

**REPORT TO THE
MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, February 2, 2021
Carbon County Courthouse, Rawlins, WY**

A regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, February 2, 2021, 2021 at 9:00 a.m. at the Carbon County Courthouse in Rawlins, WY. Attending the meeting were Chairman, John Johnson, Vice Chairman, Sue Jones, John Espy, Travis Moore and Byron Barkhurst.

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

ADDITIONS / CORRECTIONS

Chairman Johnson added a State Loan and Investment Board Grant Agreement under the Clerk.

VOUCHERS

Commissioner Jones moved to approve the report of expenditures in the amount of \$969,576.90. Commissioner Barkhurst seconded, and the motion carried unanimously.

Vendor	Detail Line Description	Total
Acme Electric Company, LLC	Bucket Truck Rental	\$220.00
Albrechtson, Mary Kay	Bailiff Circuit Court	\$75.00
Apg Media Of the Rockies	Misc. Ads	\$303.50
Bank of Commerce (Ach)	6 Months Payroll Files	\$230.00
Black Hills Energy	Heating Services	\$21,914.06
Blakeman Propane	Heating Services	\$2,121.68
Bob Barker Company, Inc.	Gloves	\$166.72
Bomgaars Supply	Misc. Parts	\$479.72
Bowden, Kristin L	Printer Ink	\$41.22
Campbell County Fire Dept.	Kenny Creek Fire Assistance	\$7,293.44
Carbon County School Dist. #2	Library Rent	\$10.00
Carbon County Senior Services	Cares Act Mileage	\$349.17
Casper Winnelson Co	Misc. Parts	\$2,864.29
CDW Government, Inc.	Wi-Fi Adapter/HDMI Cable	\$178.59
CNA Surety	Notary Bond Renewal for W. Newbrough	\$50.00
Convergeone, Inc.	Software License	\$4,420.86
Couch II, Wayne M. D	Oct2020/Jan2021 County Health Officer	\$3,200.00
Cowboy Chemical	Jail Dishwasher Repair	\$1,001.05
Cowboy Supply House	Kleenex/Trash Bags	\$1,470.59
Cragun, Megan A	Mileage COVID-19 Vaccine Clinic	\$42.00

Dallin Motors Inc	Vehicle Maintenance/Repair	\$466.40
Dell Marketing L.P.	Computers	\$4,930.08
Dixon, Town of	Water Services	\$308.00
Drummond Refrigeration LLC	Repair Jail Walk in Cooler	\$170.00
E & H Plumbing & Const.	Install Expansion Tank on Heating System	\$805.00
Elevated Training Solutions	Dot Lab Fees	\$100.40
Elk Mountain Conoco	Fuel	\$270.57
Employers Council	Membership Dues Feb 21-Jan 22	\$6,000.00
Encartele	Data Purchased for Jail	\$750.00
Erickson & Roberts	Legal Services	\$486.80
FCI Constructors of Wy	Carbon Building Elevator	\$710,092.80
France, Tara	Court Reporter Services	\$1,713.50
Further	HRA Reimbursement	\$2,618.32
Galls/Quartermaster	Deputy Uniforms	\$100.70
Goodwin, Mandy	Library Board Mileage	\$25.80
Grainger	Misc. Parts	\$1,607.99
Hanna, Town Of	Water Services	\$272.76
High Plains Power	Electric Services	\$519.14
Hostlers General Store	Fuel/Drinks	\$169.89
Hughes, Chris	Planner	\$35.69
IML Security Supply	Keypad Lock	\$251.09
Ispyfire, Inc.	Dues	\$500.00
Jack's Body & Fender Repair	Tow Services	\$114.00
L N Curtis & Sons	Annual Flow Test	\$152.00
Laramie Fire Extinguisher	Annual Inspections	\$312.00
Long Building Tech., Inc.	Iso PVC Prox Card/Boiler Maintenance	\$1,935.00
Lujan, Michael	Sar Spring Meeting Meal/Drinks	\$246.75
Martinez, Sandra	Elec Monitor Refund	\$862.50
McCarthy, David P.C	Legal Services	\$9,706.77
McKesson Medical-Surgical	Jail Meds	\$265.29
Merback Award Company	Plaque Engraving	\$93.60
MHL Systems	Carbide Teeth	\$2,730.00
Mountain West Motors	Transmission Parts	\$1,687.84
My Office Etc.	Masks/Wipes/Office Supplies	\$126.32
Norco, Inc.	Cylinder Rental	\$199.29
Northern Truck Equip. Co.	Blower Cutting Edges	\$689.69
O'Reilly Auto Parts	Belt/Antifreeze	\$16.18
Perkins Oil Co	Fuel	\$3,525.28
Phillips 66-Conoco-76	Fuel	\$34.82
Quill Corporation	Misc. Office Supplies	\$931.10
R.P Lumber Company, Inc.	Misc. Supplies	\$2,646.44

Rawlins Automotive	Misc. Parts	\$1,092.89
Rawlins Glass Center, Inc.	Glass for Interim Justice Center	\$83.56
Rendezvous Lodge LLC.	Fuel	\$78.77
Rietveld, Toni	Planner	\$10.34
Rodabaugh, Sherry	Bailiff Circuit Court	\$75.00
Rudbeck	R&B Heater Parts	\$137.50
Saratoga Auto Parts, Inc.	Misc. Parts	\$1,859.71
Schaeffer Mfg. Co	Oil/Lube	\$1,271.31
Schilling & Winn Pc	Legal Services	\$2,714.55
Shepard, Shandra Np	Nov2020/Jan 2021 Services	\$832.00
Shively Hardware	Misc. Parts	\$209.06
Slow & Steady Law Ofc, PLLC	Legal Services	\$5,160.00
Smith Psychological Services	Preemployment Eval	\$400.00
South Central Wy Ems	Ambulance Repair & PPE Cares Act Reimburs.	\$43,129.78
Staples Advantage	Misc. Office Supplies	\$355.83
State of Wyoming A & I	Mainframe	\$75.93
Stinker Stores, Inc.	Fuel	\$1,338.14
Summit Food Service	Jail Meals	\$6,528.23
Swanson Services Corp.	Jail Commissary/Credit	\$1,276.89
Tharpe Consulting	Sheriff Training T. Lakia	\$275.00
The Masters Touch, LLC	Alert Sense Postcards	\$3,279.73
Tin Boy Garage	Trailer Tires/Mud Flap	\$159.00
T-O Engineers	Project 190035 DWX Master Plan Update	\$3,461.25
Tractor Supply Credit Plan	Drill Driver Impact Driver Kit	\$179.99
Trevathan, Sabrina RMR	Transcription Services	\$400.80
Triple X Contracting, Inc.	Trash Services	\$100.00
True Value of Rawlins	Misc. Parts	\$347.94
Tyler Technologies, Inc	It Internet & Website	\$275.63
U S Postmaster-Rawlins	Po Box Dues	\$56.00
UPRSWDD	Trash Services	\$380.00
Wilson, Margaret	6 Patches	\$24.00
Winters Griffith Architects	Fee Design Services/Construction	\$74,886.00
Wy Diesel Service	Dot Annual Inspection	\$337.50
Wy Law Enforcement Academy	Detention Officer Training	\$852.50
Wy Machinery Company	Misc. Parts	\$1,809.79
Wy Secretary of State	Notary Renewal for W. Newbrough	\$30.00
Wy Sheriff's Association	Dues 2021	\$687.00
WyoPass	CCPZ Commission 2021 WyoPass Membership	\$440.00
Y2 Consultants, LLC	Natural Resource Management Plan	\$10,063.59

CONSENT AGENDA

Commissioner Espy moved to approve the consent agenda noting any item could be removed for separate action. The consent agenda includes the January 19, 2021 regular meeting minutes, monthly receipts from Carbon County Road and Bridge in the amount of \$100.00, monthly receipts from Planning and Development in the amount of \$1,251.00, bonds for John Hansen, Treasurer for the Predator Management District in the amount of \$10,000.00, Suzi Cox, Secretary for the Saratoga Cemetery Board in the amount of \$10,000.00 and Randy Arnold, Treasurer for the Saratoga, Encampment, Rawlins Conservation District in the amount of \$100,000.00. Commissioner Moore seconded, and the motion carried unanimously.

ELECTED OFFICIALS & DEPARTMENT HEADS

Emergency Management

Lenny Layman, Emergency Management Coordinator presented an update for Alert Sense and spoke about attending upcoming Town Council Meetings in Saratoga, Elk Mountain and City of Rawlins.

Mr. Layman spoke about a new software that the State of Wyoming is looking at as a state standard called Salamander. Salamander provides emergency management with the tools they need to manage small and large events as well as day-to day activities. The system provides badges for various individuals working on behalf of the county such as Search & Rescue, Fire and others.

Mr. Layman also spoke about subscribing to Government Emergency Telecommunication Services (G.E.T.S.) which supports national leadership; federal, state, local, tribal and territorial governments, first responders and other authorized national security and emergency preparedness (NS/EP) users. It is intended to be used in an emergency or crisis when the landline network is congested and the probability of completing a normal call is reduced.

Mr. Layman reported that one of his goals is to bring a stronger presence of the American Red Cross in Carbon County and recently met with them. He will be having additional trainings on this to ensure the county is prepared. If he implements his plan, Carbon County will be the most prepared in the state.

Mr. Layman will be working with a representative of the County Attorney's Office to implement an Emergency Operations Plan and Preparedness Plan, hopefully this spring or summer. He is working on fire management assistance grants that provide mitigation funds after a fire event. The funds are available, but the county must write proposals to request funding from the state. Carbon and Albany should be at the top of the list due to the recent Mullen Fire. Yesterday Travis Pardue, Joan McGraw, Ron Brown met with him and developed a potential project list.

Mr. Layman reported he received an additional \$1,500.00 donation from Tallgrass Energy for the C4. He has matched this with Homeland Security funds already as well. The C4 grand opening for specific groups of individuals, including the county elected officials will occur February 16 at 1:30.

IT

Matt Webster, Carbon County IT Director presented the Fatbeam Internet Renewal Contract for the County's existing internet connection for Commissioner approval and signature. The county currently pays \$2,500.00 per month for 200Mbit internet service. This agreement will decrease our cost to \$2,180.00 per month and increase our speed to 1Gbit (a fivefold improvement). Over the 60-month term on this contract we would be saving \$19,200.00 over our existing agreement, and quintupling our bandwidth

Commissioner Barkhurst moved to waive the county's procurement policy based on the fact that Fatbeam is the county's current internet service provider and that there are no other providers and to approve the Chairman's signature on the Fatbeam Internet Renewal Contract for a term of Five years in the amount of \$2,180.00 per month pending attorney approval. Commissioner Espy seconded and the motion passed unanimously

Matt Webster, Carbon County IT Director requested approval to hire an additional employee to the IT Department. The employee would be responsible for hardening the county's network as well as taking over building systems such as security, door systems, HVAC, etc..... Commissioner Espy would like to table the request until the budget season begins to determine how the county can fund this. Commissioner Jones agreed. Commissioner Barkhurst asked if this is something the county could contract. Mr. Webster stated a contractor may not monitor everything daily and thought an employee would be a better solution. Commissioner Moore indicated he would need more information including how much the county currently spends on contractors but also realizes this is important. Chairman Johnson stated this is important to make the position sustainable with funding therefore would like to wait on the process as well. Mr. Layman discussed the possible opportunity for grant funding and an upcoming threat assessment that he is having done that may be able to assist. The assessment could include the county's IT infrastructure and help with identification of funding opportunities as well.

Clerk Bartlett reported she reached out to a contact for contract companies that can provide these services.

Sheriff

Archie Roybal, County Sheriff provided an update for his office. He is in the process of hiring two new deputies and gave statistics on the number of calls, inmates, etc. He stated he is working with Lenny Laymen to apply for a Homeland Security grant to obtain a boat for searches. Commissioner Jones asked about a deputy at the new Medicine Bow facility and Sheriff Roybal stated that he has a deputy there now but is waiting for computers to be installed for the office to be fully functional.

Buildings & Grounds

Jim Piche, Buildings & Grounds Manager presented proposals that were received for Contract Janitorial Services. Proposals were received from Ghost Cleaning for janitorial services at the Carbon County Detention Facility in the amount of \$31,200.00 and from K.I. Cleaning Services

at the Courthouse in the amount of \$75,600.00, Carbon Building in the amount of \$50,400.00, Interim Justice Center in the amount of \$37,800.00 and the Carbon County Detention Facility in the amount of \$28,980.00 totaling \$192,780.00. Mr. Piche noted 2 full time and 1 three-quarter time employees could be hired for the same amount however this would not cover each building.

Mr. Piche recommends that we award the Courthouse, Carbon Building, Interim Justice Center, and Carbon County Detention Facility contracts to K.I. Cleaning Services.

Commissioner Jones moved to approve the Contract for Janitorial Services to K.I. Cleaning Services for the Courthouse in the amount of \$75,600.00, Carbon Building in the amount of \$50,400.00, the Interim Justice Center in the amount of \$37,800.00 and the Carbon County Detention Facility in the amount of \$28,980.00 and to authorize the Chairman to sign a contract with K.I. Cleaning when available. Commissioner Espy seconded and Commissioner Barkhurst wanted to be sure there is recourse in the contract should performance drop. The motion passed with all voting for the motion except Commissioner Barkhurst who voted against.

Mr. Piche discussed a hydronics plan for the Interim Justice Center. The building was originally wide open and many of the ducts were only heat or only air conditioning. He proposes putting a new boiler in the garage area and revising the rest of the system to eliminate the electric heat. He feels like his staff can install the system for half of what it would cost to bid it and could complete it in 30-60 days. Commissioner Jones asked for more solid prices from a contractor before proceeding and she was leaning towards hiring the job out. Commissioner Barkhurst asked if some variable air volume unit (VAVs) are not functional and Mr. Piche replied they are all functional, but some are air conditioning only and some heat only. They looked into adding electronic hydronics to the air conditioning only however the building does not have enough power. The cost savings will come from reduced utilities in the future.

The Board asked Mr. Piche to bring estimated prices to Commissioners Espy and Johnson for a contractor versus in house and those two can determine how to move forward.

Public Health

Public Health Nurse, Amanda Brown along with Dr. Wayne Couch, Carbon County's Health Officer provided a COVID-19 case update. Commissioner Barkhurst asked why COVID-19 is still popping up in schools when children and staff follow strict mask mandates. Ms. Brown replied that masks are not always worn, and the clusters can pop up in sports teams, from home and elsewhere students may gather.

Ms. Brown said vaccines are actively being given and now residents over 65 can pre-register for the vaccine. They are now on phase 1B of the vaccine plan and will continue to vaccinate those in earlier phases and will continue to other phases as directed by the state.

COMMUNITY CHARITABLE RELIEF PROGRAM AWARDS

Clerk Bartlett stated that she received numerous charitable relief program applications. The program came from the Governor's Office using Cares Act funds and Carbon County has just over

\$338,000 to offer to 501c3 and 501c19 organizations in the county. She overviewed the rules and reported she received applications from Boys & Girls Club, Kiwanis Club of Platte Valley, Wee Folks Place, Sinclair Baptist Church and Baptist Youth Mission, Assisted Care Facility, Society of St. Vincent DePaul, High Country Behavioral Health and Carbon County Senior Services. She requested the latitude to work with many of them on revising their applications and determine appropriate funding amounts. Boys and Girls Club could not be funded as they had already received other COVID-19 relief funds and High-Country Behavior Health could not be funded as they are not headquartered in Carbon County. Even if the county could avoid that rule somehow, she stated that they were funded from at least one and maybe two other counties therefore those funds have to be accounted for and it would reduce their request to zero.

Commissioner Jones moved to authorize the County Clerk and County Attorney to determine what can be funded under the Charitable Relief Program, to pay those entities and to authorize any commissioner to sign agreements with funded organizations prior to payment. Commissioner Espy seconded and the motion carried unanimously.

MEMORIAL HOSPITAL OF CARBON COUNTY (MHCC)

Ken Harmon, Chief Executive Officer for Memorial Hospital of Carbon County presented a monthly update on the status of MHCC including financials, physician recruitment, as well as COVID-19 cases, testing and vaccines.

Planning and Development

Commissioner Barkhurst moved to accept the Certification of Recommended Action from the Carbon County Planning & Zoning Commission for Z.C. Case #2021-02 - Jason and Radona Williams, C.U. Case #2021-01 – “Three Forks Lodge & Spa”, Z.C. Case #2021-03 - Blakeman Propane, MINOR SUB Case #2021-01 - Ingleby Minor Subdivision/Blakeman Propane, C.U. Case #2021-02 – “Blakeman Propane Bulk Storage Facility” and to schedule a public hearing for March 2, 2021 at 11:15 a.m. at the County Courthouse in Rawlins, Wyoming. Commissioner Espy seconded and the motion carried unanimously.

Public Hearing - Z.C. Case #2021-01 - James Phillips and Kathleen Martinez

Chairman Johnson opened a public hearing at 11:14 a.m. to hear Planning & Zoning Case File No. Z.C. Case #2021-01 - James Phillips and Kathleen Martinez, Request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Residential (RD-5) on approximately 5 acres, located on the Borders of Saratoga on the south side of Sierra Madre Avenue. The RD Zone is intended to provide land for residential development that is typically single family detached and located within Town Expansion Areas and within or nearby Rural Centers. Residential single-family zones are intended to be located in areas planned for residential development that are easily accessible and infrastructure already exists or is readily available. Marlin Johnson, County Planning Director presented the case file.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Johnson closed the hearing at 11:17 a.m.

Commissioner Espy moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2021-04, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding Case File No. Z.C. Case #2021-01 - James Phillips and Kathleen Martinez, request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Residential (RD-5) on approximately 5 acres, located on the Borders of Saratoga on the south side of Sierra Madre Avenue. Commissioner Barkhurst seconded, and the motion carried unanimously.

Resolution No. 2021 - 04

**A Resolution of the Board of County Commissioners of Carbon County, Wyoming,
adopting the recommendation of the Carbon County Planning and Zoning Commission.
Z.C. Case File #2021-01**

WHEREAS, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on Monday, January 4, 2021, which hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, January 4, 2021, 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, January 4, 2021, public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners to adopt the zone change as an amendment to the Carbon County Official Zoning Map for Carbon County, Wyoming; and

WHEREAS, the Carbon County Board of County Commissioners, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation of this zoning amendment to the Carbon County Official Zoning Map, advertised by public notice at least 14 days prior to a public hearing to take public input and comments on the proposed amendment, which said hearing occurred on Tuesday, February 2, 2021; and

WHEREAS, at said public hearing on February 2, 2021, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed amendment; and

WHEREAS, the Carbon County Board of County Commissioners in considering the proposed amendment have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2015, as amended; and

WHEREAS, the Carbon County Board of County Commissioners have determined that the proposed amendment is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and that the proposed zone change meets the following applicable criteria of the Carbon County Zoning Resolution of 2015, as amended; and

WHEREAS, at a regularly scheduled meeting of the Carbon County Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the proposed zoning amendment to the Carbon County Official Zoning Map.

Z.C. Case File #2021-01: Request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Residential (RD-5) on approximately 5 acres. The RD Zone is intended to provide land for residential development that is typically single family detached and located within Town Expansion Areas and within or nearby Rural Centers. Residential single-family zones are intended to be located in areas planned for residential development that are easily accessible and infrastructure already exists or is readily available.

Petitioners: James Phillips and Kathleen Martinez (Applicants and Landowners)

Rural Address: 34B Sierra Madre Avenue

Parcel Identification Number: 17842320005000

General Site Location: Borders Saratoga on the south side of Sierra Madre Avenue

Legal Description (taken from Deed, Book 1337, Page 87): Parcel 2: E1/2 E1/2 N1/2 NE1/4 NW1/4, Section 23, T17N, R84W, 6th P.M., Carbon County, Wyoming.

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

That the Carbon County Board of County Commissioners, hereby adopts this amendment as certified to them in writing by the Carbon County Planning and Zoning Commission and the existing zone shall be changed from Ranching, Agriculture and Mining (RAM) to Residential (RD-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 2nd of February 2021.

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

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

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

**Public Hearing - C.U. Case #2020-05-Union Telephone Company - Bureau of Land
Management**

Chairman Johnson opened a public hearing at 11:18 a.m. to hear Planning & Zoning Case File No. C.U. Case #2020-11-Union Telephone Company and Bureau of Land Management, request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to replace the existing 45-foot tower with a permanent 140-foot tower, located at Coyote Hill Site 13 miles southeast of the Town of Riverside and approximately one-half mile south of State HWY 230. Marlin Johnson, County Planning Director introduced Sarah Brugger, GIS Specialist who presented the case file. Ms. Brugger introduced Ryan Schmidt who was present on behalf of Union Wireless.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Johnson closed the hearing at 11:25 a.m.

Commissioner Espy asked if A Bar A is still unhappy with the height. Mr. Schmidt reported he has not heard back from them regarding 80' and Chairman Johnson noted the Federal Aviation Administration approved 145'. Commissioner Jones asked about an existing tower. Mr. Schmidt reported there is a tower that is at capacity and they have a co-location request there. The existing tower can't handle the equipment therefore the expansion is necessary.

Commissioner Espy moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2021-05 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding Case File No. C.U. Case #2020-11-Union Telephone Company and Bureau of Land Management's, request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to replace the existing 45-foot tower with a permanent 140-foot tower, located at Coyote Hill Site 13 miles southeast of the Town of Riverside and approximately one-half mile south of State HWY 230. Commissioner Barkhurst seconded, and the motion carried unanimously.

Resolution No. 2021 – 05

**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 #2020-05 – “Coyote Hill 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 3, 2020, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, August 3, 2020, 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 3, 2020, public hearing and with the applicant's consent the Carbon County Planning and Zoning Commission tabled the request until October 5, 2020; and

WHEREAS, the Carbon County Planning and Zoning Commission held and reopened said public hearing on Monday, October 5, 2020; and provided the public the opportunity to comment; and

WHEREAS, at the conclusion of the Monday, October 5, 2020, public hearing and with the applicant's consent, the Carbon County Planning and Zoning Commission tabled the request until November 2, 2020; and

WHEREAS, the Carbon County Planning and Zoning Commission held and reopened said public hearing on Monday, November 2, 2020; and provided the public the opportunity to comment; and

WHEREAS, at the conclusion of the Monday, November 2, 2020, public hearing and with the applicant's consent, the Carbon County Planning and Zoning Commission tabled the request until January 4, 2021; and

WHEREAS, the Carbon County Planning and Zoning Commission held and reopened said public hearing on Monday, January 4, 2021; and provided the public the opportunity to comment; and 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, February 2, 2021; and **WHEREAS**, at said public hearing on February 2, 2021, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed application; and

WHEREAS, the Carbon County Board of County Commissioners in considering said application have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2015, as amended, specifically, Section 7.7, Conditional Use Permits; and

WHEREAS, the Carbon County Board of County Commissioners have determined that the proposed permit is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and the Carbon County Zoning Resolution of 2015, as amended, and otherwise promotes the health, safety and general welfare of the residents of Carbon County; and

WHEREAS, at a regularly scheduled meeting of the Carbon County Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the following Conditional Use Permit Application:

C.U. Case File #2020-05: Request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to replace the existing 45-foot tower with a permanent 80-foot tower.

Project/Site Name: Coyote Hill

Applicant: Union Telephone Company

Landowner: BLM

General Site Location: Coyote Hill Site is located 13 miles southeast of the Town of Riverside and approximately one-half mile south of State HWY 230.

Legal Description: A fifty-five (55') foot by one hundred (100') foot parcel of property located in the SW1/4 of the NE1/4 of Section 2, Township 13 North, Range 82 West of the 6th Principal Meridian, Carbon County, Wyoming. Said parcel contains 0.126 acres.

TERMS AND CONDITIONS OF APPROVAL:

1. The maximum overall tower height shall be 80 feet.
2. The existing smaller tower will be removed within two (2) years from the activation of the new communications tower.
3. An area with a radius equal to at least 110% of the tower height must be maintained by the landowner and the permit holder as a Clear Zone. Habitable structures unrelated to the operation of the tower shall not be located within the clear zone.
4. The Applicant or owner must post a sign at the entrance that includes the facility name and the name and phone number of the responsible person in event of an emergency.
5. Any modifications to the structure that increase its surface footprint or is over the permitted tower height will require a new Conditional Use Permit.

6. Building Permit(s) are required prior to the start of construction.
7. Prior to the start of construction, the Applicant shall submit an approved Wyoming Game and Fish DDCT Analysis worksheet and related maps to the Carbon County Planning & Development Department.
8. The Applicant shall provide a copy of the FCC Phase II Compliance to the Carbon County Planning & Zoning Department along with any application for new communication towers and modifications to existing communication towers.

FCC Website Address: <https://www.fcc.gov/general/enhanced-9-1-1-wireless-services>.

9. The Applicant or owner must notify the Carbon County Planning & Development Department in writing of any material changes to the project subsequent to the County issuance of the Conditional Use Permit.
10. Upon approval by the Board, the following provisions from the Zoning Resolution will be incorporated into the final Resolution:

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

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

If any such use cannot be commenced until construction of structures, buildings and other physical assets associated with the use are completed, then construction of such structures,

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

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

If the project has not been commenced as required, the Applicant(s) may request from the Board an extension of the permit for a period of up to twenty-four (24) months upon a showing of good cause. The Applicant(s) shall apply to the County, through the Department, in writing for the extension no later than ninety (90) days prior to the expiration of the permit or any previously granted extension. At the time of the application for the extension the Applicant(s) shall provide such information as is necessary for the County to determine whether good cause exists for the extension. Good cause may include, but is not limited to, good faith efforts to obtain required authorization from other agencies with jurisdiction, delay in construction due to weather conditions, pending litigation, or other causes which have delayed the project, and which are beyond the reasonable control of the Applicant(s). The Applicant(s) may request not more than two (2) separate extensions from the Board, with such total extension period not to exceed forty-eight (48) months. The Board shall promptly consider the application for the extension and either allow it or deny it.

1. Requests for subsequent extensions of the permit shall first be presented to the Commission no later than ninety (90) days prior to the expiration of the permit or

any previously granted extension. The Commission shall recommend to the Board either approval or denial of the extension of the permit. The recommendation of the Commission shall be considered by the Board at their next regular meeting.

2. No permit shall expire during the time the decision on the extension is being considered.
- c. Section 7.7-J--Transfer of Conditional Use Permits.
No conditional use permit shall be transferred without the prior approval of the Board in accordance with the following:
 1. The Board may authorize transfers of permits to a different person if:
 - a. The permit transfer request is initiated by a written request from the current permit holder and accompanied by a written acceptance of the permit, its terms and conditions by the prospective transferee.
 - b. The permit transfer request is heard by the Board at a public meeting after notice is published.
 - c. The permit transfer administrative fee has been paid.
 - d. Board approval shall not be unreasonably withheld upon good cause shown.
 - d. Section 7.7-K--Amendments to Conditional Use Permits.
A Conditional Use Permit may be amended pursuant to the procedures and standards as required for a new Conditional Use Permit application.

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

That the Carbon County Board of County Commissioners hereby approves this Conditional Use Permit (CUP) as certified to them in writing by the Carbon County Planning and Zoning Commission as represented in the Conditional Use Permit (C.U. Case #2020-05 – “Coyote Hill Communications Site”).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 2nd day of February 2021.

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

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

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

Public Hearing - C.U. Case #2020-11-Union Telephone Company and City of Rawlins

Chairman Johnson opened a public hearing at 11:27 a.m. to hear Planning & Zoning Case File No. C.U. Case #2020-11-Union Telephone Company and City of Rawlins', request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to replace the existing 45-foot tower with a permanent 80-foot tower, capable of a 20-foot future extension, with

the total structure height being 107 feet including appurtenances, located at the Rawlins North Water Tank Communications Site outside of City limits next to the Rawlins Water Tank on the west side of US HWY 287. Marlin Johnson, County Planning Director introduced Sarah Brugger GIS Specialist who presented the case file. She pointed out this is a replacement of an existing 45' tower with an 80' one. Originally the tower was not approved by the county but at the time the City of Rawlins had jurisdiction over this. Ms. Brugger noted that there was a petition of area residents received opposing this. Ms. Brugger stated the criteria for these permits and Union met these criteria. Mr. Johnson expanded the courtesy notification list therefore more citizens were notified.

Scott Shellenberger and other residents of Happy Hollow and Painted Hills had submitted a letter and petition opposing the permit to the County Clerk. Clerk Bartlett also stated that she had also received emails from Justin and Amy Bentsen and Curtis and Peggy Penman requesting to stop the 107-foot cell phone tower installation behind the homes at Happy Hollow and Painted Hills. They both stated that they have requested that Union Wireless move the tower up the hill, which a Union representative said he would be willing to look at. They also state, a representative of the City of Rawlins said they could lease that site location to Union Wireless.

Kenny Wilson reported he is one of the adjacent landowners that was contacted, and he requested that the notification be expanded. He feels like this project is such a bad fit as these are nicer subdivisions in Rawlins and a microwave tower is a bad fit. He believes Union is downplaying the health effects and he is concerned. He had Patty Armenta, a local realtor come to his property and stated she said this case would have a negative effect on his property value. He essentially said individuals that are too close are being "slow cooked 24/7".

Scott Shellenberger stated his objection to this are both height and health concerns. He had previously submitted a letter and PowerPoint for the board to view. He stated that the fact that this didn't originally get permitted through the county therefore he thinks the height and health issues are inconsistent with what should be in a residential neighborhood. He feels like the project is detrimental to land values and does not fit with land uses in the area.

Commissioner Espy stated the 45' tower exists and an 80' tower may come with up to 170' and asked if Mr. Shellenberger is against all of these. He stated currently in a shadow zone and feels if the tower were slightly moved up the hill many of the issues would be resolved. He therefore objects to the expansion. Chairman Johnson called for comments for or against the case. There being no additional comments Chairman Johnson closed the hearing at 11:42 a.m.

Commissioner Jones asked Mr. Schmidt his thoughts on a proposed new location up the hill. The landowner is still the City of Rawlins and she wondered if they have investigated this. Mr. Schmidt stated they did run studies on the suggested alternate location vs. the proposed location and along Highway 287, subdivisions and around 3rd street in Rawlins, diffraction would be created therefore creating a heavily reduced user experience. Basically, there would be a gap in quality of service. Mr. Schmidt provided a PowerPoint outlining this. Ms. Brugger stated the Planning Commission considered whose viewshed the new proposed site would affect, essentially would there be a new group of individuals that would not like that location. Commissioner Barkhurst thought this would be minimal.

Commissioner Barkhurst asked what the timeline is and if Union would be willing to explore other alternate sites that haven't been brought up. Mr. Schmidt stated they may not necessarily be opposed to looking at other locations however there would be added expense for Union to relocate and he would worry about service. He offered to bring back data on specific requested locations or just back on the hill.

Commissioner Jones asked if they would lease space and Mr. Schmidt stated AT&T co-locates here with the first responder network. Commissioner Espy asked if the Board capped this at 80' now without approving a further extension if that would hurt Union. Commissioner Barkhurst stated that his opposition in the past has been the additional height without having to come back before the process but that the Coyote Hill case was capped at 80'.

Commissioner Jones asked more about the necessity of the first responder network and the necessity of this. Mr. Schmidt stated the first responders give first priority and there is a need, and this is a nationwide service. Commissioner Jones followed up by asking if Union could ever expand towers to provide broadband and if towers must be high for this. Mr. Schmidt replied broadband doesn't depend on height.

Mr. Shellenberger followed up by stating he feels the neighborhoods objection is mainly health concerns, especially if towers were to go to 5G as the intensity increases. He stated his research says if you are within $\frac{1}{4}$ mile of a tower it is detrimental to one's health. Secondly the concern is view. Attorney Davis stated there is a federal law, the Telecommunications Act of 1996 that prohibits the BOCC from making a decision based on emissions. Ms. Brugger stated the Conditional Use Permit criteria is the BOCC's scope. She overviewed some of this.

Chairman Johnson stated he feels a petition signed by 27 individuals is powerful for him and he feels Union should investigate alternative locations. Commissioner Barkhurst concurred and pled with the applicant to consider this.

Mr. Wilson stated that due to COVID-19 he stopped the petition and therefore feels like there would likely be more names on it had he continued. Only 3 of the individuals declined to sign. Commissioner Espy stated there is already an existing tower here and he knows there will likely always be one. He would like Union to consider what the absolute minimum height is to accomplish what they need at its existing location.

Mr. Schmidt asked if Union looked at minimum height, what is the use the BOCC would like to see. i.e., multiple carriers, a certain capacity, or something else. Chairman Johnson replied that the BOCC should not build the application. Commissioner Barkhurst asked if the BOCC referred the case back to the Planning Commission what the timeframe would look like. Attorney Davis stated this could be tabled up to 60 days if the board desires or referred back to the Planning Commission with the applicant's consent.

Chairman Johnson asked the height to be addressed and Union to work with landowners to come to an amicable solution and if that is doable and how much time that would take. The locations and height can be done quickly according to Mr. Schmidt however he is unsure about the timeline

to have conversations with landowners. He would be more comfortable with exploring other alternatives up the hill and looking at the height at the current location. He agreed to do everything in their power to have conversations. Mr. Shellenberger stated he likes the suggestion of 30 days and that Union could host an evening meeting and many residents would likely attend.

Commissioner Espy moved to table Case File No. C.U. Case #2020-11-Union Telephone Company and City of Rawlins, request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to replace the existing 45-foot tower with a permanent 80-foot tower, capable of a 20-foot future extension, with the total structure height being 107 feet including appurtenances, located at Rawlins North Water Tank Communications Site outside of City limits next to the Rawlins Water Tank on the west side of US HWY 287 to be heard within the next 60 days. Commissioner Barkhurst seconded, and the motion carried unanimously.

Road & Bridge

Kandis Fritz, Road & Bridge Coordinator discussed cabinets and counters currently stored in the Rawlins shop that were removed from the Carbon Building. She requested those be designated to various shops throughout the county as needed.

Clerk Bartlett discussed that as offices move older furniture will need to be moved out offered to other departments then stored until it can be sold or disposed of and asked the BOCC if they would like to hold multiple sales to ensure we have enough storage room. Winters Griffith was contracted to determine what can be reused and what needs purchased in the project. This was indicated with pictures and a description of each piece of furniture and those were marked with a grade rating, A being reusable. She noted that many of the lateral, metal file cabinets can be reused and those should be held onto until the end. The BOCC agreed that anything removed should be held for county departments then once ready the board can designate it as surplus and sell it.

Ms. Fritz stated she got a call from a logger regarding County Road 500 noting that individual was in favor of the proposed overweight policy that will be heard by the board at their next meeting. Ms. Fritz discussed 14.5 miles of County Road 500 to the cattleguard where the road splits to the forest. 29,000 tons would be required to gravel 2 ton per mile totaling \$232,000.00. Adding mag chloride at \$87,000 for 14.5 miles. To contract trucking would be over \$875,000 for gravel and trucking. Ms. Fritz requested and received authorization to bid mag chloride on various county roads. The work would be paid for with impact funds and road funds.

Ms. Fritz presented three Agreements for Right of Way Easements on County Road #451 for Commissioner approval. Agreements were received from Gloria J. Young, Sandford Schrock and Trent A. Morgan.

Commissioner Espy moved to approve the Chairman's signature on the three Agreements for Right of Way Easements on County Road #451 for Gloria J. Young, Jarin & Kim Holloway, Sandford Schrock, and Trent A. Morgan. Commissioner Moore seconded and the motion passed unanimously.

Clerk

Gwynn Bartlett, Carbon County Clerk reported the WY Business Council Grant has officially issued the Administrative Closeout of the Union Wireless grant the county sponsored around 2012. The grant funded the purchase and remodel of the current Union Wireless building and they rent it from Carbon County Economic Development Corporation. EDC may sell or continue to rent the building at this point and use funds for further economic development.

Clerk Bartlett discussed the potential extension of the Families First Coronavirus Response Act (FFCRA). The full FFCRA law was not extended into 2021, however employers can now elect to continue allowing employees to take FFCRA paid sick and family leave and receive the federal tax credit through March 31, 2021. She would like to Commissioners approval to extend FFCRA until March 31, 2021 noting as a county government, we are ineligible for the credit. To date thirty-eight individuals have utilized the leave costing the county \$47,000.00. She noted that without this leave individuals would have to use their own sick and/or vacation leave to be paid and she is concerned that employees may come to work sick without the expanded leave.

Commissioner Moore moved to extend the Families First Coronavirus Response Act to March 31, 2021. Commissioner Espy seconded and the motion passed unanimously.

Clerk Bartlett discussed an upcoming closure to the Carbon Building due to construction. A new elevator is being installed in the Carbon Building and to accommodate the new elevator's power needs, the switchgear must be replaced. It will take approximately 4 days to replace the switchgear which will require the power in the entire building to be shut off and therefore the building must be closed to all occupants, staff, patrons, etc. The plan is to shut power down all day for 4 days – tentatively scheduled for Friday, March 5 through Monday March 8. She is not 100% certain those will be the dates but should know about 30 days before the closure. She would like to know if the BOCC would like the Planning Department to work remotely or have those days off or leave it to the Department Heads.

Clerk Bartlett state that she received a request from Will Faust, the Saratoga Lions Club Race Director to hold a Calcutta Betting Track at the 5th Annual Skijoring Races on February 6 and 7 at the Buck Springs Arena. The Lions Club retains 10% of the purse for charitable causes per state statutes and returns the remainder of the pot to the winners. Club proceeds help fund their annual scholarship, kids fishing day, junior golf program, Platte Valley Little League, and the Platte Valley Medical Center.

Commissioner Jones moved to approve the Saratoga Lions Club to hold a Calcutta Betting Track at the 5th Annual Skijoring Races on February 6 and 7 at the Buck Springs Arena. Commissioner Barkhurst seconded, and the motion passed unanimously.

Clerk Bartlett presented a board application that she received from Chris Iacovetto for appointment to the Carbon Museum Board.

Commissioner Espy moved to appoint Chris Iacovetto to the Carbon County Museum Board for an unexpired 3-year term ending June 30, 2023. Commissioner Moore seconded and the motion passed unanimously.

Clerk Bartlett reported the county was awarded a State Loan and Investment Board Grant in the amount of \$80,000 with a match in the same amount for a new fire truck to be located in Rawlins.

Commissioner Moore moved to authorize the Chairman's signature on the State of Wyoming, State Loan and Investment Board Grant Agreement in the amount of \$80,000.00, Grant ID MRG-19079 for a new fire truck. Commissioner Espy seconded and the motion carried unanimously.

Clerk Bartlett asked Chairman Johnson to re-sign the Final Proof of Loss approved at the last meeting as the amount was reduced by the amount of sales tax paid on a damaged Sheriff vehicle. Her office will work with the repair shop to get a refund of the tax.

Clerk Bartlett informed the BOCC that the Clerk's Office will have very limited services on Thursday, February 4, 2021 for most of the day due to a software upgrade to the Tyler and Document Pro systems. Which will mean her office will be unable to titles, marriage licenses or anything in the land department until the upgrade is complete. She has posted this information on the website, Facebook and has placed an ad in the Rawlins and Saratoga newspapers notifying the public, notified the radio station who will mention this and all county employees via e-mail.

Clerk Bartlett also reported that numerous individuals in her office were recently trained on election ballot coding. Essentially this is laying out the ballots with races and candidate names. If the county were to pay for the services, it would like to be more than \$10,000 in an election year but she is confident she and staff can handle the task. She also reported she recently gave a presentation to the newly elected commissioners in the state on the role of a county clerk and stressed the importance of communication between commissioners and a clerk.

Clerk Bartlett reported that she is still working on financing the county's additional funding for the Courthouse and Carbon Building work and noted she recently submitted a \$4+ million reimbursement request from the recent bond sales for invoices the county has paid towards the project.

Gwynn also reported that blood draws for county employees will be February 18 and 25 at the Jeffrey Center. This is being done by Memorial Hospital of Carbon County.

Attorney

Ashley Mayfield-Davis, Carbon County Attorney requested the Chairman's signature on a letter to the WY Department of Health requesting Denise Rice be appointed as the county's "Gatekeeper" per Wyoming Statute noting she would have no additional compensation as she already does these duties as part of her job.

Commissioner Espy moved to approve the Chairman's signature on the letter to the WY Department of Health requesting Denise Rice be appointed as the county's "Gatekeeper". Commissioner Moore seconded and the motion passed unanimously.

Commissioners

Commissioner Sue Jones presented financial forms required to close out the Dixon Airport Runway Project for Chairman's approval and signature.

Commissioner Jones moved to approve the Chairman's signature on the financial forms to close out the Dixon Airport Runway project. Commissioner Barkhurst seconded, and the motion passed unanimously.

Commissioner Moore reported he recently met regarding the Natural Resource Management Plan and public input will be solicited soon.

Commissioner Espy reported he was reappointed to the Resource Advisory Committee.

Commissioner Jones reported she is working with other counties through the WY County Commissioners Association on legislative action. Clerk Bartlett requested the BOCC consult with her office on any legislation involving her tasks, especially elections.

C.U. Case #2020-15 – Pacific Corp – Rocky Mountain Power – “Gateway West Segment D-1 Transmission Line Project

Commissioner Espy moved to pull Conditional Use Case File 2020-15, PacifiCorp, Rocky Mountain power's Gateway Segment D-1 Transmission Line Project off the table. Commissioner Barkhurst seconded, and the motion carried unanimously.

Chairman Johnson opened a public hearing at 1:30 p.m. to hear Planning & Zoning Case File No. C.U. Case #2020-15 – Gateway West Segment D-1 Transmission Line Project, request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to construct the Gateway West Segment D-1 Transmission Line Project from Shirley Basin Substation to Windstar Substation. The project will consist of two parallel 230-kV alternating current (AC) electric transmission lines and associated substations facilities as part of the PacifiCorp Energy Vision 2020 Plan. Sarah Brugger stated the applicant was present and had additional information to present.

Rod Fisher reported he was here to respond to additional questions the BOCC had from the prior meeting. Last Friday he sent a presentation to the board and distributed it to the public at this meeting. Mr. Fisher stated he has had conversations with the County Attorney, giving her a preview of the presentation so they could ensure they provided the BOCC with the information requested.

Mr. Fisher overviewed the project, 20 miles North of the Shirley Basin Substation to the Natrona County line. He discussed the assessed value of PacifiCorp in Carbon County noting it almost doubled from 2019 to 2020. The D1 segment sales and use tax is expected to provide an additional \$445,000 during 2022-2023 and property tax would add an additional \$59,000 per year beginning in 2025.

Mr. Fisher presented a map of the D1 – Reroute noting landowners, miles of County Road usage and likely water sources for construction. They expect a range of 35-240 workers.

The question from the last time was what the cost in time and money is to move the project to the other side of the highway. He stated that initially he questioned the numbers however these are based on historical actual per mile costs of \$94,000.00. They consider the change requested by the BOCC 20 miles as they would pick the whole line up for those 20 miles to the east side of the highway. They estimate additional costs of over \$2.4 million for the alternate route. This includes internal company costs, engineering studies, rights of way with landowners, environmental baseline studies and permitting. The current costs already expended total approximately \$3.6 million.

Mr. Fisher discussed executive orders released by the President recently removing NEPA streamlining and therefore they anticipate an additional 18-20 months of time to complete the task. He feels like the potential risk is to their \$3.2 billion planned investment in Wyoming by 2024. Those investments include up to 1,800 megawatts of new wind and solar power capacity, construction of the Gateway South transmission line, additional construction on the Gateway West D1 transmission line which all includes between 2,550 – 3,100 construction jobs with more than \$112 million in tax revenue during development and construction and an additional tax revenue of approximately \$12.7 million in 2025 growing to around \$16 million in 2028 in Wyoming.

Mr. Fisher noted November 2021 they will be before the WY Public Service Commission for their Certificate of Public Convenience and Necessity and he requested a letter of recommendation from the county for this hearing.

Mr. Fisher noted that they went through 7 years of NEPA that had full public participation and asked the BOCC to honor that process and their current proposed route. Commissioner Jones stated in no way does the BOCC disregard the company's presence however they have individuals who live in the area and the county must try to work together to combine the two uses. Chairman Johnson stated that the county has given a lot too but also appreciates RMP's contributions.

Chairman Johnson called for comments for or against the case. Todd Heward stated he was not surprised that the move would cost a lot of time and money. He followed up with Rod Fisher via e-mail and the opportunity to move the project years ago was untimely, not the request to move the project now. His greatest concern is sage grouse and he felt if there was a way to reduce Sage Grouse overall that is significant to him and his livelihood.

Chairman Johnson stated he hoped Mr. Fisher was sincere about assisting the Medicine Bow Conservation District with Mitigation. He asked how many county road miles would be affected by hauling water on county roads and Mr. Fisher replied none. He also asked if a road use agreement could be a condition. Chairman Johnson added that there is a fairly substantial investment with the Sheriff's Department and what kind of assistance the county could receive. Mr. Fisher stated he was not prepared for that however they are committed to do what is right and if the county needs additional assistance, he would be happy to have those conversations but noted Gateway South will occur at the same time and there will be Impact Assistance Payments coming to the county for that project. Chairman Johnson stated he would like a condition that contractor

permits be obtained, and Mr. Fisher stated this is part of their project kickoff so contractors are aware of various permits and restrictions the county may have.

Commissioner Espy would like a condition of proof of sales tax payments and Ms. Brugger reported there is already a condition, #10, that RMP should report payments to the County Clerk and Treasurer quarterly. Ms. Brugger outlined all existing conditions.

Attorney Davis asked if water could come from Hanna or Medicine Bow and if so, could the county require a road use agreement in case that occurred. Mr. Fisher stated Q-Creek has multiple sources of water to be accessed. There could be water hauled from Medicine Bow, but it is not likely however he is agreeable to such a condition if this occurred.

Attorney Davis asked if there is a way to ensure that, for example, if a crane comes to the county that the mobile machinery permit be paid in Carbon County rather than elsewhere. Ms. Fisher stated he doesn't know where those permits have been obtained historically but in terms of delivery, they anticipate points of delivery in the county. Contracts will require delivery in Carbon County.

Commissioner Barkhurst stated he thought the BOCC requested the company provide pricing to move 3 miles of line and he questioned why the costs presented today was for the entire 20 miles. Mr. Fisher stated that when the engineering team looked at rerouting approximately 1.5 miles and cut back over BLM land, he thought it "flew in the face" of intent so he instructed the team to follow what he believed the intent was, which was to relocate the entire 20 miles on the east side of the highway. Commissioner Barkhurst followed up that there is already 7 miles on the east side so again questioned why the entire 20 miles was considered to be moved. Mr. Fisher thought the idea was to minimize the disturbance and put the two lines close together all the way in Carbon County. With \$94,000 per mile times 7 miles there is still a significant incremental cost for the remaining 13 miles. Commissioner Barkhurst stated he was shocked at this presentation as he thought there would just be the 3 mile move with a minimal time and cost affect. Mr. Fisher stated that regardless of the mileage the requirements must be met as well as the historical requirements.

Commissioner Espy confirmed that the move would be between the existing line and highway if moved to the east. He also stated that promises have been made and the current administration makes his decision to approve the permit.

Chairman Johnson closed the hearing at 2:19 p.m.

Commissioner Jones stated the BOCC is getting a visual and we would all like a do-over and while she has heartburn about a 3 mile move but unfortunately, they have met the criteria.

Commissioner Espy moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2021 – 06, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding Case File No. C.U. Case #2020-15 - Gateway West Segment D-1 Transmission Line Project to construct the Gateway West Segment D-1 Transmission Line Project from Shirley Basin Substation to the Windstar Substation adding

conditions discussed early today which were changing condition 6, adding a condition contractors to obtain various permits in Carbon County and that point of sale for all materials for the portion of line located in Carbon County would be delivered in Carbon County, the applicant will hold a preconstruction meeting with all applicable county department heads prior to commencement of construction. Commissioner Moore seconded and the motion carried with Commissioners Moore, Espy and Jones voting for the motion and Chairman Johnson and Commissioner Barkhurst voting against.

Resolution No. 2021 – 06

**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 #2020-15 – “Gateway West Segment D-1 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, November 2, 2020, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, November 2, 2020, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said public hearing; and

WHEREAS, at the conclusion of the Monday, November 2, 2020, public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners pursuant to the Carbon County Zoning Resolution of 2015, as amended for Carbon County, Wyoming; and

WHEREAS, the Carbon County Board of County Commissioners, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation; advertised by public notice at least 14 days prior to a public hearing to take public input and comments which said hearing occurred on Tuesday, December 15, 2020; and

WHEREAS, at said public hearing on December 15, 2020, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed application; and

WHEREAS, at the conclusion of the Tuesday, December 15, 2020, public hearing, the Carbon County Board of County Commissioners tabled the request until Tuesday, February 2, 2021; and

WHEREAS, the Carbon County Planning and Zoning Commission held and reopened said public hearing on Tuesday, February 2, 2021; and provided the public the opportunity to comment; and

WHEREAS, the Carbon County Board of County Commissioners in considering said application have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2015, as amended, specifically, Section 7.7, Conditional Use Permits; and

WHEREAS, the Carbon County Board of County Commissioners have determined that the proposed permit is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and the Carbon County Zoning Resolution of 2015, as amended, and otherwise promotes the health, safety and general welfare of the residents of Carbon County; and

WHEREAS, at a regularly scheduled meeting of the Carbon County Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the following Conditional Use Permit Application:

C.U. Case #2020-15: Request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to construct the Gateway West Segment D-1 Transmission Line Project from Shirley Basin Substation to Windstar Substation. The project will consist of two parallel 230-kV alternating current (AC) electric transmission lines and associated substations facilities as part of the PacifiCorp Energy Vision 2020 Plan.

Project/Site Name: Gateway West Segment D-1 Transmission Line Project

Petitioner: PacifiCorp doing business as Rocky Mountain Power

General Site Location: The Project crosses approximately 20 miles through Carbon County from the Shirley Basin Substation to the Carbon and Natrona 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 or designee shall approve the adjustments by issuance of a building permit\zoning certificate; or,
 - c. The Planning Director shall place the notice of the proposed adjustments on the next available Planning and Zoning Commission's agenda.

- d. The Planning and Zoning Commission shall determine whether the proposed adjustments remain in general conformance with this Conditional Use Permit; or,
- e. If the proposed adjustments are deemed significant by the Planning Director or designee, 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. Any contractors involved in construction activities shall appoint a representative to attend a meeting with all Carbon County department heads impacted by said activities prior to commencement of construction.
7. Point of Sale for all construction materials utilized in this Conditional Use Permit shall be Carbon County, Wyoming.
8. All machinery and motorized equipment utilized in construction activities for this Conditional Use Permit shall obtain necessary registration, plates, and permits from the Carbon County Treasurer's Office and Carbon County Road and Bridge Department prior to being utilized for construction.
9. If the applicant is hauling water in Carbon County they shall provide a copy of any agreement to the Carbon County Planning and Development Department.
10. The Applicant shall negotiate in good faith and enter road use agreements with Carbon County and any other town or municipality with roadways that are impacted by this Conditional Use Permit.
11. The Applicant shall negotiate in good faith with Carbon County to cover impact costs to the Carbon County Sheriff's Office from construction pursuant to this Conditional Use Permit.
12. The Applicant shall provide a copy of the executed Carbon County Road Use Agreement to the Carbon County Planning & Development Department prior to construction.
13. Upon approval by the Board, the following provisions from the Zoning Resolution will be incorporated into the final Resolution:
 - a. Section 7.7-H--Expiration of Conditional Use Permits.
Any use for which a conditional use permit is granted must be commenced within two (2) years from the date of approval. If the Project is not commenced within two (2) years from the date of approval then the conditional use permit shall expire and become null and void and be of no further effect, except as extended in compliance within this section.

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

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

If the project has not been commenced as required, the Applicant(s) may request from the Board an extension of the permit for a period of up to twenty-four (24) months upon a showing of good cause. The Applicant(s) shall apply to the County, through the Department, in writing for the extension no later than ninety (90) days prior to the expiration of the permit or any previously granted extension. At the time of the application for the extension the Applicant(s) shall provide such information as is necessary for the County to determine whether good cause exists for the extension. Good cause may include, but is not limited to, good faith efforts to obtain required authorization from other agencies with jurisdiction, delay in construction due to weather conditions, pending litigation, or other causes which have delayed the project and which are beyond the reasonable control of the Applicant(s). The Applicant(s) may request not more than two (2) separate extensions from the Board, with such total extension period not to exceed forty-eight (48) months. The Board shall promptly consider the application for the extension and either allow it or deny it.

3. Requests for subsequent extensions of the permit shall first be presented to the Commission no later than ninety (90) days prior to the expiration of the permit or any previously granted extension. The Commission shall recommend to the Board either approval or denial of the extension of the permit. The recommendation of the Commission shall be considered by the Board at their next regular meeting.

4. No permit shall expire during the time the decision on the extension is being considered.

c. Section 7.7-J--Transfer of Conditional Use Permits.

No conditional use permit shall be transferred without the prior approval of the Board in accordance with the following:

2. The Board may authorize transfers of permits to a different person if:

- e. The permit transfer request is initiated by a written request from the current permit holder and accompanied by a written acceptance of the permit, its terms and conditions by the prospective transferee.
- f. The permit transfer request is heard by the Board at a public meeting after notice is published.

- g. The permit transfer administrative fee has been paid.
- h. Board approval shall not be unreasonably withheld upon good cause shown.

d. Section 7.7-K--Amendments to Conditional Use Permits.
A Conditional Use Permit may be amended pursuant to the procedures and standards as required for a new Conditional Use Permit application.

14. The Applicant shall obtain and provide all required state and federal permits to the Carbon County Planning & Development Department.

15. Rocky Mountain Power shall provide copies of all reports and payments of sales tax to the County Clerk and County Treasurer related to this project on a quarterly basis.

**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 #2020-15 – “Gateway West Segment D-1 Transmission Line Project”).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 2nd day of February 2021.

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

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

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

Commissioner Moore left the meeting at 2:30 p.m.

Commissioner Discussion

Chairman Johnson discussed windfarms and harm they do to sage grouse and migration corridor on antelope. The information comes from WyoFile and Trib.com. Given the amount of activity in the county he would like to have a conversation about how much build-out the county wants to occur before the studies are complete. Once studies are done it will be too late to fix. Commissioner Espy stated pronghorn don't have fidelity to their migration routes but he did mention he does have a wind lease so he would stop the discussion there.

ADJOURNMENT

Commissioner Moore moved to adjourn the meeting at 2:45 p.m. Commissioner Barkhurst seconded, and the motion carried unanimously.

A regular meeting of this Board will be held Tuesday, March 2, 2021 at 9:00 a.m. at the Carbon County Courthouse, in Rawlins, WY. The public is invited to attend, or you can listen online at the website listed below. To get on the agenda, call the Clerk's Office by the Thursday before the meeting. Per Wyo. Stat. §18-3-516(f), access to county information can be obtained at or by calling the Clerk's Office at (307) 328-2668 or 1-800-250-9812.