

# Board of County Commissioners

## Minutes of the Proceedings - Draft

Historic Courthouse  
310 W 19th Street  
Cheyenne, WY 82001



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**Tuesday, February 19, 2019**

**3:30 PM**

**Commissioners Board Room**

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### Roll Call/Call to Order

**Present:** Chairman Linda Heath, Vice Chairman Amber Ash, Commissioner K. N. Buck Holmes, Commissioner Gunnar Malm, and Commissioner Troy Thompson

### Minutes

1. Consideration of Minutes of Proceedings for February 5, 2019.

[19 - 051](#)

**Attachments:** [Draft Minutes 02-05-2019](#)

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

**Aye:** Heath, Ash, Holmes, Malm, and Thompson

### Consent Agenda

#### Approval of the Consent Agenda

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

**Aye:** Heath, Ash, Holmes, Malm, and Thompson

2. Consideration of a resolution authorizing the submission of a grant application to Autism Speaks Local Impact Grant Program on behalf of the Governing Body of Laramie County, WY, to request funding for the Laramie County Sheriff's Department Project Lifesaver Program in the amount of \$2,500.

[19 - 055](#)

**Attachments:** [Autism Speaks Application \\$2,500.pdf](#)

This agenda item was approved.

3. Consideration of a resolution authorizing the submission of a grant application to the Alzheimer's Foundation of America on behalf of the governing body of Laramie County, WY, to request funding for the Laramie County Sheriff's Department Project Lifesaver Program in the amount of \$5,000.

[19 - 052](#)

**Attachments:** [Alzheimer's Foundation Application.pdf](#)

This agenda item was approved.

4. Consideration of a Memorandum of Understanding between Laramie County Emergency Management Agency and Cheyenne Veterans Administration Medical Center to provide aid and assistance during emergency or all-hazards incident.

**19 - 053**

**Attachments:** [Cheyenne Veterans Administration Medical Center MOU](#)

This agenda item was approved.

**Report & Public Petitions**

5. Consideration of the "Acceptance of Petition for Establishment, Alteration and/or Vacation of County Highway pursuant to W.S. 24-3-101 et seq, of public roads previously dedicated by plat or otherwise and Appointment of Viewer". This petition pertains to Grove Drive in a portion of Section 34, T. 15 N., R. 66 W., of the 6th P.M., Laramie County, WY.

**19 - 056**

**Attachments:** [Resolution for Road Petition & Appt Viewer Wyo Ranchettes 01 Grove Dr Road Vacation Petition](#)

Dave Bumann, or designee, was appointed as the Viewer.

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

**Aye:** Heath, Ash, Holmes, Malm, and Thompson

**Bids/Purchases**

6. Consideration of a purchase agreement between Laramie County, WY, and Wyoming Machinery Company for the purchase of one new caterpillar Model 962M Wheel Loaders for a total of \$261,000, minus a trade-in allowance of \$65,000 for one used caterpillar Model 962G II Wheel Loaders for a total of \$196,000.

**19 - 054**

**Attachments:** [Wyoming Machine Co. Purchase Agreement](#)

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

**Aye:** Heath, Ash, Holmes, Malm, and Thompson

**Land Use: Variances/Board App./Plats**

7. PUBLIC HEARING regarding a Zone Change from MR - Medium Density Residential to CB - Community Business for portion of Tract 79, Allison Tracts, 2nd Filing, and a Subdivision Permit and Plat for Wiese Subdivision, 2nd Filing, located on Lot 3, Block 1, Wiese Subdivision, and a portion of Tract 79, Allison Tracts, 2nd Filing, Laramie County, WY.

[19 - 057](#)

**Attachments:** [Wiese Sub 02 Zone Change and Sub Pmt & Plat](#)

Nancy Trimble, Planning, said both applications were combined into one staff report for ease of presentation and discussion, with separate motions required.

AVI PC, on behalf of Prosser Investors LLC, submitted zone change and subdivision permit and plat applications for Wiese Subdivision, 2nd filing, consisting of two lots located southwest of S. Greeley Hwy and E. Prosser Rd, at 207 and 319 E. Prosser Rd. The applications request a zone change from MR to CB for 319 E. Prosser Rd, and replatting the two lots into one to prepare for expansion of existing storage facility operations. A dual-approval process is required for the plat based on the property's proximity to the City of Cheyenne jurisdiction. A preliminary plat was submitted to the city on December 3, 2018, and on January 28, 2019, the final plat was unanimously approved.

Tristian Cordier, AVI PC, agent for the owner agreed with the findings and recommendations in the staff report and stood for questions.

Ms. Trimble said based on evidence provided, staff recommends approval of the zone change and the subdivision permit and plat with no conditions.

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

A motion was made by Commissioner Thompson, seconded by Commissioner Malm, that this agenda item be approved for the Zone Change from MR - Medium Density Residential to CB - Community Business for a portion of Tract 79, Allison Tracts, 2nd Filing, and adopt the findings of fact a and b of the staff report. The motion carried by the following vote:

**Aye:** Heath, Ash, Holmes, Malm, and Thompson

A motion was made by Commissioner Thompson, seconded by Commissioner Holmes, to approve the Subdivision Permit and Plat for Wiese Subdivision, 2nd Filing, with no conditions, and adopt the findings of fact a of the staff report. The motion carried by the following vote:

**Aye:** Heath, Ash, Holmes, Malm, and Thompson

8. PUBLIC HEARING regarding a Board Approval for the expansion of Prosser Road Self Storage, located on Lot 3, Block 1, Wiese Subdivision, and a portion of Tract 79, Allison Tracts, 2nd Filing, Laramie County, WY, to be replatted and known as "Wiese Subdivision, 2nd Filing".

**19 - 058**

**Attachments:** [Prosser Rd Self Storage Expansion Board Approval](#)

Nancy Trimble, Planning, noted that the application is for the same property as presented in the previous item (Item 7).

AVI PC, on behalf of Prosser Investors LLC, submitted an application for expansion of the Prosser Road Self Storage facility located at 207 E. Prosser Rd. The Community Business Zone District regulations require Board approval for proposed expansion of the storage facilities, with the subsequent submittal of a site plan application to County Planning for review and approval of the proposed commercial development on both lots.

Tristian Cordier, AVI PC, agent for the owner, agreed with the findings and recommendations in the staff report and stood for questions.

Ms. Trimble said based on evidence provided, staff recommends approval with no conditions.

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

A motion was made by Commissioner Holmes, seconded by Vice Chairman Ash, to approve the expansion of Prosser Road Self Storage with no conditions, and adopt the findings of fact a and b of the staff report. The motion carried by the following vote:

**Aye:** Heath, Ash, Holmes, Malm, and Thompson

9. PUBLIC HEARING regarding a Subdivision Permit and Plat for Country View Subdivision, located in the SE1/4, Section 24, T. 17 N., R. 63 W., of the 6th P.M., Laramie County, WY.

**19 - 059**

**Attachments:** [Country View Subdivision](#)

Bryan Nicholas, Planning, said Western Research and Development, on behalf of Sand Hill Land, LLC, 4852 State Hwy 216, submitted an application for a subdivision permit and plat for "Country View Subdivision", located at 4778 State Hwy 216, southeast of US 85 and State Hwy 216. The application provides for subdividing a residential five-acre tract from the existing 160-acre property.

Terry Sanders, Western Research and Development, stood for questions.

Mr. Nicholas said based on evidence provided, staff recommends approval of the subdivision permit and plat with no conditions.

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

A motion was made by Commissioner Thompson, seconded by Commissioner Malm, that the Board approve the subdivision permit and plat for Country View Subdivision and adopt the findings of fact a of the staff report. The motion carried by the following vote:

**Aye:** Heath, Ash, Holmes, Malm, and Thompson

10. PUBLIC HEARING regarding a Wind Energy Site Plan for the Roundhouse Wind Energy Project, located in portions of lands in Townships 12 and 13 North, Ranges 68, 69, and 70 West, of the 6th P.M., Laramie County, WY.

[19 - 060](#)

**Attachments:** [Roundhouse Wind Energy Site Plan](#)  
[Roundhouse Presentation](#)

Bryan Nicholas, Planning, said NextEra Energy Resource, LLC, on behalf of Duck Creek Grazing Association, Inc., Soapstone Grazing Association, Inc., State of Wyoming, City of Cheyenne, and the Union Pacific Railroad, CO., submitted a Wind Energy State Plan application for the Roundhouse Wind Energy Project, located approximately nine miles southwest of Cheyenne. The application seeks approval for a Large Wind Energy System.

Ryan Fitzpatrick, NextEra Energy Resource, presented a PowerPoint presentation and stood for questions. Mr. Nicholas said based on evidence provided, staff recommends approval with no conditions.

Chairman Heath opened the hearing for PUBLIC COMMENT. Steve Hrkach, Laramie County Community College, spoke in favor of the Roundhouse Wind Energy Project and said the college was in support of the project. Area residents and representatives of various organizations expressed concerns about wildlife, recreational opportunities, emergency management, traffic, and public notification. Barb Gorges, President of the High Plains Audubon Society, handed out copies of her talking points, which are on file in Central Files with the County Clerk. Ms. Gorges

advocated use of Birdcast and requested that turbines along the west edge of the development be moved to avoid conflict with migrating birds, especially raptors, and to provide space for ground nesting. James McBride, a resident of the area, said he and other residents did not get sufficient notice of the proposed project. Mr. McBride requested greater setbacks because of flashing lights from the turbines. Resident Jean Shiverdecker gave Commissioners handouts which are on file in Central Files with the County Clerk. Ms. Shiverdecker expressed concerns about mule deer, decommissioning of the turbines, health issues, and the site plan map.

In response to issues raised, Mr. Fitzpatrick said he has met with Ms. Gorges and her requests are under consideration. He noted that the project is compliant with all Laramie County land use regulations. Mr. Fitzpatrick talked about an avian observation that was conducted and said that the company is looking into aviation detection lighting. He said they have met with Fire District #10 about an emergency management plan and required notifications were made.

Bruce Burrows, representing recreational interests, provided a handout, which is on file in Central Files with the County Clerk. Mr. Burrows requested to preserve the southwest corner by eliminating approximately six towers from the plan. Brent Lathrop, Nature Conservancy, spoke of a conservancy easement and requested an adjustment in the number of turbines in the southwest area. Commissioner Holmes proposed Mr. Lathrop talk to the City of Cheyenne about the easement comments because the city is the landowner.

Charles Bloom, Cheyenne Planning and Development director, said there is an executed lease which has been approved by City Council. The city is working with NextEra Energy Resource, LLC, to identify sensitive areas and suitable locations of future turbines. He said the city is paying attention to citizen concerns. In response to a question from Commission Holmes, Mr. Bloom confirmed the City has not completely agreed upon the locations of turbines. Commissioner Holmes asked if the Board of County Commissioners needs to review another site plan if modifications are made. Brad Emmons, Planning and Development Director, said minor changes do not need to come before the Board, especially if there is no increase in turbines. Hearing no further PUBLIC COMMENT, Chairman Heath closed the hearing.

Commissioner Thompson questioned if proper notice was given to residents and asked staff to note residents' concerns about the notification process. Mr. Nicholas explained the process and confirmed proper notice was given and proof is available on the County's website.

A motion was made by Commissioner Malm, seconded by Vice Chairman Ash, to approve the Wind Energy Site Plan for the Roundhouse Wind Energy Project with no conditions and adopt the findings of fact a of the staff report. The motion carried by the following vote:

**Aye:** Heath, Ash, Holmes, Malm, and Thompson

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The Board recessed at 5:23 p.m. and reconvened at 5:38 p.m

11. PUBLIC HEARING regarding a Board Approval for a High Power Transmission Line for the Roundhouse Wind Energy Project, located in portions of lands in Townships 12 and 13 North, Ranges 68, 69, and 70 West, of the 6th P.M., Laramie County, WY.

[19 - 061](#)

**Attachments:**    [Roundhouse Wind Energy Transmission Line Board Approval](#)

Bryan Nicholas, Planning, said Roundhouse Renewable Energy, LLC (an indirect subsidiary of NextEra Energy Resources, LLC), on behalf of Duck Creek Grazing Association, Inc., submitted an application for the Roundhouse Wind Energy Transmission Line, located approximately nine miles southwest of Cheyenne. The application seeks approval for a 230-k V generation-tie transmission line. Ryan Fitzpatrick, NextEra Energy Resource, Roundhouse Renewable Energy, LLC, spoke briefly about the project and stood for questions. Mr. Nicholas said based on evidence provided, staff recommends approval of the Roundhouse Wind Energy Transmission Line with no conditions. Chairman Heath opened the hearing for PUBLIC COMMENT. Hearing no PUBLIC COMMENT, Chairman Heath closed the hearing.

A motion was made by Commissioner Holmes, seconded by Commissioner Malm, to approve the wind energy transmission line for the Roundhouse Wind Energy Project with no conditions and adopt the findings of fact a and b of the staff report. The motion carried by the following vote:

**Aye:**                    Heath, Ash, Holmes, Malm, and Thompson

12. PUBLIC HEARING regarding a Subdivision Permit and Plat for Jordan Pasture, located in a portion of Section 27 and the E1/2 E1/2 of Section 28, T. 15 N., R. 66 W., of the 6th P.M., Laramie County, WY.

[19 - 062](#)

**Attachments:**    [Jordan Pasture Subdivision](#)  
[Jordan Pasture Subdivision-Amended Resolution](#)

Brad Emmons, Planning Director, said Edwards Development Company, on behalf of White River Development, Inc., and Don Bosman, submitted a subdivision permit and plat application for Jordan Pasture, located northeast of Powderhouse and Iron Mountain Roads. The application calls for subdividing approximately 678 acres into 85 single-family residential lots.

John Sayers, Edwards Development Company, spoke about the final plat design, the developer's actions and agreements related to Planning Commission conditions and recommendations, and stood for questions.

Mr. Emmons read correspondence from Jason Caughey, Laramie Fire District #2 chief, informing the district will do inspection and operational readiness on the recommended cistern but would prefer maintenance be provided by the Homeowners Association (HOA). Commissioner Thompson asked what the cost would be for the 30,000-gallon cistern. Mr. Emmons explained the developer's estimate is in excess of \$70,000, with community service fees providing approximately \$30,000.

Mr. Emmons said based on evidence provided, staff recommended approval of the subdivision permit and plat with five conditions and four recommendations relating to roads, a cistern for fire suppression, water drawdown tests, and well construction.

Chairman Heath opened the hearing for PUBLIC COMMENT. Harley Downs, a resident of the area and former WYDOT traffic division employee, questioned paving Empire Drive and stated Grove or White Eagle Roads would be better choices. Mr. Downs said Powderhouse Road has maintenance issues and was not suited for increased construction traffic. Mr. Downs suggested making an access on US Hwy 85 from the north. Commissioner Holmes asked Public Works about directing heavy loads down Iron Mountain and prohibiting travel on Powderhouse Road south of Iron Mountain. David Bumann, Public Works Director, said this would be difficult and enforcement would be a challenge, but the developer could mandate heavy construction trucks use certain roads as a condition for entering their property. Mr. Sayer spoke of the County's Master Plan and noted Powderhouse is a major collector or arterial designed to bear the truck traffic anticipated during the construction period. Mr. Sayers stated the issue of private roads to be used during construction is addressed in covenants and by the Architectural Control Committee (ACC). Bill Edwards, developer, referred to the traffic report and noted the company is willing to put provisions in contracts stipulating the roads to be used during construction.

Kim Floyd, area resident and Ranchettes ACC chairman, spoke of access to Jordan Pasture, increased traffic, and concerns about availability of water. Commissioner Thompson responded that water is not an issue to discuss because Laramie County follows recommendations provided by the State Engineers Office in the Amec memo on minimum pervious areas for residential lots. He noted the lot sizes for Jordan Pasture are larger than the minimum lot size recommended in the Amec Memo.

Mr. Edwards reviewed the different road access options and said they have offered to pave roads in excess of county standards. Hearing no further PUBLIC COMMENT, Chairman Heath closed the hearing.



At the conclusion of the hearing, Vice Chairman Ash proposed a motion to initiate discussion and suggested commissioners could add individual recommendations #6 through #9 as amendments to the motion if they wished. Commissioner Thompson discussed road options related to condition #5. Residents in attendance were asked whether or not they wanted paved or unpaved roads. Those in attendance expressed a preference for paved roads.

A motion was made by Vice Chairman Ash, seconded by Commissioner Thompson, to approve the Subdivision Permit and Plat for Jordan Pasture with conditions 1 through 5 and adopt the findings of fact a of the staff report.

Commissioner Malm said the Homeowners Association should not be required to maintain the cistern and Fire District #2 should take on that responsibility. Commissioner Holmes agreed and said the fire district should maintain the cistern as has been done in other areas.

A motion was made by Commissioner Holmes, seconded by Commissioner Malm, to amend the main motion by adding the following as Condition #6:

6. A 30,000-gallon fire suppression system cistern shall be added on the north side of the development as agreed by the developer, with Community Facility Fees applied to the cost of the installation. If Laramie County Fire District #2 does not agree to maintain the cistern, this condition will be removed and Community Facility Fees will revert to Laramie County.

The motion carried by the following vote:

**Aye:** Heath, Holmes, Malm, and Thompson

**Nay:** Ash

Commissioners discussed public right-of-ways within the subdivision versus private roads with utility easements. Mr. Edwards stated they wanted private roads through Jordan Pasture and the HOA would be responsible for their maintenance. Commissioner Thompson said the issue was future access to the area and the need for easements.

On a side note, Chairman Heath pointed out that if roads are private, school buses would not be able to access the subdivision. She requested the developer make pullouts for mailboxes large enough to handle school buses. Mr. Edwards agreed.

A motion was made by Commissioner Ash, seconded by Commissioner

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Thompson, to further amend the main motion by adding the following as Condition #7:

7. Roadways are to be platted as 80' public right-of-ways with 10' easements on both sides.

The motion failed by the following vote:

**Aye:** Heath, and Ash

**Nay:** Holmes, Malm, and Thompson

A motion was made by Commissioner Thompson, seconded by Commissioner Malm, to further amend the main motion by adding the following as Condition #7:

7. The developer shall construct private roadways with additional 10' non-exclusive easements on the outside of both sides of the 80' easements.

The motion carried by the following vote:

**Aye:** Holmes, Malm, and Thompson

**Nay:** Heath, and Ash

Chairman Heath commended the developer for working with area residents and the accommodations he has made.

A motion was made by Vice Chairman Ash, seconded by Commissioner Thompson, that the main motion be approved (as amended) with the following conditions and adopt the findings of fact a of the staff report:

1. A road maintenance plan shall be submitted and approved through Public Works prior to recordation of the final plat.
2. All outside easements, as specified in County Engineer comment 3, shall be recorded prior to the recordation of the final plat.
3. All roads associated with this development shall meet current County Road design standards and plans shall be submitted to the County for review and approval prior to any construction activities.
4. Dedicated mailbox turnout locations to be shown on the plat prior to recordation of the final plat.
5. The developer shall construct roadways as agreed upon at February 11th meeting and to County standards.
6. A 30,000-gallon fire suppression system cistern shall be added on the north side of the development as agreed by the developer, with

Community Facility Fees applied to the cost of the installation. If Laramie County Fire District #2 does not agree to maintain the cistern, this condition will be removed and Community Facility Fees will revert to Laramie County.

7. The developer shall construct private roadways with additional 10' non-exclusive easements on the outside of both sides of the 80' easements.

The motion carried by the following vote:

**Aye:** Heath, Holmes, Malm, and Thompson

**Nay:** Ash

**The meeting adjourned at 8:06 p.m.**

### **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](mailto:lchr320@laramiecounty.com) at least two business days prior to the meeting.