

**REPORT TO THE
MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, December 17, 2019
Carbon County Courthouse, Rawlins, WY**

A regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, December 17, 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 9:01a.m.

ADDITIONS/CORRECTIONS

There were no additions or corrections to the agenda.

VOUCHERS

Commissioner Espy moved to approve 2019 payroll and benefit expenses of \$893,866.36 and insurance claim and premium expenses of \$272,407.55 and the main amount of bills totaling \$398,598.85. Commissioner Moore seconded and the motion carried unanimously.

Commissioner Espy moved to approve payment to Sunrise Sanitation for \$68.00 for an aggregate \$1,564,940.76. Commissioner Barkhurst seconded and the motion carried with all voting for the motion except Commissioner Jones who abstained due to personal conflicts.

Vendor	Detail Line Description	Total
307 PROFESSIONAL CLEAN LLC	COUNTY CLEANING	\$10,485.00
ACME ELECTRIC COMPANY, LLC	ELECTRICAL SERVICES	\$3,454.82
ALBRECHTSON, MARY KAY	BAILIFF CIRCUIT COURT	\$75.00
ALSCO, AMERICAN LINEN DIVISION	MISC SHOP SUPPLIES	\$55.67
APEX COMMUNICATIONS	MAINTENANCE AGREEMENT	\$4,033.88
APG MEDIA OF THE ROCKIES	MISC ADS	\$2,457.50
ASBESTOS & TECHNICAL SERVICES, INC.	MED BOW ASBESTOS COLLECTION AND ANALYSIS	\$3,640.00
BAGGS, TOWN OF	WATER SERVICES	\$65.01
BENNETT, THOMAS L. M.D.	AUTOPSY	\$1,842.68
BEST WESTERN COTTONTREE	WITNESS HOTEL FEES	\$192.00
BLAKEMAN PROPANE	HEATING SERVICES	\$200.00
BOB BARKER COMPANY, INC.	JAIL CLOTHES	\$464.16
BOMGAARS SUPPLY	BLADE	\$14.99
BROWN, AMANDA	MEALS AND MILEAGE	\$311.32

BUILD RITE LUMBER COMPANIES	MISC PARTS	\$339.96
CARBON COUNTY COUNCIL OF GOVTS.	2020 DUES	\$200.00
CARBON POWER & LIGHT INC	ELECTRIC SERVICES	\$2,496.60
CARERIGHT TECHNOLOGIES, LLC	MONTHLY BED FEE	\$178.20
CDW GOVERNMENT, INC.	MISC IT SUPPLIES	\$3,472.10
CHARTER COMMUNICATIONS	JAIL DUES & SUBSCRIPTIONS	\$119.84
CIRCLE H ROOFING	ROOF MAINTENANCE	\$5,500.00
CNA SURETY	BOND RENEWAL S.WARD	\$100.00
COWBOY CHEMICAL	JAIL LAUNDRY SUPPLIES	\$401.90
COWBOY SUPPLY HOUSE	MISC CLEANING SUPPLIES	\$4,683.70
DEPT OF ENVIROMENTAL QUALITY	CSF UNDER PROJECT RAWLINS #2	\$250.00
DOMINION ENERGY	ELECTRIC SERVICES	\$306.66
ECONO SIGNS, LLC	ROAD SIGNS	\$1,916.65
EKM&P, INC. DBA VOORHIS ASSOC., INC.	COURTHOUSE/CARBON BUILDING PROJECT DESIGN DEVELOPMENT	\$91,993.63
ELEVATED TRAINING SOLUTIONS	RANDOM DOT TESTING	\$960.00
ELK MOUNTAIN CONOCO	FUEL	\$933.99
ENCAMPMENT, TOWN OF	WATER SERVICES	\$96.00
ENGINEERING ASSOCIATES	PROJECT 181 14.00 CCRBD MED BOW SHOP	\$12,008.71
ENGSTROM, JAMES D. DDS	DENTAL SERVICES	\$2,500.00
ERICKSON & ROBERTS	LEGAL SERVICES	\$10.00
E-Z LIFT GARAGE DOORS	10X10 SECURED DOORS	\$490.00
FATBEAM LLC	FIBER LINES	\$5,244.75
FEDEX FREIGHT	FREIGHT SHIPPING	\$68.50
FOLAND, SHERYL	MILEAGE	\$135.20
GCR ELECTRONICS, LLC	MONTHLY SITE RENTAL	\$2,000.00
GLAXOSMITHKLINE PHARMACEUTICALS	VACCINES	\$2,137.50
GRAINGER	MISC SUPPLIES	\$863.78
GREATER WY BIG BROS/SISTERS	COUNTY OREVENTION SERVICES NOV 19	\$7,054.87
HANNA, TOWN OF	WATER SERVICES	\$268.19
HANSEN, LORETTA J.	MILEAGE	\$87.00
HERMAN, BOBBIE	FAIR MILEAGE	\$27.00
HERNANDEZ, BRENDA	INTERPRETER	\$25.00
HERRING, PAUL	GREASE	\$132.93
HIGH DESERT WELDING & MACHINE LLC	CORONERS BLDG WELDING SERVICES	\$226.02
HONNEN EQUIPMENT	CREDIT ON PARTS FOR JOHN DEER	\$2,573.84
IRON J TOWING	CALL OUT SMALL WRECKER	\$86.00
ISPYFIRE, INC.	ISPYFIRE>2000.00	\$500.00

J H KASPAR OIL COMPANY	FUEL	\$40.69
JACK'S BODY & FENDER REPAIR	BODY WORK TO 2014 DODGE RAM SHERIFF TRUCK	\$5,286.25
KAISLER, TODD	FAIR MILEAGE	\$54.00
KALUZNY, EMILY	FUEL	\$10.00
KENCO SECURITY AND TECH.	MONTHLY MONITORING	\$83.00
KILBURN TIRE COMPANY	TIRE	\$1,029.35
KOSTOVNY, MARK	BOARDS P&Z MILEAGE	\$25.20
KTGA/KBDY	TOWER RENT	\$150.00
LOGAN, BRENNNA ROSE	WITNESS FEES	\$30.00
MANLEY, MARIA LUISA	WITNESS FEES	\$90.00
MCKESSON MEDICAL-SURGICAL	JAIL MEDS	\$335.08
MEDICINE BOW, TOWN OF	WATER SERVICES/FIRE SERVICES	\$836.75
M.H.C.C.	MEDICAL DETENTION SERVICES	\$17,761.41
MERCK SHARP & DOHME CORP.	VACCINES	\$2,233.87
MERSEAL LAW, LLC	LEGAL SERVICES	\$10,220.00
MPM CORP / EVERGREEN DISPOSAL	TRASH SERVICES	\$130.00
MY OFFICE ETC.	MISC OFFICE SUPPLIES	\$47.63
NEUTRON INDUSTRIES	AIR FRESHNERS	\$174.13
NORCO, INC.	CYLINDER RENT	\$898.07
ONE OF A KIND CANINE	BOARIND FOR ZEUS	\$160.00
PERKINS OIL CO	FUEL	\$4,698.35
PUBLIC SAFETY CENTER, INC	TACTICAL JACKETS	\$351.00
QUILL CORPORATION	MISC OFFICE SUPPLIES	\$1,013.62
RASMUSSEN FURNITURE	ACCENT TABLE/ 3PC DINING SET	\$1,842.94
RAWLINS AUTOMOTIVE	MISC PARTS	\$1,082.27
RAWLINS, CITY OF	WATER SERVICES	\$2,285.30
RICOH USA INC	IT COPIERS LEASE PAYMENTS	\$1,235.88
RICOH USA, INC	IT COPIERS	\$5,679.08
ROCKY MOUNTAIN POWER	ELECTRIC SERVICES	\$15,599.00
SANGER, JOHN S.	CC DENTENTION SHOWER STALL PAINT	\$1,500.00
SARATOGA AUTO PARTS, INC.	MISC PARTS	\$258.32
SARATOGA FEED & GRAIN	PANTS FOR DEPUTIES	\$64.76
SARATOGA SUN	MISC ADS	\$288.75
SARATOGA, TOWN OF	WATER SERVICES	\$152.50
SCHILLING & WINN PC	LEGAL SERVICES	\$3,855.70
SECRETARY OF STATE	NOTARY RENEWAL FOR J. RIEGER	\$30.00
SHIVELY HARDWARE	MISC SUPPLIES	\$187.58
SNAKE RIVER PRESS	AD	\$96.00
SPECIALIZED PATHOLOGY CONSULTANTS	AUTOPSY	\$2,668.75

SPYGLASS	CONSULTING FEE AND LANDLINE SERVICES	\$599.01
STANLEY CONVERGENT SECURITY SOL.	TELEPHONE SUPPORT LABOR	\$324.00
STAPLES ADVANTAGE	MISC SUPPLIES	\$178.50
STINKER STORES, INC.	FUEL	\$838.85
STRYKER SALES CORPORATION	NEW COTS FOR CORONERS BLDG WY HEALTH COALITION GRANT	\$34,048.18
SUMMIT FOOD SERVICE	JAIL COMMISSARY	\$8,020.01
SUNRISE SANITATION SERVICE, LLC.	TRASH SERVICES	\$68.00
SWANSON SERVICES CORPORATION	JAIL MEALS	\$2,905.46
TEAM LAB	ROAD PATCH ON CR RD 291/203	\$1,695.00
THOMSON REUTERS-WEST PAYMENT CTR	MONTHLY CHARGES	\$786.44
TRACTOR SUPPLY CREDIT PLAN	BOOSTER CABLE/220 PCS CRSENT WRENCH SET	\$104.98
TRIPLE X CONTRACTING, INC.	TRASH SERVICES	\$500.00
TRUE VALUE OF RAWLINS	MISC PARTS	\$654.51
TYLER TECHNOLOGIES, INC	ANNUAL MAINTENANCE	\$47,347.54
U S POSTMASTER-RAWLINS	PO BOX ANNUAL RENEWAL	\$360.00
WESTERN TRUCK REPAIR	GLAD HAND FOR END DUMP	\$9.96
WILLE, O.R.	BOARDS P&Z MILEAGE	\$45.00
WILSON, MARGARET	12 PATCHES	\$48.00
WY DEPT OF HEALTH	STATE RENTAL CAR	\$80.00
WY MACHINERY COMPANY	MISC SERVICES	\$15,245.34
WY PUBLIC HEALTH LABORATORY	LAB FEES	\$1,602.00
WY STATE BAR	JOB POSTING ON WEBSITE	\$100.00
XYBIX SYSTEMS, INC	JAIL DISPATCHERS NEW OFFICE	\$22,940.29

CONSENT AGENDA

Commissioner Espy moved to approve the consent agenda noting any item could be removed for separate action. The consent agenda includes the December 3, 2019 regular meeting minutes, Monthly receipts from the Carbon County Clerk's Office in the amount of \$15, 371.75, monthly receipts from Planning and Zoning in the amount of \$900.00, monthly receipts from Clerk of District Court in the amount of \$3,751.00, a bond for Veronica Fernandez, Deputy Treasurer in the amount of \$10,000.00, a bond for Eileen Keller, Deputy Treasurer in the amount of \$10,000.00, a bond for Doreen Harvey, Town of Encampment Clerk/Treasurer in the amount of \$75,000.00 and Notice of Valuation Changes in the amount of (\$1,447,780.00). Commissioner Moore seconded and the motion carried unanimously.

ELECTED OFFICIALS & DEPARTMENT HEADS

Public Health

Public Health Nurse Amanda Brown introduced Megan Cragun the Communicable Disease Coordinator. Ms. Cragun provided an update on services she provides to the public.

IT

Matt Webster, IT Director and Sheriff Archie Roybal discussed replacement of 8 cameras at the jail and provided a quote from the county's contractor Long & Associates totaling \$25,274.00 plus up to \$19,574.00 for conduit and wiring for Axis cameras which are American made cameras.

Commissioner Jones moved to waive the procurement policy and the county contracts with Long & Associates and approve a quote from Long & Association for up to \$44,848.00 to replace 8 cameras at the jail. Commissioner Espy seconded and the motion carried unanimously.

Mr. Webster discussed increasing the bandwidth at the County Fire Station and Road & Bridge shop in Rawlins. The buildings currently have extremely slow speed and the upgrade cost is approximately \$1,200 per month. He feels torn about the cost versus the need. The Board asked him to investigate further and look into satellite options then return towards budget time with a recommendation.

Buildings & Grounds

Attorney Davis was present via telephone and advised the Board that late bids were received and opened for the Medicine Bow Building however the bid documents clearly state late bids will not be accepted. She recommended late bids not be accepted. Section 19.06 also stated that the county can accept bids in its best interest.

Commissioner Jones moved to reject any late bids from Heath Steel and Rocky Mountain Sand & Gravel for the Medicine Bow Complex project. Commissioner seconded and the motion carried unanimously.

Jim Piche, Buildings & Grounds Manager and Craig Kopasz with Engineering Associates presented the bids received for the Medicine Bow Complex. There were three separate bids, one for the procurement of the Road and Bridge Medicine Bow Shop (Shop), one for the procurement of the Road and Bridge Medicine Bow Modular (Modular) and one for the Site Construction (Site). For the Shop, bids were received from Shepard Construction, Inc. in the amount of \$286,600.00 and from A. Pleasant in the amount of \$243,230.00. For the Modular, there was only one bid received from Shepard Construction Inc, in the amount of \$260,330.00. For the Site, bids were received from Shepard Construction Inc, in the amount of \$706,842.00, Shepard Construction Solutions in the amount of \$816,370.00 and A. Pleasant in the amount of \$1,027,510.00.

The engineer's and Mr. Piche's recommendation were to award all three packages to Shepard Construction Inc. totaling \$1,253,772.00.

Commissioner Espy moved to award all three bid packages to Shepard Construction Inc. in the total amount of \$1,253,772.00 for the Medicine Bow Complex project. Commissioner Moore seconded and Chairman Johnson clarified that we have paid \$130,000 for engineering. Commissioner Espy asked who will manage construction and Mr. Kopasz replied Mr. Piche will manage but his company will assist as needed including with soils and concrete testing. The motion carried unanimously.

Chairman Johnson asked Mr. Kopasz for a proposal with his company managing construction and another proposal for Mr. Piche to manage with his company's involvement as needed. Mr. Piche stated he thought construction could begin around March as weather allows.

Mr. Piche reported the jail roof should be complete by Friday and the Coroner project should be completed by Friday as well. Right after January 1 Big Horn Roofing should begin the Jeffrey Center roof. Sheriff Roybal asked when the dispatch carpet will be completed and Mr. Piche replied by this afternoon.

Attorney

County Attorney, Ashley Davis reported the job descriptions for a Mental Health Examiner and Fire Warden will be ready for the January 7 meeting.

Ms. Davis discussed citizens performing snow removal on county roads. She and Ms. Fritz recently met and suggested the county issue permits for this but only after a training with a R&B employee and a waiver of liability. The BOCC agreed this could be a good idea but Chairman Johnson suggested Ms. Fritz share it with constituents first. They authorized her to move forward.

Attorney Davis reported that Little Medicine Bow Wind has sold a portion of a project recently but not the project that relates to their outstanding appeal for a building permit issued to an adjacent property owner. She reached out to the attorney for the project to see if they wanted to move forward. She suggested setting a hearing for February 27, 2020 regarding the project.

Commissioner Barkhurst moved to authorize Attorney Davis to sign a letter to Little Medicine Bow Wind noticing them of a hearing date for their appeal of February 27, 2020. Commissioner Jones seconded and the motion carried unanimously.

Attorney Davis presented a renewal lease with Life Skills at the Carbon Building for approval. Life Skills was originally going to move out of the Carbon Building and a letter was issued that put them on a month-to-month lease at the October 7th Commissioner Meeting. According to Logan Meeks, Executive Director of Life Skills, it appears that they now plan on staying through 2020 because their new facility has an issue that will prevent them from moving therefore they would like to renew their year lease.

Commissioner Jones moved to authorize a commissioner's signature on the Renewal Lease for Life Skills at the Carbon Building in the amount of \$12,712.00 for a one year term beginning

January 1, 2020 through December 31, 2020. Commissioner Espy seconded and the motion carried unanimously.

Attorney Davis has reviewed Dixon Airport runway bid documents and she has approved. She has also reviewed and approved the Congestion Mitigation Air Quality documents for Road & Bridge.

Courthouse Security Committee

District Court Judge Dawnessa Snyder and Circuit Court Judge Susan Stipe discussed a proposal from Long Building Technologies for Courthouse security camera replacements in both court rooms and hallways. The group initially voted to recommend replacement of the cameras however after seeing the \$30,000 quote Judge Snyder said she “has cold feet” about moving forward. If wiring has to be redone during the major construction project coming up she would like the group to reconsider.

Judge Stipe asked the BOCC for authorization to return to the security committee with the idea of a new camera outside her courtroom, hallway and inside her courtroom. The BOCC asked her to present the idea to the committee and return with a new recommendation and quote. The BOCC asked Mr. Piche to obtain an itemized quote breaking out camera and wiring costs per camera prior to the security committee’s next meeting.

Sheriff

Sheriff Archie Roybal planned to discuss new vehicles but is putting this off for a future meeting. He requested and received authorization to replace two detention officers. He will assist the Town of Medicine Bow on their interview process for a law enforcement officer and Baggs has hired one already.

Clerk of District Court

Clerk of District Court, Mara Sanger received a letter from Bank of Commerce requesting to be designated as 2020 depository.

Commissioner Espy moved to designate Bank of Commerce as the 2020 depository for the Clerk of District Court. Commissioner Barkhurst seconded and the motion carried unanimously.

Clerk Sanger discussed the possibility of increasing the training costs budget for her office in the future due to State mandated training for the new e-filing system and court reporting software. The costs are related to travel for the training.

RAWLINS CITY MANAGER – SCOTT HANNUM

Rawlins City Manager, Scott Hannum provided an update on the proposed fishing pond located within the City of Rawlins on land the county owns behind the county jail. The county had originally approved a Quitclaim Deed to the City of Rawlins for the property with a deed

restriction that the land be used for the pond within three years and if not the land reverted to the county. This recently occurred and the City would now like a new deed. The City thinks the property will be developed in the next year however they believe a new deed with a three year reversionary clause would be ideal to ensure development has time to occur.

He presented the latest design and noted that the road leading in will likely be developed by someone proposing apartment units in the area. Mr. Hannum confirmed the site was formerly a landfill however EPA Tier 1 and 2 studies along with core sampling have been performed and the site is clean and ready for development. He hopes early spring weather will cooperate and allow the 8 week pond construction in 2020. There will be additional time constructing other aspects of the project.

Commissioner Jones moved to take from the table and approve the motion made December 3, 2019 to authorize the Chairman's signature on the Quitclaim Deed to the City of Rawlins for the land located within the NE1/4 of Section 16, Township 21, North Range 87 West, 6th P.M., City of Rawlins, Carbon County, Wyoming for use as a fishing pond with a three year reversionary clause. Commissioner Espy seconded and the motion carried unanimously.

MEMORIAL HOSPITAL OF CARBON COUNTY (MHCC)

Interim CEO, Bob Quist introduced the new Chief Executive Officer for Memorial Hospital of Carbon County, Ken Harmon. MHCC Trustee Rod Waeckerlin was also present.

Mr. Quist provided an update on finances, operations and staff hiring at Memorial Hospital of Carbon County.

Mr. Quist noted that Clerk Bartlett and Treasurer Bentsen met with hospital management regarding bond funds and levy funds and the procedure to utilize those funds.

Mr. Quist requested authorization to be reimbursed the following from 2008 specific purpose tax bond funds: \$54,000 for water heaters, \$8,961.00 for ladders to access the roof, \$213,623.00 for an ambulance, totaling \$276,584.00. Clerk Bartlett explained the ambulance would not be eligible for bond funds as it is not for physical improvements to the hospital itself and that is all the bond funds can be used for.

The group asked to use levy funds for the ambulance instead along with requests totaling \$258,820.41. The balance in the levy fund is only \$268,267.52 so the group decided to reevaluate the requests and return at a future meeting.

Mr. Quist stated the hospital recently applied for a State Loan & Investment Board grant for a new ambulance however recently learned the county would have to sponsor the application. They presented a letter of support and resolution for the board's consideration.

Commissioner Jones moved to authorize the Chairman's signature on Resolution 2019-38, A Resolution Authorizing Submission of a Federal Mineral Royalty Capital Construction Account Grant Application to the State Loan and Investment Board on Behalf of the Governing Body for

Carbon County and a letter of support for Memorial Hospital of Carbon County's State Loan & Investment Board application for a new ambulance. Commissioner Moore seconded and the motion carried unanimously.

Resolution Number 2019-38

A RESOLUTION AUTHORIZING SUBMISSION OF A FEDERAL MINERAL ROYALTY CAPITAL CONSTRUCTION ACCOUNT GRANT APPLICATION TO THE STATE LOAN AND INVESTMENT BOARD ON BEHALF OF THE GOVERNING BODY FOR THE COUNTY COMMISSIONERS OF CARBON COUNTY

For the Purpose of: Application For The State Land Grant For The Purpose Of Purchasing An Ambulance For Carbon County, Wyoming.

W I T N E S S E T H

WHEREAS, the Governing Body for the County Commissioners of Carbon County desires to participate in the Federal Mineral Royalty Capital Construction Account Grant program to assist in financing this project; and

WHEREAS the Governing Body of the County Commissioners recognizes the need for the project; and

WHEREAS the Federal Mineral Royalty Capital Construction Account Grant program requires that certain criteria be met, as described in the State Loan and Investment Board's Rules and Regulations governing the program, and to the best of our knowledge this application meets those criteria; and

WHEREAS the Governing Body of the County Commissioner of Carbon County plans to match the requested Federal Mineral Royalty Capital Construction Account Grant from the following source: General Operating Funds.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY of the County Commissioners of Carbon County that a grant application in the amount of \$117,403 be submitted to the State Loan and Investment Board for consideration at the 1/16/2020 SLIB Meeting to assist in funding the MHCC-EMS AMBULANCE GRANT

BE IT FURTHER RESOLVED, that Jon Smith, Chief Financial Officer And Gwynn Bartlett, County Clerk are hereby designated as the authorized representatives of Carbon County to act on behalf of the Governing Body on all matters relating to this grant application.

PASSED, APPROVED AND ADOPTED this 17th day of December 2019.

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

Attest:

-s- Gwynn G. Bartlett, Carbon County Clerk

Commissioner Jones discussed a recent letter of support the BOCC provided for private citizens looking for USDA funding for a hospital in Saratoga. She stated she does not believe this will hurt MHCC or the employees thereof. Mr. Waeckerlin thanked Ms. Jones for her comments but stated he wished everyone could have worked together from the start.

Planning and Zoning

Planning Director, Sid Fox updated the Commissioners on his request for funding on the Natural Resource Management Plan for the Governor's Office to pay for the project. Previously the Chairman signed a Contract for Services with Y2 Consultants to provide professional services to conduct research and develop a Natural Resource Management Plan that will be compliant with the Wyoming Federal Natural Resources Policy. The Contract for Services with Y2 is to not exceed the proposal price of \$50,000. Director Fox requested the latter be executed today.

Commissioner Barkhurst moved to authorize the Chairman's signature on a letter to the Governor's Office requesting \$50,000 funding for the county's Natural Resource Management Plan. Commissioner Jones seconded and the motion carried unanimously.

Director Fox, presented the Wyoming Pipeline Corridor Initiative- BLM Scoping for commissioner approval. Sarah Hutchins GIS Specialist reported the BLM filed its notice of intent December 15 to amend 9 BLM Resource Management Plans and associated environmental impact statements. The comment deadline is December 27 therefore they requested the Chairman's signature on the comment letter once complete.

Director Fox requested the Chairman's signature on a Resolution Allowing Temporary Use of Green Mountain by Brush Creek Ranch for Approved Winter Recreational Activities.

Commissioner Jones moved to approve Resolution No. 2019-39, a Resolution Allowing Temporary Use of Green Mountain by Brush Creek Ranch for Approved Winter Recreational Activities. Commissioner Espy seconded and Commissioner Jones commended Mr. Fox and Attorney Davis for working on this complicated issue. The motion carried unanimously.

Resolution No. 2019 - 39

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

“RESOLUTION ALLOWING TEMPORARY USE OF GREEN MOUNTAIN BY BRUSH CREEK RANCH FOR APPROVED WINTER RECREATIONAL ACTIVITIES”

WHEREAS, the Grand Encampment Mountain Resort, LLC, owned a piece of property described as Lots 1, 2, 3, 4; W1/2 E1/2: E1/2 of Section 36, Township 14 North, Range 85 West of the 6th P.M., Carbon County, Wyoming (the “Property”). The Property comprises all of said Section 36, according to the government survey thereof, and contains 620.40 acres, more or less; and

WHEREAS, in 2001 the Grand Encampment Mountain Resort, LLC, filed an application with Carbon County for a zone change from “Open Range” to “Residential”; and

WHEREAS, the Grand Encampment Mountain Resort, LLC, application to re-zone the Property was approved by the Carbon County Planning Commission at a public hearing on July 3, 2001, with conditions that residential development of the parcel was limited to 285 units which may be single or multi-family, on 620 acres, and required the applicants to record a covenant not to construct any residences until they obtain approval from Carbon County for a

Planned Unit Development that integrates residential uses with an alpine ski area and related amenities; and

WHEREAS, Carbon County issued a Notice of Final Action on the Grand Encampment Mountain Resort, LLC Zone Change Application on July 13, 2001, which was signed by the Carbon County Planning Director, and changed the zoning of the Property from Open Range (OR) to Residential (RD), with the conditions of approval; and

WHEREAS, the Grand Encampment Mountain Resort, LLC filed a Declaration of Covenants for the Property in accordance with the zone change conditions on July 10, 2001, which was filed in Book 1004, Page 0060, and document number 0894635; and

WHEREAS, the Declaration of Covenants for the Property prohibit any dwelling from being constructed or installed on the Property unless the dwelling is constructed pursuant to (a) a Planned Unit Development application, approved by the Commission, which integrates an alpine ski facility with residential uses and related amenities, or (b) an amendment to the Carbon County Zoning Map, adopted subsequent to the date of this Declaration, and covering the Property or that portion of the Property upon which such dwelling is to be constructed; and

WHEREAS, Article II of the Declaration of Covenants for the Property provides that the Declaration of Covenants will automatically terminate and be of no further force or effect for portions of the Property which are subsequently covered by: (a) an application for Planned Unit Development approved by the Commission; or (b) a subsequent application for rezoning approved by the Commission; and

WHEREAS, the Property was purchased by Brush Creek, LLC, pursuant to a General Warranty Deed recorded on June 24, 2019 at Book 1335, Page 34; and

WHEREAS, Brush Creek, LLC, has initiated planning and development of the Property and requests additional time to thoroughly study the Property and winter conditions, evaluate on-site resources, off-site impacts, and to determine the location and extent of future development and activities that are feasible and to design an appropriate development concept to include in a Planned Unit Development application; and

WHEREAS, Carbon County has issued four (4) building permits (BP-2019-99 thru BP-2019-102) for Yurts/Warming Huts 1-4 (the "Building Permits"), located on the Property which are subject to the following conditions (the "Conditions"): [1]: Yurts/Warming Huts cannot be used as a dwelling, residence, rental units or commercial use. Condition [2]: Applicant shall submit a surveyed location map and numbered photos of the yurts/warming huts after they have been constructed. Condition [3]: Zoning Certificate is "ON HOLD" pending the approval of the Planned Unit Development (P.U.D.) in accordance with Z.C. Case #01-12 and Declaration of Covenants recorded in Book 1004, Page 0060; and

WHEREAS, Brush Creek, LLC, wishes to temporarily utilize the four yurts/warming huts to provide commercial guest services, which would require the amendment of Building Permit Conditions number 1 and number 3 pursuant to this Resolution, and for the following reasons: 1. The Commission wishes to authorize day use of the yurts/warming huts for commercial guest services/commercial use on a temporary basis as provided pursuant to this Resolution; and 2. The Commission limits use of the yurts/warming huts to day use, and overnight use is only permissible if necessary due to inclement weather and/or emergency health or safety needs; and all other provisions of Building Permits 2019-99 thru 102 remain in full force and effect.

WHEREAS, Brush Creek, LLC, wishes to temporarily provide the following winter activities on the Property: Back Country Skiing, Alpine Skiing and Snowboarding, Nordic

Skiing, Snowshoeing, Snowmobiling, Bunny Slope and Tubing Hill, and Yurts/Warming Huts for Warm-Up Activities and shelter; and

WHEREAS, the Carbon County Board of County Commissioner's recognize Brush Creek, LLC has a need to evaluate the Property over the course of multiple ski seasons and engage qualified professionals to assist in designing a plan of development, and Brush Creek has requested use of the Yurts/Warming Huts for commercial winter recreational activities; and

WHEREAS, the Carbon County Board of County Commissioner's must balance the property rights and the long term planning needs of the owner, Brush Creek, LLC, with the 2001 zone change approval and required Planned Unit Development application; and

NOW THEREFORE, BE IT RESOLVED BY THE CARBON COUNTY BOARD OF COUNTY COMMISSIONERS to permit Brush Creek, LLC, temporary use of the property and the four yurts/warming huts for commercial guest services and winter recreational activities, with the following conditions:

1. Brush Creek, LLC, may utilize Yurts/Warming Huts 1-4 located on the Property on a day use basis for commercial guest services in conjunction with approved winter recreational activities until April 30, 2020.
2. Brush Creek, LLC, may utilize the Property for commercial guest services in conjunction with approved winter recreational activities until April 30, 2020.
3. In accordance with Section 4.12 of the Zoning Resolution, Brush Creek, LLC, shall submit a sketch plan for a Planned Unit Development prior to May 15, 2020, and the Carbon County Board of County Commissioners shall advertise and hold a public hearing with Brush Creek, LLC, to discuss the 2019-2020 winter season and the scope of a Planned Unit Development. Brush Creek LLC shall present the PUD Sketch Plan at a regular meeting of the Planning and Zoning Commission prior to the public hearing before the Board of County Commissioners.
4. If Brush Creek, LLC, fails to submit a PUD sketch plan as required by this resolution, all commercial guest services using Yurts/Warming Huts 1-4 and those associated with approved winter recreational activities on the Property shall cease on May 15, 2020, until permanent approval for these uses is obtained from Carbon County.
5. If Brush Creek, LLC submits a sketch plan for a Planned Unit Development in accordance with this resolution and the timeframes provided for in this resolution and is working towards a Planned Unit Development Application, as contemplated in the Original Declaration and Zone Change Case File #01-12, for an integrated "alpine ski facility with residential uses and related amenities," Brush Creek, LLC, may utilize Yurts/Warming Huts 1-4 located on the Property on a day use basis for commercial guest services in conjunction with approved winter recreational activities until April 30, 2021.
6. Brush Creek, LLC shall submit either a Planned Unit Development application in accordance with the current Zoning Resolution, and as contemplated in the Original Declaration and Zone Change Case File #01-12, for an integrated "alpine ski facility with residential uses and related amenities," or a "standard" rezoning of the Property on or before May 15, 2021. If Brush Creek, LLC, fails to submit an application for a Planned Unit Development or application for 'standard' rezoning of the Property as required by this condition, all commercial guest services using Yurts/Warming Huts 1-4 and those associated with approved winter recreational activities on the Property shall cease on May 16, 2021, until permanent approval for these uses is obtained from Carbon County.
7. If Brush Creek, LLC, has submitted the sketch plan and the application within the timelines set forth in this resolution and is diligently pursuing the processing of the application, all

commercial guest services utilizing Yurts/Warming Huts 1-4 and those associated with approved winter recreational activities on the Property as described in this resolution may continue until Brush Creek, LLC has either received a final approval from the Carbon County Board of County Commissioners or there has been a final denial of such application.

8. Brush Creek, LLC, may provide commercial guest services on the Property in conjunction with the following approved winter recreational activities: Back Country Skiing, Alpine Skiing and Snowboarding, Nordic Skiing, Snowshoeing, Snowmobiling, Bunny Slope and Tubing Hill, and Yurts/Warming Huts for Warm-Up Activities. All commercial guest services on the Property may only be provided during daylight hours. Commercial guest services pursuant to approved winter recreational activities can be offered from December 1 through April 30. No more than thirty (30) guests may utilize the Property for approved winter recreational activities at one time, and participants must be registered guests of the Brush Creek Ranch. Brush Creek, LLC, may provide concurrent food and beverage services.

9. Brush Creek, LLC, must develop and provide an emergency response plan to the Carbon County Sheriff prior to any use of the Property for commercial guest services proposed in this resolution. Brush Creek, LLC, will provide qualified ski patrol, and emergency medical technicians or a nurse on site as appropriate for the scope of activities being engaged in by guests, and will provide prior written notice to the Platte Valley medical clinic of all guest use dates. All guests will be guided or accompanied by instructors or ski patrol from Brush Creek Ranch at all times they are on the Property. Brush Creek, LLC, will develop a communication plan for submission to the Carbon County Sheriff prior to any use of the Property for commercial guest services as proposed in this resolution and said plan will utilize radios, cellphones, and satellite phones, and include redundancies for emergencies. Brush Creek, LLC, shall develop appropriate fire mitigation for the Property, and submit a fire mitigation plan to Carbon County Fire Warden prior to any use of the Property for commercial guest services as proposed in this resolution.

10. Any formal ski runs utilized for the winter recreational activities approved herein, shall be appropriately groomed by machines, and any surface rope tows or other equipment provided to operate commercial guests services will be kept in safe working order and meet industry safety standards. Brush Creek, LLC's guests may use gladed runs or for alpine touring, in compliance with the guide requirements of Paragraph 9 above. Brush Creek, LLC, will not utilize any artificial snow or make any artificial snow on the Property. Brush Creek, LLC, will be responsible for access to and from the Property, and will utilize shuttle buses or BCR vehicles to access a designated parking area at Wyoming Highway 70, for transfer of guests to a snow cat or snowmobile for access to the Property via Forest Service Road 550. Brush Creek, LLC, is responsible to contact the United States Forest Service and obtain any required permits or approval for this access route.

11. Brush Creek, LLC shall provide a release to the Carbon County Board of County Commissioners and Carbon County, Wyoming, from and against all liability that may be incurred due to any personal injury or damage to property that occurs because of the commercial guest services utilizing Yurts/Warming Huts 1-4 and those associated with approved winter recreational activities on the Property pursuant to this resolution.

12. Brush Creek, LLC, shall indemnify and hold harmless the Carbon County Board of County Commissioners and Carbon County, Wyoming, from and against any and all third party claims, actions, causes of action, demands, damages, expenses, bills, fines, fees, penalties, costs and loss or liability for any cause of action or litigation due to use of the property for

commercial guest services described herein above and pursuant to this resolution. This condition 12 shall remain in effect until Brush Creek, LLC, has either received final approval on an application for either a Planned Unit Development or a rezoning of the Property from the Carbon County Board of County Commissioners or there has been a final denial of such application.

APPROVED AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, on this 17th day of December, 2019.

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

Commissioner Espy moved to authorize any commissioner's signature on a comment letter to the Bureau of Land Management regarding the WY Pipeline Corridor Initiative. Commissioner seconded and the motion carried unanimously.

Road & Bridge

Road & Bridge Coordinator Kandis Fritz and Jim Piche discussed the fuel tank needed at the Medicine Bow building estimated to cost over \$20,000.00. They would like to order the tank and have it here for the new facility. The BOCC asked them to obtain formal sealed bids for the tank.

Ms. Fritz asked if requested the Chairman's signature on the FY2020 Congestion Mitigation Air Quality (CMAQ) Project Agreement. This agreement is for CMAQ funds to be used on County Roads 291 and 270 for chemical dust suppression. The project agreement is for a term thirty-six (36) months ending December 31, 2022 and in the amount not to exceed \$286,500.00. Per the agreement the County would match \$71,625.00 for a total amount of \$358,125.00.

Commissioner Moore moved to authorize the Chairman's signature on FY2020 Congestion Mitigation Air Quality (CMAQ) Project Agreement in order to apply Magnesium Chloride to approximately 60 miles on County Roads 291 and 270 in the amount not to exceed \$286,500.00 which includes a \$71,625.00 match from the county. Commissioner Espy seconded and the motion carried unanimously.

Ms. Fritz stated the loader and snow blower are located on County Road 404 near Aspen Highlands.

Clerk

Gwynn Bartlett, County Clerk reported that Sean Gravier has submitted a letter of resignation from the Carbon County Planning and Zoning Commission. She received a board application from Joan McGraw who would like to be appointed to the board.

Commissioner Jones moved to regretfully accept the letter of resignation from Sean Gravier from the Carbon County Planning and Zoning Commission. Commissioner Barkhurst seconded and the motion carried unanimously.

Joan McGraw was present and requested to be appointed. She noted that she previously served on this board and with her position managing the Medicine Bow Conservation District she feels like she is a good fit.

Commissioner Barkhurst moved to appoint Joan McGraw to the Planning & Zoning Commission for the unexpired term ending December 2021. Commissioner Espy seconded and the motion carried unanimously.

Clerk Bartlett reported that she has received a board application from James R. Eggleston for the Rawlins-Carbon County Airport Board.

Commissioner Moore moved to appoint James R. Eggleston to the Rawlins-Carbon County Airport Board for an unexpired term ending January 2022. Commissioner Jones seconded and the motion carried unanimously.

Clerk Bartlett requested the Chairman's signature on the Lease Extension for Driver Services Office Space located at Little Snake River Valley Library. Carbon County Library Director Jacob Mickelsen approves this lease extension.

Commissioner Espy moved to authorize the Chairman's signature on the Lease Extension for Driver Services Office Space located at Little Snake River Valley Library for a term of two years beginning February 1, 2020 and ending January 31, 2022 and in the amount of \$360.00 per year. Commissioner Moore seconded and the motion carried unanimously.

Gwynn reported earlier this fall the Museum Board requested the BOCC terminate the county's lease with the Bureau of Land Management for Merrill Hill. This was to be the site of a future museum. The BLM has approved this request and the lease is now terminated.

Clerk Bartlett stated that the county's Teladoc renewal is due. This is a telephonic medicine service provided to employees covered on the county's health insurance. The employee pays a \$10 copay and the county pays \$35. The total fee will be going up to \$49 and she suggested eliminating the employee's copay. There were 46 visits over the last year therefore the additional cost to the county would have only been \$460.00 with no employee copay and using this services saves approximately \$50.00 to the county compared to a doctor's office visit. She discussed another service the Teladoc company offers however this would cost the county approximately \$14,000 per year.

Commissioners Jones moved to eliminate the Teladoc copay for county employees effective January 2020. Commissioner Moore seconded and the motion carried unanimously.

Commissioners

Vice Chairman Sue Jones discussed the Dixon Airport Repair Runway 6/24 bids that were previously received from United Companies in the amount of \$456,794.00, X Field Services in the amount of \$512,716.85 and B. Jackson Construction in the amount of \$405,689.60. At the recommendation of Project Manager, Wes Werbelow of T-O Engineers he suggests that B. Jackson's Construction, Inc. be awarded the contract provided Carbon County, the FAA, and WYDOT Aeronautics concur.

Vice Chairman Jones requested the Chairman's signature on a Concurrence letter from Carbon County addressed to the FAA recommending the FAA issue concurrence for the award along with a Notice of Award addressed to B. Jackson Construction.

Commissioner Jones moved to authorize the Chairman's signature on the Concurrence letter from Carbon County to the FAA as it is a requirement for FAA funded projects and the Notice of Award addressed to B. Jackson Construction notifying them that they have been awarded the Dixon Airport Repair Runway 6/24 Project in the amount of \$405,689.60. Commissioner Moore seconded and the motion carried unanimously.

The BOCC discussed a letter received from the Rawlins Daily Times requesting to be designated as the county's official publication. Commissioner Espy stated this is typically done at budget time. Chairman Johnson asked that the Clerk obtain a quote from the other eligible publication in the county for the same service and present it at the next meeting.

CITIZEN/COMMISSIONERS DISCUSSION

Chairman Johnson reported the Industrial Siting Council will consider the Boswell Springs amendment January 2020. He plans to attend.

ADJOURNMENT

Commissioner Espy moved to adjourn the meeting at 12:20 p.m. Commissioner Barkhurst seconded and the motion carried unanimously.

A regular meeting of this Board will be held Tuesday, January 21, 2020 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.