

Board of County Commissioners

Minutes of the Proceedings - Final

Historic Courthouse
310 W 19th Street
Cheyenne, WY 82001



Tuesday, May 19, 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 Brian Lovett, Commissioner Troy Thompson

Chairman Malm moved item #12 to be the final item.

Minutes

1. Consideration of the Minutes of Proceedings for May 5, 2020.

[20 - 217](#)

Attachments: [Draft Minutes May 5, 2020](#)

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, Lovett, Thompson

Consent Agenda

Commissioner Thompson removed Item #4 and Commissioner Heath removed item #6 from the Consent Agenda.

Approval of the Consent Agenda

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

Aye: Malm, Holmes, Heath, Lovett, Thompson

2. Consideration of a contract between Laramie County, WY, and the WY Secretary of State's Office for improvements related to physical security for election equipment in the amount of \$8,393.80.

[20 - 209](#)

Attachments: [WYSOS Election Security Contract](#)

This agenda item was approved.

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3. Consideration of a resolution authorizing the submission of a grant application to the Cheyenne Regional Medical Center for the Laramie County Prevention Grant funds for the Coroner's Office in the amount of \$15,000 for suicide prevention materials to include books, journals, and promotional items. [20 - 210](#)

Attachments: [CRMC Prevention Grant Application, Coroner's Office, \\$15,000](#)

This agenda item was approved.

4. Consideration of a resolution approving additional in-service days for the 2020 calendar year. [20 - 198](#)

Attachments: [Resolution Approving In-service Days, Aug. 18 and Nov. 3, 2020](#)

County Clerk Debra Lee requested the item be postponed to allow the County Clerk's office to provide additional information.

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

Aye: Malm, Holmes, Heath, Lovett, Thompson

5. Consideration of an agreement between Laramie County, WY, and the WY State Archives (WSA). The purpose of the agreement is to duplicate county commissioners' minutes and brand books and provide copies of the scans and metadata to the WSA as described in Attachment A. [20 - 200](#)

Attachments: [WSA Interagency Agreement](#)

This agenda item was approved.

6. Consideration of an addendum and agreements between Laramie County, WY, and Medical Air Services Association, Inc., to provide emergent air transportation as more specifically described in the agreements. [20 - 212](#)

Attachments: [Medical Air Service Assoc., Inc., Addendum and Agreements, Corrected](#)

Heather Rudy, Human Resources, said the contract was a voluntary employee insurance benefit for additional ground and air ambulance service to ensure no gap in coverage.

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, Lovett, Thompson

7. Consideration of an addendum to maintenance agreement between Laramie County, WY, and Power Systems West to provide testing, inspection, and replacement of parts for five generators as described in Attachment A. [20 - 199](#)

Attachments: [Power Systems West Agreement](#)

This agenda item was approved.

8. Consideration of an amendment to agreement between Laramie County, WY, and Foundations, LLC, to provide additional funding for substance abuse services, drug testing, and other treatment-related services for Drug Court participants. [20 - 192](#)

Attachments: [Foundations, LLC, Amendment](#)

This agenda item was approved.

9. Consideration of the ratification of a settlement agreement and release of claims in the Johnson vs. Laramie County, WY, et. al. case. [20 - 201](#)

Attachments: [Settlement Agreement and Release of Claims - Johnson vs. Laramie County, WY](#)

This agenda item was approved.

10. Consideration of the execution of a special warranty deed for 7201 Commerce Cir., Cheyenne, WY as more specifically described in the deed to Cheyenne LEADS and statement of consideration. [20 - 203](#)

Attachments: [Warranty Deed and Statement of Consideration](#)

This agenda item was approved.

11. Consideration of three petitions for tax refunds for tax years 2017, 2018, and 2019 for Granite Canyon Quarry, on applications 17-06, 18-02, 19-03 in the amount of \$809,042.42 and a resolution. [20 - 202](#)

Attachments: [Granite Canyon Quarry Three Petitions for Tax Refunds](#)
[Granite Canyon Quarry Tax Refund Resolution](#)

This agenda item was approved.

License/Permits

12. PUBLIC HEARING regarding a seasonal fireworks permit submitted by Breanna Elliott, dba Jurassic Fireworks, located at 201 I-25 Service Rd. [20 - 218](#)

Attachments: [Jurassic Fireworks, 201 I-25 Service Rd., Fireworks Application](#)

Matt Butler, County Fire Warden, advised the Board that the required inspections were performed and everything was in order with the application. There was a discussion on the number of trailers and conex boxes remaining on the property.

Commissioner Thompson questioned what would happen if the trailers were returned to the property after approval. Mr. Butler said it would be a violation of the Phase 2 site plan, with a cease and desist notice being issued.

Dion Custis, attorney for the applicant, said all the trailers have been removed from the property. County Attorney Mark Voss confirmed receipt of photos from Mr. Custis showing no trailers on the property.

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

Commissioner Thompson noted for the record there are no trailers currently on the property. Mr. Voss said he made a recommendation to the applicant to modify the Phase 2 site plan for construction of the new building to include storage. Mr. Voss explained the Board's options if the approved site plan is violated which included the possibility of revocation of the permit. Mr. Voss said violations could be used by the Board to make a determination on any future permits.

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

Aye: Malm, Holmes, Heath, Lovett, Thompson

13. PUBLIC HEARING regarding a seasonal fireworks permit submitted by Shawna Williams-McDonald, dba Wyoming Fireworks Warehouse, located at 12616 I-80 Service Rd. [20 - 216](#)

Attachments: [Wyoming Fireworks Warehouse, 12616 I-80 Service Rd., Fireworks Application](#)

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

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, Lovett, Thompson

14. PUBLIC HEARING to consider the following liquor license renewal applications for 2020-2021: **Retail Liquor:** BUNKHOUSE BAR; OUTLAW SALOON; TERRY BISON RANCH; KARTAR, LLC, ANTELOPE TRUCK STOP; LITTLE AMERICA HOTEL; LITTLE BEAR INN; TOWN & COUNTRY SUPERMARKET LIQUORS; TUMBLEWEED BAR; THE DEN GENTLEMAN'S CLUB; T-JOES BAR & LOUNGE; **Limited Retail Liquor (Club):** CHEYENNE SHRINE CLUB; FORUM 619; MOOSE LODGE; VFW POST 4343; **County Retail Malt Beverage Permit:** BHAGAT, LLC, ANTELOPE TRUCK STOP; TRAVEL CENTERS OF AMERICA; **Bar and Grill:** TORTILLA FACTORY; **Special Malt Beverage Permit:** INTERMOUNTAIN SPEEDWAY.

[20 - 213](#)

Attachments: [2020 Liquor License Applications](#)

County Clerk Debra Lee read the list of applicants into the record.

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 Commissioner Heath, that this agenda item be approved. The motion carried by the following vote:

Aye: Malm, Holmes, Heath, Lovett, Thompson

Appointments

15. Consideration of a resolution appointing a member to the Cheyenne Area Convention and Visitors Bureau Board of Directors to a three-year term, expiring June 30, 2023.

[20 - 205](#)

Attachments: [Visit Cheyenne Appointment](#)

A motion was made by Commissioner Thompson, seconded by Commissioner Lovett, to reappoint Wendy Volk. The motion carried by the following vote:

Aye: Malm, Holmes, Heath, Lovett, Thompson

16. Consideration of a resolution appointing a member to the Cheyenne Regional Airport Board to complete the term left vacant by Frank Gerstenkorn, expiring December 31, 2020.

[20 - 206](#)

Attachments: [Airport Board Appointment](#)

A motion was made by Vice Chairman Holmes, seconded by Commissioner Lovett, to appoint Keith Zabka. The motion carried by the following vote:

Aye: Malm, Holmes, Heath, Lovett, Thompson

17. Consideration of a resolution appointing a member to the Laramie County Community Juvenile Services Joint Powers Board to complete the term left vacant by the resignation of Carol Tullio, expiring June 30, 2021. [20 - 207](#)

Attachments: [Juvenile Services Appointment](#)

A motion was made by Commissioner Heath, seconded by Commissioner Thompson, to appoint Genny Rose. The motion carried by the following vote:

Aye: Malm, Holmes, Heath, Lovett, Thompson

Report & Public Petitions

18. PUBLIC HEARING and consideration of the postponement request regarding a road dedication petition for Laramie St., approximately 1,425 feet more or less, beginning in the NE1/4 SE1/4, Sec. 26, T.14N., R.66W., of the 6th P.M., Laramie County, WY. [20 - 211](#)

Attachments: [Laramie St. Dedication Petition Postponement Request](#)

Brad Emmons, Planning, said the applicant has requested a 30-day postponement.

A motion was made by Commissioner Thompson, seconded by Commissioner Lovett, to postpone the public hearing regarding the Laramie St. dedication petition to the July 7, 2020, Board of County Commissioners' meeting. The motion carried by the following vote:

Aye: Malm, Holmes, Heath, Lovett, Thompson

Land Use:Variances/Board App./Plats

19. PUBLIC HEARING and consideration of the postponement request regarding a Subdivision Permit & Plat for Diamond Hills, located in a portion of the NW1/4 NW1/4, Sec. 29, T.14N., R.60W., of the 6th P.M., Laramie County, WY. [20 - 215](#)

Attachments: [Diamond Hills, Subdivision Permit and Plat](#)

Paul Whalen, Planning, said staff and applicant requested postponement of this item to the June 2, 2020, County Commissioners' Board meeting.

A motion was made by Commissioner Thompson, seconded by Commissioner Heath, to postpone this agenda item until June 2, 2020. The motion carried by the following vote:

Aye: Malm, Holmes, Heath, Lovett, Thompson

- 20.** PUBLIC HEARING regarding a Zone Change and Subdivision Permit & Plat for Westedt Meadows, 2nd Filing, located in a portion of land situated in the SW1/4 Sec. 21, T.14N, R.65W, of the 6th PM, Laramie County, WY. (Two motions required)

[20 - 214](#)

Attachments: [Westedt Meadows 2nd Filing Zone Change and Subdivision Permit & Plat](#)

Paul Whalen, Planning, said AVI PC, on behalf of South Ridgeview, LLC, submitted applications for a Zone Change and Subdivision Permit & Plat for Westedt Meadows, 2nd Filing, located northeast of the Westedt Rd. - US Hwy. 30 intersection. The applicant is requesting a zone change from A2 - Agricultural to AR - Agricultural Residential, and permission to subdivide approximately 157.5 acres into 29 single-family residential lots averaging 5.43 acres. The Laramie County Planning Commission approved the Westedt Meadows Preliminary Development Plan on May 23, 2019.

Mr. Whalen said based on evidence provided for the zone change request, staff recommends the Board adopt the findings of fact a and b with no conditions. Mr. Whalen stated based on evidence provided for the subdivision and plat, staff recommends the board adopt the findings of fact a with the following condition: All comments shall be addressed to the satisfaction of Laramie County prior to recordation of the final plat.

Scott Cowley, AVI PC, addressed the agency comment from Fire Dist. #2 requesting installation of a cistern. Mr. Cowley noted the comment was not provided during the pre-development stage of the project, nor was it requested for Westedt Meadows, 1st Filing. He further stated that there is a water source two miles away at Archer and a fire station is also being constructed at Archer. Mr. Cowley noted the majority of lots in Westedt Meadows, 1st Filing, have already been sold and the cost of a cistern could not be spread out. In response to a question from Chairman Malm, Mr. Whalen confirmed that discussion of the cistern is not included in the Planning Commission minutes.

Commissioner Heath questioned Dave Bumann, Public Works director, about the sufficiency of the water supply at Archer. She noted the future fire station would be in Fire Dist. #1 instead of Fire Dist. #2, where Westedt Meadows is located. Mr. Bumann explained the 400,000 gal. water storage tank at Archer supplies the public water system there, and multiple fire districts use water from a hydrant at Archer on an "as needed basis." Mr. Bumann stated that at the present time, there would be "as needed" water for fire suppression.

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

A motion was made by Commissioner Thompson, seconded by Commissioner Lovett, to approve the Zone Change from A2 to AR for a portion of the SW ¼ Section 21, T14N, R65W, of the 6th PM, Laramie County, WY with no conditions, and adopt the findings of fact a and b for the zone change, as shown in the staff report. The motion carried by the following vote:

Aye: Malm, Holmes, Heath, Lovett, Thompson

Board members questioned the vague condition language for the Subdivision Permit & Plat permit. Commissioner Thompson said the cistern issue should be discussed. He said a cistern was required for similar size subdivisions and said the Board needs to be consistent and fair to all parties.

The Board directed Planning to prepare a new resolution for consideration at the June 2, 2020, board meeting, specifying the condition(s) to be addressed. Planning Dept. will send notices to adjacent landowners of the new date for the public hearing on the Subdivision Permit & Plat.

A motion was made by Vice Chairman Holmes, seconded by Commissioner Heath, to postpone the Subdivision Permit and Plat permit hearing until June 2, 2020. The motion carried by the following vote:

Aye: Malm, Holmes, Heath, Lovett, Thompson

The meeting adjourned at 4:47 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, May 19, 2020.

Approved by : Debra K. Lee, County Clerk

Reviewed by : Gunnar Malm, Chairman,
Board of County Commissioners

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.