

**REPORT TO THE  
MINUTES OF THE BOARD OF  
CARBON COUNTY COMMISSIONERS  
REGULAR MEETING  
Tuesday, October 16, 2018  
Sinclair Town Hall, Sinclair, WY**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, October 16, 2018 at the Carbon County Courthouse, Rawlins, WY. Attending the meeting were; Chairman John Johnson; Commissioners John Espy, Bob Davis, Leo Chapman and Sue Jones.

Chairman Johnson called the meeting to order at 2:00 p.m.

**ADDITIONS/CORRECTIONS**

There were no changes to the agenda.

**VOUCHERS**

Commissioner Chapman moved to approve an expenditure of \$65.00 for Sunrise Sanitation. Commissioner Espy seconded and the motion carried with all voting for the motion except Commissioner Jones who abstained due to conflict.

Commissioner Chapman moved to approve insurance premiums and claims in the amount of \$247,543.89 and payroll and benefit costs totaling \$811,697.26 and other expenditures in the amount of \$890,567.71 for a grand total today of \$1,949,873.86. Commissioner Espy seconded and the motion carried unanimously.

**CONSENT AGENDA**

Commissioner Espy moved to approve the consent agenda noting any item could be removed for further discussion. The consent agenda includes the October 2, 2018 regular meeting minutes; September 2018 monthly receipts for the Carbon County Clerk of District Court in the amount of \$2,306.14; and September 2018 monthly receipts for the Carbon County Clerk in the amount of \$23,737.50. Commissioner Davis seconded and the motion carried unanimously.

**EMERGENCY DETENTIONS**

Glenn Biggs, Mental Health Examiner discussed the emergency detention plan. Mr. Biggs presented alternatives to the hospital's plan in the September 4<sup>th</sup> and October 2<sup>nd</sup> BOCC meetings. The first alternative, where the emergency room physician transfers the patient to WBI in Casper. In addition, the Natrona County Attorney must be paid by the county to cover the court services there. Another alternative would be that the Sheriff could transport, noting that this does not work well and this would require additional deputies and create additional issues. The next alternative would be to appoint the Counseling Center as the mental health professional when Glenn is not

available. The third option would be to hire a part-time mental health examiner employed by the county to cover for Mr. Biggs when he is absent. Finally, the county could do nothing and continue as-is. Previous discussions with Attorney Davis have narrowed the alternatives to hiring a part-time mental health examiner or independent third party; therefore, Mr. Biggs met with three individuals who may qualify for the position.

Glenn presented some patient averages stating he has had 6.25 emergency detentions per month, or 1.4 per week over a year. He estimates he spends an average of 3.5 hours to assess the patient, 1 hour for each additional day the person is hospitalized plus 2 additional hours on their court day. He suggested that contractual rates would be \$75 per day for an individual to be on call and \$135 per hour when called for duty. In addition Mr. Biggs stated there are approximately 86 days in a year where he would need someone to cover for him on call costing \$6,450.00. He estimates it costing an additional \$8,928.00 for being called in for a total annual budget of \$15,378.00 and suggested the individual be contracted and not county employed.

Attorney Davis asked if the contracted individual would cover the jail patients as well since this is part of Mr. Biggs' duties. He stated that the on call person could assess those individuals as well and he didn't see this changing his estimated budget much.

Mr. Biggs stated that he would like to contract with all three individuals so that he can be sure to have coverage when needed. The BOCC asked Attorney Davis to prepare contracts and present them at a future meeting. Attorney Davis suggested that the county provide one cell phone so the number is the same regardless of who is on call.

### **EXECUTIVE SESSION**

Commissioner Espy moved to go into executive session at 2:21 p.m. with Gwynn Bartlett, Ashley Mayfield Davis, Archie Roybal and Matt Webster to discuss personnel, potential litigation and other matters considered confidential by law. Commissioner Chapman seconded and the motion carried unanimously.

Matt and Archie left the session at 2:21 p.m.

Commissioner Espy moved to come out of executive session at 2:35 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Chapman seconded and the motion carried unanimously.

### **County Attorney**

County Attorney, Ashley Davis requested approval of the Surface Owner Consent for Right of Entry for the Carbon County Public Library located in Hanna. This is part of the statewide subsidence mitigation through Wyoming's abandon mine land program. The BOCC previously authorized a similar request for the county's fire station in Hanna.

Commissioner Espy moved to authorize the Chairman's signature on the Surface Owner Consent for Right of Entry for the Carbon County Public Library located at 300 N 3<sup>rd</sup>, Hanna, WY 82327. Commissioner Chapman seconded and the motion carried unanimously.

Attorney Davis requested approval of the Blackhall Mountain Radio Repeater Special Use Permit reissue. She stated the current permit allows the county to use the site for telecommunication purposes.

Commissioner Chapman moved to authorize the Chairman's signature on the US Department of Agriculture Forest Service Special Use Permit for the Blackhall Mountain Radio Repeater. Commissioner Espy seconded and the motion carried unanimously.

### **Clerk**

County Clerk, Gwynn Bartlett requested approval of change orders for the Carbon County Youth Crisis Center addition and asked the BOCC to accept substantial completion of the project. Clerk Bartlett reported both the engineer and Jim Piche, Buildings & Grounds Manager requested substantial completion be accepted.

Commissioner Jones moved to authorize the Chairman's signature on the Carbon County Youth Crisis Center Notice of Substantial Completion including Schedules I, II, III and IV for Shepard Construction Solutions LLC; Western States Fire Protection Co; STC Construction Company and Long Building Technologies. Commissioner Chapman seconded and the motion carried unanimously.

Commissioner Espy moved to approve change order 1 for the Carbon County Youth Crisis Center addition for Shepard Construction in the amount of \$2,000.00 net to remove fabric below footers and to build a temporary fire rated wall. Commissioner Jones seconded and the motion carried unanimously.

Clerk Bartlett requested approval of various Homeland Security grant agreements.

Commissioner Espy moved to authorize the Chairman's signature on Grant Agreements Between the Wyoming Office of Homeland Security and Carbon County for Project ID 18-SHSP-CAR-CC-HCP18 in the amount of \$28,000.00 for Courthouse security updates; Project ID 18-SHSP-CAR-FD-HEM18 in the amount of \$9,500.00 for WyoLink compatible radios; Project ID 18-SHSP-CAR-SC-HRP18 in the amount of \$12,000.00 for the City of Rawlins' Code Red subscription; and Project ID 18-SHSP-CAR-FD-HRP18 in the amount of \$57,600.00 for self-contained breathing apparatus air packs and bottles. Commissioner Davis seconded and the motion carried unanimously.

Clerk Bartlett requested approval for the Wyoming BlueCross BlueShield ASO Group Reopening Request. She explained that the document confirms the fees collected by Blue Cross for the county's health insurance renewal.

Commissioner Chapman moved to authorize the Chairman's signature on the Wyoming BlueCross BlueShield ASO Group Reopening Request. Commissioner Espy seconded and the motion carried unanimously.

### **Road & Bridge**

Road and Bridge Superintendent, Bill Nation reported County Road 401, the Sage Creek Road paving was completed September 27. The contractor will have top seal and striping complete this week. The final posted speed rating will be determined and signed after the speed study is complete.

The Seminoe Road north of Sinclair is having issue due to heavy truck traffic and he estimates \$35,000 to repair the road. Before repairs are made he will apply asphalt mix to the pot holes and consider repairs next year.

### **Commissioners**

Commissioner Espy moved to approve the final recommendations of the Carbon County WY Public Lands Advisory Committee as follows: Prospect Mountain Wilderness Area, most will become wilderness along with a special management area on the forest service side on the west with special management descriptions; Encampment River WSA to designate this as the Encampment River Canyons Wilderness with special grazing language, reducing the size of the WSA by over 3 acres to allow diversion from Minor Creek for the Odd Fellows water right; Bennett Mountain WSA would become the Bennett Mountain Special Management Area to permit motorized vehicles only on designated roads, continue grazing in accordance with federal laws, prohibit timber harvest and oil and gas development and entry under the 1872 mining law and maintain fire management; Ferris Mountain will have no recommendation as there was not a consensus so it will remain a WSA. Commissioner Jones seconded and Dr. Throgmorton explained WSA's are land in limbo and he is pleased with the progress of the board to make these recommendations. The motion carried unanimously.

Commissioner Espy asked Clerk Bartlett to publish the document on the county's website.

### **Public Hearing – C.U. Case File #2018-13 – Purple Sage 1 – Baggs Communications Site**

Chairman Johnson opened a public hearing at 3:00 p.m. to hear Planning & Zoning C.U. Case # 2018-13 Purple Sage 1 – Baggs Communications Site. Sid Fox, County Planning Director and Sarah Hutchins, GIS Coordinator presented a Conditional Use Permit request for a telecommunications tower and related facilities in the Ranching, Agriculture and Mining (RAM) Zone District approximately 1.64 miles south of Baggs and approximately 1.11 miles east of WY HWY 789 on a tract of leased land (10,000 sq.ft. or 0.23 acres) located in a portion of the SW1/4, Section 15, T12N, R91W. Velocitel is proposing to install a communications tower to improve telecommunications services near the Town of Baggs and along HWY 789 and HWY 70. The telecommunication tower is proposed to be 260 feet tall and will provide antenna space, co-

location for up to three providers. The lease area will be 100'x100' (0.23 acres) with a 6 foot chain link fence enclosing equipment with metal cabinets for electronic equipment associated with the antennas. This will be an unmanned site and, after construction is complete, will not generate significant traffic. Technicians will visit the site approximately once per month for routine maintenance and monitoring. Surrounding land uses are state, BLM and private land zoned RAM with primarily agricultural use. There will be no need for water and sewer. Access is from Highway 70 through Purple Sage's property. Ms. Hutchins overviewed the comments previously received by that office. Chairman Johnson called for comments for or against the case.

Liz Walker of the Wireless Policy Group LLC discussed the policy background and legal framework for all three cases to be heard today. The infrastructure is needed to meet the wireless demand in these areas. She stated that 67% of WY homes are wireless and the average individual has 4 wireless devices. All three sites will bring 5G service when that service is available. She stated wireless service is a driver of economic productivity. In addition to the county's rules the Telecommunications Act governs these sites. There can't be unreasonable discrimination under this act and the BOCC must act within a reasonable time frame. In addition substantial evidence must be produced regardless of approval or denial. She stated property values, unsupported assertions and aesthetics are not substantial evidence for denials based on a WY court case. Chairman Johnson again called for public comment and there being no additional comments he closed the hearing at 3:10 p.m.

Chairman Johnson asked about when the 5G service would be available and Ms. Walker replied the service is not available in Wyoming at this time and is only being rolled out in certain test cities.

### **EXECUTIVE SESSION**

Commissioner Jones moved to go into executive session at 3:13 p.m. with Gwynn Bartlett, Ashley Mayfield Davis and Sid Fox to discuss personnel, potential litigation and other matters considered confidential by law. Commissioner Chapman seconded and the motion carried with all voting for the motion except Commissioner Davis who abstained due to conflict. Commissioner Davis did not attend the session.

Commissioner Espy moved to come out of executive session at 3:23 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Chapman seconded and the motion carried with all voting for the motion except Commissioner Davis who abstained due to conflict.

Commissioner Espy moved to approve Carbon County Planning and Zoning Commission C.U.P. Case # 2018-13 Purple Sage 1 – Baggs Communications Site request permit a telecommunications tower and related facilities in the Ranching, Agriculture and Mining (RAM) Zone District approximately 1.64 miles south of Baggs and approximately 1.11 miles east of WY HWY 789 on a tract of leased land (10,000 sq.ft. or 0.23 acres) located in a portion of the SW1/4, Section 15, T12N, R91W with the recommended conditions from staff, and to authorize the chairman's signature on the resolution which will include the findings to be identified by Attorney Davis.

Commissioner Chapman seconded and Attorney Davis identified the findings of fact as follows: (1) The Conditional Use is generally consistent with the goals, strategies and actions of the comprehensive land use plan, including the future land use map; (2) The proposed use does serve a public need; (3) The proposed use is appropriate for the proposed location and will not be detrimental to the surrounding area or to established uses; (4) The proposed conditional use is adequately served by existing facilities and services; (5) That any resulting commercial and truck traffic shall not use a residential street nor create a hazard to a developed residential area; (6) That the record owner has taken adequate steps to minimize and control potential environmental problems that might result from the proposed use. The motion carried with all voting for the motion except Commissioner Davis who abstained due to conflict.

#### **Public Hearing – C.U. Case File #2018-12 – 39 CR 550 – Saratoga Communications Site**

Chairman Johnson opened a public hearing at 3:28 p.m. to hear Planning & Zoning C.U. Case # 2018-12 39 CR 550 – Saratoga Communications Site. Mr. Fox and Ms. Hutchins presented a Conditional Use Permit request for a telecommunications tower up to 310 feet tall and related facilities in the Ranching, Agriculture and Mining (RAM) Zone District approximately 3 miles north of Saratoga off Carbon County Road #550 (Buck Creek Road/205 Connector) on a tract of leased land (10,000 sq.ft. or 0.23 acres) located in a portion of the W1/2 NE1/4 NW1/4 and the W1/2 E1/2 NE1/4 NW1/4, Section 31, T18N, R83W. Velocitel has been working on behalf of Skyway Towers, LLC and T-Mobile to improve telecommunications services near the Town of Saratoga and along HWY 130/230. The proposed telecommunication tower is 300 feet tall with a 10 foot lightning rod. The lease area will be 100'x100' (10,000 sq. ft.) with a 6 foot chain link fence. Skyway Towers will sublease tower space for three tenants and radio frequency equipment. Mr. Fox overviewed the comments previously received by his office.

Mr. Fox reported the Planning Commission recommends denial with a vote of 3-1. There have been no comments directly related to the Land Use Plan and the primary comments from the commission were that the proposed location could be detrimental to the surrounding area, specifically Criteria 3. If the BOCC chose to approve the application he has suggested conditions.

Chairman Johnson called for public comments. Ms. Walker discussed a document she provided stating that one criteria is that the project closes a gap in service and this project accomplishes that. She pointed out alternative locations were investigated and she explained the issues with those. She discussed FCC compliance noting each frequency has passed inspection. She explained local codes from the County Land Use Plan Chapter 5.B. Ms. Walker reported they encourage colocation for other carriers and she discussed her surprise with the recommended condition from the Planning Commission. She stated SkyWay is committed to mitigating dust during construction which was the planning commissioner's concern.

Jim Bosler, project area landowner encouraged approval of the site noting this would enhance cellular coverage in the area.

Jason Williams, landowner spoke in favor of the application. He believes the infrastructure is needed and added this is not something that he entered into without careful consideration however he is satisfied that the company will meet all requirements including appropriate dust mitigation.

Byron Barkhurst, Planning & Zoning commission member and citizen stated one concern he has with the permit was the objection that Mr. Stolns had that the base of the tower was 440' from his property line. He felt like this was a concern that should be investigated and he stated he objects to the tower in the proposed location.

Chairman Johnson again called for comments and there being no more he closed the public hearing at 3:45 p.m.

Commissioner Espy asked if the setback is far enough that if there was tower failure that it would not cross property lines. Mr. Fox stated there must be 110% setback and that this meets that requirement but he would double check at time of the building permit application.

Commissioner Jones stated all sites are within the Mt. View Subdivision area and asked why the location is so close to the residential area and not further into agricultural areas. Ms. Walker stated that sites need to be where density of usage is and it is a line of sight technology; therefore, it must be closer to where people use phones. Commissioner Jones asked if they consider other carriers for filling gaps of services or is the economic benefit the only thing considered. Ms. Walker stated that the situation has been addressed by courts and a gap in your own service must be considered. Everybody is to be given a fair shot to create competition. Commissioner Jones stated there is a tower in the area for colocation and asked if this was considered. Ms. Walker stated this was considered; however, two issues arose. The Union tower was available for colocation, but was not tall enough and another site reviewed had title concerns. Commissioner Jones asked if Mr. Millhouse was consulted about an existing 300' tower and Ken Greenwood with Velocitel stated that there were issues with Homeowner's Association covenants. She asked why the proposed tower is allowed by the same Association when the existing one violates the covenants and Mr. Greenwood replied that the proposed tower is on agricultural land. Commissioner Jones confirmed these would be data towers and Ms. Walker stated 4G service for phone and cellular data.

Chairman Johnson stated towers are available for colocation; however, none seem to be being used as such. Ms. Walker stated Skyway's business model is to collocate and that there is not a feasible location in the area that they can use.

Sandy Streeter asked where in Wyoming colocation is currently occurring. Mule Creek was given as an example where AT&T and T-Mobile will collocate. Mr. Greenwood stated that one 5G service is available the proposed tower will likely co-host other carriers so they can service the area.

Richard Wilson, Planning Commissioner stated that many times companies can swap space on towers to provide service.

Attorney Davis asked Ms. Walker more about the setback and she asked Ms. Walker to explain the tower height. Ms. Walker stated that many towers are constructed with breakaway technology

so they fall in on themselves rather than tipping over in one piece. Section 6409 allows a 10% or 20' increase in height under the law; however, it can't be extended if the height would be outside the fall area. Attorney Davis asked what access route would be used for construction. County Road 550 would be used then a road to the Williams property through the Bosler property. Traffic would be approximately every other month four times for maintenance and obviously larger trucks and equipment, including a crane, would be in the area during the first month for construction. Mr. Nation stated he would like a condition that all dust mitigation be written as a condition.

Commissioner Jones asked about colocation on an existing Millhouse tower. Ms. Walker stated again that their legal team was concerned by something in the title work for that tower. Commissioner Jones stated further research should be put into this tower as she contacted Mr. Millhouse and he indicated colocation would be allowed on that tower.

### **EXECUTIVE SESSION**

Commissioner Espy moved to go into executive session at 4:07 p.m. with Gwynn Bartlett, Ashley Davis and Sid Fox to discuss legal matters and other matters considered confidential by law. Commissioner Chapman seconded and the motion carried unanimously.

Commissioner Chapman moved to come out of executive session at 4:44 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Davis seconded and the motion carried unanimously.

### **Public Hearing – C.U. Case File #2018-12 – 39 CR 550 – Saratoga Communications Site**

Commissioner Davis asked if Skyway is in a business arrangement with T-Mobile to deliver the location and does T-Mobile coexist with other carriers. Kevin Durning, a T-Mobile Engineer, said that T-Mobile does coexist and the design of this project is for speed.

Commissioner Jones asked if they would be willing to discuss colocation with Mr. Millhouse on his tower approximately 2 miles east of the proposed site. Mr. Durning stated that he thought they already had started there and Commissioner Jones stated Millhouse is not in a homeowner's association therefore they must have spoken with another tower owner. Ms. Walker stated it would have to work for their project and they did not have enough information to determine that at this time. Commissioner Jones stated there is currently colocation on Millhouse and the public need may be being met with 3 existing providers in the area. Mr. Durning asked about there being 3 providers in the area and stated there has to be 10-20' on the tower; therefore, they couldn't reach their desired height. It was clarified later that there were not 3 carriers on one tower but three carriers providing service in the area. Ms. Walker stated under case law the county would have to verify the alternate location would work for their project. Ms. Walker stated they are not open to an alternate site investigation in this area as they don't have enough information.

Attorney Davis asked if the applicant is willing to review an alternative site and Ms. Walker stated she does not have the authority to review another site and she stated there are many factors that come into play. Attorney Davis stated one of the issues is alternate sites have been investigated for colocation. Ms. Walker stated networks are different; therefore, locations for one carrier may

not work for another carrier. Commissioner Jones asked again if they would be willing to review the Millhouse site, 2 miles east of the proposed location and Ms. Walker asked if the only option is that or denial and that she feels their burden has been met.

Attorney Davis stated the proposed location could be detrimental to the surrounding area and that this area is a residential area with a proposed 300' tower. Another consideration is whether or not the public need is being met with the other existing towers. Ms. Walker asked if the other site doesn't work what information would be required. Commissioner Jones stated she would want to know why it would not be feasible.

Commissioner Jones moved denial of C.U. Case # 2018-12 39 CR 550 – Saratoga Communications Site request for a telecommunications tower up to 310 feet tall and related facilities in the Ranching, Agriculture and Mining (RAM) Zone District approximately 3 miles north of Saratoga off Carbon County Road #550 (Buck Creek Road/205 Connector) on a tract of leased land (10,000 sq.ft. or 0.23 acres) located in a portion of the W1/2 NE1/4 NW1/4 and the W1/2 E1/2 NE1/4 NW1/4, Section 31, T18N, R83W on the grounds that it is detrimental to the current land use area and that the public need is currently being met with existing towers and services in the area, some of which could have been investigated and used by this carrier, T-Mobile. Commissioner Davis seconded and Attorney Davis clarified that the findings for the resolution would include that it does not serve a current public need due to the availability of other colocation options. Commissioner Jones stated that yes, this would be included. Attorney Davis also asked whether the proposed location would be detrimental and Commissioner Jones said this was stated in her motion. The motion carried with Commissioners Jones, Chapman, Davis and Johnson voting for the motion and Commissioner Espy voting against.

**Public Hearing – C.U. Case File #2018-11 – Blacktail Mountain IV – Encampment Communications Site**

Chairman Johnson opened a public hearing at 5:01 p.m. to hear Planning & Zoning C.U. Case # 2018-11 Blacktail Mountain IV – Encampment Communications Site. Sid Fox, County Planning Director presented a Conditional Use Permit request for a telecommunications tower up to 310 feet tall and related facilities in the Ranching, Agriculture and Mining (RAM) Zone District bordering the Town of Encampment on the southeast off Emerson Boulevard on a tract of leased land (10,000 sq.ft. or 0.23 acres) located in a portion of the NE1/4 NE1/4, Section 12, T14N, R84W. The proposed telecommunications tower will include a 300'- tower with 10-ft. lightning rod (total height: 310') in a 100 ft. x 100 ft. lease area (or 0.23 acres) enclosed with a 6 ft. chain link fence. The guy wire anchor locations will also be fenced. Skyway Towers will construct the tower to accommodate three (3) additional antenna arrays. This is proposed as an unmanned site, after construction is complete, will generate no appreciable traffic. Technicians will visit the site approximately once per month for routine maintenance and monitoring.

Mr. Fox reported the site is zoned RAM; however, the town is very nearby. The Planning Commission held a public meeting on September 6 in Encampment and many of the comments indicated individuals were uncomfortable with the proposed location as it was not far from the

Grand Encampment Museum and the historic culture there. He also overviewed the previous comments received and that he received a petition against the application with approximately 100 or more signatures. The Planning Commission unanimously recommended denial as they determined the site would be detrimental to the area. Mr. Fox reported the state highway and Encampment streets would be the primary access and that he recommends the applicant meet with the Town Council to discuss use of the town streets for construction if the application is approved today. There are also additional recommended conditions if the BOCC chooses approval.

Ms. Walker again presented information on sites they searched and why those existing sites would not meet their needs saying they were not “leasable”. She stated that denial of the application would basically be prohibition of service in the area for T-Mobile. She then said that one site was not leasable and the owner wasn’t interested in leasing. Another site was not workable from their perspective. She stated her presentation provides information why the sites were not viable. Ms. Walker again provided FCC Compliance and code criteria and stated all required information has been submitted. She believes the sites perform a critical public need and they are critical for public safety. There will be no traffic impact or hazard, no environmental hazards and it can be leased to other carriers.

Chairman Johnson called for comments for or against the case. Richard Wilson, as an individual, stated he has dealt with towers for 20 years and he does not feel this tower is well planned. He stated there has not been a solid plan or alternate plan provided and that the footprint is too small for a 300’ tower. Most cell calls go into a hard wire and this area has access to such.

Robert Kelley stated he circulated a petition against the matter and that in only 4 days he obtained 134 signatures. In the last primary election, there were 185 people who voted for Mayor; therefore, most voters in the area are obviously against the site. He stated that there is not opposition to a tower, simply the location of the proposed tower.

Shelby Hiser, property owner adjacent to the site, said that she provided documentation from a local real estate professional that the proposed tower would not affect the property value, but it would affect the marketability of the property. She also provided various studies indicating that individuals do not want to live next to cell towers. Ms. Hiser said she purchased her home for the views and that this project is a detriment with undue financial injury.

Riverside Mayor, Leroy Stephenson stated that the council submitted a letter to the Planning & Zoning Commission last month and he seems to keep hearing that alternative sites will not work with their plans; however, the only plan he knows of is 3 towers in the county. He stated if the BOCC had a better idea of what the master plan was, the county could be of assistance to help locate good tower sites. He fails to see where there can’t be an alternative for the tower location within a mile or two of the proposed site that will affect less people.

Mr. Kelley asked how many other little communities are being impacted with towers close to their towns. He suggested state legislators should review these matters to determine the legality of such projects.

Leann Stephenson, Riverside business owner stated they send most guests to the Grand Encampment Museum and her concern is the viewshed loss for the Museum. While viewshed loss is not typically a consideration, it should be considered for the Museum.

Byron Barkhurst, citizen stated an individual that came to the public hearing and the Planning Commission's meeting, Cindy Hamilton, who has a friend on Blackhall Mountain Road who would allow the tower to be placed there. He was also curious what the BOCC's position would be in the buffer zone.

Ms. Walker responded to Mr. Wilson's comments noting that she provided everything required in code and all staff requirements. All information submitted for all 3 towers was the same; therefore, she didn't understand why this was insufficient and the Baggs site was sufficient.

There being no further comments, Chairman Johnson closed the public hearing at 5:25 p.m.

Commissioner Jones asked when X-Comm told them the site wasn't available. According to her, Silver Spur houses this site and that they feel this was feasible. Ms. Walker stated that she has not talked with them but T-Mobile did. Commissioner Jones asked if the Blackall Mountain Ranch, James Berger was visited as an alternative location and the gentlemen in the audience stated that he wanted too much of a fee for that to be feasible.

Kevin Durning stated that X-Comm is managing the towers and that T-Mobile can't come to an agreement on terms for a lease. Commissioner Jones asked if they have specifically talked to them about this tower location and Ms. Walker said no, they have not.

Mr. Fox asked about the lighting on the top of the tower. Ms. Walker stated there is a med-dual system with a light at the top and a light half way down. The lights are red or white and flashing. Mr. Fox stated the FAA requires the lighting.

### **EXECUTIVE SESSION**

Commissioner Espy moved to go into executive session at 5:28 p.m. with Gwynn Bartlett, Ashley Mayfield Davis and Sid Fox to discuss personnel, potential litigation and other matters considered confidential by law. Commissioner Chapman seconded and the motion carried unanimously.

Commissioner Espy moved to come out of executive session at 5:34 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Davis seconded and the motion carried unanimously.

### **C.U. Case File #2018-11 – Blacktail Mountain IV – Encampment Communications Site**

Commissioner Jones moved to deny C.U. Case # 2018-11 Blacktail Mountain IV – Encampment Communications Site request for a telecommunications tower up to 310 feet tall and related facilities in the Ranching, Agriculture and Mining (RAM) Zone District bordering the Town of Encampment on the southeast off Emerson Boulevard on a tract of leased land (10,000 sq.ft. or 0.23 acres) located in a portion of the NE1/4 NE1/4, Section 12, T14N, R84W based on the fact

that this is not appropriate for the location and detrimental to the location based on the record submitted. Commissioner Espy seconded and the motion carried unanimously.

### **Commissioners**

Commissioner Jones moved to authorize the Chairman's signature on the Wyoming Department of Transportation Aeronautics Division Certificate of State Grant-In-Aid for 100 percent of AWOS maintenance costs at the Dixon Airport up to an amount of \$5,769.00. Commissioner Davis seconded and the motion carried unanimously.

Clerk Bartlett reported that she had been in contact with Greg Ryan for several months requesting copies of current leases for the county's radio tower sites; however, recently found out no such leases exist. The county has a total of 9 transmitters at R Hill, Chalk Mountain, Separation Peak, 9 Mile and Elk Mountain and has been paying a lease fee of \$150.00 per month each to Mr. Ryan, the sites owner. He recently sold one to BigFoot99 so the county will now pay that entity. On all sites the county has no leases with Mr. Ryan. Mr. Ryan indicated to Clerk Bartlett that he does not intend to increase the county's fee until next fiscal year, as he understands the budgeting process. At that time, he proposes \$250 per month each rather than the \$450 per month going rate. This would total \$2,000 per month or \$24,000 per year for the remaining 8 transmitters compared to only \$1,200 per month and \$14,400 per year the county is currently paying. Mr. Ryan also suggested a 4 year lease that runs with the term of the Sheriff who is typically in charge of communications for the county. Clerk Bartlett suggested obtaining leases for each site with both owners soon. Commissioner Espy stated he would abstain from any discussion or votes on the a matter due to conflict. The remaining members indicated that they would like Attorney Davis to negotiate leases and return at a future meeting. Mr. Nation stated that these towers are critical to the county's communications. Commissioners Davis suggested using a market index increase.

Commissioner Espy moved to authorize the Chairman's signature on the Memorandum of Understanding Between the Carbon County Commissioners and the United States Department of the Interior Bureau of Land Management by and Through the Wyoming BLM State Director Regarding Process to Potentially Amend Bureau of Land Management, Wyoming's Land Use Plans for Greater Sage-Grouse Conservation and Management. Commissioner Chapman seconded and he clarified that the Chairman would sign, not the clerk as the agreement calls for. The motion carried unanimously.

### **EXECUTIVE SESSION**

Commissioner Espy moved to go into executive session at 5:51 p.m. with Gwynn Bartlett and Ashley Mayfield Davis to discuss personnel, potential litigation and other matters considered confidential by law. Commissioner Davis seconded and the motion carried unanimously.

Commissioner Espy moved to come out of executive session at 6:08 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Chapman seconded and the motion carried unanimously.

### **PURCHASE OFFER**

Commissioner Espy moved to authorize the Chairman to sign a purchase offer and any associated closing documents contingent upon attorney review. Commissioner Chapman seconded and the motion carried unanimously.

### **ADJOURNMENT**

Commissioner Espy moved to adjourn the meeting at 6:13 p.m. Commissioner Chapman seconded and the motion carried unanimously.

A regular meeting of this Board will be held November 20, 2018 at 9:00 a.m. at the Carbon County Courthouse, Rawlins, WY. The public is invited to attend or you can listen online at the website listed below. To get on the agenda, call the Clerk's Office by the Thursday before the meeting. Per Wyo. Stat. §18-3-516(f), access to county information can be obtained at [www.carbonwy.com](http://www.carbonwy.com) or by calling the Clerk's Office at (307) 328-2668 or 1-800-250-9812.