

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

The Teton County Board of Commissioners met in regular meeting on **May 2, 2023** 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: 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 Epstein and seconded by Commissioner Macker to adopt today's agenda as presented. Chair Propst called for the vote. The vote showed all in favor and the motion carried.

MINUTES

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to approve the 4-17-2023 and 4-18-2023 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 Macker and seconded by Commissioner Epstein to place the following Matters from Staff on a Consent Agenda:

2. Consideration of 2023 Old Bill's Grant Program Applications
3. Consideration of Wilson to Stilson Pathway Easements – K Ohnmeis – **CONTINUED FROM APRIL 11, 2023**
4. Consideration of Pathways Sealing and Repair
5. Consideration of Use of EMP funds for the Recreation Center Expansion Project
6. Consideration of Approval of Contract with Architect for Health Department Remodel
7. Consideration of Donation of Surplus Vehicle
9. Consideration of Findings of Fact and Conclusions of Law for Contested Case Hearing - Linn v. Planning Director
10. Consideration of an Additional Service Request #1- Construction Administration with Harmony Design & Engineering for the Cattleman's Bridge Vegetation Mitigation Project
12. Consideration of Approval of the 2023 Wildland Firefighting Annual Operating Plan
14. Consideration of Transportation Alternatives Program Grant Agreement Amendment #1
15. Consideration of Wilson School Underpass Easements – EZ Ranch

Chair Propst 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 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:

2. Consideration of 2023 Old Bill's Grant Program Applications

To approve and affirm JH Fire/EMS, ISWR, Health Department, Jackson/Teton County Affordable Housing Department, and Teton County/Jackson Parks and Recreation applications to the 2023 Old Bill's Fundraising and Grant program.

3. Consideration of Wilson to Stilson Pathway Easements – K Ohnmeis – CONTINUED FROM APRIL 11, 2023

To approve the Wildlife Fence Construction and Access & Pathway Construction and Access Easement and Agreement from Keith Ohnmeis for construction of the Wilson to Stilson Pathway.

4. Consideration of Pathways Sealing and Repair

To approve the contract with R&D Sweeping & Asphalt Repair, LC for the 2023 Pathways Sealing and Asphalt Repair Project in the amount of \$151,266.00.

5. Consideration of Use of EMP funds for the Recreation Center Expansion Project

To approve the use of \$1,080,000 in Energy Mitigation Program (EMP) Funds for the Rec Center Expansion Project with GE Johnson Construction.

6. Consideration of Approval of Contract with Architect for Health Department Remodel

To approve the contract with coRRnice Architecture for interior architectural design work and the development of as-built plans of the Health Department in an amount not to exceed \$7,488.00.

7. Consideration of Donation of Surplus Vehicle

To approve the application and request for transfer of (1) surplus vehicle to Teton County, ID.

9. Consideration of Findings of Fact and Conclusions of Law for Contested Case Hearing - Linn v. Planning Director

To approve the Findings of Fact and Conclusions of Law for Contested Case Hearing – Linn v. Planning Director.

10. Consideration of an Additional Service Request #1- Construction Administration with Harmony Design & Engineering for the Cattleman's Bridge Vegetation Mitigation Project

To approve Additional Service Request #1 - Construction Services with Harmony Design & Engineering for the Cattleman's Bridge Vegetation Mitigation Project in the amount of \$19,500.

12. Consideration of Approval of the 2023 Wildland Firefighting Annual Operating Plan

To approve the 2023 Wildland Fire Management Annual Operating Plan

14. Consideration of Transportation Alternatives Program Grant Agreement Amendment #1

To approve the Transportation Alternatives Program Grant Agreement Amendment #1.

15. Consideration of Wilson School Underpass Easements – EZ Ranch

To approve the Temporary Construction Easement and the Pathway Access Easement from EZ Ranch LLC for the Wilson School Pathway Underpass project.

DIRECT CORRESPONDENCE

1. Dan Reyes 4/11/2023 email regarding Grand Targhee Resort Applications
2. Gloria Courser 4/12/2023 email regarding Years of Service Question
3. Sam McGee 4/12/2023 email regarding Highway 89 Zoning
4. Shawn Hill 4/12/2023 email regarding Targhee Resort Applications
5. Gloria Courser 4/13/2023 email regarding Service Records
6. Frank Lyons 4/13/2023 email regarding SPET
7. Jessica Chambers 4/14/2023 email regarding Bird Feeders and Avian Flu
8. Amy Kuszak 4/14/2023 email regarding Grand Targhee Cabins
9. Amy Kuszak 4/14/2023 email regarding SRCRR Application
10. Chi Melville 4/14/2023 email regarding Grand Targhee Cabins
11. Ken Fritschel 4/14/2023 email regarding Grand Targhee Cabins
12. Allen Monroe 4/16/2023 email regarding Grand Targhee Resort
13. Barbara Aronowitz 4/17/2023 email regarding Grand Targhee Cabins
14. Robert Frodeman 4/17/2023 email regarding Hobck Water and Sewer
15. Annette Eliason 4/17/2023 email regarding Grand Targhee Resort
16. Garret House 4/17/2023 email regarding Snake River Sporting Club
17. Rick Richter 4/17/2023 email regarding Grand Targhee Cabins
18. Margaret Pittman 4/17/2023 email regarding WYDOT Housing
19. Kristin Robbe 4/17/2023 email regarding Grand Targhee Development
20. Teton County, Idaho Commission 4/17/2023 email regarding Grand Targhee Development
21. American Red Cross 4/17/2023 email regarding Appreciation for Red Cross Awareness
22. Sandy Shuptrine 4/17/2023 email regarding Steep Slopes
23. Sean McGuinness 4/17/2023 email regarding Grand Targhee Cabins
24. Christine Kosydar 4/17/2023 email regarding Grand Targhee Cabins
25. Cindy A Lucey 4/17/2023 email regarding Grand Targhee Cabins
26. Erika Conly 4/18/2023 email regarding Grand Targhee Cabins
27. Kevin Byrne 4/18/2023 email regarding Grand Targhee Cabins
28. Anne Callison 4/18/2023 email regarding Grand Targhee Cabins
29. Jordan Griffin 4/19/2023 email regarding Grand Targhee Cabins
30. Anne Hindman 4/18/2023 email regarding Grand Targhee Cabins
31. Elisabeth Collins 4/20/2023 email regarding TV Board of Directors Special Districts
32. Benj Sinclair 4/20/2023 email regarding Fencing Regulations
33. Chi Melville 4/20/2023 email regarding Grand Targhee Cabins
34. Kathy Lynch 4/20/2023 email regarding ZMA2022-0005
35. Paul Hansen 4/21/2023 email regarding Tribal Trails
36. John Coakley 4/21/2023 email regarding Single-Family Zoning
37. Tyler Sinclair 4/21/2023 email regarding Joint Department Funding Split Request Letter
38. Keith Benefiel 4/24/2023 email regarding Millenium Trail
39. START 4/24/2023 email regarding Letter of Support for Project Management Position
40. Scott Eastman 4/24/2023 email regarding Zoning Map Amendment Hwy 89
41. Matt Larson 4/24/2023 email regarding FY 2024 Budgets
42. Julie Hodges 4/25/2023 email regarding Property Taxes
43. Tim Young 4/25/2023 email regarding FY24 Budgets

PUBLIC COMMENT

Public comment was given by Jonathan Summer regarding allowed uses related to DEV2020-0005, Teton Pines LLC application for pool and pickleball court redevelopment.

Public comment was given by Tim Young regarding Wilson-Stilson Pathway.

MATTERS FROM COMMISSION AND STAFF

1. Consideration of 2022 SPET Distribution Schedule-1st Year Only

Katie Smits, Teton County Treasurer, presented to the Board for consideration of approval a resolution approving the Distribution Schedule for the 2022 SPET funds for the first year.

Voters approved \$166,435,139 in Specific Purpose Excise Tax projects on November 8, 2022. The County Treasurer shall distribute the funds to the sponsoring entities of the projects. The Teton County Board of County Commissioners must approve by resolution the distribution schedule being proposed by the County Treasurer. Since this is a multi-year SPET and most projects are not shovel-ready, having the first-year funding schedule is the most practical option at this time.

Public comment was given by Kevin Cochary.

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to approve the Resolution Approving Distribution of Revenues for Teton County, State of Wyoming 2022 Specific Purpose Excise Tax. 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.

11. Consideration of Loan Application and Resolution to SLIB for Courthouse

Sarah Mann, Director of General Services, presented to the Board for consideration of approval a loan application to the Wyoming State Lands and Investment Board (SLIB) Capital Construction Loan for the construction of the new Teton County Courthouse and Sheriff Office/Detention Facility.

At a workshop on February 27, 2023, the Commissioners directed staff to work on construction of a new Teton County Courthouse (TCCH) and Sheriff Office/Detention Facility. Staff convened a finance committee for the planning of the funding for this project that consisted of BCC Administrator, Treasurer, Clerk, Deputy County Attorney, and Director of General Services. The committee discussed several options for the financing of the courthouse including SPET, sales tax, bonds and the Capital Construction Loan. The SLIB Capital Construction Loan program is the easiest and straightest path forward for securing funding to move forward.

Public comment was given by Judge Melissa Owens, Judge Curt Haws, Margie Lynch, and Attorney Erin Weisman.

A motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to approve the application to the Wyoming State Land and Investment Board for the Capital Construction Loan program in the amount of \$80,000,000 for the construction of the Teton County Courthouse and Sheriff Office/Detention Facility. I further move to approve committing the \$30,000,000 of funding from the following County sources: \$7.5 million Capital Reserve fund, \$2,395,526 Energy Mitigation Fund, \$4,228,068 LATCF allocation and \$15,876,406 Fund 37 fund balance. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

8. Consideration of Adoption of Property Tax County Relief Rules

Abigail Moore, Deputy County Attorney, presented to the Board for consideration of approval to begin the 45-day public comment period on the new County Property Tax Refund Rules.

The Wyoming Legislature created a county optional property tax refund program in 2022. Senate File 19 (2022 Wyo. Session Laws Ch. 59) allows for a county to create a property tax refund program in their county if the BCC so chooses to do so. All funding for the program comes solely from the County. The Board of County Commissioners must determine the percentage amount eligible for refund and must appropriate funds for the program.

There was no public comment.

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to authorize the County Clerk to advertise and provide notice of the potential adoption of Title 11 Teton County Property Tax Refund Program Rules and to begin a 45 day comment period for the potential adoption of these rules. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

13. Consideration of 2021 International Energy Conservation Code – Adoption

Chris Neubecker, Planning and Building Director, and Billy Nunn, Building Official, presented to the Board for consideration of approval the 2023 Teton County Energy Conservation Code Resolution, which includes the 2021 International Energy Conservation Code (IECC).

Pursuant to Wyoming Statute §35-9-121, Teton County is allowed by the State Fire Marshal to exercise local enforcement authority for fire, building, existing building standards, and electrical standards. Teton County is required to adopt minimum standards by resolution that are equivalent to or more stringent than those applicable standards adopted by the State of Wyoming. Teton County presently is operating under the 2021 codes that went into effect on May 1, 2022.

Public comment was made by Margie Lynch (in-person) and Scott Paulson (via Zoom).

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to approve the International Energy Conservation Codes Adoption Resolution, taking effect on June 1, 2023.

A motion was made by Commissioner Newcomb and seconded by Commissioner Propst to amend the main motion with the following changes:

- To Delete the word “Delete” in the clause “Delete sections C402.5.1.5, C402.5.2, C402.5.3, and C408.2 through C408.2.4,” which would be effective June 1, 2024
- To delete the word “Delete” in the clause “N1102.4.1.2 (R402.4.1.2) Testing. Delete.”

The meeting recessed at 10:18 a.m. and reconvened at 10:26 a.m.

Commissioner Newcomb withdrew his motion.

A motion was made by Commissioner Gardner and seconded by Commissioner Newcomb to amend the original motion made by Commissioner Macker to remove the word “Delete” from sections C402.5.1.5, C402.5.2, C402.5.3, and C408.2 through C408.2.4 with an effective date of June 1, 2025. Additionally, to delete the word “Delete” in the clause “N1102.4.1.2 (R402.4.1.2) Testing. Delete.,” and add the effective date of June 1, 2025, and to delete the word “Delete” in the clause “N1103.3.5 (R403.3.5) Duct testing. Delete.,” with the effective date of June 1, 2025.

The vote showed four in favor and the motion carried 4-1 with Commissioner Epstein opposed.

Chair Propst called for a vote on the first motion made by Commissioner Macker. The vote showed all in favor and the motion carried 5-0.

MATTERS FROM PLANNING AND DEVELOPMENT

- 1. **Permit:** ZMA2022-0005
- 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

Erin Monroe, Associate Long-Range Planner, presented to the Board for consideration of approval a request to amend the Official Zoning Map for 4355 & 4365 S Highway 89, that is currently Neighborhood Conservation (NC). The total acreage between the two properties for rezoning consideration is 2.52 acres. The requested zoning is Business Park.

The Applicants, 89 LLC & Bob Kilmain, are requesting a rezone for the subject parcels. The rezone is being requested so that the property owners could propose a light industrial and accessory residential unit (ARU) project for the site. The application indicates a shortage of light industrial spaces in the community and suggests that this rezone application, and subsequent planned development, is intended to contribute to creating these spaces. The Applicants plan to use some of these future spaces for their own businesses, as well as offer spaces to other small and local light industrial businesses. The dual goal of the project, as stated by the Applicants, is to build Workforce Deed Restricted accessory residential housing units.

Ryan Hostetter, Senior Long-Range Planner, answered questions from the Board.

Bob Kilmain, Craig Olivari, and Kathy Lynch, Applicants, commented on the application and gave a presentation.

Public comment was given by Jack Vosika, Jake Vosika, Scott Mellor, Julie Zell, Karen Parent, and Heidi McBride.

George Putnam, Cirque Consulting, for the Applicant, commented on the application.

The meeting recessed at 11:51 a.m. and reconvened at 1:32 p.m.

Bob Kilmain and Ryan Hostetter answered questions from the Board.

A motion was made by Commissioner Macker and seconded by Commissioner Newcomb to continue ZMA2022-0005 to the BCC June 6 Meeting. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

MATTERS FROM COMMISSION – none.

ADJOURN

A motion was made by Commissioner Epstein and seconded by Commissioner Macker to adjourn. Chair Propst called for a vote. The vote showed all in favor and the motion carried. The meeting adjourned at 3:06 p.m.

Respectfully submitted,
Chalice Weichman
Deputy County Administrative Clerk

TETON COUNTY BOARD OF COMMISSIONERS

Luther Propst, Chair

ATTEST:

Maureen E. Murphy, County Clerk