

**REPORT TO THE
MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, December 7, 2021
Carbon County Courthouse, Rawlins WY**

A regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, December 7, 2021, at 9:00 a.m. at the Carbon County Courthouse, Rawlins, WY. Attending the meeting were Chairman, John Johnson, Vice Chairman, Sue Jones, John Espy, Byron Barkhurst and Travis Moore.

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

ADDITIONS / CORRECTIONS

Chairman Johnson added surplus of a county vehicle to the agenda under Buildings & Grounds.

VOUCHERS

Commissioner Barkhurst moved to approve payment to Sunrise Sanitation for \$68.00. 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 \$887,964.89 for an aggregate total today of \$888,032.89. Commissioner Moore seconded, and the motion carried unanimously.

Vendor	Detail Line Description	Total
Ables, Duane E	County Health Officer	\$1,600.00
Acme Electric Company, LLC	Electrician Services	\$4,639.22
Advanced Network Management, Inc.	Wireless Access Points	\$4,424.55
Albrechtson, Mary Kay	Bailiff For Jury Trial Cc	\$75.00
Alesco, American Linen Division	Shop Supplies	\$59.02
Apg Media Of The Rockies	Misc. Ads	\$580.00
AT&T Mobility	C.C.S.O. MDT Service	\$900.54
Ausban, Kraig P	Training Mileage	\$149.00
Axis Forensic Toxicology, Inc.	Lab Fees	\$665.00
Baggs, Town Of	Water Services	\$33.90
Black Hills Energy	Heating Services	\$12,238.97
Blakeman Propane	Heating Services	\$1,080.00
Bob Barker Company, Inc.	Misc. Jail Supplies	\$1,285.10
Bridgestone Winter Driving School	Safety Driving Course	\$719.00
Buchanan, Karen	Mileage	\$72.00

Candy Mountain	Water Jugs	\$85.50
Carbon Copy	Metal Signs	\$592.67
Carbon County Fair Board	Monthly Outside Agency Pymt	\$4,166.67
Carbon County Library	Monthly Outside Agency Pymt	\$32,500.00
Carbon County Museum	Monthly Outside Agency Pymt	\$18,166.67
Carbon County Senior Services	Monthly Outside Agency Pymt	\$16,666.67
Carbon Power & Light Inc	Electric Services	\$2,303.68
CareRight Technologies, LLC	Monthly Bed Fee	\$141.90
CDW Government, Inc.	Misc. It Supplies	\$4,033.95
Cedar Street Sinclair	Moving Boxes	\$175.50
Charter Communications	Jail Tv Subscription	\$119.54
Cna Surety	Bonds	\$200.00
Command Ballistics, Inc.	Ammo	\$72.50
Conover, Sterling	Mileage	\$49.20
Cowboy Chemical	Jail Cleaner	\$515.90
Cowboy Supply House	Misc. Supplies	\$480.10
Cox, Richard	Mileage	\$128.00
Dallin Motors Inc	Oil Change	\$88.38
Dirty Boyz Sanitation, Inc	Trash Services	\$1,749.00
Dixon, Town Of	Water Services	\$308.00
DOI/BLM	Carbon Cemetery Lease Pymt	\$250.00
Dominion Energy	Heating Services	\$313.78
Elevated Safety Solutions	Random Drug And Alcohol Tests	\$960.00
Elk Mountain Conoco	Fuel	\$1,509.93
Elk Mountain, Town Of	Heating Services	\$1,752.49
Encampment, Town Of	Water Services	\$102.00
Encartele	Jail Data	\$1,950.00
F & S Trucking, Inc	County Rd 404 Base	\$38,000.00
Fatbeam LLC	Fiber/Internet	\$5,259.70
France, Tara	Transcription Services	\$311.25
Fritz Welding & Machine, Inc.	Welding Services	\$125.00
Further	Participant Fees	\$3,911.76
Galls/Quartermaster	Deputy Uniforms	\$220.68
GCR Electronics, LLC	Monthly Site Rent	\$2,121.76
Greenwood Mapping, Inc	GIS Support	\$843.75
Hanna, Town Of	Water Services	\$216.43
Herman, Bobbie	Mileage	\$27.00
High Desert Construction	Rain Gutter/Downspouts	\$728.00
High Plains Power	Electric Services	\$424.94
Iacovetto, Karon	County Cleaning Services	\$16,065.00
Interior Galore	Murray St Cover base Install	\$1,450.00

Intermountain Motor Sales, Inc	Century Motor	\$313.62
Jack's Body & Fender Repair	Towing Services	\$567.00
Jacoby Funeral Home	Indigent Burial	\$1,500.00
James, Barb	Vaccine Clinics	\$472.09
Kaisler, Todd	Mileage	\$54.00
Kaluzny, Emily	Personal Phone Usage	\$30.00
Kilburn Tire Company	Co-336 Tires	\$995.92
King Soopers Customer Charges	Halloween Candy	\$23.03
KTGA/KBDY	Tower Rent	\$150.00
L N Curtis & Sons	Vent Helmet	\$308.00
Laramie Fire Extinguisher	Inspection Services	\$282.00
Lascano, Valerie	Mileage	\$54.00
LexisNexis Matthew Bender Inc	Wy Court Rules Books	\$745.54
Loan Payment Processing Center	Lease Payment	\$1,323.00
M. Gonzales Trucking, Inc.	Mechanic Work	\$2,965.22
Memorial Hospital Of Carbon County	O&M Reimbursement	\$255,339.97
Merback Award Company	Plaque	\$98.58
Mercedes Transcription, Inc	Transcription Services	\$96.25
Merseal Law, LLC	Legal Services	\$5,090.00
Mesa County Sheriff S Office	Civil Service Process Fee	\$42.50
Midwest Card And Id Solutions, LLC	Salamander Live	\$39,383.32
Miller, Dale	Food Reimbursement	\$163.94
Moss, Barbara	Mileage	\$93.60
Motorola Solutions	Milestone 1 50% Of The Contract	\$234,454.00
MPM Corp / Evergreen Disposal	Trash Services	\$130.00
Norco, Inc.	Hood/Escape Resp/Urethane	\$134.32
Northern Truck Equipment Co	O Rings	\$88.03
Novo Benefits	Cobra Rate By Actuary	\$450.00
Offender Watch	Sex Offender Notification	\$160.05
Parker, Elizabeth	Mileage	\$120.10
Perkins Conoco	Fuel	\$164.08
Perkins Oil Co	Fuel	\$2,724.59
Quill Corporation	Misc. Supplies	\$586.57
R.P Lumber Company, Inc.	Misc. Supplies	\$497.75
Rawlins Automotive	Misc. Parts	\$885.27
Rawlins Glass Center, Inc.	Tempered Glass	\$1,290.00
Rawlins Hardware	Electrical Supplies	\$176.13
Rawlins, City Of	Water Services	\$2,370.60
Ricoh USA Inc	IT Copiers	\$536.50
Rocky Mountain Power	Electric Services	\$16,779.40
Rodabaugh, Sherry	Bailiff For Jury Trial Cc	\$75.00

Saratoga Auto Parts, Inc.	Misc. Parts	\$4,793.43
Saratoga Sun	Misc. Ads	\$1,348.50
Saratoga, Town Of	Water Services	\$3.00
Schilling & Winn Pc	Legal Services	\$5,292.78
Security Transport Services, Inc.	Inmate Transport	\$3,393.10
Shepard's	Fuel	\$3,367.10
Shively Hardware	Misc. Supplies	\$1,322.18
Sikes, Melisa	Postage	\$7.95
Skyline Motors, Inc.	Module Kit	\$385.30
South Carolina Dept. Of Mv	Driver Record Fee	\$6.00
Spaulding, Dawnnette	Mileage	\$32.48
Staples Advantage	Misc. Supplies	\$1,306.02
State Of Wyoming A & I	State Mainframe Access	\$14.05
State Of Wyoming DCI	Sex Offender Notification	\$25.00
Stinker Stores, Inc.	Fuel	\$14,011.60
Summit Food Service	Jail Meals	\$13,606.60
Sunrise Sanitation Service, LLC.	Trash Services	\$68.00
Surber, Jordyn Ashlee	Legal Services	\$4,206.15
Swanson Services Corporation	Jail Commissary	\$3,110.31
Terminix	Pest Control	\$175.00
The Cowboy Couture	Embroidery Sheriff Patches	\$62.50
Thomson Reuters-West Pymt. Center	Software Subscription	\$832.34
Thos. Y. Pickett & Co., Inc.	Valuation Contract	\$7,000.00
Tin Boy Garage	Mechanic Services	\$335.46
Trapp, Larry W	Personal Vehicle/Mileage	\$1,747.62
Trudiligence, LLC	Background Checks	\$59.95
Tyler Technologies, Inc	It Software Maintenance	\$51,788.17
Tyler Technologies, Inc	Web Hosting	\$275.63
U S Postmaster-Rawlins	Postage Box Renewal	\$390.00
UPRSWDD	Trash Services	\$190.00
Valley Oil Company	Fuel	\$2,410.20
Walker, Deborah C	Patches Sewn	\$56.00
Weickum, Terry	Metal Signs	\$1,350.00
Weiland, Helen	Mileage	\$36.00
Western Plains Business Solutions	Window Envelopes	\$890.00
Western Truck Repair	Airbag	\$239.70
Wex Bank	Fuel	\$438.83
WLC Engineering	Culvert Replacement	\$2,684.20
Wohl, Judith	Mileage	\$71.70
Wy Association Of County Ag Agents	2022 Dues NACAA & WACAA	\$100.00
Wy Dept Of Health	Rental Of State Vehicle	\$80.00

Wy Dept Of Transportation	New Plates For County Vehicles	\$9.00
Wy Machinery Company	Dozer Oil Change Kit	\$326.47
Wy Rents, LLC	Jack Hammer	\$88.00
Wy State Fire Advisory Board	2021 Dues	\$500.00
Wyoming Trader	Social Media Marketing	\$250.00
Yocum, Leo	Mileage	\$24.00

CONSENT AGENDA

Commissioner Espy moved to approve the consent agenda noting any item could be removed for separate action. The consent agenda includes the November 16, 2021, regular meeting minutes; monthly receipts from the Planning and Development Department in the amount of \$5,375.00, County Clerk in the amount of \$18,409.50, a bond for Jim D. Copeland, Superintendent for Carbon County School District #2 in the amount of \$50,000.00, a bond for Byron Barkhurst, Carbon County Commissioner in the amount of \$1,000, a bond for Jody J. McClurkin, Treasurer for the City of Rawlins in the amount of \$250,000.00, Tax Roll Correction in the amount of (\$22,228.00) and Notice of Valuation Changes in the amount of (\$112,092.00). Commissioner Moore seconded, and the motion carried unanimously.

ELECTED OFFICIALS & DEPARTMENT HEADS

Buildings & Grounds

Buildings & Grounds Manager Jim Piche requested authorization to surplus a 2000 Ford pickup, VIN: 1FTNX21F7YEC02543 noting it was used at the Dixon Airport and needed repairs but wasn't worth repairing due to condition and age. The truck was parted out summer 2021 to repair a Ryan Park fire truck and now Jim would like to sell the remaining parts and cab for \$500.00 to George Ashby.

Commissioner Jones moved to surplus a 2000 Ford pickup, VIN: 1FTNX21F7YEC02543. Commissioner Espy seconded, and the motion carried unanimously.

Commissioners Espy moved to waive the procurement policy and accept payment of \$500 from George Ashby for a 2000 Ford pickup, VIN: 1FTNX21F7YEC02543. Commissioner Moore seconded, and the motion carried unanimously.

Mr. Piche reported most of the Courthouse is moving next week and offices will be closed Monday and Tuesday of next week. The moving company will return December 23 to move District Court and the Court Clerk to the Interim Justice Center.

Public Health

Public Health Nurse Amanda Brown reported on vaccine clinics, COVID cases, grant closeouts and goal setting.

Emergency Management

Lenny Layman, Emergency Management Coordinator reported that today is the 80th anniversary of Pearl Harbor and wanted to mention it. He then discussed the Carbon County Preparedness Plan and requested each department select an individual to receive C4 training to assist the county in becoming more prepared. He requested the BOCC issue a letter to department heads requesting the participation. The BOCC asked for time to consider the request. Clerk Bartlett noted the presentation today calls for a “directive” and that word gives her pause because some departments may not be able to nor want to participate. Staffing is sometimes short, and she questioned what happens if departments don’t participate. Attorney Davis suggested Lenny reach out to elected officials prior to the next meeting.

Road & Bridge

Kandis Fritz, Road & Bridge Coordinator presented a Memorandum of Understanding with the Wyoming Department of Transportation for High-Risk Rural Road Project HR22901 for commissioner approval and signature. The work will involve the purchase and delivery of signs by WYDOT, the building and installation of signs by the County and reviewing for installation of signs by WYDOT’s consultant. The signs will be installed on the Brush Creek, Hanna/Leo/Kortes, Sage Creek, Seminoe and Cherokee Roads.

Commissioner Barkhurst moved to authorize the chairman’s signature on the Memorandum of Understanding with the Wyoming Department of Transportation for High-Risk Rural Road Project HR22901 for the building and installation of signs throughout the County. Commissioner Jones seconded, and the motion passed unanimously.

Ms. Fritz has found a 2017 Freightliner, DOT certified end dump with 94,000 miles that she would like to purchase using impact assistance funds. On County Roads 291 and 270 the county expended \$270,000 in hauling costs alone and there are numerous upcoming projects the truck could be used on. The BOCC authorized the purchase.

Commissioner Espy moved to waive the procurement policy and allow Road & Bridge to purchase an end dump from Floyd’s of Casper as the truck in the amount not to exceed \$119,995.00 in a usable and safe condition is hard to find noting the price of trucks is high due to COVID as well and the need has been proven. Commissioner Moore seconded, and Commissioner Barkhurst asked the cost of a new truck. Commissioner Jones replied that a new truck without a box is \$120,000 and over a year out from ordering. The motion carried unanimously.

Planning and Zoning

Sarah Brugger, County Planning Director presented Certification of Recommended Actions for Z.C. Case File #2021-12 – Paul Draves, and Z.C. Case File #2021-13 – Devin Shepard.

Commissioner Barkhurst moved to accept the Certification of Recommended Action from the Carbon County Planning & Zoning Commission for Z.C. Case File #2021-12 – Paul Draves, and Z.C. Case File #2021-13 – Devin Shepard and schedule a public hearing for January 4, 2022, at

11:30 a.m. at the Carbon Building-Courthouse Annex located at 215 W. Buffalo in Rawlins, Wyoming. Commissioner seconded, and the motion carried unanimously.

Ms. Bruggar reported at yesterday's Planning Commission meeting they discussed amendments to the subdivision regulations. The Commission would like to schedule a joint workshop with the BOCC in January. The BOCC scheduled this for January 18 at 1:30 p.m.

Clerk

Gwynn Bartlett, County Clerk discussed the life insurance benefit change with Standard that would have been effective January 1, 2022. Unfortunately, as of that date there will be 2 people out on family medical leave. Currently there are 6 out or planning to be out. Someone must sign the application on a day where everyone is at work, or those people won't be covered until they return to work. She stated that she would really hate to leave anyone out and have no coverage for them. She thinks that she can find a date in January where nobody is out on family medical, and the application could be signed on that date so that everyone would be covered, and it would be effective February 1, 2022. She requested authorization for any commissioner or herself to sign the application on whatever date works to ensure everyone is covered. She would like to be included in case that the one day that works a commissioner isn't available.

Commissioner Moore moved to approve any commissioner or Clerk Bartlett to sign the application for the life insurance benefit change with Standard. Commissioner Espy seconded, and the motion passed unanimously.

Clerk Bartlett presented an application that she received from Joyce Menke for the vacant unexpired 3-year term on the Carbon County Senior Services Board for Elk Mountain.

Commissioner Jones moved to appoint Joyce Menke to the Carbon County Senior Services Board for the Elk Mountain seat for an unexpired 3-year term ending March 2022. Commissioner Barkhurst seconded, and the motion passed unanimously.

Clerk Bartlett discussed that she received an email from Tina Hill with the Old Penitentiary Joint Powers Board stating that Dr. William Scoggin resigned from the board a couple of months ago and stated that she has already begun advertising this vacancy.

Commissioner Espy moved to regretfully accept Dr. William Scoggin's resignation. Commissioner Barkhurst seconded, and the motion passed unanimously.

Clerk Bartlett requested to ratify the Amendment #2 to the Teledoc Service Agreement. Commissioner Espy signed the agreement on November 18, 2021. The amendment increased the Per Employee Per Month (PEPM) from \$5.00 to \$5.50

Commissioner Moore moved to ratify Commissioner Espy's signature on Amendment #2 to the Teledoc Service Agreement effective January 1, 2022. Commissioner Jones seconded, and the motion passed unanimously.

Clerk Bartlett presented 2 agreements with KnovaSolutions. The agreements will begin a free process to have KnovaSolutions perform a population risk assessment for our insurance plan. We'll get a summary of scores, with no names and based on the scores we could set a budget to target those individuals with high claims and have the company help with disease management. It's optional to the employee, so we aren't forcing anything on anyone. This would be a tool to try to reduce claims for those people with various conditions.

Commissioner Espy moved to approve the Chairman's signature on the Business Associate Agreement for a term as of the Effective Date and shall terminate when all the health information provided is destroyed or returned to Carbon County and the Confidentiality Agreement for a term of three (3) years from the date of termination. Commissioner Jones seconded, and the motion passed unanimously.

Clerk Bartlett presented a Contract for Services Agreement for Temporary Assistance for Needy Families (TANF) Grant Award for Big Brothers and Big Sisters and Boys and Girls Club of Carbon County.

Commissioner Jones moved to approve Contract for Services Agreement for Temporary Assistance for Needy Families (TANF) Grant Award for Greater Wyoming Big Brothers and Big Sisters and Boys and Girls Club of Carbon County both for a term of November 3, 2021, through September 30, 2022. Commissioner Barkhurst seconded, and the motion passed unanimously.

Clerk Bartlett requested that the County Clerk, Treasurer and Assessor's office close to the public on Monday, December 13, 2021, and Tuesday, December 14, 2021, so that the offices can move to the Carbon Building-Courthouse Annex and have time to unpack prior to opening to the public on Wednesday, December 15, 2021.

Clerk Bartlett presented the 2022 commissioner meeting schedule for adoption.

Commissioner Espy moved to adopt the 2022 Commissioners Meeting Schedule. Commissioner Moore seconded, and the motion carried unanimously.

Clerk Bartlett reported that at the Joint Corps meeting last week the committee adopted a statewide, starting point, of a redistricting plan. HD47 no longer exists and under this plan HD15 would contain Rawlins, Sinclair, Leo, and Med Bow voting precincts. The rest would be in HD39 which we will share with much of Sweetwater County, including some of Green River. Essentially the eastern side of the state will pick up the extra house seat. Chairman Johnson suggested this be discussed at the upcoming COG meeting. Commissioner Espy spoke with speaker Barlow yesterday and he feels there still may be changes going forward.

COMMISSIONERS

Attorney Davis presented a Resolution for Emergency Zoning Moratorium on Commercial Scale Energy Facilities in the Medicine Bow Pronghorn Herd Unit for commissioner approval and signature. She stated that in the last 3-4 months the WY Game & Fish notified the BOCC of a study they are performing on the Medicine Bow Pronghorn Unit. This is a 6-year study that is

approximately 3 years in and the BOCC's concern is the migration of the animals and whether too much energy development will have a negative impact on the herd. The idea of preventing energy development in the area for 120 days will allow time to consider updates to the current Zoning Resolution during that time. She clarified this is only in the study unit area. Existing permits would not be prohibited from use and action on the proposed resolution will likely not be taken until after a hearing later today for the Foote Creek case file.

Chairman Johnson stated the study was sanctioned by the G&F but also sponsored by Rocky Mountain Power and Invenergy. Typically, there would not be public comment on an emergency resolution however Chairman Johnson would like comment today as numerous individuals came today regarding the matter.

Jamey Fitzgibbon of BluEarth Renewables is deeply concerned about the proposed moratorium. First the impact these projects have on local communities as many have been supportive of the projects. With the Two Rivers and Lucky Star projects they anticipate over 30 years over \$100 million to the county and municipalities that could disappear if the projects are not allowed to proceed. There is also an indirect benefit with jobs and income along with purchasing for local benefits.

Secondly BluEarth has worked in good faith with many agencies, including the county, on limiting impacts to wildlife. Next, the company is a sponsor of the pronghorn study and during year 3 they see no reason to pause. If construction is shut down, there is no way to measure the impact on the herd which was the original point of the study.

He stated BluEarth doesn't see this as an emergency. They would like a reasonable time to submit data the BOCC desires. In addition, if a moratorium is imposed, projects that have significantly advanced and are working in good faith be eliminated from the proposed moratorium. Attorney Davis asked if both projects have ISC approval and Mr. Fitzgibbon confirmed they both do but noted neither project has county approval yet.

Lucinda Schofield, Medicine Bow Councilwoman, and business owner feels the impact funds they have received have helped the town tremendously. She worries the town could be a ghost town again without the impact assistance payments the town has received, and she didn't see migratory issues going forward for the pronghorn.

Bill Bailey, 40% owner of the Two Rivers Ranch reported he has watched Medicine Bow and neighbors prosper. Drought has caused a reduction in their cattle numbers, and he felt if at least the Two Rivers project could be built the whole end of the county can continue to prosper. He requested Two Rivers and Lucky Star projects be grandfathered in.

Michael Boulter, Co-Owner of the Two Rivers Ranch discussed Medicine Bow demographics and the antelope migration and how it may or may not be affected by wind development. He feels the town is dying. According to Mr. Walter previous studies have been performed in Wyoming and the WY Game & Fish have produced Guidelines for Wind and Solar Development. He also referenced other studies and documents which he feels supports his argument that there are no measurable impacts on radio collared animals from wind development. He feels the BOCC is

obliged to look after the citizens of the county, and it is not compatible with the BOCC's mission to prevent such development.

Justin George, owner of JD's Stop N' Shop in Medicine Bow stated this is the only economic stimulus he has seen in that end of the county. Over the past 3 years he has seen a 74% increase in gross profit. He has reinvested over \$100,000 in his business as he expected a continued stimulus. He feels previous studies are a guess that there "may be" and "could be" impacts on wildlife and not scientifically proven.

Chairman Johnson added that the Foote Creek hearing today must be heard before any action is taken on this. He added the BOCC is not trying to kill wind or economic development, but the consideration of a moratorium is out of respect for the current study, sponsored in part by wind developers. Commissioner Jones added there is more than one type of economic development in that area of the county

MEMORIAL HOSPITAL OF CARBON COUNTY (MHCC)

Ken Harmon, Chief Executive Officer for Memorial Hospital of Carbon County presented a monthly update on hospital financials, employee awards and COVID-19. Also present was board trustee Mark Kostovny.

Attorney

Ashley Mayfield Davis, Carbon County Attorney presented a Memorandum of Agreement for Opioid Settlement. She noted in 2018 the county signed onto opioid litigation and there is now a proposed settlement that requires the BOCC signature. The purpose of a settlement would be assistance to individuals within the county who have struggled with opioid addiction. 3.7% of the settlement amount to Carbon County would be paid over 18 years totaling approximately \$1.25 million or \$69,000 per year for the 18 years. There is also a settlement requirement to register the county.

Commissioner Espy moved to authorize the Chairman's signature on the OneWyo Opioid Settlement Memorandum of Agreement relating to the allocation and use of proceeds resulting from the settlement and to register the county for the settlement including any signature needed. Commissioner Barkhurst seconded, and the motion passed unanimously.

PUBLIC HEARING – Transfer Request of Special Use Permit/Conditional Use Permit #78-52 for the 9 Mile Hill Communication Site transferring from GCR Electronics, LLC to K2 Towers III, LLC

Chairman Johnson opened a public hearing at 11:14 a.m. to hear Planning & Zoning file Special Use Permit/Conditional Use Permit #78-52 for the 9 Mile Hill Communication Site. In accordance with Chapter 7, Section 7.7.J of the Carbon County Zoning Resolution of 2015, as amended, regarding the Transfer of Conditional Use Permits, previously referred to as Special Use Permits, GCR Electronics, LLC has requested that the Carbon County Board of County Commissioners approve the transfer of Special Use Permit/Conditional Use Permit Case File #78-52 to K2 Towers

III, LLC. Located approximately 10 miles north of Rawlins off US HWY287 on the west side. Planner Brugger presented the case.

Chairman Johnson called for comments for or against the case. There being none he closed the hearing at 11:17 a.m.

Commissioner Jones moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2021-43, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission Special Use Permit/Conditional Use Permit #78-52 for the 9 Mile Hill Communication Site. In accordance with Chapter 7, Section 7.7.J of the Carbon County Zoning Resolution of 2015, as amended, regarding the Transfer of Conditional Use Permits, previously referred to as Special Use Permits, GCR Electronics, LLC has requested that the Carbon County Board of County Commissioners approve the transfer of Special Use Permit/Conditional Use Permit Case File #78-52 to K2 Towers III, LLC. Commissioner Barkhurst seconded, and the motion carried unanimously.

Resolution No. 2021 – 43

A Resolution of the Board of County Commissioners of Carbon County, Wyoming.

S.U.P./C.U. Case File #78-52

(SPECIAL USE PERMIT/CONDITIONAL USE PERMIT)

TRANSFER OF PERMIT

“9 MILE HILL COMMUNICATIONS SITE”

WHEREAS, pursuant to the Carbon County Zoning Resolution of 2015, as amended, specifically, Section 7.7.J – Transfer of Conditional Use Permits, “No conditional use permit shall be transferred without the prior approval of the Board.”; and

WHEREAS, the petitioner, Thompson Hine LLP on behalf of GCR Electronics, LLC, submitted a letter to the Planning Department dated November 9, 2021, requesting the Board to allow the transfer of Special Use Permit/Conditional Use Permit Case File #78-52 – “9 Mile Hill Communications Site” to K2 Towers III, LLC, noting that all involved parties have signed the letter; and

WHEREAS, the Carbon County Board of County Commissioners advertised by public notice and provided notice to the property owner and adjacent property owners prior to said public hearing to take public input and comments which said public hearing occurred on December 7, 2021; and

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

WHEREAS, the Carbon County Board of County Commissioners having considered said request to transfer the Conditional Use Permit, and having found good cause for the permit transfer and having also reviewed and considered the Carbon County Zoning Resolution of 2015, as amended, specifically, Section 7.7.J – Transfer of Conditional Use Permits; and

WHEREAS, the Carbon County Board of County Commissioners have determined that the request to transfer the Conditional Use 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 Special Use Permit/Conditional Use Permit Transfer:

S.U.P./C.U. Case #78-52: In accordance with Chapter 7, Section 7.7.J of the Carbon County Zoning Resolution of 2015, as amended, regarding the Transfer of Conditional Use Permits, previously referred to as Special Use Permits, GCR Electronics, LLC has requested that the Carbon County Board of County Commissioners approve the transfer of Special Use Permit/Conditional Use Permit Case File #78-52 to K2 Towers III, LLC.

Project Name: 9 Mile Hill Communications Site

Permittee: GCR Electronics, LLC

Transfer to: K2 Towers III, LLC

Rural Address: 864 US HWY 287

Parcel Identification Number: 22881510001000

General Site Location: Approximately 10 miles north of Rawlins off US HWY 287 on the west side.

Legal Description: A tract of land (1 acre) located in the NW1/4 NE1/4 and the NE1/4 NW1/4, Section 15, T22N, R88W, 6th P.M., Carbon County, Wyoming. For a more complete legal description, please refer to Warranty Deed, Book 1380, Page 189.

TERMS AND CONDITIONS OF APPROVAL:

1. Emergency Contact Information shall be posted on the site and visible.
2. The maximum tower height is 60 feet.
3. If the tower height increases or the footprint area changes, a new Conditional Use Permit will be required.
4. The Applicant(s) shall 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.
5. 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.

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

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

That the Carbon County Board of County Commissioners, hereby approves this transfer of the Special Use Permit/Conditional Use Permit for the "9 Mile Hill Communications Site" (S.U.P./C.U. Case #78-52).

The new permittee is: K2 Towers III, LLC.

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 7th of December 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.W. Case File#2021-02 - “Foote Creek Wind Energy Project”

Chairman Johnson opened a public hearing at 11:19 a.m. to hear Planning & Zoning file C.U.W. Case File #2021-02 – Foote Creek North Wind Energy Project. PacifiCorp and various landowners request for a Conditional Use Permit for a Commercial Wind Energy Facility in the Ranching, Agriculture and Mining (RAM) Zone. Currently the Project consists of 64 wind turbines and pad sites. The applicant plans to replace the 64 wind turbines with 11 new turbines. The nameplate capacity will increase from 43.34 MW to 46.2 MW. However, the total Project capacity interconnected to the transmission system will remain unchanged at 43.35 MW consistent with the existing Large Generator Interconnection Agreement (LGIA). The Project includes all associated components and facilities that are necessary to generate electricity and deliver electricity to the transmission grid. The existing O&M/control building, maintenance yard(s), staging yard(s), storage area(s), substations, and related facilities and equipment will remain unchanged. Planner Brugger presented the case noting representatives from PacifiCorp are present today and would like to speak on the case.

Tim Hemstreet of PacifiCorp provided a handout further explaining the project. Brian Mickelsen, Ben Parker, and Aaron Anderson were all present as well. Mr. Hemstreet clarified they did purchase 10 turbines last year and wanted to ensure that along with minor purchases in another county would not violate staff condition 15. In addition, condition 17 discusses production of sales tax reports to county officials and he requested this be limited to the period of construction. He provided suggested language for both changes.

Commissioner Espy stated that there are no sales tax on wind generation so the county is only going to see funds off of one turbine out of the 11 the county will see. The county is not seeing any benefits and he raised his frustration with Rocky Mountain Power over this and this is the reason the county is adding sales tax reporting provisions. Mr. Hemstreet stated it was unfortunate the 10 turbines had to be purchased when they were and were delivered to Natrona County therefore, they see the benefit of the taxes.

Commissioner Moore agreed with Commissioner Espy and expressed his frustration for hearing similar sentiments from developers' numerous times now about taxes going to other counties. He questioned when this will be rectified. Mr. Hemstreet stated they can do their best to take delivery

in Carbon County however in Natrona County there is a rail spur and power yard where maintenance can be performed upon delivery.

Commissioner Barkhurst stated that as a commissioner it is one of his biggest frustrations to be promised certain revenue and have a percentage of that go elsewhere. Mr. Hemstreet stated he would support a mechanism where the tax could be paid at the ultimate destination of the product rather than where delivery was taken and unfortunately, they must make last minute decisions and delivery is often taken elsewhere.

A member of the audience questioned how tax is paid when product comes from Colorado to the job site to Wyoming and Commissioner Jones responded it's self-reported. Commissioner Jones suggested the county reach out to developers who are becoming invested in the county and the state. Part of this investment should be lay down yards within Carbon County to ensure this isn't an issue in the future.

Commissioner Barkhurst made it very clear he is not anti-wind but rather anti-giving up skylines for nothing in return. Chairman Johnson recommended the condition be left as-is. He feels the county is getting fleeced due to the lost revenue.

Commissioner Moore again asked how the problem can be solved and who the county can talk to and ensure this is right for the citizens. Mr. Hemstreet stated that if the condition is that items must be purchased in the county then they can't move forward with the project.

Commissioner Espy suggested a condition of construction of a lay down yard could be added for each project and that this would likely get the attention of developers to solve the problem.

Commissioner Barkhurst clarified that if condition 15 remains as proposed that the company would not move forward. Mr. Hemstreet stated that under IRS rules they had to purchase turbines by the end of 2020 and that was done with tax paid in Natrona County. He feels that condition 15 prohibits that and those turbines must be used on this project to be eligible for the tax credits. Commissioner Barkhurst proposed the condition be from the approval of the application forward materials would be purchased in Carbon County. Mr. Hemstreet thought they could live with that.

Mr. Hemstreet explained the tax credit is for every megawatt hour produced and the credits go directly to the customer. Chairman Johnson stated the IRS rules were subsequently extended so theoretically the 10 turbines purchased could be used elsewhere and the company could purchase new ones, pay tax in Carbon County, and move forward.

Mr. Hemstreet asked the BOCC to table the case rather than leaving the current language in condition 15 as-is. The proposed language for condition 17 was discussed, reporting "during the period of construction up to commercial operation of the project".

Lenny Layman stated he has asked several times for a recovery/decommissioning plan and has not received one. He wanted to know what happens to the old turbines and is there a plan to return the environment back to what it was before turbines were installed. Chairman Johnson stated on new projects there is a statutory decommissioning process.

Chairman Johnson called for additional comments for or against the case. There being none the hearing was closed at 12:24 p.m.

Chairman Johnson reopened the public hearing at 12:15 p.m. to hear additional comments. Commissioner Jones suggested the county require aircraft detection lighting systems (ADLS) on each turbine. Attorney Davis stated the applicant likely hasn't seen the proposed resolution with all the conditions. She made a suggested change about future repowering in the resolution. She also had previously added the ADLS language as a suggested condition. Mr. Hemstreet stated he would like to review the ADLS language as it's not a simple fix and it would require further investigation on his part to determine how to comply. The hearing was closed at 12:29 p.m.

Commissioner Espy moved to table Planning and Zoning Commission C.U.W. Case File #2021-02 – Foote Creek North Wind Energy Project. PacifiCorp and various landowners request for a Conditional Use Permit for a Commercial Wind Energy Facility in the Ranching, Agriculture and Mining (RAM) Zone. Commissioner Moore seconded, and Attorney Davis confirmed the case can be tabled for up to 45 days therefore it would be heard again January 18, 2022. The motion carried unanimously.

TREASURER APPOINTMENT

Chairman Johnson reported the Carbon County Democratic Party has submitted three names to fill the County Treasurer position. The three names were Eileen Keller, Debbie Lazarkiewicz and Lindsey West. Ms. Lazarkiewicz and Ms. Keller both withdrew their names noting that after further thought they would prefer to use their experience in their respective offices. Ms. West expressed her continued interest noting she plans to run in 2022 for the position.

Commissioner Espy moved to appoint Lindsey West as Carbon County Treasurer effective immediately. Commissioner Jones seconded, and the motion carried unanimously.

District Court Judge Snyder swore Ms. West in via zoom.

Commissioners

Vice Chairwoman Sue Jones requested to ratify the Agreement for Consultant Services with Lew Lott/Airport IFE Services, Inc for the Dixon Airport Fence Relocation Project that she signed November 26, 2021. The County must have an independent review of the engineering fees on this project as the cost exceeds the standard engineering amount. The IFE needs to be done by mid-December, but Mr. Lott is ready to roll on it & wants to complete it this week.

Commissioner Barkhurst moved to ratify Vice Chairwoman Sue Jones' signature on the Agreement for Consultant Services with Airport IFE Services, Inc to do an independent review of the engineering fees on the Dixon Airport Fence Relocation Project in the amount of \$2,350.00. Commissioner Espy seconded, and the motion passed unanimously.

Vice Chairwoman Sue Jones requested the chairman's signature on the Dixon Airport Federal Financial Report and the Request for Advance or Reimbursement. These are required for year-end reporting and are for informational purposes only and it just requires a signature.

Commissioner Jones moved to approve the Chairman's signature on the Dixon Airport Federal Financial Report and the Request for Advance or Reimbursement. Commissioner Barkhurst seconded, and the motion passed unanimously.

Commissioner Jones presented an Agreement with WLC Engineering & Surveying for Dixon Airport – Parcel 9B Survey Project. Parcel 9B was in the original agreement for 3-Forks Ranch to give to the county however the parcel did not end up in the final deed. The ranch wanted a survey before finalizing any transfer of ownership so she proposes hiring WLC for the survey so that hopefully 3-Forks will deed parcel 9B to the county.

Commissioner Moore moved to approve the Chairman's or attorney's signature on the Agreement with WLC Engineering & Surveying so survey the Dixon Airport for the Parcel 9B Survey Project for an amount not to exceed \$5,750.00. Commissioner Espy seconded, and the motion passed unanimously.

EXECUTIVE SESSION

Commissioner Espy moved to go into executive session at 1:47 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 2:36 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Moore seconded, and the motion carried unanimously.

Commissioners

Chairman Johnson revisited the Emergency Moratorium for Energy Development in Carbon County. Commissioner Jones asked Attorney Davis how the county could proceed. Attorney Davis stated the resolution could potentially allow for a grandfather clause for those who have applied or anyone who has been working with the county. Those projects could continue development and language could clarify what documentation would be included.

Commissioner Moore asked what is next in the process. Chairman Johnson said the motion could be considered pending legal review. Attorney Davis clarified the moratorium is only for 120 days to provide staff with an opportunity to present the Planning Commission and the BOCC with proposed permanent changes.

Commissioner Jones moved to adopt Resolution 2021-44, A Resolution for Emergency Zoning Moratorium on Commercial Scale Energy Facilities in the Medicine Bow Pronghorn Herd Unit and allow the attorney to include a grandfather clause with the final resolution pending legal review. Commissioner Moore seconded, and Commissioner Espy noted he will vote no because

wind in WY is defined as a property right. Another reason is that the WY Game & Fish has asked wind companies to fund such studies and he doesn't feel it's right to have companies fund studies then use those studies against them. He feels the county is holding renewable energy to a higher standard than oil and gas is being held to. The actual construction that causes the issues with wildlife but once under production the animals seem to adapt. The motion failed with Chairman Johnson and Commissioner Jones voting for the motion and Commissioners Espy, Moore and Barkhurst voting against.

CARBON COUNTY YOUTH CRISIS CENTER – VOLUNTEERS OF AMERICA

Heath Steel and Suzie Arnold with Volunteers of America (VOA) out of Sheridan, WY discussed their possible intent to take over the operation of the Carbon County Youth Crisis Center (CCYCC). Attorney Davis stated after a month of the CCYCC being closed she and Commissioner Jones reached out to numerous entities regarding the center. There are various options including have the Sheriff or another county agency run the center but at a very high cost, have an entity contract to run it or setup a board to run the center. The third option takes a significant amount of time. Previously the county has paid \$100,000 a year later reduced to \$50,000 per year. She highly encouraged the county to consider this offer from VOA to run the center for 5 years at a commitment of \$200,000 per year. She pointed out if the county were to pay individuals with benefits, it may get two individuals for the same cost. The state has offered a one-time, unprecedented payment of \$50,000 to VOA to take the center over.

Mr. Steel explained VOA noting with the original contact by Commissioner Jones he was very reluctant, mostly due to the numbers. This will require a substantial commitment from the county and from the City of Rawlins. He feels it could be up to 60 days to be operational although he hopes for a quicker timeframe. Commissioner Moore asked when they would consider approaching the school district for funding and day school opportunities. Mr. Steel replied the DFS side and hiring must take place first with community partner meetings shortly thereafter. Mr. Steel feels the two biggest challenges will be hiring and access to mental health for youth.

Attorney Davis presented an Agreement for operation for the Carbon County Youth Crisis Center and a Lease Agreement with Volunteers of America for commissioner approval and signature. She added the county's contribution will be reduced by any fundraising or grants the county can obtain.

Commissioner Jones moved to authorize any commissioner to sign the Agreement between Carbon County and Volunteers of America for the operation of the Carbon County Youth Crisis Center for a term through June 30, 2027, pending legal review. Commissioner Moore seconded, and the motion passed unanimously.

Commissioner Jones moved to authorize any commissioner and the Lease Agreement with Volunteers of America for the Carbon County Youth Crisis Center facility in Rawlins for a term through June 30, 2027. Commissioner Moore seconded, and the motion carried unanimously.

Attorney Davis reported that the Diversion Specialist was employed by the Cathedral Home when the crisis center closed. The position is being transitioned into her office and she wanted this on the record and stressed the importance of the position.

CITIZEN & COMMISSIONERS DISCUSSION

Chairman Johnson asked for public comment on a proposed fire district however no citizens were present. Commissioner Moore discussed the idea of marketing for the fire district through the Council of Governments.

Commissioner Espy attended a migration corridor meeting yesterday in Cheyenne.

ADJOURNMENT

Commissioner Espy moved to adjourn the meeting at 4:02 p.m. Commissioner Moore seconded, and the motion carried unanimously.

A regular meeting of this Board will be held January 4, 2022, at 9:00 a.m., at the Carbon Building-Courthouse Annex, Room 240A, located at 215 West Buffalo, 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.