

COUNTY COMMISSIONERS' MINUTES

OCTOBER 2, 2018

Laramie, Wyoming

PUBLIC HEARING: 9:30 a.m.

Summit View Estates Zoning Change Application LUC-07-18

Hearing no comments, MOTION by Jones to CLOSE the Public Hearing at 9:35 a.m.

Roll call showed Jones, Richardson and Chesnut. Aye. MOTION CARRIED.

Summit View Estates Subdivision Application SD-09-18 (Preliminary Plat)

Hearing no comments, MOTION by Jones to CLOSE the Public Hearing at 9:36 a.m.

Roll call showed Jones, Richardson and Chesnut. Aye. MOTION CARRIED.

PLEDGE OF ALLEGIANCE

REGULAR MEETING

1. Roll Call.

The October 2, 2018 Regular Meeting was called to order at 9:37 a.m. by Chairman Chesnut. Commissioners Richardson and Jones present.

2. Comments from the public.

Peggy Trent, County and Prosecuting Attorney addressed the question that was raised at the League of Women Voters Forum regarding the date and times for County Commissioner meetings. Her legal opinion regarding the dates of the meetings is as such; the meeting is to be held on the 1st Tuesday of each month and the Board has the authority pursuant to W. S. § 18-3-502 to set their Board meetings on any day or time as long as the Board sets such day or time by resolution, or to meet for the transaction of urgency county business. This is up to the Board and is a policy decision.

Tai Wright, Grants Manager introduced and welcomed Baily Quick as the new Grants Specialist.

Gabe Douglas, County Resident informed the Board about a difficult interaction with the County Assessor regarding a review on his residence in north Albany County.

Peggy Trent, County and Prosecuting Attorney informed Mr. Douglas that a police report was done and asked that he wait for legal advice from her.

3. Disclosures. Chairman Chesnut will recuse himself from item number 26, Resolution 2018-021, Resolution appointing Special Prosecutor.

4. Consideration of changes on the agenda.

The following items need to be removed from the agenda: item number 9. Present for **APPROVAL**, Project Manual for the Construction of Replacement Culverts at Willow Creek on Cherokee Park Road and DIRECT Clerk to Advertise for Bids; item number 10. Present for **CONSIDERATION**, proposal from Platte County Asphalt for overlaying of approximately 1300 feet on Palmer Canyon Road for an estimated cost of \$52,508.71 and AUTHORIZE Chairman to EXECUTE the agreement; item number 13. Present for **APPROVAL**, Reimbursement Resolution which Albany County declares its official intent to reimburse itself for the expenditures for payment to the Albany County Fair Board for the Purchase of the Range Arena in the amount of \$325,000.00; item number 14. Present for **APPROVAL**, 2018 Specific Purpose Tax Upfront Funding for payment to the Albany County Fair Board for the purchase of the Range Arena in the amount of \$325,000.00; item number 16. Present for **APPROVAL**, Agreement between Board of Commissioners of the County of Albany, Wyoming and Laramie Chamber Business Alliance for Tenant/Project Facilities Management Services; and item number 21. Present for **ACCEPTANCE**, the Albany County Prevention Needs Assessment and Funding and Oversight Model from Corona Insights in the amount of \$29,700 and **APPROVE** the Contract between Albany County and Corona Insights to conduct the prevention needs assessment and funding & oversight model related to the prevention of the use, misuse, or abuse of tobacco, alcohol, or controlled substances, and activities designed to prevent suicide between October 2, 2018 and February 1, 2019.

5. Approval of Consent Agenda.

MOTION by Jones to APPROVE the Consent Agenda as presented.

CONSENT AGENDA

5a. Minutes of the Regular Meeting of the Board.

Action: that the Board APPROVES the MINUTES of the September 18, 2018 Regular Meeting of the Board.

5b. Minutes, Annual Meeting Treasurer's Report, Profit & Loss Report and By-Laws of the Wold Improvement and Service District.

Action: that the Board ACKNOWLEDGES RECEIPT of the September 3, 2016; September 2, 2017 and July 6, 2018 MINUTES, the 2013, 2014, 2015, 2016 and 2017 ANNUAL MEETING TREASURER'S REPORT, 2018 PROFIT & LOSS REPORT for July 1, 2017 through August 18, 2018 and the JANUARY 2017 APPROVED BYLAWS for the Wold Improvement and Service District.

5c. Minutes, Agenda, Profit & Loss Budget vs. Actual Report and Balance Sheet for the Albany County Public Library Board of Directors.

Action: that the Board ACKNOWLEDGES RECEIPT of the August 15, 2018 MINUTES, September 19, 2018 AGENDA, PROFIT & LOSS BUDGET VS. ACTUAL REPORT from July 2018 through June 2019 and the BALANCE SHEET as of August 31, 2018 for the Albany County Public Library Board of Directors.

5d. Wold Improvement & Service District Final Budget for Fiscal Year 2017-2018 and Proposed and Final Budget Fiscal Year 2018-2019.

Action: that the Board ACKNOWLEDGES RECEIPT of the FINAL BUDGET FOR FISCAL YEAR 2017-2018 and the PROPOSED AND FINAL BUDGET FOR FISCAL YEAR 2018-2019 for the Wold Improvement & Service District.

5e. Albany County Clerk Monthly Statement.

Action: that the Board ACKNOWLEDGES RECEIPT of the August 2018 MONTHLY STATEMENT from Jackie R. Gonzales, County Clerk.

5f. \$5,000.00 Bond for Charles Ksir, Treasurer, Rainbow Valley Special Road District.

Action: that the Board APPROVES the \$5,000.00 Bond for Charles Ksir, Treasurer, Rainbow Valley Special Road District.

5g. ACH payment to the Internal Revenue Service regarding federal tax payment.

Action: that the Board RATIFIES payment to the Internal Revenue Service regarding federal tax payment for September 2018.

5h. Blue Cross Blue Shield Administrative Fees

Action: that the Board RATIFIES payment to Blue Cross Blue Shield regarding Administrative Fees.

5i. ACH payments to Blue Cross Blue Shield regarding health insurance claims.

Action: that the Board RATIFIES payments to Blue Cross Blue Shield regarding health insurance claims.

5j. Acknowledge Receipt of Correspondence.

Action: that the Board ACKNOWLEDGES RECEIPT of CORRESPONDENCE from: Steve Curtright; Britania Fire Incident Plan; Toby Schaef, MBT (3); WCCA (2); Industrial Water & Wastes Digest; Medicine Bow Routt National Forests (5); National Seminars Training; Storm Water Solutions; Water & Wastes Digest; Wyoming Business Council (3); Rob Garland; SkillPath (2); Wyoming Technology Transfer Center; Albany County Public Library; James A. Roesch; Rocky Mountain Incident Management Team Black (6); Local Government Liability Pool; Debbie Lavitt; WREN and National Incident Management Organization.

Roll call showed Jones, Richardson and Chesnut. Aye. MOTION CARRIED.

REGULAR AGENDA

6. Proclaim the Month of October as Clean Water Appreciation Month.

MOTION by Richardson to PROCLAIM the Month of October of Clean Water Appreciation Month. Chairman Chesnut read the Proclamation aloud:

***Proclamation
Clean Water Appreciation Month***

Whereas: The City of Laramie and Albany County have been blessed with clean, natural water sources and stewardship of our water resources is critical to our community's future.

Whereas: Education and awareness of the opportunities and risks is necessary for that stewardship, the Albany County Clean Water Advocates have undertaken to provide a series of events and programs to foster such awareness during October.

Now, Therefore, We, the Albany County Commissioners do hereby proclaim the month of October 2018 as

Clean Water Appreciation Month

In witness whereof, we have hereunto set our hand and official seal of Albany County.

/s/ Tim Chesnut, Chairman
Board of County Commissioners

ATTEST:

/s/Kayla White
Deputy County Clerk

Roll call showed Richardson, Jones and Chesnut. Aye. MOTION CARRIED.

7. Proclaim October 7-13, 2018 as National 4-H Week in Albany County.

MOTION by Richardson to PROCLAIM October 7-13, 2018 as National 4-H Week in Albany County. Chairman Chesnut read the proclamation aloud:

National 4-H Week
October 7-13, 2018
Proclamation

WHEREAS, 4-H youth across the nation are leading efforts to solve problems in their communities and make a difference for their futures.

WHEREAS, 4-H is one of the largest youth development organizations in Wyoming and the largest in the nation with seven million young people.

WHEREAS, 4-H in Wyoming claims 7,030 youth members and 1,590 adult volunteers, while Albany County's 4-H program numbers more than 378 members and more than 100 volunteers.

WHEREAS, 4-H as part of the *University of Wyoming Extension* is a program where youth learn through opportunities that provide them hands-on experiences in 4-H's mission mandates of science, engineering and technology, healthy living, and citizenship. WHEREAS, research continues to prove that young people that are involved in 4-H are twice as likely to plan to attend college, more likely to avoid risky behaviors, more likely contribute to their communities, and more involved in leadership roles for their future than those not engaged in 4-H;

NOW, THEREFORE, we Tim Chesnut, Heber Richardson and Terri Jones, members of the Albany County Board of Commissioners, do hereby proclaim October 7-13, 2018, as National 4-H Week in Albany County. We urge the people of this community to take advantage of the opportunity to become more aware of this special program that enhances our young people's interests in their futures as part of Albany County 4-H Youth Development and to join us in recognizing the unique partnership between our county and our state University System.

/s/Terri Jones

/s/Tim Chesnut, Chairman

/s/Heber Richardson

Albany County Board of Commissioners

Roll call showed Richardson, Jones and Chesnut. Aye. MOTION CARRIED.

8. Resolution Declaring the Results of the One Percent Specific Purpose Sales and Use Tax Election Held within Albany County, Wyoming at the Primary Election on Tuesday, August 21, 2018.

MOTION by Jones to APPROVE A Resolution Declaring the Results of the One Percent Specific Purpose Sale and Use Tax Election Held within Albany County, Wyoming at the Primary Election on Tuesday, August 21, 2018.

Roll call showed Jones, Richardson and Chesnut. Aye. MOTION CARRIED.

Commissioner Richardson personally thanked the voters for their support in this tax as we would be in trouble without it.

9. Approve Project Manual for the Construction of Replacement Culverts at Willow Creek on Cherokee Park Road and DIRECT Clerk to Advertise for Bids. (Bill Gorman, County Engineer) - REMOVED
10. Consider proposal from Platte County Asphalt for overlaying of approximately 1300 feet on Palmer Canyon Road for an estimated cost of \$52,508.71 and AUTHORIZE Chairman to EXECUTE the agreement. (Bill Gorman, County Engineer) - REMOVED
11. Memorandum of Understanding between the State of Wyoming Guardian *AD Litem* Program, a Division of the Office of the State Public Defender and Albany County, Wyoming to provide for legal representation in the following cases: Child protection cases, children in need of supervision cases, delinquency actions, interstate compact on juveniles (ICJ) cases, termination of parental rights cases and appeals arising out of these cases.

MOTION by Richardson to APPROVE Memorandum of Understanding between the State of Wyoming Guardian *AD Litem* Program, a Division of the Office of the State Public Defender and Albany County, Wyoming to provide for legal representation in the following cases: Child protection cases, children in need of supervision cases, delinquency actions, interstate compact on juveniles (ICJ) cases, termination of parental rights cases and appeals arising out of these cases.

Roll call showed Richardson, Jones and Chesnut. Aye. MOTION CARRIED.

12. Letter to Nancy Bartholomew, Laramie City Clerk to allow the Cavalryman II, LLC dba Cavalryman Steakhouse to apply for a Catering Permit for the ORTM Kickoff Event located at the Laramie Plains Civic Center, North Gym 710 E. Garfield Street, Laramie WY on October 12, 2018 from 3:30 p.m. to 6:30 p.m.

MOTION by Richardson to APPROVE Letter to Nancy Bartholomew, Laramie City Clerk to allow the Cavalryman II, LLC dba Cavalryman Steakhouse to apply for a Catering Permit for the ORTM Kickoff Event located at the Laramie Plains Civic Center, North Gym 710 E. Garfield Street, Laramie WY on October 12, 2018 from 3:30 p.m. to 6:30 p.m.

Roll call showed Richardson, Jones and Chesnut. Aye. MOTION CARRIED.

13. Approve Reimbursement Resolution which Albany County declares its official intent to reimburse itself for the expenditures for payment to the Albany County Fair Board for the Purchase of the Range Arena in the amount of \$325,000.00. (Linda Simpson, County Treasurer) – REMOVED
14. Approve 2018 Specific Purpose Tax Upfront Funding for payment to the Albany County Fair Board for the purchase of the Range Arena in the amount of \$325,000.00 (Linda Simpson, County Treasurer) - REMOVED
15. Addendum 1 to Agreement for Consulting Services with Covenant Insurance Group, Inc., in the amount of \$21,150.00.

MOTION by Jones to APPROVE Addendum 1 to Agreement for Consulting Services with Covenant Insurance Group, Inc., in the amount of \$21,150.00 with the addition of the governmental immunity clause.

Roll call showed Jones, Richardson and Chesnut. Aye. MOTION CARRIED.

16. Approve Agreement between Board of Commissioners of the County of Albany, Wyoming and Laramie Chamber Business Alliance for Tenant/Project Facilities Management Services. (Peggy Trent, County and Prosecuting Attorney) - REMOVED
17. Request for Proposal for Drug Testing Services for Human Resources and Drug Court and DIRECT Clerk to Advertise for Bids.

MOTION by Richardson to APPROVE Request for Proposal for Drug Testing Services for Human Resources and Drug Court and DIRECT Clerk to Advertise for Bids.

Roll call showed Richardson, Jones and Chesnut. Aye. MOTION CARRIED.

18. Summit View Estates Zoning Change Application LUC-07-18.

MOTION by Richardson to APPROVE Summit View Estates Zoning Change Application LUC-07-18 based upon and incorporating the Findings of Fact and Conclusions of Law as listed in the Staff Report.

Findings of Fact:

- The Findings Necessary for Approval, as listed in this report, are incorporated herein as Findings of Fact.
- The applicant has provided a complete application and addressed the potential impacts associated with this application.
- Notice has been provided in accordance with Chapter 5, Section 5 of the Albany County Zoning Resolution.

Conclusions of Law:

The applicant is proceeding in accordance with the requirements of the Albany County Zoning Resolution.

Roll call showed Richardson, Jones and Chesnut. Aye. MOTION CARRIED.

19. Summit View Estates Subdivision Preliminary Plat Application SD-09-18.

MOTION by Jones to APPROVE Summit View Estates Subdivision Preliminary Plat Application SD-09-18 based upon and incorporating the Findings of Fact and Conclusions of Law as listed in the staff report.

Findings of Fact:

- The “Summary of Subdivision Requirements” listed in this staff report shall be incorporated as Findings of Fact.
- Approval of this application is contingent upon approval of the zoning change application for this property.
- A recommendation from Wyoming Department of Environmental Quality has not been received. A recommendation must be received prior to filing the Final Plat application.
- Wyoming Department of Transportation’s comments must be addressed in the final plat application.
- The County Engineer’s comments, not already addressed, must be addressed in the Final Plat Application.

Conclusions of Law:

The applicant is proceeding in accordance with the requirements of the Albany County Platting and Subdivision Regulations.

Roll call showed Jones, Richardson and Chesnut. Aye. MOTION CARRIED.

20. Funding Agreement between Albany County Board of Commissioners and CLIMB Wyoming, Cathedral Home for Children/Extended Families Program, Interfaith Good Samaritan, and Greater Wyoming Big Brothers Big Sisters for the TANF/CPI 2018-2019 Grant funding for a total grant amount of \$83,000.00 (CFDA #93.558) for services provided between the date of the executed agreement and September 30, 2019.

MOTION by Jones to APPROVE Funding Agreement between Albany County Board of Commissioners and CLIMB Wyoming, Cathedral Home for Children/Extended Families Program, Interfaith Good Samaritan, and Greater Wyoming Big Brothers Big Sisters for the TANF/CPI 2018-2019 Grant funding for a total grant amount of \$83,000.00 (CFDA #93.558) for services provided between the date of the executed agreement and September 30, 2019. The following allocations are as follows: Cathedral Home for Children's Extended Families: \$17,370.00; Climb Wyoming: \$22,490.00; Interfaith Good Samaritan: \$19,050.00 and Greater Wyoming Big Brothers Big Sisters: \$24,090.00.

Roll call showed Jones, Richardson and Chesnut. Aye. MOTION CARRIED.

21. Accept the Albany County Prevention Needs Assessment and Funding and Oversight Model from Corona Insights in the amount of \$29,700 and Approve the Contract between Albany County and Corona Insights to conduct the prevention needs assessment and funding & oversight model related to the prevention of the use, misuse, or abuse of tobacco, alcohol, or controlled substances, and activities designed to prevent suicide between October 2, 2018 and February 1, 2019. (Tai Wright, Grants Manager) - REMOVED

22. General Contractor Partial Claim/Lien Release, Assignment, and Indemnity Form in consideration of the receipt and payment of \$545,576.15 for work, labor and materials installed through July 31, 2018 for the BRC Pete Lien Phase II Project.

MOTION by Jones to APPROVE General Contractor Partial Claim/Lien Release, Assignment, and Indemnity Form in consideration of the receipt and payment of \$545,576.15 for work, labor and materials installed through July 31, 2018 for the BRC Pete Lien Phase II Project.

Roll call showed Jones, Richardson and Chesnut. Aye. MOTION CARRIED.

23. Rocky Mountain Power Wattsmart LED Upgrade Customer Installation Agreement for seven County owned buildings including; 501 Ivinson office building, Road and Bridge Building, Annex Building, 3821 Beech Street (1st and 2nd floors), Albany County Detention Center, and Public Health Nursing Building with total cost share of \$7,563.81..

MOTION by Jones to APPROVE the Rocky Mountain Power Wattsmart LED Upgrade Customer Installation Agreement for seven County owned buildings including; 501 Ivinson office building, Road and Bridge building, Annex building, 3821 Beech Street (1st and 2nd floors), Albany County Detention Center, and Public Health Nursing building with a total cost share of \$7,563.81 to be paid out of unanticipated grant match.

Roll call showed Jones, Richardson and Chesnut. Aye. MOTION CARRIED.

24. Request permission to create a Case Manager Position, fully funded by the SAMHSA Treatment Court Grant.

MOTION by Richardson to GRANT Permission to create a Case Manager Position, fully funded by the SAMHSA Treatment Court Grant.

Roll call showed Richardson, Jones and Chesnut. Aye. MOTION CARRIED.

25. Purchase two (2) additional ½ ton Chevrolet pickup trucks as an addendum to the contract with Laramie GM.

MOTION by Richardson to APPROVE the purchase of two (2) additional ½ ton Chevrolet pickup trucks as an addendum to the contract with Laramie GM to be paid out of the Impact Assistance Funds for the Boswell Springs Wind Project.

Roll call showed Richardson, Jones and Chesnut. Aye. MOTION CARRIED.

26. Resolution 2018-021, Resolution appointing Special Prosecutor.

MOTION by Richardson to APPROVE Resolution 2018-021, Resolution appointing Special Prosecutor.

Resolution 2018-021

RESOLUTION TO APPOINT SPECIAL PROSECUTOR

Whereas, the Albany County & Prosecuting Attorney's Office has a conflict of interest in prosecuting the Defendant in the case of *State of Wyoming v. Tim Chesnut* in the Second Judicial Circuit Court of Albany County, Wyoming, Docket # CT-2018-4288 for the underlying criminal offense (1) CT-2018-4288 of Driving or Having Control of Vehicle While Under the Influence of Intoxicating Liquor - BAC Over 0.08%, in violation of Wyoming State Statute §31-5-233(b)(i)) due to the Albany County & Prosecuting Attorney's Office legally represents the Albany County Commissioners and Tim Chesnut serves on the County Commission.

Whereas, Wyo. Stats. § 18-3-302, and §18-3-520, enables the County Commissioners of any County to employ one or more attorneys to appear and prosecute and assist the County and Prosecuting Attorney on behalf of the people of such County in any action or proceeding, whether civil or criminal;

Whereas, in such case the nature and necessity of employment shall appear in the records of the County Commissioners according to Wyo. Stat. § 18-3-520;

Whereas, it appears to the Board of County Commissioners that a Special County & Prosecuting Attorney is needed to assist the Albany County & Prosecuting Attorney to carry out her duties due to the County & Prosecuting Attorney reporting a conflict of interest and an appearance of impropriety that may result should the Albany County & Prosecuting Attorney's Office handle the above matter;

Whereas, the office of Goshen County & Prosecuting Attorney has agreed to assume the responsibilities and duties of Special Prosecutor in this matter, it being noted that Albany County and Prosecuting Attorney's Office will be responsible for expenses by the Special Prosecutor in carrying out his duties including but not limited to any expenses for travel.

NOW THEREFORE THE BOARD OF COUNTY COMMISSIONERS OF ALBANY COUNTY, WYOMING, RESOLVES:

Section 1. That the foregoing recitals are incorporated in and made a part of this resolution by this reference.

Section 2. That the office of the Goshen County & Prosecuting Attorney be and are hereby appointed and employed as Special County and Prosecuting Attorney in the above referenced criminal case to perform the official duties in this matter that would otherwise be performed by the Albany County & Prosecuting Attorney and her deputies and for that time and for this matter, the office of the Goshen County & Prosecuting Attorney and his deputies shall have the same powers given by law to the Albany County & Prosecuting Attorney as is so provided by Wyo. Stat. § 18-3-105.

PASSED, APPROVED, AND ADOPTED THIS 2nd day of October, 2018.

THE BOARD OF COUNTY COMMISSIONERS OF
ALBANY COUNTY, WYOMING

/s/Terri Jones, Acting Chairperson

ATTEST:

Kayla White, Deputy County Clerk

Roll call showed Richardson and Jones. Aye. MOTION CARRIED.

27. Set a Special Meeting on October 9, 2018 at 6:30 p.m. for the County Commissioners and all other County-Elected Officials to attend the Laramie Youth Council potluck dinner at the Laramie Senior High School.

MOTION by Richardson to SET a Special Meeting on October 9, 2018 at 6:00 p.m. for the County Commissioners and all other County-Elected Officials to attend the Laramie Youth Council potluck dinner at the Laramie Recreation Center.

Roll call showed Richardson, Jones and Chesnut. Aye. MOTION CARRIED.

28. Ratify Second Amendment to Purchase and Sale Agreement Pilot Hill Parcels to amend the Closing Date which will take place no later than March 13, 2019, at a time and location to be mutually agreed to by Sellers and Purchaser based upon Purchaser's securing funding to close.

MOTION by Jones to RATIFY Second Amendment to Purchase and Sale Agreement Pilot Hill Parcels to amend the Closing Date which will take place no later than March 13, 2019, at a time and location to be mutually agreed to by Sellers and Purchaser based upon Purchaser's securing funding to close.

Roll call showed Jones, Richardson and Chesnut. Aye. MOTION CARRIED.

29. Vouchers for September 2018.

MOTION by Jones to APPROVE Vouchers for September 2018 and directs the Clerk to assign A voucher number to the following vouchers and signature stamp each voucher and to cause warrants to be issued in payment of each account to wit:

MOTION by Richardson to RECESS the Regular Meeting at 11:18 a.m.

Roll call showed Richardson, Jones and Chesnut. Aye. MOTION CARRIED.

MOTION by Richardson to GO back into Regular Session at 1:41 p.m.

Roll call showed Richardson, Jones and Chesnut. Aye. MOTION CARRIED.

WORK SESSION

1:41 p.m. Discuss the Laramie Fire Departments' expansion of their fire facility south of town.

Peggy Trent, County and Prosecuting Attorney informed the Board that it was brought to her attention that that City would like to lease the County owned land south of town to build their new fire training facility. The County Attorney has requested that the County quit claim the property to the city so that the facility may be built there for training purposes. It has been discussed that more information needs to be compiled and we need to come back to discuss the logistics of the land deal. There also needs to be discussions with the South of Laramie Water and Sewer District regarding the boundaries of their district as well.

30. Adjourn.

MOTION by Jones to ADJOURN the October 2, 2018 Regular Meeting at 2:26 p.m.

Roll call showed Jones, Richardson and Chesnut. Aye. MOTION CARRIED.

BOARD OF COUNTY COMMISSIONERS

/s/ Tim Chesnut, Chairman

Attest:

Kayla White, Deputy County Clerk