

MINUTES OF THE BOARD OF SHERIDAN COUNTY COMMISSIONERS

The Board met at 9:00 a.m. August 21, 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 Rolston moved to approve the (8) consent agenda items as published and authorize the Chairman to sign documents as required. Commissioner Maier seconded the motion, all Commissioners voted in favor, and the motion passed. Following are the consent items:

- a. Draft Minutes from Special Session, August 1, 2012;
- b. Minutes from Regular session, August 7, 2012;
- c. Affirm Amendment #1 to the Agreement for Inmate Health Care Services at Sheridan County, Wyoming;
- d. Sheridan County Master License Agreement M12-02 and Sheridan County License Agreement 1207LA with Peter Kennedy to access Little Goose Canyon Road, CR#77, to relocate utilities (fee paid);
- e. Release of Mortgage from Sheridan County to Shannon D. Tompkins, Lot 10, Block 3, Woodland Park Subdivision – Phase One, acknowledging payment of \$21,400.00;
- f. Affirm Application for 25 Hour Malt Beverage Permit for Green Carpet Sod for a Sod Farm Festival, August 25, 2012 at 80 Owl Creek Road;
- g. Affirm Salary Contribution Agreement with the University of Wyoming for 4-H Extension Educator, Assistant (Memorandum of Understanding Section D #1);
- h. Affirm Order for SC-12-01, Property Assessment Appeal.

AGENDA

Commissioner Rolston moved to approve the agenda as published, following a second from Commissioner Maier, the motion passed with all voting in favor.

ANNOUNCEMENTS

Chairman Nickel announced in response to the Goose Creek Watershed Information Meetings and staff recommendation, the \$250 septic permit fee waiver relating to lots within 100 meters of the waterways will be made on a case by case basis. Public Works Director, Rod Liesinger will send out a letter explaining the fee waiver process to the affected residents.

PUBLIC COMMENTS

There were no public comments from the public.

MULLINAX BRIQUETTE MANUFACTURING CUP

Chairman Nickel opened the public hearing at 9:05 am and received a staff report from Mark Reid, County Planner. The Department of Environmental Quality will host a hearing on September 10, 2012, addressing the air quality concerns for the required air quality permit for the Briquette Manufacturing business. Ryan Mulholland, CEO of Ptolemy Data Systems expressed concerns regarding fire danger to the local area from the smoldering coal fines piled outside of the Mullinax building and the dry surroundings and wind. Dan Brumm, a Paradise Park Road resident, expressed his support for the briquette manufacturing operations. Applicant, Nathan Mullinax stated that the coal fines stored outside of the building are temporary and once the stockpiles are used, if any storage of coal fines is needed, it will be located inside the building. Mr. Mullinax also stated that they have their own heavy equipment on site in the event of a fire and they are monitoring the stockpiles regularly and will be working with the fire district on a fire safety plan. Chairman Nickel closed the public hearing at 9:38am. After discussion regarding the fire safety, coal fine storage and air quality, the Commissioners were supportive of the briquette operation with the following conditions:

1. If applicable, that the applicant apply for, and receive a Building Permit pursuant to Sheridan County's IBC;
2. Only fully shielded cut-off lighting fixtures associated with this use may be used for new exterior lighting that minimizes glare to neighboring properties;
3. That new signage advertising the use authorized by this permit may be installed only in accordance with the following: Entryway sign – one unlighted structure; not exceeding 32 square feet nor 8 feet in height; and not less than 10 feet from any property line or public road easement; Building signage – not permitted except for directional/safety/regulatory purposes.
4. That a grading plan be submitted to the Planning Office that includes a detention structure (or equivalent means) of temporarily holding surface run-off from the manufacturing area;

5. Additional structures or change of use may require amending this conditional use permit;
6. Compliance with all Federal or State permit requirements, and in particular, Wyoming DEQ Air Quality Permit provisions;
7. That within 90 days of approval of this permit, the applicant shall provide the county with a written fire safety plan approved by the fire district for this use.

Commissioner Maier moved to approve CU-12-010, the Mullinax Briquette Manufacturing CUP, Commissioner Rolston seconded and all voted in favor.

SECURE RURAL SCHOOLS FUNDING DISTRIBUTION 2013

Administrative Director, Renee Obermuller explained the distribution and allocation of the Secure Rural Funding for Title III Projects. Commissioner Ringley moved to approve and authorize the distribution of Sheridan County SRF Funding for Title III Projects to Search and Rescue for FY 2013 Commissioner Rolston seconded, with all voting in favor.

SAWSJPB RESOLUTION #05-18-05

Dan Coughlin, SAWS Project Manager explained the need to restructure the debt incurred in the original Permanent Mineral Trust loan and the 20" Line project to increase the SAWS reserves. Commissioner Ringley moved to approve and authorize the SAWSJPB to use funds set aside in the SAWSJPB 20" line reserve to pay off the original Permanent Mineral Trust Fund loan and the SAWSJPB Drinking Water State Revolving Fund loan as required by Item 5 of the SAWSJPB Resolution #05-18-05. Commissioner Maier seconded, with all voting in favor.

HERSEY ROAD CR#49

County Engineer, Ken Muller, reported that the original engineer's estimate for this partial WYDOT High Risk Rural Road funded project was \$172,423. The only bid that was received was from CMG Construction Inc., for \$287,574. The bid exceeded the Engineer's estimate and Mr. Muller's recommendation was to reject the bid and wait until next winter/spring and rebid the project. Commissioner Rolston moved to award the bid and authorize the Chairman to sign a contract with CMG Construction, Inc. for the Hersey Road Project in the amount of \$287,574, Commissioner Ringley seconded. The motion failed and was denied.

HIGBY ROAD CR #123 QUIT CLAIM DEED

County Engineer, Ken Muller reported that after multiple meetings with the City of Sheridan, it was recommended that a portion of County Road #123 be transferred to the City of Sheridan. Commissioner Maier moved to approve and authorize the Chairman to sign a Quitclaim Deed to transfer a portion of CR#123, Higby Road, from the east side of North Main Street to the south right-of-way line of Interstate 90, contiguous to the City of Sheridan. Commissioner Ringley seconded, with all voting in favor.

WYOMING STATE PARKS AGREEMENT

The State Parks and Wyoming State Historic Preservation Office is requesting to install interpretive signs in the County controlled right-of-way for the Black Diamond Trail, showcasing historic coal mines in the County. The State Parks will install and maintain the interpretive signs. Commissioner Rolston moved to approve and authorize the Chairman to sign an agreement allowing the State Parks and Wyoming State Historic Preservation Office to install interpretive signs in the County right-of-way contingent upon approval of the Deputy County Attorney, Commissioner Maier seconded, unanimously decided.

AIRPORT BUSINESS PARK COLLATERAL SECURITY

Consent to Assignment as Collateral Security by Airport Business Park Leasee, Joe Scott Enterprises, Inc. to refinance two lots in the SCA Business Park. Commissioner Maier moved to approve and authorized the Chairman to sign the Consent to Assignment as Collateral Security for Joe Scott Enterprises, Inc to refinance with their bank, Commissioner Ringley seconded, all voted in favor.

LEASE OF WATER RIGHTS IN LAKE DESMET

Commissioner Rolston stated that the ongoing process to preserve Lake Desmet for the residents of Johnson and Sheridan Counties and the citizens of north central Wyoming for recreational, agricultural, industrial and municipal activities for the next century has been going on for years. Paul Mavrakis, Regional Fishery Supervisor for the Wyoming Game and Fish, responsible for covering northeast Wyoming, explained the development of the lease beginning around 2008. The \$2.9 million lease is for 99 years, with a 50 year buy-back clause. The buy-back policy states the amount is pro-rated at approximately \$30,000 per year with no interest and the money going to the Federal Government

Fish and Wildlife Services. Mr. Mavrakis explained there are approximate 35,000 angler days at Lake Desmet, bringing in approximately 2-2 ½ million dollars to the local economy per year. The cost of stocking 150,000 catchable trout and maintaining the lake is about \$300,000 per year to Wyoming Game & Fish; the money is generated from Wyoming fuel taxes. Area resident, Dan Brumm voiced his opinion to reject the lease because of federal government involvement. Jill Morrison, of Powder River Basin Resource Council reiterated that the WY Game and Fish lease is an ideal way to maintain the lake and keep the economic impact local. Commissioner Rolston moved to approve and authorize the Chairman to sign a Lease of Water Rights in Lake Desmet Counties Coalition Joint Powers Board and the Wyoming Game and Fish Commission, seconded by Commissioner Moler, all voted in favor.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:14 a.m.

BOARD OF COUNTY COMMISSIONERS
Sheridan County, Wyoming

Attest:


Mike Mickel, Chairman


Eda Schunk Thompson, County Clerk