

TOWN COUNCIL PROCEEDINGS

AUGUST 6, 2018

JACKSON, WYOMING

The Jackson Town Council met in regular session in the Council Chambers of the Town Hall at 150 East Pearl at 6:00 P.M. Upon roll call the following were found to be present:

MAYOR: Pete Muldoon.

COUNCIL: Jim Stanford, Hailey Morton Levinson, Don Frank and Bob Lenz.

STAFF: Larry Pardee, Roxanne Robinson, Todd Smith, Audrey Cohen-Davis, Lea Colasuonno, Tyler Sinclair, Tyler Valentine, Kelly Thompson, Johnny Ziem, April Norton, Carl Pelletier, and Sandy Birdyshaw

Mayor Muldoon introduced new Jackson Police Officer Elijah Mattson.

Public Comment: Cliff Poindexter, Joe Burke, Greg McCoy, and Ed Liebzeit of the American Legion Post 43 made comment on their proposal to replace the Veterans monument which serves as the base for the broncing horse in the center of Town Square. Wes Gardner made comment on a volunteer parking program for downtown businesses.

Consent Calendar. A motion was made by Hailey Morton Levinson and seconded by Don Frank to approve the consent calendar including items A-K as presented with the following motions.

A. **Meeting Minutes.** To approve the meeting minutes for the July 16, 2018 workshop and regular meeting as presented.

B. **Disbursements.** To approve the disbursements as presented. Jackson Curbside \$1395.75, Carquest \$17.08, Ace Hardware \$555.23, Teton County Sheriff \$1512.00, Delcon \$487.00, Evans Construction \$63108.72, Airgas Intermountain \$95.29, High Country Linen \$1908.80, Caselle \$2397.34, Interstate Battery \$737.70, Jackson Lumber \$304.33, Jackson Paint & Glass \$306.62, Jim & Greg Locksmiths \$1792.00, Jackson Hole News & Guide \$28412.99, Jorgensen Associates \$10290.38, LVPL \$48392.12, Teton County Fund 19 \$7015.86, Nelson Engineering \$450.00, Shervin's \$19.12, St John's Hospital \$300.00, Watts Steam Store \$24.48, Napa \$1154.46, Teton Motors \$33455.98, National League of Cities \$1150.51, GFOA \$150.00, Animal Care Clinic \$278.26, White Glove Cleaning \$1333.13, Greenwood Mapping \$2880.00, Electrical Wholesale \$145.48, Hunt Construction \$2070.00, WAM \$12193.51, Teton County Integrated \$294.00, Cummins Rocky Mountain \$5051.35, Macy's Service \$151.95, Deb Lind \$100.00, RST Sand & Gravel \$11.10, Rotary Club \$300.00, Teton County Special Fire \$8049.80, Jack's Tire & Oil \$2808.90, Energy Laboratories \$400.00, Grafix Shoppe \$110.00, Teton County Transfer Station \$509.00, Teton County Clerk \$293818.74, Spring Creek Animal Hospital \$300.34, Blue Spruce Cleaners \$345.89, Teton County Fund 10 \$37278.53, Western States \$505.00, Core & Main LP \$17231.64, AT&T \$197.33, Verizon Wireless \$82.41, LexisNexis \$149.31, Alphagraphics \$118.54, Mark Watkins \$77.04, Kenworth \$415.80, Benefit Administrators \$54.00, Teton Water Works \$117.67, Westwood Curtis \$176979.86, Larry Pardee \$64.34, MCI Fleet Support \$1272.40, James Bristol \$760.00, Intermountain Sweeper \$56.94, ER Office Express \$758.58, Visa \$20627.17, CTA Architects \$600.00, UPS \$76.69, Advanced Glass & Trim \$830.00, Tracey Trefren \$296.00, Teton County Circuit Court \$769.80, Thomson West \$1093.41, CM Owen \$23127.45, Gillig \$16239.07, St John's Audiology \$200.00, Jerry Seiner Chevrolet \$531.59, Ladee Johnson \$115.02, Commercial Tire \$2786.64, Eleaven Food Company \$156.30, Warner Truck Center \$196.31, Sherwin-Williams \$2420.45, Long Building Technology \$280.25, C&A Professional Cleaning \$9111.00, MSC Industrial Supply \$734.96, Breakfast Rotary \$175.00, Schow's Truck Center \$2420.26, Pro Equipment \$303.10, Snake River Roasting \$354.56, Fleetpride \$1992.41, Big R \$1090.25, Control System Technology \$6962.50, Dean's Pest Control \$270.00, Chris Moran \$155.00, Code Studio \$9237.50, Big Bear Towing \$750.00, HD Fowler \$342.94, Sean Scarlett \$2000.00, Carl Pelletier \$306.63, Cornforth Consultants \$6761.04, Francisca Marquina \$25.00, Scot Schmillen \$1187.50, Jackson Hole Contracting \$3000.00, Shawn Stephens \$331.50, Partsmaster \$145.33, Salt City Sales \$392.40, Couloir Construction \$12000.00, Kellerstrass Enterprises \$30419.32, Lincoln County Sheriff \$9240.00, Snake River MEP \$3162.25, John Tighe \$1170.65, Chemical Testing Program \$246.50, Amy Renova \$98.90, Wyoming Garage Door \$427.00, Teton Tools \$380.90, Pet Health Services \$4.85, Kimley Horn \$3472.50, Jeremiah Peery \$100.00, Teton Excavation \$2015.00, Wind River Partners \$5250.00, Western Municipal Construction \$69719.34, Water Werks \$978.65, Energy 1 \$105.00, Grizzley Bear Enterprises \$2800.00, Frontier Fence \$6342.50, Outlaw Brothers Construction \$2363.96, Buckrail \$375.00, Gregco \$77784.01, Angie Gemmel \$296.00, New West Building Company \$5125.00, Westbank Construction \$2000.00, Atlas Tower Holding \$6463.00, Kristen Monaco \$690.00, Jens Brock-Utne \$63.00, Tory Barry \$473.53, JH Handyman \$4257.18, RAD Power Bikes \$9591.36, Caryl Williams \$500.00, Golden Eagle Inn \$234.37, West Coast Code Consulting \$12226.60, Page Jalinski \$42.00, Michael Commins \$1246.50, Lance Oviatt \$477.00, Jeremy Harris \$421.00, City of Yuma \$2472.09, Jake Peterson 155.00.

C. **Temporary Sign Permit: Fireman's Ball (P18-219).** To approve the temporary banner in conjunction with the Jackson Fire Association, subject to three (3) conditions of approval.

- D. **Temporary Sign Permit: Wild West Skateboard Contest Series (P18-229).** To approve the temporary banner in conjunction with the Jackson Hole Ski + Snowboard Club, subject to three (3) conditions of approval.
- E. **Temporary Sign Permit: Greater Yellowstone Crane Festival (P18-230).** To approve the temporary banner in conjunction with the Teton Regional Land Trust, subject to three (3) conditions of approval.
- F. **Temporary Sign Permit: Wild Fest (P18-231).** To approve the temporary banner in conjunction with the Jackson Hole Wild, subject to three (3) conditions of approval.
- G. **Temporary Sign Permit: Old Bills (P18-232).** To approve the temporary banner in conjunction with the Community Foundation of Jackson Hole, subject to three (3) conditions of approval.
- H. **Special Event: Jackson Hole Public Art-PARK(ing) Day.** To approve the PARK(ing) Day special event application made by Jackson Hole Public Art subject to the conditions and restrictions listed in the staff report.
- I. **Bid 19-02 Award for 2018 Fall Street Patching Contract.** To approve the construction contract with Evans Construction of Jackson, Wyoming in the amount of \$150,000.00 and upon legal approval authorize the Mayor to execute all necessary contract agreements.
- J. **Malt Beverage Permit for Jackson Hole Shrine Club.** To approve the issuance of malt beverage permits to Jackson Hole Shrine Club for fundraising at the Rodeo on September 5 and 8, 2018, from 5:00 P.M. to 10:00 P.M., subject to the conditions and restrictions listed in the staff report.
- K. **Three Permanent Utility Easements from Jody and Linda Burkes, Trustees of the Burkes Family Trust, from Bluffs Development Group LLC, and from Wayboard, LLC to the Town.** To approve of the attached three (3) Permanent Utility Easements from Jody and Linda Burkes, Bluff Development Group, LLC and Wayboard, LLC to the Town, and authorize the Mayor to execute the easements subject to any minor changes deemed necessary by staff.

Mayor Muldoon called for the vote on the motion to approve the consent calendar. The vote showed all in favor and the motion carried.

Amendment to the Revenue Recapture Plan and Lease Agreement for Vertical Harvest. Roxanne Robinson made staff comment. Nona Yehia and Arik Griffin made comment on behalf of Vertical Harvest. Public comment was given by: Mary Obringer, Kimberly Brat, Kyle Burson, Amanda McFarland, Mycah Miller, and Bill Warner.

A motion was made by Don Frank and seconded by Hailey Morton Levinson to direct staff to prepare and execute an amendment to the lease to incorporate the revenue recapture requirements that reduces the percentage to be recaptured from 4% in perpetuity to 2% for 30 years to coincide with the lease, that the payments be made in equally distributed monthly payments of \$2,671.01 beginning September 1, 2018 from the remaining term of the lease, that includes a requirement for a payment to cover the Town's direct expenses for each year after the 30 year lease has expired, that requires the letter of credit be extended to April 30, 2021, and that allows for drawdowns on the letter of credit in the event that payments are not made pursuant to the terms of the recapture plan. Mayor Muldoon called for the vote. The vote showed 4-1 in favor with Stanford opposed. The motion carried.

Garage Parking Lease with Jackson Hole Airport for Ride2Fly. Larry Pardee and Audrey Cohen-Davis made staff comment. Jackson Hole Airport Director Jim Elwood made comment.

A motion was made by Jim Stanford and seconded by Hailey Morton Levinson to approve the attached Lease of Parking Spaces for Airport Purposes in the form presented and authorize the Mayor to execute the same on behalf of the Town of Jackson. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Wyoming Inn Holdings, LLC Restaurant Liquor License Application. Sandy Birdyshaw made staff comment. Mayor Muldoon opened a public hearing to hear protests against the issuance of this liquor license. No protests were heard. Mayor Muldoon closed the public hearing.

A motion was made by Hailey Morton Levinson and seconded by Bob Lenz to approve the issuance of a restaurant liquor license to Wyoming Inn Holdings LLC d/b/a Wyoming Inn of Jackson Hole for the

remaining license year ending 3/31/2019, subject to the conditions listed in the staff report and further direct the Town Clerk to issue the licenses upon confirmation that the conditions of approval have been met within the timeframe set forth in Wyoming Statute 12-4-103(a)(iv).

1. Prior to license issuance, the applicant shall comply with all Town of Jackson Building Codes, Fire, Health & Safety Codes, and the Land Development Regulations, and will have obtained all required permits and approvals from all applicable Town/County departments.
 2. Applicant shall provide TIPS training for staff serving alcohol and malt beverages.
 3. Prior to license issuance, the applicant shall provide a copy of the food service permit.
 4. Any additional minor corrections deemed necessary by staff and the Wyoming Liquor Division.
- Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Letter of Support and Draft Ground Lease for 174 North King. April Norton made staff comment. Rick Ross with Westmount Development Group made comment on parking spaces and housing units.

A motion was made by Hailey Morton Levinson and seconded by Don Frank to direct staff to submit an Administrative Adjustment for parking at 174 North King Street. Mayor Muldoon called for the vote. The vote showed 4-1 in favor, with Stanford opposed. The motion carried.

A motion was made by Hailey Morton Levinson and seconded by Don Frank to approve a letter of support for the project, and draft ground lease and direct staff to provide the letter of support and draft ground lease to Westmount Development Group to include in their application for Low Income Housing Tax Credits to the Wyoming Community Development Authority. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item P18-046: Fee Waiver Request for Central Wyoming College for 235 & 255 Veronica Lane. Item P18-047, 48, 49: Sketch Plan, Zoning Map Amendment, and Conditional Use Permit at 235 & 255 Veronica Lane. Tyler Sinclair made staff comment.

A motion was made by Hailey Morton Levinson and seconded by Don Frank to continue this items P18-046, -047, -048, and -049 to the Town Council meeting scheduled for September 17, 2018. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item P18-095: Request for Deadline Extension at 1255 W Hwy 22.

Item P18-135: Hillside CUP – Westview Townhomes at 1255 W Hwy 22.

Item P18-136: Development Agreement Amendment at 1255 W Hwy 22. Tyler Valentine made staff comment. Eric Grove made comment on behalf of Westview Townhomes.

Item A: Based upon the findings as presented in the staff report and as made by the applicant for Item P18-095, a motion was made by Bob Lenz and seconded by Hailey Morton Levinson to make findings 1-6 as set forth in Section 8.3.2. (Development Plan) of the Land Development Regulations related to 1) Consistency with the Comprehensive Plan; 2) Achieves purpose of NRO & SRO overlays; 3) Impact of public facilities & services; 4) Complies with the Town's Design Guidelines; 5) Compliance with LDRs & Town Ordinances; 6) Conformance with past permits & approvals to approve Option #3, an amendment to a Development Plan, specifically to extend the deadline to August 15, 2019, for the property addressed at 1255 W Highway 22, subject to the department reviews attached hereto. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item B: Based upon the findings as presented in the staff report and as made by the applicant for Item P18-135, a motion was made by Bob Lenz and seconded by Hailey Morton Levinson to make findings 1-8 as set forth in Section 8.4.2. (Conditional Use Permit) of the Land Development Regulations 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 a Conditional Use Permit and findings required by Section 5.4.1 Steep Slopes regarding hillside mitigation measures and to approve a Hillside CUP to develop twenty (20) residential units for the property addressed at 1255 W Highway 22, subject to the departmental reviews attached hereto and the following one condition of approval:

1. The Conditional Use Permit shall have an expiration date consistent with the Development Plan of August 15, 2019.

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

Item C: A motion was made by Bob Lenz and seconded by Hailey Morton Levinson to direct staff to amend the Westview Townhomes Development Agreement to make minor changes referencing dates

and approvals consistent with P18-095 & P18-135 for review and approval by Town Council at a future meeting. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item P18-157, -158: Sketch Plan & PUD at 605-685 Powderhorn Lane. Tyler Sinclair made staff comment. Mary Kate Buckley and Bill Collins made comment on behalf of the Jackson Hole Mountain Resort.

Item A: Based upon the findings for a Sketch Plan as presented in the staff report related to 1) Consistency with the Comprehensive Plan; 2) Achieves purpose of NRO & SRO overlays; 3) Impact of public facilities & services; 4) Compliance with LDRs & Town Ordinances; 5) Conformance with past permits & approvals as presented by the applicant and staff for Item P18-157, a motion was made by Bob Lenz and seconded by Hailey Morton Levinson to approve an amendment to the Powderhorn Employee Housing Sketch Plan to allow a height limit of 48' for the six employee housing buildings for the property addressed at 605-685 Powderhorn Lane and legally described as Lot 23, Webster LaPlant Homestead 5th Addition, subject to the departmental reviews attached hereto with no conditions of approval. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item B: Based upon the findings for a Planned Unit Development (PUD) as presented in the staff report related to 1) Enhances future desire character; 2) PUD Option findings in Article 4; 3) Amendment to PUD findings in Section 8.2.12.D; 4) LDR Text Amendment finding in Section 8.7.1.C; 5) Zoning Map Amendment findings in Section 8.7.2.C as presented by the applicant and staff for Items P18-158, a motion was made by Bob Lenz and seconded by Don Frank to approve an amendment to the Powderhorn Employee Housing PUD to allow a height limit of 48' for the six employee housing buildings addressed at 605-685 Powderhorn Lane and legally described as Lot 23, Webster LaPlant Homestead 5th Addition, subject to the departmental reviews attached hereto with no conditions of approval. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Resolution 18-16: A Resolution Amending Contested Case Rules Resolution #17-19. Lea Colasuonno made staff comment. A motion was made by Hailey Morton Levinson and seconded by Bob Lenz to approve Resolution 18-16 amending the Contested Case Rules in the Town of Jackson.

RESOLUTION 18-16: TOWN OF JACKSON CONTESTED CASE RULES

WHEREAS, Sections 8.8.3.F, 8.8.4.F, 8.9.3.D, and 8.9.4.E of the Town of Jackson Land Development Regulations effective January 1, 2015 provide that decisions shall be governed by the Contested Case Rules adopted by the Town;

WHEREAS, on January 1, 2015 when the Town enacted new Land Development Regulations, the Town adopted Contested Case Rules by Resolution to govern administrative proceedings;

WHEREAS, the Town adopted a revised set of Contested Case Rules to govern administrative proceedings as set forth by certain ordinances of the Town and appeals from any administrative decisions or interpretations on June 19, 2017; and

WHEREAS, the Town desires to amend the Contested Case Rules adopted on June 19, 2017.

NOW, THEREFORE be it hereby resolved by the Mayor and Town Council of the Town of Jackson, Wyoming, in regular session duly assembled, that:

The Town of Jackson Contested Case Rules as set forth in Exhibit A attached hereto are hereby amended and adopted effective August 6, 2018.

PASSED and APPROVED this 6th day of August, 2018.

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 Jim Stanford to read ordinances by short title. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

ORDINANCE N

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 993, 937 AND 868, SECTION 2 OF TOWN OF JACKSON ORDINANCE NOS.

754 AND 746, SECTION 1 OF TOWN OF JACKSON ORDINANCE NO. 685, SECTION 2 (PART) OF TOWN OF JACKSON ORDINANCE NO. 374 AND SECTION 13.12.020 OF THE MUNICIPAL CODE OF THE TOWN OF JACKSON REGARDING PROCUREMENT OF WATER METERS; 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 Jim Stanford and seconded by Hailey Morton Levinson to approve Ordinance N on first reading. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

ORDINANCE O

AN ORDINANCE AMENDING AND REENACTING SECTION 1 OF TOWN OF JACKSON ORDINANCE NOS. 428, 289 AND 160 AND SECTION 1.12.010 OF THE MUNICIPAL CODE OF THE TOWN OF JACKSON REGARDING PENALTIES FOR MUNICIPAL CODE VIOLATIONS; 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 Jim Stanford and seconded by Bob Lenz to approve Ordinance O on first reading. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Matters from Mayor and Council.

Purchase / Sale for Office Space. A motion was made by Jim Stanford and seconded by Don Frank to direct staff to purchase the Mullikin Larson and Swift property located at 145 and 155 East Pearl Street, authorize the Town Attorney to prepare, review and finalize all necessary documents, and further authorize the Mayor to execute all documents and agreements necessary for this purchase in an amount not to exceed \$4,625,000. Council held discussion on this property investment for the Town which includes a mix of office and residential space that will serve the Town's various service needs well into the future. Audrey Cohen Davis made comment on the purchase agreement. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

A motion was made by Bob Lenz and seconded by Hailey Morton Levinson to amend the direction provided at the November 6, 2017 Town Council meeting that required, in part, that the encroachment into the alley at 160 West Deloney related to item #4 which was the concrete landscape planter (retaining wall) be removed by the owner and put into conformance and to replace that motion with one that authorizes the execution of a temporary Encroachment Agreement between the Town of Jackson and the property owners, Baxter Properties WT, LLC to allow the landscape grasses and low concrete planter walls and landscaping to remain, subject to the Town Engineer's conditions and the Town Attorney's final review and approval, so long as it allows reasonable use of the alley or the property is redeveloped or when the Town Council at its sole discretion decides that the encroachment should be vacated. Mayor Muldoon called for the vote. The vote showed 4-1 in favor with Frank opposed. The motion carried.

The Council held discussion on the request made earlier in public comment by the American Legion to replace the Veterans' monument at Town Square and the parking counts as mentioned in Wes Gardner's public comment.

Town Manager's Report. A motion was made by Hailey Morton Levinson and seconded by Jim Stanford to accept the Town Manager's Report. The Town Manager's Report contained an update on sales and Lodging Tax, a Master Lease at the Weed & Pest building, additional ADA spaces on Redmond Street, START Bus Staffing Crisis, and an update on oversized vehicles in the Home Ranch parking lot. 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 Jim Stanford to adjourn the meeting. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 9:02 p.m.

TOWN OF JACKSON

ATTEST:

Pete Muldoon, Mayor