

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

The Teton County Board of Commissioners met in regular meeting on **August 3, 2021**, 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, Chairwoman, Luther Propst, Vice-Chairman, Mark Barron, and Mark Newcomb were present. Greg Epstein joined after roll call at 9:04 a.m.

ADOPTION OF AGENDA

A motion was made by Commissioner Barron and seconded by Commissioner Newcomb to adopt today's agenda as presented with the addition of agenda item number 15; Letter to Teton County, Idaho, Regarding Grand Targhee Resort Master Development Plan. Chairwoman Macker called for the vote. The vote showed all in favor and the motion carried.

MINUTES

A motion was made by Commissioner Barron and seconded by Commissioner Newcomb to approve the July 12th, 2021, July 19th, 2021, and July 20th, 2021 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 Propst and seconded by Commissioner Barron to place the following Matters from Staff on a Consent Agenda:

3. Consideration of ES&S Services Agreement
4. Consideration of Contract Amendment with CDX Wireless
5. Consideration of Grant Award from the Teton Conservation District for ISWR FY2022
8. Consideration of Buffalo Blower Purchase for Pathway Maintenance
9. Consideration of Pick-Up V-Bade Purchase
10. Consideration of Approval of Library Board Treasurer's Bond
11. Consideration of Affirmation of Board of Health Appointment of Dr. Martin S. Trott as the Deputy District Health Officer
12. Consideration of OpenGov Inc for Budgeting & Planning Software Implementation and Maintenance
13. Consideration of Human Service/Community Development Contracts for Service

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 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

3. Consideration of ES&S Services Agreement

To approve the agreement between Teton County and Election Systems & Software LLC.

4. Consideration of Contract Amendment with CDX Wireless

To approve the contract amendment with CDX Wireless in the amount of \$28,287.50.

5. Consideration of Grant Award from the Teton Conservation District for ISWR FY2022

To approve the Teton Conservation District grant award letter in the amount of \$29,000 for fiscal year 2022.

8. Consideration of Buffalo Blower Purchase for Pathway Maintenance

To approve the purchase of a Buffalo Turbine debris blower from RMT Equipment in the amount of \$6,495.

9. Consideration of Pick-Up V-Bade Purchase

To approve the purchase of an 8' 6" Fisher XV2 V Plow from DD Tractor in the amount of \$6,830.00.

10. Consideration of Approval of Library Board Treasurer's Bond

To approve the attached Bond in the amount of \$25,000 for Shawn Klomprens as the new Teton County Library Board Treasurer.

11. Consideration of Affirmation of Board of Health Appointment of Dr. Martin S. Trott as the Deputy District Health Officer

To affirm the decision of the Teton Health District Board of Health to appoint Martin S. Trott, MD as the Deputy District Health Officer.

12. Consideration of OpenGov Inc for Budgeting & Planning Software Implementation and Maintenance

To approve the agreement between Teton County and OpenGov, Inc for budgeting and planning software.

13. Consideration of Human Service/Community Development Contracts for Service

To approve the Health & Human Services & Community Development agreement and attachments for the FY2022 funding round.

DIRECT CORRESPONDENCE

1. Thomas Foley 7/13/2021 email regarding Village Road School Section
2. Al Zuckerman 7/13/2021 email regarding Letter of Support for South Park Ranch CUP
3. Pamela Gumpert 7/14/2021 email regarding Comments Regarding DACA/Dreamers and Affordable Housing
4. Olivia Schultheis 7/15/2021 email regarding Home Ownership and Dreamers
5. Victoria Parker 7/15/2021 email regarding Affordable Housing
6. Kathy Tompkins 7/15/2021 email regarding Affordable Housing
7. Darwiche Family 7/15/2021 email regarding Invitation to Commissioners to attend Legacy Lodge Neighborhood Meeting
8. Whitney Matson 7/16/2021 email regarding Legacy Lodge
9. Jeremy Schmidt 7/16/2021 email regarding Comments Regarding Housing Concerns
10. Elisabeth Collins 7/16/2021 email regarding TVISD Special Assessment Request
11. Elisabeth Collins 7/16/2021 email regarding TVSFD Mill Levy Request for FY2021-22
12. Chi Melville 7/16/2021 email regarding Grand Targhee Peaked Lift
13. Rebecca Bextel 7/16/2021 email regarding Housing Preservation Program
14. Chi Melville 7/16/2021 email regarding Growth Concerns RE: Grand Targhee Expansion
15. Chi Melville 7/19/2021 email regarding Letter to the Editor: Grand Targhee Mitigation Requirements
16. Nancy Shibuya 7/19/2021 email regarding Game Creek Road Concerns
17. David Hooper 7/19/2021 email regarding Game Creek Road Concerns
18. Anne Stalker 7/19/2021 email regarding Public Comment Re: DACA/Affordable Housing
19. Laura Langberg 7/19/2021 email regarding DACA/Affordable Housing
20. Deb Barracato 7/19/2021 email regarding Special District Assessment Report: Flat Creek Watershed Imp. Dist.
21. Kevin Byrne 7/19/2021 email regarding DACA Housing/Affordable Housing
22. David Hooper 7/19/2021 email regarding Game Creek Concerns
23. Michael Scheller 7/19/2021 email regarding Alta Solid Waste Advisory Board Input Regarding Grand Targhee
24. Becca Williams 7/20/2021 email regarding DACA / Home Ownership
25. George Linhardt 7/20/2021 email regarding Legacy Lodge Questions
26. Darin Kaufman 7/20/2021 email regarding Teton Pass / WY22 Speed Study
27. Lucinda Krajsky 7/20/2021 email regarding Legacy Lodge
28. Teton County, Idaho Board of Commissioners 7/20/2021 email regarding Follow-Up Letter Regarding Grand Targhee Expansion
29. Jan Lovett 7/21/2021 email regarding Legacy Lodge
30. Andrii Onysko 7/21/2021 email regarding DACA/Affordable Housing
31. Nataly Espinoza 7/22/2021 email regarding DACA / Affordable Housing
32. Rebecca Bextel 7/23/2021 email regarding Affordable Housing
33. Patrick Dominick 7/23/2021 email regarding Water Conservation
34. Karen Jerger 7/23/2021 email regarding Legacy Lodge Uses
35. Chi Melville 7/23/2021 email regarding Socioeconomic Study
36. Linnea Gardner 7/26/2021 email regarding Legacy Lodge
37. Todd Stiles 7/26/2021 email regarding Johnny Counts Road
38. Sandy Ress 7/26/2021 email regarding Water / Article Regarding Utah Drout
39. Chi Melville 7/26/2021 email regarding Grand Targhee Socioeconomic Study
40. Kathy Tompkins 7/27/2021 email regarding RV Traffic
41. Federal Emergency Management Agency 7/27/2021 letter regarding Conditional Letter of Map Revision
42. Darren Brugmann 7/27/2021 email regarding START Bike Data
43. Lori McCune 7/27/2021 email regarding Affordable Housing/DACA

PUBLIC COMMENT

There was no public comment.

MATTERS FROM COMMISSION AND STAFF

1. Consideration of Capital Reserve for Future Use Fund – CONTINUED FROM JULY 20, 2021

Katie Smits, Teton County Treasurer, presented to the Board for consideration of approval a new 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 Depreciation/Future Use Reserve Fund Policy. At a recent Board of County Commissioners meeting, Commissioner Mark Newcomb mentioned a reserve policy for depreciation/future use of capital asset expenditures. Sublette County has such a reserve fund, and it was requested that Teton County look into whether it is prudent to have one.

There was no public comment.

A motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to approve the Capital Depreciation/Future Use Reserve Fund Policy. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

2. Consideration of New Restaurant Liquor License

Shelley Fairbanks, Deputy County Clerk, presented to the Board for consideration of approval an application for a new restaurant liquor license by TELA LLC in Wilson.

Applicant is requesting the approval of a new County Restaurant Liquor License for TELA, LLC dba Wilson Pizza in Wilson. Restaurant Liquor Licenses in the unincorporated area of Teton County are issued pursuant to Wyoming Statute §12-4-407 by the Board of County Commissioners of Teton County. An applicant must submit a valid food service permit at the time of submittal, which the applicant has applied for and is currently working with the County Health Department to meet the Teton County Health District Rules for Food Safety. Population formulas have no applicability to issuance of restaurant liquor licenses.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to approve the issuance of a restaurant liquor license to TELA, LLC dba Wilson Pizza for the period of August 4, 2021, through January 6, 2022. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

Paul Cote, Facilities Maintenance Division Manager, presented to the Board for consideration of approval items 6 and 7 concurrently:

6. Consideration of Sale and Removal of Teton County Owned Structures Located at 11055 S. Hoback Junction Road

A sale and removal of County owned structures located at 11055 S. Hoback Junction South Road commonly referred to as Cabin 1 and Cabin 2.

The County owns a parcel of land at Hoback Junction which contains 6 cabins used for employee housing as well as other structures. On June 4, 2019, the BCC approved a contract to Harmony Design to document and evaluate the state of the site and utility infrastructure. According to the feasibility summary, it is not recommended to maintain the 3 log structures on the lower point section because of issues with: flood plain/ river setback, septic/ water treatment, and steep road grade. The County put the structures out to bid to seek public interest in relocating the cabins. The County received one bid for Cabin 1 and Cabin 2 from Peter & Lauren Long. No bids were received for a small shed located near the cabins. The bidder will be responsible for all expenses incurred to relocate the structures.

7. Consideration of Contract for Site Restoration

A contract for site restoration services of County owned property located at 11055 S. Hoback Junction South Road.

According to the feasibility summary, it is not recommended to maintain the 3 log structures on the lower point section because of issues with: flood plain/ river setback, septic/ water treatment, and steep road grade. Therefore, the most economical solution for the County is to remove the structures and associated utilities and reclaim the area to a natural condition.

Public comment for item 6 was given by Peter Long, the applicant.

There was no public comment for item 7.

Motion for Agenda Item 6:

A motion was made by Commissioner Newcomb and seconded by Commissioner Barron to approve the sale and removal of County owned structures located at 11055 S. Hoback Junction South Road commonly referred to as Cabin 1 and Cabin 2 to Peter & Lauren Long in the amount of \$10. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

Motion for Agenda Item 7:

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve the site restoration contract for 11055 S. Hoback Junction South with MD Landscaping & Excavation Inc. in the amount of \$118,076.00. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

14. Consideration of FY 22 Work Plan - LDR Text Amendment for Ciderly

Chris Neubecker, Director of Planning and Building Services, presented to the Board for consideration of approval potential changes to the FY22 Work Plan to accommodate an amendment to the Land Development Regulations (LDR) relating to cideries.

On July 20, 2021, the Board of County Commissioners held a public hearing on two applications relating to a cidery. These included a variance application and Conditional Use Application (CUP). The variance was denied by the Board, and the CUP was continued to a date uncertain.

Public comment was given by Scott Steen.

The Board took no action to amend the Work Plan today.

The meeting recessed at 9:44 a.m. and reconvened at 9:51 a.m.

15. Consideration of Outgoing Commissioner Correspondence Letter to Teton County, Idaho, Regarding Grand Targhee Resort Master Development Plan – CONTINUED FROM AUGUST 2, 2021

Alyssa Watkins, Board of County Commissioners Administrator, presented to the Board for consideration of approval a revised letter to the Teton County Idaho.

Public comment was given by George Gillett.

The Board moved this item to the end of the agenda to allow Staff to make edits to the letter as discussed. See after "Planning & Development" agenda items.

MATTERS FROM PLANNING & DEVELOPMENT

Findings of Fact, Conclusions of Law, and Order:

1. VAR2021-0002 – ROBERT MCGREGOR, KIMBERLY BOHAN TRUSTEES

Keith Gingery, Deputy County Attorney, presented to the Board for consideration of approval Findings of Fact and Conclusions of Law, and Order: VAR2021-0002.

On July 20, 2021, The Board considered the application of Ian McGregor for a Variance, pursuant to Section 8.8.2., Variances, of the Teton County Land Development Regulations (LDRs), to vary Section 6.1.11.E.3.j.iii of the LDRs, minimum lot size of an Accessory Use, Home Business Winery.

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to approve the Findings of Fact and Conclusions of Law and Order granting approval of VAR2021-0002. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

NEW BUSINESS

- 1. Permit:** AMD2021-0003 – **POSTPONE TO THE SEPTEMBER 20, 2021 BCC MEETING**
Applicant:
Presenter: Ryan Hostetter
Request: Pursuant to Wyoming Statute §16-3-103 and §18-5-202(b) and (c) that Teton County is considering adoption of amendments to the Teton County Land Development Regulations (LDRs) to update the wildlife friendly fencing requirements. This amendment proposal is made by the Teton County Planning Division at the direction of the Teton County Board of County Commissioners to update the Natural Resource Land Development Regulations in phases beginning with the wildlife friendly fencing section. The proposed amendments would update and clarify certain standards outlined for when wildlife friendly fencing is required, how it shall be constructed, and certain exemptions from the standards for specific uses.
Location: Countywide

AMD2021-0003 was originally scheduled to be heard before the Board of County Commissioners at its August 3, 2021 meeting. However, at the July 12th Planning Commissioner hearing on this amendment, the Planning Commission continued the item to their August 9th hearing for further review and consideration of edits. Staff respectfully requested that the Board postpone this item to its September 20, 2021 hearing so that staff and the Planning Commission have ample time to incorporate any changes prior to the Board hearing.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to postpone AMD2021-0003 to the September 20, 2021 Board of County Commissioners meeting. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

Chandler Windom, Senior Planner, Planning and Building Services, presented to the Board for consideration of approval planning items 2 and 3, SD2021-0004 and EAS2021-0002, concurrently:

- 2. Permit:** SD2021-0004
Applicant: WYDAHO PROPERTIES, LLC C/O KAREN CUMMINGS
Presenter: Chandler Windom
Request: A request pursuant to Land Development Regulation Section 8.5.3 and 8.2.13 for a Plat Amendment, partial vacation & re-plat of the Table Rock Ranch Subdivision 5th Filing Amended.
Location: The properties are Lots 23, 24 & 25 of the Table Rock Ranch Subdivision 5th Filing, located west of the intersection of Alta North Rd & Grand View Mountain Rd, also north of Alta Ski Hill Rd. The lots are zoned Rural- Legacy (R-TC) and are not in any overlays

A Plat Amendment, pursuant to Section 8.2.13 of the Teton County Land Development Regulations (LDRs), to vacate and re-plat Lots 22, 23 & 24 on Plat No. 1370 pursuant to Section 8.5.3 and 8.2.13 of the LDRs.

The applicant is requesting a plat amendment to redistribute the land in Teton County Scenic Preserve Trust (TCSPT) conservation easement between the three lots of the Table Rock Ranch 5th Filing Amended. Currently Lot 24 contains the entirety of the 28.32 acres of conservation easement that was required by the creation of this 3-unit Planned Residential Development. When the subdivision was originally approved there were three lots, each with a development area and a fraction of the conservation easement. The owner now wishes to revert back to the original configuration, where each lot contains a development area and conservation easement. The number of lots and the location of the development areas is not changing, nor is the amount or location of the conservation easement. However, EAS2021-0002 has been submitted concurrently to this application to review a revised legal description of the TCSPT easement upon approval of the new plat.

- 3. Permit:** EAS2021-0002
Applicant: WYDAHO PROPERTIES, LLC C/O KAREN CUMMINGS
Presenter: Chandler Windom
Request: A request pursuant to the Teton County Open Space Resources Resolution, to amend a Teton County Scenic Preserve Trust Conservation Easement legal description.
Location: The properties are Lots 23, 24 & 25 of the Table Rock Ranch Subdivision 5th Filing, located west of the intersection of Alta North Rd & Grand View Mountain Rd, also north of Alta Ski Hill Rd. The lots are zoned Rural- Legacy (R-TC) and are not in any overlays.

This request is to amend the legal description of the TCSPT easement recorded with the 3-unit PRD (the Table Rock Ranch Subdivision 5th Filing) originally approved as DEV2001-0058. The updated legal description will be recorded concurrent with the plat amendment, which will reconfigure the internal lot lines within the subdivision. There is no change to the easement language, amount, or location of the open space.

There was no public comment for SD2021-0004

Motion for SD2021-0004

A motion was made by Commissioner Epstein and seconded by Commissioner Barron approve SD2021-0004, dated May 26, 2021 for the partial vacation and replat of the Table Rock Ranch Subdivision 5th Filing Amended, being able to make the four (4) findings of Section 8.5.3. and the standards of Section 8.2.13.C., 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. 1370, with no conditions, and request the Teton County Clerk to write "vacate" on Plat No. 1370 upon the filing of a new plat. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

In order to discuss EAS2021-0002, a motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to convene as the Scenic Preserve Trust. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried. The Scenic Preserve Trust convened at 10:20 a.m.

There was no public comment for EAS2021-00002.

Motion for EAS2021-0002

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to approve EAS2021-0002, dated June 15, 2021 for the requested amendment of the conservation easement by Teton County Scenic Preserve Trust to meet the conservation area requirements of the Table Rock Ranch 5th Filing Amended plat amendment, being able to make the findings in the Open Space Resources Resolution of Teton County, Wyoming. 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 adjourn Scenic Preserve Trust. Chairwoman Macker called for a vote. The vote showed all in favor and the Board reconvened as the Teton County Board of County Commissioners at 10:20 a.m.

- 4. Permit:** CUP2021-00023
- Applicant:** LEWIS, EVELYN LIVING TRUST ET AL
- Presenter:** Chandler Windom
- Request:** A request for Conditional Use Permit pursuant to Section 8.4.2 of the Teton County Land Development Regulations to allow for a Home Business, Shadow Mountain Lighting, accessory to an existing single-family use.
- Location:** 6125 Burcher Road is located south of Downtown Wilson, west of S Fall Creek Road. The property is approximately 1.5 acres south of the intersection of S Fall Creek & Hwy 22. The property is zoned Rural-3 and is not in any overlays.

Chandler Windom, Senior Planner, Planning and Building Services, presented to the Board for consideration of approval A Conditional Use Permit pursuant to Section 8.4.2 of the Teton County Land Development Regulations (LDRs) to allow for a Home Business, Shadow Mountain Lighting, accessory to an existing single-family home.

The owners of 6125 Burcher Road wish to operate a home business, Shadow Mountain Lighting, out of their single-family residential property. There is an existing non-habitable barn which is proposed for renovation to support the future home business. Shadow Mountain Lighting is considered a contracting business, which is included in the definition of Home Business. There will be no additional employees beyond the owners and little to no anticipated customer or commercial traffic to and from the home business location.

There was no public comment.

A motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to approve CUP2021-0002, dated May 13, 2021, for the proposed home business, with no conditions, based on the recommended findings. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

The meeting recessed at 10:33 a.m. and reconvened at 10:40 a.m.

15. Consideration Letter to Teton County, Idaho, Regarding Grand Targhee Resort Master Development Plan (CONTINUED)

The Board reviewed the revised letter.

A motion was made by Commissioner Propst and seconded by Commissioner Newcomb to approve the letter as presented with the amendment that the Chairwoman suggested. Chairwoman Macker called for a vote. The vote showed four in favor and the motion carried 4-1 with Commissioner Epstein opposed.

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 10:44 a.m.

Respectfully submitted,
Chalice Weichman
Deputy County Administrative Clerk

TETON COUNTY BOARD OF COMMISSIONERS

Natalia D. Macker, Chairwoman

ATTEST:

Maureen E. Murphy, County Clerk