



**BOARD OF COUNTY COMMISSIONERS
MINUTES OF PROCEEDINGS
March 1, 2011**

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

Commissioner Hendry moved to approve the Minutes of Proceedings for February 15, 2011. The motion was seconded and carried.

Commissioner Wingerter moved to approve the payment of bills in the amount of \$670,455.08. The motion was seconded and carried.

Public Hearings:

Chairman Opella changed the order of the agenda due to a formal ceremony at the City of Casper. Items A & B, both WY Business Council grant applications will be heard at the end.

C. CUP11-0001 A request by Rocky Mountain Power, a division of PacifiCorp to consider an application for a Conditional Use Permit to allow construction of a three structure 115 KV transmission line tap and associated hardware, approximately 670 feet in length, adjacent to the existing Elk Horn Substation, in the Urban Agriculture (UA) zoning district; accessed from Blackmore Road.

Gene Wallace, NC Development Department, reported the Planning & Zoning Commission recommended approval at the February 8, 2011 meeting; this commission heard one public comment in support; to date, staff has received no further comments regarding this request; completion of the transmission line tap will facilitate the permanent installation of a four breaker 115 KV ring bus at the Elkhorn substation; this will further support safe and reliable delivery of power service to the community; equipment installation is a result of growth and demand. Approval of the Conditional Use Permit will not overburden county services, cause undue traffic, parking or environmental problems; effect public health, safety and welfare or nullify land use plan.

This station does not rely on county services for daily operations; this is an unmanned facility accessed once per week for inspection and needed repairs; there will be increased traffic during construction only.

Chairman Opella opened the public hearing.

Leslie Blythe, Rocky Mountain Power, reported they continue to make sizable enhancements due to growth; from 2008-2010 RMP has invested almost \$75 Million in capital improvements, this being one of them. Chris Johnson, Rocky Mountain Power Project Manager was also available for any technical questions.

There being no comments in opposition, Chairman Opella closed the public hearing.

Commissioner Wingerter made the motion to approve the conditional use permit. The motion was seconded and carried.

D. ZC10-006 A request by RP Development, LLC to consider an application for a zone change from the Urban Agriculture (UA) zoning district to a Planned Unit Development (PUD); accessed from Robertson Road.

Gene Wallace, NC Development Department, reported the Planning & Zoning Commission recommended approval at the January 11, 2011 meeting with one stipulation. The zone change will only be granted if the final plat is approved; the Planning and Zoning Commission heard one public comment in support; to date, staff has received no other comments regarding this zone change. Approval will not create a spot zone, nor will it violate the NC Zoning Resolution; approval will enhance land uses and neighboring parcels. Development is a result of extensive growth occurring west of Robertson Road and along the North Platte River; great opportunities for those wanting to be near the river and Casper.

Chairman Opella opened the public hearing.

Keith Tyler representing RP Development was available for questions. Mr. Tyler spoke in favor of the zone change.

Speaking in opposition was Mark Hopkins. He was concerned about the use and condition of Robertson Road; the road needs to be widened and repaired before any further development.

Chairman Opella closed the public hearing.

Commissioner Wingerter made the motion to approve the zone change. The motion was seconded and carried.

Chairman Opella handed the meeting over to Vice Chairman McDowell and excused himself from the meeting.

E. PS10-0023 A request by RP Development, LLC to consider an application for approval of a Final Plat for the River Park, a major subdivision in the Urban Agriculture (UA) zoning district.

Gene Wallace, NC Development Department, reported the Planning & Zoning Commission recommended approval at the January 11, 2011 meeting with two stipulations. The proposed subdivision will only be granted if the zone change is approved and applicant provides the county with a study evaluating the sewage system proposed, describing adequacy and safety. The Planning & Zoning Commission also requested the applicant to provide a study evaluating the water supply and an erosion control plan compatible with the county requirements. The proposed subdivision is a 47.589 acre parcel; consisting of 38 lots; lots will range from .48 acres to 2.43 acres; applicant has submitted copies of Quitclaim Deed from Five G, LLC., subdivision will be developed by Legacy Trust, LLC. These will be single family dwellings; 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, provided a complete application and rendered fees; provided draft covenants and restrictions; anticipates the request for zone change and covenants will result in less residential density and development, but in return will protect the scenic beauty for residents; roads way will have all-weather surfaces; landscaping is intended to be sustainable. Based on the latest staff report, our office has received one comment noting the proposed subdivision is within a historically documented area; currently there is no evidence to support this statement. If at anytime human remains are found during the development the County Coroner will be notified.

Vice-Chairman McDowell opened the public hearing.

Keith Tyler, representing RP Development, reported there will be 11 lots adjacent to the river and 27 lots on the interior. All lots will be very nice estate type lots. RP Development and their engineers are working with the county attorney regarding an escrow requirement to move forward.

Commissioner Hendry expressed concerns regarding building near flood plain.

Keith Tyler reported each homeowner will need to provide site and building plans that will need to be approved by engineers before moving forward. By having a restricted building permit process they hope to protect the values of other properties and make any buildings compatible with the objectives for the development.

There being no comments in opposition, Vice-Chairman McDowell closed the public hearing.

Commissioner Wingerter made the motion to approve the platted subdivision in a PUD zoning district with the stipulation suggested by the County Attorney, that the developer enters into a Subdivision Improvement Agreement. The motion was seconded and carried.

Contracts, Agreements, Resolutions:

A. Resolution 06-11 Approving & Authorizing NC Joining As A Party To The Pioneer Wind Park I & II Application To The Industrial Siting Council

Attorney Bill Knight reported this resolution authorizes the County's intervention as a party to the ISC proceedings. Resolution has been approved as to form.

Commissioner Hendry moved to approve the resolution 06-11. The motion was seconded and carried.

B. Agreement between NC Commissioners & Townsquare Media for Beartrap Festival

Attorney Bill Knight reported Townsquare Media will lease a portion of Beartrap Meadow for the Beartrap Festival for \$750 a day, for the total amount of \$2,250.00 for August 5th, 6th, 7th, 2011. County will provide \$15,000 in kind services to include: manpower for set up and tear down of stage, manage camping areas, prepare meadow and general ticket booth, patrol, refuse collection. These are the same terms as years before. Contract has been approved as to form.

Commissioner Wingerter moved to approve the agreement. The motion was seconded and carried.

C. Resolution 09-11 Approving Increasing Assessments for the Aspens Improvement & Service District

Attorney Bill Knight reported the original maintenance assessment established in 1981 was for \$52.00 per lot per year. Aspens Improvement and Service District has requested an increased assessment to \$125.00 per lot per year.

Attorney Dave Drell, representing the Aspen Improvement & Service District, reported notice has been submitted to all the land owners and there were no objections. The district consists of 55 lots; the current fees have been in place since 2000; these fees need to be increased to manage an increase in needed maintenance costs.

Commissioner Keating moved to approve the Resolution 09-11. The motion was seconded and carried.

D. Resolution 10-11 Authorizing Per Diem Reimbursements for NC Employees-2011

Attorney Bill Knight reported this Resolution modifies the previous County policy regarding the reimbursement of expenses for NC employees traveling in and out of state for County business. This resolution amends the current policy by adopting the federal per diem rate and mileage reimbursement rates; prior approval will be needed for some cases of travel.

County Clerk Renea Vitto reported this amendment will work very well.

Commissioner Keating moved to approve the resolution 10-11. The motion was seconded and carried

Approval of the Consent Agenda

Commissioner Wingerter made the motion to approve the Consent Agenda. The motion was seconded and carried.

Vice-Chairman McDowell called a 10 minute recess at 6:00 p.m.

Chairman Opella called the meeting back to order at 6:25 p.m.

A. WY Business Council Grant in the amount of \$637,483.00 for installation of Fiber Optic Cable at the Casper/NCIA and Casper Logistics Center (Resolution 07-11)

Glenn Januska, NCIA Manager, reported this is for a Community Readiness grant application requesting the County's support. The cost is \$726,450.00, the actual project costs will be \$637,483.00; Airport Board of Trustees has committed \$20,000.00 in cash and land. This project will install approximately 30,000 feet of fiber optic cable at the airport and around the business park in three routes, including 30 drops to existing businesses; all loops will be strategically run to provide fiber connectivity for future development; hoping to have this available by late spring or early summer; Airport has a choice of connecting to two fiber lines(RT Communications & Qwest). High speed connectivity will allow some businesses to expand their services, change the nature of their businesses, and attract new businesses; high speed connectivity will allow for a communication-type facility; currently there are 40 business and 25 residences that would be interested in connecting, once high speed connectivity is available. Internet at the Airport is extremely slow and prohibitive; there is currently dial up service that is very slow and DSL is not available based on the location.

Chairman Opella opened the public hearing on Resolution 07-11.

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

B. WY Business Council Grant to extend electrical Services to the Bishop Industrial Rail Park (Resolution 08-11)

Dan Guertman, representing Granite Peak Development, spoke regarding the construction of the proposed power line. Constructed power line will be for power only. This will be a 2.5 MW electrical transmission line that will cost roughly \$600,000.00. The purpose is to create economic and job growth, not to mention improve infrastructure. The cost will be \$841,500.00. When completed, NC will own the line as required per the WY Business Council. There are currently no prospects, but if power is ready and installed there is a better chance to bring businesses to the rail park. Currently they are in negotiations with Rocky Mountain Power, but no confirmation to date. Based on current talks, the line will remain dark until there is a customer/user; RMP has agreed to take ownership of the line once there is a customer /user. Based on the current RMP Public Service Commission rate case, there is a possible recapture of \$100,000.00.

Attorney Bill Knight reported the RMP rate case is scheduled for the last week of June and first part of July. There could be a resolution by late July or August 2011.

Chairman Opella opened the public hearing.

Glenn Januska, NCIA Manager, speaking in favor, reported both of these grants are beneficial for the development opportunity of the NCIA and Casper Logistics Hub.

Hearing no comments in opposition, Chairman Opella closed the public hearing on Resolution 08-11.

Commissioner Wingerter made the motion to approve the submission of the Fiber Optic Grant Application and Resolution 07-11 and to wait until the PSC rate case has been resolved before moving forward with the Bishop Rail Park Grant Application. Bill McDowell seconded the motion. Commissioner Hendry and Commissioner Keating were opposed.

Chairman Opella called for vocal count vote of the previous motion to approve the Fiber Optic Grant Application, Resolution 07-11.

Commissioner Wingerter voted in favor, Commissioner Hendry voted in opposition, Commissioner McDowell voted in favor, Commissioner Keating voted in opposition, and Chairman Opella voted in favor. Motion carried.

Commissioner Hendry made a motion that the Commission supports the submission of the Bishop Rail Park Application for September 11, 2011, the next opportunity for a Business Ready Grant & Community Readiness Project. The motion was seconded and carried.

Chairman Opella asked Attorney Bill Knight to check with the Wyoming Business Council to see if a resolution could be modified and turned in prior to September 11, 2011.

Public Comments:

Chairman Opella opened the floor to Public Comments.

Glenn Januska, NCIA Manager asked what would happen if both applications were to be turned in.

Kim Rightmer, WY Business Council reported this has never happened before, but she would ask for the future.

Hearing no further comments the floor was closed.

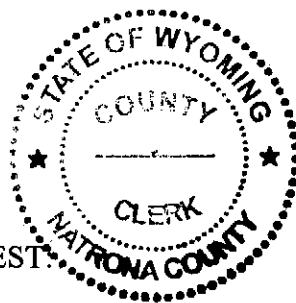
Commissioner Comments:

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 7:13 p.m.



ATTEST:

NATRONA COUNTY CLERK

Renea Vitto
Renea Vitto

My term of office expires
January 5, 2015

BOARD OF NATRONA COUNTY COMMISSIONERS

Ed Opella, Chairman