

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

The Teton County Board of Commissioners met in regular session on **November 10, 2020** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 9:02 a.m. and the Pledge of Allegiance was recited.

ROLL CALL

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

ADOPTION OF AGENDA

A motion was made by Commissioner Epstein and seconded by Commissioner Propst 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 Epstein and seconded by Commissioner Barron to approve the minutes for meetings dated 10-12-2020, 10-19-2020, 10-20-2020, 10-23-2020, 10-26-2020 10-26-2020 (Spc) and 11-02-202. 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 Epstein to place the following Matters from Staff on a Consent Agenda:

1. Consideration of A Contract for Electronic Waste Recycling and Disposal
3. Consideration of Contract for Copier Lease
4. Consideration of Contract for IT Cloud Storage
5. Consideration of Contract Approval for Westbank Pathway Winter Snow Removal
6. Consideration of Revised Fair Board By-Laws
7. Approval of Increase in Bond from Contractor for Fire Station 1
9. Consideration of Contract for New County Firewall
10. Consideration of Approval for EMP Funds for Recreation Center Heat Exchanger
13. Consideration of Cooperative Law Enforcement Agreement Between Teton County Sheriff and Bridger Teton National Forest

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 A Contract for Electronic Waste Recycling and Disposal

To approve the Contract with I.T. Refresh for the recycling of electronic waste for an estimated annual cost of \$33,800 in FY2021.

3. Consideration of Contract for Copier Lease

To approve the lease agreement from Rocky Mountain Competitive Solutions between Teton County for copiers and service in the amount of \$12,618.24

4. Consideration of Contract for IT Cloud Storage

To approve the agreement with Performative for cloud storage space for 36 months at a monthly cost of \$115.00.

5. Consideration of Contract Approval for Westbank Pathway Winter Snow Removal

To approve a contract extension of the 2019/2020 Independent Contractor Agreement for West Bank Pathway Snow Removal services to Yellow Iron Excavation for the 2020/2021 winter season with costs not to exceed \$9,500.

6. Consideration of Revised Fair Board By-Laws

To approve the updated Fair Board bylaws as presented.

7. Approval of Increase in Bond from Contractor for Fire Station 1

To approve the increase in the bond from Wapiti Construction for Fire Station #1 from \$6,543,700.00 to \$11,151,145.00

9. Consideration of Contract for New County Firewall

To approve the purchase agreement with Compunet Inc. for installation of a new Palo Alto 3220 firewall in the amount of \$39,009.25.

10. Consideration of Approval for EMP Funds for Recreation Center Heat Exchanger

To approve the use of \$22,400 in Energy Mitigation Program (EMP) Funds to replace five (5) heat exchangers at the Recreation Center.

13. Consideration of Cooperative Law Enforcement Agreement Between Teton County Sheriff and Bridger Teton National Forest

To approve Cooperative Law Enforcement Annual Operating Plan and Financial Plan between the Teton County Sheriff's Office and the Bridger Teton National Forest for Federal FY 21.

DIRECT CORRESPONDENCE

1. Andrew Bowen 10/15/2020 email regarding Notice of Conditional Use Permit Application
2. Joseph Larrow 10/15/2020 email regarding Confluence of the Hoback and Snake River
3. Jennifer Kronberger 10/16/2020 email regarding Teton Land Trust
4. Brian Schilling 10/16/2020 email regarding Teton Mobility Project Update
5. Jennifer Kronberger 10/19/2020 email regarding Teton Trust Land Ideas
6. Gloria Courser 10/19/2020 email regarding Anecdotal Evidence on masks
7. Anton Wahlman 10/19/2020 email regarding Anecdotal Evidence on Effect of Masks
8. Anton Wahlman 10/19/2020 email regarding Additional Evidence on Effect of Masks
9. Gloria Courser 10/19/2020 email regarding Additional Evidence on Effect of Masks
10. Heidi Leeds 10/19/2020 email regarding Oct. 26 Agenda Request
11. Kelsea Moorman 10/21/2020 email regarding Hunting Access on BLM Parcels
12. Nancy Leon 10/21/2020 email regarding Speeds on HWY 390
13. Sami Robinson 10/21/2020 email regarding Speeds on HWY 390
14. Charlie Gulotta 10/21/2020 email regarding Speed on HWY 390
15. Johathan Schechter 10/21/2020 email regarding Guest Shot for October 21 - JHN&G
16. Roger Dotson 10/21/2020 email regarding Moulton Loop RD - Title 24-01-104 Question
17. Jared Baecker 10/21/2020 email regarding BLM Parcel Trespassing Sign
18. Mike Yin 10/21/2020 email regarding Short Budget/Fiscal Update XXVIII
19. Chris Moran 10/21/2020 email regarding Teton County Library
20. Megan Kohli 10/21/2020 email regarding Teton County Library
21. Dina Mishev 10/21/2020 email regarding Teton County Library
22. Nathan Lee 10/21/2020 email regarding Local Gov Short Survey
23. Connie Wieneke 10/21/2020 email regarding Teton County Library
24. Matt Faupel 10/21/2020 email regarding Historic Preservation
25. Steve Feldman 10/21/2020 email regarding Speeds on HWY 390
26. Alpenhof Lodge Associates 10/22/2020 email regarding New Appeal
27. Christine Murdoch 10/22/2020 email regarding Speeds on HWY 390
28. Dan Brophy 10/22/2020 email regarding Teton County Elections
29. Kathleen Osterman-Meisner 10/22/2020 email regarding Teton County Library
30. Paul Hansen 10/22/2020 email regarding Suggested Enforcement of Mask Order
31. Kelsea Moorman 10/22/2020 email regarding Hunting Access on BLM Parcels
32. John Vehr 10/23/2020 email regarding Village Road Speeds/Animal Deaths
33. James Derrico 10/23/2020 email regarding Mouton Loop Road Paving
34. Lori Iverson 10/23/2020 email regarding Teton County Library

35. Leonard Carlman 10/23/2020 email regarding Comment letter for WYDOT Snake river Bridge Project
36. Act Now JH 10/23/2020 email regarding Mayor Allegations, etc
37. Andrew H Chekian 10/23/2020 email regarding Speeds on Highway 390
38. A concerned citizen 10/26/2020 letter regarding Current County Office Hours vs Hours in State Statute
39. Mark Sullivan 10/23/2020 email regarding State Trust Lands Proposals Comments
40. Paul Hansen 10/23/2020 email regarding HWY 390 Wildlife-Vehicle Collissions
41. Paul Hansen 10/23/2020 email regarding WYDOT Speed Study
42. Jared Baecker 10/25/2020 email regarding Snake River Fund
43. Renee Seidler 10/25/2020 email regarding WYDOT Speed Study
44. Tim Young 10/25/2020 email regarding WYDOT HWY 390 Speed Study
45. Bob Tschetter 10/26/2020 email regarding HWY 390 Speeds
46. Murdoch 10/26/2020 email regarding HWY 390 Speeds
47. Nick Hines 10/26/2020 email regarding Snake River Fund
48. Joseph Bolton 10/26/2020 email regarding Fire Station 1 Construction Update
49. Chi Melville 10/26/2020 email regarding Commissioner's Meeting with Jay Pence
50. Chi Melville 10/26/2020 email regarding HWY 390 Speeds
51. Andrea Rosenthal 10/27/2020 email regarding JH Daily Article RE: T.C. Library
52. Karen Terra 10/27/2020 email regarding Teton County Library
53. Act Now JH 10/27/2020 email regarding Clarification to previous letter
54. Kate Fatter 10/27/2020 email regarding START Bus Travel from Victor
55. Carolyn Ripps 10/27/2020 email regarding Letter in support of Teton County Library
56. Jonathan Schechter 10/27/2020 email regarding Info on START Budget
57. Lori Clark-Erickson 10/27/2020 email regarding Teton County Library
58. Chi Melville 10/28/2020 email regarding Cooperating Agency Satus
59. Dallas Christian 10/28/2020 email regarding County Offices/Hours
60. Anton Walman 10/29/2020 email regarding Anecdotal Evidence on Masks cont.
61. Michael Schrotz 10/29/2020 email regarding Lands FY22 Support Letter
62. Gary Kofinas 10/29/2020 email regarding Public Access to Teton Pass
63. Allison Bergh 10/29/2020 email regarding RFP Committee Clarifications/Requests
64. Anton Wahlman 10/29/2020 email regarding Charts and Stats on Mask Ineffectuality
65. "What We Think We Become" 10/30/2020 email regarding Mayor Muldoon
66. Department of the Army 11/3/2020 email regarding Levee Project
67. Anton Wahlman 10/30/2020 email regarding Anecdotal Evidence on Masks
68. June McCollister 11/2/2020 email regarding Teton County Library
69. Tim Young 11/2/2020 email regarding Comment on Comp Plan and ITP
70. Wayne Grim 11/3/2020 email regarding COVID-19 Recovery Slowed by County Actions
71. Lauren Dickey 11/3/2020 email regarding Teton County Library
72. Brooke Sausser 11/3/2020 email regarding Comments on the Integrate Transportation Plan Update
73. Mark Sullivan 11/3/2020 email regarding Comments Regarding Granite Ridge Parking
74. Frances H. Clark 11/3/2020 email regarding Teton County Library
75. Debra Patla 11/3/2020 email regarding Dog Kennel At Heart Six In Buffalo Valley

PUBLIC COMMENT

Public comment was given by Commissioner Barron regarding an announcement that American Legion Post #43 will be performing the Veterans Day Ceremony at the town square at 11:00 a.m.

Public comment was given by Chris Neubecker, Director of Planning and Building Services, to introduce the new Principal Long-Range Planner, Ryan Hostetter.

Public comment was given by Ben Manzano regarding public water systems and water quality

Public comment was given by Sale Rhodes regarding water quality.

Public comment was given by Joseph Smith regarding water quality.

MATTERS FROM COMMISSION AND STAFF:

2. Consideration of RFP For Horizontal Infrastructure and Site Design for 445 East Kelley Avenue

April Norton, Housing Director, presented to the Board for consideration of approval a Request for Proposals for Horizontal Infrastructure, Planning & Design for 445 E. Kelly Ave.

Teton County purchased 445 East Kelly Avenue in June 2020 for the purpose of developing deed restricted housing. On July 20, 2020, staff brought options for developing the property to the Board. At that meeting, the Board directed staff to work with stakeholders to draft an RFP for horizontal infrastructure and design. The Board asked that the RFP include and/or consider:

- A requirement for two options, with at least one option featuring a “walk-in” courtyard development with parking on the south side of the property.
- Consideration of the preservation of the existing Brown cabin for either future housing or public use
- Enhanced access to the Cache Creek Ditch
- Enhanced pedestrian amenities on the south side

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to direct staff to release the Request for Proposals for Horizontal Infrastructure, Planning and Design as presented today. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

8. Consideration of Approval of SLIB CARES Grant Funding #2 – CONTINUED TO A DATE UNCERTAIN

A motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to continue the grant application for SLIB CARES Act funding to a date uncertain. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

11. Consideration of a Sole Source Contract for Building Demolition at 105 Mercill Avenue

April Norton, Housing Director, presented to the Board for consideration a sole source contract to demolish an existing building and foundation located at 105 Mercill Avenue.

On March 6, 2019 Teton County, through the Jackson/Teton County Housing Department, released a Request for Proposals (“RFP”) to develop Workforce housing at 105 Mercill Avenue. The RFP stated that “the existing buildings located at the site will be moved at no expense to the developer”. At the time the RFP was written there were five buildings on the site: three of the buildings were of historic significance and the Jackson Hole Historical Society & Museum offered to remove them (they have been removed); one building was a log garage that a community member has indicated he will move to his own property; and the third was a cinderblock garage that needed to be demolished. The Board selected Mercill Partners to develop 30 permanently deed restricted homes on the site. Mercill Partners selected GE Johnson to build the development. GE Johnson commenced grading on the site November 2, 2020. This work includes tree removal and creating a new access point for the Children’s Learning Center. Given GE Johnson’s involvement on the site already, staff asked that they provide a quote to remove the remaining cinderblock building on the Northeast portion of the property and the remaining foundation from the Coey Cabin that the JHHSM moved earlier this fall. The quote amount is \$55,956.00 and includes: complete demolition and removal of the existing structure at the North end of the property and removal of any foundations and removal of the Coey Cabin foundation at the South end of the property and grading slopes to ensure safety.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to approve a sole source contract with GE Johnson to demolish the remaining building and foundations located at 105 Mercill Avenue for a not to exceed amount of \$55,956.00. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

12. Consideration of Historic Preservation Board Grant Application – MOVED TO MATTERS FROM COMMISSION.

The meeting recessed at 9:27 a.m. and reconvened at 9:34 a.m.

MATTERS FROM PLANNING AND DEVELOPMENT

- 1. Permit:** DEV2016-0002 - **CONTINUED FROM OCTOBER 6, 2020**
Applicant: AJL DUERSCH, LLC
Presenter: Chandler Windom
Request: Request for a 4-unit Subdivision Planned Residential Development pursuant to Section 2320 of the

4th Printing of the 1994 Land Development Regulations.

Location: The subject property is located east of N State Line Road in Alta. The land is zoned Rural and is not within any overlays.

Chandler Windom, Planning staff, presented to the Board for consideration of approval a development permit pursuant to section 2320 of the 2015 Teton County land development regulations (ldrs) for a 4-unit subdivision planned residential development.

The applicant, Y2 Consultants, on behalf of the property owners, AJL Duersch, LLC and PWD Duersch, LLC, are requesting a Development Permit to subdivide a 48.03-acre parcel into 4 lots using the Planned Residential Development (PRD) option. This original application was submitted in March of 2016. It was put on hold in February of 2017 in order for the applicant to work on outstanding requirements and to collaborate with neighbors to address their concerns. It was deemed that the applicant was not unresponsive, and instead was actively working on resubmittal requirements. The applicant waived the timeline for review of the application as outlined in the LDRs. Since this application was deemed sufficient on March 26, 2016 the project is to be reviewed under the PRD standards effective at that time. This was prior to the adoption of the most recent Teton County Land Development Regulations on April 1st, 2016.

The applicant is proposing 4 lots, three of which will be 13 acres and a fourth lot of 9.05 acres. The open space proposed is a majority of each lot, totaling 35.2 acres or 74.59% of the base site area. The applicant has requested a new conservation easement from the Teton County Scenic Preserve Trust, EAS2019-0002, which will be brought before the Board of County Commissioners concurrent with this application. The open space is valued for its agricultural activities and scenic views.

- 2. Permit:** EAS2019-0002
Applicant: AJL DUERSCH, LLC & PWD DUERSCH, LLC
Presenter: Chandler Windom
Request: Request to accept a new easement to the Teton County Scenic Preserve Trust to allow approval of a Planned Residential Development
Location: The subject property is located east of N State Line Road in Alta. The land is zoned Rural and is not within any overlays.

Chandler Windom, Associate Planner, presented to the Board for consideration of approval a request to the Teton County Scenic Preserve Trust (TCSPT) to accept a new conservation easement in Alta associated with the Duersch Planned Residential Development, Teton Vista Ranches (DEV2016-0002).

Items from Planning and Development 1 and 2, DEV2016-0002 and EAS2019-0002, were discussed concurrently.

Hal Hutchinson, for the applicant, addressed the Board regarding the application and its history.

Public comment was given by Gigi Hendricks, Eric James, Earl Layser, Kathleen Faulkner with James Van Vliet, and Bart Birch.

The meeting recessed at 10:38 a.m. and reconvened at 10:48 a.m.

Addressing item 2, EAS2019-0002, a motion was made by Commissioner Epstein and seconded by Commissioner Barron to convene as scenic preserve trust.

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to approve EAS2019-0002, updated September 24, 2020 for requested acceptance of a new conservation easement by Teton County Scenic Preserve Trust to meet the conservation area requirements of the Duersch Planned Residential Development, being able to make the findings in the Open Space Resources Resolution of Teton County, Wyoming with the three conditions listed below:

1. Prior to release of the signed easement document from Planning Staff to the applicant for recordation, an easement stewardship fee of \$13,200 is due to the Teton Count Scenic Preserve Trust.
2. A Transfer Agreement is required to be recorded by the applicant in the Office of the Teton County Clerk concurrent with recordation of the easement as a separate document and shall travel with the title of the easement-encumbered property. The Transfer Agreement shall be composed of the sample agreement provided in the Open Space Resources Resolution of Teton County, Wyoming, adopted December 22, 2015.

3. A permanent access providing a 60-foot wide easement across Table Rock West Road to Targhee Towne Road to Teton Vistas Subdivision boundaries granted the road easement crossing the Open Space area of the development shall be removed from the Final Plat and that area added to the Conservation Easement.

Chairwoman Macker called for a vote. The vote showed two in favor and the motion failed with Commissioners Newcomb, Macker, and Propst Opposed.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to exit as the Scenic Preserve trust.

The meeting recessed at 11:00 a.m. and reconvened at 11:06 a.m.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to continue DEV2016-0002 to the second BCC meeting in January, 2021. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

3. **Permit:** DEV2020-0002
Applicant: LODGES AT FISH CREEK, LLC
Presenter: Andrew Bowen
Request: Development Plan approval, pursuant to Section 8.3.2 of the Teton County Land Development Regulations, to establish a building envelope and certain restrictions for the development of a single-family residence on Lot 14 at the Lodges at Fish Creek.
Location: 2600 Fish Creek Road (Lot 14, The Lodges at Fish Creek); located at the corner of Crystal Springs Road and Four Pines Road in Teton Village. The property is zoned Planned Resort and is within the Scenic Resources Overlay.

A Development Plan approval, pursuant to Section 8.3.2 of the Teton County Land Development Regulations, to establish a building envelope and certain restrictions (A-D on pages 2 and 3) for the development of a single-family residence on Lot 14 at the Lodges at Fish Creek.

Note on Process: Per the Area II Master Plan, DEV2020-0001 (Attached) was reviewed and approved administratively by the Planning Director. Said approved Development Plan Amendment removed language that restricted this site to a sales and management office, and now has allowed this building envelope and certain restrictions to be established for Lot 14 for residential use.

Public comment was given by Fancesca Paolucci-Rice.

A motion was made by commissioner Barron and seconded by Commissioner Propst to approve the Teton County Board of County Commissioners of DEV2020-0002 to establish a building envelope and certain restrictions for the development of a single-family residence on Lot 14 at the Lodges of Fish Creek dated August 3, 2020 with no conditions and being able to make all five (5) findings as required by Section 8.3.2.c of the Land Development Regulations.

It was brought to the attention of the Board that there was an updated suggested motion, and the Board reviewed the suggested motion.

Commissioner Barron withdrew his motion.

A motion was made by Commissioner Propst and seconded by Commissioner Epstein to approve DEV2020-0002 to establish the building envelope shown on the EIGHT AMENDMENT OF MAP OF SURVEY OF BUILDING ENVELOPES FOR SHOOTING STAR FIRST FILING MAP T-482A, as included in the application packet for DEV2020-0002 and certain restrictions for the development of a single-family residence on Lot 14 of Lodges at Fish Creek included in the SECOND SUPPLEMENTAL DECLARATION TO THIRD AMENDMENT AND COMPLETE RESTATEMENT OF THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR LOTS 1 THROUGH 87 OF SHOOTING STAR FIRST FILING, A SUBDIVISION OF TETON COUNTY, WYOMING to include LOT 14 OF THE LODGES AT FISH CREEK, also included in the application packet for DEV2020-0002 with no conditions being able to make the five (5) findings as required by Section 8.3.2.c of the Land Development Regulations.

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

MATTERS FROM COMMISSION

- a. Historic Preservation Update and Consideration of Historic Preservation Update Grant Application - **CONTINUED FROM MATTERS FROM COMMISSION AND STAFF, ITEM #12**

Michael Stern, Teton County Historic Preservation Board, addressed the board regarding a grant application from the Teton County Historic Preservation Board to the Certified Local Government Grant Program, focused on mitigating cultural losses and building on recent successes.

Michael Stern answered questions from the board.

The Teton County Historic Preservation Board (TCHPB) wishes to submit a grant application to the Certified Local Government (CLG) Grant Program for a project entitled "JH Preservation Plan: Moving Forward." JH Preservation Plan: Moving Forward builds on our 2018 CLG Grant-funded project Benchmarking Historic Preservation for Jackson Hole. That collaborative project included the CLG, Teton County planning office, Town of Jackson planning office, and the Teton County community, resulting in the Jackson and Teton County Strategy Paper for Historic Preservation and Updates to Downtown LDRs, our community's historic preservation plan. To best guide our local historic preservation program JH Preservation Plan: Moving Forward fleshes out the details of the preservation plan recommendations and implementation. If approved, this project will be funded by The Community Foundation of Jackson Hole and the Certified Local Government Grant Program. The TCHPB will supervise project activities. This project will mitigate cultural losses and build on recent successes. Efficient, innovative and appropriate preservation program and tool design guided by our preservation plan will keep our local history safe. Although the grant application requires and lists a specific Project Manager, the TCHPB has not yet released a Request for Qualifications (RFQ) as required per Teton County Rules and Regulations, Chapter 3, Section 2-3-1 Professional Services. Following the RFQ procurement process, should the consultant selected be other than the Project Manager currently listed on the application, the TCHPB commits to working with the Certified Local Government Grant Program to update the grant-related records and secure approval for the staffing substitution.

There was no public comment.

Commissioner Propst left the meeting at 11:54 a.m.

A motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to approve the support of a grant application from the Teton County Historic Preservation Board to the Certified Local Government Grant Program the amount of \$13,500 to support historic property mapping in Jackson/Teton County. Chairwoman Macker called for a vote. The vote showed four in favor with Commissioner Propst Absent.

- b. Letter to Wyoming Legislative Service Office Regarding Joint Corporations, Elections & Political Subdivisions Interim Committee

The Board reviewed a draft letter to Chairmen and members of the Interim Corporations, Elections, and Political Subdivisions Committee.

Commissioner Barron left the meeting at 12:05 p.m.

A motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to approve the letter to the Wyoming Legislative Service Office in regards to Joint Corporations, Elections & Political Subdivisions Interim Committee as amended by the remaining three members of the Board. Chairwoman Macker called for a vote. The vote showed three in favor with Commissioners Barron and Propst absent and the motion carried.

ADJOURN

A motion was made by Commissioner Epstein seconded by Commissioner Newcomb to adjourn. Chairwoman Macker called for a vote. vote showed three in favor with Commissioners Barron and Propst absent and the motion carried.

The meeting adjourned at 12:14 p.m.

Respectfully submitted,
Chalice Weichman
Deputy County Administrative Clerk

TETON COUNTY BOARD OF COMMISSIONERS

Natalia D. Macker, Chairwoman

ATTEST:

Maureen E. Murphy, County Clerk