

**MINUTES OF THE BOARD OF  
CARBON COUNTY COMMISSIONERS  
REGULAR MEETING  
Tuesday, April 8, 2008  
County Courthouse, Rawlins, Wyoming**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, April 8, 2008 at the County Courthouse in Rawlins, Wyoming. Attending the meeting were Chairman Terry Weickum, Commissioners Jerry Paxton and James Elliott; County Clerk Gwynn Rothenberger; County Attorney Cindy DeLancey and Deputy Clerk Kathy Turner.

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

**VOUCHERS**

The following vouchers were presented and approved for payment:

ALCO	SUPPLIES	12.44
ALSCO, AMERICAN LINEN	SUPPLIES	188.23
ARLINGTON OUTPOST	REPAIRS/FUEL	63.10
BANK OF COMMERCE	ACH FEE	30.00
BANK OF COMMERCE	TRAVEL/FUEL/TRNG/SUPPLIES/LODGING	2,660.94
BARTLETT, SUE RN	MILEAGE	184.09
BEHAVIORAL INTERVENTION	MONITORING SERVICES	91.93
BEST WESTERN COTTONTREE	LODGING	630.00
BI-RITE PHARMACY	RX'S	211.28
BLACK HILLS AMMUNITION	AMMUNITION	189.50
BOB BARKER COMPANY	SUPPLIES	1,537.71
BOUGERE, LIBBY	FACILITATOR FEES	480.00
BRESNAN COMMUNICATIONS	TV/ONLINE	704.33
BUFFALO CREEK PSYCHOLOGY	PRE-EMPLOYMENT EVALUATION	450.00
BUILD RITE LUMBER SUPPLY	SUPPLIES/UPS CHARGE	162.15
BUSEY, SHARALEE	TRAVEL EXPENSES	196.96
CARBON COUNTY SENIOR	4TH QTR MATCHING FUNDS	57,500.00
CARBON COUNTY STRIKE	MEALS	109.65
CARBON COUNTY VETERINARY	SUPPLIES	42.67
CARBON MERCANTILE CO	SUPPLIES	199.92
CARBON POWER & LIGHT	ELECTRICAL SERVICE	938.34
CASPER WINNELSON CO	SUPPLIES	105.60
CBM FOOD SERVICE	JAIL FOOD	11,264.29
CDW GOVERNMENT, INC.	SUPPLIES	1,347.99
CENTURYTEL	PHONE SERVICES	145.28
CESKO, DAVID MD	MEDICAL SERVICES	510.00
CHEMSEARCH	SUPPLIES	294.47
COAL BED METHANE COALITION	MEMBERSHIP	10,000.00
COAST TO COAST SOLUTIONS	SUPPLIES	164.32
COMMUNITY INTERVENTION	SUPPLIES	714.45
CONNELL RESOURCES	DIXON AIRPORT	21,428.45
CONOCOPHILLIPS	FUEL	59.88
CORPORATE EXPRESS	SUPPLIES	1,139.48
CSK AUTO, INC.	SUPPLIES	136.02
CUSTOM VINYL SIGNS	LOGO SETS	750.00
DAILY TIMES	ADVERTISING	1,472.44
DEEP SWEEP INC.	CLEANING SERVICES	37.50
DELEON, JOHN	LEGAL SERVICES	2,407.00
DELL MARKETING L.P.	COMPUTER/SUPPLIES	912.68
DUBOIS TELEPHONE EXCHANGE	PHONE SERVICES	95.94
EAGLE UNIFORM SUPPLY	SUPPLIES	176.43
ELK MOUNTAIN VOLUNTEER FD	FUEL	433.11
ELLIOTT, JAMES E JR	MILEAGE	252.08
ERICKSON & ROBERTS	LEGAL SERVICES	7,419.58
FARMER BROTHERS COFFEE	SUPPLIES	377.48
FEDEX	FEDEX TO ADG	28.50
FIREHOUSE MAGAZINE	SUBSCRIPTION	29.95
FIRST	TRAINING SUPPLIES	260.00
FREMONT MOTORS-RAWLINS	SUPPLIES/VEHICLE REPAIRS	347.68
FSH COMMUNICATIONS	COURTHOUSE PAY PHONE	70.00

GALLS INCORPORATED	SUPPLIES	44.95
GAMBLIN, THOM	LOVE & LOGIC INSTRUCTOR	617.99
GASES PLUS	SUPPLIES	1,124.14
GODANDI	POSTAGE FOR ASSESSMENT	4,030.00
GOSVENOR, MAXINE	MILEAGE	230.92
GRANT WRITING USA	GRANT WRITING WORKSHOP	425.00
GRAPHIC SPORTS	SUPPLIES	590.00
GREINER FORD	CORONER VEHICLE	27,295.00
HACK'S TACKLE	LABOR	25.00
HAGOOD, VICKI	MILEAGE	177.56
HEALTHY U EDUCATORS	CPR TRAINING	300.00
HEIMAN FIRE DEPARTMENT	SUPPLIES	875.05
HENKE MANUFACTURING	PARTS	455.65
HETTGAR, BRIDGET M RN	SUPPLIES	14.36
HIGH PLAINS POWER	ELECTRICAL SERVICE	282.74
HIGH PLAINS VISION CENTER	VISION SERVICES	200.00
HILLCREST SPRING WATER	SUPPLIES	101.75
HILLTOP CONOCO	FUEL	177.00
HOLIDAY INN - CHEYENNE	MOTEL & FOOD	176.85
HYLAND ENTERPRISES, INC.	SUPPLIES	38.70
IKON FINANCIAL SERVICES	RENT	4,590.48
IKON OFFICE SOLUTION	SUPPLIES/RENT	1,382.57
INGENIX	SUBSCRIPTIONS	146.93
J H KASPAR OIL COMPANY	FUEL	5,328.76
JACK'S BODY & FENDER	VEHICLE REPAIRS	3,333.65
JACKALOPE PRINTING	SUPPLIES	1,081.85
JERRY'S DONUTS	SUPPLIES	17.98
JOURNAL WATCH	SUBSCRIPTION	129.00
JUVE, JANE H	LEGAL SERVICES	7,068.18
KAR KRAFT INC	VEHICLE MAINTENANCE/REPAIRS	1,007.61
KILBURN TIRE COMPANY	VEHICLE REPAIRS/MAINTENANCE	148.26
KNAPP SUPPLY & EQUIPMENT	SUPPLIES	368.56
KROGER - KING SOOPERS	SUPPLIES	31.24
KROGER-RAWLINS	RX'S	236.18
L & L ELECTRIC	SUPPLIES	125.43
L N CURTIS & SONS	SUPPLIES	1,597.76
LAWSON PRODUCTS INC	SUPPLIES	330.56
LINCOLN PRINTING PLUS	SUPPLIES	378.86
LIONBERGER, KIM	PRENATAL CLASSES	200.00
LORMAN EDUCATION SERVICES	TRAINING/CLASSES	1,017.00
MADDOX, TROY	MEALS	20.77
MCI COMMERCIAL SERVICES	PHONE SERVICE	14.54
MCMURRY READY MIX	COUNTY ROADS 1 & 3	431,550.00
MEDICINE BOW, TOWN OF	WATER & SEWER	53.00
MEMORIAL HOSPITAL	MEDICAL SERVICES	11,457.75
MERCH & COMPANY INC.	VACCINES	1,508.51
MODERN ELECTRIC COMPANY	ELECTRICAL WORK-DIXON AIRPORT	13,186.60
MOELLER, MARIE	CLEANING SERVICES	258.00
MOORE MEDICAL CORP.	SUPPLIES	366.13
MPM CORP / EVERGREEN	GARBAGE SERVICE	85.00
MUNSON, LUKE	MILEAGE	20.24
MURANE & BOSTWICK	LEGAL SERVICES	145.43
NATIONAL BUSINESS	OFFICE FURNITURE	3,264.30
O'BRIEN, KEVIN	MILEAGE/FACILITATOR FEE	906.60
OFFICE DEPOT	SUPPLIES	513.42
P M P C ENGINEERING	SEMINOE BOAT CLUB ROAD	2,802.00
PAGE ONE	PAGER SERVICES	275.72
PAMIDA INC	SUPPLIES	27.40
PERUE PRINTING	SUPPLIES	16.55
PHILLIPS 66	FUEL	659.06
PITNEY BOWES	RENTAL CHARGES	408.00
PITNEY BOWES INC	SUPPLIES	338.27
PLAINSMAN PRINTING & SUPPLY	SUPPLIES	674.07
PLATTE VALLEY MEDICAL	MEDICAL SERVICES	120.00
PRO-CHEM INDUSTRIAL,	SUPPLIES	144.50
PROFESSIONAL OXYGEN	REGULATOR FOR FIRE DEPT	495.66
PROJECT PREVENTION	COMMUNICATIONS/WAGES	1,011.44

PUBLIC SAFETY CENTER	SUPPLIES	135.00
QUALITY INN	JUROR ROOM	138.00
QUESTAR GAS	GAS SERVICES	149.03
QUILL CORPORATION	SUPPLIES	183.65
QWEST-DENVER	PHONE SERVICE	64.01
QWEST-KENTUCKY	PHONE SERVICE	545.32
RAWLINS AUTOMOTIVE	SUPPLIES	2,362.93
RAWLINS EYE CARE	VISION SERVICES	785.00
RAWLINS FAMILY MEDICAL	MEDICAL SERVICES	200.00
RAWLINS GLASS	GLASS REPAIRS/SUPPLIES	2,015.80
RAWLINS, CITY OF	WATER SERVICE	767.30
RELIABLE	SUPPLIES	173.72
RI TEC INDUSTRIAL PRODUCTS	SUPPLIES	375.00
RICHARD S BECKER & ASSOC	LEGAL SERVICES	2,600.72
ROCKMOUNT RESEARCH	SUPPLIES	338.08
ROCKY MOUNTAIN POWER	ELECTRICAL SERVICE	3,903.71
ROSS' AUTOMOTIVE SERVICE	SUPPLIES	501.59
RYAN ELECTRONICS INC	SUPPLIES	52.50
SARATOGA AUTO PARTS	BATTERIES/PARTS	614.77
SARATOGA DO IT BEST	BLDG SUPPLIES/SUPPLIES	125.89
SARATOGA SUN	ADVERTISING	1,839.13
SHELL FLEET PLUS	FUEL	49.00
SHIVELY HARDWARE	SUPPLIES	44.61
SMITH TRANSFER & STORAGE	MOVE SARATOGA OFFICE	600.00
SMITH, SUSAN	MILEAGE	17.48
SNAKE RIVER PRESS	LEGAL ADS	258.00
SNAP-ON TOOLS	TOOLS	32.05
SNOWY RANGE PROPANE-	PROPANE	820.82
SOURCE GAS	GAS SERVICE	18,520.69
SPAN PUBLISHING, INC	SUPPLIES	1,072.80
SPORTSMAN'S SERVICE	SHOTGUN	622.70
STAN'S QUIK LUBE	VEHICLE MAINTENANCE	39.44
STATE OF WYOMING A & I	BLUE ZONE/JURY LIST	26.00
SWEETWATER COUNTY	CONFERENCE FEES	600.00
TASER INTERNATIONAL	HOLSTER	125.92
TERMINIX	PEST CONTROL	185.00
TK'S BUGS N' STUFF	PEST CONTROL	81.25
TRADEMARK GRAPHICS	SUPPLIES	90.80
TREVATHAN, SABRINA R	TAPE & CD TRANSCRIPTS	1,110.80
TRIBCSP.COM	E-MAIL ACCOUNT	2.00
TRIPLE XXX CONTRACTING	GARBAGE SERVICES	45.00
TRUE VALUE OF RAWLINS	SINKS & FAUCET/SUPPLIES	1,711.27
U S BANK	TRAVEL EXPENSES	306.25
U W C E S	WAGES	1,721.00
UNION TELEPHONE COMP	CELL PHONE SERVICE/PHONE SERVICE	682.94
UNIVERSITY OF WYOMING	SOFTWARE	115.40
VALLEY OIL COMPANY	FUEL	2,323.51
VALLEY PHARMACY	RX'S	282.68
VAN'S WHOLESALE	SUPPLIES	844.40
VERIZON WIRELESS	CELL PHONE SERVICE	542.88
WAEMSA	1ST RESPONDER BOOKS	1,284.86
WASHBOARD, THE	LAUNDRY	26.06
WEST PAYMENT CENTER	SUBSCRIPTIONS	813.63
WEST WINDS BAKERY	SUPPLIES	10.00
WIANT, JAMES	GRAVEL PERMIT #425	500.00
WILSON, MARGARET	SEWING	9.00
WY ATTORNEY GENERAL	CONFERENCE FEES	120.00
WY DEPTOF FAMILY SVCS	SUPPLIES	23.46
WY DEPART OF TRANS	LASER TITLES	1,931.80
WY DIESEL SERVICE	PARTS	623.78
WY MACHINERY COMPANY	SUPPLIES	1,646.00
WY SECRETARY OF STATE	CERT OF EXISTENCE	3.00
WY STATE BAR	JOB POSTING/STATE BAR DIRECTORIES	249.00
WY STATIONERY	BACK-UPS/SUPPLIES	5,471.10
WY TREASURER'S ASSOC	ANNUAL DUES	100.00
WY WASTE SERVICES-RAWLINS	GARBAGE SERVICES	668.65
WYOMING BOYS INDUSTRY	ROOF REPAIRS/SUPPLIES/PARTS	1,738.00

XEROX CORPORATION	SUPPLIES/COPIER CHARGES	1,065.15
XEROX CORPORATION	BASE CHARGE	614.49
YAMPA VALLEY ELECTRIC	ELECTRICAL SERVICE	548.86
	GRAND TOTAL	733,183.00

**CLERK**

**Minutes**

Commissioner Elliott moved to approve the minutes of the March 18, 2008 regular meeting and March 25, 2008 workshop of the Board of Carbon County Commissioners as written. Commissioner Paxton seconded and the motion carried unanimously.

**Wyoming County Commissioners Association**

Clerk Rothenberger reminded the Board that registrations for the Wyoming County Commissioners Association spring meeting are due. Chairman Weickum and Commissioner Paxton both replied they had signed up and Commissioner Elliott stated he would sign up as well.

**Aflac**

Clerk Rothenberger stated Cindy Duhon again requested the county provide Aflac as a payroll deduction for employees. She stated her office solicited comments from elected officials and department heads and there were both positive and negative comments but it was unanimous that there be absolutely no contact at work. She reported that Ms. Duhon has already contacted one employee at work to request a recommendation letter be written to the Board supporting Aflac as a county payroll deduction. Chairman Weickman stated it was made clear that Ms. Duhon not make contact with employees at work and Commissioner Paxton added if it ends up as a payroll deduction and there is contact with employees during work hours, the Board would no longer allow the program.

Clerk Rothenberger suggested the if Ms. Duhon would provide a memo about her program and any other information she wanted to include, the Clerk's Office would include this with April's paychecks. Then, if Ms. Duhon is able to obtain at least fifteen participants by the end of May, the program would be offered. She added that she would make it clear that absolutely no contact is to be made by Ms. Duhon or any other Aflac employee with county employees during work hours. Clerk Rothenberger stated that another condition she would like is that Ms. Duhon will not be given names of new employees but that new employees would be given information about Aflac and if they are interested, the employee can contact Ms. Duhon.

Chairman Weickum asked that this be conditional on no contact with employees during work hours and if this infringement is made then the county will cease Aflac's program immediately. The Board agreed to provide Aflac as a payroll deduction with all the stipulations stated above.

**Bonds**

Commissioner Paxton moved to approve a \$5,000.00 bond for Scott Herold, Secretary/Treasurer for Savery-Little Snake River Conservancy, a \$25,000.00 bond for Rose-Ann Norris, Clerk Assistant for the Town of Dixon, and an \$8,000.00 bond for Lezlee Musgrave, Clerk Treasurer for the Town of Sinclair. Commissioner Elliott seconded and the motion carried unanimously.

**Monthly Receipts**

Commissioner Elliott moved to accept the County Clerk's Office Statement of Fees for the Month of March 2008 in the amount of \$16,298.50, fees collected from the Clerk of District Court's Office for the month ending February 2008 in the amount of \$2,534.05, and Planning & Zoning receipts for the month of February 2008 in the amount of \$690.00. Commissioner Paxton seconded and the motion carried unanimously.

**Medicine Bow Library Property Lease Agreement**

Clerk Rothenberger presented a lease agreement for the Medicine Bow Library property. She stated County Attorney Cindy DeLancey has reviewed the agreement and recommends approval.

Commissioner Paxton moved to authorize the Chairman's signature on the Lease Agreement between the Board of Trustees of Carbon County School District No. 2, State of Wyoming and the Board of Carbon County Commissioners for the county to lease all of Lot 6, Block 15, Union Pacific Railroad Company's First Addition to the Town of Medicine Bow, Carbon County, Wyoming, for use as the Medicine Bow Library in the amount of \$10.00 per year for the period July 1, 2008 and continuing until June 30, 2009 renewing automatically each year. Commissioner Elliott seconded and the motion carried unanimously.

#### **Assignment of Lease – Saratoga Town Hall**

Clerk Rothenberger presented the Assignment of Lease and Right of First Refusal between the Town of Saratoga and Board of Carbon County Commissioners pertaining to the parking lot adjacent to the Saratoga Town Hall building that the county is now leasing. She stated Attorney DeLancey has reviewed the assignment and recommends approval.

Commissioner Elliott moved to approve the Assignment of Lease and Right of First Refusal between the Town of Saratoga and the Board of Carbon County Commissioners transferring all right, title and interest in and to that Lease between the Town of Saratoga and Independent Order of Odd Fellows Lodge #43, for property located at 121 South River Street, Saratoga, Carbon County, Wyoming, for use of a parking area in the amount of \$10.00 per year. Commissioner Paxton seconded and the motion carried unanimously.

Commissioner Elliott noted that the lease still needs to be signed by John Zeiger on behalf of the Town of Saratoga and will not be effective until such time.

#### **Local Government Liability Pool Renewal**

Clerk Rothenberger presented the Local Government Liability Pool (LGLP) Renewal Membership Application for insurance and stated she has left the deductible blank and would like authorization to get premium quotes for the various deductibles.

Commissioner Elliott moved to approve the submission of the Renewal Membership Application to the Local Government Liability Pool and to direct Clerk Rothenberger to obtain quotes. Commissioner Paxton seconded and the motion carried unanimously.

Clerk Rothenberger reported that the Noyes Health Care Center has obtained liability insurance for their employees driving the ambulances as well as for the EMS volunteers. She stated they are still working with the Ryan Park Fire Department and they are trying to determine if they want to keep their non-profit status and get their own insurance. She added that a deadline was set for Ryan Park to decide by the end of April.

#### **Sinclair Golf Club**

Clerk Rothenberger reported she sent a letter to the Sinclair Golf Club regarding their tax delinquency and the fact that their liquor license is in danger of being revoked or suspended. She added that she recently received notice from the Wyoming Liquor Division that Sinclair Golf Club has paid and is in compliance.

#### **Surplus Equipment**

Clerk Rothenberger stated that the County Fire Department requested she present a list of very old inoperable light bar warning devices they would like authorization to dispose of. The list states that these devices are over thirty years old and the Fire Department will salvage any operable parts from them.

Commissioner Paxton moved to authorize the County Fire Department to dispose of two Federal Twin Sonic Bars, Model 12X-SAE-W3-71, Series A-1; one Ranger Strobe Bar, Model LL-300; one Titan Light, Model 312; and one home built light bar. Commissioner Elliott seconded and the motion carried unanimously.

#### **City of Rawlins – Special Use Permit**

Clerk Rothenberger stated that the City of Rawlins is soliciting comments from adjacent property owners to a building at the corner of west Cedar Street and Third Street as the owner has applied for a special use permit for the building to house storage units. She asked if the Board would

like to comment on this. She added that Kristin Herr has responded representing the library that she thinks it is adverse to the purpose of the Main Street program and downtown Rawlins. The Board declined to submit any comments.

### **Property Bids**

Clerk Rothenberger stated she did not receive any bids for the 1.34 acre parcel of land in the Memorial Hospital Addition to the City of Rawlins, Wyoming, and asked if the Board would like to lower the minimum bid amount and have her re-advertise for bids. The Board asked her to keep all the information on file to be used at a later date.

### **Board Resignation**

Clerk Rothenberger presented a letter from Curtis Pell resigning his appointed position with the Carbon County Economic Development Corporation (CCEDC). She added that Mark Ducker has advised her there should be another resignation from this board soon and he would like these vacancies to be advertised as soon as possible. Commissioner Elliott stated David Nightingale has resigned and CCEDC has accepted his resignation. The Board asked Clerk Rothenberger to advertise for both vacancies.

### **Project Prevention Block Grant Application**

Clerk Rothenberger presented the Project Prevention Grant Application for the 2008-2009 fiscal year in the amount of \$33,000.00. She added that the Board previously approved that this application be submitted. Chairman Weickum signed the application.

### **Wyoming Consolidated Planning Grant (CPG)**

Clerk Rothenberger presented the final reimbursement of \$1,293.02 for the Road Asset Management Planning Grant and the Wyoming Department of Transportation Acceptance Certificate. She stated these documents close out this grant. Clerk Rothenberger added that she spoke with Bill Nation about these documents and he recommended their approval stating the work under the grant has been completed.

Commissioner Paxton moved to approve Reimbursement Statement #01 for Year 3 in the amount of \$1,293.02 for the Wyoming Consolidated Planning Grant, Asset Management Planning, Project Number 5304-07-FTA-01 from Wyoming Department of Transportation and to authorize the Chairman to sign the Wyoming Department of Transportation Acceptance Certificate for Highway Planning and Research HPR Project Number 5304-07-FTA-01 for Project FT-07096 also known as HPR-PL02206 Project Number B50K. Commissioner Elliott seconded and the motion carried unanimously.

### **WyoLink Grant Agreement**

Clerk Rothenberger presented a grant agreement to upgrade the current dispatch center to provide connectivity to WyoLink, Wyoming's public safety digital trunked VHF radio system. She stated Attorney DeLancey and Undersheriff Mike Morris have reviewed the agreement and both recommend approval. She stated the county should be spending only approximately \$81,000.00 of this \$150,000.00 grant. Clerk Rothenberger added that Greg Ryan will be the contractor for the project and stated he was present today to answer questions.

Greg Ryan stated this equipment is in addition to the equipment the dispatch center currently has and it allows better connectivity between the dispatch center and the state's WyoLink system. He stated this system has been installed in Hanna and Saratoga. Chairman Weickum asked if Carbon County is well covered and Mr. Ryan replied yes.

Commissioner Elliott moved to approve the Grant Agreement for Dispatch Center WyoLink Connectivity between the State of Wyoming, Public Safety Communications Commission, Wyoming Department of Transportation and Carbon County to upgrade the current dispatch center to provide connectivity to WyoLink, for a term from March 4, 2008 through June 30, 2008, for a total payment not to exceed \$150,000.00. Commissioner Paxton seconded and the motion carried unanimously.

### **Consensus List Funding**

Clerk Rothenberger stated that in order to be eligible for any of the consensus list funding and direct distribution funding from the Office of State Lands and Investments, the county must approve a resolution stating that on county property the county would not impede with WyoLink towers.

Commissioner Elliott moved to approve Resolution 2008-06, A Resolution of the Board of County Commissioners, Carbon County Wyoming, Assuring Compliance With Sections 328(J) and 329(J) of Senate File 1, Enrolled Act 23 dealing with the WyoLink cellular towers or other equipment sites assuring compliance with these sections of the statute. Commissioner Paxton seconded and the motion carried unanimously.

#### **RESOLUTION NO. 2008 - 06**

#### **A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS, CARBON COUNTY WYOMING, ASSURING COMPLIANCE WITH SECTIONS 328(J) AND 329(J) OF SENATE FILE 1, ENROLLED ACT 23**

**WHEREAS**, WyoLink is a project providing for connectivity to WyoLink – Wyoming’s public safety digital trunked VHF radio system; and

**WHEREAS**, Senate File 1, Enrolled Act 23, Section 328(j) and Section 329(j) states that *“Any political subdivision which impedes the establishment of any necessary cellular tower or other equipment site required for the WyoLink interoperable public safety communications system on any property owned by that political subdivision shall not be eligible to receive monies distributed under this section”*.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE COUNTY OF CARBON, WYOMING**, that the Board of Carbon County Commissioners assures compliance with Sections 328(j) and 329(j) of Senate File 1, Enrolled Act 23 by not impeding the establishment of any necessary cellular tower or other equipment site required for WyoLink interoperable public safety communications system on any property owned by Carbon County.

#### **BOARD OF CARBON COUNTY COMMISSIONERS**

By: -s- Terry Weickum  
-s- Jerry Paxton  
-s- James E. Elliott, Jr.  
April 8, 2008

#### **ATTEST:**

-s- Gwynn G. Rothenberger, Carbon County Clerk

Clerk Rothenberger stated the Carbon County Council of Governments set a deadline of April 9 for each municipality, special district, joint powers board and the county to submit their projects for the consensus list grant funding. She asked if the Board would like to submit a project for the consensus list. Chairman Weickum suggested the county’s project be \$500,000.00 towards the fairgrounds multi purpose building.

Commissioner Paxton moved that the county’s 2008 consensus list project be submitted to the Council of Governments as \$500,000.00 for the Carbon County Fairgrounds multi purpose facility. Commissioner Elliott seconded and the motion carried unanimously.

#### **Grant Coordinator**

Clerk Rothenberger introduced Kaycee Alameda and stated she recently hired Ms. Alameda as the county’s Grant Coordinator. Ms. Alameda will begin her employment by working on Homeland Security grants then moving into other grants the county has. Clerk Rothenberger stated she received a budget request for the Emergency Medical Services Joint Power Board that includes \$6,000.00 for radios and pages. She has directed Ms. Alameda to determine if the county could purchase these from Homeland Security grant funds. The request also included two used ambulances that could possibly fit under a Homeland Security grant.

#### **Estimated Revenue**

Clerk Rothenberger stated she has received the Revenue Estimating Manual for 2008-2009 and Carbon County's estimated valuation is \$768,227,543, down from \$891,998,340 this year. She added that last year's CREG manual reported an estimated valuation of \$761,829,754 but that it ended up much higher.

## **ELECTED OFFICIALS / DEPARTMENT HEADS**

### **Sheriff**

Undersheriff Mike Morris presented a modification to an agreement with the U.S. Department of Agriculture. He stated the modification allows for additional funding for reimbursement to the county for a total of \$7,300.00 for patrolling Forest Service Roads and Developed Sites and corrects the Undersheriff's name. The agreement expires September 30, 2008. He stated that Attorney DeLancey and Sheriff Colson have both reviewed the modification and recommend approval.

Commissioner Paxton moved to approve Modification #7 to the Cooperative Law Enforcement Agreement between U.S. Department of Agriculture Forest Service, Medicine Bow-Routt National Forests and the Carbon County Sheriff's Department, allowing reimbursement to Carbon County for sheriff patrols in the forest totaling \$7,300.00 and changing the Undersheriff's name on Modification #6 to read Mike Morris, expiring September 30, 2008. Commissioner Elliott seconded and the motion carried unanimously.

### **Senior Services**

Terri Archer discussed the Medicine Bow Senior Center Roof and stated that last year she had approval of \$6,600.00 to apply plastic over the top however she now feels this needs reroofed. Building Manager Leroy Graham agreed. She stated she has \$21,600.00 left in her budget and asked for approval for Mr. Graham to advertise for bids to reroof the building. The Board authorized Mr. Graham to advertise for bids.

Ms. Archer advised she received lawn bids and would like approval to contact the person from Baggs to submit a bid for Dixon. Clerk Rothenberger asked if this was included in the budget and she replied no then Clerk Rothenberger agreed to budget for these items in the Buildings and Grounds budget.

### **Treasurer**

Chief Deputy Assessor Cheryl Ross presented several rebates and abates.

### **Building Manager**

#### **Courthouse Remodel**

Leroy Graham presented the amended agreement for the Courthouse remodel project and stated the he and the contractor, Shepard Construction Inc., have signed the amended agreement. He advised some of the wording was changed and a change order was added to cover the required performance bond.

Commissioner Elliott moved to approve the agreement as amended between Carbon County and Shepard Construction Inc. for the remodel of the Courthouse, Phase 1-3, changing the bond amount and wording changes. Commissioner Paxton seconded and the motion carried unanimously.

#### **Encampment Library Roof**

Mr. Graham advised Jerry Smith from Encampment was awarded the bid for the Encampment Library Roof in the amount of \$16,442.17 and has now withdrawn his bid. Chairman Weickum asked Mr. Graham to re-advertise for bids.

#### **Jeffrey Center**

Mr. Graham stated the Jeffrey Center drainage project is almost complete and he would like

authorization to advertise the forty-one day substantial completion notice. Mr. Graham stated there are three small areas that the contractor will have to come back out to fix. He stated PMPC will provide booklets of the project and added that Kassey Bensen talked with the Jeffrey Center Board and they are happy with the results. Mr. Graham stated he will also have the contractor look at a couple of areas in the Courthouse that are leaking. He added the contractor will be back in ninety days to do an examination of the Jeffrey Center.

Commissioner Elliott moved to authorize the Chairman's signature on the Public Notice, Notice of Substantial Completion of Contract with regard to Concrete Stabilization, Technologies Inc.'s work on the Jeffrey Center Foundation Leak Mitigation Project, the notice is given pursuant to Wyoming statutes. Commissioner Paxton seconded and the motion carried unanimously.

### **Building Space**

Mr. Graham advised Road and Bridge will be moving into their new facility soon and he asked for confirmation that Planning and Development will move into that vacated space, then Economic Development will move into Planning's vacated space. Chairman Weickum stated the Board will have to discuss and make a decision of who is moving where. Mr. Graham stated the moving company is set to move Road and Bridge then move Planning and Development that afternoon. Chairman Weickum asked Mr. Graham to coordinate with Mark Ducker of the Economic Development Corporation as well. Clerk Rothenberger asked Mr. Graham to coordinate with Matt Webster for computers and telephones.

The Board agreed to leave the Building Committee's plan as is with Planning and Development moving to Road and Bridge's vacated offices and taking over Economic Development's offices, then Economic Development will move into Planning's vacated space. The Board did add that GIS would move in with the Planning Department.

### **RECESS**

Chairman Weickum called a recess at 10:10 a.m. and reconvened at 10:20 a.m.

### **CLERK**

#### **Release of Order**

Commissioner Paxton moved to approve A Release of Order Upon Second Verification of Petition pertaining to Civil Action No. CV-04-108. Commissioner Elliott seconded and the motion carried unanimously.

#### **Mutual Aid Agreement**

Clerk Rothenberger presented a Mutual Aid Agreement between the City of Rawlins and Carbon County for fire protection and extrication and stated that Attorney DeLancey drafted this agreement and recommended its approval. She stated that according to Attorney DeLancey, all county fire personnel have reviewed this agreement and have approved it. Chairman Weickum verified the agreement will be reviewed jointly on a semi annual basis.

Commissioner Elliott moved to authorize the Chairman to sign the Mutual Aid Agreement between the City of Rawlins and Carbon County for fire protection and extrication and that it be forwarded to the Mayor of Rawlins for review and signature. Commissioner Paxton seconded and the motion carried unanimously.

Attorney DeLancey clarified the document was not binding until all signatures have been obtained. She added that she submitted the unsigned document to the City Attorney yesterday for his review. The agreement was given to Chairman Weickum to personally deliver to the City Council meeting.

### **EMERGENCY MANAGEMENT**

Harold Newbrough, Emergency Manager Coordinator opened three sealed bid proposals to prepare a Multi Hazard Mitigation Plan for Carbon County. Beck Consulting bid \$24,500.00, Amec Earth Environmental bid \$23,000.00, and Risk Management Professionals bid \$23,000.00. Chairman Weickum asked Mr. Newbrough to review the proposals and return with his recommendation later today. Clerk Rothenberger asked if Mr. Newbrough has worked with any

of the three companies and he replied Beck Consulting has worked with a few Wyoming counties on similar projects.

### **SINCLAIR 12<sup>TH</sup> STREET BYPASS PROJECT**

Phyllis McWhorter, Sinclair Mayor, Gary Steele of PMPC, Steve Cherry of Sinclair Refinery, and Keith Miles Sinclair Town Council member, discussed the 12<sup>th</sup> Street Bypass Project. Mr. Steele stated Sinclair Refinery has committed up to \$825,000.00 in cash plus right of way on Sinclair Refinery land for a match to State Land and Investment Board (SLIB) funds to complete the bypass project. Mr. Steele added that to correctly complete the project, alternative ramps should be made entering and exiting Interstate 80. He then presented a map of the bypass and ramp options.

Mr. Steele discussed the need for additional funding for the alternative ramps asking the County to consider sponsoring a grant with the Wyoming Department of Transportation from Industrial Road Program (IRP) funds. Mr. Steele stated he recently spoke with Wyoming Department of Transportation (WYDOT) and they are excited about moving ramps however they cannot contribute funding. The new ramps are estimated to cost \$2 million. He explained that in order to obtain IRP funds, there must be local matching dollars, and the county must apply for IRP funds. Mr. Steele asked if the county would be the lead agency for the IRP funds and if the county would contribute \$333,000.00 towards the match. Mr. Miles stated the match amount may go up and Mr. Steele clarified that if WYDOT could find funds the number would not increase.

Chairman Weickum stated he supports the project and would consider being the lead agency but he requested an exact number of matching funds and asked Mr. Steele to return after speaking with WYDOT asking them for additional funds. Commissioner Paxton agreed about being the lead agency but also asked for an exact match amount needed.

Chairman Weickum asked Mr. Steele to keep Bill Nation involved. Mr. Nation stated he is supportive of the project but wants to make everyone aware of the commitments that must be solidified in the beginning of the project. He wants to clarify who will maintain the roads once the project is complete as if the county sponsors a WYDOT grant, it would have to certify that the county will maintain those roads. He asked Mr. Steele to confirm with WYDOT their maintenance liabilities and responsibilities for these roads and include the Sinclair Refinery and the Town of Sinclair about their contribution towards maintenance. He would like anything to do with maintenance and liability clarified before the county agrees to sponsor any such grant.

Commissioner Elliott also stated his support for the project and agreed with Mr. Nation's previous comments. Clerk Rothenberger confirmed that the \$3.5 million is for the bypass project including the alternative ramps. Mr. Steele stated he will try to get information from WYDOT and return at a future meeting.

### **ROAD & BRIDGE**

#### **Caterpillar Financial**

Bill Nation presented a Caterpillar Financial Lease-Purchase Agreement for one RPM snow blower. He stated Attorney DeLancey has reviewed the agreement and recommends approval. Mr. Nation added the lease amount includes trade in of the current machine.

Commissioner Paxton moved to approve the Governmental Equipment Lease Purchase Agreement between Caterpillar Financial Services Corporation and Carbon County for one RPM snow blower with the first payment due in December 2008 in the amount of \$39,862.07 with two subsequent payments in December 2009 and December 2010 in the same amounts; and to Resolution 2008-07, Attachment B, Lessee's Authorizing Resolution, for the lease/purchase of one RPM snow blower from Caterpillar Financial Services Corporation. Commissioner Elliott seconded and the motion carried unanimously.

#### **Resolution 2008-07 ATTACHMENT B LESSEE'S AUTHORIZING RESOLUTION**

Whereas, **CARBON COUNTY, WY**, (the "Governmental Entity"), a body politic and corporate duly organized and existing as a political subdivision, municipal corporation or similar public

entity of the State of **Wyoming** (the “State”), is authorized by the laws of the State to purchase, acquire and lease personal property for the benefit of the Governmental Entity and its inhabitants and to enter into contracts with respect thereto; and

Whereas, in order to acquire such equipment, the Governmental Entity proposes to enter into a lease-purchase transaction pursuant to that certain Governmental Equipment Lease-Purchase Agreement (the “Agreement”) with Caterpillar Financial Services Corporation, the form of which has been presented to the governing body of the Governmental Entity at this meeting;

Now, Therefore, Be It And It Is Hereby Resolved:

Section 1. Approval of Documents. The form, terms and provisions of the Agreement and all other schedules and exhibits attached thereto are hereby approved in substantially the form presented at this meeting, with such insertions, omissions and changes as shall be approved by counsel of the Governmental Entity or other members of the governing body of the Governmental Entity executing the same, the execution of such documents being conclusive evidence of such approval; and the persons holding the titles listed below or any other officer of the Governmental Entity who shall have the power to execute contracts on its behalf are hereby authorized and directed to execute, acknowledge, countersign and deliver the Agreement and all exhibits attached thereto, and the Secretary/Clerk of the Governmental Entity is hereby authorized to attest to the foregoing and affix the seal of the Governmental Entity to such documents.

Section 2. Other Action Authorized. The officers and employees of the Governmental Entity shall take all action necessary or reasonably required by the parties to the Agreement to carry out, give effect to and consummate the transactions contemplated thereby and to take all action necessary in conformity therewith, including, without limitation, the execution and delivery of any closing and other documents required to be delivered in connection with the Agreement.

Section 3. No General Liability. Nothing contained in this Resolution, the Agreement, or any other instrument shall be construed with respect to the Governmental Entity as incurring a pecuniary liability or charge upon the general credit of the Governmental Entity or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Agreement, or any other instrument or document executed in connection therewith impose any pecuniary liability upon the Governmental Entity or any charge upon its general credit or against its taxing power, except to the extent that the payments payable under this Agreement are special limited obligations of the Governmental Entity as provided in the Agreement.

Section 4. Authorized Signatories. Following are the true names, correct titles and specimen signatures of the incumbent officers referred in the foregoing resolution:

Name (Print or Type)	Title (Print or Type)	Signature
Terry Weickum	County Commissioner	-s- Terry Weickum
Jerry Paxton	County Commissioner	-s- Jerry Paxton
James E. Elliott, Jr.	County Commissioner	-s- James E. Elliott, Jr.

Section 5. Effective Date. This Resolution shall be effective immediately upon its approval and adoption. This Resolution was adopted and approved on April 8, 2008.

Signature: -s- G. Rothenberger, Carbon County Clerk

Name Printed: Gwynn G. Rothenberger

Date: April 8, 2008

### **Area Work**

Mr. Nation distributed the Road & Bridge Report dated April 8, 2008. He stated that County Road 1 and 3 project should be completed by the end of this month. He stated this will meet the May 1, 2008 startup date for DKRW. Mr. Nation reported that abandoned mine land funds appropriated to Carbon County for a road from Interstate 80 to the DKRW site, will be held by the state and that Carbon County must design and build the road and obtain reimbursement. He stated he and Clerk Rothenberger made an attempt to have the amount sent to Carbon County in advance to build the road. Mr. Nation recommended that once DKRW aggressively starts up their project, he would then begin design of the road from the Interstate. He also stated at that time he would take public comment on the alignment of that road.

## **Road & Bridge Comments**

Mr. Nation presented, for the record, written comments to questions presented by Rita Clark a.k.a. Ann Hornbeck, at the Board's March 18, 2008 meeting. The following is Mr. Nation's replies:

From: Bill Nation, Carbon County Road & Bridge  
To: Carbon County Commissioners, Carbon County Attorney, and Citizens of Carbon County  
Subject: Response to Citizen comments by Ann Hornbeck, aka Rita Clark

As per your requests, and in response to comments made during the Elk Mountain Commissioner's Meeting of March 18, 2008, allow me to present the following review and facts as they pertain to Mrs. Hornbeck's requested response.

Reference was made to survey and a website, and she stated "County road dissatisfaction was very high on the list of comments". After obtaining the entire 59 page document, titled "Wyoming Rural Development Council", and reviewing the 147 listening responses titled "What are the Major Problems and Challenges in Your Community?", I found 8 comments referring to roads of any kind, and only 3 specifically commenting on County Roads; for a total of 2% of the 147 questions. The second part of the list of comments titles "What projects would you like to see accomplished in your community in 2, 5, 10, and 20 years?" Of the 172 comments, 7 pertained to roads of any kind, and 4 specifically pertained to County Roads for a total of 2.3% of the 172 comments. I would submit that these percentages in fact do not put County Roads very high on any list contained in this report.

Mrs. Hornbeck then asked three questions related to County Roads.

- 1) "Who exactly is responsible for policy decisions and a snow removal schedule for the four County Roads surrounding Elk Mountain?"
- 2) "Is a written County Road maintenance prevention plan in existence and is it approved by the County Commissioners as designated managers of the Carbon County Road & Bridge with the authority on making policy and approving operations and maintenance budgets?"
- 3) "Is there a written three, five, or even ten year Carbon County Road & Bridge development and maintenance plan in existence and are any of these plans, if in existence, available for public review or public comment?"
- 4) "If there is negligence or public liability issue here if an accident should occur on private property due to rerouting traffic on private property?"

Also during the meeting, Mr. Dennis DaDante and Rhonda Waggoner had concerns about large drift of snow and not getting children to school on "several instances".

In response to all of the above, let me read from Book 12, page 570 of a Commissioner's Meeting which took place on Sept. 5, 1978. John Glode, Emil T. Lemich, and Martin McMahan, Commissioners presiding.

It was regularly moved by Commissioner Lemich that the approval of the final plat of Aspen Highlands phase 2, subdivision, Case file # 78-01 and Aspen Meadows, subdivision, Case file #77-54 be expressly conditioned upon the provision that the County Road 404 in the vicinity of the Subdivisions will NOT be maintained as a year round road of access, but on the contrary, County Road 404 will be maintained according to funds available at the sole discretion of the County Road & Bridge Department and the Board of County Commissioners. The motion was seconded by McMahan, and unanimously carried. Lemich-aye, Glode-aye, and McMahan-aye. It was regularly moved by Commissioner McMahan that the letter dated April 25, 1977 from the Carbon County School Dist. #2 and signed by John C. Tynon, Superintendent of the Schools spread at length upon the minutes of these proceedings, and that the statement of policy therein enunciated be approved as the statement and policy of this Board.

Letter April 25, 1977

Dear Sir:

The proposed Aspen Meadows development creates some concerns for Carbon County School Dist. #2. The Plat of the development states there is no proposed road maintenance. If families with children should move to this development, they should be aware of the school district's policy. The policy is, "School District #2 will operate busses only on improved and maintained public roads (not private)". Parents with students living off of maintained and improved public roads are responsible for the transportation to the nearest improved and maintained public road.

We would appreciate the inclusion of this statement in the record of the hearing on this development and in the records of hearings in any other proposed development in District #2.

Sincerely,

John C. Tynon, Superintendent of Schools

The motion was seconded by Lemich and unanimously carried.

As you can see from the above, this answers all of the questions directly. In the case of the "legal" question posed by Mrs. Hornbeck, and at the request of my "view on these matters" by letter from Carbon County Attorney, Cindy DeLancey, I will say that anyone traveling any road anywhere has an assumed inherent risk, and an individual responsibility for their own safety; and at any time, unless directed by a detour sign placed by the County Road & Bridge Department, enters private land at their own risk.

Having spoken with Sherm Johnson, Carbon County Road, Elk Mountain supervisor, who has lived in the area for 57 years, and has worked for the Road & Bridge Department for the last 15 years, the "standard practice of re-routing to private land", has only occurred 3 or 4 times for no longer than a two day period during extreme blizzard conditions. It has always been the traveler's choice to proceed at their own risk, or as most long time residents know: it is better to stay home until the storm breaks and futile, frustrating, and dangerous to plow during these times.

In conclusion, I will state that during my 20 years with the Road & Bridge Department, I have always depended on the local knowledge of the men that work and live in this area, and all other areas of the county to make the best decision for the safety, not only for themselves, but for all in the County as it pertains to snow removal and maintenance of our County Roads and Bridges. As we continue to grow, there will always be people that want 4-wheel drive houses and 2-wheel drive roads. We will always do our best, but I will never risk men's lives and County equipment during extreme weather events

Respectfully submitted for the record during this Carbon County Commission meeting this April 8, 2008

-s- Bill Nation, Carbon County Road & Bridge Superintendent

Chairman Weickum thanked Mr. Nation for all his research on this and stated it addresses all the issues.

Commissioner Paxton stated Ms. Clark asked for elected officials to respond and clarified that the Board of County Commissioners would be responding along with Attorney DeLancey. He also asked if all of Ms. Clark's issues have been addressed. Chairman Weickum stated that from Mr. Nation's research, it seems the Commissioners at that time had the wisdom to place the conditions on the roads as it would be impossible to keep these roads open every day of every year.

Mr. Nation stated he has never made a 5, 10, or 15 year plan as road situations change daily. In the spring he comes up with a plan for that year. He looks at the safety issues and where people are starting to live. Chairman Weickum stated he feels Mr. Nation's responses do address all Ms. Clark's issues and he sees no reason to change what was done previously. Commissioner Elliott would like Attorney DeLancey to review what Mr. Nation has submitted and assure herself that the data regarding the Aspen Highlands is satisfactory and if she comes up with anything else that needs to be said to include it in a response.

Chairman Weickum directed Attorney DeLancey to forward Mr. Nation's response along with her response to Ms. Clark. Attorney DeLancey stated Mr. Nation's information will be helpful in formulating her responses. Attorney DeLancey asked if the Board would be responding separately from her response and Chairman Weickum answered Mr. Nation's response is the Board's response. Commissioner Elliott asked Attorney DeLancey to let the Board know if there is anything further that the Commissioners need to add.

Chairman Weickum stated his appreciation for Mr. Nation's research on the issue. Attorney DeLancey left the meeting at 11:45 a.m.

## **DISASTER AREA**

Pat O'Toole provided several letters from Carbon County residents commenting on the

possibility of the county being declared a disaster area and stated he has contacted Commissioners from other counties and he is in favor of declaring Carbon County a disaster area. Mr. O'Toole stated the price of feed has now doubled or tripled since two years ago and federal dollars would help ranchers with these rising costs. Commissioner Paxton stated he has talked to Sherry Glenn from the Farm Services Agency and he does not see any down side of requesting Carbon County be declared a disaster area.

Commissioner Paxton moved to authorize the preparation of a letter to the Governor requesting Carbon County be declared a disaster area and authorized that Chairman Weickum sign that letter upon its completion. Commissioner Elliott seconded and the motion carried unanimously.

Commissioner Elliott asked that the presented comment letters from Andy Peroulis, Duane Rodewald, and Terry Reidy be retained in the Clerk's office.

### **EMERGENCY MANAGEMENT**

Harold Newbrough recommended that Beck Consulting be awarded the bid in the amount of \$24,500.00 to prepare a multi hazard mitigation plan for Carbon County. Mr. Newbrough acknowledged this was not the lowest bid but that Ms. Beck is available to begin immediately and she has worked on behalf of Wyoming counties before.

Commissioner Paxton moved to accept the proposal from Beck Consulting totaling \$24,500.00 to prepare a Multi Hazard Mitigation Plan for Carbon County. Commissioner Elliott seconded and the motion carried unanimously.

### **LUNCH**

Chairman Weickum recessed for lunch at 12:02 p.m. and reconvened at 1:33 p.m.

### **PLANNING AND ZONING**

#### **Case File No. 08-01**

Lou Kline, Kristy Rowan and Troy Maddox presented the Certification of Recommended Action for Case File No. 08-01, Purple Sage Ranch, LLC. Mr. Kline stated the request is for a Zone Change from Ranching, Agriculture, Mining (RAM) to Heavy Industrial (MH) on approximately 51.082 acres. The density in the MH zone is zero.

Chairman Weickum clarified that no domicile structures will be placed here and Mr. Kline replied no structures to live in. Mr. Kline added that no residential structures can be placed on the property.

#### **Carbon County Zoning Resolution**

Mr. Kline, Ms. Rowan and Mr. Maddox presented the Certification of Recommended Action for the proposed amendments to the Carbon County Zoning Resolution of 2003 Amended 01-06-2004. Attorney DeLancey read state statute 18-5-202(C) which indicates the Board of County Commissioners must hold at least one public hearing. After the public hearing, the Board must vote on the adoption of the Planning and Zoning (P&Z) recommendation.

Commissioner Paxton clarified that these amendments included the removal of the 640 acre parcel along with other proposed changes and Mr. Kline replied that this is included.

Commissioner Elliott asked about the subdivision amendment statutes and Attorney DeLancey stated this is under subpart c of W.S. 18-5-202, fourteen day notice must be given prior to the hearing.

#### **Case File No. 07-11**

Mr. Kline, Ms. Rowan and Mr. Maddox presented the Certification of Recommended Action for Case File No. 07-11, Wagon Circle Canyon Acres Minor Subdivision – Final Plat, Patrick and Rose Cain. Mr. Maddox stated that according to state statute 18-5-307 the request is for a Minor Subdivision in a Ranching, Agriculture, Mining (RAM) Zone encompassing approximately 38.255 acres. Mr. Maddox stated that this is has been certified by the P&Z Commission by default due to W.S. 18-5-307.

Mr. Kline discussed issues with this case such as the fact that there is no dedicated easement to the property as there needs to be a road the city could take over of the property width for emergency vehicles. Mr. Kline stated there is another alternative that he has given to Ms. Cain that would be through BLM property and that Ms. Cain should work with BLM for an exchange.

Chairman Weickum asked if the city needed to approve the plat and Mr. Kline replied yes and Attorney DeLancey stated it should not be speculated what the city will do at this time and they should have more information before the public hearing.

#### **Case File No. 07-12**

Mr. Kline, Ms. Rowan and Mr. Maddox presented the Certification of Recommended Action for Case File No. 07-12, Wagon Circle Canyon Acres Minor Subdivision – Final Plat, Patrick and Rose Cain. Mr. Kline stated the request is for a Zone Change from Ranching, Agriculture, Mining (RAM) to Residential (RD) encompassing approximately 38.255 acres.

Mr. Kline stated the P&Z Commission must first take action to approve or disapprove this Zone Change and the group will return with a recommendation at a later date.

#### **Case File No. 08-04**

Mr. Kline, Ms. Rowan and Mr. Maddox presented the Certification of Recommended Action for Case File No. 08-04, Kicker Minor Subdivision – Final Plat, Reginald S. and Laurie S. Forster. Mr. Kline stated the request is for a Minor Subdivision in a Forestry Production and Seasonal Recreation (FPSR-20+- acres) Zone encompassing approximately 20.52 acres.

Commissioner Paxton asked where exactly this is located and Ms. Rowan replied the property lies on US Forest Service Road 412 approximately 1 mile west of Bridger Peak.

#### **Case File No. 08-05**

Mr. Kline, Ms. Rowan, and Mr. Maddox presented the Certification of Recommended Action for Case File No. 08-04, Kicker Minor Subdivision – Final Plat, Reginald S. and Laurie S. Forster. Mr. Kline stated the request is for a Zone Change from Forestry Production and Seasonal Recreation (FPSR-20+- acres) to Forestry Production and Seasonal Recreation (FPSR-10.53 and FPSR-9.99) encompassing approximately 20.52 acres.

Commissioner Paxton moved to schedule a public hearings for May 6, 2008 at 1:30 p.m. at the County Courthouse in Rawlins, Wyoming to hear the following: Case File No. 08-01, Purple Sage Ranch, LLC's request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Heavy Industrial (MH) on approximately 51.082 acres; comments regarding the proposed amendments to the Carbon County Zoning Resolution of 2003 Amended 01-06-2004; Case File No. 07-11, Wagon Circle Canyon Acres Minor Subdivision – Final Plat, Patrick and Rose Cain's request for a Minor Subdivision in a Ranching, Agriculture, Mining (RAM) Zone encompassing approximately 38.255 acres; Case File No. 08-04, Kicker Minor Subdivision – Final Plat, Reginald S. and Laurie S. Forster's request for a Minor Subdivision in a Forestry Production and Seasonal Recreation (FPSR-20+- acres) Zone encompassing approximately 20.52 acres; and Case File No. 08-05, Kicker Minor Subdivision – Final Plat, Reginald S. and Laurie S. Forster's request for a Zone Change from Forestry Production and Seasonal Recreation (FPSR-20+- acres) to Forestry Production and Seasonal Recreation (FPSR-10.53 and FPSR-9.99) encompassing approximately 20.52 acres. Commissioner Elliot seconded and the motion carried unanimously.

#### **Building Permit Fees**

Mr. Kline stated Mr. Graham, Attorney DeLancey, and himself attended a wind power seminar. Mr. Kline stated his intention is to present a plan to the P&Z Commission to adopt wind power regulations based on regulations already in effect and to try to adjust permit fees to something suitable. Attorney DeLancey asked when he plans on doing this and Mr. Kline stated this would probably be adopted after the Land Use Plan however the permit fees can be addressed on a regular basis. He asked for input from the BOCC on the permit fees.

There was discussion on various fees and how the decision would be arrived at. Commissioner Paxton asked how we could find out more information on franchise agreements and Mr. Kline said he has information. Attorney DeLancey stated we should look into if it is a utility as a wind

farm is non-utility. She stated they discussed the decommissioning of the wind energy farms further on down the road. There was further discussion about the seminar regarding governmental entities, and private developers.

Mr. Kline stated the public will be notified when a meeting will be held to discuss the building permit fees and Chairman Weickum stated we need comments from the public.

### **EXECUTIVE SESSION**

Commissioner Paxton moved to go into executive session at 2:16 p.m. with Clerk Rothenberger, Attorney DeLancey, Mike Haak, and Jim Sirhall, and to call Robert Golden via telephone to participate in the executive session, for potential litigation and consider or receive any information classified as confidential by law. Commissioner Elliott seconded and the motion carried unanimously.

Chairman Weickum left the executive session at 3:30 p.m.

Commissioner Elliott moved to come out of executive session at 3:52 p.m. and that the minutes of the session be approved as written and sealed, and declared that no action was taken during the executive session. Commissioner Paxton seconded and the motion carried unanimously.

Commissioner Elliott moved to direct the Airport Development Group to draft an Airport Layout Site Plan for the west area hangar location designed for lighter aircraft, and try to delineate which areas of taxiways would be necessary to access the hangars. Commissioner Paxton seconded and Commissioner Elliott elaborated that the taxiway would be done to the apron area but the Board would like to minimize costs. The original motion carried unanimously.

### **ADJOURNMENT**

There being no further business, Vice-Chairman Paxton adjourned the meeting at 3:56 p.m.

-s- Gwynn G. Rothenberger, Carbon County Clerk

Approved this 15th day of April 2008.

BOARD OF COUNTY COMMISSIONERS  
CARBON COUNTY, WYOMING

-s- Terry Weickum, Chairman