

**REPORT TO THE
MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, December 17, 2013
County Courthouse, Rawlins, Wyoming**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, December 17, 2013 at the County Courthouse in Rawlins, Wyoming. Attending the meeting were; Chairman Leo Chapman; Vice Chairman John Espy; Commissioners Lindy Glode, Sue Jones and John Johnson.

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

ADDITIONS / CORRECTIONS

Commissioner Jones moved to remove Bureau Veritas from the agenda as they cancelled, move up all other items and add a conversation about the WACIP for the Dixon Airport. Commissioner Johnson seconded and the motion carried unanimously.

VOUCHERS

Commissioner Glode moved to approve the report of expenditures in the amount of \$401,492.73 Commissioner Johnson seconded and the motion carried unanimously.

Commissioner Johnson moved to approve bills to Sunrise Sanitation for \$60.00. Commissioner Espy seconded and the motion carried with all voting for the motion except Commissioner Jones who abstained due to personal conflict.

Commissioner Johnson moved to approve bills to Rawlins Automotive for \$2,663.88, Shively Hardware for \$1,480.06 and True Value of Rawlins for \$1,126.24. Commissioner Espy seconded and the motion carried with all voting for the motion except Commissioner Glode who abstained due to personal conflict.

Vendor	Detail Line Description	Total
ALCO	SUPPLIES	\$177.36
AMERICAN PLANNING ASSOCIATION	MEMBERSHIP	\$234.00
AMERIGAS	PROPANE	\$1,634.37
BAGGS, TOWN OF	WATER SERVICE	\$21.60
BANK OF COMMERCE (DEBIT CARD)	VARIOUS CHARGES	\$2,275.02
BARTLETT, SUE RN	MILEAGE	\$12.50
BEACH, HOMER	SNOW REMOVAL	\$70.00
BEHAVIORAL INTERVENTIONS	ELECTRONIC MONITORING	\$232.50
BESEL, KEN	MILEAGE	\$24.00
BI-RITE PHARMACY	JAIL PRESCRIPTIONS	\$3,399.58

BLUE MOUNTAIN EDUCATION INC	MIP CLASS	\$149.00
BRANNON, J REED	MILEAGE	\$60.00
BUILD RITE LUMBER SUPPLY	SUPPLIES	\$167.24
BURNS INSURANCE AGENCY - CHEYENNE	NOTARY BOND	\$100.00
CANDY MOUNTAIN	EQUIPMENT RENTAL/SIGNS	\$150.00
CARBON COUNTY ECONOMIC DEVELOPMENT	SEVERANCE	\$3,750.00
CARBON COUNTY SENIOR SERVICES	HEALTH SUBSIDY	\$2,500.00
CARBON COUNTY TREASURER	VARIOUS CASH ITEMS	\$756.58
CARBON MERCANTILE CORPORATION	SHERIFF UNIFORMS	\$223.93
CARBON POWER & LIGHT INC	ELECTRIC SERVICE	\$2,329.50
CASPER WINNELSON CO	SUPPLIES	\$39.82
CATERPILLAR FINANCIAL SERVICES CORP	LEASE PAYMENT	\$173,862.71
CBM FOOD SERVICE	JAIL MEALS	\$6,418.95
CENTURYLINK	PHONE SERVICE	\$379.84
CHARTER COMMUNICATIONS	CABLE SERVICE	\$148.95
CLYDE, JASON	MILEAGE	\$109.00
CNA SURETY	BONDS	\$300.00
COAST TO COAST SOLUTIONS	SUPPLIES	\$561.69
COOKS CORRECTIONAL	KITCHEN SUPPLIES	\$160.03
CRAIG, CATHY	SUPPLIES	\$4.50
CULLIGAN WATER CONDITIONING	SALT	\$287.50
DAILY TIMES	POSTERS/NEWSPAPER ADS	\$302.02
DALLIN MOTORS INC	OIL CHANGE	\$54.34
DEHART, ARIEL	MILEAGE	\$280.00
DELEON, JOHN	ATTORNEY FEES	\$2,273.25
DIRTY BOYZ SANITATION, INC	TRASH SERVICE	\$207.00
DRUMMOND REFRIGERATION LLC	REPLACE TEMP CONTROL	\$384.73
DUBOIS TELEPHONE EXCHANGE	PHONE SERVICE	\$41.08
EAGLE PLUMBING & CONSTRUCTION	PLUMBING LABOR	\$160.40
EICHENBERGER, MELISSA	MILEAGE	\$240.00
ELK MOUNTAIN, TOWN OF	WATER SERVICE	\$53.00
ENCAMPMENT, TOWN OF	WATER SERVICE	\$77.00
ENGSTROM, JAMES D. DDS	DENTAL SERVICES	\$2,500.00
FASTENAL	SUPPLIES	\$30.62
FEDEX	SHIPPING	\$24.64
FREMONT MOTORS - LANDER	YOUTH CRISIS CNTR VEHICLE	\$24,950.00
FREMONT MOTORS - RAWLINS	VEHICLE MAINTENANCE	\$491.99
GALLS/QUARTERMASTER	SHERIFF UNIFORMS	\$1,955.00
GCR ELECTRONICS, LLC	SITE RENTALS	\$900.00
GIRL SCOUT TROUP 1825	SUPPLIES FOR FUND RAISER	\$1,000.00
GLOCK PROFESSIONAL, INC	TRAINING	\$195.00

GRAINGER	SUPPLIES	\$313.83
HAGOOD, VICKI	GIFTS/MILEAGE	\$62.56
HANNA, TOWN OF	WATER SERVICE	\$224.19
HANSEN, LORETTA J.	MEAL REIMBURSEMENT	\$15.10
HARRINGTON & COMPANY	TOOLS	\$253.92
HETTGAR, BRIDGET M RN	MILEAGE/POSTAGE	\$27.80
HILLCREST SPRING WATER, INC.	EQUIPMENT RENTAL	\$13.00
HILLTOP CONOCO	FUEL	\$32.24
IRON J TOWING	TOWING	\$462.00
J H KASPAR OIL COMPANY	FUEL	\$16,850.47
JACKALOPE PRINTING	SUPPLIES	\$93.05
JACK'S BODY & FENDER REPAIR	SERVICE CALL/REPAIRS	\$520.00
JERRY'S DONUTS	SUPPLIES	\$10.49
KILBURN TIRE COMPANY	OIL CHANGE/BRAKES/ROTORS	\$556.37
KINETIC LEASING	LEASE PAYMENT	\$25,038.00
KUNZ, SHERRY	LOCK REPLACEMENT	\$61.46
LAWSON PRODUCTS INC	NUTS/ WASHERS/SCREWS	\$249.94
LEXBO LLC	OFFICE RENT	\$500.00
LITTLE SNAKE RIVER EVENTS CENTER	SEVERANCE	\$2,500.00
MADER, TSCHACHER, PETERSON & CO.	AUDIT	\$5,500.00
MATTHEW BENDER & CO, INC.	WY COURT RULES	\$366.75
MEDICINE BOW HEALTH CENTER	SEVERANCE/HEALTH SUBSIDY	\$12,525.00
MEDICINE BOW, TOWN OF	WATER SERVICE	\$150.00
MEEKS, HEIDI	REIMBURSEMENT TUITION	\$79.00
MEMORIAL HOSPITAL OF CARBON COUNTY	MEDICAL SERVICES	\$26,177.10
MOORE MEDICAL CORP.	INSTRUMENT TRAY	\$92.78
MPM CORP / EVERGREEN DISPOSAL	TRASH SERVICE	\$120.00
MY OFFICE ETC.	SUPPLIES	\$3,390.06
NORCO, INC.	CYLINDER RENTAL	\$795.46
NORTH PARK PROPANE, LLC	PROPANE	\$435.25
OFFICE DEPOT	SUPPLIES	\$91.44
OLD PENITENTIARY JOINT POWERS BOARD	SEVERANCE	\$3,750.00
PENCE AND MACMILLAN LLC	ATTORNEY SERVICES	\$128.56
PERKINS OIL CO	FUEL/OIL	\$3,938.80
PICKETT, CHAD	MILEAGE	\$40.20
PITNEY BOWES	POSTAGE MACHINE LEASE	\$1,120.41
PRAIRIE PELLA WYOMING LLC	SUPPLIES	\$825.00
QUILL CORPORATION	SUPPLIES	\$7.90
RAWLINS AUTOMOTIVE	SUPPLIES	\$2,663.88
RAWLINS C. C. AIRPORT BOARD	SEVERANCE	\$5,000.00
RAWLINS URGENT CARE	MEDICAL SERVICES	\$157.00

RAWLINS, CITY OF	WATER SERVICE	\$1,700.70
REGENTS OF U.C.	SHIPPING CHARGES	\$7.61
RIETVELD, TONI	MEALS/MILEAGE	\$26.10
ROCK RIVER, TOWN OF	SEVERANCE	\$500.00
ROCKY MOUNTAIN POWER	ELECTRIC SERVICE	\$11,885.47
ROJEN COMPANY	VALVE ASSEMBLY/TUBING	\$547.00
ROSS' AUTOMOTIVE SERVICES	WIPER BLADES	\$64.80
ROWAN, KRISTY	MEAL P&Z MEETING	\$12.99
RYAN ELECTRONICS INC	MAINTENANCE/PAGER REPAIR	\$5,131.88
SARATOGA AUTO PARTS, INC.	SUPPLIES	\$1,543.43
SARATOGA SUN	NEWSPAPER ADS	\$929.98
SARATOGA, TOWN OF	WATER SERVICE	\$116.43
SATCHCO TREE TRIMMING & CONSTRUCTION	SNOW REMOVAL	\$35.00
SCHIEL LAW, LLC	ATTORNEY FEES	\$1,518.38
SHEPARD'S	FUEL	\$874.27
SHIVELY HARDWARE	SUPPLIES	\$1,480.06
SNAKE RIVER PRESS	NEWSPAPER ADS	\$216.00
SOURCE GAS	GAS SERVICE	\$330.02
SOUTH CENTRAL WY EMS	SEVERANCE	\$12,500.00
STAPLES ADVANTAGE	SUPPLIES	\$1,019.94
SUNRISE SANITATION SERVICE, LLC.	TRASH SERVICE	\$60.00
SWEET KATEES	CUPCAKES/CAKE	\$94.50
SWEETWATER COUNTY SHERIFF'S OFFICE	INMATE HOUSING	\$105.00
SWISHER HYGIENE FRANCHISEE TRUST	CLEANING SUPPLIES	\$373.88
TANDAN SANITATION SERVICES	TRASH SERVICE	\$50.00
TERMINIX	PEST CONTROL	\$231.00
TRADING POST	FUEL	\$108.85
TRUE VALUE OF RAWLINS	SUPPLIES	\$1,126.24
U S POSTMASTER-RAWLINS	PO BOX RENT	\$786.00
US BANK	VARIOUS CHARGES	\$2,148.86
UTILITY BILL SOLUTIONS GROUP	UTILITY SAVINGS	\$125.82
V-1 PROPANE	PROPANE	\$1,773.51
VAN'S WHOLESALE LLC	SUPPLIES	\$767.96
VERAMARK TECHNOLOGIES, INC	SOFTWARE MAINTENANCE	\$771.00
WEST PAYMENT CENTER	ANNUAL MONTHLY CHARGES	\$454.89
WESTERN TRUCK REPAIR	CONNECTOR	\$96.54
WY DEPT OF ENVIRONMENTAL QUALITY	CONTAMINATED SITE FEE	\$200.00
WY DEPT OF HEALTH	LAB TESTING/VEHICLE BILLING	\$278.50
WY MACHINERY COMPANY	VEHICLE MAINTENANCE	\$1,657.14
WY PEACE OFFICERS ASSOC	2014 MEMBERSHIP	\$510.00
WY STATE 4-H FOUNDATION	2014 MEMBERSHIP DUES	\$90.00

WY WASTE SERVICES-RAWLINS	TRASH SERVICE	\$1,453.87
YAMPA VALLEY ELECTRIC	ELECTRIC SERVICE	\$1,320.04
GRAND TOTAL		\$406,822.91

CONSENT AGENDA

Commissioner Espy moved to approve the consent agenda. Commissioner Jones seconded and the motion carried unanimously. The following items were on the consent agenda. December 3, 2013 minutes and Clerk of District Court receipts for \$2,449.78.

ELECTED OFFICIALS / DEPARTMENT HEADS

Clerk

Clerk Bartlett presented lease proposals from Kinetic Leasing and Pinnacle Public Finance for \$100,000.00 for a new fire truck. The proposal for the \$100,000.00 equipment purchase lists both three and four year payment options. Treasurer Baldwin recommended a 4-year term as there is no prepayment penalty.

Commissioner Espy moved to approve the lease proposal for the new fire truck for a four year term. Commissioner Jones seconded and Commissioner Johnson stated he prefers to pay leases off as soon as possible but without penalty. The motion was carried unanimously.

Clerk Bartlett provided an update on the Union grant funded project and in anticipation of not meeting the initial April deadline, she has prepared a letter to the Wyoming Business Council requesting an extension through September 30, 2014.

Commissioner Jones moved to authorize the Chairman's signature on a letter to the Wyoming Business Council requesting a grant extension through September 30, 2014. Commissioner Espy seconded and the motion carried unanimously.

Clerk Bartlett stated that she was interested in contracting with a former HR employee to provide consultation services and asked the BOCC to waive the procurement policy that would otherwise require these services be bid out because there is nobody else that can provide this specific expertise.

Commissioner Glode moved to waive the procurement policy to allow the Clerk to hire a contract employee for Human Resources. Commissioner Johnson seconded and the motion carried unanimously.

Clerk Bartlett reported that by publishing the official minutes rather than the full "report" the county has saved \$1,064.00 in just three meetings. Anticipated savings for a year of 24 regular meeting could reach over \$8,000.00, not including any special meetings, budget hearings, etc...

Clerk Bartlett presented a letter from Alice Garvin resigning her position on the Jeffrey Center Board effective December 15, 2013.

Commissioner Johnson moved to regretfully accept Alice Garvin's resignation from the Jeffrey Center Board and asked the Clerk to advertise the opening. Commissioner Espy seconded and the motion carried unanimously.

Clerk Bartlett reported she received a call from Norm Long from Source Gas requesting the BOCC submit a letter of support for their upcoming gas power plant project. Sid Fix, County Planning Director, reported the BOCC will be the authority on the permit and may need to be careful on how a letter would be worded. The BOCC decided to wait until a draft letter was received from Mr. Long. Clerk Bartlett reported later in the meeting that Mr. Long withdrew his request for such a letter.

Clerk Bartlett explained that the county's specific purpose tax project, improvements to Memorial Hospital of Carbon County, is complete and presented a resolution concerning the completion to be forwarded to the escrow agent. She reported she received it late yesterday and would forward it to the board now for review and approval later today.

Commissioner Johnson questioned Section 1 in the proposed resolution for the specific purpose tax project. He stated he was not in favor of the language of whether or not the county knew if improvements were completed or not and that all invoices were paid. Attorney Kelly reported this is boiler plate regular language and recommended its approval.

Commissioner Espy moved to approve Resolution 2013-43, A Resolution Concerning the Completion of the Upgrades and Improvements to the Carbon County Memorial Hospital that Were Financed with the Proceeds of the "Carbon County 2009 Specific Purpose Tax Joint Powers Board, Taxable Direct Pay Recovery Zone Economic Development Lease Revenue Bonds, Series 2010B," In the Aggregate Principal Amount of \$8,150,000, Dated December 23, 2010 That were Issued by the Carbon County 2009 Specific Purpose Tax Joint Powers Board. Commissioner Jones seconded and the motion carried unanimously.

Commissioner Johnson again stated that while he voted for the motion he does not like the language in the resolution.

RESOLUTION NO. 2013-43

A RESOLUTION CONCERNING THE COMPLETION OF THE UPGRADES AND IMPROVEMENTS TO THE CARBON COUNTY MEMORIAL HOSPITAL THAT WERE FINANCED WITH THE PROCEEDS OF THE "CARBON COUNTY 2009 SPECIFIC PURPOSE TAX JOINT POWERS BOARD, TAXABLE DIRECT PAY RECOVERY ZONE ECONOMIC DEVELOPMENT LEASE REVENUE BONDS, SERIES 2010B," IN THE AGGREGATE PRINCIPAL AMOUNT OF \$8,150,000, DATED DECEMBER 23, 2010, THAT WERE ISSUED BY THE CARBON COUNTY 2009 SPECIFIC PURPOSE TAX JOINT POWERS BOARD.

WHEREAS, Carbon County, Wyoming ("Carbon County") is a body corporate duly organized and existing under the laws of the State of Wyoming (the "State") and is the owner of the Carbon County Memorial Hospital located in the City of Rawlins, Wyoming (the "Hospital Site and Existing Facility"); and

WHEREAS, Carbon County, along with the Towns of Baggs, Elk Mountain, Encampment, Medicine Bow, Riverside, Saratoga and Sinclair and the City of Rawlins (collectively, the "Agencies"), incorporated municipalities in Carbon County, are members of the Carbon County 2009 Specific Purpose Tax Joint Powers Board (the "Board"), a duly organized and existing body corporate and politic under the provisions of the Wyoming Joint Powers Act, Wyo. Stat. §§ 16-1-102 through 16-1-109, pursuant to a Joint Powers Agreement dated as of May 15, 2009, created for the purpose of providing an efficient, orderly, and economically feasible method of planning, financing and constructing certain improvements for the Agencies; and

WHEREAS, for the purpose of providing funds for upgrades and improvements to the Hospital Site and Existing Facility (the "Carbon County Improvements"), Taxable Direct Pay Recovery Zone Economic Development Lease Revenue Bonds, Series 2010B, in the aggregate principal amount of \$8,150,000, dated December 23, 2010 (the "Series 2010B Bonds") were issued and delivered by the Board pursuant to the provisions of that certain Indenture of Trust dated as of January 11, 2010 (the "Indenture") between the Board and Wells Fargo Bank, National Association (the "Trustee"); and

WHEREAS, the Board leased the Carbon County Improvements to Carbon County pursuant to that certain annually terminable Lease and Agreement, dated as of December 23, 2010 (the "Lease"); and

WHEREAS, Section 7.3 of the Lease requires that Carbon County provide a resolution to the Trustee at such time that the acquisition and construction of the Carbon County Improvements are complete;

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

Section 1. To the best of Carbon County's knowledge the Carbon County Improvements have been completed and accepted by Carbon County, and all Costs of Construction (as defined in the Indenture) have been paid.

Section 2. Any funds being held by the Trustee for the payment of Costs of Construction should be used to pay the debt service on Carbon County's portion of the Series 2010B Bonds.

Section 3. This resolution shall be in full force and effect upon its passage and adoption.

PASSED, ADOPTED, AND APPROVED this 17th day of December, 2013.

ATTESTED:

-s- Gwynn G. Bartlett, County Clerk _____

CARBON COUNTY, WYOMING

-s- Leo Chapman, Chairman

Attorney

Mike Kelly, Deputy County Attorney reported the Bureau of Land Management's (BLM) annual industry conference is scheduled for March 12, 2014. He reported the Energy Gateway South Transmission project conference call was held last week and the routing has been modified to mirror the Transwest Express project routing.

Mr. Kelly reported he is still working with the Museum on the purchase of the Ferguson building in Rawlins. He noted he will provide an update when final documents are issued. Commissioner Johnson asked that the Museum Board and director appear before closing to further discuss the funds that will be used to remodel the building after its purchase.

Mr. Kelly reported the DKRW permit amendment hearing is tomorrow at 10:00 a.m. in Saratoga with the Industrial Siting Council. This will likely be heard in the morning. Mr. Kelly reported ISC has received letters from the Commissioners individually regarding their personal thoughts

on the project and Luke Esch at DEQ requested a position of the BOCC rather than individual comments. Mr. Kelly stated as individuals the members can comment at the hearing and not as a party to the action unless the BOCC takes a position. Mr. Kelly suggested if the BOCC takes a position by motion they designate one person to comment for the board however they were not required to take a position. Mr. Kelly stated Mary Throne, DKRW's attorney, had hoped to come during Commissioner discussion today to provide a brief update on the project therefore the BOCC may want to wait for action until determining if DKRW will appear today. Commissioner Jones stated she feels that the BOCC needs a position and she feels that Commissioner Glode's comment is a good one to adopt. Commissioner Johnson recused himself from the discussion and any vote until he receives an Attorney General's opinion on his conflict of interest status.

Commissioner Glode read from parts of her personal comment letter basically stating while she is for the overall project and concept, she was against approval of an amended permit. Commissioner Espy stated while jobs are important the "rules are rules" and he would like to see DKRW come in line with the rules and therefore has issues with the rules being changed in the middle of the game. Chairman Chapman reported he would support the position of the majority of the board however he does not want them to be permanently foreclosed on and the extension will cost no money. He discussed the tax revenue the county could receive from the project. Mr. Kelly again suggested waiting until this afternoon when DKRW may appear to take action.

Commissioner Jones stated that the project is not only about dollars and it is not fair for some projects to not have to follow rules while others don't. She added she does not feel there is any reason to wait until this afternoon to see if DKRW appears. Commissioner Espy suggested waiting until this afternoon to take action to allow DKRW the opportunity to comment. Commissioner Glode added that waiting will not change her mind on the amendment itself.

Assessor

Cheryl Ross, County Assessor presented abatements for the Chairman's signature.

IT

Matt Webster, IT Director, presented a contract with Centurylink to provide Primary Rate Interface (PRI) service in Rawlins. This service is required to provide caller ID on the county's existing phone system. He reported there is no charge for installation from Centurylink but there is a \$1,305 fee from Capital Communications. The service will actually save the county money as we currently pay \$1921.45 monthly for DSS trunks to the jail and Courthouse and over the next 5 years the new service cost would only be \$1,442.82 monthly.

Commissioner Glode moved to authorize the Chairman to sign the Centurylink ISDN PRS, DSS Advanced or UAS Bulk Rated Agreement. Commissioner Johnson seconded and Commissioner Glode amended her motion to include approval of the quote from Capital Communication of \$1,305.00 to install the service. The amendment carried unanimously. Commissioner Johnson asked if Attorney Kelly has reviewed and approved the contract. Mr. Kelly reported he has a

number of concerns with the contract however on Mr. Webster's advice he is ok with approval. The motion carried unanimously.

County Planner

County Planning Director Sid Fox provided the BOCC with a quarterly report for the Planning Department. Mr. Fox reported he reviewed the US Forest Service's West Side Snowy Range management project. He thought the US Forest Service and the Planning Commission might want to have a joint work session on the matter and the BOCC may want to be involved. The Zoning Resolution would also be a topic at the meeting.

Chairman Chapman asked if it was true that Gateway West may have had an appeal by the Western Watershed District and asked how it would affect the project. Mr. Fox thought this might only slightly delay the project.

Road & Bridge

Bill Nation, Road & Bridge Superintendant discussed work his crews are completing. Mr. Nation reported GRM will be replacing gravel on a county road they have used.

RECESS

Chairman Chapman called a recess at 10:45 a.m. and reconvened at 11:04 a.m.

WACIP – DIXON AIRPORT

Commissioner Jones overviewed the Wyoming Aviation Capital Improvement Program (WACIP) for the Dixon Airport listing the 2014 project as seal cost & pavement marking, expand the west apron in 2015, acquire hangars in 2016, relocate fence in 2017, and acquire additional hangars in 2019. Mr. Kelly reported the WACIP doesn't show the intent to do the crack seal project and that the hangar acquisition is for hangars on county property and that the county does not lease these to anyone but they are owned by private individuals.

Commissioner Jones moved to approve the proposed 2014 Wyoming Aviation Capital Improvement Program for the Dixon Airport. Commissioner Glode seconded and the motion carried unanimously.

CITIZEN / COMMISSIONER DISCUSSION

Commissioner Johnson reported he went to a meeting regarding Rock Creek pollution report issued by the Department of Environmental Quality and that there should be other considerations in the unfavorable designation the creek was given, including sediment draining into the creek. He hopes the BOCC will support in their endeavors in potentially asking for a baseline data study if the designation is challenged.

Commissioner Glode discussed expanded Medicaid and the fact that the Governor does not think WY should participate in this. She feels this could affect our county hospital. Chairman Chapman asked if someone were to partake in a federal exchange, would that help our hospital and could the county pursue this.

PLANNING & ZONING

Public Hearing – S.U.P Case File No. 94-01 and 99-06

Chairman Chapman untabled discussion on SUP Case Files No. 94-01 and 99-06 and opened a public hearing at 11:32 a.m. to hear both cases, both requests of transfer of permit from Platte River Power Authority to Medicine Bow Wind, LLC.

Chairman Chapman called for comments for or against the case. Joe Wilson, representing Platte River Power Authority reported he feels the transactions can be worked out today resulting in a positive outcome for all involved. He added Medicine Bow Wind LLC is the company moving forward and they are authorized to do business in the State of WY. There being no further comments, Chairman Chapman closed the hearing at 11:34 a.m.

Commissioner Jones moved to approve Resolution 2013-44, A Resolution of the Board of County Commissioners of Carbon County, Wyoming permitting the transfer of permit from Platte River Power Authority to Medicine Bow Wind, LLC pertaining to SUP Case File 94-01 and Resolution 2013-45, A Resolution of the Board of County Commissioners of Carbon County, Wyoming permitting the transfer of permit from Platte River Power Authority to Medicine Bow Wind, LLC pertaining to SUP Case File 99-06. Commissioner Espy seconded and the motion carried unanimously.

Resolution No. 2013 – 44

A Resolution of the Board of County Commissioners of Carbon County, Wyoming.

S.U.P. Case File #94-01

(SPECIAL USE PERMIT)

TRANSFER OF PERMIT

“MEDICINE BOW WIND PROJECT”

WHEREAS, pursuant to the Carbon County Zoning Resolution of 2003, as amended, specifically, Section 5.6 – Conditionally Permitted Uses and Section 5.11 (d) (17) Transfer of Conditional Use Permits – Wind Energy Facilities-Overlay District, “No conditional use permit shall be transferred without the prior approval of the Board of County Commissioners.”; and

WHEREAS, the Platte River Power Authority submitted a letter to the Planning Director dated September 3, 2013, requesting the Board transfer Special Use Permit Case File #94-01 authorizing the “Medicine Bow Wind Project” to Gamesa Energy USA LLC (Gamesa); and

WHEREAS, in a letter dated September 10, 2013, from Platte River Power Authority to the Board of County Commissioners of Carbon County to allow the permit transfer to a Project Company that will be owned by Gamesa; and

WHEREAS, the Platte River Power Authority is currently negotiating the terms and conditions of the sale of its wind energy facility to Medicine Bow Wind, LLC; and Medicine Bow Wind, LLC is proposing to re-tool or retrofit the existing turbines which should extend the life and increase the power output of the facility; and

WHEREAS, Gamesa Energy USA LLC, through the firm of Holland & Hart LLP, submitted an email to the Planning Director dated November 12, 2013, requesting that the Board transfer the Special Use Permit Case File #94-01 authorizing the “Medicine Bow Wind Project” to Medicine Bow Wind, LLC; and

WHEREAS, the Carbon County Board of County Commissioners advertised by public notice and provided notice to the property owner and adjacent property owners prior to said public hearing to take public input and comments which said public hearing occurred on December 3, 2013 and on December 17, 2013; and

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

WHEREAS, the Carbon County Board of County Commissioners having considered said request to transfer the Special Use Permit, currently referred to as a Conditional Use Permit, and having found good cause for the permit transfer and having also reviewed and considered the Carbon County Zoning Resolution of 2003, as amended, specifically, Section 5.6 – Conditional Use Permits and Section 5.11 – Wind Energy Facilities-Overlay District; and

WHEREAS, the Carbon County Board of County Commissioners have determined that the request to transfer the Special Use Permit, currently referred to as a Conditional Use Permit, is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and the Carbon County Zoning Resolution of 2003, 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 Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the following Special Use Permit/Conditional Use Permit Transfer:

Special Use Permit (S.U.P.) Case File #94-01

Project Name: “Medicine Bow Wind Project”

Permittee: Platte River Power Authority

Transfer to: Medicine Bow Wind, LLC

Land Owner: Medicine Bow River Ranch of Wyoming, LLC

General Location: Approximately 5 miles southwest of Medicine Bow and south and east of Carbon County Road #3 (Elk Mountain-Medicine Bow Road).

Legal Description: The property legally described as 75 acres in the NW1/4 NW1/4; N1/2 SW1/4 NW1/4; W1/2 W1/2 NE1/4 NW1/4; W1/2 NW1/4 SE1/4 NW1/4 of Section 36, T22N, R79W; and, That property legally described as 60 acres in the NE1/4 SE1/4; N1/2 SE1/4 SE1/4, Section 36, T22N, R79W, all in Carbon County, Wyoming.

VIOLATION: In the event the actions occurring pursuant to this request are found to be in material violation of the terms and conditions of the permit, or are found to have been obtained by fraud, this transfer and associated permit shall be subject to all remedies allowed by law.

Violation of any of the above restrictions can be grounds for terminating the Special Use Permit, currently referred to as a Conditional Use Permit.

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

1. That the Carbon County Board of County Commissioners, hereby approves this transfer of SUP-Special Use Permit (also known as CUP-Conditional Use Permit) for the "Medicine Bow Wind Project" Special Use Permit (S.U.P Case #94-01) .

2. The new permittee is: Medicine Bow Wind, LLC.

Medicine Bow Wind, LLC
Attn: General Counsel
1150 Northbrook Drive, Suite 150,
Feasterville Trevose, PA 19053-8409

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 17th day of December, 2013.

BOARD OF COUNTY COMMISSIONERS OF CARBON COUNTY, WYOMING

By: -s- Leo Chapman, Chairman
John Espy, Vice Chairman
Lindy Glode, Member
John Johnson, Member
Sue Jones, Member

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

Resolution No. 2013 -45

A Resolution of the Board of County Commissioners of Carbon County, Wyoming.

S.U.P. Case File #99-06
(SPECIAL USE PERMIT)
TRANSFER OF PERMIT
"MEDICINE BOW WIND PROJECT"

WHEREAS, pursuant to the Carbon County Zoning Resolution of 2003, as amended, specifically, Section 5.6 – Conditionally Permitted Uses and Section 5.11 (d) (17) Transfer of Conditional Use Permits – Wind Energy Facilities-Overlay District, "No conditional use permit shall be transferred without the prior approval of the Board of County Commissioners.;" and

WHEREAS, the Platte River Power Authority submitted a letter to the Planning Director dated September 3, 2013, requesting the Board transfer Special Use Permit Case File #99-06 authorizing the "Medicine Bow Wind Project" to Gamesa Energy USA LLC (Gamesa); and

WHEREAS, in a letter dated September 10, 2013, from Platte River Power Authority to the Board of County Commissioners of Carbon County to allow the permit transfer to a Project Company that will be owned by Gamesa; and

WHEREAS, at their meeting on September 17, 2013, the Board of County Commissioners approved Resolution No. 2013-37, authorizing the transfer of Special Use Permit Case File #99-06 from the Platte River Power Authority to Gamesa Energy USA LLC.

WHEREAS, Gamesa Energy USA LLC, through the firm of Holland & Hart LLP, submitted an email to the Planning Director dated November 12, 2013, requesting that the Board transfer the Special Use Permit Case File #99-06 authorizing the "Medicine Bow Wind Project" to Medicine Bow Wind, LLC; and

WHEREAS, Medicine Bow Wind, LLC is proposing to re-tool or retrofit the existing turbines which should extend the life and increase the power output of the facility; and

WHEREAS, the Carbon County Board of County Commissioners advertised by public notice and provided notice to the property owner and adjacent property owners prior to said public hearing to take public input and comments which said public hearing occurred on December 3, 2013 and December 17, 2013; and

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

WHEREAS, the Carbon County Board of County Commissioners having considered said request to transfer the Special Use Permit, currently referred to as a Conditional Use Permit, and having found good cause for the permit transfer and having also reviewed and considered the Carbon County Zoning Resolution of 2003, as amended, specifically, Section 5.6 – Conditional Use Permits and Section 5.11 – Wind Energy Facilities-Overlay District; and

WHEREAS, the Carbon County Board of County Commissioners have determined that the request to transfer the Special Use Permit, currently referred to as a Conditional Use Permit, is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and the Carbon County Zoning Resolution of 2003, 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 Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the following Special Use Permit/Conditional Use Permit Transfer:

Special Use Permit (S.U.P.) Case File #99-06

Project Name: "Medicine Bow Wind Project"

Permittee: Gamesa Energy USA LLC (Gamesa)

Transfer to: Medicine Bow Wind, LLC

Land Owner: Medicine Bow River Ranch of Wyoming, LLC

General Location: Approximately 5 miles southwest of Medicine Bow and south and east of Carbon County Road #3 (Elk Mountain-Medicine Bow Road).

Legal Description: That property legally described as 460 acres in the S1/2 S1/2 NW1/4; SW1/4; NE1/4; W1/2 SE1/4; S1/2 SE1/4 SE1/4, Section 36, T22N, R79W, all in Carbon County, Wyoming.

VIOLATION: In the event the actions occurring pursuant to this request are found to be in material violation of the terms and conditions of the permit, or are found to have been obtained

by fraud, this transfer and associated permit shall be subject to all remedies allowed by law. Violation of any of the above restrictions can be grounds for terminating the Special Use Permit, currently referred to as a Conditional Use Permit.

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

1. That the Carbon County Board of County Commissioners, hereby approves this transfer of SUP-Special Use Permit (also known as CUP-Conditional Use Permit) for the "Medicine Bow Wind Project" Special Use Permit (S.U.P Case #99-06) .
2. The new permittee is: Medicine Bow Wind, LLC.

Medicine Bow Wind, LLC
Attn: General Counsel
1150 Northbrook Drive, Suite 150
Feasterville Trevosa, PA 19053-8409

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 17th day of December, 2013.

BOARD OF COUNTY COMMISSIONERS OF CARBON COUNTY, WYOMING

By: -s- Leo Chapman, Chairman
John Espy, Vice Chairman
Lindy Glode, Member
John Johnson, Member
Sue Jones, Member

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

Calvert/Chimney Springs Inc.

David Lee, a land surveyor residing in the Calvert Addition near Hanna reported he was nominated out of the eight landowners in the Calvert and Chimney Springs subdivisions to present a request to the BOCC to assist in making the road with a prescriptive easement from County Road 316 to their subdivisions a maintained county road.

Mr. Lee reported they can currently maintain the road however they have no means to add gravel to the road. Mr. Nation reported the county has always had a hand-shake deal with the residents there to remove larger drifts or provide small maintenance items. Mr. Nation suggested with his limited staff and budget he would not recommend taking on any additional miles of road to maintain permanently, however he would recommend that because there is a pile of recycled asphalt in the area he could use to upgrade the road one time to help the residents maintain self-sufficiency. He did note this could open the door to other subdivisions. Mr. Lee suggested the residents could pay for the employee time and fuel costs to haul the material and the residents could spread it themselves. There was discussion that the work may require a budget amendment and the concern it might set precedence.

Commissioner Espy moved to authorize R&B Superintendent to work with the residents of the Calvert Subdivision to improve their road one-time with those residents assisting with the cost. Commissioner Jones seconded and the motion carried unanimously.

COMMISSIONER DISCUSSION

Chairman Chapman reported Fire Warden John Rutherford contacted him regarding the Bairoil heat going out in their fire department freezing pumps on their equipment. Mr. Rutherford had asked if the county could assist in any manner until their equipment is repaired and the BOCC agreed the county should assist.

Chairman Chapman reported there is a contract circulating for the Hanna and Sweetwater County departments and he hoped these would be signed soon.

Commissioner Johnson reported the Farm Bureau passed a resolution suggesting a 5% cap on increases to property taxes to agricultural land. The WY Stockgrowers had suggested a 15% cap. Commissioner Espy added that some classes have jumped almost 39% in a year somewhat due to drought conditions on land ranchers were likely unable to produce on. Commissioner Johnson stated he feels the county should adopt its own resolution with a percentage increase cap and submitting this to the legislature. Commissioner Espy agreed and suggested 10%.

Chairman Chapman asked for the BOCC's thoughts on the Governor's recommended budget. The BOCC unanimously supports the budget.

RECESS

Chairman Chapman called a recess at 12:17 p.m. and reconvened at 12:30 p.m.

CITIZEN COMMENT

K. Wade Cline of DKRW Advanced Fuels and Medicine Bow Fuel & Power presented an overview of the proposed fuels conversion project, including a handout. Mary Throne of Throne Law Office in Cheyenne was also present on behalf of the project. Mr. Cline reported today's project plans is for a smaller project than originally submitted, primarily due to changes in markets. Ms. Throne later clarified the project was initially slated to be a coal to diesel plant however it is and has always been permitted as a coal to gasoline plant and that has not changed.

The two major areas being completed now are continuance of obtaining financing and completing construction planning. He acknowledged the level of frustration due to continued delays but requested the continued support of Carbon County. According to Mr. Cline, the proposed permit amendment provides parties and ISC the certainty of knowing well in advance of when construction will begin so they can begin to plan for it. If the amendment is approved and the proposed deadline in the amendment is not met, the permit is void and the project must reapply for a new permit.

Chairman Chapman asked if the pipeline for transport is approved and Mr. Cline replied there are some BLM lands to cross requiring a permit however preliminary discussion indicates the pipeline is in an existing corridor. Chairman Chapman asked why this might take an additional 30 months. Mr. Cline stated financing and the requirement for a detailed construction plan cause the delay. While blueprints are completed for the plant, hundreds of subcontractors must be identified to complete the work. Once this is identified, the final construction plan can be made and a start date can be identified. Chairman Chapman asked about water usage and Mr. Cline replied the estimates made were for the larger project from a non-potable source and those estimates, in part from the state engineer's office, were that the aquifer had sufficient amounts to handle the project. The revised smaller project will further reduce the water needs by using air cooling rather than water cooling.

Commissioner Espy asked what DKRW will know in 30 months that they don't already know. Mr. Cline stated that this time period is reasonable because the "to do" list is down to only two items, financing and the construction plan. He feels they have a realistic shot at accomplishing these two items in the 30 month period. He added there is still a development risk and he can not guarantee the project will occur. Ms. Throne reported traditionally if there is a change in schedule, the permit holder proposes a change to ISC however if there is a preexisting socioeconomic study ISC has typically approved the revision without a new socioeconomic analysis. She stated this proposed amendment would require a new socioeconomic study therefore she feels this is a more thorough approach.

Commissioner Jones stated her concern for the current housing shortage with current projects and she questioned the 6 month time frame for the revised socioeconomic study stating that may not be sufficient time. She asked how the project could be financially feasible noting she believes Sinclair Refinery is losing \$8 a barrel on gasoline however they are making money on diesel. Mr. Cline reported while he does not have specific knowledge of Sinclair, the refining business is a low margin business in general. The proposed project uses coal as a feedstock rather than oil and the price of coal is projected to be low for long-term and they control the feed through Arch. Commissioner Jones asked why DKRW pulled out of the environmental assessment process with the BLM. Mr. Cline reported they have not pulled back but the process is slow moving.

Commissioner Glode asked how they think they will be able to secure financing they haven't been able to secure in the past 8 years. Mr. Cline stated that lenders want to see the final package including the final construction schedule including who the project is implemented by. With the final construction schedule forthcoming and a small "to do" list, lenders will be able to make financial funding decisions in the near future where they haven't been able to do so before. Mr. Cline reported on the Chinese company, Sinopec Engineering, a government owned entity who is committed to the facility. This company will finalize the engineering, they will supervise the procurement of equipment, and they will be involved in construction - all parts of the EPC, engineering procurement and construction process. All parts will likely come from United States based, and locally based firms and contractors. Commissioner Glode asked what will happen to the project if the permit amendment is denied. Mr. Cline replied he would return to TX and meet with others to examine the options. Ms. Throne stated they feel they are in compliance with the

industrial siting act and if the permit amendment were to be denied, they still hold the permit and there is a statutory process for terminating an existing permit.

Bill Nation reported without a start date, the \$10 million abandon mine land grant to construct a road from Interstate 80 to the plant can not start as construction is one trigger for release of the funds. Mr. Cline replied the current permit states the project will be accessed from Medicine Bow and he understood the \$10 million was set aside for when the project is completed.

Commissioner Glode and Chairman Chapman read their personal comment letters to the industrial siting council regarding the permit amendment. Glode's requesting denial of the amendment and Chapman's in favor of the amendment. Commissioner Espy stated he feels DKRW must appear more often than every few years and the county needs to be kept in the loop. Commissioner Jones stated the county is not anti-industry or against DKRW. She feels the process is important so the county knows how to plan for the project and to create a fair playing field for other projects. Commissioner Jones proposed submitting a resolution along the lines of Commissioner Glode's comments.

Commissioner Jones moved to submit Commissioner Glode's letter the industrial siting council as the Board of County Commissioners stance. Commissioner Glode seconded. Commissioners Jones and Glode voted for the motion. Commissioner Espy and Chairman Chapman voted against the motion. Commissioner Johnson abstained. The motion failed.

ADJOURNMENT

Commissioner Espy moved to adjourn the meeting at 2:09 p.m. Commissioner Jones seconded and the motion carried unanimously.