

OFFICE OF THE COUNTY COMMISSIONERS
SHERIDAN COUNTY COURTHOUSE, 9:00 A.M.
JULY 17, 2007 SHERIDAN COUNTY, WYOMING

The Board of County Commissioners of Sheridan County, Wyoming met at 9:00 a.m., July 17, 2007, at the Sheridan County Courthouse. Members present were Chairman Terry Cram, Commissioner Steve Maier and Commissioner Robert L. Rolston. Chairman Cram called the meeting to order and then led everyone in the Pledge of Allegiance.

AGENDA

The Board approved the Agenda as published.

ANNOUNCEMENTS

Commissioner Rolston introduced his daughter and two grand-daughters who reside in France and are home for a visit.

COMMENTS FROM THE PUBLIC

There were no comments from the public.

CONSENT AGENDA

The Board approved the Consent Agenda as presented: (a) Minutes of July 3, 2007 as written; (b) Official Bond and Oath for Susan McLean, Treasurer of the Town of Dayton, \$70,000 coverage, term ending July 1, 2008; (c) Execution of Delta Dental of Wyoming contract for group dental insurance policy; (d) Acceptance of \$2007-2008 rates for group life insurance policy with United Life.

COUNTY AIRPORT

Airport Manager John Stopka recommended bid package awards for the Airport Fuel Farm Relocation project. The Board took the following actions on the project's bid packages: Awarded Bid Package C-2 to Barker Construction of Sheridan, in the amount of \$177,593.50, for site grading and drainage; Awarded Bid Package C-3 to Hot Iron, Inc. of Gillette, in the amount of \$182,659.40, for utility installation; Rejected Bid Package C-4, for final roadway grading and crushed base-paving. The received bid was substantially higher than the engineering estimate; Awarded Bid Package C-5 to C Bar K Petroleum Services of Sheridan, in the amount of \$521,821.75 plus \$8,691.60 bid alternates, for the Installation of 20,000 gallon tanks; Awarded Bid Package C-6 to C Bar K Petroleum Services of Sheridan, in the amount of \$5,750 for installation of 4,000 gallon tanks. The Chairman was authorized to sign the Notices of Award and all other contract documents associated with the project. Mr. Stopka said he would work with the various contractors and Vista West Engineering to reduce costs where possible.

WYCAN

The Chairman opened the public hearing at 9:21 a.m. to consider a grant application by WYCAN. Cori Erickson said they are requesting \$200,000 which, if approved, would channel all monies for WYCAN's programs across the state through Sheridan County, allowing better operating control of its programs. Administrative Director Renee Obermueller commented that Mike Mackey, the county's Grants Administrator, could provide the needed oversight for the grant award. The Chairman closed the hearing at 9:26 a.m. and the Board authorized the Chairman to submit WYCAN's grant application to the Department of Family Services for consideration through the Temporary Assistance for Needy Families Community Partnership

Initiative.

STORE FIRE HALL CUP; CU-07-006

The Chairman opened the public hearing at 9:28 a.m. Land Development Coordinator Robin DeBolt outlined the recommendations of the Planning and Zoning Commission, and requested that the District continue to work with the county on final planning for parking of personal vehicles. Fire District Chairman Doug Madison gave a brief history of the land acquisition to construct a new fire hall and commented that outside flashing lights on the facility should not be required. He said the trucks must travel a short distance before accessing North Piney Road, which should not present a safety hazard to the public. He said the building would be wired for that capability should lighting be required in the future. The hearing was closed at 9:35 a.m. The Board approved the CUP, waiving the building fee, with the following conditions: (1) Prior to submitting an application for a building permit, the permit holder shall work with the Sheridan County Public Works office on access off North Piney Road (CR 2) or Crooked Street. Driveway permits are required; (2) Shielded lighting shall be used for any exterior lighting, with no blinking or strobe lighting allowed; (3) Building and septic permits with inspections shall be required; (4) Electrical conduit shall be installed for outside flashing lights should such lights be required in the future. The Board will issue Findings of Facts to the Story Fire District.

MALONE ZONING PERMIT

Amanda Rustad, attorney for Gillian Malone, presented her petition for appeal of the zoning administrator's decision to deny a zoning permit to construct a residence on non-conforming Agricultural zoned land. County Planner Mark Reid outlined the zoning permit requirements and family exemption statute and the reasons for Ms. Malone's denial. The Commissioners commented that Ms. Malone tried to do everything correctly within the subdivision rules when she applied for a building permit, and that the County Planner made the correct interpretation of the statute, which has the weight of an opinion by the State Attorney General, allowing conveyance of land to an immediate family member for a purpose only once, and such divisions of property must adhere to County zoning. This is a change from the previous interpretation when Ms. Malone received her property. Ms. Rustad also argued that Ms. Malone felt a request for a variance, being under construction time constraints, would be a hardship to her. The Board acknowledged receiving the petition and judged in favor of the petitioner in this instance due to the circumstances of the case, directing the Planning Office to process a building permit.

FLETCHER WHISPERING HILLS BOULEY QUARRY; Q-07-002

Chairman Cram opened the public hearing at 10:10 a.m. to receive comment on this request for a quarry, located off Highway 14, on a 35 acre lot of the development known as Whispering Hills. Ms. DeBolt outlined the conditions recommended by the Planning and Zoning Commission, saying the scoria would be used within the development but there is a possibility that scoria would be stockpiled and crushed for sale in the future. Eric Bouley, project manager, said he would contact the Public Works Director if scoria would be hauled off-site. There were no other comments from the public. The hearing was closed at 10:17 a.m. The Board approved the Fletcher Whispering Hills Bouley Quarry with the following conditions: (1) Should the Permit holder start selling and/or hauling scoria outside the 35-acre development known as

Whispering Hills, the permit holder shall work with the Sheridan County Public Works Department/County Engineer to identify any county roads that will be used and to control dust on haul roads, as needed and in accordance with the requirements of the County Engineer and Section 23 of the Zoning Resolution. This may include amending Permit Q-07-002; (2) Permit shall be effective for 10 years beginning from the day of approval by the Board; and (3) Permit holder shall provide to the County Engineer any permits or renewed permits as required by the State throughout the life of the project, as well as changes that may take place to the operation of the quarry due to changes in regulations or permissions from the State of Wyoming. The Board will issue Findings of Fact to Mr. Bouley.

BUMBACA CELL TOWER CUP; CU-07-005

The Chairman opened the public hearing at 10:20 a.m. to receive comment on a request to allow the erection of an Alltel cell tower on the property of Richard Bumbaca, addressed as 4355 US Highway 14. The tower should improve communications in the Clearmont area. Ms. DeBolt said this would be a 195-foot tower within a fenced compound, with a small equipment shelter, accessed via a private road. Guy Smith, Alltel, said the FAA did not set a requirement for lighting the tower. Hearing no other public comments, the hearing was closed at 10:26 a.m. The Board approved the Bumbaca conditional use permit with the following conditions: (1) The Permit holder shall apply for and receive a Sheridan County Zoning Permit and pay all required fees; (2) Should the owner sell this property, the new owner(s) shall contact the Sheridan County Public Works office as to the change in ownership and to receive a copy of the conditions of the CUP; (3) The cell tower shall be removed and the area reclaimed by the Permit holder should the tower no longer be in use; (4) No strobe type lightning shall be allowed; (5) The Permit holder shall submit with the Zoning Permit application a document indicating a recorded access easement from the nearest public road to the tower site. The Board will issue Findings of Fact to Mr. Bumbaca.

THEOBALD CELL TOWER CUP CU-07-007

The Chairman opened the public hearing at 10:27 a.m. to receive comment on a request to allow the erection of a Verizon Wireless cell tower on the property of John and Sharon Theobald, addressed as 22 Eby Street, Story. The tower should improve communications in Story and between Sheridan and Buffalo. Ms. DeBolt outlined the conditions recommended by the Planning and Zoning Commission. There being no other public comment the hearing was closed at 10:35 a.m. The Board approved the Theobald conditional use permit with the following conditions: (1) Permit holder shall apply for and receive a Sheridan County Zoning Permit and pay all required fees; (2) Should the owner sell the property, the new owner(s) shall contract the Sheridan County Public Works office as to the change in ownership and to receive a copy of the conditions of the CUP; (3) The tower shall be removed and the area reclaimed by the permit holder should the tower no longer be in use; (4) No strobe type lighting shall be allowed; (5) The Permit holder shall submit with the Zoning Permit application a document indicating a recorded access easement from the nearest public road to the tower site. The Board will issue Findings of Facts to Mr. Theobald.

OWL CREST SUBDIVISION, PD-07-001

The Chairman opened the public hearing at 10:27 a.m. to receive comment on a request by Bradley Johnston to subdivide 8.4 acres into two lots, located 0.8 mile west of Ranchester. Ms. DeBolt said the town of Ranchester approved this request on June 5. Wanda Johnston was present and Joe Feeley, Entech, discussed an old road easement on the property. The hearing was closed at 10:45 a.m. The Board approved the Owl Crest Subdivision with the condition that building permits with inspections shall be required.

FALLS EAST AT THE POWDER HORN SUBDIVISION; S-07-008

This subdivision is part of the Powder Horn Ranch II PUD and consists of eight lots on 5.20 acres, accessed off Donegal Drive. Bill Mentock asked that the **name of the subdivision be changed to East Falls at the Powder Horn** which was approved by the Board. The Board then approved the subdivision applying the 40 conditions of the Powder Horn Ranch PUD Master Plan and directed a paper copy of the plat be presented to staff for final review.

LOWER POWDER RIVER ROAD

Public Works Director Bruce Yates reported the County received three bids for earth work for road improvements in the vicinity of Grey Cabin Hill. The Board awarded the bid to 3-Way Construction for realignment of 1.23 miles, in the amount of \$308,710.69.

ROAD CULVERT PROJECT

Mr. Yates said two bids were received to remove eight bridges, install CMP culverts and culvert extensions at various locations on Lower Prairie Dog Road, Badger Creek Road, SR/Buffalo Creek Road and Dow Prong Road. Both bids were above the engineering estimate. The Board awarded the bid to Smith Construction of Butte, Montana, in the amount of \$612,552, with the understanding that change orders are needed to reduce costs.

CITY DE-ANNEXATION

County Planner Mark Reid outlined the impacts expected to the County in regard to a request by Alan and Richelle Schultz to de-annex from the City of Sheridan. He commented that there is very little impact to the County. He continued that, generally, cities, rather than counties, are better able to provide services to urban landowners. The Board directed the report to be sent to the City of Sheridan.

DETENTION CENTER KITCHEN SERVICE

The Board authorized the Chairman and the County Sheriff to execute a food service contract with CBM Food Service of Sioux Falls, SD to provide meals to inmates at the Detention Center. The five-year contract calls for three meals per day to be prepared using the Center's kitchen. The cost per meal is on a sliding scale according to the number of inmates, which may be adjusted by the Consumer Price Index annually.

RECORDS SYSTEM, SHERIFF'S OFFICE

The Board authorized the Chairman to execute a Lease-Purchase Agreement with Government Capital Corporation, as revised by the Deputy County Attorney, which shall provide financing for the purchase of a Spillman software records system for the Sheriff's Office. The software is \$423,066.96, to be paid over four years.

COUNTY BUDGET

Pursuant to W.S. 16-4-112, the Board approved Resolution 07-07-014.

RESOLUTION 07-07-014

TRANSFER OF UNENCUMBERED/UNEXPENDED
DEPARTMENTAL BUDGET BALANCES

WHEREAS, the County Treasurer's office and Road and Bridge Department have expenditure totals in excess of their respective budgets for Fiscal Year 2006-2007; and

WHEREAS, the expenditures over budget amount to \$9,400.00 for the County Treasurer due to retirement pay-out and salary expenditures; and

WHEREAS, the expenditures over budget amount to \$277,000.00 for the Road and Bridge Department due to labor and material costs for Capital Facilities Road projects.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for Sheridan County, Wyoming:

1. That \$9,400.00 from the unencumbered/unexpended appropriation balances in the Fixed Costs Contingency budget # 1000.210.50400.0100.000 be transferred to County Treasurer # 1000.030.50850.0100.000 to cover the budget shortfall identified above; and
2. That \$277,000.00 from the Capital Facilities Road fund be transferred to the Road and Bridge Department line item transfer of funds # 1000.140.50850.0300.000 to cover the budget shortfall identified above

ADOPTED this 17th day July, 2007.

ATTEST:
/s/Audrey Koltiska,
County Clerk

BOARD OF COUNTY COMMISSIONERS
Sheridan County, Wyoming
/s/Terry Cram, Chairman
/s/Robert L. Rolston, Commissioner
/s/Steve Maier, Commissioner

Pursuant to W.S. 16-4-111, the Board approved Resolution 07-07-015, authorizing the adoption of the Sheridan County FY 2007-2008 budget, appropriating necessary revenue to finance the budget and specifying funding for county departments.

RESOLUTION 07-07-015
SHERIDAN COUNTY BUDGET APPROPRIATION FY 2007-08

WHEREAS, on the first Tuesday of May, 2007, the Budget Officer prepared and submitted to the Board a County Budget for the 2007-2008 fiscal year ending June 30, 2008, being that requested by county departments; and

WHEREAS, such budget was duly entered at large upon the records of this Board and a copy thereof was made available for public inspection at the office of the County Clerk; and

WHEREAS, notice of a public hearing on the proposed budget was published in The Sheridan Press, a legal newspaper of general circulation in the County, on July 9, 2007; and

WHEREAS, a public hearing was held on the proposed budget at the time and place specified in said notice, being July 16, 2007, at which time all interested parties were given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that the presented proposed Sheridan County Budget is hereby approved on July 17, 2007, being adopted as the official County Budget for the fiscal year ending June 30, 2008.

BE IT FURTHER RESOLVED, that the following appropriations be made for the 2007-2008 budget fiscal year ending June 30, 2008, and that the expenditures of each officer, department or spending agency be limited to the amount herein appropriated.

SHERIDAN COUNTY BUDGET FY 2007-2008

	CASH CARRY FORWARD	PROJECTED REVENUES	PROJECTED EXPENDITURES	CASH CARRY OVER 2008-09
<i>CASH</i>				
CASH CARRY OVER JUNE 30,2006	\$4,300,162.00			
<i>REVENUES</i>				
FEDERAL		\$680,000.00		
STATE SHARED		\$4,721,300.00		
LOCALLY GENERATED		\$8,283,500.00		
LICENSES/PERMITS		\$157,200.00		
RENTS/INTEREST/FINES		\$347,400.00		
CHARGES FOR SERVICES		\$1,211,250.00		
MISCELLANUOUS		\$252,500.00		
<i>EXPENSES</i>				
COUNTY COMMISSIONERS			(\$292,339.00)	
COUNTY CLERK			(\$444,439.00)	
ELECTIONS			(\$141,573.00)	
ADMINISTRATION			(\$210,591.00)	
TREASURER			(\$331,075.00)	
ASSESSOR			(\$637,948.00)	
SHERIFF			(\$2,113,209.00)	
DETENTION			(\$2,590,556.00)	
ATTORNEY			(\$944,703.00)	
CIRCUIT COURT			(\$4,000.00)	
PUB WORKS			(\$1,094,775.00)	
ROAD & BRIDGE			(\$1,370,082.00)	
LAKE DESMET			(\$25,000.00)	
CORONER			(\$33,550.00)	
EXTENSION			(\$133,646.00)	
CLERK OF DISTRICT COURT			(\$488,202.00)	
EMERGENCY MANAGEMENT			(\$44,940.00)	
BUILDING AND MAINTENANCE			(\$467,553.00)	
INFORMATION TECHNOLOGY			(\$401,281.00)	
COMMUNITY HEALTH			(\$521,286.00)	
GENERAL/FIXED COSTS			(\$3,421,056.00)	
CAPITAL FUNDING			(\$4,241,509.00)	
SUBTOTAL	\$4,300,162.00	\$15,653,150.00	(\$19,953,312.00)	
<i>SPECIAL FUNDS</i>				
1 CENT OPTIONAL	\$50,000.00	\$2,012,000.00	(\$2,012,000.00)	\$50,000.00
CAP TAX ROADS	\$4,100,000.00	\$2,550,000.00	(\$12,249,482.00)	\$191,443.00
SCRF	\$290,000.00	\$350,000.00	(\$478,050.00)	\$161,950.00
WIC	\$0.00	\$23,760.00	(\$23,760.00)	\$0.00
E911	\$517,000.00	\$285,000.00	(\$408,480.00)	\$393,520.00
GRANTS	\$0.00	\$10,211,526.00	(\$4,831,446.00)	\$0.00
SUBTOTAL	\$4,957,000.00	\$15,432,286.00	(\$20,003,238.00)	\$796,913.00

