

**MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, July 1, 2008
County Courthouse, Rawlins, Wyoming**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, July 7, 2008 at the County Courthouse in Rawlins, Wyoming. Attending the meeting were Chairman Terry Weickum, Vice Chairman Jerry Paxton and Commissioner James Elliott; County Clerk Gwynn Rothenberger; County Attorney Cindy DeLancey; County Treasurer Cindy Baldwin; and Deputy Clerk Kathy Turner.

Chairman Weickum called the meeting to order at 9:04 a.m.

AGENDA AMENDMENT

Commissioner Elliott moved to amend the agenda to add an executive session at 3:00 p.m. Commissioner Paxton seconded and the motion carried unanimously.

CLERK

Minutes

Commissioner Elliott moved to approve the minutes of the June 17 and 18, 2008 regular meeting and June 24 and 25, 2008 Budget Workshop of the Board of Carbon County Commissioners as presented. Commissioner Paxton seconded and the motion carried unanimously.

Bonds

Commissioner Paxton moved to approve a \$50,000.00 bond for Jana C. Cook, Clerk/Treasurer of the Town of Riverside. Commissioner Elliott seconded and the motion carried unanimously.

Monthly Receipts

Commissioner Elliott moved to accept the Planning and Zoning receipts in the amount of \$690.50. Commissioner Paxton seconded and the motion carried unanimously.

Publication of Gross Salaries

Clerk Rothenberger presented the Publication of Gross Salaries of Carbon County full-time employees for approval.

Commissioner Paxton moved to approve the Publication of Gross Salaries of the Carbon County full-time employees. Commissioner Elliott seconded and the motion carried unanimously.

Polling Place

Clerk Rothenberger discussed two options of absentee voting. She asked the Board to establish the Courthouse as a polling place.

Commissioner Elliott moved to approve the recommendation of the Clerk to establish an absentee polling place at the Courthouse and declared that the polling place will be open during the same hours as the Courthouse during the days of absentee voting. Commissioner Paxton seconded and the motion carried unanimously.

Budget Summary

Commissioner Paxton moved to approve and place of record the Notice of Public Hearing for the 2008–2009 Budget Summary and that the Summary be published. Commissioner Elliott seconded and the motion carried unanimously.

**CARBON COUNTY, WYOMING
NOTICE OF HEARING ON BUDGET &**

2008 – 2009 PROPOSED BUDGET SUMMARY

A Public Hearing on the Proposed Budget of Carbon County, Wyoming for fiscal year ending June 30, 2009 will be held at Monday, July 14, 2008 beginning at 6:00 p.m. in the Commissioners Meeting Room at the Carbon County Courthouse, 415 West Pine Street, Rawlins, Wyoming. The public is invited to attend.

Fund	Estimated Cash Available for Budget	Final Estimate of Revenue Available for Budget (Includes restricted funds)	Final Total of Cash & Estimated Revenue	Final Requirement for Appropriation	Final Tax Levy Requirement
General Fund	\$ 4,356,185	\$ 26,063,165	\$ 30,419,350	\$ 40,093,435	\$ 9,674,085
Fair	\$ 54,300	\$ 47,000	\$ 101,300	\$ 207,390	\$ 106,090
Museum	\$ 12,315	\$ 48,748	\$ 61,060	\$ 239,235	\$ 178,175
Library	\$ (11,782)	\$ 55,150	\$ 43,368	\$ 728,830	\$ 685,462
Jeffrey Center	\$ 47,500	\$ --0--	\$ 47,500	\$ 158,280	\$ 110,780
TOTAL					\$ 10,754,592

Public Health Amendment

Clerk Rothenberger presented an amendment to the contract with the Public Health Emergency Preparedness Division and reported Attorney DeLancey has reviewed the amendment and recommended approval.

Commissioner Elliott moved to approve Amendment Number One to the Contract Between Wyoming Department of Health, Public Health Emergency Preparedness Program and Carbon County Public Health Nursing Services for Public Health Emergency Preparedness increasing the funding from \$16,100.00 for a total of \$23,703.00 and extends the expiration date to June 30, 2009. Commissioner Paxton seconded and the motion carried unanimously.

Public Health Building Lease Agreement

Clerk Rothenberger presented a proposed lease agreement for office space at the Public Health Building in Saratoga and reported Attorney DeLancey drafted the agreement for the Board’s consideration.

Commissioner Paxton moved to approve the Lease Agreement Between Mary Waters and Carbon County Commissioners to lease space in the Public Health Building in Saratoga to commence July 15, 2008 for one year in the amount of \$500.00 per month. Commissioner Elliott seconded and the motion carried unanimously.

Fireworks

Clerk Rothenberger presented fireworks permit requests from the Seminoe Boat Club, Old Baldy Club, and the Flying Diamond Ranch, LLC. She advised that Dwight France, County Fire Warden approved each request noting that the Seminoe Boat Club should be notified that the request is approved for their use only, not individual’s use of fireworks.

Commissioner Elliott moved to approve fireworks display permits for the Seminoe Boat Club for Saturday July 5, 2008, the Flying Diamond Ranch, LLC for a family reunion July 3 and 4, 2008, and Old Baldy Club for July 4, 2008 noting that the Seminoe Boat Club’s request is not for

individual use and only for the requested display by the Club. Commissioner Paxton seconded and the motion carried unanimously.

Women, Infants and Children (WIC) Contract

Clerk Rothenberger presented a contract for WIC delineating responsibilities in providing program benefits for the WIC Program. She reported Attorney DeLancey has reviewed the contract and recommended approval.

Commissioner Paxton moved to approve the Contract Between the Wyoming Department of Health, Community and Public Health Division, Women, Infants, and Children (WIC) Section and Carbon County to delineate the responsibilities of the Wyoming Department of Health, Community and Public Health Division, WIC Section and Carbon County in providing program benefits of the United States Department of Agriculture, Food and Nutrition Services, WIC Program, for reimbursement to Carbon County not to exceed \$6,920.00 for the term from July 1, 2008 through December 31, 2009. Commissioner Elliott seconded and the motion carried unanimously.

Platte Valley Community Center Joint Powers Board

Commissioner Elliott moved to reappoint Stacy Crimmins and Sonja Collamer to the Platte Valley Community Center Joint Powers Board, each for three-year terms expiring June 2011. Commissioner Paxton seconded and the motion carried unanimously

Williams Echo Springs Permit

Commissioner Paxton moved to authorize the Chairman to sign a letter addressed to the Industrial Siting Division supporting the Williams Echo Springs Gas Plant Expansion near the Town of Wamsutter, Wyoming. Commissioner Elliott seconded and the motion carried unanimously.

Mileage Rate

Clerk Rothenberger discussed the mileage reimbursement rate paid to county elected officials and employees, currently \$0.46 per mile. She reported the Internal Revenue Service recently increased its rate to \$0.585 per mile and asked the Board if it would consider increasing the rate paid to county employees.

Commissioner Paxton moved to raise the mileage rate paid to county elected officials and employees to \$0.50 per mile effective July 15, 2008. Commissioner Elliott seconded and the motion carried unanimously.

Invoice Approval Procedure

Clerk Rothenberger stated that per the Board's request, she has investigated alternate methods of approving invoices. She suggests designating a time for approval of bills from a detailed report. She indicated each invoice would still be presented but would not need to be signed. The BOCC agreed to try the procedure at an upcoming meeting.

ELECTED OFFICIALS / DEPARTMENT HEADS

Clerk of District Court

Clerk of District Court Lindy Glode reported she previously asked the Board to cut a new position for her office from her 2008-2009 budget. She now requests that \$24,000.00 be added to her budget for a new position and equipment for that person. The Board approved this request and asked the Clerk to transfer funds back to the Clerk of District Court budget.

Assessor

County Assessor Sheryl Snider presented several abates and rebates for signature. She stated that the written certification from the state of the county's final assessed valuation should be available later this week or early next week.

Buildings Manager

Leroy Graham presented a Notice of Substantial Completion for the Fire Department Building and stated Attorney DeLancey has reviewed and recommended approval of the document.

Commissioner Elliott moved to approve the Chairman's signature on the Public Notice, Notice of Substantial Completion of the Carbon County Fire Department Building. Commissioner Paxton seconded and the motion carried unanimously.

Mr. Graham presented a memorandum to Carbon Building tenants outlining the procedure for use of emergency exit doors.

Commissioner Paxton moved to execute and disperse the Emergency Exit Door Procedure for the Carbon Building to Carbon Building tenants. Commissioner Elliott seconded and the motion carried unanimously.

Library

Kristen Herr requested approval to dispose of various pieces of equipment.

Commissioner Paxton moved to authorize the Carbon County Library Board to dispose of two IBM Selectric II electric typewriters, one HP e-pc desktop computer, five Contact Whitebox computers, one Packard Bell Legend 2440 computer, one opaque projector Buhl Nova 700, ten folding tables, one adding machine, one green metal cabinet, one wooden card shelf list catalog cabinet, one pamphlet display stand and one metal card shelf list catalog cabinet. Commissioner Elliott seconded and the motion carried unanimously.

Ms. Herr reported the Library Board has decided to bond their treasurer in the amount of \$10,000.00 and she will be presenting a bond to the Clerk soon.

Emergency Management

Harold Newbrough presented the Carbon County Multi-Hazard Mitigation Plan Progress Report #3 dated June 2008 and stated the contractor is ahead of schedule and under budget.

IT

Matt Webster presented a contract with Bresnan Communications to increase the bandwidth for the county's internet service. He added while the speed is increased, the price has decreased. He indicated Attorney DeLancey reviewed and recommended approval of the contract.

Commissioner Paxton moved to approve the Bresnan Business Services Commercial Customer Agreement for Internet Access for high speed internet for a three year term. Commissioner Elliott seconded and the motion carried unanimously.

Mr. Webster discussed the county's phone system and reported he would be providing further information at a future date.

Road & Bridge

Bill Nation distributed the Road & Bridge Report dated July 1, 2008.

Mr. Nation presented a project agreement for Sage Creek Road and reported Attorney DeLancey has reviewed the agreement. Commissioner Elliott asked if Mr. Nation knew the estimated cost of the easement and right-of-way related to the agreement. Mr. Nation stated that the conditional rights-of-way he would need to procure would consist of construction easements and layout areas and the county will negotiate those with the private landowners and the cost could range from \$5,000 to \$30,000.

Commissioner Elliott moved to authorize the Chairman's signature on the Project Agreement for WY PFH 26-1(0) Sage Creek Road Sections B and C. Commissioner Paxton seconded and the motion carried unanimously

Area Work

Mr. Nation stated that north of Medicine Bow his department will be grinding the asphalt on Highway 487 starting July 8, 2008. He stated they will use this product mainly on County Roads 99 and 2 East. He reported the Medicine Bow shop plumbing is currently being tied into the town plumbing. Mr. Nation stated that blading, cattle guard cleaning, culvert replacement and minor fence repair continues throughout all areas of the county. Mr. Nation stated his department will do a sign assessment next week to see how many road/traffic signs need replaced.

Treasurer

County Treasurer Cindy Baldwin stated the property tax sale is August 14, 2008.

MOTOR VEHICLE USE IN FOREST

Steve Best, District Ranger of Brush Creek Hayden Ranger District discussed vehicle use in the forest and a travel management map currently being developed. This map would address unregulated transportation in the forest. He stated there would be routes throughout the forest designated on a map to be produced by the end of September, and updated maps would follow annually. Chairman Weickum asked if the routes will be identified with signage and Mr. Best stated they will not guarantee all routes will be marked. Mr. Best stated there would be upcoming public meetings held on the draft maps to allow individuals to identify routes that were not designated.

RECESS

Chairman Weickum called a recess at 10:54 a.m. and reconvened at 11:05 a.m.

HORIZON WIND ENERGY

Nate Sandvig and Jon VanDerZee of Horizon Wind Energy discussed projects in Carbon County and surrounding areas designed to market power to western states. The company is developing study protocol and a plan of development with the Bureau of Land Management (BLM), Phase I of an environmental site assessment is complete, and they are currently conducting a fall bird and bat study. Mr. Sandvig stated there will be approximately 166 temporary construction jobs in the county with ten permanent jobs upon completion of the project.

The Board discussed concerns of environmental impacts, employees following laws, disposal of solid waste, wildlife, and sales tax.

HAL ALCORN

Hal Alcorn discussed a court ordered judgment against him for contempt of court. He stated the order pertained to the cleanup of his property and that he has been in the process of doing this and has removed thirty-six vehicles. He recently received a letter from the County Attorney only partially releasing the judgment against him and he requested it be fully released.

There was discussion of when Mr. Alcorn could complete the cleanup of the property and Mr. Alcorn agreed this could be completed within six months. Chairman Weickum stated that within six months, Mr. Alcorn is to contact the County Planner to inspect the property, take pictures, and verify it is sufficiently cleaned up then, if the BOCC is satisfied, it would consider releasing the judgment at that time. Commissioner Elliott clarified that any action taken today does not supersede or override any action previously taken by any court.

RECESS

Chairman Weickum recessed for lunch at 11:59 a.m. and reconvened at 1:31 p.m.

PLANNING & ZONING

Certification of Case File No. 08-07

Lou Kline, Kristy Rowan and Troy Maddox presented the Certification of Recommended Action for Case File No. 08-07.

Commissioner Paxton moved to schedule a public hearing for August 5, 2008 at 2:15 p.m. at the County Courthouse in Rawlins, Wyoming to hear Case File No. 08-07, Monty D. Steele's request for a Zone Change from Ranching, Agriculture, Mining to Highway Commercial on

approximately 7.7 acres. Commissioner Elliott seconded and the motion carried unanimously.

AGENDA AMENDMENT

Commissioner Elliott moved to amend the agenda to move the executive session scheduled for 3:00 p.m. to discuss potential litigation to 1:36 p.m. Commissioner Paxton seconded and the motion carried unanimously.

EXECUTIVE SESSION

Commissioner Paxton moved to go into executive session at 1:37 p.m. to discuss potential litigation with Attorney DeLancey and Clerk Rothenberger. Commissioner Elliott seconded and the motion carried unanimously.

Commissioner Elliott moved to come out of executive session at 2:03 p.m. and declared that no action was taken and that the minutes be approved as written and sealed. Commissioner Paxton seconded and the motion carried unanimously.

CARBON COUNTY EMERGENCY MEDICAL SERVICES (EMS) PILOT PROJECT

Susie Scott, Director of the Wyoming Healthcare Commission, discussed the possibility of Carbon County being a pilot project for a county-wide emergency medical service (EMS). She discussed that grant funding is available for Memorial Hospital of Carbon County (MHCC) to hire a healthcare coordinator to study data related to this issue.

Jack Glode, Healthcare Commissioner, discussed the legislature's preference of seeing pilot projects for EMS rather than implementing state-wide healthcare reform. He reported a taskforce has been formed consisting of representatives of all geographic areas of Carbon County and Wamsutter.

Dr. Duane Abels, MHCC Emergency Room Physician, discussed past and present services. He indicated that while he prefers to use volunteer services he expects that some positions will require payment.

There was discussion of how to incorporate existing services and rural healthcare districts, as well as fiscal concerns about how the service would be funded. Mr. Glode reported he plans to meet with the MHCC's Board and municipalities in the near future to discuss the proposal. He also stated a rural healthcare district could be formed with taxing authority but this may not be necessary.

Patsy Carter of MHCC stated she thinks the study should continue with MHCC hiring an individual with grant funds to collect information about the pilot project. Chairman Weickum stated once the proposed South Central EMS Joint Powers Board (JPB) is formed, the rest of the county and Wamsutter could opt to join.

There was further discussion of the staging and timing of the pilot project and whether or not to use the vehicle created by the proposed South Central EMS JPB or to create a new group. Mr. Glode stated if successful, this project would be used as a prototype to form a state-wide EMS system.

The Board stated its support of further investigation of the pilot project beginning with the healthcare coordinator position at MHCC. Mr. Glode agreed to continue to work on possible financing for the project.

MEMORIAL HOSPITAL OF CARBON COUNTY (MHCC) – ENERGY SAVINGS PROJECT

Patsy Carter of MHCC, Kermit Brown, MHCC attorney, and Barney Conway of the Bank of Commerce presented documents related to a lease/purchase with the Bank of Commerce to finance MHCC's mechanical/electrical upgrade.

Commissioner Elliott moved to authorize the Chairman to sign the Memorandum of Understanding between the Board of Trustees of the Memorial Hospital of Carbon County and the Board of County Commissioners of the County of Carbon delineating the responsibilities of the parties pertaining to the Master Lease Agreement between Carbon County and the Bank of

Commerce related to the Memorial Hospital of Carbon County mechanical/electrical upgrade and that this approval be contingent upon amending the payment amounts from MHCC to the county to state that monthly beginning July 15, 2008 through June 15, 2013, MHCC will pay the county a minimum of \$17,989.12 and monthly beginning July 15, 2013 through the end of the Master Lease, MHCC will pay the County a minimum of \$18,152.75. Commissioner Paxton seconded and the motion carried unanimously.

Commissioner Elliott moved to approve and adopt Resolution No. 2008-15, A Resolution Authorizing Carbon County, Wyoming, to Enter into a Site Lease, a Lease Purchase Agreement and an Escrow Agreement Relating to the Mechanical/Electrical System Upgrade at the Memorial Hospital of Carbon County. Commissioner Paxton seconded and the motion carried unanimously.

RESOLUTION NO. 2008-15

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

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

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

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED:

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

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

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

SECTION 4. The Commissioners hereby represent that the reasonably anticipated amount of qualified tax-exempt obligations which have been and will be issued by the County, together with subordinate entities, for the 2008 calendar year does not exceed \$10,000,000 and hereby designates the Lease Purchase Agreement to be a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

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

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

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

ADOPTED AND APPROVED as of the 1st day of July, 2008.

CARBON COUNTY, WYOMING

By: -s- Terry Weickum

Title: Chairman, Board County Commissioners

ATTESTED:

By: -s- Gwynn G. Rothenberger
County Clerk

Chairman Weickum then executed all the lease documents including the Master Lease-Purchase Agreement, Schedule to Master Lease Purchase Agreement, Amortization Schedule, Escrow Agreement, Use of Proceeds Certificate, Insurance Certificate, Site Lease, Master Lease Purchase Agreement Between Bank of Commerce as Lessor and Carbon County, Wyoming as Lessee, Notice of Lease of Real Property, and Notice of Lease of Real Property and Improvements.

ADJOURNMENT

There being no further business, Chairman Weickum adjourned the meeting at 3:47 p.m.

-s- Gwynn G. Rothenberger, Carbon County Clerk

Approved this 15th day of July 2008

BOARD OF COUNTY COMMISSIONERS
CARBON COUNTY, WYOMING

-s- Terry Weickum, Chairman