

**BOARD OF CARBON COUNTY COMMISSIONERS**  
**Regular Meeting**  
**Tuesday, June 3, 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 Commissioners Linda Fleming and Lee Meacham; Linda Ann Smith, County Clerk; Alice Garvin, Chief Deputy Clerk; and Shelley Welsh, Deputy Clerk.

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

**VOUCHERS**

The following vouchers were submitted for payment:

AT&T	Sheriff / Public Health	\$26.83
Albany County Assessor	GIS / GPS	\$29,300.00
Alco	Public Health	\$4.49
Alsco	R&B / Emergency Mgmt.	\$101.18
American Extradition Services	Sheriff	\$1,468.00
Amerigas	Senior Center / R&B	\$552.93
B&G Equipment, Inc.	Road & Bridge	\$454.62
Bank of Commerce	Commissioners / GIS-GPS	\$391.24
Bartlett, Sue RN	Grants	\$215.22
Baudville	Cooperative Extension	\$42.90
Bernal, Marchia	Grants	\$300.00
Bi-Rite Pharmacy	Public Health	\$1,408.80
Bi-Rite Sporting Goods	Sheriff	\$68.39
Bob Barker Company	Jail	\$10.21
Booher, Patricia	Cooperative Extension	\$454.06
Bresnan Communications	Sheriff	\$51.89
Brown, Estella	Grants	\$9.90
Build Rite Lumber Supply	Road & Bridge	\$8.95
Busey, Sharalee	Public Health	\$86.13
CC&G, Inc.	SC/ Road & Bridge	\$88,052.50
Cad Store, The	Road & Bridge	\$81.00
Carbon County Strike Team	Fire Protection	\$669.13
CenturyTel	Sheriff	\$61.68
Cesko, David MD	Grants	\$352.00
Childrens Clinic, The	Grants	\$50.00
Commsource, Inc.	Fire Protection	\$1,136.00
Computer Software Associates	Administration	\$2,167.75
Corporate Express	Assessor / Sheriff	\$162.19
Craftsman Electric	Emergency Management	\$857.91
Crawford, Warren	Cooperative Extension	\$517.90
D&K Sanitation	Various	\$211.00
Daily Times	Various	\$840.72
Deep Sweep	Public Health	\$75.00
Deleon, John	Administration	\$560.00
Discount Grocery	Grants	\$22.50
Division of Criminal Investigation	Sheriff	\$34.99
Don's Auto & Body Shop	Sheriff	\$1,365.20
EMAW	Emergency Management	\$40.00
Eagle Computer Systems	Clerk of Court	\$4,380.00
Eagle Uniform Supply	Carbon Building	\$56.03
Elk Mountain Towing	Sheriff	\$34.73
Elk Mountain, Town of	Road & Bridge	\$84.07
Erickson, Frank	Fire Protection	\$184.54

ETR Associates	Grants	\$220.00
Evergreen Construction	Road & Bridge	\$582.25
Evergreen Disposal	Road & Bridge	\$20.00
Expanets	Public Health	\$43.70
Facts and Comparison Mag.	Public Health	\$371.95
Farmer Brothers Coffee	Various	\$184.55
Farster, Pamela R.	Administration	\$1,250.00
First American Title	Building & Grounds	\$210.00
Flying W Car Wash	Sheriff	\$25.00
Foster Landscape	Building and Grounds	\$60.00
Fox Fire & Rescue Equipment	Fire Protection	\$1,062.41
Fremont Motors - Rawlins	Road & Bridge	\$1,469.26
Galls Incorporated	Administration	\$508.95
Gillette Office Supply	WIC	\$100.28
Golden Rule Computers	Road & Bridge	\$57.96
Golden, Mary	Public Health	\$33.00
Gosevner, Maxine	Public Health	\$62.04
Graphic Sportss	Clerk of Court	\$2,175.00
Hays, Stephen DDS	Grants	\$175.00
Hemocue	WIC	\$175.50
Hettgar, Bridget M. RN	Grants	\$63.41
Hewlett-Packard Company	GIS / GPS	\$224.00
High Plains Power	Senior Center / R&B	\$131.47
Hilltop Lube	Sheriff	\$102.00
Holiday Inn - Thermopolis	Assessor	\$117.70
Howard Supply Company	Road & Bridge	\$100.42
Howe, Susan	Elections	\$20.00
Intermountain Records	Clerk	\$106.00
Jackalope Printing	Various	\$113.00
Jenkins Machine Shop	Road & Bridge	\$280.00
Jerry's Donuts	Commissioners	\$11.98
Kilburn Tire Company	Fire Protection	\$3,958.34
Kirsch, A.P. MD	Grants	\$90.00
KN Energy	Various	\$1,119.56
Knapp Supply & Equipment	Administration	\$9,539.30
KONE Elevators	Carbon Building	\$660.00
Kroger - King Soopers	Various	\$639.87
LN Curtis & Sons	Fire Protection	\$844.58
La Quinta Inn	Grants	\$55.00
Lariat International	Road & Bridge	\$222.44
Larsen, Karen	GIS / GPS	\$14.95
Leo Community	Elections	\$20.00
Long Building Technologies	Building & Grounds	\$889.78
MacPherson, Kelly & Thompson	Administration	\$427.63
Med-Tech Resource, Inc.	Fire Protection	\$5,016.96
Medicine Bow Volunteer	Fire Protection	\$280.00
Memorial Hospital	Administration	\$8,167.30
Merback Award Company	Sheriff	\$69.34
Midwest Medical Supply	Public Health	\$81.92
Mikesell, Cecilia	Grants	\$9.57
Nelson, Art	Grants	\$57.56
Northern Tool Equipment	Road & Bridge	\$146.80
Noyes Health Care	Building & Grounds	\$305.02
Nutrition Action	Public Health	\$9.00
Pacific Power & Light	Various	\$1,795.82
Page One West	Various	\$296.40
Pamida Inc.	Grants / Public Health	\$216.44
Pitney Bowes Inc.	Administration	\$486.75
Plainsman Printing	Clerk / Assessor	\$1,894.24
Platte Valley Medical	Grants	\$297.00
Premier Data Services	GIS / GPS	\$7,500.00

Presbyterian Women	Elections	\$468.00
Questar Gas	Senior Center	\$34.86
Quill Corporation	Various	\$867.27
Qwest	Various	\$4,884.11
QWest-Denver	Public Health	\$86.40
Rawlins Automotive	Sheriff / Fire Protection	\$539.57
Rawlins Eye Care	Grants	\$74.00
Rawlins Glass	Emergency Management	\$18.00
Rawlins, City of	Various	\$934.65
Redwood Medical Supply	Coroner	\$7.61
Reliable	Public Health	\$200.95
Richardson, Jill	Public Health	\$43.79
Ross' Automotive Service	Sheriff	\$49.40
Ryan Electronics	Various	\$12,496.52
Ryan, Zola	Cooperative Extension	\$208.01
Shepard's	Road & Bridge	\$24.78
Smith, Susan	Grants	\$193.51
Spicer, Edward OD	Grants	\$306.00
Square Shooters Eating House	Emergency Management	\$30.63
Stan's Quik Lube	Sheriff	\$30.95
State of Wyoming	Elections	\$953.44
Stevens Publishing	Public Health	\$77.00
Teixeira, Jerome	Elections	\$133.36
Terminix	Senior Center	\$30.00
Terracon	Building & Grounds	\$2,100.00
Tire Distribution Systems	Road & Bridge	\$3,335.00
Trib.com	R&B / Planning	\$27.42
True Value of Rawlins	Various	\$94.50
Union Pacific Railroad	SC / Road & Bridge	\$8,527.89
Union Telephone Company	Various	\$518.15
University of Wyoming	Cooperative Extension	\$163.78
Valley Fire Extinguisher	Public Health	\$5.00
Verizon Wireless	Cooperative Extension	\$206.96
Viking Office Products	Various	\$1,390.78
Voorhis Associates, Inc.	Building and Grounds	\$11,268.64
Washboard, The	Courthouse	\$70.00
West Express Lawn	Building & Grounds	\$100.50
West Group Payment Center	Attorney	\$1,541.53
Wille, Ron	Road & Bridge	\$845.00
Wilson, Margaret	Sheriff	\$168.00
Worldwide Information	Sheriff	\$104.00
WY Dept. of Family Services	WIC	\$70.68
WY Machinery Company	Road & Bridge	\$591.77
WY Paper Supply	Various	\$704.59
WY T2/LTAP Center	Road & Bridge	\$45.00
Xerox Corporation	Clerk of Court	\$164.71
Yampa Valley Electric	Radio Tech	\$37.52
Young, Charles MD	Grants	\$95.00
Zabel, Greg	Emergency Mgmt. / GIS-GPS	\$50.37
Zee	R&B / Emergency Mgmt.	\$106.75
<b>TOTAL</b>		<b>\$255,873.16</b>

## **CLERK**

### **Terracon Contract**

Lee Meacham moved that Chairman Zeiger be authorized to sign the Terracon contract entitled Supplemental Proposal for Limited Phase II Environmental Site

Assessment for Southeast Corner of Harshman Street and Daley Street in Rawlins, Wyoming (new jail site). Linda Fleming seconded. The motion carried unanimously.

### **Tentative Budget Schedule**

The Clerk presented a tentative budget schedule for FY 2003-2004 to the Commissioners.

### **911 Surcharge**

Alice Garvin presented a resolution to the Commissioners for the 911 surcharge, which covers all telecommunications.

Lee Meacham moved to adopt Resolution 2003-21, a Resolution Providing for the Imposition of a 911 Emergency Telephone Surcharge Fee. Linda Fleming seconded. The motion carried unanimously.

## **RESOLUTION NO. 2003-21**

### **A RESOLUTION PROVIDING FOR THE IMPOSITION OF A 911 EMERGENCY TELEPHONE SURCHARGE FEE**

**WHEREAS**, Wyo. Stat. § 16-9-101 through § 16-9-106, 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. § 16-9-901 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 operations 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 line 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 providers are required to collect such surcharges and remit the amounts collected 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 3<sup>rd</sup> day of June, 2003.

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

ATTEST:  
-s- Linda Smith, Carbon County Clerk

## **ELECTED OFFICIALS**

### **Clerk of District Court**

Linda Fleming moved that Chairman Zeiger be authorized to sign the Cooperative Agreement between the Department of Family Services and the Clerk of District Court of Carbon County. Lee Meacham seconded. The motion carried unanimously.

### **Treasurer**

The Treasurer presented a report to the Commissioners in regard to the Medicine Bow Bank Building delinquent taxes on the building.

## **CARBON COUNTY CIVIL ATTORNEY**

Tom Thompson advised the Commissioners that he had responded to John Spehar in regard to the Bureau of Land Management Memorandum of Understanding with his comments and had not heard back as of this time.

Lee Meacham moved to enter executive session at 10:03 a.m. to discuss litigation issues. Linda Fleming seconded. The motion carried unanimously.

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

## **JAIL COMMITTEE**

Charlie VanOver from Plan 1 Architects, Gary Olson of LM Olson Construction, and Capt. Randy Shinkle from the Jail Committee presented an update on the jail project.

Gary Olson advised that LM Olson will provide a Guaranteed Maximum Price (GMP) to the Commissioners by the end of June.

Gary Olson advised they will be driving the test piles at the new jail site on Tuesday, June 10, 2003.

## **GROUP HEALTH INSURANCE**

Dale Lyman from Intermountain Benefit Administrators gave the Commissioners an update regarding Carbon County's group health insurance.

## **EMERGENCY MANAGEMENT**

Greg Zabel presented his bi-monthly report to the Commissioners.

## **LUNCH**

Chairman Zeiger recessed the meeting for lunch at 12:05 p.m. and reconvened the meeting at 2:00 p.m.

## **PLANNING AND ZONING**

Jay Grabow and Henry Hewitt came before the Board to present the following

cases:

**(1) Case File #02-22 - Cherokee Trails Subdivision:** Request for a Zone Change from Open Range (OR) to Residential (RD). Cherokee Trails Subdivision is located 1 mile Southwest of Coad Mountain. Cherokee Trails Subdivision located in the NW ¼, N ½ of SW ¼, Section 10, T18N, R82W (All Tracts); Carbon County, Wyoming. This case was tabled at the November 5, 2002, Planning and Zoning Commission meeting. The Carbon County Zoning Resolution of 2000 was voided prior to any action taken by the Planning & Zoning Commission. This case was originally advertised on Friday, October 18, 2002, in the Rawlins Daily Times and Wednesday, October 16, 2002, in the Saratoga Sun.

Chairman Zeiger opened the public hearing at 2:09 p.m.

Henry Hewitt advised that the Planning & Zoning Commission would like to make the zoning consistent for the whole area. This would alleviate the Planning & Zoning Commission processing 200 separate applications for zone change. Mr. Hewitt advised that all property owners were sent individual letters in regard to this issue. The Planning and Zoning Commission received a good response from other adjacent property owners except for one.

Chairman Zeiger opposed the zone change, as he felt that we should not chose for all the parties involved. Jay Grabow advised that the Planning Commission believed this change would be made for the welfare of the majority.

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

Linda Fleming moved to approve Case File #02-22, Cherokee Trails Subdivision from Open Range (OR) to Residential (RD). Lee Meacham seconded. Chairman Zeiger opposed. The motion carried.

**(2) Case File #02-24 - Overlook Retreat Subdivision:** Request for a Zone Change from Open Range (OR) to Residential (RD). Overlook Retreat Subdivision is located 17 miles South of Elk Mountain on County Road #101 & Forest Service Road #105. Overlook Retreat Subdivision located in the SW ¼, NW ¼, Section 14, T17N, R80W (All Lots/Tracts); Carbon County, Wyoming.

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

Henry Hewitt advised that the Planning Commission did receive one objection to this zone change, in writing, from Mr. Randy Shipman. Mr. Hewitt advised that the Planning Commission had the same perspective on this case file as they did the previous case file.

Mr. Shipman was present at the meeting, and Chairman Zeiger asked him for his position on this case file. Mr. Shipman advised that his position was noted in his letter from Budd-Falen Law Offices, which the County had received.

The Clerk read the letter from Patrick Mehle dated June 1, 2003 to the Board and the group present.

Mr. Shipman advised he was opposed to this case file zone change and presented a variety of reasons for his opposition to this zone change being approved.

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

Linda Fleming moved to table request Case File #02-24 (from Open Range (OR) to Residential (RD) not for the access issue, but because new information had been presented to the Board today, and this would allow time for the County's civil attorney to review the information. Lee Meacham seconded. The motion carried unanimously.

**(3) Case File #03-06 - Silver Spur Land and Cattle, LLC:** Request for Zone Change from Open Range (OR) to Rural Residential Agriculture (RRA-49.971). The property is located on Carbon County Road #504. A tract of land located in portion of Sections 17, 18, and 19, T17N, R83W, Carbon County, Wyoming.

Chairman Zeiger opened the public hearing at 3:11 p.m.

Irene Archibald advised that Silver Spur Land and Cattle, LLC was selling because the land is not accessible for the rest of their operation and their shop.

Chairman Zeiger closed the public hearing at 3:15 p.m.

Lee Meacham moved that Case File #03-06, Silver Spur Land and Cattle, LLC be changed from Open Range (OR) to Rural Residential Agriculture (RRA-49.971) with the existing residence in place. Linda Fleming seconded. The motion carried unanimously.

### **Public Hearings Scheduled**

The Planning Commission requested that the following case files be given a date for public hearings.

- (1) **Case File #02-20 - Houston and Elva Evans:** Request for 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 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, 6<sup>th</sup> 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, 6<sup>th</sup> 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, 6<sup>th</sup> 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, 6<sup>th</sup> 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 ¼, NW ¼, Section 12, T27N, R84W, 6<sup>th</sup> P.M., Carbon County, Wyoming and is located 22 miles South of Alcova; approximately 3 ½ miles straight West of County Road #291 & 1 mile North of Chimneys Peak.

The Planning Commission is recommending approval on Case File #03-12, with the exception that the applicant provide documentation that they have access before the public hearing.

Linda Fleming moved to set the hearing date for the above case for Tuesday, July 1, 2003, at 2:00 p.m. Lee Meacham seconded. The motion carried unanimously.

**RESOLUTION NO. 2003-22**

**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 May 6, 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. § 18-5-202(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 public hearing to take public input and comments which said hearing occurred on June 3, 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 #02-22 - Cherokee Trails Subdivision: Request for a Zone Change from Open Range (OR) to Residential (RD). Cherokee Trails Subdivision is located 1 mile Southwest of Coad Mountain.

(2) Case File #03-06 - Silver Spur Land and Cattle, LLC: Request for Zone Change from Open Range (OR) to Rural Residential Agriculture (RRA-49.971). The property is located on Carbon County Road #504.

*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 scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming this 3<sup>rd</sup> day of June, 2003.

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

-s- Artlin "Art" Zeiger, Chairman  
-s- Linda L. Fleming, Commissioner  
-s- Lee Meacham, Commissioner

ATTEST:

-s- Linda Ann Smith, County Clerk

**(1) Case File #98-09 -- Cassidy River Ranch PUD**

Lee Meacham moved to table Case File #98-09, Cassidy River Ranch PUD, until the next meeting and note that it was received by the Board. Linda Fleming seconded. The motion carried unanimously.

Linda Fleming moved that Carbon County adopt Resolution 2003-19, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning Commission, for Case Files #02-22 (Cherokee Trails Subdivision) and #03-06 (Silver Spur Land and Cattle, LLC).

**RAWLINS FIRE DEPARTMENT**

Duane Stolns from the Rawlins Fire Department requested permission from the Carbon County Commissioners to present a fireworks display for the Wyoming Association of Municipalities at the Old Penitentiary on June 11, 2003, or an alternative site at the new golf course on June 12, 2003 if the Old Penitentiary site is unavailable.

Linda Fleming moved that the Rawlins Fire Department be allowed to present a fireworks display in conjunction with the Wyoming Association of Municipalities Convention at the site. Lee Meacham seconded. The motion carried unanimously.

**ROAD AND BRIDGE**

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

Mr. Nation advised that the Road & Bridge Department has been on "flood standby" the last few days, and they have cleared several irrigation ditches, bridges and culverts to prevent water from running over county roads.

**Hanna Bridge Project**

Lee Meacham moved to authorize payment #10 in reference to the Hanna Bridge Project. Linda Fleming seconded. The motion carried unanimously.

**Executive Session**

Linda Fleming moved to go into executive session to discuss personnel issues with Bill Nation at 3:45 p.m. Lee Meacham seconded. The motion carried unanimously.

Lee Meacham moved to come out of executive session at 4:02 p.m. Chairman Zeiger seconded. The motion carried unanimously.

## **GIS / GPS**

Karen Larsen came before the Commissioners to present her bi-monthly report.

Ms. Larsen presented a map of the pilot project to the Commissioners for their review.

## **LONG AND ASSOCIATES**

Dave Kenik presented an update on the heating / cooling project to the Commissioners. He advised that the design phase and specifications are complete.

Mr. Kenik advised that it might be better to bid out this project in October, start in January and complete the project in August of 2004.

## **HOMELAND SECURITY GRANT**

Pam Farster, grants consultant, and Greg Zabel, Emergency Management, came before the Commissioners to present an update on the Homeland Security Grant Phase 1, in process now, and Phase 2, which must be submitted before the outcome of Phase 1 is known. The Commissioners requested she proceed with the Phase 2 application process.

Pam Farster will attend a Grant Workshop in Riverton on June 10-12, 2003.

Commissioner Meacham left the meeting at 4:30 p.m.

## **EXECUTIVE SESSION**

Linda Fleming moved to go into executive session for personnel issues at 5:02 p.m. Chairman Zeiger seconded. The motion carried unanimously.

Linda Fleming moved to come out of executive session at 5:39 p.m. Chairman Zeiger seconded. The motion carried unanimously.

## **COALBED METHANE COALITION**

Micki Stuart from the Coal Bed Methane Coalition presented an overview to the Commissioners in regard to issues dealt with by the coalition and asked for suggestions or comments from the Commissioners for her to present at the Governor's Association meeting.

## **JOINT POWERS BOARD RESOLUTION**

Linda Fleming moved that Carbon County adopt Resolution 2003-20, entitled Resolution of Adoption, to adopt the ordinance to establish a Joint Powers Board for financing the new jail project. Chairman Zeiger seconded. The motion carried unanimously.

### **RESOLUTION OF ADOPTION NO. 2003-20**

**THE UNDERSIGNED**, duly elected, qualified and acting individuals, constituting the Board of County Commissioners of the County of Carbon, State of Wyoming, do hereby certify that we have reviewed the above and foregoing Ordinance of the Rawlins City Council and do hereby, by the authority vested in us by the laws of the State of Wyoming, and in particular, pursuant to the authority vested in us by Title 16, Chapter 1, Article 1, Wyoming Statutes, 2002,

do hereby take the following action.

RESOLVED, the Board of County Commissioners, Carbon County, State of Wyoming, in accordance with the authority vested in us by Title 16, Chapter 1, Wyoming Statutes, 2002, do hereby approve, ratify, adopt and agree to be bound by the terms and conditions of Ordinance No. 056-2003, passed, approved and adopted by the governing body of the City of Rawlins, and signed by the Mayor of the City of Rawlins on the 20<sup>th</sup> day of May, 2003. Subject, however, to said Ordinance being approved by the Wyoming Attorney General and to the filing thereof with the Wyoming Secretary of State, the Carbon County Clerk, and the City of Rawlins Municipal Clerk.

DATED this 3<sup>rd</sup> day of June, 2003.

By:-s- Artlin "Art" Zeiger, Chairman

ATTEST:

-s- Linda Ann Smith, County Clerk

### **ORDINANCE NO. 056-2003**

An ordinance providing for the establishment of a Joint Powers Board for the purpose of financing a new jail in the City of Rawlins for the use of the citizens of the City of Rawlins and Carbon County, State of Wyoming; providing for the organization of the Board; empowering the Board with authority to issue bonds, borrow funds, and accept grants and tax exempt contributions; to bestow upon said Board such powers and responsibilities as are necessary to carry out the intended purposes; and to provide for termination, dissolution and distribution of assets.

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RAWLINS, CARBON COUNTY, WYOMING.**

#### **Section 1. Definitions**

- (a) "Wyoming Joint Powers Act," means Sections 16-1-101 through 16-1-109 W. S. 2001, and any amendments thereto.
- (b) "Industrial Development Projects," means Sections 15-1-701 through 15-1-710 W. S. 2001.
- (c) "Council," means the duly elected and constituted City Council of the City of Rawlins, Carbon County, Wyoming.
- (d) "Commissioners," means the duly elected and constituted Board of County Commissioners of Carbon County, State of Wyoming.
- (e) "The Board," means the "Carbon County Detention Facility Joint Powers Board."

#### **Section 2. Joint Powers Board**

- (a) A Joint Powers Board is established pursuant to the provisions of the Wyoming Joint Powers Act. When this Ordinance is duly enacted, approved and filed pursuant to Wyoming Law, and the Carbon County Commissioners have resolved to adopt the same by resolution, it shall constitute a written agreement between the City of Rawlins and the County of Carbon, State of Wyoming. It shall establish a separate entity, which shall automatically become a body corporate and politic and a public corporation, for the purposes hereinafter set forth.
- (b) The name of the Joint Powers Board shall be, "Carbon County Detention Facility Joint Powers Board."

- (c) The Board shall have perpetual existence.
- (d) The principal office of the Board shall be at the Carbon County Clerk's Office, the address of which is P.O. Box 6, Rawlins, Wyoming, 82301.
- (e) The fiscal year of the Joint Powers Board shall commence on July 1<sup>st</sup> and terminate on June 30<sup>th</sup> of every year.

**Section 3. Purposes**

- (a) To raise funds from loans, sale of revenue bonds, tax exempt contributions and such other means of financing as are authorized by the Wyoming Joint Powers Act.

**Section 4. Organization of the Board**

- (a) The Board shall consist of not fewer than nine (9) members, all of whom shall be qualified electors of the County of Carbon, State of Wyoming. Three (3) of the nine (9) members of the board shall be appointed by the Council. The remaining six (6) members of the board shall be appointed by the Commissioners. The initial appointments shall be with staggered terms with (3) for one (1) year, three (3) for two (2) years, and three (3) for three (3) years all of which shall be subject to reappointment at the end of the terms. The appointments made by the Council shall be one of each term limitation, the remaining six (6) appointments by the Commissioners shall be for the remaining term limitations respectively. Thereafter, all appointments shall be for a three (3) year term.
- (b) A member of the Board may resign at any time by giving written notice to the other members of the Board, the Commissioners, and the Council. A member may be removed by a joint resolution of the Commissioners and the Council.
- (c) Vacancies for the unexpired terms of members shall be filled by appointment by the agency whose term was being served by that member.
- (d) It shall not be incompatible for a member of the respective governing bodies to become a member of the Board.
- (e) Members of the Boards shall receive no compensation, but may be reimbursed for travel and per diem expenses at that rate provided to State employees.
- (f) No individual member shall be personally liable for any actions or procedures of the Board.
- (g) The Board shall meet at least once every three (3) months at the call of the chairperson or within ten (10) days after an oral or written request by a majority of the Board members.
- (h) All meetings of the Board shall be open to the public.
- (i) A quorum of the Board shall be a majority of the appointed members of the Board.
- (j) Action of the Board at any meeting may be taken by a majority of the members present.
- (k) Any member of the Board may adjourn any properly called meeting

to another time or place, when such meeting is attended by less than a quorum of members.

- (l) A Board member who is present at meeting of the Board at which action on any matter is taken shall be presumed to have assented to the action taken, unless his or her dissent shall be entered in the minutes of the meeting or unless he or she shall file a written dissent of such action with the secretary before the adjournment of the meeting, or shall forward such dissent by certified mail to the secretary of the meeting immediately after the adjournment of the meeting. Such right to dissent shall not apply to a Member who voted in favor of such action.
- (m) At the first organizational meeting and at each annual meeting thereafter, the Board shall establish a budget for the acquisition of assets and the operation and maintenance of acquired facilities for each ensuing year. Deficit spending shall not be permitted.

### **Section 5. Officers**

- (a) Promptly after appointment, the Board shall meet, organize and elect from its membership a Chairperson, Vice-chairperson, Secretary and Treasurer.
- (b) The Chairperson shall conduct all meetings of the Board, execute all documents and instruments on behalf of the Board, hire and fire all employees of the Board, with consent of the Board and perform such other duties as may, from time to time, be directed by the Board.
- (c) The Vice-Chairperson shall serve in the capacity of the Chairperson when the Chairperson may be incapacitated or unable to serve for any other reason.
- (d) The Secretary shall attest all instruments executed by the Chairperson; be responsible for filing all instruments with the appropriate state and county office as required by law; record comprehensive minutes of every meeting; correspond on behalf of the Board and perform such other duties as may, from time to time, be directed by the Board. Following the meeting, the Secretary shall notify the respective governing bodies of the Board's organization and shall file a certificate with the Wyoming Secretary of State and the Carbon County Clerk, showing its organization.
- (e) The Treasurer shall execute all checks and drafts, along with the Chairperson, or such other members of the Board as is designated for such purposes, and shall be responsible for the preparation of all federal, state and local reports and financial statements of the Board and perform such other duties as may from time to time, be directed by the Board.

### **Section 6. Powers**

- (a) The Board shall have the following powers, in addition to such other powers as are authorized by the Wyoming Joint Powers Act:
  - i. To sue and be sued.
  - ii. To acquire by purchase, lease or gift any real or personal property deemed essential, in the sole and absolute discretion of the Board, to carry out the purposes of the Board. The title to all assets acquired by the Board shall vest in and become and remain property of the Board.

- iii. To acquire and grant easements for rights of way essential to the development of the Carbon County Detention Facility and to permit utility and other essential services to be extended to adjoining properties.
- iv. To take such action as becomes necessary, in the sole and absolute discretion of the Board to develop lands, to execute construction contracts and such other contracts as are deemed essential to carry out the purposes of the Board; to execute plats and subdivision agreements in the development of real property held by the Board, pursuant to ordinances, regulations and resolutions of the Commission and Council, in such cases made and provided for.
- v. To establish bank accounts with banking institutions within the State of Wyoming and to authorize the President and Treasurer and such other members of the Board as deemed necessary to make deposits and withdraw funds for the use of the jail.
- vi. To establish an endowment fund to defray the costs of operation and maintenance of the Center.
- vii. To establish regulations regarding such procedures and other matters as are deemed necessary in the sole and absolute discretion of the Board and as are consistent with the Wyoming Joint Powers Act.

**Section 7. Funding**

- (a) The Board may acquire funding and financing pursuant to Wyo. Stat. § 16-1-107 and provide such security as is required. The Board may carry out the intent and purposes of the Board in any one, or a combination of any of the following methods:
  - i. By accepting contributions from the County of Carbon and/or the City of Rawlins.
  - ii. By bond issues undertaken by the County of Carbon and/or the City of Rawlins.
  - iii. By revenue bonds issued by the Board, and retired solely from revenues received by the Board from the leasing or operation of the Carbon County Detention Facility or other property owned by the Board.
  - iv. By the receipt of gifts, donations or grants.
  - v. By the issuance of bonds in such cases made and provided for in the issuance of bonds for Wyoming Industrial Development Projects.
  - vi. By loans from the Permanent Mineral Trust or other permanent funds of the State of Wyoming not otherwise obligated. No loan shall be made without the written opinion of the Attorney General certifying the legality of the transaction and all documents connected therewith.
  - vii. No cost shall be incurred, debt accrued, nor money expended by any contracting party which will be in excess of limits prescribed by law.

## **Section 8. Lease**

- (a) Pursuant to a site lease to be entered into Carbon County, acting by and through its Board of County Commissioners (hereinafter referred to as "Lessee") and the Joint Powers Board (hereinafter referred to as "Lessor"), Lessee will lease its right, title and interest in and to the site upon which the Detention Facility Project will be built (the "Site and Existing Facility") to the Lessor, and for the purpose of financing the planning, creation, expansion, acquisition, installation, equipping and construction of said Detention Facility Project, on terms beneficial to the Lessee and for the benefit of Carbon County and its residents. The Lessor will lease the Site and the improvements back to the Lessee, on a year-to-year basis subject to annual appropriation by the Board of County Commissioners.

## **Section 9. Termination**

- (a) The Board may be terminated at any time by resolution of the Commissioners and by Ordinance of the Council.
- (b) Upon termination of this Ordinance all assets of the Joint Powers Board shall be distributed to Carbon County.
- (c) In the alternative, and with the mutual consent of the Commissioners and Council, the assets may be sold on such terms and conditions as they shall agree, and the proceeds, after payment of all expenses of the Joint Powers Board, shall be distributed to Carbon County.
- (d) The Joint Powers Board shall continue in the existence until terminated as provided above; provided, however, that the Joint Powers Board and this Agreement shall not be terminated, and shall continue in existence until all outstanding obligations of the Joint Powers 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.

## **Section 10. Enactment**

This Ordinance and any amendments thereto shall not become effective until they have been, adopted by the County Commissioners by resolution, approved by the Wyoming Attorney General and filed with the Wyoming Secretary of State, the Carbon County Clerk, the City of Rawlins Municipal Clerk and enacted and published as required by Wyoming State Law.

## **Section 11. Signatory Authorization**

The Mayor and Clerk of the City of Rawlins are hereby authorized and instructed to execute and certify this Ordinance.

**PASSED, APPROVED AND ADOPTED** this 20<sup>th</sup> day of May, 2003.

CITY OF RAWLINS, a Wyoming  
municipal corporation

-s- Ralph A. Glenn, Mayor

ATTEST:

-s- Marla K. Brown, City Clerk

1<sup>st</sup> Reading - April 15, 2003

2<sup>nd</sup> Reading - May 6, 2003

3<sup>rd</sup> Reading - May 20, 2003

Publication: May 24, 2003

**ADJOURNMENT**

Chairman Zeiger adjourned the meeting at 6:25 p.m.

BOARD OF COMMISSIONERS  
CARBON COUNTY, WYOMING

-s- Artlin Zeiger, Chairman

ATTEST:

-s- Linda Ann Smith, County Clerk