

Board of County Commissioners

Minutes of the Proceedings - Final

Historic Courthouse
310 W 19th Street
Cheyenne, WY 82001



Tuesday, January 4, 2022

3:30 PM

Commissioners Board Room

Roll Call/Call to Order

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

Agenda Priority Item

1. Election of a new Chairman and Vice Chairman of the Board of Laramie County Commissioners for calendar year 2022.

[22 - 001](#)

A motion was made by Commissioner Holmes, seconded by Commissioner Heath, that Troy Thompson be elected Chairman of the Commission for calendar year 2022 and that Brian Lovett be elected Vice Chairman. The motion carried by the following vote:

Aye: Thompson, Lovett, Heath, Holmes, Malm

Minutes

2. Consideration of the Minutes of Proceedings for Dec 21, 2021.

[22 - 009](#)

Attachments: [Draft Minutes Dec 21, 2021](#)

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

Aye: Thompson, Lovett, Heath, Holmes, Malm

Consent Agenda

Approval of the Consent Agenda

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

Aye: Thompson, Lovett, Heath, Holmes, Malm

3. Consideration of amendment #1 to the administrative services agreement (210817-4) between Laramie County, WY, and Blue Cross Blue Shield of WY, as more specifically described in attachment C "Supplemental Services." [22 - 002](#)

Attachments: [Amendment #1, BCBS of WY, Administrative Services Agreement](#)

This agenda item was approved.

4. Consideration of the ratification of an agreement between Laramie County, WY, and Tanco Engineering to provide emergency repair services to the Archer Complex Water Tower located at or near 11453 Thunder Ridge Rd. [22 - 004](#)

Attachments: [Agreement, Tanco Engineering, Archer Complex Water Tower](#)

This agenda item was approved.

5. Consideration of the adoption of the updated Cheyenne/Laramie County Emergency Response Plan. [22 - 008](#)

Attachments: [Cheyenne-Laramie County Emergency Response Plan](#)

This agenda item was approved.

6. Consideration of the following fees collected by various County entities for Nov 2021: County Clerk, \$135,820.66; Sheriff, \$18,371.48; Clerk of District Court, \$16,698.50; Shooting Sports, \$14,695.66; Planning & Development, \$62,867.07; Circuit Court, \$34,403.00; DUI Court, \$550.00; Drug Court, \$930.00. [22 - 010](#)

Attachments: [Nov Fees 2021](#)

This agenda item was approved.

7. Consideration of the following part-time salaries in the amount of \$70,841.67 for Dec 2021: Grants, \$752.93; Planning, \$590.00; Shooting Sports, \$13,353.93; Events Dept, \$1,278.00; Buildings/Maintenance, \$28,286.96; Sheriff Operations, \$3,169.47; Detention, \$14,949.18; District Court, \$6,180.00; Drug/DUI Courts, \$2,281.20. [22 - 011](#)

Attachments: [Dec Part-time Salaries 2021](#)

This agenda item was approved.

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8. Consideration of warrants in the amount of \$3,010,441.40 for Dec 2021.

[22 - 012](#)

Attachments: [Dec Warrants 2021](#)

This agenda item was approved.

Appointments

9. Consideration of resolution appointing Leslie Hearn to the Laramie County Adult Community Corrections Board, completing the four-year term left vacant by Tony Neider, term expiring Dec 31, 2022.

[22 - 005](#)

Attachments: [Adult Community Corrections Board Appointment, Leslie Hearn](#)

A motion was made by Commissioner Heath, seconded by Commissioner Malm, to appoint Leslie Hearn. The motion carried by the following vote:

Aye: Thompson, Lovett, Heath, Holmes, Malm

Land Use:Variances/Board App./Plats

10. PUBLIC HEARING regarding an administrative appeal of an approved site plan for Big Bird Landscaping, LLC, Lunar View Estates, Lot 4, Block 4, Laramie County, WY.

[22 - 003](#)

Attachments: [Administrative Appeal Application, Billy J and Ellen J Thompson](#)
[Administrative Appeal Application, Ava Board Jr and Emogene H Board](#)
[Administrative Appeal Application, Darrell Faass](#)
[Administrative Appeal Application, Stanley Goodbar](#)
[Administrative Appeal Application, Karl and Judi Krieger](#)
[Administrative Appeal Application, L P and Norine Samuelson](#)
[Administrative Appeal Application, Steve and Jo Sunderman](#)
[Administrative Appeal Application, Bruce S Asay](#)
[Administrative Appeal Application, Bruce S Asay, Documentation](#)

County Attorney Mark Voss explained procedures for appealing the Planning director's approval of a site plan. He said the Board can affirm or reverse the Planning director's decision. Mr. Voss recommended the Board consolidate the various appeals because they deal with the same matter; each appellant would be allowed to

speak.

Chairman Thompson asked appellants if there was an objection to consolidating the cases. There was no opposition to the consolidation.

Justin Arnold, Planning, gave a project overview of the site plan. He noted the area's zoning designation allows for a landscaping business as a use by right.

Chairman Thompson opened the hearing for PUBLIC COMMENT.

Appellants, their representatives, and residents who spoke in favor of the Board overturning the Planning director's decision included Bruce Asay, Ellen Thompson, Jo Sunderman, Sheila Neelands, Diane Baldwin, Lilly Sharp, Melissa Meares, and Dan Mummert. Among the reasons cited were the commercial nature of the business, the site plan runs counter to current use and impacts the character of the neighborhood, increased traffic and noise, deterioration of road conditions, change in the viewshed, and diminished property values. Mr. Asay said county regulations are not intended to abrogate covenants, and he believes the county has an obligation to take covenants into consideration.

Dominic Davis and Susan Bennett, residents, spoke in favor of the work done on the property and the Gallardo family.

Chairman Thompson said the County does not enforce covenants because they are a private matter between individuals. He asked why appellants do not go through the court as a civil procedure. Mr. Asay spoke about the cost to enforce covenants through the courts and said the Board's decision obviates the need for residents to go to court.

Commissioner Malm pointed out previous possible violations of covenants in the subdivision and questioned why those infractions had not been addressed. He noted the Commission has not allowed covenants to preclude the issuance of site plans in the past. Mr. Asay acknowledged there are some violations or inconsistencies in the subdivision, but such cases are not a nuisance and do not bother people. Commissioner Lovett asked if there is an active Homeowners Association (HOA) to enforce covenants and pointed out section 12 of the covenants states enforcement shall be by proceeding at law or in equity. Mr. Asay said there is no active HOA, but there are officers. Mr. Asay said the issue is a zoning application and the petition before the Board.

Krista Gallardo, co-owner of the property in question, addressed the Board. Ms. Gallardo noted the permit is not issued to Big Bird Landscaping, LLC, but is under Nestor and Krista Gallardo. Mr. Arnold clarified the permit is under the owners' names, but the site plan is in the company name. Ms. Gallardo stated business activities are not being conducted on the property. She informed their building was initially permitted for residential use and the County changed it to commercial after

construction. She said the intended purpose of the structure is to store items on the property. Ms. Gallardo noted various issues with residents.

Hearing no further PUBLIC COMMENT, Chairman Thompson closed the hearing.

At Commissioner Lovett's request, Mr. Arnold confirmed the uses by right in districts zoned A1 (agricultural and rural residential) which include landscaping businesses. Commissioner Lovett asked Mr. Voss to explain why the County does not enforce covenants. Mr. Voss said the primary reason is that covenants are private agreements, and the County does not have standing to enforce covenants as it is not a party to the agreement.

A motion was made by Commissioner Malm, seconded by Commissioner Lovett, to affirm the decision of the Planning Director to approve the site plan. The motion carried by the following vote:

Aye: Thompson, Lovett, Heath, Holmes, Malm

The Board recessed at 5:13 pm and reconvened at 5:18 pm.

- 11.** Consideration of a resolution for the review and approval of the Rico's RV and Boat Storage PUD Regulations, located on Lot 1, Block 4, Murray Hill Estates, Laramie County, WY.

[22 - 013](#)

Attachments: [Resolution, Rico's RV and Boat Storage PUD Regulations](#)

Justin Arnold, Planning, explained amendments need to be made to the resolution and requested the item be postponed.

A motion was made by Commissioner Malm, seconded by Vice Chairman Lovett, to postpone the item until staff determines it is ready. The motion carried by the following vote:

Aye: Thompson, Lovett, Heath, Holmes, Malm

- 12.** PUBLIC HEARING regarding a Subdivision Permit and Plat for Komodo Subdivision, being a replat of Tracts 2, 3, & 4, Titus Tracts, Laramie County, WY.

[22 - 014](#)

Attachments: [Komodo Subdivision, Subdivision Permit & Plat](#)

Kelly Schroder, Planning, said John J. Studley, PLS, on behalf of Komodo Construction, LLC, submitted a Subdivision Permit and Plat application for Komodo Subdivision, located northwest of Rd 212 and Rd 142. The application was submitted to subdivide the properties into five residential-use tracts.

Ms. Schroder said based on evidence provided, staff recommends approval of the subdivision permit and plat with the adoption of findings of fact a with one condition:

Road Construction design plans for the proposed 66'-wide access easement and roadways, that meet county standards, shall be submitted and agreed upon by the Public Works and Planning Departments prior to recordation.

Chairman Thompson questioned why the county would allow the 66'-wide access easement instead of an 80'-wide access easement. Mr. Studley explained the applicant was concerned with the setback requirement, and the 66'-wide access easement would still meet county road standards. Mr. Studley said an easement would usually require a wider right-of-way, but the area is flat with constant drainage and no need for cuts and fills. Molly Bennett, Public Works, concurred the proposed easement would meet county road standards. Commissioner Heath questioned if a proposed cul-de-sac would provide enough to turnaround for fire equipment. Commissioner Holmes said the cul-de-sac would be a bit tight, but adequate. Commissioner Malm noted Fire Dist #6 had not identified this as an issue. Ms. Bennett said she would work with the applicant to address Commissioner Heath's concern.

Chairman Thompson opened the hearing for PUBLIC COMMENT. Residents Patrick and Patricia Theriot, Kim Cox, Mark Jurek spoke against approval because of the size of the subdivision. Concerns were expressed about making the rural area into an urban area, lack of fire and law enforcement protection, interruption of wildlife migration, lot sizes, and number of homes, effect on water table, and road maintenance.

Taylor Carroll, Komondo Construction, clarified that the so-called cul-de-sac is a circle for a turnaround; the four lots will have separate driveways, with the lot at the top connected to the circle.

Hearing no further PUBLIC COMMENT, Chairman Thompson closed the hearing.

A motion was made by Commissioner Malm, seconded by Commissioner Holmes, to approve the Subdivision Permit and Plat for Komodo Subdivision with one condition and adopt the findings of fact a of the staff report. The motion carried by the following vote:

Aye: Thompson, Lovett, Heath, Holmes, Malm

- 13.** PUBLIC HEARING regarding a Subdivision Permit and Plat for Wendt Subdivision, located in a portion of the NW1/4 of Sec 12, T14N, R64W, of the 6th PM, Laramie County, WY.

[22 - 015](#)

Attachments: [Wendt Subdivision, Subdivision Permit & Plat](#)

Kelly Schroeder, Planning, said John J. Studley, PLS, on behalf of Tim Wendt, submitted a Subdivision Permit and Plat application for Wendt Subdivision, located at

1355 Rd 141, Laramie County, WY. The application was submitted to subdivide the property into three residential use tracts.

Ms. Schroder said based on evidence provided, staff recommends approval of the subdivision permit and plat with the adoption of findings of fact a and one condition: Road Construction design plans for the portion of Rd 141 from the southern line of Tract 3 north to Rd 214 that meet county standards, shall be submitted and agreed upon by the Public Works and Planning Departments prior to recordation.

Chairman Thompson opened the hearing for PUBLIC COMMENT. Kim Cox, a resident, asked the Board to consider adopting the entire Rd 214 as a county road. Mark Jurek, a resident, talked about the acreage lot size and concerns about farmland being flushed away.

Commissioner Lovett said he hears what the residents are saying but noted a case where the WY Supreme Court overturned a Planning Commission decision that denied the use of a property. He said the Court decision made it clear that a person's use of property cannot be restricted when all legal requirements have been met, and the Board cannot deny property use because neighbors do not like it.

Hearing no further PUBLIC COMMENT, Chairman Thompson closed the hearing. A motion was made by Commissioner Malm, seconded by Vice Chairman Lovett, to approve the Subdivision Permit and Plat for Wendt Subdivision with one condition and adopt the findings of fact a of the staff report. The motion carried by the following vote:

Aye: Thompson, Lovett, Heath, Holmes, Malm

The meeting adjourned at 6:23 pm.

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, Jan 4, 2022.

Approved by : Debra K. Lee, County Clerk

Reviewed by : Troy Thompson, 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.