

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

The Teton County Board of Commissioners met in regular session on **July 3, 2018** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 9:00am and the Pledge of Allegiance was recited.

**ROLL CALL**

County Commission: Mark Newcomb Chair, Natalia Macker Vice-Chair, Greg Epstein, Smokey Rhea, and Paul Vogelheim were present.

**MINUTES**

A motion was made by Commissioner Vogelheim and seconded by Commissioner Epstein to approve the **6/14/18, 6/18/18, 6/19/18, 6/25/18, and 6/26/18** minutes as amended. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

**ADOPTION OF AGENDA**

A motion was made by Commissioner Macker and seconded by Commissioner Rhea to adopt today's agenda as presented with the following changes:

**TO ADD:** MFS #16 - Consideration of Corrective Warranty Deed Between Teton County and Teton County School District #1

**TO ADD:** MFS #17 – Consideration of a Voucher for the Closing of the Purchase of the Cottonwood Park House

**TO ADD:** MFS #18 – Consideration of a 24-Hour Cater Permit Application for Snow King Mountain Resort, LLC – Top of Snow King Mountain

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

**CONSENT AGENDA**

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

2. Consideration of First Amendment to Open Space Easement Monitoring Contract
3. Consideration of Amendment #3 to Jail Food Service Contract with CBM
6. Consideration of Annual Cooperative Agreement with WY Department of Family Services Related to Clerk of District Court Child Support Recordkeeping
11. Consideration of Phase 2 of a Contract with Creative Curiosity JH for ISWR Brand Development and Marketing Strategy
12. Consideration of Notice of Award and Contract for Phase 2 of Elevator Work at the County Jail
13. Consideration of Contract for Printer Replacements in the Facilities and Park Divisions

Chair Newcomb 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 Rhea to approve the items on the Consent Agenda with the motion as stated in their respective staff report. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

**MATTERS FROM COMMISSION AND STAFF:**

**2. Consideration of First Amendment to Open Space Easement Monitoring Contract**

To approve the First Amendment to the Open Space Easement Monitoring Contract between Teton County and Y2 Consultants, LLC for the term beginning on July 3, 2018, and ending on October 31, 2018.

**3. Consideration of Amendment #3 to Jail Food Service Contract with CBM**

To approve Amendment No. 3 to the Food Service Contract between Teton County and CBM Managed Services for the food service operation at the Teton County Detention Center for one-year term beginning on July 1, 2018, effective through June 30, 2019.

**6. Consideration of Annual Cooperative Agreement with WY Department of Family Services Related to Clerk of District Court Child Support Recordkeeping**

To approve the Cooperative Agreement for Responsibilities Between the Wyoming Department of Family Services Child Support Enforcement and Teton County Clerk of District Court for Fiscal Year 2019.

**11. Consideration of Phase 2 of a Contract with Creative Curiosity JH for ISWR Brand Development and Marketing Strategy**

To approve Phase 2 of the contract with Creative Curiosity in the not-to-exceed amount of \$8,004.00.

**12. Consideration of Notice of Award and Contract for Phase 2 of Elevator Work at the County Jail**

To sole source this project and give Notice of Award and Contract to ThyssenKrupp Elevator to complete the Phase 2 modernization of the Jail elevator in the amount of \$57,380.00.

### 13. Consideration of Contract for Printer Replacements in the Facilities and Park Divisions

To approve the two lease contract agreements with Xerox Corporation for a total of \$251.59 a month for 5 years for the Facilities and Parks Shop Division printers.

#### DIRECT CORRESPONDENCE

1. Pete Muldoon, Town of Jackson 6/13/2018 email regarding Snow King Estates Water Project Informational Meeting
2. David Ellerstein, Parks & Recreation Board 6/13/2018 email regarding Snow King Re-Development Preliminary Plan
3. Maureen Molinari 6/13/2018 email regarding Highway 89 Speedway
4. Skye Schell, Jackson Hole Alliance 6/13/2018 email regarding Wildlife Crossings Master Plan
5. Si Matthies 6/14/2018 email regarding Fire in the Mountains Music Festival
6. Katie Matthies 6/14/2018 email regarding Fire in the Mountains Music Festival
7. Donald Zak 6/14/2018 email regarding Fire in the Mountains Music Festival
8. Katherine Mead, Teton County School District 6/14/2018 email regarding Exaction Parcel
9. Andrea Riniker 6/14/2018 email regarding Fire in the Mountains Music Festival
10. Mickey Babcock 6/14/2018 email regarding Fire in the Mountains Music Festival
11. Katie Matthies 6/15/2018 email regarding Fire in the Mountains Music Festival
12. Kevin Gregory, Lubing Law Group LLC 6/12/2018 letter regarding Mahin ARU Variance Request
13. Evan Simpson 6/15/2018 email regarding Teton County Library
14. Debra Patla 6/15/2018 email regarding Fire in the Mountains Music Festival
15. Merlin Hare 6/15/2018 email regarding Fire in the Mountains Music Festival
16. Nina Ruberti 6/15/2018 email regarding Timbers Construction Clean Up
17. Mike Parent 6/15/2018 email regarding Fire in the Mountains Music Festival
18. Marc Hirschfield 6/15/2018 email regarding Fish Creek Investments Variance
19. Amy Ramage, Engineering 6/16/2018 email regarding Wildlife Crossings Master Plan Final Report
20. Penelope Maldonado 6/16/2018 email regarding Fire in the Mountains Music Festival
21. Renee Gira 6/17/2018 email regarding Fire in the Mountains Music Festival
22. Sean O'Malley, Public Works 6/17/2018 email regarding Tribal Trails Public Involvement Plan
23. Gail Jensen and Dave Coon 6/17/2018 email regarding Wildlife Crossing Master Plan
24. Peggine dePasquale 6/18/2018 email regarding EcoFlight
25. Leo Henikoff 6/18/2018 email regarding Alta North Paving
26. Kirk Davenport 6/18/2018 email regarding Wildlife Crossings
27. Hamilton Smith, Planning & Development 6/18/2018 email regarding Varian Request 2017-0004 Encroachment Letter
28. Laura and Tony Davis 6/19/2018 email regarding Mahin Variance Request 2017-0004
29. Lorna Miller 6/19/2018 email regarding Wildlife Crossings Master Plan
30. Patricia Snyder 6/19/2018 email regarding Running a Business on Private Property
31. Sandy Shuptrine 6/15/2018 regarding Petition for County Acceptance of .8 mile of Squaw Creek Road, as an extension of Game Creek Road
32. Yaron Levy 6/19/2018 email regarding Parks and Recreation Field Reservation Fees and Stipulations
33. Danya Rumore 6/20/2018 email regarding Survey of Challenges and Opportunities in Gateway and Natural Amenity Region Communities
34. Rita Miller 6/20/2018 email regarding Fire in the Mountains Music Festival
35. Roman Kostrubiak 6/20/2018 email regarding Mahin Variance 2017-0004
36. Yaron Levy 6/21/2018 email regarding Parks and Recreation Field Reservation Fees and Stipulations
37. Mike and Laura McGibben 6/21/2018 email regarding Alta Road North Paving
38. Chi Melville 6/22/2018 email regarding Paving Alta North
39. Lori Labrador 6/23/2018 email regarding HOA Contact Information
40. Rene Melville 6/23/2018 email regarding Alta North Road Paving
41. Layne Brown 6/24/2018 email regarding CUP 2018-0001, Lennox/Judget Permit
42. David Treinis 6/25/2018 email regarding Appreciation for Alta Projects
43. Kathy Tompkins 6/25/2018 email regarding Phantom TDS and the Classical Academy Application
44. Bob Culver 6/25/2018 email regarding SPET Process
45. Debra Patla and Merlin Hare 6/25/2018 email regarding Fire in the Mountains Music Festival
46. Petroleum Association of Wyoming 6/18/2018 letter regarding Current Wyoming Oil and Gas Facts and Figures Brochure
47. Bailey Schreiber, W C C A 6/25/2018 email regarding GRSG ROD/Forest Plan Amendment Proposed Action in Federal
48. Darren Brugmann, START 6/25/2018 email regarding Proterra (Electric Bus) video
49. jacksonholewy@protonmail.com 6/26/2018 email regarding Immigration Report
50. Kathy Robertson 6/26/2018 email regarding Hog Island ISD
51. Nadia Broome, State Board of Equalization 6/26/2018 email regarding Notice of Appeal - Lockhart Cattle Co
52. Mike Wheeler 6/26/2018 email regarding Hog Island ISD
53. US Court of Federal Claims 6/26/2018 letter regarding Class Action Lawsuit - PILT
54. Norris Brown 6/26/2018 email regarding Lennox/Judge Application

#### PUBLIC COMMENT

There was no public comment.

#### MATTERS FROM COMMISSION AND STAFF:

##### 1. Consideration of FY2018 Final Budget Amendment

Sherry Daigle, County Clerk, presented to the Board for consideration of approval a final budget amendment for FY18. It has an additional \$176,451.00 in the General Fund 10, an additional \$1,000,000.00 in the Housing Fund 17, an additional \$3,380.00 in the Fair Fund 32, and an additional \$191,000.00 in the Capital Fund 37 Energy Mitigation.

There was no discussion between the Board and staff.

There was no public comment.

A motion was made by Commissioner Rhea and seconded by Commissioner Vogelheim to adopt the proposed final budget amendment for FY18 as noticed on the Teton County Website and Jackson Hole News and Guide as presented today. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

#### **4. Consideration of Resolution Regarding Dissolution of Hog Island Improvement and Service District**

Keith Gingery, Chief Deputy County Attorney, presented to the Board for consideration of approval the dissolution of the Hog Island Improvement and Service District pursuant to Wyoming Statute § 22-22-408(a). The County does not operate Special Districts or ISDs. Pursuant to Wyo. Stat. §22-29-401(a)(ii) the Hog Island Improvement and Service District notified the Teton County Board of County Commissioners of their intention and request to be dissolved. The Hog Island Improvement and Service District was formed on January 3, 2017. The district is located in Teton County, Wyoming and lies at the south end of the Snake River Basin at the mouth of the Snake River Canyon, north of Hoback Junction. The district is currently served by private wells and septic systems. The district was formed to create a public sewer collection system. The Teton County School District #1 has built a new elementary school in the area and the school district has constructed a sewer line from the new elementary school to connect with the Town of Jackson's main sewer treatment center. The district had hoped to construct a central sewer collection system to tie onto the school district's new sewer line. After forming as a district, the Hog Island Improvement and Service District conducted a Level I Water Master Plan with financial assistance from the Wyoming Water Development Commission.

There are several ways for an ISD to collect money – charge, voluntary donation, or assessment. Assessments are statutory driven. In this case, they did an assessment but did not follow the statute. Some people paid, some people did not. This is what precipitated neighbors to try to dissolve the ISD.

On February 28, 2018 the Teton County Clerk received and then subsequently certified on March 8, 2018, a Petition to Dissolve the Hog Island Improvement and Service District signed by 46 of the land owners in the district. On April 9, 2018, the Board of Directors of the Hog Island and Improvement Service Districts submitted a Findings of Facts and Proposed Plan of Dissolution and Liquidation of the Hog Island Improvement and Service District and the Board of Directors scheduled an election for August 1, 2018 as to whether or not the district should be dissolved. On May 23, 2018 the Board of Directors petitioned the BCC to voluntarily dissolve the ISD.

No infrastructure was built, and no assets presently exist. There are no funds or assets to pay any debts. Five claims have been filed with the District for unpaid amounts: The Martin Family LLC in the amount of \$54,975.15; Robert D. Robertson in the amount of \$16,236.06; Ty Ross for \$3,000.00 and Bill and Kathy Robertson in the amount of \$422.29. Filed in the County Clerks Office on July 2, 2018, Faye Robertson Living Trust in the amount of \$517.45.

The Board of Directors of the ISD is Ty Ross, Casey Rammell, and Bobby Robertson.

Pursuant to Wyoming Statute §22-29-408(a) that the election required by Wyoming Statute §22-29-404 shall be dispensed with and the Hog Island Improvement and Service District is hereby declared dissolved with the following findings:

- a. Dissolution is in the best interest of the people of the county
- b. The district is not active and there is no need for the district.

The only mechanism in the statute to pay the debt is to put an assessment on the properties. If they go to the election on August 1, 2018 and fails, the ISD continues on. It may not straighten out the debt issue as it appears the debt was incurred improperly.

Discussion between the Board and staff included financial assistance from the Wyoming Water Commission, public documents, Board of Directors elected as part of the formation, budget submission and where monies went.

Public comment was given by Robbin Levy-Mommsen, attorney for neighbors within the ISD boundaries.

Discussion between the Board, Ms. Levy-Mommsen, and staff included formation petition is public record, dissolution now vs. election in August, election only gives options to dissolve and be assessed or don't dissolve, different mechanism to assess only those who participate, Hog Island ISD does not have approval from the Town of Jackson or Mr. Von Gontard, how ISDs determine who must pay and how, most ISDs collect monies as voluntary donations, mechanism in statute where ISD can redesign boundaries, district must be contiguous.

Public comment was given by Leah Corrigan, attorney for the Hog Island ISD.

Discussion between the Board, Ms. Corrigan, and staff included resolution is invalid, dissolution is done, BCC becomes the Board of Trustees for the ISD, role and responsibilities of Board of Trustees, Board of Trustees act in a fiduciary manner to wrap up the debt of the ISD, all neighbors entered in contract (contracts can be entered into orally), did neighbors know they entered into a contract, was the contract clear, Clerk sent letter on March 9 – Ms. Corrigan doesn't agree with the interpretation of the statute by the County, formation needed 60% of landowners in boundaries, minutes from ISD formation meeting.

Mr. Gingery disagreed with the statutory procedure as outlined by Ms. Corrigan.

The meeting was recessed at 10:30am and reconvened at 10:38am.

Public comment was given by Jeff Daugherty – Asst. Superintendent for TCSD, Philip Wilson, Brit Ross, Lisa Wilson, Norris Brown, Casey Rammell, Diana Vaughan, Sybil Johnson, Casey Johnson, Doyle Vaughan, and Zach Vosika.

Mr. Gingery discussed Wyoming Statute §22-29-401 Dissolution Procedure. There are two different options that are currently happening: a petition by not less than 25% of the voters owning not less than 25% of the assess valuation of property within the district; and by resolution of the district directors filed with the county commissioners when the district directors determine that it is in the best interest of the inhabitants of the district be dissolved and liquidated. He also spoke of the election being dispensed with and the county commissioners declare the district dissolved based on

(C) That the district is not active and that there is no need for the district. He also spoke of the Board of Trustees role. He advised the Board to adopt the resolution with the addition of the Faye Robertson claim added in.

Discussion between the Board and staff included TCSD debt, does this put the county in an adversarial position with the school district.

#### **Resolution #18-018**

#### **RESOLUTION DISSOLVING THE HOG ISLAND IMPROVEMENT AND SERVICE DISTRICT**

**WHEREAS**, pursuant to Wyo. Stat. §22-29-401(a)(ii) the Hog Island Improvement and Service District notified the Teton County Board of County Commissioners of their intention and request to be dissolved; and

**WHEREAS**, the Hog Island Improvement and Service District was formed on January 3, 2017. The district is located in Teton County, Wyoming and lies at the south end of the Snake River Basin at the mouth of the Snake River Canyon, north of Hoback Junction. The district is currently served by private wells and septic systems. The district was formed to create a public sewer collection system. The Teton County School District #1 has built a new elementary school in the area and the school district has constructed a sewer line from the new elementary school to connect with the Town of Jackson's main sewer treatment center. The district had hoped to construct a central sewer collection system to tie onto the school district's new sewer line. After forming as a district, the Hog Island Improvement and Service District conducted a Level I Water Master Plan with financial assistance from the Wyoming Water Development Commission; and

**WHEREAS**, on February 28, 2018 the Teton County Clerk received and then subsequently certified on March 8, 2018, a Petition to Dissolve the Hog Island Improvement and Service District signed by 46 of the land owners in the district. On April 9, 2018, the Board of Directors of the Hog Island and Improvement Service Districts submitted a Findings of Facts and Proposed Plan of Dissolution and Liquidation of the Hog Island Improvement and Service District and the Board of Directors scheduled an election for August 1, 2018 as to whether or not the district should be dissolved; and

**WHEREAS**, on May 23, 2018, the Board of Directors of the Hog Island Improvement and Service District passed a Resolution to voluntarily dissolve the district without holding an election and on May 31, 2018 passed a resolution cancelling the election scheduled for August 1, 2018; and

**WHEREAS**, the district has no assets. No infrastructure was ever built and no assets presently exist; and

**WHEREAS**, there are no funds or assets to pay any debts. Five claims have been filed with the District for unpaid amounts: The Martin Family LLC in the total amount of \$54,975.15; Robert D. Robertson in the amount of \$16,236.06; Ty Ross for \$3000.00, Bill/Kathy Robertson for \$422.29 and Faye Robertson Living Trust in the amount of \$517.45; and

**WHEREAS**, The Martin Family LLC filed on June 29, 2018 a claim against the District for \$36,500.00 for money loaned to the district, for \$18,000.00 for pre-payment for utilities, and for \$475.15 to have their voluntary donation (characterized as an assessment by the claimant) returned to them. The Board of County Commissioners have reviewed this claim and found it to be invalid. The proper method for an Improvement and Service District to borrow money is through a bond process which was not followed in this case. The promissory note in the amount of \$36,500.00 is not supported by statutory allowances. The pre-payment of utilities in the amount of \$18,000.00 is not supported by statute and found to be an invalid claim. The voluntary donation in the amount of \$475.15 was voluntary and a claim to have it paid back is not valid and without merit. The District never issued an assessment pursuant to the Wyoming Statutes. The District did mischaracterize the voluntary donation in that some landowners believed the amount owed to be mandatory. However, the statute does not support that an actual assessment was issued and the amounts paid have been characterized as voluntary donations. All claims of the Martin Family, LLC are denied; and

**WHEREAS**, Robert D. Robertson submitted a claim in the amount of \$16,236.06 on July 2, 2018 with no explanation or supporting documentation. The claim is denied; and

**WHEREAS**, Ty Ross submitted a claim in the amount of \$3000.00 on July 2, 2018 without any supporting documentation as to why he is owed \$3000.00. The claim is denied; and

**WHEREAS**, Bill and Kathy Robertson submitted a claim on June 26, 2018 for the voluntary donation amount of \$422.29. The District did send out a billing to all landowners and characterized the payments as "assessments" even though the district followed none of the statutory requirements to actually impose an assessment. The money collected through the process used by the District has been characterized as voluntary donations. The claim is denied.

**WHEREAS**, the Faye Robertson Living Trust submitted a claim on July 2, 2018 for \$517.45. The District did send out a billing to all landowners and characterized the payments as "assessments" even though the district followed none of the statutory requirements to actually impose an assessment. The money collected through the process used by the District has been characterized as voluntary donations. The claim is denied.

**WHEREAS**, the Board of Directors filed a Findings of Fact and Proposed Plan of Dissolution and Liquidation on April 9, 2018. The Board of Directors state in that document that they believe they have a contractual obligation of debt to the Teton County School District #1. From reviewing the minutes of the Teton County School District #1, no contractual obligation was ever entered into and no debt is owed to the Teton County School District #1. There was discussion of entering into a Memorandum of Understanding that ended up never being signed. And even if the Memorandum of Understanding had been signed, the Memorandum of Understanding was simply laying out how the two parties were intending to work together toward an actual agreement in the future; and

**WHEREAS**, the Board of Directors also stated that they desired to give back funds that had been collected from landowners through voluntary donations. The funds collected from landowners were used to pay for engineering, mapping, and other services of the district. It is not appropriate to refund the voluntary donations collected from the landowners; and

**WHEREAS**, the Board of Directors had proposed in their April 9, 2018 Proposed Plan of Dissolution and Liquidation that an assessment be assessed against the landowners, this appears to serve no purposes, since there is no valid debt to pay back. Also, the Board of Directors are petitioning to pursue voluntary dissolution that does not include submitting a Plan of Dissolution and Liquidation.

**NOW THEREFORE, BE IT RESOLVED** that the Teton County Board of County Commissioners hereby terminate and dissolve the Hog Island Improvement and Service District; and

**BE IT FURTHER RESOLVED**, that the Teton County Board of County Commissioners specifically finds that there are no valid debts of the Hog Island Improvement and Service District and/or no valid claims against of the Hog Island Improvement and Service District, and thus there is no need for any further assessments against the landowners in the district; and

**BE IT FURTHER RESOLVED**, that the Teton County Board of County Commissioners specifically finds that there are no assets or infrastructure of the Hog Island Improvement and Service District; and

**BE IT FURTHER RESOLVED**, that pursuant to Wyoming Statute §22-29-408(a) that the election required by W.S. §22-29-404 shall be dispensed with and the Hog Island Improvement and Service District is hereby declared dissolved with the following findings:

- a. Dissolution is in the best interest of the people of the county
- b. The district is not active and there is no need for the district.

Adopted on the 3rd day of July, 2018.

**TETON COUNTY BOARD OF COUNTY COMMISSIONERS**

Mark Newcomb, Chair  
(Seal)

Attest:

Sherry L. Daigle, County Clerk

A motion was made by Commissioner Vogelheim and seconded by Commissioner Epstein to approve the Resolution as amended and presented today dissolving the Hog Island Improvement and Service District and specifically find that the dissolution is in the best interest of the people of the county and the district is not active and there is no need for the district, adding a WHEREAS that the claim by Faye Robertson is denied. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

**5. Consideration of Resolution Notifying the County Clerk to Place Lodging Tax Proposition on General Election Ballot**

Keith Gingery, Chief Deputy County Attorney, presented to the Board for consideration of approval a resolution notifying the County Clerk to place the re-imposition of the Lodging Tax on the General Election Ballot on November 6, 2018.

Discussion between the Board and staff included additional 2% must be voted on separately, ballot language change adding Public Safety, Fire/EMS, and sustainability.

Public comment was given by Richard Aurelio.

**Resolution No. 18-019**

**RESOLUTION NOTIFYING THE COUNTY CLERK TO PLACE ON THE GENERAL ELECTION BALLOT ON NOVEMBER 6, 2018 THE BALLOT PROPOSITION OF CONTINUATION OF A 2% LODGING TAX IN TETON COUNTY, STATE OF WYOMING**

**WHEREAS**, the Wyoming Legislature has provided, pursuant to W.S. §39-15-204(a)(ii) for counties and towns to impose a lodging tax not to exceed four percent (4%) upon the sales price paid for lodging services, the purpose of which is for local travel and tourism promotion; the funding for visitor impact services, which include, but is not limited to, provision of vehicle parking, public transportation, public restrooms, pedestrian and bicycle pathways, museums and other displays; and for funds to the general fund of the Town of Jackson and Teton County, and

**WHEREAS**, the Board of County Commissioners of Teton County decided (with concurrence by 2/3 of the municipalities in Teton County) in 2010 to place the proposition to impose a lodging tax of 2% which was passed by the voters and then re-imposed by the voters in 2014; and

**WHEREAS**, Wyoming Statute §39-15-203(a)(ii)(D) states that if the proposition is approved the same proposition shall be submitted at subsequent general elections until the proposition is defeated; and

**WHEREAS**, 4 years have passed since the previous re-imposition of the county lodging tax; and

**WHEREAS**, the Board of County Commissioners of Teton County hereby notify the Teton County Clerk prior to July 18, 2018 to place the re-imposition of the 2% tax for lodging tax purposes on the November 6, 2018 general election ballot.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF TETON COUNTY, WYOMING THAT:**

1. The Board of County Commissioners of Teton County hereby notifies the County Clerk to place the 2% Lodging Tax on the November 6, 2018 ballot to be continued and re-imposed, and further hereby endorse, adopt and approve the procedures set forth in W.S. §39-15-203(a)(ii).

2. The tax shall be imposed upon the sales price paid for lodging services within Teton County and the Town of Jackson.

3. The purpose of the tax is for local travel and tourism promotion.

4. It is anticipated that Teton County will qualify under W.S. §39-15-211(a)(ii)(B)(III) to allow for a split of the lodging tax as follows: 60% to promote travel and tourism, 30% for visitor impact services, and 10% to general fund of the Town of Jackson and Teton County.

5. The Teton County Board of County Commissioners hereby directs the County Clerk to place this proposition upon the November 6, 2018 General Election Ballot and the following proposition shall be stated on the ballot:

SHALL TETON COUNTY, WYOMING BE AUTHORIZED TO CONTINUE TO COLLECT A TWO PERCENT (2%) LODGING TAX TO BE USED IN THE FOLLOWING MANNER: SIXTY PERCENT (60%) FOR LOCAL TRAVEL AND TOURISM PROMOTION; THIRTY PERCENT (30%) FOR VISITOR IMPACT SERVICES, WHICH INCLUDES, BUT IS NOT LIMITED TO, PROVISION OF VEHICLE PARKING, PUBLIC TRANSPORTATION, PUBLIC RESTROOMS, PEDESTRIAN AND BICYCLE PATHWAYS, MUSEUMS AND OTHER DISPLAYS AND PUBLIC SAFETY; AND TEN PERCENT (10%) TO THE GENERAL FUNDS OF TETON COUNTY AND THE TOWN OF JACKSON.

a. The ballots shall contain the language "for the county lodging tax" and "against the county lodging tax".

b. The proposition was initially approved at the 2010 election, approved again at the 2014 election, and said proposition is now submitted at the next subsequent general election, November 6, 2018. If the proposition is successful at the November 6, 2018 general election, the tax shall remain in place for an additional four (4) years.

c. If the proposition to reimpose the tax is defeated the proposition shall not again be submitted to the electors of the county for at least eleven (11) months.

d. If the proposition is approved by the qualified electors, the Board of County Commissioners shall impose a two percent (2%) lodging tax upon the sales price paid for lodging services as defined by W.S. §35-15-101(a)(i).

e. The tax shall be implemented and enforced pursuant to Wyoming Statutes Title 39 Taxation and Revenue, Chapter 15 Sales Tax, Article 1 State Sales Tax, with the exception of W.S. §39-15-102(a), insofar as it relates to sales taxes except the name of the county as the taxing agency shall be substituted for that of the state and an additional license to engage in business shall not be required if the vendor has been issued a state license pursuant to law.

f. Any amendments made to Article 1 State Sales Tax of Chapter 15, Title 39 within the Wyoming Statutes, not in conflict, shall become a part of this resolution.

g. Prior to the effective date of imposition of the tax, the County Clerk shall ensure that a contractual relationship is in place with the State of Wyoming, Department of Revenue to perform all functions incident to the administration of the sales tax.

h. The amount subject to the tax shall not include the amount of any sales tax imposed by the State of Wyoming.

6. Should any part of provision of this resolution ever be judicially determined to be invalid or unenforceable, such determination shall not affect the remaining parts and provisions hereof, the intention being that each part or provision of this resolution is severable.

**PASSED, APPROVED AND ADOPTED this 3<sup>rd</sup> day of July, 2018.  
BOARD OF COUNTY COMMISSIONERS OF TETON COUNTY, WYOMING**

Mark Newcomb, Chairman

Attest:

Sherry L. Daigle, Teton County Clerk

A motion was made by Commissioner Epstein and seconded by Commissioner Macker to approve the Resolution Notifying the County Clerk to place on the General Election Ballot on November 6, 2018 the ballot proposition of continuation of a 2% lodging tax in Teton County, Wyoming, with the original ballot language with the addition of "and Public Safety" after Other Displays. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

**7. Consideration of a Contract for the Final Design and Construction Administration for Bank Stabilization of the Gros Ventre River Near the North Pathway Along Highway 89**

Amy Ramage, Engineering Manager, presented to the Board for consideration of approval of a contract for the final design and construction administration for bank stabilization of the Gros Ventre River near the North Pathway along Highway 89. The Gros Ventre River channel near Gros Ventre Junction just upstream of the pathway bridge migrated south during the high spring runoff of 2017. The channel scouring caused significant erosion of the bank and damage to National Elk Refuge infrastructure on the south bank of the river east of the pathway and highway bridges. The cost proposal is \$32,000. The county will discuss cost-sharing with the National Elk Refuge for portions of the work.

Discussion between the Board and staff included area is outside of the County Levee System, discussions with WYDOT and other funding sources, and consideration of building a levee or raising the bike path.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Rhea to approve the agreement between Teton County and Morrison-Maierle Inc. for the final design, permitting, and construction administration of the Gros Ventre River Bank Stabilization Project in an amount not to exceed \$32,000. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

**8. Public Hearing on Resolution Approving Tipping Fees for the Teton County Trash Transfer Facility and the Teton County Recycling Facility**

There was no public comment.

**9. Consideration of a Resolution Approving Tipping Fees for the Teton County Trash Transfer Facility and the Teton County Recycling Facility**

Heather Overholser, Solid Waste and Recycling Superintendent, presented to the Board for consideration of approval a resolution to adopt Tip Fees for the Trash Transfer Station and Recycling Center. A notice of Intent of the Adoption of the Transfer Station and Recycling Center tip fees was published in the Jackson Hole News and Guide on May 2, 2018. No tip fees changed. The only fee added is a tip fee for Grease Trap Waste because the method of handling this waste is changing.

There was no discussion between the Board and staff.

There was no public comment.

**RESOLUTION #18-020**

**(Tipping Fees for the Teton County Trash Transfer Facility and the Teton County Recycling Facility)**

**WHEREAS**, the Teton County Board of County Commissioners operate on behalf of Teton County, Wyoming, the Teton County Trash Transfer Facility and also the Teton County Recycling Center ; and

**WHEREAS**, the Teton County Board of County Commissioners are authorized as the owner and operator of the Teton County Trash Transfer Facility and the Teton County Recycling Center to set the fees for use and disposal at the Teton County Trash Transfer Facility and at the Teton County Recycling Center; and

**WHEREAS**, pursuant to Wyoming Statute §16-3-103, the Teton County Board of County Commissioners gave 45 day notice of their intent to adopt these tipping fees for the Teton County Trash Transfer Facility and the Teton County Recycling Center, and

**WHEREAS**, this resolution affirms all of the tip fees presently being charged at the Teton County Trash Transfer Facility and the Teton County Recycling Center; and to implement the new tip fee for grease trap waste in the amount of \$115.00; and

**WHEREAS**, the tip fees as delineated below will go into effect as of July 3, 2018 with the exception of the grease trap waste fee which will go into effect on November 1, 2018.

**NOW THEREFORE**, having met at a regular meeting on July 3, 2018, and having fully considered the matter, it is hereby,

RESOLVED, that the Teton County Board of County Commissioners approves and adopts the following Tip fees which shall be in effect July 3, 2018, until the next resolution is approved by the Teton County Board of County Commissioners, of which the fees shall be set as follows:

| TRANSFER STATION         |                  |
|--------------------------|------------------|
| Material                 | Tip Fee          |
| <b>Inbound Material</b>  |                  |
| Landfill-Bound Trash/MSW | \$115.00 per ton |
| Scrap Metal              | \$0.00           |
| Dead Animals (Domestic)  | \$50.00 per ton  |
| Road Kill                | \$0.00           |
| C & D                    | \$115.00 per ton |
| Concrete                 | \$70.00 per ton  |
| Dimensional Lumber       | \$80.00 per ton  |
| Yard waste               | \$80.00 per ton  |
| Gypsum/Drywall           | \$80.00 per ton  |
| Weeds & Grass            | \$80.00 per ton  |
| Grease Trap Waste        | \$115.00 per ton |
| Manure                   | \$55.00 per ton  |
| Dirt & Sod               | \$55.00 per ton  |
| Refrigerators/AC Units   | \$35.00 each     |
| <b>Sorting</b>           |                  |
| Terra Firma Sort Fee     | \$250.00 per ton |
| Yellow Iron Sort Fee     | \$250.00 per ton |
| <b>Tires (units)</b>     |                  |
| Up to 17"                | \$6.00 each      |
| Up to 17" with rims      | \$14.00 each     |
| 17" – 22"                | \$14.00 each     |
| Over 22" and Bulk        | \$295.00 per ton |

| RECYCLING CENTER                        |                    |
|---|--------------------|
| Material                                | Tip Fee            |
| Electronic Waste                        | \$0.40 per pound   |
| Document Destruction                    | \$0.25 per pound   |
| Document Destruction (with sort fee)    | \$0.50 per pound   |
| Household Hazardous Waste               |                    |
| Aerosols                                | \$1.00 each        |
| Antifreeze                              | \$4.00 per gallon  |
| Batteries (Alkaline)                    | \$0.80 per pound   |
| Batteries (Lead, Acid and Rechargeable) | \$0.00             |
| Corrosives                              | \$10.00 per gallon |
| Flammable Liquids                       | \$4.00 per gallon  |
| Flammable Paints                        | \$4.00 per gallon  |
| Flammable Solids                        | \$5.00 per gallon  |
| Fluorescent Bulbs                       | \$0.60 each        |
| Mercury                                 | \$50.00 per gallon |
| Motor Oil/Filters                       | \$0.50 per gallon  |
| Motor Oil (Contaminated)                | \$4.50 per gallon  |
| Oxidizers                               | \$10.00 per gallon |
| Pesticides/Herbicides                   | \$4.00 per gallon  |
| Poisons                                 | \$2.00 per gallon  |

| CARDBOARD – ROLL OFF CONTAINER (27 CUBIC YARD) |                      |
|--|----------------------|
| Delivery Fee                                   | \$60.00              |
| Pick Up Fee                                    | \$100.00 per pick up |
| Pick Up Fee (Teton Village and Airport)        | \$150.00 per pick up |

| CARDBOARD MONTHLY RATE |          |          |          |
|------------------------|----------|----------|----------|
| Container Size         | 3x/week  | 2x/week  | 1x/week  |
| 2-Yard                 | \$98.00  | \$67.00  | \$35.00  |
| 4-Yard                 | \$189.00 | \$130.00 | \$68.00  |
| 6-Yard                 | \$272.00 | \$187.00 | \$97.00  |
| 8-Yard                 | \$350.00 | \$241.00 | \$125.00 |

PASSED, APPROVED, and ADOPTED by the Board of County Commissioners of Teton County, Wyoming on this 3<sup>rd</sup> day of July, 2018.

Adopted on the 3<sup>rd</sup> day of July, 2018.

**TETON COUNTY BOARD OF COUNTY COMMISSIONERS**

Mark Newcomb, Chair

(Seal)

Attest:

Sherry L. Daigle, Teton County Clerk

A motion was made by Commissioner Rhea and seconded by Commissioner Vogelheim to approve the Resolution Approving Tipping Fees for the Teton County Trash Transfer Facility and the Teton County Recycling Facility. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

**10. Consideration of FY19 Community Partner Agreements for Outreach and Education Related to Minimizing Waste**

Mari Allan Hanna, Waste Diversion Outreach Coordinator, presented to the Board for consideration of approval seven agreements (contracts for services) with RRR Community Partners who will conduct events, workshops, curriculum development, and awareness campaigns to expand the reach and further the impact of ISWR's Road to Zero Waste initiative.

Discussion between the Board and staff included excitement for Road to Zero Waste moving forward, visitor impacts – this program integrating with Chamber of Commerce and Travel & Tourism Board, ISWR attending Visitor Impacts Workshop.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Rhea to approve the FY19 ISWR Community Partnership agreements with Slow Food in the Tetons, Habitat for Humanity ReStore, JH Children's Museum, Art Association of Jackson Hole, Center for the Arts, Straw Free Jackson Hole, and Hole Food Rescue in the amount of \$17,250.00. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

**14. Consideration of a Memorandum of Understanding with the Office of the Wyoming Attorney General Regarding the Opioid Crisis**



Alyssa Watkins, Board of County Commissioners Administrator, presented to the Board for consideration of approval a memorandum of understanding between Teton County and the Wyoming Attorney General's Office relating to the opioid crisis.

John Knepper, Chief Deputy Attorney General, addressed the Board regarding the cooperative spirit of the MOU. This MOU is revocable for both the County and the Attorney General if it is determined not in the best interest of Teton County.

Discussion between the Board and staff included principles of cooperation, opioid prescribing rates.

There was no public comment.

A motion was made by Commissioner Rhea and seconded by Commissioner Epstein to approve the Memorandum of Understanding Between the Office of the Wyoming Attorney General and the County of Teton, Wyoming regarding the opioid crisis as amended. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

#### **15. Consideration of Project Charter for Tribal Trails Road**

Sean O'Malley, Director of Public Works, presented to the Board for consideration of approval the Project Charter for Tribal Trails Road, in accordance with the Integrated Transportation Plan (ITP) approved in September 2015 by the Jackson Town Council and Teton County Commission. The Project Charter shall identify or describe the following: purpose and need for the project, project objectives; project location, project extents, and project elements: environmental review required; roles and responsibilities of the project development team, elected officials, and Stakeholder committee; required resources including project cost, staff resources, professional services, and funding; and risk assessment.

Discussion between the Board and staff included MOU with WYDOT having WYDOT take the heavier work, the County's role is public engagement, schedule for background not approval, concern for public input, advertising for Stakeholders Committee through newspaper and county website, and reach out to specific groups.

Public comment was given by Patrick Hattaway, Sean Brennan, Pete Halpin, and Richard Aurelio.

A motion was made by Commissioner Vogelheim and seconded by Commissioner Rhea to approve the Project Charter for Tribal Trails Road.

Mr. O'Malley addressed the Board on the status of the traffic modeling. The consultant needs two pieces of information and will have a model by the end of July. The Stakeholder's Committee will have this information at hand.

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

The meeting was recessed for lunch at 12:21pm and reconvened at 1:30pm.

Commission present: Mark Newcomb Chair, Natalia Macker Vice-Chair, Greg Epstein, and Paul Vogelheim. Smokey Rhea was absent.

#### **16. Consideration of Corrective Warranty Deed Between Teton County and Teton County School District #1**

Erin Weisman, Deputy County Attorney, presented to the Board for approval a Corrective Warranty Deed between Teton County, Wyoming and Teton County School District No. 1 in regards to the legal description of the previous conveyance of 3.0 acres of real property at Teton Village Park.

There was no discussion between the Board and staff.

There was no public comment.

A motion was made by Commissioner Macker and seconded by Commissioner Vogelheim to approve the Corrective Warranty Deed between Teton County, Wyoming and Teton County School District No. 1, for 3.0 acres of real property and direct the Chair to sign on behalf of Teton County, Wyoming, to be attested by the Teton County Clerk, and thereafter recorded in the land records of the Teton County Clerk's Office. Chair Newcomb called for the vote. The vote showed 4-0 in favor and the motion carried.

#### **17. Consideration of a Voucher for the Closing of the Purchase of the Cottonwood Park House**

Sherry Daigle, County Clerk, presented to the Board for consideration of approval a voucher in the amount of \$678,966.31 to purchase a home located at Lot 40 Cottonwood Park Corner Creek Phase 1-A.

There was no discussion between the Board and staff.

There was no public comment.

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to approve the voucher in the amount of \$678,966.31 for the purchase of employee housing at Lot 40 Cottonwood Park Corner Creek Phase 1-A. Chair Newcomb called for the vote. The vote showed 4-0 in favor and the motion carried.

#### **18. Consideration of a 24-Hour Cater Permit Application for Snow King Mountain Resort, LLC – Top of Snow King Mountain**

Sherry Daigle, County Clerk, presented to the Board for consideration of approval an application for a catering permit that was submitted by Snow King Mountain Resort, LLC for a Fourth of July Celebration at the Panorama House at the top of Snow King Mountain.

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 Vogelheim to approve the catering permit for Snow King Mountain Resort for a Fourth of July Celebration at the Panorama House at the top of Snow King Mountain. Chair Newcomb called for the vote. The vote showed 4-0 in favor and the motion carried.

#### **MATTERS FROM PLANNING & DEVELOPMENT**

- 1. Applicant:** EVANS, MONTY SCOTT  
**Presenter:** Emily Cohen  
**Permit No.:** VAR2018-0002  
**Request:** Variance, pursuant to Section 8.8.2, Variance, of the Teton County Land Development Regulations, to vary Section 5.4.1 to allow development in natural slopes in excess of 30%.  
**Location:** 130 E. Evans Road. The property is located approximately 10 miles south of Jackson off US Highway 191, west of the Snake River in Hog Island. The property is zoned Rural and is within the Natural Resources Overlay.

Emily Cohen, Associate Planner, presented to the Board for approval a Variance, pursuant to Section 8.8.2, Variances, of the Teton County Land Development Regulations, to vary Section 5.4.1 which prohibits development on natural slopes in excess of 30%. The property owner is seeking a variance to the slope standards in order to build a single-family dwelling on his property. The land is part of a family homestead dating back to a 1914 patent. In 2005 the land was divided via a Family Subdivision Exemption (FAM2005-0012) into four lots (Tracts A, B, C & D). Development exists on Tract A, B, and C, with Tract A being where the original family home is located. The applicant is proposing to build on Tract D.

Discussion between the Board and staff included one condition recommended.

Scott Evans, applicant, addressed the Board regarding location of building the house.

There was no public comment.

A motion was made by Commissioner Vogelheim and seconded by Commissioner Macker to approve VAR2018-0002, a Variance application dated July 3, 2018 to vary Section 5.4.1. of the Teton County Land Development Regulations which prohibits development on natural slopes in excess of 30%, to allow construction on slopes greater than 30% as depicted in the application materials, subject to one (1) condition of approval being A geotechnical report is required at the time of the Grading and Erosion Control and Building permit applications and being able to make all six (6) of the findings of Section 8.8.2 of the Teton County Land Development Regulations as recommended by the Planning Director and the Planning Commission. Chair Newcomb called for the vote. The vote showed 4-0 in favor and the motion carried.

#### **MATTERS FROM COMMISSIONERS**

- A. Snake River Boat Ramp and Launch

At 1:47pm, a motion was made by Commissioner Macker and seconded by Commissioner Epstein to convene an executive session pursuant to Wyoming Statute §16-4-405(a)(iii) On matters concerning **litigation** to which the governing body is a party or proposed litigation to which the governing body may be a party. Chair Newcomb called for a vote. The vote showed 4-0 in favor and the motion carried.

#### **EXECUTIVE SESSION**

Commission present: Mark Newcomb-Chair, Natalia Macker-Vice Chair, Greg Epstein, and Paul Vogelheim.  
Others present: Sherry Daigle, Alyssa Watkins, Erin Weisman, Keith Gingery, John Knepper, Ben Burningham, and Shelley Fairbanks.

John Knepper and Ben Burningham left the meeting at 2:25pm.

At 2:34pm, a motion was made by Commissioner Macker and seconded by Commissioner Vogelheim to adjourn from executive session. Chair Newcomb called for a vote. The vote showed 4-0 in favor and the motion carried.

No action was taken.

#### **ADJOURN**

A motion was made by Commissioner Vogelheim and seconded by Commissioner Macker to adjourn. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 2:35pm.

Respectfully submitted,

Shelley Fairbanks  
Deputy County Clerk

TETON COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Mark Newcomb, Chair

\_\_\_\_\_  
Natalia D Macker, Vice-Chair

July 3, 2018 BCC Regular Meeting Minutes

\_\_\_\_\_  
Greg Epstein

\_\_\_\_\_  
Paul Vogelheim

ATTEST:

\_\_\_\_\_  
Kathleen "Smokey" Rhea

\_\_\_\_\_  
Sherry L. Daigle, County Clerk