

**MINUTES OF THE BOARD OF  
CARBON COUNTY COMMISSIONERS  
REGULAR MEETING  
Tuesday, March 17, 2009  
Elk Mountain Senior Center, Elk Mountain, Wyoming**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, March 17, 2009 at the Elk Mountain Senior Center in Elk Mountain, Wyoming. Attending the meeting were Chairman Terry Weickum, Vice Chairman Jerry Paxton; Commissioner Charles C. Young; County Clerk Gwynn Bartlett; and County Attorney Cindy DeLancey.

Chairman Weickum called the meeting to order at 4:00 p.m.

**VOUCHERS**

Commissioner Paxton moved to approve the report of expenditures in the amount of \$270,331.32. Commissioner Young seconded and the motion carried unanimously.

ALCO	SUPPLIES	223.55
ALSCO, AMERICAN LINEN DIVISION	SHOP SUPPLIES/FLOOR MATS	231.43
AMERIGAS	PROPANE	1,649.77
ARLINGTON OUTPOST	VEHICLE MAINTENANCE	49.27
BANK OF COMMERCE (ACH)	ACH FEES-MARCH 2009	32.50
BANK OF COMMERCE (DEBIT CARD)	TRAVEL/FUEL/SUPPLIES/LODGING	1,355.64
BARNES DISTRIBUTION	SUPPLIES	93.82
BEHAVIORAL INTERVENTIONS	MONITORING SERVICES	266.28
BI-RITE PHARMACY	JAIL RX'S	4,655.93
BOB BARKER COMPANY, INC	SUPPLIES	19.30
BOYS & GIRLS CLUBS OF CARBON COUNTY	SEVERANCE TAX	6,250.00
BRESNAN COMMUNICATIONS	ONLINE/TV	390.71
BUILD RITE LUMBER SUPPLY	SUPPLIES/SHELVES	179.45
C N A SURETY	BOND	340.00
CARBON CTY ECONOMIC DEVELOPMT CORP	SEVERANCE TAX	17,500.00
CARBON COUNTY SENIOR SERVICES	MEALS	37.50
CARBON COUNTY TREASURER	CASH ITEMS	1,751.46
CARBON COUNTY TV & ELECTRONICS	CELL PHONE CASE	10.00
CARBON POWER & LIGHT	ELECTRICAL SERVICES	1,782.42
CARROT-TOP INDUSTRIES, INC	FLAGS	354.90
CBM FOOD SERVICE	JAIL FOOD	5,524.18
CENTURYTEL	PHONE SERVICE	53.39
CESKO, DAVID MD	MEDICAL SERVICES	700.00
CHAMBERS, JOHN D., P.C.	LEGAL SERVICES	2,486.00
CHEYENNE RADIOLOGY GROUP	MEDICAL SERVICES	55.48
CHILDRESS ELECTRIC INC	ELECTRICAL MAINTENANCE	482.09
COMPUTER SOFTWARE ASSOCIATES	WEBHOST FEE	250.00
CONOCOPHILLIPS	FUEL	30.49
CORPORATE EXPRESS	SUPPLIES	219.41
COUNTRY STORE	FUEL	51.00
CSK AUTO	VEHICLE SUPPLIES	25.42
CULLIGAN WATER CONDITIONING	SUPPLIES	225.00
CYR, NANCY	MEALS	38.81
DAILY TIMES	ADVERTISING	1,056.12
DALLIN MOTORS	VEHICLE MAINTENANCE	35.95
DAYS INN EVANSTON	MOTEL ROOM	237.00
DELEON, JOHN	LEGAL SERVICES	1,935.00
DISHONG, JOHN & CAROL J	RENT	150.00
DIXON, TOWN OF	WATER & SEWER SERVICES	33.50
DOOLEY OIL, INC	SUPPLIES	190.00
DUBOIS TELEPHONE EXCHANGE	PHONE SERVICES	161.21
EAGLE UNIFORM SUPPLY	FLOOR MATS	62.30
ELK MOUNTAIN VOLUNTEER FIRE DEPT	FUEL	893.84
EMBLEM ENTERPRISES, INC	US FLAG	318.12
ENCAMPMENT PRESCHOOL	SEVERANCE TAX	2,500.00

ENCAMPMENT, TOWN OF	WATER & SEWER SERVICES	126.00
ENGSTROM, JAMES D. DDS	DENTAL SERVICES	2,890.00
ENTENMANN - ROVIN CO	SUPPLIES	145.86
ERICKSON & ROBERTS	LEGAL SERVICES	3,512.23
EXCEL PRESCHOOL	SEVERANCE TAX	2,500.00
FARMER BROTHERS COFFEE	SUPPLIES	120.35
FLEET SERVICES	FUEL	161.28
FLINNER, M MD	MEDICAL SERVICES	182.50
FORSTER LANDSCAPE & CONSTRUCTION	SNOW REMOVAL	45.00
FRANCH FLYING SERVICE	FUEL	50.29
FREMONT MOTORS-RAWLINS	VEHICLE REPAIRS/SUPPLIES	282.99
GALE, GWEN R.N.	MILEAGE	184.00
GALLS INCORPORATED	SUPPLIES	226.90
GASES PLUS	WELDING SUPPLIES	629.73
GCR ELECTRONICS	SITE RENTALS	900.00
GLAXOSMITHKLINE FINANCIAL, INC	SUPPLIES	1,351.50
GOLDEN, MARY	MILEAGE	78.60
GOSVENOR, MAXINE	MILEAGE	38.00
GRAPHIC SPORTS	ENVELOPES/ACCTS PAY STAMPS	1,543.75
GREATER WY BIG BROS/SISTERS	SEVERANCE TAX	2,500.00
HETTGAR, BRIDGET M RN	MILEAGE/MEALS	440.25
HIGH PLAINS VISION CENTER	VISION SERVICES	788.00
HILLCREST SPRING WATER, INC	SUPPLIES	115.10
HISTORIC TRAILS RC&D COUNCIL	ANNUAL DUES	100.00
HYLAND ENTERPRISES	SUPPLIES/HEAVY EQUIP REPAIR	62.65
IKON FINANCIAL SERVICES	SUPPLIES	163.80
INJOY VIDEOS	SUPPLIES	171.95
J H KASPAR OIL COMPANY	FUEL	3,575.18
JACKALOPE PRINTING	SUPPLIES	277.26
JERRY'S DONUTS	SUPPLIES	44.95
JOURNAL WATCH	SUBSCRIPTION	129.00
JUVE, JANE H	LEGAL SERVICES	1,728.14
KAR KRAFT INC	VEHICLE REPAIRS	1,083.59
KELCO SUPPLY COMPANY	SUPPLIES	74.29
KENCO SECURITY AND TECHNOLOGY	ALARM TEST	34.00
KILBURN TIRE COMPANY	VEHICLE REPAIR	142.30
KING SOOPERS CUSTOMER CHARGES	SUPPLIES	56.62
KONE ELEVEVATORS ESCALATORS	ELEVATOR MAINTENANCE	1,395.88
L & L ELECTRIC	ELECTRICAL REPAIRS	1,055.84
LEARNING ZONE XPRESS	SUPPLIES	68.80
LEXBO LLC	OFFICE RENTAL	450.00
LITTLE RASCALS PRESCHOOL	SEVERANCE TAX	750.00
LITTLE SNAKE RIVER EMS	SEVERANCE TAX	2,500.00
LITTLE SNAKE RIVER EVENTS CENTER	SEVERANCE TAX	1,250.00
LIVE STORES	REFRIGERATOR/FREEZER	456.28
LONG BUILDING TECHNOLOGIES INC	HVAC AGREEMENT	14,910.00
LORMAN EDUCATION SERVICES	REGISTRATIONS	906.00
M M S	MEDICAL SUPPLIES	191.62
MACGUIRE, ANNE M MD	MEDICAL SERVICES	100.00
MEDIBADGE	SUPPLIES	212.75
MEDICINE BOW CONSERVATION DISTRICT	SEVERANCE TAX	5,000.00
MEDICINE BOW HEALTH CENTER	SEVERANCE TAX	21,600.00
MEDICINE BOW, TOWN OF	WATER & SEWER SERVICES	53.00
MEMORIAL HOSPITAL OF CARBON COUNTY	SEVERANCE TAX	13,500.00
MEMORIAL HOSPITAL	MEDICAL SERVICES	20,714.56
MEDWEST FIRE EQUIPMENT & REPAIR	SUPPLIES	127.02
MOBILE CONCRETE, INC	CEMENT SUPPLIES	2,299.00
MOORE MEDICAL CORP	SUPPLIES	29.69
MPM CORP/EVERGREEN DISPOSAL	GARBAGE SERVICES	117.50
MURANE & BOSTWICK, LLC	LEGAL SERVICES	2,143.17
OLD PEN JOINT POWERS BOARD	SEVERANCE TAX	10,000.00
PAGE ONE	PAGER SERVICES	275.57
PAMIDA INC	SUPPLIES/RX'S	376.43
PAXTON, JERRY	MILEAGE	365.00
PERKINS OIL CO	FUEL	1,200.69

PERUE PRINTING	CARBON COUNTY DIRECTORIES	966.60
PITNEY BOWES	RENTAL CHARGES	350.67
PLAINSMAN PRINTING & SUPPLY	SUPPLIES	552.51
PLATTE VALLEY COMMUNITY CENTER	SEVERANCE TAX	5,000.00
PLATTE VALLEY MEDICAL	MEDICAL SERVICES	1,187.04
PROJECT PREVENTION	SEVERANCE TAX	1,000.00
PRO-CHEM INDUSTRIAL, LLC	SUPPLIES	757.45
PUBLIC HEALTH MGMT & PRACTICE	SUBSCRIPTION	79.99
PUBLIC SAFETY CENTER, INC	SUPPLIES	1,516.09
PUBLIC SAFETY WAREHOUSE	SUPPLIES	808.90
Q BUSINESS SOURCE	SUPPLIES	201.05
QUILL CORPORATION	SHREDDER/SUPPLIES	1,661.36
QWEST-KENTUCKY	PHONE SERVICES	116.47
QWEST-PHOENIX	PHONE SERVICES	3,989.68
R.L. POLK & CO.	POLK BOOKS	300.00
RAWLINS AUTOMOTIVE	VEHICLE PARTS	3,070.04
RAWLINS-CARBON COUNTY	SEVERANCE TAX	2,500.00
RAWLINS EYE CARE	VISION SERVICES	281.74
RAWLINS FAMILY MEDICAL, P.C.	MEDICAL SERVICES	849.00
RAWLINS URGENT CARE	MEDICAL SERVICES	188.00
RAWLINS, CITY OF	WATER & SEWER SERVICES	1,003.75
RESERVE ACCOUNT	POSTAGE	5,000.00
RITE-STYLE OPTICAL	SAFETY GLASSES	96.25
ROCKY MOUNTAIN POWER	ELECTRICAL SERVICES	13,394.60
ROSS' AUTOMOTIVE SERVICES	VEHICLE MAINTENANCE	57.59
RYAN ELECTRONICS	RADIO SERVICES	4,277.83
SARATOGA AUTO PARTS, INC	VEHICLE PARTS	430.27
SARATOGA FEED & GRAIN	SALT PELLETS	31.00
SARATOGA PLATTE VALLEY	SEVERANCE TAX	2,500.00
SARATOGA SUN	ADVERTISING	717.76
SARATOGA, TOWN OF	WATER & SEWER SERVICES	2,059.75
SHEEN LAW OFFICE	LEGAL SERVICES	290.00
SHELL FLEET PLUS	FUEL	32.68
SHEPARD'S	FUEL	1,881.28
SHIVELY HARDWARE	SUPPLIES	176.02
SINCLAIR FIREFIGHTERS ASOCIATION	CPR CLASSES	90.00
SKILLPATH SEMINARS	SUBSCRIPTION	31.90
SMITH, SUSAN	MILEAGE	50.00
SNAP-ON TOOLS	TOOLS	59.80
SOURCE GAS	GAS SERVICES	518.10
SOUTHWEST M.R.O., P.C.	RANDOM DRUG TESTS	50.00
STINGER SYSTEMS	INSTRUCTOR RECERTIFICATIONS	150.00
STROM, CALVIN	FUEL/MEALS	32.59
SUNRISE SANITATION SERVICES, LLC	GARBAGE SERVICES	55.00
SWEETWATER COUNTY SHERIFF'S OFFICE	MEDICAL CHARGES/INMATE HSG	4,444.00
SYMBOLARTS	BADGES	842.50
T'S KEYS	REPAIR DOOR HANDLES	880.00
TARA D FRANCE	TRANSCRIPTION	308.75
TERMINIX	PEST CONTROL	40.00
TRADING POST	FUEL	94.18
TRAPP, LARRY	NASH RANCH FIRE	351.00
TRENT LAW OFFICE, LLC	LEGAL SERVICES	383.33
TREVATHAN, SABRINA RPR	TRANSCRIPTION	228.80
TRUE VALUE OF RAWLINS	SUPPLIES	1,173.61
U S BANK	TRAVEL/SUPPLIES	1,078.61
U S POSTMASTER	POSTAGE	757.73
ULINE	SUPPLIES	186.61
UNION TELEPHONE COMPANY	CELL PHONE SERVICES	639.39
VALLEY OIL COMPANY	FUEL	1,047.89
VALLEY PHARMACY	RX'S	162.01
VAN'S WHOLESALE	SUPPLIES	407.80
VERIZON WIRELESS	CELL PHONE SERVICES	416.56
WAGON CIRCLE ORTHOPEDIC CLINIC	MEDICAL SERVICES	276.50
WEST PAYMENT CENTER	SUBSCRIPTIONS	1,008.78
WESTCOAST SALES & MARKETING, INC	SUPPLIES	786.28

WIMPENNY, ROBERT G DDS	DENTAL SERVICES	760.00
WLC ENGINEERING	LEGAL SERVICES	3,885.00
WY DEPARTMENT OF FAMILY SERVICES	COPIES	37.68
WY LAW ENFORCEMENT ACADEMY	CLASSES	250.00
WY MACHINERY COMPANY	PARTS & LABOR	348.49
WY SECRETARY OF STATE	NOTARIES	60.00
WY STATE BAR	REGISTRATIONS	900.00
WY STATIONERY	SUPPLIES	3,910.55
WY WASTE SERVICES-RAWLINS	GARBAGE SERVICES	1,040.80
WYO-CON, INC	GUTTER INSTALLATION	562.50
WYOMING AUTOPSY, INC	SUPPLIES	148.50
XEROX CORPORATION-RENT	FEB BASE CHARGES	983.38
YAMPA VALLEY ELECTRIC	ELECTRICAL SERVICES	174.23
GRAND TOTAL		\$270,331.32

## **CLERK**

### **Minutes**

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

### **Bonds**

Commissioner Young moved to approve a \$5,000.00 bond for Robert Stocks, Trustee for the Little Snake River Rural Health Care District, a \$5,000.00 bond for John Mixon, Vice President/Trustee for the Little Snake River Rural Health Care District, a \$5,000.00 bond for Linda Fleming, President/Trustee for the Little Snake River Rural Health Care District, a \$5,000.00 bond for Ron Iversen, Treasurer/Trustee for the Little Snake River Rural Health Care District and a \$5,000.00 bond for Kimberly K. Peed, Secretary/Trustee for the Little Snake River Rural Health Care District. 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 February 2009 in the amount of \$12,080.75 and Planning and Development receipts in the amount of \$125.00 for February 2009. Commissioner Young seconded and the motion carried unanimously.

### **Dixon Airport Snow Removal Equipment**

Clerk Bartlett discussed snow removal equipment needed at the Dixon Airport. She stated that the Road & Bridge Department has an old loader that could be fitted with a tool carrier to hold a brush and plow that could be purchased with grant funds, then the County could purchase Road & Bridge a new loader. She stated Bill Nation indicated he would be needing a new loader in the next 2-3 years anyway. Clerk Bartlett indicated she discussed this with Dana Hartshorn of the Airport Development Group who agreed with the idea and said this would be allowable. The Board asked that Mr. Hartshorn be called at a future meeting to discuss this further.

### **Public Health Contract**

Clerk Bartlett presented a contract between the Wyoming Department of Health and Carbon County to delineate the responsibilities in providing public health nursing services in Carbon County. She stated Attorney DeLancey has reviewed the contract and recommends approval.

Commissioner Young moved to approve the Contract Between the Wyoming Department of Health, Community and Public Health Division, Public Health Nursing Section and Carbon County for Public Health Nursing Services delineating the responsibilities in providing Public Health Nursing Services in Carbon County, effective July 1, 2009 through June 30, 2010 and Carbon County will reimburse the Wyoming Department of Health for a portion of the State salaries and fringe benefits at a rate of 35% to be paid on a quarterly basis. Commissioner Paxton seconded and the motion carried unanimously.

## **Prevention Block Grant Application**

Clerk Bartlett presented a Prevention Block Grant Application and advised that the BOCC submitted a letter of support to sponsor Project Prevention's grant application and stated the grant amount is \$30,000.00 and not \$33,000.00 as stated in a previous meeting.

Commissioner Paxton moved to authorize the Chairman's signature on the Wyoming Department of Health, Mental Health and Substance Abuse Services Division Prevention Block Grant Application for Fiscal Year 2010, in the amount of \$30,000.00 for Project Prevention's program. Commissioner Young seconded and the motion carried unanimously.

## **Specific Purpose Tax Resolution and Joint Powers Agreement**

Clerk Bartlett presented a resolution authorizing Carbon County to enter into a joint powers agreement with certain municipalities pertaining to the 2009 specific purpose tax. She also presented the joint powers agreement giving Carbon County the ability to finance improvements at Memorial Hospital of Carbon County, and certain municipalities to construct water, sanitary sewer, storm sewer, curb, gutter, street and paving improvements along with fire protection improvements. She stated Attorney Cindy DeLancey has reviewed the resolution and agreement and recommends approval.

Commissioner Paxton moved to approve Resolution No. 2009-10 A Resolution Authorizing Carbon County, Wyoming, to Enter into a Joint Powers Agreement with Baggs, Dixon, 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. Commissioner Young seconded and the motion carried unanimously.

### **RESOLUTION NO. 2009-10 \_\_\_\_**

#### **A RESOLUTION AUTHORIZING CARBON COUNTY, WYOMING, TO ENTER INTO A JOINT POWERS AGREEMENT WITH BAGGS, DIXON, 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"); Dixon, Wyoming ("Dixon"); 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, Dixon, 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, Dixon, 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, Dixon, Elk Mountain, Encampment, Riverside, Saratoga, Sinclair and Rawlins (the "Water Projects");
3. The construction of sanitary sewer system improvements in Baggs, Dixon, 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 April 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 irrepealable 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 17th day of March, 2009.**

( S E A L )

**CARBON COUNTY, WYOMING**

-s- Terry Weickum  
Chairman, Board of County Commissioners

**ATTESTED:**

-s- Gwynn G. Bartlett, County Clerk

Commissioner Paxton moved to approve and authorize the Chairman's signature on the Carbon County 2009 Specific Purpose Tax Joint Powers Board Joint Powers Agreement between Carbon County, Wyoming, the Towns of Baggs, Wyoming, Dixon, 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.

Commissioner Paxton moved to appoint Cindy Baldwin as the County's representative on the 2009 Specific Purpose Tax Joint Powers Board. Commissioner Young seconded and the motion carried unanimously.

### **Gateway West Memorandum of Understanding**

Clerk Bartlett presented a Memorandum of Understanding (MOU) for the Gateway West Transmission Line Project and stated the BOCC would have to designate someone to represent Carbon County as the member on the Bureau of Land Management (BLM) interdisciplinary team (IDT). She stated Attorney DeLancey has reviewed the contract and recommends approval.

Commissioner Paxton moved to approve the Memorandum of Understanding Between Carbon County and Bureau of Land Management for the purpose of coordinating and cooperating in conducting an environmental analysis and preparing the draft and final Environmental Impact Statement (EIS) for the Gateway West Transmission Line Project establishing Carbon County as a "cooperating agency" in the environmental impact analysis and documentation process and establishes procedures through which Carbon County and Bureau of Land Management (BLM) will participate on the BLM interdisciplinary team (IDT) to conduct the analyses and develop the EIS, designating Bill Nation to represent Carbon County as the member on the interdisciplinary team, commencing upon the date last signed and shall remain in full force and effect until terminated, and adding additional contact information to Page 5 of the Agreement. Commissioner Young seconded and the motion carried unanimously.

### **Coal-to-Gasoline Project Letter of Support**

Clerk Bartlett presented a letter she drafted for the Board's signature supporting the Medicine Bow Fuel and Power coal-to-gasoline project and urge the U.S. DOE Loan Guarantee Program Office to approve a federal loan guarantee for this project. Chairman Weickum stated that this was discussed at a recent meeting and he is in favor of signing the letter. He added that the air quality permit was recently approved.

Commissioner Paxton moved to approve a letter to David Frantz, Director of the U.S. DOE Loan Guarantee Program Office stating that the Board of Carbon County Commissioners support the Medicine Bow Fuel and Power project and urge the U.S. DOE Loan Guarantee Program Office to approve a federal loan guarantee for this project. Commissioner Young seconded and the motion carried unanimously.

### **Sweetwater County Wind Energy Development Meeting**

Clerk Bartlett reported she had a request from Sweetwater County to attend a meeting on April 22, 2009 regarding wind energy development. The request was apparently made as the Board of Sweetwater County Commissioners recognizes that Carbon County may have some good advice on this. Chairman Weickum agreed to go.

### **Fairgrounds Building**

Clerk Bartlett presented a request from Dave DeLancey of the Fair Board to dispose of an old trailer at the Fairgrounds. Buildings Manager, Leroy Graham further explained the request and the location of the building.

Commissioner Paxton moved to authorize the Fair Board to dispose of a 20' x 50' old, dilapidated building by whatever means they deem appropriate. Commissioner Young seconded and the motion carried unanimously.

### **Planning Department**

Clerk Bartlett presented a resignation letter from an employee of the Planning Department who will be moving to another County department. Chairman Weickum asked the Clerk to advertise for this position and in the job description include a heavy emphasis on GIS and rural addressing. Clerk Bartlett and Kristy Rowan agreed to make a job description for this position and allow Joanne Garnett to review it.

Commissioner Young moved to accept Tracy Newbrough's resignation from the County Planning & Development Department effective March 27, 2009. Commissioner Paxton seconded and the motion carried unanimously.

### **ELECTED OFFICIALS / DEPARTMENT HEADS**

#### **Attorney**

Attorney DeLancey reported the Community Juvenile Services Board is scheduled to meet later this week.

#### **Buildings Manager**

Leroy Graham, Buildings Manager, presented a Natural Gas Sales Agreement and Agency Agreement from Seminole Energy Services, and advised each year the County must participate in the gas choice program. He stated that this company continuously monitors gas prices to assist the County in locking in the best rate if and when possible. He asked for approval to lock in a rate if it becomes appropriate to do so and to authorize County employees to participate with the County's negotiated rate.

Commissioner Paxton moved to approve a Natural Gas Sales Agreement and Agency Agreement between Seminole High Plains, L.L.C. beginning June 1, 2009 through May 31, 2010 and that the Buildings Manager be authorized to lock in the gas rate when appropriate and authorize County employees to participate with the County's negotiated rate. Commissioner Young seconded and the motion carried unanimously.

#### **Planning & Development**

Kristy Rowan of the Planning & Development Department discussed how that office will operate with only one employee. The BOCC advised her that once this occurs, she is to close for lunch from 12-1 and place a notice on the door.

#### **Road & Bridge**

Bill Nation, Road & Bridge Superintendent reported that spring blading has begun. He stated that when DKRW applies for an industrial siting permit he will begin the process of public meetings on how and where to best improve or change the route from Interstate 80 to the site. Mr. Nation reported he has had interest near County Road #1 to enlarge a snowmobile parking area and he will look into this over the summer. He added that the Wyoming Department of Transportation (WYDOT) will conduct a recycled asphalt project and he will use the product on County Road #404, Pass Creek Road. Mr. Nation reported that he has received a request from a few individuals to move a bridge near the Town of Elk Mountain. He stated he entered into the Bridge Replacement Off System (BROS) that assists with bridge replacement and this bridge is on schedule to replace the bridge in 2012 at a cost of \$1.4 million plus 30% for planning, construction, and engineering.

## **DIXON AIRPORT MANAGER INTERVIEW**

William "Tyler" Ashline was interviewed for consideration of the Dixon Airport Manager position.

## **RECESS**

Chairman Weickum called a recess at 5:25 p.m. and reconvened at 5:30 p.m.

## **COMMENTS ON ROAD & BRIDGE**

Willis Williams discussed the bridge near Elk Mountain and the condition of the County Roads in the Elk Mountain area. His main issue is the bridge in Elk Mountain and he does not know if it will make it until its scheduled replacement of 2012. He asked if the bridge could be replaced sooner and stated he feels it is a liability issue for the County. Commissioner Paxton asked Mr. Nation if there is a way to get that replaced sooner. Mr. Nation replied that the stimulus funding that may be coming could add funding that would get the bridge replaced sooner.

Chairman Paxton asked if there are any stop-gap measures to reinforce the bridge in the meantime. Mr. Nation stated he would contact WYDOT's engineer and ask but the BROS program is an 80/20 program and that this bridge is already the first on Carbon County's program. Mr. Williams suggested he contact a contractor in Colorado that could build a cheaper bridge in the meantime or that the County's 20% match for the BROS program could build a sufficient bridge. Mr. Nation agreed the bridge needs replaced and stated that he will try to accelerate its replacement but that the answer is to build a bridge that is engineered properly that will last into the next century, not a cheap bridge that is just a band aid.

## **CITIZEN DISCUSSION**

Rita Clark stated she is appearing on behalf of Carbon County Senior Services, Inc. as a current board member and presented the BOCC with a letter and asked that she be allowed to read it aloud. Ms. Clark read the letter dated March 17, 2009 that addressed the appointment of a new board member in the Medicine Bow area rather than the reappointment of Don Mayfield.

Chairman Weickum replied that Mr. Mayfield was not chosen as the person to fill that appointment and that it had nothing to do with his absence of an interview. He stated that the BOCC is familiar with Mr. Mayfield and that he feels the applicant that was appointed had great ideas and therefore was appointed.

Ms. Clark asked if Mr. Mayfield was contacted for an interview and Clerk Bartlett replied that he was contacted by her office and that he was unable to make it that day. Her office told him that his contact information would be given to the BOCC for a phone interview and she stated that did happen. She added that he was not treated any differently than any other applicant for any other board. Chairman Weickum reported that he knows Mr. Mayfield and didn't feel the need for an interview.

Ms. Clark asked why the remainder of the Board did not contact Mr. Mayfield for the phone interview. Commissioner Paxton stated he knows Mr. Mayfield and Commissioner Young stated that he liked the other applicant. Ms. Clark asked for a response to the letter in writing and Chairman Weickum stated that any board member is welcome to call him at anytime. Clerk Bartlett suggested the response in writing is the approved minutes from the March 3, 2009 meeting of the BOCC as that states that the entire Board agreed on the motion for the new applicant to be appointed. Ms. Clark was handed a copy of the approved minutes but declined to accept it.

## **COMMISSIONERS DISCUSSION**

Commissioner Paxton advised that he, Clerk Bartlett, and Treasurer Baldwin attended a meeting with the Forest Service yesterday regarding the use of Title II funds and the formation of a Resource Advisory Committee (RAC) required to expend these funds. He stated that Phil Cruz of the Forest Service proposed that Routt County and Jackson County of Colorado and Carbon and Albany Counties in Wyoming have one RAC. He stated his concern is that Carbon County

elected to have a larger amount of funds dedicated to Title II projects and he wants to ensure those funds are expended on projects in Carbon County. Clerk Bartlett stated Mr. Cruz has the final decision on how many RACs are formed and who is involved in each. She thinks Mr. Cruz will definitely require Carbon and Albany to have one RAC, and possibly have one between the four counties. There was further discussion and the BOCC agreed to meet with Mr. Cruz at its next meeting.

Chairman Weickum stated he will be meeting with Rocky Mountain Power tomorrow about upcoming projects and he will copy any information received. He also stated he will attend Thursday's Community Juvenile Services board meeting and explained what this Board does.

### **RECESS**

Chairman Weickum called a recess at 6:23 p.m. and reconvened at 6:29 p.m.

### **EXECUTIVE SESSION**

Commissioner Paxton moved to go into executive session at 6:29 p.m. with Clerk Bartlett and Attorney DeLancey to discuss personnel and matters considered confidential by law. Chairman Weickum seconded and the motion carried unanimously.

Commissioner Paxton moved to come out of executive session at 7:35 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.

### **PLANNING & DEVELOPMENT**

Commissioner Paxton moved to approve Work Order No. 13410 for WLC Engineering, Surveying, and Planning for Joanne Garnett's services and that the Chairman be authorized to sign the Work Order. Commissioner Young seconded and the motion carried unanimously.

### **ADJOURNMENT**

There being no further business, Chairman Weickum adjourned the meeting at 7:36 p.m.

-s- Gwynn G. Bartlett, Carbon County Clerk

Approved this 7th day of April 2009

BOARD OF COUNTY COMMISSIONERS  
CARBON COUNTY, WYOMING

-s- Terry Weickum, Chairman