

**MINUTES OF THE BOARD OF  
CARBON COUNTY COMMISSIONERS  
REGULAR MEETING  
Tuesday, June 4, 2013  
County Courthouse, Rawlins, Wyoming**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, June 4, 2013 at the County Courthouse in Rawlins, Wyoming. Attending the meeting were Chairman Leo Chapman; Vice Chairman John Espy; Commissioners Lindy Glode, Sue Jones and John Johnson; County Attorney Cal Rerucha; and County Clerk Gwynn Bartlett.

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

**ADDITIONS / CORRECTIONS**

Commissioner Glode moved to move the executive session after approval of the bills. Commissioner Johnson seconded and the motion carried unanimously.

**VOUCHERS**

Commissioner Jones moved to approve the report of expenditures in the amount of \$285,457.43. Commissioner Glode seconded and the motion carried unanimously.

Commissioner Espy moved to approve payment to Rawlins Automotive in the amount of \$330.58, Shively Hardware in the amount of \$4.23 and True Value in the amount of \$226.43. Commissioner Jones seconded and the motion carried with Chairman Chapman and Commissioners Jones, Espy and Johnson voting for the motion and Commissioner Glode abstained due to a personal conflict.

Vendor	Detail Line Description	Total
ALSCO, AMERICAN LINEN DIVISION	SUPPLIES	\$145.74
BARTLETT, SUE RN	MEALS/MILEAGE	\$171.73
BRESNAN COMMUNICATIONS	CABLE SERVICE/FIBER LINE	\$2,505.10
CANDY MOUNTAIN	SUPPLIES/EQUIPMENT RENTAL	\$60.00
CARBON COUNTY CHILD DEVELOPMENT CENTER	MAY CSBG	\$2,954.87
CARBON COUNTY TREASURER	VARIOUS CASH ITEMS	\$1,215.49
CARBON POWER & LIGHT INC	ELECTRIC SERVICE	\$987.11
CBM FOOD SERVICE	JAIL MEALS	\$6,262.08
CENTURY LINK	TELEPHONE SERVICES	\$121.52
CENTURYLINK-PHOENIX	TELEPHONE SERVICES	\$755.56
CESKO FAMILY MEDICINE, PC	MEDICAL SERVICES	\$520.00
CHAPMAN, LEO	MILEAGE	\$169.00
CHEMSEARCH	SUPPLIES	\$421.60
DAILY TIMES	NEWSPAPER ADS	\$2,027.40
DIXON, TOWN OF	WATER SERVICE	\$195.00
ELK MOUNTAIN, TOWN OF	WATER SERVICES/SENIOR CENTER	\$553.00

ERICKSON & ROBERTS	LEGAL SERVICES	\$574.88
ESCAPE CONFERENCE	REGISTRATION FEES	\$50.00
FARMER BROTHERS COFFEE	SUPPLIES	\$370.42
FRUDE, CANDICE	MEALS/MILEAGE	\$252.70
GLODE, LINDY	MILEAGE	\$120.00
GOLDEN, MARY	MEALS	\$46.28
GRAINGER	SUPPLIES	\$1,015.94
GRAPHIC SPORTS	SUPPLIES	\$49.95
HANNA, TOWN OF	WATER SERVICE	\$179.68
HAYS, STEPHEN DDS	DENTAL SERVICES	\$240.00
HERRING, ROS	LAWNCARE	\$40.00
HIGH PLAINS POWER	ELECTRIC SERVICE	\$397.21
HIGH PLAINS VISION CENTER	VISION SERVICES	\$128.00
J H KASPAR OIL COMPANY	FUEL	\$4,737.43
JACKALOPE PRINTING	SUPPLIES	\$19.00
JERRY'S DONUTS	SUPPLIES	\$64.74
KENCO SECURITY AND TECHNOLOGY	ALARM MONITORING	\$34.00
KILBURN TIRE COMPANY	VEHICLE MAINTENANCE	\$245.86
KINETIC LEASING	LEASE PAYMENTS	\$61,776.00
KIRSCH, ARCHIE P	HEALTH OFFICER MAY	\$1,500.00
KONE ELEVATORS ESCALATORS	ELEVATOR MAINTENANCE	\$6,715.59
L & L ELECTRIC	BUILDING MAINTENANCE	\$476.70
LOCAL GOVERNMENT LIABILITY POOL	LGLP RENEWAL CONTRIBUTION	\$63,529.00
LONG BUILDING TECHNOLOGIES, INC.	REPAIR HOUSING CONTROL	\$99.75
MURANE & BOSTWICK, LLC.	PROFESSIONAL SERVICES	\$176.60
MY AUTOMOTIVE, INC.	VEHICLE MAINTENANCE	\$17,120.06
MY OFFICE ETC.	SUPPLIES	\$684.98
NEUBAUER, PELKEY AND GOLDFINGER LLP	LEGAL SERVICES	\$948.00
NORWOOD, LUCY	MEALS	\$22.06
NPT	SHIPPING CHARGES	\$223.36
OPFAR, CLAUDIA	MEALS	\$48.14
PAIN CARE CENTER	MEDICAL SERVICES	\$207.00
PHILLIPS 66-CONOCO-76	FUEL	\$806.88
PLAINSMAN PRINTING & SUPPLY	SUPPLIES	\$75.05
QUALITY LANDSCAPE & NURSERY, INC	LAWNCARE	\$446.96
QUESTAR GAS	GAS SERVICE	\$49.99
QUILL CORPORATION	SUPPLIES	\$1,086.23
RASMUSSEN FURNITURE	VACCUUM/SWITCH	\$144.84
RAWLINS AUTOMOTIVE	SUPPLIES	\$330.58
RAWLINS FIRE EXTINGUISHER	ANNUAL INSPECTION & SERVICE	\$435.00
RAWLINS, CITY OF	WATER SERVICES	\$1,356.10
RESERVE ACCOUNT	POSTAGE	\$10,000.00
RICOH USA INC	IT COPIERS	\$2,048.91

RICOH USA, INC	IT COPIERS	\$680.82
ROCKY MOUNTAIN POWER	ELECTRIC SERVICE	\$1,797.56
ROSS' AUTOMOTIVE SERVICES	OIL CHANGE	\$83.32
SARATOGA AUTO PARTS, INC.	SUPPLIES	\$63.61
SARATOGA FEED & GRAIN	SUPPLIES	\$32.80
SHEEHAN TRUCKING	WATER FOR MAG CHLORIDE	\$8,300.00
SHIVELY HARDWARE	SUPPLIES	\$4.23
SMITH, MAE	SUPPLIES	\$22.67
SOURCE GAS	GAS SERVICE	\$8,542.86
STAPLES ADVANTAGE	SUPPLIES	\$360.65
STATE OF WY - PUBLIC DEFENDER	PUBLIC DEFENDER FY2013	\$48,196.07
SWISHER HYGIENE FRANCHISEE TRUST	JAIL SUPPLIES	\$102.29
TANDAN SANITATION SERVICES	TRASH SERVICE	\$50.00
TERMINIX	PEST CONTROL	\$720.00
TREVATHAN, SABRINA RPR	TRANSCRIPTION SERVICES	\$1,551.20
TRUE VALUE OF RAWLINS	SUPPLIES	\$226.43
TYLER TECHNOLOGIES, INC	NEW TITLE SOFTWARE	\$3,240.00
ULINE	JAIL SUPPLIES	\$35.97
V-1 PROPANE	PROPANE SERVICES	\$1,327.10
VALLEY OIL COMPANY	FUEL	\$2,480.90
VAN'S WHOLESALE LLC	JAIL SUPPLIES	\$349.73
VIP	VEHICLE MAINTENANCE	\$80.00
WIMPENNY, ROBERT G DDS	DENTAL SERVICES	\$1,100.00
WIRELESS ADVANCED COMMUNICATIONS	PATROL UNIT/BASESTATION ANTENNAS	\$6,342.10
WY COUNTY CLERKS ASSOCIATION	DUES	\$100.00
WY LAW ENFORCEMENT ACADEMY	ROBINSON CLASS	\$150.00
WY MACHINERY COMPANY	PARTS/MUFFLER REPAIR	\$1,188.33
WY PUBLIC HEALTH LABORATORY	PH SUPPORT SERVICES	\$53.00
WY STATE LANDS & INVESTMENTS	LEASE RENEWAL SG-1443	\$500.00
YAMPA VALLEY ELECTRIC	ELECTRICAL SERVICES	\$373.96
ZONE 4 MAGAZINE	SUBSCRIPTION	\$24.00
<b>GRAND TOTAL</b>		<b>\$286,018.67</b>

### **EXECUTIVE SESSION**

Commissioner Glode moved to go into executive session at 9:10 a.m. with Clerk Bartlett and Attorney Cal Rerucha to discuss personnel and other matters considered confidential by law. Commissioner Espy seconded and the motion carried unanimously.

Commissioner Espy moved to come out of executive session at 9:19 a.m. noting no action was taken and directed the minutes be signed and sealed. Commissioner Johnson seconded and the motion carried unanimously.

## **PERSONNEL**

Commissioner Glode moved to make the Carbon County Emergency Management Coordinator an exempt position to bring the position in line with other county department heads and elected officials. Commissioner Johnson seconded and the motion carried unanimously.

## **CLERK**

### **Minutes**

Commissioner Espy moved to approve the minutes of the May 21, 2013 regular meeting and May 29, 2013 workshop of the Board of Carbon County Commissioners as presented. Commissioner Jones seconded and the motion carried unanimously.

### **Bonds**

Commissioner Jones moved to approve a bond and rider for Melisa A. Sikes, Treasurer for the South Central Wyoming Emergency Medical Services and Joint Powers Board in the amount of \$10,000.00 and Henry R. Hewitt, Trustee/Board Member for Memorial Hospital of Carbon County in the amount of \$25,000.00. Commissioner Espy seconded and there was discussion that Mr. Hewitt is up for reappointment and if his bond should wait until the reappointment is made. Clerk Bartlett noted Mr. Hewitt's term is through the end of July and he needs bonded through then regardless of whether or not he is reappointed. The motion carried unanimously.

### **Board Appointments**

Commissioner Glode moved to reappoint Julie Evans and appoint Randy Manring to the Carbon County Library Board for three-year terms expiring July 2016; appoint John O'Grady and Linda Skordas to the Museum Board for three-year terms expiring July 2016; and reappoint Henry Hewitt to the Memorial Hospital Board for a five-year term expiring July 2018. Commissioner Johnson seconded and the motion carried unanimously.

### **Monthly Receipts**

Clerk Bartlett reported fees were collected for Planning & Development totaling \$1,490.00 for May 2013, County Attorney totaling \$276.30 for April 2013 and County Clerk totaling \$21,576.67 for May 2013.

### **Official Publication Bids**

Clerk Bartlett opened sealed bids for the county's official publication for the next fiscal year. Bids were as follows: Rawlins Daily Times bid \$6.00 per column inch and the Saratoga Sun bid \$5.60 per column inch, both for the entire fiscal year for all display, classified and legal advertising.

Commissioner Johnson moved to approve the bid from the Saratoga Sun at \$5.60 per column inch as the official publication through June 30, 2014. Commissioner Espy seconded and the motion carried unanimously.

## **24-Hour Catering Permits**

Clerk Bartlett reported she issued seventeen 24-hour catering permits to Old Baldy Corporation for Old Baldy Club Platte River Cookouts at the Platte River Cookout Grounds between June 13 and September 19, 2013.

## **Union Telephone Grant**

Clerk Bartlett reported the engineering on the Union Telephone building to be remodeled under a grant the county is sponsoring should be completed by July 1. After that time, the county will bid construction for the remodel.

## **WIC Program Contract**

Clerk Bartlett presented a contract for the WIC Program and noted the contract has been reviewed by Carbon County WIC and Deputy Attorney Mike Kelly.

Commissioner Espy moved to approve a Contract Among Wyoming Department of Health, Public Health Division, Carbon County WIC Program, and Carbon County for a term from July 1, 2013 through December 31, 2014, total payment shall not exceed \$5,381.00. Commissioner Johnson seconded and Mr. Rerucha reported that the patent liability section in the contract conflicts however he stated the BOCC could approve the contract regardless and his office would request corrections in next year's contract. The motion carried unanimously.

## **ELECTED OFFICIALS / DEPARTMENT HEADS**

### **IT**

Matt Webster, IT Director discussed a contract to lease five copiers from Ricoh in the amount of \$1,435.00 per month for 4 years.

Commissioner Glode moved to waive the procurement policy and approve a Lease Agreement between Carbon County and Ricoh. Commissioner Espy seconded and the motion carried unanimously.

### **Attorney**

County Attorney Cal Rerucha presented a public health nursing contract for infants and children along with a Business Associate Agreement relating to the agreement.

Commissioner Jones moved to approve the Contract Between the Wyoming Department of Health, Public Health Division and Carbon County in the amount of \$109,405.00 through fiscal year 2014. Commissioner Glode seconded and the motion carried unanimously.

Mr. Rerucha reported his office is tasked with a special prosecution in Kemmerer however that county must pay for the costs with the exception of the attorney salary provided.

## **Treasurer**

County Treasurer Cindy Baldwin reported on tax collections. She noted that industry met with the Revenue Committee regarding 18% interest on tax collections. There are various draft bills circulating and the County Treasurer's Association will continue to work on this.

## **Assessor**

County Assessor Cheryl Ross presented an abate and rebate for the Chairman's signature. She and Treasurer Baldwin further explained what abates and rebates are.

## **Sheriff**

Sheriff Jerry Colson presented radio bids for the BOCC's consideration. He would like to purchase 24 handheld radios to be purchased with Homeland Security funds and used by Search and Rescue.

The following sealed bids were opened for 24 handheld radios: Millhouse Electronics bid \$37,392.00 for an unknown brand; Ryan Electronics bid \$24,207.60 for Bendex King radios plus \$502.00 for cabling, software and programming; Ryan Electronics also bid \$32,950.00 for Motorola radios with \$167.00 for cabling, software and programming. There were questions whether or not the additional charges from Ryan Electronics were cumulative or per radio.

Sheriff Colson discussed his need for a snow plow at the jail. He presented bids from Shively Hardware for \$6,200.00; Barkhurst Collision Center for \$6,196.92; and Rawlins Automotive for \$6,043.00.

Commissioner Jones moved to accept the low bid from Rawlins Automotive in the amount of \$6,043.00 for a snow plow at the jail. Commissioner Johnson seconded and the motion carried with all voting for the motion except Commissioner Glode who abstained due to a personal conflict.

## **Planning & Development**

Planning Director Sid Fox presented a letter to the Rawlins Bureau of Land Management Office regarding the Rawlins Visual Resource Management Plan.

Commissioner Johnson moved to authorize the Chairman to sign a letter drafted by Sid Fox for the Visual Resource Management Plan comments. Commissioner Espy seconded and the motion carried unanimously.

## **Buildings Manager**

Commissioner Johnson asked Buildings Manager Craig Jones the status of the flag pole and the removal of storage units in the Courthouse. Mr. Jones reported he plans to repair the flag pole tomorrow and was recently delayed on this due to the wind and he is working on removing the storage bins.

Mr. Jones reported the county is being held up currently on the Carbon Building HVAC project due to contract negotiations with the engineer. He is also looking into a card reader system for the Library while the door replacement is going to occur. Clerk Bartlett asked Mr. Jones if the windows could be designed where the outside could be cleaned from the inside unlike the new Courthouse windows which

cost a large amount to have cleaned due to the building height. Mr. Jones stated the windows would be chosen at a later time but he would keep this in mind.

### **Road & Bridge**

Road & Bridge Superintendent Bill Nation reported he attended the 13-14 congestion mitigation air quality grant meeting where over \$7 million in funds were requested from 14 entities. There were \$4 million in grant funds available and Carbon County will receive \$241,000.00 plus a \$60,250.00 match.

Mr. Nation reported after a meeting with the Baggs Irrigation Ditch Company, they have agreed to supply two pipes with the county supplying one and the county would install all three at the Weber Mesa Road.

Mr. Nation also discussed the Sage Creek Road project. He stated segments of the road will be closed during the hours of 8 a.m. to noon, 1 p.m. to 5 p.m. then 6 p.m. to 8 p.m., and open all day Sunday with the goal of getting 12 hours of construction during each 24 hour period. He stated that from the Saratoga area to the Jack Creek Road there will be a sign indicating the work.

Chairman Chapman discussed a letter he received requesting letters of support for the Sage Creek project TIGER application. Mr. Nation stated the project for 2016-2017, the paving portion, needs letters of support. Mr. Nation stated the new commission could further support the project in addition to the Memorandum of Agreement signed last year.

Commissioner Espy moved to authorize the Chairman to sign a letter of support for the Sage Creek TIGER application to Ed Hammontree. Commissioner Johnson seconded and the motion carried unanimously.

### **Sheriff**

Sheriff Colson returned and recommended accepting the low bid from Ryan Electronics for the radios. He noted the programming cable and software fees are per radio. He stated Ryan's bid for Bandex radios are not able to be programmed with Wyolink however Ryan's other bid could be compatible. Millhouse was not sure if their radios could be Wyolink compatible.

Commissioner Johnson moved to accept Ryan Electronics' bid in the amount of \$24,207.60 for 24 radios to be purchased from Homeland Security funds contingent upon approval by the Wyoming Department of Homeland Security. Commissioner Jones seconded and the motion carried unanimously.

### **RECESS**

Chairman Chapman called a recess at 11:08 a.m. and reconvened at 11:17 a.m.

### **IT**

Matt Webster returned to discuss streaming meetings in other municipalities. He noted there isn't broadband access at many locations and discussed a portable Wi-Fi device to use cellular data to broadcast all meetings at any location. He noted the device will work anywhere there is cellular service however currently there is only 3G service in Rawlins and no other communities have this capability

therefore Union doesn't believe there is sufficient bandwidth to stream audio. The device is \$250 plus \$30 per month for service for up to 4 gigabytes of data. Kevin Kleinsmith, Director of Engineering for Union Wireless, further discussed how Union's system would accommodate this.

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

Ned Hill, Chief Executive Officer of MHCC presented a financial statement as of April 30, 2013. Dr. David Cesko of the board was also present along with Jim Horrar, President and CEO of Quorum Health Resources (QHR) and William Donatelli, Vice President Western Operations. Mr. Hill noted he reported a \$344,000.00 profit in April and \$4 million more in revenue than anticipated to date this fiscal year.

Chairman Chapman complimented the hospital staff on his recent care and Commissioner Glode reported that she has heard employee morale is very low and wondered what is occurring with that. Mr. Hill reported there are a lot of changes occurring to get the hospital where it needs to be and that sometimes that is difficult for some employees to accept. He reported administration is trying to keep the lines of communication open with employees about why changes are being made.

Mr. Hill reported billing is currently outsourced and that the trend is that a central billing office is used due to the complicated billing systems in place and the intricacies in medical billing. The current cost is 5-7.5% of collections however if this continues long-term the rate will be significantly decreased.

Dr. Cesko reported this hospital still needs a management group and that QHR is the best. He complimented them on increasing their performance in his view.

### **BUDGET**

Clerk of District Court Deborah Olson presented her budget for fiscal year 2013–2014.

### **RECESS**

Chairman Chapman recessed for lunch at 12:05 p.m. and Vice Chairman Espy reconvened at 1:31 p.m.

### **PLANNING & ZONING**

#### **Public Hearing – Minor Subdivision Case File No. 2013-01**

Vice Chairman Espy announced Chairman Chapman will be absent for a while and he then opened a public hearing at 1:31 p.m. to hear Planning & Zoning Minor Subdivision Case File No. 2013-01. Sid Fox, Planning Director and Thomas Powell, Planner/GIS Specialist presented Minor Subdivision Case File No. 2013-01 – Brandon and Stacy Perry (Applicants) and Cobb Ranch, LLC (Owner's) request to create one parcel, Parcel "A" = 7.6 acres, "Cobb Ranch LLC Minor Subdivision".

Chairman Chapman joined the meeting at 1:35 p.m.

Vice Chairman Espy called for comments for or against this matter. Mr. Nation verified the proper language is on the plat noting the county will not maintain the roads and Mr. Fox verified it was. There being no further comments, Vice Chairman Espy closed the public hearing at 1:39 p.m.

Commissioner Jones moved to approve Resolution No. 2013-20, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding Minor Subdivision Case File No. 2013-01. Commissioner Chapman seconded and the motion carried unanimously.

**Resolution No. 2013 – 20**

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

**MINOR SUB Case File #2013-01  
“Cobb Ranch LLC Minor Subdivision”**

**WHEREAS**, pursuant to the requirements of Section 2.10.02 of the Subdivision Regulations of Carbon County, the Carbon County Planning and Zoning Commission held a public hearing on Monday, May 6, 2013, which hearing was advertised by public notice on April 3, 2013, in the *Rawlins Daily Times*; and

**WHEREAS**, at the Monday, May 6, 2013, 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 hearing; and

**WHEREAS**, the Carbon County Planning and Zoning Commission in considering the said proposed minor subdivision, “Cobb Ranch LLC Minor Subdivision” have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended, and Zoning Resolution, as amended; and

**WHEREAS**, at the conclusion of said 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 approve “Cobb Ranch LLC Minor Subdivision” pursuant to the Carbon County Subdivision Regulations, as amended, for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Board of County Commissioners, pursuant to the requirements of Section 2.10.02 of the Carbon County Subdivision Regulations, and after receipt of said certified recommendation for approval of this proposed minor subdivision, “Cobb Ranch LLC Minor Subdivision”, advertised by public notice on May 15, 2013, in the *Rawlins Daily Times*, to take public input and comments which said hearing occurred on Tuesday, June 4, 2013; and

**WHEREAS**, at said public hearing, 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 minor subdivision; and

**WHEREAS**, the Carbon County Board of County Commissioners in considering the said proposed minor subdivision “Cobb Ranch LLC Minor Subdivision” have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended, and Zoning Resolution, as amended; and

**WHEREAS**, the Carbon County Board of County Commissioners have determined that the proposed minor subdivision “Cobb Ranch LLC Minor Subdivision” is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and the “Cobb Ranch LLC Minor Subdivision” has been reviewed pursuant to the Carbon County Subdivision Regulations, 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 proposed minor subdivision, “Cobb Ranch LLC Minor Subdivision”, MIN SUB Case File #2013-01 – Brandon and Stacy Perry (Applicants) and Cobb Ranch, LLC (Owner).

**Parcel Number:** 12890610001100 - Parent Parcel

**Location:** Approximately 1 mile north of Savery, Wyoming on the east side of Carbon County Road #561 (Savery North Road).

**Legal Description:** A parcel of land located in the N1/2SE1/4 of Section 6, T12N, R89W of the 6th P.M., Carbon County, Wyoming and being more particularly described as follows: Beginning at the S.E. corner of the N1/2SE1/4 of said Section 6 lying N00°30'45"W, 1339.19 feet from the S.E. corner of said Section 6; thence along the east line of said Section 6, N00°30'45"W, 684.31 feet to a point on the southeasterly right-of-way line of County Road No. 561N; thence along said southeasterly right-of-way line the following two (2) courses: 1) S55°13'17"W, 1065.94 feet; 2) 96.63 feet along the arc of a curve to the left having radius of 420.00 feet and a central angle of 13°10'55" the chord of which bears S48°37'49"W, 96.42 feet to a point on the south line of said N1/2SE1/4; thence along said south line, S89°14'49"E, 954.09 feet to the point of beginning. Containing 7.632 acres more or less. The east line of Section 6, T12N, R89W of the 6th P.M. is considered to bear N00°30'45"W between the S.E. corner (2.5" G.L.O. Brass Cap) and the N.E. corner (5/8" Rebar with 2" Alum. Cap PLS#375).

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

1. That the Carbon County Board of County Commissioners, hereby approves this minor subdivision, "Cobb Ranch LLC Minor Subdivision" as certified to them in writing by the Carbon County Planning and Zoning Commission.

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 4th day of June, 2013.

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

By: -s- Leo Chapman, Chairman  
-s- John Espy, Vice Chairman  
-s- Lindy Glode, Member  
-s- John Johnson, Member  
-s- Sue Jones, Member

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

The official subdivision plat was signed and Chairman Chapman resumed control over the meeting.

**Public Hearing – Z.C. Case File No. 2013-02**

Chairman Chapman opened a public hearing at 1:42 p.m. to hear Planning & Zoning Z.C. Case File No. 2013-02. Mr. Fox presented Z.C. Case File No. 2013-02 – Brandon and Stacy Perry (Applicants) and Cobb Ranch, LLC (Owner's) request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-7.6) for the "Cobb Ranch LLC Minor Subdivision" encompassing approximately 7.6 acres.

Chairman Chapman called for comments for or against this matter. There being no comments Chairman Chapman closed the public hearing at 1:48 p.m.

Commissioner Glode moved to approve Resolution No. 2013-21 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County

Planning and Zoning Commission regarding Z.C. Case File No. 2013-02. Commissioner Johnson seconded and the motion carried unanimously.

**Resolution No. 2013 – 21**

**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 #2013-02**

**WHEREAS**, pursuant to Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on Monday, May 6, 2013, which hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at the Monday, May 6, 2013, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said public hearing; and

**WHEREAS**, at the conclusion of said Monday, May 6, 2013, 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 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 Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation of this zoning amendment(s) 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(s), which said hearing occurred on Tuesday, June 4, 2013; and

**WHEREAS**, at said public hearing, 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(s); and

**WHEREAS**, the Carbon County Board of County Commissioners in considering the proposed amendment(s) have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2003, as amended; and

**WHEREAS**, the Carbon County Board of County Commissioners have determined that the proposed amendment(s) is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and the applicable provisions of the Carbon County Zoning Resolution of 2003, 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 proposed zoning amendment(s) to the Carbon County Official Zoning Map.

**Z.C. Case File #2013-02 – Brandon and Stacy Perry (Applicants) and Cobb Ranch, LLC (Owner):**  
Request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-7.6 = Parcel "A"). 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.

**Parcel Number:** 12890610001100 - Parent Parcel

**Location:** Approximately 1 mile north of Savery, Wyoming on the east side of Carbon County Road #561 (Savery North Road).

**Legal Description:** A parcel of land located in the N1/2SE1/4 of Section 6, T12N, R89W of the 6th P.M., Carbon County, Wyoming and being more particularly described as follows: Beginning at the S.E. corner of the N1/2SE1/4 of said Section 6 lying N00°30'45"W, 1339.19 feet from the S.E. corner of said Section 6; thence along the east line of said Section 6, N00°30'45"W, 684.31 feet to a point on the

southeasterly right-of-way line of County Road No. 561N; thence along said southeasterly right-of-way line the following two (2) courses: 1) S55°13'17"W, 1065.94 feet; 2) 96.63 feet along the arc of a curve to the left having radius of 420.00 feet and a central angle of 13°10'55" the chord of which bears S48°37'49"W, 96.42 feet to a point on the south line of said N1/2SE1/4; thence along said south line, S89°14'49"E, 954.09 feet to the point of beginning. Containing 7.632 acres more or less. The east line of Section 6, T12N, R89W of the 6th P.M. is considered to bear N00°30'45"W between the S.E. corner (2.5" G.L.O. Brass Cap) and the N.E. corner (5/8" Rebar with 2" Alum. Cap PLS#375).

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

1. That the Carbon County Board of County Commissioners, hereby adopts this amendment(s) as certified to them in writing by the Carbon County Planning and Zoning Commission and the existing zone shall be changed from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-7.6) for Parcel "A" located in the Cobb Ranch LLC Minor Subdivision.

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 4th day of June, 2013.

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

By: -s- Leo Chapman, Chairman  
-s- John Espy, Vice Chairman  
-s- Lindy Glode, Member  
-s- John Johnson, Member  
-s- Sue Jones, Member

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

**Public Hearing – Z.C. Case File No. 2013-03**

Chairman Chapman opened a public hearing at 1:50 p.m. to hear Planning & Zoning Z.C. Case File No. 2013-03. Mr. Fox presented Z.C. Case File No. 2013-03 – Curtis and Brenda James' request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-10) on approximately 10 acres.

Chairman Chapman called for comments for or against this matter. There being no comments Chairman Chapman closed the public hearing at 1:56 p.m.

Commissioner Jones moved to adopt Resolution No. 2013-22 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding Z.C. Case File No. 2013-03. Commissioner Espy seconded and the motion carried unanimously.

**Resolution No. 2013 – 22**

**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 #2013-03**

**WHEREAS**, pursuant to Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on Monday, May 6, 2013, which hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at the Monday, May 6, 2013, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said public hearing; and

**WHEREAS**, at the conclusion of said Monday, May 6, 2013, 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 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 Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation of this zoning amendment(s) 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(s), which said hearing occurred on Tuesday, June 4, 2013; and

**WHEREAS**, at said public hearing, 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(s); and

**WHEREAS**, the Carbon County Board of County Commissioners in considering the proposed amendment(s) have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2003, as amended; and

**WHEREAS**, the Carbon County Board of County Commissioners have determined that the proposed amendment(s) is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and the applicable provisions of the Carbon County Zoning Resolution of 2003, 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 proposed zoning amendment(s) to the Carbon County Official Zoning Map.

**Z.C. Case File #2013-03 – Curtis and Brenda James (Applicants and Owners):** Request for a Zone Change from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-10) on approximately 10 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.

**Parcel Number:** 1883331001400

**Location:** Approximately 6 miles north and east of Saratoga, off Carbon County Road #205 (Lake Road/205 Extension).

**Legal Description:** NE1/4 NE1/4 NE1/4, Section 33, T18N, R83W, 6<sup>th</sup> P.M., Carbon County, Wyoming.

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

1. That the Carbon County Board of County Commissioners, hereby adopts this amendment(s) as certified to them in writing by the Carbon County Planning and Zoning Commission and the existing zone shall be changed from Ranching, Agriculture, Mining (RAM) to Rural Residential Agriculture (RRA-10) on approximately 10 acres.

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 4th day of June, 2013.

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

By: -s- Leo Chapman, Chairman  
-s- John Espy, Vice Chairman  
-s- Lindy Glode, Member  
-s- John Johnson, Member  
-s- Sue Jones, Member

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

**Public Hearing – C.U. Case File No. 2013-05**

Chairman Chapman opened a public hearing at 1:59 p.m. to hear Planning & Zoning C.U. Case File No. 2013-05. Mr. Powell presented Planning & Zoning C.U. Case File No. 2013-05 – Union Telephone Company's request for a Conditional Use Permit in the Ranching, Agriculture, Mining (RAM) Zone to permit multiple existing telecommunication tower site and related facilities located on U.S. Forest Service property. Mr. Powell noted this was an existing tower and historically towers were not permitted on public land however permits are now required therefore to comply with the zoning resolution the tower needs to come into compliance with a conditional use permit in order to obtain the building permit Union Telephone has applied for. Mr. Powell also outlined the four conditions staff has placed on the case.

Chairman Chapman called for comments for or against this matter. There being no comments Chairman Chapman closed the public hearing at 2:09 p.m.

Commissioner Johnson moved to approve Resolution No. 2013-23 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 File No. 2013-05 subject to the conditions as outlined in the staff report. Commissioner Glode seconded and the motion carried unanimously.

**Resolution No. 2013 – 23**

**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 #2013-05**  
**“Ryan Park Communications Site”**

**WHEREAS**, pursuant to the Carbon County Zoning Resolution of 2003, as amended, and Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on Monday, May 6, 2013, which hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at the Monday, May 6, 2013, 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 hearing; and

**WHEREAS**, at the conclusion of the Monday, May 6, 2013, 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 2003 as amended for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Board of County Commissioners, pursuant to the Carbon County Zoning Resolution of 2003, 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, June 4, 2013; and

**WHEREAS**, at said public hearing, 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 Conditional Use Permit; 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 2003, as amended, specifically, Section 5.6, 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 2003, 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 #2013-05 – Union Telephone Company (Applicant) and U.S. Forest Service (Owner):**

Request for a Conditional Use Permit in the Ranching, Agriculture, Mining (RAM) Zone District. The request is to permit an existing telecommunication tower site and related facilities.

**Project/Site Name:** Ryan Park Communications Site

**General Site Location:** 45 Forest Service Road 232.1A – Approximately 3/4 of a mile west of Ryan Park off U.S.F.S. Road #232.1A

**Parcel Number:** 16810110060100 - Parent Parcel

**Legal Description:** A fifty (50') foot by fifty (50') foot parcel of property located in the NW1/4 of Section 29, Township 16 North, Range 81 West of the 6<sup>th</sup> Principal Meridian, Carbon County, Wyoming. Said parcel contains 0.057 acres.

**VIOLATION:** In the event the actions occurring pursuant to this permit are found to be in material violation of the terms and conditions of this permit, or are found to have been obtained by fraud, this permit shall be subject to all remedies allowed by law. Violation of any of the above restrictions can be grounds for terminating this Conditional Use Permit.

**CONDITIONS OF APPROVAL:**

1. Any expansion of the foot print of the facilities or alterations to the towers that will increase the height or change the structure type will require the individual site to have a new Conditional Use Permit.
2. Any additions of equipment to the tower or site will require building permits.
3. That the sites within current and future designated Sage Grouse Core Areas will be maintained in accordance with whatever version of the Executive Order is current at the time.
4. In the event the actions occurring pursuant to this permit are found to be in material violation of the terms and conditions of this permit, or are found to have been obtained by fraud, this permit shall be

subject to all remedies allowed by law. Violation of any of the above restrictions can be grounds for terminating this Conditional Use Permit.

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

1. 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 regarding the Conditional Use Permit (C.U. Case #2013-05) on approximately 0.057 acres in the Ranching, Agriculture, Mining (RAM) Zone for the "Ryan Park Communications Site".
2. That any use for which this conditional use permit is granted must be commenced within two (2) years from the date of approval, otherwise this conditional use permit shall become null and void and be of no further effect in the absence of further action on the part of Carbon County.

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 4th day of June, 2013.

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

By: -s- Leo Chapman, Chairman  
-s- John Espy, Vice Chairman  
-s- Lindy Glode, Member  
-s- John Johnson, Member  
-s- Sue Jones, Member

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

**Public Hearing – C.U. Case File No. 2013-06**

Chairman Chapman opened a public hearing at 2:12 p.m. to hear Planning & Zoning C.U. Case File No. 2013-06. The audio recording of the meeting stopped accidentally at this point.

Mr. Fox and Mr. Powell presented Planning & Zoning C.U. Case File No. 2013-06 – Union Telephone Company's request for a Conditional Use Permit in the Ranching, Agriculture, Mining (RAM) Zone to permit multiple existing telecommunication tower sites and related facilities located on Bureau of Land Management (BLM) properties. Mr. Fox noted that under the conditional use permit provisions in the zoning resolution there is a requirement to have a preapplication meeting and that occurred earlier this year with Mr. Hines of Union Telephone. During that meeting it was discovered that 11 existing towers were functioning without permits of record within the Union Telephone database. Mr. Fox stated the BLM has no issues with the county applying its zoning on private improvements on public land. Mr. Fox felt these should be permitted noting Union expressed some urgency to complete this therefore 5 existing cell tower sites were combined into one case file with separate applications and each application was scrutinized separately, including requesting comments on each separate site. He noted the Planning Commission made and seconded a motion to approve the file however the motion failed unanimously amongst the 4 of 5 members present. This was because the application fee was for one combined application however since, Mr. Fox has collected 5 separate fees even though the applications are still combined within one case.

Mr. Powell presented the case and overviewed four recommended conditions to approval.

Chairman Chapman called for comments for or against this matter. Commissioner Espy stated that he realizes the Planning & Zoning Commission did not like the fact that the staff combined all applications into one case, he appreciated this to eliminate some of the beauracy in the process. Commissioner Glode agreed. Commissioner Johnson asked if any of the Planning & Zoning Commission members were at the preapplication meeting and Mr. Fox replied because this is routine business the commission members were not in attendance. Commissioner Johnson clarified that the towers existed prior to this staff existing. Commissioner Johnson also asked if these should have been grandfathered and Mr. Fox reported that Union Telephone had no objection to bringing these into compliance per Mr. Fox's recommendation. Commissioner Johnson also clarified that each application within the case file was paid for. Chairman Chapman stated he feels the collection of all fees after the fact might mitigate some of the Planning & Zoning Commission's concerns.

Troy Maddox, Chairman of the Planning & Zoning Commission stated he understands if the BOCC approves the case however he does not want cases lumped together in the future. Mr. Fox stated he is confident in this process but that now he understands the commission's desires, he will no longer lump applications into one case.

Mr. Nation asked if the federal funds for upgrades dictate that the towers must be used for other providers or users. Mr. Kleinsmith of Union Telephone replied that if the tower is manufactured with these funds it must be made available to other providers but if the tower was existing it can be rented.

Mr. Kleinsmith reported that the lumped applications were not pulled and redone because there were penalties by accepting the federal funds if the process did not continue timely. He felt he was following the advice of the Planning staff and is actually holding off the funding process until the results of these applications are determined because they would likely not accept the funds because of the large penalties. He stated they are trying to clean up the matters including paying the separate application fees after the fact and were in no way trying to circumvent the process.

Chairman Chapman asked Mr. Rerucha if the county is in a defensible position by trying to clean up the fact these towers were not permitted previously because the county did not require it. Mr. Rerucha advised the county likely has more exposure by not approving the cases. He stated the attempt by the Planning Office to clean up the applications in a manner that is clear, simple and can be repeated was done. There being no further comments Chairman Chapman closed the public hearing at 2:43 p.m.

Commissioner Glode moved to approve Resolution No. 2013-24 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 File No. 2013-06 subject to the conditions as outlined in the staff report. Commissioner Johnson seconded with discussion that the applications be separated in the future. Commissioner Glode added she appreciates the effort of staff to combine the applications. Chairman Chapman stated he appreciates the Planning & Zoning Commission for standing their ground on what they felt was right. The original motion carried unanimously.

#### **Resolution No. 2013 – 24**

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

#### **C.U. Case File #2013-06**

**WHEREAS**, pursuant to the Carbon County Zoning Resolution of 2003, as amended, and Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on Monday, May 6, 2013, which hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at the Monday, May 6, 2013, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment on the Union Telephone Company application to obtain a Conditional Use Permit for existing telecommunication towers and related facilities located on BLM\public lands and the Carbon County Planning and Zoning Commission considered any public comments which were made at said hearing; and

**WHEREAS**, at the conclusion of the Monday, May 6, 2013, public hearing, a motion to approve the application failed by majority vote and 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 2003 as amended for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Board of County Commissioners, pursuant to the Carbon County Zoning Resolution of 2003, 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, June 4, 2013; and

**WHEREAS**, at said public hearing, 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 Conditional Use Permit; 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 2003, as amended, specifically, Section 5.6, 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 2003, 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 #2013-06 – Union Telephone Company (Applicant) and Bureau of Land Management (BLM) (Owner):**

**(BLM) (Owner):** Request for a Conditional Use Permit in the Ranching, Agriculture, Mining (RAM) Zone District. The request is to permit multiple existing telecommunication tower sites and related facilities located on Bureau of Land Management (BLM) properties.

**Project/Site Names:** Baggs, Coyote Hill, Elk Mountain, Needles, and Walcott Junction

**General Site Locations & Legal Descriptions:**

- A) Baggs Site is located approximately 24.6 miles north northwest of the Town of Baggs and approximately 2 miles east of WY HWY 789. Legal Description: A fifty (50') foot by fifty (50') foot parcel of property located in the SW1/4 of the SE1/4 of Section 3, Township 16 North, Range 92 West of the 6<sup>th</sup> Principal Meridian, Carbon County, Wyoming. Said parcel contains 0.057 acres.
- B) Coyote Hill Site is located 33 miles southeast of the Town of Saratoga and approximately one-half mile south of State HWY 230. Legal Description: A fifty (50') foot by fifty (50') foot parcel of property located in the SW1/4 of the NE1/4 of Section 2, Township 13 North, Range 82 West of the 6<sup>th</sup> Principal Meridian, Carbon County, Wyoming. Said parcel contains 0.057 acres.
- C) Elk Mountain Site is located approximately 7 miles south of Carbon County Road #400 (Rattle Snake Road). Legal Description: A one hundred (100') foot by one hundred (100') foot parcel of

property located in the NW1/4 of the SE1/4 of Section 8, Township 19 North, Range 81 West of the 6<sup>th</sup> Principal Meridian, Carbon County, Wyoming. Said parcel contains 0.23 acres.

- D) Needles Site is located approximately 5-6 miles north of the Town of Encampment and approximately 1-2 miles east of State HWY 230. Legal Description: A fifty (50') foot by fifty (50') foot parcel of property located in the NW1/4 of Section 9, Township 15 North, Range 83 West of the 6<sup>th</sup> Principal Meridian, Carbon County, Wyoming. Said parcel contains 0.057 acres.
- E) Walcott Junction Site is located approximately 3.3 miles west of Walcott Junction, south of I-80. Legal Description: A sixty (60') foot by sixty (60') foot parcel of property located in the SW1/4 of the NE1/4 of Section 6, Township 20 North, Range 84 West of the 6<sup>th</sup> Principal Meridian, Carbon County, Wyoming. Said parcel contains 0.15 acres.

**VIOLATION:** In the event the actions occurring pursuant to this permit are found to be in material violation of the terms and conditions of this permit, or are found to have been obtained by fraud, this permit shall be subject to all remedies allowed by law. Violation of any of the above restrictions can be grounds for terminating this Conditional Use Permit.

**CONDITIONS OF APPROVAL:**

1. Any expansion of the foot print of the facilities or alterations to the towers that will increase the height or change the structure type will require the individual site to have a new Conditional Use Permit.
2. Any additions of equipment to the tower or site will require building permits.
3. That the sites within current and future designated Sage Grouse Core Areas will be maintained in accordance with whatever version of the Executive Order is current at the time.

In the event the actions occurring pursuant to this permit are found to be in material violation of the terms and conditions of this permit, or are found to have been obtained by fraud, this permit shall be subject to all remedies allowed by law. Violation of any of the above restrictions can be grounds for terminating this Conditional Use Permit.

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

1. That the Carbon County Board of County Commissioners, after having considered the applicant's testimony, the Planning and Zoning Commission's recommendation, and public comment, hereby approves this Conditional Use Permit (CUP) regarding the Conditional Use Permit (C.U. Case #2013-06) for the following existing telecommunication tower sites and related facilities: Baggs, Coyote Hill, Elk Mountain, Needles, and Walcott Junction.
2. That any use for which this conditional use permit is granted must be commenced within two (2) years from the date of approval, otherwise this conditional use permit shall become null and void and be of no further effect in the absence of further action on the part of Carbon County.

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 4<sup>th</sup> day of June, 2013.

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

By: -s- Leo Chapman, Chairman  
-s- John Espy, Vice Chairman  
-s- Lindy Glode, Member  
-s- John Johnson, Member  
-s- Sue Jones, Member

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

## **Public Hearing – C.U. Case File No. 2013-07**

Commissioner Espy reported due to a personal conflict he would recuse himself from discussion and any vote on the upcoming case.

Chairman Chapman opened a public hearing at 2:47 p.m. to hear Planning & Zoning C.U. Case File No. 2013-07. Mr. Powell presented Planning & Zoning C.U. Case File No. 2013-07 – Union Telephone Company's request for a Conditional Use Permit in the Ranching, Agriculture, Mining (RAM) Zone to permit multiple existing telecommunication tower sites and related facilities located on several private properties. Mr. Powell reported that the Coal Bank site mentioned in this case had been discovered to be previously permitted. He also outlined the four recommended conditions of approval.

Chairman Chapman called for comments for or against this matter. There being no comments Chairman Chapman closed the public hearing at 2:53 p.m.

Commissioner Glode moved to approve Resolution No. 2013-25 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 File No. 2013-07 subject to the conditions as outlined in the staff report. Commissioner Johnson seconded and the motion carried with all members voting for the motion except Commissioner Espy who abstained due to personal conflict.

### **Resolution No. 2013 – 25**

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

### **C.U. Case File #2013-07**

**WHEREAS**, pursuant to the Carbon County Zoning Resolution of 2003, as amended, and Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on Monday, May 6, 2013, which hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at the Monday, May 6, 2013, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment on the Union Telephone Company application to obtain a Conditional Use Permit for existing telecommunication towers and related facilities located on private lands and the Carbon County Planning and Zoning Commission considered any public comments which were made at said hearing; and

**WHEREAS**, at the conclusion of the Monday, May 6, 2013, public hearing, a motion to approve the application failed and 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 2003 as amended for Carbon County, Wyoming; and

**WHEREAS**, the Carbon County Board of County Commissioners, pursuant to the Carbon County Zoning Resolution of 2003, 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, June 4, 2013; and

**WHEREAS**, at said public hearing, 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 Conditional Use Permit; 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 2003, as amended, specifically, Section 5.6, 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 2003, 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 #2013-07 – Union Telephone Company (Applicant) and Private/Various (Owners):**

Request for a Conditional Use Permit in the Ranching, Agriculture, Mining (RAM) Zone District. The request is to permit multiple existing telecommunication tower sites and related facilities located on several private properties.

**Project/Site Names:** Coal Bank, Cooper Cove, Hanna Hill, Separation Peak, and Shirley Mountain

**General Site Locations & Legal Descriptions:**

- A) Coal Bank Site is located at 164 Echo Springs Gas Plant Road – approximately 3 miles south of the junction of I-80 and State HWY 789 and approximately 1.5 miles west of State HWY 789. Legal Description: A sixty (60') foot by sixty (60') foot parcel of property located in the SW1/4 of the SE1/4 of Section 17, Township 19 North, Range 92 West of the 6<sup>th</sup> Principal Meridian, Carbon County, Wyoming. Said parcel contains 0.083 acres.
- B) Cooper Cove Site is located at 1461 Dutton Creek Road – approximately one-quarter of a mile south of I-80 near the Albany/Carbon county line. Legal Description: An eighty (80') foot by eighty (80') foot parcel of property located in the NE1/4 of the SW1/4 of Section 17, Township 18 North, Range 77 West of the 6<sup>th</sup> Principal Meridian, Carbon County, Wyoming. Said parcel contains 0.15 acres.
- C) Hanna Hill Site is located approximately 2 miles north of Elmo and approximately 1.5 miles west of Carbon County Road #291 (Hanna-Leo/Kortes Road). Legal Description: A fifty (50') foot by fifty (50') foot parcel of property located in the SW1/4 of the NE1/4 of Section 5, Township 22 North, Range 81 West of the 6<sup>th</sup> Principal Meridian, Carbon County, Wyoming. Said parcel contains 0.057 acres.
- D) Separation Peak Site is located at 907 Espy Drive – approximately 20 miles southwest of Rawlins and approximately 7 miles west of Carbon County Road #401 (Sage Creek Road). Legal Description: A parcel of property located in the SE1/4 of the NW1/4 of Section 11, Township 19 North, Range 89 West of the 6<sup>th</sup> Principal Meridian, Carbon County, Wyoming. Said parcel contains 40.0 acres. Project site is 100'x100'.
- E) Shirley Mountain Site is located off State HWY 77 approximately 20.7 miles north northeast of the Town of Hanna. Legal Description: A three hundred thirty (330') foot by three hundred thirty (330') foot parcel of property located in the SW1/4 of the NE1/4 of Section 11, Township 25 North, Range 80 West of the 6<sup>th</sup> Principal Meridian, Carbon County, Wyoming. Said parcel contains 2.50 acres.

**VIOLATION:** In the event the actions occurring pursuant to this permit are found to be in material violation of the terms and conditions of this permit, or are found to have been obtained by fraud, this permit shall be subject to all remedies allowed by law. Violation of any of the above restrictions can be grounds for terminating this Conditional Use Permit.

**CONDITIONS OF APPROVAL:**

1. Any expansion of the foot print of the facilities or alterations to the towers that will increase the height or change the structure type will require the individual site to have a new Conditional Use Permit.
2. Any additions of equipment to the tower or site will require building permits.
3. That the sites within current and future designated Sage Grouse Core Areas will be maintained in accordance with whatever version of the Executive Order is current at the time.
4. In the event the actions occurring pursuant to this permit are found to be in material violation of the terms and conditions of this permit, or are found to have been obtained by fraud, this permit shall be subject to all remedies allowed by law. Violation of any of the above restrictions can be grounds for terminating this Conditional Use Permit.

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

1. That the Carbon County Board of County Commissioners, after having considered the applicant's testimony, the Planning and Zoning Commission's recommendation, and public comment, hereby approves this Conditional Use Permit (CUP) regarding the Conditional Use Permit (C.U. Case #2013-07) for the following existing telecommunication tower sites and related facilities: Coal Bank, Cooper Cove, Hanna Hill, Separation Peak, and Shirley Mountain.
2. That any use for which this conditional use permit is granted must be commenced within two (2) years from the date of approval, otherwise this conditional use permit shall become null and void and be of no further effect in the absence of further action on the part of Carbon County.

**PRESENTED, READ, AND ADOPTED** at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 4th day of June, 2013.

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

By: -s- Leo Chapman, Chairman  
-s- Lindy Glode, Member  
-s- John Johnson, Member  
-s- Sue Jones, Member

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

**Certifications**

Mr. Fox presented the Certifications of Recommended Action for Z.C. Case File No. 2013-04 for Richardson Family Limited Partnership, Z.C. Case File No. 2013-05 for Robert A. Bifano and P.U.D. Case File #2013-01 for Robert L. and Christine L.C. Stocks.

Commissioner Espy moved to accept Certifications of Recommended Action and schedule a public hearing for July 2, 2013 at 1:30 p.m. at the County Courthouse in Rawlins, Wyoming for Z.C. Case File No. 2013-04 submitted by Richardson Family Limited Partnership, Z.C. Case File No. 2013-05 submitted by Robert A. Bifano and P.U.D. Case File No. 2013-01 submitted by Robert L. and Christine L.C. Stocks. Commissioner Jones seconded and the motion carried unanimously.

## **RECESS**

Chairman Chapman called a recess at 3:00 p.m. and reconvened at 3:07 p.m.

## **SEISMIC TESTING AT THE DIXON AIRPORT**

The audio recording of the meeting started again at this point.

John Hoffman from GRMR Oil & Gas LLC and Marc Lacznac of Tesla Exploration reported the plan to perform seismic testing in the Savery area including around the Dixon Airport. There will be a total of 11,880 source points and 11,820 receive points. The program includes four phases lasting through September this year starting with permitting which has already begun, surveying in June, drilling June through August then acquisition in September and any reclamation in October. The group would like authorization to perform this testing on Dixon Airport grounds.

Commissioner Jones stated the Federal Aviation Administration and Wyoming Aeronautics Commission would dictate what the group could do on airport property. Mr. Rerucha asked what the county would get in return for allowing this and he expressed his concerns for airport safety and grant funds that have been received and whether or not those funds would be affected. Mr. Lacznac reported imaging and data would not be as good if an entire area was not studied, including an area around the airport.

## **SPEED BUMP ON COTTONWOOD / DIXON SENIOR CENTER**

Matt Feldmann, Town of Dixon Mayor, discussed the Town of Dixon operates in an old facility and he is trying to consolidate and reduce operation costs therefore he proposes the town purchase the Dixon Senior Center to use one small office for the Town Clerk three days a week, a few meetings in the evenings and the building would still operate as a senior center. He reported the Little Snake River Museum District is interested in purchasing the old town hall if they were to move. He added a potential reversionary clause could be added to ensure the building was operated as a senior center or revert to the county. Lisa Engstrom, Senior Services Director stated she does not see issues with this as long as services are not reduced for seniors. Mr. Feldmann suggested another option that the county could maintain ownership and the town could add to the facility and upgrade the utilities in exchange for some rent then have a long-term lease with the town.

Mr. Feldmann discussed a speed bump near Dixon on a county road to slow traffic and the fact it has been graded off over time. He noted that the town accepts any liability necessary and asked a speed bump be reinstalled.

Bill Nation, Road & Bridge Superintendent, stated the road itself should not be enforcement of speed and he is opposed to a speed bump on any county road always. He stated this is a town street that the county has been maintaining. Mr. Feldmann stated that if in fact, the town owns this portion of the road they could install the bump themselves. Mr. Nation confirmed that the county would then no longer maintain that portion of the road. The BOCC asked the town to research ownership of the road then report back.

Commissioner Espy left the meeting at 4:17 p.m.

## **COMMISSIONERS DISCUSSION**

Commissioner Jones reported the Baggs clinic, Kinder Family Clinic in Baggs is open.

Commissioner Johnson asked what the upcoming budget process is and Clerk Bartlett explained and confirmed the public hearing before adopting the budget would be July 15 at 8 a.m.

Chairman Chapman discussed that Weed & Pest would like to provide a presentation June 17 however the BOCC has a normal budget meeting.

## **CLERK**

Commissioner Jones moved to approve a Contract Between Wyoming Department of Health, Public Health Division and Carbon County Health Officer and Carbon County, for total payment not to exceed \$9,600.00. Commissioner Glode seconded and the motion carried unanimously.

## **ADJOURNMENT**

Commissioner Johnson moved to adjourn the meeting at 4:40 p.m. Commissioner Glode seconded and the motion carried unanimously.

-s- Gwynn G. Bartlett, Carbon County Clerk

Approved this 18th day of June 2013

BOARD OF COUNTY COMMISSIONERS  
CARBON COUNTY, WYOMING

-s- Leo Chapman, Chairman