

**Park County Board of County Commissioners**  
**Regular Meeting**  
Tuesday, March 1, 2022

Chairwoman Overfield called to order a regular meeting of the Board of County Commissioners of Park County, Wyoming, on Tuesday, March 1, 2022. Present were Vice Chairman, Scott Mangold, Commissioners Lee Livingston, Lloyd Thiel, Joe Tilden and Clerk Colleen Renner.

Commissioner Mangold led the audience in the Pledge of Allegiance.

**Consent Items:**

**Approve-Minutes, Payroll and Vouchers**

Commissioner Livingston made a motion to approve the following consent agenda items and adding an Executive Session: minutes from February 15; bi-weekly payroll in the amount of \$617,853.83; vouchers; WYDOT agreement for CMAQ FY2022 project chairman to sign; and review and sign letter of appointment for new Homeland Security Director, Commissioner Tilden seconded, motion carried.

Payee	Amount
360 OFFICE SOLUTIONS	\$392.43
A&H ELECTRIC	\$2,102.92
AIR CON REFRIGERATION	\$2,777.98
ALBERTSONS - SAFEWAY	\$263.35
AT&T MOBILITY	\$1,545.12
AUTOSHOP, INC.	\$1,122.13
BAILEY ENTERPRISES, INC.	\$292.94
BEAR CO., INC.	\$1,076.00
BEARTOOTH ELECTRIC COOP	\$53.27
BENNETT, M.D., THOMAS L.	\$2,238.20
BIG HORN COUNTY CORONER	\$500.00
BIG HORN RURAL ELECTRIC COMPANY	\$374.06
BIG HORN WHOLESALE, INC.	\$1,799.50
BIG VALLEY BEARING & SUPPLY, INC.	\$97.58
BLACK HILLS ENERGY	\$13,830.13
BLAIR'S MARKET	\$9.99
BLAKEMAN PROPANE, INC.	\$3,678.99
BOMGAARS	\$1,052.19
BONINE, DUNCAN	\$99.57
BOONE'S MACHINE SHOP	\$135.90
BRANDON-WINTERMOTE, KIMBERLY	\$90.21
BUILDERS FIRST SOURCE	\$796.35
C & B OPERATIONS, LLC	\$52,500.00
CARQUEST AUTO PARTS - #064250	\$441.79
CDW GOVERNMENT, INC.	\$50,621.07
CENTURYLINK	\$3,833.54
CHARTER COMMUNICATIONS	\$104.98
CODY ACE HARDWARE	\$597.00
CROFT, KIMBALL	\$30.00
D&G ELECTRIC, LLC	\$827.85
DAPRILE, KATIE	\$40.00
DECORATING IDEAS, INC.	\$36,628.00
DELL MARKETING L.P., C/O DELL USA L.P.	\$1,267.87
DENNY MENHOLT CHEVROLET BUICK GMC	\$53.60
ECOLAB, INC.	\$120.01
ENGINEERING ASSOCIATES	\$7,286.10
FASTENAL	\$1,716.59
FROST ROCK PRODUCTS CO.	\$127,600.00
GLAXOSMITHKLINE PHARMACEUTICALS	\$1,713.96
GRAINGER	\$2,587.65
IVERSON SANITATION	\$50.00

JOHN DEERE FINANCIAL	\$23.26
JONES, RICHARD B	\$103.08
K-B COMMERCIAL PRODUCTS	\$1,746.01
KENCO SECURITY AND TECHNOLOGY	\$429.55
KNOWBE4 INC.	\$16,156.80
LEE ENTERPRISES OF MONTANA	\$261.02
LEON UNIFORM COMPANY, INC.	\$865.00
MAJESTIC LUBE, INC.	\$87.95
McINTOSH OIL, INC.	\$3,906.35
McKESSON MEDICAL SURGICAL	\$52.56
MIDWEST FENCE COMPANY	\$100.00
MONTANA-DAKOTA UTILITIES CO.	\$694.50
MORROW, CHRIS RPR	\$27.50
MOTOR PARTS, INC.	\$5,732.26
MOUNTAIN WEST COMPUTER	\$40.39
MURDOCH OIL, INC.	\$12,634.10
MURDOCH'S RANCH & HOME POWELL	\$110.92
NAPA AUTO PARTS	\$31.62
NEWEGG BUSINESS, INC.	\$240.53
OFFICE SHOP, THE	\$549.00
O'REILLY AUTO PARTS - POWELL	\$154.98
PARK COUNTY GLASS, INC.	\$267.89
PENWELL, STEVE	\$37.02
PFIZER INC.	\$2,258.98
PITNEY BOWES, INC. - A/R	\$2,108.13
POWELL ACE HARDWARE, LLC	\$38.99
POWELL WELDING AND INDUSTRIAL SUPPLY LLC	\$20.96
PROFESSIONAL DISPATCH MANAGEMENT	\$600.00
QUADIENT FINANCE	\$200.00
QUILL CORPORATION	\$126.56
RADAR SHOP, THE	\$1,378.00
RENO COLLISION CENTER, INC	\$50.00
ROCKY MOUNTAIN POWER	\$1,197.31
SABER PEST CONTROL	\$420.00
SANOFI PASTEUR, INC	\$419.14
SAUCEDA, DAVE	\$628.00
SCHLATTMANN LAW OFFICE	\$1,150.00
SMITH PSYCHOLOGICAL SERVICES	\$400.00
SPIERING, EUGENE	\$86.12
SYSCO FOOD SERVICES OF MONTANA	\$1,043.68
TCT WEST, INC	\$8,907.95
THOMPSON REUTERS - WEST	\$897.12
TRACTOR & EQUIPMENT CO	\$46.86
TRI STATE TRUCK & EQUIP, INC	\$568.92
TRIPLE L SUPPLY	\$40.60
UPS STORE, THE	\$24.53
UW EXTENSION	\$50.66
VARDIMAN, JEREMIAH	\$126.36
VEHICLE LIGHTING SOLUTIONS, INC.	\$25.80
VERIZON WIRELESS	\$50.06
VERIZON WIRELESS - VSAT	\$50.00
VILOS, BRANDEN S., ATTORNEY AT LAW, PC	\$620.00
WEBSTER, II, C.E., ATTORNEY LLC	\$840.00
WILDER PERFORMANCE LLC	\$849.90
WPCI CONSULTANTS, INC.	\$117.00
WYOMING DEPARTMENT OF HEALTH/PBL HLTH LB	\$39.00
WYOMING INFORMATION TECHNOLOGY DIV	\$88.30
WYOMING TECHNOLOGY TRANSFER CENTER	\$375.00
YELLOWSTONE ELECTRIC CO	\$532.22
ZELLNER, AARON	\$40.00
ZELLNER, DAVID	\$40.00
ZELLNER, STEPHANIE	\$40.00
ZELLNER, STEPHANIE AND DAVID	\$5,897.47
<b>TOTAL</b>	<b><u><u>\$398,994.73</u></u></b>

**Joy Hill, Planning & Zoning Director – RE: Kickoff for the Land Use Plan with Clarion Associates**

Ms. Darci White introduced herself and Paul Donegan, Matt Prosser with EPS and Brian Clarkson with T-O Engineers. Ms. White stated this is the kickoff process to the Land Use Plan for the long term. This process with the community will shape the future needs and directs where Park County would like to be in 20-30 years. There will be many opportunities for public involvement. Mr. Donegan stated combinations of online and in-person communication during each phase will be available and they will keep the Board and Planning & Zoning up to date for each phase, also posting progress on the county website at [www.parkcounty-wy.gov](http://www.parkcounty-wy.gov). There will also be a survey available online the end of March.

The Board commented on the project branding with a couple of changes. Moving forward the Board will keep the public engaged and have follow-up meetings with Clarion periodically on the agenda.

**Executive Session.**

Commissioner Livingston made a motion to enter executive session pursuant to W.S. § 16-4-405 (a) (ii), Commissioner Mangold seconded, and motion carried.

Commissioner Tilden moved to exit from executive session, Commissioner Mangold seconded, and the motion carried.

Commissioner Livingston made a motion to adopt the proposal discussed in executive session, Commissioner Tilden seconded there being no further discussion, motion carried.

**Bill Crampton, Nursing Manager, Public Health – RE: Public Health Update**

Mr. Crampton gave an overview of the money and stated there are two grants available from State of Wyoming Department of Health for \$385,000, and \$150,000 respectively, both good until June 2024 which has been reviewed by Attorney Skoric. Both grants are for expenses and promotion of vaccines all related to COVID-19. Commissioner Livingston made motion to apply for the grants and allow the chair to sign, Commissioner Thiel seconded, motion carried.

Mr. Crampton gave an overview of the Governors ending the public health emergency at the end of the month and going back to normal operations. Mr. Crampton stated they will work on OSHA fit testing for N-95 masks, working with schools, and the upcoming health fair in Meeteetse. One MCH nurse position is still open and of Mr. Croft will retire on April 1.

**Kim Dillivan, Planning & Zoning – RE: Flores Acres SS-285 Final Plat**

Mr. Dillivan presented the final plat for the property owned by Diane Kay Andrae located in GR-P zoning located 2.2 miles east of Powell on the north side of County Lane 8H. If approved, it would create a two-lot subdivision consisting of a 1.22-acre lot and a 1.44-acre lot. This is a simple subdivision, and no hearing is required, agency referrals have been met and no public comments received. Commissioner Tilden questioned the unpermitted septic system, Mr. Dillivan stated if the system would fail then they would need to get a permit to replace.

Commissioner Thiel made a motion to approve, Commissioner Tilden seconded, motion carried. **RESOLUTION 2022-22**

**Kim Dillivan, Planning & Zoning – RE: Amended Plat of Sheppard SS-217**

Mr. Dillivan presented the amended plat for Pete DiPilla which vacates lots 1 and 2 creating Lots 101 and 102 with lot line adjustments. Lot 101 will be 3.34-acres and Lot 102 will be 3.0-acres and the 183-acre exempt remainder parcel. Both lots will continue to be residential. The properties are owned by the Miner's, Troyer, and Catone's. The property is located 2.1 miles east of Ralston. Upon approval of the plat all parties will need to record new deeds.

Commissioner Mangold moved to approve the plat as presented, Commissioner Tilden seconded, motion carried. **RESOLUTION 2022-23**

#### **Commissioners – RE: Cody Shooting Complex Discussion**

Chairman Overfield turned over to Commissioner Thiel who stated the issues are with regards to public access to dry creek and boundary line. The biggest issue is communication or the lack of, on how to fix this issue moving forward with the official survey in hand. The issues are regarding the fencing and public access to the west, public safety, two track trails, direction and safety of shooting, possibility of gates, and comments from Josiah Bullock, Chief Range Operations officer.

After lengthy conversation and discussions Chairman Overfield will reach out to BLM and have a conversation regarding fencing, gate usage, temporary closure options and nothing will be agreed upon until BLM has weighed in on the issue. The lease will also be rewritten to be more current, and the Board will be in touch.

#### **Joy Hill, Planning & Zoning Director – RE: Consideration of Penalties Yellowstone Cutthroat**

Ms. Hill gave history on the SUP-158 which was approved on February 6, 2018, with conditions that were agreed upon between the Hoopers and the neighbors who were in opposition.

Hooper SUP-158 which has one violation regarding amplified entertainment on their property without approval and were fined \$300.00 on November 2020, and now are in violation for amplified entertainment on their property and possible chemical toilets onsite which is also a violation without approval on September 12, 2021.

Mr. Hooper is concerned with the lateness of the violation as it is now 5 ½ months later and Ms. Hill stated she was waiting for DEQ conversations on the septic/water issues at the lodge with the occupancy increase.

After conversations between Commissioners and the Hoopers regarding the lack of preapproval for amplified entertainment and onsite chemical toilets the process of revocation may happen.

Commissioner Thiel made a motion to charge a one-day fee of \$750.00 for violation outside the SUP, Commissioner Tilden seconded, further discussion, motion carried. Ms. Hill stated there are two things which need to be addressed, the unapproved event and the chemical toilets. Commissioner Tilden made a motion to waive the fee for the chemical toilet violation, Commissioner Thiel seconded, motion carried. RESOLUTION 2022-24.

#### **Commissioners – RE: Buck Creek Estates MS Preliminary Plat Decision**

Ms. Hill stated the county paid for a hydrologist and have received the report. Mr. Shumard is the subdivider and has produced the requested information.

Commissioner Thiel stated that this is a difficult decision as he supports private property rights but also feels a responsibility for development in the county as this subdivision would lie directly amid agriculture, with that said he moves to deny the subdivision for depletion of agriculture land for the following reasons:

1. Executing this subdivision will cause for significant depletion of land available for agriculture operations, which is contrary to the county's intent to preserve and value the historic agricultural industry.
2. Rural subdivisions in active agricultural areas can cause increased nuisance complaints and discourage the continuation of farming.
3. Rural areas should be preserved for rural uses. Denser residential development in the midst of this agriculture-dependent area is not compatible in this case.
4. It will be very difficult to reintroduce agriculture land once it is depleted by splitting wide open spaces into pieces that are less viable.

5. The subdivision is over 10 miles from the city centers of both Cody and Powell. Therefore, the costs of providing emergency service is greater.
6. The potential for extending city services is nonexistent in the foreseeable future, which means negative impacts to the natural environment are more likely.

Commissioner Livingston seconded.

Commissioner Tilden stated that he totally disagrees, stating the Board has asked Mr. Shumard to go above and beyond, this development is 5 acres or more per lot, roads will be constructed properly, and our job is to make sure the subdivision is done properly.

Discussions continued, Commissioner Mangold has concerns about how the subdivision will affect the dairy farm next door but also, we cannot determine or protect a person's ability to sell his property. Mr. Shumard and Bill Shumard both spoke regarding farming, the tough job the board has but also how they have done everything requested and seem to be getting all the scrutiny.

Commissioner Tilden after the lengthy discussion called for the question. Chairwoman Overfield stated there is a motion on the floor to deny the subdivision made by Commissioner Thiel, motion failed. Commissioner Tilden made a motion to approve Buck Creek Estates plat as presented, Commissioner Mangold seconded, Commissioner Thiel opposed, motion carried. **RESOLUTION 2022-25**

**Brian Edwards, Engineer, Public Works Department – RE: Consider contract award for professional engineering services For HVAC Upgrades at the Courthouse**

Brian Edwards reported the request for qualifications for the HVAC systems in the courthouse, courthouse addition and public works building was sent out and three companies replied. All three, West Plains Engineering, Rapid City, SD; Con'eer Engineering, Billings, MT; and Engineering Design Associates, Casper, WY were all interviewed and were all good firms.

Staff recommends Con'eer who put in the original system. After discussions regarding references being called, coming up to speed with the system, fresh set of eyes, management, and engineering designs, and the 5% differential does not need to be considered. Commissioner Tilden made a motion to award Engineering Designs out of Casper, Commissioner Mangold seconded, motion carried. At this time Mr. Edwards opened the envelope and stated that phase one evaluation will be \$27,000, with design and bidding to be determined. Chairman Overfield questioned time frame, agreement and county attorney approval which will now be addressed. The other two envelopes will be placed in the Clerk's vault unopened.

**Commissioners – RE: Interview for Park County Travel Council Board: Ruffin Prevost**

After the interview of the only applicant, Commissioner Thiel made a motion to reinstate Ruffin Prevost to the Travel Council, Commissioner Livingston seconded, motion carried.

**Commissioners – RE: Discussion on naming unnamed mountain in Park County**

Chairwoman Overfield stated the United States Board on Geographic Names is requesting to name an unnamed 6,616-foot summit located between Paint Creek and Blaine Creek to Mount Jackson Pollock.

After discussions and comments from Dewey Vanderhoff regarding Jackson Pollock being the most influential artist of the 20<sup>th</sup> century, Commissioner Tilden made a motion to approve naming and writing a letter of support, Commissioner Mangold seconded, further discussions and Commissioner Livingston called for the question, Commissioner Thiel and Livingston opposed, Chairwoman Overfield voted aye, motion carried.

**Commissioners – RE: Discussion on fairgrounds building rentals**

Chairwoman presented the fee structure for rentals for the fairgrounds and Heart Mountain Building. There will be four levels:

- 1. Government agency – no cost, letter of credit or check
- 2. 501 c 3 educational purpose – no charge with cleaning deposit
- 3. 501 c 3 benefit – 50% if for profit
- 4. All others will pay 100% with cleaning deposit

Commissioner Thiel made a motion to accept the new revised rent rate for facilities using the new form, Commissioner Mangold seconded, motion carried.

Discussions regarding requests for significant amounts of time, Commissioner Thiel made a motion regarding if a renter wanted more than three days in a row they will need to come before the board, Commissioner Livingston seconded, motion carried.

**Adjourn.**

Commissioner Livingston made a motion to adjourn, Commissioner Mangold seconded, motion carried.

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Dossie Overfield, Chairwoman

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Scott Mangold, Vice Chairman

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Lee Livingston, Commissioner

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Lloyd Thiel, Commissioner

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Joe Tilden, Commissioner

Attest:

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Colleen Renner, County Clerk