

**Park County Board of Commissioners  
March 13, 2007  
Regular Meeting**

Proceedings of a regular meeting of the Board of County Commissioners of Park County, Wyoming, held in Cody, Wyoming on Tuesday, March 13, 2007. Present were Commission Chair Bucky Hall, Commissioners Marie Fontaine, Tim French, Bill Brewer and Jill Shockley Siggins and County Clerk Kelly Jensen.

**Preliminary Draft Environmental Impact Statement – YNP Winter Use**

Commission Chairman Hall outlined a proposal from Ecosystem Research Group (ERG) to provide comments on the Preliminary Draft Environmental Impact Statement (PDEIS) for Yellowstone National Park (YNP). ERG has proposed submitting comments on behalf of Park County for a fee of \$16,686.00. The deadline for the draft statement is March, 2007.

Commissioner Fontaine made a motion, seconded by French, to authorize ERG to provide comments on the PDEIS for YNP behalf of the Park County Board of Commissioners for a fee of \$16,686.00 from the \$50,000 Governor's fund. Motion carried.

**Beartooth Highway**

Commissioners considered a request for Park County to be a cooperating agency for the Beartooth Highway Strategic Redirection regarding maintenance and reconstruction of the Beartooth Highway. Commissioners and community members expressed concern over the timing by the National Park Service in stating they do not have sufficient funds to guarantee the Beartooth Highway can be plowed and open for public use by Memorial Day each year. Those speaking also recognized a desire to remain informed as the discussions continue. Commissioner Fontaine stated she would not support a project that in any way undermines efforts to keep the East Entrance open during the winter. All who spoke expressed concern that the issue could create animosity between two states with concerns over entrances to Yellowstone National Park.

Commissioner Brewer made a motion, seconded by French, to include Park County as a Cooperating agency in the coalition to maintain and reconstruct portions of the Beartooth Highway. Voting in favor of the motion were Commissioners Shockley Siggins, Brewer and French. Opposed was Fontaine, stating she opposes any action that may redirect efforts to maintain winter access to the east entrance to YNP. Motion carried.

**Legislative Funding – Process Required**

County Clerk Jensen presented information from the State Land and Investment office for funding set aside by the Wyoming State Legislature. She outlined the process to determine funding allocation for capital projects, which requires a consensus between Park County and municipalities representing at least 70% of the incorporated population of the County. At this time it appears there is up to \$2,299,294 available for capital projects through Park County, its municipalities and possibly special districts.

Chairman Hall stated he would coordinate a meeting with municipalities to develop a process for establishing a consensus list of projects, as required by the State. The County Clerk will notify the municipalities and establish a meeting date and time. No action was taken.

**Amend Agenda**

Commissioner Fontaine made a motion, seconded by Shockley Siggins, to amend the agenda to consider a grant application to the Wyoming Council for the Humanities and a request to fill a position in District Court. Motion carried.

**Friends of Park County History Grant Application**

Commissioner Fontaine made a motion, seconded by French, to pledge \$2,500.00 as matching funds for a grant application to the Wyoming Council for the Humanities for a photo essay project celebrating Park County's Centennial in 2009. A letter will be sent to the Friends of Park County History stating the funds will be established in the FY 2008 budget. Motion carried.

**Right-of-Way Agreements – Translators and Repeater**

Commissioner Brewer made a motion, seconded by Shockley Siggins, to approve right-of-way permits with the USDA Forest Service for the Ghost Creek and Dead Indian

TV Translators and the Dead Indian Sheriff's Department Repeater and to allow the Chairman to sign the agreements. Motion carried.

**District Court – Request to Fill Position**

Commissioner French made a motion, seconded by Fontaine, to authorize District Court to fill an existing position for a legal secretary that will be vacant March 26, 2007. Motion carried.

**Pandemic Flu Exercise**

Commissioner Fontaine made a motion, seconded by Brewer, to authorize the Public Health office to spend up to \$70 for refreshments and supplies for a Pandemic Flu Tabletop exercise March 28, 2007 at the Park County Complex. Motion carried.

**ADM Road Vacation**

Commissioner French made a motion, seconded by Fontaine, to approve **RESOLUTION 2007-13**, A RESOLUTION VACATING A PORTION OF SHERIDAN AVENUE WITHIN THE TOWNSITE OF GARLAND. Motion carried.

**Nemitz Simple Subdivision SS-66**

Assistant County Planner Nikki Burnett presented the Nemitz Simple Subdivision SS-66 whose applicants are Marvin and Adele Nemitz. It is described as a two-lot subdivision totaling 5.28± acres on Lot 1 and 11.57 ±- acres on Lot 2, in the GR-5 zoning district, from an original parcel containing 16.85± acres within the E1/2NE1/4SE1/4, Lot 58, T. 52N., R. 101 W., 6<sup>th</sup> P.M., Park County, Wyoming.

Commissioner Fontaine made a motion, seconded by French, to approve **RESOLUTION 2007-14**, APPROVAL OF A FINAL PLAT FOR THE NEMITZ SS-66 SIMPLE SUBDIVISION WITHIN THE E1/2NE1/4SE1/4, LOT 58, RESURVEY, T. 52N., R.101 W., 6<sup>TH</sup> P.M., PARK COUNTY, WYOMING. The motion further specified that access for Lot 1 and Lot 2 shall be onto Sunrise Road by private easement, as described in the Planning and Zoning Resolution for this Simple Subdivision. Motion carried.

**Public Hearing – Thomas and Barbra Klein Special Use Permit**

Commission Chairman Hall opened a public hearing to consider the application of Thomas and Barbra Klein for a Special Use Permit to allow a highway commercial business for a motorcycle, ATV and snowmobile repair business and a minor commercial business for a sales and accessory sales shop. The property is located east of Ralston, east of Lane 11, north of Highway 14-A at 545 Main. The legal description is a parcel of land located within Lot 1 and Lot 2, Bloom Subdivision, T.55N., R.100W., 6<sup>th</sup> P.M., Park County, Wyoming, within the T (Transitional) zoning district.

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

Commissioner Fontaine made a motion, seconded by Shockley Siggins, to approve **RESOLUTION 2007-15**, APPROVAL OF A SPECIAL USE PERMIT TO ALLOW A “HIGHWAY COMMERCIAL BUSINESS” FOR A MOTORCYCLE, ATV, AND SNOWMOBILE REPAIR BUSINESS AND A “MINOR COMMERCIAL BUSINESS” FOR A SALES AND ACCESSORY SALES SHOP WITHIN LOT 1 AND LOT 2, BLOOM SUBDIVISION, T.55N., R.100W., 6<sup>TH</sup> P.M., PARK COUNTY, WYOMING. Motion carried.

**Public Hearing - High Plains Major Subdivision Special Use Permit**

Commission Chairman Hall opened a public hearing to consider the application of Edwin and Carol Higbie for a Special Use Permit to allow a Major Subdivision of 32.78± acres into six (6) single-family residential lots ranging in size from 5.04± acres to 6.37± acres with an exempt remainder of 177.94± acres from an original parcel containing 210.99± acres in the GR-5 (General Rural 5-Acre) zoning district. The property is located at 77 Road 2AC, north of Road 2AC, northwest of Cody. The legal description is Tract 74-C of Section 19, T.53N., R.101W., 6<sup>th</sup> P.M., Park County, Wyoming.

There being no comments, Commissioner Fontaine made a motion, seconded by Shockley Siggins, to close the public hearing. Motion carried.

Commissioner French made a motion, seconded by Fontaine, to approve **RESOLUTION 2007-16**, APPROVAL OF A SPECIAL USE PERMIT FOR THE HIGH PLAINS MAJOR SUBDIVISION, LOCATED WITHIN TRACT 74-C OF SECTION 19, T.53N., R.101W., 6<sup>TH</sup> P.M., PARK COUNTY, WYOMING. Motion carried.

**WCCA/OJJDP Grant Application**

Commissioner Brewer made a motion, seconded by Fontaine, to approve a \$40,000 Office of Juvenile Justice and Delinquency Prevention (OJJDP) Non-Participating Grant Application to the Wyoming County Commissioners Association to pay for supplies, training and partial salaries and authorize the chair to sign the application. Motion carried.

**Final Plat - Barrusville #2 Major Subdivision**

Assistant County Planner Nikki Burnett presented the Barrusville #2 Major Subdivision Permit and Final Plat whose applicant is RB Construction, Inc. It is described as a major subdivision located in the R-H zoning district, dividing 26.86± acres into 24 (twenty-four) residential lots of 0.88± acre to 1.31± acres each on land within Tracts A and B, Barrusville Subdivision, Lot 3, Amended Plat of Lots 2, 3, 4 and Lot 7, Barrusville Subdivision, Lot 7 of the Amended Plat of Lot 4 and Lot 7, of the Amended Plat of Lots 2, 3, 4, and Lot 7 Barrusville Subdivision, and the East 161 feet of Lot 2, Musketeer Acres, within Tract 38, Resurvey, T.53N., R.101W., 6<sup>th</sup> P.M., Park County, Wyoming.

Commissioner French made a motion, seconded by Fontaine, to approve **RESOLUTION 2007-17, APPROVAL OF THE SUBDIVISION PERMIT AND FINAL PLAT FOR BARRUSVILLE SUBDIVISION NO. 2 WITHIN TRACTS A AND B, BARRUSVILLE SUBDIVISION, LOT 3, AMENDED PLAT OF LOTS 2, 3, 4 AND LOT 7, BARRUSVILLE SUBDIVISION, LOT 7 OF THE AMENDED PLAT OF LOT 4 AND LOT 7, OF THE AMENDED PLAT OF LOTS 2, 3, 4, AND LOT 7 BARRUSVILLE SUBDIVISION, AND THE EAST 161 FEET OF LOT 2, MUSKETEER ACRES, WITHIN TRACT 38, RESURVEY, T.53N., R.101W., 6<sup>TH</sup> P.M., PARK COUNTY, WYOMING.** Motion carried.

**Executive Session**

Commissioner Fontaine made a motion, seconded by Shockley Siggins, to go into executive session pursuant to Wyoming Statute 16-4-405(a)(ix) to consider or receive confidential information. Motion carried.

Commissioner French made a motion, seconded by Brewer, to go out of executive session and return to the regular meeting.

**Adjournment**

There being no further business to come before the Board of County Commissioners, Commissioner Fontaine made a motion, seconded by Brewer, to adjourn the meeting. Motion carried.

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Bucky Hall, Chairman  
Park County Board of Commissioners

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Bill Brewer, Commissioner

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Marie Fontaine, Commissioner

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Tim French, Commissioner

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Jill Shockley Siggins, Commissioner

Seal:  
Attest:

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Kelly Jensen, County Clerk