

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

The Teton County Board of Commissioners met in regular meeting on **September 20, 2022** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 9:00 a.m. and the Pledge of Allegiance was recited.

ROLL CALL

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

ADOPTION OF AGENDA

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

MINUTES

A motion was made by Commissioner Newcomb and seconded by Commissioner Barron to approve the 8-23-2022, 8-24-2022, 8-25-2022, 8-29-2022, 8-30-2022, and 9-6-2022 minutes. Chairwoman Macker called for the vote. The vote showed all in favor and the motion carried.

CONSENT AGENDA

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

1. Consideration of TANF Climb Grant 2022
3. Consideration of Sublease Agreement with St. John's Health
4. Consideration of Contract Amendment with ATS
5. Consideration of 45-Day Public Comment Period for Title 1- Facilities
6. Consideration of 45-Day Public Comment Period for Title 2- Procurement
7. Consideration of 45-Day Public Comment Period for Fairground Fees
8. Consideration of Approval of HDPE Duct Contract
9. Consideration of Approval of Change Order #2 for Admin Building Facade
10. Consideration of Blair Garden Fence Replacement Contract
11. Consideration of Wyoming State Trails, Grooming Grant Agreement
12. Consideration of BUILD MOU with WYDOT
13. Consideration of a Contract for Scrap Metal Processing and Recycling
14. Consideration of ISWR Capital and Operating Reserve Fund Policies
15. Consideration of Western States Wildland Urban Interface Grant Award
18. Consideration of a Direct Hire Agreement with Kelly Services
19. Consideration of Renewing an Agreement Between Jackson Hole Fire/EMS and Bridger Teton Forest for Prescribed Fire Assistance

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

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

MATTERS FROM COMMISSION AND STAFF

1. Consideration of TANF Climb Grant 2022

To approve the contract with the Wyoming Department of Family Services for a TANF/CPI grant for Teton County Community Partnership for families in need in the amount of \$71,500.

3. Consideration of Sublease Agreement with St. John's Health

To approve the sublease agreement with St. John's Health for S. Highway 89 Suites I&J for a COVID-19 testing center for the period November 2022 through December 2022.

4. Consideration of Contract Amendment with ATS

To approve ATS Contract Amendment 6 for kitchen HVAC upgrades at 1300 Valley Spring Road in the amount of \$26,675.00.

5. Consideration of 45-Day Public Comment Period for Title 1- Facilities

To approve proceeding with the 45-day public comment period for revisions to the Title 1-Facilities of the Teton County Rules and Regulations.

6. Consideration of 45-Day Public Comment Period for Title 2- Procurement

To approve proceeding with the 45-day public comment period for the revisions to Title 2- Procurement of the Teton County Rules and Regulations.

7. Consideration of 45-Day Public Comment Period for Fairground Fees

To approve proceeding with the 45-day public comment period for the updated Fairgrounds Facility Fees.

8. Consideration of Approval of HDPE Duct Contract

To approve the contract with WyoDak in the amount of \$116,056.17 for HDPE duct installation on the block of Simpson and Willow.

9. Consideration of Approval of Change Order #2 for Admin Building Facade

To approve Change Order #2 with Brookhurst Construction for the Admin Façade and Paint Project in the amount of \$23,966.51.

10. Consideration of Blair Garden Fence Replacement Contract

To approve the Blair Garden Fence Replacement Contract with SWI, LLC in the amount of \$30,732.50

11. Consideration of Wyoming State Trails, Grooming Grant Agreement

To approve through resolution the submittal of a grant application and associated contract to the Wyoming Department of State Parks and Cultural Resources Recreational Trails Program in the amount of \$26,000.

12. Consideration of BUILD MOU with WYDOT

To approve the WYDOT BUILD Grant Cooperative Agreement in the not-to-exceed amount of \$93,573.

13. 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 based on the bidder's per ton proposal for payment to Teton County.

14. Consideration of ISWR Capital and Operating Reserve Fund Policies

To approve the adoption of the ISWR Capital Reserve and the ISWR Operating Reserve Fund Policies.

15. Consideration of Western States Wildland Urban Interface Grant Award

To approve the Cooperative Agreement with Wyoming State Forestry and accept the Western States WUI grant for \$160,000.

18. Consideration of a Direct Hire Agreement with Kelly Services

To approve the agreement with Kelly Services for Employee Recruiting for the Planning & Building Services Department.

19. Consideration of Renewing an Agreement Between Jackson Hole Fire/EMS and Bridger Teton Forest for Prescribed Fire Assistance

To approve the Fire Supplemental Project Agreement between Jackson Hole Fire/EMS and USDA, Forest Service, Bridger-Teton National Forest.

DIRECT CORRESPONDENCE

1. Michael Stern 8/30/2022 email regarding Future of Fairgrounds
2. Pam Poljewski 8/30/2022 email regarding Wolf Management Proposal
3. Jared Baecker 8/31/2022 email regarding Wilson Boat Ramp
4. Danette Jolly 8/31/2022 email regarding Tribal Trail Meadow
5. Matt O'Donnell 8/31/2022 email regarding Request for Geographic Name
6. Hall Whitworth 8/31/2022 email regarding Tribal Trails
7. Louisa Sandvig 9/2/2022 email regarding JH Children's Museum
8. Morgan Jaouen 9/2/2022 email regarding Museum Groundbreaking
9. Amelia Mayer 9/2/2022 email regarding JH Children's Museum
10. Gina Kyle 9/2/2022 email regarding Mercill Space/JH Children's Museum
11. Janita Tuthill 9/3/2022 email regarding Rafter J Lot 333
12. Brian Smith 9/3/2022 email regarding Affordable Housing
13. Lucinda krajsky 9/5/2022 email regarding Rafter J Lot 333
14. Marc Schiller 9/5/2022 email regarding Tribal Trail Connector
15. Gina Lipp 9/5/2022 email regarding Rafter J Lot 333
16. Kevin Sanville 9/5/2022 email regarding Rafter J Lot 333
17. Pat Weber 9/6/2022 email regarding Rafter J Lot 333
18. Erika Muschaweck 9/6/2022 email regarding Tribal Trail Connector
19. Mike Fischer 9/6/2022 email regarding Tribal Trail Connector
20. Jean Day 9/6/2022 email regarding Assisted Living/Housing
21. Kathy Tompkins 9/6/2022 email regarding Water Use
22. Ed Krajsky 9/7/2022 email regarding Rafter J Lot 333
23. Joseph Larrow 9/6/2022 email regarding School Safety
24. Lee FitzPatrick 9/6/2022 email regarding Rafter J Lot 333 Consideration
25. Gloria Courser 9/6/2022 email regarding School Issues
26. Kathleen Harrington 9/7/2022 email regarding Tribal Trail
27. Meredith Weber 9/7/2022 email regarding JH Children's Museum
28. Maria Alyce Clark 9/7/2022 email regarding Rafter J Lot 333
29. Mark Lovett 9/7/2022 email regarding Rafter J Lot 333
30. Lisa Landlau 9/7/2022 email regarding Tribal Trail Connector
31. Richard Bloom 9/7/2022 email regarding CUP vs BUP; Rafter J Lot 333
32. Patti Berlin 9/8/2022 email regarding Rafter J Lot 333
33. Robert Frodeman 9/8/2022 email regarding Hoback Junction Traffic
34. Greg Fulton 9/9/2022 email regarding Tribal Trail
35. Valerie Ehrich 9/9/2022 email regarding Rafter J Lot 333

- 36. Lloyd Dorsey 9/9/2022 email regarding Rafter J Lot 333
- 37. Arthur Greger 9/9/2022 email regarding Rafter J Lot 333
- 38. Karl Jagstadt 9/10/2022 email regarding Rafter J Lot 333
- 39. Janis Allen 9/10/2022 email regarding Rafter J Lot 333
- 40. Mike Allen 9/12/2022 email regarding Rafter J Lot 333
- 41. Karin King 9/12/2022 email regarding Rafter J Lot 333
- 42. Mark Joslin 9/12/2022 email regarding Short Term Rental LDR
- 43. Joe Demarsh 9/12/2022 email regarding Rafter J Lot 333

PUBLIC COMMENT

Public comment was given by Debra Patla regarding the Fire in the Mountains music festival at Heart Six Ranch. Public comment was given by Clerk Maureen Murphy providing information regarding the upcoming election.

MATTERS FROM COMMISSION AND STAFF

2. Consideration of End of Year Budget Amendment #2

Maureen Murphy, Teton County Clerk, presented to the Board for consideration of approval an amendment to the budget with the FY22 changes approved by the BCC for the fiscal year. These amendments have been approved throughout the last twelve months by the Board of County Commissioners, have transferred from Contingency, or have revenue to the expense.

There was no public comment.

A motion was made by Commissioner Newcomb and seconded by Commissioner Barron to adopt the proposed end of the year #2 budget amendment for FY22 as noticed in the Jackson Hole News & Guide and on the Teton County Website as presented today. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

16. Consideration of Title VI Civil Rights Program

Abigail Moore, Deputy County Attorney, presented to the Board for consideration of adoption a Title VI Program (Civil Rights) Program as required to receive federal financial assistance directly from the Federal Transit Administration (FTA) for the BUILD Grant.

This Title VI Program has been prepared to address the responsibilities of Teton County as a Direct, Primary, and Subrecipient of federal assistance provided through and administered by the FTA. Its purpose is to ensure the goals and objectives of Title VI of the Civil Rights Act of 1964, and related federal statutes, regulations, and executive orders, are carried out by Teton County and its Subrecipients as they pertain to public transit programs. Title VI of the Civil Rights Act of 1964 prohibits discrimination by recipients of federal financial assistance on the basis of race, color, or national origin, including the denial of meaningful access for limited English proficient (LEP) persons.

There is no public comment.

A motion was made by Commissioner Barron and seconded by Commissioner Newcomb to adopt the Teton County Public Transit Title VI (Civil Rights) Rules. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

17. Consideration of Development Agreement and Ground Lease with Habitat for Humanity to Build Affordable Housing at 445 E. Kelly Ave.

Kristi Malone, Housing Supply Specialist, presented to the Board for consideration of approval a Development Agreement and Ground Lease with Habitat for Humanity to develop 18 Affordable townhomes at 445 E. Kelly Ave.

In 2020, Teton County purchased a 1.08-acre site at 445 E Kelly Avenue in the Town of Jackson for the purpose of partnering with Habitat for Humanity to redevelop the site by building 18 Affordable townhomes. Since then, the Housing Department has managed this project on behalf of the Board of County Commissioners.

There was no public comment.

A motion was made by Commissioner Barron and seconded by Commissioner Propst to approve the Development Agreement and Ground Lease with Habitat for Humanity, as presented, for development and management of 18 Affordable townhomes at the County-owned property located at 445 E. Kelly Ave. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

MATTERS FROM PLANNING AND DEVELOPMENT

- 1. **Permit:** CUP2022-0002 - **CONTINUED TO OCTOBER 18, 2022**
Applicant: TETON COUNTY
Presenter: Hamilton Smith
Request: A Conditional Use Permit request for Outdoor Recreation Use, pursuant to Land Development Regulation Section 8.4.2, for a dog park and bicycle pump track.
Location: Lot 1, Sage Meadows Subdivision, the 5.38-acre Lot owned by Teton County, generally northwest of the intersection of South Highway 89 and South Park Loop Road. The Lot is zoned Planned Unit Development - Public/Semi-Public and is not within the Scenic Resources Overlay or the Natural Resources Overlay.

- 2. **Permit:** CUP2022-0003 - **CONTINUED TO OCTOBER 18, 2022**
Applicant: SCHROTH, ROBERT E. & LINDA M. TRUSTEES
Presenter: Hamilton Smith
Request: A Conditional Use Permit request pursuant to Land Development Regulation Section 8.4.2 to amend the Jackson Hole Winery Home Business CUP.
Location: 2800 Boyles Hill Road, Lot 3B, of the Dairy Subdivision, generally located 1.4 miles west of the South Park Loop and Highway 89 intersection. The property is zoned Planned Unit

Development - Rural 2 and is not within the Scenic Resources Overlay or the Natural Resources Overlay.

A motion was made by Commissioner Barron and seconded by Commissioner Newcomb to continue CUP2022-0002 to the October 18, 2022, as well as CUP2022-0003 to be continued to October 18, 2022. Board of County Commissioner meeting. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

- 3. Permit:** CUP2021-0005 - **CONTINUED TO OCTOBER 4, 2022**
Applicant: STAGE STOP INC.
Presenter: Chandler Windom
Request: Conditional Use Permit pursuant to Section 8.4.2 of the Teton County Land Development Regulations to allow for Workforce Apartments at the Legacy Lodge.
Location: 3000 W Big Trail Drive, or Lot 333, is situated in the northeast corner of the Rafter J Ranch Subdivision. The property is zoned Planned Unit Development Rural-3 and is not within any Overlays.

A motion was made by Commissioner Barron and seconded by Commissioner Newcomb to continue CUP2021-0005 to the October 4, 2022 Board of County Commissioner meeting. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

The meeting recessed at 9:16 a.m. and reconvened at 9:26 a.m.

- 4. Permit:** MSC2022-0023
Applicant: TETON COUNTY
Presenter: Hamilton Smith
Request: Miscellaneous Planning Request to amend the Wilson Boat Ramp Outdoor Recreation Use Conditional Use Permit (CUP2016-0002) Conditions of Approval
Location: BLM Parcel at the intersection of Highways 22 and 390, commonly known as the Wilson Boat Ramp property. Tract 51A, Sec. 23, Twp. 41, Rng. 117. The property is zoned Public/Semi-Public, and is within the Natural Resources Overlay.

Hamilton Smith, Principal Planner, presented to the Board for consideration of approval Miscellaneous Planning Request to amend Conditions of Approval applied to an existing Conditional Use Permit (CUP2016-0002) to allow certain revisions to an Outdoor Recreation Use, pursuant to Sec. 8.4.2 (CUP) of the LDRs.

In 2014, Teton County received a 30-year right-of-way grant from the BLM and assumed maintenance and management responsibilities of the site. To permit the Teton County Parks and Recreation Department operation of the Wilson Boat Ramp, the Wilson Boat Ramp Improvements development and use permits were submitted in 2016 (CUP2016-0002, VAR2016-0006). The CUP was approved for improvements to the Boat Ramp facility, including restrooms and graveling the existing road. The design modifications resulting from the reevaluation require the amendment of two Conditions of Approval (#5 and #6). The current CUP allows for the road to be graveled, with a minimum of 16 and a maximum of 28 noncommercial parking spaces on site.

Proposed Amendment of Conditions of Approval:

5. The proposed access road and one-way loop, including the portion of the levee, and associated onstreet parking may be paved to address dust, drainage, and erosion concerns.

6. The applicant is allowed to construct a minimum of 16 and maximum of 40 noncommercial parallel parking spaces along the two-way part of the access road. Two ADA compliant, non-commercial spaces may be constructed along the levee road.

Public comment was given by Jared Baecker, Orion Hatch, and Aaron Pruzan.

The meeting recessed at 10:35 a.m. and reconvened at 10:49 a.m.

The Board has interest in amending Condition #2 that reads as follows, "Construction shall not occur between November 1 – May 15 to protect winter wildlife." There is interest in changing the closure period to December 1 – March 15. This would allow for some construction to begin in November of this year and then the primary construction to occur in late March and April of 2023 so that the work can be completed prior to the summer season. In order to discuss Condition #2, this application will be re-noticed and continued to the November 1st Board of County Commissioners meeting where additional public comment will be taken on Conditions #5 and #6 and also public comment on Condition #2.

A motion was made by Commissioner Barron and seconded by Commissioner Propst to continue MSC2022-0023 to November 1st 2022, and to request staff to re-notice the hearing with the inclusion of Condition #2. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

- 5. Permit:** BDJ2022-0002
Applicant: MOOSE PATH WEST LLC, STANLEY, DOUGLAS J. & JULIA L. TRUST
Presenter: Hamilton Smith
Request: A request pursuant to Section 8.5.5 of the LDRs for a Boundary Adjustment with Replat of Lots 76 and 77 of the Gros Ventre North Subdivision Third Filing, Plat No. 691.
Location: 2275 N Pratt Road (Lot 76) & 1900 W Bannock Road (Lot 77) are accessed by Pratt Road, approximately 1.6 miles from the junction with Highway 22. The Lots are zoned Rural-3 (R-3), and located within the Scenic Resources Overlay.

Hamilton Smith, Principal 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 Gros Ventre North Subdivision, Third Filing.

A Zoning Compliance Verification (ZCV2022-0002) review of Land Development Regulations(LDR) compliance was recently completed for the proposed reconfiguration of Lots 76 and 77 in the Gros Ventre North Subdivision and transfer of acreage from Lot 76, to Lot 77. This will result in a new plat map (the 4th Filing) of the Gros Ventre North

Subdivision.

There was no public comment.

A motion was made by Commissioner Barron and seconded by Commissioner Propst to approve BDJ2022-0002, dated April 26, 2022, to partially vacate and replat the adjusted Lots 76 and 77 of the Gros Ventre North 3rd Filing, 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 Plat No. 691, and request the Teton County Clerk write "Vacate" on Lot 76 and Lot 77 of Plat No. 691 upon filing of a new plat. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

The meeting recessed at 10:56 a.m. and reconvened at 11:01 a.m.

WORKSHOP

A. Courthouse Improvement Discussion

James Taylor, Anderson Mason Dale Architects, introduced a follow-up discussion to the tours that were given of the Teton County Courthouse earlier this month. Originally, Anderson Mason Dale was contracted to assess energy performance, occupant comfort, and capacity issues. Safety concerns were raised during the assessment.

Erin Weisman, Teton County Attorney, commented on the tour and shared concerns related to staff and public safety, and James Radda, Circuit Court Judge, commented on options for the present before improvements are made.

The courthouse improvement/replacement project will be included in Capital Improvement Project (CIP) discussions later in the fiscal year.

ADJOURN

A motion was made by Commissioner Barron and seconded by Commissioner Propst to adjourn. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried. The meeting adjourned at 11:16 a.m.

Respectfully submitted,
Chalice Weichman
Deputy County Administrative Clerk

TETON COUNTY BOARD OF COMMISSIONERS

Natalia D. Macker, Chairwoman

ATTEST:

Maureen E. Murphy, County Clerk