

Board of County Commissioners

Minutes of the Proceedings - Final

Historic Courthouse
310 W 19th Street
Cheyenne, WY 82001



Tuesday, December 4, 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, and Commissioner
Amber Ash

Minutes

1. Consideration of the Minutes of Proceedings for November 20, 2018.

[18 - 420](#)

Attachments: [DRAFT NOVEMBER 20 MINUTES.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, and 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, and Ash

2. Consideration of a legal services agreement to contract with Gayla Austin to provide representation to indigent parents 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 county shall pay the provider \$90 per hour.

[18 - 403](#)

Attachments: [GAYLA AUSTIN.pdf](#)

This agenda item was approved.

3. Consideration of a service agreement between Laramie County and Vertiv Corp. to provide for monitoring, inspection and preventive services on batteries and other related equipment. [18 - 404](#)

Attachments: [Vertiv Agreement](#)

This agenda item was approved.

4. Consideration of an agreement between Laramie County and Ram Trucking for the purpose of transporting, destroying and the disposal of 10 vehicles for the Laramie County Sheriff's Dept. [18 - 405](#)

Attachments: [Ram Trucking Agreement](#)

This agenda item was approved.

5. Consideration of a legal services agreement between Laramie County and Joshua Case. The purpose of this agreement is to contract with Joshua Case to provide legal representation to indigent parents. Said 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) at a rate of \$90/hour. [18 - 410](#)

Attachments: [Legal Service Agreement-Joshua Case](#)

This agenda item was approved.

6. Consideration of a legal service agreement between Laramie County and Joanne Sweeney for the purpose of providing legal representation to indigent parents 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) at a rate of \$90/hour. [18 - 412](#)

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

This agenda item was approved.

7. Consideration of the following fees collected by various County entities for October 2018: Planning & Development, \$97,123.12; County Clerk, \$149,610.42; Drug Court, \$250.00; DUI Court, \$400.00; Sheriff, \$128,618.24; CODC, \$13,677.50; Circuit Court, \$62,732.50; Shooting Sports Complex, \$17,862.55. [18 - 417](#)

Attachments: [OCTOBER FEES.pdf](#)

This agenda item was approved.

8. Consideration of the following part-time salaries in the amount of [18 - 418](#)
\$29,524.50: Planning, \$580.00; Shooting Sports Center, \$4,182.50;
Buildings/Grounds, \$16,042.58; Sheriff Operations, \$912.21;
Detention, \$6,895.93; District Court, \$90.00; Drug Court, \$821.28.

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

This agenda item was approved.

9. Consideration of warrants in the amount of \$5,056,918.46 for [18 - 421](#)
November 2018.

Attachments: [NOVEMBER WARRANTS.pdf](#)

This agenda item was approved.

Resolution

10. Consideration of a resolution giving public notice of solicitation of [18 - 419](#)
nominations for directors of the Laramie County Weed and Pest
Control District for Areas 1, 2, 4 and 6 for four-year terms.

Attachments: [RESOLUTION PUBLIC NOTICE FOR WEED &
PEST.pdf](#)

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, and Ash

Grants

11. Consideration of a resolution approving the Town of Burns SLIB [18 - 402](#)
Consensus BFY15/16 grant application for \$49,500 to upgrade the
towns SCADA system.

Attachments: [Town of Burns SLIB Application \\$49,500.pdf](#)

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

Aye: Holmes, Heath, Thompson, Kailey, and Ash

Contract/Agreement/Leases

12. Ratification of an amendment to the Surface Use Agreement between Laramie County and EOG Resources, Inc. (Due to a request for trade secret confidentiality, accompanying this is the public record in the attached memorandum.)

[18 - 407](#)

Attachments: [Surface Use Agreement Memo](#)

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, and Ash

13. Ratification of an oil and gas lease between Laramie County and EOG Resources, Inc. (Due to a request for trade secret confidentiality, accompanying this is the public record in the attached memorandum.)

[18 - 408](#)

Attachments: [Oil & Gas Lease Memorandum](#)

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, and Ash

14. Consideration of a change order with FCI for overage drilling caissons at the new detention facility in the amount of \$33,520.

[18 - 409](#)

Attachments: [LD CD BVR-007 Caissons](#)

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, and Ash

15. Ratification of an access agreement for groundwater sampling and authorization for data release between EOG Resources and Laramie County.

[18 - 411](#)

Attachments: [EOG Access Agreement](#)

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, and Ash

Public Hearings/Rules & Reg's

16. 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 Stillmunkes and Greg Geras. (November 20, 2018)

[18 - 381](#)

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

Tyler Garrett, Hathaway & Kunz, representing the Agent, said this item is before the Board to make the decision whether they have authority to hear the appeal of the Planning Commission's decision and if so, the form that appeal would take. Commissioner Ash discussed the appeal process and the difference between County and District Court jurisdiction. Mr. Garrett said if the board determines it has authority, he proposed a hearing take place the week of December 17. Commissioner Thompson said he believes it is the Board of County Commissioners' job to hear the appeal because the Planning Commission is a body appointed by the Board. Commissioner Kailey agreed with Commissioner Thompson. County Attorney Mark Voss said he disagrees with Mr. Garrett's opinion and, in his opinion, the Board does not have jurisdiction in this matter, even in the face of 2017 statutory changes. Commissioners Ash and Thompson exchanged differing opinions related to jurisdiction and the appeal. Following the Board's decision, the Board directed the County Attorney to produce a written order on denial of the appeal.

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

Aye: Holmes, Heath, and Ash

Nay: Thompson, and Kailey

Meeting went into Recess at 4:35 p.m.

Meeting Reconvened at 4:38 p.m.

17. PUBLIC HEARING regarding the Adoption of the 2019 Laramie County Land Use Regulations.

18 - 413

Attachments: [Adoption of 2019 Laramie County Land Use Regulations](#)
[LCLUR Joanne's Presentation BOCC 12.04.18.pptx](#)
[CORRESPONDENCE.pdf](#)

Brad Emmons, Planning, said in early 2018, staff began the process of looking at the existing 2011 Laramie County Use Regulations. Planning took public comment in the spring of 2018, compiled a new draft of regulations for public review in the fall of 2018, following which additional changes were made. Due to the number of changes, Planning staff recommended repealing the old regulations and adopting new regulations. Mr. Emmons listed the numerous changes in the proposed regulations, among which are moving controversial site plan approval from the Planning Commission to the County Commissioners, and the addition of regulations for electronic signs, shooting ranges, solar energy farms, and roadside memorials. Commissioner Thompson asked about the effect of new regulations on existing shooting ranges. Mr. Emmons responded existing ranges would be grandfathered in under the "legally non-conforming" section of the regs. In response to a question from Commissioner Heath, Mr. Emmons said facility changes to an existing range could be subject to the new regulations. Chairman Holmes opened the hearing for PUBLIC COMMENT. Joanne Sandberg, Albin, supported requiring outdoor shooting ranges to comply with standards and guidelines of the National Rifle Association (NRA) Source Book. She said a proposed shooting range near her home would not have been safe and she advocated for the regulations. John Manley, president of Cheyenne Regulators, Inc., said the requirement to do a range site plan based on standards in the NRA Source Book was inappropriate because the book is a guide to range design for specific NRA events. Mr. Manley said more due diligence and research are needed on the proposed regulations in Chapt. 5. He also recommended regular inspections of commercial shooting facilities. Terry Sandberg, Albin, said the regulations are needed and it is important future ranges follow them to ensure safety. Dick Patton, Helis Oil, said for many reasons he is in favor of the proposed regulations. Hearing no further PUBLIC COMMENT, Chairman Holmes

closed the hearing.

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, and Ash

Meeting went into Recess at 5:24 p.m.

Meeting Reconvened at 5:31 p.m.

- 18. PUBLIC HEARING** regarding the Adoption of the 2018 International Building Codes.

[18 - 414](#)

Attachments: [Adoption of 2018 International Building Codes](#)

Anthony Pomerleau, Chief Building Official, said the County has been issuing building permits since the County adopted the International Building Codes in 2003. From 2003 to 2008 the County contracted with the City of Cheyenne to provide permitting and inspection services. In 2008 Laramie County initiated its own Building Division and began issuing and managing all building permits within the unincorporated boundaries of Laramie County. The State of Wyoming under W.S. 35-9-121 delegated authority to Laramie County to "enforce and interpret local or state fire, building, existing building and electrical safety standards which meet the requirements" of W.S. 35-9-121. Public notice of the proposed regulations was given on October 16, 2018. Chairman Holmes opened the hearing for PUBLIC COMMENT. Brian Casey, Mister B's HVAC, said it would be helpful if both the county and city operated by the same rules. Commissioner Ash said the city has home rule and county government is just an extension of the state. Steve Furtney said he is glad the County is not adopting the energy code. Hearing no further 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, and Ash

Land Use:Variances/Board App./Plats

- 19. PUBLIC HEARING** regarding the Subdivision Permit and Plat for Northern Heights 2nd Filing, located in a portion of the N1/2 Section 18, T.15N., R.66W., of the 6th PM, Laramie County, WY.

[18 - 415](#)

Attachments: [Northern Heights 2nd Filing Subdivision](#)

Nancy Trimble, Planning, said this application is being submitted to subdivide

approximately 57 acres into 10 single-family residential lots. Chris Lovelass, AVI, said there is one existing residence. Ms. Trimble said based on evidence, the 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 Ash, that this agenda item be approved and to adopt the findings of fact a of the staff report. The motion carried by the following vote:

Aye: Holmes, Heath, Thompson, Kailey, and Ash

- 20.** PUBLIC HEARING regarding the Subdivision Permit and Plat for Saddleback Acres, located in a portion of the NE1/4 SW1/4 of Section 10, T.14N., R.65W., of the 6th PM, Laramie County, WY.

18 - 416

Attachments: [Saddleback Acres Subdivision](#)

Seth Frentheway, Planning, said this application has been submitted for the purpose of subdividing approximately 35 acres creating 3 lots averaging 11.86 acres for single family residential developments. Terry Sanders, Western Research & Development said he would be happy to answer any questions. Mr. Frentheway said based on evidence provided, staff recommends approval with the following condition: The plat shall be amended to reflect the correct designation of the west 40-foot easement/right of way and a note added to clarify the intended use and maintenance, prior to plat recordation

A motion was made by Vice Chairman Heath, seconded by Commissioner Ash that this agenda item be approved with the with one condition and adopt the findings of fact a of the staff report The motion carried by the following vote:

Aye: Holmes, Heath, Thompson, Kailey, and Ash

The meeting adjourned at 6:00 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, December 4, 2018.

Approved by : Debra K. Lee, County Clerk

Reviewed by : K. N. Buck Holmes, 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.

