



**BOARD OF COUNTY COMMISSIONERS
MINUTES OF PROCEEDINGS
January 4, 2011**

The regular meeting of the Board of County Commissioners was brought to order at 5:30 p.m. by Chairman Rob Hendry. Those in attendance were Commissioners Bill McDowell, and Ed Opella, County Attorney Bill Knight, Deputy County Attorney Heather Duncan Malone, County Clerk Renea Vitto, and Commissioners' Secretary Michelle Maines. Commissioners Terry Wingerter and Matt Keating were absent due to a funeral.

Commissioner Bill McDowell moved to nominate Ed Opella as Chairman. The motion was seconded and carried. Ed Opella nominated Bill McDowell as the Vice Chairman. The motion was seconded and carried. Commissioner Hendry turned the meeting over to Chairman Opella.

Commissioner Hendry moved to approve the Minutes of Proceedings for December 21, 2010. The motion was seconded and carried. Commissioner McDowell abstained from the vote.

Commissioner Hendry moved to approve the payment of bills in the amount of \$923,610.92. The motion was seconded and carried.

Public Hearings:

A. Resolution 01-11 Transfer of Funds-Unanticipated Revenue

County Clerk Renea Vitto reported the following transfer is in the amount of \$25,075.00 to be taken from unanticipated revenue, and distributed to the following accounts: Road & Bridge/Administration-Road Oil/Hot Mix-\$14,545.00; Road & Bridge/Lake Funds-Grants-\$10,530.00

Chairman Hendry opened the public hearing.

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

Commissioner Opella made motion to approve Resolution 01-11. The motion seconded and carried.

B. PS10-0022

Mr. Eugene Wallace, Planning & Development reported this is a request by RP Development, LLC and Legacy Trust, LLC to consider an application for approval of the preliminary plat for the River Park, a major subdivision in the Urban Agriculture (UA) zoning district, accessed from Robertson Road. On the December 14, 2010 meeting the P & Z Commission recommended approval of the preliminary plat for River Park subdivision upon prior approval of a zone change from Urban Agricultural (UA) to planned unit development (PUD) zoning district. The proposed subdivision is 47.589 acres tract consisting of thirty- eighty lots; ranging from .48 acres to 2.43 acres; bounded on the south east by the North Platte River and west end of the City of Casper by Robertson Road; surrounding is predominantly UA and LI in the northeast. These will be single family dwelling; public water and sewer; proposed subdivision lies partially in an established flood plain; utility and pedestrian easements are noted on plat. Preliminary plat was submitted to the conservation district for review, in return the Conservation District supplied reports on soil, windbreak, environmental plantings, and comments regarding wildlife and noxious weeds control. Applicant has published notice of intent, complete application and rendered fees; provided covenants and restrictions. To date our office has received one comment in opposition and one comment noting the proposed subdivision is within a historically documented area.

Chairman Opella opened the public hearing

Shane Porter, WLC Engineering represented Legacy Trust. Each home built near flood plains will need certification on a case by case basis. Corrosive soils are not uncommon on Casper; WLC will get a geotechnical investigation and make recommendations based on the results.

Bill Knight, Attorney requested a copy of public sewer and water system studies that the city of Casper received; asked if an erosion plan was already in place. Shane reported there was no plan at this time, but a plan would be prepared closer to the final approval.

Commissioner Hendry asked if there would be an archeologist on site during the digging. Shane reported this question would have to be referred to the developer.

Greg Bergeron, spoke about property rights and consequences of rezoning. All property owners should have equal rights no matter how long they have resided there; new developers should no have the right to decide what will be done in the future owner property or what their neighbor can do with their property. He referred to the US Constitution.

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

Commissioner McDowell made motion to approve of the Preliminary Subdivision. Bill Knight, Attorney requested the motion include an erosion control plan to be provided to the county as a condition, prior to final approval. The Motion was seconded and carried.

Commissioner Hendry stated he agrees with the constitution and anybody who buys a lot has the right to build where ever they want. Many property owners came to the government and asked what they were going to do to help during the 2010 flood. It is important that these owners are aware they need to build above the hundred year flood plain.

Contracts, Agreements, Resolutions:

A. Grant Award Agreement between WY Office of Homeland Security & NC Coroner, FY 2010 U.S. Dept. of Homeland Security (DHS), Federal Emergency Management (FEMA), Homeland Security Grant Program (HSGP), Law Enforcement & Terrorism Prevention Activities (LETPA)

Bill Knight reported this grant is in the amount of \$6,000 for purchase of supplies in case of an emergency by the Coroner's office. Grant has been approved as to form by county legal.

Commissioner McDowell made motion to approve the grant. The motion was seconded and approved.

Commissioner Board Appointments:

Commissioner McDowell made motion to approve the appointment of Commissioner Hendry to the Fire Control Board/Fire Fighters of NC; Detention Center JPB; Hall of Justice JPB; Planning & Zoning Commission and Central WY Fair Board. The motion was seconded and carried.

Commissioner McDowell made motion to approve the appointment of Commissioner Opella to the Amoco Reuse Joint Powers Board; MPO Policy Board; Regional Water System JPB and Vista West/West Gate JPB. The motion was seconded and carried.

Commissioner McDowell made motion to approve the appointment of Commissioner Keating to the Economic Development JPB; Metro Animal Control Facility JPB; NC School Recreation Board; Juvenile Planning JPB and Library Board. The motion was seconded and carried.

Commissioner McDowell made motion to approve the appointment of Commissioner McDowell to the Casper Area Economic Development Alliance Board and Memorial Hospital BOT. The motion was seconded and carried.

Commissioner McDowell made motion to approve the appointment of Commissioner Wingerter to the Detention Center JPB; Hall of Justice JPB; CNFR; Economic Development JPB; Airport Board of Trustees; Amoco Reuse Joint Powers Board; MPO; Policy Board; Regional Water System JPB; Vista West/West Gate JPB. The motion was seconded and carried.

Approval of the Consent Agenda

Commissioner Hendry made motion to approve the consent agenda. The motion was seconded and carried.

Public Comments:

Chairman Opella opened the floor to Public Comments.

Tom Morton, Casper Star Tribune stated the land for PS10-0022 is reported to be the largest undiscovered burial site on US soil. Will there be any provisions if any remains are found and who will be responsible for the cost?

Bill Knight, Attorney reported this issue will need to be addressed during the final approval with the developer.

Commissioner Hendry reported in the past when remains were found the projects are stopped until property authorities arrive and address the situation.

Linda Bergerson, asked about the process of how grants move through the approval process. She is concerned Homeland Security is overriding individual citizens' rights; the process of code enforcement and funding of this program; currently at the antique car working group meetings there is no room on the panels for people who are trying to defend individual property rights; the county's goal should be to create neighbors who communicate and be more responsible, instead of creating socialism

Commissioner Hendry referred Linda to the county website to see the agenda prior to the meeting or she may contact the department the grant is addressed to for further explanation.

Chairman Opella stated Linda could ask questions at anytime before the meeting or make arrangements before the meeting to be on the agenda if she would like. The commissioners are trying to work with both sides to find a solution to make everyone happy.

Hearing no further comments the floor was closed.

Commissioner Comments:

Chairman Opella opened the floor to Commissioner Comments.

Hearing no comments the floor was closed.

Adjournment:

There being no further business to come before the Board of Commissioners, Chairman Opella adjourned the meeting at 6:38 p.m.

BOARD OF NATRONA COUNTY COMMISSIONERS



ATTEST:

NATRONA COUNTY CLERK

Renea Vitto
Renea Vitto

Chairman

A handwritten signature in black ink, appearing to be "Opella", written over a horizontal line. A long, thin horizontal line extends to the right from the end of the signature.

**My term of office expires
January 5, 2015**