

**OFFICIAL SUMMARY PROCEEDINGS
OF THE BOARD OF COUNTY COMMISSIONERS, TETON COUNTY, WYOMING**

The Teton County Board of Commissioners met in regular session on **February 5, 2019** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 9:02am and the Pledge of Allegiance was recited.

ROLL CALL

County Commission: Natalia Macker Chair, Greg Epstein Vice-Chair, Mark Barron, Mark Newcomb, and Luther Propst were present.

MINUTES

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to approve the **1/8/19, 1/14/19, 1/15/19, 1/22/19, 1/28/19, and 1/29/19** minutes. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

ADOPTION OF AGENDA

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to adopt today's agenda as presented with the changes as noted.

Chair Macker called for the vote. The vote showed all in favor and the motion carried.

CONSENT AGENDA

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to place the following Matters from Staff on a Consent Agenda:

1. Consideration of Approval of a Workforce Rental Restriction at 3180 Adams Canyon Road
2. Consideration of Approval of the Amended and Restated Workforce Restriction for 4275 Polo Pony Road
3. Consideration of Approval of a Residential Lease Agreement for 440 W. Kelly
4. Consideration of Approval of an Employee Residential Rental Lease at 11055 South Highway 89, Hoback Cabins Unit 8
5. Consideration of Approval of an Employee Residential Rental Lease at 1230 W. Fresno Drive, Rafter J
6. Consideration of Approval of Amendment 1 to the FY2019 Contract Between Wyoming Department of Health, Public Health Division, Teton County Health Officer, and Teton County to Provide Support for Public Health Emergency Preparedness and Response Services
7. Consideration of Approval of Amendment 1 to the FY2019 Contract Between Wyoming Department of Health, Public Health Division, and Teton County
8. Consideration of Approval of Nixle Everbridge Quote
9. Consideration of Approval of an Agreement with New Level Group, LLC for Facilitation Services
13. Consideration of a Contract for Graphic Design Services for the 2019 Teton County Fair
14. Consideration of a Carnival Contract for the 2019-2026 Teton County Fair
15. Consideration of a Petting Zoo Contract for the 2019 Teton County Fair

Chair Macker called for the vote. The vote showed all in favor and the motion carried.

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to approve the items on the Consent Agenda with the motion as stated in their respective staff report. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

MATTERS FROM COMMISSION AND STAFF:

1. Consideration of Approval of a Workforce Rental Restriction at 3180 Adams Canyon Road

To approve the Special Restrictions for Workforce Rental Housing Located at 3180 S. Adams Canyon Road as presented.

2. Consideration of Approval of the Amended and Restated Workforce Restriction for 4275 Polo Pony Road

To affirm the Complete Amendment and Restatement Special Restrictions for Workforce Ownership Housing Located at 4275 Polo Pony Road Teton County, Wyoming.

3. Consideration of Approval of a Residential Lease Agreement for 440 W. Kelly

To approve the rental lease agreement for 440 W. Kelly.

4. Consideration of Approval of an Employee Residential Rental Lease at 11055 South Highway 89, Hoback Cabins Unit 8

To approve the Lease Agreement for 11055 South Highway 89, Hoback Cabin Transitional Unit #8 with Teton County Employee, Brian Hayden, for \$685 per month and a \$685 security deposit.

5. Consideration of Approval of an Employee Residential Rental Lease at 1230 W. Fresno Drive, Rafter J

To approve the Lease Agreement with Sarah Mann for 1230 W. Fresno Drive.

6. Consideration of Approval of Amendment 1 to the FY2019 Contract Between Wyoming Department of Health, Public Health Division, Teton County Health Officer, and Teton County to Provide Support for Public Health Emergency Preparedness and Response Services

To approve amendment 1 to the FY'19 Contract between the Wyoming Department of Health, Public Health Division, Teton County Health Officer and Teton County for supplemental funding for the County Health Officer to provide support for Public Health Emergency Preparedness and Response services.

7. Consideration of Approval of Amendment 1 to the FY2019 Contract Between Wyoming Department of Health, Public Health Division, and Teton County

To approve Amendment 1 to the FY'19 Contract between the Wyoming Department of Health, Public Health Division and Teton County.

8. Consideration of Approval of Nixle Everbridge Quote

To approve the Nixle Everbridge quote for 2019 through 2022.

9. Consideration of Approval of an Agreement with New Level Group, LLC for Facilitation Services

To approve the proposal with NewLevel Group, LLC in the amount of \$900 for retreat facilitation services.

13. Consideration of a Contract for Graphic Design Services for the 2019 Teton County Fair

To approve the contract with Lily Pad Creative, in an amount not to exceed \$7450, to design the 2019 Fair Book and other promotional materials.

14. Consideration of a Carnival Contract for the 2019-2026 Teton County Fair

To approve the contract between the Fair Board and Frazier Shows Carnival from 2019-2026.

15. Consideration of a Petting Zoo Contract for the 2019 Teton County Fair

To approve the contract with Freckle Farm, in the amount of \$8,000, to provide petting zoo, pony rides, and turkey races at the 2019 Teton County Fair.

DIRECT CORRESPONDENCE

1. Joan Anzelmo 1/9/2019 email regarding Vail Resorts / JHGT
2. Lance Creamer 1/9/2019 email regarding Complaint - JH Aviation LLC
3. Leah Shlachter 1/9/2019 email regarding Library Director Hiring Process
4. Jon Wiedie 1/9/2019 email regarding BLM 9/10
5. Mary Bergeron 1/9/2019 email regarding Pathway Plowing
6. Ann Harvey 1/10/2019 email regarding Lockhart RePlat Application
7. Kelly Holmes 1/11/2019 email regarding Cell Towers
8. Joseph Wenger 1/11/2019 email regarding Vail Resorts / JHGT
9. Butch and Linda Williams 1/12/2019 email regarding SF49
10. Joan Anzelmo 1/11/2019 email regarding Gros Ventre River
11. Roberta Hendrickson 1/13/2019 email regarding Cell Towers
12. Debra Patla 1/14/2019 email regarding Fire in the Mountains Music Festival
13. Al Zuckerman 1/15/2019 email regarding SF49
14. Kelly Stirn 1/15/2019 email regarding SF49
15. Susan Johnson, Planning & Development 1/15/2019 email regarding Articles Regarding School Siting in the West
16. Gillian Chapman, Teton County School District 1/16/2019 email regarding SF49
17. Kollin Green 1/16/2019 email regarding SF49
18. Leon Campbell 1/16/2019 email regarding JH Classical Academy
19. Department of Revenue 1/17/2019 letter regarding 2019 Property Tax Appraiser Certifications
20. Lori Iverson 1/17/2019 email regarding Federal Government Shutdown
21. Rich Bloom 1/18/2019 email regarding SF49
22. Al Zuckerman 1/18/2019 email regarding SF49
23. Polly Friess 1/18/2019 email regarding JH Classical Academy
24. Pete Jorgensen 1/19/2019 email regarding SF49
25. Rich Bloom 1/20/2019 email regarding SF49
26. Butch and Linda Williams 1/20/2019 email regarding SF49
27. Andrew Salter 1/20/2019 email regarding SF49
28. Hamilton Smith, Planning & Development 1/22/2019 email regarding OWL Happenings LLC Fact Sheet and CUP & LDR Text Amendment Process Memos
29. Office of Governor Matt Mead 1/23/2019 letter regarding Part-Time Assistant Public Defender for Ninth Judicial District
30. Carla Watsabaugh 1/23/2019 email regarding SF49
31. Jack Koehler, Friends of Pathways 1/23/2019 email regarding Wilson to Snake Pathway
32. Sheryl Flug 1/24/2019 email regarding Wilson to Snake Pathway
33. Katie Wilson 1/24/2019 email regarding Wilson to Snake Pathway
34. Lewis Parker 1/25/2019 email regarding Wilson to Snake Pathway
35. Shannon McCormick 1/25/2019 email regarding Wilson to Snake Pathway
36. Amy Puccia 1/25/2019 email regarding Wilson to Snake Pathway
37. Andrew Brigham 1/25/2019 email regarding Wilson to Snake Pathway
38. Carson Stanwood 1/25/2019 email regarding Wilson to Snake Pathway
39. Don Gervais and the Gervais Family 1/26/2019 email regarding Wilson to Snake River Pathway
40. Julie O'Halloran 1/26/2019 email regarding Wilson to Snake River Pathway
41. Janet Costello 1/27/2019 email regarding Wilson to Snake River Pathway
42. Tim Young 1/27/2019 email regarding Wilson to Snake River Pathway
43. Marylee White 1/27/2019 email regarding Wilson to Snake River Pathway
44. Nick Reynolds, Casper Star Tribune 1/28/2019 email regarding New Legislation
45. Keith Benefiel 1/28/2019 email regarding Wilson to Snake River Pathway

46. Andrew Whiteford 1/28/2019 email regarding Wilson to Snake River Pathway

PUBLIC COMMENT

Public comment was given by John Culbertson, Friends of Fish Creek, regarding impacts of septic systems.

MATTERS FROM COMMISSION AND STAFF:

10. Consideration of Approval to Proceed with 45-Day Comment Period for Adoption of New Building Codes, Fire Code, and Fire New Subdivision Code

Keith Gingery, Chief Deputy County Attorney, presented to the Board to authorize the commencement of the 45-day public comment period for possible adoption of the 2018 Building Codes and Fire Codes. Pursuant to Wyoming Statute §35-9-121, Teton County presently is allowed by the State Fire Marshal to exercise local enforcement authority for fire, building, existing building standards, and electrical standards. Teton County is required in order to maintain their local enforcement authority to adopt minimum standards by resolution that are equivalent to or more stringent than those applicable standards adopted by the State of Wyoming. Teton County presently is operating under the 2015 codes that were adopted by Teton County in 2016 and went into effect on January 1, 2017.

Teton County presently operates under the following codes in compliance with the State of Wyoming requirements:

2015 International Building Code (including Appendix C, Group U-Ag buildings, Appendix E, Supp Accessibility Requirements, Appendix I, Patio Covers)
2015 International Residential Code, life/safety provisions only
2015 International Existing Building Code
2015 International Mechanical Code
2015 International Fuel Gas Code
2015 International Fire Code
2015 International Property Maintenance Code (as referenced for life-safety only)

Though not required by the State of Wyoming, Teton County chose to also adopt the following:

2015 International Residential Code, remainder of Code
2015 International Plumbing Code
2012 International Energy Conservation Code
2015 International Wild Land Urban Interface Code

The State of Wyoming adopted the new 2018 International Codes in May 2018. Pursuant to Wyoming Statute §35-9-121, a county shall adopt the new codes within 6 months of the State of Wyoming adopting.

Staff recommends that the County remain under the 2012 International Energy Conservation Code at this time. Staff is vetting the 2018 Energy Code to determine whether it will place undue hardship on the design and construction of new structures and should Teton County consider its adoption.

Teton County may choose to be more restrictive than the required 2018 International Codes but not less restrictive. In the attached 2019 Resolution, the areas where the county is being more restrictive than the State are detailed for those codes required to be adopted by the State. And for those codes that the county adopts that are not required by the State, the 2019 Resolution shows both areas where the county is more restrictive and less restrictive.

There was no discussion between the Board and staff.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to authorize the commencement of the 45 day public comment period to seek public comment on the proposed 2018 Building Codes and Fire Codes and for staff to schedule a public hearing and adoption date for April 16, 2019. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

11. Consideration of Approval of Historic Preservation Grant Agreement with State of Wyoming to Use Funds to Hire a Consultant to Promulgate Historic Preservation Strategies

Keith Gingery, Chief Deputy County Attorney, presented to the Board for consideration of approval a Wyoming State Grant to complete the "Benchmarking Historic Preservation for Jackson Hole." The State of Wyoming is providing a grant in the amount of **\$15,000.00** for Teton County to hire Winter and Company from Boulder, Colorado to develop a clearly – defined and community supported preservation plan that identifies important historic landmarks and districts. The consultant will facilitate the public process and guide the community on deciding the appropriate preservation strategies for Jackson Hole. The contract between Teton County and Winters Company is for \$46,760.00 with the difference being made up by budgeted funds currently held by the Teton County Historic Preservation Board. The grant from the State of Wyoming (which is actually pass through federal funds from the National Park Service) provides a portion of the amount needed to contract with Winters Company for Steps 1 and 2 (Existing Conditions and Assess Community Options). There is a step 3 of developing the strategy which would cost \$28,850.00 but will be discussed in the upcoming budgeting process and would be contracted for through an amendment.

Discussion between the Board and staff included the contract amendment.

Michael Stern, Teton County Historic Preservation Board, addressed the Board regarding the reason for beginning the project now instead of waiting until all funding is received. They are working with the Town Council for budgeting the remaining funds. The first two phases should take approximately six months. Pending approval of the contract, the TCHPB will meet with the consultant on February 20th.

Discussion between the Board and Mr. Stern included the original mission of the Teton County Historic Preservation Board, Town Ordinance allows the TCHPB to request a 90-day stay of historic building demolition (review any demolition permit submitted to the town) to allow for other options, project would help the community on how to

preserve historic character of the community, project is community based, historic resources throughout the county, currently working on a project looking at residential units throughout the county, concern of politics using historic preservation to stop development, and historic preservation LDRs efforts.

There was no public comment.

A motion was made by Commissioner Propst and seconded by Commissioner Epstein to approve accepting the \$15,000.00 grant from the State of Wyoming for the use in creating Historic Preservation Strategies. Chair Macker called for the vote. The vote showed 4-1 in favor with Commissioner Barron opposed and the motion carried.

12. Consideration of Approval of Contract with Winter and Co. to Provide Historic Preservation Strategies

Keith Gingery, Chief Deputy County Attorney, presented to the Board for consideration of approval a Contract with Winters and Company to complete Steps 1 and 2 (Existing Conditions and Assess Community Options) for the Historic Preservation Strategy Plan. The Teton County Historic Preservation Board has worked with the Wyoming State Historic Preservation Office to select Winters and Company of Boulder, Colorado to complete Steps 1 and 2 of the Historic Preservation Strategic Plan.

The State of Wyoming is providing a grant in the amount of \$15,000.00 for Teton County to hire Winter and Company from Boulder, Colorado to develop a clearly – defined and community supported preservation plan that identifies important historic landmarks and districts. The consultant will facilitate the public process and guide the community on deciding the appropriate preservation strategies for Jackson Hole. The contract between Teton County and Winters Company is for **\$46,760.00** with the difference being made up by budgeted funds currently held by the Teton County Historic Preservation Board. The grant from the State of Wyoming (which is actually pass through federal funds from the National Park Service) provides a portion of the amount needed to contract with Winters Company for Steps 1 and 2 (Existing Conditions and Assess Community Options). There is a step 3 of developing the strategy which would cost \$28,850.00 but will be discussed in the upcoming budgeting process and would be contracted for through an amendment to this contract.

There was no public comment.

A motion was made by Commissioner Propst and seconded by Commissioner Newcomb to approve entering into a contract with Winters and Company in the amount of \$46,760.00 to complete Steps 1 and 2 of the Historic Preservation Strategy Plan. Chair Macker called for the vote. The vote showed 4-1 in favor with Commissioner Barron and the motion carried.

The meeting was recessed at 9:44am and reconvened at 9:51am.

MATTERS FROM PLANNING & DEVELOPMENT

1. Findings of Fact and Conclusion of Law: VAR2018-0004 Second Base, LLC

Keith Gingery, Chief Deputy County Attorney, presented to the Board for consideration of approval the findings of fact and conclusions of law and order granting approval of a Variance (VAR2018-0004) at 7940 S. Ross Lane, to vary Section 5.1.6.D.2.b.i of the LDRs which requires berms located in the Scenic Overlay (SRO) to be no steeper than 20:1, in order to allow a berm in the street yard that has a slope of 2:1, as allowed outside of the SRO.

There was no discussion between the Board and staff.

There was no public comment.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve the Findings of Fact, Conclusions of Law and Order granting approval of a Variance (VAR2018-0004). Chair Macker called for the vote. The vote showed all in favor and the motion carried.

2. Finding of Fact and Conclusions of Law: MSC2018-0054 Snake River Associates, LLC

Keith Gingery, Chief Deputy County Attorney, presented to the Board for consideration of approval the findings of fact and conclusions of law and order granting approval of a Conditional Use Permit (CUP2015-0001) after a public hearing on January 8, 2019 upon the Miscellaneous Planning Permit (MSD2018-0054), from the applicant, Snake River Ranch, LLC to present its annual monitoring report, as required by the approval of the CUP and pursuant to the LDRs Section 6.1.11.K.3.n, in effect when this permit was issued.

There was no discussion between the Board and staff.

There was no public comment.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve the Findings of Fact, Conclusions of Law and Order granting approval of a Conditional Use Permit (CUP2018-0054). Chair Macker called for the vote. The vote showed all in favor and the motion carried.

3. Finding of Fact and Conclusions of Law: CUP2018-0004 Johnson, Casey and Cybil

Keith Gingery, Chief Deputy County Attorney, presented to the Board for consideration of approval the findings of fact and conclusions of law and order granting approval of a Conditional Use Permit (CUP2018-0004) pursuant to Section 8.4.2 of the LDRs to permit a dog day care and kennel home business.

There was no discussion between the Board and staff.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to approve the Findings of Fact, Conclusions of Law and Order granting approval of a Conditional Use Permit (CUP2018-0004). Chair Macker called for the vote. The vote showed all in favor and the motion carried.

- 4. Applicant:** Devil Dog, LLC
- Presenter:** Emily Cohen
- Permit No.:** MSC2019-0004
- Request:** Waive all Building and Planning Permit Fees for the construction of a new indoor sports facility, pursuant to finding 2.a of the Teton County Fee Waiver Policy.
- Location:** 3580 South Park Dr. Lot 24 South Park Service Center. Generally located 3.5 miles south of High School Road in the Business Park Zone and in the Natural Resources Overlay.

Emily Cohen, Planning Staff, presented to the Board for consideration of approval a request to waive all Building & Planning Permit fees for the construction of a new indoor sports facility, pursuant to finding 2.a of the Teton County Fee Waiver Policy (Resolution 2014-054).

Devil Dog LLC has submitted planning permits for construction of a new indoor sports facility. A number of the permits have yet to be submitted, including Development Plan, Grading and Erosion Control and Building, Plumbing and Electrical.

The total estimated costs are anticipated to be \$337,096.78. The applicant is requesting that these fees be waived and reimbursed based on applicability of the Teton County Fee Waiver Policy which states in pertinent part:

- 2. *The Board of County Commissioners of Teton County, Wyoming, may consider and approve a request for a full or partial waiver of fees, when one of the following criteria is demonstrated and met:*
 - a. *An application that demonstrates a bona-fide community benefit for the whole of Teton County, Wyoming.*

The fee waiver request applies to the following:

PLANNING

Pre-Application Sketch Plan	PAP2016-0008	\$ 600.00
Sketch Plan	SKC2016-0002	\$ 2,500.00
Conditional Use Permit	CUP2016-0005	\$ 2,500.00
LDR Text Amendment	AMD2016-0006	\$ 1,500.00
Boundary Adjustment	BDJ2017-0004	\$ 450.00
Administrative Adjustment-Parking	ADJ2017-0002	\$ 500.00
Administrative Adjustment-Setback	ADJ2018-0008	\$ 500.00
Pre-Application Development Plan	PAP2018-0108	\$ 300.00
Development Plan	Future	\$ 2,500.00
Grading and Erosion Control Permit	Future	\$ 600.00
Total Planning		\$11,950.00

BUILDING

Building Permit – Plan Review	Future	\$ 54,873.67
Building Permit Fee	Future	\$ 84,421.03
Commercial Energy Efficiency Fee	Future	\$184,072.00
Mechanical Permit	Future	\$ 358.00
Plumbing Permit	Future	\$ 358.00
Electrical Permit	Future	\$ 1,037.08
Total Building		\$325,146.78
Grand Total		\$337,096.78

Discussion between the Board and staff included a request of what is the Commercial Energy Efficiency Fee.

Joe Rice, applicant, addressed the Board regarding community support for the facility, community benefit of the facility, give back to the community, fees are less than 4% of the cost of the building, indoor track built in the facility, costs continue to escalate, maintenance of fair fee structure, and energy mitigation.

Ted Stark addressed the Board regarding the ownership of the facility, community benefit of the facility, for profit business with a non-profit heart, fees saved would pass down to the user.

Billy Nunn, Building Official, addressed the Board regarding the Commercial Energy Efficiency Fees (EMP). The EMP fees have been in place since 2010. The entire fee is not refunded. There are not a lot of refundable fees due to the square footage of commercial buildings, TOJ Energy Mitigation Fee – does not have at this time.

Public comment was given by Mike Hansen JHHS/JHMS Activities Director.

Discussion among the Board and staff included why the Town does not have an EMP fee, examples of projects that all permit fees were waived, hard and soft cost of permitting process, large complex building - impact on staff and time, criteria of fee waiver policy, partial waiver of fees – keep fees paid and waive future fees, fee waiver of \$165,000 and let staff figure the disbursement, possibility of further addressing the fees, and possible ECW funds.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve Devil Dog, LLC's Fee Waiver Request MSC2019-0004 received January 9, 2019 for \$337,096.78 of County fees associated with Planning and Building permits, being able to make findings 2.a of the Teton County Fee Waiver Policy (Resolution 2014-054) and the fee waiver will be in the amount of \$168,548.39. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

ADJOURN

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to adjourn. Chair Macker called for a vote. The vote showed all in favor and the motion carried. The meeting adjourned at 10:40am.

Respectfully submitted,

Shelley Fairbanks
Deputy County Clerk

TETON COUNTY BOARD OF COMMISSIONERS

Natalia D. Macker, Chair

Greg Epstein, Vice-Chair

Mark Barron

Mark Newcomb

ATTEST:

Luther Propst

Sherry L. Daigle, County Clerk