

MINUTES OF THE BOARD OF SHERIDAN COUNTY COMMISSIONERS

The Board met at 9:00 a.m., April 15, 2008, in regular session at the Sheridan County Courthouse, Sheridan, Wyoming. Members present were Commissioners Robert L. Rolston, Terry Cram and Steve Maier. Chairman Rolston called the meeting to order and led everyone in the Pledge of Allegiance.

AGENDA

The published Agenda was approved, as amended to also consider three partial road vacations.

ANNOUNCEMENTS

Chairman Rolston asked for applications from interested persons willing to volunteer their time to the community. He advised that a position on the Hospital Board would be vacant effective July 7, 2008 for a five-year term; and a position on the Planning and Zoning Commission would be vacant effective July 1, 2008 for a three-year term.

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

The Board approved the Consent Agenda as read and authorized the Chairman to execute required documents. (1) Minutes of April 1, 2008; (b) Acknowledge receipt of March report, Rocky Mountain Ambulance; (c) Sheridan County License Agreement 0806LA to Pennaco/Marathon to cross Dutch Creek Road to install a 24" bore to contain CBM pipelines; (d) Sheridan County License Agreement 0807LA to Pennaco/Marathon to cross Dutch Creek Road to install a 16" bore to contain CBM pipelines; (e) Sheridan County License Agreement 0808LA to Pennaco/Marathon to cross Dutch Creek Road to install a 12" bore to contain CBM pipelines; (f) Sheridan County License Agreement 0809LA to Pennaco/Marathon to cross Dutch Creek Road to install a 30" bore to contain CBM pipelines.

VACATION OF OLD WOLF CREEK COUNTY ROAD ALIGNMENT; VACATION OF ALLEY IN BLOCK 54, BETWEEN 16TH AND 17TH STREETS, DOWNER'S ADDITION; AND THE VACATION OF A PORTION OF HOLMES STREET BETWEEN 16TH AND 17TH STREETS

Chairman Rolston reported that these matters had been duly advertised as a public hearing to receive the viewer's report. As the report was not available, the Board voted to postpone consideration of these three road vacation requests until the next regular meeting on May 6, 2008.

COUNTY AIRPORT

At the request of the Airport Manager, the Board approved Resolution 08-04-014, authorizing the submission of application #4 to the FAA for the Sheridan County Airport to continue to apply a Passenger Facility Charge to each purchased ticket. Due to the nature of this FAA charge, Mr. Stopka said that if we do not apply, the amount would still be charged to a ticket but the amount would be distributed to another airport.

RESOLUTION 08-04-014
AUTHORIZING IMPLEMENTATION OF A \$4.50 PASSENGER
FACILITY CHARGE AT SHERIDAN COUNTY AIRPORT

WHEREAS, the County of Sheridan, Wyoming operates, maintains and develops the Airport, in part, with federal grants, state funds, Passenger Facility Charges and user fees; and

WHEREAS, a \$4.50 Passenger Facility Charge (PFC) is authorized by Federal Law and this user fee is imposed only on eligible enplaned passengers utilizing the Airport; and

WHEREAS, The County of Sheridan, Wyoming has in the past used a \$4.50 PFC to fund capital projects; and

WHEREAS, the funds generated by adopting and collecting a \$4.50 PFC are needed to accomplish projects designed to enhance capacity, safety and development of the Sheridan County Airport;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Sheridan County that the Airport Manager is authorized to file a new application with the Federal Aviation Administration (FAA), authorizing the continuation of the imposition of a PFC at a level of \$4.50, and the expenditure of revenues from the PFC at the Sheridan County Airport, in accordance with the Airport Capital Development Program, and the assurances and understandings contained in the applications.

APPROVED AND ADOPTED this 15th day of April, 2008.

BOARD OF COUNTY COMMISSIONERS

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

Attest:
/s/Audrey Koltiska, County Clerk

STATE OF WYOMING)
)
COUNTY OF SHERIDAN)

On this 15th day of April, 2008, before me personally appeared Robert L. Rolston, being first duly sworn, did say that he is the Chairman of the Board of County Commissioners, for Sheridan County, Wyoming and that this instrument was signed and sealed on behalf of the said County by authority of said Board and he acknowledged said instrument to be the free act and deed of said Board.

WITNESS my hand and official seal.
/s/Carla I. Raymond, Notary Public

My Commission expires April 22, 2011

LIQUOR LICENSES

Chairman Rolston opened the public hearing at 9:10 a.m. to receive comment on license renewals. Dale Rawlings of the County Clerk's office advised that the County Attorney and County Sheriff found no objection to any of the requests for renewal. No one else spoke to this issue. The hearing was closed at 9:11 a.m. Noting that fees have been paid and the applications being compliant, the Board approved the following for the 2008-2009 permit year:

Retail Liquor License renewals for:

- B-Y Ranch Associates, Inc. dba Bear Lodge
- Liberty Resources, LLC dba The Passage Resort
- Jeri Sheperd dba Bozeman Trail Inn
- Eaton Brothers, Inc. dba Eatons Ranch

Jon Scherry dba Last Chance Bar
LIG, LLC dba Lodore Saloon
Martha Craven dba Leiterville Country Club
Patrick L. Green dba My Buddy's Place
Crystal Springs, Inc. dba Parkman Bar
Piney Creek General Store, Inc. dba Piney Creek General Store
Powder Horn Ranch, LLC dba Powder Horn Golf Club
Y Business, LLC dba The Big Horn Y
Blair Hotels, Inc. dba The Ranch at Ucross
D&G Tunnel Vision, Inc. dba Tunnel Inn
Wagon Box Properties, LLC dba Wagon Box Inn
Wyarno, LLC dba Wyarno Bar

Limited Retail Liquor License renewals for:

Big Horn Equestrian Center
Big Horn Mountain Eagles FOE, Aerie 4169
Sheridan Country Club

County Retail Malt Beverage Permit renewals for:

Charles G. Malli dba Arvada Bar

Retail Liquor License (Transfer of Ownership)

Harry Washut dba Wagon Box Chuckwagon, LLC

ADSIT PRIVATE ROAD REQUEST

Chairman Rolston advised that proof was received that Franklin Schultz was advised that he may be a party to this request to establish a private road by Robert and Leona Adsit, and the petition now meets the requirements of the statute. With Commissioners Cram and Maier in agreement, the Board set a contested case hearing in this matter for June 19-20, 2008 with proper notice to be given to all parties.

CONSERVATION DISTRICT TAX

On behalf of the Board, Chairman Rolston acknowledged that a petition from the Sheridan County Conservation District had been received and filed in proper form. Carrie Rogaczewski, District Manager, gave an overview of the District's programs and budget, outlining the reasons for the request that a one-half mill be levied. She said the District requires assistance to stabilize funding for their programs, especially to qualify for federal and state matching grants for projects, which is half of their budget. She said that 22 of the 34 Districts in the state receive a mill levy. The Conservation District works in partnership with the USDA Natural Resources Conversation Service to improve the quality of natural resources in the County. The Commissioners commented on their support of the District's staff and programs, whereupon the Board approved Resolution 08-04-012, ordering the County Clerk's Election Supervisor to place the question on the 2008 General Election ballot.

RESOLUTION 08-04-012
ORDER FOR ELECTION
SHERIDAN COUNTY CONSERVATION DISTRICT

WHEREAS, pursuant to Wyoming Statutes §§ 11-16-133 and 11-16-134, the Sheridan County Conservation District has presented a petition to the Board of County Commissioners for it to consider whether a proposition should be placed before the qualified electors of Sheridan County in the 2008 General Election for the purpose of imposing a conservation district tax, not to exceed 1/2 mill. The petition was filed with the County Clerk and the Board of County Commissioners for Sheridan County. The County Clerk has certified that the petition was signed by a majority of the supervisors of the Sheridan County Conservation District.

Deleted: and was duly certified by t

Deleted: .

WHEREAS, the petition states the purpose of the proposition is to impose a conservation district tax, not to exceed 1/2 mill, which would fund soil and water conservation programs directed by the Sheridan County Conservation District, as described in Exhibit A.

WHEREAS, the Board of County Commissioners held a public meeting on the 15th day of April, 2008, after duly publishing and posting notice of the public meeting in the manner prescribed by law, and all interested parties in attendance were heard.

WHEREAS, based upon information received from the petitioners, it appears that the statutory requirements have been met.

NOW, THEREFORE the Board of County Commissioners for Sheridan County ORDERS that:

1. The petition for the purposes stated herein is approved and the Board hereby directs the Elections Supervisor of the County Clerk's Office to place said proposition on the 2008 General Election ballot, for November 4, 2008.
2. The proposition shall be worded as follows or as may be revised for clarity:

“Shall the Sheridan County Commissioners levy a tax upon all property in the Sheridan County Conservation District in an amount not to exceed one-half (1/2) mill on each one dollar (\$1.00) of assessed valuation for the purpose of providing soil and water conservation programs. If this proposition is approved, the tax shall remain in effect until a petition to discontinue the tax, signed by not less than ten percent (10%) of the voters of the district, is received by the board of county commissioners, and the proposal to discontinue the tax is approved by the voters. The proposal to discontinue the tax shall be submitted to the voters of the district at the expense of the county at the next general election or by mail ballot pursuant to W.S. 22-29-115 and 22-29-116 for approval or disapproval.

Formatted: No underline

Formatted: No underline, Font color: Auto

Formatted: No underline

For the conservation district tax

Against the conservation district tax”

3. The election to impose a conservation district tax shall be conducted in conformity with the Election Code, specific Wyoming Statutes 22-21-103 and 11-16-134(c), and the rules and regulations promulgated by the Wyoming Secretary of State.
4. If a majority of the votes cast at the election are in favor of establishing the Conservation District Tax, then the tax is approved and shall be levied in the year following the election.
5. This Resolution supersedes all previous resolutions in conflict herewith.
6. If a court finds any section or part of a section of this Resolution unconstitutional or otherwise invalid, the remaining sections shall remain in full effect.
7. This Resolution shall be effective immediately upon its adoption in accordance with law.

ADOPTED this 15th day of April, 2008.

BOARD OF COUNTY COMMISSIONERS

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

Attest:
/s/Audrey Koltiska, County Clerk

STATE OF WYOMING)
)
COUNTY OF SHERIDAN)

On this 16th day of April, 2008, before me personally appeared Robert L. Rolston, being first duly sworn, did say that he is the Chairman of the Board of County Commissioners, for Sheridan County, Wyoming and that this instrument was signed and sealed on behalf of the said County by authority of said Board and he acknowledged said instrument to be the free act and deed of said Board.

WITNESS my hand and official seal.
 /s/Carla I. Raymond, Notary Public

My Commission expires April 22, 2011

WOODLAND PARK SCHOOL ACCESS

Chairman Rolston offered that recent media coverage suggested that the County would allocate funding for a turn lane on U.S. Highway 87 to access the new school site. He said the County has not received a formal application for such an allocation. Additionally, the Commissioners met this morning with Craig Dougherty and some school board members to discuss the matter, and further meetings would be held as the project progresses. Commissioner Cram said that the School Facilities Commission would like to be more active in planning, and now would be a good time to begin so that future school needs could be addressed as the County prepares its Comprehensive Plan. County Planner Mark Reid agreed that it was important to know where growth may be expected and what impacts may be generated.

DELAPP EASEMENT VACATION; EV-08-001

Land Development Coordinator Robin DeBolt advised that William and Lauren DeLapp have requested to vacate a portion of a utility easement on lot 1 of East Falls Subdivision, accessed off Donegal Drive. She said the DeLapp request would allow a corner of a permanent structure to be located in the easement area. There being no objections to this request and with approval being recommended by the Planning and Zoning Commission, the Board approved the DeLapp Easement Vacation with the condition that the applicant submit a copy of the recorded certificate of vacation and supporting documentation (being the book and page designation) to the County Public Works Office prior to the County Public Works Office issuing a building permit for lot 1.

SOLONYNKA VARIANCE; V-08-001

At the request of the applicant, the Board postponed consideration of the Solonynka Variance until the next regular meeting of the Board on May 6, 2008.

BLUE GRASS MEADOWS 2 SUBDIVISION; S-07-006M

Ms. DeBolt said that this request is to adjust the property lines of three lots created from tract 1 of the Blue Grass Meadows Minor Subdivision, accessed off Owl Creek Road. As the plat for the Blue Grass Meadows 2 Subdivision had not yet been filed and the new request did

not increase density, the application did not require review by the Planning and Zoning Commission. The Board approved the Blue Grass Meadows 2 Subdivision, granting a requested variance to allow a 50-foot access easement, and to the adjustment of the property lines to create Tract A and Tract B, consisting of 2.02 acres each, and Tract C, consisting of 113.05 acres, with the following conditions: (1) Further subdividing of Tract C within the Flood Zone shall require an additional flood elevation study; (2) Building permits and inspections shall be required; and (3) Further subdividing of this subdivision shall require the installation of fire hydrants throughout the entire subdivision as per the Fire District requirement.

COUNTY ROADS

County Engineer Bruce Yates said Park, Frank and Carrington streets are located in an area to be annexed by the City. Park Street, however, would continue to serve a few County residents. Bill Pugh, Centennial Collaborative, commented that water and sewer will be extended and that he has met with landowners who have no objection. The Board authorized the Chairman to execute a quitclaim deed to transfer to the City of Sheridan portions of Park, Frank and Carrington streets, and requested that the City not deny access to these residents.

Mr. Yates advised that the County would attempt to apply dust suppressant to 220 miles of county roadway this year. He said that it is difficult to obtain supplies in a competitive market, with only one provider of calcium chloride in our region and only one interested supplier of magnesium chloride. He said that the Road and Bridge Shop has been given a new tank by the Coop. to assist in storage. The Board authorized the Chairman to execute an agreement with Oxford, Inc. for a term of five months, with the unit price for product and application of calcium chloride at \$390.50/ton; and to incorporate bentonite at a unit price of \$30/ton. The Board also authorized the Chairman to execute an agreement with Desert Mountain Corp. for a term of five months, with the unit price for product and application of magnesium chloride at \$0.66/gallon or \$0.61/gallon for product only, delivered to County.

CELL TOWERS

The Commissioners advised that the legislature, in an effort to protect the Wyolink communications system, has mandated that each county must not impede necessary cellular tower/equipment for Wyolink operations on county property if it wishes to continue to receive Sections 328 and 329 distribution funding and county block grant funding. The Board approved Resolution 08-04-013 in this regard.

RESOLUTION 08-04-013

A RESOLUTION TO MEET FUNDING REQUIREMENTS FOR SECTIONS 328 AND 329 OF THE GENERAL GOVERNMENT APPROPRIATIONS ACT SIGNED INTO LAW BY GOVERNOR FREUDENTHAL ON MARCH 5, 2008.

WITNESSETH

WHEREAS, the Board of County Commissioners of Sheridan County, Wyoming wishes to receive funding through Sections 328 and 329 of the General Government Appropriations Act, signed into law by Governor Dave Freudenthal on March 5, 2008; and

WHEREAS, a caveat for receiving said funding is that the County not impede the construction of cellular towers or the installation of equipment, associated with the WyoLink interoperable public safety communications system.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF SHERIDAN COUNTY, that the Board of County Commissioners do hereby state there will be no impediment to the establishment of any necessary cellular tower or other equipment site required for the WyoLink interoperable public safety communications system on any property owned by Sheridan County.

DATED this fifteenth day of April, 2008.

BOARD OF COUNTY COMMISSIONERS
Sheridan County, Wyoming
/s/Robert L. Rolston, Chairman

Attest:
/s/Audrey Koltiska, County Clerk

STATE OF WYOMING)
)
COUNTY OF SHERIDAN)

On this fifteenth day of April, 2008 before me personally appeared Robert L. Rolston, being duly sworn, did say that he was Chairman of the Board of County Commissioners, for Sheridan County, Wyoming and that this instrument was signed and sealed on behalf of said County by authority of said Board, and he acknowledged said instrument to be the free act and deed of said Board.

WITNESS my hand and official seal.
/s/Carla I. Raymond, Notary Public

My Commission expires April 22, 2011

STUDY SCHOLARSHIPS

Chairman Rolston advised that the Board each year grants three \$1,000 scholarships to local students to attend the University or an in-state college of their choice. For the 2008-2009 school year, the Board awarded scholarships to Margaret Taberna of School District #1, to Katelynn Mentock of School District #2; and to Becky Holland of School District #3. Brett Cherni of School District #1 was named alternate and would qualify for a scholarship if one of these students does not or cannot accept the award.

COALBED METHANE PRESENTATION

Bj Kristiansen, Director of the Coalbed Methane Counties Coalition, gave a PowerPoint presentation on global warming, fact or fancy.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:54 a.m.

BOARD OF COUNTY COMMISSIONERS
Sheridan County, Wyoming

Attest:

Robert L. Rolston, Chairman

Audrey Koltiska, County Clerk