

MINUTES OF THE BOARD OF SHERIDAN COUNTY COMMISSIONERS

The Board met at 9:00 a.m., May 18, 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

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, May 4, 2010;
- b. Sheridan County License Agreement 10-06LA with Montana-Dakota Utilities Corporation to cross McCormick Road CR#109 to install a single electric line - 2" PE gas line;
- c. Approval of Tree Beautification Agreement with City of Sheridan to water and care for trees planted at 1604 N. Main St. for a period of one year as part of the North Main Project, ratifying Administrative Director's signature.
- d. Dishonesty Bond renewal for Clearmont Fire District, \$100,000 coverage, term to May 22, 2011.

AGENDA

The Board stated that it had rearranged the order of the published agenda, copies of which were available to the public. The published agenda was approved as adjusted.

ANNOUNCEMENTS

The Chairman recognized that Deputy County Attorney Dianna Bennett had attained ten years of service with the County. Chairman Maier noted that Saturday, June 5, 2010, is the date of the Kleenburn Open House/Wyoming Youth Free Fishing Day. Chairman Maier said the Board would not consider the amendment of the Building Standards Rules to address building code enforcement county-wide. He said there would be no action taken until a recommendation is made by the Planning and Zoning Commission.

PUBLIC COMMENTS

There were no public comments on matters not on the agenda.

COUNTY ROAD 80 PROJECT

County Engineer Ken Muller called on Mike Evans, P.E. with Entech, Inc. to provide his recommendation for awarding the bid to reconstruct a portion of County Road 80 between Fort Road and Mydland Road. Mr. Evans said six bids were received, with JEM Contracting of Billings being the low bidder. As Wyoming gives a 5% preference for in-state companies, the adjusted bid moved them to second place, with Excel Construction then being the low bidder.

Mr. Evans said he reviewed the four items required to be evaluated to demonstrate a bidder's qualifications. He said both companies were qualified in regard to the first three points, but Excel's record of performance on past jobs indicated a high number of claims

being filed. Russ Wyant, President of Excel, and his attorney, Patrick Murphy, defended his company's performance. Mike Mackey, County staff project manager, commented on his experience with Excel on the SAWS 20" water line. A discussion ensued on the two bidders' job performance. Comments were made on previous Excel projects and the reasons for claims, the Entech evaluation, and whether local suppliers would be utilized.

The Commissioners asked questions regarding past projects and noted that this project would require close communication with the landowners to be successful. When asked, Mr. Evans said he would have no problem working with Excel. He offered that he was challenging the method, not the quality of the work as three engineers had praised Excel. He said the project may require additional inspectors.

The Board awarded the bid for reconstruction of this portion of County Road 80 to Excel Construction of Sheridan, in the amount of \$2,198,000; and authorized the Chairman to sign the contract agreement.

ENGINEERING SERVICES AGREEMENT

Upon the request of County Engineer Ken Muller, the Board postponed indefinitely consideration of an amendment to the Agreement for Engineering Services with Entech, Inc. for County road 80 construction administration to allow time for further review.

WEST BRUNDAGE LANE

Mr. Muller reported that city and county staffs have discussed changing the phasing of the West Brundage Project. He said the presented Amendment states the County will be responsible for 100% of Phase III, the County-sponsored portion of the project, which has already been bid and awarded. The City will pay 100% of Phase IV, a County-sponsored portion, and 100% of Phase V, its own City-sponsored portion. Phases IV and Phase V will be bid as one contract projected for 2011. The Board authorized the Chairman to sign the revised Amendment #7 to the Engineering Agreement with Vista West Engineering for the West Brundage Lane Project as specified.

LUBE REZONE; R-10-002; accessed off State Highway 335

Chairman Maier commented that the Board had heard testimony on the Lube Rezone on May 4. At that time, the matter was postponed to allow the applicants Matt and Leslie Lube to further discuss options for their property. He opened the hearing at 9:58 a.m. to receive comment on this application for a rezone of 9.72 acres from Agricultural to Rural Residential.

Matt Lube advised the Board that he and Leslie Lube have agreed to continue with the application to rezone but no longer wish to split the land. He said he would assume ownership of the land for a single family dwelling. He believed rezoning to Rural Residential would be consistent with the adjoining land, and noted it does not meet the definition of Agricultural. He said his septic is a mounded modern system for protection of the groundwater area. Commissioner Cram said rezoning the Lube property would create an island of Agricultural land within Rural Residential properties. No one else spoke to this issue and the hearing was closed at 10:08 a.m.

Upon the motion to approve the rezone, the Board voted no, each citing the Comprehensive Plan which indicates this property as Agricultural.

LEWALLEN MINOR SUBDIVISION; S-10-004M

The Chairman advised that the Andy and Linda Lewallen request is to subdivide Tract 3 of the Lewallen-Mefford Minor Subdivision into a 3 lot subdivision. He said the property consists of 6.33 acres, zoned Urban Residential, addressed as 37 Metz Road. Chairman Maier said the Board had received a request by Mr. Lewallen to postpone consideration of the subdivision to allow time to confer with their attorney. Amanda Roberts, representing the Lewallens, was present and commented that her client was now agreeable to proceed. The Board, noting that it did not expect to hear the matter and was not prepared to proceed, voted to postpone its consideration until the June 1, 2010 session.

DIVISION OF LAND RULES

The Board approved Resolution #10-05-016, giving its Notice of Intent to amend the Division of Land Rules in Sheridan County to reflect recent Wyoming statutory changes, as well as to clarify provisions regarding Large Acreage Subdivisions; provide for agreements to postpone installation of improvements; define and redefine certain terms; clarify subdivision permit application procedures; require dedication and improvement of streets and roads and provide a waiver in certain limited circumstances; set forth specifications for street lighting to limit light intrusion; clarify fire safety standards; and set forth sidewalk and driveway specifications.

ELECTED OFFICIALS SALARIES

Administrative Director Renee Obermueller reported that the Board is statutorily required to set salaries for the four-year term of office for elected officials. She said the County employees will not be receiving a raise due to the economic situation, and the elected officials have decided to freeze their own salaries for the next two years. Sheridan County is generally under the median range of other counties, but the benefit package softens the impact. The Board approved Resolution 10-05-015, authorizing the establishment of salaries for elected officials for the next elected four-year term of office.

PROFESSIONAL SERVICES AGREEMENT

Ms. Obermueller reported that the One-Cent Optional Sales Tax question would be on the ballot this November. She said this year community residents would be asked to respond to a survey on how this tax should be spent. The County is working closely with the City of Sheridan to develop categories under which various entities/projects should be listed. The Board authorized the Chairman to sign a contract with PB Communications & Strategic Solutions, in the amount of \$14,155, to provide public information and education services so that the public may consider this ballot measure.

AIRPORT BUSINESS PARK PATHWAY

The Board awarded a contract to S.G. Welsh Company, Inc. of Buffalo to extend the pathway into the Airport Business Park, in the amount of 129,002.50.

COUNTY COURTHOUSE

Grants Administrator Mike Mackey advised that the County had received a grant from the Wyoming Business Council for retrofit work of the HVAC systems in the Historic Courthouse. He said the pneumatic control systems need to be changed to digital, as well as a complete retrofit of the HVAC systems in the Circuit Courtroom. The Board authorized the Chairman to sign the agreement with the Wyoming Business Council for these purposes, in an amount not to exceed \$181,541.00, with an additional County match of \$80,000.

ENERGY MINERALS COUNTIES COALITION

Commissioner Nickel explained the history of Sheridan County's membership in the Coalbed Methane Counties Coalition, now called Energy Minerals Counties Coalition, that began with the CBM boom. He said that the Coalition provided research, mapping of wells, and other information. This information has been very beneficial, but with the present economic downturn, he said the County could back off from its participation of \$25,000 annually. The Board authorized the Chairman to cancel the County's membership in the Coalition, effective June 30, 2010.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:37 a.m.

BOARD OF COUNTY COMMISSIONERS
Sheridan County, Wyoming

Attest:

Steve Maier, Chairman

Eda Thompson, County Clerk