TOWN COUNCIL PROCEEDINGS

AUGUST 3, 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 6:01 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, Jim Stanford, Arne Jorgensen, and Jonathan Schechter.

STAFF: Larry Pardee, Roxanne Robinson, Lea Colasuonno, Zolo, Tyler Sinclair, Paul Anthony, Brendan Conboy, and Sandy Birdyshaw.

Public Comment. None.

Consent Calendar. A motion was made by Hailey Morton Levinson and seconded by Jim Stanford to approve the consent calendar including items A-E as presented with the following motions:

A. **Meeting Minutes**. To approve the meeting minutes as presented for the July 20 workshop and regular meeting, and two special meetings on July 27, 2020.

B. **Disbursements.** To approve the disbursements as presented. 260 West Pearl LLC $8,500.00; 842-Ncpers Group Wyoming $112.00; Ace Hardware $454.23; Aflac $2,769.65; Amazon Capital Services $1,147.45; AT&T $1,324.21; B-Cycle LLC $588.49; BMV LLC $16.47; C & A Professional Cleaning Serv LLC $6,927.94; Centurylink $1,973.20; Chargepoint, Inc $63,309.00; Charlier Associates Inc. $1,937.50; Commercial Tire-Id Falls $1,727.92; Control System Technology, Inc. $625.00; Convergeone, Inc $319.26; Copyworks, LLC $196.80; Core & Main LP $1,618.76; Delcon Inc $953.74; Dell $17,839.08; DLT Solutions, Inc. $1,510.70; E.R. Office Express $169.74; Energy Laboratories Inc. $2,877.00; Evans Construction Inc $230.34; Frederick Landscaping $1,982.48; Freedom Mailing Service Inc. $1,786.54; Gillig LLC $5,332.01; High Country Linen $2,917.45; Intoximeters Inc. $195.25; Jackson Animal Hospital $210.00; Jackson Curbside Inc. $1,375.00; Jackson Hole Law, Pc $1,500.00; Jackson Lumber Inc $106.47; Jorgensen Associates, Pc $1,701.25; Kellerstrass Enterprises, Inc $17,326.66; Kenworth Sales Company Dept #1 $181.98; Lepco $924.00; Lincoln National Life $6,927.08; Long Building Technologies Inc. $5,790.48; Lower Valley Energy Inc $44.81; Morillon-Arellano, Shellie $307.78; MSC Industrial Supply Co $326.62; Naturescape Designs $800.00; Nelson Engineering $34,249.00; O'Donnell, Stephen $208.60; OPS Strategies, LLC $11,375.00; Pethealth Services Inc $635.00; Premier Truck- Salt Lake City $1,744.88; Raftelis $36,486.26; Rendezvous Insurance Inc. $118,531.57; Rink-Tec International, Inc $658.72; Rocky Mountain Appraisals $3,750.00; Rui Inc. Dba Village Gardner $1,113.37; Smith, Christian $208.60; Snake River Roasting $244.75; Spring Creek Animal Hospital $54.39; Stanard & Associates, Inc $90.00; Standard Drywall, Inc $5,600.70; Storrud, Joshua $155.00; Team Laboratory Chemical Corp $847.50; Teton County District Court $441.75; Teton County Transfer Station $151.00; Teton County-Fund 10 $175,000.00; Teton Motors Inc $200.00; Title 22 Consultants $876.00; Uhl, Angie $541.20; Virginian Village Condo HOA $1,080.00; Visa $10,389.61; Vision Service Plan - (Wy) $3,587.63; Watkins, Mark $150.80; Weber Drilling $3,644.56; Westbank Sanitation $1,207.18; Westwood Curtis $41,489.55; White Glove Cleaning, Inc. $2,568.13; Winters, Gary $5,000.00; Wy Child Support Enforcement $146.76.

C. **Special Event: Teton Gravity Research Outdoor Film**. To approve the special event application made by Teton Gravity Research for the outdoor film premier at the Teton County Rodeo Arena, subject to the conditions and restrictions listed in the staff report.

D. **Special Event: LOTOJA Classic Bike Race**. To approve the application made by Epic Events for the LOTOJA Classic Bike Race special event, subject to the conditions and restrictions listed in the staff report.

E. **Agreement for Drug and Alcohol Testing Services**. To approve the contract with WYTest and authorize the Town Manager to execute the contract on behalf of the Town subject to any corrections or changes by the Town Attorney.

There was not any public comment on the Consent Calendar. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Special Event: Old Bill's Fun Run for Charity. Jim Stanford made comment on signage. Annie Riddell made comment on behalf of the applicant. A motion was made by Hailey Morton Levinson and seconded by Arne Jorgensen to approve the temporary banners in conjunction with the Old Bill's Fun Run subject to three conditions of approval. Mayor Muldoon called for the vote. The vote showed 4-1 in favor, with Stanford opposed. The motion carried.

Vaping Regulations Discussion. Roxanne Robinson and Lea Colasuonno made staff comment. Discussion was held on regulations and compliance.

A motion was made by Jim Stanford and seconded by Arne Jorgensen to place Ordinance XX for consideration later on in the meeting that would allow only those businesses that prohibit entry to persons under 21 years of age to sell flavored vape products. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Food Trucks. Tyler Sinclair, Paul Anthony, Carl Pelletier, and Larry Pardee made staff comment. Discussion was held on licensure, food trucks in right-of-way and on private property, parklets, and advertising.

A motion was made by Hailey Morton Levinson and seconded by Arne Jorgensen to table this item. Mayor Muldoon called for the vote. The vote showed 3-2 in favor, with Muldoon and Stanford opposed. The motion carried.

Item P20-128, -129: Conditional Use Permit for Snow King Zip Line and Snow Making Pump House. Tyler Sinclair made comment and facilitated council discussion on the zip line application and conditions of approval.

Item B – Zip Line: Based upon the findings as presented in the staff report and as made by the applicant for Item P20-128, a motion was made by Hailey Morton Levinson and seconded by Jim Stanford 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 to approve a zip line facility located at 402 East Snow King Avenue, subject to the department reviews attached to this staff report prepared on July 23, 2020, and the following conditions of approval:

1. All extra days and hours that exceed the established hours of operation for outdoor recreation activities shall be provided to the Town annually for review by the Planning Department.
2. The components for any zip-line shall use the most current technology to limit noise from trolleys traveling down the cable at its initial installation and during regular maintenance and repair, this would include, but not limited to, coated cables and arresting mechanisms. This shall apply to all Snow King Mountain zip lines located on private property and United States Forest Service property.
3. The expiration date for this Conditional Use Permit shall be two years from the date of approval unless the use has been commenced or a physical development permit has been issued and is active for physical development needed to commence the use.
4. The applicant shall provide the Snow King Code of Conduct to Town staff for review and approval prior to commencement of any construction on the zip line. The applicant shall include implementation strategies for how said code will be provided to participants and enforced by the applicant and better define that it is the responsibility of Snow King Mountain to communicate with and engage visitors. In addition to the items presented, it shall include a supervised ambassador program to ensure accountability for the entire Code of Conduct program.
5. Building permits within Sub-Area #2 of the Snow King Planned Resort District Master Plan shall not be issued until construction has commenced on an aerial tramway (i.e. gondola). Nor shall the proposed zip-line in sub area #4 of the Snow King Planned Resort District Master Plan be allowed to open until construction of the gondola has commenced. Notwithstanding the foregoing, if SKRMA proceeds with its application and construction of a gondola in good faith, this condition shall not take effect if a regulatory or judicial circumstance prevents SKRMA from building the gondola.
6. The proposed Hours of Operation for the proposed zip line and existing mountain coaster shall be amended to include a closing time from June 15 to August 15 of 8:00 p.m.

Mayor Muldoon called for the vote. The vote showed 3-2 in favor, with Stanford and Jorgensen opposed. The motion carried.

Item P19-242: Snow King Mountain and Town of Jackson Gondola Lease Agreement. A motion was made by Hailey Morton Levinson and seconded by Arne Jorgensen to continue this item to the next council meeting on August 17, 2020. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item P20-089, -090, -091, -092: Development Plan, Variances and Administrative Adjustment at 175 N. Jackson for Rusty Parrot. A motion was made by Jonathan Schechter and seconded by Hailey Morton Levinson to continue this item to the next council meeting on August 17, 2020. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item P20-116: Subdivision Plat at 306 & 404 Hidden Hollow Drive was heard next. Brendan Conboy made staff comment. Brendan Schulte 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 P20-116, a motion was made by Hailey Morton Levinson and seconded by Arne Jorgensen 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; 4) Complies with other relevant standards of these LDRs, and to approve a Subdivision Plat for the Hidden Hollow Second Addition to the Town of Jackson for the property addressed at 306, 404, 410, and 428 Hidden Hollow Drive, and legally described as Lots 16, 17, 18, and 20 of the Hidden Hollow First Addition to the Town of Jackson, subject to the departmental reviews attached to this staff report dated July 30, 2020, and the following two conditions 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.
2. Prior to recording the Subdivision Plat the applicant shall pay Park and School exactions in the amount specified in this report date July 30, 2020.

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. Bill Schrieber and Bill Collins made comment on behalf of the applicant.

<u>Development Plan</u>: Based upon the findings for a Development Plan as presented in the staff report and by the applicant for Item P20-045 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 Phase 2 of the Powderhorn Employee Housing PUD land division at the property addressed as 625, 645, and 675 Powderhorn Lane, subject to the department reviews, this staff report dated July 30, 2020, and the following conditions of approval:

1. The applicant shall record the Housing Mitigation Agreement and all required deed restrictions prior to Certificate of Occupancy of the proposed units and it shall have 46 plant units.

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

Item P20-129: Conditional Use Permit for Snow Making Pump House. A motion was made by Hailey Morton Levinson and seconded by Arne Jorgensen to continue this item to the next council meeting on August 17, 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 Jonathan Schechter to read ordinances in short title. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

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 Arne Jorgensen to approve Ordinance T at second 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 Jim Stanford to approve Ordinance U at second 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 Jim Stanford to approve Ordinance V at second 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.

No action was taken on Ordinance W as it would be potentially replaced by a new ordinance "XX" as discussed earlier tonight.

Ordinance XX: An Ordinance Prohibiting the Sale of Flavored Tobacco Products with Exception.

A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to continue Ordinance XX to the next available Council meeting. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Matters from Mayor and Council.
Residential Parking Permits. Pete Muldoon made comment on the residential parking program and desire to review management and enforcement of the program. The Council held discussion on staff impact, including downtown parking, alternatives for coming into town, and a parking department.

A motion was made by Hailey Morton Levinson and seconded by Arne Jorgensen to direct staff to bring back a workshop item on the residential parking program when time allows. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Planning Commission Membership. Pete Muldoon made comment on the member residency requirements for the planning commission and board of examiners. Tyler Sinclair, Paul Anthony, Lea Colasuonno, and Larry Pardee made staff comment. The Council held discussion on residency requirements and size of the boards.

A motion was made by Pete Muldoon and seconded by Arne Jorgensen to direct staff to bring back an update on the Planning Commission and Board of Examiners residency requirements and other amendments as necessary. Mayor Muldoon called for the vote. The vote showed 4-1 in favor, with Stanford opposed. The motion carried.

Review Police Department Budget and Services. Pete Muldoon made comment on funding for the police department budget, wanting to do a review of the range of services with the town manager, with the leadership change in the police department it could be a good time to implement any changes that might benefit the community with the least possible disturbance to the public servants in that department, and having the town manager determine a process for review. Discussion included staff impact, continually reviewing expenditures, reviewing the same time as next year's budget or in the winter, working on council priorities first, understanding the services, public safety issues across the nation, improve access to services, being proud of our local officers, and not limiting review to one department so shifting budgets could be considered.

A motion was made by Hailey Morton Levinson and seconded by Jonathan Schechter to direct the Town Manager to work with Town Council to determine whether a Council review of the current police department budget and structure should be placed on a future workshop agenda and in context with our set priorities. 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 Center Street Hotel Parking Space use. 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 10:27 p.m. minutes:spb

TOWN OF JACKSON

ATTEST:

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Pete Muldoon, Mayor

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Sandra P. Birdyshaw, Town Clerk

Publish JH News & Guide: August 12, 2020