

**BOARD OF COUNTY COMMISSIONERS  
MINUTES OF PROCEEDINGS  
November 5, 2013**

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

Commissioner Wingerter moved for approval of the Minutes of Proceedings for October 15, 2013. Commissioner Chadwick seconded the motion. Motion carried.

Commissioner Hendry moved for approval of payment of bills in the amount of \$2,208,834.56. Commissioner Wingerter seconded the motion. Motion carried.

**Public Hearings**

**A. ZC13-0003**

Jason Gutierrez, Development reported this is a request by Lane Durnell and Rebecca A. Durnell, husband and wife for a zone map amendment (zone change) from Urban Agricultural (UA) to Commercial (C) zoning. The land affected by the proposed zone map amendment is an approximate 13- acre tract, located in a portion of the SE/4 of the SE/4 of Section 34, Township 34 North, Range 79 West of the 6<sup>th</sup> Principal Meridian, Natrona County, Wyoming. Applicants are seeking a zone change on the northernmost three (3) acres of the parcel, leaving the remainder of the parcel in Urban Agricultural (UA) zoning. The parcel is addressed as 1380 Bryan Stock Trail. On October 8, 2013 the P & Z Commission recommended approval. Applicant intends to build storage units on the back half of property. Subdivision request will be considered during another public hearing when access must be proven on Emigrant Trail. Proof of access is not required for a zone change.

Chairman McDowell opened the public hearing.

Speaking in favor: Lane & Rebecca Durnell (Casper) reported they purchased the property one year ago with plans to build storage units on the back half; plans to maintain Emigrant Trail for his customers. Road & Bridge reported no one owns Emigrant Trail. Multiple persons and businesses use this road. Rebecca Durnell reported there are other storage units on this road.

Speaking in opposition: Leonard Hubbard (Casper) presented the Commission with a letter from Attorney Bill Harden dated October 11, 2013 describing the history of Emigrant Trail. Emigrant Trail is a private access easement; according the Attorney Harden Leonard Hubbard is the only person legally authorized to pass on the road as of April 1, 1974. He reported the current storage units on Emigrant Trail belong to E&F Wrecking; E & F Wrecking owns the first section of the driveway. There are enough problems out there now without adding more by rezoning. Current driveway is nothing but sand, road has draining issues and road will require a maintenance plan; requested four construction companies to give him bids to create a road suitable for commercial use with no response other than a verbal bid of \$24,800.00 to level the road with 4" of base to make good enough for commercial use, but this was not meant for a

commercial road. He currently is the only one required to maintain the road and cannot afford to maintain for other to travel on the road.

Attorney Knight reported he was not sure the letter has been made part of the record, but he does have a copy of the letter.

Chairman McDowell reported the copy he received tonight would be made part of the record.

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

Chairman McDowell reported he drove the trail and understands Mr. Hubbard's issues and asked Attorney Knight if the county should let the gentleman exercise his right to close the easement or for the county to start action to make this onto a public road.

Attorney Knight reported that would be an option, but not necessarily part of the proceedings for tonight. The zone change application is the only request before the commission at this time, legal access is not a criteria for a zone change. Attorney Knight reported the long term effects of a zone change is increased traffic. If it is the wishes of the Commission to convert Emigrant Trail into a public road, it might be in the best interest of the citizens would be handled in a different proceedings.

Chairman McDowell confirmed Emigrant Trail is not a public road; should the applicant choose to move forward with subdividing the parcel arrangements for access will need to be made which could propose a challenge.

Commissioner Keating recommended creating a HOA as the applicants alluded to maintaining the road for customers.

Commissioner Keating moved for approval of the Zone Change. Commissioner Wingerter seconded the motion. Commissioner Hendry had concerns regarding the condition of the road; making this a public road could turn into a long process in court. Commissioner Wingerter agreed with Commissioner Hendry stating as long as the Durnell's are aware they could have a legal problem ahead of them. Motion carried.

#### **B. CUP13-0006**

Jason Gutierrez, Development reported this is a request by Seth Linamen for a Conditional Use Permit to allow rental and maintenance of a two-family dwelling. The 0.67-acre parcel affected by the requested conditional use permit being Lot 2 of Tyshkun Simple Subdivision, located in a portion of the SE/4 of the NW/4 of Section 13, Township 33 North, Range 80 West of the 6<sup>th</sup> Principal Meridian, Natrona County, Wyoming and addressed as 4540 Sam Howell Road. Health Department is satisfied with all requirements. On October 8, 2013 the P & Z Commission recommended approval. Applicant intends to rent out basement of current home. To date, staff has received no negative public comment on this request.

Chairman McDowell opened the public hearing.

Speaking in favor: Seth Lineman (Casper) spoke in favor reporting he purchased the property with an unfinished basement and has created a 1,600 foot apartment with separate access; (7) seven off street parking spots are available located on the property.

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

Commissioner Wignerter moved for approval of the Conditional Permit incorporating staff's recommendation and findings of facts. Commissioner Hendry seconded the motion. Motion carried.

**C. CUP13-0008**

Jason Gutierrez, Development reported this is a request by Natrona County Road and Bridge, and Clear Creek Cattle Company for a Conditional Use Permit to allow Aggregate Extraction on a 10-acre site in the Ranching, Agricultural and Mining (RAM) zoning district. The 10-acre aggregate mining site comprises two locations: The NW/4 of the SE/4 in Section 13 and the NE/4 of the SE/4 in Section 14, both locations in Township 39 North, Range 89 West of the 6<sup>th</sup> Principal Meridian, Natrona County, Wyoming. On October 8, 2013 the P & Z Commission recommended approval. To date, staff has received no public comment.

Commissioner Hendry reported Clear Creek Cattle Company is a ranch corporation that is family owned which he still owns stock in and recused himself from the vote.

Chairman McDowell felt it was important to note that Commissioner Hendry is allowing aggregate mining on his property for gravel to be used on county roads at no cost to the county.

Chairman McDowell opened the public hearing.

Speaking in favor: Mike Haigler, NC R&B Superintendent reported if/once the application is approved it will need to be submitted to WYDEQ for final approval.

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

Commissioner Chadwick moved for approval of the Conditional Use Permit incorporating staff's recommendations and findings of facts. Commissioner Keating seconded the motion. Motion carried. Commissioner Hendry abstained from the vote.

**D. CUP13-0009**

Jason Gutierrez, Development reported this is a request by Del Gehrett, representative for A T & T Mobility; and Glenn Bray (land owner) for a Conditional Use Permit to allow construction and operation of a one hundred fifty (150) 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 feet by 50 feet) in a portion of the NW/4 of the NW/4 of the NE/4 of the SE/4 of the SE/4 of Section 20, Township 35 North, Range 79 West of the 6<sup>th</sup> Principal Meridian, Natrona County, Wyoming. The property is addressed as 1430 W. Ormsby Road. P & Z Commission is currently recommending all (3) three tower requests from A T & T be sent back to the P & Z Commission for reconsideration due to setback changes that have occurred, as well as, height modification on (1) one tower; once reviewed the P & Z Commission will send back to the BOCC for reconsideration.

Attorney Knight recommended the Chairman to accept (1) one motion to send all (3) applications from AT & T back to the P&Z Commission without hearing any testimony based on staff's recommendation.

Jason Gutierrez reported A T & T has been very accommodating by providing revised plans with the correct setbacks and heights. It is just a matter of time before they are totally compliant. It is a matter of proper procedure of moving forward correctly.

**E. CUP13-0010**

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) in a portion of the NW/4 of the SE/4 of the SW/4 of the NW/4 of the NW/4 of Section 28, Township 35 North, Range 82 West of the 6<sup>th</sup> Principal Meridian, Natrona County, Wyoming. The property is addressed as 19694 West Highway 20-26.

**F. CUP13-0010**

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) in a portion of the NE/4 of the NE/4 of the NE/4 of the NE/4 of the NE/4 of Section 10, Township 32 North, Range 81 West of the 6<sup>th</sup> Principal Meridian, Natrona County, Wyoming. The property is addressed as 7382 Bessemer Bend South.

Commissioner Wingarter moved to send applications CUP13-0009, CUP13-0010 and CUP13-0011 back to the P&Z Commission based on staff's recommendation for reconsideration. Commissioner Chadwick seconded the motion. After further discussion Commissioner Wingarter and Commissioner Chadwick withdrew their motions.

Commissioner Hendry moved to table Conditional Use Permit CUP13-0009, CUP13-0010 and CUP13-0011 until the next meeting on December 3, 2013 meeting to allow staff to address concerns. Commissioner Keating seconded the motion. Motion carried.

**G. PS13-0015**

Jason Gutierrez, Development reported this is a request by Zephyr Estates, LLC, represented by JC Bradley for approval of preliminary plat for Zephyr Estates, a Minor Subdivision. The proposed minor subdivision is an approximately 16.195-acre tract, consisting of four (4) lots. All the lots are in Section 25, Township 33 North, Range 80 West of the 6<sup>th</sup> Principal Meridian, Natrona County, Wyoming. The property is accessed from Highway 220 to Squaw Creek Road. On October 8, 2013 the P & Z Commission recommended approval. Final plat has been received by the NC Development Department. Applicant intends to sell lots for single family homes. To date, staff has received no public comment.

Chairman McDowell opened the public hearing.

Speaking in favor: Jack Bradley (Casper) reported these are the last remaining lots on the North & South side of Squaw Creek; lots are in high demand; all requirements from the Health Department have been met.

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

Commissioner Hendry moved for approval of the Platted Subdivision incorporating the staff's recommendation and findings of facts. Commissioner Wingerter seconded the motion. Motion carried.

**Contracts, Agreement, Resolutions**

**A. Office of Homeland Security Grant - Political Subdivision: Natrona County; Award Amount: \$30,000.00; Local Match Award: \$30,000.00; Opportunity Number: EMW-2013-EP-00063-S01; Award Period: October 1, 2012 through March 31, 2014; CFDA #: 97.042; Project ID: 13-GPD-NAT-EM-GCF13**

Attorney Knight reported the Grant format has been approved as to form by county legal. Total grant is in the amount of \$60,000 with a \$30,000 match from the county. Commissioner Hendry reported the grant helps Emergency Management with duties and tasks performed by EM; \$30,000 match has been met by salaries.

Commissioner Hendry moved for approval of the Grant. Commissioner Wingerter seconded the motion. Commissioner Keating was opposed. Motion carried.

**B. Acceptance into the Record-City of Casper & NC Agreement to Fund & Construct a New Youth Crisis Center (YCC)**

Commissioner Chadwick moved for approval of the Acceptance into Record acknowledging NC's obligation has been met. Commissioner Keating seconded the motion. Motion carried

**C. Resolution 60-13 Approving & Ratifying Sale of Real Property by the Amoco Reuse Agreement Joint Powers Board (ARAJPB)**

Attorney Knight reported both NC and the City of Casper are members of the Amoco Reuse Agreement Joint Powers Board. In the past the JPB has sold certain properties located in the Salt Creek Business Heights and Platte River Commons Area; pursuant to the October 20, 1998 agreement the JPB may only sell property when approved by both the County and City. Numerous properties have been sold through the years without going through the process; therefore this resolution requests the NC BOCC ratify all the previous sales. Amendment to the current JPB Agreement will be coming at a future meeting that will allow the JPB to sell properties without ratification of approval from both entities. Resolution has been approved by the County Legal Department.

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

**D. a) Ratification of Federal Lands Access Program Project Agreement-Road 408 Fremont Canyon Road; b) Ratification of State of Work-Reimbursable Agreement No. DTFH68-14-E-00018; c) Ratification of Reimbursable Agreement -DTFH68-14-00018**

Attorney Knight reported this agreement is between NC and the BOR. Agreement has been approved as to form by County Legal Department. County agrees to fund 9.51 % of total project.

Mike Haigler, R&B Superintendent reported this agreement will facilitate the overlay and guardrail placement on Fremont Canyon Road from the bridge all the way back to Pathfinder. BOR sets regulations and signs off on the project. This was part of a competitive process to improve access to public lands.

Commissioner Wingerter moved for approval of the Ratification of Agreements. Commissioner Hendry seconded the motion. Commissioner Keating was opposed. Motion carried.

### Consent Agenda

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

### Public Comments

Chairman McDowell opened the floor to Public Comments.

George Tillman(Casper), member of the P&Z Commission spoke in opposition and addresses concerns he had regarding CUP13-0009; majority of residents do not approve the current placement of the tower in Homa Hills; residents do not want the tower at all; none of the proposed AT & T Towers meet the setback and height requirements; addressed concerns of the tower built too close to the current petroleum pipeline; recommended the tower be moved closer to Antelope Hills at a higher elevation; would like to see this application revisited by the P&Z Commission as votes were based on inaccurate information.

Larry Kilwein (Casper) spoke in opposition of the tower reporting there are plenty of other options in any direction for placement of the tower, but AT&T chose to put in the middle of people's houses; neighbors will see an isore when looking out their windows; addressed concerns and liabilities with planes; will be out of town during the next meeting.

Garrett & Charlotte West (Casper) spoke in opposition of the tower reporting the tower will basically be in his front yard now and even more after the correct setbacks; decreased property values; AT &T are bullying the little people; it is the BOCC's responsibility to represent the property owner and hold AT&T accountable just like the county holds the property owners accountable; AT&T never responded as to why this location was chosen; all of Homa Hills should have a voice in this matter, not just 5 property owners.

Chairman McDowell reported the public may have to come back during the December 3<sup>rd</sup> meeting to address their concerns as the entire tower applications have been tabled until the setback and height requirements have been met.

Jason Gutierrez, Development reported only the adjacent property owners received the notices in the mail; once concerns have been addressed the Development

Department can resend official notification to the adjacent property owners for the December 3<sup>rd</sup> meeting regarding all (3) three tower applications that were tabled tonight.

George Pridham (Casper) spoke in opposition of the tower reporting the BOCC in previous years promised Homa Hills would not have to deal with this type of issue again; decreased property value; increased traffic; why another tower, as he has plenty of service; tax payers are being penalized; increased texting and driving.

Red Lewis (Casper) spoke in opposition of the tower reporting he controls 1,800 acres and plenty of other locations 1.5 miles away to be reconsidered; location make the tower an isore; spoke in opposition for his son who was unable to attend.

William Brungardt (Casper) spoke in opposition of the tower reporting it will be right across the street from his house (less than 500 feet from his front door); did not receive official notification until October 14th; received all meeting information from neighbor Larry Kilwien.

Shirley Kemp (Casper) spoke in opposition of the tower; she moved to this community twenty five years ago from a big city town because she liked the small community feel; five to six years ago the community rejected the installation of a tower; why can't they just leave us alone.

Hearing no further comments, the floor was closed.

**Commissioner Comments:**

Chairman McDowell opened the floor to Commissioner Comments.

Commissioner Wingerter spoke regarding the award winning staff at the NCPL.

Commissioner Keating spoke regarding the upcoming NCPL brainstorming session on November 19<sup>th</sup> at 7pm. Commissioner Keating and Commissioner Chadwick will represent the Commission.

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 7:16 p.m.

BOARD OF NATRONA COUNTY COMMISSIONERS

  
Chairman, Bill McDowell



ATTEST:

NATRONA COUNTY CLERK

*Renea Vitto*  
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Renea Vitto

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