

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

The Teton County Board of Commissioners met in regular session on **August 20, 2019** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 9:00am and the Pledge of Allegiance was recited.

ROLL CALL

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

MINUTES

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to approve the **8/5/19, 8/6/19, and 8/12/19** minutes. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

ADOPTION OF AGENDA

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to adopt today's agenda with the two changes:

TO ADD: MFS Action Item #15 – Consideration of Approval of Notification of Termination of Employee Leasing Agreement for Interim Planning and Building Director

TO ADD: MFS Action Item #16 – Consideration of Approval of Letter to Wyoming Health Council Regarding Title X Contract

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

CONSENT AGENDA

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

1. Consideration of Approval of a Contract with Jackson Hole Community Counseling Center to Provide Prevention Services for Suicide Prevention
2. Consideration of Approval to Utilize Wyoming Workforce Services Safety Improvement Fund Grant for Trench Rescue Safety Equipment
3. Consideration of Approval of a Contract with HealthSpace USA, Inc. and Teton County for Environmental Health Inspection Software
5. Consideration of Approval of Updated Resolution for Teton County Investment Policy
7. Consideration of Approval of Alta Winter Sanding Contract Agreement
11. Consideration of Approval of Teton County Library Foundation Lease at County Library
12. Consideration of Approval of Friends of Teton County Library Lease at County Library
13. Consideration of Approval of Cityview Contract
14. Consideration of Approval to Purchase Unmanned Aerial System (UAS) with Thermal Imaging Camera

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

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve the items on the Consent Agenda with the motion as stated in their respective staff report. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

MATTERS FROM COMMISSION AND STAFF:

- 1. Consideration of Approval of a Contract with Jackson Hole Community Counseling Center to Provide Prevention Services for Suicide Prevention**

To approve the contract with Jackson Hole Community Counseling Center to provide prevention services for suicide prevention in an amount not to exceed \$35,000.00.

- 2. Consideration of Approval to Utilize Wyoming Workforce Services Safety Improvement Fund Grant for Trench Rescue Safety Equipment**

To approve the Safety Improvement Fund contract between the Wyoming Department of Workforce Services and Fire/EMS for the purchase of Paratech rescue struts for trench rescues in the amount of \$6,581.79.

- 3. Consideration of Approval of a Contract with HealthSpace USA, Inc. and Teton County for Environmental Health Inspection Software**

To approve the Contract with HealthSpace, USA, Inc and Teton County Health Department in the amount of \$19,200.00 for the period July 1, 2019 – July 2, 2022.

- 5. Consideration of Approval of Updated Resolution for Teton County Investment Policy**

To approve the updated Resolution for Teton County Investment Policy.

7. Consideration of Approval of Alta Winter Sanding Contract Agreement

To award and approve the 2019-21 Teton County Alta Winter Sand Project contract to Action Excavation, LLC in the amount of \$65,377.50.

11. Consideration of Approval of Teton County Library Foundation Lease at County Library

To approve the Space and Use Agreement Between Teton County, Wyoming and the Teton County Library Foundation.

12. Consideration of Approval of Friends of Teton County Library Lease at County Library

To approve the Space and Use Agreement Between Teton County, Wyoming and Friends of Teton County Library.

13. Consideration of Approval of Cityview Contract

To approve the Quotation and Statement of Work with Cityview to create a digital "LDR Checklist" for Planning Division review of permits, at a cost not to exceed \$18,500.

14. Consideration of Approval to Purchase Unmanned Aerial System (UAS) with Thermal Imaging Camera

To approve Fire/EMS to purchase a DJI Matrice 210 V2 Unmanned Aerial System (UAS) plus additional accessories outlined in the RFP in the amount of \$9,682.18 from B&H Photo-Video.

DIRECT CORRESPONDENCE

1. Molly Nash 7/30/2019 email regarding 440 W Kelly Avenue
2. Melissa Turley, Teton Village Association 7/30/2019 email regarding CUP2019-0003 Search and Rescue Helicopter Landing
3. Aspens Water and Sewer District 7/31/2019 email regarding FY20 Budget
4. Brad Hovinga, Wyoming Game & Fish Department 7/31/2019 email regarding WG&F Department Director Open House
5. Diana Osuna, South Squaw Creek ISD 7/31/2019 email regarding FY20 Budget
6. Becky Kimmel, Jackson Hole Historical Society 7/31/2019 email regarding JHHSM Party August 18
7. Larry and Julie Kummer 8/1/2019 email regarding 440 W Kelly Avenue
8. Kari Cooper, Jackson Hole Air 8/2/2019 email regarding JH Air - Airline Rendezvous
9. Melissa Turley, Teton Village Association 8/2/2019 email regarding START Bus Pass Contract Price
10. Nadia Broome, State Board of Equalization 8/5/2019 email regarding 2019 State-wide mill levies
11. Joseph Bolton, Forsgren 8/5/2019 email regarding JH Fire/EMS Fire Station 1 Updates
12. Sharon Parrott 8/5/2019 email regarding Environmental Fee Concern
13. Cathy Kehr 8/5/2019 email regarding Joint Information Meetings
14. Linda Williams 8/6/2019 email regarding Pickleball
15. Tom and Joy Getler 8/7/2019 email regarding Fire in the Mountain Music Festival 2019
16. Penny Lyons 8/9/2019 email regarding Wyoming Health Care
17. Lorna Miller 8/9/2019 email regarding SPET / Wildlife Crossings
18. Lorna Miller 8/10/2019 email regarding Cell Towers
19. Luther Propst, County Commissioners 8/10/2019 email regarding Save the Block
20. Jean Ferguson 8/12/2019 email regarding Pickleball
21. Moulton Ranch Land and Homeowners Association 8/13/2019 letter regarding Paving the County Road

PUBLIC COMMENT

There was no public comment.

MATTERS FROM COMMISSION AND STAFF:

4. Consideration of a Change Order No. 2 to the Stateline Road Improvement Project

Amy Ramage, County Engineer, presented to the Board for consideration of approval Change Order #2 in the increased amount of \$133,159.73, and one month's additional time to complete the project. The additional work/cost includes: South Leigh Creek Restoration; 2,005 feet of additional dirt walking trail; and, cost over-run items for spring site condition mitigation and additional clearing and grubbing.

There was no public comment.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve Change Order #2 to the County's contract with Action Excavation, LLC for additional construction services for the Stateline Road Improvement Project, in the amount not to exceed \$133,159.73, as well as additional time for the completion of work, with a new Ready for Final Payment date of December 1, 2019. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

6. Consideration of Approval of a Memorandum of Understanding with Friends of Pathways for Old Pass Road Asphalt Restoration Project

Brian Schilling, Pathway and Trail Program Coordinator, presented to the Board for consideration of approval a Memorandum of Understanding for a 50% cost-share agreement with Friends of Pathways to overlay portions of the Old Pass Road.

There was no public comment.

A motion was made by Commissioner Barron and seconded by Commissioner Propst to approve the Memorandum of Understanding with Friends of Pathways for the Old Pass Road Restoration Project, which includes a Teton County funding commitment of a 50% match of up to \$200,000. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

8. Consideration of Approval of Jackson Winter Sanding Contract Agreement

Dave Gustafson, Road & Levee Manager, presented to the Board for consideration of approval the 2019-2021 Teton County Jackson Winter Sand Project award and contract.

There was no public comment.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to award and approve the 2019-21 Teton County Jackson Winter Sand Project contract to DePatco, Inc in the amount of \$134,140.00. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

9. Consideration of Approval of a Resolution Approving Additional Grant Applications to the Wyoming Behavioral Health Division for Supplemental FY20 State Funding for Treatment Court

Matt Carr, County Sheriff, presented to the Board for consideration of approval a resolution for the Teton County Court Supervised Treatment Program to participate in the Wyoming Behavioral Health Division supplement grant programs to continue to treat and supervise repeat substance abuse offenders.

There was no public comment.

A motion was made by Commissioner Propst and seconded by Commissioner Epstein to approve the Resolution authorizing submission of Application to the Wyoming Behavioral Health Division for the purpose of supporting the Teton County Court Supervised Treatment Program. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

10. Consideration of Approval of the Transfer of Location of Winery License for Beartrap Ciderworks LLC

Shelley Fairbanks, Deputy County Clerk, presented to the Board for consideration of approval an application for the transfer of location for a winery license issued to Beartrap Ciderworks LLC.

There was no public comment.

A motion was made by Commissioner Propst and seconded by Commissioner Newcomb to approve the transfer of location of a winery license for Beartrap Ciderworks, LLC from 555 Deer Drive Unit 203 to 4125 S. Pub Place for time period of August 20, 2019 through January 6, 2020. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

15. Consideration of Approval of Notification of Termination of Employee Leasing Agreement for Interim Planning and Building Director

Keith Gingery, Deputy County Attorney, presented to the Board for consideration of approval a notification of termination of the Employee Leasing Agreement with GovTempUSA for the Interim Planning and Building Director dated July 29, 2019, with the required twenty-one (21) day advance written notice.

There was no public comment.

A motion was made by Commissioner Barron and seconded by Commissioner Propst to approve the letter for the Interim Planning Director's termination of contract. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

16. Consideration of Approval of Letter to Wyoming Health Council Regarding Title X Contract

Jodie Pond, Health Department Director, presented to the Board a letter to the Wyoming Health Council regarding their intention to withdraw as a subrecipient from the Title X contract effective September 1, 2019.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to approve the outgoing correspondence to Mr. Robert Johnston, Executive Director of the Wyoming Health Council regarding Title X. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

The meeting was recessed at 9:19am and reconvened at 9:26am.

MATTERS FROM PLANNING & DEVELOPMENT:

1. Applicant: LOVETT, RICHARD TRUST OF 1996
LOVETT, RICHARD J. TRUSTEE
Presenter: Kristi Malone
Permit No.: DOP2019-0002 **POSTPONED FROM THE AUGUST 6, 2019 BCC HEARING**
Request: Request for Development Option Plan approval, pursuant to Section 8.5.2 of the Teton County Land Development Regulations, for a non-contiguous Floor Area Option to place a minimum of 54.36 acres of land into conservation easement in exchange for 17,257sf of Floor Area and 3 Accessory Dwelling Units in addition to base zone development allowance.
2. Permit No.: EAS2019-0001 **POSTPONED FROM THE AUGUST 6, 2019 BCC HEARING**
Request: Request to accept two new easements to the Teton County Scenic Preserve Trust to allow approval of a Floor Area Option.
Location: 1725 S. Ely Springs Road, generally located 1.5 miles west of South Park Loop Road. The property is zoned Rural-2 and is within the Natural Resources Overlay. And 22-43-18-05-2-

00-011, generally located 0.3 miles southeast of the intersection of State Line Road and Spring Creek Road in Alta. The property is zoned Rural-2 and is within the Natural Resources Overlay.

Kristi Malone, Planning staff, presented to the Board for consideration a request for a Development Option Plan approval, pursuant to Section 8.5.2 of the Teton County Land Development Regulations, for a non-contiguous Floor Area Option to place a minimum of 54.36 acres of land into conservation easement in exchange for 17,257 sf of Floor Area and 3 Accessory Dwelling Units in addition to base zone development allowance.

When the Board of County Commissioners (BCC) convened as the Board of Trustees of the Teton County Scenic Preserve Trust on June 4, 2019 to consider acceptance of the conservation easements associated with the DOP application, the BCC requested that both items be considered together and be subject to public hearing. Since then, the two items have been continually postponed to meet legal noticing requirements for BCC decisions per the LDRs and to give the applicant time to resolve issues with the Ely Springs Homeowners Association regarding compliance with applicable Covenants, Conditions and Restrictions. Most recently, the Lovett items were postponed from the August 6, 2019 BCC meeting. Since conferring with the Ely Springs HOA on applicable Covenants, Conditions and Restrictions, the applicant submitted amendments to the original application regarding allocation of bonus development potential resulting from the DOP. Based on the amended application, the Ely Springs HOA, represented by attorney Jon Wylie, has withdrawn previous written comment in objection to the DOP proposal. Planning Staff is providing the following analysis of the amended application as an update to the staff report provided previously dated July 16, 2019. The two noncontiguous parcels making up the site for the DOP, the boundaries of the proposed conservation area, and the bonus floor area and Accessory Residential Unit (ARU) density resulting from the Floor Area Option remain unchanged, but the allocation of resulting bonus floor area and ARUs has been amended by the applicant. Of the 60.4 acres subject to this application, 54.78 acres (90%) will be placed permanently into conservation easement in exchange for 17,257 sf of Floor Area and 3 Accessory Dwelling Units in addition to base zone development allowance of one main house and one ARU per lot of record and 15,040 sf of floor area between both lots.

There was no public comment.

Katie Salisbury from Intermountain Aquatics, on behalf of the applicant, addressed the Board regarding the application.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve application DOP2019-0002, received January 23, 2019 and updated August 1, 2019 for a Floor Area Option to allow three ARUs up to 5,000 square feet in scale and 17,257 square feet of floor area in addition to the density and intensity allowed per the base R2 zone, being able to make the findings of LDR Section 8.5.2, with two conditions, as recommended by the Planning Director.

1. Floor Area and residential density shall be allocated between the two separate lots of record as indicated in the following table:

	Ely Springs Parcel	Alta Parcel	Total
Base R2 Zone Floor Area	10,875 sf (existing)	4,165 sf	15,040 sf
Bonus Floor Area	2,500 sf	14,757 sf	17,257 sf
Base R2 Zone Density	1 SFD, 1 ARU	1 SFD, 1 ARU	2 SFD, 2 ARUs
Bonus Density	0 ARUs	3 ARUs	3 ARUs
Development Area	1.46 acres and 1.16 acres	3 acres	5.62 acres
Total Per Parcel	13,375 sf of Floor Area, 1 SFD + 1 ARU	18,922 sf of Floor Area, 1 SFD + 4 ARUs	32,297 sf of Floor Area, 2 SFD + 5 ARUs

2. To ensure compliance with Subsection 7.3.3. Conservation Area Configuration to prioritize wildlife habitat, avoid fragmentation of open space, and design development areas not entirely surrounded by conservation area on all sides, the development area for the Alta parcel shall be relocated as a four-sided polygon with one side adjacent to the north property line and impacts shall be limited to low priority vegetative cover types identified in EVA2018-0027 (mesic grassland, agricultural meadow, or retired agricultural meadow).

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

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to convene as the Teton County Scenic Preserve Trust. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to approve EAS2019-0001, received May 6, 2019 for requested acceptance of two new conservation easements by Teton County Scenic Preserve Trust to meet the conservation area requirements of the Lovett Floor Area Option, being able to make the findings in the Open Space Resources Resolution of Teton County, Wyoming with the four conditions listed below:

1. To ensure compliance with Subsection 7.3.3. Conservation Area Configuration to prioritize wildlife habitat, avoid fragmentation of open space, and design development areas not entirely surrounded by conservation area on all sides, the development area for the Alta parcel shall be relocated as a four-sided polygon with one side adjacent to the north property line and impacts shall be limited to low priority vegetative cover types identified in EVA2018-0027 (mesic grassland, agricultural meadow, or retired agricultural meadow).
2. To compensate Teton County for monitoring and stewardship costs associated with holding two new easements in perpetuity, an easement stewardship fee is due prior to recordation of the easements. The most recently approved stewardship fee by the Board of County Commissioners is \$13,200 per easement.

3. A Transfer Agreement is required to be recorded 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.
4. The site plans included in application materials shall only serve as visual representations of proposed development areas and conservation areas. The applicant shall provide scaled maps of survey and legal descriptions for each parcel that describe the boundaries of the approved development areas and conservation areas for approval by the Planning Director and recordation as exhibits to the conservation easements. Proposed physical development and development potential represented on these site plans are not approved as part of this application and require approval of DOP201900002 and separate physical development permits prior to construction.

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

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to adjourn as the Teton County Scenic Preserve Trust. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

3. Applicant: WRIGHT-CLARK, PETER H. FAMILY TRIANGLE Q RANCH
 Presenter: Chandler Windom
 Permit No.: S/D2019-0006
 Request: Partial vacation of plat pursuant to Section 8.2.13 of the Teton County Land Development Regulations to vacate Lot 9 of the Triangle Q Ranch and subdivide it into three lots pursuant to Section 8.5.3 Subdivision Plat.
 Location: 2600 Fish Creek Road, generally located to the east of Fish Creek Road, approximately 1.3 miles north of downtown Wilson. It is zoned Planned Unit Development-Rural 2 and is partially within the Natural Resource Overlay.

Chandler Windom, Planning staff, presented to the Board for consideration of approval a Plat Amendment, pursuant to Section 8.2.13 of the Teton County Land Development Regulations, for a partial vacation and re-subdivision, pursuant to Section 8.5.3 of the Teton County Land Development Regulations (LDRs), to divide Lot 9 of the Triangle Q Ranch, a 16.21-acre parcel, into 3 (three) lots.

Scott Pierson from Y2 Consultants, on behalf of the applicant, addressed the Board regarding the application.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Barron to approve a Final Plat S/D2019-0006, submitted June 28, 2019 for the partial vacation and re-subdivision of Lot 9 into three lots, with the one (1) condition of approval, being able to make the four (4) findings of Section 8.5.3. and the standards of Section 8.2.13.C., being able to make the finding pursuant to Wyoming Statute §34-12-108, that such partial vacation does not abridge or destroy any of the rights and privileges of other proprietors in Plat No. 1314, with no conditions, and request the Teton County Clerk to write vacate on Lot 9 of Plat No. 1314.

- 1) An Exaction fee in the amount of \$9,587.30 for the two newly created lots shall be due prior to recording of the subdivision plat.

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

4. Applicant: HAN, KYU REVOCABLE TRUST
 KYU HAN, TRUSTEE
 Presenter: Hamilton Smith
 Permit No.: S/D2019-0005 **POSTPONED FROM THE AUGUST 6, 2019 BCC HEARING**
 Request: Partial Vacation of a Plat, pursuant to Section 8.2.13 of the Teton County Land Development Regulations, Amendment of Permits or Approvals, to vacate an existing utility easement, and processed pursuant to Section 8.5.3 Subdivision Plat.
 Location: Lot 22 & 23, Snake River Sporting Club. The properties are zoned R-3 and are within the Natural and Scenic Resources Overlays.

Hamilton Smith, Principal Planner, presented to the Board for consideration of approval a Partial Vacation of a Plat, pursuant to the standards of Section 8.2.13.C. of the Teton County Land Development Regulations (LDRs) for the Partial Vacation of a access and utility easement located on Lot 22 and Lot 23, Snake River Sporting Club, Plat No. 1165, without replat, processed pursuant to Section 8.5.3 of the LDRs, *Subdivision Plat*.

Todd Cedarholm, On Sight Land Surveyors, addressed the Board on behalf of the applicant.

There was no public comment.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve the Han, Kyu Revocable Trust application S/D2019-0005, for a Partial Vacation without replat of an access and utility easement of Plat No. 1165, Lot 22 and Lot 23 Snake River Sporting Club, as recommended by the Planning Director, being able to make all four (4) of the findings of Section 8.5.3. of the applicable Teton County Land Development Regulations, including the standards of Section 8.2.13.C. of the Teton County Land Development Regulations, and being able to make the finding pursuant to Wyoming Statute § 34-12-108, that such partial vacation of the access and utility easement on Lot 22 and Lot 23 does not abridge or destroy any of the rights and privileges of other proprietors in Plat No. 1165, and further instruct the Teton County Clerk to write "vacate" over the utility easement on Lot 22 and Lot 23 of Plat No. 1165 in accord with this approval of a partial vacation of easement.

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

- 5. Applicant: TETON COUNTY
 Presenter: Susan Johnson
 Permit No.: CUP2019-0001 **WITHDRAWN**
 Request: Condition Use Permit pursuant to Section 8.4.2 of the Teton County Land Development Regulations to permit a new cell tower and a wireless adjustment, pursuant to LDR Section 6.1.10.D.2.g, to exceed the maximum height allowed in the zoning district.
- 6. Permit No.: VAR2019-0002 **WITHDRAWN**
 Request: Variance, pursuant to Section 8.8.2 of the Teton County Land Development Regulations to vary Section 6.1.10.D.2.d.v.d. which establishes setbacks at 110% of the distance from the top of the structure to the breakpoint level of the structure.
 Location: The property is located at 2505 N. Moose-Wilson Road, approximately one mile north of the intersection with Highway 22. The property is zone PUD – Neighborhood Conservation and is not within any overlays.

On July 8, 2019, the Teton county Board of County Commissioners voted to withdraw their Landowner Letter of Authorization (LOA) for AT&T to proceed through the Teton County Land Development Regulation process for approval of a cell tower on property owned by Teton County located at the Moose-Wilson Road Fire Station (#6) located at 2505 Moose Wilson Road, Wilson, Wyoming. Because the LOA has been withdrawn, the applications currently pending within the Teton County Planning Department will be closed, since the landowner has withdrawn permission to proceed.

MATTERS FROM COMMISSION

There were no matters from Commission.

EXECUTIVE SESSION

No executive session was held.

ADJOURN

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to adjourn. Chair Macker called for a vote. The vote showed all in favor and the motion carried. The meeting adjourned at 10:24am.

Respectfully submitted,

Shelley Fairbanks
 Deputy County Clerk

TETON COUNTY BOARD OF COMMISSIONERS

 Natalia D. Macker, Chair

 Greg Epstein, Vice-Chair

 Mark Barron

 Mark Newcomb

ATTEST: _____
 Luther Propst

 Sherry L. Daigle, County Clerk