

TOWN COUNCIL PROCEEDINGS - UNAPPROVED

SEPTEMBER 17, 2018

JACKSON, WYOMING

The Jackson Town Council met in regular session in the Council Chambers of the Town Hall at 150 East Pearl at 6:01 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, Roger Schultz, Audrey Cohen-Davis, Lea Colasuonno, Tyler Sinclair, Brendan Conboy, Floren Poliseo, Johnny Ziem, Brian Lenz, April Norton, Carl Pelletier, and Sandy Birdyshaw.

Don Frank spoke to the loss of Jackson resident Mark Uptain in a hunting accident and bear attack.

Public Comment: None.

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

- A. **Meeting Minutes.** To approve the meeting minutes for the September 4, 2018 regular meeting as presented.
- B. **Disbursements.** To approve the disbursements as presented. Safety Supply \$554.59, Ace Hardware \$360.04, Teton County Sheriff \$1800.00, Curran-Seeley \$12062.50, Community Entry Services \$12500.00, Thyssen Krupp Elevator \$288.39, A-Core Idaho \$1275.00, Evans Construction \$123966.00, High Country Linen \$3231.08, Interstate Battery \$1615.45, Jackson Lumber \$7070.39, Jackson Hole News & Guide \$3742.52, Jorgensen Associates \$35865.17, LVPL \$24347.58, Teton County Fund 19 \$18769.02, Nelson Engineering \$23261.25, Senior Center of JH \$21750.00, Red's Auto Glass \$95.00, O'Ryan Cleaners \$286.06, Smith Power Products \$16741.80, St John's Hospital \$520.00, Napa \$984.30, Jackson Hole Community Counsel \$25000.00, Community Safety Network \$10000.00, Prazma \$1553.27, Teton Motors \$1430.79, Knobe's \$53.91, Teton County Weed & Pest \$23175.00, Post Register \$488.00, Wyoming Law Enforcement \$765.00, Bruce Hayse MD \$90.00, Ace Equipment \$1292.50, Animal Care Clinic \$666.68, Greenwood Mapping \$2520.00, Electrical Wholesale \$52.62, Hunt Construction \$20579.40, Wydot 4118.10, Westbank Sanitation \$679.55, Cummins Rocky Mountain \$237.48, Jackson Hole Community Housing \$3750.00, Rotary Club \$5000.00, Teton County Special Fire \$9924.39, Energy Laboratories \$700.00, Grafix Shoppe \$499.18, Teton County Transfer Station \$236.00, Teton County Clerk \$283412.25, One Call of Wyoming \$237.00, Spring Creek Animal Hospital \$525.72, Rocky Mountain Info Network \$100.00, Blue Spruce Cleaners \$328.99, Teton County Fund 10 \$37449.96, Core & Main LP \$7928.68, Kenworth \$126.04, Wyoming Conference of Building \$50.00, Teton Water Works \$100.00, Westwood Curtis \$152145.46, Yellow Iron Excavation \$795.00, LDA Inc \$59.79, Cast \$165.00, Jackson Hole Air \$15000.00, Teton Trash Removal \$42.50, Dick May Welding \$240.00, Idaho Traffic Safety \$660.00, ER Office Express \$708.40, Visa \$37.29, Architectural Building Supply \$17.00, Friends of Pathways \$22200.23, UPS \$193.23, Advanced Glass & Trim \$300.00, Johnson Roberts & Assoc \$15.00, Todd Fitzgerald \$420.00, Timberline Concrete \$341.00, Gillig \$2671.46, Commercial Tire \$3891.40, Fire Services of Idaho \$4447.86, Warner Truck Center \$5435.24, Sherwin-Williams \$455.52, Meyring & Associates \$664.56, Depatco \$6700.00, Rocky Mountain Marketing \$1021.52, C&A Professional Cleaning \$1622.34, Teton Signs \$73.50, Snake River Roasting \$276.17, Fleetpride \$214.96, Ron's Towing \$200.00, Global Equipment \$142.82, Dean's Pest Control \$240.00, Premier Vehicle Installation \$1781.28, HD Fowler \$633.47, GM Sheetmetal \$121.80, Francisca Marquina \$50.00, Scott Schmillen \$2232.50, Don Frank \$435.10, Routematch \$9375.00, Overhead Door \$374.73, Kellerstrass \$25832.47, Y2 Consultants \$2391.38, John Tighe \$241.75, Transit Talent \$220.00, Lepco \$1485.00, Perform Printing \$63.85, Greenway Painting \$929.00, Premier Powder Coating \$628.08, American Filtration \$277.20, Rich Broadcasting \$896.00, Burkes \$10000.00, One 22 \$47500.00, Michael Gable \$130.00, Pethealth Services \$4.85, Kimley Horn \$4475.00, City of Driggs \$1181.17, Solv Business Solutions \$215.78, Gregco \$32965.92, Springhill Suites \$308.42, Wyoming Law Enforcement \$260.00, Day Wireless \$90.00, Tillemans Architect \$2000.00, Teton Hi \$100.00, John Tobey \$1808.46, Jose Susano Carillo \$740.00, Lucian Dumitrio \$250.00, Arbor Tree Works \$500.00, Flitner Strategies \$1494.00, Jamar Technologies \$500.00, Caleb Hogan \$500.00.
- C. **August 2018 Municipal Court Report.** To accept the August 2018 Municipal Court Report as presented.
- D. **Malt Beverage Permit for Animal Adoption Center.** To approve the issuance of a malt beverage permit to the Animal Adoption Center for their fundraising event on October 6 from 1:00 P.M. to 7:00 P.M., subject to the conditions and restrictions listed in the staff report.

E. **Drug and Alcohol Testing Policy Updates.** To adopt the Federal Transit Administration (FTA), Federal Motor Carrier Safety Administration (FMCSA), and Drug Free Workplace policies as proposed and direct staff to inform and educate staff and implement these policies.

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

Lease Agreement with Geittmann Larson Swift. Audrey Cohen-Davis made staff comment.

A motion was made by Bob Lenz and seconded by Hailey Morton Levinson to approve the Lease Agreement between the Town of Jackson and Geittmann Larson Swift LLC, subject to any minor changes deemed necessary by the Town Attorney and the closing of the property purchase. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Snow King Forest Service Scoping Update. Tyler Sinclair made staff comment on the comment, or scoping period for the Forest Service and Snow King Master Plan. Public comment was given by: Noah Osnos, Shane Rothman, Ryan Stanley, and Jeff Golightly.

A motion was made by Hailey Morton Levinson and seconded by Don Frank to direct staff to draft a letter to the United States Forest Service outlining the scoping comments provided by Council at this meeting and provided to Tyler Sinclair by September 26th for consideration at the October 1, 2018 Town Council meeting. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item P18-205, 206: Development Plan and Master Plan Minor Amendment for Hidden Hollow at 301 Hidden Hollow Drive. Tyler Sinclair and April Norton made staff comment. Brendan Schulte of Jorgensen Associates representing the applicant made comment.

Item A - Phasing Plan: Based upon the findings as presented in the staff report and as made by the applicant for Item P18-206, a motion was made by Hailey Morton Levinson and seconded by Bob Lenz to make findings 1-6 as set forth in Section 1.5.B. Minor Amendments of the Hidden Hollow Planned Unit Development Master Plan relating to 1) Consistency with the purposes and organization of the Hidden Hollow Planned Unit Development; 2) Improves the consistency of the Hidden Hollow Planned Unit Development Master Plan with other provisions of the Hidden Hollow Planned Unit Development or subsequent development approvals within the Hidden Hollow Planned Unit Development; 3) Provides flexibility for landowners within standards defined within Master Plan Section 1.2.C. Vision and Intent of the Hidden Hollow Planned Unit Development Master Plan; 4) Necessary to address changing conditions (e.g. market, sales or constructability), public necessity, and/or state or federal legislation; 5) Improves implementation of the Comprehensive Plan; and 6) Consistency with other adopted Town Ordinances to approve the amendment to the Phasing Plan of the Hidden Hollow Planned Unit Development Master Plan subject to one condition of approval and the departmental reviews.:

1. Building permits for both remaining multi-family buildings for vertical construction shall be submitted within six months of approval of this amendment, begin construction within 90 days of approval of the building permit and the applicant shall maintain continuous progress to completion. If these conditions are not met the issuance of building permits, inspections and Certificates of Occupancy for townhome and single-family buildings may be withheld.

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

Item B – Housing Section: Based upon the findings as presented in the staff report and as made by the applicant for Item P18-206, a motion was made by Bob Lenz and seconded by Don Frank to make findings 1-6 as set forth in Section 1.5.B. Minor Amendments of the Hidden Hollow Planned Unit Development Master Plan relating to 1) Consistency with the purposes and organization of the Hidden Hollow Planned Unit Development; 2) Improves the consistency of the Hidden Hollow Planned Unit Development Master Plan with other provisions of the Hidden Hollow Planned Unit Development or subsequent development approvals within the Hidden Hollow Planned Unit Development; 3) Provides flexibility for landowners within standards defined within Master Plan Section 1.2.C. Vision and Intent of the Hidden Hollow Planned Unit Development Master Plan; 4) Necessary to address changing conditions (e.g. market, sales or constructability), public necessity, and/or state or federal legislation; 5) Improves implementation of the Comprehensive Plan; and 6) Consistency with other adopted Town Ordinances to approve the amendments to the Housing Section of the Hidden Hollow Planned Unit Development Master Plan, including but not limited to Section 2.3.C Affordable and Workforce Housing Standards, Section 1.3.B.3 Phasing Requirements and Attachment 4 as described

in the applicant's submission, subject to the departmental reviews and the following two conditions of approval.

1. The applicant shall provide 14 income restricted Affordable units and 59 Workforce restricted units subject to the Town of Jackson Land Development Regulations and Town Housing Department Rules and Regulations in place at the time of submission and as described in this report.
2. The 6 “voluntary” affordable units shall be divided equally between income ranges 0-50% Median Family Income, 50-80% Median Family Income, and 80-120% Median Family Income.

Mayor Muldoon called for the vote. The vote showed 4-1 in favor with Stanford opposed. The motion carried.

Item C - Development Plan: Based upon the findings as presented in the staff report and as made by the applicant for Item P18-205, a motion was made by Don Frank and seconded by Hailey Morton Levinson to make findings 1-6 as set forth in Section 8.3.2.C (Development Plan) of the Land Development Regulations relating 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 a Development Plan to allow 12 townhomes and two multifamily buildings containing 83 total units and approving and amending the Housing Mitigation Plan for all multifamily units to be rental only, for the Hidden Hollow Planned Unit Development for the property located at 301 Hidden Hollow Drive, subject to the departmental reviews and the following four conditions of approval:

1. Prior to issuance of a building permit the applicant shall submit an additional application for a Minor Amendment to transfer 6,641 square feet of development potential from Area B/Area D to Area C pursuant to Section 1.5.B. Minor Amendments of the Hidden Hollow Planned Unit Development Master Plan.
2. The applicant shall revise the Master Plan to state that a revision to the Housing Mitigation Plan shall be required for any future changes including but not limited to converting back to attached single family units (condominiums) from rental. All Housing Mitigation Plan amendments shall be approved by Town Council.
3. The applicant shall revise the proposed landscape plan to revise the style for short-term bike parking to “single inverted-U” racks such as the Dero Hoop Rack, Saris Bike Dock, or equivalent.
4. The applicant shall submit an addendum to Building Permit B17-0622 that updates the tracking worksheet for housing mitigation as well as demonstrate the changed location and unit type integration of all affordable and workforce units in the multifamily buildings, to be reviewed and approved by the Planning Director and the Housing Director prior to issuance of any Building Permit for Phase 2.

Mayor Muldoon called for the vote. The vote showed 4-1 in favor with Stanford opposed. 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 for Central Wyoming College at 235 & 255 Veronica Lane. Brendan Conboy made staff comment.

A motion was made by Hailey Morton Levinson and seconded by Don Frank to continue items P18-046, -047, -048, and -049 to the regular Town Council meeting scheduled for October 1, 2018. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Item P18-163: Conditional Use Permit for a Wireless Antenna at Snow King Lot 59 Grand View Lodges, Third Addition. Brendan Conboy made staff comment. Irene Cook representing Verizon Wireless made comment. Irene Cook representing Verizon Wireless made comment. Public comment was given by Christian Grupp, September Vhay, Matt Faupel, Sarah Grupp, and Shane Rothman.

Based upon the findings as presented in the staff report and as made by the applicant for Item P18-163, a motion was made by Hailey Morton Levinson and seconded by Don Frank 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 on Lot 59, Grand View Lodges, Third Addition, subject to the department reviews attached hereto and the following conditions of approval.

1. The lessee shall maintain the stealth Wireless Communication Facility as often as necessary and at its sole expense to ensure that the stealth elements remain in their approved condition such that they continue to i) blend in with the surrounding nature and architecture, ii) ensure that the presence, purpose and nature of the Facility are not readily apparent to a reasonable observer, and iii) provide stealth benefits in light of the weathering and aging of the stealthing material and the structure to which it is attached.
2. The tower's design as a ski hill light pole and its proportions and scale comprise the tower's "concealment elements," as this term is used by the FCC.

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

Item P18-164: Conditional Use Permit for a Wireless Antenna at Snow King, 402 E. Snow King Avenue. Brendan Conboy made staff comment. Irene Cook representing Verizon Wireless made comment.

Based upon the findings as presented in the staff report and as made by the applicant for Item P18-164, a motion was made by Hailey Morton Levinson and seconded by Don Frank 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 and approve a wireless communications facility on the Rafferty Center located at 402 East Snow King Avenue, subject to the department reviews attached hereto and the following condition of approval.

1. The lessee shall maintain the stealth Wireless Communication Facility as often as necessary and at its sole expense to ensure that the stealth elements remain in their approved condition such that they continue to i) blend in with the surrounding nature and architecture, ii) ensure that the presence, purpose and nature of the Facility are not readily apparent to a reasonable observer, and iii) provide stealth benefits in light of the weathering and aging of the stealthing material and the building to which it is attached.

Mayor Muldoon called for the vote. The vote showed 4-1 in favor with Stanford opposed. The motion carried.

Item P18-248: Encroachment Agreement with Overdyke Revocable Trust at 2128 Hidden Ranch Lane. Brendan Conboy, Brian Lenz, and Larry Pardee made staff comment.

A motion was made by Bob Lenz and seconded by Jim Stanford to continue this item to the next Town Council meeting on October 1, 2018. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Construction Management Plan for 85 South King. Brian Lenz made staff comment.

A motion was made by Jim Stanford and seconded by Hailey Morton Levinson to approve of the construction staging and phasing plan as presented and direct the owner/applicant to coordinate with neighboring and adjacent businesses and properties for construction related activities and to coordinate with the Town of Jackson for use and occupying of the Public Right-of-Way for all associated construction permits, fees and bonding required for such work on the fee basis as stated within the TOJ Municipal Code under 12.08.060 - Permit Fees. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

First Amendment to the Development Agreement for Hidden Hollow. Brian Lenz made staff comment. Brendan Schulte made comment on behalf of the applicant.

A motion was made by Jim Stanford and seconded by Bob Lenz to approve the First Amendment to the Development Agreement – Hidden Hollow between the Town of Jackson and Hansen & Hansen, LLP, with any minor revisions and authorize the Mayor to sign the amendment to the development agreement.

A motion was made by Don Frank and seconded by Jim Stanford to amend the motion by adding that Paragraph C. would be stricken from the agreement. Brenda Wylie made comment on behalf of the applicant. Mayor Muldoon called for the vote on the amendment. The vote showed 0-5 in favor and the motion failed.

Mayor Muldoon called for the vote on the main, original motion. The vote showed 4-1 in favor with Frank opposed. The motion carried.

Irrigation Installation on Stormy Circle Cul-De-Sac. Johnny Ziem made staff comment.

A motion was made by Jim Stanford and seconded by Hailey Morton Levinson to approve the procurement and installation of a hose bib and all associated metering equipment for the landscaped area in the cul-de-sac of Stormy Circle with the understanding that all associated water bills will be the responsibility of one resident of the Stormy Circle cul-de-sac and direct the Town Attorney to create a memorandum of understanding with the resident responsible for payment of the water usage related to the cul-de-sac water meter. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Matters from Mayor and Council. Jim Stanford made comment on fostering cultural exchange relations with the Wind River Reservation. The Jackson Hole WILD Fest will take place during the first weekend of October and will host a premiere film called “Native America” at the Center for the Arts. He requested that Council consider \$5,000 as sponsorship funding on this event from the community promotion account. A motion was made by Jim Stanford and seconded by Mayor Muldoon to provide \$5,000 from the community promotion account to sponsor the WILD Fest event. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

Town Manager’s Report. A motion was made by Jim Stanford and seconded by Hailey Morton Levinson to accept the Town Manager’s Report. The Town Manager’s Report contained an update on sales and lodging tax, the specific purpose excise tax (SPET), and a retail liquor license update. 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 Bob Lenz to adjourn the meeting. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried. The meeting adjourned at 9:40 p.m.

TOWN OF JACKSON

ATTEST:

Pete Muldoon, Mayor

Sandra P. Birdyshaw, Town Clerk

minutes: spb
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