

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

The Teton County Board of Commissioners met in regular session on **October 1, 2018** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 9:05am.

Commission present: Mark Newcomb Chair, Natalia Macker Vice-Chair, Greg Epstein, Smokey Rhea, and Paul Vogelheim.

ADOPT AGENDA

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

PUBLIC COMMENT

There was no public comment.

ACTION ITEMS

1. Consideration of Payment of County Vouchers

A motion was made by Commissioner Vogelheim and seconded by Commissioner Epstein to approve the October 1, 2018 county voucher run in the amount of \$976,921.49. Chair Newcomb called for a vote. The vote showed all in favor and the motion carried.

2. Consideration of Administrative Items
 - a. Liquor Permits
 - b. SLIB Drawdowns – There were none.
 - c. Tax Roll Corrections – There were none.
 - d. Human Service/Community Development Contracts for Service
 - e. Special Events Permits – Applications Pending *(for informational purposes, no action taken)*
3. Consideration of Board of Equalization Orders

Sherry Daigle, County Clerk, presented to the Board for consideration of approval the Findings of Facts and Conclusions of Law in the Assessor Appeals for the Board of Equalization. Orders are for the following appeals:

SSDA, LLC
Budge
Gabelli/DeVivo
MAM Revocable Trust
Schwartz
Jackson Shopping Village

There was no public comment.

A motion was made by Commissioner Macker and seconded by Commissioner Epstein to convene as the Board of Equalization. Chair Newcomb 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 Findings of Fact, Conclusion of Law and Order for SSDA LLC. Chair Newcomb 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 Findings of Fact, Conclusion of Law and Order for Budge Mobile Home Park, LLC. Chair Newcomb 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 Findings of Fact, Conclusion of Law and Order for Mario J. Gabelli and Douglas G. Devivo. Chair Newcomb called for a vote. The vote showed all in favor and the motion carried.

A motion was made by Commissioner Rhea and seconded by Commissioner Vogelheim to approve the Findings of Fact, Conclusion of Law and Order for MAM Revocable Trust. Chair Newcomb called for a vote. The vote showed all in favor and the motion carried. Commissioners Macker and Epstein abstained from the vote as they were not present at the hearing.

A motion was made by Commissioner Rhea and seconded by Commissioner Vogelheim to approve the Findings of Fact, Conclusion of Law and Order for William P. Schwartz & Cheryl Ranck Schwartz. Chair Newcomb called for a vote. The vote showed all in favor and the motion carried. Commissioners Macker and Epstein abstained from the vote as they were not present at the hearing.

A motion was made by Commissioner Rhea and seconded by Commissioner Vogelheim to approve the Findings of Fact, Conclusion of Law and Order for Jackson Shopping Village LLLP. Chair Newcomb called for a vote. The vote showed all in favor and the motion carried. Commissioners Macker and Epstein abstained from the vote as they were not present at the hearing.

A motion was made by Commissioner Vogelheim and seconded by Commissioner Epstein to adjourn as the Board of Equalization. Chair Newcomb called for a vote. The vote showed all in favor and the motion carried.

4. Consideration of Approval of FY2017 EMPG Supplemental Grant Award Agreement

Alyssa Watkins, Commissioners Administrator, presented to the Board for approval of the FY2017 Emergency Management Performance Grant (EMPG) Supplemental Adjustment Letter or Grant Award Agreement. Since 2002, Teton County has been annually awarded a recurring EMPG disbursement by the U.S. Department of Homeland Security through the Wyoming Office of Homeland Security. The goal of this grant is to strengthen emergency management programs across the country and make the nation more disaster-resistant. The grant is used in Teton County to support the Emergency Management Coordinator's and Program Assistant's salary and benefits with a 50% match. This grant is a supplement to the original FY2017 EMPG grant already approved by the Board of County Commissioners. The State is awarding this supplemental to Teton County because they received less funds in FY2018 for EMPG than anticipated. To award Teton County their full EMPG request for 50% of the Coordinator and Program Assistant's salary and benefits, the State must pay the first quarter of FY2018 with FY2017 EMPG funds. The BCC may either sign the Adjustment Letter or the Grant Award Agreement. The letter is the simpler and recommended way to accept these additional funds. Alternatives (Pros and Cons) are as follows:

Pro- 50/50 Cost Share, utilizes Emergency Management Coordinator's and Program Assistant's salary and benefits as County's 50% match.

Con-Grant administration and paperwork burden, which has been reduced due to policy changes by Wyoming Office of Homeland Security (WOHS).

Discussion between the Board and Staff included the county match.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Rhea to approve the FY2017 EMPG Supplemental Adjustment Letter. Chair Newcomb called for a vote. The vote showed all in favor and the motion carried.

DISCUSSION ITEMS

1. Known Matters for Discussion

A. Employee Recognition (9:15am)

The County Commissioners recognized the following County Employees who had reached millstones in their employment:

Five Years

John Tobey, Firefighter/Paramedic
Tyler Dunn, Fire Captain
Jessica King, Search and Rescue Coordinator
Kellie Dickerson, Senior Deputy County Clerk
Shannon Burns, Office Assistant
Jodie Pond, Public Health Director
Amber Sullivan, Deputy County Clerk

Ten Years

Andrew Roundy, Master Deputy, Patrol
Paul Vogelheim, Commissioner

Fifteen Years

Anne Sutton, Clerk of Court
Susan Johnson, Planning Manager

Twenty Years

Tony Goymerac, Database Analyst Programmer

Twenty-Five Years

Sherry Daigle, County Clerk

At 9:46am, a motion was made by Commissioner Macker and seconded by Commissioner Vogelheim to convene an executive session pursuant to Wyoming Statute §16-4-405(a) (vii) To consider the selection of a site or the purchase of real estate when the publicity regarding the consideration would cause a likelihood of an increase in price. Chair Newcomb called for a vote. The vote showed all in favor and the motion carried.

EXECUTIVE SESSION

Commission present: Mark Newcomb Chair, Natalia Macker Vice-Chair, Greg Epstein, Paul Vogelheim, and Smokey Rhea.

Others present Alyssa Watkins, Keith Gingery, Erin Weisman, Sherry Daigle, Brett McPeak – Realtor, Shelley Fairbanks, and Kassie Hansen.

At 9:55am, a motion was made by Commissioner Rhea and seconded by Commissioner Macker to adjourn from executive session. Chair Newcomb called for a vote. The vote showed all in favor and the motion carried.

No action was taken.

A motion was made by Commissioner Macker and seconded by Commissioner Rhea to continue direct staff and Mr. McPeak as discussed in executive session. Chair Newcomb called for a vote. The vote showed all in favor and the motion carried.

The meeting recessed at 9:55 and reconvened at 10:04am.

1. Known Matters for Discussion (continued)

A. Identify Consent Agenda

The agenda for October 2, 2018 was reviewed and items for the consent agenda were pulled.

B. Workshop – New Non LDR Rules (11:00am)

2. Other Matters for Discussion

A. Bear Proof Containers – Chair Newcomb brought up discussion regarding bear proof containers and the need of enforcement of their use through the LDRs. Option to expand where bear proof containers are required through change to the LDRs. Section 5.2.2 of the LDRs address bear proof container regulations. A request for staff to provide an update on October 8 as to where bear proof containers are required or not required and the current LDRs.

B. Cell Towers – Commissioner Vogelheim requested an update from staff on the cell tower to be installed at Station 6. Mr. Gingery gave an update as to the process – CUP application for approval and then a lease from AT&T for approval.

C. WPLI – Commissioner Vogelheim requested an update on the WPLI process. The committee will meet with the Board in a special meeting on October 9, 2018 at 9:00am. The proposal approved includes leaving Palisades as a WSA and changing Shoal Creek to wilderness.

MATTERS FROM COMMISSIONERS

Calendar Review. The Board reviewed their weekly calendars.

County Commissioner Administrator Updates. Alyssa Watkins, Board of County Commissioners Administrator, gave updates on Health and Human Services, Housing, Transportation, Public Engagement, LDRs, Town/County Relations, Other – LGPL Board Vacancies, CIP Submissions Deadline.

Commission updates

- A. Paul Vogelheim gave updates on WCCA: WyoLink and challenges of Teton County coverage, Sublette County is breaking from WyoLink and going out on their own with a different company, WYDOT fees; Carcass Disposal – LCC made clear that WYG&F don't want incineration of carcass, LC is allowing for carcasses from processing services in Northern Lincoln County and special transfer to Southern Lincoln County. Sublette County is expanding landfill services in cells (cost is \$16,000,000) and has stated they are probably the best location regionally, incinerator at Elk Refuge; Workers' Compensation – show in support; Territorial Jurisdiction referencing WS §18-5-201-b and County Comp Plans.
- B. Natalia Macker gave updates on WCCA: Health Committee – prevention, understanding best practices, statewide coordination, Title 25 – have Health Department be part of process, potential legislation for Counties to sign up for State Health Care Pool; Road issue with Washakie County was not discussed – regulating/limiting traffic on county roads.
- C. Keith Gingery gave an update on the Balkanski BOE appeal from 2017 – dismissed due to not filing in a timely manner; brief filed in Coroner case, executive session on October 8 for litigation.
- D. Greg Epstein had no updates.
- E. Smokey Rhea had no updates.
- F. Mark Newcomb had no updates.

The meeting recessed at 10:51am and reconvened at 11:03am

Workshop – New Non LDR Rules

Keith Gingery, Senior Deputy Attorney, started with an explanation of what these rules are and the procedure to implement, Wyoming Administrative Procedure Act (APA), format of these non LDR rules(same as Wyoming Statutes), small waste water rules are not ready to add to book yet, walkthrough of the Titles in the non LDR rules book, prior to this non LDR Rules book there was not one location to find the non LDR Rules of Teton County.

- Title 1 – Facilities
- Title 2 – Procurement
- Title 3 – Road Access and Utilities
- Title 4 – Liquor License
- Title 5 – Animal Regulations
- Title 6 – Contested Case Rules
- Title 7 – Meeting Rules
- Title 8 – Pathways
- Title 9 – Small Wastewater

Title 1 – Facilities

Lauren Long, Director of General Services, addressed the Board regarding Title 1, Chapter 2, Section 1-2-2, romanette xi – The use of alcoholic beverages is not permitted in county buildings or facilities. with the exception of the Teton County Library if authorized by the Teton County Library Board (limited to no more than one (1), after hours-hours event per year), or, the Teton County Fairgrounds, and the Teton County Fair Exhibit Hall, if authorized by the Teton County Board of County Commissioners.

Discussion between Board and staff included where the number of uses came from, why was the SAR building not included, development of this policy was discussed with the Library Director and Library Board not the Library Foundation, original recommendation of no alcohol from any county facilities, event with alcohol should have additional insurance, county insurance covers liability if all rules are followed.

On behalf of the Library Foundation, Karen Terra, Pauline Towers-Dykeman, and Judy Opatrny addressed the Board regarding the “fun stuff” at the library including fundraisers with the serving of alcohol. The spontaneity of special events is essential. The Foundation is requesting “not to exceed” three events per year allowing alcohol.

Missy Falcey, on behalf of the Search and Rescue Foundation, addressed the Board regarding holding their annual fundraiser at the SAR Hangar. They would like to same consideration as the Library Foundation in requesting “not to exceed” three events per year allowing alcohol. Possible consideration of transportation plan for larger events.

Title 4 – Liquor License

Mr. Gingery addressed the Board regarding Title 4, Chapter 3, Section 4-3-3 options. Option A is from the Board of Health and Option B is what the Town of Jackson adopted.

4-3-3 RESPONSIBLE BEVERAGE SERVER TRAINING (Option A – Mandatory Training)

- a. All persons employed at any licensee business operating with a liquor license issued by Teton County who are engaged in the selling or serving of alcoholic beverages or the managing thereof (hereinafter referred to as an “alcohol server staff”), shall successfully complete an alcohol server training program as approved by Wyoming Statute §12-2-402, within ninety (90) days of the start of their employment, or the effective date of this rule, whichever is later, and shall keep the certification in good standing for so long as serving alcoholic beverages.
- b. All certificates of completion of alcohol server training shall be valid for 3 years. All alcohol server staff shall renew and complete their responsible beverage server training renewal prior to the 3-year expiration period.
- c. Every licensee shall maintain a server training record for all alcohol server staff, including their date of hire, and proof that each of them has successfully completed the alcohol server training required, and any renewals to maintain their certification. Every licensee shall keep the server training records available for review and copying at any time that the licensed establishment is open.
- d. No alcohol server staff shall consume alcohol while serving or selling alcohol to the public.
- e. Any violation of the section shall be deemed a violation of the liquor license or permit and shall be considered in Section 6-3-1 as grounds for denial for the annual renewal of the license.

4-3-3 COMPLIANCE CHECKS (Option B – Town of Jackson Model)

- a. Compliance checks shall be conducted by the Teton County Sheriff in accordance with Wyoming Statute §12-6-103 and Department of Health Rules and Regulations.
- b. Should a business fail an initial, consecutive, or cumulative compliance check as conducted by law enforcement for the purposes of checking compliance with Wyoming liquor laws, in addition to constituting a basis for nonrenewal;
 - i. On the first compliance check failure, the business shall be required to have the employee failing the compliance check attend a four (4) hour TIPS (Training for Intervention Procedures) or RBST (Responsible Beverage Server Training) approved by the Teton County Sheriff or the Wyoming Liquor Division, within thirty (30) days of failing the compliance check.
 - ii. On a second compliance check failure within twelve (12) months of the first compliance check failure, the business shall be required to have all of its employees who serve alcohol attend a four (4) hour TIPS/RBST (approved by the Teton County Sheriff or Wyoming Liquor Division) training within thirty (30) days of failing the compliance check.
 - iii. If a business fails a third compliance check within twelve (12) months of the first compliance check failure, the business shall be suspended for one hundred twenty (120) days. A Suspension Hearing shall be held as outlined above in 6-3-2. Record of compliance check failures as presented by the Teton County Sheriff shall be prima facie evidence of compliance check failures.
 - iv. If a business fails five (5) compliance checks in a twenty-four (24) month period, revocation proceedings shall be filed against the license holder in the District Court.

On behalf of the Board of Health, Joe Burke addressed the Board regarding the options presented: Option A - Responsible Beverage Server Training and Option B – Compliance Checks. Option A seems to be most effective according to national research compiled by Dr. Riddell.

Discussion between the Board and staff included the local industrywide opposition to the Town model. The Responsible Beverage Server Training is the industry standard. Town police will provide the training (4 hours) and grant funds will pay for the training manuals. County cannot mandate compliance checks. Training certificate is transferable from out of state – nationwide program.

Mr. Gingery addressed the Board regarding Title 4, Chapter 4, Section 4-4-1.

SELLING OF OPEN CONTAINER DRINKS

a. All open container alcoholic drinks sold at a retail liquor establishment shall be sealed in a container. The type of seal used shall be at the discretion of the retail liquor establishment but must be designed as to be obvious as to whether the seal has been broken and that it is not possible to drink from the container so long as the seal is in place.

b. All retail liquor establishments selling open container drinks must post a sign stating the following: "OPEN CONTAINERS ARE NOT PERMITTED IN A VEHICLE. SEAL MUST REMAIN ON ALL OPEN CONTAINER DRINKS WHILE IN A MOVING VEHICLE"

Discussion between the Board and staff included extra garbage and plastic, no resolution was voted on, liquor establishments will decide on the best method to reduce garbage, serving alcohol is a responsibility not a right, training should be mandatory, compromise for seasonal workforce.

Michele Weber, Jackson Police Department, addressed the Board regarding the current training cost is \$85 but is paid for by the Board of Health, offered three times per month, four sworn/non-sworn employees who are able to provide training.

Matt Carr, Undersheriff, addressed the Board regarding the SAR Foundation and stated the Sheriff's Office does not support the use of alcohol at the SAR building. They do support the public events at the SAR building. The Sheriff's Office does have trained personnel to do the TIPS training.

Discussion between the Board and staff included open containers and Wyoming State Statute.

Mr. Gingery explained the process for the 45-day public notice and a hearing in December.

ADJOURN

A motion was made by Commissioner Macker and seconded by Commissioner Vogelheim to adjourn. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 12:07pm.

Respectfully submitted: kah

TETON COUNTY BOARD OF COMMISSIONERS

Mark Newcomb, Chair

Natalia D. Macker, Vice-Chair

Greg Epstein

Paul Vogelheim

Kathleen "Smokey" Rhea

ATTEST:

Sherry L. Daigle, County Clerk

TETON COUNTY CLERK'S OFFICE 09-24-2018 WARRANTS

Warrant Number	Name	Amount
364698	ABI ATTACHMENTS INC.	7,218.00
364699	ACTION EXCAVATION LLC	8,723.82
364700	ALAN'S WELDING	27.93
364701	AMAZON CAPITAL SERVICES, INC.	624.78
364702	ANN ADAIR ESSARY FLYNT	720.00
364703	ANK CORPORATION	7,002.01
364704	ANGEL'S PAINTING LLC	3,748.50
364705	ANDREW ROUNDY	66.57
364706	ANDY ZIMMERMAN	13.01
364707	ARROW INTERNATIONAL INC.	562.50
364708	ARLEEN WERMUTH	52.50
364709	AT&T	2,118.79
364710	AT&T MOBILITY	3,011.03
364711	BOB BARKER COMPANY, INC.	390.88

364712	BONNEVILLE COUNTY SOLID WASTE	116,194.50
364713	BOUNDTREE MEDICAL	707.28
364714	C&A PROFESSIONAL CLEANING LLC	2,978.53
364715	cbm MANAGED SERVICES	6,740.00
364716	CDW GOVERNMENT, INC.	3,929.17
364717	CENTURYLINK	2,917.81
364718	CLARKS' BROADWAY AUTO PARTS, LLC	107.03
364719	COUGAR FUND	650.00
364720	CUSTOM CARE PEST SERVICES INC.	23,735.00
364721	CUMMINS INC.	4,489.94
364722	CURLING CONE INC, DAIRY QUEEN	431.18
364723	DBR, INC.	1,762.55
364724	DEBORAH MEAGHER	43.98
364725	DEPARTMENT OF WORKFORCE SERVICES	51,068.51
364726	DAKOTA JAY BLEDSOE	3,178.96
364727	ELECTION SYSTEMS & SOFTWARE, INC	661.50
364728	ENERGY 1 LLC	1,271.24
364729	E.R. OFFICE EXPRESS INC.	2,004.42
364730	FIRE SERVICES OF IDAHO INC.	295.00
364731	GOLDER ASSOCIATES INC	76,961.15
364732	GREAT AMERICA FINANCIAL SERVICES	115.00
364733	GREENWAY PAINTING LLC	4,770.00
364734	GREENWOOD MAPPING, INC	4,960.00
364735	HEISE HOT SPRINGS INC.	138.00
364736	JACK HUTCHESON	220.35
364737	JACKSON HOLE CHILDREN'S MUSEUM INC.	1,250.00
364738	JH HIST.SOCIETY AND MUSEUM	850.00
364739	JH OUTDOOR LEADERSHIP INST INC	2,125.00
364740	JACKSON HOLE ROTARY	4,740.18
364741	JORDYN MCDOUGALL	470.88
364742	LASER XPRESS	315.00
364743	LOGAN EYER	120.00
364744	LOWER VALLEY ENERGY	54.76
364745	MAMMUT SPORTS GROUP INC.	11,036.32
364746	MERIDIAN ENGINEERING P.C.	3,892.43
364747	MIDGLEY-HUBER, INC	71.75
364748	MITCHELL & MCCORMICK INC.	125.00
364749	MONTANA CIVIL CONTRACTORS INC.	402,877.28
364750	MODULAR SPACE CORPORATION	465.08
364751	ON GRADE BLADE SERVICE, LLC	4,092.35
364752	PINE COVE CONSULTING LLC	2,244.24
364753	PINE NEEDLE EMBROIDERY	553.70
364754	PLAINSMAN PRINTING & SUPPLY	1,557.08
364755	PRIORITY HEALTHCARE DIST	873.80
364756	RED'S AUTO GLASS	40.00
364757	REVOLUTION TIRE RECYLING LLC	450.00
364758	RIDGELINE EXCAVATION INC.	10,255.54
364759	RMAF	150.00
364760	SANOFI PASTEUR INC.	8,446.98
364761	SHERRY L.DAIGLE	776.75
364762	STAPLES CREDIT PLAN	93.53
364763	STERICYCLE, INC.	262.83
364764	STEPHEN WEICHMAN	174.40
364765	STATE OF WY ENTERPRISE TECH SERVICE	12.76
364766	TETON COUNTY ENVIRONMENTAL HEALTH	95.00
364767	TETON COUNTY HOUSING AUTHORITY	50.00
364768	TETON COUNTY TREASURER	44,764.14
364769	TETON COUNTY TREASURER	76,569.06
364770	TETON MEDIA WORKS INC.	73.36
364771	TETON SIGNS LLC	437.50
364772	THE LOCKSMITHS	89.00
364773	THOMSON REUTERS	325.00
364774	TRANAMERICA LIFE INSURANCE COMPANY	1,519.70
364775	VALLEY OFFICE SYSTEMS	12.00
364776	VERIZON WIRELESS	40.01
364777	VISA	1,272.44
364778	WATSABAUGH EXCAVATION, INC.	7,205.43
364779	WEST BANK SANITATION	28,041.32
364780	WHITE GLOVE PROFESSIONAL CLEANING	2,076.83
364781	WYOMING DEPT OF HEALTH	233.33
364782	WYOMING GAL PROGRAM	2,817.21
364783	WYOMING STAR GAZING	600.00
364784	XEROX FINANCIAL SERVICES	231.15
364785	XEROX CORPORATION	280.78
364786	YELLOW IRON EXCAVATING, LLC	7,159.46

