

**REPORT TO THE  
MINUTES OF THE BOARD OF  
CARBON COUNTY COMMISSIONERS  
REGULAR MEETING  
Tuesday, October 15, 2019  
Hanna Town Hall, Hanna, WY**

A regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, October 15, 2019 at 2:00 p.m. at the Hanna Town Hall, Hanna, WY. Attending the meeting were; Chairman, John Johnson, Vice Chairman, Sue Jones, John Espy, Travis Moore, and Byron Barkhurst.

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

**ADDITIONS/CORRECTIONS**

Chairman Johnson announced the Two Rivers and Lucky Star cases would be heard at 3 p.m. as advertised rather than when they are listed on the agenda today.

**VOUCHERS**

Vendor	Detail Line Description	Total
307 PROFESSIONAL CLEAN LLC	COUNTY CLEANING	\$10,485.00
71 CONSTRUCTION	ROAD PATCHING SEMINOE RD	\$26,064.00
ACME ELECTRIC COMPANY, LLC	MISC ELECTRICAL SERVICES	\$4,652.92
ALSCO, AMERICAN LINEN DIVISION	MISC SHOP SUPPLIES	\$54.85
APEX COMMUNICATIONS	MAINTENANCE AGREEMENT OCT 2019	\$4,033.88
APG MEDIA OF THE ROCKIES	MISC ADS	\$1,151.00
API SYSTEMS INTEGRATORS	MONTHLY MONITORING SERVICE FIRE	\$102.00
AXIS FORENSIC TOXICOLOGY, INC.	LAB TESTS	\$460.00
BAGGS, TOWN OF	WATER SERVICES	\$347.20
BALESTRIERI, MICHELLE	MILEAGE	\$108.92
BI INC.	ELECTRONIC MONITORING SERVICES	\$760.50
BLAKEMAN PROPANE	HEATING SERVICES	\$167.22
BOB BARKER COMPANY, INC.	JAIL SUPPLIES	\$712.58
BOMGAARS SUPPLY	MISC SAW PARTS	\$8.86
BOYS & GIRLS CLUBS OF CARBON COUNTY	GRANTS TANF DFS CPI 18-19	\$3,495.46
BUCHANAN, KAREN	MIELAGE	\$36.00
BUILD RITE LUMBER COMPANIES	MISC PARTS	\$539.24
CAPITOL COMMUNICATIONS	FIBER LINE TO CORONER BUILDING	\$1,181.26
CARBON COUNTY FAIR BOARD	JULY-SEPT 2019 RENT PER AGREEMENT	\$1,699.00
CARBON POWER & LIGHT INC	ELECTRIC SERVICES	\$2,056.53
CARERIGHT TECHNOLOGIES, LLC	MONTHLY RECURRING BED FEE	\$128.70
CASPER WINNELSON CO	WATER HEATER CORONERS BLDG	\$1,438.00

CHARTER COMMUNICATIONS	TV SUBSCRIPTION JAIL	\$119.84
CHAVEZ, SARAH	MILEAGE	\$117.00
COMMUNITY RESOURCE CENTER	AGENCY DUES	\$35.00
CONLEY, MARCI	MILEAGE	\$185.60
COWBOY CHEMICAL	JAIL LAUNDRY SUPPLIES	\$329.00
DAHLKE, ARTHUR W.	CPR CLASS	\$2,726.00
DAVIS, ASHLEY	MILEAGE WACO CONFERENCE/HEARINGS MILEAGE	\$533.90
DBT TRANSPORTATION SERVICES LLC	QUARTERLY MAINTENANCE AWOS/NAS	\$1,667.44
DENISE AMBER LEE FOUNDATION, INC.	REGISTRAION FEES FOR A VICTIMS PLEA MEETING	\$195.00
DIRTY BOYZ SANITATION, INC	TRASH SERVICES	\$1,496.00
DOMINION ENERGY	HEATING SERVICES	\$52.74
DRUMMOND REFRIGERATION LLC	JAIL ICE MAKER REPAIR	\$531.90
EATON CORPORATION	FERRUPS UPS BACK UP BATTERY SYSTEM	\$17,266.00
EKM&P, INC. DBA VOORHIS ASSOC., INC.	CARBON BUILDING/COURTHOUSE PROJECT	\$190,942.72
ELEVATED TRAINING SOLUTIONS	PREEMPLOYMENT DRUG SCREEN	\$70.40
ELK MOUNTAIN, TOWN OF	WATER SERVICES	\$65.50
ENCAMPMENT, TOWN OF	WATER SERVICES	\$192.00
ENCARTELE	PHONE CARDS	\$4,000.00
ENGSTROM, JAMES D. DDS	DENTAL SERVICES	\$2,500.00
ERICKSON & ROBERTS	LEGAL SERVICES	\$81.30
F & S TRUCKING, INC	LOADED AND HAULED WATER	\$8,635.00
GCR ELECTRONICS, LLC	SITE RENTAL	\$2,000.00
GLAXOSMITHKLINE PHARMACEUTICALS	VACCINES	\$10,911.27
GRAPHIC BUSINESS SOLUTIONS, LLC	BUSINESS CARDS	\$83.00
GREATER WY BIG BROS/SISTERS	GRANTS TANF DFS CPI 18-19	\$7,890.68
HAHN, CINDI	SPATULAS FOR JEFF CENTER	\$25.07
HANSEN, LORETTA J.	MILEAGE	\$249.40
HERMAN, BOBBIE	MILEAGE	\$26.40
HIGH PLAINS POWER	ELECTRICAL SERVICES	\$485.70
HI-TECH AUTO	MECHANIC SERVICES/PARTS	\$154.25
IAAO	MEMBERSHIP DUES 2020	\$200.00
IRON J TOWING	SMALL WRECKER	\$134.00
J H KASPAR OIL COMPANY	FUEL	\$12,036.00
JACK'S BODY & FENDER REPAIR	TOWING SERVICES	\$616.00
JEFFREY CENTER BOARD	JULY-SEPT 2019 RENT PER AGREEMENT	\$2,300.00
KARI, DALE	MILEAGE	\$39.00
KENCO SECURITY AND TECHNOLOGY	MONTHLY ALARM MONITORING	\$83.00
KILBURN TIRE COMPANY	TIRES	\$900.16
KTGA/KBDY	MISC ADS	\$270.00
KUSSMAUL ELECTRONICS	APPARATUS BATTERY AND AIR MAINTAINER	\$1,214.57

L N CURTIS & SONS	REPLACEMENT VALVE	\$1,524.84
LARAMIE FIRE EXTINGUISHER	YEARLY INSPECTIONS	\$230.50
LOADER, JEAN	MILEAGE	\$135.00
LONG BUILDING TECHNOLOGIES, INC.	CHILLER REPAIR	\$826.00
MEDICINE BOW, TOWN OF	WATER SERVICES	\$401.50
M.H.C.C.	EMERGENCY DETENTIONS/NURSE CALL LIGHT	\$32,585.60
MOSS, BARBARA	MILEAGE	\$27.00
MPM CORP / EVERGREEN DISPOSAL	TRASH SERVICES	\$130.00
MY OFFICE ETC.	MISC OFFICE SUPPLIES	\$68.52
NMS LABS	LAB FEES	\$140.00
NORCO, INC.	MISC SUPPLIES	\$978.42
OFFENDER WATCH	SEX OFFENDER NOTIFICATIONS	\$35.00
PATTON, ROBERT L.	MILEAGE	\$35.40
PERKINS OIL CO	FUEL	\$4,971.93
PERUE PRINTING	LETTER HEADS	\$79.00
QUILL CORPORATION	MISC OFFICE SUPPLIES	\$506.84
RAWLINS AUTOMOTIVE	MISC PARTS	\$2,638.47
RAWLINS GLASS CENTER, INC.	CORONERS BLDG NEW GLASS FOR FRONT OF BLDG	\$678.00
RAWLINS, CITY OF	WATER SERVICES	\$5,396.45
ROCKY MOUNTAIN CONTAINER STORAGE	SHIPPING CONTAINER T/REPLACE BLDG ON ELK MTN. RADIO SHACK	\$2,800.00
ROCKY MOUNTAIN POWER	ELECTRIC SERVICES	\$16,631.64
ROWAN, KRISTY	MILEAGE	\$80.00
SARATOGA AUTO PARTS, INC.	MISC PARTS	\$150.54
SARATOGA LUMBER & SUPPLY	UPS PACKAGE	\$10.54
SARATOGA SUN	RETIRMENT AD FOR BILL	\$142.50
SARATOGA, TOWN OF	WATER SERVICES	\$148.50
SECURITY TRANSPORT SERVICES, INC.	INMATE TRANSPORT	\$967.95
SHEPARD, SHANDRA NP	NURSE PRACTITIONER	\$1,116.00
STAPLES ADVANTAGE	FOLDERS	\$128.20
STATE OF OR MOTOR VEHICLE DIV.	DRIVING RECORD REQUEST	\$3.00
SUMMIT FOOD SERVICE	JAIL MEALS	\$9,693.19
SUNRISE SANITATION SERVICE, LLC.	TRASH SERVICES	\$68.00
SWANSON SERVICES CORPORATION	JAIL COMMISSARY SUPPLIES	\$2,099.90
TANDAN SANITATION SERVICES	TRASH SERVICES	\$80.00
TERMINIX	INSECT PREVENTION AT JAIL	\$450.00
THOMSON REUTERS-WEST PAYMENT CTR	WEST INFORMATION CHARGES	\$786.44
TIN BOY GARAGE	LARGE TIRE REPAIR	\$20.00
TRACTOR SUPPLY CREDIT PLAN	MISC PARTS	\$671.94
TRADING POST	FUEL	\$309.10
TREVATHAN, SABRINA RMR	TRANSCRIPTION SERVICES	\$919.40
TRUE VALUE OF RAWLINS	MISC PARTS	\$613.77

VALLEY OIL COMPANY	FUEL	\$493.98
WACO	2019 WACO REGISTRATION	\$175.00
WESTERN STATES FIRE PROTECTION CO	ANNUAL FIRE SPRINKLER/ALARM INSPECTION	\$475.00
WLC ENGINEERING	CORONERS OFFICE REMODEL PROJECT 16742	\$4,197.10
WOODWARD & ASSOCIATES, INC.	CORONERS BLDG CARPET	\$1,790.00
WY CLERKS OF DISTRICT COURT ASSOC.	ANNUAL DUES SEPT 19- AUG 20	\$150.00
WY DEPT OF FAMILY SERVICE	CENTRAL REGISTRY SCREENINGS	\$10.00
WY DEPT OF TRANSPORTATION	STATE ASSIGNED VIN FOR DEUCE 1962	\$20.00
WY MACHINERY COMPANY	MECHANIC SERVICES	\$11,216.63
WY STATE BAR	ANNUAL LICENSE FEE G. BELANGER	\$267.50
XYBIX SYSTEMS, INC	DISPATCH FURNITURE/CONNECTORS DEPOSIT	\$22,940.29
YOCUM, LEO	MILEAGE	\$12.00

Commissioner Jones moved to approve the insurance premium and claims in the amount of \$164,029.82, payroll in the amount of \$829,667.13 and the main amount of bills in the amount of \$461,995.08. For a grand total of \$1,455,692.03. Commissioner Barkhurst seconded and the motion carried unanimously.

### **CONSENT AGENDA**

Commissioner Espy moved to approve the consent agenda noting any item could be removed for separate action. The consent agenda includes the October 1, 2019 regular meeting minutes, monthly receipts for Carbon County Clerk in the amount of \$24,495.50, monthly receipts for Clerk of District Court Office in the amount of \$2,933.50, monthly receipts for Road and Bridge in the amount of \$3,401.90 and a bond for Lori Smith, Treasurer for the Carbon County Museum Board in the amount of \$1,000.00. Commissioner Jones seconded and the motion carried unanimously.

### **ELECTED OFFICIALS & DEPARTMENT HEADS**

#### **IT**

IT Director, Matt Webster requested approval on CenturyLink Total Advantage Express Agreements for the jail and the courthouse. These agreements would implement the discounted PRI pricing for both locations. Attorney Davis will review the agreements prior to approval.

Matt reported that he will need to expend \$14,742.56 on a switch, equipment and software to connect the new Coroner's office to the county's network. Clerk Bartlett suggested this should be paid from the same fund as the other new building expenses for ease of tracking.

Mr. Webster reported he is currently advertising for his vacant position of IT Specialist and that the position is open until filled. He has switched the county's remote support software from join.me to Team Viewer and wanted the BOCC to know.

## **Road and Bridge**

Kandis Fritz, Interim R&B Coordinator opened bids for a new end dump truck. TriState bid \$147,339.70; Kenworth Sales bid \$144,263.78; Floyd's Truck Center bid \$122,133.00 likely not including plow and \$127,393.00; and Peterbilt bid \$131,584.00. Ms. Fritz stated she would return later with a recommendation after reviewing the bids.

Ms. Fritz mentioned that she has spoken with both CAT and John Deere about what kind of prices they would give the county to trade 3 motor graders and a scraper for three new blades. A 2006 Cat 140H Motor Grader with 10,000 hours, a 2006 Cat 140H Motor Grader with 8,000 hours, a 2007 Cat 140H Motor Grader with 9,000 hours and a scraper, 2008 Cat 623G Scraper with 335 Hours. She gave them both the exact same information and both companies came and looked at all equipment. She stated John Deere was lower on the new blades however CAT's trades were much higher offsetting the difference.

CAT offered \$705,000.00 for trades and their June bid for a blade was \$344,759.93. John Deere offered \$571,000 for trades and their June bid was \$325,000. If the county were to purchase three new blades the difference owed would be \$329,279.79 with CAT compared to \$404,000.00 with John Deere.

Commissioner Moore moved to waive the procurement policy and proceed with the trade-in of the 2006 Cat 140H Motor Grader with 10,000 hours, VIN: CCA02470, a 2006 Cat 140H Motor Grader with 8,000 hours, VIN: CCA02471, a 2007 Cat 140H Motor Grader with 9,000 Hours, VIN: CCA03047 and the 2008 Cat 623G Scraper with 335 Hour, VIN: DBC00481 and purchase 3 new motor graders from Caterpillar/Wyoming Machinery Company in the amount of \$1,034,279.79 less trade of \$705,000 leaving \$329,279.79 for a lease purchase. Commissioner Espy seconded and asked if we should save one older blade for a spare and Ms. Fritz stated she would like to but the priority at this time should be to purchase new ones due to the hours. The motion passed with all voting for the motion except Commissioner Jones who abstained due to potential conflict.

Ms. Fritz presented a list of dump trucks and a dump trailer that she would like to declare as surplus so that it can be included in the November auction at Woodward & Associates in Rawlins.

Commissioner Espy moved to declare the following items as surplus: 1982 Western Star and Belly Dump Trailer VIN 2WKPDCJE5CK908771, 1983 International Dump Truck VIN 1HTLKTVR5EHA23191, 1984 International Dump Truck VIN 1HTLKTVR8EHA32757 and 1987 International Dump Truck VIN 1HTLKTVR5HH506858. Commissioner Jones seconded and the motion passed unanimously.

Ms. Fritz mentioned there is a 6x6 truck with a plow that she is obtaining a VIN for and would like to declare surplus.

Commissioner Espy moved to declare a 1962 6x6 with no VIN surplus to also sell at auction. Commissioner Moore seconded and the motion carried unanimously.

## **Attorney**

County Attorney Ashley Davis has reviewed the IT agreements mentioned earlier. She mentioned there is a statement of work that goes with these contracts and the Chairman stated Mr. Webster could sign that document.

Commissioner Barkhurst moved to authorize the Chairman's signature on the CenturyLink Total Advantage Express Agreements between CenturyLink and Carbon County for the discounted PRI pricing at the jail and at the courthouse for a period of 60 months in the amount of \$485.00 per location, one being for 415 West Pine Street and the other for 1302 Daley Street both in Rawlins. Commissioner Moore seconded and the motion carried unanimously.

Ms. Davis presented an amendment to the memorandum of understanding with Albany County and several municipalities for the Boswell Springs Wind Project. The purpose of the amendment is to adjust the distribution of impact assistance funds. Amounts have been reduced by proportionate shares to fit the new expected cost of the project.

Commissioner Espy moved to authorize the Chairman's signature on the First Amendment to Memorandum of Understanding between Board of Commissioners of the County of Carbon, Wyoming, the Town of Hanna, Wyoming, the Town of Elk Mountain, Wyoming, the Town of Medicine Bow, Wyoming, the Board of Commissioners of the County of Albany, Wyoming, the City of Laramie, and the Town of Rock River, Wyoming For Impact Assistance Funds of Boswell Wind Project reducing allocations to all agencies. Commissioner Jones seconded and the motion carried unanimously

Attorney Davis reported that she is reviewing the agreements with the county's construction manager and after all changes are made she will submit this to the Chairman for signature.

## **Treasurer**

Commissioner Espy asked Treasurer Patty Bentsen if the county is taking the cost share for attorney fees from the various districts and municipalities that receive funds. The county is currently paying 100% of attorney fees and he requested that the Treasurer track those and subtract those off of future tax payments. He believes there is a state law allowing for this.

## **Clerk**

Gwynn Bartlett, County Clerk presented Homeland Security grant award agreements for the purchase of the CodeRed subscription, fire radios and coroner equipment for signature.

Commissioner Espy moved to authorize the Chairman's signature on three Grant Award Agreements between the Wyoming Office of Homeland Security and Carbon County for the following: purchase of the CodeRed subscription within Carbon County in the amount of \$11,390.00 for a period of October 15, 2019 to August 31, 2022, grant ID: 19-SHSP-CAR-SC-HRP19; purchase of stainless steel autopsy trays, carrier for stainless steel trays, and a hydraulic

cadaver lift for the County Coroner in the amount of \$10,284.00 for a period of October 15, 2019 to June 30, 2021, grant ID: 19-SHSP-CAR-LC-HRP19; and for the purchase of P-25 compliant mobile radios and allowable accessories for the Fire Department in the amount of \$6,500.00 for a period of October 15, 2019 to June 30, 2021, grant ID: 19-SHSP-CAR-SC-HEM19. Commissioner Barkhurst seconded and the motion carried unanimously.

Clerk Bartlett noted that Buildings Manager Jim Piche was not present and she was presenting several things on his behalf today. First she presented two quotes to replace the Jeffery Center ice machine. They were from Drummond Refrigeration in the amount of \$4,677.00 and Bar-Green Ellison Casper in the amount of \$4,728.78. Building and Grounds Supervisor Jim Piche recommends Drummond refrigeration and states that it can be funded under Jeffery Center Maintenance account, however, it will run it over budget.

Clerk Bartlett presented two quotes to do a LED light conversion at the Medicine Bow Senior Center. They were from Acme Electric in the amount of \$2,977.33 and Fremont Electric in the amount of \$4,515.00. Building and Grounds Supervisor Jim Piche recommend Acme Electric and states that funding will be paid out of the LED light line item.

Clerk Bartlett presented a list of vehicles that Mr. Piche would like to declare as surplus from Building and Grounds and the Fair Board so that it can be included in the November Woodward & Associates auction. She noted the Case skid steer and the lawn tractor are the Fair Boards.

Commissioner Barkhurst moved to declare the following items as surplus: 1990 Ford F250, VIN 1FTEF26H3LPA95694, Case Skid model 1845, Serial Number F1122777 and a Poulan Lawn Tractor model P822H46YT, Serial Number 030308A001282 and 2006 Ford Taurus VINs 1FAFP53U76A122297 and 1FAHP53U26A216807. Commissioner Moore seconded and the motion passed unanimously.

Clerk Bartlett reported for Mr. Piche that he has priced a 2000 gallon self-contained fuel tank that meet all of the DEQ requirements for the Medicine Bow Building. Mr. Piche has two prices for the tanks but she suggested that there is a business in Casper that if you use their fuel they will provide the tanks for free.

Clerk Bartlett reported that Mr. Piche would like the final Medicine Bow Complex plans approved so he can go out for bid. Attorney Davis will review the plans and this will be discussed at the next Commissioner meeting.

Clerk Bartlett reported the county's design team will be present this week and they have hired Terracon to do some minimal soil investigation for the Carbon Building.

## **PUBLIC HEARINGS**

### **Wild West Spirits LLC Distillery Satellite Permit**

Chairman Johnson opened a public hearing at 2:50 p.m. to hear an application for a new Distillery Satellite License for Wild West Spirits LLC Brush Creek Distillery for the following

described building: Brush Creek Ranch located at the 6065 Highway 130, Brush Creek Ranch Road, Saratoga, WY 82331. She noted the required advertisements were placed in the Rawlins Daily Times on September 25 and October 2.

Bob Jensen with Holland & Hart representing Wild West Spirits LLC reported there is a distillery at the Farms at Brush Creek. They will use a separate room at the site to allow them to sell their produced bottled spirits in an adjacent room.

Chairman Johnson called for public comments for or against the application. There being no comments, he closed the hearing at 2:54 p.m.

Commissioner Jones moved to approve the Distillery Satellite License for Wild West Spirits LLC Brush Creek Distillery effective immediately. Commissioner Moore seconded and the motion carried unanimously.

Clerk Bartlett reported Brush Creek will be constructing yurts at their new ski resort and would like the ability to apply for catering permits at those sites. She stated it is limited to 36 permits per year at one premises however the statute and county rules are vague on what premises is and declares it is up to the commissioners. She recommended each yurt be considered a different premises for this purpose and the BOCC agreed. Ranch Manager Mike Williams stated these are day experiences for their guests and there would be a one hour session and doesn't see the maximum permits even being needed this year.

### **Executive Session**

Commissioner Espy moved to go into executive session at 3:05 p.m. with Attorney Davis and Clerk Bartlett to discuss matters of personnel, potential litigation and other matters considered confidential by law. Commissioner Moore seconded and the motion carried unanimously.

Commissioner Espy moved to come out of executive session at 3:19 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Moore seconded and the motion carried unanimously.

### **Z.C. Case #2019-11-Dragonfly Properties, LLC c/o Kirby and Dixie Berger**

Chairman Johnson opened a public hearing at 3:20 p.m. to hear Planning and Zoning Z.C. Case #2019-11-Dragonfly Properties, LLC c/o Kirby and Dixie Berger. County Planning Director, Sid Fox introduced Sarah Hutchins, GIS Specialist who presented a request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Residential (RD-2.252) on approximately 2.252 acres. The RD Zone is to provide land for residential development that is typically single family detached and located within Town Expansion Areas and within or nearby Rural Centers. This is located approximately 1.6 miles south of Saratoga off Carbon County Road #387 on the west side of HWY 130.

Chairman Johnson called for public comments for or against the zone change. There being no comments, he closed the hearing at 3:22 p.m.

Commissioner Moore moved to approve Resolution No. 2019-32 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 #2019-11-Dragonfly Properties, LLC c/o Kirby and Dixie Berger for a request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Residential (RD-2.252) on approximately 2.252 acres located approximately 1.6 miles south of Saratoga off Carbon County Road #387 on the west side of HWY 130. Commissioner Jones seconded and Commissioner Barkhurst asked if such a change from RAM to residential affects livestock. Mr. Fox stated that the agricultural use would allow for small 4-H projects or things of those nature but not larger scale agricultural. He stated he would prefer rural residential agricultural zoning but this lot size did not allow for such a zone. The motion carried unanimously.

### **Resolution No. 2019-32**

#### **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 #2019-11**

**WHEREAS**, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on Monday, September 9, 2019, which hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at the Monday, September 9, 2019, 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 public hearing; and

**WHEREAS**, at the conclusion of said Monday, September 9, 2019, 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 change as an amendment to the Carbon County Official Zoning Map for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Board of County Commissioners, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation of this zoning amendment to the Carbon County Official Zoning Map, 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, October 15, 2019; and

**WHEREAS**, at said public hearing on October 15, 2019, 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 amendment; and

**WHEREAS**, the Carbon County Board of County Commissioners in considering the proposed amendment have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2015, as amended; and

**WHEREAS**, the Carbon County Board of County Commissioners have determined that the proposed amendment is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and that the proposed zone change meets the following applicable criteria of the Carbon County Zoning Resolution of 2015, as amended; 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 zoning amendment to the Carbon County Official Zoning Map.

**Z.C. Case File #2019-11:** Request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Residential (RD-2.252) on approximately 2.252 acres. The RD Zone is to provide land for residential development that is typically single family detached and located within Town Expansion Areas and within or nearby Rural Centers.

**Petitioners:** Dragonfly Properties, LLC c/o Kirby and Dixie Berger (Applicants and Land Owners)

**Parcel Identification Number:** 17842520006100

**General Site Location:** Approximately 1.6 miles south of Saratoga off Carbon County Road #387 on the west side of HWY 130.

**Legal Description – taken from Book 1318, Page 58:** Tract 218' x 400' in SW1/4 NW1/4 of Section 25, Township 17, Range 84, containing 2.252 acres, Carbon County, Wyoming.

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

That the Carbon County Board of County Commissioners, hereby adopts 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 and Mining (RAM) to Residential (RD-2.252) encompassing approximately 2.252 acres.

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 15th of October, 2019.

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

-s- Willing John Johnson, Chairman  
On behalf of the Carbon County Board of County Commissioners

Attest:

Gwynn G. Bartlett, Carbon County Clerk

**C.U. Case #2019-06-High Country Joint Powers Board (HCJPB)**

Chairman Johnson opened a public hearing at 3:25 p.m. to hear Planning and Zoning C.U. Case #2019-06-High Country Joint Powers Board (HCJPB). Ms. Hutchins also presented this case, a request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone for the construction, operation, and maintenance of a low hazard low volume (LHLV) solid waste transfer station. This is located near the existing landfill; approximately 1,900 feet northeast of the Hanna town limits. She stated the conditions recommended are fairly standard with one exception, Condition 4 where the applicant shall demonstrate legal access.

Jade Gernant, representing the High Country Joint Powers Board stated they have been in contact with Arc Land who has indicated they are willing to deed a 100' strip of land through their parcel for legal access. He also addressed the BLM's comment about the addition of monitoring wells. He stated there are no plans to add additional monitoring wells as nothing would be buried because trash would be put into bins and that waste is hauled by packer trucks to the Laramie landfill.

Chairman Johnson called for public comments for or against the zone change. There being no comments, he closed the hearing at 3:33 p.m.

Commissioner Barkhurst moved to approve Resolution No. 2019-33 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission Case #2019-06 High Country Joint Powers Board (HCJPB). County Planning Director, Sid Fox presented a request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone for the construction, operation, and maintenance of a low hazard low volume (LHLV) solid waste transfer station. This is located near the existing landfill; approximately 1,900 feet northeast of the Hanna town limits with staff's recommended six conditions. Commissioner Moore seconded and the motion carried unanimously.

### **Resolution No. 2019 – 33**

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

#### **C.U. Case File #2019-06 – “Hanna Convenience Center/Transfer Station”**

**WHEREAS**, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission advertised to hold a public hearing on Monday, September 9, 2019, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at the Monday, September 9, 2019, 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 public hearing; and

**WHEREAS**, at the conclusion of the Monday, September 9, 2019, public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners pursuant to the Carbon County Zoning Resolution of 2015, as amended for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Board of County Commissioners, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation; advertised by public notice at least 14 days prior to a public hearing to take public input and comments which said hearing occurred on Tuesday, October 15, 2019; and

**WHEREAS**, at said public hearing on October 15, 2019, 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 application; and

**WHEREAS**, the Carbon County Board of County Commissioners in considering said application have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2015, as amended, specifically, Section 7.7, Conditional Use Permits; and

**WHEREAS**, the Carbon County Board of County Commissioners have determined that the proposed permit is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and the Carbon County Zoning Resolution of 2015, as amended, 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 Conditional Use Permit Application:

**C.U. Case #2019-06:** Request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone for the construction, operation, and maintenance of a low hazard low volume (LHLV) solid waste transfer station.

**Project Name:** Hanna Convenience Center/Transfer Station

**Petitioner:** High Country Joint Powers Board (Applicant and Land Owner)

**Parcel Identification Number:** 22811610004200

**General Site Location:** Near the existing landfill; approximately 1,900 feet northeast of the Hanna town limits.

**Legal Description – Permit Boundary:** A Parcel of land being in Section Sixteen (16), Township Twenty-two (22) North, Range Eighty-one (81) West of the Sixth (6<sup>th</sup>) Principal Meridian (P.M.), Carbon County, Wyoming, being more particularly described as follows: Commencing at the northeast corner of Section 16, T. 22 N., R. 81 W., thence S 61°14'08" W, a distance of 1,104.27 feet to the **Point of Beginning**; thence, S16°26'56" W, 323.96 feet; thence, S45°53'56" W, 489.74 feet; thence, N81°26'57" W, 402.17 feet; thence, N06°44'03" W, 352.25 feet; thence, N51°54'57" E, 538.29 feet; thence, S78°53'11" E, 467.50 feet, more or less, to the **Point of Beginning**. The foregoing parcel of land is 10.02 acres, 436,405 square feet, more or less. Basis of Bearing is based on NAD 83 Wyoming State Plane Coordinate System East Central Grid as surveyed by Survey grade GPS, having a bearing between the north quarter corner, and the northeast section corner of said Section 16 being S89°36'13" E.

**TERMS AND CONDITIONS OF APPROVAL:**

1. The Applicant(s) shall submit a copy of their approved WDEQ low hazard\low volume solid waste permit and any subsequent State approvals, including all required studies, reports and certifications prior to the issuance of any applicable building permits.
2. Building permit application must be accompanied by building plans stamped by an engineer licensed in the State of Wyoming.
3. The facility must post a sign at the entrance that includes the facility name, the name and phone number of the responsible person in event of emergency, and hours of operations.
4. The Applicant(s) shall demonstrate legal access to the property prior to the issuance of a Building Permit or Zoning Certificate.
5. The Applicant(s) shall notify the Carbon County Planning & Development Department in writing of any material changes to the project subsequent to the County issuance of the Conditional Use Permit.

6. Upon approval by the Board, the following provisions from the Zoning Resolution will be incorporated into the final Resolution:
  - a. In accordance with Section 7.7.H, Expiration of Conditional Use Permits:
    - Any use for which a conditional use permit is granted must be commenced within two (2) years from the date of approval. If the Project is not commenced within two (2) years from the date of approval then the conditional use permit shall expire and become null and void and be of no further effect, except as extended in compliance with Section 7.7.I, Extension of Conditional Use Permits.
  - b. In accordance with Section 7.7.J, Transfer of Conditional Use Permits:
    - No conditional use permit shall be transferred without the prior approval of the Board of County Commissioners.
  - c. In the event the actions occurring pursuant to this permit are found to be in material violation of the terms and conditions of this permit, or are found to have been obtained by fraud, this permit shall be subject to all remedies allowed by law. Violation of any of the above restrictions can be grounds for terminating this Conditional Use Permit.

**Amendments to Conditional Use Permits:** A Conditional Use Permit may be amended pursuant to the procedures and standards as required for a new CUP application.

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

That the Carbon County Board of County Commissioners hereby approves this Conditional Use Permit (CUP) as certified to them in writing by the Carbon County Planning and Zoning Commission as represented in the Conditional Use Permit (C.U. Case #2019-06 – “Hanna Convenience Center/Transfer Station”).

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 15th day of October, 2019.

**BOARD OF COUNTY COMMISSIONERS OF  
CARBON COUNTY, WYOMING**  
-s- Willing John Johnson, Chairman  
On behalf of the Carbon County  
Board of County Commissioners

Attest:

Gwynn G. Bartlett, Carbon County Clerk

**Certifications of Recommended Action**

Attorney Davis reported that the issue today is to accept the application for Two Rivers and Lucky Star as complete or not. If it is deemed complete there must be a hearing 45-60 days from today to allow public comment. The hearing would be December 3. County Planning Director, Sid Fox reported that September 3 the BOCC requested specific information dealing with the status of a PacifiCorp interconnect agreement and a BLM permit application. There was also an objection from Anadarko, the subsurface mineral right owner. Since then the applicant has submitted additional information and today Anadarko has withdrawn their objection. The Planning Commission heard the matter on September 9 and he has a certification of recommended action resulting from that meeting.

Gareth McDonald with Blue Earth Renewables stated they have attempted to provide supplemental information so the BOCC can deem this complete today. The status of the federal applications have been submitted and the BLM will only require an environmental assessment rather than a full environmental impact statement. Secondly they provided a large generator interconnect agreement with PacifiCorp and a system impact study for Lucky Star. In addition they have successfully negotiated with Anadarko who has since withdrawn their objection and they are both confident they will come to an agreement for mutual compensation. He added that Bill Baily of Two Rivers Ranch, Wes Dunmire of Dunmire Ranch and Rob Gill Superintendent of True Ranch were all present to support the project.

Commissioner Jones asked if they would pursue an eagle take permit and Mr. McDonald stated they plan to at this time and have already been in contact with the proper agencies.

Chairman Johnson stated the Environmental Assessment (EA) could progress to a full Environmental Impact Statement (EIS) and asked if the applicant was aware of this. Melanie Martin replied that until the entire review is complete they cannot make the judgement call however they believe at this time there will be no significant impacts. She noted this could change during the public comment process. There are active discussions with the BLM and the applicant regarding cost recovery. Ms. Martin added the eagle conservation plan is being developed now and all the data has already been collected. The timeline for the permit is shortened since 2016 and once the mitigation measure are accepted she stated the EA would be 6 months.

Mr. Dunmire stated they have other windfarms on ranches they own. Approximately 10 years ago he became involved with PacifiCorp and they are a good company to work for. He has had opportunity to lease the project site to many companies previously however he chose to lease this property to Blue Earth after investigation of their reputation and the fact they keep their word and follow through.

Mr. Gill echoed Mr. Dunmire's statements. They also have an existing windfarm on their property and the owners are active with renewal energy sources and fully support the project.

Mr. Bailey stated they have had great communication with Blue Earth and the company has been diligent in their response to questions.

Commissioner Espy moved to find C.U.W. Case #2019-02-Two Rivers Wind Energy Project and C.U.W. Case #2019-03-Lucky Star Wind Energy Project applications complete. Commissioner Moore seconded and the motion carried unanimously.

Mr. Fox presented the certifications of recommended action for these cases.

Commissioner Jones moved to accept the Certifications of Recommended Action for C.U.W. Case #2019-02-Two Rivers Wind Energy Project and C.U.W. Case #2019-03-Lucky Star Wind Energy Project, and schedule public hearings at 1:30 p.m. on December 3, 2019 at the Carbon County Courthouse in Rawlins, WY. Commissioner Moore seconded and the motion carried unanimously.

### **Road & Bridge**

Ms. Fritz returned noting the low bid was Floyd's Truck Center however she recommended accepting Peterbilt's bid due to the fact there can be local service. The current truck is a 2010 Western Star with a Detroit engine has 37,000 miles and no service company can determine what is wrong with it.

Commissioner Espy moved to award the bid for dump truck to Peterbilt of Wyoming in the amount of \$131,584.00 for an end dump truck. Commissioner Jones seconded and Commissioner Espy explained that with local warranty service for that type of truck engine will save the taxpayers money in the long run rather than a tow truck haul cost out of town. The motion carried unanimously.

### **Citizens & Commissioners Discussion**

Commissioner Barkhurst reported he was invited to the Encampment Senior Center board meeting yesterday and shared the roof should be done by mid-November.

Commissioner Jones complimented Clerk Bartlett, Attorney Davis and Chairman Johnson on the county's process for industrial siting as it sets a good example for the rest of the state.

Commissioner Espy reported that the 2018 Resource Advisory Council appointees have been approved. He will be attending a migration corridor meeting soon and thinks there will be a bill introduced regarding this next session.

Chairman Johnson reported that the Two Rivers & Lucky Star industrial siting permit hearing was approved and had more questions from the council than usual. Commissioner Jones reported the Laramie Boomerang reported that the project company pays the impact assistance however the funds really come from a shift in sales tax and are made during the project in payments making it difficult for counties and municipalities to mitigate impacts ahead of impacts. Chairman Johnson stated the applicants should have to post a bond up front to provide funds for impact mitigation.

Commissioner Moore congratulated Sarah Hutchins on her recent New Planner of the Year Award she recently received.

**ADJOURNMENT**

Commissioner Espy moved to adjourn the meeting at 4:15 p.m. Commissioner Moore seconded and the motion carried unanimously.

A regular meeting of this Board will be held Tuesday, November 19, 2019 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 or by calling the Clerk's Office at (307) 328-2668 or 1-800-250-9812.