

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

The Teton County Board of Commissioners met in regular meeting on **July 20, 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 Epstein and seconded by Commissioner Barron 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 historical news pieces in recognition of Teton County's 100<sup>th</sup> anniversary.

**CONSENT AGENDA**

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

1. Consideration of Attorney's Office Case Management Software Contract – CONTINUED FROM JULY 6, 2021
2. Consideration of an Extension to the Human Resources Consulting Service Contract
6. Consideration of Notice of Award and Contract for the Alta Area County Road Resurfacing
7. Consideration of a Cooperative Agreement with WYDOT for Mosquito Creek Bridge
8. Consideration of a Contract for Professional Services for Construction Phase Services for Alta Area County Road Pavement
9. Consideration of Release of Subdivision Improvement Agreement for the Homesteads and the Lodges at Shooting Star West

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

A motion was made by Commissioner Propst and seconded by Commissioner Epstein 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**

**1. Consideration of Attorney's Office Case Management Software Contract – CONTINUED FROM JULY 6, 2021**

To approve the contract with Abacus Law for the case management system for use by the County and Prosecuting Attorney's Office.

**2. Consideration of an Extension to the Human Resources Consulting Service Contract**

To approve the 30-day extension to the Human Resources Consulting Service Contract.

**6. Consideration of Notice of Award and Contract for the Alta Area County Road Resurfacing**

To approve Notice of Award to Avail Valley Construction-ID, LLC for maintenance and repairs to the Alta Area County Roads in the amount not-to- exceed \$1,051,782, as well as the Owner/Contract Agreement once all submittals have been received and approved.

**7. Consideration of a Cooperative Agreement with WYDOT for Mosquito Creek Bridge**

To approve the Cooperative Agreement between Teton County and WYDOT for the bridge over Mosquito Creek.

**8. Consideration of a Contract for Professional Services for Construction Phase Services for Alta Area County Road Pavement**

To approve the Contract between Teton County and Inberg Miller for Construction Phase Professional Services for the 2021 Pavement Maintenance Projects in the amount not-to-exceed \$73,340.

**9. Consideration of Release of Subdivision Improvement Agreement for the Homesteads and the Lodges at Shooting Star West**

To approve the Release of Subdivision Improvement Agreement for the Homesteads and the Lodges at Shooting Star West.

**MINUTES**

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve the June 28, 2021, June 29, 2021, and July 6, 2021 minutes. Chairwoman Macker called for the vote. The vote showed all in favor and the motion carried.

**DIRECT CORRESPONDENCE**

1. Mel Shinkle 6/30/2021 email regarding 2021 Abstract by the State Board of Equalization
2. Nicole Krieger 6/30/2021 email regarding Memo Regarding Levee Easement
3. Sandy Shuptrine 7/1/2021 email regarding Private Road Concerns
4. Amberley Baker 7/1/2021 email regarding Teton Village Fire District Information
5. Chris Hawks 7/2/2021 email regarding Teton Village Fire District Resolution

6. TJ McCann 7/2/2021 email regarding Slow Trucks/RVs on Teton Pass
7. Lori Iverson 7/4/2021 email regarding Opposition to May Park Dog Park
8. Chi Melville 7/5/2021 email regarding Targhee Planned Peaked Lift
9. Nicole Krieger 7/5/2021 email regarding Teton Village Special Fire District Request for Postponement
10. Polo Ranches 7/5/2021 email regarding Budget for Polo Ranches Special Improvement Dist.
11. Heidi Leeds 7/7/2021 email regarding HWY 390 Speeds
12. William Hayes 7/7/2021 email regarding Hwy 390 Speeds
13. Steve Feldman 7/7/2021 email regarding Hwy 390 Speeds
14. Bernard Gersh 7/7/2021 email regarding Hwy 390
15. Dale Kaplan 7/7/2021 email regarding Housing Concerns/Rodeo Relocation
16. Kathy Tompkins 7/7/2021 email regarding Tribal Trail and Rangeview Drive
17. Leslye Hardie 7/7/2021 email regarding Wildlife vs HWY 390 Speeds
18. Adrian Croke 7/8/2021 email regarding Home Ownership for DACA Recipients
19. Tali Crozer 7/8/2021 email regarding HWY 390 Speeds
20. Denny Moffett 7/8/2021 email regarding Letter to Erin Weisman Regarding Tribal Trails Connector Road
21. Bill Rode 7/9/2021 email regarding Hoback Junction South Road and Snake River Sporting Club
22. Brianna Bolton 7/12/2021 email regarding County Infrastructure Capacity
23. Chi Melville 7/12/2021 email regarding Grand Targhee Planned Peaked Lift Letter
24. Doug Hayden 7/12/2021 email regarding Affordable Housing Rules and Regs
25. Joe Cranston 7/12/2021 email regarding Approved Budget for Snake River Sporting Club Imp. District
26. Randy Roberts 7/12/2021 email regarding Covered Tennis Courts
27. Ed Krajsky 7/12/2021 email regarding Legacy Lodge/Housing Issues

#### **PUBLIC COMMENT**

There was no public comment.

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

##### **3. Consideration of Capital Reserve for Future use Fund**

Katie Smits, Teton County Treasurer, presented to the Board for consideration of approval the Capital Reserve for Future Use Fund Policy. The Board of County Commissioners are responsible for policy formulation which determines financial policies that establish and direct the operation of Teton County. Consideration of approval of the Capital Reserve for Future Use Fund Policy

There was no public comment.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to continue this item to the August 3, 2021 Board of County Commissioners meeting. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

##### **4. Consideration of FAA Grant for Runway Reconstruction (Phase III)**

The FAA has offered the Jackson Hole Airport a Grant Agreement in the amount of \$9,996,778.00 for "Reconstruct Runway 1/19 (Phase III)," as more fully described in the grant application. The project involves demolition and complete reconstruction of the Airport's sole runway, at its present location, including grading, drainage and runway lighting. Preliminary work is underway, and the runway is scheduled for full closure from April to July 2022 for completion of the project.

Jim Elwood, Executive Director, Jackson Hole Airport, answered questions from the Board.

There was no public comment.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve the attached Resolution, and approve the FAA Grant Agreement to Reconstruct Runway 1/19 (Phase III) at the Jackson Hole Airport, with the FAA obligation under the grant being \$9,996,778. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

##### **5. Consideration of LVE Deed Restriction**

Stacy Stoker, Housing Manager, presented to the Board for consideration of approval proposed changes to the Lower Valley Energy (LVE) Rezone Workforce Housing Restriction.

Over the past nine months, Housing Department and County Attorney staff have worked with LVE on a Workforce Housing restriction for their proposed units adjacent to the existing LVE location south of Jackson. Most of LVE's concerns have been resolved and staff is comfortable with the changes. There are two remaining issues where LVE and staff have not been able to come to consensus. For this reason, the following items are being brought to the Board:

1. Section 1 of the Workforce restriction refers to the Jackson/Teton County Housing Rules and Regulations "as they may be amended from time to time." LVE has expressed concerns about potential future changes to the Rules and Regulations that would drastically change the requirements on their units.
2. Section 3.F addresses vacancies in the units. The standard Workforce restriction allows a unit to be vacant for 60 days. After 60 days, the Housing Department has the right to find a tenant to rent the unit for a minimum of six months. LVE expressed concern about this so staff changed the maximum vacancy period to 120 days. LVE accepted this however they do not want the Housing Department to have the right to find a tenant. Instead, they would like the language to say that "LVE will use its best efforts to rent the unit to a Qualified Household."

Jim Webb, Lower Valley Energy (LVE) CEO, and Steve Duerr, LVE Legal Counsel, commented on the proposed changes.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to approve the Lower Valley Energy Workforce Restriction as recommended by staff with one change: change number 13 will be amended to “The period a unit may sit vacant is from 60 days to 365 days.” Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

The meeting recessed 10:22 a.m. and reconvened at 10:31 a.m.

A motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to convene as the Scenic Preserve Trust in order to consider agenda item number 10. Chairwoman Macker called for a vote. The vote showed all in favor and the Scenic Preserve Trust convened at 10:32 a.m.

#### **10. Consideration of First Amendment to Agreement for Sewer Line Easement**

An amendment to sewer line easement between Melody Ranch Investments I LLC and Teton County School District #1 to correct a mistake in prior recordation. The sewer easement is within the Teton County Scenic Preserve Trust Melody Ranch conservation easement. No changes to the terms of the sewer agreement are proposed—this item is for correction of a clerical error by appending previously approved exhibits.

There was no public comment.

A motion was made by Commissioner Propst and seconded by Commissioner Barron to approve the attached “First Amendment to Agreement for Amendment to Sewer Line Easement” between Melody Ranch Investments I, LLC and Teton County School District #1 to correct a mistake in prior recordation, being able to confirm that the Agreement’s terms and form were previously found consistent on February 18, 2020 with the Melody Ranch Agricultural Open Space Easement, as amended, currently in effect, and held by Teton County Scenic Preserve Trust and that no change to the terms and form of the Agreement are proposed in this amendment. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

A motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to exit Scenic Preserve Trust and reconvene as the Teton County Board of County Commissioners. Chairwoman Macker called for a vote. The vote showed all in favor and Scenic Preserve Trust exited at 10:33 a.m.

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

- 1. Permit:** VAR2021-0002  
**Applicant:** MCGREGOR, ROBERT & KIMBERLY BOHAN TRUSTEES  
**Presenter:** Hamilton Smith  
**Request:** A Variance request pursuant to Section 8.8.2 of the Teton County Land Development Regulations to vary Section 6.1.11.E.3.j.iii, minimum lot size of a Home Business Winery.  
**Location:** 1910 South Park Ranch Road South Fork, approximately .7 mile from the junction with South Park Loop Road. It is zoned Rural 3 (R-3) and is not within any Zoning Overlays.
- 2. Permit:** CUP2021-0001  
**Applicant:** MCGREGOR, ROBERT & KIMBERLY BOHAN TRUSTEES  
**Presenter:** Hamilton Smith  
**Request:** Conditional Use Permit pursuant to Section 8.4.2 of the Teton County Land Development Regulations (LDRS) for approval of a Cider (characterized as an Accessory Use Home Business Winery in the LDRs, Sec. 6.1.11.E).  
**Location:** 1910 South Park Ranch Road South Fork, approximately .7 mile from the junction with South Park Loop Road. It is zoned Rural 3 (R-3) and is not within any Zoning Overlays.

Hamilton Smith, Principal Planner, Planning and Building Services, presented to the Board for Consideration of approval VAR2021-0002 and CUP2021-0001; applications for a Variance and a Conditional Use Permit for a Home Business Winery. Planning agenda items 1 and 2 were presented concurrently.

The applicant, Ian McGregor, is requesting a variance to the minimum lot size standard for an Accessory Use, Home Business Winery. The request is to locate a commercial cider production facility on a private, unplatted parcel of 2.54 acres in the Rural 3 (R-3) zone. Cider making facilities (i.e., cidery) are treated the same as wineries by the Wyoming Liquor Division. The applicant currently has a permit from Teton County to produce cider at a leased site in the Business Park zone. In the event the applicable permits are obtained, the applicant will be required to apply for a transfer of their existing Teton County Winery License.

The Conditional Use Permit application is for an Accessory Use, Home Business Winery, in the South Park Ranches residential neighborhood which has R-3 zoning. The applicant seeks to develop a cider making and packaging facility on a residential parcel of 2.54 acres. There is a detached single-family residence with guest house accessory residential unit (ARU) on the site that constitutes the primary use in this location. The proposal for an accessory use must meet the standards as listed in the staff report.

Ian McGregor, the Applicant, presented on the applications.

There was no public comment on either item.

Chris Neubecker, Director of Planning and Building Services, answered questions from the Board.

#### Motion for Item 1, VAR2021-0002

A motion was made by Commissioner Newcomb and seconded by Commissioner Barron to recommend approval of VAR2021-0002, dated February 23, 2021, to vary Section 6.1.11.E.3.j.iii, minimum lot size of a Home Business Winery, being able to make all six (6) required findings of Section 8.8.2 C of the Land Development Regulations. Chairwoman Macker called for a vote. The vote showed none in favor and the motion failed 0-5.

#### Motion for Item 2, CUP2021-0001

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to continue CUP2021-0001 to a date uncertain. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

**MATTERS FROM COMMISSION** – there were none.

**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 11:57 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