

**MINUTES OF THE BOARD OF  
CARBON COUNTY COMMISSIONERS  
REGULAR MEETING  
Tuesday, April 5, 2011  
County Courthouse, Rawlins, Wyoming**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, April 5, 2011 at the County Courthouse in Rawlins, Wyoming. Attending the meeting were Chairman Terry Weickum; Vice Chairman Jerry Paxton; Commissioner Leo Chapman; Deputy County Attorney Mike Kelly; County Clerk Gwynn Bartlett; and Deputy Clerk Kathy Turner.

Chairman Weickum called the meeting to order at 9:07 a.m.

**AGENDA AMENDMENT**

Commissioner Paxton moved to amend the agenda to strike the Health Insurance Report at 11:30 a.m. and replace it with an executive session that was scheduled at 3:15 p.m. and move the Commissioners discussion after the executive session if there is time. Commissioner Chapman seconded and the motion carried unanimously.

**VOUCHERS**

Commissioner Chapman moved to approve the report of expenditures in the amount of \$454,912.67. Commissioner Paxton seconded and the motion carried unanimously.

Commissioner Chapman moved to approve payment to Candy Mountain in the amount of \$13.50 and Cedar Street Sinclair in the amount of \$56.18 for a total of \$69.68. Commissioner Paxton seconded and the motion carried with Commissioners Chapman and Paxton voting for the motion and Chairman Weickum abstained.

Vendor	Detail Line Description	Total
ACTION REAL ESTATE	RENTAL ASSISTANCE	\$1,500.00
AIRPORT DEVELOPMENT GROUP	DIXON AIRPORT AWOS	\$5,169.55
ALCO	SUPPLIES	\$98.16
ALSCO, AMERICAN LINEN DIVISION	SUPPLIES	\$383.54
AMERIGAS	PROPANE SERVICES	\$4,690.14
ARLINGTON OUTPOST	VEHICLE MAINTENANCE	\$92.17
BAGGS, TOWN OF	WATER SERVICES	\$40.40
BARTLETT, SUE RN	MEAL/MILEAGE	\$107.72
BOB BARKER COMPANY, INC.	SUPPLIES	\$46.81
BRESNAN COMMUNICATIONS	CABLE SERVICES	\$2,771.77
BRYANT, BARRY	MILEAGE	\$225.00
BUILD RITE LUMBER SUPPLY	SUPPLIES	\$391.50
BURTON, RICHARD	PARENTING CLASSES	\$300.00
BUSEY, BILL	CHANGE LIGHTBULBS	\$30.00
BUSEY, SHARALEE	MILEAGE	\$101.00
C & B SAND & GRAVEL	ROADBASE	\$365.68

C & D FABRICATION	SUPPLIES	\$392.48
C O V E	FEB CSBG	\$437.50
CACTUS SPRINGS GAS & OILFIELD SERVICE	BUCKET TRUCK	\$250.00
CANDY MOUNTAIN 2010	SUPPLIES	\$13.50
CARBON COUNTY STRIKE TEAM	SUPPLIES	\$74.74
CARBON COUNTY TREASURER	VARIOUS CASH ITEMS	\$1,146.56
CARBON MERCANTILE CORPORATION	SHERIFF UNIFORMS	\$53.98
CARBON POWER & LIGHT INC	ELECTRICAL SERVICES	\$883.95
CBM FOOD SERVICE	JAIL MEALS	\$20,413.33
CDW GOVERNMENT, INC.	IT EQUIPMENT	\$1,067.24
CEDAR STREET SINCLAIR	VEHICLE MAINTENANCE	\$56.18
CENTRAL WYOMING NEUROLOGY	MEDICAL SERVICES	\$136.72
CENTURY LINK	TELEPHONE SERVICES	\$116.75
CESKO, DAVID MD	MEDICAL SERVICES	\$455.00
CHILDREN'S DENTISTRY LLC	DENTAL SERVICES	\$400.00
CLERK OF DIST COURT (GN)	FAIRGROUNDS BLDG SETTLEMENT	\$105,659.56
CMI-TECO	TOOLS	\$219.99
CUSTOM CREATIONS	SUPPLIES	\$264.50
DAILY TIMES	NEWSPAPER ADS	\$854.23
DALLIN MOTORS INC	VEHICLE MAINTENANCE	\$34.35
DEFUR, DANIELLE	MILEAGE	\$105.00
DIXON, TOWN OF	WATER & SEWER SERVICES	\$272.73
DRUMMOND REFRIGERATION LLC	REFRIGERATION REPAIRS	\$1,142.50
EAGLE UNIFORM SUPPLY	FLOOR MATS	\$215.81
EASTMAN, PATRICK	MILEAGE	\$28.80
ELK MOUNTAIN DIESEL	SUPPLIES	\$153.02
ELK MOUNTAIN VOLUNTEER FIRE DEPT	FUEL/SUPPLIES	\$741.73
EVANS, JULIE	MILEAGE	\$25.20
FARMER BROTHERS COFFEE	SUPPLIES	\$332.90
FASTENAL	SUPPLIES	\$7.80
FLOCK, WILLIAM D, M.D.	MEDICAL SERVICES	\$85.00
FLOYD'S TRUCK CENTER	SUPPLIES	\$272.39
FRANCE, TARA	TRANSCRIPTION	\$168.00
FREMONT MOTORS – RAWLINS	VEHICLE MAINTENANCE	\$2,033.52
GALLS, AN ARAMARK COMPANY	SUPPLIES	\$711.86
GOLDEN, MARY	MEAL/MILEAGE	\$84.48
HANNA PROP REPAIR	SNOW REMOVAL	\$180.00
HANNA, TOWN OF	WATER SERVICES	\$66.04
HEROLD, BARY	SNOW REMOVAL	\$56.00
HERRING, LACEY	MEAL/MILEAGE/POSTAGE	\$47.88
HERTER, JACQUES PHD	PSYCHOLOGICAL EXAM	\$475.00
HETTGAR, BRIDGET M RN	MEAL/MILEAGE	\$148.89
HIGH PLAINS POWER	ELECTRICAL SERVICES	\$668.54
HIGH PLAINS VISION CENTER	VISION SERVICES	\$847.00
HILLCREST SPRING WATER, INC.	EQUIPMENT CHARGE	\$13.00
HILLTOP LUBE & AUTOMOTIVE	VEHICLE MAINTENANCE	\$78.50
HORIZON LABORATORY, LLC	BLOOD TESTS	\$268.75
IN JOY PRODUCTIONS INC.	SUPPLIES	\$172.00
INTOXIMETERS	SUPPLIES	\$527.00

J H KASPAR OIL COMPANY	FUEL	\$5,964.57
JACKALOPE PRINTING	SUPPLIES	\$812.96
JEFFERSON COUNTY SHERIFF	SERVICE FEES	\$19.65
JERRY'S DONUTS	SUPPLIES	\$19.98
JUVE, JANE H	LEGAL SERVICES/EXPENSES	\$483.75
KENCO SECURITY AND TECHNOLOGY	ALARM MONITORING	\$34.00
KERWIN, DONNA	RENTAL ASSISTANCE	\$500.00
KILBURN TIRE COMPANY	VEHICLE MAINTENANCE	\$1,507.88
KIRSCH, ARCHIE P	COUNTY HEALTH OFFICER	\$500.00
KONE ELEVATORS ESCALATORS	ELEVATOR MAINTENANCE	\$1,556.50
L & L ELECTRIC	BUILDING MAINTENANCE	\$279.00
L N CURTIS & SONS	SCBA BOTTLES	\$13,200.00
LAB SAFETY SUPPLY	SUPPLIES	\$428.42
LANDER FAMILY DENTAL CENTER	DENTAL SERVICES	\$475.00
LI, CURTIS K M.D.PC	MEDICAL SERVICES	\$158.00
LIGHTWORLD, LLC	BUILDING MAINTENANCE	\$405.00
LONG BUILDING TECHNOLOGIES, INC.	BUILDING MAINTENANCE	\$57,803.18
LOVE, LUCY	MILEAGE	\$130.50
MARTINEZ, DEBARI	RENT	\$350.00
MAS MID-AMERICAN SPECIALITIES, INC	SUPPLIES	\$247.99
MEDICAL ARTS PRESS	SUPPLIES	\$97.50
MEDICINE BOW, TOWN OF	WATER SERVICES	\$54.00
MEMORIAL HOSPITAL OF CARBON COUNTY	MEDICAL SERVICES	\$127.00
MOELLER, MARIE	CLEANING SERVICES	\$266.50
MPM CORP / EVERGREEN DISPOSAL	GARBAGE SERVICES	\$85.00
MURANE & BOSTWICK, LLC.	PROFESSIONAL SERVICES/EXP	\$3,843.52
NATIONAL SHERIFF'S ASSN	MEMBERSHIP DUES	\$100.00
NORTHARVEST BEAN GROWERS ASSOC	BEAN COOKERY UNIT	\$10.00
OFFICE DEPOT	SUPPLIES	\$62.65
OVERHEAD DOOR COMPANY	BUILDING MAINTENANCE	\$312.50
PERKINS OIL CO	FUEL	\$299.13
PHILLIPS 66-CONOCO-76	FUEL	\$881.53
PICKETT, THOMAS Y AND COMPANY, INC	VALUATION CONTRACT BALANCE	\$8,800.00
PITNEY BOWES	RENTAL CHARGES	\$315.75
PITNEY BOWES INC	RENTAL CHARGES	\$350.67
PLATTE VALLEY MEDICAL	MEDICAL SERVICES	\$587.00
POTTER, SHAWNA	MILEAGE	\$130.00
PRO-CHEM INDUSTRIAL, LLC	CLEANING SUPPLIES	\$1,070.31
PUBLIC SAFETY CENTER, INC	SUPPLIES	\$677.85
QUESTAR GAS	GAS SERVICES	\$334.69
QUILL CORPORATION	SUPPLIES	\$719.14
QWEST	TELEPHONE SERVICES	\$510.08
QWEST-PHOENIX	TELEPHONE SERVICES	\$3,719.16
R & S PLUMBING & HEATING INC	BUILDING MAINTENANCE	\$963.48
RAPID FIRE PROTECTION, INC	YEARLY INSPECTION	\$215.00
RASMUSSEN FURNITURE	SUPPLIES	\$339.90
RAWLINS AUTOMOTIVE	VEHICLE MAINTENANCE	\$163.87
RAWLINS EYE CARE	VISION SERVICES	\$225.00
RAWLINS FAMILY MEDICAL, P.C.	MEDICAL SERVICES	\$90.00

RAWLINS FIRE EXTINGUISHER	SEMIANNUAL HOOD INSPECTION	\$475.00
RAWLINS GLASS	GLASS REPAIRS	\$100.00
RAWLINS URGENT CARE	MEDICAL SERVICES	\$46.20
RAWLINS, CITY OF	WATER SERVICES	\$65.00
REDWOOD TOXICOLOGY LABORATORY, INC.	SHIPPING	\$8.68
RITE-STYLE OPTICAL	SUPPLIES	\$99.00
ROCKY MOUNTAIN POWER	ELECTRICAL SERVICES	\$13,871.64
ROSS' AUTOMOTIVE SERVICES	VEHICLE MAINTENANCE	\$503.52
ROWAN, KRISTY	MEAL/MILEAGE	\$95.30
RYAN ELECTRONICS INC	BUILDING MAINTENANCE	\$189.88
SAENZ, DIANE	FUEL/MEAL	\$50.43
SANOFI PASTEUR, INC.	PUBLIC HEALTH VACCINE	\$658.80
SARATOGA AUTO PARTS, INC.	PARTS	\$125.13
SARATOGA SUN	NEWSPAPER ADS	\$22.50
SCHAEFFER MFG CO	OIL	\$926.60
SECURITY TRANSPORT SERVICES, INC.	JAIL EXTRADITIONS	\$1,062.60
SHEA, DIXIE F	MILEAGE	\$24.00
SHELL FLEET PLUS	FUEL	\$173.48
SHIVELY HARDWARE	SUPPLIES	\$1.49
SNAP-ON TOOLS	SUPPLIES	\$16.65
SOURCE GAS	GAS SERVICES	\$16,651.54
SOUTHEASTERN WYOMING GARAGE DOOR	BUILDING MAINTENANCE	\$300.00
SPRINGSTON, MERLIE	RENTAL ASSISTANCE	\$3,000.00
STAN'S QUIK LUBE	VEHICLE MAINTENANCE	\$86.37
STAPLES ADVANTAGE	OFFICE SUPPLIES	\$53.97
SWEET, JEFFREY C DDS PC	DENTAL SERVICES	\$847.11
TANDAN SANITATION SERVICES	GARBAGE SERVICES	\$80.00
TERMINIX	PEST CONTROL	\$817.00
TRADING POST	S&R FUEL	\$203.03
TRIPLE XXX CONTRACTING, INC.	GARBAGE SERVICES	\$50.00
TRUE VALUE OF RAWLINS	SUPPLIES	\$960.75
U W C E S	3RD QTR SALARY	\$5,550.00
ULTRAMAX	SUPPLIES	\$163.00
UNION TELEPHONE COMPANY	TELEPHONE SERVICES	\$834.49
V-1 PROPANE	PROPANE SERVICES	\$782.28
VAISALA, INC.	DIXON AIRPORT AWOS	\$94,998.08
VALLEY FOOD & LIQUOR	SUPPLIES	\$13.13
VALLEY OIL COMPANY	FUEL	\$94.22
VAN'S WHOLESALE LLC	SUPPLIES	\$489.09
VERIZON WIRELESS	TELEPHONE SERVICES	\$745.36
WEB STORES AMERICA, INC	SUPPLIES	\$900.60
WELLS, JACQUELIN	MILEAGE	\$29.00
WEST PAYMENT CENTER	MONTHLY CHARGES	\$1,094.11
WEST WINDS BAKERY & DELI	SUPPLIES	\$23.75
WRECK-A-MEND	R&B MATERIALS SIGNS/POSTS	\$225.00
WY ASSOC OF CONSERVATION DISTRICTS	FOREST PLNNG RULE COMMENTS	\$1,000.00
WY ATTORNEY GENERAL	FEB UNEXPENDED FUNDS	\$512.00
WY COUNTY COMMISSIONERS ASSOCIATION	LEGAL FUND FOR SEC ORDER #3310	\$1,500.00
WY COUNTY TREASURER'S ASSOCIATION	2011 DUES	\$100.00

WY DEPT OF HEALTH	BACKGROUND CHECKS/LEASES	\$249.18
WY DEPT OF TRANSPORTATION	MOTOR FUEL LICENSE	\$25.00
WY DIESEL SERVICE	SUPPLIES	\$483.77
WY LAW ENFORCEMENT ACADEMY	DEPUTY SCHOOLING	\$2,660.00
WY MACHINERY COMPANY	SUPPLIES	\$660.98
WY STATE FORESTRY	PREMIUM FOR FY 2012	\$23,280.72
WY STATIONERY	SUPPLIES	\$4,347.08
XEROX CORPORATION-RENT	IT COPIERS	\$1,838.43
YAMPA VALLEY ELECTRIC	ELECTRICAL SERVICES	\$1,388.61
YOCUM, LEO	MILEAGE	\$24.00
ZIRMED, INC	DUES & SUBSCRIPTIONS	\$3.85
GRAND TOTAL		\$454,982.35

### **WINDFARM TAX**

The BOCC had a brief discussion about tax on wind farms and how to tax them.

### **CLERK**

#### **Minutes**

Clerk Bartlett asked the BOCC to amend the minutes of the March 15, 2011 regular meeting of the Board of Carbon County Commissioners as follows: Page 7, Memorial Hospital of Carbon County – Requisition #4, change motion to read “in the amount of \$4,736.25”.

Commissioner Chapman moved to approve the minutes of the March 15, 2011 regular meeting of the Board of Carbon County Commissioners amending the amount of the Specific Purpose Tax Requisition #4 to \$4,736.25 instead of \$416,077.00. Commissioner Paxton seconded and the motion carried unanimously.

#### **Monthly Receipts**

Commissioner Chapman moved to accept the report of Department of Planning and Development receipts for the month of March 2011 in the amount of \$1,721.00 and Carbon County Clerk statement of fees collected for the month of March 2011 in the amount of \$13,130.25. Commissioner Paxton seconded and the motion carried unanimously.

#### **Bonds**

Commissioner Chapman moved to approve a bond for Linda Crane, Clerk / Treasurer for the Town of Elk Mountain in the amount of \$25,000.00; a bond for Lezlee Musgrave, Clerk Treasurer for the Town of Sinclair in the amount of \$8,000.00; a bond and riders for Wanda L. Erger, Treasurer for the Saratoga Cemetery District in the amount of 20,000.00; and a bond for Mary F. Waldron, Treasurer for the Little Snake River Conservation District in the amount of \$10,000.00. Commissioner Paxton seconded and the motion carried unanimously.

### **Office of State Lands & Investments**

Clerk Bartlett reported the Office of State Lands & Investments has scheduled distribution of funds on August 15, 2011 in the amount of \$485,797.28 for the county and \$931,216.79 in countywide consensus capital project funding. Clerk Bartlett discussed how the process works.

### **Local Government Liability Pool Renewal**

Clerk Bartlett presented the Local Government Liability Pool Renewal Membership Application for liability insurance coverage with a deductible in the amount of \$5,000.00. She advised she will not have the premium amount until the application has been submitted.

Commissioner Chapman moved to approve the submission of the Renewal Membership Application to the Local Government Liability Pool for liability insurance coverage from June 2011 through July 2012. Commissioner Paxton seconded and the motion carried unanimously.

### **Mechanical Service Agreement Revision**

Clerk Bartlett presented a revision to the Mechanical Service Agreement from Long Mechanical Solutions changing the term and reducing the term price.

Commissioner Chapman moved to approve Mechanical Service Agreement Revision -001, Agreement WIHCS-7069 from Long Mechanical Solutions, to align with the county's fiscal year. Commissioner Paxton seconded and the motion carried unanimously.

### **Carbon Building Lease**

Clerk Bartlett presented a lease for office space located at the Carbon Building occupied by the Department of Education, Services for the Visually Impaired. Deputy Attorney Kelly advised the lease has been modified to a two year term.

Commissioner Chapman moved to approve Lease No. 8-09273 Between the State of Wyoming, Department of Administration & Information, Construction Management and Carbon County Commissioners for a term of two years commencing July 1, 2011 in the amount of \$7,983.00 per year. Commissioner Paxton seconded and the motion carried unanimously.

### **Board Resignation**

Clerk Bartlett presented an e-mail from Patrick Gonzales resigning from the Carbon County Visitors Council.

Commissioner Paxton moved to accept the resignation of Patrick Gonzales from the Carbon County Visitors Council effective immediately and to instruct Clerk Bartlett to advertise for this position. Commissioner Chapman seconded and the motion carried unanimously.

### **Letter of Support**

Clerk Bartlett presented a draft letter supporting the Carbon County Counseling Center in their submittal of an application for funding for the fiscal year 2012.

Commissioner Chapman moved to accept a letter to the Wyoming Department of Health supporting the Carbon County Counseling Center in their submittal of an application for fiscal year 2012 funding, providing quality services in mental health and substance abuse that benefits residents of Carbon County. Commissioner Paxton seconded and the motion carried unanimously.

### **Wyoming Motor Fuel License Application for Dixon Airport**

Clerk Bartlett presented a renewal application for a dealer license to sell or offers to sell aviation fuel at the Dixon Airport from Wyoming Department of Transportation. She stated the renewal fee is \$25.00.

Commissioner Chapman moved to approve the Wyoming Motor Fuel License Renewal Application to renew the dealer license to sell aviation gas at the Dixon Airport. Commissioner Paxton seconded and the motion carried unanimously.

Chairman Weickum asked Treasurer Baldwin how much fuel has been sold and what the fuel costs are. Buildings Manager, Leroy Graham stated he would get the fuel costs.

### **Board Mileage**

Clerk Bartlett asked if the BOCC would like to continue to pay mileage reimbursement to volunteer board members next fiscal year. The BOCC asked her to continue with the mileage reimbursement as is. Clerk Bartlett advised the county is currently paying \$.30 per mile and county employees are paid \$.50 per mile and the BOCC agreed to keep these amounts as they are and will revisit this at budget time.

### **Insurance**

Clerk Bartlett discussed the BOCC's previous request that she bid health insurance. She advised the first step would be to bid the services of a broker or consultant per the county's procurement policy. She advised the City of Rawlins recently did the same procedure and she will be using similar documents with the city's approval.

Commissioner Paxton moved to authorize Clerk Bartlett to put out an invitation to respond for a broker for the county's health insurance plan. Commissioner Chapman seconded and the motion carried unanimously.

Clerk Bartlett advised she has been looking into a long term disability plan paid by the county. She advised the employee could purchase additional coverage on their own. She recommended adding this benefit to employees, especially in light of a recent accident in the Sheriff's Office. The BOCC agreed and Clerk Bartlett advised she would budget for this.

## **ELECTED OFFICIALS / DEPARTMENT HEADS**

### **Attorney**

Deputy Attorney Kelly advised the proposed order was signed and the county is dismissed from that case of any further involvement regarding the fairgrounds building.

Deputy Attorney Kelly discussed scoping meetings with the Bureau of Land Management he had attended.

Deputy Attorney Kelly discussed a delay in the Courthouse security wall project with LM Olson. He advised the delay is due to both court scheduling and product availability. The BOCC agreed to waive any penalties for a few weeks.

Deputy Attorney Kelly presented a Dixon Airport lease agreement with Brent Wilson.

Commissioner Paxton moved to approve a Dixon Airport Lease between Carbon County and Brent Wilson for space to construct a hangar at the Dixon Airport. Commissioner Chapman seconded and the motion carried unanimously.

Deputy Attorney Kelly also discussed that in order for hangar owners to connect to the transformer box installed by the county, Yampa Valley Electric must obtain a letter from the county in order to waive any fees that may be recuperated by the county.

### **Treasurer**

County Treasurer, Cindy Baldwin, reported on the county's cash position and asked the BOCC to limit spending.

### **Assessor**

County Assessor, Sheryl Snider, presented several abatements and rebates for the Chairman's signature. She reported the increase in notice of value changes is \$2,343,303.00 in valuation with an adjustment of (\$1,858,360.00).

Assessor Snider reported field appraisers have finished reviewing properties throughout particular parts of the county and those values may be rising slightly.

## **RECESS**

Chairman Weickum called a recess at 10:42 a.m. and reconvened at 10:50 a.m.

### **Sheriff**

Undersheriff Mike Morris discussed the master street address guide for the county that the Planning Department built. Undersheriff Morris presented a bid from ESRI for licenses and software to use ArcView for \$6,300.00 and network analysis programs for \$2,250.00 to use the



data along with the new E911 system. He stated the 911 surcharge funds would pay for this. He stated this is a sole source item and an extension of current software.

Commissioner Paxton moved to approve the expenditure of \$8,550.00 from E911 funds for software and licensing fees to transition the master street address guide information from Planning to the Sheriff's Office and to authorize the Chairman to sign the contract with ESRI related to this. Commissioner Chapman seconded and the motion carried unanimously.

Matt Webster, IT Director, discussed a quote from Qwest for a T1 line from the Sheriff's Office and the Town of Saratoga. The contract is for five years and is in the amount of \$305.00 plus \$147.96 monthly fee however Union must include fees as well for the Saratoga area of approximately \$1,840.00 plus a monthly charge of \$308.37.

Commissioner Paxton moved to authorize expenditure of funds from E911 collections for the installation of a T1 line by Qwest from the Sheriff's Office in Rawlins to the Town of Saratoga with a total setup cost of \$2,145.00 and a total monthly fee of \$456.33. Commissioner Chapman seconded and Cindy Baldwin questioned if Saratoga will be paying for any of these fees. John Zeiger, Saratoga Mayor stated he would ask the council at tonight's meeting. The motion carried unanimously.

Undersheriff Morris requested the BOCC approve a Proclamation in recognition of crime victim's rights.

Commissioner Paxton moved to authorize the Chairman's signature on a Proclamation for National Crime Victim's Rights Week April 10 through April 16, 2011. Commissioner Chapman seconded and the motion carried unanimously.

### **Emergency Management**

Emergency Management Coordinator, John Zeiger, presented the April snow pack report. He reported he requested additional sandbags for the county and rolls of plastic. He is also working with the Wyoming National Guard and he is holding and attending other meetings regarding flooding. The Army Corps of Engineers has assigned individuals to be located in the county to deal with flooding as well.

### **Planning**

County Planner, Sid Fox, and Thomas Powell provided an update on the zoning map process. The adoption process for this has begun and it could be presented to the board as early as its second meeting in May.

Mr. Fox discussed the Saratoga-Encampment-Rawlins Conservation District's recent meeting he attended. He stated the District has approved the concept of cooperating to plant trees along the Interstate 80 corridor as a snow fence and enhancement of the land. The BOCC asked Mr. Fox to begin finding out what the cost might be to the county.

Commissioner Paxton discussed Secretarial Order #3310 and what a Utah county is doing about this. There was discussion of amending the Carbon County Land Use Plan regarding the topic and the BOCC asked the attorney and Mr. Fox to report to them how to proceed.

### **Road & Bridge**

Road & Bridge Superintendent, Bill Nation, reported a Congestion Mitigation Air Quality grant application is due the end of April. He reported to date the county has received \$1,684,104.00 with a match of only \$336,820.80. He discussed a required component of dust mitigation sampling and stated he will attend the next Energy Minerals Counties Coalition meeting to discuss the dust studies.

Commissioner Paxton moved to approve Resolution #2011-05, A Resolution Authorizing the Submission of Congestion Mitigation Air Quality grant application to the Wyoming Department of Transportation on Behalf of the Governing Body of Carbon County for dust mitigation on ten miles of County Road #701 in the amount of \$375,000.00. Commissioner Chapman seconded and the motion carried unanimously.

### **RESOLUTION NO. 2011 - 05**

#### **A RESOLUTION AUTHORIZING THE SUBMISSION OF A CONGESTION MITIGATION AIR QUALITY GRANT APPLICATION TO THE WYOMING DEPARTMENT OF TRANSPORTATION ON BEHALF OF THE GOVERNING BODY OF CARBON COUNTY, WYOMING FOR THE PURPOSE OF DUST MITIGATION**

**WHEREAS**, the Governing Body for Carbon County desires to participate in the CMAQ Grant program to assist in financing the following road projects; and

Dust mitigation on ten miles of County Road #701

**WHEREAS**, the Governing Body of Carbon County recognizes the need for the projects; and

**WHEREAS**, the CMAQ Grant program requires that certain criteria be met, as described by the Wyoming Department of Transportation and, to the best of our knowledge, this application meets those criteria; and

**WHEREAS**, the total estimated project costs are identified as follows:

\$300,000 for gravel and application thereof, and

\$75,000.00 for magnesium chloride and application thereof

**WHEREAS**, the Governing Body of Carbon County plans to fund the 20% match of the requested CMAQ Grant, in the amount of \$75,000.00 from Carbon County's general fund.

**NOW, THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF CARBON COUNTY, WYOMING** that a grant application in the total amount of \$375,000.00 (\$300,000.00 grant funds and \$75,000.00 match) be submitted to the Wyoming Department of Transportation for consideration.

**PASSED, APPROVED, AND ADOPTED THIS 5<sup>TH</sup> Day of April, 2011.**

BOARD OF COUNTY COMMISSIONERS  
CARBON COUNTY, WYOMING

-s- Terry Weickum, Chairman

-s- Jerry Paxton, Vice-Chairman

-s- Leo Chapman, Member

Attest:

-s- Gwynn G. Bartlett, County Clerk

Mr. Nation stated he would budget for the match. Mr. Nation provided status reports for the Sage Creek Road project and the bridge project in the Savery area.

### **MUSEUM GRANT EXTENSION**

Dave Throgmorton and Gene Carrico from the Museum Board, and Tiffany Wilson, Museum Director, presented a letter to the Board requesting an extension on the current county sponsored grant with the Wyoming Business Council.

Commissioner Paxton moved to authorize the Chairman's signature on a letter to the Wyoming Business Council to apply for a six month extension for the Museum Community Development Block Grant through December 15, 2011. Commissioner Chapman seconded and the motion carried unanimously.

### **MEMORIAL HOSPITAL OF CARBON COUNTY (MHCC)**

Dan Jessop, MHCC Chief Executive Officer, stated MHCC is trying to reorganize the Memorial Hospital Foundation and will be requesting memberships and funds. Mr. Jessop discussed physician recruitment and possibly acquiring space to put new physicians in. He discussed progress on the strategic plan.

Rick White, Chief Financial Officer, discussed the financial information. He also discussed the upcoming requirement for electronic medical records and the need for hardware upgrades to communicate with the new software to accomplish the upgrade. The cost of the new hardware is \$111,446.50 and he requested authorization to use levy funds to purchase this.

Chairman Weickum stated his disapproval because there is no board member present from the Memorial Hospital Board. Commissioner Paxton clarified that the budget submitted for this fiscal year did not include this request. Mr. White stated that the Memorial Hospital Board did move to authorize him to request the county levy funds for this purpose at their last meeting.

Commissioner Paxton moved to authorize the use of \$111,446.50 of levy funds to purchase computer hardware from HMS. Commissioner Chapman seconded and the motion carried unanimously.

### **BOARD INTERVIEWS / APPOINTMENTS**

The BOCC attempted to call Amos Hall for a telephone interview however the meeting was approximately 45 minutes late and Mr. Hall was unavailable. Mr. Hall had applied to the Valley Community Center Joint Powers Board. Gary Hansen, Jr. was interviewed for consideration of reappointment to the Old Penitentiary Joint Powers Board.

Commissioner Paxton moved to reappoint Gary Hansen, Jr. to the Old Penitentiary Joint Powers Board for a three-year term expiring May 2014. Commissioner Chapman seconded and the motion carried unanimously.

Commissioner Paxton moved to appoint Amos Hall to the Valley Community Center Joint Powers Board for a three-year unexpired term expiring July 2013. Commissioner Chapman seconded and the motion carried unanimously.

### **RECESS**

Chairman Weickum recessed for lunch at 12:18 p.m. and reconvened at 1:15 p.m.

### **AGENDA AMENDMENT**

Commissioner Paxton moved to amend the agenda to move the executive session at the end of the meeting behind Commissioners discussion. Commissioner Chapman seconded and the motion carried unanimously.

### **UNION TELEPHONE AND CARBON COUNTY ECONOMIC DEVELOPMENT CORPORATION UPDATE**

Jan Fasselin of Union Telephone, discussed the old Phillips 66 station on Spruce Street in Rawlins. He discussed the possibility of the county sponsoring a grant to purchase a building for a Union Wireless store and coffee shop to be located in the building.

There was discussion of what Union Telephone's presence as a retail store would do to agent stores in the area, how the building would be owned, and transition of the building after the applicable time period. Chairman Weickum outlined the grant process noting this is the same as what the county sponsored for the Carbon Mercantile.

Commissioner Paxton moved to sponsor a Community Development Block Grant application for Union Telephone to acquire the old Phillips 66 building in Rawlins. Commissioner Chapman seconded and the motion carried unanimously.

Cindy Wallace, Carbon County Economic Development Executive Director, provided an update noting there is a lead on a data center business with the possibility of being located in the county.

### **RECESS**

Chairman Weickum recessed for a County Board of Equalization meeting at 2:04 p.m. and reconvened at 2:09 p.m.

### **RULES OF PRACTICE AND PROCEDURES GOVERNING APPEALS BEFORE THE CARBON COUNTY BOARD OF EQUALIZATION**

#### **Public Hearing**

Chairman Weickum opened a public hearing at 2:09 p.m. to hear public comment to adopt the Rules of Practice and Procedures Governing Appeals Before the Carbon County Board of Equalization, State of Wyoming. Chairman Weickum called for comments for or against the rules. There being no comments, Chairman Weickum closed the public hearing at 2:09 p.m.

Commissioner Paxton moved to approve Resolution 2011-06, A Resolution of the Carbon County Board of Commissioners for the Establishment and/or Modification of Rules of Practice and Procedure Governing Appeals Before the Carbon County Board of Equalization. Commissioner Chapman seconded and the motion carried unanimously.

## **RESOLUTION NO. 2011 - 06**

### **A RESOLUTION OF THE CARBON COUNTY BOARD OF COMMISSIONERS FOR THE ESTABLISHMENT AND/OR MODIFICATION OF RULES OF PRACTICE AND PROCEDURE GOVERNING APPEALS BEFORE THE CARBON COUNTY BOARD OF EQUALIZATION.**

WHEREAS, THE Board of County Commissioners for Carbon County is desirous of adopting uniform rules and procedures for appeals before the Carbon County Board of Equalization governing contested cases taken to that Board; and

WHEREAS, the Wyoming Administrative Procedures Act governing appeals has been updated and modified since rules were last adopted by Carbon County; and

WHEREAS, pursuant to and in accordance with W.S. §16-3-102(a)(i), each agency shall adopt rules of practice setting forth the nature and requirements of all formal and informal procedures available in connection with contested cases; and

WHEREAS, pursuant to and in accordance with W.S. §16-3-101(b)(i), the Board of Carbon County Commissioners meets the definition of an agency responsible for rulemaking in accordance with the Wyoming Administrative Procedures Act; and

WHEREAS, the Board of County Commissioners, sitting as the Carbon County Board of Equalization, believes that uniform rules for contested case procedures shall serve to protect the rights and interests of the citizens of Carbon County;

NOW THEREFORE, BE IT RESOLVED BY THE CARBON COUNTY BOARD OF COUNTY COMMISSIONERS that the following rules governing practice and procedure for appeals before the Carbon County Board of Equalization are hereby approved and adopted, unless otherwise prescribed by law:

### **Rules of Practice and Procedures Governing Appeals Before The Carbon County Board of Equalization State of Wyoming**

**Section 1. Authority.** These Rules are promulgated as authorized by W.S. §39-13-102, §39-13-109, and §§16-3-101 through 16-3-115, the Wyoming Administrative Procedure Act.

**Section 2. Purpose of Rules.** These Rules are intended to provide to provide a uniform and understandable process for contesting the administrative decisions of the Carbon County Assessor (Assessor) or the Carbon County Board of Equalization (Board), and to provide for the fair and just disposition of such appeals.

**Section 3. Application of Rules.** These rules apply to all contested cases brought before the Carbon County Board of Equalization (Board) concerning those matters administered by the County Assessor under Title 18 and Title 39 of the Wyoming Statutes pertaining to Taxation and Revenue. Specifically, these Rules shall apply to appeals authorized in Title 39 of the Wyoming Statutes and brought before the Board from any final administrative determination of Assessor.

**Section 4. Construction.** These rules are to be liberally construed to assure the unbiased, fair, expeditious and impartial conduct of proceedings.

**Section 5. Definitions and Duties.** For the purposes of contests brought before the County Board of Equalization under these rules, the following definitions and duties shall apply:

- a. **Appeal.** A proceeding before the Board, including but not restricted to contesting an assessment, in which the legal rights, duties or privileges of a party are to be determined by the Board after an opportunity for hearing. An appeal is a contested case as that term is defined by W.S. §16-3-101(b)(ii).
- b. **Board.** The Carbon County Board of Equalization as set forth in W.S. §39-13-102(c).
- c. **Chairman.** The Chairman of the Carbon County Board of Equalization.
- d. **Clerk of the Board.** The Carbon County Clerk shall serve as the Clerk of the Board of Equalization. The Clerk shall maintain a docket and files of the proceedings of the Board. The Clerk shall assure that the proceedings are recorded or otherwise reported, take minutes and prepare a certificate of record for the contested case hearing.
- e. **Contested Case.** A proceeding in which legal rights, duties or privileges of a party are required by law to be determined by an agency after an opportunity for hearing.
- f. **Contested Matter.** An appeal or petition for review, brought by a taxpayer for a final administrative decision of the Board.
- g. **Department.** The Wyoming Department of Revenue and Taxation as created by W.S. §39-11-102.
- h. **Hearing Officer.** A person appointed by the Board to preside during the hearing and pre-hearing stages of a contested case. A Hearing Officer may conduct pre-hearing meetings and make rulings concerning these rules or relevant Wyoming law. A Hearing Officer shall not make any final determination of fact in a contested case.
- i. **Party.** Each person or agency named or admitted as a party or properly seeking and entitled as of right to be admitted as a party in a contested case.
- j. **Person.** Any individual, partnership, corporation, association, municipality, governmental subdivision or public or private organization of any character other than an agency.
- k. **Petitioner.** Any person who files an appeal seeking to contest any final administrative decision and/or assessment by the County Assessor on his or her property.
- l. **Protest.** A contested case between the Petitioner and the County Assessor before the County Board of Equalization.
- m. **State Board of Equalization.** The Wyoming State Board of Equalization as set forth in Article 15, §10, of the Wyoming Constitution and in W.S. §39-11-101.

**Section 6. Meeting of the Board.** The Board shall meet at the office of the County Commissioners at such times as are necessary to perform its statutory duties, but no earlier than the fourth Tuesday in April to consider the current year assessments. The Board shall decide all protests and provide the parties with a written decision no later than the first Monday in August unless the matter is continued.

**Section 7. General Course of Contested Case Appeals.** Unless otherwise provided by law, the course of proceedings is governed by the contested case provisions of the Wyoming Administrative Procedure Act, W.S. §16-3-101 et seq., as amended.

**Section 8. Commencement of Appeals.** The Appeals proceeding commences as follows:

- a. **Appeals to Board.** Any person wishing to contest or appeal an assessment of his property shall file, not later than thirty (30) days after the date of the assessment schedule, a statement with the County Assessor specifying the reasons why the assessment is incorrect. The County Assessor shall provide the original statement to the County Clerk as Clerk of the County Board of Equalization. **Any appeal not timely filed in accordance with these rules shall be summarily dismissed.**
- b. **Petition Form.** Any person wishing to contest his or her property assessment shall file a statement, prepared by or on behalf of the Petitioner, containing:
  - (i). A copy of the assessment notice;
  - (ii). The name, mailing address and phone number of the Petitioner and his attorney or representative, if any;
  - (iii). The account number, location of the property and legal description (if real property);
  - (iv). A concise statement of the facts, issues and objection which the Petitioner considers to be relevant to the assessment of the property; and,
  - (v). A concise statement as to the relief requested;
- c. **Setting.** The Clerk of the Board shall set a date for the contested case to be heard before the Board. This date may not be changed, except by the Clerk of the Board or by the Hearing Officer, for good cause as the Clerk or Hearing Officer may determine. The Clerk of the Board shall notify the Petitioner of the date and time of the contested case hearing. Notice of the hearing shall be presumed and satisfied by personal service of the notice, or by depositing the notice in the U.S. mail, prepaid, by first class mail, to the mailing address provided by the Petitioner. The notice of the hearing shall be sent by mail or delivered personally to the Petitioner and to the Assessor at least twenty (20) days before the date set therein for the hearing. If the Board finds that an emergency exists, or that it is necessary and proper that such matter be heard sooner, the Board may set such matter for hearing before the twenty (20) day period set forth above.
- d. **Docketing.** When a protest statement is filed the Clerk of the Board shall assign a docket number thereto and enter the protest statement with the date of filing on the docket provided for such purpose. The Clerk of the Board shall establish a separate file for each docketed protest in which shall be placed all papers, pleadings, transcripts, evidence and exhibits pertaining thereto, and all items shall have noted thereon the docket number assigned and the date of filing. The Clerk of the Board shall promptly provide copies of all documents filed in any docketed case to the Board, Hearing Officer, County Assessor, County Attorney, Petitioner or his representative, in person or by sending said by first class mail, postage prepaid, to the address provided by Petitioner.
- e. **Discovery.** The County Assessor and the Petitioner contesting the assessment, or his representative, shall disclose witnesses and exchange information, evidence and documents relevant to the protest, including sales information from relevant statements of consideration if requested, not less than fifteen (15) days before the scheduled County Board of Equalization contested case hearing. The County Assessor shall specifically identify the sales information used to determine market value of the property assessed. The County Assessor and Petitioner, or his representative, shall provide a copy of witness lists as well as the exchanged information, evidence and documents concerning the protest, including sales information from relevant statements of consideration, to the Clerk of the Board. The

Petitioner may present any credible evidence, including expert opinion testimony, to rebut the presumption in favor of a valuation determined by the County Assessor. **Failure to file information, evidence and documents relevant to the protest, or to list witnesses, will result in the exclusion of said witnesses or evidence from consideration.**

- f. Subpoenas.** Subpoenas for appearance and to produce books, papers, documents or exhibits, will be issued by the Board, upon written motion of any party, or upon the Board's own motion, pursuant to W.S. §16-3-107(f).
- g. Depositions.** In all appeals coming before the Board, the taking of depositions shall be available to the parties in accordance with the provisions of W.S. §16-3-107(g).

**Section 9. Motions.**

- a. An application for an order of the Board shall be by motion, which unless made during the conduct of a hearing, shall be in writing and shall state with particularity the grounds and the relief or order sought. Written motions shall advise the parties that should they wish to contest the motion they must file a written response, serving copies on the Board and all parties within fifteen (15) days of service of the motion. The response shall set forth the party's objection to the motion. No motions shall be filed within twenty (20) days of a hearing.
- b. Absent a request for hearing by a moving party or any party affected by the motion, the Board may, in its discretion, determine the motion without hearing. A motion not determined within ninety (90) days after filing shall be deemed denied. The Board may, upon reasonable notice to all parties, hear orally or otherwise, any motion filed in connection with hearings under these rules.

**Section 10. Contested Cases.**

- a. The Petitioner may represent themselves at the hearing, may be represented by a person designated by the Petitioner, or may be represented by an attorney who is duly licensed to practice law in the State of Wyoming, or is associated at the contested case hearing with one or more attorneys licensed to practice law in Wyoming.
- b. No adjustment in an assessment shall be granted to or on behalf of any Petitioner who willfully neglects or refuses to attend a contested case hearing before the County Board of Equalization and be examined or answer any material questions upon the Board's request.
- c. The County Attorney may represent the County Assessor or the Board. The Board may be represented by outside counsel if the County Attorney does not represent the Board.
- d. The County Board of Equalization may appoint outside counsel as Hearing Officer, who will then preside over the proceedings. Any Hearing Officer so appointed shall not make any final determination of fact in the contested case.
- e. A Petitioner may request a different Hearing Officer be appointed at the sole discretion of the Board. If the Board selects a different Hearing Officer at the request of the Petitioner, it shall be at Petitioner's sole expense.

**Section 11. Order of Procedure at the Contested Case Hearing.** As nearly as possible, protests shall be conducted in accordance with these rules and W.S. §§16-3-101 through 16-3-115, as amended, of the Wyoming Administrative Procedure Act.

- a. The Hearing Officer, or the Chairman of the Board in the absence of a Hearing Officer, shall conduct the hearing, shall announce that the hearings are convened, and shall indicate the docket number and the title of the appeal to be heard. The Hearing



- Officer shall then read the Protest statement and any amendments into the record and shall note for the record all subpoenas issued and all appearances of record.
- b. The Hearing Officer shall then take up any motions or preliminary matters to be heard.
  - c. Opening statements will be heard at the discretion of the Hearing Officer. The Petitioner, or his designated agent or attorney, shall go first, followed by the County Assessor or her representative. The opening statement shall be limited to outlining the witnesses and evidence to be presented and legal issues of the contested case, and will refrain from any argument.
  - d. All persons testifying at any hearing before the Board shall be sworn on their oath or affirmation by the Chairman pursuant to W.S. §6-3-107(c). Witnesses sworn by the Chairman of the Board may be sworn jointly prior to the commencement of the evidence, or individually prior to their respective testimony. If jointly sworn, witnesses shall be reminded that they remain under oath prior to their testimony.
  - e. The Petitioner, or his or her designated agent or attorney, shall present Petitioner's witnesses and evidence first, after which the County Assessor shall have the opportunity to cross-examine the Petitioner's witnesses and evidence. Cross-examination shall start after the Petitioner has completed his questioning of each witness. The Petitioner may testify himself and is subject to cross-examination. Any evidence presented is subject to preliminary examination before being admitted. Evidence may be presented through witnesses, oral statements, and/or documentary evidence.
  - f. The County Assessor shall then present her evidence, after which the Petitioner shall have the opportunity to cross-examine the County Assessor's witnesses and evidence. Cross-examination shall start after the County Assessor has completed her questioning of each witness. If the County Assessor testifies she may be cross-examined by the Petitioner. Evidence may be presented through witnesses, oral statements, and/or documentary evidence.
  - g. Each party shall have the opportunity to cross-examine witnesses on any matter relevant to the issues even though the matter was not covered in direct examination.
  - h. At any time in which either the County Assessor, Petitioner, or the County Board of Equalization discloses statements of consideration with respect to the value of Petitioner's property, the Hearing Officer shall declare the hearing closed. In the case of such disclosure, only the Petitioner or his designated agent or attorney, the County Assessor and the County Assessor's Deputies and legal counsel, the members of the County Board of Equalization, the Hearing Officer, Board Counsel, the County Clerk and her Deputies, and the Court Reporter may remain for that portion of the hearing. The Hearing Officer shall regulate the course and conduct of the hearing to insure that the parties shall only disclose statements of consideration, and examine witnesses relative to those statements, during the time that the hearing is declared closed.
  - i. Any objection to testimony or evidentiary offers should be directed to the Hearing Officer with the basis of the objection stated. The Hearing Officer shall rule on all such objections.
  - j. The members of the Board may ask questions of any party or any witness for the purpose of clarifying their understanding of the case at any time during the contested case hearing.
  - k. After the parties have presented their evidence and relevant testimony, closing statements may be made. These statements shall only include summaries of the

evidence and legal argument. The Petitioner shall go first, followed by the Assessor. The Petitioner shall then be permitted a rebuttal close.

- l. After all proceedings have been concluded, the Hearing Officer may request proposed Findings of Fact and Conclusions of Law from all parties to be filed with the Clerk of the Board and may set a time period for said filing. The Hearing Officer shall then dismiss and excuse all witnesses and declare the hearing closed. The Board shall take the protest under advisement and shall advise the parties of the decision of the Board in writing no later than the first Monday in August.

**Section 12. Ex Parte Discussions.** Except to the extent authorized by law, the Board and any Hearing Examiner designated by the Board are prohibited from engaging in ex parte discussions with any individual or party on any material fact at issue after the commencement of a case until its final disposition. If ex parte communication is unavoidable, the official involved shall:

- a. Immediately draft a written document or summary setting forth the contents and circumstances of the communication.
- b. Mail the document to all parties to the proceeding, and all other officials involved in the decisional process; and
- c. Indicate that the matter covered in the communication will be considered at the next scheduled hearing relating to the case, with notice to all parties.

**Section 13. Briefs.** Any party who desires to tender a written brief to the Board may do so, at his or her option, before, during, or after the hearing. If the party desires to submit a brief after the hearing, the Board shall set a date by which such brief is due. The briefs may set forth the factual and legal position of the party submitting it.

**Section 14. Rules of Evidence.** All evidence that is not irrelevant, immaterial or unduly repetitious shall be admitted at the hearing. The Board will give effect to the rules of privilege recognized by law. W.S. §16-3-108 generally sets forth the rules of evidence that will be followed by the Board. The County Board of Equalization may receive evidence relative to any assessment and shall require the person assessed or his representative or attorney to appear before it, be examined and produce any documents or evidence relating to the assessment.

**Section 15. Record of Proceedings.** Minutes of the contested case hearing shall be taken by the Clerk of the Board and filed in the case file. A copy of the minutes will be furnished to any party upon written request to the Clerk of the Board. All contested hearings shall be recorded, with copies of the recording available to any party upon written request. At the election of the Board, a court reporter shall be present to record the proceedings, at the Board's expense, for the court reporter's setting fee. Any person other than the County Assessor wanting a written copy of the proceedings from the court reporter must make their own arrangements with the court reporter and shall bear all related costs. If the County Assessor appeals the Board's decision, then the County Board shall bear the costs necessary to transcribe the proceedings. If the Petitioner appeals the Board's decision, then the Petitioner shall pay for the transcript. Transcripts may only be copied with the consent of the court reporter.

**Section 16. Record on Appeal.** The record on appeal shall be compiled by the Clerk of the Board and shall include:

- a. All formal or informal notices, pleadings, motions and orders;
- b. All evidence and exhibits received or considered, including matter officially noted;
- c. Questions and offers of proof, together with any evidence and exhibits not received or considered and objections and rulings thereon;

- d. All proposed findings and exceptions thereto;
- e. All opinions, findings, decisions or orders of the Board, and any report of the Hearing Officer;
- f. All testimony reported verbatim, stenographically, or recorded.

**Section 17. Inspection of File.** Each party, or his representative, shall be permitted to inspect and copy, at their own expense, all documents on file in the case file that are permitted by law to be copied.

**Section 18. Decision of the Board.** The Board shall, following the full and complete hearing, make and enter a written decision containing findings of fact and conclusions of law. Such decisions will be filed with the Clerk of the Board. Upon filing, the Clerk shall send a copy to the parties by first class mail, postage prepaid. Notice is presumed to be given upon mailing. Written decisions by the Board will be made no later than the first Monday in August, unless continued by the Clerk or Hearing Officer.

**Section 19. Continuances.** A party desiring a continuance for doing any act prescribed or allowed by these rules, or for a contested case hearing, shall file with the Clerk of the Board a written Motion for a Continuance at least five (5) business days before the hearing date. The motion must show that good cause exists for a continuance. Motions for a continuance filed less than five (5) business days before the hearing shall be granted only in the case of an emergency. Continuances shall be at the sole and absolute discretion of the Clerk, or of the Hearing Officer if one has been appointed. The party requesting the continuance may be required by the Board to pay any costs associated with the continuance, including but not limited to witness fees, court reporter sitting fees and travel expenses by the Board. No continuance shall be granted for more than forty (40) days.

**Section 20. Informal Disposition.** Unless precluded by law, informal disposition may be made of any protest or any issue of a protest by stipulation, agreed settlement, consent order, or default, with the approval of the Board. Where the parties reach an agreed settlement, the Board shall be presented with the terms of the settlement agreement. The Board shall consider whether the settlement is consistent with the law, and, where appropriate, issue a settlement order.

**Section 21. Appeal to the State Board of Equalization.** Any Petitioner aggrieved or adversely affected by a final decision of the Board in a contested case may appeal to the State Board of Equalization pursuant to W.S. §39-11-102.1(c). The Assessor may also appeal any decision of the County Board of Equalization. Appeals to the Wyoming State Board of Equalization shall be governed by rules promulgated from time to time by the State Board of Equalization, and in accordance with the Wyoming Administrative Procedures Act. All appeals shall be made to:

Wyoming State Board of Equalization  
Herschler Building  
122 West 25<sup>th</sup> Street  
Cheyenne, WY 82002

Such Notice of Appeal shall set forth the decision appealed from and shall state, in ordinary and concise language, the facts upon which the appeal is based, and shall state the relief desired. The Notice of Appeal must also contain the Petitioner's mailing address. The Notice of Appeal must be filed with the Wyoming State Board of Equalization within thirty (30) days of the final written decision of the County Board.

**Section 22. Severability.** If any portion of these rules is found to be invalid or unenforceable, the portion not specifically found invalid or unenforceable shall remain in full force and effect.

**Section 23. Confidentiality of Statements of Consideration.**

Any person or his agent who wishes to review his property tax assessment or who contests his property tax assessment or valuation in a timely manner as provided by law is entitled to review statements of consideration and all other information used by the County Assessor in determining the value of the property at issue as provided pursuant to W.S. §39-13-109(b)(i). During a review, the County Assessor shall disclose information sufficient to permit identification of the real estate parcels used by the County Assessor in determining the value of the property at issue and provide the person or his agent all information, including statements of consideration for properties of like use and geographic area the Assessor relied upon in determining the property value. The County Assessor and the Petitioner shall disclose those statements of consideration to the County Board of Equalization in conjunction with any contested case hearing before the Board with respect to the value or assessment of that property. A “review” is considered the initial meeting between the taxpayer or Petitioner and the County Assessor’s office.

The County Clerk shall place the recording data on the statement of consideration paid and deliver the statement to the County Assessor. The County Assessor shall furnish information from the statements of consideration to the State Board of Equalization and Department of Revenue as the Board or Department shall require, and when disclosed under W.S. §34-1-142(g) and W.S. §39-13-109(b)(i), any person or his agent wishing to review or contest his property tax assessment or valuation and the County Board of Equalization. **The statement of consideration is not a public record and shall be held confidential by the County Clerk, County Assessor, the State Board of Equalization, the Department of Revenue and, when disclosed in accordance with law, any person wishing to review or contest his property tax assessment or valuation and the County Board of Equalization.** The County Assessor may furnish information from the statements of consideration to a County Assessor in another county in this state to be used as provided by law.

**Pursuant to W.S. §34-1-144, it is a misdemeanor for a person to willfully falsify or publically disclose, except as specifically authorized by law, any information on the statement of consideration required by W.S. §34-1-142 and §34-1-143. Upon conviction the offender is subject to a fine of not more than seven hundred and fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both.**

These rules are APPROVED AND ADOPTED by the Carbon County Board of Commissioners, after public hearing on said matter.

-s- Terry Weickum, Chairman, Date April 5, 2011

Carbon County Commissioners  
-s Jerry Paxton, Vice-Chairman Date April 5, 2011

Carbon County Commissioners  
-s- Leo Chapman, Member Date April 5, 2011

Carbon County Commissioners  
ATTEST:  
Gwynn Bartlett Date April 5, 2011

Carbon County Clerk

## **RECESS**

Chairman Weickum recessed at 2:11 p.m. and reconvened at 2:28 p.m.

## **PLANNING & ZONING**

### **Public Hearing - SUB Case File No. 2010-02**

Chairman Weickum opened a public hearing at 2:28 p.m. to hear Planning & Zoning SUB Case File No. 2010-02. Sid Fox, Planning Director presented SUB Case File No. 2010-02 – Old Baldy Corporation’s request for Final Plat approval of the “Old Baldy Village Cottage Subdivision #2” encompassing approximately 1.314 acres.

Chairman Weickum called for comments for or against this case. There being no public comments, Chairman Weickum closed the public hearing at 2:31 p.m.

Commissioner Chapman moved to approve Planning & Zoning SUB Case File No. 2010-02, Old Baldy Corporation’s request for Final Plat approval of the “Old Baldy Village Cottage Subdivision #2” encompassing approximately 1.314 acres. Commissioner Paxton seconded and the motion carried unanimously.

Commissioner Paxton moved to approve Resolution No. 2011- 07, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding SUB Case File No. 2010-02. Commissioner Chapman seconded and the motion carried unanimously.

### **Resolution No. 2011 - 07**

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

### **SUB Case File #2010-02** **“Old Baldy Village Cottage Subdivision #2”**

**WHEREAS**, pursuant to Wyo. Stat. Ann. §18-5-307, as well as the requirements of Section 2.02(n) of the Subdivision Regulations of Carbon County, the Carbon County Planning and Zoning Commission held a public hearing on Monday, February 28, 2011, which said hearing was advertised by public notice; and

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

**WHEREAS**, at the conclusion of said public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners to approve “Old Baldy Village Cottage Subdivision #2” pursuant to the Carbon County Subdivision Regulations, as amended, for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Board of County Commissioners, pursuant to Wyo. Stat. Ann. §18-5-301 and after receipt of said certified recommendation for approval of this subdivision plat “Old Baldy Village Cottage Subdivision #2”, advertised by public notice on

March 9, 2011, and April 1, 2011 to take public input and comments which said hearing occurred on Tuesday, April 5, 2011; and

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

**WHEREAS**, the Carbon County Board of County Commissioners in considering the said proposed plat "Old Baldy Village Cottage Subdivision #2" have also reviewed and considered the Carbon County Comprehensive Land Use Plan; and acknowledged that the "Old Baldy Village Cottage Subdivision #2" is located within one (1) mile of the Town of Saratoga boundary; and

**WHEREAS**, the Carbon County Board of County Commissioners have determined that the proposed subdivision plat "Old Baldy Village Cottage Subdivision #2" is in general conformance with the Carbon County Comprehensive Land Use Plan and the Final Plat has been reviewed and signed by Town of Saratoga representatives 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 Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the proposed subdivision plat "Old Baldy Village Cottage Subdivision #2".

**SUB Case File #2010-02 – Old Baldy Corporation – “Old Baldy Village Cottage Subdivision #2”**: Request to present "Old Baldy Village Cottage Subdivision #2" Final Plat for Subdivision Review. The development will consist of six (6) lots (Lots 1-6) and will contain residential activities on 1.314 acres, more or less. The "Old Baldy Village Cottage Subdivision #2" is located approximately one (1) mile east of Saratoga on Carbon County Road #504 (Pic Pike Road).

**Access:**

Access to the Old Baldy Club is from Pic Pike Road, Carbon County Road #504. All internal access roads will be privately owned and maintained.

**Water, Septic, and Electricity:**

Lots 1-6 have municipal sewer and water services provided from the Town of Saratoga. Wastewater will be conveyed and treated at the Saratoga Wastewater Treatment Plant. Homeowners will obtain electricity through Carbon Power and Light. Power lines are buried.

**Additional Findings and Conditions:**

1. The proposed subdivision of Old Baldy Village Cottage Subdivision #2 is in general conformance with the applicable provisions of the Carbon County Subdivision Regulations, specifically Section 2.06, Board Action on Final Plat; the proposed subdivision conforms to these and other applicable regulations, policies and guidelines and represents good planning practice.
2. No new infrastructure is required and the final plat provides for the orderly subdivision of property, and;
3. Complies with the applicable zoning;
4. **APPLICABLE PERMITS:** All building construction on the subject property will require permits in accordance with the applicable rules and regulations;
5. **COMPLIANCE WITH APPLICABLE LAWS:** The applicants shall comply with all applicable federal, state, county, and local regulations.

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

1. That the Carbon County Board of County Commissioners, hereby approves this subdivision plat “Old Baldy Village Cottage Subdivision #2” as certified to them in writing by the Carbon County Planning and Zoning Commission.

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 5<sup>th</sup> day of April, 2011.

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

By: -s- Terry Weickum, Chairman  
-s- Jerry D. Paxton, Vice Chair  
-s- Leo Chapman, Member

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

**Public Hearing - Z.C. Case File No. 2010-05**

Chairman Weickum opened a public hearing at 2:33 p.m. to hear Planning & Zoning Z.C. Case File No. 2010-05. Mr. Fox presented Z.C. Case File No. 2010-05 – Rodney P. and Lori L. Bennett/Rod’s Backhoe Service, Inc.’s request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR) on approximately 20 acres.

Chairman Weickum called for comments for or against this case. Kurt Kelly on behalf of Rod’s Backhoe Service stated there have been no objections and he feels this is the appropriate zone. He explained the location of the property and noted there is an access arrangement with the forest service and the Planning & Zoning Commission has been provided temporary access. There being no other public comments, Chairman Weickum closed the public hearing at 2:40 p.m.

Commissioner Paxton moved to approve Planning & Zoning Z.C. Case File No. 2010-05, Rodney P. and Lori L. Bennett/Rod’s Backhoe Service, Inc.’s request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR) on approximately 20 acres. Commissioner Chapman seconded and Deputy Attorney Kelly clarified the applicant is Rod’s Backhoe Service, Inc. The motion was amended to clarify the applicant as Rod’s Backhoe Service, Inc. The amended motion carried unanimously.

Commissioner Chapman moved to approve Resolution No. 2011- 08, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding Z.C. Case File No. 2010-05. Commissioner Paxton seconded and the motion carried unanimously.

**Resolution No. 2011 - 08**

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

**Z.C. Case File #2010-05**

**WHEREAS**, pursuant to Wyo. Stat. Ann. §18-5-202(b) and (c), the Carbon County Planning and Zoning Commission held an initial public hearing on Monday, January 31, 2011, which said hearing was advertised by public notice at least thirty (30) days prior to the hearing; and

**WHEREAS**, the Carbon County Planning and Zoning Commission at the conclusion of the January 31, 2011, public hearing elected to continue the hearing until their next meeting date on February 28, 2011; and

**WHEREAS**, the Carbon County Planning and Zoning Commission reopened said public hearing and continued and concluded said public hearing on Monday, February 28, 2011; and

**WHEREAS**, at the Monday, January 31, 2011, and the Monday, February 28, 2011, public hearings, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said public hearings; and

**WHEREAS**, at the conclusion of said Monday, February 28, 2011, public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners to adopt the changes as an amendment to the Carbon County Zoning Resolution of 2003 for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Board of County Commissioners, pursuant to Wyo. Stat. Ann. §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 on the proposed amendment, which said hearing occurred on Tuesday, April 5, 2011; and

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

**WHEREAS**, the Carbon County Board of County Commissioners in considering the said amendment have also reviewed and considered the Carbon County Comprehensive Land Use Plan; and the Carbon County Zoning Resolution of 2003, as amended; and

**WHEREAS**, the Carbon County Board of County Commissioners have determined that the proposed amendment is in conformity with the Carbon County Comprehensive Land Use Plan and the applicable provisions of the Zoning Resolution; 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 Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the following amendment to the Carbon County Zoning Resolution of 2003.

**Z.C. Case File #2010-05 – Rodney P. and Lori L. Bennett/Rod’s Backhoe Service, Inc.:**  
Zone change request from Ranching, Agriculture, Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR-20) on the St. Clair Lode Mining Claim encompassing approximately 20 acres. The FPSR Zone is intended to be applied to areas of the County in which timber production and seasonally accessible recreation uses are the desirable predominant uses.

**Legal Description:**

St. Clair Lode Mining Claim being a part of Lot No. 205 as designated by the Surveyor General, embracing a portion of Sections 29, 30, and 32, T13N, R85W, 6<sup>th</sup> P.M., Carbon County, Wyoming.

**Zoning:**



FPSR-20, pursuant to the recommendation of the Carbon County Planning and Zoning Commission and in accordance with Section 4.5, Forestry Production and Seasonal Recreation Zone.

**Access:**

Access is from Hwy. 70 to U.S. Forest Service Road #809 and NFST #858.

**NOW THEREFORE BE IT RESOLVED BY THE**

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

1. That the Carbon County Board of County Commissioners, hereby adopt this amendment as certified to them in writing by the Carbon County Planning and Zoning Commission and the existing zone shall be changed from Ranching, Agriculture, Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR-20).

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 5th day of April, 2011.

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

By: -s- Terry Weickum, Chairman  
-s- Jerry D. Paxton, Vice Chair  
-s- Leo Chapman, Member

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

**Public Hearing – Carbon County Zoning Resolution of 2003, Amended 10-25-2010  
Proposed Amendments – Wind Energy Facilities-Overlay District Regulations**

Chairman Weickum opened a public hearing at 2:46 p.m. to hear public comment on the Proposed Amendments to the Carbon County Zoning Resolution of 2003, Amended 10-25-2010.

Mr. Fox outlined the changes then Chairman Weickum called for public comments for or against the regulations. Ryan Jacobsen of Power Company of Wyoming complimented the Planning Office on their effort. Matt Grant of Rocky Mountain Power echoed Mr. Jacobsen's comments. He stated they did submit written comments through Hickey and Evans on this topic and the fee schedule as well. There being no further public comments, Chairman Weickum closed the public hearing at 2:56 p.m.

Commissioner Paxton moved to approve the Proposed Amendments to the Zoning Resolution of 2003, Amended 10-25-2010, to add a new section entitled Wind Energy Facilities-Overlay District Regulations. Commissioner Chapman seconded and the motion carried unanimously.

Commissioner Chapman moved to approve Resolution No. 2010-09, A Resolution of the Board of County Commissioners, Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission for the Proposed Amendments to the Zoning Resolution of 2003, Amended 10-25-2010, regarding Wind Energy Facilities-Overlay District Regulations. Commissioner Paxton seconded and the motion carried unanimously.

**Resolution No. 2011 -09**

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

**“Section 5.11 –Wind Energy Facilities-Overlay District Regulations”**

**WHEREAS**, pursuant to Wyo. Stat. Ann. §18-5-202(b) and (c), the Carbon County Planning and Zoning Commission held an initial public hearing on Monday, January 31, 2011, which said initial hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at said initial public hearing held on Monday, January 31, 2011, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said hearing and which were otherwise received; and

**WHEREAS**, at the conclusion of the initial public hearing the public hearing was continued and scheduled for a special public meeting for Friday, February 18, 2011, in order to further refine the proposed Wind Energy Facilities-Overlay District Regulations as well as provide the public with additional opportunities to comment; and

**WHEREAS**, at the special public meeting held on Friday, February 18, 2011, which was advertised, the Carbon County Planning and Zoning Commission considered additional comments received on the proposed amendments/changes and after due consideration, voted to certify in writing, by a Resolution duly approved, its recommendation for proposed amendments/changes to the Carbon County Zoning Resolution of 2003, for Carbon County, Wyoming, to the Carbon County Board of County Commissioners to adopt the proposed amendments/changes as an amendment to the Carbon County Zoning Resolution of 2003, as amended for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Board of County Commissioners, pursuant to Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation for approval of this amendment to the Carbon County Zoning Resolution of 2003, as amended and subsequent amendments, advertised by public notice in the Rawlins Daily Times, Saratoga Sun, and Snake River Press at least 14 days prior to a public hearing to take public input and comments on the proposed amendment which said hearing occurred on Tuesday, April 5, 2011; and

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

**WHEREAS**, the Carbon County Board of County Commissioners in considering the said proposed amendments/changes have also reviewed and considered the Carbon County Comprehensive Land Use Plan; and

**WHEREAS**, the Carbon County Board of County Commissioners have determined that the proposed amendments/changes are in conformity with the Carbon County Comprehensive Land Use Plan 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 Board of County Commissioners, by a majority vote, the Carbon County Board of County Commissioners moved to approve the following amendments/changes to the Carbon County Zoning Resolution of 2003 as amended.

The proposed amendment is to add a new section, Wind Energy Facilities-Overlay District Regulations to the Carbon County Zoning Resolution. The Wind Energy Facilities-Overlay District is intended to provide for public safety and to prevent hazards from the

construction of commercial and non-commercial Wind Energy Facilities, and to achieve the following purposes:

1. To permit and encourage carefully planned and compatible Wind Energy Facilities throughout the County;
2. To assure that any development and production of wind-generated electricity in Carbon County is safe and consistent with the Comprehensive Land Use Plan;
3. To acknowledge that these facilities are clearly visible and cannot be hidden from view, however, design consideration should include minimizing the degradation of the visual character of the area;
4. To facilitate economic opportunities for local residents;
5. To promote the supply of wind energy in support of Wyoming's goal of increasing energy production from renewable energy sources.

The Carbon County Zoning Resolution of 2003, as amended will be superseded by the amended resolution, which will be titled: The Carbon County Zoning Resolution of 2003 amended 04-05-2011.

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

1. That the Carbon County Board of County Commissioners, hereby adopt Section 5.11, Wind Energy Facilities-Overlay District Regulations, attached as Exhibit A, as certified to them in writing by the Carbon County Planning and Zoning Commission.

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 5<sup>th</sup> day of April, 2010.

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

By: -s- Terry Weickum, Chairman  
-s- Jerry D. Paxton, Vice Chair  
-s- Leo Chapman, Member

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

**Public Hearing - Planning Fee Schedule**

Chairman Weickum opened a public hearing at 2:59 p.m. to take public comment on the proposed establishment and/or modifications of fees or charges to be assessed for applications, buildings and zoning permits, and publications. Mr. Fox discussed the planning fee schedule and how he arrived at the proposed fees.

Mr. Fox noted written comments were received from Hickey & Evans LLP April 4, 2011 on behalf of their client PacifiCorp d/b/a Rocky Mountain Power.

Matt Grant of Rocky Mountain Power questioned if the transmission fee is per pole or per structure. Mr. Fox replied it would be per structure and not charged for repairs. Mr. Grant asked what would be the maximum fee for transmission lines coming through. Mr. Fox replied \$10,100.00 is the fee for transmission line. Mr. Grant clarified the fee would be for transmission but not tied to the wind farm itself. Chairman Weickum explained the wind farm and the transmission projects could be one project or two, depending on how the application is submitted.

There being no further comments, Chairman Weickum closed the hearing at 3:09 p.m.

Commissioner Paxton moved to approve the proposed Planning Fee Schedule as shown in Attachment 1. Commissioner Chapman seconded and the motion carried unanimously

Commissioner Paxton moved to approve Resolution No. 2011-10, a Resolution of the Carbon County Board of Commissioners for the Establishment and/or Modification of Fees or Charges to be Assessed for Applications, Building and Zoning Permits, and Publications. Commissioner Chapman seconded and the motion carried unanimously.

### **RESOLUTION NO. 2011 – 10**

#### **A RESOLUTION OF THE CARBON COUNTY BOARD OF COUNTY COMMISSIONERS FOR THE MODIFICATION OF FEES OR CHARGES TO BE ASSESSED FOR APPLICATIONS, BUILDING PERMITS AND ZONING PERMITS, AND SPECIFICALLY DIVIDING CONDITIONAL USE PERMITS INTO MAJOR AND MINOR CATEGORIES AND ESTABLISHING FEES FOR MAJOR CONDITIONAL USE PERMIT APPLICATIONS.**

**WHEREAS**, due to ongoing changes in the economic situation of the County and the current development occurring within Carbon County and in adjacent counties, the Commissioners have determined that it is in the best interest of the citizens of the County to revise the Carbon County Department of Planning and Development Fee Schedule; and

**WHEREAS**, the Carbon County Board of County Commissioners desires to amend the existing Fee Schedule; and

**WHEREAS**, in accordance with the provisions of Wyo. Stat. §18-5-513, a board of county commissioners which receives an application under this article for the permitting of a wind energy facility may charge the applicant a reasonable fee which shall not exceed the reasonably anticipated costs of processing and considering the application and conduct of public hearings; and

**WHEREAS**, in accordance with the Carbon County Zoning Resolution, Section 5.6(c), the record owner, or as may be applicable, the applicant, shall pay a fee for the conditional use permit based on a fee schedule approved by the Board of County Commissioners; and

**WHEREAS**, in accordance with the Carbon County Zoning Resolution, Section 6.3(a), building permit fees are to be set by the Board of County Commissioners and reviewed on a regular basis, and

**WHEREAS**, in accordance with Section 2.09 of the Subdivision Regulations; each application for a subdivision permit shall be accompanied by a fee to be determined by the Board; and

**WHEREAS**, Carbon County is desirous of providing for uniform fees and charges to be assessed for applications, building and zoning permits, and publications by resolution;

**AND WHEREAS**, Carbon County now finds a need to update fees and charges to more actually reflect the cost to Carbon County;

**NOW THEREFORE, BE IT RESOLVED BY THE CARBON COUNTY BOARD OF COUNTY COMMISSIONERS** that the following fee schedule shall apply to Carbon County Department of Planning and Development applications, building permits and zoning permits, unless otherwise prescribed by law:

**APPLICATION TYPE:**

**FEES:**

*Conditional Use Permit (Minor)	\$100.00
*Conditional Use Permit (Major)	See Attachment 1
*Zone Change	\$100.00
*Planned Unit Development	\$100.00
Major Subdivision:	
*Preliminary & Final Plat	\$100.00
*Subdivision Permit	This fee shall be the greater of \$100.00 <u>or</u> \$10.00 per lot <u>up to</u> a maximum fee of \$1,000.00
*Minor Subdivision	\$100.00
*Variance	\$50.00
*+=Plus the actual cost of public notice charges.	

**SIGN, FLOODPLAIN OR SOLAR ACCESS PERMIT: \$20.00**

**BUILDING AND ZONING PERMITS:**

**VALUE OF IMPROVEMENTS OR**

**MARKET RATE REPLACEMENT**

**FEES:**

**COST:**

\$500.00	TO	\$1,000.00	\$20.00
\$1,001.00	TO	\$10,000.00	\$30.00
\$10,001.00	TO	\$25,000.00	\$40.00
\$25,001.00	TO	\$50,000.00	\$50.00
\$50,001.00	TO	\$100,000.00	\$60.00
\$100,001.00	TO	\$200,000.00	\$100.00
\$200,001.00	TO	\$300,000.00	\$200.00
\$301,000.00	TO	\$400,000.00	\$300.00
\$400,001.00	TO	\$500,000.00	\$400.00
\$500,001.00	AND OVER		\$500.00 plus ½ of the total cost of construction not to exceed \$1,000 maximum

Non-Commercial Wind Energy Generators, in accordance with above.

Commercial Wind Energy Facilities\turbines and \$308.66

Associated Transmission Line Towers or Poles (First Structure)

(Each Subsequent Structure) \$84.20

**PUBLICATIONS: available on-line: [www.carbonwy.com](http://www.carbonwy.com) Free**

Carbon County Zoning Resolution \$25.00

Carbon County Subdivision Regulations (Major & Minor) \$25.00

Carbon County Land Use Plan \$30.00

Plus applicable postage charges.

**FEE SCHEDULE**

**Attachment 1**

Conditional Use Permit Applications:

Major

Commercial Wind Energy Facilities

Transmission Lines over 69KV

<b>Number of Project Structures-Wind Turbines:</b>	<b>Application Fee:</b> \$100.00** Plus	<b>Number of Project Structures-Transmission Towers or Poles:</b>	<b>Application Fee:</b> \$100.00** Plus
1-299	\$3,000.00	1-299	\$3,000.00
300-499	\$5,000.00	300-499	\$5,000.00
500-699	\$7,000.00	500-699	\$7,000.00
700-899	\$9,000.00	700-899	\$9,000.00
900 and over	\$10,000.00	900 and over	\$10,000.00
<i>Not to exceed \$10,100.00</i>			

\*\*Plus the actual cost of public notice charges.

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 5<sup>th</sup> day of April, 2011.

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

By: -s- Terry Weickum, Chairman  
-s- Jerry D. Paxton, Vice Chair  
-s- Leo Chapman, Member

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

**COMMISSIONERS DISCUSSION**

Chairman Weickum reported the future wind task force meeting will be April 25 at 1:00 p.m. He reported he and Clerk Bartlett will attend Thursday's State Loan and Investment Board meeting and that the Wyoming County Commissioners Association meeting will be in Saratoga April 13-15.

Commissioner Paxton reported on the recent Resource Advisory Council Meeting. The projects approved for Carbon County are river improvements and a NEPA study just outside of Encampment and road closures in the Medicine Bow National Forest.

**EXECUTIVE SESSION**

Commissioner Paxton moved to go into executive session at 3:28 p.m. with Clerk Bartlett, and Deputy Attorney Mike Kelly to discuss potential litigation and other matters considered confidential by law. Commissioner Chapman seconded and the motion carried unanimously

Commissioner Paxton moved to come out of executive session at 4:03 p.m. and that the minutes of the session be approved as written and sealed and declared that no action was taken during the session. Commissioner Chapman seconded and the motion carried unanimously.

**JEFFREY CENTER**

Commissioner Paxton moved to make full-time individuals working at the Jeffrey Center county employees effective July 1, 2011. Commissioner Chapman seconded and the motion carried unanimously.

**ADJOURNMENT**

There being no further business, Chairman Weickum adjourned the meeting at 4:06 p.m.

-s- Gwynn G. Bartlett, Carbon County Clerk

Approved this 19th day of April 2011

BOARD OF COUNTY COMMISSIONERS  
CARBON COUNTY, WYOMING

-s- Terry Weickum, Chairman