

MINUTES OF THE BOARD OF SHERIDAN COUNTY COMMISSIONERS

The Board met at 9:00 a.m., July 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 Steve Maier, Mike Nickel, Tom Ringley and Bob Rolston. Commissioner Terry Cram was absent.

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 a regular session on July 6, 2010;
- b. Minutes of a special session on July 8, 2010;
- c. Minutes of a special session on July 12, 2010;
- d. Affirm Public Works Department Materials Agreement with Larry and Vicki Hanft for gravel purchase of 14,598.12 tons at \$131,383.08;

AGENDA

The Board approved the published agenda as amended.

ANNOUNCEMENTS

None.

PUBLIC COMMENTS

John Matejov commented on his disappointing experience flying on Great Lakes Airline between Sheridan and Denver. Chairman Maier advised that the CEO of Great Lakes is aware of the Board's displeasure and has been invited to come to Sheridan to discuss the airline's service. He said that the Airport Manager and Forward Sheridan continue to work with the State Aeronautics Division to bring another airline to Sheridan, but there is little interest. The community may need to develop a package of revenue guarantees and support a local match to entice a carrier to Sheridan. Commissioner Rolston, board member of Forward Sheridan, said that the airline task force may be brought back for this purpose. He said that we are all aware that people drive to Billings or Denver for flight connections, rather than fly out of Sheridan.

Vicki Taylor, a resident of Banner, commented that the Legislature's Redistricting Committee does not have a member from Sheridan County. Chairman Maier said the Legislature would have to look at that, but the Board could voice its concern.

COUNTY AIRPORT

Mr. Stopka asked the Board to consider approval of a draft grant agreement with the FAA for rehabilitation of runway 14/32. He reported that a previous attempt to bid this project was rejected due to FAA funding not coming available. The FAA is on a six-month budget process and discretionary funds that can be used for this project will have a very short window for the County to respond with an application. The Board approved the draft agreement contingent upon available funding from the FAA, and authorized the chairman to sign all associated documents once FAA funding is awarded. If not awarded, Mr. Stopka will cancel the request for bids now being advertised.

COUNTY BUDGET

The Board approved Resolution 10-07-023, authorizing the transfer of funds to balance department budgets due to unanticipated expenditures and revenues, as specified.

Chairman Maier read the Budget Message prepared pursuant to W.S. 16-4-104(d). [See minutes of July 19, 2010 for text.] The Chairman opened the public hearing at 9:20 a.m. to receive comment on the proposed budget. He thanked County Clerk Eda Thompson and Administrative Director Renee Obermueller for their work preparing the budget. There were no public comments and the hearing was closed. Commissioner Ringley commended Ms. Thompson, Ms. Obermueller, and the department heads and elected officials for the team effort that produced a responsible budget. Commissioner Nickel and Rolston echoed these remarks.

As the County Commissioners provide oversight to the Sheridan County Airport, the Board approved the Airport's FY 2010-2011 budget as proposed. As a matter of form, the Board affirmed the Chairman's execution of the presented Budget Message. The Board then approved Resolution 10-07-024, authorizing the adoption of the FY 2010-2011 budget; appropriations to be allocated in the specified amounts.

RESOLUTION 10-07-024
SHERIDAN COUNTY BUDGET APPROPRIATION FY 2010-11

WHEREAS, on the first Tuesday of May, 2010, the Budget Officer submitted to the Board a County Budget for the 2010-11 fiscal year ending June 30, 2011, being that requested by county departments; and

WHEREAS, such budget was duly entered at large upon the records of this Board and a copy thereof was made available for public inspection at the offices of the County Clerk and County Commission; and

WHEREAS, notice of a public hearing on the proposed budget was published in The Sheridan Press, a legal newspaper of general circulation in the County, on July 12, 2010; and

WHEREAS, a public hearing was held on the proposed budget at the time and place specified in said notice, being July 19, 2010, at which time all interested parties were given an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners that the presented proposed Sheridan County Budget is hereby approved on July 20, 2010, being adopted as the official County Budget for the fiscal year ending June 30, 2011.

BE IT FURTHER RESOLVED, that the following appropriations are made for the 2010-11 budget fiscal year ending June 30, 2011, and that the expenditures of each officer, department or spending agency be limited to the amount herein appropriated.

SHERIDAN COUNTY BUDGET FY 2010-11

CASH	PROJECTED	PROJECTED	CASH
CARRY FORWARD	REVENUES	EXPENDITURES	CARRY OVER
			2010-11

GENERAL FUND CASH

CASH CARRY OVER JUNE 30, 2010 \$3,000,000.00

GENERAL FUND REVENUES

FEDERAL	\$970,000.00
STATE SHARED	\$3,982,500.00
LOCALLY GENERATED	\$7,802,000.00
LICENSES/PERMITS	\$141,100.00
RENTS/INTEREST/FINES	\$218,400.00
CHARGES FOR SERVICES	\$1,391,300.00
MISCELLANEOUS	\$554,000.00

GENERAL FUND EXPENSES

COUNTY COMMISSIONERS	(\$402,311.00)
COUNTY CLERK	(\$419,419.00)
ELECTIONS	(\$186,069.00)
ADMINISTRATION	(\$314,043.00)
TREASURER	(\$388,806.00)
ASSESSOR	(\$603,118.00)
SHERIFF	(\$2,088,193.00)
DETENTION	(\$2,519,091.00)
ATTORNEY	(\$1,201,164.00)
CIRCUIT COURT	(\$4,000.00)
PUB WORKS	(\$1,085,933.00)
ROAD & BRIDGE	(\$1,230,720.00)
CORONER	(\$54,450.00)
EXTENSION	(\$153,175.00)
CLERK OF DISTRICT COURT	(\$463,140.00)
EMERGENCY MANAGEMENT	(\$48,485.00)
BUILDING AND MAINTENANCE	(\$387,319.00)
INFORMATION TECHNOLOGY	(\$435,767.00)
COMMUNITY HEALTH	(\$509,756.00)
GENERAL/FIXED COSTS	(\$2,883,841.00)
CAPITAL FUNDING	(\$2,680,500.00)

SUBTOTAL	\$3,000,000.00	\$15,059,300.00	(\$18,059,300.00)	\$0.00
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SPECIAL FUNDS/DEPARTMENTS

1 CENT OPTIONAL		\$1,920,000.00	(\$1,920,000.00)	
CAP TAX ROADS	\$3,750,000.00	\$1,525,000.00	(\$6,710,000.00)	\$1,085,000.00
SCRF	\$450,000.00	\$375,000.00	(\$661,567.00)	\$163,433.00
WIC		\$46,211.00	(\$46,211.00)	
E911	\$402,500.00	\$282,500.00	(\$293,000.00)	\$392,000.00
PASS THROUGH GRANTS		\$387,075.00	(\$387,075.00)	
SHERIDAN COUNTY GRANTS		\$3,665,186.00	(\$1,017,350.00)	

SUBTOTAL	\$4,602,500.00	\$8,200,972.00	(\$11,035,203.00)	\$1,640,433.00
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TOTAL	\$7,602,500.00	\$23,260,272.00	(\$29,094,503.00)	\$1,640,433.00
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RESERVES/EQUITY \$8,604,750.00

APPROVED AND ADOPTED this 20th day of July, 2010.

BOARD OF COUNTY COMMISSIONERS
Sheridan County, Wyoming

Attest:

/s/Steve Maier, Chairman

/s/Eda Schunk Thompson, County Clerk

STATE OF WYOMING)
)
COUNTY OF SHERIDAN)

On this ____ day of _____, 2010, before me personally appeared Steve Maier, being first duly sworn, did say that he is the Chairman of the Board of County Commissioners, for Sheridan County, Wyoming and that this instrument was signed and

sealed on behalf of the said County by authority of said Board and he acknowledged said instrument to be the free act and deed of said Board.

WITNESS my hand and official seal.

/s/Carla I. Raymond, Notary Public

My Commission expires April 22, 2011.

Pursuant to W.S. 18-3-515, Chairman Maier requested the budget officer to prepare a statement of receipts and expenditures of the county for the 2009-2010 fiscal year, upon the reconciliation of all accounts by the County Treasurer and County Clerk, not later than September 30, 2010.

SHERIDAN AREA FIRE DISTRICT

The Board waived the building permit fee for the Fire District's new fire hall to be located at the County Airport. A building permit with inspections shall be required.

PILCH RANCH LOT AREA VARIANCE; V-10-003

Land Development Coordinator Robin DeBolt reviewed the staff report prepared for this request by Joe and Edward Pilch, dba Pilch Ranch, for a variance from the Zoning Rules' 35-acre minimum lot area per dwelling unit. Ms. DeBolt said the applicant wishes to transfer the development rights from an existing 4.3 acre non-conforming parcel to a more practical location. The proposal would be to create a 4.3 acre parcel from the Ranch property bordering the County road which would be exchanged for a parcel owned by T.R. and Emily Shelby situated in an isolated area. Ms. DeBolt said the Rules allow for a variance to be granted when special conditions exist and a literal enforcement of the rules would result in unnecessary hardship. In this case, the parcel is extremely narrow, remote with steep terrain, and has no reasonable access to a public road. She said the Planning and Zoning Commission recommended approval, finding that conditions exist to warrant a variance. David Smith, representing the Shelbys, but speaking for the Pilch Ranch as well, said this exchange was being requested to keep from petitioning the Board for a private road to access the isolated parcel, and that he agreed with Ms. DeBolt's report. John Dewey, owner of neighboring property, spoke in opposition to the proposal. He said for the last three years he has been working to create a wind farm on his property and he did not want future residents to object to his project.

The Board approved the Pilch Ranch Lot Area Variance with the condition that a new legal description for the Pilch Ranch, LLC be prepared, incorporating the existing Shelby parcel; said description to be recorded in the County Clerk's Office within 60 days of the newly created parcel being transferred to the Shelbys. A copy of the recorded deed shall be submitted to the Public Works Department/Planning Office. Chairman Maier advised that the applicant would receive Findings of Fact, Conclusions of Law supporting the Board's decision.

TANF GRANT

Chairman Maier opened the public hearing at 9:35 a.m. Grants Administrator Mike Mackey reported that the County traditionally receives \$50,000 in funding through the Department of Family Services for the Temporary Assistance for Needy Families

Community Partnership Initiative. He said the County has received three applications: CASA requested \$50,000 for its court-ordered child/parent visitation program; CDSI requested \$36,850 for its parenting/counseling program; and RENEW requested \$36,701 for a new program to train six young developmentally disabled workers. Upon a question regarding grant reporting requirements, Mr. Mackey said CASA is current and CDSI is two reports behind. Bobbie Walseth, new director of CASA introduced herself to the Board. Representatives of CDSI and RENEW were not present. The hearing was closed at 9:39 a.m.

Commissioners commented that it was difficult to make a decision on the applications by CDSI and RENEW without discussion with their representatives and with no word from them prior to the meeting. The Board awarded any available TANF grant funding to CASA.

COURTHOUSE ROOF

Ms. Obermueller reported that the roof is almost 30 years old and is leaking. The consultant inspected the membrane finding it has deteriorated. The Board approved a Contract for Small Construction Project with TSP, Inc. to provide design and construction administration for this repair, in the amount of \$17,050.

DIVISION OF LAND RULES

Chairman Maier opened the public hearing at 9:46 a.m. to receive comment on the proposed amendment to the *Rules and Regulations Governing Division of Land in Sheridan County*. County Planner Mark Reid advised that the amendments fall into four categories: changes mandated by the Legislature; procedural matters; new local provisions such as public access easements rather than requesting a variance, dedication of rights-of-way and dark sky preservation; and clarification of various safety standards, such as for sidewalks and driveways. He thanked staff, the deputy county attorney, the Planning and Zoning Commission sub-committee, and surveyor who all worked to develop these amendments. Upon a question by Val Snyder, Mr. Reid said that when a subdivision road joins a county road, the subdivider is expected to dedicate a strip of land to the public for utilities, etc. No one else spoke to this issue. The hearing was closed at 9:52 a.m.

Upon the recommendation of the Planning and Zoning Commission, the Board amended the draft Rules to indicate 21 business days rather than 21 calendar days in specific instances where it addresses staff review of application materials. The Board then approved Resolution 10-07-026, authorizing incorporation of the revised language into the *Rules and Regulations Governing Division of Land in Sheridan County, Wyoming*, effective upon filing with the County Clerk.

RESOLUTION 10-07-026 RULES AND REGULATIONS GOVERNING DIVISION OF LAND IN SHERIDAN COUNTY

WHEREAS, the Board of County Commissioners, observing a need to amend its regulations governing division of land, expressed its intent on May 18, 2010 to

amend the regulations, cited as the Rules and Regulations Governing Division of Land in Sheridan County, Wyoming, last amended December 1, 2009 and filed on December 4, 2010 with the Sheridan County Clerk; and

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

WHEREAS, the proposed amendment to the regulations was advertised on May 22 and July 2, 2010, giving notice of a public hearing to be held on July 20, 2010; and

WHEREAS, the Board gave proper notice according to the Wyoming Administrative Procedures Act, and held a public hearing on July 20, 2010, to receive public comment on the following proposed language changes specified in its Notice of Intent Resolution 10-05-016, that to reflect recent Wyoming statutory changes; as well as 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 for a waiver in certain limited circumstances; set forth specifications for street lighting to limit light intrusion; clarify fire safety standards; set forth sidewalk and driveway specifications; and make other minor grammatical revisions throughout the body of the text; and

WHEREAS, the County Planning and Zoning Commission, on July 7, 2010, did unanimously recommend adoption of the proposed amendments.

NOW, THEREFORE, BE IT RESOLVED that the Board of County Commissioners approves the incorporation of the revised language into the Rules and Regulations Governing Division of Land in Sheridan County, Wyoming.

BE IT FURTHER RESOLVED that the adopted Rules be filed with the County Clerk pursuant to the Wyoming Administrative Procedures Act.

DONE in a regular meeting of the Board of County Commissioners this 20th day of July, 2010.

BOARD OF COUNTY COMMISSIONERS
Sheridan County, Wyoming
/s/Steve Maier, Chairman

ATTEST:

/s/Eda S. Thompson, County Clerk

BUILDING STANDARDS

On the question of whether the Building Standards should be revised to include county-wide code enforcement of building standards and electrical improvements should require a guaranteed inspection permit from the Wyoming Department of Fire Prevention and Electrical Safety, Chairman Maier advised that the Board had a few remarks before opening the public hearing.

Chairman Maier said that the County has been involved with building inspections since 1992 within the one-mile cooperative area with the City of Sheridan. In 2005, the County required building permits with inspections in new subdivisions as well. Inspections are not a new idea. He said that staff brought this issue to the Board since applicants for building permits wondered why the county was not inspecting. We asked the Public Works Department to put together a process and asked the community for its input. We had meetings and a hearing before the Planning and Zoning Commission. The Board received a great deal of emails and letters on this issue, and we appreciate the work that staff has done to bring the issue forward for people to consider. Chairman Maier said that the County currently inspects about one-third of new construction.

Commissioner Nickel said that the issue was opened to the public process as the Board was approached about damage to people's homes and why the County does not have inspections. He said he was disappointed with the attendance at the information meetings, approximately ten people at each one, and thanked those who did attend. He noted the proposal did not receive over-whelming support. Contractors were both pro and con, and while the Realtor Association did support, not all members did support. He said reaction was mixed, with concern about how it would be funded, certification of inspectors, and whether a contractor would have to wait for an inspection. While citizens agreed that inspections would raise the quality of building construction in the County, they believed that the homeowner should be responsible for determining oversight of his own construction project.

Commissioner Rolston said he appreciated the public input, but people have to assume responsibility for themselves and not expect government to do it for them.

Commissioner Ringley said that we asked the public for input on the proposal and we received thoughtful comments from people. We floated a proposal and the public said no.

Chairman Maier said the Commission reflects the community very well. He opened the public hearing at 10:03 a.m. John Matejov, Val Snyder, Bill Bensele, and Dennis Fox rose to speak in opposition to the proposal and instead thanked the Board for their comments. The hearing was closed at 10:07 a.m. The motion to approve the proposed amendment to the Building Standards Rules died for lack of a positive vote.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:08 a.m.

BOARD OF COUNTY COMMISSIONERS
Sheridan County, Wyoming

Attest:

Steve Maier, Chairman

Eda S. Thompson, County Clerk