

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

November 5, 2018

JACKSON, WYOMING

The Jackson Town Council met in conjunction the Teton County Commission in a regular joint information session in the Commissioners Chambers located at 200 S. Willow Street at 3:02 P.M. Upon roll call the following were found to be present:

Chair & Commissioners: Mark Newcomb, Natalia Macker, Paul Vogelheim, Greg Epstein, and Smokey Rhea.
Mayor & Council: Mayor Pete Muldoon, Jim Stanford, Bob Lenz, Don Frank, Hailey Morton Levinson.
Staff: Sherry Daigle, Roxanne Robinson DeVries, Stacy Stoker, April Norton, Keith Gingery, Larry Pardee, Brady Hansen, Darren Brugman, Jodie Pond, Alyssa Watkins, Audrey Cohen-Davis, Lea Colasuonno, Sean O'Malley, Larry Pardee, Darren Brugmann, Kassie Hansen, and Shelley Fairbanks.

Public Comment.

Public comment was given by Mary Wendall Lampton regarding wildlife crossings.

Public comment was given by Glen Esnard regarding wildlife crossings.

Public comment was given by Larry Drummond regarding wildlife crossings.

Public comment was given by Kate Winters regarding wildlife crossings.

Consent Calendar. On behalf of the County, a motion was made by Natalia Macker and seconded by Paul Vogelheim to approve items A as presented on the Consent Calendar. On behalf of the Town, a motion was made by Jim Stanford and seconded by Don Frank to approve items A as presented on the Consent Calendar.

- A. **Meeting Minutes.** To approve the October 1, 2018 regular joint meeting minutes as presented.

Greg Epstein requested that the Adoption of Functional Classification Map for Roads Within the Urban Systems Boundary be moved from the consent agenda for further discussion.

Chair Newcomb called for the vote. The vote showed all in favor and the motion carried on behalf of the County. Mayor Muldoon called for the vote. The vote showed all in favor with and the motion carried on behalf of the Town.

IV. Discussion/Action Items.

- A. **Adoption of Functional Classification Map for Roads Within the Urban Systems Boundary.**

Sean O'Malley Public Works Director presented to the Joint Board for Consideration of approval of roadway functional classification map for roadways within the approved Urban Systems Boundary. This is an administrative item and the final step required to formally allow the Town of Jackson and Teton County to utilize Urban Systems funds.

A Memorandum of Understanding (MOU) between the Wyoming Department of Transportation (WYDOT), the Town of Jackson, and Teton County Commission was signed by all parties in August of 2017. The MOU established the responsibilities and funding requirements for inclusion within the WYDOT Urban Systems Program. This program is a cost-sharing program authorized by the Transportation Commission of Wyoming. WYDOT allocates funding under the program each year for projects located within the Jackson – Teton County Urban Systems Boundary. The funding, which accrues at approximately \$175,000/year, is to be used by Jackson and/or Teton County for transportation projects within the Urban System Boundary on transportation routes functionally classified as Minor Collectors or higher. WYDOT holds the funds in trust, allowing them to accumulate until a project is ready to design and construct. Any funding used through the Urban System Program requires a 9.51% local match. Under the MOU, the Town and County have agreed to maintain any urban system improvements constructed under the program. As well, the Town agreed to annex Broadway-US 26/89 from South Park Loop Road to the Flat Creek Bridge into the Town Limits and to accept maintenance responsibilities for the highway from High School Road to

the northern corporate limits. Per the MOU, Teton County is cost-sharing the associated operational costs with the Town of Jackson.

In addition to these requirements, each designated urban area must have:

- An Urban Systems Advisory Committee
- Urban Systems Advisory Committee Bylaws
- An Urban Systems Boundary Map
- An approved Functional Classification Map for all roadways within the Urban Systems Boundary

On April 9, 2018, the Town Council and the Teton County Commissioners approved the Urban Systems Advisory Committee, through adoption of the Urban Systems Advisory Committee Bylaws, as well as the Urban Systems Boundary Map. Since that time, the Transportation Advisory Committee (TAC) has worked with WYDOT planning staff to finalize functional classification maps for areas within the Urban System boundary. The most recent Functional Classification Maps, for both the Town of Jackson and Teton County, were approved by Federal Highways Administration on June 1, 2004. Staff has been unable to find any records that indicate either the Town or the County acted to approve these maps. There are two minor adjustments recommended by the Transportation Advisory Committee. The first adjustment is in response to a previous misclassification by WYDOT and Federal Highway Administration (FHWA) for a short section of East Broadway between Redmond Street and Nelson Drive. TAC recommends changing this segment from a Local Road to Minor Collector. The second adjustment is the addition of a note indicating the classification for the remaining segment of Tribal Trail will be determined through the public involvement and design process.

Discussion between the Joint Board and Staff included the process of functional classification to be used around the Tribal Trails charter, mobility and accessibility, at this point there is no functional classification for Tribal Trails, major and minor functional classifications, future growth of HWY 22, adjustments to the functional classification map can be made with signatures from FHWA, WYDOT, and our local jurisdiction.

There was no public comment.

There was no discussion among the Joint Board.

On behalf of the County, a motion was made by Paul Vogelheim and seconded by Greg Epstein To approve the Teton County 2018 Functional Classification Map and the Town of Jackson 2018 Functional Classification Map. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried on behalf of the County.

On behalf of the Town, a motion was made by Jim Stanford and seconded by Don Frank to approve the Teton County 2018 Functional Classification Map and the Town of Jackson 2018 Functional Classification Map. Mayor Muldoon called for the vote. The vote showed all in favor with and the motion carried on behalf of the Town.

B. New Special Restriction Templates.

April Norton, Housing Director, presented to the Joint Board for consideration of approval of standard special restriction templates reflecting the updates to the Housing Standards in the Town of Jackson and Teton County Land Development Regulations (LRDs), and the updates to the Jackson/Teton County Housing Department Rules and Regulations (Housing Rules and Regulations). On July 4th, 2018 the Town Council and Board of County Commissioners updated the Housing Standards in the LDRs and the Housing Rules and Regulations. The Town and County Legal Departments have drafted new standard restriction templates, which reflect the updates.

Key Components of Restrictions:

Affordable Ownership Restriction:

- Income and asset limits according to income ranges 0%-50%; 50%-80%; 80%-120% of median family income for Teton County.
- At least one person in the household must be employed an average of 30 hours per week (1,560 hours per year) at a local business until retirement age (currently 62).

- Occupancy requirement (10 months per year).
- No ownership of residential property within 150 miles of Teton County at time of purchase or during ownership.
- Annual check-in to verify employment and occupancy.
- Weighted drawing to identify buyers.
- Appreciation is CPI capped at 3%

Restated Affordable Ownership Restriction

- Same as Affordable Ownership. This restriction will be recorded on all existing Affordable resales.

Affordable Rental Restriction:

- Income and Asset Limits according to income ranges 0%-50%; 50%-80%; 80%-120% of median family income for Teton County
- At least one person in the household must be employed an average of 30 hours per week (1,560 hours per year) at a local business until retirement age (currently 62).
- Must remain a rental – no owner occupancy.
- Rental rate may not exceed 30% of the low end of the income range; basic utilities and trash removal must be included.
- Tenants may not own residential property within 150 miles of Teton County.
- Tenants must occupy the unit a minimum of 80% of the lease term.
- Tenants must continue to qualify while renting.
- Tenants are identified by the owner of the unit.
- The Housing Department will conduct annual verification for qualification.

Workforce Ownership Restriction:

- No income limit, but the household must continue to earn a minimum of 75% of income from a local business until retirement age (currently 62).
- No asset limit, except no ownership of residential property within 150 miles of Teton County at time of purchase or during ownership.
- At least one person in the household must be employed an average of 30 hours per week (1,560 hours per year) at a local business.
- Units can be owner occupied and they can be rented as long as the tenants are qualified.
- Household must occupy the unit a minimum of 10 months per calendar year or in the case of a rental tenant must occupy the unit a minimum of 80% of the lease term.
- Initial sale price and buyer are determined by seller and buyer. Subsequent sales are weighted drawings, and maximum sales price is determined by the Housing Department. Appreciation is CPI capped at 3%.
- Annual compliance will be conducted by the Housing Department

Restated Workforce Ownership Restriction:

- Same as Workforce Ownership. This restriction will be recorded on all existing Employment-based resales.

Workforce Rental Restriction:

- Intended for non-condominium apartments.
- No income limit, but the household must continue to earn a minimum of 75% of income from a local business until retirement age (currently 62).
- No asset limit, except no ownership of residential property within 150 miles of Teton County at time of rental or during tenancy.
- At least one person in the household must be employed a minimum of 30 hours per week (1,560 hours per year) at a local business.
- Units must remain rentals.
- No maximum rents and no appreciation on rental rates.
- Tenants must occupy the unit a minimum of 80% of the lease term.

Updates:

This item was brought to the September 10, 2018 JIM. The Council and Board continued the item to allow for changes to be made. As staff and legal took another look at the restriction, the following changes were made:

- The term “Mortgagee” was kept as is. Legal determined that this is the correct term. A mortgagee is an entity that lends money to a borrower for the purpose of purchasing real estate. The borrower is known as the mortgagor.
- Added Qualified Mortgage language to Workforce Ownership restriction.
- Renumbered and reorganized Sections 2 and 3 of each restriction so Qualified Household is in Section 2 in all the restrictions to make them uniform.
- Added a maintenance requirement, which didn’t exist in some of the restrictions.
- Made the insurance provision consistent in all six restrictions.
- Added a default provision in the template(s) where absent to make it consistent in all restrictions.
- Clarified the language that allows termination and modifications to the restrictions consistently in all six documents as follows
 - Termination for failure to meet affordable housing goals: this may be made by the Town or County exclusively and unilaterally.
 - Termination Resulting from Foreclosure: This is only relevant to and therefore only in the ownership restrictions and provides the Housing authority the first option to purchase.
 - Amendment to the restriction generally: These may be made by Owner AND either the Town or County (respectively) in writing.
 - Corrections: These may be made by the Housing Department and only to correct a scrivener’s errors, erroneous legal description or typographical error.
- Added a history of the creation of the Joint Housing Authority and the Housing Department to the Recitals.
- Additional minor, insubstantial changes to clean up the templates were also made. These included correcting spelling and formatting errors and reinsuring consistency between the template forms.

This item was brought to the October 1, 2018 JIM at which time the Council and Board continued the item to allow for staff to address additional questions. While staff did not make changes to the restrictions based upon the questions raised, staff did make the following final changes:

- Added Revocation language to all restrictions.
- Removed restriction termination language in the event of a foreclosure in Affordable ownership and Workforce ownership restrictions.

Public comment was given by Stefan Fodor, on behalf of Sage Brush Apartments, Jeff Collins, and Patti Patterson.

Audrey Cohen Davis, Town Attorney, addressed the Board regarding the public comment given by Mr. Fodor.

Discussion between the Joint Board and staff included owner/landlord’s responsibility of damage to unit, conflict between the lease and deed restriction, financing deed restrictions vs. market value, process of foreclosure on a deed restricted property.

Keith Gingery, Senior Deputy Attorney, addressed the Board regarding the original intent of creating the new templates, consistency in the templates moving forward.

Discussion between the Joint Board, Pattie Patterson and staff included time restraints, predatory lending, including provisions, amended restated restrictions will be used moving forward, process of financing with the new restrictions.

On behalf of the County, a motion was made by Natalia Macker and seconded by Mark Newcomb to approve the standard Affordable Ownership, Restated Affordable Ownership, Affordable Rental, Workforce ownership, Restated Workforce Ownership, and Workforce Rental, restrictions as presented. Chair Newcomb called for the vote. The vote showed 2-3 with Natalia Macker and Mark Newcomb in favor and the motion failed on behalf of the County.

On behalf of the County, a motion was made by Greg Epstein and seconded by Smokey Rhea to continue this item for 30 days to the December 3, 2018 Joint Information Meeting. Mark Newcomb called for a vote. The vote showed 4-1 with Natalia Macker opposed and the motion carried on behalf of the County.

On behalf of the Town, a motion was made by Hailey Morton Levinson and seconded by Bob Lenz to continue this item for 30 days to the December 3, 2018 Joint Information Meeting. Mayor Muldoon called for the vote. The vote showed 4-1 with Jim Stanford opposed and the motion carried on behalf of the Town.

A. START Joint Powers Agreement

Larry Pardee, Town Manager presented to the Joint Board for consideration of approval of amendments to the START Joint Powers Agreement (JPA) Which were discussed and directed at the retreat in February of 2018. The Town Council and the County Commission discussed potential amendments to the START JPA at the February joint retreat this year and the Town Council directed the Town Attorney to prepare draft amendments based on the discussion. Adopting the changes as proposed provides some clarification for the START Board and the Transit Director in managing daily operations and expectations for decision making and the changes should have a positive impact moving forward. The requested changes were focused on:

- Clarifying the role of the START Board as it relates to broad policy decisions.
- Clarifying the role of the START Board for decisions that would affect the adopted budget.
- Clarifying the purpose of the operating plan and its relation to the budget.
- Communicating decisions that may affect the broader public, existing policy and the approved budget.
- Clarifying that internal operational and management decisions are made by the Transit Director as approved by the Town Manager.
- Clarifying that no new obligations regarding management, control, maintenance or supervision of property facilities or programs that significantly impact the broader public, the budget, or deviate from existing policy can be approved by the Board without the Town and County's approval. Clarifying that the START Board can enter into contracts so long as they are within the approved budget, operating plan and policies already approved by the Town and County.

As noted in the previous staff report, Audrey Cohen-Davis, Town Attorney reviewed the START JPA and spent notable time carefully listening to the audio from the meeting to ensure all points were captured and addressed in the proposed third amendment to the agreement. The Town Attorney also met with Transit Director, Darren Brugmann along with administrative staff from the Town and provided the proposed amendments to County staff, and the START Board for further review and comment. The amendments proposed accurately reflect the Council and Commission's discussion and direction provided at the retreat.

Due to the issues associated with budget approval, administrative decision making, and the political nature of rates, fares, routes and funding, the Town Manager and County Administrator would like to suggest as we work forward into the future with Elected Officials on the JPA, that we transition the START Board into more of an advisory role similar in nature to the Parks and Recreation Board.

The attached draft JPA Amendment as presented from the Legal Department, reflects their understating of direction provided from the Town council and County Commission, and staff is in general support of the attached draft. Also, staff offers a few different/alternative points for your discussion and consideration today:

1. Staff recommends a minor change in this section: Page 2. – Paragraph 5 Section, last sentence (strike “and” replace with “or”).
2. Staff is not sure the verbiage the Elected's proposed actually matches their intent and/or is clear for future readers, and it might be helpful for them to see and alternate option for consideration, staff offers this option: Page 2. – Paragraph 8 Section, 2nd to last sentence (add “bottom Line” and end sentence after budget. Remove “except for internal operational and expenditures”).
3. Staff's question is “Does the START Board truly have independent authority to sign contracts and, if yes, is the designation through this agreement the basic mechanism by which to allow that?” If its an option, staff believes the Town Council and BCC should definitely understand the choice in front of them on this point: Page 3. – Paragraph 10 Section, last sentence (delete “Town Attorney and County Attorney” and replace with “Town Council”

The Council and Commission have many options to consider including:

1. Approve the draft Third Amendment to the START JPA as presented and direct the Town Attorney to send the amendment to the Wyoming Attorney General for approval.
2. Approve the draft Third Amendment to the START JPA with the additional changes 1-3 as noted above and direct the Town Attorney to send the amendment to the Wyoming Attorney General for approval.
3. Adopt the amendments and direct staff to draft further amendments to the START JPA to reflect the role of the START Board as more of an advisory role.
4. Discuss the proposed amendments and continue the item to the next available Joint Information Meeting (JIM).
5. Take no action thereby keeping the current START JPA intact.
6. Other.

Public comment was given by Mike Yin.

Audrey Cohen Davis, Town Attorney, addressed the Board regarding the START Board's responsibility.

Discussion among the Joint Board included the staff recommendations, START Board and START Director's responsibility, START Funding, operational plan.

On behalf of the County, a motion was made by Paul Vogelheim and seconded by Smokey Rhea to approve the draft Third Amendment to the START JPA with the additional addition to paragraph 5 final sentence operational plan following existing policy, operational plan or the approved budget and direct the Town Attorney to send the amendment to the Wyoming Attorney General for a signature. Chair Newcomb called for the vote. The vote showed all in favor and the motion carried on behalf of the County.

On behalf of the Town, a motion was made by Hailey Morton Levinson and seconded by Jim Stanford to approve the draft Third Amendment to the START JPA with the additional addition to paragraph 5 final sentence operational plan following existing policy, operational plan or the approved budget and direct the Town Attorney to send the amendment to the Wyoming Attorney General for a signature. Mayor Muldoon called for the vote. The vote showed all in favor with and the motion carried on behalf of the Town.

B. Updates to the Fire/EMS Joint Powers Agreement

Alyssa Watkins, BCC Administrator, presented to the Joint Board for consideration of approval of proposed amendments to the JH Fire/EMS Joint Power Agreement (JPA) which better reflect existing conditions and clarify the roles of the Town of Jackson as it relates to collective bargaining. Based in par on direction given at the joint retreat held in February of this year, Town and County staff have begun a review of existing JPAs to ensure alignment between existing policy and practice, and to identify areas in need of edit or amendment.

Staff identified several areas of the Fire/EMS JPA that would benefit from updates, and those proposed changes are before the Commission and Council today. Specifically, the proposed edits seek to reflect an understanding between the Town of Jackson and Teton County in the event of collective bargaining between Teton County as the corporate authority and an exclusive bargaining agent, to clarify the title and role of the Fire Chief, to clarify liaison roles, to delete references to the Teton Emergency Responders Association because that association is not currently in existence, and to clarify the roles of the County Commissioners' Administrator and Town Manager in regard to the Fire Chief.

Discussion between the Joint Board and staff included the capitalization of Parties, Town Counsel and County Commission being involved in the hiring and firing.

There was no public comment.

On behalf of the County, a motion was made by Natalia Macker and seconded by Paul Vogelheim to approve the draft First Amendment to the Town of Jackson and Teton County Joint Power Agreement for Fire and Emergency Medical services as presented. Chair Newcomb called for the vote. The vote showed 4-1 Greg Epstein opposed and the motion carried on behalf of the County.

On behalf of the Town, a motion was made by Hailey Morton Levinson and seconded by Jim Stanford to approve the draft First Amendment to the Town of Jackson and Teton County Joint Power Agreement for Fire and Emergency Medical services as presented. Mayor Muldoon called for the vote. The vote showed all in favor with and the motion carried on behalf of the Town.

C. Health in All Policies Update

Jodie Pond, Director of Health Department, presented to the Joint Board and update on Health in All Policies (HiAP) to Teton County and the Town of Jackson. In February 2018, the Teton County Health Department was directed by the Board of County Commissioners and the Jackson town Council to create a Health in All Policies work group. Since that time a work group has been created and includes Teton County Health Department, Teton County/Jackson Parks and Recreations, Teton County Administration, Teton County Library, Teton County General Services, Teton County Human Resources, Teton County/Jackson Pathways, Jackson/Teton County Affordable Housing, Town and County Planning Departments. The workgroup has convened and is working on HiAP projects internal to the Town and County.

Discussion between the joint board and staff included appreciation of staff for the work done, social equity training.

No action was taken.

Matters from Council, Commissioners and Staff.

A. WPLI Resolution

Mark Newcomb spoke to the Joint Board regarding the upcoming Wyoming Public Lands Initiative (WPLI) Resolution that will be on the 11/13/2018 BCC Regular Meeting agenda. Opening the discussion to the Town Council for questions, comments, and support.

Discussion between the Joint Board and staff included that a consensus was never reached, deadline of the WCCA.

Executive Session.

There was no executive session held today.

Adjourn. On behalf of the County, a motion was made by Natalia Macker and seconded by Rhea to adjourn. The vote showed all in favor and the motion carried.

On behalf of the Town, a motion was made by Morton Levison and seconded by Jim Stanford to adjourn. The vote showed all in favor and the motion carried.

The meeting adjourned at 5:00 p.m.

TETON COUNTY

ATTEST:

Mark Newcomb, Chair

Sherry L. Daigle, County Clerk