

MINUTES OF THE BOARD OF SHERIDAN COUNTY COMMISSIONERS

The Board met at 9:00 a.m., April 21, 2009, at the Sheridan County Courthouse, Sheridan, Wyoming. Chairman Rolston called the meeting to order and led everyone in the Pledge of Allegiance. Members present were Commissioners Terry Cram, Mike Nickel, Tom Ringley and Robert L. Rolston. Commissioner Steve Maier was absent.

AGENDA

The agenda was approved as published and amended to delete Item #10 - Amendment #1 to the SAWS Ownership Agreement and to delete Item C from the Consent Agenda - the Dishonesty Bond for Clearmont Fire District board members.

ANNOUNCEMENTS

Chairman Rolston recognized Rick Hurley of Road and Bridge for 5 years of service to Sheridan County.

PUBLIC COMMENT

Mark Ketcham gave the Rocky Mountain Ambulance monthly reports for the first quarter period of 2009. He said the Sheridan Area Rural Fire Protection District will be receiving two Pumper trucks from the City of Sheridan at 2 p.m. on April 29, 2009 at the fire station on Frank Street.

CONSENT AGENDA

The Consent Agenda was approved as read and the Chairman was authorized to sign documents as required: (a) Minutes of regular session on April 7, 2009; (b) Minutes of regular session on April 9, 2009; (c) Official Bond and Oath for Treasurer of Tongue River Fire Protection District, \$10,000 coverage, term to May 18, 2010; (d) Partial Release of Mortgage on Lot 1, Block 4, Woodland Park Subdivision, Phase 1; \$21,400 payment received in full; (e) City of Sheridan permit executed to grant entry onto County parcels for the purpose of the reconstruction of Brooks Street; (f) Easement Agreement by Sheridan County to City of Sheridan granting perpetual easement of a 20-foot strip contiguous to west line of Block 2, Kilbourne Addition, as described; (g) Easement Agreement by Sheridan County to City of Sheridan granting perpetual easement in a tract of land situated in Lot 16, Block 20, Original Town, now City of Sheridan, as described; (h) Easement Agreement by Sheridan County to City of Sheridan granting perpetual easement in a tract of land situated in Lot 8, Block 19, Original Town, now City of Sheridan, as described.

COUNTY AIRPORT

Airport Manager John Stopka said this grant application to the State Aeronautics Board was for the Airport terminal building ticket counter area to be upgraded and this would allow for relocation of the TSA baggage screening area. The Board approved the grant application to the State Aeronautics Division, in the amount of \$366,400.00, for the Terminal Building Upgrade and Emergency Backup Generator project and authorized the Chairman to execute the grant application.

RESOLUTION 09-04-021

WHEREAS: There is a need to provide various improvements to the Terminal Building, including a larger more functional airline ticketing area, relocated baggage screening equipment and a backup emergency generator for the building; and

WHEREAS: The Wyoming Department of Transportation, Aeronautics Division, provides financial assistance to local governmental agencies for airport improvements; and

WHEREAS: The matching funds being requested under this application will be used in conjunction with Sheridan County funds that are available.

NOW, THEREFORE, BE IT RESOLVED that the Sheridan Board of County Commissioners approve the filing of a grant application to the Wyoming Department of Transportation, Aeronautics Division, for financial aid and authorizes the Chairman to sign the application.

APPROVED AND ADOPTED THIS twenty-first day of April, 2009.

BOARD OF COUNTY COMMISSIONERS

Attest:

/s/Robert L. Rolston, Chairman

/s/Aurdrey Koltiska, County Clerk

KLEENBURN FOOT BRIDGE

Jack Smith, AML Project Manager, said they will be accepting bids for installing the foot bridge at the Kleenburn Project soon. They will work with the lowest bidder and are hoping for construction to begin early summer, with completion early fall. Mr. Smith asked the County to assist them with signage, stating that the area will be closed during construction for safety concerns, and he requested the Sheriff's Office to help keep people out of the area. The Board authorized the Chairman to execute the Memorandum of Understanding with the Wyoming Department of Environmental Quality Abandoned Mine Lands for the purpose of installing a pedestrian foot bridge at the Kleenburn AML project site; the County agrees to cover all costs associated with purchase and delivery of bridge materials.

VO GOLD SUBDIVISION S-09-004: US HIGHWAY 335

Land Development Coordinator Robin DeBolt read the recommendations from the Planning and Zoning Commission for the applicant to create a 12 lot subdivision on 28.49 acres. Commissioners Terry Cram and Tom Ringley stated they have serious concerns about the storm water detention area. Commissioners Cram and Nickel stated they have some concerns about the ground water vulnerability in the Big Horn area and suggested that lots not be subdivided less than 5 acres because the Rules and Regulations Governing Division of Land in Sheridan County, Wyoming states that "Before the Board grants final approval to any subdivision plat, it shall make the following findings: *"Section 2.12.d. The proposed subdivision will not create a negative health, safety, or moral impact."* Chairman Rolston read a comment from absent Commissioner Steve Maier stating that he has reservations about dividing lots less than 5 acres.

Wayne Hill of Sanderson-Stewart, representing the applicants, stated he would like to submit a signed certified estimate for the improvements of the proposed subdivision instead of a stamped and signed copy of the Engineer's estimate. He feels, at this time, the Sheridan County Comprehensive Plan is only a planning tool and the Rules and Regulations Governing Division of Land in Sheridan County, Wyoming

should be enforced. County Planner Mark Reid said it has been his understanding that it has always been the Public Works Department policy to require all professional work be under seal. For lack of a positive vote, the application for VO Gold Subdivision was denied 3-1.

POWDER HORN RANCH MINOR 17 SUBDIVISION; RP-09-003: TURNBERRY DRIVE

Robin DeBolt read the staff report which stated that on August 7, 2007, the Board of County Commissioners had approved S-07-001M, Powder Horn Minor #17 Subdivision. Upon a motion by Commissioner Ringley, the Board rescinded that approval.

The Board voted to approve Applicants Bill and Carol Doughty's request to replat Powder Horn Ranch Minor #17 subdivision, replatting lots 2, 3, 4 and 5 of Block O of Powder Horn Ranch, Phase 4, creating a two lot subdivision, and applying the 40 conditions of the Powder Horn Ranch II PUD Master Plan.

LIQUOR LICENSES

The Board approved an additional dispensing room under the license granted to B-Y Ranch Associates, Inc. dba Bear Lodge. Contingent upon approval of the Wyoming Liquor Division, the Board approved the expansion of the dispensing room under the license granted to Sheridan County Club. Renewal of County liquor licenses for the period 2009-2010 are as follows: *Retail Liquor Licenses:* Arrowhead Lodge, Bear Lodge, Bozeman Trail Inn, Eatons Ranch, Last Chance Bar, Leiterville Country Club, My Buddy's Place, Parkman Bar, The Passage Resort, Piney Creek General Store, Powder Horn Golf Club, The Big Horn Y, The Ranch at Ucross, Tunnel Inn, Wagon Box Chuckwagon, Wagon Box Inn and Wyarno Bar. Upon proper notification by the Secretary of State's office, Lodore Saloon is approved. *Limited Retail Liquor Licences:* Big Horn Equestrian Center and Big Horn Mountain Eagles FOE Aerie 4169. Upon approval given by the Wyoming Liquor Division for its expanded dispensing room, Sheridan Country Club is approved. *County Retail Malt Beverage Permit:* Arvada Bar.

CATERPILLAR FINANCIAL SERVICES

Renee' Obermueller, Administrative Director, said the County has a lease-purchase agreement with a buyout option through Caterpillar Financial Services Corporation for a steel face roller, for the Road and Bridge Department, in the amount of \$152,881, to replace a compact roller. The Board authorized the Chairman to execute the agreement for the lease-purchase of the steel face roller, model CS56.

RESOLUTION 09-04-022

BE IT RESOLVED by the Board of County Commissioners of Sheridan County, Wyoming that the Chairman of the Board of County Commissioners is hereby authorized to enter into a Lease-Purchase Agreement with Caterpillar Financial Services Corporation to obtain a new Caterpillar CS56 steel face roller unit, S/N C5S00679, for the total price of \$152,881 with balance, plus interest in five consecutive

annual installments, with a balloon payment of \$41,280, and with a buy-back option of \$69,217.14, all in accordance with the Lease-Purchase Agreement attached hereto, and made a part hereof.

APPROVED AND ADOPTED this 21st day of April, 2009.

BOARD OF COUNTY COMMISSIONERS

Sheridan County, Wyoming

Attest:

/s/Robert L. Rolston, Chairman

/s/Audrey Koltiska, County Clerk

(signature notarized)

1% CAPITAL FACILITIES TAX

Renee' Obermueller said the 1% specific purpose excise tax projects agreed upon by the Town of Clearmont, Town of Dayton, Town of Ranchester, City of Sheridan and Sheridan County, totaling \$25,000,000, should be placed on the ballot for a special election on August 18, 2009.

RESOLUTION 09-04-020

JOINT RESOLUTION APPROVING PROPOSITION FOR IMPOSITION OF A
1% SPECIFIC PURPOSE EXCISE TAX IN SHERIDAN COUNTY, WYOMING, SAID
PROPOSITION TO BE PLACED ON THE BALLOT FOR THE AUGUST 18, 2009
SPECIAL ELECTION

WITNESSTH

WHEREAS, Wyo. Stat. ' 39-15-204(a)(iii) authorizes a county to impose an excise tax not to exceed one percent upon retail sales of tangible personal property, admissions and services made within the county; the revenue from the tax shall be used in a specified amount for specific purposes authorized by the qualified electors (commonly known as the capital facilities tax); and

WHEREAS, Sheridan County is presently imposing the 1% capital facilities tax authorized by Wyo. Stat. ' 39-15-204(a)(iii), which is estimated to expire in September 2009, and any new capital facilities tax would take effect after that expiration; and

WHEREAS, before any proposition to impose a capital facilities tax shall be placed before the electors, the governing body of the County, and the governing bodies of at least two-thirds of the incorporated municipalities within the County shall adopt a resolution approving the proposition, setting forth a procedure for qualification of a ballot question for placement on the ballot and specifying how excess funds shall be expended; and

WHEREAS, the Board of County Commissioners of Sheridan County, the Towns of Clearmont, Dayton, and Ranchester, and the City of Sheridan will each consider this Resolution; and

WHEREAS, the governing bodies have identified specific purposes totaling \$25,000,000.00 that would be appropriately funded by the capital facilities tax and in the best interest of the community; and

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHERIDAN COUNTY, WYOMING, THE TOWN OF CLEARMONT, WYOMING, THE TOWN OF DAYTON, WYOMING, THE TOWN OF RANCHESTER, WYOMING, AND THE CITY OF SHERIDAN, WYOMING, THAT:

1. The governing bodies of Sheridan County, Town of Clearmont, Town of Dayton, Town of Ranchester, and City of Sheridan determine that the 1% capital facilities tax should be made available for the projects listed below in the specified principal amounts and for the specified purposes.
 - a. \$500,000.00 Town of Clearmont
for infrastructure improvements to water, sewer and street projects;
lighting and safety projects
 - b. \$1,750,000.00 Town of Dayton
for infrastructure improvements to water lines, sewer and street projects.
 - c. \$1,750,000.00 Town of Ranchester
for infrastructure improvements to water, sewer and street projects.
 - d. \$13,500,000.00 City of Sheridan
for infrastructure improvements to streets, storm sewer, sanitary sewer
and water lines
 - e. \$7, 500,000.00 Sheridan County
for reconstruction of Sheridan County road and bridge infrastructure.
2. The proposition of imposing a 1% capital facilities tax in Sheridan County, State of Wyoming, for the exclusive purposes identified above shall be combined and contained within one ballot question and submitted to qualified electors at a special election to be held on **August 18, 2009**. The election shall be held in accordance with the current Wyoming Election Code.
3. The ballot shall set forth substantially the following proposition.

Shall Sheridan County, State of Wyoming, be authorized to impose a 1% capital facilities tax in order to collect funds not to exceed \$25,000,000.00, to be used as follows:

\$500,000.00; for infrastructure improvements to water, sewer and street projects; lighting and safety projects for the Town of Clearmont

\$1,750,000.00 for infrastructure improvements to water, sewer and street projects for the Town of Dayton;

\$1,750,000.00 for infrastructure improvements to water, sewer and street projects for the Town of Rancheater;

\$13,500,000.00 for infrastructure improvements to streets, storm sewer, sanitary sewer and water lines for the City of Sheridan;

\$7,500,000.00 for reconstruction of Sheridan County road and bridge infrastructure;

FOR the capital facilities tax _____

AGAINST the capital facilities tax _____

4. Upon completion of the projects identified, any excess funds collected shall be expended by distributing funds in the following percentages:
 - a. Town of Clearmont - 2%
 - b. Town of Dayton - 7%
 - c. Town of Rancheater - 7 %
 - d. City of Sheridan - 54%
 - e. County of Sheridan - 30%
5. Approval of this Resolution by Sheridan County and at least 2/3 of the municipalities within Sheridan County constitutes approval of the proposition to impose a 1% capital facilities tax for the above-specified purposes and amounts for a total of \$25,000,000.00.
6. Approval of this resolution shall constitute written notification to the County Clerk, specifying the date of the election and the proposition.
7. Each provision of this Resolution is severable, and should any provision of this Resolution be judicially determined to be invalid or unenforceable, such determination shall not affect the remaining provisions hereof.

DATED this _____ day of April, 2009.

BOARD OF COUNTY COMMISSIONERS

Sheridan County, Wyoming

/s/Robert L. Rolston, Chairman
(signature notarized)

Attest:

/s/Audrey Koltiska, County Clerk

PRINTER/COPIER LEASE AGREEMENT

The Board authorized the Chairman to execute the Printer/Copier Lease Agreement with B&B Leasing Company for a multi-functional digital printer and copier for the County Road and Bridge office.

ROCKY MOUNTAIN WOOD FLOORS, INC.

Renee' Obermueller stated that the repair and refurbishment of the stair treads in the old courthouse, that was included in last year's budget, was awarded to Rocky Mountain Wood Floors, Inc. (the only proposal received). The Board authorized the Chairman to execute the agreement for a small construction project with Rocky Mountain Wood Floors, Inc. to repair and refurbish the stair treads in the Historic County Courthouse, in the amount of \$15,250.

CONTINUOUSLY OPERATING REFERENCE STATION (CORS)

CORS is a cooperative operating system in Sheridan County for public and private use. Joe Feeley, Entech, Inc., explained that the site of the operating station will be located at the Sheridan Water Treatment plant and has an approximate 10-year life span. Sheridan County will provide IT services and support for the CORS system, while the City of Sheridan will provide the site and pay for the use of electricity. This system will benefit the public and private sector, as well as NOAA – National Oceanic and Atmospheric Administration. Renee' Obermueller suggested a contract listing each party's responsibilities.

RESOLUTION 09-04-019
A RESOLUTION IN SUPPORT OF A SHERIDAN AREA, GLOBAL POSITION,
CONTINUOUSLY OPERATING REFERENCE STATION.

WITNESSETH

WHEREAS, Sheridan County understands the need for, and benefit of, a Continuously Operating Reference Station (CORS); and

WHEREAS, the CORS site will greatly improve accuracy and efficiency in the County's GPS and surveying operations; and

WHEREAS, other CORS partners (Public and Private) will be contributing a site location and system hardware.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF SHERIDAN COUNTY, that the Commission hereby agrees that Sheridan County will provide IT services and support for the CORS system.

DATED this twenty-first day of April, 2009.

BOARD OF COUNTY COMMISSIONERS
Sheridan County, Wyoming
/s/Robert L. Rolston, Chairman
(signature notarized)

Attest:
/s/Audrey Koltiska, County Clerk

ROAD VACATION – ALLEY IN BLOCK 17, DOWNER'S ADDITION

The Board acknowledged receipt of a petition submitted by Anita Cooper to vacate the portion of an alley lying in Block 17, between 15th and 16th Streets, Downer

Addition and appointed Ken Muller, County Engineer, as the Viewer in this matter. He was directed to present his report as soon as possible to the Board. Ms. Cooper has agreed to a proposal to provide a 10 foot easement across her property to access buried utility lines in the alley if this is approved.

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

Robert L. Rolston, Chairman

Audrey Koltiska, County Clerk