

BOARD OF CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, August 3, 2004
Carbon County Courthouse
Rawlins, Wyoming

The regular meeting of the Carbon County Commissioners was held August 3, 2004 at the County Courthouse in Rawlins, WY. Attending the meeting were Chairman Artlin Zeiger; Commissioners Linda Fleming and Lee Meacham; Linda Ann Smith, Carbon County Clerk; and Gwynn Rothenberger, Deputy Clerk.

Chairman Artlin Zeiger called the meeting to order at 9:05 a.m.

VOUCHERS

The following vouchers were presented for payment:

3-FORKS MUDDY GAP SERVICE	FIRE	54.15
A T & T	VARIOUS	66.28
ABBOTT, CHARLENE	COOPERATIVE EXTENSION	89.73
ACE INDUSTRIAL SUPPLY	ROAD & BRIDGE	359.00
ALBANY COUNTY SHERIFF'S OFFICE	JAIL	30,827.05
ALLEN, PATRICK C MD PC	ADMINISTRATION	935.00
ALSCO	VARIOUS	131.88
AMERICAN LAFRANCE SALES	FIRE	18.84
AMERIGAS	ROAD & BRIDGE	452.63
BAGGS, TOWN OF	SENIOR SERVICES	22.75
BANK OF COMMERCE	VARIOUS	2,019.80
BARTLETT, BRAD	GRANTS	150.00
BARTLETT, SUE RN	PUBLIC HEALTH	102.86
BIG W SUPPLIES	BUILDINGS & GROUNDS	539.11
BLACK HILLS AMMUNITION	SHERIFF	707.50
BRESNAN COMMUNICATIONS	VARIOUS	183.74
BROWN, ESTELLA	GRANTS	27.75
BUCHHOLTZ, LEROY	SENIOR SERVICES	300.00
BUFFALO CREEK PSYCHOLOGICAL CLINI	SHERIFF	2,250.00
BUILD RITE LUMBER SUPPLY	FIRE	76.23
BUSEY, SHARALEE	PUBLIC HEALTH	220.33
C & D FABRICATION	FIRE	192.50
CARBON COUNTY COOPERATIVE EXTENSI	VARIOUS	18.49
CARBON COUNTY TV & ELECTRONICS	COMMISSIONERS	8.40
CARBON POWER & LIGHT INC	VARIOUS	345.03
CECELIA MIKESELL	GRANTS	64.28
CEDAR STREET SINCLAIR	COURTHOUSE	65.89
CENTURYTEL	VARIOUS	125.37
CHEYENNE FREIGHTLINER	ROAD & BRIDGE	102.58
COLORADO PUBLIC HEALTH ASSOCIATIO	GRANTS	155.00
CORPORATE EXPRESS	VARIOUS	141.26
CORRAL WEST RANCHWEAR	SHERIFF	55.90
CRAWFORD, WARREN	COOPERATIVE EXTENSION	536.11
CRUZ, SALLY	PUBLIC HEALTH	19.44
CULLIGAN WATER CONDITIONING	SENIOR SERVICES	67.25
CUSTOM VINYL SIGNS & LETTERING	FIRE	860.00
CYR, NANCY	PUBLIC HEALTH	49.21
D & K SANITATION	VARIOUS	201.00
D & L SERVICE	JAIL	154.20
DAILY TIMES	VARIOUS	5,135.24
DALLIN MOTORS INC	COOPERATIVE EXTENSION	112.40
DEEP SWEEP	PUBLIC HEALTH	75.00
DOCUSOURCE PRINT MANAGEMENT	JAIL	207.80
DOMINOS PIZZA	ADMINISTRATION	133.91
EAGLE DIRECT	ELECTIONS	3,424.97
EAGLE UNIFORM SUPPLY	CARBON BUILDING	58.98
ELK MOUNTAIN TOWING	SHERIFF	109.74
ENERGY CONSTRUCTION	BUILDINGS & GROUNDS	3,645.80
EVANS, MORGAN	JAIL	84.00
FACTS AND COMPARISONS	PUBLIC HEALTH	393.95
FARMER BROTHERS COFFEE	VARIOUS	114.28
FARMSTEAD TELEPHONE GROUP, INC	SHERIFF	66.24
FEDEX	WIC	39.97
FIRST AMERICAN TITLE	COURTHOUSE	75.00
FORSTER LANDSCAPE & CONSTRUCTION	BUILDINGS & GROUNDS	580.00
FREUDENTHAL, SALZBURG, & BONDS, P	ADMINISTRATION	316.66
GASES PLUS	FIRE	563.68
GOLDEN, MARY	PUBLIC HEALTH	38.23
GOSEVNER, MAXINE	PUBLIC HEALTH	67.34

GRABOW, JAY	PLANNING	137.36
GRAPHIC SPORTS	SHERIFF	35.00
HASCO INDUSTRIAL SUPPLY	FIRE	68.62
HEIMAN FIRE DEPARTMENT	FIRE	1,574.45
HETTGAR, BRIDGET M RN	PUBLIC HEALTH	98.04
HEWLETT-PACKARD COMPANY	PUBLIC HEALTH	661.00
HIGH PLAINS POWER	VARIOUS	255.66
HILLCREST SPRING WATER, INC.	CLERK OF COURT	29.54
HYLAND ENTERPRISES	VARIOUS	1,373.15
INBERG-MILLER ENGINEERS	GRANTS	856.40
IOS CAPITAL	ADMINISTRATION	2,137.41
IZONE	GRANTS	4,117.40
J H KASPAR OIL COMPANY	FIRE	478.45
JACKALOPE PRINTING	VARIOUS	279.16
JB'S STOP-N-SHOP	FIRE	26.00
JERRY'S DONUTS	COMMISSIONERS	13.98
JILL RICHARDSON	PUBLIC HEALTH	39.19
KENNETH R. MARKERT, AICP	PLANNING	275.00
KILBURN TIRE COMPANY	SHERIFF	121.08
KIRSCH, A P MD	JAIL	900.00
KN ENERGY INC	VARIOUS	2,255.38
KRAFT, IAN	GRANTS	1,500.00
KROGER - KING SOOPERS CUSTOMER CH	VARIOUS	552.11
L & L ELECTRIC	COURTHOUSE	291.99
LN CURTIS & SONS	FIRE	1,135.38
LAWSON SANITATION	EMERGENCY MANAGEMENT	20.00
LEXIS NEXIS MATTHEW BENDER	VARIOUS	411.10
LONG BUILDING TECHNOLOGIES, INC.	BUILDINGS & GROUNDS	1,851.32
MACPHERSON, KELLY & THOMPSON, LLC	ADMINISTRATION	818.77
MATCO TOOLS	ROAD & BRIDGE	83.20
MCI COMMERCIAL SERVICE - W	FIRE	12.32
MEDICINE BOW, TOWN OF	SENIOR SERVICES	56.23
MERCK HUMAN HEALTH	PUBLIC HEALTH	400.46
MORIARITY, CATHERINE M.	ADMINISTRATION	232.50
P M P C ENGINEERING	SC/ROAD & BRIDGE	1,214.39
PACIFIC POWER & LIGHT CO	VARIOUS	3,823.56
PAGE ONE WEST	VARIOUS	265.00
PAMELA R. FARSTER	GRANTS	850.00
PAMIDA INC	VARIOUS	123.38
PARRIE'S ELECTRONICS	SENIOR SERVICES	325.02
PERKINS OIL CO	VARIOUS	2,124.60
PICKETT, THOMAS Y AND	ASS	2,500.00
Q BUSINESS SOURCE	ADMINISTRATION	186.99
QUILL CORPORATION	VARIOUS	1,612.36
QUINLAN PUBLISHING GROUP	ADMINISTRATION	195.89
QWEST	VARIOUS	3,950.01
RAWLINS AUTOMOTIVE	VARIOUS	327.83
RAWLINS FAMILY MEDICAL, P.C.	GRANTS	230.00
RAWLINS GLASS	FIRE	30.00
RAWLINS, CITY OF	CARBON BUILDING	50.00
REIS ENVIRONMENTAL INC.	GRANTS	7,504.00
RESERVE ACCOUNT	ADMINISTRATION	10,000.00
ROSCOE STEEL & CULVERT CO	ROAD & BRIDGE	712.42
ROYAL SANITARY SUPPLY INC	COURTHOUSE	290.98
RYAN ELECTRONICS INC	VARIOUS	16,600.29
RYAN, ZOLA	COOPERATIVE EXTENSION	58.24
SARATOGA AUTO PARTS, INC.	ROAD & BRIDGE	865.50
SARATOGA SUN	VARIOUS	709.96
SARATOGA, TOWN OF	FIRE	280.00
SHEPARD'S	SHERIFF	555.08
SHIVELY HARDWARE	VARIOUS	286.63
SINCLAIR, TOWN OF	GRANTS	861.81
SMITH, SUSAN	GRANTS	20.72
SNOWY RANGE PROPANE-RENTAL	ROAD & BRIDGE	403.11
SQUARE SHOOTERS EATING HOUSE	ADMINISTRATION	233.17
STATE OF WYOMING	ELECTIONS	53.89
T & T PLUMBING & SERVICE	COURTHOUSE	40.00
TERMINIX	SENIOR SERVICES	30.00
TIRE DISTRIBUTION SYSTEMS, INC.	ROAD & BRIDGE	15.00
TRADING POST	FIRE	158.51
TRIB.COM	PLANNING	19.95
TRUE VALUE OF RAWLINS	VARIOUS	1,179.64
TWENTCO	COURTHOUSE	497.00
UNION TELEPHONE COMPANY	VARIOUS	466.87
UTLEY, SUZANNE R., M.D.	ADMINISTRATION	935.00
VERIZON WIRELESS	VARIOUS	340.70
VIKING OFFICE PRODUCTS	VARIOUS	356.06

VOORHIS ASSOCIATES, INC.	VARIOUS	24,029.68
W A C O	VARIOUS	300.00
W S DARLEY & CO	FIRE	3,619.28
WIND RIVER SEED	GRANTS	381.08
WRS GROUP, LTD	GRANTS	115.73
WY DEPARTMENT OF FAMILY SERVICE	PUBLIC HEALTH	125.00
WY DEPARTMENT OF TRANSPORTATION	SC/ROAD & BRIDGE	889.17
WY DIESEL SERVICE	ROAD & BRIDGE	96.88
WY MACHINERY COMPANY	ROAD & BRIDGE	1,354.23
WY PAPER SUPPLY	VARIOUS	1,158.13
WY PUBLIC HEALTH ASSOCIATION	GRANTS	30.00
XEROX CORPORATION	VARIOUS	15,312.59
YARDSCAPES	BUILDINGS & GROUNDS	1,479.00
	TOTAL	191,211.71

CLERK

Minutes

Commissioner Fleming moved to approve the minutes from the June 15 & 16, 2004 and July 6, 2004 Commissioner's meetings as presented. Commissioner Meacham seconded and the motion carried unanimously.

Budgets

Commissioner Meacham moved to authorize the Chairman to execute and approve budgets for fiscal year 2004-2005 for the Medicine Bow Conservation District in the amount of \$78,372.52; Saratoga-Encampment-Rawlins Conservation District in the amount of \$221,021.00; Highline Watershed Improvement District in the amount of \$9,474.00; and the Hugus Watershed Improvement District in the amount of \$83.30. Commissioner Fleming seconded and the motion carried unanimously.

Monthly Receipts

Clerk Smith presented monthly receipts for the Clerk's Office in the amount of \$18,449.30 and receipts for Road & Bridge in the amounts of \$20.00 and \$20.00.

Long Mechanical

Clerk Smith presented a contract between Carbon County, U.S. Mechanical, and Long & Associates for the Courthouse heating and cooling project. She stated that Tom Thompson has reviewed this contract and would like the standard immunity clause added, specifications as referenced in 8.1.4 be added, and that Article 4.2 for deductions be listed.

Commissioner Fleming moved to authorize the Chairman to sign the contract between the County, U.S. Mechanical, and Long & Associates in the amount of \$1,088,946.00 for the Courthouse heating and cooling project with the stipulation that Article 4.2 for deductions be listed and that specifications as referenced in 8.1.4 be listed and the revised contract be sent to Tom Thompson for his review. Commissioner Meacham seconded and the motion carried unanimously.

Microfilming Approval

The Board authorized Clerk Smith to have Intermountain Record Center, Inc. of Mills, WY microfilm 56,000 titles for a charge of \$3,677.30.

Liquor License Request

Clerk Smith presented a letter from Deborah Davidson of the Whistle Pig Saloon requesting permission for an open container permit to cater a beer garden at an August 17, 2004 Janie Fricke concert being held in Saratoga.

The Board requested Chief Deputy Clerk, Alice Garvin further investigate the request and report back later today.

Saratoga Shop Purchase

Commissioner Meacham moved and Commissioner Fleming seconded to authorize Clerk Smith to respond to a letter from the WY Department of Transportation stating the County is not interested in purchasing one of WYDOT's old buildings in Saratoga. The motion carried unanimously.

Carbon Building Flooding

Chief Deputy Garvin reported that recent flooding at the Carbon Building has caused mold to form that it either needs to be abated or notices need to be posted that no person shall remove carpet, sheet rock or other items that would disturb the molds until it is abated.

Ms. Garvin presented a proposal from Energy Construction to remove and dispose of approximately 2,000 square feet of sheet rock, 150 square feet of paneling and 50 yards of carpet. The proposal includes repainting, replacing paneling, replacing carpet, in the amount of \$28,390.00.

The Board requested that Clerk Smith wait for the engineers report on the Carbon Building before moving forward in abating the mold so that it is done in a way that the engineer feels the problem could be most effectively repaired.

Fire Consultant Agreement

Clerk Smith presented an executed Consultant Agreement between the Land Stewardship Associates and Carbon County in the amount of \$11,926.00 for a period of June 7, 2004 through October 30, 2004. Clerk Smith reported that County Fire Warden, Dwight France has executed this agreement.

Executive Session

Commissioner Meacham moved to go into executive session for discussion of personnel with Clerk Smith at 9:39 a.m. Commissioner Fleming seconded and the motion carried unanimously.

Commissioner Fleming moved and Commissioner Meacham seconded to come out of executive session at 9:51 a.m. The motion carried unanimously.

ELECTED OFFICIALS

Assessor, Darrell Stubbs presented one tax abatement for the Chairman's approval.

Joseph Cole reported that the Skyline matter has been appointed to him within the Attorney's Office.

SENIOR SERVICES

Cecelia Miner, the new Carbon County Senior Services Director, inquired on the status of the Carbon Building flooding repairs. Chief Deputy Garvin informed her that there is no danger to anyone occupying the building so long as they don't disturb the molds and that repairs will be completed soon.

Ms. Miner reported on her plans as she takes over as director, stating that she would like to visit each Senior Center monthly.

JAIL COMMITTEE

Randy Shinkle and Gary Olson reported on the progress of the new jail construction. Mr. Olson stated that the masonry will be completed this week, windows installed next week, and the parking should be paved by the end of August.

Mr. Shinkle stated that the telephone system part of the electrical wiring is not included in the original construction contract and that the County will be responsible for completion of this wiring. The Board agreed to leave the decision of who will complete this wiring to Mr. Olson and Mr. Shinkle.

Mr. Shinkle reported on the progress of hiring a computer software consultant. He stated that Spilman Technologies best suits the new jail's needs. The Board authorized Mr. Shinkle to begin contract negotiations with this company and that Mr. Shinkle send all correspondence or potential contracts to civil attorney Tom Thompson for review.

RECESS

Chairman Zeiger declared a recess at 10:50 a.m. and reconvened at 11:00 a.m.

GIS / GPS

Karen Larsen reported on the progress of the rural addressing project. She has assigned numerous addresses and will be notifying those residents soon.

FOREST SERVICE PATROL CONTRACT

Commissioner Fleming moved to authorize the Chairman to sign Exhibit A, Amendment to the Cooperative Law Enforcement Agreement between the Carbon County Sheriff's Department and the U.S. Department of Agriculture,

Forest Service Medicine Bow-Routt National Forests in an amount not to exceed \$5,700.00 for a period of October 1, 2003 ending September 30, 2004. Commissioner Meacham seconded and the motion carried unanimously.

EMERGENCY MANAGEMENT

Greg Zabel reported that he has recently submitted his Annual Work Plan FY2004 to the Wyoming Office of Homeland Security / Emergency Management.

Mr. Zabel also reported that the Armory is in need of roof repairs and that those should be paid for by the State Office of Homeland Security. The Board requested that Clerk Smith draft a letter to the State Office of Homeland Security pertaining to roof repairs at the armory and how they would like to proceed with those repairs.

COOPERATIVE EXTENSION SERVICE

Vehicle Repairs

Zola Ryan reported that the 1996 Suburban used by the Cooperative Extension Service has broken down. Ms. Ryan presented a repair estimate from Dallin Motors in the amount of \$3,063.00 for a new transmission. Ms. Ryan is requesting that CES be authorized to purchase a new vehicle or be authorized to repair the transmission on the existing vehicle.

Ms. Ryan stated the importance of having a vehicle as one will be needed to transport children to the upcoming State Fair. The Board authorized Ms. Ryan to have the transmission replaced and attempt to have this completed by State Fair time to prevent having to rent a vehicle to transport children.

LUNCH

Chairman Zeiger recessed for lunch at 11:53 a.m. and reconvened at 1:34 p.m.

ROAD & BRIDGE

Bill Nation presented his bi-monthly report. Mr. Nation requested authorization to declare the Savery Bridge surplus/scrap and that he be authorized to advertise for its sale.

Chairman Zeiger moved to declare the Savery Bridge (FPW) located on County Road #752 as surplus/scrap and authorized Mr. Nation to advertise as such for sale. Commissioner Fleming seconded and the motion carried unanimously.

PLANNING & ZONING

Public Hearing - Case File #04-16

Chairman Zeiger opened a public hearing at 2:02 p.m. to hear Planning & Zoning Case File #04-16.

Jay Grabow presented the following Case File:

Case File #04-16 - James & Sandra Pedersen: Request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-20) on approximately 78.053 acres. The RRA Zone allows residential and agricultural activities. A parcel of land located in the SW 1/4 NW 1/4 and NW 1/4 SW 1/4, Section 15, T15N, R83W, 6th P.M., Carbon County, Wyoming.

EXHIBIT A

04-16 (Pedersen Rezone)
June 8, 2004

CONDITIONS FOR THE APPROVAL OF CASE NO. 04-16 FOR JAMES & SANDRA PEDERSEN

1. Any division of this 78.053 acres must be done in accordance with Wyoming Statute 18-5-301 thru 18-5-315, and the current Carbon County Subdivision Regulations.
2. All development must be in conformance with restrictions as stated in Section 4.6 et. al. of the Carbon County Zoning Resolution of 2003 Amended 01/06/04. Zoning (building) permits are required.
3. Residential development of the property shall be limited to one principal residence and accessory structures on each 20 acres (RRA-20).
4. Any structures for human use must be served by a water and sewer disposal method approved by the State of Wyoming Department of Environmental Quality and the State Engineer.

5. All construction should conform to the Uniform Building Code (UBC) or "HUD code" with frost protected foundations and adequate snow load roof construction.
6. All new permanent power and communication lines will be installed and maintained underground. Existing overhead lines on the subject parcel may be incorporated into the development project in their present location.

There were no public comments on this case. Chairman Zeiger closed the hearing at 2:08 p.m.

Commissioner Fleming moved to approve a Planning & Zoning Case File #04-16 including Exhibit A dated June 8, 2004, James & Sandra Pedersen's request for a Zone Change from Ranching Agriculture Mining (RAM) to Rural Residential Agriculture (RRA-20) on approximate 78.053 acres subject to the conditions listed on Exhibit A above. Commissioner Meacham seconded and the motion carried unanimously.

Public Hearing - Case File #04-18

Chairman Zeiger opened a public hearing at 2:09 p.m. to hear Planning & Zoning Case File #04-18.

Jay Grabow presented the following Case File:

Case File #04-18 – Jeffery M. & Luann Mercer: Request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-20) on 20 acres. The RRA Zone allows residential and agricultural activities. A parcel of land located in Tract 48, Sections 15 & 22, T12N, R88W, 6th P.M., Carbon County, Wyoming.

EXHIBIT A

04-18 (Mercer Rezone)
June 8, 2004

CONDITIONS FOR THE APPROVAL OF CASE NO. 04-18 FOR JEFFREY M. & LUANN MERCER

1. All development must be in conformance with restrictions as stated in Section 4.6 et. al. of the Carbon County Zoning Resolution of 2003 Amended 01-06-04. Zoning (building) permits are required.
2. Residential development of the property shall be limited to one principal residence and accessory structures on 20 acres (RRA-20).
3. Any structures for human use must be served by a water supply and sewer disposal method approved by the State Engineer and the Wyoming Department of Environmental Quality.
4. All construction should conform to the Uniform Building Code (UBC) of "HUD code" with frost protected foundations and adequate snow load roof construction.

There were no public comments on this case. Chairman Zeiger closed the hearing at 2:12 p.m.

Commissioner Meacham moved to approve Planning & Zoning Case File #04-18, including Exhibit A dated June 8, 2004, Jeffrey M. & Luann Mercer's request for a Zone Change from RAM to RRA-20 subject to the conditions for approval listed in Exhibit A. Commissioner Fleming seconded and the motion carried unanimously.

Planning Commission

Mr. Grabow reported that Case File #04-19 – The Howard B. Lee Family Limited Partnership's request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RAM-160) on a parcel of land separate from their commercial ranch was so in the future, they could put a house on that 160 acre parcel. Mr. Grabow stated that this is already part of a commercial ranch so the applicant does not need a Zone Change to build a residence on that parcel. Therefore applicant has withdrawn their application and their \$100.00 fee will be refunded.

Mr. Grabow reported that at the Planning Commission's meeting today, the Commission moved to recommend to the Board that it approve the final subdivision plat for the Old Baldy Corporation Subdivision.

Tom Thompson overviewed the final plat with the amendments stating that to provide assurance to the County that the improvements are made on the lots, an agreement between sub divider and the County, giving the County the first lien, would be of record. He also stated concerns that there is no time requirement in the agreement as to when the improvements must be made.

Mr. Thompson stated that he recommends that approval of the final plat be conditional upon the recorded book and page of the subdivision agreement noted on the plat.

Commissioner Meacham stated his concerns of the agreement having no time limit to make the improvements. A member of the audience replied that if a time limit were set, one could not purchase the lots for the purpose of creating a "green space" and never building a residence on the lot.

Commissioner Fleming moved to remove Case File #04-04 Old Baldy Corporation Subdivision from the table. Chairman Zeiger seconded and the motion carried with Commissioner Fleming and Chairman Zeiger voting yes and Commissioner Meacham voting no.

Commissioner Fleming moved to authorize the Chairman to sign the Old Baldy Corporation Subdivision Plat and the Subdivision Agreement with the provision that the book and page of the recorded subdivision agreement as it is recorded in the Carbon County Clerk's Office be noted on the plat. Chairman Zeiger seconded and the motion carried with Commissioner Fleming and Chairman Zeiger voting yes and Commissioner Meacham voting no.

EXECUTIVE SESSION

Commissioner Fleming moved and Commissioner Meacham seconded to go into executive session with Clerk Smith, and Planning Commission members Sonja Collamer and William Speer at 2:46 p.m. to discuss personnel. The motion carried unanimously.

Commissioner Meacham moved to come out of executive session at 3:00 p.m. Commissioner Fleming seconded and the motion carried unanimously.

PRISON SITE PROPOSAL

Ron Kilgore, City of Rawlins Planning Director, discussed the site proposal application for a new medium custody correctional facility at a site in Rawlins. Mr. Kilgore reported that a phase I environmental study, a preliminary geo-technical study, a site survey, and preliminary cost estimates for site preparation must be produced within seven weeks to be considered as a site for the facility. Mr. Kilgore stated that the cost of completing the study and other items will be approximately \$30,000.00 and requested that the County contribute \$10,000.00. Mr. Kilgore will request \$10,000.00 from both the Rawlins City Council and from the Economic Development Corporation.

Commissioner Meacham moved to apply \$10,000.00 from Special Project Funds to complete a request for a site proposal for a new medium custody correctional facility. Commissioner Fleming seconded and the motion carried unanimously.

ECONOMIC DEVELOPMENT CORPORATION

Harry Lovato of the Economic Development Corporation, EDC, reported on his preparation of the reorganization of the EDC.

Mr. Lovato inquired if the secretary that has been providing services for the EDC will still be available. The Board stated that the EDC needs to hire its own secretary.

EXECUTIVE SESSION - LITIGATION

Commissioner Meacham moved to go into executive session at 3:15 p.m. with Clerk Smith, Sheriff Colson, and Tom Thompson to discuss litigation. Commissioner Fleming seconded and the motion carried unanimously.

Sheriff Colson exited the executive session at 3:35 p.m.

Commissioner Fleming moved to come out of executive session at 3:36 p.m. Commissioner Meacham seconded and the motion carried unanimously.

EXECUTIVE SESSION - PERSONNEL

Commissioner Fleming moved to go into executive session with Clerk Smith, Tom Thompson, and Ron Kilgore at 3:37 p.m. to discuss personnel. Commissioner Meacham seconded and the motion carried unanimously.

Commissioner Meacham moved and Commissioner Fleming seconded to come out of executive session at 3:47 p.m.

RECESS

Chairman Zeiger declared a recess at 3:47 p.m. and reconvened at 3:57 p.m.

MEDICINE BOW FUEL & POWER PROJECT

Robert "Bob" Kelly of DKRW Energy, LLC located in Houston, TX gave a presentation on a proposed coal liquefaction facility that would be sited near Medicine Bow with an integrated power plant.

Mr. Kelly overviewed the process stating that it would require an initial \$2.75 billion investment and would bring 500 permanent mining and petrochemical jobs to the County.

Mr. Kelly stated that DKRW Energy has already submitted an application for \$208 million of available funding from the Department of Energy for projects that produce power and coal liquids.

The timeline presented shows financing commitments beginning in 2005, construction 2005-2008, and commercial operation beginning in 2008.

RECESS

Chairman Zeiger declared a recess at 4:42 p.m. and reconvened at 4:50 p.m.

Commissioner Meacham left for the day during the recess.

LIQUOR LICENSE REQUEST

Clerk Smith presented a written reply to the Whistle Pig Saloon giving them permission to use its Carbon County Retail Liquor License to be a vendor at the Janie Fricke concert on August 14, 2004 in Saratoga, WY. The reply advises that Ms. Davidson must take the letter of permission to the Town of Saratoga who will verify the Saloon is in compliance with the Town of Saratoga's requirements.

PLANNING & ZONING RESOLUTIONS

Commissioner Fleming moved to approve Resolution No. 2004-20, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning Commission for Case File #04-16 – James & Sandra Pedersen. Chairman Zeiger seconded and the motion carried unanimously.

Resolution No. 2004 - 20

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 July 6, 2004, 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. §18-5-202(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 August 3, 2004; 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 #04-16 – James & Sandra Pedersen: Request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-20) on approximately 78.053 acres. The RRA Zone allows residential and agricultural activities. A parcel of land located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 15, T15N, R83W, 6th P.M., Carbon County, Wyoming.

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 a regularly meeting of the Board of County Commissioners of Carbon County, Wyoming, this 3rd day of August, 2004.

BOARD OF COUNTY COMMISSIONERS OF
CARBON COUNTY, WYOMING

By: -s- Artlin "Art" Zeiger, Chairman
-s- Linda L. Fleming

Attest:

-s- Linda Ann Smith, Carbon County Clerk

Commissioner Fleming moved to approve Resolution No. 2004-21, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning Commission for Case File #04-18 – Jeffery M. & Luann Mercer. Chairman Zeiger seconded and the motion carried unanimously.

Resolution No. 2004 - 21

**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 July 6, 2004, 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. §18-5-202(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 August 3, 2004; 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 #04-18 – Jeffery M. & Luann Mercer: Request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-20) on 20 acres. The RRA Zone allows residential and agricultural activities. A parcel of land located in Tract 48, Sections 15 & 22, T12N, R88W, 6th P.M., Carbon County, Wyoming, being more particularly described as follows: Beginning at a point on the south line of said Section 22 also being the south line of said Tract No. 48 lying N89°54'08"W, 677.02 feet from the SE Corner of said Section 22; thence N89°54'08"W, 689.83 feet to Corner No. 3 of said Tract 48; thence N00°02'03"W, 1263.50 feet to Corner No. 2 of said Tract No. 48; thence along the north line of said Tract No. 48 S89°48'25"E, 689.83 feet; thence S00°02'03"E, 1262.36 feet to the point of beginning. Containing 20.000 acres. The line between the SE Corner of said Section 22 and Corner No. 3 of said Tract 48 is considered to bear N89°54'08"W.

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 a regularly meeting of the Board of County Commissioners of Carbon County, Wyoming, this 3rd day of August, 2004.

BOARD OF COUNTY COMMISSIONERS OF
CARBON COUNTY, WYOMING

By: -s- Artlin "Art" Zeiger, Chairman
-s- Linda L. Fleming

Attest:

-s- Linda Ann Smith, Carbon County Clerk

LM OLSON PAY APPLICATION

Clerk Smith presented Application No.13, in the amount of \$806,393.00 from LM Olson for construction on the new jail. The Board approved this application be forwarded to the Carbon County Detention Facility Joint Powers Board for payment.

ADJOURNMENT

There being no further business, Chairman Zeiger adjourned the meeting at 5:07 p.m.

BOARD OF COMMISSIONERS
CARBON COUNTY, WYOMING



Artlin Zeiger, Chairman

ATTEST:



Linda Ann Smith, County Clerk