

## MINUTES OF THE BOARD OF SHERIDAN COUNTY COMMISSIONERS

The Board met at 9:00 a.m., September 15, 2009, in regular session at the Sheridan County Courthouse, Sheridan, Wyoming. Chairman Robert 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 Bob Rolston.

### CONSENT AGENDA

The Board added an item (f) to the Consent Agenda. There being no public comment on the Consent Agenda as read, the Board approved the Consent Agenda and authorized the Chairman to sign documents as required.

- (a) Minutes of regular session on September 1, 2009;
- (b) Affirm Administrative Director's execution of Amendment #16 to Sheridan County Health Benefit Plan regarding COBRA continuation coverage;
- (c) Affirm Administrative Director's execution of Amendment #17 to Sheridan County Health Benefit Plan regarding Special Enrollment Periods for Children's Health Insurance Program;
- (d) Sheridan County License Agreement with MDU to cross Brinton Road to install a 2" plastic natural gas line (fee paid);
- (e) Sheridan County License Agreement with Powder River Energy Corporation to cross Thompson Creek road to install overhead distribution power line (no fee, for residence);
- (f) Sheridan County License Agreement with Qwest to cross Short road to install a buried telecommunications cable (fee paid).

### AGENDA

The Board approved the Agenda as published.

### ANNOUNCEMENTS

Commissioner Mike Nickel advised that the Historic County Courthouse would be on the 2009 Grand Home Tour, September 20, 2009.

### PUBLIC COMMENTS

There were no comments offered on matters not on the agenda.

### COUNTY ATTORNEY OFFICE

Upon the request of Matt Redle, County and Prosecuting Attorney, the Board approved Resolution 09-09-036, consenting to the appointment of a special prosecutor.

#### Resolution 09-09-036 Resolution For Special Prosecutor

Whereas, the County and Prosecuting Attorney has entered into an agreement with William J. Edelman, Chief Deputy County and Prosecuting Attorney in and for Campbell County, Wyoming, to review and, if appropriate, prosecute two cases in which the Sheridan County and Prosecuting Attorney's Office has either a conflict of interest or which would have the appearance of impropriety if pursued by that office; and

Whereas, William J. Edelman will provide his services free of charge to Sheridan County, except that the Sheridan County and Prosecuting Attorney's Office shall reimburse for all costs and expenses from funds appropriate in that office's budget; and

Whereas, Wyoming Statutes §§ 18-3-302 and 18-3-107 authorize such appointment with consent of the Board of County Commissioners and said action and it benefits Sheridan County;

Now, Therefore, Be It Hereby Resolved that the Board of County Commissioners of Sheridan County, Wyoming consents to the appointment of William J. Edelman to serve as special deputy county and prosecuting attorney in a particular case.

Dated this 15th day of September, 2009.

**BOARD OF COUNTY COMMISSIONERS**

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

Attest:  
/s/Audrey Koltiska, County Clerk

**POWDER HORN RANCH MINOR No. 25; S-09-009M; accessed off Dornock Drive**

Land Development Coordinator Robin DeBolt advised that this request would replat Lot 1 of the West Falls Subdivision within the Powder Horn Ranch PUD, which, with lot 2 and a portion of non-platted land, would create one lot. She said the request would not increase density and the Planning and Zoning Commission recommended approval. The Board approved the Powder Horn Ranch Minor No. 25 Subdivision applying the 40 conditions of the Powder Horn Ranch PUD Master Plan to this subdivision.

**UPPER CAT ROAD**

County Engineer Ken Muller reported that re-vegetation work is required on exposed right-of-way on Upper Cat Road. He said analysis of the terrain and bid proposals has resulted in the recommendation that agreements be awarded separately for hydro-seeding of steep slopes and drill seeding of lesser slopes. The Board authorized the Chairman to execute an agreement for hydro seeding to Jensen Construction, Inc. of Belle Fouché, South Dakota, in the amount of \$15,660; and to Bishop Ag Services of Banner, Wyoming, in the amount of \$1,143, for the drill seeding; both amounts contingent upon unit pricing in the agreements.

**COUNTY ROADS**

Mr. Muller advised that further review would be needed of the descriptions in proposed quitclaims to release the county's interest in the Dayton East Road and Dayton-Ohlman Road to the Town of Dayton. The Board tabled consideration of this item. Commissioner Cram asked whether the County should share costs for these road annexations like it does with the City of Sheridan. Public Works Director Rod Liesinger said the County in this instance expended funds to reshape and gravel Dayton-Ohlman road so the Town of Dayton should be responsible for any costs that may be involved.

**ROAD AND BRIDGE EQUIPMENT**

Administrative Director Renee Obermueller said that this lease for a new motor grader would replace an aging unit. She said the contract has a generous buy back option, and that Caterpillar contracts have been very beneficial to the County. The Board approved Resolution 09-09-035, authorizing the lease-purchase of a Motor Grader through Caterpillar Financial

Services Corp.

RESOLUTION 09-09-035

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 140M AWD Caterpillar Motor Grader, S/N 0B9G00223, for the total price of \$305,220, with balance, plus interest in seven consecutive annual installments, all in accordance with the Lease-Purchase Agreement attached hereto, and made a part hereof.

APPROVED AND ADOPTED this 15th day of September, 2009.

BOARD OF COUNTY COMMISSIONERS

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

Attest:  
/s/Audrey Koltiska, County Clerk

FIRE DISTRICT ENLARGEMENT PETITIONS

Chairman Rolston commented that these petitions require the Board to consider whether it concurs with the actions taken by District boards to accept these properties and state whether an election is required for temporary directors. He said the County Assessor and County Clerk have reviewed the filed petitions and the Clerk has certified them as being filed in proper form. Commissioner Nickel encouraged all those not in a rural fire protection district to submit a petition as the Districts may in the future have to ask for reimbursement of expenses to fight a fire on such properties.

The Board consented, as alleged in the petition filed with the Board of County Commissioners, that an election not be held for the enlargement petition by Richard Carr, 492 Upper Prairie Dog Road, to the Story Rural Fire Protection District as the landowners and voters, if any, within the new area, and the Board of Directors of the District agree to the inclusion of the new area within the District and that no additional directors are needed.

The Board consented, as alleged in the petitions filed with the Board of County Commissioners, that an election not be held for the following enlargement petitions to the Clearmont Rural Fire Protection District as the landowners and voters, if any, within the new area, and the Board of Directors of the District agree to the inclusion of the new area within the District and that no additional directors are needed. The petitioners are:

Garry and Marilyn Marken; 235 Dow Prong Road, Banner, 3 parcels;

Paul Kukowski, Trustee; 924 Ulm Road, Wyarano;

Fred Trembath dba Trembath Land Company, LLC; 1198 Lower  
Prairie Dog Road, 5 parcels;

Richard and Cathy Worman; 110 Box Elder Road;

Terry and Linda Pruett aka T-L, LLC; 58 Metz road;

Scott M. Clarkson; 2537 Hwy 14;

Audrey Koltiska; 411 S. Linden Avenue, Sheridan;

William and Juanita Unhoch; 216 Badger Creek Road;

Regina A. Twohy; 1068 Westview Dr.;

Anne Wantulok; 679 Dutch Creek Road, WYarno;  
Charlene Perry; 150 Badger Creek Road;  
Sigurd Larson; 102 Box Elder Road;  
John A. Taylor, Trustee; 2470 E. Hwy. 14;  
James F. and Sharron Aurand; 429 WYarno Road;  
Railroad Land & Cattle Company, David Sorensen; 661 Broadway,  
Sheridan, 2 parcels;

The Board consented, as alleged in the petitions filed with the Board of County Commissioners, that an election not be held for the following enlargement petition to the Big Horn Rural Fire Protection District as the landowners and voters, if any, within the new area, and the Board of Directors of the District agree to the inclusion of the new area within the District and that no additional directors are needed. The petitioners are:

Elmer and Linda DeTavernier, 6718 Big Horn Ave, Sheridan;  
Eva Scofield, 9 Gosling Dr., Sheridan;  
Bruce and Fay Bisbee, 30 Metz Road, Sheridan;  
Alice J. Roush, 37 Knode Road, Sheridan;  
William and Laurie Schwabauer, 36 State Highway 335, Sheridan;

#### AUDIT SERVICES

Ms. Obermueller advised that Sheridan Memorial Hospital is a component unit of the County and as such is included in the County's audit. For the County to earn a clean qualified opinion, an audit must also be completed for the Hospital Foundation. She said the County has agreed to pay for this audit which will be provided to the auditing firm the Hospital has provided. The Board authorized the Chairman to sign an engagement letter agreement with Porter, Muirhead, Cornia & Howard, in the amount of \$13,000, for the Hospital Foundation audit for fiscal year ending June 30, 2009.

#### ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 9:23 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