

MINUTES OF THE BOARD OF SHERIDAN COUNTY COMMISSIONERS

The Board met at 9:00 a.m., March 16, 2010, in regular session at the Clearmont Town Hall, Clearmont, 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, March 2, 2010;
- b. Affirm execution, Amendment to the Agreement for Inmate Health Services, April 1, 2009 through June 30, 2010, increasing available hours to 8 per month;
- c. Public Works agreement with Clemens Exterior, Inc. for roof repairs and installation of gutter/down spouts, Road and Bridge Shop, \$5,763.85;
- d. Public Works agreement with Jim's Tree Service to remove 18 marked trees within the right-of-way of Pass Creek Road, \$3,500;
- e. Grant submission for Juvenile Justice and Delinquency Prevention funding of \$40,000 on behalf of the Office of Juvenile Justice to ensure the County meets all federal requirements;
- f. Official Bond and Oath, Treasurer Gary Miller, Memorial Hospital of Sheridan County Board, coverage to \$50,000, term to November 1, 2010;
- g. Employment contract for Traffic Safety Resource Prosecutor position funded by National Highway Traffic Safety Administration, to provide training and technical assistance to prosecutors as requested by Wyoming County and Prosecuting Attorney's Association;

AGENDA

The agenda was approved as published.

ANNOUNCEMENTS

There were no announcements.

PUBLIC COMMENTS

There were no public comments.

COUNTY AIRPORT

Airport Manager John Stopka advised that the Airport and the Sheridan Area Rural Fire Protection District had entered into an agreement on September 1, 2009 for construction of a facility at the Airport Business Park. Amendment #2 to the agreement is required to address an additional change requested by the District's lender. It also outlines the County's options in the event the District should default on the loan. The Board approved the Lease Amendment revising Article VII, DD of the agreement. All other terms of the agreement shall remain in full force and effect.

The Board approved an Airport Vending Services Agreement with Cupcakes by Design to lease space in the Terminal to provide a food cart during scheduled flight times. The Agreement is for five years to March 31, 2015, with the rental fee being 15% of Lessee's gross receipts from sales and pursuant to all other stipulations of the Agreement.

Mr. Stopka reported on the Terminal Building upgrade project which includes purchase of an emergency generator. Six bids were received on Bid Package A for the Terminal Building Upgrade. Eleven bids were received on Bid Package B for the

emergency generator. Mr. Stopka recommended the project be awarded to the low bids which fall below the engineering estimates. The Board awarded Bid Package A to Fry Construction, in the amount of \$167,600; and Bid Package B with Alternate 1 to Advance Electric, in the amount of \$56,750, and authorized the chairman to sign all associated documents with this project.

Mr. Stopka said the surface of Runway A, its connectors, and the taxi lane leading into the Business Park require crack sealing. He said these pavements would be seal-coated and re-striped. The Board approved Resolution 10-03-006, authorizing the Chairman to submit a Request for State Airport Aid, in the amount of \$91,200, with the County match budgeted at \$22,800, for a total estimated project of \$114,000.

DRAKE SETBACK VARIANCE; V-10-001; 235 JOHNSON STREET, BIG HORN

Chairman Maier opened a public hearing at 9:14 a.m. to receive comment on this request to waive the residential five-foot side setback requirement. Land Development Coordinator Robin DeBolt reported that John Drake owns property zoned Commercial-2, upon which a commercial building and a residential structure sits. Ms. DeBolt outlined the legal history of the property since 1993 pertaining to the use of the residential structure situated behind the commercial building. The southern foundation sits approximately two feet from the property line. Vincent P. Schutte, Kinnaird Law Office, representing Mr. Drake, spoke to the reasons for allowing the residential structure to be used as a residence in the Commercial-2 zone, saying that the District Court's adjudicated ruling falls flat in this case as it resists a property owner from requesting a change to his property in the future. Dennis M. Kirven representing Christy Love, the landowner to the south who was in attendance, spoke to the reasons to deny the variance saying that the conditional variance granted in 1993 was contrary to law and that the District Court's Order reversing the variance was correct. He said the Board had no authority to overturn the District Court's Order in 1993 as there has been no change in circumstances or conditions. Ms. DeBolt read a list of accepted uses for the Commercial-2 zone. The public hearing was closed at 9:33 a.m.

Roll call of the Board's vote reflected the following comments. Commissioner Cram voted nay, stating the District Court in 1993 found the grant of the original conditional variance was improper and the variance request presented today still does not comply with the rules.

Commissioner Nickel voted nay, saying the past Board had denied the request and the facts have not changed since the 1993 decision. There is no need to grant the variance at this time.

Commissioner Rolston voted nay, stating that it is an unauthorized use, and there is no need to grant a variance when the facts are the same as in 1993 when the variance was originally denied.

Commissioner Ringley voted nay, saying that since there has been no change in the facts of the case since the 1993 District Court decision there is no need to grant the

variance today. If the Applicant was unhappy with the outcome in 1993 he had the option of appealing the District Court decision to the Wyoming Supreme Court.

Commissioner Maier voted nay saying it is an unauthorized use and there is no need to grant a variance since the facts are the same as in 1993.

The request was denied for lack of a positive vote. Chairman Maier said the Board would issue Findings of Fact, Conclusions of Law which would be mailed to Mr. Drake.

DUST SUPPRESSION

County Engineer Ken Muller thanked the Commissioners for working with other counties to increase the 2009 grant funding under the Congestion Mitigation-Air Quality program for dust suppression on county roads. He said the 2010 allocation would again be \$300,000. The Board approved amendment 1 to the CMAQ Agreement with WYDOT, accepting the additional \$150,000 for the 2009 Fiscal Year allocation, with the County match at \$37,500. Mr. Muller said funds would be used on Upper Cat Creek Road. Any remaining funds would be used for Ulm road.

FULMER PUBLIC LIBRARY

Administrative Director Renee Obermueller advised that retrofit of the HVAC systems at the Fulmer Library could now move forward. She said the County had budgeted \$150,000 for this project, but has since received \$50,000 in stimulus funds, and \$165,000 under the second round of stimulus funding. She said the contractor has agreed to honor a six-month old quote for this work. The Board authorized the chairman to sign the contract with Powder River Heating and Air Conditioning, in the amount of \$265,030.

WEST BRUNDAGE LANE

Mr. Muller reported that eight bids were opened for the reconstruction project's Phase III work which runs from the Airport Terminal to Airport Road. He said that the best value would be to pave with concrete rather than asphalt. Mr. Muller clarified that the County would also have a small portion of work in Phase IV, but that work cannot move forward until the City's Phase V portion is completed due to the storm sewer. He said the design is done. Mr. Muller said a small detention pond would be sited at the intersection of West Brundage Lane and Airport Road to assist with drainage issues until the storm sewer is installed. The Board approved award of the Base Bid and bid alternate 1 to Fletcher Construction Company, in the amount of \$585,748.

Related to Phase III of this project, Mr. Muller advised that an amendment was needed to the current contract with Vista West Engineering to provide additional lighting design and contract administration services. The Board approved Amendment #8 to the Engineering Agreement with Vista West, in the amount of \$16,975 for lighting and \$76,840 for contract administration, totaling \$93,815.

JUSTICE GRANT FUNDING

Chairman Maier opened the public hearing at 9:54 a.m. to receive comment on a cooperative agreement with the City of Sheridan. Ms. Obermueller said the agreement was required by the Department of Justice to qualify for available funding through a Justice Assistance grant. She said the City portion of the grant is \$25,975, which they will use to purchase a Police vehicle. The County portion is \$16,027 which will be used for partial payment of the audio visual system in District Court. No one else spoke to this issue and the hearing was closed at 9:58 a.m. The Board approved Resolution 10-03-007, accepting the grant allocation of \$42,002, and authorizing the Chairman to execute the Cooperative Agreement for use of the grant funds.

MYDLAND ROAD

Mr. Muller advised that additional surveying and property appraisals have been required to finish the project design in preparation for rehabilitation of County Road 80. The Board authorized the Chairman to sign Amendment 1 to the EnTech, Inc. contract for this unanticipated work, in an increased amount of \$11,019.15.

The Commissioners asked if another meeting with the affected landowners would take place prior to commencement of work. Mr. Muller said there would be a meeting once the contract had been let so that more information would be available. He said this \$2.2 million project will be funded through capital facilities sales tax dollars and a large grant, with work starting June 1 and expected completion by the end of October.

COUNTY TREASURER

Annually, the County Treasurer is charged to review uncollected debts for possible cancellation. Upon the Treasurer’s request, the Board agreed that an extensive effort had been made to collect the listed debts and authorized the Treasurer to cancel specified delinquent personal property taxes totaling \$7,146.10, specified delinquent mobile home taxes totaling \$590.22, and a non-sufficient fund check in the amount of \$266.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:09 a.m.

BOARD OF COUNTY COMMISSIONERS
Sheridan County, Wyoming

Attest:

Steve Maier, Chairman

County Clerk