

**Park County Board of County Commissioners  
Regular Meeting**

Tuesday, November 15, 2022

Chairwoman Dossie Overfield called to order a regular meeting of the Board of County Commissioners of Park County, Wyoming, on Tuesday, November 15, 2022. Present were Vice Chairman, Scott Mangold, Commissioners Lee Livingston, Lloyd Thiel, Joe Tilden and Clerk Colleen Renner.

Commissioner Livingston led the audience in the pledge of allegiance.

**Consent Items: Approve-Minutes, Payroll and Vouchers**

Commissioner Thiel made a motion to approve the following consent agenda items: minutes from November 1; bi-weekly payroll of \$459,504.41 and elected wages of \$92,179.87; vouchers; Powell Medical Foundation's five-day use of Heart Mountain Hall for a Mardi Gras fundraiser; setting the third BOCC meeting in January for the 24th due to a Legislative Conference in Cheyenne; monthly earnings and collection statements for the Clerk, Clerk of District Court, and Sheriff. Commissioner Tilden seconded and the motion carried.

Payee	Amount
360 OFFICE SOLUTIONS	\$2,315.54
ANGEL ARMOR	\$770.52
ASH, LOUIS	\$99.82
B & B FLEET SERVICE	\$927.50
BAILEY ENTERPRISES, INC.	\$79.71
BAILEY ENTERPRISES, INC.	\$7,572.28
BEAR CO., INC.	\$2,194.00
BIG HORN COUNTY CORONER	\$500.00
BIG HORN GLASS	\$5,995.00
BIG HORN RURAL ELECTRIC COMPANY	\$344.34
BIG HORN WATER	\$249.25
BIG HORN WHOLESALE, INC.	\$1,944.35
BLACK HILLS ENERGY	\$3,339.36
BLAIR'S MARKET	\$35.76
BLAKEMAN PROPANE, INC.	\$449.82
BLATT, TIMOTHY J.	\$400.00
BLOEDORN LUMBER - CODY	\$25.06
BLOEDORN LUMBER - POWELL	\$272.59
BOONE'S MACHINE SHOP	\$4.94
C & C WELDING, LLC	\$161.79
CARQUEST AUTO PARTS - #064250	\$425.02
CARVER, FLOREK & JAMES, CPA'S	\$38,000.00
CDW GOVERNMENT, INC.	\$1,801.64
CENTURYLINK	\$2,732.83
CENTURYLINK BUSINES SERVICES	\$41.71
CHARTER COMMUNICATIONS	\$304.41
CODY ACE HARDWARE	\$546.18
CODY ENTERPRISE	\$4,240.40
CODY PAINT & BODY, INC.	\$228.50
CODY WINNELSON CO.	\$50.00
CODY, CITY OF	\$29,448.09
COLEGROVE, JESSE	\$22.38
CORRECTIONAL HEALTHCARE COMPANIES, INC.	\$21,618.97
CRONK, BRENDA	\$17.50
CRUM ELECTRIC SUPPLY CO.	\$525.50
D&G ELECTRIC, LLC	\$6,419.74
DE HAAN ELECTRONICS	\$655.00
DENNY MENHOLT CHEVROLET BUICK GMC	\$206.80
DYKES, TED	\$147.17
EATON SALES & SERVICE, LLC	\$24.35
EICHELE, LARRY	\$65.00
ELECTION SYS & SOFTWARE, INC	\$3,801.78
ELIAS, RONDA	\$34.24
ENGINEERING DESIGN ASSOCIATES	\$2,625.00

FLOYD'S TRUCK CENTER	\$143,471.00
FULL DRAW CONSTRUCTION	\$6,033.60
GARLAND LIGHT & POWER CO.	\$1,049.77
GLAXOSMITHKLINE PHARMACEUTICALS	\$1,713.96
GOODYEAR PRINTING	\$1,582.50
GRAINGER	\$241.05
GUERTIN, ANDREW	\$27.50
HARRIS TRUCKING & CONST., INC.	\$1,442.07
HATFIELD, JACK R. II	\$97.50
HONNEN EQUIPMENT CO.	\$190.17
HUMDINGER EQUIPMENT, LTD.	\$3,671.41
INTERSTATE BATTERIES	\$139.95
INTERSTATE TIRE SERV. INC	\$30.03
JOHN DEERE FINANCIAL	\$137.06
K-B COMMERCIAL PRODUCTS	\$1,196.40
KEELE SANITATION	\$2,961.25
KONE	\$2,989.61
KPOW-AM	\$520.00
LABUDA AND WHITE TRIAL ATTORNEYS, LLC	\$2,633.56
LEON UNIFORM COMPANY, INC.	\$301.00
LOPEZ, ALICIA	\$42.50
LSC ENVIRONMENTAL PRODUCTS, LLC	\$2,442.00
MAJESTIC LUBE, INC.	\$8.00
McCLAIN, MONTE	\$312.94
McINTOSH OIL, INC.	\$7,736.65
McKESSON MEDICAL SURGICAL	\$514.30
MEETEETSE, TOWN OF	\$124.20
MERCK SHARP & DOHME CORP.	\$856.08
MILES, SARAH N.	\$400.00
MONTANA LIMESTONE COMPANY	\$7,387.50
MONTANA-DAKOTA UTILITIES CO.	\$1,869.42
MURDOCH OIL, INC.	\$31,657.03
MURDOCH'S RANCH & HOME POWELL	\$505.63
NAPA AUTO PARTS	\$78.35
NEMONT	\$41.50
NORCO, INC.	\$82.54
OFFICE SHOP, THE	\$1,599.86
O'REILLY AUTO PARTS - CODY	\$560.66
PARK COUNTY CLERK	\$96.29
PAVEMENT MAINTENANCE, INC.	\$14,338.00
PFIZER INC.	\$3,164.72
PILCH ENGINEERING INC., PC	\$13,390.11
POFF, MEGAN	\$328.75
POISON CREEK, INC	\$315.67
POWELL ACE HARDWARE, LLC	\$198.53
POWELL TRIBUNE, INC.	\$4,325.07
POWERPHONE, INC.	\$399.50
PRODUCTION MACHINE COMPANY	\$0.72
ROCKY MOUNTAIN POWER	\$106.04
ROCKY MOUNTAIN WASH, LLC	\$64.00
SABER PEST CONTROL	\$150.00
SAUCEDA, DAVE	\$162.50
SHERWIN-WILLIAMS STORE - CODY	\$45.79
STERICYCLE	\$34.00
SYSCO FOOD SERVICES OF MONTANA	\$1,551.56
THOS. Y. PICKETT & CO., INC.	\$1,100.00
TRACTOR & EQUIPMENT CO	\$979.21
TRI STATE TRUCK & EQUIP, INC	\$1,540.26
TRIPLE L SALES	\$16.23
TRIPLE L SUPPLY	\$12.87
TW ENTERPRISES, INC.	\$1,176.98
UNIVERSITY OF WY - ADMIN BUSINESS OFFICE	\$6,018.00
UPS STORE, THE	\$533.76
VARDIMAN, JEREMIAH	\$101.25
VISA - #0037 - B. POLEY	\$271.20
VISA - #0045 - B. SKORIC	\$102.14
VISA - #0052 - P. MEYER	\$3,107.71

VISA - #0078 - L. LIVINGSTON	\$252.34
VISA - #0086 - W.E. CRAMPTON	\$2,128.88
VISA - #0250 - C. RENNER	\$3,288.17
VISA - #0359 - S. STEWARD	\$3,399.64
VISA - #0367 - J. HILL	\$110.80
VISA - #4079 - S. STEWARD	\$1,818.76
VISA - #4087 - M. CONNERS	\$8,923.58
VISA - #4103 - S. STEWARD	\$791.49
VISA - #4111 - S. STEWARD	\$489.51
VISA - #4168 - B. EDWARDS	\$220.64
VISA - #4184 - T. KATTENHORN	\$193.73
VISA - #5449 - HOMELAND SECURITY	\$371.10
WACERS	\$2,450.00
WAL MART COMMUNITY/GEMB	\$930.42
WARREN TRANSPORT	\$7,695.00
WEBSTER, II, C.E., ATTORNEY LLC	\$960.00
WEIMER, GEOFF	\$68.75
WHITLOCK MOTORS	\$234.33
WILLIAMS & SONS, LLC	\$605.00
WINTER EQUIPMENT COMPANY, INC.	\$11,262.30
WOODWARD TRACTOR & RENTAL, INC	\$1,416.41
WYOMING DEPARTMENT OF EMPLOYMENT	\$138.09
WYOMING DEPARTMENT OF HEALTH	\$317.76
WYOMING FIRE SAFETY, LC.	\$1,593.00
WYOMING STATE BAR	\$1,307.50
WYOMING STATE PUBLIC DEFENDER	\$400.00
WYSE, SABINA	\$86.58
<b>TOTAL</b>	<b><u><u>\$473,397.03</u></u></b>

Chairwoman Overfield deviated from the agenda to update the Board on questions sent to Attorney General Bridget Hill by County Attorney Bryan Skoric on hand counting the 2020 ballots. The following questions were asked and answered:

Does WY Statute §22-14-114 apply to past elections since the vote has already been determined as referenced in this statute? Answer: Yes, that statute provides for the only method of county ballots designed to be counted by machine.

Assuming that §22-14-114 would not prevent a hand count of the 2020 ballots since the vote was already determined, would an individual or group counting these ballots nevertheless also need to be trained, certified, and compensated pursuant §22-8-113 through -118? Answer: The Wyoming Election Code, including §22-14-114, would prevent a hand count of the 2020 ballots.

Does Article 6, Section 11 of the Wyoming Constitution prohibit the county from ever turning over ballots from any election to any outside person or group? Answer: Yes, Article 6, Section 11 of the Wyoming Constitution makes secrecy of the ballot compulsory. Because the Constitution makes ballots confidential, the records in question may not be turned over to any outside person or group.

Chairwoman Overfield will make this document available to the press and it will be sent to those who wanted to hand count the ballots.

**Commissioners – RE: Public Hearing: Clayton Creel Appeal**

Chairwoman Overfield opened the public hearing.

Cody Schatz of Engineering Associates stated Clayton Creel is requesting to subdivide his 5.95-acre lot into two lots, one 3.95 acres and one 2.0 acres. Creel wants to subdivide the land to give some to his brother. Planning and Zoning denied the request and Creel appealed. The first reason for denial was a lack of public services, particularly water, to serve the subdivision. Correspondence was received from Northwest Rural Water District (NRWD), which cannot service the area at this time. The DEQ does not consider this a major subdivision and sent no response. A cistern is the only current option for water. Shared road maintenance was the second reason for denial. After 52 Oak Drive, the road becomes privately maintained. Mr. Creel reached out to neighbors and most wanted to help form a

roadway maintenance group to improve the road. Lot configuration length-to-width ratio does not conform to the county standards but has been adjusted in the sketch plan to conform. The fourth reason was setting a poor precedent for future subdivisions regarding cisterns. When the remaining 10 vacant lots in Cottonwood Estates are developed, they will either connect to NRWD or use cisterns, which are currently used in other areas of Park County.

Michael Creel and Alicia Creel both spoke on the importance of being close to family and would like to move forward with the subdivision.

Kimberly Brandon-Wintermote spoke on behalf of the Planning & Zoning Board and reiterated the reasons for denial. She said they're concerned with other landowners seeing this as open door without seeking a variance.

Chairwoman Overfield called for public comments.

Jimmy Parks spoke via Zoom in opposition of this subdivision because of propane tanks and cisterns in the area and others choosing to subdivide their 40-acre parcels. Mr. Parks also has concerns with the road maintenance.

Mr. Schatz stated most property is owned by Bill Metz and said this was only a sketch plan.

Nick Hummel of Engineering Associates said an August 11 NWRD communication stated there is currently not enough water pressure and the district could not provide services.

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

Commissioner Livingston moved to delay a decision until after further review, Commissioner Tilden seconded, motion carried.

#### **Kim Dillivan, Planning & Zoning – RE: Public Hearing: Amended Plat of Spring Valley**

Chairwoman Overfield opened the public hearing.

Mr. Dillivan presented the partial vacation and amended plat for Ethan and Shantelle Martin. The property is in RR-2 and the merged unplatted parcel is in GR-20. The amended plat will vacate lot 33 and merge the 13.75-acres, resulting in a 28.8-acre Lot 133 for residential use.

Notices and agency referrals have been met, with no public comments received. Mr. Dillivan read the conditions into the record.

Chairwoman Overfield called for public comments.

Nick Hummel and Valerie Harvey both spoke on what was happening to the plat. Chairwoman Overfield explained the two parties are exchanging property to make the property more usable by having the drainage be the lot line.

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

Commissioner Tilden moved to approve the amended plat including staff recommendations, Commissioner Livingston seconded, motion carried.

#### **RESOLUTION 2022-98**

#### **Kim Dillivan, Planning & Zoning – RE: Public Hearing: Salmo Trutta Major**

Chairwoman Overfield opened the public hearing.

Mr. Dillivan presented the partial vacation and re-subdivision of Lot 20A into two 5.06-acre lots for residential use. The applicant is Nicholas Grigas and the property is 4 miles southwest of Cody at the end of Moonlight Drive. Notices and agency referrals have been met with one public comment received. The proposed lots would be developed with one residence and accessory structures so no huge amount of increase in traffic will be seen. Easements shall be provided as requested, existing covenants shall be referenced, and an approved water distribution plan shall be approved prior to final plat.

Chairwoman Overfield called for public comments.

Cody Schatz with Engineering Associates was present if anyone had questions. A Commissioner made the comment that the word “shall” makes it sound like the County is responsible for policing.

Commissioner Tilden made a motion to close the public hearing, Commissioner Livingston seconded, motion carried.

Commissioner Livingston moved to approve with conditions as recommended, Commissioner Tilden seconded, motion carried. **RESOLUTION 2022-99**

**Kim Dillivan, Planning & Zoning – RE: Public Hearing: Heart Mountain Interpretive Center Addition SUP- 243**

Chairwoman Overfield opened the public hearing.

Mr. Dillivan presented the special use permit from Bowen Tubbs of Schutz Foss Architects including plans describing the location, type of activities and impact on adjacent properties. There will be two new single-story structures built on the property, which is in GR-P zoning. Notices and agency referrals have been met except for a fire safety inspection, a permit for a small wastewater system and well water samples from the new onsite well before using the expanded facility.

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

Commissioner Mangold moved to approve the SUP with current staff recommendations as stated, Commissioner Livingston seconded, motion carried. **RESOLUTION 2022-100**

**Kim Dillivan, Planning & Zoning – RE: Public Hearing: Barela MS-70 Sketch Plan**

Chairwoman Overfield opened the public hearing.

Mr. Dillivan presented the minor subdivision application and sketch plan. Roy Barela is requesting approval of a three-lot subdivision consisting of one 1.51-acre lot, one 3.30-acre lot and a 1.93-acre lot for agricultural and residential use in GR-P zoning. The location is 4 miles west-southwest of Powell on Road 14.

A corrective notice of intent and agency referrals have been met with no public comments received. Mr. Dillivan read the conditions into the record. There was discussion on the easements and setbacks for Lot 1.

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

Commissioner Thiel is concerned about the sketch plan. Ms. Hill stated that if denied, Mr. Barela will need to wait one year to redesign and re-evaluate. Commissioner Thiel made a motion to deny, but it died for lack of a second.

Commissioner Livingston made a motion to approve with the applicant bringing forward proof of ability for wells on lot one with other conditions, Commissioner Tilden seconded, Commissioner Thiel opposed, motion carried. **RESOLUTION 2022-101**

**Joy Hill, Planning & Zoning Director – RE: Leonhardt Annexation**

Ms. Hill spoke with Todd Stowell at the City of Cody and this annexation will leave a piece of property in the county. Ms. Hill recommends the Board acknowledge that the remaining parcel is under 35 acres. After some discussion, Commissioner Tilden made a motion to acknowledge it on the plat. Commissioner Livingston gave a friendly amendment that the chair acknowledge that the Board understands this is happening, motion carried.

**Park County Commissioners – RE: Discussion on ARP Funds**

Chairwoman Overfield gave a list of the prior ARP funds that have been committed by the county and must be spent by 2026. A new federal grant to the county will provide \$6 million dollars per year for the next two years. The County

needs to decide whether to accept these funds before December 31. Commissioner Livingston questioned the use of the dollars and the Board discussed how they could be used. The courthouse HVAC system, the South Fork Road, redesign of the Willwood Road, the septic lagoon system, updating Tyler Technologies accounting systems, putting the county annex on Powell city water, a water system for the Road & Bridge shop and windows were some of the ideas.

Commissioner Tilden made a motion to accept the funds, Commissioner Mangold seconded, motion carried.

Commissioner Livingston asked if the ARP dollars could be used for outside entities and if there would be an application process. Chairwoman Overfield said she had not seen anything clarifying the use of these funds.

**Kim Dillivan, Planning & Zoning – RE: Final Plat of CH Hodson SS-298**

Mr. Dillivan presented the final plat for Colleen & Jerry Hodson requesting a two-lot subdivision. It would result in one 1.29-acre lot and one 5.33-acre lot for residential use with commercial zoning, located in Tract 1 of Fair Acres Subdivision north of Cody city limits. Municipal review is required, and two comments were received from Mr. Stowell regarding a gas transmission pipeline and designated wetland on the property. Notifications and agency referrals have been met.

Jenny Cramer of Planning & Zoning discussed staff recommendation #2 regarding the designated wetland. The Army Corps of Engineers recommended the condition, saying any development within “potential waters of the U.S.” would need to be reviewed and/or permitted by the agency.

Mr. Dillivan then read recommendations #1 and #3 into the record. Discussions were had regarding the wetland and its designation on the final plat.

Commissioner Tilden made a motion to approve the final plat, striking “shall identify potential wetlands”, Commissioner Thiel seconded. After further discussion, Commissioner Livingston gave a friendly amendment to strike condition #2 in its entirety. Commissioner Tilden accepted, Commissioner Thiel seconded, motion carried. **RESOLUTION 2022-102**

Tom Fitzsimmons of Cody Regional Health asked to speak and updated the Board on ARP funds Powell Valley Healthcare received to purchase an ambulance. Doug McMillan and Keith Unrgrund of Cody Regional shared information and requested a letter of support for an EMS regional grant to purchase a helicopter to expand emergency services throughout the Big Horn Basin. Questions arose about competition with private industry, with backcountry access and long line extractions discussed.

Commissioner Mangold made a motion to approve the letter of support, Commissioner Livingston seconded, Commissioner Tilden opposed, motion carried.

**Adjourn.**

Commissioner Thiel moved to adjourn, Commissioner Livingston seconded, and the 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