

**REPORT TO THE
MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, January 15, 2019
Carbon County Courthouse, Rawlins, WY**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, January 15, 2019 at the Carbon County Courthouse, Rawlins, WY. Attending the meeting were; Chairman John Johnson; Commissioners Byron Barkhurst, John Espy, Sue Jones, and Travis Moore.

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

ADDITIONS/CORRECTIONS

There were no changes to the agenda.

VOUCHERS

ALSCO	SHOP SUPPLIES	\$53.87
APEX COMMUNICATIONS	MAINTENANCE AGREEMENT	\$4,533.88
ASBESTOS & TECHNICAL SVCS	REMOVAL AND DISPOSAL	\$17,250.00
AYALA, MEGAN	MEALS	\$13.71
BAGGS, TOWN OF	RENT	\$150.00
BALESTRIERI, MICHELLE	MILEAGE/POSTAGE	\$174.03
BANK OF COMMERCE (ACH)	PAYROLL FILES	\$200.00
BANK OF MONTREAL - MC	VARIOUS CHARGES	\$12,995.04
BI INC.	MONTHLY MONITORING	\$1,300.00
BOYS & GIRLS CLUBS OF CC	PAYROLL	\$2,595.75
BRIDGER FABRICATION	RIFLE STOPS	\$120.00
BRYAN CAVE LEIGHTON PAISNER	TAX MATTER REPRESENTATION	\$10,994.24
CC SENIOR SERVICES	CC SENIOR SERVICES INC	\$50,000.00
CC YOUTH CRISIS CENTER	QUARTERLY EXPENSES	\$627.18
CARERIGHT TECHNOLOGIES, LLC	MONTHLY BED FEE	\$161.70
CATHEDRAL HOME FOR CHILDREN	GRANT FUNDING	\$17,500.00
CBM FOOD SERVICE	JAIL MEALS	\$3,832.98
CNA SURETY	BONDS	\$1,330.00
COMMUNITY RESOURCE CENTER	SUBSCRIPTION DUES	\$35.00
COWBOY DODGE	VEHICLE PURCHASE	\$25,605.00
EKM&P, INC.	COURTHOUSE/CARBONBUILDING	\$1,432.14
ELEVATED TRAINING SOLUTIONS	DRUG TESTING	\$130.40
ENGINEERING ASSOCIATES	MED BOW COMPLEX BUILDING	\$3,952.38
ENGSTROM, JAMES D. DDS	DENTAL SERVICES	\$2,500.00

EXTREME TRUCK OUTFITTERS	FIRE LOCKING BED COVER	\$1,621.00
FIRED UP RESCUE	FIRE GEAR	\$57,996.86
FLEXSHARE BENEFITS	ADMIN FEE	\$320.00
GREATER WY BIG BROS/SISTERS	GRANT FUNDING	\$9,483.72
HERMAN, BOBBIE	MILEAGE	\$54.00
HERRING, PAUL	GEAR LUBE	\$1,556.12
I MAKE STAMPS, INC	NOTARY STAMP J.VANWINKLE	\$15.95
J H KASPAR OIL COMPANY	FUEL	\$7,090.83
JACK'S BODY & FENDER REPAIR	TOW FOR INVESTIGATION	\$155.00
JURORS	JURY DUTY	\$2,873.00
KAISLER, TODD	MIELAGE	\$54.00
KILBURN TIRE COMPANY	TIRES	\$745.72
KIRKLEY, DALE	REIMBURSE-RECOVERY STRAP	\$51.84
MIRACLE EAR-RAWLINS	HEARING AIDS	\$3,000.00
MOORE MEDICAL CORP.	MEDICAL SUPPLIES	\$200.82
MY OFFICE ETC.	SUPPLIES	\$46.16
NEUTRON INDUSTRIES	AIR DEFENSE LINEN FRESH	\$160.10
NORCO, INC.	CYLINDER RENTAL	\$912.01
OFFENDER WATCH	SEX OFFENDER NOTIFICATION	\$187.50
PERUE PRINTING	LETTER HEADS	\$79.00
PUBLIC SAFETY CENTER, INC	GLOVES	\$269.70
QUILL CORPORATION	SUPPLIES	\$133.94
RADAR SHOP, THE	RECERTIFIED RADAR EQUIP	\$833.00
RAWLINS AUTOMOTIVE	PARTS	\$1,660.79
RIETVELD, TONI	PLANNER	\$10.35
ROCKY MOUNTAIN POWER	ELECTRICAL SERVICES	\$5,072.32
SAPP BROS TRUCK STOPS, INC.	BLADE TIRES	\$1,500.00
SARATOGA AUTO PARTS, INC.	PARTS	\$2,442.51
SARATOGA SUN	HOLIDAY CLOSURE AD	\$83.00
SARATOGA, TOWN OF	WATER SERVICES	\$150.96
SHIVELY HARDWARE	PARTS	\$329.07
SOUTH CENTRAL WY EMS	SOUTH CENTRAL WY EMS	\$11,250.00
STODDARD, CURTIS T.	DENTAL SERVICES	\$1,240.00
SWANSON SERVICES CORP	COMMISSARY SUPPLIES	\$782.37
SWEETWATER COUNTY SHERIFF	INMATE HOUSING	\$10,725.00
TRUE VALUE OF RAWLINS	KEY DUPLICATE	\$1.90
US BANK	VARIOUS CHARGES	\$3,749.71
VALLEY OIL COMPANY	FUEL	\$523.98
VANWINKLE, JOHN	FUEL FOR TASER TRAINING	\$38.00
WEBSTER, MATTHEW S	MILEAGE	\$368.50
WIMPENNY, ROBERT G DDS	DENTAL SERVICES	\$1,421.00

WY DEPT OF TRANSPORTATION	MISC PROJECTS	\$947.94
WY SHERIFF'S ASSOCIATION	DUES AND FEES	\$587.00
WY STATE FORESTRY	FIRE SHELTER	\$820.68
GRAND TOTAL		\$289,032.65

Commissioner Espy moved to approve December 2018 payroll and benefit expenses of \$835,931.94 and insurance claim and premium expenses of \$154,279.32 and the main amount of bills of \$289,032.65 for an aggregate total today of \$1,279,243.91. Commissioner Moore seconded and the motion carried unanimously.

CONSENT AGENDA

Commissioner Espy moved to approve the consent agenda noting any item could be removed for further discussion. The consent agenda includes the January 7, 2019 regular meeting minutes. Commissioner Jones seconded and the motion carried unanimously.

ELECTED OFFICIALS & DEPARTMENT HEADS

County Library System

County Library Director, Jacob Mickelsen provided an update on the county library system's usage and programming. Jacob said the 8 libraries countywide had 62,115 visits during 2018. Mr. Mikelson added that the annual state library report has been completed. Jacob stated his excitement for the county's specific purpose tax project that would move the Library to the first floor of the Carbon Building.

Planning & Zoning

Sid Fox, Planning Director, requested approval of a resolution to recognize the opportunity zone. Essentially this is an economic development tool to provide incentives for private sector development in the zones. The proposed zone includes land within the City of Rawlins and the unincorporated county. There may be local incentives provided in addition the federal income tax incentives.

Mr. Fox also discussed an enterprise zone and recommended planning around the opportunity zone. He presented a map of a proposed zone and suggested a memorandum of understanding be developed between the city and county. Mr. Fox agreed to work with the city manager and update the BOCC later.

Commissioner Jones moved to authorize the Chairman's signature on Resolution No. 2019-02 Resolution Designating an Opportunity Zone in Carbon County, Wyoming. Commissioner Barkhurst seconded and the motion carried unanimously.

Resolution No. 2019-02

RESOLUTION DESIGNATING AN OPPORTUNITY ZONE IN CARBON COUNTY, WYOMING

A RESOLUTION DESIGNATING THE UNINCORPORATED AREA OF CARBON COUNTY TO THE NORTH AND EAST OF RAWLINS AS AN OPPORTUNITY ZONE.

WHEREAS, CARBON COUNTY desires to encourage economic development in and around Rawlins, Carbon County, Wyoming, and the Federal New Markets Tax Credit (NMTC) program is an economic development tool that encourages private sector investment in rural Wyoming communities; and

WHEREAS, Governor Matt Mead nominated 25 zones in Wyoming in April of 2018 as opportunity zones which have been certified by the U.S. Department of Treasury; and

WHEREAS, opportunity zones allow any taxpayer to defer capital gains by investing their gains in property or businesses within an opportunity zone; and

WHEREAS, the goal is to create new jobs and wealth by encouraging investments, the NMTC program requirements encourage eligible Wyoming communities to recognize the designated opportunity zone; and

WHEREAS, the opportunity zone will encourage capital formation and job creation by increasing the possibility that local companies can benefit from the NMTC program;

NOW, THEREFORE, BE IT RESOLVED that the Carbon County Board of County Commissioners will recognize the designated area within the city of Rawlins and within unincorporated Carbon County as an Opportunity Zone as more particularly described in the map marked as Exhibit 1 (attached and incorporated herein by reference). The purpose of the Opportunity zone is to encourage economic development through the Federal New Markets Tax Credit program, to encourage job growth and capital formation.

ADOPTED this 15th day of January, 2019.

There is an attachment to this resolution that is not contained in these minutes.

BOARD OF COUNTY COMMISSIONERS
-s- Chairman, Willing "John" Johnson

ATTEST: -s- Gwynn Bartlett, County Clerk

Mr. Fox planned to present Certifications of Recommended Action for public hearing however the Rawlins Daily Times did not publish the notice for the Planning Commission as required therefore he will present at a future meeting.

Mr. Fox reported the TB Flats conditional use permit was issued to Invenergy and they anticipated it be transferred to PacifiCorp. The formal request has been made for the transfer and the permit is therefore transferred per the permit's conditions.

Sheriff

Sheriff Roybal announced that he appointed Shawn Kelley as the Undersheriff. Mr. Kelly introduced himself and reported they have received two pickups and that they have numerous individuals at the current academy getting certified to go to work.

Road & Bridge

Road & Bridge Superintendent Bill Nation discussed his excitement for the specific purpose tax proposals. Bill reported he received the Congestion Mitigation Air Quality (CMAQ) grant agreement. This year's funding is for magnesium chloride on County Road 701, the Dad Wamsutter road. The letter to proceed will come after grant approval.

Mr. Nation reported that they were doing repair work on all equipment to prepare for summer months.

Mr. Nation met with Kevin Strouble of Pacific Steel to make a plan to bring in equipment to remove a bridge over the Medicine Bow River. Removal in the winter months will eliminate environmental impacts because the equipment can operate on top of 6-10 inches of ice covering the river currently. Everything above ground should be removed before the spring thaw.

Mr. Nation reported he has heard from the state regarding the county's request that they take over part of the Sage Creek Road and he hopes to have an in person meeting on the matter soon. All utilities have been located and the land has been surveyed for the new complex at Medicine Bow. Mr. Fox and Mr. Nation said they recently had a preconstruction meeting with PacifiCorp for Gateway West and Aeolus.

Buildings & Grounds

Jim Piche, Buildings & Grounds Manager reported the Pine Street house has been torn down and thanked the City of Rawlins for their assistance. He also thanked Mr. Nation for use of his equipment. He asked that rotomill be installed on the lot then it thaws he will have county and state vehicles on this lot allowing for more parking for the public in the paved lot. Jim received a request from the hospital as they have been having issues with internet transfer to the new clinic across from the Carbon Building. They have asked if they can put a receiver on the top of the Carbon Building and he asked if the BOCC would like an agreement made for this. Matt Webster, County IT Director, mentioned they would likely need power. Attorney Davis strongly suggested a written agreement if the BOCC decides to move forward. Chairman Johnson mentioned that the building is due for a new roof and that may impede internet during that project, which needs to be addressed before an agreement is made. Ashley mentioned the City

has fiber around town and suggested they approach the city about use of this and Mr. Webster replied this would have to be designed and installed for the location.

Commissioner Barkhurst asked if they could erect a tower on their own. Mr. Piche will talk to them more about their needs and report back.

Clerk

County Clerk, Gwynn Bartlett reported the Council of Governments meets tomorrow and is hosted by the county at the Jeffrey Center. She said she has scheduled meetings for employees to attend to be educated on the county's specific purpose tax project. She noted she has a sufficient number of resolutions to proceed with the election May 7 and absentee ballots will be sent March 22. Gwynn also reported she recently presented House Bill 0036 to the House Corporations Committee last week in Cheyenne. The bill failed however she thinks the Clerk's Association will continue working on educating the public and the legislature on the benefits of all mail ballot.

She asked if the BOCC was comfortable approving a grant agreement that isn't on today's agenda. It is an annual agreement for the Emergency Manager's salary.

Commissioner Moore moved to authorize the Chairman's signature on the Grant Award for US Department of Homeland Security Federal Emergency Management Agency Grant Programs Directorate, Emergency Management Performance Grant (EMPG) Fiscal Year 2018, Project ID 18-EMPG-CAR-GCF18 in the amount of \$60,000.00 plus a \$60,000.00 match. Commissioner Espy seconded and the motion carried unanimously.

Gwynn presented proposed amendments to the county's procurement policy, mainly dealing with purchase and tracking of assets. There was discussion about potentially requiring bids to be opened during a public meeting. Ultimately the BOCC opted to leave the site and timing of the bid opening as long as the advertisement states the date, time and place of the opening and that the award is done at a BOCC meeting and they asked Attorney Davis to add language to allow the BOCC to require any opening at a BOCC meeting if they choose. Attorney Davis also suggested adding language of standardization so that if the county had one brand of something we can bid accordingly. The BOCC did ask for a full comparison sheet with bids including warranty and other values besides the flat bid amount to assist them with making decisions.

She asked the BOCC to review the changes and let her know if they have any changes prior to the February 5 meeting. At that meeting, she will ask them to officially move forward with adopting the changes through the Administrative Procedures Act (APA).

Clerk Bartlett requested approval for Bank of Commerce vehicle lease documents for two sheriff vehicles and one vehicle for the Deputy Fire Warden.

Commissioner Espy moved to approve the following pending legal and board approval: Resolution No. 2019-03, Master Lease Purchase Agreement No. 2019-01, A Resolution Authorizing the Negotiation, Execution, and Delivery of a Master Lease-Purchase Agreement in the Principal Amount of \$135,000.00 Between Bank of Commerce, A Wyoming Bank Corporation, as Lessor, and Carbon County, Wyoming as Lessee Under Which the Lessee Will Lease Certain Equipment; and Prescribing Other Details in Connection Therewith and to approve the Master Lease-Purchase Agreement No. 2019-01 Between Bank of Commerce, a Wyoming Banking Corporation as Lessor and Carbon County Wyoming as Lessee for three vehicles. Commissioner Moore seconded and the motion carried unanimously.

**Resolution No. 2019-03
Master Lease-Purchase Agreement No. 2019-01**

**A RESOLUTION AUTHORIZING THE NEGOTIATION, EXECUTION, AND
DELIVERY OF A MASTER LEASE-PURCHASE AGREEMENT IN THE PRINCIPAL
AMOUNT OF \$135,000.00 BETWEEN BANK OF COMMERCE, A WYOMING
BANKING CORPORATION, AS LESSOR, AND CARBON COUNTY, WYOMING, AS
LESSEE, UNDER WHICH THE LESSEE WILL LEASE CERTAIN EQUIPMENT; AND
PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH.**

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

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

WHEREAS, the Commissioners hereby finds and determines that the execution of a Master Lease-Purchase Agreement (the “Equipment Lease”) for the purpose of leasing, with the option to purchase, the equipment designated and set forth in Exhibit A of Schedule No. 2019-01 to the Equipment Lease is appropriate and necessary to the function and operations of the County; and

WHEREAS, Bank of Commerce, a Wyoming banking corporation (the “Lessor”), duly organized, existing, and in good standing under the laws of the State of Wyoming, shall act as Lessor under said Equipment Lease; and

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

payment obligation of the County in any ensuing fiscal year beyond any fiscal year during which the Equipment Lease shall be in effect; and

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

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

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

Section 2. The Equipment Lease shall be in the principal amount of \$135,000.00, bearing interest as set forth in Exhibit B of the Schedule No. 2019-01 of the Equipment Lease, said Equipment Lease to contain an option to purchase by the County as therein set forth.

Section 3. The obligation of the County to make Rental Payments under the Equipment Lease is subject to annual appropriation by the Commissioners and constitutes an undertaking of the County to make current expenditures. No provision of this resolution or the Equipment Lease shall be construed or interpreted as a delegation of governmental powers or as constituting or giving rise to a general obligation or other indebtedness or a multiple fiscal year direct or indirect debt or other financial obligation of the County within the meaning of any constitutional or statutory debt limitation, nor a mandatory charge or requirement against the County in any ensuing fiscal year beyond the current fiscal year. The County shall have no obligation to make any payment to the Lessor or its assigns except in connection with the payment of the Rental Payments under the Equipment Lease and certain other payments, for which funds have been specifically appropriated and encumbered by the County for such purpose, under the Equipment Lease, which payments may be terminated by the County in accordance with the provisions of the Equipment Lease.

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

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

Section 6. The County reasonably anticipates to issue not more than \$10,000,000 of tax-exempt obligations (other than “private activity bonds” which are not “qualified 501(c)(3) bonds”) during the period from July 1, 2018 to June 30, 2019 and hereby designates the Equipment Lease as a qualified tax-exempt obligation for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

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

ADOPTED AND APPROVED this 15 day of January, 2019.

(SEAL)

LESSEE: Carbon County, Wyoming

By: -s- Willing John Johnson

Title: Chairman, Board of County Commissioners

ATTEST:

By: -s- Gwynn G. Bartlett, Title: County Clerk

Gwynn reported the Transwest project anticipates filing its industrial siting application January 23. That will prompt a 30 day period for applicable parties to develop an agreement on impact assistance funding. She will schedule a department head meeting for the afternoon of February 5 and the joint meeting with other municipalities and counties on February 12 at 4 p.m. at the Jeffrey Center. She also expects to receive a letter with a new Boswell Springs funding schedule and mentioned the BOCC may want to preauthorize signature on a letter to request that any changes go through a formal amendment process.

Commissioner Jones moved to authorize the Chairman’s signature or any available commissioner on a letter to the Industrial Siting Council requesting an amendment hearing for any changes to the payment schedule for the Boswell Springs project. Commissioner Espy seconded and the motion carried unanimously.

Attorney Davis asked if the BOCC had comments on the USDA Forest Service letter regarding perpetual reciprocal easement on trail relocation. The BOCC had no comments.

Commissioners

Commissioner Espy reported that the Carbon County Fair Board attended the first fair board meeting with its new member. They will likely bring in an accountant for services and they may bond members that are signors on their accounts. They do want to construct a new horse barn and asked if the county could purchase the kit then they would be responsible to find someone to erect the building. He suggested this would be considered at budget time.

Commissioner Espy also stated the fair board will apply for a Recreation Board grant to improve the front side of the arena.

The BOCC appointed liaisons for board and employees.

EXECUTIVE SESSION

Commissioner Espy moved to go into executive session at 11:14 a.m. with Gwynn Bartlett, Ashley Mayfield Davis, Paul Zamora, Jim Piche and Archie Roybal. Commissioner Moore seconded and the motion carried unanimously.

Archie left the session at 11:31 a.m. and Paul Zamora and Jim Piche joined. Paul & Jim left at 12:02 p.m.

Commissioner Espy moved to come out of executive session at 12:13 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Moore seconded and the motion carried unanimously.

ADJOURNMENT

Commissioner Espy moved to adjourn the meeting at 12:13 p.m. Commissioner Moore seconded and the motion carried unanimously.

A regular meeting of this Board will be held February 19, 2019 at 9:00 a.m. at the Carbon County Courthouse, Rawlins, WY. The public is invited to attend or you can listen online at the website listed below. To get on the agenda, call the Clerk's Office by the Thursday before the meeting. Per Wyo. Stat. §18-3-516(f), access to county information can be obtained at or by calling the Clerk's Office at (307) 328-2668 or 1-800-250-9812.