

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

The Teton County Board of Commissioners met in regular meeting on **March 2, 2021** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 9:01 a.m. and the Pledge of Allegiance was recited.

ROLL CALL

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

ADOPTION OF AGENDA

A motion was made by Commissioner Barron and seconded by Commissioner Epstein 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 Propst and seconded by Commissioner Barron to approve the 2-4-2021, 2-9-2021, 2-16-2021 and 2-22-2021 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 Barron and seconded by Commissioner Epstein to place the following Matters from Staff on a Consent Agenda:

1. Consideration of Contract Amendment #1 for Floodplain Administrator Services
2. Consideration of a Contract for Professional Services for Design of County Road Pavement Maintenance
3. Consideration of Wyoming Association of Risk Management JPA Agreement Changes
4. Consideration of Operating Permit Renewal Application to Wyoming Department of Environmental Quality for Recycling Center and household Hazardous Waste Collection Facilities
5. Consideration of Contract with Mill Creek Metals for Scrap Metal and Tin Can Bundle Processing and Recycling
7. Consideration of Contract for Recycling Center Baler Electrical Upgrade
8. Consideration of Contract for Recycling Center Baler Upgrade
9. Consideration of a Contract for Services with Y2 Consultants for Horizontal Infrastructure, Planning, and Site Design at 445 E. Kelly Avenue.
10. Consideration of Homeland Security Grant for Regional Response Team
11. Consideration of an Amended Grant with the State of Wyoming Regarding Historic Preservation
12. Consideration of Commissioning Agent Contract: Recreation Center Renovation/Expansion Project

Chairwoman Macker 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 Propst 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 Contract Amendment #1 for Floodplain Administrator Services

To approve Contract Amendment #1 to the agreement between Teton County and Meridian Engineering to adopt the 2021 billing rate schedule.

2. Consideration of a Contract for Professional Services for Design of County Road Pavement Maintenance

To approve the Contract between Teton County and Inberg Miller for Professional Services for 2021 Pavement Maintenance Project design in the amount not-to-exceed \$44,045.

3. Consideration of Wyoming Association of Risk Management JPA Agreement Changes

To approve the Amended and Restated Joint Powers Agreement for the Wyoming Association of Risk Management Property Insurance Joint Powers Board dated as of October 29, 2020.

4. Consideration of Operating Permit Renewal Application to Wyoming Department of Environmental Quality for Recycling Center and household Hazardous Waste Collection Facilities

To approve the Chapter 6 permit renewal application to the Wyoming Department of Environmental Quality for the Recycling and HHW collection facilities.

5. Consideration of Contract with Mill Creek Metals for Scrap Metal and Tin Can Bundle Processing and Recycling

To approve the contract with Mill Creek Metals for scrap metal processing and recycling and sale of TCBs, based on the bidder's price quote for payment to Teton County.

7. Consideration of Contract for Recycling Center Baler Electrical Upgrade

To approve the Contract with Mountain Electrical in the amount of \$19,336.45, plus a 2.5% contingency, resulting in a total project cost of \$19,819.86

8. Consideration of Contract for Recycling Center Baler Upgrade

To approve the contract with Recycle Systems for baler upgrades at the Recycling Center in the amount \$66,863.00, plus a 2.5% contingency, for a total project cost of \$68,534.58.

9. Consideration of a Contract for Services with Y2 Consultants for Horizontal Infrastructure, Planning, and Site Design at 445 E. Kelly Avenue.

To approve the Contract for Services between Y2 Consultants and Teton County for Horizontal Infrastructure, Planning, and Site Design at 445 E. Kelly Avenue as presented today

10. Consideration of Homeland Security Grant for Regional Response Team

To approve the 2020 SHSP Grant Award Agreement between the Wyoming Office of Homeland Security and Teton County's Regional Emergency Response Team #8 for the purchase of allowable hazardous materials equipment in the amount of \$37,359.84 and \$21,500.00 for training of RERT #8 responders.

11. Consideration of an Amended Grant with the State of Wyoming Regarding Historic Preservation

To approve the Teton County Historic Preservation Board's grant agreement with the Certified Local Government Grant Program for the JH Preservation Plan: Moving Forward project.

12. Consideration of Commissioning Agent Contract: Recreation Center Renovation/Expansion Project

To approve the contract of Cator Ruma & Associates as the commissioning agent as outlined in this Staff report and Appendix A of the Contract for Recreation Center Expansion Project in the amount of \$62,800.00.

DIRECT CORRESPONDENCE

1. Tropical Timberwoods, LLC 2/9/2021 letter regarding WUIC Comments and Fire-Retardant Shingle Samples
2. Paul Obrien 2/11/2021 email regarding Transparency in COVID
3. Shirley Thomas 2/11/2021 email regarding WUIC
4. Mary Bergeron 2/11/2021 email regarding Ice on pathways
5. Rose Caiazza 2/11/2021 email regarding SKC2020-0001
6. Bob Moore 2/11/2021 email regarding WUIC
7. Jeremy Mayo 2/11/2021 email regarding COVID-19 Vaccines
8. Shirley Thomas 2/11/2021 email regarding NSP SKC2020-0001
9. Jayne Ottman 2/12/2021 email regarding NSP and Water Quality
10. Rich Bloom 2/12/2021 email regarding Workforce Rental Restrictions
11. Art Miller 2/12/2021 email regarding WUIC
12. Amberley Baker 2/12/2021 email regarding Case Law/NSP
13. Jon Bishop 2/12/2021 email regarding WUIC
14. Bill Hendricks 2/12/2021 email regarding WUIC
15. Jim Wallace 2/12/2021 email regarding Water Quality
16. Rick Jansen 2/12/2021 email regarding WUIC Amendments
17. Jim LaRoe 2/16/2021 email regarding SKC2020-0001
18. John Wright 2/16/2021 email regarding Tribal Trail Connector Project
19. Peter Warshaw 2/16/2021 email regarding WUIC Amendments
20. Kay Modi 2/16/2021 email regarding Flood-Prone Areas
21. Dion Jensen 2/16/2021 email regarding SKC2020-0001
22. Andy Schilling 2/16/2021 email regarding WUIC Amendments
23. Todd Fitzgerald 2/16/2021 email regarding WUIC Amendments
24. Jordan Craig 2/16/2021 email regarding WUIC Amendments
25. Jody Donnelly 2/16/2021 email regarding WUIC Amendments
26. Kristin Combs 2/18/2021 email regarding Wildlife Feeding
27. Tom Taylor 2/18/2021 email regarding WUIC
28. Mary Wendell 2/19/2021 email regarding Northern South Park
29. Mary Wendell Lampton 2/19/2021 email regarding Wildlife HWY Deaths
30. Bonnie Long 2/22/2021 email regarding Wildlife Feeding
31. Amberley Baker 2/22/2021 email regarding Written Demand for Action in regards to SKC2020-0001
32. Peter Moyer 2/22/2021 email regarding Village Rd. Corridor Zoning
33. Skye Schell 2/22/2021 email regarding Transportation Solutions
34. Katherine Johnson 2/23/2021 email regarding Wildlife Feeding
35. Bruce Hawtin 2/23/2021 email regarding Housing Situation in East Jackson

PUBLIC COMMENT

Public comment was given by Jared Baecker regarding the Wilson boat ramp project.

MATTERS FROM COMMISSION AND STAFF

6. Consideration of Public Noticing for Bear Spray, Isobutane, and Propane Canister Tip Fees

Brenda Ashworth, Public Works Superintendent, presented to the Board for consideration of approval public noticing of 2021 tip fees for bear spray, isobutane, and propane canister disposal at the Recycling Center.

ISWR is proposing to adopt tip fees for the Teton County Recycling Center for bear spray, isobutane, and propane canister disposal. ISWR currently does not charge fees for bear spray, isobutane, and propane canister disposal. Advertising will occur over a 45-day period beginning on March 3, 2021 and a BCC hearing will be held on April 20, 2021 to consider adoption of the new fees.

Historically, ISWR, Grand Teton National Park (GTNP), Yellowstone National Park (YNP) and other entities have provided free disposal of bear spray and propane canisters throughout the region. GTNP and YNP employees collected the canisters from ISWR and used specialized equipment to extract the remaining chemicals/fuel. Finally, they crushed the canisters to prepare them for recycling. Siting safety concerns, the bear spray machine was decommissioned in early 2020, and the propane machine will be decommissioned by fall 2021. With the decommissioning of reclamation machines, bear spray and propane canisters will be disposed of as household

hazardous waste. While this is a viable solution, the cost for handling these materials is extremely high. ISWR has received grant funding from the Community Foundation of Jackson Hole, Vail Resorts and the Teton Conservation District (pending) to subsidize a portion of disposal costs for residents and businesses. A nominal tip fee is necessary to cover the full cost of disposal of bear spray, isobutane, and propane canisters.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to approve proceeding with the 45-day public comment period for the 2021 Tip Fees for bear spray, isobutane, and propane canister disposal. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried.

MATTERS FROM PLANNING AND DEVELOPMENT

1. **Permit:** SKC2020-0001 - **CONTINUED FROM FEBRUARY 2, 2021** *This will be the final hearing on this application, and a final decision will be made at this meeting at the request of the applicant.*
Applicant: JHHR HOLDINGS I LLC Presenter: Andrew Bowen Staff Report Application
Request: Sketch Plan pursuant to Section 8.3.1 of the Teton County Land Development Regulations, to propose a sketch plan to develop an 84 Unit subdivision (One existing) at parcel PIDNs 22-40-16-06-3-00-005 and 22-40-16-06-3-00-012. This will be the final hearing on this application, and a final decision will be made at this meeting at the request of the applicant.
Location: The subject properties are located at 1500 South Park Loop Road. The area to be subdivided is located on the SE corner of the South Park Loop Road and High School Road intersection. The parcels are zoned Suburban and lie within the Scenic Resources Overlay.

Hamilton Smith, Principal Planner, Planning and Building Services, presented to the Board SKC2020-0001 for final consideration. The original conditions of approval were reviewed.

Commissioner Newcomb addressed the Board regarding additional conditions that he was proposing:

2. *Pathway required; At the time of Development Permit application submittal, the applicant shall show such a pathway easement along the west-southwest to east-northeast trending street (approximately from Lot 50 to Lot 60) that connects to the South Park Loop Road with the North-South trending so-called "spine road."*
3. *Sidewalks required: at the time of Development Permit application submittal, the applicant shall show sidewalk easements to accommodate 4'-wide sidewalks along with both sides of all streets without a pathway and along at least one side of all streets and roadways that include a pathway.*
10. Phasing plan required: The Development Permit application shall contain a phasing plan reflecting how wastewater, storm water and potable water systems or facilities will integrate with public systems or facilities without significant impact.
11. High School Road Complete Street Agreement with TOJ may be required: The Development Permit application may be deemed incomplete if it does not include an agreement with the Town of Jackson on how the applicant will contribute to complete street design improvements along the portion of High School Road that directly bounds the permit side to the North.

There was discussion about the applicant's suggested condition number seven and additional questions in regards to how Senate File 157 would affect the applicant's proposed condition number seven. Keith Gingery, Deputy County Attorney, stated that Senate File 157 had been filed in the Wyoming Legislature yesterday, and he discussed the possible effects of Senate File 157 on the applicant's proposed condition number seven.

A motion was made by Commissioner Barron and seconded by commissioner Epstein to approve Sketch Plan SKC2020-0001 to allow the development of an 84 Unit subdivision as presented in the application dated September 15, 2020 being able to make all five (5) findings of Section 8.3.1 of the Teton County Land Development Regulations with eleven (11) required conditions.

1. At the time of Development Permit application submittal, the applicant shall show pathway easements with a minimum width of 16-feet for easements located outside of road easements/rights-of-way.
2. *Pathway required; At the time of Development Permit application submittal, the applicant shall show such a pathway easement along the west-southwest to east-northeast trending street (approximately from Lot 50 to Lot 60) that connects to the South Park Loop Road with the North-South trending so-called "spine road."*
3. *Sidewalks required: at the time of Development Permit application submittal, the applicant shall show sidewalk easements to accommodate 4'-wide sidewalks along with both sides of all streets without a pathway and along at least one side of all streets and roadways that include a pathway.*
4. At the time of Development Permit application submittal, the applicant shall show pathway and roadway connectivity to potential future development to the South and/or east that are acceptable to the Pathways Coordinator and the county Engineer, which shall include an easement or right-of-way to match the approved right-of-way within the development area.
5. At the time of Development Permit application submittal, the applicant shall provide a detailed vegetation preservation and planting schedule that explicitly shows what vegetation will be preserved, how preservation will occur, and where planting will occur to meet Scenic Resources Overlay (SRO) standards, per ZCV2020-0027.
6. At the time of Development Permit application submittal, the applicant shall provide the County with an alternative development exaction plan, which better allocates land for public use.
7. *The applicant shall submit their Development Plan application no earlier than December 31, 2021, which shall include a willingness to serve letter or other letter evidencing commitment from the town of Jackson for connection to public (municipal) water and sewer facilities.*
8. All interior road right-of-way width schematics of SKC2002-0001 shall adhere to the specific right-of-way widths approved by the final determination of ADJ2020-0005.

9. Prior to submittal of a final Development Plan application to the Teton County Planning Department, the Applicant shall meet with Planning staff and the Parks & Recreation Staff to discuss the options for park design. A final park design shall be included in the Development Plan application submittal.
10. *Phasing plan required: The Development Permit application shall contain a phasing plan reflecting how wastewater, storm water and potable water systems or facilities will integrate with public systems or facilities without significant impact.*
11. *High School Road Complete Street Agreement with TOJ may be required: The Development Permit application may be deemed incomplete if it does not include an agreement with the Town of Jackson on how the applicant will contribute to complete street design improvements along the portion of High School Road that directly bounds the permit side to the north.*

Chairwoman Macker suggested a friendly amendment to the motion which would create two conditions out of condition number seven. Chairwoman Macker wanted to ensure that if the legislature voided the condition regarding the willingness to serve letter, that the deadline of December 31st, 2021 would survive. The amendment was accepted by Commissioner Barron, the motion maker.

The amended condition number seven (7) follows:

7. The applicant shall submit their development application no later than December 31, 2021.

A twelfth condition was added:

12. *The applicant shall submit with their development permit application a willingness to serve letter or other letter evidencing commitment from the Town of Jackson for connection to public (municipal) water and sewer facilities.*

The meeting recessed at 9:52 a.m. so that staff could review the proposed splitting of condition number seven. The meeting reconvened at 9:58 a.m.

Chairwoman Macker called for a vote on Commissioner Barron's amended motion. The vote showed four in favor and the motion carried 4-1 with Commissioner Propst opposed.

ADJOURN

A motion was made by Commissioner Barron and seconded by Commissioner Newcomb to adjourn. Chairwoman Macker called for a vote. The vote showed all in favor and the motion carried. The meeting adjourned at 10:11 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