



**BOARD OF COUNTY COMMISSIONERS  
MINUTES OF PROCEEDINGS  
TUESDAY, APRIL 20, 2010**

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 Chairman, Rob Hendry, Commissioners Ed Opella, Matt Keating, Terry Wingerter, Barb Peryam, County Clerk Renea Vitto, County Attorney Bill Knight, Deputy County Attorney Heather Duncan-Malone and Commissioners' Secretary Michelle Maines.

Commissioner Opella moved to approve the Minutes of Proceedings for April 6, 2010. The motion was seconded and carried.

Commissioner Wingerter moved to approve the payment of bills in the amount of \$735,849.40. The motion was seconded and carried.

**Proclamation:**

Commissioner Peryam read the proclamation celebrating May 20, 2010 as Natrona County Public Library's 100<sup>th</sup> year.

**Public Hearings:**

**A. Resolution 18-10 Transfer of Funds Unanticipated Revenue-Clerk of Court/Dist Court, Commissioners/County Attorney, Cooperative Extension**

County Attorney Bill Knight reported the following transfer of funds is in the amount of \$88,846.98 to be taken from unanticipated revenue, and distributed to the following accounts: Clerk of Court/District Court-Court Commissioner \$9,816.98; Clerk of Court/District Court-Court Appointed Attorney \$45,155.00; Commissioners/County Attorney-Involuntary Commitment Expense \$8,400.00; Commissioners/County Attorney-Law Library \$25,000.00

County Clerk Renea Vitto reported the remainder of the transfer of funds is in the amount of \$475.00 to be taken from unanticipated revenue, and distributed back into Cooperative Extension-Travel.

Chairman Hendry declared the public hearing open.

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

Commissioner Wingerter made motion to approve Resolution 18-10. The motion was seconded and carried.

**B. CUP10-0004**

Gene Wallace, NC Planning reported this is a request by Paul M. Ferguson to consider an application for a Conditional Use permit to allow installation of thirty three (33) foot Skystream 3.7 Wind

turbine located in the mountain Residential (MR-1) zoning district on Tract 40 . The location addressed as 6951 hummingbird Lane. The proposed small wind energy system (SWES) will be located on a portion of 6.41 acres parcel; adjacent zoning is also (MR-1). On April 13, 2010 the Planning & Zoning Commission recommended approval with the stipulation that NC Planning & Development be furnished with copies of applicant's Interconnection Agreement and Net Metering Agreements with Rocky Mountain Power. Planning & Zoning Commission has heard 3 public comments in support. To date staff has received 1 letter in opposition. Applicable structural and building criteria have been met, this 33 foot tower is intended to blend with the existing neighborhood, will not overburden county services, will not impair adjacent properties, in compliance with the required SWES setback (minimum distance equal to 110 percent of the combined tower height plus vertical blade length) from any adjacent property lines. Approving the SWES will not affect public health, safety and welfare.

Chairman Hendry declared the public hearing open.

Michele Heaphy, Natrona County Gene Theriault, Casper and Deb Theriault, Casper all spoke in favor.

No one spoke in opposition.

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

Commissioner Wingerter made motion to approve the Conditional Use Permit. The motion was seconded and carried.

### **C. CUP10-0005**

Gene Wallace, NC planning reported this is a request by East Land Development to consider an application to allow temporary aggregate extraction on an approximately ten (10) acre tract, located in the Urban Agricultural (UA) zoning district. The property is more generally located at the corner of East 2<sup>nd</sup> Street and Blackmore Road. The affected parcel is incorporated in the Casper city limits. Applicant plans to conduct a small aggregate extraction operation on applicant's property. Gravel recovered from the site will not leave the property, but will be stockpiled for use as a base course as future development of the property occurs; property is currently unplatted land. The aggregate extraction is expected to continue for 4 weeks. There are currently no other aggregate extraction sites in the general vicinity of the affected property. On April 13, 2010 the Planning and Zoning Commission recommended approval. Applicant has furnished an engineering drawing showing elevation contours on the affected parcel; has developed an erosion control plan for submittal to the WDEQ; completed the Erosion Control Plan form. The scope of the CUP is limited to this parcel only. Future planning will include flood control, fire control, rodent control and general site maintenance. Approving this CUP will not require county services; there will be minimal traffic turning into city streets; there will be some trucks to transport mining equipment to the site and off the site when operation is complete, all other traffic will be employees; all vehicles will be parked on site and off city streets; environmental operation issues will be addressed by DEQ requirements; will not impair use or characteristics of the area; will not affect public health, safety or welfare. To date staff has received no public comments.

Chairman Hendry declared the public hearing open.

Randy Hall, Casper represented East Land Development spoke in favor. They hope to start construction in March; will not mine as much as they ultimately need; there will be a water truck to help with dust; there will be very little dust after material is stock piled.

Ron McMurry, Casper represented East Land Development spoke in favor. They plan to adhere to city ordinances; operating hours will be 7 a.m. – 7 p.m.; all equipment has approved DEQ and have air quality permits; there will not be a big hole, but a thin seam where mining will occur; plan to crush 50 hours a week., if weekends have to be worked it will be Saturday only.

No one spoke in opposition.

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

Commissioner Wingerter made motion to approve the Conditional Use Permit. The motion was seconded and carried.

#### **D. CUP10-0007**

Gene Wallace, NC Planning reported this is a request by Union Telephone Company to consider an application for a Conditional Use permit to allow construction and operation of a eighty-seven (87) foot free-standing lattice tower, together with antennas, skid mounted equipment and generator buildings, surrounded by a planned six (6) foot perimeter security fence; located in the Ranching, Agricultural and Mining (RAM) zoning district; on a 6400 square foot site approximately 0.147 acre. GPS coordinates (NAD83) are 42 degrees 42 minutes 53.5 seconds North and 107 degrees 0 minutes 46.2 seconds West (Horse Heaven). On April 13, 2010 the NC Planning & Zoning Commission recommended approval hearing 3 public comments and 1 email letter voicing support. This request is the first step toward bringing the applicant into regulatory compliance. The proposed tower has not yet been erected, although a concrete foundation has been installed. Detrimental effects are more likely to arise from technological sources like radios frequency interference rather than the number of towers. Approving the Conditional Use Permit will not over burden county services, will not cause undue traffic, parking, population density or environmental problems; facility will be located in a BLM parcel, therefore will not impair use of adjacent property or alter the character; improve emergency response capabilities, provides service to consumers, enhances 911 services; positively effects public health, safety and welfare; remedy for zoning noncompliance; tower complies with applicable setback requirements. Applicant has provided a Valmont structural analysis showing possible future co-location on the proposed tower. To date applicant has had numerous meetings with staff.

Chairman Hendry declared the public hearing open.

Chris Manley and Eric Woody, representing Union Wireless spoke in favor. Mark Park, Alcova spoke in favor.

No one spoke in opposition.

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

Commissioner Wingerter made motion to approve the Conditional Use Permit. The motion was seconded and carried.

#### **E. CUP10-0008**

Gene Wallace, NC Planning 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 free-standing tower, together with antennas, skid mounted equipment and generator buildings, surrounded by a planned six(6) foot perimeter security fence; located in the Ranching, Agricultural and Mining (RAM) zoning district. GPS coordinates (NAD83) are 42 degrees 31 minutes 56.4 seconds North and 106 degrees 48 minutes 52.4 seconds west. The location is 2 miles south of the HWY 220/ Pathfinder Road intersection then 1 mile north northeast to the existing tower (Alcova Hill); on a 6400 square foot site approximately 0.147 acre. On April 13, 2010 the NC Planning & Zoning Commission recommended approval recommending an assessment of \$14,000.00 impact fee for failure to comply with the NC Zoning Resolution. The Planning & Zoning Commission heard 3 public comments and 2 letters in support for the proposed tower. To date applicant has had numerous meetings with staff. Staff recommended approval of a variance from the setback requirement which provides that a telecommunications tower be located not less than 1 mile from any other zoning district boundary, the variance will operate as a Conditional Use Permit. Applicant has applied for and was granted a building permit; the tower was erected in a different location, approximately a mile from the approved site. Approving the Conditional Use Permit will not over burden county services, will not cause undue traffic, parking, population density or environmental problems; facility will be located in a BLM parcel, therefore will not impair use of adjacent property or alter the character; improve emergency response capabilities, provides service to consumers, enhances 911 services; positively effects public health, safety and welfare; remedy for zoning noncompliance; the variance from setback is accompanied by structural drawings, plans, and certification that in the event the tower collapses there would be no threat to health and safety to the adjacent property owners. Applicant has provided a Valmont structural analysis showing possible future co-location on the proposed tower. In lieu of the \$14,000.00 the BOCC proposed Union Wireless install, maintain, and decommission communication technologies on Union towers requested by Natrona County Emergency Management for 25 tower years. This agreement will take effect 1 one year from the date agreement is signed; this will allow time for Emergency Management and Union Wireless to determine the compatibility of equipment. The agreement will be signed by Natrona County and Union Wireless.

Chairman Hendry declared the public hearing open.

Chris Manley and Eric Woody, representing Union Wireless spoke in favor. Eric Woody felt the agreement was satisfactory; time will be the only issue.

No one spoke in opposition.

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

Commissioner Wingerter made motion to approve the Conditional Use Permit with above stipulation. County Attorney will present resolution with recommended changes to Dave Drell, attorney representing Union Wireless. The motion was seconded and carried.

#### **F. Enlarge the Boundaries of Pioneer Water & Sewer District**

County Attorney Bill Knight reported this is a petition by Michael and Alicia Barrows. There are no new voters in the district, all land owners have agreed, therefore there is no need for a vote. Petition has been certified by the County Clerk's office. The Pioneer Water & Service District Board has approved the petition to include the encompassed 2 acres.

Chairman Hendry declared the public hearing open.

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

Commissioner Wingerter made motion to approve the Enlarging the Boundaries of Pioneer Water & Sewer District. The motion was seconded and carried.

**G. Public Hearing on Intent to Amend Natrona County Park Rules**

Attorney, Bill Knight reported there have been ten major changes/recommendations to the existing NC Parks Rules & Regulations. Please see meeting packet for details. Changes have been approved as to form.

Margaret Teevens, NC Road, Bridge & Parks Department was present to answer questions.

Chairman Hendry declared the public hearing open.

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

Commissioner Opella made motion to approve the Amended Natrona County Park Rules. The motion was seconded and carried.

**Contracts, Agreements, Resolutions:**

**A. Stage III Community Theater Beartrap Meadow Renaissance, Saturday June 19, 2010**

Attorney Bill Knight reported the agreement has been approved as to form.

Commissioner made motion to approve the Stage III Community Theater Contract. The motion was seconded and carried.

**B. Resolution 17-10 Elected Officials Salaries**

Attorney Bill Knight reported Resolution 17-10 is effective January 3, 2011 through January 3, 2014. All salaries will remain the same with the exception of the County Coroner. The Coroner position will now be a full time position.

Commissioner Opella made motion to approve Resolution 17-10. The motion was seconded and carried.

**C. Addendum to Lease Agreement with City of Casper-Natrona County Health Department**

Attorney Bill Knight reported the in kind lease agreement has been extended for an additional 5 year period with no additional changes.

Commissioner Wingerter made motion to approve the Lease Agreement. The motion was seconded and carried.

**Consent Agenda**

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

**Public Comments**

Chairman Hendry opened the floor to Public Comments.

Hearing no comments the floor was closed.

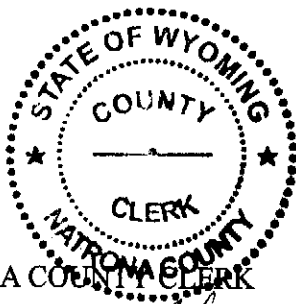
**Commissioner Comments**

Chairman Hendry 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 Hendry adjourned the meeting at 7:07 p.m.



ATTEST:

NATRONA COUNTY CLERK

*Renea Vitto*  
Renea Vitto

BOARD OF NATRONA COUNTY COMMISSIONERS

*Robert L. Hendry*  
Robert L. Hendry, Chairman

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