

**REPORT TO THE
MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, September 4, 2018
Carbon County Courthouse, Rawlins, WY**

The regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, September 4, 2018 at the Carbon County Courthouse, Rawlins, WY. Attending the meeting were; Chairman John Johnson; Commissioners Leo Chapman, John Espy, Bob Davis and Sue Jones.

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

VOUCHERS

307 PROFESSIONAL CLEAN LLC	CLEANING SERVICES	\$ 10,485.00
ACME ELECTRIC COMPANY, LLC	ELECTRICAL REPAIRS	\$ 400.00
ALBRECHTSON, MARY KAY	CIRCUIT COURT BAILIFF	\$ 75.00
AXIS FORENSIC TOXICOLOGY, INC.	LAB SERVICES	\$ 550.00
BUILD RITE LUMBER SUPPLY	SUPPLIES	\$ 644.50
CASPER WINNELSON CO	SOFTENER	\$ 807.22
CBM FOOD SERVICE	JAIL MEALS	\$ 3,605.86
COWBOY SUPPLY HOUSE	TOWELS/TRASH BAGS	\$ 427.68
CRESCENT MEMORIAL	GOWNS	\$ 222.90
DALLIN MOTORS INC	OIL CHANGE	\$ 43.77
DJ'S	WINDSHIELD	\$ 208.10
DRUMMOND REFRIGERATION LLC	ICE MAKER REPAIRS	\$ 170.00
GLAXOSMITHKLINE PHARMACEUTICALS	VACCINES	\$ 1,105.75
GRAINGER	LOCKSET	\$ 306.00
KENCO SECURITY AND TECHNOLOGY	ALARM MONITORING	\$ 39.00
KIRSCH, ARCHIE P	COUNTY HEALTH OFFICER	\$ 1,300.00

KNF FLEXPAC CORPORATION	TRANSPORT BAGS	\$ 921.20	
MICHAEL'S BIG CITY GRILLE	PRIMARY ELECTION JUDGES MEALS	\$ 600.00	
MOBILE CONCRETE, INC	CONCRETE SAND	\$ 432.00	
MOPEC	SAW BLADE/KNIFE/SCISSORS	\$ 309.39	
MY OFFICE ETC.	SUPPLIES	\$ 119.79	
NMS LABS	LAB SERVICES	\$ 418.00	
PERKINS OIL CO	FUEL	\$ 1,974.22	
PILLAR STRUCTURAL ENGINEERING	GRANDSTAND REPAIRS	\$ 1,330.00	
QUILL CORPORATION	OFFICE SUPPLIES	\$ 231.86	
RAWLINS AUTOMOTIVE	BATTERIES	\$ 100.41	
RAWLINS, CITY OF	WATER SERVICES	\$ 4,302.50	
RODABAUGH, SHERRY	CIRCUIT COURT BAILIFF	\$ 75.00	
SECRETARY OF STATE	WALCKER NOTARY CERTIFICATE	\$ 30.00	
SHRED-IT USA	SHREDDING SERVICES	\$ 739.93	
SIGMA-ALDRICH INC	FORMALIN SOLUTION	\$ 81.40	
SPECIALIZED CONSULTANTS	PATHOLOGY	ROUTINE AUTOPSY	\$ 1,175.00
TREVATHAN, SABRINA RMR	TRANSCRIPTION	\$ 506.25	
TRUE VALUE OF RAWLINS	DUPLICATE KEY	\$ 0.94	
WESTERN PLAINS SOLUTIONS	BUSINESS	REGISTRATION POSTCARDS	\$ 87.50
WY RENTS, LLC	EQUIPMENT RENTAL	\$ 165.45	
GRAND TOTAL		\$ 33,991.62	

Commissioner Chapman moved to approve the expenditures in the amount of \$33,991.62. Commissioner Jones seconded and the motion carried unanimously.

CONSENT AGENDA

Commissioner Espy moved to approve the consent agenda noting any item could be removed for further discussion. The consent agenda includes the August 16, 2018 special meeting minutes; the August 28, 2018 regular meeting minutes; a bond for Pamela A. Thayer, Treasurer for the City of Rawlins in the amount of \$25,000; and Planning and Development Department receipts for August 2018 in the amount of \$15,985.00. Commissioner Davis seconded and the motion carried unanimously.

Rawlins Carbon County Airport Board

Aaron Durst, Rawlins Carbon County Airport Board presented a grant agreement Between the United States of America acting through the U.S. Department of Transportation, Federal Aviation Administration (FAA) and the City of Rawlins, Wyoming, County of Carbon, Wyoming, and the Rawlins-Carbon County Airport Board for updates to the Rawlins Municipal/Harvey Field Airport Master Plan Study, noting the plan will be funded through 90% federal funds and 10% local funds.

Commissioner Jones moved to authorize the Chairman's signature on the Grant Agreement Between the United States of America acting through the U.S. Department of Transportation, Federal Aviation Administration (FAA) and the City of Rawlins, Wyoming, County of Carbon, Wyoming, and the Rawlins-Carbon County Airport Board for updates to the Rawlins Municipal/Harvey Field Airport Master Plan Study totaling 90% of planning costs in an amount up to \$302,653. Commissioner Chapman seconded and the motion carried unanimously.

Sheriff

Archie Roybal, County Sheriff and Matt Webster, County IT Director requested approval for the E911 Motorola CallWorks Communication System Agreement. The contract price is \$268,257.90 consisting of \$139,000.88 for the base system and \$129,257.02 for ten years of recurring service. Attorney Davis reported the CallWorks agreement has been changed to indicate the maintenance is provided within the contracted amount.

Commissioner Espy moved to authorize the Chairman's signature on the Communication System and Services Agreement with Motorola Solutions Inc for the E911 CallWorks system and to pay for the \$268,257.90 system using Chokecherry Sierra Madre impact assistance funds and the balance from the E911 fund. Commissioner Chapman seconded and the motion passed unanimously.

Sheriff Roybal discussed staffing changes and hiring he has been working on.

County Attorney

County Attorney, Ashley Davis requested direction on an agreement with Centennial Woods to remove county owned snow fence wood and replace the wood every seven years. The agreement is 21 years and she asked if the BOCC is agreeable to such a long term. She also reported that she added a clause that the company must have landowner permission and suggested another clause that any county owned property sold to another entity may terminate this agreement.

While they are allowed to terminate the agreement at 3 separate points in the contract, it is not seemingly easy to do so. The BOCC asked Attorney Davis to amend the agreement to allow a seven year term only.

Ashley requested ratification of the Fiscal Year 2019 Contract for Services to Victims of Crime between the State of Wyoming, Office of the Attorney General, Division of Victim Services and Carbon County Sheriff's Office Victim Witness Program.

Commissioner Espy moved to ratify the Chairman's signature on the Chairman's signature on Fiscal Year 2019 Contract for Services to Victims of Crime between the State of Wyoming, Office of the Attorney General, Division of Victim Services and Carbon County Sheriff's Office Victim Witness Program. Commissioner Davis seconded and the motion carried unanimously.

Road & Bridge

Bill Nation, Road & Bridge Superintendent reported that he has hired two new employees, one in Rawlins and the other in the Saratoga/Encampment area. The Sage Creek Road project pavement continues.

Clerk

Gwynn Bartlett, County Clerk requested approval for the Contract between Wyoming Department of Family Services and Carbon County Commissioners for Temporary Assistance for Needy Families Community Partnership Initiative (TANF CPI) in the amount of \$51,000.

Commissioner Chapman moved to approve the Contract between Wyoming Department of Family Services and Carbon County Commissioners for Temporary Assistance for Needy Families Community Partnership Initiative (TANF CPI) in the amount of \$51,000.00. Commissioner Davis seconded and the motion carried unanimously.

Judge Stipe discussed a grant application to the Wyoming Supreme Court Application for Court Security Funds. \$226,124 was allocated for Carbon County with a minimum \$22,612.00 match from the county. The grant is due September 11. She discussed restroom security and a security screening area that is planned for the application. Chairman Johnson asked if the restroom portion is necessary and Mr. Piche replied that he and the architect may be looking at something different than EKM&P. Chairman Espy noted that he feels like the security of the Circuit Court was primarily the state's concern by allocating the funding.

Commissioner Chapman moved to approve the Wyoming Supreme Court Application for Court Security Funds and authorize the Chairman's signature pending board approval of the final application. Commissioner Espy seconded and the motion carried unanimously.

Commissioners

Commissioner Espy discussed a resolution regarding the United States policy of importing all of its uranium. The uranium industry petitioned the US Department of Energy to have 25% of the

US uranium be obtained domestically to help ensure stability of the uranium industry here and Commissioner Espy would like to submit a resolution of support in the matter.

Commissioner Jones moved to authorize the Chairman's signature on Resolution 2018-33, a Resolution of Carbon County Commissioners In Support of Domestic Uranium Industry and Energy Fuels Resources (USA) and UR-Energy USA Inc Section 232 Petition with the US Department of Commerce. Commissioner Chapman seconded and the motion carried unanimously.

RESOLUTION NO. 2018-33

CARBON COUNTY COMMISSIONERS IN SUPPORT OF THE DOMESTIC URANIUM INDUSTRY AND ENERGY FUELS RESOURCES (USA) and UR-ENERGY USA INC. SECTION 232 PETITION WITH THE U.S. DEPARTMENT OF COMMERCE

WHEREAS, the Carbon County Commissioners recognize the importance of the domestic Uranium industry, and specifically the value of the Wyoming uranium industry; and

WHEREAS, the Carbon County Commissioners are familiar with the Section 232 Petition filed by Energy Fuels Resources (USA) and UR-Energy USA, Inc. with the U.S. Department of Commerce seeking an investigation into the impact of uranium imports on national security; and

WHEREAS, the Carbon County Commissioners are in favor of providing comments in support of the domestic uranium industry and in support of the Section 232 Petition filed by Energy Fuels Resources (USA) and UR-Energy USA, Inc.;

WHEREAS, employment in Wyoming's uranium sector has dwindled from several thousand to only two hundred forty-five employees and continues to decline;

WHEREAS, a healthy uranium industry purchases significant quantities of soda ash, bentonite and other products and services from Wyoming and regional vendors;

WHEREAS, a healthy uranium industry pays millions of dollars in severance and ad valorem taxes annually. These tax dollars help diversify our economy and tax base;

WHEREAS, the uranium used in national defense programs is required by treaty to be produced in the United States; therefore, uranium for defense needs cannot be purchased from allies;

WHEREAS, Wyoming has six existing uranium mines that could restart or increase production. Wyoming also has at least five new mines that could be brought on-line in relatively

short time period. Without a successful outcome to the investigation, these mines will not increase production or open in the foreseeable future;

WHEREAS, domestic miners currently provide less than 2% of our nation's uranium demand while government owned or subsidized imports from Russia, and increasingly China, are taking over the world market. These nations are antagonistic to our democratic values and mine uranium under weak to non-existent environmental regulations;

WHEREAS, Wyoming's uranium industry is threatened by the import of non-domestic uranium, and the result not only harms Wyoming's economy, but also creates a substantial security risk to our nation.

THEREFORE, BE IT PROCLAIMED by the Commission Chairperson of Carbon County Wyoming, that Carbon County Commissioners strongly urge the U.S. Department of Commerce to take the following action:

1. Adopt a quota that would reserve a limited portion of the U.S. market Twenty-Five percent (25%) for U.S. uranium.
2. Adopt a Buy American policy for federal agencies which is consistent with current government policy and requires the government to purchase domestic uranium for its own needs.
3. Complete an expedited investigation due to the current economic situation and security risks which can be exploited by the non-domestic uranium industry during the pendency of this investigation. Failure to act swiftly can further decline the existing domestic uranium industry and create a more substantial security risk by relying on the uranium production in non-domestic markets.

APPROVED AND ADOPTED THIS 4th DAY OF SEPTEMBER, 2018.

**BOARD OF COUNTY COMMISSIONERS OF
CARBON COUNTY, WYOMING**
By: -s- Willing John Johnson, Chairman

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

Commissioner Davis discussed a resolution regarding the Landscape Vegetation Analysis Project (LaVA) Decision of Environmental Impact Statement (DEIS). The Sierra Madre and Snowy Range areas have typically been identified with smaller timber harvest and this would create more of a landscape plan.

Commissioner Davis moved to authorize the Chairman's signature on Resolution 2018-34, a resolution of Carbon County Commissioners Comments on the Medicine Bow National Forest

Landscape Vegetation Analysis (LaVA) and Draft Environmental Impact Statement (DEIS). Commissioner Espy seconded and the motion carried unanimously.

RESOLUTION NO. 2018- 34

**CARBON COUNTY COMMISSIONERS COMMENTS ON THE MEDICINE BOW
NATIONAL FOREST LANDSCAPE VEGETATION ANALYSIS (LaVA) AND
DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)**

WHEREAS, the Carbon County Commissioners are familiar with the Landscape Vegetation Analysis (LaVA) and Draft Environmental Impact Statement (DEIS) for the Medicine Bow National Forest; and

WHEREAS, the Carbon County Commissioners commend the United States Forest Service – Medicine Bow National Forest for initiating the proposed action to treat the dead and diseased National Forest and the collaborative process utilized to recognize the importance of both local and state governments in developing a short and long term solution to the existing issues; and

WHEREAS, the Carbon County Commissioners have reservations about the current DEIS, due to its failure to portray the magnitude of the negative consequences of the “no action” alternative on the physical environment in regards to fire and lost water yield, a lack of depth and sufficiency in addressing the economic consequences of the “no action” alternative, a deficiency in documenting the economic and ecological benefits achieved from implementing the project, the inappropriate application of the Equivalent Clearcut Area (ECA) procedure and discussions on water yield, and failure to follow the December 2, 2005 United States Forest Service Guidance letter for the Platte River Implementation Plan (PRRIP); and

WHEREAS, the Carbon County Commissioners are in favor of providing comments to the United States Forest Service in regards to the LaVA DEIS;

WHEREAS, the Carbon County Commissioners are concerned that the LaVA DEIS fails to address several study areas that should be considered prior to taking any action.

THEREFORE, BE IT PROCLAIMED by the Commission Chairperson of Carbon County Wyoming, that Carbon County Commissioners strongly urge the U.S. Forest Service to further consider the following action before completing a final LaVA EIS:

1. Use of the Equivalent Clearcut Area (ECA) procedure not as an absolute quantitative limit, but rather the twenty-five percent (25%) figure should be used as a qualitative measure.

2. The twenty-five percent (25%) figure for Equivalent Clearcut Area (ECA) should be considered as a trigger to initiate adaptive management prescriptions with robust field verification of actual on the ground conditions that would allow management action accordingly.
3. More complete study of the “no action” alternative, including the economic and ecological consequences of this alternative.

APPROVED AND ADOPTED THIS 4th DAY OF SEPTEMBER, 2018.

**BOARD OF COUNTY COMMISSIONERS OF
CARBON COUNTY, WYOMING**
By: - s- Willing John Johnson, Chairman

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

EXECUTIVE SESSION

Commissioner Espy moved to go into executive session at 9:54 a.m. with Gwynn Bartlett, Ashley Mayfield Davis to discuss personnel, potential litigation and other matters considered confidential by law. Commissioner Chapman seconded and the motion carried unanimously.

Commissioner Espy moved to come out of executive session at 10:25 a.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Chapman seconded and the motion carried unanimously.

ENGAGEMENT LETTER

Commissioner Chapman moved to authorize the Chairman’s signature on an engagement letter and joint defense agreement. Commissioner Davis seconded and the motion carried with all voting for the motion except Commissioner Espy who abstained due to potential conflict.

EMERGENCY DETENTIONS

Glenn Biggs, Mental Health Examiner presented the Emergency Detention Plan for Memorial Hospital of Carbon County (MHCC). Because some of the past doctors have moved on, the hospital has new doctors and is now asking for someone to be on call at all times for emergency detentions. In addition, the hospital’s audit from Center for Medicare and Medicaid Services (CMS) apparently stated that the hospital is not in compliance as they do not provide therapy. Carbon County Counseling is providing the therapy services at this time. The hospital’s Director of Nursing asked that the counseling center be a backup for Mr. Biggs however because he is the gatekeeper he wanted to ensure the BOCC approves this method.

Mr. Biggs proposes some alternatives to the hospital's plan. First, the emergency room physician transfers the patient to WBI in Casper by ambulance which is expensive to the county. In addition the Natrona County Attorney must be paid by the county to cover the court services there. Another alternative would be that the Sheriff could transport but he noted this does not work well and this would require additional deputies and create additional issues. The second alternative would be to appoint the Counseling Center as the Gatekeeper when he is not available. The third option would be to hire a part-time mental health examiner employed by the county to cover for Mr. Biggs when he is absent. Finally, the county could do nothing and continue as current with patients being transferred to WBI.

Mr. Biggs stated Carbon County is unique by having a mental health examiner on staff. He recommends hiring another part-time person in the hopes that the person could assume his role when he retires. Many other counties contract with WBI or similar facilities and the county pays for transportation to Casper and back. Mr. Biggs stated the part-time individual could be employed as an hourly paid, on-call person or salaried as the position would be on call 1-2 days weekly.

The issue with appointing the Counseling Center as backup could be obtaining hospital privileges, the lack of staff there, potential conflicts where the Counseling Center, as the backup gatekeeper could potentially discharge patients to their services it could create issues.

Sheriff Roybal stated they would require additional personnel and vehicles if he were asked to transport the individuals. He mentioned there is potentially a company the county could pay for the services. Attorney Davis stated she will find out more about transport but mentioned sometimes patients have medical issues in addition to the mental issues.

The BOCC asked Mr. Biggs and Attorney Davis to provide future cost analysis of the options at the first October meeting.

MEMORIAL HOSPITAL OF CARBON COUNTY

Memorial Hospital of Carbon County (MHCC) board trustees Sherrod France, Mark Kostovny and Garry Goergen reported they were here at the BOCC's request. Chairman Johnson suggested two commissioners, two MHCC board members and potentially other stakeholders be on the committee to release a request for proposal for hospital management services. The BOCC asked the group to send two board members' names to the Clerk by the BOCC's September 18 meeting and keep the committee to 8. Commissioners Jones and Davis will be the county's members. Mr. France stated that Quorum should be invited to respond and be evaluated with all other respondents.

Commissioner Jones reported she has contacted another hospital's board of directors who recently released a similar RFP. She stated two hospital boards offered their RFP's for our use and that stakeholders should include doctors, staff, community stakeholders and potentially others.

Mr. Goergen asked who would make the final selection and the Chairman responded that both boards have the final say of the selected company.

The BOCC asked Mr. France to respond to Clerk Bartlett with their proposed board members before the BOCC's next meeting to include two board members and 2-3 other individuals and the BOCC would do the same and the committee would be formally appointed at the BOCC's next meeting on September 18.

NOVO BENEFITS

Rob Henderson, Dianna Madvig and Kellie Grady presented an overview of county's health plan that NOVO Benefits helps administer.

PUBLIC HEARING – ZC Case #2018-04 (Zone Change from RAM to RRA-5)

Chairman Johnson opened a public hearing at 1:30 p.m. to hear Planning & Zoning Z.C. Case # 2018-04, Darbie Gale and Ricky Montanez (Applicants) and Levi Gale and Thomas Gale (Land Owners). Sid Fox, County Planning Director presented a Request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Rural Residential Agriculture (RRA-5).

The Chairman called for public comments for or against the case. There being none, Chairman Johnson closed the hearing at 1:32 p.m.

Commissioner Jones moved to authorize the Chairman's signature on Resolution 2018-35 Z.C. Case # 2018-04 Darbie Gale and Ricky Montanez (Applicants) and Levi Gale and Thomas Gale (Land Owners). Commissioner Chapman seconded and the motion carried unanimously.

Resolution No. 2018 - 35

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 #2018-04

WHEREAS, pursuant to the Carbon County Zoning Resolution of 2015, as amended, a35nd Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on Monday, August 6, 2018, which hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, August 6, 2018, 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, August 6, 2018, 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 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, September 4, 2018; and

WHEREAS, at said public hearing on September 4, 2018, 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 the applicable provisions of 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 proposed zoning amendment to the Carbon County Official Zoning Map.

Z.C. Case File #2018-04: Request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Rural Residential Agriculture (RRA-5). The RRA Zone is intended to be applied in areas of the County which are particularly suited for both agricultural and residential uses intermingled.

Petitioners: Darbie Gale and Ricky Montanez (Applicants) and Levi Gale and Thomas Gale (Land Owners)

Rural Address: 66 N Wagon Circle

Parcel Identification Number: 21882310003900

General Site Location: Approximately 1 mile west of Rawlins and approximately 0.3 miles north of I-80 off North Wagon Circle Road

Legal Description: A parcel of land situate in the Northeast quarter of the Northeast quarter (NE1/4 NE1/4) of Section 23, Township 21 North, Range 88 West of the 6th Principal Meridian, Carbon County, Wyoming, being more completely described as follows: Beginning at the Northeast corner of said Section 23, Township 21 North, Range 83 West, said corner being monumented by a Section corner brass cap and marked stone; thence Westerly along the North line of said Section 23, a distance of 363 feet; thence Southerly along a line parallel to the East line of said Section 23 a distance of 600 feet; thence Easterly along a line parallel to the North line of said Section 23 a distance of 363 feet; thence Northerly along the East line of said Section of 23 a distance of 600 feet to the point of beginning.

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

That the Carbon County Board of County Commissioners, hereby adopts this amendment as certified to them in writing by the Carbon County Planning and Zoning Commission and the existing zone shall be changed from Ranching, Agriculture and Mining (RAM) to Rural Residential Agriculture (RRA-5) on approximately 5 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 September, 2018.

**BOARD OF COUNTY COMMISSIONERS OF
CARBON COUNTY, WYOMING**
-s- Willing John Johnson, Chairman
On behalf of the Carbon County
Board of County Commissioners

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

PUBLIC HEARING – C.U. Case File #2018-09 – “DN01855A – Wamsutter Communications Site”

Chairman _opened a public hearing at 1:35 p.m. to hear Planning & Zoning C.U. Case File #2018-09 – “DN01855A – Wamsutter Communications Site”, a Request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit a pre-existing telecommunication tower site and related facilities. Existing overall tower height: 150 Feet. The tower is located approximately 13 miles south of Creston Junction and approximately 2.5 miles east of WY HWY 789

The Chairman called for public comments for or against the case. Chairman Johnson closed the hearing at 1:39 p.m.

Commissioner Chapman moved to authorize the Chairman's signature on Resolution 2018-36 C.U. Case File #2018-09, Centerline Solutions on behalf of T-Mobile to co-locate on an existing communications site located on BLM land, "DN01855A – Wamsutter Communications Site". Commissioner Espy seconded and the motion carried unanimously.

Resolution No. 2018 – 36

**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 #2018-09 – "DN01855A – Wamsutter 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, August 6, 2018, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, August 6, 2018, 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, August 6, 2018, 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, September 4, 2018; and

WHEREAS, at said public hearing on September 4, 2018, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed application; and

WHEREAS, the Carbon County Board of County Commissioners in considering said application have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2015, as amended, specifically, Section 5.4, 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 #2018-09: Request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit a pre-existing telecommunication tower site and related facilities. Existing overall tower height: 150 Feet.

Project/Site Name: DN01855A – Wamsutter Communications Site

Petitioners: Centerline Solutions (Applicant) and BLM (Land Owner)

Parcel Identification Number: 18920110060000-Parent Parcel

General Site Location: Approximately 13 miles south of Creston Junction and approximately 2.5 miles east of WY HWY 789

Legal Description: SW1/4, Section 12, T18N, R92W, Carbon County, Wyoming.

TERMS AND CONDITIONS OF APPROVAL:

1. The applicant follows the Wyoming Game and Fish recommended dates for construction as listed in their comment letter.
2. The applicant must submit an Antenna Mount Analysis Report signed and sealed by a Registered Professional Engineer with their building permit application (per Note #1, Sheet Number A2.0).
3. Upon approval by the Board, the following provisions from the Zoning Resolution will be incorporated into the final Resolution:
 - a. In accordance with Section 5.4-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 with Section 5.4-I, Extension of Conditional Use Permits.
 - b. In accordance with Section 5.4-J, Transfer of Conditional Use Permits:
 - No conditional use permit shall be transferred without the prior approval of the Board of County Commissioners.
 - c. 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.

Amendments to Conditional Use Permits: A Conditional Use Permit may be amended pursuant to the procedures and standards as required for a new CUP 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 #2018-09 – “DN01855A – Wamsutter Communications Site”).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 4th day of September, 2018.

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

-s- Willing John Johnson, Chairman
On behalf of the Carbon County
Board of County Commissioners

Attest:

Gwynn G. Bartlett, Carbon County Clerk

Commissioner Espy declared a conflict of interest due to his current and ongoing negotiations with Rocky Mountain Power regarding the Gateway Project and moved to the back of the room.

PUBLIC HEARING – C.U. Case File #2018-10 – “Gateway West Transmission Line Project”

Chairman Johnson opened a public hearing at 1:41 p.m. to hear Planning & Zoning C.U. Case File #2018-10, Rocky Mountain Power’s request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to construct the Gateway West Transmission Line, Segments 1W(a), 1W(c), 2, 3, and 3A, (Shirley Basin to Jim Bridger) and 230-kV Interconnectors. The project will consist of 500-kV, 230-kV, and 345-kV alternating current (AC) electric transmission lines and associated substation facilities as part of the PacifiCorp Energy Vision 2020 Plan.

Rod Fisher of Rocky Mountain Power introduced Nancy Smith, project manager, and other members of their team. Mr. Fisher presented a handout dated September 4, 2018 further explaining the project to construct a 191 mile transmission line. Construction is estimated to begin April 2019 and be completed by October 2020. Easements are dealing with commercial terms and not routing.

There is one outstanding routing issue with Rocky Mountain Sheep Company (RMSC) and they recommended a condition of today’s permit that would authorize the Planning Director to administratively approve an adjustment of the route to address this as needed. The original route did not follow two exiting power lines and RMSC proposes that they follow the route. While there is no guarantees, Mr. Fisher stated they are making efforts to follow the route. There is a programmatic agreement executed and he mentioned that if the BOCC requested that the various parties perform an expedited review it would be helpful as there are many parties. Chairman Johnson stated his concern for the request for Mr. Fox to be allowed to approve a variation in the route. Mr. Fisher stated that they have a timeline to follow and had hoped to avoid additional meetings before the Planning Commissioner and/or BOCC. Chairman Johnson offered to call a special meeting to review the change, if there is one. Mr. Fox thought that if RMP returns with a building permit application and written authorization from Rocky Mountain Sheep that the matter could be handled by staff.

The Chairman called for public comments for or against the case.

Christy Thompson, President of RMSC reported November 28, 2017 she provided testimony about concerns about water issues on a land locked parcel. While she appreciates the expeditious manner RMP wants to handle issues in, 14 months ago they asked for removal of the line and they were put off and they lost their request to have it denied but there was a condition by the Public Service Commission the company to work with her each 90 days. She requested additional oversight such as conditional permitting, and potentially 230 kV lines on standard wood poles rather than the proposed 500 kV lines. She referenced lawsuits in various states from fires that began from overhead power lines.

Mary Vivian Withrow, Secretary of RMSC further explained that she feels the project is that Gateway West is not needed. The project is driven by a desire to capture tax credits and that there is no power need from the project according to sworn testimony from RMP in 2017. She added the project is construed to be in the public interest rather than just the interest of RMP and will only create 7 full-time jobs. Ms. Withrow added that she hopes the BOCC seriously consider using eminent domain to serve corporate interest.

George Schneider of Ft. Steele reported that he met Mr. Fisher almost 10 years ago and the residents in the area requested the line be moved away from their housing and it was. He questioned why it took so long to determine a new location for the line.

Cindy Wallace, Director of Carbon County Economic Development Corporation stated her support for the project.

Chairman Johnson called for additional comments and there being none he closed the hearing at 2:26 p.m.

Commissioner Jones asked if an agreement can be reached with RMSC timeline and he replied that they have provided an agreement settlement term sheet noting they are under a confidentiality agreement right now so he can only speak a limited amount at this time.

Chairman Johnson mentioned that the PSC must have 100% of easements signed in order to grant the certificate of public necessity and convenience however they do have a conditional certificate at this point. Once this is received they can use eminent domain as a last resort however they have a long history of negotiating acceptable solutions and have never used eminent domain in Wyoming. If they are unable to reach an agreement with RMSC or any other landowner then there will be a time where they must use eminent domain to deliver on the project schedule.

Mr. Schneider added that this project is not a necessity and that Mr. Fisher is implying this is necessary by the potential use of eminent domain. Mr. Fisher stated that the WY PSC has deemed this is necessary by issuing the certificates of public necessity. Chairman Johnson stated that he distinctly remembers the BOCC hoping this could be done without use of eminent domain and Attorney Davis asked what the time frame is.

Mr. Fox stated that recommended condition #3 requires the applicant to submit proof of legal access prior to a building permit being issued and that the intent is to ensure they have legal access however this could be done by eminent domain. Attorney Davis mentioned this could be tabled for up to 60 days.

Mr. Fisher stated that around February 2019 would be the best case for the amended programmatic agreement to be accomplished with the alternative route. Commissioner Jones asked if a 6 month time frame with a letter and Mr. Fisher stated they have complied with the county's zoning regulations. Other agencies, such as the State of WY require the access issue to be resolved and he feels that complicating this with timelines is unnecessary. Mr. Fisher added that he feels Carbon County may be able to place a condition that would prevent the use of eminent domain.

EXECUTIVE SESSION

Commissioner Chapman moved to go into executive session at 2:43 p.m. with Gwynn Bartlett, Sid Fox and Ashley Mayfield Davis to discuss personnel, potential litigation and other matters considered confidential by law. Commissioner Davis seconded and the motion carried unanimously noting that Commissioner Espy did not vote nor attend the session.

Commissioner Chapman moved to come out of executive session at 3:09 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Davis seconded and the motion carried unanimously.

Planning & Zoning

Commissioner Chapman moved to authorize the Chairman's signature on Resolution 2018-37 A Resolution of the Board of County Commissioners of Carbon County, Wyoming Adopting the Recommendation of the Carbon County Planning & Zoning Commission regarding C.U. Case File #2018-10 – “Gateway West Transmission Line Project”. Commissioner Davis seconded and Attorney Davis the motion carried unanimously noting for the record that Commissioner Espy was still in the back of the room and did not vote.

Resolution No. 2018 – 37

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 #2018-10 – “Gateway West Transmission Line Project”

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, August 6, 2018, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, August 6, 2018, 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, August 6, 2018, 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, September 4, 2018; and

WHEREAS, at said public hearing on September 4, 2018, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed application; and

WHEREAS, the Carbon County Board of County Commissioners in considering said application have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2015, as amended, specifically, Section 5.4, 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 #2018-10: Request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to construct the Gateway West Transmission Line, Segments 1W(a), 1W(c), 2, 3, and 3A, (Shirley Basin to Jim Bridger) and 230-kV Interconnectors. The project will consist of 500-kV, 230-kV, and 345-kV alternating current (AC) electric transmission lines and associated substation facilities as part of the PacifiCorp Energy Vision 2020 Plan.

Project/Site Name: Gateway West Transmission Line and 230-kV Interconnectors Project

Petitioner: PacifiCorp doing business as Rocky Mountain Power

General Site Location: The Project crosses approximately 100 miles through Carbon County from Shirley Basin to the Carbon and Sweetwater County line.

TERMS AND CONDITIONS OF APPROVAL:

1. Site Plan Approval is required through the Building Permit review process. Building permit application(s) are required and must be submitted prior to construction.
2. The Applicant will provide survey or engineering drawings to the Carbon County Planning & Development Department prior to construction.
3. The Applicant will submit proof of legal access to the Carbon County Planning & Development Department prior to construction.
4. If adjustments to the transmission line centerline and access roads are required beyond those described in the Conditional Use Permit application, the applicant shall:
 - a. Notify the Carbon County Planning & Development Department in writing describing the proposed adjustments.
 - b. Upon receipt of a notice of proposed adjustments to the transmission line centerline and access roads, the Planning Director shall approve the adjustments by issuance of a building permit\zoning certificate; or,
 - c. If the proposed adjustments are deemed significant by the Planning & Zoning Director, the applicant may be required to submit a new Conditional Use Permit Application.
5. The Applicant will submit the Project PODs to the Carbon County Planning & Development Department when completed and approved by BLM.
6. Upon approval by the Board, the following provisions from the Zoning Resolution will be incorporated into the final Resolution:
 - a. In accordance with Section 5.4-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 with Section 5.4-I, Extension of Conditional Use Permits.
 - b. In accordance with Section 5.4-J, Transfer of Conditional Use Permits:
 - No conditional use permit shall be transferred without the prior approval of the Board of County Commissioners.
 - c. 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.
7. Applicants shall obtain and provide all required state and federal permits.

Amendments to Conditional Use Permits: A Conditional Use Permit may be amended pursuant to the procedures and standards as required for a new CUP 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 #2018-10 – “Gateway West Transmission Line Project”).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 4th day of September, 2018.

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

-s- Willing John Johnson, Chairman
On behalf of the Carbon County
Board of County Commissioners

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

ADJOURNMENT

Commissioner Espy moved to adjourn the meeting at 3:15 p.m. Commissioner Chapman seconded and the motion carried unanimously.

A regular meeting of this Board will be held September 18, 2018 at 2:00 p.m. at the Baggs Higher Education Center, Baggs, 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.