

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

The Teton County Board of Commissioners met in regular meeting on Tuesday, **June 20, 2023** in the Commissioners Chambers located at 200 S. Willow in Jackson, Wyoming. The meeting was called to order at 9:06 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 Epstein and seconded by Commissioner Newcomb to adopt today's agenda as presented with the addition of an executive session. 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 5-22-2023, 5-24-2023, 5-30-2023, 6-5-2023 and 6-6-2023 minutes. Chair Propst called for the vote. The vote showed all in favor and the motion carried.

APPROVAL OF COUNTY VOUCHERS

A motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to approve the county voucher run dated June 20, 2023 in the amount of \$1,068,354.92. Chair Propst called for a 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 Letter of Support: Age Friendly Jackson Hole Action Plan
2. Consideration of a Commercial Credit Card with Zions Bank for Teton County
3. Consideration of Approval to Amend 2022 SPET Distribution Schedule Resolution-1st Year Only
5. Consideration of Contract for GIS Software
6. Consideration of Contract for Radio Programming
7. Consideration of Contract Cancellation for Conduit installation
8. Consideration of Contract with Motorola for a Low-Level Radio Site at Teton Village
9. Consideration of Contract Amendment for EOC Site Design
10. Consideration of Contract for EOC HVAC Controls
11. Consideration of Fair Concert Contracts
12. Consideration of a Contract with Mental Health and Recovery Services of Jackson Hole to Provide Suicide Prevention Services and Prevention Services Related to the Abuse of Alcohol, Tobacco and other Drugs
13. Consideration of Consideration of a Contract with the City of Jackson to Provide Tobacco Prevention Activities
14. Consideration of Approval of State of Wyoming Grant for Treatment Court
15. Consideration of FAA Grant to JH Airport for Taxiway A and Deicing Pad
17. Consideration of Change Order #4, GE Johnson - Backflow Device Replacement
18. Consideration of Civic Rec Point of Sale and Financial Management Software - Recreation Center
21. Consideration of Inter-State Mutual-Aid Agreement for Emergency Services with Teton County, ID
25. Consideration of WY Office of State Lands & Investments HWY 390 Special Use Lease
26. Consideration of Bid Award and Purchase of a ¾ ton truck for the Recycling Center
27. Consideration of a Contract for Scrap Metal Processing and Recycling
28. Consideration of Change Order #2 for Dead Animal Pit Closure

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 Letter of Support: Age Friendly Jackson Hole Action Plan

To approve the letter as presented.

2. Consideration of a Commercial Credit Card with Zions Bank for Teton County

To approve the commercial credit card agreement with Zions Bank.

3. Consideration of Approval to Amend 2022 SPET Distribution Schedule Resolution-1st Year Only

To approve the Amended Resolution Approving Distribution of Revenues for Teton County, State of Wyoming 2022 Specific Purpose Excise Tax moving distribution from the Town of Jackson's sidewalk project to the Community Housing Project.

5. Consideration of Contract for GIS Software

To approve the three-year Small Municipal and County Government Enterprise Agreement (SGEA) with ESRI as presented.

6. Consideration of Contract for Radio Programming

To approve the agreement in the amount of \$11,500 with BearCom for per diem travel expenses related to the programming of the new Motorola radios.

7. Consideration of Contract Cancellation for Conduit installation

To approve Change Order #1 effecting the termination of the HDPE Duct for County Facilities project in the amount of \$16,100.68.

8. Consideration of Contract with Motorola for a Low-Level Radio Site at Teton Village

To approve the contract with Motorola to install an 800 Mhz RF site at Teton Village in the amount of \$444,089.00.

9. Consideration of Contract Amendment for EOC Site Design

To approve contract amendment 1 for EOC civil site upgrades with Jorgensen Engineering on a time and materials basis with a not to exceed price of \$38,150.00 and approve the Letter of Authorization for Jorgensen Engineering to act on behalf of Teton County.

10. Consideration of Contract for EOC HVAC Controls

To approve the HVAC controls system installation by Long Building Technologies in the amount of \$33,253.00.

11. Consideration of Fair Concert Contracts

To approve both contracts with WME for Kat Hasty in the amount of \$7500, plus lodging (5 rooms for 2 nights), and a separate contract with Morgan Wade in the amount of \$60,000, plus lodging (4 rooms for 2 nights) for the 2023 Teton County Fair Concert.

12. Consideration of a Contract with Mental Health and Recovery Services of Jackson Hole to Provide Suicide Prevention Services and Prevention Services Related to the Abuse of Alcohol, Tobacco and other Drugs

To approve the contract with the Mental Health and Recovery Services of Jackson Hole to provide suicide prevention services and prevention services related to the abuse of alcohol, tobacco, and other drugs, in an amount not to exceed \$31,550.00 for the period July 1, 2023 – June 30, 2024.

13. Consideration of a Contract with the City of Jackson to Provide Tobacco Prevention Activities

To approve the contract with the City of Jackson to provide prevention services related to tobacco youth use not to exceed \$2,720.00 for the period July 1, 2023 – June 30, 2024.

14. Consideration of Approval of State of Wyoming Grant for Treatment Court

To approve Contract between the Wyoming Department of Health and Teton County for the Teton County Court Supervised Treatment Program and accept state funding in the amount of \$57,933.05

15. Consideration of FAA Grant to JH Airport for Taxiway A and Deicing Pad

To adopt the proposed Resolution, and approve of the FAA Grant Agreement to Rehabilitate Taxiway A and Construct Deicing Pad Access Taxiway (Phase II – Construction), with the FAA obligation under the grant being a maximum of \$3,367,250.

17. Consideration of Change Order #4, GE Johnson - Backflow Device Replacement

To approve change order #.041 with GE Johnson Construction for the replacement of the domestic backflow valve, flood control valve, isolations valve, and associated plumbing, fittings, and electrical connections in the amount of \$37,509.00.

18. Consideration of Civic Rec Point of Sale and Financial Management Software - Recreation Center

To approve the contract CivicPlus for the CivicRec Premium software subscription, inclusive of data import, training, and product configuration in the amount of \$33,715.00.

21. Consideration of Inter-State Mutual-Aid Agreement for Emergency Services with Teton County, ID

To approve the Mutual Aid Agreement between Teton County, Idaho and Teton County, Wyoming for emergency services and designate the Teton County Emergency Management Coordinator as the primary authorized representative for the agreement.

25. Consideration of WY Office of State Lands & Investments HWY 390 Special Use Lease

To approve the Wyoming Office of State Lands & Investments Special Use Lease for State Trust Land (School Section) Site 1 and authorize the use of FY23 Flood Control contingency funding for a surface impact payment to Snake River Ranch in the amount of \$364.00.

26. Consideration of Bid Award and Purchase of a ¾ ton truck for the Recycling Center

To approve the purchase and delivery of a ¾ ton diesel truck from Fremont Motor Company, in the amount of \$65,132.36.

27. Consideration of a Contract for Scrap Metal Processing and Recycling

To approve the Contract with Western Metals Recycling for scrap metal and tin can bundle processing and recycling.

28. Consideration of Change Order #2 for Dead Animal Pit Closure

To approve Change Order #2 to WSP Golder Associates Contract GL20373054 in the amount of \$3,784, resulting in a total contract price of \$73,714.

DIRECT CORRESPONDENCE

1. Peter Stern 5/30/2023 email regarding Munger Mountain Parcel
2. Michael Lissner 5/30/2023 email regarding Munger Mountain School Property
3. William Rode 5/30/2023 email regarding Hoback Junction Road Truck Traffic
4. Lindsey Reed 5/30/2023 email regarding Munger Mountain Parcel
5. Linda Kellogg 5/30/2023 email regarding Munger Mountain Parcel
6. Robert Frodeman 5/30/2023 email regarding Hoback Junction South Road Traffic
7. Diana Osuna 5/30/2023 email regarding South Squaw Creek Rd ISD
8. Eric Wiltanger 5/31/2023 email regarding June 23rd Coffee Invite
9. Tim Young 5/31/2023 email regarding Johnny Counts Road Bicycle and Pedestrian Access
10. Rick Howe 5/31/2023 email regarding Summer Tourism Updates - June BOB
11. Rob Kingwell 5/31/2023 email regarding Fire in the Mountains
12. Dee Buckstaff 5/31/2023 email regarding Business Insurance / Cost of Childcare
13. Joe Cranston 5/31/2023 email regarding Snake River Sporting Club Draft Budget
14. Wade Hirschi 6/1/2023 email regarding Hoback Water and Sewer Budget
15. Kathryn Nyrop 6/1/2023 email regarding Munger Mountain Conservation
16. Jazmine Vosika 6/1/2023 email regarding ZMA2022-0005
17. Joan Goldfarb 6/1/2023 email regarding Munger Mountain Parcel
18. J Laurie Hunter 6/2/2023 email regarding Munger Mountain
19. Jeremy Schmidt 6/2/2023 email regarding Hidden Housing Stock
20. Jake Vosika 6/2/2023 email regarding ZMA2022-0005
21. Mark Memmer 6/2/2023 email regarding South Park Start on Demand
22. Katie Wilson 6/2/2023 email regarding Energy Mitigation Program Fees
23. Erik Dombroski 6/2/2023 email regarding JH Travel and Tourism FY24 Draft Budget
24. Jess Tuscherer 6/2/2023 email regarding Hoback South Road Traffic/Construction
25. Cooper Gira 6/5/2023 email regarding Fire in the Mountains
26. Renee Gregg 6/2/2023 email regarding Fire in the Mountains
27. Mary Greenblatt 6/5/2023 email regarding Fire in the Mountains
28. David Quellhorst 6/3/2023 email regarding Munger Mountain Parcel
29. Ann Ryan 6/3/2023 email regarding Munger Mountain Parcel
30. Christine and David Murdoch 6/4/2023 email regarding Munger Mountain
31. Marylee White 6/5/2023 email regarding Munger Mountain Parcel
32. Christine Stevens 6/5/2023 email regarding Munger Mountain Proposal
33. Loyd Hutchins 6/5/2023 email regarding Munger Mountain Proposal
34. Margie Lynch 6/5/2023 email regarding Energy Mitigation Program
35. ISWR 6/5/2023 email regarding Notice of DEQ Proposed Permit
36. Cynthia Dietzmann 6/5/2023 email regarding Munger Mountain Proposal
37. Sandy Shuptrine 6/5/2023 email regarding Water Quality
38. Carrie Geraci 6/5/2023 email regarding Highway 89 Rezone ZMA2022-0005
39. Deb Walker 6/6/2023 email regarding Redtop Treatment Center
40. Bobbie Boyce 6/6/2023 email regarding Hoback Junction Water and Sewer
41. Kelly Kloss 6/6/2023 email regarding Kilmain Rezone
42. Darcy Rodenbach 6/6/2023 email regarding Darcy Rodenbach
43. Katy Hollbacher 6/6/2023 email regarding Teton County EMP Comments
44. Kimberly Hilden 6/7/2023 email regarding Fire in the Mountains
45. Town of Jackson 6/7/2023 email regarding Tax Mill Request
46. Darcy Rodenbach 6/7/2023 email regarding Fire in the Mountains
47. Barbara Carlsberg 6/7/2023 email regarding Fire in the Mountains
48. Kathy Tompkins 6/7/2023 email regarding Northern South Park
49. "Zephisbest@gmail.com" 6/8/2023 email regarding Fire in the Mountains
50. Jo Anne Brocksmith 6/8/2023 email regarding Teton County Budget
51. Jim Hammerel 6/8/2023 email regarding Sustainability budgeting
52. Joan Detty 6/8/2023 email regarding Administrative Order Issues to Bridget Teton National Forest
53. Barbara Easterlin 6/8/2023 email regarding Sustainability Budgeting
54. Kathy Tompkins 6/8/2023 email regarding Northern South Park
55. Kristin Combs 6/8/2023 email regarding Sustainability Budgeting
56. Sarah Pickens 6/8/2023 email regarding Fire in the Mountains
57. Road & Levee 6/8/2023 email regarding Hoback Junction South Road
58. anne Ladd 6/9/2023 email regarding Sustainability Budgeting
59. Daniel Moncur 6/9/2023 email regarding Fire in the Mountains
60. Teton Preservation Board 6/9/2023 email regarding Wilson Survey Letter
61. Aspen Johnson 6/9/2023 email regarding Fire in the Mountains
62. Chi Melville 6/12/2023 email regarding Conditions of Approval / Master Plan
63. Grant Filer 6/12/2023 email regarding Fire in the Mountains
64. Jeremy Amack 6/12/2023 email regarding Fire in the Mountains
65. Margaret Wilson 6/12/2023 email regarding Highway 89 Rezone
66. Dave Gustafson 6/12/2023 email regarding Road Weight Limits
67. Brian McKeighan 6/12/2023 email regarding Fire in the Mountains
68. Jimmy Larson 6/12/2023 email regarding Fire in the Mountains
69. Philip Wong 6/12/2023 email regarding Administrative Order - Bridger Teton National Forest
70. Emy DiGrappa 6/12/2023 email regarding Fire in the Mountains

PUBLIC COMMENT

There was no public comment.

MATTERS FROM COMMISSION AND STAFF

4. Consideration of FY23 Budget Amendment for Fund 13

Alyssa Watkins, Board of County Commissioners, presented to the Board for consideration of approval a request of an additional FY23 budget allocation for Fire/EMS Fund 13.

Staff estimates that Fire EMS Fund 13 will be overspent by the end of FY23 by approximately the following amounts: Capital - \$441,884 and Operations - \$235,374. These estimated budget overages are primarily related to the following factors: (1) Approved FY22 capital funds for the purchase of two ambulances were not carried forward to FY23, rendering the capital-vehicle account overspent in FY23 by \$543,384. The sale of three old ambulances in FY23 netted \$101,500, reducing the total overage to \$441,884. The Town of Jackson has paid its share of this net overage (46% - \$202,567). Teton County's share is 54% - \$238,567. (2) No monies were budgeted for personnel overtime and volunteer call pay in the FY23 approved budget. (3) The FY23 Ambulance Transport and Special Event revenues appear to have been over-projected by approximately \$161,000.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to approve an additional FY23 budget allocation from General Fund fund balance to Fire/EMS Fund 13 in an amount equal to the County's 54% share of the actual budget overage, and not to exceed \$370,000. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

16. Consideration of Vacation and Termination of Right of Way Easement - Solitude Levee

Keith Gingery, Chief Deputy County Attorney, presented to the Board for consideration of approval Vacation and Termination of Right of Way (ROW) Easement located on Amended Ranch 3A of the Bar-B-Bar Ranch.

Stephan Fodor, on behalf of the Buyers, gave public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to approve the vacation and termination of the Right of Way Easement regarding the wetland mitigation work performed near the Solitude/Moulton Levee, as presented. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

19. Consideration of a License Agreement with SYNTRIO for Employee Compliance Training

Alyssa Watkins, Board of County Commissioners Administrator, for Scott Miller, HR Director, presented to the Board for consideration of approval the License Agreement for SYNTRIO employee training. Teton County has a Learning Management System (LMS) for training purposes, but the system does not include the types of training that will help with workplace harassment and discrimination training. The license with SYNTRIO provides courses that can be uploaded into the current LMS.

There was no public comment.

A motion was made by Commissioner Macker and seconded by Commissioner Gardner to approve license agreement with SYNTRIO in the amount of \$5,040.00 for the purpose of employee training. Chair Propst called for a vote. The vote showed four in favor and the motion carried 4-1 with Commissioner Epstein opposed.

20. Consideration of Amendments to the Teton County Policy Manual 2023 Edition

Alyssa Watkins, Board of County Commissioners Administrator, presented to the Board for consideration of approval amendments to the Teton County Policy Manual 2023 Edition, specifically to incorporate changes regarding the new salary plan, to change how assets are disposed of, and cleanup as to Employee Housing Rental Rates. Changes include an update to the County's compensation objectives, promotion, demotion, annual salary range adjustments, merit increases, hiring salaries, and minor changes reflecting the move from our previous grade and step system.

Sarah Mann, Director of General Resources, answered questions from the Board.

There was no public comment.

A motion was made by Commissioner Newcomb and seconded by Commissioner Macker to approve the amended Teton County Policy Manual 2023 Edition as presented, which will be referenced as the June 2023 Amendments to the Teton County Policy Manual 2023 Edition. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

Item 23 was considered before item 22:

23. Consideration of a Lease Agreement for Nonresidential Units 101, 102, and 103 at 105 Mercill Avenue

Alyssa Watkins, Board of County Commissioners Administrator, presented to the Board for consideration of approval a lease agreement with the Jackson Hole Children's Museum for use of commercial unit 101, 102, and 103 at 105 Mercill Avenue.

In early 2021, the Board of County Commissioners voted to exercise an option to purchase four units of nonresidential / commercial space in the 105 Mercill development, at a total cost of \$5,489,319. This lease is for the use of Units 101, 102, and 103. Unit 101 is 1,153.29 sq ft, unit 102 is 2,268.98 sq ft, and unit 103 is 1,753.13. The total square footage being leased to the Jackson Hole Children's Museum is 5175.4. These three units were purchased by Teton County at a total cost of \$4,140,320.

Ethan Lobdell, Executive Director of JH Children's Museum, commented on the lease.

Additional public comment was made by John Graham, Rocio Morales, and KJ Morris.

See Continuation of item 23 in the motion for item 22.

22. Consideration of a Lease Agreement for Nonresidential Unit 104 at 105 Mercill Avenue

Alyssa Watkins, Board of County Commissioners Administrator, presented to the Board for consideration of approval to consider a lease agreement with Happy Kidz Daycare for use of commercial unit 104 at 105 Mercill Avenue.

In early 2021, the Board of County Commissioners (BCC) voted to exercise an option to purchase four units of nonresidential/commercial space in the 105 Mercill development, at a total cost of \$5,489,319. This lease is for the use of Unit 104, which is 1,686.30 sq ft. and was purchased for \$1,349,040.

Rocio Morales, with Happy Kidz Daycare, answered questions from the Board.

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to continue consideration of a lease agreement for units 101, 102, and 103 at 105 Mercill Avenue, and consideration of a lease agreement for unit 104 and 105 Mercill Avenue to a date uncertain. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

The meeting recessed at 11:07 a.m. and reconvened at 11:14 a.m.

24. Consideration of a first amendment to the Contract for Services with Fish Creek Excavation for Horizontal Infrastructure at Parkson at Benson-Brown Station

A motion was made by Commissioner Macker and seconded by Commissioner Newcomb to continue the Contract for Services with Fish Creek Excavation for Infrastructure at Parkson at Benson-Brown station to the July 11, 2023 Board of County Commissioners meeting. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

29. Consideration of FY2024 Task Work Orders for BUILD Grant Consultant

Heather Overholser, Director of Public works (via Zoom), presented to the Board for consideration of approval five (5) individual Task Work Order updates for FY2024 with Jorgensen Associates, Inc. for BUILD Grant Administration and Project Component design and management, all of which are amendments to previously approved Task Work Orders (TWOs 1-5). These are to be considered under the Master Agreement that was entered into with Jorgensen Associates on June 21, 2021.

There was no public comment.

A motion was made by Commissioner Gardner and seconded by Commissioner Epstein to approve FY2024 Amendments to Task Work Orders 1 through 5 with Jorgensen Associates, Inc. for BUILD Grant administration, project component design and management, community outreach and engagement, real estate services, and construction administration. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

30. Consideration of a New Classification of Assistant Fire Chief

Jackson Hole Fire/EMS has requested the reclassification of a Battalion Chief position into the position of Assistant Fire Chief to provide needed administrative services to Emergency Operations for the County. The Assistant Fire Chief, given broad instruction and guidelines from the Fire Chief, would manage the day-to-day operation of the Fire & EMS Emergency Operations Division through subordinate supervisors and direct action. The job description was developed by Teton County's classification and compensation consultants, OneDigital, in collaboration with County staff.

Ms. Watkins answered questions from the Board.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to approve the reclassification request from Jackson Hole Fire/EMS for the position of Assistant Fire Chief. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

31. Consideration of the Teton Vista Ranches (SD2022-0002) Subdivision Improvements Agreement

Chandler Windom, Senior Planner, presented to the Board for Consideration of approval the Subdivision Improvements Agreement for the Teton Vista Ranches (SD2022-0002) in Alta.

The 2-lot Teton Vista Ranches Subdivision (SD2022-0002) was approved by the Board on June 7, 2022. A condition of that approval was the requirement for a Subdivision Improvements Agreement (SIA) for the roadway improvements, which was provided by the applicant on May 25, 2023.

There was no public comment.

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to approve the Subdivision Improvements Agreement associated with SD2022-0002, the Teton Vista Ranches. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

32. Consideration of a Contract for Teton County Scenic Preserve Trust Monitoring

Erin Monroe, Associate Long-Range Planner, presented to the Board for consideration of approval a contract with Biota Research and Consulting, Inc. for Teton County Scenic Preserve Trust (TCSPT) Annual Monitoring Contract.

There was no public comment.

A motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to approve the Open Space Easement Monitoring Contract with Biota Research & Consulting, Inc. for Teton County Scenic Preserve Trust annual monitoring for the next two years with the option to renew for an additional two years, at a rate not to exceed \$1,059 per easement report, excluding the easement reports on the properties within Crescent H Ranch, Melody Ranch, and Spring Creek Ranch, which shall not exceed \$1,467 per easement report. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

33. Consideration of MOA with WYDOT for Deer Fence Easement for WY22/WY390 Wildlife Crossings Project

A motion was made by Commissioner Epstein and seconded by Commissioner Macker to convene as the Scenic Preserve Trust. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

The Board convened as the Scenic Preserve Trust at 11:23 a.m.

Heather Overholser, Director of Public Works, presented to the Board for consideration of approval a Memorandum of Agreement (MOA) between WYDOT and E. Spence for a deer fence easement, as part of the larger WYDOT Snake River Bridge project, on a private parcel on the south side of Highway 22 between Wenzel Lane and Hardeman Lane that requires the signature of the Teton County Scenic Preserve Trust (TCSPT), which holds an easement on the property.

WYDOT's 22/390 intersection and Snake River Bridge replacement project includes four wildlife crossings, fencing and deer jumps on both WY-22 and WY-390. This MOA is for WYDOT's acquisition of an easement from the Spence family (Parcel 8) for the purposes of deer fence installation and on-going maintenance.

Amy Ramage, County Engineer, answered questions from the Board.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Macker to approve the Memorandum of Agreement between WYDOT, the landowner and Teton County Scenic Preserve Trust for the Parcel 8 deer fence easement on Highway 22 between Wenzel Lane and Hardeman Lane. 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 exit as the Scenic Preserve Trust. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

The Board adjourned from Scenic Preserve Trust and continued as the Board of County Commissioners at 11:27 a.m.

MATTERS FROM PLANNING AND DEVELOPMENT

Findings of Fact, Conclusions of Law, and Order:

- 1. DEV2023-0001 – Brent Sikora, Untitled Architecture

Keith Gingery, Chief Deputy County Attorney presented to the Board for consideration of approval the Findings of Fact and Conclusions of Law for DEV2023-0001.

This item was heard on June 6, 2023, upon the application of the Teton Youth & Family Services for a Development Plan, to construct new dorm facility development at the Redtop Meadows Residential Treatment Center.

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 for DEV2023-0001. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

- 2. VAR2023-0003 – Robbie Morris, AlphaGraphics

Keith Gingery, Chief Deputy County Attorney presented to the Board for consideration of approval the Findings of Fact and Conclusions of Law for VAR2023-0003

This matter was heard on June 6th 2023, upon the application of Robbie Morris on behalf of WYVAN VRT 2550 Moose Wilson LLC, for a Variance, to vary the eight feet (8') maximum height per Section 3.3.1.B.10 for a sign for an active business off Moose Wilson Road. On that day, the Board voted to deny this variance 1-4 with Commissioner Epstein in favor.

There was no public comment.

A motion was made by Commissioner Macker and seconded by Commissioner Newcomb to approve the Findings of Fact and Conclusions of Law denying variance VAR2023-0003. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

- 3. **Permit:** ZMA2022-0005 (See Reconsideration Vote Taken on June 12, 2023)
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. This zoning map amendment request is from the property owners, Robert Kilmain and 89, LLC.
Location: 4355 & 4365 S HIGHWAY 89

At the May 2, 2023 Board of County Commissioners meeting, the Board heard ZMA2022-0005, a request to rezone 4355 & 4365 S Highway 89 from Neighborhood Conservation (NC) to Business Park (BP) from 89 LLC. The Board continued this item to the June 6, 2023, hearing date. 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. On June 6, 2023, after hearing a presentation from staff and taking additional public comment, the Board voted to deny the application. At the June 12, 2023 BCC meeting, the Board voted to reconsider ZMA2022-0005 and the matter was set for today's date.

The Board allowed the applicant to speak and comment was made by Applicants Bob Kilmain, Craig Olivieri, and Kathy Lynch.

The meeting recessed at 11:51 a.m. and reconvened at 1:32 p.m. with Commissioner Newcomb absent. Commissioner Newcomb rejoined the meeting at 1:35 p.m.

The board then opened the agenda item up for public comment that was made by Matt Bowers, Pamela Winters, Bob Schroth, Zach Vosika, Ciara Malone, Jazmine Vosika, Karen Hogan, Margaret Wilson, Karen Parent, Dan Bennett, Heidi McBride, Julie Zell, Mike McBride, Jack Vosika, and George Putnam.

The applicant, Kathy Lynch, was allowed to respond to public comment.

Commissioner Newcomb proposed conditioning the Zoning Map Amendment to restrict use, limiting future development.

The meeting recessed at 3:08 p.m. and reconvened at 3:14 p.m.

Kathy Lynch, Applicant, responded to Commissioner Newcomb's proposed conditions.

A motion was made by Commissioner Newcomb 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 with one condition:

1. This Zoning Map Amendment shall not become effective unless and until a special restriction limiting future use and development of the property is recorded on each property subject to this Zoning Map Amendment with the Teton County clerk, in a form acceptable to the Teton County and Prosecuting Attorney, prohibiting "heavy industry" use, that any future development on the property be subject to a Development Plan Review, establishing a maximum Floor Area Ratio (FAR) at 0.30 and a Landscape Surface Ratio (LSR) of 0.30, requiring rear and side setbacks of 30 feet and requiring site development setbacks of 15 feet as these terms are described in the Land Development Regulations. The special restriction shall prohibit all Industrial Uses East of the line shown on map T-359D at South 22 degrees, 31 Minutes, 30 seconds East, 230.00 feet.

Chair Propst called for a vote. The vote showed two in favor and the motion failed 2-3 with Commissioners Macker, Gardner, and Epstein opposed.

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 three in favor and the motion carried 3-2 with Commissioners Macker and Newcomb opposed.

4. **Permit:** PUD2022-0003
Applicant: Jorgensen Associates, PC
Presenter: Hamilton Smith
Request: Teton County is reviewing applications to transfer density from Lot 23, to existing Lots 24 and 25 (proposed Lots 29, 30 and 31 of the Ranch Homes 2nd Filing), within Subarea II of the Snake River Canyon Ranch Resort. The proposal includes an amendment to the Snake River Canyon Ranch Resort Master Plan to add Employee Housing as an approved Use to Lot 23 (PUD2022-0003). Total residential density allowed at the resort would not increase.
Location: Application to transfer density from Lot 23, to existing Lots 24 and 25 (proposed Lots 29, 30 and 31 of the Ranch Homes 2nd Filing), within Subarea II of the Snake River Canyon Ranch Resort. The sending and receiving lots are zoned Planned Resort (PR) and located within both the Natural Resources Overlay (NRO) and the Scenic Resources Overlay (SRO).

Hamilton Smith, Principal Planner, presented to the Board for consideration of approval a Master Plan Amendment pursuant to Section 8.7.3. of the Teton County Land Development Regulations to:

- a. transfer a single dwelling unit with a short-term rental use (Lot 23) to a new lot proposed in concurrent Development Plan application, DEV2022-0005
- b. add a definition for Employee Housing to Division 1, Section 1.7, Definitions, of the Snake River Canyon Ranch Resort Master Plan (SRCRRMP), as amended
- c. revise the SRCRRMP Sub Area II Table C.1., Allowed Uses, to include Employee Housing as an allowed Use attributable to Lot 23, with a floor area maximum of 4,000 square feet and a height restriction of 20 feet
- d. revise the SRCRRMP Sub Area II, Table D.1., Allowed Subdivision Development Options, to include Transfer of Units within Sub Area II

After Mr. Smith had finished his presentation at around 4 p.m., there were some scheduling issues in regards to Commissioners on the board, and a Motion to Adjourn was made and approved prior to re-scheduling of this item or any of the remaining items on the agenda.

No action was made on the following items, but the dates for continuing this item and all of the remaining items will be discussed at a special meeting on June 21, 2023.

5. **Permit:** DEV2022-0005
Applicant: Jorgensen Associates, PC
Presenter: Hamilton Smith
Request: An application to construct a one-story, 4,000 s.f. employee housing structure on Lot 23 of the Snake River Canyon Ranch River Homes, within Subarea II of the Snake River Canyon Ranch Resort. The proposal includes a transfer of residential density to split Lots 24 & 25, The Ranch Homes, Snake River Canyon Ranch, to be replatted as the proposed Lots 29, 30 and 31 in the same location. Total residential density allowed at the resort would not increase.

Location: Lot 23, Snake River Canyon Ranch, The River Homes (Plat No. 1030) and Lots 24 & 25, The Ranch Homes (Plat No. 1031) within Subarea II of the Snake River Canyon Ranch Resort. The Lots are zoned Planned Resort (PR) and located within both the Natural Resources Overlay (NRO) and the Scenic Resources Overlay (SRO).

6. **Permit:** BDJ2023-0002
Applicant: Taylor Cook, Nelson Engineering
Presenter: Chandler Windom
Request: A Boundary Adjustment pursuant to Section 8.5.5 of the Land Development Regulations to adjust the property boundaries between Lots 15 and 16 of the Double R Ranch II Subdivision.

Location: 1350 and 1455 E Elk Drive are Lots 15 and 16 of the Double R Ranch II Subdivision. The parcels are a half mile south of Hoback Junction and Lot 15 is adjacent to the Snake River. Both lots are zoned Rural-3 and are in both the Natural and Scenic Resources Overlays.

7. **Permit:** MSC2023-0012
Applicant: Julia Shaw, Jackson Hole Community Housing Trust
Presenter: Grace Kelley
Request: This miscellaneous planning request is for a fee waiver. The fee waiver is for the refund of a Floodplain Development Permit application associated with the housing development project that is being funded and organized by the Jackson Hole Community Housing Trust.

Location: 9550 S Henry's Road is located south of town off of Highway 89 and Henry's Road. It is in the Suburban zone and in the Natural Resource Overlay.

8. **Permit:** MSC2023-0014
Applicant: WYDOT - Bob Hammond
Presenter: Grace Kelley
Request: This miscellaneous planning request is for a fee waiver regarding a refund of a Basic Use Permit application for the Wyoming Department of Transportation (WYDOT). This Basic Use Permit is associated with their project off of Highway 22 at the Stilson lot, and the intention of the permit is to allow the storage of equipment and materials on the neighboring property for that project, designating it as a staging area for that project.

Location: This property is 4585 W Highway 22 and is adjacent to the Stilson lot off of Highway 22. It is in the Rural-2 zone and within the Scenic Resource Overlay

MATTERS FROM COMMISSION

- a. Consideration of Classification and Compensation Exception Requests – this item was on the agenda and was not discussed. The date for its consideration will be discussed at a special meeting on June 21, 2023.

EXECUTIVE SESSION – this was added to today's agenda and was not discussed. The date for its continuance will be discussed at a special meeting on June 21, 2023.

ADJOURN

A motion was made by Commissioner Gardner and seconded by Commissioner Epstein to adjourn. Chair Propst called for a vote. The vote showed all in favor and the motion carried. The meeting adjourned at 4:01 p.m.

Respectfully submitted,
Chalice Weichman
Deputy County Administrative Clerk

TETON COUNTY BOARD OF COMMISSIONERS

Luther Propst, Chair

ATTEST:

Maureen E. Murphy, County Clerk