

**REPORT TO THE
MINUTES OF THE BOARD OF
CARBON COUNTY COMMISSIONERS
REGULAR MEETING
Tuesday, November 10, 2020
Carbon County Courthouse, Rawlins, WY**

A regular meeting of the Board of Carbon County Commissioners (BOCC) commenced Tuesday, November 10, 2020 at 9:00 a.m. at the Carbon County Courthouse in Rawlins, WY. Attending the meeting were Chairman, John Johnson, Vice Chairman, Sue Jones, John Espy, Travis Moore and Byron Barkhurst.

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

ADDITIONS / CORRECTIONS

Chairman Johnson added Carbon County Fire Warden Ron Brown and Carbon County Planner Marlin Johnson and removed the Memorial Hospital of Carbon County and Formal Donation Check Presentation with Rocky Mountain Power (PacifiCorp) from the agenda. Chairman Johnson let the agenda stand as amended.

VOUCHERS

Commissioner Jones moved to approve the report of expenditures in the amount of \$932,343.08. Commissioner Espy seconded and the motion carried unanimously.

Vendor	Detail Line Description	Total
307 Professional Clean LLC	County Cleaning	\$10,485.00
A-1 Rooter, LLC	Plumbing Repair Services	\$483.00
Advanced Heating, Inc.	Less Retainage for Senior Center HVAC Sys.	\$27,736.00
AlSCO, American Linen Division	Shop Supplies	\$56.90
Apex Communications	Maintenance Agreement	\$4,033.88
Archibald, Irene E	Mileage	\$60.00
Axis Forensic Toxicology, Inc.	Lab Fees	\$160.00
Ayala, Megan	Mileage/Meals/Supplies	\$252.72
Bach, Carol	Mileage	\$12.00
Baggs, Town Of	Library Water	\$38.80
Baker, Dorla	Mileage	\$40.00
Bakken, Alex Scott	Mileage	\$34.80
Bank of Montreal - Mastercard	Misc. Charges	\$11,368.58
Bartlett, Gwynn	Commissioners Meeting Mileage	\$45.00
Bauer, Dian L	Mileage	\$60.00
Bennett Law Group, Pc	Legal Services	\$508.34
Bisceglia, Debra	Bailiff for Jury Trial	\$150.00

Black Hills Energy	Heating Services	\$5,886.29
Black, Val	Mileage	\$40.00
Blakeman Propane	Heating Fuel	\$273.60
Bob Barker Company, Inc.	Misc. Inmate Supplies	\$337.23
Bomgaars Supply	Kit/Chuck/Air compressor	\$218.97
CareRight Technologies, LLC	Monthly Bed Fee	\$145.20
Casper Winnelson Co	Misc. Parts	\$1,432.46
Children's Advocacy Project, Inc	Operating Expenses FY 2021	\$3,000.00
Civil Air Patrol Magazine	Ad Space	\$195.00
Clark, Alice	Mileage	\$84.00
Cole, Sharon E	Mileage	\$61.00
Convergeone, Inc.	Office 365 Managed Services	\$21,938.32
Couch II, Wayne M.D.	Carbon County Health Officer	\$1,600.00
Cowboy Chemical	Jail Laundry	\$314.35
Cowboy Supply House	Misc. Cleaning Supplies	\$771.60
Creagan, Lauren	Absentee Ballot Reminder Ad	\$565.00
Crestline Specialties, Inc.	Weekly Planners	\$670.37
Dallin Motors Inc	Misc. Vehicle Maintenance	\$21,003.10
Dh Pace Company	Re-key Locks at All R&B Shops	\$1,610.76
Dirty Boyz Sanitation, Inc	Trash Services	\$1,652.00
Dominion Energy	Electric Services	\$106.62
Dunckley, Annette J	Mileage	\$94.00
Eichenberger, Melissa	Counseling Services	\$4,250.00
EKM&P, Inc. Db a Voorhis Assoc., Inc.	Design Fees for Courthouse/Carbon Bldg.	\$134,230.58
Elder, Joseph E	Mileage	\$42.00
Elk Mountain Conoco	Fuel	\$1,628.64
Elk Mountain, Town Of	Water Services	\$65.50
Encampment, Town Of	Water Services	\$97.00
Engstrom, James D. DDS	Inmate Dental Services	\$2,500.00
Erickson & Roberts	Legal Services	\$691.55
Fleming, Linda	Mileage	\$75.00
Forster Landscape & Construction	Winterize Encampment Senior Center	\$160.00
France, Tara	Court Reporter Services	\$1,831.50
Friend, Katie	Cupcakes for Coroner Bldg.	\$160.00
Further	HRA Reimbursement/FSA	\$3,323.09
Galls/Quartermaster	Deputy Uniforms	\$745.20
GCR Electronics, LLC	Monthly Site Rent	\$2,000.00
GlaxoSmithKline Pharmaceuticals	Vaccines	\$10,240.03
Goodwin, Mandy	Mileage	\$34.80
Hanna, Town Of	Water Services	\$255.68
Hays, Patricia	Mileage	\$34.80

High Desert Welding & Machine LLC	Ada Railing for Med Bow Complex	\$1,236.00
High Plains Power	Electric Services	\$124.64
Hobbs, Angie E	Mileage	\$80.00
Hone, Jodell	Mileage	\$40.00
Jack's Body & Fender Repair	Towing Services	\$833.00
Johnston, Ranae	Mileage	\$22.50
Jolly, Ashley	Meal/Mileage	\$124.03
Jones, Hope	Mileage	\$45.00
Kenco Security and Technology	Monthly Monitoring	\$83.00
King Soopers Customer Charges	Command Staff Meeting Snacks	\$86.04
Koeneke, Alice	Mileage	\$40.00
Kone Elevators Escalators	Elevator Maintenance Multi Bldgs.	\$4,746.78
KTGA/KBDY	Radio Spot Graduation Names	\$469.00
Laramie Fire Extinguisher	Yearly Inspection	\$42.00
Layman, Penny M	Mileage	\$80.00
Lazarkiewicz, Debora	Election Pens	\$57.31
Macpherson & Thompson, LLC	Personnel Policy Revisions	\$7,341.65
Maddox, Karol	Mileage	\$58.00
Martin, Sandra S	Mileage	\$64.00
McKesson Medical-Surgical	Jail Med Supplies	\$104.81
Medicine Bow, Town Of	Water Services	\$200.00
Menke, Joyce	Mileage	\$47.00
Mercedes Transcription, Inc	Transcription Reports	\$59.73
Monte Vista Construction LLC	Roof Replacement Interim Justice Ctr./Gutters	\$8,859.43
Montoya, Leo	Witness Reimbursement	\$300.00
Montoya, Sonia	Witness Reimbursement	\$1,267.59
Motorola	Spillman Server Migration	\$14,060.00
MPM Corp / Evergreen Disposal	Trash Services	\$130.00
My Office Etc.	Office Supplies	\$370.10
Ney, Courtney	Witness Fees	\$98.17
Ney, Timothy	Witness Fees	\$60.00
Nitschke, Alecia	Mileage	\$42.20
Novo Benefits	Actuarial Services for Cobra Rates	\$500.00
O'Reilly Auto Parts	Misc. Parts	\$229.02
Parker, Elizabeth	COVID Ph Response/Labs (21.019)/Mileage	\$56.93
Patterson, Connie	Mileage	\$81.00
Payne-Rogers, Frances	Mileage	\$40.00
Perkins Conoco	Fuel	\$100.55
Perkins Oil Co	Fuel	\$4,596.41
Perue Printing	Voter Cards	\$319.50
Phillips 66-Conoco-76	Misc. Charges	\$52.98

Pinnacle Public Finance, Inc	Lease Payment for HVAC System	\$158,740.93
Pipher, Donna J	Mileage	\$60.00
ProForce	Ammunition	\$573.54
Quill Corporation	Pencil	\$13.78
R.P Lumber Company, Inc.	Misc. Supplies	\$5,935.63
Rasmussen Furniture	Furniture for Med-Bow Complex	\$738.00
Rawlins Automotive	Misc. Supplies	\$1,935.61
Rawlins Glass Center, Inc.	Window Repair at Jail	\$1,194.05
Rawlins, City Of	Water Services	\$3,905.40
Reed, Kaitlin M	Meal/Mileage	\$96.20
RNB State Bank	Lease Payments	\$175,482.31
Roberts, Zoe	Witness Reimbursement	\$718.57
Rocky Mountain Power	Electric Services	\$18,523.80
Rocky's Quick Stop	Fuel	\$622.84
Rodabaugh, Sherry	Bailiff for Jury Trial	\$150.00
Runyan, Linda L	Mileage	\$45.00
Safeguard Business Systems	Check Stock	\$184.74
Saratoga Auto Glass	Windshield Repair	\$50.00
Saratoga Auto Parts, Inc.	Misc. Parts	\$850.51
Saratoga Sun	Misc. Ads	\$1,613.25
Saratoga, Town Of	Trash Services	\$12.75
Schilling & Winn Pc	Legal Services	\$4,668.85
Shepard Construction Inc	Shop Procurement Payments	\$193,909.56
Shepard, Shandra Np	Reproductive Health/Ins. Reimbursement	\$1,384.00
Shively Hardware	Misc. Supplies	\$4,156.09
Shorma, Beth L.	Mileage	\$2.50
Smith, Lisa	Election Judge Training Food	\$52.22
Smith, Loretta K	Mileage	\$75.00
South Central Wy Ems	CPR Renewal Course	\$15.00
Staples Advantage	Misc. Office Supplies	\$279.86
Stephenson, Lee Ann	Mileage	\$64.00
Stinker Stores, Inc.	Fuel	\$5,091.05
Summit Food Service	Jail Meals	\$10,129.28
Swanson Services Corporation	Jail Commissary	\$2,597.39
Symns, Robert A	Mileage	\$115.50
Terminix	Pest Control	\$295.00
The Plumbing Company	Plumbing Materials	\$507.72
Tin Boy Garage	Battery	\$182.95
T-O Engineers	Prof. Services/DWX Master Plan Update	\$1,150.00
Tractor Supply Credit Plan	Fencing Supplies	\$180.94
Trading Post	Fuel	\$64.82

Trevathan, Sabrina RMR	Transcription Services	\$920.00
Trudiligence, LLC	Background Checks	\$216.40
UPRSWDD	Trash Services	\$101.00
Vavak, Alicia M	Mileage	\$3.50
Volunteer Firemen Pension Fund	Sep/Oct Vol Fire Retirement	\$1,218.75
Weatherd, Jill M.	Mileage	\$40.00
Wells, Belinda	Mileage	\$45.00
Wilkerson, James A Iv M.D.	Autopsy Fees	\$1,250.00
Wille, O.R.	Mileage	\$45.00
Wilson, Margaret	Patches	\$208.00
WLC Engineering	Hanna Senior Center Prints	\$42.00
Woodward & Associates, Inc.	Flooring and Install For Murray St	\$2,257.00
Wy Machinery Company	Oil Filter	\$65.24
Wyoming Dept Of Workforce Services	Volunteer Work Comp	\$66.42
Wyoming Disposal Systems	Trash Services	\$219.00
Wyoming Service & Controls, Inc	Thermostat Install Murray St	\$2,238.50

CONSENT AGENDA

Commissioner Espy moved to approve the consent agenda noting any item could be removed for separate action. The consent agenda includes the October 20, 2020 regular meeting minutes, monthly receipts from Road and Bridge in the amount of \$100.00 and in the amount of \$490.10, monthly receipts from the Carbon County Clerk in the amount of \$30,930.75, monthly receipts from the Clerk of District Court in the amount of \$2,095.00, monthly receipts from Planning and Development Department in the amount of \$75.00, a bond for Ashley Masselink, Clerk for the Town of Sinclair in the amount of \$50,000.00, a bond for Tara France, Official Court Reporter for Wyoming Department of State in the amount of \$1,000.00, a bond for Kristy M. Waeckerlin, Clerk/Treasurer for the Town of Sinclair in the amount of \$50,000.00, a bond for Veronica M. Fernandez, Deputy Treasurer for Carbon County, in the amount of \$10,000.00, a bond for Roxane Hicks, Little Snake River Museum, in the amount of \$2,500.00, Notice of Valuation Changes in the amount of (\$13,481.00). Commissioner Moore seconded, and the motion carried unanimously.

ELECTED OFFICIALS & DEPARTMENT HEADS

Emergency Management

Lenny Layman, Emergency Management Coordinator presented the Commissioners with a \$15,000.00 donation check from Quanta Electric Power Construction (QEPC) for the Carbon County Coordination Center (C4). Adam Brown, QUPC President, introduced himself.

Mr. Layman presented an Amendment to the FY2020 Emergency Management Performance Grant COVID-19 Award Agreement for commissioner approval and signature. The amendment increases the match from \$30,000.00 to \$45,000.00.

Commissioner Barkhurst moved to approve chairman's signature on the Amendment to the FY2020 Emergency Management Performance Grant COVID-19 Award Agreement. Commissioner Moore seconded and the motion carried unanimously

Mr. Layman updated the Commissioners on the Mullen Fire. He discussed assessments for damage and rapid needs. He also discussed a tour of the Burn Scar as well as BAER team calls.

Mr. Layman provided an update on Carbon County - Comprehensive Emergency Management Plan (CC-CEMP). G:0402 -NIMS Overview for Senior Officials (Executives, Elected and Appointed).

Fire Warden

Carbon County Fire Warden Ron Brown presented the BAER report on the Mullen Fire to the Commissioners.

Mr. Brown requested approval to rescind the current fire restrictions that were placed on August 25, 2020.

Commissioner Barkhurst moved to approve the Chairman's Signature on Resolution 2020-55, A Resolution Removing Fire Restrictions for Carbon County. Commissioner Espy seconded and the motion carried unanimously.

RESOLUTION NO. 2020-55

REMOVING FIRE RESTRICTIONS FOR CARBON COUNTY

WHEREAS, based upon recommendation of the County Fire Warden, the Board of Carbon County Commissioners are empowered by Wyoming Statute §35-9-301 through §35-9-304 to close areas to fire when fire danger in the county is extreme because of drought, the presence of any excessive amount of flammable material or for any other sufficient reason; and

WHEREAS, the County Fire Warden has recommended restrictions on specified activities on all land within Carbon County; and

WHEREAS the Carbon County Fire Warden deems there is no longer a need to impose fire restrictions, based on relative humidity and temperature recovery during the night hours increasing the dead fuel moisture content to acceptable levels thus lessening the extreme fire danger.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF CARBON COUNTY COMMISSIONERS.

- 1) Effective November 10, 2020 at 12:00 Midnight until further notice of this Board, the fire restrictions for Carbon County are rescinded.

PASSED AND APPROVED this 10th day of November 2020.

-s- Willing John Johnson
CHAIRMAN,
Board of County Commissioners

ATTEST:

-s- Gwynn Bartlett
COUNTY CLERK

Public Health Nurse

Amanda Brown, Public Health Nurse provided an update on COVID-19 cases. Cases are on the rise and anticipates that they will only increase and are showing more community spread in smaller clusters. Contact tracing is focusing on high risk areas and notifying actual positive cases.

Ms. Brown stated that she has had an open nursing position since July. The State had originally told her that she could fill the position but now with the state budget cuts they do not have enough in the Public Health Nurse budget to pay 100% of this position at the RN rate. It was originally budgeted at an LPN rate. The State has agreed to continue to pay what they had budgeted for the position which leaves her short about \$11,500.00 a year. The State has agreed to allow her to fill this position if the County could pick up this additional amount. With the position being vacant for a few months she does have approximately \$5,000.00 left over in that line item for this fiscal year. She is requesting that the county contribute \$6,200.00 so that she can fully fund a full-time nurse at Public Health for this year and the full amount in future years until the State picks it up again. Ms. Brown would request cost share agreement with the state every year.

The BOCC agreed to contribute \$6,200.00 for this year and \$11,200.00 for the next fiscal year to fully fund a full-time nurse for Public Health.

Nurse Brown presented Amendment One to the Contract between Wyoming Department of Health and Carbon County for a Contractor to Provide Communicable Disease Services.

Commissioner Espy moved to approve chairman's signature on the Amendment One to the Contract between Wyoming Department of Health and Carbon County for a Contractor to Provide Communicable Disease Services. Commissioner Moore seconded and the motion carried unanimously.

Assessor

Renee Snider, County Assessor updated the commissioners on the 2020 Tax Roll Correction in the amount of (\$4,632.612.00).

Commissioner Moore moved to approve chairman's signature on the 2020 Tax Roll Correction in the amount of (\$4,632.612.00). Commissioner Barkhurst seconded and the motion carried unanimously.

Road & Bridge

Road & Bridge Coordinator Kandis Fritz asked the public to please not close any roads during snowstorms. They will do it themselves when needed.

Ms. Fritz presented a grant award for the Congestion Mitigation Air Quality (CMAQ) project FY21 for commissioner approval and signature. The following areas are included – 55 total miles of County Roads 701, 291, 270, 340, and 20-mile road. The meeting to approve the grant was September 20. The grant will be for \$330,000 of which \$66,000 will be the county's match from the road fund.

Ms. Fritz updated the Commissioner's on the Seminole Road and Federal Lands Access Program (FLAP) grant. Carbon County is going to add Mag Chloride costs into the grant for 11 miles of Bureau of Reclamation (BOR) graveled road. In exchange the BOR will give Carbon County 6,000 tons of Gravel from their gravel pit to be used on 3 miles of County Road 291 which is by the Hanna/Leo place. The board agreed to this.

Ms. Fritz presented a Road Use Agreement and Liability Waiver with Brush Creek Ranch for County Road 504. Attorney Davis said there is one more step in this process. Brush Creek is requesting a gate for their personnel access. There are concerns about locking out the public on a public road. The BOCC is not in favor of a gate.

Ms. Fritz discuss the road classification. We can set speed limits in subdivisions at 35 mph and 20 mph in school bus areas.

Sheriff

Archie Roybal, Sheriff presented bids that were received for a new Patrol Vehicle. Bids were received from Dallin Motors for a 2021 Ram 2500 in the amount of \$30,293.00, from Tyrrell Chevrolet Company for a 2020 Chevy 2500 in the amount of \$48,970.00, from Fremont Motors Rock Springs for a 2020 Ram 2500 in the amount of \$37,169.00, from Fremont Motors Co. - Lander for a 2021 Ram 1500 in the amount of \$34,198.00 from Fremont Motor Co. - Lander for a 2021 Ram 1500 in the amount of \$29,459.00, from Fremont Motor Co. - Lander for a 2021 Ram 1500 in the amount of \$30,697.00, from Fremont Motors - Casper for a 2021 Ram 2500 in the amount of \$30,254.00, from Fremont Motors - Casper for a 2020 Ram 2500 in the amount of \$40,091.00, from Fremont Motors - Sheridan for a 2021 Ford F250 in the amount of \$33,336.00 from First Choice Ford for a 2020 Ford F250 in the amount of \$40,207.79 and from Spradley Barr Motors for a 2021 Ford F250 in the amount of \$33,364.00.

Sheriff Roybal's recommendation was to award the bid to Fremont Motors - Casper for a 2021 Ram 2500 in the amount of \$30,254.00

Commissioner Espy moved to accept the low bid from Fremont Motors of Casper for a 2021 Ram in the total amount of \$30,254.00 for a new patrol vehicle. Commissioner Barkhurst seconded and the motion carried unanimously.

Chairman Johnson mentioned there's only a \$40.00 difference between this bid and Dallin Motors.

Clerk

Lisa Smith, Chief Deputy Carbon County Clerk requested authorization for any Commissioner to sign the Coronavirus Relief Grant Agreements.

Commissioner Jones moved to approve any Commissioner to sign the Coronavirus Relief Grant Agreements. Commissioner Barkhurst seconded and the motion passed unanimously.

Chief Deputy Lisa Smith presented the Specific Purpose Tax Escrow Agreement for Commissioner approval and signature.

Commissioner Moore moved to approve the Chairman to sign the Specific Purpose Tax Escrow Agreement. Commissioner Barkhurst seconded and the motion passed unanimously.

Chief Deputy Lisa Smith presented Contract for Service Agreements with the Old Pen Joint Powers Board in the amount of \$6,250.00, Carbon County Economic Development Corporation in the amount of \$12,000.00, South Central Wyoming Emergency Managements Services in the amount of \$45,000.00 and Carbon County Senior Services in the amount of \$50,000.00 for Commissioner approval and signature. Each Contract for Service Agreement is for a term of one year beginning July 1, 2020 and ending June 30, 2021.

Commissioner Jones moved to approve the Chairman to sign the Contract for Service Agreements with the Old Pen Joint Powers Board in the amount of \$6,250.00, Carbon County Economic Development Corporation in the amount of \$12,000.00, South Central Wyoming Emergency Managements Services in the amount of \$45,000.00 and Carbon County Senior Services in the amount of \$50,000.00. For a term of one year beginning July 1, 2020 and ending June 30, 2021. Commissioner Espy seconded and the motion passed unanimously.

Chief Deputy Lisa Smith presented the 2021 commissioner meeting schedule for adoption.

Commissioner Espy moved to adopt the 2021 Commissioners Meeting Schedule. Commissioner Barkhurst seconded and the motion carried unanimously.

Chief Deputy Lisa Smith advised that Commissioner Espy signed a Professional Services Agreement between WLC Engineers and Surveying and Carbon County for Third Party Inspection and Testing for the Carbon Building Improvements and asked the BOCC to ratify the Commissioner's signature.

Commissioner Moore moved to ratify Commissioner Espy's signature on the Professional Services Agreement between ELC Engineers and Surveying and Carbon County for Third Party Inspection and Testing for the Carbon Building Improvements for a term beginning on November 9, 2020 and shall be completed no later than the completion of the Carbon Building remodel in an amount not to exceed \$10,000.00. Commissioner Barkhurst seconded and the motion carried unanimously.

Attorney

Ashley Mayfield-Davis, County Attorney presented a Memorandum of Understanding between Carbon County and City of Rawlins for snow removal for Commissioner approval and signature.

Commissioner Espy moved to approve chairman's signature on the Memorandum of Understanding between Carbon County and City of Rawlins for snow removal. Commissioner Moore seconded and the motion carried unanimously.

Pam Thayer – Executive Director of Downtown Development Authority. Main Street

Pam Thayer, Executive Director of Downtown Development Authority (DDA)/ Main Street discussed the possibility of placing horse artwork at the Jeffrey Center lawn at the corner of 3rd and Spruce Street.

Attorney Davis presented a Memorandum of Understanding between Carbon County, City of Rawlins and Downtown Development Authority for Jeffrey Center Artwork for Commissioner approval and signature.

Commissioner Espy moved to approve chairman's signature on the Memorandum of Understanding between Carbon County, City of Rawlins, and Downtown Development Authority for Jeffrey Center Artwork. Commissioner Barkhurst seconded and the motion carried unanimously.

Buildings & Grounds

Jim Piche, Buildings & Grounds Manager and the BOCC accepted substantial completion on the heating and a/c at the Rawlins Carbon County Senior Center the required 41-day advertisement has begun.

Commissioners

Chairman Johnson gave an update on the ISC impact funding approval.

Commissioner Moore congratulated Commissioners Espy, Jones and Barkhurst on their re-election to the Board of Carbon County Commissioners.

PLANNING & ZONING

Public Hearing – REPLAT SUB Case File #2020-01

Chairman Johnson opened a public hearing at 11:14 a.m. to hear Planning & Zoning REPLAT SUB Case File #2020-01 - Triple D Construction and John Schoen (Applicants and Land Owners), request for a Replat of the "Ryan Park 4th Addition 2nd Replat, Lot 1A, Block 1 Amended" located in a portion of Section 28, T16N, R81W. The purpose of the replat is to vacate a portion of Lot

1A to merge with the Schoen parcel. Ryan Park is located approximately 24 miles southeast of Saratoga off HWY 130. Marlin Johnson, County Planning Director presented the case file.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Espy closed the hearing at 11:18 a.m.

Commissioner Jones moved that based on the recommendation of the Planning & Zoning Commission and staff to approve the recommendation of the Carbon County Planning and Zoning Commission regarding REPLAT SUB Case File #2020-01 - Triple D Construction and John Schoen (Applicants and Land Owners), request for a Replat of the “Ryan Park 4th Addition 2nd Replat, Lot 1A, Block 1 Amended” located in a portion of Section 28, T16N, R81W. The purpose of the replat is to vacate a portion of Lot 1A to merge with the Schoen parcel. Ryan Park is located approximately 24 miles southeast of Saratoga off HWY 130. Commissioner Barkhurst seconded and the motion carried unanimously.

Public Hearing – C.U. Case File #2020-10

Chairman Johnson opened a public hearing at 11:27 a.m. to hear Planning & Zoning C.U. Case File No. 2020-10- Union Telephone Company, request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to replace the existing 45-foot tower with a permanent 80-foot tower, capable of a 20-foot future extension, with the total structure height being 107 feet including appurtenances, located at the F Ryan Park/Barrett Ridge Communications Site is located approximately ¾ mile west of Ryan Park off U.S. Forest Service Road #232.1A on U.S. Forest Service land. Marlin Johnson, County Planning Director presented the case file.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Espy closed the hearing at 11:33 a.m.

Commissioner Espy moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2020-56, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding C.U. Case File No. 2020-10, Union Telephone Company’s request is to replace the existing 45-foot tower with a permanent 80-foot tower, capable of a 20-foot future extension, with the total structure height being 107 feet including appurtenances, located at the F Ryan Park/Barrett Ridge Communications Site is located approximately ¾ mile west of Ryan Park off U.S. Forest Service Road #232.1A on U.S. Forest Service land. Commissioner Jones seconded and the motion carried with Chairman Johnson, Commissioners Espy, Jones and Moore voting for the motion and Commissioner Barkhurst voting against.

Resolution No. 2020 – 56

**A Resolution of the Board of County Commissioners of Carbon County, Wyoming
adopting the recommendation of the Carbon County Planning and Zoning Commission.**

C.U. Case File #2020-10 – “Ryan Park/Barrett Ridge Communications Site”

WHEREAS, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission advertised to hold a public hearing on Monday, October 5, 2020, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, October 5, 2020, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said public hearing; and

WHEREAS, at the conclusion of the Monday, October 5, 2020, public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners pursuant to the Carbon County Zoning Resolution of 2015, as amended for Carbon County, Wyoming; and

WHEREAS, the Carbon County Board of County Commissioners, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation; advertised by public notice at least 14 days prior to a public hearing to take public input and comments which said hearing occurred on Tuesday, November 10, 2020; and

WHEREAS, at said public hearing on November 10, 2020, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed application; and

WHEREAS, the Carbon County Board of County Commissioners in considering said application have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2015, as amended, specifically, Section 7.7, Conditional Use Permits; and

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

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

C.U. Case File #2020-10: Request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to replace the existing 45-foot tower with a permanent 80-foot tower, capable of a 20-foot future extension, with the total structure height being 107 feet including appurtenances.

Project/Site Name: Ryan Park/Barrett Ridge Communications Site

Applicant: Union Telephone Company

Landowner: U.S. Forest Service

Parcel Identification Number: 16810110060100-Parent Parcel

Rural Address: 45 Forest Service Road 232.1A--Ryan Park

General Site Location: Ryan Park/Barrett Ridge Communications Site is located approximately

¾ mile west of Ryan Park off U.S. Forest Service Road #232.1A

Legal Description: A 100-foot x 100-foot parcel of land located in the SE 1/4 OF NW 1/4, Section 29, T16N, R81W, 6th P.M., Carbon County, Wyoming.

TERMS AND CONDITIONS OF APPROVAL:

1. An area with a radius equal to at least 110% of the tower height must be maintained by the landowner and the permit holder as a Clear Zone. Habitable structures unrelated to the operation of the tower shall not be located within the clear zone.
2. The Applicant or owner must post a sign at the entrance that includes the facility name and the name and phone number of the responsible person in event of an emergency.
3. Any modifications to the structure that increase its surface footprint or is over the permitted tower height will require a new Conditional Use Permit.
4. Building Permit(s) are required prior to the start of construction.
5. The Applicant shall provide a copy of the FCC Phase II Compliance to the Carbon County Planning & Zoning Department along with any application for new communication towers and modifications to existing communication towers.
FCC Website Address: <https://www.fcc.gov/general/enhanced-9-1-1-wireless-services>.
6. The Applicant or owner must 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.
7. The existing tower will be removed within four (4) years from the date of approval of this conditional use permit. The Applicant will submit documentation to the Carbon County Planning & Development Department regarding the removal of the existing tower that will be replaced with a new tower.
8. Upon approval by the Board, the following provisions from the Zoning Resolution will be incorporated into the final Resolution:
- 9.

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

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

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

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

If the project has not been commenced as required, the Applicant(s) may request from the Board an extension of the permit for a period of up to twenty-four (24) months upon a showing of good cause. The Applicant(s) shall apply to the County, through the Department, in writing for the extension no later than ninety (90) days prior to the expiration of the permit or any previously granted extension. At the time of the application for the extension, the Applicant(s) shall provide such information as is necessary for the County to determine whether good cause exists for the extension. Good cause may include, but is not limited to, good faith efforts to obtain required authorization from other agencies with jurisdiction, delay in construction due to weather conditions, pending litigation, or other causes which have delayed the project and which are beyond the reasonable control of the Applicant(s). The Applicant(s) may request not more than two (2) separate extensions from the Board, with such total extension period not to exceed forty-eight (48) months. The Board shall promptly consider the application for the extension and either allow it or deny it.

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

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

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

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

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

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

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

That the Carbon County Board of County Commissioners hereby approves this Conditional Use Permit (CUP) as certified to them in writing by the Carbon County Planning and Zoning

Commission as represented in the Conditional Use Permit (C.U. Case #2020-10 – “Ryan Park/Barrett Ridge Communications Site”).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 10th day of November 2020.

**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- Chief Deputy Carbon County Clerk Lisa Smith

Public Hearing – C.U. Case File No. 2020-12

Chairman Johnson opened a public hearing at 11:39 a.m. to hear Planning & Zoning C.U. Case File No. 2020-12 - Union Telephone Company, request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit a pre-existing telecommunications tower with the overall tower height being 127 feet, located at the Foote Creek Communications Site approximately 3.3 miles north of McFadden on Carbon County Road #1 (Medicine Bow-McFadden Road) on Rock River Ranches, Inc. Marlin Johnson, County Planning Director presented the case file.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Espy closed the hearing at 11:42 a.m.

Commissioner Jones moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2020-57, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding C.U. Case File No. 2020-12, Union Telephone Company’s request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit a pre-existing telecommunications tower with the overall tower height being 127 feet, located at the Foote Creek Communications Site approximately 3.3 miles north of McFadden on Carbon County Road #1 (Medicine Bow-McFadden Road) on Rock River Ranches, Inc. Commissioner Barkhurst seconded and the motion carried unanimously.

Resolution No. 2020 – 57

**A Resolution of the Board of County Commissioners of Carbon County, Wyoming
adopting the recommendation of the Carbon County Planning and Zoning Commission.
C.U. Case File #2020-12 – “Foote Creek Communications Site”**

WHEREAS, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission advertised

to hold a public hearing on Monday, October 5, 2020, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, October 5, 2020, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said public hearing; and

WHEREAS, at the conclusion of the Monday, October 5, 2020, public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the Carbon County Board of County Commissioners pursuant to the Carbon County Zoning Resolution of 2015, as amended for Carbon County, Wyoming; and

WHEREAS, the Carbon County Board of County Commissioners, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation; advertised by public notice at least 14 days prior to a public hearing to take public input and comments which said hearing occurred on Tuesday, November 10, 2020; and

WHEREAS, at said public hearing on November 10, 2020, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed application; and

WHEREAS, the Carbon County Board of County Commissioners in considering said application have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2015, as amended, specifically, Section 7.7, Conditional Use Permits; and

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

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

C.U. Case File #2020-12: Request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to permit a pre-existing telecommunications tower with the overall tower height being 127 feet.

Project/Site Name: Foote Creek Communications Site

Applicant: Union Telephone Company

Landowner: Rock River Ranches, Inc.

Parcel Identification Number: 20780110000300-Parent Parcel

Rural Address: 1470 CR 1

General Site Location: Foote Creek Communications Site is located approximately 3.3 miles north of McFadden on Carbon County Road #1 (Medicine Bow-McFadden Road)

Legal Description: A 100-foot x 100-foot parcel of land located in the SW1/4 SW1/4, Section 15, T20N, R78W, 6th P.M., Carbon County, Wyoming.

TERMS AND CONDITIONS OF APPROVAL:

1. An area with a radius equal to at least 110% of the tower height must be maintained by the landowner and the permit holder as a Clear Zone. Habitable structures unrelated to the operation of the tower shall not be located within the clear zone.
2. The Applicant or owner must post a sign at the entrance that includes the facility name and the name and phone number of the responsible person in event of an emergency.
3. Any modifications to the structure that increase its surface footprint or is over the permitted tower height will require a new Conditional Use Permit.
4. Building Permit(s) are required prior to the start of construction.
5. The Applicant shall provide a copy of the FCC Phase II Compliance to the Carbon County Planning & Zoning Department along with any application for new communication towers and modifications to existing communication towers.
FCC Website Address: <https://www.fcc.gov/general/enhanced-9-1-1-wireless-services>.
6. The Applicant or owner must 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.
7. Upon approval by the Board, the following provisions from the Zoning Resolution will be incorporated into the final Resolution:
 - a. Section 7.7-H--Expiration of Conditional Use Permits.

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

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

- b. Section 7.7-I--Extension of Conditional Use Permits.
If the project has not been commenced as required, the Applicant(s) may request from the Board an extension of the permit for a period of up to twenty-four (24) months upon a showing of good cause. The Applicant(s) shall apply to the County, through the Department, in writing for the extension no later than ninety (90) days prior to the expiration of the permit or any previously granted extension. At the time of the application for the extension, the Applicant(s) shall provide such information as is necessary for the County to determine whether good cause exists for the extension. Good cause may include, but is not limited to, good faith efforts to obtain required authorization from other agencies with jurisdiction, delay in construction due to weather conditions, pending litigation, or other causes which have delayed the project and which are beyond the reasonable control of the Applicant(s). The Applicant(s)

may request not more than two (2) separate extensions from the Board, with such total extension period not to exceed forty-eight (48) months. The Board shall promptly consider the application for the extension and either allow it or deny it.

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

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

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

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

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

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

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

That the Carbon County Board of County Commissioners hereby approves this Conditional Use Permit (CUP) as certified to them in writing by the Carbon County Planning and Zoning Commission as represented in the Conditional Use Permit (C.U. Case #2020-12 – “Foote Creek Communications Site”).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 10th day of November 2020.

**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- Chief Deputy Carbon County Clerk Lisa Smith

Public Hearing – C.U. Case File No. 2020-13

Chairman Johnson opened a public hearing at 11:43 a.m. to hear Planning & Zoning C.U. Case File No. 2020-13 - Union Telephone Company, request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to replace the existing 45-foot tower with a permanent 80-foot tower, capable of a 20-foot future extension, with the total structure height being 107 feet including appurtenances located on the Sinclair West Communications Site approximately 3 miles east of Rawlins off HWY 76 on the south side of I-80, on Peterson Livestock, LLC. Marlin Johnson, County Planning Director presented the case file.

Chairman Johnson called for comments for or against the case. There being no comments, Chairman Espy closed the hearing at 11:48 a.m.

Commissioner Espy moved that based on the recommendation of the Planning & Zoning Commission and staff to approve Resolution No. 2020-58, A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission regarding C.U. Case File No. 2020-13, Union Telephone Company's request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to replace the existing 45-foot tower with a permanent 80-foot tower, capable of a 20-foot future extension, with the total structure height being 107 feet including appurtenances located on the Sinclair West Communications Site approximately 3 miles east of Rawlins off HWY 76 on the south side of I-80, on Peterson Livestock, LLC. Commissioner Moore seconded and the motion carried with Chairman Johnson, Commissioners Espy, Jones and Moore voting for the motion and Commissioner Barkhurst voting against.

Resolution No. 2020 – 58

A Resolution of the Board of County Commissioners of Carbon County, Wyoming adopting the recommendation of the Carbon County Planning and Zoning Commission.

C.U. Case File #2020-13 – “Sinclair West Communications Site”

WHEREAS, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(b), the Carbon County Planning and Zoning Commission advertised to hold a public hearing on Monday, October 5, 2020, which said hearing was advertised by public notice at least thirty (30) days prior to said hearing; and

WHEREAS, at the Monday, October 5, 2020, public hearing, the Carbon County Planning and Zoning Commission provided the public the opportunity to comment and the Carbon County Planning and Zoning Commission considered any public comments which were made at said public hearing; and

WHEREAS, at the conclusion of the Monday, October 5, 2020, public hearing, the Carbon County Planning and Zoning Commission voted to certify in writing its recommendation to the

Carbon County Board of County Commissioners pursuant to the Carbon County Zoning Resolution of 2015, as amended for Carbon County, Wyoming; and

WHEREAS, the Carbon County Board of County Commissioners, pursuant to the Carbon County Zoning Resolution of 2015, as amended, and Wyo. Stat. Ann. §18-5-202(c) and after receipt of said certified recommendation; advertised by public notice at least 14 days prior to a public hearing to take public input and comments which said hearing occurred on Tuesday, November 10, 2020; and

WHEREAS, at said public hearing on November 10, 2020, the Carbon County Board of County Commissioners provided the opportunity for the public to comment and for the Carbon County Board of County Commissioners to consider any comments which were made on the proposed application; and

WHEREAS, the Carbon County Board of County Commissioners in considering said application have also reviewed and considered the Carbon County Comprehensive Land Use Plan, as amended; and the Carbon County Zoning Resolution of 2015, as amended, specifically, Section 7.7, Conditional Use Permits; and

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

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

C.U. Case File #2020-13: Request for a Conditional Use Permit in the Ranching, Agriculture and Mining (RAM) Zone. The request is to replace the existing 45-foot tower with a permanent 80-foot tower, capable of a 20-foot future extension, with the total structure height being 107 feet including appurtenances.

Project/Site Name: Sinclair West Communications Site

Applicant: Union Telephone Company

Landowner: Peterson Livestock, LLC

Parcel Identification Number: 21861910002700

Rural Address: 21803 Highway 76-Rawlins

General Site Location: Sinclair West Communications Site is located approximately 3 miles east of Rawlins off HWY 76 on the south side of I-80

Legal Description: A 180-foot x 140-foot parcel of land located in the NW1/4 NE1/4, Section 19, T21N, R86W, 6th P.M., Carbon County, Wyoming.

TERMS AND CONDITIONS OF APPROVAL:

1. An area with a radius equal to at least 110% of the tower height must be maintained by the landowner and the permit holder as a Clear Zone. Habitable structures unrelated to the operation of the tower shall not be located within the clear zone.
2. The Applicant or owner must post a sign at the entrance that includes the facility name and the name and phone number of the responsible person in event of an emergency.
3. Any modifications to the structure that increase its surface footprint or is over the permitted tower height will require a new Conditional Use Permit.

4. Building Permit(s) are required prior to the start of construction.
5. The Applicant shall provide a copy of the FCC Phase II Compliance to the Carbon County Planning & Zoning Department along with any application for new communication towers and modifications to existing communication towers.
FCC Website Address: <https://www.fcc.gov/general/enhanced-9-1-1-wireless-services>.
6. The Applicant or owner must 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.
7. The existing tower will be removed within four (4) years from the date of approval of this conditional use permit. The Applicant will submit documentation to the Carbon County Planning & Development Department regarding the removal of the existing tower that will be replaced with a new tower.
8. The Applicant will submit plans for the “as built” tower illustrating the 110% clear fall zone from the I-80 ROW fence.
9. Upon approval by the Board, the following provisions from the Zoning Resolution will be incorporated into the final Resolution:
 - a. Section 7.7-H--Expiration of Conditional Use Permits.
Any use for which a conditional use permit is granted must be commenced within two (2) years from the date of approval. If the Project is not commenced within two (2) years from the date of approval then the conditional use permit shall expire and become null and void and be of no further effect, except as extended in compliance within this section.

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

- b. Section 7.7-I--Extension of Conditional Use Permits.
If the project has not been commenced as required, the Applicant(s) may request from the Board an extension of the permit for a period of up to twenty-four (24) months upon a showing of good cause. The Applicant(s) shall apply to the County, through the Department, in writing for the extension no later than ninety (90) days prior to the expiration of the permit or any previously granted extension. At the time of the application for the extension, the Applicant(s) shall provide such information as is necessary for the County to determine whether good cause exists for the extension. Good cause may include, but is not limited to, good faith efforts to obtain required authorization from other agencies with jurisdiction, delay in construction due to weather conditions, pending litigation, or other causes which have delayed the project and which are beyond the reasonable control of the Applicant(s). The Applicant(s) may request not more than two (2) separate extensions from the Board, with such total

extension period not to exceed forty-eight (48) months. The Board shall promptly consider the application for the extension and either allow it or deny it.

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

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

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

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

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

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

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

That the Carbon County Board of County Commissioners hereby approves this Conditional Use Permit (CUP) as certified to them in writing by the Carbon County Planning and Zoning Commission as represented in the Conditional Use Permit (C.U. Case #2020-13 – “Sinclair West Communications Site”).

PRESENTED, READ, AND ADOPTED at a regularly scheduled meeting of the Board of County Commissioners of Carbon County, Wyoming, this 10th day of November 2020.

**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- Chief Deputy Carbon County Clerk Lisa Smith

ADJOURNMENT

Commissioner Espy moved to adjourn the meeting at 11:56 a.m. Commissioner Moore seconded and the motion carried unanimously.

A regular meeting of this Board will be held Tuesday, December 1, 2020 at 9:00 a.m. at the Carbon County Courthouse, in 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.