The Teton County Board of Commissioners met in regular session on April 15, 2014, at 9:00 a.m. in the Commissioners Meeting Room, Teton County Courthouse, 200 S. Willow in Jackson. The meeting was called to order at 9:00 a.m. by Board Chairman Ben Ellis, who presided over the meeting.

MAY 14, 2014

TETON COUNTY NOTICES
Teton County Board of Commissioners

AGENDA

1. Consideration of the Nine Month Budget Amendment to the Fiscal Year 2014 Budget
2. 2. Consideration of a Tax Roll Correction, postponed from the April 7 voucher meeting
3. Consideration of a Tax Roll Correction, postponed from the April 7 voucher meeting
4. 4. at Noon or at the conclusion of the morning’s workshops, an Executive Session pursuant to Wyoming Statute §16-4-405(a)(ii) to consider a personnel matter

What is a Public Notice?
These pages include a variety of notices required by Town, County and State and regulations. These notices include:
Meeting Agendas, proposed tax and budget information, Public Notice?

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Jackson, WY 83002 • (307) 733-2047

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County desires to participate in the FY 2015 TANF Grant Program to assist in financing this project, and WHEREAS, the County of Teton, Wyoming, desires to participate in the Municipal Solid Waste Facilities Cease and Transfer Program in financing this project.

BE IT FURTHER RESOLVED, that Heather Overholser hereby designates Steve Foster as the authorized representative of Teton County to execute the cooperation agreement.

IT IS FURTHER ORDERED, a copy of this Resolution be submitted to the Department of Family Services, the Wyoming State Loan and Investment Board, and the Teton County’s Compost Facility at the Trash Transfer Station for their knowledge and information.

Public Notices

Board of County Commissioners

2. Consideration of a Letter to Support the Board of County Commissioners, Teton County, Wyoming, to act on behalf of the Wyoming Municipal Solid Waste Facilities Cease and Transfer Program in financing this project.

11. Consideration of a Resolution to Authorize a Grant Application for the Benefit of Hi Country Water District for a Grant Application for Funding to the Wyoming State Loan and Investment Board for Trash Transfer Facility construction as determined in the April 14, 2014 workshop.

14. Consideration of a Notice of Award for Compensation and Transfer Facility Funding

To approve a Resolution to authorize the submission of an application for funding to the Wyoming State Loan and Investment Board for Trash Transfer Facility construction as determined in the April 14, 2014 workshop.

WHEREAS, the Department of Family Services requires that enabling legislation be enacted by the County recognizes the need for the project; and

IT IS FURTHER ORDERED, during Spring Clean-Up Week and May 10, 2014 as Community Spring Clean Up Day

IT IS FURTHER ORDERED, that the Board of County Commissioners, Teton County, Wyoming, desires to participate in the Municipal Solid Waste Facilities Cease and Transfer Program in financing this project.

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IT IS FURTHER ORDERED, a copy of this Resolution be submitted to the Department of Family Services, the Wyoming State Loan and Investment Board, and the Teton County’s Compost Facility at the Trash Transfer Station for their knowledge and information.
3. Consideration of a Resolution of Condemnation

Rocky Mountain Bank in relation to Konigsberg v. Board

Ben Ellis moved to approve the Settlement Agreement with Bill Schwartz from Rocky Mountain Bank spoke to the agreement re the Konigsberg suit and the agreements presented today.

Deputy County Attorney Keith Gingery explained the Fish Creek Road

WHEREAS, the Board of County Commissioners for Teton County desires to participate in the Wyoming Business Council Community Grant and Loan for The Grove Phase 1 in Teton County, Wyoming, to acquire the necessary fee simple permanent acquisition, which is necessary for the proposed Hoback – Roger’s Point Bridge construction easements of 562 square feet, 2,960 square feet, 1,155 square feet. Barbara Allen seconded and the motion passed unanimously.

WHEREAS, the Board of County Commissioners for Teton County recognizes that the Teton County Housing Authority is a duly constituted Housing Authority established by Teton County, Wyoming, Art. 1, § 32, and all other applicable Wyoming seq., W.R.C.P., Rule 71.1, and the Constitution of the State of Wyoming, art. 1, § 32, and all other applicable Wyoming Rules of Civil Procedure, the County of Teton, Wyoming, act of all persons and the said Teton County, Wyoming, is authorized to institute condemnation proceedings through this resolution. The giving of the notice for the condemnation may not be obtained through the good faith negotiation by grant, purchase, or condemnation.

WHEREAS, the public interest and necessity requires the construction of Hoback – Roger’s Point Bridge replacement and construction project as it relates to the moratorium related to PRD and moved that the application in the amount of $1,000,000 be approved. BE IT RESOLVED by the Board of County Commissioners, Teton County, Wyoming, by this resolution effective April 2013.

WHEREAS, the property described herein, and constitutes approximately 0.61 acres or 26,633 square feet of property for the fee simple permanent acquisition, which is necessary for the construction of the Hoback – Roger’s Point Bridge replacement and construction project, and in the event such acquisition is not completed by agreement with Rocky C. Lewis, the owner thereof, condemnation proceedings shall be commenced and prosecuted in the name of Teton County, Wyoming, for the permanent acquisition of 0.61 acres and the three temporary construction easements consisting of 562 square feet, 2,960 square feet, and 1,155 square feet. Barbara Allen seconded and the motion passed unanimously.

WHEREAS, the fee simple acquisition and temporary construction easements of Rocky C. Lewis’ property to be acquired in the Hoback – Roger’s Point Bridge replacement and construction project are set out in the property description hereto as “Exhibit A.” The property descriptions are set forth with sufficient detail in the final plat presented hereto as “Exhibit B.” The property descriptions are also labeled “Strips A, B, and C” in “Exhibit A.”

WHEREAS, the real property and real property interests and improvements sought to be acquired from Rocky C. Lewis, as described above, are necessary for the construction of the Hoback – Roger’s Point Bridge replacement and construction project.

WHEREAS, the Board of County Commissioners for Teton County desires to participate in the Wyoming Business Council Community Grant and Loan for The Grove Phase 1 for the term on the settlement agreement be two years instead of the one year term.

WHEREAS, Be IT RESOLVED that the real property and real property interests and improvements sought to be acquired from Rocky C. Lewis, as described above, are necessary for the construction of the Hoback – Roger’s Point Bridge replacement and construction project in Teton County, Wyoming, and the motion passed 4-1 with Barbara Allen opposed.

Parks and Recreation Director Steve Ashworth presented the project as it relates to the 2012-13 County plan for parks and recreation facilities. The project was passed unanimously.

Parks and Recreation Director Steve Ashworth explained the project as it relates to the 2012-13 County plan for parks and recreation facilities. The project was passed unanimously.

Ben Ellis moved to grant the motion to acquiesce in the approval extended to the applicant of the Conditional Use Permit, pursuant to Section 51200, Residential and Nonresidential Development Plans, and a Conditional Use Permit, pursuant to Section 51400, Conditional Use Permits, of the Teton County Land Development Regulations, to vacate a septic easement, at 45 S. Fall Creek Road, located in a Professional Overlay. Ben Ellis seconded and the motion passed unanimously.

Scott Pierson representing the Conservation District made comment on the leachfield.

WHEREAS, the Board of County Commissioners for Teton County desires to participate in the Wyoming Business Council Community Grant and Loan for The Grove Phase 1 in Teton County, Wyoming, to acquire the necessary fee simple permanent acquisition, which is necessary for the proposed Hoback – Roger’s Point Bridge replacement and construction project.

WHEREAS, the Board of County Commissioners for Teton County recognizes that the Teton County Housing Authority has been denied and is working to resolve any claim, for an amount of $600,000, as well as funds from the Teton County Affordable Housing Fund in the amount of $600,000, that was purchased with funds from a Special Purpose Excise Tax ($1,129,000), from a trade agreement with the Town of Jackson, Wyoming, on April 20, 2010, and had an expiration date of April 20, 2010.

WHEREAS, the Board of County Commissioners for Teton County recognizes that this project will provide new commercial accommodations in the county available to persons of low income, and the motion passed unanimously.

WHEREAS, the Board of County Commissioners for Teton County desires to participate in the Wyoming Business Council Community Grant and Loan for The Grove Phase 1 in Teton County, Wyoming, to acquire the necessary fee simple permanent acquisition, which is necessary for the proposed Hoback – Roger’s Point Bridge replacement and construction project.

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REQUEST FOR RESOLUTION TO ACCEPT TOWN OF JACKSON'S BUDGE DRIVE INCIDENT DISASTER DECLARATION AND REQUEST ASSISTANCE FROM THE STATE OF WYOMING

WHEREAS, Beginning on April 4, 2014 the Budge Hill area located at 1010 S. Highway 89, approximately 1.8 miles south of Teton Village (T42N, R116W, S29, S30) the property is zoned Rural and is partially within the Teton County Natural Resources Overlay.

This item was heard second in the agenda order.

1. Applicant: CORE PARTNERS, A GEN. PART. REQUEST: Final Development Plan approval, pursuant to Section 5140, Conditional and Special Uses, of the Teton County Land Development Regulations, to allow a Reception Center with no natural resource overlays.

Mr G junge explained options available to the County and the request for assistance built in to the Resolution. Emergency Management Coordinator Rich Ochs spoke to the timeframe for the request. The Resolution to accept the Town of Jackson's Budge Drive Incident Disaster Declaration, and declare a disaster in Teton County, and request assistance from the State of Wyoming.

WHEREAS, Budge Hill area is approximately one mile from the Jackson Town boundary. The Town of Jackson has requested assistance from the County of Teton, which the county is providing. The Town of Jackson is located in and about the Teton County Emergency Management Operations Center, incident command posts, communication center, incident; and

WHEREAS, Teton County has been providing and will continue to provide facilities for sheltering, equipment staging areas, communication center, incident command posts, emergency recovery center and disaster recovery center; and

WHEREAS, Teton County has provided pre-negotiated contracts with the following for the Town of Jackson:

- Teton County CERT – volunteers both at the scene and at EOC
- Teton County Road and Levee – Consultation assistance with traffic re-routing contingency and providing pre-negotiated contract with the Wyoming DOT for equipment staging areas.
- Teton County Fire/EMS – provided fence posts and poderator to establish Budge Incident perimeter
- Teton County Public Health – Personnel as EOC staff including evacuation coordinator, Deputy EOC Manager, ESF #8 Public Health Coordinator, County Health Officer (S15, T42N, R116W)
- Charlotte Reynolds as Assistant Public Information Officer
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IT IS FURTHER RESOLVED, the Board of County Commissioners hereby requests immediate and necessary assistance from the State of Wyoming.

Notice of public meeting was given. Adjournment of the meeting was made at 10:11 a.m. Pursuant to Section 51200, Residential and Nonresidential Development Plans, and a Conditional Use Permit, pursuant to Section 5140, Conditional and Special Uses, of the Teton County Land Development Regulations, to allow a hotel/boarding facility as a Home Business.

WHEREAS, in Teton County, Wyoming; and

WHEREAS, the purpose of helping to manage the Budge Drive Incident. The County has been and will continue to pay the costs for those services that are not covered by the State and incident; and

WHEREAS, Teton County has been providing and will continue to provide services for sheltering, equipment staging areas, communication center, incident command posts, emergency recovery center and disaster recovery center; and

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IT IS FURTHER RESOLVED, the Board of County Commissioners hereby requests immediate and necessary assistance from the State of Wyoming.
The successfully bidder shall provide a 50% Performance Bond.

The Owner reserves the right to reject any or all proposals and to waive irregularities and irregularities in proposals.

INVITATION FOR BIDS

TOWN OF JACKSON

All proposals must be submitted with bid guarantee and accompanied by a money order, certified check, or bid bond payable to the Owner for 10% of the bid amount (to be forfeited as liquidated damages in the event that the Bidder defaults). The Owner reserves the right to reject any or all proposals.

No bids will be opened unless sealed and filed with the Teton County Clerk's Office, 200 South Willow, Suite 9, Jackson, WY 83001, no later than 2:00 P.M. MDT on Friday, June 6, 2014. Bids will be opened in public at the Teton County Engineering Office, 320 South Willow, Suite 3, Jackson, Wyoming at 2:00 P.M. on Friday, June 6, 2014.

The drawings along with bid and Contract Documents are available electronically. Contact Gordon Gray at ggray@tetonwy.gov or 307.733.4430 or starbanks@tetonwy.gov for a request to set a document.

The successful bidder shall provide a 50% Performance Bond.

The Owner reserves the right to reject any or all proposals and to waive irregularities and irregularities in proposals.

END OF INVITATION

Public Notice

TOWN OF JACKSON

OFFICIAL PROCEEDINGS

NOTICE OF ACCEPTANCE AND FINAL PAYMENT TO CONTRACTOR

The Jackson Town Council met in special workshop session in the Town Hall on April 14, 2014 with Mayor Barron, Mayor Pro Tem King, Councilmen Frank, Lenz, and Morton Levinson in favor with Stanford opposed.

A motion was made by Don Frank and seconded by Hailey Merton Levinson proposing a community bond issue of approximately $50,000 to $750,000.

Aaron Prusakoff made public comment regarding the land that was recently removed from the area, potential indicators in the area for the future, and that the buildings were being monitored so that it's the cost of the associated with the slide, cost considerations of the temporary buttress, the level of urgency that the incident presents, additional information gathering, and this incident being an emergency. Aaron Prusakoff made public comment regarding the decision that was taken during the April 10, 2014 emergency meeting and the additional action that is needed today.

Mayor Barron called for the vote. The vote showed Barron, Frank, Lenz, and Morton Levinson in favor with Stanford opposed. The motion carried.

Food Truck Discussion. This item was tabled until the end of the meeting.

The Infrastructure Recess for Snow King Mountain Recreation and Snow King Amended and Restated Contingency Development Agreement and the purpose of this item.

The successful bidder shall provide a 50% Performance Bond.

In accordance with Wyoming Statutes, a five percent (5%) bid preference will apply to bids from Wyoming Residents.

The Jackson Town Council met in special workshop session in the Town Hall on April 14, 2014 with Mayor Barron, Mayor Pro Tem King, Councilmen Frank, Lenz, and Morton Levinson in favor with Stanford opposed. The vote showed all in favor. The motion carried.

Snow King Second Sheet of Ice. Bob McLaurin made staff comment regarding the timeline, the purpose of this item, and the purpose of this item.

For more information, please contact Shelley Fairbanks, Teton County Deputy Clerk, 307-733-4430 or starbanks@tetonwy.gov.
**PUBLIC HEARING**

The Jackson Board of Adjustment will hold a public hearing to consider a request for a variance to coloclate T-Mobile antennas at the property described as Lot 7 of the Jackson Corner Building Addendum at 2650 North Main Street. The hearing is scheduled for Wednesday, June 4, 2014 beginning at 5:30 P.M. at Town Hall, 150 E. Pearl Ave., Jackson, WY. For further information, please contact the Planning and Zoning Department at 735-0440, Ext. 1092 [P14-014 & P14-016, Kassel]

**PUBLICATION NOTICE**

**NOTICE OF APPLICATION FOR NEW RESTAURANT LICENSING**

Notice is hereby given that King Sushi Company LLC d/b/a King Street Sushi has applied in the Office of the Town Manager for a new Restaurant Liquor License. The name of the business is King Street Sushi. The location is 75 King Street, Jackson WY. The following section of the license or premises which the applicant desires to use as the place of sale are as follows:

DATED: April 14, 2014
Olivia Goodale, Town Clerk

**PUBLICATION NOTICE**

**TERMINAL IN AMERICA**

No person shall operate a motor vehicle while using a cell phone or wireless communication device in an emergency situation to call 911 or other similar emergency communication system that is affixed to the vehicle, or

Persons using a telephone or wireless communication device while driving shall not be considered to have made a stop or position, off the traveled roadway and not in gear. This does not include periods during which a motor vehicle is stopped at an intersection or other location as the result of traffic or the placement of a traffic control device on a public street or highway.

An operator of an authorized emergency vehicle using a cell phone or wireless communication device while acting in an official capacity

Any person violating any provisions of this section is guilty of a misdemeanor and shall be subject to the following fines:

Upon a first conviction the person shall pay a minimum fine of Seventy Dollars ($70.00); Upon a second conviction the person shall pay a minimum fine of One Hundred Dollars ($100.00); Upon a third conviction, and any additional convictions beyond that, the person shall appear before the Municipal Judge and, upon a third conviction, and any additional convictions beyond that, pay a minimum fine of One Hundred and Fifty Dollars ($150.00) and a maximum fine of Seventy and Five Dollars ($75.00)."

**STATE OF WYOMING COUNTY OF TETON**

IN THE DISTRICT COURT

NINTH JUDICIAL DISTRICT

IN THE MATTER OF THE ESTATE OF

KIMBERLY ANN CARPENTER,

Deceased

NOTICE OF PROBATE

TO ALL PERSONS INTERESTED IN SAID ESTATE

A PROBATE will be held on that 28th day of April, 2014, the last Will and Testament of the Decedent was admitted to probate by the above named court, and that Marie Dorothy Carpenter, of New Mexico, was appointed Personal Representative thereof Any action to set aside the Will or Testament of the Decedent must be commenced within three months from the date of the first publication of this notice, or thereafter be forever barred.

NOTICE IS FURTHER GIVEN that all persons indebted to the said Estate or who may have claims against the said Estate, shall file their claims with the Personal Representative, or his attorney in fact, or with the Clerk of the above named court at the office of the Clerk of the above named court, Jackson, Wyoming, within three months from the date of the first publication of this notice, or otherwise be forever barred.

The Jackson Planning and Zoning Commission will hold a public hearing to consider requests for a Final (Intermediate) Development Plan and Conditional Use Plan to coloclate T-Mobile antennas at the property described as Lot 7 of the Jackson Corner Building Addendum at 2650 North Main Street. The hearing is scheduled for Wednesday, June 4, 2014 beginning at 5:30 P.M. at Town Hall, 150 E. Pearl Ave., Jackson, WY. For further information, please contact the Planning and Zoning Department at 735-0440, Ext. 1092 [P14-014 & P14-016, Kassel]

**ORDINANCE A**

An Ordinance amending and reenacting Ordinance No. 10.335.35 of the Municipal Code of the Town of Jackson, Wyoming to include a new Use Code of Cell Phone or Wireless Communication Device while Driving a Vehicle, and Providing for an Effective Date

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TETON COUNTY, WYOMING, IN REGULAR SESSION DULY ASSEMBLED, THAT:

SECTION 1

Section 1 of Ordinance No. 1047 and section 10.335.35 of the Municipal Code of the Town of Jackson, are hereby amended and reenacted as follows:

10.335.35 Use of cell phone or wireless communications devices while operating a vehicle prohibited, affirmative defenses.

The following definitions shall apply to this section:

"Wireless communication device" means a cellular telephone, mobile phone, satellite phone, personal digital assistant, vehicle intercom system, personal communication device, pager, or any other device that is capable of communicating and sending and receiving radio frequency signals, pulses, or codes, including through the use of cellular telephone or satellite phones, via satellite communication, or any device that is capable of communicating via radio waves or any other form of electromagnetic energy.

"Emergency situation" means a situation that, in the reasonable judgment of the person operating the wireless communications device, requires immediate action to protect the life or safety of the person operating the device or another person or to prevent property damage or injury to another person.

"Motor vehicle" means a vehicle used on, or operated on, a public street or highway, including a vehicle driven by a person on or operating a motorized wheelchair.

"Operator" means any person operating a vehicle, including the driver of a vehicle.

"Electronic message" includes, but is not limited to, all forms of written, graphic, or visual communication that is designed or intended to be transmitted between physical devices. An electronic message includes, but is not limited to, all forms of written, graphic, or visual communication that is designed or intended to be transmitted between physical devices. An electronic message includes, but is not limited to, all forms of written, graphic, or visual communication that is designed or intended to be transmitted between physical devices. An electronic message includes, but is not limited to, all forms of written, graphic, or visual communication that is designed or intended to be transmitted between physical devices.

"Telephone" is synonymous with phone.

"Cell phone" is defined as a mobile communication device that uses wireless short wave, analog or digital radio transmissions, that is designed or intended to be transmitted or received by a person, or that is designed or intended to be transmitted or received by a person.

The following definitions shall apply to this section:

"Cell phone" is defined as a mobile communication device that uses wireless short wave, analog or digital radio transmissions, that is designed or intended to be transmitted or received by a person, or that is designed or intended to be transmitted or received by a person.

The following definitions shall apply to this section:

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