

Minutes of the Proceedings
Board of County Commissioners
Prepared by the Office of the Clerk of Laramie County
Laramie County Wyoming

Tuesday, June 16, 2015

150616 00 The Laramie County Commissioners met in regular session Tuesday, June 16 2015 at 3:30 p.m. Those in attendance were Commissioner Amber Ash, Chairman; Commissioner K.N. Buck Holmes, Vice-Chairman; Commissioner Troy Thompson; Commissioner Linda Heath; Commissioner Ron Kailey; County Attorney Mark Voss; County Clerk Debbye Lathrop and Deputy Clerk Valerie Roybal.

Those signing the register were Steve Trujillo, Samson Energy; Mark Carr, Kaiser-Francis; Glenn W. Lanowe, Kaiser-Francis; Will Blankenship, Samson Energy; Fred Emerich, Wyo Senate; Susan Capozella; Cindy Delancey, BP/PAW; Kate Noble, EOG Resources, Inc.; Barb Griswold, EOG; Laura Lewis, Thomson Group; Lorraine Grigsby; Bridget Hill, OGCC; Drake Hill, Hill Law Firm; Eric Dille, EOG Resources; Kent Craig, Norm Lutter, CALC; L.M. Brown; Roy Brown; Alex Bowler; Rick Briscoe; Gus Lopez, Cheyenne Laramie County Health Department; Ken Collins; Marilyn Ham, CALC; Pat Hawk, CALC; Dave Freudenthal, Petroleum Association of Wyoming; Ryan Lance, Petroleum Association of Wyoming; Robert Cook, Accounting; Linda Burt; Dennis Ellis, Anadarko; Floyd Esquibel, Senate; Darren Rudloff, Visit Cheyenne; Scott French, Visit Cheyenne; Bill McHenry, EMA; David Watson; Don Bainter; Brandon Bainter; Diego Fronza, Planning & Development; Mark Watson, WY Oil & Gas Commission; Brad Brooks; Jason Caughey, LCFD#2; Keith Guille, DEQ; Rob Dickerson, RLR, LLP; Mark Boshell, Throne Law; Sandra Newland, Laramie County Grants; Patty Epler; Brett Walker, Planning; Paige Smith; Bonnie Reider, SCCDA; Mark Eisele; Brian Lovett, LCCD; Wayne & Myrna Brautigam, CALC; Casey Qunn, PRBRC; Jill Marrison, PRBRC; Wayne Lax, CALC; Laurena Johnson; Bridget Wilson, Laramie County Fair; Shelby Batson, Laramie Ambassador; Chuck White, CALC; Justin Smith; Dan White, City Attorney; Chuck & Cherry Hall, CALC; Rob Marquardt, CALC; Bruce Hinchey, PAW; Bob Tarantola, Consultant; Mary Throne, Throne Law; Mohamed Salih; Marguerite Herman, League Of Woman Voters; Lynne Boomgaarden, Crowley Fleck; Josh Hannes, CRMC; Stephan Pappas, State Senate; Boyd Wiggam, Wyoming Liberty Group; David Pope, DAPCPA; James Childress, DAPCPA; Helen Jo Lynn Hefferman, CALC; Bob Engikvist, CALC; Julie Daniels; Sharon Fain, CLF&P; Casey Palma, Steil Surveying Services; Rob Geringer, Laramie County Public Works; Dan Colley, Planning/Bldg.

01 Recognition of the 2015 Laramie County Fair Ambassadors: Aaron Balcom, Shelby Batson, Cody Brown, and Katie Schilt.

02 Presentation of a check in the amount of \$6,999.00 from Visit Cheyenne lodging tax funds to Laramie County to assist with the Big Boot Program with

installations of boots on the County Complex grounds and at the Archer Complex.

- 03 Commissioner Kailey moved to approve the Minutes of Proceedings for June 2, 2015. Commissioner Thompson seconded the motion, which passed unanimously.
- 04 Commissioner Thompson moved to approve an agreement between Laramie County and David L. Serelson in the amount of \$40,000 to be paid in 12 equal monthly installments beginning July 1, 2015 and ending June 30, 2016 to provide legal representation for indigent parents in accordance with W.S. 14-3-422 (b) and to comply with Laramie County's obligation pursuant to W.S. 14-3-434 (b), to pay reasonable compensation for services and costs. Commissioner Kailey seconded the motion, which passed unanimously. The agreement is filed in central files with the County Clerk.
- 05 Commissioner Thompson moved to approve an agreement between Laramie County and the City of Cheyenne for housing of City Prisoners at the Laramie County Detention Center in the amount of \$100 per day per prisoner and \$40 per prisoner for "book and release". Commissioner Kailey seconded the motion, which passed unanimously. The agreement is filed in central files with the County Clerk.
- 06 Commissioner Thompson moved to approve an annual maintenance and support agreement between Laramie County and Complete Mailing Solutions in the amount of \$2,450 for the digital mailing system used by the Clerk's Central Mail service. Commissioner Kailey seconded the motion, which passed unanimously. The agreement is filed in central files with the County Clerk.
- 07 Commissioner Thompson moved to approve an agreement between Laramie County and the Greater Cheyenne Chamber of Commerce-Wranglers in the amount of \$10,000 for funding of legislative advocacy services for 2015-2016. Commissioner Kailey seconded the motion, which passed unanimously. The agreement is filed in central files with the County Clerk.
- 08 Commissioner Thompson moved to approve an agreement between Laramie County and Legal Aid of Wyoming in the amount of \$100.00 per hour to provide legal representation to individuals detained under the involuntary hospitalization process for a period ending June 30, 2016. Commissioner Kailey seconded the motion, which passed unanimously. The agreement is filed in central files with the County Clerk.
- 09 Commissioner Thompson moved to approve an Addendum to contract #131105-13 between Laramie County and Motorola Solutions to extend the effective dates and increase the annual amount to \$86,357.88 for maintenance, repair and technical support of the equipment located at the combined communications dispatch center. Commissioner Kailey seconded the motion, which passed unanimously. The agreement is filed in central files with the County Clerk.
- 10 Commissioner Thompson moved to approve the Wildland Fire Management Annual Operating Plan between Laramie County, the Wyoming State

Forestry Division and other agencies for 2015. Commissioner Kailey seconded the motion, which passed unanimously. The documentation is filed in central files with the County Clerk.

- 11 Robert Cook, Laramie County Clerk Finance Manager, presented proposed amendments to the Laramie County Fiscal Year 2015 Budget. Chairman Ash opened the meeting as a PUBLIC HEARING. Hearing no public comment, the Chairman closed the PUBLIC HEARING. Commissioner Holmes moved to approve the following budget amendments as presented: 1) Appropriate \$6,400 for the Sheriff's Underage Drinking Prevention Program (pass through from the Wyoming Association of Sheriffs and Chiefs of Police; 2) Appropriate \$210,930 from property damage insurance claims to be used for building repairs; 3) Appropriate \$6,000 to the Operation Jessica Grant to be used for the Operation Jessica Program; 4) Transfer \$14,381 from general county cash reserves to the County Commissioners budget to cover unanticipated expenses charged to their commissioners discretionary budget account; 5) Transfer \$9,650 from general County cash reserve to the County Agency telephone budget accounts (this transfer corrects errors in our original FY 2015 budget); 6) Transfer \$73,800 from general County cash reserve to the central utilities budget accounts to cover unanticipated expenses; 7) Transfer \$50,000 from general County cash reserve to the Shooting Sports fund to create an operating cash reserve (the intent of this transfer is to cover cash flow fluctuations in the fund checking account to keep the account from being overdrawn, not to increase the funds operation budget); 8) Appropriate \$5,000 of unanticipated income received from the Conservation District and transfer \$9,000 of unused money in the Commissioners discretionary budget in Fund 232 (the money will be used to pay for reducing groundwater consumption study expenses incurred prior to fiscal 2015 year end). Commissioner Thompson seconded the motion, which passed unanimously.
- 12 Alex Bowler, 3915 Sunflower Ranch Road and president of the Cheyenne Area Landowners Association, presented a draft Resolution and Ordinance and an article entitled "Local Regulation of Mineral Development in Wyoming" which was authored by Alan Romero and printed in the 2010 Wyoming Law Review. Mr. Bowler stated the Wyoming Oil and Gas Commission has only two priorities: 1) the prevention of the waste of the oil and gas resources; and 2) the maximization of revenue to the State of Wyoming. Mr. Bowler believes that the items addressed in the draft resolution are things the Board of County Commissioners can control and asked the Board to take the draft resolution under advisement or to pass it on to the Planning Commission as a basis to develop an Ordinance governing oil and gas development activities. Commissioner Thompson asked why the Board Of County Commissioners should take action before the new rules recently passed by the Wyoming Oil and Gas Commission have had time to be proved to work or not work. Mr. Bowler stated that the drop in oil prices and the slow down in oil and gas development provides an opportunity to take time to carefully address concerns. Commissioner Thompson asked his question again and Mr. Bowler said the rules do not provide much in the way of communication between the oil and gas

developers and landowners on whose property drilling is not actively taking place. County Attorney Mark Voss addressed the fact that the submission of the draft resolution was not in conformance with any required action on the part of the Board of County Commissioners. The action that can be taken is to either: 1) to deny the request for rule making; or 2) initiate the process for rule making. His advice is to deny the request for rule making as this area is fully pre-empted by state law. Mr. Voss stated that Wyoming Statute 18-5-201 extends broad authority to the Board of County Commissioners for land use through zoning and land use plans; however, the statute specifically exempts any Board of Commissioners from preventing any use or occupancy for the extraction of mineral resources. Commissioner Thompson asked if the BOCC was to begin rule making would it apply only to oil and gas extraction? Mr. Voss responded that any such rule making would apply to all commercial uses. Supervisor Watson (Wyoming Oil and Gas Commission) was invited to give an overview of the new rules. He stated there is a 500 foot setback from the well head to the closest residence then 500 to 1000 foot distance that requires notification and a mitigation plan for noise and light pollution.

Chairman Ash opened the meeting as a PUBLIC HEARING. Eric DeLay EOG Resources, Denver, said they will be complying with the new setback rule. He believes they have a good working relationship with the landowners in the area and will be meeting with those affected by the setback rule. He asks that people be patient and let the setback rule go into effect and see how it works. Brad Brooks, 3552 Citation Road, stated EOG wants four pads of 8 acres each behind his property; he has met with EOG, but his big concern is that as a property owner, there is no process or procedure for the private individual to have a role in this process. He expressed no trust level in the Wyoming Oil and Gas Commission. He thinks the resolution is a great start as it puts some things on paper. Wayne Brautigam 1294 Road 136, said his property is within 740 feet of two wells and he has complaints about the noise, dust, and traffic. Former Governor Dave Freudenthal, on behalf of the Petroleum Association, rose to concur with the County Attorney and while the BOCC has no rule making authority on this issue, he applauded the BOCC for holding the hearing today and having Mr. Watson to be here to hear from the citizens. He stated the fundamental problem the State has is with split estates and it is so ingrained in Wyoming that it cannot be resolved. David Watson, Prairie Lark Lane, near the Tomahawk well, stated no matter how far away you are from the drilling, it is not a pleasant experience and his neighbor, who is just over a quarter mile away, had to go to a motel during the drilling. Bridgette Hill, Director of the State Lands and Investment, Conservation Commission, talked about the process of adopting the setback rules which were designed to address the concerns of the public while balancing the competing interests and the process the Legislature had dictated. Pat Hawk spoke to difficulties she had in keeping surveyors off her land. Patty Epler reported they have had Anadarko and EOG meet with them for many hours and when she has called the Oil and Gas Commission with complaints, they have given her guidance on how to handle issues with

the operators. Wayne Lax said he has read the law review article and believes there are some opportunities for the BOCC to protect the citizens on a local level. Mark Eisele, 10333 Happy Jack Road, stated the new rules were developed with the considerations of many, many interests and believes they deserve a chance to work; if they don't, they can be re-worked and tweaked. Boyd Wiggam, Wyoming Liberty Group, urged the BOCC to deny the rule making, but did acknowledge the concerns are real. He also stated that the review of the comprehensive land use plan can offer an opportunity to address some of the issues raised today prior to taking a leap to rule making authority. Jill Morrison agreed with Boyd Wiggam to take this under advisement and see if there is a role the BOCC can play to see that the property owners get relief from the state. Hearing no further comment, the Chairman closed the PUBLIC HEARING. Commissioner Thompson moved to deny the request for rule making. Commissioner Holmes seconded the motion, which passed unanimously.

- 13 Commissioner Thompson moved to ratify a foundation grant application to the Black Hills Corporation Community Giving Program in the Amount of \$12,000 (which was rejected) to be used by the Planning Department to assist with the update to the Laramie County Comprehensive Plan by providing funding for advertising, public outreach, community meetings, printing and publishing costs. Commissioner Heath seconded the motion, which passed unanimously. The resolution is filed in central files with the County Clerk.
- 14 Commissioner Holmes moved to approve a resolution certifying that the Governing Body of Laramie County has agreed upon submitting a BFY 13/14 SLIB Consensus application on behalf of the Town of Pine Bluffs for a Public Works Fleet Vehicle in the amount of \$28,000. Commissioner Thompson seconded the motion, which passed unanimously. The resolution is filed in central files with the County Clerk.
- 15 Commissioner Thompson moved to ratify a Resolution correcting Resolution #150407-22 which authorized a grant application to the Wyoming Business Council/Business Ready Community Grant and Loan Program for a feasibility study to determine the financial sustainability of proposed facilities at the Archer Complex for the Laramie County Fair; the corrections include the organization name and a provision for Laramie County Fair Board to pay for any project overruns. Commissioner Kailey seconded the motion, which passed unanimously. The resolution is filed in central files with the County Clerk.
- 16 Commissioner Holmes moved to approve a lease agreement between Laramie County, Cheyenne-Laramie County Health Department and Dr. Lucas Wang in the amount of \$325 per quarter to provide medical examinations and assessments for clients of Wyoming Workforce Services. Commissioner Heath seconded the motion, which passed unanimously. The agreement is filed in central files with the County Clerk.
- 17 Commissioner Thompson moved to approve a five year Radio Tower Lease Agreement between Laramie County and Visionary Communications in the

amount of \$300.00 per month for the use of a tower located 1 mile west of I-25 on the south side of Horse Creek Road to provide Ethernet connections to Laramie County School District #1. Commissioner Kailey seconded the motion, which passed unanimously. The agreement is filed in central files with the County Clerk.

- 18 Commissioner Thompson moved to ratify an Enforcing Underage Drinking Contract between Laramie County (Sheriff's Office) and the Wyoming Association of Sheriffs and Chiefs of Police in the amount of \$6,400 to help fund overtime related to programs to reduce youth alcohol and prescription drug abuse for a period beginning October 1, 2014 and ending September 30, 2015. Commissioner Kailey seconded the motion, which passed unanimously. Documentation is filed in central files with the County Clerk.
- 19 Commissioner Holmes moved to approve an agreement between Laramie County and Woodhouse Roden Nethercott, LLC for legal services to indigent parents in cases of conflict with David Serelson, the primary contractor. Services are in accordance with W.S. 14-3-422(b) and to comply with Laramie County's obligation pursuant to W.S. 14-3-434 (b) to pay reasonable compensation for services and costs of counsel appointed by the District Court. Commissioner Heath seconded the motion, which passed unanimously. The agreement is filed in central files with the County Clerk.
- 20 Commissioner Thompson moved to approve a Notice of Award to Front Range Roofing for the Courthouse Roof Paver Project in the amount of \$240,000 as outlined in the Request for Proposal submitted on May 1, 2015. Commissioner Kailey seconded the motion, which passed unanimously. Documentation is filed in central files with the County Clerk.
- 21 Commissioner Kailey moved to approve nine (9) Catering Permit submitted by Outlaw Saloon for Cheyenne Frontier Days related events to be held at 312 South Greeley Highway beginning on July 17th through July 25, 2015. Commissioner Thompson seconded the motion, which passed unanimously. Documentation is filed in central files with the County Clerk.
- 22 Commissioner Ash to approve a resolution appointing James A. Lugg to the Laramie County Hospital Board of Trustees to complete the term left vacant by the resignation of Brian Heithoff which will expire June 30, 2019. Commissioner Thompson seconded the motion, which passed with Commissioner Kailey recusing himself. After obtaining all signatures, the resolution is to be filed in central files with the County Clerk.
- 23 Commissioner Ash moved to approve a resolution appointing Jonath Jackson and Bill Larson to the Laramie County Hospital Board of Trustees for five-year terms commencing July 1, 2015 and ending June 30, 2020. Commissioner Thompson seconded the motion, which passed with Commissioner Kailey recusing himself. After obtaining all signatures, the resolution is to be filed in central files with the County Clerk.
- 24 Commissioner Holmes moved to approve a resolution appointing David Serelson and Keirsti Willms to the Juvenile Services Joint Powers Board to serve until June 30, 2016, filling the terms left vacant by the resignations of

Jeff Lamm and Leo Caselli. Commissioner Kailey seconded the motion, which passed unanimously. After obtaining all signatures, the resolution is to be filed in central files with the County Clerk.

- 25 Commissioner Thompson moved to approve a resolution appointing Dick Berry, Youth Alternatives; Diane Lozano, State Public Defender; Eydie Trautwein, J.D., Wyoming Supreme Court Children's Justice Coordinator; to the Juvenile Services Joint Powers Board serving in the capacities of a joint city/county appointment representing Youth Alternatives and two county only appointments with all terms beginning July 1, 2015 and ending June 30, 2018. Commissioner Holmes seconded the motion, which passed unanimously. After obtaining all signatures, the resolution is to be filed in central files with the County Clerk.
- 26 Commissioner Heath moved to approve a resolution appointing Mike Williams and Dema Jo Gilbert to the Economic Development Joint Powers Board for three year terms beginning July 1, 2015 and ending June 30, 2018. Commissioner Holmes seconded the motion, which passed unanimously. After obtaining all signatures, the resolution is to be filed in central files with the County Clerk.
- 27 Commissioner Kailey moved to approve a resolution appointing Juliet Daniels to the Laramie County Library System Board of Directors for a three year term beginning July 1, 2015 and ending June 30, 2018. Commissioner Holmes seconded the motion, which passed unanimously. After obtaining all signatures, the resolution is to be filed in central files with the County Clerk.
- 28 Commissioner Thompson moved to approve a resolution appointing Jason Caughey to the Laramie County Planning Commission for a three year term beginning July 1, 2015 and ending June 30, 2018. Commissioner Heath seconded the motion, which passed unanimously. After obtaining all signatures, the resolution is to be filed in central files with the County Clerk.
- 29 Commissioner Thompson moved to approve a resolution appointing Phil VanHorn, Ken McCann, and Gerald Jessen to the Cheyenne-Laramie County Joint Powers Board for Frontier Park Improvements, all terms being for three years beginning July 1, 2015 and ending June 30, 2018. Commissioner Holmes seconded the motion, which passed unanimously. After obtaining all signatures, the resolution is to be filed in central files with the County Clerk.
- 30 Commissioner Heath moved to approve a resolution appointing Greg Selin and Kelly Krakow to the Eastern Laramie County Solid Waste Disposal District for three year terms beginning July 1, 2015 and ending June 30, 2018. Commissioner Kailey seconded the motion, which passed unanimously. After obtaining all signatures, the resolution is to be filed in central files with the County Clerk.
- 31 County Clerk Debbye Lathrop presented the proposals for the FY 2015 non-attest accounting services, and recommended RLR, LLP based on the responses to the Request for Proposal that were read into the record. Rob

Dickerson rose to address a question from Commissioner Thompson concerning the pricing. He stated they did not have time to visit with each of the component units to find out the condition of their financial records and that is why they outlined the pricing the way they did. Commissioner Thompson asked the County Attorney if he agreed that the response by DAPCPA was incomplete and he concurred that it was. Mr. Dickerson also stated that if he finds that the work with a component unit did not require the time necessary to bill \$3,000, he would bill a lesser amount; similarly, if they run into a component unit that has incomplete or no records, the amount would be billed on the high side. Chairman Ash then invited DAPCPA up to speak. David A Pope and James Childress came to the podium and said they would answer any questions the commissioners might have. When asked by Commissioner Thompson how solid their maximum bid of \$12,500 is, Mr. Pope said they would increase the amount in the following year if they found the work to be greater than expected. Mr. Childress stated that their bid was based on the fact that they would have as much of a role in the services as would Laramie County. Chairman Ash asked about affirmation of meeting the educational requirements of governmental standards. They started doing audit work in 2011 and meet yellow book standards. Commissioner Heath moved to accept the proposal from DAPCPA. Commissioner Kailey seconded the motion, which passed by a vote of three in favor and two opposed, with Commissioners Thompson and Holmes casting the dissenting votes.

- 32 Dan Cooley, County Planner, presented a Board Approval for the partial vacation of Broadmoor Subdivision, portions of Lots 12 and 13, Block 1, Laramie County, WY. (Located at 141 Turk Avenue) The staff recommends approval with no conditions. Chairman Ash opened the meeting as a PUBLIC HEARING. Hearing no PUBLIC COMMENT, the Chairman closed the PUBLIC HEARING. Commissioner Holmes moved to approve the Board Approval for vacating the interior lot lines of a parcel situated on portions of Lots 12 & 13, Block 1, Broadmoor Subdivision, with no conditions and adopt the findings of fact a and b of the staff report. Commissioner Kailey seconded the motion, which passed unanimously.

CERTIFICATION

I, Debra K Lathrop, Clerk of Laramie County, do hereby certify the above to be a true and correct copy of the Minutes of the Proceedings for Tuesday, June 16, 2015

SEAL

Approved by : _____

Debra K. Lathrop
County Clerk

Reviewed by : _____

Amber Ash, Chairman
Board of County Commissioners

This information is available in alternate forms. If reasonable accommodations are required, contact Laramie County Human Resources, 310 West 19th Street, Cheyenne, WY 82001, (307)633-4355 within a reasonable time.