

TOWN COUNCIL PROCEEDINGS

May 3, 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, Jessica Sell Chambers, Jim Rooks, and Jonathan Schechter.

STAFF: Larry Pardee, Lea Colasuonno, Tyler Sinclair, Roxanne Robinson, Carl Pelletier, Floren Poliseo, Brian Lenz, April Norton, Susan Scarlata, Tyler Valentine and Lynsey Lenamond

Mayor Morton Levinson led those in attendance in the Pledge of Allegiance, read a proclamation for Teacher Appreciation Week and introduced new employees Keeley Buhler and Lynsey Lenamond, and provided a brief update on current COVID levels.

Public Comment. Margi Japel and Julien Hass made public comment.

Consent Calendar. A motion was made by Jessica Chambers and seconded by Arne Jorgensen to approve the consent calendar including items A-C 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 April 19, 2021 workshop and regular meeting, and the April 26 special workshop.

B. **Disbursements.** To approve disbursements as presented. 107 WEST DESIGN, LLC \$4,875.00; ACE HARDWARE \$1,193.58; ADVANCED INDUSTRIAL SUPPLY INC \$300.21; ALAN'S WELDING INC. \$6.00; AMERICAN PUMP COMPANY \$282.50; AMERIGAS \$1,263.24; AMSOIL INC \$1,883.47; APEX SAGE INC \$9,598.00; ARCHITECTURAL BUILDING SUPPLY \$2,556.11; AT&T \$86.46; BLUE SPRUCE CLEANERS, INC \$473.25; BMV LLC \$63.10; BRISTOL, JAMES \$590.00; CARQUEST AUTO PARTS INC. \$144.39; CENTURYLINK \$2,130.65; CMI - TECO \$302.02; CNA SURETY \$50.00; COMMUNITY ENTRY SERVICES \$12,500.00; COMMUNITY FOUNDATION OF JACKSON \$290,428.94; CONTROL SYSTEM TECHNOLOGY, INC. \$1,817.50; COPYWORKS, LLC \$139.80; CROWLEY FLECK PLLP \$3,500.00; DEAN'S PEST CONTROL LLC \$200.00; DPC INDUSTRIES, INC. \$2,250.39; E.R. OFFICE EXPRESS \$127.09; ELECTRICAL WHOLE SUPPLY CO INC \$99.60; ELITE PARTS \$118.22; ENERGY CONSERVATION WORKS \$7,000.00; ENERGY LABORATORIES INC. \$812.00; FERGUSON ENTERPRISES, INC \$26.85; FLEETPRIDE \$756.78; FLOWMARK/HIGH TECH COMPANIES \$317.08; FLOYD'S TRUCK CENTER \$933.70; FORTRESS HOME IMPROVEMENTS LLC \$471.00; GILLIG LLC \$8,280.99; GM SHEET METAL LLC \$352.00; GREENWAY PAINTING LLC \$572.26; GREENWOOD MAPPING INC. \$270.00; HD FOWLER COMPANY \$136.54; HIGH COUNTRY LINEN \$1,088.66; ICMA MEMBERSHIP \$1,280.86; INTERSTATE BATTERY \$233.90; JACKSON ANIMAL HOSPITAL \$704.20; JACKSON HOLE CONTRACTING INC \$2,500.00; JACKSON HOLE LAW, PC \$3,002.00; JACKSON HOLE NEWS & GUIDE \$6,490.39; JACKSON HOLE RADIO \$4,032.00; JACKSON HOLE SECURITY, LLC \$1,275.00; JACKSON LUMBER INC \$24.50; JH20 WATER CONDITIONING & FILTRATION \$45.00; JORGENSEN ASSOCIATES, PC \$1,080.00; KELLERSTRASS ENTERPRISES, INC \$26,893.76; KENWORTH SALES COMPANY DEPT #1 -\$2,875.00; LANGUAGE TESTING INTERNATIONAL, INC \$131.50; LAWNGEVITY \$1,078.75; LEIGH, CHRISTOPHER S. \$135.00; LOCAL GOV'T LIABILITY POOL \$1,000.00; LONG BUILDING TECHNOLOGIES INC. \$1,490.00; MACY'S SERVICES \$2,735.50; MANN, ROY \$176.64; METROQUIP INC \$252.78; MILLER SANITATION \$2,646.00; ML BRYAND INTERESTS, LLS \$5,000.00; MORILLON-ARELLANO, SHELLIE \$706.42; MSC INDUSTRIAL SUPPLY CO \$419.53; NAPA AUTO PARTS INC. \$924.79; NELSON ENGINEERING \$12,744.00; ONE CALL OF WYOMING \$70.50; O'RYAN CLEANERS \$186.00; PREMIER TRUCK- SALT LAKE CITY \$5,733.49; RED'S AUTO GLASS, INC. \$360.00; RENDEZVOUS ENGINEERING, P.C. \$8,763.45; RON'S TOWING \$600.00; SALTWORKS LLC \$950.00; SCHREINER, JOE \$976.95; SENECA COMPANIES, INC \$8,808.62; SIGNATURE PROMOTIONAL GROUP LLC \$1,773.00; SILVER CREEK SUPPLY \$84.70; SNAKE RIVER ROASTING \$249.30; SPENCER, SHANNON \$135.00; ST JOHN'S HOSPITAL \$65.00; TETON BOARD OF REALTORS \$4,000.00; TETON COUNTY INTEGRATED SOLID WASTE/RECY \$453.00; TETON COUNTY PLANNING & BUILDING \$11,828.53; TETON COUNTY SCHOOL DISTRICT 1 \$216,860.72; TETON LITERACY CENTER \$11,000.00; TETON MOTORS INC \$150.15; TETON TOOLS LLC \$1,153.60; UPPER CASE PRINTING INK \$382.14; VINCI LAW OFFICE LLC \$252.13; VIRGINIAN VILLAGE CONDO HOA \$1,080.00; VISA \$9,184.12; VISION SERVICE PLAN - (WY) \$1,687.68; WELLER TRUCK PARTS \$875.20; WESTBANK SANITATION \$3,134.16; WESTERN STATE \$1,595.42; WHEELER TANK TESTING, INC. \$1,510.00; WHITE GLOVE CLEANING, INC. \$3,283.63; WY CHILD SUPPORT ENFORCEMENT \$146.76; WYOMING GARAGE DOOR, LLC \$888.00; WYOMING LANDSCAPE MAINTENANCE \$6,485.00; WYOMING WATER DEVELOPMENT COMMISSION \$79,130.00; XEROX CORPORATION \$345.16; XYLEM CCI \$1,075.84; Y2 CONSULTANTS, LLC \$12,672.00

C. **Special Event: People's Market.** To approve the special event application made by Slow Foods in the Tetons for the People's Markets, subject to the conditions and restrictions listed in the staff report.

The vote showed all in favor and the motion carried.

Encroachment Agreement for Ducting at 50 W Deloney. Brian Lenz made staff comment. A motion was made by Jim Rooks and seconded by Arne Jorgensen to approve the encroachment agreement between the Town of Jackson and Big Mountain Enterprises, LLC, subject to the conditions of approval, to allow vertical ducting and protective bollards, for a distance of 12.5 feet,

within the Town's public right-of-way alley that runs north-south from Broadway to Deloney between Cache and Glenwood Streets. Mayor Morton Levinson called for the vote. The vote showed all in favor and the motion carried.

Restaurant Liquor License Application by Alpine Hotel Partners LLC. Lynsey Lenamond made staff comment. Mayor Morton Levinson opened a public hearing in order to hear protest against this application. No public comment was made. Mayor Morton Levinson closed the public hearing. Having considered the Wyo. Stat. §12-4-104(b) statutory factors for this application, a motion was made by Jessica Chambers and seconded by Arne Jorgensen to approve the application for a restaurant liquor license to Alpine Hotel Partners, LLC, subject to the following conditions 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. The Clerk shall not issue the liquor license until all required Town permits and licenses have been obtained.
2. Any additional minor corrections deemed necessary by staff and the Wyoming Liquor Division.
3. Alcohol service shall be limited to hotel guests only, unless a Basic Use Permit (BUP) for a "Restaurant/Bar" use is obtained from the Planning Department.

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

Request for Proposal for Affordable Rental Housing Development at 400 West Snow King. April Norton presented. A motion was made by Arne Jorgensen and seconded by Jonathan Schechter to direct staff to submit an application to plat this property and rezone it to NH-1: Neighborhood High Density. Mayor Morton Levinson called for the vote. The vote showed all in favor and the motion carried. A motion was made by Arne Jorgensen and seconded by Jonathan Schechter to direct staff to release the Request for Proposals for a Multifamily Rental Housing Developer at 400 West Snow King Avenue tomorrow, May 4, 2021. Mayor Morton Levinson called for the vote. The vote showed all in favor and the motion carried.

Item P21-054: Subdivision Plat for Grove Phase 3 at 825 W Snow King Ave. Tyler Valentine presented. Based upon the findings as presented in the staff report and as made by the applicant for Item P21-054, a motion was made by Jonathan Schechter 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, to approve a Final Plat for the Grove Condominiums Phase Three Third Filing Addition to the Town of Jackson for the property addressed at 825 W. Snow King Avenue subject to the departmental reviews attached hereto and the following 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. Park and School Exactions shall be paid at the time of plat recording.

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

Item B19-0393 Construction Management Plan at 135 N Cache for Hotel Jackson was postponed to May 17.

Item P21-020: Northern South Park Sewer Connection Request. Floren Poliseo, Lea Colasuonno and Tyler Sinclair made staff comment. Susan Johnson and Thomas Kirsten made public comment. Council held discussion with staff. A motion was made by Jim Rooks and seconded by Jessica Chambers to 1) approve JHHR's request for water supply services subject to the conditions of approval as presented by staff tonight and 2) direct staff to work with JHHR Holdings I to draft a Water Service Connection and Use Agreement and, upon approval of the Town Attorney and Town Engineer, bring the agreement back to Council for review. Mayor Morton Levinson called for the vote. The vote showed all in favor and the motion carried.

Recess was taken at 7:39 and the meeting resumed at 7:48 pm.

Resolution 21-12: A Resolution Authorizing START to Apply to The Community Foundation of Jackson Hole's Old Bill's Fun Run 2021.

Roxanne Robinson made staff comment. A motion was made by Arne Jorgensen and seconded by Jonathan Schechter to approve Resolution 21-12 as presented.

RESOLUTION 21-12

Authorizing Southern Teton Area Rapid Transit (START) to Submit an Application to The Community Foundation of Jackson Hole's Old Bill's Fun Run 2021

WHEREAS, the Jackson Town Council recognizes the need for public support for START; and

WHEREAS, the Community Foundation of Jackson Hole requires that certain criteria be met in order for START to participate in the Foundation's programs, and to the best of our knowledge, this application meets those criteria.

NOW, THEREFORE, BE IT RESOLVED by the Jackson Town Council, that the Town Council supports a grant application to the Community Foundation for the amount raised by Southern Teton Area Rapid Transit (START) in Old Bill's Fun Run 2021.

BE IT FURTHER RESOLVED that Darren Brugmann and Courtney Schwartz are hereby designated as the authorized representative of the Town of Jackson to act on behalf of the Jackson Town Council on all matters relating to this grant application.

PASSED AND APPROVED this 3rd day of May 2021.

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

Resolution 21-13: A Resolution Authorizing Animal Shelter to Apply to The Community Foundation of Jackson Hole's Old Bill's Fun Run 2021.

A motion was made by Jonathan Schechter and seconded by Jessica Chambers to approve Resolution 21-13 as presented.

RESOLUTION 21-13

Authorizing the Jackson - Teton County Animal Shelter to Submit an Application to The Community Foundation of Jackson Hole's Old Bill's Fun Run 2021

WHEREAS, the Jackson Town Council recognizes the need for public support for the Jackson - Teton County Animal Shelter; and

WHEREAS, the Community Foundation of Jackson Hole requires that certain criteria be met in order for the Jackson - Teton County Animal Shelter to participate in the Foundation's programs, and to the best of our knowledge, this application meets those criteria.

NOW, THEREFORE, BE IT RESOLVED by the Jackson Town Council, that the Town Council supports a grant application to the Community Foundation for the amount raised by the Jackson - Teton County Animal Shelter in Old Bill's Fun Run 2021.

BE IT FURTHER RESOLVED that Tony Matthews, Lisa Ruschill, and Sylvia Polonsky are hereby designated as the authorized representatives of the Town of Jackson to act on behalf of the Jackson Town Council on all matters relating to this grant application.

PASSED AND APPROVED this 3rd day of May 2021.

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

Resolution 21-14: A Resolution Authorizing Victim Services to Apply to The Community Foundation of Jackson Hole's Old Bill's Fun Run 2021

A motion was made by Arne Jorgensen and seconded by Jonathan Schechter to approve Resolution 21-14 as presented.

RESOLUTION 21-14

Authorizing Jackson-Teton County Victim Services to Submit an Application to The Community Foundation of Jackson Hole's Old Bill's Fun Run 2021

WHEREAS, the Jackson Town Council recognizes the need for public support for Jackson-Teton County Victim Services; and

WHEREAS, the Community Foundation of Jackson Hole requires that certain criteria be met in order for Jackson-Teton County Victim Services to participate in the Foundation's programs, and to the best of our knowledge, this application meets those criteria.

NOW, THEREFORE, BE IT RESOLVED by the Jackson Town Council, that the Town Council supports a grant application to the Community Foundation for the amount raised by Jackson-Teton County Victim Services in Old Bill's Fun Run 2021.

BE IT FURTHER RESOLVED that Tracey Trefren is hereby designated as the authorized representative of the Town of Jackson to act on behalf of the Jackson Town Council on all matters relating to this grant application.

PASSED AND APPROVED this 3rd day of May 2021.

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

Resolution 21-15 A Resolution Supporting Net Metering to the Wyoming Association of Municipalities

A motion was made by Jonathan Schechter and seconded by Jessica Chambers to approve Resolution 21-15 as presented.

RESOLUTION 21-15

FOR WAM CONSIDERATION A RESOLUTION REQUESTING WAM SUPPORT FOR MAINTAINENCE OF THE FULL RETAIL VALUE OF NET METERING

WHEREAS, current language in §37-16-101(a)(viii)(B) in Wyoming's Statutes allows net metering for facilities with electrical generating capacities; and

WHEREAS, the guarantee of fair payback for energy generated on-site is essential for encouraging diversification of the state's economy and job growth within it, for providing long-term cost savings, for helping keep electric rates from increasing for all users, and for promoting resiliency; and

WHEREAS, limiting net metering will impact financial investments made by residents and businesses, specifically the investment-backed expectations made by local governments, and individuals and curtail the burgeoning solar industry impacting our local government's ability to meet internal and community goals; and

NOW, THEREFORE, BE IT RESOLVED that the Town of Jackson supports, and urges WAM to support municipalities, other governmental entities, businesses, and citizens to maintain the full retail value of net metering.

APPROVED ON THE 3rd DAY OF MAY, 2021.

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

Resolution 21-16 A Resolution Supporting Options for Revenue Generation to the Wyoming Association of Municipalities

A motion was made by Jessica Chambers and seconded by Jonathan Schechter to approve Resolution 21-16 as presented.

RESOLUTION 21-16

FOR WAM CONSIDERATION A RESOLUTION SUPPORTING EFFORTS TO EXPAND OPTIONS FOR LOCAL GOVERNMENTS TO GENERATE REVENUE

WHEREAS, many municipalities in Wyoming are struggling to address the operating needs of their communities through existing taxing methods; and

WHEREAS, citizens of municipalities are more comfortable if they can be assured that additional tax revenues will be used to fund priorities identified by the community that may include core services such as infrastructure maintenance, or additional initiatives such as childcare, health and human services, conservation, transportation, and housing; and

WHEREAS, citizens of Wyoming value self-sufficiency, so resources specific to one area of the state such as a real estate transfer or an unearned income tax, which are economic drivers in tourist economies, should be able to be levied and utilized to support the government and citizens in that locality; and

WHEREAS, the state's current tax code does not allow for this flexibility, Towns, Counties, and the State of Wyoming have missed collections on real estate sales of over \$1B in the last year; and

WHEREAS, localities levying such taxes would create healthy diversification of revenue streams and could consider changes in percentages or foregoing receipt of direct distributions from the state, thus supporting the state with its fiscal challenges; and

NOW, THEREFORE, BE IT RESOLVED that the Town of Jackson supports, and urges WAM to support, more flexibility for localities to levy taxes that make sense within their jurisdictions, given their specific circumstances, to be utilized for community priorities and potentially offset some of the states' current burden in terms of direct distributions.

APPROVED ON THE 3RD DAY OF MAY, 2021.

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

Resolution 21-17 A Resolution Supporting Home Rule to the Wyoming Association of Municipalities

A motion was made by Jonathan Schechter and seconded by Arne Jorgensen to approve Resolution 21-17 as presented.

RESOLUTION 21-17
FOR WAM CONSIDERATION A RESOLUTION REQUESTING WAM SUPPORT
REINVIGORATION OF HOME RULE
WHEREAS, according to Wyoming’s Constitution, Article 13, Section 1, Wyoming supports home rule for municipalities; and
WHEREAS, local government leaders understand the needs and aspirations of their constituents and communities, and solutions to unique challenges faced in specific places are best reached by the people closest to the issues at-hand; and
WHEREAS, Wyoming believes in self-reliance, autonomy, and freedom and local governments embrace these tenets as well; and
NOW, THEREFORE, BE IT RESOLVED that the Town of Jackson supports, and urges WAM to support, municipalities to maintain home rule on matters within their jurisdictions.
APPROVED ON THE 3rd DAY OF MAY, 2021.

Mayor Hailey Morton Levinson called for the vote. The vote showed Morton Levinson, Schechter, Jorgensen, and Sell Chambers in favor, Rooks opposed, and the motion carried.

Matters from Mayor and Council. Council discussed the Community Tennis Association, the Airport/National Park Scenic Tour Issue, meeting in person, and planning for the rodeo/fair grounds. Roxanne Robinson and Tyler Sinclair made staff comment. A motion was made by Jessica Chambers and seconded by Arne Jorgensen to direct the Town Attorney to continue settlement negotiations in the matter of TasteBuds LLC v. Town of Jackson, No. S-20-0275. The vote showed all in favor and the motion carried. Further discussion was held regarding the Fairgrounds.

Town Manager’s Report. A motion was made by Jim Rooks and seconded by Jessica Chambers to accept the Town Manager’s Report into the record. The Town Manager’s Report contained the Budget Meeting Schedule and information on public records access and requests. Mayor Morton Levinson called for the vote. The vote showed all in favor and the motion carried.

Adjourn. A motion was made by Jonathan Schechter and seconded by Jessica Chambers to adjourn the meeting. Mayor Morton Levinson called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 8:35 p.m. minutes:ll

TOWN OF JACKSON

ATTEST:

Hailey Morton Levinson, Mayor

Lynsey Lenamond, Town Clerk
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