Regular Town Council Workshop

February 26, 2024
1:30 PM
Town Council Chambers

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I. ZOOM LINK FOR PUBLIC PARTICIPATION

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II. CALL TO ORDER AND ROLL CALL

III. WORKSHOP ITEMS

A. Municipal Code Update: Title 7, Animals (Lea Colasuonno)
B. Wildlife Crossings Update (Tanya Anderson)
C. Wildlife Feeding Update (Tanya Anderson)

IV. MATTERS FROM MAYOR AND COUNCIL

V. UPCOMING AGENDA UPDATE

A. Council Priorities and Upcoming Agendas

VI. EXECUTIVE SESSION

Please note that at any point during the meeting, the Mayor 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:	February 26, 2024	**Meeting Title:**	Workshop
Submitting Department:	Legal	**Presenter:**	Lea Colasuonno
Agenda Item:	Municipal Code Update: Title 7, Animals	**Public Comment:**	Yes

Purpose & Policy Considerations.
The purpose of this item is to present to Council and discuss key policy changes to Title 7, *Animals*, of the Jackson Municipal Code.

Requested Action.
Staff requests Council review the key policy questions presented and provide direction on each.

Recommendations.
Recommendations are provided, where appropriate, 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 remains relevant. To update each title, the Legal Department works closely with appropriate staff for each to, first, identify policy questions and present them to Council for consideration and, second and relatedly, identify necessary technical updates for functionality/practicality. Thus far,

- Title 1 – General Provisions
  - *Outstanding*
- Title 2 – Personnel
  - *Complete*
- Title 5 – Business Licensing
  - *Complete*
- Title 6 – Liquor
  - *Complete*
- Title 7- Animals
  - *Currently before Council*
- Title 8 – Health and Safety
  - *Outstanding*
- Title 9 – Public Peace Morals
  - *Complete*
- Title 10 – Vehicles
  - *Complete*
- Title 12 – Public Places
  - *Outstanding*
- Title 13 – Utilities
  - *Outstanding*
- Title 15 – Buildings
  - The majority of the chapters of this title comprise the adopted Building Codes of the Town and are updated biennially at the request of the Building Official. The exceptions are chapters on flood damage prevention, municipal capital projects, art enrichment allocation (new as of 2022), contractor licensing, demolition standards, and enforcement. These are outstanding and were added to the Council workplan for May 2024.
- Title 16 – Housing
  - This title comprises the Housing Department Rules and Regulations. It is updated, effectively, at that Department's request and is now done biennially.

Analysis & Key Policy Questions.

Key Policy Question 1: Does Council favor allowing chickens to be kept within Town limits?
In recent years there has been a nationwide movement to allow hens (not roosters) within towns/cities. The most frequently referenced benefit of keeping hens is a more sustainable lifestyle, specifically how having hens:

- ✓ *Eliminates food scraps.* Many, though not all, food scraps can be fed to hens.
- ✓ *Encourages composting and production of natural fertilizer*. Chicken manure cannot be used raw for fertilizer, but with proper composting that destroys disease-causing organisms, chicken manure is safe to use around plants, people, and pets.
- ✓ *Limits garden pests.* Hens making their way around yard and garden space consume bugs and seeds throughout their tour, including mosquitoes.
- ✓ *Educational and enjoyable*. Families and individuals alike report having chickens is an educational and rewarding experience in their backyard.
- ✓ *Provides eggs.* Each hen lays, on average, about 250 eggs per year.

Potential downsides to allowing chickens within Town limits, and frequently used mitigation measures from cities that allow them, include:

- ✓ *Disease.* The diseases in the United States associated with chickens are Salmonellosis, Highly Pathogenic Avian Influenza, Campylobacteriosis, E. coli, and histoplasmosis. The Center for Disease Control provides thorough information on mitigation of these disease and staying healthy with backyard poultry, including cleaning poultry equipment and supplies outside, washing hands after handling birds, and not letting chickens in the house, snuggling or kissing them, touching your mouth when handling them, nor eating/drinking while handling them.
- ✓ *Noise.* Hens do cluck frequently in soft tones and will do so loudly when startled or threatened. Prohibiting roosters is the most effective way to minimize noise and is nearly universally used. A second common mitigation measure is limiting the total number of hens each parcel/home can have.
- ✓ *Odor.* Odors result when chicken manure accumulates, thus routine cleaning of the coop is required to prevent odor issues. A common mitigation strategy in city codes is limiting the total number of hens each parcel/home can have.
- ✓ *Pests and waste management.* The chickens, as well as their manure and feed, can attract pests (flies, mice, and large predators) to even small flocks, and can impact water sources. The hazards from small pests can be mitigated by keeping chicken coops clean and utilizing proper food storage. Predators such as foxes, coyotes, bears, etc. that already reside in and around the Town may seek out chickens, their eggs and feed as easy food sources if all are not secured properly. Cities mitigate these issues by i) limiting the total number of hens each parcel/home can have; ii) restricting the allowance for chickens to certain locations throughout the city; and iii) limiting the placement of coops within lots (e.g., setting a minimum lot size for the allowance for chickens, setting a minimum distance from water sources, limiting the total number of hens, setting a minimum distance from lot lines for the coops, requiring coops be in rear yards).
- ✓ *Chickens at the Jackson/Teton County Shelter*. Inevitably, as with other allowed pets in the Town, chickens (hens and roosters alike) would end up at the Shelter, however the Shelter is not currently structured to handle these animals, nor are staff trained to do so. Cities mitigate these issues by i) requiring a license and collecting fees from residents that desire chickens (e.g., Gillette) to support updated Shelter infrastructure and training for chickens, ii) allowing them to be adopted (to qualified residences in the Town and County), and ii) setting up relationships with regional farms/shelters/rescues to transfer available chickens to.

Staff Recommendation: Staff does not recommend allowing chickens within the Town for the following primary reasons: 1) the Town does not have the staff nor fiscal resources to add this increased level of service, specifically resources needed to implement regulations, provide enforcement, and increase staff services as well as physical improvements (coops) at the Animal Shelter); and 2) allowing chickens adds a bear attractant within Town limits at a time when the Town is working to limit attractants.

Key Policy Question 2: Does Council favor allowing honey bees to be kept within Town limits?
As with hens, in recent years there has been a nationwide movement to allow honey bees within cities/towns. Common benefits associated with keeping honey bees include:

- ✓ *Pollination*. Honey bees are efficient pollinators that travel, roughly, over a 3-mile radius in search of blossoms, which results in increased vegetable garden production (larger and more uniform fruits) where they live.
- ✓ *Educational and enjoyable*. Families and individuals alike report having honey bees is an educational and rewarding experience in their backyard.
- ✓ *Honey*. Honey can be harvested from the hives.

Potential downsides to allowing honey bees in the Town include:

- ✓ *Competition with native bee population*. Studies indicate that honey bees compete directly with other pollinators, including native bees, over access to pollen and nectar forage. The United States Geological Survey notes that "while important in the pollination of some crops [in agriculture areas], honey bees are also significant competitors of native bees and should not be introduced in conservation areas, parks, or areas where you want to foster the conservation of native plants and native bees."
- ✓ *Introduction of Disease to the native bee population*. Researchers and scientists also note that honey bees have the potential to introduce and spread disease to and among native populations.
- ✓ *Concentrations of honey bees living in urban setting*. Away from the hive, honey bees are not overly aggressive or defensive. However, they can and will sting, particularly if hassled, stepped on, or trapped in some way.
- ✓ *Animal Attractants*: Honey is a bear attractant if not properly secured. The Municipal Code currently requires bear attractants be properly secured and, if Council is inclined to allow honey bees within the Town, staff will update and address bee hives vis-à-vis the Town's bear regulations.

Staff Recommendation: Staff first identifies for Council that this issue involves an agricultural aspect and an ecosystem aspect. With respect to the former, urban beekeeping provides honey and in agricultural areas plays an important role in commercial operations. However, as to the latter, honey bees also destabilize natural ecosystems by competing with native bees.

Staff thus ultimately recommends encouraging and providing education about creating and supporting pollinator-friendly gardens of native plant species and pesticide-free practices to support native bee populations, and not allowing honey bees as a hobby.

Key Policy Question 3: Does the Council favor retaining or changing the prohibition on dogs and cats in Town parks?
Currently the Municipal Code provides:

> *Dogs and cats prohibited in Town parks.* No owner of any dog or cat shall allow the dog or cat to enter or be upon any Town park, including but not limited to the Town Square, North Park, Miller Park, Phil Baux Park, Snow King Ball Park, Powderhorn Park, Powderhorn Ball Park, Mike Yokel Park, Rangeview Park, Garaman Park and Mateosky Ball Park.

The various issues impacted by this policy include:

- ✓ *Enforcement*. Currently, a common community sentiment is that the Town does not actively enforce the current rule. The primary challenge with enforcement is staffing, and a secondary issue is identification (lack of violators having ID with them).
- ✓ *Dog waste*. One of the predominate positive repercussions of not allowing dogs in parks is limiting dog waste in parks (of course a person could violate both the law against having dogs in parks and the law requiring pick-up of dog waste).

- ✓ Potential to allow dogs in some parks. It is possible to allow dogs in some places and not others. Notably, for example, some parks were gifted to the Town with a prohibition from the grantor relating to dogs, while others have intense use and multi-uses that make them unsuited with allowing dogs.

Options for Council include:

1) Keep the status quo.
2) Allow dogs in all parks (with the caveat that no dogs will not be allowed in parks with grantor deed restrictions).
3) Allow dogs in some parks (e.g., parks with intense use and/or multi-use circumstances that make them unsuitable for adding dogs).
4) Allow dogs on leashes in parks.
5) Allow dog park areas in some or all parks.

Staff recommendation: Staff's recommendation is to retain the status quo. However, if Council is inclined to consider allowing dogs in parks, staff recommends this issue be placed on the PI List for next year's retreat discussion.

Technical Updates to Title 7: The Legal Department staff will work through Title 7, coordinating with appropriate departments, to implement necessary technical updates to the Title, including:

- ✓ *Naming convention*. This will ensure consistency with Code-wide changes implemented since moving the Code online with MuniCode.
- ✓ *Constitutionality.* Legal staff will review and adjust the ordinances in general and, particularly, with respect to capture of animals, impoundment of dogs and corresponding reclamation, animals in unsafe conditions (overheating in vehicles, etc.), laws regarding rabies outbreak, and clarifying property interests throughout the Title.
- ✓ *Coordination with other laws.* The most notable laws with which staff will harmonize the Title with include Title 11 of the state statutes, the Wyoming Game and Fish regulations, and Teton County resolutions. Similarly, legal staff will ensure the Town's Code is internally consistent (i.e., harmonize it with itself).

Staff Recommendation: Staff recommends the technical updates be implemented.

Possible Alternatives.

With respect the policy questions, Council could:

1. Not change the status of dogs, chickens, or honey bees (and just make technical updates to Title 7).
2. Change the status of one or any combination of dogs, chickens, or honey bees.

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: Depends. Rate and fee changes in Title 7 are set forth in and approved as part of the Master Fee Schedule Resolution amendments. If chickens are allowed in the Town, staff will consider fees for the shelter and licensing and present recommendations as part of the Code update.
Expense: Minimal.

Staff Impact.

The staff impact of updating the Municipal Code titles is significant. Reviewing and editing Title 7 will, ultimately, require approximately 60 hours of time from the Legal, Parks & Recreation, Administration, and Police Departments (with the majority of that from the Legal Department).

Notably, if Council elects to consider changes to the current dog laws, that will implicate Council and the public in, at minimum, one further Council workshop meeting.

Attachments or Links.

None.

Suggested Motion.

Option A: If Council would like to *keep the status quo* with respect to respect to dogs, chickens, and honey bees, the following motion should be used:

I move to direct staff to:

1) Update Title 7 for technical matters as identified by staff in this staff report; and
2) Present a revised draft of Title 7 at a future Council meeting.

Option B: If Council would like to *consider changes to Title 7* with respect to dogs, chickens, and/or honey bees, one of the following options for motions should be used:

I move to direct staff to:

1) Update Title 7 for technical matters as identified by staff in this staff report; and
2) *[Insert one or more of the following for dogs, chickens, and/or honey bees]; and*
    a. *Draft appropriate ordinance changes to allow chickens within the Town of Jackson and update the Town's bear regulations, as appropriate, vis-à-vis chickens.*
    b. *Draft appropriate ordinance changes to allow honey bees within the Town of Jackson and update the Town's bear regulations as appropriate, vis-à-vis bee hives.*
    c. *Place the issue of dogs within Town parks on the PI List for the 2025 year's retreat discussion.*
3) Present a revised draft of Title 7 at a future Council workshop.

STAFF REPORT

Meeting Date:	February 26, 2024	**Meeting Title:**	Workshop
Submitting Department:	Community Development	**Presenter:**	Tanya Anderson
Agenda Item:	Wildlife Crossings Update from Teton County	**Public Comment**	Yes

Purpose & Policy Considerations.
The purpose of this item is to update Town Council on Teton County's plans for wildlife crossings north of town on Highway 89/191. County staff will provide an overview of the recommended mitigation conceptual designs.

Requested Action.
This item is purely informational; no action is needed. However, Council may choose to provide official comment or to direct staff to provide comment on the project on behalf of the Town as plans progress and keep Council apprised.

Recommendations.
This item is purely informational. Staff has no recommendations.

Background.
In 2022, Teton County allocated voter approved SPET funds for wildlife crossings to a design project encompassing three priority areas as identified in the Wildlife Crossings Master Plan: Camp Creek, Teton Pass, and North US 89 between the Grand Teton National Park boundary and the Town of Jackson. This report will focus on the proposal for North US 89.

Traditionally, wildlife crossing projects are prioritized in areas that overlap with and can be integrated into upcoming highway projects led by the Wyoming Department of Transportation (WYDOT). However, these three priority segments were not included in either of WYDOT's short- or long-term transportation plans, and therefore Teton County decided to advance them as standalone plans that can then either be implemented independently or as part of future WYDOT highway improvement projects. Working with a team of local and regional wildlife experts, engineers, and a landscape architect (Jorgensen Associates, Eco-Resolutions, EcoConnect Consulting, and Chinook Landscape Architecture), the County went through a rigorous mitigation design process to site crossings and the accompanying fence in the most effective locations. In consultation with state and federal agencies, local non-profits, adjacent landowners, and other stakeholders, the team came up with conceptual mitigation plans and 30% design plans for the locations.

North US 89 is the gateway to the Town of Jackson from the north and provides a transition from Grand Teton National Park to the National Elk Refuge to the Town. Wildlife crossings are a proven mitigation measure for reducing wildlife vehicle collisions that could be successful for this highly visible, well-traveled road. While underpasses are rarely noticed by drivers, overpasses are highly visible. The draft design plans include a combination of underpasses, an overpass, and fencing. The proposed overpass on North US 89 will be located on federal land but may serve as a gateway to the Town of Jackson and an emblem of our commitment to maintaining healthy wildlife populations.

The N89 Fish Hatchery priority area is a key elk migration area between Grand Teton National Park and the Gros Ventre Range to the north and the Snake River Valley to the west. The National Elk Refuge (NER) bordering the eastern boundary of the project area provides winter range for elk, bison, and bighorn sheep, and moose, deer, and carnivores are frequent visitors. Resident mule deer winter on the western slopes of Saddle Butte along the western boundary of the project area and are a frequent casualty of WVCs, as are moose. Carnivores are rarely involved in WVCs in this area. The current configuration of fencing on the east side of North US 89 was also identified as a potential barrier to wildlife permeability and connectivity in the area, effectively only allowing one direction of wildlife movement, from east to west onto the National Elk Refuge. While designed for this purpose, concerning elk and bison, it also limits the movement of other species.

The stretch of road sees almost 10,000 vehicles daily, with wide seasonal variations. It records an average of 12.2 wildlife-vehicles collisions annually, of which 61% are with mule deer, 28% are with elk, and 8% are with moose. The consultant team proposed the need for cooperation between the Wyoming Game and Fish Department (WYGFD) and the NER staff to operate the combination of structures and fencing. The project team also proposed a redesign of the eastern fence for the NER to include in an application for funding to the Federal Highway Administration's Wildlife Crossing Pilot Program, which they submitted earlier last year and for which the Town of Jackson submitted a letter of support. The project was not selected for funding in the first round of the Pilot Program.

Through consultation with local experts and agencies, the following evaluation considerations were identified as most important:

- wildlife access and site-specific movement patterns
- wildlife-vehicle collision hotspots
- constructability and geotechnical risk
- terrain
- aesthetics
- wildlife management concerns

Teton County sought stakeholder input into the design concepts. The Town of Jackson's Ecosystem Stewardship Administrator attended one stakeholder session and provided input. Teton County also hosted a public open house and presentation at the Teton County Library on October 25th, 2023. The project is currently featured on the Engage Teton County website.

Analysis.

Project Location: US 89/US 191 MP 155.2 to MP 159.3
Target Species: elk, mule deer, moose, carnivores
Cooperating Agencies and Stakeholders: Wyoming Department of Transportation, Wyoming Game and Fish Department, United States Forest Service, National Elk Refuge, National Park Service, local landowners, and local non-profit organizations.
Recommended Mitigation Concept:

- Construction of three wildlife crossing structures, including two underpasses and one overpass
- 8'-high wildlife fencing for the length of the project on both sides of the highway to direct animals to safe passage opportunities and to prevent at-grade crossings of the roadway specifically designed to accommodate known movement patterns and management activities
- Specialized deer guards to help prevent ungulate incursions into the fenced right-of-way (ROW) at parking lots and side roads
- Escape ramps (jump-outs) to provide animals inside the ROW a means of escaping back to the habitat side of the fence

The wildlife crossing has a high probability of succeeding in reducing wildlife vehicle collisions north of Town, which not only supports healthy wildlife populations but also decreases injuries, property damage, and road congestion that result from wildlife vehicle collisions. These long-term benefits will also benefit the Town of Jackson; however, there will be some short-term costs such as increased traffic congestion and noise during the construction process. While this project does not occur within Town limits and no action is necessary, as a highly visible "gateway" to the Town of Jackson, Town Council may wish to provide comment on design features for the crossing. This could include visible components of the crossing, signage, or a suggestion to incorporate information on wildlife crossings in highly visible locations such as visitor centers.

Possible Alternatives.

Council could direct staff to provide comment on the project.

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.c: Design for wildlife permeability
Policy 1.1.d: Limit human/wildlife conflicts
Strategy 1.1.S.7: Identify areas appropriate for roadway underpasses, overpasses, speed reductions, or other wildlife-vehicle collision mitigation measures in heavy volume wildlife-crossing areas

Fiscal Impact.
None.

Staff Impact.
Community Development staff attended one stakeholder meeting for approximately two hours and spent one hour working on this report.

Attachments or Links.
None.

Suggested Motion.
N/A.

STAFF REPORT

Meeting Date:	February 26, 2024	**Meeting Title:**	Workshop
Submitting Department:	Community Development	**Presenter:**	Tanya Anderson
Agenda Item:	Bear Resistant Trash and Wildlife Feeding Ordinance Update and Recommendations	**Public Comment**	Yes

Purpose & Policy Considerations.
The purpose of this item is to update Town Council on progress since the Town ordinances regarding wildlife feeding and bear resistant trash containers went into effect, and to discuss potential next steps.

Requested Action.
Staff requests that Council review the recommendations for next steps and provide direction.

Recommendations.
Staff recommends that Council approve the recommendations for next steps and the timeline provided.

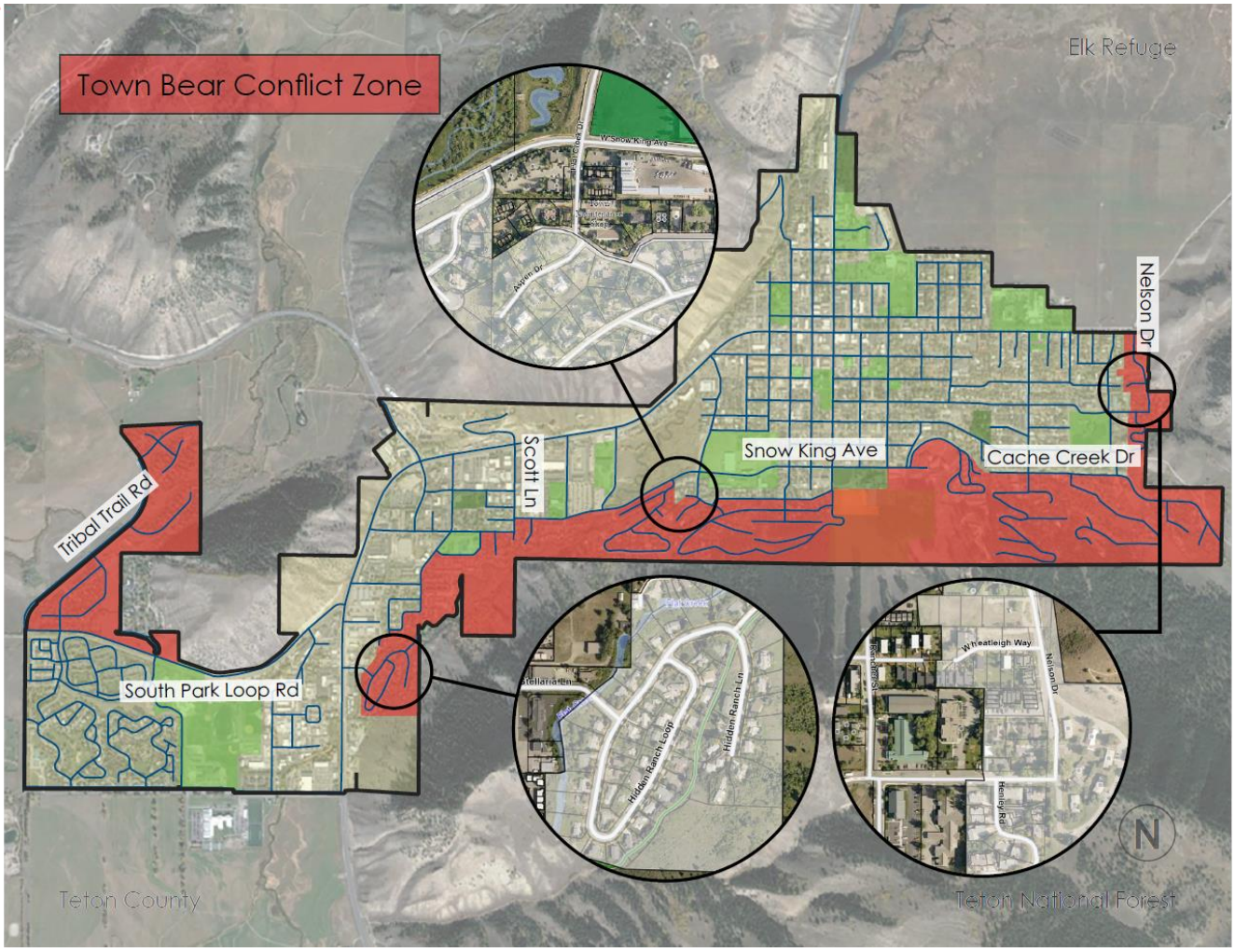
Background.
At the October 3, 2022 Regular Town Council meeting, Council approved the third reading of the updates to Wildlife Feeding and Bear Resistant Trash Ordinances within the Town of Jackson. The requirement for bear-resistant trash containers for residential and commercial properties within the designated Bear Conflict Zone went into effect on April 1, 2023. Both before and after the ordinance went into effect, staff engaged in multiple public education and outreach efforts, in partnership with Bear Wise Jackson Hole and Teton County, including bilingual flyers in water bills, bilingual door hangers delivered to every residence within the Bear Conflict Zone, radio interviews and ads, press releases, e-newsletters and social media posts, website updates, booths at community events such as the EcoFair, and classroom programs in which bilingual flyers were distributed to students to take home to their parents. Most education and outreach took place prior to the ordinance going into effect on April 1, 2023. However, education resumed in the fall of 2023 to remind residents to harvest fruit from fruit-bearing trees and to educate them about hyperphagia, a period of increased feeding activity driven by the biological need to fatten up before hibernating, during which time it is more likely for bears to enter residential areas seeking easy food sources.

<u>Compliance</u>
Owing to the impressive outreach efforts and coordination between the Town, the County, federal agencies, waste haulers, and nonprofits, an estimated 70% of residences and businesses within the Bear Conflict Zone in the Town of Jackson have bear resistant trash containers. However, compliance varies greatly by neighborhood, and not all bear-resistant cans are being used correctly. There are multiple cases of “snowconing”, where trash is overflowing and the container cannot be properly latched.

For comparison, Teton County estimates compliance rates of 97-99% in most areas that have had bear resistant trash requirements in place since 2009, and compliance rates of 78% percent in areas where the bear resistant trash requirement went into effect in November of 2022. The County found that compliance rates increased substantially following additional efforts to educate residents through tags that were placed on cans that were out of compliance.

Since the ordinance went into effect, the Town of Jackson Code Enforcement Officer has received five complaints. Upon receiving a complaint, the enforcement officer visits the site to confirm non-compliance, speaks with the resident to educate them about the ordinance, and returns a few weeks later to see if they are in compliance. Due to extensive wait times for cans, the period of time before revisiting the residence may be extended.

Figure 1: Bear Conflict Zone



Wildlife-Human Conflicts

Wyoming Game and Fish Department (WGFD) staff report that there were 77 bear conflicts in the WGFD Jackson Region (Teton County and Jackson) in 2023. Teton County averages 89 conflicts annually, so this is a reduction from typical years. Eleven bears were captured and relocated or euthanized due to conflicts. Ten of those conflicts involved trash and/or grease, and one involved getting into bird seed. Most of these conflicts occurred outside of the Town of Jackson, with the highest concentration of conflict in Teton Village. Within the Town of Jackson, there were four bear conflicts in 2023. Two of the conflicts were near Cache Creek, one was at the hospital, and one was near downtown. Three conflicts involved bears getting into dumpsters, one involved an apple tree, and one involved both residential trash and an ornamental chokecherry shrub. Two of the conflicts were resolved by securing the trash. One bear was captured and relocated. All conflicts within the Town of Jackson involved black bears.

When the bear-resistant trash ordinance was passed, the Town of Jackson also updated our wildlife feeding regulations. Providing supplemental feed to wildlife is prohibited. However, intentional feeding of ungulates such as mule deer continues to occur annually in the winter in Upper Cache Creek and other locations. Feeding is harmful to ungulates whose guts adapt to a different winter diet, and whose presence in Town makes them more prone to vehicle collisions and may attract carnivores to areas populated by humans. The Town of Jackson does not patrol neighborhoods for non-compliance; the Code Enforcement Officer responds to complaints that are filed. While there are signs that feeding occurs, residents have not reported their neighbors.

Haulers

In July of 2023, Bear Wise Jackson Hole organized a meeting between Bear Wise members, representatives from the Town and County, and waste haulers to learn about the status of bear-resistant infrastructure and any challenges waste haulers were facing. Waste haulers reported that they have been able to provide bear-resistant containers to most of their customers who have requested cans. Smaller waste haulers are more reliant on customers purchasing their own containers or obtaining them through the nonprofit JH Bear Solutions, while larger haulers have an easier time financing bulk orders of cans and dumpsters. Haulers stated that the majority of customers who are likely to comply voluntarily have already done so, and those remaining will be more difficult to bring into compliance. Haulers also stated that the ordinance has caused stress for their businesses. The challenges waste haulers described are outlined below:

1. Additional staff time is needed to field calls and facilitate the replacement of old cans with new ones.
2. Supply-chain issues delayed the receipt of new cans.
3. The cost of purchasing new cans is high, and it takes time for waste haulers to recoup their investment. It costs approximately $100,000 for one shipment of 280 cans, and may take 3-5 years to recoup their investment.
4. There are very few options available for residential cans that are certified through IGBC. Most waste haulers are using cans from the same company, which makes it difficult to know which cans belong to which hauler.
5. Dumpsters are expensive and have a very long wait time. Some people find them difficult to use. Some locations that received bear-resistant dumpsters asked to get their old dumpster back.
6. Visitors in short-term rentals may not know how to use the bear-resistant cans. They sometimes use them incorrectly or set trash outside of the can. Short-term rentals are also challenging for the enforcement officer.
7. It took several months for the Bear Conflict Zone to be added to the new GPS system. During that period, it was difficult for residents and haulers to know if they were in the Bear Conflict Zone.

Town of Jackson infrastructure

The only Town-owned properties within the Bear Conflict Zone are Phil Baux Park, the Town Cemetery, the Snow King Events Center, and the bus shelter at Snow King and Willow. Bear-resistant trash containers were purchased and installed in the above locations except for the Town Cemetery, which removed their seldomly-used trash container. Parks and Recreation also installed bear-resistant trash containers at May Park and Miller Park, which are not currently within the Bear Conflict Zone.

At the September 18th Town Council Workshop discussion of Internal Sustainability Plan goals, Council supported staff's recommendation to convert 100% of Town-owned trash containers to bear-resistant ones. Doing so will ensure that the Town stays ahead of our own regulations as the boundaries of the Bear Conflict Zone increase in the future. It will also set an example for residents and a message to visitors about the importance of proper trash disposal in bear country. Council expressed a desire to accomplish this goal within two years.

At the December 18th Town Council Workshop discussion of Community Goals for the Sustainability Plan, Council supported staff's recommended goal of expanding the Bear Conflict Zone to the full town by 2030.

Analysis.

Expansion of Bear Conflict Zone

When the Bear Conflict Zone was created, the objective was to start with the areas with the greatest number of bear conflicts and to expand the zone over time. This decision was due in part to the fact that our waste haulers did not have the capacity to convert the entire town, including commercial businesses in the downtown core, at one time. The question remains: when and how do we expand the zone?

Based on the challenges faced by waste haulers to keep up with demand for bear-resistant containers, the low percentage of bear conflicts within our community that occur within the Town of Jackson (about 5% in 2023), and the need to improve compliance within the current boundaries of the Bear Conflict Zone before adding additional territory, staff does not recommend increasing the geographic extent of the Bear Conflict Zone in 2024. Additionally, the forthcoming Pay As You Throw (PAYT) Ordinance be considered prior to any future expansion of the Bear Conflict Zone to reduce confusion and the likelihood of households switching trash containers and contracts multiple times. A PAYT ordinance is expected to come before Council for consideration in the fall of 2024.

Key Question #1: Does Council want to expand the bear conflict zone in 2024?
Staff recommendation: Staff does not recommend expanding the Bear Conflict Zone in 2024. The question can be considered again in 2025.

Possible Alternatives:

- Council could direct staff to expand the Bear Conflict Zone in 2024.

<u>Conversion of Town-owned trash containers to bear resistant ones:</u>
The Town can take steps to convert the trash containers we own to bear-resistant ones. This strategy serves three purposes in addition to the primary goal of reducing bear-human conflicts:

1. The Town should follow our own regulations. If we intend to expand the Bear Conflict Zone to the entire Town, we should ensure that we are compliance before any expansions go into effect.
2. The Town of Jackson owns trash containers that are very visible to residents, commuters, and tourists, including trash containers in town parks, at bus stops, and in the downtown core. Converting these containers to bear-resistant ones sends a message to everyone who sees them that we have bears in our community and we all need to take steps to secure attractants.
3. Many of the currently used trash containers at parks, bus stops, and in the downtown core are easily accessible to other wildlife, including ravens, who scatter trash around our community daily. This trash is an eyesore and adds work for Town staff. Switching to bear resistant containers in public spaces will reduce litter and improve the appearance and livability of Jackson.

Photo 1: Example of a single bear-resistant trash container at May Park

Photo 2: Example of double and triple trash and recycling containers at Miller Park

Cost of conversion:

Converting every Town-owned trash container to a bear-resistant one will cost an estimated $147,000 to $177,000, not including dumpsters. Pricing is based on a bid received by the Parks and Recreation department in 2023 and assumes a 10% increase in costs due to inflation. Cost saving measures for the low estimates include purchasing a smaller number of double or triple bins instead of a higher number of individual bins, or repurposing some of the existing trash containers downtown into recycling bins. These measures are not appropriate in all locations. Bear-resistant dumpsters cost approximately $5,000, while bear-resistant lids cost around $2,000. That cost is borne by the owner of the dumpster, which may be passed on to the user through monthly fees.

Town Parks (including Town Square and Home Ranch Lot): $28,000 - $44,000
START bus shelters: $16,000 - $21,000
Downtown Core: $103,000 - $112,000
Total Cost (not including dumpsters) = $147,000 - $177,000

There will also be a small increase in the cost of servicing these containers. The increased cost for servicing the 75 trash cans within the downtown core is estimated to be $22,500 annually. The increased cost for servicing START shelters and parks is estimated to be $10,000 to $15,000 annually, depending on how frequently they are emptied. Converting dumpsters at Town facilities to bear resistant ones at six buildings will cost an estimated $50 more per dumpster per month, for an increased annual cost of $3600. This estimate does not include County properties such as the rodeo grounds, the parks and rec building, or the new housing being built along Snow King.

Additionally, Town could use some bins as a canvas for art or educational messaging. An artist's rendering with a full vinyl wrap similar to utility box wraps would cost approximately $1500 for the artist and $2500 to $3000 per wrap. Using decals instead of wraps to provide educational messaging would cost closer to $100 per bin. Decals will need to be replaced periodically. Providing decals for bins at Town Square and the downtown core would cost approximately $8000 - $13,000,

depending on how many bins have decals. Wyoming Game and Fish and Bear Wise Jackson Hole are interested in partnering with the Town of Jackson to seek funding to convert highly visible trash containers to bear-resistant ones. Staff are currently seeking local, regional, and federal funding opportunities to support this project; no outside funding has been secured to date.

Some joint departments have plans to include bear-resistant trash containers in their budget requests for FY25. Jackson/Teton County Parks and Recreation will have budget requests for bear-resistant containers in Mike Yokel and Powderhorn parks for FY25 (included within this cost estimate), and Pathways will have a request for some bear-resistant containers along our pathways. Pathways containers were not included in this report, as some of them are in the County.

Fiscal Year	**Action**	**Cost** (including decals)
FY25	Convert cans to bear resistant ones in Mike Yokel & Powderhorn Parks, the Town Square, and Home Ranch Lot, with educational decals.	$30,000 - $46,000
FY26	Convert cans at START bus shelters and the 75 cans in the downtown core to bear-resistant ones, with educational decals.	$125,000 - $146,000
FY27 and beyond	Convert dumpsters to bear-resistant ones as the Bear Conflict Zone expands.	Increased cost of service

Key Question #2: Does Council want to move forward with converting Town-owned trash receptacles to bear-resistant ones with educational decals according to the schedule provided?

Staff recommendation: Staff recommends purchasing bear-resistant trash containers and educational decals for town parks in Fiscal Year 2025 (FY25), prioritizing highly visible locations such as the Town Square, the Home Ranch lot, and Powderhorn and Mike Yokel Parks, and budgeting for the remaining bear-resistant trash containers in FY26. If funding is secured, the FY25 budget can provide 20-25% match funding for the whole project, reducing the FY26 request. If no funding is secured, the FY26 request will be larger than this year's request. Staff recommends converting our dumpsters to bear-resistant ones 6-12 months before an expansion of the Bear Conflict Zone requires it.

Possible Alternatives.

- Council could direct staff to maintain the status quo and not replace any Town-owned trash containers unless they are within the Bear Conflict Zone.
- Council could direct staff to budget for the conversion of 100% of Town-owned cans in FY25.
- Council could direct staff to budget equal amounts for the conversion of Town-owned cans in FY25 and FY26 rather than seeking outside funding.

Improve compliance within Bear Conflict Zone

It has been suggested by waste haulers that every resident who is willing to convert their trash container to a bear-resistant one already has. Increasing compliance within the Bear Conflict Zone will involve getting reluctant residents to buy new containers. Tagging trash bins that are out of compliance has been effective within Teton County and is a more proactive method than waiting for complaints. However, tagging cans takes staff time and may require a shift in work plans. This could be reduced if volunteers are used.

Key Question #3: Is Council interested in Town staff taking more proactive measures to increase compliance, such as tagging cans?

Staff recommendation: Staff does not have a recommendation on this topic.

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.

Replacing all public trash receptables to bear resistant ones with educational decals would cost an estimated $157,000 - $190,000. Increased costs of service for bear-resistant containers will cost an estimated $36,000 - $41,000 annually, including dumpsters.

If trash containers are not converted to bear-resistant ones and there is a bear conflict on Town property, there could be fiscal impacts related to damaged property, medical bills, and legal fees.

Staff Impact.

Community Development staff has spent approximately 80 hours on this item since the ordinance passed in October of 2022, primarily working with our partners on education and outreach regarding the ordinances. While staff time spent on this item has waned since the fall of 2023, any future outreach will add workload to the Community Development department. It will take approximately 40 hours of staff time to purchase bins and install them, primarily by Parks and Recreation staff. Time that public works staff spend picking up trash will be reduced in perpetuity. Any increase in enforcement will take the time of the code enforcement officer.

Attachments or Links.

N/A

Suggested Motion. *Council always has the option to adopt, approve with conditions, continue, or deny items*.

I move to approve the purchase of bear-resistant trash containers with educational decals at public parks, bus stops, and downtown Jackson according to the timeline presented in this report, and for staff to return to Council with an update in 2025.

COUNCIL WORK PLAN CALENDAR | 2024		
JANUARY	**FEBRUARY**	**MARCH**
TOWN MTGS.	**TOWN MTGS.**	**TOWN MTGS.**
~~Equity Task Force Presentation~~	Title 7, Animals	Budget & Revenue Strategy
~~Pre-Construction Bid for Stilson~~	Censure Ordinances	Fire JPA
~~Snow King & Willow Stop Sign~~	LDR General Update 2023	Equity Task Force Updated Resolution
	~~Kelly Place Deed Restriction~~	Right to Nature Resolution
		Furthering Accessibility @ Town Bldgs. & Sites (scoping)
		Fairgrounds & Rodeo Lease Extension
		PI List Review
JIM	**JIM**	**JIM**
Cancelled	Joint Department Funding Task Force Discussion	Joint Alternative Funding Options
		Housing Deptartment Work Plan & Housing Supply Plan
		Fire JPA
		Regional Transportation Work Plan
APRIL	**MAY**	**JUNE**
TOWN MTGS.	**TOWN MTGS.**	**TOWN MTGS.**
Budget & Revenue Strategy	Budget & Revenue Strategy	Budget & Revenue Strategy
Fire JPA	Design & Construction of Gregory Lane	Fire JPA
Legislative Debrief & Resolutions for WAM	Stormwater Management Plan	County Water Quality Plan Update
Karns Meadow EA & CUP Preview	Total Comp/Benefit Review/PD Staff Retention	Community Solar
	Title 15 Updates Building & Constructions	Accessible Housing Policy Upgrades
	Equity Task Force Appointments (Special Mtg.)	Final Sustainability Plan, GHG Inventory
		Town Mobility Overlay
SPECIAL MTG. (TBD)	**JIM**	**JIM**
Long Range Planning Work Plan & Indicator Report	90 Virginian Lane Developer Selection	Modernizing Mobility for West Jackson Plan
Regional Transportation CIP	SS4A Vision, Goals, & Leadership Committment	90 Virginian Lane Developer Selection (if cont.)
	Mobility Hub Study & Next Steps	Fire JPA
	Fire JPA	

COUNCIL WORK PLAN CALENDAR | 2024 (CONTINUED)		
JULY	**AUGUST**	**SEPTEMBER**
TOWN MTGS.	**TOWN MTGS.**	**TOWN MTGS.**
Budget & Revenue Strategy	Budget & Revenue Strategy	Budget & Revenue Strategy
Special Malt Beverage Permit (1)	Update to Wastewater/Sewer Policies	Pay As You Throw Pricing/Alcohol Container Reso
JIM	**JIM**	**JIM**
90 Virginian Lane Ground Lease & Dev. Agreement	Housing Dept. Rules & Regs Issues Identification	Housing Dept. Rules & Regs Clean-Up
Cow Pasture 1 & 2 Softball Field Replacement	Stilson GMP Budget Approval	
Fire JPA		
OCTOBER	**NOVEMBER**	**DECEMBER**
TOWN MTGS.	**TOWN MTGS.**	**TOWN MTGS.**
Budget & Revenue Strategy	Budget & Revenue Strategy	Budget & Revenue Strategy
Design & Construction of Gregory Lane	Legislative Approach Prep	Fire/EMS Level of Service & Expectation Setting
	Mobility Overlay	
JIM	**JIM**	**JIM**
SS4A Safety Action Plan Update	Housing Dept. Rules & Regs Adoption	Rec Center 6-Month Operations & Revenue Review
	Transportation CIP & Grant Opportunities	Options for Dedicated Transportation Funding
	Regional Transportation Needs Assessment	

JIM Agenda Item Requests			
Submittal / Request Section			
March 4, 2024 JIM			
#	Submitter Name	Agenda Item	Time Needed
1	April Norton	Housing Supply Plan + Housing Department Work Plan	150 min
2	Charlotte Frei	Regional Transportation Work Plan	45 min
4	Tyler Sinclair	Joint Funding Alternatives	120 mins
5	Tyler/Alyssa	Fire JPA	30 mins
Upcoming JIM Items			
	Ryan Hostetter	April X- Long Range Planning Indicator Report and Work Plan	120 mins
	Charlotte Frei	April X - Regional Transportation CIP	30 mins
	Tyler/Alyssa	Apr 22 Special JIM 9-11AM - Human Services Budget Window	120 mins
	Tyler/Alyssa	April 23 Special JIM 9-5pm - Budget Presentations Joint Depts, Airport, TTB, ECW	8 hrs
	April Norton	May 6 - 90 Virginian Lane Developer Selection	180 mins
	Tyler/Alyssa	May 6- Joint Dept, Airport, TTB, ECW Budget Follow Up	60 mins
	Tyler/Alyssa	May 6 - SS4A Vision, Goals & Leadership Committment	30 mins
	Charlotte Frei	May 6 - Mobility Hub Study & Next Steps	30 mins
	Tyler/Alyssa	May 6 - Fire/JPA	30 mins
	Charlotte Frei	May 6 - Town + County Joint Transportation Capital Imp	20 min
	Tyler/Alyssa	budgets for Joint, Airport, TTB, ECW if not already made	120 mins
	Charlotte Frei	Jun 3 - Modernizing Mobility for West Jackson Plan	30 mins
	April Norton	Jun 3 - 90 Virginian Lane Developer Selection (if cont.)	30 mins
	Tyler/Alyssa	June 3 - Fire JPA	30 mins
	April Norton	Jul 1 - 90 Virginian Lane Ground Lease	120 mins
	Steve Ashworth	Jul 1 - Cow Pasture 1&2 Softball Field Replacement	30 mins
	Tyler/Alyssa	Jul 1 - Fire JPA	
	April Norton	Aug 5 - Housing Dept. Rules & Regs Clean Up Issue I.D.	60 mins
	Tyler/Alyssa	Aug 5 - Stilson GMP Budget Approval	30 mins
	April Norton	Sep 9- Housing Dept. Rules & Regs Clean Up	120 mins
	Brian Schilling	Oct 7 - SS4A Safety Action Plan Update	30 mins
	April Norton	Nov 4 - Housing Dept. Rules & Regs Adoption	consent
	Charlotte Frei	Nov 4 - Transportation CIP & Grant Opportunities	45 mins
	Charlotte Frei	Nov 4 - Regional Transpotation Needs Assessment	30 mins
	Charlotte Frei	Dec 2 - Options for Dedicated Transportation Funding	30 mins
	Steve Ashworth	Dec 2 - Rec Center 6-Month Operations & Revenue Review	30 mins

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March 4, 2024 Regular Town Council Meeting

INITIAL SR DUE: 2/2 COMPLETED SR DUE: 2/9 FINAL SR DUE: 2/16

TOPIC
Announcements & Proclamations
Red Cross Month
Consent Calendar
Minutes & Disbursements
February 26, 2024 Regular Town Council Workshop
February 26, 2024 Regular Town Council Meeting
Other
Snow King CUP and Amendments to the Gondola Lease Agreement
CenturyLink Franchise Agreement
Graphic Design Contract for Town Sustainability Plan
Westlaw Legal Database Contract
Westbank Sanitation Franchise Renewal
Disuscussion & Action Items
Community Development
Equity Task Force Recommendations
Hueyotlipan, Mexico Sister City Relationship
Housing
Special Restrictions for Affordable Ownership Housing at Benson-Brown Station
Consideration of Consent to Abandonment of Surface Water Rights at Parkside Benson Bown Statior
Planning
Request for Subdivision Plat at the Parkside Benson Brown Station Townhomes (P23-194)
Resolutions
Resolution 24-02: Equity Task Force Resolution
Resolution 24-03: Sister City Relationship with Hueyotlipan, Mexico
Ordinances
Ordinance P: Neighborhood High Density-1 (NH-1) Text Amendment (P23-194)
Ordinance Q: An Ordinance Reagrding Compensation for Mayor and Council
Ordinance R: Westbank Sanitation Franchise Renewal
Matters from Mayor and Council
Matters from the Town Manager
Town Manager's Report
Adjourn

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March 18, 2024 Regular Town Council Workshop

INITIAL SR DUE: 2/16 COMPLETED SR DUE: 3/1 FINAL SR DUE: 3/8

TOPIC	
Employee Introductions	
Name:	Position:
Name:	Position:
Disuscussion	
Setting FY25 Draft Revenue Projections and Reserve	
Fire JPA	
PI List Review	
Admonishment and Censure	
Matters from Mayor and Council	
Upcoming Agenda Update	
Council Priorities and Upcoming Agendas	
Adjourn	

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March 18, 2024 Regular Town Council Meeting

INITIAL SR DUE: 2/16 COMPLETED SR DUE: 3/1 FINAL SR DUE: 3/8

TOPIC	
Announcements & Proclamations	
National Service Recognition Day	
Employee Introductions	
Name:	Position:
Name:	Position:
Consent Calendar	
Minutes & Disbursements	
March 4, 2024 Regular Town Council Meeting	
Other	
Development Agreement at 1080 South Park Loop Rd. (E23-0012)	
Indian Springs Connection and Use Agreement (E23-0120)	
Teton County Search and Rescue Sewer Connection Request (E24-0012)	
Disuscussion & Action Items	
Administration	
Request for Approval of the Annual Art Plan FY24 (PM24-001)	
Community Development	
Amendment to Karns Meadow Conservation Easement	
Police	
Consideration of a Request for Proposals for Parking Management Equipment and Software	
Resolutions	
Resolution 24-04: Rights of Nature Resolution	
Ordinances	
Ordinance P: Neighborhood High Density-1 (NH-1) Text Amendment	
Ordinance Q: An Ordinance Reagrding Compensation for Mayor and Council	
Ordinance R: Westbank Sanitation Franchise Renewal	
Matters from Mayor and Council **Matters from the Town Manager**	
Town Manager's Report	
Adjourn	

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