

**REPORT TO THE
MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, January 17, 2023
Carbon Building – Courthouse Annex, Rawlins WY**

A regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, January 17, 2023, at 9:00 a.m. at the Carbon Building-Courthouse Annex in Rawlins, WY. Attending the meeting were Chairman, Sue Jones, Vice Chairman, Travis Moore, Commissioner John Johnson, John Espy, and Byron Barkhurst.

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

ADDITIONS / CORRECTIONS

There were no additions or corrections to the agenda.

VOUCHERS

Commissioner Espy moved to approve January 2023 payroll and benefit expenses of \$1,112,777.69, insurance claim and premium expenses of \$231,931.54, and the report of expenditures in the amount of \$461,139.27 for an aggregate total today of \$1,805,848.50. Commissioner Moore seconded and the motion passed unanimously.

Vendor	Detail Line Description	Total
Axon Enterprise, Inc.	Taser Holsters	\$710.80
Baggs, Town of	Water Services & Office Rental	\$221.33
Beach, Homer	Snow Removal Services	\$1,200.00
Beck Total Office Interiors	Circuit Court Lectern	\$3,389.52
BI Inc.	Electronic Monitoring	\$890.50
Blakeman Propane	Heating Services	\$3,227.13
Bob Barker Company, Inc.	Misc. Jail Supplies	\$1,421.81
Bomgaars Supply	Transmission Fluid	\$15.87
Bridger Fabrication	Install Hitch & Wiring	\$240.00
Brown & Hiser LLC	Legal Services	\$340.00
Carbon County Fair Board	Monthly Pymt. & Qtr. 4 2022 Rental Fees	\$6,616.67
Carbon County Library	Monthly Outside Payment	\$30,299.31
Carbon County Museum	Monthly Outside Payment	\$18,750.00
Carbon County Senior Services	Monthly Outside Payment	\$18,750.00
Carbon County Veterinary Hospital	Vaccination	\$17.50
Carbon Power & Light Inc	Electric Services	\$2,606.59
Casper Winnelson Co	Misc. Supplies	\$653.80
Charter Communications	Cable Services	\$119.72

Communication Technologies	Radio Parts For Haglund	\$932.00
Corthell and King, P.C.	Legal Services	\$999.70
Daily Times	Jail Newspapers	\$187.92
Dirty Boyz Sanitation, Inc	Trash Services	\$1,677.00
Dominion Energy	Heating Services	\$439.67
Drummond Refrigeration LLC	Double Oven Repair	\$1,571.28
Dynamic Controls Inc	Heating Elements	\$401.00
Elk Mountain, Town of	Water Services	\$70.00
Encampment, Town of	Water Services	\$102.00
Encartele	Jail Data	\$750.00
Engineering Associates	Brush Creek Rd & Professional Services	\$6,957.48
Engstrom, James D. DDS	Inmate Dental Services	\$2,500.00
E-Z Lift Garage Doors	Garage Door Maintenance	\$60.00
FCI Constructors Of WY	Courthouse Carbon Building Construction	\$229,326.30
Galls/Quartermaster	Misc. Deputy Uniforms and Equipment	\$1,349.46
Grainger	Misc. Supplies	\$1,104.44
Greater WY Big Bros/Sisters	Prevention Services	\$11,237.75
Gulbrandson, Kimberly A.	Mileage	\$11.55
Hahn Construction	Baggs Senior Center Repairs	\$2,380.00
Hanna Fire Department	Reimbursement for Lodging & Meal	\$198.03
Hanna, Town of	Water Services	\$254.22
Iacovetto, Karon	County Cleaning Services	\$9,765.00
Jack's Body & Fender Repair	Towing Services	\$450.00
Jeffrey Center Board	Qtr. 4 2022 Rental Fees	\$1,500.00
Jones Simkins	Audit Services	\$7,900.00
Kilburn Tire Company	Tire Services	\$4,557.32
KTGA/KBDY	Radio Ads	\$390.00
Kussmaul Electronics	Auto Pump Rebuilding Kit	\$226.57
L N Curtis & Sons	Annual Service & Air Pack Testing	\$4,810.50
Lifetime Benefit Solutions, Inc	Cobra Fees	\$25.00
Merback Award Company	Plaques	\$200.23
Merseal Law, LLC	Legal Services	\$6,740.00
Miller, Dale	Meal Reimbursement	\$16.25
Mountain Alarm	Monthly Monitoring Maintenance	\$47.90
MPM Corp / Evergreen Disposal	Trash Services	\$130.00
Muni Metrix Systems Corporation	Image Silo Annual Fee	\$1,223.69
Natrona County Legal	Involuntary Hospitalization	\$440.00
Natrona County Sheriff's Office	Juvenile Housing	\$2,730.00
Norco, Inc.	Cylinder Rent	\$892.09
Olde Trading Post	Fuel	\$37.00
Perkins Oil Co	Fuel	\$6,378.26

Positive Concepts/ATPI	Citation Paper	\$260.64
Quill Corporation	Misc. Office Supplies	\$206.22
R.P. Lumber Company, Inc.	Plumbing Parts	\$458.77
Rawlins Automotive	Misc. Parts	\$1,670.98
Rawlins Hardware	Misc. Supplies and Parts	\$264.16
Rawlins, City of	Water Services & Dump Fees	\$2,564.07
Republic Services #642	Trash Services	\$320.13
Rice-Prior, Denise	Inmate Mental Health Services	\$1,550.00
Rietveld, Toni	Planner	\$11.65
Sanofi Pasteur, Inc.	Vaccines	\$86.39
Saratoga Auto Parts, Inc.	Misc. Parts & Supplies	\$613.99
Saratoga, Town of	Water Services	\$48.50
Shepard's	Fuel	\$2,924.05
Shively Hardware	Paper Cartridge	\$25.98
Smith Psychological Services	Employee Evaluation	\$400.00
Stage Stop General Store	Fuel	\$47.14
Staples Advantage	Misc. Office Supplies	\$695.24
Stinker Stores Inc.	Fuel	\$2,173.82
Summit Food Service	Jail Meals	\$8,269.72
Sunburst Merc. & Longhorn Lodge	Fuel	\$245.26
Swanson Services Corporation	Jail Commissary	\$2,179.89
T.W. Enterprises, Inc.	Misc. Parts for Generator	\$7,543.35
Tin Boy Garage	Air Filter & Vehicle Repairs	\$787.05
T-O Engineers	DWX Master Plan Update	\$8,674.75
U S Postmaster-Rawlins	Box Renewal 2023	\$66.00
Valence Health Corp	Inmate Medical Services	\$6,500.00
Valley Oil Company	Fuel	\$2,063.25
Voiance Language Services LLC	Interpretation Services	\$27.00
Warne, Samuel J	Fuel Reimbursement	\$169.87
Western Truck Repair	Hood Latch & Mud Flap	\$60.44
Wex Bank	Fuel & Late Fee	\$343.57
Wreck-A-Mend	Vehicle Repairs	\$379.74
Wrigley, Janelle	Reimb. for Training Expenses	\$693.25
Wrigley, Robert L	Hotel Reimbursement	\$122.60
WY Clerks of Dist. Court Assoc.,	2023 Annual Dues	\$150.00
WY Machinery Company	Parts and Maintenance	\$6,798.39
WY Public Health Laboratory	Lab Fees	\$422.00
WY Retirement System	Vol Retirement	\$881.25

CONSENT AGENDA

Commissioner Espy moved to approve the consent agenda noting any item could be removed for separate action. The consent agenda includes the January 5, 2023, regular meeting minutes, monthly receipts from Carbon County Clerk in the amount of \$14,513.00 and Clerk of District Court in the amount of \$4,700.90, bonds for Sondra Kay Rydberg, Deputy Treasurer for Carbon County in the amount of \$10,000.00 and Stacey L. Ward, Deputy Treasurer for Carbon County in the amount of \$10,000.00 and Notice of Valuation Changes in the amount of (\$1,324,107.00). Commissioner Moore seconded and the motion passed unanimously.

ELECTED OFFICIALS & DEPARTMENT HEADS

Emergency Management

Lenny Layman, Emergency Management Coordinator introduced Mr. Joe Parsons with the Saratoga, Encampment Riverside Conservation District who provided an update on the Boozer Creek Hazard Mitigation Plan. Mr. Parsons reported over the past year they have achieved 60% design and most permits have been applied for. They will apply for a Federal Emergency Management Agency grant as well as flood mitigation funding both totaling around \$1.2 million. There is a 25% match to the FEMA grant but does not anticipate needing county funding at this time and Joe confirmed the Saratoga Encampment Rawlins Conservation District will manage the grant. Mr. Layman mentioned that the Hazard Mitigation Plan (HMP) must be updated for various special districts to make them eligible for grant funding in the future.

Mr. Layman also introduced Mr. Mike Hamel, Carbon County School District #1 Superintendent who provided an update on CRB1 Safety Committee. Mr. Hamel discussed the work he has been doing with Mr. Layman.

Assessor

Assessor Renee Snider reported all current employees have temporary certification except for Kendal Robinson and Mable Raymond who are both permanently certified. Ms. Snider also requested and received approval to fill a vacant position. The overlap will likely create a budget amendment later in the year.

Building and Grounds

Mike Newbrough, Interim Building and Grounds Manager presented bids received for janitorial services for the Courthouse, Carbon Building and Detention Center.

Bids were received from Wyoming Cleaning & Solutions and K.I. Cleaning Services. Wyoming Cleaning & Solutions bid the following: Courthouse - \$79,000.00; Carbon Building - \$90,000.00; and Detention Center - \$28,980.00 for a total of \$197,980.00. K.I. Cleaning Services bid the following: Courthouse - \$98,280.00; Carbon Building - \$73,740.00; and Detention Center - \$25,020.00 for a total of \$197,040.00. Mr. Newbrough recommended accepting the lowest bid on each building and use two contractors.

Commissioner Johnson moved to award bids for janitorial services as follows, each being for a two-year period beginning February 1, 2023, through January 31, 2025: WY Cleaning & Solutions for the Courthouse totaling \$79,000.00, KI Cleaning for the Carbon Building \$73,740.00 and the Detention Center for \$25,020.00. Commissioner Moore seconded and the motion passed unanimously.

Commissioner Moore moved to authorize any commissioner to sign contracts with KI Cleaning for janitorial services at the Carbon Building and Detention Center and WY Cleaning & Solutions for janitorial services at the Courthouse, both for two-year periods beginning February 1, 2023, through January 31, 2025. Commissioner Espy seconded and the motion passed unanimously.

Sheriff

Sheriff Alex Bakken requested approval up to \$8,000.00 for Corvinus to reinstall the jail monitoring system in housing control once the remodel is completed. Corvinus installed the existing setup and is familiar with the equipment. The actual estimate from Corvinus is \$4,760.00 but there may be some additional expenses if the electrical needs to be moved. Sheriff Bakken is seeking to get this additional amount covered from the ARPA funds.

Commissioner Espy moved to approve the additional \$8,000.00 request from ARPA funds from the estimate received from Corvinus and the electricians quote to reinstall the jail monitoring system once the housing control remodel is complete. Commissioner Moore seconded and the motion passed unanimously.

Sheriff Bakken requested and received approval to fill a Civilian Security Officer position for the renovated Courthouse. The funds from this position will come from the jail budget.

Sheriff Bakken provided a monthly update for the Sheriff's Office to include accepting letters of interest for Detention Criminal Investigators and a Public Information Officer. Sheriff Bakken stated that Search and Rescue applications have increased and the new Haglund was deployed on January 7, 2023, for a snowmobile accident. Sheriff Bakken also stated that he is working on a Memorandum of Understanding with the Wyoming Highway Patrol regarding road closures.

Road & Bridge

Kandis Fritz, Road and Bridge Coordinator reported WLC is working on staking the Cherokee Road for the survey.

She reported the trade-in for a new motor grader needs repairs and asked if the BOCC wants to repair it or trade as-is. The BOCC opted to trade as-is.

Commissioner Espy moved to authorize any commissioner to sign the lease agreement with RNB State Bank and Resolution No. 2023-05 A Resolution authorizing the Board of Carbon County Commissioners of Carbon County, Wyoming, to lease, with an option to purchase, certain

equipment from RNB State Bank, for the purchase and trade of two motor graders. Commissioner Moore seconded and the motion passed unanimously.

RESOLUTION NO. 2023-05

ENTITLED: A RESOLUTION AUTHORIZING THE BOARD OF CARBON COUNTY COMMISSIONERS, OF CARBON COUNTY, WYOMING, TO LEASE, WITH AN OPTION TO PURCHASE, CERTAIN EQUIPMENT FROM RNB STATE BANK,

WHEREAS, the governing body (the "Governing Body") of the Carbon County Commissioner, of Carbon County, Wyoming, (the "Lessee") has determined that the needs of Lessee include certain equipment.

WHEREAS, pursuant to this resolution (the "Authorizing Resolution"), Lessee intends to enter into a Lease with RNB State Bank, to which this Authorizing Resolution constitutes EXHIBIT 1, to provide for the payment of the costs of acquisition of the Equipment; and

WHEREAS, Lessee is duly organized and validly existing under the constitution and laws of the State of Wyoming; and

WHEREAS, Lessee has the requisite power and authority to execute and deliver a Lease Agreement and to incur and perform the obligations of Lessee as set forth in the Agreement; and

WHEREAS, a Lease Agreement will be duly authorized and executed by Lessee and will be valid and binding agreement of Lessee, enforceable in accordance with its terms, except insofar as the enforcement thereof may be limited by any applicable bankruptcy, insolvency, moratorium, reorganization or other laws or equitable principles of general application or of application to public entities such as Lessee affecting remedies or creditors' rights; and

WHEREAS, the authorization and execution of the Lease and all other proceedings of Lessee, relating to the transactions contemplated thereby, including without limitation the acquisition and operation of the Equipment, will be performed in accordance with all open meeting laws, public bidding laws and all other applicable laws.

WHEREAS, Lessee will obtain all necessary licenses, permits and approvals, if any, required by all governing bodies or agencies having jurisdiction over the acquisition and operation of the Equipment; and

WHEREAS, the Equipment to be leased constitutes personal property and when subjected to use by Lessee, will not be or become a fixture under applicable law; and

WHEREAS, to the knowledge of Lessee, there is no proceeding pending or threatened against or affecting Lessee, in any court or before any governmental authority or arbitration board or tribunal that, if adversely determined would adversely affect the validity or enforceability of the Lease, or the ability of Lessee to perform its obligations under the Lease, the transactions contemplated by the Lease or the security interest of Lessor or its assigns in the Equipment; and

WHEREAS, Lessee desires to authorize certain officers and members to proceed to finalize the form of the Lease and all other documents necessary to effectuate the financing and to negotiate the necessary terms and provisions thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE BOARD OF CARBON COUNTY COMMISSIONERS, CARBON COUNTY, WYOMING, THAT:

Section 1. All actions heretofore taken (not inconsistent with the provisions of this Authorizing Resolution) by the governing body of Lessee toward the financing or leasing of the Equipment, are hereby ratified, approved and confirmed.

Section 2. The Lease, including the Exhibits, is in substantially the same form as presented at this meeting, with such additions, omissions and changes as may be requested by Lessee, or its Legal Counsel and persons executing the same, their execution being conclusive evidence of their approval of any such additions, omissions, and changes, and R. Travis Moore, its 'Vice Chairman, is authorized and directed to affix his/her signature to this Resolution and to the Lease documents to bind the Lessee.

Section 3. Lessee hereby represents that the reasonably anticipated amount of qualified tax-exempt obligations which have been and will be issued by Lessee does not exceed \$10,000,000 for the 2023 calendar year and hereby designates the Lease to be a "qualified tax-exempt obligation" pursuant to Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

Section 4. If any section, paragraph, clause or provision of this Authorizing Resolution shall for any reason be held to be invalid or unenforceable, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Authorizing Resolution.

Section 5. All resolutions, or parts thereof, inconsistent with this Authorizing Resolution or with any of the documents hereby approved, are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed as reviving any resolution or part thereof.

Section 6. This Authorizing Resolution shall be in full force and effect upon its passage and adoption.

ADOPTED AND APPROVED as of the 18th day of January 2023.

BY: -s- R. Travis Moore
Vice Chairman of the Board of
Carbon County Commissioners

Attest: -s- Wendy J. Newbrough
Title: Deputy Clerk

Planning & Development

Sarah Brugger, County Planning Director discussed an invitation to participate as a cooperating agency in the preparation of an Environmental Impact Statement for the Section 368 Energy Corridors Resource Management Plan Amendment. If the BOCC chooses to participate in this we would need to complete the cooperating agency return form and return it. By doing this, BLM would provide a Memorandum of Understanding for our review with the respective roles, responsibilities, and timelines.

She also reported Two Rivers Wind submitted a portion of their conditional use permit last Thursday and her office has 30 days to review and make a determination of the application. Chairman Jones asked the status of their Bureau of Land Management permitting because a previous denial was based on a lack of a BLM permit. Ms. Brugger stated the applicant thought they needed to have made significant process in obtaining a permit prior to applying for a

Conditional Use Permit. Chairman Jones disagreed noting she felt it was the board's intent they have a full permit in hand. Ms. Brugger noted she could potentially request the permit in the application determination process and the BOCC agreed.

Ms. Brugger issued a letter to PacifiCorp at the BOCC's request to attend an upcoming BOCC meeting and they requested to appear February 21.

Clerk

Gwynn Bartlett, Carbon Count Clerk requested approval and Chairman's signature on the WY State Forestry Volunteer Fire Assistance grant application.

Commissioner Johnson moved to approve any commissioner's signature on the Wyoming State Forestry Volunteer Fire Assistance grant application for pagers. Commissioner Espy seconded and the motion passed unanimously.

Clerk Bartlett requested approval and the Chairman's signature on the ARPA grant application.

Commissioner Espy moved to approve any commissioner's signature on the American Rescue Plan Act grant application for the purchase of a new COVID ambulance for the Memorial Hospital of Carbon County and to authorize any commissioner to sign Resolution 2023-02, A Resolution authorizing submission of a local government project ARPA grants application to the State Loan and Investment Board on behalf of the governing body for Carbon County, Wyoming for the purpose of purchasing a new ambulance to allow for one unit to be primarily designated for transport of COVID-19 patients. Commissioner Moore seconded and the motion passed unanimously.

RESOLUTION NO. 2023 - 02

A RESOLUTION AUTHORIZING SUBMISSION OF AN LOCAL GOVERNMENT PROJECT ARPA GRANTS APPLICATION TO THE STATE LOAN AND INVESTMENT BOARD ON BEHALF OF THE GOVERNING BODY FOR CARBON COUNTY, WYOMING FOR THE PURPOSE OF PURCHASING A NEW AMBULANCE TO ALLOW FOR ONE UNIT TO BE PRIMARILY DESIGNATED FOR TRANSPORT OF COVID-19 PATIENTS

WHEREAS, the Board of County Commissioners of Carbon County, Wyoming desires to participate in the LOCAL GOVERNMENT PROJECT ARPA GRANT program to assist in financing this request; and

WHEREAS, the Board of County Commissioners of Carbon County, Wyoming recognizes the need for the request; and

WHEREAS, the Local Government Project ARPA Grant program requires that certain criteria be met, as described in the State Loan and Investment Board's Rules and Regulations governing the program, and to the best of our knowledge this application meets those criteria; and

WHEREAS, if any of the disbursed grant funds are later deemed to not comply with the SLIB criteria or the criteria of the American Rescue Plan Act (ARPA), the grant applicant agrees to

repay the ineligible grant funds within 15 days of such finding to the Office of State Lands and Investments.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF CARBON COUNTY, WYOMING that a grant application in the amount of \$183,330.00 be submitted to the State Loan and Investment Board for consideration at the next Board meeting after application processing to assist in funding the Memorial Hospital of Carbon County ambulance.

BE IT FURTHER RESOLVED that Sue Jones, R. Travis Moore, Byron Barkhurst, John Espy and John Johnson, County Commissioners are authorized representatives of Carbon County, Wyoming to act on behalf of the Governing body on all matters related to this application and that County Clerk Gwynn Bartlett is authorized to sign any and all grant reimbursement forms on behalf of the county.

PASSED, APPROVED AND ADOPTED THIS 17TH DAY OF JANUARY 2023.

By: -s- Sue Jones, Chairman
On behalf of the Carbon County
Board of County Commissioners

Attest: -s- Gwynn Bartlett, Carbon County Clerk

Clerk Bartlett presented a lease agreement with Probation and Parole for the Annex of the Courthouse.

Commissioner Espy moved to authorize the Chairman's signature on a Lease Agreement between Carbon County and State of Wyoming, Department of Administration & Information General Services Division for Probation and Parole at the Courthouse Annex, for 1,539 square feet, in an amount not to exceed \$76,941.00 and for a term of March 1, 2023, through June 30, 2026. Commissioner Moore seconded and the motion passed unanimously.

Treasurer

County Treasurer Lindsey West reported that approximately 43% of property taxes have been paid. Mineral ad valorem is approximately 34% of all county taxes and 2022 payments were deferred therefore only 2.3% of those have been collected.

The specific purpose tax (6th penny tax) is approximately 33% collected.

Commissioner Espy asked about House Bill 41, lightweight trailer bills and she replied that the Treasurer's Association is ok with it. She further explained the bill.

EXECUTIVE SESSION

Commissioner Espy moved to go into executive session at 10:24 a.m. with Clerk Bartlett, Ashley Mayfield Davis, and Sarah Brugger to discuss personnel, potential litigation and other matters considered confidential by law. Commissioner Johnson seconded and the motion passed unanimously.

Sarah joined the session at 10:51 a.m.

Commissioner Johnson moved to come out of executive session at 10:59 a.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Espy seconded and the motion passed unanimously.

COMMISSIONERS

Commissioner Moore moved to authorize the Chairman's signature on an offer of employment and authorize Commissioner Espy to make the offer. Commissioner Johnson seconded and the motion passed unanimously.

Commissioner Moore moved to authorize the Chairman's signature and a letter regarding a conditional use permit. Commissioner Johnson seconded and the motion passed unanimously.

Continuation of PUBLIC HEARING - C.U. Case #2022-07-Union Telephone Company and Dana Meadows Wyoming Close LLC

Commissioner Moore moved to table 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. Commissioner Johnson seconded and the motion passed unanimously.

Chairman Jones continued a public hearing at 11:03 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 Wilson Ridge Communication Site 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. The case was tabled to allow additional time for referral agencies to comment. Additional comments were received and she overviewed them.

Chairman Jones called for comments for or against the case. There being no comments, she closed the hearing at 11:06 a.m.

Commissioner Johnson moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2023-03 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 #2022-07-Union Telephone Company and Dana Meadows Wyoming Close LLC's request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. Commissioner Espy seconded and the motion passed unanimously.

Resolution No. 2023 – 03

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 #2022-07 – “Wilson Ridge 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, at the conclusion of the Tuesday, December 20, 2022, public hearing, the Carbon County Board of County Commissioners tabled the request until Tuesday, January 17, 2023; and

WHEREAS, the Carbon County Board of County Commissioners reopened said public hearing on Tuesday, January 17, 2023, and provided the public the opportunity to provide additional comment, and the Carbon County Board of County Commissioners considered 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 #2022-07: 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.

Project/Site Name: Wilson Ridge Communications Site

Applicant: Union Telephone Company

Landowner: Dana Meadows Wyoming Close Limited Liability Company

Parcel Identification Number: 21810110000300-Parent Parcel

General Site Location: Wilson Ridge Communications Site is located approximately 1/4 mile north of I-80 and approximately 6 miles west of WY HWY 72 (Hanna-Elk Mountain Road).

Legal Description: A tract of leased land (0.23 Acres) located in the SE1/4 NE1/4, Section 31, T21N, R81W, Carbon County, Wyoming.

TERMS AND CONDITIONS OF APPROVAL:

1. 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.
2. The Applicant follows the Wyoming Game & Fish recommended dates for construction as listed in their comment letter.
3. An area with a radius equal to at least 110% of the tower height must be maintained by the landowner 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 permit and documentation from the Bureau of Land Management (BLM) 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 #2022-07 – “Wilson Ridge Communications Site”).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 17th day of January 2023.

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

By: -s- Sue Jones, Chairman
On behalf of the Carbon County
Board of County Commissioners

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

PUBLIC HEARING – Z.C. Case #2022-19 - Jo Ella and Desire “Desi” Vacher

Chairman Jones opened a public hearing at 11:08 a.m. to hear Planning & Zoning Z.C. Case #2022-19 - Jo Ella and Desire “Desi” Vacher’s request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Residential (RD) for Lots 1-3 located in the proposed Vacher Minor Subdivision. The RD Zone is primarily intended to provide land for residential development that is typically single family and two-family residential units located within Town Expansion Areas and within or nearby Rural Centers. Residential zones are intended to be in areas planned for residential development that are easily accessible and infrastructure already exists or is readily available. The approximate location is 1/2 mile south of WY HWY 230 off Carbon County Road #211 (Blackhall Road) on the west side; approximately 1 mile east of Riverside. Sarah Brugger, Planner/GIS Specialist, presented the case file.

Chairman Jones called for comments for or against the case. Jenn Wagy did mention there was not going to be 3 additional homes as reported but rather only 2. One for her and one for her parents with the existing for her brother. There being no comments, she closed the hearing at 11:23 a.m.

Commissioner Espy moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2023-04, 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 #2022-19 - Jo Ella and Desire “Desi” Vacher’s request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Residential (RD) for Lots 1-3 located in the proposed Vacher Minor Subdivision. Commissioner Moore seconded and Commissioner Johnson reported water related comments gave him the understanding this is under the Sierra Madre Water & Sewer JPB and Chairman Jones clarified this is only for water. He also stated there is plenty of room for the septic and well and there are agencies to address those matters and permit those. Chairman Jones asked if the minimum lot size needs amended due to the easement through it. Sarah replied the easement is included in the lot size so keeps the lot size larger. Doug Boyd with WLC stated that even though the 70’ strip is a right of way the ground is still there and the intent was to utilize the underground rights even though the adjacent owners are still using it for access. The motion passed unanimously.

Resolution No. 2023 – 04

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 #2022-19

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, November 14, 2022, which 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 said 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 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, January 17, 2023; and

WHEREAS, at said public hearing on January 17, 2023, 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 #2022-19: Request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Residential (RD) for Lots 1-3 located in the proposed Vacher Minor Subdivision. The RD Zone is primarily intended to provide land for residential development that is typically single family and two-family residential units located within Town Expansion Areas and within or nearby Rural Centers. Residential zones are intended to be located in areas planned for residential development that are easily accessible and infrastructure already exists or is readily available.

Companion Case--Minor Subdivision Case File #2022-06: The Vacher Minor Subdivision Request is to create three (3) lots (Lot 1 = 3.98 Acres; Lot 2 = 1.32 Acres; Lot 3 = 1.32 Acres)

from an existing 6.6-acre parcel. The applicant is also applying for a zone change from RAM to RD (see above Z.C. Case #2022-19) to comply with the Carbon County Zoning Resolution of 2015, as amended.

Minor Subdivision Name: Vacher Minor Subdivision

Petitioners: Jo Ella Vacher and Desire Vacher (Applicants and Landowners)

Parcel Identification Number: 14830610004300

Rural Address: 36 County Road 211

General Site Location: Approximately 1/2 mile south of WY HWY 230 off Carbon County Road #211 (Blackhall Road) on the west side; approximately 1 mile east of Riverside

Legal Description: A tract of land in the Sw $\frac{1}{4}$ Ne $\frac{1}{4}$ of Section 6, Township 14 North, Range 83 West of the 6th Principal Meridian, Carbon County, Wyoming, and further described as follows: Beginning at a point monumented with a 5/8" rebar and aluminum cap which bears n15°33'e, 2852.2 feet from the south $\frac{1}{4}$ corner of said section 6; Thence N00°27'30"W, 708.98 Feet (against a record bearing and distance of N00°00'58"W, 708.97 feet) along the east boundary of the tracts described in Book 697, Page 491 and Book 1085, Page 237, records of Carbon County, Wyoming to a point monumented with a 5/8" rebar and aluminum cap; Thence S89°23'53"E, 406.54 feet (against a record bearing and distance of S88°57'32"E, 406.57 feet) along the south boundary of that tract described in Book 1285, Page 8, records of Carbon County, Wyoming to a point on the west right of way of County Road 211 monumented with a $\frac{1}{2}$ " rebar; Thence S00°32'49"E, 709.01 Feet (against a record bearing and distance of S00°06'45"E, 708.99 feet) along said west right of way line to a point monumented with a 5/8" rebar; Thence N89°23'49"W, 407.63 feet (against a record bearing and distance of N88°57'32"W, 407.76 feet) along the north boundary of that tract described in Book 987, Page 157, records of Carbon County, Wyoming to the point of beginning; Containing 6.6 acres more or less. Subject to all easements, conditions, reservations, exceptions, and restrictions contained in prior conveyances of record.

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

That the Carbon County Board of County Commissioners, hereby adopts this amendment as certified to them in writing by the Carbon County Planning and Zoning Commission and the existing zone shall be changed from Ranching, Agriculture and Mining (RAM) to Residential (RD) for Lots 1-3 located in the proposed Vacher Minor Subdivision encompassing approximately 6.62 acres, more specifically, RD-3.98 (Lot 1), RD-1.32 (Lot 2), and RD-1.32 (Lot 3).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 17th of January 2023.

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

By: -s- Sue Jones, Chairman
On behalf of the Carbon County
Board of County Commissioners

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

Public Hearing – MIN SUB Case File #2022-06 – Vacher Minor Subdivision

Chairman Jones opened a public hearing at 11:29 a.m. to hear Planning & Zoning Minor Subdivision Case File #2022-06, Vacher Minor Subdivision request to create three (3) lots (Lot 1

= 3.98 Acres; Lot 2 = 1.32 Acres; Lot 3 = 1.32 Acres) from an existing 6.6-acre parcel. The applicant is also applying for a zone change from RAM to RD (see above Z.C. Case #2022-19) to comply with the Carbon County Zoning Resolution of 2015, as amended, and is located approximately 1/2 mile south of WY HWY 230 off Carbon County Road #211 (Blackhall Road) on the west side; approximately 1 mile east of Riverside. Sarah Brugger, Planner/GIS Specialist, presented the case file.

Chairman Jones called for comments for or against the case. There being no comments she closed the hearing at 11:36 a.m.

Commissioner Espy moved to authorize the Chairman's signature on the plat for Minor Subdivision Case File #2022-06, Vacher Minor Subdivision request to create three (3) lots (Lot 1 = 3.98 Acres; Lot 2 = 1.32 Acres; Lot 3 = 1.32 Acres) from an existing 6.6-acre parcel. Commissioner Johnson seconded and the motion passed unanimously.

Planning & Development

Ms. Brugger reported the Planning Commission did not have a quorum for their January 9 meeting therefore cancelled that meeting. There is a county position open and she wanted the board to be aware of the matter.

COMMISSIONERS

Commissioner Moore reported he will be attending the legislative session this week with other commissioners from the state.

Commissioner Johnson reported he attended yesterday's Boys & Girls Club grand opening in Hanna.

ADJOURNMENT

Commissioner Espy moved to adjourn the meeting at 11:41 p.m. Commissioner Moore seconded and the motion passed unanimously.

A regular meeting of this Board will be held Tuesday, February 21, 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.