

Park County Board of County Commissioners
Regular Meeting
Tuesday, June 6, 2023

Chairwoman Dossie Overfield called to order a regular meeting of the Board of County Commissioners of Park County, Wyoming, on Tuesday, June 6, 2023. Present were Vice Chairman, Lloyd Thiel, Commissioners Lee Livingston, Scott Mangold, Scott Steward 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 May 16, 2023; payroll in the amounts of \$102,043.31 and \$660,822.64; vouchers; Chair to Sign USDA Agreement; approve Liquor License for UXU; approve Catering Permit for Mule Days; and Chair to Sign Public Health Contracts. Commissioner Livingston seconded, motion carried.

Payee	Amount
360 OFFICE SOLUTIONS	\$373.08
A & I DISTRIBUTORS	\$4,473.05
ABROMATS, LETITIA C. PC	\$40.00
ALBERTSONS - SAFEWAY	\$355.08
AT&T MOBILITY	\$2,050.51
BAILEY ENTERPRISES, INC.	\$345.28
BALD RIDGE ENTERPRISES, LLC	\$2.60
BENCH DIESEL RESEARCH LLC	\$4,038.21
BIG HORN RADIO NETWORK	\$359.40
BIG HORN WHOLESALE, INC.	\$2,526.28
BIG SKY COMMUNICATIONS, INC.	\$148.00
BLACK BOX NETWORK SERVICES	\$15,000.00
BLACK HILLS ENERGY	\$5,827.60
BLACK, WARREN	\$30.26
BLAIR'S MARKET	\$11.80
BOMGAARS	\$125.03
BONINE, DUNCAN	\$177.51
BOONE'S MACHINE SHOP	\$383.03
BORDER STATES ELECTRIC	\$172.15
BRANDON-WINTERMOTE, KIMBERLY	\$167.03
BUILDERS FIRST SOURCE	\$109.95
BURG SIMPSON ELDREDGE HERSH & JARDINE	\$20.00
BURNS, MICHELLE M., ATTY AT LAW	\$2,252.50
CAROLINA SOFTWARE	\$299.56
CARQUEST AUTO PARTS - #064250	\$1,214.86
CARROLL, DEBRA	\$533.17
CDW GOVERNMENT, INC.	\$41,484.60
CENTURYLINK	\$2,472.85
CHARTER COMMUNICATIONS	\$85.66
CLERK OF DISTRICT COURT - JURY FEES	\$10,584.99
CODY ACE HARDWARE	\$669.67
CODY ENTERPRISE	\$1,409.20
CODY, CITY OF	\$24,138.65
COGGINS, ELIZABETH	\$377.29
COULTER CAR CARE CENTER	\$74.95
CRAMPTON, WILLIAM E.	\$111.35
CROELL INC	\$246,609.00
CRUM ELECTRIC SUPPLY CO.	\$178.51
CU MEDICINE	\$825.00
CURTIS CHENEY, CHENEY LAW OFFICE LLC	\$105.00
CUSTOM AIR, INC.	\$5,500.00
DE HAAN ELECTRONICS	\$1,230.13
DELL MARKETING L.P., C/O DELL USA L.P.	\$4,435.88
DENNY MENHOLT CHEVROLET BUICK GMC	\$883.73
EASTMAN, GUY	\$168.34
EICHELE, LARRY	\$34.06
ENGINEERING ASSOCIATES	\$8,900.61
FASTENAL	\$46.04
FLOYD'S TRUCK CENTER	\$1,096.83

GALLS, LLC	\$560.81
GONZALEZ, RANEE L .	\$48.75
GOODYEAR PRINTING	\$1,434.00
GRADIENT MOUNTAIN SPORTS	\$334.40
GUERTIN, ANDREW	\$87.32
HARDESTY, TODD	\$48.47
HATFIELD, JACK R. II	\$196.00
HHO OF WYOMING	\$295.00
HONNEN EQUIPMENT CO.	\$391,289.53
HORN, MICHELLE	\$34.06
IIA LIFTING SERVICES, INC.	\$1,663.11
INTERSTATE TIRE SERV. INC	\$55.00
IVERSON SANITATION	\$50.00
JOHN DEERE FINANCIAL	\$63.77
JOHNSON, DOMINIK	\$26.07
KENCO SECURITY AND TECHNOLOGY	\$474.55
LEON UNIFORM COMPANY, INC.	\$703.00
LOEPER, JESSICA	\$445.00
LONG BUILDING TECH., INC. - RETAINAGE	\$9,427.35
LONG BUILDING TECHNOLOGIES, INC.	\$19,043.70
MAIR, RANDY	\$165.72
MANGOLD, SCOTT	\$379.90
MARQUIS AWARDS & SPECIALTIES, INC	\$61.25
MASTER'S TOUCH, LLC	\$7,899.80
MICHIGAN DEPT OF STATE/RECORD SALES UNIT	\$12.00
MIDWEST CONNECT	\$15.00
MOUNTAIN WEST COMPUTER	\$34.88
MURDOCH OIL, INC.	\$53,252.53
MURDOCH'S RANCH & HOME POWELL	\$16.28
NAPA AUTO PARTS	\$43.96
NEMONT	\$43.98
NORCO, INC.	\$250.14
NORTHWEST RURAL WATER DISTRICT	\$190.25
ODDE, HANS	\$294.66
OFFICE SHOP, THE	\$3,120.96
OLD DOG UPHOLSTERY AND RESTORATION LLC	\$360.00
OVERFIELD, DOROTHY	\$588.19
OVERFIELD, DOSSIE	\$7.78
PARK COUNTY MUSEUM BOARD	\$2,115.00
PARK COUNTY TREASURER	\$49,309.67
PETERS, BRIAN	\$167.03
PITNEY BOWES, INC. - A/R	\$2,022.24
POISON CREEK, INC	\$266.35
POLEY, BARBARA	\$471.60
POWELL ACE HARDWARE, LLC	\$292.96
POWELL LOCK	\$75.00
POWELL TRIBUNE, INC.	\$1,026.00
POWELL VALLEY HEALTHCARE, INC.	\$131,619.65
POWELL WELDING AND INDUSTRIAL SUPPLY LLC	\$214.65
POWELL, CITY OF	\$6,894.65
PRINTELECT	\$39,648.00
RENNER, COLLEEN	\$300.81
RIMROCK TIRE CO - CODY	\$28.36
ROCKY MOUNTAIN POWER	\$710.30
ROVENNA SIGNS & DESIGN	\$1,151.40
SABER PEST CONTROL	\$340.00
SCHLENKER, DAVID	\$10.00
SHREVE, DON	\$231.88
SKORIC, BRYAN	\$34.06
SMITH PSYCHOLOGICAL SERVICES	\$400.00
SPENCER FLUID POWER	\$3,464.85
STERICYCLE	\$35.70
STONEHOUSE DATA SOLUTIONS, LLC	\$79.98
SUMMERS, JOSH	\$106.19
SYSCO FOOD SERVICES OF MONTANA	\$7,622.34
TCT WEST, INC	\$8,195.03
THOMPSON REUTERS - WEST	\$915.06
T-O ENGINEERS	\$5,075.00
TORGERSON'S	\$712.00
TRI STATE TRUCK & EQUIP, INC	\$334.70
TRIPLE L SALES	\$480.31
TW ENTERPRISES, INC.	\$1,798.17

UPS STORE, THE	\$13.61
UW EXTENSION	\$307.07
VERIZON WIRELESS	\$100.12
WAL MART COMMUNITY/GEMB	\$1,044.38
WELLS, KATHRYN	\$90.12
WENDY G MORRIS CONSULTING LLC	\$36,624.30
WILD WEST CONSTRUCTION	\$62,000.00
WOODWARD TRACTOR & RENTAL, INC	\$668.79
WYOMING DEPT OF ENV QUALITY - SOLID WST	\$1,384.07
WYOMING REPORTING SERVICE INC	\$377.95
TOTAL	<u>\$1,254,234.80</u>

Commissioners – RE: Public Hearing: Randy Loberg Appeal

Chairwoman Overfield opened the public hearing.

Mr. Loberg is appealing the April 5, 2023, decision letter from Planning Director, Joy Hill that states his property may not be used for a short-term rental as it is not zoned for that activity. Mr. Loberg was told in a letter dated June 2022 that his residence could be for rental purposes which is creating his confusion.

Ms. Hill and Mr. Dillivan presented the definitions of housing, lodging and rental and reviewed the record including complaints received in August 2021 that Mr. Loberg was living in and RV and then in a shed on the property and he was told he could do so. Then in early 2022 when staff did a deep dive into what was allowed on the property within a Planned Unit Development (PUD) which was created in 1995. A PUD allows one single family resident to live there and does not allow renting. Ms. Hill gave further clarification on short term and long-term rental which is 6 month or more.

Chairwoman Overfield called for public comments. Mike Roberts, Janet Kempner, Jalie Meinecke, Meinecke & Sitz, representing Stephen Berry, Paul Gill, Margie Pauley, Kacie Schwarz, and Donny Anderson gave comments.

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

Commissioner Thiel moved to grant approval of the appeal for violation, Commissioner Mangold seconded, Commissioner Steward asked Mr. Loberg his intent when he bought the property, Mr. Loberg stated he purchased the property with no intent to rent the property. The motion died with Commissioner Steward and Livingston opposed; Chairwoman Overfield also voted against the motion. Appeal is denied. **RESOLUTION 2023-25**

Kim Dillivan, Planning & Zoning – RE: Public Hearing: Amended Plat of Wagler SS-188

Chairwoman Overfield opened the public hearing.

Mr. Dillivan presented the amended plat application for approval which would vacate a portion of original lots 1 and 2 and merge with the unplatted parcel to the north. The result will be a 5.37-acre amended lot to Lot 101 and a 5.14-acre amended lot to Lot 102 for residential use. The adjacent unplatted parcel is owned by Kelly and Teresa Merager. The properties are in GR-5 zoning approximately 2.5 miles southwest of Cody. Notices and agency referrals have been met. Mr. Dillivan read the condition into the record.

Commissioner Livingston questioned concerns of Merager's signing the plat. Mr. Wagler felt it would be worked out in time on signing, Commissioner Livingston stated if that did not happen Mr. Wagler would need to start the process over.

At this time Commissioner Livingston made a motion to continue the public hearing to June 20 at 1:15 p.m. Commissioner Steward seconded, motion carried.

Kim Dillivan, Planning & Zoning – RE: Public Hearing: Barringer Variance GR-35

Chairwoman Overfield opened the public hearing.

Mr. Dillivan presented a variance request application for Andrew & Julia Barringer to allow the placement of an RV to reside in during construction of their new home in the North fork planning area for longer than 90 days. The property is 18 miles west of Cody, legal notices and agency referrals have been met and three public comments received. Mr. Dillivan read the conditions into the record.

Chairwoman Overfield called for public comment. Andrew Barringer applicant stated he met with neighbors and has a signed petition suggesting they support the variance.

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

Commissioner Thiel moved to approve as written with a one-year limit on zoning permit, Commissioner Livingston seconded, clarification on zoning permit, motion carried. **RESOLUTION 2023-26**

Kim Dillivan, Planning & Zoning – RE: Gillett SS-300 Final Plat

Mr. Dillivan presented the final plat for Donald Gillett which will create two lots from an existing 20-acre parcel in GR-P. The creation will produce two 10-acre lots for residential use. The location is two miles south of Powell and currently is in crop production. Agency referrals have been met and no public comments received. Staff recommends approval with two conditions which were read into the record.

Commissioner Livingston moved to approve, Commissioner Thiel seconded, motion carried. **RESOLUTION 2023-27**

Kim Dillivan, Planning & Zoning – RE: Gillett North MS-66 Final Plat/SIA

Mr. Dillivan presented the final plat for Donald Gillett for a two-lot minor subdivision consisting of one 12.86-acre lot and one 22-acre lot for residential use. The property is located 1.5 miles south of Powell in GR-P zoning. Agency referrals have been met and no public comments received. Staff recommend the approval of the Subdivision Improvement Agreement (SIA) and the final plat with the five conditions read into the record.

Commissioner Livingston made a motion to approve the SIA, Commissioner Steward seconded, motion carried.

Commissioner Mangold moved to approve the final plat with recommendations, Commissioner Livingston seconded, motion carried. **RESOLUTION 2023-28**

Brian Edwards, Project Manager, Public Works Department – RE: Bid Opening FY2022 CMAQ-Dust Control Application

Mr. Edwards opened the two bids received for the Congestion Mitigation and Air Quality dust suppressant which is applied to roads to help keep roads intact and requiring less maintenance. This grant is an 80-20 match with WYDOT for 18.3 miles of county roads.

- Dust Buster Enterprise, Evanston, WY bid \$6,975 per mile for a total of \$127,503.00 with no mobilization charge.
- Desert Mountain, Kirkland New Mexico with a Wyoming presence – \$6,969.60 per mile for a total of \$127,404.29 and \$130,404.29 with a mobilization charge of \$3000.

Mr. Edwards will return with a recommendation at the June 20 meeting.

Bryan Skoric, Attorney – RE: IEC Resolution

Attorney Skoric presented a resolution and documentation which includes both lawsuits with regards to IEC and RMCC. The judge ordered on May 8 that Resolution 2019-10 is valid and enforceable and reinstates SUP-179. All documents will be recorded as **RESOLUTION 2023-29**.

Commissioner Livingston moved to approve and combine all documents and move forward, Commissioner Thiel seconded, motion carried.

Commissioners – RE: Continued Public Hearing: Appeals of River Ridge Subdivision MS-74

Chairwoman Overfield opened the continuation of the public hearing.

Mr. Edwards began with his qualifications as county engineer. Neither Corbett Road or River Ridge meet county standards and Mr. Edwards gave his reasons for granting administrative relief. Traffic counts were conducted and none of the data meets the threshold of 100 vehicles per day or the 10 vehicles per day per lot. Mr. Edwards still holds up his recommendation for administrative relief.

Steve Youngbauer, Bernie Spanogle, and Larry Roop made comments. Martin Dougherty presented a slide show supporting his rebuttal and Ted Harvey gave responses to that rebuttal. After many questions and discussions Commissioner Livingston made a motion to close the public hearing, Commissioner Mangold seconded, motion carried.

Further discussion on normal circumstances of a road would be 60 ft easement with 24 ft driving surface but is not required here due to the 100-car threshold which is the criteria of changing the use of the road, if administrative relief is denied the landowners would need to have the 60 ft easement. Since there is a request to redo the traffic counts on Corbett Road, River Ridge and the “back door road” Commissioner Steward made a motion to re-open the public hearing and continue to July 5, 2023, at 9:35 a.m. so the additional information can be heard, Commissioner Livingston seconded, motion carried.

Commissioners – RE: ARPA Funds Discussion on Sewer Lagoons

Chairwoman Overfield stated the SLIB Board is committing two million dollars to the City of Cody to upgrade the lagoons along with a two-million-dollar match from the County. The State funds will be used first in the project. Commissioner Thiel made a motion to commit two million out of the ARPA General funds for the match, Commissioner Steward seconded, motion carried.

Brian Edwards, Project Manager, Public Works Department – RE: Park County Land Auction Sealed Bids

Mr. Edwards stated that the first process resulted in no bids. The minimum amount was removed and resent to adjacent landowners. One bid was received from John Andrew LLC which is the adjacent landowner. The bid is for \$11,000 for .33-acres. Commissioner Livingston moved to accept the bid Commissioner Mangold seconded, motion carried. Mr. Edwards will draft the deed paperwork.

Adjourn.

Commissioner Livingston moved to adjourn, Commissioner Thiel 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