

**MINUTES OF THE BOARD OF  
CARBON COUNTY COMMISSIONERS  
REGULAR MEETING  
Tuesday, December 1, 2009  
County Courthouse, Rawlins, Wyoming**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, December 1, 2009 at the County Courthouse in Rawlins, Wyoming. Attending the meeting were Chairman Terry Weickum; Commissioner Charles C. Young; Attorney Cindy DeLancey; Deputy Attorney Mike Kelly; County Clerk Gwynn Bartlett; and Deputy Clerk Kathy Turner. Vice Chairman Jerry Paxton was absent.

Chairman Weickum called the meeting to order at 9:03 a.m.

**AGENDA AMENDMENT**

Commissioner Young moved to cancel the executive session at 11:30 a.m. Chairman Weickum seconded and the motion carried unanimously.

**VOUCHERS**

Commissioner Young moved to approve the report of expenditures in the amount of \$372,835.08. Chairman Weickum seconded and the motion carried unanimously.

Vendor	Detail Line Description	Total
ACTION REAL ESTATE	RENT	\$1,550.00
ADVANCED FLOOR PRODUCTS	CLEANING SUPPLIES	\$62.59
ALCO	SUPPLIES	\$178.06
ALSCO, AMERICAN LINEN DIVISION	FLOOR MATS	\$212.15
AMERIGAS	PROPANE	\$1,791.34
ARLINGTON OUTPOST	VEHICLE MAINTENANCE	\$78.25
BANK OF COMMERCE (DEBIT CARD)	LOAN PAYMENTS	\$162,541.61
BANK OF THE WEST-LEASE PMT	LEASE PMT-TELEPHONE SYSTEM	\$72,354.44
BARTLETT, SUE RN	MEALS/MILEAGE	\$49.18
BRESNAN COMMUNICATIONS	ONLINE FEES	\$139.90
BUCHANAN, KAREN	MILEAGE	\$48.00
BUFFALO RUN RESIDENTIALS, LLC	RENT	\$2,881.06
BUILD RITE LUMBER SUPPLY	BUILDING SUPPLIES	\$99.41
BUSEY, SHARALEE	MILEAGE	\$92.50
C N A SURETY	BOND	\$100.00
CARBON COUNTY COOPERATIVE EXT	REIMBURSEMENT	\$246.23
CARBON CTY COUNCIL OF GOVERNMENTS	2010 DUES	\$200.00
CARBON COUNTY STRIKE TEAM	PROJECTOR/CABLES/CEILING MT	\$1,234.99
CARBON COUNTY TREASURER	VARIOUS CASH ITEMS	\$859.74
CARBON POWER & LIGHT INC	ELECTRICAL SERVICES	\$91.61
CATERPILLAR FINANCIAL SERVICES CORP	LEASE PAYMENT	\$39,537.74
CBM FOOD SERVICE	JAIL FOOD	\$3,354.08
CDW GOVERNMENT, INC.	IT EQUIPMENT	\$356.04
CENTURY 21 CORNERSTONE REALTY	RENT	\$875.00
CENTURY LINK	TELEPHONE SERVICES	\$117.75
CHAMBERS, JOHN D., P.C.	LEGAL SERVICES	\$3,154.00
CHARLES, STEPHEN	INSTRUCTIONAL FEES	\$576.10
COMPUTER SOFTWARE ASSOCIATES	WEBHOST FEE/SUPPORT SERVICES	\$6,950.00
CSK AUTO, INC.	SUPPLIES	\$44.98
CUSTOM CREATIONS	SHIRTS	\$157.88
DAILY TIMES	NEWSPAPER ADS	\$444.56
DAVIS & CANNON, LLP	LEGAL SERVICES	\$49.84
DIABETIC EXPRESS	SUPPLIES	\$98.75
DIXON, TOWN OF	WATER & SEWER	\$54.50
EAGLE UNIFORM SUPPLY	MATS	\$131.81
ERICKSON & ROBERTS	LEGAL SERVICES	\$3,930.97
FARMER BROTHERS COFFEE	SUPPLIES	\$191.80
FREMONT MOTORS - RAWLINS	VEHICLE MAINTENANCE	\$51.75
GALE, GWEN R.N.	MILEAGE	\$5.00

GARNETT, JOANNE, FAICP	NOV CONTRACT WAGES	\$735.00
GONZALES, MARY	RENT	\$1,200.00
GOSVENOR, MAXINE	MILEAGE	\$46.50
HEMOCUE	MEDICAL SUPPLIES	\$168.00
HETTGAR, BRIDGET M RN	MEALS/MILEAGE	\$113.68
HIGH PLAINS POWER	ELECTRICAL SERVICE	\$310.69
HILLCREST SPRING WATER, INC.	SUPPLIES	\$95.55
HILLTOP CONOCO	FUEL	\$109.01
IRON J TOWING	WRECKER CALL	\$255.00
J H KASPAR OIL COMPANY	FUEL	\$86.99
JACK'S BODY & FENDER REPAIR	VEHICLE MAINTENANCE	\$430.00
JACKALOPE PRINTING	SUPPLIES	\$211.17
JERRY'S DONUTS	SUPPLIES	\$37.56
JUVE, JANE H	LEGAL SERVICES	\$2,793.61
KAR KRAFT INC	VEHICLE MAINTENANCE	\$48.49
KAZ MUSIC	EQUIPMENT RENTAL	\$20.00
KEY MOTEL	RENT	\$380.00
KILBURN TIRE COMPANY	TIRES & REPAIRS	\$1,389.66
KING SOOPERS CUSTOMER CHARGES	SUPPLIES	\$172.87
KOSTOVNY, MARK	MILEAGE	\$86.40
L & L ELECTRIC	ELECTRICAL REPAIRS	\$31.06
L N CURTIS & SONS	SUPPLIES	\$655.81
LA BELLA MOTEL	RENT	\$648.00
LARIAT INTERNATIONAL TRUCKS	VEHICLE MAINTENANCE	\$100.39
LONG BUILDING TECHNOLOGIES, INC.	CARBON BLDG REPAIRS	\$360.00
MAKINEN, SHAWN	RENT	\$1,450.00
MCKEE MEDICAL CENTER	DRUG SCREEN TESTS	\$573.50
MEDICAL ARTS PRESS	LITERATURE RACK	\$174.87
MOELLER, MARIE	CLEANING SERVICES	\$240.50
MOORE MEDICAL CORP.	MEDICAL SUPPLIES	\$143.77
MORGAN, BETTE	RENT	\$1,100.00
MOSS, BARBARA	MILEAGE	\$54.00
MPM CORP / EVERGREEN DISPOSAL	GARBAGE SERVICES	\$85.00
MURANE & BOSTWICK, LLC.	LEGAL SERVICES	\$2,293.31
NATIONAL BUSINESS FURNITURE	CHAIR	\$323.00
PACKARD, CHANTEL	MEALS/MILEAGE	\$370.72
PAXTON, JERRY	MILEAGE	\$355.00
PB ELECTRONICS INC	REPAIRS	\$233.44
PDR	RENT	\$900.00
PHILLIPS 66-CONOCO-76	FUEL	\$512.79
PITNEY BOWES	RENTAL CHARGES	\$271.00
POTTER, SHAWNA	REIMBURSEMENT FOR SUPPLIES	\$148.81
PRO-CHEM INDUSTRIAL, LLC	JAIL SUPPLIES	\$506.94
PUBLIC SAFETY CENTER, INC	SUPPLIES	\$703.11
QUILL CORPORATION	OFFICE SUPPLIES	\$1,933.89
QWEST	PHONE SERVICES	\$84.31
QWEST-KENTUCKY	PHONE SERVICES	\$354.54
RADAR SHOP, THE	RADAR UNITS RECERTIFIED	\$826.00
RANGE MAGAZINE	SUBSCRIPTION	\$19.95
RAWLINS AUTOMOTIVE	PARTS	\$20.21
RAWLINS GLASS	WINDSHIELD/DESK TOP REPLACEMT	\$497.17
RAWLINS, CITY OF	WATER SERVICES	\$40.80
RICHARDSON, JILL	MEALS/POSTAGE	\$34.81
ROCKY MOUNTAIN EMBROIDERY	EMBROIDERY ON SHIRTS	\$168.00
ROCKY MOUNTAIN POWER	ELECTRICAL SERVICES	\$3,948.70
ROSS' AUTOMOTIVE SERVICES	VEHICLE MAINTENANCE	\$189.09
RYAN ELECTRONICS INC	RADIO REPAIRS	\$571.50
SARATOGA AUTO PARTS, INC.	PARTS	\$367.85
SARATOGA SUN	NEWSPAPER ADS	\$516.13
SARATOGA, TOWN OF - WATER	LEASE PAYMENT	\$2,000.00
SHANDON PARK APTS.	RENT	\$490.00
SHEA, DIXIE F	MILEAGE	\$24.00
SHEEN LAW OFFICE	LEGAL SERVICES	\$1,140.00
SHIVELY HARDWARE	PARTS	\$981.80
SNAKE RIVER PRESS	NEWSPAPER ADS	\$1,829.00

SNAP-ON TOOLS	TOOLS	\$19.30
SOURCE GAS	GAS SERVICES	\$5,340.18
SOUTHWEST M.R.O., P.C.	TESTS	\$50.00
SPRINGSTON, MERLIE	RENT	\$1,300.00
SQUARE SHOOTERS EATING HOUSE	SAFETY MEETING MEAL	\$199.44
STAGECOACH APTS	RENT	\$534.00
STAPLES ADVANTAGE	OFFICE SUPPLIES	\$1,584.93
STATE OF WYOMING (A&I)	MAINFRAME ACCESS	\$4.57
STEPHENSON, LEE ANN	MILEAGE	\$36.00
STROM, CALVIN	MEALS/FUEL/ROOM CHARGES	\$487.34
TIRE DISTRIBUTION SYSTEMS, INC.	PARTS	\$60.00
TREVATHAN, SABRINA RPR	TRANSCRIPTION SERVICE	\$537.20
TRUE VALUE OF RAWLINS	SUPPLIES	\$542.72
U W C E S	1ST QTR SALARY 09	\$4,863.00
UNION TELEPHONE COMPANY	PHONE SERVICE	\$607.90
UNIVERSITY OF WYOMING	ACROBAT & UPGRADES	\$184.74
UPS	POSTAGE	\$15.53
VANCLEVE, SHELLY	CONFERENCE FOOD	\$750.00
VAN'S WHOLESALE LLC	PAPER/CLEANING SUPPLIES	\$282.67
VERIZON WIRELESS	PHONE SERVICES	\$511.59
WEST PAYMENT CENTER	JAIL DUES & SUBSCRIPTIONS	\$527.90
WOOD, CINDI	LEGAL SERVICES	\$5,957.17
WY DEPT OF FAMILY SERVICE	COPIES	\$17.94
WY MACHINERY COMPANY	PARTS	\$60.02
WY STATE BOARD OF PHARMACY	REGISTRATION	\$80.00
WY STATIONERY	OFFICE SUPPLIES	\$5,136.25
WYOMING.COM	INTERNET FEES	\$239.40
XEROX CAPITAL SERVICES	OCT BASE CHARGE	\$658.15
XEROX CORPORATION-RENT	SEPT/OCT BASE CHARGE	\$390.58
GRAND TOTAL		\$372,835.08

## **CLERK**

### **Minutes**

Commissioner Young moved to approve the minutes of the November 17, 2009 regular meeting of the Board of Carbon County Commissioners (BOCC) as presented. Chairman Weickum seconded and the motion carried unanimously.

### **Monthly Receipts**

Commissioner Young moved to accept fees collected from the Clerk of District Court for the month ending October 2009 in the amount of \$2,344.43. Chairman Weickum seconded and the motion carried unanimously.

### **Fire Protection Services – Town of Hanna**

Clerk Bartlett presented a Memorandum of Understanding (MOU) for Fire Protection Services and lease of Fire Station and Equipment between the Town of Hanna and BOCC and stated Attorney DeLancey has provided the inventory list. Chairman Weickum advised Dwight France, County Fire Warden agrees the MOU is ready for signature.

Commissioner Young moved to approve the Memorandum of Understanding Between the Town of Hanna, Wyoming and Board of Commissioners of the County of Carbon, Wyoming for Fire Protection Services and Lease of Fire Station and Equipment, County to provide fire protection services within the territorial jurisdiction of the Town of Hanna in exchange for the Town leasing the Town's fire station, fire equipment and inventory to the County located at 111 2<sup>nd</sup> Street, Hanna, Wyoming, commencing this 1st day of December, 2009 through October 30, 2010. Chairman Weickum seconded and the motion carried unanimously.

**Wyoming Retirement System**

Commissioner Young moved to approve Resolution No. 2009-40, A Resolution to Document Carbon County’s Implementation of the Provisions of Section 414(h)(2) of the Internal Revenue Code, Regarding Employer Pick-up of Employee Retirement Contributions to the Wyoming Retirement System. Chairman Weickum seconded and the motion carried unanimously.

**RESOLUTION NO. 2009-40**

**A RESOLUTION TO DOCUMENT CARBON COUNTY’S  
IMPLEMENTATION OF THE PROVISIONS OF SECTION  
414(h)(2) OF THE INTERNAL REVENUE CODE, REGARDING EMPLOYER  
PICK-UP OF EMPLOYEE RETIREMENT CONTRIBUTIONS TO THE WYOMING  
RETIREMENT SYSTEM**

WHEREAS, Carbon County/Law has the authority to implement the provisions of section 414(h)(2) of the Internal Revenue Code (IRC); and

WHEREAS, Carbon County/Law took official action regarding section 414(h)(2) IRC on December 1, 2009; and

WHEREAS, Carbon County/Law wishes to adopt this resolution in order to have additional documentation confirming its prior formal actions to pick up contributions under the Plans.

WHEREAS, Carbon County/Law has determined that even though the implementation of the provisions of section 414(h)(2) IRC is not required by law, the tax benefit offered by section 414(h)(2) IRC should be provided to its employees who are members of the Wyoming Retirement System:

BE IT HEREBY RESOLVED BY THE CARBON COUNTY COMMISSIONERS AS FOLLOWS:

I. That Carbon County/Law will implement the provisions of section 414(h)(2) Internal Revenue Code by making employee contributions pursuant to W.S. § 9-3-412(b) on behalf of its employees who are members of the Wyoming Retirement System. “Employee contributions” shall mean those contributions to the Wyoming Retirement System which are deducted from the salary of employees and are credited to individual employee’s accounts.

II. That the contributions made by Carbon County/Law to the Wyoming Retirement System, although designated as employee contributions, are being paid to the Wyoming Retirement System by Carbon County/Law in lieu of contributions by the employees who are members of the Wyoming Retirement System.

III. That employees shall not have the option of choosing to receive the contributed amounts directly instead of having them paid by Carbon County/Law to the Wyoming Retirement System.

IV. That Carbon County/Law shall pay to the Wyoming Retirement System the contributions designated as employee contributions from the same source of funds as used in paying salary.

V. That the amount of the contributions designated as employee contributions and picked-up by Carbon County/Law to the Wyoming Retirement System on behalf of an employee shall be the entire contribution required of the employee by the Wyoming Retirement Act.

VI. That the contributions designated as employee contributions made by Carbon County/Law to the Wyoming Retirement System shall be treated for all purposes, other than taxation, in the same way that member contributions are treated by the Wyoming Retirement System.

VII. This resolution is effective on the same date that Carbon County/Law first provided for employee contributions, and shall apply prospectively to all future employee contributions.

ATTEST:

CARBON COUNTY CLERK

BOARD OF COUNTY COMMISSIONERS

Signature: -s- Gwynn G. Bartlett  
Name: Gwynn G. Bartlett  
Date: December 1, 2009

Signature: -s- Terry Weickum  
Name: Terry Weickum  
Date: December 1, 2009

**Homeland Security Grant**

Clerk Bartlett presented a Homeland Security Grant adding Attorney DeLancey and John Zeiger, Emergency Management Coordinator have reviewed the grant award and recommend approval.

Commissioner Young moved to accept the Grant Award for U.S. Department of Transportation, Hazardous Materials Emergency Planning Grant (HMEP) Fiscal Year 2010, CFDA #20.703, Project ID 10-DOT-ALB-HM-HMP10, Federal award amount of \$2,396.22 and local match amount of \$599.05 for a total of \$2,994.27, with an award period of October 1, 2009 through March 31, 2010, to provide funding to develop, improve, and implement hazardous material emergency plans under the Federal Emergency Planning Community Right-to-Know Act (EPCRA). Chairman Weickum seconded and the motion carried unanimously.

### **Lease Agreement**

Clerk Bartlett presented a lease agreement for storage of South Central Wyoming Emergency Medical Services' ambulance at the Encampment Road & Bridge shop.

Commission Young moved to approve the Lease Agreement dated December 1, 2009 between Carbon County through the Carbon County Commissioners and the South Central Wyoming Emergency Medical Services for use of a portion of the Encampment Road & Bridge shop to house the ambulance for one year. Chairman Weickum seconded and the motion carried unanimously.

### **Surplus Equipment**

Clerk Bartlett supplied a list of equipment that Bridget Hettgar from Public Health would like declared surplus.

Commissioner Young moved to authorize Ms. Hettgar to dispose of a list of equipment at the recycling center dated November 30, 2009. Chairman Weickum seconded and the motion carried unanimously.

### **Dixon Airport**

Mr. Graham discussed the work currently occurring at the Dixon Airport. He recommended allowing a change order totaling \$7,394.00 for fence removal and utilities.

Commissioner Young moved to approve Change Order Number 1 for the Dixon Airport in the amount of \$7,394.00 for fence removal and utilities. Chairman Weickum seconded and the motion carried unanimously.

## **ELECTED OFFICIALS / DEPARTMENT HEADS**

### **Treasurer**

County Treasurer Cindy Baldwin provided an update of the Specific Purpose Tax Joint Powers Board meeting and advised they received an A- rating on the bonds and plan to sell them December 16, 2009 with a tentative closing on January 8, 2010. There was discussion of bonding the hospital project later or obtaining a conventional loan for the funding.

Treasurer Baldwin reported that she had hoped to pay off the jail bonds however this can not happen at this time. She stated the County must budget for the remainder next fiscal year.

Chairman Weickum discussed a recent meeting he and Attorney DeLancey had with the hospital regarding their contract with Quorum. He stated they were told the County must know how much it will cost the County to support the hospital until they are on their feet. Treasurer Baldwin discussed that if the BOCC decides to continue to assist MHCC, she must continue to cash in the County's investments depleting them gradually.

### **Emergency Management**

John Zeiger, Emergency Management Coordinator, reported the Sinclair Refinery had an incident at their plant yesterday. He noted it was handled well with no injuries.

## **Buildings Manager**

Leroy Graham, Buildings Manager, presented a map of the Dixon Airport for the Chairman's review showing the layout of utilities and leased areas at the airport.

## **Clerk**

Clerk Bartlett reported that she received a letter from the US Forest Service regarding lands that are being assessed by the County in Dillon. She noted that she has turned the letter over to the County Assessor and County Attorney to handle.

## **Road & Bridge**

Bill Nation, Road & Bridge Superintendent, discussed a program implemented by the legislature to pay for recycled asphalt material funds and noted he has applied \$231,591.00 of this product near Medicine Bow. He requested the BOCC approve a MOU regarding this so the legislature can pay for the product out of their fund.

Commissioner Young moved to approve the Memorandum of Understanding Between the Wyoming Department of Transportation and the Carbon County Commissioners Project SCP-SL07 22.16 P241040 for recycled asphalt product in the amount of \$231,591.00 used for County Road 97, Medicine Bow – Shirley Rim. Chairman Weickum seconded and the motion carried unanimously.

## **Area Work**

Mr. Nation reported they fixed a coolant leak on a pickup truck. In the Encampment, Saratoga, Baggs, Elk Mountain, Medicine Bow and Hanna areas they have plowed snow and bladed ruts out of County roads, put cutting edges and a wing on blades. He further reported they have cleaned up downed trees caused from a snow storm, checked area roads and did a road inventory on County Road 316.

## **Sheriff**

County Sheriff, Jerry Colson, presented an agreement regarding additional funding for the victim witness program and stated he will use it for monthly salary enhancements for the victim service providers. He added that once the funding is depleted, the County would not be responsible to maintain that level of salary to these individuals and their salaries would return to the current rate. He added Attorney DeLancey has reviewed the document.

Commissioner Young moved to authorize the Chairman to sign the FY 2010 Contract for Services to Victims of Crime Between the Division of Victim Services and Carbon County Sheriff's V/W Program in the amount of \$3,531.00 through June 2010. Chairman Weickum seconded and the motion carried unanimously.

Sheriff Colson noted that the victim service provider is now a licensed clinical social worker.

Mike Morris, Undersheriff, discussed the 911 system stating he would like to obtain the BOCC's approval to approach other towns in the County with dispatch systems to discuss the possibility of having one 911 system hosted by the County with satellite systems in other towns and the City of Rawlins. He proposed using the 911 surcharge fund the County holds to finance the system. The BOCC agreed that Mr. Morris should approach other entities. Mr. Morris also discussed their Spillman reporting system they use. He would also like to host this system for other entities and will discuss this with them as well.

## **DIXON AIRPORT**

Mr. Graham discussed a WYDOT program that the County can participate in for crack sealing or pavement projects at the Dixon Airport. He stated that this does not obligate the County to perform any projects however if the County opts to participate, WYDOT would pay 80% of the project cost.

Commissioner Young moved to approve a Cooperative Agreement Between the Wyoming Department of Transportation and Carbon County regarding group airport pavement maintenance projects designed and let through the Wyoming Department of Transportation for a term through December 31, 2012 with payment by the County to WYDOT of 20% of the actual construction costs incurred. Chairman Weickum seconded and the motion carried unanimously.

### **UTILISOLVE AGREEMENT**

Clerk Bartlett discussed an agreement from UtiliSolve regarding their services to audit the County's utility bills. The BOCC opted to wait until the entire Board is present to consider the Agreement.

### **BOARD INTERVIEW**

John Cowdin interviewed for consideration of reappointment to the Fair Board for a five-year term expiring January 2015. Clerk Bartlett noted the deadline for applications is December 7<sup>th</sup> therefore no appointment should be made today.

### **EXECUTIVE SESSION**

Commissioner Young moved to go into executive session at 11:00 a.m. with Clerk Bartlett, Deputy Attorneys Marcia Bean and Mike Kelly to discuss personnel and other matters considered confidential by law. Chairman Weickum seconded and the motion carried unanimously.

Commissioner Young moved to come out of executive session at 11:23 a.m. and that the minutes of the session be approved as written and sealed and declared that no action was taken during the session. Chairman Weickum seconded and the motion carried unanimously.

### **RECESS**

Chairman Weickum recessed for lunch at 11:23 a.m. and reconvened at 1:34 p.m.

### **PLANNING & ZONING**

#### **Public Hearing Case File No. 09-02**

Chairman Weickum opened a public hearing at 1:35 p.m. to hear Planning & Zoning Case File No. 09-02. Kristy Rowan of Planning and Development presented the following: **Case File No. 09-02 – Curtis Freeze:** Request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Highway Commercial (C-2) on approximately 5.01 (less HWY ROW 1.41 acres equals 3.60 net acres). The C-2 Zone allows highway oriented business development at appropriate locations in the County and to apply to areas where more complete commercial facilities are necessary for community convenience.

Chairman Weickum asked if the access road could accommodate emergency vehicles. Mr. Freeze stated that the road would be improved to that standard before he builds on the property noting from County Road 304 it is less than one mile. Mr. Freeze stated that there is already access off the County Road. Chairman Weickum asked that Mr. Freeze confer with Road & Bridge on the size the road should be. Mr. Freeze stated there is an existing well and septic and that he should install new ones. Chairman Weickum called for comments for or against this case. There being no comments, Chairman Weickum closed the public hearing at 1:41 p.m.

Commissioner Young moved to follow staff recommendations and approve Planning & Zoning Case File No. 09-02 Curtis Freeze's request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Highway Commercial (C-2) on approximately 5.01 (less HWY ROW 1.41 acres equals 3.60 net acres) which allows highway oriented business development at appropriate locations in the County and to apply to areas where more complete commercial facilities are necessary for community convenience, subject to the conditions outlined by the Planning & Zoning Commission in the amended Exhibit A. Chairman Weickum seconded and the motion carried unanimously.

Commissioner Young moved to approve Resolution No. 2009-41, 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. 09-02. Chairman Weickum seconded and the motion carried unanimously.

**Resolution No. 2009 - 41**

**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. Ann. §18-5-202(b) and (c), the Carbon County Planning and Zoning Commission held a public hearing on Monday, October 5, 2009, 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 as amended for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Commissioners, pursuant to Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation for approval of this amendment to the Carbon County Zoning Resolution of 2003, as amended and subsequent amendments advertised by public notice at least 14 days prior to a public hearing to take public input and comments which said hearing occurred on Tuesday, December 1, 2009; 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 as amended; and

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

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

**(1) Case File #09-02 – Curtis Freeze:** Request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Highway Commercial (C-2) Zone on approximately 5.01 (less HWY ROW 1.41 acres = 3.60 net acres). The C-2 Zone allows highway oriented business development at appropriate locations in the County and to apply to areas where more complete commercial facilities are necessary for community convenience. The subject property is located South of I-80; 1 mile east of Johnson Road; south of the Lincoln Highway (U.S. 30); and approximately 2 miles west of Rawlins.

**Legal Description:**

Lot 38, Section 24, T21N, R88W, 6<sup>th</sup> P.M., Carbon County, Wyoming.

TOGETHER WITH all right, privileges, appurtenances, and hereditaments appertaining thereto or belonging thereunto and all improvements affixed thereto, AND TOGETHER with all of the Grantor's right, title, and interest in, under and to that Location Lease Agreement recorded on May 2, 2003, in Book 1036, page 166, TO HAVE AND TO HOLD the herein-described property unto the Grantee, and the Grantee's heirs and assigns, in fee simple, forever, as sole owner, SUBJECT TO all patents, easements, rights of way, reservations, covenants, conditions, restrictions, and prior recorded leases, assignment, deeds and other conveyances or transfers of record of all or any part of the mineral estate and all ad valorem property taxes levied upon the subject property from and after the date hereof.

AND the Grantor, for the Grantor and for the Grantor's heirs and personal representatives, covenants that at the time of the making and delivery of this Warranty Deed the Grantor was lawfully seized of an indefeasible estate in fee simple in and to the premises herein described and had good right and power to convey the same; that the same were then free from all encumbrances; and that the Grantor warrants to the Grantee heirs and assigns, the quiet and peaceful possession of such premises; and will defend the title thereto against all persons who may lawfully claim the same.



THE SAID JOINS in this Warranty Deed, as an inducement to the Grantee to accept this deed and the title of the Grantor and for other good and valuable consideration, solely for the purposes of releasing and waiving all rights under and by virtue of the homestead exemption laws of the State of Wyoming respecting the property hereinabove described and to acknowledge that the Grantee has relied upon this release and waiver in paying the consideration for such property.

**Density:**

Pursuant to the recommendations of the Carbon County Planning and Zoning Commission: Density being – One (1) single-family dwelling and associated structures are permitted on approximately 5.01 acres in a C-2 Zone. A single-family residence *only when* used by the owner or manager on the same site per Section 4.9 Highway Commercial, Part A – Principally Permitted Uses and Section 4.8 – Neighborhood Commercial, Part B – Conditionally Permitted Uses.

**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 and the existing zone shall be changed from Ranching, Agriculture, Mining (RAM) to Highway Commercial (C-2) on approximately 5.01 acres.

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 1<sup>st</sup> day of December, 2009.

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

By: -s- Terry Weickum, Chairman  
-s- Charles C. Young, M.D.

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

**Certification of Case File No. 09-13 and Case File No. 09-14**

Ms. Rowan presented the Certification of Recommended Action for Case File No. 09-13 and Case File No. 09-14.

Commissioner Young moved to schedule a public hearing for January 5, 2010 at 1:30 p.m. at the County Courthouse in Rawlins, Wyoming to hear Case File No. 09-13, Hal S. Alcorn's request for a Record of Survey/Minor Subdivision in a Ranching, Agriculture, Mining (RAM) Zone. Chairman Weickum seconded and the motion carried unanimously.

Commissioner Young moved to schedule a public hearing for January 5, 2010 at 1:30 p.m. at the County Courthouse in Rawlins, Wyoming to hear Case File No. 09-14, Hal S. Alcorn's request for a Zone Change from RAM to Residential (RD-3.89 for Lot 1) and Rural Residential Agriculture (RRA-6.98 for Lot 2) on approximately 10.87 acres. Chairman Weickum seconded and the motion carried unanimously.

**RECESS**

Chairman Weickum called a recess at 1:51 p.m. and reconvened at 1:56 p.m.

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

Gregg Olson of LM Olson Construction and Lisa Hubbard, Luis Martinez and Perry Gilbert of GSG Architecture presented a virtual tour of the Memorial Hospital's specific purpose tax project. There was discussion of how to fund the project once the planning phase is complete and the State gives its approval. Mr. Olson stated that he will provide a guaranteed maximum price before the plans are submitted to the State so the County can begin to investigate funding.

## **Financials**

Chairman Weickum discussed with Rick White, MHCC Chief Financial Officer, and Harry Lovato, MHCC Board President that he expects to see monthly financial statements from the hospital per state statute. He stated the statements should be presented in person each month. He also requested the statements be presented approximately a week ahead of time so the BOCC and others have time to review them before the meeting. Chairman Weickum asked that the individuals that ask the County for funding be here each month to present the report. Mr. Lovato stated he will comply with the request. Mr. Lovato stated a management firm should be in place by the next time a financial report is due.

Clerk Bartlett, Mr. White, and Mr. Lovato agreed to have a standing time on the first Tuesday of each month's agenda at 11:00 a.m. for the financial statements to be presented. Mr. Lovato and Mr. White agreed to have the statements to the Clerk by the Wednesday before each meeting and she would disperse the documents to the appropriate parties.

## **HANNA BANK BUILDING**

Attorney DeLancey discussed a juvenile detention / crisis center grant and requested and received permission to apply for this grant.

Commissioner Young moved to approve the submission of an ARRA grant application to the State Lands and Investment Board in the amount of \$250,000.00 for juvenile detention / crisis shelter and to dedicate the Hanna Bank Building for this purpose. Chairman Weickum seconded and the motion carried unanimously.

## **ADJOURNMENT**

There being no further business, Chairman Weickum adjourned the meeting at 3:25 p.m.

-s- Gwynn G. Bartlett, Carbon County Clerk

Approved this 17th day of December 2009

BOARD OF COUNTY COMMISSIONERS  
CARBON COUNTY, WYOMING

-s- Terry Weickum, Chairman