

Park County Board of County Commissioners
Regular Meeting
Tuesday, July 7, 2020

Chairman Tilden called to order a regular meeting of the Board of County Commissioners of Park County, Wyoming, on Tuesday, July 7, 2020. Present were Vice Chairman, Lee Livingston, Commissioners, Dossie Overfield, Jake Fulkerson, Lloyd Thiel, and Clerk Colleen Renner.

Leo Wolfson led the audience in the Pledge of Allegiance.

Consent Items:

Approve-Minutes, Payroll and Vouchers

Commissioner Overfield made a motion to approve the following consent agenda items with corrections to the June 23 minutes as presented: minutes from June 15, 16, and 23, bi-weekly payroll in the amount of \$586,872.07 and Elected payroll for \$90,481.31; approve and allow Chairman to Sign Annual Contribution Agreement for County/UWE Personnel – Tycee Mohler and United States Department of the Interior Bureau of Land Management Right-Of-Way Grant, Serial Number WYW-112044 Renewal – Ben McDonald. Commissioner Livingston seconded and the motion carried.

Park County Clerk, Colleen Renner - RE:

1. **Public Hearing - FY2019-20 Budget Amendment**

Chairman Tilden opened the public hearing. Clerk Renner read the amendment for the departments that overspent their budgets, the total increase amount came to \$282,731.37. Commissioner Overfield made a motion to close the public hearing, Commissioner Livingston seconded, and motion carried.

Commissioner Livingston made a motion to approve the amendment as presented, Commissioner Overfield seconded, and motion carried. **RESOLUTION 2020-27.**

2. **Adopt FY20-21 Park County Budget –**

Commissioner Overfield began the discussion with the cut to 4-H, they requested \$8,000 and had been cut to \$4000. After discussion Commissioner Overfield made a motion to increase their line item to \$6,000, Commissioner Livingston seconded, and motion carried.

After discussion regarding the upcoming year and how frugal departments have been this past year, Commissioner Livingston made a motion to approve the FY20-21 budget with the change to 4-H and all others as presented, Commissioner Thiel seconded, and motion carried. **RESOLUTIONS 2020-28 and 2020-29.**

Park County Travel Council Director, Claudia Wade - RE: Approve and Sign Park County 4% Lodging Tax Resolution

Ms. Wade presented the board with a resolution to allow the 4% lodging tax to be placed on the general election ballot in November. All Park County municipalities will consider a similar resolution this week. Commissioner Overfield made a motion to approve the resolution and submit the question to the voters at the general election in November, Commissioner Thiel seconded, and motion carried. **RESOLUTION 2020-36.**

Park County Planning & Zoning Planner II, Kim Dillivan - RE: Public Hearing: One Rock Minor Subdivision Sketch Plan (MS-35)

Chairman Tilden opened the public hearing.

Mr. Dillivan presented to the board a subdivision application sketch plan with notice of intent to subdivide. Owners are Steve and Linda Sweet and the property is located east of state highway 294 and about seven miles west of Powell. The zoning district is general rural Powell (GR-P) the surrounding lands

are primarily residential and agricultural. Municipal review is not required. The Sweets propose to vacate Rodrigues SS-186 and create a 4-lot minor subdivision. Public notices and agency referrals were presented/sent, and comments received, no public comments were received. Applicants shall provide all easements as requested by applicable utilities providing services and identify on final plat. Construction access for road, natural gas, long-term noxious weed plan, water quality shall all be placed on the final plat.

Chairman Tilden called for public comment, Lyle Casciato, Engineering Associates commented on the water distribution plan. There being no further comments, Commissioner Thiel made a motion to close the public hearing, Commissioner Overfield seconded, and motion carried.

Commissioner Theil made a motion to accept the sketch plan for One Rock, Commissioner Livingston seconded, and motion carried. **RESOLUTION 2020-30.**

Park County Planning & Zoning Planner II, Kim Dillivan - RE: Public Hearing: Tophoj Minor Subdivision Sketch Plan (MS-36)

Chairman Tilden opened the public hearing.

Mr. Dillivan presented to the board a subdivision application sketch plan with notice of intent to subdivide. Owners are Elton and Lauren Tophoj and the property is located 6.8 miles southeast of Powell, east of County Road 6, the zoning is GR-P and surrounding land is agricultural and residential. Public notices and agency referrals have been met and some entities have commented. One public comment was received in opposition of this subdivision. Easements must be identified on the final plat and it shall also state that on-site private wells must be approved and permitted by the Wyoming State Engineers Office.

Chairman Tilden called for public comment, Scott Lewis representing the Tophoj stated he is not aware of the spring as the ground was snow covered. There being no further comments, Commissioner Livingston made a motion to close the public hearing, Commissioner Thiel seconded, and motion carried.

Commissioner Livingston made a motion to approve as presented, Commissioner Overfield seconded, and motion carried. **RESOLUTION 2020-31.**

Park County Planning & Zoning Planner II, Kim Dillivan - RE: Public Hearing: Zuercher Minor Subdivision Sketch Plan (MS-37)

Chairman Tilden opened the public hearing.

Mr. Dillivan presented to the board a subdivision application sketch plan with notice of intent to subdivide. Owners are David and Rebecca Zuercher and the property is located four miles southwest of Ralston with a physical address of 1870 Lane 12, Powell. The zoning district is a GR-P and surrounding land uses are primarily agricultural. There is an existing residence with barn and corrals. The southern portion becomes quite steep where it slopes to Eaglenest Creek. Notices and agency referrals have been met and comments received. No public comments were received. Easements must be identified on the final plat and applicant shall also state that "the seller does not warrant to a purchaser that there are any rights to the natural flow of any stream with or adjacent to the proposed subdivision or Wyoming law does not recognize of any riparian rights.

Chairman Tilden called for public comment, there being none, Commissioner Fulkerson made a motion to close the public hearing, Commissioner Thiel seconded, and motion carried.

Commissioner Livingston made a motion to approve as presented, Commissioner Thiel seconded, and motion carried. **RESOLUTION 2020-32.**

Park County Planning & Zoning Planner II, Kim Dillivan - RE: Partial Vacation and Amended Plat of Lot 1 of Jones Simple Subdivision - 38

Mr. Dillivan presented a partial vacation and amended plat which is located one mile south of Powell. Owners are Julie Carter and Norman Altman and the property is located one mile south of Powell. This request is a reconfiguration of Lot 1 of Jones SS-38 plat and considered a partial vacation.

Commissioner Overfield made a motion to approve as presented, Commissioner Thiel seconded, and motion carried. **RESOLUTION 2020-33.**

Park County Planning & Zoning Planner II, Kim Dillivan - RE: Lennon Major Subdivision

Mr. Dillivan presented the final plat review for Jason and Christine L. Lennon to vacate and re-subdivide Lot 13 of Musser Subdivision #3 into two lots for residential use. The property is located 2.8 miles east of Cody and has a physical address of 33 Musser Road. The zoning district is RR-2.

Commissioner Livingston made a motion to approve as presented, Commissioner Thiel seconded, and motion carried. **RESOLUTION 2020-34.**

Park County Planning & Zoning Planner II, Kim Dillivan - RE: Hertzler Simple Subdivision Final Plat - 261

Mr. Dillivan presented the final plat review for Joe Hertzler, the property is located 12.44 miles southwest of Cody. Commissioner Overfield made a motion to approve as presented, Commissioner Fulkerson seconded, and motion carried. **RESOLUTION 2020-35.**

Park County Attorney, Brian Skoric - RE: Request and Approval to Appoint an Outside County Prosecutor

Attorney Skoric presented a resolution to appoint a Washakie County Attorney in a case where there is a conflict. Commissioner Livingston moved to approve, Commissioner Fulkerson seconded, and motion carried. **RESOLUTION 2020-37.**

Park County Health Nurse Manager, Bill Crampton - RE: Update on COVID-19 in Park County

Nurse Crampton is first requesting to hire two temporary employees for contact tracing, part-time no benefits with funding for COVID-19 related incidents. Commissioner Livingston made a motion to allow Public Health to hire two temporary employees to help conduct contact tracing, Commissioner Fulkerson seconded, and motion carried.

Nurse Crampton briefed the board on testing. Gave an explanation on isolation vs. quarantine and answered questions regarding testing and negative results. Commissioner Overfield also question the beer garden and concerts that the fair is proposing.

Global Life Representative, Lorilyn Beck – RE: Introduce Global Life Presentation

Ms. Beck spoke of the benefits Global Life could offer to employees and that no payroll deduction is required. After questions regarding how to reach employees with this documentation it was decided to give to Attorney Skoric before allowing open enrollment or presenting the materials to the employees through county email.

Park County Engineer, Brian Edwards - RE: Proposed Vacation of Public Roadway (Alley) in Ralston Townsite, Block 8, Lots 1, 2, & 3 – Review and Hear Objections and Claims for Damages – Consider Final Approval of Vacation by Board of County Commissioners

County Engineer, Brian Edwards presented findings to the Board regarding the proposed vacation of a portion of a dedicated public roadway (alley) located adjacent to the east side of Lots 1, 2, & 3 of Block 8 of the Ralston Townsite, T. 55 N., R. 100 W., 6th PM, Park County, Wyoming. Edwards provided an overview of the vacation process as summarized herein.

1. Wyoming State Statute § 24-3-101 (b) sets forth the procedures for the vacation of a county highway or any other road dedicated

by recorded plat as a public road through "Petition of County Electors".

2. Wyoming State Statute § 34-12-107 sets forth the procedures for the vacation of publicly dedicated subdivision and/or townsite roads, streets, and alleys.
3. A Petition to vacate the referenced portion of public roadway (alley) was originally submitted to the Park County Clerk's Office on June 3, 2019. Upon review by the Clerk, said petition was returned to the Petitioner as incomplete. The Petition was corrected, resubmitted and properly filed in the Office of the Clerk on July 29, 2019 in accordance with Wyoming State Statute § 24-3-101(b). Said Petition includes the signatures of at least five (5) electors of the County residing within twenty-five miles of the road (section of alley) proposed to be vacated. First Deputy Clerk, Hans Odde certified on July 30, 2019 that six (6) of the ten signors to the Petition for Vacation are registered electors of Park County, Wyoming and live within twenty-five miles of the proposed vacation.
4. Said road section (alley) described in the Petition measures 20 feet in width and is considered a public road.
5. The Board met on September 3, 2019 and reviewed the referenced Petition for vacating the public alley. Upon review of the referenced Petition submitted and filed with the Clerk, Resolution 2019-52 was approved by the Board initiating the procedures for vacation of the referenced public roadway (alley). Said Resolution was duly recorded in the Clerk's Office under 2019-4511 (Pages 1 & 2). The Resolution assigned Mr. Brian Edwards, Park County Engineer, as Viewer in accordance with State Statutes 24-3-103 and 24-3-104.
6. A Viewer's Report was presented to the Board on February 18, 2020. The Viewer recommended vacation of the subject road section (public alley) based on all available information. Said Viewer's Report has been available since February for review on the Park County website at www.parkcounty.us or at the Park County Public Works Department Offices located at 1131 11th Street in Cody.
7. The Board accepted the Viewer's recommendations and moved on February 18, 2020 to continue the vacation process for the subject roads.
8. Public notices were sent to all impacted and adjacent landowners via certified mail. Legal Notices were also posted in both the Cody Enterprise and Powell Tribune notifying the public of the County's intentions to vacate the referenced roadway section (alley). The public notice period ended on June 19, 2020.
9. The Clerk's office reported that no objections or claims for damages have been received as of the current meeting date.
10. After careful review and consideration, Brian Edwards as "Viewer" made a recommendation to the Board to approve the vacation as requested by the Petitioners.

Commissioner Livingston made a motion to accept the final approval for the vacation, Commissioner Thiel seconded, and motion carried. In accordance with State Statutes, upon vacation, lands under said public right-of-way shall revert proportionally to the adjacent landowners of Lots 1, 2, & 3 of Block 8, Ralston Townsite. All costs associated with the vacation proceedings including but not limited to legal, advertising, and professional land surveyor fees have been paid by the Petitioner(s).

Park County Engineer, Brian Edwards - RE: Approve Park County (Buyer) (Seller) 7D Ranch Agreement on Pit-Run Material for County Road Use

Mr. Edwards presented the agreement with 7D Ranch to use materials from an area that the ranch is wanting to turn into a pond. Arrangements have been made to use the materials on the Sunlight Road which will save time and money from having to haul from the Cody pit.

Commissioner Thiel made a motion to sign the agreement, Commissioner Fulkerson seconded, and motion carried.

Mr. Edwards presented the TAP agreement for the Chairman to sign which was presented and approved at the May 5, 2020 meeting.

Adjourn.

Commissioner Overfield made a motion to adjourn, Commissioner Livingston seconded, and the motion carried.

Joe Tilden, Chairman

Lee Livingston, Vice Chairman

Jake Fulkerson, Commissioner

Dossie Overfield, Commissioner

Lloyd Thiel, Commissioner

Attest:

Colleen Renner, County Clerk