

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

The Teton County Board of Commissioners met in regular meeting on **April 11, 2023** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 9:03 a.m. and the Pledge of Allegiance was recited.

**ROLL CALL**

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

**ADOPTION OF AGENDA**

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to adopt today's agenda as presented noting that item #19 will be postponed. Chair Propst called for the vote. The vote showed all in favor and the motion carried.

**MINUTES**

A motion was made by Commissioner Epstein and seconded by Commissioner Macker to approve the 3-13-2023, 3-20-2023, 3-20-2023 (Hearing), 3-21-2023, and 3-24-2023. minutes. Chair Propst 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 Skate Park Construction Contract- Dreamland
2. Consideration of Contract Award for South Park Ranch- South Fork Road Paving Project
3. Consideration of Contract Award for 2023 Teton County Roads & Parking Lots Sweeping Project
4. Consideration of Change Order #1 for Fairgrounds Community Center Construction Contract
7. Consideration of Amendment #2 to the License Agreement with Credible Mind
8. Consideration of a Formal Bid Award and Purchase of a Compact Hybrid SUV for the Health Department
9. Consideration of Funding for Health Programs to Prevent and Treat Problematic Gambling Behavior
11. Consideration of a Contract with Independent Contractor, Kim Mellick for Nurse Practitioner Services for Family Planning Services at the Teton County Health Department
12. Consideration of a Rental Agreement between the Center for the Arts and Teton County for Suicide Prevention Evening Talk on May 3rd, 2023
13. Consideration of Addendum to RxBenefits ASA
14. Consideration of JH Airport Grant to Improve Terminal Building
15. Consideration of JH Airport Budget Amendment
16. Consideration of an Employee Lease for 40 E. Pearl Avenue Unit 203
17. Consideration of FTA Certifications and Assurances
18. Consideration of OneWyo II Opioid Settlement

Commissioner Gardner proposed a friendly amendment to the motion to include items 6 and 10 on consent. Commissioner Epstein accepted the friendly amendment.

6. Consideration of Amendment #1 to the License Agreement with Credible Mind
10. Consideration of a Contract with Independent Contractor, Adair Flynt for Nurse Practitioner Services for Family Planning Services at the Teton County Health Department

Chair Propst called for a vote on the amended motion. 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 Propst called for the vote. The vote showed all in favor and the motion carried.

**MATTERS FROM COMMISSION AND STAFF**

**1. Consideration of Skate Park Construction Contract- Dreamland**

To approve the revised Jackson Hole Skatepark Phase 3 Expansion Construction Contract with Dreamland Skateparks LLC in the amount of \$603,380.50

**2. Consideration of Contract Award for South Park Ranch- South Fork Road Paving Project**

To award the South Park Ranch Road – South Fork Paving Project contract to Knife River Corporation – Mountain West, and approve the contract with Knife River Corporation – Mountain West, in the amount of \$268,395.00.

**3. Consideration of Contract Award for 2023 Teton County Roads & Parking Lots Sweeping Project**

To approve the 2023 Teton County Roads and Parking Lots Sweeping Project contract to Idaho Traffic Safety in the amount of \$65,000.

**4. Consideration of Change Order #1 for Fairgrounds Community Center Construction Contract**

To approve Change Order #1 for the Fairgrounds Community Building in the amount of \$61,038.55 and approve an additional \$20,000 from the FY23 General fund balance if needed.

**6. Consideration of Amendment #1 to the License Agreement with Credible Mind**

To approve Amendment #1 to the license Agreement with Credible Mind for Google ads in the amount of \$2,706.00.00 for the period May 1, 2023, through January 2, 2024.

**7. Consideration of Amendment #2 to the License Agreement with Credible Mind**

To approve Amendment #2 with Credible Mind for Spanish translation and cultural review in the amount of \$3,190.00.00 for the period May 1, 2023, through January 2, 2024.

**8. Consideration of a Formal Bid Award and Purchase of a Compact Hybrid SUV for the Health Department**

To award the formal bid and to approve the purchase of a compact Hybrid SUV from Ken Garff Motors in the amount of \$38,136.00 for a 2023 Ford Escape Hybrid.

**9. Consideration of Funding for Health Programs to Prevent and Treat Problematic Gambling Behavior**

To approve accepting funding from the Wyoming Department of Health for the purpose of the prevention and treatment of problematic gambling behavior.

**10. Consideration of a Contract with Independent Contractor, Adair Flynt for Nurse Practitioner Services for Family Planning Services at the Teton County Health Department**

To approve the Contract between Independent Contractor, Adair Flynt, for Nurse Practitioner services for family planning clients at Teton County Health Department for the period April 11, 2023 – April 10, 2024.

**11. Consideration of a Contract with Independent Contractor, Kim Mellick for Nurse Practitioner Services for Family Planning Services at the Teton County Health Department**

To approve the Contract between Independent Contractor, Kim Mellick, for Nurse Practitioner services for family planning clients at Teton County Health Department for the period April 11, 2023 – April 10, 2024.

**12. Consideration of a Rental Agreement between the Center for the Arts and Teton County for Suicide Prevention Evening Talk on May 3rd, 2023**

To approve the Rental Agreement between the Center for the Arts and Teton County for a Suicide Prevention Evening Talk on May 3rd, 2023.

**13. Consideration of Addendum to RxBenefits ASA**

To approve the Addendum to the Administrative Service Agreement between Teton County and RxBenefits, Inc.

**14. Consideration of JH Airport Grant to Improve Terminal Building**

To adopt the proposed Resolution, and approval of the FAA Grant Agreement to Rehabilitate and Expand the Terminal Building at the Jackson Hole Airport, with the FAA obligation under the grant being a maximum of \$4,375,980.

**15. Consideration of JH Airport Budget Amendment**

To approve the amendment to the FY23 Jackson Hole Airport Budget Amendment.

**16. Consideration of an Employee Lease for 40 E. Pearl Avenue Unit 203**

To approve the Lease Agreement for 40 East Pearl Unit #203 with Ana Maria Flores.

**17. Consideration of FTA Certifications and Assurances**

To approve the Fiscal Year 2023 Annual List of Certifications and Assurances for FTA Grants and Cooperative Agreements and direct the Deputy County Attorney to submit and file the Certifications and Assurances with FTA in TrAMS and through whatever additional means may be required for its FTA administered federal assistance.

**18. Consideration of OneWyo II Opioid Settlement**

To approve the OneWyo II Opioid Settlement MOA and further move to approve the Exhibit K participation and release forms for each of the Defendants, specifically Teva, Allergan, CVS, Walmart and Walgreens.

**DIRECT CORRESPONDENCE**

1. Ann Goodell 3/16/2023 email regarding Alta courts
2. Devon Viehman 3/16/2023 email regarding Rec Center and 4H
3. May Sumicad 3/16/2023 email regarding Rafter J Lot 333
4. Abigail Karin 3/17/2023 email regarding Karns Meadow Comments
5. Barbara Aronowitz 3/17/2023 email regarding Targhee expansion
6. Brendan Schulte 3/20/2023 email regarding SRS Club Request
7. Chi Melville 3/20/2023 email regarding Teton Pass Corridor Study
8. Brian Remlinger 3/21/2023 email regarding Consent Agenda for BCC Meeting
9. Megan Jenkins 3/21/2023 email regarding Airport Security Federalized
10. Dan Reyes 3/21/2023 email regarding Teton Pass Corridor Study
11. Suzanne Watts 3/22/2023 email regarding Rec. Center Fees
12. JH Stingrays Board 3/22/2023 email regarding Rec. Center Fees
13. Tracy Haling 3/22/2023 email regarding Rec. Center Fees
14. Lauren Leoni 3/22/2023 email regarding Rec. Center Fees
15. Donna McKusick 3/22/2023 email regarding Fire in the Mountains
16. Carlin Girard 3/23/2023 email regarding FY24 Teton Conservation District Alignment
17. Jayne Ottman 3/23/2023 email regarding Housing Density SRCRR
18. Heather Finkel 3/23/2023 email regarding Rec. Center Fees

19. Linnea Gardner 3/23/2023 email regarding SRCRR Development Proposal
20. Kathleen O'Niel 3/23/2023 email regarding TC Idaho Wildlife Advisory Committee Comments
21. Morgan Gurney 3/24/2023 email regarding Liaison Program
22. Jared Baecker 3/24/2023 email regarding BLM Parcl 26 Letter - Comments
23. Tim Mayo 3/26/2023 email regarding Rec. Center Fees
24. J. David Peterson 3/28/2023 email regarding Board of Health Nomination
25. Orion Hatch 3/28/2023 email regarding Snake River Fund letter Comments
26. Amy Fulwyler 3/31/2023 email regarding Karns Meadow
27. Franz Camenzind 4/2/2023 email regarding Karns Meadows
28. Emmet Pruss 4/3/2023 email regarding Greater Sage Grouse Planning
29. Lucy Wild 4/4/2023 email regarding Affordable Housing
30. Adam Gersh 4/4/2023 email regarding Fire in the Mountains

#### **PUBLIC COMMENT**

There was no public comment.

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

##### **5. Consideration of a Contract with Voices JH**

Sarah Mann, Director of General Services, presented to the Board for Consideration of an agreement between Voices JH and Teton County General Services for a full annual membership with Voices JH for Community Engagement Spectrum Services from March 2023 through February 2024. The purpose of this contract is to increase Teton County's outreach initiatives and expand outreach distributions to the Voices JH network.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Macker to approve the agreement between Voices JH and Teton County General Services for the Full Annual Membership for Voices JH Community Engagement Spectrum Services: Inform from March 2023 through February 2024 in the amount of \$2950 Chair Propst called for a vote. The vote showed all in favor and the motion carried.

##### **19. Consideration of Easement for Wilson to Stilson Pathway – Keith B. Ohnmeis - POSTPONED**

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to postpone consideration of item 19, Consideration of Easement for Wilson to Stilson Pathway – Keith B. Ohnmeis, to the April 18, 2023 BCC meeting. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

##### **20. Consideration of Easement for Wilson to Stilson Pathway – Elizabeth Godley Spence**

Brian Schilling, Pathways Coordinator, presented to the Board for consideration of approval a Temporary Construction Easement and a Wildlife Fence Construction and Access Easement and Agreement for the Wilson to Stilson Pathway and Component 6 of the TCMI/BUILD Project.

Public comment was given by Tim Young.

A motion was made by Commissioner Epstein and seconded by Commissioner Macker to approve the Temporary Construction Easement and the Wildlife Fence Construction and Access Easement and Agreement from Elizabeth Spence for Construction of the Wilson to Stilson Pathway. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

##### **21. Consideration of Easement for Wilson to Stilson Pathway - EZ Ranch**

Brian Schilling, Pathways coordinator, presented to the Board for consideration of approval a Temporary Construction Easement for the Wilson to Stilson Pathway and Component 6 of the TCMI/BUILD Project.

Heather Overholser, Director of Public Works, answered questions from the Board.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Macker to approve the Temporary Construction Easement from EZ Ranch, LLC for construction of the Wilson to Stilson Pathway. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

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

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to convene as the Scenic Preserve Trust. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

The Board convened as the Scenic Preserve Trust at 9:22 a.m.

1. **Permit:** MSC2023-0009  
**Applicant:** Teton County Parks & Recreation Department  
**Presenter:** Chandler Windom  
**Request:** A request to the Board of the Teton County Scenic Preserve Trust pursuant to LDR Section 8.2.15 and the Teton County Open Spaces Resolution to request permission for alterations to Flat Creek for the Melody Ranch Pathway flood protection improvements.  
**Location:** Lot 17 of the Melody Ranch Upper Ranch Master Plat, also known as the Melody Ranch Common Area/Open Space (PIDN 22-40-16-20-1-07-002). The lot is located interior to the Melody Ranch subdivision, West of South Highway 89, and is zoned Planned Unit Development-Rural 3 (PUD-R3) and is in the Scenic Resources Overlay.

Chandler Windom, Senior Planner, presented to the Board for consideration of approval a request from the Jackson/Teton County Parks & Recreation Department to the Board of the Teton County Scenic Preserve Trust

pursuant to LDR Section 8.2.15 and the Teton County Open Spaces Resolution for alterations to Flat Creek for the Melody Ranch Pathway flood protection improvements.

The existing Teton County Pathway that crosses through the Melody Ranch Open Space lot requires flood protection improvements to prevent the pathway adjacent to Flat Creek from flooding every spring. The parcel in question is encumbered by a Teton County Scenic Preserve Trust (TCSPT) conservation easement. The specific TCSPT easement document for Melody Ranch states in pertinent part:

“Watercourse and Wetland Manipulation- Manipulation or alteration of natural watercourses, riparian communities, or other wetlands existing at the time of the execution of this Instrument for other than ranching or agricultural purposes is prohibited, without the prior written permission of the Trust, which permission shall not be unreasonably withheld. All such permitted activities shall comply with all applicable state and federal laws and regulations and shall require consultation with the Wyoming Game & Fish Department.”

The flood protection improvements include raising and widening the pathway which involves some work within wetlands and adjacent to Flat Creek. Therefore, this request is coming before the Teton County Scenic Preserve Trust to obtain the permission required by the conservation easement document.

There was no public comment.

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to approve MSC2023-0009 dated January 31, 2023, for the Melody Ranch Pathway flood protection improvements project, with one condition, finding it to comply with the language of the Teton County Scenic Preserve Trust conservation easement.

1. Flat Creek instream construction is prohibited from March 15 to July 31 to avoid impacts to Cutthroat Trout spawning.

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

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to exit Scenic Preserve Trust. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

The Board exited Scenic Preserve Trust at 9:28 a.m.

- 2. Permit:** ZMA2022-0005 – **CONTINUE TO MAY 2, 2023**  
**Applicant:** 89 LLC  
**Presenter:** Erin Monroe  
**Request:** Teton County is considering an amendment to the Teton County Official Zoning Map for approximately 2.52 acres currently zoned Neighborhood Conservation (NC) to Business Park (BP). The subject sites are located at 4365 and 4355 S Highway 89 and are within the Jackson/Teton County Comprehensive Plan’s Subarea 7.1: South Park Business Park, and border Subarea 9.3 Existing County Valley Subdivision and Subarea 10.1 Southern South Park. This zoning map amendment request is from the property owners, Robert Kilmain and 89, LLC.  
**Location:** 4355 & 4365 S HIGHWAY 89

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to continue ZMA2022-0005 to the May 2, 2023 Board of County Commissioners meeting. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

## **MATTERS FROM COMMISSION**

- A. FY2024 Budget – Maureen Murphy, Clerk, gave an overview of the budget software being used this year.
- B. Recreation Center Fees 45-Day Public Comment – Steve Ashworth, Director of Parks & Recreation, presented to the Board a modified fee schedule for the Recreation Center. On March 21, 2023, the Board considered draft a fee schedule and did not approve it to be released for public comment.

This will be considered on April 18<sup>th</sup> at the Regular Board of County Commissioners meeting.

## **EXECUTIVE SESSION - LITIGATION, REAL ESTATE**

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to enter 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, AND, pursuant to Wyoming Statute 16-4-405(a)(viii) to consider the selection of a site or the purchase of real estate when the publicity regarding the consideration would cause a likelihood of an increase in price. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

The meeting entered executive session at 10:47 a.m.

The meeting recessed at 10:47 a.m. and reconvened at 10:53 a.m.

Commission Present: Luther Propst, Natalia Macker, Greg Epstein, Mark Newcomb, and Wes Gardner.

Others: Keith Gingery, Chief Deputy County Attorney, Alyssa Watkins, Board of County Commissioners Administrator, Chris Neubecker, Planning and Building Director, Maureen Murphy, Clerk, and Chalice Weichman, Deputy County Clerk. Amy Ramage, Engineer, joined the meeting at 10:58 a.m.

A motion was made by Commissioner Epstein and seconded by Commissioner Macker to exit executive session. Chair Propst called for a vote. The vote showed all in favor and the motion carried. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

The meeting exited executive session at 11:45 a.m.

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to direct staff to proceed as discussed in executive session in regards to the property purchase. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

**ADJOURN**

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to adjourn. Chair Propst called for a vote. The vote showed all in favor and the motion carried. The meeting adjourned at 11:45 a.m.

Respectfully submitted,  
Chalice Weichman  
Deputy County Administrative Clerk

TETON COUNTY BOARD OF COMMISSIONERS

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Luther Propst, Chair

ATTEST:

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Maureen E. Murphy, County Clerk