

MINUTES OF THE BOARD OF SHERIDAN COUNTY COMMISSIONERS

The Board met at 9:00 a.m. May 15, 2012, in regular session at the Sheridan County Courthouse, Sheridan, Wyoming. Chairman Mike Nickel 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

Commissioner Maier made a motion to approve the (7) consent agenda items as published and authorize the Chairman to sign documents as required. Commissioner Ringley seconded the motion, all Commissioners voted in favor, and the motion passed. Following are the consent items:

- a. Minutes from Regular Session, May 1, 2012;
- b. Renewal of Clearmont Fire District Bond from May 22, 2012 to May 22, 2013;
- c. Renewal of Bond for James E. Hallworth, Sr., Treasurer, Tongue River Fire Protection District, May 18, 2012 to May 18, 2013;
- d. Affirm 2012 Wildland Fire Management Annual Operating Plan;
- e. Release of Mortgage from Sheridan County to Andrew McFaul/Excalibur Construction, Inc for Lot 11, Block 4, Woodland Park Subdivision – Phase One, acknowledging payment received of \$21,400.00;
- f. Partial Release of Mortgage from Woodland Park LLC for Lot 29, Block 5, Woodland Park Subdivision – Phase One with an Assignment of Affordable Housing Agreement between Woodland Park LLC and Excalibur Construction, Inc;
- g. Sheridan County License Agreement No. 1203LA with MDU to access the gas main in the Upper Road, CR #113 right-of-way; fee waived (single family dwelling).

AGENDA

Commissioner Cram moved to add an item to the published agenda as follows: "Consider Change Order for Sheriff's Office Remodel". Commissioner Maier seconded the motion and it passed following a unanimous vote. Commissioner Rolston moved to approve the agenda as modified, Commissioner Ringley seconded, and the motion passed with all voting in favor.

ANNOUNCEMENTS

Chairman Nickel congratulated the 2012 Commission Scholarship winners, they are: Tom Kane from Tongue River High School; Maria Owen from Sheridan High School; and Macey Reid from Sheridan High School. The alternate is Elizabeth Anderson from Sheridan High School. Mr. Nickel acknowledged receipt of the 2012-13 requested budget, per state statute 16-4-104. He also listed openings for the Fair Board and the Planning and Zoning Commission. Commissioner Cram noted the deadline for Veteran's Property Tax Exemption is approaching.

PUBLIC COMMENTS

There were no public comments.

EAST AIRSIDE TAXILANE RECONSTRUCTION AWARD

Following a staff report from John Stopka, Commissioner Rolston moved to award the bid and authorize the Chairman to sign associated contract documents for the Sheridan County Airport East Airside Taxilane project to Pavex Corp. of Tucson, Arizona, in the amount of \$543,126. Commissioner Maier seconded the motion and it passed following a unanimous vote.

SIMPLYWELL AGREEMENT

Administrative Director, Renee' Obermueller, presented her staff report and Commissioner Maier moved to approve and authorize the Chairman to sign a Services Agreement between Sheridan County and SimplyWell LLC, to provide and promote an online health management program designed to improve health and reduce healthcare costs for Sheridan County employees and spouses covered on Sheridan County's health insurance plan. The motion was seconded by Commissioner Rolston and it passed with all voting in favor.

RESOLUTION 12-05-014 BUDGET AMENDMENT 1

Following a staff report from Renee' Obermueller, Administrative Director, Commissioner Ringley moved to approve and authorize the Chairman to sign Resolution 12-05-014 approving the transfer of funds to balance department budgets due to unanticipated grant funding and revenue, as specified. The motion passed following a second from Commissioner Maier and a unanimous vote.

**RESOLUTION 12-05-014
BUDGET AMENDMENT #1**

DEPARTMENTAL BUDGET BALANCES FISCAL YEAR 2011-12

WHEREAS, the expenditures, over budget amount to \$712,706.36 for the Grant Department due to unanticipated grant funding and

WHEREAS, adjustments need to be made in operating revenues in the General Fund to appropriate an additional \$1,348,390.98 unanticipated grant revenues, and

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

1. That \$712,706.36 be added to the Grant Expense budget for allocation of unanticipated grant funds as listed below and
 - a. #1000.637.50350.0000.760 \$26,567.00 HHS ELECTION
 - b. #1000.637.50350.0100.833 \$150,000.00 SLIB MRG-11155 HISTORIC COURTHOUSE RENOVATIONS
 - c. #1000.637.50350.0100.834 \$300,000.00 SLIB MRG-11154 SHERIFF OFFICE RENOVATIONS
 - d. #1000.637.50350.0100.835 \$159,678.00 SLIB MRG-11156 COURTHOUSE HEARING ROOM ADDITION
 - e. #1000.637.50350.0100.843 \$25,000.00 ARRA ENERGY-LIGHTING FOR HISTORIC COURTHOUSE
 - f. #1000.637.50350.0400.831 \$1,000.00 PUBLIC HEALTH RADON TESTING
 - g. #1000.637.50350.0500.840 \$25,000.00 LAND & WATER CONSERVATION-STORY PARK
 - h. #1000.637.50350.0200.845 \$19,294.23 HS-11-GPD-SHE-LS-HLE11
 - i. #1000.637.50350.0200.846 \$6,167.13 HS 11-GPD-SHE-LC-HLE11
2. That \$1,348,390.98 added to the Grant Revenue budget for allocation of unanticipated grant revenues as listed below.
 - a. #1000.637.48803.0000.760 \$26,567.00 HSS ELECTION
 - b. #1000.637.48803.0100.833 \$150,000.00 SLIB MRG-11155 HISTORIC COURTHOUSE RENOVATIONS
 - c. #1000.637.48803.0100.834 \$300,000.00 SLIB MRG-11154 SHERIFF OFFICE RENOVATIONS
 - d. #1000.637.48803.0100.835 \$159,678.00 SLIB MRG-11156 COURTHOUSE HEARING ROOM ADDITION
 - e. #1000.637.48803.0100.843 \$25,000.00 ARRA ENERGY-LIGHTING FOR HISTORIC COURTHOUSE
 - f. #1000.637.48803.0200.837 \$29,042.00 HS 11-GPD-SHE-EM-GCF11 (Expenditure in General Fund)
 - g. #1000.637.48803.0200.839 \$465,592.62 FEMA-4007-DR-WY-COUNTY ROAD REPAIRS (Expenditure in Cap Tax)
 - h. #1000.637.48803.0400.831 \$1,000.00 PUBLIC HEALTH RADON TESTING
 - i. #1000.637.48803.0500.840 \$25,000.00 LAND & WATER CONSERVATION-STORY PARK
 - j. #1000.637.48803.0300.844 \$141,050.00 SLIB MRG-11284 BIRD FARM ROAD SAFETY UPGRADES (Expenditures in Cap Tax)
 - k. #1000.637.48803.0200.845 \$19,294.23 HS-11-GPD-SHE-LS-HLE11
 - l. #1000.637.48803.0200.846 \$6,167.13 HS 11-GPD-SHE-LC-HLE11

Approved and adopted this 15th day of May, 2012

BOARD OF COUNTY COMMISSIONERS

Sheridan County, Wyoming

Attest:

/s/Mike Nickel, Chairman

/s/Eda Schunk Thompson, County Clerk

RESOLUTION 12-05-015 NOTICE TO AMEND ZONING REGS, SMALL WIND ENERGY SYSTEMS

Mark Reid, County Planner, explained the proposed amendment to the zoning regulations, and that following adoption of the resolution, a 45 day public comment period begins. Commissioner Rolston moved to approve and authorize the Chairman to sign Resolution 12-05-015 giving public notice of Sheridan County's intent to amend the Rules and Regulations Governing Zoning in Sheridan County to provide definitions and standards for the use of Small Wind Energy Systems. All voted in favor and the motion passed following a second from Commissioner Cram

RESOLUTION 12-05-015
RESOLUTION GIVING PUBLIC NOTICE OF SHERIDAN COUNTY’S
INTENT TO AMEND THE RULES AND REGULATIONS GOVERNING
ZONING IN SHERIDAN COUNTY, WYOMING

WHEREAS, Wyoming Statutes §§ 18-5-101 to 18-5-107; 18-5-201 to 18-5-208 authorize the Board of County Commissioners for Sheridan County (“Board”) to promote the public health, safety, morals and general welfare of the county by regulating and restricting the location and use of buildings and structures, and the use, condition of use or occupancy of lands for residence, recreation, agriculture, industry, commerce, public use and other purposes in the unincorporated area of the county; and

WHEREAS, “Wind Generators”, of any size, are not currently permitted uses as provided for in the *Rules and Regulations Governing Zoning in Sheridan County, Wyoming*; and

WHEREAS, Small Wind Energy Systems, when properly planned for, may pose minimal negative land-use impacts to surrounding properties, and may represent an opportunity to increase energy production from a renewable resource; and

WHEREAS, on February 2, 2012, pursuant to Section 27.C. of the *Rules and Regulations Governing Zoning in Sheridan County, Wyoming*, the Planning & Zoning Commission initiated proceedings to amend said *Rules*, and following a public hearing on May 3, 2012, recommended adoption of amendments to said *Rules* as proposed in Exhibit “A”, attached hereto; and

WHEREAS, the purpose of the proposed change is to provide definitions and provide for specific standards for the use, color, shadow flicker, sound level, code compliance and abandonment/discontinuation of Small Wind Energy Systems.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF SHERIDAN COUNTY, WYOMING, that in the interest of providing for the safe and effective development and production of electricity while minimizing the degradation of visual character and nuisances, the Board hereby gives notice to the public that Sheridan County intends to amend the *Rules and Regulations Governing Zoning in Sheridan County, Wyoming* as noted above. Copies of the proposed amendment may be obtained from the Sheridan County Commissioners’ Office or County Public Works Department, 224 S. Main Street, Sheridan WY.

IT IS FURTHER RESOLVED that the Board of County Commissioners shall hold a public hearing on July 3, 2012 at their regularly scheduled meeting at 9:00 a.m. in the Commissioners Board Room, second floor of the County Courthouse, Sheridan WY; and that all interested persons may submit written comments to the Board of County Commissioners, 224 S. Main Street, Suite B1, Sheridan WY 82801, no later than 12 Noon on June 29, 2012.

ADOPTED this 15th day of May, 2012.

BOARD OF COUNTY COMMISSIONERS

Sheridan County, Wyoming

/s/Mike Nickel, Chairman

Attest:

/s/Eda Schunk Thompson, County Clerk

Exhibit “A”

Proposed Amendments to *Rules and Regulations Governing Zoning in Sheridan County, Wyoming*
Concerning Wind Energy Systems

→ **(ADD NEW DEFINITIONS TO Section 5. Definitions.)**

Shadow Flicker – The visible flicker effect when rotating blades of a wind energy system casts shadows on nearby structures causing a repeated pattern of light and shadow.

System Height (Small Wind Energy Systems) – The vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.

Wind Energy System, Large – A wind energy conversion system consisting of a wind generator, a tower or other supporting structure, and associated control or conversion electronics, which has a rated capacity of more than 100 kilowatts and used primarily for offsite consumption.

Wind Energy System, Small – A wind energy conversion system consisting of a wind generator, a tower or other supporting structure, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and used primarily for onsite consumption.

→ **(AMEND EXISTING Section 17. Zoning Use Chart.)**

USES	A	R-R	U-R	C-3	C-2	C-1	I-2	I-1	A-P
Wind Energy System, Large									
Wind Energy System, Small*	•	•	•	•	•	•	•	•	
Wind Generator									

* Subject to Section 18. Specific Use Standards

→ **(ADD NEW SUBSECTION B. TO Section 18. Specific Use Standards)**

B. Small Wind Energy Systems

(1) Setback – Any Small Wind Energy System shall be setback from adjoining property or right of way lines not less than a distance equal to 100% of the system height. This distance may be reduced equal to an amount as shall be specified in a recorded easement encumbering an affected adjoining property.

(2) Color – The color of a Small Wind Energy System shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends with the surrounding environment. Approved colors include but are not limited to white, off-white or grey.

(3) Shadow Flicker - Small Wind Energy Systems shall be sited in a manner that does not result in more than 30 hours of shadow flicker per year on adjacent or neighboring inhabited buildings.

(4) Sound Level - Small Wind Energy Systems shall not exceed 60 decibels using the A scale (dBA), as measured at the site property line, except during short-term events such as a severe wind storm.

(5) Code Compliance – Small Wind Energy Systems shall comply with relevant sections of the most recent edition of the National Electric Code.

(6) Abandonment or Discontinuation – The property owner shall remove, or cause to have removed, any above ground portions of a Small Wind Energy System within 180 days from the date of abandonment or discontinuation of use. The system shall be considered abandoned or discontinued if out-of-service for a continuous 12-month period.

AWARD 2012 SHERIDAN CO ROAD IMPROVEMENT

Following a staff report from Ken Muller, County Engineer, Commissioner Rolston moved to award the bid and authorize the Chairman to sign associated contract documents for the 2012 Sheridan County Road Improvement Project Base Bid to Intermountain Construction & Materials in the amount of \$1,346,395.90. Commissioner Maier seconded and the motion passed with a unanimous vote.

RESOLUTION 12-05-016 SLIB APPLICATION CR#65, BARKER ROAD

Following a staff report from Mike Mackey, Grants Administrator, Commissioner Rolston moved to approve and authorize the Chairman to sign Resolution 12-05-016 approving submission of a State Lands and Investment grant application for safety upgrades to Barker Road, County Road #65. Sheridan County is seeking \$163,192 in grant funding with a 50% funding match from CAP Tax for a total project cost of \$326,384.00. The motion passed with all voting in favor following a second from Commissioner Maier.

RESOLUTION 12-05-016

A RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION TO THE WYOMING OFFICE OF STATE LANDS & INVESTMENTS SEEKING FUNDING ASSISTANCE WITH SAFETY UPGRADES TO COUNTY ROAD 65

WITNESSETH

**WHEREAS, the Sheridan County Board of Commissioners desires to proceed with safety upgrades to County Road 65 (aka Barker Road); and
WHEREAS, said upgrades will address existing public safety issues; and
WHEREAS, the estimated cost of these upgrades is \$326,384.00;
NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF SHERIDAN COUNTY, that a Chapter 3 grant application be submitted to the Wyoming Office of State Lands & Investments in the amount of \$163,192.00 with acknowledgement that the County Commissioners have obligated \$163,192.00 in Cap Tax matching funds (50%). Further, this body designates Mike Mackey as the County's contact person for this project. Application is to be submitted for consideration at the August 9, 2012 SLIB meeting.**

DATED this fifteenth day of May, 2012.

BOARD OF COUNTY COMMISSIONERS

Sheridan County, Wyoming

/s/Mike Nickel, Chairman

Attest:

/s/Eda Schunk Thompson, County Clerk

HOSPITAL BOARD APPOINTMENT

Commissioner Cram moved to appoint David Smith as a member of the Sheridan Memorial Hospital Board of Trustees to fill an expired term through June, 2012 and an unexpired 5 year term from July of 2012 to June of 2017. Commissioner Maier seconded and with all voting in favor the motion passed.

LDCC PRESENTATION

LDCC JPB Administrator, Edith Johnson-LaMeres addressed the board and detailed the history of Lake DeSmet including current operating issues and proposed uses for a portion of the stored water. Following the presentation, Commissioner Ringley moved that the Sheridan County Board of County Commissioners express its support of the LDCC JPB efforts to secure a lease of water rights in Lake DeSmet between the LDCC JPB and the Wyoming Game and Fish Commission. Commissioner Rolston seconded the motion and it passed with all voting in favor.

SHERIFF'S OFFICE REMODEL CHANGE ORDER

Following a staff report from Renee' Obermueller, Administrative Director, Commissioner Rolston moved to approve and authorize the Chairman to sign change order #2 with O'Dell

Construction, Inc. in the amount of \$7,286.00, for the Sheridan County Sheriff's Office Upgrades. The motion was seconded by Commissioner Maier and it passed with a unanimous vote.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:41 a.m.

BOARD OF COUNTY COMMISSIONERS
Sheridan County, Wyoming

Attest:

Mike Nickel, Chairman

Eda Schunk Thompson, County Clerk