

Jackson Town Council Workshop

January 22, 2019

3:00 PM

Town Council Chambers

NOTICE: THE VIDEO AND AUDIO FOR THIS MEETING ARE STREAMED TO THE PUBLIC VIA THE INTERNET AND MOBILE DEVICES WITH VIEWS THAT ENCOMPASS ALL AREAS, PARTICIPANTS AND AUDIENCE MEMBERS. **PLEASE SILENCE ALL ELECTRONIC DEVICES DURING THE MEETING**

I. CALL TO ORDER AND ROLL CALL

- A. **Employee Introductions:** Bill Knight and Pablo Vazquez – START Bus Drivers for the Teton Valley Commuter Route

II. WORKSHOP ITEMS

- A. Identification Compliance Check Failures at Flat Creek Development Company (Sandy Birdyshaw, 30 Minutes)
- B. East Hansen Sidewalk Design (Brian Lenz, 60 Minutes)

III. PROPOSED ITEMS FOR FUTURE WORKSHOPS

- A. 2/19 Construction Mgmt Plan / Staging for 112 Center Street Project
- B. 2/19 Boardwalk District Discussion
- C. 2/19 START Funding Initiatives
- D. 2/19 Stormwater Overview
- E. 2/19 Small Cell Regulation Discussion
- F. 2/19 CenturyLink Franchise
- G. 3/18 Public Restrooms on the Town Square
- H. 3/18 Liquor Code Update

IV. ADJOURN

Please note that at any point during the meeting, the Mayor and Council may change the order of items listed on this agenda. In order to ensure that you are present at the time your item of interest is discussed, please join the meeting at the beginning to hear any changes to the schedule or agenda.



TOWN COUNCIL

WORKSHOP AGENDA DOCUMENTATION

PREPARATION DATE: January 2, 2019

SUBMITTING DEPARTMENTS: Jackson Police Department and
Town Clerk

MEETING DATE: January 22, 2019

PRESENTER: Sandy Birdyshaw and Todd Smith

SUBJECT: Identification Compliance Check Failures / Alcohol Sales to a Minor at The Virginian

STATEMENT/PURPOSE

The Town Council is the local licensing authority with the responsibility for the issuance and control of all liquor licenses within the Town of Jackson.

This item relates to non-compliance of Jackson Municipal Code liquor regulations, as adopted and authorized by the Town Council.

BACKGROUND/ALTERNATIVES

In May 2017, the Town Council adopted Ordinance 1173 which amended Jackson Municipal Code to assess stricter penalties on liquor license holders who fail to check a person's identification before selling alcohol to them, in effort to reduce alcohol sales to minors. This ordinance adoption followed several workshops with Teton County Substance Abuse and Tobacco Prevention Coalition and a representative from local liquor licensees.

The Municipal Code addressing compliance checks reads as follows:

6.60.010 C. 7. Initial, consecutive, and cumulative compliance check failures. Should a business fail an initial, consecutive, or cumulative compliance check as outlined below and conducted by law enforcement for the purposes of checking compliance with Wyoming liquor laws, in addition to constituting a basis for nonrenewal;

- a. On the first compliance check failure, the business shall be required to have the employee failing the compliance check attend a four (4) hours TIPS (Training for Intervention Procedures) or RBST (Responsible Beverage Server Training approved by the Jackson Police Department or the Wyoming Liquor Division) training within thirty (30) days of failing the compliance check.
- b. On the second consecutive compliance check failure or a second compliance check failure within a twelve (12) month period, the business shall be required to have all of its employees who serve alcohol attend a four (4) hours TIPS/RBST (approved by Jackson Police Department or Wyoming Liquor Division) training within forty-five (45) days of failing the compliance check.

6.60.020 H. In addition to the penalty provided by this code or state law, excessive drinking or disorderly conduct, or consecutive and cumulative compliance check failures as outlined below may be cause for the initiation of suspension and/or revocation procedures.

1. If a business fails a third consecutive compliance check or a third compliance check in a twelve (12) month period, the business shall be subject to suspension for a minimum of one hundred twenty (120) days and shall be subject to revocation proceedings.
2. If a business fails five (5) compliance checks in a twenty-four (24) month period, the business shall be subject to suspension for a minimum of one hundred fifty (150) days and shall be subject to revocation proceedings.

Previously in 2016, the Town Council increased the budget for the Jackson Police Department, allowing routine compliance check visits to be performed up to four times a year instead of only twice a year. In 2018, the JPD performed compliance check visits on four separate occasions. Flat Creek Development Company LLC *dba* Virginian Tavern failed three of these compliance checks.

Wyoming Statute § 12-6-103 outlines the process for conducting compliance checks and requires the JPD to immediately notify a representative of the business that a compliance visit was performed, and if the visit results in a citation, to provide a written report to the business establishment within two days. The Clerk may provide a courtesy letter in follow-up to the police notification.

The first failure was on August 15th and the package store clerk was issued a citation. The clerk attended 4 hours of TIPS training within thirty days per JMC § 6.60.010 C.7.a.

The second compliance failure was on December 20th and the package store clerk was issued a citation. After two failures, JMC § 6.60.010 C.7.b. requires all employees who serve alcohol to attend 4 hours of TIPS training within forty-five days. The Virginian is currently working with the JPD to schedule required server training.

The third consecutive compliance failure was on December 28th and the same package store clerk received a second citation. As stated in JMC § 6.60.020 H. “In addition to the penalty provided by this code or state law, excessive drinking or disorderly conduct, or consecutive and cumulative compliance check failures as outlined below may be cause for the initiation of suspension and/or revocation procedures. If a business fails a third consecutive compliance check or a third compliance check in a twelve (12) month period, the business shall be subject to suspension for a minimum of one hundred twenty (120) days and shall be subject to revocation proceedings.”

The Town Council has several options available to them including:

1. Suspend 120 days beginning immediately. Suspend the retail liquor license held by Flat Creek Development Company LLC *dba* Virginian Tavern for a minimum of 120 calendar days, beginning today, January 22, 2019, and going through 11:59 PM on May 22, 2019. Direct the Jackson Police Department to perform random compliance checks during this period and further direct the Town Clerk to notify the Wyoming Liquor Division of the suspension.

(This would suspend all liquor sales for the licensed building at 750 W Broadway.)

2. Limit Sales for 120 days beginning immediately. Limit the retail liquor license to only on-premise alcohol sales for a minimum of 120 days beginning today, January 22, 2019, and going through 11:59 PM on May 22, 2019. Direct the Jackson Police Department to perform random compliance checks during this period and further direct the Town Clerk to notify the Wyoming Liquor Division of the limitation.

Staff does have a concern that this option may set precedence in applying municipal codes uniformly and consistently.

(Since all three failures occurred in the package store, this would in essence, suspend the package store operation and limit the Virginian Tavern operations to on-premise sales only.)

3. Choose Dates for Option #1 or #2. Suspend or limit sales as stated in Option #1 or #2 for a minimum of 120 days, beginning on a date of Council’s choosing and going for 120 consecutive days. Direct the Jackson Police Department to perform random compliance checks during this period and further direct the Town Clerk to notify the Wyoming Liquor Division of the suspension or limitation.
4. Suspend & Initiate Revocation. Suspend the retail liquor license as stated in Option #1 and simultaneously initiate revocation proceedings as stated in Option #5.

5. Initiate Revocation. Direct staff to initiate revocation proceedings on the retail liquor license held by Flat Creek Development Company LLC *dba* Virginian Tavern to take place in District Court.
6. Continue. Discuss the matter and continue any action to the next regular Town Council meeting, or to a special meeting for this purpose held on or before February 19, 2019. (the hearing date for annual renewals)
7. Other

In February 2018, the Council issued the first suspension of this sort, to a restaurant liquor licensee for 120 days (February to June).

ATTACHMENTS

- Jackson Police Department Reports.
- W.S. § 12-6-103. Compliance checks.
- Letter from Judy Peters, Operations Manager at the Virginian Lodge.

FISCAL IMPACT

The Town's fiscal impact of a suspension will include the loss of sales tax on liquor sales.

STAFF IMPACT

Nominal. Should the Town Council approve the suggested Motion, the Jackson Police Department will need to perform random compliance checks during this period and the Town Clerk would track the suspension period and notify the State of the suspension. Additionally, the Virginian has the right to appeal a suspension, and, if that right were exercised, staff from the Town Clerk's Office, Legal Department, and Police Department would be involved in the proceedings.

LEGAL REVIEW

As set forth above, Jackson Municipal Code § 6.60.020 H.1 requires a minimum of a 120-day suspension, with or without initiating revocation proceedings, for a liquor license holder failing three consecutive compliance checks within a 12-month period.

It should be noted that this suspension would carry through the annual liquor license renewal scheduled to be heard on February 19, 2019. Therefore this suspension would affect Flat Creek Development Company LLC *dba* Virginian Tavern (2019-2020) Liquor License, pending Council's approval of the renewal.

RECOMMENDATION

The Virginian failed three consecutive compliance checks within a 12-month period. Staff recommends adhering to liquor law regulations set forth in JMC § 6.60.020 H.1.

SUGGESTED MOTION

Pursuant to Jackson Municipal Code § 6.60.020 H.1, I move to suspend the retail liquor license held by Flat Creek Development Company LLC *dba* Virginian Tavern for a sum of 120 calendar days, beginning today, January 22, 2019 and going through 11:59 PM on May 22, 2019; to direct the Jackson Police Department to perform random compliance checks during this period, and further direct the Town Clerk to notify the Wyoming Liquor Division of the suspension. This suspension will carry through the annual renewal which is scheduled to be heard on February 19, 2019.

Wyoming Alcohol Compliance Inspection Form

(WS 12-6-101 - 12-6-103)

Please fill this form out completely and return to WASCOP.

739-9891

Sam Carey

JPD

Agency Responsible for Inspection

JACKSON

City

TETON

County

Name of Inspector(s)

R. Osmond

18:55
Inspection Time
(24 hour)

08/15/18
Inspection Date
(mm/dd/yy)

8-15-18

License Holder

License Type

FLAT CREEK DEVELOPMENT
COMPANY

RETAIL LIQUOR LICENSE

VIRGINIAN TAVERN

Combo Bar & Package Store

750 W BROADWAY AVENUE

JACKSON, WY 83001

Dylan Newport
Business Owner/Manager

Young Adult Assistant

Date of Birth (dd/mm/yy): 09/07/98

Age Verified: 20

Yes - ☒ No - ☐

Reviewed WS 12-6-101 - 12-6-103: Yes - ☒ No - ☐

Photographed Prior to Inspection: Yes - ☒ No - ☐

Young Adult Stayed in Line of Sight or Hearing of the Officer During the Compliance Check:

Yes - ☒ No - ☐

Inspection Results

Type of License: Retail - ☒ Restaurant/Resort - ☐ Special Event/Other - ☐

Attempted Alcohol Purchase at a Drive-Up Window: Yes - ☐ No - ☒

ID Requested: Yes - ☒ No - ☐ ID Checked: Yes - ☒ No - ☐ ID Calendar Checked: Yes - ☒ No - ☐

Signs Regarding Underage Alcohol Usage Visible: Yes - ☒ No - ☐

Approximate Age of Clerk: 37 Gender of Clerk: Male - ☒ Female - ☐

Inspection Violations

Violation: (Select Only One) No Infraction (Congratulations) ☐ Warning Only ☐ Citation Given ☒ Business Closed ☐ Other, Explain: ☐

Name of
Person Cited:

Position:

Owner /
Manager: ☐

Clerk /
Cashier: ☒

Other: ☐

WS 12-6-101 Prohibited Sales to Minors: ML 6.40.060 (c) Yes - ☒ No - ☐

Offense Number: 1st ☐ 2nd ☐ 3rd ☐ 4th or more ☐

Item Purchased:

WS 12-5-203 Knowingly Allows Minors in Licensed Building: Yes - ☐ No - ☐

Offense Number: 1st ☐ 2nd ☐ 3rd ☐ 4th or more ☐

Amount of Bond:

Citation Number: 1860058151A

Amount of Bond:

Citation Number:

Wyoming Alcohol Compliance Inspection Form

(WS 12-6-101 - 12-6-103)

Please fill this form out completely and return to WASCOP.

Jackson Police Department TRAGLIA
Agency Responsible for Inspection Name of Inspector(s)
JACKSON TETON 20:07 12/20/18
City County Inspection Time Inspection Date
(24 hour) (mm/dd/yy)

License Holder License Type
VIRGINIAN TAVERN RETAIL LIQUOR LICENSE
750 W BROADWAY AVENUE
JACKSON, WY 83001
Business Owner/Manager

Young Adult Assistant
Date of Birth (dd/mm/yy): 15-8-2000 Age Verified: Yes - ☒ No - ☐
Reviewed WS 12-6-101 - 12-6-103: Yes - ☒ No - ☐ Photographed Prior to Inspection: Yes - ☒ No - ☐
Young Adult Stayed in Line of Sight or Hearing of the Officer During the Compliance Check: Yes - ☒ No - ☐

Inspection Results
Type of License: Retail - ☐ Restaurant/Resort - ☒ Special Event/Other - ☐
Attempted Alcohol Purchase at a Drive-Up Window: Yes - ☐ No - ☒
ID Requested: Yes - ☐ No - ☒ ID Checked: Yes - ☐ No - ☒ ID Calendar Checked: Yes - ☐ No - ☒
Signs Regarding Underage Alcohol Usage Visible: Yes - ☐ No - ☐
Approximate Age of Clerk: 50 Gender of Clerk: Male - ☒ Female - ☐

Inspection Violations
Violation: No Infraction Warning Citation Business Other, Explain:
(Select Only One) (Congratulations) Only Given Closed
☐ ☐ ☒ ☐ ☐

Name of Person Cited: [REDACTED] Position: Owner / Manager: ☐ Clerk / Cashier: ☒ Other: ☐

WS 12-6-101 Prohibited Sales to Minors: 6.40.060 (C) Yes - ☒ No - ☐
Offense Number: 1st ☐ 2nd ☐ 3rd ☐ 4th or more ☐
Item Purchased: Smirnoff ICE 6 Pack
Amount of Bond: MUST APPEAR
Citation Number: 03917L
WS 12-5-203 Knowingly Allows Minors in Licensed Building: Yes - ☐ No - ☐
Offense Number: 1st ☐ 2nd ☐ 3rd ☐ 4th or more ☐
Amount of Bond:
Citation Number:

Wyoming Alcohol Compliance Inspection Form

(WS 12-6-101 - 12-6-103)

Please fill this form out completely and return to WASCOP.

1812-2572

Jackson Police Department
Agency Responsible for Inspection

Officer Gerlach
Name of Inspector(s)

Jackson
City of Jackson
740 W Broadway
83001

Teton
County

20:15
Inspection Time
(24 hour)

12/28/18
Inspection Date
(mm/dd/yy)

Business Owner/Manager

Young Adult Assistant

Date of Birth (dd/mm/yy): 09/07/98

Age Verified: Yes - ☒ No - ☐

Reviewed WS 12-6-101 - 12-6-103: Yes - ☒ No - ☐

Photographed Prior to Inspection: Yes - ☒ No - ☐

Young Adult Stayed in Line of Sight or Hearing of the Officer During the Compliance Check:

Yes - ☒ No - ☐

Inspection Results

Type of License: Retail - ☒ Restaurant/Resort - ☐ Special Event/Other - ☐

Attempted Alcohol Purchase at a Drive-Up Window: Yes - ☐ No - ☒

ID Requested: Yes - ☒ No - ☐ ID Checked: Yes - ☒ No - ☐ ID Calendar Checked: Yes - ☐ No - ☒

Signs Regarding Underage Alcohol Usage Visible: Yes - ☒ No - ☐

Approximate Age of Clerk: 56 Gender of Clerk: Male - ☒ Female - ☐

Inspection Violations

Violation: (Select Only One)	No Infraction (Congratulations)	Warning Only	Citation Given	Business Closed	Other, Explain:
	☐	☐	☒	☐	☐

Name of Person Cited: [Redacted]

Position: Owner / Manager - ☐ Clerk / Cashier - ☒ Other: ☐

WS 12-6-101 Prohibited Sales to Minors: TMC 690.010 Yes - ☒ No - ☐

Amount of Bond: Must appear

Offense Number: 1st ☐ 2nd ☒ 3rd ☐ 4th or more ☐

Citation Number: 000574

Item Purchased: Beer

WS 12-5-203 Knowingly Allows Minors in Licensed Room: Yes - ☐ No - ☐

Amount of Bond:

Offense Number: 1st ☐ 2nd ☐ 3rd ☐ 4th or more ☐

Citation Number:

12-6-103. Compliance.

(a) The department of health, working with local law enforcement agencies and other local individuals and organizations shall be the lead agency in the administration of this article. Nothing contained in this section shall be construed to limit or otherwise alter the authority granted to the department of revenue under any other provision of title 12.

(b) The department of health shall develop strategies to coordinate and support local law enforcement efforts in the enforcement of all state statutes relating to the prohibition of the sale of alcohol products to minors.

(c) The department of health shall have discretion to work with local agencies and individuals in the coordination of local education, prevention and enforcement efforts that appropriately reflect the needs of the community.

(d) For purposes of this section, the term "compliance check" shall mean an inspection conducted pursuant to the provisions of this section for purposes of education or enforcement of laws prohibiting the sale of alcohol to minors. The use of persons age eighteen (18) to twenty-one (21) during compliance checks is authorized subject to the following:

(i) A person participating in a compliance check shall, if questioned, state his true age and that he is less than twenty-one (21) years of age;

(ii) The person's appearance shall not be altered to make him appear to be twenty-one (21) years of age or older;

(iii) Neither a person age eighteen (18) to twenty-one (21) nor his parents or guardians shall be coerced into participating in such inspections;

(iv) In the event that a citation may result the person conducting the compliance check shall photograph the participant immediately before the compliance check and any photographs taken of the participant shall be retained by the person conducting the compliance check;

(v) Any participant or adult aiding a participant in a compliance check under this section shall be granted immunity from prosecution under W.S. 12-6-101.

(e) The person conducting a compliance check under this section shall:

(i) Remain within sight or sound of the participant attempting to make the purchase;

(ii) Immediately inform in writing a representative or agent of the business establishment that a compliance check has been performed and the results of the compliance check;

(iii) If the compliance check may result in a citation, within two (2) days, prepare a report of the compliance check containing:

(A) The name of the person who supervised the compliance check;

(B) The age and date of birth of the participant who assisted in the compliance check;

(C) The name and position of the person from whom the participant attempted to purchase alcoholic beverages;

(D) The name and address of the establishment checked;

(E) The date and time of the compliance check; and

(F) The results of the compliance check, including whether the compliance check resulted in the sale or distribution of, or offering for sale, alcoholic beverages to the minor.

(iv) Immediately upon completion of the report required under this subsection, provide a copy of the report to a representative or agent of the business establishment that was checked;

(v) Request a law enforcement officer to issue a citation for any illegal acts relating to providing alcoholic beverages to minors during the compliance check.



1/15/19

Mayor Pete Muldoon and Jackson Town Council
P.O. Box 1687
Jackson, WY 83001

Dear Mayor Muldoon, Vice Mayor Hailey Morton Levinson, Councilmen Jim Stanford, Jonathan Schecter, and Arne Jorgensen,

I would like to apologize on behalf of the Virginian Liquor Store for the recent infractions we have received regarding compliance checks. We hope that you will take into consideration the following:

1) our prior compliance history. I believe, in the last ten years, the Virginian has received only a couple violations before 2018. This shows a long-standing history of compliance despite the recent violations. A contributing factor to this increase can be attributed to the high turnover rate of employees in the liquor store. We have had an increasingly difficult time finding quality employees, which many other businesses can empathize with in Jackson; and

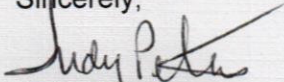
2) delayed notice. Attached is a letter that was sent to us after the 2nd violation. It was mailed on December 26th. I received it yesterday on January 14th. It was sent to the wrong address. I truly wish I had timely received this letter as I would have immediately talked to all employees about the consequences of getting any further violations, maybe possibly avoiding the 3rd violation. I also received the attached letter regarding the 3rd violation on January 14th. It was mailed on Friday, January 11th to the correct address.

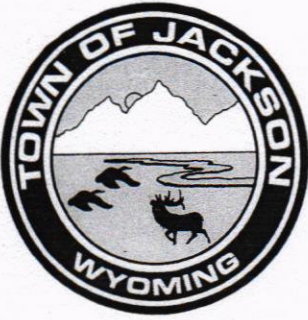
We take underage drinking and selling alcohol to minors very seriously. Prior to these violations, it has always been our policy that all employees in the liquor store and bar complete TIPS training on line before their first shift. We have now instilled new policies to prevent future violations including purchasing ID readers that will be used in the bar and liquor store as well as instituting a zero tolerance policy where future compliance check failures will result in immediate employment termination. Also, every employee of the liquor store and bar will be completing the in-person TIPS training given by the Jackson Police Department within the next couple weeks. In the future, all new hires will still take the on line course before working and will be attending the training offered by the Jackson Police Department at the first opportunity it is offered.

Having our liquor license suspended would be a severe blow to our business. The suspension would fall over our biggest events we host in the winter, 49'er Ball and Hill Climb. We would also likely lose all of our long time employees that work in the Bar, Liquor Store, and our Grill.

I will personally strive to make sure that our current employees and future hires have all the training necessary to make sure we do not receive any more violations.

Sincerely,


Judy Peters
Operations Manager



TOWN CLERK

SANDY BIRDYSHAW
307.733.3932 x1113
sbirdyshaw@jacksonwy.gov

December 26, 2018

Flat Creek Development Company
dba Virginian Tavern
Attention: Judy Peters
PO Box 13040
Jackson, WY 83002

- wrong address

Re: Serving Alcohol to Minors

Dear Ms. Peters,

- wrong address

It has been brought to my attention that your liquor licensed establishment located at 72 S Glenwood, has violated Wyoming Statute (W.S.) 12-6-101(a) and Jackson Municipal Code (JMC) 6.40.060. On Thursday, December 20, 2018, the Jackson Police Department conducted a liquor license compliance check in its efforts to deter underage drinking. A copy of the inspection form is attached.

This letter is in follow-up to the Jackson Police Department's compliance check and emphasizes state and local law related to sales to a minor.

W.S. 12-6-101(a) Sale or possession prohibited; when possession unlawful; public drunkenness; falsification of identification; penalty; prima facie identification as defense. Any person who sells, furnishes, gives or causes to be sold, furnished or given away any alcoholic liquor or malt beverage to any person under the age of twenty one (21) years, who is not his legal ward, medical patient, or member of his own immediate family, is guilty of a misdemeanor.

JMC 6.40.060.C. Minor, Habitual and Common Drunkards and Incompetents: Restrictions. It is unlawful for any person to sell, furnish, give or cause to be sold, furnished or given any alcoholic or malt beverage to any person under the age of twenty-one (21) years, who is not his legal ward, medical patient, or member of his own immediate family.

The Jackson Municipal Code, as amended August 2017, provides the following grounds for the Town Council to deny a liquor license renewal or suspend the license:

JMC 6.60.010 C. The following actions, whether one (1) or more, may constitute a basis for nonrenewal of a license or permit:

1. Failure of the license holder to comply with any provisions of this chapter;
2. Three (3) or more convictions by the license holder and its employees in any calendar year for sale of alcohol to underage persons;
3. Failure of the license holder to comply with building occupancy limits after being advised of excess occupancy by a law enforcement or code compliance officer;

4. A pattern (i.e. three (3) or more in one (1) calendar year) of failing to report incidents of assault and battery, disorderly conduct, sexual assault, discharge of firearms, or any other illegal act upon the premises which results in injury to persons or property, and which the license holder knew or should have known about;
5. Conviction of any nonprocedural violation of state or local liquor laws.
6. Failure to provide education materials to its employees on Wyoming liquor laws and the duties associated with the prevention of service of alcohol to minors. The business shall have the ability to provide this educational information in any format they wish.
7. Initial, consecutive, and cumulative compliance check failures. Should a business fail an initial, consecutive, or cumulative compliance check as outlined below and conducted by law enforcement for the purposes of checking compliance with Wyoming liquor laws, in addition to constituting a basis for nonrenewal;
 - a. On the **first** compliance check failure, the business shall be required to have the employee failing the compliance check attend a four (4) hours TIPS (Training for Intervention Procedures) or RBST (Responsible Beverage Server Training approved by the Jackson Police Department or the Wyoming Liquor Division) training within thirty (30) days of failing the compliance check.
 - b. On the **second** consecutive compliance check failure or a second compliance check failure within a twelve (12) month period, the business shall be required to have all of its employees who serve alcohol attend a four (4) hours TIPS/RBST (approved by Jackson Police Department or Wyoming Liquor Division) training within forty-five (45) days of failing the compliance check.

JMC 6.60.020 H. In addition to the penalty provided by this code or state law, excessive drinking or disorderly conduct, or consecutive and cumulative compliance check failures as outlined below may be cause for the initiation of suspension and/or revocation procedures.

1. If a business fails a **third** consecutive compliance check or a third compliance check in a twelve (12) month period, the business shall be subject to suspension for a minimum of one hundred twenty (120) days and shall be subject to revocation proceedings.
2. If a business fails **five** (5) compliance checks in a twenty-four (24) month period, the business shall be subject to suspension for a minimum of one hundred fifty (150) days and shall be subject to revocation proceedings.

Acceptable forms of identification for proof of age are listed in W.S. 12-6-101 (h).

The Jackson Police Department has certified instructors who provide alcohol server training (TIPs) upon request from licensed establishments such as yours. This four-hour training is offered free of charge and can take place either at a designated training facility, or at your establishment. If you would like further information on this training program, please feel free to contact Cynthia in the Jackson Police Department at criedel@jacksonwy.gov.

If you have any further questions regarding Wyoming liquor statutes or Jackson's municipal code, please do not hesitate to contact me at 733-3932 x1113.

Sincerely,



Sandy Birdyshaw

cc: Jackson Police Department
Licensee File

Enclosure: Wyoming Alcohol Compliance Inspection Form



TOWN CLERK

SANDY BIRDYSHAW
307.733.3932 x1113
sbirdyshaw@jacksonwy.gov

January 10, 2019

Flat Creek Development Company
dba Virginian Tavern
Attention: Judy Peters
P. O. Box 1052
Jackson, WY 83001

Re: Serving Alcohol to Minors

*Judy, Thank you for working with us
on the server training so quickly! SB*

Dear Ms. Peters,

It has been brought to my attention that the liquor licensed establishment located at 750 West Broadway Avenue, has violated Wyoming Statute (W.S.) 12-6-101(a) and Jackson Municipal Code (JMC) 6.40.060. On Friday, December 28, 2018, the Jackson Police Department conducted a liquor license compliance check in its efforts to deter underage drinking. A copy of the inspection form is attached.

This letter is in follow-up to the Jackson Police Department's compliance check visit and emphasizes state and local related to sales to a minor.

W.S. 12-6-101.(a) Sale or possession prohibited; when possession unlawful; public drunkenness; falsification of identification; penalty; prima facie identification as defense. Any person who sells, furnishes, gives or causes to be sold, furnished or given away any alcoholic liquor or malt beverage to any person under the age of twenty one (21) years, who is not his legal ward, medical patient, or member of his own immediate family, is guilty of a misdemeanor.

JMC 6.40.060.C. Minor, Habitual and Common Drunkards and Incompetents: Restrictions. It is unlawful for any person to sell, furnish, give or cause to be sold, furnished or given any alcoholic or malt beverage to any person under the age of twenty-one (21) years, who is not his legal ward, medical patient, or member of his own immediate family.

The Jackson Municipal Code, as amended August 2017, provides the following grounds for the Town Council to deny a liquor license renewal or suspend the license:

JMC 6.60.010 C. The following actions, whether one (1) or more, may constitute a basis for nonrenewal of a license or permit:

1. Failure of the license holder to comply with any provisions of this chapter;
2. Three (3) or more convictions by the license holder and its employees in any calendar year for sale of alcohol to underage persons;
3. Failure of the license holder to comply with building occupancy limits after being advised of excess occupancy by a law enforcement or code compliance officer;

4. A pattern (i.e. three (3) or more in one (1) calendar year) of failing to report incidents of assault and battery, disorderly conduct, sexual assault, discharge of firearms, or any other illegal act upon the premises which results in injury to persons or property, and which the license holder knew or should have known about;
5. Conviction of any nonprocedural violation of state or local liquor laws.
6. Failure to provide education materials to its employees on Wyoming liquor laws and the duties associated with the prevention of service of alcohol to minors. The business shall have the ability to provide this educational information in any format they wish.
7. Initial, consecutive, and cumulative compliance check failures. Should a business fail an initial, consecutive, or cumulative compliance check as outlined below and conducted by law enforcement for the purposes of checking compliance with Wyoming liquor laws, in addition to constituting a basis for nonrenewal;
 - a. On the **first** compliance check failure, the business shall be required to have the employee failing the compliance check attend a four (4) hours TIPS (Training for Intervention Procedures) or RBST (Responsible Beverage Server Training approved by the Jackson Police Department or the Wyoming Liquor Division) training within thirty (30) days of failing the compliance check.
 - b. On the **second** consecutive compliance check failure or a second compliance check failure within a twelve (12) month period, the business shall be required to have all of its employees who serve alcohol attend a four (4) hours TIPS/RBST (approved by Jackson Police Department or Wyoming Liquor Division) training within forty-five (45) days of failing the compliance check.

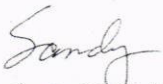
JMC 6.60.020 H. In addition to the penalty provided by this code or state law, excessive drinking or disorderly conduct, or consecutive and cumulative compliance check failures as outlined below may be cause for the initiation of suspension and/or revocation procedures.

1. If a business fails a **third** consecutive compliance check or a third compliance check in a twelve (12) month period, the business shall be subject to suspension for a minimum of one hundred twenty (120) days and shall be subject to revocation proceedings.
2. If a business fails **five** (5) compliance checks in a twenty-four (24) month period, the business shall be subject to suspension for a minimum of one hundred fifty (150) days and shall be subject to revocation proceedings.

The Jackson Police Department has certified instructors who provide alcohol server training (TIPs) upon request from licensed establishments such as yours. This four-hour training is offered free of charge and can take place either at a designated training facility, or at your establishment. If you would like further information on this training program, please feel free to contact Cynthia in the Jackson Police Department at criedel@jacksonwy.gov.

If you have any further questions regarding Wyoming liquor statutes or Jackson's municipal code, please do not hesitate to contact me at 733-3932 x1113.

Sincerely,



Sandy Birdyshaw

cc: Jackson Police Department
Licensee File

Enclosure: Wyoming Alcohol Compliance Inspection Form



TOWN COUNCIL

WORKSHOP AGENDA DOCUMENTATION

PREPARATION DATE: January 17, 2019

MEETING DATE: January 22, 2019

SUBMITTING DEPARTMENT: Public Works

DEPARTMENT DIRECTOR: Floren Poliseo

PRESENTER: Brian Lenz

SUBJECT: East Hansen sidewalk design

PURPOSE OF WORKSHOP ITEM

Consider options and issues related to adding a sidewalk to Hansen Avenue between Cache Street and Redmond Street, and provide high-level design direction to staff.

DESIRED OUTCOME

1. Council gains greater understanding of the Community Streets Plan applicability, design issues, and other considerations.
2. Council provides direction to staff regarding high-level design components and approach.

BACKGROUND/ALTERNATIVES

While this project was included in the Community Streets Action Plan, no directive had since been given. This project was not part of a prior CIP or the requested FY19 budget. It was discussed and amended into the FY19 budget the day it was adopted, on June 18, 2018.

Adding sidewalks to this portion of Hansen Ave would help increase safety for pedestrians and other users of the roadway, as well as establish an east to west pedestrian connector. The proposed improvements are through an existing neighborhood where the ROW has been utilized by residents for parking, landscaping, tree planting etc. This project would impact the residents by removing, reducing, or modifying their historical use and investments within the ROW that they have had the benefit of using over the years. Other impacts include existing public street furniture such as street lights and fire hydrants. The addition of curbs in areas without them may additionally require surface drainage and stormwater collection system analysis, new retaining walls and culvert extensions.

Please refer to the Town of Jackson 2015 Community Streets Plan:

<http://www.jacksonwy.gov/DocumentCenter/View/186/Community-Streets-Plan-PDF?bidId>

Following the Community Streets Plan (CSP) guidance, the following criteria apply to this portion of Hansen Avenue.

Travelway Design Considerations:

- Not a school bus or START bus route – 10' lane widths (or 10.5' adjacent to parking); 15' effective turning radius
- Not an important truck corridor – 10' lane widths (or 10.5' adjacent to parking); 15' effective turning radius
- Primary auto use is local traffic, and volume/speed are low – 2-lane street (additional left-turn accommodation not necessary)

- On-street bike route in Jackson Pathways Master Plan, and auto volume/speed are low – designate route with signage and sharrow pavement markings
- Motor vehicle traffic impacts pedestrian comfort, and auto volume/speed are low – detached sidewalks recommended, but attached may be acceptable where ROW is constrained

Neighborhood Context Design Considerations:

Town of Jackson Character District = D3 Town Residential Core

Neighborhood Form = Village

“Town intent is that all residential areas shall have sidewalks provided on both sides of every street. Sidewalks on one side of street may be allowed in low density areas, where ROW is constrained, and/or in hillside areas...Detached sidewalks with tree-planned furnishings zones are encouraged.”

- 5’ minimum detached sidewalks recommended on both sides
- 5’ minimum detached sidewalks required on at least one side where ROW is constrained
- 6’ minimum landscape furnishing zone
- On-street parking encouraged where adequate ROW exists
- On-street parking restrictions apply from 3AM-7AM during winter
- Traffic calming measures may be considered upon neighborhood request (because this street is within the identified cross-town bike/walk corridor)
- Public Works plows streets
- Property owners/tenants remove snow and ice from sidewalks

Hansen Avenue is listed in the Community Streets Action Plan 2015-2029 in Group 5 (Primary Cross-Town Bike/Walk Corridor).

Please refer to the attached conceptual plans. These show detached sidewalks along the Hansen corridor from Cache to Redmond, utilizing the existing pavement edge (or existing curb line where applicable). Conceptual sidewalks are shown in yellow, vegetation strips in green, and curbs & gutters in blue. Existing property lines and curb & gutter lines are shown in black. The existing ROW line is displayed as a blue dash/dots line. Red clouds and annotations call out street furniture conflicts and other items for the future design effort to address.

In most areas along this portion of Hansen, the current roadway width exceeds the necessary width to accommodate the above CSP recommended travel lane and parking lane widths. In the constrained portions of Hansen, cutting the pavement and moving the paved edge/curb line in, to match a CSP cross section with recommended vehicle lane widths, could accommodate sidewalks and vegetation strips within the existing ROW, thus eliminating the need to acquire additional ROW or easements. This approach would likely result in higher construction cost and potentially less on-street parking, but will reduce potential land acquisition costs and impacts to private properties.

Curb and gutter already exist on the portion of Hansen from Gros Ventre east to Redmond, and stormwater from this section is collected by the Cache Creek diversion. The portion of Hansen west of Gros Ventre does not currently have curb and gutter, but existing stormwater collection systems at Willow and Cache likely capture some street runoff from Hansen currently. Adding curb and gutter to this portion will likely increase the stormwater contribution to these systems. This project likely requires a stormwater capacity study of the Willow/Cache systems to ensure the ability to intake the stormwater contributions from the proposed new curb & gutter.

Options:

1. No action

2. Direct staff to proceed with design for street reconstruction based on Community Streets Plan recommended lane, sidewalk, and vegetation strip widths. (Refer to below questions to inform additional direction)
3. Direct staff to proceed with design adding only sidewalk(s) and vegetation strip(s) adjacent to existing pavement, using CSP recommended widths. (Refer to below questions to inform additional direction)
4. For either option 2 or 3 above, additionally direct staff to inform residents of the project, and engage them through public workshops or a street corridor walk-through to field their ideas and concerns.

Staff has identified the following questions for Council to consider:

1. Is this project consistent enough with Council priorities that you want staff to proceed?
2. Do you prefer sidewalk on both sides where ROW is adequate, and only one side where ROW is constrained?
3. If you prefer adding sidewalk and landscape zone outside the existing roadway width, do you want to retain the CSP recommended minimum widths: 5' sidewalk, 6' landscape zone? Or use variable landscape zone widths to remain within the ROW?
4. Do you want to reconstruct the street to retain the entire cross section of recommended minimum widths for drive lanes, parking lanes, sidewalk, and landscape zone within the existing ROW?

ALIGNMENT WITH COUNCIL'S STRATEGIC INTENT

The Jackson/Teton County Comprehensive Plan vision is: Preserve and protect the area's ecosystem in order to ensure a healthy environment, community and economy for current and future generations.

This project aligns with the following Comprehensive Plan elements:

- Common Value #1 *Ecosystem Stewardship*
 - o Principle 2.3 Reduce energy consumption through transportation
- Common Value #2 *Growth Management*
 - o Principle 3.2 Enhance suitable locations as Complete Neighborhoods
- Common Value #3 *Quality of Life*
 - o Principle 6.2 Promote a stable and diverse economy
 - o Principle 7.1 Meet future transportation demand through the use of alternative modes
 - o Principle 7.2 Create a safe, efficient, interconnected multimodal transportation network
 - o Principle 7.3 Coordinate land use and transportation planning
 - o Principle 8.1 Maintain current, coordinated service delivery

This project also contributes to the newly-ranked priority (from the Council Retreat, January 14-15) of providing safe routes for families, and to the Town of Jackson Core Value of Customer Focus & Service.

STAKEHOLDER ANALYSIS

Final decision makers are the Town Mayor and Council.

People who will be affected by the outcome include those who live on this portion of Hansen Ave., and residents and guests who traverse it by car, bicycle, foot, or other means.

FISCAL IMPACT

The following funding sources exist for this project in the approved FY19 budget:

- Capital Projects Fund (5th Cent) – \$25,000 for Hansen sidewalk
- 2017 SPET – \$1,500,000 for Proposition #4 Town of Jackson Pedestrian Improvements (“for the purpose of planning, design, engineering, and construction of pedestrian improvements including sidewalks, crosswalks, and ADA facilities within the Town of Jackson”)

Depending on staff's prioritization and timeline for the project, capital funds would additionally be allocated to FY20 and/or future years in the CIP for design and construction.

Additional costs to the Town associated with a new sidewalk include the future capital improvements required to repair or replace the sidewalk and landscaped strip, and the increased use of equipment and other existing material/financial resources to regularly maintain the sidewalk/landscape.

STAFF IMPACT

Design and construction of this capital project requires staff time from Public Works and Planning Departments, and coordination with Jackson/Teton County Parks and Recreation and Pathways Departments. The Town Engineering Department staff is already over-extended with staff training, developing process improvements, management of currently planned and budgeted capital projects, and the anticipated high volume of private development permit reviews and coordination that will occur this summer.

Once a new sidewalk is in place, increased ongoing maintenance requirements requiring staff time include future capital repair and replacement by Public Works, possible increased stormwater systems management by Public Works, and possible landscape strip maintenance by Public Works and/or Parks and Recreation.

LEGAL ISSUES

No legal review is required at this time. Depending on the desired design direction from Council, the ROW width may need to be increased or easements acquired. Because we are retrofitting a long-established neighborhood street, the Town may need to reclaim space that has been used for private benefit or improvement. For some properties, we may create a setback issue or require enforcement of fence, tree, and other ordinances.

ATTACHMENTS

Hansen Ave. Sidewalk – Concept Layout plans, pages P1-P3.

RECOMMENDATION

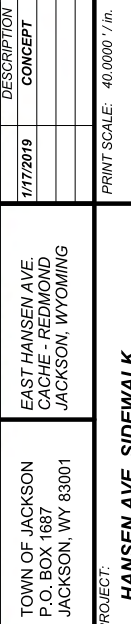
Staff recommends that Council provide direction on the high-level project goals/design approach, based on its review in the context of other capital projects, staff capacity, and Council priorities. Staff also recommends engaging the residents prior to final design.

SUGGESTED MOTION

I move to direct staff to *[insert desired option 2 or 3, and 4]* and incorporate the following additional requests into the next conceptual design effort: *[insert desired approaches to the relevant questions for consideration]*.

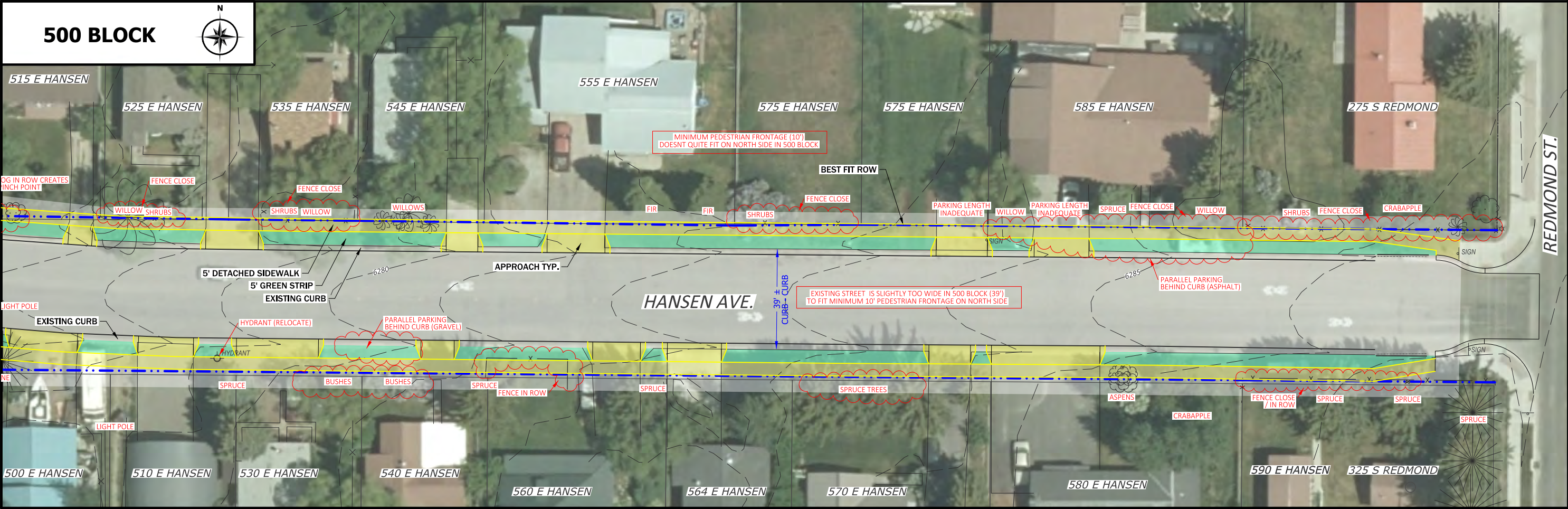
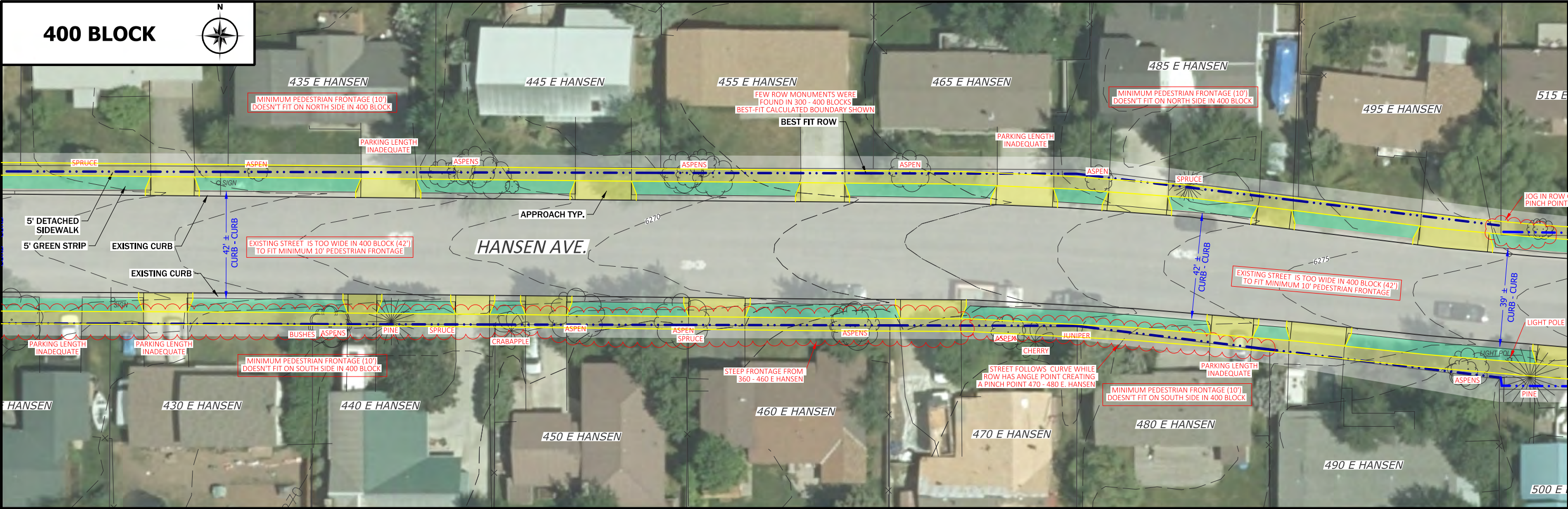


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SHEET NAME:
**CONCEPT
 LAYOUT
 0 - 100
 BLOCKS**





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JACKSON, WY 83001
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VALLEYWEST@VWEPC.COM



valleywest
engineering

11/7/2019	CONCEPT
TOWN OF JACKSON P.O. BOX 1687 JACKSON, WY 83001	
PROJECT: HANSEN AVE. SIDEWALK	
SHEET NAME: CONCEPT LAYOUT 400 - 500 BLOCKS	
SHEET NO: P3	

FILE NAME: 18133_pln_hybrid.dgn
PRINT SCALE: 40,000' / in.
VWE PROJECT NO: 18133