

**OFFICIAL MINUTES OF THE BOARD OF  
CARBON COUNTY COMMISSIONERS  
REGULAR MEETING  
Tuesday, May 3, 2022  
Carbon Building – Courthouse Annex, Rawlins WY**

A regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, May 3, 2022, at 9:00 a.m. at the Carbon Building – Courthouse Annex, Rawlins, WY. Attending the meeting were Chairman, John Johnson, Vice Chairman, Sue Jones, John Espy, Byron Barkhurst and Travis Moore.

Chairman Johnson called the meeting to order at 9:00 a.m.

**ADDITIONS / CORRECTIONS**

There were no additions or corrections to the agenda.

**VOUCHERS**

Commissioner Barkhurst moved to approve the report of expenditures in the amount of \$554,772.43. Commissioner Espy seconded and the motion passed unanimously.

Vendor	Detail Line Description	Total
Ables, Duane E	County Health Officer	\$1,600.00
Advanced Network Management, Inc.	Network Infrastructure	\$3,555.00
Alesco, American Linen Division	Towels/Soap/Mats	\$59.02
American Planning Association	Membership Renewals	\$616.00
Barkhurst Collision Center	Snow Mobile Repairs/Motor Rplc.	\$6,913.39
Black Hills Energy	Heating Services	\$12,583.46
Blakeman Propane	Heating Services	\$1,139.94
Bob Barker Company, Inc.	Jail Supplies	\$402.06
Braun NW, Inc	North Star Ambulance For MHCC	\$237,268.00
Buchanan, Karen	Mileage	\$48.00
Capitol Communications	Phones Trouble Shooting	\$75.00
Carbon County Public Health	Payment Of Vaccines	\$2,500.00
Carbon County Veterinary Hospital	Medications	\$125.04
Casper Winnelson Co	3 Way Valve	\$1,085.05
Children's Advocacy Project, Inc	Forensic Interview Services	\$3,000.00
Cowboy Supply House	Equipment Repair	\$711.01
Daily Times	Planning Newspaper Renewal	\$724.75
Dixon, Town Of	Water Services	\$307.40
Dynamic Controls Inc	Camera Server To IJC/Misc. Svs.	\$7,596.68
Econo Signs, LLC	County Road Sign	\$97.65
Encartele	Jail Data	\$750.00

Engstrom, James D. DDS	Jail Dental Services	\$2,500.00
FCI Constructors Of Wy	Courthouse Bldg. Improv	\$203,587.10
Fleming, Linda	Mileage	\$50.40
Further	Misc. Insurance	\$5,480.94
Galls/Quartermaster	Restraints/Deputy Uniforms	\$1,183.80
Gier, David	Als Kit For Fire Response	\$272.00
Grainger	Misc. Parts	\$388.62
Greenwood Mapping, Inc	Sept 2021-Aug 2022	\$6,400.00
Herman, Bobbie	Mileage	\$27.00
High Plains Power	Electric Services	\$482.58
Historic Elk Mountain Hotel	S&R Meeting Meal	\$200.00
K2 Towers III, LLC	Tower Rent	\$2,121.81
Kaluzny, Emily	Personal Phone Usage	\$30.00
Kilburn Tire Company	Tires	\$1,033.63
Lucero, Deborah K	Transportation Fuel Reimb.	\$42.80
Midwest Connect	Mail Machine Ink	\$210.00
Mike's Lock & Key	Lock Smith Services	\$127.00
Moss, Barbara	Mileage	\$54.60
Norco, Inc.	T-shirt Rags/Cylinder Rentals	\$113.59
Offender Watch	Community Notification	\$35.00
O'Reilly Auto Parts	Battery	\$158.58
Perkins Oil Co	Fuel	\$2,980.82
Quill Corporation	Labels	\$78.99
R.P Lumber Company, Inc.	Plumbing Supplies	\$57.44
Rawlins Automotive	Misc. Parts	\$1,297.88
Rawlins Glass Center, Inc.	Windshield Replacement	\$1,663.16
Rawlins Hardware	Misc. Tools	\$38.35
Ready, Justin	Mileage	\$48.00
Rietveld, Toni	Tai Chi Membership	\$26.00
Saratoga Feed & Grain	Wood	\$9.00
Saratoga Sun	Rock River Wind Project Ad	\$185.00
Schilling & Winn Pc	Legal Services	\$4,236.42
Shepard's	Fuel	\$1,449.32
Sikes, Melisa	Postage	\$4.12
Staples Advantage	Misc. Supplies	\$1,024.35
Star Awards & Signs	Nameplate For BOCC Room	\$14.90
State Of Wyoming A & I	State Mainframe Access	\$12.57
Stinker Stores Inc	Fuel	\$833.87
Summit Food Service	Jail Meals	\$7,530.91
Swanson Services Corporation	Commissary Supplies	\$1,060.51
T.W. Enterprises, Inc.	Oil/Oil Filter	\$342.01

The Cowboy Couture	Embroidery	\$62.50
Tin Boy Garage	Windshield Wipers	\$49.98
T-O Engineers	DWX Master Plan Update	\$17,826.60
Triple X Contracting, Inc.	Trash Services	\$300.00
Tyler Technologies, Inc	Software Support/Maintenance	\$551.31
UPRSWDD	Trash Services	\$190.00
Weickum, Terry	Carbon Bldg. Directional Signs	\$472.00
Wohl, Judith	Mileage	\$36.00
World Wash LLC	Degrease Kitchen Exhaust Sys.	\$875.00
Wy Behavioral Institute	Medical Services	\$3,016.00
Wy Dept Of Health	Rental Vehicle	\$219.52
Wy Law Enforcement Academy	Deputy Training	\$675.00
Wy Law Enforcement Chaplains Assoc.	Gary Gilbert Reg. Renewal	\$335.00
Wy Public Health Laboratory	Lab Services	\$782.00
Wy Secretary Of State	Notary Renewals	\$120.00
Wy Sheriff's Association	2022 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 April 19, 2022, regular meeting minutes, monthly receipts from Planning and Development in the amount of \$5,200.00 and Notice of Valuation Changes in the amount of (\$1,127,456.00). Commissioner Moore seconded and the motion passed unanimously.

## **OLDER AMERICAN'S MONTH PROCLAMATION**

Lisa Engstrom, Executive Director with Carbon County Senior Services, Inc. presented and read a Proclamation regarding Older American's Month.

Commissioner Moore moved to authorize the Chairman's signature on the Proclamation for Older American's Month. Commissioner Espy seconded, and the motion passed unanimously.

## **ELECTED OFFICIALS & DEPARTMENT HEADS**

### **Public Health**

Commissioner Jones moved to approve grant Amendment Two to the Contract Between Wyoming Department of Health, Public Health Division and Carbon County in the amount of \$27,500.00. Commissioner Barkhurst seconded and the motion passed unanimously.

### **Road and Bridge**

Commissioner Espy moved to approve the following items as surplus to be sold at auction in May with no minimum: 1984 International Dump (VIN 2HTAF1959CCA14196), 1984 International Dump (VIN 1HTLKT9FHA19839), Rascal Raygo Roller (VIN 01E-457), 40' Flatbed Trailer (No VIN Plate No 78), 40' Flatbed Trailer (No VIN Plate No 55), Water Pump (Serial 853531), Water Pump (Serial 902686), Danuser Post Driver (Serial 007944), 1964 Wisconsin Engine (Serial 3736587), Coats 4050a Tire Machine (Serial 0402103228) and 1972 WISCO Trailer (1900-12 4478 1272). Commissioner Barkhurst seconded and the motion passed unanimously.

### **Planning and Development**

Commissioner Barkhurst moved to accept Certifications of Recommended Action from the Carbon County Planning & Zoning Commission for MIN SUB Case #2022-02 - Blake Kawcak; Z.C. Case #2022-06 - Blake Kawcak, Z.C. Case #2022-07 - Kurt and Kimberly "Kim" Olson Z.C. Case #2022-08 - Vincent "Vince" and Chelsea Vogt, MIN SUB Case #2022-03- Golden Age Properties, LLC – Vern and Barbara Linn, Owners and to advertise and schedule a public hearing for June 7, 2022, at 1:30 p.m. at the Carbon Building-Courthouse Annex in Rawlins, Wyoming. Commissioner Moore seconded and the motion passed unanimously.

Commissioner Barkhurst moved to accept Certifications of Recommended Action from the Carbon County Planning & Zoning Commission for C.U.W. Case #2022-01 – "Rock River I Wind Energy Project" – PacifiCorp noting advertisement and scheduling of a public hearing for May 17, 2022, at 3:15 p.m. at the Hanna Town Hall in Hanna has been completed. Commissioner Moore seconded and the motion passed unanimously.

### **Buildings & Grounds**

Commissioner Espy moved to surplus the 2001 Ford Pickup (VIN 1FTRX18W41NA78738), 2005 Dodge Neon (VIN 1B3ES26C95D192212), 1959 Thikol Trackmaster Snow Cat (VIN GSH 25), 1984 Maxey Flatbed Trailer (VIN MM9FA16H1E1KE2024); 1992 Buick Sentry (VIN 1G4AH54N1N6413979); and 2013 Dodge Pickup (VIN 1C6RR7KT8DS544759) along with miscellaneous furniture and equipment from the Courthouse and place it all in the auction scheduled for May. Commissioner Jones seconded and the motion passed unanimously.

Commissioner Espy moved to surplus the house at 222 West Pine Street in Rawlins and offer this for sale for someone to move the home off the premises. Commissioner Moore seconded and the motion passed with all voting for the motion except Commissioner Barkhurst who abstained due to potential conflict.

### **Attorney**

Commissioner Espy moved to authorize the any commissioner's signature on the Provider Agreement for Juvenile Detention Agreement with Laramie County with no end term and until terminated in the amount of \$195.00 per day noting this can be signed after attorney approval. Commissioner Moore seconded and the motion passed unanimously.

### **Commissioners**

Commissioner Espy moved to approve Resolution No. 2022-16 setting the salary at \$85,000.00 for the Clerk, Treasurer, Assessor, Coroner, Clerk of District Court and \$100,000.00 for the Sheriff and \$125,000.00 for the Attorney along with \$30,000.00 for the Commissioners. Commissioner Jones seconded and Commissioner Moore asked that if he should vote because his sister is the current Clerk of Court. Attorney Davis replied that she felt it was not a conflict because the salary is set for whomever is elected at the 2022 General Election and it would be speculative to assume it would be his sister. Gwynn clarified about commissioners' salary because the county has always held the current salary for three commissioners until a term is up. Chairman Johnson stated he wants the salary for all commissioners and in the meantime asked Attorney Davis to obtain an attorney general opinion on the matter. Attorney Davis agreed noting the matter is statutory as a salary cannot be changed during a term. Commissioner Jones seconded and the motion passed unanimously.

Commissioner Espy moved to approve the Chairman's signature on the Memorandum of Understanding among the Boards of County Commissioners of the State of Wyoming regarding the Congressional Tour Initiative at a cost to the county of \$785.00 annually. Commissioner Moore seconded and the motion passed unanimously.

Commissioner Jones moved to approve the Chairman's signature on the Notice of Award for the Dixon Airport Wildlife Fence Relocation project in the amount of \$365,605.00 to Custom Fence Co. Commissioner Barkhurst seconded and the motion passed unanimously.

Commissioner Jones moved to approve the Chairman's signature on the Agreement between Carbon County and Straight Stripe Painting, Inc. for the Construction Contract for 2022 Seal Coat and Mark Project. Commissioner Barkhurst seconded and the motion passed unanimously.

Commissioner Jones moved to terminate the Memorandum of Understanding between Carbon County Commissioners and the Museum Board of Carbon County for the Hugus-Ferguson Bldg. Commissioner Espy seconded and the motion passed unanimously.

### **Public Hearing - Precinct Boundary Changes**

Clerk Bartlett reported that today's hearing for precinct boundary changes was published in the Saratoga Sun both April 21 and 28. She added that County Planning Director, Sarah Bruggar mapped the new boundaries and wrote the legal description in the resolution, and she had Rich Greenwood, the county's mapping service double check it for accuracy. Chief Deputy Lisa Smith outlined the changes including the expansion of House District 15 into a larger area of Carbon County to pick up population. In addition, a small census block that had to be included in precinct 7-1. The City of Rawlins also revised their ward boundaries, and the county should adopt precinct boundaries that follow these lines.

There were no public comments, so Chairman Johnson closed the hearing at 10:51 a.m.

Commissioner Jones moved to adopt Resolution 2022-13 Resolution Adopting Official Voting Districts and Precincts For Carbon County, Wyoming. Commissioner Barkhurst seconded and the motion passed unanimously.

**Public Hearing - Z.C. Case #2022-05 - James and Jennifer Sewell**

Chairman Johnson opened a public hearing at 1:30 p.m. to hear Planning & Zoning Case File No. 2022-05 – James and Jennifer Sewell’s request for a Zone Change from Residential (RD-9) to Rural Residential Agriculture (RRA-6.16) on approximately 6.16 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 and located approximately 2 miles south of Saratoga on the north side of Carbon County Road #387 (Spring Creek Road). Sarah Brugger, County Planning Director presented the case file.

Mr. Sewell was present and discussed the need for a support building for staff on occasion and the purpose of the zone change. There being no other comments, Chairman Johnson closed the hearing at 1:38 p.m.

Commissioner Espy moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2022-18, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding Case File No. 2022-05 – James and Jennifer Sewell’s request for a Zone Change from Residential (RD-9) to Rural Residential Agriculture (RRA-6.16) on approximately 6.16 acres and located approximately 2 miles south of Saratoga on the north side of Carbon County Road #387 (Spring Creek Road). Commissioner Moore seconded and asked what an “accessory dwelling unit” is. Ms. Brugger explained the Zoning Resolution defines the structure and she paraphrased from that document. The motion passed unanimously.

**Public Hearing - REPLAT SUB Case #2022-01 - Otto Aichinger - “Old Baldy Village Fifth Addition Replat, Block 9, Lots 3 and 4”**

Chairman Johnson opened a public hearing at 1:41 p.m. to hear Planning & Zoning Replat Sub Case File No. 2022-01, Otto Aichinger’s request for a Replat of the “Old Baldy Village Fifth Addition Replat, Block 9, Lots 3 and 4” located in a portion of the NW1/4, Section 18, T17N, R83W. The purpose of the replat is to adjust the boundary line between Lots 3 and 4 such that the residential structure on Lot 3 will conform with the county setback requirements while maintaining all other zoning requirements in accordance with the current Zoning Resolution of 2015, as amended. Lots 3 and 4 located in the “Old Baldy Village Fifth Addition Replat Block 9, Lots 3 and 4”; all of which are located approximately  $\frac{3}{4}$  of a mile east of Saratoga off Carbon County Road #504 (Saratoga/10 Mile/Ryan Park Road). Sarah Brugger, County Planning Director presented the case file. Levi Wolfe of Engineering Associates was present for questions.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Johnson closed the hearing at 1:45 p.m.

Commissioner Moore moved that based on the recommendation of the Planning & Zoning Commission and staff to authorize the Chairman's signature on the plat regarding Replat Sub Case File No. 2022-01, Otto Aichinger's request for a Replat of the "Old Baldy Village Fifth Addition Replat, Block 9, Lots 3 and 4" located in a portion of the NW1/4, Section 18, T17N, R83W which is located approximately ¾ of a mile east of Saratoga off Carbon County Road #504 (Saratoga/10 Mile/Ryan Park Road). Commissioner Espy seconded and the motion passed unanimously.

#### **Public Hearing - C.U. Case #2022-01 - "Last Mile Transmission Line Project"**

Chairman Johnson opened a public hearing at 1:47 p.m. to hear Planning & Zoning C.U. Case #2022-01 – "Last Mile Transmission Line Project", Last Mile Transmission LLC and Innergex's request for a Conditional Use Permit to construct, operate, and maintain the Last Mile Transmission Project (Project). The Transmission Project will transmit the electricity generated at the Boswell Springs Substation to the Freezeout Substation. Last Mile Transmission (LMT) proposes to construct an overhead 230 kilovolt (kV) transmission line to provide a connection between the planned Boswell Springs Substation located in Albany County and the existing Freezeout Substation located in Carbon County. The Project would traverse 14.7 miles of private land, 1.0 mile of state land, and 5.1 miles of land administered by the Bureau of Land Management in Carbon County. The Project begins in Albany County and proceeds west to the Freezeout Substation in Carbon County. The Freezeout Substation is located approximately 9 miles west of Medicine Bow and 3 miles north of WY HWY 287/30. Sarah Brugger, County Planning Director presented the case file.

Chairman Johnson called for comments for or against the case. Ms. Fritz of Road & Bridge stated there is no road use agreement proposed at that time as the company plans to build their own however if that changes, she requests a road use agreement at that time. Ms. Brugger stated there is a condition in place regarding a road use agreement. There being no further comments, Chairman Johnson closed the hearing at 2:14 p.m.

Commissioner Espy moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2022-19, 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 #2022-01 – "Last Mile Transmission Line Project", Last Mile Transmission LLC and Innergex's request for a Conditional Use Permit to construct, operate, and maintain the Last Mile Transmission Project (Project). The Project begins in Albany County and proceeds west to the Freezeout Substation in Carbon County. The Freezeout Substation is located approximately 9 miles west of Medicine Bow and 3 miles north of WY HWY 287/30. Commissioner Moore seconded. Commissioner Espy suggested a condition requiring delivery of a substantial amount of the construction materials in the county. Commissioner Barkhurst explained the loss of tax from other projects as context for this condition. Mr. Pope reported the concern is not to deprive the county of sales tax revenue however some materials may not be able to physically be dropped in Carbon County. The Industrial Siting Council recently settled on wording as the applicant is proposing that "to the extent practicable" delivery will be in Carbon County. After further discussion Ms. Brugger suggested that the condition could possibly be revised that the company would have to come to the BOCC for any exception to paying tax in Carbon County. The BOCC opted that condition 13 would stay as-is. Commissioner Espy

discussed Condition 6 and asked about decommissioning. Mr. Paul thought this was duplicative of agreements in place for decommissioning with private landowners. Commissioner Espy asked to see such language and Chairman Johnson asked if all agreements were the same. Mr. Paul thought the agreements can vary from owner to owner. Commissioner Espy suggested modifying the condition that language read by Mr. Paul regarding decommissioning or something substantially similar was in every single landowner agreement. Commissioner Barkhurst questioned the bond amount suggesting he totaled a potential \$4 million bond, not the \$720,000 bond obligation with the BLM in place according to Innergex's letter requesting changes to the conditions. Ms. Brugger stated the intent of condition 6 is for the applicant to have coverage should decommissioning need completed later. Mr. Paul feels there is no need to have another payee for a bond as they already have agreements with landowners. Condition 3 was discussed regarding raptor nesting and Mr. Paul felt that part of obtaining their NEPA determination consultation with the WY Game & Fish and US Fish and Wildlife to develop a sufficient survey plan they feel the proposed language could be slightly modified. Condition 2 regarding the cultural findings was discussed. Mr. Paul stated the proposed 20' radius from discovery was pulled from their paleontological plan. The BOCC was ok with the proposed changes to Condition 2. Mr. Pope again asked that if Condition 13 could be amended to Ms. Brugger's earlier suggestion of allowing the BOCC to decide on a case-by-case basis if items couldn't be delivered to Carbon County. He added that an amendment to the permit is not as easy as getting on an agenda and there is a more stringent process. Commissioner Moore suggested something like a waiver from the Board of County Commissioners be obtained if the point of sale can not practically be in Carbon County, Wyoming. After further discussion Commissioner Barkhurst suggested tabling the matter today for possible referral to the Planning Commission. Commissioner Jones discussed her concern about consistency of regulations. Ultimately the condition #13 was left as provided by the Planning Commission. The motion with the amended conditions passed unanimously.

### **Road Use Agreement**

Commissioner Espy moved to approve the Road Use Agreement between PacifiCorp and Carbon County for County Road 700 for the duration of the Gateway South Transmission Line Project. Commissioner Jones seconded and the motion passed unanimously.

### **EXECUTIVE SESSION**

Commissioner Espy moved to go into executive session at 3:27 p.m. with Clerk Bartlett, Ashley Mayfield Davis, and Kandis Fritz to discuss personnel, potential litigation and other matters considered confidential by law. Commissioner Moore seconded and the motion passed unanimously.

Commissioner Espy moved to come out of executive session at 3:49 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Moore seconded and the motion passed unanimously.

### **National Travel & Tourism Week Proclamation**

Commissioner Moore moved to authorize the Chairman's signature on the Proclamation for National Travel and Tourism Week. Commissioner Espy seconded, and the motion passed unanimously.

### **EXECUTIVE SESSION**

Commissioner Espy moved to go into executive session at 4:39 p.m. with Clerk Bartlett, Ashley Mayfield Davis, and Lindsey West to discuss personnel, potential litigation and other matters considered confidential by law. Commissioner Moore seconded and the motion passed unanimously.

Commissioner Espy moved to come out of executive session at 5:06 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Moore seconded and the motion passed unanimously.

### **ADJOURNMENT**

Commissioner Espy moved to adjourn the meeting at 5:07p.m. Commissioner Moore seconded and the motion passed unanimously.

A regular meeting of this Board will be held June 7, 2022, at 9:00 a.m., at the Carbon Building-Courthouse Annex, located at 215 W. Buffalo St. Suite 240A, 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.

-s- Gwynn G. Bartlett, Carbon County Clerk

Approved this 17<sup>th</sup> day of May 2022  
BOARD OF COUNTY COMMISSIONERS  
CARBON COUNTY, WYOMING

-s- Willing John Johnson, Chairman