

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

The Teton County Board of Commissioners met in regular session on **April 16, 2019** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 9:03am and the Pledge of Allegiance was recited.

**ROLL CALL**

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

**MINUTES**

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to approve the **4/8/19 and 4/9/19** minutes. Chair Macker called for the vote. The vote showed 4-0 in favor and the motion carried.

**ADOPTION OF AGENDA**

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

**TO ADD:** Item #15. Consideration of Approval for County to Submit an Application to the Teton Pines Homeowner's Association for a 90-Foot Mono-Pine Cell Tower to be Placed on the County Owned Fire Station Property

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

**CONSENT AGENDA**

A. Identify Consent Agenda

The agenda for April 16, 2019 was reviewed and items for the consent agenda were pulled.

B. Approve the Consent Agenda

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

1. Consideration of Approval of Application to State of Wyoming, TANF CLIMB Wyoming Grant
2. Consideration of Approval of the Adoption of FY2019 9-Month Budget Amendment
4. Consideration of Approval of Award of a Contract for the 2019 Teton County Road and Parking Lot Sweeping Project
5. Consideration of Approval of an Agreement Concerning Temporary Storage for Lower Valley Energy on County Owned Parcel
6. Consideration of Approval to Purchase a HazMat ID Eline IR Spectrometer Using State Homeland Security Program Grant Funds
8. Consideration of Approval of the 2019 Wildland Fire Management Annual Operating Plan
12. Consideration of Approval of Contracts for Insurance Repair Work at Integrated Solid Waste and Recycling (ISWR)
14. Consideration of Approval 2019-2020 Clerk of District Court Agreement with Wyoming Department of Family Services Child Support Enforcement

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 Epstein 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 4-0 in favor and the motion carried.

**MATTERS FROM COMMISSION AND STAFF:**

**1. Consideration of Approval of Application to State of Wyoming, TANF CLIMB Wyoming Grant**

To approve the submission of a grant application to the Wyoming Department of Family Services for a TANF/CPI grant for Teton Count Community Partnership for Needy Families in the amount of \$92,031.00

**2. Consideration of Approval of the Adoption of FY2019 9-Month Budget Amendment**

To adopt the proposed 9-month budget amendment for FY19 as noticed on the Teton County Website as presented today.

**4. Consideration of Approval of Award of a Contract for the 2019 Teton County Road and Parking Lot Sweeping Project**

To award the 2019 Teton County Roads and Parking Lots Sweeping Project contract to Idaho Traffic Safety in the amount of \$45,000.00.

**5. Consideration of Approval of an Agreement Concerning Temporary Storage for Lower Valley Energy on County Owned Parcel**

To approve the Agreement Concerning Temporary Storage for LVE Natural Gas Pipes and Other Materials/Equipment on County Owned Parcel.

**6. Consideration of Approval to Purchase a HazMat ID Eline IR Spectrometer Using State Homeland Security Program Grant Funds**

To approve the purchase of a HazMat ID Elite IR Spectrometer from FarrWest Environmental Supply, Inc. utilizing State Homeland Security Program grant funds in an amount not to exceed \$63,000.

**8. Consideration of Approval of the 2019 Wildland Fire Management Annual Operating Plan**

To approve the 2019 Wildland Fire Management Annual Operating Plan

**12. Consideration of Approval of Contracts for Insurance Repair Work at Integrated Solid Waste and Recycling (ISWR)**

To approve and sign the Fixed Property Damage Release and in consideration of payment from United Financial Casualty Company in the amount of \$73,774.27 releases any and all claims against C&C Trucking, Inc. and Jack Leroy in regards to the accident that occurred on September 17, 2018 at the Teton County Solid Waste Transfer Station. I further move for the Board of County Commissioners to enter into a sole source contract in the amount of \$64,790.00 with Record Steel and Construction, Inc. to undertake the repairs needed at the Teton County Solid Waste Transfer Station in regards to the damage caused by the accident on September 17, 2018. I further move to authorize an expenditure in the amount of \$6500 to Custom Care Pest Services to reinstall all cables moved because of the damage to the Teton County Solid Waste Transfer Station.

**14. Consideration of Approval 2019-2020 Clerk of District Court Agreement with Wyoming Department of Family Services Child Support Enforcement**

To approve the Cooperative Agreement for Responsibilities Between the Wyoming Department of Family Services Child Support Enforcement and Teton County Clerk of District Court for Fiscal Year 2020.

**DIRECT CORRESPONDENCE**

1. Kevin Hatfield 4/2/2019 email regarding Munger Mountain Housing Project
2. Patti Boyd, Childrens Learning Center 4/2/2019 email regarding Letter of Support for Munger Mountain Housing Project
3. Jackson Hole Chamber of Commerce 4/2/2019 email regarding Munger Mountain/Hog Island Support Letter
4. Hazen, Matt, Brad, and Greg Hatfield 4/2/2019 email regarding Munger Mountain Work Force Housing
5. Connie Hatfield 4/2/2019 email regarding Special Meeting Regarding Low Income Housing Project
6. Todd Ellingson, Bank of Jackson Hole 4/2/2019 email regarding Work Force Housing Near Munger Elementary
7. George Hein 4/2/2019 email regarding Munger Mountain Proposed Development
8. Matt Bowers, MB Architects, LLC 4/3/2019 email regarding Munger Mountain Housing
9. Trevor Palmer, Environmental Health Trust 4/3/2019 email regarding EHT Wants to be Sure You See this Update on 5G Policy and Science
10. Nancy StClair and Loren Nelson 4/3/2019 email regarding 440 West Kelly Ave Development
11. John and Loyola Kiefling 4/3/2019 email regarding 440 West Kelly Ave
12. Stefan Fodor 4/4/2019 email regarding Levee Maintenance Area
13. Elsa Knoke 4/5/2019 letter regarding Wildlife Crossings on SPET Ballot
14. Tisa 4/5/2019 letter regarding Wildlife Crossings on SPET Ballot
15. Kendyl Gersten 4/5/2019 letter regarding Wildlife Crossings on SPET Ballot
16. Concerned Citizen 4/5/2019 letter regarding Wildlife Crossings on SPET Ballot
17. Clare Symmons, Off Square Theatre Company 4/5/2019 email regarding Invitation to OSLO
18. Skye Schell, Jackson Hole Conservation Alliance 4/5/2019 email regarding For April JIM: strategic planning, sustainable public funding, Hog Island
19. Teton Conservation District 4/4/2019 letter regarding Fish Creek Stakeholder Recommendations for Community Level Water Quality Protection Programs
20. Ken and Kristen Fritschel 4/5/2019 email regarding Staseline Road
21. Alexander Muromcew 4/7/2019 email regarding Wildlife Crossings
22. Armond Acri 4/7/2019 email regarding Munger Mountain Sustainable Workforce Housing
23. Hank Phibbs 4/7/2019 email regarding Munger Mountain Sustainable Workforce Housing
24. Vance and Ann Carruth 4/7/2019 email regarding Wildlife Crossings - SPET
25. John Murray 4/8/2019 email regarding Munger Mountain Sustainable Workforce Housing
26. Candace Woodbury 4/8/2019 email regarding 5G
27. Wes Gardner 4/8/2019 email regarding Wildlife Crossings - SPET
28. Kristi Malone, Planning & Development 4/8/2019 email regarding Public Comment on Hog Island Comp Plan
29. Jessie Watsabaugh 4/8/2019 letter regarding Wildlife Crossings
30. Kevin Brazell 4/9/2019 letter regarding Wildlife Crossings
31. Jared Baecker, Snake River Fund 4/9/2019 email regarding BLM Parcel 26 South Park Landing
32. Marisa Santacruz 4/9/2019 email regarding 440 W. Kelly Avenue

**PUBLIC COMMENT**

Public comment was given by April Corwin regarding the Wyoming Cowboy Challenge Academy, and Chrissy Stretten regarding Wildlife Crossing Master Plan.

**MATTERS FROM COMMISSION AND STAFF:**

**3. Consideration of Approval of a Resolution Declaring Spring Clean-Up Week**

Commissioner Epstein presented to the Board for consideration a resolution to formally proclaim May 6th to May 12th, 2019 as Spring Clean-Up Week and Saturday, May 11th, 2019 as Spring Clean-Up Day.

**RESOLUTION PROCLAIMING MAY 6<sup>th</sup> to May 12<sup>th</sup>, 2019,  
AS SPRING CLEAN-UP WEEK,**

**AND SATURDAY, MAY 11, 2019, AS SPRING CLEAN-UP DAY**

**WHEREAS**, the Rotary Club of Jackson Hole is coordinating a community-wide Spring clean-up event; **WHEREAS**, Teton County, Wyoming, has declared Spring Clean-Up Week and Spring Clean-Up Day annually since 1969; and **WHEREAS**, community service clubs, organizations, businesses, individuals, the Town of Jackson, and Teton County Integrated Solid Waste and Recycling are collaborating to reduce landfill-bound waste, encourage ecological stewardship, and improve the appearance of the valley for both residents and visitors.

**NOW THEREFORE**, having duly met at a regular meeting on April 16, 2019, and having fully considered the matter, it is hereby,

**RESOLVED**, that the Teton County Board of Commissioners proclaims May 6 to May 12, 2019, as Spring Clean-Up Week and Saturday, May 11, 2019, as Spring Clean-Up Day in Teton County, Wyoming, and:

1. Spring Clean-Up Day volunteers who dispose of refuse collected along highways and roads will be admitted free of charge at the Transfer Station facility on Saturday, May 11, 2019;
2. During this week, the tip fee of \$80 per ton for compostable yard waste will be waived for residential customers;
3. Town of Jackson Public Works will collect yard waste from residents within the Town of Jackson on Monday, May 13, 2019, which will be accepted at the Transfer Station facility, and the composting fee of \$80 per ton will be waived;
4. The Transfer Station will offer extended hours during this week as follows: Monday – Friday, 8am-5pm; and, Saturday, 9am-5pm.

BOARD OF COUNTY COMMISSIONERS

TETON COUNTY

By: Natalia D. Macker, Chair

There was no public comment.

A motion was made by Commissioner Propst and seconded by Commissioner Epstein to proclaim May 6th to May 12th, 2019, as Spring Clean-Up Week and May 11th, 2019, as Spring Clean-Up Day in Teton County, and with the conditions described in the Resolution. Chair Macker called for a vote. The vote showed 4-0 in favor and the motion carried.

**10. Consideration of Approval of a Resolution Declaring Sexual Assault Awareness Month and National Crime Victim's Rights Week**

Chair Macker presented to the Board for consideration a resolution proclaiming April as Sexual Assault Awareness Month and the week of April 7th through 13th as National Crime Victims' Rights Week.

**BOARD OF COUNTY COMMISSIONERS OF TETON COUNTY  
(Sexual Assault Awareness Month and National Crime Victims' Rights Week)**

**WHEREAS**, Sexual Assault Awareness Month is intended to draw attention to the fact that sexual violence is widespread and impacts every community member of Teton County; and

**WHEREAS**, Rape, sexual assault, and sexual harassment impact our community as seen by statistics indicating that one in five women and one in 71 men will experience rape or attempted rape at some point in their lives; and

**WHEREAS**, sexual violence seriously affects our youth, with one of out every four girls and one out of every six boys being sexually abused before the age of 18; and

**WHEREAS**, 22% of women in Wyoming have been raped during their lifetime and 44% of women and 29% of men in Wyoming have experienced sexual violence other than rape in their lifetime; and,

**WHEREAS**, almost 50% of transgender individuals will experience sexual assault in their lifetime; and,

**WHEREAS**, 18.3 million Americans are victims of crime each year, and of those, 5.2 million are victims of violent crime including sexual assault; and

**WHEREAS**, National Crime Victim's Rights Week – April 7<sup>th</sup> -13<sup>th</sup> offers us all the opportunity to celebrate the energy, creativity, and commitment that launched the victims' rights movement, inspired its progress and continues to advance the cause of justice for crime victims;

**WHEREAS**, no one person, organization, agency or community can eliminate sexual assault on their own – all must work together in eliminating perpetration of rape, sexual assault and other violent crimes; and

**WHEREAS**, the Teton County Commissioners joins Community Safety Network and Teton County Victim Services in believing that all community members must be part of the solution to end sexual assault; and continue the dialogue started by Community Safety Network and Teton County Victim Services in our workplaces, schools, homes and with our friends. We can help crime victims by interrupting the silence created and providing a voice for all; and

**NOW, THEREFORE**, having duly met at a regular meeting and considered the matter, the Teton County Board of County Commissioners, do hereby proclaim April as Sexual Assault Awareness Month and Further Proclaims the week of April 7<sup>th</sup> through 13<sup>th</sup> as Nation Crime Victims' Rights Week.

BOARD OF COUNTY COMMISSIONERS

TETON COUNTY

By: Natalia D. Macker, Chair

Public comment was given by Karin Waidley from the Community Safety Network.

A motion was made by Commissioner Epstein and seconded by Commissioner Propst to approve the Resolution Proclaiming April as Sexual Assault Awareness Month and April 7-13 as National Victims' Rights Week. Chair Macker called for a vote. The vote showed 4-0 in favor and the motion carried.

**7. Consideration of Approval for Selection of a Contractor to Perform Excavation and Grading for the Live Fire Training Structure Approved and Purchased on June 4, 2018**

Brady Hansen, Fire Chief, presented to the Board for consideration the selection of a contractor to perform excavation and grading for the live fire training structure approved and purchased on 6/4/2018.

Discussion between the Board and staff included available funding.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Propst to approve the contract with Hansen Earth Works LLC to perform excavation and grading for the fire training structure for an amount not to exceed \$38,178.75. Chair Macker called for a vote. The vote showed 4-0 in favor and the motion carried.

#### **9. Consideration of Approval of a Change Order for Pavillion (Temporary Fire Station)**

Brady Hansen, Fire Chief, presented to the Board for consideration a Change Order on the Fire Station #1/Temporary Fire Pavilion Construction Contract for Change in Time for Completion and Change in Price, specifically for extension of time for completion of the overall project including Fire Station #1 for 40 working days and to increase the Contract Price by \$71,232.40.

Discussion between the Board and staff included planning stage and architect issues.

Zia Yasrobi from Y2 Consultants commented on the project.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to approve Change Order # 9 to the Cooperative Agreement between Wapiti Construction Corporation and Teton County noting that the amount of time is 40 days instead of 70 days which is on the Change Order currently. Chair Macker called for a vote. The vote showed 4-0 in favor and the motion carried.

#### **11. Consideration of Approval of the Adoption of the 2019 Teton County Building Code Resolution, the 2019 Teton County Fire Code Resolution, and the 2019 Teton County Fire Protection Resolution for New Subdivisions**

Billy Nunn, Teton County Building Official, presented to the Board for consideration adoption of the 2019 Teton County Building Code Resolution, 2019 Teton County Fire Code Resolution and 2019 Teton County Fire Protection Resolution for New Subdivisions.

There was no public comment.

A motion was made by Commissioner Propst and seconded by Commissioner Epstein to approve the 2019 Teton County Building Code Resolution taking effect on June 1, 2019, which specifically adopts the following codes with local amendments:

the 2018 International Building Code including Appendices C, E and I;  
the 2018 International Residential Code including Appendices A, B, F, and H;  
the 2018 International Plumbing Code;  
the 2018 International Mechanical Code including Appendix A;  
the 2018 International Fuel Gas Code, including Appendices A, B, and C;  
the 2018 International Existing Building Code;  
the 2018 International Property Maintenance Code as such code is referenced in the other adopted codes but only to the extent that the referenced provisions apply to fire and life safety;  
and Teton County shall continue to operate under the 2012 International Energy Conservation Code.  
Chair Macker called for a vote. The vote showed 4-0 in favor and the motion carried.

A motion was made by Commissioner Epstein and seconded by Commissioner Propst to approve the 2019 Teton County Fire Code Resolution taking effect on June 1, 2019, which specifically adopts the 2018 International Fire Code including Appendices B, C, D, E, F and G with local amendments, the 2018 International Wildland-Urban Interface Code with local amendment, and reaffirms the adoption of the Teton County Fire Protection Resolution for New Subdivisions. Chair Macker called for a vote. The vote showed 4-0 in favor and the motion carried.

A motion was made by Commissioner Epstein and seconded by Commissioner Propst to approve the revisions to the Teton County Fire Protection Resolution for New Subdivisions taking effect on June 1, 2019. Chair Macker called for a vote. The vote showed 4-0 in favor and the motion carried.

#### **13. Consideration of Approval to Begin 45-Day Comment Period on Possible Adoption of Title 3 Road Access/Utilities, Chapter 3 Use of County Right of Way for Small Wireless Facilities**

Steve Westbay, Interim Planning Director, and Dave Gustafson, Road and Levee Manager, presented to the Board for consideration authorization to begin 45 day comment period to potentially adopt pursuant to the Wyoming Administrative Procedures Act (Wyo. Stat. §16-6-103) a new Chapter 3 regarding Use of County Right Way for Small Wireless Facilities.

Discussion between the Board and staff included further explanation of rules, public commenting, and what can be done regarding aesthetics.

There was no public comment.

A motion was made by Commissioner Propst and seconded by Commissioner Epstein to authorize the commencement of the 45 day comment period to potentially adopt a new Chapter 3 to Title 3 regarding Use of County Right of Way for Small Wireless Facilities. Chair Macker called for a vote. The vote showed 4-0 in favor and the motion carried.

#### **15. Consideration of Approval for County to Submit an Application to the Teton Pines Homeowner's Association for a 90-Foot Mono-Pine Cell Tower to be Placed on the County Owned Fire Station Property**

Keith Ginger, Deputy County Attorney, presented to the Board for consideration Letter of Authorization from Teton County to AT & T to allow AT & T to submit an application for a cell tower to be constructed on property owned by Teton County, specifically at the Fire Station property located on Teton Village Road.

There was no public comment.

A motion was made by Commissioner Newcomb and seconded by Commissioner Propst to authorize the Chair to sign the Teton Pines HOA Application for Residential Development and for AT&T to proceed on Teton County's behalf through the Teton Pines HOA residential development approval process. Chair Macker called for a vote. The vote showed 4-0 in favor and the motion carried.

The meeting recessed at 9:54am and reconvened at 10:01am.

#### **MATTERS FROM PLANNING & DEVELOPMENT**

1. Applicant: LODGES AT FISH CREEK, LLC  
Presenter: Susan Johnson  
Permit No.: SKC2018-0001 **WITHDRAWN**  
Request: Sketch Plan, pursuant to Section 8.3.1 of the Teton County Land Development Regulations to construct 22 employee housing units on Parcel I.  
Location: Lots 3 & 4, Parcel I at Teton Village. Generally located directly north of the existing 25 employee units, adjacent to and directly west of the Ranch Lot, and north of Teton Thai, which is on the southern portion of Parcel I. The property is zoned Planned Unit Development-Planned Resort and is within the Scenic Resources Overlay.
  
2. Applicant: LODGES AT FISH CREEK, LLC  
Presenter: Susan Johnson  
Permit No.: S/D2019-0002  
Request: Partial Vacation of Lot 2 Shooting Star West, pursuant to Section 8.2.13. Amendment of Permits or Approvals and replat pursuant to Section 8.5.3. Subdivision Plat of the Teton County Land Development Regulations, to partially vacate and replat Lot 2 of Plat No. 1376, to plat 9 townhouse lots and one common lot at The Homesteads and Lodges at Shooting Star West, in conformance with Development Plan DEV2017-0012.  
Location: Lot 2, Shooting Star West, Teton Village. Generally located directly east of and adjacent to Teton Village Area One, west of The Homesites at Shooting Star West. The property is zoned Planned Resort and is within the Scenic Resources Overlay.

Susan Johnson, Planning Staff, presented to the Board for consideration a Partial Vacation of Shooting Star West to Plat The Homesteads and Lodges at Shooting Star West.

Jason Wells from Lodges at Fish Creek commented on the project.

A motion was made by Commissioner Propst and seconded by Commissioner Epstein to approve S/D2019-0002, partial vacation of Lot 2 on Plat No. 1376 to replat 9 townhouse lots and one common lot, being able to make all four (4) findings of Section 8.5.3. of the Teton County Land Development Regulations, being able to meet the standards of Section 8.2.13.C. of the Teton County Land Development Regulations, 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. 1376, with no conditions, and with the partial vacation and re-plat complying with the Teton Village Expansion Resort MasterPlan, and request the Teton County Clerk to write vacate on Lot 2 of Plat No. 1376, and further approve and request the Chair to sign the Subdivision Improvement Agreement, to be recorded concurrently with the plat in the land records of the Teton County Clerk. Chair Macker called for a vote. The vote showed all in favor and the motion carried.

#### **MATTERS FROM COMMISSION**

Alyssa Watkins discussed with the Board a potential Special JIM Meeting on April 23<sup>rd</sup>, and the Town Council did approve the Commission's offer to provide funding for START service to Teton Village from May 25<sup>th</sup> to June 30<sup>th</sup>.

#### **EXECUTIVE SESSION**

There was no executive session today.

#### **ADJOURN**

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to adjourn. Chair Macker called for a vote. The vote showed all in favor and the motion carried. The meeting adjourned at 10:14am.

Respectfully submitted,

Kellie Dickerson  
Deputy County Clerk

TETON COUNTY BOARD OF COMMISSIONERS

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Natalia D. Macker, Chair

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Greg Epstein, Vice-Chair

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Mark Barron

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Mark Newcomb

ATTEST:

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Luther Propst

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Sherry L. Daigle, County Clerk