

## **TETON COUNTY**

## BOARD OF COUNTY COMMISSIONERS MINUTES

#### July 8, 2024 9:00 a.m. First Floor Commissioners' Meeting Room 150 Courthouse Dr, Driggs, ID 83422

Commissioners	Bob Heneage
Present:	

Cindy Riegel Michael Whitfield

Staff: Dan Reyes, County Manager Kim Keeley, Clerk Darryl Johnson

### 1. MEETING CALL TO ORDER

#### 2. PLEDGE OF ALLEGIANCE

#### 3. ADOPT AGENDA

**MOVER:** Bob Heneage **SECONDER:** Michael Whitfield

Motion: Approve the agenda with the following two changes: Add 6.7 to Public Works to discuss road plowing actions because it is time sensitive; and delete item 12.6 Written Decision for Sidney Hinton Variance Request, placed in the agenda packet by mistake.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

#### Adopted (3 to 0)

## 4. ACTION ITEMS: CONSENT AGENDA

Motion: Approve the consent agenda as presented with all minutes removed for discussion.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

Adopted (3 to 0)

1. Claims Report

Approve the Claims Report as presented.

- Action Item: Minutes for Approval Approve the minutes of \_\_\_\_\_ as presented.
- 3. Action Item: Catering Permit for Briam LLC

Approve the catering permit as presented..

a. Alcohol License for Teton County

Approve Alcohol License for Teton County Fair Dance as presented.

4. Action Item – Payroll Forms

Approve Payroll Forms.

### 5. OPEN MIC

Ida Hansen asked for the time allowed for developers to complete their subdivision infrastructure be extended due to the Teton Pass closure and the shortage of equipment operators. She had asked that it be put on this agenda. She cited JayCee Ranches and Patrick Trucco.

## 6. PUBLIC WORKS

1. Report: Public Works Dept. Update

Public Works Director Darryl Johnson presented his report.

Jeff Roelke was present to request materials from the County Road 5750N to improve the road leading to his property. The County has a policy that allows this if the use of the materials doesn't hinder the County's ability to work on scheduled maintenance and improvements. The Board was concerned that the cost of materials was not included in the request. The Board discussed adding more language to the policy to clarify what roads are eligible.

Mr. Roelke asked about the timeframe of getting the materials. Mr. Johnson gave Mr. Roelke the Road & Bridge Supervisor's contact to arrange for the delivery.

2. Action Item – Fair Pavilion Expansion Contract Amendment

Mr. Johnson explained the addendum to the contract. The scope of work was expanded to include Task 2, 3 & 5.

**MOVER:** Michael Whitfield **SECONDER:** Cindy Riegel

Motion: Approve amending the Fairground Pavilion Expansion contract to include tasks 1, 2, 3 and 5 as outlined in the original request for bids for a not to exceed amount of \$415,000.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

## Adopted (3 to 0)

3. Action Item – Idaho Department of Parks and Recreation Off-Road Motor Vehicle Grant Agreement

Mr. Johnson presented the item. He pointed out that the grant is reimbursement, so the County will need to front the funds. The Board discussed the need to do a site plan for the Buxton property. Mr. Johnson will put this on the next Regular Agenda.

Approve the ORMV Grant Agreement form between Teton County and the Idaho Department of Parks and Recreation for the Teton County Recreational Motorized Storage and Maintenance Facility

4. Action Item – Old Jackson Hwy Advisory Striping Contract Award

The increased cost for striping increases the County's match to \$15,676. The Board asked if Mr. Johnson had coordinated with ITD and their scheduled construction on HWY 33. He will contact ITD.

# **MOVER:** Michael Whitfield **SECONDER:** Bob Heneage

Motion: Approve award of the Old Jackson Highway Advisory Striping and Signing contract to BFC Diversified LLC in the amount of \$25,676. Funding to be paid from 202-00-43086.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

## Adopted (3 to 0)

5. Action Item – Teton County HWY33 Multi-modal Pathway Supplemental Agreement

The City of Driggs and County are combining the pathway cost in the hopes of a more efficient overall project cost. Harmony Design will combine the bid documents.

MOVER: Cindy Riegel SECONDER: Bob Heneage

Motion: Approve the Teton County Hwy 33 Multi-Modal Pathway Supplemental Agreement as presented for combining County and City pathway projects. Costs to be paid from 286-81-82000. AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

Adopted (3 to 0)

6. Action Item – Trucking Contract for Chip Seal

**MOVER:** Bob Heneage **SECONDER:** Michael Whitfield

Motion: Approve contracting trucking services during chip seal week to RC Heavy Haul at a rate of \$125/hour. Estimated trucking costs of \$75,000 to be paid from 233-00-43085

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

## Adopted (3 to 0)

7. Discussion Item: Snow Plowing alternative option using private contractor(s) for one or more routes

The Board asked Mr. Johnson about the potential of hiring a contract drivers for snow plowing. The suggestion was to bid out one route and compare the costs to the current operations. Mr. Johnson will explore some options.

#### 7. IT/EMERGENCY MANAGEMENT

1. Action Item – Data Center Warranty and Support

**MOVER:** Michael Whitfield **SECONDER:** Bob Heneage

Motion: Approve the purchase of the Support and Warranty extension for the Datacenter for 6 months for \$7,443.85 out of account 1-14-44069.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

## Adopted (3 to 0)

2. DISCUSSION ITEM –IT and EM Monthly Report

Emergency Manager Greg Adams presented his report. The Board had no questions.

#### 8. Operations

1. Operations Report

County Manager Dan Reyes reported that the bulk of his time was spent dealing with the Teton Pass Slide emergency.

9. CLERK

1. Action Item: Upper Valley Community Guardians Fund

**MOVER:** Bob Heneage **SECONDER:** Michael Whitfield

Motion: Approve creating Fund 277 Upper Valley Board of Community Guardians in order to track those funds separately from County funds.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

## Adopted (3 to 0)

2. 7/8/24 Budget Discussion

The Clerk presented the current version of the budget. The Board scheduled a Special Meeting for Thursday July 11 at noon to discuss the budget.

### 10. COMMISSIONERS

### 1. ELECTED OFFICIALS & DEPARTMENT HEADS MEETING

Elected Officials and Department Heads met to discuss items of mutual concern.

2. EXECUTIVE SESSION: 74-206(1)(F) Legal

MOVER: Bob Heneage SECONDER: Michael Whitfield

Go into executive session per IC74-206(1)(f) legal.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

#### Adopted (3 to 0)

#### 3. COMMISSIONER'S REPORTS

#### **Commissioner M. Whitfield Report**

06-25 Teton Pass Tour with WYDOT

- 1. Excellent progress and solid confidence in safety of the short-cut. Hope to replace the failed big fill before the "dead of winter."
- 06-26 Altura (ECIPDA) Board Meeting
  - Major leadership transition. Terry Butikofer retiring after 40 years of leadership, new leadership divided between two senior staff members

- 3. Presentation from Idaho Workforce Development Council (WIOA). . helped many people in four programs: Adult, Dislocated Workers, Youth, Adult Education). Change in structure,
- 4. Bylaws changes. Staff leadership can select key staff.
- 5. Business Report. Now have \$81 Million in active loans. Getting good compliance with loan terms. Resolved two outstanding loans that were in default.
- 6. Community Consulting. Approved \$500,000 for Madison County Fire and Rescue
- 06-27 Eastern Idaho Regional Solid Waste District
  - 1. Review and Sign Draw Request #20
  - 2. DeAtley Construction = \$1,163,651.16
  - 3. Forsgren Associates Inc. = <u>\$8484.00</u>
  - 4. TOTAL = \$1,172,135.16
  - Approved the District President and Secretary to sign resolution 2024-07 To authorize thej sale of solid waste revenue bonds to the United States of America, acting through the Department of Agriculture at private sale in the principal amount not to exceed \$3,866,000.
  - 6. Approved the District President and Secretary to sign resolution 2024-07 To authorize the issuance of a bond anticipation note in the total aggregate sum not to exceed \$3,866,000 with a fixed tax-exempt interest rate of 6.27%.
  - 7. Clearwater Financial Update and Discuassion
  - 8. From financial perspective, the ability to speed up excavation would not ensure that the liner could be placed this year. Total draws have been \$11,771,939.84 Interest accrued to date would be \$322,000. Excavation, road paving, building will expend about another \$4MM by end of November. Now looks like will require removal of 100,000 cubic yards less than earlier estimated, which will save funds.
  - 9. Engineering Update and Transition Schedule
  - 10. The excavation is about 50% completed. There are about 55 days of construction to go after liner is in place. Also need fluff layer on top of liner for first part of garbage placement. So liner placement best in spring.
  - 11. Well drilling results, found water Started getting water at 980 feet. Sufficient water at 1050. Drilled down to over 1105. The drill hole

needs to be cased because of instability on portions of the drill hole. There are cavities such as at 625 feet where they had to put in 60 yards of concrete to fill void. At 800 feet down there are loose rocks. Would require \$107,000 to case the entire drill hole.

07-02 Teton Valley Health Care CEO

1. We discussed the new staff additions at the Hospital, plus growing patient numbers, but high levels of Accounts Receivable and very low Cash on Hand. We need a work session as soon as possible.

#### **Commissioner Heneage Reports**

June 26 - TREC Executive Director retirement party for Brian McDermott and read the County Resolution.

June 28 - Met with County Manager Dan Reyes regarding the website golive.

July 3rd - Met with Driggs DURA and approved the FY25 budget. The revenue numbers are difficult to predict. the Clerk suggested possibly looking for a legislative change to the statute to allow the fiscal year to be changed to the calendar year.

#### **Commissioner Riegel Committee Reports**

Attended numerous meetings with relevant agencies to facilitate communications around the Teton Pass Slide. The overall outreach effort went well, as well as the collaboration with local NGO's.

There were two official Emergency Operations Center meetings to help coordinate with the various agencies, managed by Emergency Manager Greg Adams.

July 1 - NACO Public Lands Committee meeting. She is continuing to promote policies regarding ski area expansions.

Hospital Work Session tentatively set for July 17th at 9AM.

4. Action Item - Svenskaland Request for Application Extension

Frederick Marmsater, representing the applicant, addressed the Board regarding the request. His parents are the applicants and are experiencing health issues. He was alerted by his parents' that the deadline for completing the outstanding items for their subdivision had been missed. The conditions have been met. He is asking that the deadline be extended so he can receive final plat approval.

Sharon Woolstenhulme, representing the applicant, stated that Mrs. Marmsater was her the primary contact with this application. Communications with her dropped off and Ms. Woolstenhulme did not realize the applicants' circumstances. The Board asked Planning Administrator Jade Krueger to ask legal to ask if there is a mechanism to legally extend the deadline due to extenuating circumstances.

The item will be put on the agenda for the first Regular Meeting in August.

No action was taken.

5. Action Item - Request for Mediation/ Request for Reconsideration

The Board felt that due to the many issues with this plat, reconsideration is the better path forward.

**MOVER:** Cindy Riegel **SECONDER:** Michael Whitfield

Motion: Grant the Trestles Subdivision request for reconsideration to be on the next Regular Meeting and deny the request for mediation.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

### Adopted (3 to 0)

6. Action Item -2024 Pesticide Discharge Management Plan

Mosquito Director Ronn Carlentine presented the 2024 Pesticide Discharge Management Plan. Allan Loe, owner of RAL Ventures, was present to answer questions. The Board asked if any pesticides are used in Teton County. Mr. Loe stated that he uses an adulticide called permectin, which has no setback from water.

**MOVER:** Bob Heneage **SECONDER:** Cindy Riegel

Motion: Approve the 2024 Teton County Mosquito Abatement District Pesticide Discharge Management Plan.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

#### Adopted (3 to 0)

#### 11. SHERIFF'S DEPARTMENT

1. Action Item – Purchase Digital Forensic Equipment

County Manager Dan Reyes presented the item.

**MOVER:** Michael Whitfield **SECONDER:** Cindy Riegel

Motion: Approve the request for purchase of Digital Forensic Equipment from MOS Equipment for \$5,342 from fund 001-04-44070.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

## Adopted (3 to 0)

#### 12. PLANNING AND ZONING

1. 1:00 PM -- PUBLIC HEARING: Northern Lights Subdivision Preliminary Plat Hearing [CONTINUED]

Planning Administrator Jade Krueger presented the staff report for the Prelim Plat Public Hearing for Northern Lights Subdivision. The Board asked for and has received legal review. The applicant did submit updated CC&R's that are not reviewed or included in the packet.

Ryan Poole, representing the applicant, stated that the updated CC&R's were submitted in May and contends that they resolve the identified issues. Further, he submitted that the meeting was not noticed properly as a public hearing and as such no further comments should be allowed. He clarified that no new information (submitted after the conclusion of the last meeting), including information provided by the applicant, should be considered in the Board's decision.

The Board asked Ms. Krueger to clarify the contention that the meeting was not noticed correctly. Ms. Krueger stated that her understanding is that this as a preliminary plat public hearing that was continued.

Public comment was opened at 1:14 PM:

Anne Callison, Tetonia resident, expressed disdain that there was an updated traffic study that she knew nothing about. She believes the subdivision is too dense, and allows wildlife unfriendly fencing and screening.

Lea Beckett, Tetonia resident and near neighbor, has maintained/plowed 7000N for eighteen years. She is in favor of the development in the hopes that the road will be brought to county standards.

Gaylen Hilliard, neighbor, also plows a portion of the road. She does not believe this development will fix the road issue. She is opposed to the density and the aesthetics this far out of city limits.

Pat Boyce, walks the roads along the subdivision five days a week. She contends that the roads are not up to County standards and do not allow a person to walk safely. The roads have very steep embankments.

Sherry Weber, neighbor, is opposed to the density and impact on wildlife.

Don Weber, neighbor, is very concerned about the impacts of the individual septic systems on the surrounding environment. It is a critical wildlife corridor. The roads are not up to County standards.

Troy Black, neighbor, wonders why the taxpayer should pay for the aggregate to improve the 7000N for the developer. Mr. Black is not opposed to a subdivision, just requests that it be done right.

Kelly Broile, neighbor, is concerned about the damage all the construction traffic would do to area roads.

Genie Perry, neighbor, is concerned about the loss of rural character the subdivision would bring, increased safety risks, and the impact on County infrastructure.

Diane Stewart, neighbor, is concerned about the density of subdivision, the financial burden of maintaining rural roads, and the safety of roads.

Keaton Boyce Stewart, is concerned the subdivision will negatively impact wildlife for future generations.

Robert Stewart, neighbor, rebutted the developers attorney assertion that the opposition is all anecdotal. He contends the developer has been disingenuous and misleading with their application. He questioned the County's policy to provide road material.

Wallace Couch, neighbor, wondered why there is no NP study required due to proximity to Spring Creek. Mr. Couch seconded all the concerns voiced in the meeting.

Curt Behle, local developer, commended the Public Works Director on the job he does with a limited budget. He is for providing aggregate to individuals willing to provide the construction costs of road improvement.

Ida Hansen, appreciates how much people love the valley, but believes we need to follow the established rules. Neutral to this subdivision.

Public comment was closed at 1:58 PM.

Applicant rebuttal. Mr. Poole clarified that the applicant does want the updated Traffic Study considered. He restated that the public comment given in this meeting should not be considered based on IC 67-6535 (2)(b).

Board deliberation. The Board was unwilling to render a decision based on not having legal representation. The Board discussed continuing the item or approving the application with a lot of conditions for approval.

MOVER: Cindy Riegel SECONDER: Bob Heneage

Motion: Continue deliberation on the Prelim Plat hearing for Northern Lights Subdivision hearing to July 22nd 3 PM.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

## Adopted (3 to 0)

2. 1:30 PM – PUBLIC HEARING: River Rim Major Plat Amendment Final Hearing

Ms. Krueger presented the staff report for the River Rim Major Plat Amendment final public hearing.

Doug Gemmel, representing the applicant, was present to answer questions.

Public comment was opened at 2:17 PM.

No one present wished to speak.

Public comment was closed at 2:17 PM

# **MOVER:** Bob Heneage **SECONDER:** Cindy Riegel

Motion: Having concluded that the Criteria for Approval of a Major Plat Modification found in LDC 4-E have been met, I move to approve the application for Amendment #7 for River Rim Ranch PUD as described in the application materials submitted July 24, 2023 and as supplemented with additional applicant information attached to this staff report, with the following conditions:

1. Language be added to the development agreement that an extension of the Letter Of Credit for the turn lanes and pavement costs will be provided to Teton County BEFORE the LOC expires on July 1, 2026. Or the Development Agreement may be amended to ensure those improvements are completed before July 1, 2026.

2. Final technical survey review be completed before mylars are printed.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

## Adopted (3 to 0)

3. 1:45 PM – PUBLIC HEARING: Peaked Mountain Subdivision Final Plat Hearing

Ms. Krueger presented the staff report for the Peaked Mountain Ranch Subdivision final plat hearing.

Allison Ehlert, representing the applicant, was present to answer questions. She stated that the application has gone through a lot of

updates and changes based on public and agency input. Ms. Ehlert feels that this is an excellent example of a private public partnership.

Public comment was opened at 2:25.

No one present wished to speak. Public comment was closed at 2:25 PM.

Commissioner deliberation. The Board had no further questions.

**MOVER:** Bob Heneage **SECONDER:** Michael Whitfield

Having concluded that the Criteria for Approval of a Subdivision Final Plat found in Teton County Title 9-3-2(D) can be satisfied, I move to APPROVE the Final Plat for Peaked Mountain Ranch Subdivision as described in the application materials, with the following conditions:

1. Applicant will need to a) submit an updated and current will-serve letter from the City of Driggs for water and sewer connections for 16 connections and b) comply with water and sewer main extension requirements found in section 7.3.13 of the City Code and Public Works Standards.

2. The plat needs to be amended to reflect the current will serve letter date.

3. Final technical survey review be complete before mylars can be printed.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

## Adopted (3 to 0)

4. 2:05 PM – PUBLIC HEARING: Greenback Subdivision Final Plat Hearing

Asst Planner Torin Bjorklund presented the staff report for the Greenback Subdivision final plat hearing.

Ms. Ehlert, representing the applicant, stated that all of the conditions have been met. The trail has been taken out (and was discussed at the preliminary plat hearing). The cost estimate for the sign and landscaping plan were submitted and left out of the packet. The survey review is with the County Engineer awaiting review.

The Board asked if the open space easement could be changed to allow development in the future. Ms. Ehlert stated that it could be done with a plat amendment.

Regarding CC&R's 8.1C, the Board asked about the perimeter wall and its inconsistency with notion of wildlife friendly fencing.

Public comment was opened at 2:55 PM

Curt Behle, developing the property to the east (Dorothy Gayle), thanked the applicant for including the neighbors in their planning.

Public comment was closed at 2:57 PM.

Board deliberation. The Board discussed the letter from Idaho Dept of Lands regarding mineral rights. The information provided will need to be added to the CC&R's.

# **MOVER:** Michael Whitfield **SECONDER:** Cindy Riegel

Having concluded that the Criteria for Approval of a Final Plat found in Title 9-3-2-D can be satisfied, I move to APPROVE the Final Plat for Greenback Subdivision as described in the application materials submitted April 22, 2024 and additional materials attached to the staff report. With the following conditions of approval:

1. Final technical survey be completed before mylars are printed.

- 2. The CC&R's be amended as follows:
- a) 8.1c will reflect that perimeter fencing will be wildlife friendly; and

b) 7.8 will be amended to note that the State of Idaho holds at least a portion of the mineral rights on the property.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

## Adopted (3 to 0)

5. 2:30 PM – PUBLIC HEARING: Blackhorse Ranch Preliminary Plat Hearing

Mr. Bjorklund presented the staff report for the Blackhorse Ranch preliminary plat hearing.

Taylor Cook representing the applicant, clarified that the septic plan is included in the improvement plan. Lots 3 & 4 will need shared septic with lots 2 & 5 if there is no secondary access for lots 3 & 4.

Public comment opened at 3:18 PM.

No one present wished to speak.

Public comment was closed at 3:18 PM.

Board deliberation. The Board discussed the secondary access, but recognized it needs some technical review before approving it. Ms.

Krueger recommended holding off on any changes to the plat for the NP Study to be approved.

**MOVER:** Michael Whitfield **SECONDER:** Cindy Riegel

Motion: I move to continue the public hearing for Blackhorse Ranch Subdivision Preliminary Plat in order to obtain additional information from the applicant and Public Works regarding a secondary access, and completion of an approved NP Study, from the applicant or other agencies to August 26 at 1 PM.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

## Adopted (3 to 0)

6. PUBLIC HEARING: Dorothy Gail Preliminary Plat Hearing (Continued)

Ms. Krueger presented the updated staff report for the Dorothy Gayle Subdivision Prelim Plat hearing. Staff received new public comments and comments from the applicant. The access issue needs to be resolved between the applicant and adjacent landowners prior to Board approval. The Board cannot adjudicate access issues. Idaho Dept of Lands submitted a letter stating that the State of Idaho owns all mineral rights.

Curt Behle, representing the applicant, reiterated that this application concept hearing was in November of 2021 where access issues were flagged. Planning & Zoning requested that legal access be proven prior to approval. He stated that the pivot will no longer be used for farming. They will adjust the CC&R's to reflect the IDL letter regarding mineral rights.

Public comment was opened at 3:37 PM.

Chris Biggerson, is concerned about the number of lots the access will serve.

Glen Moradian, neighbor, asked if the legal review happened and if the Board was going to make a decision today.

Public comment was closed at 3:41 PM.

Applicant rebuttal.

Mr. Behle stated that the CC&R's restricting the number of lots (Instrument #169400) had been subsequentially vacated (Instrument #190814).

Board deliberation. Commissioner Heneage summarized the conversation he had with Mr. Moradian. Mr. Moradian invited Commissioner Heneage to come out and tour the property which Commissioner Heneage declined. Mr. Moradian also made Commissioner Heneage aware of the CC&R's attached to this packet.

## **MOVER:** Michael Whitfield **SECONDER:** Bob Heneage

Motion: Having concluded that the Criteria for Approval of a Preliminary Plat found in Title 9-3-2-C can be satisfied, I move to approve the Preliminary Plat for Dorothy Gayle Subdivision as described in the application materials submitted on August 10, 2023 and additional information attached to the staff report, with the following conditions of approval:

1. The financial guarantee (125% of the cost estimate) needs to be fully provided by the time of final plat application. The draft letter provided is adequate for a draft only.

2. The CCRs should be updated to include: a. Teton County Dark Sky lighting requirements. b. Fencing should be wildlife friendly fencing given the location of the NROs and suggestions from the Wildlife Biologist as a mitigation measure. All mitigation measures provided should be included in the CCRs. c. Trail maintenance is in the CCRs but a pathway isn't provided with the application d. General septic tank maintenance per current DEQ and EIPH recommendations e. Include the owner of the property – Currently Curt Behle is listed as the owner of the property in the CCRs but there is not ownership documentation.

3. Improvement Plans need to be reviewed and approved by the Public Works Director (before final plat application).

4. Address Public Works Comments: a. Culverts should be incorporated at all road profile low points.

5. Address the fire marshal's review of the access for the subdivision (6/19/24) to ensure that Fire and EMS have access.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

Adopted (3 to 0)

#### 13. ADJOURNMENT

**MOVER:** Michael Whitfield **SECONDER:** Bob Heneage

Adjourn the meeting.

AYES (3): Bob Heneage, Cindy Riegel, and Michael Whitfield

Adopted (3 to 0)

Cindy Riegel, Chairperson

County Clerk or Deputy