

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

The Teton County Board of Commissioners met in regular meeting on **September 19, 2023** in the Commissioners Chambers located at 200 S. Willow in Jackson, Wyoming. The meeting was called to order at 9:01 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 Epstein 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 8-23-2023, 8-24-2023, 8-28-2023 (Voucher), 8-28-2023 (BOE), 8-29-2023, 8-30-2023, and 8-31-2023 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:

- 4. Consideration of Seat Belt Safety Grant from WYDOT to Sheriff**
- 5. Consideration of Impaired Driving Grant from WYDOT to Sheriff**
- 7. Consideration of Approval of Fair Community Center Change Orders**
- 8. Consideration of Community Center Roof Contract**
- 9. Consideration of EMP Funds for Fair Roof Project**
- 10. Consideration of Position Classification Request**

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

A motion was made by Commissioner Epstein and seconded by Commissioner Macker 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

4. Consideration of Seat Belt Safety Grant from WYDOT to Sheriff

To approve Contract between the Wyoming Department of Transportation and Teton County for increased seat belt usage and accept state funding in the amount of \$2,954.00.

5. Consideration of Impaired Driving Grant from WYDOT to Sheriff

To approve Contract between the Wyoming Department of Transportation and Teton County for increased enforcement of impaired driving and accept state funding in the amount of \$7,540.78

7. Consideration of Approval of Fair Community Center Change Orders

To approve Change Orders 8, 13, 14, 16, 19, 20, and 21 for the Fairgrounds Community Building in the amount of \$21,429.10.

8. Consideration of Community Center Roof Contract

To approve the contract with JMG Construction, LLC for the Fairgrounds Roof Replacement in the amount of \$648,200.00.

9. Consideration of EMP Funds for Fair Roof Project

To approve the use of \$156,000 in Energy Mitigation Program (EMP) Funds to replace the Fairgrounds Roof with a more energy efficient system.

10. Consideration of Position Classification Request

To approve the classification request by the Teton County Health Department for the position of Financial Accountant.

DIRECT CORRESPONDENCE

1. Gloria Courser 8/29/2023 email regarding Estimated Home Value
2. Gloria Courser 8/30/2023 email regarding Home Values
3. Charles Cozad 8/31/2023 email regarding Septic Concerns - Fish Creek
4. Orion Hatch 8/31/2023 email regarding Wilson Boat Ramp Closure
5. Jesse Glick 8/31/2023 email regarding COVID-19
6. Bud Chatham 9/1/2023 email regarding Wilson Boat Ramp Closure
7. Nathan Bennett 9/1/2023 email regarding Wilson Boat Ramp Closure
8. Kathy Tompkins 9/3/2023 email regarding Traffic
9. Amy Kuszak 9/4/2023 email regarding Hoback RV Park
10. Rebecca Genzer 9/5/2023 email regarding Pool Closure
11. Bruce Hawtin 9/5/2023 email regarding Property Taxes
12. Colby Spencer 9/5/2023 email regarding Wilson Boat Ramp Closure
13. Orion Hatch 9/5/2023 email regarding Wilson Boat Ramp

14. Friends of Rafter J 9/5/2023 email regarding Appellant's Opening Brief
15. James Musclow 9/5/2023 email regarding Pool and Boat Ramp Closures
16. Kathy Spitzer 9/6/2023 email regarding Noise Report - Pickleball
17. Gloria Courser 9/6/2023 email regarding Comparable Affordable Homes
18. Bud Chatham 9/6/2023 email regarding Wilson Boat Ramp
19. John Holland 9/6/2023 email regarding Hungry Jack's Retail Liquor License
20. Russell Scott 9/6/2023 email regarding Road Noise
21. John R Danby 9/7/2023 email regarding Pool Closure
22. Zach Hall 9/7/2023 email regarding Hungry Jack's Liquor License
23. Daniel Ewert 9/7/2023 email regarding Hungry Jack's Liquor License
24. Doug Schatz 9/7/2023 email regarding Hungry Jack's Liquor License Application
25. Andrew Cornish 9/7/2023 email regarding Hungry Jack's Liquor License Application
26. Suzanne Droppert 9/7/2023 email regarding Hungry Jack's Liquor License Application
27. Darcey Prichard 9/7/2023 email regarding Hungry Jack's Liquor License Application
28. Andrew Morrow 9/7/2023 email regarding Hungry Jack's Liquor License Application
29. Len Carlman 9/7/2023 email regarding Hungry Jack's Liquor License Application
30. James Little 9/7/2023 email regarding Hungry Jack's Liquor License Application
31. Camille Obering 9/7/2023 email regarding Hungry Jack's Liquor License Application
32. Julie Obering 9/7/2023 email regarding Hungry Jack's Liquor License Application
33. Larry Harmsen 9/7/2023 email regarding Hungry Jack's Liquor License Application
34. Jon Callaghan 9/7/2023 email regarding Hungry Jack's Liquor License Application
35. Kyle Reighard 9/8/2023 email regarding Rodeo Grounds
36. Lisa Friesecke 9/8/2023 email regarding Hungry Jack's Liquor License Application
37. Barb Trompeter 9/8/2023 email regarding Hungry Jack's Liquor License Application
38. Paul Mayer 9/8/2023 email regarding Hungry Jack's Liquor License Application
39. Kathy Trompeter 9/8/2023 email regarding Hungry Jack's Liquor License Application
40. Ned Thomas 9/8/2023 email regarding Hungry Jack's Liquor License Application
41. Simon Hirschfield 9/9/2023 email regarding Hungry Jack's Liquor License Application
42. Tim Loughrey 9/8/2023 email regarding Fiber Project in Cottonwood
43. Anne Rutherford 9/9/2023 email regarding Hungry Jack's Liquor License Application
44. Ashton Tattersall 9/10/2023 email regarding Recreation Center Closures
45. Carol Peck 9/10/2023 email regarding E-Bike Safety
46. Jim Clouse 9/10/2023 email regarding Recreation Center Closures
47. Mark Clark 9/10/2023 email regarding Hungry Jack's Liquor License Application
48. Tarin Erickson 9/11/2023 email regarding Hungry Jack's Liquor License Application
49. Tim Young 9/11/2023 email regarding Wilson Detour Concerns
50. Planning & Building 9/11/2023 letter regarding Notice of CUP for Alta Community Park
51. Marc Hirschfield 9/11/2023 email regarding Hungry Jack's Liquor License Application
52. Ethan Steinberg 9/12/2023 email regarding Hungry Jack's Liquor License Application
53. Steve Feldman 9/11/2023 email regarding Hungry Jack's Liquor License Application
54. Kirk Davenport 9/11/2023 email regarding Hungry Jack's Liquor License Application
55. Doyen McIntosh 9/11/2023 email regarding Hungry Jack's Liquor License Application
56. Bruce Hill 9/11/2023 email regarding Hungry Jack's Liquor License Application
57. Margery Masinter 9/11/2023 email regarding Hungry Jack's Liquor License Application
58. Lewis Parker 9/11/2023 email regarding Hungry Jack's Liquor License Application
59. Andrew Nehrbas 9/11/2023 email regarding Hungry Jack's Liquor License Application
60. Stephen Sullivan 9/11/2023 email regarding Hungry Jack's Liquor License Application
61. Mary Neal 9/11/2023 email regarding Hungry Jack's Liquor License Application
62. Jodi Forsyth 9/11/2023 email regarding Hungry Jack's Liquor License Application
63. Reynolds Pomeroy 9/11/2023 email regarding Hungry Jack's Liquor License Application
64. Janet Costello 9/11/2023 email regarding Hungry Jack's Liquor License Application
65. Kathryn Nyrop 9/11/2023 email regarding Hungry Jack's Liquor License Application
66. Stephen Koch 9/11/2023 email regarding Hungry Jack's Liquor License Application
67. Malaika Loudon 9/11/2023 email regarding Hungry Jack's Liquor License Application
68. Lucana Hirschfield 9/11/2023 email regarding Hungry Jack's Liquor License Application
69. Ryan Clintworth 9/11/2023 email regarding Hungry Jack's Liquor License Application
70. Carol Poole 9/11/2023 email regarding Hungry Jack's Liquor License Application
71. Turner Bedrup 9/12/2023 email regarding Hungry Jack's Liquor License Application
72. Jennifer Durning 9/12/2023 email regarding Hungry Jack's Liquor License Application
73. Gary Trauner 9/12/2023 email regarding Hungry Jack's Liquor License Application
74. Cathy French 9/12/2023 email regarding Hungry Jack's Liquor License Application
75. Ann Jowers 9/12/2023 email regarding Hungry Jack's Liquor License Application
76. Betsy Banres 9/12/2023 email regarding Hungry Jack's Liquor License Application
77. Joe Stern 9/12/2023 email regarding Hungry Jack's Liquor License Application
78. Diane McCallum 9/12/2023 email regarding Hungry Jack's Liquor License Application
79. James Ross 9/12/2023 email regarding Hungry Jack's Liquor License Application
80. Peter Alexander 9/12/2023 email regarding Hungry Jack's Liquor License Application
81. Caleb Scott 9/12/2023 email regarding Hungry Jack's Liquor License Application
82. Edy Halpin 9/12/2023 email regarding Hungry Jack's Liquor License Application
83. Natalie Scott 9/12/2023 email regarding Hungry Jack's Liquor License Application
84. Zaidée Fuller 9/12/2023 email regarding Hungry Jack's Liquor License Application

PUBLIC COMMENT

Public comment was given by Ethan Lobdell regarding the Mercill property and the planned opening of JH Children's Museum. Additional comments were made by Dylan Cameron, Jack Flynt and Clayton Flynt, JH Children's Museum Kid's Committee members.

Public comment was given by James Musclow regarding the Wilson Boat Ramp closure, and the Recreation Center pool closure.

MATTERS FROM COMMISSION AND STAFF

1. Consideration of New Retail Liquor License

Shelley Fairbanks, Deputy County Clerk, presented to the Board for consideration of approval two applications for the one available retail license in Teton County.

As of August 30, 2023, the Clerk's Office received two applications for the one available retail license in Teton County. The applicants are:

1. Hungry Jack's Company, LLC, a Wyoming Limited Liability Company (DBA Hungry Jack's General Store). They would like to replace their current Malt Beverage Permit with a retail liquor license.
2. JJ Mountain Top LLC (DBA The Granary) - new application for The Granary. This is a small resort that does not qualify for a resort liquor license.

Notice of the applications for the retail license was published for 2 consecutive weeks in the Jackson Hole News and Guide beginning September 6, 2023. Retail Liquor Licenses in the unincorporated area of Teton County are issued pursuant to Wyoming Statute §12-4-201 by the Board of County Commissioners of Teton County. The number of retail liquor licenses issued shall be based on the following population formulas: i) one retail liquor license issued for each 500-population residing outside cities and towns; but ii) no more than 3 retail liquor licenses issued for locations within five miles of the corporate limits of a city or town.

Comments were made by Mark Hirschfield, Applicant for Hungry Jack's Company, LLC; and by David DeFazio, Representing JJ Mountain Top LLC.

Leonard Carlman, Representing Hungry Jack's Company, answered questions from the Board.

Public comment was given by Biz Doyle, John Holland, Jared Smith, Zia Yasrobi, and Len Carlman.

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to issue a retail liquor license to Hungry Jack's Company, LLC for the term of September 20, 2023 through January 6, 2024. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

2. Consideration of New Bar & Grill Liquor License

Shelley Fairbanks, Deputy County Clerk, presented to the Board for Consideration of approval one application for one available Bar & Grill liquor license in Teton County. This application was made so that the resort could sell liquor in the event that they did not obtain the retail license.

David DeFazio, representing JJ Mountain Top LLC, commented on the application.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Gardner to issue a Bar & Grill liquor license to JJ Mountain Top LLC for the term of September 20, 2023 through January 6, 2024. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

3. Consideration of Determination of Percentage of the Applicant's Prior Year's Property Tax that is Eligible for Refund

Katie Smits, County Treasurer, presented to the Board for consideration of approval a resolution approving up to a 75% payout or one-half of the median residential property tax liability for an applicant (\$4,242.94), whichever is less. If an applicant qualified for the State Property Tax Refund Program and received a refund, their refund for the State and County programs cannot exceed 100% of their tax bill.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to approve the Resolution Approving up to a 75% payout or one-half of the median residential property tax liability (\$4,424.94), whichever is less and not to exceed 100% of an applicant's 2022 tax liability if a State of Wyoming refund was received, for all Teton County 2022 Property Tax Refund applicants. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

6. Consideration of Appointment of Two Directors to the Grand Targhee Resort District

Keith Gingery, Chief Deputy County Attorney, presented to the Board for consideration of appointment of two vacancies on their three-member board.

On Tuesday, August 22, 2023 the Board of County Commissioners received a letter from the Grand Targhee Resort District notifying the board that they have two vacancies on their three member board and request that the Board of County Commissioners fill those vacancies by appointing George N Gillett III with a term ending September 24, 2028 and Larry Johnson with a term ending September 24, 2027 to the Grand Targhee Resort District Board of Directors. Pursuant to Wyoming Statute §22-29-202(a), if there is a vacancy in the majority of the directors the Board of County Commissioners shall appoint the replacements. The County Clerk has verified that there is a vacancy in the majority of the directors of the 3 member board, specifically 2 vacancies exist. The County Clerk advertised in the Jackson Hole News and Guide notifying the public of the vacancies and welcoming applications for the open positions. The County Clerk received no responses.

There was no public comment.

A motion was made by Commissioner Gardner and seconded by Commissioner Epstein to appoint George N Gillett III with a term ending September 24, 2028 and Larry Johnson with a term ending September 24, 2027 to the Grand Targhee Resort District Board of Directors.

Alfred Lockwood, Grand Targhee Resort District Director of Finance commented on the request.

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

11. Consideration of Grooming Grant Resolution

Andrew Erskine, Parks & Recreation Manager, presented to the Board for consideration of approval a resolution to submit a grant application and associated Amendment One to the Contract Between the State of Wyoming, Department of State Parks and Cultural Resources and Teton County Parks and Recreation Department to support winter grooming of existing ski trails.

Public comment was given by Nancy Leon with JH Nordic Alliance.

A motion was made by Commissioner Epstein and seconded by Commissioner Macker to approve through resolution the submittal of a grant application and associated contract Amendment One to the Contract Between the State of Wyoming, Department of State Parks and Cultural Resources and Teton County Parks and Recreation Department in the amount of \$26,000. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

12. Consideration of Contract with Dewberry

Alyssa Watkins, Board of County Commissioners Administrator, presented to the Board for consideration of approval the Dewberry on-call GIS advisory and support contract. Teton County recently implemented the ESRI-based GIS platform, and is working towards creating a new internal position for a senior level GIS specialist. Until then, this contract would provide on-call support from Dewberry.

There was no public comment.

Melissa Shinkle, Teton County Assessor, commented on the contract.

A motion was made by Commissioner Macker and seconded by Commissioner Newcomb to approve the Dewberry on-call GIS advisory and support with Dewberry Engineers as presented. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

13. Consideration of Consideration of Swinging Bridge Bid Concurrence

Amy Ramage, County Engineer, presented to the Board for consideration of approval a request to provide concurrence to fund the County's match portion of the Swinging Bridge project.

Swinging Bridge is slated for reconstruction and has been in planning and design through the WYDOT bridge replacement off system (BROS) program for several years. This program provides local government with a federal funding source for large bridge replacements that otherwise would be financially challenging projects for local governments. The project was bid out, with bids due on September 14, 2023. WYDOT received one bid from Reiman Corp. for \$10,340,122. The engineer's estimate was \$6.7M. Because there is a 9.51% match payment required from the County, formal written concurrence is required for WYDOT to accept the bid. If the County concurs, the WYDOT Transportation Commission will ultimately determine if the bid is awarded.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Macker to approve the letter to the WYDOT Transportation Commission concurring with the bid results and agreeing to the County's match of 9.51% for the Swinging Bridge Replacement project through the WYDOT Bridge Replacement Off System Program. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

The meeting recessed at 10:32 a.m. and reconvened at 10:38 a.m.

MATTERS FROM PLANNING AND DEVELOPMENT

Findings of Fact and Conclusions of Law:

1. CUP2022-0007 Hoback Park, LLC

Keith Gingery, Chief Deputy County Attorney, presented to the Board for consideration of approval the Findings of Fact, Conclusions of Law, and Order for CUP2022-0007 Hoback Park, LLC.

There was no public comment.

A motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to approve the Findings of Fact, Conclusions of Law for CUP2022-0007, Hoback Park, LLC. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

- 2. Permit:** AMD2023-0001 **Withdrawn**
Applicant: Sproule, Keith
Presenter: Erin Monroe
Request: Request to amended Accessory Uses of the Teton County Land Development Regulations (LDRs) to make B&Bs a primary use, and to allow Bed and Breakfasts (B&Bs) to have Accessory Residential Units (ARUs). The request is pursuant to Section 8.7.1 of the LDRs.
Location: Applies County-wide.
- 3. Permit:** MSC2023-0043
Applicant: William W. Wheatley, AIA
Presenter: Grace Kelley
Request: This miscellaneous planning request is for a fee waiver regarding a refund of a Commercial Building Permit application and associated fees for Wilson Elementary School. The commercial building permit is for the interior remodel of the Wilson Elementary School.
Location: This property is located just north of Highway 22 as you enter Wilson from the east past Wenzel Lane. The property is in the Public/Semipublic zone and within the Scenic Resource Overlay.

Grace Kelley, Associate Planner, presented to the Board for consideration of approval a Fee Waiver Request for Teton County School District # 1) (BDC2023-0009), pursuant to finding 2.a of the Teton County Fee Waiver Policy (Resolution 2014-054). The application fees for BDC2023-0009 totaled up to be \$4681.41.

There was no public comment.

A motion was made by Commissioner Macker and seconded by Commissioner Newcomb to approve the Teton County School District #1 Fee Waiver Request MSC2023-0043, received July 27th, 2023, for a \$4681.41 fee waiver as associated with Commercial Building permit BDC2023-0009, 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 all in favor and the motion carried.

- 4. Permit:** BDJ2023-0004
- Applicant:** Hutchinson, Hal
- Presenter:** Chandler Windom
- Request:** A Boundary Adjustment, pursuant to Section 8.5.5 of the Teton County Land Development Regulations to re-configure Lots 4 & 12 of the Triangle Q Ranch Subdivision.
- Location:** 2620 and 2610 N Fish Creek Road are Lot 4 of the Triangle Q Ranch 2nd Filing and Lot 12 of the Triangle Q Ranch 5th Filing, respectively. The lots are zoned Planned Unit Development Rural 2, are partially in the Natural Resources Overlay and located approximately 1.25 miles north of downtown Wilson.

Candler Windom, Senior Planner, presented to the Board for consideration of approval a Boundary Adjustment, pursuant to Section 8.5.5 of the Teton County Land Development Regulations to reconfigure two platted lots of the Triangle Q Ranch Subdivision.

A Zoning Compliance Verification (ZCV2022-0036) review of Land Development Regulations (LDR) compliance was completed for the proposed reconfiguration of Lots 4 & 12 in the Triangle Q Ranch (Plats No. 1229 and No. 1405 respectively). This application will result in a new plat map (the 6 th Filing) of the Triangle Q Ranch Subdivision. The purpose of the adjustment is to create more suitable building locations on the lots.

A motion was made by Commissioner Epstein and seconded by Commissioner Gardner to approve BDJ2023-0004, updated August 25, 2023 to adjust lot lines between Lots 4 and 12 of the Triangle Q Ranch Subdivision, based on the findings in Section 8.5.5, and the standards of Section 8.2.13.C of the Teton County Land Development Regulations as recommended by the Planning Director, and being able to make the finding pursuant to Wyoming Statute §34-12-108, that such partial vacation does not abridge or destroy any of the rights and privileges of other proprietors in Plats No. 1405 or 1299, and request the Teton County Clerk write "Vacate" on Lot 4 of Plat No. 1299 and Lot 12 of Plat No. 1405 upon filing of the new plat. Chair Propst called for a vote. The vote showed all in favor and the motion carried.

ADJOURN

A motion was made by Commissioner Gardner and seconded by Commissioner Macker to adjourn. Chair Propst called for a vote. The vote showed all in favor and the motion carried. The meeting adjourned at 10:49 a.m.

Respectfully submitted,
Chalice Weichman
Deputy County Administrative Clerk

TETON COUNTY BOARD OF COMMISSIONERS

Luther Propst, Chair

ATTEST:

Maureen E. Murphy, County Clerk