

Board of County Commissioners

Minutes of the Proceedings - Draft

Historic Courthouse
310 W 19th Street
Cheyenne, WY 82001



Tuesday, June 19, 2018

3:30 PM

Commissioners Board Room

Roll Call/Call to Order

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 June 5, 2018.

[18 - 228](#)

Attachments: [180605 Draft.pdf](#)

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

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

2. Consideration of a service agreement for the Laramie County Combined Communications Center between Laramie County and Motorola Solutions. The term of the agreement is from July 1, 2018 to June 30, 2019.

[18 - 206](#)

Attachments: [Addendum to Service Agreement.pdf](#)

This agenda item was approved.

3. Consideration of a petition for a tax refund for tax year 2015 for EOG Resources, Inc. on application 15-04 in the amount of \$2,197.36.

[18 - 207](#)

Attachments: [Petition for Tax Refund.EOG.2015](#)

This agenda item was approved.

4. Consideration of a lease agreement between Vicky Koch and Laramie County for mowing services at Archer. [18 - 209](#)

Attachments: [Archer Complex Mowing Lease](#)

This agenda item was approved.

5. Consideration of an appraisal service contract between Laramie County and Thomas Y. Pickett & Co. [18 - 210](#)

Attachments: [TY Pickett Appraisal Service Contract](#)

This agenda item was approved.

6. Consideration of a vehicle-use agreement between Laramie County and Peak Wellness Center for the use of delivery of mental health services in eastern Laramie County. [18 - 212](#)

Attachments: [Vehicle Use Agreement-Peak Wellness Center](#)

This agenda item was approved.

7. Consideration of the ratification of a resolution authorizing the submission of a grant application to the Cheyenne Community Public Recreation District, for funding towards a bicycle playground to be located at Clear Creek Park, on behalf of the Governing Body of Laramie County, WY, in the amount of \$50,000. [18 - 213](#)

Attachments: [CCRD Bicycle Playground Application.pdf](#)

This agenda item was approved.

8. Consideration of a resolution authorizing the approval of the Laramie County Grant Policies and Procedures Handbook, on behalf of the Governing Body of Laramie County, WY. [18 - 214](#)

Attachments: [2018 Grant Policies & Procedures Handbook.pdf](#)

This agenda item was approved.

9. Consideration of a legal services agreement between Laramie County and Blake Klinkner as the primary provider to provide legal representation to 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). The County shall pay the provider the sum of \$40,000 in twelve equal monthly installments for the term of July 1, 2018, to June 30, 2019. [18 - 215](#)

Attachments: [Klinkner.Blake.Primary.indigent.parents.2018-2019](#)

This agenda item was approved.

10. Consideration of malt beverage permits submitted by Best Western Cheyenne Sundowner, dba Frontier Inn, located at 8101 Hutchins Drive, Cheyenne, WY 82007 from July 20, 2018 through July 29, 2018, during Cheyenne Frontier Days. [18 - 216](#)

Attachments: [Frontier Inn Malt Beverage Permit.pdf](#)

This agenda item was approved.

11. Consideration of malt beverage permits submitted by Michael Pavlica, located at 4066 I-80 Service Road, Burns, WY 82053, from July 19, 2018, through July 30,-2018. [18 - 225](#)

Attachments: [Malt Beverage Permit.pdf](#)

This agenda item was approved.

Report & Public Petitions

12. PUBLIC HEARING regarding the Viewer's Report for the petition for Vacation of sections of County Road 20 (PZ-18-00032).

[18 - 223](#)

Attachments: [PZ 32.pdf](#)
 [oath of viewer.pdf](#)

Chairman Holmes informed that the viewer's report and public comments on the two road vacation petitions would be taken together, but the Board would consider each petition separately.

Rob Geringer, director of Public Works and designated Viewer, read his report on the two road closure proposals. He stated that 50-60 persons sent comments against the road vacation.

Chairman Holmes opened the hearing for PUBLIC COMMENT. Jack Twiford, 642 Horseshoe Creek, Glendo, spoke on behalf of the petitioners, Lorenz Ranch Inc. Mr. Twiford explained that he leases land in the area and he and other landowners have experienced numerous acts of vandalism and gates left open creating problems with cattle management. He summarized the problem as a 'people management' one. If the board does not agree to vacate the roads, he requested control be done through signage and cattle guards. He asked the board to table action on the item so that ranchers' concerns can be addressed.

Speaking against the proposed road vacation, Jordan Evans, 729 Shoshoni, Cheyenne, said that restricting access to public lands in Laramie County serves no public interest. Buzz Hettick, Backcountry Hunters & Anglers, 1778 Eagle Crest Ct, said his organization will support public access by helping ranchers with signage and other measures to prevent vandalism. Michael Hogan, BLM realty manager, said the closure would defeat BLM's primary purpose to make public lands accessible. Brian Taullie, 1411 Gettysburg, said the roads are an evacuation route for Table Mountain residents.

Commissioner Thompson requested a meeting be set between Public Works, BLM, Wyoming Backcountry Hunters & Anglers, and the ranchers to find solutions to prevent vandalism of property and risks to livestock.

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

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

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

- 13.** PUBLIC HEARING regarding the Viewer's Report for the Vacation of sections of County Road 120 (PZ-18-00123).

[18 - 224](#)

Attachments: [PZ 123.pdf](#)
[oath of viewer.pdf](#)

Chairman Holmes informed that the viewer's report and public comments on the two road vacation petitions would be taken together, but the Board would consider each petition separately.

See Public Hearing comments in Item 12 above.

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

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

Resolution

- 14.** Consideration of a resolution to continue the Optional Lodging Tax authorized by W.S. 39-15-204(a)(ii) on the November 6, 2018, General Election Ballot.

[18 - 195](#)

Attachments: [lodging tax resolution.pdf](#)

Darren Rudloff, Visit Cheyenne, noted that the lodging tax in Laramie County has been approved by voters every four years since it was first passed in 1987. Last year, the tax brought in \$1.9 million. He requested the board support continuation of the lodging tax.

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

Contract/Agreement/Leases

- 15.** Consideration of a memorandum of understanding between the Wyoming Dept. of Revenue and the Laramie County Assessor's office concerning the administration of the Computer Assisted Mass Appraisal (CAMA) system.

[18 - 208](#)

Attachments: [DOR.CAMA.MOU.2018](#)

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

16. Consideration of a cooperative agreement for responsibilities between the Wyoming Department of Family Services Child Support Enforcement and the Laramie County Clerk of District Court. The purpose of the agreement is to delineate the mutual responsibilities between DFS and CODC. The term of the agreement is July 1, 2018, to June 30, 2019. [18 - 220](#)

Attachments: [DFS Child Support Enforcement Cooperative 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, and Ash

License/Permits

17. PUBLIC HEARING regarding a seasonal fireworks application submitted by Breanna Elliot, dba Jurassic Fireworks, located at Block 2, Lot 7, Terry Park, Cheyenne, WY. [18 - 192](#)

Attachments: [Jurassic Fireworks Seasonal Application.pdf](#)

Vince Frey of Colorado, speaking on behalf of Jurassic Fireworks, requested withdrawal of the agenda item and asked the board to consider a refund of the permit application fee of \$2300. Commissioner Thompson pointed out that the applicant was not charged a fee for the current application.

This License/Permits was withdrawn.

A motion was made by Commissioner Thompson, seconded by Commissioner Ash, that the applicant's request for a refund of the permit

application fee be denied. The motion carried by the following vote:

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

- 18.** PUBLIC HEARING regarding a yearly fireworks permit application submitted by Phantom Fireworks Showrooms, LLC, located at 227 I-25 Service Road East, Cheyenne, WY 82007. (Item continued from June 5, 2018, meeting)

[18 - 227](#)

Attachments: [Phantom yearly fireworks.pdf](#)

Matt Butler, Fire Warden, stated that building inspections have been completed and permit could be issued.

Chairman Holmes opened the hearing for PUBLIC COMMENT. Vince Frey of Colorado said he objected to issuance of the permit because the applicant did not comply with current regulations regarding a 60 ft. setback from the property line. Jack Stadel, Stadel Construction, general contractor for Phantom Fireworks Showrooms, LLC, said that Mr. Frey was confusing the old building with the new one and that the new structure had gone through the permitting process and was in compliance.

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

Appointments

19. Consideration of a resolution appointing a member to Laramie County Hospital Board of Trustees to complete the term left vacant by the resignation of Michelle Mulberry which will expire on June 30, 2022. [18 - 221](#)

Attachments: [Hospitalpartial.pdf](#)

A motion was made by Vice Chairman Heath, seconded by Commissioner Thompson, that Denise Green be appointed to the Laramie County Hospital Board of Trustees. The motion carried by the following vote:

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

20. Consideration of a resolution appointing a member to the Laramie County Hospital Board of Trustees to a five-year term beginning July 1, 2018, and expiring on June 30, 2023. [18 - 222](#)

Attachments: [2Hospitalfull.pdf](#)

A motion was made by Vice Chairman Heath, seconded by Commissioner Kailey, that Mark Parsons be appointed to the Laramie County Hospital Board of Trustees. The motion carried by the following vote:

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

Land Use:Variances/Board App./Plats

21. PUBLIC HEARING regarding a Subdivision Permit & Plat for Sullivan Subdivision, 2nd Filing, a replat of Tract 3, Sullivan Subdivision, Laramie County, WY. [18 - 217](#)

Attachments: [Sullivan Subdivision 2nd Filing](#)

Seth Frentheway, Laramie County Planning, informed that Steil Surveying Services, LLC, on behalf of J Pat Sullivan Et Ux c/o Jack Stadel, Stadel Construction, has submitted a Subdivision Permit and Plat application for Sullivan Subdivision, 2nd Filing, located southeast of Glencoe Dr. & Westedt Road. The application was submitted for the purpose of subdividing the existing parcel into three (3) separate tracts to prepare for single-family residential development, averaging 5.79 acres each. Mr. Frentheway said based on evidence provided, staff recommends approval with no conditions.

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

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

- 22.** PUBLIC HEARING regarding a Subdivision Permit & Plat for Granite Springs Subdivision, a replat of a portion of Tract 3, Prosser Tracts, Laramie County, WY.

[18 - 219](#)

Attachments: [Granite Springs Subdivision](#)

Seth Frentheway, Planning, informed that CEPI, Inc, on behalf of Granite Springs Apartments, LLC, and AYH, LLC, submitted a Subdivision Permit and Plat application for Granite Springs Subdivision, located northeast of E Jefferson Rd. & Ave C. The application was submitted for the purpose of replatting four tracts owned by Granite Springs, LLC, and AYH, LLC, into three lots, correcting previous lot line location errors and consolidating Granite Springs Apartments onto one legally-subdivided lot. The property requires a dual application process with the city since it is within one mile of city limits. Based on evidence provided, staff recommends approval with the condition that the 20' utility easement shown on the northern portion of Lot 3 be addressed per County Engineer comments.

Bill Fehringer, CEPI, 6080 Enterprise, Casper, agent for the applicant, stated the purpose of the replat is to correct lot lines errors, based on an agreement of the two property owners.

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 Vice Chairman Heath, that this agenda item be approved with the following condition and to adopt the findings of fact a and b of the staff report: 1) The 20' utility easement shown on the northern portion of Lot 3 shall be addressed per County Engineer comments. The motion carried by the following vote:

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

Citizen Comments

- 23.** Citizens' comments regarding flooding issues in the Thomas Heights area.

[18 - 211](#)

Attachments: [stoneflooding.pdf](#)

Chairman Holmes said a number of citizens had requested an audience before the board to air concerns about flooding in the Thomas Heights subdivision.

Rod Stone, 4011 Summit, said he has had extreme flooding and a large volume of runoff. He said his home has had major flooding five times and his neighbors' homes have also flooded. Mr. Stone said the increase in water is related to development of Thomas Heights. He said he is frustrated because the city says the problem is a county issue and the county says they cannot help.

Rob Cortier, 3803 Summit, said flooding in a detention pond on his property started when N. College Dr. was built and development of Thomas Heights made it worse. Rich Hortle, 4402 Summit, said his driveway is sinking and water sits on it; water volume has increased and the direction of water flow has changed.

Rob Geringer, Public Works director, said the county engineer reviewed the drainage report with the design engineer and city staff and determined it met city standards at that time. Mr. Geringer noted that the area is not mapped as being in a FEMA floodplain. Mark Voss, county attorney, said residents could seek civil recourse as the county is not legally in a position to act.

Mayor Marian Orr said her office has been in communication with residents. She stated that the city engineer said there is relief but a cost would be involved.

Commissioner Thompson said commissioners cannot control city subdivisions, and the city is responsible for drainage studies. He recommended residents seek relief from the legislature. He stated commissioners do not have the authority to make rules or regulations on city subdivisions.

In response to a question from Commissioner Heath, Mr. Geringer said Public Works would check the culverts for possible blockage and silt.

Jason Wasserburger, Throne Law Office, stated that county pockets within the city will continue and lawsuits are expensive. He said creative solutions are needed.

Citizen Comments were received and filed.

The meeting adjourned at 6:32 p.m.

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.