

Board of County Commissioners

Minutes of the Proceedings - Draft

Historic Courthouse
310 W 19th Street
Cheyenne, WY 82001



Tuesday, July 6, 2021

3:30 PM

Commissioners Board Room

Roll Call/Call to Order

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

Excused: Commissioner Brian Lovett

Minutes

1. Consideration of the Minutes of Proceedings for June 15, 2021.

[21 - 301](#)

Attachments: [Draft Minutes June 15, 2021](#)

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

Aye: Malm, Holmes, Heath, Thompson

Excused: Lovett

2. Consideration of the Budget Hearing Minutes of Proceedings for June 24, 2021.

[21 - 302](#)

Attachments: [Draft of the Budget Hearing June 24, 2021 Minutes](#)

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

Aye: Malm, Holmes, Heath, Thompson

Excused: Lovett

Consent Agenda

Approval of the Consent Agenda

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

Aye: Malm, Holmes, Heath, Thompson

Excused: Lovett

3. Consideration of a memorandum of understanding between Laramie County, WY, and the State of Wyoming, Office of the State Public Defender, for remodeling a portion of the Public Defender's field office located in the Courthouse. The contract for the remodel shall be with S&S Builders, LLC. [21 - 284](#)

Attachments: [MOU, State Office of the State Public Defender](#)

This agenda item was approved.

4. Consideration of an agreement between Laramie County, WY, and S&S Builders, LLC, in the amount of \$24,575, to perform modification to the office space of the Public Defender's office located in the Courthouse. [21 - 291](#)

Attachments: [Agreement, S&S Builders, LLC, Public Defender](#)

This agenda item was approved.

5. Consideration of a FY22 contract between Laramie County, WY, and the State of Wyoming, Office of the Attorney General, Division of Victim Services, for the Sheriff's Dept Victim Witness Program in the amount of \$115,530 with a match not to exceed \$43,168.67 (\$6,651.00 in-kind and \$36,517.67 cash), beginning July 1, 2021, and expiring June 30, 2022. [21 - 288](#)

Attachments: [Contract, Office of the AG, FY22 Victim Witness Program](#)

This agenda item was approved.

6. Consideration of the ratification of a resolution authorizing the submission of a grant application to the Cheyenne Community Public Recreation Dist, for funding of basketball courts for Clear Creek Park in the amount of \$50,000. [21 - 272](#)

Attachments: [Grant Application, CCRD, Clear Creek Park Basketball Courts](#)

This agenda item was approved.

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7. Consideration of the ratification of a resolution authorizing the submission of a grant application to the Wyoming Office of Secretary of State for an elections/cybersecurity grant to purchase two security cameras for enhanced election security in the amount of \$3,600. [21 - 290](#)

Attachments: [Grant Application, SoS, Election Security](#)

This agenda item was approved.

8. Consideration of the ratification of amendment number one to the contingency and development agreement between Laramie County, WY, and VMAccel to clarify language associated with the terms of employees and equipment purchases. [21 - 281](#)

Attachments: [Amendment Number One, VMAccel](#)

This agenda item was approved.

9. Consideration of an addendum between Laramie County, WY, and Express Employment Professionals to provide temporary staffing as needed by the County. [21 - 286](#)

Attachments: [Addendum, Express Employment Professionals](#)

This agenda item was approved.

10. Consideration of an addendum to the software license agreement between Laramie County, WY, and Occupational Research & Assessment, Inc, to provide software services for medicolegal death investigation case management for the County Coroner's Office. [21 - 287](#)

Attachments: [Addendum, Occupational Research & Assessment, Inc](#)

This agenda item was approved.

11. Consideration of the deletion from the Sheriff's fixed asset inventory, two Blodgett stackable kitchen ovens gifted to COMEA Shelter. [21 - 283](#)

Attachments: [Asset Deletion, Sheriff, Two Blodgett Stackable Kitchen Ovens](#)

This agenda item was approved.

12. Consideration of a catering permit submitted by S&W Properties, dba Vino's Wine and Spirits, for the FFA Sale, Aug 13, 2021, at the Hereford Ranch. [21 - 294](#)

Attachments: [Catering Permit, Vino's Wine and Spirits, Aug 13, 2021](#)

This agenda item was approved.

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13. Consideration of a malt beverage permit submitted by S&W Properties, dba Vino's Wine and Spirits, for a wedding reception, Sept 4, 2021, at the Archer Complex. [21 - 293](#)

Attachments: [Malt Beverage Permit, Vino's Wine and Spirits, Sept 4, 2021](#)

This agenda item was approved.

14. Consideration of a catering permit submitted by DeLancey Enterprises, LLC, for a team roping and BBQ, Sept 9, 2021, at 1806 Torrington Rd. [21 - 295](#)

Attachments: [Catering Permit, DeLancey Enterprises, LLC, Sept 9, 2021](#)

This agenda item was approved.

15. Consideration of a catering permit submitted by DeLancey Enterprises, LLC, for a team roping and BBQ, Sept 16, 2021, at 1806 Torrington Rd. [21 - 296](#)

Attachments: [Catering Permit, DeLancey Enterprises, LLC, Sept 16, 2021](#)

This agenda item was approved.

16. Consideration of the following fees collected by various County entities for May 2021: County Clerk, \$154,261.86; Sheriff, \$50,100.76; Clerk of District Court, \$19,288.00; Shooting Sports, \$13,179.38; Planning & Development, \$114,627.15; Circuit Court, \$44,033.00; DUI Court, \$650.00; Drug Court, \$299.00. [21 - 303](#)

Attachments: [May Fees 2021](#)

This agenda item was approved.

17. Consideration of the following part-time salaries in the amount of \$34,101.28 for June 2021: Planning, \$670.00; Shooting Sports, \$4,130.41; Events Dept, \$2,227.25; Buildings/Maintenance, \$15,376.31; Sheriff Operations, \$1,350.00; Detention, \$7,994.84; Combined Communications Center, \$1,654.93; Drug/DUI Courts, \$697.54. [21 - 304](#)

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

This agenda item was approved.

18. Consideration of warrants in the amount of \$1,291,080.02 for June 2021. [21 - 305](#)

Attachments: [June Warrants 2021](#)

This agenda item was approved.

Resolutions

19. Consideration of a resolution approving the One Percent Specific Purpose Tax resolution and ballot language for the election to be held on Nov 2, 2021.

[21 - 306](#)

Attachments: [Resolution, 2021 6th Penny Election](#)
 [Resolution, 2021 6th Penny Election - Revised](#)

Michael O'Donnell, Cheyenne City Attorney, requested new language for ballot proposition #10, removing reference to the 17th Street lighting project and replacing it with the word "lighting" to allow greater flexibility for the City of Cheyenne.

Chairman Malm opened the meeting for PUBLIC COMMENT. Hearing no PUBLIC COMMENT, Chairman Malm closed public comment.

A motion was made by Commissioner Thompson, seconded by Vice Chairman Holmes, that this agenda item be approved.

A motion was made by Commissioner Thompson, seconded by Commissioner Heath, to amend Proposition #10 as presented. The motion carried by the following vote:

Aye: Malm, Holmes, Heath, Thompson

Excused: Lovett

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

Aye: Malm, Holmes, Heath, Thompson

Excused: Lovett

Grants

20. PUBLIC HEARING to solicit public input and comments on a US Dept of Justice 2021 Justice Assistance grant application between Laramie County, WY, and the City of Cheyenne not to exceed \$61,631. (Non-action item)

[21 - 278](#)

Attachments: [Public Notice, US Dept of Justice Grant Application](#)

Sandra Newland, Grant's Manager, explained the purpose of the public hearing.

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

The notice was received and filed.

Contract/Agreement/Leases

- 21.** Consideration of the ratification of a notice of award and approval of an agreement between Laramie County, WY, and Simon Contractors for the Chip Seal 2021 project in the amount of \$441,021. **21 - 289**

Attachments: [Notice of Award, Chip Seal 2021 Project, Simon Contractors](#)
[Agreement, Chip Seal 2021 Project, Simon Contractors](#)

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

Aye: Malm, Holmes, Heath, Thompson

Excused: Lovett

Appointments

- 22.** Consideration of a resolution appointing a member to the Eastern Laramie County Solid Waste Disposal District to complete the term left vacant by Donn Randall, expiring March 31, 2022. **21 - 282**

Attachments: [Eastern Laramie Co Solid Waste Disposal District Appointment](#)

A motion was made by Commissioner Heath, seconded by Commissioner Thompson, to appoint Tom Mohren. The motion carried by the following vote:

Aye: Malm, Holmes, Heath, Thompson

Excused: Lovett

Land Use:Variances/Board App./Plats

- 23.** PUBLIC HEARING regarding an administrative appeal of a denied plat for T L Provision, LLC, for Tract 5 less a portion and Tract 6, Park Estates and a portion of the NW1/4 SE1/4 Sect 22, T14N, R66W. **21 - 273**

Attachments: [Administrative Appeal for Approval of Plat Application, T L Provision, LLC](#)
[Denial of Administrative Plat Application Letter, Park Estates 4th Filing](#)
[Appellant Exhibit 1](#)
[Appellee Exhibit A - Appeal Packet Park Estates, 4th Filing](#)

County Attorney Mark Voss explained Laramie County Land Use Regulations (LCLUR) provide that individuals dissatisfied with the Planning director's decision on an administrative plat have the right of appeal to the County Commissioners. Commissioners can decide whether the director's decision should be affirmed or reversed.

Bruce Perryman, AVI and agent for the applicant, addressed the director's June 14 denial of the administrative plat. He said administrative plats for lot line adjustments are fairly routine items through the County's land use plan. Mr. Perryman explained the process requesting two lot line adjustments started in February, formal submittal was in March, with comments and responses in April. He said they learned the County had issues with the lot line adjustment when the city's annexation process was on its final reading. He added that the process, along with a zone change, is on hold pending the Commissioners' decision. Mr. Perryman submitted relevant pages from the LCLUR on administrative plats.

Mr. Perryman said he received a legal opinion from County Attorney Voss explaining why the administrative plat process would not work in this situation. Mr. Perryman stated the same process had worked before and while regulations may require modification, ongoing projects should not be impacted. He asked the Board to consider approval of the administrative plat.

Steven Melchior, TL Provision, LLC, described the property and said he wanted a lot line adjustment with annexation of a portion into the city for an 8-unit housing development. He informed the lots were nonconforming. He said the housing development would benefit the community and requested the Board reverse the director's denial.

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

Molly Bennett, Planning, explained the administrative plat process was intended as an exemption from normal land use requirements, to be used for minor or limited land use changes. She said when staff brought this issue to her attention, she noticed several problems and complexities with the project. She stated the applicant could resubmit applications for zone change and subdivision permit through the Planning dept. Ms. Bennett said denial was the only option under current land use regulations and state law. She added that there was no intent to unnecessarily delay the project.

Commissioner Thompson discussed criteria from LCLUR 2-1-102 (e) (i through iii) and said it is debatable whether the requirements were met. He noted criteria (iv) stipulates lots shall be buildable according to existing zoning district standards. Commissioner Thompson urged approval of the appeal with the stipulation that the existing (unannexed) lot will not be buildable until it is connected to city water and sewer. Commissioner Thompson noted Ms. Bennett had to deny the application based on current regulations but the County Commissioners have the leeway to make a determination.

Mr. Voss said regulations are silent on the board's imposition of additional conditions on approval of the appeal. He noted potential issues of concern related to vacation of two lots in a platted subdivision. Those issues could affect future salability of lots and possible creation of a cloud on property titles.

Mr. Melchior said he is fine with the proposed stipulation. He explained both lots were nonconforming when he purchased them and he wanted to keep the lot remaining in the county as open space. Commissioner Thompson pointed out that while the two nonconforming lots were grandfathered in, action on the application means they will no longer be grandfathered.

A motion was made by Commissioner Thompson, seconded by Chairman Malm, to approve the applicant's appeal with a condition noted on the plat that neither lot can be buildable unless connected to city water and sewer. The motion failed by the following vote:

Aye: Malm, Thompson

Nay: Holmes, Heath

Excused: Lovett

A motion was made by Commissioner Thompson, seconded by Chairman Malm, to approve the applicant's appeal. The motion failed by the following vote:

Aye: Malm, Thompson

Nay: Holmes, Heath

Excused: Lovett

24. PUBLIC HEARING regarding a Zone Change from A2 - Agricultural to AR - Agricultural Residential and a Subdivision Permit & Plat for Roundtop Ranch Estates located in a portion of the W1/2, Sect 10, T14N, R67W, of the 6th P.M., Laramie County, WY.

[21 - 285](#)

Attachments: [Roundtop Ranch Estates, Zone Change and Subdivision Permit & Plat](#)

Molly Bennett, Planning, said Lovas Engineering, on behalf of Roundtop Ranch Estates, LLC, submitted Zone Change and Subdivision Permit & Plat applications for Roundtop Ranch Estates, consisting of one 315-acre parcel. The applications have been submitted to request a zone change from A2 to AR and to replat the parcel into 58 residential-use tracts. Both applications were combined into one staff report for ease of presentation and discussion, with separate motions required on the two actions.

Chris Lovas of Lovas Engineering and agent for the applicant gave an overview of the project. Mr. Lovas spoke about a memorandum of understanding for the paving of Roundtop Rd to require paving to take place prior to a certain number of lots being sold within the subdivision. Mike Gostovich, W2 Traffic Engineering, provided details on the traffic study. The 24-hour traffic volume for a weekday day average at the north end next to Horse Creek Rd is 311 vehicles, at the proposed Roundtop Ranch Estates average is 145 vehicles, and the south end average is 254 vehicles. The proposed subdivision will add approximately 456 trip ends which would be distributed going north and south.

Ms. Bennett said based on evidence provided, staff recommends approval of the zone change with adoption of findings of fact a and b with no conditions and approval of the subdivision permit and plat with the adoption of findings of fact a with two conditions: 1) All minor, clerical corrections to the plat shall be addressed prior to recordation and 2) DEQ approval in the form of a "Non-Adverse Recommendation" letter is required prior to recordation of the plat.

Commissioner Thompson asked if the Planning Commission had discussed the paving. He expressed concern that the development will push traffic on the northern road over the threshold. Ms. Bennett said there was discussion on paving but none about adding a condition or the MOU. She said the County will monitor the paving, gravel and maintenance of the south portion of the road.

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

A motion was made by Commissioner Thompson, seconded by Vice Chairman Holmes, to approve the Zone Change from A2 to AR for a portion of the W1/2, Sect 10, T14N, R67W, of the 6th PM, Laramie County, WY, and adopt the findings of fact a and b for the zone change, as shown in the staff report. The motion carried by the following vote:

Aye: Malm, Holmes, Heath, Thompson

Excused: Lovett

A motion was made by Commissioner Thompson, seconded by Commissioner Heath, to approve the Subdivision Permit and Plat for Roundtop Ranch Estates with two conditions and adopt the findings of fact a for the subdivision permit & plat, as shown in the staff report.

A motion was made by Commissioner Thompson, seconded by Vice Chairman Holmes, to amend the motion to include condition #3: To pave Roundtop Rd from Sunset Mountain Rd north to Horse Creek Rd prior to recordation of the plat. The motion carried by the following vote:

Aye: Malm, Holmes, Heath, Thompson

Excused: Lovett

Mr. Lovas said the applicant is amenable to make the third condition happen prior to recordation of the plat.

Commissioners expressed their appreciation to the application.

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

Aye: Malm, Holmes, Heath, Thompson

Excused: Lovett

The meeting adjourned at 5:11 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 at least two business days prior to the meeting.