

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

The Teton County Board of Commissioners met in regular session on **November 20, 2018** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 9:09am and the Pledge of Allegiance was recited.

**ROLL CALL**

County Commission: Mark Newcomb Chair, Greg Epstein, Smokey Rhea, and Paul Vogelheim were present. Natalia Macker was absent.

**MINUTES**

A motion was made by Commissioner Epstein and seconded by Commissioner Rhea to approve **11/13/18** minutes. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

**ADOPTION OF AGENDA**

A motion was made by Commissioner Vogelheim and seconded by Commissioner Rhea to adopt today's agenda as presented.

**TO ADD:** MFS #4 – Consideration of an Agreement for Governance Training Services

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

A motion was made by Commissioner Vogelheim and seconded by Commissioner Epstein to add item #4 to the agenda as presented. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

**CONSENT AGENDA**

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

- 2.Consideration of Contract for Emergency Management FCC License Modification
- 3.Consideration of Approval to Accept a Homeland Security Grant for Teton County Reginal Response Team (RERT8)

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

A motion was made by Commissioner Rhea and seconded by Commissioner Epstein to approve the items on the Consent Agenda with the motion as stated in their respective staff reports and recommended staff motions of approval. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

**MATTERS FROM COMMISSION AND STAFF:**

**2. Consideration of Contract for Emergency Management FCC License Modification**

To approve the letter of authorization with Radio Licensing Services in the amount of \$965 for modification of the E-NET FCC license.

**3. Consideration of Approval to Accept a Homeland Security Grant for Teton County Reginal Response Team (RERT8)**

To approve the 2018 SHSP Grant Award Agreement between the Wyoming Office of Homeland Security and Teton County's Regional Emergency Response Team #8 in the amount of \$65,000.00.

**DIRECT CORRESPONDENCE**

1. Becca Block 11/7/2018 email regarding JH Classical Academy
2. Mary Shabbott 11/7/2018 email regarding Bear Proof Trash Containers
3. Sue Macdonald 11/7/2018 email regarding Bear Proof Trash Containers
4. Bill Keeting 11/7/2018 email regarding Bear Proof Trash Containers
5. Janet McDonagh 11/7/2018 email regarding Bear Proof Trash Containers
6. Helmut Kothbauer 11/8/2018 email regarding WPLI
7. Jenny Mortimer 11/8/2018 email regarding Bear Proof Trash Containers
8. Jeremy Silcox 11/8/2018 email regarding WPLI
9. Robert Sanford 11/8/2018 email regarding JH Classical Academy
10. J.Scott McGee 11/8/2018 email regarding WPLI
11. Lisa McGee 11/8/2018 email regarding WPLI
12. Susan and Fred Kingwill 11/8/2018 email regarding 2002 Master Plan Amendment Allowing Trailers
13. Roy and Sandra Walters 11/8/2018 email regarding WPLI
14. Lynn Roebuck 11/9/2018 email regarding Bear Proof Garbage Containers
15. Susan Marsh 11/9/2018 email regarding WPLI
16. Bart Koehler 11/9/2018 email regarding WPLI
17. Khale Century Reno 11/9/2018 email regarding WPLI
18. Franz Camenzind 11/9/2018 email regarding WPLI
19. Michael Scheller 11/9/2018 email regarding Grand Targhee
20. Ann Harvey 11/9/2018 email regarding WPLI
21. Bailey Schreiber, W C C A 11/9/2018 email regarding Migration Corridors Letter to Governor Mead
22. G.Lorin Wilson 11/9/2018 email regarding Grand Targhee
23. Valerie Conger 11/9/2018 email regarding WPLI
24. Kathleen May 11/9/2018 email regarding WPLI

25. Pamela Williams 11/9/2018 email regarding Bear Proof Trash Containers
26. Dick Staiger 11/10/2018 email regarding Grand Targhee
27. Doug Sobey 11/10/2018 email regarding WPLI
28. Pegi Sobey 11/10/2018 email regarding WPLI
29. Chi Melville 11/10/2018 email regarding Grand Targhee
30. Janna Rankin 11/10/2018 email regarding Grand Targhee
31. Debra Patla 11/11/2018 email regarding WPLI
32. Bill Voigt 11/11/2018 email regarding WPLI
33. Janet Heslin 11/11/2018 email regarding Grand Targhee
34. Deborah Ray-Malheiro 11/11/2018 email regarding Grand Targhee
35. Frank Felton 11/12/2018 email regarding Grand Targhee
36. Kathy Tompkins 11/12/2018 email regarding Snow King Development
37. Jim Wilson 11/12/2018 email regarding Grand Targhee
38. Patricia Vineski 11/12/2018 email regarding Bear Proof Trash Containers
39. Gordon Rainey 11/12/2018 email regarding JH Classical Academy
40. Pat Butts 11/12/2018 email regarding Grand Targhee
41. Lorin Wilson 11/12/2018 email regarding Grand Targhee
42. Joselin Matkins 11/12/2018 email regarding Grand Targhee
43. Allen Symonds 11/12/2018 email regarding WPLI
44. Hans Flinch 11/12/2018 email regarding WPLI
45. April Fout 11/12/2018 email regarding Snow King Development
46. Jeff Foott 11/12/2018 email regarding Snow King Development
47. Leon Campbell 11/12/2018 email regarding JH Classical Academy
48. Donald Zak 11/12/2018 email regarding Heart 6 Ranch
49. Melissa Turley 11/12/2018 email regarding Snow King Development
50. Lloyd Dorsey, Sierra Club 11/12/2018 email regarding WPLI
51. Bradford Walsh 11/12/2018 email regarding WPLI
52. Meredith Wilson 11/12/2018 email regarding Grand Targhee
53. Michael Scheller 11/12/2018 email regarding Grand Targhee
54. Ryan Stolp 11/12/2018 email regarding WPLI
55. Liz Long, Jackson Hole Land Trust 11/12/2018 email regarding Grand Targhee
56. Chris Fagan 11/12/2018 email regarding Snow King Development
57. Michele Dorsey 11/12/2018 email regarding WPLI
58. Franz Camenzind 11/12/2018 email regarding Grand Targhee
59. Robert Diehl 11/12/2018 email regarding WPLI
60. Linda Dudinyak 11/12/2018 email regarding Snow King Development
61. Leah Zamesnik, Jackson Hole Conservation Alliance 11/12/2018 email regarding WPLI
62. Bill Eckerle 11/12/2018 email regarding Grand Targhee
63. Rhonda Robles 11/12/2018 email regarding Snow King Development
64. Olivia Tabah 11/12/2018 email regarding Snow King Development
65. Frances Clark 11/12/2018 email regarding WPLI
66. Michael Whitfield 11/12/2018 email regarding Grand Targhee
67. Siva Sundaresan, Greater Yellowstone Coordinating Committee 11/12/2018 email regarding WPLI
68. Cindy Bartz 11/12/2018 email regarding WPLI
69. Michael Whitfield 11/12/2018 email regarding Grand Targhee
70. Juliet Unfried 11/12/2018 email regarding Snow King Development
71. Allison Gillen 11/12/2018 email regarding Snow King Development
72. Liza Millet 11/12/2018 email regarding Snow King Development
73. Paul Alden 11/12/2018 email regarding Grand Targhee
74. Leith Barker 11/12/2018 email regarding Snow King Development
75. Sue Lurie 11/12/2018 email regarding Grand Targhee
76. Karen Jerger 11/13/2018 email regarding WPLI
77. Justin Adams 11/13/2018 email regarding WPLI

#### **PUBLIC COMMENT**

There was no public comment.

#### **MATTERS FROM COMMISSION AND STAFF:**

##### **1. Consideration of Approval of Request for Removal of Waggoner Parcel from Snake River Sporting Club Improvement and Service District**

Keith Gingery, Chief Deputy County Attorney, presented to the Board for consideration of approval a request pursuant to Wyoming Statute § 22-29-109(c) to remove an agricultural parcel from the Snake River Sporting Club Improvement and Service District (SRSC ISD). Lyle and Sharon Waggoner own agricultural land that is non-contiguous to the Snake River Sporting Club Development. The Waggoner's property is located about one mile south of the SRSC Development with US Forest Service property in between. The Waggoner's property is used for grazing of cattle. The Waggoner's have an easement to cross the SRSC Development to bring their cattle onto the property in the spring and to remove the cattle in the Fall. This is the sole use of the road system operated by the SRSC ISD. The property taxes paid in the past by the Waggoner's on this property was less than \$100 per year because of the agricultural designation. The Waggoner's property has been added to the SRSC ISD and the tax bill increased to \$3,792.77. The Waggoner's have requested pursuant to Wyoming Statute § 22-29-109(c) to be removed from the SRSC ISD.

The County Commissioners may alter the boundaries of a district to exclude territory. In determining whether to exclude territory from a district, the County Commissioners shall consider the benefit of the district to the territory proposed to be excluded. Territory should not be included in a district if the territory derives no benefit from the district.

Topics of discussion between the Board and staff included the only finding that needs to be made is they derive no benefit, easement to cross the land.

Kevin Gregory of the Lubing Law Group, on behalf of the applicant, addressed the Board regarding the Waggoner's property, the Waggoner's own 20 head of cattle and 20 calves, uses the road twice per year to run cattle, look to the history of the SRSC ISD to understand if the Waggoner's derive any benefit, the Waggoner's operation has not changed since the ISD was formed nor for the 10 years before the ISD was formed, addressed the objection from the SRSC ISD, ISD budget allocation and how the applicant is charged, Waggoner's do not have a residence on their property, the Waggoner's are charged the same amount as the clubhouse, Astoria Park's assessment is traffic based but the Waggoner's have not been given the same consideration, the Waggoner's only use the road.

Topics of discussion between the Board and Mr. Gregory included the Waggoner's declined a request to join the ISD via oral objection, historically who is responsible for the maintenance of the bridge and who is responsible for it now, under common law the user(s) would be responsible for maintenance, confirmation that this is the one and only access to the property – property is landlocked with this as the only access.

Public comment was given by Christopher Swann – President of SRSC ISD regarding the timeline of the property and SRSC ISD, total budget was \$601,200 = \$53,000 (sewer) + \$101,000 (water) + \$46,000 (bridge) + \$320,000 (road) + \$105,000 (G&A), easements through the SRSC, the ISD development, and the benefit to the applicant is use of the road and bridge.

Topics of discussion between the Board and Mr. Swann included club assessments – club is the member's club – pays a single assessment, Hot Springs agreement with ISD has an agreement regarding the bridge, club is not assessed on the road usage, total budget for the ISD, what portions of the road are covered under the budget, snow plowing is paid for under the road budget, lots under agricultural designation with no benefits on bench, portion of road budget to help with landslide, capital and operating budget for each allocation, road allocation is 100% pro-rata, different allocation system, conservation easement acreage

Susan Johnson, Interim Planning Director, addressed the Board about the conservation easement.

Kevin Gregory of the Lubing Law Group, on behalf of the applicant, addressed the Board regarding easement across Waggoner's property, violation of easement to expand or develop, distinction between people with homes within the ISD who aren't using them vs Waggoner's who use a non-contiguous piece of property using the road twice per year, Waggoner's have no intention of expanding or developing property.

Sharon Waggoner, applicant, spoke to the Board regarding agreement on purchase of property, title company certified easement from 2006, negotiated easement with Forest Service, property is not within the development of the SRSC, other similar lots are within the boundaries of the SRSC, purchase of the property was not contingent on the resurrection of the development.

Topics of discussion between the Board and Melissa Shinkle, County Assessor, included agricultural designation, agricultural properties are subject to income verification every year, new map by January 1<sup>st</sup>, 2018 tax correction if needed.

Topics of discussion between the Board and Mr. Swann included difference in use between the agricultural lots comparable to the Waggoner's, 13 lots designated as agricultural (including the Waggoners), ISD Board members are Christopher Swann, Mike Macuga, and Tom Hirsch, Terry Pierce replace Mike Macuga recently, all board members are property owners within the SRSC development.

Topics of discussion between the Board and Mr. Gregory included Waggoner's access to their property, how is it determined if they expand the use of the roads to their property, easement says they cannot expand their use, history shows their use has remained the same, did the Waggoner's help pay for the landslide repair, the landslide predated the ISD, easement does not guarantee access.

Keith Gingery, Chief Deputy County Attorney, addressed the Board regarding W.S. 22-29-102(c) – “In determining the boundaries of the proposed district, the board shall consider the benefit the proposed district will have within the territory in or out of the proposed district. The commissioners shall not modify the boundaries so as to exclude from the proposed district any land which could be benefited by its formation, nor shall there be included any land which will not, in the judgment of the board, be benefited.” In W.S. 22-29-307 where you can change boundaries after formation was sunseted in 1999, so the intent of the law is that you look to the benefited and non-benefited. Easements run with the land whether or not there is bankruptcy or mortgages, impact on the infrastructure, no valid easement – tool to get access is a private road application, unless specifically written into the easement it is assumed no one is paying any money for maintenance. If we don't make the findings right now but the agricultural designation changes to residential use what would the process be?

A motion was made by Commissioner Rhea and seconded by Commissioner Vogelheim to approve the request of Lyle and Sharon Waggoner to remove the Wagoner's parcel of land as described in the staff report, from the Snake River Sporting Club Improvement and Service District, and specifically finds that the property receives no benefit from the district and thus should be excluded from the district and also direct the ISD to submit a new map.

Discussion among the Board included talk of findings: Commissioner Epstein - troubled that the club is charged the same as the Waggoner's when they have more traffic; Commissioner Rhea - troubled by the amount of usage, a lot that could change with the club, Waggoner's benefit from the bridge but don't contribute excessive amounts of road use; Commissioner Vogelheim – one finding: do the Waggoner's benefit – yes, does not support the current motion; Chair Newcomb – does not think the Waggoner's benefit from the ISD, but there is some reliance on the ISD.

Chair Newcomb called for the vote. The vote showed 3-1 in favor with Commissioner Vogelheim opposed and the motion carried.

#### **4. Consideration of an Agreement for Governance Training Services**

Alyssa Watkins, BCC Administrator, presented to the Board for consideration of an agreement with The Elim Group to provide governance training for the Board of County Commissioners. The Elim Group will provide training on Monday, January 14, 2019. Current and newly elected Commissioners have been provided with a copy of The On Target Board Member as a foundational text on which the training will in part be based.

There was no discussion between the Board and staff.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Vogelheim to approve the Agreement with Mike Conduff and The Elim Group in the amount of \$4,500 for governance training services. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried.

#### MATTERS FROM PLANNING & DEVELOPMENT

1. Applicant: TETON COUNTY  
Presenter: Alex Norton  
Permit No.: AMD2018-0005 **POSTPONED TO THE DECEMBER 4, 2018 BCC HEARING**  
Request: Amend Section 8.8.3 of the Teton County Land Development Regulations, pursuant to Section 8.7.1, LDR Text Amendment, regarding the process for appeal of an Administrative Decision. Teton County has complied with the requirements of Wyoming State Statute §9-5-304 pertaining to the Wyoming Regulatory Takings Act.  
Location: Applies Countywide
2. Applicant: DEVIL DOG LLC  
Presenter: Roby Hurley  
Permit No.: CUP2016-0005 **POSTPONED TO THE DECEMBER 4, 2018 BCC HEARING**
3. Permit No.: SKC2016-0002 **POSTPONED TO THE DECEMBER 4, 2018 BCC HEARING**
4. Permit No.: ADJ2017-0002 **POSTPONED TO THE DECEMBER 4, 2018 BCC HEARING**
5. Permit No.: ADJ2018-0008 **POSTPONED TO THE DECEMBER 4, 2018 BCC HEARING**  
Request: Construct an indoor athletic field and mini storage warehouse pursuant to Section 8.4.2, Conditional Use Permit, Section 8.3.1, Sketch Plan, and Section 8.8.1, Administrative Adjustment of the Teton County Land Development Regulations.  
Location: 3580 South Park Drive Lot 24 South Park Service Center. Generally located 3.5 miles south of High School Road in the Business Park Zone and in the Natural Resources Overlay.

#### EXECUTIVE SESSION

There was no executive session.

#### ADJOURN

A motion was made by Commissioner Vogelheim and seconded by Commissioner Rhea to adjourn. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 10:41am.

Respectfully submitted,

Kassie Hansen  
Deputy County Clerk

TETON COUNTY BOARD OF COMMISSIONERS

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Mark Newcomb, Chair

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Natalia D Macker, Vice-Chair

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Greg Epstein

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Paul Vogelheim

ATTEST:

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Kathleen "Smokey" Rhea

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Sherry L. Daigle, County Clerk