

OFFICE OF THE COUNTY COMMISSIONERS
SHERIDAN COUNTY COURTHOUSE, 9:00 AM
FEBRUARY 21, 2006

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

MINUTES:

The Board approved the Minutes of February 7, 2006 as written.

AGENDA:

The Board approved the Agenda as published.

ANNOUNCEMENTS:

County employees Brenda Miech, Elections Office, and Bill Hamby, Detention Center, were both recognized for fifteen years of service.

COMMENTS FROM THE PUBLIC:

There were no comments from the public.

PETITION TO ESTABLISH A PRIVATE ROAD:

Present for consideration of this request were Merlin H. and Lori Zowada dba Zowada Recycling and Steel, with their counsel H. W. Rasmussen; and Robert and Nathan Mullinax dba Mullinax Concrete Service, Inc., with their counsel John Fenn. The Board addressed whether the petition had been filed in proper form and acknowledged that the Zowadas had also petitioned for temporary access to their property across a road situated on property owned by Mullinax. Mr. Rasmussen stated the petition was complete and the petition for temporary access was requested because the Zowadas had been notified by Mullinax that they could no longer use the road, which is gated near its outlet onto Fort Road. In response to a question, he said that the Burlington Northern Santa Fe Railway had granted, by warranty deed, access across the railway tracks that lie between the Mullinax and Zowada properties (such evidence was not provided to the Board). The parties commented on alternative roadways and the negotiations for access.

Mr. Fenn said his client had filed an objection to the petition for a private road on the grounds that the Zowadas had failed to notify all affected parties (specifically, BNSF) and it lacked a good faith effort to make a specific offer to purchase the road access.

Nate Mullinax stated that concerns about public safety and liability prompted their objection to the petition. He said the Zowadas business has grown and customers sometimes lose their way into the Mullinax yard. He also advised that the Department of Environmental Quality had mandated that the company establish a drainage pond, and the road location had been identified as the most logical site due to its lower elevation.

A motion to approve the Petition to Establish a Private Road failed for lack of a positive vote. The petition was deemed not to have been filed in proper form. The Board then accepted the Petition for Temporary Access until May 2, 2006, pursuant to W.S. 24-9-101(d), providing a

temporary private access to the Zowadas. Mullinax shall provide keys to the gate to the Zowadas for their private access. The gate shall be opened and closed by Mullinax according to its regular¹ business hours. During this period, the parties were instructed to negotiate in good faith to settle the issue. If negotiations fail, the Board may again address the matter on May 2, 2006, if requested.

WYOMING SUBSTANCE ABUSE TREATMENT AND RECOVERY CENTER BOARD,
INC. (WYSTAR):

Commissioner Durante opened the public hearing at 9:55 a.m. to consider sponsoring a grant application on behalf of WYSTAR to the Wyoming Community Development Authority. Director Rod Robinson advised that the grant award would allow WYSTAR to construct a portion of the men's facility on its recovery campus. No one else spoke to this issue. The hearing was closed at 10:00 a.m. The Board approved Resolution 06-02-002, authorizing the submission of an application for a Community Development Block Grant Housing Program Economic Development Infrastructure grant on behalf of WYSTAR, in the amount of \$250,000.

RESOLUTION 06-02-002

WHEREAS, the Wyoming Substance Abuse Treatment and Recovery Center Board, Inc.

(WYSTAR) has demonstrated a need for infrastructure to complete the construction of the recovery campus to increase services at WYSTAR; and

WHEREAS, the Wyoming Community Development Authority administers the Community Development Block Grant Housing Program to assist in the payment of services that the entity normally provides to a business at a certain cost for projects related to community development. The total project cost is \$1,635,500 with 80% (\$ 1,300,000) from WYSTAR available as "cash in hand" and approximately 15% (\$250,000) from CDBG grant funds. There will be no cost to the County of Sheridan toward financing the project; and

WHEREAS, only counties and incorporated cities and towns may apply for such a grant.

However, local governments may apply on the behalf of other units of government such as WYSTAR; and

WHEREAS, WYSTAR Board of Directors has requested Sheridan County to sponsor an Economic Development Infrastructure Grant under the Community Development Block Grant Program for the purpose of infrastructure activities as required to complete construction of the recovery campus.

WHEREAS, WYSTAR's request is under the category of special populations for the construction of a portion of the men's facility and may be eligible for consideration as it benefits low and moderate income households.

NOW, THEREFORE, BE IT RESOLVED that the Sheridan County Board of County Commissioners agrees to sponsor an application for a CDBG Economic Development Infrastructure grant, in the amount of \$250,000, and authorizes it to be filed on behalf of the Wyoming Substance Abuse Treatment and Recovery Center (WYSTAR) with the Wyoming Community Development Authority.

ADOPTED this 21st day of February, 2006.

BOARD OF COUNTY COMMISSIONERS

ATTEST:

/s/Audrey Koltiska, County Clerk

Sheridan County, Wyoming

Terry Cram, Chairman

Absent

/s/Lawrence A. Durante, Commissioner

Yes

/s/Ky Dixon, Commissioner

Yes

WOODLAND HILLS IMPROVEMENT AND SERVICE DISTRICT:

As duly advertised, the public hearing was opened at 10:05 a.m. Craig Wheeler representing the District was present to answer questions. Commissioner Durante noted that the District's Petition for Enlargement had been filed in proper form with all certifications on record. He said that with approval of the Board, a mail ballot would be submitted to eligible voters of the District and the area to be added, as to whether to elect to enlarge the District, which would be held on May 22, 2006. Property owners within the proposed enlarged district have 30 days in which to voice an objection to the election. No one else spoke to this issue. The public hearing was closed at 10:08 a.m. Pursuant to Wyoming Statutes 18-12-101 et seq. and 22-29-109 et seq., and 22-29-301 et seq., the Board approved Resolution 06-02-003 entering an Order for election by qualified voters pertaining to the enlargement of the Woodland Hills Improvement and Service District; and providing for the election of a temporary Director.

RESOLUTION 06-02-003

ORDER FOR ENLARGEMENT OF WOODLAND HILLS
IMPROVEMENT & SERVICE DISTRICT

WHEREAS, pursuant to Wyoming Statutes §§ 18-12-101 et seq., 22-29-101 et seq., and 22-29-301 et seq., a petition for the purpose of enlarging the Woodland Hills Improvement & Service District was filed with the County Clerk and the Board of County Commissioners for Sheridan County and was duly certified by the County Clerk.

WHEREAS, the Board of County Commissioners held a public hearing on the 21st day of February, 2006, after duly publishing and posting notice of the public hearing in the manner prescribed by law, and all interested parties in attendance were heard.

WHEREAS, based upon information received from the petitioners, it appears that the statutory requirements have been met.

NOW, THEREFORE the Board of County Commissioners for Sheridan County ORDERS that:

1. If, within thirty (30) days after adjournment of the public hearing on the enlargement of the Woodland Hills Improvement & Service District held on the 21st day of February, 2006, written protests, signed by the owners of at least thirty-five percent (35%) of assessed valuation of property included in the proposed district are presented to the board of county commissioners, then the proposal and the enlargement of said District shall fail.
2. Pursuant to the petition filed by the petitioners and approved by the current Woodland Hills Improvement & Service District Board, certain landowners request that the Woodland Hills Improvement & Service District be enlarged to include their lands.

Said District and said lands are described on Exhibit A.

3. The Board of County Commissioners hereby approves the petition for enlargement of the Woodland Hills Improvement and Service District.
4. The question of enlargement of said District, and the election of a temporary director shall be submitted, by mail ballot election, to the qualified electors of both the existing district and the area to be added.
5. If a mill levy is currently in use to finance the operation of said District, then the question of mill levy use shall be submitted to the qualified electors of the area to be added to said District.
6. The election to enlarge said District shall be conducted in conformity with the Principal Act, W.S. § 18-12-101, the Election Code W.S. §§ 22-1-101 through 22-28-101 et seq., the Special District Elections Act, § W.S. § 22-29-101 et seq. and the rules and regulations promulgated by the Wyoming Secretary of State and shall be held at least 90 days after the adjournment of the public hearing.
7. Official mail ballots shall be prepared and all other pre-election procedures followed as otherwise provided by law or rules promulgated by the secretary of state.
8. No special registration shall be held for the election. Any voter not otherwise registered who makes an affidavit evidencing his qualifications to vote is deemed registered for that election.
9. If a majority of the votes cast at the election are in favor of enlarging said District, then the enlargement is approved and the boundaries of said District are expanded to include the additional areas as described on the attached Exhibit A.
10. The newly elected temporary director shall execute an oath file it with the County Clerk in accordance with the Principal Act and shall commence his term at the next regularly scheduled directors meeting.
11. The newly elected temporary director shall serve on the Board of said District until the next regular election at which time the number of directors shall be reduced to three (3) as required under the principal act.
12. If enlargement of said District is defeated at the election, the enlargement does not occur and the temporary director candidacy question is null and void.
13. If the adoption of the mill levy to finance the operation of the newly enlarged district is defeated at the election then the enlargement of said District shall fail.
14. This Resolution supersedes all previous resolutions in conflict herewith.
15. If a court finds any section or part of a section of this Resolution unconstitutional or otherwise invalid, the remaining sections shall remain in full effect.
16. This Resolution shall be effective immediately upon its adoption in accordance with law.

ADOPTED: this 21st day of February, 2006.

BOARD OF COUNTY COMMISSIONERS

ATTEST:

/s/Audrey Koltiska, County Clerk

Sheridan County, Wyoming

Terry Cram, Chairman

/s/Lawrence A. Durante, Commissioner

/s/Ky Dixon, Commissioner

Absent

Yes

Yes

SHERIDAN COUNTY AIRPORT:

Airport Manager John Stopka reported that a committee is meeting to plan the 75th Anniversary of air passenger service in Sheridan. The celebration will be May 20, 2006 or a rain date of June 3, 2006. Also on the committee is Hanley Cohn, whose father was the first licensed pilot and the second airport manager. The Board approved Resolution 06-02-004, authorizing the submission of a grant application to the State Aeronautics Division, in the amount of \$5,000, to help fund the celebration.

RESOLUTION 06-02-004

WHEREAS, there is a need to celebrate the 75th Anniversary of the Sheridan County Airport;
and

WHEREAS, the Wyoming Department of Transportation, Aeronautics Division, provides financial assistance to local governmental agencies for airport promotion and marketing and fly-ins; and

WHEREAS, the Wyoming Department of Transportation, Aeronautics Division, grant being requested under this application will be used with local County and private funds that are available.

NOW, THEREFORE, BE IT RESOLVED that the Sheridan County Board of County Commissioners approve the filing of a grant application to the Wyoming Department of Transportation, Aeronautics Division, for financial aid and authorizes the Chairman to sign the application.

APPROVED AND ADOPTED this 21st day of February, 2006.

BOARD OF COUNTY COMMISSIONERS

ATTEST:	Sheridan County, Wyoming	
/s/Audrey Koltiska	Terry L. Cram, Chairman	Absent
County Clerk	/s/Ky Dixon, Commissioner	Yes
	/s/Lawrence A Durante, Commissioner	Yes

V-06-003; KULESHA VARIANCE

County Planner Ray Pacheco advised that this request was for a reduction of four feet from the required five-foot side setback specified for Rural Residential zoning. The owner is selling this property and the prospective buyer has requested the zoning matter to be cleared up. He said the residence at 3 Thorne Rider Road in Story was constructed one foot from the property line. The southern fence was moved to its current location after the home was built and adjacent owners say the fence is now on the property line. Two adjacent property owners spoke in opposition to the variance. The real estate agent noted that the property is not an eyesore and could not be easily moved. In response to a question about the possibility of Mr. Kulesha purchasing additional land for this parcel to provide the needed setback, an adjoining property owner noted that her property would be subdivided in the future but would not have enough extra land to sell to Mr. Kulesha. The Board elected to approve the setback variance on the southern side of the Kulesha property, defining the required hardship for this action as the lack of consistent information being provided in the past regarding building permits and zoning in Story and the owner's inability to sell the property without the variance.

MOBILE HOME PARKS:

Upon the recommendation of the Planning and Zoning Commission, and the parks being in compliance with the Mobile Home Park Resolution, the Board approved license renewals for 2006 for the Arvada Mobile Home Park and the Woodland Park Mobile Home Park.

OFFICE OF JUVENILE JUSTICE:

The Board accepted a Juvenile Accountability Incentive Block Grant Program contract, in the amount of \$11,122 of leftover 2003 funding, with the Department of Family Services, for a term ending April 30, 2006. This funding will be used for the juvenile 48-hour holdover facility.

JAIL PROJECT:

Special Projects Coordinator Gary Meyer reported on the work included in change order #25, described as revisions to toilet rooms 109 and 110 near the Sheriff's office (\$2,560); electrical changes in the Sheriff's garage (\$14,317); and openings in existing walls for two Type E windows (\$1,552). He said that the Americans with Disabilities Act specifies that retrofits of toilets require compliance with the Act. The County will also receive a credit for the lighting changes in the garage. He noted that Plan One has not billed the County since June and that discussions about change orders are on-going with Ormond Builders. In the continuing effort to keep the project on course, the Board approved Change Order #25 in the amount of \$18,429.

RIGHT-OF-WAY LICENSES:

The Board approved Right-of-way License 06-01 to Windsor Energy Group, authorizing a bored pipeline crossing of the SR-Buffalo Creek Road.

HOUSING GRANT PROGRAMS:

As duly advertised, Commissioner Durante opened a public hearing at 10:52 a.m. to consider grant applications under the Home Investment Partnerships Program and the Low Income Housing Tax Credit Program. As the County had not received an application for either grant opportunity, the public hearing was closed at 10:53 a.m.

ADJOURNMENT:

There being no further business to come before the Board, the meeting was adjourned at 10:54 a.m.

BOARD OF COUNTY COMMISSIONERS

ATTEST:

Sheridan County, Wyoming

Audrey Koltiska, County Clerk

Lawrence A. Durante, Acting Chairman