTIONS	IT COPIERS	\$35.04
J H KASPAR OIL COMPANY	FUEL	\$3,270.23
JACKALOPE PRINTING	SUPPLIES	\$135.94
JERRY'S DONUTS	SUPPLIES	\$71.92
KAISER, DON	LAWN CARE	\$50.00
KILBURN TIRE COMPANY	TIRES/TIRE REPAIR	\$757.19
KINETIC LEASING	DOC FEE	\$250.00
KING SOOPERS CUSTOMER CHARGES	SUPPLIES	\$82.26
KLINGSPORN ENGINEERING	ENGINEERING SERVICES	\$1,000.00
KONE ELEVATORS ESCALATORS	ELEVATOR MAINTENANCE	\$1,395.88
L & L ELECTRIC	ELECTRICAL REPAIRS	\$561.20
LANNAN'S SUPPLY CO	SUPPLIES	\$16.20
LEMICH LAW CENTER	PHONE CONSULTATION	\$250.00
LORMAN EDUCATION SERVICES	REGISTRATION FEE	\$339.00
M LEE SMITH PUBLISHERS LLC	ADA COMPLIANCE VIRTUAL CONF	\$597.00
MADER, TSCHACHER, PETERSON & CO.	AUDIT REPORTS	\$19,975.00
MCBRIDE'S HILLTOP LUBE & TIRE	VEHICLE MAINTENANCE	\$418.65
MEDICAL ARTS PRESS	SUPPLIES	\$2.58
MEMORIAL HOSPITAL OF CARBON COUNTY	MED SVCS/GSG ARCHITECTURE	\$22,224.50
MERBACK AWARD COMPANY	SUPPLIES	\$84.80
MEYERHOFF & ASSOCIATES, INC.	LEGAL SERVICES	\$565.00
MURANE & BOSTWICK, LLC.	CONSULTATION FEES	\$6,173.51
PAMIDA INC	SUPPLIES	\$290.35
PAXTON, JERRY	MILEAGE	\$610.00
PDR ENTERPRISES, INC.	ROAD WORK CHARGES	\$900.00
PITNEY BOWES	RENTAL/AGREEMENT CHARGES	\$3,126.67
PRO-CHEM INDUSTRIAL, LLC	CLEANING SUPPLIES	\$242.94
PROJECT PREVENTION	MISC. CHARGES	\$2,440.59
PYROTECHS	SEMIANNUAL HOOD MTCE	\$125.00
QWEST	PHONE SERVICES	\$294.57
RAWLINS AUTOMOTIVE	PARTS	\$286.05
RAWLINS FIRE EXTINGUISHER	ANNUAL INSPECTION	\$144.00
RAWLINS GLASS	GLASS/WS REPAIRS	\$300.81
RAWLINS, CITY OF	WATER	\$18.40
RELIABLE	OFFICE SUPPLIES	\$725.19
ROOP, KATHY	MILEAGE/WITNESS FEE	\$57.00
ROSS' AUTOMOTIVE SERVICES	VEHICLE MAINTENANCE	\$155.98
ROSTAD MORTUARY	BURIAL EXPENSES	\$995.00
SARATOGA SUN	ADVERTISING	\$3,509.00
SHELL FLEET PLUS	FUEL	\$453.81
SHEPARD'S	FUEL	\$717.27
SNAKE RIVER PRESS	ADVERTISING	\$43.00
SQUARE SHOOTERS EATING HOUSE	TRIAL LUNCH	\$48.00
STANLEY SECURITY SOLUTIONS	MAINTENANCE CHARGES	\$2,025.00
STAN'S QUIK LUBE	VEHICLE MAINTENANCE	\$90.26
STAPLES ADVANTAGE	OFFICE SUPPLIES	\$236.54
STATE OF WYOMING (A&I)	BLUE ZONE ACCESS	\$25.97
SYMBOL ARTS	PATCHES	\$226.00
TASER INTERNATIONAL	BATTERY PACK	\$386.61
TERMINIX	PEST CONTROL	\$190.00
TRADING POST	DOG SUPPLIES	\$34.95
TRIPLE XXX CONTRACTING, INC.	GARBAGE SERVICES	\$50.00
TRUE VALUE OF RAWLINS	SUPPLIES	\$5.29

TRUMBLE GREETINGS INC.	CARDS	\$111.49
U S BANK	MISC. CHARGES	\$3,114.53
UPS	SHIPPING CHARGES	\$12.11
VALLEY OIL COMPANY	FUEL	\$952.97
VAN'S WHOLESALE LLC	SUPPLIES	\$404.64
WALDRON, PATTY	MILEAGE	\$46.20
WEICKUM, TERRY	MILEAGE	\$315.00
WELD CO SHERIFF'S OFFICE	PAPER SERVICE	\$44.10
WEST PAYMENT CENTER	WEST INFORMATION CHARGES	\$1,051.55
WEST WINDS BAKERY & DELI	SUPPLIES	\$234.95
WILLOW CREEK VENTURES LP	SUPPLIES	\$50.00
WILSON, MARGARET	SEWING	\$21.00
WLC ENGINEERING	LEGAL SERVICES	\$13,122.47
WY DEPT OF FAMILY SERVICE	COPIES	\$63.72
WY FINANCIAL INSURANCE, INC.	DELANCEY BOND	\$100.00
WY GUARDIANS AD LITEM PROGRAM	LEGAL SERVICES	\$14,318.84
WY MACHINERY COMPANY	SUPPLIES	\$26,240.00
WY STATE BAR	JOB POSTING	\$85.00
WY STATIONERY	SUPPLIES	\$1,033.85
WY WASTE SERVICES-RAWLINS	GARBAGE SERVICES	\$978.10
WYOMING RENTS	EQPT RENTALS	\$311.50
XEROX CAPITAL SERVICES	COPIER RENT	\$195.29
XEROX CORPORATION-RENT	COPIER RENT	\$2,848.60
YAMPA VALLEY ELECTRIC	ELECTRICAL SERVICE	\$551.67
YOUNG, CHARLES	MILEAGE	\$225.00
GRAND TOTAL		\$223,947.32

CLERK

Minutes

Commissioner Paxton moved to approve the minutes of the September 30, 2009 special meeting of the Board of Carbon County Commissioners (BOCC) with Memorial Hospital of Carbon County and the October 6, 2009 regular meeting as presented. Commissioner Young seconded and the motion carried unanimously.

Bonds

Commissioner Young moved to approve a \$500.00 bond for Cindy DeLancey, Carbon County Attorney, a \$50,000.00 bond for Codey J. Stocks, Clerk/Treasurer for the Town of Dixon, and a \$50,000.00 bond for Robert L. Patton, Treasurer for Carbon County School District 2. Commissioner Paxton seconded and the motion carried unanimously.

Fiscal Year 2010 American Recovery and Reinvestment Act (ARRA) Contract

Deputy Clerk Turner presented a contract for the Carbon County Sheriff's Victim Witness Program. She stated that County Attorney Cindy DeLancey, Sheriff Jerry Colson and Loretta Weems, Victim/Witness Coordinator have reviewed the contract and recommend approval.

Commissioner Paxton moved to approve the Fiscal Year 2010 ARRA Contract for Services to Victim Services and Carbon County Sheriff's V/W Program, with a maximum amount of \$38,404.00 to provide funds to Wyoming Victim Services Providers, effective when all parties have executed the contract to June 30, 2010. Commissioner Young seconded and the motion carried unanimously.

Memorandum of Understanding

Deputy Clerk Turner presented a Memorandum of Understanding (MOU) between the Board of County Commissioners of Carbon County and the Wyoming Department of Family Services for the Positive Achievement Change Tool (PACT) Assessment to do online assessments. She stated Attorney DeLancey has reviewed the MOU and recommends approval.

Commissioner Young moved to approve the Memorandum of Understanding between the Board of County Commissioners of Carbon County and the Wyoming Department of Family Services,

to provide for training, certification and access to the Positive Achievement Change Tool (PACT) Assessment by the County for use in providing juvenile probation/diversion services ordered through Circuit Court and Municipal Courts, commencing upon the day and date last signed until terminated with no payment made to either party. Commissioner Paxton seconded and the motion carried unanimously.

Project Cost Reimbursement Statement

Deputy Clerk Turner presented a reimbursement request prepared by Jon Anderson of PMPC to Wyoming Department of Transportation for the West Sinclair Bypass project in the amount of \$225,170.29.

Commissioner Young moved to accept the Wyoming Department of Transportation FY2009 Project Cost Reimbursement Statement No. 1 for the West Sinclair Bypass County Road 351 project, Job Number CN6064 in the amount of \$225,170.29. Commissioner Paxton seconded and the motion carried unanimous.

Fairgrounds Multipurpose Facility

Commissioner Paxton moved to authorize the Chairman's signature on Resolution No. 2009-33, a Resolution Authorizing Carbon County, Wyoming, to Enter Into a Site Lease and a Lease Purchase Agreement Relating to the Construction and Equipping of a Multipurpose Facility at the Carbon County Fairgrounds. Commissioner Young seconded and the motion carried unanimously

R E S O L U T I O N No. 2009-33

A RESOLUTION AUTHORIZING CARBON COUNTY, WYOMING, TO ENTER INTO A SITE LEASE AND A LEASE PURCHASE AGREEMENT RELATING TO THE CONSTRUCTION AND EQUIPPING OF A MULTI-PURPOSE FACILITY AT THE CARBON COUNTY FAIRGROUNDS.

WHEREAS, Carbon County, Wyoming (the "County") is the owner of certain real estate located adjacent to the City of Rawlins, Wyoming (the "Site"), which is commonly referred to as the Carbon County Fairgrounds; and

WHEREAS, the Board of County Commissioners (the "Commissioners") has heretofore determined that the needs of the County include the construction and equipping of a multipurpose facility (the "Improvements") on the Site; and

WHEREAS, pursuant to this resolution (the "Authorizing Resolution"), and in order to provide financing for the construction and equipping of the Improvements on the Site, the County intends to:

a) enter into a Site Lease dated as of October 28, 2009 (the "Site Lease"), between the County, as Landlord, and Kinetic Leasing, Inc. (the "Company"), as Tenant, whereby the Landlord leases the Site to the Tenant; and

b) enter into a Lease Purchase Agreement dated as of October 28, 2009 (the "Lease"), between the County, as sublessee, and the Company, as sublessor, to which Lease this Authorizing Resolution constitutes EXHIBIT D, to provide financing for the payment of the costs of the construction and equipping of the Improvements. Pursuant to the Lease, the Company will lease the Site and the Improvements to the County according to the terms and conditions of the Lease (the Site and the Improvements referred to collectively herein and in the Lease as the "Leased Property" and described more particularly in EXHIBIT A to the Lease); and

WHEREAS, the Commissioners desire to authorize certain officers of the County and members of the Commissioners to proceed to finalize the forms of the Site Lease, the Lease and all other documents necessary to effect the financing of the Improvements and to negotiate the necessary terms and provisions thereof;

NOW, THEREFORE, BE IT RESOLVED:

SECTION 1. All action heretofore taken (not inconsistent with the provisions of this Authorizing Resolution) by the Commissioners or officers of County and directed toward the Leased Property, are hereby ratified, approved and confirmed.

SECTION 2. The Lease, including the Exhibits thereto, and the Site Lease, including the Exhibits thereto, are hereby approved in substantially the same forms as presented to the Commissioners, with such additions, omissions and changes as may be approved by the County Attorney and persons executing the same, their execution being conclusive evidence of their approval of any such additions, omissions, and changes, and the Chairman of the Commissioners and the Deputy County Clerk are authorized and directed to affix his, her or their signatures and the official corporate seal of the County thereto. The County expects to make payments pursuant to the Lease from moneys legally available therefore.

SECTION 3. No provision of this Authorizing Resolution, the Lease or the Site Lease shall be construed as creating or constituting a general obligation or other indebtedness of County or a mandatory payment obligation of County in any ensuing Fiscal Year beyond the current Fiscal Year.

SECTION 4. The Commissioners hereby represent that the reasonably anticipated amount of qualified tax-exempt obligations which have been and will be issued by County for the 2009 calendar year does not exceed \$30,000,000 and hereby designate the Lease to be a “qualified tax-exempt obligation” pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

SECTION 5. If any section, paragraph, clause or provision of this Authorizing Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Authorizing Resolution.

SECTION 6. All resolutions, or parts thereof, inconsistent with this Authorizing Resolution or with any of the documents hereby approved, are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed as reviving any resolution or part thereof.

SECTION 7. This Authorizing Resolution shall be in full force and effect upon its passage and adoption.

ADOPTED AND APPROVED as of the 20th day of October, 2009.

(S E A L)

CARBON COUNTY, WYOMING
By: -s- Terry Weickum
Title: Chairman
Board of County Commissioners

ATTESTED:

By: -s- Kathy Turner
Title: Deputy County Clerk

Board Resignation

Commissioner Paxton moved to accept the resignation of Paul Zamora from the Memorial Hospital of Carbon County Board of Trustees effective October 7, 2009. Commissioner Young seconded and the motion carried unanimously.

The BOCC asked the Clerk’s Office to advertise for this vacancy and schedule board interviews for the November 3, 2009 meeting.

ELECTED OFFICIALS / DEPARTMENT HEADS

Assessor

Deputy Clerk Turner presented several rebates and abates for the County Assessor.

Planning and Development

County Planner Steven Brown reported that Tom Powell has begun working on rural addressing.

Commissioner Young moved to accept the letter of resignation of Steven Brown, Carbon County Planning and Development Director effective October 30, 2009. Commissioner Paxton seconded and the motion carried unanimously.

Road & Bridge

Bill Nation, Road & Bridge Superintendent, reported he has applied for several grants throughout the County and just received approval for a grant that will finance gravel and warning signs in the Hanna area. He stated the three blades in the Hanna, Elk Mountain and Medicine Bow areas have wings mounted and are ready for the snow. In the Baggs, Saratoga, Encampment and Rawlins areas they continue to take care of school bus routes being the number one priority, then mail routes, UPS routes and ranchers. He stated the Sinclair Bypass project is open and ready for travel. Mr. Nation reported they are installing box culverts on County Road 401. The department is also working on an irrigation ditch on County Road 1 where there is a drop culvert structure that he will try to put in.

Mr. Nation reported there may be extra funds available for the CMAQ projects for 2009 that he may apply for and use on County Road 701 the Dad/Wamsutter Road.

SPECIFIC PURPOSE TAX BOND ISSUE

Chairman Weickum discussed the specific purpose tax bond issue noting that the County’s project was removed to avoid lowering the bond rating and increasing interest. He stated the hospital project is still in the planning stages and should be done in March or April of 2010 and hopefully the finances will be straightened out at this time and a separate bond issue could be completed then.

Commissioner Paxton moved to adopt Resolution No. 2009-34 a Resolution of Carbon County, Wyoming, Confirming that the Improvements to the Memorial Hospital of Carbon County will not be Financed by the Carbon County 2009 Specific Purpose Tax Joint Powers Board through the Issuance of its Revenue Bonds, Series 2009. Commissioner Young seconded and the motion carried unanimously.

R E S O L U T I O N N O. 2009-34

RESOLUTION OF CARBON COUNTY, WYOMING, CONFIRMING THAT THE IMPROVEMENTS TO THE MEMORIAL HOSPITAL OF CARBON COUNTY WILL NOT BE FINANCED BY THE CARBON COUNTY 2009 SPECIFIC PURPOSE TAX JOINT POWERS BOARD THROUGH THE ISSUANCE OF ITS REVENUE BONDS, SERIES 2009.

WHEREAS, Carbon County, Wyoming (“Carbon County”) is a body corporate duly organized and existing under the laws of the State of Wyoming (the “State”), and is authorized by Title 18, Chapter 8, Wyo. Stat. to provide for improvements to the Memorial Hospital of Carbon County (the “Carbon County Improvements”); and

WHEREAS, Carbon County is a member of the Carbon County 2009 Specific Purpose Tax Joint Powers Board (the “Board”), a duly organized and existing body corporate and politic under the provisions of the Wyoming Joint Powers Act, Wyo. Stat. §§ 16-1-102 through 16-1-109, established under a Joint Powers Agreement dated as of May 15, 2009, entered into by and between Carbon County; the Towns of Baggs, Wyoming (“Baggs”); Elk Mountain, Wyoming (“Elk Mountain”); Encampment, Wyoming (“Encampment”); Medicine Bow, Wyoming (“Medicine Bow”); Riverside, Wyoming (“Riverside”); Saratoga, Wyoming (“Saratoga”); and Sinclair, Wyoming (“Sinclair”); and the City of Rawlins, Wyoming (“Rawlins”), incorporated municipalities in Carbon County (herein after Baggs, Elk Mountain, Encampment, Medicine Bow, Riverside, Saratoga, Sinclair and Rawlins being sometimes referred to collectively as the “Municipalities” and Carbon County and the Municipalities being sometimes collectively referred to as the (“Participating Agencies”); and

WHEREAS, the Participating Agencies created the Board for the purpose of financing all of the following Improvements through the issuance of revenue bonds:

- Carbon County – the Carbon County Improvements
- Baggs – water and sewer improvements
- Elk Mountain – water improvements
- Encampment – water and sewer improvements
- Medicine Bow – fire protection improvements
- Riverside – water improvements
- Saratoga – water improvements
- Sinclair – storm sewer, water, sewer, curb, gutter and paving improvements
- Rawlins – water, sewer, storm sewer, curb and gutter, sidewalk and street improvements

WHEREAS, Encampment has now chosen to not have its Improvements funded by the Board, but rather will borrow monies directly from the State of Wyoming; and

WHEREAS, the Municipalities are currently anxious for the Board to proceed with the issuance of revenue bonds for the financing of their Improvements, but Carbon County is not ready to proceed with the Carbon County Improvements; and

WHEREAS, in response to the foregoing communications, on October 14, 2009, the Board adopted a resolution identifying the Improvements that will be financed by the Board through the issuance of its Revenue Bonds, Series 2009; and

WHEREAS, Carbon County desires to confirm the determination made by the Board;

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

Section 1. At this time, Carbon County is not ready to proceed with the Carbon County Improvements described above and confirms the determination of the Board to move forward to provide financing for the Improvements for the Municipalities.

Section 2. At such time that Carbon County is ready to proceed with the Carbon County Improvements, it will request that the Board provide for a second issue of revenue bonds for the purpose of paying the cost and expense thereof.

Section 3. If any section, paragraph, clause, or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

ADOPTED AND APPROVED as of the 20th day of October, 2009.

(S E A L)

CARBON COUNTY, WYOMING

-s- Terry Weickum
Chairman, Board of County Commissioners

ATTESTED:

-s- Kathy Turner, Deputy County Clerk

PRESCHOOL IN MEDICINE BOW

Commissioner Paxton advised he has talked to Jeannette Fisher who would like to start a preschool and is looking for funding. Commissioner Paxton stated he thought there might be grants available and he stated he would like the BOCC to help her or guide her.

PLANNING & ZONING

Certification of Case File No. 09-18 and Carbon County Zoning Resolution of 2003 Amended 01-06-2004 Proposed Amendments/Changes

Steven Brown, County Planner, presented the Certification of Recommended Action for Case File No. 09-18.

Commissioner Young moved to schedule a public hearing for November 17, 2009 at 1:30 p.m. at the County Courthouse in Rawlins, Wyoming to hear Case File No. 09-18, Gwendolyn “Gwenn” C. Fordham’s request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR) on approximately 40 acres. Commissioner Paxton seconded and the motion carried unanimously.

Commissioner Paxton moved to schedule a public hearing for November 17, 2009 at 1:45 p.m. at the County Courthouse in Rawlins, Wyoming for the Carbon County Zoning Resolution of 2003 Amended 01-06-2004 Proposed Amendments/Changes and that a notification of the hearing be published in the Rawlins Daily Times, Saratoga Sun and Snake River Press. Commissioner Young seconded and the motion carried unanimously.

CORONER

County Coroner Paul Zamora stated he is hosting a Coroner’s conference November 12-14 and expects approximately 30 people. Commissioner Paxton congratulated Coroner Zamora for being selected as the President of the Wyoming Coroner’s Association. Coroner Zamora requested and received approval for \$2,000.000 for the conference.

COMMISSIONERS DISCUSSION

Commissioner Paxton advised the Cheyenne Tribune Eagle did an extensive story on beetle kill in the Medicine Bow Routt National Forest which talks about the Industrial Park in Encampment and the efforts that are being made to address the reintroduction of industry to get rid of some of the dead trees. He advised the sewer system at the Industrial Park is nearing completion and the water system is in the process of being completed. He advised a group of retirees will meet next Monday and Tuesday to tour the facility and strategize about how to keep the momentum going. He added that Senator Barrasso has sponsored a bill that would allow the state forester to take control of federal lands adjacent to the state lands. Commissioner Paxton stated that America Forest magazine will publish a series on beetle kill in Encampment and the Industrial Park.

REVENUE BONDS

Commissioner Paxton moved to approve Resolution No. 2009-35, A Resolution Defining Carbon County, Wyoming Policy Concerning Industrial Development Revenue Bonding, to establish a

Carbon County, Wyoming policy on the issuance of industrial development revenue bonds. Commissioner Young seconded and the motion carried unanimously.

RESOLUTION #2009 - 35
ENTITLED: A RESOLUTION DEFINING CARBON COUNTY, WYOMING POLICY
CONCERNING INDUSTRIAL DEVELOPMENT REVENUE BONDING

WHEREAS, Carbon County, Wyoming is authorized, pursuant to the “Industrial Development Projects Act” W.S. § 15-1-701 et seq. (“The Act”) to issue industrial development revenue bonds to finance certain projects in the public interest; and

WHEREAS, the County desires to set minimum guidelines to assist in view of any proposed industrial development revenue bonds.

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

1. Purpose The purpose of this Resolution is to establish a Carbon County, Wyoming policy on the issuance of industrial development revenue bonds.

2. Demonstration of Benefit In general, Carbon County shall consider issuing industrial development revenue bonds only upon a clear factual demonstration of direct economic to Carbon County, such as the creation of additional employment opportunities; expansion of the tax base; increasing sales, property or other tax revenues to the county; maintenance and promotion of a stable, balanced and diversified economy amount agriculture, natural resources, business, commercial and trade; and promotion or development of the use of agricultural, manufactured, commercial or natural resource products within or without the State.

Consideration shall also be given to any adverse effect upon Carbon County. The following guidelines apply:

A) No particular type of business or enterprise shall be excluded from consideration, however, every applicant shall be prepared to demonstrate the proposed facility will promote the general economic development of Carbon County within the context of the existing laws, rules, regulations and requirements of the County, State of Wyoming, and the United States government.

B) Proposals for issuance of all industrial development revenue bonds shall be carefully considered to determine if the proposed bonds would substantially benefit the County and its inhabitants.

C) Each project for which industrial development revenue bonds are proposed must support the following public purposes:

- 1) Creation of new or additional employment opportunities in Carbon County;
- 2) Expansion of the tax base, and increase of sales, property or other tax revenues in Carbon County;
- 3) Maintenance and promotion of a stable, balanced and diversified economy among agriculture, natural resource development business, commerce and trade;
- 4) Promotion or development of the use of agriculture, manufactured, commercial or natural resource products within or without the State.

3. Applicant Financial Information The County, in evaluating proposals for industrial development revenue bonds, shall seek to protect the good fiscal reputation of the County, and will require information and proof of such matters as may be necessary to establish the feasibility of the project and the financial responsibility and capacity of the applicant. At least thirty (30) days prior to any meeting with county officials, the following information, together with the application fee provided in Section 4, shall be submitted to the county for use in its determination of whether to proceed with proposed industrial development revenue bond financing;

A) A project description including a complete list of assets to be purchased or constructed and the estimated life such assets; the estimated cost of constructing and acquiring the project; and the cost of issuance of the bonds

B) A descriptive statement of how the proposed project will benefit Carbon County and fulfill the requirements of Section 2(C) herein.

C) A description of alternative forms of financing investigated together with the reasons for seeking industrial development revenue bond financing.

D) History of applicant, including a description of its operations.

E) A resume of principals and key employees of applicant including directors and officers if the applicant is a corporation, or of all partners if the applicant is a partnership.

F) Historical financial information for the applicant for the previous five (5) years or for the entire time it has conducted business, including:

- 1) Sales
- 2) Gross profits

- 3) Net income
- 4) Cash flow
- 5) Net worth
- 6) Earnings available for debt service
- 7) Net fixed assets
- 8) Working capitals
- 9) Ratio of assets and liabilities

If a new business enterprise is involved, the County may require personal financial information from the principals of such enterprise.

G) Balance sheets and income statements for the most recent fiscal year, and cash flow projections for the next five (5) years reflecting the proposed revenue bond issue.

H) Copies of financial statements, either audited or otherwise satisfactory to the County, dated within sixty (60) days of the application date.

I) Copies of financial statements, either audited or otherwise satisfactory to the County, for the preceding five (5) years or the entire time the applicant has conducted business, whichever is less.

J) A report of any litigation pending against the applicant.

K) A proposed bond redemption schedule including the estimated debt service on the proposed industrial development revenue bonds.

L) Any other matters specifically desired by the County not set forth above. In addition, the County, may upon written request of the applicant, modify the requirements of paragraphs A through L of the section 3 to accommodate individual situations.

4. Application Fee and Reimbursement For All Expenses Upon submission of the information required by section 3, or when a refunder or refinancing is requested, the applicant shall deposit with the County a nonrefundable application fee in the sum of \$1,000.00. The applicant shall also execute an agreement for reimbursement of all expenses incurred by the County in evaluating the project proposal, and in connection with the issuance of bonds, if bonds are issued. In addition to the application fee, in order to cover any nonitemized County expenses under the transactions contemplated by the bond issuance, the applicant shall execute an agreement, prior to issuance of the bonds, obligating applicant to pay to the County, at the time of delivery of the bonds, an amount, which together with the application fee shall be referred to as "financing fee", not to exceed 0.5% of the face amount of the bonds to be issued; provided however such fee shall not exceed any amount which would result in an increase in the financing yield of more than .125%

5. Marketing the Bonds Applicant must demonstrate by acceptable evidence the proposed industrial development revenue bonds can be sold without violating federal or state securities law through a qualified underwriter or to an experienced investor or group of investors. Where bonds are proposed to be marketed through negotiation with a bond underwriter, such bonds are marketable. The marketability condition of the bonds will be based on the financial soundness of the applicant to meet debt obligation incurred by issuance of the bonds whether or not a market exists for the bonds. If the industrial development revenue bonds are not to be marketed through negotiations with the bond underwriter, applicant must submit evidence as to how the bonds will be marketed.

6. Commissioners' Determination Conclusive At such time as the applicant has provided all requested information, the Board of County Commissioners shall review the material and information submitted, taking into consideration the findings and recommendations of such officers or employees of the County who have been requested by the Board to examine such information and make findings and recommendations, and taking into consideration any other matter which the Board in its sole discretion determines to be significant in deciding whether to proceed with the proposed bond issue. The decision to issue shall be at the full and complete discretion of the Board which reserves the right, for good cause, to modify, delete or add to any of the requirements stated herein. The Board further expressly declares fulfillment of the guidelines set forth in this resolution does not assure approval of the proposed industrial development revenue bond.

7. Liability of County and Bond Purchaser Acceptance of the financial information and agreement by the County to issue industrial development revenue bonds shall not constitute approval by the County of the applicant's financial condition or soundness. In case of a private placement of the bonds, the ultimate purchaser shall be required to certify to all parties it has independently reviewed the credit worthiness of the applicant.

Regardless of whether the bonds are to be sold publicly or privately, no purchaser or underwriter shall in any way represent in an official statement, offering circular, or other offering material or otherwise, the County has in any way certified or approved the financial condition or soundness of the applicant, or has in any way evaluated whether or not the bonds are marketable.

8. Limitation of Inducement Resolution Upon determination to proceed with the industrial development revenue bond issue, the Board of County Commissioners shall entertain a resolution of inducement, which, if passed, shall be effective for the period stated therein.

9. Repealer All acts, orders, resolutions, or portions thereof, taken by the County and in conflict with this resolution are hereby repealed, except this repealer shall not be construed so as to revive any act, order, resolutions or portion thereof here therefore repealed.

10. Severability If any paragraph, clause, or provision of this resolution is judicially adjudged invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining paragraphs, clauses, or provisions hereof.

11. Amendments This resolution may be amended by the Board at any regular or special meeting provided however, while such modifications are not favored, the Board may modify application of provisions of this resolution to facilitate a particular transaction when such modification is deemed to be in the interest of the County.

12. Trustee Reporting The trustee of any industrial development revenue bond issued by Carbon County shall provide the Carbon County Treasurer no less frequently than annually on the anniversary date of said bond, a report of the outstanding balance of the bond together with a record of the payments for principal and interest made during the preceding twelve (12) months. In the same manner, the Carbon County Treasurer shall be promptly notified of the retirement of any bond.

13.

PRESENTED, READ AND ADOPTED this 20th day of October, 2009

BOARD OF CARBON COUNTY COMMISSIONERS

-s- Terry L. Weickum, Chairman

ATTEST:

-s- Kathy Turner for Gwynn G. Bartlett, Carbon County Clerk

Reviewed and approved as to form:

-s- Cindy DeLancey

Carbon County & Prosecuting Attorney

Commissioner Paxton discussed how these bonds work and stated that by passing this resolution these funds will be available to anyone who is interested in starting a business in Carbon County.

PROJECT PREVENTATION

Theresa Pacheco and Sally Patton of Project Prevention presented the BOCC with an Above and Beyond award for their contribution toward safer community service. Ms. Patton thanked the Commissioners for their support and Ms. Pacheco advised the award is in recognition of the Commissioners addressing substance abuse in Carbon County.

RECESS

Chairman Weickum called a recess at 5:19 p.m. and reconvened at 5:40 p.m.

PATHFINDER WIND ENERGY

Commissioner Paxton moved to have all three Commissioners sign a letter to Jeffrey Meyer of Pathfinder in support of the Pathfinder Wind Energy project. Commissioner Young seconded and the motion carried unanimously.

SOUTH CENTRAL WYOMING EMERGENCY MEDICAL SERVICES

JOINT POWERS BOARD

Mark Kostovny, Secretary of the South Central Wyoming Emergency Medical Services Joint Powers Board (JPB) provided an update on their services and call volume. He reported to date they have billed out over \$127,000.00 in ambulance fees and have brought in \$27,000.00 as there is a three month delay. He advised they just got their Medicare certification today and can now bill this. Mr. Kostovny reported they have recently expanded into the Ryan Park area and have eight members signed up to be employees who can assist in the Saratoga/Encampment area if they are short handed. Mr. Kostovny advised they have accepted a donation of a 1988 Ford four

wheel drive ambulance for the Saratoga/Encampment area for the cost of repairs in the amount of \$498.00. He stated Rock Creek Division of Carbon County Fire for McFadden is also showing interest like Ryan Park.

Mr. Kostovny introduced Bob Hohn, JPB member at-large and stated he will be their training officer. Mr. Kostovny stated they have an understanding with the Town of Hanna that they will provide ambulance service within the incorporated area of the Town and have an agreement worked out that still needs a few signatures.

FIRE PROTECTION – TOWN OF HANNA

Richard Fowler, Councilmember for the Town of Hanna stated he has some changes to the agreement between Hanna and the County for fire protection in and near Hanna. He advised after meeting with County Fire the Hanna Council proposes the following changes: The Town will lease the Fire Department Building to Carbon County for up to one year at the price of \$10.00, pending completion of the energy audit grant and the opportunity to survey the Fire Department building. Upon completion, the Town will deed both the Senior Citizens Center and surveyed Fire Department property to County for the sum of \$270,000.00 to be paid in full or paid in increments of \$67,500.00 per year for four years. Chairman Weickum asked if this would be paid to the Town and Mr. Fowler stated it would be paid to the Town who will pay the emergency medical service. The Town will lease three vehicles to the County for \$10.00 and the vehicles will be included in the sale of the Senior Center and Fire Building.

Mr. Fowler stated County Fire requested the following: Mayor and Town Council will not have any jurisdiction over the Fire Department, building and equipment and will not have any access to same; County assumes utilities; fifteen sets of bunker gear will be turned over to County Fire; Hanna Fire Department radio frequency will be transferred to County Fire; three vehicles will be transferred to County Fire after one year; all items in the fire house will remain in the building and will be considered part of the building including ice machine, washer and dryer, tables, chairs and hose washer; name on building and equipment will change to Carbon County Fire; during the lease period any Town inspections on the building or equipment will be coordinated through County Fire Warden and officers of Carbon County Fire; and extrication equipment will be transferred to County Fire.

Mr. Fowler distributed the Memorandum of Understanding (MOU) with the above changes implemented that has been approved by the Town. Chairman Weickum stated he will give the MOU to Dwight France, County Fire Warden and Attorney DeLancey for their review and comments. Commissioner Paxton commended the Town of Hanna for doing a great job of coming up with a solution for the people in the Town of Hanna.

MEMORIAL HOSPITAL OF CARBON COUNTY (MHCC)

MHCC Board of Trustees Harry Lovato, President, Mike Bradford, Secretary/Treasurer and Mark Kostovny, Board Member were present along with Rick White, MHCC Chief Financial Officer. Mr. Lovato stated he wants to communicate better with the BOCC and advised they have a tentative agreement with Quorum Health Resources who will conduct an assessment at no charge to see if they will work with MHCC. Chairman Weickum stated there has to be a plan and contracting a management company will restore people's faith in Memorial Hospital of Carbon County. Commissioner Paxton stated the progress made is phenomenal however if they feel there is a better plan they should bring it to the BOCC.

Mr. Bradford stated there are grants out there but they do not know how to go about getting them and asked if anyone in the County does this. Chairman Weickum stated the biggest challenge is to identify what the grants are and suggested getting with the Hospital Association and Department of Health. Commissioner Paxton stated that if they do find some grants to come to the BOCC and they will try to help them and there are people out there that can do this. Linda Wagner, Councilmember for the Town of Hanna suggested that they contact Richard Holly in Mike Enzi's office who would have ideas for Federal grants.

There was discussion about MHCC's board minutes and they agreed to send them to the County once approved. Mr. Lovato stated they will try to communicate as much as possible so everyone will know what is happening. Commissioner Paxton stated the BOCC has a high financial stake in this and would appreciate when they get to the point where they are going to go into an

agreement with a company that the BOCC would get an opportunity to review the agreement before hand. Mr. Lovato agreed to send any agreement to the BOCC and County Attorney. Commissioner Paxton asked for a workshop or meeting to further discuss the progress with Quorum and Mr. Lovato agreed. There was discussion about board training and Mr. Lovato stated they know this is a requirement and is one of their objectives.

Mr. White discussed a Qualified Rate Adjustment Payment of \$332,359.00. He stated that is an additional payment for Medicaid that helps offset the lower Medicaid rates and in the past two years the hospital has had to put up money and then they get that money back plus the Wyoming Department of Health matches that same amount. MHCC is requesting the County front these funds promising to repay the County when they receive the funds back. Chairman Weickum asked if it is guaranteed that they give the money back and Mr. White said it is guaranteed. Chairman Weickum confirmed the funding must be to the Department of Health by November 15th. Chairman Weickum asked when the funding would be returned to the County and Mr. White stated approximately December 31st. Chairman Weickum asked how they would pay the County back if they did not receive the money and Mr. White stated this would not be an issue as the Wyoming Department of Health would not keep their money.

Mr. White advised they are projecting \$1.7 million in collections this month and had \$1.3 million last month and \$1.4 million in August. Mr. White stated he can wait and see if MHCC has this funding for the rate adjustment however he does not believe they will. Chairman Weickum advised he would like to address this at the next meeting after speaking with Treasurer Cindy Baldwin.

Mr. White advised they have \$387,000.00 in the bank to secure the October 30th payroll and there was further discussion about MHCC's accounts payable. Chairman Weickum stated they will need to know at least two weeks ahead of time if additional money is required and he advised that any issues like this be addressed to the Clerk's Office.

Mr. Kostovny further discussed their choice of Quorum noting it was not a secondary choice and it was the consensus of all four board members.

Attorney DeLancey asked if the Board of Trustee's council would give her permission to communicate with the Board of Trustee's on simple issues. Mr. Lovato stated he will discuss this with their attorney.

CITIZEN / COMMISSIONERS DISCUSSION

Linda Crabtree advised she has been sent by the Senior Center Advisory Board to let the BOCC know the Senior Center is intending to start calling bingo as a fund raiser on November 3rd and will also have refreshments for sale.

Ms. Wagner thanked the Commissioners for their patience and cooperation with the Town of Hanna and feels they have finally reached a workable agreement and hopes the emergency medical services coverage will begin on November 1st.

Janice Kurbjun of the Rawlins Daily Times asked several questions regarding the specific purpose tax bonding issue and Chairman Weickum answered her questions and discussed how the process works.

EXECUTIVE SESSION

Commissioner Paxton moved to go into executive session at 7:08 p.m. with Attorney DeLancey and Deputy Clerk Turner to discuss personnel and other issues considered confidential by law. Commissioner Young seconded and the motion carried unanimously.

Commissioner Paxton moved to come out of executive session at 7:48 p.m. and declared that no action was taken during the session and that the minutes of the session be approved as written and sealed. Commissioner Young seconded and the motion carried unanimously.

COUNTY PLANNER

Commissioner Paxton moved to authorize the Chairman to work with Joanne Garnett to devise a plan for securing a new planner and also to work with her on a possible contract to work as an interim planner until the County has a permanent planner. Commissioner Young seconded and the motion carried unanimously.

PURCHASE & SALE AGREEMENT

Commissioner Young moved to approve the Purchase & Sale Agreement between the Board of Commissioners of Carbon County, Wyoming and the Board of Directors for the Noyes Health Care Center, Inc. for the sale and transfer of the building known as the Noyes Clinic on Lots 81 and 82 in the Meadowlark Addition to the Town Baggs, Carbon County, Wyoming for the sum of \$10.00. Commissioner Paxton seconded and the motion carried unanimously.

ADJOURNMENT

There being no further business, Chairman Weickum adjourned the meeting at 7:58 p.m.

-s- Kathy Turner, Deputy Clerk

Approved this 3rd day of November 2009

BOARD OF COUNTY COMMISSIONERS
CARBON COUNTY, WYOMING

-s- Terry Weickum, Chairman