

TOWN COUNCIL PROCEEDINGS

FEBRUARY 27, 2023

JACKSON, WYOMING

The Jackson Town Council met in special 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: Mayor Hailey Morton Levinson, Arne Jorgensen, Jonathan Schechter, Jim Rooks, and Jessica Sell Chambers.

STAFF: Tyler Sinclair, Roxanne Robinson, Lea Colasuonno, Paul Anthony, Tyler Valentine, Floren Poliseo, Johnny Ziem, Brian Lenz, April Norton, Michelle Weber, Lynsey Lenamond, and Riley Taylor.

Public Comment. There was no public comment.

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

- A. **Meeting Minutes.** To approve the meeting minutes from the February 6, 2023 Regular Town Council Meeting and February 8-9, 2023 Special Town Council Meeting/Retreat.
- B. **Disbursements.** To approve disbursements as presented. 440 KELLY PARTNERS LLC \$7,000.00; 842-NCPERS GROUP WYOMING \$96.00; ACE HARDWARE \$1,297.46; AFLAC \$2,980.26; AIRGAS INTERMOUNTAIN INC. \$149.15; ALDER ENVIRONMENTAL LLC \$860.00; ALLEGIANCE BENEFIT PLAN MANAGE, INC. \$162,342.48; ALPHAGRAPHICS \$194.38; ARELLANO, OVIEL \$1,500.00; ASTORIA PARK CONSERVANCY \$477.00; BAKER TILLY US, LLP \$6,885.00; BESTDRIVE IDAHO FALLS \$6,808.16; BIG R RANCH & HOME \$89.99; BISHOP, GRANT \$1,500.00; BLUE SPRUCE CLEANERS, INC \$192.70; BRIGGS, ERIC L \$56.87; BURKHOLDER, SHAWN \$1,850.00; CARQUEST AUTO PARTS INC. \$411.14; CASELLE INC. \$1,867.00; CELLEBRITE USA \$3,850.00; CHAMBERS, JESSICA \$749.52; CONRAD & BISCHOFF INC. \$32,177.93; CONVERGEONE, INC \$11,277.30; COPYWORKS, LLC \$126.00; CORE & MAIN LP \$7,500.00; DEAN'S PEST CONTROL LLC \$250.00; DIVISION OF CHILD SUPPORT ENFORCEMENT \$509.23; DIVISION OF VICTIM SERVICES \$600.00; E.R. OFFICE EXPRESS \$260.83; ENERGY LABORATORIES INC. \$953.00; ENTERSECT \$2.50; ETNA TRADE PARK LLC \$4,062.00; EVANS CONSTRUCTION INC \$10,129.00; EVIDENT \$1,496.56; EXPOSURE SIGNS INC \$2,870.00; FALL RIVER PROPANE \$3,238.06; FIRE SERVICES OF IDAHO \$1,010.00; FLEETPRIDE \$53.26; FLOWPOINT ENVIRONMENTAL SYSTEMS \$1,095.00; FORCE SCIENCE \$1,650.00; GE SOFTWARE \$80.00; GILLIG LLC \$3,138.17; GOSMA \$175.00; GREENWOOD MAPPING INC. \$1,449.00; HIGH COUNTRY LINEN \$255.12; HILLTOP NATIONAL BANK \$98,295.76; IDAHO FALLS PETERBILT \$153.30; IDAHO STATE TAX COMMISSION \$4,228.00; INTERSTATE BATTERY \$906.65; IPRO TECH, LLC \$1,039.50; JACKSON DOWNTOWNER, LLC \$56,384.16; JACKSON HOLE LAW, PC \$3,005.00; JACKSON HOLE NEWS & GUIDE \$5,981.58; JORGENSEN, ARNE OLAUS \$556.64; KENWORTH SALES COMPANY DEPT #1 \$1,297.03; KRAINIK, SEAN \$500.00; LANGUAGE TESTING INTERNATIONAL, INC \$239.50; LENAMOND, LYNSEY \$2,781.50; LENOVO (UNITED STATES) INC. \$253.29; LOCAL GOV'T LIABILITY POOL \$2,000.00; LOWER VALLEY ENERGY INC \$58,944.75; MARKMAN, JASON \$1,900.00; MOBILITY FOREFRONT LLC \$47,102.20; MOUNTAIN STATES LIGHTING \$458.45; NAPA AUTO PARTS INC. \$478.50; NELSON ENGINEERING \$549.25; NTH DEGREEE \$1,795.00; OPS STRATEGIES, LLC \$4,500.00; PALINDROME STUDIO \$625.00; PEAK WATER SERVICES, LLC \$20,125.25; PLATT \$15.37; PREMIER TRUCK- SALT LAKE CITY \$146.18; PREMIER VEHICLE INSTALLATION, INC \$848.28; PROTERRA \$5,460.44; RINK-TEC INTERNATIONAL, INC \$435.06; RON'S TOWING LLC \$750.00; RT1 INC \$25.87; SAFETY-KLEEN SYSTEMS, INC. \$528.05; SCARLATA, SUSAN \$2,033.74; SCHECHTER, JONATHAN \$494.95; SHERWIN-WILLIAMS CO. \$190.28; SILLIMAN, JEFF \$90.00; SNAKE RIVER MEP COMPLETE, INC \$570.00; SNAKE RIVER ROASTING -\$163.35; SPRING CREEK ANIMAL HOSPITAL \$925.98; SPSC POA - SOUTH PARK SERVICES CTR POA \$904.14; STANARD & ASSOCIATES, INC \$59.00; STONE, KIRK \$2,800.00; STOTZ EQUIPMENT \$173.66; SUSTAINABLE STRATEGIES DC, LLC \$7,500.00; SWAGIT PRODUCTIONS, LLC \$1,775.00; SYMBOLARTS, LLC \$143.10; TETON COUNTY CLERK \$219,574.33; TETON COUNTY INTEGRATED SOLID WASTE/RECY \$24,761.24; TETON COUNTY PUBLIC HEALTH \$200.00; TETON COUNTY PUBLIC WORKS \$38,683.08; TETON COUNTY SHERIFF'S-JAIL \$432.00; TETON COUNTY SPECIAL FIRE FUND \$70,080.77; TETON COUNTY-FUND 10 \$65,791.77; TETON COUNTY-FUND 13 \$63,109.24; TETON COUNTY-FUND 19 \$52,114.98; TETON LITERACY CENTER \$6,700.00; TETON MOTORS INC -\$250.00; TETON ROPE ACCESS AND SERVICES, LLC \$1,597.50; TETON TRASH REMOVAL, INC. \$49.00; THE CONNOR E FIELD TRUST \$2,575.00;

THOMSON WEST \$920.94; VALLEY OFFICE SYSTEMS \$71.28; VICTOR VILLAGE, LLC \$1,500.00; WESTBANK SANITATION \$194.60; WESTERN STATE \$1,935.64; WESTWOOD CURTIS \$3,065.00; WHITE GLOVE CLEANING, INC. \$1,031.38; WILMA D SORSBY TRUST \$3,000.00; WILSON, JOHN \$2,200.00; WY CHILD SUPPORT ENFORCEMENT \$146.76; WY WORKERS' SAFETY & COMP \$18,910.16; WYOMING FIRST AID & SAFETY \$195.87; WYOMING LAW ENFORCEMENT \$245.00; WYOMING RETIREMENT SYSTEM \$143,912.50; YELLOW IRON EXCAVATION, LLC \$4,750.00; ZIEM, JOHNNY \$155.00.

- C. **January Municipal Court Report.** To accept the January Municipal Court Report into record.
- D. **P23-002 Book Fair Temporary Sign.** To approve temporary banner application (P23-002) for JH Classical Academy including the three conditions of approval recommended by the Planning Director in the staff report dated February 21, 2023.
- E. **P23-011 Winter Market Temporary Sign.** To approve temporary banner application (P23-011) for JHFM Winter Market Fest including the three conditions of approval recommended by the Planning Director in the staff report dated February 21, 2023.
- F. **Kelly Place Condominiums Suite of Documents.** To approve the following documents subject to minor edits by the Town Attorney, and authorize the Mayor to sign them:
 - 1. Special Restrictions for Workforce Ownership Housing Located at 440 West Kelly Condominiums Addition to the Town of Jackson.
 - 2. Employee Rights of First Purchase Agreement for 440 West Kelly Condominiums.
 - 3. Termination of Ground Lease Agreement for Kelly Place Condominiums.
 - 4. Warranty Deed for Lots 3 and 4 of Block 6 of the Fourth Karns Addition to the Town of Jackson, Teton County, Wyoming, according to that plat recorded in the Office of the Teton County Clerk on June 7, 1955 as Plat No. 143.
- G. **Bid 23-08 2023 Chip Seal.** To approve the award of the 2023 Chip Seal Project to Evans Construction Company, of Jackson, Wyoming in the amount of \$275,160.00, and authorize the Mayor to execute the contract subject to final approval of the Town Attorney and Town Engineer.
- H. **Bid 23-09 2023 Spring Patching.** To approve the award of the 2023 Spring Street Patching Project to Knife River Corporation – Mountain West of Boise, Idaho in the amount of \$232,150.00, and authorize the Mayor to execute the contract subject to approval by the Town Attorney and Town Engineer.

There was no public comment. Mayor Morton Levinson called for the vote. The vote showed all in favor. The motion carried.

New Resort Liquor License – CCC's PBI LLC dba Mountain Modern Motel at 380 W. Broadway. This item was withdrawn by the applicant. Mayor Morton Levinson closed the public hearing.

P22-253 Development Plan at 245 and 265 N. Millward St. There was no discussion. A motion was made by Jonathan Schechter and seconded by Jim Rooks to continue item P22-253 to the regularly scheduled Town Council meeting on March 20, 2023. Mayor Morton Levinson called for the vote. The vote showed all in favor. The motion carried.

P22-292 Boundary Adjustment at 105 and 145 Mercill Ave. There was no discussion. A motion was made by Jonathan Schechter and seconded by Jim Rooks to continue Item P22-292 to the regularly scheduled Town Council meeting on March 6, 2023. Mayor Morton Levinson called for the vote. The vote showed all in favor. The motion carried.

P22-198 Snow King Gondola Conditional Use Permit – Continued. Tyler Valentine, Tyler Sinclair, and Lea Colasuonno made staff comment. Ryan Stanley commented on behalf of Snow King Mountain Resort. Council held discussion with staff. A motion was made by Jim Rooks and seconded by Jessica Sell Chambers to direct staff to draft an amendment to the Gondola and Cougar Lease Agreement between the Town and Snow King Mountain Resort, LLC extending the deadline for Completion of Construction to a time to be determined, with the following conditions;

- 1) To be continuously reviewed as part of the Town of Jackson and Snow King Resort LLC annual meeting.

- 2) Immediately secure a financial bond paid by Snow King Resort LLC for all described work related to the removal of pavement and resodding of the center portion of Phil Baux Park in the amount of 125% of the estimated costs.

Mayor Morton Levinson called for the vote. The vote showed 1-4 with Jim Rooks in favor, and Mayor Morton Levinson, Arne Jorgensen, and Jessica Sell Chambers opposed. The motion failed.

A motion was made by Mayor Morton Levinson to approve a Conditional Use Permit Amendment (P22-198) to the original Snow King Gondola CUP (P19-242) at the property located at 100 E. Snow King Avenue, based upon the findings and conditions as presented by staff, the departmental reviews, and subject to the staff report dated February 21, 2023, with the addition of a 24-hour special event to be added to the CUP. There was no seconded. Mayor Morton Levinson withdrew the motion.

A motion was made by Jessica Sell Chambers and seconded by Jim Rooks to approve a Conditional Use Permit Amendment (P22-198) to the original Snow King Gondola CUP (P19-242) at the property located at 100 E. Snow King Avenue, based upon the findings and conditions as amended by Council below, the departmental reviews, and subject to the staff report dated February 21, 2023:

Condition #10: The restaurant and associated amenities at the summit hours of operation shall be no later than 10:00pm year-round for general use of the restaurant.

Condition #11: The gondola may run as late as 2:00am year-round in association with the observatory and special events. Notwithstanding the foregoing limitation, the Gondola may run one 24-hour period in each calendar year. After 10:00pm blackout curtains and shielded red lights shall be used for gondola loading.

Condition #13: The Snow King Mountain Resort-Town of Jackson Operating Plan shall be updated to be consistent with this CUP Amendment within 30 days of Council approval.

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

A motion was made by Mayor Morton Levinson and seconded by Jim Rooks to approve a Conditional Use Permit Amendment (P22-198) to the original Snow King Gondola CUP (P19-242) at the property located at 100 E. Snow King Avenue, based upon the findings and conditions as amended by Council below, the departmental reviews, and subject to the staff report dated February 21, 2023:

Condition #3:

- A. Extend the deadline for Completion of Construction of the relandscaped area to May 1, 2024.
- B. Amend the area and associated exhibits to be relandscaped to approximately the same area encumbered by the Tube Park in the winter.
- C. Require a bond in 125% of the cost to complete the relandscaped area adjusted for annual construction cost inflation until such time the work is completed.

Mayor Morton Levinson called for the vote. The vote showed 4-1 in favor with Mayor Morton Levinson, Jim Rooks, Arne Jorgensen, and Jonathan Schechter in favor, and Jessica Sell Chambers opposed. The motion carried.

Gondola and Cougar Lease Agreement Request – Continued. Tyler Sinclair and Lea Colasuonno made staff comment. There was no public comment. A motion was made by Jim Rooks and seconded by Jonathan Schechter to direct staff to draft an amendment to the Gondola and Cougar Lease Agreement Between the Town and Snow King Mountain Resort, LLC to:

- A. Extend the deadline for Completion of Construction of the relandscaped area to May 1, 2024.
- B. Amend the area and associated exhibits to be relandscaped to approximately the same area encumbered by the Tube Park in the winter.
- C. Require a bond in 125% of the cost to complete the relandscaped area adjusted for annual construction cost inflation until such time the work is completed.
- D. Amend other associated agreements and permits to be consistent with the Amended Conditional Use Permit.

Mayor Morton Levinson called for the vote. The vote showed 4-1 in favor with Mayor Morton Levinson, Jim Rooks, Arne Jorgensen, and Jonathan Schechter in favor, and Jessica Sell Chambers opposed. The motion carried.

P22-269 & P22-278 LDR Text Amendment. Tyler Valentine made staff comment. Council held discussion with staff. Michael Stern made public comment. A motion was made by Arne Jorgensen and seconded by Jonathan Schechter to approve the proposed LDR Text Amendment (P22-269), based upon factors 1-6 in Section 8.7.2.C of the Land Development Regulations as presented by staff in the

A motion was made by Arne Jorgensen and seconded by Jessica Sell Chambers to approve fee waiver request P22-278. Mayor Morton Levinson called for the vote. The vote showed all in opposed. The motion failed.

P22-242 Development Plan at 180 Aspen Dr. Tyler Valentine made staff comment. Council held discussion with staff. Ron Leavey made applicant comment. A motion was made by Arne Jorgensen and seconded by Jessica Sell Chambers to approve a Development Plan (P22-242) for a future 2-lot subdivision for the property located at 180 Aspen Drive based upon the findings and conditions presented in the staff report, the departmental reviews, and subject to this staff report dated February 21, 2023. Mayor Morton Levinson called for the vote. The vote showed all in favor. The motion carried.

Ordinances. A motion was made by Jonathan Schechter and seconded by Jessica Sell Chambers to read ordinances in short title. Mayor Morton Levinson called for the vote. The vote showed all in favor. The motion carried.

Ordinance H: An Ordinance Regarding Bingo and Pull Tabs.

AN ORDINANCE REPEALING SECTION 1 OF ORDINANCE 1281 AND JACKSON MUNICIPAL CODE §§ 5.48.010, 5.48.020, 5.48.030, 5.48.039, 5.48.040, 5.48.050, 5.48.060, 5.48.070, 5.48.080, 5.48.090, 5.48.100, 5.48.120, 5.48.130, 5.48.140, 5.48.150, 5.48.160, 5.48.170, AND 5.48.180; SECTION 3 OF ORDINANCE 1280 AND JACKSON MUNICIPAL CODE §§ 5.48.050 AND 5.48.210; SECTION 12 OF ORDINANCE 860 AND JACKSON MUNICIPAL CODE §§ 5.48.010, 5.48.020, 5.48.030, 5.48.040, 5.48.050, 5.48.060, 5.48.070, 5.48.080, 5.48.090, 5.48.100, 5.48.120, 5.48.130, 5.48.140, 5.48.150, 5.48.160, 5.48.170, AND 5.48.180, 5.48.190, 5.48.200, AND 5.48.210; AND 1 OF ORDINANCE 432 AND JACKSON MUNICIPAL CODE § 5.48.010, 5.48.020, 5.48.030, 5.48.040, 5.48.050, 5.48.060, 5.48.070, 5.48.080, 5.48.090, 5.48.100, 5.48.120, 5.48.130, 5.48.140, 5.48.150, 5.48.160, 5.48.170, 5.48.180, 5.48.190, 5.48.210 AN 5.48.220; REGARDING BINGO AND PULL TABS 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:

There was no public comment. A motion was made by Arne Jorgensen and seconded by Jim Rooks to approve Ordinance H on third reading and designate it Ordinance 1340. Mayor Morton Levinson called for the vote. The vote showed all in favor. The motion carried.

Ordinance I: An Ordinance Regarding Parking Prohibitions.

AN ORDINANCE REPEALING SECTIONS 18(J) AND (K) OF ORDINANCE NO. 131; SECTION 1 OF ORDINANCE NO. 610 AND JACKSON MUNICIPAL CODE 10.04.160(P) AND (Q); SECTION 1 OF ORDINANCE NO. 1043 AND JACKSON MUNICIPAL CODE 10.04.160(P) AND (Q); SECTION 1 OF ORDINANCE NO. 1311 AND JACKSON MUNICIPAL CODE 10.04.160(O) AND (P); REGARDING PARKING PROHIBITIONS 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:

There was no public comment. A motion was made by Arne Jorgensen and seconded by Jonathan Schechter to approve Ordinance I on third reading and designate it Ordinance 1341. Mayor Morton Levinson called for the vote. The vote showed all in favor. The motion carried.

Board and Commission Reports. There were no reports.

Town Manager Position. A motion was made by Jessica Sell Chambers and seconded by Jonathan Schechter to direct the Town Attorney to draft a contract for employment with the Town Manager candidate for Council consideration. Mayor Morton Levinson called for the vote. The vote showed all in favor. The motion carried.

Town Manager’s Report. Tyler Sinclair made staff comment. Council held discussion with staff. The report contained updates on USDA Composting and Food Waste Reduction Grant, Partners for Places grant, employee recruitment/housing, and Safe Streets for All grant. A motion was made by Jessica Sell

Chambers and seconded by Jim Rooks to approve the Town Manager’s Report. Mayor Morton Levinson called for the vote. The vote showed all in favor. The motion carried.

Adjourn. A motion was made by Jessica Sell Chambers and seconded by Jonathan Schechter to adjourn. Mayor Morton Levinson called for the vote. The vote showed all in favor. The motion carried. The meeting adjourned at 9:33 p.m. Minutes: rt.

TOWN OF JACKSON

ATTEST:

Hailey Morton Levinson, Mayor

Riley Taylor, Town Clerk

Publish JH News & Guide: March 8, 2023