

**Park County Board of County Commissioners
Regular Meeting**

Tuesday, October 20, 2020

Chairman Tilden called to order a regular meeting of the Board of County Commissioners of Park County, Wyoming, on Tuesday, October 20, 2020. Present were Vice Chairman, Lee Livingston, Commissioners, Dossie Overfield, Jake Fulkerson, Lloyd Thiel, and Clerk Colleen Renner.

Patty Umphlett led the audience in the Pledge of Allegiance.

Consent Items:
Approve-Minutes, Payroll and Vouchers

Commissioner Livingston made a motion to approve the following consent agenda items: minutes from October 13, bi-weekly payroll in the amount of \$584,236.71 with insurance; vouchers; monthly earnings and collection statements for the Clerk, Clerk of District Court, and Sheriff; approve and allow the Chairman to sign Quarter 4 Federal Fiscal Year 19 Temporary Assistance to Needy Families/Community Partnership Initiative (TANF/CPI) Report & Vouchers; Commissioner Overfield seconded, Commissioner Theil asked for clarification on the Public Health Officer Voucher in the amount of \$20,000 and the motion carried.

Payee	Amount
2 M COMPANY, INC.	\$1,310.00
360 OFFICE SOLUTIONS	\$1,456.01
A & I DISTRIBUTORS	\$1,021.27
APEX LEGAL PC	\$1,012.50
ARCSEARCH CORPORATION	\$16,797.00
AT CONFERENCE	\$28.05
AT&T MOBILITY	\$439.09
B & B FLEET SERVICE	\$7,625.00
BAILEY ENTERPRISES, INC.	\$162.95
BAILEY ENTERPRISES, INC.	\$159.24
BAILEY ENTERPRISES, INC.	\$4,006.53
BANNING, TYLER	\$45.31
BEAR CO., INC.	\$2,194.27
BEARTOOTH ELECTRIC COOP	\$72.58
BENNETT, M.D., THOMAS L.	\$6,202.80
BIG BROTHERS BIG SISTERS OF NW WY	\$393.34
BIG HORN COUNTY CORONER	\$1,500.00
BIG HORN WHOLESALE, INC.	\$1,047.95
BIG VALLEY BEARING & SUPPLY, INC.	\$13.18
BILLIN, AARON R.	\$20,000.00
BLACK HILLS ENERGY	\$750.63
BOB BARKER COMPANY	\$669.88
BONNER LAW OFFICE	\$1,558.34
BRAY REPORTING	\$115.00
BRUCO, INC.	\$115.83
C & C WELDING, INC.	\$188.13
CARING FOR POWELL ANIMALS	\$750.00
CAROLINA SOFTWARE	\$500.00
CARQUEST AUTO PARTS - #064250	\$853.35
CDW GOVERNMENT, INC.	\$6,586.03
CENTURYLINK	\$6,792.46
CENTURYLINK BUSINES SERVICES	\$26.41
CHARTER COMMUNICATIONS	\$369.10
CODY ACE HARDWARE	\$223.16
CODY COUNCIL ON AGING	\$11,750.00
CODY ENTERPRISE	\$444.42
CODY REGIONAL HEALTH	\$95,086.15
CODY WINNELSON CO.	\$139.95
CODY, CITY OF	\$25,818.51

CONSOLIDATED ELECTRICAL DISTRIBUTORS	\$270.03
CRISIS INTERVENTION SERVICES	\$5,335.00
CUSTOM DELIVERY SERVICE, INC.	\$43.35
DE HAAN ELECTRONICS	\$3,088.66
DENNY MENHOLT CHEVROLET BUICK GMC	\$181.10
DICK JONES TRUCKING	\$1,351.03
DUSTBUSTERS, INC.	\$147,048.98
ELECTION SYS & SOFTWARE, INC	\$6,937.31
FASTENAL	\$9.35
FLOYD'S TRUCK CENTER	\$38.25
FOOTE, LYNN	\$56.93
FORWARD CODY WYOMING, INC.	\$2,500.00
GRADIENT MOUNTAIN SPORTS	\$198.91
GRAINGER	\$1,173.08
GUERTIN, ANDREW	\$74.23
HANSON CHEMICAL INC.	\$169.32
HARRIS TRUCKING & CONST., INC.	\$14,060.42
HOLDER, BOBBIE JO	\$110.40
INTERSTATE TIRE SERV. INC	\$70.00
K-B COMMERCIAL PRODUCTS	\$361.42
KEEGAN, KRISJANSONS & MILES, PC	\$478.50
KEELE SANITATION	\$3,250.46
KELLY, DEBBIE	\$10.40
KENCO SECURITY AND TECHNOLOGY	\$396.75
KENNEDY, KRISTIE	\$10.00
KPOW-AM	\$60.00
MAJESTIC LUBE, INC.	\$32.00
MANNAHOUSE FOOD PANTRY	\$2,000.00
McINTOSH OIL, INC.	\$3,294.20
MEETEETSE SENIOR CENTER	\$2,500.00
MEETEETSE VISITOR CENTER	\$1,500.00
MEETEETSE, TOWN OF	\$246.70
MERCK SHARP & DOHME CORP.	\$7,732.31
MICKELSON, JOSEPH D	\$264.50
MID-AMERICAN RESEARCH CHEMICAL	\$120.77
MONTANA-DAKOTA UTILITIES CO.	\$43.97
MORGENWECK, BARB	\$1,163.50
MORRISON MAIERLE INC	\$756.50
MOTOR PARTS, INC.	\$37.91
MOUNTAIN WEST COMPUTER	\$89.82
MURDOCH OIL, INC.	\$4,617.50
MURDOCH'S RANCH & HOME POWELL	\$150.64
NALA HEADQUARTERS	\$154.00
NATIONAL BUSINESS SYSTEMS	\$1,500.00
NEWEGG BUSINESS, INC.	\$166.68
NORCO, INC.	\$70.98
NORTHWEST COLLEGE	\$4,625.00
NORTHWEST WY FAMILY PLANNING	\$1,328.10
OFFICE SHOP, THE	\$1,929.04
OFFICIAL COURT RECORD	\$1,717.00
O'REILLY AUTO PARTS - POWELL	\$17.97
PARK CO COURT SUPERVISED TREATMENT PROG	\$3,000.00
PARK COUNTY 4-H COUNCIL	\$1,500.00
PARK COUNTY CLERK	\$75.00
PITNEY BOWES, INC. - A/R	\$436.01
POWELL ACE HARDWARE, LLC	\$66.89
POWELL ECONOMIC PARTNERSHIP, INC.	\$2,500.00
POWELL SENIOR CITIZENS AGO-GO, INC	\$11,750.00
POWELL VALLEY HEALTHCARE, INC.	\$340.00
POWELL VALLEY RECYCLING	\$625.00
POWELL, CITY OF	\$45.69
PRECISION PLAN AND DESIGN, INC.	\$275.00
PRODUCTION MACHINE COMPANY	\$533.15
PRODUCTION MACHINE CORP.	\$5.02
RAPID FIRE PROTECTION, INC	\$3,035.00
REED SMITH LLP	\$1,969.55
ROCKY MOUNTAIN POWER	\$319.13

ROCKY MOUNTAIN SPORTS	\$23.99
ROCKY MOUNTAIN WASH, LLC	\$58.00
SAFARILAND, LLC	\$43.89
SCHRADER METAL & DESIGN, INC.	\$105.84
SPECIAL OPERATIONS GROUP	\$549.31
SUMMERS, JOSH	\$40.00
SYSCO FOOD SERVICES OF MONTANA	\$588.48
THOMPSON REUTERS - WEST	\$763.98
TITAN MACHINERY	\$2,790.14
T-O ENGINEERS	\$9,597.50
TRACTOR & EQUIPMENT CO	\$115,465.00
TYLER BUSINESS FORMS	\$631.07
UNIVERSITY OF WY - ADMIN BUSINESS OFFICE	\$5,254.50
UPS STORE, THE	\$417.84
UW EXTENSION	\$607.11
VARDIMAN, JEREMIAH	\$223.10
VISA - #0037 - B. POLEY	\$524.12
VISA - #0052 - P. MEYER	\$278.82
VISA - #0078 - J. FULKERSON	\$98.34
VISA - #0227 - T. WADDELL	\$103.99
VISA - #0235 - B. EDWARDS	\$72.79
VISA - #0250 - C. RENNER	\$812.44
VISA - #0359 - S. STEWARD	\$51.47
VISA - #3949 - M. GARZA	\$1,006.73
VISA - #3972 - J. TATUM	\$672.90
VISA - #4079 - S. STEWARD	\$3,541.08
VISA - #4087 - M. CONNERS	\$4,113.56
VISA - #4103 - S. STEWARD	\$784.47
VISA - #4111 - S. STEWARD	\$295.76
VISIONARY COMMUNICATIONS, INC.	\$82.43
WEBSTER, II, C.E., ATTORNEY LLC	\$1,150.00
WPCI CONSULTANTS, INC.	\$108.00
WY ASSOC OF COUNTY AGRICULTURAL AGENTS	\$100.00
WYOMING - DEPT OF FAMILY SERVICES	\$30.00
WYOMING DEPARTMENT OF EMPLOYMENT	\$137.08
WYOMING FIRE SAFETY, LC	\$165.00
WYOMING WATER WORKS	\$217.88
YELLOWSTONE BEHAVIORAL HEALTH	\$10,000.00
YOUTH CLUBS OF PARK COUNTY	\$6,205.48
TOTAL	<u>\$635,754.92</u>

Park County Planning & Zoning Director, Joy Hill – RE: Public Hearing: Park County Planning & Zoning Small Wastewater Regulations

Chairman Tilden opened the public hearing.

Ms. Hill gave the timeline of the draft regulations and accepting public comments. Ms. Hill highlighted many of the changes and addressed the comments that were received. Ms. Hill has worked with the Department of Environmental Quality and Attorney Skoric through this process. After lengthy conversations on changes made to the regulations and a brief discussion on written comments received, Chairman Tilden called for public comment. Mr. Herweyer with Keele Sanitation made comments regarding portable toilets, construction sites needing them, emergency calls and other questions. At this time Commissioner Livingston made a motion to continue this public hearing, Ms. Kohn stated 10:55 a.m. on November 4 (Wednesday), Commissioner Overfield seconded, and motion carried.

Park County Planning & Zoning Director, Joy Hill – RE: Yellowstone Cutthroat Ranch (Hooper) Violation

Chairman Tilden stated this is not a public hearing and the discussion is only for violations. Ms. Hill presented the violation occurrence and gave history of the highway commercial business which was approved in 2018. A musical event was held in July 2019 with no Special Use Permit (SUP) to do so. The Hooper's

were notified. Ms. Hooper contacted the office in December 2019 requesting a SUP application and a copy of her current SUP.

Following reports of the Songwriter Festival being advertised for August 2020 letters were received from neighbors voicing their concerns. The neighbors also had concerns that amplified entertainment on the Hooper property was occurring regularly. Ms. Hill sent a letter via certified mail to the Hooper's regarding the upcoming festival.

After questions from the board, a discussion of definitions of events and private vs. public, the gray areas describing what is and what is not allowed. Commissioner Livingston stated there was a lot of opposition at the time regarding disturbing the neighbors. Comments were received from the attorneys, Mr. Simpson representing the Hooper's and Mr. Stinson representing several neighbors had several questions regarding how the regulations read, private vs. public, amplified music vs. indoor acoustic music, weddings, reunions and a large public event where tickets are sold and lasting more than two days.

Comments were also heard from Mr. Hooper, Rob Burgen, and Tim Lasseter.

The Commissioners reviewed at length how the discussions were when the SUP was approved, and all agreed it was not for this type of event. Commissioner Fulkerson made a motion to a \$1,000 fine. Failed as there was no second. Commissioner Livingston made a motion to table this until November 4 before deciding, Commissioner Fulkerson opposed, motion carried.

Park County Planning & Zoning Planner II, Kim Dillivan – RE: Public Hearing: PacifiCorp Tower Special Use Permit

Chairman Tilden opened the public hearing.

Mr. Dillivan stated a SUP was received from PacifiCorp/Rocky Mountain Power on August 7, 2020 including plan-view drawings showing tower location, vicinity map, type of activity and impact on adjacent properties for approval. Legal notices and agency referrals were met. After brief discussion on who would be liable, the only comment received was a phone call from Mark Barringer with Merit Energy, asking if this tower would interfere with the 150' communication tower permitted by SUP-195.

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

Commissioner Thiel stated at this time he is one of two contractors in Park County. Commissioner Livingston made a motion to approve, Commissioner Fulkerson seconded, and motion carried. **RESOLUTION 2020-65**

Park County Planning & Zoning Planner II, Kim Dillivan – RE: Public Hearing: Smith Self Storage Special Use Permit

Chairman Tilden opened the public hearing.

Mr. Dillivan stated a SUP was received supporting documents including plan-view drawings showing use location, vicinity map, type of activity and impact on adjacent properties were received. The proposed business will include up to three 6,000 to 6,600 sq. ft. storage buildings for a maximum of 19,800 square feet of floor area. Additionally, the applicant proposed an outdoor RV and boat storage area. The property is located east of Powell in GR-P zoning district. Legal notices and agency referrals were met.

Commissioner Livingston questioned how this proposal was advertised. Did the advertisement include enclosed large RV area? He understands intent but a matter of procedure if not advertised that way. Mr. Dillivan stated the SUP does allow for enclosing the outdoor RV and boat storage area at some point in the future and building permits will be required.

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

Commissioner Fulkerson made a motion to approve as presented, Commissioner Thiel, seconded, and motion carried. **RESOLUTION 2020-66**

Park County Engineer, Brian Edwards – RE:

1. Open Sealed Bids for One (1) New Tandem Axle Tractor Truck for Road & Bridge Division of the Park County Public Works Department

Mr. Edwards gave a summary of what we own now and mileage. The bids were opened and received from:

Floyds Truck Center – Gillette (9 locations)

- Freightliner – \$108,196.00
- Western Star – \$114,372.00

Peterbuilt of Wyoming – Casper

- Peterbuilt – \$123,991.00

TriState Truck & Equipment – Billings

- Volvo – \$121,236.00 no options

McCandless Truck Center – Cheyenne

- Navistar International – \$119,005.48

2. Open Sealed Bids for Two (2) New Tandem Axle Dump Trucks with Sander & Plow for Road & Bridge Division of the Park County Public Works Department

Mr. Edwards stated there will be Sterline and Volvo for trade with these bids. These are net bids after trade and the quantity purchase is two.

Floyds Truck Center – Casper

- Freightliner/Kois – \$354,840.00
- Freightliner/Ameritech – net \$380,590.00
- Western Star/Kois – net \$370,428.00
- Western Star/Ameritech – net \$397,078.00

Peterbuilt of Wyoming – Casper – no bid

Tristate Truck & Equipment – Billings

- Volvo – net \$340,700.00

McCandless Truck Center – Colorado

- Navistar International – net \$371,393.96

Park County Commissioners – RE: Consider Resuming the Vacation Process for Road 6JM, 54B, and Portions of Road 54

Chairman Tilden gave history on the vacation process. Mr. Edwards stated one thing Commissioners did in 2015 was to continue the process indefinitely. During that time the TE, Hawks Hill and the Ditch Association came back with claims for damages.

Curt Bales stated TE has put in application on a land trade with State Lands & Investments, but this will be a process that takes time. After discussion Commissioner Livingston recommended resuming the vacation and notify all parties involved and come to an agreement. The board will follow Attorney Skoric's lead going forward. Commissioner Overfield questioned will the process also clean up the easements involved. Attorney Webster has no comments currently and doesn't see any reason not going forward with the process. Mr. Edwards stated he sees this process resolving issues with access and maintenance and will streamline the process and questioned whether those damages are still on the table, Attorney Webster will check and get back to the Board.

Commissioner Livingston is unsure if this is an action item or administrative but would like to see the process resumed. Mr. Bales will work with the owners and what they are comfortable allowing and work on agreement with all. Mr. McDonald stated it is already implied regarding road maintenance easements from Wyoming water law each landowner maintains what is on their property.

Park County Engineer, Brian Edwards – RE:

- 1. 1 - Review and Consider Staff Recommendations for Purchase of One (1) New Tandem Axle Tractor Truck for Road & Bridge Division of the Park County Public Works Department**
- 2. Review and Consider Staff Recommendations for Purchase of Two (2) New Tandem Axle Dump Trucks with Sander & Plow for Road & Bridge Division of the Park County Public Works Department**

Mr. Edwards stated there are a lot of varied items to compare and he would like to return on November 4 to give his recommendation.

Park County Engineer, Brian Edwards – RE: Approval to Replace Park County Public Works Personnel in Powell, WY

Mr. Edwards updated the Board on the status of the technical assistant he hired to work 16 hours week, along with plans of consolidation with land fill manager and how this person has taken on more technical work, why the increase to full-time is needed. Mr. Edwards gave a lengthy explanation of who does what and how things are falling behind not only in his department but also Planning & Zoning. Departments are already at the point of not being able to keep up. The position that needs to be filled is something that can be trained in a two-week period. Chairman Tilden would recommend tabling this until after the election.

Commissioner Thiel suggested this might be the time the county restructure, and one way would be to move small wastewater permits to the Engineering department. Hiring one person to do several jobs. Commissioner Overfield suggested a work session to look at this aspect.

Park County Commissioners – RE: Discussion on Park County Property and Park County Drug Court Property

Mr. French, prior Commissioner, gave a history lesson on land that was purchased by the county to house a new Library. All office space remained full after the county purchased the building. Mr. French reminded the board that in 50 years when they need more land what that cost would be, way more and would probably be located outside the city. At the time the county purchased the post office approached about possibly expanding their facility, the senior center also talked about relocating and building new was another desire mentioned.

Commissioner Fulkerson questioned thoughts regarding the blue house on the corner that Drug Court recently moved out of. Commissioner Thiel questioned whether these were good moves or bad moves, but the properties would at least be back on the tax rolls. Commissioner Thiel recommends pursuing public comments on the liquidation of the properties.

Commissioner Fulkerson asked Mr. Musser a local land developer his thoughts. Mr. Musser sees both sides, lot of room at the complex for growth, as for the corner lot he sees both sides adding it back to tax rolls or remain owner and rent out.

Commissioner Livingston would like to see a work session on the whole thing and hash it out. Commissioner Overfield thanked Mr. Schultz with Sage Engineering for all the work put together so far. A work session has been scheduled for November 10.

Yellowstone Regional Airport Interim Airport Manager, Ray Lee and Chairman of the Yellowstone Regional Airport Board, Bucky Hall – RE: Introduction Ray Lee and Yellowstone Regional Airport Current Activities

Mr. Hall introduced Ray Lee and gave an update on hiring ADK which is a search company for Mr. Hooper's replacement. Mr. Lee gave a brief description of his work with the airport, being a past board member, aeronautics pilot association, member of CYAIR and commercially licensed pilot. When COVID 19 arrived last spring air travel since April 2020 boarded only 5%, a 95% reduction and boarded 60% in September and about 55% on car rentals. The relief funds have helped

with money tripling the parking lot space, rental car facility, and landing strip lighting plans. The other good thing with Covid funding YRA was able to return some funds the county and city of Cody had given them and hope it will be several years before coming back to the County. Commissioner Tilden asked for clarification on the landing lighting which will allow pilots to see the airport a greater distance away.

Commissioner Overfield asked where we are on United and Sky West for the future. Mr. Hall stated they are still willing to come provide service. Commissioner Fulkerson questioned the relation with Choice aviation and hoping to see changes. Mr. Hall stated hopefully the new manager will rebuild the relationship, as prior manager had a very bad relationship with Choice. Commissioner Livingston what is status on car wash facility with the windfall of Cares money. Mr. Hill moving forward and adding taxi ways and more rentals and searching for other revenue generating ideas. Commissioner Fulkerson stated he heard county appointees voted no regarding giving the monies back to the city and county. Mr. Wilbur, YRA board member, voted no as he felt it was a timing issue to retain those monies and then give the monies back after the CARES money was received.

Mr. Musser stated he has been attending board meetings and it is not very functional board. When he was on the board, we were told come through door leave our egos and agendas at the door. This board seems to be butting heads, he was also told he could not make comments at the public meetings. Votes are usually tied with Chairman Hall voting to break the tie. Mr. Musser stated kind of a good old boy system. New ideas bring and put on table and county and city both look at what they need as a board member and that is a lot of disconnect.

Mr. Lee stated he hears what Mr. Musser is saying and has been very successful with my career and can help. Commissioner Overfield read the joint power board agreement and need to be updated and as we progress with new director should look at the agreement modify and update.

Adjourn.

Commissioner Livingston made a motion to adjourn, Commissioner Overfield 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