

TOWN COUNCIL PROCEEDINGS

May 17, 2021

JACKSON, WYOMING

The Jackson Town Council met in regular session in the Town Hall Council Chambers located at 150 East Pearl in Jackson, at 6:00 P.M. This meeting was held in-person and through the Zoom platform. Upon roll call the following were found to be present:

TOWN COUNCIL: *In-person:* None. *via Zoom:* Mayor Hailey Morton Levinson, Arne Jorgensen, Jim Rooks, and Jonathan Schechter. Jessica Sell Chambers joined at 6:02 pm.

STAFF: Larry Pardee, Lea Colasuonno, Tyler Sinclair, Carl Pelletier, Brian Lenz, Floren Poliseo, Johnny Ziem, Michael Palazzolo, and Lynsey Lenamond

Mayor Hailey Morton Levinson led those in attendance in the Pledge of Allegiance and a moment of silence for Spencer Morton. She then read a proclamation for National Service Recognition Day and provided a brief update on current COVID levels.

Public Comment. Samuel Schwartz representing Avant Delivery requested a Franchise Agreement.

Consent Calendar. A motion was made by Jim Rooks and seconded by Jonathan Schechter to approve the consent calendar including items A-I 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 3, 2021 regular meeting, the May 7, 2021 special meeting and the May 10, 2021 special workshop.
- B. **Disbursements.** 842-NCPERS GROUP WYOMING \$192.00; ACE EQUIPMENT & SUPPLY \$4,087.58; ACE HARDWARE \$1,740.28; ADVANCED GLASS TRIM, LLC \$300.00; AFLAC \$2,584.63; ALPHAGRAPHS \$1,352.26; AMERICAN PUMP COMPANY \$112.00; APEX SAGE INC \$8,270.00; AT&T \$1,241.17; BEST BEST & KRIEGER \$859.00; BESTDRIVE IDAHO FALLS \$6,662.08; BLUE SPRUCE CLEANERS, INC \$481.94; BMV LLC \$169.13; BRIGGS, ERIC L \$514.95; CASELLE INC. \$1,744.00; CAST \$315.00; CENTURY EQUIPMENT \$267.83; CENTURLINK \$740.90; CERTIFIED LABORATORIES \$399.10; CITY OF DRIGGS \$1,967.19; COLTRIN MOTUARY \$159.00; CONTROL SYSTEM TECHNOLOGY, INC. \$14,227.50; CREATIVE ENERGIES, LLC \$18.40; CROWN TROPHY \$38.90; CULTIVATE \$1,250.00; DEAN'S PEST CONTROL LLC \$150.00; DELCON INC \$5,785.68; DELTA DENTAL PLAN OF WYOMING \$8,152.07; DIVISION OF VICTIM SERVICES \$150.00; E.R. OFFICE EXPRESS \$378.00; ENERGY LABORATORIES INC. \$257.00; ENVIRONMENTAL RESOURCE ASSOC. \$843.31; FERGUSON ENTERPRISES, INC \$93.71; FIGJAM ENTERPRISES, LLC \$1,177.00; FIRE SERVICES OF IDAHO \$2,613.52; FREEDOM MAILING SERVICE INC. \$1,797.88; FURBER, WINSLOW \$155.00; GEITTMANN LARSON SWIFT LLP \$750.00; GILLIG LLC \$1,072.00; GRAFIX SHOPPE INC. \$116.17; GRAINGER \$124.68; HACH CHEMICAL CO. \$2,866.53; HD FOWLER COMPANY \$2,597.58; HIGH COUNTRY LINEN \$961.60; HIRST APPLGATE, LLP \$2,169.40; IDAHO FALLS PETERBILT \$989.88; IDAHO STATE TAX COMMISSION \$3,296.00; INTERSTATE BATTERY \$260.90; JACKSON CURBSIDE INC. \$2,120.30; JACKSON HOLE NEWS & GUIDE \$6,229.52; JACKSON HOLE SECURITY, LLC \$607.86; JACKSON PAINT AND GLASS, INC. \$4.34; JERRY SEINER CHEVROLET, INC. \$105.63; JH BUILDERS INC. \$2,000.00; JORGENSEN ASSOCIATES, PC \$3,813.75; KELLERSTRASS ENTERPRISES, INC \$25,567.50; KILMER'S BG DISTRIBUTING \$1,725.00; LEONARD PETROLEUM EQUIPMENT \$1,381.26; LINCOLN NATIONAL LIFE \$6,757.67; LONG, REIMER & WINEGAR \$40,000.00; LOWER VALLEY ENERGY INC \$37,510.60; MARQUINA, FRANCISCA \$100.00; MCMULLEN, MATT \$682.46; METROQUIP INC \$74.59; MIKE'S OILFIELD SERVICES INC \$4,244.00; MILLER CORDIAL \$500.00; NAPA AUTO PARTS INC. \$1,327.37; NELSON ENGINEERING \$7,965.25; OTAK, INC. \$3,010.00; POWER ENGINEERING CO, INC \$932.94; PREMIER TRUCK-SALT LAKE CITY \$544.80; PREMIER VEHICLE INSTALLATION, INC \$451.41; QUICK BROWN FOX LLC \$385.00; RANCH INN \$280.00; ROTARY CLUB OF JACKSON HOLE \$600.00; RZEKA LLC \$5,000.00; SILVER CREEK SUPPLY \$181.70; SILVERSTAR \$3,360.90; SMITH POWER PRODUCTS, INC. \$195.24; SNAKE RIVER ROASTING \$372.35; ST JOHN'S HOSPITAL \$315.00; STANARD & ASSOCIATES, INC \$245.00; SUNRISE ENVIRONMENTAL \$195.87; TETON COUNTY ALTERNATIVE TO INCARCERATIO \$21,398.60; TETON COUNTY CLERK \$148,020.08; TETON COUNTY INTEGRATED SOLID WASTE/RECY \$21,238.69; TETON COUNTY SHERIFF'S-JAIL \$1,008.00; TETON COUNTY-FUND 10 \$12,714.03; TETON COUNTY-FUND 13 \$107,600.21; TETON TRASH REMOVAL, INC. \$47.00; THE TIRE RACK, INC. \$573.84; THOMSON WEST \$893.85; THYSSEN KRUPP ELEVATOR CORP. \$222.50; TMSC LLC \$16,855.00; TRAFFIC SAFETY STORE \$727.03; VINCI LAW OFFICE LLC \$252.13; WATKINS, MARK \$70.85; WEBER, MICHELLE \$592.40; WESTERN CHARTERS AND TOURS, LLC \$147,350.00; WESTERN STATE \$79.25; WESTWOOD CURTIS \$186,257.61; WHITE GLOVE CLEANING, INC. \$7,385.76; WY CHILD SUPPORT ENFORCEMENT \$146.76; WY WORKERS' SAFETY & COMP \$7,039.92; WYOMING DEPARTMENT OF EMPLOYM \$49,660.77; WYOMING DEPARTMENT OF HEALTH \$168.00; WYOMING LANDSCAPE MAINTENANCE \$1,753.50; WYOMING LAW ENFORCEMENT \$70.00; WYOMING RETIREMENT SYSTEM \$105,473.66; WY-TEST \$320.00; XEROX CORPORATION \$342.82; YELLOW IRON EXCAVATION, LLC \$295.00
- C. **Municipal Court Report for April**
- D. **Special Event: Center for the Arts Annual Benefit.** To approve the special event application made by the Center for the Arts for the Center for the Arts Annual Benefit, subject to the conditions and restrictions listed in the staff report.
- E. **Temp Sign Permit: Annual Gem & Mineral Show.** To approve the temporary banner in conjunction with the Annual Gem & Mineral Show subject to three 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, and 3) the sign is approved for the following location: 105 Buffalo Way, Albertsons during June 13-June 20, 2021.

- F. **Wyoming Water and Wastewater Mutual Aid and Assistance Agreement.** To approve the Wyoming Water and Wastewater Mutual Aid and Assistance Agreement and further authorize the Mayor to sign the approved Agreement.
- G. **Bid 21-02 Award of Purchase for Pickup Truck for Water Division.** To approve the procurement of Bid #21-02 for the purchase of a new $\frac{3}{4}$ service truck for the Water Division within Public Works and award the bid to Teton Motors of Jackson, Wyoming, in the amount of \$46,778.00.
- H. **Bid 21-03 Award of Contract for Well 9 Exploration.** To approve award of the contract for the Town of Jackson Well 9 Exploration to Cahoy Pump Service of Cheyenne, Wyoming in the amount of \$233,123.00, and amend the FY21 budget by allocating an additional \$207,000.00 from the Water Enterprise Fund balance to this project, and authorize the Mayor to execute all necessary agreements.
- I. **Malt Beverage Permit Application Jackson Hole Rodeo.** To approve the issuance of a malt beverage permit to the Jackson Hole Rodeo for the dates requested during the summer 2021 rodeo season, including the Shriner's Rodeo dates, from 6:00 pm to 10:15 pm, subject to the conditions and restrictions listed in the staff report.

The vote showed 5-0 in favor and the motion carried.

Public Hearing for Proposed Annexations of One Parcel and Portions of Three Roadways.

Lynsey Lenamond, Floren Poliseo and Lea Colasuonno made staff comment. Council held discussion with staff. The Mayor opened public comment. No public comment was given. A motion was made by Arne Jorgensen and seconded by Jessica Sell Chambers to continue the public hearing to the June 7 regular Town Council meeting at 6pm. A vote showed 5-0 in favor and the motion carried.

Item B19-0393 Construction Management Plan at 135 N. Cache for Hotel Jackson. Arne Jorgensen recused himself. Floren Poliseo and Brian Lenz made staff comment. Nate Rectanus, Tom Mangelsen, Shaun Seligman, Dan Harrison, Tiffany Talbot, Kurt Harland, Ed Bruno, David Brookover, Annette Seligman and Sadek Darwiche made public comment. Council held discussion with staff. A motion was made by Jonathan Schechter and seconded by Mayor Hailey Morton Levinson to direct staff to approve the CMP for Hotel Jackson Phase 2 as presented, subject to the attached conditions of approval, and subject to any future modification as may be required by the Town. The vote showed 4-0 in favor and the motion carried.

Council recessed at 7:41 pm and readjoined at 7:46 pm.

Resolution 21-18: A Resolution Banning Commercial Air Tours in GTNP.

Lynsey Lenamond and Lea Colasuonno made staff comment. A motion was made by Arne Jorgensen and seconded by Jim Rooks to approve Resolution 21-18 Banning Commercial Air Tours in GTNP and editing the title of the Resolution to reflect commercial air tours.

RESOLUTION 21-18

A Resolution Banning Commercial Air Tours in Grand Teton National Park

WHEREAS, Wind River Air, LLC scenic helicopter tours represents a commercial use that is incompatible with Grand Teton National Park and other surrounding public lands; and

WHEREAS, the mission of Grand Teton National Park (GTNP) is to preserve unimpaired the natural and cultural resources and values of the National Park System and specifically the resources and values within the boundary of Grand Teton National Park for the enjoyment, education and inspiration of this and future generations; and

WHEREAS, GTNP is the only national park in the country that has an airport, the Jackson Hole Airport (JHA), within its boundary; and

WHEREAS, the JHA operates under Federal Aviation Administration (FAA) rules and regulations regarding authorized operations and aeronautical activities; and

WHEREAS, those activities include aircraft arrivals and departures necessary for the transportation of people and cargo; and

WHEREAS, those activities also include daily flight operations that are for scenic purposes only and not for passenger transport; and

WHEREAS, multiple daily scenic tours originate from airports outside but on the borders of GTNP and Yellowstone National Park; and

WHEREAS, these flight operations from surrounding airports purport to be for transport but whose documented flight paths clearly indicate are for scenic purposes; and

WHEREAS, the JHA cannot further restrict flight paths because of the federal preemption provided by the Aviation Noise and Capacity Act of 1990; and

WHEREAS, GTNP offers guidance that aircraft should stay 2,000 feet or more above the landscape but that this is only guidance and not a legally enforceable restriction; and

WHEREAS, scenic helicopter tours have created well-documented negative impacts over GTNP and adjacent public lands that include noise, wildlife disturbances, scenic intrusions

in viewsheds, potential safety hazards, interference with Teton County Search and Rescue operations and diminished experiences for visitors of the park; and
WHEREAS, Congressional legislation directing the FAA to craft rules and guidance restricting flights for scenic purposes from operating out of Jackson Hole Airport is the most effective method to protect the mission and values of GTNP; and
NOW, THEREFORE, having duly met at a regular meeting and considered the matter, the Town Council of the Town of Jackson, does hereby support a permanent ban of commercial helicopter tours over Grand Teton National Park and adjacent public lands in Teton County, Wyoming, and the Town of Jackson, and seeks Congressional relief through legislation.

PASSED AND APPROVED this 17th day of May 2021.

Mayor Hailey Morton Levinson called for the vote. The vote showed 5-0 in favor and the motion carried.

Resolution 21-19: A Resolution Accepting FAA Grant Addendum Under Coronavirus Response & Relief Act. Lynsey Lenamond made staff comment. A motion was made by Jonathan Schechter and seconded by Jessica Sell Chambers to approve Resolution 21-19 as presented.

RESOLUTION 21-19

A Resolution Accepting FAA Grant Addendum Under Coronavirus Response and Relief Act ACRGP Addendum No. 3-56-0014-066-2021

WHEREAS, the Jackson Hole Airport Board (the “Board”) was organized as an airport board on January 17, 1968 pursuant to Wyoming Statute §10-5-202; is deemed a joint power board pursuant to Wyoming Statute §16-1-105; and is the owner and operator of a public use airport known as the Jackson Hole Airport (“Airport”); and

WHEREAS, the Federal Aviation Administration (“FAA”) has tendered an Addendum to Grant Agreement No. 3-56-0014-065-2021, in the form annexed hereto as Exhibit A (the “Addendum”), to provide relief from rent and minimum annual guarantee (“MAG”) obligations to airport concessions at the Airport, in accordance with the Coronavirus Response and Relief Act (the “Act”), Public Law 116-260, Division M, in the additional amount of Ninety-Five Thousand One Hundred Three Dollars (\$95,103); and

WHEREAS, the FAA requires resolutions of approval from all airport sponsors, including the Town of Jackson, in order for the Airport to receive such a grant.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Jackson, Wyoming that it hereby provides approval for the Board to accept ACRGP Addendum No. 3-56-0014-066-2021 from FAA in the amount of \$95,103, to provide relief from rent and minimum annual guarantee (“MAG”) obligations to airport concessions at the Airport. This Resolution shall become effective upon adoption.

PASSED AND APPROVED this 17th day of May 2021.

Mayor Hailey Morton Levinson called for the vote. The vote showed 5-0 in favor and the motion carried.

Matters from Mayor and Council. Council discussed bike lanes and TC Public Health’s efforts to initiate mobile vaccines. A motion was made by Arne Jorgensen and seconded by Jonathan Schechter to direct staff to add Avant Delivery’s request for a franchise agreement to an upcoming agenda for consideration. Lea Colasuonno made staff comment. Sam Schwartz made public comment. The vote showed 5-0 in favor and the motion carried. Council discussed the Rancher corridor project in relation to May Park. Larry Pardee made staff comment. Council discussed in-person meetings, the mask mandate, and mask usage. Lea Colasuonna made staff comment. Council discussed coordination between local fire response agencies.

Town Manager’s Report. A motion was made by Jonathan Schechter and seconded by Jim Rooks to accept the Town Manager’s Report into the record. The Town Manager’s Report contained information on the Willow and Broadway Cache Tube Replacement Project, Long-term Legislative Strategy, the Community Development Department name, the Town’s Employee Housing Program shared with Driggs, ID, and mask requirements in Town facilities open to the public. Mayor Morton Levinson called for the vote. The vote showed 5-0 in favor and the motion carried.

Adjourn. A motion was made by Jonathan Schechter and seconded by Jim Rooks to adjourn the meeting. Mayor Morton Levinson called for the vote. The vote showed 5-0 in favor and the motion carried. The meeting adjourned at 8:32 p.m.

TOWN OF JACKSON

ATTEST:

Hailey Morton Levinson, Mayor

Lynsey Lenamond, Town Clerk
minutes:ll
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