

**REPORT TO THE
MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, January 18, 2022
Carbon Building – Courthouse Annex, Rawlins WY**

A regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, January 18, 2022, at 9:00 a.m. at the Carbon Building – Courthouse Annex, Rawlins, WY. Attending the meeting were Chairman, John Johnson, Vice Chairman, Sue Jones, John Espy, Byron Barkhurst and Travis Moore.

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

ADDITIONS / CORRECTIONS

Chairman Johnson added two items to the agenda for the Dixon Airport.

VOUCHERS

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

Commissioner Barkhurst moved to approve January 2022 payroll and benefit expenses of \$1,076,975.62 and insurance claim and premium expenses of \$570,721.86 the main expenditures in the amount of \$604,934.55 for an aggregate total today of \$2,252,700.03. Commissioner Espy seconded, and the motion carried unanimously.

Vendor	Detail Line Description	Total
Acme Electric Company, LLC	Patch Panel/Raceways	\$2,841.69
Albany County Circuit Court	Filing Fees	\$12.00
Also, American Linen Division	Shop Towels/Soap/Mats	\$59.02
Apex Communications	Maintenance Agreement	\$4,033.88
Arca Search	Compass Research Annual Fee	\$1,090.00
AT&T Mobility	CCSO MDT Service	\$900.54
Baggs, Town Of	Water Services	\$33.90
Bank Of Montreal - Mastercard	Misc. Charges	\$27,554.03
Bartlett, Gwynn	Postage Due Reimbursement	\$3.14
BI Inc.	Monthly Electronic Monitoring	\$1,202.50
Blakeman Propane	Heating Services	\$380.16
Bob Barker Company, Inc.	Deodorant	\$247.02
Carbon County Fair Board	Rental Fees Oct-Dec 2021	\$3,043.00
Carbon Power & Light Inc	Electric Services	\$2,501.02

Carrot-Top Industries, Inc	Pole	\$145.63
CDW Government, Inc.	Misc. Supplies	\$4,102.19
Charm-Tex, Inc.	Soap	\$129.80
Community Resource Center	Agency Dues	\$35.00
Cowboy Chemical	Jail Laundry Supplies	\$419.10
Cowboy Supply House	Misc. Cleaning Supplies	\$1,629.31
DBT Transportation Services LLC	Quarterly Payment	\$1,667.44
Dirty Boyz Sanitation, Inc	Trash Services	\$1,652.00
Emblem Enterprises, Inc.	Patches	\$387.56
Encampment, Town Of	Water Services	\$102.00
Encartele	Jail Commissary	\$750.00
Fatbeam LLC	Fiber/Internet	\$5,259.70
FCI Constructors of WY	Period To 12/31/2021 (50-20-004)	\$282,189.60
Fired Up Rescue	Fire Uniforms & Boots	\$37,478.30
Grainger	Message Boards	\$511.68
Greater WY Big Bros/Sisters	Prevention Services	\$5,775.00
Hanna, Town Of	Water Services	\$250.00
Hartshorn, Zachary C	Reimbursement For CPR Cards	\$290.00
Herman, Bobbie	Mileage	\$27.00
Interior Galore	Carpet & Installation & Vinyl Flooring	\$1,626.12
Jeffrey Center Board	Rental Fees Oct-Dec 2021	\$2,500.00
Kaisler, Todd	Mileage	\$54.00
KTGA/KBDY	Various Radio Ads and Tower Rent	\$540.00
L N Curtis & Sons	Flow Test	\$1,995.00
Lally, Brian J.	Postage Reimbursement	\$7.95
McCarthy, David P.C	Legal Services	\$1,260.00
Medicine Bow, Town Of	Water Services	\$200.00
Memorial Hospital of Carbon County	Lab Fees/Emergency Detentions	\$52,577.61
Mercedes Transcription, Inc	Transcription Reports	\$93.39
Merseal Law, LLC	Legal Services	\$3,120.00
Mike's Lock & Key	Key Replacement	\$192.82
Motorola Solutions	Radio	\$4,064.30
Mountain Alarm	Monthly Monitoring Services	\$42.90
MPM Corp / Evergreen Disposal	Trash Services	\$130.00
Muni Metrix Systems Corporation	Image Silo Annual Fee	\$815.80
Norco, Inc.	Cylinder Rent Dec./Misc. Supplies	\$854.72
Olde Trading Post	Fuel	\$95.86
O'Reilly Auto Parts	Misc. Parts	\$555.60
R.P Lumber Company, Inc.	Misc. Supplies	\$305.59
Rawlins Automotive	Misc. Parts	\$1,930.52
Rawlins Hardware	Misc. Supplies	\$261.56

Rawlins, City Of	Water Services	\$2,121.60
Ready, Justin	Mileage	\$48.00
Ricoh USA Inc	It Copiers	\$1,475.50
Rocky Mountain Power	Electric Services	\$15,270.79
Rocky's Quik Stop	Fuel	\$371.51
Saratoga Auto Parts, Inc.	Tube/Coupling/Hose	\$48.45
Saratoga Sun	Subscription Renewal and Legal Ads	\$456.50
Saratoga, Town Of	Water Services	\$59.00
Schilling & Winn Pc	Legal Services	\$6,208.80
Snake River Press	Misc. Ads	\$168.00
SNF, Inc	Fire Truck Graphics	\$775.00
Spaulding, Dawnette	Mileage	\$112.00
Stinker Stores, Inc.	Fuel	\$12,714.55
Summit Food Service	Jail Meals	\$3,605.72
Sunrise Sanitation Service, LLC.	Trash Services	\$68.00
Swanson Services Corporation	Jail Commissary	\$2,186.48
T.W. Enterprises, Inc.	Oil/Oil Filter/Battery	\$1,627.91
Thomson Reuters-West Pymt. Center	Sheriff Dues & Subscriptions	\$832.34
Tin Boy Garage	Diesel Additive/Wiper Nozzle	\$203.36
T-O Engineers	DWX Master Plan & Beacon Repair	\$2,459.65
Tyler Technologies, Inc	Web Hosting Internet	\$275.63
U S Postmaster-Rawlins	Po Box 754 2022	\$62.00
US Imaging	Digitizing Records	\$23,702.80
Valley Oil Company	Fuel	\$3,667.62
Wex Bank	Fuel	\$547.93
Winters Griffith Architects	Construction Admin Phase	\$41,924.00
WLC Engineering	Survey CR 710 & CR 351	\$9,430.15
WY Behavioral Institute	Emergency Detentions	\$9,802.00
WY Dept Of Fire Prev. & Elect.	Essentials Of Firefighting	\$1,010.81
WY Dept Of Transportation	Title Stock	\$1,514.04
WY Machinery Company	Misc. Supplies	\$1,065.03
WY Retirement System	Dec Vol Fire Retirement	\$825.00
Wyoming Disposal Systems	Trash Services	\$435.43

CONSENT AGENDA

Commissioner Espy moved to approve the consent agenda noting any item could be removed for separate action. The consent agenda includes the January 4, 2022, regular meeting minutes; January 12, 2022, special meeting minutes, monthly receipts from Carbon County Clerk in the amount of \$16,546.00, bonds for Randy Arnold, Treasurer for Saratoga, Encampment, Rawlins Conservation District in the amount of \$100,000.00; Robert Davis, Treasurer for Little Snake River Conservation District, in the amount of \$10,000.00; John Hansen, Treasurer for Predator

Management District Board, in the amount of \$10,000.00; Kenzie Strauch, Trustee for Medicine Bow Rural Health Care District, in the amount of \$5,000.00; and Judy Ann Redding, Trustee for Medicine Bow Rural Health Care District, in the amount of \$5,000.00. Commissioner Moore seconded, and the motion carried unanimously.

ELECTED OFFICIALS & DEPARTMENT HEADS

Road & Bridge

Road & Bridge Superintendent, Kandis Fritz requested and received authorization to plow a school bus route that goes into Routt County as she has been receiving multiple phone calls from citizens living along this road on the Routt County Portion. Carbon County has a school bus route along this road that goes into Routt County to pick kids up and bring them back to Carbon County for school.

Ms. Fritz stated that the Culvert Replacement Project on County Road 15 is substantially completed, the 41-day notice have been scheduled to run in the Saratoga Sun on January 19, January 26, and February 9, 2022.

Buildings & Grounds

Jim Piche, Buildings & Grounds Manager requested to convert the lights at the Carbon County Jail to LED lights. The estimated cost is \$65,000 - \$70,000 and is budgeted. Depending on how rebates come back he thought the project should be bid to follow procurement. The BOCC authorized him to bid this.

Mr. Piche reported he thinks the District Court move to the Interim Justice Center (IJC) is complete and his crew is getting caught up on work orders.

Emergency Management

Lenny Layman, Emergency Management Coordinator introduced Stayton Mosby the new Director of the South-Central WY Emergency Management.

Mr. Layman presented bids that were received for an emergency management vehicle. Bids were received from Halladay Motors for a 2022 GMC Yukon SLE in the amount of \$54,600.00, with a delivery date of April-May 2022; from Laramie Peak Motors for a 2022 Ford Expedition in the amount of \$43,495.80, with a delivery date of 90 days; Ken Garff Automotive for a 2022 Ford Expedition in the amount of \$64,905.00, with a delivery date of 120-150 days; Greiner Ford for a 2022 Ford Expedition in the amount of \$46,046.00 with a potential delivery date of September 2022; Dallin Motors for a 2022 Dodge Durango in the amount of \$41,840.00; and Cowboy Chrysler Dodge for a 2022 Dodge Durango in the amount of \$56,000.00. He noted none of them met the specifications 100% but he reviewed them all with Commissioner Barkhurst. Of the vehicles that most closely matched the specifications, there were delivery date issues. Commissioner Barkhurst recommended looking at finding a vehicle that is on a lot somewhere. There is a vehicle in Greeley that matches most of specification requirements for \$61,210.00 for a

2021 Ford Expedition. In addition, Mr. Layman prefers a larger vehicle, and the Dodge Durango would not comply with that.

Commissioner Moore moved to reject all emergency management vehicle bids. Commissioner Jones seconded, and the motion carried unanimously.

Commissioner Espy moved to waive the procurement policy due to the difficulty of delivery of a new vehicle and allow the Emergency Manager to search for a vehicle on a lot that is readily available to purchase with grant funds that expire in September 2022 and purchase subject to approval of Commissioner Barkhurst. Commissioner Barkhurst seconded, and the motion carried unanimously.

Mr. Layman presented a monthly update for the Office of Emergency Management. The first training per the Preparedness Cooperative Agreement will be on January 19, 2022, from 8 am to noon. He has been working with the City of Rawlins and they are exploring options for a greater collaboration. Discussion occurred regarding the Preparedness Cooperative MOU with Elected Officials. Attorney Ashley Davis was present via phone and stated she thinks the document will be available at a future meeting.

On February 2 Mr. Layman will hold the Carbon County Grants Plus funding options meeting. This would be a meeting of various municipalities and agencies with needs for equipment or other items but have a lack of funding. The WY Department of Homeland Security would attend the meeting and assist entities in which grants would apply and provide an opportunity for agencies to work together on grants.

Fire

Attorney Davis reviewed a Memorandum of Understanding with the Town of Sinclair for fire services. She had changes but doesn't know if Fire Warden Rutherford is agreeable to her changes. She requested signature after his approval.

Commissioner Moore moved to approve the Chairman's signature on the Memorandum of Understanding with the Town of Sinclair for fire services after approval by Fire Warden John Rutherford. Commissioner Espy seconded, and the motion carried unanimously.

Planning and Development

Sarah Brugger, County Planning Director presented a letter to the Bureau of Land Management regarding Greater Sage-Grouse Conservation for Chairman's signature. Commissioner Espy reported the WY County Commissioners Association is working on comments as well.

Commissioner Espy moved to approve the Chairman's signature on the letter to the Bureau of Land Management regarding the Greater Sage-Grouse Conservation cooperating agency status. Commissioner Moore seconded, and the motion carried unanimously.

Clerk

Gwynn Bartlett, County Clerk presented a board application that she received from Eric McAllister for the vacant position on the Baggs Solid Waste Disposal District Board. Chairman Johnson stated the applicant is a brother to an employee of the district and a resident called him and thought the application should be denied.

Commissioner Espy moved to reject the application from Eric McAllister for the Baggs Solid Waste Disposal District on the grounds of potential nepotism and readvertise. Commissioner Barkhurst seconded, and the motion carried unanimously.

Clerk Bartlett presented a Memorandum of Understanding for the Rock Creek Impact Assistance funding for approval.

Commissioner Jones moved to approve the any commissioner's signature on the Memorandum of Understanding for the Rock Creek Impact Assistance Program. Commissioner Barkhurst seconded, and the motion carried unanimously.

Treasurer

County Treasurer Lindsey West reported on tax receipts noting they have declined but that is typical this time of year.

Clerk Bartlett asked if Treasurer West thought the state was prepared to handle monthly tax payments from producers and she stated there was a recent meeting that made her feel more comfortable with the state's process.

COMMISSIONERS

Commissioner Byron Barkhurst presented a resolution declaring Carbon County as a Constitutional Republic for commissioner approval. The County Attorney has reviewed it and made suggested changes. Commissioner Barkhurst added that the purpose is to memorialize the statement of Carbon County defending the rights of our citizens to be free and maintain their liberties. He then read the resolution and there was discussion of what teeth resolutions have and Commissioner Barkhurst stated that he wanted the citizens to know that he actively fights for these things on their behalf. Commissioner Espy asked Attorney Davis for advice on a specific sentence and her reply was the sentence meant the BOCC would not do anything to infringe upon citizens' rights. The sentence did not prohibit other elected officials from doing their jobs. There was further discussion from the BOCC.

Commissioner Barkhurst moved to approve Resolution No. 2022-04 – A Resolution of the Board of Carbon County Commissioner's Declaring Carbon County as a Constitutional Republic. Commissioner Espy seconded, and the motion carried unanimously.

Resolution No. 2022 – 04

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

**“DECLARING CARBON COUNTY WYOMING AS A
CONSTITUTIONAL REPUBLIC COUNTY”**

WHEREAS, the Carbon County Board of County Commissioners recognize the Constitution of the United States protects our rights, endowed by our creator, as well as guarantees liberties to American citizens, including the establishment of justice, the promotion of general welfare and securing the blessings of liberty; and

WHEREAS, the Constitution espouses many principles upon which the United States is founded, namely the separation of powers, individual rights, and the rule of law; and

WHEREAS, the Constitution of the State of Wyoming provides that all people are by nature free and independent and have inalienable rights, including enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety, happiness, and privacy; and

WHEREAS, John Adams, the second president of the United States, wrote, "the very definition of a Republic, is 'an Empire of Laws, and not of men.' That, as a Republic is the best of governments, so that particular arrangement of the powers of society, or in other words that form of government, which is best contrived to secure an impartial and exact execution of the laws, is the best of Republics"; and

WHEREAS, the members of the Board of Carbon County Wyoming Commissioners believe in the separation of powers, individual rights, and the rule of law as outlined in the United States Constitution, including the freedom for local government to have local control over issues related to the citizens who reside within the County’s jurisdictional boundaries.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Carbon County, that County of Carbon, State of Wyoming is hereby declared to be a Constitutional Republic County.

BE IT FURTHER RESOLVED by the Carbon County Wyoming Commissioners that any executive orders issued by the State of Wyoming or by the United States federal government that are overreaching or clearly violate our citizens’ constitutionally protected rights will not be enforced by the County against its citizens.

APPROVED, PASSED, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 18th day of January 2022.

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

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

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

Vice Chairman Sue Jones presented T-O Engineers work order for the Dixon Airport Fence Relocation Project for approval.

Commissioner Jones moved to approve the Chairman's signature on Work Order 22-01 for the Dixon Airport Fence Relocation Project in an amount of \$206,158.39. Commissioner Espy seconded, and Commissioner Jones noted the county's cost is 10% of the estimated cost. The motion carried unanimously.

Commissioner Jones presented a seal coat project work order for \$57,807.25. Including a 20% match from the county.

Commissioner Jones moved to approve the Chairman's signature on Work Order 22-02 for the Dixon Airport Pavement Maintenance Project in an amount of \$57,807.25. Commissioner Espy seconded, and the motion carried unanimously.

Commissioner Jones reported the lightening arrestor and radio on the Dixon Airport AWOS infrastructure failed. The repair cost is \$3,593.00 so she applied for an 80/20 grant with the WYDOT State Aeronautics department.

Commissioner Jones moved to authorize the Chairman's signature on the Certificate of State Grant-in-Aid for the AWOS repair in the amount of \$2,874.00 state funds and \$719.00 county funds noting it will be signed electronically. Commissioner Espy seconded, and the motion carried unanimously.

Commissioners Discussion

Commissioner Moore reported the Carbon County Council of Governments is meeting downstairs tomorrow. He is also holding a meeting today to explore interagency dispatch this afternoon in Sinclair.

Commissioner Espy reported demolition in the Courthouse has begun.

BUDGET AMENDMENT – PUBLIC HEARING

Chairman Johnson opened a public hearing at 10:50 a.m. to hear about a proposed Budget Amendment to departmental budgets for Fiscal Year 2022 and Clerk Bartlett noted the hearing was advertised in the Saratoga Sun on January 12. Gwynn reported the following departments need amended: County Attorney, Road and Bridge and Reserves. The County Attorney budget is to cover salary for the juvenile agent and Road & Bridge is to correct an error in the original budget that the clerk inadvertently left an amount out. The funds come from reserves which reduces that total budget. In addition, the library budget needs amended to reflect a grant they received and authorize its expense.

Chairman Johnson called for comments for or against the amendment. There being none, he closed the hearing at 10:54 a.m.

Commissioner Jones moved to adopt Resolution 2022-05 FY 2022 Budget Amendment Number One for departmental budgets. Commissioner Barkhurst seconded, and the motion carried unanimously.

RESOLUTION 2022 - 05

FY 2022 BUDGET AMENDMENT NUMBER ONE

WHEREAS Carbon County adopted the Fiscal Year 2022 Budget in accordance with the Wyoming Uniform Municipal Fiscal Procedures Act; and

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

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

Fund/Entity Budget	Approved Amount	Amendment Budget	Amended
Department 460 County Attorney	\$ 838,967.04	\$ 22,299.20	\$ 861,266.24
Department 530 Road & Bridge	\$1,174,794.00	\$ 150,000.00	\$1,324,794.00
Department 595 Reserves	\$2,179,219.10	(\$172,299.20)	\$2,006,919.90
Library	\$ 571,620.81	\$ 22,470.00	\$ 594,090.81

PASSED, APPROVED AND ADOPTED this 18th day of January 2022.

CARBON COUNTY, WYOMING
-s- Willing John Johnson, Chairman

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

COMMISSIONERS

Commissioner Espy moved to not object to Case 22-02-1, a letter from the City of Rawlins outlining a request from the Bureau of Land Management request to rezone land in Rawlins for seasonal housing. Commissioner Moore seconded, and the motion carried unanimously.

EXECUTIVE SESSION

Commissioner Espy moved to go into executive session at 10:58 a.m. with Clerk Bartlett and Ashley Mayfield Davis to discuss personnel, potential litigation and other matters considered confidential by law. Commissioner Moore seconded, and the motion carried unanimously.

Commissioner Espy moved to come out of executive session at 11:41 a.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Moore seconded, and the motion carried unanimously.

FAIR BOARD

Bobbie Herman and Justin Ready requested authorization to purchase a new tractor for the fairgrounds. Shively Hardware has a 69-horsepower available currently for \$34,000. They would need the procurement policy waived to purchase it. The current tractor isn't operational, and the Fair Board would return it to the county.

Commissioner Espy moved to waive the procurement policy due to the difficulty of delivery of a new tractor and authorize the purchase of a 69-horsepower tractor and accessories from Shively Hardware for use at the Fairgrounds in the amount of \$64,000.00 to be paid from Chokecherry. Commissioner Jones seconded, and Commissioner Barkhurst added that he likes buying the tractor locally noting it could also be serviced locally. The motion carried unanimously.

Ms. Herman reported that the Fair Board received a \$12,000 Carbon County School District #2 grant along with an additional grant from School District #1 in the amount of \$35,000 plus funding from the county to finish the bucking chutes.

CITIZEN & COMMISSIONERS DISCUSSION

Chairman Johnson asked for public comment on a proposed fire district however no citizens were present.

PUBLIC HEARING CONTINUATION AND PLANNING AND ZONING JOINT WORK SESSION - C.U.W. Case File#2021-02 - "Foote Creek Wind Energy Project"

Chairman Johnson opened a public hearing at 1:30 p.m. to hear Planning & Zoning file C.U.W. Case File #2021-02 – Foote Creek North Wind Energy Project.

Commissioner Espy moved to untable Planning & Zoning file C.U.W. Case File #2021-02 – Foote Creek North Wind Energy Project. Commissioner Moore seconded, and the motion carried unanimously.

Sarah Bruggar overviewed the case reminding the Board that the discussion from the last time the case was heard were concerns regarding delivery of goods and payment of sales tax.

Tim Hemstreet reported they have incorporated point of sale and proof of sales tax into their construction contracts. He then suggested a proposed amendment to language the county is proposing for their permit. Ms. Bruggar reported that Conditions 3, 15, 17 and 18 were modified.

Chairman Johnson closed the hearing was closed at 1:41 p.m.

Commissioner Espy moved that based on the recommendation of the Planning & Zoning Commission and staff to approve and authorize any Commissioner to sign Resolution No. 2022-06, 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.W. Case File #2021-02 – Foote Creek North Wind Energy Project. PacifiCorp and various landowners request

for a Conditional Use Permit for a Commercial Wind Energy Facility in the Ranching, Agriculture and Mining (RAM) Zone. Commissioner Moore seconded, and the motion carried unanimously.

Resolution No. 2022 – _____06

**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.W. Case File #2021-02

Commercial Scale Wind Energy Facility

“FOOTE CREEK NORTH WIND ENERGY PROJECT”

WHEREAS, pursuant to Wyo. Stat. Ann. Title 18, Ch. 5, Art. 5 Wind Energy Facilities; and §18-5-502, County Regulation of Wind Energy Project; and

WHEREAS, pursuant to Section 6.1-Commercial Scale Energy Facilities-Overlay District and Section 6.2-Commercial Scale Wind Energy Facilities, of the Carbon County Zoning Resolution of 2015, as amended, the Carbon County Planning and Zoning Commission held a public meeting on Monday, November 1, 2021, which said meeting was advertised by public notice prior to said meeting; and

WHEREAS, at said public meeting, 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 meeting; and

WHEREAS, at the conclusion of said meeting, 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, specifically, Section 6.2-Commercial Scale Wind Energy Facilities (Part A, Item #13, Part E), for Carbon County, Wyoming; and

WHEREAS, notice of the proposed Wind Energy Facility was published by the Applicant twice in two different weeks in the official newspaper of general circulation in Carbon County at least twenty (20) days prior to the public hearing required by Section 6.2 and W.S. §18-5-506. The notice, published in both the Rawlins Times and Saratoga Sun on November 3, 2021, and November 10, 2021, included a brief summary of the Wind Energy Facility, invited the public to submit comments and identified the time and date of the hearing. As required by Section 6.2 (Part A, Item #13, Part C), the Applicant did submit affidavits of public notice in their application for Conditional Use Permit prior to the Board’s hearing. In addition, the County prepared a notice and published said notice in in the Saratoga Sun on October 20, 2021, that included a brief summary of the proposed Wind Energy Facility and invited the public to submit comments and identified the time and date of the hearing; and

WHEREAS, the Applicant has provided to Carbon County an affidavit which certified that the Applicant has undertaken reasonable efforts to provide written notice to all owners of land within one (1) mile of the property line of the proposed Wind Energy Facility and to all cities and towns located within twenty (20) miles of the Wind Energy Facility; and

WHEREAS, the Applicant has provided to Carbon County an affidavit which certified that the Applicant has undertaken reasonable efforts to provide written notice to the record owners

of mineral rights located on or under the lands where the proposed Foote Creek North Wind Energy Project will be constructed. Said notice included a statement of the applicant's intention to construct the Foote Creek North Wind Energy Project, features of the project, a legal description of the boundaries of the project, and where the application may be examined and persons to contact for additional information; and

WHEREAS, the Carbon County Board of County Commissioners, pursuant to Section 6.2-Commercial Scale Wind Energy Facilities of the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. Title 18, Ch. 5, Art. 5, Wind Energy Facilities and after receipt of said certified recommendation from the Carbon County Planning and Zoning Commission; held a public hearing, which said public hearing occurred on Tuesday, December 7, 2021; and

WHEREAS, at the conclusion of the Tuesday, December 7, 2021, public hearing, the Carbon County Board of County Commissioners tabled the request until Tuesday, January 18, 2022, to allow the Applicant an opportunity to further research Point of Sale for construction materials; and

WHEREAS, the Carbon County Board of County Commissioners held and reopened said public hearing on Tuesday, January 18, 2022; and provided the public the opportunity to comment; and

WHEREAS, at said public hearing on January 18, 2022, and the prior public hearing held on Tuesday, December 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 Wind Energy Facility; and

WHEREAS, the Carbon County Board of County Commissioners in considering said application have also reviewed and considered Wyo. Stat. Ann. Title 18, Ch. 5, Art. 5 Wind Energy Facilities and the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2015, as amended, specifically, Section 6.2-Commercial Scale Wind Energy Facilities; and

WHEREAS, the Carbon County Board of County Commissioners have received certification that the proposed WECS project will comply with all the standards required by W.S. §18-5-504; and received certification that the proposed WECS project will comply with all applicable zoning and county land use regulations; and determined that the proposed Wind Energy Facility is in general conformance with the Carbon County Comprehensive Land Use Plan, 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 for a Commercial Wind Energy Facility.

C.U.W. Case #2021-02: Request for a Conditional Use Permit for a Commercial Wind Energy Facility in the Ranching, Agriculture and Mining (RAM) Zone. The request is to allow the applicant (PacifiCorp) to repower the "Foote Creek North Wind Energy Facility" (Project).

Project Description: Currently the Project consists of 64 wind turbines and pad sites. The applicant plans to replace the 64 wind turbines with 11 new turbines. The nameplate capacity will increase from 43.34 MW to 46.2 MW. However, the total Project capacity interconnected to the transmission system will remain unchanged at 43.35 MW consistent with the existing Large Generator Interconnection Agreement (LGIA). The Project includes all associated components

and facilities that are necessary to generate electricity and deliver electricity to the transmission grid. The existing O&M/control building, maintenance yard(s), staging yard(s), storage area(s), substations, and related facilities and equipment will remain unchanged.

Petitioners: PacifiCorp (Applicant) and Various Land Owners (Private and State Lands)

Application Area/General Location: Northeast Carbon County; near Arlington and primarily to the north of I-80 and west of State Highway 13.

Legal Description--Carbon County: Sections 29 and 32, T20N, R78W, Carbon County, Wyoming

CONDITIONS OF APPROVAL:

1. Conditional Use Permit is granted for up to 11 wind turbines and accessory uses as generally described in the application. 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.
2. Nothing in this permit's conditions is intended to preempt other applicable State and Federal laws or regulations. All WECS Project facilities shall be constructed to meet and be maintained in compliance with all Federal, State, and County requirements. If compliance issues arise at any time during the review, development or operational phases, the Applicant(s) or Owner(s), at the discretion of the County may be requested to provide additional studies or reports prepared by qualified professionals addressing the issues and mitigation measures that may be needed to maintain compliance.
3. The Applicant(s) shall submit a copy of all subsequent Federal and State approvals, including all required studies, reports and certifications prior to the issuance of any applicable building permits.
4. All structures proposed within the application area require a building permit. Multiple WECS Towers may be permitted with a single application as long as the site plan or plan of development includes all relevant details adequate to determine general conformance with the applicable standards and conditional use permit conditions. Project structures other than WECS Towers require an individual building permit application for each structure.
5. Each building permit application shall include a letter of consent from the surface private property owners upon which the WECS project will be located or other legal documentation which demonstrate consent of the surface property owner.
6. When not conflicting with colors required by the Federal Aviation Administration or other Federal Agencies, towers and blades shall be painted off-white or another non-reflective, unobtrusive color. The color selected is intended to help the Project blend with the natural visual character of the area. The Applicant(s) shall submit a visual rendering of the proposed towers with color scheme for approval by the Board.
7. Operations and Maintenance:

- a. Routine scheduled maintenance shall include the repainting of equipment and structures, and maintenance of grounds or landscaping as appropriate to the location.
 - b. All solid wastes and hazardous materials related to the construction, operation, maintenance and decommissioning of a Project shall be handled, stored or disposed of in accordance with the approved waste management plan and in accordance with all applicable Federal, State, and County laws and regulations. The permittee shall be responsible for litter control including the regular clean up of litter blown from dumpsters and similar storage areas.
 - c. On April 1st of every even numbered year after the third anniversary of the permit, the Owner(s) or Operator(s) of the WECS shall submit to the Carbon County Planning and Development Department a statement that lists all WECS currently inoperative for longer than six continuous (6) months. All WECS that remain inoperative for eighteen (18) continuous months or longer must be removed unless the Owner(s) provides a written plan and schedule acceptable to the Carbon County Planning and Zoning Commission for refurbishing and/or reactivating the inoperative WECS.
 - d. The Owner(s) or Operator(s) of the WECS shall control and eradicate noxious and invasive weed species within the disturbed areas of the project. Weed control shall be maintained as directed by the Carbon County Weed and Pest District or the appropriate public entity having jurisdiction.
8. The Applicant(s) shall provide the applicable wireless telecommunication service providers and local emergency service provider(s) (911 operators) copies of the Project's summary and site plan. To the extent that the above provider(s) demonstrate a likelihood of interference with their communications resulting from the WECS(s), the Applicant(s) shall take reasonable measures to mitigate such anticipated interference.
 - a. If, after construction of the WECS(s), the Owner(s) or Operator(s) receives a written complaint related to interference with emergency services communications, local broadcast of residential television or other communication venues, the Owner(s) or Operator(s) shall take steps to respond to the complaint and take reasonable measures as necessary to alleviate or mitigate the interference.
 - b. The Owner(s) or Operator(s) shall mitigate light impact on existing residences that are visible within one (1) mile of an existing residence and still meet applicable FAA requirements. Examples of light mitigation include but are not limited to: downward directed lighting, use of shielded light fixtures, eliminating lighting that casts light onto adjacent property.
9. If there are any variations in the Project's construction which would materially impact the updated Emergency Response Plan, the Emergency Response Plan shall be supplemented and revised following construction of the WECS project and submitted to the County Sheriff and Emergency Management Coordinator.
10. To the extent not inconsistent with confidentiality and security obligations under State and/or Federal law, the Owner(s) or Operator(s) shall provide the Carbon County Planning and Development Department with a detailed map of the site within ninety (90) days of

when operation begins. The Project Map will include the geographic coordinates of each WECS structure, all roads within the WECS Project area, and public roads and turnouts connecting to roads of the WECS Project. The Project Map shall be updated by the Owner(s) or Operator(s) every five (5) years or after the completion of any significant additional construction.

11. The Owner(s) or Operator(s) of the WECS Project shall maintain a current General Liability Policy issued by an insurance company authorized to do business in Wyoming covering bodily injury and property damage with limits of at least \$1 million per occurrence and \$1 million in the aggregate. The Applicant(s) shall provide proof of insurance to the Board of County Commissioners prior to the Board's approval of the submitted application or otherwise demonstrate adequate self-insurance. If the application is approved, the Owner(s) or Operator(s) of the WECS shall provide proof of insurance to the Board annually. Proof of insurance may be made by providing a certificate of insurance. If the Owner(s) of the project is a person regulated by the Wyoming Public Service Commission, the requirements of this paragraph shall not apply.
12. No conditional use permit shall be transferred without the prior approval of the Board of County Commissioners. Board's approval shall not be unreasonably withheld upon good cause shown. Any transferee shall agree in writing to be bound by the terms of the Conditional Use Permit.
13. Within six (6) months of the Board's approval, and on an annual basis thereafter until construction is completed, the permit holder shall provide a progress report of the WECS Project to the County Planning and Zoning Commission. The annual report\progress report shall include a written summary of Project's progress and include an appearance at a regularly scheduled County Planning and Zoning Commission meeting.
14. Any contractors involved in construction activities shall appoint a representative to attend a meeting with all Carbon County department heads impacted by said activities prior to commencement of construction.
15. Point of Sale for all construction materials utilized in this Conditional Use Permit shall be Carbon County, Wyoming. For any construction materials used that cannot comply with this condition, the Owner(s) or Operator(s) shall remit to Carbon County an impact assessment payment equivalent to 2 percent of the purchase price of such construction materials. The Owner(s) or Operator(s) shall provide the County Treasurer with receipt(s) that include the purchase price of said construction materials and assessed payment shall be paid to the County Treasurer as certified funds within 150 days of such materials being used on the project.
16. All machinery and motorized equipment utilized in construction activities for this Conditional Use Permit shall obtain necessary registration, plates, and permits from the Carbon County Treasurer's Office and Carbon County Road and Bridge Department prior to being utilized for construction.

17. The Owner(s) or Operator(s) of the WECS Project shall provide copies of all reports and payments of sales tax to the County Clerk and County Treasurer related to this project on a quarterly basis.
18. If repowering occurs and the turbines are removed from service pursuant to this Conditional Use Permit, the Applicant shall reclaim the existing foundations to a depth of 36 inches or to the existing depths required at the time of reclamation, whichever standards are more stringent shall apply.
19. Installation and maintenance of an aircraft detection lighting systems (ADLS) is required in order to mitigate light impacts. Such FAA approved systems shall require the turbine tower warning lights to be off except when necessary to alert aircraft in the area. Lights shall remain off at night unless aircraft are detected within FAA proximity minimums in the area by the ADLS or if FAA requirements dictate otherwise. If the FAA does not approve an aircraft detection lighting system for any of the towers in the project, then the applicant shall provide a secondary lighting plan approved by the FAA to the Board.
20. 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 approve the Conditional Use Permit – Commercial Wind Energy Facility (C.U.W. Case #2021-02) as certified to them in writing by the Carbon County Planning and Zoning Commission in the Ranching, Agriculture and Mining (RAM) Zone for the “Foote Creek North Wind Energy Project”.

Expiration of Conditional Use Permits for Commercial Scale Energy Facilities.

Any Commercial Energy Project 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, and no authorized extension granted, then the conditional use permit shall expire and become null and void and be of no further effect. If the Project is not operational within two (2) years from the date of commencement, or any authorized extension, then the conditional use permit shall expire and become null and void and be of no further effect. Commencement of construction of Project Structures, buildings, and other physical assets, including roadways, of the Project shall be considered commencement of the project. A Commercial Energy Project shall be considered to be operational if the project is generating electricity.

Extension of Conditional Use Permits for Commercial Scale Energy Facilities.

If the Commercial Energy Project has not been commenced or has not become operational 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 for the Project from other agencies with jurisdiction, such as the Wyoming Industrial Siting Council, 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.

- A. 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.
- B. No permit shall expire during the time the decision on the extension is being considered.

Transfer of Conditional Use Permits for Commercial Scale Energy Facilities.

- A. No conditional use permit shall be transferred without the prior approval of the Board.
- B. The Board may authorize transfers of permits to a different person if:
 - 1. 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.
 - 2. The permit transfer request is heard by the Board at a public meeting after notice is published.
 - 3. The permit transfer administrative fee has been paid.
 - 4. Board approval of the transfer shall not be unreasonably withheld.

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 1st day of February 2022.

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

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

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

PLANNING & ZONING WORKSHOP

Large division subdivision, those over 35 acres, regulations were discussed with members of the Planning & Zoning Commission as well as the Planning Department staff. All members were

present except Diana Berger. Ultimately no decisions were made but the BOCC asked the group to keep working on the topic. Ms. Bruggar stated there would be a 45-day notice for the P&Z Commission then on to the Commissioners with public notice as well.

Ms. Bruggar suggested that if the BOCC wanted to move forward with this it be accomplished first then a larger amendment with subdivision regulations be tackled thereafter. Jay Grabow suggested a future session to review hypothetical case of what could occur and how the staff and boards would handle those cases.

EXECUTIVE SESSION

Commissioner Espy moved to go into executive session at 3:29 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 3:34 p.m. noting no action was taken and that the minutes be signed and sealed. Commissioner Moore seconded, and the motion carried unanimously.

COMMISSIONERS

Commissioner Moore moved to authorize Commissioner Espy to sign an offer. Commissioner Barkhurst seconded, and the motion carried unanimously.

ADJOURNMENT

Commissioner Espy moved to adjourn the meeting at 3:36 p.m. Commissioner Moore seconded, and the motion carried unanimously.

A regular meeting of this Board will be held February 15, 2022, at 9:00 a.m., at the Carbon Building-Courthouse Annex, located at 215 West Buffalo, Room 240A, 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.