

SPECIAL TOWN COUNCIL PROCEEDINGS

MARCH 23, 2020

JACKSON, WYOMING

The Jackson Town Council met in a special session in the Council Chambers of the Town Hall located at 150 East Pearl at 3:00 P.M. Upon roll call the following were found to be present:

TOWN COUNCIL: *In-person*: Jim Stanford and Jonathan Schechter. *via Webex*: Mayor Pete Muldoon, Hailey Morton Levinson, and Arne Jorgensen.

STAFF: Larry Pardee, Tyler Sinclair, Lea Colasuonno, Roger Schulz, Zolo, April Norton, and Sandy Birdyshaw.

Consent Calendar. A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to approve the consent calendar including items A-B as presented with the following motions. There was no public comment on the Consent Calendar.

- A. **Meeting Minutes.** To approve the meeting minutes as presented for the special meetings on March 14, 16, and 17, 2020. [*The March 2nd regular meeting minutes were pulled from consent.*]
- B. **Disbursements.** To approve the disbursements as presented. Ace Hardware \$79.95; Amazon Capital Services \$354.74; Anderson, Timothy \$90.00; Ayala, Johnny \$2,000.00; Bristol, James \$283.50; Centurylink \$1,961.72; Charter Communications \$1,617.03; City Of Driggs \$2,339.35; Convergeone, Inc \$12,321.76; Custom Electronic Consultants Inc \$9,125.76; E.R. Office Express \$190.45; Galls Inc. \$143.30; Garmin USA \$64.95; Goldberg, Brian \$1,240.00; Greenwood Mapping Inc. \$1,035.00; High Country Linen \$1,188.14; Hirst Applegate, LLP \$1,798.66; ICOR Technology Inc. \$210,340.50; Jackson Curbside Inc. \$985.00; Jackson Hole News & Guide \$2,593.69; Jackson Hole Playhouse \$20.00; Jackson Hole Snow Devils \$1,000.00; Jelly Donut, LLC \$150.00; Jorgensen Associates, Pc \$95.20; Kellerstrass Enterprises, Inc \$67,024.40; Lenovo (United States) Inc. \$4,048.48; LoganSimpson \$7,224.00; Lower Valley Energy Inc \$191.40; Lower Valley Energy Inc \$846.21; LSC Transportation Consultants \$12,684.90; Markee Escrow Services, Inc \$52,552.08; Miller Sanitation \$315.00; Mountain Jewelry Designs \$600.00; Nalley Steamway LLC. \$330.00; Norton, Alex \$3,525.00; One 22, Inc. \$359.67; Operator 6 Executive Security LLC \$10,058.48; Portis Group, LLC \$2,379.00; Professional Veterinary Apparel Co. \$405.95; Quick Brown Fox LLC \$800.00; Respond First Aid Systems \$613.69; RTR Services LLC \$1,350.00; Safe Fleet Acquisition Corp \$12,184.00; Snake River Roasting \$268.03; Spackman, Nathan \$155.00; St John's Hospital \$210.00; Stinky Prints, Inc \$22.26; Teton County Integrated Solid Waste/Recy \$22.10; Thomson West \$938.85; Vazquez, Eleuteria \$2,000.00; Verizon Wireless \$7,643.07; Visa \$20,372.82; Watts Steam Store Rocky Mt. Inc \$150.00; Westbank Sanitation \$48.69; White Glove Cleaning, Inc. \$2,261.36; WyoPass \$220.00.
- C. **Energy Conservation Works SPET Funded LED Project.** To approve the use of \$206,880.00 in 2010 Energy SPET Funding for LED lighting and controls retrofits at the Snow King Center and Town of Jackson Public Works facility, and upon legal approval by the Town Attorney, authorize the Mayor to execute all necessary contract Agreements.

Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Meeting Minutes. The March 2, 2020 regular meeting minutes were pulled from the consent agenda. Arne Jorgensen commented that he would like for the Council to reconsider the March 2, 2020 vote approving the Town Council's letter to the Forest Service regarding the U.S. Forest Service's DEIS for SKRMA and he wanted to delay action on that reconsideration until a special meeting which would be set before March 31, 2020. Robert's Rules of Order stated that the purpose of reconsidering a vote was to permit correction of hasty, ill-advised, or erroneous action, or to take into account additional information or a changed situation that developed since the vote was taken. He believed the Council should take into account additional information that became available after the vote and respectfully asked a councilmember to make a motion to reconsider.

A motion was made by Hailey Morton Levinson and seconded by Arne Jorgensen to reconsider the vote taken on the Town Council's letter to the Forest Service regarding the U.S. Forest Service's DEIS for SKRMA. She voted on this motion was on the prevailing side.

Mayor Muldoon stated he would like to postpone the vote to reconsider to a special meeting agenda to be held before March 31, 2020. He asked for a motion to postpone the vote on the Motion to Reconsider.

A motion was made by Hailey Morton Levinson and seconded by Arne Jorgensen to postpone the vote on the Motion to Reconsider the Town's Comment Letter to the Forest Service to a special meeting held before March 31, 2020. Mayor Muldoon called for the vote. The vote showed 4-1 in favor with Stanford opposed. The motion carried.

A motion was made by Arne Jorgensen and seconded by Hailey Morton Levinson to approve the March 2, 2020 regular evening meeting minutes as amended to reflect the actions taken by Council today on the reconsideration. Mayor Muldoon called for the vote. The vote showed 4-1 in favor with Stanford opposed. The motion carried.

Liquor License Transfer Application from Foam Capital LLC. Sandy Birdyshaw made staff comment. Jim Stanford asked how many licenses were in near proximity of 105 East Broadway, staff answered there were 16-17. Matt Kim Miller representing Foam Capital LLC made comment through Webex on their plans for the liquor license, plans for the building, future use of the license, merits of the applicant, and previous council actions related to transfers.

Mayor Muldoon opened a public hearing to hear protests against the issuance of this license. There were none and the Mayor closed the public hearing.

Town IT Director Zolo made comment instructing anyone connected through Webex how to identify themselves to make public comment. The Mayor read an email containing public comment from Mike Reid, owner of Pearl Street Market.

The Council held discussion with Lea Colasuonno on if previous council actions promulgated policy. Jim Stanford stated he does not believe in government created monopolies and that has never been his policy, given the number and type of existing licenses in that vicinity seems to meet the needs of the vicinity under consideration, therefore was not in favor of approving the transfer.

Having considered the Wyo. Stat. §12-4-104(b) statutory factors and Jackson Municipal Code 6.60.010.A. for this application, a motion was made by Arne Jorgensen and seconded by Hailey Morton Levinson to approve the Foam Capital LLC d/b/a The Rack retail liquor license transfer application effective April 1, 2020, subject to the following conditions and further direct the Town Clerk to issue the license upon confirmation that those conditions of approval have been met.

1. Prior to license issuance, the applicant shall obtain all required permits and approvals from all applicable Town/County departments, including but not limited to, Planning and Building, Finance, Public Health, and Jackson Hole Fire.
2. Any additional minor corrections deemed necessary by staff and the Wyoming Liquor Division.
3. Ownership of the liquor license shall not transfer until it is certified to the Town Clerk that the associated private transaction has closed.

Hailey Morton Levinson stated she did not support the motion, concurred with Stanford in specifically Wyoming Statute 12-4-104(b)(iii) the number, type and location of existing licenses or permits meet the needs of the vicinity under consideration.

Pete Muldoon stated there was not an official policy of the Council related to transfers, their job was to make findings related to Wyoming Statute 12-4-104 (b) A license or permit shall not be issued, renewed or transferred if the licensing authority finds from evidence presented at the hearing and after reviewing subsections (iii) and (iv) he found that the number, type, and location of existing licenses meets the needs of the vicinity and the desires of the residents of the city would not be met or satisfied by the transfer of the license. He stated he could make these findings because of the number of liquor licenses in the immediate vicinity, namely retail liquor licenses held by Bin 22, Glorietta, Hotel Jackson, Million Dollar Cowboy Bar, The Rose, Silver Dollar Bar, Snake River Grill, and Spirits and Spice; Limited Retail License held by the Elks Lodge, American Legion, and Center for the Arts; Bar and Grill licenses held by Local, Hand Fire Pizza, Merry Piglets, and Moe's BBQ; Microbrewery permits held by Jackson Hole Brewing and Roadhouse Brewing; and nineteen restaurant liquor licenses in the immediate vicinity. He found these licenses to be sufficient to meet the needs of the community.

Arne Jorgensen stated he agreed with previous comments and statutory findings, and felt liquor license should be brought back to the public route so the council could take full consideration of what was out there so they could make the five findings required of them.

Mayor Muldoon called for the vote. The vote showed all opposed and the motion failed.

Request for Qualifications (RFQ) for Low Income Housing Tax Credit Developer. April Norton made staff comment through Webex. Discussion was held on developers with expertise in low income tax-credit housing, scope and tasks of the RFQ, rewording the hourly rate fees sentence, respondents should include their process of pinning down the fee once the scope was identified, previous tax credit applications, and timeline.

A motion was made by Hailey Morton Levinson and seconded by Arne Jorgensen to approve the Request for Qualifications for a Low-Income Multifamily Housing Developer with amendments discussed today and direct staff to release their Request for Qualifications on Tuesday, March 24th. Mayor Muldoon called for the vote. The vote showed 4-1 with Stanford opposed. The motion carried.

Resolution 20-03: A Resolution Approving the Acceptance of a FAA Grant for Jackson Hole Airport's Access Road Rehabilitation Project Phase 3. Sandy Birdyshaw made staff comment. Airport Director Jim Elwood made comment through Webex on FAA grants.

A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to approve Resolution 20-03, a Resolution accepting and approving FAA Grant No. 3-56-0014-061-2020 for Jackson Hole Airport's Access Road Rehabilitation Project Phase III.

RESOLUTION 20-03: A RESOLUTION APPROVING THE ACCEPTANCE OF FAA GRANT NO. 3-56-0014-061-2020 FOR THE JACKSON HOLE AIRPORT'S ACCESS ROAD REHABILITATION PROJECT PHASE III

WHEREAS, the Jackson Hole Airport Board (the "Board") was organized as an airport board on January 17, 1968 pursuant to Wyoming Statute §10-5-202; is deemed a joint power board pursuant to Wyoming Statute §16-1-105; and is the owner and operator of a public use airport known as the Jackson Hole Airport ("Airport"); and

WHEREAS, as such the Board is authorized to receive grants from the Federal Aviation Administration ("FAA") for planning and/or improvements to the Airport; and

WHEREAS, the Board has received a grant offer from FAA for the "Rehabilitate Access Road (Phase III) at the Airport in the amount of \$2,764,003, and the Board desires to accept such grant; and

WHEREAS, the FAA requires a resolution of approval from the Town of Jackson in order for the Airport to receive such a grant.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Jackson, Wyoming that it hereby approves the Board accepting FAA AIP Grant Number 3-56-0014-061-2020 in the amount of \$2,764,003 for the purpose of the Rehabilitation of the Access Road (Phase III), as more fully described in the Project Application.

This Resolution shall become effective upon adoption.

PASSED, APPROVED, AND ADOPTED this 23rd day of March 2020.

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 Arne Jorgensen to read Ordinance N in short title. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Ordinance N: An Ordinance Granting a Renewed Franchise to Jackson Curbside Inc.

AN ORDINANCE GRANTING JACKSON CURBSIDE, INC., A FRANCHISE FOR THE COLLECTION AND DISPOSITION OF RECYCLABLE REFUSE AND COMPOSTABLE MATERIALS FOR THE PURPOSE OF REDUCING IMPACTS ON WASTE HAULING AND LANDFILL OPERATIONS AND SUPPORTING RECYCLING EFFORTS; PROVIDING THE RIGHTS AND LIABILITIES THEREUNDER; AND ESTABLISHING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

A motion was made by Hailey Morton Levinson and seconded by Arne Jorgensen to approve Ordinance N at third reading and designate it Ordinance 1246. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Matters from Mayor and Council. Mayor Muldoon made comment on letters to Grand Teton National Park, Bridger Teton National Forest, and Yellowstone National Park signed by the County, Public Health, and St. John's Health. The Council held discussion. A motion was made by Arne Jorgensen and seconded by Hailey Morton Levinson to approve the letter as presented. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Jim Stanford made comment on the compliance and cooperation we've seen on the Health Orders issued so far, except for at gas stations and convenience stores. He would like to have staff contact them about frequently touched areas and facilitate healthier behavior. Larry Pardee made comment on coordinating support and response.

Adjourn. A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to adjourn to executive session to consider the selection of a site or the purchase of real estate when the publicity regarding the consideration would cause a likelihood of an increase in price and 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) and (vii). The vote showed all in favor and the motion carried. The meeting adjourned at 4:52 p.m. minutes:spb

TOWN OF JACKSON

ATTEST:

Pete Muldoon, Mayor

Sandra P. Birdyshaw, Town Clerk

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