

## MINUTES OF THE BOARD OF SHERIDAN COUNTY COMMISSIONERS

The Board met at 9:00 a.m., August 19, 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 consider an extension for Big Horn Exteriors and to add to the Consent Agenda consideration of a Sheridan County Master License Agreement with Pinnacle Gas Resources, Inc.

### ANNOUNCEMENTS

Chairman Rolston recognized Josiah G. Miller, Detention Center, for five years of service to the County.

### PUBLIC COMMENTS

There were no public comments.

### CONSENT AGENDA

The consent agenda was approved as read and the Chairman was authorized to execute documents as required: (a) Minutes of regular session on August 5, 2008; (b) Release of Mortgage for Fine Home Builders, LLC Lot 5 and Lot 6, Block 1, Poplar Grove PUD Phase One; with acceptance of \$21,400 as payment in full; (c) Partial Release of Mortgage for KLD Quail Ridge LLC Lot 16, Block 2, Cloud Peak Ranch 6<sup>th</sup> filing PUD; with acceptance of \$10,800 as payment in full; (d) Official Bond and Oath for Joe Gingles, Treasurer of the Sheridan County Library System, at \$10,000 coverage, for a term ending July 22, 2009; (e) Sheridan County Master License with Pinnacle Gas Resources, Inc.

### BIG HORN EXTERIORS

The Board removed this item from the Table to hear from Cory Blaney regarding his request for an extension of time to relocate his business. He said he had found two locations that did not fully meet his requirements and wanted a three month extension to continue his search. The Board approved an extension to November 6, 2008.

CU-08-017; BIG HORN ELEMENTARY AND MIDDLE-HIGH SCHOOLS CUP; 333 State Highway 335, Big Horn

Chairman Rolston opened the public hearing at 9:07 a.m. Land Development Coordinator Robin DeBolt advised that this request is to construct new elementary and junior high schools on the current site. An increase in traffic is expected and the parking capacity does not quite meet the zoning requirements. She said the Planning and Zoning Commission voted 2-2, not offering a recommendation. Sue Belish, Superintendent of District 1, being present with the architect, engineer, School Facilities Commission representative and business manager, said the architect is designing for a 77% increase in student population which should be adequate for the next 20 years, with both structures being two stories to utilize the space. She said the District would request a variance from the required number of parking spaces. No one else spoke to this issue and the hearing was closed at 9:26 a.m. The Board approved the conditional use permit with the following conditions:

1. The applicants shall apply for and receive Sheridan County Building permits, and pay all required fees associated with the permits, complying with inspections to place an elementary school and middle-high school on the site.
2. The applicant shall apply for a variance from the required number of parking spaces.
3. The applicant shall submit a copy of the recorded Record of Survey to the County Public Works Office.
4. Prior to Sheridan County issuing building permits for the proposed new school(s), the applicant shall submit a stamped, signed engineered Drainage Report stating that the historic runoff rates will not be exceeded nor that any down-gradient property will experience an increase.
5. Prior to Sheridan County issuing building permits for the proposed new school(s), the applicant shall submit a copy of the approved DEQ sewage permit.
6. Prior to Sheridan County issuing building permits for the proposed new school(s), the applicant shall submit a copy of the WYDOT access permit for the proposed access off of State Highway 335.
7. Unless designed, modified and approved, parking in the right-of-way of State Highway 335 or High Street shall NOT be permitted.
8. The applicant shall submit a plan to the County Public Works Department for either a surface maintenance program or physical roadway improvements necessary to mitigate anticipated traffic and/or dust impacts on High Street. No building permit shall be issued until such plans have been approved by the County.
9. The applicant shall increase the corner radius at the southeast of High Street to a 40-foot radius.
10. The applicant shall screen the proposed 50-space parking lot from High Street with vegetation to provide a visual screen for the neighboring properties. Said vegetation screening, as viewed from High Street, shall achieve 75% visual opacity within three (3) years of the construction of the parking lot.
11. A detailed landscape plan shall be provided to the Sheridan County Public Works staff, itemizing the number, size and species of plants to be included in the proposed screening. This plan shall be submitted with or prior to the building permit application for the 50-space parking lot.
12. Addition of any new structures shall require a new CUP application.
13. Shielded lighting shall be used for any exterior lighting, to prevent glare to neighboring properties and passing motorists.

CU-08-016; COLUMBINE FARMS, INC. MATERIAL STORAGE YARD CUP; Accessed Off Arvada-Davis Road

Chairman Rolston opened the public hearing at 9:34 a.m. to receive comment on a request by Joe Dunbar for a material storage yard on his property for the Hughes transmission line, noting that the Planning and Zoning Commission recommended approval. David Anderson, representing Basin Electric Company, commented that the line will run through Mr. Dunbar and

Ms. Reece's property. The hearing was closed at 9:36 a.m. The Board approved the conditional use permit with the following conditions:

1. The applicants shall apply for and receive a Sheridan County Zoning Permit, and pay all required fees.
2. Should the owner sell the property; the new owner(s) shall contact the Sheridan County Public Works office as to the change in ownership and to receive a copy of the conditions of the CUP.
3. The applicant shall obtain a County access permit from the County Engineering Department for the proposed access off of Arvada-Davis Road (CR #70).
4. Additional maintenance of public roads required by the increased traffic generated by vehicles accessing the construction storage site shall be the sole responsibility of the applicant. Maintenance shall be done in accordance with recommendations of the County Engineer and at the County Engineer's direction.
5. Dust Control shall be required on public roads used by vehicles hauling materials from and to the storage site. Dust prevention/suppression shall be done in accordance with the recommendations of the County Engineer and at the County Engineer's direction.
6. Addition of any structures shall require a new CUP application.
7. No storage of unusable materials or inoperable vehicles shall be allowed.
8. The site shall be kept in a neat and orderly fashion.
9. No lighting or signage shall be allowed.
10. Should the site cease to be needed for the construction of the Hughes Transmission Line, that within six (6) months of the cease of operations, all supplies shall be removed and the property reclaimed to its former agricultural appearance.
11. The applicant shall provide a plan to the Sheridan County Public Works Department for the control of dust, mud and debris from vehicles accessing and departing the storage site.

CU-08-015; DEWEY MATERIAL STORAGE YARD CUP; Accessed Off Beatty Gulch Road

Chairman Rolston opened the public hearing at 9:39 a.m. to receive comment on a request by Carlton Dewey for a material storage yard for the Hughes transmission line, noting that the Planning and Zoning Commission recommended approval. In response to a question, Ms. DeBolt and Mr. Anderson clarified that there would be no grading or graveling on site. The hearing was closed at 9:40 a.m. The Board approved the conditional use permit with the following conditions:

1. The applicants shall apply for and receive a Sheridan County Zoning Permit, and pay all required fees.
2. Should the owner sell the property; the new owner(s) shall contact the Sheridan County Public Works office as to the change in ownership and to receive a copy of the conditions of the CUP.

3. The applicant shall obtain a County access permit from the County Engineering Department for the change in use for the existing access off of Beatty Gulch Road (CR #1231).
4. Additional maintenance of public roads required by the increased traffic generated by vehicles accessing the construction storage site shall be the sole responsibility of the applicant. Maintenance shall be done in accordance with recommendations of the County Engineer and at the County Engineer's direction.
5. Dust Control shall be required on public roads used by vehicles hauling materials from and to the storage site. Dust prevention/suppression shall be done in accordance with the recommendations of the County Engineer and at the County Engineer's direction.
6. Addition of any structures shall require a new CUP application.
7. No storage of unusable materials or inoperable vehicles shall be allowed.
8. The site shall be kept in a neat and orderly fashion.
9. No lighting or signage shall be allowed.
10. Should the site cease to be needed for the construction of the Hughes Transmission Line, that within six (6) months of the cease of operations, all supplies shall be removed and the property reclaimed to its former agricultural appearance.
11. The applicant shall provide a plan to the Sheridan County Public Works Department for the control of dust, mud and debris from vehicles accessing and departing the storage site.

CU-08-014; REECE MATERIAL STORAGE YARD CUP; Accessed Off Arvada-Davis Road

Chairman Rolston opened the public hearing at 9:42 a.m. to receive comment on a request by Dixie Reece for a material storage yard for the Hughes transmission line, noting that the Planning and Zoning Commission recommended approval. There was no comment on this issue and the hearing was closed at 9:43 a.m. The Board approved the conditional use permit with the following conditions:

1. The applicants shall apply for and receive a Sheridan County Zoning Permit, and pay all required fees.
2. Should the owner sell the property; the new owner(s) shall contact the Sheridan County Public Works office as to the change in ownership and to receive a copy of the conditions of the CUP.
3. The applicant shall obtain a County access permit from the County Engineering Department for the proposed access off of Arvada-Davis Road (CR #70).
4. Additional maintenance of public roads required by the increased traffic generated by vehicles accessing the construction storage site shall be the sole responsibility of the applicant. Maintenance shall be done in accordance with recommendations of the County Engineer and at the County Engineer's direction.
5. Dust Control shall be required on public roads used by vehicles hauling materials from and to the storage site. Dust prevention/suppression shall be done in

accordance with the recommendations of the County Engineer and at the County Engineer's direction.

6. Addition of any structures shall require a new CUP application.
7. The applicant shall work with the ditch company to provide access to the ditch at all times.
8. No storage of unusable materials or inoperable vehicles shall be allowed.
9. The site shall be kept in a neat and orderly fashion.
10. No lighting or signage shall be allowed.
11. Should the site cease to be needed for the construction of the Hughes Transmission Line, that within six (6) month of the cease of operations, all supplies shall be removed and the property reclaimed to its former agricultural appearance.
12. The applicant shall provide a plan to the Sheridan County Public Works Department for the control of dust, mud and debris from vehicles accessing and departing the storage site.

S-08-004; THE GROVE AT THE POWDER HORN SUBDIVISION; Accessed Off Dornoch Drive

Chairman Rolston advised that this request by Homer Scott and Little Goose Links, LLC is to create 15 lots on 8.43 acres and that the Planning and Zoning Commission recommended approval. Bill Mentock was present representing the applicant. The Board approved the subdivision with the following conditions:

1. The applicant shall submit a letter of credit to the County Public Works Department and shall sign the Sheridan County Subdivision Agreement prior to the County signing the final plat;
2. The applicant shall work with the County Engineer in meeting all requirements/testing of construction that has already been done on infrastructure to the subdivision and Dornoch Drive;
3. The 40 Conditions of the Powder Horn PUD Master Plan are applied to this subdivision. (These conditions are available through the Planning Office.)

S-08-005; WEST FALLS AT THE POWDER HORN SUBDIVISION; Accessed Off Dornoch Drive

Chairman Rolston advised that this request by Homer Scott is to create 7 lots on 3.10 acres and that the Planning and Zoning Commission recommended approval. Bill Mentock was present representing the applicant. The Board approved the subdivision, applying the 40 conditions of the Powder Horn PUD Master Plan.

S-08-008M; KAUL MINOR NO. 2 SUBDIVISION; accessed off US Highway 335

Chairman Rolston advised that this request by Pat Goldhammer is to create 3 lots on 20.46 acres and that both the Planning Office and the Planning and Zoning Commission recommended denial of this request. Ms. DeBolt said the applicant would divide tract B of the Kaul Minor Subdivision and has asked for a variance from the 60-foot right-of-way requirements to allow usage of the current 40-foot road easement for lot 3. She said staff would like the

applicant to start with a preliminary plat to further respond to questions on access since Lot 3 has the potential for further development. Mr. Mentock, representing the applicant, said the present graveled width of the road is approximately 15-feet, but that the access to the subdivision off Highway 335 fulfills the access requirement. He commented that lot 3 has only one buildable site and cannot be divided. Both Rod Liesinger, Public Works Director, and Mark Reid, County Planner, suggested statements be put on the final plat that Lot 3 would need to obtain a 60-foot access. Mr. Mentock stated the road's gravel surface could be improved. The Board approved the requested variance from the 60-foot right-of-way requirement, Commissioner Cram dissenting. Further discussion centered on the need to widen the road for emergency services access. Sue Schwarz, homeowner at the end of the road, commented that she believed lot 3 could have more than one house. The Board approved the subdivision, Commissioner Cram dissenting.

S-08-003M; COTTONWOOD 2 MINOR SUBDIVISION; Accessed Off Keebler Lane

Chairman Rolston advised that this request by James and Marilyn Roberts is to divide lot 3 of the Cottonwood Minor Subdivision, consisting of 5 acres, into two lots, and that the Planning and Zoning Commission recommended approval. Ms. DeBolt said two homes are being built by the owner and that a variance is requested from the 60-foot right-of-way requirement for Keebler Lane, which is 50 feet. She said the surface width is 16 feet and staff asked that it be widened. By separate motions, the Board approved the variance and the subdivision with the following conditions:

1. Applicant shall widen the road surface of Keebler Lane adjacent to the subdivision to 18 feet and apply sufficient gravel to the widened roadway. Applicant shall work with the County Engineer regarding this condition.
2. Building permits and inspections shall be required.

S-08-009M; MCCORMICK CREEK SUBDIVISION; Accessed Off McCormick Road

Chairman Rolston advised that this request by Randal and Stacie Hukeba is to create 3 lots on 7 acres and that the Planning and Zoning Commission recommended approval. Ms. DeBolt said a variance has been requested from the 60-foot right-of-way requirement for McCormick Road, which is 40 feet, and is the access for these lots. She said Lot 2 would have SAWS water and septic. The applicant has worked with the County to dedicate flood plain areas for drainage purposes. Mr. Hukeba said the road is an adequate width for passing traffic. Commissioner Cram asked if the road would be connected to Bird Farm Road in the future. It is now only a dry weather road. He said emergency services access and addressing would be an issue. By separate motions, the Board approved the variance and the subdivision with the following conditions:

1. New or replacement septic shall be designed by a licensed engineer. This statement shall be added to the plat.
2. Building permits and inspections shall be required.

#### LOT DIVISION RESOLUTION

Mr. Reid advised that resolution 02-05-014, adopted May 21, 2002, exempted five or fewer lots to the requirements of the Subdivision Resolution for Department of Environmental Quality review of water and sewer systems. He said the County will amend the Subdivision

Resolution to exempt a certain number of lots to address groundwater containment and septic studies. Mr. Mentock cited Wyoming Statute 18-5-306, which stipulates review by the DEQ, Conservation District, and State Engineer which are all under-staffed. He said the statute authorizes counties to exempt and urged the Board to adopt such rules. Commissioner Cram asked about the need for further discussion on groundwater vulnerability areas. Mr. Reid said he would draft requirements for different groundwater areas. The Board rescinded resolution 02-05-014.

**CITY-WIDE 4% LODGING TAX**

The Board authorized the Chairman to offer a letter of support to the Travel and Tourism Action Committee in its effort to renew the City-wide 4% Lodging Tax.

**ROAD AND BRIDGE DEPARTMENT**

Administrative Director Renee Obermueller asked the Board to authorize the lease-purchase of a new 420EIT Caterpillar Backhoe, S/N KMW02900, through Wyoming Machinery, Casper, in three annual installments totaling \$106,377. The Board approved Resolution 08-08-035, authorizing the Chairman to execute required documents for the lease-purchase with Caterpillar Financial Services Corporation.

**RESOLUTION 08-08-035**

**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 420EIT Caterpillar Backhoe, S/N KMW02900 for the total price of \$106,377 which includes a \$17,500 down payment and three consecutive annual installments, all in accordance with the Lease-Purchase Agreement attached hereto, and made a part hereof.

**APPROVED AND ADOPTED** this nineteenth day of August, 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 19th day of August, 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

**COURTHOUSE**

Ms. Obermueller reported that a Request For Proposal to replace the hot water heating boiler system and the air conditioning unit and evaporator coil replacement was let in July. The air conditioning unit failed in July and was removed from the RFP. She said three bids were

received to address replacement of the boiler and recommended award to the low bidder. The Board elected to award the bid for the Courthouse boiler replacement to Powder River Heating and Air Conditioning, Inc., in the amount of \$120,100, and authorized the Chairman to execute the contract once it is reviewed and approved by the Deputy County Attorney.

#### PUBLIC FUNDS

Pursuant to W.S. 9-4-831, the Board approved Resolution 08-08-034, designating Security State Bank as a depository for public funds of Sheridan County.

#### RESOLUTION 08-08-034 DEPOSITORY OF PUBLIC FUNDS FOR SHERIDAN COUNTY

BE IT RESOLVED, that Security State Bank, a financial institution located in Sheridan County, having properly applied pursuant to W.S. 9-4-818, the Board of County Commissioners designates Security State Bank as a depository for public funds of Sheridan County (including the Sheridan County Airport, Sheridan County Fulmer Public Library, and the Sheridan County Fair Association).

BE IT FURTHER 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 Security State Bank 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 an initial period to sometime in April of 2009 when annual applications are considered by the Board of County Commissioners, or until such time as it may be rescinded or amended. Applications by banks shall be submitted by the first Monday in March of each year.

APPROVED AND ADOPTED this 19th day of August, 2008.

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

ATTEST:  
Sheridan County Clerk  
/s/Audrey Koltiska

Acknowledged by Sheridan County Treasurer  
/s/Peter C. Carroll

STATE OF WYOMING                    )  
  ) ss  
COUNTY OF SHERIDAN                )

On this 19th day of August, 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, 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

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:53 a.m.

BOARD OF COUNTY COMMISSIONERS  
Sheridan County, Wyoming

Attest:

\_\_\_\_\_  
Robert L. Rolston, Chairman

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Audrey Koltiska, County Clerk