

# Jackson Town Council Workshop

February 21, 2023

1:30 PM

Town Council Chambers

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## I. ZOOM LINK FOR PUBLIC PARTICIPATION

To join, click the link or copy to your browser: <https://us02web.zoom.us/j/86832432840?pwd=Q3lwWkI4NkZrUmYvWjIHhWc4QlJsQT09>

If the link does not work, join at zoom.com with Webinar ID **868 3243 2840** Password: **83001**

or join by phone **+1 253 205 0468** with Webinar ID **868 3243 2840** and Password: **83001**

## II. CALL TO ORDER AND ROLL CALL

## III. WORKSHOP ITEMS

- A. Introductions of LeGrand Lee and Jeff Wixom, Teton Valley Commuter START Bus Drivers
- B. Equity & Inclusion Survey (Susan Scarlata, 45 mins)
- C. Construction Management Plans (Floren Poliseo, 60 mins)
- D. Upcoming Council Agendas and Retreat Update (Tyler Sinclair, 20 mins)

## IV. MATTERS FROM MAYOR AND COUNCIL

- A. Board and Commission Reports

## V. UPCOMING AGENDA UPDATE

3/20 - WWTP Improvements (Floren Poliseo)

3/20 - FY2024 Draft Sales & Lodging Tax Projections (Tyler Sinclair)

4/17 - Council Liaison Discussion (Tyler Sinclair)

## VI. EXECUTIVE SESSION

Recess or Adjourn meeting to executive session to consider matters concerning litigation to which the governing body is a party or proposed litigation to which the governing body may be a party in accordance with Wyoming Statute 16-4-405(a)(iii).

## VII. 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.*

**LeGrand Lee**  
**Teton Valley Commuter Bus Driver**

LeGrand Lee is a Teton Valley commuter START Bus driver. After living in Hawaii for some time he and his wife moved back to Teton Valley. If you know LeGrand you know that he is very witty and sees humor in most situations. He loves working with his hands and can fix almost anything that is broken – from plumbing to lawn mowers. He also loves working on and riding his motorcycle. He loves woodworking and, according to his wife, he makes awesome pens.

**Jeff Wixcom**  
**Teton Valley Commuter Bus Driver**

Jeff is not at tonight's meeting because he is currently driving a START Bus over Teton Pass! Jeff Wixcom is the new Full-Time Teton Valley Commuter Driver for START. He is looking forward to driving the commuter route back and forth from Driggs, Idaho and helping with local Jackson routes. When he's not driving a START Bus, Jeff enjoys motorcycling and snowmobiling. Originally from Michigan he moved out West about 5 years ago and settled into Tetonia. He is really enjoying his time in this part of the world!

# STAFF REPORT



|                               |                                                          |                        |                       |
|-------------------------------|----------------------------------------------------------|------------------------|-----------------------|
| <b>Meeting Date:</b>          | February 21, 2023                                        | <b>Meeting Title:</b>  | Town Council Workshop |
| <b>Submitting Department:</b> | Community Development                                    | <b>Presenter:</b>      | Susan Scarlata        |
| <b>Agenda Item:</b>           | Report & Analysis of Community Equity & Inclusion Survey | <b>Public Comment:</b> | Yes                   |

## **Purpose & Policy Considerations.**

In 2021, Town Council prioritized the creation of an Equity Task Force to help develop a more equitable, inclusive, and diverse local government and a more livable community overall. As a part of the creation of this task force, Council also directed staff to administer a related Community Equity & Inclusion survey.

## **Requested Action.**

Staff requests that Council listen to the report about the Community Equity & Inclusion survey and ask any clarifying questions. This is an informational presentation, and no related Council action is requested at this time.

## **Recommendations.**

Staff recommends that Council listen to the report about the Community Equity & Inclusion survey, digest it, and utilize its content and data to provide perspective for future decision making.

## **Background.**

Council moved to establish an Equity Task Force in August of 2021, and as staff worked on establishing this group they also suggested and had Council approve administering a 'Community Equity and Inclusion Survey' to gather baseline data about where our community and Town Government are regarding inclusion and equity. The original draft of this survey came from the National Research Center and has been used by about ten other municipalities across the nation. Town staff adapted some questions for our community and learned a lot by utilizing this tool for the first time. From July 15, 2022, to August 19, 2022, Town staff administered the first ever Community Equity and Inclusion Survey exploring community members' perceptions of inclusion and equity in the Town of Jackson and our community overall. The survey asked the following five questions with sub-questions for each related to equity topics and various identities. Each question included multiple identities or topics for respondents to evaluate. Respondents were also asked to provide demographic information in order to understand the context of the results. Regrettably, racial and ethnic identity were accidentally omitted from the demographic questions, so data cannot be interpreted based on those identities. Future surveys would include that in the demographic information collected. The survey was promoted via the Town's website and newsletter, Facebook, other listservs, and newsletters, and administered directly to the immigrant segment of our community by Voices JH. There were 674 responses to the survey. The attached report details how community members access the survey.

## **Analysis.**

The detailed report attached to this staff report includes thorough analysis of the data gathered through this survey, here we include a high-level overview of key takeaways and connection to the work and recommendations of the Equity Task Force.

The Town of Jackson's Community Equity and Inclusion Survey, administered in the summer of 2022, demonstrates that our community members want our local government and community overall to focus on and work to address issues related to equity and inclusion. Seventy-one percent (71%) of respondents think it is either "very important" or "important" for our community and government to prioritize action on equity and inclusion. The reason most (over 50%) of respondents identify as the "why" for this work is to "Prepare people in local leadership to manage a diverse workforce." Our community is experiencing demographic changes in our workforce at all levels, and survey

respondents identify that people in leadership could be more prepared to support the changing workforce and community.

Importantly, the Community Equity & Inclusion survey provides the first baseline picture of what it feels like to live in our community with one or more marginalized identities. Results show that the majority of people holding one or more marginalized identities have a 70% chance of not feeling “very welcome” in our community, and that people do experience discrimination here. The attached report includes percentages of respondents with various identities who experience discrimination as well as an Appendix with short-answer narratives representing some first-person perspective about how various people experience this community.

Various responses and data points support recommendations the Equity Task Force has already made to Town Council. Thirty-three percent or one-third of respondents who speak English as a second language report experiences of discrimination and perspective is also shared that the Town can do more to make documents, signs, and outreach opportunities available in languages other than English. The Equity Task Force has recommended that the Town translate its documents and signs into Spanish, which Town staff is working on creating a system to do. There is also data demonstrating that thirty-three or one-third of respondents with disabilities and thirty percent of respondents over 65 experience discrimination. The Task Force recommended directing the Housing Department to work on Senior and Assisted Living. While not all one-to-one this report provides baseline data to assess particular pain points related to equity and inclusion and if administered at regular intervals can help determine if the Town and Community are improving in terms of inclusion and equity. Town staff recommends expanding this effort to include other local organizations and groups and that the Town administer a similar survey, with some tweaks, every two years.

#### **Possible Alternatives. NA**

#### **Comprehensive Plan & Priority Alignment.**

The Comp Plan’s third Common Value, ‘Quality of Life,’ highlights that our community takes pride in our local identity and community character. The Comp Plan states, “Residents and visitors have become accustomed to high-quality life safety, transportation, educational, social, cultural, and recreational services.” Considering if this is true for all residents, the Equity Task Force is recommending an update to the Comp Plan that includes a more direct focus on equity, which could be informed by data from this survey.

#### **Fiscal Impact.**

Staff was able to utilize a survey created by a national firm through participation in free professional development, so there was no related cost for it. Community Development interns worked on outreach to get people to fill out the survey. Voices JH was paid \$4900 to administer this survey to immigrant members of our community and were able to help 80 members of our community with limited English proficiency fill out the survey. OPS Strategies was paid \$4,500 to crunch the data and help report on the information in the survey, so \$9,400 was spent on this effort overall.

#### **Staff Impact.**

The Community Development Department is using staff capacity to steward the Equity Task Force and work on the Community Equity & Inclusion Survey. Staff and interns spent approximately 25 hours, creating, getting the word out about this survey, and interpreting the data. As this department seeks to shrink the distance between the people impacted by decisions and those making them, establishing an Equity Task Force is an appropriate and fruitful use of staff time and resources.

**Attachments or Links.**

Report & Analysis of Community Equity & Inclusion Survey

**Suggested Motion.**

None at this time.

# Community Equity & Inclusion Survey

Report & Analysis, February 2023

## Executive Summary

The Town of Jackson's population is diversifying in terms of the backgrounds and lived experiences of our residents and neighbors. Technological advances leading to an increase in people working from home and an growth in the need for various services have augmented changing demographic trends that were already underway. Alongside growth in the variety of people living in this valley comes increasing inequities in terms of income and wealth generation. The Town of Jackson's Community Equity and Inclusion Survey, administered in the summer of 2022, demonstrates that members of our community want our local government and community overall to continue to focus on and work to address issues related to inclusion and equity. Seventy-one percent (71%) of respondents think it is either "very important" or "important" for our community and government to prioritize action on equity and inclusion. The most highly rated reason (over 50%) respondents identify as the "why" for this work is to, "Prepare people in local leadership to manage a diverse workforce." Our community is experiencing demographic changes, and survey respondents identify that people in leadership can gain more tools and perspective to support the variety of people joining our local businesses, organizations, and community overall.

Importantly, this survey provides the first baseline picture of what it feels like to live in our community with one or more marginalized identities. The term marginalized is used to denote people who hold identities that have historically been pushed to the margins of society versus being centered or setting the standard or "norm." Results show that the majority of people holding one or more marginalized identities have a 70% chance of not feeling "very welcome" in our community, and that people do experience discrimination here. People are discriminated against in our community based upon various different identities they hold. Specifically, one in every three respondents who speak English as a second language, have a disability, or who identify as transgender report being discriminated against here. Short-answer narratives, a representative list of which are shared below, can help us understand and begin to reckon with this reality to continue to consider policies and structures that can remove barriers and help our community become a place that more people feel they belong.

This survey provides a glimpse of what it is like to exist in our community with one or more marginalized identities, which have historically been underrepresented in positions of power and are thus less visible in our community overall. This report is a way to broaden perspective and see things from different points of view, even things we think we know quite well. The survey was not done and the report should not be read as a way to cast blame or judgement. Instead, it seeks to gather input from different vantage points to tell us what is happening and how people experience life in our community. It is a first attempt to hear the voices of community members who have been underrepresented and not typically heard in mainstream narratives. Ideally, these results help us understand, sit with, and keep in mind the varied realities that people in our community experience.

When considering the detailed results below, please keep in mind that asking people how "welcoming" our community is inevitably includes varied interpretations of what the term "welcoming" means. Inclusion and equity are hard-to-quantify and both subjectivity and relativity are at play in trying to apply metrics to these topics. Respondents answered from and within the contexts they know and live within; there are considerable differences between the realities community members inhabit, which inevitably influence the way they



interpret various terms. Overall, people with marginalized identities feel the Town and community are doing better on issues of equity and inclusion than people who do not hold these identities guess life is for people with these identities as seen from the outside. The amount of relativity at play cannot be overstated and must be kept in mind when considering the data. Interpretation of the term “welcoming” for different community members falls along a varied spectrum. As an example, to one person the term “welcoming” could equate to how possible it is for them to keep themselves physically safe. If that has not always been a given in a person’s life, then the level of safety in our community might make it “very welcoming.” A different community member might relate how “welcoming” our community is to how easy or hard it is for a person with certain identities to buy homes. The challenges in the housing market might lead that community member to rate our community as “not very welcoming.” Varied interpretations of the term “welcoming” must be kept in mind as the results of this survey are considered.

Significantly, people with marginalized identities that feel our community is relatively welcoming also support our community and Town continuing to work on bolstering equity and inclusion. So, the work is not done, and these respondents support continuing the efforts the Town has begun. This work is not nearly now and is a long way from ever being “done.” Community members that see the Town as doing a decent job on equity and inclusion still support further, continued work in these areas. Though strides have been made, respondents share that the Town still needs to work on gathering and utilizing opinions and perspective from people with different backgrounds and providing opportunities to share perspective in languages other than English.

The first of its kind for our community, the original draft of this survey came from the National Research Center. Using this tool for the first time, we learned many things about what we would keep and what we can refine and improve upon. There are a number of opportunities to tweak and amend various questions and wording to create more consistency so data can be more easily cross-referenced. Related ideas are outlined at the end of this report to build upon this effort and continue to gather perspective from across our community in broader and strategic ways.

## Background

From July 15, 2022, to August 19, 2022, the Town of Jackson administered a Community Equity and Inclusion Survey exploring community members’ perceptions of inclusion and equity in the Town of Jackson and our community overall. The survey asked the following five questions with sub-questions for each related to equity topics or various identities.

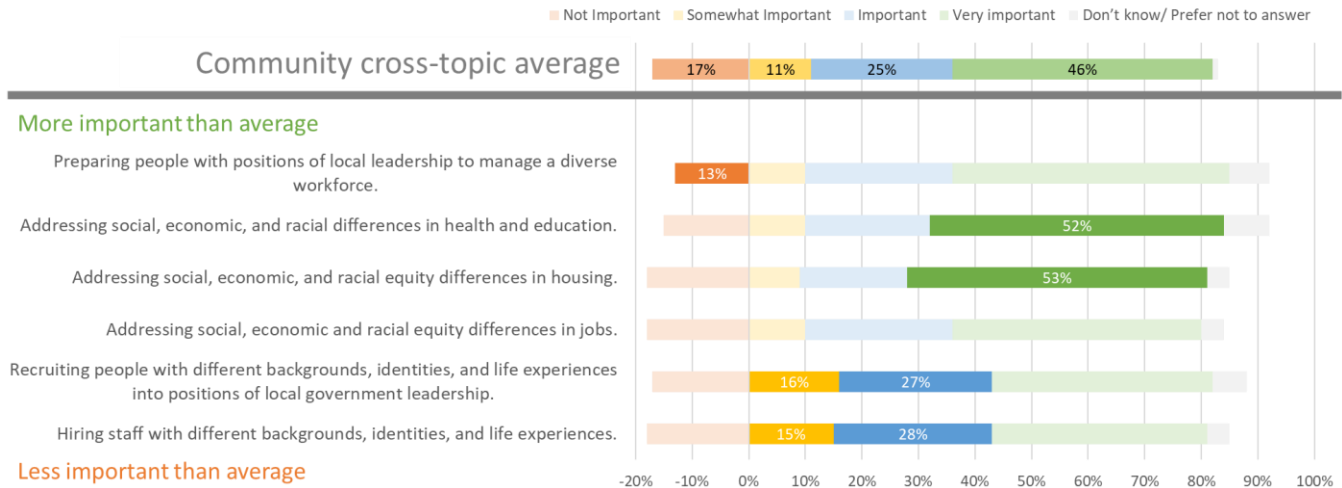
- Please rate our community on each of the following [equity topics]:
- How welcoming, if at all, do you think the Town is for [various identities]?
- Have you personally experienced discrimination based on [various identities] in our local community?
- Please rate our local Town of Jackson government on each of the following [equity topics]:
- How important should it be for our local government to prioritize the following [equity topics]?



Each question included multiple identities or topics for respondents to evaluate. Respondents were also asked to provide demographic information in order to understand the context of the results. Regrettably, racial and ethnic identity were accidentally omitted from the demographic questions, so data cannot be interpreted based on those identities. Future surveys would include that in the demographic information collected. The survey was promoted via the Town’s website and newsletter, Facebook, other listservs, and newsletters, and administered directly to the immigrant segment of our community by Voices JH. There were 674 responses to the survey.

The equity survey data were analyzed to look at the overall community sentiment on a question and the deviation from that overall sentiment for a specific sub-topic or identity. The charts in the report present the overall community sentiment as the "cross-topic community average" above the line. The rows below the line compare sub-topics or individual identities to the overall community sentiment. The responses with significant deviation from the overall sentiment (positive or negative) are highlighted with bold color.

## How important is it for local government to prioritize the following?



This question had the most definitive response of any in the survey. Across all topics, 71% of the community thinks it is “important” or “very important” for local government to prioritize action on equity and inclusion. The reasoning to, “Prepare community leaders for a diversifying workforce,” received the broadest support for why this work is necessary. The community feels it is also “very important” to address social, economic, and racial differences in health, education, and housing. Recruiting and hiring people with different backgrounds, identities, and life experiences each still had broad support, but not quite as much as other topics.

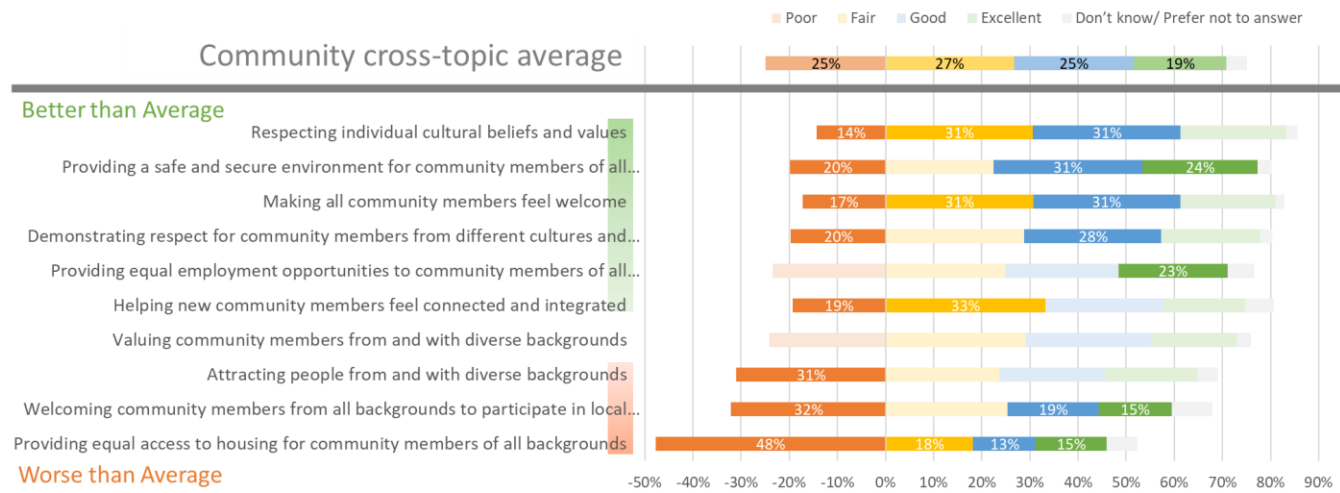
Younger, female, less educated, and lower-income community members who are newer to the valley find issues of equity and inclusion to be more important than the average, and older community members who have lived in the valley longer and are more highly educated tend to find equity issues less important than the average. Young people working low-income service jobs have historically been the engine of the local economy; they are also the identities who find action on equity and inclusion to be most important.

This clear mandate for local government to continue taking action on issues related to equity and inclusion is essential to keep in mind through analysis of the rest of the survey. Rating the community, sharing of experiences of discrimination, and evaluation of how welcoming the community is all depend on the context and relative experience of respondents. The questions openness of the questions and terms within them allow respondents to convey their own lived experiences. As a result, it is not always easy to draw hard and fast conclusions about responses, so the unequivocal perspective on prioritizing action is quite important. Nearly

half of the community thinks it is “very important” for local government to prioritize action on equity and inclusion, over two-thirds think find it “important,” and fewer than 1 in 5 respondents think it is “not important.” We are a diversifying community with growing inequity, and the community sees addressing equity and inclusion as a local government priority.

## Rate the Community

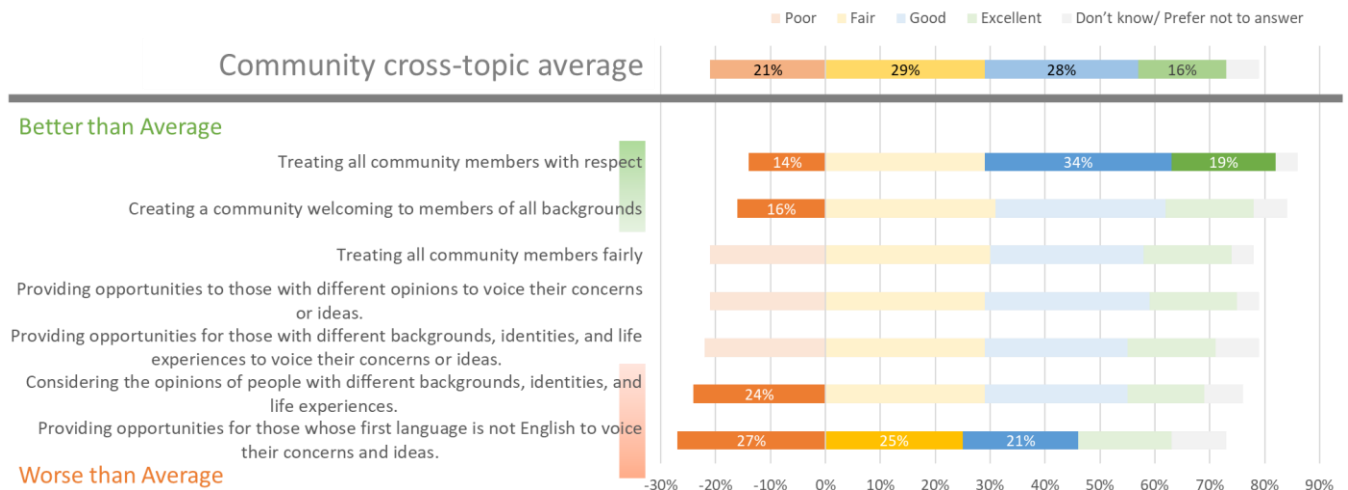
Overall, 44% of people rate the community as “good” or “excellent” on topics of equity, while 25% rate it as “poor.” The community rates best at respecting different beliefs, values, and cultures, making people feel welcome, providing a safe environment, and helping new community members feel connected and integrated.



On the other end of the spectrum, there were three topics on which the community rated especially “poor”: attracting people with diverse backgrounds, welcoming members from diverse backgrounds to local government and decision-making, and providing equal access to housing for all backgrounds. Equity in housing is the topic about which our community rated worst, with almost half (48%) of respondents assessing it as something we are “poor” at providing. Addressing inequities in housing opportunities is also one of the topics deemed important for local government to prioritize.

## Rate the Town of Jackson Government

The Town of Jackson government rates about the same as the community as a whole, with 44% of people rating it “good” or “excellent” on inclusion and equity, and 21% rating it “poor.” The Town government ranking was less varied by topic, but the survey also listed fewer topics under this category. The topical variation mirrors that of the community as a whole. In future surveys we recommend that the topics listed and rating scale be more consistent to allow for more cross referencing and comparisons.



Source: 2022 Town of Jackson Equity Survey

Jackson's Town government rates well in treating community members with respect and welcoming all backgrounds. It rates above "fair" at treating community members fairly and providing opportunities for English-speaking community members to voice their opinions. The Town needs the most work on considering the opinions of people with different backgrounds and providing opportunities to share perspective in languages other than English. The community largely acknowledges the positive intent of the Town's outreach, but still feels there is work to be done on outreach to non-native English speakers and about how opinions that are shared affect decision-making.

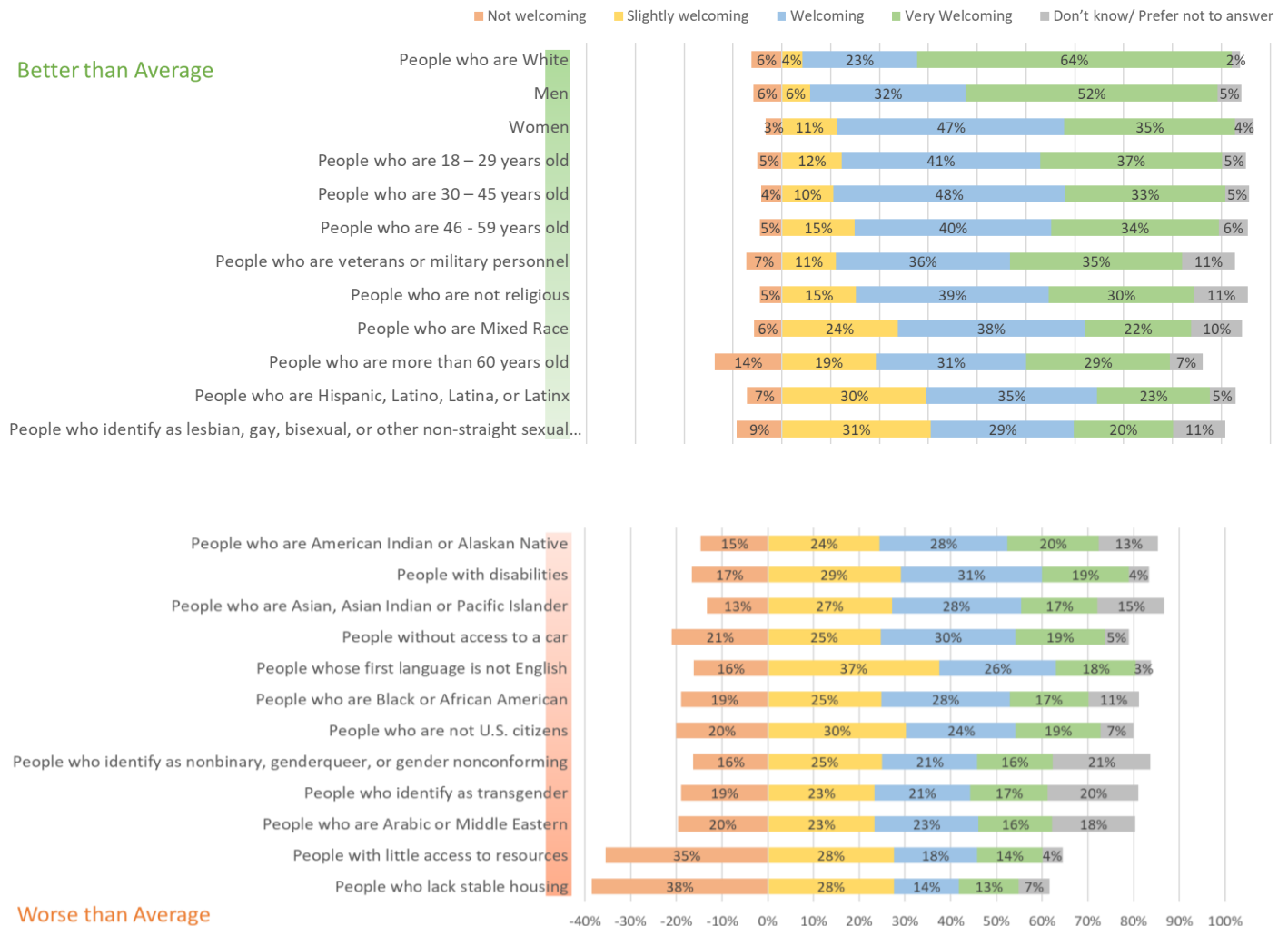
## How Welcoming is the Town?

In terms of race and ethnicity, there is a lot of variation in the perception of how welcoming the Town is. We are "very welcoming" to white people; "welcoming" to mixed race and Hispanic or Latino/a people; and "slightly welcoming" for American Indians, Alaskan Natives, Asian, Asian Indian, and Pacific Islanders. While respondents think our community is welcoming to Hispanic or Latinos, that is limited to English-speaking US citizens. Our community is "not welcoming" to people whose first language is not English or people who are not citizens. Similarly, about 20% of people think our community is "not welcoming" to Black and Arab people and another 25% think it is only "slightly welcoming" for people with these racial identities.

In terms of other non-race-related identities, the community and Town of Jackson are both rated highly in welcoming people of all backgrounds. However, when asked how welcoming the community is to various identities, there were a wide range of responses falling along a spectrum rather than any "typical responses" with notable outliers.



ops  
strategies



The Town is perceived as the least welcoming for people with little access to resources and for people who lack stable housing. Thirty-eight percent (38%) of respondents think the Town is not welcoming for people who lack stable housing. Thirty-five percent (35%) think it is not welcoming for people lacking resources. This perception mirrors the poor community rating on housing equity. The Town is also perceived to be less welcoming for people without cars. Our community being less welcoming to people with fewer resources highlights inequities in terms of income and wealth.

Respondents felt that men are more welcome than women in our Town, and that overall lesbian, gay, bisexual, and other queer sexualities are perceived as being more welcome than not. However, our community is perceived to be less welcoming for nonbinary, genderqueer, gender nonconforming, and transgender people.

On the issue of age, the respondents mostly perceived the community to be equally welcoming to all ages. However, people over 60 years old are perceived as not welcome by 14% of the community. People who are veterans or military personnel and people who are not religious are generally perceived as welcome.



## Experience of Discrimination

About one third of historically marginalized populations have experienced discrimination in our community based on their identities. Fifty percent of genderqueer, nonbinary, or gender nonconforming people have experienced discrimination based on their sexual orientation or gender identity. Thirty-three percent of people who have a physical, mental, or emotional condition that limits and/or shapes participation in work or society have experienced discrimination based on disability. One respondent shared the following, “Regarding disabilities, the Town overall is not accessible to people with mobility challenges. More sidewalk cuts, wider crosswalks, better snow removal around Town Square, and better maintenance of the wood sidewalk would go a long way.”

The same percentage of respondents (33%) whose first language is not English have experienced discrimination based on their national origin or country of birth country. Various respondents shared related stories including being discriminated against “Por no hablar inglés y ser Mexicano/For not speaking English and for being Mexican, and the following.

“I have faced many circumstances of racism for the language I speak (not English), for being from where I am from, and a complete ignorance towards other places in this world that are not the USA or Wyoming.”

In terms of gender, thirty-three percent of trans men and twenty-nine percent of trans women have experienced discrimination based on their sexual orientation or gender identity and thirty-one percent of female respondents reported experiencing discrimination based on their gender including this firsthand account.

“I have experienced gender discrimination or biases in every job I have held in Teton County over the past 12 years.”

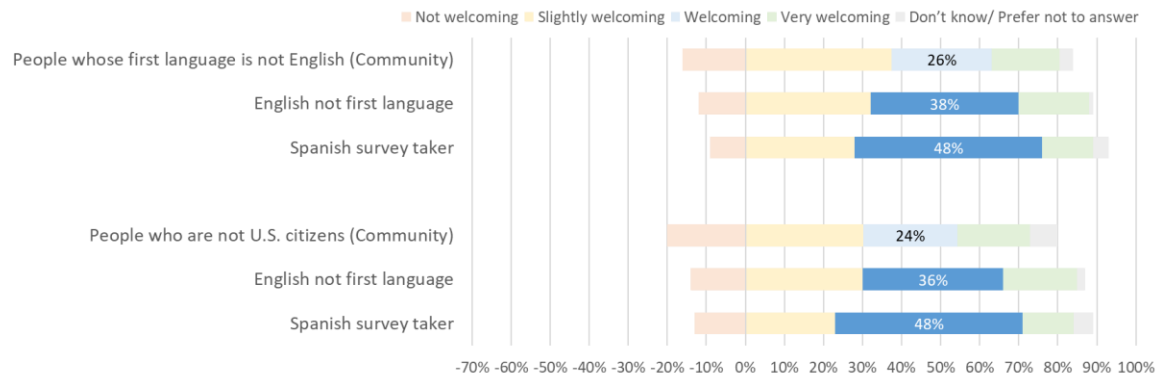
Thirty percent of respondents who are 65 years or older have experienced discrimination based on their age, including this account,

“In many businesses it is difficult to get meaningful employment when a person is older, even when there is a strong skill match.”

For most of the types of discrimination asked about, the experience of discrimination echoes the community’s perception of how welcoming our community is for people who hold those identities. For older community members and women, the experience of discrimination is masked in the earlier data points that perceive the community to be as welcoming to them as others. The Town is seen as slightly less welcoming to women than men and slightly less welcoming to older people, but people with these identities experience significantly more discrimination.

Finally, it is important to remember and keep in mind that each response is an individual’s story. Respondents whose first language is not English or who took the survey in Spanish find the community more welcoming of their identity than the majority of native English speaking respondents. However, one in three respondents who

has limited English proficiency has experienced discrimination based on their national origin, but still find the community more welcoming than the rest of the community would guess. As mentioned above, we must consider relativity and context here as we interpret these responses.



Source: 2022 Town of Jackson Equity Survey

A similar juxtaposition exists regarding those with fewer resources and less stable housing. Those with the lowest income find Town relatively more welcoming for people with fewer resources. These answers demonstrate particular perspectives, and one of the key takeaways is the importance of continuing to learn about and try to understand the varied lived experiences. Appendix A provides short answer responses from respondents who have experienced discrimination and chose to share details about those experiences.

## Next Steps

The largest takeaway and mandate from this Community Equity & Inclusion Survey is for local government to continue to take action on equity and inclusion. The survey calls for local government to prepare for a diversifying community and to work to address equity in housing, education and health care. It also suggests areas for improvement in gathering input through outreach and making additional efforts to engage community members whose first language is not English.

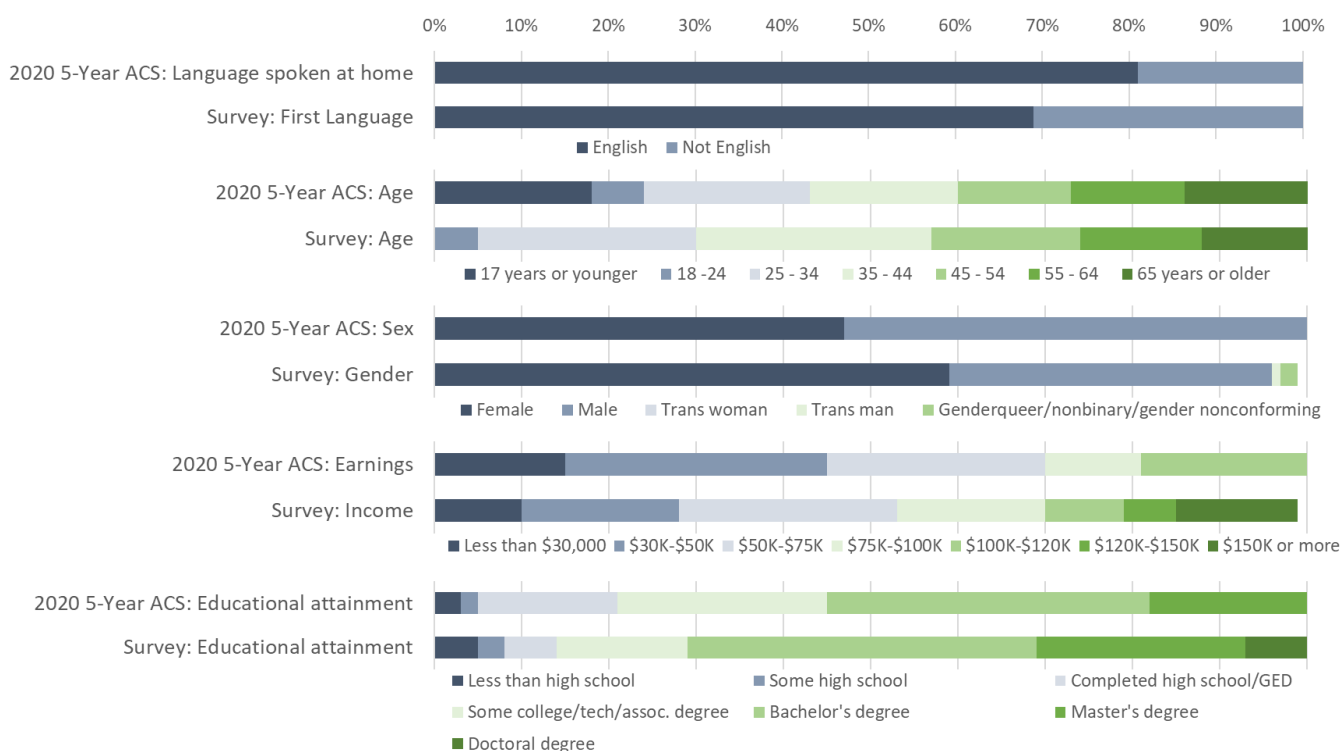
The survey highlights how differently various people experience our community. One way to continue to understand how our community is doing on equity and inclusion and how people experience this community is for the Town to refine this survey and continue to administer it every other year, and to scale the survey to be utilized by the broader community. If more organizations, businesses, and sector groups have their constituents answer these questions, each can understand their own areas for improvement, and we can compile broader community-wide trends. Ideally this would help to shed light on our community's efforts on inclusion and equity overall to report them over time and identify improvements and/or regressions. If this project is scaled, some suggested improvements include the following.

- A full suite of identity questions to include the accidentally omitted race/ethnicity question as well as questions about place of residence and whether the person rents or owns their home.
- Specificity on income if it is the individual or household income being requested.

- Matching the wording of the questions and topics/identities under each topic so they can be more directly compared across questions and identities.
- Separate “do not know” and “prefer not to answer” as separate responses.
- A publicly accessible dashboard to collect data and report trends.

## Survey Response

The survey received 674 responses. On the whole, the sample obtained was representative of our community based on Census data.



Source: 2022 Town of Jackson Equity Survey, US Census 2020 5-Year ACS

Of the submitted surveys:

- 26% were clicked to from Facebook
- 26% were clicked to from the Town newsletter/website
- 23% were clicked to by Voices JH’s Community Organizers
- 13% were clicked to via organizational outreach
- 7% were clicked to via the business listserv
- 2% were clicked to via Equity Task Force member outreach
- 1% was clicked to via a physical flyer
- 1% was taken by Town staff

## Appendix A: Firsthand Accounts of Discrimination in Our Community

-“My family is multi-ethnic (white and Latino) so I'm able to see the different ways that people in my immediate and extended family are treated by our community. One institution that needs improvement is the JH Middle School that is doing a very poor job helping kids from different backgrounds to integrate and understand one another -- to a toxic degree. In general, the Latino community is welcome as a workforce, and often treated with respect by employers, but in the community as a whole they are perceived almost exclusively as "workforce" and as workforce there is very little support for health care access, for affordable housing. Lots for the new task force to do!”

-“I once got asked: aren't you worried they will ship you back? Often, I get asked: when are you going back to your country?”

-“I experienced discrimination at work based on my sexual orientation and gender identity in a variety of ways. I have had multiple instances of microaggressions against my religion, disability, and gender identity. These all happened at work and once when looking for housing. There wasn't anywhere to go for support.”

-“I have experienced discrimination here based on my perceived income level and socioeconomic class.”

-“I wasn't aware of how discriminated I was all throughout high school until I started learning about micro-aggressions and other forms of discrimination while I was in college. At speech and debate meets, people would assume that I wasn't their competition because I was Mexican, when working as a server, people would try to speak to me in Spanish, assuming that it was going to be useful. Last week someone at my job assumed that I wasn't American. Although these seem like isolated instances, they add up and are harmful to people of color.”

-“Put a bus line into GTNP, increase public transportation, increase ability to camp in town, make in town ada sidewalks, actually accessible, rather than putting them in for show, ban confederate flags and swastikas.”

-“Our LGBTQIA+ pride flag was taken down by our neighbors because they thought it was ‘bad for business’.”

-“I notice the hospitality & retail sectors offer no discounting for military veterans with disabilities. The Town of Jackson SHOULD offer property tax discounts for disabled veterans.”

-“Esta muy buena , pero está mejor que hablan de los precios de la rentas están muy altas y no alcanza uno pagar tienes que tener dos trabajos y por ese motivo dejamos de compartir momentos muy hermosos con nuestros hijos y familia porque ahí que trabajar mucho para poder tener un techo que ofrecer, es un punto muy importante y que nos valon un poquito más por qué gracias a todos este hermoso pueblo está en donde está, porque cada uno de nosotros a pues un granito de arena, para que el pueblo está más desarrollado, muchas gracias por su tiempo y esperemos que seamos mucho mejor para que la comunidad sea mucho mejor de lo que es gracias 🙏.”

**Translation:** "It's very good, but it's better that they talk about the rent prices are very high and one can't pay you have to have two jobs and that means we don't have the time to share special moments with our children and family because we work so much. Having a roof over our heads is very important and that is worth a little more to us because thanks to everyone this beautiful town is where it is, because each one of us does a bit, so

that the town is more developed, thank you very much for your time and hopefully the community can continue to be better than it is thank you 🙏.”

-“In many businesses it is difficult to get meaningful employment when a person is older, even when there is a strong skill match.”

-“Anti Semitism is accepted by many community members.”

-“Age has been a discriminatory factor in getting jobs. Comp plan does not even mention seniors. Everything is focused on the “workforce”. No other place to add these points on Inclusion: 2nd home owners looked upon with disdain except their property taxes. People make jokes about stupid tourists. Exclusionary comments (including this survey)...How long have you lived here? Implies someone’s ideas are not valid if they are new residents. Oh, they’re from California. My voice counts more because I’m a 4th (5th, 6th) generation resident.”

-“Some based on physical abilities to keep up with others in outdoor activities.”

-“Stereotyped for being a grocery store worker because I am Latino, when I was just shopping. To be clear, it is not shameful to be a worker of any background, but the fact that they confidently assumed because I was Latino I probably worked there, was discrimination. I am also constantly asked, what my ethnicity/race is, as someone who is racially ambiguous. The conversation is almost always awkward, I don't understand how people continue to ask that to strangers.”

-“Yes, as a white male living in this town I am discriminated against almost daily. People make assumptions about me all the time based on my appearance. Most of the discrimination comes from white, toxic females who feel that white men are the source of all the world's problems. This survey is a joke. We live in Jackson, WY. The most privileged, out of touch community in this country. We should be spending less time on stuff like this and more time fixing problems that actually effect this town. What a joke.”

-“I am often discriminated against because of my outward appearance of not being wealthy and not part of a certain 'in' crowd...and for my political views.”

-“Misogyny is alive and well in ski culture.”

-“Middle Aged White Male so I get the easy end of things and the benefit of the doubt for the most part.”

-“Being a single person in this community, I feel there is discrimination in housing. I have been discriminated against and kicked out of housing for being single, and also feel that the affordable housing application process discriminates against single applicants.”

-“Por no hablar inglés y ser mexicano.”

**Translation:** “For not speaking English and being Mexican.”

-“In this community dominated by the economic drive to serve the ultra-wealthy demographic, anyone not in that demographic is discounted, less served, unregarded, unembraced, unseen. The younger adults, outdoor-

active demographic, is second most catered to, with laser focus on their activities. The older people, the non-wealthy older people that is, 50 years and older, become less and less important to the dollar-chasing businesses. The unwealthy older people make up a large portion of the population but are invisible.”

–“Es muy difícil acceder a una vivienda o por lo menos a una habitación para las personas que somos latinos y no hablamos él idioma.”

**Translation:** “It is very difficult to access housing or at least a room for people who are Latinos and do not speak the language.”

–“I was not considered for a well-paid position despite being the most clearly qualified and experienced of the candidates. I believe my race and sex played into the decision. My child has had a difficult reentry into the school district. I believe it's because of her perceived race, her sex (having experienced sexual harassment) and disability (inadequate response to accommodations and communication with her teachers). My husband left employment with an organization in town due to a lack of cultural competence and the organization's unwillingness and inability to address issues he raised.”

–“Minimal ADA access in town to stores, restaurants, restrooms, etc. Minimal ADA access with bus service. No ADA access to/from airport. Minimal ADA apartment options.”

–“It feels that as an old middle eastern woman, I am treated as an outsider. The government does not have any plans or programs for the elderly who are left increasingly with higher costs of living (property tax, cost of goods and services) on fixed budget. One way we wanted to help ourselves was by renting out our house to tourists but the town counsel seems bent on closing that option as well. At the same time, our taxes are raised to build more and more housing for young able workers who find it beneath them to do a 30 minute commute in this most beautiful of landscapes. It's all about affordable housing and young people having high pay, low expectations of delivering proper service, free everything for them. The town counsel thinks exclusively about the young and their issues such as affordable housing. How about making sure that our housing remains affordable to us, the old locals????!”

–“Elderly people are rude to younger people of a different race or color. The younger people are polite and respectful of the elderly. It's a puzzle to me why this is so.”

–“Our town is ripe with entitlement. While we like to think that we are welcoming to all people, the truth is that the very nature of tourist communities is that the people who live there are self-centered & want to be there for the same reasons that tourists do. This is NOT a place to come if you don't have resources - there are no housing options & the cost of living is through the roof. The wealthy have nearly ruined it for the rest of us & without somehow finding a way for second homeowners & the super-rich to subsidize the rest of us, it's just going to get worse (& rich people paying the way for everyone else isn't exactly a super solution either). It sure is a pickle, & one that's driving the real people who fell in love with this place when it was something other than it is now away because we can't afford to live here anymore.”

–“Oddly, being white is a minority where I live. Most are Latino, whom I love having as neighbors. However, if anything occurs where I live, my household is typically the first to be looked at. We are the only white family in our complex. I hope TRUE affordable housing is built so the tension of losing where we live and all fighting for

the same availability will wane.”

-“I have had people in various positions overlook my experience and knowledge based on the areas I checked above. Making me feel like I have to push and work 10x harder in this community.”

-“When answering the phone the customer had said: is there anyone who speaks English? At school/writing center: I cannot help you because I do not understand you. Coffee and pastry shop here in town: the lady laughed at me saying here we don’t have “plumpking” while I kept myself pointing the pumpkin spice flavor until she understood. Co-worker pushed me and I cut my nail with a knife, I was bleeding. This issue was big, and he just said he did it because I was drinking water all the time and keeping the bottle next to me instead of in the back. For me nonsense. I can continue and at the same time there’s no way to stop malicious intentions from others.”

-“Assumptions that I am inexperienced or under qualified based on my age, or that my older coworker is my supervisor. Superiors contacting my coworker instead of me about projects that I am in charge of, leaving me out of important conversations, etc.”

-“I have experienced gender discrimination or biases in every job I have held in Teton County over the past 12 years.”

-“Regarding disabilities, the town overall is not accessible to people with mobility challenges. More sidewalk cuts, wider crosswalks, better snow removal around town square, and better maintenance of the wood sidewalks would go a long way.”

-“There is a lot of selling of ‘Native American goods and representation of Native Americans around town that feels appropriative and disrespectful. Also there is no affordable housing for people trying to raise a family.”

-“Discriminated against for being straight white Christian conservative.”

-“My Child was let go from their job due to being Transgender with a manager who did not "approve" of their "choice" to be trans.”

-“Hay veces que como nos ven que no solo de este país hay personas que no aceptan que estemos aquí y nos discriminan.”

**Translation:** “There are times when they see us as only not from this country, there are people who do not accept that we are here and discriminate against us.”

-“I have also experienced discrimination based on class.”

-“I have been with a Black gay friend who was openly harassed for his race and sexuality by other community members at a local bar. However, it was hill climb weekend, so I'm not sure that the people were from "our community." It did take place here in town. I do not see any other place for comments on this survey, so I will add here that it is unclear how you are defining "community." As in any location, there are some people and groups who are extremely welcoming and others who are not. The question about the Town government is

more clear.”

-“... Other than to say that I experienced discrimination from certain specific entities. I also want to say that being “welcoming” (which I believe is true of this community) is definitely not the same as providing accessibility.”

-“I’m white, athletic, educated, hetero, attractive = no discrimination.”

-“This survey is a perfect example of unfortunate assumptions...that everyone has access to electronic communication (computers of some kind) along with the experience and training to use it. In particular, the Qr coding.”

-“I identify as a woman... I was paid less than my male coworkers (with less experience and lesser qualifications).”

-“Pregnancy discrimination.”

-“He sido discriminada muchas veces en mi trabajo, en la calle.”

**Translation:** “I have been discriminated against many times at work, on the street.”

-“I will say that this town is not wheelchair friendly, and it is impossible to navigate downtown with a wheelchair or leg scooter. I thought it was bad with a stroller but when I had to use a leg scooter, it was impossible.”

-“Have faced many circumstances of racism for the language I speak (not English), for being from where I am from, and a complete ignorance towards other places in this world that are not the USA or Wyoming.”

-“Employer keeps asking me how long I am going to work, when will I retire, are you still okay with your job?”

-“We prioritize the business community over everything else. It all comes down to who is making money, especially when we put those people into public office.”

-“While this community is probably more inclusive than other parts of the state, it largely serves white men and white women, and it definitely serves people with a lot of money. There is a lot of room for improvement, and I wonder if the community is ready to do the actual work necessary to make things better.”

-“Many places in town are inaccessible for those using mobility devices and many sidewalks/paths that are accessible do not connect. Jackson is a very ableist society where if you're not the fastest/best, you are left out, not to mention if you have a disability and/or can't ski or snowboard.”

-“I have witnessed discrimination based on all the criteria, particularly in the non-profit community.”

-“Newcomers are not welcome. Young adults who want to put down roots are not welcome. Unless you are from here or own a home here, you are not welcome.”

# STAFF REPORT



|                               |                                                                   |                        |                       |
|-------------------------------|-------------------------------------------------------------------|------------------------|-----------------------|
| <b>Meeting Date:</b>          | 21 February 2023                                                  | <b>Meeting Title:</b>  | Town Council Workshop |
| <b>Submitting Department:</b> | Public Works                                                      | <b>Presenter:</b>      | Floren Poliseo        |
| <b>Agenda Item:</b>           | Private development policy update – Construction Management Plans | <b>Public Comment:</b> | Yes                   |

## **Purpose & Policy Considerations.**

Council directed staff to present a review and draft amendment of the review process for private development Construction Management Plans (CMPs). The purpose of this staff report is to educate Council on the current criteria and process for reviewing and approving CMPs, and for Council to provide direction on modifications to these practices.

The policy to be considered is to what extent the Town should regulate construction management in the Town of Jackson, balancing the ability of property owners to construct what is allowed by the Land Development Regulations with the impact to the surrounding property owners and community as a whole.

## **Requested Action.**

Staff requests that Council provide direction on the key policy questions posed in this staff report.

## **Recommendations.**

Staff recommends that Council direct staff to bring a revised ordinance back to Council for final approval. This ordinance would establish the authority for staff to more formally implement a CMP review process that is largely already in place.

## **Background.**

### **RECENT HISTORY**

At the August 15, 2022 Regular Meeting, Council directed staff to provide a Scoping Staff Report for CMPs. At the October 3, 2022 Regular Meeting, staff provided a scoping report and Council directed staff to proceed with the proposed review and draft amendment of Town construction management review requirements. Council requested that staff ensure the review include topics that they most often hear about from citizens: **parking, traffic, staging, and communications**. In December 2022, the Town Engineer, Town Attorney, and Public Works and Planning Department Directors met to begin this policy update review. The Legal Department reviewed relevant practices of other communities to propose alternatives for Council consideration.

Many of today's in-town projects are larger and more complex, with respect to scope and size, than historic private projects in the Town. This is in part due to changes in the Land Development Regulations that put "Town as Heart" to encourage development in Town where services and jobs are located, and provided for bonus development when affordable and workforce housing are included. While most projects proceed with few issues, some projects have raised public comment resulting in additional hours of staff and Council time to review, coordinate, process, and address. There are two major types of construction within the Town of Jackson: Town capital improvements and private development. This staff report focuses on construction management for private development, but many of the same principles discussed are implemented by the Town on its own projects.

In May 2019 Town Engineering developed a checklist that provided a template for the contents of a CMP, criteria for taking the plan to Council, and defined a process. In April 2020 staff met to review the process to find efficiencies and coordinate various departmental roles in reviewing and managing CMPs. Staff determined that

CMPs would be reviewed by staff as part of building permits, only unique projects would be formally presented to Council, and staff would continue to notify Council through the Town Manager's report of significant projects that were beginning. Additionally, the CMP Checklist was updated and published to the Town Engineering website. The CMP Checklist is attached to this report for reference.

The following information in this section describes how staff is currently addressing construction management.

## CMP PROCESS

Current practices for reviewing and administering CMPs, utilizing the CMP Checklist, are as follows:

- For projects that require Development Plan approval, preliminary CMPs are included as part of the development plan application and Council can review and comment on them as part of this process.
- For projects that require a Building/Grading Permit, preliminary CMPs are discussed in a pre-application meeting and final CMPs are approved by staff as part of the permit application. Staff reviews the CMPs and works with the applicant to understand how the contractor has considered the impacts of the project at all phases and has a plan that mitigates the impacts of the project with the understanding that every project is different, not every day can be accounted for, and adjustments will need to be made as construction progresses.
  - Depending on physical location, timing, duration, and public impacts from the project staff may notify council of an approved project that is going to start through the Town Manager's report.
  - CMPs are presented to Council on a case-by-case basis pursuant to the discretionary authority provided in the Municipal Code generally when staff determines it would be beneficial based on the size, scope, complexity, and location of a project. For example, projects in the downtown core, other commercial zones, and along essential roads.
  - The applicant may also appeal a plan to Council through the Administrative Decisions Elevated to Public Hearings process if they choose.
- CMPs are administered by the Town Engineering Division as part of the permit. While the Planning Director is identified in the ordinance, the Planning Department is a supporting role. Other Public Works Divisions, the Police and Fire Departments, and Building Division also help support CMP administration.
- Approved CMPs may be modified by the contractor through a permit addendum or as required by the Town.

## CMP CONTENTS

For more detailed information please see the current [CMP Checklist](#) (attached). Through this checklist, staff requires that a CMP provide information and plans for: the project progress; the schedule; neighborhood coordination; public impacts, including but not limited to, contractor parking, work hours, temporary facilities, barriers and access, use of the public way, pedestrian routes, traffic control, staging, and other relevant impacts; shoring for excavations, crane use, stormwater management; erosion control; and other applicable items. Staff also requires the applicant to provide proof of contacting/notifying directly impacted neighbors. The CMP identifies timing and methods of communication to neighbors, affected businesses, major institutions, schools, and hospitals in order to notify affected parties of construction activities and schedules related to noise and transportation impacts.

## MUNICIPAL CODE AUTHORITY

Section 12.08.045 Encroachment Permit, *Construction Plan and/or Staging Plan*, provides the general authorization to require CMPs. Additional Municipal Code sections apply to projects within the downtown core,

requiring CMPs for projects that require use of the public way between June 15 and September 25. This further extends the applicability of an Encroachment Permit for construction activities that occur in the heart of Town, notably that they are not to occupy public rights-of-way during peak visitation months unless excepted by staff. In recent years, staff has brought a handful of projects to Council for approval (680 S Cache, 160 E Broadway, 110 Center Street, 60 East Pearl Avenue, 85 South King Street, and most notably 135 North Cache Street – Hotel Jackson) that had unique requests or impacts on the right-of-way. Council has been notified through the Town Manager's Report of all other projects that staff determined were notable, and staff coordinated with the applicants to develop a plan that was agreeable.



Figure 1 1900s Construction Management



Figure 2 21st Century Construction Management

### Analysis.

It is important to be upfront about the fact that construction is inherently disruptive and impacts those around the development. Property owners have the right, as set forth in the LDRs, to develop their property and the development process impacts those around the real property.

A CMP serves two purposes:

- *Mitigate Impacts.* The CMP will mitigate (but not eliminate entirely) construction related impacts, such as traffic, parking, noise, and erosion.
- *Coordinate Communication.* The CMP will identify timing and methods of communication to neighbors, affected businesses, major institutions, schools, and hospitals in order to notify affected parties of construction activities and schedules related to noise and transportation impacts.

Notably, CMPs do not directly address civil matters between private property owners and tenants or neighbors.

Staff has spent time reviewing other communities' practices pertaining to construction management and found that they have similar characteristics but vary in the degree of regulation, detail, and staffing. Communities like Vail and Tacoma have dedicated staff responsible for managing contractors and administering CMPs. Town Engineering Division staff (four FTE, including the Town Engineer) currently review and administer CMPs, as described above in the Background section, as part of their regular duties related to both private development and Town capital projects.

A summary regarding current practices and possible alternatives, related to the four CMP topics that Council directed staff to review, are as follows:

#### **PARKING**

Parking within the Town of Jackson is governed by the Jackson Municipal Code, Title 10 *Vehicles and Traffic*. An employee working at a construction site is no different than an employee working for a downtown merchant, a resident, or a visitor. Use of the street or a time restricted parking place for construction is governed by Title 12 *Streets and other Public Places*.

The CMP includes a section that requires contractors to have and self-enforce a parking plan to place the burden on the contractor to provide enforcement where the Town Code does not. Staff has had some success with this tool, but it is difficult and time consuming for the contractor and staff to administer. Staff recognizes that the additional employees on a large development site at the peak of construction has a significant impact in the vicinity of the project. Most of this impact is legal and subject to Title 10 and not Title 12 or the Building Permit. Developers contend that the disruption is temporary (large projects may take two years or more) and when the project is complete the neighborhood will be much improved.

Staff recommends keeping parking-related items in the checklist. Alternatives to addressing this directly through CMPs that Council may consider and discuss include:

1. Require offsite parking for construction workers with shuttles to the construction site within the entire town or within the downtown area. Town does not currently have adequate staffing to administer this alternative.
2. Increase Town enforcement of contractor-enforced CMP parking plans. Town does not currently have adequate staffing to administer this alternative.
3. Impose tighter time restrictions, such as reducing the 3-hour time limited spaces to only 1 hour when adjacent to active construction. Town does not currently have adequate staffing to enforce this alternative, and it would be difficult to educate the general public that rules are different during construction.

4. Evaluate parking associated with construction as part of a more comprehensive parking management strategy. Temporary parking controls for things like construction projects could be more effectively implemented in the context of other parking management concepts such as time restrictions, applicability based on different uses or seasons, travel mode prioritization in different areas, and paid parking. This approach would take longer to evaluate and implement but would include a more holistic evaluation of staffing needs and enforceability to provide a better foundation for success.

★ **Key policy question: Does Council support the current approach, or direct staff to explore one of these other alternatives?**

## TRAFFIC

Temporary Traffic Control (TTC) plans are part of a CMP and provided for in Section 12.08.090 of the Town Municipal Code. In general, TTC plans follow the principles set forth in Part 6 of the Federal Highway Administration's *Manual on Uniform Traffic Control Devices* (MUTCD) but may deviate to allow for the conditions and requirements of a particular site. When the normal function of the roadway, is disrupted or suspended, TTC planning provides for continuity of the movement of motor vehicle, bicycle, and pedestrian traffic (including accessible passage); transit operations; and access (and accessibility) to property and utilities.

In high density commercial areas and areas with small to zero setbacks, impacts to the public right-of-way are unavoidable and inherent in the development of a new project. Pedestrian and vehicular traffic are both impacted by large projects. On all projects, staff works with the contractor to minimize these impacts. If disruption cannot be avoided, then staff pursues disruption only during active construction hours. For projects of longer duration or that may be phased, a traffic control plan that accommodates the highest level of disruption to the public way may be necessary for the entire duration of the project. Staff's preference is that pedestrian movements be separated from both worksite activity and vehicular traffic through advance notice and alternative routes.

Staff recommends keeping the TTC in the checklist. Staff follows a national standard for TTC plans, visits construction sites when approved TTC plans are in place, and works with contractors to resolve observed inconsistencies and unforeseen issues.

An alternative that Council may consider is increase Town enforcement of approved TTCs, i.e., more frequent site visits/inspections. Town does not currently have adequate staffing to administer this alternative.

★ **Key policy question: Does Council support maintaining the current approach, or direct staff to explore this alternative?**

## STAGING

As town continues to develop and redevelop, open space available for staging construction projects is reduced. The LDRs govern land use, including Outdoor Storage (6.4.1). This regulation generally pertains to residential zones and does allow for the *storage of vehicles and equipment for temporary construction, provided the storage area is fenced, well marked, and posted.*

Staging areas, including off site, are included in the CMP. A challenge is that some projects have not yet identified the site at the time of permitting. Staff has had to address fencing, screening, waste management, and materials transport.

Staff recommends keeping these items in the checklist. Alternatives for Council consideration include:

1. Require contractors to provide secure locations with the permit application, including proof such as a statement of allowance or lease agreement with the property owner providing the storage space. This could increase the risk of construction projects not being completed in one construction season, as contractors already have long lead times for obtaining permits in advance of groundbreaking.
2. Revise LDRs to include more detail and/or restrictions regarding storage allowances for temporary construction, including for commercial zones. Town does not currently have adequate staffing to enforce this alternative.

★ **Key policy question: Does Council support maintaining the current approach, or direct staff to explore one of these alternatives?**

## COMMUNICATIONS

Perhaps the most important part of a CMP to mitigate construction impacts on the surrounding area is communication. Communication with the immediate neighborhood and known impacted parties is part of the CMP. For larger, higher impact projects the Town requires that the applicant and contractor host a public meeting to discuss the project and the CMP before Town approves the CMP. Feedback from the meeting is incorporated into the plan to the extent possible. Section 12.08.045 of the Municipal Code provides for this meeting to be a requirement based on the magnitude of the project.

As a condition of approval for road and lane closures it is the contractor's responsibility to notify the neighborhood and impacted parties. The Town also issues a notice to internal departments, external agencies, news outlets, and others regarding road and lane closures. Staff always encourages contractors to conduct more than less communication, even if it is just an update on progress or a simple 'thank you for the patience.' This is true for both the Town's capital projects and private projects. Staff has received feedback and thanks when project activities are clearly communicated. Consistently, the most frequent complaints that staff receives relate to little or no information being provided, and people being caught off guard or encountering a situation they were not expecting.

Staff recommends keeping these items in the checklist, particularly the Neighborhood Meeting Procedure. Alternatives for Council consideration to ensure additional communication beyond what is already required include:

1. Requiring the developer to communicate on a set schedule or frequency throughout the project (i.e., once a week). This keeps the responsibility with the project team but would increase and extend the frequency of Town oversight, or require additional correspondence with the project team to provide proof of notices/engagement. This would require additional staff time to administer.
2. The Town could host stakeholder interactions and conduct the outreach and notifications on behalf of private developers. This is inconsistent with stakeholder meetings for development projects and Town does not currently have adequate staffing to perform this additional task without trading off a current task.

★ **Key policy question: Does Council support maintaining the current approach, or direct staff to explore one of these alternatives?**

## CONSTRUCTION CRANES

Currently the Town allows construction cranes that are semi-permanent and essentially immobile once erected as an encroachment within the Town public way. As of 2022, this requires a Crane Agreement executed between the Town and property owner in advance of erecting the crane. The allowance of cranes within or swinging into the public way further impacts the use of the public way by the public and/or exposes the public to more construction operations. The Crane Agreements are structured with administration fees, annual fees, bonding, and insurance requirements that are costs for the developer, and provide conditions for the use of the crane, indemnity, release and waiver, remedies, emergencies, etc.

Alternatives for Council consideration include:

1. Prohibit the placement of construction cranes within the public way, acknowledging potential impacts of increased time and expense to the project.
2. Prohibit the placement of construction cranes on projects two stories or under, unless excepted by the Town Engineer. This would not prohibit locating the crane on private property and the Town would still require a Crane Swing Agreement if the swing radius encroached the public way.
3. Allow the placement of construction cranes within or swinging above the public way without any agreement. (I.e., remove the current requirement to have a Crane Agreement in place for these encroachments.)

★ **Key policy question: Does Council support maintaining the current approach, or direct staff to explore one of these alternatives?**

## MUNICIPAL CODE UPDATES

While no formal ordinance specifically for CMPs has been enacted, the Town has implemented a checklist and evolved its process since 2019 to help provide consistent and fair construction management practices. Larger, more profitable projects have attracted more contractors and hired workers from outside the area, resulting in less predictable behaviors and different practices. Given the current pace of construction, management of private development requires the effort of at least one FTE and for the most part the current practices have been manageable with current staffing. The actions of contractors and their means and methods of construction are not within the control of the Town, nor are the actions and perceptions of the public. Staff finds that no plan is perfect or predicts every state of a project, and no plan will satisfy all, but that current practices are working and recommends some updates to the ordinances that will help moving forward.

Staff suggests amending the Municipal Code, enacting a concise ordinance setting out the legal basis for CMPs, with the following subsections:

- *Purpose.* This explains the purpose and intent of CMPs.
- *Construction Management Plan required.* This sets forth that the CMP is required and must be approved prior to building permit issuance and that it shall be approved by the Town Engineer.
- *Applicability.* This sets forth when a CMP is triggered.

This will provide the Town authority to implement CMP review and more formally utilize the checklist to require contractor implementation of applicable items therein.

Council may consider the following staff recommendations for the proposed ordinance:

1. Applicability. Staff recommends that CMPs be required of projects that meet the following criteria:
  - a. Projects that require a permit (Building, Grading, PROW, or Other) to construct; and
  - b. any combination of the following:

- i. Utilizes the public way for construction and or staging.
- ii. Utilizes private off-site locations for construction and or staging.
- iii. Utilizes a crane.

★ **Key policy question: Does Council agree with this recommendation?**

If Council has specific directives for an alternate strategy or policy related to the above items or any other items in the checklist, staff can evaluate the feasibility of updating the checklist and/or ordinances and staff's capacity to perform.

**Recommendations.**

Staff recommends amending the Municipal Code to state the purpose, requirement, and applicability of the CMP as described above and as directed by Council, establishing the legal authority for the Town to issue the checklist requirements on a project-by-project basis.

**Possible Alternatives.**

Key policy questions for Council are included in the Analysis section of this staff report. Staff will proceed as directed by Council on each of those items, and any additional CMP-related items requested.

Council could alternatively take no action at this time.

**Comprehensive Plan & Priority Alignment.**

Increased oversight or regulation of construction management plans could contribute to the following Comp Plan goals:

Common Value 1 Ecosystem Stewardship

Principle 1.2 - Preserve and enhance water and air quality

- Policy 1.2.b: Require filtration of runoff (erosion control, dust control, debris control, etc.)
- Policy 1.2.d: Improve air quality (dust control, equipment emissions standards, etc.)

Principle 2.4 - Increase energy efficiency in buildings

- Policy 2.4.c: Use and reuse construction material sustainably

Strategy 2.4.S.2: Develop a comprehensive sustainable building program that includes requirements and incentives for government operations and new private construction to use energy efficiency best practices.

Strategy 2.4.S.4: Develop a program to facilitate the reuse and recycling of building materials and raise awareness of the benefits of the use of sustainable construction materials

**Fiscal Impact.**

Review and administration of CMPs is currently conducted as part of existing permit application reviews (e.g., as part of a Building Permit). There is currently no separate fee for CMP review, as there were no increases to permit fees when the CMP process was implemented. The Crane Agreements stipulate one-time administration and annual fees.

The Town assesses daily fees for construction-related encroachments that occupy travel lanes (\$337), public alleys (\$169), and parking spaces (\$84 per space), but not for occupying the sidewalk, bike paths, or other portions of the public way. The parking occupancy fees currently only apply to time-restricted parking.

Council may direct staff to propose a new fee(s) associated with a new CMP ordinance, and/or updates to existing fees for CMP-related items such as encroachments. Fees are updated annually with the budget as part of the Master Fee Schedule.

**Staff Impact.**

Staff's recommendation presented herein attempts to maintain or reduce the staff time required to review, process, and administer CMPs. Staff estimates that approximately 20-30 hours of staff time between Public Works, Planning and Building, and Legal, as well as some coordination with the Police and Fire Departments, would be required to update the ordinance(s). If Council directs staff to revisit and revise the process into a new process, staff estimates about 60-80 hours of staff time.

Staff expects that with a more direct Ordinance in place, administration of CMPs will be more efficient and effective; however, it will not eliminate issues that arise and take up unexpected amounts of time. The amount of time staff spends addressing these matters will be directly proportionate to Council expectations, i.e., issues the public raise that Council feels are important and directs staff to review or revisit will take more time.

Should Council direct staff to increase review and oversight beyond current practices or create additional policies particularly related to the four areas of requested review (parking, traffic, staging, and communications), then additional staffing would be required. Without additional staff, other activities that Legal Department, Public Works Engineering Division, and Police Department perform would need to be reduced.

**Attachments or Links.**

Construction Management Plan Checklist

**Suggested Motion.**

I move to direct staff to amend Jackson Municipal Code and present a draft Ordinance to Council at a future Council meeting.



**Checklist for a  
CONSTRUCTION MANAGEMENT PLAN**  
Planning & Building Department  
Building Division

150 East Pearl Ave. | ph: (307) 733-0440  
P.O. Box 1687 | fax: (307) 734-3563  
Jackson, WY 83001 | [www.townofjackson.com](http://www.townofjackson.com)

**APPLICABILITY.** *This checklist should be used when submitting an application for a **BUILDING, RIGHT-OF-WAY, GRADING, OR OTHER PERMIT** that requires use of the Town's Right-of-Ways or Easements, or for projects that have significant impact on the public. The purpose of the Construction Management Plan is to review use of public rights-of-way and easements, and impact on the public.*

**When is a Construction Management Plan required?**

*Section 12.08.045 requires a Construction Plan and/or Staging Plan for public infrastructure improvements and projects that require use of the Town's rights-of-way, easements, or land. Section 12.08.40.B requires a plan for encroachments within the downtown core between June 15-September 25.*

**INSTRUCTIONS.** *Use this checklist to complete all portions of the application. All items on this checklist should be shown or noted on the plans. **ALL** phases of the construction should have a construction management plan, e.g. demolition, excavation, shoring, vertical construction, exterior finishes, work in the right-of-way.*

**CONSTRUCTION MANAGEMENT PLAN SUBMITTAL REQUIREMENTS.** *Please fill out the left side of this checklist.*

| APPLICANT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | TOWN |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| ALL Construction Management Plans shall include the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |      |
| A brief narrative summarizing the scope of the project.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |      |
| Proposed schedule of construction for the Project. <ul style="list-style-type: none"> <li>The following restrictions shall be considered in the schedule in accordance with Jackson Municipal Code 12.08.040.B. Winter use in accordance with 12.08.320.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |      |
| Schedule of Construction and impacts within the Town's rights-of-way, easements, or land. <i>Exact dates are likely not available but the magnitude of the duration, e.g. number of days use expected.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |      |
| <b>PUBLIC IMPACT:</b> <ul style="list-style-type: none"> <li>Include a statement that: <i>Owner/Applicant shall identify the properties and businesses most impacted by the construction to create an email contact list, to provide information as to the project schedule and work.</i> <ul style="list-style-type: none"> <li>At a minimum all properties and businesses on the immediate block face(s) and alley shall be included as well as those within 200 feet of the project.</li> <li>Provide this list to and include Town of Jackson Engineering Division, <a href="mailto:townengineering@jacksonwy.gov">townengineering@jacksonwy.gov</a>.</li> </ul> </li> <li>For large non-residential and multi-family permits or projects that impact or utilize the Town's right of way, travel lanes, and or pedestrian corridors the applicant shall conduct a Neighborhood Meeting based on their draft plan prior to Town approval. Revisions to the plan may be required following the meeting.</li> <li>Include a statement that: <i>The owner and contractor are aware that the right-of-way is a shared use area, including community special events, Town capital improvement projects, that they will coordinate with the Town to accommodate these events.</i></li> </ul> |      |
| <b>CONSTRUCTION PARKING:</b> <ul style="list-style-type: none"> <li>Include the following statement: <i>Contractor shall implement a clear and self-enforcing construction parking plan that does not use/or encumber downtown on street and/or public parking lot parking spaces. The plan specifies that employee or contractor parking within time restricted parking zones, the Home Ranch, East Deloney, Miller Park and/or the Parking Garage lots is not allowed. Contractor will encourage carpooling and bus riding, and when possible provide</i></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |      |

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|  | <i>shuttles into the project.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |
|  | <p>SITE LOGISTICS:</p> <ul style="list-style-type: none"> <li>State the anticipated Work Hours: <i>Typically, Monday – Friday 7 AM to 7PM, Weekends and Holidays 8 AM – 5PM, but may vary by location.</i></li> <li>TEMPORARY FACILITIES: Show the location of: construction trailers, trash, recycling, bathrooms, concrete washout, etc. Facilities shall be located on private property and screened to the extent practical, and not within the Town right-of-way.</li> <li>CONSTRUCTION BARRIER: show the location, fencing material, access gate locations, etc.</li> <li>ROAD USE: location for deliveries and haul routes.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |
|  | <p>TEMPORARY USE OF STREETS, ALLEYS, AND PUBLIC PROPERTY</p> <ul style="list-style-type: none"> <li>USE: The worksite may encroach into the right of way up to the back of sidewalk, back of curb, or edge of pavement (10 feet back from edge of pavement in the winter) provided that any established pedestrian way is maintained, or an alternate route is approved. Town reserves the right to restrict use of the public way, maintain pedestrian ways, or require barriers to be moved out of the public way. <ul style="list-style-type: none"> <li>For any plan that proposes extending barriers or walkways into the right-of-way, include a statement that: <i>Site barriers shall not interfere with Town snow removal. Contractor shall be responsible for all snow removal from along the barrier after each time the Town plows. Snow removed by the contractor will NOT be hauled to the Town fairgrounds.</i></li> </ul> </li> <li>OBSTRUCTIONS: Construction materials and equipment shall not be placed or stored so as to obstruct access to fire hydrants, standpipes, fire or police alarm boxes, catch basins or manholes, nor shall such material or equipment be located within 20 feet of a street intersection or placed so as to obstruct normal observation of traffic signals or to hinder use of the traveled way.</li> <li>UTILITY FIXTURES: Construction materials and equipment shall not be placed or stored so as to obstruct free approach to any fire hydrants, fire department connection, utility pole, fire or police alarm boxes, catch basins or manholes, or so as to interfere with the passage of water in the gutter. Protection against damage shall be provided to such utility fixtures during the progress of the work, but sight of them shall not be obstructed.</li> <li>PERMITS: Public Right of Way permits are required for use of the public way.</li> <li>RESTRICTIONS: In accordance with Jackson Municipal Code 12.08.040.B. Winter use in accordance with 12.08.320.</li> </ul> |  |
|  | <p>STORMWATER MANAGEMENT:</p> <ul style="list-style-type: none"> <li>Include a brief description of the proposed stormwater pollution prevention plan and methods. <i>Final measures will be reviewed with the building or grading permit.</i></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |
|  | <p>SITE PLAN:</p> <ul style="list-style-type: none"> <li>Property Boundary: Project and Adjacent</li> <li>Proposed work, temporary facilities, barriers, pedestrian routes, haul routes, etc. as they may vary by stage of construction.</li> <li>Adjacent Streets including sidewalks.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |
|  | <p>CRANE (if applicable):</p> <ul style="list-style-type: none"> <li>Show the location, range, and height. <i>No moving of materials over an open to the public area is allowed.</i></li> <li>Show the location(s) for picking up outside the construction area.</li> <li>AGREEMENT REQUIRED FOR ENCROACHMENT: A Crane Agreement is required for cranes that are to be erected on the Town's property. A Crane Swing Agreement is for cranes that encroach into the airspace above Town right-of-way or easements. The agreement is required prior to crane erection. <i>To initiate, make a Planning Application under Miscellaneous-Other for a Crane Agreement. Additional insurance and bonding is required.</i></li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |  |
|  | <p>PROTECTION OF PEDESTRIANS: if applicable.</p> <ul style="list-style-type: none"> <li>Barriers: <ul style="list-style-type: none"> <li>Shall not be less than 6 feet in height; and,</li> <li>shall be placed on the side of the walkway nearest the construction; and,</li> <li>shall extend the full length of the construction site; and</li> <li>Openings in such barriers shall be protected by gates/doors that are normally kept closed.</li> </ul> </li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |

|                        | <ul style="list-style-type: none"><li>○ Shall not interfere with Town Snow Removal Operations</li></ul> <b>Barrier and Covered Walkway Criteria</b> <table><tr><th>HEIGHT OF CONSTRUCTION</th><th>DISTANCE FROM CONSTRUCTION TO LOT LINE</th><th>TYPE OF PROTECTION</th></tr><tr><td rowspan="2">8 feet or less</td><td>Less than 5 feet</td><td>Construction Railing</td></tr><tr><td>5 feet or more</td><td>As required for safety</td></tr><tr><td rowspan="4">More than 8 feet</td><td>Less than 5 feet</td><td>Barrier and Covered Walkway</td></tr><tr><td>5 feet or more, but not more than ¼ the height of construction</td><td>Barrier and Covered Walkway</td></tr><tr><td>5 feet or more, but between ¼ and ½ the height of construction</td><td>Barrier</td></tr><tr><td>5 feet or more, but exceeding ½ the height of construction</td><td>As required for safety</td></tr></table> <p>For projects without existing sidewalks, protection may still be required by the Town.<br/>For sidewalk closures, show the signage directing pedestrians away from the construction and closed sidewalk. All walkway modifications shall maintain ADA Access.</p>        | HEIGHT OF CONSTRUCTION      | DISTANCE FROM CONSTRUCTION TO LOT LINE | TYPE OF PROTECTION | 8 feet or less | Less than 5 feet | Construction Railing | 5 feet or more | As required for safety | More than 8 feet | Less than 5 feet | Barrier and Covered Walkway | 5 feet or more, but not more than ¼ the height of construction | Barrier and Covered Walkway | 5 feet or more, but between ¼ and ½ the height of construction | Barrier | 5 feet or more, but exceeding ½ the height of construction | As required for safety |  |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|----------------------------------------|--------------------|----------------|------------------|----------------------|----------------|------------------------|------------------|------------------|-----------------------------|----------------------------------------------------------------|-----------------------------|----------------------------------------------------------------|---------|------------------------------------------------------------|------------------------|--|
| HEIGHT OF CONSTRUCTION | DISTANCE FROM CONSTRUCTION TO LOT LINE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | TYPE OF PROTECTION          |                                        |                    |                |                  |                      |                |                        |                  |                  |                             |                                                                |                             |                                                                |         |                                                            |                        |  |
| 8 feet or less         | Less than 5 feet                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Construction Railing        |                                        |                    |                |                  |                      |                |                        |                  |                  |                             |                                                                |                             |                                                                |         |                                                            |                        |  |
|                        | 5 feet or more                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | As required for safety      |                                        |                    |                |                  |                      |                |                        |                  |                  |                             |                                                                |                             |                                                                |         |                                                            |                        |  |
| More than 8 feet       | Less than 5 feet                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Barrier and Covered Walkway |                                        |                    |                |                  |                      |                |                        |                  |                  |                             |                                                                |                             |                                                                |         |                                                            |                        |  |
|                        | 5 feet or more, but not more than ¼ the height of construction                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Barrier and Covered Walkway |                                        |                    |                |                  |                      |                |                        |                  |                  |                             |                                                                |                             |                                                                |         |                                                            |                        |  |
|                        | 5 feet or more, but between ¼ and ½ the height of construction                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Barrier                     |                                        |                    |                |                  |                      |                |                        |                  |                  |                             |                                                                |                             |                                                                |         |                                                            |                        |  |
|                        | 5 feet or more, but exceeding ½ the height of construction                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | As required for safety      |                                        |                    |                |                  |                      |                |                        |                  |                  |                             |                                                                |                             |                                                                |         |                                                            |                        |  |
|                        | <b>STABILIZED CONSTRUCTION ACCESS:</b> <ul style="list-style-type: none"><li>• Provide and maintain a stabilized construction access.</li><li>• Provide a sweeping broom to remove tracked soil and mud from the road as necessary. <i>Sweeping to the storm drain is not acceptable.</i></li><li>• All refuse loads from the site shall be tarped or covered per municipal code 8.12.140.</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                             |                                        |                    |                |                  |                      |                |                        |                  |                  |                             |                                                                |                             |                                                                |         |                                                            |                        |  |
|                        | <b>TRAFFIC CONTROL:</b> <ul style="list-style-type: none"><li>• Identify how street and pedestrian traffic will be managed including proposed signing and ADA compliance. For encroachments into the roadway provide plans and sections to scale for existing and staged conditions. Provide minimum travel lanes of 10 feet. <i>Final approval of the plan will be with actual Public Right-of-Way permit applications.</i></li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                             |                                        |                    |                |                  |                      |                |                        |                  |                  |                             |                                                                |                             |                                                                |         |                                                            |                        |  |
|                        | <b>SHORING:</b> <ul style="list-style-type: none"><li>• Identify the type of shoring intended for use. Shoring within the right-of-way requires an Encroachment Agreement.</li><li>• For shoring plans that are not included with a Building Permit application, a Grading Permit is required for approval of the design plans.</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                             |                                        |                    |                |                  |                      |                |                        |                  |                  |                             |                                                                |                             |                                                                |         |                                                            |                        |  |
|                        | <b>STAGING:</b> <ul style="list-style-type: none"><li>• Identify off site staging locations. State or show that the area will be fenced and screened.</li><li>• Include a statement to the effect that all materials moved on the roadways will be secured and oversized loads will be moved according to law.</li><li>• <i>Off-site staging sites may require a conditional use permit or other approval, e.g in residential areas.</i></li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                             |                                        |                    |                |                  |                      |                |                        |                  |                  |                             |                                                                |                             |                                                                |         |                                                            |                        |  |
|                        | <b>PERFORMANCE BONDS AND GURANTEES:</b> <ul style="list-style-type: none"><li>• Financial assurance that required construction or installation of improvements, performance of duties, or other financial duty is completed shall be in accordance with section 8.2.11 of the Jackson Land Development Regulations.<ul style="list-style-type: none"><li>○ For projects encumber, utilize, construct, improve, etc. within the right-of-way a financial assurance shall be provided for those improvements.</li><li>○ When a project alters or encroaches into the PROW for excavation, shoring, etc. the bond shall be based on the costs of the work to complete barriers, excavation, shoring, foundation construction, and backfill as well as any final site improvements, e.g. sidewalks and landscaping, to restore the full use of the public way and provide a safe development site.</li></ul></li><li>• Warranty: Unless exempted by the Planning Director, all public improvements and required mitigation shall be warranted by the applicant for a period of two 2 years following completion and final inspection of all such improvements or work.</li></ul> |                             |                                        |                    |                |                  |                      |                |                        |                  |                  |                             |                                                                |                             |                                                                |         |                                                            |                        |  |
|                        | <b>MODIFICATION:</b> <ul style="list-style-type: none"><li>• The Town has the authority to require modification to the Construction Management Plan.</li></ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                             |                                        |                    |                |                  |                      |                |                        |                  |                  |                             |                                                                |                             |                                                                |         |                                                            |                        |  |

## CONSTRUCTION MANAGEMENT PLAN REVIEW PROCESS.

### Description of Events

PLANNING: Prepare a preliminary Construction Management Plan (CMP) for Sketch and Development Plan Applications

PERMITTING: Submit the contractor prepared CMP with the Building Permit Application materials.

REVIEW: Town Review for sufficiency and acceptance with the permit application. Once an acceptable plan is provided, approved CMPs in the Downtown Core, on major streets, or commercial areas will be notified to council through the Town Manager's report, which may take four weeks to make a meeting. THE CMP must be approved prior to Building Permit issuance.

Generally, CMPs are not reviewed or approved by the Town Council. The Town Engineer may determine a review may be required for projects that meet any of the following warrants:

- When the Town Engineer and Applicant cannot agree to a plan.
- Plan requires a negotiated fee approval.
- Plan requires utilizing Town rights-of-way for extended periods, beyond those typically allowed,
- Close off Town sidewalks, travel lanes, or parking for extended periods
- As determined by the Town Engineer.

*Generally, an extended period is considered to be more than 30 days but may vary depending on location and level of impact.*

POST PERMIT ISSUANCE: Following permit issuance, Town Engineer will have the authority to require modifications to the CMP. Applicant may amend the CMP through a Building Permit addendum.

APPEAL: In the event the Town Engineer does not accept the plan the applicant may request a review by Town Council through standard procedures for Administrative Decisions Elevated to Public Hearings.

## NEIGHBORHOOD MEETING PROCEDURE

1. Time and Duration. Neighborhood meetings should be held anytime between the hours of 5:30pm and 9:00pm weekdays and anytime between the hours of 9am and 9pm on weekends. Ideally, the meeting should not exceed two hours in length, unless held in an open house/drop-in format, in which case the applicant should make themselves and the relevant materials available for a minimum of two hours.
2. Place. The meeting should be held in a location of the applicant's choosing that is convenient and accessible to neighbors residing in close proximity to the development. An online forum should also be provided.
3. Meeting Agenda. A sample meeting agenda follows this section. The applicant is responsible for modifying the template to reflect the specifics of the project, and to remove notes and bullet points intended to provide guidance to the applicant. Copies of the agenda should be made available at the meeting.
4. Attendance. The applicant should provide a sign-in sheet where attendees can provide their name and contact information.
5. Facilitation. The applicant will be responsible for facilitating the meeting and will not receive facilitation assistance from any Town staff that may attend. The applicant is encouraged to establish "ground rules" to ensure a constructive discussion.
6. Open House. An applicant may elect to conduct the meeting in an open house/drop-in format, rather than make a formal presentation. If an open house is held, the applicant should be available to greet attendees, explain the process for commenting, provide adequate displays, visual aids and handouts to depict the proposal and provide key information, and be available to receive comments and answer questions for the full duration of the open house time.
7. Submittal of Comments (optional). The applicant may record comments and questions and may include a copy of any comments collected in the application submittal package for the proposal. The applicant may also want to respond to comments in the application, or outline how those comments affected the final submittal.

# STAFF REPORT



|                               |                                             |                        |                       |
|-------------------------------|---------------------------------------------|------------------------|-----------------------|
| <b>Meeting Date:</b>          | February 21, 2023                           | <b>Meeting Title:</b>  | Town Council Workshop |
| <b>Submitting Department:</b> | Administration                              | <b>Presenter:</b>      | Tyler Sinclair        |
| <b>Agenda Item:</b>           | Upcoming Council Agendas and Retreat Update | <b>Public Comment:</b> | No                    |

## Purpose & Policy Considerations.

At the Town Council retreat held on February 8 and 9, 2023, Town Council requested time be set aside at each regular workshop for Council to review a DRAFT of the items that are coming forward on agendas. This item is informational only and does not require any action by Council.

## Requested Action.

None.

## Recommendations.

Staff recommends Council review the DRAFT upcoming agendas that reflect the Town's monthly priority items identified at the most recent retreat.

## Background.

At the Council retreat held February 8 and 9, 2023, the Council identified and calendared their own 2-year priority items as well as calendared select priority items identified by staff. This work culminated in the creation of a 2-year list of priority items and a monthly listing of when those priority items could be expected to be brought forward by staff. Staff will reserve space on each regular monthly workshop agenda to provide a DRAFT upcoming agenda for the next month as well as the full list of priority items for the remainder of the next two years identified by month for 2023 and by quarter for 2024. As discussed at the retreat, Council workshops should be limited to 2 priority items and the JIM to 1 priority item (with the full knowledge that JIM items also require consent by the County Commission for placement on an agenda). Please understand that the list of upcoming agenda items for the nearest upcoming meeting(s) is a DRAFT and changes may occur as the meeting date nears and staff reviews readiness for presentation. Please also know that this is a first draft of how these materials will be presented and may be improved moving forward.

At the Council Retreat, Council also indicated they are willing to provide more flexibility for the presentation of Scoping Staff Reports from 45 days to approximately 60. Staff will also take this opportunity to provide a monthly running list of successful motions where Council requested a Scoping Staff Report along with an estimated timeline for presentation to Council. Scoping Staff Reports will provide enough information for Council to consider a motion to direct staff to undertake the new initiative/priority and identify which already prioritized and calendared priority that would be removed in its place.

A subsequent list of Potential Initiatives (PI) were also identified at the retreat and added to a list of items that may receive Council majority direction in the future for prioritization, but were NOT prioritized or agreed upon by 3 members of Council for the next 2 years. The PI list will be presented at each Council Retreat for Council to consider. There were two items of note that were left in the 'Not Important & Not Urgent' quadrant of the sorting exercise last week at Council's Retreat as follows:

- Preventative Law
- Budget Gamification

Staff plans to place these items on the PI list unless directed otherwise by Council.

**Analysis.**

The purpose of showing the list of upcoming priority items is not to provide an opportunity to amend the list or the date it will be presented, those discussions would be reserved for a Town Council retreat. Providing the list at the regular workshop meetings is an effort to provide more transparency for the Council and public in upcoming issues for consideration.

**Possible Alternatives.**

None

**Comprehensive Plan & Priority Alignment.**

Planning ahead for priority issues is in direct alignment with the Comprehensive Plan because it provides the Council the opportunity to consider where best to spend their time and resources to advance the goals of the Comprehensive Plan. This work is also in direct alignment with Principles 8.1 and 8.2 related to Quality Community Service Provision.

**Fiscal Impact.**

There is no fiscal impact of reviewing upcoming agendas.

**Staff Impact.**

The staff impact of updating and communicating the priority calendared items as well as the monthly running list of scoping reports is approximately 2 hours prior to each Council meeting. Time is spent by Administration, Community Development, and Personnel/Town Clerk staff.

**Attachments or Links.**

Council Priority Items Calendar and Scoping Staff Report Monthly Running List

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

| COUNCIL WORKPLAN CALENDAR 2023                        |                                                                |                                                      |                                                 |                                                              |
|-------------------------------------------------------|----------------------------------------------------------------|------------------------------------------------------|-------------------------------------------------|--------------------------------------------------------------|
| MARCH                                                 | APRIL                                                          | MAY                                                  | JUNE                                            | JULY                                                         |
| TOWN MTGS.                                            | TOWN MTGS.                                                     | TOWN MTGS.                                           | TOWN MTGS.                                      | TOWN MTGS.                                                   |
| Begin Planning for Wasterwater Treatment Plant        | Budget                                                         | LPR Security Cameras                                 | Equity Audit & Further Recommendations          | Karns Meadow Master Plan                                     |
| Wastewater Treatment Plant Construction Management    |                                                                | Incorporating Drone-Use Into PD                      | State Legislative Post-Session Debrief          | Stormwater Management Program                                |
| Joint Department Funding/Governance Proposal          |                                                                | Energy Audit RFP & Green House Gas Inventory         |                                                 | Support for Women's Reproductive Rights                      |
|                                                       |                                                                | Updates to Public Works Fees                         |                                                 |                                                              |
|                                                       |                                                                | Budget                                               |                                                 |                                                              |
|                                                       |                                                                |                                                      |                                                 |                                                              |
| JIM                                                   | JIM                                                            | JIM                                                  | JIM                                             | JIM                                                          |
| Transportation Work Plan                              | Long-Range Planning Work Plan & Indicator Report               | START JPA                                            | Workforce Housing Mitigation                    | Workforce Housing Mitigation (Mtg. 2)                        |
| Housing Mitigation Policy Contract Amendment          | Housing Supply & Work Plans                                    | Budget                                               | Rec Center Fee Policy & Schedule                |                                                              |
|                                                       | Budget                                                         |                                                      | Budget                                          |                                                              |
|                                                       | START Van Pool/Ride Matching, Service to Airport/GTNP - Budget |                                                      |                                                 |                                                              |
|                                                       | New Housing Partnership Developments & Land Acquisition        |                                                      |                                                 |                                                              |
|                                                       |                                                                |                                                      |                                                 |                                                              |
|                                                       |                                                                |                                                      |                                                 |                                                              |
|                                                       |                                                                |                                                      |                                                 |                                                              |
| AUGUST                                                | SEPTEMBER                                                      | OCTOBER                                              | NOVEMBER                                        | DECEMBER                                                     |
| TOWN MTGS.                                            | TOWN MTGS.                                                     | TOWN MTGS.                                           | TOWN MTGS.                                      | TOWN MTGS.                                                   |
| State Legislative Approach & Agenda                   | Consideration of Town Org. Structure & Efficiency              | Compliance Issues for FTA Grants                     | Town Mobility Overlay                           | Future staffing for all departments                          |
| Update Anti-Discrimination /Adopt Anti-Bias Ordinance | Council Retreat Planning & Execution                           | Urban Forest Ord. Update & Program Policy Procedures | Ecosystem Indicator Project                     | Total Compensation Review                                    |
|                                                       | Design & Construction of Gregory Lane                          | Re-evaluation of large bldg/2:1 Workforce Bonus      | Water Quality & Setting New Drinking Water Regs | Town Sustainability Plan                                     |
|                                                       |                                                                |                                                      |                                                 |                                                              |
| JIM                                                   | JIM                                                            | JIM                                                  | JIM                                             | JIM                                                          |
| Cow Pasture 1 & 2 Softball Field Replacement          | Design & Construction of Stilson                               | Safe Streets for All Safety Action Plan              | Workforce Housing Mitigation (Mtg. 3)           | Regional Gov. & Transportation Planning Process & Agreements |
|                                                       |                                                                |                                                      |                                                 |                                                              |

| COUNCIL WORKPLAN CALENDAR 2024            |                                          |                                                  |                                                          |
|-------------------------------------------|------------------------------------------|--------------------------------------------------|----------------------------------------------------------|
| QUARTER 1                                 | QUARTER 2                                | QUARTER 3                                        | QUARTER 4                                                |
| Town Employee Housing Strategy            | Assisted Living Housing Program          | Design of E. Broadway, N. Cache, Maple Way?      | Water Quality & Setting Regs for Drinking Water (Mtg. 2) |
| Updated Design Standards for Safe Streets | Policy Manual Update                     | Continued Growth/Demand for EMS                  | Design & Construction of Gregory Lane (Mtg.3)            |
| Planning Stormwater Management Program    | Adding Fees for Services to Offset Costs | Fire/EMS Level of Service & Setting Expectations |                                                          |
| Budget                                    | Policy Manual Update                     | Volunteer Career/Staffing Model & Dynamics       |                                                          |
|                                           | Equity Task Force Next Steps             |                                                  |                                                          |
|                                           | Design & Construction of Gregory Lane    |                                                  |                                                          |
|                                           | Northern South Park                      |                                                  |                                                          |
|                                           | Budget                                   |                                                  |                                                          |
|                                           |                                          |                                                  |                                                          |

## SCOPING STAFF REPORTS

| PROJECT                                     | DEPARTMENT LEAD | REQUESTOR | MOTION MADE | BRING BACK IN |
|---------------------------------------------|-----------------|-----------|-------------|---------------|
|                                             |                 |           |             | 60-ISH DAYS   |
| Construction Management Plans               | Public Works    | JR        | 8/15/22     | February      |
|                                             |                 |           |             |               |
| Airport Capital Budget & Related Engagement | Admin           | AJ        | 9/6/22      | September     |
|                                             |                 |           |             |               |
| Center for the Arts Lease                   | Admin           | JR        | 6/22/23     | March         |
|                                             |                 |           |             |               |
| Indoor Vaping Ordinance                     | Legal           | HML       | 2/6/23      | May           |
|                                             |                 |           |             |               |
| Research About Censure Policy               | Legal           | JR        | 2/9/23      | June          |

## March 6, 2023 JIM Agenda

### TOPIC

#### Discussion

Joint Transportation Work Plan

Housing Mitigation Policy Contract Amendment

#### Upcoming JIM Agenda Items

Date: 4/10      Item: Long Range Planning Work Plan Indicator Report

Date: 4/10      Item: Housing Supply & Work Plans

#### Adjourn

## March 6, 2023 Regular Town Council Meeting

### TOPIC

#### Announcements & Proclamations

Red Cross Month

#### Consent Calendar

Minutes & Disbursements

February 21, 2023 Town Council Workshop

February 21, 2023 Town Council Meeting

Temporary Sign & Special Event Permits

P23-023: Tack Swap Temporary Sign

Other

Bid 23-05 Flat Creek Drive 5-Way Bore

E22-007: 335 S Millward Development Agreement for Utilities

E22-010: Sewer Easement - 520 W Broadway

E22-003: Sidewalk Access Easement Agreement 180 E Deloney

P22-124: Sidewalk Access Easement Agreement 175 E Broadway

P22-199: Encroachment Agreement for 295 W Pearl

#### Discussion & Action Items

Administration

Early Childhood Education Si Ferrin Lease and Special Services Agreement

Planning

P22-298 - Request for Subdivision Plat at 105 Mercill Ave.

P22-299 - Request for Fee Reduction for P22-298 Subdivision Plat

#### Resolutions

Resolution X:

#### Ordinances

Ordinance G: JMC Recodification (third reading)

#### Matters from Mayor and Council

Board & Commission Reports

Sustainable Destination Management Plan Member Appointment

#### Town Manager's Report

#### Adjourn

| March 20, 2023 Regular Town Council Workshop                 |                                                       |
|--------------------------------------------------------------|-------------------------------------------------------|
| Discussion                                                   |                                                       |
| WWTP Improvements                                            |                                                       |
| Setting FY24 Draft Revenue Projections for Sales and Use Tax |                                                       |
| Joint Department Funding/Governance Proposal                 |                                                       |
|                                                              |                                                       |
| Matters from Mayor and Council                               |                                                       |
|                                                              |                                                       |
| Upcoming Agenda Update (30 minutes)                          |                                                       |
| Date: 4/17                                                   | Item: Council Liaison Assignments and Role Discussion |
| Date: 4/17                                                   | Item: Budget Introduction and Overview Continued      |
| Adjourn                                                      |                                                       |

## March 20, 23 Regular Town Council Meeting

### Announcements & Proclamations

### Consent Calendar

#### Minutes & Disbursements

March 6, 2023 Regular Town Council Meeting Minutes

E21-002 174 N King Easements

E22-008 225 N Jean Water Easement Agreement

### Discussion & Action Items

#### Administration

Center for the Arts Comprehensive Lease Review Scoping Report

#### Planning

North Cache Alley Vacation

Well 9 Wellhouse Design Cottonwood Park Pre Application Conference

#### Public Works

Town Electric Vehicle Charging Station

### Resolutions

Resolution 23-X: A Resolution Setting a Pay Philosophy

### Ordinances

Ordinance X:

### Matters from Mayor and Council

Board & Commission Reports

### Town Manager's Report

### Adjourn