



**BOARD OF COUNTY COMMISSIONERS
MINUTES OF PROCEEDINGS
Wednesday, July 8, 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 Commissioners Ed Opella, Matt Keating, Barb Peryam, County Attorney Bill Knight, Deputy County Attorney Heather Duncan-Malone and Commissioners' Secretary Michelle Maines. Commissioner Wingerter and County Clerk Renea Vitto were absent.

Commissioner Peryam moved to excuse Commissioner Wingerter, as he is out of town. Motion was seconded and carried.

Commissioner Opella moved to approve the Minutes of Proceedings for June 16, 2009. The motion was seconded and carried.

Commissioner Opella moved to approve the payment of bills in the amount of \$2,453,263.88. The motion was seconded and carried.

Public Hearings

A. ZC09-0008

Trish Chavez, Natrona County Planning & Development reported this is a request by Toromont Energy Systems, to consider an application for a Zone Change from Suburban Residential One (SR-1) zoning district to Light Industrial (LI) zoning district, affecting the East/2 of Lot 48, Hartranft Subdivision, Natrona County, Wyoming, more generally located at 2698 Melodi Lane. On May 12th, the Planning & Zoning Commission recommended approval of the Zone Change. To date, staff has heard one public comment in support regarding the proposed Zone Change. The property affected was purchased in 2008, but in order to combine lot 47 and 48 into one parcel through the Simple Subdivision process, a rezone is necessary. Communities in the vicinity have experienced rapid growth and development. The Light Industrial (LI) properties have grown to such a degree that the expansion of the Light Industrial (LI) zoning district is necessary. The Long Term Development Plan is to eliminate mobile home parks, grandfather mixed residential subdivision, fix up roads, infill commercial, and promote nuisance clean up.

Chairman Hendry declared the public hearings open:

Pepper McClenahan, WLC spoke in favor. This property was subdivided years ago without the option of a replat. This zone change will remedy an illegal subdivision; bring zone change in compliance with the law. The utility easement will remain after lots are combined. The property is currently vacant; they do not plan to construct anything at this time.

Hearing no more comments in favor or against, Chairman Hendry closed the public hearing.

Commissioner Peryam moved to approve the zone change. The motion was seconded and carried.

B. CUP09-0008

Trish Chavez, Natrona County Planning & Development reported this is a request by Jack Bradley, Duane Baldwin, Susan Norfolk, and John Norfolk to consider an application for a Conditional Use Permit (CUP) in the Urban Mixed residential (UMR) zoning district to allow for light agriculture, affecting Lot 11A of the Schlager Subdivision, Natrona County, more generally located at 3406 Schlager Road. On June 9th, Planning & Zoning recommended approval of the Condition Use Permit (CUP) with the stipulation the home is built before horses are placed on the property. The applicants seek a Conditional Use Permit to allow horses on their residential lot. The conditional use proposed is necessary to allow the Applicants to sell their property, and the future Residents to build a home, this sale is contingent on the approval of the Conditional Use Permit (CUP). The proposed light agricultural will not impair use of the adjacent property or alter the neighborhood character because the adjacent properties are in the same zoning district. This property is surrounded by land owners who currently have horses and livestock. The light agricultural use does not nullify the intent of the Land Use Plan or the Zoning Resolution. The proposed light agricultural use as an accessory to residential use reflects the intent of the Urban Mixed Residential (UMR) Zoning District to blend compatible uses in a single zoning district. To date, staff has received three public comments in favor, and one opposed.

Chairman Hendry declared the public hearings open:

Jack Bradley, owner spoke in favor. He never received notification the property had been rezoned. He was not aware until last spring after deciding to sell the property.

Casey Lip, of Casper, proposed buyer spoke in favor.

Hearing no more comments in favor or against, Chairman Hendry closed the public hearing.

Commissioner Keating moved to approve the conditional use permit. The motion was seconded and carried.

C. PS09-0007

Eugene Wallace, Natrona County Planning & Development reported this is a request by Bruce Lee for approval of a Preliminary Plat for Alerin Subdivision, a minor subdivision in the Light Industrial (LI) zoning district, located in Hartranft Subdivision lot 16B and more generally located at 1955 and 1957 Andrea Street. The proposed subdivision lies in the Light Industrial (LI) zoning district. Adjacent zoning to the south, east and west is also Light Industrial. Adjacent zoning to the north is a Mobile Home district. On May 12th, the Planning & Zoning Commission recommended approval. Approval of the proposed minor subdivision shall be conditioned on the connection to public water and sewer; the proposed minor subdivision should be exempt from Department of Environmental Quality (DEQ) review. The final plat is a 2.0328 acre parcel. The proposed subdivision consists of four lots, each lot is .5082 acres in size. To date, staff has received one public comment in support. The proposed subdivision will likely have single family mobile homes or manufactured homes together with accessory buildings on lots which comply with Light Industrial density restrictions. The proposed subdivision will have Wardwell water and sewer, due to the lots' proximity to public sewer; connections are mandatory. The Health Department has indicated there will be a variance granted due to lot line dimensions do not correspond to Health Department requirements for septic systems. DEQ review is not necessary since lots will be connected to public water and sewer. Preliminary plat was submitted by the Development Department to a licensed surveyor. Applicant has published notice of intent, a copy of the warranty deed, completed application and has tendered all applicable fees at this time.

Chairman Hendry declared the public hearings open:

Bruce Lee, of Casper spoke in favor.

Hearing no more comments in favor or against, Chairman Hendry closed the public hearing.

Commissioner Peryam moved to approve the Preliminary Plat for Alerin Subdivision, a minor subdivision. The motion was seconded and carried.

D. VC09-0003

Trish Chavez, Natrona County Planning & Development reported this is a request by Jeff & Crystal Vang to consider an application for a Variance of minimum lot size Urban Agricultural (UA) zoning district, affecting Lot 2, CST Simple Subdivision, and Natrona County, Wyoming, more generally located at 1111 Mark Twain Road. This variance would permit creation of two lots, smaller than the ten acre minimum lot size required in the Urban Agricultural (UA) zoning district. The variance preparatory to creation of a simple subdivision with lots sized at 7.168 acres and 7.161 acres. On June 9th, Planning and Zoning recommended denial of the variance. Based on strict construction of the Zoning Resolution, the creation of two lots at seven acres each is below minimum lot size. There is no proof provided that there is a unique circumstance or hardship that would meet the criteria for a variance. Planning & Zoning, as a rule do not look into finances or economics. Hardships are only considered when dealing with land. The Vangs and Alberts could create an LLC or Partnership, although who ever holds the deeds to the land has to hold the deeds to the houses. To date, staff has received two public comments in favor and four opposed.

Chairman Hendry declared the public hearings open:

Nicole Kramer, attorney representing the Vangs spoke in favor. The problem currently is the changing financing requirements. The banks requirements are too strict. Granting this variance change is not out of character for this area, as well as is in compliance with the county's development plan. Questions regarding placement of the septic system and leech field have been resolved. In March, Public Health approved placement of septic systems and leech fields.

Jeff & Crystal Vang, of Casper spoke in favor. Their existing well is 40 feet; pumps 25 gallons a minute.

Crystal Alberts, of Casper spoke in favor.

Sheryl Norman, of Casper spoke in opposition.

Commissioner Keating moved to approve the variance change. The motion was seconded and carried. Commissioner Peryam was opposed.

E. ZC08-004

Eugene Wallace, Natrona County Planning & Development reported this is a request by Charlie Peak representing Alcova Lake, LLC. to consider an application for a Zone Change from Ranching, Agricultural and Mining (RAM) to Urban Residential (UR) affecting a 40.55 acre tract located in the NW/4 of the NW/4 of the NE/4 of Section 33, Township 30 North, Range 83 West of the 6th P. M. of Natrona County, Wyoming more generally abutting the southern boundary of the Alcova Lake View Estates. The selection of Urban Residential (UR) is based on lot sizing to accommodate installation of septic systems which are in the compliance with Natrona County Health Department recommendations. Approving this Zone Change will not result in spot zone, nor violate the 2000 Natrona County Zoning Resolution. Zone Change is attributed in part to ongoing growth being experienced and close proximity to popular recreation areas. The On May 12th, Planning and Zoning Commission recommended approval. To date, staff has received one letter regarding capacity of aquifer in the area, ingress, and egress and traffic; one phone call relating to access.

Chairman Hendry declared the public hearing open.

Charlie Peak, of Casper spoke in favor.

Hearing no more comments in favor or against, Chairman Hendry closed the public hearing.

Commissioner Peryam moved to approve the zone change. The motion was seconded and carried.

F. PS08-0032

Eugene Wallace, Natrona County Planning & Development reported this is a request by Charlie Peak representing Alcova Lake, LLC. to consider an application for approval of a Preliminary Plat for South Estates, a major subdivision in the Urban Residential (UR) zoning district affecting a 40.55 acre tract, located in the NW/4 of the NW/4 of the NE/4 of Section 33, Township 30 North, Range 83 West of the 6th P. M. of Natrona County, Wyoming more generally abutting the southern boundary of the Alcova Lake View Estates. The proposed Alcova Estates, with planned Urban Residential (UR) zoning, has been designed to be compatible with land uses on neighboring subdivision tracts. The proposed Alcova South Estates will consist of sixteen lots. Applicant has submitted two copies of Warranty Deed from the south and north half of the proposed subdivision. On December 4th, 2008 a sketch plat was submitted to the conservation district for review. Applicant has furnished a document containing conditions, covenants, restrictions and easements affecting the proposed subdivision; Property Owners Association Bylaws and proof of compliance regarding water rights of a subdivision. Applicant has submitted a complete application and has tendered all applicable fees. On May 12th, Planning and Zoning Commission recommended approval. To date, staff has received one letter regarding capacity of aquifer in the area, ingress, and egress and traffic; one phone call relating to access.

Chairman Hendry declared the public hearing open.

Charlie Peak, of Casper spoke in favor.

Doug Atnip of First American Title stated all title standards and fees have a good standing. Two separate legal representatives have been hired to search for hidden lawsuits.

Hearing no more comments in favor or against, Chairman Hendry closed the public hearing.

Commissioner Peryam moved to approve the Preliminary Plat for South Estates, a major subdivision. The motion was seconded and carried.

Contract, Agreements, Resolutions

A. Resolution 37-09

Deputy County Attorney Heather Malone reported this is a request to approve the vacation of the Lavoy town sight plat that was never completed. The plat dates back to 1925. Plat owned by L & G Cattle Company and the Shepperson family.

Lisa Shepperson, of Casper gave a brief description of where the plat is located. The only remnants that are left from the town are the town swimming pool.

Commissioner Peryam moved to approve Resolution 37-09. Motion was seconded and carried.

B. Ratification of Resolution 33-09

Deputy County Attorney Heather Malone reported this Resolution was previously signed renaming Drug Court.

Commissioner Opella moved to approve Resolution 33-09. Motion was seconded and carried.

C. Resolution 36-09

Deputy County Attorney Heather Malone reported this is a Resolution providing for the Appointment and Compensation of newly appointed County Attorney, Bill Knight.

Commissioner Opella moved to approve Resolution 36-09. Motion was seconded and carried.

D. FY2009 Emergency Management Performance Grant Award Agreement-\$29,042.00

Commissioner Opella moved to approve the EMPG Award Agreement. Motion was seconded and carried.

E. FY 2008 Interoperable Emergency Communications Grant Program-County Decision on Request for Training Funds-\$14,647.53

Commissioner Peryam moved to table the FY 2008 IECG until July 20th meeting. Motion was seconded and carried.

F. Cornerstone Provider Agreement

Deputy County Attorney Heather Malone reported this is a Cornerstone Provider Agreement effective from July 1, 2009-June 30, 2010, in the amount of \$52,000.00 per month. Contract has been approved as to form.

Commissioner Opella moved to approve the Cornerstone Provider Agreement. Motion was seconded and carried.

G. Intergovernmental Agreement between Natrona County and the Town of Midwest-Electrical, Plumbing, Mechanical and Building Inspections.

Commissioner Opella moved to approve the agreement. Motion was seconded and carried.

H. Intergovernmental Agreement between Natrona County and the Town of Edgerton-Electrical, Plumbing, Mechanical and Building Inspections.

Commissioner Opella moved to approve the agreement. Motion was seconded and carried.

I. Intergovernmental Agreement between Natrona County and the Town of Mills-Electrical Inspections.

Commissioner Keating moved to approve the agreement. Motion was seconded and carried.

Board Appointments

A. Natrona County Library Board

Commissioner Peryam moved to approve the appointment of Shawn Houck to the Natrona County Library Board. The motion was seconded and carried.

Consent Agenda

Commissioner Peryam moved to approve the consent agenda. The motion was seconded and carried.

Public Comment

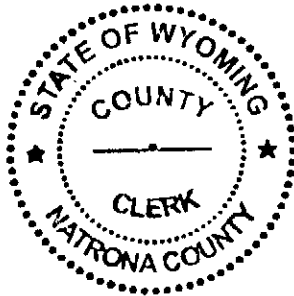
Former Commissioner, Jon Campbell spoke regarding the furniture purchases for the Townsend Justice Center, asking why Wyoming businesses weren't notified. Furniture was purchased from Kanter Industries out of Lakewood, CO. GSG Architecture's response to this matter was it would take too long to purchase the items locally. If this is the case, Mr. Campbell felt GSG waited too long to begin the process. In a meeting with Commissioner Opella, Commissioner Wingerter, Commissioner Peryam, and GSG there was mention of a state contract. After researching, no contract has been found. Jon Campbell recommended the County Legal Dept try to locate to locate this contract and review.

Commissioner Comment

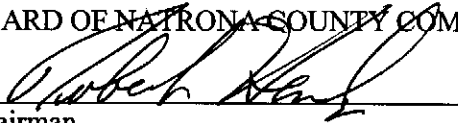
Commissioners agreed they would have county legal do further research regarding the state contract GSG spoke of.

Adjournment

There being no further business to come before the Board of Commissioners, Chairman Hendry adjourned the public meeting at 7:58 p.m.




BOARD OF NATRONA COUNTY COMMISSIONERS


Chairman

ATTEST:

NATRONA COUNTY CLERK


Renée Vitto

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