

**Park County Board of County Commissioners  
November 16, 2010  
Regular Meeting**

Proceedings of a regular meeting of the Board of County Commissioners of Park County, Wyoming, held Tuesday, November 16, 2010. Present were Chairperson Jill Shockley Siggins, Commissioners Tim French, Dave Burke, Bill Brewer and Bucky Hall, and County Clerk Kelly Jensen.

**Park County Historic Preservation Commission**

Ev Diehl, speaking on behalf of the Park County Historic Preservation Commission, presented a list of historic properties and prioritized projects the Preservation Commission hopes to complete. Diehl stated the Preservation Commission will seek funding for demolition and roofing work on the DeMaris House this winter that they hope to begin next spring. Preservation Commission members also addressed questions about the impact of building modifications to structures on the National Register of Historic Places. No action was taken.

**Bid Opening – Park County Complex Phase II Modifications**

Buildings and Grounds Superintendent Dennis Spargur opened bids for Phase II of the energy efficiency improvements to the Park County Complex. Bids were received from Wright Brothers of Sheridan (\$1,354,222); Basin Mechanical of Cody (\$1,170,000); Cowan Construction of Cody (\$1,150,000). The bids were taken under advisement. No action was taken.

**Minutes**

Commissioner French made a motion, seconded by Burke to approve the minutes of the November 9, 2010 regular meeting. Motion carried.

Commissioner Burke made a motion, seconded by Brewer to approve the minutes of the October 25, 2010 Site Tour of the M Bar W gravel mine special use permit application. Motion carried.

**Vouchers**

Commissioner Hall made a motion, seconded by French, to approve the vouchers presented for payment. Motion carried

**Property Tax Rebate – Marathon Oil Co.**

Commissioner French made a motion, seconded by Hall to pay a property tax rebate in the amount of \$9,434.57 to Marathon Oil Company over five years at \$1,886.91 per year. Motion carried.

**Homeland Security Grant Awards**

Commissioner Hall made a motion, seconded by Burke to approve and allow the Chair to sign a Law Enforcement and Terrorism Prevention Activities grant award agreement with the Office of Homeland security in the amount of \$18,310.90 for the award period 8/1/10 – 4/30/13. Motion carried.

Commissioner Brewer made a motion, seconded by French to approve and allow the Chair to sign a Federal Emergency Management grant award agreement with the Office of Homeland Security in the amount of \$138,364.44 for the timeframe 8/1/10 – 5/31/13. Motion carried.

Commissioner Burke made a meeting, seconded by Brewer to approve and allow Chair to sign a Citizens Corp Training grant in the amount of \$3,872.08 for the timeframe 8/1/10 – 4/30/13. Motion carried.

**Public Health**

Commissioner Hall made a motion, seconded by French to approve and sign the contract between Wyoming Department of Health, Office of Healthcare Financing and Park County Public Health Nursing to conduct evaluations of medical eligibility for nursing home residents seeking Medicaid coverage for the timeframe January 1, 2011 through June 30, 2012. Motion carried.

**Landfill Services Agreements**

Commissioner Hall made a motion seconded by French to approve and sign solid waste disposal service agreements with the City of Cody and Keele Sanitation. Motion carried.

### **Forest Reserve Funds Request – Cody Conservation District**

Commissioners continued discussion of a request by the Cody Conservation District from the November 9, 2010 meeting to advertise and release Title III Forest Reserve funds for their Firewise communities and other educational programs.

Commissioner Burke made a motion, seconded by Brewer to authorize advertising 45 days for a public hearing to move \$96,000 in Title III Forest Reserve funds to the Cody Conservation District. Voting in favor were Commissioners Hall, Burke and Brewer. Opposed was Commissioner French. Motion carried.

Commissioner French made a motion, seconded by Hall to sign letters to two entities (North Absaroka Ski Patrol and Park County Nordic Ski Association) denying their request for Title III Forest Reserve funding. Motion carried.

Commissioner Burke made a motion, seconded by Hall to modify the action taken earlier and advertise transferring the full balance of the Title III Forest Reserve funds (currently in excess of \$99,000) to the Cody Conservation District, not just \$96,000 stated in the prior motion. Voting in favor were Commissioners Hall, Burke and Brewer. Opposed was Commissioner French. Motion carried.

### **Public Hearing – Browning Simple Subdivision**

Commissioner Hall made a motion, seconded by Brewer to open the public hearing to consider the application of Verne H. and Sandra Pike Browning for a vacation and amended plat within Browning SS-28 and H.E.S. #40. Motion carried.

County Planner Linda Gillett presented the application of Verne H. and Sandra Pike Browning for an Amended Plat of the Browning Simple Subdivision consisting of a partial vacation and boundary relocation within H.E.S. #40 and Lot 6 of Section 4, RS, Park County, Wyoming in the GR-5 zoning district.

There being no comments to come before the Board, Commissioner Burke made a motion, seconded by French to close the public hearing. Motion carried.

Commissioner Burke made a motion, seconded by French to approve **RESOLUTION 2010-55, APPROVAL OF THE PARTIAL VACATION AND AMENDED PLAT OF THE BROWNING SIMPLE SUBDIVISION.** Motion carried.

### **Appeal of Planning Coordinator's Decision**

County Planner Linda Gillett presented the basis for the denial of a zoning permit for accessory housing located at 114 Cooper Lane West. The property is described as Lot 3, Musser Subdivision, T53N, R101W, 6<sup>th</sup> P.M. Park County, Wyoming. A building permit was denied and the owners, Robert and Linda Sommer, appealed the decision, stating they had been advised by the County a residential structure could be added to the property.

One neighboring landowner spoke in opposition to the appeal, expressing concerns about contamination to their well and support for following the standards adopted by the County. County Wastewater Manager Gene Smith stated the proposed septic system is further than the required 100' from the neighboring well.

The applicant and a relative living in the current structure spoke in favor of the County allowing the residence to be constructed.

Commissioner Hall made a motion, seconded by French to approve **RESOLUTION 2010-56, AFFIRMING THE DECISION OF THE PLANNING DIRECTOR ON APPEAL AND GRANTING RELIEF FOR ROBERT AND LINDA SOMMER TO ALLOW AN ACCESSORY HOUSING UNIT ON LOT 3 OF MUSSER SUBDIVISION EXCEPTING THE NORTH 242 FEET, adding a requirement that the new building be hooked on to Northwest Rural Water District.** Voting in favor were Commissioners Hall, French and Siggins. Opposed were Commissioners Burke and Brewer. Motion carried.

### **Final Plat – Clay Butte Subdivision**

County Planner Linda Gillett presented the application of Mallie Zickefoose, Crandall Properties, LLC for a proposed two-lot minor subdivision for single residential use consisting of 5.22 acres and 5.02 acres located within Crandall SS-144 Section 4 and 5, T56N, R106W, 6<sup>th</sup> P.M., Park County, Wyoming.

Commissioner French made a motion, seconded by Hall to approve **RESOLUTION 2010-57, FINAL PLAT APPROVAL OF THE CLAY BUTTE MINOR SUBDIVISION-8.** Voting in favor were Commissioners French, Hall and Brewer. Opposed was Burke. Motion carried.

### **Executive Session**

Commissioner Hall made a motion, seconded by Burke to go into executive session pursuant to W.S. 16-4-405(a)(ix), matters confidential by law. Motion carried.

Commissioner Hall made a motion, seconded by Burke to go out of executive session. Motion carried.

**Agreement with Musser Brothers**

Commissioner French made a motion, seconded by Hall to approve and sign a settlement agreement in the amount of \$2500 with United Country Musser Brothers. Motion carried.

**Decline Old Park County Library Building Offer**

Commissioner French made a motion, seconded by Hall to sign a Response to an Offer of Purchase for the old Park County Library Building. Motion carried.

**Old Forest Reserve Funds Transfer**

Commissioner Burke made a motion, seconded by Hall to advertise the transfer of all remaining old Secure Rural Schools Title III funds out of the forest reserve fund to the general fund for previous road maintenance on Forest Service lands, with the funds being added to the Road and Bridge Budget. Voting in favor were Commissioners Hall, Burke and French. Opposed was Commissioner Brewer. Motion carried.

**Recess and Reconvene**

Commissioners recessed the regular meeting until 6:30 p.m. and reconvened in the Grizzly Room at the Park County Library to attend a public discussion of Montana's McLaren Mine tailings hauling project. Commissioners heard reports from members of the Montana Department of Environmental Quality, a trucking contractor involved in the proposed project, State Representative Pat Childers, State Representative Dave Bonner, State Representative Colin Simpson, Shoshone National Forest District Ranger Terry Root, Yellowstone National Park Spokesman Al Nash, Wyoming Department of Transportation District Maintenance Manager Ron Huff, Wyoming Highway Patrol Captain Ed Peterson and nine concerned community members or interested association representatives. Concerns were presented regarding safety of the traveling public, the condition of the highway being used, slow moving traffic, potential hazardous waste spills and a lack of communication between the State of Montana and area residents. Many suggestions were provided to remove the need to haul the tailings off site or to modify the hauling plan. Montana DEQ will report back to the Park County Commissioners after researching options presented at the meeting. No action was taken.

**Bills Paid**

A-1 Electric	\$69.00
AlcoPro, Inc.	\$186.00
Aldrich Lumber - Cody	\$13.89
Aldrich Lumber - Powell	\$182.83
Alltel Communications LLC	\$1,868.94
American Welding & Gas Inc	\$9.30
Assn State Flood Plain Managers	\$100.00
Bear Co Inc.	\$655.00
Beartooth Electric Coop	\$117.73
Beduhn, Nick	\$800.00
Big Horn Energy, Inc.	\$253.48
Big Horn Glass	\$30.00
Big Horn Rural Electric Co.	\$305.43
Big Horn Wholesale, Inc.	\$1,786.33
Blatt, Timothy J.	\$112.50
Bloedorn Lumber - Cody	\$152.73
Boones Machine	\$20.00
Bragg, Jennifer	\$100.00
Bresnan Communications	\$159.96
Carbon County Coroner Conf	\$225.00
Carquest Of Powell	\$6.97
CDW Government, Inc.	\$999.01
Child Towing & Recovery, LLC	\$115.00
Choice Aviation LLC	\$176.98
Church, Ronda	\$48.50
Cody Ace Hardware	\$353.50
Cody Enterprise	\$30.00

Cody, City Of	\$2,338.42
ConocoPhillips, Inc.	\$1,011.19
Copenhaver/Kath/Kitchen/Kolpitzke	\$400.00
Corr, Neal	\$66.65
Coulter Car Care Center	\$129.50
Crum Electric Supply Co.	\$2,099.05
Custom Delivery Service Inc	\$36.52
Custom Garage Door LLC	\$130.00
Dell Marketing Corp.	\$3,424.28
Delta County Sheriff's Office	\$18.00
Electronic Data Solutions	\$808.63
Energy West - Wyoming	\$5,708.37
Farm Plan	\$389.66
Fastenal	\$781.81
Fitzwater, Vickie	\$96.00
Fremont Motor Cody, Inc.	\$1,977.04
Gambles-Store 4234, Inc.	\$24.47
Garland Light & Power Co.	\$649.97
Grainger	\$317.52
Hampton Inn - Casper	\$436.00
Hoffmann, Kenneth A. D.D.S.	\$40.00
Honnen Equipment Co.	\$191,029.39
Howard, Katherine D.	\$130.00
Interstate Brands Corporation	\$211.48
JL Engineering LLC	\$5,780.00
Johnson, Courtney	\$100.00
K-B Commercial Products	\$1,896.00
Keegan & Winslow P.C.	\$925.01
Keele Sanitation	\$165.00
Kenco Security And Technology	\$254.25
Larson, Tod	\$265.00
Leon Uniform Company, Inc.	\$318.00
Linton's Big R, Inc.	\$43.86
Majestic Lube, Inc.	\$45.95
Marquis Awards & Specialties, Inc	\$79.28
Matrix	\$830.70
Matthew Bender & Co., Inc.	\$230.46
McClain, Monte	\$150.00
McCumber LOCKSMITH SHOP	\$7.00
McIntosh OIL, INC.	\$2,352.29
Meeteetse, Town Of	\$100.70
Montana-Dakota Utilities Co.	\$87.32
Moore, Leonard D.D.S.	\$314.00
Moreno, Nancy	\$128.00
Mountain West Business Solutions	\$392.63
Napa Auto Parts	\$658.34
National Business Systems, Inc	\$395.36
National Emergency Number Assn	\$130.00
Nemont	\$46.85
Northern Gardens	\$225.00
Northern Wyoming Equipment	\$686.49
Northwest College – Cody	\$154.00
Park Co Employee Benefits Trust	\$171.25
Park County	\$448.78
Park County Animal Shelter	\$1,000.00
Peak Environmental Mgt., Inc.	\$2,268.81
Penwell, Steve	\$132.95
Pilch Engineering & Surveying	\$10,171.00
Powell Office Supply, Inc.	\$548.95
Powell Valley Hardware	\$56.28
Pro-Build – Cody	\$230.90
Quality Propane Service Inc	\$44.58
Qwest	\$6,601.97
Qwest Business Services	\$4.89
Ramey, Danny	\$15.30
Randol, Lisa	\$47.55

Reber, Wardi	\$29.91
Red Eagle Food Stores	\$493.26
Red Eagle Oil Company, Inc.	\$423.35
Rimrock Tire Co - Cody	\$599.80
Rocky Mountain Power	\$1,023.17
S & S Audio-Video, Inc.	\$57.94
Sanofi Pasteur, Inc	\$9,667.83
Shell Fleet Plus, Inc.	\$95.65
Shoshone Office Supply, Inc.	\$65.50
Sierra Detention Systems	\$1,125.00
Siggins, Jill Shockley	\$681.50
Simpson, William L	\$400.00
Smith, J Travis	\$800.00
Stroupe Pest Control, Co.	\$95.00
Sysco Food Services Of Montana	\$1,252.31
TTC West, Inc	\$287.64
Tessco Inc	\$212.05
Titan Machinery	\$155.73
Two Tough Guys Services	\$727.78
Ultramax	\$2,190.00
Ups Store, The	\$27.52
Verizon Wireless	\$198.46
Visa - First National Bank & Trust	\$11,004.94
Wagers, Joe	\$19.18
West Payment Center	\$463.45
WPCI Consultants, Inc.	\$135.00
Wurzel, Patricia A	\$143.00
Wy Dept Of Health Chemical Testing	\$85.00
Wy Department Of Employment	\$18,301.30
Wy Association Of Risk Management	\$534.75
Wy Department Of Employment	\$169.24
Total Warrants Written 11/16/10	<u>\$311,101.99</u>

**Adjournment**

There being no further business to come before the Board, Chairman Siggins adjourned the meeting.

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Jill Shockley Siggins, Chairperson

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Dave Burke, Vice Chair

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Tim A. French, Commissioner

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Bucky Hall, Commissioner

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Bill Brewer, Commissioner

Attest:

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Kelly Jensen, County Clerk