

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

The Teton County Board of Commissioners met in regular session on **August 4, 2020** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 9:02am and the Pledge of Allegiance was recited.

ROLL CALL

County Commission: Natalia Macker Chair, Mark Barron, Mark Newcomb, and Luther Propst were present. Greg Epstein Vice-Chair arrived at 9:04am.

ADOPTION OF AGENDA

A motion was made by Commissioner Newcomb and seconded by Commissioner Barron to adopt today's agenda with the following additions:

TO ADD: Action Item #8 – Letter of Authorization to Remove Buildings from 105 Mercill Avenue

TO ADD: Executive Session

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

MINUTES

A motion was made by Commissioner Newcomb and seconded by Commissioner Barron to approve the **07/06/2020, 07/07/2020, and 07/13/2020** minutes. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

CONSENT AGENDA

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

1. Consideration of Approval of Radio Consultant Contract
 2. Consideration of Approval of Wyoming State Trails - Grooming Grant Contract Amendment
 4. Consideration of Approval of Amendment 8 to Contract with Golder Associates for Completion of the Landfill Closure at Horsethief Canyon
 7. Consideration of Approval to Extend Contract for Owner's Representative Services for Fire Station 1 Construction
- Chair Macker called for the vote. The vote showed all in favor and the motion carried.

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

MATTERS FROM COMMISSION AND STAFF:

1. Consideration of Approval of Radio Consultant Contract

To approve the contract with CDX Wireless in the amount of \$57,775.00 for the development of a 5-year Master Radio Infrastructure Plan.

2. Consideration of Approval of Wyoming State Trails - Grooming Grant Contract Amendment

To approve Ammendment Three to the Contract Between the State of Wyoming, Department of State Parks and Cultural Resources and Teton County Parks and Recreation for winter grooming in the amount of \$25,000.

4. Consideration of Approval of Amendment 8 to Contract with Golder Associates for Completion of the Landfill Closure at Horsethief Canyon

To approve Amendment #8 to the County's Contract with Golder Associates for engineering support and construction quality assurance and management in time and materials costs not to exceed \$34,264, for a total contract amount of \$2,751,706.

7. Consideration of Approval to Extend Contract for Owner's Representative Services for Fire Station 1 Construction

To extend the contract with Forsgren Associates for continued owners representative services for the remainder of the Station 1 construction project, for a total contract cost not to exceed \$444,950.

DIRECT CORRESPONDENCE

1. Douglas Vogel 7/14/2020 email regarding COVID-19
2. Dwight & Bobbie Reppa 7/14/2020 email regarding Special Events
3. Karilyn Brodell 7/14/2020 email regarding COVID-19
4. James Little Sr. MD FAAP 7/14/2020 email regarding COVID 19
5. Senator John Barrasso, US Senate 7/15/2020 letter regarding BLM Parcel Transfer
6. Tim Young, Wyoming Pathways 7/15/2020 email regarding BUILD Grant
7. Pam Romsa & Paul Perry, Canvas Unlmted 7/15/2020 email regarding Special Events
8. Deb Barracato, Flat Creek Water Improvement District 7/15/2020 email regarding Assessment Certificate
9. Abbie Stanford 7/15/2020 email regarding COVID 19
10. Ann Smtih 7/15/2020 email regarding COVID 19
11. Jim Lewis 7/15/2020 email regarding COVID 19
12. K.O. Stohbehn 7/15/2020 email regarding COVID 19
13. Emily Lacoste 7/15/2020 email regarding Special Events
14. Carla Watsabaugh 7/16/2020 email regarding Tribal Trail Connector
15. Melinda Binks 7/16/2020 email regarding COVID19
16. J. Carlo Cannell 7/16/2020 email regarding DEV2016-0002 and EAS2019-0002

17. Frank Bellinghiere 7/16/2020 email regarding COVID 19
18. Joshua Kaduthodil 7/16/2020 email regarding Budget
19. Martha Birkett 7/16/2020 email regarding COVID 19
20. Ellen Fales 7/16/2020 email regarding COVID 19
21. Paul O'Brien 7/16/2020 email regarding COVID 19
22. Scott Fossel 7/17/2020 email regarding COVID 19
23. Carolyn Little 7/17/2020 email regarding COVID 19
24. Jennifer Ross 7/17/2020 email regarding COVID 19
25. Jared Baecker, Snake River Fund 7/17/2020 email regarding Hoback River & Snake River Confluence
26. Beth McCoy, Teton Village Improvement and Service District 7/17/2020 email regarding Special Assessment Request
27. Beth McCoy, Teton Village Improvement and Service District 7/17/2020 email regarding Mill Levy Request
28. Carol Pugmire 7/17/2020 email regarding COVID 19
29. Tawnya Carr 7/17/2020 email regarding COVID 19
30. Patty Ewing 7/17/2020 email regarding COVID 19
31. Maryellen Frank 7/17/2020 email regarding COVID 19
32. Don Wadsworth 7/19/2020 email regarding Squaw Creek Road
33. Thomas Sneed 7/19/2020 email regarding DEV2016-0002
34. Tim Young 7/19/2020 email regarding BLM Parcel Transfer
35. Samuel Singer 7/19/2020 email regarding COVID 19
36. Bobby Griffith 7/20/2020 email regarding Hoback Confluence
37. Lynne Becker 7/20/2020 email regarding Snow King Expansion
38. Keith Benefiel 7/20/2020 email regarding Pathway - Wilson to Trail Creek
39. Richard Aurelio 7/20/2020 email regarding Coyote Canyon/Hwy 22
40. Gloria Courser 7/20/2020 email regarding COVID 19
41. Aaron Pruzan 7/20/2020 email regarding COVID-19 / Hoback Confluence
42. Ashley Merritt 7/20/2020 email regarding AMD2020-0002
43. Greg Such 7/20/2020 email regarding DEV2016-0002/EAS2019-0002
44. Melinda Binks 7/20/2020 email regarding COVID-19
45. Scott Fossel 7/20/2020 email regarding COVID-19
46. Amanda Flosbach 7/20/2020 email regarding COVID-19
47. Richard Weinbrandt 7/20/2020 email regarding DEV2016-0002/EAS2019-0002
48. Willaim Smith 7/20/2020 email regarding COVID-19
49. Randy Merritt, Interim District Engineer, Wyoming Department of Transportation 7/21/2020 letter regarding Snake River Bridge Project - Project #2000058
50. Anna Olson, Jackson Hole Chamber of Commerce 7/21/2020 email regarding AMD2020-0002
51. Robert Frodeman 7/21/2020 email regarding COVID-19
52. Diana Osuna, South Squaw Creek ISD 7/22/2020 email regarding Final Budget
53. Steve Feldman 7/23/2020 email regarding AMD2020-0001
54. Nicole Krieger, Hess Damours and Krieger 7/23/2020 email regarding Proposed Amendment to Water Resource Development
55. Paul O'Brien 7/23/2020 email regarding COVID19
56. Mary Beth Coyne 7/24/2020 email regarding COVID 19
57. Christian Beckwith 7/26/2020 email regarding Rec Center Expansion
58. Wayne Grim 7/26/2020 email regarding COVID19
59. Jim Stanford 7/27/2020 email regarding Hoback / Snake Confluence
60. Jim Vito 7/27/2020 email regarding COVID 19
61. Mark Newcomb, County Commissioners 7/27/2020 email regarding Fwd: Updated documents re camping information
62. Jeffrey Small, US Department of Interior 7/27/2020 email regarding American Heroes

PUBLIC COMMENT

Public comment was given by Oscar Gittemeier, Library Director, with an update on the re-opening of the library and library services.

Public comment was given by Grace Robertson, Vice-Chair of the Library Board, regarding the re-opening of the library.

MATTERS FROM COMMISSION AND STAFF:

3. Consideration of Approval of a Letter to the US Army Corps of Engineers Stating No Objection to Granite Creek Supplemental Ditch Improvements

Amy Ramage, County Engineer, presented to the Board for consideration of approval a letter to the U.S. Army Corps of Engineers (USACE) stating no objection to a private landowner's proposed improvements to the Granite Creek supplemental ditch improvements.

There was no public comment.

A motion was made by Commissioner Newcomb and seconded by Commissioner Barron to approve the letter to the U.S. Army Corps of Engineers, Walla Walla District, stating no objection to the Granite Creek supplemental ditch improvement project. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

5. Consideration of Approval of an Update to the 2020 Investment Policy

Katie Smits, County Treasurer, presented to the Board for consideration of approval an updated resolution for the Teton County Investment Policy.

There was no public comment.

A motion was made by Commissioner Newcomb and seconded by Commissioner Barron to approve the updated Resolution for Teton County Investment Policy. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

6. Consideration of Approval of an Agreement for Services for Historic Preservation Board

Alyssa Watkins, Board of County Commissioners Administrator, presented to the Board for consideration of approval an agreement to hire a consultant to provide administrative support leading to the implementation of historic preservation activities for Teton County. In February of 2020, The Teton County Historic Preservation Board (TCHPB) released a Request for Proposals (RFP) for an administrative consultant to help organize and support the work of the Board. The board estimates the time commitment for the consultant will be 10 to 20 hours per week. The Historic Preservation Board received 6 responses to the RFP. Those responses were evaluated by a subcommittee of the Board and narrowed down to 3 finalists. The sub-committee then conducted interviews and recommended the award of bid to Eriksen-Meier, LLC Consulting. The term of the agreement will begin July 1, 2020 and expire May 1, 2021.

There was no public comment.

A motion was made by Commissioner Newcomb and seconded by Commissioner Barron to approve the Agreement for Services with Eriksen-Meier, LLC Consulting for services to the Historic Preservation Board, in the amount of \$30,600. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

8. Consideration of Approval of a Letter of Authorization to Remove Buildings from 105 Mercill Avenue

April Norton, Housing Director, presented to the Board for consideration of approval a Letter of Authorization to allow the existing historic structures located at 105 Mercill Avenue to be removed from the site. 105 Mercill Avenue is being redeveloped into Workforce Ownership Housing. To prepare the site for construction, and in collaboration with the Jackson Hole Historical Society and Museum, three of the existing historic structures are being removed from the site and stored for 24 months until the museum can move them to their new property on the southeast corner of the Genevieve Block.

There was no public comment.

A motion was made by Commissioner Newcomb and seconded by Commissioner Barron to approve the Letter of Authorization to remove buildings from 105 Mercill Avenue and further approve Chairwoman Macker to sign the document on behalf of Teton County. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

MATTERS FROM PLANNING & DEVELOPMENT:

1. Findings of Fact and Conclusions of Law: CUP2020-0001 Jackson Hole Paragliders

John Graham, Deputy County Attorney, presented to the Board for consideration of approval the Findings of Fact, Conclusions of Law and Order granting approval of a Conditional Use Permit (CUO2020-0001) upon the application of Scott Harris, in representation of Jackson Hole Paragliders, for Conditional Use Approval pursuant to Section 8.4.2 of the Teton County Land Development Regulations, to permit a paragliding landing zone on the Teton County owned Exaction Parcel (PIDN# 22-42-16-19-3-00-009), bordering State Highway 390 and accessed from Apres Vous Road.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to approve the Findings of Fact, Conclusions of Law and Order granting approval of a Conditional Use Permit (CUO2020-0001). Chair Macker called for the vote. The vote showed all in favor and the motion carried.

The meeting was recessed at 9:42am and reconvened at 9:47am.

- 2. Applicant: TETON COUNTY**
Presenter: Rian Rooney
Permit No.: AMD2020-0002
Request: Proposal to amend the Teton County Land Development Regulations, pursuant to Section 8.7.1, to define in Section 6.1.2. Classification of Uses, the discontinuance of a use, to exclude cessation of use due to the following: • certain government actions, • natural disaster, • unwillful acts of the owner such as catastrophic fire or pandemic, • and time spent maintaining, altering, replacing, or expanding a structure or site devoted to the use. Teton County has complied with the requirements of Wyoming State Statute § 9-5-304 pertaining to the Wyoming Regulatory Takings Act.
- Location: County-wide**

Rian Rooney, Associate Long-Range Planner, presented to the Board for consideration of approval a proposal to amend the Teton County Land Development Regulations (LDRs) Section 6.1.2. Classification of Uses, pursuant to Section 8.7.1, to define the discontinuance of a use and to exempt cessation of use due to the following:

- certain government actions,
- natural disaster,
- catastrophic events such as fire or pandemic that are not the result of a willful act of the owner, and time spent maintaining, altering, replacing, or expanding a structure or site devoted to the use.

The arrival of the COVID-19 pandemic has meant that many businesses have not been able to operate as they would typically. Planning Department Staff recognized that this unexpected and uncontrollable pause in normal business operations could have implications for use permits throughout Teton County, many of which have expiration terms tied to the discontinuance of operations for a year or more. To prevent use permits from unintended expiration due to these and other circumstances, staff is proposing the addition of a standard in Section 6.1.2. Classification of Uses to define "Discontinuance of Use."

Recommended findings include:

1. Is consistent with the purposes and organization of the LDRs – can be made.
2. Improves the consistency of the LDRs with other provisions of the LDRs – can be made.
3. Provides flexibility for landowners within standards that clearly define desired character – can be made.
4. Is necessary to address changing conditions or a public necessity and/or state or federal legislation – can be made.
5. Improves implementation of the Comprehensive Plan – can be made.
6. Is consistent with the other adopted County Resolutions – can be made.

Public comment was given by Steve Feldman, Brandon Ankenbrandt, Susan Johnson, Elizabeth Vasarhelyi, and Bill Kolasky.

A motion was made by Commissioner Newcomb and seconded by Commissioner Propst to approve AMD2020-0002, as presented in the draft dated June 4, 2020, to add a Discontinuance of Use definition to the standards of Section 6.1.2. with no conditions, being able to make the findings of Section 8.7.2 as recommended by the Planning Director and Planning Commission. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to recommend that Outdoor Reception sites with approved CUPs, which due to the COVID-19 pandemic had cancellations and postponements of 2020 events, are permitted to host those cancelled events in 2021 in addition to their annual event allowances permitted under their CUP. Chair Macker called for the vote. The vote showed 2-3 with Commissioners Macker, Newcomb, and Propst opposed and the motion failed.

The meeting was recessed at 10:46am and reconvened at 10:52am.

A motion was made by Commissioner Propst and seconded by Commissioner Newcomb that Outdoor Reception sites with approved CUPs, shall be permitted a 50% increase in allowed events in 2021, rounded up to the nearest whole number, provided that all additional events comply with all applicable terms and conditions of the existing CUP. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

EXECUTIVE SESSION

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to enter executive session pursuant to W.S. §16-4-405(a) (ii) to discuss personnel matters. Chair Macker called for the vote. The vote showed all in favor and the motion carried. They entered executive session at 10:54am.

Commission present: Natalia Macker Chair, Greg Epstein Vice-Chair, Mark Barron, Mark Newcomb, and Luther Propst.

Staff: Alyssa Watkins, Maureen Murphy, and Shelley Fairbanks.

At 10:58am, a motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to adjourn from executive session. Chair Macker called for a vote. The vote showed all in favor and the motion carried.

MATTERS FROM COMMISSION

- A. Commissioner Propst brought up discussion regarding the census.
- B. Commissioner Propst brought up discussion regarding the Construction Oversight.
- C. Chair Macker brought up discussion on feminine hygiene products.

ADJOURN

A motion was made by Commissioner Propst and seconded by Commissioner Barron to adjourn. Chair Macker called for a vote. The vote showed all in favor and the motion carried. The meeting adjourned at 11:05am.

Respectfully submitted,

Shelley Fairbanks
Deputy County Clerk

TETON COUNTY BOARD OF COMMISSIONERS

Natalia D. Macker, Chair

Greg Epstein, Vice-Chair

Mark Barron

Mark Newcomb

ATTEST: _____
Luther Propst

Maureen E. Murphy, County Clerk