

## MINUTES OF THE BOARD OF SHERIDAN COUNTY COMMISSIONERS

The Board met at 9:00 a.m., March 17, 2009, in regular session in its remodeled board room, Sheridan, Wyoming. Chairman Rolston called the meeting to order and led everyone in the Pledge of Allegiance. Members present were Commissioners Terry Cram, Steve Maier, Mike Nickel, Tom Ringley and Robert L. Rolston.

### AGENDA

The Board approved the agenda, amended from that published, by removing consideration of an agreement with Correctional Healthcare Management; and adding consideration of a bid award for the purchase of a bridge over the ponds at the Kleenburn Recreation Area and a letter agreement with Torrey Moody.

### ANNOUNCEMENTS

Chairman Rolston recognized County employees Barb Proffit, County Assessor, for ten years of service; and Kim Warnke-Slagle, Clerk of District Court office, for five years of service.

Chairman Rolston said the County has budgeted and will participate with the City of Sheridan in the free public landfill weekends scheduled for May 2-3, 9-10, and October 17-18 and 24-25. County residents were encouraged to take this opportunity to clean up their yards.

Chairman Rolston advised that the Board had sent a letter of support to Campbell County in their pursuit to site the Gasification Research Center in their county.

### PUBLIC COMMENTS

Mike Watkins of the Public Land Users Committee asked if the Board would consider discussing the possible County recreation district today. Commissioner Cram said it was not on the agenda since the Board needed to understand all the ramifications of creating such a district. He said the Board would be speaking with their attorney on the matter and would consider setting a special meeting if warranted. Commissioner Nickel said this discussion is important to complete before finalizing a lease with the State for the Three Poles Recreation Area. Mr. Watkins encouraged the Board to create such a district to bring in tourism. The Commissioners said they were investigating the proper mechanism to manage their recreational properties.

### CONSENT AGENDA

The Board approved the Consent Agenda as read and authorized the Chairman to sign documents as required: (a) Minutes of a regular meeting on March 3, 2009; (b) Official Bond and Oath for Glenn Sheeley, Treasurer of Dayton Fire District, \$5,000 for a term ending October 9, 2009; (c) Official Bond and Oath for Edgar Fack, Treasurer of Wild Rose Water Improvement District, \$5,000, for a term ending March 9, 2010; (d) Sheridan County License Agreement 0906LA to Range Telephone to cross Box Elder Road to install line for single residence (fee waived); (e) Sheridan County License Agreement 0905LA to Bighorn Gas Gathering, LLC to cross Wildcat Road to install 14" steel casing for 8" pipe bored (fee paid); (f) Sheridan County License Agreement 0904LA to Alison Kay McManus, property owner, to cross Tongue Canyon Road to install individual water service line (fee waived); (g) Sheridan County Master License Agreement M09-01 with Alison Kay McManus setting out obligations for crossing county roads; (h) Sheridan County License Agreement 0907LA to Range Telephone to cross Box Elder Road

to plow in a main line cable parallel to the road (fee paid); (i) Appointments affirmed to SAWS Joint Powers Board; terms staggered as Terry Cram, one year; Steve Maier, two years, Tom Ringley, three years.

#### SUBDIVISION REVIEW APPEAL

On behalf of the Board, Chairman Rolston acknowledged the filing of a request for appeal/contested case hearing from a Planning Office Staff request that Powder Horn Ranch 2, LLC resubmit applications for final plats for The Grove at the Powder Horn and West Falls at the Powder Horn subdivisions. He said the Deputy County Attorney has stated the appeal has been filed in proper form, has been given for the Board's review pursuant to Section 4.6 of the Rules and Regulations Governing Division of Land in Sheridan County, Wyoming, also known as the Subdivision Resolution. Chairman Rolston advised that the Board has had an opportunity to review the appeal, the staff reports and minutes of the Board of August 19, 2008, and the Planning and Zoning Commission minutes of July 30, 2008.

Attorney Robert Wyatt spoke on behalf of Powder Horn Ranch, LLC and Little Goose Links, LLC. Homer Scott and Sandra Suzor were in attendance. Mr. Wyatt reported that the final plats for these subdivisions, though approved, have not been filed with the County Clerk. He argued that the proposed boundary adjustments were exempt from another process for approval and could be settled by letter agreement of the Board, thereby rescinding the January 30, 2009 staff letter. He said the proposed changes to the final plat would release land from the subdivisions to the common area and preserve stream and riparian areas for the public. Wayne Hill, Sanderson Stewart, commented that they wanted to make these changes prior to filing the original plat, and that the changes are in the best interest of the homeowners. He said the owners of the PUD were agreeable to County staff reviewing the revised final plat. Bill Mentock, of Sanderson Stewart, said the stream is not affected by the West Falls Subdivision but it interfered with the golf course. He said there are no changes to the number of lots, just the rear lot lines have moved.

County Planner Mark Reid commented that the appeal is due to the Planning Office letter. He said review of the revised final plat is warranted since it does not fit into the County's seven categories of exemption. He said the Planning office sympathized, but is responsible for review of the final plat and feel it is reasonable that a review fee should be paid. He said the process could bypass the Planning and Zoning Commission due to its unique nature. Commissioner Maier stated that even though the plat was not filed, it changed from what was originally approved.

In separate motions, the Board decided in favor of the petitioner from the issues stated in the Planning Office staff's letter of January 30, 2009, rescinding same. The PUD owners were directed to work with the Planning Office staff so that the revised final plats would receive the Planning Office's standard staff review for completeness with an appropriate fee.

#### DAYTON AREA REZONE

The Board said that with the support of the Dayton Town Council, it wished to rezone the area southwest of Dayton from Urban Residential to Agriculture. County Planner Mark Reid

said the Board's initiative would start the process to rezone approximately 95 parcels, affecting 55 property owners. He said returning land to agriculture was identified in the Comprehensive Plan meetings as one of the top five actions wanted by citizens. This 5,000 plus acre area, zoned Urban Residential, is larger than the city of Sheridan. Dave Paullin, Sheridan Community Land Trust, said he agreed this rezone was very important and would address three elements of the Plan's land use categories. He also noted that approximately 65,000 acres of land is now enrolled with the Nature Conservancy. The Board approved Resolution 09-03-015, authorizing the Public Works Department to begin the process to rezone the described property from Urban Residential to Agricultural.

RESOLUTION 09-03-015  
SHERIDAN COUNTY BOARD OF COUNTY COMMISSIONERS  
INITIATION OF PROCEEDINGS TO AMEND THE  
SHERIDAN COUNTY OFFICIAL ZONING MAP

WHEREAS, Wyoming Statutes §§ 18-5-101 to 18-5-107; 18-5-201 to 18-5-208 authorize the Sheridan County Board of County Commissioners to promote the public health, safety, morals and general welfare of the county by regulating and restricting the location and use of buildings and structures, and the use, condition of use or occupancy of lands for residence, recreation, agriculture, industry, commerce, public use and other purposes in the unincorporated area of the county; and

WHEREAS, the Board of County Commissioners on December 22, 2008 did adopt a Comprehensive Plan for unincorporated portions of Sheridan County, containing a Future Land Use Plan; and

WHEREAS, said Plan generally designates certain areas southwest of the Town of Dayton as "Agricultural/Resource", but the current Official Zoning Map indicates certain areas in the same vicinity as "Urban Residential"; and

WHEREAS, those lands in T56N, R86W, and T56N, R87N, and T57N, R86W, 6th PM, Sheridan County, Wyoming, more particularly described in Exhibit "A" herewith, are presently zoned "Urban Residential", but the same lands are indicated as "Agricultural/Resource" in the Comprehensive Plan; and

WHEREAS, Section 27.C. of the Sheridan County Zoning Resolution authorizes the Board of County Commissioners to initiate proceedings to amend the Official Zoning Map as provided for in Section 6 of said Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF SHERIDAN COUNTY, WYOMING, that in the interest of encouraging consistency between the Comprehensive Plan and the Official Zoning Map, the Board of County Commissioners hereby initiates proceedings to amend the Sheridan County Official Zoning Map to reflect a change in designation for the land described herein from Urban Residential to Agricultural.

IT IS FURTHER RESOLVED that the Public Works Department staff is hereby instructed and authorized to take all necessary administrative actions pursuant to Wyoming State Statutes to facilitate the rezoning of the land described herein.

PRESENTED, READ AND ADOPTED this 17th day of March, 2009.

BOARD OF COUNTY COMMISSIONERS

Sheridan County, Wyoming  
/s/Robert L. Rolston, Chairman

Attest:  
/s/Audrey Koltiska, County Clerk

(Signature notarized.)

**EXHIBIT A**

**Sheridan County  
Board of County Commissioners  
Initiated Rezone of Dayton Southwest Lands  
Urban Residential to Agriculture**

T56N, R86W

Sec. 6- The SW $\frac{1}{4}$ , excepting there from the northerly 1,844’.

Sec. 7- The W $\frac{1}{2}$ .

Sec.18-The W $\frac{1}{2}$ .

Sec.19- the W $\frac{1}{2}$ .

T56N, R87W

Sec. 1- All; except for a certain parcel described in Bk. 386 Pg. 371

Sec. 11- All

Sec. 12-All

Sec. 13- All

Sec. 14-All; except for a certain parcel described in Bk. 354 Pg. 489

Sec.23-NE $\frac{1}{4}$

Sec.24- All; except the SW $\frac{1}{4}$

T57N, R86W

Section 31- the W $\frac{1}{2}$  of the SW $\frac{1}{4}$ ; the SE $\frac{1}{4}$ SW $\frac{1}{4}$  except for parcels described in Bk. 217 Pg. 546 and in Bk.460 Pg. 373; those portions of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  described in Bk. 336 Pg. 460, Bk. 374 Pg. 108 and Bk. 481 Pg. 608; that portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  situated south and east of the Tongue River; that portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  described in Bk. 336 Pg. 460; that portion of the N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  situated south of the Tongue River; and that portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  situated south and east of the Tongue River.

Note: All Book and Page references from Sheridan County Clerk’s Deed Records

**COUNTY ROADS**

Public Works Director Rod Liesinger advised that weed spraying on selected county roads in residential areas would cost approximately \$1,200. The Board approved an agreement with the Sheridan County Weed and Pest Control District for weed spraying on approximately 40 miles of county roads, at a cost of \$30 per road mile; term to run to June 15, 2009.

**PUBLIC FUNDS**

The Board approved Resolution 09-03-010, authorizing depositories of public funds for a period of one year or until amended or rescinded, contingent upon review and approval of the Deputy County Attorney.

**RESOLUTION 09-03-010  
DEPOSITORIES OF PUBLIC FUNDS FOR SHERIDAN COUNTY**

BE IT RESOLVED, that financial institutions located in Sheridan County having properly applied pursuant to W.S. 9-4-818, the Board of County Commissioners designate the following financial institutions as depositories for public funds of Sheridan County (including the Sheridan County Airport, Sheridan County Fulmer Public Library, and the Sheridan County Fair Association), and are identified as the:

Bank of the West,  
Cowboy State Bank,  
First Federal Savings Bank,  
First Interstate Bank  
Security State Bank,

U.S. Bank; and  
Wells Fargo Bank

BE IT RESOLVED, that the Sheridan County Treasurer, or his designated Deputy, is hereby authorized and allowed to invest Sheridan County funds pursuant to W.S. 9-4-831, in approved financial institutions and brokerage houses located within Sheridan County and/or with the Wyoming State Treasurer-WYOSTAR and Wyoming Government Investment Fund. All funds invested must be in the name of "Sheridan County."

BE IT FURTHER RESOLVED, that the State Treasurer and the brokerage houses are not required to apply as depositories to the Board of Sheridan County Commissioners.

BE IT FURTHER RESOLVED, that within 30 days following the adoption of this resolution, the above listed financial institutions shall provide the County Treasurer with a certified copy of a resolution adopted by its board of directors which is substantially in the form provided in W.S. 9-4-806, and available in format recommended by the Deputy County Attorney.

BE IT FURTHER RESOLVED, that this Resolution shall remain in full force and effect for a period of one year or until such time as it may be rescinded or amended.

APPROVED AND ADOPTED this seventeenth day of March, 2009.

BOARD OF COUNTY COMMISSIONERS

Sheridan County, Wyoming  
/s/Robert L. Rolston, Chairman  
(Signature notarized.)

Acknowledged by Sheridan County Treasurer, Peter C. Carroll

ATTEST:

Sheridan County Clerk  
/s/Audrey Koltiska

#### COUNTY COURTHOUSE

Administrative Director Renee Obermueller said that the capital improvement plan for the Courthouse is being continued. She said an agreement with TSP, Inc. would be to prepare a design for the renovation of the third and fourth floors of the Courthouse. The HVAC system is presently split in the building and completing the renovation would provide optimum operation. The renovated space would also allow the Engineering Office to move to the fourth floor so that all of the Public Works Department would be together. Ms. Obermueller commented that at this point, the agreement does not commit the County to dollars spent on construction as we would determine that with the available funding. The Board approved the agreement with TSP, Inc. for a small construction project, in the amount of \$180,930.

The Board also approved Change Order 2 to the TSP contract regarding the second floor remodel, in an increased amount of \$7,790, covering the added cost for an ADA sink/faucet assembly, repair of plaster walls in three stair-wells and six additional sensor switch assemblies.

#### WEED & PEST CONTROL DISTRICT

Pursuant to Wyoming Statute 11-5-104(f), the Board appointed Chris Galloway, being a qualified elector of Area 2 and recommended by the Weed and Pest Control District board, to fill the unexpired term of Clint Hoagland. The term shall run to January 1, 2013.

#### COMMUNITY HEALTH

The Board approved the operating contract between the Wyoming Department of Health's Community and Public Health Division, Public Health Nursing Section, and Sheridan County Community Health Services for Public Health Nursing Services, contingent upon the review and approval by the Deputy County Attorney; for a contract term through June 30, 2010.

## KLEENBURN RECREATION AREA

County Engineer Ken Muller advised that four bids had been received to the Request For Proposal for the purchase and delivery of a bridge to cross the ponds in the Kleenburn Recreation Area. The Abandoned Mine Land Division of DEQ shall install the bridge in conjunction with other work being done at this location. Mr. Muller said the County has received a grant for a portion of this cost through the Game and Fish Department. The Board awarded the bid to Roscoe Bridge, Billings, Montana, lowest responsible bidder, in the amount of \$33,000.

## LODORE AVENUE, STORY

Mr. Liesinger advised that a letter of understanding with Torrey Moody had been prepared for the reconstruction of Lodore Avenue. He said EnTech, Inc. would design the project and the County Public Works Department would monitor the progress. The Board approved the letter agreement with Torrey Moody for the purpose of setting forth the obligations for these improvements to bring Lodore Avenue to a functional road.

## COURTHOUSE TRAFFIC STUDY

Chairman Rolston announced that an open house would be held in the second floor Board Room of the Courthouse on March 25 between 5:00 p.m. and 7:00 p.m. for the public to find information regarding the proposed traffic configuration around the Courthouse and the request to close the portion of Brooks Avenue on the west side of the Courthouse.

Chairman Rolston also invited everyone to the Business After Hours event at the Fairgrounds that evening between 5:00 p.m. and 7:00 p.m.

## ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:04 a.m.

BOARD OF COUNTY COMMISSIONERS  
Sheridan County, Wyoming

Attest:

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Robert L. Rolston, Chairman

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Audrey Koltiska, County Clerk