

**MINUTES OF THE BOARD OF  
CARBON COUNTY COMMISSIONERS  
REGULAR MEETING  
Tuesday, March 18, 2008  
Elk Mountain Senior Center, Elk Mountain, Wyoming**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, March 18, 2008 at the Elk Mountain Senior Center in Elk Mountain, Wyoming. Attending the meeting were Chairman Terry Weickum, Commissioners Jerry Paxton and James Elliott; County Clerk Gwynn Rothenberger; and County Attorney Cindy DeLancey.

Chairman Weickum called the meeting to order at 4:03 p.m.

**VOUCHERS**

The following vouchers were presented and approved for payment:

ABLE EQUIPMENT COMPANY	FURNISH & INSTALL SNOW PLOW	12,998.00
ALCO	SUPPLIES	76.17
ALLSTATE IMAGING, INC.	SUPPLIES	372.68
ALSCO, AMERICAN LINEN	SUPPLIES	50.70
AMAZON	SUPPLIES	19.55
AMERIGAS	PROPANE	3,618.84
APCO INTERNATIONAL	COORDINATION FEE FOR WNH 845	2,310.00
BANK OF COMMERCE	ACH FEE	30.00
BEHAVIORAL INTERVENTION	MONITORING SERVICES	377.70
BI-RITE PHARMACY	RX'S/SUPPLIES	3,651.95
BRESNAN COMMUNICATIONS	TV/ONLINE SERVICE	611.20
BUCHHAMMER & KEHL	LEGAL SERVICES	454.44
BUILD RITE LUMBER SUPPLY	SUPPLIES	167.87
CALIFORNIA CONTRACTOR	SUPPLIES	299.40
CARBON COUNTY LIBRARY	LEAF RAKING/REIMBURSEMENT	510.56
CARBON COUNTY STRIKE TEAM	RIVERTON SCHOOL-REIMBURSEMENT	626.62
CARBON MERCANTILE COMPANY	UNIFORM SUPPLIES	49.98
CARBON POWER & LIGHT	ELECTRICAL SERVICE	1,820.53
CASPER STAR-TRIBUNE	SUBSCRIPTION	101.40
CBM FOOD SERVICE	JAIL FOOD	5,463.28
CDW GOVERNMENT, INC	SUPPLIES	281.70
CENTER PRINTING COMPANY	SUPPLIES	63.10
CESKO, DAVID MD	MEDICAL SERVICES	1,943.00
CHEYENNE RADIOLOGY GROUP	MEDICAL SERVICES	600.00
CHILDRESS ELECTRIC INC.	SUPPLIES	281.50
CORPORATE EXPRESS	SUPPLIES	367.26
CRONK, DEBORAH	MILEAGE	52.33
CULLIGAN WATER CONDITIONING	SUPPLIES	259.05
CYR, NANCY	MILEAGE/REIMBURSEMENT	46.35
DAILY TIMES	ADVERTISING	3,496.67
DALLIN MOTORS INC	REPAIRS/MAINTENANCE	833.66
DATA IMAGING SYSTEMS	INDEXING	4,719.63
DEEP SWEEP INC	CLEANING SERVICES	75.00
DEHERRERA & BACH LAW CENTER	LEGAL SERVICES	4,933.28
DELL COMPUTERS	COMPUTERS	1,886.98
DISCHNER, MATT	MILEAGE	1,242.00
DIXON, TOWN OF	WATER & GARBAGE	33.50
DUBOIS TELEPHONE EXCHANGE	PHONE SERVICE	107.86
EAGLE UNIFORM SUPPLY	SUPPLIES	225.51
ELK MOUNTAIN, TOWN OF	WATER SERVICE	48.22
ENCAMPMENT, TOWN OF	WATER SERVICE	54.00
ENGSTROM, JAMES D. DDS	DENTAL SERVICES	2,700.00
ERICKSON & ROBERTS	LEGAL SERVICES	4,493.10
ESRI	ARCVIEW	4,500.10
FARMER BROTHERS COFFEE	SUPPLIES	95.60
FEDEX	FEDEX SERVICES	23.43
FLEET SERVICES	FUEL	548.87

FRANCE, TARA	TRANSCRIPTS	84.50
FREMONT MOTORS-RAWLINS	VEHICLE REPAIRS	2,279.85
FSH COMMUNICATIONS	COURTHOUSE PAYPHONE	70.00
GALLS INCORPORATED	SUPPLIES	139.07
GASES PLUS	SUPPLIES/SAFETY GLASSES	650.50
GCR ELECTRONICS, LLC	SITE RENTALS	900.00
GLAXOSMITHKLINE FINANCIAL INC	VACCINE	519.60
GOSVENOR, MAXINE	MILEAGE	51.98
GRAPHIC SPORTS	NAME PLATE & HOLDER	28.95
HANNA, TOWN OF	WATER SERVICE	76.00
HASCO INDUSTRIAL SUPPLY	SUPPLIES	252.97
HAYS, STEPHEN DDS	DENTAL SERVICES	379.20
HEIMAN FIRE DEPARTMENT	SUPPLIES	521.86
HETTGAR, BRIDGET M RN	MILEAGE	314.18
HIGH PLAINS POWER	ELECTRICAL SERVICE	341.24
HIGH PLAINS VISION CENTER	VISION SERVICES	181.00
HILLCREST SPRING WATER	SUPPLIES	150.25
HILLTOP CONOCO	FUEL	108.85
HONES VETERINARY SERVICE	VACCINATIONS	52.00
IKON FINANCIAL SERVICES	COPIER LEASE PAYMENT	1,000.00
IKON OFFICE SOLUTION	COPIER LEASE PAYMENT	150.00
IRON J TOWING	VEHICLE TOW	145.00
J H KASPAR OIL COMPANY	FUEL	17,778.57
JACK'S BODY & FENDER	VEHICLE REPAIRS	323.46
JACKALOPE PRINTING	SUPPLIES/ENVELOPES/PAPER	642.29
JERRY'S DONUTS	SUPPLIES	17.98
JOHNSON, GREGORY J.	REIMBURSEMENT	225.00
KILBURN TIRE COMPANY	VEHICLE REPAIRS/ROTATE TIRES	70.85
KROGER - KING SOOPERS	SUPPLIES	104.55
KROGER-RAWLINS	RX'S	361.27
L & L ELECTRIC	LIGHTS IN CLERK'S OFFICE	1,698.50
L N CURTIS & SONS	SUPPLIES	157.91
LARIAT QUICK STOP	FUEL	607.69
LARIMER COUNTY SHERIFF	SUBPOENA SERVICE	15.90
LASCANO, LUIS	JANITORIAL SERVICE	3,700.00
LAWSON PRODUCTS INC	SUPPLIES	84.15
LINCOLN PRINTING PLUS	SUPPLIES	328.22
LONG BUILDING TECHNOLOGIES	WY INSPECTION/HVAC AGREEMENT	14,910.00
LORMAN EDUCATION SERVICE	REGISTRATIONS	1,316.00
MAS MODERN MARKETING	SUPPLIES	517.54
MCI COMMERCIAL SERVICE	PHONE SERVICE	14.54
MCMURRY READY MIX	LABOR AND EQUIPMENT	431,550.00
MEDICINE BOW, TOWN OF	WATER SERVICE	106.00
MEMORIAL HOSPITAL	MEDICAL SERVICES	354.00
MERCH & COMPANY INC	VACCINE	730.82
MIDKIFF, DAVID	RENT	525.00
MIDWEST FIRE EQUIPMENT	KENWORTH CHASSIS	67,500.00
MORIARITY, CATHERINE	TRANSCRIPT PREP/TRANSCRIPTS	434.75
MPM CORP / EVERGREEN	GARBAGE SERVICE	190.00
MUDDY GAP TRAILER PARK	WATER	90.00
MUNIMETRIX SYSTEMS CORP	SOFTWARE SUPPORT	499.00
MURANE & BOSTWICK	LEGAL SERVICES	500.89
MY AUTOMOTIVE, INC.	VEHICLE REPAIRS	2,432.72
O'BRIEN, KEVIN	HOURS/MILEAGE	410.96
P M P C ENGINEERING	JEFFREY CENTER DRAIN DESIGN	6,780.00
PAMIDA INC	SUPPLIES	275.55
PERKINS OIL COMPANY	FUEL	4,215.47
PERUE PRINTING	SUPPLIES	851.89
PLATTE VALLEY MEDICAL	MEDICAL SERVICES/PHYSICAL	308.00
PRO-CHEM INDUSTRIAL	SUPPLIES	358.65
PUBLIC SAFETY CENTER	CREDIT/SUPPLIES	630.76
Q BUSINESS SOURCE	SUPPLIES	98.97
QUALITY INN	LODGING	483.00
QUESTAR GAS	GAS SERVICE	232.79
QUILL CORPORATION	SUPPLIES	287.56

QWEST-DENVER	PHONE SERVICE	103.62
QWEST-KENTUCKY	PHONE SERVICE	112.44
QWEST-PHOENIX	PHONE/INTERNET SERVICES	4,511.90
RASMUSSEN FURNITURE	PARTS	21.99
RAWLINS AUTOMOTIVE	SUPPLIES	1,281.87
RAWLINS FIRE EXTINGUISHER	HOOD INSPECT/SCBA/SUPPLIES	1,362.83
RAWLINS GLASS	DOOR GLASS	367.31
RAWLINS, CITY OF	WATER SERVICE/BLDG PERMIT	1,401.75
RICHARD S. BECKER & ASSOCIATES	LEGAL SERVICES	2,706.15
ROCKY MOUNTAIN POWER	ELECTRICAL SERVICE	9,933.90
ROSS INDUSTRIES, INC	SUPPLIES	142.77
ROSS' AUTOMOTIVE SERVICE	VEHICLE MAINTENANCE	135.78
RYAN ELECTRONICS INC	MAINTENANCE CONTRACT FEE	4,007.29
SARATOGA AUTO PARTS	PARTS	305.64
SARATOGA SUN	ADVERTISING	1,708.76
SHEPARD'S	FUEL	3,030.39
SHIVELY HARDWARE	SUPPLIES	480.42
SHOWBOARD	SUPPLIES	135.00
SMALLEY & COMPANY	SUPPLIES	52.27
SMITH, SUSAN	MILEAGE	9.20
SNAKE RIVER PRESS	ADVERTISING	215.00
SOURCE GAS	GAS SERVICE/REPAIRS	12,113.88
SOUTHWEST M.R.O., P.C.	RANDOM TESTING	50.00
SQUARE SHOOTERS EATERY	MEAL	30.93
STANLEY SECURITY SOLUTIONS	LOCKS	1,047.71
SUNRISE SANITATION SERVICE	GARBAGE SERVICES	25.00
TERMINIX	MONTHLY SERVICE	75.00
TIRE DISTRIBUTION SYSTEM	REPAIRS	9.50
TREVATHAN, SABRINA R	TRANSCRIPTS	181.90
TRIPLE XXX CONTRACTING	GARBAGE SERVICE	45.00
TRUE VALUE OF RAWLINS	SUPPLIES	718.76
UNION TELEPHONE COMPANY	PHONE SERVICE	354.30
V-1 PROPANE	PROPANE	961.09
VALLEY OIL COMPANY	FUEL	2,587.79
VALLEY PHARMACY	RX'S	154.16
VAN'S WHOLESALE	SUPPLIES	343.22
VERIZON WIRELESS	CELL PHONE SERVICE	372.12
WEST PAYMENT CENTER	INFORMATION CHARGES	511.57
WHEATLAND FIRE EQUIPMENT	SUPPLIES	768.38
WLC ENGINEERING	COUNTY USE PLAN	1,798.74
WOLTERS KLUWER HEALTH	SUBSCRIPTION	121.86
WOOD, CINDI	LEGAL SERVICES	6,539.98
WRS GROUP, LTD	VACCINE	282.00
WY DIESEL SERVICE	SUPPLIES/PARTS	37.91
WY FINANCIAL INSURANCE	NOTARY	100.00
WY FIRE ACADEMY	TRAINING	65.00
WY MACHINERY COMPANY	CREDIT/PARTS	1,693.25
WY PUBLIC HEALTH ASSOCIATION	MEMBERSHIP DUES	30.00
WY STATE ARCHIVES	SEMINAR REGISTRATION	15.00
WY STATE BAR	REGISTRATION FEE	450.00
WY STATE FORESTRY	FIRE SUPPRESSION PREMIUM/PARTS	26,995.78
WY STATIONERY	SUPPLIES	2,613.82
WY WASTE SERVICES-RAWLINS	GARBAGE SERVICE	868.40
XEROX CORPORATION	BASE CHARGE	345.54
XEROX CORPORATION	BASE CHARGES	1,541.86
YAMPA VALLEY ELECTRIC	ELECTRICAL SERVICE	788.71
	GRAND TOTAL	735,305.21

### **AGENDA AMENDMENT**

Commissioner Elliott moved to amend the agenda to move the Clerk to 6:00 p.m., add an executive session at the end of the meeting, and change the Fire Department to 4:00 p.m. Commissioner Paxton seconded and the motion carried unanimously.

## **FIRE DEPARTMENT**

Larry Trapp of the County Fire Department presented a list of self contained breathing apparatus (SCBAs) that are thirty plus years old and requested authorization to dispose of these items. He stated that to put these SCBAs back in service it would cost more than purchasing new ones and that he will salvage various parts from them before disposal.

Commissioner Paxton moved to allow the disposal of fourteen self contained breathing apparatus as listed. Commissioner Elliott seconded and the motion carried unanimously.

Mr. Trapp stated at the most recent Fire Chief's meeting a map showing coverage areas was slightly revised. Chairman Weickum asked for a copy of the map for future reference.

Mr. Trapp presented the Certificate of Occupancy issued by the City of Rawlins Department of Building Inspection for the new fire storage building. He stated the contractor has been paid 90% and there are still a few minor items that need completed before final payment is paid.

Mr. Trapp reported the new water tender chassis has arrived at the manufacturer and the invoice is being presented today for \$67,500.00.

Mr. Trapp explained that the new fire storage building has cost \$219,000.00 but that \$225,000.00 was budgeted. He requested authorization to use some of the remaining funds to seal the floor as this was not included in the original specifications. The Board authorized this expenditure.

Mr. Trapp also reported extrication calls have decreased with the improved weather.

## **BUILDING MANAGER**

### **Encampment Library Roof Bids**

Leroy Graham, County Building Manager, opened three sealed bids to replace the roof at the Encampment Library. Raymer Construction bid \$29,414.00, Jerry Smith bid \$16,442.17, and Energy Construction bid \$18,975.00. The board asked Mr. Graham to review the bids and return later today with a recommendation.

### **Carbon Mercantile Storefront Remodel Bid**

Mr. Graham opened one sealed bid for the storefront replacement at the Carbon Mercantile. Rawlins Glass bid \$19,485.00. Mr. Graham will review the bid and return later today with his recommendation. Clerk Rothenberger added that bid specifications were sent to Shepard Construction, Energy Construction, Pioneer Mill & Construction, Rawlins Glass, Custom Builders, Hahn Construction, LM Olson, Miller Construction, and RG Raymer Construction.

## **LOCAL GOVERNMENT LIABILITY POOL**

Monte Lauer of the Local Government Liability Pool (LGLP) discussed the issue of non-profit corporations using county owned vehicles and equipment. Chairman Weickum stated that the Commissioners have asked the county volunteer fire departments to dissolve their non-profit status. Mr. Trapp stated those departments are in the process of dissolving.

Clerk Rothenberger stated some of the county's concerns lie with the Saratoga Volunteer Fire Department as volunteers for this entity also volunteer for the County Fire Department. She asked Mr. Lauer to clarify coverage for these individuals depending on if they are in a county owned or a city owned vehicle. Mr. Lauer stated his biggest concern is when there is a department calling themselves something other than the Carbon County Fire Department as this makes the impression they are a separate entity. He suggested each remote area may have its own designated department but it should be named as an extension of the Carbon County Fire Department. Mr. Lauer stated that independent public corporations and joint powers boards may be eligible for enrollment in LGLP, releasing the liability from the county as the volunteers would be working for the public corporation or joint powers board.

Chairman Weickum asked if the county supplying equipment to these other departments muddies the water. Mr. Lauer clarified that the governmental claims act states that you indemnify the employee, meaning the insurance goes with the employee, not the vehicle.

Attorney DeLancey clarified that there must be only one Carbon County Fire Department (CCFD) and each area having an extension of this department must call themselves CCFD. Clerk Rothenberger asked how many extensions of the CCFD there are. Mr. Trapp replied that there are five completely county owned departments, Rock Creek, Hanna, Ryan Park, Muddy Gap, and the County Fire Department located in Rawlins. There are five other departments where the county has equipment located and they are considered joint fire departments along with municipalities. These include Baggs, Saratoga, Encampment, Medicine Bow, and Elk Mountain.

Mr. Lauer stated he does not see an issue with the joint departments as the volunteers would be covered as a volunteer for the county when they are in a county vehicle and would be covered by the municipality when in their vehicles or equipment. There was discussion of renaming the departments to extensions of the CCFD. Clerk Rothenberger clarified that volunteers for the county should be declared annually by the BOCC. Mr. Lauer stated he agrees that this should be done annually.

Mr. Trapp asked for clarification that members of CCFD can serve on a non-profit setup for a foundation. Attorney DeLancey clarified that firefighters can serve on the board of a foundation.

Clerk Rothenberger discussed the county owned ambulance located at the Noyes Health Care Center. There are employees of Noyes and volunteers for the Little Snake River Volunteer Ambulance Service driving them. Ms. Rothenberger asked for clarification on this coverage. Mr. Lauer stated because the EMS service is not the county's EMS service, he suggested either the county take that over or advised that the EMS service must have separate liability insurance. He added that if the county were to take over the EMS service, any fees billed must be under the county and fees collected must go back to the county's general fund for calls. It was suggested that the EMS service may want to be absorbed by the Noyes Clinic and have Noyes cover liability insurance. There was question if the new Little Snake River Rural Healthcare District would be assuming the EMS service. Mr. Lauer did state that an employee of Noyes could be considered a volunteer for the county when driving the ambulance.

### **BID ACCEPTANCES**

Mr. Graham returned and recommended accepting the bid from Jerry Smith of \$16,442.17 to replace the Encampment Roof.

Commissioner Paxton moved to accept the low bid from Jerry Smith of Encampment totaling \$16,442.17 to replace the Encampment Library Roof. Commissioner Elliott seconded and the motion carried unanimously.

Mr. Graham stated the bid from Rawlins Glass meets the specifications for the Mercantile storefront remodel and he recommended accepting that bid.

Commissioner Paxton moved to accept the low bid from Rawlins Glass totaling \$19,485.00 for storefront replacement at the Carbon Mercantile contingent upon approval of the Carbon Mercantile Board. Commissioner Elliott seconded and the motion carried unanimously.

Clerk Rothenberger stated this will be paid from grant funds from the Wyoming Business Council. She clarified the process for applying for reimbursement of grant funds.

### **RECESS**

Chairman Weickum called a recess at 5:08 p.m. and reconvened at 5:13 p.m.

## **PERSONNEL POLICIES**

Cathy MacPherson presented a final draft of the proposed County Personnel Policies. Chairman Weickum asked that all elected officials receive copies and Ms. MacPherson stated she has already presented each with a copy. She reported she added a drug-free workplace policy and a limited drug testing policy only including post accident testing and reasonable suspicion testing. Ms. MacPherson stated that each section was compared with statutes and case laws. She reported she also added a Family Medical Leave Act policy as an appendix along with two other appendixes for internet use policy and the alcohol and drug testing policy. These are appendixes as the employees must sign off on each of these.

There was further discussion of a vehicle use policy and the Board asked Ms. MacPherson to better define the use of county vehicles.

She asked for comments on the draft policies by April 4th allowing her time to make the adjustments, then have them adopted under the Administrative Procedures Act effective July 1, 2008 if the timing works out.

## **ELECTED OFFICIALS / DEPARTMENT HEADS**

### **Treasurer**

Cindy Baldwin reported that county investments are fairly stable despite the current unstable economy. Ms. Baldwin also requested Chairman Weickum sign checks for the county's severance account.

### **Building Manager**

Mr. Graham reported that Long Building Technologies recently visited each county building that is covered by their contract. They donated a new gas stove to the Elk Mountain Senior Center and it has been installed.

Mr. Graham stated he is planning a day long meeting with Long to discuss various issues that have been occurring that need looked at and he asked that at least one of the Commissioners attend that meeting. The Board agreed and asked Mr. Graham to schedule a workshop.

### **Road & Bridge**

Bill Nation presented the Road & Bridge report dated March 18, 2008. He then requested approval of a Memorandum of Understanding (MOU) with the Wyoming Highway Department to obtain ground up asphalt for county roads. There should be approximately 4,000 tons, a value of \$60,395.00 free to the county. He reported this product is used for dust abatement and soil stabilization. Mr. Nation added that Attorney DeLancey has reviewed the MOU and recommended approval.

Commissioner Elliott authorized the Chairman to sign the Memorandum of Understanding between the Wyoming Department of Transportation and the Carbon County Commission for Project ACSTP541012, Spruce and 3<sup>rd</sup> Street, for 4,700 tons in reclaimed asphalt pavement at no cost to the county. Mr. Nation added that this is for use by Carbon County and he has been asked by the County Fire Department to use a portion of this for their parking area. Commissioner Paxton seconded the original motion and it carried unanimously.

Mr. Nation requested approval to trade in a snow blower and have lease documents prepared. According to Mr. Nation, the trade in value would cover the first lease payment. He added this is not a budgeted item but if approved, he would add it to his budget request for next year with four annual payments due in late November beginning in 2008. The total lease would be \$154,125.00 minus the trade in making four equal payments at 4% of \$40,476.17.

Commissioner Paxton moved to authorize Bill Nation to negotiate a lease with Caterpillar Financial for a new snow blower with four equal annual lease payments of \$40,476.17 each commencing November 2008 and to trade in a used snow blower to cover the first payment making the total lease value \$161,904.68. Commissioner Elliott seconded and the motion carried unanimously.

### **Area Work**

Mr. Nation discussed the County Road 1 and 3 project reporting that it is approximately 60% complete and McMurry Ready Mix continues to crush and haul gravel for the project. Other projects in the county include locating drainage pipes, culverts, cattle guards, and signs to ensure everything is in proper working order. Mr. Nation discussed an appropriation by the legislature from the abandoned mine land fund for a possible County Road 3 project. He stated this is in the very early planning stages and he suggests holding public meetings in the affected areas to receive comments to ensure the best compatible road system to the proposed coal to liquids facility. Commissioner Paxton stated he agrees with the public meeting to ensure transparency.

Commissioner Elliott thanked Mr. Nation for a recent tour he gave him of the proposed site of the coal to liquids facility and various other county roads. Commissioner Elliott and Chairman Weickum also stated their agreement for the public comment on the road realignment.

A public question was asked if there are plans to upgrade County Road 402 from I-80 to Elk Mountain. Mr. Nation stated there may be plans to update that road. He stated the bridge at Elk Mountain is enrolled in the Bridge Replacement Off System (BROS), a federally administered program with 10% of the cost being paid for by Carbon County. Plans for this bridge include a pedestrian walkway and inclusion of the pony truss sides into the new structure. He added that a design team is currently working on the project.

### **HIGH COUNTRY JOINT POWERS BOARD**

Chris Moon of the High Country Joint Powers Board (JPB) and Gary Steele of PMPC discussed the Hanna landfill and the fact that it is quickly filling up. Ms. Moon stated this landfill represents Elk Mountain, Medicine Bow, and Hanna. The permitted area is narrowing and the group is considering a transfer station. Ms. Moon stated the proposed station is beyond the budgeted means of the JPB and the new DKRW project and the Seven Mile Wind Farm project will also affect the landfill.

Chairman Weickum stated he is in a state committee regarding solid waste that has discussed landfills and he understands the problems they are facing.

Mr. Steele discussed the history of landfills and the impacts thereof. He added that failed legislation made entities and the Department of Environmental Quality (DEQ) define the problem and the legislature gave funding to issue studies to define the problems. Another step is the integrated solid waste planning, including a twenty year plan, identification of the plan area, identification of the current and projected volumes of major waste, funding issues and how the plan would be implemented. This plan must be completed and submitted to DEQ by July 1, 2009

Mr. Steele discussed various cost estimates and stated the more governmental entities involved in landfills, the cheaper it will be for everyone. The High Country JPB is currently identifying issues and preparing cost estimates for continuing to provide landfill services versus shipping waste. He added that there are not many funding sources, further frustrating the issue. Chairman Weickum stated that so much is up in the air right now making planning difficult. Commissioner Paxton stated he thinks legislators need to be approached about the issue and a more unified approach needs to be taken rather than each county or municipality having to deal with this individually.

Attorney DeLancey stated the most recent industrial siting meeting brought out the issue of industrial waste. Chairman Weickum stated this was discussed in great length at that meeting along with other issues. He feels these companies must pay for their impacts as to not decrease the quality of life of the county's residents. Ms. Moon stated the Hanna landfill does not have

the capacity to take the industrial waste. These industrial projects will already affect this landfill with the additional household trash from new residents that will come.

Commissioner Elliott discussed the granting of the industrial siting permit for the Seven Mile Hill project. He stated there are provisions in the document that may provide for the waste to be hauled away.

An audience member asked if there is discussion at the state level about additional recycling. Chairman Weickum stated this is a logical conclusion, however waiting for the development of the recycling market by private industry has been an issue. Mr. Steele stated for smaller municipalities to produce the volume of recycling that is necessary to make the effort worth while, is difficult.

## **CLERK**

### **Minutes**

Commissioner Paxton moved to approve the minutes of the March 4, 2008 meeting of the Board of Carbon County Commissioners as presented. Commissioner Elliott seconded and the motion carried unanimously.

### **Bonds**

Commissioner Paxton moved to approve a \$5,000.00 bond for Tracy Lynn Wilson, Assistant Treasurer for the Town of Sinclair and a \$50,000.00 bond for Marla K. Brown, City of Rawlins Clerk. Commissioner Elliott seconded and the motion carried unanimously.

### **Payroll Publication – Names and Positions**

Clerk Rothenberger presented the names and positions of full time employees for approval and advised it would be published in the Daily Times and Saratoga Sun on March 26, 2008.

Commissioner Elliott moved to approve the Carbon County Government Payroll Publication Names and Positions of Full Time Employees in Effect - March 1, 2008. Commissioner Paxton seconded and the motion carried unanimously.

### **Carbon Building Lease Agreements**

Clerk Rothenberger presented a lease agreement for office space located at the Carbon Building to be occupied by the Department of Education, Services for the Visually Impaired. She stated that Attorney DeLancey has reviewed the lease and recommends approval. She also discussed a lease for the Carbon Building for use by the Department of Family Services. This lease was presented for four years, however she and Leroy Graham questioned if the Board would prefer a shorter term. The Board directed Ms. Rothenberger to negotiate a two year lease at the proposed \$9.00 per square foot.

Commissioner Paxton moved to approve Lease Agreement No. 8-09273 Between A&I, Construction Management and Carbon County Commissioners to lease 762 square feet of office space located at the Carbon Building to be occupied by the Department of Education, Services for the Visually Impaired, in the amount of \$6,858.00, commencing July 1, 2008 and terminating June 30, 2009. Commissioner Elliott seconded and the motion carried unanimously.

### **CoalBed Methane Coordination Coalition**

Clerk Rothenberger reported that B.J. Kristiansen of the Coalbed Methane Coordination Coalition (CBMCC) will be visiting with the Board at an upcoming meeting. Mr. Kristiansen also requested that the Board appoint a representative to be involved with the CBMCC.

Commissioner Paxton moved to pay a \$10,000.00 invoice to the Coalbed Methane Coordination Coalition for Fiscal Year 2008 dues and to appoint James E. Elliot, Jr. as the county's representative on that Coalition. Chairman Weickum seconded and the motion carried unanimously.

### **Natural Gas Sales Agreement**

Clerk Rothenberger presented a Natural Gas Sales Agreement and Agency Agreement from Seminole Energy Services, and advised each year the county must participate in the gas choice program. She reported that the county has expended approximately \$33,000.00 less for gas utilities compared to this time the past two years.

Commissioner Paxton moved to approve a Natural Gas Sales Agreement and Agency Agreement between Seminole High Plains, L.L.C. and Carbon County. Commissioner Elliott seconded and Clerk Rothenberger requested the motion be amended to authorize the Clerk's Office to lock in a rate if it becomes appropriate to do so and to authorize county employees to participate with the county's negotiated rate. The motion was amended and carried unanimously.

### **Sinclair Golf Club**

Clerk Rothenberger advised she received a sales tax delinquency notification from the Wyoming Liquor Division. Sinclair Golf Club has been on sales tax hold since March 11, 2008 and this allows the Board to suspend the Club's liquor license. She asked how the Board would like to proceed.

Commissioner Paxton asked Clerk Rothenberger to notify the Club of the delinquency and give them a chance to come into compliance and bring the issue back next month.

### **Lawn Care**

Clerk Rothenberger discussed the lawn care bid request she prepared. She asked if the Board would like to include the small park by the Carbon Building in this bid as there was previous discussion of making this a parking lot. The Board stated they would like this mowed only and they will consider the parking lot at a later date.

### **Fire Protection and Extrication Agenda**

Clerk Rothenberger presented the agenda for the meeting with the Rawlins City Council on March 25, 2008, 6:00 p.m. to discuss fire protection and extrication.

### **Carbon Building Conference Room**

Clerk Rothenberger discussed a memo she received from Theresa Archer, Executive Director, Carbon County Senior Services, Incorporated stating it is acceptable for the County Attorney's office to utilize the conference room currently used by Senior Services. The Board asked Attorney DeLancey to coordinate with Leroy Graham on utilizing this space. Attorney DeLancey stated her appreciation for Ms. Archer's cooperation.

### **Sheriff's Office Vehicles**

Clerk Rothenberger presented a letter from Sheriff Jerry Colson requesting authorization to purchase two 2006 Ford Taurus passenger cars in the amount of \$7,000.00 each from Quality Motors. She reminded the Board that the previous bids received totaled more than what was budgeted and the Board authorized the Sheriff's Office to negotiate with the bidders. Clerk Rothenberger added that the vehicles have 46,000 miles and 50,000 miles.

Commissioner Paxton moved to authorize the Sheriff's Office to purchase two 2006 Ford Taurus passenger cars in the amount of \$7,000.00 each. Commissioner Elliott seconded and the motion carried unanimously.

### **Laramie County Planning & Development**

Clerk Rothenberger presented an invitation from the Laramie County Planning & Development Office to attend a meeting regarding wind energy development and regulations for manufactured, modular, and mobile homes. Chairman Weickum and Commissioner Paxton indicated they would attend.

## **State Land and Investment Board Funding**

Clerk Rothenberger discussed the reminder of the \$2 million State Land and Investment Board (SLIB) funding available to Carbon County. She indicated that in order for the county to change the projects covered by these funds, at least 70% of the governing bodies and the Board of County Commissioners must agree.

She presented a draft letter for the Chairman's signature and asked that contingent upon the Carbon County Council of Government's (COG) vote that the Chairman be authorized to sign a letter to SLIB indicating what the projects will be. The draft letter includes street projects for the City of Rawlins, a bypass project for the Town of Sinclair, and a community center for the Little Snake River Valley Community Center Joint Powers Board.

Commissioner Paxton moved to authorize the Chairman to sign a letter to Robert Tompkins, Grants & Loans Program Manager, Office of State Lands & Investments, advising the Carbon County Council of Government's decision on the private industry match State Land and Investment Board funding. Commissioner Elliott seconded and there was discussion from Rita Clark about including a women's initiative in these projects. She would like to contact the Medicine Bow Rural Health Care District to determine if they would sponsor this project as an eligible entity. She indicated she has also been discussing the issue with David Throgmorton of the Carbon County Higher Education Center. The funding would be used to address the women's health initiative specifically related to impacts of oil and gas development on women. She stated she would have no problem obtaining a \$5,000.00 private match from industry. Clerk Rothenberger indicated that she wrote to all municipalities and various special districts in January regarding the availability of this funding and asked for projects. She stated that the Medicine Bow Rural Healthcare District did not respond and that this funding is specifically for capital projects. Ms. Clark stated this idea was not available in January. Clerk Rothenberger offered to provide the rules to Ms. Clark regarding the funding and Ms. Clark indicated she was told by two legislative individuals that the funds could be used for anything that is an impact. Commissioner Paxton indicated there may be alternate appropriate funds that could be used for this project. Ms. Clark indicated she wanted the headline energy impacts women's health and she wanted to draw attention to this issue. She indicated she specifically wanted to tie this project to these impact funds. Ms. Clark and Clerk Rothenberger agreed to contact the Office of State Lands and Investments to determine if this is an eligible project and if it is, it would be presented to the Carbon County Council of Governments with the other three projects. The motion was amended to add that if Ms. Clark's project is eligible, it will be presented to the Carbon County Council of Governments for that group to determine if this project should be on the consensus list. The motion carried unanimously.

Clerk Rothenberger added that she received a memo regarding the new round of funding available and that the memo will be discussed at Wednesday's COG meeting.

## **CITIZEN COMMENT/ COMMISSIONER DISCUSSION**

### **Disaster Area Declaration**

Chairman Weickum stated he is not convinced the county is a disaster area. Commissioner Paxton stated he has visited the Baggs area and there are issues occurring there that might lead him to declare the county a disaster area, however he did not want to negatively affect the rest of the county. Clerk Rothenberger presented written comments from the Carbon County Farm Bureau, Watson Ranch, Medicine Bow Conservation District, Bureau of Land Management, University of Wyoming Cooperative Extension Service, and the Farm Service Agency.

Chairman Weickum would like to more thoroughly research the issue and make a decision in April. The Board agreed to more thoroughly investigate and discuss the issue. Attorney DeLancey suggested determining if the entire county must be declared or if only portions of the county could be declared. Commissioner Paxton agreed to find more information and disseminate that through the Clerk's Office.

## **Carbon County Library**

Kristin Herr of the Carbon County Library discussed the age of the furnaces at the various libraries in Carbon County.

Ms. Herr requested authorization to paint the exterior of the Medicine Bow Library, contractor is Steven Gisi.

Commissioner Paxton moved to authorize painting of the exterior of the Medicine Bow Library totaling \$1,600.00. Commissioner Elliott seconded and the motion carried unanimously.

Ms. Herr reported the shed at this library collapsed and she'll be looking to replace it.

Ms. Herr requested authorization to hire Jerry Smith to paint and treat areas of the Encampment Library. His quote totals \$2,338.75.

Commissioner Elliott moved to accept the bid from Jerry Smith to paint and stain the Encampment Library for a total amount of \$2,338.75. Commissioner Paxton seconded and the motion carried unanimously.

Ms. Herr reported she has been looking into replacement of the Rawlins Library carpeting including moving shelving and books. There was discussion of which type of carpet she should investigate pricing options for. Ms. Herr will work with Leroy Graham to determine the best solution and best price.

## **CITIZEN COMMENT**

Rita Clark asked that she be allowed to ask several questions about county roads and she asked for response only from elected officials. She referenced [wyomingruraldevelopment.org](http://wyomingruraldevelopment.org), a website containing a survey with citations related to the dissatisfaction with county roads around Elk Mountain. She then stated three questions related to county roads as follows; "Who exactly is responsible for policy decisions on maintenance and snow removal scheduled for the four county roads surrounding Elk Mountain?" "Is a written county road maintenance prevention plan in existence and is it approved by the County Commissioners as designated managers of Carbon County Road and Bridge with the authority on making a policy and approving operations and maintenance budgets?" "Is there a written three, five, or even ten year Carbon County Road and Bridge development and maintenance master plan in existence and are any of these plans, if in existence, available for public review or public comment?" Ms. Clark stated her fourth and final question was directed more for the County Attorney, and asked the County Attorney and the Commissioners to comment on the standard practice, not specific to this winter, but a standard wintertime practice on Pass Creek Road, County Road 404, the practice of rerouting traffic on private property on County Road 404 when it is non passable or not maintained for safe public transit. She asked if there is negligence or a public liability issue here if an accident should occur on private property. In addition, she reported she spoke with the Attorney General and according to Ms. Clark the Good Samaritan Law does not apply on private property and there is a condition that it may not apply on county roads, but they are checking further into it for her. She asked for a response to these questions by the elected officials in the near future.

Ms. Clark continued to state her dissatisfaction with county roads around Elk Mountain and her concern about policy issues. She added that she spoke with her lawyer about this and that she lives in a multi-property approved county subdivision off County Road 404 and she stated she needs information on the policy about maintenance and snow removal off County Road 404. She stated her land values are currently being affected as individuals are telling other individuals that County Road 404 is not currently maintained at a level that allows people to live in county approved subdivisions. Ms. Clark feels that if county roads are not going to be maintained year round to approved subdivisions then that information needs to be relayed to the public. Ms. Clark stated that if the county begins talking about building new subdivisions in Carbon County, she and her lawyer will show up. Ms. Clark stated that she could provide the County Clerk these questions in writing at the advice of her attorney.

Chairman Weickum asked Ms. Clark to provide these questions in writing to the County Clerk and the Board will take the matter from there. Attorney DeLancey stated that she can not

respond as Ms. Clark as she has stated she is represented by an attorney. Ms. Clark stated that she is always represented by an attorney. Ms. Clark stated she only spoke to her attorney about the Good Samaritan Law. Ms. Clark then stated that she is not going to consult an attorney on the issue until she has a specific problem on her land.

Commissioner Paxton stated that because of the complexity of the issue he would like to see adequate research on the issue before responding to Ms. Clark at a later date.

Dennis DaDante stated he lives outside Elk Mountain and discussed that at one point a particular county road was blocked with a snow drift making residents pass through private property. He added that he left Aspen Highlands one morning and saw a road grader near and he thought that eventually a large drift would be removed, however when he later returned, the drift was not removed. He commented that in defense of Road and Bridge, the road has been graded more year round.

Rhonda Waggoner stated there have been several instances that she could not get her children to school and she is concerned with the county road maintenance.

Ms. Clark stated her concerns for other seasons in addition to winter conditions. She asked that the elected officials keep their promises that roads would be priorities. Ms. Clark asked that she at least obtain the list of roads and when they are maintained. Chairman Weickum asked if there were any additional comments and Mr. Nation asked for Ms. Clark's comments in writing.

### **COMMISSIONER DISCUSSION**

Commissioner Paxton reported that Carbon County Economic Development Corporation has been working with the Wyoming Business Council regarding acquisition of the Encampment sawmill. An appraiser will be coming the end of March and information should be available shortly thereafter. Chairman Weickum stated his support for the idea and stated his appreciation for Commissioner Paxton's work.

Commissioner Weickum discussed tomorrow's Council of Governments (COG) meeting and the topics to be discussed.

Commissioner Elliott stated he would like to purchase a Zoning and Land Use Manual. It was discussed that the Planning Department staff may be attending the Zoning and Land Use Seminar in Casper and that they could bring these materials back to the Board.

Commissioner Elliott reported he has been asked to be interviewed by the Wyoming Health Care Commission regarding ambulance services in Carbon County. Chairman Weickum stated that he has already been interviewed by the group.

Rita Clark presented Clerk Rothenberger with her written questions for the BOCC.

### **EXECUTIVE SESSION**

Commissioner Paxton moved to go into executive session at 8:36 p.m. with Attorney DeLancey Leroy Graham, and Clerk Rothenberger to discuss potential litigation and information classified confidential by law. Commissioner Elliott seconded and the motion carried unanimously.

Leroy Graham left the session at 8:55 p.m.

Commissioner Paxton moved to come out of executive session at 9:12 p.m. and declared that no action was taken and that the minutes of the executive session be approved as written and sealed. Commissioner Elliott seconded and the motion carried unanimously.

**ADJOURNMENT**

There being no further business, Chairman Weickum adjourned the meeting at 9:12 p.m.

-s- Gwynn G. Rothenberger, Carbon County Clerk

Approved this 8th day of April 2008.

BOARD OF COUNTY COMMISSIONERS  
CARBON COUNTY, WYOMING

-s- Terry Weickum, Chairman