

Park County Board of County Commissioners
Regular Meeting
Tuesday, May 21, 2019

Chairman Fulkerson called to order a regular meeting of the Board of County Commissioners of Park County, Wyoming, on Tuesday, May 21, 2019. Present were Vice Chairman, Joe Tilden, Commissioners Lee Livingston, Dossie Overfield and Lloyd Thiel, and Clerk Colleen Renner.

Chairman Fulkerson led the audience in the Pledge of Allegiance.

Consent Items:
Approve-Minutes, Payroll and Vouchers

The minutes from May 7 & 14, payroll in the amount of \$584,646.36 which is one bi-weekly with health insurance 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 Tilden moved to approve all as presented, seconded by Commissioner Livingston and motion carried.

Payee	Amount
360 OFFICE SOLUTIONS	\$72.87
ALDRICH'S - POWELL	\$109.25
AT CONFERENCE	\$359.96
AT&T MOBILITY	\$113.95
ATCO INTERNATIONAL	\$125.75
BAILEY ENTERPRISES, INC.	\$114.37
BAILEY ENTERPRISES, INC.	\$220.23
BAILEY ENTERPRISES, INC.	\$5,156.16
BEARTOOTH ELECTRIC COOP	\$75.89
BENNETT, M.D., THOMAS L.	\$1,827.60
BIG HORN RADIO NETWORK	\$936.00
BIG HORN RURAL ELECTRIC COMPANY	\$336.75
BIG HORN WHOLESALE, INC.	\$13,798.64
BIG SKY COMMUNICATIONS, INC.	\$1,372.00
BIGHORN DESIGN STUDIO	\$70.50
BLACK HILLS ENERGY	\$3,313.61
BLAKEMAN PROPANE, INC.	\$445.23
BOB BARKER COMPANY	\$80.27
BOONE'S MACHINE SHOP	\$32.87
BOTACH TACTICAL	\$3,450.00
BUILDERS FIRST SOURCE	\$57.59
CARQUEST AUTO PARTS - #064250	\$2,275.63
CDW GOVERNMENT, INC.	\$3,715.01
CENTURYLINK	\$3,400.76
CENTURYLINK BUSINES SERVICES	\$16.23
CHARTER COMMUNICATIONS	\$19.63
CHRISTIE, LOGAN	\$120.64
CNA SURETY DIRECT BILL	\$50.00
CODY ACE HARDWARE	\$251.56
CODY ENTERPRISE	\$4,333.11
CODY PAINT & BODY, INC.	\$5,047.07
CODY, CITY OF	\$1,880.30
CONNERS, MICHAEL	\$407.74
COPENHAVER KATH KITCHEN & KOLPITCKE LLC	\$400.00
CORRECTIONAL HEALTHCARE COMPANIES, INC.	\$19,465.67
COULTER CAR CARE CENTER	\$121.62
CRUM ELECTRIC SUPPLY CO.	\$269.22
CUSTOM DELIVERY SERVICE, INC.	\$16.34
D&G ELECTRIC, LLC	\$563.13
DE HAAN ELECTRONICS	\$2,094.54
DELL MARKETING L.P., C/O DELL USA L.P.	\$3,177.86
DENNY MENHOLT CHEVROLET BUICK GMC	\$51,577.42
DUNNAM, LOGAN	\$10.00
FREMONT BEVERAGES, INC.	\$66.00
FREMONT MOTOR CODY, INC.	\$99.99
G & L WATER SERVICES	\$102,500.00

GALLS, LLC	\$123.50
GARLAND LIGHT & POWER CO.	\$1,071.45
GREENWOOD, MICHAEL	\$33.18
HARRIS TRUCKING & CONST., INC.	\$2,602.62
HOFF, KIM	\$914.55
INTERSTATE TIRE SERV. INC	\$70.00
INTOXIMETERS, INC.	\$266.50
IVERSON SANITATION	\$50.00
J.C. REPAIR, INC.	\$280.00
KEEGAN, KRISJANSONS & MILES, PC	\$2,508.00
KEELE SANITATION	\$1,620.00
KENCO SECURITY AND TECHNOLOGY	\$198.50
KINCHELOE PLUMBING & HEATING	\$150.00
KPOW-AM	\$199.00
LIVINGSTON, LEE	\$237.80
LOEPER, JESSICA	\$3,540.00
MACIK, SOPHIA	\$10.00
MAJESTIC LUBE, INC.	\$94.95
MASTER'S TOUCH, LLC	\$3,266.45
McINTOSH OIL, INC.	\$7,043.42
McKESSON MEDICAL SURGICAL	\$23.46
MEETEETSE, TOWN OF	\$121.70
MERCK SHARP & DOHME CORP	\$252.89
METTLER-TOLEDO, LLC.	\$669.81
MOHLER, TYCEE JO	\$620.83
MONTANA RADIATOR WORKS, INC.	\$895.00
MONTANA-DAKOTA UTILITIES CO.	\$1,749.48
MOTOROLA SOLUTIONS, INC.	\$16,837.00
MOUNTAIN WEST COMPUTER	\$64.94
MURDOCH OIL, INC.	\$40,467.70
NAPA AUTO PARTS	\$79.30
NATIONAL BUSINESS SYSTEMS	\$2,603.17
NORCO, INC.	\$71.34
ODDE, HANS	\$39.50
OFFICE SHOP, THE	\$2,536.63
PATRICK, BRIANNE	\$150.00
PENWELL, STEVE	\$29.96
PERRY, JOHN R.	\$1,236.25
PILCH ENGINEERING INC., PC	\$7,740.52
PITNEY BOWES, INC. - A/R	\$51.00
PLANET HEADSET	\$67.85
POWELL ACE HARDWARE, LLC	\$158.43
POWELL LOCK	\$163.50
POWELL TRIBUNE, INC.	\$3,803.50
REED, DARLENE	\$287.61
RIVER MASTERS CONSTRUCTION, LLC	\$1,020.00
ROCKY MOUNTAIN POWER	\$413.39
ROCKY MOUNTAIN WASH, LLC	\$60.00
SABER PEST CONTROL	\$120.00
SIMMONS, KAMBRIE	\$10.00
SUNLIGHT PHOTOGRAPHICS	\$949.16
SYSCO FOOD SERVICES OF MONTANA	\$1,854.82
THOMPSON REUTERS - WEST	\$749.00
UPS STORE, THE	\$57.93
VARDIMAN, JEREMIAH	\$198.36
VERIZON WIRELESS	\$50.08
VISA - #0034 - M. GARZA	\$3,484.35
VISA - #0068 - B. POLEY	\$237.50
VISA - #0100 - B. SKORIC	\$215.73
VISA - #0191 - J. FULKERSON	\$1,492.32
VISA - #0225 - W.E. CRAMPTON	\$1,545.18
VISA - #9259 - M. KNAPP	\$394.54
VISA - #9358	\$79.99
VISA - #9408 - B. EDWARDS	\$1,295.97
VISA - #9507 - C. RENNEN	\$14,611.82
VISA - #9515 - P. LINDENTHAL	\$27.28
VISA - #9929 - J. HILL	\$12.99

VISA - #9978 - M. CONNERS	\$3,344.43
VISA - #9986 - M. GARZA	\$882.83
VISA - #9994 - S. STEWARD	\$1,087.99
WAYNE'S BOOT SHOP	\$300.00
WEBSTER, II, C.E., ATTORNEY LLC	\$810.00
WHITE INK, LLC	\$3.35
WLASCHIN, AINSLEY	\$32.83
WOODWORKER'S SUPPLY, INC.	\$21.46
WPCI CONSULTANTS, INC.	\$126.00
WYOMING COUNTY & PROS. ATTORNEYS ASSN	\$100.00
WYOMING DEPARTMENT OF EMPLOYMENT	\$187.40
WYOMING DEPARTMENT OF HEALTH	\$215.40
WYOMING DEPARTMENT OF HEALTH/PBL HLTH LB	\$429.00
WYOMING DEPT OF TRANS - MOTOR VEHICLES	\$11.00
WYOMING DEPT. OF WORKFORCE SERVICES	\$6,252.47
WYOMING STATE PUBLIC DEFENDER	\$69,732.84
WYOMING STATE PUBLIC DEFENDER	\$800.00
YANKEE CAR WASH	\$10.00
YELLOWSTONE COUNTY SHERIFF	\$753.75
TOTAL	<u><u>\$452,931.41</u></u>

Hans Odde, Park County Deputy Clerk – RE: Public Hearing: Bill Cody Ranch Liquor License Transfer & New Restaurant License – Absaroka Mountain Lodge

Chairman Fulkerson opened the public hearing.

Mr. Odde presented a transfer application for a full retail liquor license from Texoming Run, LLC dba Bill Cody Ranch to Jelks Ranch Holdings LLC and a new application from Gunbarrel Creek Inc dba Absaroka Mountain Lodge to for a restaurant liquor license.

Chairman Fulkerson called for public comments, there being none Commissioner Tilden made a motion to close the public hearing, Commissioner Thiel seconded, and motion carried.

Commissioner Tilden made a motion to approve the new restaurant license for Gunbarrel Creek Inc dba Absaroka Mountain Lodge, Commissioner Livingston seconded, and motion carried.

Commissioner Thiel made a motion to transfer the full retail license from Texoming Run, LLC to Jelks Ranch Holdings, LLC with the guest ranch designation, Commissioner Tilden seconded, and motion carried.

Park County Commissioners – RE: Approve Appointment to the Park County Parks & Recreation Board

Ms. Kohn reported only one applicant for Park County Recreation Board was received and no one from the Meeteetse area applied for the vacancy to the Library Board.

Commissioner Livingston made a motion to appoint Brodie Bennett to the Parks & Rec Board, Commissioner Overfield seconded, and motion carried.

Commissioner Livingston made a motion to advertise and open the library board for any applicant within the county to apply, Commissioner Overfield seconded, and motion carried.

Liaison Reports

Commissioner Overfield reported on the Community Wildfire preparation meeting, Museum Board, Parks & Rec Board and the War Dog.

Commissioner Livingston reported on the Fair Board meeting, things are moving forward in preparation for the fair.

Commissioner Thiel reported on Park County Weed & Pest and the Predatory Animal Board meetings.

Commissioner Tilden reported on the Beartooth Ranch Committee, Mr. Thiel would like to see this committee made independent from the County, Chairman Fulkerson will put that for a future agenda item.

Chairman Fulkerson reported on the Library Board and the meeting with Town of Thermopolis Engineer regarding their landfill. He also attended the Forward Cody

meeting and the Park County Health Coalition meeting and the good things happening there.

Kim Dillivan, Park County Planning & Zoning, Planner II – RE: Public Hearing: Pollen Landscapes Variance Request

Chairman Fulkerson opened the public hearing.

Mr. Dillivan presented the variance request from Kendra Morris in which she would like to build a 30 x 96 ft. and a 40 x 40 ft. greenhouse in Country Club Ranchettes Subdivision and is requesting a Major Commercial Business in a Rural Residential 2-acre zoning district. All legal notices and agency referrals were met. Ms. Morris answered several questions from the Board.

Chairman Fulkerson called for comments from the public. Neighbors to the proposed project, Robert Darling and Richard Lasko both made comments and have no objections. There being no further public comment Commissioner Livingston made a motion to close the public hearing, Commissioner Tilden seconded, and motion carried.

After discussion on the four conditions to allow the variance Commissioner Tilden made a motion to approve, Commissioner Livingston seconded, Commissioner Thiel and Commissioner Overfield opposed, Chairman Fulkerson also opposed, motion failed. **RESOLUTION 2019-23**

Kim Dillivan, Park County Planning & Zoning, Planner II - RE: Public Hearing: Merit Large Impact Structure – SUP 177

Chairman Fulkerson opened the public hearing.

Mr. Dillivan presented a Special Use Permit application which was received on March 18, 2019 including a plan-view drawing showing building location, legal description and acreage, vicinity map, amount of building square footage and types of activities and characteristics having impact on adjacent properties. The permit is for a 10,582 square foot structure to house a 24-megawatt natural gas fired electrical generating facility. All legal notices were met, and no comments were received.

Chairman Fulkerson called for comments from the public. There being none Commissioner Livingston made a motion to close the public hearing, Commissioner Thiel seconded, and motion carried.

Commissioner Thiel made a motion to approve the resolution, Commissioner Livingston seconded, and motion carried. **RESOLUTION 2019-24**

Kim Dillivan, Park County Planning & Zoning, Planner II – RE: Public Hearing: Cody Cowboy Church Major Institutional Use – SUP 178

Chairman Fulkerson opened the public hearing.

Mr. Dillivan presented a Special Use Permit application which was received on March 18, 2019 including plan-view drawings from Pat Alphin. This SUP would allow construction of a 1,200 square foot addition to the church, it will connect the existing bunkhouse, creating more than 5,000 square foot of floor space. A variance (2019-09) request was approved. All legal notices were met, and written comments were received from County Engineer Edwards.

Chairman Fulkerson called for comments from the public. There being none Commissioner Thiel made a motion to close the public hearing, Commissioner Tilden seconded, and motion carried.

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

Joy Hill, Park County Planning & Zoning Director – RE: Public Hearing: Pleban Flood Plain Development Permit – 2-19

Chairman Fulkerson opened the public hearing.

Ms. Hill presented the staff report for Mr. Pleban's application to bury an electric conduit and build four individual pads (which have already been installed) for the placement of teepees and a security barrier. The staff report also included the history of the property with regards to Letter of Map Amendment through FEMA to remove a portion of his parcel from the Floodplain. A Floodplain Development Permit Application was filed in September 2018 requesting all the above and was denied.

A lengthy discussion took place regarding danger to life and property due to flooding; the danger of material being swept onto other lands; the expected heights, velocity duration and rate of rise and sedimentation of the flood waters; the availability of alternative locations not subject to flooding and erosion damage; and the relationship of the proposed use to the Land Use Plan.

Comments were received from Kim Johnson, Flood Coordinator, Office of Homeland Security, and Brian Edwards, County Engineer, as requested by Planning & Zoning and one written comment was received. Chairman Fulkerson called for comments from the public, Mr. Pleban commented on the work that he has completed on the property.

There being no further comments, Commissioner Livingston made a motion to close the public hearing, Commissioner Tilden seconded, and motion carried.

Commissioner Livingston made a motion to deny the application for the flood plain permit, Commissioner Tilden seconded, Commissioners Livingston, Overfield and Tilden voted aye, and Commissioner Thiel opposed, and motion carried.

Brian Edwards, Park County Engineer – RE: Presentation of Viewer’s Report to Consider Alteration of a Public Access (Alley) Located in the Burrows Subdivision In Ralston, Wyoming in Accordance with Wyoming State Statute §24-3-106

Mr. Edwards presented copies of the report. The acceptance of the viewers report will clean up confusion from 2001 regarding the alley and the lots within the Burrows Subdivision. Commissioner Livingston made a motion to accept the viewers report, Commissioner Thiel seconded, and motion carried.

Tim Power, County Coroner asked for a moment of the boards time. The funeral home that has been housing the county’s refrigeration unit for many years in Cody will no longer be able to. Commissioners recommended Mr. Power reach out to Mike Garza for a location within the county that may work with water and sewer available.

~ Convene in EOC Room ~

Kim Dillivan, Park County Planning & Zoning, Planner II – RE: Public Hearing: Will’s Hope Dude Ranch and Resort – SUP-176

Chairman Fulkerson opened the public hearing.

Mr. Dillivan presented the special use permit application that was received March 13, 2019 including plan-view drawings to allow a Dude Ranch and Resort use for a small non-profit organization to operate an outdoor educational and self-development program for young adults with disabilities. The residence is 19 Davis Draw which primary use will be lodging and dining. Other classifications were considered but were found to be inappropriate.

The parcel is owned by Mark & Sarah Squire and was built around August 1984. The property is located 16 miles southwest of Cody and zoned GR-20 which would allow this use if approved. All legal notices have been met. Public Works, Game & Fish, Weed & Pest and Wyoming State Fire Inspector all had comments. Nine written responses from the public have been received.

Chairman Fulkerson called for comments from the public.

Commenting were Joe Carol, Alan & Helen Rosenbaum, Don & Sherry Frame, Boone Tidwell, Dana Harrington, Colin Simpson, Edlyn Richelderfer, Robert Till, Marty Morris, Lynn Haine, Mark & Sarah Squire, and Chris Kane. Most spoke in opposition of the permit.

There being no further comments Commissioner Livingston made a motion to close the public hearing, Commissioner Tilden seconded, and motion carried.

Commissioner Tilden stated he was not able to make a decision at the present time, Commission Livingston stated the same and the Board will announce to the public when they plan to make the decision, possibly as soon as June 4th after receiving answers to questions that came up during the public hearing.

~ Convene in Commissioners’ Meeting Room ~

Scott Steward, Park County Sheriff – RE: Approve and Chairman Sign Cooperative Law Enforcement Annual Operating Plan & Financial Plan Between Park County Sheriff’s Office and the USDA, Forest Service Shoshone National Forest - \$8,700

After a brief discussion regarding the actual costs Commissioner Livingston made a motion to approve and allow the chair to sign the agreement, Commissioner Tilden seconded, and motion carried.

Approve and Sign Correctional Healthcare Annual Contract –

Sheriff Steward presented the contract which remains the same but at this time would like to discuss adding a psychological type program that can be provided for an additional fee to complete evaluations in house which could save money in litigation. Sheriff Steward will forward the contract to the Commissioners and County Attorney and have Deputy Torczon attend the next meeting to answer questions.

Search & Rescue Retirement –

Sheriff Steward briefed the Commissioners on the retirement program that will now be available to Search and Rescue members with certain guidelines as stated in HB246 (Wy Statute §35-9-616). The PCSaR By-Laws will be filed with the Clerk and Sheriff Steward would also like to pay contributions through payroll.

Sheriff Steward also gave a brief update on the applicant selected for the Homeland Security position. The appointment will need to be approved by the Governor once all the paper work is complete.

Executive Session

Chairman Fulkerson convened an executive session pursuant to W.S. § 16-4-405 (a) (ii) (ix).

Commissioner Tilden moved to exit from executive session, Commissioner Livingston seconded, and the motion carried. No decisions were made in or as a result of the executive session.

Bill Crampton, Public Health Manager received a report from County Health Officer, Dr. Billin regarding cases of pneumonia in young children in Park County. Information only.

Adjourn.

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

Jake Fulkerson, Chairman

Joe Tilden, Vice Chairman

Lee Livingston, Commissioner

Dossie Overfield, Commissioner

Lloyd Thiel, Commissioner

Attest:

Colleen Renner, County Clerk