

**REPORT TO THE
MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, January 7, 2020
Carbon County Courthouse, Rawlins, WY**

A regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, January 7, 2020 at 9:00 a.m. at the Carbon County Courthouse, Rawlins, 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 9:01 a.m.

ADDITIONS/CORRECTIONS

There were no additions or corrections to the agenda.

VOUCHERS

Commissioner Espy moved to approve payment to Sunrise Sanitation for \$68.00. Commissioner Barkhurst seconded and the motion carried with all voting for the motion except Commissioner Jones who abstained due to personal conflicts.

Commissioner Espy moved to approve the report of expenditures in the amount of \$720,425.91 for an aggregate total today of \$720,493.91. Commissioner Moore seconded and the motion carried unanimously.

Vendor	Detail Line Description	Total
307 PROFESSIONAL CLEAN LLC	COUNTY CLEANING	\$10,485.00
ACME ELECTRIC COMPANY, LLC	ELECTRIC REPAIR	\$799.64
ALLISON, SCOTT M	REIMBURSEMENT FOR VET BILL	\$26.11
ANTON COLLINS MITCHELL LLP	AUDIT OF FY 2019	\$12,000.00
APEX COMMUNICATIONS	JANUARY MAINTENANCE	\$4,033.80
APG MEDIA OF THE ROCKIES	MISC ADS	\$3,289.08
AXIS FORENSIC TOXICOLOGY, INC.	LAB FEES	\$1,150.00
BAGGS, TOWN OF	NOV 19 RENT	\$150.00
BANK OF MONTREAL - MASTERCARD	MISC CHARGES	\$18,141.08
BARCO MUNICIPAL PRODUCTS, INC	CHAINS FOR LOADER	\$479.80
BESTDRIVE DENVER	6 NEW BLADE TIRES	\$7,770.00
BI INC.	MONTHLY MONITORING	\$1,157.00
BIG HORN ROOFING, INC	CARBON COUNTY DETENTION CENTER ROOF	\$17,766.00

BLACK HILLS ENERGY	HEATING SERVICES	\$16,398.66
BOB BARKER COMPANY, INC.	BINDER CLIPS	\$268.37
BOMGAARS SUPPLY	TOOL CASE	\$39.99
BUILD RITE LUMBER COMPANIES	MISC PARTS	\$1,697.49
BULBS.COM	LIGHT BULBS	\$499.80
CARBON COUNTY FAIR BOARD	OCT-DEC 2019 RENT	\$4,770.00
CARBON COUNTY SENIOR SERVICES	QUARTERLY SEVERENCE PAYMENT	\$50,000.00
CASPER STAR-TRIBUNE	ADS	\$1,975.15
CASPER WINNELSON CO	POLAR ICE MELT	\$420.00
CDW GOVERNMENT, INC.	ROUTER	\$871.81
CMI-TECO	DEF FLUID	\$61.02
COUCH II, WAYNE M.D	HEALTH OFFICER	\$1,600.00
COWBOY CHEMICAL	JAIL LAUNDRY	\$235.55
COX, RICHARD	WITNESS EXPENSES/FEES	\$184.21
DAILY TIMES	NEWSPAPER SUBSCRIPTION	\$120.00
DALLIN MOTORS INC	MIRROR REPLACEMENT	\$63.00
DBT TRANSPORTATION SERVICES LLC	QUARTERLY MAINTENANCE	\$1,667.44
DEPARTMENT OF HEALTH	STATE VEHICLE RENTAL	\$812.21
DIRTY BOYZ SANITATION, INC	TRASH SERVICES	\$1,496.00
DIXON, TOWN OF	WATER SERVICES	\$308.00
DOMINION ENERGY	ELECTRIC SERVICES	\$407.99
DOUGLAS COUNTY COURT	CERTIFIED COPIES OF COURT DOCS	\$6.75
ENCAMPMENT, TOWN OF	WATER SERVICES	\$96.00
ENCARTELE	PHONE CARDS	\$4,000.00
ENGINEERING ASSOCIATES	PROJECT NUMBER 18114.00 CCRBD MED BOW SHOP	\$1,418.00
E-Z LIFT GARAGE DOORS	GARAGE DOOR PARTS	\$2,326.00
FATBEAM LLC	FIBER LINES	\$5,144.85
FURTHER	MISC HEALTH INSURANCE REIMBURSEMENTS	\$1,846.33
GCR ELECTRONICS, LLC	MONTHLY SITE RENT	\$2,000.00
GLAXOSMITHKLINE PHARMACEUTICALS	VACCINES	\$1,440.60
GRAINGER	MISC PARTS	\$346.75
GREENWOOD MAPPING, INC	PARCEL MAPPING NOV-DEC 2019	\$881.25
HANNA, TOWN OF	WATER SERVICES	\$25.45
HERNANDEZ, BRENDA	INTERPRETING SERVICES	\$25.00
HEROLD IRON WORKS	WELDING SERVICES	\$88.55
HERRING, PAUL	OIL	\$1,458.40
HERTER, JACQUES P. PHD	PSYCH EVALS	\$1,200.00
HIGH PLAINS POWER	ELECTRIC SERVICES	\$442.85
HUGHES, CHRIS	PLANNER	\$24.14

IRON J TOWING	TOW SERVICES	\$1,541.00
JACOBY FUNERAL HOME	BURIAL	\$855.00
JEFFREY CENTER BOARD	OCT-DEC 2019 RENT	\$3,375.00
JOHNSTON, RANAE	MILEAGE	\$17.50
KARI, DALE	MILEAGE	\$27.60
KILBURN TIRE COMPANY	TIRES	\$1,561.12
KING SOOPERS CUSTOMER CHARGES	BIGGS RETIREMENT PARTY SUPPLIES	\$30.96
LARAMIE FIRE EXTINGUISHER	YEALY INSPECTION	\$43.50
LONG BUILDING TECHNOLOGIES, INC.	CAMERA REPAIR/CONTRACT AGREEMENT	\$5,651.00
MCKESSON MEDICAL-SURGICAL	JAIL MED SUPPLIES	\$609.00
MEMORIAL HOSPITAL OF CARBON COUNTY	HOPSITAL DETENTION ROOM/LEVY REIMBURSEMENT/LABFEES	\$338,327.42
MERCEDES TRANSCRIPTION, INC	TRANSCRIPTION SERVICES	\$192.06
MOSS, BARBARA	MILEAGE	\$54.60
MPM CORP / EVERGREEN DISPOSAL	TRASH SERVICES	\$130.00
MY OFFICE ETC.	MISC OFFICE SUPPLIES	\$163.34
NEBRASKA DEPARTMENT OF MOTOR VEHICLES	FEES FOR RECORD CHECK	\$3.00
O'REILLY AUTO PARTS	MISC PARTS	\$70.77
PARKER, ELIZABETH	MILEAGE	\$14.00
PATTON, ROBERT L.	MILEAGE	\$26.40
PERKINS OIL CO	FUEL	\$2,048.97
PHILLIPS 66-CONOCO-76	FUEL	\$48.65
QUILL CORPORATION	MISC OFFICE SUPPLIES	\$606.32
RAWLINS AUTOMOTIVE	MISC PARTS	\$1,470.53
RAWLINS, CITY OF	COUNTY BURIAL/WATER SERVICES	\$2,463.40
RENDEZVOUS LODGE LLC.	MEALS	\$51.67
RODABAUGH, SHERRY	BAILIFF CIRCUIT COURT	\$75.00
SANGER, JOHN S.	CORONERS BLDG PAINT/FLOOR	\$1,486.66
SARATOGA AUTO PARTS, INC.	MISC PARTS	\$200.90
SARATOGA FEED & GRAIN	MISC PARTS	\$64.76
SCHAEFFER MFG CO	OIL	\$1,176.70
SHEPARD, SHANDRA NP	REPRODUCTIVE HEALTH NURSE PRACTITIONER	\$150.00
SHEPARD'S	FUEL	\$2,287.34
SOUTH CENTRAL WY EMS	QUARTERLY SEVERENCE PAYMENT	\$11,250.00
SPAULDING, DAWNETTE	MILEAGE	\$55.10
STAPLES ADVANTAGE	MISC OFFICE SUPPLIES	\$652.65
STEPHENSON, LEE ANN	MILEAGE	\$37.20
STEWART & STEVENSON	MECHANIC SERVICES ON END DUMP	\$4,992.25
STINKER STORES, INC.	FUEL	\$15,434.10

SUMMIT FOOD SERVICE	JAIL MEALS	\$12,807.31
SUNRISE SANITATION SERVICE, LLC.	TRASH SERVICES	\$68.00
SWANSON SERVICES CORPORATION	JAIL COMMISSARY	\$3,000.01
T.W. ENTERPRISES, INC.	BLOCK HEATER REPAIR	\$694.20
TERMINIX	MIRROR ASSEMBLY	\$175.00
TIGER MART	FUEL	\$82.05
T-O ENGINEERS	PROJECT 190318 DWX REPAIR RUNWAY 6/24	\$99,580.00
TRADING POST	FUEL	\$93.02
TREVATHAN, SABRINA RMR	TRANSCRIPTION SERVICES	\$625.00
TRUE VALUE OF RAWLINS	KEY RING/KEY DUP	\$3.51
TYLER TECHNOLOGIES, INC	ITAX/IDOC WEB HOSTING	\$275.63
UNIVERSITY OF WY (CES)	SALARY REIMBURSMENT	\$14,420.50
US BANK	MISC CHARGES	\$1,768.13
VALLEY OIL COMPANY	FUEL	\$543.43
VOIANCE LANGUAGE SERVICES LLC	OVER THE PHONE INTERPRETATION	\$28.50
WEX BANK	FUEL	\$403.70
WILKERSON, JAMES A IV M.D.	XRAY	\$250.00
WY ASSOC. OF COUNTY AG AGENTS	NATIONAL AND STATE DUES	\$100.00
WY LAW ENFORCEMENT ACADEMY	J. DITTRICH SCHOOLING	\$742.50
WY MACHINERY COMPANY	MISC PARTS	\$2,511.83
WY RENTS, LLC	CAT RENTAL	\$450.00
WY SHERIFF'S ASSOCIATION	2020 DUES	\$687.00
YOCUM, LEO	MILEAGE	\$24.00

CONSENT AGENDA

Commissioner Espy moved to approve the consent agenda noting any item could be removed for separate action. The consent agenda includes the December 17, 2019 regular meeting minutes, monthly receipts from Planning and Zoning in the amount of \$3,395.00, a bond for Samuel Flohr, Treasurer for Town of Saratoga, in the amount of \$50,000.00, a bond for Alethea M. Foster, Clerk/Treasurer in the amount of \$50,000.00 and Notice of Valuation Changes in the amount of (\$6,418,566.00). Commissioner Jones seconded and the motion carried unanimously.

ELECTED OFFICIALS & DEPARTMENT HEADS

Sheriff

Sheriff Archie Roybal presented bids for a new jail van that were opened January 6 at approximately 12:30 pm., after their due date of January 3. Bids were received from Cowboy Dodge for a 2019 Dodge Caravan, in the amount of \$24,000.00; Johnson Auto Plaza for a 2020

Chrysler Pacifica, in the amount of \$29,975.00; Toyota of Laramie submitted three bids: a 2020 Toyota Sienna, in the amount of \$29,582.00, a 2020 Toyota FWD Sienna, in the amount of \$32,255.00 and a 2020 Toyota AWD Sienna in the amount of \$34,832.00; and Fremont Motor of Casper submitted three bids for a 2020 Dodge Caravan, in the amount of \$24,209.00, a 2019 Dodge Caravan, in the amount of \$26,103.00 and 2020 Chrysler Pacifica, in the amount of \$29,403.00. Sheriff Roybal recommends accepting the low bid from Cowboy Dodge for a 2019 Dodge Caravan for \$24,000.00 that is in stock.

Commissioner Espy moved to accept low bid from Cowboy Dodge for a 2019 Dodge Caravan in the amount of \$24,000.00. Commissioner Moore seconded and the motion carried unanimously.

Sheriff Roybal thanked the board for the new dispatch furniture recently purchased and read a letter signed by all the dispatchers.

Road and Bridge

Road & Bridge Coordinator Kandis Fritz updated the BOCC on the status of all of the snow removal within the county. She presented a draft snow removal plan and asked that the BOCC and attorney work with her to develop the plan for public release. The BOCC agreed but asked that she add priority to mail delivery routes. Commissioner Jones also suggested removing the exact amounts of snow and leave it as a judgement call based on all conditions. Chairman Johnson asked that she add that the Sheriff's and emergency needs be addressed in the plan and that the school district bus routes don't address all school aged children that need to come in so this needs considered as well. The BOCC complimented and thanked the R&B crews for their work. Chairman Johnson asked that this be readdressed later this year, prior to the next winter season.

Building and Grounds

Jim Piche, Buildings & Grounds Manager requested the Chairman's signature on a resolution about non-certified service animals in county buildings.

Commissioner Jones moved to authorize the Chairman's signature on Resolution No. 2020-02, A Resolution Prohibiting Non-Certified Service Animals in Certain County Facilities. Commissioner Barkhurst seconded and the motion carried unanimously.

Resolution No. 2020 - 02

A RESOLUTION PROHIBITING NON-CERTIFIED SERVICE OR ASSISTANCE ANIMALS IN CERTAIN COUNTY FACILITIES

WHEREAS, pursuant to Wyoming Statutes § 18-3-504(a)(i), W.S. 2019, the Carbon County Board of Commissioners "may make such orders concerning the property of the county as they deem expedient"; and

WHEREAS, to the extent that the Carbon County Board of Commissioners ("the Commissioners") are responsible for the safety and welfare of Carbon County employees

and visitors who are present on the premises of county property, the Commissioners desire to protect employees and visitors of county owned facilities; and

WHEREAS, non-certified service or assistance animals can be deemed a threat to the health and welfare of county employees and visitors; and

WHEREAS, the Commissioners can limit potential threats to the health and welfare of county employees and visitors on county owned property by prohibiting non-certified service or assistance animals from being allowed on county property with the exception of the fairgrounds or similar properties; and

WHEREAS, Carbon County recognizes “Assistance Animals” as defined by Wyoming Statute § 35-13-205(a)(iv), W.S. 2019, which includes an animal that works, provides assistance or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person’s disability; and

WHEREAS, Carbon County recognizes “Services Animals” as defined by Wyoming Statute § 35-13-205(a)(viii), W.S. 2019, and 28 C.F.R. 35.104 and 28 C.F.R. 36.104 and 28 C.F.R. 35.136 and 28 C.F.R. 36.302(c), to include a qualifying animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual or other mental disability; and

WHEREAS, Wyoming Statute § 35-13-201(b), W.S. 2019, allows any blind, visually impaired, deaf, hearing impaired person or other person with a disability to be accompanied by a service animal in any facility of a public entity in accordance with 28 C.F.R. 35.136; and

THEREFORE, it is resolved that non-certified assistance or service animals are prohibited at all county owned facilities, except for the following reasons:

1. The facility is leased to an outside agency whose lease specifically allows for the presence of non-assistance or non-service animals to be in the building.
2. Special events approved by the Commissioners that require non-assistance or non- service animals as long as the care, custody and control of the animal(s) are with the owner and that proper insurance coverage is provided for in the event the animal injures a person or damages property.

ADOPTED this 7th day of January, 2020.

BOARD OF COUNTY COMMISSIONERS

-s- Chairman, Willing “John” Johnson

ATTEST:

-s- Gwynn Bartlett, County Clerk

Mr. Piche reported the jail roof is complete except walkways and he will withhold a small amount of retention so they can install those walkways this spring. The Saratoga Library roof is also complete, garage doors at the County Fire in Rawlins are complete and the punch list items at the Coroner’s building should be complete this Friday.

Treasurer

County Treasurer, Patty Bentsen requested the Chairman’s signature on Resolution No. 2020-01 Carbon County Investment Policy and to designate depositories for the county.

Commissioner Barkhurst moved to authorize the Chairman's signature on Resolution No. 2020-01 Carbon County Investment Policy and to designate Bank of Commerce and RNB State Bank as depositories for Carbon County for 2020. Commissioner Espy seconded and the motion carried unanimously.

**RESOLUTION NO. 2020-01
CARBON COUNTY
INVESTMENT POLICY**

WHEREAS, W.S. §9-4-831(h) mandates every political subdivision adopts "a statement of investment policy"; and

WHEREAS, CARBON COUNTY desires to adopt an investment policy at least as restrictive with respect to the types of investment as authorized by W.S. §9-4-831(a), a copy of which is affixed hereto and incorporated herein by this reference.

**NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF
CARBON COUNTY, WYOMING:**

- (a) The CARBON COUNTY financial accounting procedures are divided among the County Commissioners, the County Clerk and the County Treasurer. The County Clerk is designated as budget officer (W.S. §16-4-102(a)(iv)); the County Treasurer is in charge of the county treasury (W.S. § 18-3-804) and 18-3-805. Warrants for payment from the treasury must be authorized by the Board of County Commissioners (W.S. §18-3-504 and 18-3-805);
- (b) It shall be the policy of the Carbon County Treasurer to invest public funds in a manner which will provide the highest investment return with the maximum security, and conforming to all federal, state and local laws and regulations governing the investment of public funds:
 - (1) To the extent possible, the Carbon County Treasurer will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the Carbon County Treasurer will not directly invest in securities maturing more than two (2) years from the date of purchase.
 - (2) Funds in excess of cash flow requirements may be invested in securities maturing not more than five (5) years from the date of purchase, if the maturity of such investments is made to coincide as nearly as practicable with the expected use of funds.
- (c) Any person affecting an investment transaction on behalf of CARBON COUNTY, or offering investment advice, shall sign a statement indicating he or she has read this policy and agrees to abide by this policy and by applicable federal, state and local laws, with respect to the advice given and transactions undertaken on behalf of the County.
- (d) The Carbon County Treasurer shall be, and is hereby authorized to make such statutory investments, at his or her discretion, as will conform to this policy which shall be deemed at least as restrictive as the types of investments authorized by W.S. §9-4-831(a).
 - (1) The County shall diversify its instruments by security type and institution. With the exception of U.S. Treasury securities, certificates of deposits and

authorized pool, no more than twenty-five percent (25%) of the County's total investment portfolio will be invested in a single security type.

- (2) To provide assurance that the County will be able to continue financial operations without interruption and dependent upon interest rates and satisfaction with services, the County will generally attempt to utilize at least two financial institutions as depositories.
- (e) The Treasurer is charged with the responsibility of providing a monthly financial report, to include investment activity and returns, in the County's Financial Report.
- (f) This policy shall be effective through the calendar year 2020.

WHEREFORE, be it resolved that the Board of County Commissioners adopts the aforementioned policy and this policy shall be reviewed on an annual basis.

ADOPTED this 7th day of January, 2020.

BOARD OF COUNTY COMMISSIONERS

-s- Byron Barkhurst
-s- John Espy
-s- John Johnson
-s- Sue Jones
-s- Travis Moore

ATTEST:

-s- Gwynn Bartlett, County Clerk

Planning and Zoning

Planning Director, Sid Fox requested the Chairman's signature on the Memorandum of Understanding with Town of Riverside for Planning, Zoning and Development Review Surrounding the Corporate Limits of the Town. This memorandum is in the long term interest of the Town and County to encourage a diverse and sustainable economy and to ensure that future land development is fiscally responsible and has adequate roads and other infrastructure while allowing flexibility for land owners and developers to accommodate long term growth without imposing burdens on existing residents.

Commissioner Moore moved to approve the Chairman's signature on the Memorandum of Understanding with Town of Riverside for Planning, Zoning and Development Review Surrounding the Corporate Limits of the Town. Commissioner Jones seconded and the motion carried unanimously.

Director Fox requested the Chairman's signature on two resolutions denying the C.U.W. Case #2019-02-Two Rivers Wind Energy Project and C.U.W. Case #2019-03-Lucky Star Wind Energy Projects. The applicant has not followed the county's zoning regulations for wind energy and there is a list of state and federal agencies requiring approval and proof of those approvals are to be produced to the Commissioners. The CUP should be conditional upon receipt of those permits.

C.U.W. Case #2019-02-Two Rivers Wind Energy Project request for Conditional Use Permit for a Commercial Wind Energy Facility in a Ranching, Agriculture and Mining (RAM) Zone located in Northeast Carbon County; north of US Highway 30 and the Town of Medicine Bow. C.U.W.

Case #2019-03-Lucky Star Wind Energy Project request for a Conditional Use Permit for a Commercial Wind Energy Facility in a Ranching, Agriculture and Mining (RAM) Zone located South of Highway 30 and the Town of Medicine Bow in Carbon County. The Application Area is located on approximately 79,818 total acres (with 15,802 acres located in Carbon County) and the remainder in Albany County.

Commissioner Jones moved to approve Resolution No. 2019-03 Denying the C.U.W. Case #2019-02-Two Rivers Wind Energy Project and Resolution No. 2019-04 Denying the C.U.W. Case #2019-03-Lucky Star Wind Energy Project. Commissioner Barkhurst seconded and the motion carried unanimously.

Resolution No. 2020-03
A Resolution of the Board of County Commissioners of Carbon County, Wyoming.
C.U.W. Case File #2019-02
Commercial Scale Wind Energy Facility

“TWO RIVERS WIND ENERGY PROJECT”

WHEREAS, pursuant to Wyo. Stat. Ann. Title 18, Ch. 5, Art. 5 Wind Energy Facilities; and §18-5-502, County Regulation of Wind Energy Project; and

WHEREAS, pursuant to Section 6.1 – Commercial Scale Energy Facilities Overlay District and Section 6.2 – Commercial Scale Wind Energy Facilities of the Carbon County Zoning Resolution of 2015, as amended 03/05/2019, the Carbon County Planning and Zoning Commission scheduled a public meeting on Monday, August 5, 2019, which said meeting was advertised by public notice prior to said meeting; and

WHEREAS, the August 5, 2019, public meeting before the Carbon County Planning and Zoning Commission was cancelled due to a lack of quorum; and

WHEREAS, the public meeting before the Carbon County Planning and Zoning Commission was rescheduled for Monday, September 9, 2019; and

WHEREAS, at said public meeting, 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 meeting; and

WHEREAS, at the conclusion of said meeting, 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 03/05/2019, specifically, Section 6.2 – Commercial Scale Wind Energy Facilities; and

WHEREAS, notice of the proposed Commercial Scale Wind Energy Facility was published by the Applicant twice in two different weeks in the official newspaper of general circulation in Carbon County at least twenty (20) days prior to the public hearing required by Section 6.2 and W.S. §18-5-506. The notice, published in the Rawlins Times on July 3, 2019 and July 10, 2019 and the Saratoga Sun on July 3, 2019 and July 10, 2019 for the Carbon County Board of County Commissioners September 3, 2019 meeting; and

WHEREAS, at said public hearing, the Carbon County Board of County Commissioners, pursuant to Section 6.2 – Commercial Scale Wind Energy Facilities of the Carbon County Zoning Resolution of 2015, as amended 03/05/2019, and Wyo. Stat. Ann. Title 18, Ch. 5, Art. 5, Wind

Energy Facilities held a public hearing, which said public hearing occurred on Tuesday, September 3, 2019; and

WHEREAS, the Carbon County Board of County Commissioners deemed the Two Rivers Wind Energy Project Conditional Use Permit Application to be incomplete and required the applicant to provide additional information by October 3, 2019; and

WHEREAS, the applicant did provide the requested additional information by October 3, 2019; and

WHEREAS, the Carbon County Board of County Commissioners, pursuant to Section 6.2 – Commercial Scale Wind Energy Facilities of the Carbon County Zoning Resolution of 2015, as amended 03/05/2019, and Wyo. Stat. Ann. Title 18, Ch. 5, Art. 5, Wind Energy Facilities and after receipt of said certified recommendation from the Carbon County Planning and Zoning Commission; held a public hearing, which said public hearing occurred on Tuesday, October 15, 2019; and

WHEREAS, at said public hearing, the Carbon County Board of County Commissioners deemed the Two Rivers Wind Energy Project Conditional Use Permit Application complete and scheduled a public hearing for Tuesday, December 3, 2019; and

WHEREAS, notice of the proposed Commercial Scale Wind Energy Facility was published by the Applicant twice in two different weeks in the official newspaper of general circulation in Carbon County at least twenty (20) days prior to the public hearing required by Section 6.2 and W.S. §18-5-506. The notice, published in the Rawlins Times on November 13, 2019 and November 20, 2019, and in the Saratoga Sun on November 13, 2019 and November 20, 2019, included a brief summary of the Commercial Scale Wind Energy Facility, invited the public to submit comments and identified the time and date of the hearing. As required by Section 6.2(13) (B), the Applicant did submit affidavits of public notice in their application for Conditional Use Permit prior to the Board's hearing. In addition, the County prepared notices and published said notices in the Rawlins Times on July 3, 2019 and in the Saratoga Sun on July 3, 2019 for the Board's September 3, 2019 meeting, in the Rawlins Times on October 9, 2019 and in the Saratoga Sun on October 9, 2019 for the Board's October 15, 2019 meeting, and again in the Rawlins Times on October 30, 2019 and in the Saratoga Sun on October 30, 2019 and November 6, 2019 for the Board's December 3, 2019 meeting that included a brief summary of the proposed Commercial Scale Wind Energy Facility and invited the public to submit comments and identified the times and dates of the hearings; and

WHEREAS, the Applicant has provided to Carbon County an affidavit which certified that the Applicant has undertaken reasonable efforts to provide written notice to all owners of land within one (1) mile of the property line of the proposed Commercial Scale Wind Energy Facility and to all cities and towns located within twenty (20) miles of the Commercial Scale Wind Energy Facility; and

WHEREAS, the Applicant has submitted an affidavit which certified that the Applicant has undertaken reasonable efforts to provide written notice to the record owners of mineral rights located on or under the lands where the Two Rivers Wind Energy Project is proposed to be constructed. Said notice included a statement of the applicants intention to construct the Two Rivers Wind Energy Project, features of the project, a legal description of the boundaries of the project, and where the application may be examined and persons to contact for additional information; and

WHEREAS, the Carbon County Board of County Commissioners, pursuant to Section 6.2 – Commercial Scale Wind Energy Facilities of the Carbon County Zoning Resolution of 2015, as

amended 03/05/2019, and Wyo. Stat. Ann. Title 18, Ch. 5, Art. 5, Wind Energy Facilities held a public hearing, which said public hearing occurred on Tuesday, December 3, 2019; and

WHEREAS, at said public hearing, the Carbon County Board of County Commissioners provided the opportunity for the public to comment, considered any previous comments received and considered any comments which were made on the proposed Commercial Scale Wind Energy Facility; and

WHEREAS, conditional uses shall be permitted in Districts where designated only after review by the Planning and Zoning Commission and approval by the Carbon County Board of County Commissioners; and

WHEREAS, the Comprehensive Land Use Plan has identified a goal to “Achieve a sustainable balance between energy development, agriculture and the environment,” and has identified strategies to enhance Carbon County’s capacity to monitor, comment on and influence state and federal decisions on energy development projects including the ability to participate as a cooperating agency during the comment period and preparation of Federal Environmental Impact Statements and/or Environmental Assessments; and,

WHEREAS, a significant portion of the proposed Two Rivers Wind Energy Project is proposed to be constructed on U.S. Bureau of Land Management lands; and, the Conditional Use Permit application did not provide a detailed description of the development proposed on U.S. Bureau of Land Management lands; and,

WHEREAS, an application has been submitted to U.S. Bureau of Land Management; however, the U.S. Bureau of Land Management has not issued an official decision as to which level of environmental review will be required by the project or the timeframe required for said review; and,

WHEREAS, the Carbon County Board of County Commissioners may require the incorporation of wildlife avoidance and mitigation recommendations submitted by the Wyoming Game & Fish Department, the Wyoming Department of Environmental Quality, the U.S. Bureau of Land Management, U.S. Forest Service, United States Fish and Wildlife Service or the U.S. Bureau of Reclamation and other governing state and federal agencies; and

WHEREAS, the Carbon County Board of County Commissioners have determined that sufficient progress has not been made in the U.S. Bureau of Land Management review process; therefore, the proposed Two Rivers Wind Energy Facility is premature and permitting of the project at this time is not in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and the Carbon County Zoning Resolution of 2015, as amended, and does not promote the health, safety and general welfare of the residents of Carbon County; and

WHEREAS, the Carbon County Board of County Commissioners considered the entire record, including but not limited to the recommendation of the Planning and Zoning Commission, written comments from the public and referral agencies, all documentation submitted by the applicant and staff reports and oral comments provided at the hearings regarding the Two Rivers Conditional Use Permit – Commercial Scale Wind Energy application; 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 deny the following Conditional Use Permit – Commercial Scale Wind Energy – C.U.W. Case #2019-02 – “Two Rivers Wind Energy Facility”.

C.U.W. Case #2019-02: Request for a Conditional Use Permit for a Commercial Wind Energy Facility in the Ranching, Agriculture and Mining (RAM) Zone. The request is to allow the applicant

(Two Rivers Wind LLC) to install, construct, operate, and maintain the “Two Rivers Wind Energy Project” and as further described in the CUP-Wind Application (C.U.W. Case #2019-02) and as presented at the public hearings before the Carbon County Board of County Commissioners.

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

That the Carbon County Board of County Commissioners hereby denies the Conditional Use Permit – Commercial Scale Wind Energy Facility (C.U.W. Case #2019-02) in the Ranching, Agriculture and Mining (RAM) Zone for the “Two Rivers Wind Energy Project”.

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 7th day of January, 2020.

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

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

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

Resolution No. 2020-04

**A Resolution of the Board of County Commissioners of Carbon County, Wyoming.
C.U.W. Case File #2019-03
Commercial Scale Wind Energy Facility**

“LUCKY STAR WIND ENERGY PROJECT”

WHEREAS, pursuant to Wyo. Stat. Ann. Title 18, Ch. 5, Art. 5 Wind Energy Facilities; and §18-5-502, County Regulation of Wind Energy Project; and

WHEREAS, pursuant to Section 6.1 – Commercial Scale Energy Facilities Overlay District and Section 6.2 – Commercial Scale Wind Energy Facilities of the Carbon County Zoning Resolution of 2015, as amended 03/05/2019, the Carbon County Planning and Zoning Commission scheduled a public meeting on Monday, August 5, 2019, which said meeting was advertised by public notice prior to said meeting; and

WHEREAS, the August 5, 2019, public meeting before the Carbon County Planning and Zoning Commission was cancelled due to a lack of quorum; and

WHEREAS, the public meeting before the Carbon County Planning and Zoning Commission was rescheduled for Monday, September 9, 2019; and

WHEREAS, at said public meeting, 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 meeting; and

WHEREAS, at the conclusion of said meeting, 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 03/05/2019, specifically, Section 6.2 – Commercial Scale Wind Energy Facilities; and

WHEREAS, notice of the proposed Commercial Scale Wind Energy Facility was published by the Applicant twice in two different weeks in the official newspaper of general circulation in Carbon County at least twenty (20) days prior to the public hearing required by Section 6.2 and W.S. §18-5-506. The notice, published in the Rawlins Times on July 3, 2019 and July 10, 2019 and the Saratoga Sun on July 3, 2019 and July 10, 2019 for the Carbon County Board of County Commissioners September 3, 2019 meeting; and

WHEREAS, at said public hearing, the Carbon County Board of County Commissioners, pursuant to Section 6.2 – Commercial Scale Wind Energy Facilities of the Carbon County Zoning Resolution of 2015, as amended 03/05/2019, and Wyo. Stat. Ann. Title 18, Ch. 5, Art. 5, Wind Energy Facilities held a public hearing, which said public hearing occurred on Tuesday, September 3, 2019; and

WHEREAS, the Carbon County Board of County Commissioners deemed the Lucky Star Wind Energy Project Conditional Use Permit Application to be incomplete and required the applicant to provide additional information by October 3, 2019; and

WHEREAS, the applicant did provide the requested additional information by October 3, 2019; and

WHEREAS, the Carbon County Board of County Commissioners, pursuant to Section 6.2 – Commercial Scale Wind Energy Facilities of the Carbon County Zoning Resolution of 2015, as amended 03/05/2019, and Wyo. Stat. Ann. Title 18, Ch. 5, Art. 5, Wind Energy Facilities and after receipt of said certified recommendation from the Carbon County Planning and Zoning Commission; held a public hearing, which said public hearing occurred on Tuesday, October 15, 2019; and

WHEREAS, at said public hearing, the Carbon County Board of County Commissioners deemed the Lucky Star Wind Energy Project Conditional Use Permit Application complete and scheduled a public hearing for Tuesday, December 3, 2019; and

WHEREAS, notice of the proposed Commercial Scale Wind Energy Facility was published by the Applicant twice in two different weeks in the official newspaper of general circulation in Carbon County at least twenty (20) days prior to the public hearing required by Section 6.2 and W.S. §18-5-506. The notice, published in the Rawlins Times on November 13, 2019 and November 20, 2019, and in the Saratoga Sun on November 13, 2019 and November 20, 2019, included a brief summary of the Commercial Scale Wind Energy Facility, invited the public to submit comments and identified the time and date of the hearing. As required by Section 6.2(13) (B), the Applicant did submit affidavits of public notice in their application for Conditional Use Permit prior to the Board's hearing. In addition, the County prepared notices and published said notices in the Rawlins Times on July 3, 2019 and in the Saratoga Sun on July 3, 2019 for the Board's September 3, 2019 meeting, in the Rawlins Times on October 9, 2019 and in the Saratoga Sun on October 9, 2019 for the Board's October 15, 2019 meeting, and again in the Rawlins Times on October 30, 2019 and in the Saratoga Sun on October 30, 2019 and November 6, 2019 for the Board's December 3, 2019 meeting that included a brief summary of the proposed Commercial Scale Wind Energy Facility and invited the public to submit comments and identified the times and dates of the hearings; and

WHEREAS, the Applicant has provided to Carbon County an affidavit which certified that the Applicant has undertaken reasonable efforts to provide written notice to all owners of land within one (1) mile of the property line of the proposed Commercial Scale Wind Energy Facility and to all cities and towns located within twenty (20) miles of the Commercial Scale Wind Energy Facility; and

WHEREAS, the Applicant has submitted an affidavit which certified that the Applicant has undertaken reasonable efforts to provide written notice to the record owners of mineral rights located on or under the lands where the Lucky Star Wind Energy Project is proposed to be constructed. Said notice included a statement of the applicants intention to construct the Lucky Star Wind Energy Project, features of the project, a legal description of the boundaries of the project, and where the application may be examined and persons to contact for additional information; and

WHEREAS, the Carbon County Board of County Commissioners, pursuant to Section 6.2 – Commercial Scale Wind Energy Facilities of the Carbon County Zoning Resolution of 2015, as amended 03/05/2019, and Wyo. Stat. Ann. Title 18, Ch. 5, Art. 5, Wind Energy Facilities held a public hearing, which said public hearing occurred on Tuesday, December 3, 2019; and

WHEREAS, at said public hearing, the Carbon County Board of County Commissioners provided the opportunity for the public to comment, considered any previous comments received and considered any comments which were made on the proposed Commercial Scale Wind Energy Facility; and

WHEREAS, conditional uses shall be permitted in Districts where designated only after review by the Planning and Zoning Commission and approval by the Carbon County Board of County Commissioners; and

WHEREAS, the Comprehensive Land Use Plan has identified a goal to “Achieve a sustainable balance between energy development, agriculture and the environment,” and has identified strategies to enhance Carbon County’s capacity to monitor, comment on and influence state and federal decisions on energy development projects including the ability to participate as a cooperating agency during the comment period and preparation of Federal Environmental Impact Statements and/or Environmental Assessments; and,

WHEREAS, a significant portion of the proposed Lucky Star Wind Energy Project is proposed to be constructed on U.S. Bureau of Land Management lands; and, the Conditional Use Permit application did not provide a detailed description of the development proposed on U.S. Bureau of Land Management lands; and,

WHEREAS, an application has been submitted to U.S. Bureau of Land Management; however, the U.S. Bureau of Land Management has not issued an official decision as to which level of environmental review will be required by the project or the timeframe required for said review; and,

WHEREAS, the Carbon County Board of County Commissioners may require the incorporation of wildlife avoidance and mitigation recommendations submitted by the Wyoming Game & Fish Department, the Wyoming Department of Environmental Quality, the U.S. Bureau of Land Management, U.S. Forest Service, United States Fish and Wildlife Service or the U.S. Bureau of Reclamation and other governing state and federal agencies; and

WHEREAS, the Carbon County Board of County Commissioners have determined that sufficient progress has not been made in the U.S. Bureau of Land Management review process; therefore, the proposed Lucky Star Wind Energy Facility is premature and permitting of the project at this time is not in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and the Carbon County Zoning Resolution of 2015, as amended, and does not promote the health, safety and general welfare of the residents of Carbon County; and

WHEREAS, the Carbon County Board of County Commissioners considered the entire record, including but not limited to the recommendation of the Planning and Zoning Commission, written comments from the public and referral agencies, all documentation submitted by the

applicant and staff reports and oral comments provided at the hearings regarding the Lucky Star Conditional Use Permit – Commercial Scale Wind Energy application; 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 deny the following Conditional Use Permit – Commercial Scale Wind Energy – C.U.W. Case #2019-03 – “Lucky Star Wind Energy Facility”.

C.U.W. Case #2019-03: Request for a Conditional Use Permit for a Commercial Wind Energy Facility in the Ranching, Agriculture and Mining (RAM) Zone. The request is to allow the applicant (Lucky Star Wind LLC) to install, construct, operate, and maintain the “Lucky Star Wind Energy Project” and as further described in the CUP-Wind Application (C.U.W. Case #2019-03) and as presented at the public hearings before the Carbon County Board of County Commissioners.

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

That the Carbon County Board of County Commissioners hereby denies the Conditional Use Permit – Commercial Scale Wind Energy Facility (C.U.W. Case #2019-03) in the Ranching, Agriculture and Mining (RAM) Zone for the “Lucky Star Wind Energy Project”.

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 7th day of January, 2020.

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

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

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

Emergency Manager & Fire Warden

Fire Warden John Rutherford discussed the emergency manager and fire warden positions. He explained that he, Interim Emergency Manager Ron Brown, Sheriff Roybal and Clerk Bartlett recently met and want to recommend to the BOCC that both positions be full-time. He reported while calls increase, numbers of county volunteers are steadily decreasing.

Chairman Johnson stated his concern for creating a position outside of budget time. Commissioner Espy stated he thinks the decision needs made prior to budget to committing funds to these positions and asked for firm budget numbers. The group recommended \$55,000 - \$65,000 as the salary range for both positions. There was a discussion of the pros of maintaining these two positions at full time including better training, better recruitment and retention of volunteers, education of the public and other items. The BOCC asked for costs including salary and benefits and return at a future meeting for further discussion.

Attorney Davis discussed job descriptions for each and asked who the positions would report to, would they be full time, $\frac{3}{4}$ time or part-time, who would report to them if anyone, what educational requirements the county wants to require and would they be on-call.

IT

IT Director Matt Webster reported that the new website is coming out in the next couple weeks.

Clerk

Gwynn Bartlett, County Clerk requested the Chairman's signature on the Pinnacle Lease Agreement for the blade and end dump truck. The lease agreement is 2.54% for a term of 5 years for the lease/purchase of one blade and one end dump truck in the amount of \$487,584.00.

Commissioner Barkhurst moved to authorize the Chairman's signature on the Pinnacle Public Finance Inc. Lease Agreement for one CAT Brand Blade with Attachments and One (1) Peterbilt End Dump Truck at 2.54% for a term of 5 years for the lease/purchase of one blade and one end dump truck in the amount of \$487,584.00. Commissioner Moore seconded and the motion carried unanimously.

Clerk Bartlett requested the Chairman's signature on a resolution regarding a county employer group for worker's compensation. The Wyoming County Commissioners Association and the Wyoming Department of Workforce Services Workers Compensation Division would collectively create the group coordinate and manage worker's compensation coverage to eligible counties and their employees. Chairman Johnson stated his concern for creating an additional position with the savings. Attorney Davis stated the agreement would create a board and the county could withdraw after 90 days' notice with an administrative fee of not more than \$1,000. The BOCC decided to request that Jeremiah Reiman, Director of WCCA appear in person or by phone to further explain the matter.

Gwynn Bartlett, County Clerk reported that Mike Morrell has submitted a letter of resignation as Treasurer from the Carbon County Library Board.

Commissioner Espy moved to regrettfully accept the letter of resignation from Mike Morrell as Treasurer from the Carbon County Library Board. Commissioner Jones seconded and the motion carried unanimously.

Gwynn reported the county uses a service called Teladoc for its employees and dependents on the county's health insurance. She would like to add behavioral health and dermatology visits.

Commissioner Moore moved to authorize any commissioner's signature on an amendment with Teladoc to offer regular visits and behavioral health visits with zero copay and dermatology visits at \$25 per visit. Commissioner Jones second and the motion carried unanimously.

RNB State Bank President Scott Thayer was present to discuss the mechanics of payment applications and lien waivers for the Medicine Bow R&B and Sheriff complex. Clerk Bartlett stated she can work with him and other county parties on the matter.

Commissioners

Clerk Bartlett reported the Rawlins Times submitted a proposal to be the county's official publication back in December. Per the BOCC's instruction she obtained a quote from the only other eligible publication, the Saratoga Sun. Both quoted \$6.00 per square inch for legal advertising. Rawlins Times is distributed semi-weekly, on Wednesday and Saturday. At this time, Rawlins Times has a paper circulation of 1,200-1,300 copies every Wednesday and Saturday and has 27 on-line-only subscribers. Rawlins Times will post all legal notices on the free statewide web site supported by the Wyoming Press Association. Deadlines to run a legal Ad on Wednesday, the Ad needs to be received by 3:00 pm on Monday. To run a legal Ad on Saturday - Ad needs to be received by 12:00 pm on Thursday.

The Saratoga Sun is distributed every Wednesday and currently has a circulation of 1,024 copies and 149 on-line only subscribers. Saratoga Sun will offer a rate of \$6.00 per column inch and will also post all legal notices on the free statewide web site supported by the Wyoming Press Association. Deadlines for publication for the Saratoga Sun is Monday at noon unless otherwise stated due to observed holidays.

Commissioner Barkhurst moved to designate the Saratoga Sun as the Carbon County Newspaper of Record for a term of one year through December 31, 2020. Commissioner Jones seconded and Commissioner Moore asked if there was a way to publish in both. Chairman Johnson stated this would cost the county an additional approximately \$35,000.00. Clerk Bartlett also noted that they try to be thoughtful about publishing in papers other than the official publication depending on the message of the ad. Commissioner Jones noted years ago the county tried to alternate papers annually. The motion carried unanimously.

SALE OF REAL PROPERTY LOCATED IN HANNA, WY

Clerk Bartlett reported the county owns a lot through a tax deed in the Hanna (Elmo) area and recently advertised it for sale with a \$5,000.00 minimum bid after she was approached by a member of the public. After advertising no bids were received so she asked how the board wanted to proceed. Commissioner Barkhurst stated he analyzed the property and the minimum bid was a reasonable amount. The BOCC discussed rebidding the property and ultimately asked the clerk to advertise with no minimum bid noting that the board could reject any bid in its discretion.

MEMORIAL HOSPITAL OF CARBON COUNTY (MHCC)

Chief Executive Officer for Memorial Hospital of Carbon County Ken Harmon and MHCC Trustee Rod Waeckerlin. They requested \$254,591.21 in levy funds for computers, IT infrastructure, microscope, ultrasound table, emergency room documentation hardware, a freezer, epidural pumps and a handheld X-Ray. In addition they requested \$67,190.20 of 2009 specific purpose tax operation & maintenance funds for security access, ladders and water heaters. The BOCC approved both requests. Mr. Harmon updated the board on physician

recruitment. Mr. Harmon provided an update on finances, operations and staff hiring at Memorial Hospital of Carbon County.

CITIZEN/COMMISSIONERS DISCUSSION

Commissioner Espy stated he will still be working on migration corridor issues. Commissioner Barkhurst reported that he was contacted again by Mr. & Mrs. Platt about where the county is on the natural resource management plan and he provided an update that the county is waiting on Governor's office approval of the funding. Chairman Johnson will attend next Wednesday's Industrial Siting hearing regarding the ISC funding process.

PUBLIC HEARINGS

Minor Subdivision Case File #2019-03: Arapahoe Flats Minor Subdivision

Chairman Johnson opened a public hearing at 11:13 a.m. to hear Planning and Zoning Minor Subdivision Case File #2019-03: Arapahoe Flats Minor Subdivision. Planning Director, Sid Fox presented a request to create three lots, Lot 1=5.07 acres, Lot 2=5.07 acres, and Lot 3=9.97 acres encompassing approximately 20.09 acres. The current zoning classifications are as follows: Highway Commercial (C-2) for Lots 1 and 2 and Residential (RD) for Lot 3. The purpose of the Arapaho Flats Minor Subdivision is to re-subdivide this parcel of land that was subdivided and subsequently vacated on October 22, 1985, see Book 801, Page 398, and Instrument Number 751154. The Petitioners are Brad Hebig (Applicant) and Josephine Margaret Roberson (Land Owner). The Rural Address is 10132 Wyoming Highway 230, approximately 1 mile east of Riverside on the south side of HWY 230. According to Mr. Fox, Mr. Hebig purchased a lot in a vacated subdivision so he encouraged him to work through the re-subdivision process so the record is clear and there are valid lots. Mr. Fox overviewed comments received. He also mentioned the purpose of the 60' easement in the file is to provide access to all three lots in the subdivision and he mentioned the BOCC may want to make this a part of their official motion and potentially even record something to this affect.

Chairman Johnson called for public comments for or against the zone change. There being no comments, he closed the hearing at 11:18 a.m.

Commissioner Jones moved to approve the Chairman's signature on the plat for the Arapahoe Flats Minor Subdivision. Commissioner Moore seconded and the motion carried unanimously.

Chairman Johnson opened a public hearing at 11:21 a.m. to hear Planning and Zoning C.U. Case #2019-07-Brush Creek Ranch. Planning Director, Sid Fox presented an Amendment to an existing Conditional Use Permit for expansion of the guest ranch and resort along with associated recreational uses and support facilities that will be operated in context and in conjunction with the historic ranching operations. This amendment is intended to obtain authorization for new and future building improvements throughout the Brush Creek Ranch properties; including The Farms at Brush Creek Ranch, The American Wagyu Beef/Brush Creek Agricultural Center Buildings, Employee Housing and the Rendezvous Camp. The overall property contains approximately 13,150 acres, including a 3,434 acre conservation easement.

Mr. Fox stated with this type of development there should be secondary access / emergency egress for public safety and they have asked the Ranch to identify their secondary access on the plan. He stated this will include County Road 504 and that seemed appropriate until winter use as it's not plowed or maintained by the county in the winter. Mr. Fox overviewed the public comments received to date.

Mr. Fox discussed the conditions recommended by the Planning & Zoning Commission. First is nighttime lighting for the greenhouse, condition #3. Brush Creek asserts that this is an agricultural use and therefore exempt from any lighting standards however Mr. Fox disagrees as this is part of a corporate venture and standards do apply.

Commissioner Barkhurst asked if the comments received from NCRCs has been addressed with the P&Z Commission. Brush Creek responded in writing and Mr. Fox shared the response with Mr. Parsons.

Jim Foley, Consultant for Brush Creek along with Gayle Grider, owner's representative discussed the application. Mr. Foley reported the ranch currently runs 300 cow/calf pair and leases to a neighbor who raises 100 pairs plus they will have 175 American Wagyu plus 270 horses on the property. The agricultural and guest ranch employees 300 people, 200 of which are housed on the ranch. They are looking out 3-5 years and trying to accomplish that with this CUP.

Mr. Foley presented a 3-5 year master plan. He stated they want to add an aging warehouse for the distillery operation plus another greenhouse. In addition they would like to add additional facilities for their farm to table operation. Potentially longer term projects could be an additional numerous facilities with varying purposes.

Mr. Foley presented an emergency access map to the five main ranch sites. The square footage of existing facilities, proposed and a buffer in case proposed buildings become larger than anticipated was also presented.

The purpose and need is to enhance the existing guest operations, one that competes internationally and the owner wants to see carry on with his children.

Ms. Grider McDonald representative of Brush Creek Ranch reported the ownership of the ranch is a legacy operation. She provided a snapshot of charitable contributions including over \$1.5 million, taxes paid totaling over \$5 million not including the Farm's or the Green Mountain resort, and business support well over \$1 million not including development, temporary workers expenditures, project support of \$160,000 for the Ryan Park Volunteer Fire Station, \$157,000 for road and bridge improvements, and approximately \$1.25 million Union Telephone for fiber optics, and \$750,000 for Carbon Power & Light's extension of 3-Phase. She acknowledged many of these benefit the Ranch but also benefit the communities and county as a whole.

They are now partnering with the University of Wyoming, School of Business for degrees and Colorado State University for the Wagyu beef project.

Mr. Foley overviewed staff recommendations. First was a requirement for a field contact representative who is Gayle and he is second. Secondly meeting with the P&Z Commission in 6 months and once per year after that. They agreed to provide these updates. Next was the exterior lighting plan. He stated that they are continuously working on this. Fourth is a working group with the WY Game & Fish and they have designated a staff member to work on this to ensure the habitat and wildlife is the best it can be. Fifth is writing any material changes to this CUP application to the P&Z Commission prior to occurring and they agree to this. Sixth is standard language which they agree to.

Chairman Johnson called for public comments for or against the zone change. Kandis Fritz, R&B Coordinator reported the county can't keep County Road 504 open and she would appreciate the BOCC's backing on this. Chairman Johnson asked if the County would be voting on the road use agreement today and Mr. Fox stated not specifically but it is an issue for the CUP for employee housing which is part of the CUP. He thought the matter should be addressed at some point even with mutual understanding.

Teal Cufaude, Saratoga Wildlife Biologist stated her gratitude for being able to comment on this application. Her only concern was the recommendation regarding a working group with G&F. She has already been contacted by their representative however she would like to see more county presence in that working group.

Jim Piche of the County's volunteer Ryan Park Fire Department stated their concern as the employee housing area has no fire alarm system. He identified this as an issue being trailer house structures installed very close together. He talked with the State Fire Marshall about this however they are not required to review the plan as the employee housing is considered residential. He hopes to see a fire alarm system to alert the entire complex not just one unit. Ms. Grider MacDonald stated they are happy to consider a fire alarm system.

Attorney Davis recommended that the BOCC consider a condition about County Road 504 with either a snow removal permit or a road use agreement addressing no winter maintenance and the Ranch would need to obtain a snow removal permit from the county.

Ms. Fritz stated there was an existing access permit for the Ranch. Commissioner Jones stated she recently met a Ranch plow truck on the road while taking pictures and complimented them on their efforts. She doesn't see a reason why the Ranch couldn't keep the short distance of road open for themselves during winter months and this would be the simplest way to proceed.

Attorney Davis stated the road is also utilized by snowmobilers and Ms. Fritz stated her concern that motorists will use that road to try to make it from that point to Saratoga and get stuck leaving the county responsible to assist. She suggested signage to notify motorists, and Attorney Davis suggested something like – Winter Access Provided for Brush Creek Only.

Commissioner Jones asked about emergency services. She stated the volunteer Ryan Park Fire Department is not always staffed as a volunteer agency. She suggested these items be addressed in an emergency services plan for both fire and EMS. She also suggested a designated contact that is on site daily to field questions about any item. Finally Commissioner Jones stated the

Ranch's impact is huge in the county and beneficial for the county long-term. She addressed the lights at the Ranch stating it is no more detrimental than other lights from other projects.

Commissioner Barkhurst stated he is generally not opposed to the ranch but he is concerned about the reputation that the ranch is receiving by building and asking for building permits after the fact, including the fact that the current, existing employee housing isn't permitted to date. He is uncomfortable with a road use agreement for a road leading to unpermitted housing. Commissioner Barkhurst stated he noticed they are asking for an agriculture exemption for the greenhouse lighting but then asked why it is in the CUP. Mr. Foley stated it requires a CUP as a commercial operation and therefore is also not exempt from the lighting requirements. They are now behind this and understand it better now and promised to work with Mr. Fox on the matter. Commissioner Barkhurst disclosed he is personally a close neighbor and he notices the lighting is an issue on a foggy winter morning when the lights lit up the entire sky.

Chairman Johnson closed the hearing at 12:25 p.m.

Commissioner Jones moved to approve Resolution No. 2020-05 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission Zoning C.U. Case #2019-07-Brush Creek Ranch with the recommended conditions plus one condition to require a road use agreement for County Road 504. Commissioner Espy seconded and Commissioner Barkhurst asked that all building permits be completed prior to the CUP being finalized. Mr. Fox stated that Ms. Grider has submitted permit applications already but he can't approve until the CUP is approved. He will approve after this application is approved today. The original motion carried unanimously.

Resolution No. 2020 – 05

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 #2019-07 – “Brush Creek Ranch”

(Amendment to C.U. Case #2018-08 and C.U. Case #2016-04)

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, December 2, 2019, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, December 2, 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, December 2, 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, January 7, 2020; and

WHEREAS, at said public hearing on January 7, 2020, 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 File #2019-07: Brush Creek Ranch; Amendment to an existing Conditional Use Permit for expansion of the guest ranch and resort along with associated recreational uses and support facilities that will be operated in context and in conjunction with the historic ranching operations. This amendment is intended to obtain authorization for new and future building improvements throughout the Brush Creek Ranch properties; including The Farms at Brush Creek Ranch, The American Wagyu Beef/Brush Creek Agricultural Center Buildings, Employee Housing and the Rendezvous Camp and as more specifically described in the application. The overall property contains approximately 13,150 acres, including a 3,434 acre conservation easement.

Petitioner: Brush Creek LLC (Land Owner & Applicant)

Zoning: Ranching, Agriculture and Mining (RAM)

General Location: See Exhibit A, Vicinity Map

Legal Description:

Warranty Deed, Book 1166, Page 35 – Exhibit A:

In Township 16 North, Range 82 West, 6th P.M., Carbon County, Wyoming, to wit:

Section 13: S1/2, SW1/4 NW1/4

Section 14: S1/2, S1/2 N1/2, NW1/4 NW1/4

Section 15: All

Section 16: E1/2, EXCEPTING that tract as conveyed to the Wyoming Stock Growers Agricultural Trust, a Wyoming non-profit corporation, in General Warranty Deed recorded September 24, 2002, in Book 1025, Page 0048, Records of Carbon County, Wyoming

Section 21: E1/2 E1/2, W1/2 E1/2

Section 22: All

Section 23: S1/2, S1/2 N1/2, N1/2 N1/2

Section 24: S1/2, S1/2 N1/2, N1/2 N1/2

Section 25: N1/2
Section 26: N1/2, N1/2 S1/2, SW1/4 SW1/4
Section 27: N1/2, S1/2
Section 28: E1/2 NE1/4, SE1/4, W1/2 NE1/4
(consisting of 5,874 acres more or less)

Warranty Deed, Book 1166, Page 36 – Exhibit A:

In Township 16 North, Range 82 West, 6th P.M., Carbon County, Wyoming, to wit:
Section 11: SW1/4 SE1/4, SE1/4 SW1/4
Section 14: NE1/4 NW1/4, NW1/4 NE1/4
(consisting of 160 acres more or less)

Attachment “B” as given by the applicant:

PARCEL I:

Township 16 North, Range 82 West, 6th P.M., Carbon County, Wyoming:
Section 21: E1/2E1/2
Section 22: All, excepting the NE1/4NE1/4
Section 23: S1/2, S1/2N1/2
Section 24: S1/2, S1/2N1/2
Section 26: N1/2
Section 27: N1/2
Section 28: E1/2NE1/4

PARCEL II:

Township 16 North, Range 82 West, 6th P.M., Carbon County, Wyoming:
Section 11: SW1/4SE1/4, SE1/4SW1/4
Section 13: S1/2, SW1/4NW1/4
Section 14: All, excepting the NE1/4NE1/4
Section 15: All
Section 16: E1/2, excepting that tract as conveyed to the Wyoming Stock Growers Agricultural Land Trust, a Wyoming non-profit corporation, in General Warranty Deed recorded September 24, 2002, in Book 1025, Page 0048, Records of Carbon County, Wyoming.
Section 21: W1/2E1/2
Section 22: NE1/4NE1/4
Section 23: N1/2N1/2
Section 24: N1/2N1/2
Section 25: N1/2
Section 26: N1/2S1/2, SW1/4SW1/4
Section 27: S1/2
Section 28: SE1/4, W1/2NE1/4

TZ Ranch – Legal Description:

Warranty Deed, Book 1192, Page 140 – Exhibit A

In Township 16 North, Range 83 West of the 6th P.M., Carbon County, Wyoming:
Section 13: E½ SE¼

Exhibit B to Warranty Deed – Permitted Encumbrances

Easement and other interests disclosed in a Warranty Deed from Winthrop C. Condict and Elsie E. Condict to Wynn G. Condict and Barbara Ann Condict recorded July 22, 1988 in Book 797, Page 807.

Warranty Deed, Book 1192, Page 141 – Exhibit A

In Township 16 North, Range 82 West of the 6th P.M., Carbon County, Wyoming:
Section 19: All of Lot 1, also known and described as the NW $\frac{1}{4}$ NW $\frac{1}{4}$ **EXCEPTING THEREFROM** the N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$

Warranty Deed, Book 1192, Page 142 – Exhibit A

In Township 16 North, Range 81 West of the 6th P.M., Carbon County, Wyoming:
Section 7: All Lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying North and East of U.S. Highway 130
Section 18: All that portion of NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ lying North and East of Wyoming State Highway 130 **excepting therefrom** that land conveyed to Alden R. Condict in United States Marshal Deed recorded November 3, 1980 in Book 724, page 510 and **excepting therefrom** that portion of the W $\frac{1}{2}$ NE $\frac{1}{4}$ described on Pages 210 and 211 of the Supplemental Agreement recorded March 21, 1995 in Book 917, page 174 AND the Corrective Deed recorded March 21, 1995 in Book 917, page 309.

In Township 16 North, Range 82 West of the 6th P.M., Carbon County, Wyoming:

Section 2: All Lots 5, 6, 9, and 10 lying South of Carbon County Road 504

Section 3: All Lot 8, E $\frac{1}{2}$ Lot 9 and S $\frac{1}{2}$

Section 4: All Lots 5, 6, 7, and 10, W $\frac{1}{2}$ Lot 9, S $\frac{1}{2}$

Section 5: S $\frac{1}{2}$

Section 6: SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$

Section 7: All Lot 4, NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$, E $\frac{1}{2}$ W $\frac{1}{2}$

Section 8: N $\frac{1}{2}$ N $\frac{1}{2}$

Section 9: N $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$

Section 10: N $\frac{1}{2}$, SE $\frac{1}{4}$

Section 11: N $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$

Section 12: NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ and all that portion of the SE $\frac{1}{4}$ lying Northerly of Wyoming State Highway 130.

Section 18: All Lots 1 and 2, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$

In Township 16 North, Range 83 West of the 6th P.M., Carbon County, Wyoming:

Section 12: SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$

Section 13: NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$

Section 23: S $\frac{1}{2}$ N $\frac{1}{2}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and all that portion of the W $\frac{1}{2}$ SE $\frac{1}{4}$ lying North and West of the "Pierce Field Fence Line" which is recorded on Page 209 of the Supplemental Agreement recorded March 21, 1995 in Book 917, page 174 and Corrective Warranty Deed recorded March 21, 1995 in Book 917, page 218, {described on pages 223 and 224 and shown on page 226}.

Section 24: N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ **excepting therefrom that land known as the "Pierce Field Irrgeular Tract"** lying in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 24, described in Corrective Deed from Alden R. Condict and Karen K. Condict, husband and wife, to Wynne G. Condict, a/k/a Wynn George Condict and Barbara Ann Condict, husband and wife, and O. Mark Condict, a/k/a Otto Mark Condict, and Valerie A. Condict, a/k/a Valerie Ann Condict, husband and wife,

and TZ Land & Cattle Co., a Wyoming corporation recorded March 21, 1995 in Book 917, page 300.

Section 26: E $\frac{1}{2}$ NW $\frac{1}{4}$ and that portion of the NE $\frac{1}{4}$ lying North and West of the “Pierce Field Fence Line”.

C.U. CASE #2019-07 – TERMS AND CONDITIONS OF APPROVAL:

Field Contact Representative: The permit holder shall designate a field contact representative(s) who will be responsible for overseeing CUP compliance and reporting back to the Planning and Zoning Commission per Condition #2.

Within six (6) months of the Board’s approval, and on an annual basis thereafter, until determined by the Carbon County Planning and Zoning Commission that annual reporting is no longer needed, the permit holder shall provide an activity report to the Carbon County Planning and Zoning Commission. The annual activity report shall include a written summary of the planned activities and construction and include an appearance at a regularly scheduled Planning and Zoning Commission meeting.

The applicant must prepare an exterior “lighting plan” for the 8 acre Brush Creek Farms, including the greenhouse complex that is consistent with the purpose and lighting standards contained in Section 5.4 E. The “lighting plan” must be prepared by a qualified professional and be reviewed with the Planning and Zoning Commission at the six month activity report meeting. The plan must include a summary of existing lighting conditions and proposed modifications to demonstrate compliance with Section 5.4 E.

The staff is recommending that the applicant set-up a wildlife working group with the Wyoming Game & Fish (WG&F) Department to review project development plans and operations. The purpose of the wildlife working group is to exchange information on the existing and proposed wildlife mitigation and enhancement programs and to solicit WG&F Department input on potential wildlife mitigation and enhancement programs. This condition is dependent upon WG&F cooperation and participation. The applicant will report back to the Carbon County Planning and Zoning Commission on the activities of the wildlife working group at the one (1) year anniversary date of this CUP.

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.

The following provisions from the Zoning Resolution are hereby incorporated:

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.

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.

In accordance with Section 7.7-K, 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.

No construction activity between March 15th and June 30th to protect sage grouse without written approval from the Wyoming Game and Fish Department which will be provided to the Carbon County Planning and Development Department.

The building permit application must include a site plan prepared by a licensed surveyor.

The maximum building height is limited to 35 feet.

The Applicant(s) shall enter into a Road Use Agreement (RUA) regarding Carbon County Road 504 with Carbon County which is approved by the Board of County Commissioners.

The applicant must submit all of the required State approvals\permits with their building permit applications prior to issuance of County building permits, including but not necessarily limited to:

In accordance with W.S. 35-9-108, as applicable, construction plans must be approved by the State Fire Marshall.

A wastewater permit “Notification of Coverage” from WDEQ indicating the adequacy of the septic system for the proposed uses is required prior to issuance of any building permits.

A water well permit from WSEO for the proposed well is required prior to issuance of any building permits.

All existing and proposed signs will require the submittal of individual sign permit applications.

All previous conditions as required by C.U. Case #2018-08 and C.U. Case #2016-04 remain in full force and in effect as applicable.

**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 #2019-07 – “Brush Creek Ranch”).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 7th day of January, 2020.

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

By: -s- Willing John Johnson, Chairman

On behalf of the Carbon County
Board of County Commissioners

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

EXECUTIVE SESSION

Commissioner Espy moved to go into executive session with Ashley Davis and Clerk Bartlett, to discuss personnel, potential litigation and other matters considered confidential by law at 12:36 p.m. Commissioner Moore seconded and the motion carried unanimously.

Mr. Piche joined the session right away and left at 1:00 p.m. Mr. Webster joined at 1:09 p.m. and left at 1:20 p.m.

Commissioner Espy moved to come out of executive session at 1:28 p.m. noting no action was taken and the minutes be signed and sealed as written. Commissioner Barkhurst seconded and the motion carried unanimously.

Commissioner Espy moved to authorize the IT Department to review IT Upgrades, waive the procurement and designate any commissioner to sign a contract after legal review. Commissioner Barkhurst seconded and the motion carried unanimously.

ADJOURNMENT

Commissioner Espy moved to adjourn the meeting at 1:30 p.m. Commissioner Barkhurst seconded and the motion carried unanimously.

A regular meeting of this Board will be held Tuesday, February 4, 2020 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.