



TETON COUNTY
BOARD OF COUNTY COMMISSIONERS MINUTES

December 9, 2024
9:00 a.m.

First Floor Commissioners' Meeting Room
150 Courthouse Dr, Driggs, ID 83422

Commissioners Present: Bob Heneage
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: Michael Whitfield
SECONDER: Cindy Riegel

Approve the agenda.

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

Adopted (3 to 0)

- 4. ACTION ITEMS: CONSENT AGENDA**

Pull minutes from consent agenda.

Approve the consent agenda as presented.

1. Claims Report
Approve the Claims Report as presented.
2. Minutes Approval

MOVER: Michael Whitfield
SECONDER: Bob Heneage

Approve minutes for 11/25/2024 as amended.

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

Adopted (3 to 0)

3. Liquor Licenses

a. Guidepost Liquor License

Approve license as presented.

4. El Valle Liquor license

Approve license as presented.

5. Action Item – Certificate of Residency

Approve the certificates of residency as presented.

6. Payroll Forms

Approve Payroll Form

5. OPEN MIC

No one wished to speak.

6. PUBLIC WORKS

1. Report: Public Works Dept. Update

Public Works Director Darryl Johnson presented his report.

W4000N material quantity overages. There has been a discrepancy between what the County anticipated for materials and what the contractor reported using. The change order will be presented on the Dec 23rd meeting.

Buxton Grooming Shack. Mr. Johnson asked the Board whether the County should manage the project or should Teton Valley Trails & Pathways manage the project. All financial decisions will still be run through the Board.

Buxton River Park Expansion. The Board discussed the history of the Buxton Park, with the original vision being a boat ramp and pathway along the river. The Board encouraged the member of the public interested in creating the new park to join the waterways committee to continue to develop ideas.

2. Action Item – Fund Transfer to Public Works 001-08-43081

MOVER: Michael Whitfield
SECONDER: Bob Heneage

Approve fund transfer of \$1,000 from Board of County Commissioner's Contingency Account into Public Works account number 001-08-43081; Vehicles Fuel & Repairs.

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

Adopted (3 to 0)

3. Action Item – Pavilion Expansion Change Order No. 4; Electrical

MOVER: Bob Heneage
SECONDER: Michael Whitfield

Award the pavilion expansion electrical services contract to BG Electric LLC for a not to exceed amount of \$27,235. Expenses to be paid from 290-00-80400.

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

Adopted (3 to 0)

4. Action Item – Dump Truck & Pup Trailer Purchase

The Board discussed purchasing the vehicle and trailer outright vs financing. The County received enough unanticipated funds from the State in August of 2024 to purchase the vehicle/trailer outright. The Board also discussed the impact of a bigger capacity truck on local roads. Road & Bridge Supervisor Blaine Ball was present to clarify that the four axle trucks will be well under the 80,000 lb weight limit for bridges. Mr. Johnson will put this item on a future agenda.

5. Action Item - Fuel Farm Maintenance

MOVER: Michael Whitfield
SECONDER: Bob Heneage

Approve transferring \$1,000 from Commissioner Contingency budget line item to Road & Bridge line item 202-00-43005 to pay for annual maintenance and inspection of the County fuel farm

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

Adopted (3 to 0)

7. IT/EMERGENCY MANAGEMENT

1. DISCUSSION ITEM -2024 December IT/EM Monthly Report

Emergency Manager/IT Director Greg Adams presented his report.

2. Action Item –East Idaho Regional Coordination Plan Revision Adoption

This will be put on a future agenda in order to give the Board time to review the plan.

3. Action Item –Email and Online Services Renewal

MOVER: Michael Whitfield

SECONDER: Bob Heneage

Approve the renewal of our Email and Online services for \$24,650 from account 1-14-44067.

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

Adopted (3 to 0)

4. Action Item –End-Point Protection Renewal

MOVER: Bob Heneage

SECONDER: Michael Whitfield

Approve the renewal of our End-Point protection service for the cost of \$13,724.20 from account 1-14-44067.

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

Adopted (3 to 0)

5. Action Item -2023 SHSP Grant Funded Planning Project Contract

MOVER: Cindy Riegel

SECONDER: Bob Heneage

Approve and sign the Professional Service Agreement with Integrated Solutions Consulting as presented, for the amount of \$32,622.67 to be paid from line item 286-11-42562, which is a FEMA grant we have already received.

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

Adopted (3 to 0)

6. Action Item – Winter Semester IT Intern

MOVER: Michael Whitfield

SECONDER: Bob Heneage

Approve the IT department to hire Zane Dayton as an IT intern at \$10 per hour for up to 440 hours, funded out of account 1-14-40200.

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

Adopted (3 to 0)

8. CLERK

1. Action Item – Chase Merchant Services Agreement

MOVER: Bob Heneage

SECONDER: Michael Whitfield

Approve the merchant services agreement with JP Morgan Chase as presented.

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

Adopted (3 to 0)

2. Action Item – Wipfli Engagement Letter

MOVER: Michael Whitfield

SECONDER: Cindy Riegel

Approve the Wipfli FY24 Audit engagement letter at a base fee of \$40,000 as presented.

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

Adopted (3 to 0)

9. OPERATIONS

1. Action Item – Resolution 2024-1209C, Transfer of Land to Joint Housing Authority

This item was continued from November 25.

Minutes November 25, 2024: This item is intended to formalize the land transfer. The Board asked that the name on the second document say "Agreement and Covenant." The Board also made several minor typographical corrections. The Board discussed including language about the three employee housing units in the resolution.

The Board determined to work with the Housing Authority and re-word the resolution for future consideration.

Minutes December 9, 2024:

County Manager Dan Reyes presented the item. Also present were Joint Housing Authority Executive Director Jared Pfeffer and John Vance from Northwest Development Co.

The Board made a few edits to the Resolution.

Mr. Vance updated the Board on the financing for the Front Street project. He is waiting on two announcements for awards that he hopes to hear in the next week or so. He is cautiously optimistic that both awards will be given for the project.

MOVER: Bob Heneage

SECONDER: Cindy Riegel

Approve Resolution 2024-1209C,

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS (“BOARD”) OF TETON COUNTY, IDAHO (“TETON COUNTY”), PURSUANT TO IDAHO CODE SECTION 31- 808(9), DECLARING THAT THE TRANSFER OF CERTAIN PROPERTY TO ANOTHER POLITICAL SUBDIVISION OR TAXING DISTRICT IS IN THE PUBLIC INTEREST.

WHEREAS, Teton County owns a parcel of real property (the “Subject Property”) located within the City of Driggs, County of Teton, Idaho, commonly known as 175 Front Street, Driggs, Idaho, and legally described as follows:

Lots 18 through 25, Block 2, Driggs Main Street Annex; WHEREAS, the Subject Property is undeveloped land; and

WHEREAS, the Board desires to dispose of the Subject Property upon whatever terms, and upon whatever process, it deems necessary in accordance with Idaho Code Section 31-808 and 31- 4207; and

WHEREAS, the County and Teton County Idaho Joint Housing Authority (“TCIJHA”) have entered into that certain Agreement and Covenant Restricting Development and Use date December 9th, 2024, to provide for, among other things, the transfer of ownership, in and to the Subject Property (the “Agreement”); and

WHEREAS, the Board desires to dispose of the Subject Property via a quitclaim deed to TCIJHA and have authorized TCIJHA to review or consider various proposals from potential developers; and

WHEREAS, TCIJHA is a political subdivision created under Idaho Law to, among other purposes, perform the governmental function of promoting and fostering affordable housing in Idaho; and

WHEREAS, the lack of affordable housing in Teton County continues to be a critical need for Teton County residents including workforce housing, and TCIJHA will work with the County to provide for development of the subject property to meet such needs; and

WHEREAS, TCIJHA and the County have agreed to restrict the Subject Property's future development and as provided by the County, with the County retaining the right to buy back the Subject Property for One Dollar if the restriction is violated without its consent; and

WHEREAS, Idaho Code Sections 31-4207(a) and 31-4204(d) expressly authorize the Board to convey real property to TCIJHA without appraisal, public notice, advertisement or public bidding, and for TCIJHA to accept such a conveyance for the purpose of developing affordable housing in Teton County; and

WHEREAS, Idaho Code Section 31-808(9) authorizes the Board to grant or transfer real property to another political subdivision, with or without compensation, upon adopting a resolution that the grant or transfer is in the public interest; and

WHEREAS, the Board has agreed to fund the construction of three units of employee housing on the Subject Property for the exclusive use of Teton County employees for an estimated sum of \$400,000; and

WHEREAS, except for the three units of employee housing for Teton County employees, the units on the Subject Property shall be income-restricted.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF TETON COUNTY, IDAHO:

Pursuant to Idaho Code Sections 31-808(6) and 31-808(9), the Board hereby finds that, in reliance on the recitals set forth above, the transfer of the Subject Property from Teton County to TCIJHA without compensation is in the public interest, and the Board will execute the legal documents necessary to complete the transaction.

Regularly passed, approved and adopted by the Board of County Commissioners of Teton County this 9th day of December, 2024.

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

Adopted (3 to 0)

MOVER: Bob Heneage
SECONDER: Cindy Riegel

Approve Agreement and Covenant Restricting Development and Use, dated December 9, 2024 and Quit Claim Deed for Lots 18-25, Block 2, Driggs Main St Annex.

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

Adopted (3 to 0)

10. COMMISSIONERS

1. ELECTED OFFICIALS & DEPARTMENT HEADS MEETING
2. EXECUTIVE SESSION: 74-206(1)(f) legal
No executive session was required.
3. COMMISSIONER'S REPORTS

Commissioner Heneage (details in the attached report)

Went to City of Driggs to review the master plan for the Bates Road property. Development of the multi agency campus is along the east side of the property. The development also includes five multi plex buildings of affordable housing. Suggested names for the project are being accepted.

Attended Driggs Urban Renewal. The City has received a grant to create a pathway.

Commissioner Riegel

Dec 5 - Attended the High Country RC&D meeting to discuss the budget and current projects including mowing along Hwy 33 for fire breaks. The High School is trying to build a greenhouse and High Country RC&D is helping apply for a grant for that purpose. RC&D has been very beneficial in assisting with grant writing to the County and other local agencies.

Commissioner Whitfield (details in the attached report)

Dec 3rd - Monitored the City of Driggs City Council meeting.

Dec 4 - Attended the Teton County Wildlife Advisory Committee.

Dec 5 - Attended the Altura - The Development Co Board meeting.

4. Action Item – Recreation District Formation

The Board made a minor typographical edit to the Order.

MOVER: Bob Heneage

SECONDER: Michael Whitfield

Approve the Order Organizing the Teton Valley Parks and Recreation District as revised and the attached District Map with Sub-districts one, two, and three, boundaries designated as presented.

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

Adopted (3 to 0)

5. Action Item – Resolution 2024-1209B, Creation of Agricultural Protection Area Commission

The Board clarified that this Resolution is required by statute and has been discussed at length at the State and county levels for several years. Locally there have been numerous public meetings held with the Farm Bureau and local ag producers in the last year.

MOVER: Bob Heneage

SECONDER: Cindy Riegel

Approve Resolution 2024-1209B Creation Agricultural Protection Commission.

WHEREAS, In 2024, the Idaho Legislature added a new chapter to the Idaho Code (IC), namely Title 67, Chapter 97, entitled the “Agricultural Protection Area Act”, and WHEREAS, in IC § 67-9702, the Idaho Legislature declared that the intent of the legislature in adopting the Agricultural Protection area was as follows: (a) Working farms, ranches, and forests provide important benefits to all Idahoans by sustaining: Idaho’s economy, food and fiber production, the cultural heritage of local communities, habitat for wildlife, intact watersheds for clean water, and opportunities to hunt, fish, and enjoy the outdoors with landowner permission; (b) Working farms, ranches, and forests and the benefits they provide to Idahoans are being lost to rapid population growth, conversion to development, and other uses in recent decades; (c) Many of Idaho’s rural working landowners are deeply committed to maintaining agricultural and forestry traditions and to serving as stewards of natural resources and wildlife; and (d) Idaho deeply respects the property rights of individual landowners and seeks to minimize the government’s control over a landowner’s decisions regarding the use of his property; and

WHEREAS, in Idaho Code § 67-9702, the Idaho Legislature further declared that the purpose of Title 67, Chapter 97 is to provide an opportunity to protect and enhance the economic and cultural benefits that working lands provide to Idahoans by promoting proactive planning tools for working landowners and governing bodies to maintain and enhance the economic value of working lands without impacting the property of those that elect not to participate in this opportunity; and

WHEREAS, The Agricultural Protection Area Act requires each Board of County Commissioners in Idaho to establish an Agricultural Protection Area Ordinance in accordance with the notice and hearing procedures in Idaho Code § 67-6509; and

WHEREAS, The Agricultural Protection Area Act also requires each board of County Commissioners in Idaho to establish, by either resolution or ordinance, an Agricultural Protection Area Commission pursuant to Idaho Code § 67-9705;

WHEREAS, The Teton County Board of County Commissioners will benefit from the establishment of the Agricultural Protection Area Commission to assist in development and review of the Agricultural Protection Area Ordinance and associated criteria and procedures;

NOW, THEREFORE, BE IT RESOLVED, By the Teton County Board of County Commissioners (Board), that an Agricultural Protection Area Commission (APA Commission) is hereby established in and for Teton 1 County pursuant to Idaho Code § 67-9705. The APA Commission shall consist of five (5) members appointed by majority vote of the Board.

BE IT FURTHER RESOLVED that the purpose of the APA Commission is to protect the economic and cultural values of agriculture in Teton County by utilizing principles in compliance with IC § 67-9705 and other conservation tools that the Commission might develop through recommendation to the Board.

BE IT FURTHER RESOLVED that the members of the APA Commission shall meet the requirements of Idaho Code § 67-9705, shall be selected without regard to political affiliation, and shall serve without compensation; provided, however, that actual and necessary expenses shall be allowed as approved by the Board.

BE IT FURTHER RESOLVED that the terms of agricultural protection area commissioners shall conform to the requirements of Idaho Code § 67-9705 and shall be for three (3) years. The Board shall fill expired or vacant positions within ninety (90) days of expiration or vacancy. Initial appointments to the Commission shall be made as follows: three (3) three-year terms; two (2) four-year terms; All subsequent appointments shall be made for three-year terms. Committee members may be reappointed to serve additional terms. Vacancies shall be filled in the same manner as

original appointments, and the appointee shall serve for the remainder of the unexpired term. Initial Terms shall begin on January 1, 2025, shall expire on September 30th as described above. Subsequent terms will run from October 1st to September 30 for three years.

BE IT FURTHER RESOLVED that the Board may adopt other provisions pertaining to the APA Commission or its members by resolution or ordinance.

Approved and adopted this 9th day of 2024.

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

Adopted (3 to 0)

11. BUILDING DEPARTMENT

1. Action Item – 11:30 AM Public Hearing, FY 25 Building Fee Increase

Building Official Wendy Koch presented the fee changes in the Building Dept, to be adopted after a public hearing. The Board asked about the fee increase for the Pre-Application meeting. Ms. Koch stated that it is based on the number of staff hours needed to cover the Pre-App meeting. The meeting is not required but when used it tends to decrease the time required for processing the building permit.

Public comment was opened at 11:45 AM.

No one present wished to speak.

Public comment was closed at 11:45 AM.

Board deliberation. The Board had no further comments.

MOVER: Bob Heneage

SECONDER: Cindy Riegel

Approve Resolution 2024-1209D adopting new building department fees

WHEREAS, the Board of County Commissioners held a public hearing for the County's New BUILDING DEPARTMENT Fees on December 9, 2024, at 11:30 AM in the Commissioner's Meeting Room at 150 Courthouse Drive; and

WHEREAS, the fee hearing was held in accordance with Idaho Code 63-1311A; and

WHEREAS, the public notice of the hearing was duly published in the Teton Valley News on November 20 & 27 and December 4, 2024;

NOW, THEREFORE, the Board of County Commissioners hereby adopts the attached Building Department Fee changes (Exhibit A).

DATED and done this 9th Day of December 2024 by the Teton County Board of County Commissioners.

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

Adopted (3 to 0)

12. SHERIFF'S DEPARTMENT

- 1. Action Item – Sheriff’s Lease Agreement for 2024 Dodge Durango Pursuit AWD

County Manager Dan Reyes presented the item. The lease agreement has the incorrect Lessee named (currently Teton County Sheriff's Office, needs to be amended to just Teton County).

MOVER: Cindy Riegel
SECONDER: Bob Heneage

Approve the lease agreement for a 2024 Dodge Durango Pursuit AWD, with a base payment of for \$16,871.59, funds to come from 001-04-80300 with the following amendment to the Master Lease Agreement Lessee from Teton County Sheriff's Office to Teton County.

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

Adopted (3 to 0)

13. PLANNING AND ZONING

- 1. 1:00 PM – ACTION ITEM - PUBLIC HEARING: Two Thousand Views Subdivision Final Plat Hearing

Associate Planner Torin Bjorklund presented the staff report for Two Thousand Views Subdivision final plat hearing.

Taylor Cook, representing the applicant, responded that no cost or shrub type was included in the landscaping plan, but they could be included. There are trees lining the southern border with 2000S. The Board asked if there were any plans for building envelopes. Mr. Taylor responded that no building envelopes will be platted, just County setbacks. The building envelopes will be set in the CC&R's.

Brian Maw, the applicant, stated that the temporary storage container will be moved off the property.

Public comment was opened at 1:15 PM.

No one present wished to speak.

Public comment was closed at 1:17PM.

Board deliberation. The Board had no further comments.

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 the Two Thousand Views Subdivision as described in the application materials submitted on September 25th, 2024 and additional information attached to the staff report, with the following conditions of approval:

1. Improvement Plans should include the subdivision sign, entrance landscaping, and landscaping species for the south boundary facing County Road E2000S. Landscaping placement and maintenance needs to be included in the cost estimate.
2. The development agreement needs to be updated in the following ways: A. Update section 33 for the TIS mitigation. Include the lump sum fee of \$5,389.32 for turn lane improvements as warranted in the Traffic Impact Study. The lump sum shall be paid before final plat is recorded. B. Development agreement shall be updated with the final plat as Exhibit B.
3. A dry barrel hydrant shall be included to the fire pond details and approved by the Fire Marshal.
4. Temporary storage containers shall be removed.
5. A plat note shall be added to require septic tank maintenance as recommended by East Idaho Public Health and Idaho Department of Environmental Quality.

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

Adopted (3 to 0)

2. 1:20 PM - ACTION ITEM: Greystone Subdivision Extension Request

Interim Planning Administrator Jade Krueger presented the staff report for the Greystone Subdivision extension request. The Board decided to defer this item to after the Final Plat Hearing at 1:40 PM.

This item required no action.

3. 1:40 PM - ACTION ITEM - PUBLIC HEARING: Greystone Subdivision Final Plat Hearing

Mr. Bjorklund presented the staff report.

Taylor Cook, representing the applicant, stated that the irrigation letter from Trail Creek was received. The Board asked about the type of trees in

the landscape plan. Mr. Taylor said the species of trees is in the bid for landscaping. The bid is not included in the landscape plan. The Board discussed requiring the the bid be summarized within the landscape plan.

Public comment was opened at 1:56 PM.

No one present wished to speak.

Public comment was closed at 1:57 PM.

Board deliberation. The Board had no further comments.

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 Greystone Subdivision as described in the application materials submitted September 25th, 2024 and additional information attached to the staff report, With the following conditions of approval:

1. Irrigation Improvement Plans shall be added to the improvement plans for recordation.
2. Development agreement shall be updated, item 33 to include the amount for proportionate share of turn lanes of \$3,688.
3. Update the Landscape Plan to show plant species, locations and required irrigation for landscape maintenance.

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

Adopted (3 to 0)

4. 2:00 PM - ACTION ITEM - PUBLIC HEARING: Moose Hollow Estates Final Plat Modification Hearing

Ms. Krueger presented the staff report for Moose Hollow Estates final plat hearing.

Sharon Woolstenhulme, representing the applicant, clarified that the pathway easement is still 20' dedicated to the County, that lies within the 40' wide landscape easement. The pathway will be inside the landscaping (not adjacent to the road).

Public comment was opened at 2:10 PM.

No one present wished to speak.

Public comment was closed at 2:10 PM.

Board deliberation. The Board discussed the pathway easement. Arnold Woolstenhulme, representing the applicant, explained the transition zone at each end of the pathway.

MOVER: Bob Heneage

SECONDER: Michael Whitfield

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 Moose Hollow Estates Subdivision as described in the application materials submitted October 7, 2024, with the following conditions of approval:

1. Development agreement be included with the final plat as Exhibit B.
2. Plat note regarding the pathway dedication to Teton County be amended to reflect modified proposal of the 40' easement.

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

Adopted (3 to 0)

5. Action Item: Driggs AOI Written Decision

Ms. Krueger presented the item. The written decision contains a summary of the process used to update the Driggs Area of Impact.

MOVER: Michael Whitfield

SECONDER: Bob Heneage

Approve the Driggs Area of Impact Written Decision as presented.

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

Adopted (3 to 0)

6. Action Item: Driggs AOI Ordinance

Ms. Krueger presented the Ordinance updating the Area of Impact for the City of Driggs.

MOVER: Cindy Riegel

SECONDER: Bob Heneage

Approve Teton County Ordinance 1209-2024 Replacement of Title 7, Chapter 1 Driggs Area of Impact as presented.

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

Adopted (3 to 0)

14. ADJOURNMENT

MOVER: Bob Heneage

SECONDER: Cindy Riegel

Adjourn the meeting.

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

Adopted (3 to 0)

Cindy Riegel, Chairperson

County Clerk or Deputy