

**BOARD OF CARBON COUNTY COMMISSIONERS
REGULAR MEETING
TUESDAY, AUGUST 5, 2003
CARBON COUNTY COURTHOUSE
RAWLINS, WYOMING**

The regular meeting of the Carbon County Commissioners was held at 9 a.m. at the Carbon County Courthouse, Rawlins, Wyoming. Attending the meeting were Commissioners Linda Fleming, Lee Meacham and Chairman Artlin Zeiger; Linda Smith, Carbon County Clerk; Alice Garvin, Chief Deputy Clerk; and Gwynn Rothenberger, Deputy Clerk. Chairman Zeiger called the meeting to order at 9 a.m.

The following vouchers were approved and signed for payment:

VOUCHERS

AT & T	Various	330.28
A to Z Copier Service	Clerk of Court	364.95
Acorn Creative	Attorney	599.99
Alco	Various	43.62
Alsco	Road & Bridge	113.84
Amerigas	Road & Bridge	120.00
Avaya	Radio Tech	227.50
Baggs, Town of	Senior Center	149.50
Bank of Commerce	Various	1681.24
Bartlett, Sue	Various	290.02
Bi-Rite Pharmacy	Grants	534.20
Bi-Rite Sporting Goods	Sheriff	95.62
Bob Barker Company	Jail	227.71
Bob's Computers	Sheriff	60.00
Bresnan Communications	Sheriff	106.73
Brown, Estella	Grants	27.39
Build Rite Lumber Supply	Various	107.75
Busey, Sharalee	Public Health	91.74
Carbon County Counseling Center	Administration	5000.00
Carbon County TV & Electronics	Various	164.73
Carbon Power & Light	Road & Bridge	213.40
Cedar Street Sinclair	Various	148.25
Centurytel	Various	186.09
Cew Inc	Public Health	287.00
Checker Auto Parts	Sheriff	2.84
CMI-Teco	Road & Bridge	637.19
Computer Software Associates	Administration	1289.25
Corporate Express	Sheriff	45.86
Craftsman Electric	Carbon Building	397.61
Crawford, Warren	CES	255.91
CSK Auto, Inc	Sheriff	2.84
D & K Sanitation	Various	261.00
D & S Enterprises	Senior Center	3160.95
Daily Times	Various	5903.29
Day, Dave	Carbon Building	3339.00
Deleon, John	Administration	980.00
Division of Criminal Investigation	Sheriff	34.99
Dominos Pizza	Various	130.02
Double D Tires & Lube	Sheriff	30.70
Eagle Uniform Supply	Carbon Building	56.03
Elk Mountain, Town of	Road & Bridge	82.97
Engstrom, James DDS	Various	198.00
Farmer Brothers Coffee	Various	44.60
Fremont Motors	Sheriff	373.28
Galls Incorporated	Sheriff	233.27
Gases Plus	Road & Bridge	717.45
Glaxosmithkline Financial	Public Health	494.25
Glenn D. Biggs & Associates	Jail	335.00
Golden, Mary	Public Health	64.02

Gosevner, Maxine	Public Health	17.82
Graphic Sports	Clerk of Court	210.00
Greenwalt, Dean	Grants	99.00
Hettgar, Bridget	Public Health	34.65
High Plains Power	Various	117.76
Hillcrest Spring Water	Road & Bridge	28.40
Hilltop Lube	Sheriff	102.00
Hobart Corporation	Senior Center	2790.90
Holiday Inn - Thermopolis	Grants	108.60
Ikon Office Solutions	Clerk of Court	70.88
Internal Medicine Group	Various	324.80
J H Kaspar Oil	Road & Bridge	748.95
Jackalope Printing	Various	575.39
Jerry's Donuts	Various	23.96
Kar Kraft	Sheriff	129.25
Kirsch, AP	Various	3135.00
KN Energy	Various	2141.17
Kone Elevators	Various	967.92
Kroger	Various	565.33
L & L Electric	Buildings & Grounds	54.98
Lawson Sanitation	Emergency Management	20.00
Lexis Nexis Matthew Bender	Various	765.97
Lodge, The	Planning	46.72
Long Building Technologies	Buildings & Grounds	16628.12
Macpherson, Kelly & Thompson	Various	481.92
Mathey, Richard	Administration	24.80
McCann, Phyllis	Buildings & Grounds	550.00
McIlvaine, Robert & Betty	Public Health	475.00
Memorial Hospital	Various	1421.63
Mikesell, Cecelia	Grants	161.13
Minnpar, Inc	Road & Bridge	1260.77
Moriarty, Catherine	Administration	844.25
N A W D	WIC	5.25
Norchem Drug Testing	Grants	283.10
North Park Transport	Road & Bridge	34.48
Noyes Health Care Center	Buildings & Grounds	9267.41
PMPC Engineering	SC/Road & Bridge	1785.11
Pacific Power & Light	Various	3689.49
Page One West	Various	297.85
Pamida Inc	Jail	30.21
Perkins Conoco	Emergency Management	26.94
Perkins Oil	Sheriff	289.12
Pickett, Thomas	Assessor	2500.00
Plainsman Printing	Clerk of Court	928.39
Plan One / Architects	Grants	184317.96
Platte Valley Medical	Sheriff	40.00
Public Safety Warehouse	Sheriff	847.75
Questar Gas	Senior Center	8.70
Quill Corporation	Various	64.98
Qwest	Various	4920.96
Qwest - Denver	Carbon Building	37.67
Radiologic Diagnostics	Sheriff	37.11
Rawlins Automotive	Sheriff	50.05
Rawlins Eye Care	Grants	200.00
Rawlins Family Medical Clinic	Grants	150.00
Rawlins Fire Extinguisher	Buildings & Grounds	4.50
Rawlins Glass	Road & Bridge	313.26
Rawlins, City of	Senior Center	459.25
Reid & Associates	Sheriff	395.00
Richardson, Jill	Public Health	93.44
Ross' Automotive	Sheriff	176.23
Ryan Electronics	Road & Bridge	71.00
S E D Medical Laboratories	Road & Bridge	169.95
S O S Police & Fire	Sheriff	149.50
Saratoga Auto Glass	Road & Bridge	449.59

Saratoga Do It Best	Sheriff	2.99
Saratoga Sun	Administration	1443.13
Scherer Construction	Road & Bridge	3159.00
Seiloff, William	Senior Center	300.00
Shepard's	Sheriff	405.64
Smith, Susan	Grants	19.47
Snap-on Tools	Road & Bridge	23.90
Spicer, Edward OD	Grants	165.00
Square Shooters Eating House	Administration	175.46
Stan's Quik Lube	Sheriff	30.95
Stevens Publishing	Public Health	117.00
T & T Plumbing & Service	Various	127.50
Terminix	Various	135.00
Texaco Credit Card	Sheriff	130.85
Tire Distribution System	Road & Bridge	1207.80
Transcor America	Sheriff	1237.82
Triangle Heating & Sheet Metal	Jail	55.00
Trib.com	Planning	19.95
True Value of Rawlins	Various	339.49
Trujillo Sporting Goods	Sheriff	321.40
U S Bank	Various	874.43
U S Postmaster	Public Health	148.00
Union Pacific Railroad	SC/Road & Bridge	2598.27
Union Telephone	Various	821.54
University of Wyoming	CES	124.57
Valley Food & Liquor	Public Health	22.14
Verizon Wireless	Various	206.77
Viking Office Products	Attorney	328.15
Visionary Communications	Grants	40.00
Voorhis Associates	Grants	12871.34
W A C O	Various	250.00
Wagon Circle Orthopedics	Grants	265.00
Washboard, The	Courthouse	25.55
Welshans, Debra	Grants	99.00
West Group Payment Center	Attorney	314.00
Wille, Ron	Road & Bridge	4540.00
Wilson's Self Service	Road & Bridge	806.03
WY Attorney General	Grants	180.00
WY County & Prosecuting Attorney	Attorney	125.00
WY Diesel Service	Road & Bridge	40.10
WY Machinery Company	Road & Bridge	1212.20
WY Paper Supply	Various	705.41
WY State Bar	Attorney	31.50
WY State Penitentiary	Jail	3588.00
Wyoming.com	Clerk of Court	329.42
Wyopass City of Cheyenne	Planning	75.00
Xerox Corporation	Various	570.16
	TOTAL	317872.12

CLERK

Publication of Gross Salaries

Chairman Zeiger signed, and the Board approved the Publication of Gross Salaries for publication.

DOT Lease Agreement

Chairman Zeiger signed and adopted the Lease Agreement between Carbon County and Wyoming Department of Transportation that the DOT may use the County's lot located in the N ½ of Section 16, T.21N., R.87W. of the 6th P.M, for Commercial Driver License examination and testing. The lease will commence August 1, 2003 at a rate of \$1,200.00 per year.

Dixon Airport Lease Agreement

Commissioner Fleming moved that Chairman Zeiger be authorized to sign the Wyoming Department of Transportation, Aeronautics Division final payment of State Funds in the amount of \$529 on behalf of the Dixon Airport, for Airport Construction, Planning or Improvements. Commissioner Meacham seconded, and the motion carried unanimously.

Commissioner Fleming moved that the Chairman be authorized to sign the Agreement for Professional Services between Carbon County and Airport Development Group, Inc., on behalf of the Dixon Airport Board for construction of an equipment storage building and to acquire a 5-ton dump truck with a power articulated snow plow, contingent upon the County Civil Attorney's approval. The motion was seconded by Commissioner Meacham and carried unanimously.

Spruce House Special Use Permit

Chairman Zeiger signed and the Board agreed that it has no objections to the Spruce House's request to the City of Rawlins for a Special Use Permit to have a Crisis Center and Group Home near County property at 221 West Spruce Street.

Minutes

Commissioner Meacham moved that the Minutes of the July 15, 2003 County Commissioners Meeting be approved as presented. The motion was seconded by Linda Fleming and carried unanimously.

PUBLIC HEALTH

Bridget Hettgar advised that a memo of understanding between Public Health and the Platte Valley Medical Clinic would be coming before the Board at a later date. This MOU will refer to two satellite placements that will be used for training purposes.

INSURANCE

Commissioner Meacham moved and Linda Fleming seconded that the Carbon County Health Insurance plan be amended to read that hospital room and board, hospital ancillary, and hospital in-and-out patient charges be subject to deductible and coinsurance effective September 1, 2003. The motion carried unanimously.

SENIOR SERVICES

Bill Michie presented his monthly report to the Board.

EASEMENT REQUEST

Dan Holloway requested the County purchase 8 to 10 acres of his property at Brown's Hill for \$350.00 per acre for the road across his property. The Board agreed to investigate this request and respond to Mr. Holloway when a decision is made.

CIVIL ATTORNEY

Commissioner Meacham moved and Linda Fleming seconded that Chairman Zeiger be authorized to sign the Agreement for Services contract dated June 19, 2003 with Terracon for the new jail. The motion carried unanimously.

Commissioner Fleming moved that the Chairman be authorized to sign the Joint Account Agreement between the Carbon County Commissioners, Rawlins National Bank and LM Olson, Inc. stating that the Carbon County Commissioners shall pay sums retained from each progress payment for the construction of the Carbon County Jail. The motion was seconded by Commissioner Meacham and carried unanimously.

EXECUTIVE SESSION

Commissioner Meacham moved to go into executive session at 10:40 a.m. for the purpose of discussing litigation. The motion was seconded by Linda Fleming and carried unanimously.

Linda Fleming moved and Lee Meacham seconded to come out of executive session at 10:55 a.m. The motion carried unanimously.

EMERGENCY MANAGEMENT

Greg Zabel and Pam Farster appeared discussed Phase I and II of the Homeland Security Grant with the Board.

RURAL ADDRESSING

Karen Larsen appeared to discuss the progress of the rural addressing project.

LUNCH

Chairman Zeiger adjourned the meeting for lunch at 11:50 a.m. and reconvened at 1:15 p.m.

EXECUTIVE SESSION

Linda Fleming moved and Lee Meacham seconded to go into executive session at 1:20 p.m. for litigation and personnel issues. The motion carried unanimously.

Commissioner Meacham moved and Linda Fleming seconded to come out of executive session at 2:25 p.m. The motion carried unanimously.

PUBLIC HEARING

Commissioner Zeiger opened the public hearing at 2:30 p.m.

Jay Grabow came before the Commissioners in regard to twelve case files.

Before any case files were presented, Kim Bonnett presented the following list of questions about each case:

1. Did the Applicant submit an Approval from the State Engineers Office for the water system? If no, Did the County contact the State Engineers Office for the availability of potable water and ground water well production on this parcel?
2. Did the applicant Submit an Approval From the DEQ for the septic? If no, Did the County contact the DEQ or Other Department to see if soils are adequate to support soil based wastewater treatment?
3. Did the applicant submit a Location Map (U.S.G.S./BLM/U.S.F.S.?)
4. Complete legal description of subject property.
5. Proof of ownership (Warranty deed, Title Policy, Tax Notice or Contract).
6. Application fee (was waive was paid in advance).
7. Proof of legal access to property
 - a. Private land owners
 - b. BLM
 - c. Forest Service
8. Were all the adjacent Land Owners Notified of Zone Change Request?
9. Were the following Agency asked to review the Zone Change or Provide information or comment on this parcel?
 - a. Wyoming State Geological Department
 - b. Wyoming Game and Fish – Wildlife Habitat Protection
 - c. Carbon County Road & Bridge
 - d. BLM – Reality Division
 - e. State Dept. of Environmental Quality (DEQ)
 - f. Carbon County Assessors
 - g. Pacific power & Light
 - h. Forest Department
10. Is this parcel on a school bus route?
11. How close is this parcel to existing towns or communities?
12. How was Question 2 answered: A residential zoning designation for the subject parcel will strengthen existing communities?

Ms. Bonnett stated that she would like to know if each case is being asked these same questions.

Jay Grabow was given her list of questions and agreed to provide answers to her as well as copies of public records pertinent to her questions.

Chairman Zeiger presented the following case files for discussion:

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 ½ NW ¼ Section 31, T21N, R87W, 6th P.M., Carbon County, Wyoming.

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 ½ NW ¼ Section 31, T21N, R87W, 6th P.M., Carbon County, Wyoming.

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 of Wyoming Highway 789.

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 & 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.

Case File #03-17 – William E. Irvine: Request for a Zone Change from Open Range (OR) 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.

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.

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 and 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.

Case File #03-20 – Overlook Minor Subdivision: Request for approval of the Overlook Minor Subdivision Preliminary & 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.

Case File #03-21 – Lee and Francelle Robinson: Request for a Zone Change from Open Range (OR) to Rural Residential Agriculture (RRA-44.758 acres). 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.

Case File #03-22 – Lee and Francelle Robinson: Request for a Zone Change from Open Range (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, T12N, R89W of the 6th P.M., Carbon County, Wyoming.

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).

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.

There were no comments made on Case Files 03-13 through 03-23.

Case File #03-24 – Jerry and Gertrude Ready

Gertrude Ready commented regarding her request for a zone change. She stated that she is asking for the zone change for the possible future sale of 40 acre parcel to make property usable to a new owner if the need arises.

Kim Bonnett also commented in favor of Case File #03-24 stating that she is for the zone change.

Ms. Bonnett also requested a formal investigation of the Planning Commission's interpretation of the geological survey at Separation Flats. She presented a letter dated July 30, 2003 from Ray Harris, Senior Industrial Minerals and Uranium Geologist, Wyoming State Geological Survey, regarding concentrations of uranium in the Separation Flats area. The letter states that, "no unusual concentrations of uranium in water exist in this area, and no unusual concentrations of uranium in sediments exist in this area."

Chairman Zeiger closed the public hearing at 3:10 p.m.

Linda Fleming moved to approve zone and subdivision changes for Case Files 03-13, 03-14, 03-15, 03-16, 03-17, 03-18, 03-19, 03-20, 03-21, 03-22 and 03-23. The motion was seconded by Commissioner Meacham and carried unanimously.

Lee Meacham moved that Case File #03-24 – Jerry and Gertrude Ready, be denied. Commissioner Fleming seconded the motion and it carried unanimously.

Commissioner Fleming responded to Gertrude Ready who asked for a specific reason that her request was denied. Linda Fleming stated that the Planning Commission's analysis of the case is legitimate based on the distance and because the use of the land is open range in that area. Commissioner Fleming also stated that radiation issues did not weigh heavily on this denial.

The Planning Commission recommended to the Board that it schedule to hear Case Files #03-25 and #03-26 at its next meeting. Jay Grabow presented Certifications of Recommendation on each Case File.

Commissioner Fleming moved to set a hearing for Case Files #03-25 - Arlin Brower and #03-26 - Gregory and Kathleen Reames, for 2:00 p.m. on September 2, 2003. The motion was seconded by Lee Meacham and carried unanimously.

CARBON BUILDING CUSTODIAL SERVICES

Commissioner Fleming moved to authorize the contract with TLC (Tom Sanchez and Sherry Powell) for custodial services at the Carbon Building as presented. Commissioner Meacham seconded and the motion carried unanimously.

ROAD & BRIDGE

Gary Steele of PMPC joined Bill Nation as he presented his bimonthly report to the Board.

Mr. Steele gave the Board a brief update on the progress of the Seminole Road project.

Bill Nation presented a reimbursement in the amount of \$197,527.08 for the North Hanna Access Road. This is the final contribution for this project from AML, Project 31.

Commissioner Fleming moved and Lee Meacham seconded that the Chairman be authorized to sign the retainage release concerning the funds held in Community First National Bank to the contractor for the Coffman Road formerly known as the North Hanna Access Road. The motion carried unanimously.

Commissioner Meacham moved and Linda Fleming seconded that Chairman Zeiger be authorized to sign Change Order No. 3 to correct the contract amount for the owner engineer to agree with the work performed for the North Hanna Access Road. The motion carried unanimously.

Commissioner Fleming moved and Lee Meacham seconded that Chairman Zeiger be authorized to sign Amendment No. 1 to the Owner Engineer Agreement for the North Hanna Access Road changing the payment to the engineer from \$222,400 to \$226,400. The motion carried unanimously.

ADJOURNMENT

There being no further business, Chairman Zeiger adjourned the meeting at 3:40 p.m.

BOARD OF COMMISSIONERS
CARBON COUNTY, WYOMING


Artlin Zeiger, Chairman

ATTEST:


Linda Ann Smith, County Clerk