

BOARD OF CARBON COUNTY COMMISSIONERS
Regular Meeting
Tuesday, July 1, 2003
Rawlins, Wyoming

The regular meeting of the Board of Carbon County Commissioners was held at 9:00 a.m. in the Commissioners Meeting Room of the Carbon County Courthouse in Rawlins, Wyoming. Attending the meeting were Chairman Artlin Zeiger and Commissioner Lee Meacham; Linda Ann Smith, County Clerk; Alice Garvin, Chief Deputy County Clerk; and Shelley Welsh, Deputy Clerk. Commissioner Linda Fleming was absent.

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

VOUCHERS

There were no vouchers presented for payment at this meeting.

The Commissioners ratified payment to Montgomery Construction, Inc. in the amount of \$9,000 for plumbing services at the Noyes Clinic, and payment to WARM for Boiler & Machinery Insurance covering May 5, 2003 to July 1, 2004 in the amount of \$2,619.57.

CLERK

Minutes

Lee Meacham moved to approve the minutes of May 20, 2003 as presented. Chairman Zeiger seconded. The motion carried unanimously.

Lee Meacham moved to approve the minutes of June 3, 2003 as presented. Chairman Zeiger seconded. The motion carried unanimously.

Lee Meacham moved to approve the minutes of June 17-18, 2003 as presented. Chairman Zeiger seconded. The motion carried unanimously.

Bonds

With no objections, the following bond was signed by Chairman Zeiger:

Western Surety Company Bond No. 53918296 for Jacque A. Bass of Rawlins in the amount of \$10,000 as the Treasurer of the Carbon County School District #1 Recreation Board.

Board Appointments

Lee Meacham moved to reappoint Danny Runner to the **Saratoga-Carbon County Impact Joint Powers Board (representing County)**. Chairman Zeiger seconded. The motion carried unanimously.

Lee Meacham moved to reappoint Judith Tigner and appoint Richard Nealon to the **Carbon County Library Board**. Chairman Zeiger seconded. The motion carried unanimously.

Lee Meacham moved to reappoint Darlene Shillinger and appoint Joan Page to the **Carbon County Museum Board**. Chairman Zeiger seconded. The motion carried unanimously.

Lee Meacham moved to table the board opening appointment for the **Memorial Hospital Board** until the next meeting on July 15, 2003. Chairman Zeiger seconded. The motion carried unanimously.

ELECTED OFFICIALS

Carbon County Treasurer, Cindy Baldwin, came before the Board to explain the decrease in the PILT funding for this year versus funding the County received last year.

SENIOR SERVICES

Bill Michie presented his monthly report to the Commissioners.

EXECUTIVE SESSION

Lee Meacham moved to go into executive session to discuss litigation issues with Tom Thompson and Sheriff Colson at 10:15 a.m. Chairman Zeiger seconded. The motion carried unanimously.

Lee Meacham moved to come out of executive session at 11:07 a.m. Chairman Zeiger seconded. The motion carried unanimously.

LM OLSON

Gary Olson advised that Terracon would monitor the reactions of the soil as the piles are driven, soil conditions, and keep records of the piles being driven for construction of the new jail. Mr. Olson advised that this service has already been included in the contract.

Gary Olson advised that LM Olson would try to provide the GMP for the jail project to the Commissioners by next week.

DIXON AIRPORT BOARD BID OPENING

One (1) bid was received from Lathrop Equipment of Casper, Wyoming as follows:

\$16,281.00 – John Deere tractor 5105 w/ attachments
\$ 3,528.00 – Mower
\$ 3,467.00 – Pull type rotary cutter

Lee Meacham moved to approve bid from Lathrop Equipment of Casper, Wyoming for purchase of a John Deere tractor/mower in the amount of \$23,276.00 for the Little Snake River Airport, contingent upon approval by the Little Snake River Airport Board. Chairman Zeiger seconded. The motion carried unanimously.

GIS / GPS

Karen Larsen presented her report to the Commissioners.

EMERGENCY MANAGEMENT

Greg Zabel presented his report on the Armory to the Commissioners.

Homeland Security Grant

Pam Farster, grants consultant, presented an update on the Homeland Security Grants.

Chairman Zeiger signed the FY 2003 Homeland Security Grant Program Part II Application authorizing submission of Part II to the State of Wyoming.

LUNCH

Chairman Zeiger recessed the meeting at 12:00 p.m. for lunch and reconvened the meeting at 2:00 p.m.

PLANNING AND ZONING

Jay Grabow and Henry Hewitt presented certifications on the actions of the Planning Commission as of July 1, 2003.

(1) Case File #03-13 – Tim and Judy Horst: Request for a Zone Change from Open Range (OR) to Rural Residential Agriculture (RRA-65 acres). Approximately 3 miles South of Rawlins on Hwy. 71. Approximately 65 acres West of Hwy. 71 located in the N 1/2 NW 1/4 Section 31, T21N, R87W, 6th P.M., Carbon County, Wyoming. Recommended by the Planning Commission.

(2) Case File #03-14 – Tim and Judy Horst: Request for a Zone Change from Open Range (OR) to Rural Residential Agriculture (RRA-15 acres). Approximately 3 miles South of Rawlins on Hwy. 71. Approximately 15 acres East of Hwy. 71 is located in the N 1/2 NW 1/4 Section 31, T21N, R87W, 6th P.M., Carbon County, Wyoming. Recommended by the Planning Commission.

(3) Case File #03-15 – E. Lynn and Brenda Updike: Request for a Zone Change from Open Range (OR) to Highway Commercial (C-2). The property is located 1 mile North of Baggs on Hwy. 789. All of Lot 5, Section 33, T13N, R91W, 6th P.M., Carbon County, Wyoming, East of the Easterly right-of-way on Wyoming Highway 789. Recommended by the Planning Commission.

(4) Case File #03-16 – Heirs of M. L. Schmidt: Request for a Zone Change from Open Range (OR) to Forestry Production and Recreation (FPR-77 acres, FPR 20.66 acres, & FPR-11 acres, Respectively). The FPR Zone allows a seasonal recreational dwelling. The properties are located 1.5 miles West of Battle Town site on Hwy. 70 and then 1.5 miles North. The Cox, Merrill, Cooper, and Berger Lode Mining Claim Survey No. 231 embracing a portion of Section 18, T14N, R85W, and Section 13, T14N, R86W, 6th P.M., Carbon County, Wyoming. Containing 77 acres, more or less. The York Lode Mining Claim Survey No. 232 embracing a portion of Section 18, T14N, R85W, and Section 13, T14N, R86W, 6th P.M., Carbon County, Wyoming. Containing 20.66 acres, more or less. The Fourth of July Lode Claim Survey No. 233 embracing a portion of Sections 12 & 13, T14N, R86W, 6th P.M., Carbon County, Wyoming. Containing 11.5 acres, more or less. Recommended by the Planning Commission.

(5) Case File #03-17 – William E. Irvine: Request for a Zone Change from Open Range to Rural Residential Agriculture (RRA-6.61 acres). This 6.61 acre parcel contains the existing Irvine Ranch Home. The property is located ½ mile West of County Road #303. A tract of land in the NE ¼ NW ¼ Section 2, T14N, R84W, 6th P.M., Carbon County, Wyoming. Recommended by the Planning Commission.

(6) Case File #03-18 – Irvine Minor Subdivision: Request for approval of the Irvine Minor Subdivision Preliminary & Final Plat. This proposed division of land creates a 6.61 acre tract containing the existing Irvine Ranch Home. The property is located ½ mile West of County Road #303. A tract of land in the NE ¼ NW ¼ Section 2, T14N, R84W, 6th P.M., Carbon County, Wyoming. Recommended by the Planning Commission.

(7) Case File #03-19 – William E. Irvine: Request for a Zone Change from Open Range (OR) to Rural Residential Agriculture (RRA-11.05 acres). This is a request to rezone the parcel created by Case File #03-20. The property is located ½ mile West of Encampment on Hwy. 70 an ¼ mile North of Hwy. 70. A tract of land in the NE ¼ SW ¼ of Section 2, T14N, R84W, 6th P.M., Carbon County, Wyoming. Recommended by the Planning Commission.

(8) Case File #03-20 – Overlook Minor Subdivision: Request for approval of the Overlook Minor Subdivision Preliminary and Final Plat. This proposed division of land creates a 11.05 acre tract for future RRA development. The property is located ½ mile West of Encampment on Hwy. 70 & ¼ mile North of Hwy. 70. A tract of land in the NE ¼ SW ¼ of Section 2, T14N, R84W, 6th P.M., Carbon County, Wyoming. Recommended by the Planning Commission.

(9) Case File #03-21 – Lee and Francelle Robinson: Request for a Zone Change from Open Range (OR) to Rural Residential Agriculture (RRA-44.758). The property is located 1 mile East of Savery. A parcel of land being a portion of the NE ¼ SW ¼ and a portion of the SE ¼ NW ¼ of Section 8, T12N, R89W, of the 6th P.M., Carbon County, Wyoming. Recommended by the Planning Commission.

(10) Case File #03-22 – Lee and Francelle Robinson: Request for a Zone Change from (OR) to Rural Residential Agriculture (RRA-30.502 acres). A home is currently located on this parcel. The property is located 1 mile East of Savery. A parcel of land being a portion of the SE ¼ NW ¼ of Section 8, R89W of the 6th P.M., Carbon County, Wyoming. Recommended by the Planning Commission.

(11) Case File #03-23 – Gary and Janet Chrisp: Request for a Zone Change from Open Range (OR) to Rural Residential Agriculture (RRA-36.98 acres). The property is located approximately 1 mile East of Riverside on Hwy. 230. SE ¼ SW ¼, Section 32, T15N, R83W, 6th P.M., Carbon County, Wyoming (approximately 36.98 acres). Recommended by the Planning Commission.

(12) Case File #03-24 – Jerry and Gertrude Ready: Request for a Zone Change from Open Range (OR) to Rural Residential Agriculture (RRA-40 acres). The property is located off of County Road #497 - .8 mile East of Hwy. 287. SE ¼ SE ¼, Section 33, T24N, R88W, 6th P.M., Carbon County, Wyoming.

The Planning Commission voted to deny this request and presented a certificate of action for the case file.

Lee Meacham moved that Case Files #03-13 through #03-24 be accepted as presented by the Carbon County Planning Commission and set for hearing before the Commissioners on Tuesday, August 5, 2003 at 2:00 p.m. Chairman Zeiger seconded. The motion carried unanimously.

Public Hearing Items:

Chairman Zeiger opened the public hearing for Case File #03-09 through #03-12 at 2:25 p.m.

(1) **Case File #02-20 – Houston and Elva Evans:** Request for Zone Change from Open Range (OR) to Forestry Production and Recreation (FPR-5).

(2) **Case File #03-09 – Ely Minor Subdivision:** Request for Ely Minor Subdivision Preliminary & Final Plat.

(3) **Case File #03-10 – Grady O. Ely:** Request for a Zone Change from Open Range (OR) to Residential (RD-3).

(4) **Case File #03-11 – Jack and J. Ann Roberts:** Request for a Zone Change from Open Range (OR) to Residential (RD-4) located.

(5) **Case File #03-12 – Douglas and Jody Bintner:** Request for a Zone Change from Open Range (OR) to Forestry Production and Recreation (FPR-40).

Chairman Zeiger closed the public hearing at 2:29 p.m.

Lee Meacham moved that Case File #02-20, Houston and Elva Evans be approved; Case File #03-09, Ely Minor Subdivision be approved; Case File #03-10, Grady O. Ely be approved; Case #03-11, Jack and J. Ann Roberts be approved; and Case File #03-12, Douglas and Jody Bintner be approved, with the conditions as listed by the Planning Commission. Chairman Zeiger seconded. The motion carried unanimously.

RESOLUTION NO. 2003-23

**A Resolution of the Board of County Commissioners of Carbon County, Wyoming
adopting the recommendation of the Carbon County Planning Commission.**

WHEREAS, pursuant to Wyo. Stat. §18-5-202(b), the Carbon County Planning Commission held a public hearing on June 3, 2003, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at said public hearing, the Carbon County Planning Commission provided the public the opportunity to comment and the Carbon County Planning Commission considered any public comments which were made at said hearing; and

WHEREAS, at the conclusion of said public hearing, the Carbon County Planning Commission voted to certify in writing its recommendation to the Carbon County Commissioners to adopt this amendment to the Carbon County Zoning Resolution of 2003 for Carbon County, Wyoming; and

WHEREAS, the Carbon County Commissioners, pursuant to Wyo. Stat. §18-5-20(c) and after receipt of said certified recommendation for approval of this amendment to the Carbon County Zoning Resolution of 2003, advertised by public notice at least 14 days prior to a public hearing to take public input and comments which said hearing occurred on July 1, 2003; and

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

WHEREAS, the Carbon County Commissioners in considering the said amendment have also reviewed and considered the Carbon County Land Use Plan of 1998; and

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

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

(1) Case File #02-20 – Houston and Elva Evans: Request for a Zone Change from Open Range (OR) to Forestry Production & Recreation (FPR-5). The Winona and John Ludwig lode mining claims are located on Hog Park Road, 1 mile East of Highway 70. The Winona and John Ludwig lode mining claims containing 40.76 acres more or less; designated by the Surveyor General as Survey No. 335A and described in Patent recorded in Book 100, Page 611 of the Records of Carbon County, Wyoming; and located in Section 19, T14N, R84W, 6th P.M., Carbon County, Wyoming.

(2) Case File #03-09 – Ely Minor Subdivision: Request for Ely Minor Subdivision Preliminary & Final Plat. The subdivision is located approximately 1 mile East of Wyoming 789 on Carbon County Road #702 – a portion of Tract 37 of the resurvey of T13N, R91W, 6th P.M., Carbon County, Wyoming.

(3) Case File #03-10 – Grady O. Ely: Request for a Zone Change from Open Range (OR) to Residential (RD-3). The subdivision is located approximately 1 mile East of Wyoming 789 on Carbon County Road #702 – a portion of Tract 37 of the resurvey of T13N, R91W, 6th P.M., Carbon County, Wyoming.

(4) Case File #03-11 – Jack and J. Ann Roberts: Request for a Zone Change from Open Range (OR) to Residential (RD-4) located. A parcel of land located in the SE ¼ of Section 31, T15N, R83W, 6th P.M., Carbon County, Wyoming and located North of the Cherokee Subdivision.

(5) Case File #03-12 – Douglas and Jody Bintner: Request for a Zone Change from Open Range (OR) to Forestry Production and Recreation (FPR-40). The property is located in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 12, T27N, R84W, 6th P.M., Carbon County, Wyoming and located 22 miles South of Alcova; approximately 3 $\frac{1}{2}$ miles straight West of County Road #291 and 1 mile North of Chimneys Peaks.

Any contingency conditions of approval of the above case(s) are listed in the "Notice of Final Action." This is sent to the applicant and on file in the Planning Office.

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

1. That the Carbon County Board of Commissioners, hereby adopt these amendment(s) as certified to them in writing by the Carbon County Planning Commission.

PRESENTED, READ AND ADOPTED at regular meeting of the Board of County Commissioners of Carbon County, Wyoming, this 1st day of July, 2003.

**BOARD OF COUNTY COMMISSIONERS OF
CARBON COUNTY, WYOMING**
By: -s- Artlin "Art" Zeiger, Chairman
-s- Lee Meacham, Commissioner

Attest:

-s- Linda Ann Smith
Carbon County Clerk

Lee Meacham moved that Carbon County adopt Resolution 2003-23, approving Case File #02-20, Case File #03-09, Case File #03-10, Case File #03-11, and Case File #03-12. Chairman Zeiger seconded. The motion carried unanimously.

Jay Grabow presented a plat on the Ely Subdivision and requested necessary signatures on the plat document. Mr. Henry Hewitt signed as the representative for the Planning Commission.

Lee Meacham moved that Case #02-24, Overlook Retreat Subdivision, be removed as a tabled item. Chairman Zeiger seconded. The motion carried unanimously.

Henry Hewitt advised that the Planning Commission was withdrawing their previous action in regard to this case.

Lee Meacham moved to accept the actions from the Planning Commission to retract Case File #02-24 – Overlook Retreat Subdivision. Chairman Zeiger seconded. The motion carried unanimously.

911 EMERGENCY TELEPHONE SURCHARGE

RESOLUTION NO. 2003-24

A Resolution Providing for the Imposition of a 911 Emergency Telephone Surcharge Fee

WHEREAS, Wyo. Stat. §16-9-101 through §16-9-106, effective July 1, 2003, authorizes the establishment of a 911 emergency reporting system and allows a governing body to impose a 911 emergency tax in an amount not to exceed \$.75 per month on service users within the governing body's jurisdiction to pay those costs directly related to a 911 system; and

WHEREAS, Wyo. Stat. §16-9-101 through §16-9-106, defines a **Service User** as any person within the jurisdiction who is provided local exchange access telephone service, wireless communication access service or other technological device that under normal operation is designed or routinely used to access 911, and defines a **Service Supplier** as any utility, person or entity providing or offering to provide 911 system equipment, database installation, maintenance or local exchange access, wireless communication access or other technological device that under normal operation is designed or routinely used to access 911; and

NOW, THEREFORE, be it resolved that the Carbon County Commissioners hereby impose a 911 emergency telephone tax in the amount of seventy-five cents (.75) per month on each local exchange access line, per wireless communications access or other technological device that under normal operation is designed or routinely used to access 911, within Carbon County, Wyoming, to become effective as of July 1, 2003.

IT IS FURTHER RESOLVED that **Service Providers** shall be provided written notice of such 911 tax, that the 911 tax shall be collected at the time charges for telecommunications are collected under the regular billing practice of the service provider; that no 911 tax shall be imposed upon more than one hundred (100)

local exchange access lines or their equivalent per customer billing; and that the 911 tax imposed pursuant to this resolution shall be remitted to the Carbon County Treasurer quarterly. Service suppliers are required to collect such surcharges and remit the amounts quarterly, together with required reporting forms. The service suppliers may deduct and retain one percent (1%) of the surcharge for administrative costs.

PRESENTED, READ AND ADOPTED this 1st day of July, 2003.

BOARD OF CARBON COUNTY COMMISSIONERS
By: -s- Artlin "Art" Zeiger, Chairman

ATTEST:

-s- Linda Ann Smith, Carbon County Clerk

Lee Meacham moved to approve Resolution 2003-24, A Resolution Providing for the Imposition of a 911 Emergency Telephone Surcharge Fee. Chairman Zeiger seconded. The motion carried unanimously.

ROAD AND BRIDGE

Bill Nation presented his bi-monthly report to the Commissioners.

North Hanna Road Project

The North Hanna Road Project is approximately 99.9 % complete and will open July 3, 2003. The Town of Hanna would like to have a formal dedication on King Coal Days in Hanna.

The Commissioners authorized Bill Nation to sign off on the Certificate of Completion for the North Hanna Road Project.

SPRUCE HOUSE

Shawna Chandler of Spruce House came before the Commissioners and advised that the City of Rawlins had agreed to provide \$15,000 to the Spruce House if the County would match the same amount of funding, or they would match whatever amount the County donated. This funding would be used for initial start-up costs such as licensing, equipment, salaries, etc.

GRANTS

Sally Patton and Michelle Siler came before the Commissioners to present information in regard to the 21st Century State Incentive Grant. Ms. Patton asked if the County had plans for any type of board to service youth needs, and she was advised there were no plans at this time. Ms. Patton advised the Commissioners she was looking for an entity to serve as an "umbrella" and be the fiscal agent.

ADJOURNMENT

There being no further business, Chairman Zeiger adjourned the meeting at 4:00 p.m.

BOARD OF COMMISSIONERS
CARBON COUNTY, WYOMING



Artlin Zeiger, Chairman

ATTEST:



Linda Ann Smith, County Clerk