

**REPORT TO THE
MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, April 6, 2021
Carbon County Courthouse, Rawlins, WY**

A regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, April 6, 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 impact assistance fund purchase and radio repeater purchase under the Sheriff.

VOUCHERS

Commissioner Barkhurst moved to approve payment to Sunrise Sanitation for \$45.00. Commissioner Espy seconded and the motion carried with all voting for the motion except Commissioner Jones who abstained due to personal conflicts.

Commissioner Barkhurst moved to approve the report of expenditures in the amount of \$383,695.73 for an aggregate total today of \$383,740.73. Commissioner Espy seconded and the motion carried unanimously.

Vendor	Detail Line Description	Total
Adams County Sheriff	Out of State Subpoenas	\$80.00
Alesco, American Linen Division	Shop Supplies	\$57.75
Apg Media Of the Rockies	Notice to Ad	\$163.00
Armstrong, Madison	Witness Fees	\$90.00
Axon Enterprise, Inc.	8 Battery Packs	\$664.64
B. Jackson Construction, Inc	Carbon Building Construction Services	\$11,282.46
Balestrieri, Michelle	Varicella Titer Vaccine	\$23.95
Barcodes	Labels	\$408.88
Best Western Cottontree	Witness Lodging Fees	\$768.00
Black Hills Energy	Gas Services	\$14,375.36
Blakeman Propane	Heating Services	\$3,633.60
Bomgaars Supply	Hex Key/Bolts	\$14.90
	COVID-19 Vaccine Clinic	
Brown, Amanda	Meals/Supplies	\$129.68
Bulbs.Com	Light Bulbs	\$344.15

Candy Mountain	5-Gal Water Jugs	\$92.92
Carbon County Public Health	Employee Lab Fees	\$492.00
Casper Winnelson Co	Misc. Parts/Supplies	\$2,655.84
Cathedral Home for Children	2020-2021 Jan-Mar Diversion/CCYCC	\$22,500.00
Charter Communications	Jail Tv Subscription	\$119.68
Command Ballistics, Inc.	Ammunition	\$3,970.00
Community Resource Center	Agency Dues	\$35.00
Convergeone, Inc.	Office 365 Licensing	\$12,960.00
Cowboy Supply House	Misc. Cleaning Supplies	\$670.55
Daily Times	Jail Newspaper Subscription	\$76.80
Dixon, Town Of	Water Services	\$154.00
Dominion Energy	Heating Services	\$235.07
Drummond Refrigeration LLC	Condenser Repair	\$727.93
Elk Mountain, Town Of	Trash Services/Water Services	\$67.00
Encartele	Data for Jail	\$2,100.00
Entenmann - Rovin Co	Deputy Badge	\$466.00
E-Z Lift Garage Doors	Serviced Door	\$1,870.00
France, Tara	Transcription Services	\$128.25
Further	HRA Reimbursement/Medical FSA	\$6,142.84
Gale, Gwen	Mileage for Vaccine Clinic	\$33.50
Galls/Quartermaster	Deputy Uniforms	\$874.73
Geotech	Delineators Rds. 351, 324, 401	\$9,580.00
Goodwin, Mandy	Mileage	\$24.60
Grainger	Misc. Parts/Supplies	\$292.22
Gray, Matthew James	Psychologist Testimony	\$710.00
Hahn Construction	Interim Justice Center/Court Room/Judges Benches	\$5,550.00
Herring, Jeff	Oil	\$228.66
High Plains Power	Electric Services	\$464.09
Installation & Service Co, Inc.	Vac Truck	\$886.00
Kari, Dale	Mileage	\$27.60
Kostovny, Mark	Mileage	\$25.20
KTGA/KBDY	Radio Ads NCPA For Victim Witness	\$100.00
Laramie Fire Extinguisher	Yearly Inspection	\$364.00
Long Building Tech., Inc.	Misc. Services	\$8,058.44
McKesson Medical-Surgical	Jail Meds	\$662.11
Medina, Derek	Soberlink Deposit Refund	\$820.00
M.H.C.C.	Lab Fees	\$1,540.85
Merseal Law, LLC	Legal Services	\$30.00
Midwest Card & ID Solutions, LLC	Printer Cartridge/Card Supplies	\$570.31
Mike's Lock & Key	Lock Repair	\$90.00

Mobile Concrete, Inc	Cattle Guard Blocks	\$994.50
Motorola Solutions	Modules/Onsite Training/Digi ticket	\$65,000.00
Mountain Alarm	Monthly Monitoring	\$83.00
Mountain Trail Medical	County Health Officer	\$1,600.00
Mountain West Motors	Service Truck Glow Plugs	\$1,277.06
Mutch, Nancy	Lock Replacement	\$165.00
My Office Etc.	Misc. Office Supplies	\$149.66
Nationwide	Notary Bond Renewal	\$50.00
Natrona County Legal	Involuntary Hosp. Reimbursement	\$1,620.00
O'Reilly Auto Parts	Misc. Parts	\$68.00
Perkins Oil Co	Fuel	\$895.83
Personnel Evaluation, Inc.	Employee Evaluation	\$20.00
Phillips 66-Conoco-76	Fuel	\$111.96
Pinnacle Public Finance, Inc	Equipment Lease Cat Blade/End Dump	\$49,123.39
Platte Valley Plowing	Snowplow Services	\$1,120.00
Public Safety Center, Inc	Deputy Jacket	\$115.43
Quill Corporation	Misc. Office Supplies	\$506.35
R.P Lumber Company, Inc.	Misc. Building Materials	\$471.23
Rawlins Automotive	Misc. Parts	\$1,468.50
Rawlins Fire Extinguisher	Fire Suppression Bottle/Hoses/Nozzles	\$3,665.95
Rawlins, City Of	Water Services	\$1,635.56
Ricoh USA Inc	It Copiers	\$232.96
Ricoh USA, Inc	It Copiers	\$5,685.18
RNB State Bank	Duplicate Deposit Tickets	\$165.61
Rocky Mountain Power	Electric Services	\$7,395.33
Saratoga Auto Parts, Inc.	Misc. Parts	\$276.55
Shepard, Shandra Np	Reproductive Health Officer	\$208.00
Shepard's	Fuel	\$772.42
Shively Hardware	Tires	\$1,088.00
Slow & Steady Law Office, PLLC	Legal Services	\$17,677.50
Spaulding, Dawnnette	Mileage	\$170.80
Staples Advantage	Misc. Office Supplies	\$76.14
State of Wyoming A & I	Mainframe Services	\$14.55
State of Wyoming DCI	Sex Offender Fees	\$25.00
Stinker Stores, Inc.	Fuel	\$11,056.34
Summit Food Service	Jail Meals	\$6,433.48
Sunrise Sanitation Service, LLC.	Trash Services	\$45.00
Surber, Jordyn Ashlee	Legal Services	\$2,581.85
Swanson Services Corporation	Jail Commissary	\$2,066.85
The Cowboy Couture	Screen Printed Face Masks	\$899.75
The Masters Touch, LLC	Postage	\$4,750.00

Thos. Y. Pickett & Co., Inc.	2021 Valuation Contract	\$11,500.00
Tin Boy Garage	Large Tire Repair	\$20.00
T-O Engineers	DWX Master Plan Update Feb	\$1,545.00
Trevathan, Sabrina RMR	Transcription Services	\$1,929.40
Triple X Contracting, Inc.	Trash Services	\$100.00
Trudiligence, LLC	Background Check	\$29.97
True Value of Rawlins	Paint	\$9.99
Tyler Technologies, Inc	IDOC/ITAX Maintenance	\$275.63
University of Wy Extension	CES Support Person Salary Match	\$9,944.00
UPRSWDD	Trash Services	\$190.00
Us Bank	Drug Seizure Sheriff Expenses	\$8,734.75
Walker, Deborah C	Patches Deputy Uniforms	\$108.00
WLC Engineering	Engineer Specs/Mag Chloride	\$3,941.25
Wy County Treasurer's Assoc.	2021 Dues	\$200.00
Wy Dept Of Environ. Quality	Storage Tank Dues	\$50.00
Wy Dept Of Transportation	New Plates 2017 Jeep & 2021 Ram	\$60.00
Wy Guardians Ad Litem Program	Guardian Ad Litem Fees	\$31,655.97
Wy Machinery Company	Misc. Service/Parts	\$2,403.48
Wy Peace Officers Assoc	Membership Dues	\$520.00
Wy Secretary of State	Notary Renewal	\$30.00
Wyoming Trader	Social Media Marketing	\$250.00
Yocum, Leo	Mileage	\$48.00

CONSENT AGENDA

Commissioner Espy moved to approve the consent agenda noting any item could be removed for separate action. The consent agenda includes the March 16, 2021 regular meeting minutes, monthly receipts from Planning and Development in the amount of \$2,540.00, Carbon County Clerk in the amount of \$25,056.16, and Clerk of District Court in the amount of \$3,965.00 and Notice of Valuation Changes in the amount of (\$13,831.00). Commissioner Moore seconded, and the motion carried unanimously.

CARBON COUNTY ECONOMIC DEVELOPMENT CORPORATION – PAM THAYER

Pam Thayer, Executive Director of Rawlins Downtown Development Authority/Main Street presented the 2021 Leadership Carbon County Participants and explained what the Leadership Carbon County Program is. The Carbon County Economic Development Corporation has partnered with the Rawlins Downtown Development Authority Main Street, Carbon County Higher Education Center, Rawlins Chamber of Commerce, and the Saratoga/Platte Valley Chamber of Commerce to organize a leadership program for the community and its leaders. The mission of the program is to introduce community members to the processes that make the county run: the levers government; social agencies, public and private, that provide services; the various forms of education available in the county; the private businesses that form the economic backbone etc. Leadership Carbon County intends to develop a cohesive “class” of new leaders who have

experienced this program together; to develop a progressive series of leaders to work together to make Carbon County the best place in the state in which to raise a family and forge a career. The 2021 Leadership Carbon County Participants are as follows: Damien Cesko, Haylee Sheller, Janet Garcia, Jodi Smith, Kyle Berger, Lacey Herring, Patricia Ramirez, Sharon Biamon, Shawn Metcalf, Wendy Newbrough, Gina Helmetag and Sheri Snodgrass.

ELECTED OFFICIALS & DEPARTMENT HEADS

Sheriff

Sheriff Roybal presented the Modification of Grant or Agreement between the Carbon County Sheriff's Office and the USDA, Forest Service Medicine Bow-Routt National Forests and Thunder Basin National Grassland. The agreement calls for the county to provide patrol on Forest Service lands and receive \$8,000.00 reimbursement and \$1,500.00 in equipment expense for tires and brush guards.

Commissioner Jones moved to approve the Chairman's signature on the Modification of Grant or Agreement No. 1 Cooperative Law Enforcement Agreement between the Carbon County Sheriff's Office and the USDA, Forest Service Medicine Bow-Routt National Forests and Thunder Basin National Grassland and Exhibit A – 2021 Annual Operating and Financial Plan in the amount of \$8,000.00 including reimbursement of \$1,500.00 in equipment expenses for tires and brush guards. Commissioner Barkhurst seconded, and the motion carried unanimously.

Lauretta Sheller, Victim/Witness Coordinator and Sheriff Roybal reported that the Attorney General's Office, Division of Victim Services has provided a letter that the Carbon County Sheriff's Victim/Witness Program is in "substantial compliance" per a desk review conducted last month.

Sheriff Roybal would like to replace 3 repeaters, Separation Peak for Fire and Road & Bridge along with the R-Hill repeater for the Sheriff. The funds are in the radio budget and the expected cost is \$52,890.40.

Commissioner Espy moved to waive the procurement policy and purchase three Codan repeaters and associated hardware in the amount of \$52,890.40. Commissioner Barkhurst seconded, and the motion carried unanimously.

Sheriff Roybal discussed the purchase of 3 sets of highway scales for oversize loads totaling \$40,760.00. The BOCC requested the Sheriff talk with Jim Piche to ensure the Medicine Bow complex is complete before using the funds.

Commissioner Espy moved to waive procurement and authorized the use of Ekola impact assistance funds to purchase 3 sets of highway scales in the amount of up to \$40,760.00. Commissioner Barkhurst seconded, and the motion carried unanimously.

Emergency Management

Lenny Layman, Emergency Management Coordinator discussed 4 controlled burns over the weekend that became uncontrolled. He did an after-action review (AAR) and discovered areas of concern as follows: He needs to be more aware of the controlled burn process, Moffat County CO was dispatched and when they entered WY their radios would not communicate with WY and he will be working with dispatch to get a dedicated cell phone to communicate and not take up radio traffic. Strengths were that he was immediately notified, he was able to establish communications within 15 minutes with various agencies to assist with the matters.

Mr. Layman will be submitting an EMPG homeland security grant for salary and a vehicle, both require a 50% match. He will also apply for a SHSP grant for equipment.

Mr. Layman talked about the upcoming Modular Emergency Response Radiological Transportation Training (MERRTT) that will be hosted by the Carbon County Coordination Center (C4) on Wednesday, April 21, 2021. This training is 1 of 3 that will be held across the State. The MERRTT program is designed to take the complex topic of a radiological accident response and break it down into easily understood modules and hands-on practical exercises.

The Jeffrey Center Board has approved him to work with the Red Cross to determine if the facility will work for an emergency shelter.

Mr. Layman presented the Orion Mobile Pre-Plan & Damage Assessment Tool that will be utilized by his office. This tool is basically a phone app that will allow 1,000 users on the county's account to input data from critical infrastructure. He plans to share this with municipalities and the county users. The cost will initially be \$1,500 then \$1,750 each year thereafter.

Mr. Layman reported that the C4 hosted the Carbon County Council of Governments on Wednesday, March 31st and updated the Commissioners on the Local Emergency Planning Committee (LEPC) restructure and re-energize process.

Mr. Layman reported that he has received a \$30,000 donation from Phillips 66 that will be matched by a Homeland Security grant for the C4 communications project. This will purchase a system that will provide a full dispatch center in line with the Sheriff's system and could be adapted to other's dispatching systems.

Mr. Layman updated the Commissioners on the Hanna/Mullen Fire Management Assistance Grants (FMAG) application and that both applications have been submitted to the Wyoming Office of Homeland Security. He also provided an update on the SandMaster Sandbagger that was purchased with donations from the Sinclair Refining Company and the Saratoga Inn along with county funds.

Mr. Layman stated that there will be a Wyoming 2021 Flood Summit on April 6 from 1:00-4:00 via Zoom and a North Platte Drainage-Flooding Preparedness Coordination Call on April 7th from 1:00 – 2:00 via Zoom.

Mr. Layman invited the Board to tour the Hanna water treatment plant April 20 in Hanna as the board meets in Medicine Bow that day already. The plant was impacted by the 316 Fire and he would like the Board to see the damages. He will arrange the meeting and provide details later.

Road & Bridge

Kandis Fritz, Road & Bridge Coordinator reported she and Commissioner Jones will be meeting with the Saratoga Town Council this evening on a road project and she will update the board later on the results. Ms. Fritz reported her County Road 351 Federal Lands Access Program (FLAP) Application was denied and she will be presenting a budget request for the project.

Ms. Fritz presented the FY2021 Carbon County Dust Suppression Project Agreement for the Congestion Mitigation Air Quality (CMAQ) Project CM21101 for the Chairman's signature. This is for 55 miles of Magnesium Chloride on County Road 291 (26.5 miles), County road 701 (18.90 miles), County Road 270 (5.80 miles), County Road 340 (1.24 miles), and County road 605N (2.56 miles). The grant was applied for last August/September for a total amount of \$330,000.00. The Federal amount is \$264,000.00 and the County match from the Road Fund is \$66,000.00.

Commissioner Barkhurst moved to authorize the Chairman's signature on the FY2021 Carbon County Dust Suppression Project Agreement for the Congestion Mitigation Air Quality (CMAQ) Project CM21101 in the amount not to exceed \$264,000.00 federal funds plus \$66,000 matching funds for 55 miles of Magnesium Chloride on County Road 291 (26.5 miles), County road 701 (18.90 miles), County Road 270 (5.80 miles), County Road 340 (1.24 miles), and County road 605N (2.56 miles). Commissioner Moore seconded and the motion carried unanimously.

Buildings & Grounds

Jim Piche, Buildings & Grounds Manager presented a price from Eaton Metals totaling \$6,679.43 for the purchase of a fill containment for the 100LL tank located at the Dixon Airport. This purchase is necessary to be in compliance with the Department of Environmental Quality (DEQ). He proposed the Dixon Airport budget to pay for the project. The BOCC approved the purchase.

Mr. Piche updated the board on gas prices for the upcoming year. He asked if the BOCC would like him to proceed with budgeted projects including the fairgrounds audio system. The BOCC asked him to move forward with the projects.

Mr. Piche requested authorization to fill an open maintenance position. The BOCC took this under advisement and will get back with Mr. Piche.

Planning and Development

Certifications

Kristy Rowan Office Manager and Deputy Zoning Administrator and Sarah Brugger, Planner/GIS Specialist, presented Certification of Recommended Actions for Z.C. Case File #2021-04 – Rocky

Gap LLC, Z.C. Case #2021-05 – Zachary and Brianna Weber and REPLAT SUB Case #2021-01 – Old Baldy Corporation.

Commissioner Moore moved to accept the Certification of Recommended Action from the Carbon County Planning & Zoning Commission for Z.C. Case File #2021-04 – Rocky Gap LLC, Z.C. Case #2021-05 – Zachary and Brianna Weber and REPLAT SUB Case #2021-01 – Old Baldy Corporation and schedule a public hearing for May 4, 2021 at 11:15 a.m. at the County Courthouse in Rawlins, Wyoming. Commissioner Jones seconded and the motion carried unanimously.

Ms. Rowan stated that she will contact the Planning Commission to see if they would be available to meet with the commissioners on April 20th or May 4th BOCCC Meetings.

INVENERGY – ROCK CREEK WIND ENERGY PROJECT

Michael Svedman and Chase Marston with Invenergy presented the Rock Creek Wind Energy Project that will be developed sixty miles east of Rawlins on the border of Carbon and Albany County and southeast of McFadden and east of Arlington between US-80 and County Highway 13. It will be approximately 25 miles south of the Ekola Flats and Tb Flats wind projects. This project will consist of approximately 6000 acres in Carbon County and 37,000 acres in Albany County. There will be approximately 10 turbines plus project facilities in Carbon County. The target operation date is summer 2024. It will bring in approximately 350 jobs during construction and 20-30 full time operations and maintenance jobs with an expected revenue of \$190 million to state and local tax revenue during the project life. The BLM has been consulted however the project will primarily be sited on private land. Commissioner Espy asked how the sales tax will be tracked and split between Albany and Carbon Counties. Invenergy stated they will do whatever is required and they don't know where delivery will take place at this time. Mr. Svedman did confirm there will be a split and that all taxes will not go to one county.

MEMORIAL HOSPITAL OF CARBON COUNTY (MHCC)

Ken Harmon, Chief Executive Officer for Memorial Hospital of Carbon County presented a monthly update on the status of MHCC including financials, physician recruitment, as well as COVID cases, testing and vaccines. He anticipates construction of the Saratoga Hospital to be completed early May.

GOSHEN HELP – Kyle Borger

Kyle Borger, Executive Director of Goshen Help also now known as Wyo-Help, discussed the various resources that they can offer to the residents of Carbon County. The purpose of the program is to improve the quality of life for people in need by empowering them to become more self-sufficient. They offer food, rent, utility assistance for those in need. The program is primarily funded through the Community Service Block Grant. Currently they are looking at increasing mental health services for low-income individuals effected by Covid-19.

Mr. Borger discussed the possibility of Goshen Help assisting Carbon County in administering grants that the Wyoming Department of Family Services, Emergency Rental Assistance Program

funds that were received from the Consolidated Appropriations Act of 2021. The Act makes available \$25 billion in Federal funds to assist eligible households that are unable to pay rent or utilities due to the COVID-19 pandemic. Out of these funds Carbon County was awarded \$49,386.00 for case management. He proposed that they are willing and able to enter into a contract with the county to administer this or that Carbon County recommend his agency to receive the funds on behalf of the County. He stated that they would hire someone from the county and locate them here to provide resources to work with the funding.

Commissioner Jones moved to contract with WyoHelp a/k/a Goshen Help to administer the county's allocation of \$49,386.00 for the Wyoming Department of Family Services, Emergency Rental Assistance Program. Commissioner Barkhurst seconded, and the motion carried unanimously.

Treasurer

County Treasurer Patty Bentsen reported she will be moving up the tax sale to July to assist her with the transition of the new way mineral production will be taxed. Her office is preparing for a transition to move to the Carbon Building and part of that is that individuals can go to one place for plates and property tax.

Clerk

Gwynn Bartlett, Carbon County Clerk presented the Temporary Assistance for Needy Families (TANF) grant application for the Chairman's signature.

Commissioner Espy moved to authorize the Chairman's signature on the Temporary Assistance for Needy Families (TANF) Grant Application for funding for Greater WY Big Brothers Big Sisters and Boys and Girls Club of Carbon County in the amount of \$24,500.00. Commissioner Moore seconded and the motion carried unanimously.

Clerk Bartlett presented the Dixon Airport Coronavirus Response Grant Agreement for the Chairman's signature. Attorney Davis reported this grant requires a face covering policy and she presented one for the BOCC's consideration.

Commissioner Jones moved to adopt the Dixon Airport face covering policy expiring when Federal Executive Order 13998 expires. Commissioner Espy seconded and the motion carried unanimously.

Commissioner Jones requested ratification of the chairman's signature on the Dixon Airport Coronavirus Response Grant Agreement in the amount of \$9,000.00 for a term of 4 years from the date of acceptance and authorize the County Attorney to sign electronically. Commissioner Barkhurst seconded, and the motion carried unanimously.

Clerk Bartlett discussed having a county seal contest since the County does not currently have one. The BOCC agreed and she stated she would move forward and offered a \$600 payment to the winner.

Commissioner Barkhurst moved to use \$600 from the Commissioners travel budget for the seal contest award. Commissioner Espy seconded and the motion carried unanimously.

Gwynn reported that SF0145 regarding runoff elections failed and HB0075 has passed which will require voters to present acceptable identification to vote in person beginning with 2022 elections. She reported her office is planning a grand opening along with Public Health and the Library Director for when the first floor of the Carbon Building opens. She will update the board as this progresses but it's expected to be early June. She asked if the BOCC wants to leave the building name as Carbon Building or consider changing it. The BOCC confirmed they would like to leave the name.

Attorney

Attorney Davis presented Resolution 2021-12 Denying C.U. Case #2020-11 Union Telephone Company and City of Rawlins for chairman's signature. The BOCC requested legal advice on the matter.

COMMISSIONERS

Commissioner Jones discussed two Federal Aviation Administration Aeronautical Study notices that the County received to comment on for wind turbines that exceeds height obstruction standards. The first one is for Rock Creek Wind; LLC being developed by Invenergy for Rocky Mountain Power/PacifiCorp in the McFadden/Rock River area. The wind turbine is approximately 120 feet above the maximum allowable height for obstruction standards. The second notice is for Lucky Star proposed wind farm being developed by BluEarth Renewables located on private, BLM and State land west of State Highway 30, west of Bosler, Wyoming and immediately south of Rock River, Wyoming. The wind turbine is approximately 156 feet above the maximum allowable height for obstruction standards.

Commissioner Jones moved that the county comment to the Federal Aviation Administration regarding structures that affect the safe and efficient navigable airspace within the specified area. There are several local residents who have small private aircraft who fly in the area, as well as commercial airline traffic flying over the area. Commissioner Espy seconded and the motion carried unanimously.

Chairman Johnson discussed the vacant Count Planner position. The BOCC asked the Clerk and Planning staff to advertise the position.

Citizen/ Commissioner Discussion

Commissioner Espy reported the Baggs mule deer migration corridor meetings will kick off in May.

Commissioner Barkhurst asked if there was an update on the Natural Resource Management Plan and Commissioner Moore stated there will be a presentation to the BOCC soon.

Commissioner Jones discussed the FY2022 seal coat for the Dixon Airport. She stated the WACIP has \$200,000 budgeted with a 20% match from the county. The state has already hired a contractor. The beacon at the Dixon Airport is having issues and she has an electrician looking into this.

EXECUTIVE SESSION

Commissioner Espy moved to go into executive session at 12:07 p.m. with Clerk Bartlett and Ashley Mayfield Davis to discuss personnel, potential litigation and other matters considered confidential by law. Commissioner Barkhurst seconded, and the motion carried unanimously.

Commissioner Espy moved to come out of executive session at 1:03 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Barkhurst seconded, and the motion carried unanimously.

COMMISSIONERS

Commissioner Barkhurst moved to authorize the chairman's signature on the Resolution 2021-12 Denying C.U. Case #2020-11 Union Telephone Company and City of Rawlins. Commissioner Espy seconded and the motion carried unanimously.

Resolution No. 2021 – 12

A Resolution of the Board of County Commissioners of Carbon County, Wyoming Denying the Rawlins North Water Tank Communications Site.

C.U. Case File #2020-11 – “Rawlins North Water Tank 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, October 5, 2020, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, October 5, 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, October 5, 2020, public hearing 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 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 Tuesday, 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, at the conclusion of the Tuesday, February 2, 2021, public hearing, the Carbon County Board of County Commissioners tabled the request until Tuesday, March 16, 2021, to allow the Applicant an opportunity to meet with nearby landowners to address their concerns regarding the proposed tower height and location; and

WHEREAS, the Tuesday, March 16, 2021, public hearing was postponed until Thursday, March 18, 2021, due to weather and road closures; and

WHEREAS, the Carbon County Board of County Commissioners held and reopened said public hearing on Thursday, March 18, 2021; and provided the public the opportunity to comment; and

WHEREAS, at said public hearing on Thursday, March 18, 2021, and the prior public hearing held on Tuesday, 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, at a regularly scheduled meeting of the Carbon County Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners considered following Conditional Use Permit Application:

C.U. Case File #2020-11: 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.

Project/Site Name: Rawlins North Water Tank Communications Site

Applicant: Union Telephone Company

Landowner: City of Rawlins

Parcel Identification Number: 21870810000500

Rural Address: 194 US HWY 287-Rawlins

General Site Location: Rawlins North Water Tank Communications Site is located outside of City limits next to the Rawlins Water Tank on the west side of US HWY 287.

Legal Description: A 100-foot x 100-foot parcel of land located in the NE1/4 NE1/4, Section 8, T21N, R87W, 6th P.M., Carbon County, Wyoming.

FINDINGS BY THE CARBON COUNTY BOARD OF COUNTY COMMISSIONERS:

1. WHEREAS, the Carbon County Board of County Commissioners considered the entire record, including but not limited to the recommendation of the Planning and Zoning Commission, written comments from the public and referral agencies, all documentation submitted by the applicant and staff reports and oral comments provided at the hearing regarding the conditional use permit application; and
2. WHEREAS, based on the record, there are existing telecommunication towers located in the vicinity; and there are existing co-location options; and
3. WHEREAS, the Carbon County Zoning Resolution of 2015 as amended, encourages co-location of telecommunication services. See Supplementary Regulations, Section 5.1.G.1. and c. Commercial wireless telecommunication service providers must not unreasonably exclude other providers from co-locating on the same tower when co-location is structurally, technically or otherwise possible; and
4. WHEREAS, the Carbon County Zoning Resolution of 2015 as amended, Chapter 5.4, C. requires a conditional use permit for all communication towers in all zones; and
5. WHEREAS, in accordance with the Carbon County Zoning Resolution of 2015 as amended, Section 7.7, C.3 the proposed use should be appropriate for the proposed location and will not be detrimental to the surrounding area or to established uses; and
6. WHEREAS, based on the record, specific conflicts with existing land uses have been identified. Residents and landowners in the area have expressed concerns that the site and proposed tower height are not appropriate or compatible with the existing residential and recreational land use and will be detrimental to the character of the nearby established land uses; and
7. WHEREAS, the telecommunication tower is proposed to be in close proximity to Residential Zoning and is approximately seven hundred (700) feet from the Painted Hills Addition Subdivision and Six Hundred Fifty (650) feet from the Happy Hollow Subdivision. The proposed maximum tower height is One Hundred Seven (107) feet tall; and
8. WHEREAS, based on the record, there are other potential location options which would be less detrimental to the existing residential property uses in the area and which do not appear to have been adequately considered by the carrier; and
9. WHEREAS, based on the record, the proposed Conditional Use is not appropriate in the proposed location and will be detrimental to the surrounding area.

WHEREAS, conditional uses shall be permitted in Districts where designated only after review by the Planning and Zoning Commission and approval by the Board of County Commissioners; and

WHEREAS, the Carbon County Board of County Commissioners have determined that the proposed permit is not in general conformance with the Carbon County Zoning Resolution of 2015, as amended, and does not promote the health, safety and general welfare of the residents of Carbon County; and

WHEREAS, at a regularly re-scheduled meeting of the Carbon County Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to deny the following Conditional Use Permit – C.U. Case #2020-11 – “Rawlins North Water Tank Communications Site”.

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

That the Carbon County Board of County Commissioners hereby denies 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 #2020-11 – “Rawlins North Water Tank Communications Site”).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 5th day of April 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

Chairman Johnson announced John Rutherford has been hired as the interim fire warden.

ADJOURNMENT

Commissioner Espy moved to adjourn the meeting at 1:08 p.m. Commissioner Moore seconded, and the motion carried unanimously.

A regular meeting of this Board will be held Tuesday, May 4, 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.