



TETON COUNTY
BOARD OF COUNTY COMMISSIONERS
MINUTES | MAY 6, 2024

1st Floor Meeting Room

150 Courthouse Dr, Driggs, ID 83422

9:00 AM

- 1) **MEETING CALL TO ORDER**
<https://us02web.zoom.us/j/81854768477>

Commissioners Present:

Cindy Riegel
 Bob Heneage
 Michael Whitfield

Other Elected Officials and Department Heads Present:

Kim Keeley, Clerk
 Dan Reyes, County Manager

- 2) **PLEDGE OF ALLEGIANCE**
- 3) **ACTION ITEMS: CONSENT AGENDA**

3.1) **Action Item: 5/6/2024 Claims Report**

Department: Clerk

[Cover Page](#)

[5.6.2024 Expense Approval Report.pdf](#)

[5.6.2024 Budget Report.pdf](#)

RESULT: ADOPTED [Unanimous]
MOVER: Bob Heneage **SECONDER:** Cindy Riegel
AYES Michael Whitfield, Cindy Riegel, Bob Heneage
NAYES None
ABSTAIN None

Commissioner Whitfield pointed out that Public Defense Budget is running over budget.

- 4) **OPEN MIC**
"Open Mic" is 9:00 - 9:15am to speak to the Board on any item on the agenda

Robert Boyles objected to the policy changes that the Board is discussing regarding public speaking. He believes the County should just adopt the City of Driggs policies.

Ida Hansen would like more info regarding the ARPA funds. The Clerk stated that she had sent Ms. Hansen an email the previous evening. Ms. Hansen also mentioned frustration with the agenda being posted only 48 hours in advance


of the meeting. She also believes that the public needs to be aware and involved as much as possible and the information needs to be more readily available.

5) **PUBLIC APPEARANCES**

6) **PUBLIC WORKS**

6.1) **2024-05-06 PUBLIC WORKS REPORT**

Department: Public Works

Cover Page 


Public Works Director Darryl Johnson presented his report.


Eastern Idaho Solid Waste District - hitting bedrock will increase tipping fees by approximately \$2.50/ton.


May 16th Town Hall - Road Report. Mr. Johnson will present a comprehensive overview of the County Road & Bridge department.

The Nature Conservancy is willing to find volunteers to remove the fence on the south boundary of the Buxton Conservation Easement. The Board agreed the fence should be removed.

Mr. Johnson reached out to surrounding counties to assist with selling chemicals and potentially spraying County property. The Board expressed some concern about the method of spraying.


5.17&24_T.Cnty'SolidWaste'_PROOF1(1).pdf 


2024-04-22 TRLT Annual Site Visit Letter.pdf 

Assessor_DMV Renovation Floorplan.pdf 

6.2) **ACTION ITEM: Staff Engineer Pay Structure Change**

Department: Public Works

Cover Page 


2024-05-13 Tristan Kolb Payroll Form.pdf 

MOTION: *Approve amending the Staff Engineer's position from salaried to hourly to allow for comp time accrual when assisting Road & Bridge on summer projects.*

RESULT: ADOPTED [Unanimous]
MOVER: Michael Whitfield **SECONDER:** Bob Heneage
AYES Cindy Riegel, Bob Heneage, Michael Whitfield
NAYES None
ABSTAINNone


6.3) **ACTION ITEM: Road & Bridge Sweeper Purchase**

Department: Public Works

Cover Page 

Use funds budgeted for pup trailer (\$25,000) and the balance from the Water Truck (budgeted for \$180,000). The water truck will then be purchased in FY25.


The sweeper is used primarily for prepping for striping and chip seal.

2019 Rosco.pdf 


MOTION: *Approve Purchase of a used 2019 sweeper from Arnold Machinery as presented for \$30,500 to be paid from 202-00-80200.*

RESULT: ADOPTED [Unanimous]
MOVER: Bob Heneage **SECONDER:** Michael Whitfield





AYES	Cindy Riegel, Bob Heneage, Michael Whitfield
NAYES	None
ABSTAIN	None

7) **IT/EMERGENCY MANAGEMENT**7.1) **Action Item - Door Access System****Department:** Information Technology[Cover Page](#) **MOTION:** *Proceed with the door access system upgrade project not to exceed \$27,875.09, with \$5,000 coming from account 1-14-4300, \$21,380.34 coming from 1-14-80200, and \$1,494.75 coming from 202-00-43002.*

RESULT:	ADOPTED [Unanimous]
MOVER:	Michael Whitfield SECONDER: Bob Heneage
AYES	Cindy Riegel, Bob Heneage, Michael Whitfield
NAYES	None
ABSTAIN	None

7.2) **IT/EM Monthly Report****Department:** Information Technology[Cover Page](#) 

IT/EM Greg Adams presented his report.

8) **CLERK**8.1) **Action Item: Meeting Minutes of 3/11/2024 and 3/12,2024 as revised.****Department:** Clerk[Cover Page](#) [Draft 3.11.2024 BoCC Regular.pdf](#) [Draft 3.12.2024 BoCC Regular \(continuation\).pdf](#) [3.25.2024 Draft Regular Board of County Commissioners.pdf](#) [Draft 3.29.2024 Special.pdf](#) **MOTION:** *Approve the minutes of 3/11/2024 and the minutes from the continuation to March 12th as presented.*

RESULT:	ADOPTED [Unanimous]
MOVER:	Bob Heneage SECONDER: Michael Whitfield
AYES	Cindy Riegel, Bob Heneage, Michael Whitfield
NAYES	None
ABSTAIN	None

Agenda item**MOTION:** *Approve minutes of March 29th as presented.*

RESULT:	ADOPTED [Unanimous]
MOVER:	Bob Heneage SECONDER: Michael Whitfield
AYES	Cindy Riegel, Bob Heneage, Michael Whitfield
NAYES	None
ABSTAIN	None

9) **OPERATIONS MANAGER**


9.1) **ACTION ITEM: DRAFT POLICY PUBLIC MEETING ATTENDANCE AND PARTICIPATION**

Department: Operations

County Manager Dan Reyes presented the item. The Board discussed the portion of the policy that states that "Open Mic" should address agenda items only (except public hearings). The Board felt that open mic was the time to comment on agenda items in order to assist in the decision making on that days business.

The Board made numerous minor edits.

Add to next agenda with the additional information regarding recording Advisory Committee meetings.


[Cover Page](#) 

[Draft Meeting Public Participation.docx.pdf](#) 

10) **COMMISSIONERS**

10.1) **ACTION ITEM: TAX EXEMPTION APPLICATION FAMILY SAFETY NETWORK**

Department: Operations

[Cover Page](#) 


[tax exempt application.pdf](#) 


MOTION: *Approve Tax Exemption for the Family Safety Network parcel # RPA0014022006AA.*

RESULT: ADOPTED [Unanimous]
MOVER: Michael Whitfield **SECONDER:** Bob Heneage
AYES Cindy Riegel, Bob Heneage, Michael Whitfield
NAYES None
ABSTAINNone

10.2) **ACTION ITEM: TAX EXEMPTION APPLICATION NOLS**

Department: Operations

[Cover Page](#) 

[ID 2024 Property Tax Exemption with questions and forms.pdf](#) 

MOTION: *Approve the Tax Exemption Application for National Outdoor Leadership School properties RPF0013004001A & RPF00130020001A.*

RESULT: ADOPTED [Unanimous]
MOVER: Michael Whitfield **SECONDER:** Bob Heneage
AYES Cindy Riegel, Bob Heneage, Michael Whitfield
NAYES None
ABSTAINNone

10.3) **ACTION ITEM: TREC LETTER OF SUPPORT**

Department: Operations

[Cover Page](#) 


The Board made several substantive edits to the letter.

[2025_TREC_support_letter.doc](#) 


MOTION: *Approve letter of support for Teton Regional Economic Coalition addressed to the Idaho Dept of Commerce as revised.*

RESULT: ADOPTED [Unanimous]
MOVER: Bob Heneage **SECONDER:** Michael Whitfield
AYES Cindy Riegel, Bob Heneage, Michael Whitfield

NAYES None ABSTAIN None



10.4) ACTION ITEM: REQUEST FOR REHEARING**Department:** Operations[Cover Page](#) 

The Board discussed whether a re-hearing was justified. the Board has done extensive legal research into whether there was an actual road dedication and none has been found.

[2024.02.13 Order FOF and COL.pdf](#) [Rehearing Request.docx](#) [2024.02.21 Rehearing Request.pdf](#) 

MOTION: *Approve the order for request for rehearing regarding the resolution for validation and/or vacation of the Road or Right of Way known as 6600 S located in Teton County Idaho, which effectively denies the request for a rehearing.*

RESULT: ADOPTED [Unanimous] MOVER: Bob Heneage SECONDER: Cindy Riegel AYES Cindy Riegel, Bob Heneage, Michael Whitfield NAYES None ABSTAIN None

10.5) ACTION ITEM: ENGAGEMENT AGREEMENT FOR LEGAL SERVICES**Department:** Operations[Cover Page](#) [Draft Engagement Agreement - Holden Kidwell \(04.29.24 - Including Supervisory Duties\).docx](#) 

The Board discussed the expanding scope of the contract and the language within the contract. The Clerk expressed concern over the increased cost (up t \$100K for the rest of FY24). No action was taken.

10.6) DISCUSSION ITEM: COMMISSIONERS' REPORTS**Department:** Operations**Commissioner Whitfield**

04/22 Teton Valley Collaborative for Early Learning

- Have received 501(c)3; elected additional officers; excellent progress with donated building and its occupancy.

04/24 Altura, The Development Company

- Leadership change
- Over \$30MM in loan portfolio

04/26 Eastern Idaho Regional Solid Waste District

- Major discussion of Change Order for excavation contractor for blasting of rock. Major dissatisfaction with contracting engineers (continuing discussion. \$2,696,750 for blasting. Additional loan of \$3.6 MM with \$800K contingency. Change order passed.

- Grant potential from DEQ for additional \$1.2MM
- Rocky Mtn. Power agreement for \$14,778
- Clearwater agreement for ground breaking ceremony, \$9K
- Draw #17,
- Draw #18, \$3.3 for excavation
- Well drillers, 420 feet down, 180 feet of pipe cemented in place

04/26 Ashton-Tetonia Trail Open House IPR

- IDPR came to report what they were paving the trail with a federal grant rather than seek input to general improvement plan.

Commissioner Heneage

4/25 met with Prosecutor to get an update on her office. The hope is to continue to meet each month.

5/1 EISWD ground breaking. It was very cold but a good event.

5/1 Driggs Urban Renewal. Bidding for Wallace Rd improvements were opened and came in under estimates. Project will be completed by end of summer.

Marriott Hotel Project (300 S Main). Estimates are still too high. The City is looking to create incentives that could help move the project forward.

The Harper Rd Project moving forward.

5/2 Informal meeting with the Probation Support group to check in on the status of the department. Probation Director Tiffany Hicks is trying to update and collect missing/incomplete documents. Commissioner Heneage and Ms. Hicks will be attending a Madison County BoCC meeting to express gratitude for the help they have given and look at a potential long term solution.

5/2 Eastern Idaho Public Health to discuss the FY25 Budget. Proposed budget of \$190,999, a 5% increase. Teton County pays 8% of the total budget though the County only represents 4% of the population that is served.


The EIPH Board reported increasing vaccine hesitancy that is causing an increase in infectious diseases.

Commissioner Riegel

4/25 High Country RC&D and Board meeting. High Country has helped out local contractors get registered to bid for federal contracts.


5/1 EISWD ground breaking. She reported that an impressive amount of work has been done at the site.

5/3 Idaho Assoc of Counties Spring Institute training.

[Cover Page](#) 

10.7) Executive Session 74-206(1)(f) LEGAL

Department: Operations

[Cover Page](#) 

This executive session was not required.


11) Noon to 1 PM - EODH LUNCH MEETING

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

12) PLANNING AND ZONING

12.1) 1:00 PM PUBLIC HEARING: Northern Lights Subdivision Preliminary Plat Hearing.

Department: Planning & Zoning

[Cover Page](#) 

Planning Administrator Jade Krueger presented the staff report for Northern Lights Subdivision Prelim Plat public hearing. This application was previously heard on August 28th, 2023 and denied. This is a reconsideration. The only new material is the new traffic impact study requested by the BoCC in the prior hearing.

Ryan Poole, representing the applicant, was present to answer questions. Mr. Poole asked for clarification on where in the process this application is. He presented the Board with a hard copy of the Traffic Impact Study (TIS) addendum. Mr. Poole contends that the conclusion of the updated TIS is the same of the original, that the traffic network will operate at an acceptable level through 2047. The Board clarified that this hearing is for Preliminary Plat approval.

Husk Crowther with Civilize PLLC, was present to answer questions. The Board asked Mr. Crowther to clarify his methodology for gathering data for the TIS. The traffic count was done on 6500 N on two different occasions for one hour each time. He stated that based on HWY 33 traffic, every intersection on Hwy 33 needs a left turn lane regardless of new development. The Board asked if construction traffic is considered in TIS. Mr. Crowther stated that it is not.

The Board asked who the vacation rental fee is paid to as referenced in the CC&R's. Mr. Poole stated that the fee would go to the HOA. The Board asked about the requirement in the CC&R's to protect views for all lots and wondered if building envelopes wouldn't satisfy that requirement better.

Public Works Director Darryl Johnson was present to discuss the offer of County gravel to be used to upgrade 7000 N. Mr. Johnson stated that the County does offer gravel to anyone willing to work on County roads.

Public comment was opened at 1:44 PM.

In favor - No one present wished to speak.

Neutral - No one present wished to speak.

Opposed-

Troy Black, neighbor to the proposed application. Mr. Black stated that the three roads bordering the subdivision do not meet any of the County road standards. He asks that the roads be upgraded to County standards before the subdivision begins construction.

Blair Perry, neighbor. Mr. Perry added to Mr. Black's comments stating that there are no culverts on the roads.

Gaylen Hellyer, neighbor. Ms. Helyer has been paying to have the road plowed and paid \$25,000 to improve a section of road. She believes the road should be improved at the cost of the subdivision from 1750 to 2250.

Robert Stewart, neighbor. Mr. Stewart took issue with the TIS. As a resident on 1750, the road is completely inadequate to handle construction traffic and then the ongoing residential traffic.

Don Weber, neighbor. Mr. Weber is concerned with the density and impact to wildlife.

Jake McClellan, neighbor. He seconded everything that has been said.

Ida Hansen, not opposed. She thinks that the County needs to be cautious and stay within the relevant code.

Jeanie Perry, neighbor. She reiterated her concerns with increased traffic and its poor general condition.

Ann Callison, nearby neighbor. She is appalled that the County is giving gravel to anyone. Regarding this application, she believes the land is too steep and represents a landslide hazard. Per the CC&R's, she believes the applicant is trying to ban wildlife from the property.

Ben Hurley, neighbor. Mr. Hurley echoed all of the concerns already voiced. He added that the subdivision does not fit in with the neighborhood. He thinks ten acre parcels would be more palatable.

Public comment was closed at 2:21 PM.

Applicant rebuttal. Mr. Poole encouraged the Board to evaluate the application based on the Code. Mr. Poole believes there is no legal basis to deny the application.

Board deliberation. Ms. Krueger addressed the road safety issue. The Public Works Director has determined the roads adjoining the proposed subdivision do meet County road standards. Mr. Johnson clarified that the road improvements would be from N7000 W1750 to the most westerly access on 7000N. He anticipates there will be added maintenance on W1750 and N7000 if the development is approved.

The Board stated that the County should not be paying for road improvements, those should be paid by the developer. The Board stated that they are bound by law to evaluate applications based on the applicable Code. The Board discussed that this application does not even marginally adhere to the Comprehensive Plan.

The Board discussed the applicant's question about where in the process this application is... reconsideration or preliminary plat? The Board wished to speak with legal counsel prior to making a decision. The Board asked that the applicant reconsider their proposal based on the overwhelming public comment.

The application will be added to the July 8 agenda at 1 PM.

[Staff Report Northern Lights Prelim BoCC_05624.pdf](#) 

- A) [Prelim Application.pdf](#)
- B) [Prelim Narrative.pdf](#)
- C) [Preliminary Plat.pdf](#)
- D) [Development Agreement.pdf](#)
- E) [Drafted CC&Rs.pdf](#)
- G) [Surety Bond Documents.pdf](#)
- H) [Fire Marshal Review.pdf](#)
- I) [EIPH Prelim Approval.pdf](#)
- J) [Fall River Documentation.pdf](#)
- K) [Improvement Plans \(updated\).pdf](#)
- L) [Public Works Comments.pdf](#)
- M) [Public Comment_Updated 05012024.pdf](#)
- N) [Landscaping Plan.pdf](#)
- O) [Traffic Impact Study_Updated 2024.pdf](#)
- R) [REGULATORY TAKINGS ANALYSIS LETTER - Northern Lights Subdivision \(12.4.23\).pdf](#)
- P) [Applicants response to conditions.pdf](#)
- Q) [Meeting Minutes from August 28, 2023 BoCC Hearing.pdf](#)
- S) [Written Decision for Northern Lights Subdivision FINAL_10.11.2023.pdf](#)
- T) [Request for Reconsideration to Teton County_Northern Lights_10.27.23.pdf](#)

MOTION: Continue the public hearing to July 8 at 1 pm for Northern Lights Subdivision Preliminary Plat to obtain additional information for legal review on necessary road improvements, compliance with the comprehensive plan, the process in regard to reconsideration versus advancement of the preliminary plat, building envelopes and the fiscal impact analysis.

<p>RESULT: ADOPTED [Unanimous] MOVER: Michael Whitfield SECONDER: Bob Heneage AYES Cindy Riegel, Bob Heneage, Michael Whitfield NAYES None ABSTAINNone</p>

12.2) 1:30 PM PUBLIC HEARING: Boundless Sky Subdivision Final Plat Hearing.

Department: Planning & Zoning

Assoc Planner Torin Bjorkland presented the staff report for Boundless Sky Subdivision Final Plat Hearing.

Sharon Woolstenhulme, representing the applicant, pointed out that the building envelopes were adjusted as requested. The infrastructure improvement plans have been sent to the County Engineer awaiting comments.

The Board commented that they appreciate the changes made to the building envelopes and the CC&R's. they recommended that "building envelopes" be defined in the CC&R's. The applicant was agreeable to that.

Public comment was opened at 3:14 PM.

No one present wished to speak.

Public comment was closed at 3:15 PM.

Board deliberation. The Board had nothing further to deliberate.

[Cover Page](#)

[Boundless Sky Final Plat Staff Report_BoCC_05.06.24.pdf](#)

[A. Final Plat Application_Redacted.pdf](#)

[B. Development Agreement \(Updated for Final Plat\).pdf](#)

[C. Final Plat.pdf](#)

[D. Engineer's Cost Estimate \(Final Plat\).pdf](#)

[E. Improvement Plans \(Revised\)_4.30.2024.pdf](#)

[F. CCRs \(Revised\).pdf](#)

[G. Exhibit A \(Final Plat\).pdf](#)

[H. Letter of Credit \(draft\).pdf](#)

[I. Access Permit.pdf](#)

[J. Public Comment.pdf](#)

MOTION: *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 Boundless Sky Subdivision as described in the application materials submitted February 23, 2024 and additional information attached to the staff report, with the following conditions of approval: 1. Public works review the revisions to the improvement plans before recording occurs. 2. CC&R's shall include a definition for Building Envelope and there shall be a reference within CCR Article 6d that all buildings shall be contained within the building envelopes.*

<p>RESULT: ADOPTED [Unanimous] MOVER: Michael Whitfield SECONDER: Bob Heneage AYES Cindy Riegel, Bob Heneage, Michael Whitfield NAYES None ABSTAIN None</p>

12.3) **2:00 PM PUBLIC HEARING: LDC Amendments.**

Department: Planning & Zoning

[Cover Page](#)

Ms. Krueger gave a brief history of the approval process for the Land Development Code. As the new Code is being used, minor edits come to light. This hearing is to finalize recommended edits, mostly incorrect numberings, grammatical errors, spelling, etc.

If the Board makes a decision today, the staff will prepare an ordinance for adoption at a public hearing. The Board cannot make substantive changes without sending it back to the Planning and Zoning Board.

Public comment was opened at 3:58 PM.

Ida Hansen thought that it was very unfair to make changes during the public hearing. Ms. Hansen commented on the number of people allowed in employee housing, the six inch grading of roads is too restrictive, and she commented on the overly restrictive requirement for wetlands studies.

David Breckinridge, Tetonia, commented that he thinks the overlays are unfair and expensive. It is nearly impossible for him to give property to a family member due to the overlays.

Wade Kaufmann spoke regarding the grading and erosion permits. He is for having the permits, but believes the 1500 sq ft size that activates that need for a permit is far too low.

Mandy Rockefeller spoke in regards to employee housing recommendation. She would like the limitation on the number of occupants be based on the septic permit.

Todd Woolstenhulme asked how the wildlife overlay migrated towards his property near the Victor Cemetery and what studies were used. He also asked the same about the floodplain.

Penny Vasquez disagrees with the six inch grading requirement.

Barbara Housely commented that reducing the number of beehives down to sixteen to require a permit seems restrictive.

Public comment was closed at 4:28 PM.

Ms. Krueger summarized the possible future changes that were brought up.

[Staff Report for LDC Amendment Proposal_050624.pdf](#)

[A. LDC Redlines_March 12, 2024 PZC Review \(posted\).pdf](#)

[B. Public Comment_050624.pdf](#)

[C. Draft PZC Minutes 3.1.2024.pdf](#)

MOTION: *Having found that the review criteria in LDC 4-4-F can be met, I move to approve the LDC amendments as revised to correct grammatical errors and formatting in the staff report and materials attached following the recommendation of the Planning & Zoning Commission to strike the red line limits on group residency, and to advance further conversation on defensible space and heritage land splits.*

revised for grammatical errors and formatting in the staff report and materials attached following the recommendations of the Planning and Zoning Commission to .

<p>RESULT: ADOPTED [Unanimous] MOVER: Michael Whitfield SECONDER: Cindy Riegel AYES Cindy Riegel, Bob Heneage, Michael Whitfield NAYES None ABSTAINNone</p>

12.4) **Driggs Acquisitions LLC Temporary CUP for Rock Crushing Operation.**

Department: Planning & Zoning

[Cover Page](#)

Ms. Krueger requested guidance on the Driggs Acquisitions LLC Temporary CUP for Rock Crushing Operation.

Todd Woolstenhulme, with Driggs Acquisition, was present to answer questions. He anticipates a max of 180 days of operation.

The Board confirmed that Driggs' Acquisition should submit a CUP application to be processed by the City of Driggs and the County.

[Tributary_Area of Impact_Processing Question_050124.pdf](#)

[1. Vacinity Map & Site Plan.pdf](#)

[2. CUP24-1 Tributary temp rock crushing zoning letter.docx](#)

12.5) **3:00 Discussion - City of Driggs AOI Update.**

Department: Planning & Zoning

[Cover Page](#)

Leanne Bernstein, P & Z Administrator for the City of Driggs, presented the changes made since the Board last heard about the progress on the AOI.

Legislation at the State level changed the way AOI's are adopted. The new law clarifies that County's pass the Ordinance. The City can only make recommendations.

A minor change to Casper Drive was made to the maps.

Next steps are to take this to the County P & Z and then presumably legal review prior to the final public hearing.

[24.05.06- BoCC AOI work session w exh.pdf](#)

13) **ADJOURNMENT**

Cindy Riegel, Chairperson
ATTEST: _____
County Clerk or Deputy