

Jackson Town Council Workshop

January 18, 2022

1:30 PM

Town Council Chambers

NOTICE: THE VIDEO AND AUDIO FOR THIS MEETING ARE STREAMED TO THE PUBLIC VIA THE INTERNET AND MOBILE DEVICES WITH VIEWS THAT ENCOMPASS ALL AREAS, PARTICIPANTS AND AUDIENCE MEMBERS. **PLEASE SILENCE ALL ELECTRONIC DEVICES DURING THE MEETING**

I. ZOOM LINK FOR PUBLIC PARTICIPATION

To join, click the link or copy to your browser: <https://us02web.zoom.us/j/81115439175?pwd=aW1HWGs0WjIWMWMrV0lqZFhGTjRrQT09>

If the link does not work, join at zoom.com with Webinar ID **811 1543 9175** Password: **83001**

or join by phone **1 346 248 7799** with Webinar ID **811 1543 9175** and Passcode **83001**

II. CALL TO ORDER AND ROLL CALL

III. WORKSHOP ITEMS

- A. Director Updates (Legal, Personnel, Police Department, START, 20 mins)
- B. Bear Conflict Mitigation (Tyler Sinclair, 20 mins)
- C. Rec Center Expansion Update (Steve Ashworth, 30 mins)
- D. Title 9 Criminal Code Update (Lea Colasuonno, 20 mins)

IV. PROPOSED ITEMS FOR FUTURE WORKSHOPS

- 2/22 Director Updates (Fire/EMS, IT, Planning/Building, Public Works, 20 mins)
- 2/22 Downtown Paid Parking RFP (Paul Anthony, 60 mins)
- 2/22 Vine Street Design Concept (Johnny Ziem, 30 mins)
- 2/22 Council Chambers AV Discussion (Zolo, 30 mins)
- 3/21 Director Updates (Community Development, Finance, Housing, Parks & Rec, 20 mins)
- 3/21 Employee Housing (Floren Poliseo, 60 mins)
- 3/21 Title 2 Personnel & Administration (Lea Colasuonno, 20 mins)
- 3/21 Utility Rate Increases (Floren Poliseo, 30 mins)

V. ADJOURN

Please note that at any point during the meeting, the Mayor and Council may change the order of items listed on this agenda. In order to ensure that you are present at the time your item of interest is discussed, please join the meeting at the beginning to hear any changes to the schedule or agenda.

STAFF REPORT



Meeting Date:	January 18, 2022	Meeting Title:	Workshop
Submitting Department:	Community Development	Presenter:	Tyler Sinclair
Agenda Item:	Bear Conflict Mitigation	Public Comment:	Yes

Purpose & Policy Considerations.

The purpose of this item is to present initial research, analysis and alternatives on measures to reduce bear and other wildlife conflicts in the Town of Jackson.

Requested Action.

Staff requests Council review and discuss the information presented and provide staff direction on next steps.

Recommendations.

Staff recommends moving forward with options 1, 2 & 3 as described below.

Background.

At the October 18, 2021 Town Council Meeting the following motion was made and passed:

I move to direct staff to:

- *Research options for adopting rules for the Town – whether formal regulations, guidelines or otherwise – that will make the town more bear-safe, with an emphasis on making garbage and other bear attractants less accessible and less attractive to bears; and*
- *Provide analysis of what resources, whether human, financial, or otherwise, will be needed to address the issue; whether those resources are readily available to the town government; and, if not available, what trade-offs may be made to accomplish the goal; and*
- *Present the options by February 2022.*

Analysis.

Staff has provided below 4 alternatives for initial Council consideration on how best to proceed.

1. Voluntary Measures

Option	Description	Staff Impact	Staff Comment
A. Community Educational Campaign	This would be an education effort that sets the stage for voluntary steps individuals may take to make their trash and properties less attractive to bears and other wildlife.	Community Development Department would be responsible for implementation	While these options have the lowest costs, choosing one (or both) would not create mandatory rules, a compliance regime, nor consistency across the Town or the high-conflict areas regulated, thus, it is likely bear conflict would persist.
B. Action on Town Owned/Controlled Property Only	This would be a “lead by example” approach, in which the Town takes voluntarily actions on its own properties, thereby encouraging community members to do the same. Staff notes this does not include replacement or retrofitting of existing municipal trash cans at this time.	Public Works, specifically the Facilities (buildings) Team would be responsible for implementation. Costs associated with these	

		efforts would be requested during budget requests.	
--	--	--	--

2. Regulatory Measure

Option	Key Regulatory Areas	Staff Impact	Staff Comment
A. Ordinance. Amend the Land Development Regulations or Municipal Code to require bear/wildlife proof trash containers and other considerations.	<u>What is Being Regulated.</u> The ordinance could focus on just trash; trash <i>and</i> recycling; trash <i>and</i> attractants (bird seed, fruit trees, pet food); or trash <i>and</i> attractants <i>and</i> recycling.	Legal, Community Development and Police would primarily be responsible for implementation	<u>Wyoming Game and Fish Information:</u> The primary conflict areas, according to WG&F are the Snow King interface, along Flat Creek Apartments (behind new post office), East Jackson, and west of High School Butte, and the primary problems are unsecured garbage and attractants, and apple trees. As for conflict and results, thereof, WG&F reported that there were at least 30 conflicts in 2021 in the Town, and that two bears were captured, one of which was relocated and one euthanized. <u>Enforcement:</u> Ensuring compliance will require resource-dedication and enforcement action by the Town, particularly in the first few years after passage. Notably, while trash (and potentially recycling) franchisees will have to adjust operations and equipment to handle bear-resistant trash cans, the County is enacting an LDR for the same issue and trash haulers are thus already taking steps to handle such containers. Other Wildlife: Staff notes that there area concerns with other wildlife and potential conflicts in the Town that these regulations may address including ravens in the downtown area.
	<u>Where the Ordinance Applies.</u> The ordinance could be Town-wide or in designated “bear conflict areas.” Consideration could also be given to residential versus commercial uses.	Legal, Community Development and Police would primarily be responsible for implementation	
	<u>When the Ordinance Takes Effect.</u> The ordinance could have a future start date or an immediate start date, or it could have staggered dates (i.e., bear-resistant trash cans area required by one date and attractant remediation (all or some) is required by a different date). The availability of supply may also be a consideration here, as a result a phased approach may be necessary.	Legal, Community Development and Police would primarily be responsible for implementation	
	<u>How Trash Cans are Regulated.</u> The ordinance could: i) require individuals only use bear-resistant trash cans; or ii) allow individuals to use either bear-resistant trash cans or non-bear-resistant trash cans but prohibit the latter from being left outside.	Legal, Community Development and Police would primarily be responsible for implementation	

3. Franchise Requirement

Option	Description	Staff Impact	Staff Comment
A. Franchise Agreement Negotiation	The Town could require, via Franchise Agreements with trash and	Legal, Community Development and Police would primarily be	The two primary issues with this option are that, first, while trash cans would be regulated, this option does not incentivize citizens to make behavioral

	recycling franchisees, that bear-resistant containers be utilized in their services.	responsible for implementation.		change that would reduce bear conflicts at their properties and, second, it would not address issues with attractants in and around properties. Moreover, franchises are contracts leading to the following issues: i) potential delay in getting the new trash cans installed if the Town waits until renewal since many franchises are not due for renewal until 2024 or beyond; ii) if the Town chooses to undertake negotiations to amend the franchises, it is unclear how successful this would be, how long it would take; and iii) there is the potentiality that haulers do not renew their contracts.
--	--	---------------------------------	--	--

4. Take No Action

Option	Description	Staff Impact	Staff Comment
A. Maintain the Status Quo	The Town could elect to take no action at this time.	None	The primary issue with this option is that bears are present in the Town, as described above, and that these bear-human conflicts put persons, property, and bears at risk of dangerous/negative outcomes and trash and attractants increase risk.

Staff recommends that should Council choose to proceed with this initiative that consideration be given to alternatives 1, 2 and 3 at this initial phase as staff finds it would be premature to eliminate any alternatives at this time.

County Amendments

Notably the County is in the process of developing a county-wide requirements in their LDR's for Wildlife Feeding & Bear Conflict Areas. The [County LDR amendments](#) include the following components:

- Prohibition of feeding for all wildlife, not just the listed species in the current section which are – antelope, bighorn sheep, deer, elk, moose, mountain goats, bobcats, black bears grizzly bears, mountain lions, lynx, wild bison, wolves, coyotes, foxes and racoons
- Food and fruit bearing gardens shall be properly fenced and maintained
- Bird feeders shall follow design requirements at all times of the year
- All trash shall be stored in a certified bear resistant container or dumpster countywide
- Construction sites shall have bear resistant trash containers
- Additional language for ensuring attractants are kept in bear resistant enclosures such as grease from food service, chicken coops and feed, apiaries, compost, livestock and fish food
- Design requirements for bear resistant enclosures included in LDRs

Staff will ask Council for direction at the workshop on whether to include areas identified by Teton County in their proposed regulations as listed above.

Staff also notes that the Town does currently have wildlife feeding regulations in Town Municipal Code Section 7.08.070 Supplemental feeding of certain animals prohibited. This topic could be addressed during the scheduled update to this Article, or as part of a larger effort, depending on Council direction.

Possible Alternatives.

Please see above for possible alternatives.

Comprehensive Plan & Priority Alignment.

Principle 1.1—Maintain healthy populations of all native species.

For future generations to enjoy the ecosystem that exists today the community must manage our impacts to wildlife, wildlife habitat, and wildlife movement corridors on private and public land. The prevalence of wildlife that is central to our ecological, social, and economic character requires an intact ecosystem that supports all native species. Therefore, efforts to protect wildlife must extend to all native species.

Policy 1.1.d: Limit human/wildlife conflicts

Limiting impacts to wildlife, wildlife habitat, and wildlife movement corridors include limiting wildlife/human conflicts. Designing for wildlife permeability is necessary but attracting wildlife into the built environment can be dangerous for both wildlife and humans. Human/wildlife conflicts, especially those involving large predators, can result in human injury and/or relocation or killing of the animal. The tiered system of protections described in Policy 1.1.b should consider measures to limit wildlife attractants near the built environment, such as palatable vegetation and accessible trash.

Fiscal Impact.

The fiscal impact of this item varies depending on the option selected. Fiscal impact would continue to be identified and considered should this initiative move forward.

Staff Impact.

Staff impact related to the research and writing of this staff report is approximately 16 hours. Staff impact going forward will vary depending on the option selected. Staff recommends that should Council choose to move forward with this initiative it be assigned to our Joint Long Range Planning staff that is currently working on the County amendments. Upon completion of the County LDR amendments Joint Long Range Planning staff could initiate work in the Town. Tentatively the Town process could begin in the spring (April/May) and be completed by fall (Sept/Oct.). Additional staff resources may be available from the Eco-system Stewardship Administrator once the position is hired. It is not anticipated that the addition of this initiative would take away from other projects in the Long-Range Planning work plan.

Attachments or Links.

None

Suggested Motion.

I move to direct staff to proceed with implementation steps necessary to reduce bear and other wildlife conflicts in the Town of Jackson as provided in Alternatives 1, 2 and 3 in this January 18, 2022, Staff Report and as discussed by Council at the meeting.

STAFF REPORT



Meeting Date:	January 18, 2022	Meeting Title:	Council Workshop
Submitting Department:	Parks and Recreation	Presenter:	Steve Ashworth
Agenda Item:	Recreation Center Expansion Update	Public Comment:	No

Purpose & Policy Considerations.

The purpose of the agenda item is to update the Council as project owners on schedules and design development level drawings.

Requested Action.

Staff is not seeking formal action from Council, rather providing information and clarification on the project.

Recommendations.

Staff is not making any formal recommendations at this point.

Background.

Since receiving conditional direction and schematic design approval from the Council and Commission in November, staff and our consultant team have been working towards the completion of design development (DD) level drawings. The DD set was completed on December 17th and released to ownership and the general contractor for review and comments, along with updated pricing. Through the DD process, staff and the consultant team have worked to clarify more detailed design solutions, material selections, and technical engineering. In addition, during this phase the design team has worked closely with the general contractor to identify methods and materials that would meet the program goals at a reduced cost.

GE Johnson is scheduled to release to the team updated costs the week of January 18th, along with a list of suggestions and opportunities to reduce or mitigate building cost. The consultant team will work closely with the contractor over the course of the next thirty days to refine the design, inclusive of identifying add alternate items for bidding.

The following is the current schedule of the project:

January 12, 2022- Design Review Committee

January 18 – 28, 2022- Ownership and Consultant Team value engineering and add alternate recommendation

February 2, 2022- Planning Commission Development Plan

February 7, 2022- Joint Information Meeting, updated cost estimates and add alternate approval

February 11, 2022- Climbing Wall Contractor RFP closes

February 18, 2022- 100% Construction Documents

February 21, 2022- Release of Formal Bid Documents to General Contractor

March 7, 2022- Jackson Town Council Development Plan

March 8, 2022- Building Permit Application Submission

March 25, 2022- Guaranteed Maximum Price Bidding completed

April 11, 2022- Joint Information Meeting, award of Guaranteed Maximum Price

April 19, 2022- Board of County Commissioners, Contract Approval of Guaranteed Maximum Price

April 25-29, 2022- Estimated public engagement with Climbing Wall Contractor

May 9, 2022- Estimated receipt of building permit

May 16, 2022- Mobilization/construction start

Analysis.

Ownership and the consultant team is working on the review of DD drawings to ensure operational and functional needs are being met. The team is also reviewing alternatives in materials and building methods to provide the best value for the project. In addition to the DD drawing review, staff is working with the design team to refine and further design site features, landscape, exterior circulation and the splash pad. These areas continue to need additional design work and are a focus for the group. Staff is also working with the design team on construction level drawings for the recycling shelter and shower/restroom building. Both of these projects are add alternates with funding for the recycling shelter coming from ISWR, and the shower/restroom facility being funded through pending grant application.

Possible Alternatives.

Currently the project team is tracking the following items as potential add alternates:

1. Rotunda exterior renovation (TC Energy Mitigation Funds Consideration)
2. HVAC replacement and Cooling Add to existing Gymnasium
3. Splash pad infrastructure and plaza
4. Ice refrigerant system under splash pad plaza
5. Extension of Elevator to Roof for Maintenance Access
6. Full Curtain wall glazing on north Elevation
7. McQuay HVAC system replacement (TC Energy Mitigation Funds Consideration)
8. Exterior Courtyard Playcourt/Turf
9. Recycling Shelter (ISWR Funded)
10. Shower/Restroom Building (Grant Funded)
11. Electric Boiler System Option with modifications to existing system

Staff will continue to work with the consultant team and contractor to identify opportunities for additional add alternate items.

Comprehensive Plan & Priority Alignment.**Fiscal Impact.**

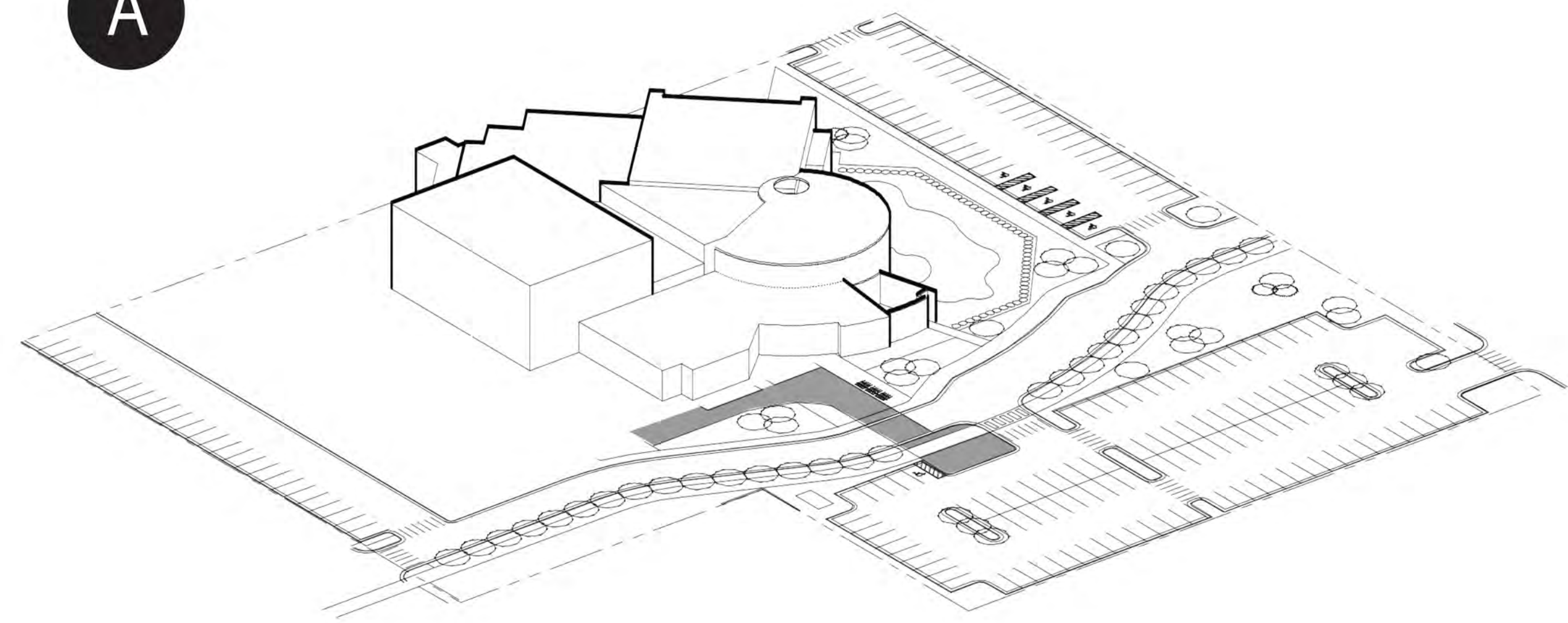
Updated cost estimates and additional add alternate bid items will be presented at the February 7, 2022, Joint Information Meeting.

Staff Impact.**Attachments or Links.**

Design Development Presentation Drawings

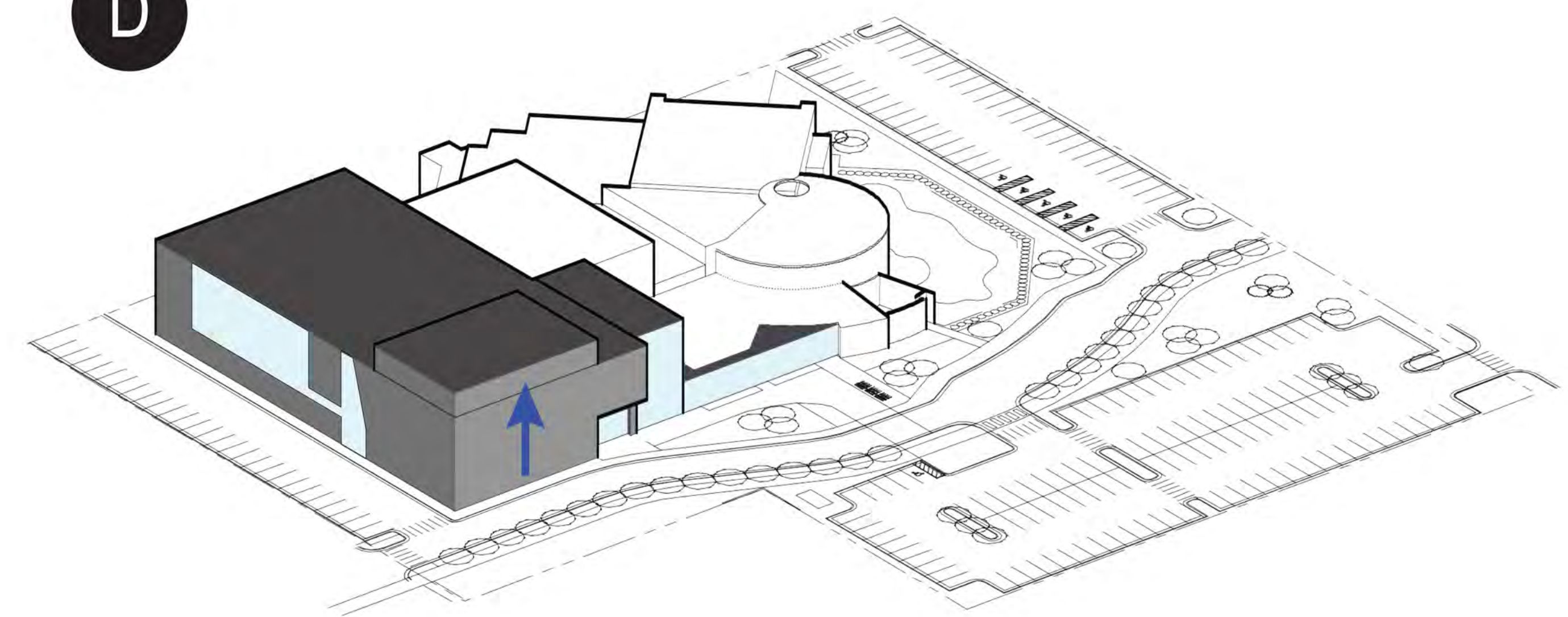
Suggested Motion. *No motion or formal direction is requested at this time*

A



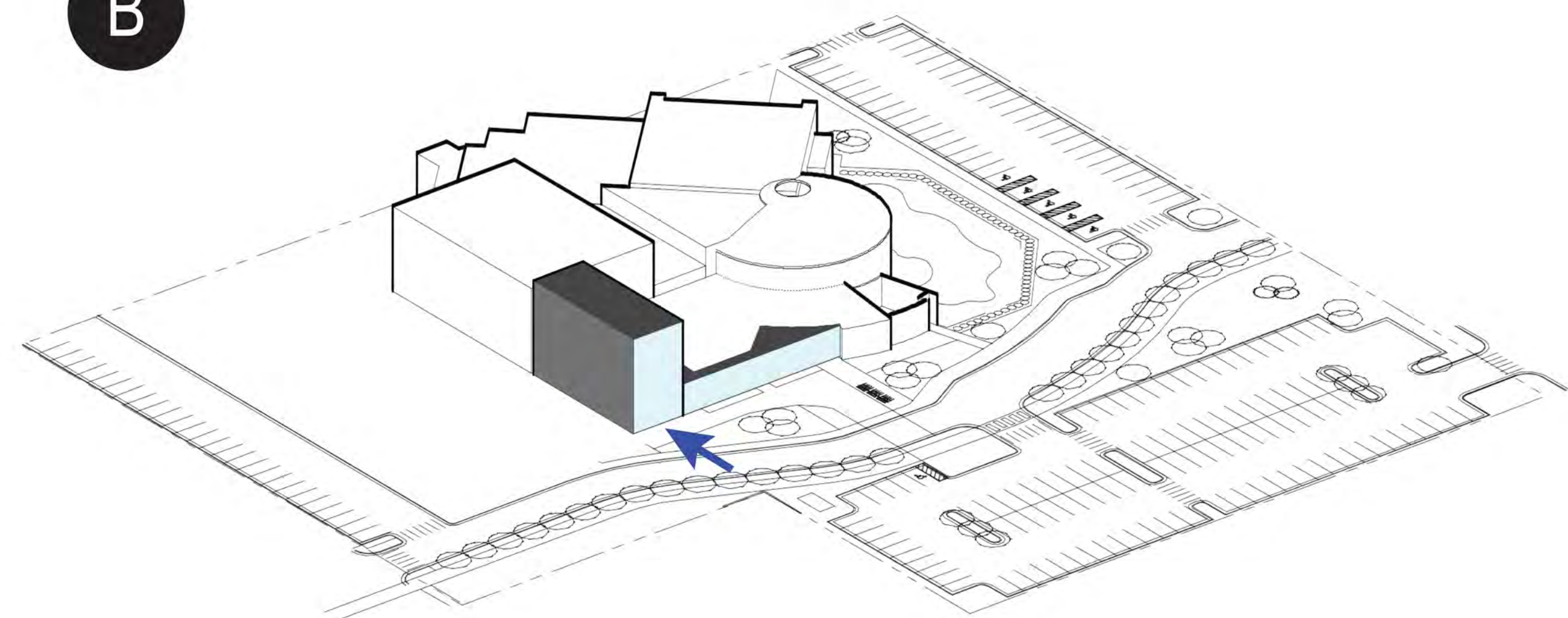
Existing recreation center on site plan.

D



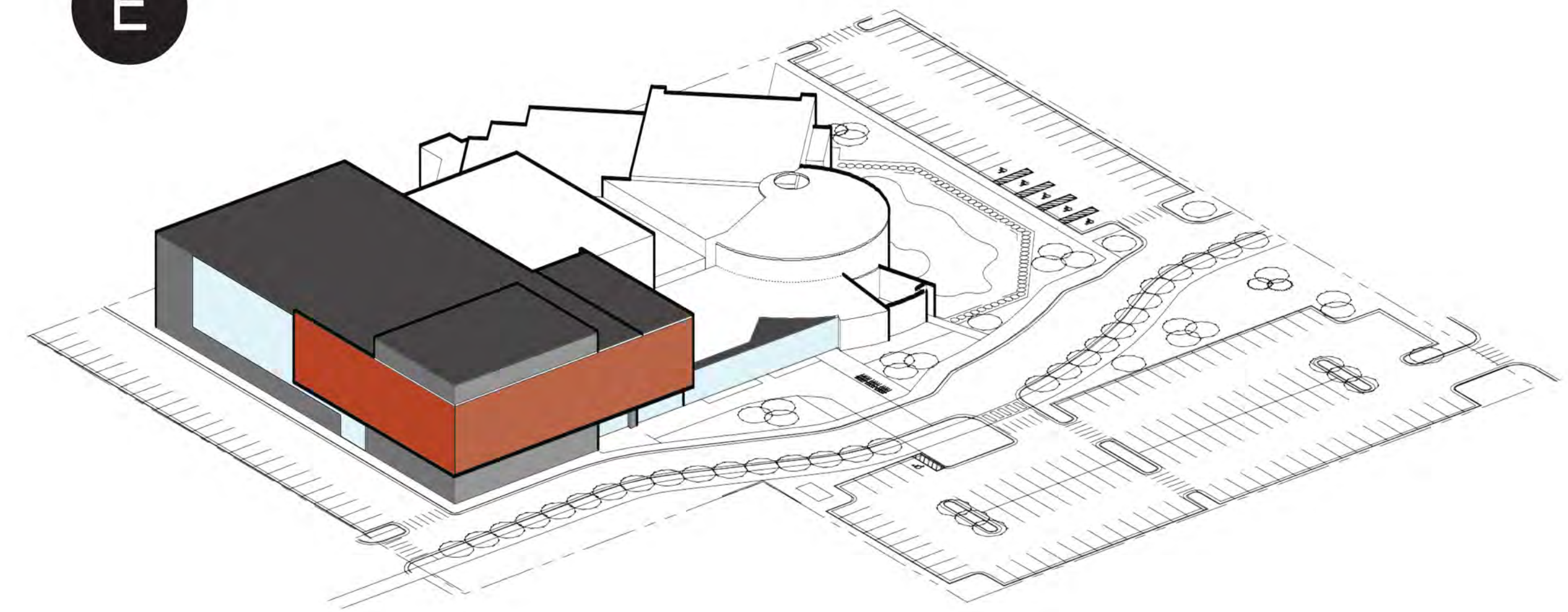
Volume expands vertically at climbing gym.

B



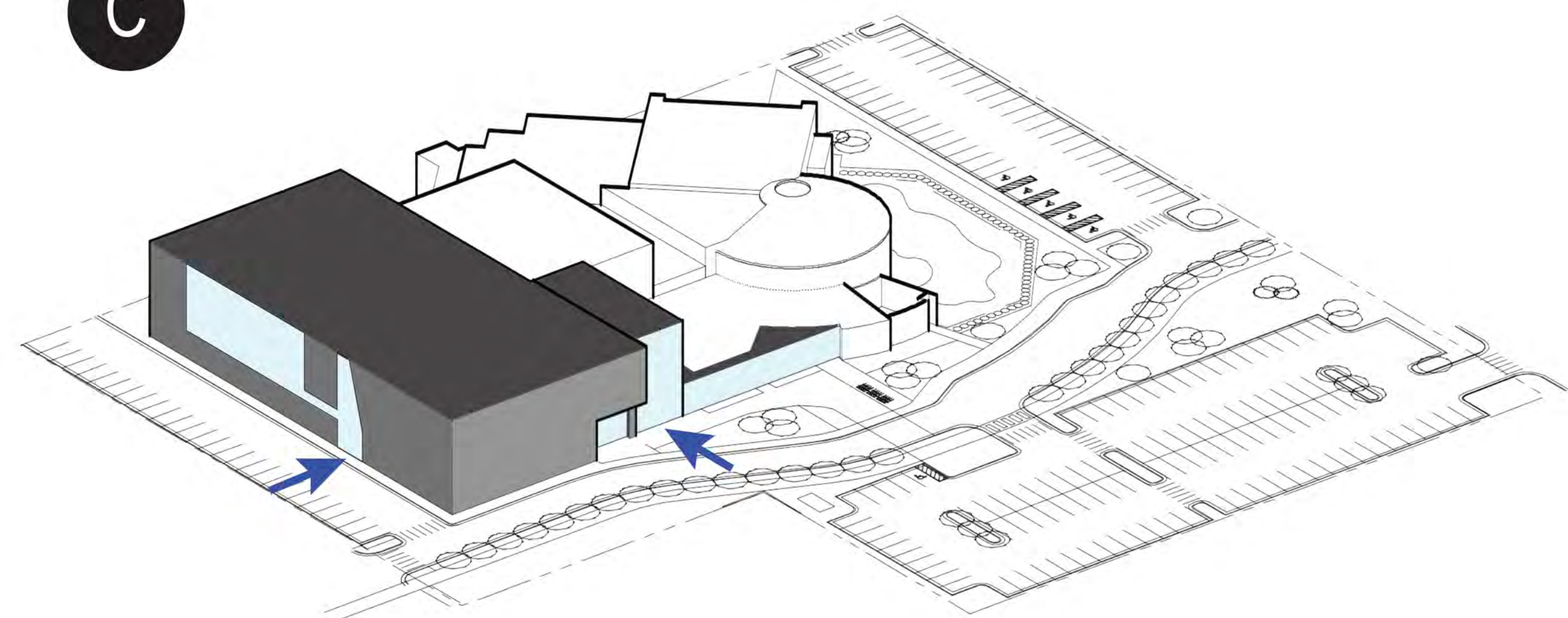
New central lobby and connection across existing building.

E



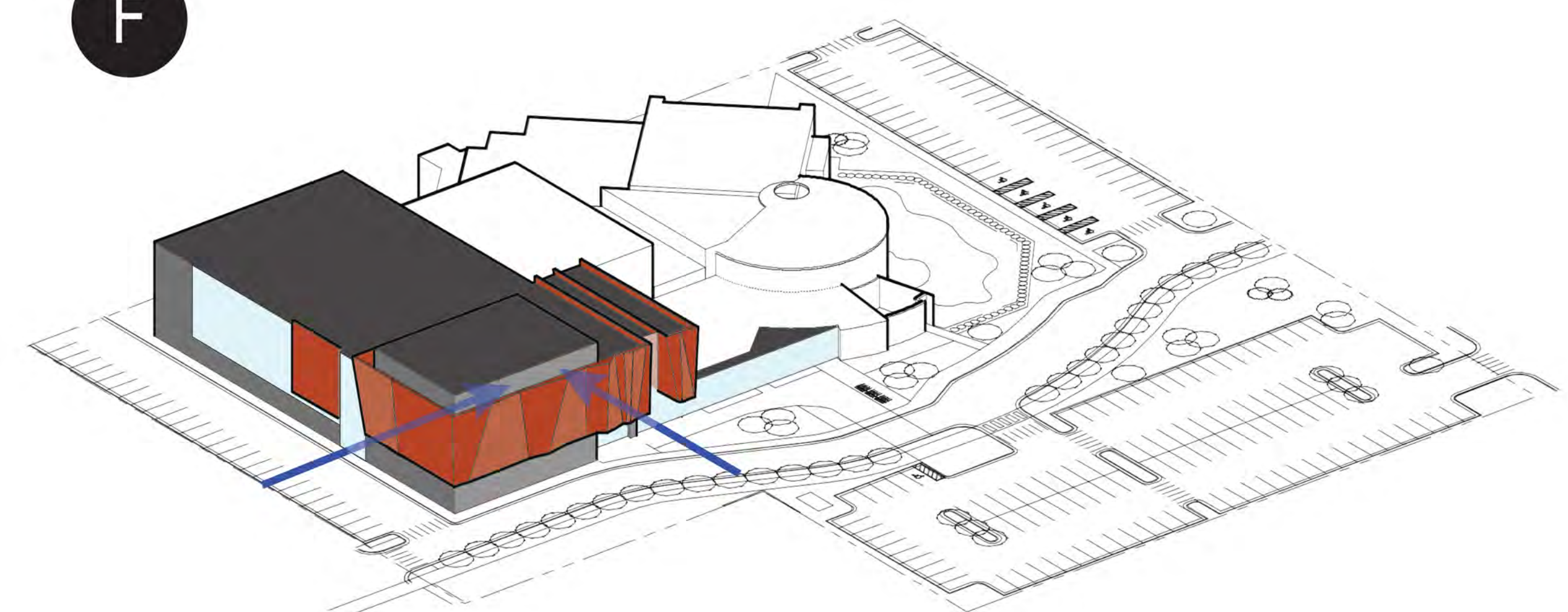
The horizontal mass of the main building box is set in contrast to a vertical 'corten' material.

C

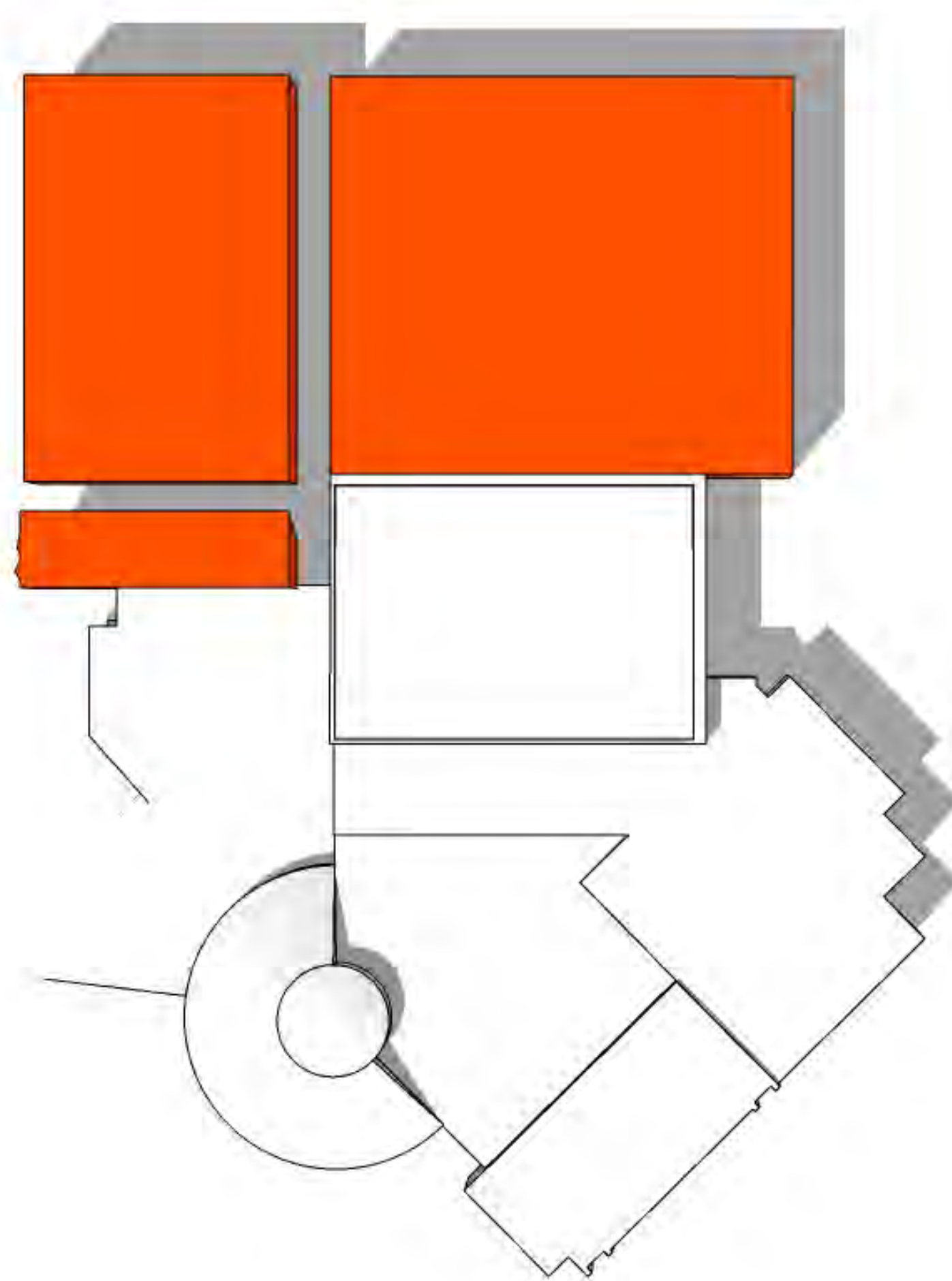


Main building box that creates a sense of heaviness and permanence.

F



The 'corten' folds and deforms as it is sculpted by nature. The expression of material turns inward and transforms the interior spatially.



ANCHOR THE BOX

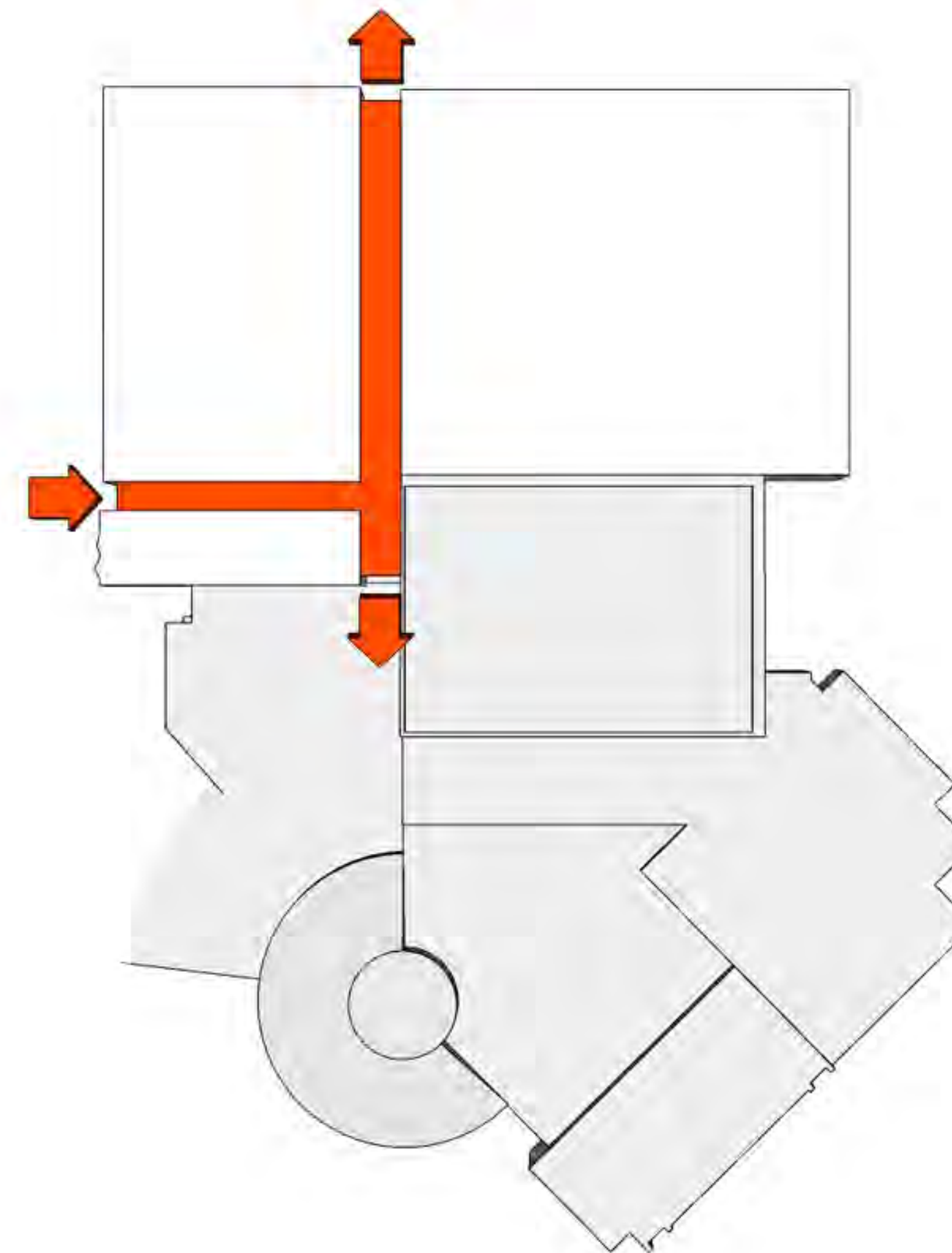
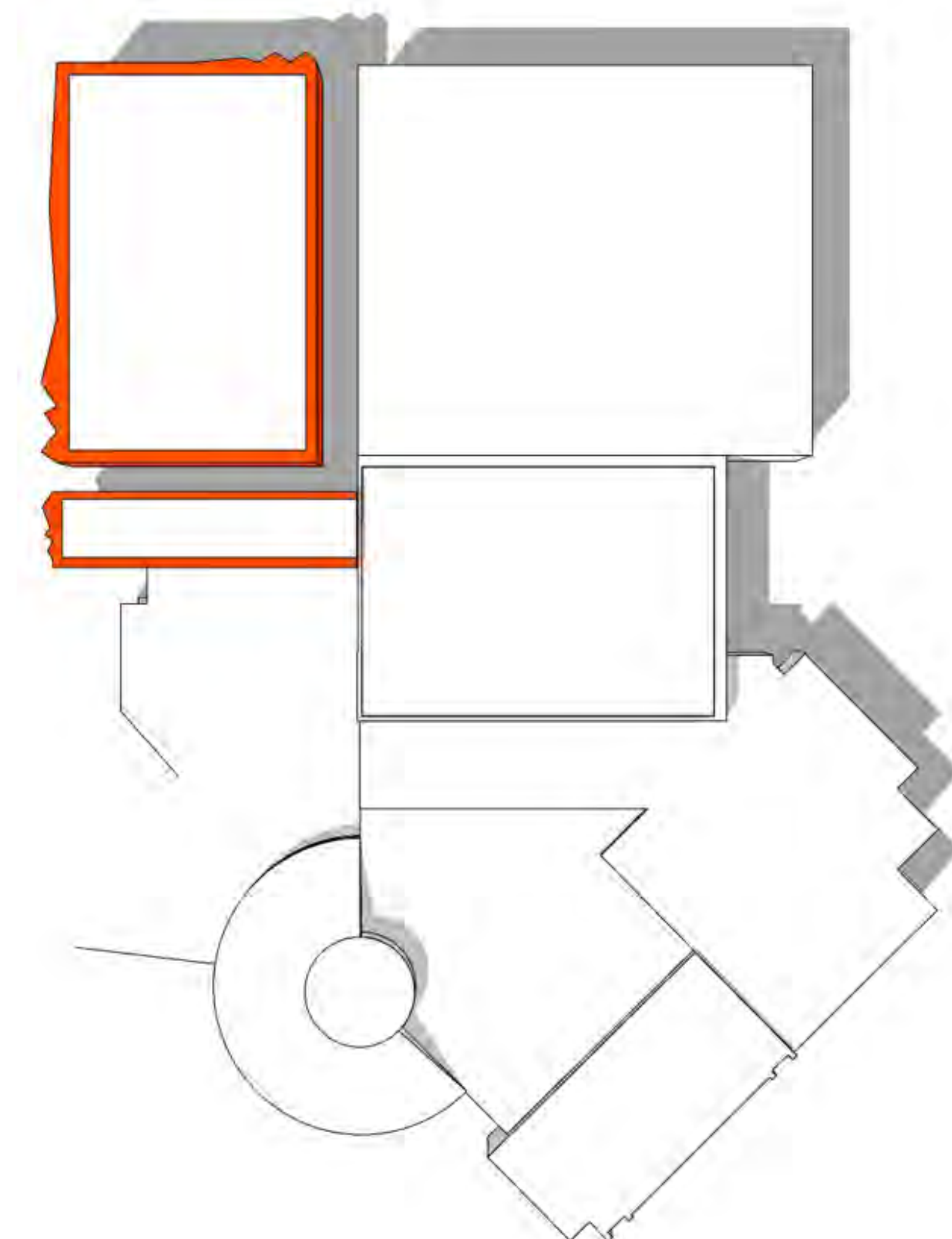
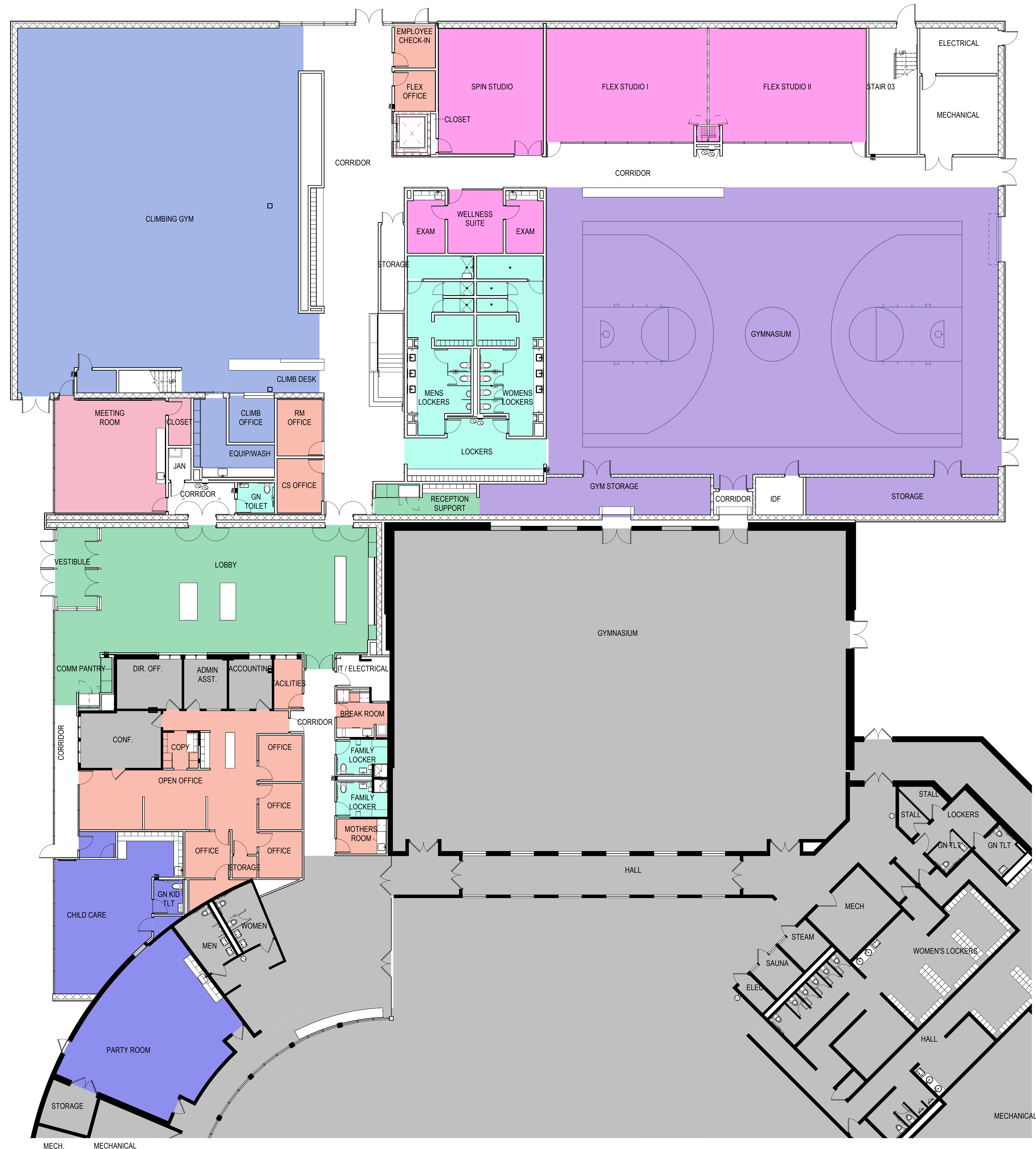
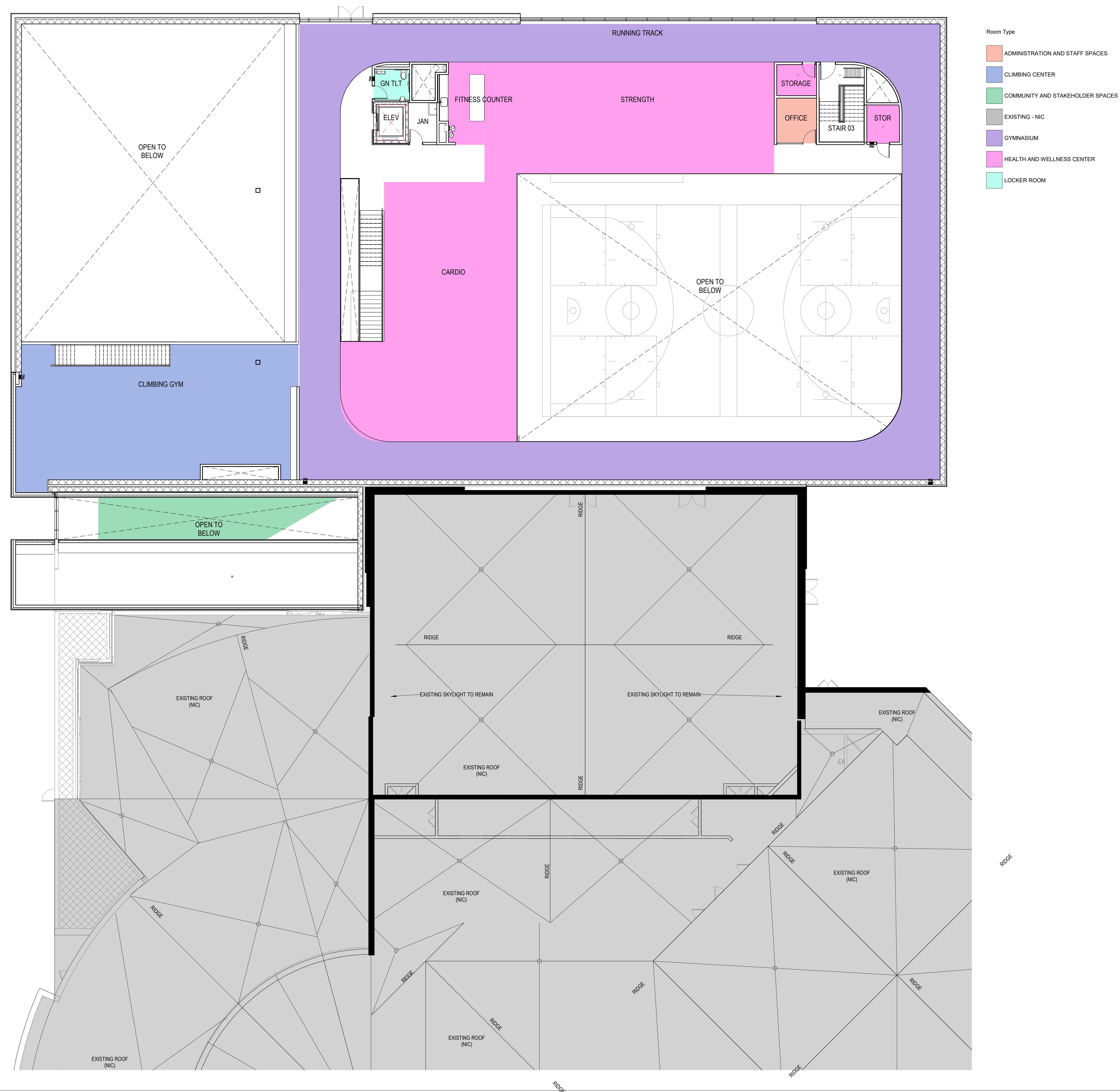


CHART THE PATH



CARVE THE CANYON



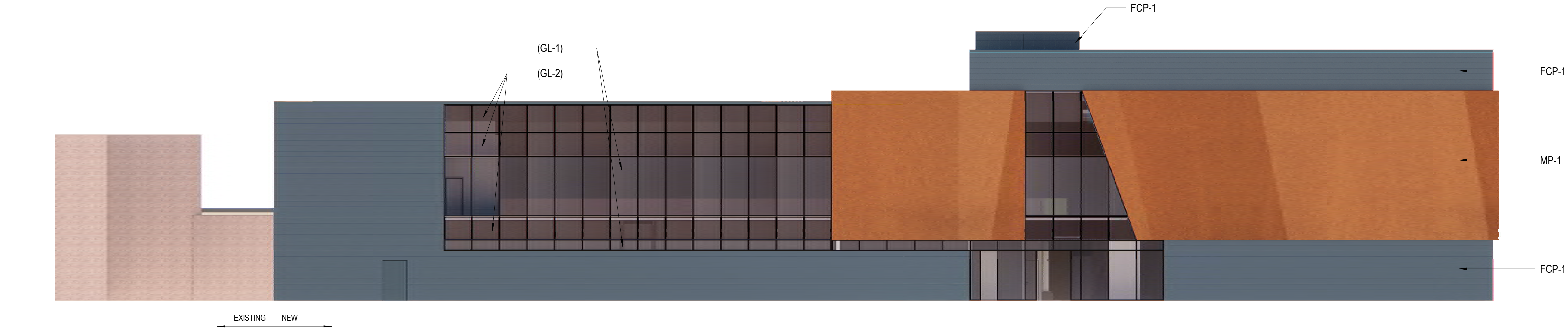


GL-1 - EXTERIOR GLASS:
BOD: VIRACON 1" VE1-2M INSULATING, CLEAR/CLEAR

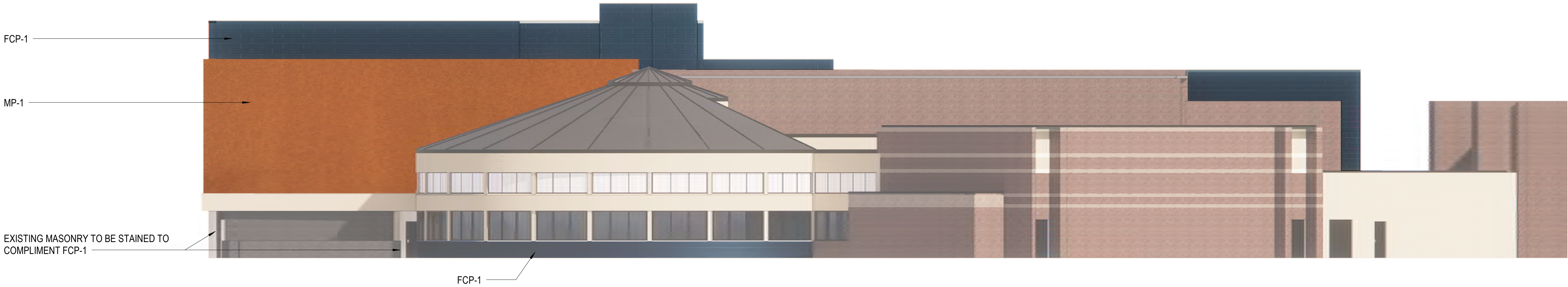
GL-2 - EXTERIOR SPANDRAL GLASS:
BOD: VIRACON 1" VE1-2M INSULATING, V963 MED GRAY VIRASPAN #4, CLEAR/CLEAR

FCP-1 - EXTERIOR FIBER CEMENT CLADDING
BOD: AMERICAN FIBER CEMENT 070-PLINT (INLINE)

MP-1 - EXTERIOR METAL CLADDING
BOD: PURE + FREEFORM VINTAGE STEEL #FA-049



ELEVATION - RENDERED - NORTH



ELEVATION - RENDERED - SOUTH



ELEVATION - RENDERED - EAST



ELEVATION - RENDERED - WEST



RENDERING - EXTERIOR - WEST



RENDERING - EXTERIOR - NORTH



RENDERING - INTERIOR - LOBBY



RENDERING - INTERIOR - GYM

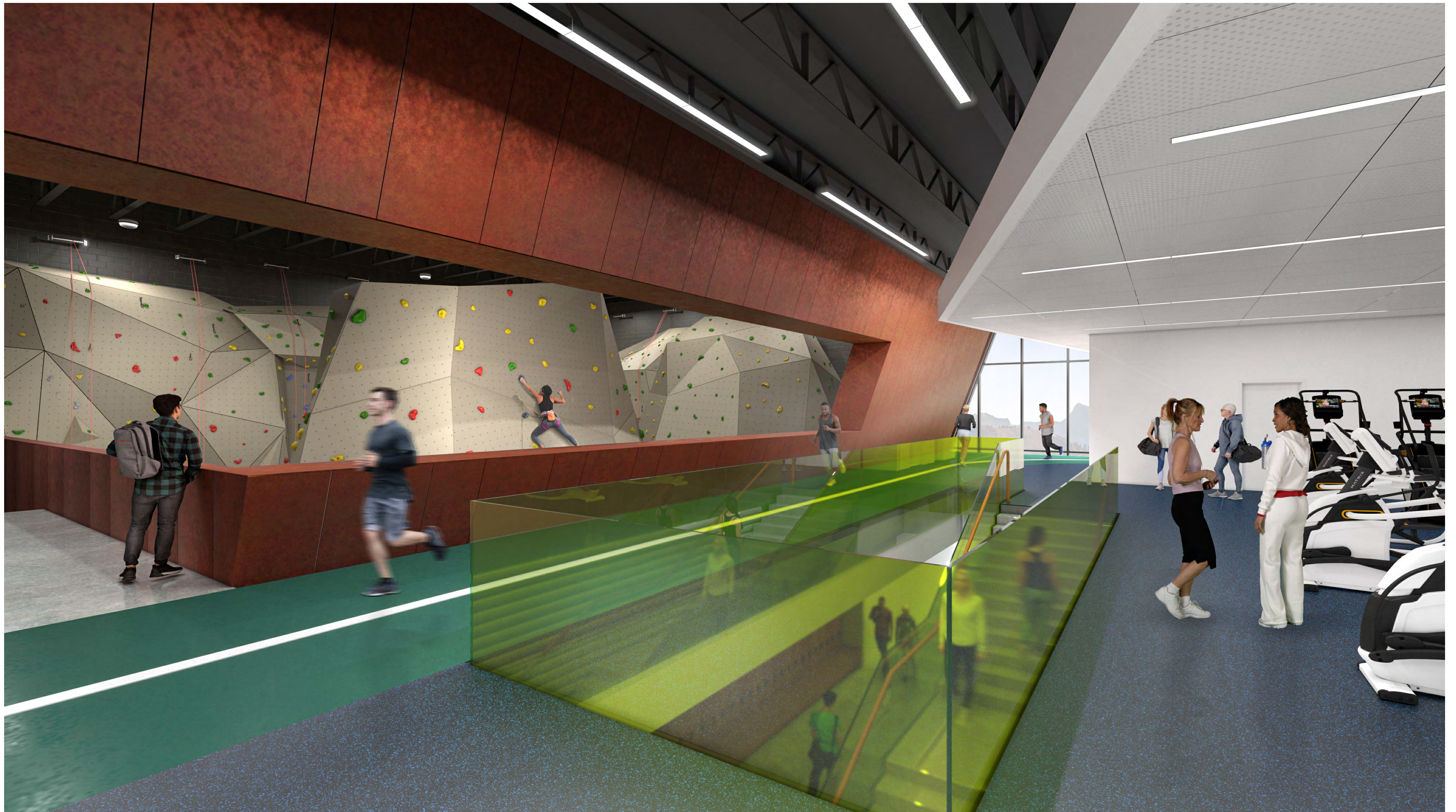


JACKSON RECREATION CENTER IMPROVEMENTS
TETON COUNTY/JACKSON PARKS & RECREATION

12/23/21

RENDERINGS

Perkins&Will



RENDERING - INTERIOR -
OVERLOOK

STAFF REPORT



Meeting Date:	January 18, 2022	Meeting Title:	Workshop
Submitting Department:	Legal	Presenter:	Lea Colasuonno
Agenda Item:	Title 9: Public Peace, Morals and Welfare	Public Comment:	Yes

Purpose & Policy Considerations.

The purpose of this item is to discuss Title 9, Public Peace, Morals and Welfare, of the Jackson Municipal Code with Council and receive direction on key policy issues in order to subsequently provide a revised version of Title 9 for Council consideration.

Requested Action.

Staff requests Council review the key policy changes presented and provide direction on each.

Recommendations.

Recommendations are provided for each item below.

Background.

The Town periodically updates the Municipal Code to ensure its applicability and content match the community's and municipality's needs and are relevant to current times. The Town Legal Department is currently reviewing one title at a time with the relevant departments and staff.

Analysis.

Key Policy Questions:

- 1) Should all, some, or none of the ordinances in Title 9 that have counterparts in state statute be repealed?
 - a. **Current Policy:** Currently, Title 9 has many ordinances prohibiting conduct that is also prohibited under state law. In some instances, the Municipal Code language is slightly different, in others it is identical.
 - b. **Policy Decision Considerations:** When conduct is prohibited by state law and by municipal law, a person may be charged under either. In the municipal system, the maximum penalty is a \$750 fine, but in the state system the maximum penalty may be different under the applicable state statute.
 - c. **Staff Recommendation:** Staff recommends repealing ordinances for which i) there is a state law and ii) because of the nature of the offense, charging it in the municipal system is inappropriate. These are:
 - i. Bringing weapons, tools or intoxicating drinks in jail.
 - ii. Impersonating officers
 - iii. False alarm (for need for fire services, police, or ambulance assistance)
 - iv. Aiding prisoners escape
 - v. Following fire apparatus and/or driving over fire hose
 - vi. Theft, taking and using property without consent of owner, and receiving stolen goods.
 - vii. Buying, selling, possession, or concealing articles which have identifying marks removed
 - viii. Gambling (which ostensibly adopted, in full, the state code into the Jackson Municipal Code).
 - ix. Drawing dangerous weapons.
- 2) Should the Town retain the provision making employment discrimination unlawful?
 - a. **Current Policy:** Currently, the Municipal Code makes it unlawful to discriminate based on sexual orientation or gender identity or expression in the provision of housing and public accommodation, and

if an employer refuses to hire or promote, discharges, demotes, or fires a person based on these characteristics.

- b. **Policy Decision Considerations:** In a landmark ruling issued on June 15, 2020, the U.S. Supreme Court held in *Bostock v. Clayton County, Georgia*, that an employer who fires or otherwise discriminates against an individual simply for being gay or transgender does so “because of . . . sex,” in violation of Title VII of the Civil Rights Act of 1964. Therefore, this prohibition is now enshrined in federal law, providing any person so discriminated against a full panoply of federal legal options and tools.
- c. **Staff Recommendation:** Staff recommends amending the discrimination chapter to delete references to employment in this chapter.

3) Should the Town rewrite the noise provisions of Title 9?

- a. **Current Policy:** The Municipal Code noise chapter dates from 1972 and, with two exceptions, has been untouched since.
- b. **Policy Decision Considerations:** The current Town noise chapter has a singular definition of noise related to vehicles with specific gross weights along truck routes and “all other sounds”; it sets one single decibel level of 80, which is the same as freight train 50 feet away and or a diesel truck traveling 40 mph 50 feet away (Purdue University, 2000). More contemporary ordinances, while still mostly relying on decibel levels for definition, measurement, and enforcement, commonly regulate noise with respect to zoning, the time it takes place, and the source – i.e., residential v. nonresidential districts; weekdays v. weekends; and vehicle noise v. construction v. animals, etc. – and commonly set decibel levels closer to between 50 and 60 decibels (night versus day in residential zones) and 65 and 70 (night versus day in commercial zones).
- c. **Staff Recommendation:** Staff recommends amending the noise chapter to align with more contemporary ordinances and providing a revised chapter for Council review.

Notably, other provisions staff recommends repealing (and Council will see in a full redline version in the future) include:

- 1. Chapter 9.08, Emergency regulations for mob action or civil disobedience, in its entirety: There is no legal authority for this Chapter. Council has options to ensure community safety in such a situation pursuant to statutes and action by the Town Council as a body.
- 2. 9.16.040 Criminal Provocation: This is, as written, likely unconstitutional. However, laws surrounding breach of peace are legal and available to address like situations.
- 3. Newspaper rack damage (entire chapter): This is not needed. There are adequate general provisions to prosecute one for damaging or destroying the property of another person.

Finally, staff recommends adding the following provisions (which Council will see in a full redline version in the future):

- 1. Criminal Entry
- 2. Obstructive or disruptive conduct within governmental facilities prohibited – under Disorderly Conduct Chapter

Possible Alternatives.

Council could direct staff:

- Not to update Title 9 of the Municipal Code.
- To update the Title in different ways from the recommendations set forth above.

Comprehensive Plan & Priority Alignment.

Section 8.1 and 8.2: Timely, efficiently and safely deliver quality services and facilities in a fiscally responsible and coordinated manner.

Fiscal Impact.

Revenue: There are no, or at best negligible, revenue impacts from updating Title 9.

Expense: The Town hired a consultant to review the entire Code for consistency with state law at a cost of \$5,000. When the entire titles are updated, there is significant cost to advertise the full title, which could range up to \$2000.

Staff Impact.

The staff impact of updating the Municipal Code is significant.

Over the last month, the Legal Department has spent, approximately, 50 hours working on this update and coordinated with the Police and Planning Departments as well, requiring approximately 10 hours of their time.

Attachments or Links.

None.

Suggested Motion.

I move to direct staff to:

- 1) revise Jackson Municipal Code Title 9 consistent with the policy recommendations presented in this staff report;
- 2) revise the Title for technical matters identified by staff; and
- 3) bring back a full revised draft of the Title for Council consideration at a future meeting.

An alternative motion is:

I move to direct staff to:

- 1) revise Jackson Municipal Code Title 9 as follows:
 - a. _____,
 - b. _____,
 - c. _____;
- 2) revise the Title for technical matters identified by staff; and
- 3) bring back a full revised draft of the Title for Council consideration at a future meeting.