

**REPORT TO THE
MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, February 6, 2018
Carbon County Courthouse, Rawlins, WY**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, February 6, 2018 at the Carbon County Courthouse, Rawlins, WY. Attending the meeting were; Chairman John Johnson; Commissioners Leo Chapman, John Espy and Sue Jones.

Chairman Johnson called the meeting to order at 9:00 a.m.

ADDITIONS / CORRECTIONS

There were no changes to the agenda.

VOUCHERS

Commissioner Chapman moved to approve the report of expenditures in the amount of \$246,265.54. Commissioner Espy seconded and the motion carried unanimously.

Commissioner Chapman moved to approve payment to Sunrise Sanitation for \$65.00 for an aggregate total today of \$246,330.54. Commissioner Espy seconded and the motion carried with all voting for the motion except Commissioner Jones who abstained due to personal conflicts.

CONSENT AGENDA

Commissioner Espy moved to approve the consent agenda which includes the January 16, 2018 regular meeting minutes, January 29, 2018 special meeting minutes; Clerk receipts for January 2018 for \$17,723.50 and Planning & Zoning receipts for January 2018 for \$1,225.00; bonds for Cindy Talbott, Treasurer for South Central Wyoming Emergency Medical Services Joint Power Board for \$10,000.00, Daniel W. Izzo, Treasurer for the City of Rawlins for \$250,000.00, Archie Roybal, Carbon County Sheriff for \$4,000.00, Stacey L. Holt, Carbon County Deputy Treasurer for \$10,000.00, Melissa Hammack, Carbon County Deputy Treasurer for \$10,000.00, Samuel Flohr, Clerk/Treasurer for the Town of Saratoga for \$50,000.00 and Linda Crane, Clerk/Treasurer for the Town of Elk Mountain in the amount of \$25,000.00; and notice of valuation changes in the amount of -\$1,777,152.00. Commissioner Jones seconded and the motion carried unanimously.

IT

Matt Webster, IT Director requested and received authorization to purchase a Private Switch/Automatic Location Identification (PS/ALI) to the current phone system noting that currently if someone dials 911 it does not show where the individual is calling from which could cause a delay in emergency response time. There is a onetime charge of \$2,177.00 to install the

system with an approximate fee of \$22.40 per month with Centurylink. Capitol Communications quoted a \$6,962.90 activation fee with \$3,060.00 per year thereafter.

Fire

John Rutherford, Fire Warden requested and received authorization to submit 3 grants. The first is for 4 mobile radios from Homeland Security for \$18,500.00. He also would like to apply for county air packs for \$230,000.00 then a regional grant for packs in the amount of \$493,000.00 with a 5% match of \$24,650.00.

Public Health

Amanda Brown, Public Health Nurse reported on services her office has provided the past month.

Planning & Zoning

Sid Fox, Planning Director presented the Planning & Zoning 2017 Annual Report.

Sheriff

Sheriff Archie Roybal provided an update of training for his staff and inmate counts.

Buildings & Grounds

Building Manager Jim Piche introduced two new employees. Cindy Hohn is part-time for the Jeffrey Center and Frank Burkhart is the new Maintenance Technician. The new county building at Ryan Park is complete and the building will be inspected by the State Fire Marshall next week. There will be a few minor items on the exterior in the summer. Ryan Park Volunteers have been nominated for the volunteer of the year award in Saratoga.

Dude Solutions, the online building maintenance tracking system, is online and he and staff are customizing. He hopes to have all users online by end of February. The first organizational meeting for the Crisis Center addition was held recently and he hopes to bid early March.

Cameras at the Jeffrey Center should be installed soon. His new Buildings & Grounds office at the Fairgrounds will be completed soon. A roofing company will come to the jail for a review as it has been leaking lately. The new kiosk system at the Dixon Airport will be installed this week for fuel sales. He will still work on building use agreements and present them in the future. These will be for the Jeffrey Center and Fairgrounds.

Road & Bridge

Bill Nation, Road & Bridge Superintendent reporting blading continues as needed, shops are being cleaned up as needed and equipment is being repaired and maintained as needed. Mr. Nation updated the Planning Commission yesterday about the Sage Creek Road project.

Attorney

Ashley Mayfield Davis, Deputy County Attorney reported she attended the South Central WY Emergency Medical Board meeting recently.

Clerk

County Clerk, Gwynn Bartlett presented the Master Lease Purchase Agreement CAR5683 between Carbon County and Kinetic Leasing, Inc. for Sheriff and Road and Bridge Vehicles in the net amount of \$152,403.18 at an annual rate of 2.66%.

Commissioner Chapman moved to authorize the Chairman’s signature on Resolution 2018-04, A Resolution Authorizing the Negotiation, Execution, and Delivery of a Master Lease-Purchase Agreement in the Principal Amount of \$152,403.18 Between Kinetic Leasing Inc., as Lessor, and Carbon County, Wyoming, as Lessee, Under Which the Lessee Will Lease Certain Equipment; and Prescribing Other Details in Connection Therewith, the Master Lease Purchase Agreement and associated documents Between Kinetic Leasing and Carbon County for Sheriff and Road and Bridge Vehicles with the net financed amount of \$152,403.18 at an annual rate of 2.66%. Commissioner Espy seconded and the motion carried unanimously.

**RESOLUTION NO. 2018-04
MASTER LEASE-PURCHASE AGREEMENT NO. CAR5683**

A RESOLUTION AUTHORIZING THE NEGOTIATION, EXECUTION, AND DELIVERY OF A MASTER LEASE-PURCHASE AGREEMENT IN THE PRINCIPAL AMOUNT OF \$152,403.18 BETWEEN KINETIC LEASING, INC., AS LESSOR, AND CARBON COUNTY, WYOMING AS LESSEE, UNDER WHICH THE LESSEE WILL LEASE CERTAIN EQUIPMENT; AND PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH.

WHEREAS, Carbon County, Wyoming (“the County”) is a body corporate duly organized and existing pursuant to the constitution and laws of the State of **Wyoming**, and

WHEREAS, the Board of County Commissioner (“the Board”) is authorized to acquire, hold, convey, lease, rent, and manage property, real and personal, for the benefit of the County in the name by which the County is designated, either alone or jointly with another public or private agency, institution, person, or corporation; and

WHEREAS, the Board hereby finds and determines that the execution of a Master Lease-Purchase Agreement (the “Equipment Lease”) for the purpose of leasing, with the option to

purchase, the equipment designated and set forth in Exhibit A of Schedule No. 110 to the Equipment Lease is appropriate and necessary to the function and operations of the County; and

WHEREAS, Kinetic Leasing, Inc. (the “Lessor”), duly organized, existing, and in good standing under the laws of the State of North Dakota, shall act as Lessor under said Equipment Lease; and

WHEREAS, the obligation of the County to pay Rental Payments (as defined in the Equipment Lease) shall be from year to year only; shall constitute currently budgeted expenditures of the County; shall not constitute a mandatory charge or requirement in any ensuing budget year; and shall not constitute a general obligation or a multiple fiscal year direct or indirect debt or other financial obligation whatsoever of the County within the meaning of any constitutional or statutory limitation or requirement concerning the creation of indebtedness nor a mandatory payment obligation of the County in any ensuing fiscal year beyond any fiscal year during which the Equipment Lease shall be in effect; and

WHEREAS, the Equipment Lease shall not directly or indirectly obligate the County to make any payments beyond those appropriated for any fiscal year during which the Equipment Lease shall be in effect.

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

Section 1. The Chairman of the Board and County Clerk acting on behalf of the County, are hereby authorized to negotiate, enter into, execute, and deliver the Equipment Lease in substantially the form set forth in the document presently before the Board, which document is available for public inspection at the office of the County’s Clerk. The Chairman of the Board and the County Clerk acting on behalf of the County, are hereby authorized to negotiate, enter into, execute, and deliver such other documents relating to the Equipment Lease, including a related Escrow Agreement as the Chairman of the Board and County Clerk upon advice of counsel, deem necessary and appropriate. The County Clerk and/or County Treasurer is authorized to execute the Receipt Certificates in form as attached to the Equipment Lease and the Payment Request Forms in form as attached to the Escrow Agreement.

Section 2. The Equipment Lease shall be in the principal amount of \$152,403.18, bearing interest as set forth in exhibit B of the Schedule No. 111 of the Equipment Lease, said Equipment Lease to contain an option to purchase by the County as therein set forth.

Section 3. The obligation of the County to make Rental Payments under the Equipment Lease is subject to annual appropriation by the Board and constitutes an undertaking of the County to make current expenditures. No provision of this resolution or the Equipment Lease shall be construed or interpreted as a delegation of governmental powers or as constitution or giving rise to a general obligation or other indebtedness or a multiple fiscal year direct or indirect debt or other financial obligation of the County within the meaning of any constitutional or statutory debt limitation, nor a mandatory charge or requirement against the County in any ensuing fiscal year beyond the current fiscal year. The County Shall have no obligation to make any payment to the Lessor or its assigns except in connection with the payment of the Rental Payments under the

Equipment Lease and certain other payments, for which funds have been specifically appropriated and encumbered by the County for such purpose, under the Equipment Lease, which payments may be terminated by the County in accordance with the provisions of the Equipment Lease.

Section 4. The Board hereby determines and declares that the Rental Payments due under the Equipment Lease constitute the fair rental value for the Equipment and do not exceed a reasonable amount.

Section 5. All other related contracts and agreements, including the Escrow Agreement, necessary and incidental to the Equipment Lease are hereby authorized.

Section 6. The County reasonably anticipates to issue not more than \$10,000,000 of tax-exempt obligations (other than “private activity bonds” which are not “qualified 501(c)(3) bonds”) during the period from January 1, 2018 to December 31, 2018 and hereby designates the Equipment Lease as a qualified tax-exempt obligation for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

Section 7. This resolution shall take effect immediately upon its adoption and approval.

ADOPTED AND APPROVED this 6th day of February, 2018.

LESSEE: CARBON COUNTY, WYOMING

By: - s- Willing John Johnson

Name/Title: Willing John Johnson / Chairman

Date: February 6, 2018

ATTEST:

By:-s- Gwynn G. Bartlett

Name/Title: Gwynn G. Bartlett/Carbon County Clerk

Clerk Bartlett reported the BOCC will hear a proposal to amend the Buildings & Grounds budget at the next meeting. She then presented the State of Wyoming State Loan and Investment Board Grant Agreement between Carbon County and Office of State Lands in the amount of \$256,650.00 for the Carbon County Youth Crisis Center Addition.

Commissioner Jones moved to authorize the Chairman’s signature on the State of Wyoming State Loan and Investment Board Grant Agreement between Carbon County and Office of State Lands in the amount of \$256,650.00 for the Carbon County Youth Crisis Center Addition. Commissioner Chapman seconded and the motion carried unanimously.

Gwynn reported she no longer has a microfilm or microfiche reader that will print. She must purchase a new machine and will do so with funds from her budget not used on a vacant position.

Cooperative Extension Service

Brian Sebade, County Coordinator introduced Abby Perry, the new Carbon County Extension Coordinator.

Commissioners

Commissioner Espy reported that Department of Interior is discussing reorganizing their departments. The Bureau of Land Management is one of those. He stated they go to a regional system with Wyoming split into two different regions. Major concerns are that it could add a level of bureaucracy with regional systems and that if it goes regional, each state should at least be entirely included in a region and not split.

Commissioner Jones moved to authorize the Chairman's signature on the Grant Application with the WY Department of Transportation Aeronautics Division for the seal coat and pavement marking project at the Dixon Airport in the amount of \$203,940.00, of which \$183,546.00 is state funds and \$20,394.00 is county funds and to authorize the Chairman's signature on the Amendment no. 4 to the Five Year Generalized Engineering Agreement Between Carbon County and GDA for Dixon Airport Seal Cost and Marking Project. Commissioner Chapman seconded and the motion carried unanimously.

Chairman Johnson reported he and Commissioner Jones attended the South Central WY Emergency Medical Service's recent meeting that involved all member entities. Member entities were told they would likely be asked to pay \$40 per member next fiscal year rather than \$30 per member. Commissioner Jones reported she spoke with their director, Jeb Steward about EMT training noting training is mandatory to transport patients.

Clerk Bartlett invited the board to some upcoming meetings that she will be conducting regarding the future of voting in Wyoming. One is in Rawlins on February 21 and Saratoga February 22.

EXECUTIVE SESSION

Commissioner Espy moved to go into executive session at 10:45 a.m. with Ashley Davis and Gwynn Bartlett to discuss personnel, potential litigation and other matters considered confidential by law. Commissioner Chapman seconded and the motion carried unanimously.

Commissioner Espy moved to come out of executive session at 11:00 a.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Chapman seconded and the motion carried unanimously.

Memorial Hospital of Carbon County (MHCC)

Dana Barnett, Chief Executive Officer for Memorial Hospital of Carbon County and board member Sherrod France reported on December 2017 financials. Mr. Barnett reported on recruiting efforts. MHCC is moving forward with a formal strategic process conducted by QHR, the hospital's management company.

Amundsen Associates

Ron Shosh and Grady Davis of Amundsen Associates and Bob Johnson with Riley Johnson Architects of Denver discussed future Courthouse and Carbon Building improvements.

Mr. Johnson overviewed their experience with buildings requiring a high amount of security, such as a justice center would. Mr. Shosh reviewed their architectural design process including research, preliminary site plan, outlining specifications, technical drawings and specifications, building permits and observation services.

They propose concept design now to validate if the previous study from Voorhis is accurate, make preliminary renderings, give those to a contractor for an estimate, and they propose splitting the projects with Riley Johnson performing services for the Courthouse as a new justice center and Amundsen handling services for the Carbon Building as a administrative building.

TB Flats Wind Project

County department heads discussed potential impacts of the upcoming TB Wind Project with the BOCC. The Carbon County Council of Governments will hold a special meeting next Monday, February 12 to further discuss potential impacts with CH2M, the consultant providing Invenergy's socioeconomic study for this project.

Certifications of Recommended Action

Commissioner Espy moved to accept the Certification of Recommended Action from the Carbon County Planning & Zoning Commission for C.U. Case File 2018-08, -Verizon Wireless and John and Carol Dishong's request for a Conditional Use Permit request for a telecommunications tower up to 195 feet tall and related facilities in the Ranching, Agriculture and Mining (RAM) Zone District on a parcel of land approximately 1/2 mile south of Hanna; approximately 1/2 mile west of WY HWY 72; north of US 30; C.U. Case File #2018-01 a request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone District – to operate a “recreation area”, a base camp for wilderness leadership and character development programs approximately 28 miles southwest of Encampment and 33 miles east of Baggs, off Wyoming Highway 70 (WY 70) on Forest Service Road 801 (FS 801); and Zoning Resolution Amendment (ZRA) Case #2018-01, In accordance with Section 6.8, of the Carbon County Zoning Resolution, Amendments to the Zoning Resolution and Zoning District\Map Amendments and schedule a public hearing for March 6, 2018 at 10:30 a.m. Commissioner Jones seconded and the motion carried unanimously.

ADJOURNMENT

Commissioner Espy moved to adjourn the meeting at 4:14 p.m. Commissioner Chapman seconded and the motion carried unanimously.

A regular meeting of this Board will be held March 6, 2018 at 9:00 a.m. at the Carbon County Courthouse, 415 W. Pine Street, Rawlins, WY. The public is invited to attend or you can listen online at the website listed below. To get on the agenda, call the Clerk's Office by the Thursday before the meeting. Per Wyo. Stat. §18-3-516(f), access to county information can be obtained at www.carbonwy.com or by calling the Clerk's Office at (307) 328-2668 or 1-800-250-9812.