Jackson Town Council Workshop

October 21, 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. New Employee Introduction: Fermin Domingo - Star Valley Commuter Operator and Jennifer Domingo - ADA Transit Operator

II. WORKSHOP ITEMS

A. Liquor Code Update (Sandy Birdyshaw, 45 Minutes)

B. Roadway Annexation (Lea Colasuonno, 45 Minutes)

III. PROPOSED ITEMS FOR FUTURE WORKSHOPS

A. 11/20 Town Square and Historic Preservation LDR Update (Paul Anthony, 90 Mins)
B. 11/20 Downtown Parking Management Plan (Paul Anthony, 20 Minutes)
C. 12/11-12 Future Funding of Local Government (Tyler Sinclair)
D. 12/16 Hillside LDRs (Kristi Malone, 30 Minutes)
E. 12/16 Urban Forestry (Steve Ashworth, 30 Minutes)
F. 12/16 King Street Complete Street (Johnny Ziem, 30 Minutes)
G. Future St. John's Hospital Memorandum of Understanding (Tyler Sinclair, 30 Mins)

IV. ADJOURN

Adjourn meeting to executive session to consider matters concerning litigation to which the governing body is a party or proposed litigation to which the governing body may be a party in accordance with Wyoming Statute 16-4-405(a)(iii).

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 OF JACKSON
WORKSHOP DOCUMENTATION

SUBMITTING DEPARTMENT: Administration **PRESENTER**: Sandy Birdyshaw

WORKSHOP DATE: October 21, 2019

SUBJECT: **Proposed Revision to Municipal Code Title 6 – Liquor Licenses & Permits**

PURPOSE OF WORKSHOP ITEM

The Town Council authorizes any changes made to the Jackson Municipal Code (JMC). The Town Council is granted authority by Wyoming State Statutes 12-1-101(ix) and 12-4-101(a) to issue, control, administer, and regulate the sale of alcoholic and malt beverages within its jurisdiction, as the local licensing authority. The purpose of this item is to concentrate on specific updates to the liquor code that were first introduced in a workshop on March 18th.

DESIRED OUTCOME

The desired outcome would be for the Council to provide direction to staff on proposed revisions and to ultimately bring back an ordinance to adopt revisions to the Jackson Municipal Code.

SUMMARY OF PRIOR WORKSHOPS

March 18 workshop:

- Three levels of revisions were introduced: revisions that removed language which duplicated state statute; minor revisions which were considered as housekeeping items; and a handful of revisions, or policy questions, for Council's consideration and direction.
- Council directed staff to bring back revisions on mandatory server training; eliminating the application fee for Events for Persons Under 21; to include the section on Off-Premises Open Container Sales; to discuss the suspension section further; and to possibly look at changing the license fees.

April 15 workshop:

- Seven policy questions were discussed:
  1. Application Fees. Discussion was continued.
  2. Events for Persons Under 21. This section was proposed to be removed as duplicative statute language since the application fee was eliminated.
  3. Off-Premises Open Container Sales. Discussion was continued.
  4. Server Training required. Discussion was continued.
  5. Non-Renewal. Council generally agreed to proposed language related to requiring server training.
  6. Grounds for Suspension and/or Revocation. Discussion was continued.
  7. Penalty for Violations. Discussion was continued.

May 7 workshop:

- Remaining policy questions were discussed:
  1. Application Fees. Council generally agreed to change the resort liquor license fee from $1500 to $3000. *A new update is presented based on changes to state law changes, see the Application Fee section below.

3. Off-Premises Open Container Sales. Council generally agreed to this section at the March workshop. At the May workshop Council generally agreed to allow the licensee to seal containers in a manner approved by the Chief of Police.
4. Server Training required. Discussion was continued.
6. Grounds for Suspension and/or Revocation. Discussion was continued.
7. Penalty for Violations. Discussion was continued.

- Council heard from three license holders in the audience on related liquor topics.

BACKGROUND/ALTERNATIVES – PROPOSED UPDATES FOR DISCUSSION

1. 6.20.050 Application Fees. The State amended Wyoming Statute 12-4-502(e), effective July 1, 2019, that capped the fee for temporary catering and malt beverage permits at $50.00. Previously, the cap was $100.00 and the Town's fee for a malt beverage permit was $100.00. Also, a new type of temporary permit was authorized by the state which allows Wyoming-Licensed Distilleries or Rectifiers to obtain authorization for off-premises sales, similar to the catering permit.

Proposed revisions in redline are per the amended Statutes:

D. The fee to be paid for each twenty-four (24) hour permit is as follows, which fees may be amended from time to time by ordinance of the Town Council; however, in no case shall the sum be greater than the amount authorized by applicable statutes of the State of Wyoming, and no permit will be issued until payment in full has been made:
   1. Catering Permit: The fee is twenty dollars ($20.00).
   2. Malt Beverage Permit: The fee is fifty ~~one hundred~~ dollars ($50.00~~100.00~~).
   3. Manufacturer's Off-Premises Permit: The fee is fifty dollars ($50.00).

3. 6.40.045 Off-Premises Open Container Sales. At the March workshop, Council was comfortable with adding this section which deals mainly with sloshies and growlers/crowlers. Discussion in April included which method of sealing should be used. Discussion in May looked at various ways to seal a container "so that it is obvious when the seal is broken" and there was general agreement to provide license holders with a list of pre-approved methods and/or allow containers to be sealed in a manner approved by the Chief of Police.

Proposed language:

6.40.045 Off-Premises Open Container Sales.

A. Retail Liquor and Microbrewery Licensees selling alcoholic beverages that are not in the original package or are in reused original packages for off-premise consumption (sloshies, growlers and the like), shall seal the container in a fashion so that it is obvious when the seal is broken, and so that it is not possible to consume any of the beverage as long as the seal is in place.

   The Licensee shall use any of the following approved methods to seal the container, or in a manner previously approved in writing by the Chief of Police, or designee:

   1. A shrinkable band, or shrinkable film, covering the lid and neck of the container; or
   2. A "milk" jug or glass jug with a Tamper Evident Seal; or
   3. An aluminum can sealed by a seaming machine; or

4. A solid length of a Tamper Evident Seal that is placed over the lid, covering any opening(s) in the lid, and down two sides of the container.

    a. Tamper Evident Seal is defined as a distinct tape or sealing device designed to provide visible evidence if the opening of a container has been interfered with.

B. Every Licensee selling alcoholic beverages as identified in subsection A above shall post a sign visible to patrons stating "State Law Prohibits Open Alcoholic Containers in Motor Vehicles - W.S. § 31-5-235."

4. 6.40.055 Alcohol Server Training Required. At the March workshop, Council was comfortable with requiring Licensees to have their employees who serve alcoholic beverages possess a training certificate. A grace period of 45 days from the date of hire was proposed and certification would be good for three (3) years. Discussion in April leaned toward allowing 90 days from date of hire for new employees to successfully complete training.

Discussion with license holders in May leaned back toward a shorter, 45 or 60 day period to address short-term seasonal workers who may be gone after a 90-day employment stint. License holders also requested the Town provide 'tools' so they may comply with this new requirement. The Police Department offered to review the possibility of increasing their monthly training sessions to twice a month during May and June, depending on available resources. If so, available training opportunities within that 45-day window period would be three (3) pre-scheduled JPD sessions, plus 'any time' online opportunities, plus an additional session if an employer or group of employers requested a 'custom' training from the JPD.

Additional discussion included that if training records were requested during a busy, or high-customer volume time, an appointment could be made to inspect records at a later time.

Since the May workshop, the Police Department has experienced a drastic decrease in officer resources which presents a challenge for the JPD to meet current levels of service. While service *priorities* will be met, dedicating resources to alcohol-related training classes and compliance checks may not. To conduct a training class, it takes eight staff-hours per class with a limited class size of 25 students. To train 800 +/- servers within the town, it would take approximately 32 classes, or 256 hours of staff time. An alternative that may decrease the training impact on the Police Department, would be for employers to have a proactive hiring process (knowing the town's server training requirement) by requiring new employees to have certification as a term of employment. Performing identification compliance checks also presents a significant impact to officer resources. Taking approximately eight hours to conduct ten visits, it would consume nine days of staff time to visit each liquor licensed establishment once. Plus additional time to work with those who fail a visit.

Proposed language:

6.40.055 Alcohol Server Training Required.

A. All persons employed at any business operating under a liquor license, who are engaged in the selling or serving of alcoholic and malt beverages, or the managing thereof (hereinafter referred to as "Alcohol Server Staff"), shall successfully complete an alcohol server training program compliant with Wyoming Statute § 12-2-402, within forty-five (45) days of their date of hire, or the effective date of this rule, whichever is later.

B. The alcohol server training must be one of the programs approved by the Wyoming Liquor Division and Jackson Police Department. Alcohol Server Training Certification shall be

valid for three (3) years. Alcohol Server Staff shall renew their certification prior to expiration and place the new certificate on file with their employer.

C. Every Licensee shall maintain a training record for their Alcohol Server Staff. The record shall include their date of hire and proof of current Alcohol Server Training Certification as required by this Section. Training records for current Alcohol Server Staff will be made available for inspection by law enforcement officers or officials of the Town of Jackson at any time that the licensed establishment is open, or by appointment. [a sample record log is attached]

D. The Licensee or manager of the establishment may be cited for a violation of this Section and the citation may be in addition to other penalties set forth in Title 12 of Wyoming State Statutes or the Jackson Municipal Code.

6. **6.60.020 Grounds for Suspension and/or Revocation**. At the March workshop, Council expressed interest in "stepped penalties" and clear language. Discussion in April included a possible automatic suspension which was clarified that suspensions require action by Council. Number A.3. was revised to encourage businesses to call the police when challenging situations arise. Discussion in April also questioned the length of a suspension for three compliance check failures. This is a policy question for Council to consider. The current language has proven that suspensions carry varying degrees of injury when compared across the different types of liquor licenses and based on the primary source of operational revenue. Staff requests Council direction on this section. Discussion with license holders in May included that there is not a 'one size fits all' solution regarding the number of days of a suspension.

Proposed language:

6.60.020 Grounds for Suspension and/or Revocation.

A. The following actions, whether one (1) or more, shall require the Town Council to suspend a liquor license, with or without, the initiation of revocation proceedings. Revocation proceedings will be in accordance with W.S. § 12-7-201, as amended.

1. Failure by any Licensee, or an agent or employee thereof, of three (3) compliance checks conducted by law enforcement pursuant to W.S. § 12-6-103, as amended, within a twelve (12) month period. The suspension will be carried out within the current liquor license year and be for ten (10) consecutive calendar days, and/or the Town Council may initiate revocation proceedings.

2. Failure by any Licensee, or an agent or employee thereof, of five (5) compliance checks conducted by law enforcement pursuant to W.S. § 12-6-103, as amended, within a twenty-four (24) month period. The suspension will be carried out within the current liquor license year and be for thirty (30) consecutive calendar days, and/or the Town Council may initiate revocation proceedings.

3. A pattern of failing to report incidents of excessive drinking and/or disorderly conduct on the licensed premises. The suspension will be carried out within the current liquor license year and be for five (5) consecutive calendar days, and/or the Town Council may initiate revocation proceedings. A "pattern" for purposes of this section is defined as three (3) or more accounts of failing to report incidents ~~police reports~~ in any twelve (12) month period.

4. Making materially false statements on or the submission of materially false documents within the State of Wyoming liquor license application and/or the Town of Jackson liquor license application packet. The suspension will be carried out within the current liquor license year and be for thirty (30) consecutive calendar days, and/or the Town Council may initiate revocation proceedings.

5. Three (3) or more substantiated violations of any the provisions of Title 12 of the Wyoming State Statutes, as amended, or the Jackson Municipal Code or a combination of the two in any twelve (12) month period. The suspension will be carried out within the current liquor license year and be for thirty (30) consecutive calendar days, and/or the Town Council may initiate revocation proceedings.

B. In the event a suspension occurs:

1. The Town Clerk shall send a suspension notice to the Licensee by electronic-mail (delivery receipt) and certified postal mail to the address on file, with a copy to the Wyoming Liquor Division and Chief of Police.

2. The Licensee shall either remove all of the alcoholic liquor and malt beverages from the licensed premises or secure the alcoholic liquor or malt beverages in a manner approved in writing by the Chief of Police or designee. The method of securing this inventory shall be approved at least 72-hours before the suspension begins, when a suspension is set to begin on a certain date in the future.

3. The Town Clerk shall post one (1) suspension notice on the licensed premises on or about the first day the suspension is to be carried out. The sale, offering to sell, distribution, or traffic of alcoholic liquor or malt beverages is unlawful during the suspension.

7. **6.90 Penalty for Violations.** Currently, the penalty for failing a first compliance check is that the employee who unlawfully served the alcohol must attend server training within thirty (30) days of the failed check. The server receives a citation, appears in Municipal Court, and may be fined by the Judge up to $750.

For failing a second compliance check, all employees who serve alcohol must attend training within forty (45) days of the failed second check. The server who failed is cited and must appear in court as stated above.

The penalty for failing three (3) or more compliance checks is a suspension of the license as addressed in Chapter 6.60 and the server is cited as stated above.

Discussion in April expanded the penalty from only the employee to include that a member of the Licensee, or an officer or director thereof who is listed in the liquor license application, must attend training with the employee. The thought behind this proposal was that by placing a burden of time and inconvenience on the license holder, it would strengthen their awareness of their responsibilities of operating under a liquor license.

Discussion in May with the license holders included varying the penalties for each failed compliance check, incorporating fines, and requiring the in-house manager to attend training. Taking the May public comment into consideration, other options for penalties related to failing compliance checks are presented in a table below.

Please note that Option C as introduced below includes monetary penalties to the license holder. If the section requiring server training goes forward, this option is presented as an alternative to requiring training again. If Council wishes to consider this option, additional review is needed by the Town Attorney's office to determine

the lawfulness and proper process for assessing such a penalty. Town Council direction to staff would be appreciated if Option C is desired.

Options for Penalizing Failed Identification Compliance Checks:

Option Variations are highlighted in RED

I D C C	Current Code	**Option A - Proposed** Training extended to other servers, mgrs & licensee	**Option B** – Training extended to others, but limited to server who failed	**Option C** – Impose fines instead of training. *Requires Council direction for attorney review*
1st failure	• Server is cited and must appear in Muni-Court. • Server usually fined, up to $750. • Server must attend training within 30 days.	• Server is cited and must appear in Muni-Court. • Server may be fined up to $750. • Server AND INHOUSE MANAGER* must attend JPD training within 30 days.	• Server is cited and must appear in Muni-Court. • Server may be fined up to $750. • Server AND INHOUSE MANAGER* must attend JPD training within 30 days.	• Server is cited and must appear in Muni-Court. • Server may be fined up to $750. • LICENSE HOLDER* IS FINED $500.
2nd failure, within 12 mths of 1st failure	• Server is cited and must appear in Muni-Court. • Server usually fined, up to $750. • All servers must attend training within 45 days.	• Server is cited and must appear in Muni-Court. • Server may be fined up to $750. • ALL SERVERS AND LICENSEE* must attend JPD training within 45 days.	• Server is cited and must appear in Muni-Court. • Server may be fined up to $750. • THE SERVER AND LICENSEE* must attend JPD training within 45 days.	• Server is cited and must appear in Muni-Court. • Server may be fined up to $750. • LICENSE HOLDER* IS FINED $750.
3rd failure, within 12 mths of 1st failure	• Server is cited and must appear in Muni-Court. • Server usually fined, up to $750. • License suspended for 120 days. • May initiate Revocation.	• Server is cited and must appear in Muni-Court. • Server may be fined up to $750. • License suspended for 10 days. • May initiate Revocation.	• Server is cited and must appear in Muni-Court. • Server may be fined up to $750. • License suspended for 10 days. • Must add certified inhouse trainer • May initiate Revocation.	• Server is cited and must appear in Muni-Court. • Server may be fined up to $750. • License suspended for 10 days. • Must add certified inhouse trainer • May initiate Revocation.
5th failure, within 24 mths of 1st failure	• Server is cited and must appear in Muni-Court. • Server usually fined, up to $750. • License suspended for 150 days. • May initiate Revocation.	• Server is cited and must appear in Muni-Court. • Server may be fined up to $750. • License suspended for 30 days. • May initiate Revocation.	• Server is cited and must appear in Muni-Court. • Server may be fined up to $750. • License suspended for 30 days. • May initiate Revocation.	• Server is cited and must appear in Muni-Court. • Server may be fined up to $750. • License suspended for 30 days. • May initiate Revocation.

*INHOUSE MANAGER is defined as the front line manager, employee's supervisor, or general manager.

*LICENSEE is defined as a person listed on the liquor application, who is an owner, officer, or director.

*LICENSE HOLDER is defined as the applicant who was issued the liquor license, which may be an individual person, partnership, corporation, limited liability company, or any other association or entity.

This proposed language was adjusted based on the May discussion (Option A in the table):

6.90.020 Compliance Check Failures.

A. On the first compliance check failure, the inhouse manager and the employee who failed the compliance check is required to attend in person, a Training for Intervention Procedures (TIPS) training conducted by the Jackson Police Department within thirty (30) days of the failed check.

   1. The licensee must provide the Jackson Police Department with the certificates of successful completion within one (1) week of completing the training.

B. On the second consecutive compliance check failure, or a second compliance check failure within a twelve (12) month period, the Licensee is required to comply with the following:

   1. Within two (2) calendar days of the failed compliance check, provide the Jackson Police Department with the names of all employees who sell or serve alcoholic beverages; and

   2. Within forty-five (45) calendar days of the failed compliance check, ensure that a member of the Licensee, or an officer or director thereof who is listed on the liquor license application, and all employees in accordance with Section (B)(1) above, attend in person, a Training for Intervention Procedures (TIPS) training conducted by the Jackson Police Department; and

   3. Provide the Jackson Police Department with the certificates of successful completion for those in accordance with Section (B)(1)and(2) above, within one (1) week of completing the training.

Additional note based on the request from license holders in May: During the May workshop, license holders suggested that town staff maintain at least three contacts for each license. These contacts would receive any liquor-related information sent by town staff or the police department. Staff currently maintains a similar database and will request updates during the upcoming annual renewal process.

COMPREHENSIVE PLAN ALIGNMENT

Aligns with Comprehensive Plan Policy 8.1.a. for the delivery and quality of desired levels of service to the community and the decisions related to liquor licensing have a direct correlation to the health, safety, and welfare of the community as discussed in Section 8.

Liquor licensed establishments may have a positive or negative impact on its neighborhood, and the Town Council must balance the needs of a licensee with the needs of those who live or work in the vicinity. Section 4 of the Comprehensive Plan relating to Town as the Heart of the Region and Complete Neighborhoods discusses mixed uses, economic centers, and retail areas and the Council's decisions on new licenses, transfers and renewals have an impact in these areas.

The Town Council could also have a high-level strategic discussion about the goals of regulating alcohol sales within Town limits and how they would measure success in reaching those goals prior to considering specific changes in the Municipal Code.

STAKEHOLDER ANALYSIS

Stakeholders include the Town Council as the final decision makers and the local licensing authority; each liquor license holder; the Police Department and Town staff as related to compliance with liquor laws; and the residents and guests of the community expecting the adequate and safe provision of alcohol to those legally entitled to partake.

FISCAL IMPACT

There are significant indirect positive and negative fiscal impacts associated with liquor licenses in the community related to social issues, compliance, enforcement, and adjudication of alcohol related laws and crimes, sales tax generated by the sale of alcohol, tourism generation, etc.

STAFF IMPACT

It takes a significant amount of time to stay up-to-date with state and local liquor laws, to thoroughly review and process applications, and to accurately respond to public questions. It also takes a significant amount of time to enforce liquor license laws by the Police Department, Town Clerk, and Legal Department.

LEGAL ISSUES

Ongoing.

ATTACHMENTS

1. Sample of an Alcohol Server Training Record
2. Letter from Teton County Liquor Association

RECOMMENDATION

For the Town Council to discuss proposed changes to the Municipal Code related to liquor licensing and continue this item to another workshop for discussion or to direct staff to bring back an ordinance for first reading.

SUGGESTED MOTION

Should Council desire to further discussion:

I move to continue Liquor Code Updates to a future Council workshop and direct staff to ___.

Should Council be ready to move forward:

I move to direct staff to incorporate the direction given by the Town Council into a draft Ordinance and bring back at a regular Council meeting for first reading.

Alcohol Server Training Record

Business Name: _____

JMC 6.40.055. All persons who sell, serve, or manage alcoholic and malt beverages shall complete alcohol server training as approved by the Wyoming Liquor Division within 45 days of their start of employment and shall renew certification every three years, or before expiration. This form and certificates shall be available for review during business hours, or by appointment.

	Employee Name (Last, First)	ID or Date of Birth	Date of Hire	Name of Training Program	Date of Training	Certificate Expiration Date
1						
2						
3						
4						
5						
6						
7						
8						

SAMPLE

From: Stephan Abrams
To: Sandy Birdyshaw
Subject: Liquor Code Feedback
Date: Wednesday, September 11, 2019 4:50:28 PM
Attachments: TETON COUNTY LIQUOR ASSOCIATION Final.docx

Hi Sandy

I have finally drafted some feedback for the Mayor and Town Council Members regarding town liquor code. This feedback is being submitted on behalf of Teton County Liquor Association.

Thank you for submitting our thoughts.

Best Regards,

Stephan C. Abrams
Owner
The Liquor Store of Jackson Hole
PO BOX 8219, 115 Buffalo Way, Jackson, WY 83002
| p: 307-733-6487 | f: 307.732.1825
e: stephan@wineliquorbeer.com | w: www.TLSofJH.com

The Liquor Store of Jackson Hole is a locally owned, community-minded business that is nationally recognized as an industry leader. We excel in customer service, take pride in our unique product offerings, and are committed to continuing education for our staff.

The Jackson Hole Connection Jackson Hole's Community Podcast Connecting Through Conversation

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TETON COUNTY LIQUOR ASSOCIATION

Town of Jackson
Post Office Box 1687
Jackson, Wyoming 83001

September 11, 2019

Dear Mayor Muldoon and Town Councilors,

Thank you for your work on making this community a safer place for all, and that includes revisiting local liquor regulations. Our goal is to work and discuss these issues in collaboration with you and Town staff to arrive at regulations that benefit the community, its residents, visitors, minors, business owners, servers and the general public good.

Each of us holds at least one Town of Jackson liquor license and take the responsibility of selling alcohol and maintaining various licenses seriously.

After several meetings, we would like to offer the following changes and additions for your consideration:

- License Fee Increase:
- Restaurant licenses would be $3,000 the first year of operation, reducing back to $1,500 during the second year with incremental increases of $500 until a maximum of $3,000 Off-Premise for all newly issued restaurant licenses.
- Open Container Sales:
  - Please specify red tamper-evident tape is only needed on (2) side of the container. (One strip, not crossed)
- Alcohol Server Training Required:
  - We want to recommend that training is always provided on a dedicated day of the week, time of day, and location. This will not only ensure consistency but clarity for all owners, managers, bartenders and servers as to when and where training is offered.
  - During June, July, November and December, we would like to request that training occur once a week. Weekly training during these months is essential as seasonal new hires are occurring at a higher rate.
  - Remaining months, monthly or bi-monthly training will suffice.
  - Would a third-party training like Central Wyoming College make sense due to demand on police schedules?
  - Responsible parties such as the designated manager, owner, or organization should be alcohol server training and be certified. We want to request that since TIPS training is valid for (3) years, that the Town would also recognize this unless several violations occur in a 12-month period.
  - Required employees would include server, bartender, order taker, door person, manager and/or owner. Back of house employees and administration should not be required to go through this training as they do not have a direct line of communicating or order-taking with customers.
- Training Records:

    - If and when a police officer or Town Clerk requests employee records, we would like to request up to (5) business days to comply and that no more than (5) employees are included in each request.
    - Please remove Title 12 language as we all feel that Wyoming Liquor Division and the Town Clerk are already monitoring Title 12 regulations.
- Grounds for Suspension/Revocation
    - Application – we would like to request (3) contacts for the licensee which include names and email addresses. These contacts will be used for any communication by the Town of Jackson and the Jackson Police Department. The responsibility to manage the names on this list falls upon the licensee. We believe this will provide a direct line of communication to owners, managers and interested parties when violations occur. Transparency and communication are essential.
    - A1. ~~"A suspension will be carried out within six months or before the end of the current liquor license year,"~~ **and keep** "The Town Council may initiate revocation proceedings. In the event of suspension, the business will need to show all employees have been re-certified in server alcohol awareness to open the doors."
    - A2. ~~"A suspension will be carried out within six months or before the end of the current liquor license year,"~~ **and keep** "The Town Council may initiate revocation proceedings."
    - A3. We want to be part of more discussion on this issue. How is a police report created if the issue is failing to create a police report? A 30-day suspension is extreme for this issue, and we would like to see a five-day suspension once the business understands how the violation occurred. There must be documented warnings to the licensee for each failure.
    - A4. The **known** making… A suspension will be carried out if the business is in operation. If the business is not in operation, Town Council may initiate revocation proceedings.
    - A5. Strike. This language is too broad. Title 12 covers a wide spectrum of regulation and there is already oversight from WLD and Town Clerk.
    - B2. For the purpose of this "secure" can be defined as locking a building or room and preventing access by staff other than a licensee or Chief of Police (or designee). If caught selling or dispensing alcohol will result in immediate revocation proceedings.
    - Section 7
        - First Failure: $250 Administrative fine to the licensee and employee who fails compliance attends alcohol awareness class. All (3) license designees will be notified via email regarding the compliance check failure.
        - Second Failure, within a 12-month period:
            - $1,000 administrative fine
            - Business to provide proof of current alcohol server awareness training
            - (1) of the licensee designees have (10) business days to meet with Chief of Police or JPD officer. (30) days to follow up with a comprehensive plan for future compliance.
            - Employee who failed need to attend class and report to JPD within (30) days
            - Immediate manager or supervisor will need to attend class and report to JPD within (30) days

We would also like to recommend the following are considered by the Mayor, Town Council and Staff:

- No self-service allowed on sloshie machines
- Compliance check rotation. We have heard from JPD that some places are more difficult to get into for compliance check due to reservations, busy seasons, etc. We feel that there needs to be a compliance check rotation schedule as to establish an even playing field. We are all

responsible for being good stewards of these licenses. In the event a business fails a compliance check the business should have the 30-day period to ensure violations have been thoroughly addressed and corrected.

- When businesses **pass** inspection, perhaps a "shout out" on the JPD's Facebook page for businesses and server who are doing the right thing and keeping our community safe.
- Special Use Permit and Events – shouldn't all events that serve alcohol be required to have someone who has received training to serve alcohol to the public? We have countless events throughout the year where alcohol is offered and is usually free. Making sure it is getting into responsible hands is critical. Liquor Liability insurance for the event needs to be provided as well.
- Non-alcoholic options need to be **required** at all events. Too often, you show up and see that only beer and wine or a signature cocktail is being offered.

Selling and distributing alcohol is a serious responsibility and in a community where sometimes the culture is sending mixed messages, we feel it is the duty of everyone to keep our residents and visitors safe. **This means that everyone must be held to the same high standards and all work to create an environment of responsible drinking in Jackson.**

As an association we will begin in Q4 to operate self-check compliance checks for members. Taking this step will help business test each other to remain compliant and help businesses educate each other on proper compliance processes.

We hope you will reach out to any of us for discussion on this vital issue.

We sincerely appreciate the work of JPD, Town staff, Mayor and Town Council and hope to collaborate to make these regulations fair and equitable for all.

Sincerely,

TOWN OF JACKSON
AGENDA DOCUMENTATION

SUBMITTING DEPARTMENT: Legal

PRESENTER: Lea Colasuonno

MEETING DATE: October 21, 2019

SUBJECT: **Property and Roadway Annexation**

STATEMENT/PURPOSE

The purpose of this item is for Council to consider directing staff to begin background work and investigating the formal procedure to annex a property and three small portions of roadways into the municipal boundaries of the Town of Jackson.

BACKGROUND AND ALTERNATIVES

Three of the properties are portions of roadways located along the Town's boundary where peculiarities make jurisdiction for police officers difficult to manage and public works maintenance responsibilities unclear and/or inconvenient. The rural parcel, unlike the others, has been noted because it is also a boundary peculiarity, one that it is surrounded by property located in the Town municipal boundary. Staff finds that this is an appropriate time to address this issue along with the other properties identified for similar administrative reasons.

The four areas identified for annexation are:

- Portions of High School Road: Some portions of this roadway are in Teton County and some are in the Town by virtue of the fact that the Town's boundary is either on the north side or the south side of the road.
    - Property Owner: Teton County.

- <u>Highway 22 from where it contacts Highway 89 to the Town's western boundary</u>: This small end of Highway 22 is not annexed into the Town while the properties to its north and south are. Notably up to three properties contiguous with the southern border of this portion of Highway 22 are currently discussing annexation with the Town.
    - Property Owner: WYDOT

- Highway 89 along the Town's Northern Boundary: The jurisdictional line here cuts at a diagonal across Highway 89, making, for some amount of distance, some of the northbound lane and some of the southbound lane within the Town.
    - Property Owner: U.S. Fish and Wildlife Service.

❖ <u>Rural Parcel Along Flat Creek on the Town's Southern Border</u>: This parcel is 100% encircled by Town jurisdiction but has not been annexed.

- Property Owner: Mona Powers Sobieski Trust.

The options available to Council include:

1. Direct staff to work on this item including hiring a surveyor to map and create legal descriptions for the properties and other required documents and then begin the formal annexation process.
2. Direct staff *not* to work on this issue, leaving the municipal boundary as-is.

<u>COMPREHENSIVE PLAN ALIGNMENT</u>

Section 8. Quality Community Service Provision "Timely, efficiently and safely deliver quality services and facilities in a fiscally responsible and coordinated manner."

- "Provision of life-safety, educational, social, cultural and recreational services is central to residents' Quality of Life and a visitor's experience . . . . Moreover, the community relies on the efficient, timely, and safe delivery of critical utilities and services, such as police, fire protection, emergency medical treatment, and water and sewer services. Residents, visitors and businesses expect local government to

provide these services year-round and take appropriate and reasonable steps to prepare for critical service delivery in times of emergency."

STAKEHOLDER ANALYSIS

Stakeholders include the Town since its municipal boundary is at issue, the four owners of the parcels under consideration for annexation, and Town residents and visitors that use the roadways and rural parcel.

FISCAL IMPACT

This item will have minimal fiscal impact, which, specifically, consists of hiring a firm to survey and provide legal descriptions of the parcels. The cost surveying a parcel is $1500-$1800 dollars.

STAFF IMPACT

The staff impact of this item will mostly be absorbed in the Legal, Police, Clerk and Administration Departments. The Administration and Police Department will help identify and clarify specific roadway to be annexed; the Legal Department will identify and guide the statutory process, work with land owners of each parcel to complete the process, and prepare ordinances for adoption; and the Town Clerk will prepare an annexation report for presentation to Council.

LEGAL REVIEW

Ongoing as needed.

ATTACHMENTS

None

RECOMMENDATION

Staff recommends Council direct staff to work on this item for all the identified properties, including hiring a surveyor to map and create legal descriptions for the properties and other required documents, and begin the formal annexation process.

SUGGESTED MOTION

I move to direct staff to complete work on this item for all the identified properties, including hiring a surveyor to map and create legal descriptions for the properties and other required documents, and begin the formal annexation process.