

**REPORT TO THE
MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, November 15, 2022
Carbon Building – Courthouse Annex, Rawlins WY**

A regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, November 15, 2022, at 9:00 a.m. at the Carbon Building-Courthouse Annex in Rawlins, WY. Attending the meeting were Chairman, John Johnson, Vice Chairman, Sue Jones, Commissioner John Espy, Byron Barkhurst and Travis Moore.

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

ADDITIONS / CORRECTIONS

Chairman Johnson added a resolution under the Attorney regarding the Cherokee Road hearing to allow proper notice to landowners affected.

VOUCHERS

Commissioner Barkhurst moved to approve payment to Sunrise Sanitation for \$91.00. Commissioner Espy seconded and the motion passed with all voting for the motion except Commissioner Jones who abstained due to personal conflicts.

Commissioner Barkhurst moved to approve November 2022 payroll and benefit expenses of \$1,079,547.17, insurance claim and premium expenses of \$183,255.56 and report of expenditures in the amount of \$743,065.27 for an aggregate total today of \$2,005,959.00. Commissioner Espy seconded and the motion passed unanimously.

Vendor	Detail Line Description	Total
Able Equipment Company	Ball/Headache Rack/Front Bumper Rplc.	\$3,441.00
Albrechtson, Mary Kay	Bailiff For Circuit Court Trial	\$225.00
Alesco, American Linen Div.	Misc. Shop Supplies	\$124.94
Amazon Capital Services	Decorative Paper	\$46.55
Arca Search	Annual Fee	\$1,166.00
Arnold, Debra	Election Mileage	\$47.30
Bach, Carol	Election Mileage	\$13.20
Baggs, Town Of	Oct 2022 Rent/Water Services	\$205.58
Balestrieri, Michelle	Postage	\$154.95
Benjamin, Larry	Mileage	\$41.80
Best Western Cottontree	Hotel Room for Court Case	\$294.00
BI Inc.	Electronic Monitoring Services	\$1,930.50
Black, Val	Election Mileage	\$44.00
Blakeman Propane	Heating Services	\$752.45

Bob Barker Company, Inc.	Inflating Needle/Pump	\$776.73
Brake Supply Company, Inc.	Cylinder Repair	\$3,238.70
Brown & Hiser LLC	Legal Services	\$1,040.00
Buchanan, Karen	Mileage	\$88.00
C & B Sand & Gravel	Gravel County Rd 702	\$2,381.15
Carbon Co. Veterinary Hospital	Misc. Vet Services	\$237.50
Carbon Power & Light Inc	Electric Services	\$2,085.84
Casper Winnelson Co	Boiler Parts	\$5,354.06
Cedars Health	Firefighter Physical	\$767.45
Chiu, Stephanie	Inmate Medical Services	\$6,500.00
Clark, Alice	Election Mileage	\$72.60
CNA Surety	Misc. Bond Renewal	\$1,460.00
Colson Roberts, Ashlea A	Remains Search	\$39.50
Correnti, Joey	Canvasing Board 22 General	\$98.18
Crater Enterprises, Inc	Grease Trap Pumping	\$2,675.00
Creagan, Lauren	Facebook Ads	\$1,190.81
Dallin Motors Inc	Check Engine Lt & Misc. Mechanic Services	\$9,527.81
Dirty Boyz Sanitation, Inc	Trash Services	\$1,572.00
Dominion Energy	Heating Services	\$227.96
Drummond Refrigeration LLC	Replace Compressor	\$3,136.50
Dustbusters, Inc.	County Rd 121 Mag chloride	\$62,834.20
Econo Signs, LLC	Custom Signs	\$116.63
Elder, Joseph E	Election Mileage	\$44.00
Elevated Safety Solutions	Random Drug Test/Breath Alcohol	\$174.00
Elk Mountain, Town Of	Water Services	\$71.50
Encampment, Town Of	Water Services	\$102.00
Encartele	Jail Data	\$750.00
Engstrom, James D. DDS	Inmate Dental Services	\$2,500.00
Entenmann - Rovin Co	Attorney's Office Badge and Engraving	\$201.75
FCI Constructors of WY	Courthouse Carbon Building Construction	\$413,482.05
Fernandez, Veronica M	Canvasing Board 22 General	\$50.88
Fluty, Lisa K	Election Mileage	\$47.30
Fox, Sid	Hours Worked Salary	\$10,511.00
Galls/Quartermaster	Lieutenant Bars	\$657.96
Gilbert, Elijah J	Election Mileage	\$22.00
Grainger	Misc. Parts	\$554.44
Greater WY Big Bros/Sisters	Oct 2022 Prevention	\$6,227.95
Greenwood Mapping, Inc	Parcel Mapping Jul-Oct 2022	\$2,812.50
Greiner Ford Of Casper	D/C Horn & Mirror Lt & SPDPM Check	\$285.65
Herman, Bobbie	Mileage	\$49.50
High Plains Power	Electric Services	\$518.23

Hobbs, Angie E	Election Mileage	\$38.50
Hobbs, Iyliemae	Election Mileage	\$38.50
Jack's Body & Fender Repair	Towing Services	\$797.00
Jolly, Ashley	Mileage On Election Day	\$93.50
Jones, Hope	Election Mileage	\$49.50
Kaisler, Todd	Mileage	\$99.00
Kilburn Tire Company	Tire Repair/Valve/Tires	\$2,025.99
Koeneke, Alice	Election Mileage	\$44.00
Laramie Fire Protection	New Cellular Dialer with IP Backup	\$1,258.75
Lazarkiewicz, Debora	Meal	\$59.97
Lifetime Benefit Solutions, Inc	Cobra Buy Up Fee	\$25.00
Lissman, Hunter	Full Day Witness Fee/Mileage	\$156.50
Maddox, Karol	Election Mileage	\$74.80
Mem. Hospital Of Carbon Co.	Hanna Parking Lot Repair Reimbursement	\$70,217.30
Merback Award Company	Plaque W/ Plate	\$108.15
Montgomery-Wainwright, Faith	Election Mileage	\$46.20
Moss, Barbara	Mileage	\$70.40
MPM Corp/Evergreen Disposal	Trash Services	\$130.00
National Fire Protection Assoc.	2023 Membership Dues	\$175.00
Nitschke, Eva J	Election Mileage	\$46.20
Nitschke, Isaac P	Election Mileage	\$115.50
Norco, Inc.	Cylinder Rent	\$821.19
Offender Watch	Sex Offender Notifications	\$118.40
Olde Trading Post	Fuel	\$23.84
O'Reilly Auto Parts	Misc. Parts	\$495.20
Patterson, Connie	Election Mileage	\$46.20
Payne-Rogers, Frances	Election Mileage	\$44.00
Perkins Conoco	Fuel	\$537.56
Perkins Oil Co	Def Fluid/Fuel	\$4,462.23
Perue Printing	Door Hangers	\$47.00
Pipher, Donna J	Election Mileage	\$44.00
Quill Corporation	Misc. Office Supplies	\$277.80
R.P. Lumber Company, Inc.	Baseboard Heater	\$65.99
Rawlins Automotive	Misc. Parts	\$584.50
Rawlins Elementary School	Clothing Reimbursement	\$2,930.08
Rawlins Hardware	Misc. Supplies	\$242.90
Rawlins, City Of	Water Services	\$2,508.00
Ready, Justin	Mileage	\$88.00
Reed, Kaitlin M	Mileage	\$67.65
Republic Services #642	Trash Services	\$230.64
Rice-Prior, Denise	Jail Mental Health Services	\$600.00

Rietveld, Toni	Election Mileage	\$46.20
Risner, Lynette D	Election Mileage	\$5.50
Rodabaugh, Sherry	Bailiff for Circuit Court Trial	\$225.00
Runbeck	Paper Ballots	\$7,560.62
Saratoga Auto Parts, Inc.	Misc. Supplies	\$513.27
Saratoga Sun	General Election Sample Ballot Ads	\$1,217.70
Saratoga, Town of	Water Services	\$435.20
Shippy, April	Interpreter Services	\$40.00
Shively Hardware	Pick Bridge Culvert/Misc. Supplies	\$17,751.22
Sikes, Melisa	Postage	\$35.50
Smith Psychological Services	Employee Evaluation	\$400.00
Smith, Loretta K	Election Mileage	\$77.00
Spaulding, Dawnnette	Mileage	\$73.75
Stanley, Jodi L	Election Mileage	\$84.70
Staples Advantage	Paper Clips	\$777.94
State of Wyoming A & I	2nd Qtr. 2022 Storage	\$15.84
State of Wyoming DCI	Sex Offender Change Fees	\$25.00
Stauffer's Towing LLC	Towing Services	\$223.25
Stinker Stores Inc	Fuel	\$12,326.59
Summit Food Service	Jail Meals	\$8,170.71
Sunrise Sanitation Srv., LLC.	Trash Services	\$91.00
Swanson Services Corporation	Jail Commissary Credit	\$524.91
Symns, Robert A	Election Mileage	\$114.40
Telecommunication Sys., Inc.	Annual Fees	\$15,000.00
Tin Boy Garage	Tire Repair	\$35.00
T-O Engineers	DWX Master Plan	\$2,798.75
Trevathan, Sabrina RDR	Transcription Services	\$2,510.00
Triple X Contracting, Inc.	Trash Services	\$650.00
UPRSWDD	Trash Services	\$200.00
US Bank	Misc. Charges	\$3,956.11
Valley Oil Company	Fuel	\$2,345.84
Vannett, Mistina N	Election Mileage	\$46.20
Vannorman, Cathy L	Election Mileage	\$84.70
Voiance Language Srv., LLC	Interpretation Services	\$9.75
WACERS	2022-23 Dues	\$2,325.00
Weatherd, Jill M.	Election Mileage	\$46.20
West End Sinclair	Fuel	\$58.73
Western Truck Repair	Misc. Parts	\$552.31
Wex Bank	Fuel	\$988.28
Willis, Darren	Fuel Reimbursement	\$125.34
Winters Griffith Architects	Construction Administration Oct 2022	\$4,092.00

Wohl, Judith	Mileage	\$66.00
WY Assoc. of Co. Ag Agents	2023 Dues	\$100.00
WY Behavioral Institute	Emergency Psych Lockup	\$7,540.00
WY Dept Of Health	State Vehicle Rental	\$192.00
WY Diesel Service	Split In Brake Line	\$2,855.90
WY State Forestry	Hydra-vac	\$2,967.32

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 1, 2022, regular meeting minutes, monthly receipts from the County Clerk in the amount of \$21,072.25, Clerk of District Court in the amount of \$4,365.00 and Planning and Development in the amount of \$1,875.00. Commissioner Moore seconded and the motion passed unanimously.

EMPLOYEE RECOGNITION

County Clerk Gwynn Bartlett recognized Lisa Smith for her assistance in the elections.

ELECTED OFFICIALS & DEPARTMENT HEADS

Coroner

Brittany Nyman, County Coroner discussed the County Indigent Burial Policy. The policy would outline her procedures for indigent burials. Attorney Davis reported the policy must follow the statutory Administrative Procedures Act.

Commissioner Espy moved to authorize the coroner to move forward with proper advertisement of the proposed Indigent Burial Policy. Commissioner Jones seconded the motion passed unanimously.

Sheriff

Archie Roybal, Carbon County Sheriff provided an update on services his office has provided. The new Sheriff-elect Alex Bakken is shadowing him through the remainder of his term. The Haglund, (rescue unit) the county purchased should be delivered in December.

Emergency Management

Lenny Layman, Emergency Management Coordinator presented a grant agreement for BOCC approval and signature.

Commissioner Espy moved to approve the Chairman's signature on the corrected version of 22-SHSP-CAR-IIS-GAA grant award agreement for the Office of Emergency Management Contract and portable radios in the amount of \$25,210.00. Commissioner Moore seconded and the motion passed unanimously.

Mr. Layman presented a monthly update for the Office of Emergency Management to include a meeting held in Hanna on November 7, 2022, regarding the emergency processes due the CR297 closure. Kandis Fritz, R&B Coordinator discussed signage she would like to place on the road to notify the public the road is closed.

Mr. Layman reported this Friday he and Clerk Bartlett will provide a tour for security personnel from various local agencies to build an orientation for Courthouse occupants. He is helping the buildings department with various generator testing as well. He also provided an update on the Saratoga Encampment Riverside Conservation District/Boozer Creek and a tour that was held at the newly remodeled Courthouse on November 9th.

Fire Warden

John Rutherford, Carbon County Fire Warden reported that when the communications project engineer visited the Elk Mountain site the winds were so strong that the dishes designed were not going to work. The project will require a communications building costing an additional \$58,000 plus freight of \$8,779.00.

Commissioner Espy moved to waive the procurement policy and purchase a communications building (Comshel) totaling approximately \$68,000.00 to be paid from ARPA funding. Commissioner Moore seconded and Commissioner Barkhurst shared his disappointment with CODAN for not catching this in the original design. He hopes there are no further surprises. The motion passed unanimously.

Mr. Rutherford reported they have 406 calls this year noting this does not include Saratoga, Baggs or Medicine Bow. He discussed the new fire district that was formed at last week's election noting the board will begin meeting to develop bylaws and other processes. Funding will not come for the district until next fall.

Mr. Rutherford requested and received approval to apply for a State Forestry grant for communication equipment on Elk Mountain. This is a 50/50 match grant up to \$20,000.00. He would use the funding for communications equipment.

IT

IT Director, Matt Webster presented an amendment to an imaging agreement for approval and Chairman's signature. The amendment decreases the price for copiers recently received.

Commissioner Jones moved to approve the Chairman's signature on the Capital Business Amendment for Schedule to Master Agreement – Imaging noting the amendment decreases the billing rate. Commissioner Espy seconded and the motion passed unanimously.

Road & Bridge

Kandis Fritz, Road and Bridge Superintendent updated the BOCC on the upcoming bridge projects that will be funded by BROS and BIL and when they will begin construction. Bridge CN06068 (North Platte River – CR203) and Bridge CN06072 (North Platte River - CR660) both will begin in 2026.

Ms. Fritz had a reconnaissance meeting with WYDOT on November 9, 2022, for the following 3 bridges: CN06069 (Muddy Creek – CR702) will begin in 2025. A detour structure was suggested as there is no alternate route and she agreed. CN06070 (Sand Creek – CR3) will begin in 2025. The resident engineer suggested that we have a detour structure be put in place within our right of way and not close the county road. The road isn't significantly busy, but the detour route would be over 30 miles.

CN06071 (Four Mile Creek – CR603) will also begin in 2025. As of right now it doesn't make any sense to have a detour bridge installed but she just wanted to let the BOCC know and be aware if questions come up in the future. This project is going to be very challenging with the high-pressure gas line and steep terrain. The landowner really doesn't want a detour and this bridge is located right at the Wyoming/Colorado line. There are two ways in and around this location. Moffat CR9 North, CR603 (South of Bridge) and County Road 722. Right now, in the reconnaissance report it is stated that all 3 existing bridge structures will become property of the successful contractor to dispose of. The landowner on county road 603 has mentioned to WYDOT that he is interested in the old structure once it is removed. She asked if the BOCC prefer that the landowner work directly with the successful contractor and make this deal or are they interested in surplus auction? The BOCC preferred the contractor keep the bridge and do whatever they want with it.

Ms. Fritz stated that she received a fully signed road use agreement from the Two Rivers Wind Project in April 2019, and she wondered if the road use agreement is still considered in agreement to the terms or if she needed to do another one. She asked if the agreement could be amended, and Attorney Davis stated that the agreement was valid for 5 years from the signature date of 2019 therefore two more years would need to lapse. Ms. Fritz stated that with rising prices her office will not be able to accomplish what they promised. Chairman Johnson thought we should reach out to the applicant to ask for an amendment due to cost escalation.

Commissioner moved to authorize any commissioner's signature on a letter to Two Rivers Lucky Star wind project owner requesting an amendment to the road use agreement signed in 2019. **Commissioner** seconded and the motion passed unanimously.

Clerk

Gwynn Bartlett, County Clerk presented an Administrative Service Agreement with Blue Cross Blue Shield for approval and Chairman's signature.

Commissioner Jones moved to approve the Administrative Service Agreement with Blue Cross Blue Shield which takes effect on October 1, 2022 and continues through September 30, 2023. Commissioner Barkhurst seconded and the motion passed unanimously.

Clerk Bartlett presented board applications that she has received for approval and appointment.

Commissioner Jones moved to reappoint Lisa Smith to the Jeffrey Center Board for a 5-year term expiring November 2027, Jay Grabow to the Planning and Zoning Commission for a 3-year term ending November 2025 and Justin Ready to the Carbon County Fair Board for a 5-year term ending December 2027 and to appoint Irene Archibald to the South Central WY Emergency Medical Services Joint Powers Board for a term ending July 2024. Commissioner Espy seconded and Commissioner Barkhurst stated his appreciation for all the applicants including Samantha Buffington noting he believes the current board is doing a good job. The motion passed unanimously.

Clerk Bartlett asked the BOCC on whether they would like to advertise the Building and Grounds position or leave Mr. Newbrough as the interim.

Commissioner Espy moved to authorize the Clerk to advertise for the Buildings & Grounds manager position. Commissioner Moore seconded the motion passed unanimously.

On behalf of the Buildings Department Gwynn reported that the LED light conversation project that Mike Newbrough discussed at a past meeting will require a journeyman electrician. The project would be for various county buildings including County Fire in Rawlins, 3rd floor of the Carbon Building, Rawlins Senior Center, Interim Justice Center, maintenance shops and possibly others. Mike has a total price however the Clerk didn't want to release it in case the board wanted the project bid. The BOCC would like to follow the procurement policy and bid the project.

She reported the water is shut off at the Saratoga Public Health buildings as there is a leak in the line to the main in the county's parking lot. The county will be responsible for digging up and repairing the leak and Clerk Bartlett let Mr. Newbrough know to stay completely out of the neighboring Odd Fellows parking lot. He will likely be hiring this repair out including digging up the parking lot.

Finally, the county uses Corvinus for electronic locks at the jail. Mr. Newbrough would like to use them to clean and inspect locks both now and potentially on an annual basis. He has not bid the project but because we have a relationship with this company, he thought it was best to use them.

Commissioner Espy moved to waive the procurement policy and hire Corvinus to inspect and conduct a thorough review and cleaning of all jail lock systems in the amount of \$9,870.00 noting the procurement policy was waived as the county has a relationship with Corvinus at the jail to maintain locks. Commissioner Moore seconded and the motion passed unanimously.

Attorney

County Attorney Davis Attorney Davis presented a Memorandum of Understanding from the Bureau of Land Management for approval and Chairman's signature. Commissioner Espy stated that the county's who will sign the agreement will use Natural Environmental Policy Act Review (NERPA) funding to bring in consultants to help WY develop alternatives to propose to the BLM.

Commissioner Moore moved to approve the Chairman's signature on the Memorandum of Understanding between Carbon County and the Bureau of Land Management regarding plan amendments for the management of Greater Sage Grouse for a term of November 2022 through Spring of 2024 and to authorize Commissioner Espy and Sarah Bruggar to be points of contact for the agreement and notify the Bureau of Land Management that Carbon County will be working with the WY County Commissioners Association on the matter. Commissioner Jones seconded and the motion passed unanimously.

Attorney Davis reported that the BOCC formerly adopted Resolution 2022-45 scheduling a hearing regarding making Cherokee Road a formal county road. Originally the hearing was scheduled for December 1 however since affected landowners have not been notified, she asked this be delayed until December 15. Notifications will be sent to landowners today.

Commissioner Barkhurst moved to approve Resolution 2022-50, A Resolution by the Board of County Commissioners of Carbon County, Wyoming Continuing the Public Hearing and Deadline for Objections and Claims for Formal Adoption of County Road 451, Cherokee Road. Commissioner Espy seconded and the motion passed unanimously.

Resolution No. 2022 – 50

**A Resolution of the Board of County Commissioners of Carbon County, Wyoming,
“CONTINUING THE PUBLIC HEARING AND DEADLINE FOR OBJECTIONS AND
CLAIMS FOR FORMAL ADOPTION OF COUNTY ROAD 451, CHEROKEE ROAD”**

WHEREAS, the Carbon County Board of County Commissioners deemed it to be in the public interest to initiate the procedure to formally adopt the Cherokee Road (County Road 451) in accordance with Wyoming Statutes §24-3-101 through §24-3-127, W.S. 1977, as amended, as set forth in Resolution No. 2022-45 of the Board of County Commissioners of Carbon County, Wyoming; and,

WHEREAS, the road was established in 2001; and,

WHEREAS, the Carbon County Board of County Commissioners deemed it is in the public interest to consider the adoption of the road identified in Exhibit A (attached and incorporated herein) and more specifically defined as follows:

County Road 451 (60 foot wide county road easement)

A strip of land delineated for a County Road easement located within Sections 13 & 24, Township 21 North, Range 88 West of the 6th P.M., Carbon County, Wyoming being 60 feet in width, 30 feet on either side of the following described centerline with sidelines extending and shortening so as to terminate at property lines and further described as: Commencing at the Northeast corner of said Section 24; thence S29°06'20"W a distance of 1345.25 feet to the Northerly right of way of Interstate 80 Frontage Road (Wagon Circle Road) and the Point of Beginning of this centerline description;

Thence N00°12'00" W along the centerline of an existing road referred herein as County Road 451 a distance of 1186.22 feet to the line common to the said Sections 13 & 24;

Thence N00°07'14" E along the said centerline and into said Section 13 a distance of 659.10 feet;

Thence N00°13'54" W along the said centerline a distance of 451.53 feet;

Thence N07°46'18" W along the said centerline a distance of 212.79 feet; Thence along the said centerline 351.72 feet along the arc of a curve to the left, said curve having a radius of 570.00 feet, an internal angle of 35°21'18" and a long chord which bears N24°01'04" W a distance of 346.17 feet; Thence N41°39'47" W along the said centerline a distance of 478.42 feet; Thence N43°30'02" W along the said centerline a distance of 855.48 feet; Thence N46°19'05" W along the said centerline a distance of 51.29 feet; Thence N45°34'11" W along the said centerline a distance of 326.21 feet; Thence N44°28'43" W along the said centerline a distance of 499.17 feet; Thence N45°33'05" W along the said centerline a distance of 391.08 feet; Thence N45°29'37" W along the said centerline a distance of 292.08 feet; Thence N42°47'16" W along the said centerline a distance of 199.30 feet; Thence along the said centerline 179.62 feet along the arc of a curve to the right, said curve having a radius of 1128.35 feet, an internal angle of 9°07'15" and a long chord which bears N38°13'38" W a distance of 179.43 feet; Thence N33°49'01" W along the said centerline a distance of 428.64 feet; Thence N32°38'21" W along the said centerline a distance of 246.62 feet to the Point of Ending of this centerline description, said Point of Ending bears N53°21'22" W a distance of 1030.58 feet from the C-N 1/16th corner of said Section 13

Containing 6,809.27 feet, 412.68 rods and 9.38 acres, more or less.

WHEREAS, the Board appointed Craig Kopasz, who is a suitable and disinterested person to act as viewer and examine the expediency of the formal adoption of the road, and to report immediately to the Board of County Commissioners in writing in conformance with Wyoming Statutes §24-3-103 through §24-3-107, W.S. 1977, with a written report submitted to the Board no later than December 9, 2022; and,

WHEREAS, the Board originally scheduled a public hearing to consider the formal adoption of Cherokee Road (County Road 451) for the 1st day of December 2022, at 11:00 o'clock A.M; and,

WHEREAS, the Board is continuing the originally scheduled public hearing and the deadline for submission of objections or claims for damages to the formal adoption of Cherokee Road (County Road 451) to provide sufficient time for notice, responses and preparation for the hearing; and,

WHEREAS, the Board shall consider the adoption of Cherokee Road (County Road 451) on the 15th day of December 2022, at 11:00 o'clock AM, after proper notice is given to the public and all interested landowners prior to the meeting occurring; and,

WHEREAS, all objections or claims for damages to the formal adoption of this portion of Cherokee Road (County Road 451) shall be provided to Carbon County Attorney Ashley Mayfield Davis no later than noon on the 12th day of December 2022, or they shall be disregarded, and not considered, and shall be deemed to have been waived and barred in accordance with Wyoming Statute §24-3-112.

NOW, THEREFORE BE IT RESOLVED, the Carbon County Board of County Commissioners, Carbon County, Wyoming, has complied with the provisions of Wyoming Statutes §24-3-101 et. seq., W.S. 1977, as amended to initiate the formal adoption of Cherokee Road (County Road 451) as the Board deems it to be in the public interest and the Board shall hold

a public hearing to consider this action at the Carbon County Board of County Commissioners held on the 15th day of December 2022.

APPROVED, PASSED, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 15th day of November 2022.

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

By: -s- Willing "John" Johnson, Chairman

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

Treasurer

Lindsey West, Carbon County Treasurer presented an Automated Teller Machine Location Agreement for approval and Chairman's signature. Meridian Trust FCU pulled the ATMs it had at the Carbon Building and IJC. Mrs. West sent letters to both local institutions asking them to submit proposals if they were interested, however, both declined. During that time, another company inquired about the possibility of placing one of their ATMs at these locations. She sent that company the same letter and they were interested. She asked that they provide a contract for services for the County to review.

Commissioner Moore moved to authorize the Treasurer or any commissioner to sign the Automated Teller Machine Location Agreement between CashLink, Inc. and Carbon County to provide ATMs at the Carbon Building and the Interim Justice Center for a period of 3 years. Commissioner Espy seconded and the motion passed unanimously.

Commissioner Barkhurst asked what the average amount of taxes is people split into two installments versus paying the entire amount in December. Treasurer West will pull the historical data to determine the average threshold.

Planning and Zoning

Kristy Rowan, Office manager presented certifications of recommended action on behalf of the Planning Department requesting a public hearing be scheduled for each. The applicants for the Z.C. Case 2022-19, Vacher requested that the case be heard in January so they can be present.

Commissioner Barkhurst moved to accept Certifications of Recommended Action from the Carbon County Planning & Zoning Commission C.U. Case #2022-06 - Bloody Lake Communications Site - Union Telephone Company, and C.U. Case #2022-07 - Wilson Ridge Communications Site - Union Telephone Company and schedule a public hearing for Tuesday, December 20, 2022, at 11:00 a.m. at the Carbon Building – Courthouse Annex, Rawlins, Wyoming. Commissioner Jones seconded and the motion passed unanimously.

Commissioner Barkhurst moved to accept Certifications of Recommended Action from the Carbon County Planning & Zoning Commission for Z.C. Case #2022-19 - Jo Ella and Desire "Desi" Vacher and schedule a public hearing for Tuesday, January 17, 2023, at 11:00 a.m. Commissioner Moore seconded the motion passed unanimously.

Public Hearing – Z.C. Case #2022-16 – Jeremy Perkins and Alanna Lee

Chairman Johnson opened a public hearing at 11:00 a.m. to hear Planning & Zoning file Z.C. Case #2022-16 – Jeremy Perkins and Alanna Lee's request for a zone change from Ranching, Agriculture and Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR-2.75) on Tract 53 located in the Overlook Retreat Subdivision #1. The FPSR Zone is intended to be applied to areas of the County in which timber production and seasonally accessible recreation uses are the desirable predominant uses, located approximately 22 miles south of Elk Mountain on Carbon County Road #101 (Medicine Bow Ranger Station Road) and on U.S. Forest Service Road #105 about one mile north of Turpin Reservoir. Ms. Rowan presented the case file.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Johnson closed the hearing at 11:06 a.m.

Commissioner Jones moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2022-51 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding Z.C. Case #2022-16 – Jeremy Perkins and Alanna Lee's request for a zone change from Ranching, Agriculture and Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR-2.75) on Tract 53 located in the Overlook Retreat Subdivision #1 and located approximately 22 miles south of Elk Mountain on Carbon County Road #101 (Medicine Bow Ranger Station Road) and on U.S. Forest Service Road #105 about one mile north of Turpin Reservoir. Commissioner Espy seconded and Chairman Johnson asked why there are so many in the same subdivision recently with more to come today. Ms. Rowan stated that because this is in a platted county subdivision that are not zoned from years ago when someone applies for a building permit the zone change is necessary. The motion passed unanimously.

Resolution No. 2022 – 51

**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 #2022-16

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, October 3, 2022, which hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, October 3, 2022, 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, October 3, 2022, 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, November 15, 2022; and

WHEREAS, at said public hearing on November 15, 2022, 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 #2022-16: Request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR-2.75) on Tract 53 located in the Overlook Retreat Subdivision #1. The FPSR Zone is intended to be applied to areas of the County in which timber production and seasonally accessible recreation uses are the desirable predominant uses.

Petitioners: Jeremy Perkins and Alanna Lee (Applicants and Landowners)

Rural Address: 18 Lake Drive

Parcel Identification Number: 17801430305300

General Site Location: Approximately 22 miles south of Elk Mountain on Carbon County Road #101 (Medicine Bow Ranger Station Road) and on U.S. Forest Service Road #105 about one mile north of Turpin Reservoir.

Legal Description--taken from Warranty Deed, Book 1293, Page 157: Tract 53 of the Overlook Retreat Subdivision, 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 Request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR-2.75) on Tract 53 located in the Overlook Retreat Subdivision #1.

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 15th of November 2022.

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 – Z.C. Case #2022-17 – Brian Kisner

Chairman Johnson opened a public hearing at 11:08 a.m. to hear Planning & Zoning file Z.C. Case #2022-17 – Brian Kisner's zone change from Ranching, Agriculture and Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR-1.41) on Tract 58 located in the Overlook Retreat Subdivision #1. The FPSR Zone is intended to be applied to areas of the County in which timber production and seasonally accessible recreation uses are the desirable predominant uses, located approximately 22 miles south of Elk Mountain on Carbon County Road #101 (Medicine Bow Ranger Station Road) and on U.S. Forest Service Road #105 about one mile north of Turpin Reservoir. Ms. Rowan presented the case file.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Johnson closed the hearing at 11:10 a.m.

Commissioner Barkhurst moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2022-52 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding Z.C. Case #2022-17 – Brian Kisner's zone change from Ranching, Agriculture and Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR-1.41) on Tract 58 located in the Overlook Retreat Subdivision #1 and located approximately 22 miles south of Elk Mountain on Carbon County Road #101 (Medicine Bow Ranger Station Road) and on U.S. Forest Service Road #105 about one mile north of Turpin Reservoir. Commissioner Espy seconded and the motion passed unanimously.

Resolution No. 2022 - 52

**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 #2022-17

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, October 3, 2022, which hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, October 3, 2022, 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, October 3, 2022, 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, November 15, 2022; and

WHEREAS, at said public hearing on November 15, 2022, 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 #2022-17: Request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR-1.41) on Tract 58 located in the Overlook Retreat Subdivision #1. The FPSR Zone is intended to be applied to areas of the County in which timber production and seasonally accessible recreation uses are the desirable predominant uses.

Petitioner: Brian Kisner (Applicant and Landowner)

Parcel Identification Number: 17801430305800

General Site Location: Approximately 22 miles south of Elk Mountain on Carbon County Road #101 (Medicine Bow Ranger Station Road) and on U.S. Forest Service Road #105 about one mile north of Turpin Reservoir.

Legal Description--taken from Warranty Deed, Book 1385, Page 202: Tract Fifty-Eight (58) of the Overlook Retreat Subdivision in Carbon County, State of Wyoming, as said tract is laid down, platted and described of record in the office of the County Clerk and Ex-Officio Register of Deeds in and for Carbon County, Wyoming. together with all improvements thereon, and easements, appurtenances and incidents belonging and appertaining thereto, or used in connection therewith; subject, however, to all mining, mineral and other exceptions, reservations, easements, right of way, and conditions of record.

**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 Request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR-1.41) on Tract 58 located in the Overlook Retreat Subdivision #1.

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 15th of November 2022.

**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 – Z.C. Case #2022-18 – Matthew and Helen Vaughn

Chairman Johnson opened a public hearing at 11:11 a.m. to hear Planning & Zoning file Z.C. Case #2022-18 – Matthew and Helen Vaughn's zone change from Ranching, Agriculture and Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR-1.61) on Tract 57 located in the Overlook Retreat Subdivision #1. The FPSR Zone is intended to be applied to areas of the County in which timber production and seasonally accessible recreation uses are the desirable predominant uses, located approximately 22 miles south of Elk Mountain on Carbon County Road #101 (Medicine Bow Ranger Station Road) and on U.S. Forest Service Road #105 about one mile north of Turpin Reservoir. Ms. Rowan presented the case file.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Johnson closed the hearing at 11:13 a.m.

Commissioner Moore moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2022-53 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding Z.C. Case #2022-18 – Matthew and Helen Vaughn's zone change from Ranching, Agriculture and Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR-1.61) on Tract 57 located in the Overlook Retreat Subdivision #1, and located approximately 22 miles south of Elk Mountain on Carbon County Road #101 (Medicine Bow Ranger Station Road) and on U.S. Forest Service Road #105 about one mile north of Turpin Reservoir. Commissioner Espy seconded and the motion passed unanimously.

Resolution No. 2022 - 53

**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 #2022-18

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, October 3, 2022, which hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, October 3, 2022, 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, October 3, 2022, 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, November 15, 2022; and

WHEREAS, at said public hearing on November 15, 2022, 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 #2022-18: Request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR-1.61) on Tract 57 located in the Overlook Retreat Subdivision #1. The FPSR Zone is intended to be applied to areas of the County in which timber production and seasonally accessible recreation uses are the desirable predominant uses.

Petitioners: Matthew and Helen Vaughn (Applicants and Landowners)

Parcel Identification Number: 17801430305700

General Site Location: Approximately 22 miles south of Elk Mountain on Carbon County Road #101 (Medicine Bow Ranger Station Road) and on U.S. Forest Service Road #105 about one mile north of Turpin Reservoir.

Legal Description-taken from Warranty Deed, Book 1354, Page 276: Tract 57, Overlook Retreat Subdivision, being platted over portion of Section 14, Township 17 North, Range 80 West of the 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 Request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR-1.61) on Tract 57 located in the Overlook Retreat Subdivision #1.

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 15th of November 2022.

**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 #2022-05 – Union Telephone Company and Sandstone Ranches

Chairman Johnson opened a public hearing at 11:14 a.m. to hear Planning & Zoning file C.U. Case #2022-05 – Union Telephone Company and Sandstone Ranches' request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit telecommunications tower up to 108 feet tall and related facilities/equipment. The 9 Mile Hill Communications Site #2 is located approximately 6.5 miles north of Rawlins on US HWY 287 and approximately 2.5 miles west of US HWY 287. Ms. Rowan presented the case file.

Andrew Arredondo and Matt Fisher were present on behalf of the applicant. They noted the "COW" is on site and should be installed in approximately one week. Commissioner Espy would like to remove the restriction for no construction during the period called for. Commissioner Espy would also like to leave the sage grouse stipulations but remove the pronghorn restrictions.

There being no comments, Chairman Johnson closed the hearing at 11:28 a.m.

Commissioner Espy moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2022-54 A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding C.U. Case #2022-05 – Union Telephone Company and Sandstone Ranches' request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone located at the 9 Mile Hill Communications Site #2 approximately 6.5 miles north of Rawlins on US HWY 287 and approximately 2.5 miles west of US HWY 287 noting that he removes the pronghorn recommendation from the recommendations to allow the project completion by March 1. Commissioner Jones seconded and the motion passed unanimously.

Resolution No. 2022 – 54

**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 #2022-05 – "9 Mile Hill Communications Site #2"**

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 3, 2022, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, October 3, 2022, 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 3, 2022, 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, November 15, 2022; and

WHEREAS, at said public hearing on November 15, 2022, 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 #2022-05: Request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit a telecommunications tower up to 108 feet tall and related facilities/equipment.

Project/Site Name: 9 Mile Hill Communications Site #2

Applicant: Union Telephone Company

Landowner: Sandstone Ranches

Parcel Identification Number: 22880310000400-Parent Parcel

General Site Location: 9 Mile Hill Communications Site #2 is located approximately 6.5 miles north of Rawlins on US HWY 287 and approximately 2.5 miles west of US HWY 287.

Legal Description: A tract of leased land (0.3 Acres) located in the NW1/4 NE1/4, Section 15, Township 22 North, Range 88 West, 6th Principal Meridian, Carbon County, Wyoming.

TERMS AND CONDITIONS OF APPROVAL:

1. The Carbon County Board of County Commissioners (Board) authorizes the issuance of a building permit for the temporary Communications on Wheels (COW) station. The temporary COW station must be removed within one year from the date of issuance of the building permit or when the new tower is operational. The Applicant will submit supporting documentation and photos to the Planning and Development Department regarding the removal of the COW station.

2. The Applicant follows the Wyoming Game & Fish recommended dates for construction as listed in their comment letter.
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. 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>.
8. 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.
9. 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 #2022-05 – “9 Mile Hill Communications Site #2”).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 15th day of November 2022.

**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

CITIZEN & COMMISSIONERS DISCUSSION

Commissioner Moore thanked Warden Rutherford and other county offices in addition to the emergency responders for their work educating the public about the proposed fire district. The BOCC thanked and congratulated Commissioner Moore.

Commissioner Moore served as the master of ceremonies at the Boys & Girls Club recent fundraiser noting they are expanding into Hanna and possibly other areas of the county.

Commissioner Jones discussed the Dixon Airport asphalt near the hangar area. WYDOT would like the project engineered and will provide \$15,000 plus 20% from the county for the project. They recommend concrete as well.

Chairman Johnson suggested finding a time to meet with elected officials regarding upcoming legislative season.

Commissioner Moore reported tomorrow's Council of Government meeting will be at the Rawlins City Hall.

EXECUTIVE SESSION

Commissioner Espy moved to go into executive session at 11:45 a.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 passed unanimously.

Commissioner Espy moved to come out of executive session at 11:55 a.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Barkhurst seconded and the motion passed unanimously.

Commissioners

Commissioner Moore moved to authorize any commissioner to sign closing documents for the sale of Cathy Gardens. Commissioner Barkhurst seconded and the motion passed unanimously.

ADJOURNMENT

Commissioner Espy moved to adjourn the meeting at 12:03 p.m. Commissioner Moore seconded and the motion passed unanimously.

A regular meeting of this Board will be held Tuesday, December 20, 2022, at 9:00 a.m., at the Carbon Building – Courthouse Annex, located at 215 W. Buffalo St. Suite 240C, 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 www.carbonwy.com or by calling the Clerk's Office at (307) 328-2668 or 1-800-250-9812.