

OFFICE OF THE COUNTY COMMISSIONERS
SHERIDAN COUNTY COURTHOUSE, 9:00 AM
NOVEMBER 15, 2005, SHERIDAN, WYOMING

The Board of County Commissioners of Sheridan County, Wyoming met at the time and place above-mentioned. Members present were Chairman Lawrence A. Durante, Commissioner Ky Dixon and Commissioner Terry Cram. Chairman Durante called the meeting to order and then led everyone in the Pledge of Allegiance.

MINUTES:

The Board approved the Minutes of November 1, 2005 as written.

AGENDA:

The Board approved the Agenda as published, amended to also consider the County Assessor taking a county vehicle out of state; change order #21 to the jail project, and naming a Special Prosecutor.

ANNOUNCEMENTS:

Chairman Durante acknowledged Carol Grandahl of the Treasurer's office for ten years of service to Sheridan County. He advised that the Courthouse would be closed for the Thanksgiving holiday on November 25 and on November 26 as a day of appreciation for county employees.

COMMENTS FROM THE PUBLIC:

Mel Heckman asked the Commissioners if they would assist in the reopening of a section of State Highway 87 near the Fetterman Monument which has been closed. Chairman Durante mentioned that he has been talking with the State Department of Transportation about a swap for that section of road but has no final word yet from WYDOT. He said Johnson County seemed to be receptive to the idea.

Ron Crispin, representing the Wrench Ranch Homeowners Association, wanted the Commissioners to know that property owners on the north side of Sheridan were concerned about increased congestion that may result from suggested alternatives for the West Transportation Corridor.

THE FREE CLINIC OF SHERIDAN:

This item was removed from the Table for further consideration. Executive Director Ngan Lam assured the Commissioners that the Clinic had the required \$7,500 matching funds for this Community Development Block Grant and that she was aware of the billing reimbursement procedure. The Board approved the Chairman signing the grant agreement, in an amount not to exceed \$22,500, for a term expiring October 10, 2006. The grant will fund a planning only study to identify the Clinic's service area and would create an operational business plan. The Board also approved a Sub-Grantee Agreement between Sheridan County and the Free Clinic setting out the obligations of both.

FORWARD SHERIDAN:

Chairman Durante commented that Forward Sheridan is the successor to the Sheridan Area Development Alliance, which has received \$20,000 annually from the County. Campaign Director John Posusta advised that his job was to coordinate the funding campaign to obtain \$1.8 million for this four-year economic development project. He said that \$1.2 million has been

committed to Forward Sheridan. The Board approved the Economic Development Agreement with Forward Sheridan, for the remainder of the term July 1, 2005 through June 30, 2006, in the amount of \$35,000, having previously paid \$5,000 of this obligation.

OFFICE OF JUVENILE JUSTICE:

The Board approved the Chairman executing a Waiver of Direct Subgrant Award document, which waives to the Juvenile Justice Joint Powers Board the County's right to the federal fiscal year 2005 allocation of \$2,111 for the Juvenile Accountability Incentive Block Grant. This funding is used for the 48-hour holdover facility for adolescents.

INDIAN PAINTBRUSH ESTATES SUBDIVISION, Preliminary Plat:

This matter came before the Board on appeal of a Planning and Zoning Commission's vote of two to two, with one abstention, at its October 13, 2005 meeting. County Planner Ray Pacheco noted that the preliminary plat could not continue through the process without three affirmative votes and the applicant was advised of his options for appeal. He said with receipt of a Department of Environmental Quality letter, the application was now complete. He reported that the Conservation District had requested three conditions that could be included for consideration on the final plat.

Irene Hause, residing east of the subdivision, voiced her concern that the area was swampland and that drainage from this area crosses their property and she was opposed to the subdivision. Ron Lytton, residing south of the subdivision, gave photographs to the Board and said that the land includes Swaim Draw and Jones Draw, which drains two live streams. He was concerned that the aquifer would be overloaded from septic leach fields.

Scott Bliss, D.S.B. Investment, Inc., said his subdivision plan was based on engineering and he was committed to constructing a good subdivision. He and members of his engineering team reported on the development, in conjunction with a Power-point presentation.

Megan Crow, MC2 Engineering, said the development was west of Sherry View Ponds, zoned Urban Residential but designed as Rural Residential, with 22 lots greater than two acres. Ms. Crow said that pertinent agencies had reviewed the preliminary plat and it was found to meet requirements. Tom Pilch, Pilch Engineering, said the septic design required by the Department of Environmental Quality (DEQ) for this area is a mounded system, with filtration through a sand bed before the water enters the ground. He said there should be no impact to drinking water with this type of system. Greg Hoechst, WWC Engineering, said that the Army Corps of Engineers would be inspecting their wetland delineations next week. He said that 15 sites were drilled to determine vegetation, hydrology and soil conditions. Five and one-quarter acres were deemed to be wetlands. Chairman Durante asked if all lots had sufficient building and septic space. Mr. Hoechst said that a lot in the northeast corner is designated as a common area, and a lot in the southeast corner has sufficient space but includes a wetland area. He clarified that the Corps of Engineers has jurisdiction in surface water issues and the DEQ has jurisdiction in groundwater issues. Mr. Bliss said that landowners would not be able to build on identified wetlands and the subdivision has written strong covenants. Attorney Dan Riggs noted that the preliminary plat meets the requirements of the Subdivision Resolution and asked the Board to approve the preliminary plat so that it could proceed as a final plat to the Planning and Zoning Commission. There was no other public comment.

Chairman Durante said that building sites and wetland areas should be indicated on the final plat for protection of the landowners. In response to a question about the high water table from Commissioner Dixon, Tom Pilch advised that 5-7 bore holes were drilled about 12 to 16 feet deep on higher elevations that produced water nine feet down. This is adequate for standard septic systems, but the subdivision would require mounded systems for all lots, with a 50-foot setback from drainages. Mr. Pacheco said that the two-acre lot minimum was a zoning issue, not a DEQ issue. Commissioner Cram asked if the Corps would issue a permit only after its inspection to which Mr. Hoechst advised yes, and that the road would have new culverts so that runoff would be properly channeled.

Mr. Lytton said that an irrigation ditch drops into Jones Draw, which brings the water table up during the summer. Mr. Bliss said the water from the ditch would enter piping and then be returned to downstream users as the subdivision has runoff and territorial rights.

After considering written and oral comments, the Board approved a motion to allow the preliminary plat to move through the process to the final plat application. Chairman Durante said that the 22 lots indicated on the preliminary plat may have to be reduced to ensure that all lots provide enough space to allow for buildings, a septic system and an alternate location for a leach field in the event of failure. Upon a question, Mr. Pacheco advised the Board that the Zoning Resolution does not address density, but that he hoped that would change. Deputy County Attorney Charmaine Reed said that the Board has discretion to rule on health and safety issues, but not on density. She said if the DEQ has determined that septic systems are okay, then the Board must rely on the evidence on file and whether it may be contrary to the DEQ's determination in order to justify denying a subdivision request due to a health and safety issue.

PILCH AND LPD RANCH CONDITIONAL USE PERMIT; CU-05-004:

Chairman Durante opened a public hearing at 10:29 a.m. to consider a request to renew a conditional use permit to utilize two offices for the operation and maintenance of a natural gas field and for storage of construction and maintenance materials, equipment and tools. Mr. Pacheco said that the applicant has complied with all conditions for the past five years. Mr. Briscoe, representing the applicant, said the suggested conditions were acceptable to them. The hearing was closed at 10:36 a.m. Upon the recommendation of the Planning and Zoning Commission, the Board approved the conditional use permit with the following conditions and noted the applicant would receive Findings of Fact to support the Board's decision.

- (1) The permit shall be for a term of ten (10) years;
- (2) The permit shall be limited to the two trailers already on site;
- (3) The permit shall be limited to present on-site conditions. If changes are desired, the applicant shall request an amendment to the CUP.

PILCH RANCH, LLC CONDITIONAL USE PERMIT; CU-05-005:

Chairman Durante opened a public hearing on this matter at 10:37 a.m. There being no public comment, it was promptly closed. Upon the recommendation of the Planning and Zoning Commission, the Board approved this request to renew a conditional use permit to utilize an office for the operation and maintenance of a natural gas field and for storage of construction and maintenance materials, equipment and tools. The following conditions were applied to this

renewed permit and the applicant was advised it would receive Findings of Fact to support the Board's decision.

- (1) The permit shall be for a term of ten (10) years;
- (2) The permit shall be limited to the trailer already on site;
- (3) The permit shall be limited to present on-site conditions. If changes are desired, the applicant shall request an amendment to the CUP.

MULLINAX-GRIFFITH QUARRY; Q-05-001:

Chairman Durante opened a public hearing at 10:45 a.m. to consider this quarry application. Mr. Pacheco advised that the Planning and Zoning Commission had recommended denial of this application, based on a 2-3 vote. Chairman Durante said that the applicant had met individually with the Commissioners and that Commissioner Cram had taken the lead in negotiating acceptable conditions, meeting with both the proponents and opponents of this quarry. Mr. Pacheco said the applicant has complied with the requirements of the application.

Upon advice that one property owner had not been notified, Mr. Pacheco outlined the process. He said the letter to this landowner had not been returned from the Post Office as undeliverable. Residents Mike Benedickt, Mike Onstott, Jim Kistler, Jane Scott, Clint Langer, Joyce Meling, Red Fisher, and Hank Martin all spoke to the issue of safety from the proposed number of trucks hauls per day, the 45 mph speed limit, the condition of Soldier Creek Road, the need for dust control, and safety due to pedestrian use and three blind curves and a hidden driveway. It was thought a road traffic study and survey to improve the road should be made and that hauling should not be done during periods of adverse weather conditions.

Tom Pilch commented that road maintenance should not be tied to the permit. Mike Connell said that Section 23 of the Zoning Resolution was designed to encourage cooperation between the applicant and the County. Chairman Durante closed the public hearing at 11:21 a.m.

Bruce Yates, County Engineer, said that the pit run gravel would be hauled to the Mullinax gravel processing plant on Fort Road. Mr. Yates said Soldier Creek Road was reconstructed in 1998 but that there are three sections that could be improved which he recommended. These are to reduce the vertical curve adjacent to the Scott driveway to improve sight distance; realign the intersection at Keystone Road, which would require right-of-way acquisition; and fill a short section of roadway near the VA water treatment plant to improve sight distance. This requires realignment of an irrigation ditch. Upon a question, he said that a full mag chloride application to Keystone hill should help to stabilize that section.

Nathan Mullinax said they were receptive to conditions and would work with the County at the Engineer's discretion and might donate land to realign the Keystone intersection. Chairman Durante asked what size the pit would be at any one time. Mr. Mullinax said their DEQ permit is for storage and hauling, but no crushing, of ten-acres. Normally, a one-acre strip would be exposed ahead of a 2-3 acre pit, with reclamation ongoing rather than at the end of the pit life. He said he foresees two to three days of hauling a week. If weather conditions are adverse, they would not be operating. Commissioner Cram made a motion to approve with the following conditions:

- (1) Dust control on haul roads, stockpiles and work areas, as needed, is required in accordance with requirements of the County Engineer and Section 23 of the Zoning Resolution.
- (2) Applicant shall apply enough dust palliative to prevent excessive dust on Soldier Creek Road as agreed upon by the County Engineer.
- (3) The permit shall be effective for seven years from the date of approval by the Board of County Commissioners. A renewal of this permit is required for extension of the time period if desired.
- (4) Quarry operations shall be permitted only during the period March 15 through November 30 each year.
- (5) Haul trucks shall not exceed 35 mph on Soldier Creek Road.
- (6) Operations shall be limited to 7:30 a.m. to 4:30 p.m., Monday through Friday and between 7:30 a.m. and Noon on Saturday.
- (7) Haul trucks shall not utilize Mydland Road (CR 80).
- (8) The applicant/owner shall provide the county copies of any permits or renewed permits as may be required by the State through the life of the quarry project, as well as changes that may take place to the operations of the quarry due to changes in regulations or permissions from the State of Wyoming.
- (9) Signage shall be limited to one on-site sign, not exceeding 3 feet by 3 feet.
- (10) If a traffic study is warranted due to traffic counts during the initial stages of hauling, the cost of such study shall be split evenly by the applicant and the County.
- (11) Applicant shall work, as may be reasonably requested by the County Engineer, to address road integrity issues with supply of equipment and materials.

Commissioner Cram noted that many counties do not issue permits for quarries as permitting is done by the DEQ. He said Sheridan County needs gravel to maintain roads and believes the permitting process allows the public a voice in setting operating conditions. He said Mullinax has accepted conditions beyond those required of other quarry permits. Mike Connell offered that since this is a private enterprise, the county needs to ensure liability coverage for the cooperative projects. The Board voted to approve the permit as moved by Commissioner Cram. Chairman Durante advised the applicant that Findings of Fact would be issued.

ZONING MATTERS WITHIN ONE MILE OF SHERIDAN:

Chairman Durante opened a discussion on a proposed Memorandum of Understanding between the City of Sheridan and the County whereby the City would process subdivision plats and building permits requested for properties situated within the one mile area adjacent to the City limits of Sheridan. The Board of County Commissioners would then review what the City forwards to County staff. Wyoming Statute 34-12-103 requires joint approval of subdivisions within one-mile of an incorporated city or town.

Commissioner Dixon reported that a Subdivision Resolution Task Force has been reviewing the County's document with the goal to make it more streamlined and clear. City Planner Robert Briggs noted that the current process can be frustrating to developers and staff, but that the proposed MOU should assist in expediting the process while allowing public comment. Chairman Durante said that if the city would process building permits, it would

alleviate the workload of the County Inspector. Since the city and county use different building codes, it would require adoption of the city's code with some additional training for county personnel. Mike Connell commented that the Board would still be the voice of residents within the one-mile zone. He noted that fees charged by the city are much higher than those set by the county and he said there would be no opportunity for the landowner to recoup the fee charged by the city through land value appreciation. He felt the city should not charge more than the county on septic permits and said inspection fees would hurt these county residents. Mr. Briggs said he has not compared the fee structures. The city uses a 1997 Administrative code fee structure, which is based on valuation with regional modifiers. Commissioner Dixon suggested the county may need to contract with the city for these services rather than through the MOU. Chairman Durante said the city has veto rights by Statute now and that the MOU could be terminated with 60-days notice.

Mr. Pacheco and Charmaine Reed said an agreement would necessitate language changes to the Subdivision Resolution and Building Standards Resolution. Harvey Purcella commented that he would prefer to deal only with the county, which represents him. Engineer Dave Randall commented that the county would also need to modify the Flood Hazard Resolution.

JAIL PROJECT:

The Board approved change order #20 to the Ormond Builders contract, in the amount of \$2,600, for additional masonry work to support a structural steel installation. The Board also approved change order #21, in the amount of \$805, for changing an 8-inch masonry wall to a 12-inch masonry wall in the Women's Day Room 347.

RIGHT-OF-WAY LICENSES:

The Board approved the following right-of-way licenses: 05-58 to Windsor Beaver Creek, LLC for a trenched crossing of Clear Creek-Buffalo Creek Road to install gas, water and electrical lines; and 05-59 to Range Telephone for a bored crossing of Murphy Gulch Road to install a residential phone line.

BOND:

The Board approved the payment of an official bond and oath for Airport Manager John Stopka, in the amount of \$500 for an insured amount of \$100,000, for a one-year term expiring November 5, 2006.

COUNTY DEPARTMENT PURCHASING POLICY:

Commissioner Cram outlined a draft purchasing policy for Sheridan County and said that most counties have adopted a purchasing policy. He said this procedure would assist department heads in assessing the cost of doing business and they would be able to defend purchasing decisions if questioned. Commissioner Cram also clarified an earlier report on a Wyoming Electric billing through the Sheriff's office, which was considered excessive. Upon further review of earlier charges relating to outfitting vehicles by another entity given as an example, the total cost charged by Wyoming Electric was more in line with what the Sheriff's office paid previously. Commissioner Dixon said the policy represents little change from actual County practice and there are instances where the County may not grant preference due to federal and state regulations. The Board adopted the policy as drafted with two wording changes.

SHERIDAN COUNTY PURCHASING POLICY

Goods and services to be purchased on behalf of Sheridan County, in individual amounts exceeding \$1,000, shall require written cost estimates from at least three (3) vendors (when available) prior to purchase. The purchase shall then be made from the vendor submitting the lowest estimate, except in cases of unusual circumstances, in which case the purchaser should be prepared to publicly defend the purchase selection process.

Unusual circumstances shall include, but not be limited to, cases where a vendor cannot deliver goods or services in a timely manner, previous services provided by a vendor were not deemed to be to County standards, and/or where a quote was not received by a specified time.

A 5% preference shall be given to vendors situated in Sheridan County, when possible.

Cost estimates shall be retained and included with the invoice for payment of the goods and services and forwarded to the Business Office.

Approved and adopted this 15th day of November, 2005.

BOARD OF COUNTY COMMISSIONERS
Sheridan County, Wyoming
/s/Lawrence A. Durante, Chairman
/s/Ky Dixon, Commissioner
/s/Terry Cram, Commissioner

EMERGENCY MANAGEMENT:

Emergency Management Coordinator Dave Coleman reported that the National Incident Management System regulations have been incorporated into the Emergency Operations Plan for Sheridan County, which has been approved by the Wyoming Office of Homeland Security. The document is under review by the incorporated city and towns of Sheridan County for their approval. The Board accepted the Plan and authorized its execution.

FINANCIAL STATEMENTS:

Business Manager Andy Kennah reported that monthly revenue and expenditure reports have been available for department heads since the start of the 2005-2006 fiscal year. It was agreed that Ms. Kennah would make a quarterly financial report to the Board, with the first quarter report scheduled for December 6 and the second quarter report on January 17, 2006. The financial reports would include special funds such as the capital facilities tax, optional one-cent tax and the road fund.

COUNTY VEHICLE:

The Board granted approval to the County Assessor to take a County vehicle out of state so that he could attend computer program training the week of December 5, 2005.

SPECIAL PROSECUTOR:

Upon the recommendation of County and Prosecuting Attorney Matt Redle, the Board approved the appointment of Campbell County and Prosecuting Attorney William J. Edelman to serve as Special Deputy County and Prosecuting Attorney for Sheridan County in a particular case.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 12:47 p.m.

BOARD OF COUNTY COMMISSIONERS

ATTEST:

Sheridan County, Wyoming

Audrey Koltiska, County Clerk

Lawrence A. Durante, Chairman