

**MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, May 5, 2009
County Courthouse, Rawlins, Wyoming**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, May 5, 2009 at the County Courthouse in Rawlins, Wyoming. Attending the meeting were Chairman Terry Weickum, Vice Chairman Jerry Paxton; Commissioner Charles C. Young; County Clerk Gwynn Bartlett; County Attorney Cindy DeLancey; and Deputy Clerk Kathy Turner.

Chairman Weickum called the meeting to order at 9:00 a.m.

AGENDA AMENDMENT

Commissioner Paxton moved to amend the agenda to add an executive session after the approval of bills. Commissioner Young seconded and the motion carried unanimously.

VOUCHERS

Commissioner Paxton moved to approve the report of expenditures in the amount of \$193,253.88. Commissioner Young seconded and the motion carried unanimously.

Vendor	Detail Line Description	Total
ADVANCED HEATING & PLUMBING, INC.	TEST FIRE SPRINKLERS	\$350.00
AIT LABORATORIES	DRUG TESTING	\$350.00
ALBANY COUNTY GIS	GIS DATA CONVERSION SVCS #1	\$7,500.00
ALSCO, AMERICAN LINEN DIVISION	SUPPLIES/MATS	\$249.62
AMERICAN CORRECTIONAL ASSOC	DUES	\$300.00
AMERIGAS	R&B UTL PROPANE	\$1,088.18
ATHERSON-ZEMAN, BEN	TRAINING MATERIALS	\$67.50
BARTLETT, SUE RN	FUEL/MEALS	\$62.07
BOB BARKER COMPANY, INC.	SUPPLIES	\$284.41
BOUGERE, LIBBY	FACILITATOR FEES	\$800.00
BRESNAN COMMUNICATIONS	CABLE SERVICES/ONLINE	\$215.92
BUCHANAN, KAREN	MILEAGE	\$48.00
BUSEY, SHARALEE	COMPUTER PARTS/MILEAGE	\$277.95
C N A SURETY	NOTARY BOND	\$50.00
C O V E	LODGING FOR INTERN	\$1,680.00
CARBON COUNTY TREASURER	MEALS/MILEAGE/POSTAGE/POSTCDS	\$1,143.25
CARBON COUNTY VETERINARY HOSP	SUPPLIES/KIWI VISIT	\$80.82
CARSON INDUSTRIES, INC.	SUPPLIES	\$249.90
CBM FOOD SERVICE	JAIL FOOD	\$6,134.82
CDW GOVERNMENT, INC.	CAB CART/IT EQUIP/RECORDER	\$1,432.56
CEDAR STREET SINCLAIR	SHERIFF FUEL	\$15.50
CENTURYTEL	TELEPHONE SERVICES	\$172.36
CESKO, DAVID MD	MEDICAL SERVICES	\$885.00
COMFORTECH HEATING	REPAIRS	\$59.00
CORPORATE EXPRESS	SUPPLIES	\$532.31
CSK AUTO, INC.	WIPER BLADES	\$13.28
DAILY TIMES	ADVERTISING	\$1,299.74
DALLIN MOTORS INC	VEHICLE REPAIRS	\$387.41
DELL COMPUTERS	IT EQUIPMENT/COMPUTER/SUPPLIES	\$7,099.52
DUBOIS TELEPHONE EXCHANGE	R&B UTL TELEPHONE	\$37.08
EAGLE UNIFORM SUPPLY	MATS	\$124.60
ENCAMPMENT, TOWN OF	R&B UTL WATER/GARBAGE	\$63.00
ENTENMANN - ROVIN CO	BADGE	\$70.36
EVANS, MORGAN	JAIL HAIRCUTS	\$272.00
FREMONT COUNTY CORONER	MORGUE USAGE FEE	\$75.00
GASES PLUS	SAFETY GLASSES/SUPPLIES	\$96.95
GLAXOSMITHKLINE FINANCIAL, INC.	PUBLIC HEALTH VACCINE	\$786.70
GOSVENOR, MAXINE	MILEAGE	\$38.00
GRAINGER	SUPPLIES	\$317.62

GRIEVE ENTERPRISES	RENT FOR VICTIM	\$350.00
HETTGAR, BRIDGET M RN	MILEAGE/COMPUTER SUPPLIES	\$157.98
HIGH PLAINS POWER	ELECTRICAL SERVICE	\$329.07
HIGH PLAINS VISION CENTER	MEDICAL SERVICES	\$196.00
HILLCREST SPRING WATER, INC.	SUPPLIES	\$36.75
HILLTOP CONOCO	FUEL	\$51.56
HON	OFFICE FURNITURE	\$3,055.75
HSBC BUSINESS SOLUTIONS	PARTS	\$1,217.00
IKE & SON TRANS. SHOP	VEHICLE REPAIRS	\$1,178.89
IKON OFFICE SOLUTIONS	COPIER RENT	\$2,024.67
J H KASPAR OIL COMPANY	FUEL	\$1,823.05
JACKALOPE PRINTING	SUPPLIES	\$121.36
JERRY S DONUTS	SUPPLIES	\$62.93
KENCO SECURITY AND TECHNOLOGY	ALARM MONITORING	\$34.00
KILBURN TIRE COMPANY	TIRES	\$671.24
L & L ELECTRIC	ELECTRICAL REPAIRS	\$666.80
LAWSON PRODUCTS INC	SUPPLIES	\$225.75
LOCAL GOVERNMENT LIABILITY POOL	INSURANCE	\$61,579.00
LOVE, LUCY	MILEAGE	\$98.50
MCTFT/SEPSI	TRAINING FEE	\$1,750.00
MEDICINE BOW, TOWN OF	R&B UTL WATER/GARBAGE	\$53.00
MEDTRONIC EMERG RESPONSE SYS	4 AED'S	\$9,180.00
MEMORIAL HOSPITAL	MEDICAL SERVICES	\$11,279.36
MICKELSON, ASHLEE	MILEAGE	\$750.00
MOELLER, MARIE	CLEANING SERVICES	\$204.00
OTIS ELEVATOR COMPANY	SERVICE CONTRACT	\$2,093.16
PACKARD, CHANTEL	MEAL REIMBURSEMENTS	\$45.58
PAGE ONE	PAGER SERVICE	\$11.11
PAMIDA INC	SUPPLIES	\$136.67
PERKINS OIL CO	FUEL	\$1,314.82
PHILLIPS 66-CONOCO-76	SHERIFF FUEL	\$431.74
PLATTE VALLEY MEDICAL CLINIC	MEDICAL SERVICES	\$149.00
PONY X-PRESS PRINTING CENTER	ENVELOPES/TAX ASSESSMENTS	\$3,239.60
PRAIRIE DOG ELECTRIC, LLC	ELECTRICAL REPAIRS	\$1,281.52
PRO-CHEM INDUSTRIAL, LLC	CLEANING SUPPLIES	\$313.83
PROJECT PREVENTION	AD/MEALS/MILEAGE/TRNG/WAGES	\$1,836.27
PUBLIC SAFETY WAREHOUSE	UNIFORM SHIRTS	\$81.90
QUILL CORPORATION	SUPPLIES	\$400.50
QWEST-KENTUCKY	PHONE SERVICES	\$478.01
QWEST-PHOENIX	PHONE SERVICE	\$30.30
R D J SPECIALTIES INC	SUPPLIES	\$516.06
RASMUSSEN FURNITURE	BLINDS	\$1,281.54
RAWLINS AUTOMOTIVE	PARTS	\$165.66
RAWLINS CARBON CTY AIRPORT BD	DONATION-COMMENTVE AIRFORCE	\$2,000.00
RAWLINS EYE CARE	VISION SERVICES	\$400.00
RAWLINS FIRE EXTINGUISHER	ANNUAL INSP & SUPPLIES	\$243.95
RAWLINS, CITY OF	WATER & SEWER	\$1,127.80
ROCKY MOUNTAIN POWER	ELECTRICAL SERVICE	\$1,447.26
ROSS AUTOMOTIVE SERVICES	VEHICLE REPAIRS	\$503.18
ROWAN, KRISTY	REIMBURSEMENTS	\$52.42
RYAN ELECTRONICS INC	RADIOS	\$10,378.22
S E D MEDICAL LABORATORY	DRUG TESTING	\$633.63
SARATOGA AUTO PARTS, INC.	PARTS	\$884.19
SARATOGA SUN	ADVERTISING	\$132.75
SCHAEFFER MFG CO	OIL	\$2,150.46
SECURITY TRANSPORT SERVICES, INC.	PRISONER TRANSPORT	\$1,567.50
SHIVELY HARDWARE	SUPPLIES	\$125.14
SNAKE RIVER PRESS	ADVERTISING	\$287.00
SOURCE GAS	GAS SERVICE	\$9,577.24
STAN S QUIK LUBE	VEHICLE MAINTENANCE	\$46.44
STANLEY SECURITY SOLUTIONS	LOCK CYLINDERS	\$63.13
SU CASA CAFÉ	MEETING/LAW LUNCHEON	\$166.10
TASER INTERNATIONAL	SUPPLIES	\$550.00
TERMINIX	PEST CONTROL	\$215.00
TRADING POST	GAS & SUPPLIES FOR S & R	\$132.11

TREVATHAN, SABRINA RPR	TRANSCRIPT	\$189.60
TRUE VALUE OF RAWLINS	SUPPLIES	\$766.75
UNION TELEPHONE COMPANY	BATTERY	\$1,058.34
VAN'S WHOLESALE	SUPPLIES	\$466.76
VERIZON WIRELESS	CELL PHONE SERVICE	\$830.28
WEICKUM, TERRY	MILEAGE	\$80.00
WEST PAYMENT CENTER	WEST INFORMATION CHARGES	\$537.15
WSTN STATES FIRE PROTECTION CO	FIRE SPRINKLER INSP & REPAIRS	\$2,045.00
WIMPENNY, ROBERT G DDS	DENTAL SERVICES	\$340.00
WY COALITION AGAINST DV/SA	REGISTRATION FEES	\$160.00
WY FINANCIAL INSURANCE, INC.	NOTARIES	\$100.00
WY MACHINERY COMPANY	HEAVY EQUIP PARTS	\$4,961.54
WY STATIONERY	CHAIRS/SUPPLIES/FILES/CABINETS	\$2,702.33
XEROX CORPORATION-RENT	PLANNING COPIER RENT	\$718.25
GRAND TOTAL		\$193,253.88

EXECUTIVE SESSION

Commissioner Paxton moved to go into executive session at 9:12 a.m. with Clerk Bartlett and Attorney DeLancey for attorney client matters and other matters considered confidential by law. Commissioner Young seconded and the motion carried unanimously.

Commissioner Young left the executive session at 9:28 a.m. and returned at 9:32 a.m.

Commissioner Paxton moved to come out of executive session at 9:50 a.m. and that the minutes of the session be approved as written and sealed and declared that no action was taken during the session. Chairman Weickum seconded and the motion carried unanimously.

CLERK

Minutes

Commissioner Young moved to approve the minutes of the April 21, 2009 regular meeting of the Board of Carbon County Commissioners as presented. Commissioner Paxton seconded and the motion carried unanimously.

Bonds

Commissioner Young moved to approve a \$10,000.00 bond for Donald R. Brinkman, Treasurer, Carbon County Recreation Board – School District No. 1, a \$25,000.00 bond for Susan Munson, Treasurer, Town of Encampment and a \$50,000.00 bond for Robert D. Gates, Superintendent of Carbon County School District No. 2. Commissioner Paxton seconded and the motion carried unanimously.

Monthly Receipts

Commissioner Young moved to accept Planning and Development receipts in the amount of \$540.00 for the month of April 2009 and Carbon County Clerk Statement of Fees Collected for the Month of April 2009 in the amount of \$15,478.42. Commissioner Paxton seconded and the motion carried unanimously.

County Attorney DeLancey left at 9:53 a.m. and Rob Lavine, Deputy County and Prosecuting Attorney, joined the meeting.

White Brothers Properties, LP Private Road Application

Clerk Bartlett advised she received the Scheduling Order and the next hearing pertaining to White Brothers Properties, LP private road application has been set by the hearing examiner for August 4, 2009 at 9:00 a.m.

AED Grant

Clerk Bartlett advised she applied for a grant for one additional automatic external defibrillator (AED) for the County Fire Department. She stated this program allows for reduced cost AEDs. She stated she was awarded the grant and a Philips AED normally costing \$1,895.00 could be purchased for \$1,299.00. The BOCC asked Clerk Bartlett to wait until the last of this fiscal year and if there are enough funds, the AED may be purchased from the Fire Budget.

Surplus Equipment

Clerk Bartlett presented a list of old election equipment that she would like authorization to dispose of. She stated she is in the process of checking with other Wyoming counties and the Secretary of State to determine if anyone could use any of this equipment and if not, she will look into other states and recycling.

Commissioner Paxton moved to authorize the County Clerk to dispose of eighty Vote-a-Matic Voting Booths, ten cases of Douglas collapsible voting booths, one Computer Election Systems pneumatic crimper, Serial #1700-321, approximately eighty plastic punch card tablets, one Computer Election Systems precinct ballot counter, Serial #2500-04132, two old particle board shelving units, and one old IBM typewriter. Commissioner Young seconded and the motion carried unanimously.

Clerk Bartlett advised she will also contact Rawlins High School to see if they would like to have any of the equipment.

Upper Platte River Solid Waste Disposal District

Clerk Bartlett advised she received a letter from the Upper Platte River Solid Waste Disposal District (UPRSWDD) notifying Steve Wilcoxsen that he has been removed from this board as he has not attended board meetings on a regular basis and has not contacted the board regarding the absences. She added that the UPRSWDD has amended their bylaws to allow that after a three month absence, any individual may seek reappointment for any openings on the Board following the statutory guidelines. Clerk Bartlett stated she will advertise for this position.

Justice Assistance Grant

Clerk Bartlett discussed the Edward Byrne Memorial Justice Assistance Grant. She stated that the recommended funding schedule listed Carbon County for \$0.00, the City of Rawlins and the Town of Saratoga for all of the grant funds. Clerk Bartlett explained that the rules stated each of these three entities must agree on this funding schedule and after speaking with Sheriff Colson, he has agreed to accept no funds. Although the County will not receive any funding, a Memorandum of Understanding (MOU) is necessary between the three entities. She stated the funds will funnel through the City. She further stated that Attorney DeLancey has reviewed and approved the MOU.

Commissioner Paxton moved to approve the Interlocal Agreement Between the City of Rawlins and Town of Saratoga, WY and County of Carbon, WY 2008 Byrne Justice Assistance Grant (JAG) Program Award for Carbon County to be awarded \$0.00, Town of Saratoga to be awarded \$12,711.00, and the City of Rawlins to be awarded \$70,740.00. Commissioner Young seconded and the motion carried unanimously.

Carbon County Community Action Committee Contract

Clerk Bartlett presented a contract between Community Services Block Grant (CSBG) Program and Carbon County Community Action Committee and stated Cindy Baldwin, Carbon County Action Committee Chairperson, has signed and returned the original contract. Clerk Bartlett asked for the BOCC's approval as this funding will funnel through the County as the sponsor. She stated Attorney DeLancey has reviewed the application and recommends approval.

Commissioner Young moved to approve the Contract between the State of Wyoming, Department of Health, Rural and Frontier Health Division, Community Services Block Grant (CSBG) Program and Carbon County Community Action Committee, Contract #CSBG – 10% SA, CRBN0904: CFDA #93.569 to finance an updated Community Needs Assessment for Carbon

County in the amount of \$16,100.00. Commissioner Paxton seconded and the motion carried unanimously.

Commissioner Young left the meeting at 10:06 a.m.

Homeland Security Grant

Clerk Bartlett presented a Homeland Security Emergency Management Performance Grant for Fiscal Year 2009. She stated this grant is a 50/50 match program and at least 25% of this fiscal year's funds must be allocated to strengthen planning priorities through planning, training and exercise activities. She stated she has budgeted this for this year. She stated that Attorney DeLancey and Harold Newbrough have reviewed the grant award and both recommend approval.

Commissioner Paxton moved to authorize the Chairman's signature on the Grant Award for U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency Grant Programs Directorate FY 2009 Emergency Management Performance Grant (EMPG), Project ID 09-GPD-CAR-EM-GCF9, with a grant award period of October 1, 2008 thru June 30, 2010, in the amount of \$14,521.00 grant funds plus \$14,521.00 local match. Chairman Weickum seconded and the motion carried unanimously.

Specific Purpose Tax Resolution and Joint Powers Agreement

Clerk Bartlett stated because the Town of Dixon has opted not to bond their Specific Purpose Tax project, the Resolution and Joint Powers Board Agreement had to be amended. She asked the Board to pass a revised Resolution and Agreement, both prepared by Barbara Bonds. She stated that Attorney DeLancey has reviewed these documents and recommends approval.

Commissioner Paxton moved to approve Resolution No. 2009-13 A Resolution Authorizing Carbon County, Wyoming, to Enter into a Joint Powers Agreement with Baggs, Elk Mountain, Encampment, Medicine Bow, Riverside, Saratoga, Sinclair and Rawlins, Pursuant to the Wyoming Joint Powers Act, Wyo. Stat. §§ 16-2-102 to 16-1-109; Approving the Form of the Agreement; and Authorizing the Execution of Certain Documents Relating Thereto pertaining to the 2009 Specific Purpose Tax. Chairman Weickum seconded and the motion carried unanimously.

RESOLUTION NO. 2009-13

A RESOLUTION AUTHORIZING CARBON COUNTY, WYOMING, TO ENTER INTO A JOINT POWERS AGREEMENT WITH BAGGS, ELK MOUNTAIN, ENCAMPMENT, MEDICINE BOW, RIVERSIDE, SARATOGA, SINCLAIR AND RAWLINS, PURSUANT TO THE WYOMING JOINT POWERS ACT, WYO. STAT. §§ 16-1-102 TO 16-1-109; APPROVING THE FORM OF THE AGREEMENT; AND AUTHORIZING THE EXECUTION OF CERTAIN DOCUMENTS RELATING THERETO.

WHEREAS, Carbon County, Wyoming (hereinafter referred to as "Carbon County") is authorized by the Wyoming Joint Powers Act, Wyo. Stat. §§ 16-2-102 to 16-1-109 (hereinafter referred to as the "Act") to enter into and operate under a joint powers agreement with 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") (hereinafter Baggs, Elk Mountain, Encampment, Medicine Bow, Riverside, Saratoga, Sinclair and Rawlins being sometimes collectively referred to as the "Municipalities"); and

WHEREAS, Carbon County and the Municipalities each constitute an "agency", as defined in the Act and are hereinafter sometimes referred to in the singular as "Participating Agency" and collectively as "Participating Agencies"; and

WHEREAS, the Act [§ 16-1-104(a)] provides that any power, privilege or authority exercised or capable of being exercised by an agency may be exercised and enjoyed jointly with any other agency having a similar power, privilege or authority; and

WHEREAS, the Act [§ 16-1-104(b)] further provides that a county may enter into and operate under a joint powers agreement with one or more agencies for the performance of any function that the agency is authorized to perform; and

WHEREAS, pursuant to Wyo. Stat. § 18-8-201, Carbon County has the ability to finance improvements when requested by the board of trustees of its county memorial hospital; and

WHEREAS, pursuant to Wyo. Stat. §§ 15-1-103 and 15-7-101(a), the Municipalities have the authority to construct water, sanitary sewer, storm sewer, curb, gutter, street and paving improvements, along with fire protection improvements; and

WHEREAS, Wyo. Stat. § 18-2-208(a) provides in part as follows:

"Each county, municipality, school, hospital or other special district, or any two (2) or more of them may enter into contracts or agreements to jointly establish and operate ... water, liquid or solid waste facilities, ... fire protection agency facilities, ... transportation system facilities, hospital and related medical facilities"

WHEREAS, Carbon County, Baggs, Elk Mountain, Encampment, Medicine Bow, Riverside, Saratoga, Sinclair and Rawlins have determined that the following projects would be of service to and be for the benefit of the Participating Agencies and their residents:

1. The construction of Carbon County Memorial Hospital upgrade and improvements (the "Hospital Project");
2. The construction of water system improvements in Baggs, Elk Mountain, Encampment, Riverside, Saratoga, Sinclair and Rawlins (the "Water Projects");
3. The construction of sanitary sewer system improvements in Baggs, Encampment, Sinclair and Rawlins (the "Sanitary Sewer Projects");
4. The construction of storm sewer system improvements in Sinclair and Rawlins (the "Storm Sewer Projects");
5. The construction of curb, gutter and paving improvements in Sinclair and curb, gutter, sidewalk and street improvements in Rawlins (the "Street Projects");
6. Fire protection improvements for Medicine Bow (the "Fire Protection Project");

(hereinafter, the Hospital Project, the Water Projects, the Sanitary Sewer Projects, the Storm Sewer Projects, the Street Projects and the Fire Protection Project being collectively referred to as the "Projects"); and

WHEREAS, each of the Participating Agencies realizes that a joint and cooperative effort in the financing of such Projects will result in substantial economic savings and will provide methods of financing unavailable to any of the Participating Agencies operating independently; and

WHEREAS, the Projects will be financed with the proceeds of a specific purpose sales and use tax (hereinafter referred to as the "Tax") imposed within Carbon County pursuant to the provisions of Wyo. Stat. §§ 39-15-203(a)(iii), 39-15-204(a)(iii), 39-16-203(a)(ii) and 39-16-204(a)(ii), as the result of approval by the qualified electors of Carbon County at an election held on Tuesday, November 4, 2008; and

WHEREAS, pursuant to Wyo. Stat. §§ 39-15-211(b)(ii) and 39-16-211(b)(ii), the revenues collected from the Tax will be distributed monthly to the Carbon County Treasurer (the "Treasurer") and the Treasurer will maintain said Tax funds and make them available to the Participating Agencies for the Projects; and

WHEREAS, each Participating Agency, in order to facilitate such Projects, desires to create and organize a joint powers board under said Act (the "Joint Powers Board") and enter into a Joint Powers Agreement, a copy of which is attached hereto as EXHIBIT A and by this specific reference is incorporated herein (hereinafter referred to as the "Agreement"); and

WHEREAS, a copy of the Agreement, to be dated as of May 15, 2009, has been submitted to the Board of County Commissioners of Carbon County (hereinafter the "Governing Body of Carbon County") and has been filed with the office of the County Clerk (hereinafter referred to as the "Clerk") and is there available for public inspection; and

WHEREAS, the Governing Body of Carbon County desires to authorize the Chairman of the Board of County Commissioners (hereinafter referred to as the "Chairman") and the Clerk to enter into and execute said Agreement and any other documents, instruments or certificates as are deemed necessary or desirable in order to enter into and carry out the Agreement on behalf of Carbon County; and

WHEREAS, it is necessary to approve the form of said Agreement and authorize the execution of such by resolution;

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

Section 1. Approval and Authorization. The form of the Agreement is hereby approved. The Chairman and the Clerk are hereby authorized and directed to execute the Agreement and affix the seal of Carbon County thereto, and further to execute and authenticate such other documents, instruments or certificates, including, but not limited to, an agreement with the other Municipalities and the Carbon County Treasurer setting forth the procedure for distribution of the Tax, as are deemed necessary or desirable in order to enter into and carry out the Agreement. Such Agreement is to be executed in substantially the form hereinabove approved, provided that such Agreement may be completed, corrected or revised as deemed necessary by the parties in order to carry out the purposes of this resolution. A copy of the Agreement shall be delivered, filed and recorded as provided therein.

Section 2. Resolution Irrepealable. After the Agreement has been formally entered into and the Joint Powers Board has been created pursuant to the Act, this resolution shall be and

remain irrevocable until all outstanding obligations of the Joint Powers Board, including all bond requirements of its revenue bonds, if any, shall have been fully paid and satisfied or provision for such payment shall have been made.

Section 3. Ratification. All action heretofore taken by Rawlins and by the officers thereof not inconsistent herewith directed toward the entering into of the Agreement is hereby ratified, approved and confirmed.

Section 4. Repealer. All resolutions or parts thereof in conflict with this resolution are hereby repealed.

Section 5. Severability. Should any part or provision of this resolution ever be judicially determined to be invalid or unenforceable, such determination shall not affect the remaining parts and provisions hereof, the intention being that each part or provision of this resolution is severable.

ADOPTED AND APPROVED as of the 5th day of May, 2009.

(S E A L)

CARBON COUNTY, WYOMING

-s- Terry Weickum
Chairman, Board of County Commissioners

ATTESTED:

-s- Gwynn G. Bartlett

Commissioner Young returned at 10:10 a.m.

Commissioner Paxton moved to approve and authorize the Chairman's signature on the amended Carbon County 2009 Specific Purpose Tax Joint Powers Board Joint Powers Agreement between Carbon County, Wyoming, the Towns of Baggs, Wyoming, Elk Mountain, Wyoming, Encampment, Wyoming, Medicine Bow, Wyoming, Riverside, Wyoming, Saratoga, Wyoming and Sinclair, Wyoming, and the City of Rawlins, Wyoming. Commissioner Young seconded and the motion carried unanimously.

CoalBed Methane Coordination Coalition

Clerk Bartlett presented an invoice and e-mail pertaining to the County's membership in the CoalBed Methane Coordination Coalition (CBMCC). She stated dues rose from \$10,000.00 to \$25,000.00 and asked if the BOCC wanted to continue its membership. She also asked if the County does continue, that it designate someone to be our representative and attend a meeting at the end of May.

Bill Nation discussed the Coalition and its purpose and recommended the County continue to participate.

Commissioner Paxton moved to continue membership in the CoalBed Methane Coordination Coalition and pay \$10,000.00 of the dues with the understanding that the County pays the other \$15,000.00 in the next fiscal year. Chairman Weickum seconded and the motion carried unanimously.

Commissioner Paxton stated he will continue as the County's representative.

Horizon Wind Energy

Clerk Bartlett presented a request from Horizon Wind Energy to supply a letter of recommendation to the Industrial Siting Division to consider when reviewing their industrial siting application. She presented a draft letter for the BOCC's consideration.

Commissioner Paxton moved to approve the Chairman's signature on a letter to the Industrial Siting Division recommending positive consideration of Horizon Wind Energy's industrial siting application. Commissioner Young seconded and the motion carried unanimously.

Congestion Mitigation / Air Quality (CMAQ) Agreement

Clerk Bartlett presented a Congestion Mitigation Air Quality (CMAQ) Grant Agreement for the Board's consideration. These funds would be used to complete the County Road #701 – Dad/Wamsutter Road Dust Suppression Project. She stated the total estimated project cost is \$202,500.00. Bill Nation requested this agreement be approved. Clerk Bartlett stated Attorney DeLancey has reviewed the agreement and recommends approval.

Commissioner Paxton moved to approve the Congestion Mitigation / Air Quality (CMAQ) Agreement – FY 2009 between the Wyoming Department of Transportation and the Board of Carbon County Commissioners, Federal Project No. CM 0.00 CM09003, County Road #701 – Dad/Wamsutter Road Dust Suppression Project, Carbon County, total estimated project cost is \$205,500.00 comprised of \$162,000.00 federal and \$40,500.00 local funding commencing upon the day and date last signed and shall remain in full force and effect until terminated. Commissioner Young seconded and the motion carried unanimously.

Sinclair Bypass

Clerk Bartlett stated because of the numerous funding streams involved in the Sinclair Bypass project, both County and Sinclair's, she proposes that a Memorandum of Understanding (MOU) be completed. She discussed how the grant and funding works. The BOCC and Mr. Nation agreed. She advised she has drafted a MOU and will have Attorney DeLancey review it. Clerk Bartlett also stated that she has checked with the State Land and Investment Board regarding Sinclair's private industry grant match to ensure that they will reimburse Sinclair when the contractor's invoices are made to the County and she advised this was acceptable.

Chairman Weickum declared that Commissioners' Scholarships be moved to 4:40 p.m. today.

ELECTED OFFICIALS / DEPARTMENT HEADS

Assessor

County Assessor Sheryl Snider presented one rebate and two abates. She stated there was an increase due to notice of value changes in the amount of \$3,119,048.00 in taxable valuation. She advised they have had 50 review appeals and the last day to appeal is May 15, 2009.

Treasurer

County Treasurer Cindy Baldwin advised they are in the process of updating their Financial Management System and taxes continue to come in.

Emergency Management

Harold Newbrough discussed sand bags for flooding and stated he believes the County has a sufficient number for this year and that he will budget for more next year. Mr. Newbrough discussed that the Armory lease is coming up in the next year and the BOCC asked him to have Attorney DeLancey review it well before it will be due.

Buildings Manager

Leroy Graham, Buildings Manager opened sealed bids for the Baggs Library and Hanna Library roofs.

Baggs roof bids were as follows: Shepard Construction bid \$24,780.00, Energy Construction bid \$18,500.00, and WYCon Inc. bid \$26,400.00. Hanna roof bids were as follows: Shepard Construction bid \$11,700.00, Energy Construction bid \$8,620.00, S&S Vinyl Contractors bid \$7,968.14, and D&J Carpentry bid \$7,200.00.

The Board asked Mr. Graham to return with his recommendations later today.

Road & Bridge

Bill Nation, Road & Bridge Superintendent, reported spring blading projects continue and they are getting ready to put magnesium chloride down on approximately 45 miles of high intensity roads. He reported he is also doing the preliminary preparation on three recycled asphalt product (RAP) projects to benefit 20 Mile Road #605, County Road #347 and County Road #100. He stated 2,000 sand bags from the Dixon shop were delivered to the Baggs Town Hall.

RECESS

Chairman Weickum called a recess at 11:06 a.m. and reconvened at 11:16 a.m.

IMPACT ASSISTANCE UPDATE

Tom Schroeder of the Department of Environmental Quality discussed the progress of various projects occurring in Carbon County. He stated that he expects an application for the Simpson Ridge Wind Farm near Medicine Bow on June 1 then by the end of that week, the Clerk's Office should receive notice about the affected areas. The hearing for this project should be August 26-28.

Mr. Schroeder added that the Williams Echo Springs project impact assistance should begin collections soon with an estimated \$275,000.00 for the County and \$1.1 million for the City of Rawlins.

Mr. Schroeder discussed a possible upcoming application by PacifiCorp Energy for a Dunlap Ranch Project. He expects this application to be filed on June 15 with a hearing possibly at the end of August. The estimated impact assistance is \$134,000.00 per month. Chairman Weickum discussed a sales tax exemption and asked for more information on this legislation. He advised that the County has an opportunity to become a cooperator to these projects.

Mr. Schroeder added the High Plains project is in construction and impact assistance funding should be coming soon at approximately \$300,000.00 total. The Seven-Mile Hill project was completed last year. Mr. Schroeder discussed the workforce that comes along for construction of these projects.

EXECUTIVE SESSION

Commissioner Paxton moved to go into executive session at 11:30 a.m. with Clerk Bartlett, Attorneys Marcia Bean and Rob Lavine and Bill Nation to discuss potential litigation and matters considered confidential by law. Commissioner Young seconded and the motion carried unanimously.

Dr. Young left during the session from 12:04 p.m. and returned at 12:05 p.m.

Commissioner Paxton moved to come out of executive session at 12:24 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.

RECESS

Chairman Weickum recessed for lunch at 12:24 p.m. and reconvened at 1:33 p.m.

Planning & Zoning

Public Hearing Case File No. 09-01

Chairman Weickum opened a public hearing at 1:33 p.m. to hear Planning & Zoning Case File No. 09-01. Troy Maddox, Planning & Zoning Chairman, and Kristy Rowan of Planning and Development presented the following Case File: **Case File No. 09-01 – William L. and Patricia Susan Speer:** Request for a Zone Change from Residential (RD) to Rural Residential Agriculture (RRA-5) on approximately 5 acres. Density being one (1) single family dwelling unit and associated structures allowed on approximately 5 acres. The RRA Zone allows residential and agricultural activities. Ms. Rowan also read the staff conditions.

Chairman Weickum called for comments for or against this case. There being no comments, Chairman Weickum closed the public hearing at 1:36 p.m.

Commissioner Paxton moved to approve Planning & Zoning Case File No. 09-01 William L. and Patricia Susan Speer's request for a Zone Change from Residential (RD) to Rural Residential Agriculture (RRA-5) on approximately 5 acres for one single family dwelling, subject to the

conditions outlined by the Planning & Zoning Commission in the amended Exhibit A. Commissioner Young seconded and the motion carried unanimously.

Commissioner Paxton moved to approve Resolution No. 2009-14, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning Commission regarding Planning & Zoning Case File No. 09-01. Commissioner Young seconded and the motion carried unanimously.

Resolution No. 2009 - 14

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

WHEREAS, pursuant to Wyo. Stat. Ann. §18-5-202(b) and (c), the Carbon County Planning and Zoning Commission held a public hearing on Monday, April 6, 2009, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

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

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

WHEREAS, the Carbon County Commissioners, pursuant to Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation for approval of this amendment to the Carbon County Zoning Resolution of 2003, as amended and subsequent amendments advertised by public notice at least 14 days prior to a public hearing to take public input and comments which said hearing occurred on Tuesday, May 5, 2009; and

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

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

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

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

(1) Case File #09-01 – William L. and Patricia Susan Speer: Request for a Zone Change from Residential (RD) to Rural Residential Agriculture (RRA-5) on approximately 5 acres. The RRA Zone allows residential and agricultural activities. The subject property is located approximately 7 miles north of Riverside; 1.94 miles west of HWY 130; off Carbon County Road #303 (Cow Creek Road).

Legal Description:

A tract of land in the N1/2 of Section 31, T16N, R83W, of the 6th P.M., Carbon County, Wyoming, being more particularly described as follows: Beginning at the Northwest corner of said tract which bears S48°04'49"E, a distance of 1,593.09 ft. from the Northwest corner of said Sec. 31: thence N57°06'E, a distance of 114.86 ft. along the southerly right-of-way of the Cow Creek Road: thence S34°48'E, a distance of 640.14 ft.; thence S55°12'W, a distance of 562.35 ft.: thence N0°00'W, a distance of 784.2 ft. to the point of beginning.

Subject to all covenants, reservations, restrictions, and easements of record.

Density:

Pursuant to the recommendations of the Carbon County Planning and Zoning Commission: Density on the subject parcel shall not exceed one (1) single family dwelling unit and associated structures on approximately 5 acres (RRA-5).

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.

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 5th day of May, 2009.

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

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

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

Certification of Case File No. 09-03 & 09-04

Mr. Maddox and Ms. Rowan presented the Certification of Recommended Action for Case Files No. 09-03 and 09-04. There was discussion of an easement that needs cleared up in the meantime.

Dr. Young left the meeting at 1:45 p.m.

Commissioner Paxton moved to schedule public hearings for June 2, 2009 at 1:30 p.m. at the County Courthouse in Rawlins, Wyoming to hear Case File No. 09-03, Samuel M. and Lynora A. Roggow's request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-9.728) on approximately 9.728 acres and Case File No. 09-04, Kenneth M. Crum's request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Residential (RD-2.5) on approximately 2.5 acres. Chairman Weickum seconded and the motion carried unanimously.

Dr. Young returned at 1:47 p.m.

BOARD INTERVIEW AND APPOINTMENT

Economic Development Corporation

David Throgmorton interviewed for consideration of appointment to the Economic Development Corporation for a three-year unexpired term expiring December 2011. There were no other applications received by the Clerk's Office for this position.

Commissioner Paxton moved to appoint David Throgmorton to the Economic Development Corporation for a three-year unexpired term expiring December 2011. Commissioner Young seconded and the motion carried unanimously.

EXECUTIVE SESSION

Commissioner Paxton moved to go into executive session at 2:07 p.m. with Clerk Bartlett and Attorney Lavine to discuss personnel and matters considered confidential by law. Commissioner Young seconded and the motion carried unanimously.

Commissioner Paxton moved to come out of executive session at 2:12 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.

FAIR BOARD SECRETARY

Commissioner Paxton moved to accept the Fair Board's recommendation to hire Maxine Herring as their three-quarter time secretary and that Ms. Herring be given an offer of employment outlining her employment conditions. Commissioner Young seconded and the motion carried unanimously.

PLANNING AND DEVELOPMENT DIRECTOR INTERVIEWS

Steven Brown, Brian Grubb, Marlin Johnson, Edward Moyer and Gregory Anderson all interviewed by telephone for the Planning and Development Director position.

RECESS

Chairman Weickum called a recess at 4:12 p.m. and reconvened at 4:17 p.m.

MEMORIAL HOSPITAL OF CARBON COUNTY

Commissioner Young declared that he has a conflict of interest as he is employed by the hospital on an as needed basis. Attorney DeLancey explained the law and why Commissioner Young has a conflict.

Dr. Kenneth Schulze, Chief Executive Officer of Memorial Hospital of Carbon County (MHCC), presented a handout explaining various losses the hospital has experienced over several years. He made several proposals including the recent vote to close the Home Health program, and his recommendation of the Obstetrics (OB) Department, opening a fast-track care facility to compliment the emergency department, an attempt to persuade V. Raja Chandra to return to the active medical staff, a proposal to seek grants, and he proposed directing recruitment efforts toward employment of medical staff. Dr. Schulze stated to bridge the gap, they must find \$1.6 million for May, June, and July, meanwhile making drastic changes to survive. Rick White, Chief Financial Officer, also discussed needed funding.

Commissioner Paxton asked why this Board is just now coming forward with this information and Dr. Schulze stated that the true picture came in March with the release of their recent audit. Commissioner Paxton confirmed that the billing issues are being resolved and Dr. Schulze replied that 95% of the issues have been resolved. There was a discussion of the funds they need and when. Commissioner Paxton asked if the current doctors had knowledge of the proposals Dr. Schulze presented earlier.

Dr. Cesko stated that, to his knowledge, local physicians did not know anything about these proposals. He added that physicians have not been asked for their opinions or advice on these proposals. Dr. Cesko stated that closing OB is not the answer and this is a service Carbon County needs and wants. He feels the loss reported is inaccurate and is truly not a loss. Dr. Cesko asked if the current board is qualified to run a hospital and suggested a banker or doctor be appointed to the board.

Paul Zamora, MHCC Board member, stated that he realizes the hospital needs to make changes and the Board plans to make necessary changes to ensure the hospital remains open and good care is given. Commissioner Paxton confirmed that the deferred maintenance issues have been resolved and Dr. Schulze replied that yes they have been. Mr. Zamora stated that there are still some outstanding issues including an air conditioning unit in the laboratory. There was discussion of future decision making and Commissioner Paxton suggested that the physicians and other hospital staff and users be allowed to give their input.

Chairman Weickum discussed declaring a recess to allow Treasurer Baldwin and Clerk Bartlett to explore where the requested funding could come from. He also stated he would like to further discuss a levy and require a monthly meeting with the hospital board as allowed by statute.

Dr. Chandra stated he feels the hospital board does not listen to the doctors' suggestions. He feels it is important that the board listen to all hospital employees, not just the CEO and CFO. Dr. Chandra stated he was offended by previous administration and board members as well as some current and that is why he no longer works at the hospital. Dr. Chandra strongly suggested a doctor be on the hospital board.

Chairman Weickum declared a recess at 5:18 p.m. and reconvened at 5:30 p.m.

Chairman Weickum discussed the funding the County would be able to offer today.

There was discussion of levy possibility for maintenance of the hospital and Chairman Weickum suggested the hospital ask for this. Chairman Weickum discussed State Statute 18-8-107 that

allows the BOCC to request monthly meetings and financial updates from the hospital board. He requested that this begin occurring immediately.

Commissioner Paxton moved to appropriate \$500,000 from Special Project funds by May 13th, and \$250,000.00 of invested funds by the end of May and that a hospital representative return on June 2nd to continue the discussion. Chairman Weickum seconded and the motion carried unanimously, Commissioner Young abstained.

BOARD APPOINTMENTS

Platte Valley Community Center Joint Powers Board

Joe Glode and Chuck Larsen applied for consideration of reappointment to the Platte Valley Community Center Joint Powers Board and preferred to be interviewed by telephone at the BOCC's discretion.

Commissioner Paxton moved to reappoint Joe Glode and Chuck Larsen to the Platte Valley Community Center Joint Powers Board for three-year terms expiring June 2012. Commissioner Young seconded and the motion carried unanimously.

Senior Services Board – Encampment Area

Lee Ann Stephenson applied for consideration of appointment to the Senior Services Board – Encampment Area and preferred to be interviewed by telephone at the BOCC's discretion.

Commissioner Paxton moved to appoint Lee Ann Stephenson to the Senior Services Board – Encampment Area for a three-year term expiring April 2012. Commissioner Young seconded and the motion carried unanimously.

COMMISSIONERS' SCHOLARSHIPS

Commissioner Paxton moved to designate Michaela Uhling as the renewal scholarship recipient; and to designate Betsy Stephenson and Aron Anderson, ranked in order, as the alternate recipients of the renewal scholarship. Commissioner Young seconded and the motion carried unanimously.

Commissioner Paxton moved to designate, Samuel Streeter, Jamie Marchetti, and Shelby Piche as the new scholarship recipients; and to designate Jaymie Sheehan, Sarah Wimpenny, and Chelsie Knotwell, ranked in order, as the alternate recipients of the new scholarships. Chairman Weickum seconded and the motion carried unanimously.

LIBRARY ROOF BIDS

Mr. Graham returned with his recommendation for bids for the Baggs and Hanna Library roofs opened earlier today. He recommended accepting the low bids from Energy Construction for the Baggs roof of \$18,500.00 and S&S Vinyl Contractors for the Hanna roof in the amount of \$7,968.14. He stated that the low bid on the Hanna roof is not qualified as he is not registered with the Secretary of State.

Commissioner Paxton moved to accept the bid from S&S Vinyl Contractors of \$7,968.14 to replace the Hanna Library roof. Commissioner Young seconded and the motion carried unanimously.

Commissioner Paxton moved to accept the low bid from Energy Construction of \$18,500.00 to replace the Baggs Library roof. Commissioner Young seconded and the motion carried unanimously.

COMMISSIONERS DISCUSSION

Commissioner Paxton reported he spoke with the applicants about the job share at the Dixon Airport. He agreed to negotiate with them.

There was discussion of the Hanna Senior Center landing and the BOCC asked Mr. Graham to obtain quotes to have this repaired immediately.

There was discussion of the City of Rawlins recently passed ordinance regarding E911 lines.

ADJOURNMENT

There being no further business, Chairman Weickum adjourned the meeting at 6:13 p.m.

-s- Gwynn G. Bartlett, Carbon County Clerk

Approved this 19th day of May 2009

BOARD OF COUNTY COMMISSIONERS
CARBON COUNTY, WYOMING

-s- Terry Weickum, Chairman