

**COMMISSIONER'S PROCEEDINGS  
REGULAR MEETING  
APRIL 7, 1998**

The Commissioners met at 9:00 a.m. in the Commissioner's Meeting Room of the Courthouse, Rawlins, Wyoming. Commissioners Artlin Zeiger, Gary Graalman and Linda Fleming were present. Artlin Zeiger, Chairman.

The following vouchers were presented and approved for payment:

A T & T	Public Health/Planning	16.20
Adams, Steve	Planning	41.40
Alexander Hamilton Institute Inc.	Clerk/Human Resources	46.50
Amerigas	Road & Bridge	829.20
Aspen Publishers Incorporated	Human Resources	145.00
Bach Supply	Road & Bridge	151.41
Bartlett, Sue RN	Public Health	123.81
Beaton, Donald E. DDS	Grants	185.00
Brown, Estella	Grants	5.98
Build Rite Lumber & Supply	Carbon Building	21.95
Burke's Conoco	Sheriff	43.00
Busey, Sharalee	Public Health	104.42
Butane Power & Equipment	Road & Bridge	423.20
C & M Auto Parts	Road & Bridge	29.88
Capital Business Systems	Assessor	14.85
Capital Data/Aeronet	Public Health	180.00
Carbon County Fair Association	Commissioners	45.00
Carbon County Senior Services	Senior Services	27,432.00
Carbon Power & Light Inc.	Various	1,130.99
Casper Truck Center Inc.	Road & Bridge	84.41
Cesko, David MD	Grants	111.00
Chandra, V. Raja MD	Grants	371.50
Childbirth Graphics LTD	Grants	37.15
City Market Incorporated #12	Extension/Public Health	74.85
Cloud Peak Terminix	Carbon Building	35.00
Collamer, Sonja	Planning	37.72
Compresource	Treasurer	70.52
Corporate Express	Various	227.49
Couch, Wayne MD	Grants	75.00
D & K Sanitation	Various	232.50
Dave's Wood Shop	Senior Services	3,160.00
Davis, E. Edwin	Sheriff	500.00
Day, Dave	Carbon Building	3,000.00
Dick Bradshaw Welding	Road & Bridge	100.50
Digital Financial Service	County Administration	9,153.88
Dixon, Town of	Road & Bridge	33.50
Drummond Refrigeration	Senior Services	95.27

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Dubois Telephone Exchange	Road & Bridge	45.13
Eagle Uniform Supply	Carbon Building/Road & Bridge	158.74
Ed's Automotive	Sheriff	47.29
Elk Mountain, Town of	Road & Bridge	83.38
Ellis, William	Planning	27.60
Encampment, Town of	Road & Bridge	45.00
Engstrom, J. DDS	Grants/Jail	452.00
ESRI	Road & Bridge	405.00
Evergreen Disposal Services	Senior Services/Road & Bridge	90.00
Executive Strategies	Various	99.72
Factory Direct Furniture	Elections	1,998.65
Fast Company	Clerk	19.75
Faulkner, Cindy	Grants	19.55
Frontier Pharmacy	Grants	637.76

Gem City Bone & Joint PC	Grants	53.00
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Gosevner, Maxine	Public Health	81.88
H & S Ranch Supply	Road & Bridge	32.00
Hackett's	Road & Bridge	222.80
Hawkins Commercial	Senior Services	209.42
Hettgar, Bridget M. RN	Public Health	63.18
Hewitt, Henry	Planning	37.75
High Plains Power	Senior Services/Road & Bridge	116.04
Hoffman, Hollice	Public Health	24.61
Hoke, John L.	County Administration	400.00
Hopkins Medical Products	Public Health	29.95
J H Kaspar Oil Company	Assessor	18.12
Jackalope Printing	Sheriff	52.78
Johnson, John R.	Grants	199.00
Johnstone Supply	Senior Services	25.30
KN Energy Incorporated	Various	5,150.43
Kennaday, Janet	Grants	95.63
Kilburn Tire Company	Sheriff/Road & Bridge	189.75
Kirsch, A.P. MD	Grants	335.00

Lawson Products Incorporated	Road & Bridge	199.23
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Lucent Technologies	Radio Maintenance	114.93
Lundberg, Tamara	Grants	300.00
Lunt, John MC	Grants	253.00
McBrides Valley Super	Grants	9.96
Medicine Bow Rural Health	Grants	71.15
Medicine Bow, Town of	Senior Services/Road & Bridge	91.20
Memorial Hospital Carbon County	Senior Services/Road & Bridge	123.25
Montgomery Kone Incorporated	Courthouse	134.57
P C Zone, The	County Administration	171.40
Pacific Power & Light Company	Various	4,138.64
Pantry, The	Planning	55.68
Pedersen Planning	Planning	630.45

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Perue Printing	Extension/Planning	77.80
Phillips Petroleum Company	Sheriff	6.89
Pierce, H. Lyle MD	Grants	65.00
Pioneer Printing	County Administration	239.95
Plainsman Printing & Supply	Elections/Clerk of Court	3,574.42
Platte Valley Automotive	Road & Bridge	1,618.03
Polk	Clerk	43.00
Prairie Dog Electric	Senior Services	483.59
Questar Gas	Senior Services	129.62
Quill Corporation	Public Health/Planning	162.10
Range Magazine	Extension	28.00
Rawlins Automotive	Sheriff/Road & Bridge	271.73
Rawlins, City of	Senior Services/Road & Bridge	855.41
Rawlins Diagnostic	Sheriff	491.00
Rawlins Newspapers, Incorporated	Planning/County Administration	1,079.70
Rawlins Optometric	Grants	61.00
Re-Charge Plus	Clerk	237.00
Rite-Style Optical	Road & Bridge	81.95
Robidoux Brothers	Road & Bridge	28.51
Rockmount Research & Alloys Inc	Road & Bridge	126.02
Romero-Caron, Virginia	Extension	27.95
Rostad Mortuary	Coroner	800.00
S & S Disposal	Road & Bridge	20.00
Saratoga Auto Parts, Inc.	Road & Bridge	247.79
Saratoga Health Mart	Grants	56.74
Satellite TV	Extension	226.40
Schnal, Jonathan C.	Planning	1,213.21
Shepard Construction Inc.	Courthouse	226.00
Shine, Robert MD	Grants	30.00
Slafter Oil Company	Road & Bridge	481.10
Smith, Susan	Public Health	2.53
Speer, William	Planning	37.72
State of Wyoming	Elections	511.16
State of Wyoming	Public Health	121.20
Sterling Communications	Radio Maintenance	56.50
Summit Medical Supply	Public Health	345.70
Super 8 Motel	Treasurer	143.10
T & T Plumbing & Service	Carbon Building/Senior Services	390.00
Techniscan Incorporated	Buildings & Grounds	2,502.38
Texaco Refining & Marketing	Sheriff	170.89
Thompson Publishing Group	Human Resources/Administration	523.00
Tipton Computer Service	County Administration	2,186.35
Travel Emporium	Extension	285.46
Truck and Industrial	Road & Bridge	103.60
True Value of Rawlins	Road & Bridge	20.00
U S Postmaster	Public Health	96.00

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U S Seminar Corporation	Public Health	194.00
U S West Communications	Various	5,075.92
Union Telephone Company	Various	450.37
Valley Pharmacy	Grants	10.00
Valley Super Foods	Sheriff	20.00
Valley Waste Management	Senior Services	65.00
Viking Office Products	Various	325.71
Walmart Pharmacy #10-1412	Grants	172.82
Wenger, Bev RN	Public Health	16.10
Wilson, Daniel W.	Courthouse	480.00
Wise Agency, The	Buildings & Grounds	1,613.00
Wright Medical Services	Public Health	100.00
Wyo Dept of Transportation	Road & Bridge	10.80
Wyo Diesel Service	Road & Bridge	71.76
Wyo Law Enforcement Academy	Sheriff/Coroner	450.00
Wyoming Machinery Company	Road & Bridge	388.99
Wyoming Paper Supply	Jail	87.49
Wyoming Pathology Incorporated	Sheriff	110.00
Wyoming Taxpayers Association	Clerk	50.00
Wyoming Treasurer's Association	Treasurer	50.00
Xerox Corporation	Various	380.00
Xerox Corporation	Sheriff	690.39
Xerox Corporation	Clerk of Court	164.71
Yampa Valley Electric	Various	938.04
Yockey, Teddy A.	Human Resources	99.95

**SEVERANCE TAX**

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ExCEL PreSchool	Social Services	500.00
Carbon County Counseling Center	Social Services	1,250.00
Carbon Co Economic Development Corp.	Community Development	4,250.00
K.I.D.S., Inc.	Social Services	2,000.00
Wee Folks Place	Social Services	625.00

**ABATEMENTS**

Harvey, Brad	Affidavit of Erroneous Assessment	46.26
Harvey, Brad	Affidavit of Erroneous Assessment	49.44
Julander Energy Company		
Cameron, Vanessa	Affidavit of Erroneous Assessment	287.78
Western Mobile Northern, Inc.	Affidavit of Erroneous Assessment	242.02

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**REBATES**

Julander Energy Company		
Cameron, Vanessa	Affidavit of Erroneous Assessment	686.60
Ogburn, Florence	Affidavit of Erroneous Assessment	16.48
Snyder Oil Corporation		
Reinhardt, Nancy	Affidavit of Erroneous Assessment	16,540.22

**BONDS**

Town of Sinclair		
Musgrave, Lezlee	Town of Sinclair	8,000.00

**FINANCIAL REPORT**

Monthly financial reports from the County Clerk and County Planning offices were approved by the Board.

**ELECTED OFFICIALS**

Elected officials, Cindy Baldwin, Darrell Stubbs, and Lindy Smith presented a resolution requesting a \$50,000 annual salary for the County Assessor, County Clerk, County Clerk of District Court, County Sheriff, and County Treasurer beginning January 1, 1999 for a period of four years. The request was in accordance with Title 18, Chapter 3, Section 107(a), Wyoming Statutes, 1977, amended March 19, 1998.

The request was taken under advisement.

**PRIVATE LAND SALE**

Carbon County rancher, Brad Palm introduced representatives of Rocky Mountain Timberlands, the new owner of property formerly held by Palm. Rocky Mountain Timberlands announced their plan to subdivide the property into 35-acre recreational tracts.

**NORTH HANNA ACCESS ROAD PROJECT**

A public hearing was held at 9:30 a.m. to hear any public protests and/or comments regarding the authorization to submit a grant application to the Abandoned Mine Land Program for funding for the North Hanna Access Road Project.

James Larscheid (PM PC) gave a short presentation on the grant application and read the submittal letter, the funding commitment letter, and the resolution to submit a grant application to the Abandoned Mine Land Program.

Larscheid also read a letter from the Union Pacific Railroad (UPRR) discussing the existing underpass west of the existing bridge and a permit to survey from the UPRR.

There were no opposing opinions or comments expressed.

A motion was made by Graalman, seconded by Fleming, and unanimously carried to adopt the following :

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**RESOLUTION 1998-3**

**A RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE ABANDONED MINE LAND PROGRAM ON BEHALF OF THE GOVERNING BODY FOR THE CARBON COUNTY BOARD OF COMMISSIONERS FOR THE PURPOSE OF CONSTRUCTION OF THE NORTH HANNA ACCESS ROAD PROJECT**

**WITNESSETH**

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**WHEREAS**, the Governing Body for the Carbon County Board of Commissioners desires to participate in the ABANDONED MINE LAND GRANT program to assist in financing this project; and

**WHEREAS**, the Governing Body of the Carbon County Board of Commissioners recognizes the need for the project; and

**WHEREAS**, the Abandoned Mine Land Grant program requires that certain criteria be met, as described in the Abandoned Mine Land Program's Rules and Regulations governing the program, and to the best of our knowledge this application meets those criteria; and

**WHEREAS**, the Governing Body of the Carbon County Board of Commissioners plans to match the requested 49% Abandoned Mine Land Program Grant with 51% matching funds from the following sources:

4% - State Loan and Investment Board MRG	\$ 83,162.00
17% - WYDOT Industrial Road Program	\$ 400,000.00
15% - State-County (SC) Road Program (Not to Exceed)	\$ 360,000.00
15% - Arch of Wyoming Contribution (Not to Exceed)	\$ 340,000.00

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE Carbon County Board of Commissioners**, that a grant application in the amount of \$1,146,838.00 be submitted to the Abandoned Mine Land Program to assist in funding the CONSTRUCTION OF THE NORTH HANNA ACCESS ROAD PROJECT.

**BE IT FURTHER RESOLVED**, that Artlin Zeiger, Chairman is hereby designated as the authorized representative of the Carbon County Board of Commissioners to act on behalf of the Governing Body on all matters relating to this grant application.

**PASSED, APPROVED AND ADOPTED** this 7th day of April, 1998.

-s- Artlin Zeiger, Chairman  
 -s- Gary Graalman, Commissioner  
 -s- Linda Fleming, Commissioner

A test: -s- Teddy A. Yockey, Deputy County Clerk

There being no further comments, a motion was made by Graalman, seconded by Fleming and carried to close the hearing at 10:00 a.m.

**FAIR BULGET AMENDMENT**

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**RESOLUTION NO. 2001-03**

**A RESOLUTION ELECTING TO TAKE FULL PAYMENT UNDER PUBLIC LAW 106-393, H.R. 2389,  
SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000, FOREST  
RESERVE FUNDS**

WHEREAS, legislation has been enacted under Public Law 106-393, known as H.R. 2389, the purpose of which is to distribute timber sale receipts for the benefit of schools, road construction and to communities to establish collaborative restoration, maintenance and stewardship projects; and

WHEREAS, Counties have the option of continuing to receive payments under the 25 Percent Fund Act, or electing to receive its share of the average of the three highest 25 percent payments made to the county during the period of fiscal year 1986 through fiscal year 1999 (the full payment amount); and

WHEREAS, the Board of County Commissioners believe it to be in the best interest of the citizens of Carbon county that the Board elect to take the full payment option under Title III of Public Law, 106-393, H.R. 2389;

THEREFORE BE IT RESOLVED by the governing body of Carbon County, Wyoming that the County elect to receive the full payment option under Title III of Public Law 106-393.

PRESENTED, PASSED AND ADOPTED the 20<sup>th</sup> day of February, 2001.

BOARD OF COUNTY COMMISSIONERS  
CARBON COUNTY, WYOMING

-s- Artlin Zeiger, Chairman

-s- Attest: Linda Ann Smith, County Clerk

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A hearing was held at 10:00 a.m. to hear protests regarding the proposed amendment of the Carbon County Fair budget for fiscal year 1997-98.

Concerned citizen, Lovina Pierson suggested improvements to the open class portion of the 1998 fair.

A motion was made by Fleming, seconded by Graalman, and unanimously carried to adopt the following:

**RESOLUTION 1998-4**

**A RESOLUTION AUTHORIZING AMENDMENT OF THE  
CARBON COUNTY FAIR BUDGET  
FISCAL YEAR 1997-98**

**WHEREAS**, the Carbon County Fair has received \$7,500.00 additional revenue from a grant to be used in the 1997-98 budget year ending June 30, 1998.

**WHEREAS**, notice was published on March 24, 31, and April 7, 1998 in the Rawlins Daily Times of the public hearing to amend the Carbon County Fair budget as required by statute.

**WHEREAS**, the public hearing was held April 7, 1998 at 10:00 a.m. in the Commissioner Meeting Room of the Carbon County Courthouse, Rawlins, Wyoming to hear protests regarding the proposed amendment. There were no protests received during the public hearing regarding said proposed amendment.

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, that the Carbon County Fair budget for fiscal year 1997-98 be increased by \$7,500.00 for additional funds received.

**APPROVED AND ADOPTED** this 7th day of April, 1998.

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

-s- Artlin Zeiger, Chairman  
-s- Gary Graalman, Commissioner  
-s- Linda Fleming, Commissioner

Attest: -s- Teddy A. Yockey, Deputy County Clerk

**BUREAU OF LAND MANAGEMENT**

County Civil Attorney, Wade Waldrip discussed a proposed memorandum of understanding (MOU) between the Bureau of Land Management and Carbon County for cooperative land management and planning within Carbon County.

A letter approving the MOU was received from Jonathan Schnal, Planning Director acting on behalf of the Carbon County Planning Commission.

A May 5, 1998 10:00 a.m. appointment was scheduled for presentation and signing of the official document.

**HEARING RULES**

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County Civil Attorney, Wade Waldrip presented an overview of the proposed revision of rules of practice governing hearings and contested cases before the Carbon County Board of County Commissioners.

A motion was made by Fleming, seconded by Graalman, and unanimously carried to adopt emergency rules of practice governing hearings and contested cases before the Carbon County Board of County Commissioners.

#### **CAPITAL FACILITIES TAX**

County Civil Attorney, Wade Waldrip reviewed the proposed joint powers agreement between Carbon County, Town of Hanna, Town of Medicine Bow, and Town of Saratoga relating to management of capital facilities tax projects for the three towns.

A motion was made by Graalman, seconded by Fleming and unanimously carried to adopt the following:

#### **RESOLUTION-1998-5**

#### **A RESOLUTION AUTHORIZING CARBON COUNTY, WYOMING, TO ENTER INTO A JOINT POWERS AGREEMENT WITH THE TOWNS OF HANNA, MEDICINE BOW AND SARATOGA, WYOMING PURSUANT TO THE WYOMING JOINT POWERS ACT, W.S. 16-1-102 TO 16-1-109; APPROVING THE FORM OF THE AGREEMENT; AND AUTHORIZING THE EXECUTION OF CERTAIN DOCUMENTS RELATING THERETO.**

**WHEREAS**, Carbon County, Wyoming (hereinafter referred to as "Carbon County") is authorized by the Wyoming Joint Powers Act, W.S. 16-2-102 to 16-1-109 (hereinafter referred to as the "Act"), to enter into and operate under a joint powers agreement with the Towns of Hanna, Wyoming ("Hanna"), Medicine Bow, Wyoming ("Medicine Bow") and Saratoga, Wyoming ("Saratoga"), for the performance of any function that Carbon County, Hanna, Medicine Bow or Saratoga is authorized to perform; and

**WHEREAS**, Carbon County, Hanna, Medicine Bow and Saratoga each constitute an "agency", as defined in the Act, and are hereinafter sometimes referred to in the singular as "participating Agency" and collectively as "Participating Agencies"; and

**WHEREAS**, the Act [W.S. 16-1-104 (a)] provides that any power, privilege or authority exercised or capable of being exercised by an agency may be exercised and enjoyed jointly with any other agency having a similar power, privilege or authority; and

**WHEREAS**, the Act further provides that a county may enter into and operate under a joint powers agreement with one or more towns for the performance of any function that the county or town is authorized to perform; and

**WHEREAS**, Carbon County, Hanna, Medicine Bow and Saratoga have determined that the following projects would be of service to and be benefit of the Participating Agencies and their residents:

1. The construction of water system and sewer system improvements and the acquisition of a fire truck for Hanna (the "Hanna Project");
2. The construction of sewer system improvements for Medicine Bow (the "Medicine Bow Project"); and
3. The construction of water system improvements and street improvements



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for Saratoga (the "Saratoga Project");

(hereinafter, the Hanna Project, the Medicine Bow Project, and the Saratoga Project being collectively referred to as the "Projects"); and

WHEREAS, each of the Participating Agencies realizes that a joint and cooperative effort in the financing of such Projects will result in substantial economic savings and will provide methods of financing unavailable to any of the Participating Agencies operating independently; and

WHEREAS, each Participating Agency, in order to facilitate such Projects, desires to create and organize a joint powers board under said Act; and

WHEREAS, in order to facilitate such Projects, Carbon County desires to enter into the Carbon County Improvement Projects Joint Powers Board Joint Powers Agreement, a copy of which is attached hereto as EXHIBIT A and by this specific reference is incorporated herein (hereinafter referred to as the "Agreement"); with Hanna, Medicine Bow and Saratoga pursuant to the Act and create and organize a Joint Powers Board thereunder (hereinafter referred to as the "Joint Powers Board"); and

WHEREAS, a copy of the Agreement, to be dated as of April 1, 1998, has been submitted to the Board of County Commissioners of Carbon County (hereinafter the "Governing Body of Carbon County") and has been filed with the office of the Carbon County Clerk (hereinafter referred to as the "Clerk") and is there available for public inspection; and

WHEREAS, the Governing Body of Carbon County desires to authorize the Chairman of the Governing Body (hereinafter referred to as the "Chairman") and the Clerk to enter into and execute said Agreement on behalf of Carbon County; and

WHEREAS, it is necessary to approve the form of said Agreement and authorize the execution of such by resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF CARBON COUNTY, WYOMING, THAT:

**Section 1. Approval and Authorization.** The form of the Agreement is hereby approved. The Chairman and the Clerk are hereby authorized and directed to execute the Agreement and affix the seal of Carbon County thereto, and further to execute and authenticate such other documents, instruments or certificates as are deemed necessary or desirable in order to enter into and carry out the Agreement. Such Agreement is to be executed in substantially the form hereinabove approved, provided that such Agreement may be completed, corrected or revised as deemed necessary by the Clerk in order to carry out the purposes of this resolution. Copies of the Agreement shall be delivered, filed and recorded as provided therein.

**Section 2. Resolution Irrepealable.** After the agreement has been formally entered into and the Joint Powers Board has been created pursuant to the Act, this resolution shall be and shall remain irrepealable until all outstanding obligations of the Joint Powers Board, including all bond requirements of its revenue bonds, if any, shall have been fully paid and satisfied or provision for such payment shall have been made.

**Section 3. Ratification.** All action heretofore taken by Carbon County and by the officers thereof not inconsistent herewith directed toward the entering into of the Agreement is hereby ratified, approved and confirmed.

**Section 4. Repealer.** All resolutions or parts thereof in conflict with this resolution are hereby repealed.

**Section 5. Severability.** Should any part or provision of this resolution ever be judicially determined to be invalid or unenforceable, such determination shall not affect the

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remaining parts and provisions hereof, the intention being that each part or provision of this resolution is severable.

ADOPTED AND APPROVED as of the 7th day of April, 1998.

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

Attested: -s- Teddy A. Yockey  
Deputy County Clerk

-s- Artlin Zeiger, Chairman  
-s- Linda Fleming, Commissioner  
-s- Gary Graalman, Commissioner

**EXHIBIT A**

**CARBON COUNTY IMPROVEMENT PROJECTS JOINT POWERS BOARD  
JOINT POWERS AGREEMENT**

**THIS AGREEMENT** is entered into as of the 1st day of April, 1998, among Carbon County, Wyoming, a body corporate and politic (hereinafter referred to as "Carbon County"), and the Towns of Hanna, Medicine Bow and Saratoga, Wyoming, incorporated municipalities in Carbon County (hereinafter sometimes referred to as "Hanna", "Medicine Bow" and "Saratoga", respectively).

**WITNESSETH:**

**WHEREAS**, pursuant to W.S. 15-1-103 (a), W.S. 15-7-101 (a) and W.S. 15-7-104, Hanna, Medicine Bow and Saratoga have the authority to construct street improvements, construct water and sewer system improvements, and acquire fire extinguishing equipment; and

**WHEREAS**, pursuant to W.S. 18-2-108, Carbon County may independently, or in conjunction with Hanna, Medicine Bow and Saratoga, establish and operate transportation system facilities, water facilities, liquid or solid waste facilities and fire protection agency facilities and may purchase, lease, construct and operate facilities and equipment in connection therewith; and

**WHEREAS**, Hanna, Medicine Bow, Saratoga and Carbon County each constitute an "agency", as defined in the Wyoming Joint Powers Act, W.S. 16-1-102 to 16-1-109 (hereinafter referred to as the "Act"), and are hereinafter sometimes referred to in the singular as "Participating Agency" and collectively as "Participating Agencies"; and

**WHEREAS**, the Act [W.S. 16-1-104(a)] provides that any power, privilege or authority exercised or capable of being exercised by an agency may be exercised and enjoyed jointly with any other agency having a similar power, privilege or authority; and

**WHEREAS**, the Act further provides that a county may enter into and operate under a joint powers agreement with one or more cities or towns for the performance of any function that the county or city or town is authorized to perform; and

**WHEREAS**, Hanna, Medicine Bow, Saratoga and Carbon County have determined that the following projects would be of service to and be for the benefit of the Participating Agencies and their residents:

1. The construction of water system and sewer system improvements and the acquisition of a fire truck for Hanna (the "Hanna Project");
2. The construction of sewer system improvements for Medicine Bow (the "Medicine Bow Project"); and

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3. The construction of water system improvements and street improvements for Saratoga (the "Saratoga Project");

(hereinafter, the Hanna Project, the Medicine Bow Project and the Saratoga Project being collectively referred to as the "Projects"); and

**WHEREAS**, each of the Participating Agencies realizes that a joint and cooperative effort in the financing of such Projects will result in substantial economic savings and will provide methods of financing unavailable to any of the Participating Agencies operating independently; and

**WHEREAS**, each Participating Agency, in order to facilitate such Projects, desires to create and organize a joint powers board under said Act;

**NOW, THEREFORE**, in consideration of the mutual promises, covenants and agreements contained herein, it is understood and agreed among the Participating Agencies as follows:

#### **SECTION ONE PURPOSE**

The purpose of this Agreement is to provide an efficient, orderly, and economically feasible method of planning, creating, expanding, financing and operating the Projects on behalf of Hanna, Medicine Bow and Saratoga, which would be of service to and be for the benefit of Hanna, Medicine Bow, Saratoga and Carbon County and their residents.

#### **SECTION TWO DURATION OF THE AGREEMENT**

This Agreement and the joint powers board shall be of perpetual duration; however, this Agreement and the joint powers board may be dissolved and terminated by majority agreement of the governing body of Hanna (hereinafter sometimes referred to as the "Governing Body of Hanna"), the governing body of Medicine Bow (hereinafter sometimes referred to as the "Governing Body of Medicine Bow"), the governing body of Saratoga (hereinafter sometimes referred to as the "Governing Body of Saratoga"), and the Board of County Commissioners of Carbon County (hereinafter sometimes referred to as the "Governing Body of Carbon County") (hereinafter the Governing Body of Hanna, the Governing Body of Medicine Bow, the Governing Body of Saratoga and the Governing Body of Carbon County being sometimes collectively referred to as the "Governing Bodies of the Participating Agencies"); provided, that this Agreement and the joint powers board shall not be dissolved or terminated so long as outstanding financial obligations of the joint powers board exist or provision for their payment or other satisfaction has not been made.

#### **SECTION THREE CREATION, ORGANIZATION AND COMPOSITION OF JOINT POWERS BOARD**

There is hereby created, pursuant to the Act (W.S. 16-1-106), the "Carbon County Improvement Projects Joint Powers Board" (hereinafter referred to as the "Joint Powers Board").

1. The Joint Powers Board shall consist of five (5) members, all of whom shall be qualified electors of Carbon County. Pursuant to the Act (W.S. 16-1-106), it is not incompatible office holding for an officer or legal representative of Hanna, Medicine Bow, Saratoga or Carbon County to be a member of the Board.

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2. Each of the Governing Bodies of the Participating Agencies shall appoint one (1) member of the Joint Powers Board (the "Agency Members"); and one (1) member (the "At-Large Member") shall be selected by nomination by the Governing Body of Carbon County and approval by majority agreement of the Governing Bodies of Hanna, Medicine Bow and Saratoga.
3. The Governing Bodies of the Participating Agencies may appoint the members of the Joint Powers Board either before or after the date of approval of this Agreement by the Wyoming Attorney General. Within fifteen (15) days after said approval, the members of the Board shall hold an organizational meeting and shall determine, by mutual agreement, the terms of office of the members, using the following formula:

The initial appointments shall be staggered terms of one (1), two (2) and three (3) years and are subject to reappointment. Thereafter, appointments for a full term shall be for staggered terms of three (3) years. An Agency Member may be removed by the respective Governing Body making the initial appointment. The At-Large Member may be removed by majority agreement of the Governing Bodies of the Participating Agencies.

All vacancy appointments for Agency Members shall be made by the respective Governing Body which made the appointment of the retiring member. The vacancy appointment for the At-Large Member shall be made by majority agreement of the Governing Bodies of the Participating Agencies. In the event a vacancy should occur prior to the expiration of the retiring member's term, the successor shall be appointed for the unexpired portion of the retiring member's term.

4. At the organizational meeting, the members of the Joint Powers Board shall elect a Chairman, Vice-Chairman, Secretary and Treasurer. The Secretary of the Board shall notify the Participating Agencies of the Board's organization and shall file a certificate showing its organization with County Clerk of Carbon County and the Wyoming Secretary of State.
5. The Joint Powers Board shall meet at least one every three (3) months at the call of the Chairman or within five (5) days after an oral or written request of a majority of the Board members. The meeting site shall be rotated among the Participating Agencies.

#### SECTION FOUR POWERS AND DUTIES OF THE JOINT POWERS BOARD

1. The Joint Powers Board may employ technical, legal, administrative and clerical assistance as necessary, and engage the services of research and consulting agencies within the limits of its authorized and available funds, as may be agreed upon from time to time.
2. The Board shall adopt such policies, by-laws, and regulations, not inconsistent with this Agreement or the Act, as it deems necessary to carry out the business of the Board.
3. The Board shall:
  - a. Keep minutes of all meetings during which official action is taken as well as financial records. Such minutes and records shall be public records;
  - b. Fix the time and place of regular meetings, provided, that a regular meeting shall be held at least one each three (3) months;



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- c. Cooperate with and solicit the advice, counsel, and recommendations of the Governing Bodies of the Participating Agencies;
  - d. Keep the Governing Bodies of the Participating Agencies advised as to its progress and supply the elected officials thereof with annual written reports concerning its activities and finances.
4. The Board may:
- a. Sue and be sued in the name in which the Board is designated;
  - b. Acquire, hold, convey, lease, rent, and manage property, real and personal, for the benefit of the Participating Agencies, either alone or jointly with public or private agencies, institutions, persons or corporations;
  - c. Enter into agreements with any public or private agency, institution, person, or corporation for the performance of acts or furnishing of services or facilities by or for the Board or Participating Agencies;
  - d. Employ legal counsel and bear the cost of litigation;
  - e. Accept or reject any federal, state, or private gift, grant, bequest or devise, money, property or services;
  - f. Utilize the services of any officer or employee of the Participating Agencies, with the approval of the Governing Bodies of the Participating Agencies;
  - g. Insure against loss of property;
  - h. Employ an independent certified public accountant and bear the costs of all necessary audits;
  - i. Additionally, the Board shall have all other powers and duties enumerated in or reasonably implied from the Act and the statutes of the State of Wyoming.
5. Neither the Board nor the Participating Agencies shall waive governmental immunity from liability through the exercise of their powers or the performance of their duties under this Agreement.

## SECTION FIVE PROJECT FINANCING

The Joint Powers Board may formulate any plan or plans for financing the Projects as it may deem appropriate. The Board may solicit and obtain funds from any of the following sources:

- a. the contribution of funds from one (1) or more of the Participating Agencies which would be available to an agency if proceeding individually;
- b. bond issues by one (1) or more Participating Agencies to construct, improve or acquire an interest in the Projects in the same manner as bonds may be issued by the agency for its individual construction, improvement or acquisition of such a facility;
- c. gifts, donations or grants of federal money;
- d. the issuance by the Board of its revenue bonds under the authority of the Act



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[W.S. 16-1-107 (a) (iii)], to be repaid solely from the foregoing sources of funds or any revenue received by the Board from the ownership, lease or operation of property or interest in property owned, leased or controlled by the Board. The resolution authorizing the issuance of said revenue bonds and each revenue bond issued thereunder shall contain a recital that the bonds do not constitute a general obligation of the Board or of any of the Participating Agencies, but shall be payable solely from a special fund to contain the revenue to be derived from ownership, operation, renting or leasing of the property (real and personal) and/or the improvements contemplated with respect to the Projects (hereinafter sometimes collectively referred to as the "Leased Properties"), and further, that the lien of the pledge of the revenues constitutes a first lien, but not necessarily an exclusive first lien, on said revenues.

Pursuant to a site lease (s) to be entered into between Hanna, Medicine Bow and Saratoga (hereinafter sometimes collectively referred to as "lessees") and the Board (hereinafter sometimes referred to as "Lessor"), Lessees will lease their rights, title and interest in and to the sites (if any) upon which all or a part of the Hanna Project, the Medicine Bow Project and the Saratoga Project will be built (the "Sites") to the Lessor, and for the purpose of financing the planning, creation, expansion, acquisition, installation, equipping and construction of said Projects, on terms beneficial to the Lessees and for the benefit of the Participating Agencies and their residents, the Lessor will lease the Sites (if any) and the Leased Properties back to the Lessees, on a year-to-year basis subject to annual appropriations by the governing bodies of the Lessees. The lease payments to be paid by the Lessees shall be funded through legally available revenues, including, but not limited to, the proceeds of a 1% capital facilities sales and use tax imposed by Carbon County upon goods and services subject to such taxes (the "Tax").

For the purposes of the purchase of any titled property (real or personal) with respect to any of the Projects, the Board will purchase the titled property and either lease it as Leased Properties back to the Lessees or lease it directly to a Participating Agency, with title being in the name of the respective Participating Agency and the Board having a lien thereon. The lease payments to be paid by the Participating Agency shall also be funded through legally available revenues, including, but not limited to, the proceeds of the Tax.

#### **SECTION SIX NET EARNINGS OF JOINT POWERS BOARD**

No part of the net earnings of the Joint Powers Board shall be distributed to, or inure the benefit of, any member, officer, agent or employee of the Board, or to any private individual, except that reasonable compensation may be paid for services duly rendered by individuals other than officers or members of the Board and reimbursements may be made for expenses duly incurred, to or for the Board affecting one or more of its authorized purposes.

#### **SECTION SEVEN OWNERSHIP OF LEASED PROPERTIES**

Ownership of the Leased Properties, all property, whether real or personal, tangible or intangible, including all contract rights in connection therewith, and any improvements to be made thereto will be held by the Participating Agencies and the Joint Powers Board as provided in SECTION FIVE above and will not be further set over or alienated in any manner while the bonds or any other obligations of the Board issued in connection therewith are outstanding, except as security for the payment of the principal of, premium (if any), and interest on such revenue bonds.

#### **SECTION EIGHT CONSTRUCTION, ACQUISITION, OPERATION, MAINTENANCE**

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### AND BUDGET FOR THE LEASED PROPERTIES

The Lessees (as defined in SECTION FIVE hereof) shall be solely responsible for (a) the construction of the improvements and the acquisition of the equipment used in connection with the Leased Properties; (b) the complete and full operation and maintenance of the Leased Properties, including, but not limited to the payment of all, if any, salaries, required taxes, payments in lieu of taxes, assessments, insurance premiums and utilities; and (c) the establishing and maintaining of a budget for the Leased Properties during the initial term of any lease or any year-to-year renewal thereof.

### SECTION NINE TERMINATION, DISSOLUTION AND DISTRIBUTION

The Joint Powers Board shall continue in existence until terminated as provided above; provided, however, that the Board and this Agreement shall not be terminated and shall continue in existence until all outstanding obligations of the Board, including all bond requirements of its revenue bonds, shall have been fully paid and satisfied or provision for such payment shall have been made.

Further, after satisfaction of all debts and obligations and upon termination and dissolution, the Board shall distribute, set over, transfer, convey or assign any facilities, improvements, equipment or other property owned or leased by the Board to the Lessees (as defined in SECTION FIVE hereof).

### SECTION TEN RESTRICTIONS

It is clearly understood that this Agreement expressly limits the Joint Powers Board to plan, create, expand, acquire, install, equip, construct, finance and operate the Projects.

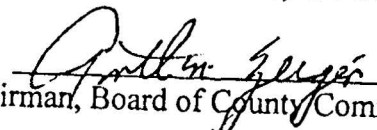
### SECTION ELEVEN SEVERABILITY

The terms, provisions and conditions of this Agreement are severable. If any term or provision of this Agreement or its application to any person or circumstance is determined by a court of proper jurisdiction to be invalid, such invalidity shall be limited to such person, circumstance, term or provision and shall not affect other persons, circumstances, terms or provisions which can be given effect without the invalid provision or application.

THIS AGREEMENT is made and entered into as of the date set forth on the first page hereof, in accordance with the authorization by resolutions adopted by majority vote of the duly elected members of the Governing Bodies of the Participating Agencies at duly called meetings thereof as noted below.

By Resolution adopted April 7, 1998.

CARBON COUNTY, WYOMING

  
Chairman, Board of County Commissioners

April 7, 1998

ATTESTED:

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County Clerk

**CARBON COUNTY IMPROVEMENT PROJECTS JOINT POWERS BOARD  
JOINT POWERS AGREEMENT  
APRIL 1, 1998**

(Signature Page for Hanna, Wyoming)

By Resolution No. \_\_\_\_\_, adopted April 14, 1998.

TOWN OF HANNA, WYOMING

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Mayor

ATTESTED:

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Town Clerk-Treasurer

**CARBON COUNTY IMPROVEMENT PROJECTS JOINT POWERS BOARD  
JOINT POWERS AGREEMENT  
APRIL 1, 1998**

(Signature Page for Medicine Bow, Wyoming)

By Resolution No. \_\_\_\_\_, adopted April 13, 1998.

TOWN OF MEDICINE BOW, WYOMING

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Mayor

ATTESTED:

April 7, 1998

\_\_\_\_\_  
Town Clerk-Treasurer

**CARBON COUNTY IMPROVEMENT PROJECTS JOINT POWERS BOARD  
JOINT POWERS AGREEMENT  
APRIL 1, 1998**

(Signature Page for Saratoga, Wyoming)

By Resolution No. \_\_\_\_\_, adopted April 6, 1998.

TOWN OF SARATOGA, WYOMING

\_\_\_\_\_  
Mayor

ATTESTED:

\_\_\_\_\_  
Town Clerk-Treasurer

**APPROVAL BY ATTORNEY GENERAL**

In accordance with W.S.. 16-1-105 (a) (iii)), this Joint Powers Agreement has been reviewed and the Attorney General has determined that the Agreement is compatible with the laws and constitution of the State of Wyoming. The approval of this Agreement by the Attorney General is limited to the terms and conditions of the Agreement itself, and the approval does not extend to any individual project nor the financing of any individual project contemplated under the Agreement.

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

\_\_\_\_\_  
William U. Hill

April 7, 1998

Attorney General  
State of Wyoming

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**CARBON BUILDING**

Patricia Schuler, Carbon Building Manager presented an administrative report.

**OLD PEN**

Mark Setright, Old Pen Director, and various interested persons requested an inspection of the Old Pen roof system by Techniscan while the roofing consultant is in Rawlins analyzing the Carbon Building roof. The request was granted.

**DELINE ROAD ISSUE**

County Attorney, Tom Campbell met with the Board to discuss the progress of the Deline Road issue.

**PLANNING**

A public hearing was held at 2:00 p.m. regarding zone changes presented by the Planning Commission.

Case File 98-03, Joseph H. Kaspar, Jr. Rezone from RAM (Ranch-Agriculture-Mining) to RD-80 (residential, one dwelling allowed per 80 acres). A motion was made by Fleming, seconded by Graalman, and unanimously carried to follow the recommendation of the Planning Commission and approve Case File 98-03.

Case File 98-01, Barrett Creek Recreational Cabin Owners Association. Preliminary subdivision plat review and rezone from RAM (Ranch-Agriculture-Mining) to RD (residential). The Planning Commission approved with a "do pass" recommendation to the Board of County Commissioners, but the approval does not become effective until the plat has been recorded.

Case File 98-02, Sun Ranch. Special Use Permit to allow RV parking for summer staff of the Mormon Handcart Visitors' Center in RAM-zoned district. The Planning Commission approved with conditions.

End of hearing.

**LAND USE PLAN**

The Planning Commission reported the land use plan revisions were nearing completion and expressed budget concerns for printing costs of the final draft. The revised draft will be available on the internet and 125-150 hard copies will be printed to be available to everyone who wants a copy. The Board of County Commissioners agreed to help with the printing cost.

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April 7, 1998

A June 2, 1998 public meeting was scheduled to hear comments on the final draft of the land use plan. The meeting will be held at the Jeffrey Center at 7:00 p.m.

#### PLANNING

The Planning Commission wants an attorney present at each of their meetings. Realizing this will be an added expense, they requested extra consideration for the 1998-99 budget allocation.

#### TREASURER

Cindy Baldwin, Treasurer, and Joy Hannum, Head Deputy Treasurer presented depository requests for the Commissioner's consideration.

A motion was made by Fleming, seconded by Graalman, and unanimously carried to name Bank of Commerce, Community First National Bank, and The Rawlins National Bank as Carbon County Government depositories for 1998.

Baldwin and Hannum presented a resolution for the Commissioner's consideration relating to the capital facilities projects for Carbon County.

A motion was made by Graalman, seconded by Fleming, and unanimously carried to adopt the following:

#### RESOLUTION 1998 - 6

#### **A RESOLUTION SETTING FORTH THE CAPITAL FACILITIES PROJECTS FOR CARBON COUNTY FOLLOWING THE PASSAGE OF THE EXCISE TAX PROPOSITION PURSUANT TO WYOMING STATUTE 39-6-4129.**

**WHEREAS**, pursuant to W.S.. 39-6-412(k), an election was held in which the voters approved the imposition of an excise tax not to exceed one percent (1%) upon retail sales of tangible personal property, admissions and services made, and upon storage, use and consumption of tangible personal property, within the county, for specified purposes and in specified amounts as authorized by the qualified electors;

#### **BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CARBON COUNTY, WYOMING, THAT:**

The specified purposes and projects as selected by the Carbon County Commissioners are as provided below:

\$1,500,000.00 for Carbon County, to be applied as follows:

\$1,000,000.00 for Memorial Hospital of Carbon County debt retirement  
\$ 300,000.00 for Wyoming Frontier Prison roof repair, and  
\$ 200,000.00 for the purchase of ambulances.

The \$1,000,000 for the debt retirement of Memorial Hospital of Carbon County and the \$300,000 for the roof repair of Wyoming Frontier Prison shall be paid by the Carbon County Treasurer to the respective entities as those funds are received.

**IN WITNESS WHEREOF**, the Board of County Commissioners of Carbon County, Wyoming, has caused this Resolution to be passed this 7th day of April, 1998.

April 7, 1998

-s- Artlin Zeiger, Chairman  
Carbon County Commission

Attest: -s- Teddy A. Yockey, Deputy County Clerk

### 1997-98 AUDIT

The Commissioners agreed to hire the accounting firm of Simonsen Mader Tschacher & Co. to conduct the audit of Carbon County Government for fiscal year 1997-98.

### ECONOMIC DEVELOPMENT CORPORATION

A public hearing was held at 2:00 p.m. to hear a grant proposal from Carbon County Economic Development Corporation to the State of Wyoming for a Community Development Block grant in the amount of \$15,000.00 to fund the establishment of a venture capital fund.

A motion was made by Graalman, seconded by Fleming, and unanimously carried to adopt the following resolution:

### RESOLUTION 1998-7

**WHEREAS**, the Carbon County Economic Development Corporation (CCEDC) exists to encourage the retention and expansion of existing industries and businesses and promote the attraction of new economic investment in Carbon County, Wyoming, and;

**WHEREAS**, the CCEDC has solicited a grant award of \$15,000.00 from the 1998 Community Development Block Grant (CDBG) program administered by the State of Wyoming, Department of Commerce, for the purpose of conducting a feasibility study that evaluates the potential formation of a venture capital program in Carbon County, and;

**WHEREAS**, it is the finding of the Commission that the CCEDC has complied with all the requirements of the CDBG programs application progress, including both the publication of a Public Notice on March 27, 1998, and conducting of a public hearing before this Commission on April 7, 1998, and therefore;

**IT IS HEREBY RESOLVED** that the Carbon County Board of Commissioners endorses the CCEDC's application to the Wyoming Department of Commerce for a \$15,000.00 Community Development Block Grant to support preparation of a venture capital program feasibility study.

**DATED** this 7th day of April, 1998.

-s- Artlin Zeiger, Chairman  
-s- Gary Graalman, Commissioner  
-s- Linda Fleming, Commissioner

### JACK RUSSELL APPEAL

A review of information regarding the Jack Russell zoning application was conducted by Planning Commission member, Henry Hewitt, followed by an explanation of the Planning Commission's decision to deny the application.

April 7, 1998

A motion was made by Fleming, and seconded by Graalman to grant the appeal of Jack Russell. The motion failed with the following votes: Zeiger - against, Fleming - for, Graalman - against. The decision of the Planning Commission was upheld.

#### CARBON COUNTY COUNSELING CENTER

A letter to the Wyoming Division of Behavioral Health supporting Carbon County Counseling Center's efforts to provide mental health and substance abuse services to Carbon County citizens was signed by the Board of Commissioners.

#### ROAD & BRIDGE

Carbon County Road & Bridge supervisor, Bill Nation presented his administrative report.

#### EXECUTIVE SESSION

A motion was made by Fleming, seconded by Graalman, and carried to enter into executive session to discuss pending litigation (4:15 p.m.).

A motion was made by Graalman, seconded by Fleming, and carried to come out of executive session (5:05 p.m.).

#### EXECUTIVE SESSION

A motion was made by Fleming, seconded by Graalman, and carried to enter into Executive Session to discuss pending litigation (4:15 p.m.).

A motion was made by Graalman, seconded by Fleming, and carried to come out of Executive Session (5:05 p.m.).

#### EXECUTIVE SESSION

A motion was made by Fleming, seconded by Graalman, and carried to enter into Executive Session to discuss personnel (5:15 p.m.).

A motion was made by Graalman, seconded by Fleming, and carried to come out of Executive Session (5:50 p.m.).

#### CARBON COUNTY SCHOOL DISTRICT ONE

Correspondence was received from Alan Lee, Superintendent of Schools for Carbon County School District One requesting continuance of the current agreement with Carbon County for school office accommodations in the Carbon Building. Commission Chairman, Zeiger will contact Lee to discuss the issue.

#### ADJOURNMENT

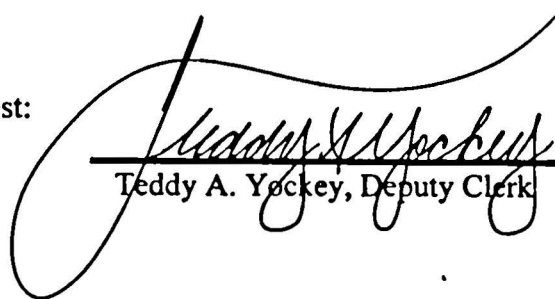
There being no further business, the meeting adjourned at 6:00 p.m.. The next scheduled meeting of the Board will begin at 3:00 p.m. on April 21, 1998 in the Commissioner Meeting Room of the Carbon County Courthouse, and following adjournment for dinner, continue in the Sinclair Town Hall at 7:00 p.m..

*Carl Zeiger*

April 7, 1998

Artlin Zeiger, Chairman

Attest:

  
Teddy A. Yockey, Deputy Clerk

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