



**AGENDA
CITY OF SHERIDAN
MAY 23, 2022
STUDY SESSION COUNCIL MEETING START 5:30 P.M.**

1. Budget Discussion
 - A. VOA
 - B. General Discussion
2. Discussion regarding Spruce Restaurant LLC Bar and Grill Liquor License Extension of Non-Operational Status for Good Cause - City Clerk Cecilia Good
3. Discussion of FY22 Budget Revision #2 - City Treasurer Karen Burtis
4. Discussion of PL-22-17, Final Plat of Cloud Peak Ranch 24th Filing Subdivision - Community Development Director Wade Sanner
5. Discussion of WAM Resolutions - City Administrator Stu McRae
6. Discussion of Ordinance #2251 Regarding Water Right Disclosures and HB0002 - City Engineer Hanns Mercer and City Attorney Brendon Kerns
7. Discussion of Ordinance #2248 Amending City Code Regarding Fees and Fines - City Attorney Brendon Kerns
8. Discussion of Ordinance #2252 Establishing the Parks Department - City Attorney Brendon Kerns and City Administrator Stuart McRae



CITY OF SHERIDAN, WYOMING

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

Treasurer

MEMORANDUM

Project Name: Discussion of FY22 Budget Revision #2 - City Treasurer Karen Burtis
From: Karen Burtis, City Treasurer
To: Mayor and Council
CC:
Date: 05/11/2022

Discussion:

This second and final budget revision of FY22 will include the addition of new FY22 revenue funds in the form of grants, loans, and unbudgeted tax and franchise fee revenue.



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Ph (307) 674-6483 Fax (307) 674-2195

Planning

MEMORANDUM

Project: Discussion of PL-22-17, Final Plat of Cloud Peak Ranch 24th Filing Subdivision - Community
Name: Development Director Wade Sanner
From: Wade Sanner, Community Development Director
To: Mayor and Council
CC:
Date: 05/23/2022

Recommendation:

Discussion of PL-22-17, Final Plat of Cloud Peak Ranch 24th Filing Subdivision. The applicant, Ranch at Twin Buttes LLC, is requesting to subdivide 13.23 acres of unplatted land into 57 lots and 3 outlots, zoned R-1 Residence District. Located south of Quail Ridge Rd. and adjacent to Covey Run Rd., (PIN 56842910000100).

Background:

The applicant, Ranch at Twin Buttes, LLC, is requesting to subdivide 13.23 acres of unplatted land into 57 lots and 3 outlets. The property is located south of Quail Ridge Road, and adjacent to Covey Run Road (PIN 56842910000100).

The property is located to the southwest Quail Ridge Road and Covey Run Road. The property is zoned R-1. The property is unplatted land. The adjacent properties to the south are vacant, zoned PUD and B-1. The adjacent properties to the west are large-lot single-family homes under Sheridan County jurisdiction. The adjacent property to the northwest is a large-lot vacant property zoned R-1. Adjacent properties to the north are senior living facilities zoned R-3. The adjacent property to the northeast is vacant, platted land zoned R-3. The adjacent properties to the east are single-family homes zoned R-1 and B-1.

PROPOSED LOTS

The applicant is proposing a 57 lot subdivision with 3 outlots. The average lot size is 7,034 square feet. The applicant is proposing the following lot sizes:

Lot #	Lot Sq. Ft.	Lot #	Lot Sq. Ft.	Lot #	Lot Sq. Ft.
1	6,213	21	7,662	41	6,600
2	6,196	22	7,770	42	6,601
3	6,626	23	8,547	43	12,817
4	6,626	24	8,082	44	7,210
5	6,626	25	7,500	45	7,056
6	6,626	26	7,500	46	7,063
7	6,626	27	7,611	47	7,071
8	6,626	28	7,772	48	7,078
9	6,626	29	13,523	49	7,086
10	6,626	30	6,610	50	7,639

11	6,626	31	6,681	51	7,281
12	6,626	32	6,600	52	7,086
13	6,600	33	6,600	53	7,078
14	6,600	34	6,611	54	7,071
15	6,600	35	6,600	55	7,063
16	6,600	36	6,669	56	7,056
17	6,600	37	9,292	57	7,206
18	6,611	38	13,789	Outlot A	1,507
19	6,600	39	7,685	Outlot B	1,089
20	7,662	40	6,628	Outlot C	1,089

VARIANCES

Per Appendix B, Section 505.C.1 of the Sheridan Municipal Code, the depth-to-front ratio of lots shall not exceed 2.5 to 1. In addition, this subsection requires a minimum lot width at the building setback line of sixty (60') feet in R-1 zoning. The applicant is proposing the following depth-to-front ratio and lot width variances for the following lots:

Lot #	D:F Ratio	Width at Front Setback
28	5.49 to 1	34.5
29	7.25 to 1	28.7
30	5.10 to 1	31.6
37	2.98 to 1	66
38	6.00 to 1	31.6
39	3.92 to 1	46

Staff attached the applicant's justification letter to this staff report.

STREET NETWORK

The applicant is proposing the following standard 60-foot right-of-way: Covey Run Road, Grouse Way, and Pheasant Tail Circle. Covey Run Road is proposed to run north and south on the eastern portion of the property. Pheasant Tail Circle is a circular road along the western portion of the property. Grouse Way is proposed to run in the middle of the property east to west, to connect Pheasant Tail Circle and Covey Run Road. The following lots will be accessed by the proposed streets: Lots 1-23 by Covey Run Road, and Lots 24-50 by Pheasant Tail Circle. Pheasant Tail Circle and Covey Run Road will access Quail Ridge Drive to the north. Covey Run Road will connect to 5th Street to the South.

TRAFFIC

In the Universal Annexation Agreement executed between the City and System Land, LLC (December 2020), it was agreed that updated or additional traffic studies would only be required when proposed traffic impact from a new subdivision may be greater than was projected in the 2012 study. The area of the proposed Cloud Peak Ranch 24th Filing was projected in the 2012 Delich study as Parcel C to develop with an estimated 56 single-family dwelling units, which matches the proposed 57 lots almost exactly. The Traffic Analysis Report recommends that traffic generated from the new development will operate at an acceptable Level of Service (LOS).

Proposed Trip Generation Volumes

57 Single Family Dwelling Units

Average Daily Traffic (ADT)	543	50% entering / 50% exiting
AM Peak Hour	44	26% entering / 74% exiting
PM Peak Hour	59	64% entering / 36% exiting
Saturday	565	50% entering / 50% exiting
Sunday	492	50% entering / 50% exiting

The applicant is proposing a 5-foot sidewalk on both sides of the internal streets with ADA ramps at street intersections, for internal pedestrian circulation.

STORMWATER

The property is relatively flat with a 10-foot grade change, with a 1% slope. Water flows from the northwest to the southeast corner. Further details of site drainage are detailed in the *Drainage Report to accompany the Final Plat of Cloud Peak Ranch 24th Filing Subdivision* attached to this staff report.

EASEMENTS

The applicant is proposing a 15-foot utility easement along the street frontages of each lot. The applicant is also proposing a 40-foot easement along the western portion of Lot 43. Outlot A accommodates the 15-foot utility easement. Outlots B and C are proposed to accommodate 5 feet of the utility easement along Grouse Way. Various lots have differing sized easements. Staff has illustrated each lot with its accompanying easement in the chart below:

Lot #	Front (ft.)	Side 1 (Ft.)	Side 2 (Ft.)	Rear (Ft.)	Lot #	Front (ft.)	Side 1 (Ft.)	Side 2 (Ft.)	Rear (Ft.)	Lot #	Front (ft.)	Side 1 (Ft.)	Side 2 (Ft.)	Rear (Ft.)
1	15	0	5	10	21	15	5	10	5	41	15	5	5	10
2	15	5	5	10	22	15	5	5	5	42	15	5	5	10
3	15	5	5	10	23	15	15	5	5	43	15	40	5	10
4	15	5	5	10	24	15	15	5	15	44	15	5	15	5
5	15	5	5	10	25	15	5	5	15	45	15	5	5	5
6	15	5	5	10	26	15	5	5	15	46	15	5	5	5
7	15	5	5	10	27	15	5	5	15	47	15	5	5	5
8	15	5	5	10	28	15	5	5	15	48	15	5	5	5
9	15	5	5	10	29	15	5	5	15	49	15	5	5	5
10	15	5	5	10	30	15	5	5	5	50	15	15	5	5
11	15	5	5	10	31	15	5	5	5	51	15	15	5	5
12	15	5	5	10	32	15	5	5	5	52	15	5	5	5
13	15	5	10	5	33	15	5	15	5	53	15	5	5	5
14	15	5	5	5	34	15	15	5	5	54	15	5	5	5
15	15	5	5	5	35	15	5	5	5	55	15	5	5	5
16	15	5	5	5	36	15	5	5	5	56	15	5	5	5
17	15	5	5	5	37	15	5	5	5	57	15	5	15	5
18	15	10	5	5	38	15	5	5	10					
19	15	5	10	5	39	15	5	5	10					
20	15	5	5	5	40	15	5	5	10					

SEWER

The proposed sewer system configuration will consist of a series of 8-inch PVC sanitary sewer mains as shown on the enclosed construction plans. The new sewer main will connect to an existing sewer line stub in Covey Run Road at Quail Ridge Drive. The existing sewer main was stubbed south and installed in anticipation of serving additional development south of the road. The development will also connect to a sewer line stub south of the development (north side of Cloud Peak Ranch 5th and 15th Filings) which was also placed in anticipation of development of this area.

WATER

The proposed water system configuration will consist of a series of 8-inch PVC water mains as shown on the enclosed construction plans. The proposed water main will connect to two existing water main stubs which were placed in anticipation of future development, and one live tap at a third location. Two of the three connections will occur in Quail Ridge Drive, one being the connection to an 8" stub in Covey Run Road and one live tap connection at the Pheasant Tail Circle intersection. The third connection is to an existing stub at the south end of the 3 proposed subdivisions along Covey Run Road (north side of Cloud Peak Ranch 5th and 15th Filings). Fire hydrant and valve locations are shown on the plans.

OPEN SPACE

The open space requirements do not apply to this subdivision per paragraph 4.2.3 of Article IV - Open Space, of the Universal Annexation Agreement executed by System Land, LLC and the City of Sheridan in January 2021. The dedication of Black Tooth Park for the Cloud Peak Ranch area meets the intent of the open space requirement for the proposed Cloud Peak 24th Filing Subdivision. Appendix B, Section 507 of the Sheridan Municipal Code states: The minimum landscaping percentage for R-1 zoned properties would be 8%, if required.

NOTICES

As part of the request to subdivide this property, staff sent notices to the 32 property owners within 300 feet, placed a legal notice in the newspaper, and posted a sign on the property. Staff have received no comments or inquiries regarding this application.

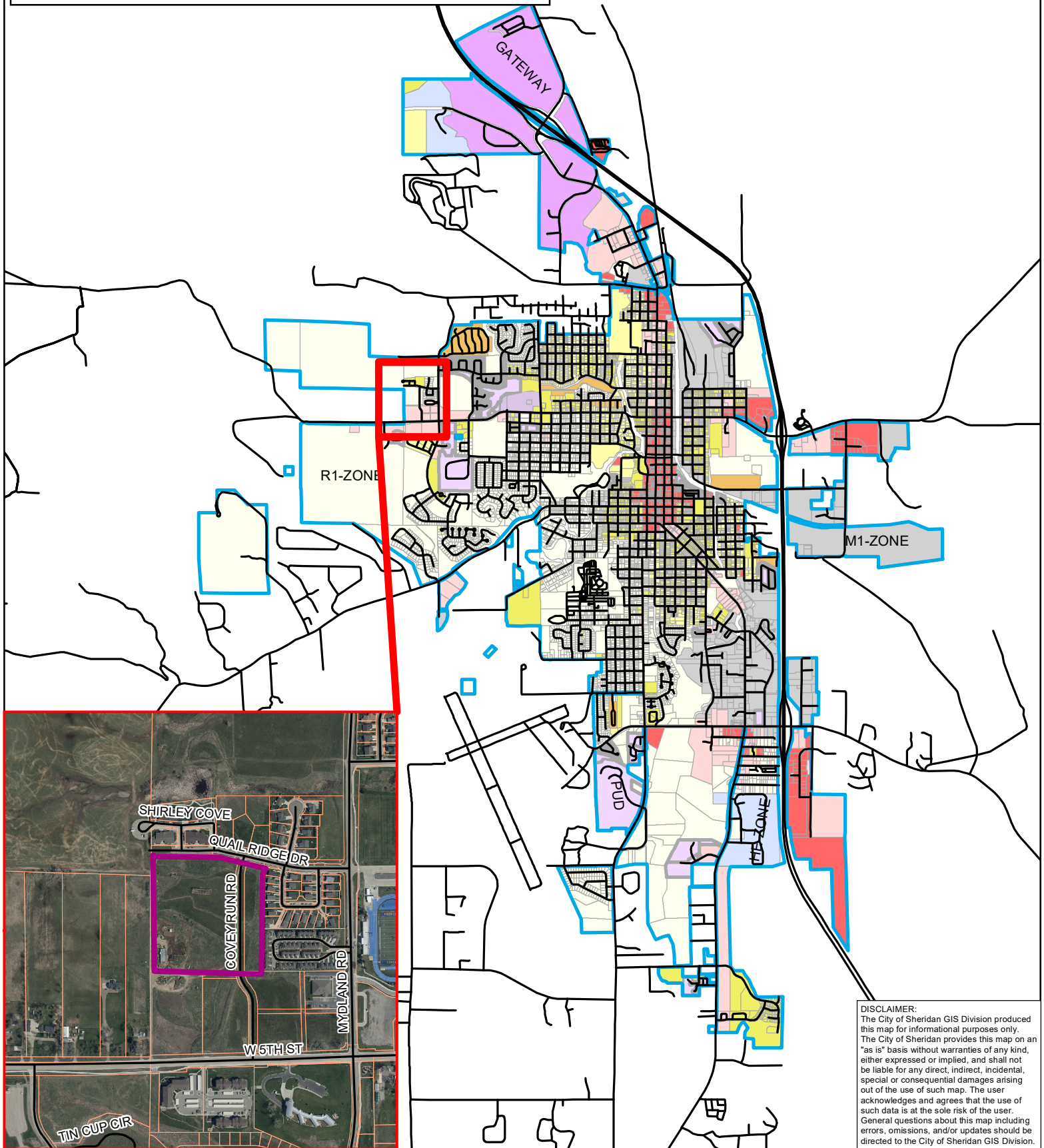
Attachments

Aerial

Final Plat

Variance Letter

Cloud Peak Ranch 24th Filing



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.



JN: 2021-073
DN: 2021-073-CPR-24
TAB: CPR-24
PF: T2021-072
REVIEWED BY: JSP & CT
APRIL 12, 2022

January 14, 2022

Mr. Lane Thompson, PE
Director of Public Works
City of Sheridan
P.O. Box 848
Sheridan, WY 82801

Re: Cloud Peak Ranch – 24th Filing
M-M Project No. 6922.001

Dear Lane:

This letter constitutes a variance request for consideration by the City of Sheridan Planning Commission on the above referenced project. This variance is for depth-to-front (D:F) ratio and lot widths at the front yard setback line for six Lots (28, 29, 30, 37, 38, and 39), as shown on the enclosed drawing of Cloud Peak Ranch, 24th Filing.

Per Sheridan Municipal Code, Appendix B Subdivision Regulations, §505(C)(1), the depth-to-front ratio of lots shall not exceed 2.5 to 1. In addition, this subsection requires a minimum lot width at the building setback line of sixty (60') feet in R-1 zoning. The table below presents the actual D:F ratio and front setback width as proposed for the subdivision.

Lot #	D:F Ratio	Width at Front Setback
28	~5.49	34.5'
29	~7.25	28.7'
30	~5.10	31.6'
37	~2.98	66.0' (meets)
38	~6.00	31.6'
39	~3.92	46.0'

The shapes of these lots are unavoidable to accommodate the routing of streets and degree of curvature for the corners. We considered adding street “knuckles” at these two corners, but this does not alleviate the lot width and depth issues.

We feel the variance request is justified for the following reasons:

1. No undue hardship is created for the development of the six lots in question. They are in fact, larger (being corner lots), with lots 29 and 38 approximately double in size relative to other lots in the subdivision and are expected to be desirable to both buyers and builders. Corner lots with large rear yards and narrow street frontage are unavoidable.
2. The size of the lots in question will allow alternate home and garage layouts that bring interest and variability to the look and feel of the subdivision (for example, side load garages).

We create solutions that build better communities

Lane Thompson, PE
January 14, 2022
Page 2 of 2

3. §505(C)(5) of the subdivision regulations requires that every lot shall have a frontage width and access to the public right of way with a minimum twenty-five (25') foot width. The subdivision layout was prepared to meet or exceed this requirement for all six of the lots in question.
4. We have discussed this variance request with City staff and believe it is consistent with previous approved subdivisions throughout the community.

Please let us know if you have any questions.

Sincerely,



Morrison-Maierle
Tyson Markham, PE
Project Engineer

Enc. Proposed Subdivision Layout, Cloud Peak Ranch – 24th Filing

ec: Wade Sanner, Community Development Director, City of Sheridan
Stan Everitt, Ranch at Twin Buttes LLC
Thomas Tucker, PLS, Prestfeldt Surveying



CITY OF SHERIDAN, WYOMING

55 Grinnell Street, P.O. Box 848, Sheridan Wyoming 82801

Ph (307) 674-6483 Fax (307) 674-2195

Executive

MEMORANDUM

Project Name: Discussion of WAM Resolutions - City Administrator Stu McRae
From: Bev Leichtnam, Governmental Relations Admin. Specialist
To: Mayor and Council
CC:
Date:



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 Discussion of Ordinance #2251 Regarding Water Right Disclosures and HB0002 - City Engineer
Name: Hanns Mercer and City Attorney Brendon Kerns
From: Brendon Kerns, City Attorney
To: Mayor and Council
CC: City Administrator Stuart McRae
Date: 05/23/2022

Background:

See memorandum

Attachments

HB0002
Ordinance 2251
summary

ORIGINAL HOUSE
BILL NO. HB0002

ENROLLED ACT NO. 44, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2022 BUDGET SESSION

AN ACT relating to the subdivision of land and water rights; requiring written documentation from the state engineer or state board of control on the disposition of water rights when subdividing land; requiring notice of the proposed disposition to other appropriators; making conforming amendments; providing applicability; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 15-1-415 by creating a new subsection (e), 18-5-306(a)(intro), (xi)(intro), (A)(I) through (III), by creating a new subdivision (IV) and (B) through (E) and 18-5-316(b)(intro), (ix)(intro), (A)(I) through (III), by creating a new subdivision (IV), (B) and (C) are amended to read:

15-1-415. Additions to cities or towns by subdividing landowners; plat requirements; filing and effect thereof; controlling layout of streets.

(e) With respect to any water rights appurtenant to lands to be subdivided in accordance with this section and prior to certification and approval of the map or plat the governing body shall require the owner to submit to the governing body the following:

(i) The intended disposition of the water rights, by:

(A) Written documentation from the state engineer or the state board of control that the owner submitted to the state engineer or the state board of control all documents necessary to voluntarily abandon the water rights, cancel any unadjudicated permits or eliminate

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BILL NO. HB0002

ENROLLED ACT NO. 44, HOUSE OF REPRESENTATIVES

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applicable lands from any unadjudicated permits. The owner shall notify any purchasers of this action;

(B) Written documentation from the state board of control that the owner submitted to the state board of control all documents necessary to change the use or place of use to provide for beneficial use of the water rights outside the subdivision, which may include a transfer to the city or town for use within its municipal water service boundaries;

(C) A plan, accompanied by written documentation from the state engineer approving the plan, for the distribution of the water rights appurtenant to the land to be subdivided. The plan shall specify the distribution of the water to the lots within the subdivision and shall include written documentation from the state board of control that the owner submitted to the state board of control all documents necessary to change the use, place of use or point of diversion or means of conveyance in accordance with W.S. 41-3-103, 41-3-104 or 41-3-114; or

(D) Written documentation from the state board of control that it has accepted an authorization to detach water rights appurtenant to the lands to be subdivided in accordance with rules and regulations promulgated by the state board of control.

(ii) If the subdivision is located within lands served by or crossed by a ditch, irrigation works or other water conveyance system, evidence that the owner submitted the subdivision map or plat to the public entity, company, association or appropriators responsible for the ditch, irrigations works or other water conveyance system for

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review and recommendations at least sixty (60) days prior to the submittal of the map or plat to the governing body. Upon receipt of the subdivision map or plat, the public entity, company, association or appropriators shall notify the owner if and how the subdivision will create a significant additional burden or risk of liability;

(iii) Evidence that the owner will specifically state on all offers and solicitations relative to the subdivision the owner's intent to comply with this paragraph and that the owner does not warrant to a purchaser that the purchaser shall have any rights to the natural flow of any stream within or adjacent to the proposed subdivision. The owner shall further state that Wyoming law does not recognize any riparian rights to the continued natural flow of a stream or river for persons living on the banks of the stream or river;

(iv) If the subdivision is located within the boundaries of an irrigation district that is subject to the provisions of title 41, chapter 7 of the Wyoming statutes, the map or plat shall be accompanied by recommendations from the irrigation district regarding any changes to the attached water rights and the irrigation district's easements. If there is a conflict with the irrigation district's recommendations, the owner shall certify that it met with and made a good faith effort to resolve any conflicts with the irrigation district; and

(v) If the subdivision will create a significant additional burden or risk of liability to the public entity, company, association or appropriators responsible for the ditch, irrigation works or other water conveyance system, the owner shall provide an adequate and responsible plan to reduce or eliminate the additional burden or risk

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of liability and evidence that the owner submitted the plan to the public entity, company, association or appropriators for review and recommendation regarding the adequacy of the plan.

18-5-306. Minimum requirements for subdivision permits.

(a) The board shall require, and with respect to paragraph (xii) of this subsection may require, the following information to be submitted with each application for a subdivision permit, provided the board may by rule exempt from any of the following requirements of this subsection or subsection (c) of this section, and may exempt from including paragraph (xii) of this subsection, the subdivision of one (1) or more units of land into not more than a total of five (5) units of land:

(xi) With respect to any water rights appurtenant to lands to be subdivided in accordance with this chapter and prior to final approval of the subdivision permit, the subdivider shall provide the following:

(A) The intended disposition of the water rights, by:

(I) Evidence—Written documentation from the state engineer or the state board of control that the subdivider has submitted to the state engineer the documentation or the state board of control all documents necessary to relinquish—voluntarily abandon the water rights, and has notified cancel any unadjudicated permits or eliminate applicable lands from any unadjudicated permits. The subdivider shall notify any purchasers and the board of this action;

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(II) Evidence—Written documentation from the state board of control that the subdivider has submitted to the state engineer the documentation state board of control all documents necessary to change the use, or place of use or point of diversion to provide for beneficial use of the water rights outside the subdivision; or

(III) A plan, a copy of which was submitted to and approved by the state engineer prior to the final approval of the subdivision application accompanied by written documentation from the state engineer approving the plan, for the distribution of the water rights appurtenant to the land to be subdivided. The plan shall specify the distribution of the water to the lots within the subdivision and shall include written documentation from the state board of control that the subdivider submitted to the state board of control all appropriate applications for documents necessary to change of the use, change of place of use or change in point of diversion or means of conveyance in accordance with W.S. 41-3-103, 41-3-104 or 41-3-114; or

(IV) Written documentation from the state board of control that it has accepted an authorization to detach water rights appurtenant to the lands to be subdivided in accordance with rules and regulations promulgated by the state board of control.

(B) If the subdivision is located within lands, served by or crossed by a ditch, irrigation company or association or by an unorganized ditch works or other water conveyance system, evidence that the subdivider submitted the plan has been submitted, to the public

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entity, company, association or appropriators responsible for the ditch, irrigation works or other water conveyance system for review and recommendation at least sixty (60) days prior to the submittal of the application for the subdivision permit to the ~~company, or association, or the remaining appropriators in the case of an unorganized ditch for their review and recommendations~~ board. Upon receipt of the plan, the public entity, company, association or appropriators shall notify the subdivider if and how the subdivision will create a significant additional burden or risk of liability;

(C) Evidence that the subdivider will specifically state on all offers and solicitations relative to the subdivision ~~his~~the subdivider's intent to comply with this paragraph and that the ~~seller~~subdivider does not warrant to a purchaser that ~~he~~the purchaser shall have any rights to the natural flow of any stream within or adjacent to the proposed subdivision. ~~He~~The subdivider shall further state that ~~the~~ Wyoming law does not recognize any riparian rights to the continued natural flow of a stream or river for persons living on the banks of the stream or river;

(D) If the subdivision is located within the boundaries of an irrigation district that is subject to the provisions of title 41, chapter 7 of the Wyoming statutes, the application shall include ~~a review and~~ recommendations from the irrigation district regarding any changes to the attached water rights and the irrigation district's easements. If there is a conflict with the irrigation district's recommendations, the ~~applicant~~subdivider shall certify that it ~~has~~ met with and made a good faith effort to resolve any conflicts with the irrigation district; and

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(E) If the subdivision will create a significant additional burden or risk of liability to the ~~irrigation district~~ public entity, company, association or ~~remaining~~ appropriators ~~including appropriators on an unorganized~~ responsible for the ditch, irrigation works or other water conveyance system, the ~~applicant~~ subdivider shall provide an adequate and responsible plan to reduce or eliminate the additional burden or risk of liability and evidence that the subdivider submitted the plan to the public entity, company, association or appropriators for review and recommendation regarding the adequacy of the plan.

18-5-316. Requirements for large acreage subdivision permits.

(b) The board may require, ~~any or all of and with respect to paragraph (ix) of this subsection shall require,~~ the following information to be submitted with an application for a subdivision permit pursuant to this section:

(ix) With respect to any water rights appurtenant to lands to be subdivided in accordance with this section and prior to final approval of the subdivision permit, the subdivider shall provide the following:

(A) The intended disposition of the water rights by:

(I) ~~Evidence~~ Written documentation from the state board of control that the subdivider ~~has~~ submitted to the state ~~engineer~~ the documentation board of control all documents necessary to ~~relinquish~~ voluntarily

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abandon the water rights, ~~and has notified~~ cancel any unadjudicated permits or eliminate applicable lands from any unadjudicated permits. The subdivider shall notify any purchasers ~~and the board~~ of this action;

(II) ~~Evidence~~ Written documentation from the state board of control that the subdivider ~~has~~ submitted to the state ~~engineer the documentation~~ board of control all documents necessary to change the use, ~~or~~ place of use ~~or point of diversion~~ to provide for beneficial use of the water rights outside the subdivision; ~~or~~

(III) A plan, ~~a copy of which was submitted to and approved by the state engineer prior to the final approval of the subdivision application accompanied by written documentation from the state engineer approving the plan,~~ for the distribution of the water rights appurtenant to the land to be subdivided. The plan shall specify the distribution of the water to the lots within the subdivision and shall include written documentation from the state board of control that the subdivider submitted to the state board of control all appropriate applications for documents necessary to change ~~of the~~ use, ~~change of~~ place of use or ~~change in~~ point of diversion or means of conveyance in accordance with W.S. 41-3-103, 41-3-104 or 41-3-114; ~~or~~ or

(IV) Written documentation from the state board of control that it accepted an authorization to detach water rights appurtenant to the lands to be subdivided in accordance with rules and regulations promulgated by the state board of control.

(B) If the subdivision is located within ~~an irrigation district or within~~ lands, served by or crossed

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by a ditch, irrigation ~~company or association or by an unorganized ditch~~ works or other water conveyance system, evidence that the subdivider submitted the plan ~~has been submitted~~ to the ~~district board~~ public entity, company, or association, or ~~the remaining appropriators in the case of an unorganized~~ responsible for the ditch, irrigation works or other water conveyance system for ~~their~~ review and recommendations at least sixty (60) days prior to the submittal of the application for the subdivision permit to the board; and

(C) Evidence that the subdivider will specifically state on all offers relative to the subdivision ~~his~~ the subdivider's intent to comply with this paragraph and that the ~~seller~~ subdivider does not warrant to a purchaser that ~~he~~ the purchaser shall have any rights to the natural flow of any stream within or adjacent to the proposed subdivision. ~~He~~ The subdivider shall further state that ~~the~~ Wyoming law does not recognize any riparian rights to the continued natural flow of a stream or river for persons living on the banks of the stream or river.

Section 2. The requirements in this act shall apply to subdivision applications filed on and after July 1, 2022.

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2022 BUDGET SESSION

Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk

ORDINANCE NO. 2251

**AN ORDINANCE UPDATING APPENDIX B
ARTICLE 5 REGARDING WATER RIGHTS IN
ACCORDANCE WITH HOUSE BILL NO. HB0002**

WHEREAS, the Wyoming Legislature adopted House Bill 0002 regarding the disposition of water rights for new subdivisions within the City jurisdictional boundary; and

WHEREAS, the City Governing Body adopts the following provisions in accordance with the requirements of Wyoming Statute.

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

Appendix B Article 5 shall include a new section to read:

510 Water Rights

Lands to be subdivided within the City limits of Sheridan, shall comply with applicable Wyoming Statutes §§ 15-1-415, 18-5- 306, and 18-5-316. The City Governing Body shall not certify or approve any map or plat in which the owner has not complied with the aforementioned statutes.

WHEREUPON, a motion was passed and this Ordinance and was declared adopted this _____ day of _____, 2022.

CITY OF SHERIDAN, WYOMING

Mayor

ATTEST:

City Clerk

FIRST READING: _____

SECOND READING: _____

THIRD READING: _____

PUBLISHED: _____

EFFECTIVE THE DAY OF , 2022.

Bill No.: HB0002 **Effective:** **Immediately**

LSO No.: 22LSO-0109

Enrolled Act No.: HEA No. 0044

Chapter No.: 107

Prime Sponsor: Select Water Committee

Catch Title: **Disposition of water rights.**

Subject: County and city/town subdivision permit statutes.

Summary/Major Elements:

- This act amends county subdivision permit statutes to require the subdivider to provide written documentation from the State Engineer that the subdivider has properly disposed of water rights on the property either through a voluntary abandonment, change of use or place of use, distribution to the lots within the subdivision, or authorization to detach water rights.
- The act amends county subdivision permit requirements that a plan for disposition of water rights be submitted to irrigation company to now include all types of public or private entities that operate irrigation works or other water conveyance systems.
- The act mirrors the amended county subdivision permit requirements by creating new sections within the city/town subdivision permit statutes and amending the large-acre subdivision permit statutes.

The above summary is not an official publication of the Wyoming Legislature and is not an official statement of legislative intent. While the Legislative Service Office endeavored to provide accurate information in this summary, it should not be relied upon as a comprehensive abstract of the bill.



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 #2248 Amending City Code Regarding Fees and Fines - City Attorney
Brendon Kerns
From: Brendon Kerns, City Attorney
To: Mayor and Council
CC: City Administrator Stuart McRae
Date: 05/23/2022

Recommendation:

See memorandum

Background:

See memorandum

Discussion:

See memorandum

Funding:

None

Attachments

finer and fees

Memo

ORDINANCE NO. 2248

**AN ORDINANCE UPDATING FINES, FEES,
METHODS OF ACCOUNTING AND ASSESSMENT
IN CHAPTER 2, 3, 6, 16, 23, 28 and Appendix A:**

WHEREAS, the City of Sheridan has adopted a Master Fee Schedule which is periodically updated by the Governing Body; and

WHEREAS, certain Sheridan Ordinances do not allow for certain fees to be efficiently amended by the Governing Body; and

WHEREAS, the City of Sheridan controls all penalties assessed for code violations through Ordinance 9-1; and

WHEREAS, certain Sheridan Ordinances have not been updated to follow Ordinance 9-1; and

WHEREAS, the City Governing Body finds it prudent and necessary for all fees and fines to be assessed in a similar and standard method.

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

The Following Sections of Chapter 2 pertaining to the declaration of an emergency shall be amended to read as follows:

2-71 Penalty

Any person who shall willfully fail or refuse to comply with the orders of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing the proclamation of emergency authorized by this article shall be deemed guilty of a misdemeanor and punishable pursuant to Ordinance 9-1.,

The Following Sections of Chapter 3 pertaining to signs and billboards shall be amended to read as follows:

3-19 Violations and Penalty

Any person, firm or corporation who shall violate, neglect or refuse to comply with the provisions of this chapter, shall upon conviction be fined in accordance with Ordinance 9-1, and each day that a violation is committed, caused or continued to exist shall constitute a separate offense

The Following Sections of Chapter 6 shall be amended to read as follows:

6-8 Hogs prohibited in City

(b)(8) One V.P.B.P. per household, with permit on such pig renewed annually upon payment of the fee assessed by the Governing Body.

6-15 License and Registration – Required

All dogs kept, harbored, or maintained by their owners in the city shall be licensed and registered if over six months of age. Dogs shall be licensed and registered at the city designated animal shelter , who shall collect the license fees therein.

6-19 License tag and collar—Generally

Upon payment of the license fee, the city designated animal shelter shall issue to the owner a license certificate in the form of a receipt and a metallic tag for each dog so licensed. The tag shall have stamped thereon the year for which it was issued and the number appearing on the certificate. Every owner shall be required to provide each dog with a collar or harness to which the license tag must be affixed and it shall be the duty of the owner to see that the collar and tag are constantly worn, or the harness and tag are constantly worn.

6-22 Lost or destroyed tags

In case dog tags are lost or destroyed, a duplicate tag shall be issued by the designated animal shelter upon presentation of the receipt showing payment for the license for the current year and payment for the cost of a duplicate tag.

6-40 Feeding wild animals prohibited – Exceptions – Penalty

(d) *Penalty.* Violation of this section shall be punishable in accordance with Ordinance 9-1.

The following Sections of Chapter 9 shall be amended to read as follows:

9-23 Receipt and disbursement of surcharges.

Accounts will be established for receipt and disbursement of crime victims surcharges assessed by or forfeited to the municipal court. After disposition or adjudication of a case, surcharges collected by the municipal court shall be distributed to the Wyoming Crime Victims Compensation Commission on a monthly basis.

The following Sections of Chapter 16 pertaining to traffic shall be amended to read as follows:

16-32 Penalty Provisions

The penalty for violating this Article shall be in accordance with section 9-1 of the Sheridan City Code. The police department is authorized and directed to impound the vehicle parked in violation of such section, and the charges or costs thereof shall be charged against the owner or person responsible for such vehicle.

16-61 Penalty for violations

Every person convicted of a violation of any provision of this article shall be punished in accordance with Ordinance 9-1..

The following Sections of Chapter 20 pertaining to pawnbrokers shall be amended to read as follows:

20-8.4 Penalties

- (1) Any person who engages in the business of operating a pawnshop without first securing the licenses prescribed under section 20-2 is guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with Ordinance 9-1.

The following Sections of Chapter 22 pertaining to Streets and sidewalks shall be amended to read as follows:

22-11 Proceeds of Sale.

The proceeds of all sales of unclaimed properties shall be transmitted forthwith to the city treasurer for appropriate disposition.

The following Sections of Chapter 23 pertaining to Streets and sidewalks shall be amended to read as follows:

23-2 Same – Fee

No permit required by the preceding section shall be issued by the city engineer until the fee, as established by the City Governing Body, has been paid to the city.

23-5.2 Same – Penalty and fine for violations

Any person violating any provision of this section shall, upon conviction, be deemed guilty of a misdemeanor and be punished in accordance with Ordinance 9-1..

23-22.1 Excavations – Repairs – Penalty for violation

No person, firm or corporation shall cut into, open up or make any excavation in or upon any street or alley within the city without having first made application to the city engineer, upon a form to be provided by the city, for authority therefor. Upon authority being granted by the city engineer and the same noted upon the application, the opening or excavation will be made with a minimum of damage to said street or alley and every reasonable precaution taken to ensure public safety. Upon the completion of necessary work at said opening or excavation and upon closing the same, the city engineer shall be notified and said opening or excavation shall be filled, in accordance with the instructions and specifications of the city engineer. Any paving surface shall be replaced by the director of public works at the expense of the person making such opening or excavation in said streets or alleys at the rates provided in this section.

Upon any opening or excavation being made in any of the streets or alleys of the city, the repair and patching thereof by the director of public works shall be made according to the plans and specifications furnished by the city engineer and said repairs and patching shall, as closely as

practicable, match in quality, appearance and material that of the existing street or alley. The person, firm or corporation making said opening or excavation shall be charged for said repair in accordance with the rates set by the City Governing Body.;

Any person, firm or corporation failing to comply with the provisions of this section shall, upon conviction, be fined in accordance with Ordinance 9-1.

23-29 Refusal of owner to number house.

In case the owner, occupant or agent, after having been requested as provided by this article by the public works director, shall refuse or neglect for ten days to number or attempt to number such houses otherwise than in conformity with the provisions of this article and the requirements of the public works director, such person shall, upon conviction thereof, be fined in accordance with Ordinance 9-1.

The following Sections of Chapter 28 pertaining to utilities shall be amended to read as follows:

28-34 Service Charge

A service charge rate schedule shall be established annually by the City Governing Body based on costs of labor, equipment and materials and be posted and available for public inspection at the City customer service. Each call for service requested by the consumer for causes not attributed to or caused by action of the City will be charged based on this schedule. No service charge will be made for initial or final meter reading unless a second trip is required or if the service must be turned off or on at the curb stop. Other than normally scheduled, meter reading shall be requested by the consumer twenty-four hours before the reading time desired.

28-46 Penalties

(b) Any person who shall continue any violation shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine in accordance with Ordinance 9-1. Each day in which any such violation shall continue shall be deemed a separate offense.

The following Sections of Appendix A pertaining to utilities shall be amended to read as follows:

17 Violation and Penalty

Any person, firm or corporation who shall violate, neglect or refuse to comply with the provisions of this ordinance, shall upon conviction be in accordance with Ordinance 9-1 for each offense, and each day that a violation is committed, caused or continued to exist shall constitute a separate offense.

WHEREUPON, a motion was passed and this Ordinance and was declared adopted this _____ day of _____, 2022.

CITY OF SHERIDAN, WYOMING

Mayor

ATTEST:

City Clerk

FIRST READING: _____

SECOND READING: _____

THIRD READING: _____

PUBLISHED: _____

EFFECTIVE THE _____ DAY OF _____, 2022.

TARVER, KERNS & BUNTING, LLP

200 WEST LOUCKS STREET
SHERIDAN, WY 82801

TIMOTHY S. TARVER, LLC

P.O. Box 6284
Sheridan, WY 82801
(307) 672-8905 | (307) 674-5000 fax

KERNS & BUNTING, LLC

Brendon E. Kerns*
Sheryl S. Bunting
P.O. Box 6669
Sheridan, WY 82801
(307) 655-8600 | (307) 674-5000 fax
*LICENSED IN WY & MT

MEMORANDUM

Date: May 18, 2022
To: Mayor and City Council
RE: Ordinance 2248 Amending Fee and Fines

Dear Mayor and Council,

Ordinance 2248 is an amendment to nineteen City code provisions. The intent of these changes is to ensure that City ordinances properly reflect the functions of the City, penalty standards, accounting procedures and budget methods.

Ordinance 9-1 is the City's penalty and punishment ordinance. Most violations of City code are only subject to a fine of no more than \$750.00. The actual fine amount is set by the municipal judge adopted bond schedule. The schedule generally follows the Wyoming Supreme Court recommended fines for each type of offense.

The master fee schedule is used to assess the fees for permits and other costs which are the responsibility of an applicant or user of City property. Those fees are set by the Governing Body and made part of the master fee schedule. The proposed change will remove the fee amount from code so the Governing Body can adjust it as is necessary.

Lastly, there are numerous references in the code to how to pay a fee. The proposed changes will designate the party who is currently accepting those fees.

Below is a brief synopsis of each change:

Ordinance 2-71 Penalty. This ordinance was passed in 1968. Currently, if a person fails to comply with a declaration of state of emergency, they can be charged and fined no more than \$100.00. The proposed change will make the potential fine subject to Ordinance 9-1.

3-19 Violations and Penalty. This ordinance was last updated in 2006. Currently, if a person is in violation of the sign code they can be charged and fined not less than \$50.00 and no more than \$300.00. The proposed change will make the potential fine subject to Ordinance 9-1.

6-8(b)(8) Hogs prohibited in City. This ordinance was last updated in 2008. Currently, if a person has Vietnamese pig, they are required to have a permit. Currently, the permit fee is \$10.00. The proposed change would allow the fee to be set by the Governing Body.

6-15 License and Registration – Required. This ordinance was last updated in 2004. Currently, if a person in the City has a dog, they are required to have a license to be issued by the City Clerk. The proposed change will designate the animal shelter to issue the license.

6-19 License tag and collar—Generally. This ordinance was adopted in 1955 and is similar to 6-15 but requires the license to be in the form of a metallic tag issued from the City Clerk. The proposed change will designate the animal shelter to provide metallic tags.

6-22 Lost or destroyed tags. This ordinance was adopted in 1955. Currently, if a tag is lost, they have to pay the City Clerk \$.50 for the duplicate. The proposed change will appoint the animal shelter to perform this task and assess the cost of a duplicate tag.

6-40(d) Feeding wild animals prohibited – Exceptions – Penalty. This ordinance was last updated in 2010. Currently, if a person feeds wild animals, they can be fined \$45.00 for a first conviction, \$90.00 for the second conviction. The proposed change will make the potential fine subject to Ordinance 9-1.

9-23 Receipt and disbursement of surcharges. This ordinance was adopted in 1991. This ordinance's purpose was to ensure compliance with Wyoming statute regarding the assessment of the Wyoming Crime Victims Compensation fee. The proposed change cleans up the language to reflect how the City currently transfers the collected surcharge to the State.

16-32 Penalty Provisions. This ordinance was last updated in 1986. In 1986, the City downtown parking was controlled by parking meters. Currently, this ordinance specifically prohibits applying Ordinance 9-1 and assesses a different penalty structure. Being that parking meters no longer exists; the proposed change would make all parking violations in the downtown subject to Ordinance 9-1.

16-61 Penalty for violations. This ordinance was last updated in 1987. Currently, this ordinance sets the penalty for using a bicycle in the downtown. The proposed change will make the potential fine subject to Ordinance 9-1.

20-8.4(1) Penalties. This ordinance was last updated in 1978. Currently, this ordinance sets the penalty for violating pawnbroker rules at no more than \$200 and 90 days in the City jail. The proposed change would make a pawnbroker violation subject to Ordinance 9-1.

22-11 Proceeds of Sale. This ordinance was adopted in 1981. Currently, when the police department has unclaimed property and that property is sold, the proceeds are to be set over to

the City Clerk-Treasurer. The proposed change would require the proceeds to be set over to the City Treasurer

23-2 Same – Fee. This ordinance was last updated in 2020. Currently, this ordinance requires the permit fees to be paid to the City Engineer. The proposed change removes the City Engineer as being responsible for the receipt of the fee and just designates the City.

23-5.2 Same – Penalty and fine for violations. This ordinance was last updated in 1968. Currently, this ordinance assesses a fine of no more than \$100 and costs of prosecution for failing to remove snow and ice from a sidewalk. The proposed change would make a violation subject to Ordinance 9-1.

23-22.1 Excavations – Repairs – Penalty for violation. This ordinance was last updated in 2003. Currently, this ordinance sets the rate for what the City charges to repair a street opening at \$2.50 per square foot. A person failing to get a permit or follow the codified procedure to open a street is subject to a fine of \$100 plus the costs of prosecution. The proposed change allows the Governing Body to set the fee for street openings and make any violation subject to Ordinance 9-1.

23-29 Refusal of owner to number house. This ordinance was adopted in 1937. Currently, if a person refuses to number their house, they are subject to a fine of \$50.00. The proposed change would make the violation subject to Ordinance 9-1.

28-34 Service Charge. This ordinance was last updated in 2020. Currently, a service charge for a final meter reading or other meter related issues is to be paid to the City cashiers office. The proposed change designates the payment to be made to the City Customer Service.

28-46 Penalties. This ordinance was last updated in 1982. Currently, this ordinance makes a violation of ordinance related to the sewers subject to a fine not to exceed \$300.00 and 90 days in jail. The proposed change would make the violation subject to Ordinance 9-1.

Appendix A, Article 17 Violation and Penalty. It is unknown when this ordinance was last updated. Currently, any person violating the zoning code can be fined no less than \$10.00 and no more than \$100.00. The proposed change would make a violation subject to Ordinance 9-1.

TARVER, KERNS & BUNTING, LLP



Brendon E. Kerns



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 #2252 Establishing the Parks Department - City Attorney Brendon Kerns and City Administrator Stuart McRae
From: Brendon Kerns, City Attorney
To: Mayor and Council
CC:
Date: 05/23/2022

Recommendation:

See memorandum

Background:

See memorandum

Discussion:

See memorandum

Funding:

None

Attachments

Ordinance 2252

ORDINANCE NO. 2252

**AN ORDINANCE AMENDING CHAPTER 2
PERTAINING TO THE APPOINTMENT AND
REMOVAL OF CERTAIN OFFICIALS**

WHEREAS, the City of Sheridan currently has 353 acres of parks and open space, 16.62 miles of pathways, 3,300 trees, a municipal golf course and cemetery requiring professional management and planning.

WHEREAS, the City of Sheridan Governing Body finds it in the best interests of the City to establish a new Department of Parks.

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

The following Section of Chapter 2 Section 10 pertaining to the appointment and removal of certain City officials shall be amended to read as follows:

Department heads, defined as the city clerk, treasurer , fire chief, police chief, public works director, public utility director, parks director and human resources director, shall be recommended by the city administrator to the mayor who shall appoint the official with the consent of the City Governing Body. The removal of a department head shall be recommended by the City Administrator to the Mayor who shall dismiss the department head with consent of the City Governing Body.

WHEREUPON, a motion was passed and this Ordinance and was declared adopted this _____ day of _____, 2022.

CITY OF SHERIDAN, WYOMING

Mayor

ATTEST:

City Clerk

FIRST READING: _____

SECOND READING: _____

THIRD READING: _____

PUBLISHED: _____

EFFECTIVE THE DAY OF , 2022.