

**REPORT TO THE  
MINUTES OF THE BOARD OF  
CARBON COUNTY COMMISSIONERS  
REGULAR MEETING  
Tuesday, September 3, 2019  
Carbon County Courthouse, Rawlins, WY**

A regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, September 3, 2019 at 9:00 a.m. at the Carbon County Courthouse, Rawlins, WY. Attending the meeting were; Chairman, John Johnson, Vice Chairman, Sue Jones, John Espy, Travis Moore, and Byron Barkhurst.

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

**ADDITIONS/CORRECTIONS**

There were no additions or corrections to the agenda.

**VOUCHERS**

Commissioner Barkhurst moved to approve the main amount of bills in the amount of \$526,144.75. Commissioner Espy seconded and the motion carried unanimously.

Vendor	Detail Line Description	Total
307 PROFESSIONAL CLEAN LLC	B&G CONTRACT CUSTODIAL	\$10,485.00
ACME ELECTRIC COMPANY, LLC	INSTALL NEW FAN	\$100.00
ALSCO, AMERICAN LINEN DIVISION	MISC SHOP SUPPLIES	\$53.44
ANTON COLLINS MITCHELL LLP	FINANCIAL AUDIT	\$20,000.00
AYALA, MEGAN	2020 PLANNER	\$20.99
BAGGS, TOWN OF	JULY 2019 RENT	\$150.00
BANK OF MONTREAL - MASTERCARD	MISC CHARGES	\$13,033.48
BLACK HILLS ENERGY	HEATING SERVICES	\$2,220.32
BOMGAARS SUPPLY	MISC PARTS	\$146.98
BUCHANAN, KAREN	MILEAGE	\$72.00
BUILD RITE LUMBER COMPANIES	MISC PARTS	\$47.09
CAPITOL COMMUNICATIONS	911 SYSTEM	\$923.36
CARBON COPY	DECALS	\$228.80
CASPER STAR-TRIBUNE	DIXON AIRPORT RUNWAY REPAIR PUBLICATION	\$687.88
CDW GOVERNMENT, INC.	MISC IT PARTS	\$4,767.10
CENTURY LINK	JUN, JUL & AUG PHONE LINES	\$18,571.23
CHARTER COMMUNICATIONS	TV SUBSCRIPTION AT JAIL	\$119.84
CLERK OF DIST COURT (JURORS)	DISTRICT COURT JURORS	\$3,750.00
CONVERGEONE, INC.	IT SOFTWARE MAINTENANCE	\$6,248.88
COUNTY CLERKS ASSOCIATION OF WYOMING	2020 DUES	\$300.00

DAILY TIMES	NEWSPAPER RENEWALS	\$190.00
DIXON, TOWN OF	WATER SERVICES	\$308.00
DOMINION ENERGY	HEATING SERVICES	\$27.69
DUSTBUSTERS, INC.	DUSTGARD/MAGCHLORIDE	\$143,357.62
EKM&P, INC. DBA VOORHIS ASSOCIATES, INC.	COURTHOUSE/CARBON BUILDING SERVICES	\$139,007.89
ELK MOUNTAIN, TOWN OF	1ST QTR FY 2019-20 SENIOR CENTER	\$1,500.00
FATBEAM LLC	FIBER/INTERNET	\$9,990.00
FIRED UP RESCUE	MISC FIRE SUPPLIES	\$6,531.45
FURTHER	HRA REIMBURSEMENT	\$2,828.79
GLAXOSMITHKLINE PHARMACEUTICALS	PH VACCINE GENERAL VACCINES	\$2,579.00
HANNA, TOWN OF	WATER SERVICES	\$293.64
HAYER, EMILY L.	MILEAGE/MEAL REIMBURSEMENT WY STATE FAIR 19	\$80.13
HAWKS, ROGER	MILEAGE	\$153.84
HIGH PLAINS POWER	ELECTRIC SERVICES	\$573.75
INTERIOR GALORE	CC JAIL CARPET	\$5,537.50
JOHNSTON, RANAE	MILEAGE	\$75.50
KARI, DALE	MILEAGE	\$10.20
KELLEY, CHRISTI	REIMBURSEMENT FOR REGISTRATIONS	\$389.50
KENCO SECURITY AND TECHNOLOGY	MONTHLY MONITORING	\$78.00
KILBURN TIRE COMPANY	TIRE REPAIR	\$18.95
KING SOOPERS CUSTOMER CHARGES	MISC CHARGES	\$67.61
L N CURTIS & SONS	MISC SERVICES	\$3,564.04
LEXISNEXIS MATTHEW BENDER INC	WY STATUTES 2019 EDITION	\$2,481.18
MABERRY, AGRIPPINA M.	INTERPRETER SERVICES	\$50.00
MEDICINE BOW, TOWN OF	FIRE DEPT ASSIST	\$715.25
MERCK SHARP & DOHME CORP.	PH VACCINE GENERAL VACCINES	\$5,727.37
MODERN MARKETING, INC	COLORING TOTE	\$471.54
MOUNTAIN WEST MOTORS	STARTER	\$543.18
MY OFFICE ETC.	MISC OFFICE SUPPLIES	\$131.90
ONSOLVE, LLC	GRANTS H.S. CODE RED 19 (SHSP)	\$11,390.00
O'REILLY AUTO PARTS	WIPER FLUID	\$3.99
PARTSMASER	MISC PAINTSUPPLIES	\$1,818.58
PERKINS OIL CO	FUEL	\$5,204.49
PLAINSMAN PRINTING & SUPPLY	MISC OFFICE SUPPLES	\$2,835.55
PUBLIC SAFETY CENTER, INC	EXAM GLOVES	\$299.89
QUEST DIAGNOSTICS	LAB FEES	\$363.09
QUILL CORPORATION	MISC OFFICE SUPPLIES	\$2,031.08
RAWLINS AUTOMOTIVE	MISC PARTS	\$1,881.94
REED SMITH LLP	VANGUARD BANKRUPTCY PAYMENT	\$4,832.75
RICOH USA INC	IT COPIERS	\$9,997.73
ROCKY MOUNTAIN POWER	ELECTRIC SERVICES	\$27,928.03
SARATOGA AUTO PARTS, INC.	MISC PARTS	\$172.15
SCHILLING & WINN PC	LEGAL SERVICES	\$1,930.80

SECRETARY OF STATE	NOTARY BONDS	\$90.00
SHEEHAN TRUCKING	WATER FOR MAG CHLORIDE	\$8,900.00
SHIVELY HARDWARE	MISC PARTS	\$702.79
STATE OF WYOMING A & I	MAINFRAME SERVICES	\$105.86
STEPHENSON, LEE ANN	MILEAGE	\$33.60
SUMMIT FOOD SERVICE	JAIL MEALS	\$6,879.94
SWANSON SERVICES CORPORATION	JAIL COMMISSARY SUPPLIES	\$1,408.60
THOS. Y. PICKETT & CO., INC.	3RD INSTALLMENT OF 2020 VALUATION CONTRACT	\$6,500.00
TREVATHAN, SABRINA RMR	TRANSCRIPTION SERVICES	\$25.00
TRUE VALUE OF RAWLINS	MISC PARTS	\$233.72
TYLER TECHNOLOGIES, INC	ITAX/IDOC WEB HOUSING	\$826.89
US BANK	MISC CHARGES	\$11,134.72
VOLUNTEER FIREMEN PENSION FUND	JULY/AUG VOL FIRE RETIREMENT	\$1,065.00
WACERS	MEMBERSHIP DUES	\$25.00
WACO	JOHNSON. J WACO REGISTRAION FEES	\$175.00
WEBSTER, MATTHEW S	MILEAGE	\$119.00
WILSON, MARGARET	PATCHES	\$60.00
WLC ENGINEERING	JEFFREY CENTER ROOF PROJECT 16820	\$1,950.75
WY DEPT OF TRANSPORTATION	SAVERY BRIDGE	\$599.30
WY LAW ENFORCEMENT ACADEMY	TRAINING FOR R.HAWKS	\$1,484.50
WY MACHINERY COMPANY	CAT PARTS	\$3,898.53
YOCUM, LEO	MILEAGE	\$24.00
ZIRMED, INC	PROFESSIONAL CLAIMS FILED	\$2.58

## **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 20, 2019 regular meeting minutes and the August 26, 2019 Special meeting minutes, monthly receipts for Road and Bridge in the amount of \$50.00, monthly receipts for Planning & Zoning in the amount of \$16,245.00 and a bond for Kindra Pacheco, Treasurer of the Town of Sinclair in the amount of \$8,000.00. Commissioner Moore seconded and the motion carried unanimously.

## **ELECTED OFFICIALS & DEPARTMENT HEADS**

### **Public Health**

Jacquelin Wells, Public Health Nurse Coordinator reported the Public Health Nurse Amanda Brown is out for a few months and she will be filling in. She discussed the proposed Nurse Practitioner Services Agreement and requested approval. Attorney Davis reported there is a small fee and Public Health will reimburse for her malpractice insurance.

Commissioner Espy moved to authorize the Chairman's signature on the Nurse Practitioner Services Agreement with Shandra Shepard for a term of one year from signature and in the

amount of \$150.00 per month increasing to \$210.00 per month January 2020. Commissioner Barkhurst seconded and the motion carried unanimously.

Clerk Bartlett presented the Public Health vehicle bids, opened at the County Clerk's Office August 29. Bids were received from Skyline Motors in the amount of \$32,550.00, Fremont Motors of Rock Springs in the amount of \$35,002.00, Spradley Barr Motors in the amount of \$30,158.00, Fremont Motors Lander in the amount of \$42,572.00 and \$42,953.00, Fremont Motors of Riverton in the amount of \$31,842.00, Fremont Motors of Casper in the amount of \$23,810.00, Greiner Schmidt Motors in the amount of \$41,486.00 and Johnson Auto Plaza of Laramie in the amount of \$40,058.00 and \$27,562.00. She reported the Emergency Response Coordinator, Emily Kaluzny would use the vehicle and lease it to the state for \$1,000.00 per month for up to 3 years. Ms. Kaluzny was to review the bids and make a recommendation today so Ms. Wells agreed to contact her for the recommendation and return later today.

Ms. Wells presented the Public Health Public Vaccine Program Agreement for approval noting the Chairman can sign this electronically. Attorney Davis reported she had not reviewed the agreement yet.

Commissioner Barkhurst moved to authorize the Chairman's signature on the Public Health Public Vaccine Program Agreement pending legal review. Commissioner Espy seconded and the motion passed unanimously.

Ms. Wells reported on services the office has provided.

### **Mental Health**

Glenn Biggs, Mental Health Examiner announced he will be retiring effective November 15. Mr. Biggs reported that he does not have a recommendation of a replacement as four individuals he has approached have declined. Mr. Biggs is also the Gatekeeper for the state and he thinks retirement from this position would require him to resign from that position as well.

### **Assessor**

County Assessor Renee Snider requested and received approval to fill a vacant Deputy Assessor position.

### **Building and Grounds**

Building Manager Jim Piche requested and received approval to solicit bids to replace the roof on the Saratoga Library roof and the Encampment Senior Center. He stated both are in his budget. Jim is looking into reroofing the Encampment and Saratoga Road & Bridge shop roofs with a coating and Chairman Johnson stated there is a local company doing a similar process and requested that he obtain informal quotes prior to proceeding and then obtain approval from Commissioner Espy before proceeding. This is also within his budget according to Mr. Piche. He also reported he will be working on the new Coroner building beginning today.

## **Road & Bridge**

Kandis Fritz, Interim R&B Coordinator opened bids to supply and haul gravel for County Road 291 and 270. There were two bid options - Option 1 is to supply and haul 2,600 tons and option 2 is to supply and haul 8,000 tons. Bartlett Oilfield Services Inc. bid \$73,980.00 for option 1 and \$240,300.00 for option 2; Brian Locke Trucking bid \$79,720.00 for option 1 and \$245,440 for option 2; and Platoga Holdings bid \$79,720.00 for option 1 and \$245,400.00 for option 2.

Ms. Fritz recommended accepting the low bid with option 1 using impact funds. This will only be used on County Road 291. Commissioner Espy suggested the road fund should be maintained for future projects at this time.

Commissioner Espy moved to award the bid for gravel for County Road 291 to Bartlett Oilfield Service in the amount of \$73,980.00. Commissioner Barkhurst seconded and the motion passed unanimously.

Commissioner Espy moved to authorize the Chairman's signature on the Gravel Purchase Agreement with Bartlett Oilfield Service Inc. after legal review. Commissioner Moore seconded and the motion passed unanimously.

Kandis Fritz, R&B Coordinator drafted a letter to the Central Federal Lands pertaining to the County Road 401 – Sage Creek and the state's portion of the road requesting design standards and all documentation pertaining to this road since 2003. The documents should assist the state and the county in determining the design standards.

Commissioner Espy moved to authorize the Chairman's signature on a letter to Central Federal Lands regarding County Road 401 to obtain all construction documents. Commissioner Jones seconded and the motion carried unanimously.

The state's decision on whether or not to take the road over will be put off to until a commission's November meeting.

## **Planning and Zoning**

County Planning GIS Specialist Sarah Hutchins provided the GIS Update. She reported she is a shared position at 40% City of Rawlins and 60% county. She spends the majority of her time providing rural addressing and Mr. Fox stated this prevents her from assisting with planning functions.

Planning Director, Sid Fox discussed a potential request for proposal for the County Natural Resource Plan.

## **Attorney**

County Attorney, Ashley Davis reminded the board that she was contacted by the Medicine Bow Rural Health Care District that they would like to own the clinic in Medicine Bow. The BOCC can do this if they find it is in the best interest of the county and its citizens. Clerk Bartlett suggested the county obtain a title commitment prior to proceeding with a deed and Ashley said they would return with the appropriate documents when the commitment is received.

Attorney Davis presented a one year diversion agreement with Cathedral Home for Children. Future agreements would likely be on a 2 year term to match the grant terms.

Commissioner Espy moved to authorize the Chairman's signature on the Agreement for Services with Cathedral Home for Children for a term of one year to provide diversion services. Commissioner Jones seconded and the motion passed unanimously.

Attorney Davis provided a lease agreement with Cathedral Home for Children for the Carbon County Youth Crisis Center for approval and a memorandum of understanding regarding operation of the center. They have asked if the county would gift the vehicle to them that they are currently using and the new agreement reflects this.

Commissioner Jones moved to authorize the Chairman's signature on the Lease Agreement Between Carbon County and Cathedral Home for Children and a Memorandum of Understanding with Cathedral Home for Children for lease and operation of the Carbon County Youth Crisis Center through June 30, 2022 in the lease amount of \$10 per year. Commissioner Moore seconded and the motion passed unanimously.

Ms. Davis received a request from the Rawlins Carbon County Airport Board for her and the City Attorney Amy Bach to provide legal services. To do this she would have to obtain the BOCC's approval as this is outside of her statutory duties. She stated she does not mind assisting however she likely doesn't have time to review every single contract, employee issues, attending all meetings and providing other services as time is limited.

Chairman Johnson was concerned about the time this may take and the precedent this may set for other boards to approach for the same services. Commissioner Jones mentioned that there have been discussions of combining a board for the Dixon and Rawlins Airports.

Ms. Davis reported November would be two years since the county deeded the City of Rawlins property to build a reservoir and there was a reversionary clause requiring them to use it for the intended purpose within 2 years however this has not occurred. The BOCC requested that she see when the project will begin and they would still like the City to have the property.

This afternoon there is a public hearing for the Two Rivers and Lucky Star projects. Under state law and the Zoning Resolution the BOCC must determine if the application is complete then if the determination is made that the application is complete, the BOCC must take public comment for 45 days prior to approving or denying the permit. This would be October 18 – November 1 if the application is determined complete today. This will fall after the Industrial Siting Permit

October 9 hearing therefore she will ask for a condition that the state require a permit from the county.

### **Clerk**

Gwynn Bartlett, County Clerk reported her office is assisting the IT Department with secretarial services and will track the time this takes and the duties they perform for them. IT had requested a secretary position and with her office assisting she will evaluate on whether a position is needed or not in the future or if it is something her office can absorb.

Gwynn presented the Grant Agreement Between Wyoming Office of Homeland Security and Carbon County for Emergency Management Performance Grant Fiscal Year 2019 for a period of October 1, 2018 through September 30, 2020 in the amount of \$42,500.00 with a local match of \$42,500.00.

Commissioner Jones moved to authorize the Chairman's signature on the Grant Agreement Between Wyoming Office of Homeland Security and Carbon County, Grant Award for U.S. Department of Homeland Security Federal Emergency Management Agency, Grant Programs Directorate Emergency Management Performance Grant (EMPG) in the amount of \$42,500 with the same amount match, Project ID 19-EMPG-CAR-GCF19. Commissioner Barkhurst seconded and the motion passed unanimously.

Commissioner Espy moved to authorize the Chairman's signature on the Blue Cross Blue Shield Amendment to add FIT-DNA (i.e. Cologuard) as a preventative benefit with certain conditions. Commissioner Jones seconded and the motion carried unanimously.

Gwynn reported the county received and expended two homeland security grants however had small amounts remaining. She requested the Chairman sign forms to relinquish the remaining amounts so another entity could use them. One was used for the Code Red alert system and had \$610.00 remaining and the other was for portable radios with \$156.83 remaining.

Commissioner Espy moved to authorize the Chairman's signature on the Homeland Security Grant Relinquishment Form for Project ID 17-GPD-CAR-SC-HSG17 in the amount of \$610.00 and 18-SHSP-CAR-LS-HEM18 in the amount of \$156.83. Commissioner Moore seconded and the motion carried unanimously.

### **EXECUTIVE SESSION**

Commissioner Espy moved to go into executive session with Ashley Davis and Clerk Bartlett to discuss personnel, potential litigation and other matters considered confidential by law at 10:20 a.m. Commissioner Barkhurst seconded and the motion carried unanimously.

Commissioner Espy moved to come out of executive session at 10:54 a.m. noting no action was taken and the minutes be signed and sealed as written. Commissioner Moore seconded and the motion carried unanimously.

## **Commissioners**

Commissioner Espy reported the Construction Manager at Risk Selection Committee recently interviewed potential CMAR companies, Groathouse Construction Inc. and FCI Constructors of Wyoming LLC. He reviewed the process to get to this point stating that six very qualified firms replied to the request for qualifications. Those six were narrowed down to three for the Request for Proposal phase and subsequently two were interviewed by the selection committee. The selection committee consists of Chairman Johnson, Clerk Bartlett, Planner Sid Fox, Circuit Court Judge and himself. This is a qualification based system and the group today presents a unanimous recommendation to hire FCI Constructors of Wyoming LLC for preconstruction services and negotiate a contract for construction services.

Commissioner Espy moved to authorize the Chairman to execute a contract approved by the County Attorney between FCI Constructors of Wyoming and Carbon County for preconstruction services in the amount of \$39,276 and that the BOCC and Attorney Davis enter into negotiation for Construction Manager at Risk services and fee. Commissioner Moore seconded and the motion carried unanimously.

Attorney Davis has reviewed a proposed AIA contract, Standard Form of Agreement Between Owner and Construction Manager as Constructor where the basis of payment is the cost of work plus a fee with a guaranteed maximum price.

## **Library Board**

Jacob Mickelsen of the Library Board presented “Community Involvement in Libraries” to the BOCC about the various ways communities in Carbon County can "buy in" to the library system. Specifically Mr. Mickelsen explained there is a foundation to help fund special items but not ordinary operations. There are “Friends” groups and an endowment with rules on that funds use. He reported on other community involvement as well.

Clerk Bartlett asked if Mr. Mickelsen and the board planned to request funding from municipalities and he noted that they have not yet done so and didn't want to have to. Commissioner Jones explained that while there is a lot of community involvement she feels like municipalities want to participate with funding and she suggests asking them.

## **Commissioners**

Commissioner Jones explained the bid opening for the Dixon Airport runway repair project was scheduled recently however there were no bidders. This is a high priority safety issue and this will be bid in October when hopefully the construction season slows down and contractors may be available. Attorney Davis reported that she has reviewed the draft agreement and the final grant will be made later based on the engineer's estimate.



Commissioner Espy moved to authorize a commissioner's signature on the WY Department of Transportation Aviation Administration Grant Agreement for the Dixon Airport Runway Repair Project once available. Commissioner Barkhurst seconded and the motion passed unanimously.

Commissioner Espy moved to approve the Road and Bridge Coordinator Offer to Kandis Fritz. Commissioner Barkhurst seconded and the motion passed with all voting for the motion except Commissioner Jones who abstained due to potential conflict.

Commissioner Espy left the meeting at 11:20 a.m.

Attorney Davis reported that the Bureau of Land Management sent a letter to determine if the County would like to be a cooperator for the Pipeline Corridor.

Commissioner Jones moved to authorize the Chairman's signature on the Bureau of Land Management Cooperating Agency Return Form for the preparation of the Wyoming Pipeline Corridor Initiative (WPCI) Resource Management Plan. Commissioner Moore seconded and the motion passed unanimously.

Craig Kopasz of Engineering Associates discussed recommendations, cost estimates and a timeline for the proposed, revised, R&B and Sheriff Complex in Medicine Bow. The new proposal has a modular sheriff's office and housing unit and a fixed Road & Bridge shop. He stated this has many positives and they outweigh the negatives including the long service lines to the separated building and moving the existing fuel tanks.

Chairman Johnson mentioned he and Commissioner Espy recently toured the lot with Buildings Manager Piche. They directed Mr. Piche to work with the Sheriff and R&B to determine if the new proposed layout would work for both offices. The architectural and engineering fee through the bid process will be \$25,000.00. Mr. Piche verified the Town of Medicine Bow would work with the county on fees that were already paid for building permits. Chairman Johnson verified that Ms. Fritz and Undersheriff Shawn Kelley and they both stated they were satisfied.

Chairman Johnson pointedly asked Mr. Kopasz if the new design can be built within the \$1.5 million inclusive of engineering and other costs. Mr. Kopasz stated he believed it could with all the changes.

Mr. Kopasz will submit a contract amendment to the Clerk for signature. Chairman Johnson asked if the Sheriff housing could be ready for use by next year's construction season and he asked that this be accomplished first if possible. Mr. Kopasz stated that this would require the existing R&B shop to be demolished before the new one is built and if construction is done this winter costs will rise. Mr. Piche stated there is a possibility that the footing and foundation could be done this fall for the new R&B shop weather permitting and the floor done next year. The asbestos report from the old shop and remediation will be approximately \$7,000 - \$8,000. The group recommended a simple demo and not selling the existing building. Chairman Johnson asked that tank relocation be included in the contract in a way that it could be cut if needed. He also asked that the proposed 35' of concrete in front of the building be cut to 15' or so, also in a

way that could be cut later. Commissioner Barkhurst asked if bollards could be placed on the west of the building, and a metal roof be placed on the modular and that quality windows be placed on the facilities. Mr. Kopasz suggested alternates for many of these types of items be included. He stated he would get an estimate of time for electrical and mechanical then return at a future meeting, hopefully October 1 with a final bid package.

Commissioner Jones moved to authorize a commissioner signature on an amendment with Engineering Associates in the amount of up to \$25,000.00 for services on the Medicine Bow complex after legal review. Commissioner Barkhurst seconded and the motion carried unanimously.

### **Planning and Zoning**

Commissioner Espy returned to the meeting.

Sid Fox, County Planning and Zoning Director discussed Planning & Zoning Case Files C.U.W. Case 2019-02, Two Rivers Wind Project and C.U.W. Case 2019-03, Lucky Star Wind, both conditional use permit applications. He reported that because the Planning Commission did not have a quorum at their meeting On August 5, there is no Planning Commission recommendation for today's meeting. The BOCC can determine whether or not these applications are complete and if so hold a public hearing not less than 45 days and not more than 60 days from today's date if accepted as complete. If they are not complete the applicant would then have 30 days to remedy any completeness issue and the matter would be heard thereafter.

Mr. Fox stated there is still some uncertainty of the Bureau of Land Management process and their review process and timing. Typically the county gains quite a bit of information from their NEPA process however the applicant has not submitted those applications to date. Mr. Fox also reported that the application describes proposed wind development on two private ranches however there is some detail lacking concerning public land development.

Daryl Sheerer Project Engineer and Gordon Verok, Project Developer both with Blue Earth Renewables along with Melanie Martin of ICF overviewed the projects. Two Rivers is a 280 MW, four-phased project with three phases in Carbon and one in Albany with 77 wind turbines, 58 of which are in Carbon County. They anticipate construction beginning April 2021 and already have an interconnection agreement to tie into the Freezeout Substation.

Lucky Star, a 500 MegaWatt project is also in both Carbon and Albany counties with an expected 45 towers in Carbon County. They have interconnection applications into Aeolus with construction anticipated to begin April 2022.

Ms. Martin overviewed the estimated tax benefits to Carbon County with a combined \$2.9 million in property tax during construction, \$4 million sales and use tax and over \$600,000 in wind energy production tax annually. Lifetime over \$19 million combined between the two projects for Carbon County alone.

Two Rivers is expected to have a peak workforce of 262, an average workforce of 159 with 8 permanent employees upon completion. Lucky Star is expected to have a peak workforce of 400, with an average workforce of 144 workers and 14 permanent employees. Both projects are expected to be fully permitted spring 2020.

Mr. Sheerer stated they plan to submit BLM applications this month. They have waited for project planning to advance because they want to submit a stronger application where they have defined their location appropriately and that is why applications have not already been submitted.

Chairman Johnson asked for public comment however there was none. Commissioner Espy asked if the BLM permitting process will allow an Environmental Assessment (EA) or if a Environmental Impact Statement (EIS) would be necessary. Ms. Martin stated they feel they can use a simple EA because the BLM has already reviewed impacts of the other wind development in the area but an official determination will not be made until the applications are submitted.

Commissioner Jones asked if the interconnection plan is wishful thinking or if they have a solid agreement. The Two Rivers, Freezeout interconnection has a signed agreement with PacifiCorp however for the Lucky Star project, PacifiCorp is still studying the project. The applicant did not anticipate any issues and think their planned route will be successful. Chairman Johnson stated he felt like PacifiCorp's transmission line was to be full and asked how confident they are with gaining access. Mr. Sheerer said based on their information gained during PacifiCorp's integrated resource plan (IRP) process they believe the infrastructure expansions will be in place to accommodate their project however they have no guarantee at this time.

Chairman Johnson asked if there are any BLM permit applications submitted and Mr. Sheerer replied they plan to submit those applications September 18. Ms. Martin stated the preliminary application for the Two Rivers project was submitted over a year ago however since then, BluEarth purchased the project and a new BLM application must be submitted.

Mr. Verok stated they do not have an agreement with the subsurface mineral rights owner, Anadarko yet however they feel like they can come to an agreement in the near future based on their success with similar projects in Canada. Commissioner Jones asked if the projects qualify for production tax credits and Mr. Sheerer stated their goal is to qualify if the PTC are extended.

Commissioner Jones stated she has issue being this far ahead of the BLM process. She said the regulations require a list and copies of all studies reports and certifications from other agencies. Mr. Fox reported the NEPA process for other projects were submitted but was not completed and the county placed conditions on those permits. Commissioner Jones clarified that BLM applications for this project haven't even been filed and therefore questioned the completeness of this application.

Chairman Johnson clarified that the applicant would have 30 days to complete tasks if the county deemed the application to be incomplete and Attorney Davis confirmed this. Commissioner Moore asked if the 45-60 day public comment period would be beyond the initial 30 days and Attorney Davis said the 45-60 day period would begin after an application is deemed complete.

Chairman Johnson stated he would like the applications made with the BLM, authorization for the interconnect with PacifiCorp, and an agreement with Anadarko to make him feel more comfortable. Commissioner Espy stated he would like the group far enough along in the BLM process to have a timeline from them. He feels like part of the county's responsibility is to ensure conditional use permits are not given for speculative projects.. Commissioner Moore commented that the things the county is asking for is out of the applicant's control so he is unsure how to evaluate the completeness of those items in 30 days. Commissioner Barkhurst asked when the staff report was written and when was the initial application submitted to the county? Mr. Fox stated that the staff report was written in July and Ms. Martin stated that the application was submitted in April 2019. Commissioner Barkhurst stated that he believes there have been delays in the BLM application primarily due to the negotiation with PacifiCorp and the applications stated the applicant would submit BLM in August.

Commissioner Espy asked if the applicants would like to withdraw their application and return with new applications so they are not held to a 30 day timeline. Mr. Sheerer pointed out they do not have authorization to interconnect for Lucky Star but they do have a signed interconnect agreement for Two Rivers. The Chairman recessed at 2:30 p.m. to allow the applicant to decide whether or not to withdraw their application. The meeting reconvened at 2:40 p.m.

Ms. Martin asked how the process would proceed if the applications were withdrawn and noted they have concerns about meeting completeness of the applications within 30 days. Mr. Fox stated if they withdraw the process simply restarts upon resubmittal and that would not be held against the applicant. Mr. Fox added they could withdraw the application after the 30 day time if they are unable to complete the necessary requirements.

Ms. Verok clarified that some of the information requested may not be available because it may be covered under a non-disclosure agreement but offered to provide anything they can ultimately stating would like the 30 day allowance for both projects.

Commissioner Espy moved to deem the Planning & Zoning Case File CUP 2019-02, Two Rivers Wind Energy Project conditional use permit application incomplete. Commissioner Jones seconded and the motion carried unanimously.

Commissioner Espy moved to deem the Planning & Zoning Case File CUP 2019-03, Lucky Star Wind Energy Project conditional use permit application incomplete. Commissioner Jones seconded and the motion carried unanimously.

The BOCC agreed the following items needed resolved or more information: The BLM status of federal applications and anticipated review process and timing; PacifiCorp's potential interconnect agreement should be far enough along to ensure there is capacity for the proposed project; and an agreement with Anadarko regarding mineral right owner opposition and status of negotiations.

## **ADJOURNMENT**

Commissioner Espy moved to adjourn the meeting at 2:55 p.m. Commissioner Moore seconded and the motion carried unanimously.

A regular meeting of this Board will be held Tuesday, October 1, 2019 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.