

**BOARD OF COUNTY COMMISSIONERS  
MINUTES OF PROCEEDINGS  
December 3, 2013**

The regular meeting of the Board of County Commissioners was brought to order at 5:31 p.m. by Chairman Bill McDowell. Those in attendance were Commissioners Forrest Chadwick, Rob Hendry, Matt Keating, Terry Wingerter, County Attorney Bill Knight, Chief-Deputy County Clerk Tracy Good and Commissioners' Assistant Michelle Maines.

Commissioner Chadwick moved for approval of the Minutes of Proceedings for November 19, 2013. Commissioner Hendry seconded the motion. Motion carried.

Commissioner Hendry moved for approval of payment of bills in the amount of \$1,616,296.61. Commissioner Wingerter seconded the motion. Motion carried.

**Public Hearings**

**A. CUP13-0012**

Jason Gutierrez reported this is a request by Coastal Chemical Company, LLC represented by Allen Gibson, District Operations Manager for a Conditional Use Permit to allow storage of flammable and combustible liquids in excess of 12,000 gallons, primarily being diesel, gasoline NL, methanol, glycol, antifreeze, kerosene and solvent. The proposed flammable and combustible liquid storage will be located in the east half of lot one and all of lot 2 in block one of the Hanley Acres subdivision; addressed as 602 Barnard Street. On November 12, 2013 the Planning & Zoning Commissioner recommended approval of the enclosed storage tankage. Staff has received no public comments to date; Kevin O'Hearn, Town of Mills Planning Department reported he had no objections.

Chairman McDowell opened the public hearing.

Speaking in favor: Allen Gibson, Coastal Chemical Company, LLC (Casper) added they currently have bulk lubricant storage; not really expanding facility, moving storage to a more secure site.

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

Commissioner Hendry moved for approval of the Condition Use Permit incorporating staff's findings of facts. Commissioner Wingerter seconded the motion. Motion carried.

Chairman McDowell called for a motion to removed items CUP13-0009, CUP13-0010 and CUP13-0011 from the table. Commissioner Wingerter moved to remove the above items from the table. Commissioner Hendry seconded the motion. Motion carried.

**B. CUP13-0009**

Chairman McDowell reported AT & T has chosen to withdraw their application CUP13-0009, Homa Hills Tower; item will come back to the Planning & Zoning Commission at a later date.

### **C. CUP13-0010**

Jason Gutierrez reported this is a request by Del Gehrett, representative for A T & T Mobility; and Robert Crowe (land owner) for a Conditional Use Permit to allow construction and operation of a one hundred twenty (120) foot monopole telecommunications tower, together with antenna arrays, equipment's enclosure and a planned six (6) foot perimeter security fence. The wireless telecommunication facility covered by this conditional use permit request is located on a two thousand five hundred (2500) square foot site (50 feet by 50 feet); the property is addressed as 19694 West Highway 20-26. New site has been re-staked and required setbacks have been met. To date staff has received no public comment.

Chairman McDowell opened the public hearing.

Speaking in favor: Gunars Hvastkovs (143 N. Kimball, Casper) asked regarding cell service in the area.

Del Gehrett, representing AT&T (Denver), reported this will be an AT&T tower with only AT&T and E911 service; tower currently has room for three (3) collocates to be added; coverage will increase 1-5 miles, although there will still be some dead spots on Hwy 20-26.

Cheryl Riley, representing AT&T (Cheyenne), reported placement of tower was based on traffic and network congestion; fiber location is along the right of way and will be provided by CenturyLink; and power will be provided by High Plains Power; location of tower will improve mobile broadband; roaming agreements with other carriers have been discussed.

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

Chairman McDowell requested the recent email from Cheryl Riley, AT&T be added to the official record.

Commissioner Keating moved for approval of the Conditional Use Permit incorporating the staff's findings of facts. Commissioner Chadwick seconded the motion. Motion carried.

### **D. CUP13-0011**

Jason Gutierrez reported this is a request by Del Gehrett, representative for A T & T Mobility, and Dana Frankhauser (land owner) for a Conditional Use Permit to allow construction and operation of a seventy-five (75) foot monopole telecommunications tower, together with antenna arrays, equipment enclosure and a planned six (6) foot perimeter security fence. The wireless telecommunications facility covered by this conditional use permit request is located on a two thousand five hundred (2500) square foot site (50 foot by 50 foot); the property is addressed as 7382 Bessemer Bend South. New site of tower is location 300 feet South of the original location. On October 8, 2013 the Planning & Zoning Commissioner recommended denial. To date staff has received three public comments in opposition from adjacent property owners.

Chairman McDowell requested the letter from Gary & Bonnie Trapkus be added to the official record.

Chairman McDowell opened the public hearing.

Speaking in favor: Gunars Hvastkovs (Casper), spoke on behalf of property owner; reported this is not a cell site, but instead a data site; location of tower site has been moved three times.

Cheryl Riley, AT&T (Cheyenne), reported this tower will provide coverage along Hwy 220, Red Butte up to Hwy 487 and the Bessemer Bend community; spoke regarding a meeting with Gary & Bonnie Trapkus in hopes to alleviate their concerns.

Del Gehrett, representing AT&T (Denver), reported AT &T has no service in the Bessemer Bend; sparse coverage for Verizon; spoke of abilities for future collocating.

Speaking in opposition: Jacqueline Brown (Casper), attorney representing Gary & Bonnie Trapkus. Tower will be directly across from the Trapkus property if approved.

Gary Trapkus (Casper), reported on the view, how the tower is an eyesore.

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

Commissioner Keating moved for approval of the Conditional Use Permit. There being no second. Motion failed.

Commissioner Hendry moved for denial of the Conditional Use Permit. Commissioner Chadwick seconded the motion. Motion failed.

Commissioner Keating moved for approval of the Conditional Use permit. Commissioner Wingerter seconded the motion. Chairman McDowell broke the tie. Motion carried.

### **Contracts, Agreement, Resolutions**

#### **A. Provider Agreement between NC BOCC & NC Sheriff; & Carbon County BOCC & Carbon County Sheriff**

Commissioner Hendry moved for approval of the Agreement. Commissioner Chadwick seconded the motion. Motion carried.

#### **B. WYDOT: Affidavit of Ownership & Drainage Facility Easements-Robertson Road**

Attorney Knight reported this portion is owned by the County. WYDOT requested to have affidavit recorded on file for future possible drainage easements. Approved as to form by the County Attorney's Office.

Commissioner Chadwick moved for approval of the Easement. Commissioner Hendry seconded the motion. Motion carried.

#### **C. Contract between DFS & NC – First Amendment to the 2011 Juvenile Accountability Block Grant (JABG)**

Attorney Knight reported this Amendment increases funding. Brian Christensen, District Attorney's Office has approved the Contract. Approved as to form by the County Attorney's Office.

Commissioner Hendry moved for approval of the Contract Amendment. Commissioner Wingerter seconded the motion. Motion carried

**D. Resolution 65-13 Proclaiming Support for the Revised WMC Charity Care Policy/Procedure**

Commissioner Hendry moved for approval of the Resolution. Commissioner Wingerter seconded the motion. Motion carried.

**E. Communication System Agreement between Motorola Solutions, Inc. & NC (phase one of the Alcova 800 MHz project)**

Commissioner Hendry moved for approval of the Agreement. Commissioner Chadwick seconded the motion. Motion carried.

**F. Contract for Professional Services for Engineering, Design & Construction Management work on Arminto Road**

Mike Haigler, R&B Superintendent reported the selection committee recommended entering into an agreement with KLJ in the amount of \$102,957.00. KLJ will perform Geotechnical investigation along 8 miles of roadway for best solution to upgrading roadway.

Commissioner Chadwick moved for approval of the Contract. Commissioner Keating seconded the motion. Motion carried.

**G. Homeland Security Grant – Political Subdivision: NC Local Emergency Planning Committee; Federal Award Amount: \$1,687.34; Local Match Award: \$421.83; Total: \$2,109.17; Award Period: September 30, 2013 through June 30, 2014; DOT Award Num: HM-HMP-0360-13-01-00; CFDA #: 20.703; Project ID: 14-DOT-NAT-HM-HMP14**

Chairman McDowell reported he contacted Lt. Stewart Anderson regarding this Grant. This is strictly for hazmat training; this is a very restrictive grant; match has been budgeted.

Commissioner Hendry moved for approval of the Grant. Commissioner Chadwick seconded the motion. Motion carried.

**Consent Agenda**

Commissioner Hendry moved for approval of the consent agenda. Commissioner Chadwick seconded the motion. Motion carried.

**Public Comments**

Chairman McDowell opened the floor to Public Comments.

Glenn Bray (Homa Hills), reported he was approached from AT&T regarding placement of a tower on his property. The money AT&T offered to pay would greatly help supplement his income. Can't understand why the residents are opposed.

The Commission reported AT&T withdrew the application, but planned to bring it back at a later date. Commissioner Wingerter stated AT&T would be having a neighborhood meeting and recommended he attend and possibly visit with neighbors ahead of time.

Gunars Hvastkovs (Casper), spoke of tax breaks for companies to move cell towers, safety issues, easier ways to choose locations for the county and citizens and the economics of collocating.

Kevin O'Hearn (Casper), spoke of ways to hide towers.

Hearing no further comments, the floor was closed.

**Commissioner Comments:**

Chairman McDowell opened the floor to Commissioner Comments.

Hearing no further comments, the floor was closed.

**Adjournment:**

There being no further business to come before the Board of County Commissioners, Chairman McDowell adjourned the meeting at 7:04 p.m.



BOARD OF NATRONA COUNTY COMMISSIONERS

*Bill McDowell*  
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Chairman, Bill McDowell

ATTEST:

NATRONA COUNTY CLERK

*Renea Vitto*  
\_\_\_\_\_  
Renea Vitto

My term of office expires  
January 5, 2015