

**MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, February 17, 2009
Saratoga Senior Center, Saratoga, Wyoming**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, February 17, 2009 at the Saratoga Senior Center in Saratoga, 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 4:07 p.m.

AGENDA AMENDMENT

Commissioner Paxton moved to amend the agenda to cancel Glenn Biggs at 5:15 p.m. and Kristy Rowan at 6:05 p.m. Commissioner Young seconded and the motion carried unanimously.

VOUCHERS

Commissioner Paxton moved to approve the report of expenditures in the amount of \$214,942.90. Commissioner Young seconded and the motion carried unanimously.

ALCO	SUPPLIES	184.35
ALSCO, AMERICAN LINEN	SUPPLIES/MATS	321.83
AMERIGAS	PROPANE	806.90
ARAMARK	UNIFORMS/FLASHLIGHT PARTS	352.35
ARLINGTON OUTPOST	VEHICLE REPAIRS/MTCE/FUEL	277.36
BANK OF COMMERCE (ACH)	ACH FEES	32.50
BANK OF COMMERCE (DEBIT CARD)	SUPPLIES/VEH MTCE/TRAVEL/TRNG	6,703.41
BEHAVIORAL INTERVENTIONS	MONITORING SERVICES	282.13
BI-RITE PHARMACY	JAIL RX'S	5,841.39
BI-RITE SPORTING GOODS	SLING	49.98
BLACK HILLS AMMUNITION	AMMUNITION	394.00
BOB BARKER COMPANY, INC.	JAIL SUPPLIES	506.60
BOUGERE, LIBBY	FACILITATOR FEES	1,000.00
BRESNAN COMMUNICATIONS	TV/ONLINE	396.61
BUILD RITE LUMBER SUPPLY	SUPPLIES	137.44
BUSEY, BILL	REPAIRS	60.00
C O V E	LODGING	2,940.00
CARBON COUNTY COOPERATIVE EXT	PLANNER	19.97
CARBON COUNTY REFRIGERATION	COOLER REPAIRS	354.00
CARBON COUNTY SENIOR SERVICES	MEALS	15.00
CARBON COUNTY TV & ELECTRONICS	OFFICE SUPPLIES	19.99
CARBON COUNTY VETERINARY	VETERINARY SERVICES	120.00
CARBON POWER & LIGHT INC	ELECTRICAL SERVICES	965.68
CBM FOOD SERVICE	JAIL FOOD	6,271.37
CDW GOVERNMENT, INC.	FIBERLINE UPGRADE/SOFTWARE/LICS	54,689.50
CESKO, DAVID MD	MEDICAL SERVICES	890.00
CHEYENNE FREIGHTLINER	TRUCK SUPPLIES	405.04
CHILDRESS ELECTRIC INC	BALLAST FOR SE YARD LIGHT	1,644.32
COMPUTER SOFTWARE ASSOCIATES	WEBHOST FEE	250.00
CONOCOPHILLIPS	FUEL	24.47
CORPORATE EXPRESS	OFFICE SUPPLIES	878.89
COUNTRY STORE	FUEL	7.49
CRIMMINS, STACY	MILEAGE	6.60
CSK AUTO, INC.	PARTS/SUPPLIES	53.44
CYR, NANCY	MILEAGE	35.00
DAILY TIMES	ADVERTISING	1,336.50
DALLIN MOTORS INC	VEHICLE MAINTENANCE	30.95
DIXON, TOWN OF	WATER & SEWER	33.50
DUBOIS TELEPHONE EXCHANGE	PHONE SERVICES	284.09
EAGLE UNIFORM SUPPLY	MATS	124.60
ELK MOUNTAIN, TOWN OF	WATER & SEWER	56.00

ENGSTROM, JAMES D. DDS	DENTAL SERVICES	2,500.00
EVANS, MORGAN	JAIL HAIRCUTS	272.00
FARMER BROTHERS COFFEE	SUPPLIES	144.10
FITZCO, INC.	SUPPLIES	140.00
FLEET SERVICES	FUEL	188.91
FORSTER LANDSCAPE & CONST	SNOW REMOVAL	90.00
FRANCE, TARA	TRANSCRIPTIONS	172.25
FRANCIS, SARAH	EVALUATION LUNCH	31.96
FREMONT MOTORS-RAWLINS	VEHICLE REPAIRS	625.97
GALE, GWEN R.N.	MILEAGE	275.34
GASES PLUS	OXYGEN CYLINDER RENTALS	638.29
GCR ELECTRONICS, LLC	MONTHLY SITE RENTALS	900.00
GOLDEN, MARY	MILEAGE	238.20
GOSVENOR, MAXINE	MILEAGE	40.00
HANNA, TOWN OF	WATER & SEWER	76.00
HARDY, LUKE, M.D.	MEDICAL SERVICES	290.00
HEIMAN FIRE DEPARTMENT	FIRE EQUIPMENT	3,941.20
HEROLD IRON WORKS	SHOP SUPPLIES	231.84
HERRING, PAUL	SHOP SUPPLIES	315.24
HIGH PLAINS POWER	ELECTRICAL SERVICES	65.99
HIGH PLAINS VISION CENTER	VISION SERVICES	1,122.00
HILLCREST SPRING WATER, INC.	SUPPLIES	29.90
HILLTOP CONOCO	FUEL	26.25
HILLTOP LUBE	VEHICLE MAINTENANCE	46.33
HITCHING POST INN	LODGING	140.00
I A A O	DUES	87.50
IKON FINANCIAL SERVICES	COPIER RENT	612.00
IKON OFFICE SOLUTIONS	COPIER RENT	105.00
INTERMOUNTAIN RECORD CENTER	MICROFILM	100.00
IRON J TOWING	VEHICLE TOW	323.00
J H KASPAR OIL COMPANY	FUEL	3,665.79
JACKALOPE PRINTING	OFFICE SUPPLIES	188.23
JB'S STOP-N-SHOP	FUEL	58.16
JERRY'S DONUTS	SUPPLIES	17.98
JOHNSON ENGINEERING ASSOC	CO MATCH FAIR BLDG/SERVICES	17,927.52
JONES, MICHAEL	MILEAGE/EXAM APP/MBRSP DUES	1,437.52
KELCO SUPPLY COMPANY	SUPPLIES	450.46
KENCO SECURITY AND TECHNOLOGY	BUILDING MAINTENANCE	1,231.08
KILBURN TIRE COMPANY	VEHICLE MAINTENANCE/FUEL/TIRES	1,791.78
KING SOOPERS	SUPPLIES	163.16
KONE ELEVATORS ESCALATORS	ELEVATOR MAINTENANCE	2,921.26
L & L ELECTRIC	ELECTRIC MAINTENANCE	2,999.05
L N CURTIS & SONS	FIRE SUPPLIES	1,164.36
LEXBO LLC	OFFICE RENTAL	450.00
LONG BUILDING TECHNOLOGIES	COMBUSTION MOTOR REPAIRS	773.00
LOVE, LUCY	MILEAGE	190.50
MACGUIRE, ANNE M MD	MEDICAL SERVICES	100.00
MCKEE MEDICAL CENTER	MEDICAL SERVICES	1,649.25
MEDICINE BOW, TOWN OF	WATER & SEWER	53.00
MEMORIAL HOSPITAL	MEDICAL SERVICES/SUPPLIES	3,908.26
MICKELSON, ASHLEE	MILEAGE	600.00
MIKESELL, CECELIA	SUPPLIES	15.96
MOBILE CONCRETE, INC	CONCRETE	756.25
MOORE MEDICAL CORP.	SUPPLIES	35.98
MPM CORP / EVERGREEN DISPOSAL	GARBAGE SERVICES	32.50
MURANE & BOSTWICK, LLC.	LEGAL SERVICES	1,687.96
NATIONAL SHERIFF'S ASSN	MEMBERSHIP DUES	100.00
ODD FELLOWS LODGE #43	LEASE PYMT - PARKING LOT	900.00
OSU AD CONFERENCES	TRAINING	75.00
PAGE ONE	PAGER SERVICE	264.46
PAMIDA INC	SUPPLIES/RX'S	612.27
PAXTON, JERRY	MILEAGE	357.50
PERKINS OIL CO	FUEL	384.69
PERSONNEL CONCEPTS	POSTERS	65.85
PERUE PRINTING	OFFICE SUPPLIES/PURGE CARDS	464.00

PLATTE VALLEY MEDICAL	MEDICAL SERVICES	291.00
PRO-CHEM INDUSTRIAL, LLC	SUPPLIES	614.96
PROJECT PREVENTION	WAGES/PHONE/TRAINING/SUPPLIES	1,509.60
PUBLIC AGENCY TRAINING	TRAINING	250.00
PUBLIC SAFETY CENTER, INC	SUPPLIES	345.78
QUILL CORPORATION	OFFICE SUPPLIES	518.66
QWEST-KENTUCKY	PHONE SERVICES	99.08
RAWLINS AUTOMOTIVE	VEH FILTERS/MTCE/PARTS/SUPPLIES	2,628.10
RAWLINS EYE CARE	VISION SERVICES	200.00
RAWLINS FAMILY MEDICAL, P.C.	MEDICAL SERVICES	325.00
RAWLINS FIRE EXTINGUISHER	FIRE EXTINGUISHER SERVICE	370.00
RELIABLE	SUPPLIES	91.65
RENDEZVOUS LODGE LLC.	FUEL/SUPPLIES/FOOD	965.73
RIVER STREET MOTOR CO	VEHICLE MAINTENANCE/REPAIRS	186.75
ROCK SPRINGS WINLECTRIC CO	LIGHTING SUPPLIES	210.69
ROCKY MOUNTAIN POWER	ELECTRICAL SERVICES	10,392.88
RYAN ELECTRONICS INC	CONTRACT FEE	4,007.29
SARATOGA AUTO PARTS, INC.	PARTS	547.85
SARATOGA, TOWN OF	WATER & SEWER	59.75
SHELL FLEET PLUS	FUEL	128.79
SHEPARD'S	FUEL/SUPPLIES/FOOD	1,837.64
SHIVELY HARDWARE	REPAIRS/SUPPLIES	1,233.66
SNAKE RIVER PRESS	ADVERTISING	177.00
SNAP-ON TOOLS	TOOLS	40.00
SNOWY RANGE PROPANE-RENTAL	PROPANE	746.73
SOURCE GAS	GAS SERVICES	3,469.12
STAN'S QUIK LUBE	VEHICLE MAINTENANCE	35.82
STOCKS SERVICES	SNOW REMOVAL	4,963.00
SUNRISE SANITATION SERVICE	GARBAGE SERVICES	55.00
SWEETWATER COUNTY SHERIFF	INMATE HOUSING	3,255.00
TAYLOR AUTO REPAIR	VEHICLE REPAIRS	132.72
TERMINIX	PEST CONTROL	220.00
THOMPSON PUBLISHING GROUP	FAIR LABOR HANDBOOK	428.50
TRADING POST	FUEL/SUPPLIES	331.15
TRUE VALUE OF RAWLINS	SUPPLIES/CAGE TRAP/VACUUM PARTS	1,433.84
U S BANK	SUPPLIES	798.48
U S POSTMASTER	POSTAGE	791.77
UNION TELEPHONE COMPANY	CELL PHONES/SHOP PHONES	345.76
UNIVERSITY OF WYOMING OUTREACH	CONFERENCE	99.00
V-1 PROPANE	PROPANE	120.07
VALLEY OIL COMPANY	FUEL	5,972.65
VALLEY PHARMACY	RX'S	35.99
VAN'S WHOLESALE	SUPPLIES	444.04
VERAMARK TECHNOLOGIES, INC	ECAS UPGRADE	640.00
VERIZON WIRELESS	CELL PHONE SERVICES	571.64
VISIONARY COMMUNICATIONS, INC.	SEMI-ANNUAL DIAL-UP	71.70
WAGON CIRCLE FAMILY PRACTICE	MEDICAL SERVICES	310.25
WEICKUM, TERRY	MILEAGE	437.50
WEST PAYMENT CENTER	SEARCH & SEIZURE BULLETIN	168.00
WIMPENNY, ROBERT G DDS	DENTAL SERVICES	1,844.00
WY CORONER'S ASSOCIATION	DUES	75.00
WY MACHINERY COMPANY	SUPPLIES	3,237.20
WY PUBLIC HEALTH ASSOCIATION	MEMBERSHIP FEE	30.00
WY STATIONERY	SUPPLIES/GLOVES/RECORDER	3,592.07
WY WASTE SERVICES-RAWLINS	GARBAGE SERVICES	1,107.53
XEROX CORPORATION-RENT	COPIERS BASE CHARGES	1,850.38
YAMPA VALLEY ELECTRIC	ELECTRICAL SERVICES	153.83
ZERO TO THREE BULLETIN	SUBSCRIPTION	78.00
GRAND TOTAL		214,942.90

CLERK

Minutes

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

Bonds

Commissioner Paxton moved to approve a \$10,000.00 bond for Codey J. Stocks, Secretary/Bookkeeper for the Little Snake River Rural Health Care District and a bond rider for Penny L. Parr, Town of Hanna changing her bond number only. Commissioner Young seconded and the motion carried unanimously.

Abandoned Mine Lands Grant

Clerk Bartlett presented an application and letter for Abandoned Mine Lands (AML) Grant funds for Carbon County Road #3 from Interstate 80 to the site of DKRW's proposed gasification facility. She stated Attorney DeLancey has reviewed the application and recommends approval. Mr. Nation stated that these funds were set aside by the Governor specifically for this road and that the County does not intend to begin building the road until DKRW breaks ground.

Commissioner Paxton moved to approve the State of Wyoming, Department of Environmental Quality, Abandoned Mine Lands Division, Application for AML Grant under 2006 Amendments to Surface Mining Control and Reclamation Act for funds requested in the amount of \$10,000,000.00 for the upgrade and relocation of Carbon County Road #3, project to start upon DKRW's scheduling and end approximately two year from the start date and to authorize the Chairman to sign the cover letter to accompany the application. Commissioner Young seconded and the motion carried unanimously.

Lease Agreement

Clerk Bartlett advised that on February 11, 2009, Chairman Weickum signed a Long Term/Special Use Lease Agreement for the Wyoming State Penitentiary to use the Armory for training.

Commissioner Paxton moved to ratify the Chairman's signature on the Long Term/Special Use Lease Agreement between the Board of Commissioners of Carbon County, Wyoming and Wyoming State Penitentiary to use the Armory for the purpose of correctional officer training for the dates of April 6, 2009 through June 12, 2009, as approved by the Chairman. Commissioner Young seconded and the motion carried unanimously.

Dixon Airport Grant Applications

Clerk Bartlett advised that on February 10, 2009, Chairman Weickum signed the Federal and State grant applications to construct the AWOS at the Dixon Airport, noting that this was just the non-binding application, not the grant agreement.

Commissioner Paxton moved to ratify the Chairman's signature on the Request for State Airport Aid and Application for Federal Assistance #3-56-0038-10 to construct AWOS in the total amount of \$157,895.90, State share of \$4,737.00, Federal share of \$150,000.00, and County share of \$3,158.00, and to authorize the Chairman to sign the grant agreements upon receipt after Attorney DeLancey's review and approval. Commissioner Young seconded and the motion carried unanimously.

Maintenance Agreement

Clerk Bartlett presented a Maintenance Agreement for three pieces of microfilming equipment in the Land Department. She stated Attorney DeLancey has reviewed the agreement and recommends approval.

Commissioner Young moved to approve the Maintenance Agreement from Microfilm Service Corporation for the following equipment: MS300, serial #CS301390; MS400, serial #AB305378; and MP90, serial #32108544, for an annual charge of \$3,650.00, for the term of March 8, 2009 through March 3, 2010. Commissioner Paxton seconded and the motion carried unanimously.

Memorial Hospital of Carbon County (MHCC) – Energy Savings Project

Clerk Bartlett presented supplemental financing documents for an additional \$750,000.00 related to the lease/purchase with the Bank of Commerce to finance MHCC's mechanical/electrical upgrade.

Commissioner Paxton moved that after review by Attorney DeLancey, the Chairman be authorized to sign the First Supplemental Escrow Agreement, Notice of Lease of Real Property and Improvements, Notice of Lease of Real Property, First Supplemental Master Lease-Purchase Agreement, First Supplemental Master Lease-Purchase Agreement Between Bank of Commerce as Lessor and Carbon County, Wyoming as Lessee, and First Amended Site Lease, for an additional amount of \$750,000.00. Commissioner Young seconded and the motion carried unanimously.

Commissioner Paxton moved to approve and adopt Resolution No. 2009-04, A Resolution Authorizing Carbon County, Wyoming, to Enter into a First Amended Site Lease, a First Supplemental Lease Purchase Agreement and a First Supplemental Escrow Agreement Relating to the Mechanical/Electrical System Upgrade at the Memorial Hospital of Carbon County. Commissioner Young seconded and the motion carried unanimously.

Exhibit D

RESOLUTION NO. 2009 -04

A RESOLUTION AUTHORIZING CARBON COUNTY, WYOMING, TO ENTER INTO A FIRST AMENDED SITE LEASE, A FIRST SUPPLEMENTAL LEASE PURCHASE AGREEMENT AND A FIRST SUPPLEMENTAL ESCROW AGREEMENT RELATING TO THE MECHANICAL/ELECTRICAL SYSTEM UPGRADE AT THE MEMORIAL HOSPITAL OF CARBON COUNTY.

WHEREAS, Carbon County, Wyoming (the "County") is a body corporate duly organized and existing under the laws of the State of Wyoming, authorized by Title 18, Chapter 8, Article 1, Wyo. Stat. to provide and maintain a suitable hospital and other necessary county buildings and to own and convey property for the benefit of the County as deemed by the board of county commissioners (the "Commissioners") to be in the best interests of the County and its inhabitants; and

WHEREAS, the Commissioners have heretofore determined that the needs of the County include the upgrade of the Mechanical/Electrical System (the "Improvements") at the Memorial Hospital of Carbon County (the "Site and Existing Facility"); and

WHEREAS, pursuant to prior resolution, and in order to provide financing for the Improvements, the County previously:

(a) entered into a Site Lease dated as of July 1, 2008 (the "Site Lease"), between the County and Bank of Commerce, a Wyoming banking corporation (the "Tenant"), whereby the County, as Landlord, leased the Site and Existing Facility to the Tenant; and

(b) entered into a Master Lease Purchase Agreement dated as of July 1, 2008 (the "Lease Purchase Agreement"), between the County, as Lessee, and the Tenant, as Lessor, to provide financing for the payment of the costs of the construction and equipping of the Improvements. Pursuant to the Lease Purchase Agreement, the Tenant leased the Site and Existing Facility and the Improvements to the County according to the terms and conditions of the Lease Purchase Agreement (the Site and Existing Facility and the Improvements referred to collectively herein and in the Lease Purchase Agreement as the "Leased Property" and described more particularly in APPENDIX A to the Site Lease and in APPENDIX A to the Lease Purchase Agreement and EXHIBIT A to the Schedule attached to the Lease Purchase Agreement); and

(c) entered into an Escrow Agreement dated as of July 1, 2008 (the "Escrow Agreement"), between the County, the Tenant, and Bank of Commerce (the "Escrow Bank"); and

WHEREAS, pursuant to this resolution (the "Authorizing Resolution"), and in order to provide additional financing for the Improvements, the County intends to:

(d) enter into a First Amended Site Lease dated as of February 17, 2009 (the "First Amended Site Lease"), between the County and Bank of Commerce, a Wyoming banking corporation (the "Tenant"), whereby the County, as Landlord, leases the Site and Existing Facility to

the Tenant; and

(e) enter into a First Supplemental Master Lease Purchase Agreement dated as of July 1, 2008 (the "First Supplemental Lease Purchase Agreement"), between the County, as Lessee, and the Tenant, as Lessor, to which First Supplemental Lease Purchase Agreement this Authorizing Resolution constitutes EXHIBIT D to the Schedule attached thereto, to provide additional financing for the payment of the costs of the construction and equipping of the Improvements. Pursuant to the First Supplemental Lease Purchase Agreement, the Tenant will lease the Site and Existing Facility and the Improvements to the County according to the terms and conditions of the First Supplemental Lease Purchase Agreement (the Site and Existing Facility and the Improvements referred to collectively herein and in the First Supplemental Lease Purchase Agreement as the "Leased Property" and described more particularly in APPENDIX A to the First Amended Site Lease and in APPENDIX A to the First Supplemental Lease Purchase Agreement and EXHIBIT A to the Schedule attached to the First Supplemental Lease Purchase Agreement); and

(f) enter into an First Supplemental Escrow Agreement dated as of February 17, 2009 (the "First Supplemental Escrow Agreement"), between the County, the Tenant, and Bank of Commerce (the "Escrow Bank"); and

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

NOW, THEREFORE, BE IT RESOLVED:

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

SECTION 2. The First Supplemental Lease Purchase Agreement (including the Appendix, the Schedule and Exhibits thereto), the First Amended Site Lease (including the Appendices thereto) and the First Supplemental Escrow Agreement are hereby approved in substantially the same forms as presented to the Commissioners, with such additions, omissions and changes as maybe approved by the County Attorney and persons executing the same, their execution being conclusive evidence of their approval of any such additions, omissions, and changes, and the Chairman of the County Commissioners and the County Clerk, where appropriate, are authorized and directed to affix his, her or their signatures and the official corporate seal of the County thereto. The County expects to make payments pursuant to the First Supplemental Lease Purchase Agreement from moneys legally available therefore.

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

SECTION 4. The Commissioners hereby represent that the reasonably anticipated amount of qualified tax-exempt obligations which have been and will be issued by the County, together with subordinate entities, for the 2009 calendar year does not exceed \$10,000,000 and hereby designates the First Supplemental Lease Purchase Agreement to be a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

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

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

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

ADOPTED AND APPROVED as of the 17th day of February, 2009.

(SEAL)

CARBON COUNTY, WYOMING

By: -s- Terry Weickum

Title: Chairman, Board County Commissioners

ATTESTED:

By: Gwynn G. Bartlett
County Clerk

Gateway West Project

Clerk Bartlett presented two letters to Walt George of the Bureau of Land Management (BLM).

Commissioner Paxton moved to approve two letters to Walt George of the Bureau of Land Management, one requesting cooperative agency status at the collaborative level for the Gateway West Transmission Line and the second inviting Mr. George to keep an open dialog regarding the proposed Gateway West Transmission project and all other projects. Commissioner Young seconded and the motion carried unanimously.

There was further discussion of the best way to keep communication open between the BLM and the County on projects like these. Commissioner Paxton stated he would like to see the same kind of letter directed to the Forest Service.

24-Hour Malt Beverage Permit

Clerk Bartlett reported she issued two 24-hour malt beverage permits to the American Legion Auxiliary for last weekend's cutter races in Saratoga.

Amended Resolution #2009-03

Clerk Bartlett Presented an amended resolution #2009-03. Attorney DeLancey reported that the Resolution did not cover the snow removal and road maintenance language therefore she, Bill Nation, and Kristy Rowan amended the Resolution to reflect this.

Commissioner Paxton moved to approve Amended Resolution #2009-03, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission in reference to Case File #08-25, James and Sherry King adding language regarding access and snow removal to the Resolution. Commissioner Young seconded and the motion carried unanimously.

AMENDED Resolution No. 2009 – 03

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, January 5, 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, February 3, 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 #08-25 – James M. and Sherri L. King: Request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-10.5) on approximately 10.5 acres. The RRA Zone allows residential and agricultural activities. The

subject property is located 6 miles southwest of the Town of Elk Mountain on Pass Creek Road (Carbon County Road #404) near the entrance to the Aspen Highlands Subdivision and the Aspen Meadows Subdivision.

Legal Description: Section 2, T19N, R81W, 6th P.M., Carbon County, Wyoming SE1/4, EXCEPTING THEREFROM that certain tract of land as conveyed to Ralph C. D'Arge and Mackie D'Arge by Warranty Deed recorded September 20, 1978, in Book 686, Page 834; and also EXCEPTING THEREFROM that portion conveyed to so-Wok, Inc., a Wyoming Corporation, by Warranty Deed recorded August 7, 1979, in Book 701, Page 706, of the Records of Carbon County, Wyoming.

TOGETHER WITH all buildings and improvements thereon situate and appurtenances thereunto belonging.

SUBJECT, HOWEVER, to all easements, reservations, restrictions and rights-of-way of record or apparent upon the ground.

Book 701, Page 706 – Warranty Deed Description:

All of the land comprise the Final Plat of the Aspen Meadows Subdivision, being portions of the S1/2 SE1/4, Section 2, the W1/2 and N1/2 SW1/2, Section 11, T19N, R81W, 6th P.M., recorded at 4:35 p.m., September 6th, 1978, in Book 600A of Plats, page 11, Instrument Number 626137, Carbon County, Wyoming; together with all water and water rights, all improvements thereon situated and all rights and easements appurtenant thereto. Subject however, to all covenants, easements, reservations, and restrictions, if any of record and to all prior ditch and ditch rights, water and water rights.

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 10.5 acres (RRA-10.5).

NOTE – ACCESS:

This area **does not** receive daily snow plowing during the winter months and are subject to drifting and blowing snow conditions that do close these roads until our crew can get to them.

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 17th day of February, 2009.

BOARD OF COUNTY COMMISSIONERS OF CARBON COUNTY, WYOMING

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

Attest: -s- Gwynn Bartlett, County Clerk

Rawlins – Carbon County Airport Grant

Clerk Bartlett presented a grant agreement for the Rawlins Municipal Airport with the Federal Aviation Administration to construct the taxiway and install permanent fencing as phase I of the project. Attorney DeLancey stated she briefly reviewed the document as she just received it today. Commissioner Paxton asked that these individuals be asked to provide the County with a longer review time. Chairman Weickum reported that he spoke with the Airport Board's representative about this issue and he explained the County's process.

Commissioner Paxton moved to authorize the Chairman to sign Grant Agreement 3-56-0023-13 Between the City of Rawlins, Carbon County Airport Board, and United States of America acting through the Federal Aviation Administration herein referred to as FAA in the amount of \$172,388.00 for airport improvements and noise implementation program. Bill Nation stated that once the fencing is completed, the County is committed to building a trail for the City of Rawlins and this will be done upon the fencing's completion. Commissioner Young seconded and the motion carried unanimously.

ELECTED OFFICIALS / DEPARTMENT HEADS

Buildings Manager

Commissioner Young moved to approve the Agreement between Carbon County and Energy Construction, Inc. to remove and replace the north side Sheriff's Office steps per the specifications in the total amount of \$7,955.00. Commissioner Paxton seconded and the motion carried unanimously.

Commissioner Young moved to approve the Agreement between Carbon County and Shepard Construction Inc. for a wall and door in the Land Department and replacement of windows in upstairs storage room at the Courthouse in the amount of \$29,770.00. Commissioner Paxton seconded and the motion carried unanimously.

Mr. Graham reported that the Baggs Library is in need of various repairs. He presented a quote from Wyo-Con, Inc. for \$1,785.75 and added these funds are in his budget. He stated that he received another quote however the contractor was not licensed in Wyoming.

Commissioner Paxton moved to approve the proposed material and labor from Wyo-Con, Inc. for improvements to the Baggs Library including bathroom sinks, water fountain, overflow sink, and stage repairs in the amount of \$1,785.75. Commissioner Young seconded and the motion carried unanimously.

Emergency Management

Harold Newbrough, Emergency Management Coordinator presented the completed Multi-Hazard Mitigation Plan. He also presented a resolution adopting the Carbon County Multi-Hazard Mitigation Plan as an official plan of Carbon County.

Commissioner Young moved to approve Resolution No. 2009-05, Carbon County Multi-Hazard Mitigation Plan Adoption Resolution. Commissioner Paxton seconded and the motion carried unanimously.

Carbon County Multi-Hazard Mitigation Plan Adoption Resolution Resolution No. 2009-05

WHEREAS Carbon County, Wyoming, and municipalities therein, have the potential to experience disasters that can damage commercial, residential, and public properties, displace citizens and businesses, close streets and bridges dividing the County and municipalities, and present general public health and safety concerns; and

WHEREAS the County and municipalities have prepared a Multi-Hazard Mitigation Plan that identifies goals and mitigation actions to reduce overall impact and potential for loss of life and loss or damage to property from natural hazards and hazardous material incidents; and

WHEREAS the Carbon County Multi-Hazard Mitigation Plan has been made available for review by elected officials and the public, and has been developed to meet current state and federal requirements:

NOW, THEREFORE BE IT RESOLVED THAT;

1. The Carbon County Multi-Hazard Mitigation Plan is hereby adopted as an official plan of Carbon County.
2. The Board of County Commissioners delegates the responsibility for annual review and monitoring of implementation to the County Emergency Management Coordinator.
3. The County shall pursue implementation of the projects contained in the plan as resources allow.
4. The County shall consider and incorporate into other plans, elements of the Multi-Hazard Mitigation Plan as appropriate.

ADOPTED AND APPROVED as of the 17th day of February, 2009.

CARBON COUNTY, WYOMING

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

ATTESTED:

-s- Gwynn Bartlett, County Clerk

Road & Bridge

Bill Nation, Road & Bridge Superintendent reported that Ron Garretson is retiring after thirty-one years of service. He will have a ceremony for him on February 27 and he is advertising for this position.

Mr. Nation reported that he attended a Coalbed Methane Coordination Coalition last week. He stated that the Coalition is considering looking into wind and solar in addition to their current tasks.

Attorney

Attorney DeLancey reported that she and the Albany County Attorney are working on a Memorandum of Understanding for the GIS project for the Assessor's Office.

PROJECT PREVENTION

Sally Patton of Project Prevention requested the County sponsor a \$33,000.00 grant application for their program. There was discussion of what the program accomplishes and their collaboration with other agencies.

Commissioner Paxton moved to approve a letter of support to sponsor Project Prevention's grant application to the Wyoming Department of Health in the amount of \$33,000.00 for Fiscal Year 2010. Commissioner Young seconded and the motion carried unanimously.

DIXON AIRPORT MANAGER

Joseph Herstead interviewed for the Dixon Airport Manager position. Mr. Herstead overviewed his experience as a pilot. Chairman Weickum asked Mr. Herstead to look into housing in the area and present the BOCC his proposal at a future date.

CITIZEN DISCUSSION

Scott Kerbs asked if the County Planner that recently resigned was asked to do so because he presented too many obstacles to wind companies and because he was too aggressive. Chairman Weickum answered no and stated that he can not further comment as this is a personnel matter.

Chairman Weickum added the BOCC expects a County Planner to greatly scrutinize these companies and that the recent Planner was not too aggressive with these companies. Commissioner Paxton stated that the BOCC feels that wind energy companies bring many impacts with them and he expects them to simply pay their own way. There was further discussion about various projects in the County and their affects on the County.

Mr. Kerbs also asked if there was any plans from the County to have the State take over the Dad/Wamsutter Road. Mr. Nation stated that idea has been discussed before and his biggest problem with the road currently is law enforcement.

BOARD INTERVIEW AND APPOINTMENT

Mark Kostovny interviewed for consideration of appointment to the South Central Wyoming Emergency Medical Services Joint Powers Board.

Commissioner Paxton moved to appoint Mark Kostovny to the South Central Wyoming Emergency Medical Services Joint Powers Board for a three-year term. Commissioner Young seconded and the motion carried unanimously.

COMMISSIONERS DISCUSSION

Chairman Weickum reported that he met with Warden Murphy who would like to schedule a meeting with the BOCC.

Clerk Bartlett discussed the budget calendar for Fiscal Year 2010.

EXECUTIVE SESSION

Commissioner Paxton moved to go into executive session at 6:49 p.m. with Clerk Bartlett and Attorney DeLancey to discuss personnel and other matters considered confidential by law. Commissioner Young seconded and the motion carried unanimously.

Commissioner Paxton moved to come out of executive session at 8:11 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.

ADJOURNMENT

There being no further business, Chairman Weickum adjourned the meeting at 8:11 p.m.

-s- Gwynn G. Bartlett, Carbon County Clerk

Approved this 3rd day of March 2009

BOARD OF COUNTY COMMISSIONERS
CARBON COUNTY, WYOMING

-s- Terry Weickum, Chairman