

Park County Board of County Commissioners
Regular Meeting
Tuesday, July 5, 2022

Chairwoman Dossie Overfield called to order a regular meeting of the Board of County Commissioners of Park County, Wyoming, on Tuesday, July 5, 2022. Present were Vice Chairman, Scott Mangold, Commissioners Lee Livingston, Lloyd Thiel, Joe Tilden and Clerk Colleen Renner.

Steve Potter 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 as listed: minutes from June 21; bi-weekly payroll in the amount of \$637,342.22 and elected payroll of \$92,185.84; acknowledge City of Cody Notice to Owners of Neighboring Properties Regarding Pickleball Courts at the Paul Stock Recreation Center; and approve job ad for Probation Supervisor in Youth Services. Commissioner Tilden seconded; motion carried.

Kim Dillivan, Planning & Zoning – RE: Amended Plat of Cedar Mountain Ranchettes

Mr. Dillivan presented the amended plat application for property owner Steven Potter. It would vacate Lot 5 and the west half of lot 6, creating Lot 105 (4.82 acres) and Lot 106 (5.18 acres) by way of a lot line adjustment between the existing lots. They will continue to be for residential and/or agricultural use, located 6 miles southwest of Cody. Neighboring lands will not be affected so no public hearing is required, and no public comments were received.

Commissioner Livingston moved to approve as presented with conditions recommended by staff, Commissioner Tilden seconded, motion carried.

RESOLUTION 2022-59

Commissioners – RE: Public Hearing: To Consider Appeals of Planning Director's Decision on a Light Trespass Complaint

Mr. Dillivan summarized events that have taken place over the past year from Eric & Diana Barton and Kurt Reitz regarding alleged light trespasses from property owned by Thomas & Cindy Reid. Mr. Dillivan and Jenny Cramer conducted an onsite inspection on April 19, 2022 and tested the property line of the Reitz and Barton property. Every light meter reading observed 0.0-foot candles and no violation was issued to the Reid's. Mr. Reitz filed a written notice of appeal which was received on May 25 by Attorney Collin Simpson.

Chairwoman Overfield called for public comments. Mr. Simpson, attorney for Mr. Reitz & the Barton's, spoke. Mr. Reitz gave a light demonstration and how to shield light. Mr. Reid, his attorney Seth Shumaker, Eric & Diana Barton and Chip Newton all made comments. Commissioners Mangold, Livingston, Thiel, and Tilden all questioned the regulations regarding glare, LED, security, motion lighting, and shielding covers. There being no further public comments, Commissioner Livingston made a motion to close the public hearing, Commissioner Tilden seconded, motion carried.

The Board further discussed the standards, measuring glare, illumination, and the regulation lighting standards. Commissioner Tilden said that, according to the lighting standards, there is no violation. He moved to deny the appeal and asked the neighbors to cooperate to take care of the problem, Commissioner Livingston seconded, motion carried. **RESOLUTION 2022-60**

Kim Dillivan, Planning & Zoning – RE: Amended Plat of 4 Star Subdivision, Lot 20

Mr. Dillivan presented the application for partial vacation and amended plat, located in GR-5 zoning and 4 miles southwest of Cody. The applicant is Nicholas Grigas. The reconfiguration of the plat will create lot 20A for residential use. No public hearing is required as rights of other owners are not compromised and no public comments were received.

Commissioner Thiel moved to approve amended plat, Commissioner Livingston seconded, motion carried. **RESOLUTION 2022-61**

Kim Dillivan, Planning & Zoning – RE: Rocking Horse M Buffalo Ranch SS-289 Final Plat

Mr. Dillivan presented the application for final plat. Owned by Timothy McNett, the subdivision will consist of a 12.71-acre lot and a 14.92-acre lot for residential use. The property located in GR-5. Neighboring lands are Bureau of Land Management to the west, south and northeast with agricultural and residential to the north/northwest. Agency referrals have been met; no public comments received. Staff recommends approval with conditions.

Commissioner Livingston moved to approve as presented with conditions, Commissioner Mangold seconded, motion carried. **RESOLUTION 2022-62**

Joy Hill, Planning & Zoning Director – RE: Public Hearing: Leroux FP 3-22

Ms. Hill presented the staff report on the after-the-fact road replacement, vegetation clearing and pier construction for the owner John F. Leroux Living Trust. Located ¼ mile east/northeast of Cody, the project is on the south side of the Shoshone River channel. Public lands are to the north and northeast.

Mr. Kevin Little from the US Army Corps of Engineers indicated that he visited the property and provided a letter citing non-compliance with Nationwide Permit 14 for not submitting a pre-construction notification (PCN) prior to constructing the road. Mr. Little is requesting a submittal of an after-the-fact PCN and indicated the dock was constructed in a manner not regulated by the Corps.

Ms. Hill read the standards of evaluation and analysis plus staff recommendations. Agency referrals have been met and public comments have been received in opposition of the dock.

Chairwoman Overfield called for public comments.

Ms. Mary Helen Reed, attorney representing owner, gave a statement and requested the permit be granted. Landon Blanchard, Tom Brown, Len Fortunato, and Elise Green spoke in opposition to the dock. Harold Musser spoke in favor of the applicant/project. Fred Breisch spoke in favor of the project but said public safety might need to be studied.

There being no further comments, Commissioner Livingston moved to close the public hearing, Commissioner Mangold seconded, motion carried.

Ms. Hill stated that the development of the dock was excluded from the Army Corps process. The board's discussion touched on public safety to the middle of the river, risk management and impact issues, private property rights, building prior to obtaining a permit, safety to the public, and the dock projecting into the navigable part of the river.

Commissioner Thiel moved to approve the flood plain permit except for the dock pier, which will need to be removed, Commissioner Mangold seconded. After further discussions and clarification, Chairwoman called for the question, Commissioner Livingston opposed, motion carried.

Possible violation fines were discussed. Ms. Reed noted the applicant paid the fee and completed the application and was unaware of any other fees for violation. Notice of violation will be dealt with later after consultation with counsel. **RESOLUTION 2022-63**

Commissioners – RE: Insurance Premiums FFY 22-23

Clerk Renner stated there was no motion made to have the Health Insurance premiums remain the same for the upcoming budget year.

Commissioner Tilden made a motion the amounts remain the same, Commissioner Mangold seconded, motion carried.

Executive Session.

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

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

Commissioners – RE: Discussion on Welcome Home Wyoming Program

Chairwoman Overfield stated Ms. Molly Norberg completed some research with local banks for this program. The board's discussion included why a resolution is required, the existing rental assistance available in Park County and how lenders can/will participate.

Commissioner Mangold made a motion to approve the resolution as presented, Commissioner Tilden seconded. Commissioner Thiel asked whether Attorney Bryan Skoric reviewed the resolution, Ms. Norberg said he had no major concerns. Motion carried. **RESOLUTION 2022-64**

Scott Steward, Sheriff – RE: Law Enforcement in Cooke City, MT

Sheriff Steward reported that, about one-and-a-half weeks ago, a fight broke out in Cooke City. Park County, Montana, law enforcement couldn't get there in a timely manner and requested Park County, Wyoming, send a couple of law enforcement officers. However, Park County, Wyoming law enforcement has no authority in Montana. Work has begun with the governors and homeland security to sign a declaration for each state. Both Attorney Generals have no issues and will put a tentative agreement in place for emergency situations. A conference call is scheduled for later this week to put the process together and the sheriff will let Chairwoman Overfield know the time. Commissioner Livingston asked if the Sheriff had the man-power available and Sheriff Steward stated yes. He said the purpose would be to stabilize the event until Carbon County, Montana can get there. Sheriff Steward said he would report back.

Ben McDonald, Project Manager, Public Works Department – RE: FY23 Transportation Alternatives Road Program

Mr. McDonald reported on the 9.51% share the county would need to budget, for an approximate amount of \$28,530. Commissioner Thiel questioned if that amount included the contribution from City of Powell. Mr. McDonald stated the city is not a co-applicant and their contribution toward the project is separate. The application needs to be submitted and a line item is required in the county budget.

Commissioner Thiel moved to approve the resolution for the TAP \$28,530 and allow the chair to sign, Commissioner Mangold seconded, motion carried. **RESOLUTION 2022-65**

Colleen Renner, County Clerk – RE: Budget Discussions

Chairwoman Overfield began with Assessor Pat Meyer requesting \$12,818.50 be added to his budget for Southfork aerial photos. The wages have all been updated, including the recommendations from the Sheriff. PILT was estimated at \$1.9 million, and the County received \$2.3 million. Clerk Renner would like to see dollars added to IT for the ability to meet deadlines with the WARM insurance. Commissioner Tilden recommended an extra \$200,000 in 1442. Documentation was received from Public Health so that budget is covered. HVAC controllers are coming in higher than expected so \$100,000 was added. Per diem was discussed with regards to the coroner budget and that can be decided by the newly elected coroner; a recommendation was made to adjust the budget to past years. A mill adjustment was discussed which would only save the average home

\$12 a year. Commissioners want to see what relief would be provided by the bills that will be presented. Ms. Bobbie Hinze will have worksheets for the department heads and elected officials to adjust their employees' wages. The Board will have an executive session next week on this topic.

Adjourn.

Commissioner Livingston moved to adjourn, Commissioner Mangold seconded, and the motion carried.

Dossie Overfield, Chairwoman

Scott Mangold, Vice Chairman

Lee Livingston, Commissioner

Lloyd Thiel, Commissioner

Joe Tilden, Commissioner

Attest:

Colleen Renner, County Clerk