

**Park County Board of Commissioners  
October 9, 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 9, 2007. Present were Commission Chair Bucky Hall, Commissioners Bill Brewer, Tim French, Jill Shockley Siggins and Marie Fontaine, and County Clerk Kelly Jensen.

**Gilbert LUC 59 Redeliberation**

Deputy County Attorney Jim Davis described the purpose for the redilberation of a variance request from Bruce Gilbert, originally heard on January 2 and January 10, 2006. The application was for a variance to extend the expiration date of a Land Use Change (LUC) 59 on property in the General Rural Meeteetse (GR-M) zoning district.

In their redeliberation, Commissioners stated substantial activity had not occurred on the property and no special circumstances existed peculiar to that parcel of land and not generally applicable to the neighboring land. Commissioners determined the Planning Coordinator had already determined the LUC had not been substantially advanced and therefore the Planning Coordinator's decision was appropriate. Further, they determined the activities alleged to have occurred could occur without a variance in the GR-M zone, so the decision does not deprive the owner of reasonable use of the land. Finally, the burden to prove entitlement to a variance lies with the applicant and he did not do so.

Commissioner French made a motion, seconded by Fontaine, to adopt **RESOLUTION 2007-72, REDLIBERATIONS ON ACTION DENYING VARIANCE TO BRUCE GILBERT REGARDING LAND USE CHANGE 59 ON A 21.85 ACRE ±- PARCEL DESCRIBED AS A PORTION OF THE SE1/4 OF SECTION 10, T48N, R100W**, adopting the former findings and conclusions of fact from RESOLUTION 2006-05 and incorporating determinations from the redeliberation. Voting in favor of the motion were Commissioners French and Fontaine and Chairman Hall. Commissioners Shockley-Siggins and Brewer were advised not to participate in the redeliberation as they were not on the Board when the variance was desnied and therefore were not present during redeliberation as they were not on the Board when the variance was denied.

**Public Health Emergency Preparedness Contract**

Commissioner Fontaine made a motion, seconded by French, to approve and authorize Chairman Hall to sign the contract between the Wyoming Department of Health, Public Health and Terrorism Preparedness Program, and Park County Public Health Nursing Services for Public Health Emergency Preparedness for the term 10/1/07–9/30/08 in the amount of \$86,910.00, paid quarterly. Motion carried.

**Approve Minutes**

Commissioner Siggins made a motion, seconded by Fontaine, to approve the minutes from the October 2, 2007 regular meeting. Motion carried.

**Continued Public Hearing – Thronburg Variance**

Commission Chairman Hall opened the continued public hearing to consider the application of Clinton and Kelly Thronburg for a variance from Chapter IV, Section 2(j)(1)(b)(iv) requiring the two proposed simple subdivision lots to connect to the Northwest Rural Water District main. Two wells exist on the property, one on each proposed lot. The property is located west of Road 12 at 960 Road 12, legally described as a parcel of land within Tract 5 of Lot 67, T55N, R99W, 6<sup>th</sup> P.M., Park County, Wyoming in the GR-P zoning district.

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

Commissioner Brewer made a motion, seconded by French, to adopt **RESOLUTION 2007-73, APPROVAL OF THE VARIANCE FROM CHAPTER IV, SECTION 2(J)(1)(B)(IV) OF THE PARK COUNTY DEVELOPMENT STANDARDS AND REGULATIONS BY CLINTON AND KELLY THRONBURG ON PROPERTY DESCRIBED AS WITHIN TRACT 5 OF LOT 67, T55N, R99W, 6<sup>TH</sup> P.M., PARK COUNTY, WYOMING**. Voting in favor of the motion were Commissioners French, Brewer and Chairman Hall. Opposed were Commissioners Fontaine and Shockley Siggins. Motion carried.

### **Public Hearing – Rocky Mountain Custom Cuts SUP**

Commission Chairman Hall opened a public hearing to consider the application of Rocky Mountain Custom Cuts, Inc., (RMCC) for a Special Use Permit to allow a meat processing facility on property owned by the State of Wyoming and leased by the City of Powell in a building owned by the City of Powell. The property is located north of Highway 295 at 225 Highway 295, legally described as within Tract 37, Section 35 and 36, T55N, R98W, 6<sup>th</sup> P.M., Park County, Wyoming in the GR-P zoning district.

Having heard comments from the County Planning staff, applicant, and one person opposing the application, Commissioner Siggins made a motion, seconded by Fontaine, to close the public hearing. Motion carried.

Commissioner French made a motion, seconded by Brewer, to adopt **RESOLUTION 2007-74 APPROVAL OF A SPECIAL USE PERMIT TO ALLOW A MEAT PROCESSING FACILITY (VALUE-ADDED AGRICULTURAL BUSINESS) WITHIN TRACT 37, SECTIONS 35 AND 36, T55N, R98W, 6<sup>TH</sup> P.M., PARK COUNTY, WYOMING, adding condition #7 requiring the proper installation of a dry hydrant for the fire protection district to have access to water.** Motion carried.

### **Bid Opening - Park County Library Project Subcontractors**

Construction Manager At Risk representative Fred Bronnenberg of Groathouse Construction publicly opened and read aloud bids from subcontractors for the Park County Library Project. Following review of all bids, awards will be made at the October 16, 2007 Board of County Commissioners meeting. No action was taken at this meeting.

### **Continued Public Hearing – Regional Recycling, LLC**

Commission Chairman Hall stated a conflict of interest as a property owner within 600' of the applicant property and abstained from consideration of the application, serving only to run the public hearing. Commission Chairman Hall opened the continued public hearing to consider the application of Andy McKnight with Regional Recycling, LLC on property owned by HC Partners, for a Special Use Permit and Site Plan Review to allow a salvage yard. The property is at 3225 Reesy Road, west of Highway 120 on property legally described as Lot 3, Spicer Subdivision, T52N, R101W, 6<sup>th</sup> P.M., Park County, Wyoming, in the I (Industrial) zoning district.

Having heard comments from the applicant, property owner's legal representative, three neighboring landowners opposed to the SUP, an employee of the business and County Planning staff and there being no further comments, Commissioner Siggins made a motion, seconded by Fontaine, to close the public hearing. Motion carried.

Commissioner Siggins made a motion, seconded by French to approve **RESOLUTION 2007-75, APPROVAL OF A SPECIAL USE PERMIT AND SITE PLAN REVIEW TO ALLOW A SALVAGE YARD WITHIN LOT 3, SPICER SUBDIVISION T52N, R101W, 6<sup>TH</sup> P.M., PARK COUNTY, WYOMING, amending condition #6 to require a 10' tall, one neutral color attractive metal fence and allow additional time to construct the fence around the portion of the property used by the business; removing condition #14 restricting the SUP to the current owner only; reiterating condition #8 regarding emergency access; adding a condition restricting the business to metal recycling only and not allowing expansion to paper and other products; and restricting all offloading of products to a location behind a fence in line with the existing building and out of the road right-of-way.** Voting in favor of the motion were Commissioners Siggins, French and Brewer. Opposed was Fontaine, stating the location is too small and thereby setting the applicant's business up for failure. Motion carried.

### **Cody's Country Subdivision**

Commissioners met with Cody's Country Subdivision developer Ribs Mikelson and his legal representative Tom Keegan to discuss current and future development concerns in the subdivision. Issues discussed included roads internal to the subdivision, water sources, septic systems, leach fields, addressing and looped access roads. Mikelson agreed to provide a copy of the current road system within the subdivision to the County and stated that he understood the concerns over addressing, movement of roads, long-term need for a second access into the subdivision and long-term water issues if the subdivision reached full build-out. Mikelson also stated he was not aware that roads within the subdivision not defined as driveways must be built to current County standards if they are moved or modified, and will do so for future road changes.

Those speaking in regard to the issue were Mr. Mikelson, his attorney Tom Keegan, Park County Attorney Bryan Skoric, County Engineer Dave Kieper, County Project Manager Mike Collier, County assessor Doug Brandt and County Planner Linda Gillett. No action was taken.

**Bonds**

The following bonds, having been approved by County Attorney Bryan Skoric, were approved by the Board of County Commissioners:

Susan Patterson, Shoshone Irrigation Project JPB           \$ 5,000.00

**Earnings and Collections**

The following Earnings and Collections were presented to the Board and approved:

Kelly Jensen, Park County Clerk                                 \$27,891.92  
Joyce Boyer, Clerk of District Court                             \$ 6,821.56

**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.

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Bucky Hall, Chairman  
Park County Board of Commissioners

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Tim A. French, Vice Chairman

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Bill Brewer, Commissioner

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Marie Fontaine, Commissioner

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Jill Shockley Siggins, Commissioner

Attest:

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Kelly Jensen, Park County Clerk