

Board of County Commissioners

Minutes of the Proceedings - Draft

Historic Courthouse
310 W 19th Street
Cheyenne, WY 82001



Tuesday, March 17, 2020

3:30 PM

Commissioners Board Room

Roll Call/Call to Order

Present: Chairman Gunnar Malm, Vice Chairman K. N. Buck Holmes, Commissioner Linda Heath, Commissioner Troy Thompson

Minutes

1. Consideration of the Minutes of Proceedings for March 3, 2020.

[20 - 076](#)

Attachments: [Draft Minutes March 3, 2020](#)

A motion was made by Commissioner Thompson, seconded by Commissioner Heath, that this agenda item be approved. The motion carried by the following vote:

Aye: Malm, Holmes, Heath, Thompson

Consent Agenda

Commissioner Thompson removed Item #3 from the consent agenda.

Approval of the Consent Agenda

A motion was made by Commissioner Thompson, seconded by Vice Chairman Holmes, to approve the Consent Agenda. The motion carried by the following vote:

Aye: Malm, Holmes, Heath, Thompson

2. Consideration of an agreement between Laramie County, WY, and Indecomm Holdings, Inc., for electronic recordings in the Recording Dept.

[20 - 094](#)

Attachments: [Indecomm Holdings, Inc., eRecording Agreement](#)

This agenda item was approved.

3. Consideration of a catering permit submitted by S&W Properties, dba [Vino's Wine and Spirits](#), to cater the National Wild Turkey Federation Banquet at the Archer Complex on April 18, 2020. (Removed from Consent Agenda) [20 - 077](#)

Attachments: [Vino's Wine and Spirits 24-hour Catering Permit April 18, 2020](#)

County Clerk Debra Lee noted recent cancellation of events because of COVID-19 and state statutes do not allow for refunds once a license or permit has been issued. Clerk Lee recommended the Board approve the item subject to confirmation of the event taking place.

A motion was made by Commissioner Thompson, seconded by Commissioner Heath, that this agenda item be approved subject to confirmation of the event taking place. The motion carried by the following vote:

Aye: Malm, Holmes, Heath, Thompson

4. Consideration of a resolution recommending the appointment of Carol Serelson as an Assistant Public Defender in Laramie County, WY, as required by W.S. 7-6-103(f). [20 - 075](#)

Attachments: [Public Defender Appointment](#)

This agenda item was approved.

5. Consideration of a resolution authorizing the submission of a grant application to the Burlington Northern Santa Fe Railway Foundation for drone hardware in the amount of \$7,500. [20 - 082](#)

Attachments: [BNSF Grant Application for GIS Drone Hardware](#)

This agenda item was approved.

6. Consideration of a resolution authorizing the submission of a grant application to the U.S. Dept. of Justice for a Smart FY20 Support for Adam Walsh Act implementation grant in the amount of \$21,957 for the Laramie County Sheriff's Dept. Sex Offender Office. [20 - 083](#)

Attachments: [U.S. Dept. of Justice Grant Application for the Sex Offender Office](#)

This agenda item was approved.

7. Consideration of a resolution authorizing the submission of a grant application to the WY Office of Homeland Security for a FFY20 State Homeland Security Program grant for the Coroner's Office to purchase a forensic camera in the amount of \$5,000. [20 - 086](#)

Attachments: [WY Homeland Security SHSP Grant Application](#)
[Coroner Forensic Camera](#)

This agenda item was approved.

8. Consideration of a resolution authorizing the submission of a grant application to the WY Office of Homeland Security for a FFY20 State Homeland Security Program grant for the Coroner's Office to purchase a mortuary cooler in the amount of \$7,500. [20 - 087](#)

Attachments: [WY Homeland Security SHSP Grant Application](#)
[Mortuary Cooler](#)

This agenda item was approved.

9. Consideration of a resolution authorizing the submission of a grant application to the WY Office of Homeland Security for a FFY20 State Homeland Security Program grant for the Laramie County EMA to fund emergency warning and interoperable communications in the amount of \$50,000. [20 - 092](#)

Attachments: [WY Homeland Security SHSP Grant Application EMA](#)
[EOC and Communications](#)

This agenda item was approved.

10. Consideration of a resolution authorizing the submission of a grant application to the WY Office of Homeland Security for a FFY20 State Homeland Security Program grant for the Sheriff's Dept. to fund forensic operations and scene security in the amount of \$91,000. [20 - 090](#)

Attachments: [WY Homeland Security SHSP Grant Application Sheriff](#)
[Forensic Operation and Scene Security](#)

This agenda item was approved.

11. Consideration of a resolution authorizing the submission of a grant application to the WY Office of Homeland Security for a FFY20 State Homeland Security Program grant for the Information Technology Dept. to purchase cybersecurity backup storage in the amount of \$261,000. [20 - 088](#)

Attachments: [WY Homeland Security SHSP Grant Application IT](#)
[Cybersecurity](#)

This agenda item was approved.

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12. Consideration of a resolution authorizing the ratified submission of a grant application to the WY Office of Homeland Security for an elections/cybersecurity grant to request funds for additional physical election security at the records center in the amount of \$10,000. [20 - 093](#)

Attachments: [WY Homeland Security Election Security Grant Application](#)

This agenda item was approved.

13. Consideration of a revised non-recourse promissory note between Laramie County, WY, and the WY Business Council for the WY Malting Project to reflect the changes in the amortization schedule. [20 - 085](#)

Attachments: [WY Business Council Non-Recourse Promissory Note WY Malting Project](#)

This agenda item was approved.

Proclamations

14. Consideration of a resolution proclaiming April 2020, as the month of the military child. [20 - 062](#)

Attachments: [Month of the Military Child Resolution](#)

The Board of County Commissioners thanked our military families for their service and support to our country.

A motion was made by Commissioner Thompson, seconded by Commissioner Heath, that this agenda item be approved. The motion carried by the following vote:

Aye: Malm, Holmes, Heath, Thompson

15. Consideration of a resolution proclaiming April 1, 2020, as Census Day. [20 - 091](#)

Attachments: [Census Day Resolution](#)

The Board of County Commissioners noted the importance of every resident to be counted because it gives needed funding to our communities in Laramie County.

A motion was made by Commissioner Thompson, seconded by Vice Chairman Holmes, that this agenda item be approved. The motion carried by the following vote:

Aye: Malm, Holmes, Heath, Thompson

Contract/Agreement/Leases

16. Consideration of a memorandum of understanding between Laramie County, WY, the City of Cheyenne, and the Cheyenne Board of Public Utilities to consolidate the funding of the GIS Cooperative. [20 - 095](#)

Attachments: [MOU GIS Cooperative Budget Consolidation](#)

A motion was made by Commissioner Thompson, seconded by Vice Chairman Holmes, that this agenda item be approved. The motion carried by the following vote:

Aye: Malm, Holmes, Heath, Thompson

17. Consideration of a memorandum of understanding between Laramie County, WY, the City of Cheyenne, the Cheyenne Board of Public Utilities, and the Laramie County Conservation District to create a jointly funded position titled GIS Cooperative Intern. [20 - 096](#)

Attachments: [MOU GIS Cooperative Internship Position](#)

A motion was made by Commissioner Thompson, seconded by Commissioner Heath, that this agenda item be approved. The motion carried by the following vote:

Aye: Malm, Holmes, Heath, Thompson

License/Permits

18. PUBLIC HEARING regarding a yearly fireworks permit submitted by Phantom Fireworks Showrooms, LLC, located at 227 I-25 Service Rd. East. [20 - 079](#)

Attachments: [Phantom Fireworks - 227 I-25 Service Rd. East](#)

Matt Butler, County Fire Warden, advised the Board that the required inspections were performed and everything was in order.

Chairman Malm opened the hearing for PUBLIC COMMENT. Hearing no PUBLIC COMMENT, Chairman Malm closed the hearing.

A motion was made by Vice Chairman Holmes, seconded by Commissioner Thompson, that this agenda item be approved. The motion carried by the following vote:

Aye: Malm, Holmes, Heath, Thompson

19. PUBLIC HEARING regarding a yearly fireworks permit submitted by Phantom Fireworks Showrooms, LLC, located at 239 I-25 Service Rd. East.

[20 - 078](#)

Attachments: [Phantom Fireworks - 239 I-25 Service Rd. East](#)

Matt Butler, County Fire Warden, advised the Board that the required inspections were performed and everything was in order.

Chairman Malm opened the hearing for PUBLIC COMMENT. Hearing no PUBLIC COMMENT, Chairman Malm closed the hearing.

A motion was made by Commissioner Thompson, seconded by Vice Chairman Holmes, that this agenda item be approved. The motion carried by the following vote:

Aye: Malm, Holmes, Heath, Thompson

Land Use:Variances/Board App./Plats

20. Consideration of the "Acceptance of Petition for Establishment, Alteration, and/or Vacation of Co. Hwy, pursuant to W.S. 24-3-101 et seq, of public roads previously dedicated by plat or otherwise and Appointment of Viewer". This petition pertains to Diamond Creek Road located in a portion of the E1/2 NW1/4, NW1/4, Sec. 4, T.13 N., R.67W; North Range Business Park, 1st Filing (Bk#8, Pg#150).

[20 - 081](#)

Attachments: [Resolution for Road Petition & Appt. Viewer to Rename Diamond Creek Road to Bruns Way](#)

Dave Bumann, or designee, was appointed as the Viewer.

A motion was made by Commissioner Thompson, seconded by Commissioner Heath, that this agenda item be approved. The motion carried by the following vote:

Aye: Malm, Holmes, Heath, Thompson

21. PUBLIC HEARING regarding the Liberty Pipeline Project.

[20 - 084](#)

Attachments: [Liberty Pipeline Project](#)

Chairman Malm opened the hearing for PUBLIC COMMENT. Hearing no PUBLIC COMMENT, Chairman Malm closed the hearing.

The letter and description of the project was received and filed.

22. PUBLIC HEARING regarding a review of the odor footprint tool as an option regulating setbacks for Concentrated Feeding Operations within Laramie County, WY, in relation to occupied dwellings, public or private schools, and municipalities or to maintain a fixed distance requirement. (Postponed from February 4, and March 3, 2020 meetings)

[20 - 089](#)

Attachments: [Concentrated Feeding Operations Odor Footprint Staff Report](#)
[Concentrated Feeding Operations Presentation](#)

Brad Emmons, Planning, said the purpose of the public hearing is to discuss the option of using an odor footprint tool to regulate setbacks for Concentrated Animal Feeding Operations (CAFO) instead of a fixed setback. Mr. Emmons explained the odor footprint tool uses research data to derive a setback distance based on site location, type of livestock and facility, use of supplemental odor control, and terrain. Combining each attribute with an adopted annoyance factor results in a distance in all four directions that a facility must be set back from a number of different land uses. Mr. Emmons said there are advantages and disadvantages of using the tool as a setback requirement in Laramie County. He stated that the setbacks being discussed only apply to distances from occupied dwellings, public or private schools, and boundaries of municipalities. Distances from water wells permitted for domestic use, perennial streams, and static groundwater may exist. Mr. Emmons also noted any adopted regulations do not take into account items governed by DEQ such as air and water quality. A CAFO would still need to comply with DEQ regulations on these issues.

Mr. Emmons summarized the positive components of the odor footprint tool: 1) Collects data on odor emission numbers for some species of livestock, livestock facilities, manure handling facilities, odor control and terrain, 2) Considers weather data, including wind speed, temperature gradient, radiation, and topography, 3) Uses level of annoying odor, a faint odor that the average person may detect if attention was called to the smell, but would not change a person's behavior, 4) Provides a numerical distance based on the above factors, 5) Facility setbacks are based on size and type of operation, not a one-size-fits-all, and 6) Provides alternatives to design for the applicant, which may reduce odor and therefore setback. Mr. Emmons listed the negative component of the tool as: 1) Not all species of animal have been studied for an odor emission number, 2) The closest weather data is Alliance, NE, 3) Does not tell how far odor will travel, 4) Setbacks can change with varying factors, 5) Verifying the entered components and correlating them to the curve table, and 6) Does not account for extra area afforded the livestock (animal per square foot), only uses total size of the facility.

Mr. Emmons spoke of the advantages and disadvantages of a fixed distance. The positive components were: 1) Easy to measure and enforce, 2) Creates certainty regardless of situation, and 3) More closely matches state requirements by using a set distance. The disadvantage of a fixed distance is that all CAFOs have the same

setback, regardless of size and type of livestock.

Chairman Malm opened the hearing for PUBLIC COMMENT. Ron Butler and Elisa Butler, residents, spoke in favor of keeping the current regulations and against what they felt was the imperfect science of the order footprint tool. Brian Lovett, WY DEQ, clarified any change in land use regulations would still require the landowner to apply for a permit from the Water Quality Division. Jim Hastings, resident, expressed concerns about construction, odor, and property values. Jordan Evans, GIS, presented maps showing what a one, two, and three miles radius for 100 percent landowner consent would represent. Mr. Emmons explained state statute only addresses a one-mile radius for swine and the County's regulations are more stringent than state statutes. Hearing no further PUBLIC COMMENT, Chairman Malm closed the hearing.

A motion was made by Commissioner Thompson to set May 5, 2020, as the date for a decision on the odor footprint tool. After discussion and a recap from Chairman Malm on the history of the agenda item, Commissioner Thompson withdrew his motion.

The Board of County Commissioners directed Planning Staff to work with the County Attorney's office to provide options on land use regulations for CAFOs for the Board's consideration at its meeting on May 5, 2020. The options include the odor footprint tool and other alternatives, including amending the fixed setback distance from three miles to one.

A motion was made by Commissioner Thompson, seconded by Vice Chairman Holmes, that the Board make a decision on Laramie County land use regulations on concentrated animal feeding operations on May 5, 2020. The motion carried by the following vote:

Aye: Malm, Holmes, Heath, Thompson

The meeting adjourned at 5:06 p.m.

Reasonable Accommodations

This information is available in alternate forms. If reasonable accommodations are required, contact Laramie County Human Resources at (307) 633-4355 or lchr320@laramiecounty.com at least two business days prior to the meeting.