

OFFICIAL PROCEEDINGS
BOARD OF LINCOLN COUNTY COMMISSIONERS
February 2, 2010

Chairman Harmon called the meeting to order at 10:00 a.m. Others in attendance included the following: Commissioners Archibald and Connelly; County Clerk, Jeanne Wagner and Commissioner's Secretary, Corey Roberts.

PARA 1: Changes to the agenda included the following: Fundamentals (Justice Center) would not be attending the meeting. Additions to the agenda: Sheriff, Shane Johnson and Deputy County Attorney, Tom Barnes. Commissioner Connelly moved to approve the agenda with the changes/additions noted and Commissioner Archibald seconded the motion. Motion carried.

PARA 2: Commissioner Archibald moved to approve the minutes from the January 19th meeting and Commissioner Connelly seconded the motion. Motion carried.

PARA 3: The following employees were recognized for their Years of Service; April Brunski - 15 years and Scott Wakeman – 15 years.

PARA 4: Commissioner Archibald moved to approve the following Change to Assessment Roll and Commissioner Connelly seconded the motion. Motion carried. Shan & Nicki Townsend – (\$19,796); Daniel Sheeler – (2,440); Vince & Cheryl Pierce – (\$17,632); CR & EC Sutter – (\$1,320)

PARA 5: Commissioner Connelly moved to sign the resolution on the State of Wyoming Surplus Property and Commissioner Archibald seconded the motion. Motion carried.

PARA 6: Commissioner Connelly moved to go into Executive Session at 11:07 a.m. with the County Sheriff, and Deputy County Attorney, Tom Barnes for personnel issues and legal discussion on the jail funding. Commissioner Archibald seconded the motion. Motion carried. Sheriff Johnson then had a personnel issue. Commissioner Connelly moved to return to regular session at 12:17 p.m. and Commissioner Archibald seconded the motion. Motion carried.

PARA 7: Commissioner Connelly moved to approve the vouchers submitted and Commissioner Archibald seconded the motion. Motion carried.

Commissioner Connelly moved to adjourn for lunch at 12:18 p.m. and Commissioner Archibald seconded the motion. Motion carried. Regular session resumed at 1:30 p.m.

PARA 8: Solid Waste Director, Mary Crosby gave an agency update to the Commissioners. Commissioner Connelly moved to endorse the Earth Day for April 22nd which residents can bring their used tires to any of the Lincoln County Landfills for free. Commissioner Archibald seconded the motion. Motion carried.

PARA 9: Commissioner Connelly moved to sign the agreements setting the new landfill rates with Dana, Kemmerer, Diamondville, West Bank, Star Valley Disposal, Reliable Refuse, Miller Sanitation, and Valley Sanitation. Commissioner Archibald seconded the motion. Motion carried.

PARA 10: Wanda McDonald with the Waste Management Systems operations of Redi Services, Inc. met with the Commissioners on the new landfill rates and the issue of out of county plates, as they use apportioned plates. Because the garbage they pick up is Lincoln County waste, the Commissioners said they wouldn't have to pay the additional fees as out of county residents would based on their license plate.

PARA 11: County Attorney, Eric Phillips met with the Commissioners. Commissioner Archibald moved to go into Executive Session at 2:12 p.m. with the County Attorney for personnel and legal issues and Commissioner Connelly seconded the motion. Motion carried. Commissioner Connelly moved to return to regular session at 2:40 p.m. and Commissioner Archibald seconded the motion. Motion carried.

PARA 12: Craig Thatcher with North Lincoln Search & Rescue met with the Commissioners on funding a new facility. A high estimate at this time for costs of a new metal building 70x200 feet would be around \$300,000 and be located on the fairgrounds property. The Commissioners will take it under advisement.

PARA 13: Commissioner Archibald moved to go into Executive Session for personnel issues at 3:20 p.m. and Commissioner Connelly seconded the motion. Motion carried. Commissioner Connelly moved to return to regular session at 3:33 p.m. and Commissioner Archibald seconded the motion. Motion carried.

Commissioner Connelly moved to adjourn the meeting at 3:34 p.m. and Commissioner Archibald seconded the motion. Motion carried.

February 3, 2010

Chairman Harmon called the meeting to order at 9:00 a.m. Others in attendance included the following: Commissioners Archibald and Connelly; County Clerk, Jeanne Wagner and Commissioner's Secretary, Corey Roberts.

PARA 1: Commissioner Connelly moved to approve the agenda for this day and Commissioner Archibald seconded the motion. Motion carried.

PARA 2: Planning Director, John Woodward went over the agenda and then Development Administrator, Jeanette Fagnant gave the development permit report to the Commissioners.

PARA 3: Jeanette discussed 401 SS 10 – Hickory Hollow Subdivision Phase I – Earl J. Darway Family Trust. Commissioner Connelly moved to approve file 401 SS 10 a

simple subdivision with findings A-B and resolution of approval. Commissioner Archibald seconded the motion. Motion carried.

PARA 4: Senior Planner, Jonathan Teichert discussed 204 MS 09 – Triangle 2nd Subdivision – Keith and Debbie Harris. Commissioner Archibald moved to approve file 204 MS 09, minor subdivision – Triangle 2nd Subdivision with findings A-C, conditions 1-4 and resolution of approval. Commissioner Connelly seconded the motion. Motion carried.

PARA 5: John discussed 108 PZ 09 – Evans Construction – Evans Etna Gravel Operation. The Planning and Zoning Commission on January 27, 2010 recommended denial based on findings of denial E and F. Chairman Harmon asked John why he had recommended approval to the Planning & Zoning Commission. John stated that the original planning staff recommendation had provided for a number of conditions of approval in an attempt to mitigate impacts. The applicant had some concerns with some of them and presented a letter to P& Z for 2 of the conditions to be modified. The final analysis from Planning & Zoning in their denial was they felt the mitigation provisions weren't adequate to allow reasonable use of the neighboring lands. Commissioner Archibald asked how close the nearest home was to the gravel pit. John stated that there are 3 dwellings within 1000 feet in the industrial park to the west and all those had given letters of consent; the nearest residence would be the Franceschi's at a ½ mile away. Commissioner Connelly asked John whether his position had changed and would still give them recommendation for approval. John said given the quandary with the competition issues on either/or he thinks the best way to handle it is to take asphalt batching off the table before approval. Mitch Lewis with Evans construction discussed the operation of the business and company with the Commissioners. Commissioner Connelly asked how many employees live in Star Valley. Mitch said 100-135 total employees depending on the time of year with about 41% from the valley. Chairman Harmon stated that Mitch had mentioned berms and asked him to describe them are they shrubs or trees? Mitch said berms are in place now and are about 10 feet in height with side slopes shallow enough to grow vegetation and grass. Eventually those berms will be used to reclaim site. Chairman Harmon then asked how much volume is left in the 10 acre site. Mitch said roughly 400,000 – 500,000 tons and they have run numbers using 120,000 per year. Chairman Harmon then allowed for questions to the applicant from the public. The following asked questions: Arlo Nelson, Alan Goodman, Terry Moore, Nancy Winters, Carol Redding, Dodi Jordan, Brian Littleton, Rex Radford, Rick Krambule. Chairman Harmon then asked for public comment and those that spoke included the following:

Theodore Smith said the Planning & Zoning had reasons for rejecting and discussed the air quality model. He has concerns with the emissions, noise and what it will do to property values.

Brian Perkes said in the land use section of the comprehensive plan goals and objections, the first goal is to protect the existing agricultural lands in operation. He is concerned with contaminants to air, the water supply, and animals.

Kathy Perkes spoke on how this project doesn't meet need. She wondered if our county had performed analysis and looked at existing resources and their capacity to meet that demand as there are 9 gravel pits in the lower valley alone and does the public need this facility.

Kate Walters is opposed to this permit as there are legitimate concerns with traffic, air and water quality, noise and property values and quality of life that haven't been properly addressed.

Dodi Jordan read a letter for CR Jordan that dealt with concerns of the toxic crap that kids will ingest, what these toxins pose in the future, and property value reductions. They need to find a new place to not affect families.

Nancy Winters said this permit will be an impact to all the homes in the area and this is not an appropriate place. She asked the Commissioners to look out for their families and weigh it well and she will have faith in their decision.

Carol Redding is opposed to the expansion of the gravel pit and is not convinced of the demonstrated need to enlarge the pit. The public outcry by the local community is against the expansion and the local community has spoken and is opposed to the expansion.

Margaret Anderson said she is the closest and most impacted person than anyone in the room as Evans Construction surrounds her on 2 sides. She has lived by gravel pits, sand pits, batch and asphalt plants and they are not beautiful. This will ruin the beauty of the valley. There are other plants close by that Evans can use.

Arlo Nelson said they haven't seen how the berms would be done to the benefit of the community. The application should be denied and require things to be done correctly. No contour maps have been presented and he is concerned with reclamation.

Bill Jones had concerns with the reclamation. He said instead of toxic concerns with a batch plant they are going to trade that off for mosquitoes and insect born diseases. Before this is approved a reclamation plan should be looked at.

Marvin Park said he owns 80 acres east of Margaret Anderson and lives 1/2 mile from the pit. He is concerned with contaminants on his hay and ground and his wife has asthma really bad.

Walter Heim said he looked at geographics and the 20 foot berm won't do any good as the people live on the hill around it. Of the 170 homes he visited, he found 1 person that wants it. One person says every time they object to it nothing ever happens, and the rest don't want it. Asphalt plants stink.

Rex Radford said you can't let the valley go be changed and altered and they need to keep it the way it is. The valley needs stability and long term planning that shows growth not as a gateway to somebody else's beautiful land but maintains the beautiful land that we have here to enjoy now.

Alan Goodman stated that he lives in Bedford. The McNeel family runs a small operation gravel pit and will go out of business if this operation is allowed. His main complaint is he came to this community because it is the only place in the US where you do not have real pollution. He asked the government officials to protect them.

Dean Noel said he lives northeast of the proposed site and is vehemently against this, as well as his neighbors Richard and Linda Petty. The Commissioners have a decision to make to maintain the health welfare and environment of the valley. The expansion will be a monster you will never be able to put back in the box and asked to keep them at 10 acres with restrictions.

Dr. Brian Tallerico stated he found his utopia here when he moved here. He voiced concerns with property values and medical concerns with contaminants. The Commissioners have a feeling where the people are with this. He would look for another job if it is approved and implored the Commissioners to think carefully on this and make the right decision.

Jane Noel said that the most precious possession is health. Her sister and mother had brain tumors caused from manmade chemical toxins. This is what the asphalt plant would produce. She asked for the permit to be denied and to not give a foreign owned company free reigns to contaminate their lives.

Rick Krambule said he and Rick Jebson are opposed to the project and to deny the application.

Terry Moore said he knows the Commissioners are trying to do the best thing. They do not have an air quality permit as it wasn't needed back when the pit was opened 1982. This business will affect property values and there will be air quality issues. He discussed the land use regulations and how this operation does not fit with them.

Matthew Roberts with Evans Construction said he has been in the aggregate business for 35 years, and he should be dead if the contaminants are health issues. He reclaimed a pit on his property which now has water and fish in it.

Chairman Harmon said as a Commissioner he appreciates all those present and the letters and e-mails they received. They don't take these things lightly and have to weigh many mandates by law, and health and welfare. He has 5 gravel pits within a 5 mile radius of his home.

Commissioner Archibald asked if they can regulate the current 10 acre permit and the answer was no because it is a state permit. She said is it better to have an unregulated 10 acre or a regulated 20 acre, and what is best for the community. She knows of a gravel pit between her home and Grover that has been reclaimed and it's interesting how unobtrusive it is and is used for agriculture.

Commissioner Connelly said we have the toughest comprehensive plan in the state and good rules in the county. He wouldn't allow hot mix plant in this location. Gravel is cheaper in the north end because of gravel competition. He doesn't want to run a business out and causing roughly 55 employees to lose their jobs. We need to keep businesses in Lincoln County.

Planning Director, John Woodward thanked everyone for being articulate and civic minded.

Commissioner Connelly moved to approve file # 108 PZ 09 with findings of approval A and B as stated, C being amended by striking section b dealing with batch plants; D, E, as stated and F modified to delete batching and amended to crushing; conditions 1-2 as stated; 3 modified with operation of the site for asphalt batching shall not be allowed; 4 modified to remove concrete batching and asphalt batching, 5 as stated and adding a new condition 6 (Haul road mag chloride shall be applied twice per year) new condition 7 (Maintain 15 feet high berm with back slope seeding for vegetative cover within 100 days after issuance of a DEQ Small Mining Permit along north and east boundaries or mining area with safety berms along other sides). Commissioner Archibald seconded the motion. Motion carried 3-0.

PARA 6: Chairman Harmon said there is an appeal process and a private party can appeal and file it with the County Commissioners within 30 days of the decision. The appeal has to be valid and the type of hearing would have to be decided on.

Commissioner Connelly moved to adjourn for lunch at 12:27 p.m. and Commissioner Archibald seconded the motion. Motion carried. Regular session resumed at 1:42 p.m.

PARA 7: Colten Sandall with the Engineering Office told the Commissioners he was ready to go out for bids on the Muddy String pathway project.

PARA 8: John Woodward went over the timeline on the Etna Community Center project.

PARA 9: Commissioner Connelly moved to sign the letter to U.S. Representative, Cynthia Lummis on public land issues and Commissioner Archibald seconded the motion. Motion carried.

PARA 10: The Commissioners approved 24 hour Malt Beverage Permits for the Star Valley Jaycees (Grover Hill Climb) and Top of the Rockies Snow Mobile Club (Alpine SnoCross).

Claimant/Department	Allowed
County Payroll	\$ 442,729.37
Aflac;Employee Contributions	\$ 3,468.28
American Heritage;Employee Contributions	\$ 230.85
Bank of The West;Employee Contributions	\$ 660.00
Bank of The West;FICA/Medicare/Federal Tax	\$ 132,597.40
Conseco;Employee Contributions	\$ 205.20
Dept.of Employmnet;Worker's Compensation	\$ 5,496.03
H S A Bank;County/Employee Contributions	\$ 5,725.02
Kemmerer Rec.Center;Employee Contributions	\$ 356.28
Lifetime Fitness;Employee Contributions	\$ 287.00
Metlife;Employee Contributions	\$ 4,784.89
New York Life;Employee Contributions	\$ 190.41
NCPERS Group Life;Employee Contributions	\$ 416.00
Orchard Trust;Employee Contributions	\$ 4,585.00
Pre-Paid Legal Services;Employee Contributions	\$ 273.90
Wy.Child Support;child support charges	\$ 2,529.58
Wy.Retirement;Employee Contributions/County Matching funds	\$ 67,452.90
9-1-1 Magazine;LCEMA,subscription	\$ 64.95
Ace Hardware;County Offices,supplies	\$ 418.52
Afton Tire Factory;Sheriff,tire rotations	\$ 20.00
Ag.Comm.& Tech. Resource;Ext.Services,literature	\$ 97.00
Alcohol Monitoring Systems;Drug Court,supplies	\$ 34.39
All West Communcations;Cty.Offices,services	\$ 1,306.96
Amazon;Cty.Offices,computer equipment	\$ 1,643.10
AmeriGas;NLCPF,propane tank rental	\$ 56.70
Amsterdam Printing;Sheriff,supplies	\$ 74.36
Apache Telecomm;LCEMA,cell phone	\$ 167.89
Apple Time;Sheriff,business card magnets	\$ 318.70
Bank of Star Valley;Treasurer,deposit slips	\$ 83.59
Bank of the West;LUAG,research,copies	\$ 50.00
Barnes Distribution;So.Road & Bridge,parts	\$ 199.41
Business Solutions Group;County Clerk,tax forms	\$ 315.77
Carrier Corporation;Courthouse,materials,labor	\$ 609.00
Castle Rock Dodge;No.R&B,2007 dodge pu	\$ 25,150.00
C.E. Brooks & Assoc.;Coalition of Local Gov'ts,services	\$ 12,428.47
Chad's Auto & Muffler;Sheriff,vehicle maintenance	\$ 59.25
Chevron & Texaco Business Card;No.R&B,fuel	\$ 20.05
Chris Krell;Attorney,case review	\$ 450.00
City of Kemmerer;County Offices,sewer,water	\$ 3,606.53
City of Kemmerer;Ext.Service/Event Center,phone	\$ 28.12
Civil Air Patrol Magazine;Sheriff,subscription	\$ 245.00
C.N.A. Surety;Sheriff,notary bond	\$ 50.00
Connie Sweeney;PHN,travel expenses	\$ 462.66
David Allison Consulting;Coal.of Local Gov'ts,services	\$ 4,859.15

District Court 49-3-04;Cty.Coroner,training	\$	595.00
Duckwall/Alco;Landfill,toilet paper,plates	\$	16.67
E&L Motors;Commission,wiper blades	\$	50.59
Eagle Uniform;Courthouse,So.Road & Bridge,laundry	\$	893.77
Familee Marketplace;Ext.Service,supplies	\$	31.14
First Bankcard;Commission,e-cards	\$	29.99
Frontier Ford Mercury;So.Road & Bridge,parts	\$	181.05
Grainger,Courthouse,supplies	\$	13.78
Hansen Oil Distribution;Cty.Offices,fuel	\$	4,015.13
HR Direct;Sheriff,state law posters	\$	70.45
Human Resource Council;PHN,dues	\$	10.00
Hunsaker Automotive;Assessor,vehicle maintenance	\$	617.51
Kemmerer Gazette;Planning,subscription	\$	32.00
Kemmerer Pharmacy;Jail,inmate medications	\$	116.50
Jerry Greenfield;Treasurer,mileage	\$	378.05
Joseph Cole;Attorney;mileage	\$	100.00
Jubilee;County Offices,supplies,groceries	\$	302.09
Kmer/D'ville Chamber;G.A.,chamber bucks	\$	70.00
Labels Direct;County Clerk,labels	\$	67.50
Liberty Tire Recycling;Landfill,recycling	\$	2,036.40
Lincoln Conservation Dist.;G.A.,budgeted funding	\$	16,666.66
Lincoln County Health Insurance;Cty.Offices,insurance	\$	381,609.00
Lincoln County Sheriff;Sheriff,expenditures	\$	428.72
Little Chicago Review;Cty.Offices,subscription,publications	\$	911.55
Lower Valley Energy;County Offices,service	\$	3,672.29
MCI;So.Road & Bridge,phone service	\$	55.68
Marshall & Swift;Assessor,commercial book updates	\$	462.20
Megan Hill;G.A.,college reimbursement	\$	252.00
National Sheriff's Assoc.;Sheriff,dues	\$	100.00
Nancy Stafford;Courthouse,contract cleaning	\$	2,600.00
Neilson's Furniture;So.R&B,paper	\$	4.49
Nicholas & Company;Jail,groceries	\$	970.67
O.D.Perkes,M.D.;Jail,physical	\$	65.00
Office Products Dealer;Cty.Offices,supplies	\$	21.38
Outlaw T's;Sheriff,t-shirts	\$	32.68
Moore Medical;WIC,supplies	\$	63.92
Pitney Bowes;Clerk of Dist.Court,postage meter lease	\$	1,218.00
Platt;NLCPF,electrical supplies	\$	192.00
PPS;Landfill,propane	\$	9,976.73
Printstar;County Offices,supplies	\$	64.66
Provantage;MIS/IT,hard drive	\$	106.53
Purcell;Sheriff,tires	\$	1,175.04
Quality Quick Lube;Sheriff,vehicle maintenance	\$	198.12
Questar Gas;Cty.Offices,service	\$	4,864.43
Quill;County Offices,supplies	\$	52.61
Qwest;County Offices,phone service	\$	5,932.91
Recycle Systems;Landfill,baler repair	\$	1,630.00
Reliable Office Supplies;Cty.Offices,supplies	\$	400.83
Reserve Account;Cty.Offices,postage	\$	2,158.27
Rick's Repair;Landfill,parts,labor	\$	1,461.15

Robinson Motors;No.R&B,2008 chevy,pu	\$ 36,500.00
Rocky Mountain Power;County Offices,service	\$ 5,534.51
Rocky Mountain Propane;Landfill,propane	\$ 1,321.89
Rulons Burger Barn;Jail,inmate meal	\$ 10.01
Salt Lake City Corp.;Sheriff,training	\$ 305.75
Seaboard Asphalt;So.Road & Bridge,pothole patch	\$ 584.93
Sellers Parts Plus;Landfill,So.Road & Bridge,parts	\$ 246.45
Shar Perry;Ext.Services,travel expenses	\$ 699.44
Short Elliot & Hendrickson;Grant,courthouse study	\$ 14,400.00
Signature Storage;LCEMA,rent	\$ 220.00
Silver Star Communications;County Offices,phone service	\$ 1,687.50
Six States Dist.;So.Road & Bridge,parts	\$ 35.56
Skagg's Companies;Sheriff,uniforms	\$ 259.90
SmileMakers;PHN,supplies	\$ 119.94
South West Doors;Landfill,materials,labor	\$ 540.00
Star Valley Independent;G.A.,Cty.Clerk,publications,subscriptions	\$ 348.77
Star Valley Search & Rescue;G.A.,budgeted funding	\$ 13,902.00
Sublette Electric;So.Road & Bridge,parts,labor	\$ 101.34
Suburban Propane;No.Road & Bridge,propane	\$ 1,180.61
Sunbelt Software;MIS/IT,software renewal	\$ 239.40
Symbol Arts;Sheriff,supplies	\$ 113.35
Tesco Williamson;No.R&B,plow shoes	\$ 832.60
Thayne Hardware;Landfill,materials	\$ 42.95
The Glass Shop;Sheriff>window	\$ 215.00
ThyssenKrupp Elevator Corp.;Courthouse,elevator maintenance	\$ 1,680.00
Town of Afton;NLCPF,No.R&B,water,sewer	\$ 115.68
U.S.Postmaster;Treasurer,postage	\$ 274.96
Union Telephone;County Offices,phone service	\$ 1,135.14
WACERS;Cty.Engineer,membership dues	\$ 50.00
Wagner & Wagner;So.Road & Bridge,fuel	\$ 2,696.12
Waxie Sanitary Supplies;County Offices,supplies	\$ 1,742.41
Wells Fargo Credit Card;Cty.Offices,expenditures	\$ 6,693.19
West Payment Center;Atty.,law books	\$ 518.40
Western States Equipment;Landfill,parts,labor,mileage	\$ 597.40
Wicks Construction Services;NLCPF,carpet cleaning	\$ 144.00
Wy.Dept. of Transportation;Grant,Afton So.Pathway project	\$ 1,666.11
Wy.Environmental Consulting;Landfill,permit renewal	\$ 7,692.66
Wy.Secretary of State;Clerk of Dist.Court,notary public bond	\$ 30.00
Wyoming Dept.of Health;PHN,car rental	\$ 1,500.00
Wyoming Law Enforcement Academy;Sheriff,training	\$ 1,150.00
Xerox;Cty.Offices,copier leases,copies	\$ 6,882.86
Young Graphics;Treasurer,typewriters	\$ 696.69

Any amendments or corrections to these minutes will be shown in the next meeting minutes.

Commissioner Connelly moved to adjourn the meeting at 2:51 p.m. and Commissioner Archibald seconded the motion. Motion carried.

Attest:

Jeanne Wagner, County Clerk

Jerry T. Harmon, Chairman