

**REPORT TO THE  
MINUTES OF THE BOARD OF  
CARBON COUNTY COMMISSIONERS  
REGULAR MEETING  
Tuesday, June 1, 2021  
Carbon County Courthouse, Rawlins, WY**

A regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, June 1, 2021 at 9:00 a.m. at the Carbon County Courthouse in 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 9:00 a.m.

**ADDITIONS / CORRECTIONS**

Chairman Johnson changed the contract under the Sheriff from being with the WY Peace Officer Standards and Training Commission to Jerry Post, P.C. There were no other additions or corrections to the agenda.

**VOUCHERS**

Commissioner Barkhurst moved to approve payment to Sunrise Sanitation for \$45.00. Commissioner Espy seconded and the motion carried with all voting for the motion except Commissioner Jones who abstained due to personal conflicts.

Commissioner Barkhurst moved to approve the report of expenditures in the amount of \$278,393.72 for an aggregate total today of \$278,438.72. Commissioner Espy seconded and the motion carried unanimously.

Vendor	Detail Line Description	Total
Accutrace Testing, Inc.	Letter of Interpretation Heavy Metals Test	\$1,500.00
Acme Electric Company, LLC	Electrician Services Courthouse	\$1,102.05
Advanced Network Mgmt., Inc.	Network Catalyst/Cables/Module/License	\$19,348.73
Alesco, American Linen Division	Misc. Shop Supplies	\$56.90
APG Media Of the Rockies	Notice to J. Palato	\$163.00
Axis Forensic Toxicology, Inc.	Lab Fees	\$175.00
Balestrieri, Michelle	Postage	\$18.93
Barkhurst Collision Center	Tires	\$1,121.68
Bennett, Thomas L. M.D.	Autopsy Performed	\$2,094.56
Big Sky Communications Inc	Microphones for Dispatchers	\$394.00
Black Hills Energy	Gas Services	\$9,292.01
Blakeman Propane	Heating Services	\$453.26
Bob Barker Company, Inc.	Gloves/Inmate Jumpsuits	\$1,271.10

Bomgaars Supply	Misc. Supplies	\$111.11
Candy Mountain	Water	\$102.50
Capitol Communications	Phone System Upgrade	\$1,912.50
Carbon Co. Child Development Ctr	Rachels Challenge Program/Head Start	\$2,746.00
Carbon County School District #1	Quavers Social/Emotional Resources	\$2,100.00
Carbon County Senior Services	Quarterly Pymt Jun 2021	\$50,000.00
Casper Winnelson Co	Misc. Plumbing Supplies	\$311.51
CDW Government, Inc.	Tripp Pdu Metered/Ups Smart Online Units	\$12,093.55
Clerk of Dist. Court (Jurors)	Bailiff/Jurors (District Court)	\$2,705.52
Cna Surety	Surety Bond	\$270.00
Daily Times	Newspaper Subscription	\$200.75
Dayton Transmission	Transmission Rebuild	\$3,220.58
Dixon, Town Of	Water Services	\$154.00
Eakins, Chaplain Brad	WLECA Annual Dues 2021	\$200.00
Encartele	Jail Data	\$1,500.00
Fatbeam LLC	Fiber & Internet Service	\$5,206.54
Flack, Sheresa	Class Of 2021 - After Grad Party	\$200.00
Fleming, Linda	Library Mileage	\$81.00
Franks, Kevin	Electronic Monitor Refund K. Franks	\$820.00
Further	HRA Reimbursement/FSA/Participant Fees	\$6,545.36
GCR Electronics, LLC	Monthly Site Rental	\$2,000.00
GlaxoSmithKline Pharmaceuticals	Vaccines	\$353.40
Golden, Mary	Covid Vaccine Clinics	\$3,413.36
Gonzalez, Galilea	Electronic Monitor Refund G. Gonzalez	\$820.00
Goodwin, Mandy	Library Mileage	\$33.60
Greater Wy Big Bros/Sisters	County Prevention Services Apr 2021	\$5,337.70
Hali-Brite Inc.	Lamps	\$263.29
Hanna, Town Of	Water Services	\$27.28
Hernandez, Brenda	Court Interpreter	\$50.00
High Plains Power	Med Bow Sheriff Electric Services	\$541.67
Installation & Service Co, Inc.	Vac Truck Senior Center/Jail Vac Truck Jail	\$1,772.00
Kelley, Christi	We-Covery Program Celebrations	\$790.62
Kilburn Tire Company	Tires	\$1,272.38
Kostovny, Mark	Mileage	\$25.20
L N Curtis & Sons	Fire Lite Box /Fire Gear Bag/Uniform	\$324.44
Laramie Fire Extinguisher	Yearly Inspections	\$1,134.50
Lascano, Valerie	Covid Vaccine Clinics	\$147.48
Long Building Technologies, Inc.	Murray St E-Strike No Cut	\$208.55
Macpherson, Diane	Child Abuse Prevention	\$2,944.69

McKesson Medical-Surgical	Jail Meds	\$588.64
Merck Sharp & Dohme Corp.	Vaccines	\$4,690.38
Motorola Solutions	Batteries	\$713.94
Mountain Trail Medical	County Health Officer	\$1,600.00
Mountain West Motors	Sensor	\$390.86
My Office Etc.	Misc. Office Supplies	\$394.58
Nation, Leslie H	Mileage	\$33.60
Norco, Inc.	Respirators/Straps	\$4,139.38
Offender Watch	Offender Notifications	\$94.95
Perkins Oil Co	Fuel	\$2,450.78
Phillips 66-Conoco-76	Fuel	\$503.85
Piche, Jim	Poplar Board	\$170.73
Public Safety Center, Inc	Gloves	\$570.00
Quill Corporation	Office Supplies	\$372.62
R.P Lumber Company, Inc.	Misc. Parts/ Ups Shipping Charge	\$283.32
Rawlins Automotive	Misc. Parts	\$3,385.50
Rawlins Eastside Carwash	Wash Refill Cards	\$53.10
Rawlins Glass Center, Inc.	Side Mirror on Sheriff Van/1/4 In Glass Cut	\$173.29
Rawlins Hardware	Misc. Parts	\$175.45
Reed Smith LLP	Legal Services Vanguard	\$1,959.11
Ricoh USA Inc	It Copiers	\$724.98
Rietveld, Toni	Tai Chi Membership	\$15.66
Roberts, Shauna	Rms 8th Grade Promotion	\$200.00
Rocky Mountain Power	Electric Services	\$16,511.56
Rosentreter, Cathy	Fuel Reimbursement	\$67.00
Safeguard Business Systems	Check Stock	\$318.66
Saratoga Auto Parts, Inc.	Misc. Parts	\$220.29
Saratoga Feed & Grain	Deputy Uniforms	\$129.52
Schaeffer Mfg. Co	Oil Drums	\$2,841.80
Security Transport Services, Inc.	Inmate Transport	\$1,974.55
Shepard's	Fuel	\$639.08
Shively Hardware	Coupler	\$79.08
South Central Wy Ems	Quarterly Pymt Jun 2021	\$11,250.00
Spaulding, Dawnnette	Victim Witness	\$60.48
Staples Advantage	Misc. Office Supplies	\$126.63
State of Wyoming A & I	Mainframe Services and Access	\$23.88
State of Wyoming DCI	Sex Offender Changes to Reg	\$25.00
Stinker Stores, Inc.	Fuel	\$5,803.15
Stop Stick Ltd.	Stop Stick Rack Kits	\$9,699.00

Summit Food Service	Jail Meals	\$6,090.15
Sunrise Sanitation Service, LLC.	Trash Services	\$45.00
Surber, Jordyn Ashlee	Legal Services	\$275.00
Swanson Services Corporation	Jail Commissary	\$2,036.02
Tyler Technologies, Inc	IDOC/ITAX Maintenance	\$275.63
University of Wy Extension	FY 21 Salary Billing 4th Qtr.	\$5,262.00
Uplift Counseling	Foster Parents Training	\$500.00
UPRSWDD	Trash Services	\$190.00
Webb, Julie	Mileage	\$80.00
Webster, Matthew S	Mileage	\$128.50
Western Detention Products Inc.	Bent Lever	\$132.75
Western Plains Business Solutions	Vehicle Reg Notices	\$1,852.20
WLC Engineering	County Roads Estimate	\$1,139.50
World Wash LLC	Clean and Degrease Kitchen at Jail	\$925.00
Wreck-A-Mend	Decals	\$140.00
Wy Dept Of Health	3rd Qtr. Match /3rd Qtr. Nurse Salary	\$32,427.18
Wy Public Health Laboratory	Lab Fees	\$602.00
Wy State Forestry	Fire Uniform Equipment	\$3,285.09
Wyoming Trader	Social Media Marketing	\$250.00
Y2 Consultants, LLC	Natural Resource Management Plan	\$416.00

## **CONSENT AGENDA**

Commissioner Espy moved to approve the consent agenda noting any item could be removed for separate action. The consent agenda includes the May 18, 2021 regular meeting minutes, monthly receipts for Planning and Development in the amount of \$2,800.00, a bond for Brittany Nyman, Carbon County Coroner in the amount of \$1,000.00 and Tax roll Corrections in the amount of (\$380.82). Commissioner Barkhurst seconded, and the motion carried unanimously.

## **ELECTED OFFICIALS & DEPARTMENT HEADS**

### **Emergency Management**

Lenny Layman, Emergency Management Coordinator introduced Ron Wild, Regional Manager and Bob Stipe, Manager for Transmission and Distribution with Rocky Mountain Power. Rocky Mountain Power donated \$2,000.00 to Carbon County for the purchase of a sandbagger and sandbags to assist in potential flooding incidents.

Mr. Layman said flooding potential is low, but he will still be training on the new sandbagging machine. June 7 the Red Cross will return to congregate sheltering rather than a hotel coupon. On May 24 there was a gas leak in Saratoga and the response time was approximately 3 hours however Black Hills Energy has a stance that only they turn off gas according to Fire Warden John Rutherford. The Orion software is up and running, a transportable message board is in place with

his office, and he can deploy that anywhere and program the message from his phone. Lenny has been working with Town of Elk Mountain to evaluate the town's inoperable outdoor siren. He will be working with various municipalities to ensure theirs work as well.

Albany County will be hosting a Mullen Fire recovery workshop for landowners this weekend. Mortensen will be providing Lenny with a tour of the Chokecherry and Sierra Madre projects to review emergency procedures mid-June. Next week he will be an assistant instructor for the ICS 300 and 400 courses with the WY Department of Homeland Security (DOHS) for the WY Air National Guard. In mid-July he will host the Public Information Officer training for various individuals in the county. He will participate in a flooding tabletop on June 8 with the American Red Cross followed by a landing zone training with Classic Air.

Mr. Layman has received the Phillips 66 donation of \$29,750.00 for the C4 communications project and he will be applying to DOHS for the match to this.

### **Public Health**

Jacquelin Wells, Regional Nurse Supervisor for Carbon County Public Health requested and received approval to hire 2 nurses to fill vacant positions. One full-time position with 35% paid by the county and a 20-hour part-time position 35% paid by the county.

Nurse Wells presented the contract with the Wyoming Department of Health for Public Health Emergency Preparedness and Response for commissioner approval and signature. This grant covers Emily Kaluzny's position.

Nurse Wells presented Amendment One to the grant with the state for Maternal Child Health. This grant covers the MCH nurse supplies, salary, travel and trainings but the grant has been cut by \$10,650.00.

Commissioner Jones moved to approve the Chairman's signature on the Amendment One to the Memorandum of Understanding between Wyoming Department of Health, Public Health Division and Carbon County for Maternal Child Health for the purpose of amending the total state general funds dollar amount decreasing it by \$10,650.00 making the new allowable total \$111,760.00 and replacing Attachment B with Attachment B-1 revising the Maternal Health Statement of Work. Commissioner Moore seconded and the motion passed unanimously.

Commissioner Jones moved to authorize any commissioner to sign the Contract between the WY Department of Health, Public Health Division and Carbon County for Emergency Preparedness and Response for a term of July 2021 through July 30, 2022 in the amount of up to \$91,000.00. Commissioner Moore seconded and the motion carried unanimously.

Nurse Wells presented the County Health Officer contract with the state noting this is not specific to a particular individual but rather the county's commitment to having the position. The individual is responsible to oversee the operation including allowing them to provide immunizations, shut something down due to health-related reasons, assist with pandemics and more. Carbon County

staff meets with this individual at least monthly. Attorney Davis reported the county is required to fund at least 10%, or \$960.00 per year and the contract begins July 1.

Commissioner Jones moved to approve the Chairman's signature on the Contract Between Wyoming Department of Health, Public Health Division and Carbon County for the County Health Officer in the amount not to exceed \$9,600.00 plus a 10% match from the county through June 30, 2022. Commissioner Barkhurst seconded, and the motion passes unanimously.

Nurse Wells presented an Agreement for Services for Wayne Couch, II, MD to serve as the County Health Officer (CHO) for the upcoming fiscal year. Attorney Davis reported that last time this was put out to local doctors Dr. Couch was the only one to apply. It was not recently advertised nor offered to anyone else as Public Health would like to renew with Dr. Couch. Commissioner Espy thought the process should be as transparent as possible and he would like to put this out to local doctors. He has received concerns from citizens that Dr. Couch is not local. Chairman Johnson agreed. Commissioner Jones reminded the public that nearly all mandates came from the state, not our local CHO and that local public health took a lot of heat for a situation outside their control, and she thanked staff for their work over the past year. Commissioner Barkhurst agreed but also thought the BOCC owed it to the constituents to open this up to all local physicians. Ms. Wells stated that the abuse they took was uncalled for and that the work she and staff did was above the call of duty. She hopes the community knows that the work they did was to help them. She recommended renewing Dr. Couch for renewal based on his performance over the past year and before that. She mentioned that even with him living elsewhere he was present in their office more than previous health officers. She does have proof of staff reaching out previously for a local health officer to no avail. Commissioner Moore spoke about the changes in healthcare and that patients often see rotating doctors rather than always seeing the same person over the years. Attorney Davis suggested that the board could send a letter to qualified local individuals or healthcare facilities and asked if Public Health was willing to have a rotating doctor or if they would prefer one specific individual. Clerk Bartlett suggested having the sample contract available and that they develop their process before advertising. Commissioner Moore replied that the county is opening a job, this is not a recruiting process.

### **Buildings & Grounds**

Buildings & Grounds Manager Jim Piche discussed repairs needed for the skid steer at the Fairgrounds and he will proceed with the approximate \$5,000 repair.

Jim discussed the shower floors at the jail noting they need recoated. This will require grinding of the current floor and reapplication of the same material that is currently there. He received two proposals for this totaling \$25,556.00 or \$68,320.00. He would use jail operations and maintenance funds.

Commissioner Moore moved to authorize Barch Industries of Rock Springs to redo jail shower floors in the amount of \$25,556.00. Commissioner Espy seconded and the motion carried unanimously.

Hanna Senior Center carpet needs replaced, and he has budgeted funds for this. Proposals were received from Carpet One for \$6,316.00, Interior Galore for \$6,325.00 and \$11,561 from Morgan's Flooring. He recommended using the local company for \$9 more.

Commissioner Espy moved to authorize Interior Galore to install new carpet at the Hanna Senior Center in the amount of \$6,325.00. Commissioner Moore seconded and the motion carried unanimously.

Mr. Piche received one estimate from Interior Galore to carpet the Caretaker house at the Fairgrounds for \$2,741.25. The home is currently vacant, and he believes the UW Extension 4-H Educator may be interested in living there or he may have one of his staff members interested in it as well.

Commissioner Espy moved to allow Buildings & Grounds to recarpet the Fairgrounds caretaker house using Interior Galore in the amount of \$2,741.25. Commissioner Barkhurst seconded, and the motion carried unanimously.

Mr. Piche reported there is an 8-10' vacant area between the Hugus Ferguson building and the joining building. The adjacent owner needs access to seal her side of the wall however there is a huge mess in between. He has an estimate of approximately \$7,000 to have this cleaned up and will move forward later this summer.

Mr. Piche reported that the topsoil at the Interim Justice Center parking lot will be cleared by Road & Bridge, but he suggested putting asphalt, road base or roto mill down. After discussion the BOCC asked him to bring this up during his budget presentation.

#### **New Retail Malt Beverage Liquor License Permits for Rocky's Quik Stop and Western Hills Campground LLC**

Chairman Johnson opened a public hearing at 10:27 a.m. to hear requests for 2 new retail malt beverage liquor licenses.

Clerk Bartlett stated notices were placed in the Saratoga Sun for two consecutive weeks specifically on May 19 and 26.

Clerk Bartlett presented the following new licenses for the Board's consideration under the new law which allows entities to apply for a license like this when they are within 5 miles of a municipality.

Retail Malt Beverage Liquor Licenses: Filcrest Enterprises, d.b.a. Rocky's Quik Stop and Western Hills Campground LLC.

Chairman Johnson called for public comments for or against the new licenses. There being none, he closed the hearing at 10:28 a.m.

Commissioner Barkhurst asked if the county was the regulatory agency for county licenses. It was confirmed the county is. Josh and Ben Cousins appeared on behalf of Rocky's Quick Stop, approximately 1 mile north of Baggs noting they plan to use this for retail sales, not to be consumed on premises. They operate a convenience store and there is an adjacent restaurant, but Josh noted that they would not allow beverages to be purchased at the store and consumed at the restaurant.

Charel Cole with Western Hills Campground reported they also plan for retail sales for their guests to consume at the campground or elsewhere to improve their services. They do have areas at the campground that will be non-alcoholic.

Commissioner Espy moved to approve two new retail malt beverage liquor licenses both for terms of July 1, 2021 expiring August 31, 2021 for Filcrest Enterprises LLC and Western Hills Campground. Commissioner Barkhurst seconded, and the motion carried unanimously.

### **Fire Warden**

John Rutherford, Interim Fire Warden reported that he and Commissioner Moore recently met with the Baggs Town Council regarding contracting for fire service. They are now waiting to hear back on how the town feels about the proposal. Apex Communications is reprogramming radios throughout the county to ensure communications work between agencies appropriately without changing settings.

Warden Rutherford reported on calls they have received but noted that some county agencies are not reporting under the county's FDID number and he will be reviewing this and providing training as needed. He is working with the WY Department of Transportation to post signs over highways and other agencies to post elsewhere about the fact that fireworks are illegal in this county. The arson K-9 team is recertified and working for the county.

Mr. Rutherford discussed fireworks permits and asked if the BOCC would like him to inspect those doing displays with over-the-counter fireworks and he asked about the current fee. The BOCC determined it would like to stay with \$25.00 fee for over-the-counter permits and inspect first time displays noting Mr. Rutherford can waive the fee and inspection at his discretion. The commercial fee will be \$100.00 with a required inspection.

Mr. Rutherford presented the South Central Wyoming Emergency Medical Services (SCWEMS) quarterly update. Mr. Rutherford stated that given the unusual circumstances of this fiscal year, SCWEMS Financials remain stable. Though they have not added to it, they have not had to draw on the WyoStar Account. SCWEMS, will be receiving \$127,000.00 from the Cares Act Funding. The Board decided at their March Board meeting to purchase an all-metal building for the addition to the Ambulance Barn in Saratoga. The Town of Saratoga sponsored the addition as one of their Specific Purpose Tax projects in the amount of \$150,000. Dave Gier from Rawlins began as the new Director in early April and all ambulances are currently functioning.

### **Road & Bridge**

Kandis Fritz, Road & Bridge Coordinator introduced Craig Kopasz of EA Associates to discuss the bridge structure DMU on County Road 660 near Beaver Creek/Encampment. Last week one of the county blades while blading on County Road 660 traveled across Bridge Structure DMU and the blade fell through the bridge. There was no damage to the blade however the road had to be closed because the side railing of the bridge was no longer supported by the I-beam.

Mr. Kopasz stated there is a 16' x 40' Big R bridge in stock and while this is longer than needed it can be delivered to the site 2-3 weeks for \$41,000 for the bridge and sill. There is also a 30' but it would be 4-6 weeks for delivery and would cost \$30,300. Ms. Fritz will need to make weight restrictions on the bridge noting that this would mean a county fire truck would need to cross empty then pump water from the river. Commissioner Barkhurst confirmed the proposed bridges have guardrails that come with them.

Mr. Kopasz stated he would foresee pour in place abutments and the 30' span being adequate, and the abutments could be prepared while waiting on bridge delivery. The BOCC agreed that to move forward with the 30' bridge noting that if upon further investigation a 40' bridge is necessary they could purchase that instead.

#### **MEMORIAL HOSPITAL OF CARBON COUNTY (MHCC)**

Ken Harmon, Chief Executive Officer for Memorial Hospital of Carbon County presented a monthly update on the status of MHCC including financials, physician recruitment, as well as COVID cases, testing and vaccines. The hospital is opening a primary care mental health clinic with a practitioner available 3 days per week and if, after a period of time this is at least break even they will look at providing those services at their facilities in Hanna and Saratoga. The hospital will be working with the Bank of Commerce and self-pay patients for a loan program.

#### **Public Hearing – Z.C. Case File #2021-06**

Chairman Johnson opened a public hearing at 11:21 a.m. to hear Planning & Zoning file type Z.C. Case File #2021-06, Clayton Desmond's request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Rural Residential Agriculture (RRA-18.148) encompassing approximately 18 acres. The RRA Zone is intended to be applied in areas of the County which are particularly suited to large-lot development that allow both agricultural and residential uses intermingled, it is located approximately 14 miles east of Rawlins on the south side of I-80, just east of the Fort Steele Rest Area off Tie Town Road. Sarah Brugger, Planner/GIS Specialist, presented the case file.

Brittany Nyman was present on behalf of the applicant.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Johnson closed the hearing at 11:24 a.m.

Commissioner Moore moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2021-18, 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 #2021-06, Clayton Desmond's request for a

Zone Change from Ranching, Agriculture and Mining (RAM) to Rural Residential Agriculture (RRA-18.148) encompassing approximately 18 acres for a parcel located approximately 14 miles east of Rawlins on the south side of I-80, just east of the Fort Steele Rest Area off Tie Town Road. Commissioner Jones seconded and the motion carried unanimously.

**Resolution No. 2021 – 18**

**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 #2021-06**

**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, May 3, 2021, which hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at the Monday, May 3, 2021, 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, May 3, 2021, 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 zone 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, June 1, 2021; and

**WHEREAS**, at said public hearing on June 1, 2021, 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 #2021-06:** Request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Rural Residential Agriculture (RRA-18.148) encompassing approximately 18 acres. The RRA Zone is intended to be applied in areas of the County which are particularly suited to large-lot development that allow both agricultural and residential uses intermingled.

**Petitioner:** Clayton Desmond (Applicant and Landowner)

**Rural Address:** 106 Tie Town Road

**Parcel Identification Number:** 21853620004400

**General Site Location:** Approximately 14 miles east of Rawlins on the south side of I-80, just east of the Fort Steele Rest Area off Tie Town Road.

**Legal Description (taken from Warranty Deed, Book 1355, Page 266):** Township 21 North, Range 85 West, 6<sup>th</sup> P.M., Carbon County, Wyoming Section 36: A portion of land in the SW1/4 NW1/4 excepting that portion conveyed to the State of Wyoming in Warranty Deed recorded June 6, 1962, Book 437, Page 61 for I-80 Right of Way.

**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 Rural Residential Agriculture (RRA-18.148) encompassing approximately 18 acres.

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 1<sup>st</sup> of June 2021.

**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

**Public Hearing – P.U.D. Case #2021-01**

Chairman Johnson opened a public hearing at 11:27 a.m. to hear Planning & Zoning file P.U.D. Case #2021-01, Timothy and Courtney Ney's request for a Zone Change from Ranching, Agriculture and Mining (RAM) to a Planned Unit Development (P.U.D.) on 315+/- acres, the "Open Range Estates P.U.D.". The purpose and intent of the Open Range Estates P.U.D. is to provide for development standards and guidelines that protect the character, the surrounding area, and the environment. The P.U.D. will encompass eight (8) residential lots with each lot being 35 acres, or more, in size, located approximately 4 miles south of I-80 and Walcott Junction and approximately 2 miles east of WY 130 off Carbon County Road #400 on the north side. Sarah Brugger, Planner/GIS Specialist, presented the case file making clear this was a zone change to bring the property into conformance. All parcels within the PUD are 35 acres or more and could be subdivided at any time. A PUD was done because this use best fits the intent of the applicants. Ms. Brugger overviewed comments received. She also noted the zoning could potentially be RRA or maintain RAM. The Planning & Zoning Commission unanimously recommends approval.

Ms. Ney and Doug Boyd of WLC Engineers were both present on behalf of the applicants. Ms. Ney offered to answer any questions the board may have.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Johnson closed the hearing at 11:40 a.m.

Commissioner Moore moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2021-19, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission P.U.D. Case #2021-01, Timothy and Courtney Ney's request for a Zone Change from Ranching, Agriculture and Mining (RAM) to a Planned Unit Development (P.U.D.) on 315+- acres, the "Open Range Estates P.U.D. which will encompass eight (8) residential lots with each lot being 35 acres, or more, in size, located approximately 4 miles south of I-80 and Walcott Junction and approximately 2 miles east of WY 130 off Carbon County Road #400 on the north side. Commissioner Espy seconded and Commissioner Moore thanked the Planning Commission for their vigorous discussion on the case. Chairman Johnson stated this case is difficult due to the complexities of private landowner rights while weighing comments against the case. The motion carried with all commissioners voting for the motion except Commissioner Barkhurst who abstained due to potential conflict.

**Resolution No. 2021 - 19**

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

**P.U.D. Case File #2021-01  
"Open Range Estates P.U.D."  
Zone Change to Planned Unit Development**

**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, May 3, 2021, which hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at the Monday, May 3, 2021, 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, May 3, 2021, 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 zone 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, June 1, 2021; and

**WHEREAS**, at said public hearing on June 1, 2021, 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.

**P.U.D. Case #2021-01:** Request for a Zone Change from Ranching, Agriculture and Mining (RAM) to a Planned Unit Development (P.U.D.) on 315+/- acres, the "Open Range Estates P.U.D.". The purpose and intent of the Open Range Estates P.U.D. is to provide for development standards and guidelines that protect the character, the surrounding area, and the environment. The P.U.D. will encompass eight (8) residential lots with each lot being 35 acres, or more, in size.

**Petitioners:** Timothy and Courtney Ney (Applicants and Landowners)

**Parcel Identification Number:** 20831910001700

**General Site Location:** Approximately 4 miles south of I-80 and Walcott Junction and approximately 2 miles east of WY 130 off Carbon County Road #400 on the north side.

**Legal Description (taken from Warranty Deed, Book 1364, Page 21):** E½, Section 19, Township 20 North, Range 83 West, 6th P.M., Carbon County, Wyoming EXCEPTING THEREFROM that certain tract of land conveyed to The Saratoga and Encampment Railway Company, a corporation, and more particularly described in Warranty Deed recorded January 16, 1909, in Book 86, Page 554, Records of Carbon County, Wyoming, and by Order of District Court Recorded September 3, 1907, Book 86, Page 230, Records of 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(s) as certified to them in writing by the Carbon County Planning and Zoning Commission for the "Open Range Estates Planned Unit Development" (P.U.D.). The purpose and intent of the Open Range Estates P.U.D. is to provide for development standards and guidelines that protect the character, the surrounding area, and the environment and as more specifically described in the Open Range Estates P.U.D. Guide (Attached as Exhibit A).

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 1<sup>st</sup> day of June 2021.

**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

**Sheriff**

Archie Roybal, Sheriff discussed the potential of receiving a grant for a K9 ballistic vest from Vested Interest in K9s, Inc. Vested Interest in K9s, Inc is a non-profit whose mission is to provide bullet and stab protective vests and other assistance to dogs of law enforcement. The vest has a value of \$1,744.00-\$2,283.00 and comes with a 5-year warranty. In order to receive the vest, the sheriff's office is required to do 2 press releases.

### **Road & Bridge**

Kandis Fritz returned to report mag chloride application is complete. The County Road 291 Congestion Mitigation Air Quality Project will be completed this week. Commissioner Barkhurst referred to a comment made by Randy Raymer at the last meeting noting that this county has equipment that is the envy of the state. He wanted to comment this claim from Mr. Raymer that the county's blades may be in good shape, much of it due to impact assistance funds, but other equipment and trucks need replaced.

### **EXECUTIVE SESSION**

Commissioner Espy moved to go into executive session at 11:59 a.m. with Sheriff Archie Roybal, Clerk Bartlett and Ashley Mayfield Davis to discuss 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 12:37 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Barkhurst seconded, and the motion carried unanimously.

### **Clerk**

Carbon County Clerk Bartlett presented Resolution No. 2021-20, Resolution to name the Carbon Building – Courthouse Annex for commissioner approval. Per W.S. §18-3-103 the county clerk, county sheriff and county treasurer shall be furnished offices in the courthouse or building used as such. For this reason, Attorney Davis had suggested that the Carbon Building be renamed to Carbon Building – Courthouse Annex.

Commissioner Jones moved the approve the Chairman's signature on Resolution No. 2021-20, a Resolution Renaming the Carbon Building as Carbon Building – Courthouse Annex. Commissioner Barkhurst seconded, and the motion passed unanimously.

### **Resolution No. 2021 - 20**

#### **A Resolution of the Board of County Commissioners of Carbon County, Wyoming, Renaming the Carbon Building as “Carbon Building – Courthouse Annex”**

**WHEREAS**, W.S. §18-3-103 was enacted to establish that offices and records be kept within the county and that records be open to public inspection;

**WHEREAS**, W.S. §18-3-103 (a), states that each county officer except the county attorney, the county coroner and the county sheriff if the county jail is not located in the county seat, shall keep his office at the county seat of the county in an office provided by the county. If the county does not provide an office, then the office shall be maintained at a place approved by the board of county commissioners;

**WHEREAS**, W.S. §18-3-103(a)(i), states that the county clerk, county sheriff and county treasurer shall be furnished offices in the courthouse or building used as such;

**WHEREAS**, W.S. §18-3-103(a)(iii), states, that the office of the county assessor may be with the office of another county officer as determined by the board of county commissioners;

**WHEREAS**, 6<sup>th</sup> Penny Special Purpose Tax improvement project is funding substantial improvements to the Carbon Building and the county clerk, treasurer and assessor will be relocated to that facility in 2022.

**NOW THEREFORE, BE IT RESOLVED BY THE CARBON COUNTY BOARD OF COUNTY COMMISSIONERS** that this board does hereby rename the Carbon Building located at 215 W. Buffalo Street in Rawlins, Wyoming as the **Carbon Building – Courthouse Annex** and provide appropriate signage for the interior and the exterior of the building designating such naming of the building.

**APPROVED, PASSED, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 1<sup>st</sup> day of June 2021.

-s-Willing “John” Johnson, Chairman on behalf of the Board of Carbon County Commissioners

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

Clerk Bartlett discussed the need for uniform rental fee policies for county buildings. She stated she is actively working on this and will present information when available.

Clerk Bartlett presented the Hardware Maintenance Agreement between Election Systems & Software, LLC, and Carbon County for commissioner approval.

Commissioner Moore moved to authorize any commissioner to sign the Hardware Maintenance Agreement between Election Systems & Software, LLC, and Carbon County for voter tabulation equipment in the amount of \$109,150.00, to be paid in 4 yearly installments in the amount of \$27,287.50, ending July 31, 2025 pending legal review. Commissioner Espy seconded and the motion passed unanimously.

Clerk Bartlett stated that in July 2020 a motion was made by Commissioner Espy to appoint Lindsey West as the member and Gwynn Bartlett as the alternate to the Specific Purpose Tax Joint Powers Board for a 3-year term ending July 2023 with Commissioner Espy seconding. The term actually needs to end July 2024.

Commissioner Espy moved to amend the motion made in July 2020 to have Lindsey West’s term ending July 2024 for the Specific Purpose Tax Joint Powers Board. Commissioner Moore seconded and the motion passed unanimously.

## **Treasurer**

County Treasurer Patty Bentsen reported that numerous treasurers met with the WY Department of Revenue and the County Commissioners Association last week to determine how to move forward with monthly ad valorem tax collections beginning January 2022 required by Senate File 60 from the 2021 legislative session. Commissioner Jones asked if there was a provision to opt out of this and noted it could be done by company. Attorney Davis reported there must be an application process and uniform criteria.

## **Sheriff**

On behalf of the Sheriff, Attorney Davis presented an Employee Assistance Program Agreement between Carbon County Sheriff's Office and Jerry Post, Psy.D., PC with Post Associates to provide short term counseling for sheriff's office employees for approval.

Commissioner Jones moved to approve the Employee Assistance Program Agreement with Post and Associates to provide short term counseling to Sheriff's Office employees for a term of July 1, 2021 through June 30, 2022 in the amount of \$1,560.00 pending legal approval. Commissioner Moore seconded and the motion passed unanimously.

## **COMMISSIONERS**

The BOCC discussed the contest submissions received from participants for the Carbon County Official Seal Contest. Clerk Bartlett noted that the Clerk's Office has redacted any personal information so the BOCC bases the decision on whether each submission has met the requirements, is meaningful, and reflective of Carbon County and its residents. The BOCC discussed its top 3 and each was as follows: Chairman Johnson – 16, 14 and 21; Espy – 14, 16 and 20; Moore - 16, 14 and 20; Jones – 16, 15 and 20 and Barkhurst - 16, 15 and 20. There was further discussion of the top 5 and ultimately number 16, designed by Bobbie Herman was selected as the winner.

Commissioner Espy moved to select Bobbie Herman as the winner, to adopt the seal as Carbon County's Official Seal and award the winner with \$600.00 to be recognized at the open house dedicating the new Carbon Building sometime in early 2022. Commissioner Barkhurst seconded, and the motion passed unanimously.



Vice Chairman, Sue Jones requested the Chairman's signature on the Agreement for Transfer of Entitlements. The agreement would transfer \$300,000.00 of FY 2020 and 2021 federal funds from Dixon Airport to Northeast Wyoming Regional Airport/Campbell County for use on a project in 2021 as Dixon has no projects this year. The entitlements would be paid back in full in FY 2022.

Commissioner Jones moved to authorize the Chairman's signature on Agreement for Transfer of Entitlements from Dixon Airport to Northeast Wyoming Regional Airport/Campbell County. Commissioner seconded and Gwynn asked if there is any danger of entitlements being reduced in the future. Commissioner Jones reported there is no danger as FAA money is guaranteed and not part of the federal general fund. The motion passed unanimously.

Commissioner Moore reported the Natural Resource Management Plan is complete and will be adopted soon. He added he will meet with the City of Rawlins regarding snow removal.

Commissioner Espy reported the Baggs Mule Deer Migration Corridor meeting is coming up in June. He also reported he was elected Second Vice President Western Interstate Region of the National Association of County Officials.

Commissioner Jones stated the Dixon Airport beacon has been submitted for an out of cycle funding request that will be reviewed next year. She notified the contractor for runway repair at the Dixon Airport of warranty work that needs done and the runway will need to be shut down temporarily for repairs when that occurs.

Chairman Johnson stated the Carbon County Republican Party requested the BOCC adopt a resolution regarding President Biden's 30x30 plan regarding climate change. He also reported the Carbon Building first floor should be complete today, furniture being delivered today and a walkthrough to develop a punch list June 10.

Clerk Bartlett reported the Assessor received 6 tax appeals that she will need to schedule hearings for. Attorney Davis stated she will contact potential hearing examiners and court reporters to determine availability.

**ADJOURNMENT**

Commissioner Espy moved to adjourn the meeting at 1:54 p.m. Commissioner Barkhurst seconded, and the motion carried unanimously.

A regular meeting of this Board will be held Tuesday, July 6, 2021 at 8:00 a.m., at the Carbon County Courthouse, Rawlins, WY. A budget workshop will be held for the Specific Purpose Tax Joint Powers Board on Monday, July 19, 2021 at 9:00 a.m. following the regularly scheduled Commissioner meeting, 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.