

**REPORT TO THE
MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, December 20, 2022
Carbon Building – Courthouse Annex, Rawlins WY**

A regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, December 20, 2022, at 9:00 a.m. at the Carbon Building-Courthouse Annex in Rawlins, WY. Attending the meeting were Chairman, John Johnson, Vice Chairman, Sue Jones, Commissioner John Espy, Byron Barkhurst and Travis Moore.

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

ADDITIONS / CORRECTIONS

Chairman Johnson added a Notice of Reversion regarding land deeded to the City of Rawlins in 2019 under the Clerk. There were no other additions.,

VOUCHERS

Commissioner Barkhurst moved to approve December 2022 payroll and benefit expenses of \$979,757.86, insurance claim and premium expenses of \$361,213.53 and the report of expenditures in the amount of \$331,869.28 for an aggregate total today of \$1,672,840.67. Commissioner Moore seconded and the motion carried unanimously.

| Vendor | Detail Line Description | Total |
|-------------------------------|--------------------------------|--------------|
| APEX Communications | Maintenance Agreement | \$4,033.88 |
| APG Media of the Rockies | Office Closure Ad | \$40.00 |
| AT&T Mobility | CCSO MDT Service | \$879.51 |
| Baggs, Town of | Rent Nov 2022 & Water Services | \$301.33 |
| Bakken, Alex Scott | Fuel Reimbursement | \$52.18 |
| Bank Midwest | Courthouse/Carbon Bldg. Lease | \$6,416.12 |
| Bank of Montreal - Mastercard | Misc. Charges | \$23,306.29 |
| Beach, Homer | Snow Removal | \$560.00 |
| Bennett, Thomas L. M.D. | Autopsy Fees | \$2,178.75 |
| BI Inc. | Electronic Monitoring Services | \$1,748.50 |
| Blakeman Propane | Heating Services | \$3,757.05 |
| Boyd, Jill | Daily Deposit Refund | \$845.50 |
| Bridger Fabrication | Snow Cat Trailer Fabrication | \$16,315.00 |
| Brown & Hiser LLC | Legal Services | \$50.00 |
| Capital Business Systems Inc. | Fax Cards for Jail | \$2,580.00 |
| Carbon Co. Council of Govts. | 2023 Dues | \$200.00 |
| Carbon County Museum | Reimbursement for Gas Services | \$452.50 |

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| Carbon Co. Veterinary Hospital | Zeus Vet Visit | \$17.50 |
| Carbon Power & Light Inc | Electric Services | \$2,341.11 |
| CareRight Technologies, LLC | Monthly Recurring Bed Fee | \$151.80 |
| Casper Star-Tribune | Final Payment Notice | \$418.64 |
| Charter Communications | TV and Wi-Fi Subscription | \$373.46 |
| Community Resource Center | Dues | \$35.00 |
| Corthell and King, P.C. | Legal Services | \$1,352.28 |
| Cowboy Supply House | Paper Products | \$244.60 |
| Daily Times | Newspaper Subscription | \$133.95 |
| Dallin Motors Inc | Mechanic Services | \$449.40 |
| Decker Auto Glass | Glass Repair | \$1,441.46 |
| DOI/BLM | Carbon Cemetery Lease Payment | \$250.00 |
| Drummond Refrigeration LLC | Thermal Fuse | \$17.00 |
| Dynamic Controls Inc. | Boiler Controller | \$6,211.14 |
| Elevated Safety Solutions | 2023 Consortium Renewal & Fire Physical | \$1,410.00 |
| Elk Mountain, Town of | Water Services | \$68.50 |
| Encampment, Town of | Water Services | \$102.00 |
| Encartele | Jail Data | \$750.00 |
| Engstrom, James D. DDS | Inmate Dental Services | \$2,500.00 |
| E-Z Lift Garage Doors | Garage Door Maintenance | \$696.00 |
| Fatbeam LLC | Fiber, IT Internet & Website | \$5,170.00 |
| Galls/Quartermaster | Car Seat Organizer & Star Badge | \$135.04 |
| German, Jennifer | Mileage | \$56.25 |
| Gier, David | ALS Kit | \$816.00 |
| Grainger | Misc. Parts | \$554.92 |
| Greater Wy Big Bros/Sisters | Prevention Nov 2022 | \$5,748.04 |
| Hartshorn, Zachary C | CPR Cards | \$180.00 |
| High Desert Welding LLC | Repair Damage from Tire Failure | \$2,232.16 |
| Iron J Towing | Towing Services | \$150.00 |
| Ispyfire, Inc. | Subscription Renewal | \$500.00 |
| Jack's Body & Fender Repair | Towing Services | \$1,920.00 |
| Jones Simkins | Audit Services | \$16,300.00 |
| K2 Towers III, LLC | Tower Rent | \$2,185.45 |
| Kilburn Tire Company | Oil Change Service & Blade Tires | \$3,462.46 |
| King Soopers Customer Charges | Misc. Supplies | \$122.52 |
| L N Curtis & Sons | Gloves | \$459.08 |
| Laramie Fire Protection | Fire Alarm Replacement | \$205.00 |
| Martinez, Natasha K., P.C | Legal Services | \$480.00 |
| Matthew Bender & Co, Inc. | WY Court Rules 2022 Supplies | \$87.43 |
| McKesson Medical-Surgical | Jail Med Supplies | \$193.11 |
| Medicine Bow, Town Of | Water Services | \$202.00 |

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| Merseal Law, LLC | Legal Services | \$5,600.00 |
| Mike's Lock & Key | New Key | \$44.00 |
| Motorola Solutions | Spillman Software Maint. & Users Conf. | \$47,081.56 |
| MPM Corp / Evergreen Disposal | Trash Services | \$130.00 |
| Munoz, Leanna | Monitor Refund | \$650.00 |
| Natl. Institute for Jail Operations | Policy and Procedure Manuals | \$20,050.00 |
| NMS Labs | Lab Fees | \$147.00 |
| Norco, Inc. | Cylinder Rental | \$288.36 |
| Olde Trading Post | Fuel | \$141.06 |
| O'Reilly Auto Parts | Spark Plug | \$27.48 |
| Perkins Oil Co | Fuel | \$2,967.79 |
| Platte Valley Plowing | Public Health Saratoga Snowplow Services | \$3,240.00 |
| R.P Lumber Company, Inc. | Shipping Charges & Misc. Supplies | \$99.79 |
| Rawlins Automotive | Misc. Parts and Supplies | \$1,585.76 |
| Rawlins Glass Center, Inc. | Window Repairs | \$2,012.57 |
| Rawlins Hardware | Misc. Parts and Supplies | \$74.13 |
| Rawlins, City of | SRO Fund, Burial and Water Services | \$4,340.00 |
| Republic Services #642 | Trash Services | \$132.83 |
| Rice-Prior, Denise | Inmate Mental Health Services | \$500.00 |
| Ricoh USA Inc | IT Copiers | \$653.47 |
| Rocky Mountain Power | Electric Services | \$4,222.61 |
| Saratoga Auto Glass | Side Window Install | \$150.00 |
| Saratoga Auto Parts, Inc. | Misc. Parts and Supplies | \$82.64 |
| Saratoga Sun | Misc. Ads | \$1,788.15 |
| Saratoga, Town Of | Water Services | \$165.15 |
| Shively Hardware | Misc. Parts and Supplies | \$935.30 |
| Sikes, Melisa | Postage | \$9.00 |
| Slow & Steady Law Ofc., PLLC | Legal Services | \$12,500.00 |
| Spain, Thomas | Monitor Refund | \$820.00 |
| Spaulding, Dawnnette | Mileage | \$114.38 |
| Stage Stop General Store | Paper Towels | \$7.41 |
| State Of Wyoming A & I | Mainframe Access | \$15.28 |
| Stinker Stores Inc | Fuel | \$8,643.39 |
| Stuntronics, LLC | Repair of Band-It | \$70.00 |
| Summit Food Service | Jail Meals | \$12,143.83 |
| Swanson Services Corporation | Jail Commissary | \$1,176.97 |
| The Cowboy Couture | Embroidered Hats | \$270.00 |
| Tin Boy Garage | Fuel Additive | \$167.88 |
| T-O Engineers | DWX Master Plan Update | \$2,535.00 |
| Tyler Technologies, Inc | IT Software Maintenance | \$55,195.56 |
| U S Identification Manual | Update Through Aug 2023 | \$82.50 |

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| US Bank | Misc. Charges | \$1,790.84 |
| Valence Health Corp. | Inmate Medical Services | \$6,500.00 |
| Valley Oil Company | Fuel | \$3,283.42 |
| Voiance Language Services LLC | Interpretation Services | \$55.50 |
| Wailes, Sadith Fiorella | Mileage | \$37.50 |
| Waliser, Pat | Reimbursement for Trailer Accessories | \$227.70 |
| Walker, Jeanette R. | Mileage | \$6.25 |
| Western Truck Repair | Driveline | \$503.40 |
| Wex Bank | Fuel | \$372.12 |
| Wrigley, Janelle | Personal Vehicle Usage | \$229.20 |
| Wrigley, Robert L | Personal Vehicle Usage | \$1,017.88 |
| WY Dept of Environ. Quality | Site Fees | \$200.00 |
| WY Machinery Company | Misc. Parts | \$2,650.71 |
| WY Public Health Laboratory | Chemical Testing Program | \$234.00 |
| WY Secretary of State | Notary Fees B. Grundman | \$60.00 |

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 6, 2022, regular meeting minutes, December 15, 2022, special meeting minutes, bonds for Doreen Harvey, Clerk/Treasurer for the Town of Encampment in the amount of \$75,000.00, Althea Foster, Clerk/Treasurer for the Town of Baggs in the amount of \$50,000.00, Willing John Johnson, Carbon County Commissioner in the amount of \$1,000.00, Robert Travis Moore, Carbon County Commissioner in the amount of \$1,000.00, Gwynn G. Bartlett, Carbon County Clerk in the amount of \$4,000.00, Eileen Keller, Deputy Carbon County Treasurer in the amount of \$10,000.00, and Mara M. Sanger, Clerk of District Court, in the amount of \$10,000. Commissioner Moore seconded and the motion passed unanimously.

EMPLOYEE RECOGNITION

Clerk Bartlett noted the entire Road & Bridge Department was present today and recognized them for their service throughout the county.

Dixon Airport Master Plan Presentation

Jeremy McCallister, Project Manager & Sam Allen, Aviation Planner with T-O Engineers presented the Dixon Airport Master Plan. This Airport Master Plan investigated the Dixon Airport and was completed by T-O Engineers in 2021 on behalf of Carbon County. The Plan should be updated approximately every 10 years. The previous Airport Master Plan and Airport Layout Plan on-record was completed in 2011. As part of this plan, a forecast of future aviation activity was created to project air traffic at the Dixon Airport over the next 20 years. This new master plan has changed a bit from the last noting the former one called for a great deal of expansion where this one does not find it necessary. The FAA must review and approve the plan before the county can execute it. There are categories for runway speeds from A through E.

This indicator designates the speed for which aircraft travels on the runway. Dixon has a current designation of B. The second indicator has to do with the size of the aircraft where a larger number means a wider aircraft can travel there. Dixon has a current designation of 2. This B2 designation sets the standards of what the airport must meet. There are two standards deficiencies. One is the necessity of land acquisition for hangars that are too close and the second is a replacement of the runway.

Operational deficiencies include that the FAA would like to see Wi-Fi and public restrooms at the airport, but Mr. McCallister noted these are not required, only preferences.

There is an area for future hangar growth if demand drives the development. There is no date that development must occur but by having this in the plan it allows for future FAA support. The airport has just over 900 operations (a takeoff or landing) and projections keep this under 950. Land acquisition in FY2026 is anticipated at \$122,222. There has also been some geotechnical investigation revealed the subgrade is moisture susceptible and is unstable. FY2028 or FY2029 calls for a \$8.8 million runway reconstruction. All these projects are currently at 4%. The inflationary cost could be as much as \$15 million.

Commissioner Jones moved to authorize the Chairman's signature on the Dixon Airport Master Plan as submitted and approved by Federal Aviation Administration and the WY Department of Transportation Aeronautics Division. Commissioner Espy seconded and the motion passed unanimously.

ELECTED OFFICIALS & DEPARTMENT HEADS

Road & Bridge

Kandis Fritz, Road and Bridge Coordinator thanked her staff that was present. She requested and received authorization to move forward on the Seminoe Road centerline stripe project bidding and the Brush Creek overlay project authorizing her to use an engineer to move forward. An engineer is required to use county road funds.

She requested and received authorization to expend \$8,953.00 on the Rawlins shop crane repairs. The two new blades should be coming in the next month.

Ms. Fritz presented a plaque to Mrs. Verna Cook in memory of her husband of Phillip Cook. Mr. Cook recently passed after 28 years of both part-time and full-time service. Chairman Johnson thanked Mrs. Cook for her husband's service and dedication to Carbon County for so many years and expressed his condolences to her for the loss of her husband.

IT

IT Director, Matt Webster presented a Memorandum from Governor Mark Gordon regarding the social media platform TikTok being permanently removed, and access blocked, from all state government electronic devices and networks. The TikTok ban extends to all state-issued cell phones, laptops, tablets, desktop computers, and other information technology equipment

capable of internet connectivity. Mr. Webster asked whether the BOCC would like to do the same as TikTok's ownership and its potential influence of foreign governments may be compelled to share information with those who are averse to County's interests and users' devices could be compromised. Mr. Webster estimated 250-300 devices. Commissioner Espy asked how the County Attorney and law enforcement would investigate and Mr. Webster noted he would like to follow Governor Gordon's recommendations that this be the exception but also allowed.

Commissioner Jones thought this fell under the IT Department and therefore would be Mr. Webster's decision. Mr. Webster preferred to be in a supportive role rather than dictating what can be used on devices. The BOCC left this to Matt's discretion and with the county's upcoming revisions to the personnel policy the board suggested he revise the Internet Use policy as appropriate. Matt requested a memo from the BOCC however they opted to have him send the memo noting he was supported by the BOCC to remove certain sites from county devices.

Clerk Bartlett asked the BOCC for authorization to close the Courthouse and Interim Justice Center offices as needed during the move on February 21 and 22 at the department heads discretion. Some offices may be open at the IJC but not at the Courthouse, some at the Courthouse but not the IJC but she asked for up to two days as determined by the department head.

Road & Bridge

Ms. Fritz returned and presented a proposal letter and Agreement for approval with WLC Engineering for the surveying of County Road 451 (Cherokee Road) for approval.

Commissioner Espy moved to ratify Kandis Fritz's signature on the WLC Engineering Agreement to conduct a right of way retracement survey of the proposed 60-foot-wide County Road 451 (Cherokee Road) that will be invoiced monthly on a time and material basis. Commissioner Moore seconded and the motion passed unanimously.

Sheriff

Archie Roybal, Carbon County Sheriff presented quotes for the refurbishment of the Jail's housing control. Quotes were from Interior Galore for the removal, disposal, and installation of new carpet in the amount of \$5,936.00; Source Office & Technology for office furniture in the amount of \$15,166.21; and from Xybix Systems for workstation equipment in the amount of \$57,920.71.

Sheriff Roybal also provided a monthly update for the Carbon County Sheriff's Office to include arrests, calls, and vacancies.

Commissioner Espy moved to use American Rescue Plan Act funds to refurbish the housing control area at the jail accepting quotes from Interior Galore for carpet totaling \$5,936 and \$15,166.21 for Source Office & Technology for office furniture. Commissioner Barkhurst seconded and the motion carried unanimously.

Planning and Zoning

Sarah Brugger, Planning Director presented a comment letter for the Draft Environmental Assessment for the Two Rivers Wind Project for approval. The letter incorporates all phases 1-4 even though Phase 4 is only in Albany County.

Commissioner Jones moved to authorize the Chairman's signature on the comment letter for the Draft Environmental Assessment for the Two Rivers Wind Project. Commissioner Barkhurst seconded and the motion passed unanimously.

Buildings & Grounds

Buildings & Grounds Interim Manager Mike Newbrough reported that Friday evening the Jeffrey Center had no heat. The heating coils on two air handlers split. He, staff, and a local plumber worked through the night and repaired heat to one area however the other will need replaced or rebuilt. In addition, the pneumatic controls have been bypassed so he is obtaining a quote to update the entire system. He hopes to have the east side boiler running and even without the entire building heated he is seeing 60 degrees throughout the building.

Mr. Newbrough added that on Saturday evening one of the HVAC units at the jail had a leak and therefore no heat. He will be looking into an alert system from the current software used to monitor these systems. Currently if staff is on the system, they can see issues, but the system is not alerting them to failures. Commissioner Barkhurst thought an annual check of all systems should be performed as well.

Finally, the Saratoga Public Health building water leak is repaired.

Clerk

Gwynn Bartlett, Carbon Count Clerk presented the 5th Penny Tax Resolution for BOCC approval and Chairman's signature.

Commissioner Barkhurst moved to approve Resolution No. 2022-57, Resolution and Ordinance Imposing an Excise Tax Upon the Sales Price Paid for Tangible Personal Property, Admissions and Services. Commissioner Espy seconded and the motion passed unanimously.

Resolution No. 2022 - 57
RESOLUTION AND ORDINANCE
IMPOSING AN EXCISE TAX UPON THE SALES PRICE PAID FOR TANGIBLE
PERSONAL PROPERTY, ADMISSIONS AND SERVICES

WHEREAS, Wyoming Statutes 39-15-203 and 39-16-203 allow for the imposition of an excise and use tax upon the sales price paid upon retail sales of tangible personal property, admissions and services; and

WHEREAS, an additional excise tax of 1% has been approved by the electorate at the 2022 General Election held November 8, 2022; and

WHEREAS, under the provisions of Wyoming Statute 39-15-203(a) (i) (c) and 39-16-203(a) (i) (c), the same proposition shall be submitted, until defeated, at the second general election following the election at which the proposition was initially approved and at the general election held every four (4) years thereafter; and,

WHEREAS, the Board of County Commissioners in and for Carbon County shall by ordinance, impose an excise tax upon retail sales of tangible personal property, admissions and services and an excise tax on sales made in the county and a use and consumption of tangible personal property;

THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS IN AND FOR CARBON COUNTY, WYOMING, to adopt and enact the following Ordinance imposing an additional 1% excise tax upon retail sales of tangible personal property, admissions and services in Carbon County, Wyoming, authorized under Wyoming Statutes 39-15-203 (a) (i) (E) and to adopt and enact a 1% excise tax upon on sales made in the county and a use and consumption of tangible personal property authorized under Wyoming Statute 39-16-203 (a) (i) (E), to-wit:

Section 1: Carbon County hereby imposes and authorizes an additional 1% excise tax, as approved by the qualified electors, upon retail sales of tangible personal property, admissions and services within Carbon County, Wyoming, authorized by Wyoming Statute 39-15-203 (a) (i) (E) (I).

Section 2: The provisions of Wyoming Statute 39-15-101 et seq. are hereby adopted by reference except for Wyoming Statute 39-15-102 (a), insofar as it relates to sales taxes, except that the name of "Carbon County" as the taxing agency shall be substituted for that of the "State" and an additional license to engage in business shall not be required if the vendor has been issued a state license pursuant to law.

Section 3: Any amendment made to W.S. 39-16-101 et seq. which is not in conflict with W.S. 39-15-101 et seq. or 39-16-101 et seq. shall automatically become a part of this sales tax ordinance.

Section 4: Carbon County shall contract with the Department of Revenue of the State of Wyoming prior to the effective date of the County additional 1% excise tax ordinance whereby the Department of Revenue shall perform all functions incident to the administration of this excise tax ordinance.

Section 5: The amount subject to the additional 1% excise tax shall not include the amount of any sales tax imposed by the State of Wyoming.

Section 6: If any part of this Ordinance is invalid the remaining portion shall be construed in such a manner as to remain valid.

Section 7: Revenue derived from the additional 1% Excise Tax shall be restricted in the County General Fund to be used for infrastructure projects related to streets, roads, bridges, water and sewer utilities.

IT IS FURTHER RESOLVED that the County Clerk within thirty (30) days following certification of the election results and annually thereafter each year the additional 1% Excise tax is in effect shall notify the Department of Revenue of the State of Wyoming of the foregoing Ordinance.

Adopted at the regularly scheduled meeting of the Board of County Commissioners in and for Carbon County, Wyoming, held on the 20th day of November 2022.

**BOARD OF COUNTY COMMISSIONERS
IN AND FOR CARBON COUNTY, WYOMING**

BY: -s- Willing John Johnson, Chairman

Attest: -s- Gwynn G. Bartlett, Carbon County Clerk

Clerk Bartlett requested and received approval to hire Cathy MacPherson to update the Carbon County Personnel Policy. She also requested and received approval to form two new funds. One for opioid settlement money and the other for Public Health for the annual Care Fair.

Gwynn reported that the county had donated land across from the Fairgrounds and behind the county jail to the City of Rawlins for a park and/or fishing pond. The first donation was a deed and was recorded December 5, 2017, and reverted to the county when the City did not follow through with their plans in two years. The property was then deeded to the City of Rawlins once again December 17, 2019, and allowed three years for completion of the same project. Since the three years has now passed and the property has not been used for the public purpose as stated Clerk Bartlett presented a Notice of Reversion for the Chairman's signature that she would then record putting the public on notice that the land is back in the county's hands. Clerk Bartlett did note she e-mailed Jason Sehon with the City of Rawlins June 29, 2022, asking if the City had grant funds and if the park/pond was feasible. Mr. Sehon forwarded the e-mail to City Manager Shawn Metcalf who said "right now it's fallen by the wayside. It's too low of a priority amongst the current council. But it's still a possibility, because I know there are council members that still want to see it come to fruition". Ms. Bartlett had responded that the urgency was the reversionary clause of the deed. The final correspondence was from Mr. Metcalf back to Gwynn stating "I will let the Council know about this information and see what they'd like to do. I suspect they will ask for another extension". Clerk Bartlett never heard from the City therefore the land has reverted to the county. She did mention nothing would prohibit the City from approaching the county in the future should their project find the funding to move forward.

Commissioner Jones moved to authorize the Chairman's signature on the Notice of Reversion for land the county donated to the City of Rawlins on deed referenced as Book 1343, Page 59 and asked the Clerk to send this to the City with a letter offering that they can return in the future asking for the land again. Commissioner Barkhurst seconded the motion carried unanimously.

Clerk Bartlett requested and received authorization to move approximately 180 hours of lost sick time from employees to the sick donation bank. She also requested and received authorization to form two new funds. One for opioid settlement funds and the second for the Public Health Annual Care Fair they are taking over.

Attorney

Chairman Johnson thanked Attorney Davis for her service noting this is her last meeting as the County Attorney.

Commissioners

Vice Chairman Sue Jones presented the Federal Financial Reports and the Outlay Report and Request for reimbursements for the Dixon Airport Fence Relocation Project and Master Plan for BOCC approval and Chairman's signature.

Commissioner Jones moved to authorize the Chairman's signature on both Federal Financial Reports and the Outlay Report and Request for reimbursements for the Dixon Airport Fence Relocation Project and Master Plan. Commissioner Barkhurst seconded and the motion passed unanimously.

Clerk Bartlett stated that on Friday she received a letter from the Wyoming Game and Fish Department who are requesting a renewal of a public access easement across two properties south of Arlington, WY to access BLM and USFS property. The easement is currently held under a five-year easement which expires at the end of this year. WY Game and Fish is attempting to utilize funds provided from the increase in the conservation stamp to renew this easement for an additional 20 years. To utilize those funds, they needed to notify the BOCC and request a letter of support from the board as it will benefit the residents of Carbon County by providing better access to public property in the county.

Commissioner Espy moved to approve the Chairman's signature on a letter of support to the Wyoming Game and Fish in their efforts to renew the easement across two properties south of Arlington, WY. Commissioner Moore seconded and the motion passed unanimously.

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.

COMMISSIONERS

Commissioner Moore discussed what a great place it is to live Carbon County noting during this time of year there are plenty of people who go all out to take care of each other and others within our small community.

Commissioner Espy reported the Governor's Office asked him to work with Game & Fish and county planners regarding wildlife in migration corridors.

Commissioner Jones reported the county recently commented on various windmills being constructed too high per FAA regulations and she wanted the BOCC to know those comments were heard and the operators have been required to shorten those towers.

Chairman Johnson stated that he has been Chairman for 6 years and in January Chairman elections will occur and he asked that others consider taking over.

PUBLIC HEARING - C.U. Case #2022-06-Union Telephone Company & BLM

Chairman Johnson opened a public hearing at 11:00 a.m. to hear Planning & Zoning C.U. Case #2022-06-Union Telephone Company and BLM's request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit a telecommunications tower up to 155 feet tall and related facilities/equipment. The general site location is the Bloody Lake Communications Site that is located approximately 1.32 miles northwest of I-80 at Exit 255 and WY HWY 72 (Hanna-Elk Mountain Exit). Sarah Brugger, Planning Director, presented the case file. Ms. Brugger discussed the recommended conditions, specifically #1 regarding reclamation. Mr. Andrew Arredondo, with Union Telephone stated there is a tower at Elk Mountain however due to capacity issues and the fact the tower fails regularly he thought the new one is necessary. He added he has a contract with Carbon Power & Light to install a line to the new site. Mr. Arredondo thought with added capacity it should help with dropped calls. There should be fiber along Interstate 80 around the end of 2023 which should also help.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Johnson closed the hearing at 11:09 a.m.

Commissioner Barkhurst moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2022-58 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding C.U. Case #2022-06-Union Telephone Company and BLM's request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone, for a 155 foot tall telecommunications tower and related facilities/equipment located at the Bloody Lake Communications Site approximately 1.32 miles northwest of I-80 at Exit 255 and WY HWY 72 (Hanna-Elk Mountain Exit). Commissioner Espy seconded and asked that in the future when the full BLM right-of-way agreement is not in place at the time of BOCC approval language be added regarding this. The motion passed unanimously.

Resolution No. 2022 – 58

**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 #2022-06 – “Bloody Lake Communications Site”

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, November 14, 2022, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, November 14, 2022, 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, November 14, 2022, 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, December 20, 2022; and

WHEREAS, at said public hearing on December 20, 2022, 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 #2022-06: Request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit a telecommunications tower up to 155 feet tall and related facilities/equipment.

Project/Site Name: Bloody Lake Communications Site

Applicant: Union Telephone Company

Land Owner: Bureau of Land Management

Parcel Identification Number: 20810110060000-Parent Parcel

General Site Location: Bloody Lake Communications Site is located approximately 1.32 miles northwest of I-80 at Exit 255 and WY HWY 72 (Hanna-Elk Mountain Exit).

Legal Description: A tract of leased land (0.23 Acres) located in Lot 4, NW1/4 NW1/4, Section 2, T20N, R81W, Carbon County, Wyoming.

TERMS AND CONDITIONS OF APPROVAL:

1. If the telecommunication tower is removed from service pursuant to this Conditional Use Permit, the Applicant shall reclaim the existing foundations to a depth of 36 inches or to the existing depths required at the time of reclamation, whichever standards are more stringent shall apply.
2. The Carbon County Board of County Commissioners (Board) authorizes the issuance of a building permit for the temporary Communications on Wheels (COW) station. The temporary COW station must be removed within one year from the date of issuance of the building permit for the COW station. The Applicant will submit supporting documentation and photos to the Planning and Development Department regarding the removal of the COW station.

3. An area with a radius equal to at least 110% of the tower height must be maintained by the land owner and the permit holder as a Clear Zone. Habitable structures unrelated to the operation of the tower shall not be located within the clear zone.
4. The Applicant or owner must post a sign at the entrance that includes the facility name and the name and phone number of the responsible person in event of an emergency.
5. Any modifications to the structure that increase its surface footprint or is over the permitted tower height will require a new Conditional Use Permit.
6. The Applicant shall submit approved access permits and documentation from the Bureau of Land Management (BLM) and the State of Wyoming prior to any issuance of a building permit.
7. Building Permit(s) are required prior to the start of construction.
8. The Applicant shall provide a copy of the FCC Phase II Compliance to the Carbon County Planning & Zoning Department along with any application for new communication towers and modifications to existing communication towers. FCC Website Address: <https://www.fcc.gov/general/enhanced-9-1-1-wireless-services>.
9. The Applicant or owner must 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.
10. Upon approval by the Board, the following provisions from the Zoning Resolution will be incorporated into the final Resolution:

- a. Section 7.7-H--Expiration of Conditional Use Permits.

Any use for which a conditional use permit is granted must be commenced within two (2) years from the date of approval. If the Project is not commenced within two (2) years from the date of approval then the conditional use permit shall expire and become null and void and be of no further effect, except as extended in compliance within this section.

If any such use cannot be commenced until construction of structures, buildings and other physical assets associated with the use are completed, then construction of such structures, buildings and other physical assets must be commenced, absent any valid extension, not later than two (2) years from the date of approval of the conditional use permit and completed within a reasonable amount of time in accordance with the timeframe normally required for such construction. If such construction is not commenced and completed as required, then the conditional use permit shall become null and void and be of no further effect and any uses approved in accordance with the permit shall not be permitted without further action on the part of Carbon County.

- b. Section 7.7-I--Extension of Conditional Use Permits.

If the project has not been commenced as required, the Applicant(s) may request from the Board an extension of the permit for a period of up to twenty-four (24) months upon a showing of good cause. The Applicant(s) shall apply to the County, through the Department, in writing for the extension no later than ninety (90) days prior to the expiration of the permit or any previously granted extension. At the time of the application for the extension, the Applicant(s) shall provide such information as is necessary for the County to determine whether good cause exists for the extension. Good cause may include, but is not limited to, good faith efforts to obtain required

authorization from other agencies with jurisdiction, delay in construction due to weather conditions, pending litigation, or other causes which have delayed the project and which are beyond the reasonable control of the Applicant(s). The Applicant(s) may request not more than two (2) separate extensions from the Board, with such total extension period not to exceed forty-eight (48) months. The Board shall promptly consider the application for the extension and either allow it or deny it.

1. Requests for subsequent extensions of the permit shall first be presented to the Commission no later than ninety (90) days prior to the expiration of the permit or any previously granted extension. The Commission shall recommend to the Board either approval or denial of the extension of the permit. The recommendation of the Commission shall be considered by the Board at their next regular meeting.
2. No permit shall expire during the time the decision on the extension is being considered.
- c. Section 7.7-J--Transfer of Conditional Use Permits.
No conditional use permit shall be transferred without the prior approval of the Board in accordance with the following:
 1. The Board may authorize transfers of permits to a different person if:
 - a. The permit transfer request is initiated by a written request from the current permit holder and accompanied by a written acceptance of the permit, its terms and conditions by the prospective transferee.
 - b. The permit transfer request is heard by the Board at a public meeting after notice is published.
 - c. The permit transfer administrative fee has been paid.
 - d. Board approval shall not be unreasonably withheld upon good cause shown.
 - d. 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 Conditional Use Permit application.

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

That the Carbon County Board of County Commissioners hereby approves this Conditional Use Permit (CUP) as certified to them in writing by the Carbon County Planning and Zoning Commission as represented in the Conditional Use Permit (C.U. Case #2022-06 – “Bloody Lake Communications Site”).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 20th day of December 2022.

**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 - C.U. Case #2022-07-Union Telephone Company & Dana Meadows
Wyoming Close LLC

Chairman Johnson opened a public hearing at 11:11 a.m. to hear Planning & Zoning C.U. Case #2022-07-Union Telephone Company and Dana Meadows Wyoming Close LLC's request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit a telecommunications tower up to 105 feet tall and related facilities/equipment. The general site location is the Wilson Ridge Communications Site that is located approximately 1/4 mile north of I-80 and approximately 6 miles west of WY HWY 72 (Hanna-Elk Mountain Road). Sarah Brugger, Planning Director, presented the case file. She recommended this be tabled until all adjacent landowners and referral agencies have adequate time to respond. Procedurally the BOCC could remand this back to the Planning & Zoning Commission with the applicant's approval.

Chairman Johnson called for comments for or against the case. There were no comments.

Commissioner Espy moved to table regarding C.U. Case #2022-07-Union Telephone Company and Dana Meadows Wyoming Close LLC's request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone, for a 105-foot-tall telecommunications tower and related facilities/equipment located approximately 1/4 mile north of I-80 and approximately 6 miles west of WY HWY 72 (Hanna-Elk Mountain Road) until January 17, 2023, to allow additional time for public comment. Commissioner Barkhurst seconded and the motion carried unanimously.

LAST MILE TRANSMISSION PROJECT UPDATE (VIA ZOOM)

Rajan Sehra, Senior Manager-Construction and Ellen Bird, Manager – Community & Government Relations both with Innergex provided the BOCC with an update on the Last Mile Transmission Project to include the Boswell Springs Wind Project, development timelines, siting considerations, environmental and technical studies, impacts, and entitlements/land agreements. The project is located 14 miles NE of Rock River and 20 miles East of Medicine Bow and is located on private land mainly used for cattle ranching. Major construction will be June 2023 with commercial operation late 2024 for an initial 30-year term. They have completed numerous environmental and technical studies and have various landowner agreements as well as an easement with the state of WY in addition to the required county permit. The pair overviewed the anticipated \$69.5 million in property tax, \$2.3 million of which would be in Carbon County, \$22 million in sales & use tax likely mostly in Albany County, \$34 million in wind generation tax again mostly in Albany County.

Commissioner Espy asked about a temporary suspension for hunting on private lands adjacent to their project and stated his displeasure for this. Ms. Bird stated a permit required this and she will investigate what permit that was and report back.

ADJOURNMENT

Commissioner Espy moved to adjourn the meeting at 11:57 a.m. Commissioner Moore seconded and the motion passed unanimously.

A regular meeting of this Board will be held Tuesday, January 17, 2023, at 9:00 a.m., at the Carbon Building – Courthouse Annex, located at 215 W. Buffalo St. Suite 240C, Rawlins, WY. The public is invited to attend, or you can listen online at the website listed below. To get on the agenda, call the Clerk's Office by the Thursday before the meeting. Per Wyo. Stat. §18-3-516(f), access to county information can be obtained at www.carbonwy.com or by calling the Clerk's Office at (307) 328-2668 or 1-800-250-9812.