

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

The Teton County, Wyoming Board of County Commissioners met in regular session at 9:00 a.m. on **January 19, 2010** in the Commissioners Chambers at 200 S Willow, Jackson, Wyoming.

Present: Hank Phibbs - Chairman, Ben Ellis – Vice-Chair, Leland Christensen, Andy Schwartz, and Paul Vogelheim. Sherry Daigle - County Clerk, Keith Gingery – County Civil Attorney, Nicole Krieger – Deputy County Attorney, Steve Foster – County Commissioners' Administrator, Sean O'Malley – Interim County Engineer Director, and Susan Johnson – County Planning Department.

Chairman Phibbs called the meeting to order at 9:09 a.m. and the Pledge of Allegiance was recited.

MINUTES

Mr. Ellis moved to approve the minutes for the Regular Meetings dated 1/4/10, 1/5/10, 1/11/10 and special meetings on 1/4/10 and 1/11/10. Mr. Schwartz seconded. Mr. Vogelheim proposed a change to the January 5, 2010 minutes on page 10 to add Tom Campbell raised the issue of the impact of the zone of influence being beyond the building's footprint. The Motion passed unanimously.

DIRECT CORRESPONDENCE

1. Cindy Knight 12/31/2009 letter to BCC regarding invitation to the Lights on Afterschool Expo on January 12
2. Vicki Rosenberg 12/31/2009 email to BCC regarding search and rescue proposal
3. Michael Rosenberg 12/31/2009 email to BCC regarding search and rescue proposal
4. Curtis Stauffer 1/4/2010 letter to BCC regarding search and rescue proposal
5. Betsy Dreher 1/5/2010 email to BCC regarding Jackson Hole Golf and Tennis Affordable Housing regulations
6. Peter Moyer 1/4/2010 letter to BCC regarding conservation
7. Cheri Koehn, W C C A 1/5/2010 email to BCC regarding NACo Legislative conference in Washington DC
8. Taylor Rossetti, Department of Transportation 1/5/2010 email to BCC regarding CMAQ committee meeting on January 21
9. Mark Vandenbroeke 1/5/2010 email to BCC regarding snowmobiling use on Buffalo Valley Road
10. Julie Kozlowski, Wyoming Business Council 1/3/2010 email to BCC regarding award notice of the JH Elders CDBG Economic Development Planning Only grant application, contract to follow in 6 weeks
11. Gary Brennan 1/3/2010 email to BCC regarding search and rescue proposal
12. Robin Siegfried 1/3/2010 email to BCC regarding search and rescue proposal
13. Susan Eriksen-Meier 1/3/2010 email to BCC regarding search and rescue proposal
14. James Brough, Department of Environmental Quality 1/6/2010 letter to BCC regarding results of review of the Sullivan Subdivision WDEQ application
15. Samuel Klutznick 1/6/2010 letter to Jeff Daugherty regarding conflict between county records and easement documents on Cameron Road
16. Jeff Noffsinger, Town Planning Department 1/19/2010 email to BCC regarding Save the Date for WyoPass Fall Conference in Jackson October 6-8
17. Suzie Kirvinskee 1/6/2010 email to BCC regarding search and rescue proposal
18. Susan Eriksen-Meier 1/6/2010 email to BCC regarding search and rescue proposal
19. Thomas Williams, Wyoming Retirement System 1/8/2010 letter to BCC regarding reporting employee hours
20. Craig Fiskus, Volunteers of America 1/8/2010 letter to BCC regarding revised subaward contract for OJJDP grant
21. US District Court 1/8/2010 letter to BCC regarding Derrick Williams vs Teton County Sheriff's Office, Commissioners, Attorneys and Judges
22. Mary Gibson Scott, US Department of the Interior 1/11/2010 letter to BCC regarding Moose Headquarters Rehabilitation - Site Work Environmental Assessment -comments deadline is February 9, 2010
23. Dave Freudenthal, Office of the Governor 1/11/2010 letter to BCC regarding appointment of Dan Caldwell to Assistant Public Defender in the Ninth Judicial District
24. State Board of Equalization 1/12/2010 letter to BCC regarding Appeal of Directv Inc. Order Vacating and Resetting Hearing
25. Brian Schilling, Pathways 1/12/2010 email to BCC regarding WY22 Snake River Bridge RDZ Report
26. DeAnna Kay, Senator Mike Enzi 1/12/2010 fax to BCC regarding letter from Dorothy Tyrrell regarding property overlays
27. WY Department of Transportation 1/13/2010 letter to BCC regarding 2010 Subscription Rates for Invitation to Bid, Bid Tabulations and Plan holders Listings
28. Allan Cunningham, Board of Control 1/13/2010 letter to BCC regarding Order of the State Board of Control which confirms the petition for voluntary abandonment of a portion of the Warren Edmiston Appropriation - Edmiston Ditch
29. Herb Brooks, ISW and Recycling 1/13/2010 letter to BCC regarding coordination of 2006 SPET funds for the Addition to Trash Transfer Station

PUBLIC COMMENT ON CORRESPONDENCE

Mr. Mark Vandenbroeke resident of Buffalo Valley spoke to snowmobile use on Buffalo Valley Road and the Commissioners authority to rule on allowing use on county roads and right of ways. He requested a public hearing in Moran on snowmobile use.

Mr. Gingery, County Civil Attorney followed up on the snowmobile use issue by stating he had talked with the Sheriff about enforcement and possible code enforcement violations. Mr. Gingery will write a memo with legal views and then the Board will decide what direction to take.

There was no further public comment.

Mr. Ellis moved to alter the meeting agenda by postponing items #5, #6 and #9 to February 2, 2010, withdraw item #18 and add Matter From Staff #12-B – Approval of Memorandum of Understanding between Teton County and Teton Youth and Family Services in conjunction with the Memorandum of Understanding between Teton County and Wyoming Department of Family Services, Matter From Staff #19 – Consideration to Support and

Sponsor SPET Application by Jackson Hole Historical Society, Matter From Staff #20 – Consideration to Support and Sponsor SPET Application by Don Harger, Matter From Staff #21 – Approval of a Revised Joint Powers Agreement between Teton County, Town of Jackson and Teton County School Board for the Community Juvenile Services Board and Matter From Staff #22 Consideration to Support and Sponsor a SPET application from the Snake River Fund. Mr. Vogelheim seconded and the Motion passed unanimously.

Mr. Ellis further moved that the three items related to SPET Applications be heard following item #12. Mr. Vogelheim seconded and the Motion passed unanimously.

MATTERS FROM COMMISSION AND STAFF

1. Authorize Payment of the January 11, 2010 Vouchers

There was no public comment on this item.

Mr. Schwartz moved to approve the January 11, 2010 vouchers in the amount \$662,264.91. Mr. Ellis seconded and the Motion passed unanimously.

2. Approval of a Grant Application to the Wyoming Fire Chiefs Association

Willy Watsabaugh, interim Fire Chief presented this grant application for approval to the Wyoming Fire Chiefs Association to provide funding in four programs: 1. Supplemental travel and lost time for training, 2. Physicals and Immunizations, 3. College Scholarships for volunteers and 4. Training props at the Thomas Watsabaugh Training Facility.

There was no public comment on this item.

Mr. Christensen moved to authorize the Chairman to sign a Resolution supporting Jackson Hole Fire/EMS in submitting a grant application to the 2009 Volunteer Firefighter Recruitment & Retention Grant for Firefighter health screening and immunizations, fire training, scholarships, and training props, Mr. Vogelheim seconded. Mr. Schwartz stated that the administrative costs incurred by the County Clerks' office should be considered in grant applications. The Motion passed unanimously.

3. Approval of Electrical Permit Fee Waiver Request from Town of Jackson for the Waste Water Treatment Plant Solar Farm

Willy Watsabaugh, interim Fire Chief presented this request from The Town of Jackson for a fee waiver from Jackson Hole Fire/EMS, Electrical Division Permit Fees for the installation of additional solar panels and associated supporting elements. The Town currently has a 27-KW solar electric photovoltaic system in operation at the Wastewater Treatment Plant and when both projects are complete and in operation they will have a 192-KW system at the Wastewater Treatment Plant. This project is designed to help save energy/costs and is in direct alignment with the Town and County 10x10 resolution to reduce energy consumption by 10% by 2010. It also aligns with the new Jackson Hole Energy Sustainability Project.

There was no public comment on this item.

Mr. Christensen moved to approve the fee waiver request as requested by the Chief for the solar electric photovoltaic project at the wastewater treatment plant, Mr. Ellis seconded and the Motion passed unanimously.

4. Consideration of a Professional Services Fee Amendment for the access road Slope Stabilization Design for Snake River Sporting Club

Gordon Gray, County Engineering presented the professional fee amendment to Nelson Engineering related to the slope stabilization design at the Snake River Sporting Club. Nelson Engineering has retained Geotechnical Design Systems to analyze various stabilization options. Since the access road was initially permitted, as part of the approved development, site conditions have changed due to grading work occurring outside of the recorded easements in some locations. This work, along with emergence of some recent advances in addressing slope stabilization, has caused Nelson Engineering to re-evaluate its initial design assumptions. Based on this re-analysis, Nelson Engineering is recommending that "spiral nail" technology be considered as a potential alternative to "soil nail drilling", which requires more specialized equipment as well as the need to "grout" the nails once they are drilled into the hillside. If successful, spiral nailing has the potential to save substantial amounts of money (\$750,000 to \$1,000,000) to stabilize portions of the slopes along the access road. In order to determine the viability of this technology, Nelson Engineering is recommending that the County conduct on-site testing to determine its efficacy with the existing soils. This work was required to identify additional road easements which, if procured, will result in further cost savings. The proposed cost for the on-site testing (fee amendment) is \$15,000.

There was discussion between Mr. Vogelheim and Mr. Gray related to paving and snow removal. Mr. Vogelheim stated paving is an important aspect and asked what the county is required to do on paving. Mr. Gray said paving was included in the initial proposal and has been planned to be the last item to be installed which is scheduled for next summer. If there was a funding shortfall, paving would be a reasonable area to save some money. Mr. Gray stated Mr. Edgecomb currently has staff to take care of snow removal. When the homeowners association is established they will take control of snow removal.

There was no public comment on this item.

Mr. Vogelheim moved to approve a fee amendment to the Nelson Engineering contract, in the amount of \$15,000, to conduct on site testing to determine the efficacy of spiral nail technology for slope stabilization for the Snake River Sporting Club external access road, Mr. Christensen seconded. There was discussion amongst the Board related to the county spending funds under a Letter of Credit to install improvements; this does not mean that we are responsible for those improvements nor own those improvements, they will be owned by the developer or home owners. The Motion passed unanimously.

5. Approval of Teton County Idaho Ambulance Services Contract

This item was postponed to February 2, 2010.

6. Approval of HIPAA Business Associate Agreement with Teton Valley Hospital and Surgicenter

This item was postponed to February 2, 2010.

7. Award of Bid/Approval of Purchase for an Ice Rink Edger

Steve Ashworth, interim Parks & Recreation Director presented this item for an approval of purchase and delivery of a walk-behind power ice edger. The ice edger will be utilized at the department's winter outdoor ice rinks. The purpose of the edger is to provide higher quality ice, while reducing labor and ice build up along the perimeter of the rink. Five vendors were notified, from which three bids were received. Bid results were as follows:

<u>BIDDER</u>	<u>TOTAL BID</u>
Zamboni Company (Paramount, CA)	\$3,960.00
Becker Arena Products (Savage, MN)	\$2,572.50
Thomsen Ice Edgers (Albert, MN)	\$2,695.00

There was discussion between Mr. Vogelheim and Mr. Ashworth on Zamboni's bid.

There was no public comment on this item.

Mr. Ellis moved to approve Award of Bid/Approval of Purchase for the Ice Edger with Becker Arena Products in the amount of \$2,572.50 as presented by staff, Mr. Christensen seconded and the Motion passed unanimously.

8. Award of Bid/Approval of Purchase for an Ice Rink Re-Surfacers

Steve Ashworth, interim Parks & Recreation Director presented this item for purchase and delivery of a tractor mounted ice re-surfacer to be utilized on the department's winter outdoor ice rink. The purpose of the purchase is to reduce labor time in preparing and maintaining ice, increase quality of the ice surface, and reduce the amount of water required to maintain ice. Three vendors were notified, from which two bids were received. Bid results were as follows:

<u>BIDDER</u>	<u>TOTAL BID</u>
Zamboni Company (Paramount, CA)	\$11,500.00
Becker Arena Products (Savage, MN)	\$12,000.00

There was discussion between Mr. Vogelheim and Mr. Ashworth regarding warranty and service agreements.

Mr. Ellis asked where the equipment would be kept. Mr. Ashworth stated the primary use would be at the fair grounds and trucked to Wilson as needed. Mr. Ellis asked that community involvement be looked into for the ice rink in Wilson.

There was no public comment on this item.

Mr. Ellis moved to approve the Award of Bid/Approval of Purchase for the tractor mounted Ice Re-surfacer with Zamboni company, in the amount of \$11,500.00 as presented, Mr. Vogelheim seconded. Mr. Christensen pointed out the funding source was from the 2009/10 Recreation District Grant and appreciated the available funds. The Motion passed unanimously.

9. Award of Proposal/Approval of Contract for Design Services for Phil Baux Park Teton Boulder Project

This item was postponed to February 2, 2010.

10. Second Public Hearing for Community Development Block Grant process for the Housing Authority: Discussion and Selection of Proposed Project for the Grant Application Submittal

Charlotte Reynolds, County Grant Writer presented this second of two public hearings for the 2010 Community Development Block Grant. Community organizations were encouraged to present possible projects for consideration. The maximum level of grant funding for any project is \$250,000. Wyoming Community Development Authority expects to have approximately \$700,000 available of Community Development Block Grant (CDBG) funds from the Wyoming Business Council (WBC) for housing related activities. Counties, incorporated cities, and incorporated towns may apply for these funds to provide additional housing resources for their communities. Teton County Housing Authority has not received any projects submitted by the public. Since no public requests have been submitted, the Housing Authority has determined that the Hall Street Affordable Housing project would be an appropriate project for this funding and are requesting approval for application. If awarded the funds would be used to construct fourteen category one units. The Housing Authority will work with the Habitat of Humanity to construct five of those fourteen units. A 10% match is required on this grant.

Mr. Schwartz asked if the grant allows for administrative costs. Ms. Reynolds said this grant does not typically allow for such costs.

Mr. Ellis asked staff to draft a policy that would require future grant applications to address administrative costs in the amount of up to 10%.

There was discussion between Mr. Vogelheim and Ms. Reynolds about funding the match from the Housing Authority's budget.

There was no public comment on this item.

Mr. Ellis moved to approve and request and require the chair to sign a resolution authorizing a grant application for up to \$250,000 to the Wyoming Community Development Authority's Community Development Block Grant program for the Hall Street project as presentd, Mr. Vogelheim seconded and the Motion passed unanimously.

11. Approval of Consultant Selection for Landfill Closure and Trash Transfer Station Site Planning

Sean O'Malley, interim County Engineer presented on behalf Heather Overholser who was out with an illness. This request is to approve a work change order to Teton County's existing contract with Trihydro to perform planning work for the Landfill closure and the Trash Transfer Station (TTS) site redevelopment. WDEQ requires Teton County to submit landfill closure and transfer station operating permit applications by January 1, 2011. In order to submit these applications to the WDEQ by the required date, further planning work was needed to allow the County to consider all of the options for closure and site redevelopment, determine economic, environmental and logistical feasibility of each, and select a preferred alternative. Additionally, it was necessary for the County to develop landfill closure and TTS design plans. In October 2009 we learned that the state-wide Integrated Solid Waste Management Planning (ISWMP) Fund allocated by the state for the western region (Teton, Sublette, Uinta and Lincoln Counties) had remaining funds earmarked for planning work. WDEQ granted Teton County approval to utilize these funds for planning work at the landfill/transfer station site. \$126,000 in funds are available and the project budget is \$59,920. WDEQ's approval allows Teton County to be reimbursed for up to 90% of the project cost.

Trihydro Corporation was contracted by the Western Wyoming Planning Group to perform the ISWMP work. The original contract with Trihydro was held by Sublette County, which served as the representative for the four-county planning group. For this project, WDEQ has given Teton County approval to: sign a contract directly with Trihydro (or a work change order to Teton County's existing contract with Trihydro); have billing and payment made directly between Teton County and Trihydro; and, have the 90% reimbursement request and payment handled between Teton County and the WDEQ. The following is a timeline of the major activities involved in the landfill closure/trash transfer station site redevelopment project:

- *Step 1 (January 19, 2010): Approval of landfill closure/TTS site planning contract signed with Trihydro
- Step 2 (by May 2010): BCC selects preferred alternative for landfill closure and TTS site redevelopment
- Step 3 (June 2010): RFP for final design contract
- Step 4 (July 2010): Approval and signing of final design contract
- Step 5 (October 2010): Final landfill closure plan and TTS designs submitted to Trihydro
- Step 6 (October-December 2010): Trihydro prepares closure and TTS operating permit applications for WDEQ
- Step 7 (January 1, 2011): Trihydro submits landfill closure and TTS operating permit application to WDEQ on behalf of Teton County
- Step 8 (July 1, 2011): WDEQ issues permits to Teton County and approves closure and TTS operating plans
- Step 9 (Fall 2011): ISWR prepares and releases RFP for landfill closure, site redevelopment and project management
- Step 10 (Spring 2012): Major landfill closure and site construction activities begin

There was discussion between Mr. Vogelheim and Mr. O'Malley on the aggressive schedule and staff believed it attainable. Mr. Vogelheim commended Heather Overholser on finding funding for this project.

There was no public comment on this item.

Mr. Ellis moved to approve a work change order in the amount of \$59,920 to Teton County's existing contract with Trihydro so that Trihydro may perform planning work for the Horsethief Canyon Landfill closure and the Trash Transfer Station site redevelopment, Mr. Christensen seconded.

Mr. Schwartz asked about the \$6,000 required to be paid by the county. Mr. O'Malley stated about \$3,000 would be returned and funds in the project account will cover any shortfall. Mr. Ellis voiced appreciation to Heather Overholser for securing funds from the state and convincing other counties for allowing the funds to come to Teton County.

The question was called and the Motion passed unanimously.

12. Approval of Memorandum of Understanding between Teton County and Wyoming Department of Family Services

12-B. Approval of Memorandum of Understanding between Teton County and Teton Youth and Family Services in conjunction with the Memorandum of Understanding between Teton County and Wyoming Department of Family Services

Nicole Krieger, Deputy County Attorney presented two Memorandums of Understanding: (1) Between Teton County and the Wyoming Department of Family Services for use of the Positive Achievement Change Tool (PACT) in juvenile probation/diversion cases in Circuit Court; and (2) Between Teton County and Teton Youth and Family Services (TYFS) ensuring that TYFS will comply with all rules, regulations and guidelines for appropriate use of the PACT assessment. The PACT assessment was developed to assist Juvenile Probation Officers in determining a youth's level of risk to re-offend, identifying areas of highest criminogenic need, developing a meaningful intervention plan, and monitoring progress in reducing risk factors. These two MOUs will allow Teton County to use the PACT assessment in juvenile cases that are handled in the Circuit Court or that go through the juvenile diversion program. The MOU between Teton County and the Wyoming Department of Family Services is necessary due to confidentiality requirements set forth in Title 14 of Wyoming Statutes. Teton Youth and Family Services will be administering the PACT because both the Teton County Circuit Court probation officers, as well as the Director of the Juvenile Diversion program, are employed by Teton Youth and Family Services. Thus the MOU between the County and TYFS will ensure that TYFS complies with the PACT requirements.

There was no public comment on this item.

Mr. Christensen moved to approve the Memorandum of Understanding between Teton County Board of County Commissioners and Wyoming Department of Family Services, Mr. Vogelheim seconded and the Motion passed unanimously.

Mr. Christensen moved to approve the Memorandum of Understanding between Teton County Board of County Commissioners and Teton Youth and Family Services, Mr. Vogelheim seconded and the Motion passed unanimously.

13. MFS2009-0064 - Jennifer Kocher-Anderson - Evan's Construction Company - Annual review of the River Springs Special Use Permit SUP2004-0001 for a gravel operation, pursuant to Section 5140, Conditional and Special Uses, of the Teton County Land Development Regulations

This item and the following items in order of the agenda were continued after items #19, #20 and #22 were heard.

Jennifer Anderson, County Code Compliance presented the annual review of the River Springs as required by the Special Use Permit (SUP 04-0001) for a gravel operation, approved April 3, 2007 and expires December 1, 2011. The scope of the review is limited to reviewing the continued compliance with land use regulations as well as the nine conditions of the initial review. In addition to the nine conditions, fourteen standards from Section 231300 were reviewed. This site operates as a distribution center for the west bank, no new materials are brought there and there is no excavation at the property. The main issues are the 2.5 acre expansion area and if it should be reclaimed immediately. There is one topsoil stockpile that is required by DEQ that is still in this 2.5 area. Staff recommends that since the active area with this stockpile is still under the allowable 10 acres that this stockpile remains in place to help mitigate noise from moving trucks. The remaining area should be reclaimed by October 2010. The other issue was noise monitoring. There were five days over the permitted 51 decibels, but because crushing activities have ceased completely this is a mute point. Ms. Anderson provided public comment from one neighbor, Mrs. Obering, who had to leave the meeting earlier; she stated during the past year, Evans had been communicating with the neighbors which was greatly appreciated. Also, she noticed that it was very loud from the south property line near the boat ramp, but as there are no homes nearby it is not an issue.

After completing the review, one condition was recommended: All areas outside of the 10 acre stockpiling and processing area shall be reclaimed within one year of the amendment (SUP 09-0001) denial, October 6, 2010. The one topsoil stockpile depicted on Aerial #1 may remain until the reclamation work is started on the entire site, however it shall not be expanded in any way.

There was no other public comment on this item.

Mr. Christensen moved to approve the annual review with the condition as recommended by staff, Mr. Vogelheim seconded and the Motion passed unanimously.

14. MFS2009-0071 - Jennifer Kocher-Anderson - Rendezvous Engineering PC - Annual review of the Melody Ranch Lower Ranch gravel operation, as required by Condition of Approval #3 of DEV 00-0001, pursuant to Section 51200, Development Plan, of the Teton County Land Development Regulations.

Jennifer Anderson, County Code Compliance presented the annual review of the Melody Ranch Lower Ranch gravel operation. Condition of Approval #3 of the associated Development Permit (DEV 2000-0001) requires an annual review of the Melody Ranch gravel extraction and processing operation by the Board of County Commissioners. All conditions of the approval had been met during the past year. The key issues of the annual review have been (1) an end date to the operation and (2) if there were no Melody Ranch infrastructure needs, only specified upcoming public project needs, could the operation continue.

After completing review, three conditions were recommended: 1. Prior to resuming gravel extraction activities on May 15, 2010, the applicant shall provide an updated estimate for the reclamation work and a surety for that amount to the Planning Department; 2. The Applicant shall apply for and in a good faith effort obtain a Special Use Permit and Text Amendment prior to the 2010 operating season; 3. Prior to resuming gravel extraction activities on May 15, 2010, the applicant shall remit payment of \$90.00 for invoice MFS 09-0071 for neighbor notices, which have been paid.

Dave Larson, speaking as the applicant's representative, addressed the Board with a request to change the language in condition number 2. "The Applicant shall apply for and in a good faith effort *attempt to obtain* a Special Use Permit and Text Amendment prior to the 2010 operating season." He stated a clarification to what happens to the permit if there are no public projects and no Melody Ranch projects – the permit would continue as long as the PUD is alive, just during that period of time there would be no operations.

There was no public comment.

Mr. Vogelheim moved to approve the 2009 Annual Review for the Melody Ranch gravel operation with the following conditions of approval as provided by staff with the addition of the applicant's language revision on condition number 2, Mr. Christensen seconded and the Motion passed 4-1 with Mr. Ellis opposed.

15. EXT2009-0001 - Hillary Taylor - Nelson Engineering - Three year extension of Sketch Plan (SKC2007-0003) permit approval, pursuant to Section 5200, Extraordinary Circumstances Time Extension, of the Teton County Land Development Regulations, to extend the deadline until February 5, 2013 to submit a sufficient Final Development Plan application to construct not more than 70,395 square feet, including a garage and five floors of residential condominiums, a lounge, a restaurant, commercial retail space, a real estate office, a spa, and employee housing.

Hillary Taylor, County Planning Department presented this three year extraordinary circumstance extension to complete a final development plan application. The applicant requests a three year extension of the sketch plan and variance to allow more time for the submittal of the final development plan. If approved the applicant shall have until February 5, 2013 to submit a sufficient application for final development plan. In June 2009 the Board approved a six month extension allowing until February 3, 2010, which was originally approved in August 2008. The sketch plan includes the demolition and replacement of the Village Center with a 70,395 square foot building including a garage, five floors of residential condos, lounge, restaurant, retail, real estate office, spa, and employee housing. The variance allowed the landscape surface ratio to be varied from 20% to 13% and the impervious surface ratio was varied from 80% to 87%. The extraordinary circumstance stated is due to present economic conditions and during advancement of the project it has encountered unforeseen challenges and this request is pursuant to Section 5120.P of the Land Development Regulations.

Mr. Schwartz asked how long they would have to start construction after the final development plan was approved. Ms. Taylor responded they would have one year to begin. However, regulations do allow for an

additional extension.

Mr. Vogelheim questioned Ms. Taylor's statement that additional extensions could be coming forth. She stated she was aware of two affiliated with an approved master plan.

Mr. Schwartz asked what the current housing requirement was. Ms. Taylor responded that housing for 2.43 employees was required to be provided. The applicant has proposed to provide 2.5 employee housing units on site.

Mr. Phibbs asked if the permit was extended and the County changed the employee housing requirements, would the application fall under the new requirements. Staff affirmed that the application would not be subject to the new housing requirements.

The applicant's representative, Manuel Lopez, addressed the board and affirmed the extraordinary circumstances and plans to provide employee housing for 2.5.

Mr. Vogelheim questioned Mr. Lopez about employee housing. Mr. Phibbs clarified Mr. Lopez's statement that Mr. Lopez would agree to a condition on the motion that said everything was extended except that the employee housing requirements in effect on the date they elect to proceed would apply.

There was discussion amongst the Board regarding the length of the extension.

There was no public comment on this item.

Mr. Schwartz moved to approve a three year extension of SKC2007-0003 and VAR2007-0019 with the one condition that at the time of application for final development plan the Board of County Commissioners may change the employee housing requirement to reflect any changes in that requirement to the Teton Village Master Plan, Mr. Christensen seconded.

There was further discussion amongst the Board on the length of the extension being one year versus three years. Mr. Ellis proposed a friendly amendment to the motion to change it to a one year extension. Mr. Schwartz accepted the friendly amendment but Mr. Christensen did not.

The original Motion passed 4-1 with Mr. Ellis opposed.

16. MFS2009-0076 - Maggie Schilling - Pierson Land Works, Inc. - Request for exemption from freeze resolution for Planned Residential Development (PRD) for 100-acre property in Alta. Maximum PRD potential would be 16 units.

Mr. Christensen disclosed the owners of the property to be discussed are closely related to his family, recused himself and left the room at 11:10 a.m.

Maggie Schilling, County Planning Department, presented this request that the Board of County Commissioners grant an exemption to the 5/6/08 Freeze Resolution (most recently reaffirmed 8/18/09), which prohibits applications for Planned Residential Developments (PRDs) on properties over 20 acres, in order to permit an application for a PRD with subdivision on 100.5 acres on Ski Hill Road in Alta. Owners of the Subject Property, 7-C Industries LLC, request an exception to the Freeze Resolution in order to permit an application for a Planned Residential Development (PRD) with subdivision. The Property is zoned Rural, and consists of two parcels: the larger, western parcel is 87 acres, and the smaller, eastern parcel is 13.5 acres, for a Gross Site Area of 100.5 acres. The eastern parcel is located in the NRO. While no specific number of units had been identified, the parcels together contain a Base Site Area of 93.7 acres. Utilizing the 70% open space option with a Base Site Area of over 70 acres in Alta would permit a maximum of 16 units.

Mr. Vogelheim questioned if the eastern parcel was located in the NRO. Staff affirmed that whole eastern parcel is in the NRO.

Mr. Ellis asked for an update on what amendments are coming through as it relates to the freeze resolution and what is included. Ms. Johnson stated the AH-PUD and PD-PDR would be included to be repealed, but the PRD would be allowed if the amendment passes in early March.

Hal Hutchison spoke on behalf of the land owners and stated the uses on the property have been active ranch, open space and maintaining the natural resource overlay and the owners want to continue these uses. He said this request is consistent with the comprehensive plan update review. He held two letters from land owners, one from 7-C Industries and Diane Boxtton, being partners and another from an unnamed property owner.

Mr. Ellis asked Mr. Hutchison about the slopes on the property and buildings on parcels on the west and maybe two to the east. Mr. Hutchison said it was his understanding that one primary unit was planned and was unsure of accessory units. His sense was that no additional units would be located on the eastern parcel within the natural resource overlay, not to say some development may be reconfigured in the future development of the overall property.

Mr. Schwartz commented on the non-contiguous PRD nature and asked if there were other properties that could have been included in this. Mr. Hutchison stated these two pieces of property are the only properties in the 7-C ownership, there is no additional property that could have been included or excluded.

Peggy Miller, formerly Christensen, addressed the Board to request approval of the exemption to resolve a long-standing, 15 year family dispute and would like to see farming and open space uses continue.

Mr. Ellis moved to approve the request for the exemption to the freeze resolution as presented, Mr. Vogelheim seconded. There was further discussion amongst the Board on the freeze resolution, the motion, non-contiguous PRDs, and implications on the freeze resolution.

The Motion passed 4-0 with Mr. Christensen recused.

17. MFS2009-0062 - Paula Stevens - Approval of the Hoback Junction Context Sensitive Amenities WYDOT Maintenance Agreement.

Sean O'Malley, interim County Engineer presented on behalf of Paula Stevens. This is a request for the chairman's signature on a maintenance agreement with the Wyoming Department of Transportation related to context sensitive amenities at Hoback Junction. Teton County and WYDOT have worked on the agreement and agree to this final form. Previous concerns have been addressed by increasing the budget and lighting specifications have been added.

Mr. Gingery was asked if he had opportunity to review the revised agreement. He had reviewed it and had a reservation of being locked-in to all aspects if it were signed today and not being able to get the road under the bridge.

There was discussion amongst the Board and staff as to possibly continuing this item to February 2nd to allow opportunity for further negotiations versus WYDOT presuming the issue was closed when the County signs the agreement. Signing the agreement will lock in some elements that the county does want; however, whether or not a road underneath the bridge could be added has not been answered.

Mr. Christensen rejoined the board at 11:47 a.m.

There was further discussion amongst the Board regarding any advantages or disadvantages of waiting two more weeks.

There was no public comment on this item.

Mr. Ellis moved to approve and request and require the chair to sign the Agreement between WYDOT and Teton County for the Hoback Junction Context Sensitive Amenities as presented, Mr. Christensen seconded and the Motion passed unanimously.

18. MFS2009-0067 – Jennifer Bodine - Teton County Road & Levee request for a fee waiver for Floodplain Development Permit application (FPR 2009-0010) for flood fighting work performed on the Lower Taylor Levee #3 in October and November of 2009

This item was withdrawn from the meeting agenda.

19. Consideration to Support and Sponsor SPET Application by Jackson Hole Historical Society

Items 19, 20 and 22 were heard following item 12-B.

Jim Luebbers of the Historical Society spoke on behalf of the \$4 million Historical Society SPET Application. That four million number is made up of building work at \$1,053,937; exhibition design phase one at \$1,734,259 with a balance of \$1,610,000 for exhibition design fabrication and contingency phase two. The Society has \$8 million to raise for this project, while SPET funds would provide \$4 million there would be \$4 million more to raise. Without the SPET money, the project would be completed but would be significantly delayed due to the fund raising efforts that would be needed.

There was discussion amongst the Board and Mr. Luebbers on the entire project cost of \$13 million; of that the Historical Society has raised 5.3 million. Mr. Luebbers thanked the county for funding the Society for over 20 years. Mr. Luebbers stated that by obtaining these funds it would help the museum fulfill a mission to count less on the county and more on the people who use the museum and those who wish to support it privately. They are also currently seeking other grants for funding this project.

There was no public comment on this item.

Mr. Christensen moved to sponsor the Jackson Hole Historical Society SPET project application submittal and forward it to the joint committee, Mr. Ellis seconded. Mr. Schwartz stated he was comfortable with the motion of moving the application forward for further review by the committee. The Motion passed unanimously.

20. Consideration to Support and Sponsor SPET Application by Don Harger

There were no representatives of this SPET application present so Mr. Christensen spoke to the application. He stated it refers to the Scenic Preserve Trust and speaks to the community's response to surveys and long term interest of open space and preserving the environment. The recipient of SPET monies would be the Teton County Scenic Preserve Trust.

Mr. Ellis spoke that the challenges faced by this application may be that SPET funding is geared toward capital projects. The better fit for this application may be under the consideration of the 2nd penny tax which would allow a wildlife trust fund to be built.

There was further discussion among the Board as to the proper fit of the application and related funding.

There was no public comment on this item.

Mr. Christensen moved to approve and sponsor the Scenic Resources Resolution Response Fund application as presented in writing and move it forward for consideration by the joint committee, Mr. Vogelheim seconded and the Motion passed unanimously.

21. Approval of a Revised Joint Powers Agreement between Teton County, Town of Jackson and Teton County School Board for the Community Juvenile Services Board

Nicole Krieger, Deputy County Attorney presented this request of a Joint Powers Agreement between the Town of Jackson, Teton County, and the Teton County School District #1 allowing for the creation of the Teton County

Community Juvenile Services Board was approved by the Town and County on December 7, 2009 and by the Teton County School District on December 9, 2009. Upon receipt, the Wyoming Attorney General's Office recommended a specific change to the JPA regarding the organization and composition of the Board. Changes have been made to Paragraph 4 of the JPA (p. 3-4) and it has been approved by the Wyoming Attorney General's Office, as well as the attorneys for the Town, the School District and the County. The JPA now delineates specific terms for members, and specifies that the County, the Town and the School Board may each appoint one representative, in addition to those members required by statute.

There was no public comment on this item.

There was discussion amongst the Board and Mr. Krieger on the members who make up this board.

Mr. Christensen moved to approve the Joint Powers Agreement for the Teton County Juvenile Services Board as presented, Mr. Vogelheim seconded and the Motion passed unanimously.

Mr. Phibbs made a motion to add agenda item #23 to discuss snow plowing problems on Spring Gulch Road. Mr. Christensen seconded and the item was added to the agenda by unanimous vote.

22. Consideration to Support and Sponsor a SPET Application by Snake River Fund

Aaron Pruzan presented on behalf of the Snake River Fund. A diagram was shown which included the north and south areas of the Wilson Bridge on the West Bank of the Snake River. The Wilson Bridge public boat launch, parking area and bathrooms are located on a BLM parcel. This is one of the parcels that will be transferred to the county along with the others along the Snake River. The Snake River Fund has funded all of the major improvements at the site and has funded annual maintenance. There are a number of issues that they hope to address over time at that site, including user conflicts, safer access to the river, separate and safe access for swimmers and anglers to the Wilson Beach, better parking configurations, and more defined back-eddys for improved boat access. The SPET request comes in the context of the proposed pathway bridge alignment, which creates both an opportunity for better configuration to separate incompatible uses and the coordination to plan and permit how all the recreational activities at the site will function, as well as streamline construction. The funds would be used to plan access, coordinate NEPA permitting with the bridge effort, and anything left over would go toward construction of the river access improvements when the bridge goes in.

There was discussion amongst the Board and Mr. Pruzan about the coordination of the Pathway and parking plan; the Snake River Fund's good record of obtaining grant funding and other possible funding sources. The river bottom lands are owned by private owners that the Snake River Fund has been in contact with and has their support.

There was no public comment on this item.

Mr. Ellis moved to approve the request to sponsor the Snake River Fund SPET application, Mr. Christensen seconded.

There was discussion amongst the Board on the application and that the site's community attributes serve both the community and visitors.

Mr. Christensen invited Mr. Gingery to work on the application as it applies to having many landowners, how public funds could be appropriately distributed and to get some of these questions flushed out before it goes to the joint committee.

Mr. Gingery responded by referencing his letters to the Commissioners regarding the museum and trust fund for open space. Both of them are problematic because the County cannot give money to individuals or corporations other than for the support of the Board, per article 16, section 6. Clearly, Snake River Fund could not be the recipient. That doesn't mean you couldn't do this project but their name needs to be removed. It has to be a county project, meaning the money has to flow through the county, the county has to hire the contractor, the county has to get the permits – that is the first problem. The second problem is that it is not the county's land, what happens if you cannot complete the project and the money has already been collected. So there are some real issues with this application. The biggest issue is the name of Snake River Fund being named in the proposal, an option would be to make it a county project perhaps through the Engineering Department for the county to perform. He stated he was having difficulty seeing how to get around article 16, section 6 with giving money to a private corporation which is what Snake River Fund is. The museum is a little different because the county has statutory duties to provide a museum service and we contract with the museum to provide those services.

Mr. Phibbs suggested this application go through the Pathways system. Mr. Christensen suggested it go through Parks & Recreation.

There was discussion amongst the Board and Mr. Gingery as to how this application could be amended to be an appropriate application. Mr. Ellis stated he will work with the Snake River Fund and Mr. Gingery to make appropriate amendments by the application deadline of Friday, January 22, 2010.

The question was called and the Motion passed unanimously.

The meeting recessed at 10:36 a.m. and reconvened at 10:51 a.m.

The Board continued hearing today's agenda with item number 13.

23. Discussion of Snow Plowing Contract for Spring Gulch Road

Mr. Gingery addressed the Board stating that Guthrie Construction, who holds the snow plowing contract for Spring Gulch Road, Moulton Loop and the Refuge Road, has not been showing up to plow Spring Gulch Road. The lack of plowing has resulted in many calls to Mr. Wayne Neal at the Road and Levee Department during the past three weeks. He stated Mr. Neal and Mr. Guthrie have met and Mr. Guthrie agreed to start plowing. This morning Mr. Guthrie did not show up and Spring Gulch and Moulton Loop did not get plowed. These roads have

the same amount of snow as you see outside (4-5 inches). The contract was reviewed as to how to address failure of service and scope of work. Options available to the Board would be to terminate the agreement or send a notification of default with plans to terminate the agreement. In the meantime another plowing company, Yellow Iron, was called to plow the roads this morning.

Mr. Schwartz stated snow plowing contracts have been paid since October, so Mr. Guthrie has 40% of the monies already for zero services rendered. He asked if the County could retrieve that money.

Mr. Neal addressed the Board and presented a handout for the Board's review on the complaints received due to the lack of snow plowing on Spring Gulch, Moulton Loop and Refuge Road. Mr. Guthrie's performance record last year contained many complaints and the complaints have continued this year. Mr. Guthrie has relocated his residence to south of Alpine increasing his response time. Mr. Guthrie also has a contract with Spring Creek. That road was plowed this morning however the county roads in this contract had not been touched. Mr. Neal stated he was out of ideas of how to correct the situation and asked for the Board's assistance.

There was discussion amongst the Board on appropriate action today due to the immediate nature and unnoticed hearing. A notice of default was determined to be appropriate action today and to add a special meeting tomorrow at 1:30 p.m. Mr. Guthrie would be contacted directly and asked to attend so the Board may talk with him about the contract. In the case that the Guthrie Construction contract be cancelled, the Board asked if there was a plan for a new service. An option of adding a change order to the existing snow plowing contract with Yellow Iron could be presented, at the same price of Guthrie's contract.

Mr. Schwartz moved to approve a notice to Mr. Guthrie stating default and request his attendance tomorrow at 1:30 p.m. for a special meeting of the Board, Mr. Christensen seconded.

There was further discussion amongst the Board regarding obtaining plow service if this contract was cancelled.

The Motion passed unanimously.

The meeting recessed at 12:13pm.

Chairman Phibbs reconvened the meeting at 1:30 p.m. for the purpose of considering whether the Board should meet in an Executive Session. The purpose of the Executive Session was to consider a real estate matter. The Executive Session was being requested pursuant to Wyoming Statute §16-4-405(a)(vii) in order to consider the purchase of real estate when the publicity regarding the consideration would cause a likelihood of an increase in price.

Mr. Schwartz moved, seconded by Mr. Christensen, to convene an Executive Session, which passed unanimously. The executive session was convened at 1:30 p.m.

Mr. Schwartz moved, seconded by Mr. Ellis to adjourn the Executive Session. Motion passed unanimously at 1:57p.m. No action was taken.

OLD BUSINESS/NEW BUSINESS

none

CONSIDERATION OF UNFINISHED BUSINESS

ADJOURNMENT

Mr. Schwartz moved for adjournment, seconded by Mr. Ellis and the Motion passed unanimously. The meeting adjourned at 1:57 p.m.

TETON COUNTY BOARD OF COMMISSIONERS

Hank Phibbs, Chair

Ben Ellis, Vice-Chair

Andy Schwartz, Commissioner

Paul Vogelheim, Commissioner

ATTEST:

Sherry L. Daigle, Clerk

Leland Christensen, Commissioner