

TOWN COUNCIL PROCEEDINGS

MAY 18, 2020

JACKSON, WYOMING

The Jackson Town Council met in regular session in the Council Chambers of the Town Hall located at 150 East Pearl at 6:02 P.M. Upon roll call the following were found to be present:

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

STAFF: Larry Pardee, Roxanne Robinson, Lea Colasuonno, Zolo, Paul Anthony, Roger Schultz, Johnny Ziem, Rich Ochs, and Sandy Birdyshaw.

Public Comment. Carl Pelletier commented on a request from Carolyn Little to honor Jackson High School seniors by hanging orange and black ribbons between May 30 and June 8. Public comment was given by Willie Watsabaugh regarding the Town's budget.

Consent Calendar. A motion was made by Hailey Morton Levinson and seconded by Arne Jorgensen to approve the consent calendar including items A-H 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 May 4, 2020 special workshop and regular meeting, and special workshops on May 11 and May 13, 2020.

B. **Disbursements.** To approve the disbursements as presented. Ace Hardware \$1,678.08; Advanced Pump & Equipment, Inc \$47,452.46; All-Star Auto Parts \$19.17; Antler Motel, Inc. \$3,200.00; Art Association \$600.00; AT&T \$251.88; Best Best & Krieger \$708.00; Bison Lumber \$1,060.80; Bliss Cargo \$27.03; Blue Spruce Cleaners, Inc \$348.16; BMV LLC \$173.44; Brower Psychological Services Inc \$325.00; C & A Professional Cleaning Serv LLC \$6,752.45; Carquest Auto Parts Inc. \$256.82; Centurylink \$485.36; Chargepoint, Inc \$11,168.00; City Of Driggs \$1,906.32; CMI - Teco \$39.53; Commercial Tire-ID Falls \$498.48; Control System Technology, Inc. \$4,875.00; Convergeone, Inc \$33,362.17; Dbr Inc. \$190.00; Delcon Inc \$7,947.81; Dell \$2,671.92; Delta Dental Plan Of Wyoming \$3,875.60; DPC Industries, Inc. \$1,731.06; Energy Laboratories Inc. \$1,374.00; Entenmann-Rovin Co \$953.20; Evans Construction Inc \$254.59; Fish Creek Excavation LLC \$9,019.93; Fleetpride \$1,630.71; Freedom Mailing Service Inc. \$1,845.76; Friends Of Pathways \$7,816.00; Galls Inc. \$210.00; Garmin USA \$64.95; Garrett, Robert \$31.39; Geittmann Larson Swift LLP \$1,430.00; Gillig LLC \$731.15; Grafix Shoppe Inc. \$1,390.00; Hach Company \$1,565.49; Handy Plumbing LLC \$1,253.65; Harrington, Steve \$22.69; Hd Fowler Company \$2,758.20; High Country Linen \$408.20; Hirst Applegate, LLP \$1,818.00; Hunt Construction Inc \$3,021.00; Interstate Battery \$299.80; Jackson Animal Hospital \$574.00; Jackson Curbside Inc. \$985.00; Jackson Hole Law, Pc \$3,005.25; Jackson Hole News & Guide \$4,532.37; Jackson Lumber Inc \$320.24; Jh20 Water Conditioning & Filtration \$73.00; Jorgensen Associates, Pc \$5,340.00; Kellerstrass Enterprises, Inc \$10,715.36; Lincoln County Sheriff \$5,390.00; Local Gov't Liability Pool \$1,000.00; LoganSimpson \$14,949.80; Lower Valley Energy Inc \$16,664.71; Mcbath, Donnie \$306.17; Metroquip Inc \$425.69; Mountain Electrical \$13,406.00; Napa Auto Parts Inc. \$302.99; Nelson Engineering \$38,095.50; One Call Of Wyoming \$495.00; Premier Truck- Salt Lake City \$163.94; QA Balance Services Inc. \$430.00; Quadient, Inc Dept 3689 \$1,000.00; Raftelis \$47,250.09; Respond First Aid Systems \$89.95; Rocky Mountain Appraisals \$3,400.00; Ron's Towing \$462.50; Safety Supply & Sign Co., Inc. \$4,392.38; Schmidt, Brian \$155.00; Snake River Roasting \$314.98; Spring Creek Animal Hospital \$255.16; Stinky Prints, Inc \$1,260.00; Swagit Productions, LLC \$1,775.00; Team Laboratory Chemical Corp \$1,700.00; Teton County Clerk \$154,595.50; Teton County Integrated Solid Waste/Recy \$15,172.80; Teton County Special Fire Fund \$152,763.99; Teton County-Fund 10 \$42,626.93; Teton County-Fund 13 \$29.69; Teton Motors Inc \$4,006.88; Teton Tools LLC \$113.00; Teton Trash Removal, Inc. \$45.50; Thomson West \$893.85; Thyssen Krupp Elevator Corp. \$2,871.97; Titan Machinery \$184.19; Trefonas Law, P.C. \$908.82; Uline \$194.29; Upper Case Printing Ink \$220.80; USA Blue Book \$115.59; Verizon Wireless \$5,640.79; Wamco Lab, Inc. \$350.00; Watts Steam Store Rocky Mt. Inc \$32.20; Weller Truck Parts \$71.33; West Fork Construction \$199,257.66; Westbank Sanitation \$703.40; Westwood Curtis \$406,559.52; Wyoming Assoc Of Chiefs \$350.00; Xerox Corporation \$280.26; Xylem CCI \$782.00; Y2 Consultants, LLC \$250.50; Yellow Iron Excavation, LLC \$647.09; YSI Incorporated \$782.00.

C. **Municipal Court Report for April 2020.** To accept the April 2020 Municipal Court Report into the record.

- D. **Special Event Application for People's Market.** To approve the special event application made by Slow Foods of the Tetons for the People's Markets, subject to the conditions and restrictions listed in the staff report.
- E. **Special Event Application for Touch A Truck.** To approve the traffic control request made by the Jackson Hole Children's Museum for the Jackson Hole Children's Museum Touch-a-Truck special procession.
- F. **Temporary Sign Permit: JH Classical Academy (P20-084).** To approve the temporary banner in conjunction with Jackson Hole Classical Academy subject to four conditions of approval. 1. use of the site shall be granted by the property owner. 2. The sign shall not be located on the sidewalks or in the public right of way. 3. The site shall state the date(s) of the advertised "virtual shadow day." 4. The sign for Merit Scholarships may be installed at 105 Buffalo Way, Albertsons from May 19, 2020 to June 2, 2020.
- G. **Memorandum of Understanding for Law Enforcement Services at the Airport.** To approve the Law Enforcement MOU between the Town of Jackson and the Jackson Hole Airport Board and authorize the Mayor to execute the agreement.
- H. **Encroachment Agreement at 174 N King for Canopies (P20-048).** To approve the Encroachment Agreement between the Town of Jackson and Jackson Hole Community Housing Trust to allow encroachment of canopies into the Town right-of way at 174 North King Street subject to the recommended conditions, approval by the Town Engineer and Town Attorney, and further authorize the Mayor to execute an Encroachment Agreement.

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

Request from Carolyn Little to honor JHHS graduates. A motion was made by Jonathan Schechter and seconded by Hailey Morton Levinson to approve the request made by Carolyn Little to put up ribbons around town to commemorate the JHHS Class of 2020 and extend this privilege to any other high schools wishing to do something similar. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Resolution 20-13: A Resolution Adopting the Wyoming Region 8 Hazard Mitigation Plan. Rich Ochs made staff comment.

A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to approve Resolution 20-13 A Resolution Adopting the Wyoming Region 8 Hazard Mitigation Plan.

Teton County Resolution #20-024 Town of Jackson Resolution #20-13
Wyoming Region 8 Hazard Mitigation Plan Adoption Resolution

WHEREAS, Teton County, Wyoming, and the Town of Jackson, Wyoming, have the potential to experience disasters that can damage commercial, residential, and public properties, displace citizens and businesses, close streets and bridges dividing the county and municipality, and present general public health and safety concerns; and

WHEREAS, Teton County, the Town of Jackson, and the Teton Conservation District have prepared a Hazard Mitigation Plan that identifies goals and mitigation actions to reduce overall impacts and potential for loss of life or damage to property from natural hazards; and

WHEREAS, the U.S. Congress passed the Disaster Mitigation Act of 2000 ("Disaster Mitigation Act") emphasizing the need for pre-disaster mitigation of potential hazards and which made available hazard mitigation grants to state and local governments; and

WHEREAS, an adopted Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple FEMA pre- and post-disaster mitigation grant programs; and

WHEREAS, the Wyoming Region 8 Hazard Mitigation Plan has been developed in accordance with the FEMA-prescribed mitigation planning process and meets current state and federal requirements; and

WHEREAS, the Wyoming Office of Homeland Security and the Federal Emergency Management Agency Region VIII officials have reviewed the Wyoming Region 8 Hazard Mitigation Plan, and approved it contingent upon this official adoption of the participating governing bodies; and

WHEREAS, Teton County, the Town of Jackson, and the Teton Conservation District desire to formally adopt the Wyoming Region 8 Hazard Mitigation Plan for implementation.

NOW, THEREFORE, be it resolved by the Teton County Board of County Commissioners, the Town Council of the Town of Jackson, Wyoming, and the Board of Supervisors of the Teton Conservation District, in regular session duly assembled, that:

1. The Wyoming Region 8 Hazard Mitigation Plan is hereby adopted as an official plan of Teton County, the Town of Jackson, and the Teton Conservation District.
2. The Board of County Commissioners delegates the responsibility for annual review and monitoring of implementation to the County Emergency Management Coordinator.
3. Each local government shall pursue implementation of the projects contained in the Plan as resources allow.
4. Each local government shall consider and incorporate into other plans elements of the Hazard Mitigation Plan as appropriate.

PASSED, APPROVED, AND ADOPTED this 18th day of May 2020.

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

Resolution 20-14: A Resolution Revoking the Delegation of Authority for COVID-19 Response Resolution #20-04. Rich Ochs made staff comment.

A motion was made by Hailey Morton Levinson and seconded by Jim Stanford to adopt Resolution 20-14 revoking the delegation of authority for COVID-19 response as presented.

JOINT RESOLUTION: TETON COUNTY, WYOMING RESOLUTION #20-025. TOWN OF JACKSON, WYOMING RESOLUTION #20-14. REVOCATION OF DELEGATION OF AUTHORITY FOR COVID-19 RESPONSE

WHEREAS, the Teton County Board of County Commissioners and the Jackson Town Council approved a *Delegation of Authority for COVID-19 Response Resolution* on March 30, 2020 which granted the power to oversee the complete management of the COVID-19 Response Incident to a Unified Command whose members are:

Fire Chief Brady Hansen, Jackson Hole Fire/EMS
Jodie Pond, Director, Teton County Health Department
Sheriff Matt Carr, Teton County Sheriff
Police Chief Todd Smith, Jackson Police Chief

WHEREAS, the assumption of command began on March 16, 2020 and has continued until today's date. The *Delegation of Authority for COVID-19 Response Resolution* states in Paragraph 5 that the assumption of command shall continue until such time as this Resolution is revoked or modified; and

WHEREAS, through review of the metrics provided by the State of Wyoming, review of the current data available for Teton County, and through consultation with the Teton District Health Officer, the Unified Command has recommended to the Jackson Town Council and Teton County Board of County Commissioners to revoke the current delegation of authority to the Unified Command; and

WHEREAS, it is recognized by Unified Command that there may be a need in the future to delegate authority to the Unified Command again to respond to COVID-19, and the current Unified Command members are willing and able to accept that delegation of authority if the Jackson Town Council and Teton County Board of County Commissioners decides that is the best course of action.

NOW THEREFORE, be it resolved by the Teton County Board of County Commissioners and the Jackson Town Council that the delegation of authority to the Unified Command to oversee the complete management of the COVID-19 response is revoked and the delegation of authority shall cease at 7:00 p.m. on Wednesday, May 20, 2020.

IT IS FURTHER RESOLVED, that the members of the Unified Command should remain ready for the delegation of authority to be granted again in the future to manage the COVID-19 response if data begins to show a need as determined by the Jackson Town Council and Teton County Board of County Commissioners.

IT IS FURTHER RESOLVED, that the Jackson Town Council and Teton County Board of County Commissioners sincerely thank and praise the efforts of the Unified Command; especially Sheriff Matt Carr, Police Chief Todd Smith, Fire/EMS Chief Brady Hansen, and Public Health Director Jodie Pond; for their work and efforts as the Unified Command.

PASSED, APPROVED, AND ADOPTED this 18th day of May 2020.

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

Jackson Hole Airport Board Budget. Airport Director Jim Elwood made comment. Roxanne Robinson made staff comment.

A motion was made by Jonathan Schechter and seconded by Arne Jorgensen to approve the Airport Board's proposed FY 2021 budget, as amended to require the Board to re-program the budget in two ways and as approved by the Town and Teton County Attorney's office:

1. \$250,000 to be transferred to the Teton County Sheriff's office for aircraft search and rescue purposes, unless FAA determines that the transfer would be unlawful. This transfer would be based upon a finding that this support would benefit the airport by enhancing community acceptance and any lawful basis.
2. \$70,000 to support advocacy efforts to advance additional local control to further align with our local community vision.

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

RFQ Award for Low-Income Multifamily Housing Developer. April Norton made staff comment.

A motion was made by Hailey Morton Levinson and seconded by Arne Jorgensen to direct staff to negotiate a contract for services with Summit Housing Group and bring the contract back for final review and approval no later than the June 15, 2020 regular council meeting. Mayor Muldoon called for the vote. The vote showed 4-1 in favor with Stanford opposed. The motion carried.

Item P19-262, P20-069 & -070: Amendment to Final Development Plan for Pine Glades PUD. A motion was made by Jonathan Schechter and seconded by Hailey Morton Levinson to continue these items to the regularly scheduled Town Council meeting on June 1, 2020. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item P20-009 & 010: Development Plan and Hillside Conditional Use Permit for Bluffs Development at 984 Budge Drive. A motion was made by Hailey Morton Levinson and seconded by WHO to continue these items to the Town Council meeting scheduled for June 1, 2020. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item P19-242: Conditional Use Permit for Snow King Gondola, Zip Line, and Snow Making Pump House. Tyler Sinclair requested this item be continued to June 15 instead of June 1st. A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to continue the items to the next scheduled Town Council meeting on June 15, 2020. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

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

**Ordinance P: An Ordinance Amending the Jackson Municipal Code regarding
Compensation for Mayor and Council.**

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 787, 717, 326, AND 226 AND SECTIONS 1-3 OF TOWN OF JACKSON ORDINANCE NO. 1 AND SECTION 2.08.010 OF THE MUNICIPAL CODE OF THE TOWN OF JACKSON REGARDING COMPENSATION FOR MAYOR AND COUNCILMEN; AND PROVIDING FOR 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 Jim Stanford to approve Ordinance P on third reading and designate it Ordinance 1252. Mayor Muldoon called for the vote. The vote showed 4-1 in favor with Schechter opposed. The motion carried.

**Ordinance Q: An Ordinance Adding Chapter 8.35 to the Jackson Municipal Code
Prohibiting the Sale of Flavored Tobacco Products.**

AN ORDINANCE ADDING CHAPTER 8.35 TO THE MUNICIPAL CODE OF THE TOWN OF JACKSON PROHIBITING THE SALE OF FLAVORED TOBACCO PRODUCTS AND PROVIDING FOR AN EFFECTIVE DATE. NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT:

Public comment was given by Heather Franklin of the Curran-Seeley Foundation, Thomas Briant of the National Association of Tobacco Outlets, Holly Robb of Maverik, Jason Mincer with the American Cancer Society, and Jodi Radke with Tobacco Free Kids.

Lea Colasuonno made staff comment.

A motion was made by Jim Stanford and seconded by Hailey Morton Levinson to continue Ordinance Q to the Town Council meeting on June 1, 2020. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Ordinance R: An Ordinance Amending Jackson Municipal Code regarding Prohibiting Smoking in Public Buildings.

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF ORDINANCE NO. 461 (PART), AND CHAPTER 8.34 TO THE MUNICIPAL CODE OF THE TOWN OF JACKSON PROHIBITING SMOKING AND E-CIGARETTE USAGE IN PUBLIC BUILDINGS AND PROVIDING FOR 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 Jonathan Schechter to approve Ordinance R on second reading. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Ordinance S: An Ordinance Adopting the 2020 National Electrical Code.

AN ORDINANCE AMENDING AND REENACTING SECTION 2 OF TOWN OF JACKSON ORDINANCE NO. 313, SECTION 1 OF TOWN OF JACKSON ORDINANCE NO. 325, SECTION 1 OF TOWN OF JACKSON ORDINANCE NO. 413, SECTION 1 OF TOWN OF JACKSON ORDINANCE NO. 633, SECTION 1 OF TOWN OF JACKSON ORDINANCE NO. 706, SECTION 1 OF TOWN OF JACKSON ORDINANCE NO. 803, SECTION 1 OF TOWN OF JACKSON ORDINANCE NO. 886, SECTION 1 OF TOWN OF JACKSON ORDINANCE NO. 899, SECTION 1 OF TOWN OF JACKSON ORDINANCE NO. 990, SECTION 1 OF TOWN OF JACKSON ORDINANCE NO. 1057, SECTION 1 OF TOWN OF JACKSON ORDINANCE NO. 1101, SECTION 1 OF TOWN OF JACKSON ORDINANCE NO. 1171 AND SECTION 15.20.010 OF THE MUNICIPAL CODE OF THE TOWN OF JACKSON BY CHANGING THE VERSION OF THE NATIONAL ELECTRICAL CODE ADOPTED BY REFERENCE FROM THE 2017 EDITION TO THE 2020 EDITION, WITH CERTAIN AMENDMENTS AND FOR ALLOWING ELECTRICAL PERMIT FEES TO BE SET BY RESOLUTION OF THE TOWN COUNCIL; AND PROVIDING FOR AN EFFECTIVE DATE. 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 S on second reading. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Matters from Mayor and Council. Hailey Morton Levinson made comment on getting the word out for people to complete the census. Jim Stanford made comment on the Parks and Recreation Board meeting and requiring facemask use. Arne Jorgensen made comment on clear cutting private lots. Jim Stanford made comments of appreciation to the streets team.

Town Manager’s Report. A motion was made by Hailey Morton Levinson and seconded by Jim Stanford to accept the Town Manager’s Report into the record. The Town Manager’s Report contained an update the 165/185 North Glenwood Project, May sales and lodging tax, and the BUILD Grant application. Larry Pardee made comment on safety measures being put in place so Town Hall may be reopened. 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 Arne Jorgensen to adjourn the meeting. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 8:11 p.m. minutes:spb

TOWN OF JACKSON

ATTEST:

Pete Muldoon, Mayor