

MINUTES OF THE BOARD OF SHERIDAN COUNTY COMMISSIONERS

The Board met at 9:00 a.m., April 20, 2010, in regular session at the County Courthouse, 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

The Board added three items to the Consent Agenda, numbered as "i, j, k." 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, April 6, 2010;
- b. Minutes of special session, April 8, 2010;
- c. Sheridan County Master License Agreement with John Brackley of Sheridan, setting out the obligations of he and the County for crossing of County road rights-of-way;
- d. Sheridan County License Agreement with John Brackley to cross Soldier Creek Road, CR74, to install a bored 3/4 inch water line (fee waived for residential use);
- e. Western Surety Company Change Notice to bond #15122179, to provide \$5,000 coverage for the new Big Horn Fire District treasurer Edward R. Schunk, commencing January 14, 2010;
- f. Affirm contract renewal with New Dawn Technologies to provide tracking software to County Prosecutor's office;
- g. Affirm SAWS Joint Powers Board approval of Amendment #1 to the SAWS JPB Operating Agreement, done April 14, 2010, outlining conditions for purchase or construction of additional improvements to the SAWS facilities;
- h. Amendment to Food Service contract for Detention Center with CBM Foodservice, term from June 29, 2010 to June 28, 2011, indicating CPI adjustment of 2.1%;
- i. Official Bond and Oath for treasurer of the Tongue River Rural Fire Protection District, James E. Hallworth, Sr. coverage amount of \$10,000, for a term to May 18, 2011;
- j. Partial Release of Mortgage of Lot 3, Block 5, Woodland Park Subdivision, Phase One, and authorize chairman to execute Assignment of Affordable Housing Agreement between Woodland Park, LLC and Excalibur Construction, Inc. for said lot; County acknowledges payment of \$10,800;
- k. Partial Release of Mortgage of Lot 9, Block 1, Woodland Park Subdivision, Phase One, and authorize chairman to execute Assignment of Affordable Housing Agreement between Woodland Park, LLC and Excalibur Construction, Inc. for said lot; County acknowledges payment of \$10,800;

AGENDA

The agenda was approved as published.

ANNOUNCEMENTS

Chairman Maier said there will be one vacancy on the Planning and Zoning Commission for a position expiring June 30. This position is open to an interested volunteer residing in the unincorporated area of the County. Letters of interest should accompany a completed Board application form that may be found at www.sheridancounty.com. Click on Boards to access the form.

PUBLIC COMMENTS

Rick Young, High Country Grooming, advised that the snowmobile trails this year have experienced more ATV use after the trails have been groomed. He said there is more access off Red Grade Road for ATVs due to lack of snow. Mr. Young said it costs about \$1,100 a week to groom the trails, which is funded through the snowmobile license. He suggested a type of barrier be used on trails when grooming commences, barring ATV use on a trail. He said the Forest Service has signage against "tired" vehicles at Twin Lakes. Mr. Young said the word on the street is that he would like to shut down the mountain, which is not true--he only wants some control. Commissioner Rolston said that he had conversed with several cabin owners and other users and felt the group could come up with some ideas to assist. He said the issue is a concern to responsible ATV users.

Mr. Young, owner of Bear Lodge, commented that ambulances have been purchased from the Town of Dayton and the Pine Haven resort, and snowmobiles have regularly been given to Search and Rescue. He said the Northern Bighorn Mountains Recreation Association promotes recreation on the mountain and is applying for grant funding for an advanced life support program. The group has a physician in Cheyenne who will sponsor their program. Once finalized, he said the group would like to ask the County for assistance.

LIQUOR LICENSE RENEWALS

Chairman Maier noted that liquor license renewal applications for fiscal year 2010-2011 have been approved by the County Attorney and County Sheriff with all fees paid. Public hearings were held between 9:11 a.m. and 9:15 a.m. by the Board on each category of license with no public comment received on the applications.

The Board approved the transfer of ownership and renewal of a Retail Liquor License to Elk View Inn, LLC. d/b/a Elk View Inn. This license was formerly held by H&P Management, LLC d/b/a The Passage Resort.

The Board approved assigning a Retail Liquor License to Chuckwagon Country Store, LLC. d/b/a Chuckwagon Country Store.

In addition to the two previous Retail Liquor Licenses renewed, the Board approved the renewal of County liquor licenses as follows:

- Arrowhead Lodge Wyo, LLC. d/b/a Arrowhead Lodge;
- B-Y Ranch Associates, Inc. d/b/a Bear Lodge;
- Bozeman Trail Inn, Inc. d/b/a Bozeman Trail Inn;
- Eaton Brothers, Inc. d/b/a Eaton's Ranch;

Jon Scherry d/b/a Last Chance Bar;
LIG, LLC d/b/a Lodore Saloon;
Martha Craven d/b/a Leiterville Country Club;
Patrick L. Green d/b/a My Buddy's Place;
Crystal Springs, Inc. d/b/a Parkman Bar;
Piney Creek General Store, Inc. d/b/a Piney Creek General Store;
Powder Horn Ranch, LLC d/b/a Powder Horn Golf Club
Y Business, LLC. d/b/a The Big Horn Y
Blair Hotels, Inc. d/b/a The Ranch at Ucross
D&G Tunnel Vision, Inc. d/b/a Tunnel Inn
Wagon Box Properties, LLC d/b/a Wagon Box Inn
Wyarno, LLC d/b/a Wyarno Bar

The Board approved the renewal of Limited Retail Liquor Licenses as follows:

Big Horn Equestrian Center
Big Horn Mountain Eagles FOE Aerie 4169
Sheridan Country Club

The Board approved the renewal of a Retail Malt Beverage Permit to Charles G. Malli d/b/a Arvada Bar.

SUNDAY HOURS, LIQUOR BUSINESSES

Chairman Maier opened a public hearing at 9:16 a.m. to receive comment on the question of whether Sunday hours of operation for the membership of the Sheridan County Liquor Dealers Association should be changed. Dennis Davis, president of the Association, asked that the hours be changed to that allowed by the State Liquor Division, the same as any other day of the week. He said none of the businesses wished to change their business hours at this time, but should have the option if they do. Rick Young, holder of three liquor licenses for lodges on the Bighorn Mountains, said the change in hours would help his lodge business by keeping people on the mountain, rather than seeing them drive off to Dayton, Ranchester or the Basin. The hearing was closed at 9:21 a.m.

The Commissioners stated no letters in opposition to this issue had been received. The general consensus of the Board was that operating hours should be a business decision. Commissioner Cram asked why the City had not been approached to change hours. Mr. Davis said the establishments within the City have expressed no desire to change their operating hours. Commissioner Cram said he appreciated the remarks about business on the mountain but still preferred starting later in the day on Sunday. Pursuant to its authority under W.S. 12-5-101(a), the Board voted 4-1, with Commissioner Cram dissenting, to approve the change in allowed Sunday hours of operation from between Noon and 10:00 p.m. to between 6:00 a.m. to 2:00 a.m. Permitted establishments located in the unincorporated areas of the County may adjust their business hours on Sunday if they care to do so.

COUNTY ZONING RULES

Chairman Maier asked County Planner Mark Reid to report on this proposal to amend the County Zoning Rules to provide standards for accessory dwellings. Mr. Reid said that staff has recognized a need to examine existing guidelines for guesthouses in the County and rename the use as accessory dwellings. He said the condition of some of these have contributed to degrading the character of a neighborhood and a standard needs to be in place. The Planning and Zoning Commission is scheduled to review the proposal on June 2 and the County Commissioners will consider its recommendation on June 15. The Board approved Resolution 10-04-014, giving notice of its intent to amend the Zoning Rules pertaining to accessory dwellings.

RESOLUTION 10-04-014 RESOLUTION GIVING PUBLIC NOTICE OF SHERIDAN COUNTY'S INTENT TO AMEND THE RULES AND REGULATIONS GOVERNING ZONING, SHERIDAN COUNTY, WYOMING

WHEREAS, Wyoming Statutes §§ 18-5-101 to 18-5-107; 18-5-201 to 18-5-208 authorize the Sheridan County Board of County Commissioners 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, "guesthouses" are currently permitted as provided for in the *Rules and Regulations Governing Zoning, Sheridan County, Wyoming*; and

WHEREAS, there are presently no official standards for the use, number, size, placement, ownership and occupancy of "guesthouses"; and

WHEREAS, unlimited proliferation of "guesthouses" may have certain undesirable consequences on existing communities and neighborhoods; and

WHEREAS, Section 27.C. of the *Rules and Regulations Governing Zoning, Sheridan County, Wyoming* authorizes the Board of County Commissioners to initiate proceedings to amend the wording of said rules; and

WHEREAS, the purpose of the proposed changes is to amend the *Rules and Regulations Governing Zoning, Sheridan County, Wyoming* defining and providing for specific standards for the use, number, size, placement, ownership and occupancy of accessory dwellings, as proposed in Exhibit "A", attached hereto; and

WHEREAS, the Sheridan County Planning and Zoning Commission, following a public hearing at its regular meeting of June 2, 2010, will provide a recommendation concerning the adoption of these proposed amendments.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF SHERIDAN COUNTY, WYOMING, that in the interest of protecting existing neighborhood character, while allowing limited opportunity for alternative housing arrangements, the Board of County Commissioners hereby gives notice to the public that Sheridan County intends to amend the *Rules and Regulations Governing Zoning, 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 Planning and Zoning Commission shall hold a public hearing on June 2, 2010 at their regularly scheduled meeting at 5:30 p.m. in the Commissioners Board Room, second floor of the County Courthouse, Sheridan WY; that all interested persons may submit written comments to the Sheridan County Planning and Zoning Commissioners, 224 S. Main Street, Sheridan WY 82801, no later than 12 Noon on May 26, 2010.

IT IS FURTHER RESOLVED that the Board of County Commissioners shall hold a public hearing on June 15, 2010 at their regularly scheduled meeting at 9:00 a.m. in the Commissioners Board Room, second floor of the County Courthouse, Sheridan WY; 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 7, 2010.

IT IS FURTHER RESOLVED that the Public Works Department staff is hereby instructed and authorized to take all necessary administrative actions pursuant to Wyoming State Statutes to facilitate the process for amendment described herein.

PRESENTED, READ AND ADOPTED this 20th day of April, 2010.

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

Attest:
 /s/Eda Thompson, County Clerk

Exhibit "A"

Proposed Amendments to Rules and Regulations Governing Zoning, Sheridan County, Wyoming Concerning "Guesthouses" (aka Accessory Dwellings)

****(ADD NEW DEFINITION)***

Section 5. Definitions.

Accessory Dwelling - A secondary residential dwelling associated with a principal single family dwelling, all situated on the same record parcel or parcels under contiguous ownership.

****(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
Accessory Dwelling	•	•	•	•					
Guesthouse	•—	•—	•—	•—					

****(ADD NEW SECTION for Specific Use Standards inserted after Zoning Use Chart. This necessitates that all following sections in the document be renumbered.)***

Section 18. Specific Use Standards.

A. Accessory Dwellings

(1) Minimum lot area – one accessory dwelling per the district-required minimum lot area per existing principal single family dwelling. In addition, where residential dwellings are permitted uses by the terms of these rules, and where provisions are made to safely

dispose of sewage, every legal non-conforming lot, with an existing principal single family dwelling, shall be entitled to one accessory dwelling.

(2) Living area - Accessory dwellings shall not exceed 75% of the living area of the principal residential dwelling, but in no case shall exceed 800 square feet in floor area including basements and lofts.

(3) Minimum yard- Each accessory dwelling shall meet the minimum yard requirements established for that zoning district.

(4) Sewage disposal- Every application for a zoning permit for an accessory dwelling shall be accompanied with documentation verifying the safety and adequacy of the proposed sewage disposal, and be approved by the County Engineer.

(5) Ownership - Accessory dwellings may not be subdivided or otherwise segregated in ownership from the principal residential dwelling. The property owner shall sign an affidavit before a notary public affirming that the owner occupies either the main building or the accessory dwelling.

GENERAL FENCING CONTRACT

County Engineer Ken Muller explained that the County has many small fencing needs, consisting of less than one-mile in length. To improve efficiency of timely response, he recommended a contractor be engaged on an on-call basis for a one-year period for these small projects. There would be no guarantee of work. Mr. Muller said four bids were received to its request for proposal to supply a unit price for fencing. The Board awarded the bid to Ranch Hand Fencing, LLC, for a term of one year, for the stated unit prices; with the chairman authorized to sign the agreement.

COUNTY PUBLIC HEALTH

The Board authorized the chairman to sign the presented contract between the Wyoming Department of Health and Sheridan County Public Health to provide nursing services, for the term July 1, 2010 through June 30, 2012; with salaries and benefits paid at a rate of 35% plus other personnel expenses.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 9:30 a.m.

BOARD OF COUNTY COMMISSIONERS
Sheridan County, Wyoming

Attest:

Steve Maier, Chairman

Eda Thompson, County Clerk