

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

The Teton County Board of Commissioners met in regular meeting on **June 6, 2023** in the Commissioners Chambers located at 200 S. Willow in Jackson, Wyoming. The meeting was called to order at 9:02 a.m. and the Pledge of Allegiance was recited.

**ROLL CALL**

County Commission: Luther Propst, Chair, Natalia Macker, Vice-Chair, Mark Newcomb, Greg Epstein, and Wes Gardner were present.

**ADOPTION OF AGENDA**

A motion was made by Commissioner Macker and seconded by Commissioner Newcomb to adopt today's agenda as presented. Chair Propst called for the vote. The vote showed all in favor and the motion carried.

**MINUTES**

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to approve the 5-8-2023, 5-9-2023, 5-15-2023, and 5-16-2023 minutes. Chair Propst called for the vote. The vote showed all in favor and the motion carried.

**CONSENT AGENDA**

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

1. Consideration of Golf Cart donation to Fair & Fairgrounds
2. Consideration of a Contract Between the Wyoming Department of Health and Teton County for Public Health Preparedness and Response Services
3. Consideration of a Contract Between the Wyoming Department of Health and Teton County for the Teton District Health Officer to Provide Public Health Preparedness and Response Services
4. Consideration of Change Order #1 for Fire Station 1 Motorola Contract
5. Consideration of Appropriation of ARP Funds Fire/EMS Radios
6. Consideration of Cancellation of Elevator Contract
7. Consideration of Lease Agreement with State of Wyoming for State Engineer
12. Consideration of Recreation Center Public Art Contract Revision
13. Consideration of Fitness Equipment Purchase 1
14. Consideration of Fitness Equipment Purchase 2
15. Consideration of Culvert Maintenance Agreement with WYDOT for Wilson to Stilson Pathway
16. Consideration of Culvert Maintenance Agreement between the Teton County Scenic Preserve Trust and the Wyoming Department of Transportation
17. Consideration of Recipient Agreement for Stilson Transit Center Planning Funds
18. Consideration of a Grant Agreement with the Brinson Foundation for Integrated Solid Waste and Recycling
21. Consideration of Sublease for 300 West Snow King Studios – Unit 16
22. Consideration of Sublease for 300 West Snow King Studios – Unit 23

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

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

**MATTERS FROM COMMISSION AND STAFF:**

**1. Consideration of Golf Cart donation to Fair & Fairgrounds**

To approve the in-kind donation of a golf cart to the Fair Board from Ridgeline Excavation.

**2. Consideration of a Contract Between the Wyoming Department of Health and Teton County for Public Health Preparedness and Response Services**

To approve the Contract between the Wyoming Department of Health Division and Teton County for Public Health Preparedness and Response services for the period July 1, 2023 – June 30, 2024.

**3. Consideration of a Contract Between the Wyoming Department of Health and Teton County for the Teton District Health Officer to Provide Public Health Preparedness and Response Services**

To approve the Contract between the Wyoming Department of Health, Public Health Division and Teton County for the Teton District Health Officer for Public Health Preparedness and Response services.

**4. Consideration of Change Order #1 for Fire Station 1 Motorola Contract**

To approve change order 001 with Motorola Solutions for the WyoLink Low-Level Site at Fire Station 1.

**5. Consideration of Appropriation of ARP Funds Fire/EMS Radios**

To approve the purchase of public safety radios and equipment to be paid with American Rescue Plan (ARP) Funds in the amount of \$49,901 for Jackson Hole Fire/EMS.

#### **6. Consideration of Cancellation of Elevator Contract**

To cancel the April 18, 2023 contract with TK Elevator for modernization of the General Services Building elevator.

#### **7. Consideration of Lease Agreement with State of Wyoming for State Engineer**

To approve the lease agreement with the State of Wyoming for office space for the State Engineer's office.

#### **12. Consideration of Recreation Center Public Art Contract Revision**

To approve the contract with Stacia Goodman in a fixed fee of \$95,000 for the design, execution, fabrication, and installation of artwork at the Recreation Center

#### **13. Consideration of Fitness Equipment Purchase 1**

To approve the purchase of selectorized weight machines, cardio equipment and miscellaneous free weight and studio fitness equipment as per the terms of the proposal with Johnson Health Tech North America Inc. (Matrix) in the amount of \$241,640.30.

#### **14. Consideration of Fitness Equipment Purchase 2**

To approve the purchase of 20 Spin Bikes and 3 Cardio Rowers fitness equipment as per the terms of the proposal with Advanced Exercise in the amount of \$57,177.90.

#### **15. Consideration of Culvert Maintenance Agreement with WYDOT for Wilson to Stilson Pathway**

To approve the letter from Teton County to the Wyoming Department of Transportation for the continued maintenance of Highway 22 culverts by WYDOT.

#### **16. Consideration of Culvert Maintenance Agreement between the Teton County Scenic Preserve Trust and the Wyoming Department of Transportation**

To approve the letter from the Teton County Scenic Preserve Trust to the Wyoming Department of Transportation granting access to its property to continue its Highway 22 culvert maintenance.

#### **17. Consideration of Recipient Agreement for Stilson Transit Center Planning Funds**

To approve the Recipient Agreement with WYDOT for a transit planning grant from the WYDOT Wyoming Rural Public Transit Program FY2023 in the amount of \$149,407.00.

#### **18. Consideration of a Grant Agreement with the Brinson Foundation for Integrated Solid Waste and Recycling**

To approve the grant agreement with the Brinson Foundation for funding in the amount of \$50,000 for FY2024 and \$50,000 for FY2025 for a total of \$100,000

#### **21. Consideration of Sublease for 300 West Snow King Studios – Unit 16**

To approve the Sublease Agreement for 400 West Snow King Unit 16 with Teton County Seasonal Employees Wendy Martin and Phoebe Fridkin.

#### **22. Consideration of Sublease for 300 West Snow King Studios – Unit 23**

To approve the Sublease Agreement for 400 West Snow King Unit 23 with Teton County Seasonal Employees Janie Cruz & Jacie Friel.

#### **DIRECT CORRESPONDENCE**

1. Jared Smith 5/9/2023 email regarding Suggested Text Amendments
2. John Wright 5/9/2023 email regarding Tribal Trail Connector
3. Scott O'Brien 5/10/2023 email regarding Winter Trail Grooming
4. Alison Sehnert 5/10/2023 email regarding Winter Trail Grooming
5. Kris Greenville 5/10/2023 email regarding Northern South Park
6. Jared Baecker 5/10/2023 email regarding Water Quality and Letter to Sec. Haaland
7. Scott Pierson 5/11/2023 email regarding Grand Targhee Cabins
8. Amy Kuszak 5/11/2023 email regarding Grand Targhee Cabins
9. Valerie Conger 5/11/2023 email regarding Fire in the Mountains
10. Kevin Krasnow 5/11/2023 email regarding Grand Targhee Cabins
11. Becky Hawkins 5/12/2023 email regarding Fire in the Mountains
12. Chi Melville 5/12/2023 email regarding Grand Targhee Cabins
13. Katie Mills 5/12/2023 email regarding Hoback South Road Construction
14. Linda Merigliano 5/12/2023 email regarding Forest Plan Revision
15. Alden Wood 5/12/2023 email regarding Northern South Park
16. Nicole Krieger 5/12/2023 email regarding Grand Targhee Resort
17. Rob Marin 5/12/2023 email regarding Targhee Cabins
18. Ryan Pardo 5/12/2023 email regarding Fire in the Mountains
19. Chi Melville 5/12/2023 email regarding Alta Parcel for Emergency Response
20. Jim Sheehan 5/15/2023 email regarding Alta Parcel Purchase
21. Fire Fighters 5/15/2023 email regarding Letter Regarding Comp. study
22. Nikki Kaufman 5/15/2023 email regarding Targhee Cabins
23. Ethan Lobdell 5/16/2023 email regarding Mercill Updates
24. Anne Callison 5/16/2023 email regarding Grand Targhee Resort Cabins
25. Marian Meyers 5/17/2023 email regarding Fees for Parks & Recreation
26. Gary Trauner 5/17/2023 email regarding Northern South Park
27. Teton Village Water and Sewer District 5/17/2023 email regarding Mill Levy Request
28. Stephen Houmes 5/17/2023 email regarding Alta Land Purchase for Emergency Services
29. Karen Parent 5/19/2023 email regarding Sage Meadows HOA
30. Tom Segerstrom 5/19/2023 email regarding Wildlife Response to Noise
31. Wade Hirschi 5/19/2023 email regarding Budget and Tax levy for Wilson Sewer District

32. Bill Collins 5/19/2023 email regarding Northern South Park
33. Gloria Courser 5/19/2023 email regarding Melody Ranch / Affordable Housing
34. Wade Hirschi 5/22/2023 email regarding Budget and Tax Levy for Aspens Pines WSD
35. Wade Hirschi 5/22/2023 email regarding Fish Creek Improvement and Service District Budget
36. Robert Frodeman 5/22/2023 email regarding Trucks / Hoback Junction South
37. Franz Camenzind 5/22/2023 email regarding Targhee Comments
38. Robert Frodeman 5/23/2023 email regarding Trucks on Hoback Junction South
39. Elisabeth Collins 5/23/2023 email regarding Teton Village Water & Sewer District
40. Joe Cranston 5/23/2023 email regarding Snake River Sporting Club
41. Teton County Planning Department 5/24/2023 email regarding CUP2023-0001 Site Visit
42. Victoria Hess 5/23/2023 email regarding Sage Meadows HOA Response
43. Chad Driewer 5/26/2023 email regarding Highway 89 Rezone
44. Chi Melville 5/29/2023 email regarding Trand Targhee Cabins
45. Shawn Klomparens 5/29/2023 email regarding Library Board Resignation
46. Bill Krips 5/30/2023 email regarding Munger Mountain Parcel
47. Justin Adams 5/30/2023 email regarding Nature vs Growth
48. Erin Monroe 5/30/2023 email regarding Highway 89 Rezone Comments
49. Amberley Baker 5/12/2023 email regarding Northern South Park
50. Anthony Martino 5/30/2023 email regarding Fire in the Mountains

#### **PUBLIC COMMENT**

There was no public comment.

#### **MATTERS FROM COMMISSION AND STAFF**

##### **8. Consideration of Contract for Owners Representatives Master Agreement**

Sarah Mann, Director of General Services, presented to the Board for consideration of approval an Owner's Representative (OR) services with Wember, Inc. The role of the OR in a project is to represent the Owner in managing the design and construction process. They speak as the sole voice for the County to architects, engineers, commissioning agents, contractors, and other involved parties in order to provide a clear communications path in representing the best interests of the County.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Macker to approve the master service agreement with Wember, Inc. for Owner's Representative services on behalf of the County. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

##### **9. Consideration of Contract for Owners Representatives Services for Courthouse Project**

Ms. Mann presented to the Board for consideration of approval Work Order 1 for Owner's Representative (OR) Services for the Courthouse/Detention Center project. This Work Order is subsequent to the Master Services Agreement with Wember on the May 16th agenda.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Macker to approve Work Order 1 with Wember for \$1,902,095.00 payable monthly as a percentage of project completion over an estimated project duration of 61 months. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

##### **10. Consideration of Contract for Owners Representative Services for General Services Building Addition Project**

Ms. Mann presented to the Board for consideration of approval Work Order 2 for Owner's Representative (OR) Services for the General Service Building Shop Addition. Subsequent to the Wember Master Services Agreement, Work Order 2 sets forth the fixed cost estimate for OR services through the completion of the project and warranty period.

There was no public comment.

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to approve Work Order 2 with Wember for \$162,996.00 payable monthly as a percentage of project completion over an estimated project duration of 16 months. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

##### **11. Consideration of Phase 8 Contract Amendment to Architect Contract for Courthouse Project**

General Services Department and Facilities Maintenance Division have been managing the design concept/test fit process for the new Courthouse/Detention Facility. There is a request to begin the process of a life cycle cost analysis and sustainability design for the new facility. The architects, Anderson Mason Dale (AMD) of Denver, CO, and CLB of Jackson, WY, propose to do this work for the fee of \$108,400, plus reimbursable expenses as outlined in the contract. They secured third-party contractors for the sustainability and life cycle cost analysis work. This process will likely take 8-12 weeks and finish by late summer.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to approve the Phase 8 Contract Amendment with AMD in the amount of \$108,400 with additional reimbursement for travel. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

##### **19. Consideration of Request to authorize the start of a 45-day Public Comment Period for Changes to the Energy Mitigation Program and Fee Schedule**

Chris Neubecker, Director of Planning and Building Services, presented to the Board for consideration of approval changes to the Energy Mitigation Program (EMP) Fee Schedule, and direct staff to begin a 45-day comment period on

proposed changes. The Energy Mitigation Program (EMP) is a Teton County program and fee structure that prioritizes limiting energy consumption by discouraging the construction of large homes and features that consume excess energy by requiring fees upon issuance of a building permit when building plans have certain designs or features.

Public comment was given by Margie Lynch via Zoom, and by Katie Wilson in-person.

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to continue this item to July 11, 2023. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

## 20. Consideration of a Resolution to Increase Salaries for the County Coroner and Commissioners

Alyssa Watkins, Board of county Commissioners Administrator, presented to the Board for consideration of approval a resolution to increase the salaries of the Teton County Commissioners and Coroner.

Article 14, Section 3 of the Wyoming Constitution directs that the Wyoming Legislature shall fix the salaries of County Officers. The Wyoming Legislature does so in Wyoming Statute §18-3-107 by setting a minimum and maximum number for certain elected offices, including the County Commissioners. The actual number is left to the discretion of the Board of County Commissioners of each county. The maximum amount of salaries is adjusted every few years by the Wyoming Legislature. No county commissioner may receive more than the lowest compensation paid any elected county official in the same county who serves full-time as specified in W.S. §18-3-106. The current maximum salary for these elected officials (the Treasurer, Assessor, Clerk, Clerk of District Court, and Sheriff) is \$145,000.

There was no public comment.

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to approve the Resolution to Set the Salaries of the Teton County Commissioners and Teton County Coroner at \$72,500. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

## MATTERS FROM PLANNING AND DEVELOPMENT

Findings of Fact, Conclusions of Law, and Order:

### 1. ADJ2022-0013 – Jorgensen Associates, PC

Hamilton Smith, Principal Planner, presented to the Board for consideration of approval the Findings of Fact and Conclusions of Law for ADJ2022-0013. This matter was heard on May 16, 2023, upon the application of Ron Levy of Jorgensen Associates, on behalf of landowner Grand Targhee Resort, LLC, for an Administrative Adjustment to adjust the Natural Hazards to Avoid LDR Section 5.4.1. standards of Section 2.2.B.9. of the Grand Targhee Resort First Amended Master Plan.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Macker to approve the Findings of Fact and Conclusions of Law for ADJ2022-0013. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

### 2. DEV2022-0008 – Jorgensen Associates, PC

Hamilton Smith, Principal Planner, presented to the Board for consideration of approval the Findings of Fact and Conclusions of Law for DEV2022-0008. This matter was heard on May 16, 2023, upon the application of Ron Levy of Jorgensen Associates, on behalf of landowner Grand Targhee Resort, LLC, for a Development Plan to permit twenty-two (22) lodging cabin units in the Grand Targhee Resort Residential and Accommodation Plan Area.

There was no public comment.

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to approve the Findings of Fact and Conclusions of Law for DEV2022-0008. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

## MATTERS FROM COMMISSIONERS

- a. Master Plan Compliance Approval Process – the Board asked questions of the Planning Department concerning the process in place for approving applications and evaluating whether they meet the Master Plan's conditions of approval. The Board discussed having a more proactive role in monitoring the process and expressed interest in having a future conversation about the process.

Chris Neubecker, Director of Planning and Building Services, and Hamilton Smith, Principal Long-Range Planner, answered questions from the Board.

## MATTERS FROM PLANNING AND DEVELOPMENT (CONTINUED)

- |                   |   |           |
|-------------------|---|-----------|
| <b>3. Permit:</b> | CUP2023-0001  | POSTPONED |
| <b>Applicant:</b> | Jeremy Walker   |           |
| <b>Presenter:</b> | Hamilton Smith  |           |
| <b>Request:</b>   | A Conditional Use Permit pursuant to Section 8.4.2. of the Teton County Land Development Regulations to allow an Open Space Use, Outdoor Recreation, Outdoor Reception Site for a multi-day music and arts festival called Fire in the Mountains.                           |           |
| <b>Location:</b>  | Pt. Lots 1&2, Sec.21, TWP.45, Rng. 113, being two parcels accessed by Buffalo Valley Rd. being part of the Heart 6 Ranch, 1.2 miles NE of the junction with U.S Hwy 26/287. The parcels are entirely within the Natural Resources Overlay and the Scenic Resources Overlay. |           |
| <b>4. Permit:</b> | VAR2023-0001  | POSTPONED |
| <b>Applicant:</b> | Jeremy Walker   |           |
| <b>Presenter:</b> | Hamilton Smith  |           |

**Request:** Variance request pursuant to Section 8.8.2 of the Teton County Land Development Regulations to vary Section 5.1.1.D.2.a, the 150-ft Buffalo Fork River setback.  
**Location:** Pt. Lots 1&2, Sec.21, TWP.45, Rng. 113, being two parcels accessed by Buffalo Valley Rd. being part of the Heart 6 Ranch, 1.2 miles NE of the junction with U.S Hwy 26/287. The parcels are entirely within the Natural Resources Overlay and the Scenic Resources Overlay.

**5. Permit:** VAR2023-0002 POSTPONED  
**Applicant:** Jeremy Morris  
**Presenter:** Hamilton Smith  
**Request:** Variance request pursuant to Section 8.8.2 of the Teton County Land Development Regulations to vary Section 6.4.3. Noise, to increase the allowable maximum sound permitted at the property boundary.  
**Location:** Pt. Lots 1&2, Sec.21, TWP.45, Rng. 113, being two parcels accessed by Buffalo Valley Rd. being part of the Heart 6 Ranch, 1.2 miles NE of the junction with U.S Hwy 26/287. The parcels are entirely within the Natural Resources Overlay and the Scenic Resources Overlay

**6. Permit:** MSC2023-0007 POSTPONED  
**Applicant:** Jeremy Walker  
**Presenter:** Hamilton Smith  
**Request:** a fee waiver for 1 of the 2 Variance Requests submitted.  
Pt. Lots 1&2, Sec.21, TWP.45, Rng. 113, being two parcels accessed by Buffalo Valley Rd. being part of the Heart 6 Ranch, 1.2 miles NE of the junction with U.S Hwy 26/287.  
**Location:** The parcels are entirely within the Natural Resources Overlay and the Scenic Resources Overlay.

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to continue CUP2023-0001, VAR2023-0001, VAR2023-0002, and MSC2023-0007 to the July 18, 2023 Board of County Commissioners meeting. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

The meeting recessed at 9:58 a.m. and reconvened at 10:05 a.m.

**7. Permit:** ZMA2022-0005  
**Applicant:** 89 LLC  
**Presenter:** Erin Monroe  
**Request:** Teton County is considering an amendment to the Teton County Official Zoning Map for approximately 2.52 acres currently zoned Neighborhood Conservation (NC) to Business Park (BP). The subject sites are located at 4365 and 4355 S Highway 89 and are within the Jackson/Teton County Comprehensive Plan's Subarea 7.1: South Park Business Park, and border Subarea 9.3 Existing County Valley Subdivision and Subarea 10.1 Southern South Park.  
**Location:** This zoning map amendment request is from the property owners, Robert Kilmain and 89, LLC. 4355 & 4365 S HIGHWAY 89

Erin Monroe, associate long-range planner, presented to the Board for consideration of approval ZMA2022-0005. On May 2, 2023 Board of County Commissioners heard ZMA2022-0005, a request to rezone 4355 & 4365 S Highway 89 from Neighborhood Conservation (NC) to Business Park (BP) from 89 LLC. The Application was continued to June 6, and Staff were asked to provide the Board with additional research and options for the site that would allow light industrial, and ARU uses on the parcels, without also including heavy industrial use.

The board was presented with two options:

- Option # 1. Conditioned Approval to Limit Heavy Industry.
- Option # 2. Create a New "Business Park Light" Zone.

Kathy Lynch, Applicant, answered questions from the Board about the covenant the applicant voluntarily recorded on the properties restricting heavy industrial use should the property be rezoned to Business Park (BP).

Public comment was given by Jake Vosika, Karen Parent, Heidi McBride, Julie Zell, Jasmine Vosika, and by Nello Costanzi.

George Putnam with Cirque Consulting, answered questions from the Board.

A motion was made by Commissioner Epstein and seconded by Commissioner Gardner to approve ZMA2022-0005, application received December 9, 2022, to rezone the subject parcels, located at 4355 and 4365 South Highway 89, from Neighborhood Conservation to Business Park. Chair Propst called for a vote. The vote showed two in favor and the motion failed 2-3 with Commissioners Epstein and Gardner in the affirmative.

**8. Permit:** DEV2023-0001  
**Applicant:** Sikora, Brent  
**Presenter:** Chandler Windom  
**Request:** A Development Plan request pursuant to LDR Section 8.3.2 for a replacement dorm facility of approximately 7,925 sf for the Youth & Family Services Redtop Meadows Residential Treatment Center.  
**Location:** The property 7905 S Fall Creek Road is located in Redtop Meadows, also described as "Tract C Redtop Meadows Subdivision" and PIDN 22-39-17-11-1-00-001. Redtop Meadows is located approximately 10.5 miles South of downtown Wilson. The site is zoned Public-Semi/Public and is not in any overlays.

Chandler Windom, Senior Planner, presented to the Board for consideration of approval a Development Plan pursuant to Section 8.3.2 of the Teton County Land Development Regulations (LDRs) for the Teton Youth & Family Services new dorm facility development at the Redtop Meadows Residential Treatment Center.

Teton Youth & Family Services is proposing to redevelop the dorm/living facilities for the Redtop Meadows Residential Treatment Center, due to the existing dorms state of disrepair. The existing Institutional Residential Use offers youth residential treatment in accordance with the issued permits CUP2001-0009 and CUP1990-0001. The more recent conditional use permit also included approval of a "wilderness therapy program" for non-resident youth, however Teton Youth & Family Services is not operating that part of program on the site. The new structure is proposed at approximately 7,925 sf and will include 14 individual student dorm rooms, a living area, kitchen, staff office, greenhouse, storage/mechanical area, and indoor recreation space. The Public/Semi-Public zone allows for public or semi-public facilities to develop a site with flexible physical development standards. In the Public/Semi-Public zone there is no limit on the Floor Area Ratio (FAR) but there is a requirement for a Development Plan for proposals involving >3,450 sf of nonresidential floor area. There is no proposed change in the existing Institutional Residential Use or operations of the facility.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to approve DEV2023-0001, dated February 1, 2023, for the proposed Redtop Meadows Treatment Center dorm facility, with no conditions, based on the recommended findings. Chair Propst called for a vote. The vote showed all in favor and the motion carried

- 9. Permit:** VAR2023-0003  
**Applicant:** Morris, Robbie  
**Presenter:** Hamilton Smith  
**Request:** A Variance request pursuant to LDR section 8.8.2 for a Variance on the height of an established sign requesting 13 feet from the standard 8ft for Sidewinders Westbank Restaurant.  
**Location:** The 2550 Moose Wilson Road property is located approximately 1.5 miles north of Wilson on Hwy 390. The site is zoned Business Conservation and is partially within the Natural Resources Overlay.

Hamilton Smith, Principal Planner, presented to the Board for consideration of approval a Variance to vary Section 3.3.1.B.10 for Sign Height (max) of a rustic free-standing sign in the Business Conservation Zone for a Nonresidential Use. The sign standards for the zone allow a maximum height of 8 feet and the area of a freestanding sign not to exceed 40 square feet. The applicant requests a variance to the maximum sign height to allow a sign that is 13 feet high.

The applicant, Robbie Morris, representing WYVAN VRT2550 Moose Wilson LLC, is requesting a variance to the sign standards in the Business Conservation zone (BC), on the basis that the sign that is advertising the business needs to be visible from the road. The frame that is currently installed for this sign was installed years ago by previous landowners and utilized for previous business advertising. Section 3.3.1.B.10 of the Teton County Land Development Regulations allow one freestanding sign per building or complex on a BC-zoned property, with a maximum area of 40 square feet and maximum height of 8 feet. The restaurant sign and frame are currently setback 75 feet from the property line facing Highway 390. It has been determined that 75 feet is the closest this sign fixture can go to meet road and easement setbacks for the Business Conservation Zoning Standards. The frame meets the square footage allowed for area, proposed at 40 square feet.

Nicole Davis, the Applicant, commented on the application.

There was no public comment.

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to approve VAR2023-0003 dated February 24th, 2023 to vary the height/dimensions of a rustic freestanding sign to allow a sign height of 13 feet, at the Sidewinder's Westbank located at 2550 Moose Wilson Road, being able to make the 6 findings of Section 8.8.2. Chair Propst called for a vote. The vote showed one in favor and the motion failed 1-4 with Commissioner Epstein in the affirmative.

The meeting recessed at 11:52 a.m. and reconvened at 1:30 p.m. for interviews with Commissioner Gardner absent.

#### **VOLUNTEER BOARD INTERVIEWS** *(open to the public and not streamed)*

- I. Historic Preservation
  - i. Maggie Moore
  - ii. Michael Stern
  - iii. Andrew Salter

Kurt Dubbe interviewed for this board on the June 5<sup>th</sup> voucher meeting.

- II. Library Board
  - i. Katrina Thompson
  - ii. Lucy Emhardt
  - iii. Marylee White
  - iv. Vicky Rosenberg
  - v. Margaret Gilday

Joel Smith and Michelle Quinn submitted applications and were unable to interview due to scheduling.

#### **EXECUTIVE SESSION**

A motion was made by Commissioner Epstein and seconded by Commissioner Macker to enter executive session Pursuant to WY Statute 16-4-405 (a)(ii) to consider appointments to volunteer boards, specifically the appointment of a board member as a public officer. Chair Propst called for a vote. The vote showed four in favor and the motion carried 4-0.

The meeting entered executive session at 2:25 p.m.

Commission Present: Luther Propst, Natalia Macker, Greg Epstein and Mark Newcomb.

Others: Alyssa Watkins, Board of County Commissioners Administrator, Maureen Murphy, Clerk, and Chalice Weichman, Deputy Clerk.

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to exit executive session. Chair Propst called for a vote. The vote showed four in favor and the motion carried 4-0.

The meeting exited executive session at 2:38 p.m.

## **APPOINTMENTS**

### Historic Preservation Board

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to appoint to the Historic Preservation Board Kurt Dubbe, Maggie Moore, Michael Stern, Andrew Salter to serve full terms. Chair Propst called for a vote. The vote showed four in favor and the motion carried 4-0.

### Library Board

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to appoint to the Library Board Vicky Rosenberg and Peggy Gilday to serve full terms, and Marylee White to serve the remainder of a term expiring June of 2024. Chair Propst called for a vote. The vote showed four in favor and the motion carried 4-0.

## **MATTERS FROM PLANNING AND DEVELOPMENT (CONTINUED)**

- |                    |                                    |
|--------------------|------------------------------------|
| <b>10. Permit:</b> | MSC2023-0029                       |
| <b>Applicant:</b>  | Robert DesLauriers                 |
| <b>Presenter:</b>  | Chris Neubecker                    |
| <b>Request:</b>    | Building Permit Fee Refund Request |
| <b>Location:</b>   | 3355 W. Cody Lane                  |

Chris Neubecker, Director of Planning and Building Services, presented to the Board for consideration of approval a request to Waive a portion of the building permit fees for the development of a Hotel/Condominium building on Tract H-1 at Teton Village, located at 3355 Cody Lane, pursuant to the Teton County Fee Waiver Policy (Resolution 2014-054).

The request for the fee waiver is based on building inspections during construction performed by private, third-party building inspectors hired by the property owner, rather than by Teton County staff. Per the letter from Rob DesLauriers dated May 9, 2023, "We submitted all the necessary documents and paid the building permit fee of \$381,458.14 as required. However, as it has been explained to us, due to limited staff resources at the County inspections have been limited to electrical and fire. As such we had left no option but to hire an outside independent firm to conduct a significant portion of the required inspections." Staff confirms that most of the inspections to date at the Tract H-1 building have been completed by outside, qualified, third-party inspectors. However, Teton County inspectors have performed 86 inspections (as of May 16, 2023), including 71 inspections by the Teton County Building Division inspectors. Most of the inspections performed to date by Teton County focused on electrical rough-in, footings, foundation wall, plumbing rough-in, and underground plumbing.

Rob DesLauriers, the Applicant, commented on the application.

A motion was made by Commissioner Epstein and seconded by Commissioner Macker to approve the Cody Lane Development Corporation Fee Waiver Request/Refund MSC2023-0029, received May 9, 2023, for fees of \$228,874 associated with building permits for the development of Tract H-1 building at 3555 Cody Lane, being able to make finding 2.a. of the Teton County Fee Waiver Policy (Resolution 2014-054). Chair Propst called for a vote. The vote showed four in favor and the motion carried 4-0.

## **ADJOURN**

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to adjourn. Chair Propst called for a vote. The vote showed four in favor and the motion carried 4-0. The meeting adjourned at 2:50 p.m.

Respectfully submitted,  
Chalice Weichman  
Deputy County Administrative Clerk

TETON COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Luther Propst, Chair

ATTEST:

\_\_\_\_\_  
Maureen E. Murphy, County Clerk