TOWN COUNCIL PROCEEDINGS

JULY 6, 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 6:00 P.M. Upon roll call the following were found to be present:

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

STAFF: Roxanne Robinson, Lea Colasuonno, Jason Wright, Tyler Sinclair, Paul Anthony, Roger Schultz, Johnny Ziem, Tyler Valentine, and Brian Lenz

Public Comment. There was no public comment.

Consent Calendar. A motion was made by Jim Stanford and seconded by Hailey Morton Levinson to approve the consent calendar including items A-D as presented with the following motions. There was no public comment on the Consent Calendar. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

A. **Meeting Minutes**. To approve the meeting minutes as presented for the June 2, 2020 special workshop, June 15, 2020 workshop and regular meeting, and the June 26, 2020 and June 29, 2020 special meetings.

B. **Disbursements.** To approve the disbursements as presented. 4imprint $10.80; Abbott, Ben $217.81; Ace Hardware $60.91; Ace Hardware $649.95; Advanced Pump & Equipment, Inc $20,460.00; Aflac $2,805.34; Airgas USA, LLC $491.95; All-Star Auto Parts $45.64; Amerigas $1,243.73; Badger Daylighting Corp $2,210.25; Best Best & Krieger $1,061.50; Bison Lumber $113.67; Blue Spruce Cleaners, Inc $22.63; Buechley, Kit $2,700.00; C & A Professional Cleaning Serv LLC $7,819.84; C.M. Owen Construction, LLC $226,682.03; Carquest Auto Parts Inc. $104.67; Carquest Auto Parts Inc. $104.67; Cash $196.04; Chargepoint, Inc $2,950.00; Charlier Associates Inc. $2,173.88; City Of Driggs $1,733.81; Clewley, Sarah $1,240.00; Code Studio $4,413.75; Commercial Tire-Id Falls $197.84; Control System Technology, Inc. $6,562.00; Convergeone, Inc $9,007.10; Cook, Thomas $1,250.00; Core & Main Lp $19,956.00; Creative Energies, LLC $3,463.75; Cummins Rocky Mountain LLC $1,751.89; Dbr Inc. $2,003.50; Deere & Company $65,091.04; Delcon Inc $6,051.00; Delta Dental Plan Of Wyoming $3,184.20; Discount Cell, Inc. $560.00; Division Of Victim Services $650.00; E.R. Office Express $541.83; Energy Conservation Works $35,000.00; Energy Laboratories Inc. $416.00; Evans Construction Inc $423.82; Evans Construction Inc $55.00; Evident $319.70; Galls Inc. $435.13; Garmin USA $64.95; Geittmann Larson Swift LLP $1,820.00; Gillig LLC $3,938.96; Gillig LLC $381.07; Glock Professional, Inc. $500.00; Grisamer, Wade $4,211.88; Gwaltney, Woodrow $255.00; HCC Life Insurance Company $55,783.44; High Country Linen $2,296.98; High Country Linen $136.55; Idaho State Tax Commission $3,531.00; Idaho Traffic Safety, Inc. $800.00; Idexx Distribution, Inc. $393.97; Jackson Curbside Inc. $985.00; Jackson Hole Law, Pc $1,500.00; Jackson Hole News & Guide $2,104.53; Jackson Hole News & Guide $402.88; Jackson Paint And Glass, Inc. $10.66; J-B Mechanical $835.00; Jelly Donut, LLC $10.00; Jorgensen Associates, Pc $97,941.74; Kellerstrass Enterprises, Inc $17,780.33; Kenworth Sales Company Dept #1 $95.95; Kimball Midwest $131.31; Lincoln National Life $1,225.59; Local Gov't Liability Pool $84,046.00; Long Building Technologies Inc. $236.00; Lower Valley Energy Inc $21.38; Mcwhorter Technologies $100.00; Meridian Engineering P.C. $741.00; MHL Systems $4,036.00; Mountain Electrical $262.50; Municipal Code Corporation $700.00; Napa Auto Parts Inc. $911.76; Nelson Engineering $16,237.90; New West Building Company Inc. $5,000.00; North Park Transportation $99.20; Ops Strategies, LLC $1,487.50; Platt $49,756.45; Platt $6,373.44; Premier Truck-Salt Lake City $248.54; Premier Truck- Salt Lake City $598.88; Quadient Leasing USA, Inc. $468.69; Rees, David $100.00; Rink-Tec International, Inc $236.55; Ru2 Systems Inc. $19,997.00; Ru2 Systems Inc. $22,083.00; Rui Inc. Dba Village Gardner $274.92; Simon Associates LLC $2,000.00; Snake River Roasting $391.60; Spradley Barr Motors, Inc $83,899.00; St John's Hospital $130.00; Stotz Equipment $1,231.73; Teton County Clerk $102,504.00; Teton County District Court $441.75; Teton County School District 1 $22,000.00; Teton County Sheriff-Dispatch $5,419.17; Teton Motors Inc $421.49; Teton Motors Inc $63.35; The Lodge @ Jackson Hole $2,880.00; Titan Machinery $5,846.11; Title 22 Consultants $404.43; TMSC LLC $28,105.00; TMSC LLC $16,060.00; Uline $241.42; Uline $4,446.62; Ups $56.19; Valley Office Systems $785.00; Valley West Engineering, Pc $10,297.86; Visa $6,850.34; W.A.R.M. Property Insurance $234,996.37; WAMCAT $130.00; Watts Steam Store Rocky Mt. Inc $250.00; Weller Truck Parts $116.59; White Glove Cleaning, Inc. $2,568.13; Winter & Company $17,848.75; Wy Child Support Enforcement $146.76; Wy Child Support Enforcement $146.76; Wy Workers' Safety & Comp $7,530.80; Wyoming Financial Insurance, Inc $6,822.00; Wyoming Garage Door, LLC $740.50; Wyoming Law Enforcement $50.00; Wyoming Retirement System $103,371.43; Yellow Iron Excavation, LLC $70.00; Yourmembership.Com, Inc. $299.00

C. **Temporary Sign Permit: Habitat for Humanity (P20-115).** To approve the temporary banner in conjunction with Habitat for Humanity subject to four (4) 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 Bring US Home Challenge may be installed at:105 Buffalo Way, Albertsons August 23, 2020 to September 5, 2020 and 100 E. Snow King Avenue, Snow King Ball Park during: July 13, 2020 to July 27, 2020 August 3, 2020 to August 17, 2020 September 1, 2020 to September 5, 2020

D. **Sewer Connection Agreement at 535 W. Deer Drive, Valley View (P20-082**). To approve the proposed Connection and Use Agreement as conditioned and direct staff to work with the Valley View Sewer Company to finalize the Agreement, and upon approval of the Town Attorney and Town Engineer authorize the Mayor to execute all necessary Agreements.

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

Special Event: Town Square Shoot Out. Carl Pelletier made staff comment. Britney Magleby made public comment. A motion was made by Arne Jorgensen and seconded by Hailey Morton Levinson to approve the special event application made by the Jackson Hole Playhouse and the Jackson Hole Chamber of Commerce for the Town Square Shootout, subject to the conditions and restrictions listed in the staff report with two additions: 1) the Shootout performance will be subject to on-going review and approval of the Teton County Health Department and 2) unless otherwise directed by the Teton County Health Department spectators will be required to wear face masks. The mayor called for the vote. The vote showed 3-2 in favor, with Muldoon and Stanford opposed. The motion carried.

Special Event: Noso Take Care Demo. This item was withdrawn by the applicant.

Special Event: Jackson Hole Roller Disco. Carl Pelletier made staff comment. Jim Ryan made comment as the applicant. A motion was made by Hailey Morton Levison and seconded by Arne Jorgensen to approve the Jackson Hole Roller Disco special event application made by Jim Ryan subject to the conditions and restrictions listed in the staff report with the addition of two requirements 1) social distancing of participants will be required and 2) participants will be required to wear face masks. The mayor called for the vote. The vote showed 4-1 in favor, with Stanford opposed. The motion carried.

Special Event: Teton County Fair. Carl Pelletier made staff comment. A motion was made by Hailey Morton Levinson and seconded by Jim Stanford to approve the special event application made by the Teton County Fair Board for the 2020 Teton County Fair subject to the conditions and restrictions listed in the staff report. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Jackson Hole Jewish Community Cemetery Exception. A motion was made by Jim Stanford and seconded by Hailey Morton Levinson to approve an exception to the cemetery rules for the Jackson Hole Jewish Community to place sacred objects in the donated plot as presented and direct staff to prepare an amendment to Section 1.01 and 3.16 to expand the limitation of what can be buried to include sacred objects, and present that change at an upcoming meeting on the consent calendar, the cost for such burial shall be the same. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Restaurant Liquor License Application from Coe LLC dba Coelette. Roxanne Robinson made staff comment. Mayor Muldoon opened a public hearing to hear protest against the issuance of this license. There were none and the Mayor closed the public hearing. Comment was given by Anne Motlow on behalf of the applicant.

Having considered the Wyo. Stat. §12-4-104(b) statutory factors for this application, a motion was made by Hailey Morton Levinson and seconded by Jim Stanford to approve the issuance of a restaurant liquor license to Coe LLC *dba* Coelette for the license year ending March 31, 2021, subject to the conditions listed in the staff report and further direct the Town Clerk to issue the license upon confirmation that the conditions of approval have been met within the timeframe set forth in Wyoming Statute 12-4-103(a)(iv).

1. Prior to liquor license issuance, the applicant shall comply with all Town of Jackson Building Codes, Fire, Health & Safety Codes, and the Land Development Regulations, and will have obtained all required permits and approvals from all applicable Town/County departments.
2. Prior to liquor license issuance, the applicant shall provide a copy of the food service permit.

3. Prior to liquor license issuance, the applicant shall pass a dispensing-room inspection conducted by the Town Clerk or Wyoming Liquor Division.
4. Any additional minor corrections deemed necessary by staff and the Wyoming Liquor Division

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

Retail Liquor License Transfer Application from Virginian Liquor LLC. Mayor Muldoon opened a public hearing to hear protest against the transfer of this license. There were none and the Mayor closed the public hearing. Matt Kim-Miller and David Schwartz made comment on behalf of the applicant.

Having considered the Wyo. Stat. §12-4-104(b) statutory factors for this application, a motion was made by Hailey Morton Levinson and seconded by Arne Jorgensen to approve the transfer of a retail liquor license to Virginian Liquor LLC *dba* Virginian Tavern, subject to the conditions listed in the staff report and further direct the Town Clerk to issue the license upon confirmation that the conditions of approval have been met within the timeframe set forth in Wyoming Statute 12-4-103(a)(iv).

1. Prior to liquor license issuance, the applicant shall comply with all Town of Jackson Building Codes, Fire, Health & Safety Codes, and the Land Development Regulations, and will have obtained all required permits and approvals from all applicable Town/County departments.
2. Prior to liquor license issuance, the Town Clerk will receive certification of successful closing of the private transaction.
3. Any additional minor corrections deemed necessary by staff and the Wyoming Liquor Division.

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

Licensing Agreements for AT&T Small Cell Locations. Lea Colasuonno made staff comment.

A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to approve and authorize the Mayor to execute the Consent Agreement and Master License Agreement with AT&T, subject to any minor changes as required by the Town Attorney. 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. Tyler Valentine made staff comment. The Council held discussion. Public comment was given by John Tozzi, Noah Osnos, and Elizabeth Hale.

<u>Item C: Trails</u>. A motion was made by Arne Jorgenson and seconded by Hailey Morton Levinson to make findings 1-6 in Section 8.3.2.C of the Land Development Regulations related to 1) Consistency with the Comprehensive Plan; 2) Achieves purpose of NRO & SRO overlays; 3) Impact of public facilities & services; 4) Complies with Town Design Guidelines; 5) Compliance with relevant LDRs & Town Ordinances; 6) Conformance with past permits & approvals, to approve a Development Plan amendment, specifically to allow a new trail plan, subject to the departmental reviews and to this staff report, dated July 6, 2020, and the following conditions of approval:

1. By no later than July 15, 2021, all trails, signage and roadway trail delineations shall be installed and satisfactorily inspected. In addition, by no later than July 15, 2021, the applicant shall record public access easements for the approved trails to the satisfaction of the Planning Director, Pathways Director, and Town Attorney. Signage at all trail entrances shall be installed and include a requirement that all dogs must be leashed.
2. Prior to July 15, 2021, the applicant shall work with the Fire Department and Planning Department on an appropriate landscape screening plan for the Section #1 trail above the cul-de-sac that does not conflict with the Wildland Urban Interface code requirements. The final screening plan and installation shall also be completed by July 15, 2021.
3. The applicant shall satisfactorily address all concerns from the Pathways Director related to technical or engineering suggestions for the trails. Comments related to neighbor approval or unspecified ongoing concerns are not the responsibility of the applicant.
4. The applicant shall make all efforts to not disturb mature spruce trees in the section of the trail below the cul-de-sac. Any necessary removal of trees will require new trees to be planted to ensure adequate screening is maintained. All new trees will require approval from the Fire Department and Planning Department.
5. The trail route for Section #3 that runs on the northern side Pines Glades Drive and connects to the trail at the top of the tunnel shall be the approved trail alignment. This trail is 5'-wide by approximately 270' long and runs behind the surface parking spaces. The existing landscape screening between the road and the affordable duplex shall remain. In addition, signage and trail delineation (i.e. striping) shall be reviewed and approved by the Planning Department and

Pathways Coordinator prior to installation. The public non-motorized access easement, along with signage and trail delineation, for this section of Pine Glades Drive shall be completed and recorded by no later than July 15, 2021.

6. The applicant shall provide a bond in the amount of 125% of the cost of all trail construction, signage and landscaping by no later than November 1, 2020.
7. The pedestrian trail route for the vertical element of section 2 may be replaced with an alternative route that runs along the base of the retaining wall on the northern side of Pine Glades Drive and which alternate route connects the east end of Pine Drive to the intersection of Pine Glades Drive and Jessica Lane. If the Planning Department and the applicant determine that this alignment is not technically feasible or is not approved by the HOA the Planning Director may accept the trail vertical element as proposed. The public non-motorized access easement along with signage and trail delineation for this section of trail shall be completed and recorded no later than July 15, 2021.

Public comment was made my John Tozzi. Lea Colasuonno and Paul Anthony made staff comment. Mayor Muldoon called for the vote. The vote showed 4-1, with Stanford opposed. The motion carried.

<u>Item A (duplex modifications)</u>. Based upon the findings as presented in the staff report and made by the applicant for a Development Plan (Item P19-262), a motion was made by Arne Jorgensen and seconded Hailey Morton Levinson to make findings 1-6 in Section 8.3.2.C of the Land Development Regulations related to 1) Consistency with the Comprehensive Plan; 2) Achieves purpose of NRO & SRO overlays; 3) Impact of public facilities & services; 4) Complies with Town Design Guidelines; 5) Compliance with relevant LDRs & Town Ordinances; 6) Conformance with past permits & approvals, to approve a Development Plan amendment, specifically to allow exterior modifications to the duplex at 140 & 142 Pine Glades Drive, subject to the departmental reviews and to this staff report, dated July 6, 2020, and the following condition of approval:

1. Prior to issuance of Certificate of Occupancy on the duplex at 140 & 142 Pine Glades Drive, the applicant shall apply for an addendum to the duplex building permits to revise all exterior elevations to reflect the approved materials and changes.

Tyler Valentine made staff comment. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

<u>Item B (heating element)</u>. A motion was made by Jim Stanford to move Item B to a regular scheduled council meeting on July 20, 2020. There was no second to the motion.

Based upon the findings as presented in the staff report and made by the applicant for a Development Plan (Item P20-069), a motion was made by Arne Jorgensen and seconded by Hailey Morton Levinson move to make findings 1-6 in Section 8.3.2.C of the Land Development Regulations related to 1) Consistency with the Comprehensive Plan; 2) Achieves purpose of NRO & SRO overlays; 3) Impact of public facilities & services; 4) Complies with Town Design Guidelines; 5) Compliance with relevant LDRs & Town Ordinances; 6) Conformance with past permits & approvals, to approve a Development Plan amendment, specifically to allow the removal of the in-road heating element in Phases 1 and 2 of the PUD, subject to the departmental reviews and to this staff report, dated July 6, 2020 and the following condition of approval:

1. That maintenance of sand and gravel will meet or exceed the standards of the Town when the Town is removing the winter sand and gravel use.

Paul Anthony made staff comment. Mayor Muldoon called for the vote. The vote showed 4-1 with Stanford opposed. The motion carried.

Item P19-242: Conditional Use Permit for Snow King Gondola, Zip Line, and Snow Making Pump House. Public comment was made by Ann Marie Wells, Noah Osnos, Curtis Wong, Gary Shaw, Mark Jackowski, Patty and Frank Ewing, Shannon Owens, Brant Williams, Keith Sbiral, Edward Sanden, Branko Zagar, Bill Campbell, Michel Adler, Rachel Warren, Karen Smith, Howie Singer, Steve Singer, Heather Hansen, Greg Wright, Linda Wasserman, James Loudenslager, Georgie Stanley, Mike May, Geneva Chong, Anna Olson, Brooks Sausser, David Sollitt, Fredrick Reimers, Brian Krill, and Shane Rothman.

A motion was made by Arne Jorgensen and seconded by Jonathan Schechter to continue item P19-242 to either July 20, 2020 or a special meeting prior to July 20 as set by the Mayor and the Vice-Mayor. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item P19-242 Snow King Lease Gondola Lease Agreement. A motion was made by Hailey Morton Levinson and seconded by Arne Jorgensen to continue item P19-242 to either July 20, 2020 or a special meeting prior to July 20 as set by the Mayor and the Vice-Mayor. 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. Tyler Valentine and Brian Lenz made staff comment. Public comment was given by Elizabeth Hale.

A motion was made by Jim Stanford and seconded by Hailey Morton Levinson to continue item P20-009 & 010 to the July 20, 2020 evening meeting. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item P20-062: Development Plan at 505 E. Simpson Avenue. A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to continue item P20-062 to the July 20, 2020 evening meeting. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Resolution 20-22: A Resolution Authorizing a SLIB Grant Application for Coronavirus Relief for Town of Jackson. A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to continue Resolution 20-22 to the July 20, 2020 evening meeting. 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 continue ordinances T, U and V to the July 20, 2020 evening meeting. [*Ordinance T: An Ordinance Granting AT&T a Franchise. Ordinance U: An Ordinance Adding Community Development Director Duties to Jackson Land Development Regulations Section 4. Ordinance V: An Ordinance Adding Community Development Director Duties to Jackson Land Development Regulations Section 8*.] Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Town Manager's Report. A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to accept the Town Manager's Report into the record. The Town Manager's Report contained an update on the Roadhouse Brewing patio request and staff tracking COVID-19 time. 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 Jonathan Schechter to adjourn the meeting. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 10:07 p.m. minutes:crp

TOWN OF JACKSON

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ATTEST: Pete Muldoon, Mayor

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Sandra P. Birdyshaw, Town Clerk

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