

Park County Board of County Commissioners
Regular Meeting
Tuesday, March 19, 2019

Chairman Fulkerson called to order a regular meeting of the Board of County Commissioners of Park County, Wyoming, on Tuesday, March 19, 2019. Present were Vice Chairman, Joe Tilden, Commissioners Lee Livingston, Dossie Overfield and Lloyd Thiel, and Clerk Colleen Renner.

John Gordiner led the audience in the Pledge of Allegiance.

Consent Items:

Approve-Minutes, Payroll and Vouchers

The minutes from March 5 and March 12, 2019, payroll in the amount of \$421,267.47 which is one bi-weekly and the vouchers were presented to the Board for approval. Also presented were the monthly earnings and collection statements for the Clerk, Clerk of District Court, and Sheriff. Commissioner Livingston moved to approve all as presented, seconded by Commissioner Overfield and motion carried.

Payee	Amount
360 OFFICE SOLUTIONS	\$3,779.60
A & I DISTRIBUTORS	\$841.15
AIRCYCLE CORPORATION	\$610.31
AMERICAN WELDING & GAS, INC.	\$15.54
AT&T MOBILITY	\$57.35
BAILEY ENTERPRISES, INC.	\$65.24
BAILEY ENTERPRISES, INC.	\$40.29
BAILEY ENTERPRISES, INC.	\$4,301.16
BEAR CO., INC.	\$6,076.37
BEARTOOTH ELECTRIC COOP	\$74.97
BENNETT, M.D., THOMAS L.	\$50.00
BIG HORN GLASS	\$96.64
BIG HORN RURAL ELECTRIC COMPANY	\$311.82
BIG HORN WHOLESALE, INC.	\$1,659.58
BIG VALLEY BEARING & SUPPLY, INC.	\$122.62
BLACK BOX RESALE SERVICES	\$2,072.70
BLACK HILLS ENERGY	\$7,036.81
BLAIR'S MARKET	\$53.78
BLAKEMAN PROPANE, INC.	\$1,101.42
BLOEDORN LUMBER - CODY	\$58.41
BOB BARKER COMPANY	\$425.08
BOONE'S MACHINE SHOP	\$46.00
BRAZELTON, LILLIAN	\$30.16
BUREAU OF MOTOR VEHICLES	\$4.00
BUSY B'S AUTO AND WRECKER	\$25.00
CARQUEST AUTO PARTS - #064250	\$2,277.06
CARQUEST AUTO PARTS - #274890	\$43.73
CDW GOVERNMENT, INC.	\$25,835.89
CENTURYLINK	\$2,515.37
CENTURYLINK BUSINES SERVICES	\$4.28
CHARTER COMMUNICATIONS	\$99.99
CHOICE AVIATION, LLC	\$29.80
CHRISTIE, LOGAN	\$162.63
CLARK KING & MICHEL, PC	\$1,025.00
CODY ACE HARDWARE	\$140.09
CODY ENTERPRISE	\$412.81
CODY REGIONAL HEALTH	\$32,068.97
CODY WINNELSON CO.	\$41.11
CODY, CITY OF	\$2,192.48
COPENHAVER KATH KITCHEN & KOLPITCKE LLC	\$400.00
CORRECTIONAL HEALTHCARE COMPANIES, INC.	\$19,465.67

COULTER CAR CARE CENTER	\$13.50
CROFT, KIMBALL	\$350.00
CRUM ELECTRIC SUPPLY CO.	\$246.83
CUSTOM AIR, INC.	\$3,048.20
D&G ELECTRIC, LLC	\$11,637.16
DELL MARKETING L.P., C/O DELL USA L.P.	\$9,174.52
DELUXE FOR BUSINESS	\$803.91
DENNY MENHOLT CHEVROLET BUICK GMC	\$2,042.07
EATON SALES & SERVICE, LLC	\$25,725.34
FREMONT BEVERAGES, INC.	\$33.00
FREMONT MOTOR POWELL, INC.	\$319.20
GARLAND LIGHT & POWER CO.	\$1,551.48
GOODYEAR PRINTING	\$493.00
GRAINGER	\$5,703.60
GREENWOOD, MICHAEL	\$24.13
GUERTIN, ANDREW	\$48.78
HANSON CHEMICAL INC.	\$1,100.65
HEART MTN FARM SUPPLY	\$60.12
HUMPHRIES-WADSWORTH, PhD, TERRESA M.	\$562.50
INDOFF INCORPORATED	\$228.50
INTERSTATE BATTERIES	\$122.95
INTERSTATE TIRE SERV. INC	\$245.00
IVERSON SANITATION	\$50.00
K-B COMMERCIAL PRODUCTS	\$1,894.49
KEEGAN, KRISJANSONS & MILES, PC	\$1,092.00
KEELE SANITATION	\$1,085.00
KIRKHOFF'S FLOOR COVERING	\$39.69
KOLACNY, DENISE	\$24.69
KPOW-AM	\$199.00
LONG BUILDING TECHNOLOGIES, INC.	\$577.60
MAJESTIC LUBE, INC.	\$170.90
MCVAY, FRANCIS H.	\$30.16
MEETEETSE, TOWN OF	\$121.70
MICKELSON, JOSEPH D	\$292.32
MONTANA-DAKOTA UTILITIES CO.	\$3,920.76
MORRISON MAIERLE INC	\$8,936.45
MOUNTAIN WEST COMPUTER	\$83.80
MURDOCH OIL, INC.	\$10,470.72
MURDOCH'S RANCH & HOME POWELL	\$85.02
NATIONAL BUSINESS SYSTEMS	\$610.36
NEWMAN TRAFFIC SIGNS, INC	\$552.35
NORCO, INC.	\$43.12
O'REILLY AUTO PARTS - CODY	\$33.00
OTIS ELEVATOR CO.	\$4,500.00
OVERFIELD, DOSSIE	\$95.70
PENWELL, STEVE	\$54.95
PHILLIPS, CLINT	\$1,407.00
POLECAT PRINTERY	\$60.00
POWELL ACE HARDWARE, LLC	\$139.48
POWELL LOCK	\$60.00
POWELL TRIBUNE, INC.	\$995.05
PRODUCTION MACHINE COMPANY	\$2,502.81
QUILL CORPORATION	\$177.44
ROCKY MOUNTAIN POWER	\$101.37
ROCKY MOUNTAIN WASH, LLC	\$42.00
SABER PEST CONTROL	\$120.00
SAUCEDA, DAVE	\$60.32
SIMPSON, KEPLER & EDWARDS, LLC	\$850.00
SPECIALIZED PRODUCTS COMPANY	\$203.74
SUMMERS, JOSH	\$41.29
SYSCO FOOD SERVICES OF MONTANA	\$2,041.24
THIEL, LLOYD	\$280.72
THOMPSON REUTERS - WEST	\$749.00
TOTAL ID	\$206.00
TUCKER, NICHELLE	\$95.12
UW EXTENSION	\$550.00
VARDIMAN, JEREMIAH	\$31.32

VISA - #0100 - B. SKORIC	\$100.32
VISA - #0118 - P. MEYER	\$265.03
VISA - #0191 - L. GROSSKOPF	\$77.50
VISA - #0225 - W.E. CRAMPTON	\$3,328.95
VISA - #9259 - M. KNAPP	\$34.17
VISA - #9358 - T. WADDELL	\$399.99
VISA - #9408 - B. EDWARDS	\$480.00
VISA - #9515 - P. LINDENTHAL	\$400.75
VISA - #9630 - T. POWER	\$282.39
VISA - #9911 - S. STEWARD	\$393.77
VISA - #9929 - J. HILL	\$1,117.71
VISA - #9960 - T. BARRETT	\$462.12
VISA - #9978 - M. CONNERS	\$3,734.98
VISA - #9994 - S. STEWARD	\$763.89
VISIONARY COMMUNICATIONS, INC.	\$82.43
WEBSTER, II, C.E., ATTORNEY LLC	\$520.00
WELD COUNTY SHERIFFS OFFICE	\$55.10
WLASCHIN, AINSLEY	\$8.29
WPCI CONSULTANTS, INC.	\$126.00
WYOMING CORONERS' ASSOCIATION	\$175.00
WYOMING DEPARTMENT OF EMPLOYMENT	\$173.60
WYOMING DEPARTMENT OF HEALTH	\$362.66
WYOMING DEPARTMENT OF HEALTH/PBL HLTH LB	\$15.00
WYOMING LAW ENFORCEMENT ACADEMY	\$2,965.00
WYOMING STATE COUNCIL OF SHRM	\$229.00
WYOMING STATE PUBLIC DEFENDER	\$800.00
TOTAL	<u>\$242,236.65</u>

Hans Odde, Park County Deputy Clerk – RE: Approve (2) Malt Beverage Permits:

1. **Cody Baseball Double Doc Fundraiser** – Mr. Odde presented the application from Cody Baseball for a malt beverage permit for this annual fundraising event which will be held at 117 Sunset Rim, Ryan Brown is the applicant. Commissioner Tilden made a motion to approve the permit, Commissioner Livingston seconded, and motion carried.
2. **PEP Annual Meeting** – Mr. Odde presented a catering permit application from WYOld West Brewing for the annual Powell Economic Partnership meeting to be held March 25, at 1069 Road 12 in Powell. WYOld West Brewing Co. is in good standing with the City of Powell and law enforcement. Commissioner Livingston made a motion to approve the catering permit, Commissioner Tilden seconded, and motion carried.

John Gordiner, Park County Library Board and Frances Clymer, Park County Library Director – RE: Park County Library Quarterly

Mr. Gordiner gave a brief update on two projects regarding the Powell Library, a needs assessment has been completed and a review of the structure of the building has also taken place. Library budget numbers are good at this time and the board will continue to monitor the budget as there may need to be an amendment before year end.

The library has implemented Hoopla which has been very exciting and well received.

Mr. Gordiner also stated they are happy to have Mr. Baumann on the board and Ms. Overfield as the county liaison.

Joy Hill, Director, Park County Planning & Zoning – RE: Public Hearing: Zoning of un-Zoned Parcel – Zoning Map Amendment, Site Address 225 HWY 295, Powell, WY

Chairman Fulkerson opened the public hearing.

Ms. Hill stated this parcel of land is located 6.6 miles east of City of Powell and was recently transferred from the State of Wyoming to private ownership and has been vacant for the past decade. The new landowner would like to use the

property for industrial purposes. Due to the unique location, history and knowledge of intended use the Commissioners requested the Planning & Zoning Commission consider assigning a zoning district to the parcel that is presently not zoned. At the January 29, 2019 meeting of the P&Z Commission it was recommended that the parcel be zoned GR-35. See P&Z resolution (#2019-3). Legal notices have been met. Public Works, Weed & Pest and State of Wyoming all returned comments, none of which were negative. Ms. Hill stated the map amendment does not single out a parcel of land for a zoning classification that would promote a land use that is incompatible or inconsistent with surrounding areas; is in accordance with County's Land Use Plan and the amendment substantially addresses a public purpose or need that outweighs any detriment to the rights of neighboring property owners.

Chairman Fulkerson called for public comment. The applicant's attorney Philip Bott, stated the land should remain industrial. Christine Bekes, Executive Director of PEP, recommends the Commissioners support industrial use and move this business forward.

Commissioner Tilden made a motion to close the public hearing, Commissioner Livingston seconded, and motion carried.

After considerable discussion Commissioner Tilden made a motion to zone the parcel industrial, Commissioner Thiel seconded, and the motion carried 3 – 1 with Commissioner Livingston opposed. **RESOLUTION 2019-10**

Wendy Morris, Prevention & Wellness, Community Prevention Manager – RE: Park County Quarterly Prevention Report –

Ms. Morris presented an executive summary for the months October thru December, 2018. Some of the topics for training with various organizations were suicide prevention, beverage service training, and prescription take back day to name a few. Ms. Morris worked with various organizations like Department of Health, Civil Air Patrol, Bright Futures Mentoring, Big Brothers/Big Sisters, both hospitals, Big Horn Basin Healthcare, schools and senior groups.

She is starting to work with schools on vaping education as it is two times worse than tobacco use. Healthy Park County is the name of their Facebook and web page where she shares events and information.

Kim Dillivan, Park County Planner II – RE: Public Hearing: Shumard Minor Subdivision Sketch Plan Review –

Chairman Fulkerson opened the public hearing.

Mr. Dillivan presented the application for a sketch plan to create a three-lot minor subdivision. It is a 27-acre parcel west of Lane 19 and approximately 5.25 miles northwest of Ralston. The area is essentially residential and agriculture and proposed Lot 2 has an existing residence. All notices have been met and agency referral comments were received.

The recommendation from the P&Z Commission is to approve with conditions noted in Resolution 2019-4. The delivery of irrigation water to the Shumard property must be resolved by Mr. Wadman, Mr. Shumard and the Heart Mountain Irrigation District prior to final plat review, which has not happened.

Chairman Fulkerson called for public comment.

Scott Lewis, Granite Engineering representing Mr. Shumard and Mr. Wadman both commented with regards to their dispute over delivery of irrigation water and the fact that there are no easements in place.

Commissioner Overfield made a motion to close the public hearing, Commissioner Livingston seconded, and motion carried.

Commissioner Livingston made a motion to approve the sketch on the condition an agreement can be reached concerning the irrigation distribution before the final plat is approved, Commissioner Tilden seconded, and motion carried. **RESOLUTION 2019-11**

Kim Dillivan, Park County Planner II – RE: Public Hearing: Mandie Mae Subdivision Preliminary Plat Review

Chairman Fulkerson opened the public hearing.

Mr. Dillivan presented the preliminary plat application for Robert Taylor to create a two-lot major subdivision. In November, 2018 a sketch plan was approved with conditions (2018-24) and February, 2019 preliminary plat was approved with conditions (Resolution 2019-05). The property is located 1.5 miles south of Powell city limits and is within GR-P zoning district. Surrounding land is primarily residential with some agricultural use. All notices and agency referrals have been met and comments from the agencies were received. Comments in writing have also been received.

The applicant shall provide all easements as requested by utilities, special districts and others providing services. The irrigation distribution plan must be approved before final plat approval, and applicant shall comply with standards in the Park County Development Regulations.

Commissioner Fulkerson called for comments. Collin Simpson, Attorney for Mr. Taylor commented on Steve Hermann's letter opposing the subdivision. Lyle Casciato, Engineering Associates also made comments with regards to the irrigation. There being no further comments Commissioner Tilden made a motion to close the public hearing, Commissioner Overfield seconded, and motion carried.

Commissioner Tilden made a motion to approve the preliminary plat with conditions, Commissioner Livingston seconded, and motion carried.

RESOLUTION 2019-12

Commissioners: - RE: Public Hearing: Brad Wagler Appeal –

Chairman Fulkerson opened the public hearing.

Ms. Hill presented to the board a request for a single building permit application. Ms. Hill requested documentation clarifying the history of the parcel and the LUC-105/GR-5.

After receiving a letter from Mr. Wagler requesting to appeal the director's decision legal notices were given. This property is approximately 20 miles west of Cody and a quarter mile east of the US Forest Service boundary. This commercial property is surrounded by private property used for residential and agricultural purposes. There are several structures, including a lodge and cabins, numerous RV camping spaces and RV shelters, two large sewer systems, plus the recently added Biker Memorial. Written comments and calls were received from several neighbors to the Wagler property regarding concerns for and/or against the proposed development.

At this time Ms. Hill recommends making an official statement with regards to the LUC-105, require a Special Use Permit (SUP) for operation of a Highway Commercial Business, clarification of the facilities and their use and require a SUP to allow the Fallen Biker's Memorial or obtain a SUP for any event qualifying as a special event per the regulations.

Commissioner Fulkerson called for public comments.

Richard Jones made comments and has no objection and would like to see this move forward with minimum impact on the owner. Mr. Wagler gave the history as he recalled it and felt he followed with the proper permits. After a lengthy discussion between Ms. Hill, the Commissioners and the public, Commissioner Thiel made a motion to close the public hearing, Commissioner Tilden seconded. Motion failed with Commissioners Overfield, Livingston and Chairman Fulkerson voting against.

Commissioner Livingston then made a motion to continue the public hearing to April 2 at 11 a.m., Commissioner Tilden seconded and motion carried.

Common Grounds Appeal – RE: Public Hearing – Continuance

Chairman Fulkerson opened the public hearing, and announced both parties involved requested a continuance. Commissioner Overfield made a motion

to allow the continuance to April 16, 2019 at 1:15 p.m., Commissioner Livingston seconded, and motion carried.

Todd Hebert, Quality Improvement and Risk Management Specialist, Steven Hultgren, Pharmacy Director and June Minchow, Emergency Department Director, Powell Valley Healthcare – RE: Approve and Sign (2) Support Letters for Wyoming State Lands & Investment Board Funding

1. Pharmacy Ventilation Upgrade
2. Emergency Department Improvement Project

Mr. Hebert and Ms. Minchow presented to the board letters supporting grant assistance from State Loan & Investment Board for the pharmacy upgrade requesting a 50% match of \$84,825.66 and for emergency department's improvement project with the 50% match in the amount of \$773,466.00.

Commissioner Thiel moved to sign the letters of support, Commissioner Tilden seconded, and motion carried.

Geri Hockhalter, Director - Cody Heritage Museum & Bobbie Holder – RE: Cody Heritage Garden Project – Final Plat

Ms. Hockhalter introduced herself as the new chairman of the museum's garden project, and introduced Bobbie Holder as the designer of the garden. This will be a three phase project with a cost of about \$10-12,000 through grants and donations. An education area, plants, sidewalk, water, weed free and who maintains the property were topics discussed.

Commissioner Tilden made a motion to accept the garden plan and to proceed forward at no additional cost to the county, Commissioner Livingston seconded, and motion carried

Diane Whitlock, Owner, Claire's French Bakery – RE: Proposal for the Bistro

Ms. Whitlock presented her plan for making homemade breads, pastries and croissants if given the opportunity to rent the Bistro located in the Park County Library. The proposed lease agreement will be for May 1-September 30 from 9-2 for \$250.00 a month. The space is being used as a meeting area at the present time. After discussion the Commissioners suggest that Ms. Whitlock meet with the Library Board next week and then return if both parties can come to an agreement on the space and time usage.

James Klessens, CEO/President Forward Cody – RE: Letter of Support: Census Tract (CT 9654) Adjustment

Mr. Klessens presented a letter for consideration to be sent to the Participant Statistical Area Program (PSAP) with regards to Census Tract adjustment. After receiving an answer from Census Bureau stating that is a "less preferred" boundary type, Mr. Klessens decided to come to the board for their consideration in submitting a letter regarding how and why this tract change would benefit that industrial area. Ms. Hill, stated PSAP only allows one entity per county to request changes and the county has that jurisdiction. Commissioner Tilden made a motion to proceed with sending the letter, Commissioner Livingston seconded, motion carried.

Mike Garza, Park County Buildings & Grounds Superintendent – RE: Proposal for the Events Coordinator Position

Mr. Garza presented a proposal that would combine these two departments. After a lengthy discussion about where responsibilities will fall within each department, Commissioner Tilden made a motion to have Mr. Garza supervise the Events and Buildings & Grounds departments and return in two weeks with job

descriptions and further recommendations, Commissioner Thiel seconded, and motion carried.

Executive Session.

Commissioner Livingston moved to go into executive session pursuant to Wyoming State Statue § 16-4-405 (a) (ii), seconded by Commissioner Overfield and unanimously carried. Commissioner Livingston moved to come out of executive session, seconded by Commissioner Tilden and unanimously carried. There were no decisions made in or as a result of this session.

Adjourn.

Commissioner Livingston made a motion to adjourn, Commissioner Overfield seconded and the motion carried.

Jake Fulkerson, Chairman

Joe Tilden, Vice Chairman

Lee Livingston, Commissioner

Dossie Overfield, Commissioner

Lloyd Thiel, Commissioner

Attest:

Colleen Renner, County Clerk