

**REPORT TO THE
MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, April 21, 2020
Carbon County Courthouse, Rawlins, WY**

A regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, April 21, 2020 at 9:00 a.m. at the Carbon County Courthouse, Rawlins, WY. Attending the meeting were; Chairman, John Johnson, Vice Chairman, Sue Jones, John Espy, Travis Moore, and Byron Barkhurst. Much of the meeting was held via telephone to social distance due to COVID-19.

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

ADDITIONS/CORRECTIONS

Chairman Johnson asked to add authorization to rehire vacant positions under the Sheriff.

VOUCHERS

Commissioner Jones moved to approve March 2020 payroll and benefit expenses of \$869,952.44 and insurance claim and premium expenses of \$215,256.98, the main amount of bills totaling \$571,528.15 for an aggregate total today of \$1,656,737.57. Commissioner Barkhurst seconded and the motion carried unanimously.

Vendor	Detail Line Description	Total
ACME ELECTRIC COMPANY, LLC	ELECTRICIAN SERVICES	\$793.80
ALSCO, AMERICAN LINEN DIVISION	SHOP SUPPLIES	\$55.61
APEX COMMUNICATIONS	COUNTY MAINTENANCE	\$4,033.88
APG MEDIA OF THE ROCKIES	JOB POSTING	\$1,915.89
API SYSTEMS INTEGRATORS	MONITORING SERVICES	\$102.00
AXIS FORENSIC TOXICOLOGY, INC.	LAB FEES	\$243.00
BAGGS, TOWN OF	WATER SERVICES	\$181.70
BALESTRIERI, MICHELLE	MILEAGE/USPS CERT LETTER	\$73.83
BANK OF MONTREAL - MASTERCARD	2 MOBILE HOTSPOTS	\$16,452.87
BARCO MUNICIPAL PRODUCTS, INC	TIRE CHAINS FOR BLADE	\$1,741.38
BEACH, HOMER	SNOW REMOVAL	\$70.00
BI INC.	MONTHLY MONITORING SERVICES	\$2,138.50
BLAKEMAN PROPANE	HEATING FUEL	\$706.58
BOB BARKER COMPANY, INC.	INMATE CLOTHING	\$216.30
BOMGAARS SUPPLY	MISC SUPPLIES	\$64.61
BOYS & GIRLS CLUBS OF CARBON COUNTY	Q1 TANF PAYMENT 2020	\$1,581.51
BRIDGER FABRICATION	WELDING SUPPLIES	\$417.90
BUILD RITE LUMBER COMPANIES	MISC SUPPLIES	\$549.75

CARBON COUNTY YOUTH CRISIS CENTER	Q1 TANF PAYMENT 2020	\$480.21
CARBON POWER & LIGHT INC	ELECTRIC SERVICES	\$2,704.31
CASPER WINNELSON CO	CREDIT TAKEN TWICE	\$96.32
CATHEDRAL HOME FOR CHILDREN	19-20 FUNDING FOR CRISIS CENTER	\$22,500.00
CHARTER COMMUNICATIONS	JAIL TV SUBSCRIPTIONS	\$120.34
CMI-TECO	DEF FLUID	\$61.02
CONVERGEONE, INC.	IT SOFTWARE	\$55,478.52
ELEVATED TRAINING SOLUTIONS	RANDOM DRUG TESTS	\$170.80
ENGSTROM, JAMES D. DDS	JAIL DENTAL SERVICES	\$2,500.00
GALLS/QUARTERMASTER	DEPUTY UNIFORMS	\$184.00
GCR ELECTRONICS, LLC	MONTHLY SITE RENTAL	\$2,000.00
GENSCO AIRCRAFT TIRES	TIRES FOR ROLLERS	\$1,404.00
GOLDEN, MARY	MILEAGE	\$60.00
GRAINGER	TERMINAL STRIP POLE	\$14.26
GREATER WY BIG BROS/SISTERS	COUNTY PREVENTION SERVICES	\$6,619.86
HERRING, PAUL	MISC SUPPLIES	\$450.30
HIGH DESERT WELDING & MACHINE LLC	THREADED NIPPLE	\$34.70
HIGH PLAINS POWER	ELECTRIC SERVICES	\$412.98
HONNEN EQUIPMENT	MECHANIC SERVICES/PARTS	\$1,249.55
JACK'S BODY & FENDER REPAIR	TOWING SERVICES/REPAIR	\$2,029.00
KILBURN TIRE COMPANY	TIRES	\$1,000.48
KING SOOPERS CUSTOMER CHARGES	STAFF MEETING	\$94.64
KTGA/KBDY	TOWER RENT	\$150.00
MACKIE, BARBARA	WITNESS REIMBURSEMENT	\$126.43
MEDICINE BOW, TOWN OF	WATER SERVICES	\$200.00
MEMORIAL HOSPITAL OF CARBON COUNTY	MISC CHARGES	\$195,220.15
MERCEDES TRANSCRIPTION, INC	TRANSCRIPTION SERVICES	\$110.11
MY OFFICE ETC.	OFFICE SUPPLIES	\$114.58
NATIONWIDE	SURETY BOND	\$50.00
NORCO, INC.	MISC SUPPLIES	\$776.55
OREGON DMV	DRIVING RECORD REQUEST	\$3.00
O'REILLY AUTO PARTS	BATTERIES	\$9.99
PERKINS OIL CO	FUEL	\$526.73
PHILLIPS 66-CONOCO-76	MISC CHARGES	\$87.79
PINNACLE PUBLIC FINANCE, INC	HVAC REPLACEMENT SYSTEM	\$158,740.93
QUILL CORPORATION	CHAIR/BATTERIES	\$382.81
RAWLINS AUTOMOTIVE	MISC PARTS	\$210.74
RAWLINS EASTSIDE CARWASH	CAR WASH CARDS	\$63.00
RAWLINS GLASS CENTER, INC.	SAFETY GLASS	\$558.00
RAWLINS, CITY OF	BLDG PERMIT DEMO OLD HORSE BARN	\$25.00
RICOH USA INC	IT COPIERS	\$244.63

RICOH USA, INC	IT COPIERS	\$9,273.36
ROSTAD LAW, LLC	LEGAL SERVICES	\$3,903.95
SARATOGA AUTO PARTS, INC.	MISC PARTS	\$1,375.77
SARATOGA SUN	ADS	\$68.00
SCHAEFFER MFG CO	OIL	\$1,120.35
SCHILLING & WINN PC	LEGAL SERVICES	\$3,254.85
SHEPARD'S	FUEL	\$2,572.84
SHIVELY HARDWARE	MISC PARTS	\$478.05
SLOW AND STEADY LAW OFFICE, PLLC	LEGAL SERVICES	\$2,290.00
SNAKE RIVER PRESS	SCHOLARSHIP AD	\$72.00
SPECIALIZED PATHOLOGY CONSULTANTS	AUTOPSY	\$1,250.00
STAPLES ADVANTAGE	MISC OFFICE SUPPLIES	\$236.75
STINKER STORES, INC.	FUEL	\$5,689.09
SUMMIT FOOD SERVICE	JAIL MEALS	\$6,983.17
SWANSON SERVICES CORPORATION	JAIL COMMISSARY	\$725.71
SWEETWATER COUNTY SHERIFF'S OFFICE	INMATE HOUSING	\$2,565.12
THOMSON REUTERS-WEST PAYMENT CTR	MONTHLY CHARGES	\$786.44
TIGER MART	FUEL	\$123.28
TIN BOY GARAGE	BRAKE PADS	\$525.48
TRACTOR SUPPLY CREDIT PLAN	NEW BLOWER	\$109.93
TRUE VALUE OF RAWLINS	MISC PARTS	\$772.87
UNIVERSITY OF WY (CES)	CES PR 4-H SALARY MATCH	\$16,857.25
US BANK	MISC CHARGES	\$7,824.44
VALLEY OIL COMPANY	FUEL	\$1,008.04
VOIANCE LANGUAGE SERVICES LLC	OVER THE PHONE INTERPRETATION	\$4.50
VOLUNTEER FIREMEN PENSION FUND	MAR/APR VOL FIRE RETIREMENT	\$960.00
WESTERN STATES FIRE PROTECTION CO	FIRE SPRINKLER/ ALARAM INSPECTION	\$416.50
WY DEPT OF HEALTH	STATE RENTAL CAR	\$80.00
WY MACHINERY COMPANY	MISC MECHANIC SERVICES	\$10,776.73
WY PUBLIC HEALTH LABORATORY	LAB FEES	\$440.00
WY RENTS, LLC	LATCH	\$82.84
WY STATE BAR	JOB POSTING	\$100.00
WYOMING DISPOSAL SYSTEMS	TRASH SERVICES	\$196.00

CONSENT AGENDA

Commissioner Espy moved to approve the consent agenda noting any item could be removed for separate action. The consent agenda includes the April 7, 2020 regular meeting minutes and monthly receipts from the Clerk of District Court Office in the amount of \$3,102.50. Commissioner Moore seconded and the motion carried unanimously.

ELECTED OFFICIALS & DEPARTMENT HEADS

Sheriff

Sheriff Archie Roybal requests to purchase a new communication recorder from Eventide. This would replace his dispatch center's current 911 call recorder. Sheriff Roybal would like to utilize the E911 funds to purchase this system. The quote that he received from Eventide is \$34,768.00 which includes the system, installation and training. Currently the E911 fund has approximately \$279,000.00.

Commissioner Espy moved to approve the purchase of Eventide's NexLog Communication Recorder from E911 funds in the amount of \$34,768.00. Commissioner Moore seconded and the motion carried unanimously.

Sheriff Roybal presented another quote to purchase twenty Level IIIA Low Profile Ballistic helmets for the patrol division. The ballistic helmet provides lightweight, robust protection from ballistic and fragmentation projectiles. The quote was received from Grainger in the amount of \$8,320.00. He also discussed the purchase of emergency medical kits for patrol totaling \$2,223.00. These would be paid for out of the sheriff's office budget and the BOCC agreed to the purchase for safety reasons.

The Sheriff requested and received authorization to hire two deputies and a dispatcher.

Attorney

County Attorney Ashley Davis presented Memorandums of Understanding to provide housing for the Towns of Rawlins, Sinclair, Hanna, Saratoga, Baggs, Medicine Bow for prisoners charged or sentenced on municipal ordinance violations in the Carbon County Detention Center pursuant to Wyoming Statute § 18-6-316. The Memorandums discuss the per day rate change for each inmate who are housed on municipal charges. The old rate was \$60.00 per day per inmate and the new rate will be \$100.00 per day per inmate. Attorney Davis reported the actual cost is around \$128.00 per day and Clerk Bartlett asked why we aren't charging the actual cost. Sheriff Roybal stated that he thinks \$100 is reasonable and he doesn't want to be the highest in the state. Commissioner Espy would like a letter to accompany the agreements telling the municipalities what our actual cost is and that we will likely pass that on. Commissioner Jones agreed and Chairman Johnson stated that he has a hard time not charging the actual cost.

Commissioner Moore moved to authorize the Chairman's signature on each Memorandum of Understanding between the Carbon County Sheriff's Office and the City of Rawlins and towns of Sinclair, Hanna, Saratoga, Baggs and Medicine Bow for housing inmates who are brought in on municipal charges. Commissioner Espy seconded and the motion carried unanimously.

Planning & Development

Sid Fox, County Planning Director discussed the zoning resolution amendment including a potential amendment to the Skyline Acres setbacks and phase II compliance with cellular towers.

Treasurer

County Treasurer Patty Bentsen discussed allocation of Secure Rural School funds, otherwise known as forest reserve, and asked how the BOCC would like to distribute. The response was 5% to Title I and the remainder to the road fund. The county received \$239,228.45 this year.

She has been receiving calls from mortgage companies regarding payment of property taxes and she is standing firm that payments will still be due May 10 as usual.

Public Health

Public Health Nurse, Amanda Brown reported they are open through telehealth and some reproductive health clinics in person and through telehealth. She has a part-time RN position open and in July will have a full-time position open. There are 317 COVID-19 cases in Wyoming with some hot spots with still only 4 confirmed positive Carbon County residents. They are monitoring 40 cases of COVID-19 like illness. She encouraged the public to continue to follow the state health orders currently in place.

Clerk

Gwynn Bartlett, County Clerk reported that she recently sent a budget restriction e-mail to departments but suggested stronger language from the BOCC. She also reported that she expects to hold elections as usual but will encourage many to vote through absentee in case COVID-19 affects her ability to hire election judges.

EXECUTIVE SESSION

Commissioner Espy moved to go into executive session at 10:07 a.m. with Clerk Bartlett, Ashley Mayfield Davis, Amanda Brown and Ron Brown to discuss personnel, potential litigation and other matters considered confidential by law. Commissioner Moore seconded and the motion carried unanimously.

Commissioner Espy moved to come out of executive session at 10:40 a.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Moore seconded and the motion carried unanimously.

TOWN OF SARATOGA

Present via phone were Saratoga Mayor John Zeiger, Saratoga City Attorney Tom Thompson along with Town Clerk Suzie Cox and James Childress, Saratoga CPA.

Mayor Zeiger discussed the Town of Saratoga's response to the use of Saratoga-Carbon County Impact Joint Powers Board funds that may have been transferred into the town of Saratoga's general fund and used to cover deficits.

Mr. Thompson discussed the Joint Powers Agreement (JPA) for this board and noted that the agreement contemplated an increase in water and sewer services in Saratoga to help finance projects. The agreement addresses providing adequate water and sewer for the residents of Saratoga, no development for water or sewer outside the corporate limits of Saratoga are discussed. The town does have out of town users that pay a user fee. The agreement also limits the ability to finance projects to only the town of Saratoga.

Saratoga considers these funds as enterprise funds. There are different funds dealt with under the JPA and he thinks there may be a misunderstanding of which funds the Joint Powers Board (JPB) is entitled to.

JPB took out loans to expand the system in contemplation of an increase in population they were to use the tap fees from any portion of the system that was extended to repay the loans. There were also user fees related to the extended portion of the system.

Mr. Thompson quoted from the BOCC's last meeting – "Without notification or vote, classified money is general fund use". He stated there has been no action to classify these funds for the general fund

Mr. Childress stated that the town hired his firm recently and his first recommendation was to eliminate findings from their 2018 audit. There has been no effort to hide anything but rather investigate the transactions that have occurred in the past, trying to correct them moving forward.

Commissioner Jones clarified that this should not be a hostile issue. There are concerns within Saratoga beyond only Mr. Nelson and she hopes everyone can move past this. She stated having served as Treasurer on that board she knows the intent was that the board was setup to operate and build a water and sewer system. The agreement needs numerous amendments and she noted that she didn't feel that the town moving funds around and using them for other purposes was the intent. She feels that moving forward the funds should be restricted.

Mr. Thompson thought the JPB is putting out a RFP to have an independent attorney rewrite the agreement and clarify many of the issues at hand. He did say the portion of water and sewer not covered under this agreement are dealt with differently. Again the JPA doesn't cover the entire water/sewer system for the town of Saratoga.

Attorney Davis asked if Mr. Childress was able to, or will be able to look at prior transactions to see if money has been improperly moved and he replied that is part of their intent.

Power Engineers and Rocky Mountain Power

Rod Fisher with Rocky Mountain Power introduced team members including Nancy Smith, Preconstruction project Manager, Aleta Brown will help obtain special use permits and Charles Hutchinson and Mike Doyle of Power Engineers to prepare conditional use permit applications. All were present via phone.

Approximately 107.7 miles in Carbon County will be affected by the Gateway South Transmission Project. Approximately 55.6 miles will be on BLM land, 4.9 miles on State land and 47.2 miles will be on private land. The transmission line will begin northwest of Medicine Bow and travel southwest passing Hanna on the east side and all the way to interstate 80. Then west along I80 to Wamsutter then south to Colorado state line. The anticipated construction date is April 2021 with an approximate end date of December 2023. They have had their jurisdictional meeting for their industrial siting permit in February and they will have a virtual, online public meeting in May 28. The ISC hearing is planned for October. They will be applying for the certificate of public convenience sometime in May with the Public Service Commission.

Commissioner Espy said he hopes to have better landowner communication with this project than Gateway West did.

Commissioners

Vice Chairman Sue Jones requested the Chairman's signature on the Notice to Proceed for the Dixon Airport runway repair. The funding may change as the CAREs program will likely cover the county's match. The county's match for the Master Plan project is still in place however because it began prior to the deadline. There will be a contractor onsite in a camper so if the BOCC notices one on site that is why.

Commissioner Jones moved to authorize the Chairman's signature on the Notice to Proceed for the Dixon Airport Runway Repair. Commissioner Espy seconded and the motion carried unanimously.

Commissioner Barkhurst presented a resolution in Support of Declaring Carbon County a Second Amendment Preserve and in Support of the Constitutional Right to Bear Arms for approval and signature. Commissioner Moore asked what protections this would offer the citizens of the county that aren't already provided by the state. The resolution specifically states that funds would not be used to restrict rights. Attorney Davis stated this is similar to resolutions the board issues showing their support for other issues or causes.

Commissioner Barkhurst moved to authorize the Chairman's signature on Resolution No. 2020-15 a Resolution in Support of Declaring Carbon County a Second Amendment Preserve and in Support of the Constitutional Right to Bear Arms. Commissioner Espy seconded and the motion carried unanimously.

Resolution 2020 - 15

RESOLUTION IN SUPPORT OF DECLARING CARBON COUNTY A SECOND AMENDMENT PRESERVE AND IN SUPPORT OF THE CONSTITUTIONAL RIGHT TO BEAR ARMS

WHEREAS, the Second Amendment of the United States Constitution guarantees: "A well-regulated Militia, being necessary to the security of a free state, the right of the people to keep and bear Arms, shall not be infringed,"; and

WHEREAS, the right of the people to keep and bear arms is further protected from infringement by State and Local Governments pursuant to the Ninth, Tenth, and Fourteenth Amendments to the Constitution of the United States of America; and

WHEREAS, Section 1 of the Fourteenth Amendment to the Constitution of the United States of America states, “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws”; and

WHEREAS, the Supreme Court of the United States in the decision *District of Columbia v. Heller*, 554 U.S. 570, recognized that according to the Second Amendment of the Constitution of the United States of America the individual’s right to keep and bear arms is unconnected with the individual’s service in a militia; and

WHEREAS, the Supreme Court of the United States further recognized in the decision *McDonald v. City of Chicago*, 561 U.S. 742, that the Second Amendment to the Constitution was incorporated by the Fourteenth Amendment and thereby the right to bear arms was applicable to the States as well as the Federal government; and

WHEREAS, Article 1, Section 12, of the Constitution of the State of Wyoming provides, “The right of citizens to bear arms in defense of themselves and of the state shall not be denied.”; and

WHEREAS, from time to time, certain legislation might be introduced in the United States Congress or in the Wyoming State Legislature which could infringe upon the rights of law-abiding citizens to keep and bear arms, as guaranteed by the Second, Fourth, Fifth, Ninth, Tenth, and Fourteenth Amendments of the United States Constitution, and Article 1, Section 12 of the Constitution of the State of Wyoming; and

WHEREAS, the Board of County Commissioners of Carbon County, Wyoming wishes to pass this resolution so the rights of the law-abiding citizens of its county are preserved against any law that would unconstitutionally restrict the rights of the Second Amendment to the citizens of Carbon County; and

NOW THEREFORE, be it resolved by the Board of County Commissioners, Carbon County, Wyoming assembled this 21st day of April, 2020, that pursuant to Wyoming Statutes § 18-3-504 and § 18-3-510);

The Board of County Commissioners hereby declares that public funds of the County shall not be used to restrict the individual rights of the citizens of Carbon County to keep and bear arms as recognized in the Constitutions of the United States and the State of Wyoming; nor shall public funds of the County aid in the restriction of those same individual rights; and

The Board of County Commissioners hereby declares Carbon County, Wyoming a “Second Amendment Preserve,” where the individual rights of law-abiding citizens to keep and bear arms, and of their use in the security and defense of self, family, others, and property, is supported; and

The Board of County Commissioners hereby declares its opposition to unconstitutional restrictions on the right to bear arms, and intends to oppose, within the limits of the Constitutions of the United States and the State of Wyoming, any efforts to unconstitutionally restrict such rights, and to use such legal means at its disposal to protect the right of the citizens to keep and bear arms.
DATED this 21st day of April 2020.

Board of County Commissioners of
Carbon County, Wyoming

- s- Willing “John” Johnson, Chairman
- s- Byron Barkhurst
- s- John Espy
- s- Sue Jones
- s- Travis Moore

ATTEST: -s- Gwynn Bartlett, Carbon County Clerk

CITIZEN / COMMISSIONER DISCUSSION

Commissioner Moore thanked the citizens for their cooperation with the recent health orders. The federal government has allocated \$1.25 billion to Wyoming and the state is still determining how to allocate this. Public entities should track expenses related to COVID-19 so that down the road we have an opportunity to garner funds for reimbursement.

Commissioner Jones reported the county received \$20,000 for the CAREs program and the funds can be used for land acquisition, operations, payroll, etc. She suggested using it towards the airport manager’s salary and thinks there is a grant application to obtain the funds.

Commissioner Jones moved to use CAREs Security Act funds of \$20,000 for the Dixon Airport operational expenses. Commissioner Espy seconded and the motion carried unanimously.

EXECUTIVE SESSION

Commissioner Espy moved to go into executive session at 11:57 a.m. with Clerk Bartlett, Ashley Mayfield Davis, Patty Bentsen and Matt Webster to discuss personnel, potential litigation and other matters considered confidential by law. Commissioner Barkhurst seconded and the motion carried unanimously.

Commissioner Espy moved to come out of executive session at 12:21 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Moore seconded and the motion carried unanimously.

EXECUTIVE SESSION

Commissioner Espy moved to go into executive session at 12:26 p.m. with Clerk Bartlett and Ashley Mayfield Davis to discuss personnel, potential litigation and other matters considered confidential by law. Commissioner Espy seconded and the motion carried unanimously.

Commissioner Espy moved to come out of executive session at 12:57 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Moore seconded and the motion carried unanimously.

ADJOURNMENT

Commissioner Moore moved to adjourn the meeting at 12:58 p.m. Commissioner Espy seconded and the motion carried unanimously.

A regular meeting of this Board will be held Tuesday, May 19, 2020 at 2:00 p.m. at the Medicine Bow Senior Center, Medicine Bow, WY. The public is invited to attend or you can listen online at the website listed below. To get on the agenda, call the Clerk's Office by the Thursday before the meeting. Per Wyo. Stat. §18-3-516(f), access to county information can be obtained at or by calling the Clerk's Office at (307) 328-2668 or 1-800-250-9812.