

MINUTES OF THE BOARD OF SHERIDAN COUNTY COMMISSIONERS

The Board met at 9:00 a.m., February 16, 2010, in regular session at Sheridan College, Sheridan, Wyoming. Chairman Steve Maier 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

There being no public comment on the Consent Agenda as read, the Board approved the Consent Agenda and authorized the Chairman to sign documents as required.

- a. Minutes of regular session, February 2, 2010;
- b. Resolution 10-02-006, Registration with State of Wyoming Surplus Property division;
- c. Release of Mortgage for lot 8, Block 3, Woodland Park Subdivision; accept payment of \$21,400;
- d. Renewal of Official Bond and Oath for Treasurer Charlene Foster, Northern WY Community College.
- e. Letter of support for grant application by Northern Wyoming Mental Health Center.

AGENDA

The Board added consideration of a Change Order to the contract for Courthouse renovation. The agenda was approved as amended.

ANNOUNCEMENTS

Chairman Maier acknowledged a gift from Vicki Taylor of three historical USGS maps that will be added to the County's collection on public display. They show land classification and density of standing timber of the Bighorn Forest Reserve. Two are dated 1898 and one is dated 1899. The maps show early Bald Mountain and Red Grade roads.

PUBLIC COMMENTS

There were no public comments.

COUNTY AIRPORT

Airport Manager John Stopka reported that a grant offer from the Federal Aviation Administration was in draft form due to time constraints of a March 15 due date and Congressional funding approval. He said the Part A grant offer of \$542,690 would partially fund the runway 14/32 rehabilitation to be completed in two phases for this \$3.5 million project. Part B would be in the same amount. He said contract bids are expected to be awarded mid-May. To keep the Airport disruption to a minimum, Mr. Stopka said the contractor would be required to work two shifts, seven days a week. It is hoped the runway would be down only 30 days but it will affect corporate air traffic and fuel sales.

The Board approved the draft Part A grant submission to the FAA for \$542,690, the County portion being 2% of that amount, and authorized the Chairman to sign the official grant documents when available.

S-10-002M; SWEEM MINOR SUBDIVISION; 15 Pine Lane

Land Development Coordinator Robin DeBolt reported that John and Candrice Sweem propose to subdivide Lot 27 of Paradise Park Subdivision into two lots. The

property consists of 10.67 acres, zoned Urban Residential. She said the Comprehensive Plan indicates this area as low residential density, and it lies in the Class 5 groundwater vulnerability area. Ms. DeBolt said the proposal may move forward because a complete application had been submitted prior to the adoption of the temporary freeze imposed for such areas. The Sweems have requested a 10-foot variance for Pine Lane, an existing subdivision road, from the 60-foot dedicated street right-of-way requirement in Section 3.3.b. of the Division of Land Rules. The Planning and Zoning Commission recommended approval of the variance and subdivision.

The Board granted the 10-foot variance from the requirements of Section 3.3.b of the Division of Land Rules, and approved the Sweem Minor Subdivision with the conditions that (1) Building permits and inspections shall be required; and (2) A statement shall be added to the plat prior to its submission for signature that reads "Septic systems shall be designed by a professional licensed engineer."

BUSINESS INCUBATOR PROJECT

Chairman Maier opened a public hearing at 9:22 a.m. to receive comment on a proposed grant submission to the Wyoming Business Council for funding a business incubator project supported by Forward Sheridan. Commissioner Bob Rolston recused his consideration of this request as he is a sitting board member of Forward Sheridan.

Jay Stender, Forward Sheridan, advised that funding would be used to construct a portion of a building owned by developer Ron Patterson to provide space for start-up businesses. Renee Obermueller, Administrative Director, said that she and the Deputy County Attorney have reviewed the proposal and outlined the various agreements that would be required between all parties to administer the project. She said she supported the concept which should contribute to the growth of the community, but issues on the perpetual commitment of the County should the project fail or Forward Sheridan dissolve were a concern. Dave Spencer of the Wyoming Business Council commented that the WBC recognized conditions under which grants were approved could change, and he said there are a number of ways to satisfy the sponsor responsibilities. Ron Patterson, Progress Development, said the building would provide the opportunity for new businesses to grow with discounted rental rates. The building would have a data center and the start-up businesses would benefit from that capability. Mr. Stender said the businesses would also receive assistance from Forward Sheridan which would house its office in the building.

Commissioner Cram noted that the Wyoming Business Council would be receiving an application supported by the City for a high-tech business park, this one if approved, as well as an application by the Town of Ranchester.

Ms. Obermueller and Mr. Stender spoke on the grant administration and draft agreements, stating that Forward Sheridan would administer the grant and leasing of tenets. Recapture of funding would be put in a reserve account and would help cover costs of building maintenance. The intent is for these businesses to receive 6-month

reviews, with the goal for them to succeed and move out, leasing or purchasing space in the community. The hearing was closed at 9:46 a.m.

Commissioner Ringley asked about the building coming in at \$2.3 million. Mr. Patterson said this was due in part to City code and ADA compliance, building aesthetics requirements, lighting in the parking lot, and the data center. Costs of construction have increased due to building standards, but the costs are still below the building value, primarily due to the electronic capabilities to be installed. Dick Weber, chairman of Forward Sheridan, said the businesses would not be retail, but in the high tech fields which is to their advantage at this location. The Commissioners expressed their confidence in Forward Sheridan to manage the project and to move economic development forward in the community. The Board approved Resolution 10-02-005, authorizing the Chairman to submit a Community Readiness Grant application to the Wyoming Business Council for construction funding of a building to be used as a Startup Incubator for Stage One Business Migration, in the amount of \$978,000, submission contingent upon final review of the grant application and related documents by the County Attorney's office. Commissioner Ringley voted in the negative and Commissioner Rolston abstained after his recusal.

RESOLUTION 10-02-005

A RESOLUTION OF SHERIDAN COUNTY AUTHORIZING THE SUBMISSION OF AN APPLICATION TO THE WYOMING BUSINESS READY COMMUNITY GRANT AND LOAN PROGRAM FOR A COMMUNITY READINESS PROJECT TO PROCURE A LOCATION FOR A BUSINESS INCUBATION FACILITY

WHEREAS, there is a need to assist start-up businesses within the community without undue risk to scarce public financing and limited private sector financing; and

WHEREAS, Sheridan County recognizes that assistance should be provided to start-up businesses as part of the County's comprehensive economic development plan through Forward Sheridan, a community supported organization committed to business recruitment and expansion; and

WHEREAS, Sheridan County has identified a location suitable to house start-up businesses and provide business incubation services, thereby assisting the efforts of business recruitment and expansion; and

WHEREAS, Sheridan County recognizes the ability to provide suitable business space at a cost affordable to business in the early development and growth stages would provide business assistance while retaining a tangible community asset within the boundaries of Sheridan County; and

WHEREAS, Sheridan County desires to participate in the Business Ready Community Grant program to assist in financing this project; and

WHEREAS, the Business Ready Community Grant and Loan program requires that certain criteria be met, as described by the Wyoming Business Council's Rules, and to the best of our knowledge, this application meets those criteria; and

WHEREAS, the requested Business Ready Community Grant and Loan program project funding would be matched from in-kind donation of land by Ron Patterson, developer and owner of the property proposed to be purchased through the Business Ready Community Grant and loan program; and

WHEREAS, Sheridan County held a public hearing on February 16, 2010 to identify this economic development opportunity and determine all possible funding solutions for this project; to solicit testimony from citizens on whether use of the proposed funds might compete with existing business, and gave full consideration to all comments received; and

WHEREAS, Sheridan County is working in partnership with Forward Sheridan, Inc., and has provided preliminary cost estimates for the business incubation project.

NOW, THEREFORE, BE IT RESOLVED, that the Sheridan County Commissioners authorize the submission of a grant application in the amount of \$978,000.00 to the Wyoming Business Council for its consideration of this business incubation facility proposal.

DATED this 16th day of February, 2010.

BOARD OF COUNTY COMMISSIONERS
Sheridan County, Wyoming
/s/Steve Maier, Chairman
(Signature notarized)

Attest:
/s/Audrey Koltiska, County Clerk

COMMUNITY HEALTH

Ms. Obermueller advised that this project originally proposed doing more work in the basement of the Community Health building but it was deemed more important to focus on the outside. The pre-construction walk-through revealed old electrical wiring and junction boxes that needed to be upgraded and consolidated. The Board approved an increase to the TSP, Inc. contract's not to exceed amount by \$5,200 to accomplish this work.

COUNTY ROADS

The Board authorized the Chairman to sign the Agreement with McGarvin-Moberly Construction Company of Worland to produce and stockpile crushed road base materials from the Lower Wolf Creek Pit, at the unit price of \$8/cubic yard, for a term to June 30, 2010. County Engineer Ken Muller said WYDOT has given the County permission to contract with its contractor to realize a cost savings. The gravel, 14,000 cubic yards, will be used on Dayton East Road and Half Way Lane at a projected cost of \$112,000.

KLEENBURN COUNTY RECREATION AREA

The Board authorized the Public Works Department to purchase a vault restroom facility from CXT, Inc. for the Kleenburn County Recreation Area. Permission was given to purchase through the Wyoming State Parks Office's state-wide contract, at a price of \$32,449.33.

ZONING RULES

Resolution 09-12-166 to adopt certain amendments to the Rules and Regulations Governing Zoning addressing Groundwater Protection Areas (GPA) was placed on the Table on December 1, 2009. The Board removed this matter for further discussion.

County Planner Mark Reid said the draft resolution before the Board is the same that was tabled but without references to options using enhanced septic systems. He said it is proposed to require not less than five acres of land per dwelling unit (or commercial/industrial building) for a GPA site (other than Agricultural Districts and legal

non-conforming parcels), which is not served with central water and sewer service. He hoped to have more parcel size options available by the end of the year after working with Clarion, the County's consultant. The goal is to work toward preserving open space using conservation design principles by clustering residences. He said a key to making clustering work would be the ability to handle sewage through enhanced sewage systems. Each application using the conservation design option would be reviewed individually, looking at the terrain, natural areas and site plan. The Board approved Resolution 09-12-166, adopting the presented amendments to the Zoning Rules, as revised, requiring a minimum lot area of five acres per dwelling unit in certain zoning districts that are also County classified as Groundwater Protection Areas, and not served with central water and sewer systems. These amendment revisions delete the definition of "Enhanced On-site Sewage Treatment System" and 16 occurrences of statements related to requiring such a system. The resolution also lifts the temporary freeze on subdivisions within the GPA.

RESOLUTION 09-12-166
RULES AND REGULATIONS GOVERNING ZONING IN SHERIDAN COUNTY
TERMINATION OF FREEZE IMPOSED ON SUBDIVISION OF LAND

WHEREAS, the Board of County Commissioners, in anticipation of establishing a Groundwater Protection Area for Sheridan County, imposed a temporary freeze on subdivision of land for areas located wholly or partially within identified Class 5 groundwater vulnerability areas of the County on August 6, 2009; and

WHEREAS, the Board of County Commissioners, observing a need to amend its Zoning Rules, expressed its intent by Resolution 09-10-137, on October 6, 2009, to amend the rules cited as the Sheridan County Zoning Resolution; and

WHEREAS, the proposed amendment to the rules was made available to the public by paper copy and on the County's website; and

WHEREAS, the Board gave proper notice according to Wyo. Stat. § 18-5-202, and held a public hearing on December 1, 2009 to receive public comment on the proposed language changes to 1) add definitions to Section 5 for "Enhanced On-site Sewage Treatment System" and for "Groundwater Protection Area", and 2) amend minimum lot area requirements in Sections 8, 9, 11, 12, 13, 14 and 15, where Groundwater Protection Areas have been identified; and

WHEREAS, the Board has since adopted Resolution 09-12-165, authorizing the Zoning Resolution be renamed "Rules and Regulations Governing Zoning, Sheridan County, Wyoming ("Zoning Rules").

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners approves the incorporation of language in the "Zoning Rules" in reference to Groundwater Protection Areas as specified in Exhibit 1 attached hereto.

BE IT FURTHER RESOLVED that the Board of County Commissioners hereby adopts the Sheridan County Rules and Regulations Governing Zoning, Sheridan County, Wyoming, as amended.

BE IT FURTHER RESOLVED that the adopted Zoning Rules be filed with the County Clerk.

BE IT FURTHER RESOLVED that the temporary freeze of subdivision of land imposed pursuant to Resolution 09-08-031 is hereby rescinded, effective immediately upon the filing with the County Clerk of the aforementioned Zoning Rules as amended; and that subdivision projects be allowed to continue, at pre-amendment minimum lot area, if they meet the following:

1. An active subdivision application is on file with Public Works Department, or
2. Documentation is on file with Public Works indicating a landowner has pursued a subdivision application within the two years prior to lifting the freeze.

DONE in a regular meeting of the Board of County Commissioners this 16th day of February, 2010.

BOARD OF COUNTY COMMISSIONERS
Sheridan County, Wyoming
/s/Steve Maier, Chairman
(Signature notarized)

Attest:

/s/Audrey Koltiska, County Clerk

EXHIBIT 1

DRAFT AMENDMENTS TO THE
SHERIDAN COUNTY ZONING
RESOLUTION (WITH "ENHANCED
SYSTEM" DELETIONS)

Proposed Amendments:

Section 5. Definitions.

Add Definitions as follows:

~~Enhanced On-site Sewage Treatment System—A wastewater treatment system designed specifically for disposal of sewage on the same property as the permitted use that utilizes advanced treatment technologies in accordance with NSF/ANSI Standard 40, Current Edition, which provide for enhanced removal of one or more contaminants as compared to conventional disposal (septic tank/leach field) systems.~~

Groundwater Protection Area – Class 5 Groundwater Vulnerability areas (see map Appendix "A") identified by the Wyoming Department of Environmental Quality and the University of Wyoming et al, (Wyoming Ground Water Vulnerability Assessment Handbook, SDVC Report 98-01, 1998).

Section 8. UR Urban Residential

A. The following uses are permitted.

- (1) Residential dwellings
- (2) Mobile Home Parks
- (3) Agricultural uses

B. Minimum lot area per dwelling unit:

- (1) 6,000 square feet per dwelling unit if served with central water and sewer system.
- (2) 2,500 square feet per multiple dwelling unit if served with central water and sewer system.
- (3) Two (2) acres per dwelling unit if the lot is:
 - a. located completely outside a Groundwater Protection Area, ~~or~~
 - b. ~~is served with an enhanced on-site sewage treatment system, or central sewer system.~~

(4) Five (5) acres per dwelling unit if located wholly or partially within a Groundwater Protection Area and is not served with a central water and sewer system, ~~or an enhanced on-site sewage treatment system.~~

C. Minimum yard requirements.

- (1) Front yard 25
- (2) Rear yard 20
- (3) Side yard 5

Section 9. RR-Rural Residential

A. The following uses are permitted.

- (1) Agricultural
- (2) Residential

B. Minimum lot area per dwelling unit.

(1) Two (2) acres per dwelling unit if the lot is:

a. located completely outside a Groundwater Protection Area, ~~or~~

~~b. is served with an enhanced on-site sewage treatment system, or central sewer system.~~

(2) Five (5) acres per dwelling unit if the lot is located wholly or partially within a Groundwater Protection Area ~~and is not served with a central sewer system, or an enhanced on-site sewage treatment system.~~

C. Minimum yard requirements.

- (1) Front yard 25
- (2) Rear yard 20
- (3) Side yard 5

Section 10. A-Agricultural.

A. The following uses are permitted.

- (1) Agricultural
- (2) Residential

B. Minimum lot area.

(1) 35 acres per dwelling unit

C. Minimum yard requirements.

- (1) Front yard 25
- (2) Rear yard 20
- (3) Side yard 5

Section 11. C-1 Commercial.

A. The following uses are permitted.

- (1) NO RESIDENTIAL USE ALLOWED
- (2) C-1, C-2, and C-3 commercial uses

B. Minimum lot area.

(1) No minimum lot area if connected to central water and sewer systems.

(2) Two (2) acres per commercial building if the lot is:

a. located completely outside a Groundwater Protection Area, ~~or~~

~~b. is served with an enhanced on-site sewage treatment system, or central sewer system.~~

(3) Five (5) acres per commercial building if the lot is located wholly or partially within a Groundwater Protection Area and is not served with a central water and sewer system, ~~or an enhanced on-site sewage treatment system.~~

C. Minimum yard requirements.

(1) None required.

Section 12. C-2 Commercial.

A. The following uses are permitted.

- (1) C-2 and C-3 Commercial uses
- (2) Residential

B. Minimum lot area per dwelling unit.

(1) 6,000 square feet per dwelling unit if served with central water and sewer system.

(2) Two (2) acres per dwelling unit if the lot is:

a. located completely outside a Groundwater Protection Area, or

~~b. is served with an enhanced on-site sewage treatment system, or central sewer system.~~

(3) Five (5) acres per dwelling unit if the lot is located wholly or partially within a Groundwater Protection Area and is not served with a central water and sewer system, ~~or an enhanced on-site sewage treatment system.~~

C. Minimum lot area per commercial building.

(1) No minimum lot area if connected to central water and sewer systems.

(2) Two (2) acres per commercial building if the lot is:

a. located completely outside a Groundwater Protection Area, or

~~b. is served with an enhanced on-site sewage treatment system, or central sewer system.~~

(3) Five (5) acres per commercial building if the lot is located wholly or partially within a Groundwater Protection Area and is not served with a central water and sewer system, ~~or an enhanced on-site sewage treatment system.~~

D. Minimum yard requirements.

Commercial - none required.

Residential

(1) Front yard 25

(2) Rear yard 20

(3) Side yard 5

Section 13. C-3 Commercial

A. The following uses are permitted.

(1) C-3 commercial uses

(2) Residential

B. Minimum lot area per dwelling unit or commercial building.

(1) 6,000 square feet per dwelling unit or commercial building if served with central water and sewer system.

(2) Two (2) acres per dwelling unit or commercial building if the lot is:

a. located completely outside a Groundwater Protection Area, or

~~b. is served with an enhanced on-site sewage treatment system, or central sewer system.~~

(3) Five (5) acres per dwelling unit or commercial building if the lot is located wholly or partially within a Groundwater Protection Area and is not served with a central water and sewer system, ~~or an enhanced on-site sewage treatment system.~~

C. Minimum yard requirements.

Commercial and residential

(1) Front yard 25

(2) Rear yard 20

(3) Side yard 5

Section 14. I-1 Industrial

A. The following uses are permitted.

(1) I-1, I-2 Industrial and C-1 Commercial

(2) Agricultural

B. Minimum lot area.

(1) No minimum lot area if connected to central water and sewer.

(2) Two (2) acres per industrial building if the lot is:

a. located completely outside a Groundwater Protection Area, or

~~b. is served with an enhanced on-site sewage treatment system, or central sewer system.~~

(3) Five (5) acres per industrial building if the lot is located wholly or partially within a Groundwater Protection Area and is not served with a central water and sewer system, ~~or an enhanced on-site sewage treatment system.~~

C. Minimum yard requirements.

(1) None required.

Section 15. I-2 Industrial

A. The following uses are permitted.

(1) I-2 Industrial and C-1 and C-2 commercial

(2) Agricultural

B. Minimum lot area.

(1) No minimum if connected to central water and sewer.

(2) Two (2) acres per industrial building if the lot is:

a. located completely outside a Groundwater Protection Area, ~~or~~

b. ~~is served with an enhanced on-site sewage treatment system, or central sewer system.~~

(3) Five (5) acres per industrial building if the lot is located wholly or partially within a Groundwater Protection Area and is not served with a central water and sewer system, ~~or an enhanced on-site sewage treatment system.~~

C. Minimum yard requirement.

(1) None required.

A copy of Appendix A "Map of Class 5 Groundwater Vulnerability Areas" is available through the County Commissioner and Planning offices.

BIG HORN FIRE DISTRICT

The Board concurred with the actions of the Big Horn Fire District board to accept three properties into the District and stated that no election is required for any temporary directors as they are not needed. The following landowners' properties were entered into the District.

R7080, Terrence E. and Crystal R. Lenhart, 41 Landon Lane;

R5105, David T. Clarendon, 80 acres described Sec. 12, T54N, R84W, SESW, all Sec 12, T54N, R84W, SWSE all ;

R4339, David T. Clarendon, 164.64 acres described T54N, R83W, Sec. 7, Part Lot 2; T54N, R83W Sec. 7 All, Lot 3, T54N, R83W, Sec. 7 All Lot 4, T54N, R84W, Sec. 12 E SE All

MALT BEVERAGE PERMISSION

Upon its request and agreement to not charge for malt beverages dispensed at its club picnic to be held July 4, 2010, at the Story Centennial Park, between the hours of 10 AM to 6 PM, the Board granted permission to the KARZ Club to provide malt beverages to its guests.

COURTHOUSE RENOVATION

Ms. Obermueller advised that additional work was found to be required after the walls were exposed by the contractor. The Board authorized the Chairman to sign Change Order 001 to the O'Dell Construction Company contract for renovation of the third and fourth floors of the Courthouse, in an increased amount of \$11,750.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:20 a.m.

BOARD OF COUNTY COMMISSIONERS
Sheridan County, Wyoming

Attest:

Steve Maier, Chairman

Audrey Koltiska, County Clerk