

OFFICIAL PROCEEDINGS
BOARD OF LINCOLN COUNTY COMMISSIONERS
October 1, 2024

Commissioner Connelly called the meeting to order at 10:00 a.m. Others in attendance included the following: Commissioners Bowers and Hansen; County Clerk, April Brunski; Deputy Attorney, Austin Dunlap; Chief of Staff, Stephen Allen and Commissioner's Secretary, Corey Roberts.

Consent items: **1. Commissioner Bowers** moved to approve the consent agenda with the addition of **Amy Butler, County Engineer**, in place of **Stephen Allen, Chief of Staff**, minutes from September 17, 2024, orders for reduction/addition to the assessment roll and approval of the vouchers. Motion was adopted. **2. Commissioner Hansen** moved for the Commission Chair to sign the MOU agreement with all parties referencing Impact Assistance for the Dry Creek Trona Project. Motion was adopted. **3. Commissioner Hansen** moved for the Prevention Specialist sign an agreement with the NCR Behavioral Health Service to provide training on November 22, 2024 for an amount not to exceed \$9,400. Motion was adopted. **4. Commissioner Bowers** moved to approve the letter to the Bureau of Reclamation for the SUNROC Corporation proposal to extract material from the Alpine Bear Pit. Motion was adopted. **5. Commissioner Hansen** moved to approve the annual Revenue/ Expense Report for Fiscal Year 2023-2024. Motion was adopted. **6. Commissioner Hansen** moved to approve a resolution that Richard Stout or his designee from Teton County Attorney's Office be and are hereby appointed and employed as Special County and Prosecuting Attorney to assist and perform the official duties in this matter that would otherwise be performed by the Lincoln County Attorney and his deputies. Motion was adopted. **7. Commissioner Hansen** moved to authorize the submission of an application to the Laura Jane Musser Fund under the Rural Initiative for the implementation of the USFS Big Spring Day Use Area plan. Motion was adopted. **8. Commissioner Bowers** moved to approve the advertisement of a public hearing for a proposed application to the Wyoming Business Council. Motion was adopted.

Discussion items: **1. Amy Butler, County Engineer**, reported for **Stephen Allen, Chief of Staff**, who is at a conference. She presented the Commissioners with a list of meetings/events the Chief of Staff has recently attended and updated on current projects he is working on including: Courthouse front steps project and Courthouse controls and installation; P&Z LUR change on storage containers; SIRQ discussion with State Court Security/District Court input; CRS discussion on septic; Pine Creek building additions; Policy and Procedure update; IDAWY bank statements; Gerber Insurance reimbursement; Housing infrastructure improvement; Travel & Tourism and Lincoln County Economic Development Council MOU and Regional Transportation Plan. She presented correspondence to be signed. **2. Dawn Marquardt, Committeewoman (LaBarge) -Lincoln County Republican Party**, presented a petition that she and **Marti Halverson** created to request a hand count verification of the 2024 General Election. She discussed a presentation given by **Rick Weible** at the State Central Committee for the Wyoming GOP regarding machine security and concerns he brought up about Wyoming being set up for a lawsuit and having the electoral votes thrown out. They are proposing to do a hand count of 4 precincts in Lincoln County for the Federal races to verify the machine count. They are having a presentation (**Jill Kaufman**) at the Lincoln County Republican Party meeting on October 12th and demonstrations and training on hand counting. **Marti Halverson, Committeewoman (Etna) Lincoln County Republican Party**, discussed the proposed Resolution to request a partial hand count in Lincoln County for the 2024 General and provided information on why they don't trust the machines as provided by **Rick Weible** and how elections can be counted smoothly with teams of four. She gave examples of a tally sheet and rejected

ballots by the DS200 and also discussed her role on the Election Integrity Committee. She also expressed concerns with the ES&S certification and explained that the Resolution has not been passed by the Lincoln County Republican Party Central Committee but due to time constraints it's being presented as a petition to the Commissioners. **Chairman Connelly** commented that the County Clerk certifies the election and he has faith in the system and expressed concern the window that this has been brought forward is too short. **Marti** further commented that no one knows for sure what is inside the machine as it is not allowed by ES&S and is not asking for the hand count to be certified. **Austin Dunlap, Deputy County Attorney**, discussed and asked questions regarding statutory authority. **Commissioner Hansen** commented there is not sufficient information and support from the voters to pursue this and in such a short time frame provided right before the General Election. **Chairman Connelly** questioned the legal authority and commented on the request from them to trust the electronic signatures on the petition when they are questioning trust in the electronic machines and questions the time frame. **Commissioner Bowers** commented there would be more mistakes hand counting than with the machines. **April Brunski, County Clerk**, commented that her office has hand counted the test decks for the machines for years without any discrepancies. **The Commissioners** did not take any action. **3. Matt McCloud, Road and Bridge Superintendent**, discussed transferring one of his old trucks and plow to the Fairboard and other Road and Bridge matters/county roads. **4. The Commissioners** went over discussion items. **Chairman Connelly** reported on the Energy Summit he attended and reported that Greeley Colorado just started hauling 1 million tons of coal to the big power plant in the center of Utah. It's a brand new mine in Colorado shipping to the Intermountain Power Project and discussed the reopening of several coal mines. He also updated on pipeline applications. **5. Marti Halverson, American Lands Council**, presented a press release Utah issued regarding the federal government holding unappropriated lands with a State indefinitely and a Resolution Supporting Utah v United States Legal Action as set forth in United States Supreme Court and asked for the Commissioners' support. **6. Laura Pearson, Lincoln County Resident**, clarified that the reason for the hand count is for a verification process is to ensure that Wyoming's elector votes are not taken away. It's a way to verify that the machines are right and secure Wyoming's elector votes and this is something that is trying to be done statewide. **7. The Commissioners** went over calendar items and further discussion items. **8. Mary Crosby, County Grant Writer**, discussed a request from the USFS to apply for the Laura Jane Musser Fund in the amount of \$25,000 to implement a portion of the plan that Lincoln County approved \$50,000 for earlier in 2024. She also discussed Criterium working with Wahke Resources to identify an area that will be suitable for the bitumen plant. An area near Opal has been identified that the Town is considering for annexation. The needs are best suited for a community readiness application. **Mary** recommends the County hold the public hearing and invite the town of Opal to participate.

Commissioner's Presentation: Keith McNeel – 10 years of service

Meeting adjourned at 1:43 pm.

October 2, 2024

Chairman Connelly called the meeting to order at 10:00 a.m. Others in attendance included the following: Commissioners Connelly and Bowers; County Clerk, April Brunski; Deputy County Attorney, Austin Dunlap and Commissioner's Secretary, Corey Roberts.

Consent items: **1. Commissioner Hansen** moved to approve the agenda for the day. Motion was adopted. **2. Commissioner Hansen** moved to approve **File 111 CUP 24** Heiner Storage with Findings of Approval A through D and Conditions of Approval 1 through 5. Motion failed due to lack of second. **3. Commissioner Bowers** moved to table **File 111 CUP 24** Heiner Storage until the November 13, 2024,

Commission Meeting to address concerns. Motion was seconded by **Commissioner Hansen** with discussion to have it defined why it's being sent back to the P&Z Commission (road widening for distance and width, a second access and address DEQ permitting). Motion was adopted. **4. Commissioner Hansen** moved to Table **File 404 SS 24** Cabbage Hill until the October 22, 2024, County Commission Meeting to allow for the Star Valley Conservation District to review. Motion was adopted. **5. Commissioner Bowers** moved to approve **File 104 MA 23** Valley of the Burm Third Filing with Findings of Approval a thru D and a Resolution of Approval. Motion was adopted. **6. Commissioner Hansen** moved to table **File 814 AP 24** Trail Ridge Subdivision 4th Filing until the October 22, 2024, Commission Meeting to allow for a Resolution or proof from the POA giving authorization of a member to sign. Motion was adopted.

Discussion items: **1. Ken Kuluski, Planning Director**, presented the Planning Agenda for the day. **2. Katie Gipson, Planner I**, presented the monthly Development Report. **3. Elizabeth Williams, Planner II**, presented **File 111 CUP 24** Robyn and Eric Heiner – Heiner Storage with recommendation of Approval from the Planning Staff. The Planning and Zoning lacked a quorum and could not make a recommendation. **Robyn Heiner, Developer**, asked for approval on the storage unit projects. He explained details of the project, addressed concerns with the road width and presented drawings to expand the road (Stevens Lane) to 26 feet. He also discussed the access, landscaping, mitigation for the drainage, size of the buildings/grade and slope. He commented on the ongoing, long process they have gone through with the project and clarified that they have not been renting buildings out as previously mentioned. He explained the need for the storage units, they are not popular, but they help clean up the neighborhoods. **Eric Heiner, Developer**, answered questions from **Commissioner Hansen** and explained that the current building they have has been permitted by the County. **Noah Christenson, homeowner within 50 feet of the project**, addressed concerns with the way the project has been moving forward without proper permitting and is frustrated with what has been going on with little recourse. He also discussed increased traffic on the road, the safety issues and the neighborhood turning into a warehouse district. He commented this is not what a community needs to grow; it needs homes, commercial development and small businesses. **Ryan Nichols, property borders fence line of project**, commented that the operation has greatly impacted the quality of his family's life and will continue to do so if passed. They hear loud trucks constantly loading gravel and there are things that the developers have said they will get done, but has not happened. He has to clean up the trash from the storage units that blow into his yard. The traffic and safety is also concerning to him and commented on Hwy 89 being designated a scenic by-way and now there are 7.7 miles of storage units, which are not scenic. **Catina Nichols, neighbor to the property**, commented on the safety and the way their quality of life used to be on the Lane before the storage units were put in - it's not safe with the traffic and trucks anymore. She explained they were under the impression that the lots would be residential, but they are surrounded on both sides with storage unit and it's like living in an industrial community, not the country feel they had before. She is also concerned with what it's doing to her property value and expressed her frustration with the situation. **Marlowe Scherbel, Surveyor Scherbel**, clarified that the zoning is rural and the use is residential/commercial. **Lou Ann Henderson, Etna Resident**, addressed additional concerns. She commented there are too many storage facilities in the Lower Valley and it impacts the life of the residents. She contacted 12 storage units in the area and 75% of them had units available. The number of units goes beyond what is needed, they are unsightly and there are issues when they don't comply with the Land Use Regulations. She also commented that zoning enforcement is needed on Land Use Regulations. **Noah Christenson** further commented that the initial notification in 2020 that was sent out did not state commercial. **Robyn Heiner** clarified that they were visited by DEQ and a permit is not need, but it would be cleaner if they did apply for a permit. He also commented that the traffic is not running by the neighbors' homes and they are putting up

fencing and the traffic and trucks are temporary to get ready for the project. Further questions from **Commissioner Bowers** were answered regarding the retaining wall and from **Chairman Connelly** regarding the location of the fence mentioned. **Rachel Heiner** commented she has done the books for the storage units for close to 10 years, the demand for large storage units is immense and she receives 1 to 2 calls per day for the units. She further explained that the units are beautiful and aesthetically pleasing and they have been a means to provide for their families and is grateful for this. **Commissioner Hansen** commented that P&Z Commission did not have a quorum to make a recommendation and he does prefer having one from them. He also commented on small business in Lincoln County, pointed out that storage units do not have water and sewer issues and dealing with neighbors is a part of buying property. **Commissioner Bowers** commented that she doesn't particularly like storage units and they may need to start limiting them. **Chairman Connelly** commented on the road width and would like it looked over by the County Engineer. He also commented on the size of the development, he doesn't like the non decision out of Planning and Zoning, a DEQ permit would impact his decision and would like it to go back to P&Z for a decision. He also expressed concerns with the possibility of storage units being used to live in and commented that he always gets asked about putting a moratorium on storage units. He also believes there should be a second exit and would like the P&Z Commission to address it. **Commissioner Hansen** explained that it may not be possible to add a 2nd access onto Hwy 89. He also commented on the road design. 4. **Katie Gipson** presented **File 404 SS 24** Bryce M. Roberts and Jacob D. Roberts – Cabbage Hill with recommendation to Table until the November 13, 2024, meeting to allow the Star Valley Conservation District the required 60 days to review the subdivision. 5. **Marlowe Scherbel, Surveyor Scherbel**, commented that the Conservation District has been non responsive, but doesn't expect anything out of the ordinary for this project. He asked for approval with a Condition of Approval dependent upon the Conservation District approval. **Commissioner Hansen** asked for language for a Condition of Approval. **Elizabeth Williams** clarified that if there is no response in 60 days it would move forward. 6. **Mikayla Hibbert, Planner I**, presented **File 104 MA 23** Josh and Rylee Burmester, and Bart W. and Julie S. Taylor – Valley of the Burm Third Filing with recommendation of approval. **Commissioner Hansen** commented on the requirements being met as requested. **Marlowe Scherbel** commented on a correction needed from "Preliminary" to "Final". 7. **Katie Gipson** presented **File 814 AP 24** Wes Banks, Trail Ridge POA , and 159 Acres, LLC c/o Scott Mitchell – Trail Ridge Subdivision 4th Filing with recommendation of denial. **Commissioner Bowers** recused herself from the project due to a conflict of interest. **Commissioner Hansen** commented that the POA has not acted on this as a Board and that the County is caught in the middle and doesn't have enough information to move forward on it. **Marlowe Scherbel** clarified this is an amended plat that has gone through the process. It's amending the road and someone with the POA and will have to sign the plat. He explained that it's adjusting the road and no access rights are being abridged or destroyed. He asked for approval with the condition of receiving signatures from the POA. **Wes Banks, President of the POA**, explained that an informational meeting with the homeowners was held to address concerns. He gave a presentation on the amendment and there were no objections to the plat. He does have approval from the Board and would like this to be approved. He answered questions from **Commissioner Hansen** regarding the size of the board and the by-laws. **Wes** confirmed that the vote passed 3-0 with the members that were there. **John Bowers, Deputy County Attorney**, advised the Commissioners on POA contract law and recommended tabling the project for further official approval from the POA. **William Wells, member of the POA**, doesn't think this is a big deal and confirmed that it was discussed at the Board meeting and there were no issues. He explained that it doesn't affect the POA and would like it put to rest. **Dave Jennings, former board member for the POA**, commented that he attended the September POA meeting where the information was presented and explained that many of the landowners didn't understand what was going on, but it was clarified that amendment doesn't affect the other owners. **Marlowe Scherbel** agreed that they need a resolution or motion by the POA for

authorization and proof to sign the plat. He suggested tabling the project until October 22nd to allow time for the POA to obtain authorization. **John Bowers** is in agreement to Marlowe's suggestion.

Claimant/Department	Allowed
County Payroll	\$ 568,818.61
Aflac;Employee Contributions	\$ 814.90
Bank of Star Valley;Employee/Employer Contributions	\$ 27,908.00
Bank of Star Valley;FICA/Medicare/Federal Tax	\$ 166,815.42
Group Life Ins NCPERS;Employee Contributions	\$ 448.00
HSA Bank;Employee/Employer Contributions	\$ 4,633.34
Legal Shield;Employees Contributions	\$ 21.95
Lifetime Fitness;Employee Contributions	\$ 148.50
Lincoln County Treasurer;Insurance contributions	\$ 11,039.16
Lincoln Financial;Employee Insurance	\$ 5,287.69
Orchard Trust;Employee Contributions	\$ 13,066.00
Wy.Dept.of Workforce Services;workers comp.	\$ 11,958.77
Wy.Retirement;Employee Cont./Cty.Match	\$ 132,557.31
Ace Hardware; county offices, supplies	\$ 507.43
Alarmlogix; Maintenance, monthly monitoring	\$ 100.00
Amazon Capital Services; County Offices, supplies	\$ 3,623.48
Ameri-Tech; S Road & Bridge, new plows	\$ 47,344.35
April Brunski; Clerk, mileage reimbursement	\$ 238.52
AT&T; LCEMA, utilities	\$ 2.23
AT&T Mobility; County Offices, phone service	\$ 3,717.31
Austin Dunlap; Attorney, special prosecution - planning items	\$ 6,080.00
Auto Inn; S Road & Bridge, parts	\$ 1,149.20
Avenue Consultants; Engineering, avenue project HRP 3223	\$ 35,312.07
B&H Auto Repair; County Offices, vehicle repair	\$ 377.86
Bank of Star Valley; Clerk, warrant checks	\$ 590.10
Bob Barker; Sheriff, supplies	\$ 359.56
Bomgaars Supply; County Offices, parts	\$ 308.26
Brianna Krell; Sheriff, inmate medical	\$ 652.50
Brittany Ritter; Prevention, mileage & supplies reimbursement	\$ 427.88
Broulims; Extension, supplies	\$ 13.30

Centurylink; County Offices, utilities	\$ 2,816.84
CMI-TECO; S Road & Bridge, parts	\$ 9,378.32
Conrad & Bischoff; N Road & Bridge, fuel	\$ 9,280.58
Deborah Peavler; Extension, mileage reimbursement	\$ 85.97
Dex Imaging; Clerk, monthly maintenance charges	\$ 3,158.83
Diamond 2 Plumbing; Maintenance, service	\$ 367.00
Diamondville Collision; Sheriff, tow expense	\$ 250.00
Dominion Energy; Maintenance, utilities	\$ 1,640.45
Double C Plumbing; Maintenance, faucet replacement	\$ 1,680.00
Eagle Uniform; Maintenance, laundry	\$ 56.86
Election Systems; Clerk, ballots	\$ 2,435.43
Gunter's Service; Assessor, fuel	\$ 193.76
Gunter's Tire; Sheriff, vehicle maintenance	\$ 312.00
Hags with Rags; Maintenance, cleaning service	\$ 5,893.50
Heritage Auto; Maintenance, vehicle maintenance	\$ 256.83
High Country Behavioral Health; Prevention, opioid settlement	\$ 9,090.90
Idaho Communications; Sheriff, vehicle setup	\$ 6,131.38
Idaho Traffic Safety; N Road & Bridge, supplies	\$ 4,425.00
Jill Hubbard; Extension, mileage reimbursement	\$ 135.34
Ken Kuluski; Planning, mileage reimbursement	\$ 255.94
Kenneth Roberts; District Court, mileage reimbursement	\$ 119.26
Lower Valley Energy; Maintenance, utilities	\$ 1,599.22
Lower Valley Glass; N Road & Bridge, windshield replacement	\$ 1,005.00
Marshall & Swift; Assessor, manuals	\$ 389.95
McKenna Julian; Extension, supplies reimbursement	\$ 19.08
Mikayla Hibbert; Planning, mileage reimbursement	\$ 129.98
Motorola Solutions; LCEMA, parts	\$ 5,365.95
NCR Behavioral; Prevention/ATODS, training	\$ 4,700.00
NMS Labs; Coroner's, toxicology report	\$ 159.00
Norco; S Road & Bridge, parts	\$ 126.90
Office Products; Treasurer, supplies	\$ 262.05
Outlaw Supply; Courthouse/Justice Center, contract cleaning	\$ 6,714.75
Owen Equipment; S Road & Bridge, truck setup fees	\$ 211.78
Pacific Steel; N Road & Bridge, culverts	\$ 1,004.35

Patty Pringle; LCEMA/911, hours worked	\$ 375.00
PJ's Tire; N Road & Bridge, tires	\$ 1,302.00
Printstar; County Offices, supplies	\$ 631.23
Quadient Finance; County Offices, postage	\$ 3,500.00
Quill; County Offices, supplies	\$ 151.38
Rebekah Johnson; Public Health, mileage reimbursement	\$ 129.98
Rocky Mountain Power; Extension, utilities	\$ 169.94
Silverstar Communications;County Offices,phone service	\$ 304.62
Skaggs; Sheriff, uniforms	\$ 132.85
Stephen Allen; Commission, mileage reimbursement	\$ 1,168.48
Sterling Urgent Care; Clerk, employee membership dues	\$ 8,370.00
Sublette County Public Health, vaccine	\$ 7,059.50
Summit; Sheriff, inmate meals	\$ 15,135.57
Thayne True Value; N Road & Bridge, supplies	\$ 21.77
The Tire Den; S Road & Bridge, parts	\$ 946.08
Tom's HVAC; Maintenance, courthouse control project	\$ 104,000.00
Town of Afton; Extension, civic center contribution	\$ 168.14
U.S. Bank National Association; Treasurer, lease payment	\$ 290,000.00
Valley Auto Supply; Sheriff, vehicle maintenance	\$ 14.98
Waxie Sanitary Supply; Maintenance, supplies	\$ 516.68
Wick's Construction Service; Maintenance, armory cleaning	\$ 400.00
Wyoming Dept of Transportation; R & B plate fee	\$ 8.00
Wyoming Retirement System; Sheriff, S&R retirement	\$ 1,762.50

Meeting adjourned at 11:47 pm.

Any amendments or corrections to these minutes will be shown in the next meeting's minutes.