

TOWN COUNCIL PROCEEDINGS

JUNE 1, 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*: none. *via Webex*: Mayor Pete Muldoon, Vice-Mayor Hailey Morton Levinson, Arne Jorgensen, Jim Stanford, and Jonathan Schechter.

STAFF: Larry Pardee, Roxanne Robinson, Lea Colasuonno, Lee Birdyshaw, Jason Wright, Carl Pelletier, Paul Anthony, Roger Schultz, Johnny Ziem, Brendan Conboy, Tyler Valentine, and Sandy Birdyshaw.

Public Comment. Jaia Mariposa made comment requesting to display a LGBTQA flag in town square during June for Pride Month.

Consent Calendar. A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to approve the consent calendar including items A-G 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 18, 2020 special workshop, regular workshop, and regular meeting, and May 19, 2020 special workshop.
- B. **Disbursements.** To approve the disbursements as presented. 4Imprint \$2,243.48; 842-Ncpers Group Wyoming \$112.00; Ace Hardware \$41.93; Advanced Industrial Supply Inc \$153.98; Aflac \$2,831.24; American Shooters Las Vegas \$3,082.00; C & A Professional Cleaning Serv LLC \$7,450.36; Centurylink \$1,956.88; CNA Surety \$609.50; Control System Technology, Inc. \$7,691.00; Convergeone, Inc \$818.91; Delta Dental Plan Of Wyoming \$592.80; Dude Solutions, Inc \$4,767.34; E.R. Office Express \$60.18; Energy Laboratories Inc. \$416.00; Evenson, Terri Lynn \$85.00; Fodor Law Office \$500.00; Grand Targhee Resort \$73,519.00; HD Fowler Company \$332.68; High Country Linen \$441.51; Idaho State Tax Commission \$3,885.00; Jackson Curbside Inc. \$1,630.00; Jackson Hole Law, Pc \$1,500.00; Jackson Hole News & Guide \$2,337.67; Jackson Hole Radio \$8,400.00; Jackson Lumber Inc \$38.71; Johnston, Emily \$193.00; Jorgensen Associates, Pc \$180,712.36; Kellams, Miriam \$100.00; Kellerstrass Enterprises, Inc \$10,673.94; Kois Brothers Equipment Company \$647.56; Lincoln National Life \$7,226.61; Lower Valley Energy Inc \$4,741.61; Matthews, Lani \$2,194.35; Mike's Oilfield Services Inc \$3,992.00; Miller Sanitation \$2,590.00; Morillon-Arellano, Shellie \$30.00; O'Ryan Cleaners \$57.85; Platt \$4,846.92; Rees, David \$22.99; Rocky Mountain Appraisals \$1,700.00; Schmillen, Scott \$742.50; Schow's Truck Center \$586.26; Schultz, Joshua \$1,190.00; Sherwin-Williams Co. \$3,156.30; St Louis County Sheriff's Office \$36.00; Sublette County Sheriff's Office \$3,850.00; Sunrise Environmental \$1,113.42; Taylor Geo-Engineering, LLC c \$1,495.00; Teton County Fair Board \$300.00; Teton County Transfer Station \$83.00; Teton County-Fund 10 \$9,115.73; Thomson West \$893.85; Thyssen Krupp Elevator Corp. \$615.24; TMSC LLC \$14,135.00; Utility Technical Service & Sales Inc. \$5,346.81; Visa \$9,196.42; Vision Service Plan - (Wy) \$1,761.92; Wy Child Support Enforcement \$146.76; Wy Workers' Safety & Comp \$7,575.16; WYDOT \$2.00; Wyoming Financial Insurance, Inc \$1,541.00; Wyoming Retirement System \$104,159.09; Yellow Iron Excavation, LLC \$525.00.
- C. **Special Event: Food Bank of the Rockies Drop Off / Distribution Event.** To approve the request made by the Jackson Hole Cupboard and St. John's Church for the food drop and distribution event as presented in the staff report.
- D. **Special Event: Hole Food Rescue Sprouts Mobile Events.** To approve the request made by Hole Food Rescue for the Mobile Sprouts food distribution program as presented in the staff report.
- E. **Temporary Sign Permit: Gem and Mineral Show (P20-061).** To approve the temporary banner in conjunction with Wyoming State Gem and Mineral Society subject to three conditions of approval. 1. The use of the site shall be granted by the property owner. 2. The signs shall not be located on the sidewalks or in the public right of way. 3. The sign may be installed at 105 Buffalo Way at Albertsons from June 14 to June 20, 2020.
- F. **Temporary Sign Permit: Jackson Hole High School & Summit Innovations School (P20-099).** To approve the temporary banner in conjunction with Jackson Hole High School and Summit Innovations School subject to four conditions of approval: 1. The 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 JHHS and SIS may be installed at 105 Buffalo Way at Albertsons from June 1 to June 14, 2020.

G. **Encroachment Agreements at 135 E Broadway for Bella Cosa (P20-072) and Garden Home Design (P20-074), and Persephone (P20-073).** To approve the Encroachment Agreements between the Town of Jackson and property owner Café G, LLC upon approval by the Town Engineer and Town Attorney and 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.

Special Event: Jackson Hole High School Graduation Parade. Carl Pelletier made staff comment. A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to approve the request made by Jackson Hole High School for the graduation senior class car procession as presented in the staff report. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Special Event: Chamber of Commerce Temporary Visitor Information Tent. Carl Pelletier made staff comment. A motion was made by Jim Stanford and seconded by Hailey Morton Levinson to approve the temporary tent request made by the Chamber of Commerce in light of the COVID-19 crisis, one in the vicinity of Home Ranch and one in the vicinity of Town Square to be determined by the town manager. Anna Olsen of the Chamber of Commerce made public comment. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Downtown Summer Business Implementation and Parking. Tyler Sinclair presented ideas on how the Town could aid businesses as they re-open for the summer with restrictions and limitations due to the pandemic. Proposals included signage and messaging, use of public spaces, food trucks on private or public property, extended sidewalks or street closure on Center Street and Deloney, parklets in the Town’s right-of-way for restaurant seating, retail display, office space, flex spaces, and etc., and downtown cleaning and sanitizing. The Council held discussion. Larry Pardee, Steve Ashworth, Johnny Ziem, and Brian Schilling made staff comments.

Public comment was given by Gavin Fine, Anna Olson, Graeme Swain, Nikki Gill, and Wes Gardner.

The Council was in favor with staff moving forward with the signage, park tables, extended sidewalks, parklets, and cleaning ideas. Food trucks on private or public lands warranted further discussion.

A motion was made by Arne Jorgensen and seconded by Hailey Morton Levinson to approve of the grant submittal to the Wyoming Business Council for adding ‘parklets’ in the downtown in the amount of \$2,500 which requires a \$250 match from the Town of Jackson and authorize Mayor Muldoon to execute any and all documents associated with that grant application submittal. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item P19-262, P20-069 & -070: Amendment to Final Development Plan for Pine Glades PUD. A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to continue item P19-262, P20-069 & -070 to June 15, 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 Jonathan Schechter and seconded by Hailey Morton Levinson to continue item P20-009 & -010 to June 15, 2020. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item P20-035 & -036: Development Plan and Hillside Conditional Use Permit for 808 Upper Redmond. Brendan Conboy made staff comment. Mark Fellermann of Y2 Consultants presented for questions.

Item A Development Plan: Based upon the findings for a Development Plan as presented in the staff report and by the applicant for Item P20-035 related to 1) Consistency with the Comprehensive Plan; 2) Achieves purpose of NRO & SRO overlays; 3) Impact of public facilities & services; 4) Compliance with Town Design Guidelines; 5) Compliance with LDRs & Town Ordinances; 6) Conformance with past permits & approvals, a motion was made by Hailey Morton Levinson and seconded by Arne Jorgensen to make findings 1-6 as set forth in Section 8.3.2.C (Development Plan) of the Land Development Regulations to approve a land division at the property addressed as 808

Upper Redmond Road, subject to the department reviews attached to the staff report dated May 28, 2020, and the following condition of approval:

1. All required utility and access easements both within the proposed subdivision and for the benefit of the proposed subdivision, including across adjacent property such as 809 Upper Redmond Road, will be required concurrently with subdivision plat recordation.

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

Item B – Hillside Conditional Use Permit: Based upon the findings as presented in the staff report and as made by the applicant for Item P20-036, 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. (Conditional Use Permit) of the Land Development Regulations related 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 as well as findings required by Sec. 5.4.1 Steep Slopes regarding hillside mitigation measures to approve a Hillside CUP for a land division at the property addressed as 808 Upper Redmond Road, subject to the department reviews attached to the staff report dated May 28, 2020. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item P20-071: Final Plat at 135 E Broadway (Genevieve Block). Brendan Conboy made staff comment.

George Putnam of Cirque Consulting, Liz Long of Jackson Hole Land Trust, Amberley Baker, and Robin Levy Mommsen made comment on behalf of the applicant.

Based upon the findings as presented in the staff report and as made by the applicant for Item P20-071, a motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to make findings 1-4 as set forth in Section 8.5.3.C (Subdivision Plat) of the Land Development Regulations relating to 1) Conformance with Development Plan or Development Option Plan; 2) Complies with standards of Section 8.5.3. Subdivision Plat; 3) Complies with standards of Division 7.2. Subdivision Standards; and 4) Complies with other relevant standards of these LDRs, to approve a Final Plat for the Genevieve Block Addition to the Town of Jackson for the property located at 135 & 175 East Broadway Avenue, subject to the departmental reviews attached to this staff report dated May 28, 2020, and the following condition of approval:

1. Within thirty (30) calendar days from the date of Town Council approval, the applicant shall satisfactorily address all comments made by the Town of Jackson and other reviewing entities included in the attached Departmental Reviews and submit the corrections to the Planning Department. The Planning Director shall review and approve all required changes prior to recording the plat with the County Clerk.

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

Item P20-079: Partial Vacation at 305 E. Deloney Avenue. Tyler Valentine made staff comment.

Pursuant to the standards in Section 8.2.13.C.5. Partial Vacation Without Replat, a motion was made by Hailey Morton Levinson and seconded by Arne Jorgensen to approve the Partial Vacation Without Replat to vacate the lot line between Lots 9 and 10 and combine the lots into one lot (Lot 9a) in the L.G. Gill Subdivision, subject to the Land Development Regulations and this staff report dated May 28, 2020, and the following condition of approval:

1. The applicant shall address the comments from the County Clerk's office within 30 days of approval of this Partial Vacation Without Replat application.

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 ordinances in the short title. 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 third reading and designate it Ordinance #1253. 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 Jim Stanford to approve Ordinance S on third reading and designate it Ordinance #1254. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

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

A motion was made by Jim Stanford and seconded by Hailey Morton Levinson to continue Ordinance Q to the Town Council meeting on June 15, 2020. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Matters from Mayor and Council. Town Building COVID-10 Policy. Roxanne Robinson and Lea Colasuonno made staff comment. A motion was made by Hailey Morton Levinson and seconded by Jim Stanford to approve Resolution regarding face coverings at Town of Jackson buildings open to the public during Covid-19 pandemic as presented.

RESOLUTION # 20-17: A RESOLUTION REGARDING FACE COVERINGS AT TOWN OF JACKSON BUILDINGS OPEN TO THE PUBLIC DURING COVID-19 PANDEMIC

WHEREAS, the World Health Organization declared the Coronavirus as a worldwide pandemic as of March 11, 2020; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency concerning the novel coronavirus disease (COVID-19) stating that in “December 2019 a novel (new) coronavirus known as SARS-CoV-2 (“the virus”) was first detected in Wuhan, Hubei Province, People’s Republic of China, causing outbreaks of the coronavirus disease (COVID-19) that has now spread globally. . . . The spread of COVID-19 within our Nation’s communities threatens to strain our Nation’s healthcare systems Additional measures . . . are needed to successfully contain and combat the virus in the United States.” The National Emergency Declaration went on to declare that the COVID-19 outbreak in the United States constitutes a national emergency; and

WHEREAS, on March 13, 2020, Mark Gordon, the Governor of the State of Wyoming, declared a State of Emergency for the State of Wyoming, stating that on March 11, 2020, an individual within the State of Wyoming tested presumptive positive for COVID-19, and the State of Wyoming is experiencing a public health emergency in response to the evolving outbreak of the novel coronavirus as of March 11, 2020. The Declaration of a State of Emergency directs the Director of the Wyoming Department of Health to take all appropriate and necessary actions and in the Director’s judgment any actions necessary to provide aid to those locations where there is a threat or danger to public health, safety and welfare; and

WHEREAS, on March 16, 2020, at 9:00 a.m., the Board of County Commissioners of Teton County, Wyoming, met in regularly scheduled and public meeting of the Board of County Commissioners at the Teton County Administration Building, located at 200 S. Willow Street, in Jackson, Wyoming, and declared a state of emergency for Teton County, Wyoming; and

WHEREAS, on March 16, 2020, the Town of Jackson Town Manager restricted public access to all Town buildings. All Town buildings nonetheless continued to serve the public needs through alternative methods, including providing services by phone, internet, and in-person by appointment; and

WHEREAS, after considering recommendations from the Teton County Public Health Department, the Teton District Health Officer, the state of Wyoming, and the United States government, the Town of Jackson Town Manager ended public access restrictions at Town buildings on Tuesday May 26, 2020; and

WHEREAS, the Town of Jackson Town Council met in a public meeting and discussed a Face Covering policy for members of the public entering Town buildings open to the public to take effect June 1, 2020.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING THAT, having duly met on June 1, 2020, at a regularly scheduled meeting, which was properly noticed and open to the public, and having fully considered the matter at hand, the Town of Jackson Town Council hereby establishes the following policy at all Town buildings open to the public to be:

1. All Town facilities, as of June 1, 2020, are open to public access with the requirement that all members of the public entering Town buildings must wear a Face Covering in all public areas of the Town facilities and maintain at least six feet of separation from all other persons, unless they are family members.
2. The requirement to wear a face covering in Town buildings shall expire on July 2, 2020, unless sooner ended by Resolution.
3. "Face Covering," as used in this Resolution, means a covering made of cloth, fabric, or other soft or permeable material, without holes, that covers the nose and mouth and surrounding areas of the lower face.
4. The requirement to wear a Face Covering in Town buildings does not apply to children that are 3 years old or younger or to individuals that have trouble breathing, incapacitated, or otherwise are unable to remove the face covering without assistance.

PASSED, APPROVED, AND ADOPTED this 1st day of June 2020.

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

Jonathan Schechter commented on a Brown Bag Lunch hosted by Chief Todd Smith this Thursday in the Town Council chambers at Noon. Jim Stanford made comment on a Teton County meeting tomorrow on Tribal Trails Connector road.

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 on beginning the June 15th workshop at 1:00pm and an Access and Utility Easement in the alley at 105 East Broadway. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

By acceptance of the Town Manager’s report, staff was directed to schedule the June 15 workshop to begin at 1pm with the FY21 budget as the first item.

A motion was made by Pete Muldoon and seconded by Hailey Morton Levinson to direct staff to proceed with negotiations for an offer to purchase an access and utility easement at 105 East Broadway. 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 10:15 p.m. minutes:spb

TOWN OF JACKSON

ATTEST:

Pete Muldoon, Mayor

Sandra P. Birdyshaw, Town Clerk