

Board of County Commissioners

Minutes of the Proceedings -

Final-revised

Historic Courthouse
310 W 19th Street
Cheyenne, WY 82001



Tuesday, November 20, 2018

3:30 PM

Commissioners Board Room

Roll Call/Call to Order

Present: Chairman K. N. Buck Holmes, Vice Chairman
Linda Heath, Commissioner Troy Thompson,
Commissioner Ron Kailey, Commissioner Amber
Ash

Minutes

1. Consideration of the Minutes of Proceedings for October 16, 2018.

[18 - 386](#)

Attachments: [DRAFT MINUTES 10-6-18.pdf](#)

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

Aye: Holmes, Heath, Thompson, Kailey, Ash

Consent Agenda

Approval of the Consent Agenda

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

Aye: Holmes, Heath, Thompson, Kailey, Ash

2. Consideration of the deletion from Public Works' fixed asset inventory of one Rotary Sweeper, one 51" Snow Blower, and one zero-turn mower/sweeper/snow blower as a result of trade-in to 4Rivers Equipment.

[18 - 374](#)

Attachments: [Asset deletion Pub Works equipment trade](#)

This agenda item was approved.

3. Consideration of a resolution recommending the appointment of

[18 - 377](#)

Dustin T. Lujan as an Assistant Public Defender in Laramie County, Wyoming, as required by W.S.7-6-103(f)

Attachments: [Appointment Asst Pub Defender.pdf](#)

This agenda item was approved.

4. Consideration of an engineering service payment agreement between Laramie County and DSK Ranch LLC. The purpose of the agreement is to set forth the terms by which DSK agrees to contribute to the cost of engineering services including submitting a LOMR to FEMA for Lower Dry Creek in Cheyenne from E. Pershing Blvd. to the UPRR Crossing.

[18 - 379](#)

Attachments: [Engineering Service Payment Agreement-DSK Ranch LLC](#)

This agenda item was approved.

5. Consideration of a grant agreement between Laramie County and the Wyoming Department of Highway Safety for a DUI/HVE Grant Award in the amount of \$10,179.04 for overtime enforcement.

[18 - 380](#)

Attachments: [DUI HVE 2019 Grant Agreement \\$10,179.04.pdf](#)

This agenda item was approved.

6. Consideration of the following part-time salaries in the amount of \$30,778.83 for October 2018: Planning, \$480.00; Shooting Sports Center, \$4,647.50; Buildings/Grounds, \$16,321.48; Sheriff Operations, \$912.63; Detention, \$7,055.94; District Court, \$540.00; Drug Court, \$821.28.

[18 - 383](#)

Attachments: [OCTOBER PART TIME SALARIES.pdf](#)

This agenda item was approved.

7. Consideration of warrants in the amount of \$3,348,579.05 for October 2018.

[18 - 384](#)

Attachments: [OCTOBER WARRANTS.pdf](#)

This agenda item was approved.

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8. Consideration of the following fees collected by various County entities for September 2018: County Clerk, \$129,822.16; Planning & Development, \$61,976.01; Shooting Sports, \$21,447.76; Circuit Court, \$47,149.75; DUI Court, \$1,000.00; Drug Court, \$530.00; Clerk of District Court, \$11,224.00; Sheriff, \$148,194.63.

[18 - 387](#)

Attachments: [SEPTEMBER FEES.pdf](#)

This agenda item was approved.

9. Consideration of a legal services agreement with John Renneisen to provide hearing officer services to Laramie County for administrative hearings. The County shall pay the contractor up to \$150.00/hour, \$ 0.15 per page for printing and actual costs for postage. This agreement shall remain in full force and effect until June 30, 2019.

[18 - 388](#)

Attachments: [Legal Services Agreement-Renneisen](#)

This agenda item was approved.

10. Consideration of a resolution authorizing the acceptance of a grant award from Cycle Wyoming to purchase an alligator bicycle rack in the amount of \$6,140.

[18 - 389](#)

Attachments: [Resolution to Accept Cycle Wyoming Grant Funds \\$6,140.pdf](#)

This agenda item was approved.

11. Consideration of a legal services agreement with Blake Klinkner to provide legal services to provide representation to indigent parents. Services are in accordance with W.S.S. 14-3-422(b) and to comply with Laramie County's obligation pursuant to W.S.S. 14-3-434(b). The agreement is effective from November 1, 2018, to June 30, 2019, and the rate is \$90 per hour.

[18 - 390](#)

Attachments: [Legal Service Agreement-Klinkner](#)

This agenda item was approved.

12. Consideration of the official schedule of Laramie County Holidays for 2019.

[18 - 395](#)

Attachments: [2019 HOLIDAY SCHEDULE.doc](#)

This agenda item was approved.

Resolution

13. Consideration of a resolution approving the change of dates for the January 2019 Board meetings of the Laramie County Commissioners.

[18 - 394](#)

Attachments: [Resolution Changing Dates of January Commissioners Meetings](#)

A motion was made by Commissioner Thompson, seconded by Commissioner Kailey, that this agenda item to move the Board meetings for January 2019 to Jan. 8 and Jan. 22 be approved . The motion carried by the following vote:

Aye: Holmes, Heath, Thompson, Kailey, Ash

14. Consideration of a resolution creating a County Events Department.

[18 - 396](#)

Attachments: [Events Dept Resolution.pdf](#)
[WOODHOUSE MEMO.pdf](#)
[AMENDED RESOLUTION.pdf](#)

County Attorney Mark Voss gave a summary of the resolution: To create a new County Events Department given the increase in recreational activities and facilities, including 365-day operation of a new events facility at Archer and the need for professional management of County events and facilities. He said the resolution directs the HR department to immediately begin hiring the department director and transition existing Fair Board staff to County employment with the same level of pay and benefits. The resolution eliminates the Fair Board in its current configuration under Title 18, creating in its place a Fair Advisory Board to the Events Department on operation of the Fair. Commissioner Ash said this action was driven by the need to consolidate recreational events and activities into one department to improve efficiency and transparency to taxpayers, reduce costs, and promote safe and lawful opportunities for residents. She listed multiple activities the new department would manage -- RV campground, rodeo arena, disc golf, motocross, Windy Wyoming equine eventing, Clear Creek Park, bike paths, Greenway, marathon, etc. Chairman Holmes said this was a logical step to assist the evolution of the Archer complex.

Chairman Holmes opened the meeting for PUBLIC COMMENT. Gay Woodhouse, attorney representing the Laramie County Fair Board, distributed a legal memorandum. She stated the Board of County Commissioners' (BOCC) action was in contravention of W.S. 18-9-101. She said the Fair Board is an entity created by statute to manage the Fair as trustees. She said the BOCC's action was done without notice. She said the law does not allow for dissolution of the Fair Board, and only allows for removal of individual members for cause and a required hearing if requested. Ms. Woodhouse said the 1% specific purpose sales and use tax ballot proposition #4, approved in 2017, constituted a contract with voters that the multipurpose facility was for the Laramie County Fair Board, and to take other action and eliminate the Fair Board was in contravention of the law.

Chairman Holmes closed the PUBLIC COMMENT.

A motion was made by Commissioner Ash, seconded by Vice Chairman Heath, that this agenda item be approved.

A motion was made by Commissioner Ash, seconded by Vice Chairman Heath, that this agenda item be amended with the following change-- "to remove the term Fair Advisory Board and replace it with Events Advisory Board, along with clarifications to make the resolution consistent with this change." The motion carried by the following vote:

Aye: Holmes, Heath, Thompson, Kailey, Ash

The Board recessed at 3:48 p.m. in order to review Ms. Woodhouse's memo. The Board reconvened at 3:58 p.m.

Commissioner Thompson requested Ms. Woodhouse's memo be addressed. Chairman Holmes called on Mr. Voss, who stated that due to his representation of both the BOCC and the Fair Board, he has to recuse himself. Mr. Voss noted the BOCC has retained outside counsel in this matter--Steve Freudenthal. Ms. Woodhouse said there is a conflict because Mr. Freudenthal and his firm represented the Fair Board during the ANB financing agreement for the multipurpose center. Mr. Freudenthal stated there was no conflict and he addressed points raised by Ms. Woodhouse. Mr. Freudenthal said public notice was given, and the agenda and resolution were posted on the Internet on Friday. He said one or more Fair Board members met with Commissioners in advance of the board meeting to discuss the resolution. He said statutes say the BOCC "may" create a Fair Board, and the BOCC is not bound to have a Fair Board forever. He stated BOCC has the statutory duty to administer and manage the affairs of the county as elected leaders. He also rejected Ms. Woodhouse's statement about the 1% optional sales tax ballot proposition. He affirmed to Commissioner Thompson that the BOCC has the legal right to pass the resolution.

Ms. Woodhouse stated that establishment of a Fair Board was discretionary, but once established, a board is in perpetual existence under the law and cannot be dissolved by fiat.

Chairman Holmes recognized Pam Freeman, former Fair Board member. Ms. Freeman said she was chairman of the Archer Complex planning committee. She said it appears the BOCC is targetting the Fair Board and asked what will happen to the kids and their programs. She said it is unfair to taxpayers and youth.

Commissioner Thompson said the Fair will continue with the same staff, funding won't be cut, and Fair Board members may apply to serve on the Events Advisory Board. He stated the event center is currently being financed by the County. Commissioner Kailey added current financing for the fair will not change. Commissioner Heath said youth will continue to have access to the facility and reorganization will not affect that. Chairman Holmes said the Board wants the Fair and the Events Center to succeed and to grow.

A motion was made by Commissioner Ash, seconded by Vice Chairman Heath, that this agenda item be approved as amended. The motion carried by the following vote:

Aye: Holmes, Heath, Thompson, Kailey, Ash

15. Consideration of a resolution giving public notice of Laramie County's intent to amend the Laramie County Fireworks Regulations.

[18 - 401](#)

Attachments: [Resolution Public Notice Amend Fireworks Regulations](#)

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

Aye: Holmes, Heath, Thompson, Kailey, Ash

Contract/Agreement/Leases

16. Consideration of an agreement between ArcaSearch Corporation and Laramie County for the purpose of digitizing historical records, deeds, patents and miscellaneous documents, and optimizing document viewing/searches with the Compass Eclipse Research System for historical records. The estimated project price is \$311,500 and the annual fee for the Compass Eclipse Research System is \$7,832.

[18 - 369](#)

Attachments: [ArcaSearch Agreement](#)

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

Aye: Holmes, Heath, Thompson, Kailey, Ash

17. Consideration of an agreement between Laramie County and the Wyoming State Archives. The purpose of the agreement is to duplicate Laramie County deed records, 1868-1977, and to provide copies of the scans and metadata to the Wyoming State Archives as described in Attachment A.

[18 - 373](#)

Attachments: [Wyo.State.Archives.Interagency Agreement](#)

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

Aye: Holmes, Heath, Thompson, Kailey, Ash

18. Consideration of a change order to add conduit and wiring back to the main distribution panels due to the fact that the conduit runs could not be reused and new main distribution circuits need to be run overhead back to the main distribution panel.

[18 - 375](#)

Attachments: [FCI Change Order](#)

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

Aye: Holmes, Heath, Thompson, Kailey, Ash

19. Consideration of an addendum to modify the engineering design and consulting services agreement by changing the name of MKK Consulting Engineers, Inc., to IMEG Corp.

[18 - 378](#)

Attachments: [Addendum to Engineering Design & Consulting Services Agreement](#)

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

Aye: Holmes, Heath, Thompson, Kailey, Ash

20. Consideration of a professional services contract between Laramie County and Terracon Consultants, Inc., for material and quality control testing in the amount of \$22,198.

[18 - 391](#)

Attachments: [TERRACON CONTRACT.pdf](#)

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

Aye: Holmes, Heath, Thompson, Kailey, Ash

License/Permits

21. PUBLIC HEARING regarding an application for yearly fireworks permit submitted by Richard Krehbiel dba Wholesale Fireworks, Inc., located at 3229 West College Drive, Cheyenne, WY 82007.

[18 - 385](#)

Attachments: [YEARLY FIREWORKS PERMIT.pdf](#)

County Clerk Debra Lee stated the application was in order and all legal requirements have been met.

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

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

Aye: Holmes, Heath, Thompson, Kailey, Ash

The Board recessed at 4:35 p.m. and reconvened at 4:48 p.m

Public Hearings/Rules & Reg's

22. Consideration of an administrative appeal from a decision by the Laramie County Development Director/Laramie County Planning Commission regarding Asphalt Specialties Co., Inc., filed by Gary

[18 - 381](#)

Stillmunkes and Greg Geras. (November 20, 2018)

Attachments: [ADMINISTRATIVE APPEAL ASPHALT SPECIALTIES.pdf](#)
[PRESENTATION.pdf](#)
[FINDINGS OF FACT.pdf](#)

County Attorney Mark Voss explained that BOCC will consider if they have the authority to hear the appeal of a decision of the Laramie County Planning Commission. He said if the board decides it has the authority, a special meeting on the question could be set.

Tyler Garrett, legal counsel for the agent, Asphalt Specialties Co., Inc. (ASCI), stated he was in agreement with Mr. Voss. He gave a presentation on ASCI's site plan, relevant statutes, land use regulations, and the fundamental question the board must decide.

Commissioner Ash proposed the board postpone the decision in order to clarify statutes and land use regulations and to clearly understand how to move forward. Mr. Voss and Mr. Garrett agreed to provide guidance and interpretation on the question.

A motion was made by Commissioner Thompson, seconded by Vice Chairman Heath, that this agenda item be continued until the Dec. 4 meeting. The motion carried by the following vote:

Aye: Holmes, Heath, Thompson, Ash

Nay: Kailey

The Board recessed at 6:35 p.m. and reconvened at 6:51 p.m.

- 23.** Consideration of an administrative appeal from a decision by the Laramie County Public Works Department in regard to property located in Roundup Heights, Lots 5 and 6, Block 9 (612 E Wrangler Rd) by Taner and Suzanne Norton.

[18 - 382](#)

Attachments: [ADMINISTRATIVE APPEAL NORTON.pdf](#)
[NORTON PRESENTATION.pdf](#)
[ORDER DISMISSING ADMN APPEAL.pdf](#)

Suzanne Norton, Agent, asked that Land Use Regulations be enforced as has historically been done. She raised concerns about adverse effects of property development on E Wrangler Road, a public Right of Way. Commissioner Ash asked for clarification on the decision of the Planning Commission being appealed. Ms. Norton asked that landowners not be allowed to encroach on the Right of Way. Mark

Voss, County Attorney, said concerns about E Wrangler Road were not appropriate for administrative appeal. Ms. Norton said as the county grows, additional processes and planning should be considered. Commissioner Thompson encouraged the Nortons to comment on proposed Land Use Regulations currently under review.

A motion was made by Commissioner Ash, seconded by Commissioner Kailey, that this agenda item be denied. The motion carried by the following vote:

Aye: Holmes, Heath, Thompson, Kailey, Ash

- 24.** PUBLIC HEARING regarding proposed FY 2019 budget amendments.

18 - 393

Attachments: [FY2019 BUDGET AMENDMENTS.pdf](#)

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

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

Aye: Holmes, Heath, Thompson, Kailey, Ash

- 25.** PUBLIC HEARING regarding an Amendment to the 2002 Fireworks Regulations.

18 - 397

Attachments: [Amendment to 2002 Fireworks Regulations](#)

Brad Emmons, Planning, presented the proposed amendment and stated the amendment would reduce the setback from 60 feet to 30 feet. Chairman Holmes opened the hearing for PUBLIC COMMENT. Hearing no PUBLIC COMMENT, Chairman Holmes closed the hearing.

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

Aye: Holmes, Heath, Thompson, Kailey, Ash

Land Use:Variances/Board App./Plats

- 26.** PUBLIC HEARING regarding Board Approval for ConnectGen Farthing MET Towers, situated on the Farthing Ranch property in portions of land within Townships 17 and 18 North, Ranges 69 and 70 West, of the 6th P.M., Laramie County, WY.

18 - 398

Attachments: [ConnectGen Farthing Met Towers Board Approval](#)

Brad Emmons, Planning, said the purpose of the application is to seek approval to place meteorological towers for wind resource measurement on a portion of the Farthing Ranch Company property. John Kuba, Connect Gen LLC, responded to the "Non-Wind Wind Development Zone." Mr. Emmons said based on evidence provided, staff recommends approval. Chairman Holmes opened the hearing for PUBLIC COMMENT. Hearing no PUBLIC COMMENT, Chairman Holmes closed the hearing.

A motion was made by Commissioner Kailey, seconded by Commissioner Thompson, that this agenda item be approved with no conditions and to adopt the findings of fact a & b of the staff report. The motion carried by the following vote:

Aye: Holmes, Heath, Thompson, Kailey, Ash

27. PUBLIC HEARING regarding a Subdivision Permit and Plat for Hope Subdivision, 4th Filing, a replat of Lot 2, Block 1, Hope Subdivision 2nd Filing, Laramie County, WY.

[18 - 399](#)

Attachments: [Hope Subdivision 4th Filing](#)

Nancy Trimble, Associate Planner, said this application has been submitted to subdivide the property into three residential lots. The City has confirmed the plat has been submitted and is processing concurrently with the County. Mr. Salinas said the purpose of this request is to place two new mobile homes on two of the lots. Chairman Holmes opened the hearing for PUBLIC COMMENT. Hearing no PUBLIC COMMENT, Chairman Holmes closed the hearing.

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

Aye: Holmes, Heath, Thompson, Kailey, Ash

28. PUBLIC HEARING regarding a Subdivision Permit and Plat for Pronghorn Bluff, 1st Filing, located in Tract 5, Sells Addition, Laramie County, WY.

[18 - 400](#)

Attachments: [Pronghorn Bluff 1st Filing](#)

Brad Emmons, Planning, said the application has been submitted for the purpose of

subdividing the property to create three single-family residential lots, with the existing residence to remain on proposed Tract 1. Casey Palma, Steil Surveying, said lots 1 & 2 will put in new wells and will not be sharing a well. Mr. Emmons said based on evidence provided, staff recommends approval. Chairman Holmes opened the hearing for PUBLIC COMMENT. Hearing no PUBLIC COMMENT, Chairman Holmes closed the hearing.

A motion was made by Commissioner Ash, seconded by Vice Chairman Heath, to approve the Subdivision Permit and Plat for Pronghorn Bluff, 1st Filing, and adopt the findings of fact a of the staff report.

The motion carried by the following vote:

Aye: Holmes, Heath, Thompson, Kailey, Ash

The meeting adjourned at 8:10 p.m.

CERTIFICATION

I, Debra K. Lee, Clerk of Laramie County, do hereby certify the above to be a true and correct copy of the Minutes of the Proceedings for Tuesday, November 20, 2018.

Approved by : Debra K. Lee, County Clerk

Reviewed by : K. N. Buck Holmes, Chairman

Board of County Commissioners

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.