

TOWN COUNCIL PROCEEDINGS

MAY 20, 2019

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:

MAYOR: Pete Muldoon - absent
COUNCIL: Vice Mayor Hailey Morton Levinson, Jim Stanford, Arne Jorgensen, and Jonathan Schechter.
STAFF: Larry Pardee, Roxanne Robinson, Lea Colasuonno, Todd Smith, Roger Schultz, Tyler Sinclair, Paul Anthony, Floren Poliseo, Tyler Valentine, Kelly Thompson, Johnny Ziem, Brendan Conboy, Brian Lenz, Darren Brugmann, and Carl Pelletier.

Vice Mayor Morton Levinson introduced new Town employee Woodrow Gwaltney as a Senior Collection System Operator.

Public Comment. None.

Consent Calendar. A motion was made by Arne Jorgensen and seconded by Jim Stanford to approve the consent calendar including items A-H as presented with the following motions.

- A. **Meeting Minutes.** To approve the meeting minutes as presented for the April 15 special workshop, May 6, 2019 regular meeting, May 7, 2019 special workshop, May 10, 2019 special meeting, and May 13, 2019 special workshop.
- B. **Disbursements.** To approve the disbursements as presented. Ace Equipment & Supply \$207.00; Ace Hardware \$190.27; Advanced Glass Trim \$350.00; Advanced Pump & Equipment \$7761.09; Airgas Intermountain \$130.44; Benjamin Jones \$740.00; Big R Ranch & Home \$30.45; Blue Spruce Cleaners \$236.55; Boreal Property Mgmt \$560.00; Carquest Auto Parts \$20.96; Clerk of District Court \$110.00; CNA Surety \$609.50; Coban Technologies \$2126.25; Commercial Tire-ID Falls \$2254.72; Control System Technologies \$11492.00; Core & Main LP \$10372.64; Cummins Rocky Mtn \$253.29; David Stubbs \$1000.00; Delta Dental Plan of Wyo \$7674.13; ER Office Express \$616.06; Energy Conservation \$35000.00; Ferguson Enterprises \$269.00; Fleetpride \$1573.60; Fortress Home Improvement \$675.00; Freedom Mailing Service \$1824.52; Galls Inc \$273.00; Gillig LLC \$9964.63; Hach Chemical \$1518.37; HD Fowler Co \$10598.19; High Country Linen \$1266.52; Idaho Falls Peterbilt \$3712.27; Idexx Distribution \$318.64; Interstate Battery \$336.80; Jackson Animal Hospital \$333.26; JH Chamber \$25.00; JH News & Guide \$3341.61; JH Security \$1158.72; Jackson Lumber \$13.32; Jelly Donut \$770.00; JH Appliance \$190.00; Josue David Angon Cruz \$740.00; Kathy Harrington Domestic Cleaning \$370.00; Kellerstrass Enterprises \$25914.68; Kyle Sagara \$740.00; William Laing \$600.00; LDA Inc \$59.61; Local Gov't Liability Pool \$1000.00; Lower Valley Energy \$16882.32; Elijah Mattson \$550.00; MSC Industrial Supply \$262.66; NAPA Auto Parts \$159.02; Nelson Engineering \$1201.60; Neofunds \$1000.00; OPS Strategies \$810.00; Tracey Trefren \$179.79; Carl Pelletier \$607.46; Gerald Piatt \$1278.58; Razorback Excavation \$20197.50; Rendezvous Engineering \$1125.30; Respond First Aid Systems \$171.70; Rush Truck Center/Idaho \$495.70; Schow's Truck Center \$587.44; Sr Center of JH \$21750.00; Silver Creek Supply \$168.53; Smith Power Products \$10846.83; Phillip Smith \$268.95; Snake River Roasting \$145.35; Spring Creek Animal Hospital \$200.02; Stinky Prints \$35.64; Sunrise Environmental \$161.78; Tet Co Inmate fund \$288.00; Tet Co Clerk \$155526.75; Tet Co Fair Board \$200.00; Tet Co Sheriff-Dispatch \$16761.40; Tet Co Special Fire \$209464.53; Tet Co Fund 10 \$7643.15; Tet Co Fund 19 \$139192.65; Teton Motors \$2181.78; Teton Tools LLC \$1034.41; Teton Trash Removal \$42.50; Teton Valley News \$157.56; John Tighe \$30.50; Trefonas Law PC \$61.20; Tracey Trefren \$403.36; Upper Case Printing Ink \$155.70; VISA \$16425.24; Warner Truck Center \$4780.04; Water Werks Inc \$3755.11; Westbank Sanitation \$778.10; Western States \$1875.37; Porter Day Williams \$1620.00; Wyo Child Support Enforcement \$892.26; Wyo Retirement System \$97432.39; Yellow Iron Excavation \$376.00.
- C. **Temporary Sign Permit: Safe Genevieve (P19-122).** To approve the temporary banners in conjunction with Save Genevieve Summer Concerts subject to three (3) conditions of approval.
- D. **Temporary Sign Permit: Tin Cup Challenge (P19-123).** To approve the temporary banner in conjunction with Tin Cup Challenge subject to three (3) conditions of approval.
- E. **Bid 20-01: Award of 2019 Chip Seal Project.** To approve the construction contract for the 2019 Chip Seal Improvement Project with Evans Construction Company of Jackson, WY in the amount of \$116,640.00 and upon legal approval, authorize the Mayor, or Vice Mayor, to execute the necessary contract documents.

- F. **Rodeo Slack on July 20, 2019 during Teton County Fair.** To approve the request from Teton County and the Teton County Fair to eliminate slack on July 20, 2019 to accommodate the English Horse Show occurring during the Teton County Fair.
- G. **AT&T Lease Agreement at 160 S Millward Street (Parking Garage).** To approve the Lease Agreement attached hereto, subject to minor changes and finalization of the Lease Agreement exhibits.
- H. **Encroachment Agreement for Center Street Shoring at 112 Center Street and 165 East Deloney (P19-089, -090).** *This item was moved from the discussion section of the agenda to the consent calendar.* Paul Anthony made staff comment. To approve the attached Encroachment Agreement between the Town of Jackson and property owner, CCC's Center Street LLC, to allow shoring nails and related temporary construction to encroach into the Town right-of-way on Center Street and East Deloney Avenue, subject to one condition of approval: That the amount of the Removal Payment in Section 2 shall be modified, if necessary, to an amount agreeable to both the Town Engineer and the applicant.

Mary Beth Hansen with the Teton County Fair Board and Phil Wilson with Jackson Hole Rodeo made public comment on the Consent Calendar regarding the July 20, 2019 Rodeo Slack during Teton County Fair.

Vice Mayor Morton Levinson called for the vote. The vote showed all in favor and the motion carried.

Special Event: Free Movie Nights in the Town Parks. Ashley Potzernitz from Teton County Parks and Recreation made comment.

A motion was made by Jim Stanford and seconded by Arne Jorgensen to approve the special event Free Movie Nights in the Town Parks subject to the conditions and restrictions listed in the staff report. Vice Mayor Morton Levinson called for the vote. The vote showed all in favor and the motion carried.

Minor Deviation to Deed Restriction for Sagebrush Apartments HUD Rider (P19-065). Jim Stanford made comment. A motion was made by Arne Jorgensen and seconded by Jonathan Schechter to approve the applicant's request (P19-065) to accept the submitted HUD Rider to the Special Restriction for Workforce Rental Housing, as reviewed and approved by the Town Attorney and Housing Director. Vice Mayor Morton Levinson called for the vote. The vote showed Morton Levinson, Jorgensen, and Schechter in favor with Stanford opposed. The motion carried 3-1.

Minor Deviation to Floodway Parcel Transfer for Sagebrush Apartments (P19-102).

A motion was made by Arne Jorgensen and seconded by Jonathan Schechter to approve the submitted Indemnity Agreement between the Town of Jackson and Sagebrush Investors (P19-102) related to the Town's future acceptance of ownership of the .23-acre Flat Creek floodway parcel to be transferred from the existing Sagebrush Apartment property to the Town, as reviewed and approved by the Town Attorney. Vice Mayor Morton Levinson called for the vote. The vote showed Morton Levinson, Jorgensen, and Schechter in favor with Stanford opposed. The motion carried 3-1.

Item P19-039: Development Plan for 170 Redmond Street. Brendan Conboy and Tyler Sinclair made staff comment.

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 P19-039, a motion was made by Jonathan Schechter 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 an attached single family development (duplex) at 170 Redmond Street, subject to the department reviews attached hereto and the following two conditions of approval:

1. The applicant shall remove the existing detached single family home from the property prior to recording a plat with the County Clerk.
2. The applicant shall repair and reclaim the sidewalk frontage to match the existing sidewalk frontage where the existing curb cut is located as a result of relocating the two proposed curb cuts for the new development.

Vice Mayor Morton Levinson called for the vote. The vote showed all in favor and the motion carried.

Item 19-041: Conditional Use Permit for AT&T at 160 S Millward Street. Brendan Conboy, Lea Colasuonno, and Larry Pardee made staff comment.

Based upon the findings as presented in the staff report and as made by the applicant for Item P19-041, a motion was made by Jonathan Schechter and seconded by Arne Jorgensen 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 wireless communications facility to collocate within an existing stealth structure on the roof of the Town Parking Garage and associated equipment as described in the lease executed with the Town located at 160 South Millward Street, subject to the department reviews attached. Vice Mayor Morton Levinson called for the vote. The vote showed all in favor and the motion carried.

Item 19-047: Conditional Use Permit at 660 West Broadway Avenue. Tyler Valentine and Larry Pardee made staff comment. Robert Infanger of Y2 Consultants and John Huffman made comment as the applicant.

Based upon the findings for a Conditional Use Permit as presented in the staff report and by the applicant 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 Item P19-047, a motion was made by Jim Stanford and seconded by Arne Jorgensen to make findings 1-8 as set forth in Section 8.4.2.C (Conditional Use Permit) of the Land Development Regulations to approve a Heavy Retail/Service use (car wash) located at 660 W. Broadway Avenue (Lot 2), subject to the department reviews attached hereto and the following conditions of approval as amended (numbers 5-8 and 13 were removed and number 15 added):

1. Prior to issuance of a Building Permit, the applicant shall pay the affordable housing fee in the amount of \$8,422.40.
2. At the time of Building Permit submittal that applicant shall provide a cost breakdown for the proposed landscaping. In addition, prior to issuance of a Building Permit a bond for 125% of the cost of landscaping shall be provided.
3. At the time of Building Permit submittal the applicant shall provide a cost breakdown for the 18 willows for purposes of bonding. Additionally the applicant shall provide the final off-site location for the 2:1 mitigation.
4. At the time of Building Permit submittal the applicant shall demonstrate compliance with the second condition of approval in the EA related to fencing.
9. At the time of Building Permit submittal the applicant shall provide a lighting plan for the site that complies with the Town's lighting standards.
10. At the time of Building Permit submittal the applicant shall provide a preliminary signage plan to be reviewed with the Building Permit which includes directional signage.
11. The applicant shall work with the Town on providing a decorative wall material for the 6' retaining wall along the southern property line.
12. The shared access shall not be used as a queuing lane for the car wash.
14. All exterior and interior lighting shall be reduced/dimmed or completely shut-off at night due to the EA and close proximity to Karns Meadow.
15. Prior to the building permit submittal the applicant shall work with staff and Wyoming Game and Fish Department to ensure that the fence or guardrail details, as well as, the location of landscaping is implemented to facilitate wildlife movement through this site.

Vice Mayor Morton Levinson 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 Arne Jorgensen to read ordinances by short title. Vice Mayor Morton Levinson called for the vote. The vote showed 3-0 in favor with Stanford absent. The motion carried.

**Ordinance U: An Ordinance Amending and Reenacting Section 15.04.020
of the Town of Jackson Municipal Code related to the Adoption of
2018 International Building Code with certain Amendments**

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE Nos 1141 AND 1020, SECTION 2 OF TOWN OF JACKSON ORDINANCE NO. 854, SECTION 4 OF TOWN OF JACKSON ORDINANCE NO. 760, SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 601, 493, 483, 450, 430, 406 AND 320, SECTION 2 OF TOWN OF JACKSON ORDINANCE NO. 271 AND

SECTION 15.04.020 OF THE MUNICIPAL CODE OF THE TOWN OF JACKSON REGARDING THE ADOPTION OF THE INTERNATIONAL BUILDING CODE, 2018 EDITION, WITH CERTAIN AMENDMENTS INCLUDED; 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 Arne Jorgensen and seconded by Jim Stanford to approve Ordinance U on third reading and designate it Ordinance 1229. Vice Mayor Morton Levinson called for the vote. The vote showed all in favor and the motion carried.

**Ordinance V: An Ordinance Amending and Reenacting Section 15.17.010
of the Town of Jackson Municipal Code related to the Adoption of
2018 International Residential Code with certain Amendments**

ORDINANCE NOS. 1147 AND 1024, SECTION 2 OF TOWN OF JACKSON ORDINANCE NO. 856, SECTION 3 OF TOWN OF JACKSON ORDINANCE NO. 764 AND SECTION 15.17.010 OF THE MUNICIPAL CODE OF THE TOWN OF JACKSON REGARDING THE ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION, WITH CERTAIN AMENDMENTS INCLUDED; 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 Jim Stanford and seconded by Arne Jorgensen to approve Ordinance V on third reading and designate it Ordinance 1230. Vice Mayor Morton Levinson called for the vote. The vote showed all in favor and the motion carried.

**Ordinance W: An Ordinance Amending and Reenacting Section 15.27.010
of the Town of Jackson Municipal Code related to the Adoption of
2018 International Fuel Gas Code with certain Amendments**

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NO. 1024, SECTION 2 OF TOWN OF JACKSON ORDINANCE NOS. 1144 AND 858, SECTION 1 OF TOWN OF JACKSON ORDINANCE NO. 766 AND SECTION 15.27.010 OF THE MUNICIPAL CODE OF THE TOWN OF JACKSON REGARDING THE ADOPTION OF THE INTERNATIONAL FUEL GAS CODE, 2018 EDITION, WITH CERTAIN AMENDMENTS INCLUDED; 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 Jim Stanford and seconded by Arne Jorgensen to approve Ordinance W on third reading and designate it Ordinance 1231. Vice Mayor Morton Levinson called for the vote. The vote showed all in favor and the motion carried.

**Ordinance X: An Ordinance Amending and Reenacting Section 15.12.010
of the Town of Jackson Municipal Code related to the Adoption of
2018 International Mechanical Code with certain Amendments**

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1145 AND 1023; SECTION 2 OF TOWN OF JACKSON ORDINANCE NO. 855, SECTION 3 OF TOWN OF JACKSON ORDINANCE NO. 762, SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 603, 494, 447, 412 AND 322, SECTION 2 OF TOWN OF JACKSON ORDINANCE NO. 273 AND SECTION 15.12.010 OF THE MUNICIPAL CODE OF THE TOWN OF JACKSON REGARDING THE ADOPTION OF THE INTERNATIONAL MECHANICAL CODE, 2018 EDITION, WITH CERTAIN AMENDMENTS INCLUDED; 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 Arne Jorgensen and seconded by Jim Stanford to approve Ordinance X on third reading and designate it Ordinance 1232. Vice Mayor Morton Levinson called for the vote. The vote showed all in favor and the motion carried.

**Ordinance Y: An Ordinance Amending and Reenacting Section 15.24.010
of the Town of Jackson Municipal Code related to the Adoption of
2018 International Plumbing Code with certain Amendments**

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1146 AND 1025, SECTION 2 OF TOWN OF JACKSON ORDINANCE NO. 857, SECTION 3 OF

TOWN OF JACKSON ORDINANCE NO. 765, SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 602, 495, 448, 407, 323, 274 AND 64, AND SECTION 15.24.010 OF THE MUNICIPAL CODE OF THE TOWN OF JACKSON REGARDING THE ADOPTION OF THE INTERNATIONAL PLUMBING CODE, 2018 EDITION, WITH CERTAIN AMENDMENTS INCLUDED; 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 Jim Stanford and seconded by Arne Jorgensen to approve Ordinance Y on third reading and designate it Ordinance 1233. Vice Mayor Morton Levinson called for the vote. The vote showed all in favor and the motion carried.

**Ordinance Z: An Ordinance Amending Section 15.080.10
of the Jackson Municipal Code regarding the Adoption of the 2018 International
Fire Code and International Wildland-Urban Interface Code
with Certain Amendments and Appendices**

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 1143, 1022 AND 885, SECTION 3 OF TOWN OF JACKSON ORDINANCE NO. 761, SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 591, 497, 446, 408, 372 AND 321, C-1, SECTION 2 OF TOWN OF JACKSON ORDINANCE NOS. 277 AND 272, AND SECTION 15.08.010 OF THE MUNICIPAL CODE OF THE TOWN OF JACKSON REGARDING THE ADOPTION OF THE INTERNATIONAL FIRE CODE, 2018 EDITION, AND THE INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, 2018 EDITION, WITH CERTAIN AMENDMENTS AND APPENDICES INCLUDED; 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 Jonathan Schechter and seconded by Arne Jorgensen to approve Ordinance Z on third reading and designate it Ordinance 1234. Vice Mayor Morton Levinson called for the vote. The vote showed all in favor and the motion carried.

**Ordinance A: An Ordinance Amending the Zoning District Map at
460 East Broadway to Public/Semi-Public (P/SP)**

AN ORDINANCE AMENDING AND REENACTING SECTION 2 OF TOWN OF JACKSON ORDINANCE NO. 1074 (PART) AND AMENDING THE TOWN OF JACKSON OFFICIAL ZONING DISTRICT MAP TO CHANGE THE CURRENT ZONING DESIGNATION OF 1.67 ACRES OF LAND ADDRESSED AS 460 EAST BROADWAY AVENUE AND CURRENTLY ZONED NEIGHBORHOOD MEDIUM DENSITY-2 (NM-2) TO PUBLIC/SEMI-PUBLIC (P/SP) (P18-338); AND ESTABLISHING 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 Jonathan Schechter and seconded by Arne Jorgensen to approve Ordinance A on second reading. The Council held discussion on changing the zoning of a parcel before an application is submitted to the Planning Department for the Town's process. Tyler Sinclair made staff comment. The motion on the floor was withdrawn by Jonathan Schechter.

A motion was made by Jim Stanford and seconded by Arne Jorgensen to continue second reading of Ordinance A to the June 17, 2019 Town Council Meeting. Vice Mayor Morton Levinson called for the vote. The vote showed all in favor and the motion carried.

**Ordinance B: An Ordinance Amending the Zoning District Map at
660 East Broadway to Public/Semi-Public (P/SP)**

AN ORDINANCE AMENDING AND REENACTING SECTION 2 OF TOWN OF JACKSON ORDINANCE NO. 1074 (PART) AND AMENDING THE TOWN OF JACKSON OFFICIAL ZONING DISTRICT MAP TO CHANGE THE CURRENT ZONING DESIGNATION OF 0.64 ACRES OF LAND ADDRESSED AS 660 EAST BROADWAY AVENUE AND CURRENTLY ZONED OFFICE RESIDENTIAL (OR) TO PUBLIC/SEMI-PUBLIC (P/SP) (P18-339); AND ESTABLISHING 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 Jim Stanford and seconded by Jonathan Schechter to continue second reading of Ordinance B to the June 17, 2019 Town Council Meeting. Vice Mayor Morton Levinson called for the vote. The vote showed all in favor and the motion carried.

Matters from Mayor and Council. Jonathan Schechter gave update on the Tribal Trails community meeting. Jim Stanford gave update on Travel and Tourism Board.

Town Manager’s Report. A motion was made by Jim Stanford and seconded by Jonathan Schechter to accept the Town Manager’s Report into the record. The Town Manager’s Report contained an update on Sales and Lodging Tax. Vice Mayor Morton Levinson 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 Arne Jorgensen to adjourn the meeting. Vice Mayor Morton Levinson called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 8:09 p.m. minutes:crp

TOWN OF JACKSON

ATTEST:

Hailey Morton Levinson, Vice-Mayor

Sandra P. Birdyshaw, Town Clerk

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