

**Park County Board of County Commissioners**  
**Regular Meeting**  
Tuesday, January 24, 2023

Chairwoman Dossie Overfield called to order a regular meeting of the Board of County Commissioners of Park County, Wyoming, on Tuesday, January 24, 2023. Present were Vice Chairman, Lloyd Thiel, Commissioners Lee Livingston, Scott Mangold, Scott Steward and Clerk Colleen Renner.

Molly Norberg led the audience in the pledge of allegiance.

**Consent Items:**

**Approve-Minutes, Payroll and Vouchers**

Chairwoman Overfield added two items to the consent agenda regarding a voucher for LaRue Tactical and to update the Youth Service job description to add Commissioners as the supervisor of that department. Commissioner Livingston made a motion to approve the following consent agenda items as listed and those presented by Chairwoman Overfield: minutes from 1/3/23; payroll in the amounts of \$676,178.27 includes insurance, \$499,682.98, and elected payroll of \$92,175.66; vouchers; monthly earnings and collection statements for the Clerk, Clerk of District Court, and Sheriff; FFY2023 Q1 TANF/CPI report & vouchers; lease agreement for Granite Creek Energy LLC; lease renewal for Collection Professionals, Inc.; ad for Youth Services Job Opening; financial disclosure statements Pursuant to Wyoming State Statute 16-5-118 (a) for all required Elected Officials and filed in the County Clerk's office; letter to BLM Regarding Wild Horse Management in the McCullough Peaks and an ad for Planning and Zoning Commission Unexpired Term. Commissioner Thiel seconded and the motion carried.

Payee	Amount
360 OFFICE SOLUTIONS	\$1,843.51
A & I DISTRIBUTORS	\$1,782.65
ALDRICH'S - POWELL	\$28.70
ANGEL ARMOR	\$944.41
AT&T MOBILITY	\$1,011.53
AXIS FORENSIC TOXICOLOGY, INC.	\$260.00
B & B FLEET SERVICE	\$4,138.00
BAILEY ENTERPRISES, INC.	\$142.52
BAILEY ENTERPRISES, INC.	\$469.51
BAILEY ENTERPRISES, INC.	\$5,793.86
BASIN MECHANICAL, INC.	\$52,953.52
BEAR CO., INC.	\$36.54
BEARTOOTH ELECTRIC COOP	\$10.14
BENCH DIESEL RESEARCH LLC	\$101.39
BIG BROTHERS BIG SISTERS OF NW WY	\$1,105.01
BIG HORN CO-OP MARKETING ASSN.	\$170.00
BIG HORN COUNTY CORONER	\$500.00
BIG HORN GLASS	\$849.62
BIG HORN RADIO NETWORK	\$3,279.44
BIG HORN RURAL ELECTRIC COMPANY	\$337.72
BIG HORN WATER	\$209.00
BIG HORN WHOLESALE, INC.	\$6,044.02
BIG VALLEY BEARING & SUPPLY, INC.	\$181.18
BILLINGS PETERBILT INC	\$2,610.20
BLACK HILLS ENERGY	\$22,458.84
BLATT, TIMOTHY J.	\$400.00
BLOEDORN LUMBER - CODY	\$21.65
BOB BARKER COMPANY	\$708.94
BOMGAARS	\$205.85
BORDER STATES ELECTRIC	\$404.75
BUILDERS FIRST SOURCE	\$82.33

C & C WELDING, LLC	\$88.29
CARING FOR POWELL ANIMALS	\$750.00
CAROLINA SOFTWARE	\$775.00
CARQUEST AUTO PARTS - #064250	\$824.89
CDW GOVERNMENT, INC.	\$439.60
CEDAR MOUNTAIN PROPERTIES, LLC	\$1,025.75
CENTURYLINK	\$2,730.86
CENTURYLINK BUSINES SERVICES	\$24.54
CHARTER COMMUNICATIONS	\$304.41
CHOICE AVIATION, LLC	\$120.27
CODY ACE HARDWARE	\$778.61
CODY COUNCIL ON AGING	\$13,750.00
CODY, CITY OF	\$3,000.82
CONSOLIDATED ELECTRICAL DISTRIBUTORS	\$158.26
CORRECTIONAL HEALTHCARE COMPANIES, INC.	\$21,618.97
COULTER CAR CARE CENTER	\$238.89
CRISIS INTERVENTION SERVICES	\$2,750.00
CRONK, BRENDA	\$16.25
CRUM ELECTRIC SUPPLY CO.	\$1,077.27
CUSTOM DELIVERY SERVICE, INC.	\$150.75
D&G ELECTRIC, LLC	\$4,902.39
DELL MARKETING L.P., C/O DELL USA L.P.	\$1,199.15
DENNY MENHOLT CHEVROLET BUICK GMC	\$30,787.10
ENGINEERING DESIGN ASSOCIATES	\$14,078.00
FASTENAL	\$330.11
FINISHING TOUCH	\$95.00
FLOYD'S TRUCK CENTER	\$2,641.12
FORWARD CODY WYOMING, INC.	\$3,500.00
FREMONT MOTOR CODY, INC.	\$135.55
FREMONT MOTOR POWELL, INC.	\$91.87
GALLS, LLC	\$87.36
GARLAND LIGHT & POWER CO.	\$1,846.57
GARLAND, JOSEPH	\$170.38
GLAXOSMITHKLINE PHARMACEUTICALS	\$1,742.08
GOODYEAR PRINTING	\$772.04
GRAINGER	\$2,662.05
HONNEN EQUIPMENT CO.	\$2,461.85
HORROCKS, MICHELLE	\$35.00
HOWARD, KATHERINE D.	\$60.00
HUMDINGER EQUIPMENT, LTD.	\$981.91
HUNTER CLEAN CARE LLC	\$2,350.00
INTERSTATE TIRE SERV. INC	\$70.00
IVERSON SANITATION	\$50.00
JONES, RICHARD B	\$75.00
K-B COMMERCIAL PRODUCTS	\$5,571.23
KEELE SANITATION	\$3,265.00
KENCO SECURITY AND TECHNOLOGY	\$474.55
KINCHELOE PLUMBING & HEATING	\$697.00
KOLACNY, DENISE	\$149.97
KOSTER, HUNTER	\$33.75
LEON UNIFORM COMPANY, INC.	\$231.50
LONG BUILDING TECH., INC. - RETAINAGE	\$449.40
LONG BUILDING TECHNOLOGIES, INC.	\$1,708.10
MAJESTIC LUBE, INC.	\$303.85
MANNAHOUSE FOOD PANTRY	\$2,500.00
MARQUIS AWARDS & SPECIALTIES, INC	\$220.90
McKESSON MEDICAL SURGICAL	\$1,057.78
MEETEETSE SENIOR CENTER	\$2,500.00
MEETEETSE VISITOR CENTER	\$1,500.00
MEETEETSE, TOWN OF	\$249.20
MIDWEST FENCE COMPANY	\$3,200.00
MONTANA-DAKOTA UTILITIES CO.	\$8,413.00
MURDOCH OIL, INC.	\$25,695.96
MURDOCH'S RANCH & HOME POWELL	\$122.98
NAPA AUTO PARTS	\$55.29
NATRONA COUNTY LEGAL DEPARTMENT	\$1,110.00
NELSON, DEBORAH P.	\$37.50

NORCO, INC.	\$94.24
OFFICE SHOP, THE	\$560.03
ONSOLVE	\$18,472.86
PARK CO COURT SUPERVISED TREATMENT PROG	\$3,000.00
PARK COUNTY 4-H COUNCIL	\$1,500.00
PARK COUNTY CLERK	\$140.00
PARK COUNTY LIBRARY BOARD	\$904,788.67
PARK COUNTY MUSEUM BOARD	\$131,506.63
PARK COUNTY PARKS & RECREATION BOARD	\$85,268.50
PILCH ENGINEERING INC., PC	\$5,975.00
PITNEY BOWES, INC. - A/R	\$299.00
PLAINSMAN PRINTING SUPPLY	\$552.00
POISON CREEK, INC	\$812.64
POWELL ACE HARDWARE, LLC	\$107.35
POWELL ECONOMIC PARTNERSHIP, INC.	\$3,000.00
POWELL SENIOR CITIZENS AGO-GO, INC	\$13,750.00
POWELL VALLEY RECYCLING	\$625.00
POWELL WELDING AND INDUSTRIAL SUPPLY LLC	\$202.10
PRODUCTION MACHINE COMPANY	\$2,555.51
QUILL CORPORATION	\$112.66
RIMROCK TIRE CO - CODY	\$1,466.48
ROCKY MOUNTAIN POWER	\$1,355.95
ROCKY MOUNTAIN WASH, LLC	\$64.00
S&P BRAKE SUPPLY AND DRIVELINE SERVICES	\$1,749.40
SABER PEST CONTROL	\$150.00
SAUCEDA, DAVE	\$130.00
SHERWIN-WILLIAMS STORE - CODY	\$42.81
SMITH PSYCHOLOGICAL SERVICES	\$800.00
SPECIALTY TOOL & ATTACHMENT	\$100.00
STERICYCLE	\$34.00
STONEHOUSE DATA SOLUTIONS, LLC	\$905.36
SYSCO FOOD SERVICES OF MONTANA	\$2,272.85
THOMPSON REUTERS - WEST	\$915.06
TRACTOR & EQUIPMENT CO	\$249.21
TRIPLE L SUPPLY	\$63.52
VEHICLE LIGHTING SOLUTIONS, INC.	\$11,440.47
VILOS, BRANDEN S., ATTORNEY AT LAW, PC	\$845.00
VISA - #0037 - B. POLEY	\$107.17
VISA - #0045 - B. SKORIC	\$218.27
VISA - #0078 - L. LIVINGSTON	\$1,348.33
VISA - #0086 - W.E. CRAMPTON	\$923.72
VISA - #0250 - C. RENNER	\$466.48
VISA - #0359 - S. STEWARD	\$198.04
VISA - #0367 - J. HILL	\$124.27
VISA - #4044 - S. STEWARD	\$5,063.60
VISA - #4079 - S. STEWARD	\$2,896.46
VISA - #4087 - M. CONNERS	\$2,054.80
VISA - #4103 - S. STEWARD	\$586.61
VISA - #4168 - B. EDWARDS	\$376.02
VISA - #4184 - T. KATTENHORN	\$925.14
VISA - #4192 - W. WOOD	\$231.33
VISA - #5449 - HOMELAND SECURITY	\$617.56
VISA - #5738 - T. BALL	\$77.24
WEIMER, GEOFF	\$30.00
WESTERN COLLISION, INC.	\$181.00
WESTERN OFFICE EQUIPMENT INC	\$1,214.00
WHITE INK, LLC	\$45.00
WHITLOCK MOTORS	\$64.20
WILLIAMS & SONS, LLC	\$773.37
WOODWARD TRACTOR & RENTAL, INC	\$749.71
WYOMING BEHAVIORAL INSTITUTE	\$3,016.00
WYOMING CLERK OF DIST COURT ASSOC	\$150.00
WYOMING COUNTY COMMISSIONERS ASSN	\$600.00
WYOMING DEPARTMENT OF EMPLOYMENT	\$141.86
WYOMING DEPARTMENT OF HEALTH	\$366.08
WYOMING DEPARTMENT OF HEALTH/PBL HLTH LB	\$72.00
WYOMING DEPT OF AGRICULTURE*	\$80.00

WYOMING DEPT OF TRANS - MOTOR VEHICLES	\$2.00
WYOMING STATE PUBLIC DEFENDER	\$400.00
WYSE, SABINA	\$67.50
YELLOWSTONE BEHAVIORAL HEALTH	\$12,500.00
YOUTH CLUBS OF PARK COUNTY	\$2,500.00
<b>TOTAL</b>	<b><u>\$1,525,453.81</u></b>

**Commissioners – RE: Public Hearing: Jon Sowerwine Appeal**

Chairwoman Overfield opened the public hearing.

Representing the appellant, Cody Schatz, Engineering Associates asked several questions of Director, Joy Hill regarding a November 4 letter and why she feels the land is unsuitable for a simple subdivision. Director Hill referenced several reasons from the 2015 Development regulations. Mr. Schatz cited several other situations like the Sowerwine property that have been granted simple subdivisions. Mr. Schatz also questioned the length of this appeal process as it has taken longer than normal for the applicant and has not complied with the appeal timeline as stated in the 2015 Devolvment Regulations.

Ms. Hill stated there are separate matters that need to be considered regarding the LUC, concerns with the road, water supply, the slope on the property, state engineers and fire marshal approval. She went on to say that if the Board decides to grant Mr. Sowerwine’s appeal and the application for a major subdivision is submitted that she would suggest a high-level review of the water rights, geotechnical and fire safety.

Mr. Sowerwine spoke on his own behalf about the access road, water, irrigation water, the LUC, and a house can be built or a motel, could be 40 lots or 2 lots. Mr. Sowerwine feels he has completed everything by the book and would like the ability to sell half the property. The process has taken over 5 ½ months and is continuing to cost a substantial amount of money. Mr. Sowerwine requests approval and feels the P&Z office is using the regulations to go against what he is trying to complete and suggests the actions are unconstitutional, arbitrary, and capricious.

Ms. Hill wanted to clarify the statements made by Mr. Sowerwine are not true, there are permits on the property, there is a house and buildings on the property. The LUC is active, and types of uses must be permitted properly. Property rights are important, but consideration of the health safety and wellness of the public are also important and required by State law. Water for fire protection has not been proven and the Fire Chief has concerns regarding adequate volume. An LUC is a nothing more than zoning and tells you the types of uses but would still require building permits or site plan reviews. Ms. Hill would recommend at the very least a geotechnical technical review no matter what the board’s decision.

Chairwoman Overfield questioned if the city needed to review any proposed projects and Ms. Hill stated per statute the City must review but the Board does not have to wait for their approval or denial.

Commissioner Livingston moved to close the public hearing, Commissioner Thiel seconded, and motion carried. The Commissioners would like more time to review the documents further, Chairwoman Overfield will schedule time on February 7 to render a decision.

**Kim Dillivan, Planning & Zoning – RE: Public Hearing: Amended Plat of Hedrick Spring SS-225**

Chairwoman Overfield opened the public hearing.

Mr. Dillivan presented to the board an amended plat which would partially vacate and alter the open space that was required at the time of approval of the original Hedrick Spring SS-225 plat. The property is located 15 miles west of Cody and quarter mile south of Stagecoach Trail on Hedrick Spring Road. The open space is situated on the western portions of Lot 1 and Lot 2 with most of the open space acreage is on the exempt parcel. The applicant is creating three family exempt parcels in the southern portion of the exempt parcel and proposing

residential use. The zoning is GR-5, partial vacation is allowed to adjust boundary lines and an amended plat is required. Agency referrals and public notices have been met and no written comments have been received, one landowner visited with the planning department seeking clarification on the proposed amendment. Staff recommendations were read into the record.

Chairwoman Overfield called for public comments. Leslie Brumage has concerns with the impact on the road which is private. Chairwoman Overfield reminded everyone that changing use of the open space is what is at issue here. Richard Saule, owner of land to the west is concerned with mule deer migration. Beth McElmury commented her father owns the property the mule deer are still going through the property and usage of the road will not change.

There being no further comments, Commissioner Livingston moved to close the public hearing, Commissioner Mangold seconded, motion carried. Commissioner Livingston would like to move the decision to the February 7 meeting to do more research on the zoning changes prior to 2014 and open space.

**Ann Trosper & Carmen McIntyre, Powell Clarks Fork Conservation District – RE: Sediment Project Update**

Ms. McIntyre presented an update on the working group for the Willwood Initiative due to the sediment release from the Willwood Dam in 2016. Improvements to the Shoshone River Fishery downstream of the Willwood Dam has improved the spawning areas by controlling sediment releases. The District is implementing a sediment base watershed plan developed by local, state, and federal stakeholders which is based on four components: administration, outreach and education, data collection and project planning and implementation.

Other areas of work include the Diamond Basin, Sulphur Creek, Lower Sage Creek, Wyoming Water Development Commission is doing level 1 study for Cody Canal and Lakeview Irrigation and the City of Cody stormwater management plan updates.

Commissioner Thiel questioned if Waters of the U.S. moving forward will create a hindrance. Ms. McIntyre stated they are experiencing a slight delay in permitting.

**Brian Edwards, Engineer – RE: Procurement Policy and Procedures Manual**

Mr. Edwards referenced the red line version in the 2019 procurement document and explained the updates and changes.

Commissioner Thiel made a motion to accept the procurement policy as presented, Commissioner Livingston seconded, motion carried.

**RE: Consider Application for EPA Recycling Grant for Park County Regional Landfill**

Mr. Edwards is requesting approval to move forward with improving recycling and household hazardous waste management. This grant if approved would allow the county to construct and operate a material recovery facility at the landfill. Chairwoman Overfield questioned how this would impact employment needs and Commissioner Thiel asked about the elimination of household hazardous waste day. Mr. Edwards stated there will be details to work out if approved. The amount being requested is 1.2 million with a county match of \$120,000 which would come from the landfill enterprise fund.

Commissioner Thiel moved to approve, Commissioner Mangold seconded. Motion carried. **RESOLUTION 2023-03**

**Commissioners – RE: Historic Preservation Committee Unexpired Term Appointment**

Commissioner Mangold moved to approve Francis Scranton to the unexpired term, Commissioner Livingston seconded, motion carried.

### **Dan Marty & Brooks Jordan, Wyoming State Parks – RE: Update on Park Master Plan**

Mr. Marty offered thanks from Wyoming State Parks concerning the road improvement on Stagecoach Road and a special thanks to Mr. Edwards for listening to the concerns and moving forward with improvements.

Mr. Jordan, who is based in Hyattville gave a timeline of the master plan study that is being completed by Ayres Associates. The workshop at the library was very valuable in listening to what the stakeholders want to see and the broad picture of the park. Mr. Jordan would like to return in a couple months with another update.

### **Park County Commissioners – RE: Healthy Park County Grant Revision**

Chairwoman Overfield stated the grant is for 18 months and was under Cody Regional Hospital until this past summer. Cody Regional disbanded their prevention program and Wendy Morris agreed to take on the financial portion but found it difficult to manage the record keeping side. Powell Police Chief Eckhardt and Ms. Morris met with One Health who oversees many federal grants and they agreed to administer this grant going forward. Ms. Morris will become an employee of theirs on February 1. The Memorandum of Understanding with an indemnifying clause added will be worked on with the County Attorney. Ms. Morris stated One Health will be a great partner and is excited to work with them.

Commissioner Mangold made a motion to approve the grant revision with approval from the county attorney and allow the chair to sign, Commissioner Livingston seconded, motion carried.

### **Kim Dillivan, Planning & Zoning – RE: Public Hearing: Horizon Green Creek Tower SUP-244**

Mr. Dillivan presented a special use permit application from Horizon Tower, LLC which included plan view drawings, tower location, vicinity map and type of activity. The property owner is Tamara Young who signed a document consenting and agreeing to the proposed project. If approved the permit would allow construction of a 195-foot-tall monopole tower as part of a wireless facility which would accommodate up to four wireless carriers. Major Utility is allowed in GR-5 zoning where the property is located. The property is located 18 miles west of Cody on the south side of highway 14-16-20. Legal notices and agency referrals have been met, twenty-one written public comments were received, along with a petition signed by over 150 members of the public in opposition to the cell tower. Federal Aviation Administration state the height and site elevation does not exceed their criteria. Federal Communications Commission stated the structure does not require registration.

Planning & Zoning Commission recommends denial as the use is not in harmony with surrounding lands and will adversely impact adjacent properties.

Staff recommends approval with the six conditions that were read into the record.

Chairwoman Overfield called for public comments and began with Shelly Neace representative for Horizon Tower LLC who also introduced Josh Leonard and Steven Kennedy to present Horizon's information on the placement of the tower. Brian Clarkson representing Wapiti Valley Preservation Group also presented to the Board in opposition. Others who made public comments were Erik Kinkade, Janet Kempner, Tom Rullman, Richard Saule, Robert Nelson, Steve Haberland, Christina Orozco, Mike Gimmeson, Kierson Crume, Earl McKinney, Maria Dembik, Karl Dembik, Manda Siebert, Tim McCreary, Taylor Gimmeson.

Joshua Leonard with Horizon answered citizens questions regarding fires on horizon towers, beacons or lights, lattice, or monopole tower and concerns about property values. Several Commissioners stated they would need more time and information before deciding.

Commissioner Mangold made a motion to close the public hearing, Commissioner Livingston seconded, motion carried. After discussion Counsel

recommended to the Board, they not close the public hearing but continue since they stated they may need additional information. Commissioner Livingston made a motion to re-open the public hearing and continue to February 7 at 11 a.m., Commissioner Mangold seconded, motion carried.

**Adjourn.**

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

\_\_\_\_\_  
Dossie Overfield, Chairwoman

\_\_\_\_\_  
Lloyd Thiel, Vice Chairman

\_\_\_\_\_  
Lee Livingston, Commissioner

\_\_\_\_\_  
Scott Mangold, Commissioner

\_\_\_\_\_  
Scott Steward, Commissioner

Attest:

\_\_\_\_\_  
Colleen Renner, County Clerk