

TOWN COUNCIL PROCEEDINGS

JANUARY 22, 2019

JACKSON, WYOMING

The Jackson Town Council met in regular session in the Council Chambers of the Town Hall located at 150 East Pearl at 6:00 P.M. Upon roll call the following were found to be present:

MAYOR: Pete Muldoon

COUNCIL: Hailey Morton Levinson, Jim Stanford, Arne Jorgensen, and Jonathan Schechter.

STAFF: Larry Pardee, Roxanne Robinson, Audrey Cohen-Davis, Lea Colasuonno, Todd Smith, Roger Schultz, Phillip Smith, Tyler Sinclair, Paul Anthony, Tyler Valentine, Brendan Conboy, Johnny Ziem, Carl Pelletier, and Sandy Birdyshaw.

Mayor Muldoon announced that the applicant has requested an indefinite continuation on the Zoning Map Amendment for 135 & 175 East Broadway Avenue (P18-267) application (aka Genevieve block) and that it would not be heard tonight.

Mayor Muldoon read a proclamation of commendation for Police Officer Phillip Smith. Police Chief Todd Smith presented the Medal of Merit to Officer Phillip Smith.

PROCLAMATION and MEDAL OF MERIT COMMENDATION for OFFICER PHILLIP SMITH

WHEREAS, Phillip Smith took the Oath of Office on July 31, 2014 to not only support, obey and defend the Constitutions of the United States and the State of Wyoming and discharge the duties of his office as Police Officer but to also uphold the values of our community and the mission of the Jackson Police Department; and

WHEREAS, the Law Enforcement Oath of Honor states that “On my honor, I will never betray my badge, my integrity, my character or the public trust. I will always have the courage to hold myself and others accountable for our actions. I will always uphold the constitution, my community, and the agency I serve;” and

WHEREAS, in January 2017, Jackson Police Officers responded to a medical assist call, which resulted in a heroin overdose and death and while on the scene, Officer Smith recognized persons that were known to be involved in the use and distribution of controlled substances; and

WHEREAS, as a result of that incident, Officer Smith spearheaded an extensive investigation taking over ten months and gathered sufficient evidence to identify a suspect who had delivered the controlled substance to the deceased which resulted in the Wyoming Department of Criminal Investigations issuing a warrant for negligent homicide and the suspect being arrested; and

WHEREAS, Officer Smith held true to his Oath of Honor and his Oath of Office to the Town of Jackson to hold others accountable for their actions and thus removed a suspected narcotic dealer from our community; and

WHEREAS, this is not the first time Officer Smith has been recognized by his peers and supervisors for his values, as previous commendations include being Police Employee of the Quarter and Employee of the Year; and

WHEREAS, Officer Smith continues to present a resolve and devotion to his duties as a Jackson Police Officer including taking lead roles in major investigations encompassing our town, county, and neighboring states; and

WHEREAS, the Medal of Merit is one of the highest commendations bestowed upon a Jackson Police Officer by the Chief of Police and is awarded when an act of outstanding performance or service requiring extreme tenacity of purpose and devotion to duty occurs; and

WHEREAS, Chief Todd Smith has chosen to recognize Officer Phillip Smith by presenting him with the Jackson Police Department Medal of Merit, thereby presenting Officer Smith to others in the Department, the Town of Jackson organization, and the Jackson community as an exceptional example of law enforcement servant leadership and dedication to protection of the health, safety, and welfare and quality of life for all of the residents and guests of our community.

NOW, THEREFORE, I, Pete Muldoon, Mayor of the Town of Jackson, on behalf of the Jackson Town Council, the Jackson Police Department, the Town of Jackson organization, and the entire community do hereby acknowledge and commend Officer Phillip Smith for his significant contributions in keeping our community safe and for being awarded the Jackson Police Department Medal of Merit.

DATED THIS 22ND Day of January, 2019.

Public Comment. Public comment was given by Story Clark regarding a new TravelStorysGPS program created for the differing Chinese tourist culture, Bob Zelnio regarding historic preservation, Mary Wendell Lanton regarding preservation, and Michael Stearn of the Teton County Historic Preservation Board regarding a new Preservation Strategies Clan formed to develop a set of recommendations on addressing critical preservation issues.

Consent Calendar. A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to approve the consent calendar including items A-D as presented with the following motions.

A. **Meeting Minutes.** To approve the meeting minutes as presented for the January 7, 2019 regular meeting and January 14-15, 2019 special meeting / retreat.

B. **Disbursements.** To approve the disbursements as presented. Jackson Curbside \$1045.75, Carquest \$71.07, Advanced Industrial Supply \$673.75, Ace Hardware \$535.38, Thyssen Krupp \$297.86, Airgas \$100.92, High Country Linen \$2527.45, Interstate Battery \$129150, Interwest Supply \$1660.41, Jackson Hole News & Guide \$2110.40, Jorgensen Associates \$2389.01, The Children's Learning Center \$25350.00, LVPL \$30662.05, Teton County Fund 19 \$94166.59, Nelson Engineering \$6968.85, O'Ryan Cleaners \$167.11, Smith Power Products \$843.99, St John's Hospital \$185.00, Napa \$502.17, Thompson Palmer \$2351.25, USPS \$690.00, Weber Drilling \$6421.71, Antler Motel \$164.00, Ace Equipment \$207.00, White Glove Cleaning \$934.45, Electrical Wholesale \$26.25, Wydot \$17.00, Quick Brown Fox \$700.00, Centurylink \$200.76, Westbank Sanitation \$674.83, Teton County Integrated \$294.00, Yellowstone-Teton Clean \$2000.00, Freedom Mailing \$2043.27, Secretary of State \$30.00, Robert Heiner \$100.00, Teton County Special Fire \$22241.89, Sunrise Environmental \$1191.99, Wyoming Department of Health \$240.00, Intoximeters \$1013.50, Jack's Tire \$8127.12, Energy Laboratories \$430.50, Teton County Clerk \$1046109.46, One Call of Wyoming \$290.25, Teton County Fund 10 \$33303.74, AT&T \$672.58, Rafter J \$146.43, Verizon Wireless \$7518.72, Wyoming Taxpayers Assoc \$195.00, Xerox \$704.62, Alphagraphics \$494.60, Kenworth \$6045.37, JH Appliance \$79.00, Benefit Administrators \$18.00, Thermo King \$1849.17, Yellow Iron \$951.00, LDA Inc \$58.63, Teton Trash Removal \$42.50, Meridian Engineering \$280.00, James Bristol \$607.00, ER Office \$887.07, Thomas Quinn \$83.98, UPS \$13.05, Wyoming Title & Escrow \$250.00, Omni \$242.00, Miller Sanitation \$2926.00, Thomson West \$1237.27, Charter \$1674.55, Stinky Prints \$45.06, Mountain X \$1645.00, Gillig \$2302.58, Fire Services of Idaho \$1899.10, Apple \$4143.00, Meyring & Assoc \$362.87, Neofunds \$2000.00, Coban Technologies \$41534.00, Brenda Sherwin \$60.39, C& A Professional Cleaning \$8791.18, MSC Industrial Supply \$715.25, Breakfast Rotary \$175.00, Idexx \$667.30, Snake River Roasting \$434.83, Fleetpride \$150.21, Industrial Technology \$712.50, Silverstar \$2313.61, Advanced Pump \$7093.80, Big R \$386.96, Schaeffer \$1264.45, Control System Technology \$9337.50, Dean's Pest Control \$140.00, Swagit \$1775.00, Carl Pelletier \$9200.00, H&R Enterprises \$329.23, Jackson Hole Security \$1770.00, Jackson Hole Animal Hospital \$1354.47, Jelly Donut \$830.00, ISC \$13687.05, FBINAA \$100.00, Kevin Meagher \$100.00, Kellerstrass \$20871.74, Meridian Trust \$22728.75, Snake River MEP \$3206.50, Transit Talent \$135.00, Innovyze \$2035.00, Lepco \$2221.60, Amazon \$2293.13, Greenway Painting \$1247.58, Curtis Blue Line \$6278.00, Wyoming Garage Door \$385.00, Rich Broadcasting \$1764.00, RUI Inc \$1616.45, Teton Tools \$468.75, Boreal Property \$2342.12, Pethealth \$158.75, Jimmy Corona \$100.00, Snake River Brewing \$997.50, Kimley Horn \$11355.26, David Stubbs \$275.00, Outlaw Brothers Construction \$9398.33, Summit Safety \$64.48, West Coast Code Consulting \$4455.00, Lance Oviatt \$521.25, Day Wireless \$328.96, Glenda Harmon \$1900.00, Dustbusters \$2659.81, Virginian Village \$1080.00, Jackson Towing Partners \$3000.00, Ecoconnect \$2370.00, Mass Transit \$394.00, EVAWI \$990.00, Fort Frame \$429.98, Endeavor Business Media \$295.00, Simon Brewer \$1500.00, Maura Harrington \$12.00, Coolworks \$159.00, Clair Johnson \$1380.00, James Jenkins \$2000.00, William Knight \$145.90

C. **Special Event: 2019 Special Olympics Winter Games.** To approve the special event application made by Special Olympics Wyoming for the 2019 Special Olympics Winter Games in Wayne May Park, subject to the conditions and restrictions listed in the staff report.

D. **Temporary Sign Permit: Patriotic Color Run 5K (P19-006).** To approve the temporary banner in conjunction with the Young Life subject to three (3) conditions of approval as listed in the staff report.

Item P18-208: Snow King Planned Resort District Master Plan Amendment.

Town Council Letter of Comment to U.S. Forest Service on Snow King Resort Master Plan. Tyler Sinclair made staff comment.

A motion was made by Jim Stanford and seconded by Hailey Morton Levinson to continue Item P18-208 and the consideration of a draft letter to the United States Forest Service to a Special Town Council meeting on January 29, 2019 at 6:00 p.m. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item P18-274,-323: Conditional Use Permit and Administrative Adjustment for Dusty Acres Apartments at 1024 Gregory Lane. Tyler Valentine and Lea Colasuonno made staff comment. Tamara Shiveley and Shad Rydalch, made comment on behalf of AT&T.

Item A: Based upon the findings as presented in the staff report and as made by the applicant for Item P18-274, a motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to make findings 1-8 as set forth in Section 8.4.2.C (Conditional Use Permit Standards) of the Land Development Regulations relating to 1) Compatibility with Future Character; 2) Use Standards; 3) Visual Impacts; 4) Minimizes adverse environmental impact; 5) Minimizes adverse impacts from nuisances; 6) Impact on Public Facilities; 7) Other Relevant Standards/LDRs; and 8) Previous Approvals for a Conditional Use Permit to approve a wireless communications facility on the existing building located at 1024 Gregory lane, subject to the department reviews attached hereto and the following conditions of approval:

1. The lessee shall maintain the stealth Wireless Communication Facility as often as necessary and at its sole expense to ensure that the stealth elements remain in their approved condition such that they continue to i) blend in with the surrounding nature and architecture, ii) ensure that the presence, purpose and nature of the Facility are not readily apparent to a reasonable observer, and iii) provide stealth benefits in light of the weathering and aging of the stealthing material and the building to which it is attached.
2. The applicant shall provide a landscape replacement plan with associated costs at the time of Building Permit submittal for the plantings that require removal. The recommended location of new plantings should be to the west adjacent to the equipment area.

Mayor Muldoon called for the vote. The vote showed 4-1 in favor with Stanford opposed. The motion carried.

Item B: Based upon the findings as presented in the staff report and as made by the applicant for Item P18- 323,a motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to make findings 1-5 as set forth in Section 8.8.1.C (Administrative Adjustment) of the Land Development Regulations relating to 1) Applicability; 2) Better Supports Purpose of Zone; 3) Compatibility with Future Character; 4) Impact on Public Safety & Health; and 5) Not Subject to Incremental Administrative Adjustments to approve an 8' side (south) setback where 10' is required for a stealth wireless projection on the existing building located at 1024 Gregory Lane, subject to the department review attached hereto. Mayor Muldoon called for the vote. The vote showed 4-1 in favor with Stanford opposed. The motion carried.

Item P18-301: Conditional Use Permit for St. John's Medical Center at 555 E. Broadway Avenue. Brendan Conboy and Paul Anthony made staff comment. Tamara Shiveley and Shad Rydalch made comment on behalf of AT&T.

Based upon the findings as presented in the staff report and as made by the applicant for Item P18-301, a motion was made by Hailey Morton Levinson and seconded by Arne Jorgensen to make findings 1-8 as set forth in Section 8.4.2.C (Conditional Use Permit Standards) of the Land Development Regulations relating to 1) Compatibility with Future Character; 2) Use Standards; 3) Visual Impacts; 4) Minimizes adverse environmental impact; 5) Minimizes adverse impacts from nuisances; 6) Impact on Public Facilities; 7) Other Relevant Standards/LDRs; and 8) Previous Approvals for a Conditional Use Permit to approve a wireless communications facility on the roof above the east entrance to the Professional Office Building located at the St. John's Medical Center at 555 East Broadway, subject to the department reviews attached hereto and the following condition of approval.

1. The lessee shall maintain the stealth Wireless Communication Facility as often as necessary and at its sole expense to ensure that the stealth elements remain in their approved condition such that they continue to i) blend in with the surrounding nature and architecture, ii) ensure that the presence, purpose and nature of the Facility are not readily apparent to a reasonable observer, and iii) provide stealth benefits in light of the weathering and aging of the stealthing material and the building to which it is attached.

Mayor Muldoon called for the vote. The vote showed 3-2 in favor with Stanford and Schechter opposed. The motion carried.

Item P18-267: Zoning Map Amendment for 135 & 175 East Broadway Avenue. (Genevieve block) A motion was made by Jonathan Schechter and seconded by Hailey Morton Levinson that item P18-267 Zoning Map Amendment for 135 & 175 East Broadway Avenue be continued indefinitely. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Ordinances. A motion was made by Hailey Morton Levinson and seconded by Jim Stanford to read ordinances by short title. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Ordinance S: An Ordinance Amending and Reenacting Section 1 of Town Ordinance 1074 (part) and Division 4.4 Planned Unit Development Zones to Add Section 4.4.2.h.7 of the Town LDRs, for a Neighborhood Medium Density-2 Zone (Glenwood project P17-201).

AN ORDINANCE AMENDING AND REENACTING SECTION II OF TOWN OF JACKSON ORDINANCE NO. 1074 AS AMENDED (PART) TO ADD SUBSECTION 4.4.2.H.7 TO THE TOWN OF JACKSON LAND DEVELOPMENT REGULATIONS REGARDING THE ADDITION OF A NEW PLANNED UNIT DEVELOPMENT ZONE AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

A motion was made by Hailey Morton Levinson and seconded by Jim Stanford to approve Ordinance S at third reading and designate it Ordinance 1206. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Ordinance T: An Ordinance Amending and Reenacting Section 2 of Town Ordinance 1074 (part) and the Town's Official Zoning District Map to Change the Current Zoning of Land Addressed at 640 & 650 S. Glenwood Street to Planned Unit Development – Neighborhood Medium Density-2 (P17-201).

AN ORDINANCE AMENDING AND REENACTING SECTION II OF TOWN OF JACKSON ORDINANCE NO. 1074 AS AMENDED (PART) TO AMEND THE TOWN OF JACKSON OFFICIAL ZONING DISTRICT MAP TO CHANGE THE ZONING DESIGNATION OF 0.62 ACRES OF LAND ADDRESSED AS 640 S GLENWOOD STREET AND 650 S GLENWOOD STREET FROM NEIGHBORHOOD MEDIUM DENSITY-2 (NM-2) TO PLANNED UNIT DEVELOPMENT-NEIGHBORHOOD MEDIUM DENSITY-2 (P17-201) (PUD-NM-2 (P17-201)); AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to approve Ordinance T at third reading and designate it Ordinance 1207. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Ordinance U: An Ordinance Amending and Reenacting Section 12.16.030 of the Jackson Municipal Code Providing Law Enforcement Jurisdiction at the Jackson Hole Airport

AN ORDINANCE AMENDING AND REENACTING SECTION 2(a) OF TOWN OF JACKSON ORDINANCE NO. 175 (PART) AND SECTION 2 OF TOWN OF JACKSON ORDINANCE NO. 923 (PART) AND SECTION 12.16.030 OF THE MUNICIPAL CODE OF THE TOWN OF JACKSON TO INCLUDE APPLICABILITY OF ALL ORDINANCES OF THE TOWN OF JACKSON FOR LAW ENFORCEMENT JURISDICTION AT THE AIRPORT AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to approve Ordinance U at third reading and designate it Ordinance 1208. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Matters from Mayor and Council.

Hailey Morton Levinson provided an update on the search for a WAM Executive Director and interview process.

A motion was made by Hailey Morton Levinson and seconded by Jim Stanford to approve travel for any Councilor to attend the WAM Winter Conference in Cheyenne on February 20-22, 2019. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Jim Stanford made comment on the number of members on the Board of Health and that the Town could appoint a ninth member.

A motion was made by Jim Stanford and seconded by Hailey Morton Levinson to direct staff to advertise for an opening on the Board of Health to be appointed by the Town Council. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Arne Jorgensen made comment on the Lodging Tax Board retreat and the Interagency Breakfast. Discussion took place on waiving late fees on sewer and water bills, a potluck celebrating federal employees.

A motion was made by Arne Jorgensen and seconded by Jim Stanford to direct staff to explore waiving late fee payments on sewer and water bills with a finite number attached to it, and to work with Teton County, or ourselves only, on a shared potluck for federal employees. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to appoint Jim Stanford to the Steering Committee for the new Preservation Strategies Clan (formed to develop a set of recommendations on addressing critical preservation issues, as presented in earlier public comment by Michael Stearn). Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

The Council discussed public comment made by Story Clark and the funding request. Story Clark made additional comment. A motion was made by Arne Jorgensen and seconded by Hailey Morton Levinson to provide \$2,000 to TravelStorysGPS for the Jackson Hole in Mandarin Pilot Program, looking to staff to be sure that this amount exists in the appropriate budget line item. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Jonathan Schechter made comment on Council having to approve temporary sign permits and request to have a discussion about what type of items rise to meeting agendas.

Town Manager's Report. A motion was made by Jim Stanford and seconded by Hailey Morton Levinson to accept the Town Manager's Report. The Town Manager's Report contained an update on sales and lodging tax, a request to increase the number of full-time bus drivers will be in the FY20 Budget, and a franchise agreement with Century Link. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Adjourn. A motion was made by Hailey Morton Levinson and seconded by Jim Stanford to adjourn the meeting. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 7:59 p.m. minutes:spb

TOWN OF JACKSON

ATTEST:

Pete Muldoon, Mayor

Sandra P. Birdyshaw, Town Clerk