

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

The Teton County Board of Commissioners met in regular session on **October 21, 2019** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 9:08am.

Commission present: Natalia Macker Chair, Greg Epstein Vice-Chair, Mark Barron, Mark Newcomb, and Luther Propst.

**ADOPT AGENDA**

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to adopt today's agenda as it stands. Chair Macker 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 Propst and seconded by Commissioner Epstein to approve the October 21, 2019 county voucher run in the amount of \$1,596,717.35. Chair Macker called for a vote. The vote showed all in favor and the motion carried.

2. Consideration of Administrative Items

- a. 24-Hour Liquor Permits – There were none.
- b. SLIB Drawdowns – There were none.
- c. Tax Roll Corrections
  - i. 01-003073 / Becker, Frank – Personal Property - \$180.55
  - ii. 01-008036 / PNC Equipment Finance LLC – Personal Property - \$11.68
  - iii. 01-008037 / PNC Equipment Finance LLC – Personal Property - \$56.06
  - iv. OJ-006116 / Dental Care of Jackson Hole – Personal Property - \$5,560.37
  - v. 02-000327 / Kent's Korner Limited – Real Property - \$3,324.84
  - vi. 02-000952 / Triple Creek LLC – Real Property - \$10,581.88
  - vii. OJ-008178 / Jackson/Teton County Housing Authority – Real Property - \$5,479.98
  - viii. 05-000790 / Alta Legacy Partners LLC – Real Property - \$1,355.57
  - ix. 02-001647 / Gray, Joshua B 2011 GST Trust – Real Property - \$5,391.54

A motion was made by Commissioner Epstein and seconded by Commissioner Propst to approve the tax roll corrections for Frank Becker, PNC Equipment Finance LLC, Dental Care of Jackson Hole, Kent's Korner Limited, Triple Creek LLC, Jackson/Teton County Housing Authority, Alta Legacy Partners LLC, and Joshua B. Gray 2011 GST Trust, totaling \$31,942.47. Chair Macker called for a vote. The vote showed all in favor and the motion carried.

- d. Human Service/Community Development Contracts for Service – There were none.
- e. Special Events Permits – Applications Pending *(for informational purposes, no action taken)*
  - i. Fire in the Mountains: Date – July 10, 2020 – July 12, 2020; Location- Land owned by the Buffalo Valley Land & Cattle, LLC and Operated by Heart 6 Ranch, LLC. Attendees- expect 1,400 people to attend, with a 30% contingency. This means we are financially forecasting for 1,400 people, but we will not sell more than 1,900 tickets ahead of the event date. An absolute cut-off of 2,000 attendees will be strictly enforced. Full planning, infrastructure, staffing and security will be provided for a maximum capacity of 2,000 attendees.

3. Consideration of Proposed Outgoing Commissioner Correspondence

There was no outgoing correspondence.

**EXECUTIVE SESSION**

At 9:11am, motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to enter 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 and pursuant to Wyoming Statute §16-4-405(a)(iii) on matters concerning **litigation** to which the governing body is a party or proposed litigation to which the governing body may be a party. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

Commission present: Natalia Macker, Greg Epstein, Mark Barron, Mark Newcomb, and Luther Propst

Others present: Sherry Daigle, Keith Gingery, and Brett McPeak (via phone)

A motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to exit into executive session. Chair Macker called for the vote. The vote showed all in favor and the motion carried. The Board exited the executive session at 9:26am.

No action was taken during executive session.

A motion was made by Commissioner Epstein and seconded by Commissioner Propst to direct our County Attorney

and Real Estate Agent to proceed as discussed in executive session. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

## DISCUSSION ITEMS

### 1. Known Matters for Discussion

#### A. Squaw Creek Road Discussion

Dave Gustafson, Road & Levee Manager, presented an update to the Board on the Squaw Creek Road adoption as requested during the May 20, 2019 workshop. The BCC requested the following information:

1) Does a "Memorandum of Understanding" (MOU) exist between the MacKenzie Family and Teton County for the use of the MacKenzie Fire Suppression System?

Yes, an MOU was signed in September 2011 between Jackson Hole Fire/EMS and the MacKenzie Family. The MOU is attached for review.

2) What have the Squaw Creek residents spent on road maintenance/improvements?

2015-2019- \$85,815.95

1983-2014- \$313,009.21 (Information provided by South Squaw Creek ISD)

3) Existing and potential Squaw Creek development.

Teton County Planning Department provided the following data:

"Currently 97 parcels

Occupied- 80 parcels (80 single-family homes and 8 Accessory Res Units)

Additional Potential per Zoning: 17 single-family homes and 89 Accessory Res Units

Additional Potential per Family Exempt Subdivision: 33 of the existing lots are unplatted and not smaller than 5 acres as a result of a prior family subdivision so they could be divided further. There is no minimum lot size so it is unknown how many lots could result from Family Exempt Subdivision."

4) Road Exception History.

In early 2009, the MacKenzies submitted a Roadway Exception Request to then County Engineer Jeff Hermansky. Mr. Hermansky denied the request without review of the application (June 4, 2009). In his denial letter, he suggested the variance process was more appropriate for staff and public to review the road issues.

In late 2009, Stefan Fodor, on behalf of the MacKenzie Family, re-opened discussions with then County Engineer Sean O'Malley, former Planning Director Jeff Daugherty, and former County Attorney Jim Radda. All parties recognized that topography, lack of a roadway improvement district, and ownership issues would prevent Squaw Creek Road from meeting current roadway standards. However, the parties also agreed there were avenues available to improve safety for all Game Creek/Squaw Creek residents. The County Engineer suggested the MacKenzies resubmit a Roadway Exception Request with proposed safety enhancements. The MacKenzies subsequently resubmitted and offered two safety mitigation items in their Roadway Exception Request application: access to the MacKenzie water well by Teton County Fire & EMS; and, creation of an initial \$100,000 escrow account by the MacKenzie Family for road maintenance.

On September 20, 2011, the Teton County Board of County Commissioners approved the creation of an escrow account at First American Title Company to hold these road funds and authorized the Fire Chief to sign the MOU with the Mackenzies with respect to Fire/EMS access to the water storage tanks. On September 28, 2011, the MacKenzie family made the initial deposit of \$25,000 to the escrow account at First American Title Company. On November 1, 2011, the County Engineer approved the Roadway Exception Request.

5) Improvement Service District (ISD)/Escrow Account Status.

ISD formation was required by November 1, 2016 to access the MacKenzie escrow account. Homeowners in the Squaw Creek Draw and Hayfields areas formed an ISD, with hopes of accessing the escrow funds. The ISD was comprised of a small percentage of lots in Game Creek/Squaw Creek and thus was ineligible for the escrow funds. Since an acceptable ISD was not formed by Nov. 1, 2016, the escrow account was dissolved.

6) County Road Adoption Guidelines.

General guidelines for County road adoption consideration are as follows:

- a. Wyoming State Statute 24-3-101 provides general guidance for County road adoption. The statute includes appointment of a "Viewer", adoption by resolution, survey and recording requirements, and public notification.
- b. Serve multiple subdivisions.
- c. Provide access to public lands.
- d. Meet County road standards.
- e. School bus route.

Public comment was given by Sandy Shuptrine, Chip Marvin, Diana Osuna, and Chris Thompson.

There was discussion among the Board, staff, and the Squaw Creek residents.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to direct staff to acquire the easements, affirm the road safety issues outlined in Alternative B, and to assume the permanent access to the well that is referenced in the MOU with the Mackenzie Family document. Chair Macker called for the vote. The vote showed 4-1 in favor with Commissioner Newcomb opposed and the motion carried.

The meeting was recessed at 10:21am and reconvened at 10:28am.

**MATTERS FROM COMMISSIONERS**

- 1. **Calendar Review.** The Board reviewed their weekly calendars.

**DISCUSSION ITEMS (continued)**

1. Known Matters for Discussion

- B. 2020 BCC Meeting Dates Discussion

Sherry Daigle, County Clerk, presented to the Board for discussion the proposed 2020 BCC meeting schedule.

2. Other Matters for Discussion

There were none.

**MATTERS FROM COMMISSIONERS (continued)**

2. **Commission updates**

- A. Mark Newcomb gave an update on the Library Board – Library Director identified using the County IT Department was not working as well as it could, IT staffing for the Library/County IT.
- B. Natalia Macker had no updates.
- C. Greg Epstein had no updates.
- D. Mark Barron had no updates.
- E. Luther Propst had no updates.

**ADJOURN**

A motion was made by Commissioner Barron and seconded by Commissioner Newcomb to adjourn. Chair Macker called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 10:37am.

Respectfully submitted,  
Shelley Fairbanks  
Deputy County Clerk

TETON COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Natalia D. Macker, Chair

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Greg Epstein, Vice-Chair

\_\_\_\_\_  
Mark Barron

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Mark Newcomb

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Luther Propst

ATTEST:

\_\_\_\_\_  
Sherry L. Daigle, County Clerk

**TETON COUNTY CLERK'S OFFICE  
10-21-2019 WARRANTS**

<b>Warrant Number</b>	<b>Name</b>	<b>Amount</b>
381464	502 MEDIA GROUP LLC	720.00
381465	ABF PROFESSIONAL CLEANING INC.	7,542.80
381466	ACTION EXCAVATION LLC	16,515.00
381467	ACE HARDWARE	1,075.73
381468	AIRGAS USA LLC	36.12
381469	ALLEGIANCE BENEFIT PLAN MGMT	66,141.71
381470	ALBERTSONS/SAFEWAY	419.31

381471	ALMA J & NADA K DUERSCH LIVING TRUS	9,500.00
381472	ALPHAGRAPHICS	519.00
381473	AMERICAN SHOOTERS LAS VEGAS	283.00
381474	AMY YATSUK	24.33
381475	ANK CORPORATION	6,625.00
381476	APCO INTERNATIONAL,INC.	339.00
381477	ARCHITECTURAL BUILDING SUPPLY	94.50
381478	ARNOLD MACHINERY COMPANY	1,147.63
381479	ASHLEY POTZERNITZ	126.23
381480	ASPENS WATER & SEWER DISTRICT	108.73
381481	BOUNDTREE MEDICAL	187.82
381482	BRADLEY ENGINEERING/CHARTERED	236.50
381483	BRIAN SCHILLING	51.98
381484	CASCADE RESCUE	98.08
381485	CANYON TRUCKING	897.50
381486	CENTURYLINK	2,678.32
381487	CHILDREN'S LEARNING CENTER	3,575.00
381488	CMC RESCUE INC.	1,710.00
381489	COUGAR FUND	680.00
381490	CREATIVE ENERGIES LLC	85.14
381491	CTA INC	252.09
381492	CUMMINS SOUTHWEST LLC	607.89
381493	DBR, INC.	1,786.77
381494	DESERT MOUNTAIN COPRORATION	8,028.83
381495	DICK MAY WELDING INC.	195.00
381496	DUDE SOLUTIONS INC.	254.17
381497	BRENT BLUE DBA EMERG-A-CARE	295.00
381498	E.R. OFFICE EXPRESS INC.	2,641.08
381499	FIREHOUSE FABRICATIONS INC.	2,750.00
381500	GLEN OWINGS	76.18
381501	GLAXOSMITHKLINE PHARMACEUTICALS	1,440.60
381502	GOVTEMPSUSA LLC	10,888.50
381503	GRAINGER	351.00
381504	HANNAH KENNEDY	272.20
381505	HARRIS MOUNTAIN WEST LLC	4,970.00
381506	HIGH COUNTRY LINEN SUPPLY LLC	1,063.95
381507	TIMOTHY I HOFLAND	1,097.00
381508	HUB INT'L MOUNTAIN STATES LTD	100.00
381509	IDAHO COMMUNICATIONS LLC	780.00
381510	INTERSTATE BILLING SERVICE INC.	479.59
381511	INFINITY SOFTWARE INC.	1,255.60
381512	JACK'S TIRE & OIL INC.	584.49
381513	JACKSON CURBSIDE, INC	1,914.00
381514	JACKSON LUMBER	1,040.05
381515	JACKSON WHOLE GROCER	48.33
381516	JENNY BARBERA	118.54
381517	JEFFERSON COUNTY SOLID WASTE	2,723.22
381518	JENNIFER SIMMERS	52.50
381519	JH20 WATER CONDITIONING & FILTRATIO	229.95
381520	JHYB	11,280.00
381521	JORGENSEN ASSOCIATES PC	795.25
381522	KEITH SBIRAL	1,749.32
381523	KLINE, MCCORKLE & PILGER LLP	6,740.00
381524	KOMATSU EQUIPMENT	290.29
381525	LAWNGEVITY	195.00
381526	LINCOLN COUNTY CLERK	36.00
381527	LION	963.98
381528	LILY SULLIVAN	231.39
381529	LOOKOUT MOUNTAIN LOGOWEAR	1,412.18
381530	LOWER VALLEY ENERGY	7,771.43
381531	LOWER VALLEY ENERGY	11,343.36
381532	MATTHEW BENDER & CO.,INC.	359.61
381533	MAILFINANCE	244.83

381534	MERIDIAN ENGINEERING P.C.	5,630.85
381535	MERCK SHARP & DOHME CORP.	962.17
381536	MILLER SANITATION	2,030.00
381537	MOTOROLA INC	4,926.14
381538	NATIONAL EMERGENCY NUMBER ASSOC.	700.00
381539	NAVITUS HEALTH SOLUTIONS, LLC	18,745.45
381540	NATIONAL BUSINESS SYSTEMS INC.	1,000.00
381541	NELSON ENGINEERING COMPANY	1,682.00
381542	NOAH BARNHART	32.00
381543	O'RYAN CLEANERS	619.40
381544	PLUMBING ANYTIME INC.	16,048.52
381545	PORTERS OFFICE PRODUCTS	260.92
381546	PRO BALER SERVICES INC.	184.62
381547	RAINMAKER COACHING LLC	200.00
381548	RICOH USA, INC.	159.00
381549	RIDGELINE EXCAVATION INC.	318,539.48
381550	RAFTER J IMPROVEMENT & SERVICE DIST	215.40
381551	RMAF	150.00
381552	ROCKY MOUNTAIN COMPETITIVE SOLUTION	72.51
381553	ROCKY MOUNTAIN OILFIELD WAREHOUSE	4,179.00
381554	RSCI	647,882.89
381555	SANOFI PASTEUR INC.	6,387.01
381556	SHERVIN'S INDEP. OIL	36.04
381557	PVH CORP.	433.56
381558	STATION 22 ACCOUNTS RECEIVABLE	158.78
381559	STREET TACOS LLC	275.00
381560	TBRA	131.00
381561	TETON COUNTY 4-H COUNCIL	460.00
381562	TETON COUNTY CIRCUIT COURT	41.00
381563	TETON COUNTY CLERK	12.00
381564	TETON COUNTY CLERK	15.00
381565	TETON COUNTY TREASURER	71,986.99
381566	TETON COUNTY TRANSFER STATION	295.00
381567	TETON COUNTY TREASURER	164,926.26
381568	TETON COURIER	75.00
381569	TETON MEDIA WORKS INC.	288.00
381570	R&L HOLDING'S INC.	1,527.29
381571	TIAA COMMERCIAL FINANCE INC	208.36
381572	TOWN OF JACKSON	2,251.43
381573	TOWN OF JACKSON	10,272.98
381574	TOWN OF JACKSON	1,048.23
381575	TOWN OF JACKSON	18,429.80
381576	TETON VILLAGE W&S	3.96
381577	VICKI CARPENTER	887.89
381578	VICKI ROSENBERG, PHN	767.72
381579	VISA	1,740.02
381580	VWR INTERNATIONAL LLC	94.51
381581	WATSABAUGH EXCAVATION, INC.	10,491.33
381582	WARREN PENNICK	72.50
381583	WEST BANK SANITATION	33,309.47
381584	WESTWOOD CURTIS CONSTRUCTION INC	2,500.00
381585	WEST PAYMENT CENTER	1,058.40
381586	WESTERN TRANSPORT INC.	675.30
381587	WHITE GLOVE PROFESSIONAL CLEANING	1,330.00
381588	WHEELING PARK COMMISSION	1,792.74
381589	WILSON SEWER DISTRICT	216.00
381590	WILLIAM R. SMITH M.D.	250.00
381591	WY DEPARTMENT OF HEALTH	274.50
381592	WYO STATE 4-H FOUNDATION	100.00
381593	WYOMING STARGAZING	680.00
381594	XEROX CORPORATION	761.52
381595	Y2 CONSULTANTS LLC	17,015.00
381596	YELLOW IRON EXCAVATING, LLC	7,388.56

