

**Park County Board of Commissioners
October 16, 2007
Regular Meeting**

Proceedings of a regular meeting of the Board of County Commissioners of Park County, Wyoming, held in Cody, Wyoming on Tuesday, October 16, 2007. Present were Commission Chair Bucky Hall, Commissioners Bill Brewer, Tim French, Jill Shockley Siggins and Marie Fontaine, and County Clerk Kelly Jensen.

Executive Session

Commissioner Siggins made a motion, seconded by French, to go into executive session per Wyoming Statute 16-4-405(a)(ix) confidential by law. Motion carried.

Commissioner Fontaine made a motion, seconded by Brewer, to close executive session and return to the regular meeting. Motion carried.

Browning SS-119 Final Plat

Assistant County Planner Nikki Leck presented the Final Plat for the Browning Simple Subdivision-119 whose applicant is Sondra Pike Browning, as Trustee of the Beartooth Trust, described as a two-lot subdivision totaling approximately 6.68+/- acres for Lot 1 and 7.63+/- acres for Lot 2 from an original parcel containing 14.31+/- acres within Lot 1 and Lot 2, Section 15, Resurvey, T52N, R102W, 6th P.M. Park County, Wyoming located south of Highway 291 (Southfork Hwy) south of Cody, in the GR-5 zoning district.

Commissioner Fontaine made a motion, seconded by Siggins, to approve **RESOLUTION 2007-76, APPROVAL OF A FINAL PLAT FOR THE BROWNING SS-119 WITHIN LOT 1 AND LOT 2, SECTION 15, RESURVEY, T52N, R102W, 6TH P.M., PARK COUNTY, WYOMING.** Motion carried.

Library Funding

County Clerk Kelly Jensen presented a question from County auditing firm Porter, Muirhead, Cornia, Howard & Associates relating to prior fiscal year library project expenses. Commissioners stated their intent at the time of project development was not to seek reimbursement of money expended from the General Fund for the library project. If that intent changes in future fiscal years the Commission will take action at that time. No action was taken.

Memorandum of Understanding with City of Cody

Cody City Administrator Andy Whiteman presented a proposed Memorandum of Understanding between the City of Cody and Park County regarding parking lot and access roads for the Park County Library and Cody Recreation Facilities. The Board of County Commissioners stated they were not interested in entering into the Memorandum of Understanding because the MOU was outside the scope of the ballot initiative passed by the voters. No action was taken.

Petition & Viewers/Appraisers Road 7QT & 7RP

Deputy County Attorney Jim Davis presented the petition of Mary Alvina Bauer Sanchez-Barreda for the establishment, vacation or alteration of a County Road and the requirement to appoint a viewer for County Roads 7QT and 7RP, in compliance with State Statute. The applicant is seeking to vacate the westernmost road (7RP) and realign 7QT.

Commissioner French made a motion, seconded by Siggins, to accept the petition, which is in order. Motion carried. No further action was taken at this time. A viewer will be appointed by the Board at a future meeting.

Approve Minutes

Commissioner Siggins made a motion, seconded by Fontaine, to approve the minutes of the October 9, 2007 regular meeting. Motion carried.

Personnel Action Form – County Clerk

Commissioner French made a motion, seconded by Fontaine, to approve the Personnel Action Form for Mary Sims as Title and Land Recording Clerk starting October 22, 2007. Motion carried.

Personnel Action Form - Detention

Commissioner Fontaine made a motion, seconded by Siggins, to approve the Personnel Action Form for Kaycee Schroyer as Detention Deputy I, starting November 1, 2007. Motion carried.

Vehicle Bids – Sheriff’s Department

Having received bids from Webster Motors (\$52,384 with trade-ins but not to bid specification), Fremont Motors Cody (\$60,949 with trade-ins) and Fremont Motors Powell (\$60,774 with trade-ins). Upon recommendation from Park County Sheriff Scott Steward, Commissioner Fontaine made a motion, seconded by Brewer, to award the bid for three Sheriff Department vehicles to Fremont Motor Powell in the amount of \$60,774.00. Motion carried. Commissioner Siggins voted against the motion, Chairman Hall voted in favor, and Commissioner French abstained from voting.

Tandem Axle Trailers Recommendation

Having opened bids October 9, 2007 and upon recommendation from County Engineer Dave Kieper and Powell Road & Bridge Foreman Larry Nielson, Commissioner Siggins made a motion, seconded by French, to award the bid for two tandem axle trailers to Cheyenne Freightliner of Cheyenne in the amount of \$38,200 with trade-ins. Motion carried.

Wilson Roth Gravel Pit Agreement

Commissioner French made a motion, seconded by Fontaine, to approve an Agreement for Purchase of Materials between Wilson and Stacey Roth and Park County to allow Park County to purchase gravel until December 31, 2010 from the Roths, for use in road construction and maintenance at the rate of \$.67/ton, payable annually on or before February 15, with the County paying a minimum annual payment of \$3,000.00. Motion carried.

Tilden SS-143 Final Plat

Assistant County Planner Nikki Leck presented the Tilden SS-143 Final Plat whose applicant is Joseph Tilden. It is a one-lot subdivision totaling approximately 10+/- acres for Lot 1 with an exempt remainder of 50.77+/- acres from an original parcel containing 60.77+/- acres within Lot 30 and part of Lot 14, Section 30, T53N, R101W and part of the SE1/4NE1/4 and NE1/4SE1/4, Section 25, T53N, R102W, 6th P.M., Park County, Wyoming located north of Cody at 155 Belfry Highway, west of Highway 120 in the GR-5 zoning district.

Commissioner Siggins made a motion, seconded by French to adopt **RESOLUTION 2007-77, APPROVAL OF A FINAL PLAT FOR THE TILDEN SS-143 WITHIN LOT 30 AND PART OF LOT 14, SECTION 30, T53N, R101W AND PART OF THE SE1/4NE1/4 AND NE1/4SE1/4, SECTION 25, T53N, R102W, 6TH P.M. PARK COUNTY, WYOMING.** Motion carried.

Right-of-Way and Temporary Use Permit – BLM

Tara Hodges, Wyoming Game and Fish Department, presented a request that Park County obtain a land use permit with the Bureau of Land Management, which would allow dumpsters to remain in use in Wapiti at the Northfork Highway and Road 6GV to prevent human-bear conflict. As a neighboring government agency there would be no site bond, lease payment or processing fees. Hodges stated the request is similar to the Crandall Transfer Station land use permit, with some variations. No action was taken.

Public Hearing – Size & Weight Limits

Commission Chairman Hall opened the public hearing to consider establishing Rules adopting Wyoming State Statute Sections 31-18-101 through 103; -601 through 605; -702 through 705 and section 708; and –801 through 803 and section 805 regarding size and weight limits on county roads and bridges within Park County and allowing for the enforcement of said provisions according to statutes herein adopted.

Upon receiving information from Deputy County Attorney Jim Davis and there being no comments on the proposed Rules, Commissioner Siggins made a motion, seconded by Fontaine, to close the public hearing.

Commissioner Siggins made a motion, seconded by Brewer, to adopt **RESOLUTION 2007-78, A RESOLUTION ADOPTING WYOMING STATUTE SECTIONS 31-18-101 THROUGH 103; -601 THROUGH 605; -702 THROUGH 705 AND SECTION 708; AND –801 THROUGH –803 AND SECTION 805 REGARDING SIZE AND WEIGHT LIMITS ON COUNTY ROADS AND BRIDGES AND OTHER RELATED MATTERS;** and allow Chairman Hall to sign the certification. Motion carried.

Roop SS-137 Final Plat

Assistant County Planner Nikki Leck presented the Roop SS-137 Simple Subdivision, whose applicant is Larry Roop. It is a two-lot subdivision totaling

approximately 12+/- acres for Lot 1 and 12.06+/- acres for Lot 2 from an original parcel containing 24.06+/- acres within Lot 60-V and 60-T, Lot 60, T55N, R98W, 6th P.M., Park County, Wyoming located north of Lane 11 at 443 Lane 11, south of the Shoshone River in the GR-P zoning district.

Commissioner Brewer made a motion, seconded by Fontaine, to adopt **RESOLUTION 2007-79, APPROVAL OF A FINAL PLAT FOR THE ROOP SS-137 SIMPLE SUBDIVISION WITHIN LOT 60-V AND LOT 60-T, LOT 60, T55N, R98W, 6TH P.M., PARK COUNTY, WYOMING.** Motion carried.

Public Hearing – Birdsley/Dash Enterprises Site Plan Phase II

Commission Chairman Hall opened the public hearing to consider the application of Mike and Amy Birdsley of Dash Enterprises, Inc. for a Site Plan Review to allow an expansion to existing commercial storage. The property is located at 837 Highway 14-A, north of Highway 14-A on land legally described as Tract 1 of Lot 74, Resurvey, T55N, R99W, 6th P.M., Park County, Wyoming within the C (Commercial zoning district).

Upon hearing comments from the applicant and the County Planning staff and there being no further comments, Commissioner French made a motion, seconded by Siggins, to close the public hearing. Motion carried.

Commissioner French made a motion, seconded by Siggins, to approve **RESOLUTION 2007-80, APPROVAL OF A SITE PLAN REVIEW TO ALLOW TWO COMERCIAL STORAGE UNITS OF 5,200 SQUARE FEET EACH WITHIN TRACT 1 OF LOT 74, RESURVEY, T55N, R99W, 6TH P.M., PARK COUNTY, WYOMING** modifying condition #2 to allow a 25 foot setback. Motion carried.

Public Hearing – Northwest College/Wyoming Public Television SUP-81

Commission Chairman Hall opened the public hearing to consider the application of Central Wyoming College on property owned by Northwest College for a Special Use Permit to allow a major utility use for a self-contained 64 square foot structure to house broadcast receiving and transmittal equipment for Wyoming Public Television and a 50-foot antenna. The property is located east of Road 9½ legally described as the East 791.22 feet of the North 110.11 feet of Lot 75-G, Lot 75, T55N, R99W, 6th P.M., Park County, Wyoming within the R-H (Residential ½ acre) zoning district.

Having heard comments from the County Planning staff and there being no further comments, Commissioner Siggins made a motion, seconded by French, to close the public hearing. Motion carried.

Commissioner French made a motion, seconded by Siggins, to adopt **RESOLUTION 2007-81, APPROVAL OF A SPECIAL USE PERMIT TO ALLOW A MAJOR UTILITY USE FOR A COMMUNICATIONS FACILITY WITHIN THE EAST 791.22 FEET OF THE NORTH 110.11 FEET OF LOT 75-G, LOT 75, T55N, R99W, 6TH P.M., PARK COUNTY, WYOMING.** Motion carried.

Public Hearing – Gunn/Viklund SUP-82

Commission Chairman Hall opened the public hearing to consider the application of Chris Gunn, on property owned by Christopher Gunn and Laura Viklund, for a Special Use Permit to allow a cottage industry for a timber framing business. The property is located south of Lane 14, between 1496 and 1500 Lane 14 on land legally described as a parcel of land within Lots 50-U, 50-W, 50-X, 50-Y, 50-BB, and 50-CC of Lot 50, Resurvey, T54N, R100W, 6th P.M., Park County, Wyoming located within the GR-P zoning district.

Having heard comments from the County planning staff and the applicant and there being no further comments, Commissioner French made a motion, seconded by Fontaine to close the public hearing. Motion carried.

Commissioner Siggins made a motion, seconded by French, to adopt **RESOLUTION 2007-82, APPROVAL OF A SPECIAL USE PERMIT TO ALLOW A COTTAGE INDUSTRY FOR A TIMBER FRAMING BUSINESS WITHIN LOTS 50-U, 50-W, 50-X, 50-Y, 50-BB AND 50-CC OF LOT 50, RESURVEY, T54N, R100W, 6TH P.M. PARK COUNTY, WYOMING,** eliminating condition #6 which requires the SUP to expire if the property is sold or the business ceases to exist. Motion carried.

Public Hearing – Wagler Site Plan

Commission Chairman Hall opened the public hearing to consider the application of Chad Wagler for a Site Plan Review to allow a single family residence on a non-conforming lot smaller than 1-acre on property located south of Ptarmigan View Drive, east of Road 6CU legally described as Lot 6, Block 1 of Ptarmigan View Subdivision, T52N, R105W, 6th P.M., Park County, Wyoming.

Having heard comments from the applicant, County planning staff and County Project Manager, and there being no further comments, Commissioner Fontaine made a motion, seconded by Siggins, to close the public hearing. Motion carried.

Commissioner French made a motion, seconded by Fontaine, to adopt **RESOLUTION 2007-83, APPROVAL OF A SITE PLAN REVIEW TO ALLOW A SINGLE-FAMILY RESIDENCE ON A NON-CONFORMING LOT SMALLER THAN 1-ACRE IN LOT 6, BLOCK 1 OF PTARMIGAN VIEW SUBDIVISION, T52N, R105W, 6TH P.M., PARK COUNTY, WYOMING.** Motion carried.

Amend Agenda

Commissioner Siggins made a motion, seconded by Fontaine, to amend the agenda to consider a letter to John Corra, Department of Environment Quality. Motion carried.

Letter to DEQ

Commissioner French made a motion, seconded by Siggins, to sign and send a letter to John Corra, Director of the Department of Environmental Quality, expressing concern regarding compliance with the renewal process of the WYPDES Mineral Mining General Permit for Storm Water Discharges and the Industrial General Permit as drafted by County Engineer Dave Kieper. Motion carried.

Bid Review – Park County Library Project

Construction Manager at Risk (CMAR) representative Fred Bronnenberg of Groathouse Construction and Ty Nelson of First Company presented a summary of the current funding and construction costs scenario for the Park County Library Project. Mr. Bronnenberg presented Amendment 1 to the Agreement Between Owner and Construction Manager setting a guaranteed maximum price for the CMAR of \$4,989,520.00 as outlined in the Amendment. The Amendment also establishes the Substantial Completion date at August 29, 2008.

Commissioner Siggins made a motion, seconded by French, to approve Amendment No. 1 to the Agreement Between Owner and Construction Manager for the Park County Library Project and approval to proceed and allow Chairman Hall to sign the Amendment. Motion carried.

Amend Agenda

Commissioner Siggins made a motion, seconded by Fontaine, to amend the agenda to consider sending a letter to the City of Cody. Motion carried.

Letter to City of Cody

Commissioner Siggins made a motion, seconded by Fontaine, to approve and authorize Chairman Hall to sign a letter to the City of Cody stating Park County Commissioners will not be taking action on the Memorandum of Understanding proposed by the City. Motion carried.

Adjournment

There being no further business to come before the Board, Commissioner French made a motion, seconded by Fontaine, to adjourn the meeting. Motion carried.

Bucky Hall, Chairman
Park County Board of Commissioners

Tim A. French, Vice Chairman

Bill Brewer, Commissioner

Marie Fontaine, Commissioner

Attest:

Jill Shockley Siggins, Commissioner

Kelly Jensen, Park County Clerk