

**MINUTES OF THE BOARD OF  
CARBON COUNTY COMMISSIONERS  
REGULAR MEETING  
Tuesday, June 1, 2010  
County Courthouse, Rawlins, Wyoming**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, June 1, 2010 at the County Courthouse in Rawlins, Wyoming. Attending the meeting were Chairman Terry Weickum; Vice Chairman Jerry Paxton; Commissioner Charles C. Young; Deputy County Attorney Mike Kelly; County Clerk Gwynn Bartlett.

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

**VOUCHERS**

Commissioner Young moved to approve the report of expenditures in the amount of \$296,278.79. Commissioner Paxton seconded and the motion carried unanimously.

Commissioner Paxton moved to approve payment of an invoice to Candy Mountain in the amount of \$27.00. Commissioner Young seconded and the motion carried with Commissioners Paxton and Young voting for the motion and Chairman Weickum abstained.

Commissioner Young moved to amend the amount of the expenditures from \$296,278.79 to \$296,251.79. Commissioner Paxton seconded and the motion carried unanimously.

Vendor	Detail Line Description	Total
ADVANCED HYDRAULIC & MACHINE INC.	PARTS & REPAIRS	\$923.62
ALSCO, AMERICAN LINEN DIVISION	SHOP SUPPLIES	\$296.20
AMERIGAS	PROPANE SERVICES	\$1,031.28
API SYSTEMS INTEGRATORS	FIRE ALARM REPAIRS	\$2,233.44
ARLINGTON OUTPOST	FUEL	\$99.07
AVAYA, INC	TELEPHONE SERVICES	\$98.01
BANK OF COMMERCE (ACH)	ACH FEES	\$30.00
BANK OF COMMERCE (DEBIT CARD)	VARIOUS CHARGES	\$51,627.46
BANK OF THE WEST-LEASE PMT	TELEPHONE SYSTEM PAYMENT	\$72,354.44
BARTLETT, SUE RN	MEALS/MILEAGE	\$100.92
BCN CONCRETE & GRAVEL, INC	SIDEWALK REPAIRS	\$728.00
BUCHANAN, KAREN	MILEAGE	\$114.00
BUILD RITE LUMBER SUPPLY	PARTS	\$31.98
BUSEY, SHARALEE	MILEAGE	\$146.50
C & B SAND & GRAVEL	ROAD GRAVEL	\$495.36
CANDY MOUNTAIN	SUPPLIES	\$27.00
CARBON COUNTY STRIKE TEAM	MEALS	\$18.79
CARBON COUNTY TREASURER	VARIOUS CASH ITEMS	\$1,051.72
CARBON POWER & LIGHT INC	ELECTRICAL SERVICES	\$910.11
CBM FOOD SERVICE	JAIL FOOD	\$3,324.78
CENTURY LINK	TELEPHONE SERVICES	\$126.76
CESKO, DAVID MD	MEDICAL SERVICES	\$210.00
CHARLES, STEPHEN	TRAINING	\$1,947.08
COMPUTER SOFTWARE ASSOCIATES	IT INTERNET & WEBSITE	\$250.00
CRAGOE, RANDAL A	FUEL/MEALS	\$166.59
DAILY TIMES	NEWSPAPER ADS	\$847.91
DALLIN MOTORS INC	VEHICLE MAINTENANCE	\$393.65
DAVI, TANA	WAGES	\$1,624.01
DISCOUNT GROCERY STORE	SUPPLIES	\$22.10
DIXON, TOWN OF	WATER SERVICES	\$109.00
EAGLE UNIFORM SUPPLY	MATS	\$151.17
EVANS, MORGAN	HAIRCUTS	\$162.00
FARMER BROTHERS COFFEE	SUPPLIES	\$77.50
FASTENAL	SUPPLIES	\$116.54
FOX, SID	MISC EXPENSES	\$391.00
GALLS, AN ARAMARK COMPANY	SUPPLIES	\$204.89
GASES PLUS	PARTS	\$14.12
GOSVENOR, MAXINE	MILEAGE	\$20.50
GRAINGER	SUPPLIES	\$122.46

GREEN CARTRIDGE COMPANY	TONER CARTRIDGES	\$452.59
GUNSCH, ED	WAGES	\$516.26
HANNA, TOWN OF	HANNA SENIOR CENTER LEASE	\$10.00
HAYS, STEPHEN DDS	DENTAL SERVICES	\$902.00
HEIMAN FIRE DEPARTMENT	FIRE FOAM SYSTEM	\$159.85
HIGH DESERT WELDING & MACHINE LLC	REPAIRS	\$40.00
HIGH PLAINS POWER	ELECTRICAL SERVICES	\$275.28
HIGH PLAINS VISION CENTER	VISION SERVICES	\$366.00
HILLTOP CONOCO	FUEL	\$122.14
J H KASPAR OIL COMPANY	FUEL	\$3,726.90
JACKALOPE PRINTING	OFFICE SUPPLIES	\$1,540.24
KAR KRAFT INC	VEHICLE REPAIRS	\$821.60
KEY MOTEL	RENTAL CHARGES	\$150.00
KILBURN TIRE COMPANY	VEHICLE REPAIRS	\$2,005.57
KING SOOPERS CUSTOMER CHARGES	SUPPLIES	\$37.99
L & L ELECTRIC	ELECTRICAL REPAIRS	\$239.10
LINCOLN PRINTING PLUS, INC.	ATTORNEY SUPPLIES	\$27.77
LIPPINCOTT WILLIAMS & WILKINS	SUPPLIES	\$92.85
LOCAL GOVERNMENT LIABILITY POOL	INSURANCE MEMBERSHIP	\$66,640.00
LOSE'S CLEANING SERVICE	LAWN CARE	\$2,400.00
M H L SYSTEMS	CABLE/CUTTING EDGES	\$2,200.00
MCDOWELL, TIFFANY	RENTAL CHARGES	\$1,800.00
MEMORIAL HOSPITAL OF C C	MEDICAL SERVICES	\$14,475.44
MERBACK AWARD COMPANY	SHERIFF SUPPLIES	\$85.47
MOELLER, MARIE	CLEANING SERVICES	\$585.00
MONTOYA, JOAN	MILEAGE/SUPPLIES	\$35.63
MOORE MEDICAL CORP.	MEDICAL SUPPLIES	\$86.50
MOSS, BARBARA	MILEAGE	\$99.00
OUR DESIGNS, INC.	UNIFORM SUPPLIES	\$280.40
PERKINS OIL CO	OIL	\$727.65
PHILLIPS 66-CONOCO-76	FUEL	\$663.08
PITNEY BOWES	RENTAL CHARGES	\$271.00
PLATTE VALLEY MEDICAL	MEDICAL SERVICES	\$75.00
PREMIER ELECTION SOLUTIONS	ELECTIONS SUPPLIES	\$519.30
PRO-CHEM INDUSTRIAL, LLC	LAUNDRY & CLEANING SUPPLIES	\$610.09
PUBLIC SAFETY CENTER, INC	ULTRASTINGER	\$190.85
QUILL CORPORATION	OFFICE SUPPLIES	\$1,819.70
QWEST	TELEPHONE SERVICES	\$54.67
QWEST-KENTUCKY	TELEPHONE SERVICES	\$410.62
RASMUSSEN FURNITURE	WINDOW SHADES	\$1,796.90
RAWLINS AUTOMOTIVE	PARTS	\$214.68
RAWLINS EYE CARE	VISION SERVICES	\$225.00
RAWLINS FAMILY MEDICAL, P.C.	MEDICAL SERVICES	\$55.00
RAWLINS FIRE EXTINGUISHER	ANNUAL INSPECTIONS	\$1,480.00
RAWLINS GLASS	GLASS SERVICES	\$3,654.28
RELIABLE	SUPPLIES	\$131.84
RESERVE ACCOUNT	POSTAGE	\$10,000.00
RIVER STREET MOTOR CO	VEHICLE MAINTENANCE	\$979.17
ROCKY MOUNTAIN POWER	ELECTRICAL SERVICES	\$1,519.78
ROSS' AUTOMOTIVE SERVICES	VEHICLE MAINTENANCE	\$330.98
S E D MEDICAL LABORATORY	TESTING	\$72.00
SANOFI PASTEUR, INC.	PUBLIC HEALTH VACCINE	\$592.23
SARATOGA AUTO PARTS, INC.	PARTS	\$689.62
SCHERMETZLER, SHEELA M ED.S.	GRANT WORKSHOP	\$464.35
SHEA, DIXIE F	MILEAGE	\$10.80
SHEPARD CONSTRUCTION INC	CABINETS	\$950.00
SHIVELY HARDWARE	TOOLS	\$32.97
SKYLINE MOTORS, INC.	VEHICLE REPAIRS	\$471.32
SNAP-ON TOOLS	TOOLS	\$454.05
SOURCE GAS	GAS SERVICES	\$7,249.40
SPIEGEL, DAVID, M.D.	FEDEX REIMBURSEMENT	\$85.55
STAN'S QUIK LUBE	VEHICLE REPAIRS	\$49.93
STAPLES ADVANTAGE	OFFICE SUPPLIES	\$420.05
STATE OF WYOMING (A&I)	MAINFRAME ACCESS	\$20.24
SWEET, JEFFREY C DDS PC	DENTAL SERVICES	\$86.00
TERMINIX	PEST CONTROL	\$185.00

TRUE VALUE OF RAWLINS	SUPPLIES	\$297.97
T'S KEYS	BUILDING MAINTENANCE	\$700.00
UNION TELEPHONE COMPANY	TELEPHONE SERVICES	\$472.66
UNITED STATES DEPT OF THE INTERIOR	CARBON CEMETERY LEASE	\$250.00
VALLEY OIL COMPANY	FUEL	\$2,252.63
VAN'S WHOLESALE LLC	JAIL SUPPLIES	\$299.22
WALDRON, PATTY	MILEAGE	\$46.20
WEST PAYMENT CENTER	INFORMATION CHARGES	\$630.01
WEST WINDS BAKERY & DELI	SUPPLIES	\$26.25
WESTERN TRUCK REPAIR	PARTS	\$29.87
WIMPENNY, ROBERT G DDS	DENTAL SERVICES	\$326.00
WITCHEL, SUSAN (HICKS)	WAGES	\$1,996.58
WRECK-A-MEND	VEHICLE REPAIRS	\$656.00
WY COUNTY CLERKS ASSOCIATION	2010-2011 DUES	\$100.00
WY DEPT OF TRANSPORTATION	MOTOR FUEL LICENSE FEE	\$25.00
WY FINANCIAL INSURANCE, INC.	RERUCHA BOND	\$20.00
WY MACHINERY COMPANY	PARTS & LABOR	\$6,045.47
WY STATIONERY	OFFICE SUPPLIES	\$1,756.29
YOCUM, LEO	MILEAGE	\$12.00
GRAND TOTAL		\$296,278.79

## **CLERK**

### **Minutes**

Commissioner Young moved to approve the minutes of the May 18, 2010 regular meeting and the May 25, 2010 budget workshop of the Board of Carbon County Commissioners as presented. Commissioner Paxton seconded and the motion carried unanimously.

### **Monthly Receipts**

Commissioner Young moved to accept the report of Department of Planning and Development receipts for the month of May 2010 in the amount of \$5,130.00. Commissioner Paxton seconded and the motion carried unanimously.

### **White Brothers Public Road**

Clerk Bartlett reported the White Brothers private road case is officially closed and they have paid the invoice sent to them for related costs.

### **Election Judges' Salaries**

Clerk Bartlett asked the BOCC to set the election judges' wages for the upcoming term. She noted that she does not feel a raise is appropriate due to the County's financial situation and she recommended settings wages at the same rate as the last term, \$10.00 or \$12.00 for the head election judges.

Commissioner Paxton moved to set the election judges' wages at \$10.00 and \$12.00 for the head election judge for each precinct. Commissioner Young seconded and the motion carried unanimously.

### **Utility Bill Solutions Group**

Clerk Bartlett reported Utility Bill Solutions Group (UBSG) has reviewed the County's utility bills. She stated UBSG only found \$1,280.00 each year in taxes that was charged incorrectly and her office has already sent letters to the providers requesting refunds. She reminded the BOCC that UBSG will be paid 50% of whatever savings are refunded to the County. Clerk Bartlett added that one phone supplier was extremely high on its long distance rate and UBSG will try to negotiate a lower rate for this account.

### **Jeffrey Center**

Commissioner Paxton moved to rescind the motion made on May 4, 2010 to make the Jeffrey Center employee a County employee effective July 1, 2010 and that the employee shall continue

to be an employee of the Jeffrey Center Board. Commissioner Young seconded and the motion carried unanimously.

### **Hanna Old Bank Building**

Clerk Bartlett advised she was contacted by someone that may be interested in purchasing a County property in Hanna. She asked if the BOCC is interested in selling the property. The BOCC advised it would consider selling the property but asked Clerk Bartlett to have it appraised first.

Commissioner Paxton moved to engage an appraiser to appraise the old bank building in Hanna. Commissioner Young seconded and the motion carried unanimously.

### **Wyoming Wind Day Proclamation**

Commissioner Paxton moved to approve the Proclamation for the Carbon County Board of County Commissioners to designate June 15, 2010 as Wyoming Wind Day. Commissioner Young seconded and the motion carried unanimously.

### **Fireworks Permit Application**

Clerk Bartlett advised Dwight France approved fireworks permits for A Bar A Ranch to professionally launch fireworks for events on July 5, 2010 and September 10, 2010.

### **County Board of Equalization**

Clerk Bartlett reported that Merit Energy is appealing its 2010 tax assessment and that the County must set a Board of Equalization hearing on the matter. She advised Eric Nelson will be the hearing examiner.

Commissioner Paxton moved to authorize the Chairman's signature on the Order of Setting in the matter of the appeal by Merit Energy, Docket #2010-01, scheduling the initial hearing of the Carbon County Board of Equalization for Tuesday, July 27, 2010 at 9:00 a.m. in the County Commissioners' Room at the Carbon County Courthouse. Commissioner Young seconded and the motion carried unanimously.

## **ELECTED OFFICIALS / DEPARTMENT HEADS**

### **Emergency Management**

John Zeiger, Emergency Management Coordinator reported he has been keeping an eye on the rivers that are in flood danger. He discussed the purchase of sandbags.

### **Treasurer**

County Treasurer Cindy Baldwin reported that tax collections are going well. She reported the jail should be paid off in June using the set aside funds the County has for this purpose plus approximately \$20,000.00. Treasurer Baldwin reported that she has made the first bond payment for the Special Purpose Tax Joint Powers Board.

Treasurer Baldwin reported there has been no funding to the County for the Dunlap Wind Project or the Echo Springs Project.

### **Assessor**

Chief Deputy County Assessor Cheryl Ross presented an abatement and rebate for the Chairman's signature.

### **Clerk of District Court**

Clerk of District Court Lindy Glode presented her budget for fiscal year 2010 – 2011.

## **Buildings Manager**

Buildings Manager Leroy Graham presented a contract for cement work at the Courthouse.

Commissioner Paxton moved to approve a contract with BCN Construction in the amount of \$3,370.00 for concrete work on the east side of the Courthouse. Commissioner Young seconded and the motion carried unanimously.

Mr. Graham stated he visited with WyCon, the contractor building the multipurpose facility at the Fairgrounds. He stated they should be 100% complete within 7-10 days. He noted that the penalty is being charged per the BOCC's previous motion until the building is 90% complete however he has agreed with the contractor that it will be paid until the facility is 100% complete.

Mr. Graham discussed the drainage project at the Carbon Building. He stated that Gary Steele of PMPC has recommended putting off the drainage project until the HVAC system work is done at the Carbon Building. Mr. Graham stated when HVAC work begins, the alley will have to be disturbed to install underground pipes and that drainage could be addressed at that time. He also stated that even with drainage there will likely be an ice problem in the winter as that area does not ever get sunlight.

## **Road & Bridge**

Bill Nation, Road & Bridge Superintendent opened three sealed bids for work to County Road #701 to be paid for with Congestion Mitigation Air Quality (CMAQ) 2009 supplemental grant funds. He noted bids were requested to be on a per mile basis. McMurry Ready Mix bid \$45,509.00 per mile; Criswell Trucking bid \$38,280.00 per mile; and A & D Oilfield Dozers bid \$49,949.75 per mile. Mr. Nation requested he be allowed to review the bids and return later with a recommendation.

Mr. Nation reported improvements continue on County Road #504 past Old Baldy. He stated his office continues to work on soft spots throughout the County.

Chairman Weickum discussed a call he received from a citizen about a bridge removed in Baggs and a culvert that was placed there. Mr. Nation stated he drove across the area last week.

## **RECESS**

Chairman Weickum called a recess at 10:30 a.m. and reconvened at 10:46 a.m.

## **BOARD INTERVIEWS**

KayCee Alameda and Connie Summers were interviewed for consideration of appointment to the Fair Board and the Old Penitentiary Joint Powers Board respectively.

## **RECESS**

Chairman Weickum called a recess at 10:56 a.m. and reconvened at 11:10 a.m.

## **COWBOY COMMUNICATIONS**

Ryan Kudera of Cowboy Communications stated he recently met with Bill Nation about leasing the County's communications tower at Baker Peak to provide the Baggs and Dixon areas with internet service. Mr. Kudera discussed current phone and internet providers and their service areas. He added his service would include currently unserved areas. Mr. Kudera stated he has a written agreement with the landowner to access the County's tower. Mr. Kelly reported that he met with Mr. Nation and Undersheriff Mike Morris as well as Greg Ryan of Ryan Electronics and he noted Mr. Kudera would need an agreement with Mr. Ryan for power. He added that Mr. Ryan will be sending him a standard lease the County could modify for its use.

Mr. Kelly stated that a number of other entities are also using this tower and he suggested determining who is using this tower to ensure that the County's usage would not be interrupted by the amount of traffic. Mr. Kudera volunteered to go with Mr. Nation to the tower to determine who is using it.

Chairman Weickum stated he wants to know who is using the tower and if there are agreements in place for that use. He also wanted to know if the County has an agreement with the landowner to access to tower and determine if there is anything in that agreement that prevents the County from subleasing the tower's use to anyone else.

### **MEMORIAL HOSPITAL OF CARBON COUNTY (MHCC)**

Rick White, MHCC Chief Financial Officer (CFO), reported on April's financial figures. He noted April was a poor month for collections due in large part to many physicians being on vacation at the same time. Mr. White stated that everything is in place for MHCC's critical access designation and this should be effective July 1, 2010.

Mr. White stated that Quorum Health Resources (QHR)'s compliance auditors were present last week and preliminary findings were reported. He stated that MHCC is working on findings and it was very educational for board members to hear potential risks if items are not corrected.

Mr. White reported that MHCC does not plan to ask for any additional equipment out of the fiscal year 2010 levy account and he would like to see the funds carried over and build for future needs. Chairman Weickum discussed raises for hospital employees and stated one of the reasons the County may have trouble giving raises to its employees is because of the assistance given to MHCC. He stated he would hate to see raises given to MHCC employees while the County may not be able to give raises.

Physician recruitment was discussed and that an emergency room physician and a family/OB physician have been recruited. Commissioner Young complimented QHR on their management efforts while maintaining a good relationship with employees. Commissioner Paxton stated that he sees that the public's confidence in MHCC is coming back. Chairman Weickum agreed and stated the funds the County gave MHCC was an investment and he complimented QHR and the MHCC Board on their efforts.

### **EXECUTIVE SESSION**

Commissioner Paxton moved to go into executive session at 11:41 a.m. with Clerk Bartlett and Deputy Attorney Mike Kelly to discuss personnel, potential litigation, matters relating to the acquisition of real property, 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 12:10 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.

### **ROAD & BRIDGE**

Mr. Nation returned and recommended accepting the low bid from Criswell Trucking opened earlier today.

Commissioner Paxton moved to accept the low bid from Criswell Trucking LLC of \$38,280.00 per mile for 9.75 miles of work to County Road #701 not to exceed a total of \$375,000.00. Commissioner Young seconded and the motion carried unanimously.

Mr. Nation requested Deputy Attorney Kelly draft a contract for this work.

### **RECESS**

Chairman Weickum recessed for lunch at 12:13 p.m. and reconvened at 1:34 p.m.

### **PLANNING & ZONING**

#### **Public Hearing C.U. Case File No. 2010-02**

Chairman Weickum opened a public hearing at 1:34 p.m. to hear Planning & Zoning C.U. Case File No. 2010-02. Sid Fox, Planning Director presented C.U. Case File No. 2010-02 – Union

Telephone Company (Applicant) and Peterson Livestock LLC (Owner's) request for a Conditional Use Permit in a Ranching, Agriculture, Mining (RAM) Zone to allow a communication facility for cellular and microwave communications on approximately 0.057 acres. Mr. Fox overviewed the comments received and added the site has been previously disturbed by gravel mining as well as a power line.

Chairman Weickum called for comments for or against this case. There being no public comments, Chairman Weickum closed the public hearing at 1:48 p.m.

Commissioner Paxton moved to follow staff recommendations and approve Planning & Zoning C.U. Case File No. 2010-02 Union Telephone Company and Peterson Livestock LLC's request for a Conditional Use Permit in a Ranching, Agriculture, Mining (RAM) Zone to allow a communication facility for cellular and microwave communications on approximately 0.057 acres along the I-80 corridor east of Rawlins and west of Sinclair with the tower being approximately 45 feet in height. Commissioner Young seconded and the motion carried unanimously.

Commissioner Young moved to approve Resolution No. 2010-21, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding C.U. Case File No. 2010-02. Commissioner Paxton seconded and the motion carried unanimously.

### **Resolution No. 2010 - 21**

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 May 3, 2010, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

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

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

**WHEREAS**, the Carbon County Commissioners, pursuant to Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation for approval of this amendment to the Carbon County Zoning Resolution of 2003, as amended and subsequent amendments advertised by public notice at least 14 days prior to a public hearing to take public input and comments which said hearing occurred on June 1, 2010; and

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

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

**WHEREAS**, the Carbon County Commissioners have determined that the proposed amendment is in conformity with the Carbon County Land Use Plan of 1998 as amended and otherwise promotes the health, safety and general welfare of the residents of Carbon County; and

**WHEREAS**, at a regularly scheduled meeting of the Carbon County Commissioners, by majority vote, the Carbon County Commissioners moved to approve the following amendment(s) to the Carbon County Zoning Resolution of 2003 as amended.

**(1) C.U. Case #2010-02 – Union Telephone Company (Applicant) and Peterson Livestock (Owner):** Request for a Conditional Use Permit in a Ranching, Agriculture, Mining (RAM) Zone to allow a communication facility for cellular and microwave communications on approximately 0.057 acres near the Town of Sinclair. The tower height is approximately 45 feet. The subject property is located approximately one half mile north east of State Highway 76 near Sinclair. The proposed tower is approximately 16,400 feet from the Rawlins Airport runway.

**Legal Description:**

A parcel of land located in the North Half of the Northeast Quarter (N½ NE¼) of Section 19 Township 21 North, Range 86 West of the 6<sup>th</sup> P.M., Carbon County Wyoming being more particularly described as follows: Commencing at the Northeast Section Corner of Said Section

19; Thence S 57°26'16" a distance of 1582.95 feet to the true POINT OF BEGINNING; Thence 90°0'0"W for a distance of 50.00 feet; Thence 0°0'0"E for a distance of 50.00 feet; Thence S 90°0'0"E for a distance of 50.00 feet; Thence N 0°0'0"W for a distance of 50.00 feet to point of beginning. Said parcel containing an area of 2,500.00 Sq.Ft. or 0.057 Acres more or less.

**All bearings reported herein are referred to true meridian based on GPS observations. All in accordance with the Survey Map No. 93102 attached hereto and by reference made a part hereof.**

**Access:**

Access to the site will be provided via an existing private gravel road from State Highway 76 to the tower site. The existing gravel road also provides access to a gravel pit & concrete operation. The access road ROW is 25 feet wide and approximately 3,507 feet long.

**Density:**

Zero (0) single-family dwellings are permitted on approximately 0.057 acres.

**Staff Conditions:**

CARBON COUNTY ZONING: All development must be in conformance with restrictions as stated in Section 4.2 et. al. of the Carbon County Zoning Resolution of 2003, as amended.

1. BUILDING PERMIT AND ZONING: Any building construction on the subject property will require an application for building permit(s) and zoning certificate(s) (Carbon County Zoning Resolution of 2003, as amended, Sections 6.3, 6.4, et. al.).

2. CONSTRUCTION: All construction should conform to the current International Building Code (IBC) or "HUD code" with frost protected foundations and adequate snow loads and adequate wind loads roof construction. Construction shall commence within 24 months of initiation unless completion is delayed due to weather or site conditions resulting from weather. A construction schedule must be provided with every application for building permit.

3. FIELD CONTACT REPRESENTATIVE: During construction of the project, the applicant shall designate a field contact representative (FCR) who will be responsible for overseeing compliance with protective measures and coordination with the County and other regulatory agencies.

4. COMPLIANCE WITH APPLICABLE LAWS: The applicants shall comply with all federal, state, and local regulations.

5. VIOLATION: In the event the actions occurring pursuant to this permit are found to be in material violation of the terms and conditions of this permit, or are found to have been obtained by fraud, this permit shall be subject to all remedies allowed by law. Violation of any of the above restrictions can be grounds for terminating this Conditional Use Permit.

6. Co-LOCATION: Constructed tower should allow for co-location to minimize the need for construction of additional towers in this area by other wireless carriers.

**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 regarding the Conditional Use Permit (C.U. Case #2010-02) on approximately 0.057 acres near the Town of Sinclair in the Ranching, Agriculture, Mining (RAM) Zone.

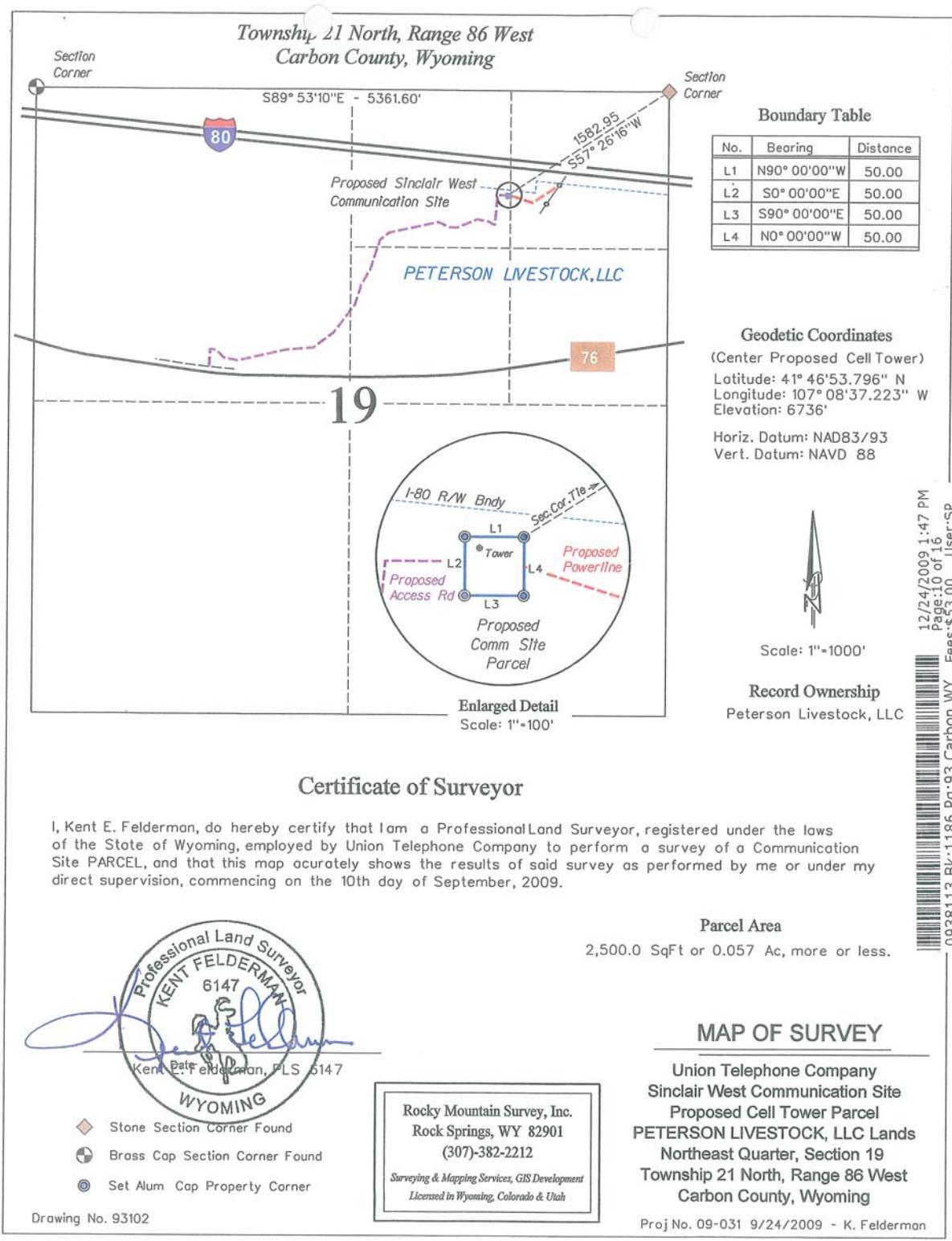
2. That any use for which this conditional use permit is granted must be commenced within two (2) years from the date of approval, otherwise this conditional use permit shall become null and void and be of no further effect in the absence of further action on the part of Carbon County.

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 1<sup>st</sup> day of June, 2010.

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

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

Attest: -s- Gwynn G. Bartlett, Carbon County Clerk



**Certification of C.U. Case File No. 2010-03 & C.U. Case File No. 2010-04**

Mr. Fox presented the Certification of Recommended Action for C.U. Case File No. 2010-03 and C.U. Case File No. 2010-04 on behalf of the Planning & Zoning Commission.

Commissioner Paxton moved to schedule a public hearing for July 6, 2010 at 1:30 p.m. at the County Courthouse in Rawlins, Wyoming to hear C.U. Case File No. 2010-03, Union Telephone Company (Applicant) and Roland and Cheryl Bowen (Owner's) request for a Conditional Use Permit in a Ranching, Agriculture, Mining (RAM) Zone to allow a communication facility for cellular and microwave communications on approximately 0.147 acres and C.U. Case File No. 2010-04, Union Telephone Company (Applicant) and Berger Cattle Company, L.P. (Owner's) request for a Conditional Use Permit in a RAM Zone to allow a communication facility for cellular and microwave communications on approximately 0.08 acres. Commissioner Young seconded and the motion carried unanimously.

**Planning & Development Department**

Mr. Fox discussed the work on the Land Use Plan.

## **GLENN BAKER – SKYLINE ACRES**

Glenn Baker discussed property at Skyline Acres and requested he be allowed to remove his personal property including construction materials, mobile homes, propane tanks and other miscellaneous items. He anticipated an investigation of Mr. Keast claiming Mr. Keast illegally sold his property and he anticipated this might take 2-3 years. He stated he would like to cleanup the property by the first frost of next winter, possibly by Halloween. He stated that he would need proper permits for moving some of the items.

Commissioner Paxton asked if other individuals have personal property on the land as well and Mr. Baker stated Bill Bailey has three mobile homes. Chairman Weickum confirmed Mr. Baker has titles to the mobile homes he claims are his. Mr. Baker stated he has prepaid Mr. Bailey to move the property and it would take several days to complete the process. Chairman Weickum stated that he believes Mr. Baker would need to specifically identify what property is his, identify a time that it would be removed then have a Sheriff's deputy available to standby for whoever Mr. Baker hires to remove the property. Chairman Weickum stated the BOCC would have to discuss allowing Mr. Baker on the property with legal counsel. Chairman Weickum encouraged Mr. Baker to speak with his attorney and have his attorney contact Marcia Bean of the County Attorney's Office. The BOCC advised Mr. Baker he is not allowed on the property at this time.

## **RECESS**

Chairman Weickum declared a recess at 2:24 p.m. and reconvened at 2:50 p.m.

## **PROJECT PREVENTION**

Theresa Pacheco and Sally Patton of Project Prevention discussed consolidation of their grants and that the County will no longer need to sponsor their grant. It will now be sponsored by the Carbon County Higher Education Center. They thanked the County for the past support.

## **BOARD APPOINTMENT**

Commissioner Paxton moved to reappoint Judy Welton to the Platte Valley Community Center Joint Powers Board for a three-year term expiring June 2013 and to readvertise for the other opening due to the lateness of the application for the other position. Commissioner Young seconded and the motion carried unanimously.

## **RECESS**

Chairman Weickum declared a recess at 3:10 p.m. and reconvened at 3:13 p.m.

## **CES BUDGET PRESENTATION**

Calvin Strom presented the budget request for fiscal year 2011 for the Cooperative Extension Service.

Commissioner Paxton discussed the use of County vehicles for 4-H transportation and the insurance issues with this.

## **INMATE MEDICAL**

The BOCC discussed services offered by Correctional Risk Services, Inc. (CRS) to review inmate medical invoices. CRS would only maintain a portion of the cost savings. Sheriff Colson agreed this may be a good service. Attorney Kelly discussed some concerns and agreed to look further into CRS' services and provide a future report.

## **BOARD INTERVIEWS / APPOINTMENTS**

Paul Newton was interviewed via telephone for consideration of appointment to the Fair Board. Mark Kostovny was interviewed for consideration of appointment to the Memorial Hospital Board.

Commissioner Paxton moved to reappoint Mark Kostovny to the Memorial Hospital Board for a five-year term expiring July 2015. Commissioner Young seconded and the motion carried unanimously.

Bill Dahlke, and Howard Hill were interviewed for consideration of appointment to the Fair Board. Jim Miller was scheduled for an interview but did not appear.

David Michie III was interviewed for consideration of reappointment to the Old Penitentiary Joint Powers Board.

Commissioner Young moved to appoint Bill Dahlke to the Fair Board for an unexpired five-year term expiring January 2012. Commissioner Paxton seconded and the motion carried unanimously.

Commissioner Paxton moved to reappoint David Michie III to the Old Penitentiary Joint Powers Board for a three-year term expiring May 2013. Commissioner Young seconded and the motion carried unanimously.

### **COMMISSIONERS DISCUSSION**

Chairman Weickum stated he will visit with Marcia Bean of the County Attorney's Office about the discussion with Glenn Baker earlier today.

Commissioner Paxton reported that the Resource Advisory Council (RAC) met last week to begin discussing projects to use approximately \$400,000.00 on. He noted that a NEPA study must be completed on any project and if one hasn't been completed, the RAC funding would need to be used for the study. He stated he would not favor using these dollars to fund studies but rather on implementing projects. Commissioner Paxton also discussed partnering with other agencies doing similar work to possibly extend the services.

### **BUILDING PURCHASE**

Commissioner Paxton moved to direct Deputy County Attorney Mike Kelly to complete the process to purchase the old Town Hall from the Town of Saratoga. Commissioner Young seconded and the motion carried unanimously.

### **ADJOURNMENT**

There being no further business, Chairman Weickum adjourned the meeting at 4:36 p.m.

-s- Gwynn G. Bartlett, Carbon County Clerk

Approved this 15th day of June 2010

BOARD OF COUNTY COMMISSIONERS  
CARBON COUNTY, WYOMING

-s- Terry Weickum, Chairman