

**REPORT TO THE
MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, June 20, 2023 @ 9:00 a.m.
and
Wednesday, June 21, 2023 @ 8:30 a.m.
Carbon Building- Courthouse Annex,
215 W. Buffalo Street, Second Floor, Rawlins, WY**

A regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, June 20, 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 added add an agreement for the emergency preparedness program under public health.

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

VOUCHERS

Commissioner Barkhurst moved to approve payment to John Espy for \$339.60. Commissioner Moore seconded and the motion passed with all voting for the motion except Commissioner Espy who abstained due to personal conflicts.

Commissioner Barkhurst moved to approve June 2023 payroll and benefit expenses of \$998,227.25 and insurance claim and premium expenses of \$230,555.14 and the main expenditures in the amount of \$827,561.45 for an aggregate total today of \$2,056,683.44. Commissioner Espy seconded and the motion passed unanimously.

Vendor	Detail Line Description	Total
Abels, Duane E.	County Health Officer	\$1,600.00
AlcoPro	Alcohol Test Kits	\$626.50
Apex Communications	Radio Site Maintenance	\$2,654.90
Applied Concepts, Inc.	VSS Cable Kit	\$140.00
Avfuel Corporation	Aviation Fuel	\$16,268.22
Axis Forensic Toxicology, Inc.	Lab Fee & Services	\$1,537.00
Baggs, Town of	Fire Reimb., Rent & Water Services	\$2,181.83
Balestrieri, Michelle	Mileage	\$55.02

Bank of Montreal - Mastercard	Misc. Charges	\$59,839.73
Bartlett, Gwynn	Mileage	\$289.30
BI Inc.	Electronic Monitoring Service	\$780.00
Big Sky Communications Inc.	Headsets	\$218.00
Bjork, Ryan P.	SARTECH III Reimbursement	\$70.00
Bob Johnsons Computer Stuff Inc.	Sheriff Toughbook	\$4,355.39
Bomgaars Supply	Hammer/Shovel/Blade Kit/Saw	\$244.95
Borderline Power Sports	2023 Polaris	\$8,999.00
Brown & Hiser LLC	Legal Services	\$140.00
Carbon County Public Health	Pre-Employment Vaccines	\$188.00
Carbon County Vet. Hospital	Canine Zeus Vaccinations	\$441.80
Carbon Power & Light Inc.	Electric Services	\$2,070.17
Care More Turf Maintenance	Jeffery Center Lawn Maintenance	\$1,700.00
CareRight Technologies, LLC	Monthly Bed Fee	\$166.50
Casper Winnelson Co.	Misc. Plumbing Parts and Supplies	\$2,212.03
Charm-Tex, Inc.	Inmate Uniforms /Mattresses	\$3,855.22
Charter Communications	Jail Cable Services	\$120.13
CIDNET	Jail Data	\$750.00
Coronerme.Com	Annual Maintenance Fee	\$250.00
Corthell And King, P.C.	Legal Services	\$1,774.80
Corvinus Group LLC	Jail Housing Control Update	\$4,760.00
Cowboy Chemical	Jail Cleaning Supplies	\$189.90
Cowboy Supply House	Misc. Supplies	\$595.02
Cragun, Megan A.	Mileage/Meals	\$265.10
Daily Times	Jail Newspapers	\$375.84
Davis, Ashley	Mileage	\$712.80
Dell Marketing L.P.	8 Dell Rugged Laptops	\$19,571.12
Drummond Refrigeration LLC	Misc. Repairs and Labor	\$438.90
Dustbusters, Inc.	Mag Chloride	\$250,800.00
Dynamic Controls Inc.	2 Door Card Readers	\$2,410.00
Elk Mountain, Town of	Water & Heating Services	\$354.86
Encampment School	Junior Class Post Prom Lock in	\$500.00
Encampment, Town of	Water Services-R&B	\$102.00
Engineering Associates	Brush Creek Rd Chip Seal Project	\$6,841.11
Erickson & Roberts	Legal Services	\$1,697.12
Espy, John	NACO Mileage	\$339.60
Fischer, Christopher	Meal Reimbursement	\$38.43
Foxit Software Incorporated	Foxit Pdf Software & License	\$9,161.74
Fremont County Coroner's Office	Autopsy Fees	\$3,850.00
Friend, Katie	Commissioners Meals	\$50.00

Fritz, Christopher	SARTECH III Reimbursement	\$70.00
Galls/Quartermaster	Sheriff Uniforms	\$2,065.75
Griffin, Prince	Elec Monitor Deposit Refund	\$820.00
Guardian Alliance Technologies	App. Pre-Screening/Software Platform	\$175.00
Gulbrandson, Kimberly A.	Mileage/Meals	\$312.64
Hanna, Town of	Water Services	\$279.64
Hanson, Ashten	SARTECH III Reimbursement	\$70.00
Hemocue	Anemia Screening Kit	\$530.00
Hughes, Chris	Mileage	\$15.40
Iacovetto, Christopher L.	SARTECH III Reimbursement	\$70.00
Interior Galore	Jail-Carpet Installation	\$3,578.00
Jack's Body & Fender Repair	Tow Charges	\$805.00
Kaisler, Todd	Mileage-Fair Board	\$99.00
Kaluzny, Emily	Personal Phone Usage	\$30.00
Kilburn Tire Company	Battery Replacement	\$234.95
King Soopers Customer Charges	Jail Food	\$37.39
KTGA/KBDY	Radio Ads	\$170.00
L N Curtis & Sons	Brass Expansion Rings	\$400.66
Mallcheck, Garrett	Fuel Reimbursement	\$228.51
McGraw, Joan	Mileage	\$44.00
McKesson Medical-Surgical	Health Supplies & Envelopes	\$941.04
Medicine Bow, Town of	Water Services	\$211.00
MHCC	Medical Services	\$38,888.07
Merback Award Company	Engraving	\$21.66
Miller, Dale	Meal Reimbursement	\$14.41
Morse, Kimberley	Meals	\$40.29
Motorola Solutions	Assembly Accessory Kit	\$139.75
Motus Space Solutions	Courthouse High Density Storage	\$179,464.71
Mountain West Motors	Driver Door Repairs	\$144.95
MPM Corp / Evergreen Disposal	Trash Services	\$130.00
Napa - Saratoga	Wiper Blades & Battery	\$75.31
Newbrough, Wendy J.	SARTECH III Reimbursement	\$70.00
Norco, Inc.	Cylinder Rent	\$836.79
Offender Watch	Sex Offender Notifications	\$109.62
Olde Trading Post	Fire Fuel	\$62.12
O'Reilly Auto Parts	Freon/Chainsaw Oil/Wiper Blades	\$91.89
Parker, Elizabeth	Mileage	\$76.23
Perkins Oil Co.	Fuel	\$3,450.13
Plainsman Printing & Supply	Legal Folders	\$255.00
Quill Corporation	Staples/Sticky Notes	\$27.86
R.P. Lumber Company, Inc.	Misc. Parts and Supplies	\$313.98

Rawlins Automotive	Misc. Parts	\$1,428.44
Rawlins Hardware	Misc. Parts and Supplies	\$2,398.47
Rawlins Hardware - 5405	Cutoff Wheel	\$39.96
Rawlins, City of	Tire Disposal & Unclaimed Burial	\$94.50
Ready, Justin	Mileage	\$88.00
Republic Services #642	Trash Services	\$315.56
Rice-Prior, Denise	Inmate Mental Health Services	\$1,000.00
Riverton Circuit Court	Certified Copies	\$3.00
Rocky's Quik Stop	Fuel	\$1,114.57
Rodabaugh, Sherry	Jury Trial Bailiff	\$150.00
Saratoga Sun	Misc. Ads.	\$1,150.75
Saratoga, Town of	Water Services	\$48.50
Schofield, Stephanie M.	Fire Arson Dog Recertification	\$1,119.80
Secretary of State	Notaries	\$120.00
SecureNet Systems Inc.	BOCC Meeting Streaming Service	\$594.00
Shepard's	Fuel	\$84.40
Shippy, April	Interpreter Services	\$40.00
Shively Hardware	Coils/Stop Wires	\$124.75
Sikes, Melisa	SARTECH III Reimbursement	\$70.00
Skyline Motors, Inc.	Replace Transfer Case/Surge Tank	\$3,836.79
Slow & Steady Law Ofc., PLLC	Legal Services	\$10,820.00
Smith Psychological Services	Employee Evaluation	\$800.00
Spaulding, Dawnnette	Mileage	\$312.44
Staples Advantage	Misc. Supplies	\$485.16
State of Wyoming DCI	New Offender Registration & Fees	\$170.00
Stinker Stores Inc.	Fuel	\$7,329.59
Stocks Services	Baggs Mud Slide Cleanup	\$9,965.00
Summit Food Service	Jail Meals	\$12,193.74
Swanson Services Corporation	Jail Commissary Supplies	\$2,902.32
Terminix	Pest Control	\$237.00
The Cowboy Couture	Embroidery/Caps	\$460.00
The Masters Touch, LLC	DMV Postcards-Postage Fee	\$1,100.00
Tin Boy Garage	Tire Repair	\$25.00
Toyota of Laramie	2023 Toyota	\$53,433.00
Transunion Risk & Alt. Data	True-lookup Program	\$175.00
Trudiligence, LLC	Employee Background Checks	\$15.44
University of Wy Extension	CES Support Person Salary Match	\$11,002.45
US Bank	Misc. Charges	\$1,060.00
Valence Health Corp.	Inmate Medical Services	\$6,500.00
Valley Fire Extinguisher	Kitchen Hood Inspections	\$2,425.95
Valley Oil Company	Fuel	\$2,657.72

VIP	31 Window Tints-CCSO	\$3,750.00
Voiance Language Services LLC	Interpretation Services	\$37.50
Walker, Deborah C.	Patches Sewn Deputy Uniforms	\$105.00
Webster, Matthew S.	Mileage	\$165.00
Wex Bank	Fuel	\$1,956.82
Wille, O.R.	Mileage	\$82.50
WY Behavioral Institute	Medical Services	\$584.00
WY Dept of Transportation	CR203 Bridge Over N Platte	\$180.04
WY Machinery Company	Misc. Parts and Supplies	\$26,721.11
WY Public Health Laboratory	Lab Services	\$576.00
Wyoming Health Fairs	County Employee Blood Draws	\$3,869.00

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 June 6, 2023, and June 7, 2023, regular meeting minutes. Commissioner Johnson seconded and the motion passed unanimously.

Employee Recognition

Gwynn Bartlett, County Clerk reported that after 11 years Randy Park of the Buildings & Grounds Department is retiring. A retirement party will be held June 30 at 11 a.m. in the commissioners meeting room for him.

ELECTED OFFICIALS & DEPARTMENT HEADS

Public Health

Public Health Nurse Amanda Brown presented a contract between Wyoming Department of Health and Carbon County for County Health Officer as well as a contract between the county and Dr. Duane Abels to serve as the County Health Officer. Both are for approval and Chairman signature.

Commissioner Johnson moved to approve the contract between Wyoming Department of Health Public Health Division in the amount of \$10,000.00 and Carbon County for the purpose of the County Health Officer in an amount of an additional \$9,600.00, and both for terms of July 1, 2023, through June 30, 2024. Commissioner Espy seconded and the motion passed unanimously.

Nurse Brown presented an update to Carbon County Public Health's Cash Handling Policy for board approval and Chairman's signature.

Commissioner Barkhurst moved to approve the Carbon County Public Health's Cash Handling Policy. Commissioner Espy seconded and the motion passed unanimously.

Nurse Brown presented an amendment to the Professional Consultative Examination Services Per Diem Use agreement for board approval and Chairman's signature. The amendment reflects the sale of the company and the name change.

Commissioner Barkhurst moved to approve the Amendment Number One to the Agreement between Carbon County and Professional Consultative Examination Services Per Diem Use Agreement to update the previous agreement to include the following company name: Joppa Capital Ventures, Inc. d/b/a/ EverMed Exams. Commissioner Espy seconded and the motion passed unanimously.

Ms. Brown presented the grant agreement for FY24 to fund the Public Health Response Coordinator position totaling \$117,000.00.

Commissioner Espy moved to authorize the Chairman's signature on the Contract Between the Wyoming Department of Health, Public Health Division and Carbon County Health Department for a term of July 1, 2023, through June 30, 2024, totaling \$117,000.00 for the Public Health Response Coordinator. Commissioner Moore seconded and the motion passed unanimously.

Emergency Management

Lenny Layman, Carbon County Emergency Manager presented Grant Award Agreement for the early warning sign gauges.

Commissioner Barkhurst moved to approve the Grant Award Agreement between WY Office of Homeland Security and Carbon County (21-HMGP-CAR-HM4535-3F) in the amount of \$44,583.32 and for a term of August 5, 2021, through July 31, 2025, for the purchase of early warning sign gauges. Commissioner Moore seconded and Chairman Jones asked Mr. Layman to clarify the match and monitoring costs. Mr. Layman reported the full match plus the increase in equipment costs will be covered by HF Sinclair and the GOES network through NOAA at no cost. This includes monitoring, hosting, disseminating information, etc. The units will be initially placed at the Mullen burn scar then relocated at his discretion. The motion passed unanimously.

Sheriff

Sheriff Alex Bakken presented a Memorandum of Understanding with Carbon County School District #2. This would create a new position similar to the one for School District #1 noting at last night's District 2 school board meeting this agreement was approved. Darren Jennings, School District #2 Superintendent thanked the board for consideration of the position. The position would cover all 7 schools in the district noting Medicine Bow currently has no enrollment.

Commissioner Johnson moved to approve the Memorandum of Understanding between Carbon County and Carbon County School District #2 (CCSD2) for the School Resource Officer Program in which CCSD2 will provide financial contributions of \$40,000.00 annually to the Carbon County Sheriff's Office for salary and benefits and for a term that will remain in full force and effect until terminated by one of the parties upon 60 days written notice. Attorney Davis noted three changes requested by the school – removal of attorney signature lines, addition of a reference to the school

board trustees and addition of language of a payment date and proration of the agreement. Commissioner Moore seconded and the motion passed unanimously.

Sheriff Bakken provided an update on the Sheriff's Office to include the purchase of a new ATV for the patrol division to assist in patrolling high traffic areas around Sand Mountain and Seminoe Reservoir areas. Sheriff Bakken is currently working on a contract with the Town of Hanna for law enforcement services. Sheriff Bakken also stated that he is working on obtaining a part-time Housing Control Operator as well as a part-time Nurse for the jail. Hiring 2 part-time positions will save the county money by reducing the amount of overtime that is needed to fill the vacancy when current staff are on vacation or sick.

Road & Bridge

Kandis Fritz, Road and Bridge Coordinator opened bids received for High-Risk Rural Road Centerline Stripe Project on Seminoe Road. Bids were received from S&L Industrial in the amount of \$49,000.00 for 30 miles of centerline striping. She noted that WYDOT would issue the notice to proceed and afterwards she would work with Attorney Davis on a contract. Because the cost is approximately half of what she anticipated she will request approval to do this two years in a row.

Commissioner Espy moved to authorize any commissioner to sign paperwork with S&L Industrial for centerline striping of the Seminoe Road after development and attorney approval. Commissioner Barkhurst seconded and the motion passed unanimously.

Ms. Fritz presented Final Reconnaissance Reports for the DMW Bridge over Muddy Creek (CR 702), the FPX Bridge over Four Mile Creek (CR 603) and the DMR Bridge over Third Sand Creek (CR3) for approval and Chairman's signature. She estimates these all to be completed by 2026 noting these are all 100% paid for.

Commissioner Espy moved to approve the Chairman's signature on the Final Reconnaissance Reports for DMW Bridge over Muddy Creek (CR 702), FPX Bridge over Four Mile Creek (CR 603) and DMR Bridge over Third Sand Creek (CR3). Commissioner Moore seconded and the motion passed unanimously.

Ms. Fritz requested and received approval to advertise and fill a vacant Heavy Equipment Operator position in Elk Mountain. She pointed out that she is short staffed and will not be available to assist at the county fairgrounds this year, adding that equipment purchased with the road fund can only be used on county roads not at other county facilities. Commissioner Espy encouraged her to see what she can do to help fair as there is over 1,000 hours of volunteer work that goes into that event. Chairman Jones thought the county could look for additional volunteers as well including for grading, trash service and other services.

Building and Grounds

Mike Newbrough, Carbon County Building and Grounds Manager discussed the power outage at the Courthouse that occurred a couple of weeks ago. A waterline for the sprinkler system got severed and flooded into the electrical system and saturated it which in turn knocked out the main

breaker. The main breaker will need to be replaced. The courthouse is currently running in maintenance mode. He has received 2 quotes for repairs and replacement. One is for \$13,219.58 and the other quote estimated the cost would be “around \$20,000.00. Commissioner Johnson asked for an executive session regarding this matter. Mr. Newbrough also reported that Zumbrennen Electric is beginning the swine barn electrical rewire today.

Fire

John Rutherford, Carbon County Fire Warden presented the 2023 Wildland Fire Management Annual Operating Plan for board approval and Chairman’s signature.

Commissioner Moore moved to approve the Chairman’s signature on the 2023 Wildland Fire Management Annual Operating Plan developed by the Wyoming State Forestry Division. Commissioner Espy seconded and the motion passed unanimously.

Mr. Rutherford reported he and the county’s K9 attended recertification last week and passed with flying colors. He has since reached out to other joining counties letting them know the K9 is available statewide. In addition, the new fire district has made a conditional job offer for an administrative assistant.

IT

IT Director, Matt Webster reported he is looking into replacing mail machines in the Courthouse, Carbon Building, and the jail. Mr. Webster will recommend going from \$425.83 to \$827.39 per month to increase the size of the machine at the Courthouse.

Planning and Development

Sarah Brugger, County Planning Director reported subdivision regulations will be heard by the Planning Commission at its July 31 meeting. They are also accepting applications through June 28 for the Steering Committee for the updated Land Use Plan.

Clerk

Carbon County Clerk Gwynn Bartlett presented an amendment to the Lease Agreement between Carbon County and Department of Family services for office space rent at the Carbon Building. The amendment is to correct the payment due date.

Commissioner Barkhurst moved to approve Amendment #1 to the Real Property Lease No 8-09274 between Carbon County Commissioners and State of Wyoming, Department of Administration and Information, General Services Division for office space rent for the Department of Family Services on the 3rd Floor of the Carbon Building. Commissioner Johnson seconded and the motion passed unanimously.

EXECUTIVE SESSION

Commissioner Espy moved to go into executive session at 10:01 a.m. with Clerk Bartlett, Ashley Mayfield Davis, Matt Webster, and Mike Newbrough 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 10:45 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Moore seconded and the motion passed unanimously.

Wyoming Downs

Keith Little provided an update on pari-mutual simulcasting events they plan to hold at the Peppermill property in Rawlins.

Commissioner Johnson moved to authorize the Chairman's signature on Resolution 2023-19, A Resolution Approving Wyoming Down, LLC to Conduct Pari-Mutuel Wagering on Live Horse Racing, Historic Horse Racing, Simulcast Events and Rodeo Events Within Carbon County, Wyoming adding the property at 1602 Inverness Blvd in Rawlins known as the Peppermill. Commissioner Moore seconded and the motion passed unanimously.

Resolution No. 2023 - 19

A RESOLUTION APPROVING WYOMING DOWNS, LLC TO CONDUCT PARI-MUTUEL WAGERING ON LIVE HORSE RACING, HISTORIC HORSE RACING, SIMULCAST EVENTS AND RODEO EVENTS WITHIN CARBON COUNTY, WYOMING

WHEREAS, The Wyoming State Legislature passed and the Governor of the State of Wyoming signed into law changes to Wyoming Statues, Title 11, Chapter 25, to permit pari-mutuel wagering on historic races (see Laws of Wyoming, 2013, Ch. 75); codified in Wyo. Stat. Ann. § 11-25-101 et seq. (as amended) and as defined in the Wyoming Gaming Commission Rules Chapter 1(bb) and,

WHEREAS, the Wyoming Gaming Commission (f/k/a the Wyoming Pari-Mutuel Commission) has adopted rules that were filed with the Secretary of State on December 18, 2013 regulating pari-mutuel wagering on simulcast events, including historic races; and,

WHEREAS, Wyoming Downs LLC, currently holds the necessary and appropriate permits issued by the Wyoming Gaming Commission to operate simulcasting facilities in the State of Wyoming; and,

WHEREAS, Wyoming Downs LLC, requests the approval of the Carbon County Commissioners to operate from an additional location at 1602 Inverness Blvd., Rawlins, Wyoming 82301, to include pari-mutuel wagering on live horse racing, historic horse racing, simulcast events; and rodeo events, and,

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE COUNTY OF CARBON, WYOMING: That, pursuant to Wyo. Stat. § 11-25-102(a)(vii)(B), the Carbon County Board of Commissioners approves Wyoming Downs, LLC to conduct pari-mutuel wagering on live horse racing, historic horse racing, simulcast events and rodeo events within Carbon County at an additional location at 1602 Inverness Blvd., Rawlins, Wyoming.

RESOLVED, this 20th day of June 2023.

**BOARD OF COUNTY COMMISSIONERS
CARBON COUNTY, WYOMING**
-s- Sue Jones, Chairman

ATTEST: -s- Gwynn Bartlett, Carbon County Clerk

Commissioner Moore left the meeting at 11:00 a.m. to represent the BOCC at the Transwest Express groundbreaking.

PUBLIC HEARING – Budget Amendment

Chairman Jones opened a public hearing at 10:59 a.m. to hear about a proposed Budget Amendment to departmental budgets for Fiscal Year 2023 and Clerk Bartlett noted the hearing was advertised in the Saratoga Sun on June 8. Gwynn outlined the amendments as follows: increase expenditures as follows – Commissioners by \$10,000 to cover increased dues to the WY County Commissioner's Association, Treasurer by \$1,500 to cover postcard reminders now contracted out of this budget, Utilities by \$26,977.59, Dixon Airport by \$10,000.00 primarily for fuel expense, Road & Bridge by \$10,000 primarily due to fuel costs from a bad winter, Outside Agencies by \$50,705.30 for the Carbon County Fire Protection District, and reduce reserves by \$109,182.89 to cover the above. In addition, the following special revenue funds: Fund 152 by \$3,575.00 as this was a new fund and Fund 284 the Sheriff's Search & Rescue fund by \$3,585.06 to cover Hagglund repairs from various searches.

Chairman Jones called for comments for or against the amendment. There being none, she closed the hearing at 11:02 a.m.

Commissioner Barkhurst moved to adopt Resolution 2023-23 - FY 2023 Budget Amendment Number One for departmental budgets. Commissioner Johnson seconded and the motion passed unanimously.

RESOLUTION 2023 - 20

FY 2023 BUDGET AMENDMENT NUMBER ONE

WHEREAS Carbon County adopted the Fiscal Year 2023 Budget in accordance with the Wyoming Uniform Municipal Fiscal Procedures Act; and

WHEREAS the Board of Carbon County Commissioners wishes to amend the adopted budget in accordance with the same Act.

NOW, THEREFORE, BE IT RESOLVED that the following budget amendments are made.

Fund/Entity	Approved Budget	Amendment Amount	Amended Budget
Department 410 Commissioners	\$ 166,428.00	\$ 10,000.00	\$ 176,428.00
Department 430 Treasurer	\$ 312,801.84	\$ 1,500.00	\$ 314,301.84

Department 471 Buildings & Grounds Utilities	\$ 493,700.00	\$ 26,977.59	\$ 520,677.59
Department 473 Dixon Airport	\$ 74,580.00	\$ 10,000.00	\$ 84,580.00
Department 530 Road & Bridge	\$ 1,633,694.80	\$ 10,000.00	\$ 1,643,694.80
Department 584 Outside Agencies	\$ 1,258,591.68	\$ 50,705.30	\$1,309,296.98
Department 595 Reserves	\$ 4,847,488.67	(\$109,182.89)	\$4,738,305.78
Care Fair Fund 152	\$ 0.00	\$ 3,575.00*	\$ 3,575.00
Sheriff-Search & Rescue Fund 284	\$ 28,229.92	\$ 3,585.06*	\$ 31,814.98

**Revenue to cover amendments in special revenue funds are covered by revenue deposited or money transferred into that fund*

PASSED, APPROVED AND ADOPTED this 20th day of June 2023.

CARBON COUNTY, WYOMING

-s- Sue Jones, Chairman

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

PUBLIC HEARING – C.U. Case #2023-03 – Union Telephone Company and BLM

Commissioner Johnson moved to untable C.U. Case File 2023-03, Union Telephone Company's request for a Conditional Use Permit. Commissioner Barkhurst seconded and the motion passed unanimously.

Chairman Jones opened a public hearing at 11:02 a.m. to hear Planning & Zoning C.U. Case #2023-03, Union Telephone Company's request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit telecommunications tower up to 155 feet tall and related facilities/equipment at the Midway Communications Site. The Site is located approximately 6.5 miles south of I-80 exit 235 and WY HWY 130 on the west side. Planning Director Sarah Brugger presented the case.

Andrew Arredondo and Donovan Whitehead reported they provided a RF study to the BOCC with existing network coverage from software they use. They provided additional predictions using the ATC tower and without.

Chairman Jones called for comments for or against the case. There being no comments, she closed the hearing at 11:08 a.m.

Commissioner Espy moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2023-21, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding Planning and Zoning C.U. Case #2023-03, Union Telephone Company's request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone, located approximately 6.5 miles south of I-80 exit 235 and WY HWY 130 on the west side at the Midway Communications Site. Commissioner Johnson seconded and discussed that there were so many towers going up without colocation. Mr. Arredondo reported they welcome co-locators. Commissioner Johnson discussed the past comment against the tower and while he appreciates that comment he is looking at this from a safety perspective. Commissioner Jones asked if they consulted with ATC regarding co-locating. Mr. Arredondo stated he did speak with them however Union's existing tower near ATC's tower is 40' shorter and doesn't improve the service. Chairman Jones asked why the Elk Mountain site isn't covering the area and Mr. Whitehead stated because the Elk Mountain site covers such a large area the reliability is downgraded. Commissioner Barkhurst stated he does not like towers near scenic byways. He asked if the tower is worth making up the small loss of coverage and secondly could the tower height be adjusted to eliminate the eyesore and finally what is Union's long-term plan and do they plan to drop towers every 15 miles. Mr. Whitehead replied that with network upgrades there are growing pains over the next 2-3 years. Mr. Arredondo stated they worked to find the location of the existing disturbance noting there is a transmission line right by this, an existing access road, a snow fence, and a larger transmission line nearby. The height proposed is minimal to makeup projections through the gap. He added he doesn't foresee much more growth coming this way noting they have focused on Interstate 80 and the first responder network in areas of concern. Commissioner Barkhurst asked if the tower could be moved 500' west, away from the highway. Mr. Arredondo stated due to sage grouse concerns he thought the proposed location could not be moved. The motion passed with all voting for except Chairman Jones who voted against.

Resolution No. 2023 – 21

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 #2023-03– “Midway Communications Site”

WHEREAS, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission advertised to hold a public hearing on Monday, April 3, 2023, which said 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 the 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 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, 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 application; and

WHEREAS, at the conclusion of the public hearing on May 2, 2023, the Carbon County Board of County Commissioners tabled C.U. Case #2023-03 until Tuesday, June 20, 2023; and

WHEREAS, at said public hearing on June 20, 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 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 #2023-03: Request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit a telecommunications tower up to 155 feet tall and related facilities/equipment.

Project/Site Name: Midway Communications Site

Applicant: Union Telephone Company

Landowner: Bureau of Land Management (BLM)

Parcel Identification Number: 19840210060000-Parent Parcel

General Site Location: Midway Communications Site is located approximately 6.5 miles south of I-80 exit 235 and WY HWY 130 on the west side.

Legal Description: A tract of leased land (0.23 Acres) located in the SW1/4 SE1/4, Section 2, T19N, R84W, Carbon County, Wyoming.

TERMS AND CONDITIONS OF APPROVAL:

1. If the telecommunication tower is removed from service pursuant to this Conditional Use Permit, the Applicant shall reclaim the existing foundations to a depth of 36 inches or to the existing depths required at the time of reclamation, whichever standards are more stringent shall apply.

2. 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.
3. 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.
4. Any modifications to the structure that increase its surface footprint or is over the permitted tower height will require a new Conditional Use Permit.
5. The Applicant shall submit an approved access permit and documentation from the Bureau of Land Management (BLM) prior to any issuance of a building permit.
6. Building Permit(s) are required prior to the start of construction.
7. The Owner(s) or Operator(s) shall limit construction activity in areas that have been designated by Wyoming Game & Fish Department as Sage Grouse Core areas between the dates of March 15th to June 30th, in addition to migration corridors between the dates of April 1st to May 15th and from October 15th to December 31st. In the event the owners or operators need to carry out construction activities in this time period and within said ranges, it shall notify and consult with both the Wyoming Game & Fish Department and Carbon County to determine how the activity in question will be carried out without undue harm to sage grouse and big game populations.
8. The Owner(s) or Operator(s) should consult with the US Fish and Wildlife Service in regard to seasonal and spatial buffers associated with raptor nests.
9. 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>.

10. 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.
11. 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 #2023-03 – “Midway Communications Site”).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 20th day of June 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

EXECUTIVE SESSION

Commissioner Espy moved to go into executive session at 11:27 a.m. with Clerk Bartlett, Ashley Mayfield Davis, Matt Webster, and Mike Newbrough 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 12:46 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Moore seconded and the motion passed unanimously.

Commissioner Discussion

Commissioner Espy moved to waive the procurement policy to allow Buildings & Grounds to repair the electrical issue at the Courthouse. Commissioner Barkhurst seconded and the motion passed unanimously.

RECESS

The meeting was recessed, and Chairman Jones declared the meeting will resume June 21, 2023, at 8:30 a.m. Chairman Jones called the meeting to order at 8:30 a.m. on June 21, 2023, and the BOCC balanced the budget including the general fund and numerous special revenue funds.

ADJOURNMENT

Commissioner Espy moved to adjourn the meeting at 1:30 p.m. Commissioner Moore seconded and the motion passed unanimously.

A regular meeting of this Board will be held Monday, July 17, 2023, 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.