**AGENDA**
**CITY OF SHERIDAN**
**JULY 13, 2020**
**STUDY SESSION COUNCIL MEETING START 5:30 P.M.**

1. Discussion of Ordinance #2224 Amending the Chapter 4 Alcohol Ordinance - City Attorney Brendon Kerns

2. Discussion of Ordinance #2223 Addressing Alcohol Delivery in Chapter 4 of City Code - City Attorney Brendon Kerns

3. Discussion on Blacktooth Park Phase II - Public Works Director Lane Thompson

4. Discussion of Resolution # 29-20 Capital Facilities Tax - Public Works Director Lane Thompson

5. Discussion on Wetlands Drive Utilities Extension for Restoration Ranch - Public Works Director Lane Thompson

6. Discussion of Brooks Street Right-of-Way Vacation - Community Development Director Wade Sanner

7. Discussion of Resolution #28-20, 1921 S Sheridan Ave. Easement Vacation - Community Development Director Wade Sanner

# CITY OF SHERIDAN, WYOMING

55 Grinnell Street, P.O. Box 848, Sheridan Wyoming 82801
Ph (307) 674-6483 Fax (307) 674-2195


***Attorney***

## MEMORANDUM

| | |
|---|---|
| Project Name: | Discussion of Ordinance #2224 Amending the Chapter 4 Alcohol Ordinance - City Attorney Brendon Kerns |
| From: | Candace Ainslie, Assistant Clerk |
| To: | Mayor and Council |
| CC: | City Administrator Stuart McRae |
| Date: | |

**Attachments**

Memo
Draft Ord 2224

**KERNS & BUNTING, LLC**
200 W. Loucks St.
P.O. Box 6669
Sheridan, WY 82801
Telephone: 307.655.8600
Facsimile: 307.674.5000

**BRENDON E. KERNS**
bkerns@kernsbunting.com
Licensed in WY & MT

**SHERYL S. BUNTING**
sbunting@kernsbunting.com
Licensed in WY

# MEMORANDUM

**Date:** **July 9, 2020**
**To:** **City of Sheridan Mayor and Council**
**RE:** **Ordinance 2224**

---

Ordinance 2224 will amend City of Sheridan Chapter 4 concerning alcohol. Over the past two years, City Staff and Council have struggled with three items that were not addressed in the current code. Specifically; (1) Special Malt Beverage Permits; (2) Definition of "parked license"; and (3) renewal procedures.

## Special Malt Beverage Permits

A Special Malt Beverage Permit allows for the sale of malt beverages at a civic center, auditorium, or event center. There are no definitions in statute as to what a civic center, auditorium or event center is. Further, there is nothing in Code that sets forth the application procedure and requirements with regard to such permits. The proposed ordinance provides the necessary definitions and the process of obtaining the permit.

## Non-Operational "Parked" Licenses

Over the last two years, the City Governing Body has been confronted with multiple issues when determining whether a license is non-operational, when a license may be non-operational for more than one year, and what happens when a license is no longer eligible to be parked. Wyoming Statute is severely lacking in these areas.

The proposed ordinance will allow the Clerk to determine when a license has become parked. A second or third year may only be granted by the Governing Body after having found good cause or extraordinary circumstances, respectively. A license shall not be considered parked if the owner is closed as a result of an epidemic or act of nature. The licensee will, however, be required to make reasonable efforts to open in a timely manner.

## Renewals

The City Clerk has had a continual problem with alcohol license holders failing to provide completed applications in a timely manner. The only filing deadlines apply to the State Liquor Division. Specifically, the State Liquor Division must review the application 10 days prior to the Governing Body approving the license, and the application must be approved by the Governing Body 30 days before the end of the year in order to provide the State with sufficient time for their formal approval. Thus, the Governing Body has routinely been required to hold

special meetings and the Clerk has been required to put in an exorbitant amount of effort because of the failure of certain license holders.

The proposed ordinance change would require all applications to be filed by November 1st of each year. The application will then be submitted to the State for review. Should an application be inadequate, the application can be amended until November 15th. If a licensee fails to provide a completed application by the 15th, the application will not be eligible for submission to the Governing Body. Should an application fail to be approved by the Governing Body by December 1st, the license will not be eligible for renewal. The proposed process follows the general requirement set forth by Wyoming Statute. See W.S. §12-4-104.

KERNS & BUNTING, LLC

Brendon Kerns

**Ordinance _____**

AN ORDINANCE AMENDING AND UPDATING CHAPTER 4 OF THE CITY OF SHERIDAN MUNICIPAL ORDINANCES CONCERNING LIQUOR LICENSES, SPECIFICALLY;

**WHEREAS**, the City of Sheridan Governing Body is the liquor license local licensing authority pursuant to W.S. § 12-4-101 et.al.; and

**WHEREAS**, the City has identified ambiguities within the Wyoming State Statute and City Ordinance which require clarification;

**WHEREAS**, the City is authorized by W.S. § 12-4-504 et.al. regarding special malt beverage permits;

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SHERIDAN, WYOMING:

**Ordinance 4-8 shall be repealed and restated to read and shall be retitled as follows:**

**4-8 Catering, Malt Beverage, Open Container**

(a) *Applications*. Applications for catering permits, malt beverage permits and open container permits shall be made on a form approved and provided by the City Clerk as follows:

(1) Applications shall be submitted no less than three (3) weeks prior to the event;

(2) The applicant's name, address and phone number, along with the name, date, time and location of the event;

(3) An operation plan for the event including a short summary of the reason for the request and the activities proposed for the event;

(4) A description or drawing of the area(s) in which the possession and consumption of alcoholic beverages will occur and what safeguards will be in place at the desired location to ensure that minors will not possess or consume alcoholic or malt beverages;

(5) The names and ages of the qualified persons, who are known by the applicant at the time of application, who are planned to dispense malt beverages or liquor;

(6) In addition, if the applicant is not the owner of the location where the event is proposed, the applicant shall attach a written statement from the landowner permitting the proposed activity, consumption and possession of alcoholic or malt beverages.

(b) *Catering Permits.* Catering permits can only be issued to retail and resort licensees; the applicant(s) name for each catering permit shall be the licensee's name as set forth on the retail or resort license.

(c) *City Considerations.* Applications for catering permits, malt beverage permits and open container will be reviewed by and approved or denied by the City Administrator or designee in consultation with the Chief of Police or the Chief's designee.

(1) *Catering/Malt Beverage Permit Considerations*. For catering permits, or malt beverage permits, information supplied by the applicant will be reviewed by the City Administrator or designee, in consultation with the Chief of Police, within one (1) week of the application submission, to determine if the proposed event/activity will cause a material adverse impact beyond the area described in the application. If no material adverse impact is identified, then the permit will be issued by the City Clerk.

(A) A proposed event/activity material adverse impact beyond the area described in the application may include an inability of adjacent businesses to operate, overcrowding which will impact adjacent properties, unreasonable noise and/or traffic disruption (by way of illustration only, an outdoor dance, band(s) or amplified sound or music using loudspeakers or a P.A. system, parking or vehicle traffic beyond existing capacity, or the closure of a public street). Upon a determination of a material impact beyond the area proposed in the permit, the permit application will be promptly presented to the City Governing Body for review and approval or denial at the next scheduled regular City Council meeting.

(2) *Open Container Permit Considerations.* Applications for open container permits shall include the applicants name, address, phone number, date, time(s) and location of the event. The application shall include a short summary of the reason for the permit and the proposed activities. Open container permits may be issued to allow the possession and consumption of alcoholic or malt beverages on public property. An open container permit for certain public property may include additional permits like a park permit or street closure permit.

(A) Applications will be reviewed by the Chief of Police or designee and the City Clerk or designee. Upon approval, the applicant shall post an open container sign at the event.

(3) *Appeals*. The City Administrator may submit an application for a catering permit, malt beverage permit or open container permit to the City Governing Body for consideration or any application which is denied may be appealed to the City Governing Body by the applicant. Appeals shall be set for the next regularly scheduled City Council meeting.

(d) *Fees.* Catering, open container, and malt beverage permit fees shall be set by the City Governing Body.

(e) A catering, malt beverage, or open container permit shall authorize possession and consumption of alcoholic or malt beverages in open containers only for the specific time period and within the area described in the permit application and operational place.

(f) *Suspension/Revocation*. The Chief of Police or designee may suspend or revoke any catering, malt beverage or open container permit when the licensee, permittee, or person in charge is convicted of having violated Ordinance 4-5, or is shown by clear and convincing evidence to have knowingly failed to follow the operation plan as outlined in the permit application, or creates an emergency which constitutes an actual and immediate threat to the peace, bodily security and/or property of any member of the general public, or fails to follow orders of the Wyoming Department of Health.

**An additional Section of Code shall be added following Code Section 4-8 and be titled as "4-8.1 Special Malt Beverage Permit". The Section shall read as follows:**

(a) Special malt beverage permits shall follow the same application, renewal, transfer and new license issuance procedure and regulations as a retail liquor license and be subject to the following:

(1) Fees for a special malt beverage permit shall be set by the Governing Body.

(2) Special malt beverage permits shall only be authorized for public auditoriums, civic centers or event centers. For purposes of this section, the following definitions shall apply.

A. *Civic Center* – a building or facility owned by the State, municipality or division thereof, which is used for the purpose of conventions, exhibitions, sports, rodeos, concerts, public performances, carnivals or theatrical entertainment.

B. *Event Center* – a building or facility privately owned for the purpose of conventions, exhibitions, sports, rodeo, concerts, public performances, carnivals, theatrical entertainment or weddings and has a seating capacity of more than 50 people.

C. *Public Auditoriums* – a publicly owned building used for the musical performances or theatrical entertainment.

(3) A permit may be deemed operational for seasonal uses provided it has been approved as part of the plan of operation.

**Ordinance 4-14 shall be repealed and restated and to read and shall be retitled as follows:**

**LIQUOR LICENSE RENEWALS, TRANSFERS AND ORIGINAL ISSUANCE**

(a) *Operational Requirements*. Retail Licenses, Bar and Grill Licenses, Resort Licenses, Club Licenses, Micro Brewery Permits, Restaurant Licenses and Winery Permits, shall be operational. In addition to requirements of Wyoming Statute, operational shall be determined by the following:

(1) A license or permit shall be deemed operational by offering for sale alcoholic liquor, malt beverages or wine at minimum 20 hours per week to the general public in a functional building whose primary purpose is the sale of alcoholic beverages.

(2) Any Licensee who fails to demonstrate an operational alcoholic or malt beverage license may be declared by the City Clerk to be non-operational, also known as "parked". A license may be parked by determination of the City Clerk or request of the licensee for a period of 1 year.

A. A license shall not be declared non-operational as a result of a closure of the licensee's building due to an epidemic or as the result of a fire, flood or acts of nature. Provided, a license may be declared non-operational should licensee fails to make reasonable efforts to reopen in a timely manner.

(3) A licensee shall be allowed to park the license for an additional (1) year period upon a finding of good cause by the Governing Body. A third one (1) year period may be granted by the Governing Body upon the finding of extraordinary circumstances.

A. Good Cause cannot be found as a result of a failure to sell a license unless the license is subject to a written contract to sell the license within thirty (30) after the end of the first year of being parked.

B. Extraordinary Circumstances shall only be determined to exist as a result of circumstances which were not identifiable prior to their occurrence. Examples include epidemics, acts of nature, fire, flood or death of a license holder.

(4) No license shall be allowed to be parked for a second or third year if the licensee is not eligible to have a nonoperational license per Wyoming Statute or Wyoming Liquor Division decision.

(5) A license's parked date shall be the date determined by the City Clerk as the date in which the license ceased to be operational.

(6) For any license which is not operational, unless an extension as defined herein has been granted, the City shall immediately begin a revocation proceeding pursuant to Wyoming Statute or, at the City's discretion, declare a license as not eligible for renewal.

(b) *Renewals*. All applications to renew licenses shall be submitted to the City Clerk's Office no later than November 1st. Any application which the City of Sheridan Clerk or the State of Wyoming designates as insufficient may be amended, corrected or updated provided such correction, amendment or update is submitted to the City Clerk no later than November 15th. Failure to provide a completed application by November 15th, shall cause the license application to be determined to be incomplete and not available for submission to the City Governing Body. No application for renewal may be submitted to the City Governing Body until

certified as complete by the City Clerk. Any license which has not been approved by the Governing Body by December 1st of each year, shall not be eligible for renewal.

(c) *Required Forms*. All applications to renew, transfer or for a new license issuance shall be made on forms provided by the City Clerk and shall provide the information required by W.S.§12-4-102. In addition to other requirements, every renewal shall include an updated plan of operation.

(d) *Transfer Forms*. In addition to the statutorily required information, when the application for the issuance of a new license or for the transfer of an existing license changes the location of the licensed premises or dispensing area, or would change the persons owning the business, or would otherwise materially change the existing plan of operation for the license sought to be transferred, the City may require additional information, including:

(1) The applicant's business plan which confirms applicant's good faith projection of sales, number of employees and payroll and describes how its use of the license is likely to contribute to the best interest of the public.

(2) Whether the location of the establishment meets current zoning requirements, is compliant with the City Code (or will be made compliant with the City Code).

(3) Whether the location of the establishment would be beneficial for liquor or malt beverage sales.

(4) How the welfare of the citizens of the City of Sheridan, particularly those residing in the vicinity of the proposed location, would be impacted.

(5) The proximity of the licensed premises from a pari-mutuel betting establishment.

(6) Confirmation that the establishment is not part of a grocery type establishment. A strip mall type building configuration with no internal doorways between the establishments may be acceptable.

(7) Confirmation that the applicant will comply with the Alcohol Service Policies adopted by the Sheridan County Retail Liquor Dealer Association, as may be amended from time to time.

(8) Confirmation that the applicant will participate in the "Safe Rides" program or an equivalent City sponsored program.

(9) In addition to the criminal records to be disclosed pursuant to W.S.§12-4-102(a), the applicant shall also confirm for the five (5) years immediately before the application that they have:

(A) no criminal history that establishes prior conduct of illegal sale or distribution of narcotics or Schedule I, II, III or IV substances; or

(B) no convictions for violent offenses or financial crimes including fraud, embezzlement and/or tax evasion; or

(C) no established pattern of conduct that shows the applicant chronically or habitually abuses alcohol or other illegal substances to the extent their normal faculties are impaired. If the applicant is an entity, the information required in (A) through (C) shall apply to each person owning any interest of the entity either jointly or severally, in an amount of ten percent (10%) or greater.

(e) *Renewal, Transfer and Issuance Considerations:* The City Governing Body shall review and act upon all such applications made to it pursuant to W.S.§ 12-4-102 and be consistent with W.S.§ 12-4-104(b), which provides that a license or permit shall not consider to be issued, renewed or transferred if the licensing authority finds from evidence presented at the hearing of any of the following:

(1) The welfare of the people residing in the vicinity of the proposed license or permit premises shall be adversely and seriously affected; or

(2) The purpose of this Title shall not be carried out by the issuance, renewal or transfer of the license or permit; or

(3) The number, type and location of existing licenses or permits meet the needs of the vicinity under consideration; or

(4) The desires of the residents of the county, City will not be met or satisfied by the issuance, renewal or transfer of the license or permit; or

(5) Any unpaid administrative fee assessed per Ordinance 4-13; or

(6) Any other reasonable restrictions or standards which may be imposed by the licensing authority.

WHEREUPON, a motion was passed and this Ordinance and was declared adopted this _____ day of_____, 2020.

CITY OF SHERIDAN, WYOMING

_____

Mayor Roger Miller

ATTEST:

_____
City Clerk

First Reading: _____
Second Reading: _____
Third Reading: _____

# CITY OF SHERIDAN, WYOMING

55 Grinnell Street, P.O. Box 848, Sheridan Wyoming 82801
Ph (307) 674-6483 Fax (307) 674-2195


***Attorney***

## MEMORANDUM

| | |
|---|---|
| Project Name: | Discussion of Ordinance #2223 Addressing Alcohol Delivery in Chapter 4 of City Code - City Attorney Brendon Kerns |
| From: | Candace Ainslie, Assistant Clerk |
| To: | Mayor and Council |
| CC: | City Administrator Stuart McRae |
| Date: | |

**Attachments**

Memo and data

**KERNS & BUNTING, LLC**
200 W. Loucks St.
P.O. Box 6669
Sheridan, WY 82801
Telephone: 307.655.8600
Facsimile: 307.674.5000

**BRENDON E. KERNS**
bkerns@kernsbunting.com
Licensed in WY & MT

**SHERYL S. BUNTING**
sbunting@kernsbunting.com
Licensed in WY

# MEMORANDUM

**Date:** **July 9, 2020**
**To:** **City of Sheridan Mayor and Council**
**RE:** **COVID-19 Alcohol Overview**

---

It was requested that the Staff provide a report on alcohol delivery services and alcohol consumption during the COVID-19 shutdown.

Between January 1, 2020 and May 31, 2020, wine and liquor sales in Sheridan County totaled, $2,526,754.82 which is 11% higher than in 2019 for the same time period. The 2020 increase for March, April and May was 12% over the 2019 level. This information, however, is based on total sales of wine and liquor and does not include malt beverages. There is no ability to determine which type of license holder generated the increased revenue. It can be presumed that license holders that had drive-up windows and curbside service constituted the bulk of the alcohol sales.

Unfortunately, not all of the license holders that provided delivery services supplied the information that was requested by staff per the emergency ordinances. Nonetheless, staff was able to ascertain some relevant information. The City believes that there were six license holders that provided delivery services. The first delivery took place on March 27th. Most license holders did not have regular requests for delivery. The two most common deliveries were for malt beverage or vodka, with malt beverage being the most common. There were no deliveries made after midnight, and the vast majority of deliveries occurred midafternoon. Lastly, even though certain businesses utilized the delivery service, delivery sales were insignificant when compared to the total wine and liquor sales for March, April and May.

March, April and May calls involving the Police Department are included with this packet. The information is relevant when discussing the effect alcohol has on society and should be considered anytime Council is debating necessary alcohol regulations. The Police Department had 2,360 calls from March 15th through June 14th of 2020; 7.7% of those calls being alcohol related. The Police Department had 2,825 calls for the same time period in 2019; 6.3% of those calls being alcohol-related. Mental health cases involving alcohol between March 15th and June 15th increased by 3.5% over 2019. An average of 14.67 DUI arrests for May were made between 2017 and 2019. In May 2020, 22 DUI arrests occurred, which is a 44% increase. However, DUI arrests for 2020 are down 3.5% from the running two-year average. There are a few conclusions which can be drawn from this data. Alcohol and mental health cases were up during March, April, May and June. This conclusion is consistent with reports of the effects of the shutdown across the nation. Deliveries did not lessen the amount of DUIs when compared to

past years, but whether deliveries will lessen the number of DUIs in the future cannot be concluded.

In conclusion, the COVID-19 shutdown was financially beneficial to some alcohol license holders and extremely detrimental to others. It does not appear from the information provided that delivery services have any significant impact on the overall economic health of alcohol license holders. However, that conclusion is drawn from limited data during a very unique circumstance. Further, it is obvious that alcohol-related crimes increased during the COVID-19 shutdown. It is not evident whether alcohol deliveries had any impact on the increase in alcohol-related crimes.

KERNS & BUNTING, LLC

Brendon Kerns

# Luminous Alcohol Deliveries

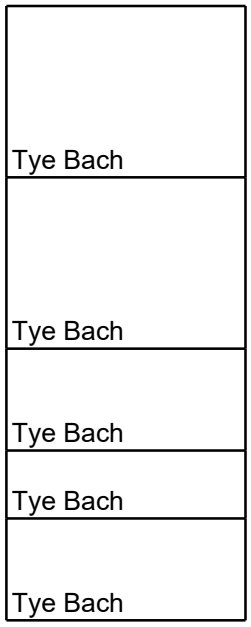
| Name | | Delivery Address | | | | | |
|---|---|---|---|---|---|---|---|
| First | Last | Number | Street | Date | Time | Product | Employee |
| [redacted] | | | | 5.6.20 | 3:00pm | | Tim |
| | | | | 5.6.20 | 3:00pm | | Tim |
| | | | | 5.6.20 | 3:00pm | | Tim |
| | | | | 5.6.20 | 3:40pm | | Tim |
| | | | | 5.6.20 | 3:55 PM | | Tim |
| | | | | 5.6.20 | 4:13pm | | Tim |
| | | | | 5.6.20 | 4:34pm | | Tim |
| | | | | 5.6.20 | 4:46pm | | Tim |
| | | | | 5.6.20 | 6:12pm | | Tim |
| | | | | 5.6.20 | 6:15pm | | Tim |
| | | | | 5.6.20 | 6:20pm | | Tim |
| | | | | 5.6.20 | 6:20pm | | Tim |
| | | | | 5.8.20 | 1:11pm | | Tim |
| | | | | 5.8.20 | 4:00 PM | | Tim |
| | | | | 5.8.20 | 4:00 PM | | Tim |
| | | | | 5.8.20 | 4:15 PM | | Tim |
| | | | | 5.8.20 | 5:11 PM | | Tim |
| | | | | 5.8.20 | 5:15 PM | | Tim |
| | | | | 5.8.20 | 5:30 PM | | Tim |
| | | | | 5.8.20 | 5:33 PM | | Tim |
| | | | | 5.8.20 | 6:15 PM | | Tim |
| | | | | 5.8.20 | 6:15 PM | | Tim |
| | | | | 5.8.20 | 6:20 PM | | Tim |
| | | | | 5.8.20 | 6:22 PM | | Tim |
| | | | | 5.8.20 | 6:35 PM | | Tim |
| | | | | 5.8.20 | 6:45 PM | | Tim |
| | | | | 5.8.20 | 6:45 PM | | Tim |
| | | | | 5.8.20 | 6:49 PM | | Tim |
| | | | | 5.8.20 | 6:51 PM | | Tim |
| | | | | 5.8.20 | 6:55 PM | | Tim |
| | | | | 5.8.20 | 6:55 PM | | Tim |
| | | | | 5.9.20 | 12:34 PM | | Tim |
| | | | | 5.9.20 | 2:40 PM | | Tim |
| | | | | 5.9.20 | 2:50 AM | | Tim |

| [redacted] | | | | | | |
|---|---|---|---|---|---|---|
| | | | 5.9.20 | 2:55 PM | | Tim |
| | | | 5.9.20 | 2:55 PM | | Tim |
| | | | 5.9.20 | 2:55 PM | | Tim |
| | | | 5.9.20 | 2:55 PM | | Tim |
| | | | 5.9.20 | 2:55 PM | | Tim |
| | | | 5.9.20 | 2:55 PM | | Tim |
| | | | 5.9.20 | | | Nicole |
| | | | 5.9.20 | 4:00pm | | |
| | | | 5.9.20 | 4:04 PM | | |
| | | | 5.9.20 | 4:00pm | | |
| | | | 5.9.20 | 4:30 PM | | |
| | | | 5.9.20 | 4:35 PM | | |
| | | | 5.9.20 | 4:41 PM | | |
| | | | 5.9.20 | 4:55 PM | | |
| | | | 5.9.20 | 4:56 PM | | |
| | | | 5.9.20 | 4:57 PM | | |
| | | | 5.9.20 | 5:00 PM | | |
| | | | 5.9.20 | 5:02 PM | | |
| | | | 5.9.20 | 5:05 PM | | |
| | | | 5.9.20 | 7:20 PM | | |
| | | | 5.9.20 | 7:24 PM | | |
| | | | 5.9.20 | 7:40 PM | | |
| | | | 5.9.20 | 15:40 pm | | |
| | | | 5.10.20 | | | |
| | | | 5.10.20 | 4:10 PM | | |
| | | | 5.10.20 | 4:50 PM | | |
| | | | 5.11.20 | 5:20 PM | | |
| | | | 5.11.20 | 5:20 PM | | |
| | | | 5.11.20 | 4:15 PM | | |
| | | | 5.11.20 | 4:15 PM | | |
| | | | 5.11.20 | 4:15 PM | | |
| | | | 5.11.20 | 4:15 PM | | |
| | | | 5.11.20 | 4:15 PM | | |
| | | | 5.11.20 | 4:15 PM | | |
| | | | 5.11.20 | 5:45 PM | | |
| | | | 5.11.20 | 5:41 PM | | |

| The Pony - Liquor Deliveries | | | | | | |
|---|---|---|---|---|---|---|
| Customer | **Phone** | **Address** | | **Date & time** | | **Beer Item** |
| [redacted] | 307.752.6237 | 2170 Little Horn | Sheridan | 4.1.20 | 4:15pm | 12 pk - Michelob Ultra |
| | 307.217.1274 | 755 Harrison Street | Sheridan | 4.3.20 | 2:40 AM | 12 pk Bud Light |
| | 307461-0751 | 2013 Skyview West Drive | Sheridan | 4.7.20 | 1:38pm | 12 pk Maha Seltzer |
| | 307.751.7294 | 1840 Minuteman Court | Sheridan | 4.7.20 | 6:17pm | 6 pk Mikes |
| | 530.598.2818 | 124 Griffith Avenue | Sheridan | 4.9.20 | 2:42pm | 6-pack Hot Streak |
| | 307.675.2337 | Black Tooth Brewery<br>312 Broadway | Sheridan | 4.11.20 | 3:50pm | 6 pk-High Noon |
| | 307.763.2803 | 1129 Lewis Street Apr 7 | Sheridan | 4.11.20 | 12:35pm | 50ml Titos |
| | 307.431.6456 | Black Tooth Brewery<br>312 Broadway | Sheridan | 4.16.20 | 3:40pm | 3-High Noon Pinedapple |
| | 307.461.0121 | 150 West 11th #17 | Sheridan | 4.17.20 | 5:00pm | 50m Titos |
| | 307.752.5799 | 625 S. thurmond | Sheridan | 4.17.20 | 5:55pm | 6-pk Budweiser |
| | 307.751.7294 | 1840 Minuteman Court | Sheridan | 4.17.20 | 6:05pm | 6 pk Mango Mikes |
| | 307.461.8166 | 441 W. Burkitt | Sheridan | 4.17.20 | 6:00pm | 50 ml Titos |
| | 307.259.6425 | 1334 Lwis Street | Sheridan | 4.18.20 | 3:34pm | 6-pk Moosedrool |
| | 307.461.0560 | 455 King Fisher Avenue | Sheridan | 4.21.20 | 2:05PM | 3-50ML Patron |
| | 307.921.2918 | 820 S. Main | Sheridan | 4.22.20 | 4:45pm | 20ml-New Amersterdam |
| | 307.757.4291 | 2123 Pima Drive | Sheridan | 4.24.20 | 6:00pm | 50ml-Patron |
| | 307.751.1906 | 1658 South Mtn View Drive | Sheridan | 4.25.20 | 5:00pm | 6 pk - Pacifico |
| | 307.752.6041 | 2100 Pheasant Draw Road | Sheridan | 4.30.20 | 3:30pm | 6pk-Fat Tire |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | 29 N. Gould-First Northern Bank | Sheridan | 5.1.20 | 11:45am | 1-case MAHA Sert 1-case Ultra |
| | | 29 N. Gould-First Northern Bank | Sheridan | 5.1.20 | 11:45am | 1-case MAHA Sert 1-case Corona |
| | 307.751.7294 | 1840 Minuteman Court | Sheridan | 5.1.20 | 6:05pm | 6 pk Mango Mikes |
| | 307.461.8166 | 441 W. Burkitt | Sheridan | 5.1.20 | 6:30pm | Titos-Cran |
| | 307.461.0669 | 375 Falcon Ridge Court | Sheridan | 5.4.20 | | 50ml Amsterdam |

| Delivery Person |
| --- |
| Tye Bach |
| Tye Bach |
| Tye Bach |
| Tye Bach |
| Tye Bach |
| Tye Bach |
| Amanda Bach |
| Tye Bach |
| Tye Bach |
| Tye Bach |
| Tye Bach |
| Tye Bach |
| Tye Bach |
| Tye Bach |
| Amanda Bach |
| Amanda Bach |
| Tye Bach |
| Tye Bach |
| Tye Bach |


Tye Bach
Tye Bach
Tye Bach
Tye Bach
Tye Bach

# CITY OF SHERIDAN, WYOMING

55 Grinnell Street, P.O. Box 848, Sheridan Wyoming 82801
Ph (307) 674-6483 Fax (307) 674-2195


***Public Works***

## MEMORANDUM

| | |
|---|---|
| Project Name: | Discussion on Blacktooth Park Phase II - Public Works Director Lane Thompson |
| From: | Lane Thompson, Public Works Director |
| To: | Mayor and Council |
| CC: | |
| Date: | 06/15/2020 |

**Discussion:**

An update on the progress and schedule for Blacktooth Park

# CITY OF SHERIDAN, WYOMING

55 Grinnell Street, P.O. Box 848, Sheridan Wyoming 82801
Ph (307) 674-6483 Fax (307) 674-2195


***Public Works***

## MEMORANDUM

| | |
|---|---|
| Project Name: | Discussion of Resolution # 29-20 Capital Facilities Tax - Public Works Director Lane Thompson |
| From: | Lane Thompson, Public Works Director |
| To: | Mayor and Council |
| CC: | |
| Date: | 07/08/2020 |

**Recommendation:**

Staff recommends that Mayor and Council approve Joint Resolution #29-20 for the continuation of the Capital Facilities Tax. This resolution was prepared by the County and City Attorneys.

**Discussion:**

The Sheridan County One Percent Specific Purpose Capital Facilities Tax (CAP Tax) was first approved in 1989 and has been continuously approved by the voters of Sheridan County. This is a specific purpose tax, meaning that the funds can only be spent on Capital Improvement Projects. The CAP Tax is also a specific amount tax, which means the CAP Tax expires when the amount of funds in the resolution are collected.

The existing CAP Tax is anticipated to be fully collected in the spring of 2021, so Resolution 29-20 is very timely to add this item to the ballot for the upcoming election.

**Attachments**

Resolution 29-20
Proposition

**RESOLUTION**
**29-20**

**JOINT RESOLUTION APPROVING PROPOSITION FOR CONTINUATION OF A 1% SPECIFIC PURPOSE EXCISE TAX IN SHERIDAN COUNTY, WYOMING, SAID PROPOSITION TO BE PLACED ON THE BALLOT FOR THE NOVEMBER 3, 2020 GENERAL ELECTION**

**WITNESSTH**

WHEREAS, Wyo. Stat. § 39-15-204(a)(iii) authorizes a county to collect an excise tax not to exceed one percent upon retail sales of tangible personal property, admissions and services made within the county; the revenue from the tax shall be used in a specified amount for specific purposes authorized by the qualified electors (commonly known as the capital facilities tax); and

WHEREAS, Sheridan County is presently collecting the 1% capital facilities tax authorized by Wyo. Stat. § 39-15-204(a)(iii), which is estimated to expire in 2021, and any continuation of the capital facilities tax would take effect after that expiration; and

WHEREAS, before any proposition to continue a capital facilities tax shall be placed before the electors, the governing body of the County, and the governing bodies of at least two-thirds of the incorporated municipalities within the County shall adopt a resolution approving the proposition, setting forth a procedure for qualification of a ballot question for placement on the ballot and specifying how excess funds shall be expended; and

WHEREAS, the Board of County Commissioners of Sheridan County, and the governing bodies of the Towns of Clearmont, Dayton, and Ranchester, and the City of Sheridan will each consider this Joint Resolution; and

WHEREAS, the respective governing bodies have identified specific purposes totaling $40,000,000.00 that would be appropriately funded by the capital facilities tax and in the best interest of the community; and

THEREFORE, IT IS JOINTLY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHERIDAN COUNTY, WYOMING, AND THE GOVERNING BODIES OF THE TOWN OF CLEARMONT, WYOMING, THE TOWN OF DAYTON, WYOMING, THE TOWN OF RANCHESTER, WYOMING, AND THE CITY OF SHERIDAN, WYOMING, THAT:

1. The governing bodies of Sheridan County, Town of Clearmont, Town of Dayton, Town of Ranchester, and City of Sheridan hereby determine that renewal of the 1% capital facilities tax in the specified principal amounts and for the specified purposes listed below should be placed on the ballot per Wyo. Stat. § 39-15-203(a)(iii)(A).

   **a.** **$560,000.00** **Town of Clearmont**
   *for infrastructure improvements to water, sewer, and street projects.*

   **b.** **$1,920,000.00** **Town of Dayton**
   *for infrastructure improvements to water lines, sewer and street projects, improvements to public facilities, and capital equipment.*

   **c.** **$1,920,000.00** **Town of Ranchester**
   *for infrastructure improvements to water, sewer, and street projects.*

   **d.** **$22,947,200.00** **City of Sheridan**
   *for infrastructure improvements to streets, storm sewer, sanitary sewer and water lines or other public facilities.*

**e. $12,652,800.00 Sheridan County**
*for infrastructure improvements to County road, bridges, and public facilities.*

2. The proposition of continuing a 1% capital facilities tax in Sheridan County, State of Wyoming, for the specific purposes identified above shall be combined and contained within one ballot question and submitted to qualified electors at the general election to be held on **November 3, 2020**. The election shall be held in accordance with the current Wyoming Election Code.

3. The ballot shall set forth substantially the following proposition:

> *Shall Sheridan County, State of Wyoming, be authorized to continue a specific purpose capital facilities tax to collect funds not to exceed **$40,000,000.00**, to be used as follows:*
>
> $560,000.00*; for infrastructure improvements to water, sewer, and street projects for the Town of Clearmont*
> $1,920,000.00 *for infrastructure improvements to water, sewer and street projects, improvements to public facilities, and capital equipment for the Town of Dayton;*
> $1,920,000.00 *for infrastructure improvements to water, sewer, and street projects for the Town of Ranchester;*
> $22,947,200.00 *for infrastructure improvements to streets, storm sewer, sanitary sewer and water lines or other public facilities for the City of Sheridan;*
> $12,652,800.00 *for infrastructure improvements to roads, bridges, and public facilities for Sheridan County;*
>
> ***FOR the County 1% capital facilities tax*** _____
>
> ***AGAINST the County 1% capital facilities tax*** _____

4. Upon completion of the projects identified, any excess funds collected shall be expended for capital construction purposes only. The excess funds shall be distributed in the following percentages:
   a. Town of Clearmont – 1.4%
   b. Town of Dayton – 4.8%
   c. Town of Ranchester – 4.8 %
   d. City of Sheridan – 57.368%
   e. County of Sheridan – 31.632%

5. Approval of this Joint Resolution by Sheridan County and at least 2/3 of the municipalities within Sheridan County constitutes approval of the proposition to continue a 1% capital facilities tax for the above-specified purposes and amounts for a total of $40,000,000.00.

6. Approval of this Joint Resolution shall constitute written notification to the County Clerk, specifying the date of the election and the proposition.

7. Each provision of this Joint Resolution is severable and should any provision of this Joint Resolution be judicially determined to be invalid or unenforceable, such determination shall not affect the remaining provisions hereof.

**Town or City of Sheridan, WY** **Attest:**

_____ _____

**Roger Miller, Mayor City of Sheridan** **Cecilia Good, Clerk City of Sheridan**

# SHERIDAN COUNTY COMMISSION

TERRY CRAM • CHRISTI HASWELL • MIKE NICKEL • TOM RINGLEY • NICK SIDDLE

July 7, 2020

Eda Schunk Thompson, County Clerk
Sheridan County Courthouse
224 S. Main
Sheridan, WY 82801

Dear Ms. Thompson,

The Board of County Commissioner is requesting your office to place on the ballot a proposition of continuing the One Cent Specific Purpose (1% Capital Facilities Tax). The 1% Capital Facilities Tax for the specific purposes identified below shall be combined and contained within one ballot question and submitted to the qualified electors at the General Election to be held on November 3, 2020.

The ballot shall set forth substantially the following proposition:

*Shall Sheridan County, State of Wyoming, be authorized to continue a specific purpose capital facilities tax to collect funds not to exceed* ***$40,000,000.00****, to be used as follows:*

$560,000.00*; for infrastructure improvements to water, sewer, and street projects for the Town of Clearmont;*
$1,920,000.00 *for infrastructure improvements to water, sewer and street projects, improvements to public facilities, and capital equipment for the Town of Dayton;*
$1,920,000.00 *for infrastructure improvements to water, sewer, and street projects for the Town of Ranchester;*
$22,947,200.00 *for infrastructure improvements to streets, storm sewer, sanitary sewer and water lines or other public facilities for the City of Sheridan;*
$12,652,800.00 *for infrastructure improvements to roads, bridges, and public facilities for Sheridan County;*

***FOR the County 1% capital facilities tax*** _____

***AGAINST the County1% capital facilities tax*** _____

224 South Main Street – Suite B1 – Sheridan, Wyoming 82801-4855
Phone: 307-674-2900 – Fax: 307-674-2909

Sheridan WYOMING NATURALLY

SHERIDAN COUNTY
WYOMING EST 1888

# SHERIDAN COUNTY COMMISSION

TERRY CRAM • CHRISTI HASWELL • MIKE NICKEL • TOM RINGLEY • NICK SIDDLE

Thank you for your consideration.

Sincerely,

Nick Siddle

Nick Siddle, Chairman

Cc via email;

Board of County Commission
Roger Miller, City of Sheridan Mayor
Norm Anderson, Town of Dayton Mayor
Peter Clark, Town of Ranchester Mayor
Greg Rohrer, Town of Clearmont Mayor

224 South Main Street – Suite B1 – Sheridan, Wyoming 82801-4855
Phone: 307-674-2900 – Fax: 307-674-2909

Sheridan
WYOMING
NATURALLY

# CITY OF SHERIDAN, WYOMING

55 Grinnell Street, P.O. Box 848, Sheridan Wyoming 82801
Ph (307) 674-6483 Fax (307) 674-2195


***Public Works***

## MEMORANDUM

| | |
|---|---|
| Project Name: | Discussion on Wetlands Drive Utilities Extension for Restoration Ranch - Public Works Director Lane Thompson |
| From: | Lane Thompson, Public Works Director |
| To: | Mayor and Council |
| CC: | |
| Date: | 06/15/2020 |

**Recommendation:**

Staff recommends Mayor and Council give approval of final acceptance for the Wetlands Drive Utilities Extension for Restoration Ranch and authorize the Utilities Director to sign the necessary Permit Transfer Request Form for compliance with Wyoming DEQ Rules and Regulations.

By signing the Permit Transfer Request Form, the City accepts ownership and future operation/maintenance of the water and sewer mains within the project area.

**Discussion:**

The contractor for the Wetlands Drive Utilities Extension for Restoration Ranch Project (see attached map) will be requesting final acceptance. At the time of final acceptance, it authorizes the Utilities Director to sign the necessary Permit Transfer Request Form for compliance with Wyoming DEQ Rules and Regulations.

The water and sewer mains associated with this project was installed per City of Sheridan Standard Specifications and Details for Utility Construction. The City has received all required information from the developer's consulting engineer in necessary to accept ownership of this infrastructure.

**Attachments**

map

Site plan

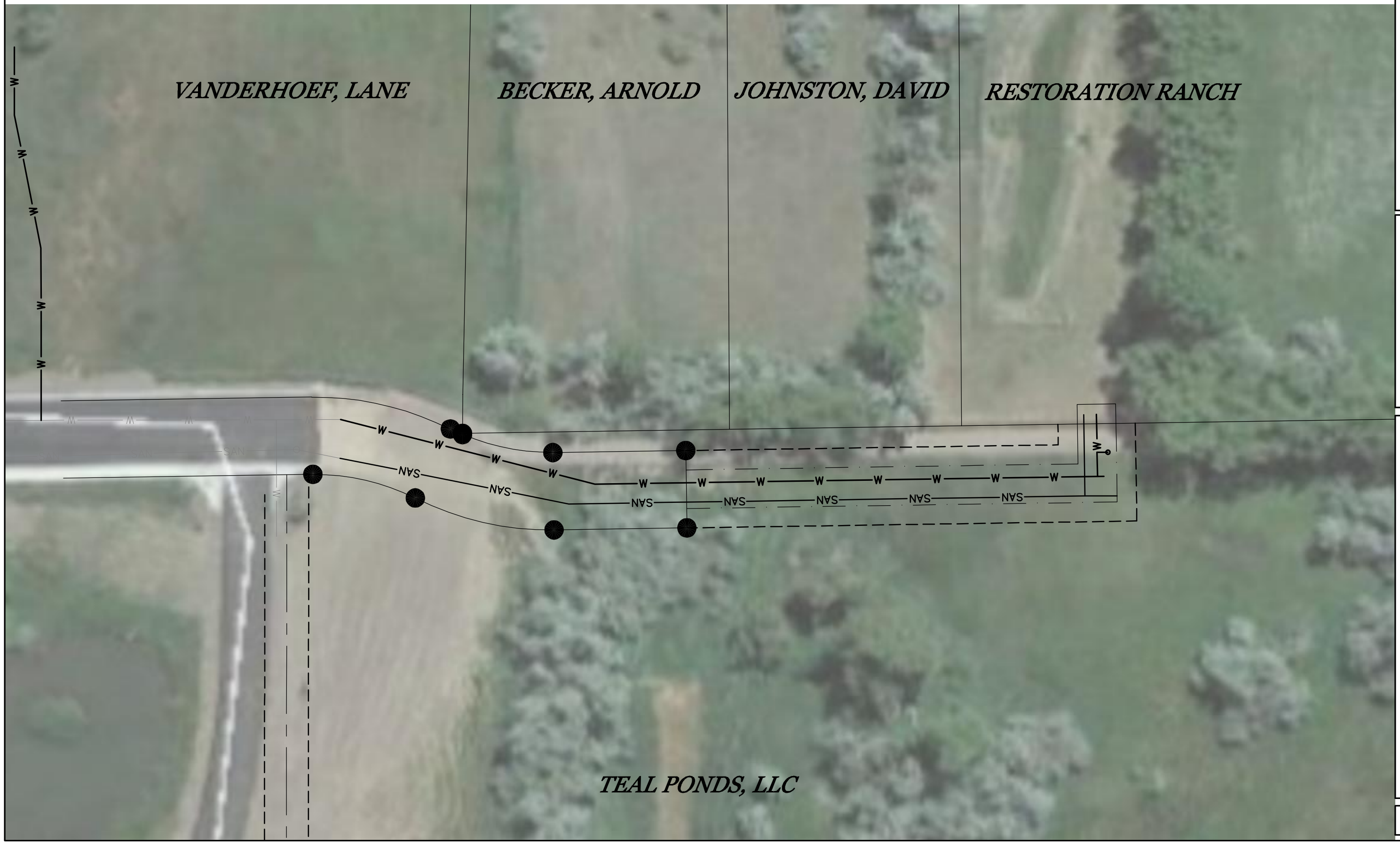



CITY OF Sheridan WYOMING

# Wetlands Drive Extension for Restoration Ranch

N

# SITE PLAN




| NO. | AMENDMENT | DATE | INT. |
|---|---|---|---|
| | | | |

DESIGN: TME
CHECK: MLC
DATE: TME

RESTORATION RANCH

UT-1 - OVERALL UTILITY PLAN

MC2 ENGINEERING, P.C.
811 North Main Street
Sheridan, WY 82801
Office: 307.673.7350
www.mc2engineering.com

SHEET UT-1

# CITY OF SHERIDAN, WYOMING

55 Grinnell Street, P.O. Box 848, Sheridan Wyoming 82801
Ph (307) 674-6483 Fax (307) 674-2195


***Public Works***

## MEMORANDUM

| | |
|---|---|
| Project Name: | Discussion of Brooks Street Right-of-Way Vacation - Community Development Director Wade Sanner |
| From: | Lane Thompson, Public Works Director |
| To: | Mayor and Council |
| CC: | |
| Date: | 07/08/2020 |

**Discussion:**

Vacation of platted right-of-way is governed by Sheridan City Code Appendix B §205. That section requires that in the case of an easement vacation the following be found to be true:

1. The vacation does not abridge or destroy any of the rights and privileges of other proprietors in the platted area.
2. The vacation does not close or obstruct any public highway.
3. Proper notification has occurred to impacted parties and private utilities.

Note: There are other requirements contained in this section which apply to situations when the vacation request involves vacating lots in a subdivision.

**Background:**

The owner, Sheridan County, is requesting that South Brooks Street between West Whitney and West Burkitt, part of the Kilbourne's Addition, be vacated. Brooks Street has a 32-foot grade change with a 13% slope. Due to the steep grade of the road, and the intersection at Brooks Street and Burkitt Street, Brooks Street is temporarily closed during the winter months. In order to ensure traffic safety, Sheridan County is proposing the removal of Brooks Street and installation of pedestrian only access.

**Attachments**

Brooks ST Resolution
County Letter
Petition
Aerial
Survey
Letters

**CITY OF SHERIDAN**
**Resolution 27-20**

A RESOLUTION vacating a portion of the Brooks Street right-of-way, located in the Kilbourne Addition, between West Whitney Street and West Burkitt Street.

**Whereas,** the owner, Sheridan County, has petitioned the City Council requesting that a portion of the South Brooks Street right-of-way be vacated; and

**Whereas**, this request for a right-of-way vacation meets the requirements of Sheridan City Code §205;

**Now, therefore, be it resolved by the City Council of the City of Sheridan:**

That Brooks Street, located in the Kilbourne's Addition to the City of Sheridan, is hereby vacated.

Passed, approved and adopted this _____day of _____, 2020

_____
Roger Miller, Mayor

Attest:

_____
Cecilia Good, City Clerk

State of Wyoming )
)SS
County of Sheridan )

Subscribed and sworn to (or affirmed) before me this _____day of _____, 2020 by _____.

_____
Notary Public

My commission expires _____.

SHERIDAN COUNTY
WYOMING EST. 1888

# SHERIDAN COUNTY COMMISSION

TERRY CRAM • CHRISTI HASWELL • MIKE NICKEL • TOM RINGLEY • NICK SIDDLE

May 28, 2020

City of Sheridan/Public Works
Lane Thompson
55 E. Grinnell Plaza
Sheridan, WY 82801

Re: Continuing Brooks Street Vacation

Dear Lane:

Sheridan County would like to continue moving forward with the Brooks Street Vacation. We understand the City's need for a conceptual plan and time frame for the improvements to be made to this portion of Brooks Street.

Earlier this spring, we applied for a Transportation Alternative Program (TAP) to fund this project. During the site review, WYDOT staff recommended we apply for a feasibility study instead of moving forward with a construction grant. The study will provide a more in-depth review and design a plan for the improvements to be made to the portion of Brooks Street we are seeking to vacate. Sheridan County will apply for feasibility funding in June.

Sheridan County is requesting the City of Sheridan move forward with the vacation process. If the funding through the WYDOT TAP Grant is approved, we will be able to provide a timeline for the improvements to the vacated portion of Brooks Street and share with the City the design plans. In the meantime, we would like to place more substantial barriers at W. Whitney & S. Brooks and W. Burkitt until construction has been completed. In addition, we would like the City to leave the 3-way stop in place at the corner of W. Burkitt and S. Brooks. The 3-way stop has increased the safety of pedestrian crossing, slowed traffic, and allowed for a smooth flow through the intersection.

Please let us know us know what else you may need at this time to continue the vacation process for Brooks Street. The Sheridan County Commissioners appreciate your understanding and willingness to work with us through this process.

Sincerely,

Renee' Obermueller

Renee' Obermueller
Administrative Director

cc: Ken Muller, County Engineer
Paul D. Graslie, Lonabaugh & Riggs, LLP

224 South Main Street – Suite B1 – Sheridan, Wyoming 82801-4855
Phone: 307-674-2900 – Fax: 307-674-2909

Sheridan WYOMING NATURALLY

## PETITION FOR RIGHT OF WAY VACATION

**TO THE CITY COUNCIL OF THE CITY OF SHERIDAN, WYOMING:**

Pursuant to the provisions of Sheridan City Code Appendix B§ 205, and applicable state statutes, the undersigned landowner(s) respectfully petition and show the City Council as follows:

1. This is a petition for the vacation of right-of-way within the city limits of Sheridan, Wyoming, having a legal description as follows:

2. Sheridan County + Cal-Gal Holdings Co. LLC are the owners of the abutting property who have signed this petition for vacation.

3. A survey of the area sought to be vacated is attached hereto and made a part hereof.

4. The petitioners certify that they represent a majority of the property owners, owning a majority of the property abutting the right-of-way to be vacated.

5. Petitioners hereby request that said lands be vacated for the following reason(s):
Public Safety

Therefore, Petitioners pray said right-of-way be vacated pursuant to and in accordance with the applicable Wyoming Statutes and City Ordinances after proper notice and public hearing.

Dated this 8th day of January, 2020

Signed by the Petitioners (attach more sheets as necessary:

Nick Siddle

Nick Siddle, BOCC Chairman

Carla Sessions

Carla Sessions, owner
Cal-Gal Holding Company, LLC

STATE OF WY )
) ss
COUNTY OF Sheridan)

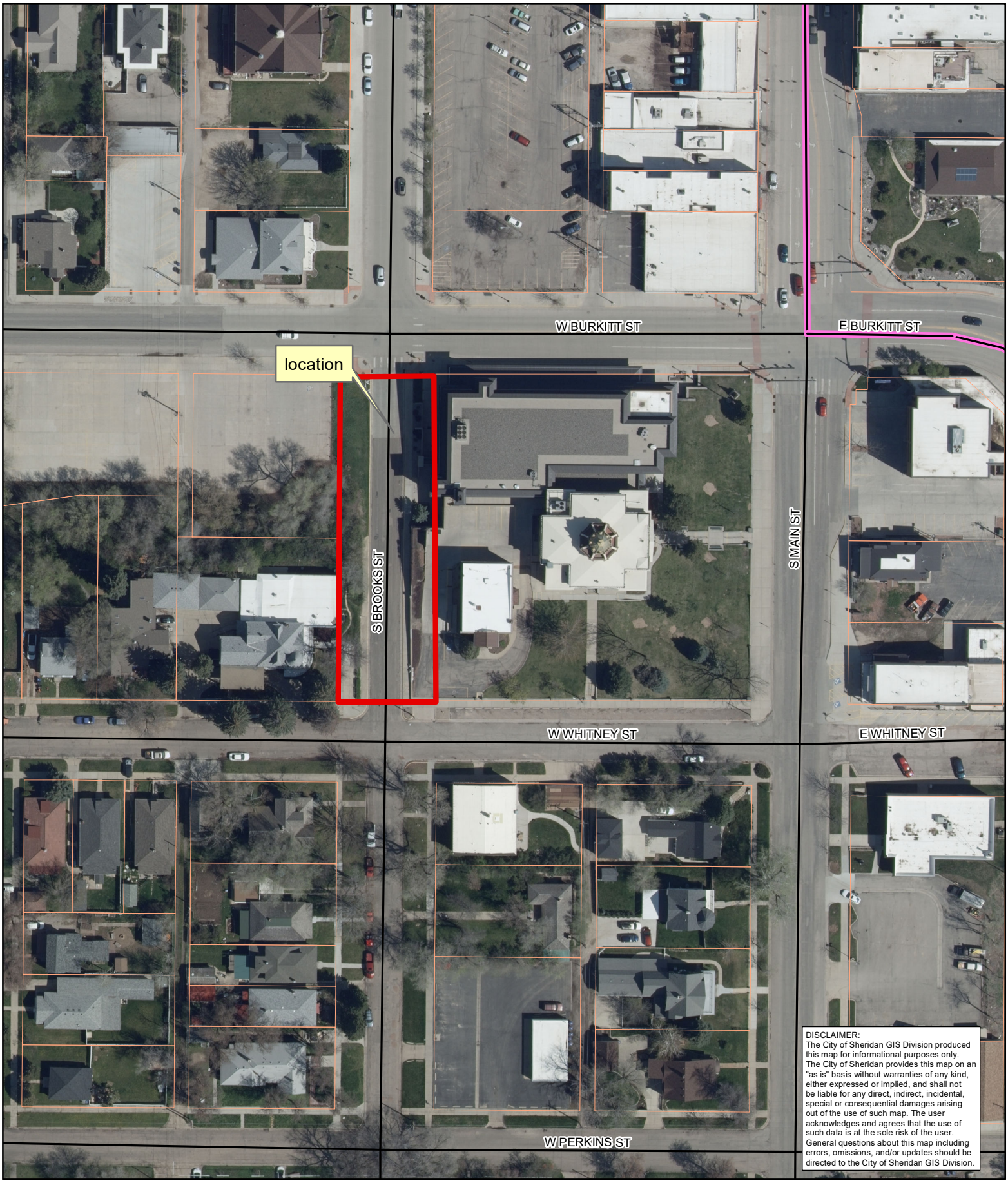
The above and foregoing was subscribed, sworn to, and acknowledged before me by Nick Siddle + Carla Sessions this 8 day of Jan., 2020

Eileen M. Evers

Notary Public

My Commission Expires: 11-28-2022

ELLEEN M. EVERS - NOTARY PUBLIC
COUNTY OF SHERIDAN STATE OF WYOMING
My Commission Expires November 28, 2022




DISCLAIMER:
The City of Sheridan GIS Division produced this map for informational purposes only. The City of Sheridan provides this map on an "as is" basis without warranties of any kind, either expressed or implied, and shall not be liable for any direct, indirect, incidental, special or consequential damages arising out of the use of such map. The user acknowledges and agrees that the use of such data is at the sole risk of the user. General questions about this map including errors, omissions, and/or updates should be directed to the City of Sheridan GIS Division.

CITY OF Sheridan WYOMING

# Brooks vacation

N

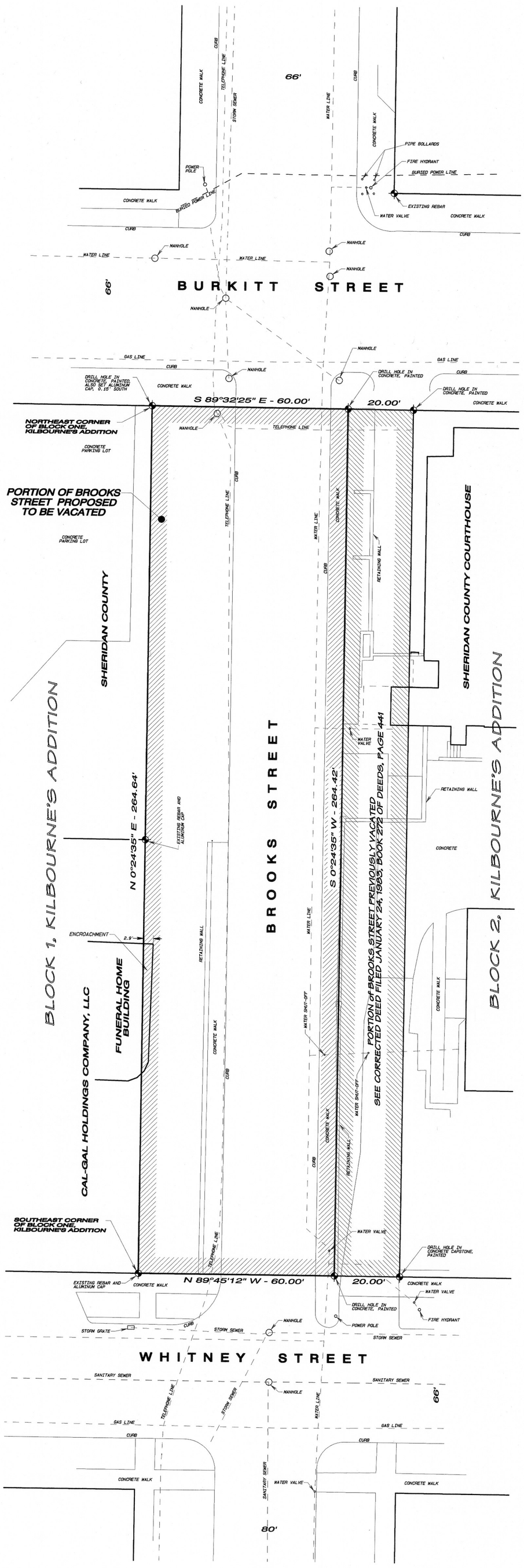
0 35 70 140 Feet

Name: sgoodman Date: 07/06/2020

# DETAIL

GRAPHIC SCALE : 1"=20'

0 20 40 60




## CERTIFICATE of SURVEYOR

State of Wyoming }
County of Sheridan } ss

I, David L. Randall, of Sheridan, Wyoming being a duly registered Professional Engineer and Land Surveyor in the State of Wyoming do hereby certify that this map was made from field notes of an actual survey performed in August and September of 2001.

This map correctly shows the location of features as they existed in September of 2001. Ownerships have been updated to reflect the current date of January 9, 2020.

Let it be known that modifications were made to this map in January of 2020 to prepare it for submittal to the City of Sheridan, Wyoming to accompany the Brooks Street Vacation request.

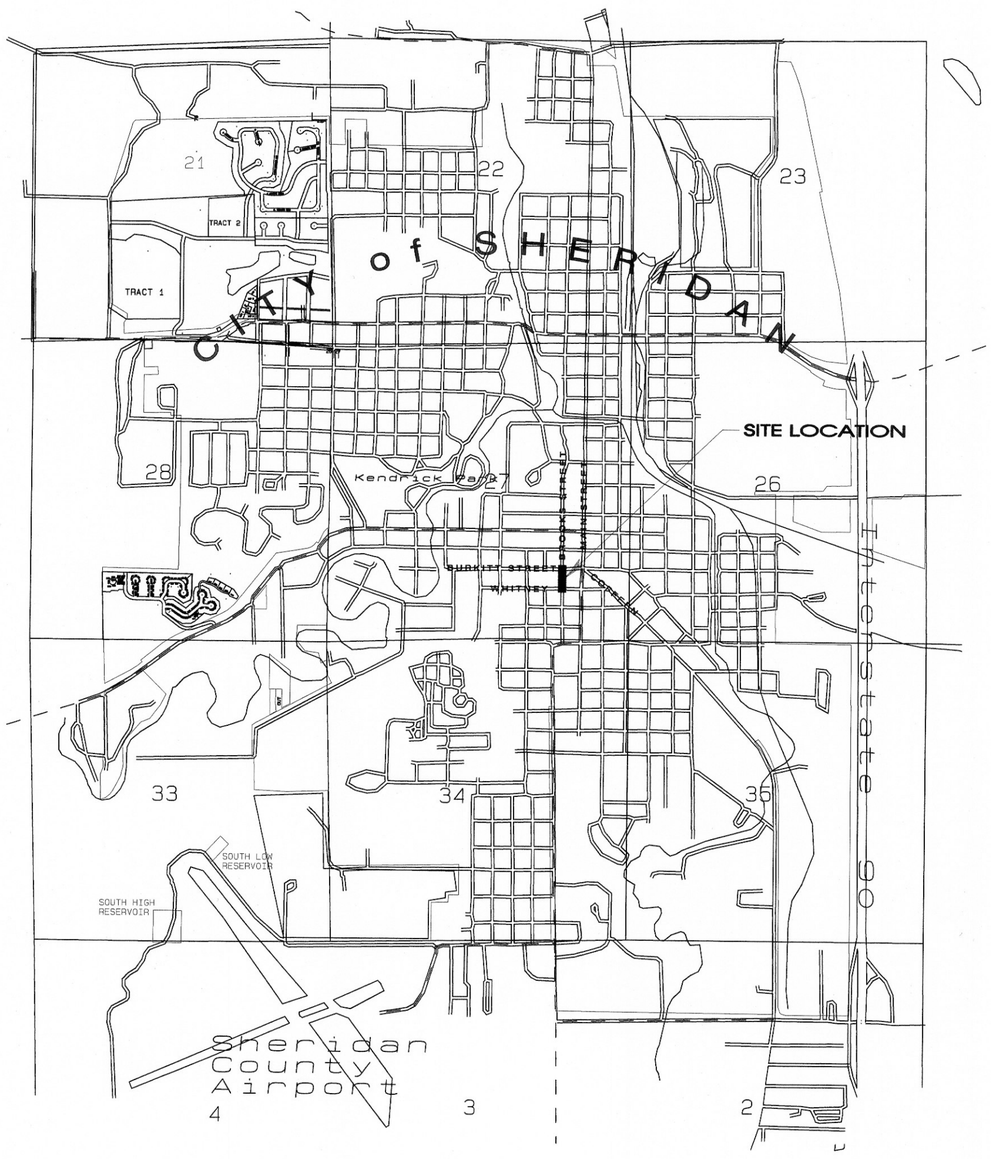
Registration No. 3159 PE & LS

Professional Engineer (Civil) & Land Surveyor
DAVID L. RANDALL
3159
CIVIL ENGINEER and LAND SURVEYOR
1/2
Date JANUARY 9 2020
WYOMING

David L. Randall

# LOCATION

SCALE : 1" = 2000'.




## CERTIFICATE of RECORDER

State of Wyoming }
County of Sheridan } ss

I hereby certify that this Survey Map was filed for record in my office at _____ O'Clock this _____ day of _____, 2020, and recorded in Drawer Number _____, Instrument Number _____.

COUNTY CLERK

DEPUTY COUNTY CLERK

N

# MAP

showing

## SURVEY of a PORTION of BROOKS STREET

and LOCATION of

## EXISTING FEATURES

to accompany

REQUEST for VACATION of a PORTION of BROOKS STREET

situated in

KILBOURNE'S ADDITION

to the

TOWN, NOW CITY of SHERIDAN
SHERIDAN COUNTY, WYOMING

for

## SHERIDAN COUNTY

224 SOUTH MAIN
SHERIDAN, WYOMING

REVISED JANUARY 9, 2020
REVISED DECEMBER 7, 2001
RANDALL ENGINEERING SURVEYS, SHERIDAN, WYOMING - SEPTEMBER 26, 2001

February 5, 2020

City of Sheridan
Attn: Sue Goodman

Dear Sue:

Charter/Spectrum Communications has no objections to the vacate a portion of the South Brooks Street between West Whitney and West Burkitt, in the Kilbourne's Addition to the town, now the City of Sheridan.

If you have any questions, please contact me at 763-1375.

Thanks,

Tom Legerski
Construction Supervisor
Charter/Spectrum Communications
Thomas.Legerski@Charter.com

# SHERIDAN COUNTY COMMISSION

TERRY CRAM • CHRISTI HASWELL • MIKE NICKEL • TOM RINGLEY • NICK SIDDLE

January 31, 2020

CenturyLink
1695 Coffeen Avenue
Sheridan, WY 82801

Re: Vacation of Public Right-of-Way labeled as a portion of S. Brooks Street (portion between W. Whitney & W. Burkitt Streets)

To Whom it May Concern:

Sheridan County is requesting the City of Sheridan vacate a portion of S. Brooks Street, between W. Whitney and W. Burkitt Streets, in the Kilbourne's Addition to the Town, now City of Sheridan. Sheridan County will maintain and record legal easements for use by public utilities.

You are receiving this letter because you are a utility company potentially having an interest in this right-of-way. Sheridan City Code requires that prior to any alteration or vacation of a public right-of-way all utility companies be contacted in writing at least 30 days prior to the City Council's public hearing and the Council acting on this request.

Please contact the City of Sheridan within 30 days of the date of this letter, in writing, if you have an objection or concern regarding this proposed vacation.

Concerns, comments or objections may be sent to the City of Sheridan via US Postal Service or Email. Please contact:

Sue Goodman
City of Sheridan
P.O. Box 848
Sheridan, WY 82801

sgoodman@sheridanwy.net

Sincerely,

Renee' Obermueller

Renee' Obermueller
Administrative Director

cc: Sue Goodman, City of Sheridan

224 South Main Street – Suite B1 – Sheridan, Wyoming 82801-4855
Phone: 307-674-2900 – Fax: 307-674-2909

Sue Goodman <sgoodman@sheridanwy.net>

# Vacation of a portion of Brooks St, Sheridan, WY

1 message

**Dan Coughlin** <dcoughlin@sheridancounty.com> Mon, Feb 3, 2020 at 11:13 AM
To: Renee Obermueller <robermueller@sheridancounty.com>
Cc: Anny Birkholz <abirkholz@sheridancounty.com>, Sue Goodman <sgoodman@sheridanwy.net>

Renee,

SAWSJPB has no easements or utilities within Brooks Street and has no objection to the proposed vacation.

Thanks,

*Dan Coughlin*

Project Manager

Sheridan Area Water Supply Joint Powers Board

2/18/2020

TO: Sue Goodman

Sue, I recieved your mailing concerning closing Brock St. between Whitney and Burkitt.

I would be in favor of doing so. In my opinion the hill there has become a safety concern. At the top there is no visibility and it is a wonder no one has been hurt. At the bottom likewise. In the morning and evening when the sun is low the visibility is bad.

I would also favor reinstalling pedestrian light at bottom of hill.

Thank you.

Charles Grimes

C. Grimes
324 So. Brooks
Sheridan, Wy.

**Sue Goodman <sgoodman@sheridanwy.net>**

# Proposed closing of Brooks Street hill

1 message

**Tessa Dalton** <tessajdalton@googlemail.com> Mon, Feb 10, 2020 at 8:32 AM
To: sgoodman@sheridanwy.net

I couldn't be more delighted to learn that the Brooks Street hill may be officially closed. I have been hoping this would happen for over 25 years! Fingers crossed…

Tessa J Dalton
338 S Brooks Street
Sheridan WY 82801
307 674 5501 (h); 307 752 5501 (m)
tessajdalton@gmail.com

**Sue Goodman <sgoodman@sheridanwy.net>**

# Brooks hill closure

1 message

**Walter Wragge** <lwwragge@yahoo.com> Fri, Feb 28, 2020 at 11:52 AM
To: sgoodman@sheridanwy.net

One of my neighbors sent me a copy of the letter that they received from the county re: permanent closure of the Ct. House Hill on Brooks. We received notification of this the last time it came up for consideration and don't know why we did not get one this time. We use the hill always except for the winter closure. We think the current 4 way stop is a beautiful solution. We understand the winter closure as ice would cause a problem at the bottom of the hill but when it is good weather, it certainly takes away traffic from Main St. which can get really busy. When summer comes, with tourists and kids out of school, the traffic really increases. With the possible change of traffic on Main ( study that was done late this Fall) in the downtown area, it will definitely effect that proposal. One of our other concerns, is that emergency vehicles need to access that area, be it fire or an accident and it will really slow it down, to say nothing of how access to the back of the hill residences between Whitney and Burkitt when there is an emergency!
In the Winter, the people who live on the Whitney Hill, that goes down to Thurmond, also should be concerned about emergency access. There is not even an alley behind those homes! It is not the resident's fault that those house all got built on that hill. Let's make it safe for all! We live on the corner of Main and Perkins, and because the Champion Parking lot is behind us, we see how much traffic is on Brooks when the hill is open! We in turn, see increased traffic on Main, when Brooks is closed! Thanks for considering our thoughts and suggestions. Lois and Walt Wragge
Sent from my iPad

LAW OFFICES
LONABAUGH AND RIGGS, LLP
SUITE 110, 50 EAST LOUCKS STREET
DRAWER 5059
SHERIDAN, WYOMING 82801

DAN B. RIGGS
ROBERT G. BERGER
HAULTAIN E. CORBETT
DAVID C. SMITH*
MOLLY H. DOW*

J. KYLE HENDRICKSON **
PAUL D. GRASLIE

* ADMITTED IN COLORADO
**ADMITTED IN MONTANA

TELEPHONE (307) 672-7444
FAX (307) 672-2230
E-MAIL:
Lawyers@Lonabaugh.com

E. E. LONABAUGH
(1861-1938)

A.W. LONABAUGH
(1896-1971)

MICHAEL C. STEEL
(1974-2008)

E. E. LONABAUGH
(1923-2012)

February 10, 2020

**Sue Goodman**
**City of Sheridan**
P.O. Box 848
Sheridan, WY 82801

**Re: Vacation of Public Right-of-Way labeled as a portion of S. Brooks Street**

Dear Ms. Goodman:

Our firm represents Kevin and Carla Sessions, owners of Champions Funeral Home, Inc. and Cal-Gal Holdings Company, LLC (collectively the "Sessions"). The Sessions are in receipt of your February 6, 2020 letter regarding Sheridan County's proposal to vacate the portion of S. Brooks Street located behind Champions Funeral Home ("Champions").

The Sessions have been made aware that this proposal may impact, or require to be relinquished, certain easements or rights-of-way currently attached to the Champions' land. The Sessions are generally in favor of the overriding proposal to remove the street but would like more details about the design of the greenspace and the impact on Champions' real property interests. In addition, the Sessions would like the City/County to be cognizant of the large retaining wall that supports Champions' buildings and land. The City/County's plans need to take care not to damage the wall and the support it provides to Champions' buildings and lot.

The Sessions are happy to provide additional clarification if needed and look forward to working with the City/County on creating a new and vibrant public greenspace.

Sincerely,

LONABAUGH AND RIGGS, LLP

By: Paul D. Graslie

PDG/gk

# SHERIDAN COUNTY COMMISSION

TERRY CRAM • CHRISTI HASWELL • MIKE NICKEL • TOM RINGLEY • NICK SIDDLE

February 24, 2020

Paul D. Graslie
Lonabaugh and Riggs, LLP
50 East Loucks Street, Suite 110
Drawer 5059
Sheridan, WY 82801

Re: Vacation of Public Right-of-Way labeled as a portion of S. Brooks Street

Dear Mr. Graslie:

Thank you for your letter addressing the concerns of your clients Kevin and Carla Sessions regarding the proposed vacation of a portion of S. Brooks Street.

It is the County's intention not to disturb the retaining walls on either side of S. Brooks Street. The tentative plan would be to remove the concrete roadway between W. Whitney Street and W. Burkitt Street, replacing it with greenspace and retaining any public utility easements. The sidewalks would be extended across the vacated property at both W. Whitney Street and W. Burkitt Street running East to West.

A map illustrating the Session's portion of the vacation is attached. The County would ask that the Session's consider relinquishing to the County either:

A) Approximately 1/4 of the entire vacated area to the East of Champion Funeral Home. (This would include the sidewalk which could be remove for more greenspace.)

B) Approximately 1/6 of the entire vacated area to the East of Champion Funeral Home. (Leaving the existing sidewalk in place and become a part of the Session's property.)

By relinquishing a portion of the proposed vacated S. Brooks Street, the County would assume the financial responsibility for the removal of the road, extension of the sidewalks and establishment of the greenspace.

Please let us know how your clients would like to proceed so we may develop the plan required by the City.

Sincerely,

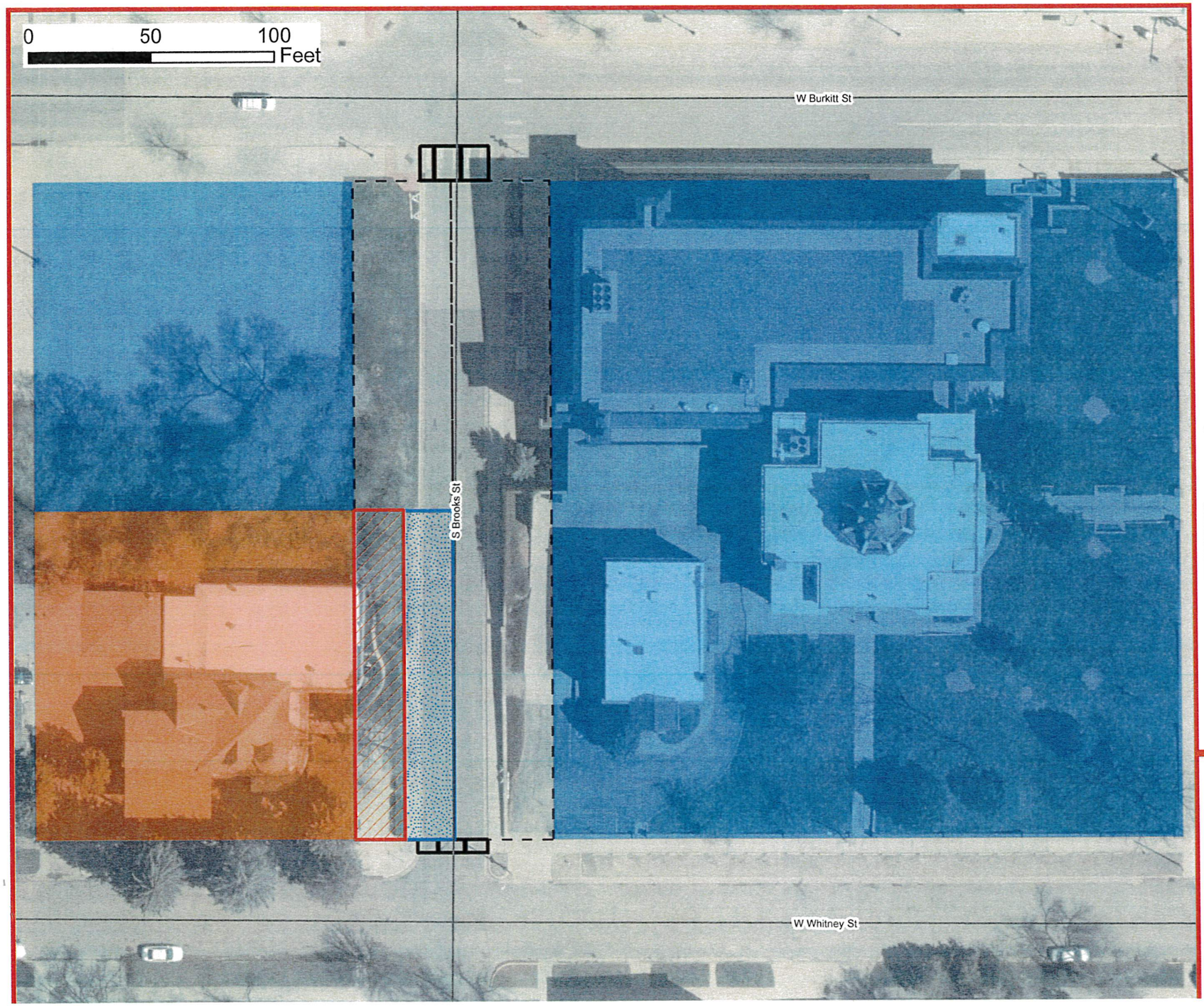
Renee' Obermueller

Renee' Obermueller
Administrative Director

cc: Sue Goodman, City of Sheridan

224 South Main Street – Suite B1 – Sheridan, Wyoming 82801-4855
Phone: 307-674-2900 – Fax: 307-674-2909

A: Remove west sidewal




**Petition to Vacate a Road: Portion of Brooks St.**

**Sessions Portion**

**County Portion**

Sidewalk

**Parcels**

Sheridan County

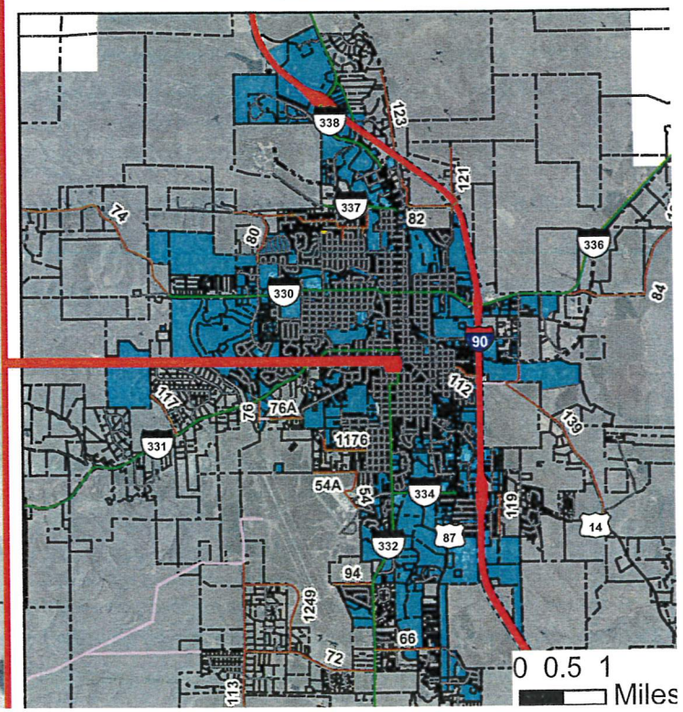
Session

North

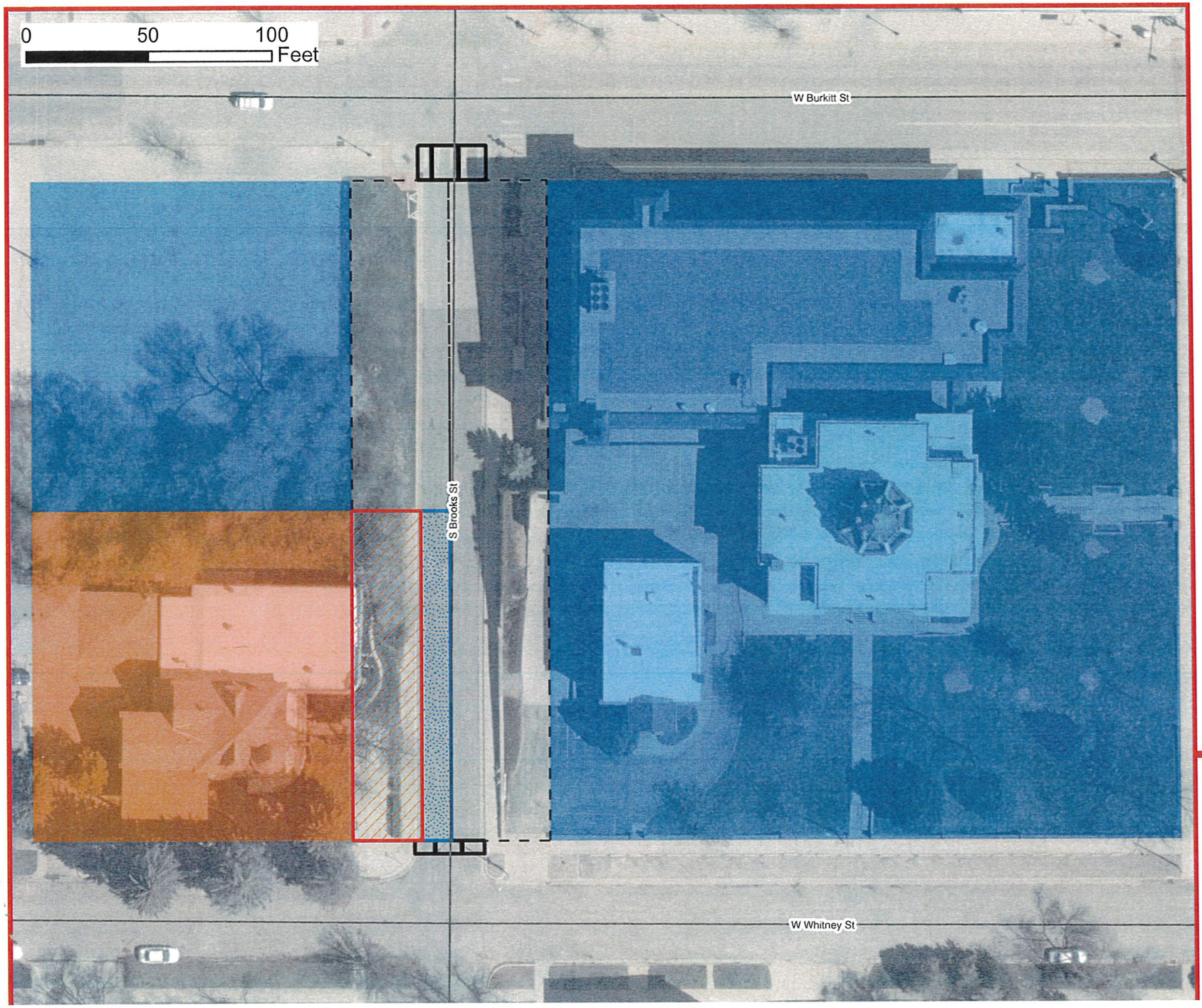
SHERIDAN COUNTY WYOMING EST 1888

Sheridan County G.I.S.

Disclaimer: Sheridan County provides this map on an "as is" basis without warranties of any kind, and is intended for illustrative purposes only. Sheridan County assumes no liability for actions taken by users based on the information shown.



# B: Retain west sidewal




**Petition to Vacate a Road: Portion of Brooks St.**

SessionsPortion

CountyPortion

Sidewalk

Parcels

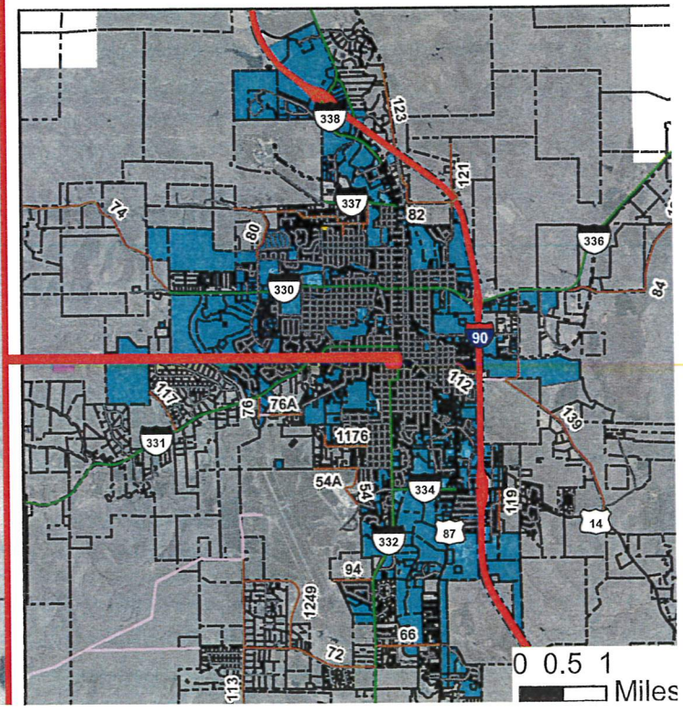
Sheridan County

Session

North SHERIDAN COUNTY WYOMING EST 1888

Sheridan County G.I.S.

Disclaimer: Sheridan County provides this map on an "as is" basis without warranties of any kind, and is intended for illustrative purposes only. Sheridan County assumes no liability for actions taken by users based on the information shown.



# CITY OF SHERIDAN, WYOMING

55 Grinnell Street, P.O. Box 848, Sheridan Wyoming 82801
Ph (307) 674-6483 Fax (307) 674-2195


***Planning***

## MEMORANDUM

| | |
|---|---|
| Project Name: | Discussion of Resolution #28-20, 1921 S Sheridan Ave. Easement Vacation - Community Development Director Wade Sanner |
| From: | Wade Sanner, Community Development Director |
| To: | Mayor and Council |
| CC: | |
| Date: | 07/07/2020 |

**Recommendation:**

Staff recommends the City Council approve Resolution 28-20, vacating a 300 square foot utility easement located on Lot D RENEW Subdivision. Located at 1921 South Sheridan Avenue.

**Discussion:**

Notifications were sent to surrounding property owners and utility companies affected by the vacation. In evaluating whether or not the request meets the requirements of Sheridan City Code Appendix B §205, staff concluded the following.

1. ***The vacation does not abridge or destroy any of the rights and privileges of other proprietors in the platted area.***

In this case, the applicant owns the subject property.

2. ***The vacation does not close or obstruct any public highway.***

The vacation is not located in a public highway.

3. ***Proper notification has occurred to impacted parties and private utilities.***

The vacation is solely for utilities. No utilities are affected by this proposal as there are no utility lines in the easement.
Staff has no further comments at this time.

**Background:**

The applicant, Cosner Construction Company Rental Properties, LLC, is requesting a  vacation of a 300 square foot utility easement located in the northwest corner of Lot D of the RENEW subdivision.  The proposed easement vacation is to allow for future construction and improvement of the property.

**Potential Findings of Fact:**

Vacation of platted easement is governed by Sheridan City Code Appendix B §205.  That section requires that in the case of an easement vacation the following be found to be true:

1. The vacation does not abridge or destroy any of the rights and privileges of other proprietors in the platted area.
2. The vacation does not close or obstruct any public highway.
3. Proper notification has occurred to impacted parties and private utilities.

Note:  There are other requirements contained in this section which apply to situations when the vacation request involves vacating lots in a subdivision.

---

**Attachments**

Aerial

Vacation Petition

Exhibit

Utility Easement Vacation

---




DISCLAIMER:
The City of Sheridan GIS Division produced this map for informational purposes only. The City of Sheridan provides this map on an "as is" basis without warranties of any kind, either expressed or implied, and shall not be liable for any direct, indirect, incidental, special or consequential damages arising out of the use of such map. The user acknowledges and agrees that the use of such data is at the sole risk of the user. General questions about this map including errors, omissions, and/or updates should be directed to the City of Sheridan GIS Division.

CITY OF Sheridan WYOMING

# Easement vacation

N

0 25 50 100 Feet

Name: sgoodman Date: 07/06/2020

# PETITION FOR RIGHT OF WAY VACATION

**TO THE CITY COUNCIL OF THE CITY OF SHERIDAN, WYOMING:**

Pursuant to the provisions of Sheridan City Code Appendix B§ 205, and applicable state statutes, the undersigned landowner(s) respectfully petition and show the City Council as follows:

1. This is a petition for the vacation of right-of-way within the city limits of Sheridan, Wyoming, having a legal description as follows:

2. ***Cosner Construction Rental Properties, LLC*** are the owners of the abutting property who have signed this petition for vacation.

3. A survey of the area sought to be vacated is attached hereto and made a part hereof.

4. The petitioners certify that they represent a majority of the property owners, owning a majority of the property abutting the right-of-way to be vacated.

**5.** Petitioners hereby request that said lands be vacated for the following reason(s): ***We wish to add to the existing building for the purpose of a decorative feature. This addition would extend on to the easement area. Vacating part of the easement would allow the necessary space for this proposed addition.***

Therefore, Petitioners pray said right-of-way be vacated pursuant to and in accordance with the applicable Wyoming Statutes and City Ordinances after proper notice and public hearing.

Dated this 15th day of June, 2020

Signed by the Petitioners (attach more sheets as necessary:

Jon Seidel

Jim Cosner

Eric Wolf

STATE OF Wyoming )
) ss
COUNTY OF Sheridan )

The above and foregoing was subscribed, sworn to, and acknowledged before me by Jon Seidel, Jim Cosner, and Eric Wolf this 15th day of June, 2020.

Notary Public Michelle Gieselman

My Commission Expires: June 19, 2023

MICHELLE GIESELMAN - NOTARY PUBLIC
COUNTY OF SHERIDAN
STATE OF WYOMING
My Commission Expires June 19, 2023

RANDALL ENGINEERING SURVEYS
722 Monte Vista
Sheridan, Wyoming 82801
Phone 307-672-6003
Fax 307-672-6003

May 14, 2020

Mr. Jon Seidel
Cosner Construction
543 North Main Street
Sheridan, Wyoming 82801

Re: Description of Proposed Easement Vacation in Lot D of the Renew Subdivision, Sheridan, Wyoming.

A portion of a utility easement encumbering a tract of land situated in Lot D of the Renew Subdivision in the City of Sheridan, Wyoming; this tract of land being more particularly described as follows:

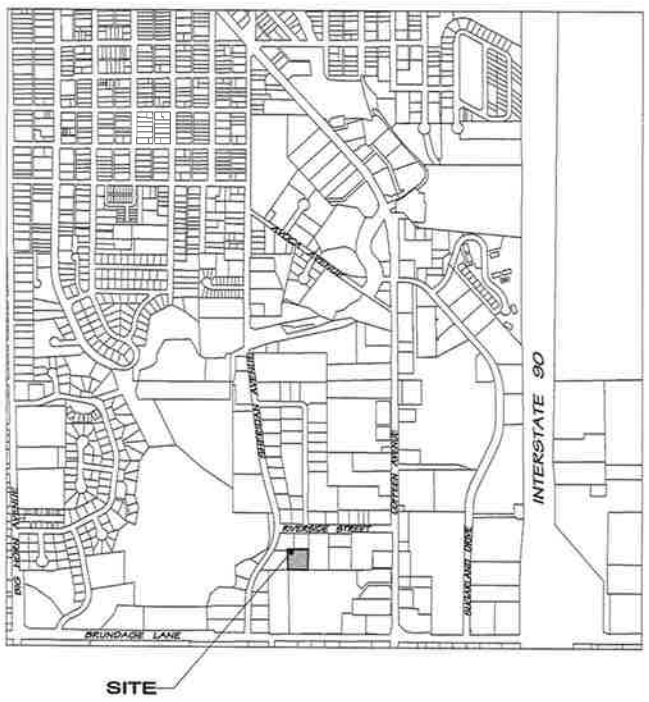
Beginning at a point which bears S 8°56'18" E a distance of 32.51 feet from the Northwest Corner of said Lot D; thence N 89°54'31" E for a distance of 60.00 feet; thence S 0°05'29" E for a distance of 5.00 feet; thence S 89°54'31" W for a distance of 60.00 feet; thence N 0°05'29" W for a distance of 5.00 feet to the point of beginning.

Said tract of land containing 300.0 Square Feet.



LOCATION

SCALE : 1" = 2000'




# EXHIBIT

showing

PORTION of a UTILITY EASEMENT to be VACATED

situated in

LOT D

of the

RENEW SUBDIVISION

In the

CITY of SHERIDAN
SHERIDAN COUNTY, WYOMING

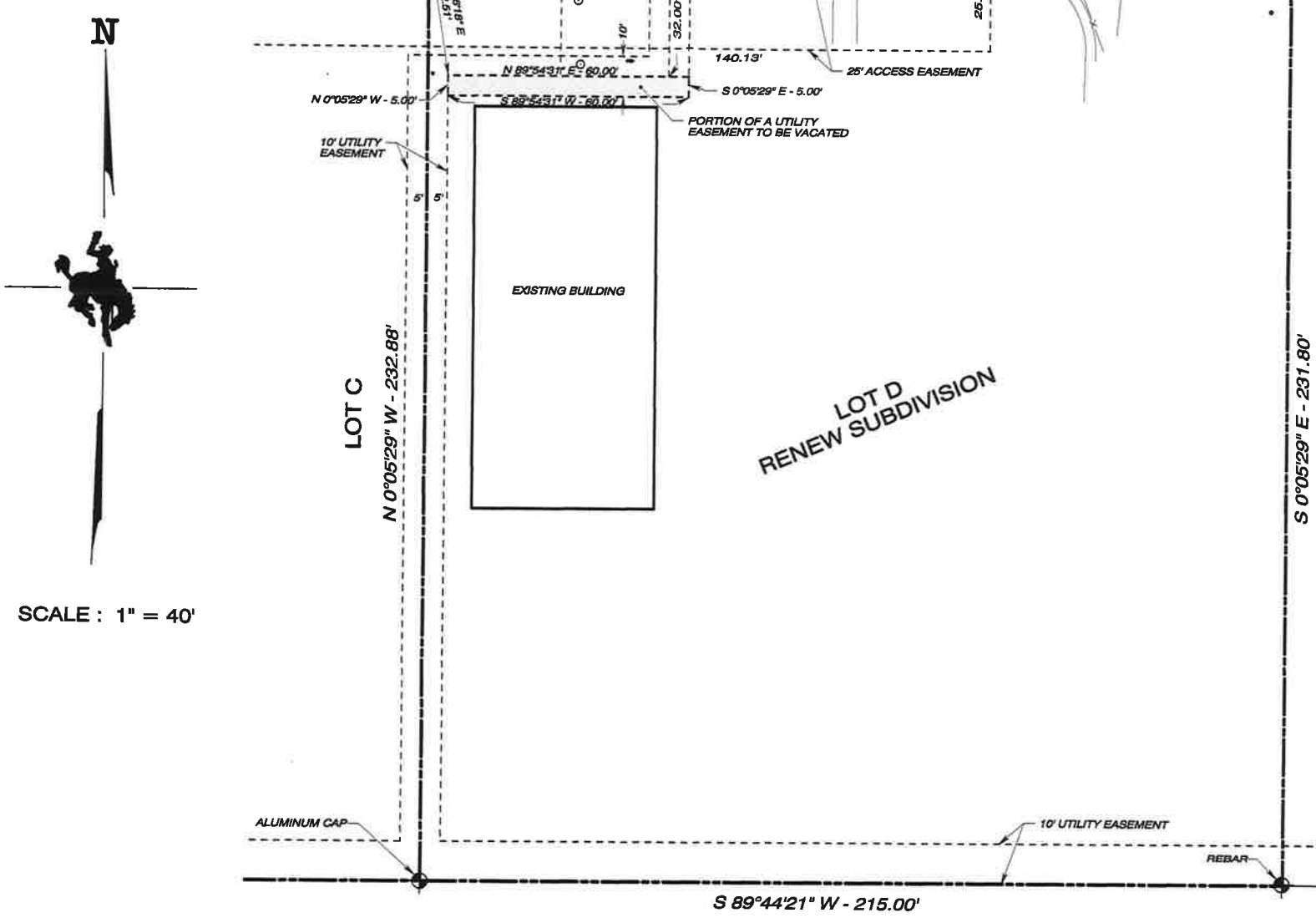
for

## COSNER CONSTRUCTION COMPANY

543 NORTH MAIN STREET
SHERIDAN, WY 82801

BASIS OF BEARING IS WYOMING STATE PLANE (EAST CENTRAL ZONE).

PROPERTY IS ZONED M-1.



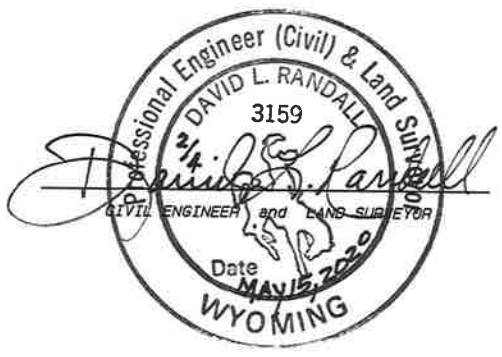

## CERTIFICATE of SURVEYOR

State of Wyoming
County of Sheridan } ss

I, David L. Randall, of Sheridan, Wyoming being a duly registered Professional Engineer and Land Surveyor in the State of Wyoming do hereby certify that this map was made from records on file in the Sheridan County Clerk's office. It is also based on surveys I have performed previously.

This map correctly represents the area of the utility easement to be vacated.

Registration No. 3159 PE & LS




DRAWN BY REX RANDALL - MAY 14, 2020
RANDALL ENGINEERING SURVEYS - SHERIDAN, WYOMING

**CITY OF SHERIDAN**
**Resolution 28-20**

A RESOLUTION vacating a 300 square foot utility easement located at 1921 South Sheridan Avenue.

**Whereas,** the owner has petitioned the City Council requesting that a utility easement be vacated; and

**Whereas**, this request for a utility easement vacation meets the requirements of Sheridan City Code §205;

**Now, therefore, be it resolved by the City Council of the City of Sheridan:**

That 300 square foot utility easement, located at 1921 South Sheridan Avenue in the City of Sheridan, is hereby vacated.

Passed, approved and adopted this _____day of _____, 2020

_____
Roger Miller, Mayor

Attest:

_____
Cecilia Good, City Clerk

State of Wyoming )
)SS
County of Sheridan )

Subscribed and sworn to (or affirmed) before me this _____day of _____, 2020 by _____.

_____
Notary Public

My commission expires _____.