

Park County Board of County Commissioners
Regular Meeting
Monday, September 20, 2021

Chairman Livingston called to order a regular meeting of the Board of County Commissioners of Park County, Wyoming, on Monday, September 20, 2021. Present were Commissioners, Scott Mangold, Dossie Overfield, Lloyd Thiel, Joe Tilden and 1st Deputy Clerk Hans Odde.

Brian Edwards led the audience in the Pledge of Allegiance.

Consent Items:

Approve-Minutes, Payroll and Vouchers

Commissioner Tilden made a motion to approve the following consent agenda items: Approve Minutes - 9/7, 9/14; Approve Payroll - \$635,498.06 with health insurance; Approve Vouchers - \$254981.39; Approve and Sign Monthly Earnings & Collections Statements for Clerk, Clerk of District Court and Sheriff; Park County and Prosecuting Attorney Special Prosecution **Resolution 2021-66**; Public Defender's Office Lease Agreement: Real Property Lease No. 8-09765; Park County Interim Report for the United States Treasury Department. Commissioner Overfield seconded and the motion carried.

Payee	Amount
360 OFFICE SOLUTIONS	\$1,873.07
A & I DISTRIBUTORS	\$1,916.41
A&H ELECTRIC	\$1,592.22
AEROTRONICS, INC.	\$10,759.72
ALBERTSONS - SAFEWAY	\$106.67
ALDRICH'S - POWELL	\$50.93
ASSN OF STATE FLOOD PLAIN MANAGERS	\$165.00
ATCO INTERNATIONAL	\$184.85
BAILEY ENTERPRISES, INC.	\$6,937.69
BEAR CO., INC.	\$2,726.77
BEARTOOTH ELECTRIC COOP	\$76.20
BIG HORN CO-OP MARKETING ASSN.	\$41.00
BIG HORN RADIO NETWORK	\$469.20
BIG HORN RURAL ELECTRIC COMPANY	\$385.37
BIG HORN WHOLESALE, INC.	\$1,566.11
BLACK HILLS ENERGY	\$1,929.53
BOMGAARS	\$279.97
BOONE'S MACHINE SHOP	\$48.00
BRADFORD SUPPLY CO.	\$894.00
CARQUEST AUTO PARTS - #064250	\$741.27
CDW GOVERNMENT, INC.	\$2,035.08
CHARTER COMMUNICATIONS	\$303.65
CHRISTIE, LOGAN	\$174.72
CODY ACE HARDWARE	\$282.67
CODY COUNTRY CHAMBER OF COMMERCE	\$46.00
CODY ENTERPRISE	\$1,742.02
CODY REGIONAL HEALTH	\$110.00
CODY, CITY OF	\$66.05
CONSOLIDATED ELECTRICAL DISTRIBUTORS	\$49.98
CORRECTIONAL HEALTHCARE COMPANIES, INC.	\$23,508.01
CROFT, KIMBALL	\$110.64
CRUM ELECTRIC SUPPLY CO.	\$1,039.41
DETCO	\$1,044.28
DILLIVAN, KIM	\$405.92
DJ&A	\$1,937.55
ENGINEERING ASSOCIATES	\$1,760.13
FASTENAL	\$204.75
GARLAND LIGHT & POWER CO.	\$1,086.56
GLAXOSMITHKLINE PHARMACEUTICALS	\$1,897.35
GOODYEAR PRINTING	\$514.00
GRAINGER	\$796.30
GREENWOOD MAPPING, INC.	\$6,200.00
HEART MTN FARM SUPPLY	\$89.09
HONNEN EQUIPMENT CO.	\$733.80

INTERSTATE BATTERIES	\$214.95
INTERSTATE TIRE SERV. INC	\$70.00
INTOXIMETERS, INC.	\$1,423.00
JOHN DEERE FINANCIAL	\$188.16
K-B COMMERCIAL PRODUCTS	\$1,662.75
KEELE SANITATION	\$2,922.66
KENCO SECURITY AND TECHNOLOGY	\$429.55
KOLACNY, DENISE	\$45.20
LONG BUILDING TECHNOLOGIES,INC	\$9,675.00
LSC ENVIRONMENTAL PRODUCTS, LLC	\$3,440.50
MAJESTIC LUBE, INC.	\$10.00
McINTOSH OIL, INC.	\$4,365.00
McKESSON MEDICAL SURGICAL	\$1,396.03
MEETEETSE, TOWN OF	\$124.20
MERCK SHARP & DOHME CORP.	\$2,392.85
MEYER, PAT	\$901.50
MICKELSON, JOSEPH D	\$232.96
MONTANA - WYOMING SYSTEMS	\$2,213.27
MONTANA-DAKOTA UTILITIES CO.	\$542.85
MORRIS, SANDIE	\$113.69
MOTOR PARTS, INC.	\$424.30
MURDOCH OIL, INC.	\$25,640.10
MURDOCH'S RANCH & HOME POWELL	\$129.06
NATIONAL BUSINESS SYSTEMS	\$913.04
NEWEGG BUSINESS, INC.	\$31.14
NORCO, INC.	\$50.84
OFFICE SHOP, THE	\$389.23
PFIZER INC.	\$700.62
PILCH ENGINEERING INC., PC	\$8,325.00
POSTMASTER, CODY WY	\$166.00
POWELL ACE HARDWARE, LLC	\$88.54
POWELL TRIBUNE, INC.	\$1,995.90
PRODUCTION MACHINE COMPANY	\$3,662.31
QUILL CORPORATION	\$200.73
RAPID FIRE PROTECTION, INC	\$3,335.00
REED SMITH LLP	\$11,598.51
REID, SPENCER	\$439.04
ROCKY MOUNTAIN POWER	\$1,624.79
ROCKY MOUNTAIN WASH, LLC	\$112.00
S&P BRAKE SUPPLY AND DRIVELINE SERVICES	\$148.45
SABER PEST CONTROL	\$80.00
SAFARILAND, LLC	\$241.40
SANOFI PASTEUR, INC	\$17,062.08
SELBYS, INC.	\$89.92
SMITH PSYCHOLOGICAL SERVICES	\$800.00
SPECIALTY TOOL & ATTACHMENT	\$119.00
SUPERIOR COURT OF CALIFORNIA	\$41.00
SWANSON SERVICES CORPORATION	\$75.00
SYSCO FOOD SERVICES OF MONTANA	\$2,500.07
THE REAL DEAL PLUMBING	\$263.00
THIEL, LLOYD	\$417.20
THOMPSON REUTERS - WEST	\$779.26
TITAN MACHINERY	\$1,759.56
T-O ENGINEERS	\$4,590.00
TRACTOR & EQUIPMENT CO	\$42.51
TRI STATE TRUCK & EQUIP, INC	\$310.08
TRIPLE L SALES	\$51.02
TRIPLE L SUPPLY	\$39.43
ULINE	\$612.90
UW EXTENSION	\$438.07
VISA - #0037 - B. POLEY	\$360.97
VISA - #0052 - P. MEYER	\$5,901.70
VISA - #0078 - L. LIVINGSTON	\$479.91
VISA - #0086 - W.E. CRAMPTON	\$3,193.08
VISA - #0227 - G. PALMERSHEIM	\$1,242.32
VISA - #0235 - B. EDWARDS	\$2,071.60
VISA - #0250 - C. RENNER	\$9,322.96
VISA - #0268 - P. LINDENTHAL	\$37.13
VISA - #0359 - S. STEWARD	\$1,238.59
VISA - #3972 - J. TATUM	\$89.40
VISA - #4079 - S. STEWARD	\$1,292.88
VISA - #4087 - M. CONNERS	\$315.76

VISA - #4103 - S. STEWARD	\$20.82
VISA - #4111 - S. STEWARD	\$4,250.36
VISA - #5258 - M. GARZA	\$488.73
WESTERN EMULSIONS INC	\$21,495.50
WOODWARD TRACTOR & RENTAL, INC	\$874.09
WPCI CONSULTANTS, INC.	\$112.50
WYOMING DEPARTMENT OF EMPLOYMENT	\$142.74
WYOMING DEPARTMENT OF HEALTH	\$160.00
WYOMING WATER WORKS	\$228.00
YELLOWSTONE MOTORS	\$130.19
TOTAL	<u>\$254,981.39</u>

Planning & Zoning Planner II, Kim Dillivan Re: Public Hearing: Cornerstone Minor Subdivision-59 Sketch Plan Review

Planner Dillivan presented Kevin and Allison French's proposed Cornerstone Minor Subdivision sketch plan which consists of 5 residential lots ranging from 5.81 to 7.96 acres and located near HWY 14A and County Road 14 where the zoning is GRP. Potable water will be provided by wells and typically built septic systems will be required on each lot and all agency referrals have been met. Dillivan noted that there have been no written public comments however there were many verbal comments at the P&Z hearing mostly regarding ag land being taken out of production in favor of housing.

Developer Kevin French, requested the Commissions remove proposed condition #9 regarding the adequacy of water wells prior to approval as this is not a requirement of the Park County Development Standards.

Area citizen Randy Baird requested that condition #9 remain in the proposal because he is concerned about the effect five new wells could have on the dozen or so neighbors who have good wells at this time.

Tim French spoke in favor of moving the subdivision forward as the developer has followed the standards that he feels is a contract with the public and as such the commissioners are obligated to follow.

Speaking in favor of updating the regulations, Pat Graham feels that a water study should be required.

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

Commissioner Thiel made a motion to approve Cornerstone Minor Subdivision - 59 sketch plan. Commissioner Tilden seconded and mentioned that potable and irrigation water will continue to be an issue with future development. Motion carried. **Resolution #2021-67**

Engineer, Brian Edwards & Landfill Manager, Greg Palmersheim Re: Open Sealed Bids for Weigh Scale Replacement – Powell Landfill

Mr. Edwards explained that the present weigh scale at the Powell Landfill has exceeded its useful life and needs to be replaced. Advertisements for bids were placed in the Cody and Powell newspapers and one bid was received from Two Sisters Contracting of Cody for \$127,764. Mr. Edwards noted that the engineers estimate for the project was \$75 – 100,000 and that he needed to review the bid in detail before making a recommendation for award.

Planning & Zoning Planner II, Kim Dillivan Re: Public Hearing: Continuance Adaline Estates Minor Subdivision Sketch Plan Review - 55

Chairman Livingston explained that this is a continuance of the Adaline Estates Minor Subdivision hearing from August 17, 2021.

Every Cut Above, Inc. (Justin Joy, President) is requesting to divide 36.34 acres zoned as GR-5 into a five lot minor subdivision consisting of one 28.28 acre lot, one 3 acre lot and three 1.68 acre lots. Generally GR-5 does not allow for lots smaller than 5 acres however Mr. Joy is requesting to utilize a lot size average or exempt division within a grouped lot subdivision.

Chairman Livingston opened the floor to public comment and John Streeter who lives on the property adjacent to the north is concerned about the area ground water supply if this is approved and new wells are drilled. He also believes that building septic systems on the small lot sizes could also be detrimental to the ground water supply.

Marjorie Buchholz is disappointed that more ag land will be taken out of production and noted concerns about water and septic too. Sandra Allshouse believes that there

shouldn't be any lot size averaging exemption and that the carpetbaggers buying and subdividing prime ag land is a civil war and they don't have the same values as farmers. Charlie Smith also voiced objection to the lot size averaging exemption.

Mr. Joy stated that he is a contractor with considerable history in Park County and is very much a contributor to the local economy and presently employs four people. He also noted that the larger 28 acre lot was farmed this year and had a nice crop of corn that has already been harvested. Dick Spence rose in support of Mr. Joy and his personal property rights and his right to use the regulations as written.

Commissioner Tilden made a motion to close the public hearing and Commissioner Mangold seconded. Motion carried.

Commissioner Tilden stated that the Board must follow the regulation as written and that lot size averaging is allowed. He also believes that the people moving to Park County want smaller lots rather than 5 acre lots because they are easier to care for.

Commissioner Mangold asked who we are supposed to be protecting farmers or developers and that there are rules in place for both. He stated that Mr. Joy has followed the regulations.

Commissioner Thiel questioned why the exemption had been put into the regulations 21 years ago and no one could remember the history.

Chairman Livingston noted that the rule does preserve a large lot but could create issues with sewer set backs on the smaller lots.

Commissioner Overfield questioned the reasoning for two access easements consisting of a 40 foot and a 60 foot easement that takes away from the useable part of the small lots and adds more entrances onto Road 20.

Commissioner Tilden then made a motion to approve the Adaline Estates Minor Subdivision – 55. Seconded by Commissioner Mangold and passed unanimously.
Resolution #2021-68

Engineer, Brian Edwards Re: Approval of Award of the CMAQ FY2021 Dust Control Project

Mr. Edwards opened bids from three companies, Dust Busters \$80,481.73; Desert Mountain \$77,881.62; and Wyoming Earthmoving Corp \$124,189.05.

Commissioner Thiel made a motion to award the bid to Desert Mountain in the amount of \$77,881.62. Commissioner Tilden seconded and the motion carried.

Engineer, Brian Edwards & Park County Landfill Manager, Greg Palmersheim Re: Open Sealed Bids for Landfill Waste Compactor

Mr. Edwards explained the necessity for a compactor that will save space in the landfill by compacting waste. Bids were received from Tractor & Equipment of Worland Wyoming for \$595,987.42 and Humdinger Equipment of Lubbock Texas for \$567,500.00. Mr. Edwards will return at a later date with a recommendation for award.

Commissioners Re: Final Approval & Adoption of the Park County, Wyoming Natural Resource Management Plan (NRMP) for State and Federal Lands

Planning Director Joy Hill explained to the Board that the NRMP is now complete and has gone through the proper public hearing and changes were made to the plan due to those comments. The plan is now ready for Board consideration. Commissioner Overfield reported that the cost came in around \$49,000. Commissioner Tilden thanked the Planner and Commissioner Overfield for all their hard work on the plan.

Commissioner Tilden made a motion to approve the Natural Resource Management Plan (NRMP) for State and Federal Lands as presented. Commissioner Thiel seconded and the motion carried. **Resolution #2021-69**

Commissioners Re: Appoint Park County Land Use Plan RFP Selection Committee

Planning Director Hill explained what the proposed makeup of the committee would look like with five members, the Planning Director, one Commissioner, one disinterested Department Head or Elected Official and one At Large unbiased person who is not a county employee. Ms. Hill went on to explain that the RFP states that the chosen members will not be disclosed to the public so that they will not be lobbied by firms who are proposing to conduct the plan revision which Commissioner Overfield felt was appropriate. Commissioner Thiel stated that he was not in favor of that because he feels it should be an open transparent process. No action was taken at this time.

Planning & Zoning Planner II, Kim Dillivan Re: Public Hearing: Cedar Mountain View Minor Subdivision Sketch Plan Review -58

Planner Dillivan presented the Sketch Plan Review for Developer Brett Tillery's Cedar Mountain View Minor Subdivision, zoned GR-5, made up of four lots that are approximately 10.41 acres each at 39 Star View Drive in the Diamond Basin area. Agency referrals have been met and all public notices were made and the irrigation plan has been approved by the Lakeview Irrigation Dist. Domestic water will be provided by NRWD and conventional septic systems will be fine as perk rates in the area are good.

Area resident Steve Smith requested that the Commissioners add three stipulations to the subdivision, force the developer to place restrictive covenants on the parcels, add stipulations regarding an irrigation water distribution plan and easements to the irrigation easements. Chairman Livingston informed Mr. Smith that his requests are not under the Commissioners purview. Mr. Tillery's representative Zane Flowers from Engineering Associates informed the Commissioners that Mr. Tillery intends to convey and abide by all existing covenants and easements.

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

Commissioner Tilden made a motion to approve the Cedar Mountain View Minor Subdivision Sketch Plan Review -58 as presented. Commissioner Thiel seconded and the motion carried. **Resolution #2021-70**

Planning & Zoning Planner II, Kim Dillivan Re: Public Hearing: Patriot Major Subdivision Preliminary Plat Review

Mr. Dillivan presented Jim Nicholson's Patriot Major Subdivision Preliminary Plat Review which is in the GR-P zoning area and is proposed to be 13 lots from 1 to 2.14 acres in size. This subdivision is proposing to further divide lot 11 of the Kobbe Subdivision which is west of Powell on Lane 11. Agency referrals have been met, domestic water will be provided by NRWD and any water rights associated with the property have been detached. There is no domestic sewer system so typical septic systems are expected to be installed on each lot.

Commissioner Overfield made a motion to close the public hearing and Commissioner Tilden seconded. Motion carried.

Commissioner Thiel made a motion to approve Patriot Major Subdivision Preliminary Plat Review as presented however deleting condition #6 that requires a Subdivision Improvements Agreement to be submitted for review and approval by the Board and shall not commence the physical layout or construction of the subdivision prior to Board approval. This motion died due to the lack of a second.

Commissioner Overfield made a motion to approve Patriot Major Subdivision Preliminary Plat Review as presented. Commissioner Tilden seconded and the motion carried. **Resolution #2021-71**

Public Health Nurse Manger, Bill Crampton and Park County Public Officer, Dr. Aaron Billin Re: Update on COVID – 19 – Delta Variant

Nurse Crampton and Dr. Billin provided an update on the state of the pandemic in Park County and encouraged those who are not vaccinated to consider getting the vaccine.

Engineer, Brian Edwards & Park County Landfill Manager, Greg Palmersheim Re: Approval of Award of the Weigh Scale Replacement – Powell Landfill

Mr. Edwards stated that the bid from Two Sisters Contracting is about \$40,000 over the consulting engineers estimate and recommends waiting until spring and rebid then in hopes that the construction supply markets will ease some. No action taken at this time.

Engineer, Brian Edwards Re: Vacation of Park County Roads 6JM, Road 54b, and Portions of Road 54

Chairman Livingston and Mr. Edwards provided the background on the proposed vacation of County Roads 6JM, Road 54b, and portions of Road 54, a process that started in 2015. Mr. Edwards noted that along the way there have been damage claims and

numerous public comments regarding access to Tract 53, a +/- 160 acre parcel of State owned ground that will now be land locked. Chairman Livingston added that the damage claims have all been withdrawn and that the TE Ranch will attempt to complete a land swap with the State of Wyoming on the landlocked parcel in exchange for a parcel of their private property at the bottom of Carter Mountain that would serve as a public trailhead. The Chairman also noted there is a verbal agreement that the TE will not require the county to invest any more money into CR6JM or the bridge on CR6JM. This agreement was acknowledged and affirmed by TE Ranch Owner Mary Anne Dingus who was present at the meeting.

Commissioner Tilden made a motion to vacate that portion of CR54 across Hawks Hill Ranch, State Land Tract 53, and the TE Ranch and all of CR54b and CR6JM. Commissioner Overfield seconded and the motion carried. **Resolution #2021-72**

Adjourn.

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

Lee Livingston, Chairman

Dossie Overfield, Vice Chairman

Scott Mangold, Commissioner

Lloyd Thiel, Commissioner

Joe Tilden, Commissioner

Attest:

Hans Odde, 1st Deputy County Clerk