

**MINUTES OF THE BOARD OF  
CARBON COUNTY COMMISSIONERS  
REGULAR MEETING  
Tuesday, July 3, 2007  
County Courthouse, Rawlins, Wyoming**

The regular meeting of the Board of Carbon County Commissioners commenced Tuesday, July 3, 2007 at the County Courthouse in Rawlins, Wyoming. Attending the meeting were Chairman Artlin Zeiger; Commissioners Terry Weickum and Jerry Paxton; County Clerk Gwynn Rothenberger, County Attorney Cindy DeLancey, and Deputy Clerk Kathy Turner.

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

**CLERK**

**Minutes**

Commissioner Weickum moved to approve the minutes of the June 19 & 20, 2007 Commissioners meeting as presented. Commissioner Paxton seconded and the motion carried unanimously.

**Bonds**

Commissioner Weickum moved to approve a \$1,000.00 bond for Sanford S. Robinson, Treasurer of Baggs Cemetery District and a \$5,000.00 bond for Robert D. Gates, Superintendent of Carbon County School District #2. Commissioner Paxton seconded and the motion carried unanimously.

**Board Resignations**

Clerk Rothenberger presented a letter from Christine Bjork resigning from her seat on the Carbon County Economic Development Corporation and a letter from Marjorie Blakeslee resigning from her seat on the Carbon County Senior Services Board. She added that her office would advertise for these openings.

**Murray Street Extension**

Clerk Rothenberger advised she received a notice of intent from the Wyoming Department of Transportation to consider the use of eminent domain on county owned property near their planned Murray Street project. She stated she contacted Craig Alexander of WYDOT who assured her that the letter was only to comply with a new state statute and that WYDOT has no plans to acquire any of the county's property, but just a construction permit that would allow them to slope and blend the side of the road that will border the county's property.

**Adjustment Agreement**

Clerk Rothenberger presented an Agreement for Adjustment of Facilities for Carbon County to relocate underground power and telephone lines at the Jeffrey Center. She added that this agreement must be in place before any work begins in order for the county to be reimbursed from WYDOT. She stated that County Attorney Cindy DeLancey has reviewed the agreement and recommends approval. Attorney DeLancey stated that the agreement contains several requirements that she wanted the Board to be aware of including strict completion dates.

Commissioner Weickum moved to authorize the Chairman to sign the Agreement for Adjustment of Facilities between the Transportation Commission of Wyoming and Carbon County to allow for reimbursement to the county for relocating underground phone and power lines located at the Jeffrey Center. Commissioner Paxton seconded and the motion carried unanimously.

**Wyoming Association of Risk Management**

Clerk Rothenberger advised she received a settlement check from the Wyoming Association of Risk Management in the amount of \$19,266.86 for water damage at the Carbon Building in 2005.

**DKRW**

Clerk Rothenberger advised she notified all the Council of Governments members of a public

meeting being held by DKRW Tuesday, July 10, 2007 regarding the proposed Medicine Bow Fuel and Power – Coal to Liquids Project to discuss and explain the Industrial Siting Permit Application Process.

### **24-Hour Malt Beverage Permits**

Clerk Rothenberger advised Little Snake River Valley (LSRV) Lions Club applied for two 24-Hour Malt Beverage Permits for July 7 and 8, 2007, at the Russell Community Park. Because the county owns the property, she requested the Board sign a statement acknowledging that the county is aware of the event and authorizes it be held as long as the LSRV Lions Club provides the proper liability insurance.

Commissioner Weickum moved to authorize the Chairman to sign a statement acknowledging that the county is aware of and authorizes the Little Snake River Valley Lions Club to sell malt beverages at a rodeo July 7 and 8, 2007 at the Russell Community Park. Commissioner Paxton seconded and the motion carried unanimously.

### **Carbon County Salary Publication**

Clerk Rothenberger presented the gross salary publication for full-time County employees as of July 2, 2007. She stated this would be published July 11, 2007.

Commissioner Weickum moved to approve the Publication of Gross Salaries for Carbon County, Wyoming as of July 2, 2007 as presented. Commissioner Paxton seconded and the motion carried unanimously.

### **Identify Theft**

Clerk Rothenberger advised she recently met with Michael Wright who offers an identity theft program. She stated that Mr. Wright had talked with the Board several months ago and that the Board's minutes reflect that he was asked to meet with Clerk Rothenberger after the budget process to determine if the county would adopt Mr. Wright's program. She added that Mr. Wright was under the impression that the Board had decided to adopt his program at the previous meeting.

The Board stated no decisions had been made at the previous meeting Mr. Wright attended, and asked Clerk Rothenberger to contact Mr. Wright to let him know the county is not interested in his identity theft program.

### **Carbon County Public Health**

Clerk Rothenberger presented a letter from Bridget Hettgar discussing the Town of Saratoga's building that she would like the Board to consider purchasing if it becomes vacant. Ms. Hettgar's letter stated The Town of Saratoga is having the property appraised and that they plan to vacate the building in August.

## **ELECTED OFFICIALS/DEPARTMENT HEADS**

### **Road & Bridge**

Bill Nation introduced Kurt Braun and advised that Mr. Braun was resigning from his position with the Road & Bridge Department.

Mr. Nation distributed the July 3, 2007 Road & Bridge Report. He advised they have been watering roads to minimize dust going into the hay fields. Mr. Nation gave a presentation of Road & Bridge equipment, maintenance, projects and concerns.

Mr. Nation provided an update on DKRW and advised Mark Ducker is working on a grant application to the Wyoming Business Council.

Mr. Nation discussed Arch of Wyoming's mining activity taking place within 100 feet of County Road 115 and stated he feels the operation is safe but that per DEQ regulations, the Board of County Commissioners must hold a public hearing for this type of activity by a public road. He asked for Board approval to schedule and advertise for a public hearing regarding the matter.

Commissioner Weickum moved to approve the continuation of the mining activity within 100

feet of Carbon County Road 115 and to schedule a public hearing to listen to public comments on August 7, 2007 at 11:00 a.m. at the County Courthouse in Rawlins, Wyoming. Commissioner Paxton seconded and the motion carried unanimously.

Mr. Nation advised he has contacted General Steel regarding his proposed office building. He obtained a quote of \$19,750.00 plus shipping for a 40' x 40' x 21' building, adding that this is a significant discount if he purchases the building directly from this manufacturer. He added that he would then have to hire a contractor to erect the building. He further advised General Steel requires a \$5,000.00 down payment and the remainder due when the building is delivered.

Commissioner Paxton moved to approve Bill Nation to purchase a 40' x 40' x 21' steel building from General Steel in the amount of \$19,750.00 plus shipping and to pay the required \$5,000.00 down payment. Commissioner Weickum seconded and the motion carried unanimously.

### **Assessor**

Chief Deputy Assessor Cheryl Ross distributed the 2007 Abstract of Assessed Values as follows; locally assessed \$156,117,705, state assessed \$735,880,635 for a total of \$891,998,340. She advised she has not received the final certified valuation from the State but expects to receive it soon.

### **BLM – LANDER RESOURCE MANAGEMENT PLAN**

Carol-Anne Murray and Robert Ross, Jr. discussed the Lander-Resource Management Plan (RMP) and stated it would take approximately four years to complete. Mr. Ross invited the county to be an official cooperating agency on this plan. Ms. Murray discussed that the first step of scooping was completed in February. She advised they will produce a report at the end of July. The summary management analysis should be produced by fall 2007, a draft RMP by fall 2008, a final EIS in fall of 2009, protests in spring 2010, and final analysis document in place by December 2010.

Ms. Murray discussed the draft Memorandum of Understanding (MOU) between the BLM and the county that would be necessary if the Board were to be a full cooperater. Attorney DeLancey advised she has looked at the MOU and did not have any objections.

The Board agreed that Commissioner Paxton would be the main contact person and Commissioner Weickum would be the alternate. Ms. Murray advised she would get the final MOU to Clerk Rothenberger for signature.

### **RECESS**

Chairman Zeiger called a recess at 10:44 a.m. and reconvened at 10:52 a.m.

### **EXECUTIVE SESSION**

Commissioner Paxton moved to go into executive session at 10:52 a.m. with Attorney DeLancey and Clerk Rothenberger for personnel and litigation. Chairman Zeiger seconded and the motion carried unanimously.

Commissioner Paxton moved to come out of executive session at 12:06 p.m. Commissioner Weickum seconded and the motion carried unanimously.

Chairman Zeiger stated that no action was taken during the executive session.

Commissioner Paxton moved to approve the minutes of the executive session as written and declared they be sealed. Commissioner Weickum seconded and the motion carried unanimously.

### **RECESS**

Chairman Zeiger recessed for lunch at 12:06 p.m. and reconvened at 1:40 p.m.

### **EXECUTIVE SESSION**

Commissioner Weickum moved to go into executive session at 1:40 p.m. with Attorney DeLancey, Greg Zabel, and Clerk Rothenberger for personnel. Commissioner Paxton seconded

and the motion carried unanimously.

Commissioner Paxton moved to come out of executive session at 1:53 p.m. Commissioner Weickum seconded and the motion carried unanimously.

Chairman Zeiger stated that no action was taken during the executive session.

Commissioner Weickum moved to approve the minutes of the executive session as written and declared they be sealed. Commissioner Paxton seconded and the motion carried unanimously.

### **GIS / GPS**

Karen Larsen discussed her salary for the 2007-2008 fiscal year and she asked what the reason was for the cut to her requested salary. The Board responded that she was given a 5% raise, consistent with many other county employees. She stated that she feels that with her training, the fact that she has an ESRI certification, and type of work she performs that her salary should be more commensurate with other officials that do the same work in other counties.

Commissioner Paxton questioned what qualifications other GIS professionals might have that make a higher salary. She responded that some get the education through ESRI plus years of experience, and some have a specialized degree. Commissioner Paxton stated that he does not feel there has been a lot of progress since the beginning of the project and that was part of the reasoning for the degree of salary increase. Ms. Larsen replied that other counties already had more data to begin with when they began rural addressing, and she has been partly delayed by the County Assessor's Office and their lack of technology. She added that other counties have more personnel dedicated to this task and that she is the lone employee for Carbon County. Ms. Larsen stated that this was originally slated to be a six-year project and she has completed it in about one half the time.

Chairman Zeiger stated he feels she is being fairly compensated for the work she is doing. He feels that until further strides are made, he is uncomfortable raising her salary. She stated that if this were the case, she would need to turn the GIS work over to someone else and only maintain the rural addressing portion of her job.

She stated that at this time, she has 90% of the rural addressing completed and that those individuals have their letters stating their addresses. She asked if she returned in one month and proved that all current rural properties have been assigned rural addresses, would the Board reconsider her salary. The Board directed her to complete the project and return in August.

### **PLANNING & ZONING**

#### **Public Hearing Case File No. 07-03 and Case File No. 06-19**

Chairman Zeiger opened a public hearing at 2:15 p.m. to hear Planning & Zoning Case File No. 07-03 and Case File No. 06-19.

Lou Kline, Will Speer, and Kristy Rowan presented the following Case Files:

**Case No. 07-03 and Case File 06-19 – David G. Vranian & Robert B. Vranian:** Request for a Minor Subdivision in a RAM Zone on approximately 50.12 acres. A minor subdivision permit provides for an adequate public record of the division, in a less complicated process than a major subdivision. This process shall not be applicable to lots or parcels in platted subdivisions of record. The applicant is applying for a Zone Change, Case No. 06-19 to comply with the Carbon County Zoning Resolution of 2003 Amended 01-06-2004. The applicant is requesting a zone change from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-35.12 and RRA-15.00) encompassing a total of approximately 50.12 acres. Lot 1 will contain approximately 35.12 acres and Lot 2 will contain approximately 15.00 acres encompassing a total of approximately 50.12 acres. The RRA Zone allows residential and agricultural activities.

Ms. Rowan advised the planning staff recommends approval.

Shorty Ballard stated the Vranians should be aware of a ditch that is downhill and adjacent to the property and know that they have the right to clean this ditch. Mr. Speer advised Ms. Rowan will write a letter to David and Robert Vranian advising them of the ditch. Chairman Zeiger advised he would like a staff condition added stating the owners have the right to clean a ditch and

incidental damage may occur during maintenance and cleaning of that ditch.

There being no additional public comments, Chairman Zeiger closed the hearing at 2:24 p.m.

Commission Weickum moved to approve Planning & Zoning Case File No. 07-03 and Case File No. 06-19, David G. Vranian & Robert B. Vranian's request for a minor subdivision and zone change from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-35.12 and RRA-15.00) encompassing a total of approximately 50.12 acres. Commissioner Paxton seconded, and the motion carried unanimously.

Commissioner Weickum moved to approve Resolution No. 2007-16 and Resolution No. 2007-17, Resolutions of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning Commission, regarding Planning & Zoning Case Files No. 07-03 and No. 06-19. Commissioner Paxton seconded and the motion carried unanimously.

### **Resolution No. 2007 – 16**

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

**WHEREAS**, pursuant to Wyo. Stat.§18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on May 1, 2007, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at said public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said hearing; and

**WHEREAS**, at the conclusion of said public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Commissioners to adopt this amendment to the Carbon County Zoning Resolution of 2003 for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Commissioners, pursuant to Wyo. Stat.§18-5-202(c) and after receipt of said certified recommendation for approval of this amendment to the Carbon County Zoning Resolution of 2003, advertised by public notice at least 14 days prior to a public hearing to take public input and comments which said hearing occurred on July 3, 2007; and

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

**WHEREAS**, the Carbon County Commissioners in considering the said amendment have also reviewed and considered the Carbon County Land Use Plan of 1998; and

**WHEREAS**, the Carbon County Commissioners have determined that the proposed amendment is in conformity with the Carbon County Land Use Plan of 1998 and otherwise promotes the health, safety and general welfare of the residents of Carbon County; and

**WHEREAS**, at a regularly scheduled meeting of the Carbon County Commissioners, by majority vote, the Carbon County Commissioners moved to approve the following amendment(s) to the Carbon County Zoning Resolution of 2003.

**(1) Case File #06-19 – David G. Vranian and Robert B. Vranian:** Request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-35.12 and RRA-15.00) encompassing a total of approximately 50.12 acres. Lot 1 will contain approximately 35.12 acres and Lot 2 will contain approximately 15.00 acres encompassing a total of approximately 50.12 acres. The 50.12 acres is located in the Vranian Record of Survey – Minor Subdivision (See Case #07-03). The RRA Zone allows residential and agricultural activities. The subject property is located approximately 15 miles southeast of Encampment off HWY 230 and Skyline Road.

**Legal Description:** Lots 1 and 2 located in the W1/2NE1/4SE1/4, E1/2NW1/4SE1/4, and the E1/2W1/2NW1/4SE1/4 of Section 4, T13N, R82W, 6th P.M., Carbon County, Wyoming, containing 50.12 acres, more or less.

Together with that certain Grant of Right-of-Way dated August 27, 1975, recorded August 27, 1975, in BOOK 628, PAGE 438, of the Official Records of Carbon County, Wyoming.

SUBJECT, HOWEVER, to all easements, restrictions, reservations and rights-of-way of record in the office of the County Clerk and Ex-Officio Register of Deeds of Carbon County, Wyoming.

#### **ACCESS ACROSS LOT 1 OF THE VRANIAN RECORD OF SURVEY:**

A 30 ft. wide strip of land in the NW1/4SE1/4 Section 4, Township 13 North, Range 82 West of the 6<sup>th</sup> Principal Meridian, Carbon County, Wyoming, being 15 ft. on each side of the following

described centerline:

Beginning at a point on the East line of Lot 1 of the Vranian Record of Survey which bears S79°20'52"W, 1491.24 ft. from the East ¼ corner of said Section 4; Thence N74°33'00"W, 49.48 ft. to a point; Thence S89°31'27"W, 130.87 ft. to a point; Thence S56°30'21"W, 212.16 ft. to a point; Thence S62°00'30"W, 99.91 ft. to a point; Thence S82°42'37"W, 107.70 ft. to a point; Thence N87°14'22"W, 157.34 ft. to a point; Thence N86°32'09"W, 114.35 ft. to a point; Thence S62°17'10"W, 14.53 ft. to a point on the

**ACCESS ACROSS LOT 1 OF THE VRANIAN RECORD OF SURVEY - CONTINUES:**

West line of said Lot 1 of the Vranian Record of Survey, which bears S79°19'41"W, 2340.73 ft. from the East ¼ corner of said Section 4, said strip of land being 886.34 ft. or 53.72 rods in length and containing 0.61 acres, more or less.

**ACCESS ACROSS LOT 2 OF THE VRANIAN RECORD OF SURVEY:**

A 30 ft. of strip of land in the N1/2SE1/4 Section 4, Township 13 North, Range 82 West of the 6<sup>th</sup> Principal Meridian, Carbon County, Wyoming, being 15 ft. on each side of the following described centerline: Beginning at a point on the East line of Lot 2 of the Vranian Record of Survey which bears S65°03'02"W, 724.86 ft. from the East ¼ corner of said Section 4; Thence S84°25'35"W, 115.85 ft. to a point; Thence N78°05'28"W, 493.26 ft. to a point; Thence S19°15'51"W, 92.05 ft. to a point; Thence S79°08'40"W, 50.64 ft. to a point; Thence N74°33'00"W, 135.16 ft. to a point on the West line of said Lot 2 of the Vranian Record of Survey which bears S79°20'52"W, 1491.24 ft. from the East ¼ corner of said Section 4, said strip of land being 886.96 ft. or 53.76 rods in length and containing 0.61 acres, more or less.

Pursuant to the recommendations of the Carbon County Planning and Zoning Commission:

LOT 1: Density shall not exceed one (1) single-family dwelling and associated structures are permitted on approximately 35.12 acres (RRA-35.12).

LOT 2: Density shall not exceed one (1) single-family dwelling and associated structures are permitted on approximately 15.00 acres (RRA-15.00).

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

1. That the Carbon County Board of Commissioners, hereby adopt these amendment(s) as certified to them in writing by the Carbon County Planning and Zoning Commission.

**PRESENTED, READ, AND ADOPTED** at a scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 3rd day of July, 2007.

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

By: -s- Artlin "Art" Zeiger, Chairman  
-s- Jerry D. Paxton  
-s- Terry Weickum

Attest:

-s- Gwynn G. Rothenberger, Carbon County Clerk

**Resolution No. 2007 - 17**

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

**WHEREAS**, pursuant to Wyo. Stat. §18-5-306 & 18-5-307, the Carbon County Planning and Zoning Commission held a public hearing on May 1, 2007, which said hearing was advertised by public notice at least forty-five (45) days prior to said hearing; and

**WHEREAS**, at said public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said hearing; and

**WHEREAS**, at the conclusion of said public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Commissioners to adopt this amendment to the Carbon County Minor Subdivision Regulations for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Commissioners, pursuant to Wyo. Stat. §18-5-308 and after receipt of said certified recommendation for approval of this amendment to the Carbon County Minor Subdivision Regulations, advertised by public notice at least forty-five (45) days

prior to a public hearing to take public input and comments which said hearing occurred on July 3, 2007; and

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

**WHEREAS**, the Carbon County Commissioners in considering the said amendment have also reviewed and considered the Carbon County Land Use Plan of 1998; and

**WHEREAS**, the Carbon County Commissioners have determined that the proposed amendment is in conformity with the Carbon County Land Use Plan of 1998 and otherwise promotes the health, safety and general welfare of the residents of Carbon County; and

**WHEREAS**, at a regularly scheduled meeting of the Carbon County Commissioners, by majority vote, the Carbon County Commissioners moved to approve the following amendment(s) to the Carbon County Minor Subdivision Regulations.

**(1) Case File #07-03 – David G. Vranian and Robert B. Vranian: “Vranian Record of Survey”:**

Request for a Minor Subdivision in a RAM Zone on approximately 50.12 acres. A minor subdivision permit provides for an adequate public record of the division, in a less complicated process than a major subdivision. This process shall not be applicable to lots or parcels in platted subdivisions of record. The applicant is applying for a zone change (See Case #06-19) to comply with the Carbon County Zoning Resolution of 2003 Amended 01-06-2004. The applicant is requesting a zone change from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-35.12) and RRA-15.00) encompassing a total of approximately 50.12 acres. The RRA Zone allows residential and agricultural activities. The subject property is located approximately 15 miles southeast of Encampment off HWY 230 and Skyline Road.

**Legal Description:** Lots 1 and 2 located in the W1/2NE1/4SE1/4, E1/2NW1/4SE1/4, and the E1/2W1/2NW1/4SE1/4 of Section 4, T13N, R82W, 6th P.M., Carbon County, Wyoming, containing 50.12 acres, more or less.

Together with that certain Grant of Right-of-Way dated August 27, 1975, recorded August 27, 1975, in BOOK 628, PAGE 438, of the Official Records of Carbon County, Wyoming.

SUBJECT, HOWEVER, to all easements, restrictions, reservations and rights-of-way of record in the office of the County Clerk and Ex-Officio Register of Deeds of Carbon County, Wyoming.

**ACCESS ACROSS LOT 1 OF THE VRANIAN RECORD OF SURVEY:**

A 30 ft. wide strip of land in the NW1/4SE1/4 Section 4, Township 13 North, Range 82 West of the 6<sup>th</sup> Principal Meridian, Carbon County, Wyoming, being 15 ft. on each side of the following described centerline:

Beginning at a point on the East line of Lot 1 of the Vranian Record of Survey which bears S79°20'52"W, 1491.24 ft. from the East ¼ corner of said Section 4; Thence N74°33'00"W, 49.48 ft. to a point; Thence S89°31'27"W, 130.87 ft. to a point; Thence S56°30'21"W, 212.16 ft. to a point; Thence S62°00'30"W, 99.91 ft. to a point; Thence S82°42'37"W, 107.70 ft. to a point; Thence N87°14'22"W, 157.34 ft. to a point; Thence N86°32'09"W, 114.35 ft. to a point; Thence S62°17'10"W, 14.53 ft. to a point on the

**ACCESS ACROSS LOT 1 OF THE VRANIAN RECORD OF SURVEY - CONTINUES:**

West line of said Lot 1 of the Vranian Record of Survey, which bears S79°19'41"W, 2340.73 ft. from the East ¼ corner of said Section 4, said strip of land being 886.34 ft. or 53.72 rods in length and containing 0.61 acres, more or less.

**ACCESS ACROSS LOT 2 OF THE VRANIAN RECORD OF SURVEY:**

A 30 ft. of strip of land in the N1/2SE1/4 Section 4, Township 13 North, Range 82 West of the 6<sup>th</sup> Principal Meridian, Carbon County, Wyoming, being 15 ft. on each side of the following described centerline: Beginning at a point on the East line of Lot 2 of the Vranian Record of Survey which bears S65°03'02"W, 724.86 ft. from the East ¼ corner of said Section 4; Thence S84°25'35"W, 115.85 ft. to a point; Thence N78°05'28"W, 493.26 ft. to a point; Thence S19°15'51"W, 92.05 ft. to a point; Thence S79°08'40"W, 50.64 ft. to a point; Thence N74°33'00"W, 135.16 ft. to a point on the West line of said Lot 2 of the Vranian Record of Survey which bears S79°20'52"W, 1491.24 ft. from the East ¼ corner of said Section 4, said strip of land being 886.96 ft. or 53.76 rods in length and containing 0.61 acres, more or less.

Pursuant to the recommendations of the Carbon County Planning and Zoning Commission:

LOT 1: Density shall not exceed one (1) single-family dwelling and associated structures are permitted on approximately 35.12 acres (RRA-35.12).

LOT 2: Density shall not exceed one (1) single-family dwelling and associated structures are permitted on approximately 15.00 acres (RRA-15.00).

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

1. That the Carbon County Board of Commissioners, hereby adopt these amendment(s) as certified to them in writing by the Carbon County Planning and Zoning Commission.

**PRESENTED, READ, AND ADOPTED** at a scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 3rd day of July, 2007.

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

By: -s- Artlin "Art" Zeiger, Chairman  
-s- Jerry D. Paxton  
-s- Terry Weickum

Attest:

-s- Gwynn G. Rothenberger, Carbon County Clerk

**Public Hearing Case File No. 07-09**

Chairman Zeiger opened a public hearing at 2:25 p.m. to hear Planning & Zoning Case File No. 07-09.

Lou Kline, Will Speer, and Kristy Rowan presented the following Case File:

**Case No. 07-09 = Gary Bockman:** Request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-10) on approximately 10 acres. Density being one (1) single family dwelling unit and associated structures allowed on approximately 10 acres. The RRA Zone allows residential and agricultural activities. Located approximately one (1) mile east of Riverside off HWY 230.

Ms. Rowan advised Mr. Bockman is in the process of applying for water and septic permits. She also stated he has applied for a building permit but it has not been issued yet. Mr. Bockman advised he does have a well permit. Ms. Rowan advised the planning staff recommends approval.

There being no additional public comments, Chairman Zeiger closed the hearing at 2:28 p.m.

Commissioner Weickum moved to approve Planning & Zoning Case File No. 07-09 Gary Bockman's request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-10) on approximately 10 acres. Commissioner Paxton seconded, and the motion carried unanimously.

Commissioner Weickum moved to approve Resolution No. 2007-18, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning Commission, regarding Planning & Zoning Case File No. 07-09. Commissioner Paxton seconded and the motion carried unanimously.

**Resolution No. 2007 - 18**

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

**WHEREAS**, pursuant to Wyo. Stat.§18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on June 5, 2007, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at said public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said hearing; and

**WHEREAS**, at the conclusion of said public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Commissioners to adopt this amendment to the Carbon County Zoning Resolution of 2003 for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Commissioners, pursuant to Wyo. Stat.§18-5-202(c) and after receipt of said certified recommendation for approval of this amendment to the Carbon County Zoning Resolution of 2003, advertised by public notice at least 14 days prior to a public hearing to take public input and comments which said hearing occurred on July 3, 2007; and

**WHEREAS**, at said public hearing, the Carbon County Commissioners provided the opportunity for the public to comment and for the Carbon County Commissioners to consider any

comments which were made on the proposed amendments; and

**WHEREAS**, the Carbon County Commissioners in considering the said amendment have also reviewed and considered the Carbon County Land Use Plan of 1998; and

**WHEREAS**, the Carbon County Commissioners have determined that the proposed amendment is in conformity with the Carbon County Land Use Plan of 1998 and otherwise promotes the health, safety and general welfare of the residents of Carbon County; and

**WHEREAS**, at a regularly scheduled meeting of the Carbon County Commissioners, by majority vote, the Carbon County Commissioners moved to approve the following amendment(s) to the Carbon County Zoning Resolution of 2003.

**(1) Case File #07-09 – Gary Bockman:** Request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-10) on approximately 10 acres. The RRA Zone allows residential and agricultural activities. The density being one (1) single family dwelling unit and associated structures allowed on approximately 10 acres. The subject property is located approximately one (1) mile east of Riverside off HWY 230.

**Legal Description:** The West One Half of the East One Half (W1/2 E1/2) of Lot Three (3) in Section 5, T14N, R83W, 6<sup>th</sup> P.M., Carbon County, Wyoming.

Pursuant to the recommendations of the Carbon County Planning and Zoning Commission: Density on the subject parcel shall not exceed one (1) dwelling unit and associated structures on approximately 10 acres (RRA-10).

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

1. That the Carbon County Board of Commissioners, hereby adopt these amendment(s) as certified to them in writing by the Carbon County Planning and Zoning Commission.

**PRESENTED, READ, AND ADOPTED** at a regular scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 3rd day of July, 2007.

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

By: -s- Artlin “Art” Zeiger, Chairman  
-s- Jerry D. Paxton  
-s- Terry Weickum

Attest:

-s- Gwynn G. Rothenberger, Carbon County Clerk

**Public Hearing Case File No. 07-10**

Chairman Zeiger opened a public hearing at 2:29 p.m. to hear Planning & Zoning Case File No. 07-10.

Lou Kline, Will Speer, and Kristy Rowan presented the following Case File:

**Case No. 07-10 –Darrell and Callay Danford:** Request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-6.295) on approximately 6.295 acres. Density being one (1) single family dwelling unit and associated structures allowed on approximately 6.295 acres. The RRA Zone allows residential and agricultural activities. Located ¼ mile west of Dixon – off US WY HWY 70.

Ms. Rowan advised the planning staff recommends approval and the Planning and Zoning Commission also recommends approval.

There being no public comments, Chairman Zeiger closed the hearing at 2:30 p.m.

Commissioner Weickum moved to approve Planning & Zoning Case File No. 07-10 Darrell and Callay Danford’s request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-6.295) on approximately 6.295 acres. Commissioner Paxton seconded and the motion carried unanimously.

Commissioner Weickum moved to approve Resolution No. 2007-19, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning Commission, regarding Planning & Zoning Case File No. 07-10. Commissioner Paxton seconded and the motion carried unanimously.

## Resolution No. 2007 – 19

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

**WHEREAS**, pursuant to Wyo. Stat. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on June 5, 2007, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at said public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said hearing; and

**WHEREAS**, at the conclusion of said public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Commissioners to adopt this amendment to the Carbon County Zoning Resolution of 2003 for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Commissioners, pursuant to Wyo. Stat. §18-5-202(c) and after receipt of said certified recommendation for approval of this amendment to the Carbon County Zoning Resolution of 2003, advertised by public notice at least 14 days prior to a public hearing to take public input and comments which said hearing occurred on July 3, 2007; and

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

**WHEREAS**, the Carbon County Commissioners in considering the said amendment have also reviewed and considered the Carbon County Land Use Plan of 1998; and

**WHEREAS**, the Carbon County Commissioners have determined that the proposed amendment is in conformity with the Carbon County Land Use Plan of 1998 and otherwise promotes the health, safety and general welfare of the residents of Carbon County; and

**WHEREAS**, at a regularly scheduled meeting of the Carbon County Commissioners, by majority vote, the Carbon County Commissioners moved to approve the following amendment(s) to the Carbon County Zoning Resolution of 2003.

**(1) Case File #07-10 – Darrell and Callay Danford:** Request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-6.295) on approximately 6.295 acres. The RRA Zone allows residential and agricultural activities. The density being one (1) single family dwelling unit and associated structures allowed on approximately 10 acres. The subject property is located approximately ¼ mile west of Dixon – off US WY HWY 70.

Legal Description: The land referred to is situated in the State of Wyoming, County of Carbon, and is described as follows:

**PARCEL 1:**

Beginning at a point 802 feet west of the Southeast corner of Section 5, T12N, R90W, of the 6<sup>th</sup> P.M.; thence North 660 feet to a point on the South edge of the old county road; thence in a Southwesterly direction along the Southern edge of the old county road to a point 455 feet North of the Southwest corner of the SE1/4SE1/4 of Sec. 5, T12N, R90W; thence South 455 feet; thence East 518 feet to the point of beginning; LESS THAT PART of the property conveyed to C. F. Allbach on October 4, 1948, by Warranty Deed recorded on October 12, 1948, in Book 288, Page 318, Records of Carbon County, Wyoming.

**PARCEL 2:**

Beginning at a point 660 feet West of the Southeast corner of Section 5, T12N, R90W, of the 6<sup>th</sup> P.M.; thence North 691.0 feet to a point on the South edge of the old county road; thence in a Southwesterly direction along the south edge of the old county road a distance of 142.0 feet, more or less, to a point on said southern edge of the old county road which is 640.3 feet north of the south boundary of the same Sec. 5.; thence South 640.3 feet to said South boundary of Sec. 5; thence East 142.0 feet, more or less, to the point of beginning; LESS THAT PART of the property conveyed to C. F. Allbach on October 4, 1948, by Warranty Deed recorded on October 12, 1948, in Book 288, Page 318, Records of Carbon County, Wyoming.

**PARCEL 3:**

A tract in the W1/2SE1/4SE1/4 of Section 5, T12N, R90W, 6<sup>th</sup> P.M., Carbon County, Wyoming, (Old County Road right of way), more particularly described as follows: Beginning at a point 760 feet South of the Northwest corner of the SE1/4SE1/4 of Sec. 5, T12N, R90W; thence N70°20'E, 701 feet to a point on the West line of First Street, Town of Dixon, which point is 524 feet South of the North line of said SE1/4SE1/4, measured along the West line of said First Street; thence South along said West line of First Street 105 feet to a point, which is 691 feet North and 660 feet West of the Southeast corner of Sec. 5, T12N, R90W; thence S70°20'W, 701 feet to a point, which point is 455 feet North of the Southwest corner of said SE1/4SE1/4 of Sec. 5; thence North along the West line of said SE1/4SE1/4, 105 feet to the place of beginning.

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

Pursuant to the recommendations of the Carbon County Planning and Zoning Commission: Density on the subject parcel shall not exceed one (1) single family dwelling unit and associated structures on approximately 6.295 acres (RRA-6.295).

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

1. That the Carbon County Board of Commissioners, hereby adopt these amendment(s) as certified to them in writing by the Carbon County Planning and Zoning Commission.

**PRESENTED, READ, AND ADOPTED** at a regular scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 3rd day of July, 2007.

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

By: -s- Artlin "Art" Zeiger, Chairman  
-s- Jerry D. Paxton  
-s- Terry Weickum

Attest:

-s- Gwynn G. Rothenberger, Carbon County Clerk

**Plat Map**

Ms. Rowan presented a plat map of the Vranian Subdivision for signature and Attorney DeLancey advised she approved the plat map and that it does contain the necessary road language. Chairman Zeiger and Clerk Rothenberger both signed the plat.

**Building and Zoning Permit**

Mr. Kline advised the County Attorney has worked with Planning Department on redesigning the appearance of building and zoning permits. Chairman Zeiger and Commissioner Weickum stated they would like a copy of the proposed permit to review before they begin using it.

**Case No. 07-05 and Case File No. 07-06**

Lou Kline, Will Speer and Kristy Rowan presented the Certification of Recommended Action for Case File No. 07-05 and Case File No. 07-06, Rafe Cooper, Granville P. and Vickie Cooper, and Sanford W. Barker.

Commissioner Weickum moved to schedule a public hearing for September 4, 2007 at 2:00 p.m. at the County Courthouse in Rawlins, Wyoming to hear Case File No. 07-05 and Case File No. 07-06, Rafe Cooper, Granville P. and Vickie Cooper, and Sanford W. Barker's request for a Final Plat of the Cooper Subdivision Replat and Zone Change from Residential 14.804 to RD-9.766 and RD-5.038 encompassing a total of 14.804, located in the Cherokee Road area approximately 1.4 miles west of the City of Rawlins. Commissioner Paxton seconded and the motion carried unanimously.

**Case File No. 07-13**

Lou Kline, Will Speer and Kristy Rowan presented the Certification of Recommended Action for Case File No. 07-13, Lela A. Emmons.

Commissioner Weickum moved to schedule a public hearing for August 7, 2007 at 2:00 p.m. at the County Courthouse in Rawlins, Wyoming to hear Case File No. 07-13, Lela A. Emmons' request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-40) on approximately 40 acres. Commissioner Paxton seconded and the motion carried unanimously.

**Zoning Resolution Amendment**

Mr. Speer presented a copy of the Planning Commission's meeting minutes from earlier today

stating “Commissioner Ballard moved to amend the Carbon County Zoning Resolution of 2003 Amended January 6, 2004, to effect the following changes: 1) Delete Section 4.3 and Section 4.4; 2) Add “Grazing and Penning” as principally permitted uses in Section 4.2 and Section 4.6; 3) Change the acreage in Section 4.2 to 40 acres; 4) Amend all Zones permitting residential uses to require appurtenant access to the site, a potable water source and an approved waste disposal system in order to receive a Building Permit/Zoning Certificate; 5) Review, amend or add any definitions that are deemed necessary for the purposes of clarity; 6) Create a section outlining the procedure required to effect a zone change, a PUD, or a request for Building Permit/Zoning Certificate; and 7) Delete All of Part b – Exemptions from Minimum Parcel Size in the RAM Zone. Chairman Speer seconded the motion. The motion passed with Commissioners Ballard, Speer, and Wilson voting yes. Commissioner Wagner voting no. The motion passed without further discussion.”

Mr. Speer advised the Planning Commission would work with attorney Jim Bell on the revisions to the Zoning Resolution of 2003. Mr. Speer advised it will take approximately 90 days for these amendments to be completed. Attorney DeLancey asked the Planning Commission for approval to contact Mr. Bell to discuss the proposed timeline. Mr. Speer advised he would e-mail Mr. Bell authorizing him to discuss this with Ms. DeLancey. Mr. Speer inquired about how to pay the necessary legal fees and Clerk Rothenberger advised these funds are included in the Planning Department’s 2007-2008 budget.

### **RAWLINS & CARBON COUNTY FIRE DEPARTMENTS**

Scott Hannum, Rawlins Fire Department, discussed the services the Rawlins Fire Department provides. He advised he is present today to clarify discussion from the May 15, 2007 Commissioners Minutes that discussed a first responder system and Larry Trapp’s statement that county fire personnel may have to assist with extrication services and other fire calls if the City firefighters were busy assisting EMS personnel with their calls. He stated that the City has been using a first responder system and has had no problems covering all calls, including fire and extrication and he does not expect county fire personnel to have to cover any of the City’s calls.

He advised that the February 6, 2007 Commissioners Minutes stated that the County Fire Department was covering most extrication calls, but Mr. Hannum stated that is not necessarily true either.

Commissioner Weickum addressed Mr. Hannum and Mr. France stating that he feels both the City of Rawlins and the county have excellent departments. He stated his concern of fire protection on the east side of Carbon County, and asked what the Commissioners can do to help each fire department.

Dwight France and Mr. Hannum both agreed that manpower can be an issue and Mr. France advised a new rescue truck for extrications could help his department. Mr. Hannum stated he feels that a fire department should assist all ambulance crews with their calls, primarily with lifting patients.

### **Fire Restrictions**

Mr. France advised he is considering placing fire restrictions in Carbon County within a few weeks.

### **VALLEY COMMUNITY CENTER**

Kathi Terkla discussed the proposed Joint Powers Board Agreement between the County and the Towns of Dixon and Baggs regarding the proposed Valley Community Center to be located in Baggs. She asked for clarification on the language the Board wanted taken out of the proposed Agreement.

Chairman Zeiger stated that Section VII Funding, states that bond issues undertaken by Carbon County is an approved source of funding for the Joint Powers Board. He asked that this language be removed.

Ms. Terkla advised she used a previously approved County Resolution and Town of Saratoga Ordinance regarding the Platte Valley Community Center Joint Powers Board as a model and that this specific bond language is in that agreement so she felt it was appropriate for this agreement as well. She then presented copies of a Resolution with no number signed by Chairman Zeiger

February 18, 2003 and Town of Saratoga Ordinance #710.

Chairman Zeiger asked if the county had to be involved in the Joint Powers Board Agreement. Mrs. Terkla advised that at the advice of their attorneys, the Towns of Dixon and Baggs will not take on this additional debt and will not agree to the center if the county is not involved.

Ms. Terkla advised the group plans to apply for a \$1.5 million grant from the State and that Devon Energy may help them with their endowment fund for a total of at least \$2.5 million.

Commissioners Weickum and Paxton asked how the Board could assist in the process without obligating the citizens of Carbon County. Attorney DeLancey offered to speak with Tom Thompson regarding the Joint Powers Board Agreement and possible alternate language to replace the bond issue for the Board's consideration.

### **PLANNING DEPARTMENT**

Lou Kline requested clarification on who usually prepares and presents the Planning Departments' budget request. The Board stated that the County Planner normally does this.

### **SPECIAL PURPOSE TAX DISCUSSION**

Commissioner Weickum reported that the committee formed by the Council of Governments to propose a special purpose tax will hold their first meeting next week. He requested the Board's input on what the county might sponsor for its project and proposed the county sponsor Memorial Hospital of Carbon County in the approximate amount of \$5.5 million.

Commissioner Paxton moved to adopt Memorial Hospital of Carbon County as the county sponsored project for a proposed special purpose tax in 2008 in the approximate amount of \$5.5 million. Commissioner Weickum seconded and the motion carried unanimously.

### **EXECUTIVE SESSION**

Attorney DeLancey excused herself from the executive session due to a potential conflict.

Commissioner Weickum moved to go into executive session at 4:00 p.m. with Bill Nation and Clerk Rothenberger for potential litigation. Commissioner Paxton seconded and the motion carried unanimously.

Commissioner Paxton moved to come out of executive session at 4:26 p.m. Commissioner Weickum seconded and the motion carried unanimously.

Chairman Zeiger stated that no action was taken during the executive session.

Commissioner Weickum moved to approve the minutes of the executive session as written and declared they be sealed. Commissioner Paxton seconded and the motion carried unanimously.

### **COUNTY ATTORNEY**

Attorney DeLancey was called by telephone at 4:30 p.m. The Board requested authorization to obtain outside legal counsel to represent the county and asked her to recommend an attorney to consider. Attorney DeLancey could not recommend anyone as she felt everyone locally may have a conflict on the matter, but stated she would research possible attorneys and make a recommendation at a later date.

Commissioner Weickum moved that per County Attorney Cindy DeLancey's advice per statute 18-3-520 and due to her personal conflict, the Board of Carbon County Commissioners obtain outside legal counsel for potential litigation on road issues. Commissioner Paxton seconded and the motion carried unanimously.

### **ADJOURNMENT**

There being no further business, Chairman Zeiger adjourned the meeting at 4:39 p.m.

Approved this 17th day of July 2007.

BOARD OF COUNTY COMMISSIONERS  
CARBON COUNTY, WYOMING

-s- Artlin Zeiger, Chairman