

STATE OF WYOMING)
) ss.
COUNTY OF FREMONT)

LANDER, WYOMING
OFFICE OF THE FREMONT COUNTY COMMISSIONERS
DECEMBER 5, 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 Michael Jones, Jennifer McCarty, Clarence Thomas and Ron Fabrizius. County Clerk Julie A. Freese and Deputy Civil Attorney Nathan Maxon were present.

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

Jennifer McCarty moved, Clarence Thomas seconded, to approve the minutes of the November 21, 2023 minutes as presented. Motion carried unanimously. Commissioner Ron Fabrizius had been absent for the meeting, but had listened to it later on YouTube, and stated that Public Comment had been discussed in Executive Session on that date and expressed an objection to the minutes that reflected that Public Comment discussion had been held in Open Session. Later in the meeting, County Clerk Julie Freese informed that Board that she had reviewed the Executive Session minutes from said meeting, in which Deputy Margy Irvine was present, and stated only the advertised personnel issues were discussed in Executive Session, no mention was made of the Public Comment topic. The minutes reflected correctly that the Public Comment discussion was held in Open Session.

Jennifer McCarty moved, Clarence Thomas seconded, to accept the bills for payment. Motion carried unanimously.

Bills are listed in the following format: Vendor - Department - Description - Amount: 2 M Construction Inc-Road Construction-Materials-\$153,000.00; 71 Construction-ARPA Program Grant-Parking Lot Repair-\$42,830.00; Ace Hardware-Lander-County Buildings-Materials / Supplies -\$23.98; AlSCO Inc-County Buildings-Laundry-\$221.00; American Family & Life Ins.-Segregated-Insurance-\$4,513.17; Amerigas-County Buildings-Utility Service-\$527.33; B & B Enterprises LLC-Segregated-Signs & Supplies-\$545.00; Black Hills Energy-County Buildings-Utility Service-\$9,072.77; Blue Cross Blue Shield Of WY-Co Admin-Health Ins Claims-\$495,022.89; BMO Bank N.A.-Investment Pool-Charges-\$52.26; Capital Business Sys. Inc-Covid 19 Grant-Supplies & Service-\$85.49; Carroll Septic Service-Transportation-Services -\$170.00; Charter Communications-Computer Services-Internet Service-\$129.98; City Plumbing & Heating Inc-County Buildings Detention-Service/Supplies-\$35.91; Clifford, Gregory P. MD PC-Detention Center-Inmate Medical-\$1,070.00; CNA Surety-County Treasurer-Surety Bond-\$175.00; Colonial Life & Accident Ins-Segregated-Insurance-\$474.73; Communication Technologies Inc-Segregated-Repairs/Supplies-\$173,778.22; Cowboy Chemical Inc-Detention Center-Supplies-\$637.20; Davis Funeral Home-Health & Welfare-Indigent Funeral-\$1,500.00; Department Of Family Services-County Attorney-Background Check -\$10.00; Desert Mountain Corporation-Road Construction-Supplies-\$10,289.02; Dubois Telephone Exchange-County Sheriff-Telephone Service-\$720.96; Empower Trust-Segregated-Wyoming Benefits-\$8,720.00; Floyd's Truck Center WY-Vehicle Maintenance-Parts/Service-\$500.72; Fremont Chevrolet GMC-Segregated-Vehicles/Parts-\$210,948.90; Fremont County Clerk-Planning-Recording Fees -\$75.00; Fremont County Treasurer-Co Admin-Health Insurance-\$365,110.00; Fremont County Treasurer-Co Admin-Section 125 Benefits-\$32,499.31; Garnishments-Payroll-Garnishments-\$1,243.65; Globalstar USA-Search & Rescue-Satellite Phone -\$277.64; Griffin, Bette J.-County Sheriff-Service/Supplies-\$135.00; Hasco Industrial Supply-Vehicle Maintenance-Materials/Supplies-\$246.63; HDR Engineering Inc-Eight Mile Road Phase II-Materials/Supplies-\$3,962.50; Healthsmart Benefit Solutions-Segregated-Insurance-\$720.00; Inberg-Miller Engineers-Segregated-Engineering Service-\$3,740.00; Jones, Michael-County Commission-Expense Reimburse-\$224.00; Kairos Broadcasting LLC-Prevention Program-Advertising-\$1,583.34; Kisling, Lisa-Public Defender- Rent-\$600.00; Laboratory Corporation Of America-Detention Center-Inmate Medical-\$1,330.00; Lander, City Of-County Buildings-Water & Sewer-\$2,549.32; Lawson Products, Inc-Vehicle Maintenance-Parts & Supplies -\$881.66; Miller, Margaret-District Court-Rent-\$300.00; Motorola Solutions Inc-Segregated-Radio Equipment -\$4,411.62; Napa Auto Parts-Riverton-Transportation-Parts & Supplies-\$233.98; New York Life Insurance-Segregated-Insurance-\$133.11; Newman, Craig-Transportation-Expense Reimburse-\$315.39; Norco Inc-Segregated-Supplies -\$992.38; Novo Benefits-Health Benefit Plan-Insurance Services-\$3,000.00; Office Shop Inc, The-Agriculture Department-Repair/Service-\$135.52; Payroll Taxes-Co Admin-Withholding/FICA-\$214,774.42; Peterbilt of Wyoming-Vehicle Maintenance-Parts -\$419.04; Post, Raymond-County Sheriff-Car Wash -\$60.16; Premier Vehicle Install Inc-Capital Asset Acquisitions-Vehicle Set Up-\$33,051.58; Quadient Inc-County Sheriff-Postage Machine-\$77.97; Quill Corporation-County Attorney- Office Supplies-\$91.98; R C Lock & Key-County Buildings-Supplies & Services-\$138.80; R T Communications-Dispatch Center-Telephone Services -\$444.11; Remote Satellite Systems-Search & Rescue-Satellite Phone-\$69.95; Riverton, City Of-County Buildings-Water / Sewer-\$802.11; Smith Psychological Services-Detention Center-Services -\$800.00; Solterra Engineering Inc-ARPA Program Grant-Engineering Service-\$1,336.25; Soule, Sierra-Public Defender-Rent -\$600.00; State Disbursement Unit-Payroll-Child Support-\$1,870.41; State Of Wyoming-Public Defender-Office Rent-\$1,650.00; Stotz Equipment-Vehicle Maintenance-Equipment/Supplies-\$567.60; Terrance R. Martin PC-Public Defender-Rent-\$600.00; Total Net Salaries-Segregated-Salaries-\$704,129.46; Traveling Computers-Computer Services-Services -\$588.50; Western Printing, Inc-County Assessor-Supplies-\$340.61; Whiting Law, P.C.-District Court-Professional Services-\$630.00; WY Assoc Of Co Ag Agents-Agriculture Department-Dues -\$100.00; WY Dept Of Employment-Segregated-Unemployment Claims-\$0.00; WY Dept Of Transportation-Vehicle Maintenance-Transfer County Plate-\$4.00; WY Law Enforcement Academy-Segregated-Training -

\$1,275.00; WY Public Health Laboratory-Public Health-Fees/Supplies-\$434.00; WY SDU-Payroll-Child Support-\$1,330.00; Wyo Child Support Enforcement-Segregated-Child Support-\$850.00; Wyo Dept of Workforce Serv-Co Admin-Workers Comp-\$33,769.24; Wyoming Behavioral Institute-Health & Welfare-Title 25-\$754.00; Wyoming Machinery Co-Segregated-Parts / Service-\$363.90; Wyoming Retirement System-Co Admin-Contributions-\$170,422.80; Wyoming Waste Systems-County Buildings-Trash Removal-\$3,165.50; Wyonet Inc.-Computer Services-Telephone Service-\$5,537.76.

Clarence Thomas moved, Jennifer McCarty seconded, to accept vouchers for Title 25 patients from Wyoming Behavioral Institute for four patients totaling \$9,802.00 and from Fremont Counseling Service for October patients totaling \$3,600.00. Motion carried unanimously.

The following items in the Signature File were reviewed: 1) Abatement Summary cover page; 2) Letter of appreciation to Brandon Haun for service on the Fremont County Fair Board; and 3) Record of Proceedings. Mike Jones moved, Jennifer McCarty seconded, to approve a Y2 Consultants Contract for Services for the Squaw-Baldwin Loop Strategic Plan. Motion carried unanimously. Mike Jones moved, Clarence Thomas seconded, to approve a Federal Highway Administration Final Acceptance of the Horse Creek Road project. Motion carried unanimously. Mike Jones moved, Clarence Thomas seconded, to approve a Surety Bond increase for Clerk of District Court Amanda Sanchez in the amount of \$100,000. Motion carried unanimously.

The following items were reviewed in the Priority Mail: 1) Vehicle Accident Form involving a Sheriff's Department Pickup (CO-2526). Vehicle Maintenance Supervisor indicated the grill guard damage was repaired in-house. 2) State of Wyoming Department of Audit list of Special Districts in Fremont County that have not filed an annual report as required by W.S. 9-1-507(a)(vii). The next step is for the Commissioners to place a public notice in the official newspaper indicating the special district is in danger of being dissolved due to failure to comply with the legal reporting requirements. County Clerk Julie Freese received the same letter and will follow up with the entities prior to advertising. 3) Western Governor's Leadership Institute informational flyer.

Building Maintenance Supervisor Mike Meeker requested authorization to refill an upcoming vacancy in the Detention Center. Mike Jones moved, Clarence Thomas seconded, to approve refilling the Detention Center Custodial position at a salary not to exceed \$36,800. Motion carried unanimously.

County Assessor Tara Berg requested authorization to change a part-time position back to full-time in January. The workload makes it necessary to return the position to full-time when the part-time employee resigns and will be a budget increase. County Clerk Julie Freese stated that, if approved, she will monitor the budget and if it becomes necessary, a budget transfer can be made at that time. Jennifer McCarty moved, Ron Fabrizius seconded, to approve the request to return the part-time position (\$19,000) to full-time at a salary not to exceed \$36,000. Motion carried unanimously. Assessor Berg stated that this position handles all Veteran's exemptions and personal property, and that if a bill passes the next Legislative Session, they will be processing 16,000 additional properties in 2025.

Commissioner meeting reports were given.

Commissioner Clarence Thomas asked if a date had been selected for the next Wind River Inter Tribal Council meeting. The WRITC secretary had submitted the date of December 13th from 10:00 a.m. – 11:30 a.m. at the Frank Wise Center in Fort Washakie. Two of the five County Commissioners expressed conflicts with the date and suggested the meeting be postponed until January 2024 and request at least four hours for the meeting, as many topics need to be discussed.

Vice-Chairman Mike Jones stated the Solid Waste Disposal District continues to advertise for a Director and they have eliminated the PE requirement. The District has signed a MOU with the Tribes. The Governor has formed a Task Force to respond to the Rock Springs BLM Resource Management Plan update. He was asked by the Governor to serve in an advisory capacity representing local governments. This process has been in the works for 15 years and seems to be politically motivated. Under NEPA, they need to use the County's Land Use Plans and were using Fremont County's 2014 plan which was updated in 2021 to a Resource Management Plan. The draft is eliminating tools to manage the land properly. The administrative draft is expected soon for the BLM Sage Grouse Plan Amendment. Wyoming has led the way in sage grouse science and produces more data than anybody. The Counties need to be treated as Cooperating Agencies and he expressed appreciation to the Governor making resources available for outside assistance.

Karen Wetzel interrupted the meeting during Commissioner reports and passed out a written statement to the Commission and stated she has a constitutional right to speak. Chairman Allen called her out of order and she left the documents with them and returned to the audience. Juanita Duncan also provided a written statement to the County Clerk regarding the need for open discussion and speech from the floor which was distributed to the Board. A list of concerned citizens in the audience is on file in the Office of the County Commissioners.

Planning Department Supervisor Steve Baumann presented a Corrected Terrace Subdivision Lot 1, Re-Subdivision, previously approved by the Commission on November 7th. Prior to recording of the previous corrected plat that included a scrivener's error, an additional error was found within the notes section of the plat. Jennifer McCarty moved, Clarence Thomas seconded, to approve the Corrected Terrace Subdivision Lot 1, Re-Subdivision. Motion carried unanimously. Baumann discussed the Singing Creek Subdivision, Lots 3A, 4 & 5 Vacation and Platted Public Road Vacation issue. The re-platting of Lots 2 and 3 were approved in early November, which facilitated the sale of Lots 3A, 4 & 5 to an adjacent landowner who intends to bring a Vacation Request to the Planning Commission to combine the parcels with their adjacent agricultural property. Along with this, the new landowner will be requesting that the platted, but never constructed publicly dedicated road, utility and drainage easement that was intended to access the lots, be Vacated.

The Board was informed that the 9:40 a.m. session with Inberg-Miller engineer Dawn Willhelm had been cancelled.

Since the above agenda item was cancelled, the topic under New Business titled "Agenda Request Procedure and Public Comment Policy Review" was discussed. Commissioner Thomas stated his belief that Public Comment should be reinstated under specific guidelines such as behavior, time, topic, etc. "The Commission is here to perform government business and we need to stick to our published agenda, when repetitive comments take time away from those scheduled, it is inappropriate." He feels comments should pertain to topics on the agenda or those already spoken about. At this time, Karen Wetzel again, disrupted the meeting and Chairman Allen asked Deputies in the room to escort her out of the meeting since he had already told her earlier that she was out of order. They responded that they are in the room to keep peace, this is a civil matter and they cannot enforce unless it becomes a criminal matter. Commissioner Thomas stated this was the case in point that the actions of a few ruin it for everybody by making the proceedings chaotic and negative and he's not interested in that, and further referenced graphic pornographic material presented to the Commission in an earlier public comment session. He reiterated he did not wish to take away public comment but is not about public comment anymore, it is dealing with the conduct of some people that is the issue. Vice-Chairman Jones stated he has given this much thought and has received lots of e-mails on the subject. He agreed with Commissioner Thomas to reinstate public comment with appropriate guidelines put in place. The Commission needs to keep control of the meeting, the Commission manages the business of the state at the county level and the Commission needs to be allowed to do their job. If comments are taking longer than the allotted time, the Commission will have the right to stop them and perhaps schedule it to continue on to a later meeting, this is within the Commission's statutory right. He reiterated guidelines need to be put in place with time limits adhered to and recommended public comment be reinstated on future agendas. He referenced earlier comments regarding Library issues and stated the Commission appoints the governing board to deal with these issues, they are working on appropriate avenues to address the concerns and have put an appeal process in place. The Commission doesn't need barriers, he requested that they just be allowed to do their job. Commissioner McCarty concurred with fellow Commissioners, and stated Commission meetings are not Town Hall meetings, they are handled like a courtroom or legislative sessions. She has always had an open door policy if people want to visit with her, but disrespect in the Commission Chambers will not be tolerated. Commissioner Fabrizio gave his interpretation of the Open Meetings Law and read from state statutes and referenced a pamphlet he had regarding these guidelines. He disagreed that the Commission was like a legislative body and stated the Commission is an agency and falls under the Open Meetings Law. He referenced W.S. 16-4-403 citing "all meetings of the governing body of an agency are public meetings, open to the public at all times, except as otherwise provided." The Commission needs to hear comments and be kept aware of what's going on in the County. He referenced the statue in the Courtyard and kiosks with names of people that served or are serving in the military and the Commission needs to listen to citizens as a courtesy. Chairman Allen stated the comments discussed are good and stated guidelines would be established for decorum for future public comment periods. Vice-Chairman Mike Jones will work on the Procedures he distributed for Agenda Request Procedures based on the conversation just held.

The Commission reviewed several changes the MOVE Committee suggested to rules and application procedures for future applicants. MOVE Chairman Brett Berg and members Bryan Warner and Cy Lee (Zoom) were present. Chairman Larry Allen had requested Civil Attorney Nathan Maxon review the "claw back" rules associated with the Riverton ½ % Committee and Maxon had further drafted a Resolution requiring all successful MOVE applicants enter into an agreement with the County that will govern the use of said award. Making the grant awards on a reimbursable basis was another topic discussed. Commissioner Fabrizius asked if a change could be made to the 30% which goes to support transportation infrastructure such as commercial air service and ground transportation. County Clerk Freese stated the renewal proposition would have to be exactly the same as the initial ballot. In order to change the language a whole new proposition has to be on the ballot with new language. Vice-Chairman Jones noted that he interprets the ballot language as allowing the Commission to have the flexibility on how the remaining 70% is spent within the county. Chairman Allen stated that another change is that an applicant only be granted funding one time, from any of the ½ % committees. Quarterly reporting was another suggestion made, instead of just the yearly final report, and a form would need to be developed for uniformity in reporting. Asking for profit and loss statements was added to the application requirement. Maxon will draft the suggested changes for review the following week. Mike Jones moved, Ron Fabrizius seconded, to approve Resolution No. 2023-24 requiring all MOVE applicants to enter into an agreement with the County. Motion carried unanimously. Mike Jones moved, Jennifer McCarty seconded, to change the MOVE Application to read "1/2 % program applications can be submitted quarterly and are eligible for only one award per individual (no other funding to have been awarded from EDGE, LIFT or Dubois). Motion carried unanimously. This immediate change will help the Committee determine who to interview out of the 23 applications received for the October quarter.

Transportation Superintendent Billy Meeks and Administrative Secretary Jill Johnson joined WYDOT representatives Vince Garcia and Suzie Roseberry (via Zoom) to discuss the power point "WYDOT/County Collaboration for Road Reporting." WYDOT stated the problem is that navigation companies route travelers down county roads that are not suitable as alternate routes when WYDOT closes an adjacent roadway. As a result, county officials often have to assist motorists and can turn into a safety of life issue. The proposed solution is working with counties to identify routes to automatically show as closed when WYDOT roads close (seasonal closures, no trailer traffic, local traffic only, etc.). This information would provide centralized data feed for third parties to consume for statewide closure information. WYDOT will provide this data to Situational Data Exchange (SDX) to host the information for any 3rd party navigation and become a one-stop shop for data providers/consumers. If Fremont County wishes to participate, a MOU would be provided to document expectations and customizations. There is no cost to counties to participate. The Commissioners were all in agreement to enter into a MOU with WYDOT for the project.

In other business, Billy Meeks presented a renewal of a Temporary Use Permit with BLM for the removal of existing snow fence in the South Pass area and new construction as the Temporary Use Permit had expired in 2021. The Commission stated they would include the document in their Signature File for approval at the following meeting.

Courthouse Security Committee member Kevin Shultz presented survey results for the County Facility Keyless Entry and Surveillance Project. Chair Traci Foutz was present via zoom and fellow committee members Andrea Ladd, Julie Freese, Margy Irvine and Mike Jones were present. The initial LATC project request totaled \$360,000. Final totals indicate Year 1 to be \$317,925 and Year 2 \$244,000 for a grand total of \$562,325. Commissioner Thomas recommended the Committee discuss a private security company to monitor the surveillance cameras daily. Foutz indicated this has been discussed and it was noted that Court Security is helpful if they are not in court. Shultz stated some of the work can be done in-house. Mike Jones moved, Jennifer McCarty seconded, to authorize LATC funding in the amount of \$600,000 for the County Facility Keyless Entry and Surveillance Project. Motion carried unanimously.

Mike Jones moved, Ron Fabrizius seconded, to adjourn into Executive Session with County Attorney Patrick LeBrun regarding personnel. Following that session, Building Maintenance Supervisor Mike Meeker was present for personnel and then Vehicle Maintenance Supervisor Brad Meredith for personnel. Mike Jones moved, Jennifer McCarty seconded, to return to Regular Session. Motion carried unanimously. No action was taken on the personnel matter addressed by Attorney LeBrun.

Commissioner Thomas stated he would draft guidelines for conduct during public comment. County Clerk Freese had sent statutory authority per W.S. 16-4-406 regarding "Disruption of public meetings" for the Board's information.

County Clerk Julie Freese asked the Commissioners to speak with their respect liaison departments if they had employees who are in danger of losing comp pay by the end of December.

There being no further business, Mike Jones moved, Jennifer McCarty seconded, to adjourn the Regular Meeting at 12:30 p.m. and reconvene for a Regular Meeting at 9:00 a.m. on December 12, 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