

**SPECIAL JOINT INFORMATION PROCEEDINGS  
TOWN COUNCIL AND BOARD OF COUNTY COMMISSIONERS MEETING**

**OCTOBER 7, 2019**

**JACKSON, WYOMING**

The Jackson Town Council met in conjunction with the Teton County Commission in a Joint Information Meeting (JIM) located in the County Commissioner's Chambers located at 200 S. Willow St. at 1:00 P.M. Upon roll call the following were present:

**COUNTY COMMISSIONERS:** Natalia Macker Chair, Vice-Chair Greg Epstein, Mark Newcomb, and Luther Propst. Mark Barron joined the meeting at 1:15pm.

**TOWN COUNCIL:** Mayor Pete Muldoon, Hailey Morton Levinson, Arne Jorgensen, Jim Stanford, and Jonathan Schechter.

**COUNTY PLANNING COMMISSION:** Glen Esnard and Sue Lurie

**TOWN PLANNING COMMISSION:** Katie Wilson

**STAFF:** Alyssa Watkins, Larry Pardee, Sherry Daigle, Keith Gingery, Lea Colasuonno, Roxanne Robinson, Tyler Sinclair, April Norton, Kristi Malone, Angie Martell, Keith Sbiral, Kristen Waters, Amy Ramage, Heather Overholser, John Graham, and Shelley Fairbanks.

**Growth Management Plan.**

Tyler Sinclair, Town Community Development Director, presented to the Joint Board the Joint Growth Management Program review and to discuss the results of Phase 1: Our 5-Year Audit of the Joint Growth Management Program.

At the May 6, 2019, Joint Information Meeting the Boards approved the Fiscal Year 2020 Comprehensive Plan Implementation Work Plan. The approved Work Plan identified this project as the priority joint task for the upcoming year as follows:

1. ***Joint Comprehensive Plan Review (Growth Management Program):*** *The Growth Management Program is a systematic review of the Comprehensive Plan principles, policies, strategies, and indicators to identify corrective actions that are needed before it is too late to make the corrections. The Growth Management Program was triggered in 2016 upon hitting 5% growth in residential units since adoption of the Comprehensive Plan. In 2017 the Board and Council chose to delay the Growth Management Program because the Engage 2017: Housing, Parking, and Natural Resource Updates needed to be complete, especially the Town District 3-6 Zoning Updates and Housing Mitigation Requirements Update, before the community could accurately reflect on and adapt the Comprehensive Plan principles, policies, and strategies. The Council and Board requested that this task be prioritized and achieved as expeditiously as possible with a primary focus on locational density preference and allocation.*

On June 3, 2019, the Town and County entered into a contract with Logan Simpson Design to complete the Joint Growth Management Program review and Comprehensive Plan update. The approved Scope of Work included a 3-phase schedule as follows:

- Phase 1: Our 5-Year Audit
- Phase 2: Augmenting Our GMP Amendment
- Phase 3: Creating our GMP Amendment

Phase 1: Our 5% Audit

The purpose of phase 1 is to examine the implementation efforts of 2012-2019 and provide insight as to whether the community has been moving toward its aspirations. The task included an audit of the vision, policies, strategies, and indicators, because we hit the 5% residential unit trigger, met our 60/40 locational goal but did not meet our 65% workforce housing goal. As well as evaluation of new opportunities, additions, deletions, and clarifications to the Plan.

Staff and the consultant have completed phase 1 of the project including the following

tasks:

- Task 1A: GMP Amendment Audit
- Task 1b: The Last 5 Years
  - Stakeholder Interviews
  - Community Survey
  - GMP White Paper

Commissioner Barron joined the meeting at 1:15pm.

Bruce Meighen from Logan Simpson addressed the Board regarding 1) Stewardship of Wildlife, natural Resources and Scenery, 2) Climate Sustainability through Energy Conservation, 3) Responsible Growth Management, 4) The Town as the Heart of the Region – The Central Complete Neighborhood, 5) Local Workforce Housing, 6) A Diverse and Balanced Economy, 7) Multimodal Transportation, 8) Quality Community Service Provision, 9) Growth Management Program, and 10) Administration.

The meeting was recessed at 1:47pm and reconvened at 1:52pm.

There was discussion between the Joint Board, Tyler Sinclair, Bruce Meighen, and Alex Norton – OPS Strategies.

The meeting was recessed at 2:44pm and reconvened at 2:59pm.

**Public Comment.** There was no public comment.

**Consent Calendar.** On behalf of the County, a motion was made by Commissioner Epstein and seconded by Commissioner Barron to approve consent calendar item A. On behalf of the Town, a motion was made by Councilwoman Morton Levinson and seconded by Councilman Jorgensen to approve consent calendar item A.

A. **Meeting Minutes.** To approve the meeting minutes as presented for the September 9, 2019 regular JIM meeting and the September 16, 2019 special JIM meeting as presented.

The vote showed all in favor and the motion carried for the County. The vote showed all in favor and the motion carried for the Town.

**Teton County Adoption of Housing Rules & Regulations.**

Stacy Stoker, Housing Manager, presented to the Joint Board for consideration the Third Reading of the Town of Jackson Ordinance J, Housing Rules and Regulations, and the Board of County Commissioners will vote to approve the updates to the Jackson/Teton County Housing Department Rules and Regulations.

In June of 2018, the Jackson Town Council (“Council”) and Teton County Board of County Commissioners (“Board”) adopted the Jackson/Teton County Housing Department Rules and Regulations (“Rules and Regulations”). After working with the Rules and Regulations for the past year, staff recognized several necessary changes and brought them to the Council and Board for direction. On July 23, 2019, the Council and Board directed staff to make the following changes and to bring the updated Ordinance for the Three Readings to the Council along with posting the updated Rules and Regulations for the required 45-day public Comment Period. The Town Council heard and approved the First Reading on August 19 and the Second Reading on September 3.

There was no public comment.

On behalf of the County a motion was made by Commissioner Epstein and seconded by Commissioner Newcomb to approve the Jackson/Teton County Housing Department Rules and Regulations as posted for the required 45-day public comment period. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

On behalf of the Town a motion was made by Councilwoman Morton Levinson and seconded by Councilman Stanford to approve Ordinance J on third reading. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

**Town Ordinance.** Town Attorney Lea Colasuonno read Ordinance J in Short Title.

## ORDINANCE J

AN ORDINANCE AMENDING AND REENACTING THE TOWN OF JACKSON MUNICIPAL CODE TITLE 16 REGARDING HOUSING RULES AND REGULATIONS; 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:

On behalf of the Town, a motion was made by Councilwoman Morton Levinson and seconded by Councilman Stanford to approve Ordinance J at Third Reading and designate it Ordinance 1242. Mayor Muldoon called for a vote. The vote showed all in favor and the motion carried.

### **Melody Ranch Townhomes Roof.**

April Norton, Housing Director, presented to the Joint Board seeking direction from the Town Council ("Council") and Board of County Commissioners ("Board") on what new actions, if any, they would like staff to take related to the roof challenges faced by owners of deed restricted homes in the Melody Ranch Townhome neighborhood.

First, what is the policy direction – are the Council and Board interested in protecting the permanently deed restricted homes and are the boards also interested in ensuring the HOA can obtain financing to complete the project, knowing that it will involve significant cost and/or potentially require some homeowners to sell their homes?

Second, staff provides the Board and Council with seven options. Based on feedback from the HOA, if an option to provide financing for any homeowner who needs it – restricted or not – is not provided, the HOA will not move forward with an assessment and the roofs will not be fixed. Therefore, options one through five pursued alone may not be enough to protect the existing eight owners of permanently deed restricted units. Options one through five pursued in conjunction with option six may ensure that the HOA assesses itself to fix the roofs.

1. Stay the course. Once the HOA has approved an assessment for the roof project (anticipated to be \$160,000 per unit), strip the Affordable restrictions and record a Workforce restriction with a maximum resale value \$160,000 higher than the existing Affordable maximum resale value. This places the cost to fix the roof on a future homeowner and allows owners who cannot secure financing the opportunity to sell their homes without bearing the cost to fix the roofs.
2. Sell the Affordable restrictions to the HOA. The Board and Council will set a price for the Affordable restrictions and allow the HOA to purchase the restrictions, thus allowing the entire neighborhood to become free market and removing financing barriers. Right now, a two-bedroom 80-120% Affordable restriction is valued at \$208,316 based on current fee-in-lieu rates. Sales proceeds will be placed into the Supply Program account at JTCHA to be utilized to build permanently deed restricted housing.
3. Direct JTCHA to give the Affordable owners funds up to the cost to fix the roofs + moving costs. The Affordable restrictions would remain in place and funds will only be provided after the HOA assessment.  $\$160,000 \times 8 \text{ units} = \$1,280,000$ . Fee-in-lieu funds may be used to pay for this so long as the Affordable restrictions remain in place.
4. Direct JTCHA to loan the Affordable owners funds up to the cost to fix the roofs + moving costs and require that the owners pay JTCHA back upon the sale of their home or the roof fix, whichever comes first. Once the roofs are fixed or the home is listed for sale, JTCHA will strip the Affordable restriction and record a Workforce restriction with a maximum sales price that is increased by the amount loaned per unit. If the owner cannot afford to pay JTCHA back once the roof has been fixed, that owner will be required to sell their home at which time JTCHA will be paid back. Fee-in-lieu funds may not be utilized for this option. This option may result in forced sales.
5. Direct JTCHA to guarantee the loan to the HOA. If an owner cannot pay the mortgage, then JTCHA will force that person to sell their home and utilize the proceeds from the sale of said home to pay the bank. This option may result in forced sales.

6. Direct JTCHA to purchase permanent deed restrictions on those units that do not currently have one and whose owners cannot otherwise obtain financing to pay the assessment to fix the roof. The Council and Board would need to set a maximum amount that JTCHA can offer to purchase permanent Workforce Ownership restrictions. Recently, a Workforce Ownership restriction was purchased for \$75,000 on a 2-bedroom, 1-bathroom, 1,036-square-foot, single-family home in the Sage Meadows neighborhood. The homes in the Melody Ranch Townhome neighborhood are all 2-bedroom, 2-bathroom, approximately 1,400-square-foot, attached units. Fee-in-lieu funds cannot be used to purchase Workforce restrictions.
7. Direct JTCHA to pursue a combination of the options listed above, or an option not presented by staff today.

Public comment was given by Brian Modena.

Adam Meyer and Brian Modena addressed the Joint Board on behalf of the Melody Ranch Homeowners Association.

On behalf of the County a motion was made by Commissioner Barron and seconded by Commissioner Epstein to direct the Jackson/Teton County Housing Authority to 1) provide a construction loan to the permanently Affordable owners of the Melody Ranch Townhomes Subdivision that will cover the costs to fix the roofs, plus displacement costs, up to \$160,000; to record a Workforce Ownership restriction on the units once the roof has been fixed; and to require full repayment for said loan once the roof is fixed; if an owner provides sufficient evidence of an inability to service the additional debt per the Housing Department requirements, construction loan repayment will be deferred until the sale of the unit, and the unit will be kept at an affordable category 2 restriction; and 2) offer to purchase a permanent deed restriction on any home that is not permanently deed restricted, spending no more than \$100,000 for a Workforce Ownership restriction and no more than \$160,000 for an Affordable Ownership restriction and further would require that staff bring any subsequent documents back to these Board for final approval. Chair Macker called for the vote. The vote showed all in favor and the motion carried.

On behalf of the Town a motion was made by Councilwoman Morton Levinson and seconded by Councilman Jorgensen to direct the Jackson/Teton County Housing Authority to 1) provide a construction loan to the permanently Affordable owners of the Melody Ranch Townhomes Subdivision that will cover the costs to fix the roofs, plus displacement costs, up to \$160,000; to record a Workforce Ownership restriction on the units once the roof has been fixed; and to require full repayment for said loan once the roof is fixed; if an owner provides sufficient evidence of an inability to service the additional debt per the Housing Department requirements, construction loan repayment will be deferred until the sale of the unit, and the unit will be kept at an affordable category 2 restriction; and 2) offer to purchase a permanent deed restriction on any home that is not permanently deed restricted, spending no more than \$100,000 for a Workforce Ownership restriction and no more than \$160,000 for an Affordable Ownership restriction and further would require that staff bring any subsequent documents back to these Board for final approval. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried.

The meeting was recessed at 3:54pm and reconvened at 4:00pm.

#### **430 and 440 West Kelly Avenue Housing Development.**

This item continued with discussion among the Joint Board. April Norton, Housing Director, presented a staff report to the Joint Board seeking direction on how to move forward and lays forth several options in this staff report. Time is of the essence if we are to break ground on a project next year and, with over 1,000 households representing almost 2,300 people on the Intake Form, the demand for safe, stable housing persists for many of our working households. The Board of County Commissioners ("Board") and Town Council ("Council") have chosen a development partner who has a strong team and is ready to get started on the project.

At the September 9 meeting the Board voted to move forward with a 12-unit project proposed by Commissioner Barron ("Barron's 12-units"); the Council, however, did not approve the same motion and no action was taken. Today staff seeks direction on how to move forward and provides several options for consideration, below, including a new

option that would allow the Council to determine how to move forward with the project because of its location in Town, which is the Council’s jurisdiction.

Option 1: Council and Board vote to allow the Council to determine how to develop 430 and 440 West Kelly Avenue because of its location in the Town of Jackson and to allow the Board to determine how to develop the 5-acre Rains Property because of its location in the County, which is the Board’s jurisdiction. A summary of these two parcels is attached to the staff report.

Option 2: Vote to build one of the five options previously discussed and summarized, below. Site plans for the first three options are provided as an attachment to this staff report. A site context picture is also provided, showing what the revised 16 units, 12 units, and two buildings built to LDRs would look like on the two lots.

|                                      | <b>Original 16 units</b>    | <b>Revised 16 units</b>     | <b>12 units</b>                 | <b>Revised 12 units</b>   |
|--------------------------------------|-----------------------------|-----------------------------|---------------------------------|---------------------------|
| <b># Units</b>                       | 16                          | 16                          | 12                              | 12                        |
| <b># Bedrooms</b>                    | 24                          | 24                          | 14                              | 24                        |
| <b># Parking spaces</b>              | 18                          | 20                          | 14                              | 18                        |
| <b>Affordability</b>                 | 12 @ 80-120<br>4 @ 120-200  | 8 @ 80-120<br>8 @ 120-200   | 10 @ 80-120<br>2 @ 120-200      | 3 @ 80-120<br>9 @ 120-200 |
| <b>Height</b>                        | Max @ 35’3”<br>Side @ 21’6” | Max @ 32’6”<br>Side @ 22’6” | Max @ 36’1-3/8”<br>Side @ 12’8” | Unknown. Will meet LDRs.  |
| <b>Additional Public Required \$</b> | \$0                         | \$150,000                   | \$325,000                       | \$175,000                 |

Option 3: Council and Board direct staff to sell the property and to utilize the sales proceeds to develop permanently deed restricted housing for the workforce at a different location.

On behalf of the County, a motion was made by Commissioner Propst and seconded by Commissioner Epstein to continue consideration of this item to the November 4, 2019 Joint Information Meeting. Chair Macker called for the vote. The vote showed 1-4 in favor with Commissioners Macker, Epstein, Barron, and Newcomb opposed, and the motion failed for the County.

On behalf of the County, a motion was made by Commissioner Barron and seconded by Commissioner Epstein to direct and authorize the Jackson Teton County Housing Authority to execute a Ground Lease and Development Agreement with Roller Development and Tack Development to build permanently deed restricted housing at 430 and 440 West Kelly Avenue that is consistent with the of the 12-unit proposal in our staff report. Chair Macker called for the vote. The vote showed 4-1 in favor with Commissioner Newcomb opposed and the motion carried for the County.

On behalf of the Town, a motion was made by Councilman Stanford and seconded by Councilman Schechter to direct and authorize the Jackson Teton County Housing Authority to execute a Ground Lease and Development Agreement with Roller Development and Tack Development to build permanently deed restricted housing at 430 and 440 West Kelly Avenue that is consistent with the of the 12-unit proposal in our staff report. Mayor Muldoon called for the vote. The vote showed 2-3 in favor with Mayor Muldoon, Councilman Jorgensen and Councilwoman Morton Levinson opposed and the motion failed for the Town.

On behalf of the Town, a motion was made by Mayor Muldoon and seconded by Councilwoman Morton Levinson to direct and authorize the Jackson Teton County Housing Authority to transfer the title of 3590 North Kennel Lane to Teton County and 430 and 440 West Kelly Avenue to the Town of Jackson and these parcels are restricted for use of affordable housing. Mayor Muldoon called for the vote. The vote showed 3-2 in favor with Councilmen Stanford and Schechter opposed and the motion carried for the Town.

On behalf of the County, a motion was made by Commissioner Epstein and seconded by Commissioner Propst to direct and authorize the Jackson Teton County Housing Authority to transfer the title of 3590 North Kennel Lane to Teton County and 430 and 440 West Kelly Avenue to the Town of Jackson and these parcels are restricted for use of affordable housing. Chair Macker called for the vote. The vote showed 2-3 in favor with Commissioners Barron, Newcomb and Propst opposed and the motion failed for the County.

Chair Macker brought up discussion to have a special Joint Information Meeting on October 21, 2019 regarding the Melody Ranch Townhomes Roof. The time will be determined later.

On behalf of the Town, a motion was made by Mayor Muldoon and seconded by Councilman Schechter to direct staff to bring us back an update on the potential sale of the property to a third party as well as the information that will assist the Boards in making a decision regarding the transfer as previously discussed. Mayor Muldoon called for the vote. The vote showed all in favor and the motion carried for the Town.

On behalf of the County, a motion was made by Commissioner Newcomb and seconded by Commissioner Epstein to direct staff to bring us back an update on the potential sale of the property to a third party as well as the information that will assist the Boards in making a decision regarding the transfer as previously discussed. Chair Macker called for the vote. The vote showed all in favor and the motion carried for the County.

**Adjourn.** On behalf of the County, a motion was made by Commissioner Epstein and seconded by Commissioner Barron to adjourn the meeting. The vote showed all in favor and the motion carried for the County.

On behalf of the Town, a motion was made by Councilwoman Morton Levinson and seconded by Councilman Schechter to adjourn to executive session to discuss personnel matters, to consider the selection of a site or the purchase of real estate when the publicity regarding the consideration would cause a likelihood of an increase in price, and matters concerning litigation to which the governing body is a party or proposed litigation to which the governing body may be a party in accordance with Wyoming Statute 16-4-405(a)(ii)(iii)(vii)(x). Executive session will be held at Town Hall.

The meeting adjourned at 4:58pm.

minutes:sdf

TETON COUNTY

ATTEST:

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Natalia D. Macker, Chairwoman

\_\_\_\_\_  
Sherry L. Daigle, County Clerk