

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

The Teton County Board of Commissioners met in regular meeting on **November 15, 2022** 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: Natalia Macker, Chairwoman, and Greg Epstein were present in-person and Mark Newcomb joined the meeting after roll-call at 9:04 a.m. Mark Barron was present via Zoom. Luther Propst, Vice-Chairman, was absent.

ADOPTION OF AGENDA

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to adopt today's agenda as presented, with the note that AMD2022-0003 has been withdrawn. Chairwoman Macker called for the vote. The vote showed four in favor and the motion carried 4-0.

MINUTES

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to approve the 10-24-2022, 10-31-2022, and 11-1-2022 minutes. Chairwoman Macker called for the vote. The vote showed four in favor and the motion carried 4-0.

CONSENT AGENDA

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

- 2. Consideration of FY23 Position Reclassification Requests**
- 8. Consideration of 7310 Rimrock Road Amended and Restated Workforce Ownership Restriction**
- 9. Consideration of a Contract for Demolition and Reclamation at 252/254 E Simpson**
- 10. Consideration of an Easement from Teton County School District #1 for the Wilson School Pathway Underpass**
- 11. Consideration of Change Order for Dead Animal Pit Closure**
- 12. Consideration of Change Order #2 to Contract with WSP Golder Associates for Horsethief Canyon Landfill Post Closure Monitoring**
- 13. Consideration of 2022-23 Snow Removal Annual Cost of Living Adjustment Change Orders**

Chairwoman Macker called for a vote. The vote showed four in favor and the motion carried 4-0.

A motion was made by Commissioner and seconded by Commissioner 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:

2. Consideration of FY23 Position Reclassification Requests

To approve the reclassification requests for the County and Prosecuting Attorney's Office, the Health Department, and the General Services Department as presented today, as well as the updated 2022/2023 Teton County Salary Plan reflective of those changes.

8. Consideration of 7310 Rimrock Road Amended and Restated Workforce Ownership Restriction

To approve the Amendment and Restatement Special Restriction as presented by staff for 7310 Rimrock Road

9. Consideration of a Contract for Demolition and Reclamation at 252/254 E Simpson

To approve the contract for demolition and reclamation at 252/254 East Simpson Avenue to Ridgeline Excavation in the amount of \$79,580.00.

10. Consideration of an Easement from Teton County School District #1 for the Wilson School Pathway Underpass

To approve the pathway easement from Teton County School District #1 for the Wilson School pathway connector underpass.

11. Consideration of Change Order for Dead Animal Pit Closure

To approve Change Order #1 to WSP Golder Associates Contract GL20373054 in the amount of \$16,400, resulting in a total contract price of \$69,930, for 9 additional days of CQA oversight at the Horsethief Canyon Landfill Dead Animal Pit.

12. Consideration of Change Order #2 to Contract with WSP Golder Associates for Horsethief Canyon Landfill Post Closure Monitoring

To approve Change Order #2 to Contract P20146774-2 with WSP Golder Associates USA, Inc. in the amount of \$4,800, for total contract price of \$169,187, to update the Environmental Monitoring Plan and conduct the post closure monitoring procurement process for the Horsethief Canyon Landfill.

13. Consideration of 2022-23 Snow Removal Annual Cost of Living Adjustment Change Orders

To approve the snow removal change orders in the amount of \$72,049.53 for the 2022-23 season.

DIRECT CORRESPONDENCE

1. Brad Nielson 10/24/2022 email regarding State Land Glamping
2. Lee Fitzpatrick 10/25/2022 email regarding Rafter J Lot 333
3. Camille Obering 10/26/2022 email regarding Wilson School Speeds
4. Doug Mayes 10/26/2022 email regarding Sage Grouse Planning
5. Dan Baker 10/26/2022 email regarding State Lands Glamping
6. Margaret Creel 10/27/2022 email regarding Rafter J Lot 333
7. Dan Baker 10/27/2022 email regarding State Lands Glamping
8. Ryan Dorgan 10/28/2022 email regarding Demolition Review Process
9. Ross MacIntyre 10/28/2022 email regarding Wilson Boat Ramp
10. Dan Heilig 10/28/2022 email regarding State Lands Glamping
11. Ethan Lobdell 10/28/2022 email regarding 105 Mercill
12. Camille Obering 10/28/2022 email regarding Speeds at Wilson School
13. Teton County Historic Preservation Board 10/28/2022 email regarding Response to Shacks on Racks
14. Cling Grosse 10/28/2022 email regarding Property Tax
15. Christine Murdoch 10/29/2022 email regarding Glamping on State Lands
16. Nicole Krieger 10/29/2022 email regarding JH Winery Correspondence
17. Stefan Fodor 10/31/2022 email regarding Rafter J Lot 333/Legacy Lodge
18. Janice Smith 10/31/2022 email regarding Rafter J Lot 333
19. Kathy Tompkins 10/31/2022 email regarding E-Bikes
20. Michael Halpin 10/31/2022 email regarding JH Winery
21. Bureau of Land Management 10/31/2022 email regarding Sage Grouse Management
22. Vicky O'Donoghue 11/1/2022 email regarding Rafter J Lot 333
23. Mitchell Dann 11/1/2022 email regarding State Lands Glamping
24. Donald D Cooke 11/2/2022 email regarding Rafter J Lot 333
25. Keith Benefiel 11/2/2022 email regarding E-Bikes
26. Rob Hoff 11/2/2022 email regarding Magnesium Chloride
27. Keith Benefiel 11/3/2022 email regarding E-Bikes
28. Samuel singer 11/4/2022 email regarding String Light Issues
29. Dan Heilig 11/6/2022 email regarding Glamping on State Land
30. Diana Vaughan 11/7/2022 email regarding JH Airport Applicant Recommendation
31. Stephanie Thomas 11/7/2022 email regarding Housing Rules and Regs
32. Clare Stumpf 11/7/2022 email regarding Housing Rules and Regulations
33. Don Opatrny 11/7/2022 email regarding David Hopkins Recommendation
34. Stephanie Thomas 11/7/2022 email regarding Rentals

PUBLIC COMMENT

There was no public comment.

MATTERS FROM COMMISSION AND STAFF

1. Consideration of Approval of a Resort Liquor License Transfer of Ownership- Four Seasons

Shelley Fairbanks, Deputy County Clerk, presented to the Board for consideration of approval an application for the transfer of ownership of a Resort Liquor License from DTRS Jackson Hole, LLC to Jackson Hole Hotel Tenant, LLC located at 7680 Granite Loop Road, Teton Village, WY.

Applicant is requesting the approval of the transfer of ownership of a Resort Liquor License from DTRS Jackson Hole, LLC dba Four Seasons Resort Jackson Hole to Jackson Hole Hotel Tenant, LLC dba Four Seasons Resort Jackson Hole. The current resort liquor license held by DTRS Jackson Hole, LLC is in good standing with both Teton County and the Wyoming Liquor Division. This license includes a Special Designation for Resorts.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to approve the transfer of a Resort Liquor License from DTRS Jackson Hole, LLC to Jackson Hole Hotel Tenant, LLC for the time period of January 7, 2023 through January 6, 2024. Chairwoman Macker called for a vote. The vote showed four in favor and the motion carried 4-0.

3. Consideration of Consultant Services Agreement for Public Works Grant

Amy Ramage, Director of General Services, presented to the Board for consideration of approval a Teton County Consultant Services Policy.

This policy establishes procedures of Teton County for the procurement, management, and administration of consultant services required for a project using federal or non-federal funds obtained through the Wyoming Department of Transportation (WYDOT). The County has a procurement policy that covers the majority of these same requirements, but this policy gives the County a step by step guideline to meet Federal guidelines and is required to be in place as a part of the grant requirements.

There was no public comment.

A motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to approve the Teton County Consultant Services Policy. Chairwoman Macker called for a vote. The vote showed four in favor and the motion carried 4-0.

4. Consideration of Contract for Fairgrounds Community Building Remodel

Rachel Grimes, Fair and Fairgrounds Manager, presented to the Board for Consideration of approval a contract with ACM Wyoming, LLC for conversion of the Temporary Fire Station 1 to a Community Building that will take the place of the Exhibit Hall.

The Fairgrounds' Pavilion/stall barn was converted for use as the temporary Fire Station 1 (FS1) to allow for the reconstruction of the existing FS1. Fire/EMS moved into the Fairgrounds building in the Spring of 2019 and resided therein until completion of FS1 at the end of April 2022. The plan for the building after the Fire Station exit was to convert the space into a Community Building. The lease with the Town of Jackson for the Fairgrounds has been extended to December 31, 2030, allowing this space to provide an amenity to the community for at least the next 8 years.

There was no public comment.

The Board continued this item to later in this meeting to allow Staff to correct an error in the staff report.

ITEMS CONTINUED TO DECEMBER 6, 2022:

5. Consideration of Cybersecurity Grant to Teton County Sheriff from Homeland Security

6. Consideration of Approval of Donation to Skatepark with Condition

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to continue to the December 6th, 2022 Board of County Commissioners Meeting items 5, and 6; Consideration of Cybersecurity Grant to Teton County Sheriff from Homeland Security and Consideration of Approval of Donation to Skatepark with Condition. Chairwoman Macker called for a vote. The vote showed four in favor and the motion carried 4-0.

7. Consideration of an Affordable Rental Special Restriction at 12700 S. River Bend Road

Kristi Malone, Housing Supply Specialist, presented to the Board for consideration of approval an Affordable Workforce Rental Special Restriction ("Special Restriction") at 12700 S River Bend Road on Lot 1 of Astoria Hot Springs Park. This deed restriction satisfies the housing requirement for nonresidential uses at Astoria Hot Springs Park and Snake River Sporting Club.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to approve the Special Restriction as presented for 12700 S River Bend Road. Chairwoman Macker called for a vote. The vote showed four in favor and the motion carried 4-0.

4. Consideration of Contract for Fairgrounds Community Building Remodel (CONTINUED)

Rachel Grimes, Fair and Fairgrounds Manager, explained that there was typo in the staff report and the amount needed from the general fund for the base amount was \$184,759.30 not \$209,340.30 and the motion as proposed in the staff report should be changed to reflect that correction.

There is currently \$288,189.70 available in the budgeted line item, thus the base bid amount needs \$184,759.30 from the general fund. And if the board decides to go with the alternate #1 then the full amount of alternate #1, which is \$78,849.00 would be needed. If the board decides to approve the base bid and the alternate #1 then the full amount needed from the general fund to supplement the already budgeted line item would be \$263,608.30.

A motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to approve the contract with ACM Wyoming LLC for the conversion of Temp Fire Station 1 to a Community Center in the amount of \$472,949.00 and approve the additional FY23 allocation of \$184,759.30 in General Fund balance monies for the project.

There was no public comment.

A motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to approve the Bid Alternate #1 submitted by ACM Wyoming LLC in the amount of \$78,849 and approve the additional FY23 allocation of \$78,849 in General Fund fund balance monies for the project. Chairwoman Macker called for a vote. The vote showed four in favor and the motion carried 4-0.

MATTERS FROM PLANNING AND DEVELOPMENT

Findings of Fact, Conclusions of Law, and Order:

1. CUP2021-0005 – Stage Stop, Inc.

Keith Gingery, Chief Deputy County Attorney, presented to the Board for consideration of approval the Findings of Fact and Conclusions of Law for CUP2021-0005. This matter came before the Teton County Board of County Commissioners for public hearing on April 12, 2022, May 3, 2022, May 17, 2022, May 23, 2022, September 20, 2022, October 4, 2022, October 18, 2022 and November 1, 2022, upon the application of Hal Hutchinson of HH Land Strategies, on behalf of Stage Stop, Inc., for approval of a Conditional Use Permit, pursuant to Section 8.4.2, Conditional Use Permit of the Teton County Land Development Regulations.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to approve the Findings of Fact and Conclusions of Law granting approval for CUP2021-0005. Chairwoman Macker called for a vote. The vote showed three in favor and the motion carried 3-0 with Commissioner Barron abstaining due to connection issues.

- 1. Permit Number** ZMA2022-0003
- Applicant** Jorgensen Associates, PC
- Presenter** Erin Monroe
- Request** Request to amend the Official Zoning Map for a site that is currently Suburban (S) and Rural-1 (R-1). The total acreage under rezoning consideration is 3.9 acres, and the changes are as follows:
 - 1.) A 2-acre parcel is rezoned to Public/Semi-Public (P/SP)
 - 2.) An adjacent 0.2-acre portion changes from Suburban (S) to Rural-1 (R-1)
 - 3.) The 1.7 acres of Suburban (S) zone to be changed via #1 and #2 would be swapped to an adjacent location to the southwest that is currently Rural (R-1)

Location PIDN 22-40-16-06-3-00-016, on the Hereford Ranch (Tract 2)

Erin Monroe, Associate Long-Range Planner, presented to the Board for consideration of approval a request to amend the Official Zoning Map, pursuant to Teton County Land Development Regulations Section 8.7.2, Zoning Map Amendment, for a site on the Hereford Ranch (Tract 2) owned by Beaver Slide, LLC, that is currently zoned Suburban (S) and Rural-1 (R-1). The total acreage under rezoning consideration is 3.9 acres, and the proposed changes are as follows:

1. A 2-acre parcel is rezoned to Public/Semi-Public (P/SP)
2. An adjacent 0.2 acre portion changes from Suburban (S) to Rural-1 (R-1)
3. The 1.7 acres of Suburban (S) zone to be changed via #1 and #2 would be swapped to an adjacent location to the southwest that is currently Rural (R-1)

Brendan Schulte, Jorgensen Associates, for the Applicant, commented on the Application.

There was no public comment.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve of ZMA2022-0003, application received July 29, 2022, to rezone the subject site from Suburban and Rural-1 to a changed disposition of Suburban, Rural-1 and the addition of Public/Semi-Public zoning, being able to make the findings for approval of LDR Section 8.7.2 and having considered relevant factors, as recommended by the Planning commission and the Planning Director.

1. Prior to the subject site being effectively rezoned to Suburban, Rural-1, and Public/Semi-Public by filing the rezone with the County Clerk, the applicant shall demonstrate to Teton County Planning Staff with a recorded deed that ownership of the site has been transferred to Fremont County Community College District, doing business as Central Wyoming College. If this demonstration to Planning Staff does not occur within one year of the rezone approval date, the rezone will be considered expired, and the sites included in this application will revert to their respective Suburban and Rural-1 zoning currently in place.

Chairwoman Macker called for a vote. The vote showed four in favor and the motion carried 4-0.

2. Permit Number AMD2022-0003 - **WITHDRAWN**

Applicant Teton County Planning

Presenter Erin Monroe

Request Teton County is considering adoption of amendments to the Teton County Land Development Regulations (LDRs) pursuant to Wyoming State Statute §18-5-316, Requirements for Large Acreage Subdivision Permits. This would remove the blanket exemption for the subdivision of parcels larger than 35 acres, creating new submission and analysis requirements in order to increase transparency on the condition, development potential, and accessibility of subdivided parcels.

Location Countywide

3. Permit Number AMD2022-0005

Applicant Teton County Planning

Presenter Erin Monroe

Request Notice is hereby given pursuant to Wyoming Statute §16-3-103 that Teton County is considering adoption of amendments to the Teton County Land Development Regulations (LDRs) to establish longer timeframes for County staff to review five of the planning applications, bringing them to 60 days (from 30-45 days). These applications include the following:

1. Environmental Analyses (EA) LDR Section 8.2.2 (45 to 60 days)
2. Grading Permits (GEC) LDR Section 8.3.4 (45 to 60 days)
3. Sign Permits LDR Section 8.3.5 (30 to 60 days)
4. Basic Use Permits (BUP) LDR Section 8.4.1 (45 to 60 days)
5. Zoning Compliance Verifications (ZCV) LDR Section 8.6.2 (45 to 60 days)

These are amendments to the Land Development Regulations which are authorized pursuant to Wyoming Statute §18-5-201.

Location Countywide

Erin Monroe, Associate Long-Range Planner, presented to the Board for consideration of approval a proposal to amend the Teton County Land Development Regulations (LDRs), pursuant to Section 8.7.1 and W.S. 18-5-202, to amend Article 8 related to establishing longer timeframes for County staff to review five of the planning applications, all of which are administrative review, bringing them to 60 days (from 30-45 days). These applications include the following: Environmental Analyses, Grading Permits, Sign Permits, Basic Use Permits, and Zoning Compliance Verifications. Application processes that are not included in this list either already have a 60- day (or more) timeframe or go through the public hearing process. This amendment application is made by the Teton County Planning and Building Services Director to provide flexibility for staff due to the unpredictable nature of application submittal volume and waves of staffing shortages.

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

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to approve AMD2022-0005, as presented in the draft dated June 22, 2022, to amend Article 8 of the LDRs related to the number of days for staff review of administrative applications, being able to make the findings of Section 8.7.1. as recommended by the Planning Director.

The Board discussed a "sunset" date that would bring the extended timeframes back to the Board for review after a year. The sunset provision was not added to the motion.

Chairwoman Macker called for a vote. The vote showed two in favor and the motion failed 2-2. Commissioners Newcomb and Macker in support and Commissioners Barron and Epstein opposed. The motion failed to obtain a majority, thus fails.

MATTERS FROM COMMISSION – none.

ADJOURN

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to adjourn. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried. The meeting adjourned at 10:11 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