



**AGENDA
CITY OF SHERIDAN
DECEMBER 19, 2022
REGULAR COUNCIL MEETING START 7:00 P.M.**

1. Call to Order
2. Pledge of Allegiance
3. Invocation
4. Roll Call of Members
5. Consideration of Agenda
6. Community Update
 - A. Sheridan Elks Club - Dustin Shaw, Trustee
7. Comments from the Public
8. Consent Agenda
 - A. Re-Appointment of the following members to the Sheridan Public Arts Committee:
 - John Dick with a Term Ending December 31, 2023
 - Tim Lawson with a Term Ending December 31, 2023
 - Edre Maier with a Term Ending December 31, 2023
 - Rachel Anderson with a Term Ending December 31, 2024
 - Kendra Heimback with a Term Ending December 31, 2024
 - Gary Miller with a Term Ending December 31, 2024
 - Zoila Perry with a Term Ending December 31, 2024
 - Micah Trampe with a Term Ending December 31, 2024
 - Erin Butler with a Term Ending December 31, 2025
 - Kim Love with a Term Ending December 31, 2025
 - Greg Luhman with a Term Ending December 31, 2025
 - Bruce Moriarty with a Term Ending December 31, 2025
 - B. Appointment of Trai Bryant to the Sheridan Public Arts Committee with a Term Ending December 31, 2023
 - C. Appointment of Bob Utter, Jenny Craft and Sasha Johnston to the Sheridan County Attainable Housing Council (SCAHC) - Mayor Richard Bridger

- D. Award to DOWL for the Design of the Terra Turner Water Main Replacement Project
- E. Resolution 61-22, Submission of a DWSRF Loan Application for the Terra, Turner, and Riverside Water Main Replacement Project
- F. Resolution 62-22, Bender Subdivision Amended Plat - Community Development Director Wade Sanner
- G. Minutes of the Regular Council Meeting December 5, 2022
- H. Claims

9. Staff Update

- A. Legal Do's and Don'ts - City Attorney Brendon Kerns

OLD BUSINESS

- 10. Consideration of the Third Reading of Ordinance #2257 Regarding Contractor License Revocation - City Attorney Brendon Kerns
- 11. Consideration of Third Reading of Ordinance 2255, Revision of Municipal Code Regarding Open Space - Community Development Director Wade Sanner

NEW BUSINESS

- 12. Consideration of Resolution #63-22 Authorizing the Hiring of Three Additional Firefighter I Positions - Fire Chief Gary Harnish and City Administrator Stuart McRae
- 13. Council Comments and Requests for Future Agenda Items
- 14. Adjournment



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: Re-Appointment of the following members to the Sheridan Public Arts Committee:

- **John Dick with a Term Ending December 31, 2023**
- **Tim Lawson with a Term Ending December 31, 2023**
- **Edre Maier with a Term Ending December 31, 2023**
- **Rachel Anderson with a Term Ending December 31, 2024**
- **Kendra Heimback with a Term Ending December 31, 2024**
- **Gary Miller with a Term Ending December 31, 2024**
- **Zoila Perry with a Term Ending December 31, 2024**
- **Micah Trampe with a Term Ending December 31, 2024**
- **Erin Butler with a Term Ending December 31, 2025**
- **Kim Love with a Term Ending December 31, 2025**
- **Greg Luhman with a Term Ending December 31, 2025**
- **Bruce Moriarty with a Term Ending December 31, 2025**

From:

To: Mayor and Council

CC:

Date:

Attachments

SPAC reappointments



Office of the Mayor
55 Grinnell Plaza
Sheridan, WY 82801
307-675-4202



DATE: December 5, 2022
FROM: Mayor Richard Bridger
TO: City Council
RE: Appointment of Sheridan Public Arts Committee

Fellow Council Members:

I hereby recommend the following re-appointments to the Sheridan Public Arts Committee (SPAC):

John Dick with a term ending December 31, 2023
Tim Lawson with a term ending December 31, 2023
Edre Maier with a term ending December 31, 2023

Rachel Anderson with a term ending December 31, 2024
Kendra Heimbuck with a term ending December 31, 2024
Gary Miller with a term ending December 31, 2024
Zoila Perry with a term ending December 31, 2024
Micah Trampe with a term ending December 31, 2024

Erin Butler with a term ending December 31, 2025
Kim Love with a term ending December 31, 2025
Greg Luhman with a term ending December 31, 2025
Bruce Moriarty with a term ending December 31, 2025.

I hereby recommend Trai Bryant be appointed to the Sheridan Public Arts Committee with a term ending December 31, 2023.



CITY OF SHERIDAN, WYOMING

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Executive

MEMORANDUM

Project Name: Appointment of Bob Utter, Jenny Craft and Sasha Johnston to the Sheridan County Attainable Housing Council (SCAHC) - Mayor Richard Bridger

From:

To: Mayor and Council

CC:

Date:

Recommendation:

Appointment of Bob Utter, Jenny Craft and Sasha Johnston to the Sheridan County Attainable Housing Council (SCAHC):

- Bob Utter to a three-year term ending December 31, 2025
 - Jenny Craft to a four-year term ending December 31, 2026
 - Sasha Johnston to a three-year term ending December 31, 2025
-



CITY OF SHERIDAN, WYOMING

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Public Works

MEMORANDUM

Project Name: Award to DOWL for the Design of the Terra Turner Water Main Replacement Project
From: Hanns Mercer, Public Works Director
To: Mayor and Council
CC:
Date: 09/02/2022

Recommendation:

Staff recommends that the Mayor and City Council award the design of Terra Turner Water Main Replacement Project to DOWL in the amount of \$52,270.

Staff requests that Mayor and City Council authorize the Public Works Director, Hanns Mercer, to act on behalf of the Council and Mayor on all matters related to this project.

Background:

The design of the Terra Turner Water Main Replacement Project includes the complete replacement of approximately 4,100 linear feet of 8" ductile iron pipe (DIP), valves, and fire hydrants in and along Turner Lane, Terra Avenue, Riverside Street, and South Sheridan Avenue between Riverside Street and East Brundage Lane, and to obtain a Permit to Construct from Wyoming DEQ. The Request for Proposals was advertised in the Sheridan Press on November 8 and 15, and proposals were due on November 23.

Six firms submitted proposals:

<u>Firm</u>	<u>Qualified</u>	<u>DEQ Permit</u>	<u>Design Completion</u>	<u>Design Cost</u>
DOWL	Yes	2/16/23	3/13/23	\$52,270
Engineering Associates	Yes	4/14/23	4/14/23	\$129,741
Interstate Engineering	Yes	4/14/23	6/30/23	\$142,637.50
MC2 Engineering	Yes	4/3/23	4/3/23	\$58,950
Nelson Engineering	Yes	4/14/23	5/5/23	\$46,750
WWC Engineering	Yes	4/14/23	4/14/23	\$112,000

A selection committee conducted evaluations on November 30, based upon the following criteria:

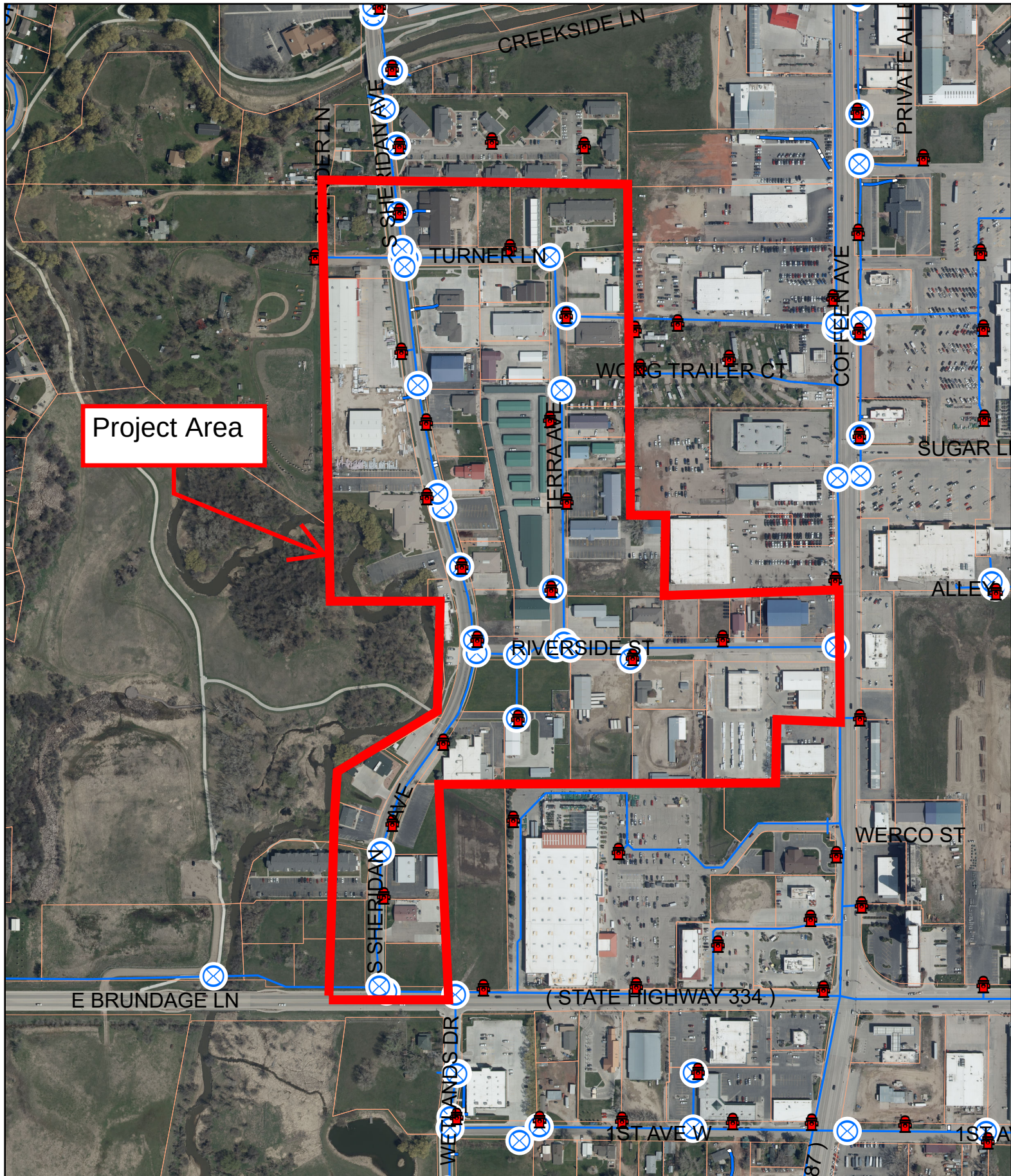
- Experience
- Approach
- Schedule
- Key-Staff

Funding:

The project is funded by Water Enterprise Funds.

Attachments

Map





CITY OF SHERIDAN, WYOMING

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

Utilities

MEMORANDUM

Project Name: Resolution 61-22, Submission of a DWSRF Loan Application for the Terra, Turner, and Riverside Water Main Replacement Project
From: Dan Roberts, Utilities Director
To: Mayor and Council
CC: City Administrator Stu McRae
Date: 12/19/2022

Recommendation:

Staff recommends that the Mayor and City Council approve Resolution 61-22 authorizing a Drinking Water State Revolving Fund (DWSRF) loan in the amount of two million dollars (\$2,000,000) to fund the Terra, Turner, and Riverside Water Main Replacement Project

Background:

The water main located within Terra Avenue has the greatest leak history of any section of water main within the City. The water mains within the adjacent streets of Tara Lane and Riverside Street aren't far behind with an extensive leak history of their own. These are metal pipes within an area with highly corrosive soils where the only solution to eliminate regular service disruptions to our customers is full replacement with new, PVC water mains.

The replacement of the water mains in these streets has been in planning within the Water Enterprises' Capital Improvements Program (CIP) as a combined project. The Water Enterprise Fund's Financial Plan, which is used to establish our water rates, has made the assumption that this project will be funded through a low interest loan from the DWSRF program.

Discussion:

Presented for the Mayor and City Council's consideration is Resolution 61-22 authorizing the City to submit a loan application to the DWSRF program for the \$2,000,000 in funding needed to construct this project within the calendar year 2023.

Funding:

Funding for the Project has been planned to be obtained through the Drinking Water State Revolving Fund Loan Program (DWSRF) in the amount of \$2,000,000.00 which is reflected within the 5-year rate plan recently approved by City Council for the Water Enterprise Fund.

The City's DWSRF loan application for this project will request 25% principal forgiveness or 1.25% interest on the loan if principal forgiveness is not available. The Water Enterprise Fund revenues are prepared to repay the loan proceeds over the 20-year loan period.

Attachments

Resolution 61-22

**CITY OF SHERIDAN
RESOLUTION 61-22**

A RESOLUTION AUTHORIZING THE SUBMISSION OF A LOAN APPLICATION TO THE STATE LOAN AND INVESTMENT BOARD FOR A LOAN THROUGH THE STATE REVOLVING FUND ON BEHALF OF THE GOVERNING BODY OF THE CITY OF SHERIDAN, WY FOR THE PURPOSE OF: ***Terra, Turner, and Riverside Water Main Replacement Project.***

WHEREAS, the Governing Body for the City of Sheridan, Wyoming desires to participate in the State Revolving Fund program to assist in financing this project; and

WHEREAS, the Governing Body for the City of Sheridan, Wyoming recognized the need for the project; and

WHEREAS, the State Revolving Fund program required that certain criteria be met, as described in the State Loan and Investment Board's Rules and Regulations governing the program, and to the best of our knowledge this application meets those criteria; and

WHEREAS, the Governing Body for the City of Sheridan, Wyoming plans to repay the requested State Revolving Fund Loan with funds from the following source(s): City of Sheridan's Water Enterprise Fund.

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

that a loan application in the amount of Two-Million and 00/100 Dollars (\$2,000,000) be submitted to the State Loan and Investment Board for consideration at the State Loan and Investment Board meeting to assist in funding of the Terra, Turner, and Riverside Water Main Replacement Project.

BE IT FURTHER RESOLVED, that Dan Roberts, Utilities Director, is hereby designated as the authorized representative of the City of Sheridan, Wyoming to act on behalf of the Governing Body on all matters relating to this loan application.

PASSED, APPROVED AND ADOPTED this 19th day of December, 2022.

City of Sheridan

Richard Bridger, Mayor

ATTEST:

Cecilia Good, City Clerk



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: Resolution 62-22, Bender Subdivision Amended Plat - Community Development Director Wade Sanner
From: Wade Sanner, Community Development Director
To: Mayor and Council
CC:
Date: 12/19/2022

Recommendation:

Consideration of PL-22-31, Resolution 62-22, Bender Subdivision Amended Plat. The applicants, Hartland Enterprises, LLC and Scott Gerber and Ayme Aherns, are requesting to subdivide 1.71 acres of unplatted land into 7 lots and 3 outlets, zoned R-3 Residence District. Located at 1700 Bender Lane, (PIN 56843530001933).

Background:

The final plat for the Bender Subdivision was approved on October 3, 2022. After approval, the applicant had to revise the following items:

- Move Lot 1 and Lot 7 southern lot lines north 5' to include sidewalk in Outlot A
 - Removes previous 2' easement
 - Changes hydrant easement to 5' x 10'
- Redistribute the boundaries of Lots 1, 2, 3 and Lots 5, 6, 7
 - Change the inside widths to 50.83' each to even the lots out
 - Update the setbacks/square footage of the lots to show the changes

Discussion:

Prior to approving the final plat, the City Council will need to make the following findings per Sheridan City Code Appendix B §202. Staff offers the following comments on the required findings:

The City shall not approve any proposed subdivision of land which, by itself, or as a part of a larger tract, is contiguous to or completely surrounded by the boundaries of the City, unless the application is accompanied by a properly-acknowledged petition for annexation to the City.

This property falls completely within the city limits, so this condition does not apply.

The City shall not approve any proposed subdivision of land which is within one mile of the corporate limits of Sheridan but not, at the time of submittal, eligible for annexation, unless the application is accompanied by a properly-acknowledged agreement not to contest future annexation proceedings.

Again, not applicable in this case, the property is within the city limits.

Every plat shall conform to the Zoning Ordinance currently adopted at the time of final plat approval.

The proposed subdivision conforms to the Zoning Ordinance.

All new subdivision developments within the Airport Influence Area within the city limits of the City of Sheridan shall grant an Avigation Easement to the Sheridan County Airport.

This proposed subdivision is outside the Airport Influence Area.

No subdivision shall be approved within the corporate limits of the City of Sheridan, or one mile thereof, unless City Public Works staff concludes that an adequate long-term water supply exists to support the proposed use and density of the subdivision in accordance with City adopted policy. City elected officials acting as Council representatives on other boards or committees that review development shall likewise consider long-range water supply in making any determination.

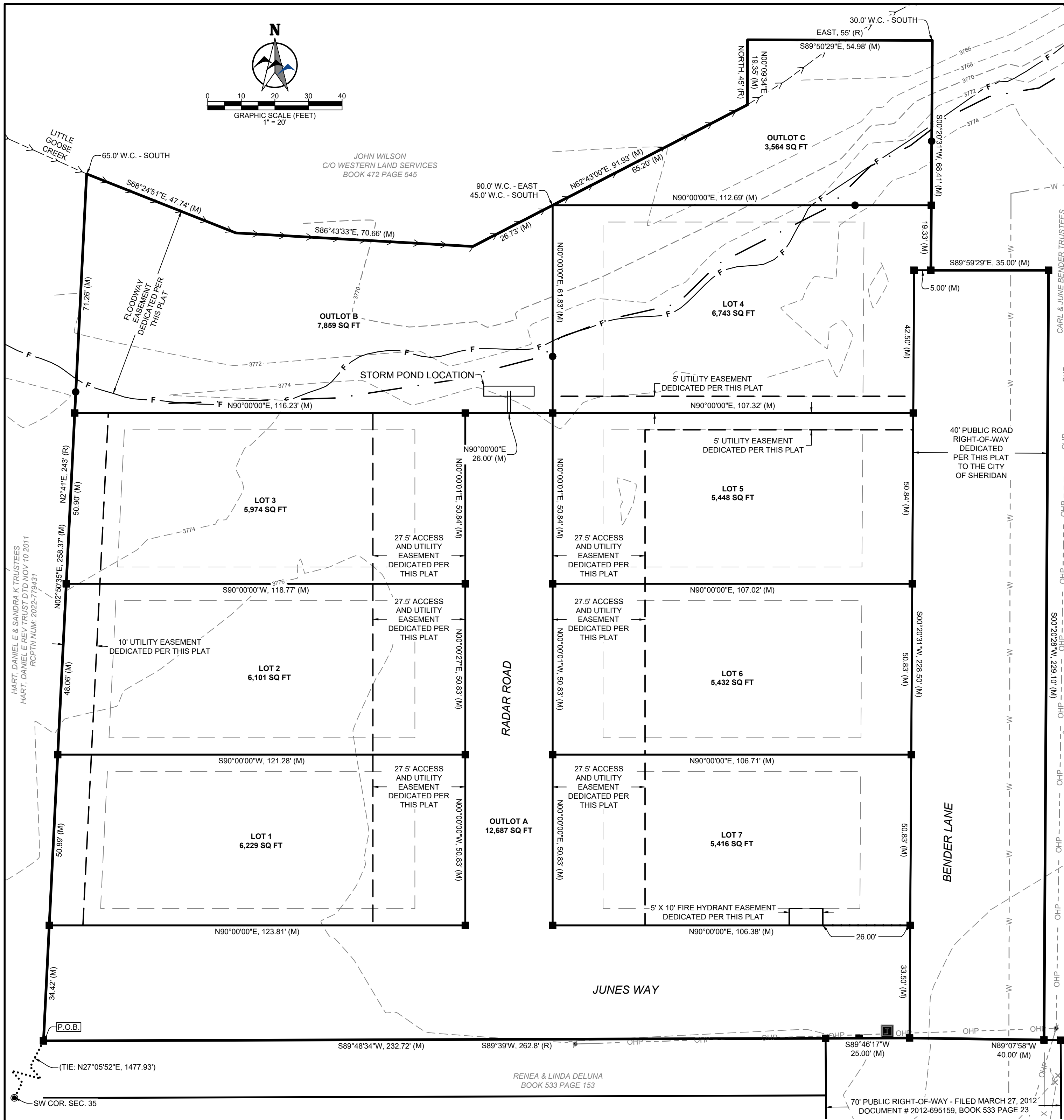
Water and sewer lines already exist in the Sheridan right-of-way. Future water and sewer lines will be extended along the Bender Lane right-of-way along the eastern side of the property. Water and sewer lines will also be installed along the private street on the south side of the property, and through the center of the property.

Staff has no further comments at this time.

Attachments

Revised Plat

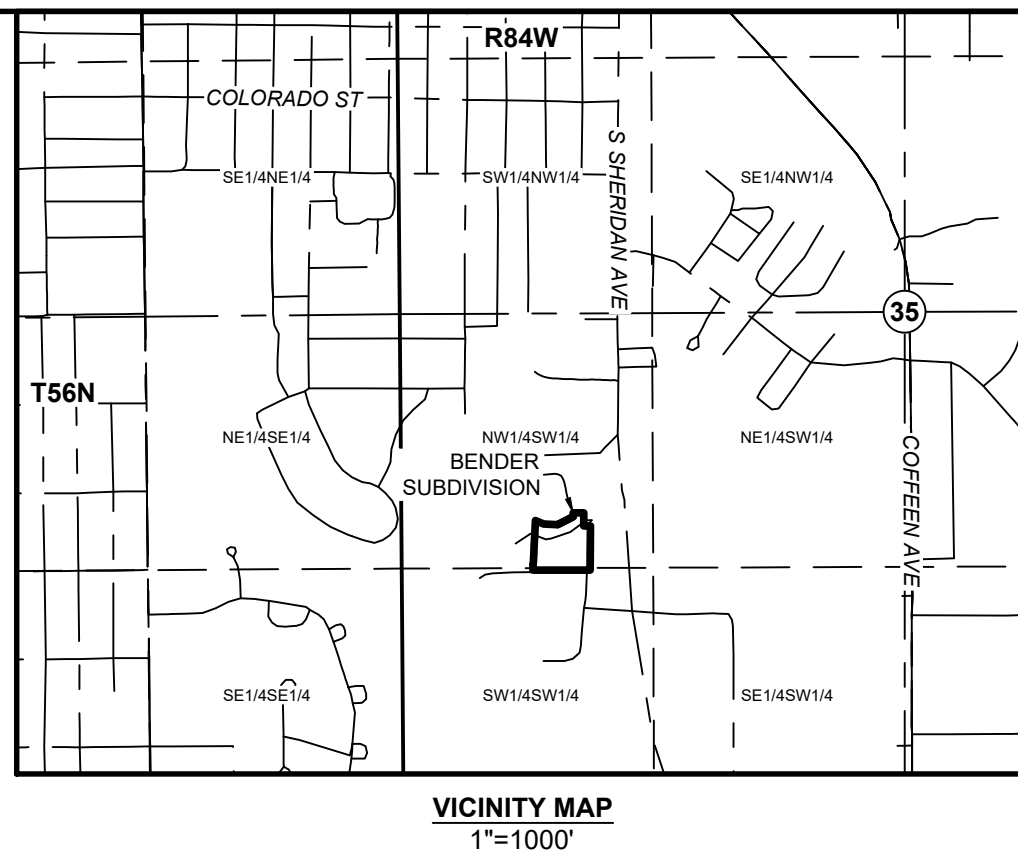
Resolution 62-22



BENDER SUBDIVISION

WITHIN THE NW1/4SW1/4 OF SECTION 35, T56N, R84W, 6TH P.M.
COUNTY OF SHERIDAN, WYOMING
ZONE: R-3

PREPARED FOR OWNERS: HARTLAND ENTERPRISES, LLC,
SCOTT GERBER, AND Ayme AHRENS
DATE SURVEYED: MAY 2021
PREPARED BY: WWC ENGINEERING
DATE OF PREPARATION: JUNE 2022



LEGAL DESCRIPTION AND PROPERTY OWNERS CERTIFICATE OF DEDICATION

Know all men by these presents that the undersigned Hartland Enterprises, LLC, Scott Gerber, Ayme Ahrens, and Carl R. Bender as trustee of Bender Living Trust Dated October 25, 2004, being the owner, proprietor or parties of interest in the land shown on this plat, do hereby certify:

That the foregoing plat designated as Bender is located in the NW1/4SW1/4 of Section 35, Township 56 North, Range 84 West of the 6th Principal Meridian, Sheridan County Wyoming, more particularly described by metes and bounds as follows:

Beginning at a point which bears N27°05'52"E, 1477.93 feet from the southwest corner of said Section 35; Thence N02°50'33"E, 258.37 feet, more or less, to the thread of Little Goose Creek; thence along the thread of Little Goose Creek for the next three calls, S88°24'51"E, 47.74 feet; thence S88°43'33"E, 70.66 feet; thence N02°43'00"E, 91.83 feet; thence leaving said thread, N00°00'34"E, 19.38 feet; S89°50'29"E, 54.98 feet; thence S00°20'31"W, 68.41 feet; thence S89°59'29"E, 35.00 feet; thence S00°20'28"W, 229.10 feet, more or less, to a point in the north line of the 70 foot wide Right-of-Way described in instrument number 2012-695159, thence along the north line of said 70 foot wide Right-of-Way for the next two calls, N89°01'56"W, 40.00 feet; thence S89°46'17"W, 25.00 feet to the northwest corner of said 70 foot wide Right-of-Way; thence S89°48'34"E, 232.72 feet, more or less, to the Point of Beginning.

Containing 1.71 acres, more or less, and is subject to any and all easements, rights-of-way, and other encumbrances that have been legally acquired.

That this subdivision, as it is described and as it appears on this plat, is made with the free consent and in accordance with the desires of the undersigned owner(s) and proprietor(s), and that this is a correct plat of the area as it is divided into lots, blocks, streets and easements, and That the undersigned owner(s) of the land shown and described on this plat does (do) hereby dedicate to the City of Sheridan and its licensees for public use for the indicated purposes, all streets, alleys, easements and other public lands within the boundary lines of the plat, as indicated, and not already otherwise dedicated for public use.

Utility easements, as designated on this plat, are hereby dedicated to the City of Sheridan and its licensees for public use for the purpose of installing, repairing, reinstalling, replacing and maintaining sewers, water lines, gas lines, electric lines, telephone lines, cable TV lines and other forms and types of public utilities now or hereafter generally utilized by the public.

Drainage easements, as designated on this plat, are hereby dedicated to the City of Sheridan and its licensees for public use, to accommodate the flow or storage of storm waters and shall be kept free of all structures or other impediments not related to drainage.

Areas within the floodway, as designated on this plat, are hereby dedicated to the City of Sheridan and its licensees as a floodway easement for stream enhancements and streambed maintenance.

CERTIFICATE OF CITY OF SHERIDAN PLANNING COMMISSION

Reviewed by this City of Sheridan Planning Commissioners this _____ day of _____, 20____.

Attest:

Vice-Chairman _____

Chairman _____

CERTIFICATE OF CITY COUNCIL OF SHERIDAN

Approved by the City Council of the City of Sheridan, Wyoming, this _____ day of _____, 20____.

Attest:

City Clerk _____

Mayor _____

CERTIFICATE OF CITY OF SHERIDAN DIRECTOR OF PUBLIC WORKS

This plat has been prepared in accordance with the requirements and procedures outlined in the Subdivision Regulations of the City of Sheridan, and certified this _____ day of _____, 20____, by the Director of Public Works of Sheridan, Wyoming.

Attest:

Director of Public Works _____

CERTIFICATE OF SHERIDAN COUNTY CLERK

STATE OF WYOMING)
COUNTY OF SHERIDAN) SS

This plat was filed for record in the Office of the Clerk and Recorder at _____ o'clock this _____ day of _____, 20____ and is duly recorded in Book _____ Page No. _____ (or as Plat No. _____)

County Clerk _____

HOMESTEAD EXEMPTION

All rights under and by virtue of the homestead exemption laws of the State of Wyoming are hereby waived and released.

Executed this _____ day of _____, 20____.

by _____

CERTIFICATE OF SURVEYOR

I, Paul A. Heintz, do hereby certify that I am a Registered Land Surveyor, licensed under the laws of the State of Wyoming, that this plat is a true, correct and complete plat of Bender Subdivision, as laid out, platted, dedicated and shown hereon, that this plat was made from an accurate survey of said property conducted by me or under my supervision and correctly shows the location and dimensions of all lots, easements and streets of said subdivision in compliance with City of Sheridan regulations governing the subdivision of land.

Land Surveyor _____ No. _____
STATE OF WYOMING)
COUNTY OF NATRONA) SS

The foregoing instrument was acknowledged before me on this _____ day of _____, 20____.

Witness my hand and official seal.

Notary Public _____

My commission expires: _____

Executed this _____ day of _____, 20____, by:

Hartland Enterprises, LLC, Owner

STATE OF WYOMING)

COUNTY OF SHERIDAN) SS

The foregoing instrument was acknowledged before me on this _____ day of _____, 20____, by _____
Witness my hand and official seal.

My commission expires: _____ Notary Public _____

Executed this _____ day of _____, 20____, by:

Scott Gerber, Owner

STATE OF WYOMING)

COUNTY OF SHERIDAN) SS

The foregoing instrument was acknowledged before me on this _____ day of _____, 20____, by _____
Witness my hand and official seal.

My commission expires: _____ Notary Public _____

Executed this _____ day of _____, 20____, by:

Ayme Ahrens, Owner

STATE OF WYOMING)

COUNTY OF SHERIDAN) SS

The foregoing instrument was acknowledged before me on this _____ day of _____, 20____, by _____
Witness my hand and official seal.

My commission expires: _____ Notary Public _____

Executed this _____ day of _____, 20____, by:

Daniel E. Hart and Sandra K. Hart, Trustees of the Daniel E. Hart Revocable Trust dated November 10, 2001

STATE OF WYOMING)

COUNTY OF SHERIDAN) SS

The foregoing instrument was acknowledged before me on this _____ day of _____, 20____, by _____
Witness my hand and official seal.

My commission expires: _____ Notary Public _____

Executed this _____ day of _____, 20____, by:

Carl R. Bender as trustee of Bender Living Trust Dated October 25, 2004

STATE OF WYOMING)

COUNTY OF SHERIDAN) SS

The foregoing instrument was acknowledged before me on this _____ day of _____, 20____, by _____
Witness my hand and official seal.

My commission expires: _____ Notary Public _____

Executed this _____ day of _____, 20____, by:

BASIS OF BEARING
WYOMING STATE PLANE COORDINATE SYSTEM
EAST CENTRAL ZONE
DISTANCES ARE U.S. SURVEY FEET, GRID

VERTICAL DATUM
NAVD83 GEOID 18

BENDER SUBDIVISION

PREPARED FOR:
HARTLAND ENTERPRISES, LLC
PO BOX 95
UPTON, WY 82730

SCOTT GERBER AND Ayme AHRENS
820 SOUTH THURMOND ST
SHERIDAN, WY 82801

PREPARED BY:
WWC ENGINEERING
1849 TERRA AVENUE
SHERIDAN, WY 82801
(307) 672-0761
www.wwcengineering.com

NO.	REVISION	BY	DATE	DESIGNED BY: <u>SER</u>
				DRAWN BY: <u>SER</u>
				CHECKED BY: <u>CDR</u>
				DATE: <u>11/10/2022</u>
				SHEET
				1 of 1

**CITY OF SHERIDAN
RESOLUTION 62-22**

A RESOLUTION approving PL-22-31, the final plat of the Bender Subdivision, dividing $\pm$ 1.71 acres into 7 lots and 3 outlots. The property is Zoned R-3, located at 1700 Bender Lane (PIN 56843530001933).

WHEREAS, the final plat of the Bender Subdivision has been reviewed for consistency with Appendix B (Subdivision Regulations) and other applicable City code; and

WHEREAS, all applicable requirements for a final plat, have been met and all documents meet the applicable requirements in Appendix B (Subdivision Regulations).

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

That the final plat of the Bender Subdivision, dividing $\pm$ 1.71 acres into 7 lots and 3 outlots, on the property located at 1700 Bender Lane (PIN 56843530001933).

Is hereby approved by vote of the City of Sheridan's City Council. In approving the Bender Subdivision, the City Council finds the following as required by Sheridan City Code Appendix B §202:

- A. The property is already within the corporate limits of the City and requires no further action as pertains to annexation.
- B. The lots as platted conform to the requirements of the City Zoning Ordinance with the exception of the variances granted.
- C. The subdivision falls outside of the Airport Influence Area.
- D. As concluded by City Public Works staff, there is adequate long-term water supply to serve this subdivision as of the time of this resolution.

PASSED, APPROVED, AND ADOPTED this 19th day of December 2022.

Richard Bridger, Mayor

ATTEST:

Cecilia Good, City Clerk



CITY OF SHERIDAN, WYOMING

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

Clerk

MEMORANDUM

Project Name: Minutes of the Regular Council Meeting December 5, 2022
From: Candace Ainslie, Assistant Clerk
To: Mayor and Council
CC:
Date:

Discussion:

See attached minutes.

Attachments

Minutes

CITY OF SHERIDAN, WYOMING
MINUTES OF REGULAR COUNCIL MEETING

COUNCIL CHAMBERS

7:00 P.M.

December 5, 2022

1. Mayor Bridger called the meeting to order at 7:00 P.M.
2. The Pledge of Allegiance to the Flag was led by Mayor Bridger.
3. The invocation was given by Christie American Horse, Valley Shepard Nazarene.
4. The meeting was called to order with a quorum as follows: Mayor Bridger presiding with Councilmembers Jacob Martin, Shawn Day, Clint Beaver, Kristen Jennings, Aaron Linden. Councilmember Steve Brantz was absent. Members of staff attending included Public Works Director Hanns Mercer, Assistant City Clerk Candace Ainslie, Utilities Director Dan Roberts, and various other City staff.
5. Consideration of Agenda: Councilmember Kristen Jennings moved, seconded by Councilmember Aaron Linden to approve the agenda. Voice Vote: unanimous.

Mayor Rich Bridger	Aye
Kristen Jennings	Aye
Shawn Day	Aye
Steven Brantz	Absent
Clint Beaver	Aye
Jacob Martin	Aye
Aaron Linden	Aye

6. Community Update

A. Sheridan Educational and Economic Development Association (SEEDA) Update was provided by Robert Briggs, Executive Director of SEEDA.

7. Comments from the Public

A. There were no comments from the public.

8. Consent Agenda

A. Final Acceptance of Public Infrastructure for Cloud Peak Ranch 21st Filing Phase II

Minutes of Regular Council Meeting November 21, 2022

B. Minutes of Special Council Meeting November 28, 2022

C. Reappointment of Al Cope to the Board of Adjustments for a 3-year term ending December 31, 2025

D. Claims

Councilmember Martin moved, seconded by Councilmember Linden to approve the consent agenda.

Voice vote: unanimous.

Mayor Rich Bridger	Aye
Kristen Jennings	Aye
Shawn Day	Aye
Steven Brantz	Absent
Clint Beaver	Aye
Jacob Martin	Aye
Aaron Linden	Aye

9. Staff Update

A. Utilities Director Dan Roberts presented a wrap up of the Second Annual Fall Pumpkin Festival.

OLD BUSINESS

10. Consideration of the Second Reading of Ordinance 2257, regarding Contractor License Revocation. City Attorney Brendon Kerns updated the Council. Councilmember Beaver moved, seconded by Councilmember Linden to approve Ordinance 2257 on Second Reading. Roll Call vote: unanimous.

Mayor Rich Bridger	Aye
Kristen Jennings	Aye
Shawn Day	Aye
Steven Brantz	Absent
Clint Beaver	Aye
Jacob Martin	Aye
Aaron Linden	Aye

11. Consideration of the Third and Final Reading of Ordinance 2255, Revision of the Sheridan Municipal Code Sections Regarding Open Space. City Attorney Brendon Kerns updated the Council. Councilmember Linden moved, seconded by Councilmember Martin to amend the Ordinance to change the percentage amount of open space required for R3 developments. City Attorney Brendon Kerns suggested additional discussion be done to determine the appropriate language for the amendment. Councilmember Linden withdrew the motion; Motion to table third reading of Ordinance 2255 made by Councilmember Linden, Seconded by Councilmember Jennings. Voice vote, unanimous.

NEW BUSINESS

12. Consideration of Resource Allocation for the 2023 WYO Winter Rodeo. Public Works Director Hanns Mercer updated the Council. Councilmember Linden moved, seconded by Councilmember Beaver to approve Resource Allocation for the 2023 WYO Winter Rodeo. Voice vote: unanimous.

Mayor Rich Bridger	Aye
Kristen Jennings	Aye
Shawn Day	Aye
Steven Brantz	Absent
Clint Beaver	Aye
Jacob Martin	Aye
Aaron Linden	Aye

13. Consideration of a Bonus for Non-EMS Employees Using Unallocated One-Time ARPA (American Rescue Plan Act) Funds. Human Resources Director Heather Doke updated the Council. Councilmember Martin moved, seconded by Councilmember Linden to approve a Bonus for Non-EMS Employees Using Unallocated One-Time ARPA (American Rescue Plan Act) Funds. Voice vote: unanimous.

Mayor Rich Bridger	Aye
Kristen Jennings	Aye
Shawn Day	Aye
Steven Brantz	Aye
Clint Beaver	Aye

Jacob Martin	Aye
Aaron Linden	Aye

12. Council Comments and Requests for Future Agenda Items.

- A. Mayor Bridger commented on the success of the Council Orientation
- B. SEEDA will have a retreat on Dec. 20
- C. the WAM Winter Conference is coming in January
- D. No update from SAWS or SPAC
- E. CAST meets Thursday
- F. The Housing Land Trust is taking application for board members
- G. The Mayor will be on Public Pulse this week
- H. Council member Jennings asked if there was an update in the future regarding the new EMS contract.
- I. Congrats were to Shawn Day for being appointed to Arts Alliance

13. Mayor Bridger adjourned the meeting at 8:08 P.M.

APPROVED:

Richard Bridger, Mayor

ATTEST:

City Clerk, Cecilia Good



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:	Claims
From:	Karen Burtis, City Treasurer
To:	Mayor and Council
CC:	
Date:	

Attachments

Claims
Payroll
Prepays

City of Sheridan
Claims paid on 12/20/2022

Sum of Amount		
Vendor Name	Description	Total
307 Auto Glass LLC	windshield 2.10 parks	295.00
A & M Service & Supply Inc.	Toner for Scale House Printer	510.00
Ace Hardware-Newkirk	Supplies	596.40
Amazon Capital Services #A33MIR27FEZN42	Supplies	2,167.25
American Maid	Public Restroom and City Hall cleaning Nov 2022	2,800.00
American Welding & Gas, Inc.	welding gas cylinder rentals/plastic welder	2,246.83
A-Plus Services, LLC / East Ridge Towing	call out winching garbage truck	500.00
AT&T Mobility	First Net aircard charges Nov 2022	320.32
B&B Leasing Company	New Copier Lease Payment No 1 December 2022	157.43
Babe's Flowers	Flower Delivery	211.00
Bear's Paw Embroidery	Embroidery for Jacket - Scotty O	10.00
Big Horn Logistics, LLC	SCADA System work and Backup	1,050.00
Big Horn Sanitation	Port-A-Potty Rental	2,097.00
Black Mtn. Engraving	Employee Recognition Awards	226.57
Bloedorn Lumber	Blacktooth Misc #5709 - split rail fencing	4,599.42
Brett Caiola or Darla Hawkins	Plates/titles,return labels, passport post.,rezone	230.07
Brian Edwards	Travel and Training Reimbursement	179.50
Brian's Boot & Shoe	Steel toe boot - RM	180.00
Buggy Bath Unlimited LLC	Monthly Truck Washing - November 2022	63.68
Burns & Mc Donnell	T678 Landfill Closure Design 4713	51,608.03
C & K Equipment	Auger teeth for toolcat/cutting edges for plows	371.66
Carlton Construction LLC	Blacktooth Misc #5709 - 1/2 Pathway Cost	37,767.08
Carlton Construction, LLC	Balance Refund/2381 Tin Cup Cir	89.30
Carolyn A. Byrd	PC and BOA minutes	400.00
Carquest Auto Parts	parts and supplies	1,343.21
CDG Engineers, Inc.	Gateway Bridge Design #5701/Pedestrian Pathway Design	2,706.35
CED- Consolidated Electrical Distributors Inc.	Conduit for cemetery	59.08
Chase Philipp	gun light batteries	22.65
Christin & Chris Rojo	Balance Refund/1970 Liberty Ct.	11.74
CHS Inc., By-Products	24.01 tons of 58/28 oil	14,150.95
Clark Throssell	KGC assessment	1,680.00
Clement Communications, Inc	Safe Procedures Poster Program	526.75
CMI-Teco	compressed air tank e2 fd	896.46
Coca-Cola Bottling Company High Country	Palet of water - UM	554.40
Compression Leasing Services, Inc.	KGC compressor rental	2,897.25
Country Bounty	Ads	748.00
Crescent Electric	Supplies	598.48
CS Consulting	Assortment of rescue equipment for Tower 1	8,435.75
Cummins Rocky Mountain	clamp sensor rcn cooler rcn valce egr valve 3.63	5,898.55
Dawson Infrastructure Solutions LLC	Pressure testing, test adapter hose	674.06
DEQ Solid & Hazardous Waste Division	yearly tank fees for 002729 unleaded -diesel tanks	400.00
Dowl	E. 5th St Corridor + Rail Crossing System #4759/Airport Transmission	44,109.75
Dustbusters Enterprises Inc.	ice kicker	24,317.86
Ed Hammer Inc	Deductible for Claim #A2H7853	5,119.99
Emergency Medical Services	Annual Application Fee for WOEMS	20.00
Employ, LLC	Temporary Labor	17,149.13
Energy Management Corporation	WAS Pump Motor Rebuild	6,277.49
Enviro-Clean Intermountain, LLC	broom weed cutter 3.43	3,265.63
Farmers Co-op Oil Co.	Fuel for November 2022	74,373.93
Fastenal Company	Supplies	147.52
Ferguson Waterworks #1701	Delivery fees missed on invoice/lperl meters	2,470.00
First Interstate Bank - Mastercard	Credit Card charges for November 2022	22,684.50
Floyd's Truck Center WY	injector gasket afm device 3.63 rc	608.78
Fremont Motor Sheridan Inc	je kit 2.28 weed	20.22
Galls, LLC	Uniform pants and shirts - Bass	575.85
Grainger, Inc.	Air Filters	146.45
Granite Peak Pump Service	Pump motor for KGC	5,134.80
Greenfold Services LLC	Janitorial Nov 2022	1,960.00
Greensky Commercial Cleaning	cleaning service for csc	1,240.00
Hach Company	Ammonia Testing Kit	156.46
Hawkins Inc	Hypochlorite- 550 Gallons, Bisulfite- 330 gallons	4,948.12
Heartland Kubota, LLC	hydraulic fluid parks/Snow Blower Cutting Edge and Bolts	153.37
Heather Doke	SHRM Membership	229.00
IBS, Inc.	5/8 11 x 1.1 bolts washers fuses nuts	226.65
InfoSend, Inc.	11.2022 Billing Dist. Service Fee & Email	2,982.75
Inland Truck Parts Company	u bolts washers thread rod 3.2 fd	155.29
Interstate Engineering, Inc.	Kendrick Pool Design #5717	9,336.00
In-Yarak Construction	Pavement Preservation #4711	16,075.00
J5 Plumbing & Heating Inc	Emergency water heater replacement	4,145.55
JC Dodge Construction	Hydrant Deposit Refund #14	468.06
John Deere Financial #1111308145	Supplies	576.49

Vendor Name	Description	Total
K Club Golf, LLC	2022 Bonus	51,852.66
Kacey Outland	Reimbursement for travel expense/ WWQ & PCA Conf.	179.50
KCR Enterprises LLC	quick release pliers shop tools	340.95
Kerns & Bunting, LLC	Attorney fees- November 2022	22,108.35
Kilpatrick Creations Inc.	Uniforms	1,687.05
Kois Brothers Equipment, Co.	12v auger motor 3.33 st	3,475.64
Lamar Selig	Travel and Training Reimbursement	179.50
LJS Concrete & Excavating LLC	11.11 11.12.11.19 snow haul	1,884.00
Long Building Technologies , Inc.	Replace blower motor in the fan coil above office	3,059.64
M&K Rentals	Stump Grinder Rental	91.50
Memorial Hospital of Sheridan County	Occupational Testing	354.00
Midland Implement Co Inc	Bedknives for mowers	830.47
Modern Electric	North lift light repairs	595.50
Napa Auto Parts	parts and supplies	2,561.55
Narwhal Met, LLC	december weather service	600.00
Norco, Inc	Supplies	2,221.85
Northern Underground LLC	snow haul 11.11 - 11.12- 11.18-11.19	4,428.25
Office Shop Inc	Canon copier contract invoice	9.57
Office Shop Leasing	Copier Lease	257.34
One-Call of Wyoming	One Call Tickets for Nov 22 CDC	147.00
O'Reilly Auto Parts	grease air compressor	49.95
Paul Scherf	Balance Refund/620 W Loucks St.	15.17
Phoenix Limted Partnership	Balance Refund/2153 Skyview West Dr.	13.70
Porter, Muirhead, Cornia & Howard	FY22 audit progress billing	40,000.00
Powder River Power Co	Supplies	1,152.75
Prime Rate Motors	Ram 3500HD	33,870.00
Range	Crime Stoppers Monthly	33.86
Ricoh USA, Inc.	Copier Charges Dec 2022	421.61
Rocky Mountain Sign, Design & Print	Grinnell Plaza Christmas Lights Install	5,243.30
Rugged Solutions America LLC	Havis Premium Vehicle Dock for Panasonic TBook	1,395.00
Servall Uniform & Linen Supply	Rugs and cleaning	769.87
Shaunessey Reeves	Parks and cemetery restroom cleaning	450.00
Sheridan Artist Guild Et al	SPAC Administration Nov 2022	1,000.00
Sheridan Commercial Co.	Supplies	1,702.72
Sheridan County Chamber of Commerce	Erik Jacobson Leadership Sheridan fee	1,050.00
Sheridan County Juvenile Justice	one half payment for justice svcs	65,000.00
Sheridan Econ-O-Wash	uniform laundry	42.00
Sheridan Honda	cable for 4 wheeler plow back up	59.00
Sheridan Motor Inc	headlight out tire repair 1.20 pd	857.35
Sheridan Newspapers Inc	Ads	2,458.62
Smith Psychological Services LLC	pre-employment exam and protocols-Bass	400.00
Steamboat Trucking & Services LLC	snow haul 11.11 and 11.12	1,233.75
Steve's Truck Service Inc	afm device gasket 3.63	18.54
Thomas Morneau	Reimb- Ann Renewal Eng Lic 048947 T. Morneau	75.00
Tire Rama	Tires and repairs	2,437.75
Top Office Products Inc	Copy Count for November 2022	122.48
Toro NSN	Software for KGC	155.00
Transaction Warehouse, Inc	11.2022 lweb Profile Payments	3,396.60
TW Enterprises, Inc	Replace heater block emergency generator stationCB	662.82
USDA Forest Service	Special Land Use - Tongue Ranger District	169.09
VRM, Inc.	Parts and repairs	12,905.61
Water Products & Solutions	Water	53.75
Weed Warriors	Contract mowing services	435.00
Winsupply of Sheridan Wy Co	Supplies	127.06
Woods Excavation LLC	snow haul 11.11 11.12 11.19	1,572.00
Wyoming Assoc Rural Water	WARWS Annual Membership Dues	475.00
Wyoming First Aid & Safety Supply	First aid supplies	367.66
Wyoming Machinery Co	Supplies	346.52
Wyoming Rentals	Rentals	1,207.78
Zivaro, Inc.	Eaton Single Phase Online Tower UPS	586.08
Grand Total		678,551.57

City of Sheridan

Regular Payroll paid on 12/16/2022

Sum of Amount		
Vendor Name	Description	Total
497-874-NCPERS Wyoming	Regular Payroll 12.16.22	376.00
Aflac	Regular Payroll 12.16.22	1,138.29
CITCO FCU	Regular Payroll 12.16.22	2,320.13
First Federal Savings Bank	Regular Payroll 12.16.22	9,498.68
First Northern Bank of Wyoming	Regular Payroll 12.16.22	1,418.33
HealthEquity, Inc.	Regular Payroll 12.16.22	2,385.46
IRS 941	Regular Payroll 12.16.22	118,975.77
LOCAL 276, IAFF	Regular Payroll 12.16.22	850.00
MissionSquare	Regular Payroll 12.16.22	4,382.79
Nationwide	Regular Payroll 12.16.22	21.37
Optum Bank, Inc.	Regular Payroll 12.16.22	461.59
Orchard Trust	Regular Payroll 12.16.22	3,812.28
Security State Bank	Regular Payroll 12.16.22	860.44
Sunlight Federal Credit Union	Regular Payroll 12.16.22	1,793.34
WEBT	Regular Payroll 12.16.22	98,130.84
Workers' Safety & Compensation	Regular Payroll 12.16.22	10,049.01
Wyoming Retirement System	Regular Payroll 12.16.22	80,106.04
Wyoming State Disbursement Unit	Regular Payroll 12.16.22	1,435.60
Grand Total		338,015.96

City of Sheridan
Prepays paid on 12/09/2022

Sum of Amount		
Vendor Name	Description	Total
Caterpillar Financial	CAT D6T Dozer Payment #6	55,232.02
City of Sheridan	Deposit Refund/1418 Ridgeway Ave	68.83
Montana Dakota Utilities	Numerous Electric Bills	25,569.31
Winsupply of Sheridan Wy Co	Redo check-supplies	28.40
Grand Total		80,898.56



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 **Consideration of the Third Reading of Ordinance #2257 Regarding Contractor License**
Name: **Revocation - City Attorney Brendon Kerns**
From: Brendon Kerns, City Attorney
To: Mayor and Council
CC:
Date:

Discussion:

see attached memo.

Attachments

Memo
current license code
New Draft Ordinance

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: December 14, 2022
To: Mayor and Council
RE: License Revocation Ordinance #2257

Mayor and Council,

Any person who wants to be a building or construction contractor is required by City ordinance to obtain a license (see Chapter 7). A contractor license requires a person to have received training, pass a test and post a bond. The contractor is then responsible for the projects which he/she oversees, obtaining the appropriate permits and inspections.

The City Building Official and the building inspectors are responsible for ensuring that the adopted building codes are followed by the contractors. If a contractor makes a mistake, the inspector notifies the contractor, and the issue is corrected. The goal of the code and inspections are to ensure that buildings are safe to be occupied.

Recently, I reviewed Chapter 7, and a significant illegality was found in Ordinance 7-16. This Ordinance allows for the revocation of a contractor's license as a penalty for violating City building codes. A revocation is a drastic action which has only occurred one time that staff is aware of. That incident occurred in 2006/2007. A revocation recommendation is made by the Building Official and then an evidentiary hearing is heard by the City Board of Appeals. If the Board of Appeals substantiates the revocation, the licensee has a right of appeal. The issue is that the appeal under the current ordinance is to go to the City Municipal Court. This is highly problematic because Wyoming Statute does not grant the City Municipal Court the jurisdiction to hear administrative appeals. Thus, if the City were to ever revoke a license, the appeal process is invalid.

The proposed ordinance is a redraft to provide a better explanation of the revocation process, protect the due process of the license holder, and provide a clear appeal process.

TARVER, KERNS & BUNTING, LLP



Brendon E. Kerns

7-16 Same—Revocation.

The building official may revoke any license if obtained through nondisclosure, misstatement or misrepresentation of a material fact, or if a penalty has been imposed on the licensee under this chapter. Before a license may be revoked, the licensee shall have notice in writing, enumerating the charges against him, and be entitled to a hearing by the board of appeals not sooner than five days from receipt of the notice. The licensee shall be given an opportunity to present testimony, oral or written, and shall have the right to cross-examination. All testimony shall be given under oath. The board of appeals shall have power to administer oaths, issue subpoenas, and compel the attendance of the witnesses. The decision of the committee shall be based on the evidence produced at the hearing and made part of the record thereof. If the licensee chooses to appeal again, it shall be conducted in Municipal Court. A person whose license has been revoked shall not be permitted to reapply within one year from date of revocation. (Ord. No. 963, § 7g, 4-3-56; Ord. No. 1717, § 13, 6-21-93; Ord. No. 1839, § 1, 9-9-99; Ord. No. 2105, § 1, 6-20-11; Ord. No. 2169, § 1, 8-1-16.)

**CITY OF SHERIDAN
ORDINANCE 2257**

AN ORDINANCE CONCERNING SHERIDAN MUNICIPAL CODE, ORDINANCE 7-16
REVOCATION OF CONTRACTOR LICENSE

WHEREAS, the City of Sheridan has adopted Ordinance 7-11 requiring all people acting as a contractor defined by Ordinance 7-1.1 to obtain a contractor license to conduct business in Sheridan; and

WHEREAS, City of Sheridan Ordinance 7-16 allows for the revocation of a contractor license; and

WHEREAS, City of Sheridan Ordinance 7-16 requires updating to ensure legality and avoid contradictions within the City Code.

BE IT ORDAINED BY THE CITY OF SHERIDAN GOVERNING BODY:

Chapter 7, Article I, Section 16 is repealed and restated as follows:

- (a) Basis for Revocation. The Public Works Director, may, upon recommendation of the building official, revoke any license for the following reasons:
- i. A license is obtained through nondisclosure, misstatement or misrepresentation of a material fact.
 - ii. A Licensee is convicted of a misdemeanor or felony for violating the City Technical Codes adopted by City Ordinance 7-2, or violating Chapter 7 or 29 of City Code.
 - iii. A Licensee commits an act of nondisclosure, misstatement or misrepresentation of a material fact during the course of permitting, inspection or enforcement of City Technical Codes adopted by City Ordinance 7-2, or violating Chapter 7 or 29 of City Code.
- (b) Revocation Notice. A Revocation Notice shall be in writing and delivered to the Licensee in any manner allowed by Wyoming Rules of Civil Procedure. The notice shall include the name of the Licensee, date of revocation, basis for revocation, date of reinstatement if eligible, conditions for reinstatement, date of hearing and state the entirety of Ordinance 7-16(c).
- i. Effect of Revocation Notice. The Revocation Notice shall prohibit the Licensee from conducting their trade and business as defined by City Code until the scheduled hearing.

- ii. Disclosure of Administrative Record. Upon the revocation notice being delivered, the Licensee shall immediately be entitled to all discoverable information and records.
- (c) Board of Appeals Hearing. Before a license may be revoked, the Licensee shall be entitled to a hearing by the Board of Appeals, established by City Ordinance 29-2. The hearing shall not be held sooner than 5 days from receipt of the notice nor later than 15 days after the receipt of notice. If the notice is required to be published to perfect service, the date of services shall be the last day of publication. The Licensee and City Public Works Director shall be given an opportunity to present testimony, oral or written, and have the right to cross-examination. All testimony shall be given under oath. The Board of Appeals shall have power to administer oaths, issue subpoenas, and compel the attendance of the witnesses.
- i. The Public Works Director shall have the burden of proof by a preponderance of the evidence that the Licensee committed the acts described in the Revocation Notice.
 - ii. Should the Licensee fail to appear at the hearing, the Public Works Director revocation shall be certified.
 - iii. The Public Works Director and Licensee may resolve the matter by agreement which shall be submitted to the Board of Appeals for approval.
 - iv. The City shall ensure that the hearing is recorded and a record of the proceedings and evidence is preserved. The record shall include:
 - (A) All testimony reported verbatim stenographical or other appropriate means;
 - (B) All formal or informal notices, pleadings, motions and intermediate rulings;
 - (B) Evidence received or considered including matters officially noticed;
 - (C) Questions and offers of proof, objections and rulings thereon;
 - (D) Any proposed findings and exceptions thereto;
 - (E) Any opinion, findings, decision or order of the agency and any report by the officer presiding at the hearing.
 - v. Within 5 days of the hearing, the Board of Appeals decision shall be issued in writing with findings of fact and conclusions of law. Additionally, the Board of Appeals may set the conditions and parameters of the revocation, term of revocation which includes the ability to permanently prohibit the Licensee from reobtaining a license in the City of Sheridan, conditions of reinstatement, and assess all costs and expenses of the City, including the cost for City staff time, reasonably related to the revocation.
- (d) City Governing Body Appeal. A Licensee may appeal the Board of Appeals decision by providing written notice to the City Clerk within 30 days from the date of the Board of Appeals decision. The Licensee shall pay a docketing fee set by the City Governing Body.

- i. Upon receiving the notice of appeal, the City Clerk shall provide the Governing Body, appellee and appellant with a certified record of the proceeding..
- ii. The appeal shall be considered at a special meeting called by the Mayor. The special meeting must be held within 15 days of the Clerk receiving the written notice of appeal.
- iii. The Governing Body shall review the record of the hearing by the Board of Appeals and affirm, deny, modify or remand the determination. The Governing Body's decision shall be binding upon all agencies and administrative personnel of the City of Sheridan and appellant, as an exhaustion of administrative remedies on the issue.

PASSED, APPROVED AND ADOPTED this ____ day of ____, 2022.

City of Sheridan

Richard Bridger, Mayor

ATTEST:

Cecilia Good, 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: Consideration of Third Reading of Ordinance 2255, Revision of Municipal Code Regarding Open Space - Community Development Director Wade Sanner
From: Brendon Kerns, City Attorney
To: Mayor and Council
CC:
Date: 12/05/2022

Recommendation:

Consideration of Third and Final Reading of Ordinance 2255, Revision of the following Sheridan Municipal Code section regarding Open Space: Appendix A, 2 Definitions; Appendix A. 9C Gateway District; Appendix B, Article 507 Park Land and Open Space Dedication; and Appendix B, Article 805 PUD Development Standards.

Attachments

Draft Ordinance
Amendment

ORDINANCE NO. 2255

AN ORDINANCE AMENDING OPEN SPACE DEFINITIONS WITHIN CITY ORDINANCE

WHEREAS, the City of Sheridan Governing Body created a committee to review the open space definitions and application in the City Code; and

WHEREAS, the City of Sheridan Governing Body finds the following amendments to be in the best interests of the City.

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

The following Section of Appendix B Article 5 Section 507 pertaining to open space and park land is repealed and restated to read:

Appendix B, 507 Park Land and Open Space Dedication.

(A) Purpose. In order to provide for the orderly development of public facilities in accordance with the Master Plan, due consideration shall be given by the subdivider to the dedication or reservation of suitable sites for schools, parks, playgrounds, public recreational areas or open spaces.

(B) Definitions.

Payment Lieu – Cash payments that may be required of the owner or developer as a substitute for the dedication of land or physical improvements.

Open Space – Land that is preserved or undeveloped, in order to protect and conserve resources and provide passive or active recreation. Open space can be owned or managed by private or public entities, which may or may not have public access. Open space could include detention ponds, sensitive slopes, healthy forested lands, habitat conservation areas, and open grasslands. Open space is preserved in order to:

- Conserve and enhance natural or scenic resources.
- Protect and preserve stream corridors and floodplains.
- Protect and stabilize hillside slopes.
- Promote conservation of soils and wetlands.
- Enhance the impact of the natural environment to the abutting neighboring parks, forests, and wildlife preserves.
- Serve as trail corridors.
- Provide buffers from adjacent land uses.

Park or Park Land – Land that has been designated as a park pursuant to W.S. § 15-7-301 et. al. Parks shall be dedicated for public use with access available for active recreational, educational, cultural, or aesthetic uses. Parks contains natural vegetation and landscaping materials constructed facilities designed to serve the active recreational needs of the residents of the community. Parks could include the following: community parks, athletic fields, swimming pools, amphitheaters, multi-use courts, playground equipment, and gazebos.

(C) Open Space Designation

(1) Subject to the provisions herein, any subdivision of lands within the City which are zoned for residential purposes, when such subdivision is classified as a Major Subdivision as defined in Section 111(E), shall provide for development of parks or open spaces by one of the methods listed below.

(a) A tract(s) of suitable park land or open space shall be dedicated in accordance with the following table and computed as a percentage of the gross area of the subdivision:

Zone	Percentage Area
R-1	8%
R-2	10%
R-3	17%
R-4	10%

(2) Except as otherwise provided herein, the plats of all commercial (B) or industrial (M) zoned subdivisions are exempted from parkland or open space dedication. Provided, if 50% or more of the use is residential, the corresponding pertinent residential district parkland or open space requirements shall apply.

(a) Proposed open space or parkland shall be reviewed by the City Public Work's Director or delegated official. The City Public Work's Director or delegated official shall recommend to the Planning Commission and City Governing Body, respectively, whether the proposed open space meets the intent of this Article.

(D) Payment in lieu. Payment in lieu of dedication shall be made to a fund to be known as the Park Land Dedication Fund, which shall be used only for acquisition of park land or open space facilities, and/or park land or open space facilities improvements.

(1) A certified payment must be made prior to recording of the subdivision plat. The payment in lieu is computed at the fair market value of the property at the time of final plat approval reflecting the proposed lots and infrastructure and not the value

of undeveloped land, or the value established by the City Governing Body which cannot exceed the fair market value.

(E) Park or Open Space Dedication. No open space shall be deemed a Park as defined by W.S. § 15-7-301 unless specifically designated as such by Resolution or adopted Final Plat of the Governing Body. Open space shall be maintained by the Developer or future Home Owners Association unless the Governing Body has specifically accepted the dedication of open space to the City by Resolution or per the Final Plat.

(1) Parks or Open Space shall be shown adequately on a sketch plat as part of the preliminary plat application. Sufficient information shall be given to allow the Planning Commission to make an informed decision as to whether the acceptance of such lands is in the best interest of the City and whether the potential value of such lands as an integrated part of the City's Master Plan is of equal value to the park land which would otherwise be required.

(2) The Planning Commission's recommendation regarding the final plat shall be forwarded to the City Governing Body. The Governing Body may reject the proposed open space or parkland designation for failing meet the goals described in this Article.

(F) Park Size. Minimum park size shall be twenty thousand square feet with no dimension less than one hundred feet, unless approved by the Public Work's Director, and the average dimension not less than one hundred forty feet. Area calculated shall begin at a point twenty feet from any building wall on adjoining property. Park areas shall be accessible from a public street meeting current improvement standards. Utilities in the above street or streets will be installed by the subdivider in the same manner as other streets in the subdivision and as approved by the City.

(1) Areas occupied by drainage channels, draws, cliffs, easements and land areas with grades in excess of six percent (6%) shall not be suitable for park land dedication. Provided, such areas may be included within the park in combination with suitable adjacent land. The suitable adjacent land must have a grade of six percent (6%) or less and a width of at least one hundred feet in its least dimension, and in all other respects complies with this article. In no case shall the unsuitable portion of the dedicated lands comprise more than fifty percent (50%) of the required park area.

(G) Additional Dedications. Where it is determined that a greater amount of land is required for parks or open spaces, or where it is determined that land is required for any other type of public facilities, the subdivider at the time of filing the final plat must offer to sell such additional lands to the City at fair market value within one year immediately following the recording of the final plat. If any of such additional lands have not been purchased by the City within one year after the recording of the final plat, such lands may be subdivided by the subdivider in accordance with the requirements of this Ordinance, and the City shall waive any and all application and review fees for the subdivision.

- (1) The square footage of the land area set aside for City infrastructure or facilities may be applied towards the open space requirement or payment in lieu.

(H) Payment and Filing. When final plat is filed it shall clearly show the amount and location of any park lands or open space. The amount of any certified payments due shall be included in the subdivider agreement.

Appendix B Article 805.7 is repealed and restated to read as follows:

805.7 *Parks/Open Space.*

- (A) Required. Each PUD Master Plan shall provide for a minimum amount of parks/open space. A minimum of 20% of the gross area of the PUD shall be open space. At its discretion, City Governing Body may approve a decrease in the amount of required *parks/open space* when the PUD Master Plan addresses specific infill needs or includes unique design features or amenities that achieve an especially attractive and desirable development such as, but not limited to, terraces, sculptures, water features, or preservation and enhancement of unusual natural features. Public rights-of-way, except that provided solely for pedestrian pathways or trails, shall not count towards required open space.
- (B) Access. *Park* and open space areas shall have direct access from public streets and shall be well buffered from moving vehicles.
- (C) Park Dedication. No open space shall be deemed a Park as defined by W.S. § 15-7-301 unless specifically designated as such by Resolution or adopted PUD Master Plan by the Governing Body. Open space shall be maintained by the Developer or future Home Owners Association unless the Governing Body has specifically accepted the dedication of open space to the City by Resolution or per the PUD Master Plan.

Appendix A. Article 9(C)(A) shall be repealed and restated to read:

A. Purpose. To create a mixed use district that constitutes a natural social and economic part of the community and encourages development that preserves community character, natural space, and scenic vistas of gateway areas by requiring adequate *open space*, context sensitive design, and appropriate land use. The Gateway District may be applied to any land located along or near a major entrance into the City of Sheridan, primarily I-90, Main Street, 5th Street, Brundage Lane, Big Horn or Coffeen Avenue.

1. Park Dedication. No open space shall be deemed a Park as defined by W.S. § 15-7-301 unless specifically designated as such by Resolution or adopted Final Plat by the Governing Body. Open space shall be maintained by the Developer or future Home

Owners Association unless the Governing Body has specifically accepted the dedication of open space to the City by Resolution or per the Final Plat.

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.

Amendment 1 – 3rd Reading Ordinance 2255

Appendix B, 507(C) shall be amended to read as follows:

(C) Open Space Designation

(1) Subject to the provisions herein, any subdivision of lands within the City which are zoned for residential purposes, when such subdivision is classified as a Major Subdivision as defined in Section 111(E), shall provide for development of parks or open spaces by one of the methods listed below.

(a) A tract(s) of suitable park land or open space shall be dedicated in accordance with the following table and computed as a percentage of the gross area of the subdivision:

Zone	Percentage Area
R-1	8%
R-2	10%
R-3	10%*
R-4	10%

* Additional open space may be required by the City should the City find the designated open space insufficient to accommodate snow removal storage. Insufficient open space shall be determined to exist if it is necessary to use parking spaces for snow storage which would result in a violation of Appendix A, 6D “*Parking Regulations*”. The City may not request more open space than 15% of the gross area of the subdivision.

(2) Except as otherwise provided herein, the plats of all commercial (B) or industrial (M) zoned subdivisions are exempted from parkland or open space dedication. Provided, if 50% or more of the use is residential, the corresponding pertinent residential district parkland or open space requirements shall apply.

(a) Proposed open space or parkland shall be reviewed by the City Public Work’s Director or delegated official. The City Public Work’s Director or delegated official shall recommend to the Planning Commission and City Governing Body, respectively, whether the proposed open space meets the intent of this Article.



CITY OF SHERIDAN, WYOMING

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

City Administrator

MEMORANDUM

Project Name: Consideration of Resolution #63-22 Authorizing the Hiring of Three Additional Firefighter I Positions - Fire Chief Gary Harnish and City Administrator Stuart McRae
From:
To: Mayor and Council
CC:
Date: 12/19/2022

Discussion:

See the attached Resolution authorizing the hiring of three additional Firefighter I positions.

Attachments

Resolution #63-22

**CITY OF SHERIDAN
RESOLUTION 63-22**

A RESOLUTION AUTHORIZING THE HIRING OF THREE ADDITIONAL FIREFIGHTER I POSITIONS

WHEREAS, the City’s growth has resulted in an increased need for fire response capabilities; and

WHEREAS, the City Fire Department lacks the staffing to meet the increased fire response demand; and

WHEREAS, Resolution 3-22 authorized the submission of a SAFER grant application to assist with salary expenses for three Firefighter I positions which the City was not successful in obtaining; and

WHEREAS, in accordance with Resolution 3-22 and the FY23 budget, City Governing Body approval is required before the three Firefighter I positions can be filled.

BE IT RESOLVED BY THE CITY OF SHERIDAN GOVERNING BODY THAT:

The City Administrator is authorized to hire three additional Firefight I employees as soon as reasonably possible.

PASSED, APPROVED AND ADOPTED this ____ day of December 2022.

CITY OF SHERIDAN

Richard Bridger, Mayor

ATTEST:

Cecilia Good, City Clerk