



**BOARD OF COUNTY COMMISSIONERS
MINUTES OF PROCEEDINGS
Tuesday, December 1, 2009**

The regular meeting of the Board of County Commissioners was brought to order at 5:30 p.m. by Chairman Hendry. Those in attendance were Commissioner Ed Opella, Commissioner Terry Wingerter, Commissioner Matt Keating, County Clerk Renea Vitto, County Attorney Bill Knight and Commissioners' Secretary Michelle Maines. Commissioner Barb Peryam joined the meeting via phone.

Commissioner Wingerter moved to approve the Minutes of Proceedings for November 17, 2009. The motion was seconded and carried.

Commissioner Opella made the motion to approve the bills in the amount of \$687,341.09. The motion was seconded and carried.

Public Hearings:

A. CUP09-0015

Gene Wallace reported this is a request by David Skaj to consider an application for a Conditional Use Permit to allow a salvage yard and a temporary care taker resident in the Light Industrial (LI) zoning district, affecting Tract 9 in the NE/4 of the NW/4 of Section 13, Township 33 North, Range 80 West of the 6th Principal Meridian, Natrona County, Wyoming. The affected parcel is addressed as 4455 Boles Road. The applicant prefers an auto repair use on this land, which is permitted as a matter of right in the Light Industrial district. Therefore, staff recommends denial of the salvage yard CUP. There are numerous Salvage Yards or similar this area and may affect property values in the area. On the 10th of November there were three public comments in support of this CUP and six comments in opposition. With regard to the additional family dwelling – zoning resolutions clearly prohibit this. The recommendation is to deny. No additional comments since to date.

Chairman Hendry declared the public hearing open:

Speaking in favor was David Skaj, petitioner, residing at 4455 Boles Rd. The reason for this request the Salvage Yard permit allows for storage of the demolition derby cars he keeps so they will not be required to have current license plates and insurance. The additional dwelling is for a caretaker to take care of his wife who has lung cancer.

Also speaking in favor: Ron Hughes, 4555 Boles Rd., Robin Dubry 4533 Boles Rd., Lloyd Eldridge 1930 Mountain View Rd. All those speaking in favor spoke of how well Mr. Skaj keeps his property and how he should be allowed to have a temporary caretaker living on his property while his wife needs care.

Speaking in opposition was Cliff Whitlock, 4700 Boles Rd does not want the CUP to be approved due to the number of "junk yards" already in existence in this area. Also, disapproves of the additional dwelling since they would be sharing the same septic system which is not allowed.

Cindy Whitlock, 4700 Boles Rd. opposed due to the fact that so much money has been spent to clean up the area and doesn't want to create precedence. She stated she is a residential real estate appraiser and has proof that a salvage permit does and will have an affect on property values within a 5 mile radius.

Dick Sadler, 2311 Lea Lane., concerned what the effects of approving this request would do to the area he resides in, and feels there are enough variances in the area now and feels commissioners should not grant any exceptions -time to start cleaning up the old ones.

Sharon Fisher, 4735 Boles Rd., stated the county has spent plenty of money to provide dumpsters why keep promoting such incidents.

Hearing no further comments, Chairman Hendry closed the public hearing.

Discussion amongst the commissioners was in regards to being able to allow the temporary caretaker living quarters if they were to deny the salvage yard. Commissioner Peryam asked attorney Bill Knight if they could separate the Conditional Use Permits, denying the salvage yard but still allow the temporary living quarters for the caregiver.

Blair Leist, County Planner, told commissioners that even if the salvage yard is denied Mr. Skaj has the permit-by-right to go ahead and do an auto repair facility on his property.

Commissioner Opella made a motion to follow the planning and zoning commission's recommendation to deny the conditional use permit. Motion was seconded and carried.

Commissioner Peryam asked how commissioners were going to determine and enforce the time of the trailer being removed.

Commissioner Keating explained that it appears the opposition was the probability of property values depleting due to a salvage yard not that there would be a temporary additional resident on the dwelling for purposes of a caretaker. Mr. Skaj agreed his main concern was about his wife, not the salvage yard permit.

B. CUP09-0017

Gene Wallace reported this is a request by Union Telephone to consider an application for a Conditional Use Permit to allow operation of a now existing eighty-seven (87) foot pre-manufactured Valmont free-standing lattice tower, model number 108-M840-80, together with antennas, skid mounted equipment and generator buildings, surrounded by a six (6) foot perimeter security fence. Planning and Zoning recommends a \$10,000 impact fee covering mitigation of Union's prior breach of zoning regulations governing the above noted wireless communications tower. It is also recommended by the staff to approve the Conditional Use Permit. To date staff has received no public comment.

Chairman Hendry declared the public hearing open:

Attorney for Union Wireless, David Drell, 300 S Wolcott spoke in favor of the CUP. Would like to see this permit approved and acknowledges violations by Union Wireless. He disagrees with the

impact fee of \$10,000, but states Union is willing to pay the impact fee for the violations if it is agreed upon that it is a one time fee for all towers.

Commissioner Hendry said commissioners did agree the impact fee would include all towers but did want the other towers to go through the proper permitting process, preferably before the end of the year.

There were no comments in opposition.

Hearing no further comments in opposition, Chairman Hendry closed the public hearing.

Commissioner Hendry asked if Union was receiving money from the Universal Service Accounts to put up the towers.

Elisa Cooper, representative for Union Wireless 219 W. Lincoln St in Lyman, WY. Said she did not know the answer to Commissioner Hendry's question but would make a note to research it and get back with him. She then addressed the placement of the towers and coverage.

Commissioner Wingerter made a motion to approve the CUP with the \$10,000 impact fee. Commissioner Opella seconded the motion. Attorney Bill Knight pointed out that Union Wireless would like to know that this applies to all the towers including, Alcova Grey Reef, Immigrant Gap, Horse Heaven and Gas Hills, and the process completed in a timely manner. Commissioner Wingerter agreed to amend his motion and Commissioner Opella amended his second. The motion was carried.

Contract, Agreements, Resolutions

A. Resolution 62-09 Authorizing Donation of Property to Town of Mills, Wyoming

Commissioner Hendry explained this is a 26 year old hydro-static sweeper.

Commissioner Peryam moved to approve Resolution 62-09. Motion was seconded and carried.

B. Resolution 63-09 to Document BOCC for NC, Wyoming Law Enforcement Plan Implementation of the Provisions of Section 414(h)(2) of the Internal Revenue Code, Regarding Employer Pick-Up of Employee Retirement Contributions to the Wyoming Retirement System

Commissioner Opella moved to approve Resolution 63-09. The motion was seconded and carried.

C. Resolution 64-09 to Document BOCC for NC, Wyoming Implementation of the Provisions of Section 414(h)(2) of the Internal Revenue Code, Regarding Employer Pick-Up of Employee Retirement Contributions to the Wyoming Retirement System

Commissioner Peryam moved to approve Resolution 64-09. Motion was seconded and carried.

D. Resolution 65-09 Amendment of the 1997 Natrona County Personnel Policy: Family Medical Leave Policy

Commissioner Opella moved to approve Resolution 65-09. The motion was seconded and carried.

E. Resolution 66-09 Appointing John Chambers as Special Deputy County Attorney

Commissioner Opella moved to approve Resolution 66-09. The motion was seconded and carried.

F. Resolution 67-09 Naming Christmas Eve as Official Holiday for 2009

Commissioner Wingerter moved to approve Resolution 67-09. The motion was seconded and carried.

Board Appointments

A. Assistant Public Defender – Office of the Public Defender

Commissioner Wingerter made a motion to appoint Dylan Rosalezas the Assistant Public Defender to the Office of the Public Defender. The motion was seconded and carried.

Approval of Consent Agenda

Commissioner Peryam moved to approve the Consent Agenda. Motion was seconded and carried.

Public Comment

Dick Sadler, 230 Lea Lane spoke of still having problems with Mr. Parks's situation which was discussed at a previous work session. The trailers on his property which are the issue still haven't been moved. What happens now? How do they proceed to enforce this? Also, noticed another neighbor had up to 50 lawn tractors on his property, which he claims he collects but now has an ad in the Quik Quarter to sell them. Mr. Sadler said this clearly shows he is running a business from his home which violates zoning regulations. Home businesses are not allowed in the subdivision.

Commissioner Comments

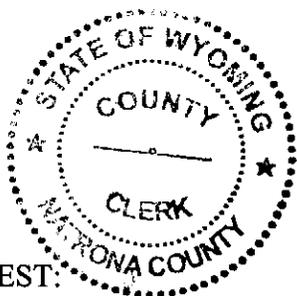
Commissioner Peryam thanked the Chairman and fellow commissioners for letting her attend by phone as she needed to be home with her husband as he is recovering from surgery.

Commissioner Keating commented on ways to cut the county budget and spoke of the need to get together to come up with various money saving strategies.

Chairman Hendry discussed how vacating the Annex could save the county some money.

Adjournment

There being no further business to come before the Board of Commissioners, Chairman Hendry adjourned the public meeting at 6:58 p.m.



ATTEST:

NATRONA COUNTY CLERK

Renea Vitto
Renea Vitto

**My term of office expires
January 6, 2011**

BOARD OF NATRONA COUNTY COMMISSIONERS

Robert H. Hendry
Chairman