

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

The Teton County Board of Commissioners met in regular session on **October 20, 2020** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 9:01 a.m. and the Pledge of Allegiance was recited.

ROLL CALL

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

ADOPTION OF AGENDA

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to adopt today's agenda with the dropping of item number nine. Chair Macker called for the vote. The vote showed four in favor with Commissioner Newcomb absent and the motion carried.

MINUTES

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to approve the 10-05-2020 and 10-06-2020 minutes. Chair Macker called for the vote. The vote showed four in favor with Commissioner Newcomb absent 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:

2. Consideration of Amendment One to the Memorandum of Understanding Between Wyoming Department of Health, Public Health Division, and Teton County
3. Consideration of an Employee Lease Agreement for Hoback Cabin #8
4. Consideration of Contract for Scrap Metal and Tin Can Processing and Recycling
6. Consideration of Cancellation of Contract with Converge One
7. Consideration of Contract for Radio Services
8. Radio Tower Agreement on Snow King Mountain for Sheriff's Department
10. Agreement with LexisNexis for Offline Legal Research for Jail Prisoners
11. Consideration of a Clerk of Court Lease and Purchase Agreement with Mail Finance
14. Consideration of a Grant Application from Teton County Historic Preservation Board for Preserving Our History project

There was no public comment.

Commissioner Newcomb jointed the meeting at 9:07 a.m.

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

A motion was made by Commissioner Barron 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:

2. Consideration of Amendment One to the Memorandum of Understanding Between Wyoming Department of Health, Public Health Division, and Teton County

To approve Amendment One to the MOU with the Wyoming Department of Health, Public Health Division and Teton County for COVID-19 Public Health outbreak response services for the period March 13, 2020 to December 31, 2020.

3. Consideration of an Employee Lease Agreement for Hoback Cabin #8

To approve the Lease Agreement for Hoback Cabin Transitional Unit #8 located at 11055 S Highway 89, with County employee James Leahy.

4. Consideration of Contract for Scrap Metal and Tin Can Processing and Recycling

To approve a Contract with Western Metals Recycling for scrap metal and tin can processing, hauling and recycling.

6. Consideration of Cancellation of Contract with Converge One

To approve the buyout agreement from ConvergeOne in the amount of \$14,930.22.

7. Consideration of Contract for Radio Services

To approve the sole source contract with Motorola Solutions in the amount of \$13,479.37 for radio support services from November 1, 2020 through June 30, 2021.

8. Radio Tower Agreement on Snow King Mountain for Sheriff's Department

To approve the Agreement with Static Peak, LLC for use of the radio tower by the Teton County Sheriff.

10. Agreement with LexisNexis for Offline Legal Research for Jail Prisoners

to approve the Agreement with Lexis/Nexis to provide legal research capabilities to detainees of the Teton County Jail.

11. Consideration of a Clerk of Court Lease and Purchase Agreement with Mail Finance

to approve the Teton County Clerk of the Court Lease Agreement and with Mail Finance and the Teton County Clerk of the Court Purchase Agreement with Neopost.

14. Consideration of a Grant Application from Teton County Historic Preservation Board for Preserving Our History project

To approve the Teton County Historic Preservation Board's competitive grant application to the Community Foundation of Jackson Hole for the Preserving Our History project.

DIRECT CORRESPONDENCE

1. Gloria Courser 9/30/2020 email regarding Right to choose to wear/not to wear face mask
2. Annie Band 9/30/2020 email regarding Northern South Park
3. Sandy Shuptrine 9/30/2020 email regarding Northern South Park
4. Maggie Hagen 9/30/2020 email regarding Northern South Park
5. Jennifer Kohlhardt 9/30/2020 email regarding Northern South Park
6. Kathryn Steele 9/30/2020 email regarding Northern South Park
7. Robbi Farrow 9/30/2020 email regarding Northern South Park
8. Andrew H Salter 9/30/2020 email regarding Northern South Park
9. Kirk Stone 9/30/2020 email regarding Northern South Park
10. Holly Balogh 10/1/2020 email regarding Northern South Park
11. Mahalo Kathe Coelho 10/1/2020 email regarding Northern South Park
12. Joy Sawyer-Mulligan 10/1/2020 email regarding EIS for GTRMDP by Forest Service
13. Frank Becker 10/1/2020 email regarding Northern South Park
14. Paul Beaupre 10/1/2020 email regarding Northern South Park
15. Oksana Onysko 10/1/2020 email regarding Childcare in Jackson
16. Alec Blossom 10/1/2020 email regarding Northern South Park
17. Anna Kerr 10/1/2020 email regarding Northern South Park
18. Linda Goralski 10/1/2020 email regarding Northern South Park
19. Peter Moorman 10/1/2020 email regarding Request to Maintain Hunting Rights
20. Jackson Hole Chamber of Commerce 10/1/2020 email regarding Results of Survey on 7th Cent Tax
21. Jennifer Ross 10/1/2020 email regarding Northern South park
22. Teton Village Association 10/1/2020 email regarding TC State Land Development Proposals
23. Chi Melville 10/2/2020 email regarding Grand Targhee EIS Scoping Comments
24. Raz Reinecke 10/2/2020 email regarding Northern South Park
25. Bruce Hawtin 10/2/2020 email regarding Northern South Park
26. William Hayes 10/2/2020 email regarding Northern South Park
27. Paul Zeller 10/2/2020 email regarding Land Parcels around Pine Meadows and Teal Trace
28. David Hardie 10/2/2020 email regarding Water Quality
29. Amberley Baker 10/2/2020 email regarding Public comment on Comp Plan
30. Scott Pierson 10/2/2020 email regarding Northern South Park
31. Susan Imhoff 10/2/2020 email regarding Northern South Park
32. Julia Heilesen 10/5/2020 email regarding Northern South Park
33. Cynthia Blankenship 10/5/2020 email regarding Northern South Park
34. Gloria Courser 10/5/2020 email regarding Questions About the Commission's Response to COVID-19 Orders
35. Susan Johnson 10/5/2020 email regarding Comp Plan Comments
36. Margaret Creel 10/5/2020 email regarding Northern South Park
37. Mary Ellen Fausone 10/5/2020 email regarding Northern South Park
38. Anna Olson 10/5/2020 email regarding Comp Plan Updates
39. S & B Trust/Frankewich 10/7/2020 letter regarding Applicant Edits to Findings of Fact
40. Richard Bloom 10/6/2020 email regarding Northern South Park
41. Melissa Turley 10/5/2020 email regarding START Cares Act Funding
42. Richard Weinbrandt 10/6/2020 email regarding DEV2016-0002
43. Bob and Deborah Malheiro 10/6/2020 email regarding Grand Targhee Master Development Plan
44. Chuck Harris et. al. 10/6/2020 email regarding Northern South Park
45. Eden Morris 10/6/2020 email regarding Public Statement Regarding Pete Muldoon
46. Kristen Gunther 10/6/2020 email regarding Letter Submitted to State Lands: Conservation Concerns
47. Shawn W. Hill 10/6/2020 email regarding Teton Vistas Ranch
48. Thomas Sneed 10/6/2020 email regarding Teton Vistas Ranch
49. Mary Cutler 10/6/2020 email regarding HWY 22 Speeds
50. James Van Vliet 10/6/2020 email regarding Teton Vistas Ranch
51. Lee Beauknight 10/6/2020 email regarding Comprehensive Plan and Water Quality
52. Jennifer Kronberger 10/7/2020 email regarding Wilson Corridor Study/Speed Zones
53. Peter Moyer 10/7/2020 email regarding Letter Re: Wildlife Protection Zone
54. Frances Clark 10/7/2020 email regarding Northern South Park
55. Carla Watsabaugh 10/7/2020 email regarding Videos of Wildlife/Vehicles on HWY
56. Frances Clark 10/7/2020 email regarding Comprehensive Plan Revisions
57. Ash Hermanowski 10/7/2020 email regarding Mask Use During Meetings
58. Genevieve Briand 10/7/2020 email regarding Devastating Effect of Health Orders
59. Sharon Mader 10/9/2020 email regarding Helicopter tours over Grant Teton National Park
60. Wayne R Grim 10/9/2020 email regarding Unconstitutionality of Governmental Response to COVID-19
61. Susan Johnson 10/9/2020 email regarding Comp Plan Updates
62. Tyler Sinclair 10/12/2020 email regarding Comp Plan Update
63. Anna Olson 10/12/2020 email regarding Housing Mitigation Comment
64. Gloria Courser 10/13/2020 email regarding Resolution from Goshen County
65. Catherine Britt 10/14/2020 email regarding Law Enforcement in Our Community

PUBLIC COMMENT

There was no public comment.

MATTERS FROM COMMISSION AND STAFF:

1. Consideration of Final Budget Amendment for FY2020

Maureen Murphy, Teton County Clerk, presented to the Board for consideration of approval a Year End Budget Amendment for Fiscal Year 2020.

Fiscal impact:

- Fund 10 – Decrease of \$556, 017 due to accruals after June 30th
- Fund 11 - Decrease of \$205,308 due to accruals after June 30th
- Fund 14 – Audit reformatting between SPET Funds in fund balance
- Fund 30 – Decrease of \$232,292 due to incorrect EOY amendment

There was no public comment.

A motion was made by Commissioner Propst and seconded by Commissioner Barron to adopt the proposed final budget amendment for FY20 as presented today. Chair Macker called for a vote. The vote showed all in favor and the motion carried.

5. Consideration of a Contract for Facilitation Services

Alyssa Watkins, Board of County Commissioners Administrator, presented to the Board for consideration of approval an agreement for facilitation services to support the work of the Law Enforcement/Human & Social Services/Public Safety Request for Proposals (RFP) Committee.

During Fiscal Year 2021 budget discussions, the Teton County Board of County Commissioners (BCC) expressed interest in further exploring recent community conversations about the existing and potential interplay between law enforcement, human and social services, and public safety response to community incidents and individuals in crisis and chose to allocate FY21 funding to delve into the topic further. Since that time, the BCC has directed staff to work with a number of partner agencies to identify RFP Committee appointees and, on October 12th, 2020, the BCC interviewed applicants for the RFP Committee's citizen-at-large positions. The intent of the RFP Committee is to help begin to identify the problems, information, questions, and outcomes a future effort might focus on and to use that information to draft an RFP and associated Scope of Work (SOW). Once drafted, the initial vision is that Teton County or another more appropriate government or community entity would release the RFP and contract with a respondent to accomplish the goals and tasks outlined therein. Facilitation services are desired to help the RFP Committee accomplish these goals. On September 28th, Teton County released a Request for Proposals for facilitation services through the Public Purchase system; the RFP closed on October 12th. Staff reached out to several local providers of facilitation services to make them aware of the RFP opening. One response was received, from Leadership at Play. Leadership at Play proposes to facilitate a series of six meetings with the RFP Committee over the course of three to four months. Meetings would be facilitated over Zoom and last 3-4 hours in length. Leadership at Play proposes to hire an outside consultant with Diversity, Equity, Inclusion expertise to work alongside the facilitator during this stage and notes that they are "significantly discounting his project to support getting an outside consultant in the conversation early in the process."

There was no public comment.

A motion was made by Commissioner Barron and seconded by Commissioner Propst to approve the Agreement for Facilitation Services for the Law Enforcement/Human & Social Services/Public Safety RFP Committee with Leadership at Play at a cost not to exceed \$14,000.

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

12. Authorization to Begin 45 Day Comment Period – Planning and Building Department Schedule of Fees

Rian Rooney, Planning staff, presented to the Board for consideration of approval a request for authorization to begin 45-day comment period on October 28, 2020 to consider amendments to the Teton County Planning and Building Services Department Schedule of Fees, pursuant to the Wyoming Administrative Procedures Act (Wyo. Stat. §16-6-103).

Pursuant to the Wyoming Administrative Procedures Act, a 45-day comment period must be advertised and comments invited prior to adoption of new rules. The Planning and Building Services Department has not updated its Schedule of Fees for Planning Permits and Building Permits since 2014, when a revised Schedule was adopted to match the restructured Teton County Land Development Regulations (LDRs) that went into effect January 1, 2015. The Teton County Engineering Department updated the Engineering Permit Fees section of the Schedule earlier this year. Planning staff has identified several fees that were not included in the 2014 update for various reasons that should be included to reflect current procedures and administrative processes since that update. To enhance predictability for the public and accurately reflect current procedures, staff is proposing to update the fee schedule to add those fees to be effective on January 1, 2021.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Propst to authorize beginning the 45-day period on October 28, 2020 for public review and comment on proposed amendments to the Teton County Planning and Building Services Department Schedule of Fees represented in the October 9, 2020 draft.

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

MATTERS FROM PLANNING & DEVELOPMENT

- 1. Permit:** AMD2019-0005
Applicant: TETON COUNTY
Presenter: Rian Rooney
Request: LDR Text Amendment to Update Section 6.1.10.D. Wireless Communication Facilities.

Location: County-wide

Rian Rooney, Planning and Building Services, presented to the Board for consideration of approval a Proposal to amend the Teton County Land Development Regulations (LDRs), pursuant to Section 8.7.1., to amend Section 6.1.10.D. Wireless Communication Facilities, to add new regulations for small wireless communications facilities, which provide wireless Internet connection for cell phones and other devices, on private land and private rights-of-way within Teton County jurisdiction and to address the policies outlined in the Federal Communication Commission's (FCC) September 27, 2018 Declaratory Ruling and Third Report and Order. The proposed amendment includes:

- Updated processing timelines, sufficiency, and "shot clock" standards for all wireless facility applications
- Locational preference and design standards for small wireless facilities and associated support structures

The proposal also adds clarification and cleanup of existing standards for non-small (macro) wireless communications facilities, including:

- more detailed design requirements for the monopine concealment method
- addition of consideration of scenic context to performance criteria for concealed towers and visibility standards for new towers

Wireless facilities are the infrastructure that allow cell phones and other wireless devices to transmit data. The Federal Communication Commission's Declaratory Ruling and Third Report and Order (September 27, 2018) established directives that significantly limit local control over small wireless infrastructure deployment and associated fees and processing timelines. These directives impact local control over the deployment of small wireless facilities in both public rights-of-way and on private land. The federal directives are intended to promote the deployment of small wireless facilities and infrastructure across the country. Additionally, the directives affirm processing timelines for macro wireless infrastructure. Small wireless facilities differ from the typical, larger cell towers. Small wireless facilities are smaller antennae and support equipment that are typically installed on utility, light, or traffic poles and are meant to supplement the larger wireless system. Also known as small cells, these facilities increase wireless capacity and add wireless density to the networks serving a community. The deployment of small wireless facilities is considered a requirement to enable 5G ("fifth generation") wireless technology and other data-intensive services and technologies like autonomous vehicles and the Internet-of-things, i.e. the massive network of physical devices that connect to the Internet, like smart home security and smart heating/cooling. The small cells are connected by fiber optic cable and are generally attached to existing infrastructure along public rights-of-way, streets, or utility easements. However, because Teton County does not have many public rights-of-way and has many private roads and residential communities, staff recommends establishing rules in the Land Development Regulations (LDRs) to regulate the possible deployment of small wireless facilities on private land, and to comply with the FCC's directives. As small wireless facility deployment is increasing across the country, it is important to establish regulations in advance of the potential arrival of applications. In July 2019, Teton County adopted Chapter 3 of Title 3 of the Teton County Rules and Regulations to regulate the use of Teton County rights-of-way for small wireless facilities. These regulations include detailed design standards for facilities and the pole support structures on which they are mounted. In addition to updating Section 6.1.10.D., Wireless Communications Facilities, to ensure that the LDRs are compliant with FCC directives, the proposed amendment draws heavily on the aesthetic standards established under Title 3 of the Teton County Rules and Regulations to regulate small wireless facilities on private property. Staff's intention is to create uniformity in regulation of small wireless infrastructure throughout the County. The proposed regulations will ensure that Teton County is able to control the future deployment of wireless communications facilities rather than being forced to defer to the terms of wireless providers.

There was no public comment.

A motion was made by Commissioner Newcomb and seconded by Commissioner Barron to APPROVE AMD2019-0005, as presented in the draft dated September 8, 2020, to amend the Wireless Communications Facilities standards and regulations in Section 6.1.10. with no conditions, being able to make the findings of Section 8.7.2. as recommended by the Planning Director and Planning Commission.

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

The meeting recessed at 9:58 a.m. and reconvened at 10:05 a.m.

- 2. Permit:** SD2020-0005
Applicant: SRS CLUB, LLC
Presenter: Andrew Bowen
Request: Partial Vacation Without Replat, pursuant to Section 8.2.13.C.5 of the Teton County Land Development Regulations, Amendment of Permits or Approvals, to partially vacate an easement for access and utilities to Lot 85, Snake River Sporting Club, 2nd Filing, Plat No. 1175.
Location: The subject property to be granted easement is located at 15625 S Wagon Road, Jackson. The property is located on the southernmost end of the Snake River Sporting Club. It is zoned Rural-3 and is both within the Natural and Scenic Resource Overlays.

Andrew Bowen, Senior Planner, Planning and Building Services, presented to the Board for consideration a Partial Vacation Without Replat, pursuant to Section 8.2.13.C.5 of the Teton County Land Development Regulations, Amendment of Permits or Approvals, to partially vacate an easement for access and utilities to Lot 85.

The subject easement recipient property is located at 15625 S Wagon Road, Jackson. The property is located on the southernmost end of the Snake River Sporting Club. It is zoned Rural-3 and is within both the Natural and Scenic Resource Overlays. As proposed within SD2020-0005, the single focus of this application is to partially vacate an access and utility easement present on Lot 116 that grants access to Lot 85. In doing so, the currently approved driveway and bridge will be better aligned within the easement area. To be clear, no new plat will be recorded through this process. If approved, the County Clerk will be requested to record the following:

- All affected property owner affidavits
- A Board of County Commissioners acknowledgment that no property owner's rights are to be abridged or destroyed by this action
- A new access and utility easement with a legal description and exhibit map to be recorded

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to I move to APPROVE the Partial Easement Vacation for Plat #1373 S/D2020-0005 dated June 30, 2020 as recommended by the Planning Director, being able to make all four (4) of the findings of Section 8.5.3. and of the applicable Teton County Land Development Regulations, including the standards of Section 8.2.13.C of the Teton County Land Development Regulations, and 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. 1373, and further request that the Teton County Clerk provide an annotation on the plat noting the partial vacation as proposed and referencing the Document Number of the recorded affidavit and a new access and utility easement with a legal description and exhibit map to be recorded.

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

- 3. Permit:** DEV2020-0002 – **POSTPONED TO THE NOVEMBER 10, 2020 BCC HEARING**
Applicant: LODGES AT FISH CREEK, LLC
Presenter: Andrew Bowen
Request: Development Plan approval, pursuant to Section 8.3.2 of the Teton County Land Development Regulations, to establish a building envelope and certain restrictions for the development of a single-family residence on Lot 14 at the Lodges at Fish Creek.
Location: 2600 Fish Creek Road (Lot 14, The Lodges at Fish Creek); located at the corner of Crystal Springs Road and Four Pines Road in Teton Village. The Property is zoned PR and is within the Scenic Resources Overlay

A motion was made by Commissioner Propst and seconded by Commissioner Newcomb to postpone DEV2020-0002, an application from Lodges at Fish Creek, LLC, to the November 10, 2020 Board of County Commissioner meeting. Chair Macker called for a vote. The vote showed all in favor and the motion carried.

MATTERS FROM COMMISSION

- a. Buffalo Valley Application

There was discussion on the conditional use permit application for camping at the Fire in the Mountains event.

- b. Northern South Park Proposals and Steering Committee

Chris Neubecker answered questions from the Board and gave updates on the proposal period and progress on the assembly of a stakeholder/steering committee.

- c. Potential Hiring of New Long-Range Planner

The Board discussed funding for the position.

EXECUTIVE SESSION

A motion was made by Commissioner Barron and seconded by Commissioner Propst to enter executive session pursuant to Wyoming Statute §16-4-405(a) (vii) to consider the selection of a site or the purchase of real estate. Chair Macker called for the vote. The vote showed all in favor and the motion carried. They entered executive session at 10:31 a.m.

Commission present: Natalia Macker, Greg Epstein, Mark Barron, Mark Newcomb, and Luther Propst.

Staff: Maureen Murphy, Alyssa Watkins, Keith Gingery, and Chalice Weichman.

No action was taken.

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to adjourn from executive session. Chair Macker called for a vote. The vote showed all in favor and the motion carried. They adjourned from executive session at 10:47 a.m.

The meeting recessed at 10:47 a.m. and reconvened at 1:31 p.m.

WORKSHOPS

A. Workshop to discuss State Trust Lands Proposals with Jason Crowder from OSLI

Jason Crowder, Deputy Director, Wyoming Office of State Lands and Investments, provided opening remarks and gave an introduction to the proposals for State Trust Lands, then answered questions from the Board.

Chris Neubecker, Director, Planning and Building Services, addressed the how the Planning and Building Department analyzes the impact of proposals on the Teton County Comprehensive Plan.

Andy Schwartz, Wyoming State Representative, and Mike Gierau, Wyoming State Senator, answered questions regarding timelines and intentions of the legislature for consideration of State Trust Lands.

The meeting recessed at 2:14 p.m. and reconvened at 2:25 p.m.

The Board discussed a draft letter regarding State Trust lands and will discuss it as a continuation of agenda item #13 on Friday, October 23 at 9:00 a.m.

ADJOURN

A motion was made by Commissioner Propst and seconded by Commissioner Barron to adjourn. Chair Macker called for a vote. The vote showed all in favor and the motion carried. The meeting adjourned at 2:37 p.m.

Respectfully submitted,
Chalice Weichman
Deputy County Administrative Clerk

TETON COUNTY BOARD OF COMMISSIONERS

Natalia D. Macker, Chair

Greg Epstein, Vice-Chair

Mark Barron

Mark Newcomb

ATTEST:

Luther Propst

Maureen E. Murphy, County Clerk