

MINUTES OF THE BOARD OF SHERIDAN COUNTY COMMISSIONERS

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

AGENDA

The published agenda was amended to also consider a quitclaim deed to transfer KROE Lane to the City of Sheridan.

ANNOUNCEMENTS

Chairman Rolston thanked Bill Bass for standing in for the Commissioners during the Rodeo Week Boot Kickoff competition with the City and winning for the County. He announced that the Board would hold hearings on the proposed County budget on July 21 and 22, 2008.

PUBLIC COMMENTS

There were no public comments.

CONSENT AGENDA

Bill Benzel commented that the Barney rezone request should come forward now rather than later in the year. Chairman Rolston advised that consideration of the rezone had been tabled at the request of the applicant which is allowed.

The consent agenda was approved as read and the Chairman was authorized to execute documents as required: (a) Minutes of regular session on July 1, 2008; (b) Minutes of special session on July 7, 2008; (c) Minutes of special session on July 8, 2008; (d) Barney Brothers Land and Livestock Rezone, R-08-001, was placed on the Table June 17, 2008 for consideration at this meeting, the Board affirms the request remains on the Table.

CREEKSIDE ESTATES SUBDIVISION; S-08-010J; accessed off Coffeen Avenue

Land Development Coordinator Robin DeBolt reported that this request by Myrl and Cleo Williamson is to create 39 lots on 24.79 acres, zoned Urban Residential. Ms. DeBolt said utilities have not objected to a requested variance from the ten foot utility easement requirement and that all other requirements have been met. This subdivision is within one mile of the City limits and has been approved by the City of Sheridan. The Board recognized the applicants' efforts to mitigate floodplain issues by allowing for significant open space in the subdivision. The Board approved the Creekside Estates Subdivision and the utility easement variance with the following conditions: (1) Building permits and inspections are required; (2) Applicant shall comply with the permit to construct conditions, listed in the WYDOT access permit, and shall submit a copy of the final access permit to the Public Works Department within 30 days of its approval; and (3) Applicant shall sign a Sheridan County Subdivision Improvements Agreement and submit a letter of credit prior to the recording of the plat.

COUNTY SUBDIVISION RESOLUTION

Commissioner Maier offered a motion to set the oversight limit for subdivisions at 80 acres, with all Commissioners concurring. Chairman Rolston opened the public hearing at 9:15 a.m. to receive comment on the proposed amendment to the Sheridan County Subdivision Resolution. He said Sheridan County seems to be the first to address the recent legislation

allowing for control of subdivisions up to 120 acres. County Planner Mark Reid said he has incorporated the important points of the legislation into the amendment and noted that the Legislature is allowing each county to decide on the acreage exemption level. He said the County would amend the document to include the ability of the Board to grant exemptions for large acreage subdivisions of ten or fewer lots, which would bypass the Planning and Zoning Commission and go directly to the Board for consideration. A plat with water rights and distribution system, filed with the County Clerk, shall be required. Eleven or more lots would require a regular subdivision permit. The Commissioners commented that the amendment will allow the County to have more of a say in future growth, and would help alleviate problems with deed transfers, construction of illegal roads, and gathering of information for public use, providing safeguards for fire district information and public knowledge of building construction. Mr. Reid said the proposed amendment is available by paper copy and on the County's website. The hearing was closed at 9:32 a.m. The Board approved Resolution 08-07-026, authorizing the Chairman to advise the public of the County's intent to amend its rules.

RESOLUTION 08-07-026
"RESOLUTION GIVING PUBLIC NOTICE OF SHERIDAN COUNTY'S INTENT TO
AMEND THE SHERIDAN COUNTY SUBDIVISION RESOLUTION"

WHEREAS, Wyoming Statutes §§ 34-12-101 to 34-12-115; 18-5-101 to 18-5-107; 18-5-201 to 18-5-207; 18-5-301 to 18-5-317 authorize Sheridan County, in promoting the public health, safety, morals and general welfare of the county, to regulate the subdivision of land in unincorporated Sheridan County; and

WHEREAS, Sheridan County desires to regulate Large Acreage Subdivisions, creating 35 to 80 acre parcels, by requiring a subdivision permit prior to any conveyance of such parcels or construction thereof; and

WHEREAS, in regulating such Large Acreage Subdivisions and Large Acreage Exemptions, certain specified information and clear application procedures are necessary to make an informed and fair decision; and

WHEREAS, the sale or disposition of lands that have been developed and promoted prior to July 1, 2008 should be exempted from any provisions concerning Large Acreage Subdivisions; and

WHEREAS, the creation of not more than 10 new parcels, each between 35 and 80 acres, from any lawfully recorded parcel existing on July 1, 2008 should be exempted from the need for a subdivision permit, but should still comply with certain requirements to obtain a grant of exemption from Sheridan County; and

WHEREAS, particular statutory provisions regarding family exemptions, unmanned facilities, and the applicability of proper use and implementation regulations to exempted divisions should be included in Sheridan County's Resolution; and

WHEREAS, the purpose of the proposed changes is to amend the Sheridan County Subdivision Resolution by:

1) amending Section 1.4, requiring notice of contracts for deed for parcels created pursuant to a subdivision, to be recorded with the county clerk; clarifying that divisions of land exempted from a subdivision permit are subject to requirements regarding documentation of the proper use and implementation thereof; establishing that divisions of land pursuant to the family exemption shall have been titled in the name of the grantor, of not less than five years prior to the division; addressing family exemption divisions in the case of corporate ownership; creating an exemption for divisions involving unmanned facilities less than five acres, and exempting any division larger than 80 acres from the Subdivision Resolution;

- 2) amending Section 1.5, by redefining the term “parcel”;
- 3) amending Section 2.1, by adding Large Acreage Subdivisions (and its various exemptions) as a new class to the existing list of types of subdivisions;
- 4) adding a new section 2.11 (renumbering existing 2.11 to 2.12), providing for an application process, describing scheduling, notification and consideration processes, and setting forth information requirements for Large Acreage Subdivisions and Grants of Exemption thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF SHERIDAN COUNTY, WYOMING, that notice is hereby given to the public that Sheridan County intends to amend the Sheridan County Subdivision Resolution for the noted purposes; that copies of the proposed amendment to the Resolution may be obtained from the Sheridan County Commissioners’ Office or County Public Works Department, 224 S. Main Street, Sheridan, Wyoming or by going to www.sheridancounty.com, and clicking on the Public Works Department news section; that all interested persons may submit written comments to the Sheridan County Commissioners at the above address no later than Noon, August 26, 2008; that there shall be a public hearing on these proposed rules and regulations on September 2, 2008 at 9:00 a.m. in the Sheridan County Commissioners Board Room on the second floor of the County Courthouse, Sheridan, Wyoming; and that this notice shall be published once in *The Sheridan Press* as soon as practically possible.

PRESENTED, READ AND ADOPTED this 15th day of July 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 July, 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

PROPERTY TAX DEFERRAL PROGRAM

Continuing the public hearing from July 8, 2008, Chairman Rolston opened the hearing at 9:33 a.m. to receive comment on the County’s intent to adopt new program rules. Commissioner Cram advised that the County’s program stems from 1995, when one person was approved for deferral. He said recent legislation now allows a property owner to qualify if he is low-income, over the age of 62 years, handicapped, or the property was purchased at least ten years prior to the tax year. The County’s outdated rules have been amended for clarity and to incorporate the new legislation. No one else spoke to this issue. The hearing was closed at 9:39 a.m. The Board approved Resolution 08-07-030, authorizing the adoption of the Sheridan County Property Tax Deferral Program.

RESOLUTION 08-07-030
RULES AND REGULATIONS FOR
PROPERTY TAX DEFERRAL PROGRAM
SHERIDAN COUNTY, WYOMING

WHEREAS, the Board of County Commissioners, observing a need to amend its regulations governing property tax deferrals, expressed its intent on May 6, 2008 to amend the regulations, cited as the Property Tax Deferral Program, Sheridan County, Wyoming, adopted August 15, 1995, becoming effective January 1, 1997; and

WHEREAS, the proposed amendments to the regulations were made available to the public by paper copy and on the County's website; and

WHEREAS, the Board held a public hearing on July 8, 2008 and July 15, 2008, with proper notice given according to the Wyoming Administrative Procedures Act, to receive public comment on the proposed amendments.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners approves the proposed language changes be incorporated into the Property Tax Deferral Program document to provide clarity of purpose and definition, and including an application for submittal to the Board of County Commissioners.

BE IT FURTHER RESOLVED that the Board of County Commissioners hereby adopts the Property Tax Deferral Program as amended.

BE IT FURTHER RESOLVED that the adopted Property Tax Deferral Program be filed with the County Clerk pursuant to the Wyoming Administrative Procedures Act.

DONE in a regular meeting of the Board of County Commissioners this 15th day of July, 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)

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

My Commission expires April 22, 2011

DOW PRONG ROAD REALIGNMENT

Public Works Director Rod Liesinger advised that approximately one-half mile of Dow Prong Road, fronting on property owned by Terry Pruett, would be realigned. Work will start in the fall, followed by gravelling about eight miles of the roadway. The Board approved the presented Temporary Construction Agreement between the County and Mr. Pruett.

GRANT APPLICATIONS

As duly advertised, Chairman Rolston opened a public hearing at 9:41 a.m. to receive comment on two applications for County sponsorship through the Department of Family Services for temporary assistance for needy families (TANF/CPI) funding. Cori Erickson and Kristen Cogswell of WYCAN requested \$50,000 to continue providing parent education and support services for child care in low income families. Greta Maxfield of Child Advocacy Services of the Big Horns, requested \$40,000 for its Family Visitation Program, which offers safe, conflict free time with families, most referred to them from the court system. Grants Administrator Mike Mackey said both groups provide a valuable service to the community, and that additional funding may become available. No one else spoke to this issue. The hearing was closed at 9:53 a.m. The Board gave its support evenly to both WYCAN and Child Advocacy Services for a total of \$90,000, with a request for more funding if available.

CDBG GRANT PROPOSALS

As duly advertised, the Chairman opened a public hearing at 9:56 a.m. to receive comment on community development block (CDBG) grant applications through the Wyoming Business Council. Grants Administrator Mike Mackey advised that upgrades to the Community Health building are essential to maintain the building's integrity and asked the Commission for its approval. Planned work would focus on exterior repair and window replacement, retrofit of the basement to create a classroom and vaccination provision area, improved ADA handicap parking, installation of a fire suppression system, and minor office upgrades. Community health and WIC services are housed in this building, 78% of whose contacts are low to moderate income. The total project cost is estimated at \$276,500, with Sheridan County budgeting \$151,500 in matching funds. Rod Liesinger said the County has been working with the City to address sidewalk safety. No one else spoke to this issue. The hearing was closed at 10:01 a.m. The Board approved Resolution 08-07-028, authorizing the Chairman to submit a CDBG grant application, in the amount of \$125,000.

RESOLUTION 08-07-028

RESOLUTION REQUESTING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING ASSISTANCE FROM THE WYOMING BUSINESS COUNCIL FOR RENOVATION WORK TO THE SHERIDAN COUNTY COMMUNITY HEALTH BUILDING

WITNESSETH

WHEREAS, the Sheridan County Community Health Building is in need of a number of upgrades totaling \$276,500.00; and

WHEREAS, these building upgrades will help Sheridan County to better serve its community health and WIC clients; and

WHEREAS, the Wyoming Business Council has Community Development Block Grant funds available for "Community Facilities" projects; and

WHEREAS, the Sheridan County Commission has set aside \$151,500.00 in County General Fund monies to match CDBG funds;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF SHERIDAN COUNTY, that the Board of County Commissioners will submit an application for

\$125,000.00 in CDBG funds for the Community Health Building project, to the Wyoming Business Council for its consideration.

DATED this fifteenth day of July, 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 July, 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

BUDGET BALANCE TRANSFERS

Ms. Obermueller reported on the need to transfer budget balances between departments at fiscal year end to cover excess costs. The Board approved resolution 08-07-025, authorizing the transfer of these budget balances, which follow.

**RESOLUTION 08-07-025
TRANSFER OF UNENCUMBERED/UNEXPENDED
DEPARTMENTAL BUDGET BALANCES**

WHEREAS, the County Sheriff's Office, the County Coroner and the Road and Bridge Department have expenditure totals in excess of their respective budgets for Fiscal Year 2007-2008; and

WHEREAS, the expenditures over budget amount to \$37,500.00 for the County Sheriff's Office due to fuel expenditures, repair and maintenance of vehicle expenditures and drug canine expenditures; and

WHEREAS, the expenditures over budget amount to \$2,250.00 for the County Coroner due to medical expenditures; and

WHEREAS, the expenditures over budget amount to \$62,500.00 for the Road and Bridge Department due to labor and material costs for Capital Facilities road projects and fuel expenditures.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for Sheridan County, Wyoming:

1. That \$37,500.00 from the unencumbered/unexpended appropriation balances in the Detention Center/Jail Department #1000.051.50850.0200.000 shall be transferred to County Sheriff #1000.050.50850.0200.000 to cover the budget shortfall identified above.
2. That \$2,250.00 from the unencumbered/unexpended appropriation balances in the General County Fixed Costs Department #1000.210.50850.0100.000 shall be transferred to the County Coroner #1000.090.50850.0100.000 to cover the budget shortfall identified above.

3. That \$62,500.00 from the unencumbered/unexpended appropriation balances in the Public Works Department #1000.080.50850.0100.000 shall be transferred to the County Road and Bridge Department #1000.140.50850.0300.000 to cover the budget shortfall identified above.

APPROVED this 15th day of July, 2008.

BOARD OF COUNTY COMMISSIONERS

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

Attest:
/s/Audrey Koltiska, County Clerk

STATE OF WYOMING)
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COUNTY OF SHERIDAN)

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

My Commission expires April 22, 2011

AFFORDABLE HOUSING PROGRAM

Ms. Obermueller asked the Board to authorize the establishment of an interest bearing bank account to hold funds for future utilization of affordable housing projects pursuant to the adopted Affordable Housing Program rules. Deposits to this account come from developers of approved affordable housing units, as liens are paid back to the County when sold or if funds are forfeited by the developer for failure to perform. Ms. Obermueller said the housing program is possible due to the grant award by the State Loan and Investment Board to the Consensus Group, consisting of the County, City and Towns of Clearmont, Dayton and Ranchester. The Board approved Resolution 08-07-029, authorizing the County Treasurer to establish an interest bearing bank account for this purpose.

RESOLUTION 08-07-029

RESOLUTION AUTHORIZING THE SHERIDAN COUNTY TREASURER TO OPEN AND ADMINISTER A BANK ACCOUNT FOR THE PURPOSE OF THE SHERIDAN COUNTY AFFORDABLE HOUSING PROGRAM CREATED UNDER THE SUBMISSION OF A MINERAL IMPACT ACCOUNT GRANT APPLICATION TO THE STATE LOAN AND INVESTMENT BOARD UNDER CHAPTER 21, COUNTYWIDE CONSENSUS LIST AWARDS

WITNESSETH

WHEREAS, the Governing Body for the County of Sheridan, on September 28, 2006 resolved by resolution 06-09-026 to participate in the MINERAL IMPACT ACCOUNT GRANTS – COUNTYWIDE CONSENSUS LIST AWARDS program to assist in financing these projects; and

WHEREAS, the Governing Body of the County of Sheridan, Wyoming recognized the need for these projects; and

WHEREAS, the Governing Body of the County of Sheridan, Wyoming thereby certified that it, and at least seventy percent (70%) of the incorporated population within Sheridan County, reached agreement on the following industry match project(s) to be funded under Chapter 21, Countywide consensus list awards being:

Industry Match Projects:

Woodland Park School/Subdivision	\$1,928,065	\$540,541
Skeel St./Popular Grove Subdivision	\$2,413,628	\$691,892
Cottonwood Point Subdivision	\$1,050,000	\$508,108
Cloud Peak Ranch/Heights Subdivision	\$1,000,000	\$259,459
Industry Match	\$6,391,693	\$2,000,000

WHEREAS, the Governing Body of the County of Sheridan, Wyoming thereby certified that it, and at least seventy percent (70%) of the incorporated population within Sheridan County, required annexation agreements with the City of Sheridan on applicable Industry Match projects prior to releasing funds; and

WHEREAS, the Governing Body of the County of Sheridan, Wyoming thereby certified that it, and at least seventy percent (70%) of the incorporated population within Sheridan County, required a written agreement subject to legal council review stating all industry match project(s) will ensure that affordable housing costs and standards will be strictly adhered to; and

WHEREAS, on May 24, 2007, the Governing Body of the County of Sheridan adopted the affordable housing rules, attached as exhibit A.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE COUNTY OF SHERIDAN, WYOMING, that an interest bearing account shall be established by the Sheridan County Treasurer for the purpose of reallocating those funds to further develop affordable housing within Sheridan County. The account shall include funds received in satisfaction of the liens, or funds forfeited by the developer as a result of a failure to substantially perform.

BE IT FURTHER RESOLVED that the allocation of recouped funds shall be administered in the following manner:

- a. Any funds paid to the county shall be placed into an interest bearing account to be used for the purpose of reallocating such funds to further develop affordable housing within the county. The account shall include funds received in satisfaction of liens, or funds forfeited by the developer as a result of a failure to substantially perform.
- b. Distribution of said funds shall be decided by the Governing Body of the County of Sheridan and at least seventy percent (70%) of the incorporated population within Sheridan County.
- c. Use of said funds will be for infrastructure only and all infrastructure shall be owned by the Governing Body of the County of Sheridan and the incorporated Municipalities within Sheridan County.
- d. Matching funds shall be required by the developer and match percentage shall be determined by the Governing Body of the County of Sheridan and at least seventy percent (70%) of the incorporated population within Sheridan County.

BE IT FURTHER RESOLVED, that Robert L. Rolston, Chairman of the Board of County Commissioners for the County of Sheridan, Wyoming is hereby designated as the authorized representative to act on behalf of the Governing Body of Sheridan County, and the incorporated municipalities within Sheridan County, on all matters relating to this interest bearing bank account.

PASSED, APPROVED AND ADOPTED THIS 15th day of July, 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)

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

My Commission expires April 22, 2011

POPLAR GROVE SUBDIVISION

Ms. Obermueller advised that developer Trenton J. Kuhn of Sheridan was assuming lots 4 and 7, of block 1, in Poplar Grove Subdivision PUD Phase One from Better Living, LLC. In separate motions, the Board authorized the Chairman to execute a Partial Release of Lien for lots 4 and 7, block 1; the Assignment of Affordable Housing Agreement between Better Living, LLC and Trenton J. Kuhn; and to accept the developer lien from Trenton J. Kuhn for these lots.

PHONE USE AGREEMENT

Ms. Obermueller said Judge Fenn, Fourth Judicial District Court, has asked to be connected to the County's phone system to increase his conference call capability. The Board approved a Phone use Agreement with the Court that will reimburse the County for actual long distance charges, plus a fixed monthly amount of \$96.

KROE LANE

In the continuing effort to transfer county roads that lie within the city limits to the City of Sheridan, the Board approved a quitclaim deed releasing any and all interest by the County in KROE Lane and authorized its transfer to the City of Sheridan, contingent upon review by the Deputy County Attorney.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:18 a.m.

BOARD OF COUNTY COMMISSIONERS

Sheridan County, Wyoming

Attest:

Robert L. Rolston, Chairman

Audrey Koltiska, County Clerk