

STATE OF WYOMING)
) ss.
COUNTY OF FREMONT)

LANDER, WYOMING
OFFICE OF THE FREMONT COUNTY COMMISSIONERS
SEPTEMBER 19, 2023

OFFICIAL MINUTES

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. Freese and Civil Deputy Attorney Nathan Maxon were present.

Clarence Thomas moved, Jennifer McCarty seconded, to approve the agenda as amended. Motion carried unanimously.

Jennifer McCarty moved, Clarence Thomas seconded, to approve the minutes of the Regular Meeting held September 12, 2023. Motion carried unanimously.

Mike Jones moved, Clarence Thomas seconded, to accept the bills for payment. Motion carried unanimously.

Bills are listed in the following format: Vendor Name, Department, Description, and Amount. 71 Construction-ARPA Program Grant-Paving Services-\$185150.24; A & I Distributors-Vehicle Maintenance-Oil/Fluids-\$1004.25; Ace Hardware-Lander-Segregated-Materials/Supplies -\$197.93; Alexander Excavation-Road Construction-Services / Supplies-\$18158.75; Alliance Commercial Equip Co-County Buildings Detention-Equipment / Supplies-\$94.35; B & B Enterprises LLC-Segregated-Signs & Supplies-\$219.00; Bailey Enterprises, Inc.-County Assessor-Vehicle Fuel -\$134.01; Bloedorn Lumber-Lander-County Buildings-Materials Supplies-\$63.04; Capital Business Sys. Inc.-Covid 19 Grant-Supplies & Service -\$74.16; Carroll Septic Service-Transportation-Services -\$150.00; Centurylink-Computer Services-Telephone Service-\$673.41; Charter Communications-Computer Services-Internet Service-\$229.98; City Plumbing & Heating Inc.-County Buildings-Supplies-\$25.37; Clerk Of The Circuit Court-County Attorney-Services-\$5.00; Crenshaw, Shalan-County Attorney-Witness Fees-\$60.00; Davis & Cannon LLP-County Attorney-Services-\$232.50; Desert Mountain Corporation-Road Construction-Mag Chloride-\$7121.66; Drug Testing Services LLC-Transportation-Service-\$95.00; Edwards Communications-Prevention Program-Advertising-\$375.00; Floyd's Truck Center WY-Vehicle Maintenance-Parts -\$1032.75; Fremont County Solid Waste-County Buildings-Supplies-\$20.00; Goff, Thomas-Vehicle Maintenance-Expense Reimburse -\$300.00; Grainger-County Buildings-Materials/Supplies-\$163.62; J.R. Project Management LLC-LATC Program Grant-Management -\$3750.00; John Deere Financial-Vehicle Maintenance-Materials/Supplies -\$18.98; Lander Valley Auto Parts-Vehicle Maintenance-Parts/Supplies-\$21.89; Lyles, Jesse-County Sheriff-Contract Services-\$2862.50; Norco Inc.-Segregated-Supplies -\$845.41; Novo Benefits-Health Benefit Plan-Services -\$5410.59; O'Reilly Automotive Inc.-Vehicle Maintenance-Parts & Supplies -\$348.63; Palace Pharmacy-Detention Center-Inmate Rx's-\$8099.25; Plainsman Printing & Supply-Clerk Of District Court-Office Supplies-\$1890.67; Post, Raymond-County Buildings-Car Wash-\$12.26; Quill Corporation-Fremont County WIC-Office Supplies-\$40.97; R C Lock & Key-County Buildings-Supplies & Services-\$33.48; Riverton Ranger, The-Segregated-Advertising -\$5436.10; Rodriguez, Jessica-Detention Center-Contract Services-\$1625.00; Shaker, Todd-County Attorney-Expense Reimburse-\$179.20; Sylvestri Customization-Prevention Program-Website Maintenance-\$3923.00; TL3 LLC-Road Construction-Horse Creek -\$14000.00; Tomahawk Fencing And Shoeing LLC-ARPA Program Grant-Fencing Services-\$42348.16; T-Y Excavation Inc.-Road Construction-Road Maintenance-\$1990.00; Union Telephone Company-Segregated-Cellphone Service-\$379.10; Verizon Wireless-Segregated-Cellphone Service-\$604.35; WY Public Health Laboratory-Public Health-Fees / Supplies-\$609.00; Wyoglass LLC-ARPA Program Grant-Window Install-\$11931.00; Wyoming Behavioral Institute-Health & Welfare-Title 25-\$5278.00; Wyoming Dept. of Transportation-Segregated- Fuel-\$7209.25; Wyoming Machinery Co-Vehicle Maintenance-Parts -\$243.41.

The following items in the Signature File were reviewed: 1) Abatement Summary cover page; and 2) Record of Proceedings. Mike Jones moved, Jennifer McCarty seconded, to approve the Petersdorf Hospital Trust Foundation Resolution and the Conflict of Interest Policy. Motion carried unanimously. Jennifer McCarty moved, Ron Fabrizius seconded, to approve the 2023 distribution of \$18,000 in Martha Petersdorf Hospital Trust income as follows: \$9,000 (50%) to the REACH Foundation for further distribution to the Riverton Senior Citizens, Inc., Sepiternal Society, Inc., Fremont County Hospice and other such institutions or organizations providing medical services or benefits and comforts for older people not otherwise available in the Riverton area as determined by the REACH Foundation; \$6,480.00 (36%) to the Lander Senior Citizens Center; \$1,080.00 (6%) to the High Country Senior Citizens Center; and \$1,444.00 (8%) to the Shoshoni Senior Citizens Center. Motion carried unanimously. Mike Jones moved, Jennifer McCarty seconded, to approve an Agreement between Town of Dubois and Fremont County Sheriff's Office to provide supplemental law enforcement and primary dispatch services. Motion carried unanimously. Mike Jones moved, Jennifer McCarty seconded, to approve an Approach/Access Application from Drenda Hebah for Ray Lake Road. Motion carried unanimously. Mike Jones moved, Jennifer McCarty seconded, to approve a Fremont County Bank of the West Credit Card Application Form for District Court Judge Jason Conder in the amount of \$1,500. Motion carried unanimously. Mike Jones moved, Clarence Thomas seconded, to accept the low bid from Rodney's Collision & Custom Center in the

amount of \$1,331.12 for damages to a Planning Department 2023 Chevrolet Traverse. Motion carried unanimously.

The following items in the Priority Mail were reviewed: Columbus Day Courthouse Closure flyer and Bureau of Indian Affairs Notice of Decision of an application filed by Northern Arapaho Tribe for trust acquisition of fee lands (taken under advisement).

The Public Comment period was held.

Janelle Hahn presented a written list of questions regarding the upcoming discussion from a committee formed to submit a proposal for a shooting complex to be located in Fremont County. Chairman Allen stated her questions would most likely be addressed when the group presents their proposal later in the meeting.

J.R. Oakley, JR Project Management LLC, presented a monthly update. The major change was the basement test area to strip the floor to remove any contaminates of residue to gain adhesion and then recarpeted seems to be successful. He will meet with those involved to discuss the process of doing the same method to the other affected areas and he hopes all the carpeting will be installed within the next couple of weeks to the basement floor. The second item is the back parking lot of the South Federal building which has been an ongoing issue with standing water. The earlier plan to remove the sub-base material and fill with dry sand and pave did not happen as another weather event occurred (photo distributed). This opens the door to another discussion in regard to the deteriorating condition of the gutter/approach as it is allowing surface water from the street gutter to flow back into our area. Even when the paving is completed in this area, himself, Transportation Superintendent Billy Meeks and 71 Construction personnel believes this area at the approach could hold water. In review of all grades and with the fixed grades they had to match, they did raise the northern edge as much as possible to accomplish that drainage would exist at the approach. The new proposal is to remove and replace the approach at an estimated cost of \$5,500 that would allow the runoff from the county property to enter the flow line of the gutter and drain away to prevent standing water at the approach. The Board approved Oakley to proceed with getting a firm estimate on replacing the concrete approach. 71 Construction is nearly $\frac{3}{4}$ complete on paving at the 818 South Federal Blvd property as a result. County Clerk Julie Freese reviewed a discussion the previous meeting where a striping plan on the paved area was discussed. She stated no funding has been authorized for this additional project. The third update was that the five additional windows should be here for installation on the top floor of the Courthouse the first part of October. In closing, Oakley reviewed the financial spreadsheet for all grant funded projects to date, noting one-half of the five additional window costs have been paid with the remaining \$9,574 due upon completion.

Visionary Broadband representatives John Marble and Tyke Hart and Rocky Mountain Power representative Gregg Schwindt were present in regards to the finalization of the project that happened earlier in the year to bring the service to the courts. A Service Agreement will also be needed with Rocky Mountain Power.

Fremont County Shooting Complex Committee members were present consisting of Fremont County Association of Governments Executive Director Gary Michaud, Shoshone Mayor Joel Highsmith, Hudson Mayor Sherry Oler, Wind River Visitor' Council Executive Director Helen Wilson, Commissioner Ron Fabrizius and Mollie Sheridan. Not present was Eli Bebout and Jason Wilson (Lucid Optics). The committee has held three meetings thus far and stated it is quite apparent the statewide proposal process is going to be very competitive for the world-class \$10 million facility. If Fremont County is going to be a serious contender, the committee will need financial resources to prepare a successful proposal and reviewed a proposed budget of project expenses totaling \$188,000 and funding sources from all municipalities and the county (FCAG members) totaling \$188,000. Commissioner Fabrizius stated that Riverton Mayor Hancock was going to reach out to both the Eastern Shoshone and Northern Arapaho Tribes to seek funding as well. The State Taskforce is planning to request proposals in December of 2023 and will hold a meeting at the Central Wyoming College campus on September 27th and they stated this will be Fremont County's opportunity to shine and show support as local turnout will be critically important. The vision is for the complex to be more than just a shooting range, but a complex that would rival several already in other states across the region. It could include target ranges for all types of shooting sports, including pistol and long-range rifle shooting, black powder, archery and shotgun sports such as trap and skeet shooting. It could also hold national and international shooting competitions and be a huge economic impact facility for the county (restaurants, motels, gas stations, etc.). Commissioner

Fabrizius requested the county's allocation of \$150,000 be funded through the ½ percent Economic Development tax funding. The remaining Commissioners stated there is a process in place for this funding which is overseen by the Making Oversight for a Viable Economy (MOVE) Committee. Applications will be taken for projects in October and the Commissioners could then act on the funding request if the MOVE Committee forwards the project to them for consideration of funding. Although all were generally in agreement to help fund the proposal, the majority of the Commission stated their process must be followed.

Library Board Director Anita Marple reviewed the Fremont County Library System Annual Report for Fiscal Year 2022-2023. Library Board Chair Carrie Johnson and members Perry Cook, John Angst, Kristen McClelland (who left mid meeting due to another meeting) and Marta Mossburg were present.

Chair Carrie Johnson proceeded to review the Special Library Board meeting held on August 28th in response to the Commissioner's direction to address four issues: Meeting Room Use; Internet Use; Library Director's Comments and Library Board Communications. On September 13, 2023, the Library Board met in Regular Session and compiled the report submitted to the Commissioners this date and noted they are waiting on legal advice on several items. Library Room Use: Original complaints were about the community group Wind River Pride reserving a meeting room at the Riverton Branch Library to show two films. Library Director Marple had requested an opinion from the County Attorney's Office on two topics: 1) if the Library may restrict the content of programs presented by individuals or community organizations using meeting room space; and 2) if the Patron Code of Conduct Policy relates to the content of programs presented by individuals or community organizations using meeting room space. At the Special Board meeting, Civil Attorney Nathan Maxon had provided legal context for public use of public library meeting room spaces that explained First Amendment protections of speech and stated that the government is prohibited from denying a speaker or speech based solely on viewpoint. He stated the films shown by Wind River Pride were protected speech; however, the Library Board could amend their policy as to "time, place or manner" restrictions. As a result, the Library Board discussed possible changes to the Meeting Room Policy which will be reviewed by the County Attorney and will require a 45-day public comment period. Internet Use Issue: The original complaint was made by a parent whose teenage child reported seeing pornography on a public computer being used by an adult at the Lander Branch. The parent was not satisfied with the response of the Library staff and was concerned that no internet filtering was used on the library's public computers. The Library Director provided the Library Board with details of staff responses to the concerns that date and the Director felt the staff responses were appropriate and followed policy and procedure at the time of the incident. She further contacted all Wyoming public library directors for information regarding internet filtering on public computers and their replies were included in the document presented to the Commissioners. County ISS Supervisor attended the Special Meeting and provided information about internet filtering and stated there are limitations on the effectiveness of filtering and no product can guarantee a complete blocking of pornography, and legitimate websites are frequently blocked by filters. The Library Board will continue this discussion about filtering and other possible actions to create an environment that encourages patron responsibility to adhere to the Patron Code of Conduct. Any changes will also go through established procedures of review by the County Attorney and 45-day public comment period. Library Director's Comment Issue: Director Marple gave a public statement about the FOIA documents and specifically her e-mail. She stated she did not lobby any County Commissioner about Library Board applicants and referred to the County Commissioners August 22nd official statement which affirmed there was no outside interference in their selection of Library Board members. The Library Board took no action on this issue. Board Communication Issue: The Board had an open, honest discussion about board communications which included a review of the Board's Policies and Procedures which clarifies that board members should communicate with the Library Board on all Board issues first before communicating with the County Commission. Library Board member John Angst spoke and thanked Commissioner McCarty for being their Board Liaison and they look forward to working with new Liaison Mike Jones. Their goals are to make the County proud. Liaison Commissioner Mike Jones stated that the Library Board is on the right track by moving computers as appropriate but suggested they pursue filtering options. He suggested that the Library Board revisit the Director's actions at evaluation time and continually be aware that there be no Board communication outside of library board meetings. Commissioner Clarence Thomas felt the Director's comments should be addressed as a possible disciplinary action and that policy may be needed and he will look forward to possible Policy and Procedures changes.

Riverton Senior Citizens Center Director Lori Weber and Board Chair Frank Tanner, along with Lander Senior Citizens Director Jane Nolde were present to discuss their intent to place a question on the

Primary Election ballot in 2024, in each of their respective school district boundaries, for a Senior Citizen Service District. This is the fastest growing age group in the state and current inflation rates were discussed along with issues with financial constraints that jeopardize their ability to continue providing invaluable services to elderly residents. Funds received from a District formation would sustain and enhance current programs to meet growing demand, sustain and hire employees with a livable wage and sustain meal services, activities and transportation. The stressed that seniors have contributed immeasurably to our community, and now it's our turn to show our gratitude and dedication by ensuring they receive the support they need and deserve. Assessor Tara Berg, County Clerk Julie Freese and Deputy Margy Irvine had previously met with the group and Freese had developed a timeline that included both methods of establishing a District: 1) Resolution by the Board of Fremont County Commissioners or a Petition signed by the qualified electors in the proposed district boundaries, or 2) Petition signed by the qualified electors in the proposed district boundaries (number determined by the number of voters who vote in the last General Election, with 15% of that number the required number of qualified signatures they must get). Berg stressed the importance of the group's next step which is to get a map of the boundaries and present to the Department of Revenue for approval prior to proceeding to whichever method will be followed to place on the ballot. The Commissioners were in approval of proceeding with a Resolution once proper documentation is in place.

Mike Jones moved, Jennifer McCarty seconded, to adjourn into the Board of Equalization. Motion carried unanimously. Hearing Examiner John Schumacher stated the purpose of the session was to review the County Board of Equalization Decision and Order of MPT of Riverton Lima LLC (Docket No. 2023-12). The hearing was held on August 7, 2023 and following the Board's decision, the Decision and Order compiled by Mr. Schumacher was presented in which the County Board affirms the Assessor's 2023 valuation of MPT's property because MPT did not present evidence sufficient to overcome the presumption in favor of Assessor's valuation. Commissioner Larry Allen, Jennifer McCarty, Clarence Thomas and Ron Fabrizius approved of the Order as presented. Commissioner Mike Jones abstained due to his absence at the hearing. Mike Jones moved, Clarence Thomas seconded, to return to Regular Session. Motion carried unanimously.

Five applicants presented their projects for MOVE funding, as recommended by the MOVE Committee. MOVE Chairman Brett Berg was present in the audience:

Benessere Clinic, Lisa Lowham and Dr. Anthony Lowham presenting, funding request of \$159,290 for expansion of aesthetic treatments, MOVE recommendation of \$36,000.

Brunton International LLC, David Heerschap presenting, funding request of \$162,696 for military lensatic compass, MOVE recommendation of \$162,696.

Child Development Services, Courtney Hill, Executive Director presenting, funding request of \$126,900 for tuition support, MOVE recommendation of \$85,000.

Next Level Gymnastics, Sarah Hutchison and Mike Hutchison presenting, funding request of \$91,000 for expansion of equipment, MOVE recommendation of \$91,000.

Riverton Medical District, Dr. Gose, Cindy McDonald, Vivian Watkins and Susan Goetzinger presenting, funding request of \$200,000 for Site Preparation and Value Engineering Costs, MOVE recommendation of \$100,000.

For the July grant requests, five had been forwarded on for approval by the County Commission. Three had not been approved to continue the process as the MOVE committee did not feel the project provided the economic advantage to the county required for funding: Wild West EV, Wind River Community Alliance and WYLD Outdoor Adventures LLC. The following were not considered for presentation to the MOVE committee as the committee determined their applications to be incomplete or Articles of Incorporation presented did not use a Fremont County address: Auto Medic LLC; HoneyFly Company, Legacy Foam Solutions; SDT Property Management; Scott Robeson Custom Wood, Trail Co., Inc.; Wind & Sage WY LLC; Miikana Properties/Union Whiskey Bar and Wyoming Energy Co-Op. The applicants are eligible to apply for the next round of grants once issues are addressed.

MOVE Chair Brett Berg updated the Commission on funding received from Lander's economic development committee, LEDA, for the Benessere Clinic project, in which they recently approved \$22,000.

Mike Jones moved, Ron Fabrizius seconded, to approve funding for Benessere Clinic for \$36,000; Brunton International LLC for \$162,696; Child Development Services for \$85,000; Next Level Gymnastics for \$91,000 and Riverton Medical District for \$200,000. Motion carried unanimously.

Mike Jones moved, Jennifer McCarty seconded, to adjourn into Executive Session for Potential Litigation and Potential Property Acquisition. Motion carried unanimously. Commissioner Thomas left mid-way through the session. Mike Jones moved, Jennifer McCarty seconded, to return to Regular Session. Motion carried unanimously.

There being no further business, Mike Jones moved, Jennifer McCarty seconded, to adjourn the Regular meeting at 1:50 p.m. and reconvene for a Regular Meeting at 9:00 a.m. on October 3, 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