

Park County Board of County Commissioners
Regular Meeting
 Wednesday, November 4, 2020

Chairman Tilden called to order a regular meeting of the Board of County Commissioners of Park County, Wyoming, on Wednesday, November 4, 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 Livingston made a motion to approve the following consent agenda items: minutes from October 20, bi-weekly payroll in the amount of \$413,475.46; vouchers; approve ads for January 2021 Park County Board Appointments for: (1) Incorporated (3) Unincorporated Appointments – Meeteetse Local Planning Area Advisory Committee, (2) County Appointment – Park County Fair Advisory Board, (2) Cody Appointment – Buffalo Bill Dam Advisory Board, (1) Cody (2) Powell Appointment – Park County Parks & Recreation Board, (1) Powell (1) Cody (2) At-Large Appointment – Park County Historic Preservation Commission, (1) Cody/Powell Rural Appointment – Park County Planning & Zoning Commission. Commissioner Thiel seconded and the motion carried.

Payee	Amount
360 OFFICE SOLUTIONS	\$57.51
ALBERTSONS - SAFEWAY	\$351.52
AT&T MOBILITY	\$1,661.68
AUTOSHOP, INC.	\$748.95
B & B FLEET SERVICE	\$125.00
BASIN EQUIPMENT REPAIR	\$140.50
BASIN MECHANICAL, INC.	\$204.40
BEAR CO., INC.	\$29.73
BENNETT, M.D., THOMAS L.	\$4,335.20
BIG HORN CO-OP MARKETING ASSN.	\$159.98
BIG HORN COUNTY CORONER	\$1,000.00
BIG HORN RADIO NETWORK	\$300.00
BIG HORN RURAL ELECTRIC COMPANY	\$385.84
BIG HORN TREE & SHRUB CARE LLC	\$2,000.00
BIG HORN WHOLESALE, INC.	\$1,885.62
BLACK HILLS ENERGY	\$1,720.83
BLAIR'S MARKET	\$43.92
BLUE RIBBON TREE SERVICE	\$350.00
BOB BARKER COMPANY	\$659.96
BONINE, DUNCAN	\$99.15
BRANDON-WINTERMOTE, KIMBERLY	\$89.95
BRUCE, ROY	\$1,079.91
BUILDERS FIRST SOURCE	\$69.98
CARQUEST AUTO PARTS - #064250	\$16.85
CDW GOVERNMENT, INC.	\$232.73
CHARTER COMMUNICATIONS	\$99.99
CODY ACE HARDWARE	\$293.98
CODY ENTERPRISE	\$2,037.45
CODY, CITY OF	\$3,187.30
CRAMPTON, WILLIAM E.	\$157.91
CROFT, KIMBALL	\$168.00
CRUM ELECTRIC SUPPLY CO.	\$349.61
DENNY MENHOLT CHEVROLET BUICK GMC	\$157.05
DETCO	\$130.83
ENGINEERING ASSOCIATES	\$4,311.87
FULL DRAW CONSTRUCTION	\$1,632.00
GARLAND LIGHT & POWER CO.	\$888.00
GOODYEAR PRINTING	\$156.00

HEART MTN FARM SUPPLY	\$270.11
HEARTLAND AG - BUSINESS GROUP	\$160.00
IVERSON SANITATION	\$50.00
JD POWER	\$240.00
JONES, RICHARD B	\$102.60
KINCHELOE PLUMBING & HEATING	\$2,798.17
KOIS BROTHERS EQUIPMENT COMPANY, INC.	\$1,381.67
MAJESTIC LUBE, INC.	\$54.95
McKESSON MEDICAL SURGICAL	\$245.91
MONTANA-DAKOTA UTILITIES CO.	\$685.80
MORRISON MAIERLE INC	\$5,602.33
MORRISON, MARION	\$75.00
MOTOR PARTS, INC.	\$109.98
MURDOCH OIL, INC.	\$8,841.16
NATIONAL BUSINESS SYSTEMS	\$614.62
NEWEGG BUSINESS, INC.	\$2,190.41
O'REILLY AUTO PARTS - CODY	\$41.00
POLEY, BARBARA	\$44.86
POWELL ACE HARDWARE, LLC	\$28.99
POWELL TRIBUNE, INC.	\$1,097.13
POWELL VALLEY HEALTHCARE, INC.	\$9,133.30
POWERPHONE, INC.	\$399.50
PUTNEY, LINDA	\$101.45
QUILL CORPORATION-	\$426.40
REED SMITH LLP	\$1,824.40
REED, DARLENE	\$29.90
ROCKY MOUNTAIN POWER	\$98.34
SABER PEST CONTROL	\$200.00
SAGE CIVIL ENGINEERING, INC.	\$5,720.00
SANOFI PASTEUR, INC	\$15,622.48
SAUCEDA, DAVE	\$59.80
SCHLATTMANN LAW OFFICE	\$480.00
STOTZ EQUIPMENT	\$100.03
SYSCO FOOD SERVICES OF MONTANA	\$1,124.19
TCT WEST, INC	\$8,441.62
THOMPSON FUNERAL HOME	\$595.00
TYLER TECHNOLOGIES, INC.	\$1,000.00
UPS STORE, THE	\$48.36
VARDIMAN, JEREMIAH	\$155.25
VERIZON WIRELESS	\$198.82
VERIZON WIRELESS	\$154.56
VISION WEST, INC.	\$582.00
WAL MART COMMUNITY/GEMB	\$714.36
WEBSTER, II, C.E., ATTORNEY LLC	\$550.00
WYOMING DEPARTMENT OF HEALTH/PBL HLTH LB	\$6.00
WYOMING INFORMATION TECHNOLOGY DIV	\$445.25
WYOMING SECRETARY OF STATE	\$30.00
TOTAL	<u>\$104,194.90</u>

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

Ms. Hill clarified facts from questions during the last commissioner meeting clarifying what is considered a special event. After discussion and hearing from Attorney Simpson and Attorney Stinson Commissioner Thiel made a motion to find in violation of SUP-158 for the event in question which was the music festival and impose a fine of \$300.00, Commissioner Livingston seconded with an amendment that the use was not in harmony or compatible with surrounding land uses, Commissioner Thiel accepted the amendment. Attorney Simpson asked for clarification, Commissioner Livingston stated the SUP was granted with specific condition that all parties agreed too and that the event held was not compatible with the neighborhood. After brief discussion Chairman Tilden called for the question and the motion carried.

Park County Planning & Zoning Director, Joy Hill – RE: Public Hearing: Hooper Request to Amend SUP-158

Chairman Tilden opened the public hearing.

Mr. Dillivan presented the staff report which was provided to the board. The Hooper's are requesting a modification of SUP-158 to allow outdoor amplified entertainment so long as the sound produced shall not exceed the maximum permissible sound level beyond the owner's property line as specified by Appendix 20 for noise for commercial operations.

The property is located at 53 Stagecoach Trail 17 miles west of Cody. The SUP use is classified highway commercial business. Neighboring land uses are predominantly residential. Legal notices and agency referrals were met.

A brief history was given with regards to how the property was used in the past. A history of the SUP was given with conditions that were approved, since that time complaints have been filed with regards to amplified music and the hosting of annual music festivals (two events have been held) which were never discussed during the approval of the SUP-158.

Numerous public comments have been received in opposition stating they feel the Hooper's are operating in violation of their SUP. The lack of specificity of the proposed language resulted in more frequent outdoor amplified entertainment events of the Hooper property which are not consistent with a highway commercial business.

Chairman Tilden called for public comment.

Mr. Simpson, representing the Hooper's and Mr. Stinson representing some of the neighbors both made comments. Mr. Hooper and Mr. Burgin both made comments regarding their own properties. With time running short Commissioner Livingston moved to continue the public hearing to November 10 at 2:30 p.m. Commissioner Overfield seconded, and motion carried.

Park County Planning & Zoning Planner II, Kim Dillivan – RE: Zuercher Minor Subdivision Final Plat Minor Review-37

Mr. Dillivan presented the final plat application including payment. The applicants request approval to subdivide a 162.81-acre parcel into one 15.3-acre lot for residential use and 152.91 remainder parcel. The zoning district is GR-Powell. The property is located four miles southwest of Ralston.

Commissioner Thiel moved to approve the final plat, Commissioner Overfield seconded, and motion carried. **RESOLUTION 2020-67**

Park County Planning & Zoning Director, Joy Hill – RE: Public Hearing: Pape Bank Stabilization Repair Project Permit #5-20 Review

Chairman Tilden opened the public hearing.

Ms. Hill presented the floodplain development permit stating the existing bank riprap along approximately 460ft. of the applicant's property has partially eroded and migrated into the main channel due to the high spring runoffs over the past several years. The Army Corps of Engineers letter was received March 18, to commence with the activities.

Public hearing, neighbor and agency notices were sent. Mr. Edwards in Public Works has no concerns.

Chairman Tilden called for public comments. Bob Curtis and Kenny Daniels both had questions and comments which Ms. Hill answered. There being no further public comments Commissioner Livingston made a motion to close the public hearing, Commissioner Thiel seconded, and motion carried.

Commissioner Thiel moved to approve with condition to match the permit with the Corp of Engineers date for completion to March 18, 2022, Commissioner Fulkerson seconded, and motion carried. **RESOLUTION 2020-68**

Park County Planning & Zoning Director, Joy Hill – RE: Public Hearing – Kneer Bank Stabilization Repair Project Permit #6-20 Review

Chairman Tilden opened the public hearing.

Ms. Hill presented the floodplain development permit to add additional materials by the contractor to restore and reconstruct the existing bank riprap to prevent further erosion of private property. A letter of approval from the Army Corps of Engineers was received May 6, 2020.

Public hearing, neighbor and agency notices were sent. Mr. Edwards in Public Works has no concerns.

Chairman Tilden called for public comments. Kenny Daniels asked where the contractor would enter the river. There being no further public comments Commissioner Livingston made a motion to close the public hearing, Commissioner Overfield seconded, and motion carried.

Commissioner Overfield moved to approve with change of date to match the permit with the Corp of Engineers date for completion to March 18, 2022, Commissioner Thiel seconded, and motion carried. **RESOLUTION 2020-69**

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

Ms. Hill stated this is a continuing discussion with regards to portable toilets and other concerns sent in from the public. After receiving written comments from several engineering and construction firms, Mr. Herweyer, Operations Manager of Keele Sanitation and James Brough with DEQ, the discussion then turned to portable toilets at construction projects and short-term rentals located within Park County. Many suggestions were made pertaining to regulating portable toilets. Commissioner Overfield questioned the health, safety and wellness for property owners that have portable toilets for longer period on their property and how that effects their neighbors? With a lot of questions needing answered and further discussions, Commissioner Livingston made a motion to continue this until December 1 at 10:15 a.m., Commissioner Overfield seconded, and motion carried.

Park County Public Works Operations Manager, Trapper Marsh – RE: Open Sealed Bids for One (1) Loader for Road & Bridge Division of the Park County Public Works Department

Mr. Marsh stated two bids were received, one from Honnen Equipment for a John Deere, total bid \$183,000.

Caterpillar was the second bid received in the amount of \$180,610. The department will return this afternoon with the recommendation and further details.

Park County Planning & Zoning Planner II, Kim Dillivan – RE: Faith Lutheran Simple Subdivision Amended Plat-205 (Lot 1)

Mr. Dillivan presented the amended plat for Faith Lutheran Church of Powell to adjust the north and east boundaries. A gain of 6.71-acres to the subdivision is proposed. Ownership of the neighboring parcel is Ronald R. and Theodora Jones. No public hearing is required, and no public comments have been received. Commissioner Livingston moved to approve the boundary line adjustment, Commissioner Thiel seconded, and motion carried. **RESOLUTION 2020-70**

Park County Clerk, Colleen Renner – RE: Park County Health Incentive Program

Clerk Renner presented to the board the recommendation from the Health, Safety & Wellness committee that the continuation of \$500 be paid to employee and spouse for completing the designated incentives. After discussion on actual savings to the plan to continue \$500 by doing the blood draw, the high deductible that employees pay, the health insurance funds available currently. Commissioner Overfield made a motion to approve the proposal for July 1, 2020- June 30, 2021, with a payout of \$500.00, Commissioner Fulkerson seconded. After discussion of needing to find funds and this is a big portion of our budgets Chairman Tilden called for the question, Commissioners Livingston, Fulkerson and Thiel opposed.

Commissioner Livingston made a motion to approve the program less the \$500 payout but still allowing the physical and blood draw to be paid by the insurance, Commissioner Thiel seconded, and motion carried.

Cody Regional Health Chief Executive Officer, Doug McMillan – RE: Approve a State Lands & Investment Letter of Support to Reallocate Park County Excess Dollars to Cody Regional Health

Director McMillan introduced Ms. Jacobs and Ms. Mullaney. Ms. Jacobs presented to the board the usage of the Corona Virus grant dollars which are administered by SLIB board. The funds have kept drive through testing possible, PPE, expanded availability of the labs, paying Billings clinic staffing, and testing through 2021. After further explanations and discussion Commissioner Overfield made a motion to approve the request from Cody Regional Health allocation be \$1,316,392 that Park County will not be using from State Land Investment Board, Commissioner Livingston seconded, and motion carried.

Powell Valley Healthcare Q1/Risk Management Specialist, Payton Allerheiligen – RE: Approve a State Lands & Investment Letter of Support to Reallocate Park County Excess Dollars to Powell Valley Healthcare

Ms. Allerheiligen stated the similar situation is happening with the Powell Valley Healthcare as Cody Regional Health, twelve applications approved for twelve projects allowed us. The purchase of equipment to help with the influx of patients for negative pressure rooms, seeing an increase and be prepared. Commissioner Thiel moved to approve the letter and allow the use of \$178,399, Commissioner Livingston seconded, and motion carried.

Park County Engineer, Brian Edwards – RE:

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**

Mr. Edwards stated five bids were received and after reviewing recommends the purchase of the Western Star Model 4700 SF with no trade for \$114,372. Commissioner Livingston made a motion to approve the purchase of the Western Star, Commissioner Thiel seconded, and motion carried.

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 presented the recommendation to purchase two (2) Western Star Model 4700 SF dump trucks without trade for \$425,928 with standard warranty plus 5-year extended warranty for remote diagnostics, Commissioner Thiel made the motion to accept the recommendation, Commissioner Livingston seconded, and motion carried.

3. **Review and Consider Staff Recommendations for Purchase of One (1) Loader for Road & Bridge Division of Park County Public Works Department**

Mr. Edwards presented the bids received and recommends purchasing the CAT Model 950M with bucket scales in the amount of \$183,650 net after trade. Commissioner Livingston made a motion to accept the recommendation, Commissioner Thiel seconded, and motion carried.

Park County Engineer, Brian Edwards – RE: Approval for Park County Public Works Personnel

Mr. Edwards gave a brief history of the employee in the Landfill that will not be returning to the Clark position. Commissioner Livingston made a motion to allow the advertising of the position until filled but to not exceed allocated time for the current employees filling the time for this position, Commissioner Fulkerson seconded, Ms. Morris stated she will notify the contractors that use the landfill in Clark regarding the closure, and motion carried.

Mr. Edwards is requesting to fill the equipment operator position at the Powell road bridge which has been vacant since April and to make the technical assistant position full time. After discussion of possible layoffs Commissioner Thiel agreed to allow them to work within their budget and approved the hiring and reinstating the fulltime position of the technical assistant, Commissioner Livingston seconded, and motion carried. Mr. Edwards stated at some point we may need to look at cutting some of the services offered if not allowed to remain fully staffed.

Park County Planning & Zoning Director, Joy Hill – RE: Approval for Park County Planning & Zoning Personnel

Ms. Hill suggested the change in this position to fulltime to not only do Small Wastewater permits but to devote time to work on other needs within the office and is requesting a planning technician to be added to her staff. The job description was presented with a starting wage of \$15.82 to \$19.82 range dependent on qualifications. After discussion on the new land use plan and other projects approaching which they will need Ms. Hill expertise on Commissioner Overfield moved to approve the planning technician fulltime position, Commissioner Fulkerson seconded, and motion carried.

Park County Sheriff, Scott Steward – RE: Approval for Park County Sheriff Personnel

Rescheduled for November 10.

Park County Farm Service Executive Director, Darla Rhodes – RE: Paark County 2020 Disaster Designation

Ms. Rhodes come before the board at the request of a local bean producer to have Park County declared a disaster area because of a freeze. Currently Park County is a contiguous county to the surrounding counties that have qualified for the disaster. After running the percentage on the bean producers' acres planted and acres destroyed, the percentage was not at or above 30% which is needed for a declaration of disaster in Park County. Ms. Rhodes stated the commissioners could or could not make the declaration. The commissioners didn't make a motion to move forward with the request from Ms. Rhodes.

Park County Commissioners – RE: Approval and Sign Letter for Park County Contribution of the Cost for a Consultant to Assist Cooperating Counties in the BLM's Grazing Regulations Revisions

Commissioner Thiel gave a brief update on the grazing regulations which were last revised 25 years ago. Time is of the essence in getting our point across on changes recommend to the new regulations. Counties have reached out to consulting company to help with the process and if agreed the cost to Park County would be \$1,900.00. After discussion Commissioner Fulkerson moved to approve the \$1,900.00 if needed to apply for the grants to allow for a review of the regulations, Commissioner Livingston seconded, and motion carried.

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