The Board of Fremont County Commissioners met in Regular Session at 9:00 a.m. with the following members present: Chairman Larry Allen, Vice-Chairman Mike Jones, Jennifer McCarty, Clarence Thomas and Ron Fabrizius. County Clerk Julie A. Freee and Civil Deputy Attorney Nathan Maxon were present.

Jennifer McCarty moved, Ron Fabrizius seconded, to approve the agenda as amended. Motion carried unanimously.

Clarence Thomas moved, Ron Fabrizius seconded, to approve the minutes of the Regular Meeting held on August 1, 2023. Motion carried unanimously.

Jennifer McCarty moved, Mike Jones seconded, to accept the bills for payment. Motion carried unanimously.

Bills are listed in the following format: Vendor/Department/Description/Amount: A & I Distributors-Vehicle Maintenance-08 / Fluids-$717.39; Ace Hardware-Lander-County Buildings-Materials / Supplies -$269.66; Adams, Chelsea-Health Nurse-Contract Services-$285.00; Airgas USA LLC-Vehicle Maintenance-Supplies-$820.00; Albright, Kelly M-District Court-Jury Duty-$59.00; Also Inc.-County Buildings-Laundry-$254.00; ANDA Inc.-Public Health-Vaccine-$4072.40; Bailey Enterprises, Inc.-County Buildings-Contract Service-$220.00; Bamberger, B-J-District Court-Jury Duty-$241.00; Baron, Jon E-District Court-Jury Duty-$74.00; Barrow, Linda V-District Court-Jury Duty-$210.00; Bird, John B-District Court-Jury Duty-$35.00; Blodden, Lumber-Lander-County Buildings-Supplies-$49.03; Bloomquist, Bailyn M-District Court-Jury Duty-$77.50; Bowdell Steven P-Detention Center-Medical Services-$1812.50; Burden, Dan-County Buildings-Security Service-$475.00; Central Wyoming College-Dispatch Center-Equipment Lease-$1104.00; Charter Communications-Computer Services-Internet Service-$129.98; Clark, Trisha N-District Court-Jury Duty-$55.00; Clifford, Gregory P. MD PC-Petition Center-Medical Services-$1070.00; Combs, Debra J-District Court-Jury Duty-$710.00; Comstock, Todd R-District Court-Jury Duty-$90.00; Conder, Jason M-District Court-Expense-Reimburse-$1449.92; Cooper, Steven R-District Court-Jury Duty-$65.00; Corbett, Maria-District Court-Jury Duty-$201.00; Cornell, Randy C-District Court-Jury Duty-$61.00; Cowboy Chemical Inc-Detention Center-Supplies-$637.00; Crippen, Terance L-District Court-Jury Duty-$64.00; Cronk, Paula R-District Court-Jury Duty-$30.00; D’Andrea, Larell L-District Court-Jury Duty-$59.00; Davis, Monica D-District Court-Jury Duty-$58.00; Dempster, Jake D-District Court-Jury Duty-$30.00; Dubois Frontier, The-Support Services-Advertising-$69.93; Duran, Piram J-District Court-Jury Duty-$62.00; Edwards Communications-Prevention Program-Advertising-$950.00; Eppler, Michael L-District Court-Jury Duty-$66.00; Erickson, Minnie A-District Court-Jury Duty-$180.00; Federal Express Corp-County Sheriff-Shipping Fees-$15.57; Floyd’s Truck Center-WY-Vehicle Maintenance-Parts-$503.56; Fremont Counseling-Lander-Health & Welfare-Tax $2100.00; Fremont Motor Riverton, Inc.-Vehicle Maintenance-Parts/$684.93; Fremont Motors - Lander-Vehicle Maintenance-Parts/$3334.98; Fremont Orthopaedics PC-Petition Center-Inmate Medical-$146.00; Frontier Ambulance LLC-Fremont County Ambulance-Ambulance Subsidy-$119627.00; Gee, Brian-Petition Center-Contract Supervisor-$5580.00; Globalstar USA-Search & Rescue-Satellite Phones-$273.23; Grainger-Segregated-Materials/Supplies-$592.79; Gray, Matthew J-County Attorney-Witness-$918.00; Grundey, Nicholas A-District Court-Jury Duty-$35.00; Hague, Diana L-District Court-Jury Duty-$66.00; Hamlin, Ryan J-District Court-Jury Duty-$60.00; Hancock, Timothy-County Attorney-Reimburse Expenses-$78.00; Hansen, Ronald D-District Court-Jury Duty-$35.00; Harmelink, Rick A-District Court-Jury Duty-$30.00; Hehr, Ryan B-Prevention Program-Assistance Contract-$150.00; High Country Senior Citizens-Health & Welfare-Allocation-$10000.00; High Plains Power, Inc.-County Buildings-Utility Services-$1151.91; Hockett, David J-District Court-Jury Duty-$150.00; Horton, Jenna K-District Court-Jury Duty-$67.00; Hubbard, Kalista N-District Court-Jury Duty-$57.00; Hulikovich, Jeselyn T-District Court-Jury Duty-$59.00; Ingle, Leighton K-District Court-Jury Duty-$180.00; Jevne, Linda E-District Court-Jury Duty-$180.00; Jones, James K-District Court-Jury Duty-$55.00; Kairos Broadcasting LLC-Prevention Program-Advertising-$1500.00; Kasper, Nella S-District Court-Jury Duty-$64.00; Keele, Robert M-District Court-Jury Duty-$69.00; Keisel, Lisa M-District Court-Jury Duty-$177.00; Kuegel, Sophia M-District Court-Jury Duty-$69.00; Laboratory Corporation Of America-Detention Center-Inmate Medical-$145.00; Lancaster, Staci L-District Court-Jury Duty-$30.00; Lander Senior Citizens Center Inc-Health & Welfare-Allocation -$10000.00; Lander, City of County Buildings-Water & Sewer-$4171.55; Larimer County Coroner-County Coroner-Autoy Services-$275.00; Lawrence, Devon E-District Court-Jury Duty-$380.00; Lawson Products, Inc.-Vehicle Maintenance-Parts & Supplies-$297.57; Lee, Perry L-District Court-Jury Duty-$90.00; Lovington, Julianna E-District Court-Jury Duty-$90.00; Lowry, Tyler J-District Court-Jury Duty-$570.00; Lucero, Joseph W-District Court-Jury Duty-$62.00; Mahlum, Zachary Hamilton-District Court-Jury Court Appointment-$591.50; Martin, Jennifer M-District Court-Jury Duty-$59.00; Masco, Russell L-District Court-Jury Duty-$184.00; Bamberger, Bill M-District Court-Jury Duty-$59.00; Bahr, Rachel R-District Court-Jury Duty-$90.00; Mills, Christina A-District Court-Jury Duty-$78.00; Mitchell, Timothy N-District Court-Jury Duty-$65.00; Motorola Solutions Inc.-Dispatch Center-Equipment Lease-$284574.00; Mr. D’s Food Center Inc.-District Court-Supplies-$1033.03; Murray, Moriah I-District Court-Jury Duty-$46.00; Napa Auto Parts Riverton-Vehicle Maintenance-Parts & Supplies-$1383.96; Norco Inc-Segregated-Supplies-$216.22; O’Reilly Automotive Inc.-Vehicle Maintenance-Parts & Supplies-$122.02; Osage Industries, Inc.-Vehicle Maintenance-Repairs Parts -$538.52; Osborne, Deborah J-District Court-Jury Duty-$72.00; Palazzolo, Alicia-Detention Center-Contract Services - $1710.75; Pettibone, Todd A-District Court-Jury Duty-$300.00; Pfisterer, Gary E-District Court-Jury Duty-$180.00; Poffenroth, Joline E-District Court-Jury Duty-$59.00; Powell, Robert L-District Court-Jury Duty-$350.00; Prince, Cecile A-District
Clarence Thomas moved, Mike Jones seconded, to accept a voucher from Wyoming Behavioral Institute in the amount of $3,770 for one Title 25 patient. Motion carried unanimously. Clarence Thomas moved, Mike Jones seconded, to accept a voucher from Cloud Peak Counseling Center in the amount of $1,950 for four Title 25 patients. Motion carried unanimously.

The following items in the Signature File were reviewed: 1) Record of Proceedings. Mike Jones moved, Clarence Thomas seconded, to approve a letter of support to the Federal Highway Administration for the Wyoming US 20 Passing Lanes Project for the FY 2023-2024 Multimodal Project Discretionary Grant Program (Thermopolis to Shoshoni and Shoshoni to Casper). Motion carried unanimously. Mike Jones moved, Jennifer McCarty seconded, to approve a Fiscal Year 2024 Contract for Services to Victims of Crime between the State of Wyoming, Office of the Attorney General, Division of Victim Services and Fremont County Attorney Victim Witness Program for an amount of $105,000. Motion carried unanimously. Mike Jones moved, Jennifer McCarty seconded, to approve a Fiscal Year 2024 Contract for Services to Victims of Crime between the State of Wyoming, Office of the Attorney General, Division of Victim Services and Fremont County Sheriff’s Office Victim Witness Program in the amount of $67,646. Motion carried unanimously. Mike Jones moved, Jennifer McCarty seconded, to approve Resolution No. 2023-17 “Appointment of a Special Prosecutor” from the Teton County Attorney’s Office. Motion carried unanimously. Mike Jones moved, Ron Fabrizius, to approve a Capital Revolving Fund authorization from the ISS Department for seven computers for the Coroner’s Office and Planning Department as part of the annual replacement plan, totaling $7,570. Motion carried unanimously. Mike Jones moved, Clarence Thomas seconded, to approve purchase of the seven computers for the ISS replacement plan from Dell Computers in the amount of $7,570. Motion carried unanimously.

The following items in the Priority Mail were reviewed: 1) Registration materials for the WACO 2023 conference in Casper from September 26-28, 2023. Vice-Chairman Jones will attend the first 1.5 days and Chairman Allen and Commissioners Thomas, McCarty and Fabrizius will attend the entire session.

The Public Comment period was held.

Dr. Troy Jones returned to the meeting to discuss concerns presented the previous meeting against the Library Director, Library Board and Commissioners’ Administrative Assistant regarding perceived political prejudice. He further stated one of these individuals is the same person that runs the primary and general elections and that the public trust is lost. The concern has continued beyond the original FOIA request and he doesn’t trust what happened and is not alone in that sentiment. Chairman Larry Allen stated the Commission is waiting on a legal opinion from the County Attorney’s Office and acknowledged that should be available by the September 5th meeting as requested by Dr. Jones.

Tina Clifford had e-mailed an Official Complaint to the Commission the previous evening and delivered a hard copy to them stating “I am writing to file a complaint of discrimination against the FCLS regarding my May 31, 2023 application to the Library Board.” She felt she had been discriminated against and further stated “Perry Cook not only discriminated against me because of political affiliation and belief but also because of religion.” She asked for action to remedy this violation committed by your employee (Admin Assistant) and board appointee. She then referenced a concern to the Commission to look into movies shown by a group on June 14th at the Riverton Library Branch. She was informed that the County Attorney’s Office is also looking into this matter.
Marta Mossburg, recently appointed Library Board member, felt that the FOIA request of e-mails did show an attempt to keep her off the Library Board and stated she is filing a formal complaint as well. She referenced the formal board training presented by County Clerk Julie Freese at their last meeting who stated it is not the individual Board's role to select fellow board members, this is the role of the County Commission. Freese further stated individual (Library) board members can be individually liable if they don’t cross every T and dot every I. It seems that both the Library Board nor the County Commission have been following procedure. The Open Meetings Act prohibits meeting between board members to be held outside of regularly scheduled meetings. She reiterated the advertising for the county appointed board vacancies stated a May 31st deadline and questioned why Perry Cook's application to re-apply for another term was taken after that date.

Krissy Hernandez distributed copies of a Complaint regarding Explicit/Pornography in the Public Library in which her son was going to the teen section of the Lander branch when he passed by an older man viewing hardcore pornography. Upon reporting this to her, she addressed three Library staff and asked for policies and procedures lacing filters/blocks on such material. They could provide no answer so she discussed her concerns with Director Marple who had not returned her call by the upcoming Library Board meeting, so she attended that and expressed concern to the Board. The Library Board was also unable to produce policies and procedures and her formal complaint to the Commission is to make sure filters/blocks are part of the Library System’s policies and procedures. She further referenced United States V. American Library Association in which the Supreme Court ruled in 2003 that the Children's Internet Protection Act, which requires public schools and libraries that receive federal funds or discounts to install internet-filtering software that blocks indecent material, does not violate the First Amendment’s freedom of speech clause. Hernandez stated she had contacted five other county libraries to see what their policies were and presented a list for the Commissioners’ information.

Kristen McClelland, a Library Board member, spoke on behalf of a concerned taxpayer and citizen, and echoed her concern that there are no porn filters on the Library internet system, which is connected to the County’s internet system. She finds it sickening that her tax dollars allow porn and other illegal material not protected by First Amendment Rights. There are no restraints by the Library and her tax dollars may be providing county employee access to porn while at work as well. She stated she would be fired immediately if she accessed such a site while on working hours. She asked that filters be placed on Library computers.

Commissioner Clarence Thomas asked Ms. McClelland if she understood that the Library Board is a governing board, not an advisory board, and as such several of the items mentioned today should go directly to the Library Board and not to the Commission. He recommended the Library Board be scheduled to attend an upcoming Commission meeting to discuss their responsibilities as a governing board. As such, they need to understand how to conduct themselves outside of meetings, their relationship to their Director, etc. That Board has the authority to act in the capacity that they are asking the Commission to take responsibility for.

Mike Jones moved, Jennifer McCarty seconded, to adjourn into Executive Session for personnel. Motion carried unanimously. Mike Jones moved, Jennifer McCarty seconded, to return to Regular Session. Motion carried unanimously.

A Public Hearing was held at 10:00 a.m., as advertised, regarding a Retail Liquor License submitted by the Eastern Shoshone Tribe d/b/a Shoshone Rose Casino & Hotel. There were eleven people present in the audience (a complete list is on file in the Commissioners’ Office). Marketing Manager Jamie Williams stated they have decided to go this route to establish a distribution channel with the State of Wyoming for hard liquor purchases. They have been operating under a permit from the Wind River Intertribal Council from local distributors for beer and wine coolers only but will require approval by the state to purchase hard liquor, via a liquor license with Fremont County. They do not intend to offer retail off site liquor sales (drive up). She is a TIPS trainer and staff are trained as well. They do have a Standard Operations Procedure that follows other gaming facilities, and they will only serve alcohol in the restaurant and the bar and lounge, no alcohol will be served on the gaming floor. Their standard is two drinks per hour for safe consumption. Eastern Shoshone Chairman John St. Clair spoke in support of the license as a business decision for the Tribe. The focus is not for their people but hoping that the tourists, wedding and birthday celebrations, etc. will have it available for them. They have been serving the malt beverages on a trial basis and developed appropriate procedures. Chairman St. Clair further read a 1990 Resolution No. 6499 into the record in which the General Council gave the Business Council the authority to act on their behalf to carry out the business of the Shoshone Tribe and again
ratified in 2013 by Resolution No. 10523. Commissioner Fabrizius referenced an informal survey he performed prior to the Wind River Casino’s liquor license application held earlier in the year in which 12 Native Americans did not want to see alcohol in the that casino with two in the affirmative. Most recently with the Shoshone Rose Application, he cited a County 10 poll in which 437 respondents were against alcohol and 136 were in the affirmative. Brian VanEnkenvoort, Shoshone Rose General Manager, spoke in support of the license, stating that keeping alcohol sales in the restricted rooms will make it easier to control. There was no written public comment received. Mark Keiser was present in the audience and questioned why the County Commission would be issuing the liquor license on the Reservation and not the State or Federal Government, stated most of the residents don’t pay taxes, and asked what the cost would be to Fremont County for alcohol related instances. Chairman Allen stated the County and Wind River Intertribal Council are working on a Memorandum of Understanding to develop procedures for others who may want to apply for a liquor license on the WRIR and they have approval by the Wind River Intertribal Council. Commissioner Clarence Thomas, who represents the WRIR in his Commission district, stated that the BIA responds to law enforcement issues on the WRIR and the County assists when needed. Members of the reservation are county residents and to separate them is concerning to him. Vice-Chairman Mike Jones stated Congress passed legislation allowing Indian tribes to regulate liquor in Indian country, to which the Wind River Tribes responded to this option by adopting an ordinance which allows sales on the reservation if made in accordance with Wyoming law. Chairman Allen noted he had spoken with Sheriff Lee prior to granting approval of the Wind River Casino’s retail liquor license who stated they had not responded to an abnormal amount of calls at the establishment. Mike Jones moved, Clarence Thomas seconded, to approve a Retail Liquor License for the Eastern Shoshone Tribe d/b/a Shoshone Rose Casino & Hotel. Voting against the motion: Ron Fabrizius. Motion carried.

Coroner Erin Ivie gave a department report.

Treatment Courts and Youth Services Director Cassie Murray was present for a monthly report.

The Library Director’ personnel updates and requests to rehire was the next agenda item. Clarence Thomas moved, Jennifer McCarty seconded, to table all requests from the Library Director until the Commission has the opportunity to meet with the Library Board. Voting against the motion: Mike Jones, Jennifer McCarty and Larry Allen. Motion failed. Library Board member John Angst (via Zoom) stated that the Commission’s efforts in regards to the Library are exemplary and he appreciates their efforts in being prudent, and offered thanks to County Clerk Julie Freese and Administrative Assistant Becky Enos in their assistance to the off-line boards. Vice-Chairman Jones stated his nay vote was because the daily operation of the Library, which is the subject of today’s item, is the duty of the Library Director, but understood the caution in relation to the investigation the Commissioners are undertaking. Library Director Anita Marple reviewed the personnel updates and request to rehire as follows: 1) For the Riverton Branch, adjust the part-time, benefitted Library Assistant II Adult Services position from 34-hours to 32-hours at a base salary of $25,088; and increase the part-time, benefitted Library Assistant II Youth Services position from 28-hours to 30-hours at a base salary of $23,520; 2) Rehire the Riverton Branch part-time, benefitted Library Assistant II position at a base salary not to exceed $25,088; 3) For the Dubois Branch, change the 20-hour, benefitted Custodial/Maintenance position to a 21-hour, benefitted Library Assistant II position at a base salary of $16,544; and change the 19-hour, non-benefitted Library Assistant I position to a 16-hour, non-benefitted Custodial/Maintenance position at a base salary of $12,480; and 4) Rehire the Dubois Branch 16-hour, non-benefitted Custodial/Maintenance position at a base salary not to exceed $12,480. Needs assessments have confirmed the recommended changes. Commissioner Thomas asked Marple if the Library Board had approved the changes presented. Vice-Chairman Jones referenced the hiring freeze the County has been under since 2012 in which personnel changes and hiring requests have to come before the Commissioners, even if it is within their budget. County Clerk Freese acknowledged that the County handles their accounts payable and payroll; however, the Library system reviews their own budget and the only reason they appear before the Commission is because of the hiring freeze in place. Library Board Chair Carrie Johnson addressed the Commission and confirmed that per the Library System By-Laws, Article IX, the Library Director shall administer policies adopted by the Board, employ, direct and supervise staff, etc. Mike Jones moved, Jennifer McCarty seconded, to approve the changes and refilling authorizations as requested. Motion carried unanimously.

Commissioner Clarence Thomas was absent from the remainder of the meeting. Commissioner Jennifer McCarty and Mike Jones were absent from a portion of the meeting.
WYDOT District Engineer Pete Hallsten and District Construction Engineer Randy Merritt presented an overview of the State Transportation Improvement Program for 2024-2029. There were 26 people in the audience (a complete list is available in the Commissioners’ Office).

Commissioners Mike Jones and Jennifer McCarty returned to the meeting.

Planning Department Supervisor Steve Baumann provided an update on the Hillcrest Drive Strategic Plan. Transportation Superintendent Billy Meeks and Lander Mayor’s Assistant Rajean Strube Fossen were also present. Mortimore Lane south of Lander has been included as a priority for 1% funding due to its unsafe width and potential issues relates to high use by pedestrians and bicyclists. In March of 2021 Fremont County and the City of Lander applied for WYDOT funding for a Strategic Plan from inside the City Limits to Mortimore Lane, specifically looking at safety and multimodal traffic use with the intent of developing the basis for updating the road to better reflect current use. He reviewed the completed Strategic Plan which looked at seven different options, of which Alternative 5 – Mortimore Lane Inspired Section, was the preferred one (like the Mortimore Lane reconstruction from Sinks Canyon Road to the Middle Fork of the Popo Agie, an attached pathway was included on the north side of the road. The pathway is an extended shoulder with a rumble strip buffer between the travel way and a 5-foot bike lane, and another 5-foot on the outside of the shoulder intended for pedestrian usage). The study included two public meetings and comments were used to develop the pro’s and con’s to determine a Preferred Alternative. He requested the Commission accept the results of the Strategic Plan to facilitate moving forward with engineering and design and ultimate reconstruction of Hillcrest Drive. Fossen confirmed that Lander supported the Preferred Alternative 5 as well for the .3-mile section of road from Bridger Street to the City limits whereby the County’s responsibility begins all the way through to Mortimore Lane. The total cost is estimated to be $3.75 million with approximately $100,000 needed for engineering work. Meeks stated there is funding available for the County’s portion of this cost through the Road and Bridge fund. Mike Jones moved, Ron Fabrizius seconded, to accept the results of the Strategic Plan and the Preferred Alternative 5 and facilitate moving forward with engineering and design for the Hillcrest Drive project. Motion carried unanimously.

Steve Baumann reviewed proposed amendments to the current Fremont County Regular and Simple Subdivision Regulations. Due to statutory language changes, real estate and banking requirements and changes recommended by the Fremont County Planning Commission, he reviewed the proposed amendments. He further noted these are the same amendments as reviewed by the Commissioners in September of 2022 with the exception of the Commission’s requested change for 90’ gravel turning circle for fire trucks in cul-de-sac’s and new fencing regulations that came out of the 2023 Legislative Session. Mike Jones moved, Jennifer McCarty seconded, to begin the 45-day comment period on the proposed amendments to the Fremont County Regular and Simple Subdivision Regulations. Motion carried unanimously.

Steve Baumann presented a proposed plat for the Wyoming Modelers Park Subdivision, a 20 acre parcel adjacent to the Riverton Motorsports Complex, off Paradise Valley Road and adjacent to the Central Wyoming Airport. Mike Jones moved. Jennifer McCarty seconded, to approve the Subdivision as presented. Motion carried unanimously.

Vice-Chairman Jones reviewed his proposal for the EMS Exploratory Committee for Fremont County and the Commission concurred to move forward with advertising for interested applicants of which two from each County Commissioner District will be chosen. They will join County Clerk Julie Freese, Assessor Tara Berg and Treasurer Jim Anderson, along with Commissioners Larry Allen and Mike Jones, to explore multiple solutions and formulate a county-wide survey of options. Applications will be taken until August 22nd.

Treasurer Jim Anderson presented the engagement letter from auditors Carver Florek & James, CPA’s for the year ended June 30, 2023. Mike Jones moved, Jennifer McCarty seconded, to approve the engagement letter as presented. Motion carried unanimously.

There being no further business, Jennifer McCarty moved, Mike Jones seconded, to adjourn the Regular Meeting at 3:30 p.m. and reconvene for a Regular Meeting at 9:00 a.m. on August 22, 2023. Motion carried unanimously.
A full detailed report (informational only) and the official minutes are posted on Fremont County's website (www.fremontcountywy.gov). The meeting can also be accessed via YouTube (Fremont County WY Government).

/s/  LARRY ALLEN, CHAIRMAN  
FREMONT COUNTY COMMISSIONERS

ATTEST:

/s/  JULIE A. FREESE, FREMONT COUNTY CLERK AND CLERK OF THE BOARD