

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

The Teton County Board of Commissioners met in regular session on **March 5, 2019** in the Commissioners Chambers located at 200 S. Willow in Jackson. The meeting was called to order at 10:10am 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 **2/12/19, 2/19/19, and 2/25/19** 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 Newcomb and seconded by Commissioner Epstein to adopt today's agenda with the following changes:

**TO WITHDRAW:** MFS #13 - Consideration of Approval of Request to Purchase New Refrigerator and Freezer for Detention Center

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

**CONSENT AGENDA**

A. Identify Consent Agenda

The agenda for March 5, 2019 was reviewed and items for the consent agenda were pulled.

B. Approve the Consent Agenda

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

1. Consideration of Administrative Items
  - a. 24-Hour Liquor Permits
    - i. Pole, Pedal, Paddle – Malt Beverage Permit – March 23, 2019
  - b. SLIB Drawdowns
    - i. Horsethief Canyon Landfill Closure Project
  - c. Tax Corrections
    - i. Wyoming West Investment (OJ-0033077) - \$1,820.44
2. Consideration of Approval of a Transfer of Retail Liquor License from BBQ5 to VGII
3. Consideration of Approval of a Notice of Award and Contract for Stateline Road Project
4. Consideration of Approval of a Notice of Award of Contract for Landfill Closure Project
5. Consideration of Approval of Contract Amendment #1 for the Horsethief Canyon Habitat Improvement Plan
6. Consideration of Approval of the Administration Building Chiller Valve Replacement
8. Consideration of Approval to Purchase New Extrication Tools
9. Consideration of Approval to Hire Contractor for Site Prep and Footings for New Live Fire Training Prop at Adams Canyon Fire Training Facility
14. Consideration of Approval of Cooperative Law Enforcement Agreement Between Teton County Sheriff and Bridger-Teton National Forest – Campground/Forest Roads Patrols

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

A motion was made by Commissioner Newcomb 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 Administrative Items**

- a. **24-Hour Liquor Permits**
  - i. **Pole, Pedal, Paddle – Malt Beverage Permit – March 23, 2019**

To approve the picnic permit submitted by Jackson Hole Ski and Snowboard Club to be held on March 23, 2019 with the permit being valid for a 24-hour period.

- b. **SLIB Drawdowns**
  - i. **Horsethief Canyon Landfill Closure Project**

To approve the Draw Down Request for the Horsethief Canyon landfill Closure Project as presented.

- c. **Tax Corrections**
  - i. **Wyoming West Investment (OJ-0033077) - \$1,820.44**

To approve the above described tax roll correction totaling \$1820.44

**2. Consideration of Approval of a Transfer of Retail Liquor License from BBQ5 to VGII**

To approve the transfer of a Retail Liquor License from BBQ5 LLC to VGII, LCC, as presented today.

### **3.Consideration of Approval of a Notice of Award and Contract for Stateline Road Project**

To approve the Stateline Road Construction Project Notice of Award to Action Excavation, LLC., for a total project cost of \$808,573.80, as well as a contingency in the amount of \$10,000 for anticipated changes and to authorize the Chair to execute the Owner/Contractor Agreement once all submittals have been received and approved.

### **4.Consideration of Approval of a Notice of Award of Contract for Landfill Closure Project**

To approve the Landfill Closure Construction Project Notice of Award to Record Steel and Construction, Inc., for a total project cost of \$3,010,296.30 (lump sum (not-to-exceed) and unit cost), as well as 10% contingency in the amount of \$301,029.63, and to authorize the Chair to execute the Owner/Contractor Agreement once all submittals have been received and approved.

### **5.Consideration of Approval of Contract Amendment #1 for the Horesethief Canyon Habitat Improvement Plan**

To approve Contract Amendment #1 with Inside Out Landscape Architecture, LLC for the Horsethief Canyon Vegetation Mitigation/Habitat Improvement Plan, with a new total not-to-exceed cost of \$9,615.

### **6.Consideration of Approval of the Administration Building Chiller Valve Replacement**

To award a contract to Snake River MEP Complete in the amount of \$21,928.00 for the replacement of 12, 3-way valves in the Admin chiller system.

### **8.Consideration of Approval to Purchase New Extrication Tools**

To approve the contract with Curtis Tools for the purchase of Hurst extrication tools in the amount of \$36,528.00 and specifically find that sole sourcing is appropriate in this matter because of the long-term use of Hurst Extrication Tools by the Fire/EMS Department and the preference for ongoing continuity of equipment across stations, which promotes efficiency of operations.

### **9.Consideration of Approval to Hire Contractor for Site Prep and Footings for New Live Fire Training Prop at Adams Canyon Fire Training Facility**

To approve the contract with Four Corners Concrete, LLC to install a concrete foundation system for the live fire training structure for an amount not to exceed \$13,450.00.

### **14.Consideration of Approval of Cooperative Law Enforcement Agreement Between Teton County Sherrif and Bridger-Teton National Forest – Campground/Forest Roads Patrols**

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

## **DIRECT CORRESPONDENCE**

1. Mary Gibson Scott 2/12/2019 email regarding JHGT / Vail Resorts
2. John Culbertson 2/12/2019 email regarding Septic and Sewer Plan
3. Steve Price, Spring Creek Ranch 2/14/2019 email regarding Spring Gulch Road Snowplowing
4. Mary Bergeron 2/16/2019 email regarding Pathway Plowing
5. Geoff Gottlieb 2/18/2019 email regarding Travel Demand Model Presentation - Tribal Trails Connector Road
6. Environmental Health Trust 2/19/2019 email regarding Scientific Risks of 5G and Policy Options
7. Jackson Hole Travel and Tourism 2/19/2019 email regarding Sustainability Management Plan
8. Erik Rasmussen, Charter Communications 2/19/2019 email regarding Teton County Cable Franchise Renewal
9. Stefan Fodor 2/20/2019 email regarding BLM Transfers
10. Sue Heffron 2/20/2019 email regarding Alta Road North Opposition
11. Bob Gammel 2/20/2019 email regarding Alta North Road
12. Cindy and Jerry Lucey 2/20/2019 email regarding Alta North Road
13. Billy Kirk, County Public Information Specialist 2/21/2019 email regarding SF 49 Teton County Planning Department Fact Sheet
14. Thomas Robertson 2/22/2019 email regarding Alta Road North
15. Morgan Jaouen, Jackson Hole Historical Society 2/22/2019 email regarding JHHS and 105 Mercill Avenue Property
16. Junie Fuchs 2/22/2019 email regarding Alta North Road
17. John Rieg 2/23/2019 email regarding Alta Road North
18. Jennifer Overcast 2/25/2019 email regarding Subdivision Exemption
19. Phillip Heitman 2/26/2019 email regarding Teton Village and Ikon Pass
20. Valerie Conger 2/26/2019 email regarding SPET for Wildlife Crossings

## **PUBLIC COMMENT**

There was no public comment

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

### **7. Consideration of Approval of Pathway Plowing Contract Amendment**

Discussion between the Board and staff included the decision-making process for how to determine what pathways to keep open throughout the winter season.

There was no public comment.

A motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to approve the contract change order with Fish Creek Excavation to increase the contract amount by \$2,500 and a not to exceed total of \$15,000; and approve the contract change order with Yellow Iron Excavation to increase the contract amount by \$5,000 and a not to exceed total of \$12,500. Chair Macker called for a vote. The vote showed all in favor and the motion carried.

#### **10. Consideration of Approval of the RFP to Develop Housing at 105 Mercill Avenue**

Discussion between the Board and staff included the inability to agree to pooled or shared parking with the Children's Learning Center, pooled parking options, decreasing parking requirements, moving the project timeline back by two weeks, and clarification of the lease of the property.

Public comment was given by Sara Van Genderen - Attorney for the Children's Learning Center.

Discussion between the Board and staff included first right of purchase for Children's Learning Center employees, minimum parking requirements, residential and commercial impacts on parking, and parking requirement impact on the development, and conforming to the LDR requirements for parking.

A motion was made by Commissioner Epstein and seconded by Chair Newcomb to approve the request for proposal to develop housing at 105 Mercill Avenue and direct staff to release the RFP tomorrow March 6, 2019 with the following changes: remove the pooled parking with CLC and adhere to the current parking regulations within the LDR's. Chair Macker called for a vote. The vote showed all in favor and the motion carried.

#### **11. Consideration of Approval of the 2019 Snake River Corridor Cooperative Management Memorandum of Understanding**

Discussion between the Board and staff included changes that the BLM made to the MOU, desire to see how and when changes were made to the document.

Public Comment was given by Amberley Baker – Jackson Hole Land Trust, Stefan Fodor – as a citizen and on behalf of the Walton Ranch, and Jared Baecker – Snake River Fund.

Discussion between the Board and staff included the Corridor Management Transfer Plan, cooperatively managing the land, hiring a land exchange consultant, and public awareness and use of the parcels, and separating issues of ongoing management and individual transfer.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to continue this item to the May 7, 2019 meeting and to request staff to provide the history in a redline document. Chair Macker called for a vote. The vote showed 4-1 in favor with Commissioner Propst opposed and the motion carried.

#### **12. Consideration of Approval of Policy Regarding Rehired Retirees**

Discussion between the Board and staff included the intent of the Wyoming Retirement Fund 30 day wait, aligning this policy with other break in employment policies, purpose of the 1 year recommendation, clarification of Internal Revenue code and Wyoming Retirement Fund, following the WRS guidelines, better understanding for days of separation, effort to recruit for the position, no agreements for re-hiring, and flexibility for hiring.

There was no public comment.

A motion was made by Commissioner Newcomb and seconded by Commissioner Barron to approve adoption of the Teton County Human Resources Rehired Retiree policy. Chair Macker called for a vote. The vote showed 1-4 in favor with Commissioners Epstein, Barron, Newcomb, and Propst opposed and the motion failed.

#### **15. Consideration of Approval of Contract with Program and Policy Insight, LLC for Human Service Planning Efforts**

Discussion between the Board and staff included how to amend the document in the future, how to ensure partners will collaborate, and options for adding partners, and clarify that the intent of the contract is to secure services of this consultant.

Public comment was given by Margaret Hochheiser and Sarah Cavallaro.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve the contract with Program and Policy Insight, LLC for Human Service Planning, in the not-to-exceed amount of \$81,900. Chair Macker called for a vote. The vote showed all in favor and the motion carried.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to direct staff to continue to work with the collaborative group and ferret out any other financial contributions for this contract as well as meaningful contributions. Chair Macker called for a vote. The vote showed all in favor and the motion carried.

The meeting recessed at 11:45pm and reconvened at 11:53pm

#### **MATTERS FROM PLANNING & DEVELOPMENT**

1. Applicant: LYNX, LLC LYNX II, LLC, THOMAS, EDWIN J. II  
Presenter: Emily Cohen  
Permit No.: S/D2019-0001  
Request: Partial Vacation of a Plat, pursuant to Section 8.2.13 and 85.3 of the Teton County Land Development Regulations to partially vacate access and utility easements without a replat.

Location: The subject properties are located at 4175, 4177, and 4179 South Highway 89. The properties are approximately three miles south of the town of Jackson, adjacent to Melody Ranch. The properties are zoned Business Park and are not in any overlays.

Emily Cohen, Planning Staff, presented to the Board for consideration of approval a Partial Vacation of a Plat, pursuant to Section 8.2.13 of the Teton County Land Development Regulations, to vacate access and utility easements on Plat No. 973 without a replat.

The applicant is requesting a partial vacation of a plat to vacate the following:

- 15 feet of the access and utility easement on the northern side of Lot 1
- 15 feet of the utility easement on the eastern side of Lot 1
- 15 - 25 feet of the access and utility easement on Lot 2
- The entire 30-foot utility easement on Lot 3

There was no public comment.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to approve S/D2019-0001, submitted January 14, 2019 for the partial vacation of access and utility easements on Lots 1, 2, and 3 of the Snake River business Park, based on the Teton County Land Development Regulations, 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. 973, with no conditions as recommended herein by the Planning Director and request the Teton County Clerk to write vacate on the access and utility easements on Lots, 1, 2 and 3 Plat No. 973. Chair Macker called for a vote. The vote showed all in favor and the motion carried.

### **MATTERS FROM COMMISSION**

A matter from staff was brought to the Board's attention and the Board chose to add this action items to the agenda at this point.

**TO ADD:** Malt Beverage Permit for the Darby Dash

There was no public comment.

A motion was made by Commissioner Propst and seconded by Commissioner Epstein to approve the picnic permit submitted by Teton Valley Community Animal Shelter to be held on March 9, 2019 with the permit being valid for a 24-hour period. Chair Macker called for a vote. The vote showed all in favor and the motion carried.

**Calendar Review.** The Board reviewed their weekly calendars individually.

### **Executive Session**

At 12:00pm, a motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to enter executive session pursuant to W.S. §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 a vote. The vote showed all in favor and the motion carried.

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

Others present: Keith Gingery, Alyssa Watkins, Sherry Daigle

At 12:15pm a motion was made by Commissioner Epstein and seconded by Commissioner Propst to adjourn from executive session. Chair Macker called for a vote. The vote showed all in favor and the motion carried.

A motion was made by Commissioner Barron and seconded by Commissioner Epstein to direct staff based on the discussion in executive session about litigation. Chair Macker called for a vote. The vote showed 4-1 in favor with Chair Macker opposed and the motion carried.

### **ADJOURN**

A motion was made by Commissioner Propst and seconded by Commissioner Barron to adjourn. Chair Macker called for a vote. The vote showed all in favor and the motion carried. The meeting adjourned at 12:18pm.

Respectfully submitted,

Kellie Dickerson  
Deputy County Clerk

TETON COUNTY BOARD OF COMMISSIONERS

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Natalia D. Macker, Chair

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Greg Epstein, Vice-Chair

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Mark Barron

Mark Newcomb

ATTEST:

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Luther Propst

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Sherry L. Daigle, County Clerk