

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

The Teton County Board of Commissioners met in regular session on **August 28, 2018** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 9:03am 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 Rhea to approve the **8/6/18, 8/7/18, and 8/13/18** minutes. 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 Rhea and seconded by Commissioner Vogelheim to adopt today's agenda as presented. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

CONSENT AGENDA

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

1. Consideration of a Bid Award and Contract with an Independent Contractor for Title X Program Coordination Services for the Family Planning Program at Teton County Health Department
2. Consideration of a Grant Agreement with the March of Dimes Foundation
3. Consideration of Award of Bid for Recreation Center Interior Glass Replacement
4. Consideration of Approval of Lower Valley Installation Agreement for Park Maintenance Housing Project
5. Consideration of Change Order No. 1 for the Transfer Station Area Well
6. Consideration of a Prevention of Grant Contract Between Teton County and the Wyoming Department of Health Public Health Division
7. Consideration of Updates to the Teton County Employee Housing Policy
8. Consideration of an Agreement for Household Hazardous Waste Disposal Services
9. Consideration of an Agreement for Electronic Waste Recycling Services
10. Consideration to Seek Approval of the Contract for Services Between Teton County and Dr. Will Smith, Jackson Hole Fire/EMS Physician Medical Director
11. Consideration to Seek Approval of the Contract for Services Between Teton County and Dr. AJ Wheeler, Jackson Hole Fire/EMS Assistant Physician Medical Director

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 Macker 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:

1. Consideration of a Bid Award and Contract with an Independent Contractor for Title X Program Coordination Services for the Family Planning Program at Teton County Health Department

To approve the Contract between Independent Contractor, Vicki Rosenberg for Title X program coordination services at Teton County Health Department.
2. Consideration of a Grant Agreement with the March of Dimes Foundation

To approve the grant agreement with the March of Dimes Foundation, 2018 Community Award Grant for implementation of the Ask One Key Questions campaign to help prevent unintended pregnancy in the amount of \$4,000.00 for the period August 31, 2018 – March 31, 2019.
3. Consideration of Award of Bid for Recreation Center Interior Glass Replacement

To approve Award of Bid/Approval of Contract for Recreation Center Pool Glass Replacement in the amount of \$12,938.52.
4. Consideration of Approval of Lower Valley Installation Agreement for Park Maintenance Housing Project

To approve Agreement with Lower Valley Energy for electrical and gas services for the Parks Maintenance-Housing Project with a total cost of \$57,228.68.
5. Consideration of Change Order No. 1 for the Transfer Station Area Well

To approve Change Order 1 authorizing Nelson Engineering to do trend logging and pump testing as an addition to their work on the Transfer Station area well study for an amount not to exceed an additional \$1,500.00.
6. Consideration of a Prevention of Grant Contract Between Teton County and the Wyoming Department of Health Public Health Division

To approve the Prevention Services Grant Contract between Wyoming Department of Health, public Health Division and Teton County.

7. Consideration of Updates to the Teton County Employee Housing Policy

To approve the Resolution Adopting Housing Policies for Teton County Owned Employee Housing with the amendments and additions as presented today.

8. Consideration of an Agreement for Household Hazardous Waste Disposal Services

To approve the Agreement with Clean Harbors Environmental Services, Inc. for the transportation and disposal of household hazardous waste from Integrated Solid Waste and Recycling.

9. Consideration of an Agreement for Electronic Waste Recycling Services

To approve the Agreement with Wisetek USA, Inc. for the transportation and recycling of electronic waste from Integrated Solid Waste and Recycling at an estimated annual cost of \$40,180.00 in FY2018.

10. Consideration to Seek Approval of the Contract for Services Between Teton County and Dr. Will Smith, Jackson Hole Fire/EMS Physician Medical Director

To approve the contract for services for the Medical Director to Dr. Will Smith.

11. Consideration to Seek Approval of the Contract for Services Between Teton County and Dr. AJ Wheeler, Jackson Hole Fire/EMS Assistant Physician Medical Director

To approve the contract for services with the Assistant Medical Director, Dr. Albert "AJ" Wheeler.

12. Consideration of Purchase of New Kiser Dragmaster at the Fairgrounds

To execute the sole source purchase of the Dragmaster from Absolute Innovations, Inc. by Teton County in the amount of \$26,468.

DIRECT CORRESPONDENCE

1. Kate Mead, Board Chair, Teton County School District 7/31/2018 email regarding Stilson Property
2. Carly Schupman, Skyline Ranch ISD 7/31/2018 email regarding Final Budget 2018-2019
3. Anne Cresswell, Jackson Hole Community Housing Trust 8/1/2018 email regarding Redmond Hall Rentals
4. Kathy Tompkins 8/1/2018 email regarding Tribal Trails
5. Martin Hardsocg, Chairman, State Board of Equalization 8/1/2018 email regarding Resolution, State Wide Mill Levies
6. Kylie Anderson 8/3/2018 email regarding Scholarship Thank You
7. Carol Kaminiski 8/3/2018 email regarding CUP 2018-001 Lennox
8. Warren Machol 8/5/2018 email regarding Skyline ISD
9. Butch and Linda Williams 8/6/2018 email regarding Berm and Pond Regulations
10. Jackson Hole Wild 8/1/2018 email regarding Thank You - Arts for All
11. Nichole Stearns 8/6/2018 email regarding PILT Class Action Lawsuit
12. Lorna Miller 8/7/2018 email regarding Ponds and Berms
13. Sam Petri 8/8/2018 email regarding Snow King Gondola Concerns
14. Kevin Cochary 8/8/2018 email regarding Snow King Development
15. Jennifer Kronberger 8/9/2018 email regarding Wildlife Fence Regulations
16. Geneva Chong 8/9/2018 email regarding Snow King Development
17. United States Environmental Protection Agency 8/9/2018 letter regarding Safe Drinking Water Act , Alta Community Pipeline Public Water System, PWS #5600275
18. Susan Johnson, Planning & Development 8/9/2018 email regarding Wildlife Fence Regulations
19. Tim Young 8/10/2018 email regarding Wilson Workshop Request
20. Susan Johnson, Planning & Development 8/10/2018 email regarding Mountain Town Planner Conference
21. Bailey Schreiber, W C C A 8/10/2018 email regarding WCCA Comment Letter on Forest Service Sage Grouse Plan Revisions
22. Marti Halverson, Wyoming Legislature 8/13/2018 email regarding USDA RUS WEP Projects for FY2018
23. Peter Moyer 8/13/2018 email regarding Snake River Riparian Corridor
24. Mark Newcomb, County Commissioners 8/14/2018 email regarding WPLI Teton County Commission Process
25. Mark Newcomb, County Commissioners 8/14/2018 email regarding News Release: BTNF Extends Comment Period on Snow King Improvements Proposal
26. Morgan Jaouen, Jackson Hole Historical Society 8/15/2018 email regarding JH Historical Society Workshop
27. John Heberger Jr 8/15/2018 email regarding WPLI Proposals
28. Jim Woodmencey 8/15/2018 email regarding WPLI Proposals
29. Mike Mielke 8/15/2018 email regarding WPLI Proposals
30. Len Carlman 8/15/2018 email regarding WPLI Proposals
31. Maureen O'Leary 8/15/2018 email regarding Board of Equalization Hearings
32. Andrew Cornish 8/16/2018 email regarding Board of Equalization Hearings
33. Greg Buchko 8/16/2018 email regarding WPLI Proposals
34. Andrew Cornish 8/17/2018 email regarding Board of Equalization Hearings
35. Nicole Gautier, Ruckelshaus Institute 8/17/2018 email regarding WPLI Proposals
36. Tim Linger, Indian Paintbrush Water District 8/17/2018 email regarding Final Budget 2019
37. Nicole Gautier, Ruckelshaus Institute 8/17/2018 email regarding WPLI Proposals
38. Shane Rothman 8/17/2018 email regarding Snow King Development
39. Carol Baker 8/17/2018 email regarding Palisades Wilderness Area - WPLI
40. Kelly Lockhart 8/18/2018 email regarding Natural Resources Stakeholders Group
41. Mark Stein 8/18/2018 email regarding Palisades Wilderness Study Area - WPLI
42. Lubing Law Group LLC 8/20/2018 letter regarding Petition for Review of Final Agency Action - Mahin
43. Lubing Law Group LLC 8/20/2018 letter regarding Certificate Pursuant to W.R.A.P 12.04(d)
44. Off Square Theatre Company 8/9/2018 letter regarding Thank your for Arts for All grant

- 45.Nicole Gautier, Ruckelshaus Institute 8/20/2018 email regarding Teton WPLI Dissent Statements Late Submissions
- 46.Kathy Tompkins 8/20/2018 email regarding Snow King Expansion Project
- 47.Hans Flinch 8/20/2018 email regarding Snow King Expansion Project

PUBLIC COMMENT

There was no public comment.

MATTERS FROM COMMISSION AND STAFF:

- 13. Consideration of Resolution and Notice to Initiate Establishment of New County Road No. 22-16A in Teton County, Wyoming

Erin Weisman, Deputy County Attorney, presented to the Board for consideration a Resolution for Notice to Initiate Establishment of New County Road No. 22-16 A and 22-16 B in Teton County, Wyoming. The County has secured necessary easements from property owners in order to propose and potentially establish a new Teton County Road No. 22-16 A and 22-16 B along Stateline Road which is in the public interest, providing connectivity along what is commonly known as "Stateline Road" and improve response time for fire and ambulance to ensure life and safety of residents in this removed area of Teton County, Wyoming. A legal notice will run in the newspaper for two weeks and public comment will be accepted by the Clerks Office. The notice will also be on the website and notices will be sent certified mail to all property owners on this stretch of the road.

Discussion between the Board and staff includes requirements to notify Idaho residents, comment deadline is September 20, 2018 before noon, how will the Clerks Office receive public comment.

There was no public comment.

A motion was made by Commissioner Macker and seconded by Commissioner Vogelheim to approve the Resolution for Notice to Initiate Establishment of New County Road No. 22-16 A for Stateline Road in Teton County, Wyoming pursuant to and in compliance with Wyoming State Statutes. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

- 14. Consideration of Resolution and Notice to Initiate Establishment of New County Road No. 22-16B in Teton County, Wyoming

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to approve the Resolution for Notice to Initiate Establishment of New County Road No. 22-16 B for Stateline Road in Teton County, Wyoming pursuant to and in compliance with Wyoming State Statutes. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

MATTERS FROM PLANNING & DEVELOPMENT

- 1. Findings of Fact and Conclusions of Law: CUP2018-0002 Rendezvous Land Conservancy

Erin Weisman, Deputy County Attorney, presented to the Board for consideration the Findings of Fact, Conclusions of Law and Order granting approval of a Conditional Use Permit for Rendezvous Lands Conservancy.

There was no discussion between the Board and staff.

There was no public comment.

Commissioners Macker and Epstein abstained from the vote due to being absent from the meeting when the CUP was approved.

A motion was made by Commissioner Vogelheim and seconded by Commissioner Rhea to approve the Findings of Fact, Conclusions of Law and Order granting approval of a Conditional Use Permit CUP2018-0001 as presented. Chair Newcomb called for the vote. The vote showed 3-0 in favor with Commissioners Macker and Epstein abstained and the motion carried.

- 2. Applicant: TOWN OF JACKSON
Presenter: Emily Cohen
Permit No.: MSC2018-044
Request: Waive all Building Permit fees for the construction of new solar panels (BDC2018-0060), pursuant to finding 2.a and 2.b of the Teton County Fee Waiver Policy (Resolution 2014-054).
Location: Waste Water Treatment Plant, 5450 South Ricks Rd, generally located south of Polo Ranches. Zoned Public/Semi-Public and partially within the Natural Resource Overlay.

Emily Cohen, Planning Staff, presented to the Board for consideration of approval to waive all Building Permit fees for the installation of new solar panels at the Wastewater Treatment Facility, pursuant to finding 2.a and 2.b of the Teton County Fee Waiver Policy (Resolution 2014-054).

Discussion between the Board and staff included is this the shared solar facility that Teton County invested in or just solar panels for the wastewater treatment plant.

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to continue this item later today. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

- 3. Applicant: TETON COUNTY SCHOOL DISTRICT #1
Presenter: Emily Cohen
Permit No.: MSC2018-0045

Request: Waive all Building Permit fees for the construction of new solar panels (BDC2018-0061), pursuant to finding 2.a and 2.b of the Teton County Fee Waiver Policy (Resolution 2014-054).

Location: Munger Mountain Elementary School, 7605 South Highway 89, South of the Town of Jackson, Zoned Public/Semi-Public, partially within the Scenic Resource Overlay.

Emily Cohen, Planning Staff, presented to the Board for consideration of approval to waive all Building Permit fees for the installation of new solar panels at the Munger Mountain Elementary School, pursuant to finding 2.a and 2.b of the Teton County Fee Waiver Policy (Resolution 2014-054).

Discussion between the Board and staff included county contribution to project.

There was no public comment.

A motion was made by Commissioner Rhea and seconded by Commissioner Macker to approve the Teton County School District's Fee Waiver Request MSC2018-0045 received July 24, 2018 for the amount \$19,521.44 of County fees associated with Building Permit BDC2018-0061, being able to make findings 2.a and 2.b of the Teton County Fee Waiver Policy (Resolution 2014-054). Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

2. Town of Jackson Building Permit Fee Waiver (continued)

Discussion between the Board and staff included this is for the local government shared solar project, enterprise fund, purpose of facility is to offset electrical use for large town and county facilities, county invested funds – can this be added to our investment, town staff will be available to answer questions, potential to bring back at next meeting, in favor of fee waiver, and acknowledgement that county contribution includes the amount of fees waived.

A motion was made by Commissioner Epstein and seconded by Commissioner Vogelheim to continue this item later today. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

A motion was made by Commissioner and seconded by Commissioner to approve the Town of Jackson's Fee Waiver Request MSC2018-0044 received July 24, 2018 for the \$41,829.69 of County fees associated with Building Permit BDC2018-0060, being able to make findings 2.a and 2.b of the Teton County Fee Waiver Policy (Resolution 2014-054). Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

4. Applicant: TAYLOR, MARCIA GARRISON REVOCABLE TRUST
Presenter: Emily Cohen
Permit No.: S/D2018-0008 – **POSTPONED TO SEPTEMBER 18, 2018 BCC HEARING**
Request: Partial Vacation of a Plat, pursuant to Section 8.2.13. Amendment of Permits or Approvals and pursuant to Section 8.5.3. Subdivision Plat of the Teton County Land Development Regulations, to relocate a driveway easement.
Location: 13550 S Bryan Flat Road (Lot 1, Knepshield Subdivision), immediately adjacent to the Hoback River, south of Highway 191. Zoned Rural 2 and within the Natural Resource Overlay and partially within the Scenic Resource Overlay.
5. Applicant: TRUST FOR PUBLIC LANDS, THE
Presenter: Hamilton Smith
Permit No.: S/D2018-0010
Request: Partial Vacation of a Plat, pursuant to Section 8.2.13. Amendment of Permits or Approvals and pursuant to Section 8.5.3. Subdivision Plat of the Teton County Land Development Regulations, to re-plat Lots 20,21 and 22 of The River Homes, Snake River Canyon Ranch and a 63.55-acre Trust for Public Land parcel, as the Astoria Hot Springs Park final plat
Location: Astoria Hot Springs Park, 665 W. Johnny Counts Road. The property is zoned Park and Open Space and is within the Natural and Scenic Resources Overlays.

Hamilton Smith, Planning Staff, presented to the Board for consideration of approval a Partial Vacation of a Plat, pursuant to Section 8.2.13., Amendment of Permits or Approvals and pursuant to Section 8.5.3. Subdivision Plat of the Teton County Land Development Regulations, to vacate Lots 20, 21 and 22 of The River Homes, Snake River Canyon Ranch, Plat No. 1030, and plat said lots plus a 63.55-acre Trust for Public Land parcel as one 97.94-acre lot on the proposed Astoria Hot Springs Park final plat. On September 17, 2015, the Board approved an amendment to the Snake River Canyon Ranch Resort PUD Master Plan (SRCRR; PUD2015-0002) with an accompanying LDR Text Amendment (AMD2015-0003) and Zoning Map Amendment (ZMA2015-0002). These approvals included the removal of 101.7 acres of land within the SRCRR, zoned Planned Unit Development-Planned Resort (PUD-PR) and rezoning this removed acreage as Park and Open Space.

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 to S/D2018-0010 application, dated June 19, 2018, a partial vacation and re-plat of Lots 20, 21 and 22 of The River Homes, Snake River Canyon Ranch, Plat No. 1030 and a 63.55-acre parcel owned by The Trust for Public Lands as one 97.94-acre lot on the proposed Astoria Hot Springs Park final plat, being able to make all four (4) findings of Section 8.5.3. of the Teton County Land Development Regulations, being able to meet the standards of Section 8.2.13.C. of the Teton County Land Development Regulations, being able to make the finding pursuant to Wyoming Statute §34-12-108, that such partial vacation does not abridge or destroy any of the rights and privileges of other proprietors in Plat No. 1030, and the partial vacation and plat comply with the Snake River Canyon Ranch Resort Master Plan, with no conditions, as recommended by the Planning Director herein, and request the Teton County Clerk to write vacate on Lots 20, 21, 22 of Plat No. 1030. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

The meeting was recessed at 9:57am and reconvened at 10:06am.

6. Applicant: PRATT, RICHARD WARREN JR. & HOLLY JOHANNA
Presenter: Kristi Malone
Permit No.: MSC2018-0036
Request: Miscellaneous Planning Request, pursuant to Section 8.2.13 Amendment of Permits or Approval of the Teton County Land Development Regulations to remove a condition of approval from VAR1990-0021.
Location: 1990 N. Irion Land. Generally located east of the Moose-Wilson Road, across from Nethercott Lane at the corner of Jarvis Lane and Irion Lane. The property is zoned Rural-3 and is within the Natural Resources Overlay

Kristi Malone, Planning Staff, presented to the Board for consideration of approval a Miscellaneous Planning Request, pursuant to Section 8.2.13 Amendment of Permits or Approval of the Teton County Land Development Regulations to remove a condition of approval from VAR1990-0021. This request from the landowners, Holly and Richard Warren Pratt Jr., is for removal of the following condition included in the approval of a variance in 1990 for reduction of the required street yard setback along Irion Lane from 25 feet to 14 feet for construction of a new garage:
"The existing shed in the southeast corner of the property shall be removed after completion of the new construction or within one year, whichever is greater."

Discussion between the Board and staff included complaint by neighbor, correspondence received by neighbor.

Public comment was given by Holly and Warren Pratt.

Discussion between the Board and staff included condition of approval was overlooked during other building permit reviews, shed existed in 1977 and findings by Commission in 1990 may not have been considered, legally non-conforming vs. illegal, should the shed be allowed to stay, can amend the condition, does changing condition open the Board up for a lawsuit, neighborhood is old – how many other non-conforming structures might there be.

Public comment was given by Linda Williams.

Discussion between the Board and staff include tree removal, 1997 letter from Code Compliance, 2017 complaint and aerial images.

A motion was made by Commissioner Epstein and seconded by Commissioner Rhea to approve MSC2018-0036, received May 18, 2018, to remove condition of approval #1 from VAR1990-0021 which states: "The existing shed in the southeast corner of the property shall be removed after completion of the new construction or within one year, whichever is greater," being able to find applicability of Section 8.2.13 of the LDRs and, after review of the application, having determined that with the removal of the Condition of Approval #1, all of the findings made for approval of variance VAR1990-0021 are unchanged and consistent, as recommended by the Planning Director. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

2. Town of Jackson Building Permit Fee Waiver (continued)

Representatives from the Town of Jackson are Larry Pardee and Johnny Ziem.

Discussion between the Board, staff, and Town of Jackson representatives included waived fee adds to investment; additional costs from the Town include fencing, land upkeep, hidden administration fees, other general maintenance; investor in project and asked to give in-kind, town in-kind contribution, acreage of solar farm is approximately 4 acres, ECW also contributed funds, roughly split is 33% for Teton County and 67% for Town of Jackson, does agreement state what the town will be contributing in perpetuity, town owns the solar system and the county is investing in the output, town maintains the town property, no new customer can be brought on board, larger contribution – larger size of project,

A motion was made by Commissioner Macker and seconded by Commissioner Rhea to approve the Town of Jackson's Fee Waiver Request MSC2018-0044 received July 24, 2018 for the \$41,829.69 of County fees associated with Building Permit BDC2018-0060, being able to make findings 2.a and 2.b of the Teton County Fee Waiver Policy (Resolution 2014-054). Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

MATTERS FROM COMMISSIONERS

Commissioner Vogelheim gave updates from today's Interagency Breakfast regarding Wild Game Carcass Disposal community solution and state-wide or regional solution, letter to Scott Talbot at the state level – copy WCCA, Lincoln County Commissioners and Sublette County Commissioners. The group also spoke about the Snow King Master Plan Expansion and the possibility of a workshop with the Forest Service.

WPLI Process Update – Chair Newcomb stated the charter and WCCA guidelines were not clear if a participating County Commission is required to move something forward even if there were no blocks put up in the process. The material to review first and foremost is the charter and WCCA guidelines and how they provide options to move forward. There are many options including to choose a proposal and altering very little, create own blend of criteria, three proposals put into one, not move any proposal forward at this point. Use this opportunity to support a type of land management in Teton County.

Discussion includes consensus in the Charter, blocking a proposal or recommendation, concern as an action item, do we move something forward or not, consequences of not putting forward a proposal or recommendation to the WCCA, deadline to WCCA, efforts of taskforce valuable for forest management.

Calendar Review. The Board reviewed their weekly calendars.

EXECUTIVE SESSION

There was no executive session.

ADJOURN

A motion was made by Commissioner Rhea and seconded by Commissioner Voegelmeier to adjourn. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 11:46am.

Respectfully submitted,

Shelley Fairbanks
Deputy County Clerk

TETON COUNTY BOARD OF COMMISSIONERS

Mark Newcomb, Chair

Natalia D Macker, Vice-Chair

Greg Epstein

Paul Vogelheim

ATTEST:

Kathleen "Smokey" Rhea

Sherry L. Daigle, County Clerk