

October 18, 2016  
Green River, WY

The Board of County Commissioners met this day at 8:30 a.m. in Regular Session with all commissioners present. The meeting opened with the Pledge of Allegiance.

**Approval of Agenda**

*Commissioner Kolb moved to approve the agenda. Commissioner Van Matre seconded the motion.* The motion carried.

**Approval of Minutes: October 4, 2016**

*Commissioner West moved to approve the minutes. Commissioner Wendling seconded the motion.* The motion carried.

**Acceptance of Bills**

**Approval of County Vouchers/Warrants, Monthly Statements, Bonds, and Abates/Rebates**

*Commissioner Wendling moved to approve the county vouchers/warrants, monthly statements, bonds and the abates/rebates. Commissioner West seconded the motion.* The motion carried with Commissioner Kolb recusing himself.

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The following bonds were placed on file:

Harry Horn                      Memorial Hospital of SWCO, Treasurer                      \$50,000.00

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The following abates/rebates were placed on file:

TAXPAYER	VALUATION	TAXPAYER	VALUATION
MERIDIAN LEASING CORP	-1,194.00	MEMORIAL PRODUCTION OPERATING LLC	-23.00
BP AMERICA PROD CO	-2,051.00	WARPNESS JENNIFER C & BAKKALA DEANNA L	-4,244.00
BP AMERICA PROD CO	-858.00	KERR MCGEE OIL & GAS ONSHORE LP	-3,687.00
BP AMERICA PROD CO	-339.00	BP AMERICA PRODUCTION CO	-20,084.00
MEMORIAL PRODUCTION OPERATING LLC	-13,808.00	BLACK DIAMOND MINERALS LLC	-5,655.00
MEMORIAL PRODUCTION OPERATING LLC	-1,120.00	CROWN ENERGY PARTNERS LLC	-151.00
MEMORIAL PRODUCTION OPERATING LLC	-22.00	CROWN ENERGY PARTNERS LLC	-563.00

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**Commissioner Comments/Reports**

**Commissioner Wendling**

Commissioner Wendling reported on the meetings he attended to include the Joint Minerals Business and Economic Development Interim Committee members meeting and reception, a Chamber of Commerce Luncheon, the STAR Transit Board, a Wyoming Coal Informational Committee meeting, a Young at Heart Special Board meeting, an Open House at the Sweetwater County Fire Station, Communities Protecting the Green, and the Sweetwater County Library Board.

**Chairman Johnson**

Chairman Johnson read aloud the facility report received from Facilities Manager Chuck Radosevich. Chairman Johnson noted that he will be attending the Rock Springs RMP meeting to be held on October 18-20, 2016. Chairman Johnson presented an amendment to the Memorandum of Understanding between Sweetwater County and the Bureau of Land Management for the purpose of conducting an environmental analysis and preparing a draft and final Environmental Impact Statement for the proposed Sagebrush Focal Area Withdrawal for the commission to consider. Following discussion, Chairman Johnson entertained a motion to approve the amended Memorandum of Understanding and authorize the Chairman to sign. *Commissioner Wendling so moved. Commissioner Van Matre seconded the motion.* The motion carried. Chairman Johnson noted that he met with Senator Barrasso's State Natural Resource Advisor Travis McNiven and explained that the issues he discussed with him were regarding the Wilderness Study Areas (WSA) Study/Evaluation and that all interested parties involved should submit their recommendation. Chairman Johnson also noted that he addressed the preservation of Little Mountain and the Greater Little Mountain areas with Mr. McNiven. Chairman Johnson explained that he met with Wyoming County Commissioners Association Director Pete Obermueller and expressed that he took strong exception on the way that they came up with the Wyoming Public Lands Initiative (WPLI). Chairman Johnson explained that, while Governor Mead was in Rock Springs for the Chamber Luncheon, Chairman Johnson addressed the lack of understanding of a rainy day fund for cities, towns and counties. Chairman Johnson explained that he attended a small group meeting with Governor Mead, Green River Mayor Rust, Rock Springs Mayor Demshar, along with other key people within the county relative to the industrial complex. Governor Mead expressed to Chairman Johnson that he would like to see the industrial complex move forward and asked to come up with a committee to see where the complex could be located within Sweetwater County. Chairman Johnson recommended that he and Commissioner Wendling be the county representative liaisons along with Land Use Specialist Mark Kot, Land Use Director Eric Bingham and Public Works Director Gene Legerski and explained that both mayors would select liaisons for the cities and discussed the possibilities of including other entities. Following discussion, the commission concurred with the understanding that the commission as a whole be part of the process.

**Commissioner Van Matre**

Commissioner Van Matre reported that he attended the SLIB Board meeting October 5-6, 2016 and shared that the Sweetwater County/Rock Springs Airport was awarded \$2 million to complete its new runway, hanger and terminal building project.

Commissioner Van Matre explained that the runway has been completed and the hangers are scheduled to be completed November of 2017 and that the terminal building is scheduled to be completed March of 2018. Commissioner Van Matre noted that he attended the reception for the Joint Minerals Business and Economic Development Interim committee members and the Wyoming Coal Informational Committee meeting. Commissioner Van Matre reported on the meetings he attended including the Hospital Board, Airport Board, and the Museum Board. Commissioner Van Matre noted that he visited with IT Director Tim Knight, Human Resources Director Garry McLean, and will be meeting with Golden Hour Senior Director Sheela Schermetzler.

#### **Commissioner West**

Commissioner West reported that he attended the Rock Springs Chamber of Commerce Luncheon where Governor Mead was the guest speaker. Commissioner West also reported that he attended the reception for the Joint Minerals Business and Economic Development Interim committee members and the Wyoming Coal Informational Committee meeting.

#### **Commissioner Kolb**

Commissioner Kolb reported on the meeting he attended with Chairman Johnson, Memorial Hospital Board of Director members Joe Manatos and Richard Mathey relative to issues of agreement with the hospital's conduct and shared that he looks forward to a statute driven set of agreements. Commissioner Kolb noted that he spoke with Deputy County Attorney James Schermetzler, County Attorney Danny Erramouspe, Land Use Director Eric Bingham, Human Resources Director Garry McLean, Facilities Manager Chuck Radosevich, County Treasurer Robb Slaughter, and Public Works Director Gene Legerski. Commissioner Kolb explained that he was out of town with medical issues and expressed that he wished he could have attended meetings but extended his appreciation to his co-commissioners for attending the events. Commissioner Kolb explained that he received a letter from District Court Judge James inviting him to attend a meeting on October 20, 2016 to identify the causes of the dramatic increases in Title 25 cases and to explore solutions to the financial repercussions of that increase.

#### **Break**

Chairman Johnson called for a break.

#### **County Resident Concerns**

Chairman Johnson opened county resident concerns. Hearing no comments, the county resident concerns comment period was closed.

#### **Action/Presentation Items**

##### **STAR Transit Board Appointment (due to resignation of Sarah Havens)- this will fill an unexpired term through 7-1-19**

Following discussion, *Commissioner Wendling moved to appoint Stephen Shea to the STAR Transit Board to serve the remainder of the term. Commissioner West seconded the motion.* The motion carried with Commissioner Kolb voting in opposition.

##### **Request Adoption of Inducement Resolution to Refund Certain Tax-Exempt Bonds**

FMC Corporation- Corporate Finance Assistant Treasurer Brian Blair presented Resolution 16-10-CC-01. Following discussion, Chairman Johnson entertained a motion to approve Resolution 16-10-CC-01 with an understanding that FMC will pay a fee of at least \$1,000.00 and any other expense over \$1,000.00. *Commissioner Van Matre so moved. Commissioner Kolb seconded the motion.* Following further discussion, the motion carried.

#### **RESOLUTION NO. 16-10-CC-01**

##### **AUTHORIZATION TO PROCEED TOWARD THE ISSUANCE AND SALE OF \$90,000,000 SOLID WASTE DISPOSAL REFUNDING REVENUE BONDS (FMC CORPORATION PROJECT) SERIES 2016 OF SWEETWATER COUNTY, WYOMING, TO REFUND REFUNDING REVENUE BONDS PREVIOUSLY ISSUED TO REFUND BONDS ISSUED TO FINANCE COSTS OF CERTAIN SOLID WASTE DISPOSAL FACILITIES FOR FMC CORPORATION**

WHEREAS, Sweetwater County, Wyoming (the "County"), is authorized pursuant to the provisions of Sections 15-1-701 to 15-1-710, inclusive, Wyoming Statutes, 1977, as amended (the "Act"), to issue revenue bonds to defray the cost of acquiring or improving any land, building, pollution control facility, including solid waste disposal facilities, or other improvement and all necessary and appurtenant real and personal properties, whether or not in existence, suitable for manufacturing, industrial, commercial or business enterprises, and to refund the same; and

WHEREAS, pursuant to and in accordance with the provisions of the Act, the County has heretofore issued its \$90,000,000 Solid Waste Disposal Refunding Revenue Bonds (FMC Corporation Project) Series 2005 (the "Prior Bonds") in order to refund certain bonds previously issued by the County to finance the costs of acquiring, improving, constructing and installing certain facilities for the disposal of solid wastes (the "Project") at the trona mining and soda ash manufacturing facilities previously owned by FMC Corporation, a Delaware corporation (the "Company") and now owned by Tronox Alkali Wyoming Corporation, a Delaware corporation, located in the County; and

WHEREAS, the Company has requested that the County agree to authorize, issue, sell and deliver, at a future time mutually agreeable to the County and the Company, the County's Solid Waste Disposal Refunding Revenue Bonds (FMC Corporation Project) Series 2016 in an aggregate principal amount of \$90,000,000 (the "*Bonds*"), pursuant to and in accordance with the provisions of the Act, in order to refund the Prior Bonds; and

WHEREAS, it is contemplated that a loan agreement (the "*Loan Agreement*") with respect to refunding the Prior Bonds will be executed by the Company and the County contemporaneously with the issuance of the Bonds, providing for the payment by the Company of sums sufficient in amount to pay the principal of, and premium, if any, and interest on the Bonds and any expenses of the County in connection with the Bonds as the same become due and payable; and

WHEREAS, in connection with the issuance of the Bonds and in accordance with the County's policy for issuing industrial development revenue bonds (the "*Policy*"), the County will charge the Company an issuance fee of \$1,000, plus actual expenses of the County incurred in connection with the issuance of the Bonds, and the Company has agreed to pay such amounts; and

WHEREAS, this Board of County Commissioners has determined that refunding the Prior Bonds will serve the purposes of the Act:

NOW, THEREFORE, Be It Resolved by the Board of County Commissioners of Sweetwater County, Wyoming, as follows:

*Section 1.* Based upon information presented to the Commissioners by the Company and in accordance with the Act and the Policy, the Commissioners hereby agree to proceed toward the issuance by the County of the Bonds.

*Section 2.* The County hereby agrees that it will authorize and issue the Bonds, in an aggregate maximum principal amount of \$90,000,000, and will take all further action which is necessary or desirable in connection therewith, and its officers are hereby authorized and directed to take all actions necessary or desirable in connection with refunding the Prior Bonds.

*Section 3.* The County will authorize and execute prior to or contemporaneously with the issuance of the Bonds (a) the Loan Agreement whereby the Company will make payments sufficient to pay all of the principal of, and premium, if any, and interest on the Bonds, and (b) such other instruments and documents as shall be necessary or desirable in connection with the issuance of the Bonds and the refunding of the Prior Bonds.

*Section 4.* Costs of refunding the Prior Bonds will be paid out of the proceeds from the sale of the Bonds and moneys to be provided by the Company, and the Bonds will not be a general obligation of the County, nor shall the Bonds, including interest thereon, constitute or give rise to a pecuniary liability of the County, or a charge against its general credit or taxing powers, but the Bonds shall be secured and payable only by a pledge of the payments derived from the Company pursuant to the Loan Agreement.

*Section 5.* Nothing contained in this Resolution shall constitute a general obligation of the County, within the meaning of the constitution or statutes of the State of Wyoming nor give rise to the pecuniary liability of the County, or a charge against its general credit or taxing powers.

*Section 6.* That this Resolution and the entire proceedings had in its adoption shall forthwith be published in the *Rock Springs Daily Rocket-Miner*, a newspaper published in Rock Springs, Wyoming, and of general circulation in Sweetwater County, Wyoming.

*Section 7.* That the provisions of this Resolution are hereby declared to be separable and if any section, phrase or provision shall for any reason be declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions.

*Section 8.* That all resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

*Section 9.* All action (not inconsistent with the provisions of this Resolution) heretofore taken by the Commissioners and the officers of the County with respect to refunding the Prior Bonds and the authorization, issuance and sale of the Bonds be, and the same hereby is, ratified, approved and confirmed.

Section 10. Immediately after its adoption, this Resolution shall be signed by the Chairman and the County Clerk, shall be recorded in a book kept for that purpose and shall take immediate effect.

Passed and approved October 18, 2016.

THE BOARD OF COUNTY COMMISSIONERS  
OF SWEETWATER COUNTY, WYOMING

\_\_\_\_\_  
Wally J. Johnson, Chairman

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John K. Kolb, Member

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Don Van Matre, Member

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Randal M. Wendling, Member

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Reid O. West, Member

ATTEST:

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Steven Dale Davis, County Clerk

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**Presentation of Sweetwater Solar Energy Project**

Hanwha Q Cells Permitting Director Betsey Biesty, Operations Management Ken Caustack, and Stanteck Representative Stephanie Lauer were present to propose construction of an 80 MW solar facility on federal lands in Sweetwater County, Wyoming. Following discussion, the commission expressed their appreciation for the update.

**Drop Structure Project Update**

Sweetwater County Conservation District Board Chair Mary Thoman, Board Treasurer Dwight Bliss, and District Clerk Karen Pecheny provided an update on the Drop Structure Project. Following discussion, the commission expressed their appreciation for the update.

**Break**

Chairman Johnson called for a break.

**Sweetwater County Events Complex Update**

Sweetwater County Events Complex Executive Director Larry Lloyd, Marketing & Events Manager Kandi Pendleton, and Facilities Director Drew Varley provided an update on the schedule of events for 2017 and 2018, maintenance and the time frame for the installation of the stalls. Following discussion, the commission expressed their appreciation for the update.

**Sweetwater County Lodging Tax Board: Amendment to Joint Powers Agreement**

Sweetwater County Joint Travel & Tourism Board Executive Director Jenissa Meredith provided an update explaining that the board will be requesting that the Joint Powers Agreement, that formed the Lodging Tax Board, be amended to remove the Wyoming Travel Commission reference as it became the Wyoming Office of Tourism, the Lodging Tax collection percentage from 2% to 3%, and to request the extension of board member term limits. She also shared that, once the Attorney General approves the amendment, the Joint Travel and Tourism Board will bring the amended resolution before the commission for their consideration. Following discussion, the commission expressed their appreciation for the update.

**Approval of the FY 2016 Emergency Management Performance Grant Agreement and Point-of-Contact Form**

Grants Manager Krisena Marchal and Sheriff Lowell presented the FY 2016 Emergency Management Performance Grant Agreement and Point-of-Contact Form. Discussion ensued relative to the recent threat that was a hoax. Sheriff Lowell explained that Emergency Management Director Judy Roderick did not receive notification and the state has admitted fault and currently are looking into procedural improvements; and, on a county level, are working with Human Resources to develop procedures. Chairman Johnson entertained a motion to approve, and authorize the Chairman to sign, the Fiscal Year 2016 Emergency Management Performance Grant Agreement and Point-of-Contact Form. *Commissioner Wendling so moved. Commissioner Kolb seconded the motion.* The motion carried.

**Letter of Support for WYDOT to Conduct a Speed Study on HWY 374 West of Green River**

Public Works Director Gene Legerski presented a letter of support for WYDOT to conduct a speed study on HWY 374 West of Green River. Following discussion, *Commissioner West moved to approve the request. Commissioner Van Matre seconded the motion.* The motion carried.

**Request to Re-Staff Vacant Position in the Custodial Department**

Custodial Supervisor Karen Bailey and Human Resource Specialist Brenda Rael requested authorization to re-staff a vacant position in the custodial department. Following discussion, *Commissioner Van Matre moved to replace the position with a full time position. Commissioner Wendling seconded the motion.* The motion carried with Commissioner Kolb voting in opposition.

**Request to Re-Staff Vacant Position in the County Attorney's Office**

County Attorney Dan Erramouspe and Human Resource Specialist Brenda Rael requested authorization to re-staff a vacant position in the attorney's office. Following discussion, Chairman Johnson entertained a motion to approve the request. *Commissioner Kolb so moved. Commissioner West seconded the motion.* The motion carried.

**Executive Session(s)-Personnel/Legal**

Chairman Johnson entertained a motion to enter into executive session for legal and real estate. *Commissioner Kolb so moved. Commissioner Van Matre seconded the motion.* The motion carried. A quorum of the commission was present.

After coming out of executive session, Chairman Johnson explained that no action was required.

**Adjourn**

There being no further business to come before the Board this day, the meeting was adjourned subject to the call of the Chairman.

This meeting was recorded and is available from the County Clerk's office at the Sweetwater County Courthouse in Green River, Wyoming

THE BOARD OF COUNTY COMMISSIONERS  
OF SWEETWATER COUNTY, WYOMING

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Wally J. Johnson, Chairman

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John K. Kolb, Member

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Don Van Matre, Member

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Randal M. Wendling, Member

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Reid O. West, Member

ATTEST:

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Steven Dale Davis, County Clerk

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