

**MINUTES OF THE BOARD OF  
CARBON COUNTY COMMISSIONERS  
REGULAR MEETING  
Tuesday, October 6, 2009  
County Courthouse, Rawlins, Wyoming**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, October 6, 2009 at the County Courthouse in Rawlins, Wyoming. Attending the meeting were Chairman Terry Weickum, Vice Chairman Jerry Paxton; Commissioner Charles C. Young; County Attorney Cindy DeLancey; and Deputy Clerks Kathy Turner and Ashley Higgins.

Chairman Weickum called the meeting to order at 9:07 a.m.

**VOUCHERS**

Commissioner Paxton moved to approve the report of expenditures in the amount of \$853,559.54. Chairman Weickum seconded and the motion carried unanimously.

Commissioner Paxton moved to approve an expenditure to Dr. Young in the amount of \$825.00. Chairman Weickum seconded and the motion carried with Commissioner Paxton and Chairman Weickum voting for the motion and Commissioner Young abstained.

Vendor	Detail Line Description	Total
A & D OILFIELD DOZERS INC.	ROAD WORK CCR 701	\$302,038.20
AIRPORT DEVELOPMENT GROUP	DIXON AIRPORT CONSTRUCTION	\$14,508.27
ALCO	SUPPLIES	\$34.91
ALLEN, DEBRA	CSBG NEEDS ASSESSMENT 09	\$1,015.75
ALSCO, AMERICAN LINEN DIVISION	SHOP SUPPLIES/MATS	\$325.02
AMERICAN JAIL ASSOCIATION	JAIL DUES & SUBSCRIPTIONS	\$48.00
API SYSTEMS INTEGRATORS	TRAINING	\$1,005.50
APPLE TIME, INC.	SHERIFF SUPPLIES	\$476.52
ARLINGTON OUTPOST	FUEL	\$248.98
ASD HEALTHCARE	FLU VACCINE	\$3,750.00
AVAYA, INC	PUBLIC HEALTH UTL TELEPHONE	\$98.01
BARKHURST, RAY	MILEAGE	\$34.80
BARTLETT, SUE RN	MILEAGE/MEALS	\$89.01
BEHAVIORAL INTERVENTIONS	JAIL ELECTRONIC MONITORING	\$135.20
BI-RITE PHARMACY	RX'S	\$113.61
BLACK BEAR SYSTEMS, INC.	URSA MINOR SOFTWARE	\$2,875.00
BLACK HILLS AMMUNITION	AMMUNITION	\$478.50
BOB BARKER COMPANY, INC.	JAIL SUPPLIES	\$174.25
BRESNAN COMMUNICATIONS	SHERIFF UTL TELEPHONE	\$79.25
BROWN, STEVEN	MILEAGE/PLANNING PHONE	\$440.68
BUCHANAN, KAREN	MILEAGE	\$34.20
BUILD RITE LUMBER SUPPLY	BUILDING SUPPLIES	\$217.59
BULBMAN	LIGHT BULBS	\$39.80
BUSEY, SHARALEE	MILEAGE/MEALS	\$70.50
CARBON COUNTY COOPERATIVE EXT	SUPPLIES	\$10.44
CARBON COUNTY TREASURER	TREASURER CASH ITEMS	\$2,496.05
CARBON POWER & LIGHT INC	ELECTRICAL SERVICE	\$1,046.61
CASH-WA DISTRIBUTING	PAPER & KITCHEN SUPPLIES	\$232.80
CBM FOOD SERVICE	JAIL FOOD	\$11,601.92
CDW GOVERNMENT, INC.	COMPUTER SUPPLIES	\$13,389.27
CENTER FOR ETHICAL LEADERSHIP	BOOKS	\$56.00
CENTURYTEL	TELEPHONE SERVICES	\$133.71
CHAMBERS, JOHN D., P.C.	ADMIN LEGAL (GAL) DC ATTNY FEES	\$2,738.00
CHANDRA, V. RAJA-HEALTH OFFICER	HEALTH OFFICER SERVICES	\$1,345.00
CLARK, RITA	MILEAGE	\$45.00
COMPUTER SOFTWARE ASSOCIATES	SOFTWARE SUPPORT SERVICES	\$548.44
CONOCOPHILLIPS	FUEL	\$43.35
COUNTRY STORE	FUEL	\$12.54
COVENANT COPYING SERVICE, LLC	SHERIFF INVESTIGATIONS	\$69.40
COWDIN, JOHN	MILEAGE	\$32.40

CUSTOM CREATIONS	UNIFORMS	\$1,356.20
CYR, NANCY	MILEAGE	\$19.00
DAILY TIMES	NEWSPAPER ADS	\$5,037.98
DALLIN MOTORS INC	VEHICLE MAINTENANCE	\$61.90
DAN'S TRUCKING	CULVERTS	\$1,800.00
DEHERRERA & BACH LAW CENTER	LEGAL SERVICES	\$3,230.00
DELEON, JOHN	LEGAL SERVICES	\$2,827.50
DIRTY MOP HOME CARE	LAWN CARE	\$30.00
DIXON, TOWN OF	R&B UTL WATER/GARBAGE	\$21.00
DUBOIS TELEPHONE EXCHANGE	PHONE SERVICE	\$107.71
EAGLE UNIFORM SUPPLY	MATS	\$324.93
ELK MOUNTAIN VOLUNTEER FIRE DEPT	FUEL	\$581.59
ENERGY CONSTRUCTION	BAGGS LIBRARY ROOF	\$18,500.00
ERICKSON & ROBERTS	ADDITIONAL CHARGES	\$3,711.56
EVANS, MORGAN	JAIL HAIRCUTS	\$128.00
FARMER BROTHERS COFFEE	SUPPLIES	\$288.70
FASTENAL	SUPPLIES	\$60.88
FEDEX	ADMIN POSTAGE	\$13.00
FLEET SERVICES	FUEL	\$179.18
FREMONT MOTORS – RAWLINS	VEHICLE REPAIRS	\$504.78
GALE, GWEN R.N.	MILEAGE/MEALS	\$212.26
GALLS, AN ARAMARK COMPANY	SUPPLIES	\$190.88
GASES PLUS	SUPPLIES	\$214.88
GCR ELECTRONICS, LLC	SITE RENTALS	\$900.00
GLB WORLDWIDE	PH SUPPLIES	\$48.95
GOSVENOR, MAXINE	MILEAGE	\$82.50
GRAINGER	PAINT	\$31.15
HANFT, JENNIFER PAIGE	2181-LEGAL SERVICES	\$590.00
HEIMAN FIRE DEPARTMENT	FREIGHT	\$44.05
HENSLEY, ROXIE JACKSON	LEGAL SERVICES	\$2,730.92
HERRING, PAUL	R&B VEHICLE EXP OIL/GREASE	\$329.32
HERTER, JACQUES PHD	PSYCHOLOGICAL EVALUATION	\$475.00
HETTGAR, BRIDGET M RN	REIMBURSEMENT	\$43.27
HIGH PLAINS POWER	ELECTRICAL SERVICE	\$555.43
HILLCREST SPRING WATER, INC.	SUPPLIES	\$42.80
HILLTOP CONOCO	FUEL	\$447.23
HOLIDAY INN – RIVERTON	ROOM CHARGES	\$420.00
HSBC BUSINESS SOLUTIONS	30 TON BOTTLE JACK	\$211.65
HYLAND ENTERPRISES	PARTS/SUPPLIES	\$46,293.15
IDENTIX INCORPORATED	ON SITE SUPPORT	\$1,524.78
IKON OFFICE SOLUTIONS	PH COPIER	\$140.04
J H KASPAR OIL COMPANY	FUEL	\$2,829.65
JACK S BODY & FENDER REPAIR	VEHICLE REPAIRS	\$267.35
JACKALOPE PRINTING	SUPPLIES	\$554.79
JAMAR TECHNOLOGIES, INC.	MODULAR SENSOR	\$655.37
JOHNSON ENGINEERING ASSOCIATES	BEEF BARN	\$2,838.79
KAR KRAFT INC	VEHICLE REPAIRS	\$115.12
KENCO SECURITY AND TECHNOLOGY	MONITORING SERVICES	\$34.00
KILBURN TIRE COMPANY	VEHICLE MAINTENANCE	\$1,492.06
KING SOOPERS CUSTOMER CHARGES	SUPPLIES	\$53.75
KONE ELEVATORS ESCALATORS	ELEVATOR MAINTENANCE	\$1,395.88
LARIAT INTERNATIONAL TRUCKS	PARTS	\$118.02
LEXBO LLC	OFFICE RENTAL	\$450.00
LITTLE SNAKE RIVER AMBULANCE	MEDICAL SERVICES/AMBULANCE	\$1,502.00
LONG BUILDING TECHNOLOGIES, INC.	BUILDING REPAIRS	\$13,653.39
LOVE, LUCY	MILEAGE	\$45.50
MAYFIELD, ASHLEY	REGISTRATION FEE	\$250.00
MEDICAL ARTS PRESS	TABS	\$22.45
MEDICINE BOW, TOWN OF	WATER & SEWER	\$54.00
MEMORIAL HOSPITAL OF CARBON COUNTY	MEDICAL SERVICES	\$565.00
MERCK & COMPANY, INC.	PUBLIC HEALTH VACCINE	\$3,691.84
MODERN MARKETING, INC	SHERIFF SUPPLIES	\$881.22
MOELLER, MARIE	CLEANING SERVICES	\$149.50
MOORE MEDICAL CORP.	SUPPLIES	\$961.90
MOSS, BARBARA	MILEAGE	\$27.60

MPM CORP / EVERGREEN DISPOSAL	GARBAGE SERVICES	\$85.00
NATURESCAPES LLC	IRRIGATION REPAIRS	\$69.50
OFFICE DEPOT	OFFICE SUPPLIES	\$414.80
OVERHEAD DOOR CO.	FUEL	\$199.50
PACKARD, CHANTEL	MILEAGE	\$58.50
PAGE ONE	PAGER SERVICE	\$275.57
PAMIDA INC	MEDICAL SUPPLIES	\$120.10
PB ELECTRONICS INC	RADAR	\$388.00
PERKINS OIL CO	FUEL	\$571.03
PERUE PRINTING	COPIES/ENVELOPES	\$345.00
PHILLIPS 66-CONOCO-76	FUEL	\$638.36
PICKETT, THOMAS Y AND	OCT INSTALLMENT	\$5,250.00
PITNEY BOWES	COPIER RENTAL	\$675.92
PLAINSMAN PRINTING & SUPPLY	SUPPLIES	\$2,589.46
POWELL, THOMAS	MOVING EXPENSES	\$632.65
PRO-CHEM INDUSTRIAL, LLC	CLEANING SUPPLIES	\$930.46
PUBLIC SAFETY CENTER, INC	SUPPLIES	\$2,980.89
QUALITY INN	WITNESS ROOM	\$65.00
QUILL CORPORATION	OFFICE SUPPLIES	\$1,578.37
QWEST	PHONE SERVICE	\$5,149.31
RAWLINS AUTOMOTIVE	PARTS	\$473.35
RAWLINS FIRE EXTINGUISHER	ANNUAL INSPECTION	\$827.00
RAWLINS GLASS	WINDSHIELD REPAIRS	\$807.70
RAWLINS, CITY OF	WATER & SEWER	\$2,831.00
RELIABLE	OFFICE SUPPLIES	\$465.54
REMICK, SHELIA	POSTAGE	\$10.29
RENDEZVOUS LODGE LLC.	FUEL	\$190.14
RICHARDSON, JILL	MILEAGE/MEALS	\$30.58
ROB STAFFIG ENTERTAINMENT	DOWN PYMT FOR BAND	\$125.00
ROCK SPRINGS WINLECTRIC CO	JAIL MAINT & REPAIR BUILDING	\$405.50
ROCKY MOUNTAIN POWER	ELECTRICAL SERVICE	\$33,887.78
ROSS' AUTOMOTIVE SERVICES	VEHICLE REPAIRS	\$1,290.77
RYAN ELECTRONICS INC	MAINTENANCE CONTRACT FEE	\$4,007.29
SARATOGA AUTO PARTS, INC.	PARTS	\$136.55
SARATOGA SUN	NEWSPAPER ADS	\$1,312.25
SARATOGA, TOWN OF - LANDFILL	OCT09 LEASE PMT	\$2,000.00
SARATOGA, TOWN OF - WATER	WATER & SEWER	\$62.75
SCHERER CONSTRUCTION, L.L.C.	DIXON AIRPORT CONSTRUCTION	\$218,845.84
SCHERMETZLER, SHEELA M ED.S.	NEEDS ASSESSMENT WORK	\$7,135.64
SECURITY TRANSPORT SERVICES, INC.	PRISONER TRANSPORT	\$2,138.88
SHEA, DIXIE F	MILEAGE	\$36.00
SHEEN LAW OFFICE	LEGAL SERVICES	\$590.00
SHELL FLEET PLUS	FUEL	\$184.84
SHEPARD'S	FUEL	\$791.37
SHIVELY HARDWARE	SHOP SUPPLIES	\$112.62
SIRCHIE	INK PADS	\$144.78
SNAKE RIVER PRESS	NEWSPAPER ADS	\$1,073.00
SOURCE GAS	GAS SERVICES	\$5,435.69
SOUTHWEST M.R.O., P.C.	R&B SAFETY EQUIP/MATERIAL	\$50.00
STAPLES ADVANTAGE	OFFICE SUPPLIES	\$882.21
STATE OF WY (DEPT OF HEALTH)	PAYROLL/MV BILLING/GRANTS	\$37,400.78
STATE OF WYOMING (A&I)	COMPUTER ACCESS	\$13.79
STOCKMAN GRASS FARMER	CES PUBLICATIONS	\$32.00
SUNRISE SANITATION SERVICE, LLC.	GARBAGE SERVICES	\$20.00
SYSTEMS CONSULTING, INC	TREASURER DUES & SUBSCRIPTNS	\$365.00
TERMINIX	PEST CONTROL	\$215.00
THE PLACE	FUEL/MEALS	\$154.96
TK'S BUGS N STUFF	PEST CONTROL	\$80.00
TRADING POST	FUEL	\$63.36
TREVATHAN, SABRINA RPR	TRANSCRIPTIONS	\$1,948.80
TRIPLE XXX CONTRACTING, INC.	GARBAGE SERVICES	\$50.00
TRUE VALUE OF RAWLINS	SUPPLIES	\$347.14
TWEEDS WHOLESALE CO	SUPPLIES	\$693.61
U S POSTMASTER-BAGGS	CCSO PO BOX 397 RENT	\$36.00
U S POSTMASTER-RAWLINS	R & B SUBSCRIPTION	\$56.00

UNION TELEPHONE COMPANY	TELEPHONE SERVICES	\$970.44
UPS	POSTAGE	\$60.40
VALLEY OIL COMPANY	FUEL	\$41.49
VAN'S WHOLESALE LLC	SUPPLIES	\$1,258.90
VERIZON WIRELESS	TELEPHONE SERVICES	\$1,092.18
WALDRON, PATTY	MILEAGE	\$46.20
WASHBOARD, THE	LAUNDRY	\$25.68
WEICKUM, TERRY	MILEAGE	\$127.50
WELD CO SHERIFF S OFFICE	PAPER SERVICE	\$37.00
WEST PAYMENT CENTER	MONTHLY CHARGES	\$507.40
WESTERN TRUCK REPAIR	HEAVY EQUIP PARTS	\$28.40
WILKERSON, JAMES A IV M.D.	AUTOPSY FEES	\$1,040.00
WRECK-A-MEND	VEHICLE REPAIR	\$330.18
WY DEPT OF TRANSPORTATION	CITATIONS	\$39.09
WY DIESEL SERVICE	PARTS	\$1,023.42
WY FINANCIAL INSURANCE, INC.	NOTARY BONDS	\$100.00
WY LIVESTOCK ROUNDUP	SUBSCRIPTION	\$40.00
WY MACHINERY COMPANY	PARTS	\$1,535.94
WY RENTS	B&G MAINT & REPAIR	\$311.50
WY STATE BAR	ATTORNEY LICENSE FEES	\$1,412.50
WY STATIONERY	OFFICE SUPPLIES	\$3,119.61
XEROX CORPORATION-RENT	COPIER RENT	\$537.66
YOCUM, LEO	MILEAGE	\$12.00
YOUNG, CHARLES	MILEAGE	\$30.00
YOUNG, CHARLES MD	MEDICAL SERVICES	\$825.00
GRAND TOTAL		854,384.54

## **CLERK**

### **Minutes**

Commissioner Paxton moved to approve the minutes of the September 14, 2009 special meeting of the Board of Carbon County Commissioners (BOCC) with the Town of Hanna, the September 15, 2009 regular meeting, and the September 21, 2009 special meeting of the BOCC with Memorial Hospital of Carbon County as presented. Commissioner Young seconded and the motion carried unanimously.

### **Bonds**

Commissioner Young moved to approve a \$5,000.00 bond for Cheryl M. Jordan, Municipality Recreation Director for the Town of Sinclair. Commissioner Paxton seconded and the motion carried unanimously.

### **Monthly Receipts**

Commissioner Paxton moved to accept the Carbon County Clerk Statement of Fees Collected for the month of September 2009 in the amount of \$16,292.50 and Planning and Development receipts in the amount of \$2,648.25 for the month of September 2009. Commissioner Young seconded and the motion carried unanimously.

### **Dixon Airport - Proposal and Agreement of Sale**

Deputy Clerk Turner presented a revised Proposal and Agreement of purchase for the Pilot's Lounge / AWOS building at the Dixon Airport and stated the total cost has been amended to reflect that the building has had thermo-pane windows added since it was originally built.

Commissioner Young moved to amend the purchase price from ModSpace for the Pilot's Lounge for the Dixon Airport from \$17,325.00 to \$15,925.00. Commissioner Paxton seconded and the motion carried unanimously.

### **Homeland Security Grant**

Deputy Clerk Turner presented a Homeland Security Grant and stated Attorney DeLancey has reviewed the agreement and recommends approval.

Commissioner Young moved to accept the Grant Award for U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA), Grant Programs Directorate, Homeland Security Grant Program (HSGP), Law Enforcement Terrorism Prevention (LETPP) Activities, Fiscal Year 2009, CFDA #97.067, Project ID 09-GPD-CAR-SC-HSG9, in the total amount not to exceed \$112,189.58, with an award period of August 1, 2009 through April 30, 2012, to build and sustain programs and capabilities within and across State boundaries, while aligning, planning, equipment, training, and exercise needs for acts of terrorism. Commissioner Paxton seconded and the motion carried unanimously.

### **Homeland Security Grant**

Deputy Clerk Turner presented a Homeland Security Grant and stated Attorney DeLancey has reviewed the agreement and recommends approval.

Commissioner Young moved to accept the Grant Award for U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA), Grant Programs Directorate, Homeland Security Grant Program (HSGP), Citizen Corps Program (CCP), Fiscal Year 2009, CFDA #97.067, Project ID 09-GPD-CAR-CC-HCC9, in the total amount not to exceed \$3,716.35, with an award period of August 1, 2009 through April 30, 2012, to coordinate the involvement of community members and organizations in emergency preparedness, planning, mitigation, response and recovery. Commissioner Paxton seconded and the motion carried unanimously.

### **H1N1 Grant**

Deputy Clerk Turner presented a Grant Award Agreement and stated Attorney DeLancey and Bridget Hettgar from Public Health have reviewed the agreement and recommend approval.

Commissioner Young moved to accept the Grant Award Agreement for the U.S. Department of Health and Human Services Public Health Emergency Response Wyoming Department of Health and Carbon County Public Health Nursing Services for the term of October 1, 2009 through September 30, 2010 for a total payment to Carbon County Public Health not to exceed \$59,089.00, CFDA #93.069, to upgrade county preparedness and response capacity for H1N1 vaccination; community mitigation; antiviral distribution, dispensing, and administration; and other pandemic preparedness and response activities. Commissioner Paxton seconded and the motion carried unanimously.

### **Kinetic Leasing**

Deputy Clerk Turner presented the proposal for the lease financing from Kinetic Leasing for the erection of the Multipurpose Facility at the Fairgrounds and stated Mary Keating-Scott, Barbara Bonds, Attorney DeLancey, and County Treasurer Cindy Baldwin have reviewed the proposal and recommend approval. Treasurer Baldwin asked the Commissioners to approve Option #2 a 10-year lease with an interest rate of 4.60%.

Commissioner Young moved to approve a 10-year lease with Kinetic Leasing for the Carbon County Fairgrounds Multipurpose Facility lease financing proposal in the amount of \$836,294.00, noting Option #2 is approved with semi-annual lease payments in the amount of \$53,098.00. Commissioner Paxton seconded and the motion carried unanimously.

### **Memorial Hospital Board Interviews**

Deputy Clerk Turner advised the hospital board interviews are scheduled for this afternoon and advised one application was submitted after the deadline. The BOCC agreed that if the board vacancies are not filled today, the individual who submitted the late application would be called for an interview.

## **ELECTED OFFICIALS / DEPARTMENT HEADS**

### **County Attorney**

Attorney DeLancey presented a Memorandum of Understanding (MOU) between Carbon County Public Health, Carbon County Emergency Management Agency, Board of Carbon County Commissioners and the Jeffrey Center Board at the request of Public Health for use of the Armory and/or the Jeffrey Center to conduct a mass vaccination/medication clinic in the event of a natural disaster. She noted the MOU has been signed by Bridget Hettgar, John Zeiger and Bruce Taylor.

Commissioner Paxton moved to approve the Memorandum of Understanding between Carbon County Public Health, Carbon County Emergency Management Agency, Board of Carbon County Commissioners and the Jeffrey Center Board for use of the Armory and/or the Jeffrey Center facilities to conduct a mass vaccination/medication clinic for the population of Carbon County in the event of a natural disaster, bioterrorism event or other public health emergency on an as-needed basis noting the MOU shall remain in effect until terminated by any party. Commissioner Young seconded and the motion carried unanimously.

### **Treasurer**

Treasurer Cindy Baldwin advised tax bills have been mailed and that everybody was sent one even if their taxes are paid out of escrow.

Treasurer Baldwin discussed the large amount of expenditures approved earlier today, the County's cash situation, and various rebates. She also discussed the litigation in Converse County over wind farms and that the energy companies are contesting whether or not they have to pay sales tax. Chairman Weickum stated that Dunlap is the last wind farm that will be sales tax exempt. Councilmember Kenda Coleman from Medicine Bow discussed Simpson Ridge being exempt.

### **Coroner**

County Coroner Paul Zamora asked for approval to pay for entertainment for his conference in the amount \$2,000.00 and the BOCC asked that this wait until the next meeting.

### **Assessor**

County Assessor Sheryl Snider presented several rebates and abates and stated most of the abates were for 2009 mobile home corrections that were destroyed by fires, etc. She reported that the four counties that had the appeals before the State Board of Equalization for the rent restricted properties won, as did Carbon County on the Shandon Park Limited Partnership appeal.

### **Buildings Manager**

Leroy Graham, Buildings Manager stated he is working with Arrowhead Pumping in Laramie to complete a 100' well at the Dixon Airport. He stated per the Department of Environmental Quality if the well is used for drinking water purposes, it would have to be maintained by a certified operator therefore he suggested putting a water cooler in the building for drinking water.

Mr. Graham advised the building at the Dixon Airport is up but still needs to be skirted. He stated Scherer Construction is pouring the concrete today for the fuel pad and pad at the end of the sidewalk. He added he delivered the card reader last week and the fuel tank should be delivered Wednesday or Thursday. He advised Bill Nation delivered the loader a couple of weeks ago and Dana Hartshorn from Airport Development Group was looking for a bigger blade. Bill Nation stated the current blade is 16 feet and matched to the capacity of the horsepower of the loader and it was agreed to keep the current blade. There was discussion of maintenance at the airport.

Mr. Graham advised they have broken ground at the Fairgrounds for the Multipurpose Facility and should be pouring cement for the footers tomorrow.

## **Road & Bridge**

Bill Nation, Road & Bridge Superintendent, reported they are blading roads emphasizing school routes. He stated they are checking the culverts to make sure they are clear, and in the Rawlins area they are doing service work on machines while his employees are on vacation.

Mr. Nation advised the West Sinclair Bypass project is waiting for stripping and fencing and may be opened within a week. He advised the Wyoming Department of Transportation, University of Wyoming grant was approved for the North Hanna Safety Program to finance warning road signs for the curves.

John Anderson from PMPC Engineering provided an update on the West Sinclair Bypass project. He explained the Conoco Phillips pipeline crossing and noted he still does not have an invoice from them. He stated the contractor was delayed and he does not have a claim from them and they could not do surfacing due to the weather. Mr. Anderson stated the paving on the bypass portion and ramp portion is complete and that striping has to be completed before they can let traffic through. Mr. Anderson suggested there be a ribbon cutting ceremony at the intersection of the bypass and Lincoln. He stated the chip seal will have to be done next spring as a carry over item and the biggest risk is with the cost of oil but he does not look for a substantial increase.

## **RECESS**

Chairman Weickum recessed at 10:52 a.m. and reconvened at 11:02 a.m.

## **ELECTED OFFICIALS / DEPARTMENT HEADS**

### **Planning and Development**

Steven Brown, County Planner advised he would not be bringing any Certifications of Recommended Action to the meeting today.

## **AGENDA AMENDMENT**

Commissioner Paxton moved to amend the agenda to remove Planning & Zoning's Certifications of Recommendation Action today at 1:30 p.m. Commissioner Young seconded and the motion carried unanimously.

## **EXECUTIVE SESSION**

Commissioner Paxton moved to go into executive session at 11:04 a.m. with Deputy Clerk Turner and Attorney DeLancey to consider the selection of a site or the purchase of real estate when the publicity regarding the consideration would cause a likelihood of an increase in price, Statue 16-4-405(a)(vii). Commissioner Young seconded and the motion carried unanimously.

Commissioner Paxton moved to come out of executive session at 11:19 a.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.

## **EXECUTIVE SESSION**

Commissioner Paxton moved to go into executive session at 11:21 a.m. with Deputy Clerk Turner, Attorney DeLancey and Steven Brown 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 12:04 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.

## **RECESS**

Chairman Weickum recessed for lunch at 12:10 p.m. and reconvened at 1:45 p.m.

## **CLERK**

### **Kinetic Leasing**

Commissioner Young moved to accept Resolution No. 2009-32, Master Lease-Purchase Agreement No. CAR3157, in the principal amount of \$496,950.00 for a fire truck, rescue truck, and snow plow truck. Commissioner Paxton seconded and the motion carried unanimously.

### **RESOLUTION NO. 2009-32 MASTER LEASE-PURCHASE AGREEMENT NO. CAR3157**

A RESOLUTION AUTHORIZING THE NEGOTIATION, EXECUTION, AND DELIVERY OF A MASTER LEASE-PURCHASE AGREEMENT IN THE PRINCIPAL AMOUNT OF \$496,950.00 BETWEEN KINETIC LEASING, INC., AS LESSOR, AND CARBON COUNTY, WYOMING, AS LESSEE, UNDER WHICH THE LESSEE WILL LEASE CERTAIN EQUIPMENT; AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH.

**WHEREAS**, Carbon County, Wyoming (the “County”) is a body corporate duly organized and existing pursuant to the constitution and laws of the State of **Wyoming**, and

**WHEREAS**, the Board of County Commissioners (“the Board”) is authorized to acquire, hold, convey, lease, rent, and manage property, real and personal, for the benefit of the County in the name by which the County is designated, either alone or jointly with another public or private agency, institution, person, or corporation; and

**WHEREAS**, the Board hereby finds and determines that the execution of a Master Lease-Purchase Agreement (the “Equipment Lease”) for the purpose of leasing, with the option to purchase, the equipment designated and set forth in Exhibit A of Schedule No. 104 to the Equipment Lease is appropriate and necessary to the function and operations of the County; and

**WHEREAS**, Kinetic Leasing, Inc. (the “Lessor”), duly organized, existing, and in good standing under the laws of the State of North Dakota, shall act as Lessor under said Equipment Lease; and

**WHEREAS**, the obligation of the County to pay Rental Payments (as defined in the Equipment Lease) shall be from year to year only; shall constitute currently budgeted expenditures of the County; shall not constitute a mandatory charge or requirement in any ensuing budget year; and shall not constitute a general obligation or a multiple fiscal year direct or indirect debt or other financial obligation whatsoever of the County within the meaning of any constitutional or statutory limitation or requirement concerning the creation of indebtedness nor a mandatory payment obligation of the County in any ensuing fiscal year beyond any fiscal year during which the Equipment Lease shall be in effect; and

**WHEREAS**, the Equipment Lease shall not directly or indirectly obligate the County to make any payments beyond those appropriated for any fiscal year during which the Equipment Lease shall be in effect.

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

Section 1. The Chairman of the Board and County Clerk acting on behalf of the County, are hereby authorized to negotiate, enter into, execute, and deliver the Equipment Lease in substantially the form set forth in the document presently before the Board, which document is available for public inspection at the office of the County’s Clerk. The Chairman of the Board and the County Clerk acting on behalf of the County, are hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Equipment Lease, including a related Escrow Agreement as the Chairman of the Board and County Clerk upon advice of counsel, deem necessary and appropriate. The County Clerk and/or County Treasurer is authorized to execute the Receipt Certificates in form as attached to the Equipment Lease and the Payment Request Forms in form as attached to the Escrow Agreement.

Section 2. The Equipment Lease shall be in the principal amount of \$496,950.00, bearing interest as set forth in Exhibit B of the Schedule No. 104 of the Equipment Lease, said Equipment Lease to contain an option to purchase by the County as therein set forth.

Section 3. The obligation of the County to make Rental Payments under the Equipment Lease is subject to annual appropriation by the Board and constitutes an undertaking of the County to make current expenditures. No provision of this resolution or the Equipment Lease shall be

construed or interpreted as a delegation of governmental powers or as constituting or giving rise to a general obligation or other indebtedness or a multiple fiscal year direct or indirect debt or other financial obligation of the County within the meaning of any constitutional or statutory debt limitation, nor a mandatory charge or requirement against the County in any ensuing fiscal year beyond the current fiscal year. The County shall have no obligation to make any payment to the Lessor or its assigns except in connection with the payment of the Rental Payments under the Equipment Lease and certain other payments, for which funds have been specifically appropriated and encumbered by the County for such purpose, under the Equipment Lease, which payments may be terminated by the County in accordance with the provisions of the Equipment Lease.

Section 4. The Board hereby determines and declares that the Rental Payments due under the Equipment Lease constitute the fair rental value for the Equipment and do not exceed a reasonable amount.

Section 5. All other related contracts and agreements, including the Escrow Agreement, necessary and incidental to the Equipment Lease are hereby authorized.

Section 6. The County reasonably anticipates to issue not more than \$30,000,000 of tax-exempt obligations (other than "private activity bonds" which are not "qualified 501(c)(3) bonds") during the period from January 1, 2009 to December 31, 2009 and hereby designates the Equipment Lease as a qualified tax-exempt obligation for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

Section 7. This resolution shall take effect immediately upon its adoption and approval.

**ADOPTED AND APPROVED** this 15<sup>th</sup> day of September, 2009.

(SEAL)

**LESSEE: CARBON COUNTY, WYOMING**

By: -s- Terry Weickum / Chairman

Date: September 15, 2009

**ATTEST:**

By:-s- Gwynn G. Bartlett, Clerk

**HORIZON WIND ENERGY**

Nate Sandvig of Horizon Wind Energy discussed the Simpson Ridge Wind Farm project. He stated this project is a \$600 million capital investment with substantial economic benefits including property tax, sales tax, jobs and environmental benefits and he hopes it will lead to manufacturing jobs and repair jobs and possibly a distribution center in Carbon County.

Chairman Weickum confirmed the project is totally in the sage-grouse area. Chairman Weickum asked how they could put up four new meteorological (met) towers as he thought this was forbidden. Mr. Sandvig stated there are not any issues with met towers but he will look into this.

Mr. Sandvig discussed the County Road 115 Maintenance Agreement Memorandum of Understanding and are committed to maintaining the road and will not use the road leading to the cemetery or the County Road off of Highway 30. Mr. Sandvig further discussed sage grouse issues and the fact that the listing decision is expected by February 26, 2010.

Chairman Weickum discussed his concerns that there is currently no office space rented because of wind generation and Carbon County will play a big part in wind energy and would like any parts, supplies, and repair facilities that go along with wind farms to come to Carbon County. Mr. Sandvig agreed they do not currently have a project office in Carbon County but would like to have one here.

**FIRE PROTECTION – TOWN OF HANNA**

Richard Fowler, Councilmember for the Town of Hanna advised he did not bring a formal agreement for fire protection in and around Hanna as it is not prepared yet. Mr. Fowler provided a proposal to the County including that the County provides fire protection for the Town of Hanna in return for the Town leasing the Fire Department Building to Carbon County for one year at the price of \$10.00, and after one year the Town will deed the building to the County.

The Town will lease three vehicles to the County for the price of \$10.00 per year including two pumpers and a 1-1/2 ton truck, he discussed the Town's concerns for their Volunteers that their pension will carry over to County for those who wish to join. Mr. Fowler continued stating the Town offers to deed the Senior Citizens Center to the County; the County will pay the Town's fee into South Central Ambulance Service for seven years beginning in 2010, the County will provide space for the ambulance; the County will assume fire responsibilities for Hanna as soon as possible when an agreement is in place, Hanna will file for grants and have funds dedicated to the County for use in Hanna for the Fire Department. He stated this proposal is submitted with the approval of all Hanna Town Council members.

Chairman Weickum asked how much a year the South Central Wyoming Ambulance Service would cost and Councilmember Linda Wagner replied \$67,657.50 based on the 2000 census. Chairman Weickum stated this agreement accomplished everything the BOCC wanted however the BOCC would have to consider the seven years proposal. Mr. Fowler stated it is roughly \$500,000.00 for seven years. Commissioner Paxton asked if they have talked to the South Central Wyoming Ambulance Service about Hanna joining and Mr. Fowler stated they cannot join this year but will operate under a MOU and for the money they pay now they won't be voting members but will provide and assume their ambulance service. Ms. Wagner advised the agreement will go before the Joint Powers Board tomorrow night and then to the Town of Hanna for signature. Chairman Weickum stated the BOCC needs some time to consider and discuss the proposal.

### **RECESS**

Chairman Weickum called a recess at 2:25 p.m. and reconvened at 2:30 p.m.

### **SPECIFIC PURPOSE TAX**

Chairman Weickum discussed some problems identified by Mary Keating-Scott of George K. Baum & Company and they do not feel at this time they can market the bonds successfully with the hospital project being involved in that initial sale. He advised that to prevent the municipalities from paying too high of an interest rate and not being able to sell the bonds or delaying the sale of the bonds they are asking the County to pull the hospital project from the initial sale. He stated some of the towns absolutely have to have these bond sales and we cannot delay this anymore.

Chairman Weickum asked Gregg Olson, Construction Manager at Risk, what the effect would be. Mr. Olson stated the design team would support the decision to split the bonds. He asked the BOCC to consider allowing them to continue on with the design of the project. Treasurer Baldwin stated the funds for the design work have been budgeted for. There was further discussion of the hospital's future direction and how that might fit with this project, including changes to construction costs and equipment.

Treasurer Baldwin advised she has a bill that was sent to her from the hospital and asked if the bill from GSG Architect should be approved by Mr. Olson and the BOCC replied yes. Mr. Olson stated GSG Architect has been given instructions to work only on this project. Rick White, Memorial Hospital of Carbon County Chief Financial Officer stated the bill should go through the hospital board who will get it back to the County.

Senator Jim Elliott further discussed the bonds and how the Specific Purpose Tax Joint Powers Board may move forward.

### **PENDING LEGISLATION**

Senator Jim Elliott advised a draft bill was unanimously passed directing the division of economic analysis to analyze, compile and establish criteria for collecting, compiling, analyzing, reporting and distributing economic data for all Wyoming counties related to uses of private, state and federal surface and mineral lands for the optimum use and development of agriculture, grazing, minerals, timber, water, industrial resources, recreation and energy production, transmission and related services and requires that division to compile all the data and analyze them and consolidate them into a digest form so we can analyze, identify and measure economic

impacts regarding any use of land in Carbon County or any county. He stated if this goes forward he will be in favor of the bill in the Senate.

### **COMMISSIONERS DISCUSSION**

Commission Paxton stated he had a meeting with Mary Keating-Scott regarding the \$36 million stimulus bonds and advised there is a company very interested in pursuing those, Geo Syn Fuels. He stated they have had a new technological break through and would like to do this on a trial basis with the possibility of following through with a production plant and would like to do it at the Industrial Park in Encampment. Commissioner Paxton stated they are encouraging the BOCC to move forward and would like to talk to the BOCC to explain their situation. He asked if the BOCC is interested in moving forward. Chairman Weickum stated he is not familiar with this but does think we need to move forward to get a procedure in place and asked Attorney DeLancey to work on this.

Commissioner Paxton stated there is a real renewed interest in what is going on in our national forests in regards to the beetle kill and the public lands committee he sits on presented a resolution similar to the one Carbon County and Lincoln County passed. He advised the Governor did send a letter to the Secretary of Agriculture that references Carbon County and Lincoln County as being the leaders in pushing this and sent copies to all of the western states governors, chief of the forest service, district and regional foresters. He commended the Governor for the outstanding job he did on drafting the letter and added it is a very powerful document and thinks it has potential of having some far reaching affects further on down the line. Commissioner Paxton advised the Association of Forest Service Retirees has adopted Encampment as a project and they are in the process of scheduling a meeting for the end of the month.

Commissioner Paxton stated the Industrial Park is moving along and they have one log cabin that is nearly constructed, one in the process, businesses have moved in and they have one greenhouse.

### **LETTER**

Commissioner Paxton moved to authorize the Board of Carbon County Commissioners' signatures on a letter to the remaining members of the hospital board which outlines the emergency funding agreement the BOCC had that was presented at the meeting on September 30, 2009. Commissioner Young seconded and the motion carried unanimously.

### **BOARD INTERVIEWS**

Commissioner Young left the meeting at 3:16 p.m. and returned at 3:17 p.m.

Brian Hightree and Steve Nicholson interviewed for consideration of appointment to the Memorial Hospital Board and both agreed to board training specific to this board.

Commissioner Young left the meeting at 3:21 p.m. and returned at 3:22 p.m.

Michael Bradford, Harry Lovato and Kenda Colman were interviewed for consideration of appointment to the Memorial Hospital Board and all agreed to board training specific to this board.

### **RECESS**

Chairman Weickum recessed at 3:46 p.m. and reconvened at 3:49 p.m.

Commissioner Young returned at 3:50 p.m.

### **BOARD INTERVIEWS**

Mark Kostovny and Rick Phoenix interviewed for consideration of appointment to the Memorial Hospital Board and both agreed to board training specific to this board.

**RECESS**

Chairman Weickum recessed at 3:59 p.m. and reconvened at 4:30 p.m.

**BOARD INTERVIEW**

Richard Burton was not in attendance for his interview.

**BOARD APPOINTMENT**

Commissioner Paxton moved to appoint Michael Bradford, Harry Lovato and Mark Kostovny to the Memorial Hospital Board and that the three individuals draw lots for their terms on the board. Commissioner Young seconded and the motion carried unanimously.

Michael Bradford drew 2012, Harry Lovato drew 2011 and Mark Kostovny, who was not in attendance, will have 2010.

Commissioner Paxton moved that Michael Bradford be appointed to a five-year unexpired term expiring in July 2012, Harry Lovato be appointed to a five-year unexpired term expiring in July 2011, and Mark Kostovny be appointed to a five-year unexpired term expiring in July 2010. Commissioner Young seconded and the motion carried unanimously.

**ADJOURNMENT**

There being no further business, Chairman Weickum adjourned the meeting at 4:40 p.m.

-s- Kathy Turner, Deputy Clerk

Approved this 20<sup>th</sup> day of October 2009

BOARD OF COUNTY COMMISSIONERS  
CARBON COUNTY, WYOMING

-s- Terry Weickum, Chairman