

MINUTES OF THE BOARD OF SHERIDAN COUNTY COMMISSIONERS

The Board met at 9:00 a.m., June 15, 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, June 1, 2010;
- b. Partial Release of Mortgage of workforce housing to Woodland Park, LLC, Lot 11, Block 1, Woodland Park Subdivision—Phase One;
- c. Partial Release of Mortgage of workforce housing to Woodland Park, LLC, Lot 1, Block 2, Woodland Park Subdivision—Phase One;
- d. Consent to Assignment of Lot 3, Block 2, Woodland Park Subdivision—Phase One, from Woodland Park, LLC to Stonemill Construction, LLC;
- e. Partial Release of Mortgage of workforce housing to Woodland Park, LLC, Lot 2, Block 3, Woodland Park Subdivision—Phase One, acknowledging receipt of \$21,600 in payment;
- f. Partial Release of Mortgage of workforce housing to Woodland Park, LLC, Lot 19, Block 5, Woodland Park Subdivision—Phase One;
- g. Affirm Chairman's signature to Agreement with Advanced Communications Technology, Inc. for installation of buried cable into the Sheridan County Fairgrounds, at a lump sum payment of \$16,000;
- h. Sheridan County License Agreement to RangeTel.Coop to cross Beatty Spur Road (CR108) to install a buried communications cable (fee paid);
- i. Amendment of approved 2010 Election polling places, District 3, Precinct 5, at Calvary Baptist Church, Big Horn Avenue and Navajo Street, Sheridan; District 11, Precinct 1, Old Woodland Park School, south of Sheridan.
- j. Affirm approval of four change orders to contract with Collins Communications for Courthouse security installation, for access control for 3 additional doors; a camera addition, and licenses for additional cameras.

AGENDA

The Board added one agenda item to consider an amendment to the contract for the Public Health Nursing program for eligibility evaluations for medical care. The Board approved the published agenda as amended.

ANNOUNCEMENTS

None.

PUBLIC COMMENTS

None.

LOMAX LAND & LIVESTOCK QUARRY; Q-10-003

The Board removed this matter from the Table for further consideration. Chairman Maier noted that the Board had approved the requested waiver associated with this quarry on June 1, 2010. He opened the public hearing at 9:05 a.m. to receive further comment on the quarry permit application. Land Development Coordinator Robin DeBolt reported that the applicant and adjoining landowners met on June 3 to review the proposed quarry conditions. She said staff has since reviewed the conditions proposed by the adjoining landowners and that Staff has revised the original conditions to include their suggestions in addition to other changes.

Emerson Scott questioned the proposed condition #10, voicing his concern that a minor change in operation would require a new permit. County Planner Mark Reid said that staff requires a means to monitor quarry operations so that the office may respond to the public's concerns. After some ideas were presented, he said a letter by the owner/operator would be sufficient notification of any change. Regarding condition #14, he said that a screening plant may only be leased on a monthly basis, not daily.

Norm Anderson, representing the Town of Dayton, referred to condition #12 and said the town does not have a weight limit ordinance to enforce. A discussion ensued where upon it was determined that the highest risk for damage from weight was when a truck makes a sharp turn onto another road. It was noted that haul trucks must abide by WYDOT rules. Public Works Director Rod Liesinger suggested that the operator be randomly requested to certify legal loads to his office. Joanne Scharen, Lou West and Leslie Soine also commented on truck loads. The hearing was closed at 9:39 a.m.

The Board accepted a suggested revision to condition #10 that written notification shall be given by the owner/operator to the Public Works Department of any deviation in the phasing plan. The Board approved adding a condition requiring haul trucks to not exceed 20 mph on paved roads entering the Town of Dayton.

Commissioner Nickel said he agreed with the need for the streambed project but that, with the residents objecting, he could not see a seven year permit. He also referenced the Comprehensive Plan as indicating agricultural for the area. Commissioner Cram said that he cared for the mountains as much as anyone, but that the minerals are mostly west of the Interstate and essential for the welfare of the county. He said the Plan specifies that building improvements should be discouraged where minerals are located. He said this quarry has more restrictions than any other to ameliorate adverse effects. Commissioners Ringley and Rolston noted that they respect everyone's rights and the conditions are there to address those concerns. Commissioner Maier thanked everyone for coming together to reach a compromise. He said Finding of Fact, Conclusions of Law supporting the Board's decision would be sent to the applicant.

The Board, voting 4-1, with Commissioner Nickel voting against, approved the Lomax Land & Livestock Quarry with the following conditions:

1. Dust control on haul roads, county roads, stockpiles and work areas, as needed, as required in accordance with requirements of the County Engineer and Section 23 of the Zoning Rules.
2. The applicant shall contribute \$1,000 annually for the purchase of magnesium chloride for haul roads.
3. The applicant shall cooperate with the County Engineer on any matters dealing with the integrity and safety of Amsden Road (CR90) and Tongue Canyon Road (CR92), which may include signage, analysis, materials and supplies.
4. The applicant shall cooperate with the County Engineer to apply gravel from the intersection of Amsden Road (CR90) to the quarry's permitted access.
5. The permit shall be effective for 7 years, beginning from the day of approval by the BOCC with a biannual Board public review every two years on compliance.
6. Hours of operation are Monday-Friday, 7:30 a.m. to 5:00 p.m., during the summer; Monday-Friday, 8:00 a.m. to 4:00 p.m., during the school year; and no hours of operation on Saturday and Sunday or Federal holidays.
7. The applicant shall provide to the County Engineer any permits or renewed permits as required by the State throughout the life of the quarry, as well as changes that may take place to the operation of the quarry due to changes in regulations or permissions from the State of Wyoming. This includes documentation that the site has been reclaimed to the satisfaction of the DEQ.
8. No site signage shall be permitted other than required permit signage by DEQ.
9. Should the owner sell the property, the new owner(s) shall contact the Sheridan County Public Works office as to the change in ownership and to receive a copy of the conditions of the quarry permit.
10. The applicant shall submit a phasing plan showing development in one acre increments to the Public Works Department showing the extent of excavation, stockpiles, roads, and machinery prior to starting any quarry operations. Written notification of any changes to the plan shall be given to the Public Works Department.
11. All areas excavated during the initial one-acre phase following approval of this permit shall be fully reclaimed, including topsoil replacement and seeding with a cover crop before any subsequent excavation is allowed. Each subsequent phase's excavation shall be reclaimed in the same manner. No subsequent phase shall commence until written approval is issued by the Public Works Department.
12. No truck shall exceed any load limits that might be imposed by the Town of Dayton.
13. No crushing shall be permitted at the quarry site.
14. Screening shall be permitted an average of three days a week.
15. Excavation shall not go below groundwater level.
16. Stockpile height shall not exceed 20 feet and shall be removed in 60 days.

17. Applicant shall be limited to an average of eight round trips per day, excluding water trucks and transport vehicles.

18. Haul trucks shall not exceed 30 mph on any County road.

19. Haul trucks shall not exceed 20 mph on paved roads entering the Town of Dayton.

CORRECTIVE PLAT--STEWART-BLAKEMAN MINOR SUBDIVISION

Ms. DeBolt advised that this is a request by Bill Mentock and the lot owners of the subdivision to correct survey and monument discrepancies which have been an issue since 1998. The Board approved the Certificate of Vacation of Plat, and authorized the Chairman to sign the Corrected Plat of the Stewart-Blakeman Minor Subdivision which lists the corrections.

ZONING RULES

Chairman Maier opened a public hearing at 9:59 a.m. to receive comment on this proposal to amend the Zoning Rules to incorporate language pertaining to accessory dwellings. He said the County has had informal guidelines in place for many years and the proposed amendment would be enforceable.

Edward Schunk, Big Horn resident, asked whether previously approved guest houses would be allowed to continue or would a permit be reissued. He said his permit has hand-written conditions. Deputy County Attorney Lynn Smith said structures now in existence will not have to come into compliance. She said there is no legal basis for hand written notes on past permits. The hearing was closed at 10:11 a.m.

The Board approved Resolution 10-06-020, authorizing amendment of the Zoning Rules to include references to the definition and specific use standards of accessory dwellings.

RESOLUTION 10-06-020

RESOLUTION TO ADOPT AMENDMENT TO SHERIDAN COUNTY RULES AND REGULATIONS GOVERNING ZONING ACCESSORY DWELLINGS

WHEREAS, the Board of County Commissioners, observing a need to amend its zoning rules, expressed its intent on April 20, 2010 to amend the *Sheridan County Rules And Regulations Governing Zoning*; and

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

WHEREAS, the Sheridan County Planning and Zoning Commission, at a public hearing during its regular meeting of June 2, 2010, did provide a unanimous recommendation to approve the proposed amendment; and

WHEREAS, the Board gave proper notice according to Wyo. Stat. § 18-5-202, and held a public hearing on June 15, 2010 to receive public comment on the proposed amendment to 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 set forth in Exhibit

“A”, attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners approves incorporation of the revised language into the “Zoning Rules” as specified herein.

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

DONE in a regular meeting of the Board of County Commissioners this 15th day of June, 2010.

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

Attest:

/s/Eda S. Thompson, County Clerk

Exhibit “A”

** (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.

FAIRGROUNDS

The Board granted a Utility Easement to Advanced Communications Technology, Inc., for the purpose of installing buried telecommunications cable in a 16-foot wide strip in a location pattern as described. This added service will allow enhanced entertainment opportunities for the Rodeo and other venues.

PUBLIC HEALTH

The Board approved the First Amendment to the recent Contract between the Wyoming Department of Health and the Sheridan County Public Health Nursing office for the purpose of securing individually identifiable patient/client data, under HIPAA policies, as used in the Nursing Program; all other terms and conditions of the contract, effective July 1, 2010, shall remain in full force and effect.

The Board also approved Amendment One to the Contract Between Wyoming Department of Health, Aging Division, and Sheridan County Public Health Nursing, to extend the term of the contract to December 31, 2010. This contract, dated July 1, 2008, funds the Public Health Office to conduct evaluations of medical eligibility for nursing home residents and other like services provided to age eligible persons.

KLEENBURN RECREATION AREA

The Board approved an agreement with Gary T. Laya for the purpose of providing supplies and maintenance for the restroom facility, for a term of one year commencing June 15, 2010, in the amount of \$1,775.

WIC PROGRAM

Administrative Director Renee Obermueller reported that the renewal of the WIC Program operational support contract includes a clause for reimbursement of a part-time County employee attached to the WIC office. She said this position has not been filled since 2002, but now the Program is experiencing more need and it also serves the Buffalo area. The Board approved the Contract Among the Wyoming Department of Health, Sheridan County, and the Sheridan County WIC Program for the purpose of providing food and nutrition services, for a term through December 31, 2011, in an amount not to exceed \$46,211.

MEMORIAL HOSPITAL

Commissioner Ringley reported that board member Michael Strahan has expressed an interest in a second term on the Hospital board. He said the chairman of the board supported his nomination, noting that Mr. Strahan makes strong decisions for the Hospital, some of which have been detrimental to his own business. The Board re-appointed

Michael Strahan to the Sheridan Memorial Hospital Board; his second five-year term running to June 30, 2015.

COUNTY PROPERTIES

Chairman Maier said this issue has been thoroughly evaluated, always with a concern for the welfare of the County's employees and the public. The County has current resolutions in place for the Courthouse, but it was felt the smoke-free designation should be set for other County facilities. A comment was made about the need to designate smoking areas for employees and for persons participating in jury trials. The Board approved Resolution 10-06-021 as follows.

RESOLUTION 10-06-021
SHERIDAN COUNTY PROPERTIES
DESIGNATION OF SMOKE FREE AREAS

WHEREAS, the Board of County Commissioners, pursuant to W.S . 18-3-504, is given the authority as the governing body of the County of Sheridan, Wyoming, to care for the county property and manage the business and concerns of the county in all cases where no provision is made by law; and

WHEREAS, properties of County government are considered a non-public forum to reserve them for the specific official uses to which they are lawfully dedicated; and

WHEREAS, the Board of County Commissioners is permitted to regulate County properties in a reasonable manner; and

WHEREAS, it is well documented that smoking is injurious to the health and well-being of each individual; and

WHEREAS, passive smoking has been found to be injurious to those persons who must share occupancy and work areas; and

WHEREAS, the general public has the privilege of entering public buildings that are free of smoke; and

WHEREAS, "smoke" or "smoking" means the inhaling, exhaling, burning or carrying of any lighted tobacco product, weed, plant or other combustible product in a smoking instrument.

NOW, THEREFORE, BE IT RESOLVED that, effective July 1, 2010, all buildings and vehicles owned, leased or operated by the County of Sheridan, shall be subject to the designation of being smoke-free.

BE IT FURTHER RESOLVED that this prohibition shall pertain to the Sheridan County Courthouse, the Courthouse Annex (housing the County Attorney's Office), the Sheridan County Sheriff's Office, Sheridan County Detention Center, and the County Road and Bridge Shop. This prohibition also applies to the County grounds surrounding these buildings.

BE IT FURTHER RESOLVED that smoking by the general public and County employees shall be prohibited as above, except for those areas that may be specifically designated.

BE IT FURTHER RESOLVED that all previous resolutions in conflict herewith are rescinded.

BOARD OF COUNTY COMMISSIONERS

Sheridan County, Wyoming
/s/Steve Maier, Chairman

Attest:
/s/Eda S. Thompson, County Clerk

(Signature notarized)

COUNTY SCHOLARSHIP PROGRAM

The County's renewal scholarship gives the recipient \$1,000 to continue education goals. The Board awarded this year's renewal scholarship to Margaret Taberna of Big Horn, with Cheaston Feaster of Sheridan named alternate.

LAW ENFORCEMENT CENTER

The Board consented to a change in term from June 30, 2010 to June 30, 2011, set out in Section VIII of the Joint Powers Board Agreement, and authorized the Chairman to execute an Addendum to the Law Enforcement Center Agreement with all other terms to remain in full force and effect.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:30 a.m.

BOARD OF COUNTY COMMISSIONERS
Sheridan County, Wyoming

Attest:

Steve Maier, Chairman

Eda Schunk Thompson, County Clerk