The Teton County Board of Commissioners met in regular session on January 15, 2019 in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 9:00am and the Pledge of Allegiance was recited.

ROLL CALL

County Commission: Natalia Macker Chair, Greg Epstein Vice-Chair, Mark Barron, and Luther Propst were present. Mark Newcomb was absent (arrived at 9:46am).

MINUTES

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve 1/3/19 and 1/7/19 minutes. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

ADOPTION OF AGENDA

A motion was made by Commissioner Epstein and seconded by Commissioner Propst to adopt today’s agenda with the addition of Action Item #10 at the end of the meeting.

TO ADD: Action Item #10 – Consideration of Outgoing Correspondence to the Wyoming State Legislature Related to SF49

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

CONSENT AGENDA

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

1. Consideration of Approval of FY2019 6-month Budget Amendment
2. Consideration of Approval of the Teton County Historic Preservation Board Annual Report
3. Consideration of Approval of a Contract with the Wyoming Department of Health and Teton County for Increasing Capacity for Communicable Disease Services.
4. Consideration of Approval of Utility Service Agreement with Lower Valley Energy for Came Creek Tunnel Lighting
5. Consideration of Approval of a Contract with Forsgren for Owners Representation on Station 1 Construction
6. Consideration of a Cooperative Agreement with the Wyoming Department of Transportation for Replacement of the Swinging Bridge (Structure No. DEY)
7. Consideration of Approval of the Addition of Two FTEs to Provide Information Technology Support to the Teton County Library
8. Consideration of Approval of a Resolution Authorizing Submission of Annual Treatment Court Grant Application to the Wyoming Behavioral Health Divisions
9. Consideration of Approval of an Agreement for Design and Construction Phase Engineering Services for a Well at the Trash Transfer Station

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

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to approve the items on the Consent Agenda with the motion as stated in their respective staff reports and recommended staff motions of approval. 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 FY2019 6-month Budget Amendment
To adopt the proposed 6 month budget amendment for FY19 as noticed on the Teton County Website as presented today.

2. Consideration of Approval of the Teton County Historic Preservation Board Annual Report
To approve the 2018 Annual Report of the Teton County Historic Preservation Board.

3. Consideration of Approval of a Contract with the Wyoming Department of Health and Teton County for Increasing Capacity for Communicable Disease Services.
To approve the Contract with the State of Wyoming, Department of Health to increase capacity for Teton County Health Department to provide communicable disease services by using funds from the State to hire two new county employees for three years.

4. Consideration of Approval of Utility Service Agreement with Lower Valley Energy for Came Creek Tunnel Lighting
To approve the agreement for installation of electrical service for the Game Creek Highway 89 pathway tunnel lighting between Lower Valley Energy and Teton County Courthouse.

5. Consideration of Approval of a Contract with Forsgren for Owners Representation on Station 1 Construction
To approve the Owner’s Representation contract with Forsgren Associates for the amount of $244,950.00.

6. Consideration of a Cooperative Agreement with the Wyoming Department of Transportation for Replacement of the Swinging Bridge (Structure No. DEY)
To approve entering into a Cooperative Agreement with the Wyoming Department of Transportation for the replacement of Structure No. DEY, Swinging Bridge.

7. Consideration of Approval of the Addition of Two FTEs to Provide Information Technology Support to the Teton County Library

To approve the hiring of an IT Technician and a Systems Specialist for the County’s IT Division.

8. Consideration of Approval of a Resolution Authorizing Submission of Annual Treatment Court Grant Application to the Wyoming Behavioral Health Divisions

To approve a resolution authorizing the submission of a grant application to the Wyoming Behavioral Health Division for FY2020 Treatment Court funding.

RESOLUTION

Authorizing submission of an Application to the Wyoming Behavioral Health Division for the purpose of supporting the Teton County Court Supervised Treatment Program

WHEREAS, the Board of County Commissioners for Teton County desires to participate in the Wyoming Behavioral Health Division grant program to assist in financing this project; and

WHEREAS, the Board of County Commissioners for Teton County recognizes the benefit of the Court Supervised Treatment Program Team and its partnerships to treat and supervise repeat criminal offenders who have long-term substance use disorders; and

WHEREAS, the Wyoming Behavioral Health Division requires that certain criteria be met and to the best of our knowledge, this application meets those criteria; and

WHEREAS, the Board of County Commissioners for Teton County plans to match a maximum grant request of $56,127.96 by 26% cash and in-kind match ($14,594.00). NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for Teton County, that a grant application in the maximum amount of $56,127.96 be approved.

BE IT FURTHER RESOLVED, that Anpeytu Neier is hereby designated as the authorized representative of Teton County to act on behalf of the Board of County Commissioners on all matters relating to this grant application.

PASSED, APPROVED, AND ADOPTED this 15th day of January 2019.

BOARD OF COUNTY COMMISSIONERS
TETON COUNTY
By: Natalie D. Macker, Chair

9. Consideration of Approval of an Agreement for Design and Construction Phase Engineering Services for a Well at the Trash Transfer Station

To approve the award of the agreement for design and construction phase services for well option #2 to Nelson Engineering for the amount of $73,000.00.

DIRECT CORRESPONDENCE

1. Peter & Carla Gavey 1/2/2019 email regarding JHGT/Vail Resorts
2. Shirley and Dan Thomas 12/31/2018 email regarding JH Classical Academy
3. Nancy SClair 1/1/2019 email regarding JH Classical Academy
4. Mike Hornbuckle 1/1/2019 email regarding JH Classical Academy
5. Denise Tsuruda-Dobell 1/1/2019 email regarding JH Classical Academy
6. Kim and Bob McGregor 1/1/2019 email regarding JH Classical Academy
7. Paul Johnson 1/1/2019 email regarding JHGT/Vail Resorts
8. Frank & Nancy Boyer 1/1/2019 email regarding JHGT/Vail Resorts
9. Mary Patrick 1/1/2019 email regarding JH Classical Academy
10. Jack and Kay Krouskup 1/1/2019 email regarding JH Classical Academy
11. Ken Willis 1/1/2019 email regarding JHGT/Vail Resorts
12. Michele Gammer 1/1/2019 email regarding JH Classical Academy
13. Aaron Neus 1/1/2019 email regarding JHGT/Vail Resorts
14. Peter & Carla Gavey 1/2/2019 email regarding JHGT/Vail Resorts
15. Jennifer Ross 1/2/2019 email regarding JH Classical Academy
16. Rich Bloom 1/2/2019 email regarding JH Classical Academy
17. Terry Hudgens 1/2/2019 email regarding JHGT/Vail Resorts
18. David Jaquith 1/2/2019 email regarding JH Classical Academy
19. Robert Wemple 1/2/2019 email regarding JH Classical Academy
20. Patricia McDonald 1/2/2019 email regarding JHGT/Vail Resorts
21. Sandy Shuptrine 1/2/2019 email regarding JH Classical Academy
22. Louis Wang 1/2/2019 email regarding JH Classical Academy
23. Greg Mattiko 1/2/2019 email regarding JH Classical Academy
24. Greg Bigler 1/2/2019 email regarding JH Classical Academy
25. Virginia Grafton Becker 1/2/2019 email regarding JH Classical Academy
26. Fred Becker 1/2/2019 email regarding JH Classical Academy
27. Jesse & Stuart Lang 1/2/2019 email regarding JH Classical Academy
28. Mark Schultheis 1/2/2019 email regarding JH Classical Academy
29. Amy Brooks 1/2/2019 email regarding JH Classical Academy

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30. bardfour@comcast.net 1/3/2019 email regarding JHGT/Vail Resorts
31. Michael Rachlin 1/3/2019 email regarding JHGT/Vail Resorts
32. Karen Jerger & Chuck Harris 1/4/2019 email regarding JH Classical Academy
33. Paul D’Amours 1/4/2019 email regarding JHGT/Vail Resorts
34. Robert & Mary Fitton 1/5/2019 email regarding JHGT/Vail Resorts
35. Lowell Martindale 1/6/2019 email regarding JHGT/Vail Resorts
36. Michael Rachlin 1/2/2019 letter regarding JHGT/Vail Resorts
37. Sheryl Garlin 1/7/2019 email regarding Snow King Master Plan
38. Melissa Reagan 1/7/2019 email regarding JHGT/Vail Resorts
40. Kelly Smith 1/8/2019 letter regarding JHGT/Vail Resorts

PUBLIC COMMENT
There was no public comment.

MATTERS FROM COMMISSION AND STAFF

1. Consideration of Approval of FY2019 6-month Budget Amendment

Sherry Daigle, County Clerk, presented to the Board for consideration of approval the six month budget amendment for FY2019. The amendment to the budget is to account for unanticipated expenditures and revenues. Budget amendments are done three times per year in January, April, and June.

There was no discussion between the Board and staff.

There was no public comment.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to adopt the proposed 6-month budget amendment for FY19 as noticed on the Teton County Website as presented today. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

7. Consideration of Approval of the Addition of Two FTEs to Provide Information Technology Support to the Teton County Library

Todd Fletcher, IT Manager, presented to the Board for consideration of approval a request for two additional full-time employees for the County IT Department to facilitate a request to provide IT support to the Teton County Library. In spring of 2018, the County Library experienced a reduction in available IT staff, from five to one. Given the staffing shortage, Teton County IT stepped in to assist the Library and provide support for their IT needs; that support continues today. Given capacity limitations with existing County staff, the Library also contracted with a local vendor to provide for some additional support services; that relationship also continues today. In late spring 2018, the County Library released an RFP requesting an assessment of the Library’s Information Technology staff and the services it was providing in order to understand how best to manage programs and services through the appropriate staffing level and expertise and the scope of IT services offered. Carson Block was chosen to perform the assessment and he presented a report to the Library board in the fall. Additionally, County IT provided options to the Library Board to consider County IT Division’s ability to provide ongoing IT support coverage. After several months of refining, a Proposal of Understanding was approved by the Library Board for County IT to provide IT support to the Library. This proposal obligates County IT to provide Enterprise IT services and Help Desk support. In order to do this, two additional staff will need to be added to the County’s IT division; an IT Technician and a Systems Specialist – User Support. This will bring the total number of IT Technicians employed by the County to three, the intent being to provide one technician on-site at the Library Monday through Friday (staff to serve on a rotating basis). The Systems Specialist position would be a new addition to the division’s ranks and would provide service across the County, including to the Library. The Library will retain a single IT position under its management umbrella, a Database Analyst Programmer.

The following table outlines the changes in staff positions, and the associated cost savings for the County at large. As noted in the table, the Library has agreed to cover one-third of the staff costs of the three IT Technician positions in County IT and County IT will be responsible for the salary and benefits costs associated with the new Systems Specialist position.

<table>
<thead>
<tr>
<th>Library IT Staff (budgeted FY 19)</th>
<th>Proposed Revision to IT Staff</th>
</tr>
</thead>
<tbody>
<tr>
<td>Position</td>
<td>FTE</td>
</tr>
<tr>
<td>IT Manager</td>
<td>1.0</td>
</tr>
<tr>
<td>Network Specialist</td>
<td>0.875</td>
</tr>
<tr>
<td>Systems Specialist</td>
<td>0.75</td>
</tr>
<tr>
<td>Web Developer</td>
<td>0.75</td>
</tr>
<tr>
<td>Database Analyst Programmer</td>
<td>0.90</td>
</tr>
<tr>
<td>IT Technician</td>
<td>1.00</td>
</tr>
</tbody>
</table>

Total: $359,430

Total Savings to Teton County: $170,457 annually

**This is an estimation of the salary expense for one level 2 and one Level 1 position. Amounts will be finalized once the positions are filled.

NOTE: estimates do not include benefits costs

The County Library Board has approved the attached Proposal of Understanding. With approval from the Board of County Commissioners, County IT will move forward with hiring two new staff members and begin to facilitate full IT support of the County Library as a part of County IT responsibilities.

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Aside from the dedicated IT Technician on-site at the Library 5 days a week, all other services outlined in the Proposal of Understanding are also provided to other Departments and Elected Offices for which County IT has a responsibility to support. The purpose of the proposal is to provide a clear understanding of expectations between the Library and County IT to smoothly facilitate this significant change in the structure and provisioning of the Library’s technology support.

Discussion between the Board and staff included turnaround time for weekday and weekend support, 24-hour remote support as needed.

John Hebbegger, Jr., Teton County Library Board, addressed the Board in support of the additional IT staff for the Library. There was no public comment.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve the hiring of an IT Technician and a Systems Specialist for the County’s IT Division. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

MATTERS FROM PLANNING & DEVELOPMENT

1. Applicant: LOCKHART, ELIZABETH REVOCABLE TRUST (POSTPONED FROM THE DECEMBER 18, 2018 AND THE JANUARY 8, 2019 BCC HEARINGS)
   Presenter: Emily Cohen
   Permit No.: S/D2018-0011
   Request: Partial Vacation of a Plat, pursuant to Section 8.2.13. Amendment of Permits or Approvals and pursuant to Section 8.5.5. Boundary Adjustment, of the Teton County Land Development Regulations, to re-configure Lots 11 & 12 in the Wilson Town Site. The number of lots is remains the same and the size of the lots remains the same at 0.17 acres. 1255 N Second Street, Lots 11 and 12 Wilson, Blk. 2, Wilson, immediately north and adjacent to Highway 22. The lots are zoned Neighborhood Conservation with no overlay.
   Location: Wilson town Sites, Plat 104

Emily Cohen, Planning Staff, presented to the Board for consideration of approval a Boundary Adjustment pursuant to Section 8.5.5 of the Teton County Land Development Regulations, to vacate and relocate a lot line. This application is for a Boundary Adjustment, originally submitted as an amendment to a subdivision plat. The applicant is proposing to vacate the lot line between Lots 11 and 12 of Block 2, Wilson town Sites, Plat 104 and to redraw a new north-south lot line bisecting the lots to be re-named Lots 15 and 16. No additional lots will be created, and the lot sizes remain the same 0.17 acres each. Both lots are vacant and are non-conforming lots of record due to lot size. Key issues include safety and road standards.

The Planning Director recommends approval of S/D2018-0011, submitted October 12, 2018, for the Boundary Adjustment to Plat No. 104, based on the Teton County Land Development Regulations, findings of Section 8.5.5 and standards of Section 8.2.13.C.4, as recommended below, with no conditions, based on the findings recommended below. Pursuant to Section 8.5.5.D of the Land Development Regulations, a boundary adjustment shall be approved upon finding that:

1. No additional lots of record are created – CAN BE MADE.
2. Each of the resulting lots of record complies with the zone in which it is located as approved through a zoning compliance verification – CAN BE MADE.
3. The applicability and required document provisions of this Section are met – CAN BE MADE.
4. The application complies with all other relevant standards of these LDRs and other County Resolutions – CAN BE MADE.
5. The application is in substantial conformance with all standards or conditions of any prior applicable permits or approvals – NOT APPLICABLE.

Discussion between the Board and staff included an easement from Second Street, access is provided to both Lots 15 and 16 equally.

Stefan Fodor, attorney for the applicant, addressed the Board regarding the key issue of safety, slope is same as before, and applicant will contribute their proportionate amount to the maintenance of the public alleyway.

Public comment was given by Ann Harvey, AJ DeRosa, and Len Carlman.

Stefan Fodor, attorney for the applicant, addressed the Board in response to public comment made.

Kelly Lockhart, applicant, addressed the Board regarding the application and issue of safety.

Kathy Clay, Fire Marshall, addressed the Board regarding the alleyway and fire department access.

Commissioner Newcomb arrived at 9:46am.

Discussion between the Board and staff included ownership and maintenance of the alleyway, conditions on plats, future of alleyway, access to current lots, must have 20’ road or road exception at time of development.

Discussion among the Board included Wilson is a highly trafficked area, Commissioner Barron is able to make the findings, access easement over Lot 16. Commissioner Epstein is able to make the findings, Chair Macker can make the findings, and requirement of the road standards to have an asphalt apron.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve S/D2018-0011, submitted October 12, 2018 for a Boundary Adjustment to Plat No. 104, to vacate the lot line between Lots 11 and 12 of Block 2, Wilson Town Sites, Plat No. 104 and to establish a new north-south lot line bisecting the same lands to be renamed Lots 15 and 16 based on the Teton County Land Development Regulations, being able to make the five (5) findings of Section 8.5.5. and the standards of Section 8.2.13.C and 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. 104 with no conditions as recommended herein by the Planning Director. Chair Macker called for the vote. The vote showed 4-0 in favor with Commissioner Newcomb recused and the motion carried.

The meeting was recessed at 10:05am and reconvened at 10:12am.

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2. Applicant: JOHNSON, CASEY & CYBIL
Presenter: Emily Cohen
Permit No.: CUP2018-0004
Request: Conditional Use Permit pursuant to Section 8.4.2 of the Teton County Land Development Regulations, to permit a dog daycare home business.
Location: The parcel is located at 1725 E KDC Lane (Lot 6, KDC Subdivision), generally located approximately 0.5 miles south of Swinging Bridge, west of South Highway 89. The property is zoned Neighborhood Conservation and is located within the Scenic Resources Overlay.

Emily Cohen, Planning Staff, 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, to permit a dog care home business. The Applicant is proposing to establish a home business use to accommodate Homestead Hound, a kennel, pet care and dog daycare business. The space to be used is an existing 2,800 square foot shop used by the current homeowners, established in 2006 (CUP2006-0002, Climate Control of Jackson). Staff has reviewed the application for compliance with all standards of the LDRs, including site development. Site development approved in GEC2005-0113 does not meet the setback requirements of the LDRs. According to the NC Zone, setbacks for site development are ½ the structure setback. The platted setbacks for the subdivision are 30 feet, meaning that the site development setbacks are to be 15 feet. A gravel pathway borders the western property line and is within the setback. It is a legal nonconformity as it was approved by Teton County. Key issues include potential noise disrupting the routines of adjacent neighbors.

The Planning Commission and Planning Director recommend approval of CUP2018-0004 received on October 25, 2018, subject to the seven (7) conditions recommended below, being able to make all eight (8) findings based on the Planning Director’s findings recommended below.

1. The previously permitted Conditional Use Permit for a heating and cooling Home Business shall be abandoned.
2. All dog food, refuse, and recyclable materials shall be stored inside and in bear resistant containers.
3. Dog excrement shall be disposed of in a trash container or incinerator, not in the septic tank.
4. Dogs are to be contained indoors while the Applicant is not on the property and during the hours of 7 pm to 7 am, except while accompanied by the Applicant.
5. Insulation shall be installed in the building to muffle noise from barking dogs.
6. Should noise from the operation become a problem in the future, i.e. should noise complaints be received by the County, the applicant may be required to implement additional mitigation measures as determined by the Planning Director. If mitigation measures are not successful, the Conditional Use Permit may be subject to additional review by the Board of County Commissioners, which could result in permit revocation.
7. A Special Purpose Fence Exemption shall be approved prior to construction of new fencing.

Pursuant to Section 8.4.2. Conditional Use Permit of the Land Development Regulations, a Conditional Use Permit shall be approved upon being able to make all eight (8) findings:

1. Is compatible with the desired future character of the area – CAN BE MADE.
2. Complies with the use specific standards of Division 6.1 and the zone – CAN BE MADE.
3. Minimizes adverse visual impacts – CAN BE MADE AS CONDITIONED.
4. Minimizes adverse environmental impacts – CAN BE MADE AS CONDITIONED.
5. Minimizes adverse impacts from nuisances – CAN BE MADE.
6. Minimizes adverse impacts on public facilities – CAN BE MADE.
7. Complies with all other relevant standards of these LDRs and all other County Resolutions – CAN BE MADE.
8. Is in substantial conformance with all standards or conditions of any prior applicable permits or approvals – CAN BE MADE.

Discussion between the Board and staff included the process for special purpose exemption, should the exemption be obtain prior to the construction.

Elizabeth Hendren, applicant, addressed the Board regarding the number of dogs housed at night vs. day, location of fence, bark control program to mitigate noise.

Discussion between the Board and applicant included proposed landscape cover between the fenced area and neighbors.

Public comment was given by Matt Faupel and Casey Johnson.

Discussion among the Board included Commissioner Barron can make the findings, Commissioner Epstein can make the findings.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve of CUP2018-0004, for a Conditional Use Permit for a Home Business for a dog kennel service, subject to the seven (7) conditions recommended by staff, as set forth in the application dated October 25, 2018 being able to make all eight (8) findings of Section 8.4.2 of the Teton County Land Development Regulation with the following seven (7) conditions:

1. The previously permitted Conditional Use Permit for a heating and cooling Home Business shall be abandoned.
2. All dog food, refuse, and recyclable materials shall be stored inside and in bear resistant containers.
3. Dog excrement shall be disposed of in a trash container or incinerator, not in the septic tank.
4. Dogs are to be contained indoors while the Applicant is not on the property and during the hours of 7 pm to 7 am, except while accompanied by the Applicant.
5. Insulation shall be installed in the building to muffle noise from barking dogs.
6. Should noise from the operation become a problem in the future, i.e. should noise complaints be received by the County, the applicant may be required to implement additional mitigation measures as determined by the Planning Director. If mitigation measures are not successful, the Conditional Use Permit may be subject to additional review by the Board of County Commissioners, which could result in permit revocation.
7. A Special Purpose Fence Exemption shall be obtained prior to construction of new fencing.

Steve Westbay, Interim Planning Director, addressed Condition No. 6 that does not address odor and suggested adding “odor or other issues” to the condition.

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Discussion among the Board included the nuisance standard and the noise decibel level, this is a heavily livestocked area and may be hard to note where the odor is from.

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

COMMISSION MATTERS

10. Consideration of Outgoing Correspondence to the Wyoming State Legislature Related to SF49

Discussion among the Board included local government-local control, re-address rural zoning and its uses, opposition of preemption, do not quote State Statute (delegation of authority), state our intent to re-address the issue, uncertainty of where re-addressing might lead to, choose to address potential applications in the future or preemption of this bill, keep letter simple and let our actions today speak, take position that preemption is not helpful, requests for Planning staff – fact sheet and brief summary of process and timeline to revisit variances within the rural zone, LDR amendments take time, entertain an LDR amendment to 10,000 sf building for specific uses. The Board made edits to the letter.

The meeting was recessed at 10:57am and reconvened at 11:05am.

A motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to approve the letter dated January 15, 2019 to the Members of the Wyoming State Senate that concerns Senate File 0049 and expresses Teton County’s opposition to that bill.

Commissioner Propst suggested that the letter also be sent to Governor Gordon and the State House of Representatives. Chair Macker suggested including the Wyoming County Commissioners Association (WCCA).

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

EXECUTIVE SESSION

There was no executive session.

ADJOURN

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

Respectfully submitted,

Shelley Fairbanks
Deputy County Clerk

TETON COUNTY BOARD OF COMMISSIONERS

Natalia Macker, Chair

Greg Epstein, Vice-Chair

Mark Barron

Mark Newcomb

ATTEST:

Luther Propst

Sherry L. Daigle, County Clerk