

**MINUTES OF THE BOARD OF  
CARBON COUNTY COMMISSIONERS  
REGULAR MEETING  
Tuesday, November 1, 2011  
County Courthouse, Rawlins, Wyoming**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, November 1, 2011 at the County Courthouse in Rawlins, Wyoming. Attending the meeting were Chairman Terry Weickum; Vice Chairman Jerry Paxton; Commissioner Leo Chapman; Deputy County Attorney Mike Kelly; County Clerk Gwynn Bartlett; and Deputy Clerk Kathy Turner.

Chairman Weickum called the meeting to order at 9:11 a.m.

**VOUCHERS**

Commissioner Chapman moved to approve the report of expenditures in the amount of \$160,820.02. Commissioner Paxton seconded and the motion carried unanimously.

Vendor	Detail Line Description	Total
AIRPORT LIGHTING EQUIPMENT	SUPPLIES	\$453.64
ALCO	SUPPLIES	\$11.98
ALSCO, AMERICAN LINEN DIVISION	SHOP SUPPLIES	\$143.39
BARKHURST COLLISION CENTER	VEHICLE MAINTENANCE	\$360.00
BARTLETT, SUE RN	MEALS/MILEAGE	\$87.40
BI-RITE SPORTING GOODS	AMMUNITION	\$330.00
BOB BARKER COMPANY, INC.	SUPPLIES	\$62.92
BRESNAN COMMUNICATIONS	CABLE SERVICES	\$24.94
BRUCO, INC	SUPPLIES	\$313.12
BUCHANAN, KAREN	MILEAGE	\$48.00
BUILD RITE LUMBER SUPPLY	SUPPLIES	\$229.99
C & B SAND & GRAVEL	SUPPLIES	\$637.41
C & D FABRICATION	VEHICLE MAINTENANCE	\$98.90
CARBON COUNTY PUBLIC HEALTH	IMMUNIZATIONS	\$19.00
CARBON COUNTY SENIOR SERVICES	HEALTH INSURANCE SUBSIDY	\$8,400.00
CARBON COUNTY TREASURER	VARIOUS CASH ITEMS	\$9,761.50
CARBON COUNTY VETERINARY HOSPITAL	VETERINARY SERVICES	\$312.28
CASPER WINNELSON CO	SUPPLIES	\$18.72
CASTLE INDUSTRIES, INC	SUPPLIES	\$169.17
CATERPILLAR FINANCIAL SERVICES CORP	LEASE PAYMENT	\$46,665.31
CBM FOOD SERVICE	JAIL MEALS	\$7,319.22
CENTURY LINK	TELEPHONE SERVICES	\$63.55
COREN PRINTING, INC	K9 STICKERS	\$146.00
CUSTOM CREATIONS	SUPPLIES	\$476.00
DALLIN MOTORS INC	VEHICLE MAINTENANCE	\$377.43
DELEON, JOHN	LEGAL SERVICES	\$2,509.50
DIXON, TOWN OF	WATER/SEWER SERVICES	\$186.00
E & H PLUMBING & HANDYMAN	BUILDING MAINTENANCE	\$180.00
EAGLE UNIFORM SUPPLY	FLOOR MATS	\$226.47
EASTMAN, PATRICK	MILEAGE	\$28.80

EICHENBERGER, MELISSA	MILEAGE	\$325.00
EVANS, JULIE	MILEAGE	\$25.20
EVANSTON REGIONAL HOSPITAL	MEDICAL SERVICES	\$1,242.18
FARMER BROTHERS COFFEE	SUPPLIES	\$231.81
FASTENAL	SUPPLIES	\$68.43
FREMONT MOTORS - RAWLINS	VEHICLE MAINTENANCE	\$1,401.80
GOLDEN, MARY	MILEAGE	\$43.00
GREAT NORTH AMERICAN COMPANIES	SUPPLIES	\$348.80
HAGOOD, VICKI	MILEAGE	\$119.50
HEMOCUE	SUPPLIES	\$173.00
HERRING, LACEY	MILEAGE	\$23.50
HIGH PLAINS POWER	ELECTRICAL SERVICES	\$274.52
HILLCREST SPRING WATER, INC.	SUPPLIES	\$22.85
HILLTOP LUBE & AUTOMOTIVE	VEHICLE MAINTENANCE	\$54.00
HOBBS, WILBUR	LABOR/SUPPLIES	\$1,018.68
INBERG-MILLER ENGINEERS	MUSEUM PLANNING	\$15,093.24
J H KASPAR OIL COMPANY	FUEL	\$3,570.68
JACKALOPE PRINTING	SUPPLIES	\$220.89
JACK'S BODY & FENDER REPAIR	VEHICLE MAINTENANCE	\$75.00
JERRY'S DONUTS	SUPPLIES	\$29.97
KAR KRAFT INC	VEHICLE MAINTENANCE	\$1,053.49
KILBURN TIRE COMPANY	VEHICLE MAINTENANCE	\$3,292.54
KING SOOPERS CUSTOMER CHARGES	SUPPLIES	\$217.24
KIRSCH, ARCHIE P	COUNTY HEALTH OFFICER	\$2,500.00
KONE ELEVATORS ESCALATORS	ELEVATOR MAINTENANCE	\$1,556.50
L & L ELECTRIC	ELECTRICAL MAINTENANCE	\$805.64
MENDOZA, TERRI	INTERPRETATION SERVICES	\$25.00
MERBACK AWARD COMPANY	SUPPLIES	\$93.39
MOORE MEDICAL CORP.	SUPPLIES	\$345.95
MOSS, BARBARA	MILEAGE	\$57.30
MUDDY GAP TRAILER PARK	WATER SERVICES	\$90.00
MV IMAGING OF UTAH, LLP	MEDICAL SERVICES	\$159.00
NATIONAL BUSINESS SYSTEMS	PROPERTY TAX NOTICES	\$1,622.06
NEVE'S UNIFORMS	SHERIFF UNIFORMS	\$847.95
NORCO, INC.	FLOOR POLISHER	\$1,355.59
NOYES HEALTH CARE CENTER	HEALTH INSURANCE SUBSIDY	\$3,600.00
PDR ENTERPRISES, INC.	RENTAL ASSISTANCE	\$1,700.00
PERKINS OIL CO	OIL	\$133.70
PETE'S PLUMBING & CONTRACTING	PLUMBING REPAIRS	\$2,100.00
PHILLIPS 66-CONOCO-76	FUEL	\$941.79
QUILL CORPORATION	SUPPLIES	\$599.17
RAWLINS AUTOMOTIVE	PARTS	\$74.33
RAWLINS EYE CARE	VISION SERVICES	\$46.45
RICHARDSON, JILL	SUPPLIES/MEALS/POSTAGE	\$43.91
ROCKMOUNT RESEARCH	SUPPLIES	\$473.77
ROCKY MOUNTAIN POWER	ELECTRICAL SERVICES	\$5,907.07
ROSS' AUTOMOTIVE SERVICES	VEHICLE MAINTENANCE	\$577.78
RYAN ELECTRONICS INC	SERVICE CALL/RADIO INSTALL	\$464.27
S E D MEDICAL LABORATORY	DRUG TESTING	\$163.15

SANOFI PASTEUR, INC.	PH VACCINE	\$207.70
SARATOGA AUTO PARTS, INC.	SUPPLIES	\$132.06
SCHAEFFER MFG CO	OIL	\$1,235.80
SHARP BROS. SEED CO.	SUPPLIES	\$219.00
SHELL FLEET PLUS	FUEL	\$635.60
SHEPARD'S	FUEL	\$345.55
SHIVELY HARDWARE	SUPPLIES	\$14.27
SNAKE RIVER PRESS	NEWSPAPER ADS	\$240.00
SOURCE GAS	GAS SERVICES	\$6,842.90
SPECIALIZED PATHOLOGY CONSULTANTS	ROUTINE EXAMINATION	\$965.00
SPRINGSTEEN, MERLIE	RENTAL ASSISTANCE	\$200.00
STAPLES ADVANTAGE	SUPPLIES	\$1,192.81
STEPHENSON, LEE ANN	MILEAGE	\$38.40
SWISHER HYGIENE FRANCHISEE TRUST	SUPPLIES	\$65.00
TERMINIX	PEST CONTROL	\$231.00
TREVATHAN, SABRINA RPR	TRANSCRIPTION	\$1,702.40
TRUE VALUE OF RAWLINS	SUPPLIES	\$460.23
ULTRAMAX	SUPPLIES	\$1,159.00
VAN'S WHOLESALE LLC	SUPPLIES	\$665.85
WELLS, JACQUELIN	MEALS/MILEAGE	\$88.50
WEST PAYMENT CENTER	MONTHLY CHARGES	\$390.00
WILKERSON, JAMES A IV M.D.	ROUTINE AUTOPSY	\$1,040.00
WOLTERS KLUWER HEALTH	SUBSCRIPTION	\$87.50
WRECK-A-MEND	VEHICLE MAINTENANCE	\$261.00
WY BRAND INDUSTRIES	SUPPLIES	\$931.20
WY DEPT OF ENVIRONMENTAL QUALITY	ADMIN SKYLINE ACRES	\$150.00
WY DEPT OF TRANSPORTATION	ROAD MAINTENANCE	\$33.49
WY MACHINERY COMPANY	PARTS	\$5,959.36
WY STATIONERY	SUPPLIES	\$432.67
YOCUM, LEO	MILEAGE	\$24.00
GRAND TOTAL		\$160,820.02

## **CLERK**

### **Dixon Airport - Master Plan**

Clerk Bartlett asked Deputy Attorney Mike Kelly if he would like to reschedule a meeting to discuss the proposed Master Plan for the Dixon Airport. Deputy Attorney Kelly stated Airport Development Group (ADG) wanted to send the plan out and he thinks a meeting is necessary. Chairman Weickum stated the Wyoming Department of Transportation and the FAA should be invited. The BOCC agreed they would like a meeting before the end of the year.

## **Minutes**

Commissioner Chapman moved to approve the minutes of the October 18, 2011 regular meeting of the Board of Carbon County Commissioners as presented. Commissioner Paxton seconded and the motion carried unanimously.

## **Monthly Receipts**

Commissioner Chapman moved to accept Road & Bridge receipts for October 2011 in the amount of \$100.00. Commissioner Paxton seconded and the motion carried unanimously.

## **Bonds**

Commissioner Chapman moved to approve a bond for Robert L. Patton, Treasurer for Carbon County School District 2 in the amount of \$50,000.00; verification certificate and bond rider for Pam Paulson, from Treasurer to Town Treasurer / Clerk for the Town of Hanna; and bond for John C. Strand, Treasurer for Carbon County Predator Management District in the amount of \$5,000.00. Commissioner Paxton seconded and the motion carried unanimously.

## **Museum**

Clerk Bartlett presented Draw Down Request No. 2 for the Wyoming Business Council grant for the Museum Study at the Merrell Hill location.

Commissioner Chapman moved to approve Draw Down Request No. 2 for the Carbon County Museum Study grant in the amount of \$4,226.00. Commissioner Paxton seconded and the motion carried unanimously.

## **Skyline Acres**

Clerk Bartlett asked for authorization to pay Brisco a final payment in the amount of \$12,879.00 next week if no claims have been filed.

Commissioner Paxton moved to authorize final payment to Brisco for the Skyline Acres Project in the amount of \$12,879.00 contingent upon no claims being filed. Commissioner Chapman seconded and the motion carried unanimously.

## **Insurance**

Clerk Bartlett discussed the county dental and vision coverage and possibly changing from Ameritus to Meritain. She stated the out of pocket expenses could be raised from \$1,000.00 to \$1,500.00. She advised that the library and Medicine Bow Health are still on this plan and can stay on the plan until April at the same rate with Meritain. She asked the BOCC if they would like to make this change and stated the premium could be lowered slightly as employees could have a choice of dental and/or vision coverage and would be effective January 1, 2012. Commissioner Paxton stated he would like to pursue this plan and Chairman Weickum stated he had mixed emotions going from \$1,000.00 to \$1,500.00 out of pocket expenses. Clerk Bartlett stated the county can leave this as is but the standard recommended for this group size is \$1,500.00. The Commissioners agreed to look at the new plan.

## **Human Resources (HR) Office**

Clerk Bartlett advised there is water leaking in the wall in the HR Office and is causing issues. The BOCC asked Leroy Graham, Buildings Manager to get an estimate to have the same procedure that was done at the Jeffrey Center to prevent water from leaking in the building.

## **Monthly Receipts**

Commissioner Chapman moved to approve the statement of fees collected for October 2011 for the County Clerk in the amount of \$14,759.00. Commissioner Paxton seconded and the motion carried unanimously.

## **ELECTED OFFICIALS / DEPARTMENT HEADS**

### **Attorney**

Deputy Attorney Kelly advised he has worked with Mr. Graham and they have prepared and finalized the scope of work for the Dixon Airport with GDA Engineers who will be making application for federal and state grants.

Deputy Attorney Kelly advised that a request has been received from the University of Wyoming to enter into an agreement with them for cloud seeding and to use the maintenance building, runway and strip at the Dixon Airport at no fee. He advised this will start January 3 and he will keep the BOCC updated as he receives additional information.

### **Coroner**

County Coroner, Paul Zamora reported the annual Coroner's conference will be held in Rawlins November 9 through 11.

Mr. Zamora requested authorization to purchase a self raising cot as it is becoming increasingly difficult for him to lift patients alone. The cost is \$11,450.00. The BOCC agreed to allow the purchase from Mr. Zamora's budget noting he would likely need a budget amendment at the end of the year.

### **Assessor**

County Assessor, Sheryl Snider presented abates and rebates for the Chairman's signature. She reported the total increase in assessed value is \$4,434,511.00.

### **Road & Bridge**

Road & Bridge Superintendent, Bill Nation reported on equipment repair and maintenance, culvert repair on County Road 701, culvert cleaning on County Road 211, a bridge patching job on County Road 291, and cleaning cattle guards and other culverts.

Mr. Nation discussed a speed limit trailer noting it would cost approximately \$6,500.00 - \$8,000.00. Mr. Nation noted that he feels the Sheriff's Office should purchase and maintain the sign.

## **RECESS**

Chairman Weickum called a recess at 10:37 a.m. and reconvened at 11:00 a.m.

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

LaMar Wyse, acting Chief Executive Officer and Brenda Rees, Chief Financial Officer discussed the hospital's financial status and collections. Net revenue after contractual adjustments is reported at \$2,135,000.00 with expenses of \$2,081,000.00. Year to date, Ms. Rees stated the gross is \$8,914,000.00 with a net of \$5,859,000.00 with expenses of \$6,375,000.00 for a net loss. Chairman Weickum asked Ms. Rees to continue updates on the billing issues.

Mr. Wyse stated he feels progress is being made on the billing issues and that cost control is a short-term measure they are working on as well as more long-term revenue options including trying to bring in more sub-specialists.

Mr. Wyse discussed the mandate to move towards an electronic health record noting an approximate cost of \$500,000.00. He also discussed the possibility of forming a hospital district. Chairman Weickum discussed the current healthcare districts and that he feels the ultimate solution for MHCC is a hospital district.

Chairman Weickum discussed a hospital forum that the Wyoming County Commissioners Association is hosting later this month and invited the hospital board to attend.

Commissioner Paxton asked if Mr. Wyse has addressed the morale issue with MHCC employees. He replied there are ongoing efforts to improve this. David Cesko, MD of the MHCC Board noted morale has improved. Commissioner Paxton asked for a report on construction at the next meeting.

## **BRIDGE IN CARBON COUNTY**

Pat O'Toole requested an update on the bridge that will be constructed by his ranch. He stated he requested an attorney contact the county's attorney regarding the request for bids.

Mr. Nation stated that the timeline for the Battle Creek Bridge replacement is that a preconference meeting is tomorrow at 10:00 a.m. here at the Courthouse with bidding procedures and a bid due to the Commissioners by November 10 with the bids being opened November 15 and awarded shortly thereafter. After award, he expects an early December contract to be executed with the successful bidder. A scrap bridge will be removed with a temporary bridge being placed. The scrap bridge will be bid out per county policy and the successful bidder will have 48 hours from notification to remove the bridge. He stated the new bridge would then be constructed. He stated the whole project should be completed by the end of December if all goes well and dependent on the weather. He stated the road may be temporary closed but they are planning to borrow a temporary bridge that should lessen any closures.

Mr. O'Toole stated his concern about the river and that with a lot of movement of the cobble in the river the fishing may not be as good for quite a long time afterwards and he asked for this to be minimized. Gary Steele of PMPC stated the only disturbance would be the movement of a crane across the water. He stated that if he can facilitate making the replacement easiest he is happy to negotiate that.

Chairman Weickum stated that after requesting to use .28 acres of the O'Toole's land and that Ms. O'Toole offered \$10,000.00 for use of this, the county has chosen not to use this land and replace the bridge within the right-of-way. Mr. O'Toole stated that the county's contractor looked at the site and

told Mr. O'Toole the bridge would be given to the contractor. Chairman Weickum stated that at this point the arrangements have been made to build the bridge within the right-of-way. Commissioner Paxton asked if the intention would be to remove the scrap bridge and keep it in tact. Mr. Steele stated it would depend on the size of the equipment if the contractor would be able to lift it all at once and this would be dictated by cost.

Ms. O'Toole stated that Chairman Weickum's understanding of the conversation was not accurate and that the original request was that in exchange for a larger easement that they be given the old bridge. There was further discussion of the means to dispose of the scrap bridge and Chairman Weickum stated he could not think of a fairer way to dispose of the bridge than to put it out for bid. Deputy Attorney Kelly stated that he was asked to draft a written agreement to begin negotiations however he did not feel that would be a good use of his time to draft an agreement because of the high amount of the offer.

### **RECESS**

Chairman Weickum recessed for lunch at 11:41 a.m. and reconvened at 1:30 p.m.

### **PLANNING & ZONING**

#### **Public Hearing - C.U. Case File No. 2011-02**

Chairman Weickum opened a public hearing at 1:30 p.m. to hear Planning & Zoning C.U. Case File No. 2011-02. Tom Powell of the Planning & Development Department presented C.U. Case File No. 2011-02 – PMPC (Applicant) and Town of Elk Mountain (Owner's) request for a Conditional Use Permit in the Ranching, Agriculture, Mining (RAM) Zone District to permit construction and installation of a replacement water supply well, water storage and a control building for the Town of Elk Mountain on approximately 0.25 acres. Chairman Weickum called for comments for or against this matter. Deputy Attorney Kelly stated that a few months back the Commissioners were asked to abandon an easement and this is the project area. Mr. Steele agreed. There being no further comments Chairman Weickum closed the public hearing at 1:39 p.m.

Commissioner Paxton moved to approve Planning & Zoning C.U. Case File No. 2011-02, PMPC (Applicant) and Town of Elk Mountain (Owner's) request for a Conditional Use Permit for public utilities and facilities in the Ranching, Agriculture, Mining (RAM) Zone District to permit construction and installation of a replacement water supply well, water storage and a control building on approximately 0.25 acres and approve Resolution No. 2011-25, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding C.U. Case File No. 2011-02 . Commissioner Chapman seconded and the motion carried unanimously.

#### **Resolution No. 2011 - 25**

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

#### **C.U. Case File #2011-02**

**WHEREAS**, pursuant to the Carbon County Zoning Resolution of 2003, as amended, and Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on October 3, 2011, which said hearing was advertised by public notice at least within 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 Board of County Commissioners pursuant to the Carbon County Zoning Resolution of 2003 as amended for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Board of County Commissioners, pursuant to the Carbon County Zoning Resolution of 2003, as amended and Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation; advertised by public notice at least 14 days prior to a public hearing to take public input and comments which said hearing occurred on November 1, 2011; and

**WHEREAS**, at said public hearing, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed amendment(s); and

**WHEREAS**, the Carbon County Board of County Commissioners in considering said application have also reviewed and considered the Carbon County Comprehensive Land Use Plan; and the Carbon County Zoning Resolution of 2003, as amended, specifically, Section 5.6, Conditional Use Permits; and

**WHEREAS**, the Carbon County Board of County Commissioners have determined that the proposed amendment is in general conformance with the Carbon County Comprehensive Land Use Plan and the Carbon County Zoning Resolution of 2003, as amended 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 Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the following Conditional Use Permit application.

**C.U. Case #2011-02 – PMPC (Applicant) and Town of Elk Mountain (Owner):** Request for a Conditional Use Permit for public utilities and facilities in the Ranching, Agriculture, Mining (RAM) Zone District to permit the following: construction and installation of a replacement water supply well, water storage and a control building for the Town of Elk Mountain.

**Parcel Number:** To be determined.

**Legal Description:**

A parcel of land located in the East ½ of Section 20, T20N, R80W, 6<sup>th</sup> P.M., Carbon County, Wyoming, containing a total area of 0.25 acres, more or less.

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

**Conditions of Approval:**

NONE. See companion file: Setback Variance Case #2011-02.

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

1. That the Carbon County Board of County Commissioners, hereby approve this CUP-Conditional Use Permit as certified to them in writing by the Carbon County Planning and Zoning Commission regarding the Conditional Use Permit (C.U. Case #2011-02) for public utilities and facilities on approximately 0.25 acres in the Ranching, Agriculture, Mining (RAM) Zone.

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

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 1st day of November, 2011.

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

By: -s- Terry Weickum, Chairman  
-s- Jerry D. Paxton, Vice Chair  
-s- Leo Chapman, Member

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

**Public Hearing – Sub Case File No. 2011-02**

Chairman Weickum opened a public hearing at 1:42 p.m. to hear Planning & Zoning SUB Case File No. 2011-02. Mr. Powell presented SUB Case File No. 2011-02 – Old Baldy Corporation’s request for minor subdivision approval to create two lots, Lot 1 = 26.27 acres and Lot 2 = 7.23 acres, the “Bennett Minor Subdivision” encompasses approximately 33.50 acres. He noted the project area lays in the 1 mile buffer zone therefore requiring approval by both the Town of Saratoga and the County Commissioners. Chairman Weickum called for comments for or against this matter. There being no comments Chairman Weickum closed the public hearing at 1:46 p.m.

Commissioner Chapman moved to approve Planning & Zoning SUB Case File No. 2011-02, Old Baldy Corporation’s request for minor subdivision approval to create two lots, Lot 1 = 26.27 acres and Lot 2 = 7.23 acres in the “Bennett Minor Subdivision” encompassing approximately 33.50 acres and approve Resolution No. 2011-26, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding SUB Case File No. 2011-02 . Commissioner Paxton seconded and the motion carried unanimously.

**Resolution No. 2011 - 26**

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

**SUB Case File #2011-02**  
**“Bennett Minor Subdivision”**

**WHEREAS**, pursuant to Wyo. Stat. Ann. §18-5-307, as well as the requirements of Section 2.10.02 (2) and (3) of the Subdivision Regulations of Carbon County, the Carbon County Planning and

Zoning Commission held a public hearing on October 3, 2011, which said hearing was advertised by public notice; 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 Board of County Commissioners to approve "Bennett Minor Subdivision" pursuant to the Carbon County Subdivision Regulations, as amended, for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Board of County Commissioners, pursuant to Wyo. Stat. Ann. §18-5-301 and Section 2.10.02 (4) of the Carbon County Subdivision Regulations, and after receipt of said certified recommendation for approval of the final plat, "Bennett Minor Subdivision", advertised by public notices on October 12, 2011, and October 26, 2011, to take public input and comments which said hearing occurred on November 1, 2011; and

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

**WHEREAS**, the Carbon County Board of County Commissioners in considering the said proposed final plat "Bennett Minor Subdivision" have also reviewed and considered the Carbon County Comprehensive Land Use Plan; and acknowledged that the "Bennett Minor Subdivision" borders the Town of Saratoga; and

**WHEREAS**, the Carbon County Board of County Commissioners have determined that the proposed final plat "Bennett Minor Subdivision" is in general conformance with the Carbon County Comprehensive Land Use Plan and the Final Plat has been reviewed and signed by the Town Council of Saratoga representatives 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 Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the proposed final plat "Bennett Minor Subdivision".

**SUB Case File #2011-02 – Old Baldy Corporation (Applicant and Owner) “Bennett Minor Subdivision”**: Request to present the "Bennett Minor Subdivision" Final Plat for Subdivision Review. The development will consist of two (2) lots and will contain primarily residential activities on approximately 33.50 acres, more or less. The "Bennett Minor Subdivision" borders the Town of Saratoga.

**Access:**

Access to the site is from Carbon County Road #504 (Pic Pike Road) or Cemetery Road.

**Water, Septic, and Electricity:**

An existing water line is adjacent to the lot and water will be provided by the Town of Saratoga. The applicant is proposing on-site waste water treatment\septic system that will require a State-WDEQ septic permit. Electricity is provided by Carbon Power and Light.

Building permits will be issued by the Town of Saratoga.

**Additional Findings and Conditions:**

NONE.

**Note:**

The Project lies within the 1 mile "buffer zone" around the Town of Saratoga that was established in July 1997 with Resolution 97-6. The project location is zoned by the Town of Saratoga.

**NOW THEREFORE BE IT RESOLVED BY THE**

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

1. That the Carbon County Board of County Commissioners, hereby approves this final plat “Bennett Minor Subdivision” 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 1st day of November, 2011.

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

By: -s- Terry Weickum, Chairman  
-s- Jerry D. Paxton, Vice Chair  
-s- Leo Chapman, Member

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

The final plat was also signed.

**Public Hearing – Z.C. Case File #2011-04**

Chairman Weickum opened a public hearing at 1:49 p.m. to hear Planning & Zoning Z.C. Case File #2011-04. Mr. Powell presented Z.C. Case File #2011-04 - Cody F. McKee and Frankie McKee’s request for a Zone Change from Ranching Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA) encompassing approximately 5.616 acres. Chairman Weickum called for comments for or against this matter. Chairman Weickum asked if the flood plane had to be crossed for ingress/egress and Mr. Powell replied no. There being no further comments Chairman Weickum closed the public hearing at 1:56 p.m.

Commissioner Chapman moved to approve Planning & Zoning Z.C. Case File #2011-04 – Cody F. McKee and Frankie McKee’s request for a Zone Change from Ranching Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA) encompassing approximately 5.616 acres located in the “McKee Minor Subdivision” off Highway 70 near Slater Colorado and approve Resolution No. 2011-27 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding Z.C. Case File No. 2011-04. Commissioner Paxton seconded and the motion carried unanimously.

**Resolution No. 2011 - 27**

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

**Z.C. Case File #2011-04**

**WHEREAS**, pursuant to Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on October 3, 2011, which said hearing was advertised by public notice at least thirty (30) days prior to hearing; and

**WHEREAS**, at the October 3, 2011, 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 public hearing(s); and

**WHEREAS**, at the conclusion of said October 3, 2011, public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners to adopt the change(s) as an amendment to the Carbon County Official Zoning Map for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Board of County Commissioners, pursuant to Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation of this amendment(s) to the Carbon County Official Zoning Map, advertised by public notice at least 14 days prior to a public hearing to take public input and comments on the proposed amendment(s), which said hearing occurred on November 1, 2011; and

**WHEREAS**, at said public hearing, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed amendment(s); and

**WHEREAS**, the Carbon County Board of County Commissioners in considering said amendment(s) have also reviewed and considered the Carbon County Comprehensive Land Use Plan; and the Carbon County Wyoming Zoning Resolution of 2003, as amended; and

**WHEREAS**, the Carbon County Board of County Commissioners have determined that the proposed amendment(s) is in general conformance with the Carbon County Comprehensive Land Use Plan and the applicable provisions of the Carbon County Zoning Resolution of 2003, as amended; and otherwise promotes the health, safety and general welfare of the residents of Carbon County; and

**WHEREAS**, at a regularly scheduled meeting of the Carbon County Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the following amendment(s) to the Carbon County Official Zoning Map.

**Z.C. Case File #2011-04 – Cody F. McKee and Frankie McKee (Applicant and Owners):** Zone change request from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA) encompassing approximately 5.616 acres. Tract “A” located in the “McKee Minor Subdivision” (See Minor Subdivision Case #2011-03). The RRA Zone is intended to be applied in areas of the County which are particularly suited to large lot development that allow both agricultural and residential uses.

**Legal Description:**

A parcel of land located in Lots 3 and 4 of Section 13, T12N, R89W of the 6<sup>th</sup> P.M., Carbon County, Wyoming and being more particularly described as follows: Beginning at the intersection of the south line of said Section 13 and the east Right-of-Way line of County Road, said point is also on the south line of the State of Wyoming, lying N89°58'14"E, 1317.59 feet from Mile Post 174; thence along said south line N89°58'14"E, 951.28 feet; thence N43°22'08"W, 536.03 feet to a point on the south Right-of-Way line of State Highway No. 70; thence along said Right-of-Way line the following four (4) courses: 1) 417.43 feet along the arc of a non-tangent curve to the right having a radius of 577.47 feet and a central angle of 41°25'00" the chord of which bears S65°02'02"W, 408.40 feet; 2) S85°44'32"W, 104.90 feet; 3) N04°15'28"W, 25.00 feet; 4) S85°44'32"W, 449.50 feet to the intersection with the east Right-of-Way line of said County Road; thence along said east Right-of-Way line the following two (2) courses: 1) S79°30'28"E, 127.07 feet; 2) 293.11 feet along the arc of a curve to the right having a radius of 290.00 feet and a central angle of 57°54'38" the chord of which bears S50°33'09"E, 280.79 feet to the point of beginning. Containing 5.616 acres more or less. The south line of the State of Wyoming is

considered to bear N89°58'14"E between Mile Post 174 and Mile Post 173 (both are G.L.O. Brass Caps).

**Parcel Number:** 12891230000700

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

1. That the Carbon County Board of County Commissioners, hereby adopt this amendment(s) as certified to them in writing by the Carbon County Planning and Zoning Commission and the existing zone shall be changed from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA) for Tract "A" located in the McKee Minor Subdivision. Tract "A" encompasses approximately 5.616 acres.

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 1st day of November, 2011.

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

By: -s- Terry Weickum, Chairman  
-s- Jerry D. Paxton, Vice Chair  
-s- Leo Chapman, Member

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

**Public Hearing – SUB Case File No. 2011-03**

Chairman Weickum opened a public hearing at 2:01 p.m. to hear Planning & Zoning SUB Case File No. 2011-03. Mr. Powell presented the case - Cody F. McKee and Frankie McKee's request to create one parcel, Tract A = 5.616 acres, the "McKee Minor Subdivision" encompasses approximately 5.616 acres. Chairman Weickum called for comments for or against this matter. Mr. Powell stated staff and the Commission voted unanimously to approve the subdivision. There being no comments Chairman Weickum closed the public hearing at 2:01 p.m.

Commissioner Chapman moved to approve SUB Case File No. 2011-03 - Cody F. McKee and Frankie McKee's request to create one parcel, Tract A = 5.616 acres located in the "McKee Minor Subdivision" and Resolution No. 2011-28, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding SUB Case File No. 2011-03. Commissioner Paxton seconded and the motion carried unanimously

**Resolution No. 2011 - 28**

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

**SUB Case File #2011-03  
"McKee Minor Subdivision"**

**WHEREAS**, pursuant to Wyo. Stat. Ann. §18-5-307, as well as the requirements of Section 2.10.02 (2) and (3) of the Subdivision Regulations of Carbon County, the Carbon County Planning and Zoning Commission held a public hearing on October 3, 2011, which said hearing was advertised by public notice; 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 Board of County Commissioners to approve “McKee Minor Subdivision” pursuant to the Carbon County Subdivision Regulations, as amended, for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Board of County Commissioners, pursuant to Wyo. Stat. Ann. §18-5-301 and Section 2.10.02 (4) of the Carbon County Subdivision Regulations, and after receipt of said certified recommendation for approval of this subdivision plat “McKee Minor Subdivision”, advertised by public notices on October 12, 2011, October 26, 2011, and October 28, 2011, to take public input and comments which said hearing occurred on November 1, 2011; and

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

**WHEREAS**, the Carbon County Board of County Commissioners in considering the said proposed subdivision plat “McKee Minor Subdivision” have also reviewed and considered the Carbon County Comprehensive Land Use Plan; and acknowledged that the “McKee Minor Subdivision” is located approximately 3.5 miles east of Savery, Wyoming, between HWY 70 and the state line, near Slater, Colorado; and

**WHEREAS**, the Carbon County Board of County Commissioners have determined that the proposed subdivision plat “McKee Minor Subdivision” is in general conformance with the Carbon County Comprehensive Land Use Plan and the Final Plat has been reviewed 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 Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the proposed subdivision plat “McKee Minor Subdivision”.

**SUB Case File #2011-03 – Cody F. McKee and Frankie McKee (Applicants and Owners) “McKee Minor Subdivision”**: Request to present “McKee Minor Subdivision” Final Plat for Subdivision Review. The development will consist of one (1) lot/tract and will contain primarily residential activities on 5.616 acres, more or less. The “McKee Minor Subdivision” is located approximately 3.5 miles east of Savery, Wyoming, between HWY 70 and the state line, near Slater, Colorado.

**Access:**

Access to the site is gained from State HWY 70 and a public right-of-way to the west.

**Water, Septic, and Electricity:**

An on-site well, septic, and electricity are all provided to an existing house.

**Additional Findings and Conditions:**

NONE.

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

1. That the Carbon County Board of County Commissioners, hereby approves this subdivision plat “McKee Minor Subdivision” 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 1st day of November, 2011.

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

By: -s- Terry Weickum, Chairman  
-s- Jerry D. Paxton, Vice Chair  
-s- Leo Chapman, Member

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

The final plat was also signed.

**RECESS**

Chairman Weickum called a recess at 2:07 p.m. and reconvened at 2:27 p.m.

**CLERK**

**Savery Creek Bridge**

Commissioner Chapman moved to approve Application for Payment #3 in the amount of \$8,561.04 for Reiman Corporation related to the Savery Creek Bridge Project. Commissioner Paxton seconded and the motion carried unanimously.

**Insurance**

Commissioner Paxton moved to enter into the TelaDoc Service Agreement contingent on Deputy Attorney Kelly’s favorable review and to allow the Chairman to sign the agreement after review. Commissioner Chapman seconded and the motion carried unanimously.

**FAIR BOARD**

John Cowdin and Jim Miller of the Fair Board discussed a dilemma for funding because the Cooperative Extension Office (CES) has told them they will no longer perform some of the duties related to the Fair therefore the Fair Board secretary will have to perform these duties.

The men said CES no longer wants to take entries. Chairman Weickum clarified that CES and the Fair Board will be meeting in the future and he asked if that meeting will solve these issues. The men stated they hope the meeting will solve some issues. Commissioner Paxton stated he heard more complaints about the fair this year than ever and there seems to be a disconnect between the Fair, the leaders, and CES, for example locking the fair office. Commissioner Paxton asked if it would be appropriate if one or more Commissioners were present at the upcoming joint meeting and the men agreed.

The Commissioners asked the Fair Board to try to promote the multipurpose facility so that individuals outside the agricultural community know it exists and it is available to be used for a wide variety of things.

### **EXECUTIVE SESSION**

Commissioner Paxton moved to go into executive session at 3:13 p.m. with Deputy Attorney Mike Kelly, Clerk Bartlett, John Cowdin, Jim Miller, Anna Helm, Ray Barkhurst, and Bill Dahlke to discuss personnel and other matters considered confidential by law. Commissioner Chapman seconded and the motion carried unanimously.

Commissioner Paxton moved to come out of executive session at 3:34 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Chapman seconded and the motion carried unanimously.

### **COMMISSIONERS DISCUSSION**

Commissioner Paxton stated he recently attended an industry meeting. He also reported he will be attending an EMCC meeting in Casper. Commissioner Chapman reported that transportation bills were discussed with the interim committee such as an increase of vehicle registration. He also looked at properties in Carbon County with the Economic Development Center and another individual that may be available for business development.

### **ADJOURNMENT**

Commissioner Paxton moved to adjourn the meeting at 3:53 p.m. Commissioner Chapman seconded and the motion carried unanimously.

-s- Gwynn G. Bartlett, Carbon County Clerk

Approved this 15th day of November 2011

BOARD OF COUNTY COMMISSIONERS  
CARBON COUNTY, WYOMING

-s- Terry Weickum, Chairman