

**Park County Board of County Commissioners**  
**Regular Meeting**  
Tuesday, August 17, 2021

Chairman Livingston called to order a regular meeting of the Board of County Commissioners of Park County, Wyoming, on Tuesday, August 17, 2021. Present were Vice Chairman, Dossie Overfield, Commissioners, Scott Mangold, Lloyd Thiel, Joe Tilden and First Deputy Clerk Hans Odde.

First Deputy Odde led the audience in the Pledge of Allegiance.

**Consent Agenda**

Commissioner Overfield made a motion to approve the following consent agenda items: Approve Minutes: 8/3, Approve Payroll, Approve Vouchers, Approve and sign Monthly Earnings & Collections Statements for the Clerk, Clerk of the District Court and Park County Sheriff; Approve and Allow Chairman to Sign Resolution 2021 – 64 to Document Park County's Implementation of the provisions of Section 414 (h)(2) of The Internal Revenue Code, Regarding Employer Pick-up of Employee Retirement Contributions to the Wyoming Retirement System. Commissioner Mangold seconded and the motion carried.

Payee	Amount
360 OFFICE SOLUTIONS	\$332.64
A & I DISTRIBUTORS	\$107.48
APEX LEGAL PC	\$75.00
AT&T MOBILITY	\$923.24
BAILEY ENTERPRISES, INC.	\$154.92
BAILEY ENTERPRISES, INC.	\$6,611.16
BANNING, TYLER	\$30.51
BEACON COMMUNICATIONS, LLC	\$188.83
BEAR CO., INC.	\$1,681.38
BIG HORN CO-OP MARKETING ASSN.	\$23.97
BIG HORN RADIO NETWORK	\$300.00
BIG HORN RURAL ELECTRIC COMPANY	\$394.64
BIG HORN WHOLESALE, INC.	\$1,087.22
BLACK HILLS ENERGY	\$706.96
BLAIR'S MARKET	\$32.94
BLOEDORN LUMBER - POWELL	\$188.90
BOB BARKER COMPANY	\$1,542.25
BOMGAARS	\$109.15
BOONE'S MACHINE SHOP	\$50.00
BURG SIMPSON ELDREDGE HERSH & JARDINE	\$1,895.15
CARING FOR POWELL ANIMALS	\$750.00
CAROLINA SOFTWARE	\$388.90
CARQUEST AUTO PARTS - #064250	\$843.28
CBL SALT LAKE CITY	\$93.35
CDW GOVERNMENT, INC.	\$890.00
CENTURYLINK	\$3,486.08
CENTURYLINK BUSINES SERVICES	\$18.09
CHARTER COMMUNICATIONS	\$303.65
CHRISTIE, LOGAN	\$203.84
CODY ACE HARDWARE	\$615.10
CODY COUNCIL ON AGING	\$11,750.00
CODY ENTERPRISE	\$7,031.59
CODY REGIONAL HEALTH	\$283.00
CODY, CITY OF	\$29,635.42
CONSOLIDATED ELECTRICAL DISTRIBUTORS	\$191.33
CORRECTIONAL HEALTHCARE COMPANIES, INC.	\$20,989.29
COULTER CAR CARE CENTER	\$63.45
CRAMPTON, WILLIAM E.	\$101.92
CRISIS INTERVENTION SERVICES	\$2,500.00
CROFT, KIMBALL	\$134.40
CRUM ELECTRIC SUPPLY CO.	\$28.02
CUSTOM DELIVERY SERVICE, INC.	\$38.00

DENNY MENHOLT CHEVROLET BUICK GMC	\$73.20
DETCO	\$338.84
DICK JONES TRUCKING	\$10,692.26
ENERGY LABORATORIES, INC.	\$782.00
ENGINEERING ASSOCIATES	\$5,707.02
FASTENAL	\$113.28
FLOYD'S TRUCK CENTER	\$323.41
FORWARD CODY WYOMING, INC.	\$3,500.00
FREMONT MOTOR POWELL, INC.	\$605.73
GALLS, LLC	\$421.42
GARLAND LIGHT & POWER CO.	\$833.29
GOODYEAR PRINTING	\$126.00
GUERTIN, ANDREW	\$48.43
HONNEN EQUIPMENT CO.	\$95.18
INTERSTATE BATTERIES	\$134.95
IVERSON SANITATION	\$50.00
K-B COMMERCIAL PRODUCTS	\$700.35
KENCO SECURITY AND TECHNOLOGY	\$1,057.10
KINCHELOE PLUMBING & HEATING	\$34.70
KOREM CORPORATION	\$515.00
LABUDA AND WHITE TRIAL ATTORNEYS, LLC	\$5,175.00
LEON UNIFORM COMPANY, INC.	\$415.00
LOEPER, JESSICA	\$997.50
MAJESTIC LUBE, INC.	\$58.00
MANNAHOUSE FOOD PANTRY	\$2,000.00
McINTOSH OIL, INC.	\$2,776.14
MEETEETSE SENIOR CENTER	\$2,500.00
MEETEETSE VISITOR CENTER	\$1,500.00
MEETEETSE, TOWN OF	\$249.20
MICKELSON, JOSEPH D	\$349.44
MILES, SARAH N,	\$800.00
MONTANA-DAKOTA UTILITIES CO.	\$566.19
MOTOR PARTS, INC.	\$310.95
MOTOROLA SOLUTIONS, INC.	\$219.00
MOUNTAIN WEST COMPUTER	\$215.63
MURDOCH OIL, INC.	\$11,384.85
MURDOCH'S RANCH & HOME POWELL	\$251.24
NAPA AUTO PARTS	\$77.46
NATIONAL BUSINESS SYSTEMS	\$100.00
NORCO, INC.	\$50.84
NORMONT EQUIPMENT CO	\$164.49
NORTHWEST RURAL WATER DISTRICT	\$242.43
OFFICE SHOP, THE	\$1,601.03
O'REILLY AUTO PARTS - POWELL	\$6.20
PALMERSHIEM, GREG	\$40.00
PARK CO COURT SUPERVISED TREATMENT PROG	\$3,000.00
PARK COUNTY ANIMAL SHELTER	\$2,250.00
PARK COUNTY WEED & PEST CONTROL	\$50.00
PENWELL, STEVE	\$37.58
PITNEY BOWES, INC. - A/R	\$107.52
POWELL ACE HARDWARE, LLC	\$1,425.47
POWELL ECONOMIC PARTNERSHIP, INC.	\$3,000.00
POWELL SENIOR CITIZENS AGO-GO, INC	\$11,750.00
POWELL TRIBUNE, INC.	\$5,916.05
POWELL WELDING AND INDUSTRIAL SUPPLY LLC	\$2,928.49
POWELL, CITY OF	\$10,717.02
PRODUCTION MACHINE COMPANY	\$1,044.45
RIMROCK TIRE CO - CODY	\$566.31
ROCKY MOUNTAIN POWER	\$1,391.26
ROCKY MOUNTAIN WASH, LLC	\$106.00
S&P BRAKE SUPPLY AND DRIVELINE SERVICES	\$936.00
SABER PEST CONTROL	\$200.00
SANOFI PASTEUR, INC	\$1,087.20
SELBYS, INC.	\$1,795.80
SHERWIN-WILLIAMS STORE - CODY	\$247.87
SMITH PSYCHOLOGICAL SERVICES	\$400.00
SPENCER FLUID POWER	\$3,548.53
SUN RIDGE SYSTEMS, INC.	\$1,200.00
SYSCO FOOD SERVICES OF MONTANA	\$732.09
T-O ENGINEERS	\$1,984.35
TRACTOR & EQUIPMENT CO	\$343.58
UPS STORE, THE	\$13.57

VERIZON WIRELESS	\$217.82
VERIZON WIRELESS	\$50.04
VISA - #0037 - B. POLEY	\$289.46
VISA - #0052 - P. MEYER	\$140.78
VISA - #0078 - L. LIVINGSTON	\$635.86
VISA - #0086 - W.E. CRAMPTON	\$1,269.32
VISA - #0227 - G. PALMERSHEIM	\$604.60
VISA - #0235 - B. EDWARDS	\$601.00
VISA - #0250 - C. RENNER	\$7,126.68
VISA - #0268 - P. LINDENTHAL	\$90.80
VISA - #0359 - S. STEWARD	\$852.29
VISA - #3972 - J. TATUM	\$8,151.06
VISA - #4079 - S. STEWARD	\$1,825.83
VISA - #4087 - M. CONNERS	\$8,443.39
VISA - #4111 - S. STEWARD	\$436.77
VISA - #5258 - M. GARZA	\$423.36
WESTERN EMULSIONS INC	\$243,306.90
WHITLOCK MOTORS	\$660.03
WPCI CONSULTANTS, INC.	\$117.00
WYOMING DEPARTMENT OF EMPLOYMENT	\$142.65
WYOMING DEPARTMENT OF HEALTH	\$160.00
WYOMING DEPARTMENT OF HEALTH/PBL HLTH LB	\$30.00
WYOMING WATER WORKS	\$235.00
YELLOWSTONE BEHAVIORAL HEALTH	\$10,000.00
YOUTH CLUBS OF PARK COUNTY	\$2,250.00
<b>TOTAL</b>	<b><u><u>\$499,817.58</u></u></b>

**Northwest Rural Water District Manager, Tony Rutherford Re: Approve & Sign a Letter of Support on WWDC Level III Construction Funding Application**

Mr. Rutherford was not able to be in attendance so Commissioner Overfield gave a brief overview of how the application process works and then made a motion to approve the letter of support as written. Commissioner Thiel seconded and the motion carried.

**Park County Sheriff, Scott Steward Re: Open Bids for Park County Sheriff Patrol Vehicles**

Sheriff Steward opened bids from Denny Menholt, Cody and Fremont Motors, Cody for four new patrol trucks. Menholt’s net bid for four Chevy 1500’s was \$76,360; Fremont’s net bid for four Ford F150’s was \$120,568; Fremont also submitted a net bid of \$71,520 for four Ram 1500’s. The Sheriff will review the bids and return this afternoon with an award recommendation.

**Park County Homeland Director, Jack Tatum Re: Open Bids for Park County Homeland Security Vehicle**

Director Tatum was absent so Sherriff Steward opened bids from Denny Menholt, Cody and Fremont Motors, Cody for one new Homeland Security Department truck with no trade in. Menholt’s bid for one Chevy 3500 was \$44,740; Fremont bid one Ford F350 for \$56,113 and one Ram 3500 for \$56,077. The Sheriff will review the bids and return this afternoon with an award recommendation.

**Park County Planning & Zoning Director, Joy Hill Re: Public Hearing: Goods Variance Request**

The applicants, Christopher and Miria Good are seeking a variance to allow for the permitting of a wholesale building and business exceeding 5,000 sq. ft. An approved variance would allow the applicants the opportunity to apply for a Special Use Permit, with Site Plan Review, for a Major Wholesale Business use in a GR-P zoning district where this type of use is otherwise prohibited. The applicants stated that they store fireworks for their retail fireworks business in the shop building and storage containers on site. They also indicated that there is an office in the residence on the property in support of their fireworks business. No public comment has been received by the Planning office.

Collin Simpson Esq. presented letters of support from neighbors of the Good’s and stated that the primary use for this shop building and shipping containers is storage to resupply their retail fireworks stores.

There being no public testimony Commissioner Tilden made a motion to close the public hearing and Commissioner Thiel seconded. Motion carried.

Commissioner Tilden made a motion to approve the Good variance request. Commissioner Mangold seconded and the motion carried. **RESOLUTION # 2021-58**

**Park County Planning & Zoning Planner I, Patty Umphlett Re: Public Hearing: Golden Willow Minor Subdivision Sketch Plan Review – 57**

Jon M. Carter and Gael L. Carter have applied for a minor subdivision that will create one 4.27 acre lot for residential use at 909 Road 22H within the GR-P zoning district. The Heart Mountain New Beginnings Group Home is on the property however the SUP for that business will expire if this subdivision is approved. All pertinent notices have been published and agency referrals have been met. The planning department has received two written comments against the approval because they feel it would be taking agricultural land out of production.

Tyler Weckler, Heart Mountain Irrigation District Manager asked that consideration of a condition that fees owed to the district be paid prior to approval of the subdivision. Mr. Carter stated that he would take care of the fees owed.

Hearing no further comments Commissioner Tilden made a motion to close the public hearing. Commissioner Thiel seconded and the motion carried.

Commissioner Thiel made a motion to approve the Golden Willow Minor Subdivision. Commissioner Tilden seconded and the motion carried. **RESOLUTION # 2021-59**

**Park County Planning & Zoning Planner I, Patty Umphlett Re: Public Hearing: Blue Sage Minor Subdivision Sketch Plan Review - 54**

Jon M. Carter and Gael L. Carter have applied for a minor subdivision that will create three lots of 6.5, 6.26 and 5.56 acres each for residential use at 902 Road 22 and 937 Road 23 within the GR-P zoning district. All pertinent notices have been published and agency referrals have been met. The planning department has received two written comments against the approval because they feel it would be taking agricultural land out of production.

Tyler Weckler Heart Mountain Irrigation District Manager asked that consideration of a condition that fees owed to the district be paid prior to approval of the subdivision. Mr. Carter stated that he would take care of the fees owed.

Commissioner Thiel expressed concern that approval of the subdivision will take more ag land out of production. Mr. Carter responded by saying that he had offered the land to other producers who weren't interested at the prices he needs to help him retire. He doesn't want to sell at ag land prices only to have the buyer turn around and do this same thing at a substantial profit.

Hearing no further comments Commissioner Overfield made a motion to close the public hearing. Commissioner Thiel seconded and the motion carried.

Commissioner Tilden made a motion to approve the Blue Sage Minor Subdivision and Commissioner Thiel seconded. Commissioner Thiel again expressed concern over ag land being divided up and taken out of production however he recognizes that the land is more valuable to the current owner by dividing it this way. Motion carried. **RESOLUTION # 2021-60**

**Park County Planning & Zoning Director, Joy Hill Re: Public Hearing: Mountain Construction Special Use Permit 219 with Site Plan Review**

A Special Use Permit application has been submitted by Mountain Construction to construct a new equipment maintenance shop with office space for commercial activities. This is classified as a major commercial business in the Transitional zoning district and located just east of Powell and south of Highway 14A in an area with other commercial properties and adjacent to agricultural lands. All legal notices have been published and agency referrals met.

Hearing no public comment Commissioner Tilden made a motion to close the public hearing and Commissioner Mangold seconded. Motion carried.

Commissioner Thiel made a motion to approve the SUP and change the zoning from transitional to commercial. Commissioner Tilden seconded and the motion carried. **RESOLUTION # 2021-61**

**Park County Planning & Zoning Director, Joy Hill Re: Public Hearing: Mountain Concrete Special Use Permit 220 with Site Plan Review**

A Special Use Permit application has been submitted by Mountain Concrete for a concrete batch plant with an area for stockpiles of gravel and sand as well as a material display. This area located just east of Powell and south of Highway 14A was just changed to commercial zoning in the previous action and will be used for major industrial use which is permitted in a commercial zone.

Steve Christensen noted that there is a residential home just to the south of the subject property that doubles as a stucco business so there shouldn't be any conflicts and is in favor of the project.

Hearing no further public comment Commissioner Overfield made a motion to close the public hearing and Commissioner Tilden seconded. Motion carried.

Commissioner Overfield made a motion to approve the Mountain Concrete SUP. Commissioner Tilden seconded and the motion carried. **RESOLUTION # 2021-62**

**Executive Session: pursuant to W.S. § 16-4-405 (ix)**

Commissioner Overfield made a motion to enter into executive session pursuant to W.S. § 16-4-405 (ix) to consider or receive any information classified as confidential by law. Commissioner Thiel seconded and the motion carried.

Commissioner Tilden made a motion to exit from executive session and Commissioner Thiel seconded. Motion carried.

No decisions were made in or as a result of this executive session.

**Park County Planning & Zoning Planner I, Patty Umphlett Re: Public Hearing: Adaline Estates Minor Subdivision Sketch Plan Review – 55**

A Minor Subdivision Application was filed by Every Cut Above, Inc., a Wyoming corporation (Justin Joy, President). The applicant requests approval of the sketch plan for a five-lot subdivision on Road 20 northeast of Cody and comprised of one 28.28-acre lot, one 3.0-acre lot and three 1.68-acre lots, all for residential use. The subdivision area is approximately 36.34 acres. The property is located within the GR-5 zoning district which allows moderate-intensity land uses. The applicant is applying for a "lot size averaged subdivision". The smallest total land area within the lot lines of a lot that is permitted within a lot size averaged subdivision or exempt division or within a grouped lot subdivision in GR-5 is one acre. The lot sizes proposed meet this requirement using lot size averaging. All required public notices have been published, agency referrals have been met and access from the county road has been negotiated. Staff reported that nine comments from the public had been received all concerned with the small lot sizes.

Chairman Livingston opened the floor to public comments and the applicant noted to the commissioners that he could have made plans for seven 5-acre lots rather than the four smaller lots and one 28-acre lot that will be left in ag production.

Manger of the Heart Mountain Irrigation District, Tyler Wekler has received the water distribution plan and will review it with his board.

Heath Streeter who himself opposes the subdivision also read a letter drafted by his parents who own a 5 acre lot next to the proposed subdivision. They are opposed due to the small lots and ag land being taken out of production.

Area neighbor Marge Buchholz reminded the commissioner that she too had submitted a letter in opposition to the proposed subdivision.

As time was running short Commissioner Overfield made a motion to continue this hearing on September 21, 2021 and Commissioner Thiel seconded. Motion carried.

After reviewing the Commissioners meeting calendar and recognizing that they will be meeting on the 20<sup>th</sup> rather than the 21<sup>st</sup> Commissioner Overfield restated her motion to continue the Adaline Estates hearing to September 20, 2021. Commissioner Mangold seconded and the motion carried.

**Park County Planning & Zoning Planner I, Patty Umphlett Re: Diamond K MS -49 Final Plat Review**

Staff reported that the final plat has been received and all conditions have been met and no new comments have been received.

Commissioner Tilden made a motion to approve the final plat for the Diamond K MS -49. Commissioner Thiel seconded and the motion carried. **RESOLUTION # 2021-63**

**Park County Engineer, Brian Edwards Re: Discussion on Pending Vacation of Road 6JM, Road 54b, and Portion of Road 54**

County Engineer Edwards explained the history of the pending vacation of Road 6JM, Road 54b, and a Portion of Road 54 dating back many years. Mr. Edwards reported that the disputed parties may have come to an agreement and may be ready to drop the claims for damages that have been holding up the process in the past. If this is the case all parties including the County are ready to continue forward with the vacation process of the subject roads or portions thereof.

Chairman Livingston noted that if the vacation can be accomplished the TE Ranch will attempt to negotiate a land swap with the State of Wyoming that would trade a parcel of State ground that is presently accessible but would become land locked by the vacation for a parcel of private land that would be used to create a public trailhead to Carter Mountain. Carlos Duncan of the TE ranch confirmed that they will attempt to do this.

Chairman Livingston asked all parties to submit letters withdrawing their claims for damages to Mr. Edwards before September 20, 2021.

**Park County Engineer, Brian Edwards and Park County Landfill Manager, Greg Palmersheim Re:**

**1. Discussion with Park County and City of Cody Lagoon Sewer Agreement**

Mr. Edwards noted that the County sewer lagoon is well past its effective life and that the volume received annually is now over two million gallons almost exceeding capacity. Engineering Associates has developed a report that recommends decommissioning the County lagoon and combining services with the City of Cody. Mr. Edwards stated that there is at least a willingness by the City of Cody to continue discussions about the possibility. Commissioner Thiel asked Cody's Director of Public Works, Phillip Bowman if the City had ARPS funds available to help with the cost should the project move forward. Mr. Bowman stated that the City's funds have already been prioritized. Commissioner Overfield asked Jerry Herweyer of Keele Sanitation where he would go with the rural septage they haul to the county lagoon if it were decommissioned and the City of Cody would not accept it. Mr. Herweyer stated that they would have to go to Worland with it which would drive up costs to his customers. Commissioner Mangold inquired what the option would be for the County if the City would not combine services and Mr. Edwards answered that the County would have to either build a new lagoon or expand the current lagoon. It's anticipated that future meetings are in store.

**2. Consider Rate Changes for the Park County Sewer Lagoon**

Mr. Edwards reported that the County is presently charging \$25 per 2000 gallon of septage dumped and that the study from Engineering Associates suggests that the breakeven point would be around \$60 per 1000 gallons dumped.

After further discussion Commissioner Thiel made a motion effective January 1, 2022 to increase the cost of dumping septage at the County lagoon to \$65 per 1000 gallons dumped with the exception to haulers with contracts that expire at different times of the year and the hauler can prove they expire with a lower rate beyond January 1, 2022. This motion died due to the lack of a second.

Commissioner Tilden made a motion to increase the cost of dumping septage at the County lagoon to \$65 per 1000 gallons dumped effective January 1, 2022. Commissioner Mangold seconded and the motion carried.

**Park County Sheriff, Scott Steward Re: Approve Vendor for Park County Sheriff Vehicle**

After reviewing all the submitted bids Sheriff Steward recommended accepting the low bid from Fremont Motors Cody for four Ram 1500 patrol trucks. Commissioner Overfield made a motion to award the bid to Fremont Motor Co of Cody for four Ram 1500

patrol trucks with a net bid of \$71520. Commissioner Mangold seconded and the motion carried.

**Park County Homeland Security Manger, Jack Tatum Re: Approve Vendor for Park County Homeland Security Vehicle**

Director Tatum was absent so Sheriff Steward reviewed the bids and recommended accepting the bid of \$44,740 from Denny Menholt Cody for one Chevy 3500 truck. Commissioner Tilden made a motion to award the bid for one Chevy 3500 truck to Denny Menholt Cody for \$44,740. Commissioner Thiel seconded and the motion carried.

**Park County Planning & Zoning Planner II, Kim Dillivan Re: Public Hearing: Continuance of Buck Creek Estates Major Subdivision Preliminary Plat Review**

Chairman Livingston explained that the public hearing portion of this matter had already been closed so no further public comment would be accepted at this time and noted that this is a pivotal time in Park County and this is not a decision that is being taken lightly.

Commissioner Tilden made a motion to approve the Buck Creek Estates Major Subdivision preliminary plat. Commissioner Overfield second. Commissioner Mangold discussed his concerns with the number of water wells that would be drilled since there isn't a public water source available, he further lamented that the number of septic systems and personal property rights of the owners as well as the neighbors is also an issue for him. Commissioner Thiel feels this is a tremendous challenge about how to balance continued growth in the County and the protection of ag lands. Commissioner Overfield expressed her concerns with the DEQ report and the fact that DEQ didn't do an on-sight evaluation of the project. Chairman Livingston commented that water is his main concern given that the water table in that area is, in his opinion, artificially high due to flood irrigation and when the farmers move to pivot irrigation that water table could be diminished. Commissioner Tilden noted that this development may be the only source of retirement income for the owner and selling to a traditional ag operator would not garner the same price as residential lots may. Chairman Livingston reminded the board they have to make decisions for the betterment of the County and asked if this is the right place for development.

Commissioner Tilden withdrew his motion to approve and Commissioner Overfield concurred.

Commissioner Tilden made a motion to table consideration at this time and request that the developer obtain a hydrological study to ascertain if there is enough ground water in the proposed area of development to support the number of proposed lots and that the Planner will need to better define the study. Commissioner Overfield second and the motion carried 3-1 with Commissioner Thiel dissenting.

**Adjourn**

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

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Lee Livingston, Chairman

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Dossie Overfield, Vice Chairman

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Scott Mangold, Commissioner

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Lloyd Thiel, Commissioner

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Joe Tilden, Commissioner

Attest:

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Hans Odde, First Deputy County Clerk