

MINUTES OF THE BOARD OF SHERIDAN COUNTY COMMISSIONERS

The Board met at 9:00 a.m., November 17, 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

There being no public comment on the Consent Agenda as read, the Board approved the Consent Agenda as published and authorized the Chairman to sign documents as required.

- a. Release of Mortgage; Lot 3, Block 2, Woodland Park Subdivision;
- b. Release of Mortgage; Lot 2, Block 1, Woodland Park Subdivision; Chairman to execute Consent to Assignment of Affordable Housing Agreement between Woodland Park LLC and SMC, LLC;
- c. Russell Design agreement for Airport lease of Bldg 18;
- d. Agreement with Cross Creek Estates LLC for purchase of 100 tons of gravel for Landon Lane, cost at \$1,750.
- e. Rental Agreement with Lake DeSmet Counties Coalition for office space, \$700/month.

AGENDA

The agenda was approved as published.

ANNOUNCEMENTS

There were no announcements by the Board.

PUBLIC COMMENTS

Roman Legerski spoke to his concerns regarding the Zowada Petition to Establish a Private Road suit being taken to the Wyoming Supreme Court. He noted that the District Court Judge had remanded the matter back to the Board of County Commissioners. He reiterated arguments stated at the hearing, and asked why the Board was not handling it. Board members commented that the matter was now before the Supreme Court and no action would be taken by the Commissioners.

Commissioner Cram said he would talk with Mr. Legerski regarding the status of the suit.

SWANEY PRIVATE ROAD MATTER

The Board approved a Notice and Order Setting Access Hearing in the matter of the application for the establishment of a private road by James and Katy Swaney; said contested case hearing is set for February 26, 2010, 8:30 a.m., in the Circuit Courtroom, Sheridan County Courthouse.

KRUSE CREEK MINOR SUBDIVISION; S-09-010M

Land Development Coordinator Robin DeBolt advised that this request by Brent and Jeannie Brooks would create four lots on 23.09 acres accessed off McCormick Road. Ms. DeBolt said the minor subdivision is located in what the Comprehensive

Plan indicates as a low-residential area. There are currently no structures on the property and individual wells and septic systems are proposed.

The portion of McCormick Road accessing the minor subdivision is a dry-weather road. Ms. DeBolt said the applicants shall enter into a Subdivision Improvements Agreement to upgrade the road by a contribution of \$6,000 in materials. No building permits will be issued until the road upgrade is complete, increasing the width from 40 feet to 60 feet.

Ms. DeBolt said the Planning and Zoning Commission recommended approval of this request. Commissioner Maier stated he had concerns about the north end of the road which has curves and hills, saying he was uncomfortable with continuing development in this area since this road is not a good access route. He questioned Mr. Brooks about the covenants and whether he would agree to state on the plat that these four lots could not be further divided. He asked if a clustered design had been considered to maximize open space. Mr. Brooks responded that such a design would require a road to be built for these four lots which now propose sharing two driveway accesses onto McCormick Road. Commissioner Cram agreed with Commissioner Maier's suggestion that a restriction be placed on these lots. With Mr. Brooks concurrence, the Board approved an additional condition that such a statement be placed on the recorded plat.

The Board approved the Kruse Creek Estates Minor Subdivision, creating a four-lot minor subdivision with the conditions recommended by the Planning and Zoning Commission, and amended, to read:

1. Building permits and inspections shall be required.
2. Prior to the County entering into the subdivision agreement, the applicants shall submit a certified check to Sheridan County, in the amount of \$6,000.
3. Prior to recording the plat, the applicants shall enter into the Sheridan County Subdivision Agreement provided by the County. The agreement states that the applicants are entering into a joint agreement for upgrading McCormick Road (CR#109) and that the County will not issue building permits for Kruse Creek Estates Minor Subdivision until the road has been upgraded.
4. The applicant shall record the subdivision agreement with the plat in the Sheridan County Clerk's office.
5. A statement shall be added to the plat reading "Lots cannot be further subdivided."

MOBILE HOME PARK LICENSES; MHP-10-001

Having been inspected and found in compliance, the Board approved the following mobile home park licenses for the period January 1, 2010 through December 31, 2010.

Arvada MHP, Keith & Betty Troll, 251 S. Railway St. Arvada

B-B Ranch, Opal Burton, 4 Rosebud Lane, Story

Bell Trailer Park, Don Ziegler, 18 Bell Dr., Sheridan

Country Park, Brett & Annetta Sayer, 657 W. 13th St., Sheridan
Easy Street Park, Philip King, 22 Easy Street, Story
McGillivray MHP, Lonny McGillivray, 1,3,5,7 Bell Drive, 24 Keahey Lane, Sheridan
Mitchell Court, Virginia Mitchell, 149 Willow Street. Big Horn
Mobile Haven Trailer Court, Marilyn Siegel, 18 Easy Street, Story
Wagon Box MHP, Wagon Box RV, LLC/Harry Washut, 108 North Piney Road, Story
Willow Park, Margaret Fletcher, 4 Island Road, Big Horn
Woodland Park Village, Royal Elk Properties, LLC, 5901 Coffeen Avenue, Sheridan

ZONING RESOLUTION

County Planner Mark Reid presented a PowerPoint overview of a conservation design overlay district. He noted the percentages of County citizens who had voiced the need to protect wildlife, open space, and grazing land. The Comprehensive Plan encourages a policy on clustered development, which would preserve more natural features, reduce affect on ridge lines, open space and irrigated agricultural land. He said such a policy would benefit the public and landowners, and would lessen the need for road construction with its associated costs.

Mr. Reid reported four consultant proposals were reviewed closely with the intent to prepare a report on the benefits of a Conservation Design Overlay District, in four phases: assessment, planning process, concepts review, and adoption of amendments to the Zoning document. He said questions remain on open space taxation issues, access to open space, where to focus the policy, whether mandatory or optional, eligibility requirements for a higher density bonus, and use of enhanced waste water systems.

The Board awarded the contract to Clarion Associates of Colorado to prepare a Conservation Design Overlay District and authorized the Chairman to execute the presented agreement, which is in an amount not to exceed \$59,830.

CLEARMONT FIRE DISTRICT

The Board considered whether an election is required, being advised that three petitions for entry into the Clearmont Fire District were approved by its board. Having been reviewed by the County Assessor and the County Clerk, the Board authorized the Chairman to sign the petitions, confirming that an election is not required as all voters, if any, within the petitioned enlargement area agree to the petition.

- R3095 Roger and Linda Nicholas
- R16903 Shane and Bonnie Barney
- R10739 Prairie Hills, LLC

BIG HORN FIRE DISTRICT

The Board considered whether an election is required, being advised that one petition for entry into the Big Horn Fire District was approved by its board. Having been reviewed by the County Assessor and the County Clerk, the Board authorized the Chairman to sign the petition, confirming that an election is not required as all voters, if any, within the petitioned enlargement area agree to the petition.

R22622 Keith Cady and Fairan Barnett

STORY FIRE DISTRICT

The Board considered whether an election is required, being advised that four petitions for entry into the Story Fire District were approved by its board. Having been reviewed by the County Assessor and the County Clerk, the Board authorized the Chairman to sign the petitions, confirming that an election is not required as all voters, if any, within the petitioned enlargement area agree to the petition.

R4356 Larry and Mary L. Barbula

R4516 Robert and Constance Goodson

R4354 Nancy D. Barbula (Moore?)

R4358 Douglas M. and Gwendolyn S. Swaney

WILDLAND FIRE MITIGATION

County Fire Warden Bill Biastoch reported that the County had received a grant from the Wyoming State Forestry Division for mitigating fuels in project areas that will be identified through the adopted Sheridan County Wildland Fire Mitigation Plan. He said this grant is through the USDA Forest Service Region 2 American Recovery and Reinvestment Act, in an amount not to exceed \$137,000, for a term running to December 31, 2011. He said that high risk areas such as T-P, Stumpy Ridge, and Black Tooth subdivisions, Story and Dome Lake are likely areas to receive attention. Mr. Biastoch said the Little Goose fire cost over \$3 million to fight, and these funds will help create defensible space around homes to alleviate wildfire risk.

The Board accepted the grant and authorized the Chairman to execute the sub-recipient agreement.

COUNTY PROPERTY

Administrative Director Renee Obermueller said ten bids were received to remove the old Kentucky Fried Chicken building which is now County property on North Main Street. The Board awarded the project to Wyoming Demolition of Sheridan, in the amount of \$9,000, and authorized the Chairman to execute the agreement for a term to March 16, 2010.

ITECH SERVICES

Ms. Obermueller advised that Information Technology support for the County Sheriff's Office and Detention Center has been provided by Ryan Mulholland as an employee of the Sheriff's Office. Ms. Obermueller said Mr. Mulholland has been the sole support for these new systems and that the County's Information Technology Department requires additional training to offer daily support for these systems. As Mr. Mulholland is no longer a County employee, an interim solution is required until a decision may be made for the 2010 FY budget. The Board approved a Contract for Services Agreement with Ryan Mulholland to perform the duties as stipulated in the agreement at an hourly rate for a period through June 30, 2010.

WYOMING RETIREMENT SYSTEM

Ms. Obermueller said the County has been advised by the Wyoming Retirement System that through its IRS audit, it has been found to not have on file a document specifying the County will pay into the system on behalf of its employees. The Board approved Resolution #09-11-156, authorizing the implementation of the provisions of Section 414(h)(2) of the Internal Revenue Code regarding employer pickup of General County Employee retirement contributions to the Wyoming Retirement System. In addition, the Board approved Resolution 09-11-157, authorizing the implementation of the provisions of Section 414(h)(2) of the Internal Revenue Code regarding employer pickup of Law Enforcement Employee retirement contributions to the Wyoming Retirement System.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 9:59 a.m. Chairman Rolston announced that a session of the Sheridan County Recreation Board would immediately follow.

BOARD OF COUNTY COMMISSIONERS

Sheridan County, Wyoming

Attest:

Robert L. Rolston, Chairman

Audrey Koltiska, County Clerk