TOWN COUNCIL PROCEEDINGS

JULY 20, 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 and Jim Stanford. *via Webex*: Vice-Mayor Hailey Morton Levinson, Arne Jorgensen, and Jonathan Schechter.

STAFF: Larry Pardee, Roxanne Robinson, Lea Colasuonno, Zolo, Tyler Sinclair, Roger Schultz, Michelle Weber, Johnny Ziem, Brian Schilling, Paul Anthony, Tyler Valentine, Brendan Conboy, and Sandy Birdyshaw.

Public Comment. Kevin Mulhall made comment on the Budge Drive Development.

Consent Calendar. A motion was made by Jim Stanford and seconded by Hailey Morton Levinson to approve the consent calendar including items A-F 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 July 2 emergency meeting, July 3 special meeting, and July 6 special and regular meetings.

B. **Disbursements.** To approve the disbursements as presented. Ace Hardware $1,848.80; Advanced Glass Trim, LLC $710.00; Advanced Pump & Equipment, Inc $2,800.00; Airgas USA, LLC $112.43; Alldata $1,500.00; Amazon Capital Services $284.05; Antler Motel, Inc. $1,200.00; Apex Sage Inc $10,000.00; Archivesocial, Inc. $4,788.00; AT&T $1,824.68; B-Cycle LLC $319.92; Best Best & Krieger $5,438.50; Big R Ranch & Home $163.45; Bison Lumber $49.94; Blue Spruce Cleaners, Inc $101.50; BMV LLC $105.48; Carquest Auto Parts Inc. $192.58; Caselle Inc. $5,536.00; Cellebrite USA $3,700.00; Centurylink $2,958.40; Chapa Stripes Of Idaho $14,000.00; Charter Communications $2,253.69; Civicplus $3,600.00; CMI - Teco $99.39; Control System Technology, Inc. $28,378.50; Convergeone, Inc $15,169.23; DBR Inc. $346.00; E.R. Office Express $223.50; Electrical Wholesale Supply $246.45; Energy Laboratories Inc. $774.00; Enow, Inc. $920.00; Entersect $1,000.00; Evans Construction Inc $203,636.58; Evident $103.00; Fire Services Of Idaho $2,160.00; Freedom Mailing Service Inc. $1,865.85; Galls Inc. $59.50; Garaman Inc. $64.95; Geittmann Larson Swift LLP $1,365.00; Gillig LLC $662.65; Grafix Shoppe Inc. $500.88; HD Fowler Company $114.00; High Country Linen $984.86; Hirst Applegate, LLP $2,242.70; Hunt Construction Inc $5,235.00; Idaho Falls Peterbilt $32.12; Idaho Traffic Safety, Inc. $43,625.00; Jackson Animal Hospital $775.93; Jackson Hole News & Guide $1,045.38; Jackson Lumber Inc $1,546.57; Jorgensen Associates, Pc $19,171.83; Kellerstrass Enterprises, Inc $16,201.72; Lacal Equipment, Inc $1,308.41; Lexisnexis Matthew Bender $190.10; Local Gov't Liability Pool $1,000.00; Long Building Technologies Inc. $10,089.23; Lower Valley Energy Inc $55,230.85; Miller, Gail $45.79; MSC Industrial Supply Co $265.05; Nelson Engineering $400.00; On Sight Land Surveyors Inc. $2,787.30; One Call Of Wyoming $437.25; Oree, Jonas $300.00; Platt $18.19; Premier Truck- Salt Lake City $226.71; Quadient, Inc Dept 3689 $2,000.00; Rafter J Improv/Serv Dist $146.43; Rendezvous Insurance Inc. $118,531.57; Riedel, Cynthia $1,400.00; Rink-Tec International, Inc $13,959.57; Rui Inc. Dba Village Gardner $1,416.37; Sherwin-Williams Co. $1,210.98; Silver Creek Supply $56.50; Snake River MEP Complete, Inc $1,158.00; Snake River Roasting $102.45; Spradley Barr Motors, Inc $27,433.00; St John's Hospital $130.00; Stinky Prints, Inc $660.00; Suburban Propane $15.20; Swagit Productions, LLC $1,775.00; Teton County District Court $441.75; Teton County Sheriff's-Jail $936.00; Teton County Transfer Station $15.00; Teton County Weed & Pest $5,250.00; Teton County-Fund 19 $2,330.80; Teton Motors Inc $128.00; Teton Rental Center $500.00; Teton Tools LLC $549.01; Teton Trash Removal, Inc. $47.00; Thomas Drilling, Inc. $44,755.01; Thomson West $893.85; Thyssen Krupp Elevator Corp. $307.62; Upper Case Printing Ink $222.40; Valley Office Systems $98.00; Verizon Wireless $15,316.07; VFC Controls $1,314.25; WAM $12,315.45; WAMCO Lab, Inc. $180.00; Westbank Sanitation $49.33; Westwood Curtis $3,787.43; White Glove Cleaning, Inc. $48.50; Wy Child Support Enforcement $146.76; Wyoming Department Of Health $240.00; Wyoming Financial Insurance, Inc $36.00; Wyoming.Com Inc $10.00; Yellow Iron Excavation, LLC $832.00; Zylab International Inc. $5,394.25.

C. **June 2020 Municipal Court Report**. To accept the June 2020 Municipal Court Report into the public record.

D. **Malt Beverage Permit for Teton County Fair 4-H Livestock Sale**. To approve a malt beverage permit as presented, subject to the conditions and restrictions listed in the staff report.

E. **Reinstatement of September 4 Rodeo Date**. To reinstate the September 4, 2020 rodeo date as an approved rodeo date for 2020.

F. **Contract for Wastewater COVID-10 Testing**. To approve the Contract between the Wyoming Health Department and Town of Jackson to test wastewater for COVID-19 and authorize the Mayor to execute the Contract.

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.

Civil Design Contract for Scott Lane-Maple Way Bicycle/Pedestrian/ADA Improvements. Jim Stanford made comment. Larry Pardee and Brian Schilling made staff comment.

A motion was made by Jim Stanford and seconded by Hailey Morton Levinson to approve the contract with Nelson Engineering for the Scott Lane-Maple Way Bike/Pedestrian/ADA Improvements project in an amount not to exceed $98,919.25. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

15-Minute Parking Zone on Center Street (between Deloney and Gill). Jim Stanford made comment. Johnny Ziem made staff comment.

A motion was made by Jim Stanford and seconded by Jonathan Schechter to approve the addition of a 15-minute parking stall on the east side of Center Street, between Deloney and Gill Avenue, and direct staff to work with the applicant to find the most appropriate location for the installation. 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. Roxanne Robinson made staff comment.

A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to approve Resolution 20-22 and the Certification Statement as presented, subject to any corrections, authorizing staff to submit a grant application to the Office of State Lands and Investment for Coronavirus Relief.

> **Resolution 20-22** A Resolution Authorizing Submission of a Coronavirus Relief Grant Application to the State Loan and Investment Board on Behalf of the Governing Body for the Town of Jackson for the purpose of Funding Payroll Expenses, Remote Meeting Infrastructure, Public Noticing, Marketing Support, PPE Supplies, Facility UV Purification for HVAC, Supplemental Facility Cleaning, Port-A-Potties, Masks, Sanitizer and Related Bottling Supplies, Gloves, Downtown Outdoor Distancing Infrastructure, Posters and Signage, Barricades and Floor Markings, and Reception Area Remodels to Protect The Health, Safety, and Welfare of Employees and the Public.
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> WHEREAS, the Governing Body for the Town of Jackson desires to participate in the CORONAVIRUS RELIEF GRANT program to assist in financing this request; and
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> WHEREAS, the Governing Body of the Town of Jackson recognizes the need for the request; and
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> WHEREAS, the Coronavirus Relief Grant program requires that certain criteria be met, as described in the State Loan and Investment Board's Rules and Regulations governing the program, and to the best of our knowledge this application meets those criteria; and
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> WHEREAS, if any of the disbursed grant funds are later deemed to not comply with the SLIB criteria or the criteria of the CARES Act, the grant applicant agrees to repay the ineligible grant funds within 15 days of such finding to the Office of State Lands and Investments
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> NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWN OF JACKSON be submitted to the State Loan and Investment Board for consideration at the next Board meeting after application processing that a grant application in the amount of $750,000.00 be submitted to the State Loan and Investment Board for consideration at the next Board meeting after application processing to assist in funding the Town of Jackson COVID-19 Response.
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> BE IT FURTHER RESOLVED that Larry Pardee, Roxanne Robinson, and Kelly Thompson are hereby designated as authorized representatives of the Town of Jackson to act on behalf of the Governing Body on all matters relating to this grant application.
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> Passed, Approved, and Adopted to this 20th day of July 2020.
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> **Office of State Lands and Investments Coronavirus Relief Grant Program Certification Statement**
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> WHEREAS, the Governing Body for the Town of Jackson Hereby Certifies that the funding being applied for under the WYOMING CORONAVIRUS RELIEF FUND GRANT program meets the

requirements set forth under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"). It is further certified that the funding being applied for meets the requirements of 2020 Spec. Session 1, SEA No. 001.

The CARES Act provides that payments from the Grant Fund may only be used to cover costs that:

1. Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019;
2. Were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act); and
3. Were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020

If any of the disbursed grant funds are later deemed to not comply with the SLIB criteria or the criteria of the CARES Act, the grant applicant agrees to repay the ineligible grant funds within 15 days of such finding to the Office of State Lands and Investments.

BE IT FURTHER RESOLVED, that Larry Pardee, Town Manager, Roxanne Robinson, Asst Town Manager, and Kelly Thompson, Finance Director are hereby designated as the authorized representatives of the Certification Statement.

PASSED, APPROVED AND ADOPTED THIS 20th July 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. Tyler Valentine made staff comment. Brendan Schulte, Colter Lane, and Jill Arnold made comment on behalf of the applicant.

Item A: Based upon the findings as presented in the staff report and made by the applicant for Item P20-009, a motion was made by Arne Jorgensen and seconded by Hailey Morton Levinson to make findings 1-6 as set forth in Section 8.3.2.C (Development Plan) 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, and move to approve a Development Plan for a 5-lot subdivision at the property located at 984 Budge Drive, subject to the department reviews and this staff report dated July 20, 2020, and the following conditions:

1. If a subdivision plat is not submitted within 18 months of Development Plan approval the Development Plan will expire.
2. At the time of Subdivision Plat, the applicant shall provide a note on the plat requiring that all habitable structures be fire sprinklered as long as the private road remains without a compliant fire turnaround.
3. As part of the building permit review process for any proposed structure on any one of the future lots, the applicant shall demonstrate compliance with the standards in Section 5.3.2.H. Skyline Standards.
4. At the time of building permit submittal the applicant shall demonstrate compliance with all four development recommendations set forth in the Alder report, dated April 6, 2020, which are as follows:
   (1) the majority of development shall be limited to already disturbed areas;
   (2) 15-ft wildlife movement corridors shall be maintained between structures;
   (3) fencing shall be prohibited on the property, trash enclosures would be permitted; and
   (4) other barriers such as retaining walls over 42” tall are prohibited between structures.

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

Item B: Based upon the findings as presented in the staff report and as made by the applicant for Item P20-010, a motion was made by Arne Jorgensen and seconded by Hailey Morton Levinson 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; and findings required by Sec. 5.4.1 Steep Slopes regarding hillside mitigation measures; and move to approve a Hillside Conditional Use Permit for a 5-lot subdivision at the property located at 984 Budge Drive, subject to the department reviews and this staff report dated July 20, 2020, and the following conditions:

1. Prior to issuance of a Grading & Erosion Control Permit & Building Permit, the applicant shall adequately address all concerns and consider all recommendations in the final slope stability analysis and geotechnical report.
2. If a subdivision plat is not submitted within 18 months of CUP approval the CUP will expire.

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. Brendan Conboy made staff comment. Ron Levy and Brendan Schulte made comment on behalf of the applicant.

Based upon the findings for a Development Plan as presented in the staff report and by the applicant 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 for Item P20-062, a motion was made by Arne Jorgensen and seconded by Hailey Morton Levinson to make findings 1-6 as set forth in Section 8.3.2.C (Development Plan) of the Land Development Regulations to approve a 3-lot subdivision of the two lots located at 475 and 505 East Simpson Avenue, subject to the department reviews attached to this staff report dated July 16, 2020, and the following three conditions of approval:

1. The applicant shall remove the existing detached single-family home from the property addressed as 505 East Simpson prior to recording a plat with the County Clerk.
2. The applicant shall provide a bond in the amount of 125% of the cost of sidewalk improvements, the cost of which to be determined by the Town Engineer, prior to recording a plat with the County Clerk. The Town shall hold the bond until such time that sidewalk improvements are made on East Simpson Avenue or for a period of no more than 5 years unless extended by Town Council.
3. Proposed Lot 3 shall be required to share and take access from the existing access easement on the eastern portion of the lot. The existing drive aisle servicing the current residence at 505 East Simpson shall be removed and returned to greenspace. The access easement shall be improved with an impermeable surface.

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

Item P19-242: Snow King Mountain and Town of Jackson Gondola Lease Agreement. This item was moved before the Snow King CUP items. Tyler Sinclair and Lea Colasuonno made staff comment. Jeff Golightly made comment as the applicant.

Item P19-242, P20-128, -129: Conditional Use Permit for Snow King Gondola, Zip Line, and Snow Making Pump House.
A motion was made by Jim Stanford and seconded by Hailey Morton Levinson to continue all the Snow King items to a special meeting date to be determined by the Mayor and Vice-Mayor. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item P20-045 &-046: Development Plan and Planned Unit Development at 625 Powderhorn Lane for Employee Housing. Paul Anthony made staff comment.

A motion was made by Hailey Morton Levinson and seconded by Jim Stanford to continue item P20-045 to the Council's regular meeting on August 3, 2020. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

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

Emergency Ordinance 1256 was not addressed, and no action was taken on an emergency ordinance.

Ordinance T: An Ordinance Granting AT&T a Franchise.

AN ORDINANCE GRANTING A FRANCHISE TO NEW CINGULAR WIRELESS PCS, LLC, ON BEHALF OF ITSELF TO OPERATE AND MAINTAIN WIRELESS TELECOMMUNICATIONS FACILITIES FOR THE PURPOSE OF SUPPLYING SERVICE TO THE TOWN OF JACKSON AND PROVIDING 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 Jonathan Schechter to approve Ordinance T at first reading. Mayor Muldoon called for the vote. The vote showed 4-1 in favor with Stanford opposed. The motion carried.

Ordinance U: An Ordinance Adding Community Development Director Duties to Jackson Land Development Regulations Section 4.

AN ORDINANCE AMENDING AND REENACTING SECTION 2 OF TOWN OF JACKSON ORDINANCE NO. 1074 (PART) AND SECTIONS 4.3.1.E.3, 4.3.1.E.8.a, 4.3.1.F.4, 4.3.1.F.6.a.ii, 4.3.1.F.7, 4.3.1.F.9.b OF THE TOWN OF JACKSON LAND DEVELOPMENT REGULATIONS TO ADD COMMUNITY DEVELOPMENT DIRECTOR DUTIES AND RESPONSIBILITIES 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 U at first reading. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Ordinance V: An Ordinance Adding Community Development Director Duties to Jackson Land Development Regulations Section 8.

AN ORDINANCE AMENDING AND REENACTING SECTION 2 OF TOWN OF JACKSON ORDINANCE NO. 1074 (PART) AND SECTIONS 8.2.4.D, 8.2.4.F, 8.6.2.C, 8.7.1, 8.7.2, 8.7.3.F.2, 8.9.2.B, 8.9.4.A AND 8.10 OF THE TOWN OF JACKSON LAND DEVELOPMENT REGULATIONS TO ADD COMMUNITY DEVELOPMENT DIRECTOR DUTIES AND RESPONSIBILITIES 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 V at first reading. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Ordinance W: An Ordinance 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 ELECTRONIC CIGARETTES OR FLAVORED VAPOR MATERIAL 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 Jodi Radke and Brady Hayek. Lea Colasuonno made staff comment.

A motion was made by Arne Jorgensen and seconded by Hailey Morton Levinson to accept the proposed changes to Ordinance W as presented and approve on first reading, and direct staff to look into creating a separate class of businesses. Mayor Muldoon called for the vote. The vote showed 4-1 in favor, with Stanford opposed. The motion carried.

Matters from Mayor and Council. Jim Stanford made comment on safe meetings and made a motion to explore with staff the concept of a venue and time to hold open aire council meetings. Pete Muldoon voiced support. Motion failed for lack of a second, no action was taken.

The Mayor allowed Candra Day to make public comment on the ordinance requiring face masks.

Town Manager's Report. A motion was made by Jim Stanford and seconded by Hailey Morton Levinson to accept the Town Manager's Report into the record. The Town Manager's Report contained an update on July Sales and Lodging Tax, Temporary Chamber of Commerce Information in Home Ranch Welcome Center, Downtown Trash, and setting a special meeting for the Town Square and Historic Preservation LDR Update. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Adjourn. A motion was made by Jim Stanford and seconded by Hailey Morton Levinson to adjourn the meeting. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 9:56 p.m. minutes:spb

TOWN OF JACKSON

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ATTEST: Pete Muldoon, Mayor

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Sandra P. Birdyshaw, Town Clerk

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