

MINUTES OF THE BOARD OF SHERIDAN COUNTY COMMISSIONERS

The Board of County Commissioners of Sheridan County, Wyoming met at 9:00 a.m., December 18, 2007, at the Sheridan County Courthouse, Sheridan WY. Members present were Chairman Terry Cram, Commissioner Steve Maier and Commissioner Robert L. Rolston. Chairman Cram called the meeting to order and led everyone in the Pledge of Allegiance.

AGENDA

The Board approved the Agenda as published, amended to include consideration of the emergency services surcharge, an amendment to the lease agreement for office space at the Airport for the Department of Criminal Investigation, and to acknowledge a request for the establishment of a private road and request for temporary access.

ANNOUNCEMENTS

There were no public announcements

PUBLIC COMMENTS

John and Shelley Barbula spoke to their concern about parking plans in the Kleenburn pond area. Mr. Barbula said some activities in the area produce excessive noise and that there is a need for enforcement to resolve problems. County Engineer Bruce Yates said the Abandoned Mine Lands Division of the Department of Environmental Quality is doing the project design with reclamation and eventual improvements to the area. He said that the DEQ has already agreed to move the parking lot more to the northwest. Commissioner Rolston said the Kleenburn area shall become a fishing and teaching lab for kids. Chairman Cram said the Board would attempt to diminish the impact to neighboring landowners by setting usage rules so that the Sheriff's office can provide enforcement.

CONSENT AGENDA

The Board approved the Consent Agenda as read and authorized the Chairman to sign the required documents: (a) Minutes of a regular meeting on December 4, 2007; (b) Official Bond and Oath, Annalea Redding, City of Clearmont, \$10,000, term to December 26, 2008; (c) Treasurer position bond, Sheridan County School District #2, \$25,000; (d) Amendment to Month to month rental agreement with Joe Oleinik for Detention Center kitchen construction parking on his property at \$300/month.

COUNTY AIRPORT

Airport Manager John Stopka advised that the selection process for designating the engineering consulting firm for the next five year period is not complete and, for that reason, requested an amendment to the Vista West Engineering contract, to continue its services through the end of the FAA's 2008 fiscal year which is September 30, 2008. The Board authorized Chairman Cram to execute the Amendment to the Vista West Engineering agreement.

Mr. Stopka advised that SAWS, in 1992, leased two tracts at the airport for a pumping station at \$1 a year for 50 years. Following an FAA land use report, the SAWS agreement was identified as not meeting FAA rules for receiving fair market value for non-aeronautical uses when leasing airport property. The Board authorized the Chairman to execute the Lease Amendment between the County Airport and SAWS, increasing the annual lease rate to \$1,882 as may be adjusted every two years.

The Board authorized Chairman Cram to execute an Off-Airport Automobile Rental Concessions Operating Agreement with Enterprise Rent-A-Car of Montana/Wyoming for a three-year term expiring November 30, 2010. The agreement allows Enterprise to use parking spaces at the airport for no longer than four hours when dropping off and picking up passengers.

COUNTY PARKING LOT

Salvation Army board member Alan Weakly advised that the Army has a need to expand its facilities to improve efficiency, and is applying to the City of Sheridan for permits to do so on its property at 150 Tschirgi. The City requires one parking space for every five seats of the specified occupancy. To officially ensure that adequate parking is available for Sunday chapel services, he requested an agreement for the use of 20 spaces in the County's west parking lot. The Board authorized the Chairman to execute a Shared Use Agreement for Parking Facilities with the Salvation Army for a 20-year term.

STALICK-BARKER SETBACK VARIANCE; V-07-009

Chairman Cram opened the public hearing at 9:45 a.m. County Planner Mark Reid advised that Ivan Stalick and Morgan Barker are requesting a 15-foot variance from the required 20-foot rear setback for property at 24 Creighton Street, Big Horn. They propose building a garage and an addition to the home. Mr. Reid said variances require that an unusual physical circumstance or condition exists on the property, under certain criteria. He said the Planning and Zoning Commissioners found such conditions do not seem evident and recommended denial of the variance. Jon Seidel, Cosner Construction, representing the applicants, said the property is zoned Commercial 2 but used for residential, with the rear of the property on an alley. He said he received only positive comments from neighbors. The hearing was closed at 9:56 a.m. The Variance request failed for lack of a positive vote. Chairman Cram said the applicant would receive findings of facts supporting the Board's decision.

EASY STREET MOBILE HOME PARK

Having been found in compliance, the Board approved the 2008 license renewal for the Easy Street Mobile Home Park.

WEST BRUNDAGE LANE PROJECT

Grants Administrator Mike Mackey reported that grant funding was available to assist in constructing a ten-foot pathway on one side of the County roadway, allowing for snow piling on the other side. He commented that this would be beneficial to the Airport entryway and provide a multi-use pathway for the community. He said the total project would be \$194,600, with the County committing \$127,100 from 1% capital facilities tax, and the grant application at \$67,500. Mayor Jim Wilson was present representing TRAC and supported the project, saying it would eventually tie in with the Wallop Park at the Airport. The Board authorized the Chairman to sign Resolution 07-12-029, authorizing the submission of a Land and Water Conservation Fund grant application to the Wyoming Department of State Parks and Cultural Resources.

RESOLUTION 07-12-029

A RESOLUTION AUTHORIZING SUBMISSION OF A LAND AND WATER CONSERVATION FUND GRANT APPLICATION TO THE WYOMING DEPARTMENT OF STATE PARKS AND CULTURAL RESOURCES ON BEHALF OF THE GOVERNING BODY OF SHERIDAN COUNTY FOR THE PURPOSE OF COMPLETING THE WEST BRUNDAGE LANE PATHWAY PROJECT.

WITNESSETH

WHEREAS, the Board of Sheridan County Commissioners of Sheridan County, Wyoming wishes to address public safety concerns regarding pedestrian and bicycle traffic on West Brundage Lane; and

WHEREAS, this problem can be best remedied through the construction of an off-road multi-use pathway; and

WHEREAS, the estimated cost of said pathway is \$194,600.00; and

WHEREAS, the governing body of Sheridan County has committed \$127,100.00 in 1% Capital Facilities Sales and Use Tax funds to this project as matching funds.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF SHERIDAN COUNTY, that a grant application, in the amount of \$67,500.00, be submitted to the Wyoming Department of State Parks and Cultural Resources for consideration.

BE IT FURTHER RESOLVED, that Mike Mackey, County Grants Administrator, is hereby designated as the authorized representative of Sheridan County to act on behalf of the Governing Body on all matters relating to this grant application.

DATED this eighteenth day of December, 2007.

BOARD OF COUNTY COMMISSIONERS

Sheridan County, Wyoming
/s/Terry Cram, Chairman

Attest:
/s/Audrey Koltiska, County Clerk

STATE OF WYOMING)
)
COUNTY OF SHERIDAN)

On this eighteenth day of December, 2007, before me personally appeared Terry Cram, 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 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

INVESTMENT POLICY STATEMENT

Administrative Director Renee Obermueller advised that the County Treasurer had requested the policy be updated to correct a typing error indicating the percentage of collateral to be held in reserve, which is contrary to statute. Upon closer inspection, it was felt the document should be reviewed. This being done, the Board, pursuant to Wyoming Statute 9-4-831(h), approved Resolution 07-12-030, adopting the revised Statement of Investment Policy. In addition, the Board authorized the Airport Manager to invest county funds during the 2008 calendar year, subject to the provisions in the Statement of Investment Policy.

RESOLUTION 07-12-030
SHERIDAN COUNTY, WYOMING
STATEMENT OF INVESTMENT POLICY

1.0 GENERAL

This Statement of Investment Policy is adopted pursuant to the requirements of W.S. 9-4-831(h). The financial accounting procedures of Sheridan County are divided among the Board of County Commissioners, the County Clerk, the County Treasurer, and upon Board authorization, the County Airport Manager. The County Clerk, or his/her designee, is designated as the County budget officer, and the County Treasurer is in charge of the County treasury. The County Airport Manager, as authorized on an annual basis, by the Board of County Commissioners, is allowed to invest Sheridan County Airport funds, in the name of "Sheridan County Airport," with the Wyoming State Treasurer WYOSTAR. It is the policy of the County of Sheridan to invest public funds in a manner which will provide a reasonable rate of investment return while assuring the maximum security of principal, meeting the daily cash flow demands of the County of Sheridan and conforming to all federal, state and local laws and regulations governing the investment of public funds.

2.0 SCOPE

This investment policy applies to all financial assets of the County of Sheridan and the Sheridan County Airport. These funds are accounted for in Sheridan County's *Annual Abstract* and include:

2.1 Funds

| | |
|------|---|
| 1000 | County General Funds |
| 3505 | Special Revenue Funds |
| 3502 | Capital Project Funds |
| 2000 | Trust and Agency Funds |
| ---- | Enterprise Funds – Airport |
| ---- | Any new fund created by the Board of County Commissioners |

3.0 PRUDENCE

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment, considering the probable safety of their capital as well as the probable income to be derived.

The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and the investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

4.0 OBJECTIVES

The primary objectives, in primary order, of the County of Sheridan investment action shall be:

4.1 Safety

Safety of principal is the foremost objective of the investment program. Investments of the County shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

4.2 Liquidity

The County's investment portfolio will remain sufficiently liquid to enable the County to meet all operating requirements which might be reasonably anticipated.

4.3 Return on Investment

The County's investment portfolio shall be designed with the objective of attaining a reasonable rate of return throughout budgetary and economic cycles, taking into account the County's investment risk constraints and the cash flow characteristics of the portfolio.

4.4 County Investment

The County's investment portfolio will be managed with a commitment toward the benefit of the County. To this end, investing in local institutions, domestic instruments, or through local brokers will be the preferred investment strategy. This strategy will be tempered with the County's fiduciary responsibility and policy of attaining a market rate of return.

5.0 MANAGEMENT RESPONSIBILITY

Authority to manage Sheridan County's investment program is derived from the Wyoming State Statutes. Management responsibility for the investment program is hereby delegated to the Sheridan County Treasurer and, upon Board authorization, the County Airport Manager who may establish written procedures for the operation of the investment program consistent with this investment policy. Procedures should include reference to: safekeeping, repurchase agreements, wire transfer agreements, collateral/depository agreements and banking service contracts. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the County Treasurer. The County Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate investing activities.

6.0 ETHICS AND CONFLICTS OF INTEREST

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Such persons and investment officials shall disclose to the Chairman of the Board of County Commissioners any material financial interests in financial institutions that conduct business within this county, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the Sheridan County investment portfolio. Such elected officials, officers, and employees shall subordinate their personal investment transactions to those of Sheridan County, particularly with regard to the time of purchases and sales.

7.0 AUTHORIZED FINANCIAL DEALERS AND INSTITUTIONS

The County Treasurer will maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers who maintain an office in the State of Wyoming.

No public deposit shall be made except in a qualified public depository as established by State law.

An annual review of the financial condition and registration of qualified bidders will be conducted by the County Treasurer. A current audited financial statement is required to be on file for each financial institution and broker/dealer in which the County invests.

8.0 AUTHORIZED AND SUITABLE INVESTMENTS

The County Treasurer is authorized to invest in those types of securities as allowed by State law, with the following exception:

1. Any derivative-driven investment.

9.0 COLLATERALIZATION

In addition to the collateralization requirements found in W.S. 9-4-821, collateralization will also be required on the following types of investments:

1. Time deposits, and
2. Repurchase agreements.

In order to anticipate market changes, amounts of funds on deposit, and provide an adequate level of security for all deposited funds, the collateralization level will be 102% or higher as required by law, of the higher of the par or market value of the deposits.

The market value of deposits will include accrued interest.

The adequacy of the pledged collateral will be measured by the market or par value of the collateral, whichever is the lesser.

Authorized instruments for collateralization are those found in W.S. 9-4-821, with the following exception:

1. Any derivative-driven investment.

10.0 SAFEKEEPING AND CUSTODY

All securities purchased by the County of Sheridan under this section shall be properly designated as an asset of the County and held in safekeeping by a third party custodial bank or other third party custodial institution, chartered by the United States government or the State of Wyoming, and no withdrawal of such securities, in whole or in part, shall be made from safekeeping except by the Treasurer as authorized herein or by their respective designees.

A clearly marked evidence of ownership (safekeeping receipt) must be supplied to the County and retained.

The right of collateral substitution upon prior notification and acceptance by the County is granted.

All security transactions, including collateral for repurchase agreements, entered into by the County shall be conducted on a delivery versus payment (DVP) basis.

11.0 DIVERSIFICATION

The County will diversify its instruments by security type and institution. With the exception of U.S. Treasury securities, certificates of deposits, and authorized pools, no more than 25% of the County's total investment portfolio will be invested in a single security type. To provide assurance that the County will be able to continue financial operations without interruption and dependence upon interest rates, satisfaction with services, and practicality, the County will generally attempt to utilize at least two financial institutions as depositories.

12.0 MAXIMUM MATURITIES

To the extent possible, the County will attempt to match its investments with anticipated cash flow requirements. Unless matched to a specific cash flow, the County will not directly invest in securities maturing more than three (3) years from the date of purchase.

The County may collateralize time deposits and repurchase agreements using longer-dated investments not to exceed five (5) years to maturity.

13.0 INTERNAL CONTROL

The County Treasurer shall establish a process of annual independent review of the investment function by an external auditor. This review will provide internal control by assuring compliance with policies and procedures.

14.0 MARKET YIELD

The Sheridan County investment portfolio will be designed to obtain a market average rate of return during budgetary and economic cycles, taking into account the County's investment risk constraints and cash flow needs.

The County's investment strategy is active. The County will generally purchase instruments with the intent of holding the investments until maturity. Securities may be sold when market prices exceed original cost plus costs of sale by an amount that would contribute favorably to the County's rate of return on investments.

Given this strategy, the basis used by the County Treasurer to determine whether reasonable yields are being achieved is if the rate of return on all average cash and investment balances is within 100 basis points below the lower of:

1. The average ninety (90) day certificate of deposit rate of local depositories; or
2. The average annual earning rate of the State of Wyoming local investment pool (WYOSTAR), as defined by W.S. 9-1-416.

15.0 INVESTMENT POLICY ADOPTION

The Investment Policy shall be reviewed on an annual basis by the Board of County Commissioners, the County Clerk and the County Treasurer and any modifications made thereto must be approved by the Board of County Commissioners.

Before any person effects any investment transaction on behalf of Sheridan County or offers any investment advice to the Board of County Commissioners of Sheridan County, he/she shall sign a statement indicating that he has read this Policy and agrees to abide by applicable state law with respect to advice he/she gives and the transactions he/she undertakes on behalf of Sheridan County.

This policy was first adopted July 2, 1996. This revision shall become effective December 18, 2007, as filed with the County Clerk.

ADOPTED this eighteenth day of December, 2007.

BOARD OF COUNTY COMMISSIONERS

Sheridan County, Wyoming
/s/Terry Cram, Chairman

Attest:
/s/Audrey Koltiska, County Clerk

STATE OF WYOMING)
)
COUNTY OF SHERIDAN)

On this eighteenth day of December, 2007, before me personally appeared Terry Cram, 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

AIRPORT LEASE, DCI

At the request of the Airport Manager, the Board authorized the Chairman to execute an Amendment to Lease Agreement No. 8-09525 with the Department of Administration and Information for the purpose of correcting typographical errors under the Term of Lease and Rent Payment clauses with all other terms and conditions remaining the same. The amendment shall

extend the agreement one month as originally negotiated for office space for the Department of Criminal Investigation.

ESTABLISHMENT OF A PRIVATE ROAD

County Attorney Matt Redle advised the Board that an application had been filed on December 14, 2007 by Charles D. and Elizabeth Turner for the establishment of a private road with a request for the Board to grant temporary access to their property off Maverick Road. Mr. Redle said the application seems to meet the requirements of W.S. 24-9-101(a) and (b).

Mr. Redle advised that the applicants have alleged that Ronald A. Stolcis has threatened to deny access, but he has not yet done so. Mr. Redle thought granting a temporary access may be premature. Besides the named parties, Ronald A. Stolcis and SAWS, Mr. Redle suggested two additional parties be required to be notified, Robert Hufnagel and Kimberly Hensley. He noted the Board has 30 days in which to review the application and set a date for a contested case hearing. Mr. Redle suggested that the Board have a separate hearing on the issue of temporary access if that should become necessary.

The Board acknowledged receipt of the application to establish a private roadway and request for a temporary access. The Board then directed Mr. Redle to contact the parties through their counsel and take steps to reasonably assure that proper notification of all landowners surrounding the Turner property, including but not limited to Mr. Hufnagel and Ms. Hensley, and to also determine whether the Turners have been actually denied or restricted access to their property.

EMERGENCY SURCHARGE

Ms. Obermueller said that an annual review of the E911 emergency surcharge records found that new communication firms serving Sheridan County needed to be advised of the County Resolution authorizing such collection. She said there is no change from the 75 cent surcharge approved on April 20, 2004. The Board authorized the Chairman to sign Resolution 07-12-031, authorizing the continued collection of the surcharge which is earmarked for emergency services equipment.

Resolution 07-12-031 911 Emergency Surcharge

Whereas, pursuant to W.S. § 16-9-101 et. seq., the “Emergency Telephone Service Act” authorizes the Board of County Commissioners of Sheridan County to provide for the creation, continuation and operation of a “911 emergency reporting system”; and

Whereas, the “911 emergency reporting system” enhances the health, safety and welfare of all citizens of Sheridan County; and

Whereas, Wyoming statutes authorize funding of a “911 emergency reporting system” by a “911 emergency surcharge;” and

Whereas, on July 18, 1995, the Board of County Commissioners, during a duly advertised public hearing, heard and considered the views of the citizens of Sheridan County and having received written support for the imposition of such a surcharge from the duly elected representatives of the City of Sheridan and the Towns of Clearmont, Dayton and Ranchester, passed a resolution authorizing the collection of such a surcharge; and

Whereas, on June 6, 2000, the Board of County Commissioners amended the resolution of July 18, 1995 to authorize the collection of the surcharge for all current and future telephone prefixes providing service within Sheridan County in the amount of fifty cents (50¢); and

Whereas, W.S. § 16-9-103 authorizes the Board of County Commissioners, by resolution, to impose a monthly uniform tax on all service users within Sheridan County in an amount not to exceed seventy-five cents (75¢) per month on each local exchange access line, per wireless communications access or other technological device that under normal operation is designed or routinely used to access 911 emergency services; and

Whereas, the cost of equipping, maintaining and operating a 911 emergency system and enhanced wireless 911 service has grown;

Now, Therefore, Be it resolved, that pursuant to W.S. § 16-9-101 et. seq., the Board of County Commissioners of Sheridan County, Wyoming does hereby amend those resolutions adopted by this Board on July 18, 1995, June 6, 2000, and April 20, 2004 and does hereby impose a “911 emergency surcharge” in the amount of seventy-five cents (75¢) upon each local access line, wireless communications access or other technological device access that under normal operation is designed or routinely used to access 911 emergency services.

Be it Further Resolved, that such funds collected from the 911 emergency surcharge hereby authorized shall be spent solely to pay for public safety answering point and service suppliers’ equipment and service costs, installation costs, maintenance costs, monthly recurring charges and other costs directly related to the continued operation of a 911 system including enhanced wireless 911 service, but specifically excluding authorization to expend such funds for personnel costs necessarily incurred by a public safety answering point; and

Be it Further Resolved that the proceeds of the “911 emergency surcharge” shall continue to be collected and administered by Sheridan County or its appointed board in accordance with the resolution passed on July 18, 1995.

BE IT FURTHER RESOLVED that all resolutions in conflict herewith are hereby rescinded to the extent of such conflict.

Passed, approved and Adopted this eighteenth day of December, 2007.

BOARD OF COUNTY COMMISSIONERS

Sheridan County, Wyoming
/s/Terry Cram, Chairman

Attest:
/s/Audrey Koltiska, County Clerk

STATE OF WYOMING)
)
COUNTY OF SHERIDAN)

On this eighteenth day of December, 2007, before me personally appeared Terry Cram, 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

ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 10:47 a.m.

BOARD OF COUNTY COMMISSIONERS
Sheridan County, Wyoming

Attest:

Terry Cram, Chairman

Audrey Koltiska, County Clerk