

**Park County Board of County Commissioners
Regular Meeting
November 15, 2016**

Chairman French called to order a regular meeting of the Board of County Commissioners of Park County, Wyoming, on Tuesday, November 15, 2016. Present were Chairman French, Vice Chairman Lee Livingston, Commissioners Loren Grosskopf, Bucky Hall, Joe Tilden, and Deputy Clerk Teecee Barrett.

Commissioner Hall led the audience in the Pledge of Allegiance.

Approval-Hire Part Time Custodian Events Department.

Echo Renner, Events Coordinator, requested approval to hire a part time custodian. This position is budgeted for ten hours per week. Commissioner Hall moved to approve the hiring of a currently budgeted part time custodian for the Events Department, seconded by Commissioner Livingston and unanimously carried.

Approval-Hire Full Time Landfill Employee.

Tim Waddell, Landfill Manager, requested approval to hire a full time operator in Powell. Commissioner Hall moved to approve the hiring of a full time operator in Powell, seconded by Commissioner Livingston and unanimously carried.

Approval-Vouchers.

The following vouchers were presented to the Board for approval. Commissioner Tilden abstained from the vote due to the payment to Wilson-McKissack Water Users' Association. Commissioner Hall moved to approve the vouchers as presented, seconded by Commissioner Livingston and unanimously carried.

Payee	Amount
360 OFFICE SOLUTIONS	\$16.31
ALBERTSONS - SAFEWAY	\$229.50
APPLIED CONCEPTS, INC.	\$147.00
AT CONFERENCE	\$35.65
AT&T MOBILITY	\$164.25
BAILEY ENTERPRISES, INC.	\$3,811.92
BAILEY ENTERPRISES, INC.	\$555.81
BEAR CO., INC.	\$15,945.05
BIG HORN RADIO NETWORK	\$214.20
BIG HORN RURAL ELECTRIC COMPANY	\$312.57
BIG HORN WHOLESALE, INC.	\$4,233.97
BILLIN, AARON R.	\$309.50
BISON CONSTRUCTION, LLC	\$27,500.00
BLACK HILLS ENERGY	\$3,739.67
BLAKEMAN PROPANE, INC.	\$341.70
BLATT, TIMOTHY J.	\$238.45
BLOEDORN LUMBER - POWELL	\$42.67
BOB BARKER COMPANY	\$291.63
BOLLINGER M.D., KIRK A.	\$25.00
BUDGET BLINDS	\$935.00
C & C WELDING, INC.	\$165.91
C BAR K PETROLEUM SERVICES, LLC-II	\$422.50
CARVER, FLOREK & JAMES, CPA'S	\$18,000.00
CENTURYLINK	\$2,521.03
CENTURYLINK BUSINES SERVICES	\$2.98
CHOICE AVIATION, LLC	\$69.93
CLERK OF DISTRICT COURT - JURY FEES	\$2,240.00
CODY ACE HARDWARE	\$100.59
CODY ENTERPRISE	\$30.00
CODY ENTERPRISE	\$6,704.02

CODY, CITY OF	\$24,560.99
COMMERCIAL LAUNDRY SALES, INC.	\$252.12
COPENHAVER KATH KITCHEN & KOLPITCKE LLC	\$400.00
CORRECTIONAL HEALTHCARE COMPANIES, INC.	\$18,403.73
COULTER CAR CARE CENTER	\$88.00
CROFT, KIMBALL	\$130.00
CRUM ELECTRIC SUPPLY CO.	\$364.64
D & R ELECTRONICS	\$640.00
DATA IMAGING SYSTEMS, INC.	\$761.33
DENNY MENHOLT CHEVROLET BUICK GMC	\$80.13
DIVERSIFIED INSPECTIONS/ITL, INC.	\$1,384.50
DUSTBUSTERS, INC.	\$9,175.63
ELECTION SYS & SOFTWARE, INC	\$5,926.24
ELIAS, RONDA	\$104.76
FASTENAL	\$158.58
GALLS, LLC	\$102.49
GARLAND LIGHT & POWER CO.	\$1,081.41
GARVIN MOTORS, INC.	\$85.00
GENERATION X, INC.	\$22,645.00
HACKNEY, VANGI	\$18.18
HANSON CHEMICAL INC.	\$514.92
HONNEN EQUIPMENT CO.	\$1,399.38
HOT LINE CONSTRUCTION GROUP	\$130.00
HUGHES, RUSTY	\$24.67
JEWELL, AUDRA	\$574.52
KEELE SANITATION	\$2,998.60
KENCO SECURITY AND TECHNOLOGY	\$304.25
KOBBE CONSTRUCTION PARTNERSHIP	\$84.50
LINTONS BIG R, INC.	\$172.50
MACKENZIE, NICOLE	\$10.00
McINTOSH OIL, INC.	\$3,402.60
MEETEETSE, TOWN OF	\$121.70
METTLER-TOLEDO, LLC.	\$1,100.50
MICKELSON, JOSEPH D	\$250.56
MONTANA PETERBILT, LLC	\$75.21
MONTANA RADIATOR WORKS, INC.	\$879.00
MONTANA-DAKOTA UTILITIES CO.	\$911.24
MORLAN, JAMEY	\$19.71
MOUNTAIN WEST SCREEN PRINTERS, INC	\$37.48
MURDOCH OIL, INC.	\$20,646.90
NAPA AUTO PARTS	\$8.31
NEMONT	\$46.07
NEWMAN TRAFFIC SIGNS, INC	\$4,109.20
NORCO, INC.	\$395.36
ODDE, HANS	\$131.22
OFFICE SHOP, THE	\$1,284.43
O'REILLY AUTO PARTS	\$1,846.83
PARK COUNTY GLASS, INC.	\$65.00
PENWELL, STEVE	\$54.95
PFIZER INC.	\$1,563.98
PILCH ENGINEERING INC., PC	\$10,440.00
PITNEY BOWES, INC. - A/R	\$96.00
POWELL ACE HARDWARE, LLC	\$112.45
POWELL LOCK	\$400.00
POWELL TRIBUNE, INC.	\$50.00
POWELL TRIBUNE, INC.	\$5,372.80
PRODUCTION MACHINE CORP.	\$112.50
RAMKOTA HOTEL AND CONFERENCE CENTER	\$1,787.86
REED, DARLENE	\$84.24
RENNER, COLLEEN	\$149.58
RIMROCK TIRE CO - CODY	\$62.52
ROCKY MOUNTAIN POWER	\$118.20
ROTE, BRAD	\$71.30
ROVENNA SIGNS & DESIGN	\$3,068.00
SANOFI PASTEUR, INC	\$2,352.78
SHOSHONE OFFICE SUPPLY, INC.	\$540.74
SIMPSON, KEPLER & EDWARDS, LLC	\$20.00
STROUPE PEST CONTROL, CO.	\$640.00
SYSCO FOOD SERVICES OF MONTANA	\$2,579.01
TCT WEST, INC	\$7,879.23

TRIPLE L SALES	\$54.53
UPS STORE, THE	\$946.47
VISA - #0118 - P. MEYER	\$2,421.64
VISA - #0126 - L. GILLET	\$170.77
VISA - #0225 - W.E. CRAMPTON	\$2,860.41
VISA - #9259 - M. KNAPP	\$50.91
VISA - #9408 - B. EDWARDS	\$1,295.02
VISA - #9507 - C. RENNER	\$26.47
VISA - #9515 - P. LINDENTHAL	\$466.48
VISA - #9572 - E. RENNER	\$4,026.64
VISA - #9614 - SCOTT STEWARD	\$4,750.81
VISA - #9689 - M. CONNERS	\$5,715.76
VISA - #9721 - M. GARZA	\$743.63
VISION WEST, INC.	\$264.58
WEBSTER, II, C.E., ATTORNEY LLC	\$120.00
WEST PAC INDUSTRIES	\$113.96
WESTERN COLLISION, INC.	\$79.00
WILLIAMS & SONS, LLC	\$1,221.92
WILSON & MCKISSACK WATER USERS' ASSN.	\$4,500.00
WOLFE COMMUNICATIONS	\$572.13
WORKMAN WASH & BLAST	\$960.00
WPCI CONSULTANTS, INC.	\$201.00
WYOMING DEPARTMENT OF EMPLOYMENT	\$221.08
WYOMING DEPARTMENT OF HEALTH	\$989.43
WYOMING FIRE SAFETY, LC.	\$71.00
WYOMING WATER WORKS	\$138.00
TOTAL	<u>\$287,791.98</u>

Approve-Minutes.

The minutes from November 1 were presented to the Board for approval. Commissioner Grosskopf moved to approve the minutes as presented, seconded by Commissioner Tilden and unanimously carried.

Approve-Payroll.

Commissioner Grosskopf moved to approve the payroll as presented, seconded by Commissioner Livingston and unanimously carried.

Approve-Monthly Earnings & Collections Statements.

The earnings and collections statements were presented for the County Clerk, Clerk of District Court, and the Sheriff. Commissioner Hall moved to approve the monthly earnings and collections statements as presented, seconded by Commissioner Grosskopf and unanimously carried.

Approve-Tower Lease with Verizon

Mike Conners, Chief Information Officer, presented a lease extension for Verizon tower rental. The original agreement was for a ten year term. The new lease contains the same terms to include a \$75.00 per year increase. Commissioner Grosskopf moved to approve the tower lease agreement with Verizon for two five-year terms, seconded by Commissioner Livingston and unanimously carried.

Presentation-Veterans Memorial Park Project.

Buck Wilkerson, representative of the Veterans Memorial Park Project, came to update the Commissioners on projects at the Cody Veterans Memorial Park. The current project is a memorial to war dogs and their handlers. Artist John Phelps has been commissioned for the bronze statue of a Soldier and a War Dog with unveiling of the bronze planned for June 17. Wilkerson said former Texas Governor Rick Perry will attend the ceremony; Perry has committed to help with fund raising. Of the total estimated project cost of \$110,000.00, the group has raised \$25,000.00. Wilkerson said pavers

will be sold to anyone who would like to honor a pet or war dog. He expressed appreciation for the County's previous financial support and requested a contribution to support the War Dog Memorial. Chairman French said that the Board appreciates all the work that has gone into the memorials and will have a decision at their December 6 meeting.

Approve-Shiloh Estates Amended Plat.

Kim Dillivan, Planner II, provided the staff report for the Shiloh Estates plat amendment including a boundary line adjustment and partial vacation. The applicant wishes to merge the northwest half of Lot 24 with Lot 23, thereby creating Lot 12, and merge the southeast half of Lot 24 with Lot 25, thereby creating Lot 125. As a result, Lot 24 will be vacated. Shiloh Estates is located at 58 Shiloh Road. After general discussion Commissioner Livingston moved to approve the plat amendment, seconded by Commissioner Tilden and unanimously carried as **RESOLUTION NO. 2016-36**.

Update-Public Health.

Bill Crampton, Public Health Nurse Manager, updated the Board on the past month's activities. Approximately 200 doses of flu medicine remain for the year. Public Health revenues are down \$800.00 compared to last year at this time. Crampton said he isn't aware of any confirmed cases of the flu in Park County.

Liaison Reports.

Commissioner Hall gave an update on the Airport Board. Hall said he anticipates United Airlines returning in April with a Denver flight.

Commissioner Grosskopf said the Forest Service responded to the Board's letter requesting all comments related to the draft Shoshone National Forest Travel Management draft plan be provided and summarized for the cooperating agencies working group. The request will be completed before the next meeting. Grosskopf said the Health and Wellness committee will present a recommendation to the Board to raise the employee health incentive amount from \$500.00 to \$600.00. A survey will be distributed to employees during open enrollment to determine if there is interest in providing a second insurance option with a lower deductible; this option would include a payroll deduction. The GYCC meeting for grizzly bears will be held tonight in Cody at the Holiday Inn with the YES Committee's meeting tomorrow at the Buffalo Bill Historical Center. Included on the agenda is the YES Committee's vote regarding delisting the grizzly.

Commissioner Livingston said the Library Board is running smoothly. He anticipates that the Predator Board will be extending an invitation to the Board to discuss disbursement of funds as they are seeing shortfalls in funding.

Executive Session.

Commissioner Grosskopf moved to go into executive session pursuant to Wyoming State Statute 16-4-405 (a) (ix), seconded by Commissioner Tilden and unanimously carried. No decisions were made during this session. Commissioner Hall moved to exit executive session, seconded by Commissioner Tilden and unanimously carried.

Executive Session.

Commissioner Livingston moved to go into executive session pursuant to Wyoming State Statute 16-4-405 (a) (ix) and 16-4-405 (a) (x), seconded by

Commissioner Tilden and unanimously carried. No decisions were made in this session. Commissioner Hall moved to exit executive session, seconded by Commissioner Tilden and unanimously carried.

Recess until 5:30 PM.

Public Meeting-Willwood Dam Informational Meeting.

Following a recess, the Board of County Commissioners reconvened at the Park County fairgrounds events hall where they held a public informational meeting concerning the Willwood Dam silt release incident. Chairman French welcomed the public and invited the involved entities to make opening statements. French said the public would be able to ask questions following the agencies remarks and the appropriate representative would answer the question.

During recent planned work on the dam, a large amount of silt was released, damaging the river downstream. Several agencies, including the Wyoming DEQ, Bureau of Reclamation, Wyoming Game and Fish, and the Willwood Irrigation District, have been working together to mitigate the problem and find solutions to prevent a recurrence of the event.

Carlie Ronca, Bureau of Reclamation (BOR) Wyoming Area Manager, gave a description of the dam's location. The dam, constructed of concrete with two water gates, was initially built by the Federal government with the intentions of passing the use and maintenance over to an irrigation district like Willwood. This dam was constructed in 1924; BOR and Willwood entered into a contractual agreement in 1949 where the Bureau maintained ownership and the irrigation district assumed responsibility for maintenance and use of the dam. When the incident occurred both parties were issued warnings of violation by the Wyoming Department of Environmental Quality (DEQ), and as per protocol Ronca contacted the DEQ as was requested in the letter. She commented that they are working with all entities to find a solution to the problem.

Todd Singbeil, Willwood Irrigation District Manager, provided background on the planned dam project. Singbeil said the incident occurred during the second phase of the project. The first phase was completed in March of 2015. The second phase consisted of replacing two gates on the dam as well as implementing automated controls to operate the gates. Singbeil said the work was done by Sletten Construction who has done a fantastic job on the project and is in no way at fault for what happened.

Floyd Derry, Powell Clarks Fork Conservation board member, addressed the public as a third generation Willwood farmer and conservationist. Derry said only two percent of the river is privately owned with the remaining ninety eight percent owned by Federal and State governments. He feels that a huge part of the silt is coming from erosion of McCullough Peaks. Derry stressed that this is not Willwood's dirt/silt but that it is coming from upstream and the Irrigation District should not be responsible for financing the trout stream.

David Waterstreet, Wyoming DEQ Watershed Protection Program Section Manager, commented that in January they recognized potential issues at the dam and initiated the process to mitigate the problem. Waterstreet said that, at that time, they predicted that they had five to six years before something this drastic would happen. They had started planning studies to identify the problems and determine root causes. Waterstreet said the incident obviously came before anticipated, and as a result has taken priority. They will still have to wait for waters to clear to determine the total damage and have plans to start testing in the spring. There are 30-40 foot walls of sediment that have built up behind the dam. He also commented that there is potential to settle this out of court and they are currently testing the water for what type of debris is going down the river including testing for metals, which he doesn't expect to find. Once the water clears and they can complete a full assessment, they will also determine what types of uses are favorable for the

area. The Irrigation District has a variance that expires at the end of November but is still required to keep the water at a certain standard. The DEQ will continue to stay involved in the process and will work with all the other agencies toward a solution.

Jason Burckhardt, Wyoming Game and Fish Biologist, commented that the Game and Fish is a regulatory agency that manages the fish and assesses the population of the fish. In this particular area they manage Brown Trout as well as stock Rainbow Trout. There are over 600 pounds of fish in the river. They were going in October to sample the river and saw the amount of mud going down the river and contacted the DEQ at that time. Burckhardt said the total damage of the river cannot be assessed because of the current water conditions. They did go to the river today and observed some fish below the dam. They will also continue to work on this project.

Chairman French asked Singbeil to address when the project is projected to be done. Singbeil said the District holds a variance permit through November 30. He said the project is on schedule to be completed this Friday; however, there are drying requirements for some of the product being used. Singbeil plans to start the slow process of bringing up the pool levels on Monday. He commented that the long term goal is to get rid of the sediment. They are currently getting bids from mining companies to see what it would cost to physically remove the buildup. This is a very expensive project that the District themselves would not be able to fund. He wants to fix the issue right to eliminate future recurrences. Singbeil said this has been a concern for years and has happened before, just not at the magnitude that it did this time. He also reiterated that the District has to work under a strategic plan that has been developed over hours with engineers. This was not a project that was looked at lightly. Singbeil said they have had several meetings before this one to try to reach a resolution.

Chairman French opened the floor for questions from the public. Kirk Bollinger, landowner and avid angler, commented that he has been trying to track down the information on how the incident could have been prevented. Bollinger expressed that the cost of the project would have been far less expensive to fix than it is going to be now. Bollinger posed several questions: Was there a plan B; were requirements of the permit followed; will the Game and Fish hold people liable for killing the fish; what is the plan to fix it; why didn't the DEQ monitor the project closer; was the Engineering Associates engineer qualified to lead the project? Ronca commented that previous to the event the BOR and Game and Fish discussed doing a flush and flow and BOR submitted information to the Game and Fish for review. She also commented that several districts depend on water from the Buffalo Bill Dam and several people hold water rights so this all has to be taken into consideration when determining if there is water to do a flush and flow.

Travis Conklin, Engineering Associates engineer, commented that he has been on the project since 2007 and this project wasn't entered into lightly. The repair work needed to be done on the dam. He also commented that the water flow has been lower than it is currently in 2015 and it also operated at that level for a month. The District is making changes to the dam that are a necessity, but are also adding automation to allow them to be better stewards of the water and make precise adjustments to the dam. Conklin said even if they go to the expense to clean out the dam now it will be filled up again in 10 years. Commissioner Grosskopf asked if there is a possibility that something can be done now before they fill the pool so they don't have to lower the levels again. The District does not have the funds at this time to dredge out the silt, and this would only be a temporary fix. A permanent fix would have to allow for more water to come to the District that would wash the silt out. This would have to be put into policy before more water could be distributed.

Tim Wade, former County commissioner and fly fishing outfitter, commented that the Buffalo Bill Dam was built in the early 1900s, and the sediment load comes from clear up the Southfork. He sees this as an issue that has gone on for years and no one has wanted to deal with it. Wade suggested installation of a pressurized pipeline.

Bob Capron, Conservation Chair of East Yellowstone Trout Unlimited, would like to see a working group put together to come up with a solution.

Glen Loomis, a Powell native and fisherman, commented that this is a result of unintended consequences of good intentions. He went on that every river has a bed load and it has to go somewhere. He feels the issue started when the turbidity levels were established to maintain it as a fishery.

Andris Vaskis, Buffalo Bill Dam Visitor Center board member, commented that Willwood Dam is not the only issue. Vaskis said the issue starts at the Buffalo Bill Dam, which has recently taken on several tons of sediment and gravel, causing one of their turbines to work at partial capacity. This is still an issue as there just isn't the money to dredge it out.

George Nielsen, landowner, expressed concern with the data and the data collection. He has been told that in the early days they opened all three gates on the Willwood dam to wash the sediment out. Nielsen asked at what turbidity level that fish can survive. Burckhardt commented that there is not hard data of the lowest threshold turbidity level in which fish can survive. Burckhardt also commented that they were working with the district to perform a test on that when this all happened.

Cody resident and fisherman Robert Crooks commented that there is a lot of discussion of where the silt has come from, but wondered if studies have been done? Crooks also asked if building the Willwood Dam really created the blue ribbon trout fishery that extends to the Mormon Dam. Waterstreet responded that DEQ will conduct studies on the area to see where the sediment is coming from, but due to the current conditions this will not start until spring. Burckhardt answered the question on the fishery, saying that Willwood Dam is not creating the tailwater effect that goes down to the Mormon Dam.

Skip Hart commented that he doesn't see how a dam that was designed for an irrigation system can be managed for a fishery.

Shane Smith, landowner, wanted to remind the group that the dam was built for irrigation purposes and the BOR has the obligation to take care of the people with water rights first. Smith said the fact that this has become a blue ribbon fishery is just a bonus.

Others speaking were Glen Nalley, Dave Sweet, Bobby Rock, Marvin Blakesley, Jed Smith, Andy Quick, and Christine Bekes. The concern was getting the river back to what it was along with who is going to ensure that the resolution is reached so the same issue and conversations don't arise in the future. Also expressed was the concern of how the project will be funded and by whom.

Keith Murray, Willwood Irrigation board member, said the dam operates under strict standards that are taken very seriously by the board.

Jessica Crowder, Policy Advisor for the Office of Governor Matthew Mead, assured the group that the Governor's office is aware of the issue, has been involved and will stay involved in the discussions as the project continues.

Adjourn.

Commissioner Hall made a motion to adjourn, Commissioner Tilden seconded and the motion carried.

Tim A. French, Chairman

Lee Livingston, Vice Chairman

Loren Grosskopf, Commissioner

Bucky Hall, Commissioner

Joseph E. Tilden, Commissioner

Attest:

Teecee Barrett on behalf of
Colleen Renner, County Clerk