

**REPORT TO THE  
MINUTES OF THE BOARD OF  
CARBON COUNTY COMMISSIONERS  
REGULAR MEETING  
Tuesday, May 2, 2023  
Carbon Building- Courthouse Annex**

A regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, May 2, 2023, at 9:00 a.m. at the Carbon Building-Courthouse Annex in Rawlins, WY. Attending the meeting were Chairman, Sue Jones, Vice Chairman, Travis Moore, Commissioners John Johnson, John Espy and Byron Barkhurst.

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

**ADDITIONS / CORRECTIONS**

Chairman Jones removed the Road Use Agreement under Road & Bridge and added a bond for Sheriff Bakken to the consent agenda.

Commissioner Johnson moved to approve the agenda as amended. Commissioner Barkhurst seconded and the motion passed unanimously.

**VOUCHERS**

Commissioner Barkhurst moved to approve the report of expenditures in the amount of \$281,017.29 for an aggregate total today of \$281,017.29. Commissioner Johnson seconded and the motion passed unanimously.

<b>Vendor</b>	<b>Detail Line Description</b>	<b>Total</b>
Abels, Duane E.	County Health Officer	\$1,600.00
Advanced Network Management, Inc.	Network Refresh	\$15,819.10
Asp Inc	Waist Chains/Accessory Bags	\$449.25
Aspen House	Hors D'oeuvres for Courthouse Opening	\$1,405.00
AT&T Mobility	CCSO MDT Service	\$1,822.83
Axis Forensic Toxicology, Inc.	Lab Services	\$282.00
Bank of Montreal - Mastercard	Misc. Charges	\$26,331.22
Bartlett, Gwynn	Mileage	\$50.60
Benjamin, Larry	Mileage	\$45.10
Bernaski, Kodi	Monitor & Charger Deposit Refund	\$820.00
Big Sky Communications Inc.	5 Headsets/Accessories	\$798.00
Black Hills Energy	Gas Services	\$15,377.35
Blakeman Propane	Propane Services	\$2,829.69
Bomgaars Supply	Misc. Parts	\$807.11
Buchanan, Karen	Mileage	\$88.00

Burkhart, Cindy	Snacks-Jury Trial	\$43.38
Casper Winnelson Co.	Misc. Supplies	\$581.01
Clerk of Dist. Court (Jurors)	Trial Jurors/Bailiffs	\$3,835.01
Cowboy Supply House	Misc. Supplies	\$1,258.19
Cragun, Megan A.	Mileage/Meals	\$243.69
Culligan Water Conditioning	Coarse Salt	\$312.50
Dallin Motors Inc.	Snap Ring	\$7.85
Dixon, Town of	Water Services	\$308.00
Double 8 Ranch	CR 3-Snow Removal	\$6,450.00
Drummond Refrigeration LLC	Misc. Refrigeration Repairs	\$1,064.30
Dynamic Controls Inc.	VFD Replc.-Carbon Bldg. & Jail Controller	\$5,687.00
Elk Mountain, Town of	Propane Services	\$681.26
Feldman, Richard M.	Mileage-Jury Trial	\$105.20
Fremont County Coroner's Office	Autopsy Fees	\$1,925.00
Friend, Katie	Cookies for Courthouse Grand Reopening	\$300.00
Further	Health Reimb. / Medical FSA/Dep. Care	\$6,265.16
Gulbrandson, Kimberly A .	Mileage	\$19.25
Hagan, Walter	Bailiff Jury Trial	\$75.00
Hansen, Loretta J.	Mileage	\$62.23
Hemocue	Cuvettes/Hemocue Cleaner	\$301.85
High Plains Power	Electric Services	\$495.05
Holcomb, Nancy	Meals	\$64.26
Honnen Equipment	Ext. Warranty-John Deere Motor Graders	\$36,971.33
Jack's Body & Fender Repair	Towing Services	\$300.00
K2 Towers III, LLC	Tower Rent	\$2,185.45
Kaluzny, Emily	Personal Phone Usage-April	\$30.00
Kilburn Tire Company	Wheel and Tire Repair	\$370.90
Kostovny, Mark	Mileage	\$46.20
L N Curtis & Sons	Rechargeable Battery Packs	\$880.08
Local Government Liability Pool	Membership Renewal 7/1/23-6/30/24	\$59,005.00
Mallcheck, Garrett	Fuel Reimbursement	\$38.94
McKesson Medical-Surgical	Antiseptic Towels	\$11.51
Moody's Investors Service	Annual Fee	\$500.00
Morse, Kimberley	Meals	\$76.97
Moss, Barbara	Mileage	\$138.60
Napa - Saratoga	Coolant/Light Bulbs	\$18.93
Norco, Inc.	Cylinder Rent	\$858.15
Offender Watch	Sex Offender Notification	\$230.58
Open To Interpretation	Interpreter Services	\$800.00
O'Reilly Auto Parts	Fuel Additive/Engine Restorer	\$24.48
Parker, Elizabeth	Mileage	\$86.95



Personnel Evaluation, Inc.	Pre-Employment Evaluations	\$75.00
Plainsman Printing & Supply	Folders/Folder Fasteners	\$627.50
R.P. Lumber Company, Inc.	Misc. Parts and Supplies	\$150.23
Rawlins Automotive	Misc. Parts	\$1,190.84
Rawlins Eastside Carwash	Car Wash Cards	\$66.60
Rawlins, City of	Landfill Fee	\$39.00
Riverside Ranch	Dozing Snow 2/14-2/28	\$1,800.00
Rodabaugh, Sherry	Bailiff-Jury Trial	\$75.00
Saratoga Sun	Misc. Ads	\$1,174.26
Seilaff, Melodie M.	Mileage-Jury Trial	\$105.20
Shippy, April	Interpreter Services	\$840.00
Shively Hardware	Toilet Paper/Paper Towels	\$23.98
Sikes, Melisa	Mileage & Postage	\$61.39
Skyline Motors, Inc.	Fuel Pump	\$517.78
Slow & Steady Law Office, PLLC	Legal Services	\$6,380.00
South Carolina Dept. of MV	Certified Driving Record Request	\$6.00
Spaulding, Dawnette	Mileage	\$98.91
Staples Advantage	Misc. Office Supplies	\$213.24
State of Wyoming A & I	State Mainframe Access/File Storage	\$36.76
State of Wyoming DCI	Sex Offender Changes	\$25.00
Stinker Stores Inc.	Fuel	\$18,274.10
Stocks, Shirley	Mileage-Jury Trial	\$218.10
Summit Food Service	Jail Meals	\$4,102.54
Super Vacuum Mfg. Co. Inc.	Vehicle Graphics	\$1,486.81
Swanson Services Corporation	Jail Commissary	\$774.36
Tek84 Inc.	Body Scanner Maint 8/17/23-8/16/26	\$26,985.00
The Cowboy Couture	Sheriff Uniforms	\$217.90
Tyler Technologies, Inc	Web Support/Internet Hosting	\$565.09
UPRSWDD	Trash Services	\$190.00
Webb, Tyler	Mileage-Jury Trial	\$120.20
Wilson, Karon	Mileage	\$39.60
WLC Engineering	Cherokee Road Survey	\$4,822.51
Wohl, Judith	Mileage	\$66.00
WY Behavioral Institute	Emergency Detention Fees	\$1,700.24
WY Dept of Transportation	CR 203 Bridge Over N Platte	\$686.89
WY Retirement System	Mar Vol Fire Pension	\$806.25
Zumbrennen Electric Inc.	Electric For Elevator Tie-In to Generator	\$5,270.50

## **CONSENT AGENDA**

Commissioner Espy moved to approve the consent agenda noting any item could be removed for separate action. Clerk Bartlett noted the consent agenda includes the April 18, 2023, regular

meeting minutes, and Planning and Development Department monthly receipts in the amount of \$19,300.00 and bonds for Sarah Chavez Harkins Carbon County Attorney in the amount of \$500.00 and Alex Bakken, County Sheriff in the amount of \$4,000.00. Commissioner Barkhurst seconded and the motion passed unanimously.

### **Employee Recognition**

County Clerk Gwynn Bartlett overviewed employees having reached years of service milestones in May.

### **ELECTED OFFICIALS & DEPARTMENT HEADS**

#### **Sheriff**

Alex Bakken, Carbon County Sheriff presented a Memorandum of Understanding between the Sheriff's Office and Saratoga Police Department for board approval.

Commissioner Johnson moved to approve the Chairman's signature on the Memorandum of Understanding between the Carbon County Board of County Commissioners, Carbon County Wyoming, The Carbon County Sheriff, and the Town of Saratoga for the Purchase of Motorola MC5500 Dispatch Radio Consoles. Commissioner Barkhurst seconded and the motion passed unanimously.

The Sheriff reported the new consoles are in place and installed. He also reported that the State Chief Ranger for the Bureau of Land Management would like a ranger partially deputized which would provide selective enforcement with the Sheriff's discretion. There is an upcoming Search & Rescue (S&R) meeting in June with both Rawlins and Platte Valley groups. They will be discussing the potential of having a medical director oversee S&R. He is working on finalizing an agreement with the City of Rawlins regarding areas of responsibility for school resource officer work.

#### **Public Health**

Amanda Brown, Carbon County Public Health Nurse reported the first annual Care Fair was held this week with an approximate attendance of 300. She is looking into funding for a grant that will no longer be funded, additional diabetes classes, and she provided an update on various services her offices provide. She is looking into an app and website with various community resources including what her office offers. She would also like to explore funding for a case manager position that would assist the public in navigating the healthcare system.

#### **Road & Bridge**

Kandis Fritz, Road and Bridge Coordinator reported crews will be working on opening seasonal routes. Ms. Fritz discussed a request from Brierly & Associates to use County Road 297 as a staging area and the BOCC had no objection. Regarding road use agreements she would like to add a consequence if companies do not follow county road permit rules.



## **Building and Grounds**

Mike Newbrough, Carbon County Building and Grounds Manager discussed an agreement with the Town of Hanna to pay \$1,500 for natural gas utilities at the Hanna Library however Attorney Davis expressed a concern regarding the timing of the agreement and the expectation that the library will continually provide services. She thought she could work out wording that would handle the matter and present the agreement at a future meeting.

## **Treasurer**

County Treasurer Lindsey West reported property tax payments are due next week. The state funded the second payment of property tax refunds and interested individuals can apply with her office by June 5.

## **Clerk**

Carbon County Clerk Gwynn Bartlett presented board applications that she received for various boards.

Commissioner Moore moved to reappoint Keith Miles to the Old Pen Joint Powers Board for a three-year term ending April 2026, Stacey Crimmins and Rocky Fiedor to the Platte Valley Community Center for a three-year term expiring June 2026, Chris Iacovetto to the Carbon County Museum Board for a three-year term ending June 2026, Jackie Wells and Natasha Martinez, both to the Carbon County Juvenile Services Board for a three-year term ending June 2026; and appoint Sheriff Alex Bakken to the Carbon County Juvenile Services Board for a three year term ending June 2026. Commissioner Barkhurst seconded and the motion passed unanimously.

Clerk Bartlett discussed the potential of closing county offices during the Courthouse Grand Re-Opening on May 12, 2023, from 11:00 a.m. – 1:00 p.m. at each department head's discretion.

Commissioner Espy moved to allow county departments to close from approximately 10:45 a.m. through 1 p.m. on May 12, 2023, for the Courthouse Grand Re-Opening. Commissioner Johnson seconded and the motion passed unanimously.

Clerk Bartlett presented a Temporary Assistance for Needy Families Community Partnership Initiative grant application for board approval and Chairman's signature.

Commissioner Barkhurst moved to approve and authorize the Chairman's signature on the Temporary Assistance for Needy Families (TANF) Community Partnership Initiative (CPI) Federal Fiscal Year (FFY) 2024 Grant Application for Big Brothers, Big Sisters and Boys and Girls Club. Commissioner Johnson seconded and the motion passed unanimously.

Clerk Bartlett requested to extend audit services through Jones Simkins for an additional three fiscal years. Clerk Bartlett stated that the fee will not exceed \$67,500.00 for the next three years. This includes consulting services throughout the year as a part of the audit engagement.

Commissioner Espy moved to approve the extension of audit services through Jones Simkins for an additional three fiscal years in an amount not to exceed \$67,500.00. Commissioner Moore seconded and Commissioner Johnson reported that when this company started with the county, they asked him as Chairman to meet with them regarding their services to explain how they work. He thinks this is prudent to extend their contract. Commissioner Espy agreed stating this is well worth the extension. The motion passed unanimously.

### **Planning and Development**

Sarah Brugger, County Planning Director provided an update on the Carbon County Land Use Plan. The county's selection committee met with the SE Group and Y2 Consultants and Commissioner Moore thought either firm would put the county in good hands noting any concerns he had were alleviated during the interviews. Chairman Jones agreed.

Ms. Brugger reported Y2 Consultant's proposal would be \$110,000, as promised to her verbally, however the submitted proposal was \$142,000. SE Group has a base cost of \$105,000 plus optional add-on components that could be an additional cost. If opted they would land in the \$130,000 range. County staff's recommendation is Y2 Consultants.

Commissioner Johnson moved to award the bid to Y2 Consultants in the amount of \$110,000 to make the necessary amendments to the Carbon County Land Use Plan using Chokecherry impact assistance funds. Commissioner Espy seconded and the motion passed unanimously.

Mrs. Brugger presented a letter to BLM for board approval and Chairman's signature regarding the BLM Plan Amendments for the management of Greater Sage-Grouse Contractor Coordination.

Commissioner Moore moved to approve the Chairman's signature on the letter to BLM regarding the County's participation with several other Wyoming Counties with the assistance of the Wyoming County Commissioners Association (WCCA) to participate in the Plan Amendment Process for the management of Greater Sage-Grouse. Commissioner Johnson seconded and the motion passed unanimously.

### **Certifications**

Mrs. Brugger presented certifications of recommended action on behalf of the Carbon County Planning & Zoning Commission and requested a public hearing be scheduled for each. The applicants are Z.C. Case File #2023-02 - Curtis & Brenda James, Companion Case - Min. Sub. Case File #2023-01 - Curtis & Brenda James, Z.C. Case File #2023-03 - James Bosler, Companion Case - MIN SUB Case File #2023-02 - James Bosler, Z.C. Case File #2023-04 - James Bosler, Companion Case - MIN SUB Case File #2023-03 - James Bosler, and C.U. Case File #2023-05 - Two Rives Wind LLC - "Two Rivers Transmission Line Project". Ms. Brugger noted that Z.C. Case File 2023-02, Curtis & Brenda James with the companion minor subdivision case file 2023-01 was tabled by the Planning Commission and will be presented with a recommendation to the BOCC at a future date.



Commissioner Barkhurst moved to accept Certifications of Recommended Action from the Carbon County Planning & Zoning Commission for, Z.C. Case File #2023-03 – James Bosler, Companion Case - MIN SUB Case File #2023-02 – James Bosler, Z.C. Case File #2023-04 – James Bosler, Companion Case - MIN SUB Case File #2023-03 – James Bosler, and C.U. Case File #2023-05 – Two Rives Wind LLC – “Two Rivers Transmission Line Project” and schedule a public hearing for Tuesday, June 6, 2023, at 10:30 a.m. at the Carbon Building – Courthouse Annex. Commissioner Espy seconded and the motion passed unanimously.

### **EXECUTIVE SESSION**

Commissioner Espy moved to go into executive session at 10:13 a.m. with Clerk Bartlett and Ashley Mayfield Davis to discuss personnel, potential litigation and other matters considered confidential by law. Commissioner Moore seconded and the motion passed unanimously.

Commissioner Espy moved to come out of executive session at 10:43 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Moore seconded and the motion passed unanimously.

### **Commissioners**

Clerk Bartlett requested that Chairman Jones’ signature be ratified on a letter requesting Mutual Aid with the Rawlins Fire Department.

Commissioner Espy moved to ratify Chairman Jones’ signature on a letter requesting Mutual Aid with the Rawlins Fire Department. Commissioner Johnson seconded and the motion passed unanimously.

Commissioner Espy will be in Utah for a Western Interstate Region (WIR) meeting during the BOCC’s next meeting. He is anticipating being installed as President of WIR. Commissioner Espy reported that NACO plans to implement a public lands steering committee for recreation-based counties.

Commissioner Moore reported Dr. Lovejoy will likely be presenting more detail on the steps of having a National Heritage designation in the county and he will report to the BOCC afterwards.

### **CARBON COUNTY FIRE PROTECTION DISTRICT**

Jim Piche, Vice-Chairman of the Carbon County Fire Protection District reported the board is hiring a new attorney, Megan Goetz to replace Cathy MacPherson who is retiring. They continue to work on their budget and have submitted an interim budget to the County Clerk and they will submit the state’s levy budget timely. The district board is very interested in the county’s Interim Justice Center building. They anticipate a lease-purchase with the county. The only concern is the potential revamp of the city’s zoning plan as they would need the current zoning designation to be grandfathered.

The board is currently advertising for an administrative assistant position and board attorney Cathy MacPherson mentioned the two entities should have an agreement to share John Rutherford as the county-employed fire warden that will likely be directly supervising a district employee.

Also present were John Rutherford, Carbon County Fire Warden, Courtney Ney, Board Member, Cathy MacPherson and Kasandra Ramsey the board's accountant.

### **MEMORIAL HOSPITAL OF CARBON COUNTY (MHCC)**

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

### **PLANNING & DEVELOPMENT**

#### **PUBLIC HEARING – Z.C. Case 2023-01 – Frank and Jeri Holzworth**

Chairman Jones opened a public hearing at 11:30 a.m. to hear Planning & Zoning Z.C. Case #2023-01 Frank and Jeri Holzworth's request for a zone change from Ranching, Agriculture and Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR-1.68) on Tract 66 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.

Planning Director Sarah Brugger presented the case.

Chairman Jones called for comments for or against the case. There being no comments, she closed the hearing at 11:37 a.m.

Commissioner Johnson moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2023-16, 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 #2023-01 Frank and Jeri Holzworth's request for a zone change from Ranching, Agriculture and Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR-1.68) on Tract 66 located in the Overlook Retreat Subdivision #1, noting a waiver of sign posting requirements. Commissioner Espy seconded and motion passed unanimously.

#### **Resolution No. 2023 – 16**

**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 #2023-01**



**WHEREAS**, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission held a public hearing on Monday, April 3, 2023, which hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

**WHEREAS**, at the Monday, April 3, 2023, 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, April 3, 2023, 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, May 2, 2023; and

**WHEREAS**, at said public hearing on May 2, 2023, 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 #2023-01:** Request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Forestry Production and Seasonal Recreation (FPSR-1.68) on Tract 66 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:** Frank and Jeri Holzworth (Applicants and Land Owners)

**Parcel Identification Number:** 17801430506600

**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 Deed, Book 1250, Page 154:** Tract #66 (Sixty-six) of Overlook Retreat Subdivision in Section 14, T17N, R80W, 6<sup>th</sup> P.M. 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, if any.

**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-1.68) on Tract 66 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 the 2<sup>nd</sup> of May 2023.

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

By: -s- Sue Jones, Chairman  
On behalf of the Carbon County  
Board of County Commissioners

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

**PUBLIC HEARING – C.U. Case 2023-03 – Union Telephone Company**

Chairman Jones opened a public hearing at 11:38 a.m. to hear Planning & Zoning C.U. Case #2023-03, Union Telephone Company's request for a Conditional Use Permit (CUP) in the Ranching, Agriculture and Mining (RAM) Zone for telecommunications tower up to 155 feet tall and related facilities and equipment at the "Midway Communications Site" generally located 6.5 miles south of Interstate 80, exit 235 and WY Highway 130 on the west side. Planning Director Sarah Brugger presented the case.

Andrew Arredondo with Union Wireless was present and noted they work closely with the WY Game & Fish Department, and they have cultural studies completed with no concerns from the BLM and stood for questions.

Kristy Vivian Thompson of Rocky Mountain Sheep Company stated they are always concerned with infrastructure invasion. She stated there is a tower 6.5 miles north Union and it would accomplish the communications needed. She questions why this location is after the devastation from the recent winter on wildlife.

Donovan Whitehead with Union Wireless discussed RF issues which drive the need for this tower. He admitted there is an existing tower but it does not provide the service they would like, particularly during emergency services. They are working with FirstNet to co-locate on this requested tower as well.

Andrew mentioned that WYDOT did respond yesterday noting they did not anticipate any concerns with the proposed tower location.



Chairman Jones called for comments for or against the case. There being no comments, she closed the hearing at 11:56 a.m.

Commissioner Espy stated he is recusing himself from this and the next Union hearing due to potential personal conflict.

Commissioner Johnson asked why colocation isn't an option. Andrew stated there is a need for coverage and offered to provide coverage projection maps. Commissioner Johnson asked how a new tower will help with dropped calls he personally experiences when he is in direct line of sight from his personal property. While Mr. Whitehead could not address Commissioner Johnson's concerns, he said that he anticipates issues with the handoffs from existing towers to other towers and once again stressed the importance of service for emergency calls and the FirstNet network.

Commissioner Barkhurst discussed his personal issues with Union Telephone service and he commended them for trying to improve service but noted he is frustrated with the Highway 130 tower and the viewshed. He also confirmed that the tower would have fiber.

Chairman Jones asked how tall ATC tower versus the older tower Union currently has in the area. Ms. Brugger stated the ATC tower is permitted up to 300 feet and Mr. Whitehead thought the current Union tower is shorter. She also reminded the group that the BOCC denied another company a new tower when there was a tower within sight that could provide colocation. Chairman Jones asked about possibly tabling the case if the BOCC requested additional information.

Ms. Brugger outlined procedural options including tabling to a specific date under 60 days. If more than 60 days is needed the applicant must consent.

Commissioner Moore asked about information on network upgrading and how colocation affects that, if at all. Mr. Whitehead stated that with the upgrading of voice services, towers need to be closer located to accommodate voice calls. Ms. Brugger asked if they currently collocate with other third parties in Carbon County and Andrew replied they do and he is working with ATC on an additional colocation.

Andrew stated they would need to speak with ATC on the structural capability along with their place on the tower as current companies already co-locating may be higher on the tower.

Commissioner Johnson moved to table C.U. Case #2023-03, Union Telephone Company's request for a Conditional Use Permit (CUP) in the Ranching, Agriculture and Mining (RAM) Zone for telecommunications tower up to 155 feet tall and related facilities and equipment to June 20, 2023, at 11:00 a.m. at the Carbon Building – Courthouse Annex. Commissioner Barkhurst seconded and the motion passed with all voting for except Commissioner Espy who abstained due to conflict.

#### **PUBLIC HEARING – C.U. Case 2023-04 – Union Telephone Company**

Chairman Jones opened a public hearing at 12:18 p.m. to hear Planning & Zoning C.U. Case #2023-04, Union Telephone Company's request for a Conditional Use Permit (CUP) in the Ranching, Agriculture and Mining (RAM) Zone for telecommunications tower up to 105 feet tall and related facilities and equipment at the "Savery Communications Site" generally located 1213A East State Highway 70., approximately  $\frac{3}{4}$  mile east of Savery on the north side of Highway 70. Planning Director Sarah Brugger presented the case. She specifically outlined the 'clear zone' requirement in the Zoning Regulations. This requires a radius of at least 110% of the tower height to be maintained by the permit holder and landowner. This proposed tower is located on private property; however, a portion of the clear zone is on BLM land. The applicant was advised by staff they could potentially apply for a variance due to a hardship that would prevent the tower from being placed in another location that would allow for the clear zone. There is a condition on this case currently in the resolution the BOCC will consider today.

Patty Kirby, on behalf of Union Telephone Company was present with Thomas Lebuda. Ms. Kirby stated the landowner has acknowledged the clear zone and is aware nothing can be constructed there therefore it would be maintained. BLM doesn't have a formal approval process for the clear zone so there is no way besides their acknowledgement and approval of the site.

Richard Wilson from the Planning & Zoning Commission discussed the fall zone and explained that typically when a tower falls or comes loose it's the antenna, top or middle section of the tower.

Thomas discussed the Valmont 4-legged self-standing structure they plan to use and the security of this. They have a majority Valmont towers out of 300 and have had no issues. Commissioner Barkhurst asked why this location was picked rather than staying to the west and Thomas reported the landowner preferred the corner location as proposed. Commissioner Barkhurst asked if the landowner could be approached to another location and Ms. Kirby stated the landowner had already been approached. She doesn't feel like a variance is necessary as the BLM acknowledged the clear zone.

Mr. Kirby provided a cost analysis of moving the location could cost Union up to tens of thousands of dollars, \$63,000, in addition to other permits, leases and other agreements. Attorney Davis responded to explain the purpose of a variance and stated that if the BOCC were to require that, it essentially allows the BOCC to vary from its own Zoning Resolution.

Chairman Jones called for comments for or against the case. There being no comments, she closed the hearing at 12:52 p.m.

Commissioner Johnson stated his concern for the county if it does not consistently follow its own Zoning Resolution and thought it could be tabled to allow time for a variance.

Commissioner Johnson moved to table C.U. Case #2023-04, Union Telephone Company's request for a Conditional Use Permit (CUP) in the Ranching, Agriculture and Mining (RAM) Zone for telecommunications tower up to 105 feet tall and related facilities and equipment at the "Savery Communications Site" until June 20, 2023, at 11:00 a.m. Commissioner Barkhurst seconded and Sarah Brugger noted due to advertising requirements the P&Z Commission cannot



hear the variance until July and that's past the 60 days the county can table a case. Based on this information the motion was amended to July 5, 2023, at 11:30 a.m. The amended motion passed with Commissioner Espy abstaining due to conflict.

### **BUDGET WORKSHOP**

Various departments presented requests for new positions or make part-time positions full-time.

### **ADJOURNMENT**

Commissioner Espy moved to adjourn the meeting at 4:05 p.m. Commissioner Moore seconded and the motion passed unanimously.

A regular meeting of this Board will be held Tuesday, June 6, 2023, at 9:00 a.m. and a Budget Workshop will be held on Wednesday, June 7, 2023, at 8:30 a.m. Both meetings will be held 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](http://www.carbonwy.com) or by calling the Clerk's Office at (307) 328-2668 or 1-800-250-9812.