

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

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

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

ADDITIONS / CORRECTIONS

Chairman Johnson announced the lease with Little Snake River Lions Club is cancelled for this meeting and will occur at the next meeting.

VOUCHERS

Commissioner Espy moved to approve payment to Sunrise Sanitation for \$68.00. Commissioner Barkhurst seconded, and the motion carried with all voting for the motion except Commissioner Jones who abstained due to personal conflicts.

Commissioner Espy moved to approve payment to Byron Barkhurst for reimbursement for pumps at the shower building at the Fairgrounds in the amount of \$1,192.34. Commissioner Moore seconded, and the motion carried with all voting for the motion except Commissioner Barkhurst who abstained due to personal conflicts.

Commissioner Espy moved to approve the report of expenditures in the amount of \$1,189,343.24 for an aggregate total today of \$1,190,603.58. Commissioner Moore seconded, and the motion carried unanimously.

Vendor	Detail Line Description	Total
Ables, Duane E	County Health Officer	\$1,600.00
Acme Electric Company, LLC	Electrical Repair at Fairgrounds	\$75.00
AlertSense	AlertSense Renewal	\$5,400.00
Also, American Linen Division	Towels, Soap, Laundry Bags	\$56.90
Apex Communications	Radio Repairs/Belt Clip	\$1,137.00
AT&T Mobility	CCSO MDT Cell Service	\$900.54
Axis Forensic Toxicology, Inc.	Drug Screen	\$1,075.00
Baggs, Town Of	Water Services	\$341.37
Barkhurst, Byron	Pumps For Shower House	\$1,192.34
Black Hills Energy	Gas Services	\$2,345.94

Bob Barker Company, Inc.	Inmate Clothing & Supplies	\$394.86
Bomgaars Supply	Misc. Parts	\$363.96
Buchanan, Karen	Mileage Reimbursement	\$81.00
Burns, Zachary	Mileage Reimbursement	\$308.00
Candy Mountain	Water	\$141.00
Capitol Communications	Programming Changes	\$150.00
Carbon County Fair Board	Monthly Outside Agency Pymt	\$4,166.67
Carbon County Library	Monthly Outside Agency Pymt	\$32,500.00
Carbon County Museum	Monthly Outside Agency Pymt	\$18,166.67
Carbon County Senior Services	Monthly Outside Agency Pymt	\$16,666.67
Casper Winnelson Co	Misc. Parts for Multiplex	\$691.66
CDW Government, Inc.	Office Microphone & Cable	\$114.95
Civil Air Patrol Magazine	Subscription Renewal	\$195.00
Clerk Of Dist. Court (Jurors)	Jurors	\$1,868.72
Conover, Sterling	Mileage Reimbursement	\$12.00
Contech Eng. Solutions LLC	Beaver Creek Bridge Repair/Replacement	\$48,200.00
Convergeone, Inc.	Office 365 Maintenance	\$4,320.00
Cowboy Chemical	Dish Detergent	\$224.60
Cowboy Supply House	Misc. Cleaning Supplies	\$2,244.37
Daily Times	Monthly Subscription	\$86.40
Dallin Motors Inc	Transmission Repair/Fuel Pump	\$352.64
Dell Marketing L.P.	Battery	\$103.59
Dirty Boyz Sanitation, Inc	Trash Services	\$1,652.00
Dixon, Town Of	Water Services	\$308.00
Drummond Refrigeration LLC	Repair To Freezer at Fairgrounds	\$3,981.42
Dynamic Controls Inc	License Renewal/Valve Leak	\$8,428.91
Elevated Safety Solutions	Random Drug Test	\$70.40
Elk Mountain, Town Of	Water Services	\$71.50
Encampment, Town Of	Encampment R&B Water Services	\$102.00
Encartele	Jail Commissary Supplies	\$1,500.00
Engineering Associates	Prof. Services for Beaver Creek Bridge	\$4,378.21
Fatbeam LLC	Fiber Line/Internet Service	\$5,259.70
FCI Constructors of Wy	Carbon Bldg. Remodel	\$684,738.90
Fleming, Linda	Mileage Reimbursement	\$34.20
France, Tara	Transcription Services	\$1,182.75
Front Range Fire Apparatus	12 V Halogen	\$157.77
Further	Health Reimbursement	\$3,370.35
Galls/Quartermaster	Misc. Deputy Supplies	\$819.22
GlaxoSmithKline Pharma.	Vaccines	\$2,064.74
Goodwin, Mandy	Mileage Reimbursement	\$11.40
Greater Wy Big Bros/Sisters	County Prevention Services	\$16,485.80

Hanna, Town Of	Water Services	\$371.55
Haver, Emily L.	Meal And Mileage Reimbursement	\$46.74
Heiman Fire Department	Rocker Lug and Adapter	\$145.99
Henderson, Robert	Electronic Monitor Refund	\$263.50
Henderson-Arndt, Shirley	Electronic Monitor Refund	\$820.00
High Plains Power	Electric Services	\$459.14
Hilltop Conoco	Fuel	\$49.82
Iacovetto, Karon	Sept 2021 Contract Custodial	\$16,065.00
Inland Ag Repair	Tractor Repair	\$13,357.38
Jack's Body & Fender Repair	Abandoned Vehicle Tow	\$2,764.00
Jacoby Funeral Home	Indigent Burial	\$1,500.00
Jones, Kaylee	Contract Hours/Mileage	\$1,190.15
Kaluzny, Emily	Reimb. For Personal Phone Usage	\$30.00
Kansas Department of Revenue	Driver's License Records	\$20.00
Kilburn Tire Company	Blade Tires	\$5,564.00
Kostovny, Mark	Mileage Reimbursement	\$25.20
KTGA/KBDY	Victim Outreach Radio Ads	\$200.00
L N Curtis & Sons	Misc. Parts	\$1,566.65
Lally, Brian J.	Meal Reimbursement During Fair	\$73.00
Laramie Fire Extinguisher	Misc. Inspections	\$735.75
Lehr, Casey	Misc. Supplies	\$237.96
Loco Creek Contracting	Weed Spraying at Dixon Airport	\$651.00
Medicine Bow, Town Of	Water Services	\$4,702.50
Meridian Psychological, LLC	Psychological Assessment	\$1,050.00
Midwest Card & Id Sol, LLC	Lanyards And Id Card Holders	\$293.83
Mike's Lock & Key	Install New Lock Cores/Repair Locks	\$349.15
Moss, Barbara	Mileage Reimbursement	\$81.60
Mountain Alarm	Monitoring Alarm at Crisis Center	\$42.90
MPM Corp / Evergreen Disposal	Trash Services	\$130.00
Nation, Leslie H	Mileage Reimbursement	\$36.00
Offender Watch	Sex Offender Notification	\$326.30
O'Reilly Auto Parts	Misc. Parts	\$98.69
Perkins Oil Co	Fuel	\$2,226.59
Personnel Evaluation, Inc.	Psychological Evals	\$120.00
Phillips 66-Conoco-76	Fuel	\$74.33
Priority Dispatch	System License Renewal	\$6,180.00
Quill Corporation	Misc. Office Supplies	\$832.63
R.P Lumber Company, Inc.	Misc. Parts/Supplies	\$2,497.25
Rawlins Automotive	Misc. Parts	\$2,292.24
Rawlins Glass Center, Inc.	Replace Back Glass on Ford Pu	\$340.75
Rawlins Hardware	Misc. Parts	\$190.95

Rawlins, City Of	Water Services	\$6,407.20
Reed Smith LLP	Legal Services Vanguard	\$11,473.74
Ricoh USA Inc	It Copiers	\$917.78
Ricoh USA, Inc	It Copiers	\$3,335.04
Rietveld, Toni	Meal Reimbursement	\$19.11
Rocky Mountain Power	Electric Services	\$18,641.45
Saratoga Auto Parts, Inc.	Misc. Parts	\$719.38
Saratoga Sun	Misc. Ads	\$1,227.00
Saratoga, Town Of	Water Services	\$51.50
SCBA Sales & Rentals LLC	SCBA Cylinders	\$9,301.62
Schofield, Stephanie M	Fire Investigation	\$483.00
Security Transport Services, Inc.	Inmate Transportation	\$3,443.00
Sheets, Ed	Replace Damaged Sheetrock	\$251.98
Shepard's	Fuel	\$1,417.76
Shively Hardware	Misc. Cleaning Supplies	\$39.96
Silversage Plumbing LLC	Plumbing Repairs	\$235.00
Smith Psychological Services	Pre-Employment Psych. Eval	\$800.00
Smith, Lisa	Mileage Reimbursement	\$145.00
South Central Wy Ems	Reimb. For West Fire Standby for Gier	\$9,505.90
Spaulding, Dawnette	Mileage Reimbursement	\$67.20
Spyglass	Annual Spy care Fee	\$3,150.00
Staples Advantage	Misc. Office Supplies	\$345.32
State Of Wyoming A & I	File Storage & Mainframe Access	\$28.76
Stinker Stores, Inc.	Fuel	\$9,337.34
Summit Food Service	Inmate Meals	\$6,613.31
Sunrise Sanitation Service, LLC.	Trash Services	\$68.00
Surber, Jordyn Ashlee	Legal Fees	\$1,290.20
Swanson Services Corporation	Inmate Commissary	\$2,056.83
Team Lab	Road Patch Cr291	\$8,675.00
The Masters Touch, LLC	Postage	\$5,945.00
Tin Boy Garage	Misc. Parts	\$743.60
T-O Engineers	DWX Master Plan Update/Eng. Svs.	\$4,012.50
Trudiligence, LLC	Vol. Fire Background Check	\$19.98
Tyler Technologies, Inc	IDOC/ITAX Webhosting	\$3,346.56
UPRSWDD	Trash Services	\$190.00
Us Imaging	Digitizing Historical Records	\$82,203.17
WACERS	2021-22 Membership Dues	\$25.00
Walker, Deborah C	Patches Sewn on Uniforms	\$56.00
Walker, Jeanette R.	Mileage Reimbursement	\$81.00
West End Sinclair	Fuel For S&R	\$148.51
Winters Griffith Architects	Construction Administration	\$33,539.00

WLC Engineering	Third Party Inspection/Materials Testing	\$5,124.25
Wy Behavioral Institute	Emergency Detention	\$4,524.00
Wy Brand Industries	Business Cards	\$15.00
Wy Dept Of Health	Rental For State Vehicle	\$160.00
Wy Dept Of Transportation	Savery Creek Bridge	\$244.12
Wy Machinery Company	Kirk's Blade Repair - Saratoga	\$1,559.17
Wy Public Health Laboratory	Lab Services	\$214.00
Wy State Lands & Investments	Lease Of 40 Acres	\$40.00
Wyoming Disposal Systems	Trash Services	\$18.68
Wyoming Trader	Social Media Marketing	\$250.00

CONSENT AGENDA

Commissioner Espy moved to approve the consent agenda noting any item could be removed for separate action. The consent agenda includes the August 17, 2021, regular meeting minutes; bond for Izabela M. Tysver, Treasurer of the Town of Sinclair in the amount of \$50,000.00; Planning and Development Department receipts in the amount of \$1,675.00; and Carbon County Clerk receipts in the amount of \$26,578.00. The motion carried unanimously.

Gary Jacobson – Dedication to Dave Accord for Years of Service to Carbon County Road and Bridge

Gary Jacobson, citizen, discussed years of service for Dave Acord. He was employed by Carbon County Road & Bridge January 1973 and returned March 2017. Mr. Jacobson proposed naming the Encampment Road & Bridge building after Mr. Acord in honor of his years of service. He stated after donations and volunteers there should be no county funds needed to install a sign. Next spring, he would like to have a dedication ceremony with Mr. Acord present.

Commissioner Barkhurst stated that he supports this and was concerned about a potential precedent for others who work decades for the county. Commissioner Jones agreed with this concern and wondered about a way to honor all county employees. Kandis Fritz, Road & Bridge Coordinator stated that Mr. Acord deserves this honor and is a very kind and compassionate individual.

Commissioner Barkhurst proposed some sort of sign in recognition of “x” years of service that could be added to so that if others have long-term service, they could also be recognized. Commissioner Moore thought that as a large-scale employer, there is an opportunity to recognize employees and stay in touch with the legacy of the county. He thought some way of commemorating service is in order. Commissioner Espy struggled with the precedent as well but was not ready to decide today and Chairman Johnson stated that the precedent is different in this case as the people of the area are asking for this and he was employed before a building was made.

The BOCC asked the clerk to agenda the matter for October for further discussion.

ELECTED OFFICIALS & DEPARTMENT HEADS

Emergency Management

Mr. Layman introduced, Mira Miller with the City of Rawlins, and Stephanie Hinkle with Memorial Hospital of Carbon County. These individuals recently graduated from the Public Information Officer course. Several of them recently traveled to Colorado for the Morgan Creek Fire to see how PIO's work on scene.

Mr. Layman presented the Salamander Credentialing Contract approval. The Salamander is the county's badging, credentialing, and accountability software. The Salamander will be funded through the Homeland Security Grant.

Commissioner Espy moved to approve the Chairman's signature on the Maintenance Agreement with Midwest Card and ID Solutions for Salamander Credentialing for a term of October 1, 2021, through November 30, 2021, in the amount of \$585.00. Commissioner Barkhurst seconded, and the motion passed unanimously.

Mr. Layman presented an Asset Deployment Agreement and a Cache Storage Agreement with Carbon County Emergency Management and Central Wyoming Healthcare Coalition. The BOCC approved and Mr. Layman will sign this.

Mr. Layman presented a Memorandum of Understanding between the City of Rawlins Police Department and Office of Emergency management to network with RPD Communications. He will discuss this more at the next meeting.

Mr. Layman requested and received approval to apply for the Department of Homeland Security American Rescue Plan Act Grant. This is an in-kind matching grant that reimburses the Office of Emergency Management \$28.54 per volunteer hours worked. With the hours worked so far, back to October 1, 2020, and through September 30, 2022, it is anticipated to receive approximately \$1,983.00 in matching funds and he would estimate the next year's volunteer hours and apply for that amount as well. These funds will be used to in the Office of Emergency Management for Supplies, Equipment and Annual Operating Expenses.

Mr. Layman stated that he will be holding a Red Cross shelter exercise in Saratoga at the Platte Valley Community Center from 9 a.m.-1 p.m. on October 16, 2021.

Public Health

Public Health Nurse Amanda Brown reported the Maternal Child Health program is now known as Wyoming Hand in Hand and the new nurse is seeing patients. They continue vaccine programs for school age children and are preparing for flu vaccines. The part-time nursing position has been filled and they still have a full-time nursing position open. Ms. Brown reported on COVID cases in the county as well as quarantine orders for schools. They have made a frequently asked questions document to hand out answering questions they continue to receive on their hotline.

Building and Grounds

Jim Piche, Building and Grounds Manager discussed the sign and building front for the Paul A. Zamora Coroner Building. The façade is almost complete, the sign is complete but will have to be installed then taken down to be painted and reinstalled. Jack's Body and Fender will be painting it for free. He thinks this can be done by the end of next week. He is planning to install a brass or granite cornerstone plaque as well and presented a sample of the wording. The BOCC asked him to do a granite one.

NAPA of Saratoga donated a large cooling machine for the Fairgrounds Multiplex, and he used it recently at the Jeffrey Center for a funeral. He proposed purchasing a slightly smaller one of these for the Center to leave there with an estimated cost of \$2,700.00 and the BOCC agreed.

Fire Warden

John Rutherford, Fire Warden discussed agreements with neighboring counties of Natrona and Moffat (CO) to allow services to be provided by those counties in Carbon and by Carbon in those counties easily. The Moffat County Colorado agreement would have to be reviewed by the Attorney General as it crosses state lines.

Commissioner Jones moved to authorize the Chairman's signature on a Mutual Aid Agreement between Carbon County and Moffat County Colorado for a term of one year ending September 6, 2022, and automatically renews. Commissioner Barkhurst seconded, and the motion carried unanimously.

Commissioner Jones moved to authorize the Chairman's signature on a Mutual Aid Agreement between Carbon County and Natrona County Fire Protection District for wildfire response with no end date until terminated by either party with 60 days written notice. Commissioner Barkhurst seconded, and the motion carried unanimously.

Attorney Davis reported there is a version of the agreement with the Town of Baggs and she added a term and that there is one piece of equipment owned by the county that could be offered for lease to the town. Mr. Rutherford suggested the value of the equipment is \$40,000 and thought it could be leased for 5 years and services using this vehicle could be invoiced to the county and would go towards a purchase price. During the term the town maintains it, plates it, and insures it as if it were theirs. If the agreement ends prior to the 5 years, the county will still own the equipment. Likely the services provided would never reach the \$40,000 value therefore the town would stand a good chance of owning the equipment in 5 years for a very small amount. A very similar lease was offered to the Town of Medicine Bow, they declined, and the equipment was moved elsewhere. The BOCC agreed and asked Attorney Davis to draft such a lease for their consideration.

Commissioner Moore moved to authorize the Chairman's signature on a Contract Agreement for Structure Fire and Other Related Emergencies Between Carbon County and Town of Baggs for a term of June 30, 2022. Commissioner Barkhurst seconded, and the motion carried unanimously.

NOVO Benefits – NOVO Benefit Renewal

Rob Henderson and Diana Madvig with Novo Benefits overviewed the county's health insurance plan. The plan has many large claims however the renewal for stop loss is approximately -8%. This is primarily due one less lasered claimant and an increase to the county's aggregating specific corridor to \$150,000 from \$125,000. They also overviewed the county's renewal costs and requested approval by the board.

Commissioner Espy moved to authorize the Chairman's signature on the health insurance plan renewal with Independence as the reinsurance carrier for the 21-22 year changing the aggregating specific corridor from \$125,000 to \$150,000. Commissioner Moore seconded, and the motion carried unanimously.

Commissioner Jones moved to authorize the Blue Cross Blue Shield Plan Amendment to include prophylactic services of mastectomy, oophorectomy, and hysterectomy effective August 31, 2021. Commissioner Espy seconded, and the motion carried unanimously.

Sheriff

Archie Roybal, Sheriff presented a Contract with Motorola for the purchase of new radio consoles.

Commissioner Jones moved to approve the Chairman's signature on the Contract with Motorola for the purchase of new consoles in the amount of \$488,970.00. Commissioner Barkhurst seconded, and the motion passed unanimously.

MEMORIAL HOSPITAL OF CARBON COUNTY (MHCC)

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

Mr. Harmon announced the hospital has purchased Dr. Couch's old clinic including 7 acres next to the current hospital. This would be the site of a new hospital using a hybrid model. Key services for a new building would use the new building while the old building can be used for other services. Over the next 5 months they are putting together a program plan, working with the City, and trying to make the plan the most effective for the long-term. Next January they plan to share the program, including estimated cost, funding sources and timeline, with the BOCC. Their goal is to use operational funds and not ask for additional taxes to fund it.

Likely they are looking at 2-4 years for completion. In the interim they will move general surgery practices into the newly purchased building.

Public Hearing – Z.C. Case File #2021-07

Chairman Johnson opened a public hearing at 11:19 a.m. to hear Planning & Zoning file Z.C. Case File #2021-07, SBM LLC and Kurt Kelly Revocable Trust's request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Highway Commercial (C-2) encompassing approximately 5 acres. The C-2 Zone is to provide for highway-oriented business development at

appropriate locations in the County and to apply to areas where more complete commercial facilities are necessary for community convenience, it is located approximately East of Elk Mountain at Exit 260, south side of I-80 and west of Carbon County Road #3. Sarah Brugger, Planning Director, presented the case file.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Johnson closed the hearing at 11:24 a.m.

Commissioner Jones moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2021-30, 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 #2021-07, SBM LLC and Kurt Kelly Revocable Trust's request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Highway Commercial (C-2) encompassing approximately 5 acres. The C-2 Zone is to provide for highway-oriented business development at appropriate locations in the County and to apply to areas where more complete commercial facilities are necessary for community convenience, it is located approximately East of Elk Mountain at Exit 260, south side of I-80 and west of Carbon County Road #3. Commissioner Espy seconded, and the motion carried unanimously.

Resolution No. 2021 – 30

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 #2021-07

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, July 12, 2021, which hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, July 12, 2021, 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, July 12, 2021, 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, September 7, 2021; and

WHEREAS, at said public hearing on September 7, 2021, 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 #2021-07: Request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Highway Commercial (C-2) encompassing approximately 5 acres. The C-2 Zone is to provide for highway-oriented business development at appropriate locations in the County and to apply to areas where more complete commercial facilities are necessary for community convenience.

Petitioners: SBM LLC (Applicant) and Kurt Kelly Revocable Trust (Landowner)

Parcel Identification Number: 20802140002400

Location: East of Elk Mountain at Exit 260, south side of I-80 and west of Carbon County Road #3.

Legal Description: All of Kelly Tract 2 lying in the SE¼NE¼ and the NE¼SE¼ Section 21, Township 20 North, Range 80 West of the 6th P.M., Carbon County, Wyoming, **except** the following: Beginning at the southeast corner of Section 21, T. 20 N., R. 80 W., 6th P.M. Thence North 00°04.5' West 1809.40 feet along the east line of said Section 21 to the northeast side of the U.S. Highway I-80 right of way. Thence North 37°47' West 250.02 feet along the southwest side of the U.S. Highway I-80 right of way; thence South 48°37'30" West 346.69 feet to corner no. 2-1 of tract no. 2; thence South 48°37'30" West 349.47 feet to corner no. 2-2; thence North 41°22'30" West 54.91 feet to corner 2-3, said corner being the beginning of a circular curve to the right the radius of which is 972.43 feet; thence northerly along said curve through a central angle of 40°06'40" a distance of 680.35 feet to the point of beginning; thence northerly along the circular curve described through a central angle of 27°36' a distance of 468.29 feet to corner 2-4; (the record central angle from corner 2-3 to corner 2-4 is 67°40'40"); thence north 46°58' East a distance of 153.38 feet; thence south 37°47' East a distance of 119.05 feet to corner 2-8; thence south 37°47' East 209.30 feet along the U.S. Highway I-80 right of way to corner no. 2-5; said corner is on a circular curve to the left, the radius of which is 622.96 feet; thence southerly along said curve through a central angle of 27°36' a distance of 300.00 feet; thence south 88°42' West a distance of 349.47 feet to the point of beginning, containing 3.66 acres, more or less.

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 Ranching, Agriculture and Mining (RAM) to Highway Commercial

(C-2) encompassing approximately 5 acres.

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 7th of September 2021.

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

By: -s- Willing John Johnson, Chairman
On behalf of the Carbon County
Board of County Commissioners

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

Public Hearing – C.U. Case File #2021-04

Chairman Johnson opened a public hearing at 11:27 a.m. to hear Planning & Zoning file C.U. Case File #2021-04, SBM LLC and Kurt Kelly Revocable Trust’s request for a Conditional Use Permit in the C-2 Zone to permit an auto wrecker service. The applicant is also applying for a zone change request (see Z.C. Case #2021-07) to comply with the Carbon County Zoning Resolution of 2015, as amended. Sarah Brugger, Planning Director, presented the case file.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Johnson closed the hearing at 11:29 a.m.

Commissioner Jones moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2021-31, 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 #2021-04, SBM LLC and Kurt Kelly Revocable Trust’s request for a Conditional Use Permit in the C-2 Zone to permit an auto wrecker service. The applicant is also applying for a zone change request (see Z.C. Case #2021-07) to comply with the Carbon County Zoning Resolution of 2015, as amended. Commissioner Espy seconded, and Chairman Johnson asked the applicant how they would build a lot in the bog hole and if there were wetlands mitigation. He also asked if the property would be fenced and if that would interfere with snow drifting. The applicant stated that no trucks would be parked there for now and rather hauled to Rawlins. He also replied that the fence would not interfere with snow. On an unrelated matter Chairman Johnson stated that later the BOCC needs to have a discussion with the Planning Commission about cleaning up fencing and trash along highways. The motion carried unanimously.

Resolution No. 2021 – 31

**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 #2021-04 – “Maps Towing and Diesel Repair, Inc.”

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, July 12, 2021, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, July 12, 2021, 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, July 12, 2021, 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, September 7, 2021; and

WHEREAS, at said public hearing on September 7, 2021, 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 #2021-04: Request for a Conditional Use Permit in the C-2 Zone to permit an auto wrecker service. The applicant is also applying for a zone change request (see Z.C. Case #2021-07) to comply with the Carbon County Zoning Resolution of 2015, as amended.

Petitioners: SBM LLC (Applicant) and Kurt Kelly Revocable Trust (Landowner)

Parcel Identification Number: 20802140002400

Location: East of Elk Mountain at Exit 260, south side of I-80 and west of Carbon County Road #3.

Legal Description: All of Kelly Tract 2 lying in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 21, Township 20 North, Range 80 West of the 6th P.M., Carbon County, Wyoming, **except** the following: Beginning at the southeast corner of Section 21, T. 20 N., R. 80 W., 6th P.M. Thence North 00°04.5' West 1809.40 feet along the east line of said Section 21 to the northeast side of the U.S. Highway I-80 right of way. Thence North 37°47' West 250.02 feet along the southwest side of the U.S. Highway I-80 right of way; thence South 48°37'30" West 346.69 feet to corner no. 2-1 of tract no. 2; thence South 48°37'30" West 349.47 feet to corner no. 2-2; thence North 41°22'30" West 54.91 feet to corner 2-3, said corner being the beginning of a circular curve to the right the radius of which is 972.43 feet; thence northerly along said curve through a central angle of

40°06'40" a distance of 680.35 feet to the point of beginning; thence northerly along the circular curve described through a central angle of 27°36' a distance of 468.29 feet to corner 2-4; (the record central angle from corner 2-3 to corner 2-4 is 67°40'40"); thence north 46°58' East a distance of 153.38 feet; thence south 37°47' East a distance of 119.05 feet to corner 2-8; thence south 37°47' East 209.30 feet along the U.S. Highway I-80 right of way to corner no. 2-5; said corner is on a circular curve to the left, the radius of which is 622.96 feet; thence southerly along said curve through a central angle of 27°36' a distance of 300.00 feet; thence south 88°42' West a distance of 349.47 feet to the point of beginning, containing 3.66 acres, more or less.

TERMS AND CONDITIONS OF APPROVAL:

1. SBM LLC will provide the Planning and Development Department a copy of the deed when the land transfer occurs.
2. Building Permit(s) are required prior to the start of construction. Approved WDEQ and WSEO permits (if applicable) will be required and must be submitted along with the building permit application.
3. Emergency Contact Information shall be posted on the site and visible from Carbon County Road #3.
4. The Applicant(s) shall notify the Carbon County Planning & Development Department in writing of any material changes to the project subsequent to the County issuance of the Conditional Use Permit.
5. Upon approval by the Board, the following provisions from the Zoning Resolution will be incorporated into the final Resolution:

- a. Section 7.7-H--Expiration of Conditional Use Permits.

Any use for which a conditional use permit is granted must be commenced within two (2) years from the date of approval. If the Project is not commenced within two (2) years from the date of approval then the conditional use permit shall expire and become null and void and be of no further effect, except as extended in compliance within this section.

If any such use cannot be commenced until construction of structures, buildings and other physical assets associated with the use are completed, then construction of such structures, buildings and other physical assets must be commenced, absent any valid extension, not later than two (2) years from the date of approval of the conditional use permit and completed within a reasonable amount of time in accordance with the timeframe normally required for such construction. If such construction is not commenced and completed as required, then the conditional use permit shall become null and void and be of no further effect and any uses approved in accordance with the permit shall not be permitted without further action on the part of Carbon County.

- b. Section 7.7-I--Extension of Conditional Use Permits.

If the project has not been commenced as required, the Applicant(s) may request from the Board an extension of the permit for a period of up to twenty-four (24) months upon a showing of good cause. The Applicant(s) shall apply to the County, through the Department, in writing for the extension no later than ninety (90) days prior to the expiration of the permit or any previously granted extension. At the time of the application for the extension, the Applicant(s) shall provide such information as is necessary for the County to determine whether good cause exists for the extension. Good cause may include, but is not limited to, good faith efforts to obtain required

authorization from other agencies with jurisdiction, delay in construction due to weather conditions, pending litigation, or other causes which have delayed the project, and which are beyond the reasonable control of the Applicant(s). The Applicant(s) may request not more than two (2) separate extensions from the Board, with such total extension period not to exceed forty-eight (48) months. The Board shall promptly consider the application for the extension and either allow it or deny it.

1. Requests for subsequent extensions of the permit shall first be presented to the Commission no later than ninety (90) days prior to the expiration of the permit or any previously granted extension. The Commission shall recommend to the Board either approval or denial of the extension of the permit. The recommendation of the Commission shall be considered by the Board at their next regular meeting.
2. No permit shall expire during the time the decision on the extension is being considered.

c. Section 7.7-J--Transfer of Conditional Use Permits.

No conditional use permit shall be transferred without the prior approval of the Board in accordance with the following:

1. The Board may authorize transfers of permits to a different person if:
 - a. The permit transfer request is initiated by a written request from the current permit holder and accompanied by a written acceptance of the permit, its terms, and conditions by the prospective transferee.
 - b. The permit transfer request is heard by the Board at a public meeting after notice is published.
 - c. The permit transfer administrative fee has been paid.
 - d. Board approval shall not be unreasonably withheld upon good cause shown.

d. Section 7.7-K--Amendments to Conditional Use Permits.

A Conditional Use Permit may be amended pursuant to the procedures and standards as required for a new Conditional Use Permit application.

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

NOW THEREFORE BE IT RESOLVED BY THE

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 #2021-04 – “Maps Towing and Diesel Repair, Inc.”).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 7th day of September 2021.

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

By: -s- Willing John Johnson, Chairman
On behalf of the Carbon County

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

Public Hearing – Z.C. Case File #2021-08

Chairman Johnson opened a public hearing at 11:33 a.m. to hear Planning & Zoning file Z.C. Case File #2021-08, John A. Corson et. al. request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Residential (RD) for Lots 1 thru 4, located in the proposed Corson Minor Subdivision encompassing approximately 7.21 acres. Lot 5 is already zoned RD. The RD Zone is intended to provide land for residential development that is typically single family detached and located within Town Expansion Areas and within or nearby Rural Centers. Residential single-family zones are intended to be in areas planned for residential development that are easily accessible and infrastructure already exists or is readily available, it borders the town of Baggs, north of WY HWY 70. Sarah Brugger, Planning Director, presented the case file.

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

Commissioner Espy moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2021-32, 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 #2021-08, John A. Corson et. al. request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Residential (RD) for Lots 1 thru 4, located in the proposed Corson Minor Subdivision encompassing approximately 7.21 acres that borders the town of Baggs, north of WY HWY 70. Commissioner Moore seconded, and the motion carried unanimously.

Resolution No. 2021 – 32

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 #2021-08

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, July 12, 2021, which hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, July 12, 2021, 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, July 12, 2021, 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, September 7, 2021; and

WHEREAS, at said public hearing on September 7, 2021, 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 #2021-08: Request for a Zone Change from Ranching, Agriculture and Mining (RAM) to Residential (RD) for Lots 1 thru 4, located in the proposed Corson Minor Subdivision encompassing approximately 7.21 acres. Lot 5 is already zoned RD. The RD Zone is intended to provide land for residential development that is typically single family detached and located within Town Expansion Areas and within or nearby Rural Centers. Residential single-family zones are intended to be in areas planned for residential development that are easily accessible and infrastructure already exists or is readily available.

Companion Case--Minor Subdivision Case File #2021-02: Request to create five (5) lots: Lot 1 = 1.48 acres, Lot 2 = 1.39 acres, Lot 3 = 1.51 acres, Lot 4 = 1.50 acres, and Lot 5 = 1.33 acres. The applicant is also applying for a zone change request (see above Z.C. Case #2021-08) to comply with the Carbon County Zoning Resolution of 2015, as amended.

Minor Subdivision Name: Corson Minor Subdivision

Petitioner: John A. Corson, et.al. (Applicant and Landowner)

Parcel Identification Numbers: 12910430002900, 12910540008400, 12910540009100, 12910540009200

General Site Location: Borders the Town of Baggs; north of WY HWY 70

Legal Description: A portion of the Southeast ¼ Section 5 and the Southwest ¼ Section 4, Township 12 North, Range 91 West of the 6th Principal Meridian, Carbon County, Wyoming further described as Commencing at the Southeast corner of said Section 5, thence N00°07'51"E along the East line of said Section 5 a distance of 679.20 feet to the Northerly right of way line of Wyoming Highway 70 as monumented and the Point of Beginning; Thence Westerly along the said Northerly right of way 186.10 feet along the arc of a non-tangent curve to the left, said curve having a radius of 2917.22 feet and a long chord which bears N87°25'56"W a distance of 186.07 feet to the East line of the Parcel described in Book 948, Page 280 of the Carbon County Records; Thence N00°21'50"E along the said East line a distance of 414.21 feet; Thence N89°56'10"W

along the North line of said Parcel described in in Book 948, Page 280 of the Carbon County Records a distance of 211.63 feet; Thence N00°03'57"E a distance of 76.96; Thence S89°47'12"W a distance of 14.41 feet to the East line of the Parcel described in Book 877, Page 414 of the Carbon County Records; Thence N01°21'15"E along the said East line a distance of 86.00 feet to the South right of way line of County Road 704, Thence S89°47'12"W along the said South right of way a distance of 254.12 feet; Thence N00°01'45"E a distance of 60.00 feet to the North right of way line of said County Road 704; Thence N89°51'54"E along the said North right of way a distance of 862.74 feet to the West line of the Parcel described in Book 1319, Page 147 of the Carbon County Records; Thence S00°07'51"W along the said West line a distance of 668.93 feet to the Northerly right of way line of Wyoming Highway 70 as monumented; Thence Westerly along the said Northerly right of way 201.22 feet along the arc of a non-tangent curve to the left, said curve having a radius of 2917.22 feet and a long chord which bears N83°40'05"W a distance of 201.18 feet to the Point of Beginning. Containing 314180.2 square feet or 7.21 acres, more or less. Subject to all easements, conditions, reservations, exceptions, and restrictions contained in prior conveyances of record.

NOW THEREFORE BE IT RESOLVED BY THE

BOARD OF COUNTY COMMISSIONERS OF CARBON COUNTY, WYOMING:

That the Carbon County Board of County Commissioners, hereby adopts this amendment as certified to them in writing by the Carbon County Planning and Zoning Commission and the existing zone shall be changed from Ranching, Agriculture and Mining (RAM) to Residential (RD) encompassing approximately 7.21 acres; more specifically, Lot 1 = 1.48 acres (RD-1.48), Lot 2 = 1.39 acres (RD-1.39), Lot 3 = 1.51 acres (RD-1.51), Lot 4 = 1.50 acres (RD-1.50), and Lot 5 = 1.33 acres (RD-1.33).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 7th of September 2021.

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

By: -s- Willing John Johnson, Chairman
On behalf of the Carbon County
Board of County Commissioners

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

Public Hearing – MIN SUB Case File #2021-02

Chairman Johnson opened a public hearing at 11:38 a.m. to hear Planning & Zoning MIN SUB Case #2021-02, John A. Corson et. al. request to create five (5) lots: Lot 1 = 1.48 acres, Lot 2 = 1.39 acres, Lot 3 = 1.51 acres, Lot 4 = 1.50 acres, and Lot 5 = 1.33 acres. The applicant is also applying for a zone change request (see above Z.C. Case #2021-08) to comply with the Carbon County Zoning Resolution of 2015, as amended. Sarah Brugger, Planning Director, presented the case file.

Chairman Johnson called for comments for or against the case. Jack Corson addressed comments from individuals reporting that he met personally with two individuals feels he resolved their

issues. Chairman Johnson confirmed that there will be an easement right-of-way for water with Ms. Davis-Shepard and Mr. Corson stated attorneys will begin that immediately if this case is approved and the necessary documents will be recorded in the county records. Commissioner Espy asked if the county could condition the case to say no building permits could be issued until the documents are recorded and Attorney Davis stated this could be done simply by direction rather than a condition of the case. Doug Boyd from WLC Engineers proposed he could prepare a new mylar with the easement that can be recorded.

There being no comments, Chairman Johnson closed the hearing at 11:52 p.m.

Commissioner Espy moved to authorize the Chairman's signature on the corrected plat for MIN SUB Case #2021-02, John A. Corson et. al. request to create five (5) lots: Lot 1 = 1.48 acres, Lot 2 = 1.39 acres, Lot 3 = 1.51 acres, Lot 4 = 1.50 acres, and Lot 5 = 1.33 acres noting this will not be recorded until the easement for the water line is recorded. Commissioner Moore seconded, and the motion carried unanimously.

Public Hearing – Conditional Use Permit Transfer Request – C.U. Case #2015-03

Chairman Johnson opened a public hearing at 11:55 a.m. to hear Planning & Zoning Conditional Use Permit Transfer request for C.U. Case #2015-03. In accordance with Chapter 7, Section 7.7.J of the Carbon County Zoning Resolution of 2015, as amended, regarding the Transfer of Conditional Use Permits, previously referred to as Special Use Permits, Charles and Kimberly Thyne of Ten Mile Inn has requested that the Carbon County Board of County Commissioners approve the transfer of Conditional Use Permit Case File #2015-03 to Troy and Barbara Wallace. The general site location is approximately 3 miles west of Ryan Park off State HWY 130. Sarah Brugger, Planning Director, presented the case file. County Planner Sarah Hutchins explained there are criteria for transferring conditional use permits under certain circumstances which have occurred in this case.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Johnson closed the hearing at 11:58 p.m.

Commissioner Moore moved to authorize the Chairman's signature on Resolution 2021-33 regarding the Conditional Use Permit Transfer request from Charles and Kimberly Thyne of Ten Mile Inn to transfer the Conditional Use Permit Case File #2015-03 to Troy and Barbara Wallace. Commissioner Espy seconded, and the motion carried unanimously.

Resolution No. 2021 – 33 A Resolution of the Board of County Commissioners of Carbon County, Wyoming.

C.U. Case File #2015-03 (CONDITIONAL USE PERMIT) TRANSFER OF PERMIT "TEN MILE INN"

WHEREAS, pursuant to the Carbon County Zoning Resolution of 2015, as amended, specifically, Section 7.7.J – Transfer of Conditional Use Permits (formally known as, Section 5.6 – Conditionally Permitted Uses), “No conditional use permit shall be transferred without the prior approval of the Board.”; and

WHEREAS, the petitioners, Charles Kenneth and Kimberly Kay Thyne submitted a letter to the Planning Department dated July 23, 2021, requesting the Board to allow the transfer of Conditional Use Permit Case File #2015-03 “Ten Mile Inn” to Troy Emmet and Barbara Faye Wallace, noting that all involved parties have signed the letter; and

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

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

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

WHEREAS, the Carbon County Board of County Commissioners have determined that the request to transfer the Conditional Use Permit is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and the Carbon County Zoning Resolution of 2015, as amended, and otherwise promotes the health, safety, and general welfare of the residents of Carbon County; and

WHEREAS, at a regularly scheduled meeting of the Carbon County Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the following Conditional Use Permit Transfer:

C.U. Case #2015-03: In accordance with Chapter 7, Section 7.7.J of the Carbon County Zoning Resolution of 2015, as amended, regarding the Transfer of Conditional Use Permits, previously referred to as Special Use Permits, Charles and Kimberly Thyne of Ten Mile Inn has requested that the Carbon County Board of County Commissioners approve the transfer of Conditional Use Permit Case File #2015-03 to Troy and Barbara Wallace.

Project/Site Name: Ten Mile Inn

Permittees: Charles Kenneth and Kimberly Kay Thyne

Transfer to: Troy Emmet Wallace and Barbara Faye Wallace

Rural Address: 5651 Wyoming Highway 130

General Site Location: Approximately 3 miles west of Ryan Park off State HWY 130.

Legal Description: A PARCEL OF LAND being a consolidation of those tracts of land described in Book 1068 at Page 232, Book 945 at Page 253, and Book 1227 at Page 16, all on file in the office of the Carbon County Clerk, said parcel being located within the SE1/4NE1/4 of Section 18, Township 16 North, Range 81 West, 6th P.M., Carbon County, Wyoming, said parcel being more particularly described as follows; BEGINNING at the Southeast Corner of said Book 1227 Page 16 tract, also the beginning of the description of that tract, which bears S.89°34’12”W., 264.08 feet from the East ¼ Corner of said Section 18; thence S.89°34’12”W., 45.82 feet along the south line of said tract to a corner of the tract, also being a corner of said Book 1068 Page 232 tract; thence S.89°34’12”W., 325.18 feet along the south line of said tract to a corner of the tract, which is on the northeasterly right-of-way line of the Snowy Range Highway, Wyoming Highway

No. 130; thence N.40°40'00"W., 247.29 feet along said highway right-of-way line to a corner of said tract, also being a corner of lands described in Book 1143 at Page 82 in said Clerk's office; thence N.52°13'56"E., 281.22 feet along the southerly line of said lands described in Book 1143 at Page 82, to a corner of said tract, also being a corner of said Book 1227 Page 16 tract; thence N.51°52'32"E., 23.24 feet to a corner of said tract; thence S.38°07'28"E., 472.11 feet along the easterly line of said tract to the POINT OF BEGINNING; said Parcel of land contains 2.45 acres, more or less.

Transfer of Permit: This conditional use permit shall not be transferred without the prior approval of the Board of County Commissioners, for good cause shown.

Expiration of Permit: Any use for which a conditional use permit is granted must be commenced within two (2) years from the date of approval, otherwise 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 any action on the part of Carbon County. 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 not later than two years from the date of approval of the conditional use permit. 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 any action on the part of Carbon County.

CONDITIONS OF APPROVAL FROM RESOLUTION NO, 2015-24:

1. That the site will be developed as depicted on the site plan (See Attachment/Exhibit "A").
2. That the applicant obtains an updated or modified WDOT access permit.
3. That the applicant will provide a WDEQ letter stating sufficient coverage within the existing septic system.

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

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

That the Carbon County Board of County Commissioners, hereby approves this transfer of the Conditional Use Permit for the "Ten Mile Inn" (C.U. Case #2015-03).

The new permittee is Troy Emmet and Barbara Faye Wallace.

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 7th of September 2021.

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

By: -s- Willing John Johnson, Chairman
On behalf of the Carbon County
Board of County Commissioners

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

Public Hearing – Conditional Use Permit Transfer Request – C.U. Case #2019-03

Chairman Johnson opened a public hearing at 11:59 a.m. to hear Planning & Zoning Conditional Use Permit Transfer request for C.U. Case #2019-03. In accordance with Chapter 7, Section 7.7.J of the Carbon County Zoning Resolution of 2015, as amended, regarding the Transfer of Conditional Use Permits, previously referred to as Special Use Permits, The Overland Trail Cattle Company LCC has requested that the Carbon County Board of County Commissioners approve the transfer of C.U. Permit Case File #2019-03 to Bend in the River, LLC. The general site location is approximately 3.5 miles southeast of Saratoga; east side of HWY 130 off Carbon County Road #209 (Cedar Ridge Road). Sarah Brugger, Planning Director, presented the case file.

Chairman Johnson called for comments for or against the case. Carol Morgan, on behalf of the petitioners reported that both companies are ultimately owned by Anschutz Corporation and management has decided to transfer ownership of the Riverbend Lodge for a new company to hold that asset as the lodge is owned by the Anschutz family and the rest is for ranching and the two don't mix.

There being no comments, Chairman Johnson closed the hearing at 12:02 p.m.

Commissioner Jones moved to authorize the Chairman's signature on Resolution 2021-34, the Conditional Use Permit Transfer request for the Overland Trail Cattle Company LCC request to transfer the C.U. Permit Case File #2019-03 to Bend in the River, LLC. Commissioner Moore seconded, and the motion carried unanimously.

Resolution No. 2021 – 34

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

C.U. Case File #2019-03 (CONDITIONAL USE PERMIT)

TRANSFER OF PERMIT

"RIVERBEND LODGE"

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

WHEREAS, the petitioners, The Overland Land Trail Cattle Company LLC submitted a letter to the Planning Department dated June 25, 2021, requesting the Board to allow the transfer of Conditional Use Permit Case File #2019-03 “Riverbend Lodge” to Bend in the River, LLC, noting that all involved parties have signed the letter; and

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

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

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

WHEREAS, the Carbon County Board of County Commissioners have determined that the request to transfer the Conditional Use Permit, is in general conformance with the Carbon County Comprehensive Land Use Plan, as amended, and the Carbon County Zoning Resolution of 2015, as amended, and otherwise promotes the health, safety, and general welfare of the residents of Carbon County; and

WHEREAS, at a regularly scheduled meeting of the Carbon County Board of County Commissioners, by majority vote, the Carbon County Board of County Commissioners moved to approve the following Conditional Use Permit Transfer:

C.U. Case #2019-03: In accordance with Chapter 7, Section 7.7.J of the Carbon County Zoning Resolution of 2015, as amended, regarding the Transfer of Conditional Use Permits, previously referred to as Special Use Permits, The Overland Trail Cattle Company LLC has requested that the Carbon County Board of County Commissioners approve the transfer of Conditional Use Permit Case File #2019-03 to Bend in the River, LLC.

Project Name: Riverbend Lodge

Permittee: The Overland Trail Cattle Company LLC

Transfer to: Bend in the River, LLC

Rural Address: 52 Riverbend Road

Parcel Identification Number: 17832820000800-Parent Parcel

General Site Location: Approximately 3.5 miles southeast of Saratoga; east side of HWY 130 off Carbon County Road #209 (Cedar Ridge Road)

Legal Description: The calls of this legal description are based on a survey drawing by Martin A. Pedersen, PLS 544, dated 6/27/2011 and signed on 7/14/2011. A parcel of land situated within the North ½ Section 29 and the North West ¼ of Section 28, T17N, R83W of the 6th P.M., Carbon County, Wyoming, being more specifically described as follows; Commencing at the North 1/16th corner between Section 28 and Section 29, said 1/16th corner being the True Point of Beginning of the herein described parcel; Thence N 89°44'00"W, for a distance of 2154.57' to a point; Thence N 86°10'50"W, for a distance of 93.61' more or less to the centerline of the North Platte River; Thence N 38°28'23"W, for a distance of 252.50' more or less, along the centerline of the North Platte River to a point on the north-south centerline of Section 29; Thence N 49°23'31"E, for a distance of 710.23' more or less to a point; Thence N 81°14'36"E, for a distance of 2643.17' more or less to a point, said point being on the centerline of Carbon County Road # 209; Thence S

27°56'25"E along said centerline of Carbon County Road #209, for a distance of 809.19' more or less to a point; Thence S 48°19'29"W, for a distance of 40.91' to a point; Thence S 48°18'02"W, for a distance of 498.63' to a point; Thence S 89°36'58"W, for a distance of 722.82' to the North 1/16th between Section 28 and Section 29 and the True Point of Beginning; Said parcel contains 61.97 Acres more or less and is subject any restrictions, reservations, easements and/or rights-of-way of record.

TERMS AND CONDITIONS OF APPROVAL FROM RESOLUTION NO. 2019-13:

1. Construction or reconstruction of the shooting range is not permitted on this parcel. Use of this parcel for recreational shooting activities with firearms, including, but not limited to, skeet, trap, and target shooting, shall not be permitted on this parcel.
2. Setbacks:
 - A thirty (30') foot strip of land measured horizontally from the identifiable high-water mark on each side of any stream shall be protected in its natural state. Certain improvements may be located within the stream setback as long as site disturbance is minimized to the greatest extent possible, including but not limited to the following: improvements pursuant to a floodplain development permit, footpaths and trails intended for non-motorized use, bridges, fences, all irrigation related construction and structures, hydroelectric facilities, including piping and ditches, flood control and bank stabilization devices.
 - Utilities may be located within the stream setback if designed by a professional engineer licensed in Wyoming and approved as part of the county review process.
 - If the scope of the operation changes or increases beyond those described in the Conditional Use Permit application, the applicant shall notify the Carbon County Planning & Development Department in writing describing the proposed changes.
 - a. Upon receipt of a notice of proposed change or increase in the scope of operations, the Planning Department shall place the notice of the proposed change to the scope of the operation on the next available Planning and Zoning Commission agenda. The Planning and Zoning Commission shall determine whether the Recreation use remains in general conformance with this Conditional Use Permit or if a new Conditional Use Permit Application must be submitted.
3. Upon approval by the Board, the following provisions from the Zoning Resolution will be incorporated into the final Resolution:
 - a. In accordance with 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 with Section 7.7.I, Extension of Conditional Use Permits.
 - b. In accordance with Section 7.7.J, Transfer of Conditional Use Permits:
 - No conditional use permit shall be transferred without the prior approval of the Board of County Commissioners.
 - c. In the event the actions occurring pursuant to this permit are found to be in material violation of the terms and conditions of this permit, or are found to have been obtained by fraud, this permit shall be subject to all remedies allowed by law. Violation of any of the above restrictions can be grounds for terminating this Conditional Use Permit.

Amendments to Conditional Use Permits: A Conditional Use Permit may be amended pursuant to the procedures and standards as required for a new CUP application.

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

That the Carbon County Board of County Commissioners, hereby approves this transfer of the Conditional Use Permit for the “Riverbend Lodge” (C.U. Case #2019-03).

The new permittee is: Bend in the River, LLC.

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 7th of September 2021.

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

By: -s- Willing John Johnson, Chairman
On behalf of the Carbon County
Board of County Commissioners

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

Road & Bridge

Kandis Fritz, Road & Bridge Coordinator provided an update on the Federal Highway Easement Deed and Forest Road 801. Derrick Noyes of Rawlins R&B bladed Forest Road 801 on August 18 through August 20. Once the legal sufficiency is completed by Attorney Davis, Carbon County will sign the Federal Highway Easement deed. Mrs. Fritz talked to Ray Golden with FHA, and they don't see a problem with changing the word highway to roadway on the deed. She stated she would likely leave up the Forest Service Road signs for a period of time and eventually transfer them all out. Commissioner Espy overviewed how we got to this point and that he believes during design somehow the standard of the road was reduced from state standards to less therefore the state won't take this over.

Commissioner Espy moved to authorize the Chairman's signature on a Roadway Easement Deed for 10 miles U.S. Forest Service Road 801. Commissioner Moore seconded, and the motion carried unanimously.

Mrs. Fritz discussed the speed index survey and sign program with WYT2. Wyoming T2 has been working on a speed index survey this summer for County Road 291 the Hanna Leo Road, County Road 203 the Brush Creek Road, County Road 451 the Cherokee Road, County Road 401 the Sage Creek Road, and County Road 351 the Seminole Road. While working on the survey, they asked if the county would be interested in the sign program that Wyoming T2 offers where they purchase signs, and the county installs them as directed.

Mrs. Fritz provided an update on the CMAQ Grants regarding mag chloride noting that two years will run together as WYDOT failed to issue a notice to proceed. She once again reiterated with 110 miles of roads she needs an end dump and roller. She currently has \$77,573 from sale of older equipment and Gateway West impact funds. The BOCC authorized her to search for a roller within this amount.

Commissioner Espy moved to waive the procurement policy and authorize Road & Bridge to purchase a used roller in an amount not to exceed \$77,573.28 without bidding to be able to quickly purchase a used piece of equipment and only after approval by the Chairman. Commissioner Barkhurst seconded, and the motion carried unanimously.

Mrs. Fritz stated that she is going to add the county road traffic count information and locations on county website. The bridge replacement project over Beaver Creek is going great and should be completed very soon. She had to order a 7' culvert for the Dixon area on County Road 503. The culvert at the Mesa Ditch has had a hole in it for some time and it collapsed last week. The County Road rebuild on Pass Creek is going well, but we will soon be stopping work for the season so we can get our other roads in the area ready for winter. Commissioner Jones asked what the county's policy is about utility roadways and if it needed changed. Ms. Fritz replied there was some changes recently in a resolution the BOCC signed in February.

Mrs. Fritz stated that she has a request to keep County Road 400 open as a school bus route from the Saratoga side to the Duncan place. She stated that she will put it on their list, but she cannot stress enough that Saratoga keeps open 100 miles of county roads in the winter with 60 miles of those being school bus routes including this road. If this keeps up with more and more people living year-round in these rural areas, she will need another operator and blade in the Saratoga/Encampment District.

Clerk

Gwynn Bartlett Carbon County Clerk presented a grant award agreement between Homeland Security and Carbon County for Fire Department radios.

Commissioner Barkhurst moved to approve the Chairman's signature on the Grant Award Agreement between Wyoming Office of Homeland Security and Carbon County for 19-SHSP-CAR-SC2-HEM 19 Interoperable Emergency Communications investment to improve the ability of the Carbon County Fire Department's communication in the purchase of radios, in the amount of \$6,500.00 for a period of performance of August 1, 2021, through January 31, 2022. Commissioner Espy seconded, and the motion passed unanimously.

Clerk Bartlett presented a Certificate of State Grant-in-Aid for Dixon Airport Response Grant Operations for approval.

Commissioner Jones moved to approve the Chairman's signature on the Certificate of State Grant-in-Aid for Dixon Airport Response Grant Operations in the amount of \$22,000.00. Commissioner Barkhurst seconded, and the motion passed unanimously.

Attorney

Attorney Davis reported that the Dixon Airport Board was to have standards. Once someone wanted to construct a hangar it had to meet those standards. There is currently someone wanting to build a hangar however he needs a building permit through Planning & Zoning however that office was looking for the updated standards. The Airport Board was dissolved years ago therefore Attorney Davis thought the county should update then adopt standards. Commissioner Jones thought the entire airport needs minimum standards, not just for hangar standards. Attorney Davis asked what rules the county would follow for allowing someone to construct a hangar in the meantime.

Historically the county has provided \$20,000 for the Cathedral Home in addition to \$20,000 grant funds. There were no grant funds this year, so the county agreed, in theory, to fund the first six months at \$20,000 however the agreement signed last month was only for \$10,000. The error needs fixed.

Commissioner Moore moved to amend the Diversion Officer contract with Cathedral Home adding \$10,000.00 to the total making it \$20,000.00. Commissioner Barkhurst seconded, and the motion carried unanimously.

Commissioners

Commissioner Sue Jones requested to ratify two grant agreements that were signed by Chairman Johnson. They were for the Rawlins Municipal Airport Runway projects.

Commissioner Jones moved to ratify the Chairman's and County Attorney's signature on the Grant Agreement to Rehabilitate Runway 4/22 and on the Grant Agreement to Reconstruct Runway 4/22 lighting for Rawlins Municipal Airport. Commissioner Espy seconded, and the motion passed unanimously.

COLT AND HORSE DEDICATION AT THE JEFFREY CENTER – Rawlins DDA

SHIRLEY BASIN PRONGHORN ANTELOPE STUDY – Dr. Kauffman, UW Project lead

Matt Kauffman with the University of Wyoming discussed the Shirley Basin Pronghorn Project. The project addresses migratory pronghorn noting they are seeing an effect of wind development on migration. He mentioned many use the same path for migration year over year however for those in the study area have lower route fidelity, meaning they don't go back, further proof of disruption. He summarized by saying pronghorn are clearly responding to the turbines however he could not tell the BOCC what the long-term result of population and performance would be.

Commissioner Espy asked if their hesitancy or speed results were compared with the Jonah Field study for pronghorn and it had not been. He also asked what percentage are migratory vs. nomadic. Mr. Kauffman stated the vast majority are migratory. While he didn't have the exact data, he estimated 15-20% were nomadic.

Chairman Johnson stated he is struggling with the fact there are already several projects in the area with several more planned near the area. He asked how the study would be used on decision making for conditional use permits that may come. Mr. Kauffman stated the million-dollar question is how much disturbance the animals can tolerate however there is no answer to this however every new development makes it more difficult for the animal to move as they need to.

Planner Bruggar stated the antelope crucial range data is available from the WY Game & Fish and that data can be utilized when making decisions on applications for new projects.

Chairman Johnson asked about generational changes and whether the herds adapt to the turbines or move away. Mr. Kauffman replied many of the animals didn't make the entire 6-year study, but they will look at these questions when reviewing the final data.

There was discussion by the BOCC on leaning on the WY Game & Fish and being careful not to site on winter grounds or high use summer grounds. He added that unfortunately development is ahead of data. Chairman Johnson wondered about a moratorium on development until the final study is completed. Commissioner Moore thought there is a lot of pressure to make decisions using the study and there will likely be more questions than answers.

Commissioner Espy thought the Sublette County study that was completed should be reviewed by the BOCC. He also thought the BOCC should proceed with caution and wasn't even sure how the Land Use Plan would be amended for wind. He would like a trigger on how to come out of a moratorium rather than arbitrarily setting one. Commissioner Jones stated development is already causing an issue and wondered what the county is going to do about the effects. Chairman Johnson thought that if there were a moratorium it needs to expire at a predetermined point.

COMMISSIONERS DISCUSSION

Commissioner Espy asked Attorney Davis where the Urban System's Agreement stands. She replied to the Attorney General's Office is reviewing and normally who is going to pay what isn't addressed in the main agreement as each project outlines that. The county has asked that a clause be added that says each project would determine who is responsible for payment. She is still waiting for the AG's response on adding the clause.

Commissioner Moore stated as the Council of Governments Chair, he will be talking about the fire district tonight at the Rawlins City Council meeting.

CLERK

Clerk Bartlett discussed a copay maximizer program and how it works with prescription drug coupons. She stated she would have Novo explain better later in the meeting.

EXECUTIVE SESSION

Commissioner Espy moved to go into executive session at 3:09 p.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 carried unanimously.

Commissioner Espy moved to come out of executive session at 3:51 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Barkhurst seconded, and the motion carried unanimously.

COMMISSIONERS

Commissioner Espy moved to appoint the Planning Director to decide when wind and solar applications are complete. Commissioner Barkhurst seconded, and the motion carried unanimously.

CLERK

Kellie Grady with Novo Benefits was contacted and further explained the Copay Maximizer program noting that specialty drugs are covered. Members with specialty drugs would be contacted by Prime, the county's prescription provider. Prime would contact a coupon manager and the prescription price could be paid by the coupon rather than the county. The member would get it for \$0 or \$5. The county would pay \$100 rather than the total price which could be tens of thousands. The few members on the county's plan could be affected because the currently get the total amount of the drug on their max out of pocket which they shouldn't be anyway as its not money out of their pocket.

Commissioner Jones moved to utilize the Copay Maximizer Program with Prime for prescription specialty drugs. Commissioner Moore seconded, and the motion carried unanimously.

ADJOURNMENT

Commissioner Espy moved to adjourn the meeting at 4:01 p.m. Commissioner Moore seconded, and the motion carried unanimously.

A regular meeting of this Board will be held October 5, 2021, at 9:00 a.m., at the Carbon County Courthouse, Rawlins, WY. The public is invited to attend, or you can listen online at the website listed below. To get on the agenda, call the Clerk's Office by the Thursday before the meeting. Per Wyo. Stat. §18-3-516(f), access to county information can be obtained at or by calling the Clerk's Office at (307) 328-2668 or 1-800-250-9812.