

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

The Teton County Board of Commissioners met in regular meeting on **May 18, 2021** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 9:00 a.m. and the Pledge of Allegiance was recited.

**ROLL CALL**

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

**ADOPTION OF AGENDA**

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to adopt today's agenda as presented. Chairwoman Macker called for the vote. The vote showed all in favor and the motion carried.

**CENTENNIAL MINUTE:** Chairwoman Macker shared items of Teton County's history from 1921 publications in recognition of Teton County's 100<sup>th</sup> year.

**MINUTES**

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve the 04-26-21, 04-26-21 (special), 05-03-21 and 05-04-21 minutes. Chairwoman Macker 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 Barron to place the following Matters from Staff on a Consent Agenda:

- 4. Consideration of 2021 Teton Wilderness Drive Crushed Base Placement Contract**
- 5. Consideration of Forklift Rental Agreement for the Recycling Center**
- 7. Consideration of Copier Lease Agreement at ISWR**
- 8. Consideration of FAA Grant for COVID Relief – Rental Assistance for Airport Concessionaires**
- 9. Consideration of Addendum #2 to the Contract with Epi Use for the Purpose of COVID-19 Contact Investigation and Tracing**
- 10. Consideration of a Contract for the Fail Forward Program**
- 11. Consideration of a Contract for Services with WSW Consulting for a Housing Nexus Study & Regional Housing Needs Assessment**

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

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

**MATTERS FROM COMMISSION AND STAFF:**

- 4. Consideration of 2021 Teton Wilderness Drive Crushed Base Placement Contract**

To approve the 2021 Teton Wilderness Drive Crushed Base Placement Project contract with Evans Construction Company in the amount of \$33,200.00

- 5. Consideration of Forklift Rental Agreement for the Recycling Center**

To approve the standard forklift short-term rental for 7 months from Arnold Machinery Equipment for a total cost of \$10,200.00 and a long-term lease of a rotational forklift from Arnold Machinery Equipment for a FY2022 cost of \$13,390.39

- 7. Consideration of Copier Lease Agreement at ISWR**

To approve the lease agreement from Rocky Mountain Competitive Solutions between Teton County for copiers and service in the amount of \$8,774.04

- 8. Consideration of FAA Grant for COVID Relief – Rental Assistance for Airport Concessionaires**

To approve the Airport Coronavirus Response Grant Concessions Addendum for the Jackson Hole Airport

- 9. Consideration of Addendum #2 to the Contract with Epi Use for the Purpose of COVID-19 Contact Investigation and Tracing**

To approve Addendum #2 for COVID-19 technology integration services to Epi Use America in the amount of \$47,920.00

- 10. Consideration of a Contract for the Fail Forward Program**

To approve the Service Agreement between Teton County and the Centre for Public Impact for the Failing Forward in County Government Program

- 11. Consideration of a Contract for Services with WSW Consulting for a Housing Nexus Study & Regional Housing Needs Assessment** - This item was read during consent, but not brought before the commission at this meeting and will be seen on a June agenda. See "Matters from Commission."

**DIRECT CORRESPONDENCE**

1. Maury Jones 4/27/2021 email regarding
2. Steve Elam 4/27/2021 email regarding Helicopter Tours in GTNP
3. Gloria Courser 4/29/2021 email regarding Mask Orders
4. Ilene Garber 4/30/2021 email regarding Teton Pines Redevelopment plans
5. TJ McCann 4/30/2021 email regarding Property Tax Increase
6. George Putnam 4/30/2021 email regarding DEV2020-0005
7. Nicole Krieger 4/30/2021 email regarding DEV2020-0005
8. Mari Auman 4/30/2021 email regarding GRTE Parking Lot / Sagebrush Pathway
9. Susan Marsh 5/1/2021 email regarding Mask Orders
10. Paul Obrien 5/2/2021 email regarding Mask Orders
11. Geneva Chong 5/2/2021 email regarding Housing Department Budget Concerns
12. Travis Riddell 5/2/2021 email regarding Mask Orders
13. Diane McGee 5/3/2021 email regarding Public Comment for 5-3 JIM
14. Christian Beckwith 5/3/2021 email regarding Teton Mapping Project
15. Zahan Billimoria 5/3/2021 email regarding Support for DACA Housing
16. Paul Divjak 5/3/2021 email regarding Pathway Connector Project
17. Chandler Windom 5/3/2021 email regarding DEV2020-0005 Memo for May 4th BCC Meeting
18. Jenny Fujinami 5/4/2021 email regarding State Board of Equalization Decision and Order 2020-40
19. Gary Kofinas 5/4/2021 email regarding Letters of Support for Rec Center Climbing Gym
20. Ash Hermanowski 5/4/2021 email regarding Webinar on Combating Short Term Rentals
21. Mari Auman 5/7/2021 letter regarding Bar B Bar Meadows Boardmember Comments on Sagebrush Pathway Project
22. Paul Divjak 5/7/2021 letter regarding Bar B Bar Meadows Boardmember Comments on Sagebrush Pathway Project
23. Christina Cartier 5/7/2021 email regarding Game Creek Parking
24. Scott Zabriskie 5/7/2021 email regarding Wildland Urban Interface Code Amendment: Cedar Shakes and Wood Roofing
25. Brian Schilling 5/7/2021 email regarding Sagebrush Pathway Correspondence
26. Kathy Tompkins 5/7/2021 email regarding Northern South Park/High School Road
27. Mary Lynn Callahan 5/10/2021 email regarding Ecological Stewardship Budget Concerns
28. Melissa Turley 5/10/2021 email regarding Transportation Director Position

#### **PUBLIC COMMENT**

There was no public comment.

#### **MATTERS FROM COMMISSION AND STAFF**

##### **1. Consideration of Approval of a new Malt Beverage Permit for Field House LLC dba Jackson Hole Indoor Sports**

Shelley Fairbanks, Deputy County Clerk, presented to the Board for consideration of approval an application for a new County Malt Beverage Permit by Field House LLC.

Applicant is requesting the approval of a new County Malt Beverage Permit for Field House LLC Jackson Hole Indoor Sports. This permit will be non-operational until the opening of the Jackson Hole Indoor Sports facility, which is anticipated to be this fall.

There was no public comment.

A motion was made by Commissioner Barron and seconded by Commissioner Propst to approve the issuance of a County Malt Beverage Permit to Field House LLC for the time period of July 1, 2021 through January 6, 2022. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

##### **2. Consideration of Special Revenue Fund Balance Policy Update**

Kati Smits, Teton county Treasurer, presented to the Board for consideration of approval an update the Teton County Special Revenue Fund Balance Policy.

In April 2015, a Special Revenue Fund Balance Policy was established. It mentioned that Funds 19 and 30 (Parks & Recreation and Integrated Solid Waste & Recycling, respectively) both have Fund Balance policies. After further review with Parks & Recreation, ISWR, and the Board of County Commissioner's Administrator, it was decided that neither fund had a formal policy. In July 2017, a Fund Balance Policy was established for Fund 32 (County Fair Fund). This policy was not updated to be included in the current policy. Both occurrences prompted a needed change to the current policy.

There was no public comment.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve the updated Special Revenue Fund Balance Policy. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

##### **3. Consideration of Contract for Purchase and Installation of Food De-Packaging Equipment**

Brenda Ashworth, Integrated Solid Waste and Recycling Superintendent, presented to the Board for consideration of approval a contract for the purchase and installation of food depackaging equipment for food waste composting at the Transfer Station.

In 2019, Teton County voters approved \$2.5M SPET funding for Teton County Road to Zero Waste Infrastructure. The infrastructure improvements include the purchase and installation of a food waste de-packaging system at the Teton County Compost Facility located at the Trash Transfer Station. Remodeling of the Interim Transfer Station to allow for the acceptance of food waste was completed in November of 2020, and ISWR began accepting food waste for composting in February of 2021. The depackager is necessary to being composting of commercial food waste. The food waste de-packager is designed to remove up to 99.5% of contaminants from the food waste stream, resulting in a higher quality finished compost product and fewer operational staff hours.

There was no public comment.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve the contract with Ecoverse Industries for the food waste de-packager purchase and installation at the Teton County Compost Facility, located at the Transfer Station, in the amount of \$493,431.00, plus a 2.5% contingency, for a total project cost of \$505,766.76. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

#### **6. Consideration of Approval of Tip Fees for Trash Transfer, Recycling, and HHW Facilities**

Brenda Ashworth, Integrated Solid Waste and Recycling Superintendent, presented to the Board for consideration of approval FY2022 fees for the Teton County Trash Transfer Station, Recycling Center and Household Hazardous Waste Facilities.

Teton County Integrated Solid Waste and Recycling (ISWR) is proposing to increase Teton County Trash Transfer Facility tip fees, as well as recycling and household hazardous waste fees. Attached are the current and proposed FY2022 fees. Advertising occurred over a 45-day period beginning on March 17, 2021 for the proposed FY2022 fees. No public comment was received.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to approve the FY2022 Tip Fees for the Trash Transfer, Recycling and Household Hazardous Waste Facilities. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

#### **MATTERS FROM PLANNING AND DEVELOPMENT**

##### **Findings of Fact, Conclusions of Law, and Order:**

1. DEV2020-0005 – Teton Pines Limited Liability Company

This matter came before the Teton County Board of County for public hearing on May 4, 2021, upon the application of Y2 Consultants on behalf of Teton Pines Limited Liability Company for a Development Plan, pursuant to Section 8.3.2., Development Plan, of the Teton County Land Development Regulations (LDRs), to redevelop the Teton Pines commercial area wellness center, activity barn, and pool. The Board considered a presentation from staff, and approved DEV2020-0005 with the following two conditions:

- a. An affordable housing fee-in-lieu shall be paid to Teton County by the applicant prior to issuance of a building permit in accordance with the housing mitigation plan provided in the application.
- b. This approval excludes the paddle tennis/pickleball courts, warming hut, and complex use lighting since the applicant has requested that those items be removed from the application request.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve the Findings of Fact and Conclusions of Law and Order granting approval of DEV2020-0005. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

2. **Permit:** BDJ2021-0001 – **CONTINUED FROM THE MAY 4, 2021 BCC MEETING**  
**Applicant:** KEITH'S COVE II, LLC & MORAN HOLE LLC C/O STOLTZ REAL ESTATE PARTNERS, BURT HERON HOLDINGS, LLC  
**Presenter:** Chandler Windom  
**Request:** A Boundary Adjustment, pursuant to Section 8.5.5 of the Teton County Land Development Regulations to re-configure Lots 56 and 57 in Crescent H Guest Ranch, while also adjusting the adjacent un-platted Parcels 14 and 15.  
**Location:** Platted lots 56 & 57 of Crescent H Guest Ranch are located at 5555 & 5575 W Cutthroat Trout Road. They are zoned Planned Unit Development-Rural 2. The adjacent un-platted parcels have PIDN(s) of 22-40-17-03-2-00-006, 22-41-17-34-3-00-018 and 22-41-17-34-3-00-019. These parcels are zoned Rural-1. All properties are within the Natural Resources Overlay and are 2 miles south of downtown Wilson.

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to postpone BDJ2021-0001 to the June 1, 2021 Board of County Commissioners meeting. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

3. **Permit:** MSC2021-0016  
**Applicant:** FOUR SHADOWS LLC JACKSON HOLE MOUNTAIN RESORT CORPORATION  
**Presenter:** Chandler Windom  
**Request:** Request to waive all Grading & Erosion Control Permit fees for the improvements to the Teton Village Parking Access Revenue Control System (PARCS), pursuant to finding 2.b of the Teton County Fee Waiver Policy (Resolution 2014-054).  
**Location:** The subject properties include multiple parking lots within Teton Village; the Ranch Lot (7715 Granite Loop), the Village South Lot (3230 McCollister Dr), the Crystal Springs Lot (Lot 206 JHSC) and the Cody Lot (Lot 226 JHSC). All properties are zoned Planned Unit Development-Planned Resort and are partially within the Scenic Resources Overlay.

Chandler Windom, Senior Planner, Planning and Building Services, presented to the Board for consideration of approval a request to waive all Grading & Erosion Control Permit fees for the improvements to the Teton Village Parking Access Revenue Control System (PARCS), pursuant to finding 2.b of the Teton County Fee Waiver Policy (Resolution 2014-054).

The total permit fees requested to be waived are \$3,760. This amount was determined by the Public Works fee schedule for commercial projects (\$0.10/sf) and the 37,600 square-feet of total anticipated disturbance with GEC2021-0069.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve the Teton Village Association Improvement and Service District's Fee Waiver Request MSC2021-0016, received May 1st, 2021 for \$3,760 of County fees associated with Planning and Building permits, being able to make finding 2.b of the Teton County Fee Waiver Policy. Chairwoman Macker called for a vote. The vote showed four in favor and the motion carried 4-1 with Commissioner Newcomb opposed.

- 4. Permit:** MSC2021-0023  
**Applicant:** TETON COUNTY  
**Presenter:** Chandler Windom  
**Request:** Request to waive all Planning Permit fees for a future Formal Interpretation submittal, by Dan Heilig of the Wyoming Outdoor Council, regarding the utilities at the Teton County Hoback Junction Housing Improvements Project, pursuant to finding 2.a of the Teton County Fee Waiver Policy (Resolution 2014-054).  
**Location:** Request associated with 11055 S Hoback Junction South Road, a Teton County owned employee housing site. The property is south of Hoback Junction and is adjacent to the Hoback River. The property is zoned Auto-Urban Commercial and is within the Natural Resources Overlay.

Chandler Windom, Senior Planner, Planning and Building Services, presented to the Board for consideration of approval a request to waive all Planning Permit fees for a future Formal Interpretation submittal by Dan Heilig of the Wyoming Outdoor Council regarding the utilities at the Teton County Hoback Junction Housing Improvements Project pursuant to finding 2.a of the Teton County Fee Waiver Policy (Resolution 2014-054).

Dan Heilig of the Wyoming Outdoor Council is requesting a fee waiver for a future Formal Interpretation application associated with the Teton County Hoback Junction Housing Improvements Project at 11055 S Hoback Junction Road. The applicant wishes to submit for a Formal Interpretation of the Land Development Regulations (LDRs) regarding whether septic systems meet the definition of "essential utilities." The regulation in question is LDR Section 5.1.1. D.3.1.a Development of Essential Facilities. Waterbodies. Certain water dependent uses, bona fide stream restoration and enhancement, and essential road or utility crossings must be located in or adjacent to waterbodies. These may be permitted provided all physical development meet the following requirement:

- I. Flood Control, Irrigation, or Essential Crossings. Only physical development that is essential to flood control or irrigation, bona fide stream restoration and enhancement, or essential road or utility crossings shall be permitted.
- I. Not for Human Habitation. Structures shall not be intended or designed for human habitation.
- II. Minimize Negative Impacts on Wildlife. All physical development and use shall be designed to minimize negative impacts on wildlife.

Public comment was made by Dan Heilig, the applicant.

A motion was made by Commissioner Propst and seconded by Commissioner Epstein to approve the Wyoming Outdoor Council's Fee Waiver Request MSC2021-0023, received April 27th, 2021 for \$500 of County fees associated with a Formal Interpretation application, being able to make finding 2.a of the Teton County Fee Waiver Policy. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

#### **MATTERS FROM COMMISSION**

1. Consent agenda correction: Item 11, Consideration of a Contract for Services with WSW Consulting for a Housing Nexus Study & Regional Housing Needs Assessment, was not meant to come before the Commission at this meeting and will appear on a June agenda.

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to continue agenda item #11: Consideration of a Contract for Services with WSW Consulting for a Housing Nexus Study & Regional Housing Needs Assessment to the first regular June meeting. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

2. E-Bike Safety: The Board discussed the need for a safety initiative.

#### **ADJOURN**

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to adjourn. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried. The meeting adjourned at 9:40 a.m.

Respectfully submitted,  
Chalice Weichman  
Deputy County Administrative Clerk

TETON COUNTY BOARD OF COMMISSIONERS

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Natalia D. Macker, Chairwoman

ATTEST:

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Maureen E. Murphy, County Clerk