

# INFORMATION PACKET

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Friday, October 4, 2019



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**Communication Accountability Stewardship Professionalism Efficiency Responsiveness**

## The Grid

A working draft of Council Meeting Agendas

**October 8, 2019**                      **Councilmembers Absent:**

<b>Work Session Meeting Agenda Items</b>	Recommendation	Allotted Time	Begin Time
Recommendations = Information Only, Move Forward for Approval, Direction Requested			
Council Meeting Follow-up		5 min	4:30
City Hall SAFE Project	Direction Requested	20 min	4:35
Golf Pro RFP (Tim Cortez - Memo Due)	Move Forward for Approval	20 min	4:55
Speed Limits, Light Running & Supplemental Traffic Discussion	Direction Requested	60 min	5:15
Wyoming Senior Olympics 2021 & 2022	Information Only	5 min	6:15
Agenda Setting		20 min	6:20
Legislative Review		10 min	6:40
Council Around the Table		10 min	6:50
Approximate Ending Time:			7:00

**October 8, 2019**                      **Councilmembers Absent:**

<b>Special Council Meeting</b>	Est. Public Hearing	Public Hearing	Ordinances	Resolutions	Minute Action
C = Item is on Consent                      N = Item is not on Consent					
Executive Session - Land Acquisition					

**October 15, 2019**                      **Councilmembers Absent:**

<b>Regular Council Meeting Agenda Items</b>	Est. Public Hearing	Public Hearing	Ordinances	Resolutions	Minute Action
C = Item is on Consent                      N = Item is not on Consent					
Pre-Meeting: Distribution of October 1 & 8 Executive Session Minutes					
Pre-Meeting: Casper Script Art Trademarking					
Pre-Meeting: Former Plains Furniture Sale					
Approval of October 1 Regular, October 8 Special, and October 1 & 8 Executive Session Minutes					
Establish November 5, 2019 as Public Hearing Date for Consideration of an Ordinance Approving a Plat Creating the Dewald Divide Addition, a Subdivision Agreement, and a Zone Change of said Addition to C-2 (General Business), R-4 (High Density Residential) and ED (Educational District).	C				

## The Grid

### A working draft of Council Meeting Agendas

**October 15, 2019 (continued)**

Establish November 5, 2019 as Public Hearing Date for Consideration of an Appeal of the Planning and Zoning Commission's Decision to Deny a Zone Change of a 2.8-acre portion of Tract 4, North Platte River Park Addition, Generally Located at the Corner of Events Drive and North Poplar Street, North of Wilkins Way, From PH (Park Historic) to C-4 (Highway Business).	C				
Establish November 5, 2019 as Public Hearing Date for Consideration of the Transfer of Retail Liquor License from Fire Rock to Mesa	C				
Establish November 5, 2019 as Public Hearing Date for Consideration of a New Bar and Grill Liquor License for Fire Rock	C				
Establish November 5, 2019 as Public Hearing Date for Consideration of a New Bar and Grill Liquor License for Fuzzy's Taco Shop	C				
Public Hearing: Zone Change of 1.65-acres, Generally Located at the Northwest Corner of SW Wyoming Blvd and South Coffman Avenue, Described as Tract A, Garden Creek Square Addition, From Planned Unit Development (PUD) to General Business (C-2).		N	N		
Public Hearing: Sale and Terms of the Sale and Transfer of Ownership of the Real Property, Generally known as the "Former Plains Furniture Property" and More Particularly Described as: Lots 16, 17, 18, 19, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and 33 of Block 1 of the City of Casper Addition, Casper, Natrona County, Wyoming.		N		N	
Public Hearing: Transfer of Location for Retail Liquor License No. 19 Ridleys Family Market, Inc, d/b/a Ridleys Family Market, Located at 1375 CY Ave, to Ridleys Family Market, Inc, d/b/a Ridleys Family Market, Located at 3037 CY Ave.		N			N
Amending Chapter 12.32 of the Casper Municipal Code Regarding Trees and Shrubs - 3rd Reading Ordinance			N		
Amending the Casper Municipal Code to Establish a Code of Ethics - 3rd Reading Ordinance			N		
Amending Chapter 10.72 - Article I - Parades of the Casper Municipal Code. - 2nd Reading			N		
Amending the Horizontal Datum References in the Casper Municipal Code from NAD83(86) Wyoming State Plan East Central Zone, US Survey Feet to NAD83(2011) Wyoming State Plane East Central Zone, US Survey Feet. (EY). 1st Reading			N		
Authorizing a Water Line Easement Agreement from Natrona County School District No. 1 for Installation of Water Lines Across Private Property.				C	
Authorizing a Contract for Professional Services with Engineering Design Associates in the Amount of \$25,750, for the Aquatics and Recreation Center HVAC Improvements Project.				C	
Authorizing an Agreement with Wyoming Medical Center for Public Safety Dispatching and E911 Services.				C	
Rejecting Bids for the Sam H. Hobbs Wastewater Treatment Plant Secondary Treatment Rehabilitation Project.					C

## The Grid

A working draft of Council Meeting Agendas

**October 22, 2019**
**Councilmembers Absent:**

<b>Work Session Meeting Agenda Items</b>	Recommendation	Allotted Time	Begin Time
Recommendations = Information Only, Move Forward for Approval, Direction Requested			
Council Meeting Follow-up		5 min	4:30
Wayfinding Sign Concept Presentation (Lobby)	Direction Requested	30 min	4:35
Downtown Parking Study (Further Discussion)	Direction Requested	40 min	5:05
Citizen Presentation - Vehicle Licensing - Maddie Booth	Information Only	20 min	5:45
Historic Preservation Strategic Plan - Final Presentation	Information Only	15 min	6:05
Agenda Setting		20 min	6:20
Legislative Review		10 min	6:40
Council Around the Table		10 min	6:50
Approximate Ending Time:			7:00

**October 29, 2019**
**Councilmembers Absent: (Cathey possibly)**

<b>Special Work Session Meeting Agenda Items</b>	Recommendation	Allotted Time	Begin Time
Recommendations = Information Only, Move Forward for Approval, Direction Requested			
Results of Police Station Assessment	Direction Requested	45 min	4:30
Fire Admin/Headquarters Station #1	Direction Requested	45 min	5:15
*No Additional Agenda Items*			
Approximate Ending Time:			6:00

**November 5, 2019**
**Councilmembers Absent:**

<b>Regular Council Meeting Agenda Items</b>	Est. Public Hearing	Public Hearing	Ordinances	Resolutions	Minute Action
C = Item is on Consent      N = Item is not on Consent					
Public Hearing: Approving a Plat Creating the Dewald Divide Addition, a Subdivision Agreement, and a Zone Change of said Addition to C-2 (General Business), R-4 (High Density Residential) and ED (Educational District).		N			
Public Hearing: Appeal of the Planning and Zoning Commission's Decision to Deny a Zone Change of a 2.8-acre portion of Tract 4, North Platte River Park Addition, Generally Located at the Corner of Events Drive and North Poplar Street, North of Wilkins Way, From PH (Park Historic) to C-4 (Highway Business).		N			
Public Hearing: Transfer of Retail Liquor License from Fire Rock to Mesa		N			
Public Hearing: New Bar and Grill for Fire Rock		N			
Public Hearing: New Bar and Grill for Fuzzy's Taco Shop		N			
Amending Chapter 10.72 - Article I - Parades of the Casper Municipal Code. - 3rd Reading			N		
Zone Change of 1.65-acres, Generally Located at the Northwest Corner of SW Wyoming Blvd and South Coffman Avenue, Described as Tract A, Garden Creek Square Addition, From Planned Unit Development (PUD) to General Business (C-2). 2nd reading			N		

## The Grid

A working draft of Council Meeting Agendas

**November 5, 2019 (Continued)**

Amending the Horizontal Datum References, by Ordinance. 2nd Reading			N		
MOU with the Friends of Hogadon Regarding Hogadon Night Skiing				C	
Bureau of Justice Assistance Grant - Police (tentative title)				C	

**November 12, 2019 Councilmembers Absent:**

Work Session Meeting Agenda Items	Recommendation	Allotted Time	Begin Time
Recommendations = Information Only, Move Forward for Approval, Direction Requested			
Council Meeting Follow-up			4:30
Agenda Setting		20 min	
Legislative Review		10 min	
Council Around the Table		10 min	
Approximate Ending Time:			

**November 19, 2019 Councilmembers Absent:**

Regular Council Meeting Agenda Items	Est. Public Hearing	Public Hearing	Ordinances	Resolutions	Minute Action
C = Item is on Consent      N = Item is not on Consent					
Approving a Plat Creating the Dewald Divide Addition, a Subdivision Agreement, and a Zone Change of said Addition to C-2 (General Business), R-4 (High Density Residential) and ED (Educational District). 2nd reading		N			
Zone Change of 1.65-acres, Generally Located at the Northwest Corner of SW Wyoming Blvd and South Coffman Avenue, Described as Tract A, Garden Creek Square Addition, From Planned Unit Development (PUD) to General Business (C-2). 3rd reading			N		
Amending the Horizontal Datum References, by Ordinance. 3rd Reading			N		

**November 26, 2019 Councilmembers Absent:**

Work Session Meeting Agenda Items	Recommendation	Allotted Time	Begin Time
Recommendations = Information Only, Move Forward for Approval, Direction Requested			
Council Meeting Follow-up			4:30
Agenda Setting		20 min	
Legislative Review		10 min	
Council Around the Table		10 min	
Approximate Ending Time:			

## Proposed Work Session Agenda Items

Item	Proposed Date	Estimated Time	Notes
Property Code Revisions		40 min	After January 2020
Parking on the Parkways		30 min	
David Street Station 501(c)(3)		30 min	
Dog Parks			Fall 2019
Property Tax Structure/Revisions			
Leash Laws			
Meadowlark Park	Spring 2020		

### Staff Suggested Items:

Sign Code Revisions	November 12, 2019	60 min	
Limo Amendment			
Towing Resolutions			
Health Plan - Residual Balance			After January 2020
LAD Request for Jade & Arrowhead	November 12, 2019		
Neighborhood/Infrastructure Redevelopment (Goal 1)			
Legislative Agenda	November 12, 2019		
Council Participation on Boards			Before January 2020
Financial Guidelines - Phase 3	November 26, 2019		

### Future Council Meeting Items

February 18, 2020 Mr. Robert Hildebrand - 100 year celebration (Mayor of Casper in 1967)
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# October 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
		6:00p- Council Meeting	11:30a-Drug Court (Huber) 1:00p- Civil Service Commission (None) 5:30p-Platte River Restoration Advisory Committee (Pacheco)	7:00p-Youth Empowerment (Pacheco)		
6	7	8	9	10	11	12
	8:30a-Historic Preservation (Bates) 5:00 p.m. - CNFR (Freel, Cathey)	4:30p-Council Work Session	6:00p-Amoco Re-use JPB (Hopkins)	7:00a-CAEDA (Powell) 4:30p-Leisure Services Board (Huber) 7:00p-Youth Empowerment (Pacheco)	11:30a-Chamber Coordination/ Infoshare (None)	
13	14	15	16	17	18	19
	 <b>Columbus Day</b>  <b>City Offices Closed</b>	11:30a-Regional Water JPB (Cathey, Powell, Huber, Freel) 4:00p-Chamber of Commerce (Bates) 6:00p- Council Meeting		7:30a-Mayor/ Commissioner 11:00a-Housing Authority (Bates) 4:00p-Contractors' Licensing Board (Lutz) 5:30p- City County Board of Health (Bates) 6:00p- Planning & Zoning (Hopkins) 7:00p-Youth Empowerment (Pacheco)		
20	21	22	23	24	25	26
		11:30a-Travel & Tourism (Johnson, Freel) 4:30p-Council Work Session	7:00a-CPU Advisory Board (Bates) 11:30p-NIC (None) 1:00p- Civil Service Commission (None) 5:15p-CAP (None)	3:00 p - Disability Council (Powell) 7:00p-Youth Empowerment (Pacheco)		
27	28	29	30	31		
	12:30p-Senior Services (Pacheco) 2:00p-CATC (Johnson) 4:00p-OYD Advisory Committee (Hopkins, Freel)			HAPPY HALLOWEEN 7:00p-Youth Empowerment (Pacheco)  <b>Trick or Treat at City Hall!</b>  3:00 - 5:00 p.m.		

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COMMUNICATION ACCOUNTABILITY STEWARDSHIP PROFESSIONALISM EFFICIENCY RESPONSIVENESS

**From:** Roehr, Mary [mailto:Mary.Roehr@charter.com]  
**Sent:** Friday, October 4, 2019 9:14 AM  
**Subject:** Charter Communications – Upcoming Changes

Good Morning.

At Charter, locally known as Spectrum, we continue to enhance our services in order to offer more entertainment and communication choices, and to deliver the best value to our customers. We are committed to offering our customers with products and services we are sure they will enjoy.

Programming fees charged by TV networks we carry are the greatest single factor in higher cable prices, and continue to rise. Despite our best efforts to control these costs, this has resulted in a change in the rates we charge our customers.

Effective on or after November 12, 2019, the following monthly pricing changes will affect **new** customers subscribing to Spectrum TV Silver and Spectrum TV Gold services.

Services/Products/Equipment	Pricing Adjustment
Spectrum TV Silver	Price will increase by \$5.00 to \$97.49.
Spectrum TV Gold	Price will increase by \$5.00 to \$117.49.

To view a current channel lineup visit [www.spectrum.com/channels](http://www.spectrum.com/channels).

If you have any questions about this change, please feel free to contact me.

Sincerely,  
Mary



**Mary Roehr** | Director, Government Affairs, Colorado, Montana, Wyoming | C: 406-671-7956  
951 W. Custer Ave. | Helena, MT 59601



September 29, 2019

Dear City Council Members,

My name is Brooklyn Meyer and I am 11 years old. I am in the 6th grade at Centennial Jr. High in Casper, Wyoming. Why I'm writing you this letter is because of the ladies running around town riding motorcycles without their tops on. I heard it is now legal in Wyoming and I think it's not ok! I do not want my little brother or myself to see women without their tops on. It happened yesterday at my dad's store downtown when fall fest was happening and a day before that while we went to go get dinner. Many people may support this even saying its empowering but I do not support this at all!! When did being naked in our society ever become acceptable? My parents raised me to respect myself and others. When I am at the swimming pool, I dress modestly. I expect older women to set examples for other young ladies and to respect themselves and not expose their body. Why should everybody including my family have to see it? Please take a stand with me and make it illegal so this stops happening. Modesty is dying, it's sad. This should not be something I have to worry about, but something has to change. I'm praying for Casper everyday and the leaders of our state. Thank you for reading this.

Sincerely,

Brooklyn Meyer

Brooklyn  
Meyer



**PUBLISH**

**UNITED STATES COURT OF APPEALS**  
**FOR THE TENTH CIRCUIT**

**February 15, 2019**

**Elisabeth A. Shumaker**  
Clerk of Court

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FREE THE NIPPLE-FORT COLLINS, an  
unincorporated association; BRITTIANY  
HOAGLAND; SAMANTHA SIX,

Plaintiffs - Appellees,

v.

CITY OF FORT COLLINS, COLORADO,

Defendant - Appellant.

No. 17-1103

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**Appeal from the United States District Court  
for the District of Colorado  
(D.C. No. 1:16-CV-01308-RBJ)**

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Andrew D. Ringel of Hall & Evans, L.L.C, Denver, Colorado (Gillian Dale and Christina S. Gunn of Hall & Evans, L.L.C., Denver, Colorado; and Carrie Mineart Daggett and John R. Duval, Fort Collins City Attorney's Office, Fort Collins, Colorado, with him on the briefs), for Defendant-Appellant.

Andrew McNulty (David A. Lane with him on the brief), of Killmer, Lane & Newman, LLP, Denver, Colorado, for Plaintiffs-Appellees.

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Before **BRISCOE**, **HARTZ**, and **PHILLIPS**, Circuit Judges.

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**PHILLIPS**, Circuit Judge.

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The city of Fort Collins, Colorado, enacted a public-nudity ordinance that imposes no restrictions on male toplessness but prohibits women from baring their

breasts below the areola. *See* Fort Collins, Colo., Mun. Code § 17-142 (2015). In response, Free the Nipple, an unincorporated association, and two individuals, Brittiany Hoagland and Samantha Six (collectively, “the Plaintiffs”), sued the City in federal district court. They alleged (among other things) that the ordinance violated the Equal Protection Clause, U.S. Const. amend. XIV, § 1, and they asked for a preliminary injunction to halt enforcement of the ordinance. The district court agreed. It enjoined the City, pending the resolution of the case’s merits, from implementing the ordinance “to the extent that it prohibits women, but not men, from knowingly exposing their breasts in public.” *Free the Nipple–Fort Collins v. City of Fort Collins*, 237 F. Supp. 3d 1126, 1135 (D. Colo. 2017). The City then brought this interlocutory appeal to challenge the injunction.

The appeal presents a narrow question: Did the district court reversibly err in issuing the preliminary injunction? We answer no. Exercising interlocutory jurisdiction under 28 U.S.C. § 1292(a)(1), we affirm the district court’s judgment and remand the case to that court for further proceedings consistent with this opinion.

## **BACKGROUND**

In 2015, after substantial public debate, the Fort Collins city council enacted this public-nudity ordinance:

No female who is ten (10) years of age or older shall knowingly appear in any public place with her breast exposed below the top of the areola and nipple while located: (1) In a public right-of-way, in a natural area, recreation area or trail, or recreation center, in a public building, in a public square, or while located in any other public place; or (2) On private property if the person is in a place that can be viewed from the ground level by another who is located on public property and who does not take extraordinary steps, such

as climbing a ladder or peering over a screening fence, in order to achieve a point of vantage. . . . The prohibition [on female toplessness] does not extend to women breastfeeding in places they are legally entitled to be.

Fort Collins, Colo., Mun. Code § 17-142(b), (d). Any person who violates this ordinance “shall be guilty of a misdemeanor” and “shall be punished” by a fine of up to \$2,650, or up to 180 days in jail, or both. *Id.* § 1-15(a).

The Plaintiffs immediately sued the City in federal district court, alleging that the public-nudity ordinance violates the Free Speech Clause of the First Amendment and the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution, as well as the Equal Rights Amendment to the Colorado Constitution. Their complaint includes a jury-trial demand and a prayer for relief asking the court (1) to declare the ordinance “unconstitutional on its face and as applied to [the] Plaintiffs” and (2) to prevent the ordinance’s enforcement. Appellant’s App. vol. 1 at 20. Separately, the Plaintiffs moved for a preliminary injunction blocking enforcement of the ordinance and “prohibit[ing] [the City] from discriminatorily arresting [the] Plaintiffs, and all others similarly situated, when they engage in the protected activity of standing topless in public places in Fort Collins, Colorado.” *Id.* at 22.

The City countered with a motion to dismiss arguing that the Plaintiffs had failed to state any claim on which relief could be granted, *see* Fed. R. Civ. P. 12(b)(6), and a response to the Plaintiffs’ preliminary-injunction motion. In the latter, the City asserted that a preliminary injunction would unfairly burden the public “by exposure to public nudity” and urged the court to deny the motion. Appellant’s App. vol. 2 at 33.

The district court first addressed the City’s motion to dismiss. It granted the motion on the Plaintiffs’ free-speech claim, agreeing with the City that “topless protests” aren’t protected speech, but allowed the Plaintiffs’ (federal) Equal Protection Clause and (state) Equal Rights Amendment claims to proceed. *Free the Nipple–Fort Collins v. City of Fort Collins*, 216 F. Supp. 3d 1258, 1262 (D. Colo. 2016). Next, the court turned to the Plaintiffs’ preliminary-injunction motion. After holding a hearing on the matter, it granted the motion, ruling that the ordinance likely violated the Equal Protection Clause,<sup>1</sup> and issued the requested injunction. *Free the Nipple*, 237 F. Supp. 3d at 1128. Pending trial (or other resolution of the case), the preliminary injunction blocks the City from enforcing its public-nudity ordinance “to the extent that it prohibits women, but not men, from knowingly exposing their breasts in public.” *Id.* at 1135.

The City then brought this interlocutory appeal defending the constitutionality of its public-nudity ordinance and challenging the preliminary injunction.

## DISCUSSION

In its appeal, the City asks us to vacate the district court’s preliminary injunction so that it can fully enforce its public-nudity ordinance.<sup>2</sup> The City argues that the

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<sup>1</sup> When the district court ruled in the Plaintiffs’ favor, it relied on the federal Constitution. The court left the Plaintiffs’ state-law claim, premised on the Colorado Constitution’s Equal Rights Amendment, for the Colorado courts to assess. *Free the Nipple*, 237 F. Supp. 3d at 1133 n.4; *see also* Colo. Const. art. II, § 29 (“Equality of rights under the law shall not be denied or abridged by the state of Colorado or any of its political subdivisions on account of sex.”). In resolving this appeal, we likewise consider only the federal Equal Protection Clause.

<sup>2</sup> The City goes further, urging us to “dismiss the Plaintiffs’ equal protection claims in their entirety with prejudice.” Appellant’s Opening Br. at 37. But we lack

ordinance's unequal treatment of male and female toplessness survives constitutional scrutiny, making it likely that the Plaintiffs will lose a merits trial and, in the meantime, precluding them from getting injunctive relief. Before we address the City's argument, we define our standard of review and explain the rules governing the grant (or denial) of a preliminary injunction. We'll then apply that framework to determine whether the district court reversibly erred when it issued the preliminary injunction.

### **I. Standard of Review**

District courts have discretion over whether to grant preliminary injunctions, *United States ex rel. Citizen Band Potawatomi Indian Tribe v. Enter. Mgmt. Consultants, Inc.*, 883 F.2d 886, 889 (10th Cir. 1989), and we will disturb their decisions only if they abuse that discretion, *Fish v. Kobach*, 840 F.3d 710, 723 (10th Cir. 2016). A district court's decision crosses the abuse-of-discretion line if it rests on an erroneous legal conclusion or lacks a rational basis in the record. *Id.* (quoting *Awad v. Ziriox*, 670 F.3d 1111, 1125 (10th Cir. 2012)). As we review a district court's decision to grant or deny a preliminary injunction, we thus examine the court's factual findings for clear error and its legal conclusions de novo. *Id.*

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authority to do that until the district court, in the first instance, issues a final order resolving the Plaintiffs' claims. In the meantime, 28 U.S.C. § 1292(a)(1) grants us interlocutory jurisdiction to review only the district court's preliminary-injunction order. That review lets us engage with the merits of the Plaintiffs' claims, but only to the extent that the merits affect our preliminary-injunction analysis.

## II. The Legal Standards Governing Preliminary Injunctions

“A preliminary injunction is an extraordinary remedy, the exception rather than the rule.” *Enter. Mgmt. Consultants, Inc.*, 883 F.2d at 888. To succeed on a typical preliminary-injunction motion, the moving party needs to prove four things: (1) that she’s “substantially likely to succeed on the merits,” (2) that she’ll “suffer irreparable injury” if the court denies the injunction, (3) that her “threatened injury” (without the injunction) outweighs the opposing party’s under the injunction, and (4) that the injunction isn’t “adverse to the public interest.” *Beltronics USA, Inc. v. Midwest Inventory Distrib., LLC*, 562 F.3d 1067, 1070 (10th Cir. 2009).

But courts “disfavor” some preliminary injunctions and so require more of the parties who request them. *See Schrier v. Univ. of Colo.*, 427 F.3d 1253, 1258–59 (10th Cir. 2005). Disfavored preliminary injunctions don’t merely preserve the parties’ relative positions pending trial. *Id.* Instead, a disfavored injunction may exhibit any of three characteristics: (1) it mandates action (rather than prohibiting it), (2) it changes the status quo, or (3) it grants all the relief that the moving party could expect from a trial win. *Awad*, 670 F.3d at 1125 (citing *Summum v. Pleasant Grove City*, 483 F.3d 1044, 1048–49 (10th Cir. 2007)); *see also Phillip v. Fairfield Univ.*, 118 F.3d 131, 133 (2d Cir. 1997) (explaining that an injunction is “mandatory” if “its terms would alter, rather than preserve, the status quo by commanding some positive act”). To get a disfavored injunction, the moving party faces a heavier burden on the likelihood-of-success-on-the-merits and the balance-of-harms factors: She must make

a “strong showing” that these tilt in her favor. *Fish*, 840 F.3d at 724 (quoting *Beltronics*, 562 F.3d at 1071).

On appeal, the City invokes an even higher standard that requires movants who, like the Plaintiffs, seek to disturb the status quo to “demonstrate not only that the four requirements for a preliminary injunction are met but also that they weigh heavily and compellingly in [the movants’] favor.” Appellant’s Opening Br. at 8 (quoting *Kikumura v. Hurley*, 242 F.3d 950, 955 (10th Cir. 2001)). But we “jettison[ed]” the heavily-and-compellingly requirement over a decade ago. *O Centro Espirita Beneficiente Uniao do Vegetal v. Ashcroft*, 389 F.3d 973, 975 (10th Cir. 2004) (per curiam), *aff’d sub nom Gonzales v. O Centro Espirita Beneficiente Uniao do Vegetal*, 546 U.S. 418 (2006). Today, “the requirement that a movant requesting a disfavored injunction must make a showing that the traditional four factors weigh heavily and compellingly in [the movant’s] favor is no longer the law of the circuit.” *Schrier*, 427 F.3d at 1261.

The preliminary injunction at issue here prevents the City from fully enforcing its public-nudity ordinance. In so doing, the district court concluded that the injunction both “alters the status quo and affords the movants all the relief they could recover at the conclusion of a full trial on the merits.” *Free the Nipple*, 237 F. Supp. 3d at 1130. This conclusion led the district court to apply the heightened disfavored-injunction standard and to require strong showings from the Plaintiffs on the first and third factors. *Id.* And though we have doubts that the heightened standard applies here, we need not decide



which standard to apply—the plaintiffs prevail under the heightened standard and, therefore, under both.<sup>3</sup>

### III. Application

On appeal, the City disputes that the Plaintiffs can prevail on any of the four preliminary-injunction factors, but its argument hinges on the first factor: the likelihood that the Plaintiffs will succeed on the merits. According to the City, all four preliminary-injunction factors favor the City because the Plaintiffs lack a viable equal-protection claim and will likely lose on the merits. The fate of this preliminary injunction thus turns largely, if not entirely, on the strength of the Plaintiffs’ equal-protection claim. But the City challenges each preliminary-injunction factor, so we address each (though we focus on the first).

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<sup>3</sup> Though the Plaintiffs have not contested the district court’s decision to apply the heightened standard, that decision was likely in error. See *Prairie Band of Potawatomi Indians v. Pierce*, 253 F.3d 1234, 1246–50 (10th Cir. 2001) (explaining that a preliminary injunction falls into the all-the-relief category only if its effect, “once complied with, cannot be undone”; here, we probably *can* put the toothpaste back in the tube—if the plaintiffs lose on the merits after a trial, then Fort Collins may fully enforce its public-nudity ordinance (quoting *Tom Doherty Assocs., Inc. v. Saban Entm’t, Inc.*, 60 F.3d 27, 34 (2d Cir. 1995))); 11A Charles A. Wright & Arthur R. Miller, *Federal Practice & Procedure* § 2948 (3d ed. & Nov. 2018 update) (defining the status quo as “the last peaceable uncontested status existing between the parties before the dispute developed”—which, in this case, would be the status existing *before* Fort Collins enacted the challenged public-nudity ordinance (internal quotation marks and citations omitted)). But here, the error makes no difference: Logically, movants who can satisfy the heightened standard must also be able to satisfy the lower standard applicable to typical preliminary injunctions. And because we agree with the district court that the Plaintiffs can satisfy the heightened standard, we conclude that they can also satisfy the ordinary standard, and we decline to delve more deeply into questions not presented here—whether the requested preliminary injunction altered the status quo and whether it gave the Plaintiffs all the relief that they could have won at a full merits trial.

### **A. The First Factor: Likelihood of Success on the Merits**

The heightened standard applicable to disfavored preliminary injunctions requires the Plaintiffs to make a strong showing that their equal-protection claim is substantially likely to succeed on its merits. *Fish*, 840 F.3d at 723–24. The City contests the district court’s conclusion that the Plaintiffs made this showing. That conclusion, according to the City, reflects “a fundamental misunderstanding” of Supreme Court precedent and “a misapprehension of the purpose and effect” of the public-nudity ordinance. Appellant’s Opening Br. at 9.

We begin our analysis with an outline of the relevant equal-protection principles. Applying those principles, we then assess the merits of the Plaintiffs’ equal-protection claim to determine whether the district court abused its discretion when it concluded that the likelihood-of-success factor tilts toward the Plaintiffs.

#### **1. The Equal Protection Clause and Gender-Based Classifications**

“No State shall . . . deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const. amend. XIV, § 1. The Equal Protection Clause, as the U.S. Supreme Court has interpreted it, directs “that all persons similarly situated should be treated alike.” *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 439 (1985). “At a minimum,” it requires that any statutory classification be “rationally related to a legitimate governmental purpose.” *Clark v. Jeter*, 486 U.S. 456, 461 (1988). But more stringent judicial scrutiny attaches to classifications based on certain “suspect” characteristics. *See City of Cleburne*, 473 U.S. at 440. These

(often immutable) characteristics seldom provide a “sensible ground for differential treatment.” *Id.*

Gender, for instance, “frequently bears no relation to ability to perform or contribute to society,” and statutes that differentiate between men and women “very likely reflect outmoded notions” about their “relative capabilities.” *Id.* at 440–41 (quoting *Frontiero v. Richardson*, 411 U.S. 677, 686 (1973)). As a result, gender-based classifications “call for a heightened standard of review,” *id.* at 440, a standard dubbed “intermediate scrutiny” because it lies “[b]etween the[] extremes of rational basis review and strict scrutiny.” *Clark*, 486 U.S. at 461. To survive intermediate scrutiny, a gender-based classification needs “an exceedingly persuasive justification.” *J.E.B. v. Alabama ex rel. T.B.*, 511 U.S. 127, 136 (1994). The classification must serve “important governmental objectives” through means “substantially related to” achieving those objectives. *United States v. Virginia*, 518 U.S. 515, 533 (1996) (quoting *Miss. Univ. for Women v. Hogan*, 458 U.S. 718, 724 (1982)); *see also Craig v. Boren*, 429 U.S. 190, 197–99 (1976) (defining, for the first time, this level of means–ends scrutiny).

The City acknowledges that a female-only topless ban is a gender-based classification and that, to pass muster under the Equal Protection Clause, gender-based classifications must satisfy intermediate scrutiny. But instead of drawing the logical conclusion—that female-only topless bans warrant intermediate scrutiny—the City interrupts the syllogism. It asserts that “[t]he fundamental requirement of *any* cognizable gender discrimination claim is invidious discrimination, not simply

classification on the basis of gender.” Appellant’s Opening Br. at 10 (bolding removed).

Some of the Court’s early equal-protection cases, such as 1979’s *Parham v. Hughes*, did treat invidiousness as a “threshold” inquiry. 441 U.S. 347, 351 (1979). Yet *Parham*, if never overruled, is outdated in light of the Court’s more modern equal-protection jurisprudence. Since then, the Court has “consistently” recognized that statutes supposedly based on “reasonable considerations” may in fact reflect “archaic and overbroad generalizations about gender” or “outdated misconceptions concerning the role of females in the home rather than in the marketplace and world of ideas.” *J.E.B.*, 511 U.S. at 135 (quoting *Schlesinger v. Ballard*, 419 U.S. 498, 506–07 (1975), and *Craig*, 429 U.S. at 198–99). Today, heightened scrutiny “attends ‘all gender-based classifications.’” *Morales-Santana*, 137 S. Ct. at 1689 (quoting *J.E.B.*, 511 U.S. at 136).

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<sup>4</sup> *Parham* is a vestige of a period, not so long ago, when the Court didn’t consider gender a suspect classification, a view that allowed the Court to ratify women’s near-universal exclusion from jury service. As late as 1961, the Court wrote that because women were “the center of home and family life,” states could “relieve[]” them “from the civic duty of jury service” without offending the Fourteenth Amendment. *Hoyt v. Florida*, 368 U.S. 57, 62, 65 (1961), overruled by *Taylor v. Louisiana*, 419 U.S. 522, 531, 532–34 (1975) (dodging *Hoyt*’s Fourteenth Amendment holding by relying on the Sixth Amendment, a move that the Court eventually—in 1991—acknowledged as overruling *Hoyt*), as recognized in *Payne v. Tennessee*, 501 U.S. 808, 828 n.1 (1991); see also *Sessions v. Morales-Santana*, 137 S. Ct. 1678, 1689 (2017) (relegating *Hoyt* to “an era when the lawbooks of our Nation were rife with overbroad generalizations about the way men and women are”).

Invidiousness still matters, but only in challenges to facially gender-neutral statutes that disproportionately and adversely impact one gender. *See Personnel Adm'r v. Feeney*, 442 U.S. 256, 259, 273–74 (1979) (challenging Massachusetts’s hiring preference for veterans, which worked “overwhelmingly to the advantage of males”). Here, however, the City has enacted, and the Plaintiffs have challenged, a public-nudity ordinance that prescribes one rule for women, requiring them to cover their breasts below the areola, and a different rule for men, allowing them to go topless as they please. Fort Collins, Colo., Mun. Code § 17-142(b). The ordinance creates a gender classification on its face, taking invidiousness out of the equation. The success of the Plaintiffs’ equal-protection claim depends only on whether the ordinance survives intermediate scrutiny.

We turn to that question next, as we address the City’s attack on the merits of the Plaintiffs’ equal-protection claim and defense of its public-nudity ordinance.

## **2. The Merits of the Plaintiffs’ Equal-Protection Claim**

The district court characterized as “little more than speculation” the City’s claim that banning only female toplessness furthered important governmental objectives. *Free the Nipple*, 237 F. Supp. 3d at 1131. Instead, the court found:

The ordinance discriminates against women based on the generalized notion that, regardless of a woman’s intent, the exposure of her breasts in public (or even in her private home if viewable by the public) is necessarily a sexualized act. Thus, it perpetuates a stereotype engrained in our society that female breasts are primarily objects of sexual desire whereas male breasts are not.

*Id.* at 1132. As a result, the court concluded, the Plaintiffs demonstrated “a strong likelihood that they will succeed at the permanent injunction trial in establishing that [the City’s public-nudity ordinance] violates the Equal Protection Clause.” *Id.* at 1133.

The City challenges this conclusion on appeal. It argues that, “in light of the differences between male and female breasts,” prohibiting only female toplessness *is* substantially related to an important governmental objective, as a sizeable majority of other courts have found. Appellant’s Opening Br. at 19. We address the City’s argument in two parts. First, we discuss the focus of the City’s defense—the physical differences between male and female breasts—and explain how such differences affect the constitutional analysis. Second, we determine whether the City’s female-only toplessness ban survives constitutional scrutiny.

*a. Physical Differences*

In defending the constitutionality of its public-nudity ordinance, the City emphasizes the physical, social, and sexual characteristics particular to the female breast. Citing a Wikipedia article (which is titled “Breast” but discusses only the female version) the City argues that women’s breasts “have social and sexual characteristics,” although their “primary function” is breastfeeding infants. Appellant’s Opening Br. at 12; *see Breast*, Wikipedia: The Free Encyclopedia, <https://en.wikipedia.org/wiki/Breast> (last visited Apr. 18, 2018). The article, as quoted by the City, describes female breasts (“and especially the nipples”) as “among the various human erogenous zones” and claims that “it is common to press or

massage them with hands or orally before or during sexual activity.” Appellant’s Opening Br. at 12. Breasts, the City claims, “can figure prominently in a woman’s perception of her body image and sexual attractiveness” and “have a hallowed sexual status” in Western culture, “arguably more fetishized than either sex’s genitalia.” *Id.* But “the sexualization of women’s breasts,” according to the City, “is not solely a product of societal norms, but of biology.” *Id.* at 13. Research suggests that women’s breasts have greater “tactile sensitivity” than men’s. *Id.* at 13–14 (citing J.E. Robinson & R.V. Short, *Changes in Breast Sensitivity at Puberty, During the Menstrual Cycle, and at Parturition*, *British Medical Journal* 1, 1188–91 (1977)).<sup>5</sup>

Though we’re wary of Wikipedia’s user-generated content, we agree with the district court that “[o]f course” inherent physical differences exist between women’s and men’s breasts—most obviously, the unique potential to nourish children. *Free the Nipple*, 237 F. Supp. 3d at 1132; *see also Crispin v. Christian Audigier, Inc.*, 717 F. Supp. 2d 965, 976 n.19 (C.D. Cal. 2010) (discussing the dangers of relying on Wikipedia); R. Jason Richards, *Courting Wikipedia*, 44 *Trial* 62 (Apr. 2008) (“Since when did a Web site that any Internet surfer can edit become an authoritative source by which . . . lawyers could craft legal arguments[] and judges could issue precedents?”). But that doesn’t resolve the constitutional question.

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<sup>5</sup> The City also points to printouts, appended to its preliminary-hearing brief, summarizing data from Alfred Kinsey’s 1948 and 1953 studies showing that 98% of couples engage in “manual stimulation of [the] female breast” and 93% in “oral stimulation of [the] female breast” during foreplay. Appellant’s App. vol. 3 at 111.

“Physical differences between men and women,” the Court has recognized, “are enduring.” *Virginia*, 518 U.S. at 533. And in some cases, the Court has found, such differences justify differential treatment. *See, e.g., Nguyen v. INS*, 533 U.S. 53, 58–59, 68 (2001) (upholding a paternal-acknowledgment requirement in a citizenship statute that treated unwed mothers differently than unwed fathers, in part because the statute addressed “an undeniable difference” between women and men: “at the moment of birth . . . the mother’s knowledge of the child and the fact of parenthood have been established in a way not guaranteed in the case of the unwed father”). But not always.

Any law premised on “generalizations about ‘the way women are’”—or the way men are—will fail constitutional scrutiny because it serves no important governmental objective. *Virginia*, 518 U.S. at 550; *see also Morales-Santana*, 137 S. Ct. at 1692 (rejecting, as one such generalization, “the obsolescing view that ‘unwed fathers [are] invariably less qualified and entitled than mothers’ to take responsibility for nonmarital children”). Generalizations, the Court has explained, “have a constraining impact, descriptive though they may be of the way many people still order their lives.” *Morales-Santana*, 137 S. Ct. at 1692–93. They “may ‘creat[e] a self-fulfilling cycle of discrimination that force[s] women to continue to assume the role of primary family caregiver.’” *Id.* at 1693 (alteration in original) (quoting *Nev. Dep’t of Human Res. v. Hibbs*, 538 U.S. 721, 736 (2003)).

So, as we inquire into a gender-based classification’s objectives, we must beware of stereotypes and their potential to perpetuate inequality. “Even if



stereotypes frozen into legislation have ‘statistical support,’” we must “reject measures that classify unnecessarily and overbroadly by gender when more accurate and impartial lines can be drawn.” *Morales-Santana*, 137 S. Ct. at 1693 n.13 (citing *J.E.B.*, 511 U.S. at 139 n.11); see also Cary Franklin, *The Anti-Stereotyping Principle in Constitutional Sex Discrimination Law*, 85 N.Y.U. L. Rev. 83, 138 n.296 (2010) (“The anti-stereotyping principle pervades both stages of [intermediate scrutiny], shaping what constitutes an important interest and what means qualify as sufficiently narrowly tailored to serve this interest.”).

With those principles in mind, we now apply the intermediate-scrutiny doctrine to the City’s female-only toplessness ban.

***b. Intermediate Scrutiny***

To determine whether the City’s public-nudity ordinance survives intermediate scrutiny, we first identify <sup>①</sup> the City’s proffered reasons for enacting a gender-based classification. Then, we ask whether <sup>②</sup> the City’s reasons qualify as important governmental objectives and, if so, <sup>③</sup> whether the gender-based means employed substantially serve those objectives. See *Morales-Santana*, 137 S. Ct. at 1690 (citing *Virginia*, 518 U.S. at 533).

The City argues that the inherently sexual nature of the female breast, as opposed to the male breast, raises “myriad concerns” with “permitting adult females to go topless in public without restriction.” Appellant’s Opening Br. at 18. The City refers us to the preliminary-injunction hearing, where three city officials—the deputy city manager, the assistant chief of police, and the city aquatics supervisor—

described some of these concerns. The officials testified that female toplessness could disrupt public order, lead to distracted driving, and endanger children. Citing these concerns, the City claims that prohibiting only female toplessness serves to protect children from public nudity, to maintain public order, and to promote traffic safety.<sup>6</sup> We address each rationale in turn.

*i. Protecting Children from Public Nudity*<sup>7</sup>

The capacity to breastfeed is the first attribute that, the City claims, sets the female breast apart. Yet the City’s public-nudity ordinance expressly exempts breastfeeding women from the female-toplessness ban, so even children who weren’t exposed to their mothers’ breasts as breastfeeding infants may still see a naked female breast if they pass a woman breastfeeding in public—her right under state law. Fort Collins, Colo., Mun. Code § 17-142(d); *see also* Colo. Rev. Stat. § 25-6-302 (2017) (“A mother may breast-feed in any place she has a right to be.”). In that context, few would consider the sight of the woman’s breast dangerous.

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<sup>6</sup> In its one-sentence summary of “the governmental issues at stake,” the City mentions two other interests: “advancing the quiet enjoyment of private property” and “the impact on businesses.” Appellant’s Opening Br. at 19. Yet the City doesn’t explain how the public-nudity ordinance affects these interests, so we don’t consider them any further.

<sup>7</sup> Before the district court, the City asserted the “protection of children” as justification for the female-only toplessness ban. *See* Appellant’s App. vol. 3 at 142, 251:7–8; *accord Free the Nipple*, 237 F. Supp. 3d at 1130. On appeal, the City characterizes this objective a little differently, as “supporting parental rights to control children’s exposure to public nudity.” Appellant’s Opening Br. at 19. But the City doesn’t explain why it changed its mind or how (if at all) this nuance affects the analysis, so we address only the objective better rooted in the record—the protection of children.

The need to protect children arises, instead, from the City’s fear of topless women “parading in front of elementary schools, or swimming topless in the public pool”—scenarios that it described to the court at the preliminary-injunction hearing. *Free the Nipple*, 237 F. Supp. 3d at 1131. But laws in the neighboring cities of Boulder and Denver, and in many other jurisdictions, allow female toplessness, and the City presented no evidence of any harmful fallout. *Id.*; *see also* Boulder, Colo. Mun. Code § 5-6-13 (2017); Denver, Colo. Mun. Code § 38-157.1 (2017). In fact, the district court found, the City presented no evidence “that a law permitting public exposure of female breasts would have a significantly negative impact on the public.” *Free the Nipple*, 237 F. Supp. 3d at 1131. And absent contrary proof we, like the district court, doubt that without a female-toplessness ban on the books, topless women would “regularly walk[] through downtown Fort Collins,” “parad[e]” past elementary schools, or swim in public pools. *Id.*

We’re left, as the district court was, to suspect that the City’s professed interest in protecting children derives not from any morphological differences between men’s and women’s breasts but from negative stereotypes depicting women’s breasts, but not men’s breasts, as sex objects. *Id.* (“[C]hildren do not need to be protected from the naked female breast itself but from the negative societal norms, expectations, and stereotypes associated with it.”); *cf. Tagami v. City of Chicago*, 875 F.3d 375, 382 (7th Cir. 2017) (Rovner, J., dissenting) (“The City’s claim therefore boils down to a desire to perpetuate a stereotype that female breasts

are primarily the objects of desire, and male breasts are not.”), *cert. denied*, 138 S. Ct. 1577 (2018).

In support of this view, the district court relied on the testimony of Dr. Tomi-Ann Roberts, a psychology professor and witness for the Plaintiffs. At the preliminary-injunction hearing, Dr. Roberts testified that our society’s sexualization of women’s breasts—rather than any unique physical characteristic—has engrained in us the stereotype that the primary purpose of women’s breasts is sex, not feeding babies. The district court found Dr. Roberts credible and concluded, based on her testimony, that “the naked female breast is *seen* as disorderly or dangerous because society, from Renaissance paintings to Victoria’s Secret commercials, has conflated female breasts with genitalia and stereotyped them as such.” *Free the Nipple*, 237 F. Supp. 3d at 1133.

But laws grounded in stereotypes about the way women are serve no important governmental interest. *Morales-Santana*, 137 S. Ct. at 1692–93; *Virginia*, 518 U.S. at 550. To the contrary, legislatively reinforced stereotypes tend to “create[] a self-fulfilling cycle of discrimination.” *Hibbs*, 538 U.S. at 736. Thus, the sex-object stereotype, according to Dr. Roberts, “serves the function of keeping women in their place.” Appellant’s App. vol. 3 at 192:11. And as the district court found, perpetuating the sex-object stereotype “leads to negative cognitive, behavioral, and emotional outcomes for both women and men.” *Free the Nipple*, 237 F. Supp. 3d at 1132. The court noted, for instance, that Dr. Roberts had testified about research linking the sexual objectification of women to the view that, at younger and younger

ages, women are “appropriate targets of [sexual] assault.” Appellant’s App. vol. 3 at 194:22–23.

Accordingly, we reject the City’s claim that protecting children from public nudity qualifies as an important governmental objective substantially served by the City’s female-only toplessness ban.

ii. *Maintaining Public Order and Promoting Traffic Safety*

In the abstract, we agree that public order and traffic safety are important governmental objectives. The absence of either could be fatal. But the justification for a gender-based classification “must be genuine, not hypothesized,” and “it must not rely on overbroad generalizations.” *Virginia*, 518 U.S. at 533. Here, we suspect that enacting the public-nudity ordinance had less to do with the City’s professed objectives and more to do with the sex-object stereotype that the district court described. *See Free the Nipple*, 237 F. Supp. 3d at 1132.

For one thing, in asserting that its female-only toplessness ban substantially furthers important governmental objectives, the City mostly relies on cases holding that nebulous concepts of public morality—not traffic safety or public order—justified similar bans. In one of those cases, for example, the Fourth Circuit tied a public-nudity ordinance like the City’s to the “widely recognized” governmental interest in “protecting the moral sensibilities of that substantial segment of society that still does not want to be exposed willy-nilly to public displays of various portions of their fellow citizens’ anatomies that traditionally in this society have been

regarded as erogenous zones,” portions that “still include (whether justifiably or not in the eyes of all) the female, but not the male, breast.” *United States v. Biocic*, 928 F.2d 112, 115–16 (4th Cir. 1991); accord *Tagami*, 875 F.3d at 379; *Ways v. City of Lincoln*, 331 F.3d 596, 600 (8th Cir. 2003).

For another thing, although the City itself never asserted public morality as a justification for banning female toplessness, notions of morality may well underlie its assertions that conflicts will break out, and distracted drivers will crash, if it allows women to be topless in public. But such notions, like the fear that topless women will endanger children, originate from the sex-object stereotype of women’s breasts. And as we’ve explained, that stereotype doesn’t stand up to scrutiny. *Cf. People v. Santorelli*, 600 N.E.2d 232, 236 (N.Y. 1992) (Titone, J., concurring) (“One of the most important purposes to be served by the Equal Protection Clause is to ensure that ‘public sensibilities’ grounded in prejudice and unexamined stereotypes do not become enshrined as part of the official policy of government.”); accord *Obergefell v. Hodges*, 135 S. Ct. 2584, 2603 (2015); see also *Planned Parenthood of Se. Penn. v. Casey*, 505 U.S. 833, 850 (1992) (“Our obligation is to define the liberty of all, not to mandate our own moral code.”).

So what’s left? A female-only toplessness ban strikes us as an unnecessary and overbroad means to maintain public order and promote traffic safety “when more accurate and impartial lines can be drawn.” *Morales-Santana*, 137 S. Ct. at 1693 n.13; see also *Craig*, 429 U.S. at 208–09 & n.22 (striking down a gender-based differential in the age at which men and women could legally buy 3.2% beer because

“the principles embodied in the Equal Protection Clause are not to be rendered inapplicable by statistically measured but loose-fitting generalities concerning the drinking tendencies of aggregate groups”). For instance, the City could abate sidewalk confrontations by increasing the penalties for engaging in offensive conduct. And to reduce distracted driving, the City could target billboards designed to draw drivers’ eyes from the road. But the City can’t impede women’s (and not men’s) ability to go topless unless it establishes the tight means–ends fit that intermediate scrutiny demands.

We recognize that ours is the minority viewpoint. Most other courts, including a recent (split) Seventh Circuit panel, have rejected equal-protection challenges to female-only toplessness bans. *E.g.*, *Tagami*, 875 F.3d at 380.<sup>8</sup> *But see id.* at 383 (Rovner, J., dissenting) (“Whether out of reverence or fear of female breasts, Chicago’s ordinance calls attention to and sexualizes the female form and imposes a burden of public modesty on women alone, with ramifications that likely extend beyond the public way.” (citing *Free the Nipple*, 237 F. Supp.3d at 1133)); *Santorelli*, 600 N.E.2d at 237 (Titone, J., concurring) (“[T]he People have offered nothing to justify a law that discriminates against women by prohibiting them from removing their tops and exposing their bare chests in public as men are routinely

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<sup>8</sup> See also *State v. Lilley*, No. 2017-0116, 2019 WL 493721, at \*5 & n.3 (N.H. Feb. 8, 2019) (concluding, in a divided opinion, that a public-nudity ordinance’s female-only toplessness ban comports with the New Hampshire Constitution’s Equal Rights Amendment, and—in a footnote—with the federal Equal Protection Clause).

permitted to do.”). None of these decisions binds us, though; nor does their sheer volume sway our analysis.

As we interpret the arc of the Court’s equal-protection jurisprudence, ours is the constitutionally sound result. At least since *Virginia*, that arc bends toward requiring more—not less—judicial scrutiny when asserted physical differences are raised to justify gender-based discrimination, while casting doubt on public morality as a constitutional reason for gender-based classifications. *See, e.g., Morales-Santana*, 137 S. Ct. at 1689 (clarifying that “all gender-based classifications” are subject to “heightened scrutiny” (quoting *J.E.B.*, 511 U.S. at 136)); *Virginia*, 518 U.S. at 533 (“‘Inherent differences’ between men and women, we have come to appreciate, remain cause for celebration, but not for denigration of the members of either sex or for artificial constraints on an individual’s opportunity.”); *Franklin*, *supra*, at 145–46 (“[T]he Court’s opinion [in *Virginia*] suggests that equal protection law should be particularly alert to the possibility of sex stereotyping in contexts where ‘real’ differences are involved, because these are the contexts in which sex classifications have most often been used to perpetuate sex-based inequality.”).

For these reasons, we believe that the district court correctly analyzed the Plaintiffs’ equal-protection claim. The court didn’t abuse its discretion in concluding that because the Plaintiffs made a strong showing of their likelihood of success on the merits, the first preliminary-injunction factor weighed in their favor.



## B. The Second Factor: Irreparable Injury

The second preliminary-injunction factor asks whether irreparable injury will befall the movants without an injunction. *Awad*, 670 F.3d at 1131. Most courts consider the infringement of a constitutional right enough and require no further showing of irreparable injury. *Id.*; accord *Wright & Miller, supra*, § 2948.1. The district court applied that principle here, concluding that the City's public-nudity ordinance inflicts irreparable harm by violating the Plaintiffs' right to equal protection under the law. See *Free the Nipple*, 237 F. Supp. 3d at 1134.

On appeal, the City acknowledges that well-settled law supports the constitutional-violation-as-irreparable-injury principle. See, e.g., *Elrod v. Burns*, 427 U.S. 347, 373–74 (1976); *Awad*, 670 F.3d at 1131; accord *Wright et al., supra*, § 2948.1. And the City seems to concede that in the context of constitutional claims, the principle collapses the first and second preliminary-injunction factors, equating likelihood of success on the merits with a demonstration of irreparable injury. The City nevertheless contests its application here on the ground that neither the district court nor the Plaintiffs cited a decision analyzing the specific injury asserted here: an equal-protection violation from a prohibition on public nudity.

We're not persuaded. What makes an injury "irreparable" is the inadequacy of, and the difficulty of calculating, a monetary remedy after a full trial. *Awad*, 670 F.3d at 1131. Any deprivation of any constitutional right fits that bill. See *Adams ex rel. Adams v. Baker*, 919 F. Supp. 1496, 1504–05 (D. Kan. 1996) (concluding that excluding the plaintiff from the wrestling team because of her gender deprived her of

her right to equal protection and that this deprivation “itself” constituted irreparable harm). Here, absent the preliminary injunction, the Plaintiffs, and all women in Fort Collins, risk criminal sanctions for making a choice—to appear topless in public—that men may make scot-free. *See* Fort Collins, Colo. Mun. Code § 17-142. We’ve already concluded that this gender disparity violates the Equal Protection Clause, so we agree with the district court that the Plaintiffs need to show no further irreparable harm.

Accordingly, we conclude that the district court didn’t abuse its discretion in concluding that the Plaintiffs met the irreparable-injury requirement.

**C. The Third Factor: The Balance of Harms**

The third preliminary-injunction factor involves balancing the irreparable harms identified above against the harm that the preliminary injunction causes the City. *Fish*, 840 F.3d at 754. Under the heightened disfavored-injunction standard, the Plaintiffs need to make a strong showing that the balance of harms tips in their favor. *Awad*, 670 F.3d at 1131. When a constitutional right hangs in the balance, though, “even a temporary loss” usually trumps any harm to the defendant. *Wright et al.*, *supra*, § 2948.2 & n.10. In this case, according to the district court, the Plaintiffs met their third-factor burden because the deprivation of their right to equal protection outweighed the stakes for the City, which the court defined as the public’s interest in morality. *Free the Nipple*, 237 F. Supp. 3d at 1134.

The City contests that conclusion on appeal, asking “how any injury [the Plaintiffs] might sustain from being required to wait to bare their breasts in public

until after this matter is concluded outweighs the City's interest in maintaining a law that was supported by the majority of its citizens and unanimously adopted by its City Council." Appellant's Opening Br. at 35. But "being required to wait to bare their breasts in public" deprives the Plaintiffs of a constitutional right, while the City has no interest in keeping an unconstitutional law on the books. *Cf. Awad*, 670 F.3d at 1131 ("[W]hen the law that voters wish to enact is likely unconstitutional, their interests do not outweigh [a plaintiff's interest] in having his constitutional rights protected.").

For these reasons, we conclude that the district court didn't abuse its discretion in determining that the balance of harms tips in the Plaintiffs' favor, even under the "strong showing" standard applicable to disfavored injunctions.

**D. The Fourth Factor: The Public Interest**

The last preliminary-injunction factor requires that the injunction not be against the public interest. *Awad*, 670 F.3d at 1132. But as the district court wrote, it's "always in the public interest to prevent the violation of a party's constitutional rights." *Free the Nipple*, 237 F. Supp. 3d at 1134 (quoting *Connection Distrib. Co. v. Reno*, 154 F.3d 281, 288 (6th Cir. 1998)). On appeal, the City disputes that the public-nudity ordinance is unconstitutional, but it cites no law casting doubt on the public's interest in preserving constitutional rights. *See Awad*, 670 F.3d at 1132; *see also Baker*, 919 F. Supp. at 1505 ("The public interest would best be served by enjoining the defendants from infringing on the plaintiff's right to equal protection.").

As we explained above, the ordinance likely is unconstitutional, so we find the City's argument unconvincing. We conclude that the district court didn't abuse its discretion in ruling that the public-interest factor weighs in the Plaintiffs' favor.

\* \* \*

In sum, because we agree with the district court that each preliminary-injunction factor favored the Plaintiffs, we also agree that the Plaintiffs should prevail on their preliminary-injunction motion. Thus, the district court didn't abuse its discretion in issuing the injunction.

### **CONCLUSION**

For these reasons, we affirm the district court's order granting the Plaintiffs' motion for a preliminary injunction, and we remand the case to the district court for further proceedings consistent with this opinion.

**HARTZ**, Circuit Judge, dissenting:

The Supreme Court has been at the forefront of the march for gender equality. But it has never suggested that men and women are identical or that the law cannot recognize their inherent differences. On the contrary, in *United States v. Virginia*, 518 U.S. 515, 533 (1996), it wrote: “‘Inherent differences’ between men and women, we have come to appreciate, remain cause for celebration . . . .” That pronouncement should, at the least, cause one to pause before expanding Supreme Court equal-protection doctrine that has been applied in wholly different contexts so that it encompasses laws founded on notions of the erotic, particularly when the distinctions in the law are directly based on inherent biological, morphological differences between men and women. The case before us concerns such a law.

Let me begin by stating what I believe to be common ground. A fundamental precept of equal-protection doctrine is that each person should be judged as an individual, not as a member of a group. The law cannot treat the genders differently when there is no relevant difference between them. No reasonable person now believes that men and women differ in their talents and performances as, say, lawyers, so discrimination in licensure cannot be tolerated. But even if there are relevant differences, those differences cannot justify differences in treatment unless there is a very good reason not to use gender-neutral criteria. In particular, gender discrimination cannot be justified simply by significant disparities between the bell curves showing the distribution of a specific talent or capacity or preference within each of the two groups. Even if women are, on average,

substantially weaker than men, that is no reason to automatically disqualify a woman from a job that requires more strength than that possessed by the average woman. If an individual woman can satisfy the strength requirements, it is irrelevant that most women could not. Even if men are, on average, less interested in nurturing than women are, that is no reason to disqualify a man from a nursing position. After a divorce, custody of the children should depend on the specific qualities of the parents, not their genders. In these cases, the equal-protection problem is cured by requiring the use of gender-neutral language—language that focuses on the pertinent criteria rather than stereotypes about a particular gender. *See Sessions v. Morales-Santana*, 137 S. Ct. 1678, 1693 n.13 (2017) (“Even if stereotypes frozen into legislation have ‘statistical support,’ our decisions reject measures that classify unnecessarily and overbroadly by gender when more accurate and impartial lines can be drawn.”).

Thus, the Supreme Court has invalidated numerous laws treating males and females differently because the laws violated the Equal Protection Clause of the Fourteenth Amendment (or the equivalent doctrine under the Due Process Clause of the Fifth Amendment). The most recent, *Morales-Santana*, 137 S. Ct. 1678, concerned a statute under which a child born abroad to unmarried parents, one of whom was a United States citizen, could qualify for citizenship if the citizen parent was a mother with *one* year of continuous physical presence in the United States, but required a citizen parent who was the father to have *five* years of continuous presence. *Nevada Department of Human Resources v. Hibbs*, 538 U.S. 721, 726–40 (2003), concerned gender discrimination in family leave. *United States v. Virginia*, 518 U.S. 515 (1996),

invalidated the exclusion of women from the Virginia Military Institute. *J.E.B. v. Alabama ex rel. T.B.*, 511 U.S. 127 (1994), invalidated gender discrimination in using peremptory strikes in jury selection. *Mississippi University for Women v. Hogan*, 458 U.S. 718 (1982), invalidated the exclusion of males from the nursing school at the State's sole single-sex university. *Kirchberg v. Feenstra*, 450 U.S. 455 (1981), invalidated a statute that granted only husbands the right to manage and dispose of jointly owned property without the spouse's consent. *Wengler v. Druggists Mutual Ins. Co.*, 446 U.S. 142 (1980), invalidated a statute requiring a widower, but not a widow, to show he was incapacitated from earning a wage in order to recover benefits for a spouse's death under workers' compensation laws. *Orr v. Orr*, 440 U.S. 268 (1979), invalidated a statute providing that only men could be ordered to pay alimony following divorce. *Craig v. Boren*, 429 U.S. 190 (1976), invalidated a statute allowing women to purchase "nonintoxicating" beer at a younger age than could men. *Stanton v. Stanton*, 421 U.S. 7 (1975), invalidated a statute providing that women reached legal majority at an earlier age than did men. *Weinberger v. Wiesenfeld*, 420 U.S. 636 (1975), invalidated a statute providing that widows, but not widowers, could collect survivors' benefits under the Social Security Act. *Frontiero v. Richardson*, 411 U.S. 677 (1973), prohibited basing the determination of a spouse's dependency on the gender of the member of the Armed Forces claiming dependency benefits. And *Reed v. Reed*, 404 U.S. 71 (1971), invalidated a statute that preferred men to women as administrators of estates.

In the above decisions the Supreme Court applied (although only implicitly in the earlier cases) "heightened scrutiny," which requires "an exceedingly persuasive

justification” for the gender-based treatment. *Morales-Santana*, 137 S. Ct. at 1690 (internal quotation marks omitted). Such scrutiny was appropriate because in each case the underlying rationale for the legal distinction in the treatment of the two genders was part of the long history of “overbroad generalizations about the different talents, capacities, or preferences of males and females.” *Virginia*, 518 U.S. at 533; see *J.E.B.*, 511 U.S. at 135–36. The invalidated laws were predicated on stereotypes under which every member of a gender was treated as having a talent, capacity, or preference that most members of the gender have or were perceived as having.

The Fort Collins indecency ordinance (the Ordinance) is not such a law. It is part of a long tradition of laws prohibiting public indecency—the public display of portions of the anatomy that are perceived as particularly erotic or serve an excretory function. These laws may be justified as reducing or preventing antisocial behavior caused by indecent exposure: offensive behavior ranging from assault to corruption of youth to simply distraction from productive activity. The Ordinance does not discriminate against women on the basis of any overbroad generalization about their perceived “talents, capacities, or preferences.” To the extent it distinguishes between the sexes, it is based on inherent biological, morphological differences between them. Those differences are not stereotypes. They are not statistical differences, they are not matters of degree. They are differences in anatomical structure that reflect the unique biological roles played by males and females. (Plaintiffs’ “evidence” that the breasts of men and women are essentially identical cannot be taken seriously.) We are not dealing here with a “simplistic, outdated assumption that gender could be used as a proxy for other, more



germane bases of classification.” *Mississippi University for Women*, 458 U.S. at 726 (internal quotation marks omitted).

And, to go back to first principles in equal-protection jurisprudence, there is nothing inherently invidious to an adult of either gender in declaring that an inherent biological, morphological feature of his or her body is erotic. That view would be inconsistent with the fundamental role of sexual attraction in our most revered social institution—marriage; to believe that a spouse is sexually attractive is not to demean the spouse. I do not think the Supreme Court has embraced the view that it is.

In this light, it is apparent that the rationales supporting heightened scrutiny of gender discrimination have no purchase in the context of indecency laws based on inherent biological, morphological differences between the sexes. The proper standard of review is the rational-basis standard generally applied to economic and social regulation. One might argue that any departure from heightened scrutiny poses a danger that the tools for ending gender discrimination will be weakened in future cases. In my view, however, the danger is the contrary. As I shall explain below, attempts to treat the above-described type of regulation under a heightened-scrutiny standard pose a significant risk that the standard will be weakened, thereby endangering the power of equal-protection doctrine to control gender discrimination.

Plaintiffs’ arguments against the Ordinance are founded on the contention that it is predicated on a distorted view of the erotic nature of the female breast that has been imposed by an anti-female culture. Although one can debate about how much of our society’s view of the female breast is cultural and how much is biological (instinctual),

the argument is certainly one that can be presented to a court. But it is not an argument like those in disputes that the Supreme Court has reviewed under heightened scrutiny—equal-protection cases that challenge the notion that males, or females, are not good at certain tasks or worthy of a benefit because of their inherent talents, capacities, or preferences. And resolution of the argument will, at least for the time being and the foreseeable future, depend on unproved theories (by, say, neurologists, evolutionary biologists, psychologists, and sociologists), rather than on everyday observations of what people are doing.

Further, even if notions of the erotic are purely culturally based, it is unclear why that is relevant to the validity of indecency laws. The purpose of those laws is to reduce antisocial behavior. Such laws must deal with the real world. Legislation itself is rational even if the behavior it attempts to control is irrational (such as sexual assault purportedly caused by objectification of the female body). What would be the state of society if legislation could control only rational behavior? A regulation designed to reduce the antisocial effects of irrational thinking does not constitute an endorsement of that irrational thinking. Are laws regulating pornography and obscenity invalid if the societal harms they are intended to prevent are caused by cultural influences rather than purely biological ones? The only assumption about men and women underlying the Ordinance is that because of the erotic potential of female breasts, their public exposure will induce misconduct.

The psychological theory underlying Plaintiffs' concerns is objectification theory. As I understand the theory, its concern is not with loving, respectful relationships in

which the female breast has an erotic role. Rather, its concern is that our culture has come to objectify the female body, divorcing it from the human being to which it belongs, and valuing the woman primarily as just a body (or collection of body parts) to be used or consumed by others. In other words, women are treated as sex objects. The media may not be the sole cause, but advertisements and entertainment thrust this culture on the public. The harmful consequences are multiple and severe. The effect on men is that they mistreat women, from engaging in sexual assault to belittling their talents. The effect on women is more insidious. Many internalize the objectification they experience, causing them to obsess about their appearance and to suffer severe damage to their self-image and mental health—with consequences to their educational attainment, jobs, etc. This damage is not caused by the women themselves; they do not wish their bodies to be objectified. Objectification is imposed on them by society. Plaintiffs oppose such objectification and the sources (such as advertisements and entertainment media) that fuel it. They believe that permitting women to publicly bare their breasts will educate the public that the female breast need not be treated as a sexual object and thereby help reduce objectification and the damage it causes. The Ordinance, in their view, promotes objectification by assuming that the female breast is necessarily erotic and therefore compelling it to be covered.

Perhaps the theory is sound and Plaintiffs' approach will improve the treatment of women. But others could believe that a different approach is preferable, even if they endorse objectification theory. Some might think that the purposes of the Ordinance are very much in tune with Plaintiffs' concerns. The purposes expressed in support of the

Ordinance can be characterized as preventing just the sort of antisocial conduct that purportedly can arise from “objectifying” the female breast: misconduct by some people caused by their treating the female breast (and the woman) as a sex object and exposure of children to breasts that are treated as sex objects. After all, it appears to be an essential premise of objectification theory that the woman whose body (breast) is objectified is not the one who controls that objectification. It is other people who objectify her body.

When Plaintiffs publicly bare their breasts, even in a nonsexual manner with the purpose of conveying that there is nothing necessarily “sexy” about them, they cannot determine how others will view their breasts. Under objectification theory it is the response of others to the female breast, not the woman’s personal intent, that drives objectification.

Some, perhaps most, may react to Plaintiffs in a way that treats their breasts as sex objects. Indeed, an article co-authored by Plaintiffs’ expert, Professor Tomi-Ann Roberts, cited research showing that sexual objectification is most likely in “public, mixed-gender, unstructured” spaces—just where Plaintiffs wish to appear topless.

Fredrickson & Roberts, *Objectification Theory*, 21 *Psychology of Women Quarterly* 173, 197 (1997).<sup>1</sup> How does it help children grow up well-adjusted to expose them to such exchanges in the public square? *See* *Aplt. App. Vol. III* at 203–05 (testimony by Professor Roberts, agreeing that “a child having exposure to a sexualized female breast

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<sup>1</sup> The full text states: “[S]exual objectification is unlikely to affect any woman all the time. The extent to which particular social contexts accentuate a woman’s awareness of actual or potential observers’ perspectives on her body will, in part, predict the degree and kind of negative repercussions that she may experience. Sociological research has shown that it is in certain spaces—namely public, mixed-gender, unstructured ones—that women’s bodies are most subject to evaluative commentary by others.”

might be harmful or negative to that child,” stating that “the massive exposure to sexualized female breasts that children are made aware of -- that is something that should be controlled,” and agreeing that “when this information that children are being exposed to is sexualized, it’s bad; but when it’s nonsexualized, it’s either neutral or good.” ). And even if Plaintiffs’ public displays have the desired effect, others may take advantage of the opportunity to publicly display their breasts in a manner that promotes objectification without crossing the line into lewdness prohibited by other statutes.

I do not presume to resolve these issues. But I think it fair to say that they do not raise the sorts of questions that lend themselves to review under the heightened scrutiny demanded by Plaintiffs. The “exceedingly persuasive justification” standard is a poor tool, probably an unworkable one, for assessing the propriety, the constitutionality, of public-indecency laws. These laws are justified as promoting public order, quality-of-life, and morality. In evaluating these laws, we therefore must ask whether those purposes are served. The parties, the district court, and the panel majority have all examined whether the Ordinance can be justified on the ground that it prevents societal harms by maintaining public order, promoting traffic safety, and shielding children from psychological harm. These issues have not been relevant in Supreme Court gender-discrimination cases, where the focus of the Court has been on the individual being discriminated against and the question is whether that individual’s gender necessarily precludes him or her from having the “talents, capacities, or preferences” required for the benefit. *Virginia*, 518 U.S. at 533.

Under heightened scrutiny, a distinction between the genders can be justified only by “exceedingly persuasive” evidence. *Morales-Santana*, 137 S. Ct. at 1690 (internal quotation marks omitted). So how could a government *prove* that an indecency law accomplishes its purpose? We can begin with laws prohibiting total nudity in public. Perhaps they are enacted solely for aesthetic reasons; but I suspect they are also justified as protecting public order, improving the quality of life, and preventing improper influences on the young. Yet it is hard to see how any such law could be upheld if compelling empirical data is required. What does one use as a control group (a society where public nudity is common)—some small isolated community? Legislators, and the public they respond to, must rely on intuitions—intuitions supported by millennia of traditions in our society. One could say that these traditions are merely cultural. But, contrary to some modern thought, that is not necessarily a stigma. One can recognize that our culture has been disgraced by discrimination, particularly racial, religious, and gender discrimination, and still recognize the good that has been provided by other components of that culture. In any event, my point is that this is not a matter that can be proved under the standards of heightened scrutiny.

The difficulty of obtaining probative evidence does not significantly diminish when one considers where to draw the line regarding the minimal amount of clothing required. Should any exposure of the buttocks whatsoever be prohibited? What sort of coverage of the genitalia is required? How much of the female breast can be exposed, and in what context? (For example, nursing in public, which is recognized by the Ordinance as an exception to the general prohibition, may have minimal erotic effect on

others because of the context, although the exception might be justified simply because of the strong public interest in permitting nursing.) There are two particular difficulties. One, again, is the difficulty of finding a control group. If the issue is whether any harm would flow from eliminating any prohibition on women fully exposing their breasts, we would need an example of where such public exposure is common. It is not enough to find a place where no law prohibits such exposure if exposure is still rare.<sup>2</sup> Any effect of rare events is likely to be undetectable in the data. Another difficulty is measuring long-term effects. In particular, if there is psychological damage to children, that may not surface for a long time.<sup>3</sup> And when it does surface, the children may not live in the community that serves as a control group. *Cf. FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 519 (2009) (“There are some propositions for which scant empirical evidence can be marshaled, and the harmful effect of broadcast profanity on children is one of them. One cannot demand a multiyear controlled study, in which some children are

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<sup>2</sup> The panel opinion suggests that the apparent infrequency of the most problematic types of public toplessness (downtown or at swimming pools or outside schools) in communities that do not prohibit the practice is a constitutional argument against the Ordinance. *See* Maj. Op. at 18. But even if the harm is limited by the infrequency of the practice, I do not see why the city cannot try to prevent even that harm, or why it must await more significant harm before it can prohibit the practice. The usual criticism of government is it makes no effort to prevent a problem until the problem is advanced.

<sup>3</sup> It does not appear that Plaintiffs challenge the general proposition that exposing children to nudity or female toplessness can be psychologically damaging. *See, e.g., Ginsberg v. State of New York*, 390 U.S. 629, 641–43 (1968) (affirming against First Amendment challenge a statute that restricts sale of obscene material to minors that could not be prohibited with respect to adults). As I understand them, their objection to exposure, however, would be only when the context of the nudity or toplessness promotes objectification.

intentionally exposed to indecent broadcasts (and insulated from all other indecency), and others are shielded from all indecency.”)

The testimony of Plaintiffs’ expert, Professor Roberts, is relevant here. She acknowledged that “there isn’t any data on whether or not allowing female toplessness or not allowing female toplessness impacts the process of self-objectification one way or the other.” Aplt. App. Vol. III at 212. The only study she referred to as supporting her views regarding public toplessness was an 18-year longitudinal study of 200 children in California of European-American descent. *See* Paul Okami, Ph.D., et al., *Early Childhood Exposure to Parental Nudity and Scenes of Parental Sexuality (“Primal Scenes”): An 18-Year Longitudinal Study of Outcome*, *Archives of Sexual Behavior*, Vol. 27, No. 4, 361, 367 (1998). The study indicated various psychological benefits, and no negative effects, on children exposed to *parental nudity* in their early years (and reported positive results for males and mixed results for females from having watched their parents having sex). Professor Roberts said nothing about the study ever having been replicated. But even on its own terms, it would show only the desirability of exposing children to nudity in the home—an environment where objectification can presumably be excluded. (It is interesting that the professor did not argue that the study supports public nudity, as opposed to just toplessness. She volunteered in her testimony that “[g]enitals should be covered,” Aplt. App. Vol. III at 218, without explaining how that is consistent with the study.) As I understand the professor’s testimony, she thinks that it is harmful to women when the female breast is “objectified” as an object of sexual desire, but not when it is displayed but not objectified. She did not explain, however, how a parent taking a



child to a public place can be confident that the exposed breasts of a woman in that place will not be so objectified, either by the woman herself or by the responses of onlookers. It would not be unreasonable to think that the city ordinance actually protects children from witnessing the objectification of the female breast.

To recap the salient reasons why the rationales for heightened scrutiny do not apply here: (1) the breast of the mature female is anatomically different from the male breast; (2) to say that the female breast has erotic potential is not invidious to women and is not a stereotype, certainly not an overbroad generalization about the talents, capacities, or preferences of women; (3) courts cannot determine with any degree of confidence whether erotic potential is biological (instinctual) or cultural, and the issue is of questionable relevance anyway; (4) a law restricting the public display of the mature female breast need not be predicated on the notion that the mature female breast is nothing more than a sex object; and (5) societal harm from public eroticism (including objectification of the female body) often does not readily lend itself to objective proof. This is not to say that the Ordinance is a wise law, or even a rational one, a matter on which future research may be enlightening. I express no view on that. I do believe, however, that in this context, courts must exercise some humility. We should not run with the latest psychological or sociological study and override legislative judgments without the most careful consideration.

I recognize that a number of courts, almost all that have considered the issue, have upheld against equal-protection challenges various indecency laws prohibiting women from exposing their breasts on the ground that they survive heightened scrutiny. *See*

Kimberly J. Winbush, J.D., *Regulation of exposure of female, but not male, breasts*, 67 A.L.R. 5th 431 (originally published in 1999) (collecting cases). But I am reluctant to follow that lead. Because of the difficulty of obtaining proof of the effects of indecency, I question whether the evidence supporting the laws provides “an exceedingly persuasive justification” for them. It would be unfortunate if by upholding indecency laws, the courts weaken the scrutiny applied to laws that truly do discriminate against women on the basis of their perceived “talents, capacities, or preferences.”

Finally, because the Fort Collins ordinance should be subjected only to rational-basis review, I would reverse the grant of the preliminary injunction and remand for further proceedings. I therefore respectfully dissent.



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TUESDAY, OCTOBER 8TH, 2019

FROM 5:30 TO 7:30 PM

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LIGHT REFRESHMENTS + LIVE ENTERTAINMENT

## RESPOND

BY OCTOBER 4TH, 2019

*M* \_\_\_\_\_

\_\_\_\_\_ AND GUEST

EMAIL ADDRESS: \_\_\_\_\_

**From:** Emma Connell [mailto:econnell@wyomission.org]  
**Sent:** Tuesday, October 1, 2019 3:22 PM  
**To:** Renee Jordan-Smith <rjordansmith@casperwy.gov>  
**Subject:** Thanksgiving Celebration with Wyoming Rescue Mission

Good afternoon,

My name is Emma Connell, and I am the Marketing & Events Manager for the Wyoming Rescue Mission.

This year our Thanksgiving meal and celebration will take place the day before Thanksgiving, **Wednesday, November 27th at 5pm.**

Our guests that day will include single mothers, families unable to put food on the table, lonely senior citizens, veterans, those struggling with addiction, individuals who are finding safety from abuse, and other men, women, and children who never thought they'd need our help.

We at Wyoming Rescue Mission would like to invite you to our celebration to serve the Thanksgiving meal alongside others in the community and spend time with our incredible guests.

If you are interested in joining us, please do not hesitate to contact me with any questions at 307-265-3002.

We are so passionate about the community we serve and would love to share that opportunity with those who also do so much for Casper.

Thank you so much,

Emma Connell  
Marketing & Events Manager  
Wyoming Rescue Mission  
Phone: 307.265.3002

# USDA



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**Contact –**

USDA Rural Development  
Wyoming State Office  
100 E B St., Casper WY 82601  
307-233-6700

<https://www.rd.usda.gov/wy>



# Wyoming Rural Broadband Summit

Sharing Best Practices to Bring  
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**Join us to learn and strategize!**

This important summit is an excellent opportunity to engage civic leaders, businesses and community champions, and ultimately help reshape our communities and drive rural prosperity.

Topics include:

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This **free** event is open to all. Lunch provided. Space is limited.

**Participants must pre-register by October 7, 2019 at:**

<https://wy-ruralbroadbandsummit.eventbrite.com>



**THURS., OCT. 10, 2019**

**9:00 am - 4:30 pm**  
(check-in: 8:30-9:00 am)



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*Additional support from the ENDOW Rural Council  
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***September 2, 2019***

***Labor Day Home  
Explosion***

**Casper Fire-EMS**

—

**307-235-8222**

—

**[mharshman@casperwy.gov](mailto:mharshman@casperwy.gov)**

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**City of Casper  
Fire-EMS**

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**Neighborhood Meeting**

## Casper Fire-EMS

We would like to invite the residents of the Plateau and Arroyo neighborhoods, to a meeting on October 7, 2019, to discuss the home explosion and fire.

The meeting will be held at Casper Fire Station 2, at 7pm.

Fire Station 2 is located at 4000 South Coffman.

## Casper Fire-EMS

Deputy Chief, Mark Harshman

We will all remember the home explosion on September 2, 2019, for years to come.

The extraordinary explosion and fire on Labor Day, 2019, was a very rare event for the residents of the City of Casper and in particular your neighborhood.

I'm sure there are many questions surrounding this event and although we may not have all of the answers yet, we have a good understanding of the situation and we want to share it with you.



# **EAST ELKHORN RANCH, LLC**

441 Landmark Drive, Suite 100  
Casper, Wyoming 82601  
307-234-0583

September 27, 2019

The Honorable Charles Powell  
City of Casper Mayor  
200 N. David  
Casper, WY 82601

Dear Mayor Powell:

**Cc: Planning & Zoning Commission Decision Regarding PLN-19-025-Z**

East Elkhorn Ranch, LLC, as Petitioner in PLN-19-025-Z, hereby provides notice of its Appeal to the City of Casper of the Planning and Zoning Commission's decision at the public hearing on Thursday, September 19, 2019 ("Decision"). Petitioner respectfully requests Council grant PLN-19-025-Z and change the zoning on the 2.8-acre portion of Tract 4, North Platte River Park Addition, generally located at the corner of Events Drive and North Poplar Street, north of Wilkins Way ("subject parcel") from Park Historic to C-4.

In April of 2015, East Elkhorn Ranch, LLC acquired the subject parcel in a multi-parcel, multi-party trade with the City of Casper that enabled the City to proceed with the development of the Casper Mountain Outdoor Center. The *Real Estate Trade Agreement* and subsequent Closing Settlement Statements gave the City of Casper credit in the amount of \$790,000 for the 2.8-acre parcel, said amount is purported to be the appraised value of the subject property. The zoning of said parcel is not indicated in any of the documents and East Elkhorn Ranch, LLC does not have a copy of the appraisal. The owner of East Elkhorn Ranch, LLC accepted the appraised value. The total value of the property the City received versus what it traded had a shortfall of \$188,000, which the owner of East Elkhorn Ranch, LLC agreed to treat as a donation. See *Real Estate Trade Agreement* and related Settlement Statements, which are not attached but should be in the City records.

East Elkhorn Ranch, LLC determined that the 2.8-acre parcel should be sold and listed the property for sale in 2019. As part of that process, it was discovered that the property was zoned Park Historic and accordingly, the property could not be used for anything other than a park, golf course, cemetery, public utility, school and other consistent uses. Thus, with its current zoning, the parcel has an estimated value of \$182,952 to \$243,936, which is significantly less than its appraised value at the time of the land trade (approximately \$550,000 less). East Elkhorn Ranch,



LLC has no desire to maintain the property as Park Historic and is unable to sell it for a reasonable sum without a zoning change.

As a result, East Elkhorn Ranch, LLC reviewed the surrounding area to determine a zoning designation that was consistent with the neighboring parcels. All of the parcels adjacent to the Wilkins Circle are zoned C-4 (except for a parcel that is owned by the City). The remaining parcels surrounding the subject parcel are owned by the City and remain zoned Park Historic. See *Map of Subject Area*, attached hereto and incorporated by reference herein. Accordingly, East Elkhorn Ranch, LLC proceeded to seek a zone change to C-4, which is the zoning of the entire Wilkins Circle area. *Id.*

East Elkhorn Ranch, LLC, submitted a Petition for a zone change pursuant to Chapter 17.12.170 regarding a 2.8-acre portion of Tract 4, North Platte River Park Addition, generally located at the corner of Events Drive and North Poplar Street, north of Wilkins Way, from PH (Park Historic) to C-4 (Highway Business). The Petition was submitted on a form approved by the city and in compliance with the Ordinance. The City Planner then reviewed the petition and proceeded to follow the requirements of the Ordinance. At the time of the public hearing the City Planner's Office had "completed all public notice requirements of Section 17.12.170 of the Casper Municipal Code pertaining to zone changes." See *Memo to Bob King, Chairman* dated September 13, 2019, page 1, which is attached hereto and incorporated by reference herein. Accordingly, written notice was sent to "property owners within a 300 feet by first class mail, posted a sign on the property, and publishing legal notice in the Casper Star-Tribune." *Id.*

Prior to the Public Hearing the City Planner provided East Elkhorn Ranch, LLC copies of the three letters submitted in opposition to the Petition. The source of the opposition appears to be tenants of or parties related to the owners of neighboring properties: Anita Dodds; Kevin M. Haucha, CEO of Central Wyoming Counseling Center; and Kent D. Katz, partner in Gastroenterology Associates and Sterling Surgical Center. Only Kent D. Katz spoke against the Petition at the Public Hearing.

All three opposing property owners/representatives' property is zoned C-4 (Highway Business). However, the gist of all three opponents' position to the zoning change is that a zoning change from Park Historic to C-4 would potentially negatively impact the value of their facilities and their ability to function. There were stated concerns about the types of businesses that are allowed in C-4 and the associated activity that those types of businesses may encourage. See *Sept 9, 2019 correspondence from Kent D. Katz; Sept 12, 2019 correspondence from Kevin M. Hazucha; September 12, 2019 email from Anita Dodds*, attached hereto and incorporated by reference herein.

The opposition characterizes the "north end of Wilkin's Circle as an upscale medical complex" and refers to a well-established area. *Id.* However, this position ignores the reality that these parcels are surrounded by vacant, privately-owned land that is already zoned C-4, a brewery and a bar. See *Map of Subject Area*. Furthermore, the opposition developed their property knowing that it was zoned C-4 and the permitted uses available to C-4 property owners. The opposition's

position that the said parcel zoning change from PH to C-4 threatens the value of their facilities ignores the reality of the current zoning and the existing uses and potential uses in that area.

Kent D. Katz seemingly relies on the greater uses allowed if the area (and the subject parcel) was zoned C-3. However, a zone change for the entire area was not before the Commission, or before the City. Furthermore, several of the illicit uses that cause Katz concern are allowable in C-3.

The Commission denied the Petition for zone change during the Public Hearing. No reasons were given as part of the denial and no writing has been received to date by the Petitioner. Chairman King did recite Petitioner's right to appeal the Decision. The City Attorney did contact Petitioner and provide the City of Casper Ordinance cite for the appeal. In support of this Appeal, Petitioner provides the following:

The City of Casper Ordinance Section 17.04.010 sets forth the authority for its adoption of Title 17 to the city's code and states that it is established for "promotion of the health, safety, and general welfare of the community in accordance with the comprehensive plan". Section 17.08.010 defines "Comprehensive plan" or "comprehensive land use plan" as "the general plan for land use, transportation, and community facilities prepared and maintained by the commission and adopted by the council." In 2017, the City of Casper adopted the *Generation Casper Comprehensive Plan* as the comprehensive land use plan governing its decisions.

Currently, the parcel is zoned Park Historic and is adjacent to an area around Wilkins Circle that is zoned C-4 and City-owned property that is zoned Park Historic. Although there is no requirement that only City of Casper own Park Historic parcels, there is no commercial development available on a Park Historic parcel. See Section 17.56.020 – PH Park Historic Permitted Uses. Accordingly, the zoning must change for a private entity to realize the full value of the traded parcel.

The City of Casper's authority in regard to planning and zoning is derived from Wyoming statutes. See Wyo. Stat. §§ 15-1-501 and 15-1-601 *et seq.* (2018). Wyoming statute requires that municipalities adopt a master plan for the development of the municipality. Wyo. Stat. § 15-1-503(a)(2018). That authority allows for zoning regulations consistent with the provisions of § 15-1-601 and the master plan.

It is the City's function to determine what zoning is most appropriate to this parcel consistent with the Casper Municipal Code and Comprehensive Use Plan (*Generation Casper Comprehensive Plan*). The City delegates this function to the Planning and Zoning Commission in an advisory capacity. It is ultimately the responsibility of the City Council to make the decision.

The Wyoming Supreme Court recognized that zoning ordinances are in derogation of the common law and deprive property owners of a land use that would otherwise be lawful. *Snake River Brewing Company, Inc. v. Town of Jackson*, 39 P.3d 397, 404 (Wyo. 2002). Accordingly, "the general rule is to construe zoning ordinances strictly in favor of the property owner." *Id.*

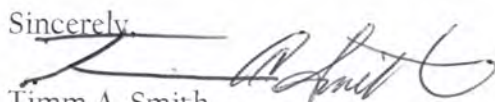
The Petitioner is requesting a zone change to C-4, which is entirely consistent with the current zoning in that area. It is consistent with the surrounding uses and parcels along Wilkins Circle. The opponents to the Petition base their opposition on the speculative potential uses that a property owner could develop for the subject parcel. However, each and every privately-owned parcel in that area could use their property as set forth in C-4. There are many vacant/undeveloped parcels along Wilkins Circle (Petitioner counts five such parcels) that are currently zoned C-4 and could develop their property for those uses that concern the opponents. It is wholly arbitrary for the City to also deny the Petition to change this property from PH to C-4 given that the C-4 designation is the zoning for the neighboring private property.

The Decision implies that the Commission is comfortable with violating the general zoning principle of a comprehensive, master plan. The Decision treats the subject parcel differently than its neighbors. The only neighbor that is zoned Park Historic is the City itself. This Decision results in the parcel being "spot" zoned. The Ordinances define "Spot zoning" as "the singling out of a particular property or small groups of properties for different treatment from that accorded to similar surrounding land; which is contrary to the general pattern of zoning in the surrounding geographic area and is not in accordance with the comprehensive plan; and, which is designed solely for the economic benefit of the owner of the property receiving special treatment." Chapter 17.08.010

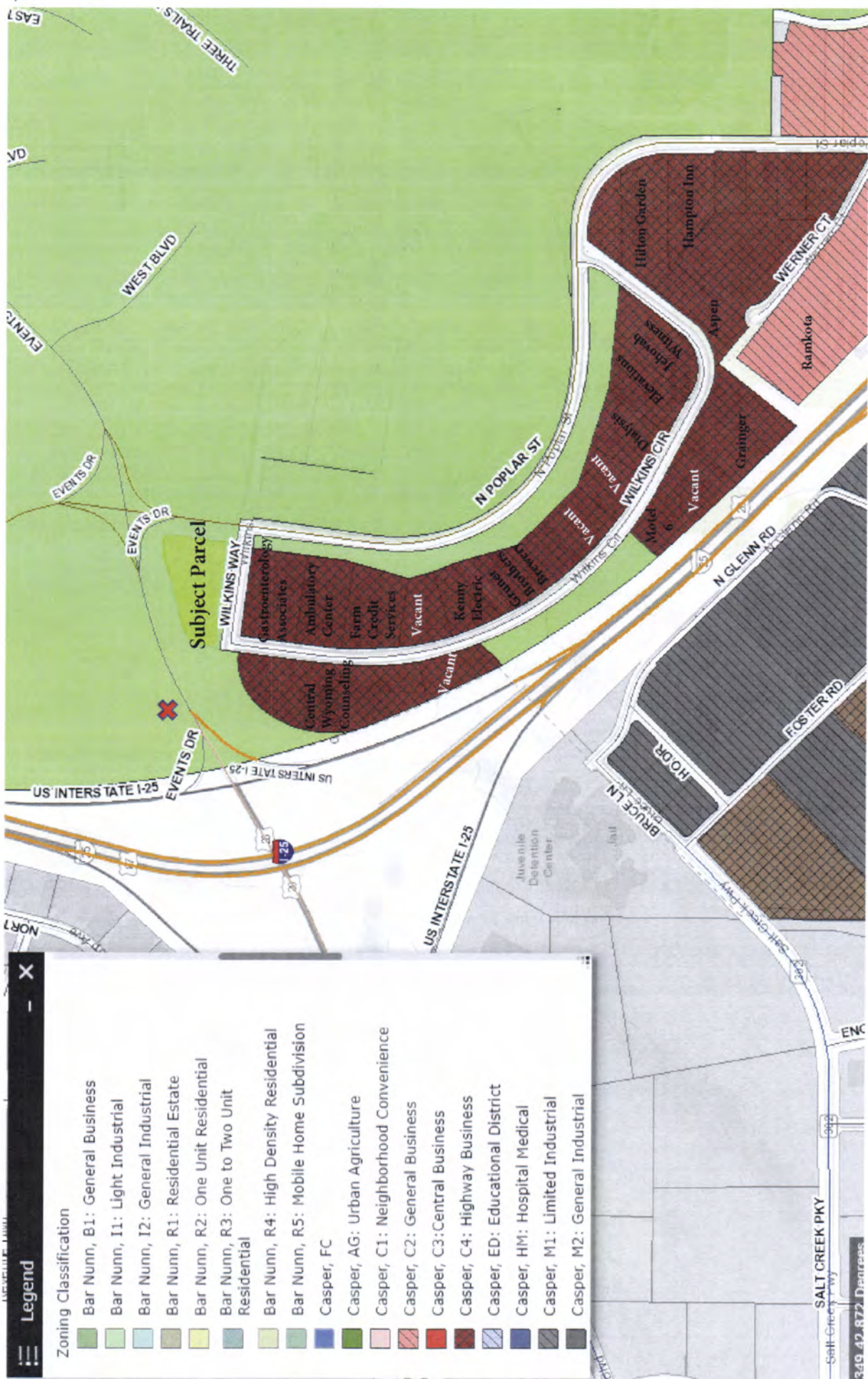
In this matter, the property that is receiving special treatment is the opposition. Petitioner is requesting that it be treated the same as its privately-owned neighbors. The opposition is requesting that Petitioner be held to a different standard solely for the oppositions' economic benefit. The opposition wants to protect the value of their parcels. Any other reason given is just a distraction from their primary purpose. Opponent Katz admitted during the Public Hearing that he inquired in purchasing the subject parcel. He has an economic benefit to keeping the zoning PH in that it keeps the value of the subject parcel low and he can purchase it for less. The Decision, if allowed to stand, results in a violation of the zoning Ordinances and Wyoming law. The City Council should grant the Petition and allow the subject property to be zoned C-4 like the neighboring properties.

The City of Casper is able to substitute its judgment for the Planning and Zoning Commission and should do so in this matter. It was never intended that East Elkhorn Ranch, LLC would own this 2.8-acre parcel and be limited to a Park Historic zoning designation. The parcel's zoning should change and a designation of C-4, that is the same zoning as all of the privately-owned neighboring parcels, is most appropriate and consistent with the Master Plan.

Sincerely,

  
Timm A. Smith  
Manager

Cc: City of Casper Planning & Zoning Commission



MAP OF SUBJECT AREA

September 13, 2019

MEMO TO: Bob King, Chairman  
Members of the Planning and Zoning Commission

FROM: Liz Becher, Community Development Director  
Craig Collins, AICP, City Planner

SUBJECT: **PLN-19-025-Z-** Petition for a zone change of a 2.8-acre portion of Tract 4, North Platte River Park Addition, generally located at the corner of Events Drive and North Poplar Street, north of Wilkins Way, from PH (Park Historic) to C-4 (Highway Business). Applicant: East Elkhorn Ranch, LLC

Recommendation:

If, after hearing public testimony, and considering the facts of the case, the Planning and Zoning Commission finds that the proposed zone change meets the minimum requirements of the Casper Municipal Code, and is in conformance with the Comprehensive Land Use Plan, staff would recommend approval of the zone change, with a “do pass” recommendation to the City Council.

Code Compliance:

Staff has completed all public notice requirements of Section 17.12.170 of the Casper Municipal Code pertaining to zone changes including notification of property owners within 300 feet by first class mail, posting a sign on the property, and publishing legal notice in the Casper Star-Tribune. At this time, three letter of opposition has been received, and has been included for the Commission’s consideration.

Summary:

East Elkhorn Ranch, LLC has applied for a zoning classification change of a 2.8-acre parcel of property located at the corner of Events Drive and North Poplar Street, directly east of the Central Wyoming Counseling Center property. The subject property is currently zoned PH (Park Historic) and the applicants have requested that it be rezoned to C-4 (Highway Business). The property is currently undeveloped.

This property was acquired by the applicant, from the City, several years ago in a land trade. In that the property is no longer under City ownership, the PH (Park Historic) zoning of the property is no longer appropriate, and hinders the future development of the property. Surrounding zoning in the area includes C-4 (Highway Business) to the south, and PH (Park Historic) on all other sides. According to the zone change application submitted by the applicant, upon approval of the rezoning, the lot will be listed for sale.

Section 17.12.170 of the Casper Municipal Code requires that staff review zoning applications in the context of the approved Comprehensive Land Use Plan, and provide a recommendation to the Planning and Zoning Commission and City Council as to how the zone change is either supported, or not supported. The Generation Casper Comprehensive Plan provides a Future Land Use Plan (FLU), which is found in Chapter Four (4), on Page 4-26. The FLU is an illustrative map that identifies the physical distribution of land uses, and forms the basis for future zoning and land use regulations. The subject property is located in a transition area between the area to the south designated as a “community center” and the area to the north, which is designated as “Parks and Open Space.” Page 4-33 of the Plan provides general characteristics of areas designated as community centers. Primary land uses include retail, trade, service uses and offices with supporting multifamily residential.

Chapter Three (3) of the Plan provides principles and goals. Principles and goals that may be applicable to the requested zone change are as follows:

Principle ECH1 – **Balanced Uses:** Encourage a balance of land uses and provide adequate space and distribution for all uses across the community through identified and planned locations (Pg. 3-5)

Goal ECH1-2 – **Commercial and Employment Space:** Promote the redevelopment of underutilized commercial and industrial space to accommodate new uses. (Pg. 3-5)

Section 17.76.020 of the Municipal Code lists the following land uses as being permitted in the proposed C-4 (Highway Business) zoning district.

1. Animal shelters, animal clinics, and animal boarding and treatment centers;
2. Assembly of devices or instruments, or packaging of products from previously prepared materials;
3. Automobile parks;
4. Automobile sales and repair areas and shops;
5. Automobile service stations, automobile service centers, and public garages;
6. Bed and breakfast;
7. Bed and breakfast homestay;
8. Bed and breakfast inn;
9. Builders' supply yards;
10. Churches;
11. Clubs and lodges;
12. Commercial dairies (excluding dairy farms);
13. Commercial laundries;
14. Convenience establishment, high volume;
15. Dance studios;
16. Day-care, adult;
17. Child care center;

18. Family child care center - zoning review;
19. Family child care home;
20. Family child care home - zoning review;
21. Drive-in/through facilities such as restaurants, package liquors, branch banks, etc.;
22. Farm implement sales and service;
23. Frozen food lockers;
24. Greenhouses;
25. Grocery stores;
26. Group homes;
27. Heliports;
28. Homes for the homeless (emergency shelters);
29. Hotels, motels;
30. Kennels;
31. Manufactured home (mobile) sales;
32. Medical laboratories, clinics, health spas, rehabilitation centers, real estate brokers, insurance agents, and public health facilities;
33. Nurseries;
34. Offices, general and professional;
35. Parks, playgrounds, historical sites, golf courses, and other similar recreational facilities;
36. Pawn shops;
37. Personal service shops;
38. Pet supplies;
39. Plumbing, welding, electrical supply, service shops, and fabrication shops;
40. Printing and newspaper houses;
41. Public utility and public service installations and facilities, including repair and storage facilities;
42. Radio and television stations, including transmitting and receiving towers;
43. Recreation centers, restaurants, cafes, coffee shops, and retail business;
44. Retail businesses;
45. Sale barns;
46. Trade or business schools;
47. Transportation depots;
48. Truck/car stops;
49. Warehouses, indoor and outdoor storage.
50. Sexually oriented businesses, pursuant to all regulations set forth in Section 9.24.110 of the municipal code;
51. Neighborhood assembly uses;
52. Regional assembly uses;
53. Branch community facilities;
54. Neighborhood grocery.



SEP - 9 2019

**Raoul Joubran, MD, PC    Kent D. Katz, MD**  
**Phillip T. Krmpotich, MD,    Jonathan Ted Parrack, DO**

Sept 9, 2019

RE:    PLN-19-025-Z

To Whom It May Concern:

I am Kent D. Katz, M.D, a partner in Gastroenterology Associates and Sterling Surgical Center. Both are located in the same building, which is across Wilkins Way from the Track 4, North Platte River Park Addition. We received notification of a proposed zoning change for the site from Park Historic to C-4 Highway Business. We strongly encourage the Planning and Zoning Commission to vote against this proposal. Instead, we would encourage the commission to re-zone the neighborhood, including the site in question, to C-3 Central Business.

While the neighborhood is currently zoned C-4, the north end of Wilkin's Circle has developed into an upscale medical complex with two state-of-the-art surgical centers, a counselling center, and an inpatient hospital. A quick drive through the area would demonstrate the beautiful landscaping and architecture of these facilities. These represent a significant capital investment, and obviously we'd like to protect that investment. We fear that many of the C-4 options would detract from the neighborhood and hence reduce the value of these facilities.

Far more importantly, we'd like to ensure that these facilities can continue to function. Wyoming is a significantly medically underserved state. These facilities offer services not readily available throughout the state. For example, Wyoming rates dead last in colon cancer screening (pun intended). Screening colonoscopies can both prevent and detect this cancer, while still in a curable stage. Sterling Surgical Center helps to save the lives of central Wyomingites on a daily basis.

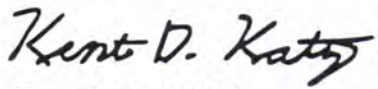
A big fear would be the opening of a truck stop across the street. It is an ideal location, as it is at the junction of I-25 and the heavy truck traffic from Rawlins. It is one of only two freeway exits in Casper that has four lanes, and the only one that is available. A truck stop, where several dozen trucks are idling would produce a significant amount of diesel fumes. Our operating rooms are required to exchange the air six times an hour. Our air intake is at the preferred location, on the top of the surgical center. Exchanging air in our operating rooms with diesel fumes could become a health hazard and force us to close for the day, or possibly shut down the facility. I would argue that we need more colon cancer screening centers more than we need truck stops. This same fear would apply with any other facility that produces fumes from that site.

While we are concerned about what business is located in the site, we are also concerned about any associated activity that may indirectly accompany that business. Surgical centers are seen as narcotic depositories. Indeed, on several occasions, we have had attempted break-ins. Any facility that would be used for drug deals would attract unwanted attention to our center. I could also see how having drug deals going down just outside a drug rehab center would significantly impact patient recovery, and reduce its effectiveness. Again, the nature of the business that occupies that site will affect more than property values, it could easily affect the abilities of these sophisticated medical facilities to provide care to the people of Casper, and the surrounding area.



For these reasons, I ask the Commission to deny the change in zoning request. However, I would also encourage the Commission to pursue changing the neighborhood zoning to C-3. This would still allow significant commercial opportunity for the site without limiting our ability to conduct business.

Sincerely,

A handwritten signature in black ink that reads "Kent D. Katz". The signature is written in a cursive, slightly slanted style.

Kent D. Katz, M.D.

Sept 12, 2019

To: dhardy@casperwy.gov

SEP 12 2019

RE: PLN-19-025-Z

Good Afternoon,

My name is Kevin M. Hazucha, LCSW-R. I am the Chief Executive Officer of Central Wyoming Counseling Center (CWCC) located at 1430 Wilkins Circle here in Casper. CWCC provides outpatient and residential behavioral health services to members of the community regardless of insurance status or ability to pay. It is one of the two largest such centers in the state and provides a variety of critical services to a highly vulnerable client population. I very recently became aware of a proposed zoning change for the site from Park Historic to C-4 Highway Business. We strongly encourage the Planning and Zoning Commission to vote against this proposal.

While the neighborhood is currently zoned C-4, the north end of Wilkin's Circle has developed into an upscale medical complex that includes our center (CWCC), two state-of-the-art surgical centers and an inpatient hospital. A quick drive through the area would demonstrate the beautiful landscaping and consumer friendly architecture of these facilities. These represent a significant investment, and obviously we'd like to preserve our services to the community. We fear that many of the C-4 options would detract from the neighborhood and hence reduce the value of these facilities.

Far more importantly, we'd like to ensure that these facilities can continue to function as highly valuable resources to our community. Wyoming is a severely underserved state in terms of both medical and behavioral health services. These facilities offer services not readily available throughout the state.

A significant problem would be presented by many kinds of businesses that the proposed change in the zoning status would allow. For instance, the opening of a truck stop across the street would create serious issues as would any other establishment that might serve alcohol or produce the exhaust fumes that a truck stop would create. We at CWCC are providing treatment to many individuals with serious substance abuse problems who are working towards avoiding environments that would be allowed by the C-4 designation. You may be aware that Wyoming's suicide rate is now #2 per capita in our nation and we need to protect and expand on services such as ours, not imperil them.

While we are concerned about which businesses may be located in the site, we are also concerned about any associated activity that may indirectly accompany those businesses. Any facility that could potentially result in an increase in drug trafficking would attract unwanted attention to our center as well as the aforementioned medical facilities in our neighborhood. Any drug traffic just outside a drug rehab center would significantly impact patient recovery and reduce its effectiveness. Again, the nature of the business that occupies that site will affect more than property values, it could easily affect the abilities of these sophisticated medical and behavioral health facilities to provide care to the people of Casper, and the surrounding area.

For all of these reasons, I ask the Commission to deny the change in zoning request. Our vital services to the community could otherwise be at risk.

Kevin M. Hazucha  
LCSW-R  
4536 East 21<sup>st</sup>  
Street  
Casper, WY  
82609

SEP 12 2019

**Dee Ann Hardy**

---

**From:** Anita's iPad <adodds@bresnan.net>  
**Sent:** Thursday, September 12, 2019 4:33 PM  
**To:** Dee Ann Hardy  
**Subject:** Wilkins Rezone

Dear Planning Commission,

This email is in regards to the proposed zone change of Tract 4, North Platte River Park Addition. Please DO NOT permit a zone change. The three businesses (Central Wyoming Counseling, Gastroenterology Associates, and Wyoming Center For Sight), that would be most affected by the proposed change are located in professional buildings that reflect well on the Casper community. They are beautifully landscaped and are an asset to their surroundings. A highway business is not an appropriate neighbor to this group of medical practices. It is unfair to change existing zoning that could negatively impact this well established area.

Thank you for your consideration,

Sincerely,  
Anita Dodds

Sent from my iPad



# Serve Wyoming

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City of Casper,

Thank you for your generous support of the 25th AmeriCorps Celebration and 9/11 Tribute Mural. The effort you invested makes *Serve Wyoming* a better Commission!

In Service,

*Serve Wyoming* staff and commissioners

Thank you for your continued support & partnership. It wouldn't be possible with out you!

Best,  
Shelley McAlpin



**CASPER AREA METROPOLITAN  
PLANNING ORGANIZATION**

# **Urban Center** Parking Plan

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# Acknowledgments

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## City Council

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- Ray Pacheco, Mayor
- Charlie Powell, Vice President of Council
- Bob Hopkins, Councilmember
- Mike Huber, Councilmember
- Jesse Morgan, Councilmember
- Shawn Johnson, Councilmember
- Dallas Laird, Councilmember
- Kenyne Humphrey, Councilwoman
- Chris Walsh, Councilmember

## City Manager

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- J. Carter Napier

## Casper Area Metropolitan Planning Organization

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- Aaron P. Kloke, Planner

## City of Casper Planning Department

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- Liz Becher, Community Development Director

## Steering Committees

---

### Technical Committee

- Andrew Beamer, Public Services Director
- Shad Rodgers, Streets Superintendent
- Liz Becher, Director of Community Development
- Craig Collins, City Planner
- Sgt. Scott Jones, Casper Police Department
- Jackie Warney, Casper Police Department
- Kevin Hawley, Casper DDA
- Pam Jones, Casper Area MPO
- Aaron Kloke, Casper Area MPO/City of Casper

### Stakeholder Committee

- Jacque Anderson, Jacque's Bistro
- Bob Ide, Owner, Ide Land and Leasing Company
- Todd Smith, State of Wyoming
- Kate Sarosy, Statewide volunteer president for AARP
- Kathy Edwards, Cadillac Cowgirl
- Brettnee Tromble, First Interstate Bank
- Randy Pryde, Movie Palace
- John Huff, Yellowstone Garage
- Pete Fazio, Eggington's Restaurant
- Tom Heald, Wyoming Plant Company

## Consultant Support

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### Kimley-Horn and Associates, Inc.

- Dennis Burns, Project Manager
- Adria Koller
- Christina Jones

### The Solesbee Group

- Vanessa Solesbee, Assistant Project Manager

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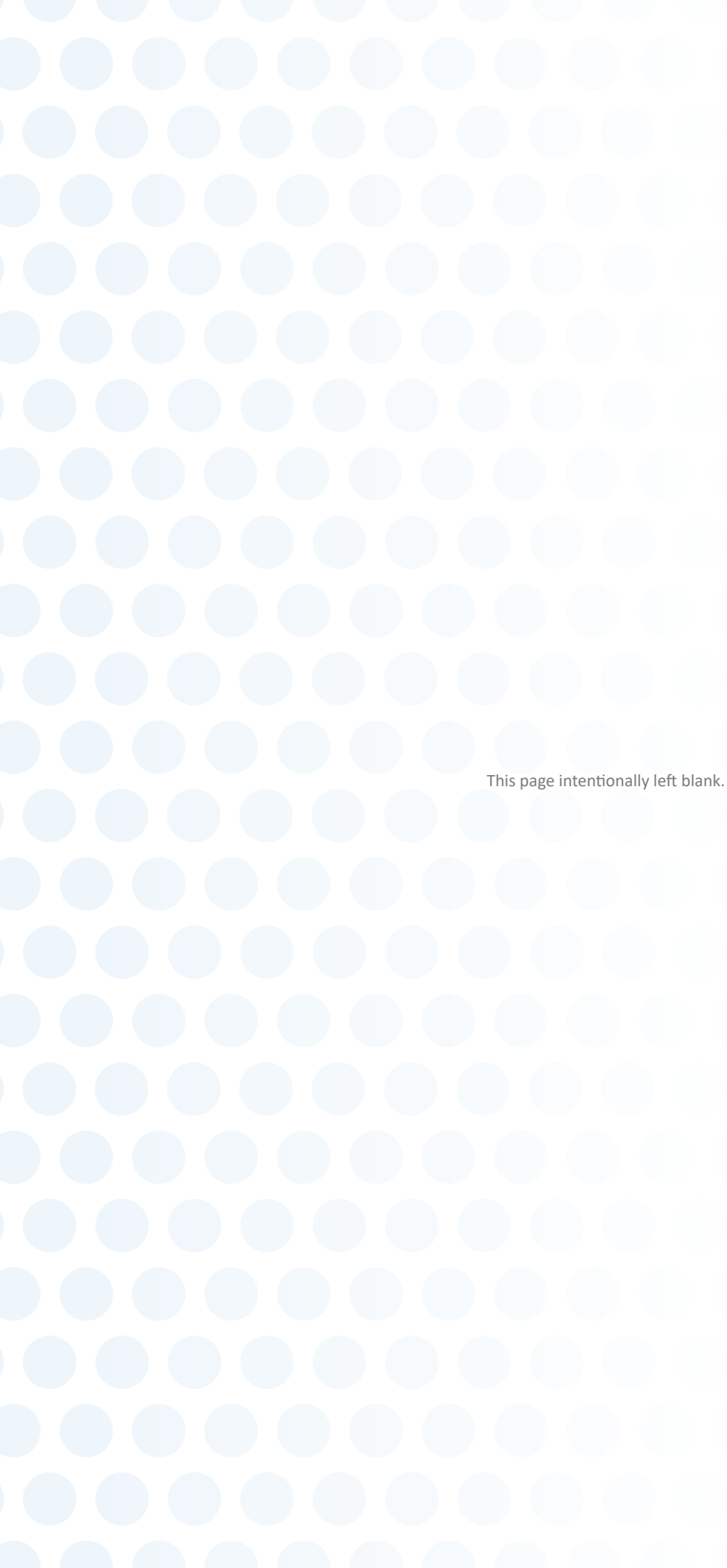




# Executive Summary

SECTION

1



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## I. Executive Summary

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### Introduction

In the winter of 2017, the Casper Area Metropolitan Planning Organization (MPO) engaged Kimley-Horn and Associates (Kimley-Horn) to develop an Urban Center Parking Plan for the downtown area of Casper, WY. This plan identifies both short and long-term goals for the development of a forward-thinking and holistically-managed public parking system that will support the City/MPO's larger economic and community development goals, today and in the future.

### Primary Objectives

The primary goal of this Urban Center Parking Plan is to be a guide for decision makers on topics such as governance, customer service, planning, technology, enforcement, as well as parking facility and systems management. Specific project objectives include providing strategies and tools to:

- Identify governance and management structures that will work best for Downtown Casper and the Old Yellowstone District, that will also contribute to the successful implementation of other recommendations.
- Improve public perceptions of parking within the study area.
- Position parking as a contributor to continued redevelopment and economic expansion of Downtown and Old Yellowstone District.
- Provide recommendations on establishing positive and proactive customer relations.
- Explore the range of parking management strategies that can be used by the City's and MPO's management staff to encourage on-street parking turnover and promote increased community vitality without unduly penalizing infrequent violators.



- Identify management strategies and technologies that can improve the customer experience, while also controlling operating costs and enhancing system financial performance.
- Position parking management within the larger “access management” context in a way that promotes a balanced system of parking and multi-modal transportation alternatives.

## Key Findings

Following up on the recently completed Generation Casper Comprehensive Plan, the City of Casper is considering the development of a comprehensive parking management program as a strategy to support on-going community and economic development initiatives. This report provides a road-map for the development of a comprehensive and strategic approach to parking and mobility management in Casper. The development of such a program will require the following ten elements:

1. Based on the limited parking supply/demand assessment detailed in this report, the City of Casper does not have a parking supply problem (even at the peak parking demand periods, overall demand never exceeded 50% of the parking supply). What Casper currently needs is greater parking management expertise and a reorganization of the approach to parking and overall “access management”.
2. A Sense of Purpose and Direction relative to Parking and Transportation Policy – This strategic parking plan should complement and build on the foundation of this important element as completed in other recent planning efforts by the City and MPO.
3. Program Organization and a Strong and Capable Program Leader – The recruitment and hiring of a parking manager with experience managing a municipal parking program (or assignment of this responsibility to a new entity). Chapter VII of this report (Parking Management Strategies and Program Organization) outlines several parking program management and organizational models and recommends a preferred alternative for the City of Casper. This chapter also discusses parking system operating methodologies. Program organization is a key foundational element and a vital initial step to creating an effective and sustainable parking management program. There is also an opportunity to leverage parking management as a tool to support economic development (a separate Whitepaper on this topic is provided).
4. A Strong Customer Service Orientation – One of the key leadership elements that needs to be infused into the program from the beginning is a strong customer service focus. This applies not only to staff training but also to facilities maintenance and investments in new technologies. Parking can play a key role in improving the perception and the experience of Downtown overall. Collaboration and partnerships with the City of Casper and the MPO will be an important component of this initiative.
5. A Focus on “Mastering the Fundamentals” of Parking Management – This focus area is about gaining an in-depth understanding of the many complex and challenging aspects that are somewhat unique to parking. Appendix 38 (20 Characteristics of Effective Parking Management) provides a strong framework built around specific program categories. This resource provides the basis for a comprehensive program development approach. Between this chapter and the wealth of tools provided in the Appendices (Parking Management Toolkit), there are numerous program elements, both short and long term, that can transform the Casper parking program into one of the best small municipal programs in the country.
6. Establish parking as a separate “enterprise fund” and dedicate all parking related revenue streams to support the enterprise fund.
7. Better leverage under-utilized private parking resources in the Urban Center area through creative opportunities to develop shared parking resources, provide high-quality parking management services and revenue sharing arrangements with large local businesses and institutions.



8. Investment in New Technology – Leveraging new technology will be a critical element in achieving many of the stated goals of this project including:
  - A. Enhanced customer friendly programs and services
  - B. Improved operational efficiency
  - C. Enhanced system financial performance
  - D. Improved system management
9. Development of a strong parking maintenance program with regularly scheduled facility condition appraisals, the creation of parking facility maintenance reserves and a prioritized facility restoration and maintenance schedule.
10. Over time, expand the parking program’s mission to adopt a broader more “mobility management” oriented perspective. Development of transportation demand management strategies, promotion of transportation alternatives, support for active transportation and the development of complementary parking policies will be important in this area.
11. Parking Planning - Development of a robust and effective parking planning function or at a minimum, the inclusion of parking management in larger community planning initiatives and on-going discussions relative to new or proposed development projects is highly recommended. Also work closely with City Planning to address parking requirements (zoning code) and ADA parking issues.

## Primary Action Items

Beginning on page 86 there is a list of recommended “*Primary Action Items*”. Each primary action item is formatted to provide an action item description, intended result, the entity or agency primarily responsible for implementation, key community partners, a recommended time-frame for implementation, and supportive documents provided to assist with implementation.

Below is summary listing of these key recommendations:

### Primary Action Item #1

Adopt New Program Vision and Mission Statements and Recommended Parking Program Guiding Principles, Hire a Parking Management Professional (or engage a parking management firm), Create a Parking Advisory Board and Implement Parking Management Best Practices

### Primary Action Item #2

Begin a process to evaluate investment in New On-Street and Off-Street Parking Technology

### Primary Action Item #3

Leverage Parking as a Community and Economic Development Strategy and Develop a Comprehensive Parking Planning Function

### Primary Action Item #4

Improve utilization of the existing parking garage (Wolcott and Center Streets) by investing in needed repairs/ recommended upgrades.

### Primary Action Item #5

Develop a New Parking Program Brand and Marketing Program including significant on-going community outreach strategies.

### Primary Action Item #6

Invest in Training and Staff Development with a Goal of Mastering the Fundamentals of Parking System Management and Operations. Develop a set of parking management data benchmarks (a list of recommended



key performance indicators is provided in Appendix 25) and provide City administration with regular updates on program development/management goals and accomplishments.

**Primary Action Item #7**

Expand the Scope of the Parking Program Over Time to be More Supportive of Alternative Modes of Transportation and Embrace More of a “Mobility Management Philosophy”

**Primary Action Item #8**

Assess the Current Parking Enforcement Program Using the Tools Provided. Invest in Mobile License Plate Recognition Technology.

**Primary Action Item #9**

Establish the parking program as a separate enterprise fund and combine all parking related revenue streams into this fund.

**Primary Action Item #10**

Development of a robust and effective parking planning function, or at a minimum, the inclusion of parking management in larger community planning initiatives and on-going discussions relative to new or proposed development projects.

**Primary Action Item #11**

Consider conducting a pilot program on Second Street of the proposed Streetscape Design/Curb Lane Management and signage recommendations.

**In Summary**

The development of a strategic vision and a strong, well defined action plan is a critical first step in creating a comprehensive public parking program for the Metro Casper Area. We applaud the City and MPO’s recognition of this fact and for making this important investment.

A comprehensive and well-managed parking program can be a significant partner and contributor to advancing the community’s economic development goals as well helping to improve the overall experience of accessing Casper’s urban center business districts. We are confident with the strong team of City/MPO leaders, an engaged and supportive Mayor, City Council and development partners, that the future of Casper’s urban center is bright indeed.

This report provides the City with not only a comprehensive strategic planning framework, but also an extensive “parking management toolkit” packed with valuable tools, manual templates, audit checklists, whitepapers, etc. to assist in program implementation and staff development. Now the real work on parking program improvement begins!







# Planning Context

SECTION

# 2

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## II. Planning Context

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The City of Casper has established a clear regulatory framework and vision to guide the development and evolution of Downtown and the Old Yellowstone District. The following section provides a high-level summary of recent planning and policy documents as they relate to providing context to this strategic parking management plan. As we developed this parking management plan, we looked for opportunities to support the larger community goals expressed in these adopted City plans.

### Guiding Planning and Policy Documents

#### Generation Casper Comprehensive Plan (2017)

The Generation Casper Comprehensive Plan's vision statement and six guiding themes are aimed at creating a community that "serves as an economically diverse, regional hub centered on lively commercial centers that embraces a strong and unique community identity through a world-class quality of life." Six themes were identified to support this vision, as shown at right.

The Downtown and Old Yellowstone Districts are primary focuses of Generation Casper as activity centers with considerable influence on the vitality and economic health of the city. Key implementation strategies outlined in the Plan include evaluation of code changes as they relate to parking and development encourage shared parking and mixed use development. The Plan also identifies a goal to reduce surface parking facilities throughout the urban core to "increase the cohesion of the urban center." Such a strategy is complimentary to the concept of Park Once neighborhoods and multi-modal activity centers as discussed later in the report.

Generation Casper specifically calls out programs in Montreal and San Francisco that re-purpose underutilized on-street parking spaces to provide expanded, outdoor and semi-sheltered seating for nearby restaurants and cafes. Curb-lane management strategies and local applications of similar parklet programs and best practices are further discussed later in this report. Such programs provide an economical means for area businesses to expand during peak seasons while reducing their financial commitment. These programs also increase the walkability of the area and attract further pedestrian traffic, benefiting neighboring retail and service businesses.

#### Connecting Casper 2040: Casper Area Long Range Transportation Plan (2014)

In 2014, the City released an updated Long Range Transportation Plan (LRTP) to the 2030 LRTP published in 2007. Connecting Casper 2040 provides an ongoing, living guide to the process of analyzing existing and future roadway, transit, non-motorized facilities, rail, and airport infrastructure and programming supporting the access and mobility of the City's constituents and visitors. Recommendations in the report include evaluation of individual modes to foster multi-modal transportation and development of a comprehensive system that supports vehicle, bicycle, pedestrian, transit, rail, and air. The report highlights the need for increased safety in the pedestrian environment and in the interactions of various modes of transport. Accident data demonstrates a concentration of incidents occurring within the study area for both vehicles and pedestrians, prevalent during traditional peak parking demand hours and in the developing Old Yellowstone District. Connecting Casper also provides trend data showing significant growth in transit ridership between 2005 and 2011, demonstrating an increasing willingness among constituents to utilize alternative modes of transportation, or a downturn in the economy.

#### Community Vision Themes

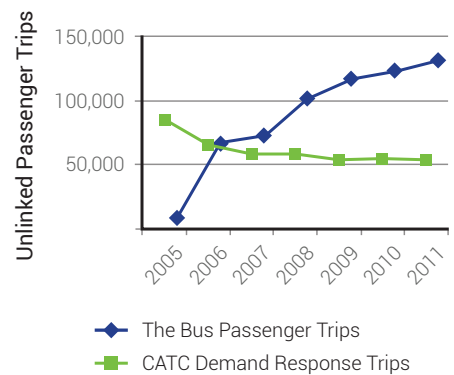
1. Endless Character
2. Vibrant Urban Center
3. Distinctive Regional Hub
4. Enhanced Connectivity
5. Embracing the River
6. Undiscovered Quality of Life



### Casper Area Trails, Path and Bikeway Plan (2013)

The Casper Area Trails, Path and Bikeway Plan discusses the ways in which the City can be improved through a comprehensive and connected bicycle and pedestrian network. This guide provides a range of recommendations including the provision of 30 foot buffers from on-street parking to intersections to improve visibility and increase the safety of pedestrians, cyclists, and vehicular cross traffic. Other recommendations include reviewing underutilized parking facilities in the public right-of-way for potential reallocation to pedestrian and bicycle benefit, and relatively extensive investment in the bicycle infrastructure in the form of various types of bicycle pathways. The following table is a summary of recommended and existing bicycle facilities from the Casper Area Trails, Path and Bikeway Plan.

### Annual Ridership 2005-2011



### Other Plans and Documents Reviewed

- City of Casper - Downtown Strategic Plan (2012)
- City of Casper - Design Standards for Commercial/Downtown Streetscape and Parks (2005)
- Old Yellowstone District and South Poplar Street Form Based Code
- City of Casper Special Events Planning Guide and Policy
- City of Casper - Downtown Parking and Traffic Study (2000)
- City of Casper Parking Garage Aesthetic Assessment (2009)
- Casper Parking Structure Management Agreement
- Casper Parking Regulations Manual
- Casper Police Downtown Parking Information Packet

Recommendations		Existing Facilities	
Facility Type	Mileage	Facility Type	Mileage
Bike Lane	32.48	Bike Lane	3.35
Buffered Bike Lane	0.65	N/A	
Climbing Bike Lane	2.02	N/A	
Paved Shoulder	3.60	Paved Shoulder	16.74
Install New Trail/Path	8.04	Trail/Path	43.34
Bike Boulevard	N/A	N/A	
Shared Lane Marking	20.58	N/A	
Upgrade Bike Lane	3.35	N/A	
Upgrade Trail/Path	2.36	N/A	
Further Study Needed	4.87	N/A	
<b>Recommendations Total</b>	<b>103.66</b>	<b>Existing Total</b>	<b>63.43</b>

Network (Recommendations + Existing) Total = 167.09





# Parking Supply/ Demand Assessment

SECTION

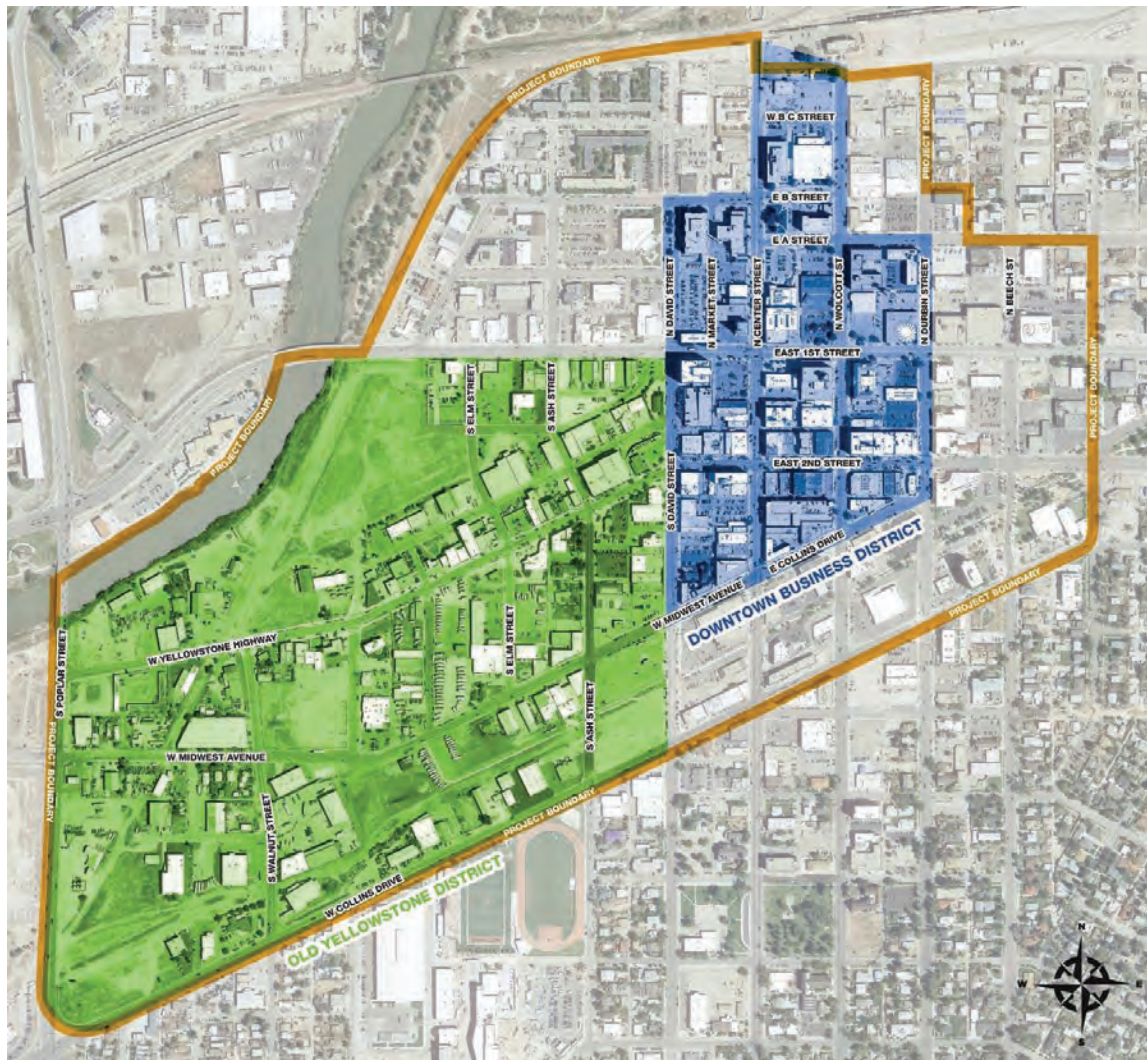
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### III. Parking Supply/Demand Assessment

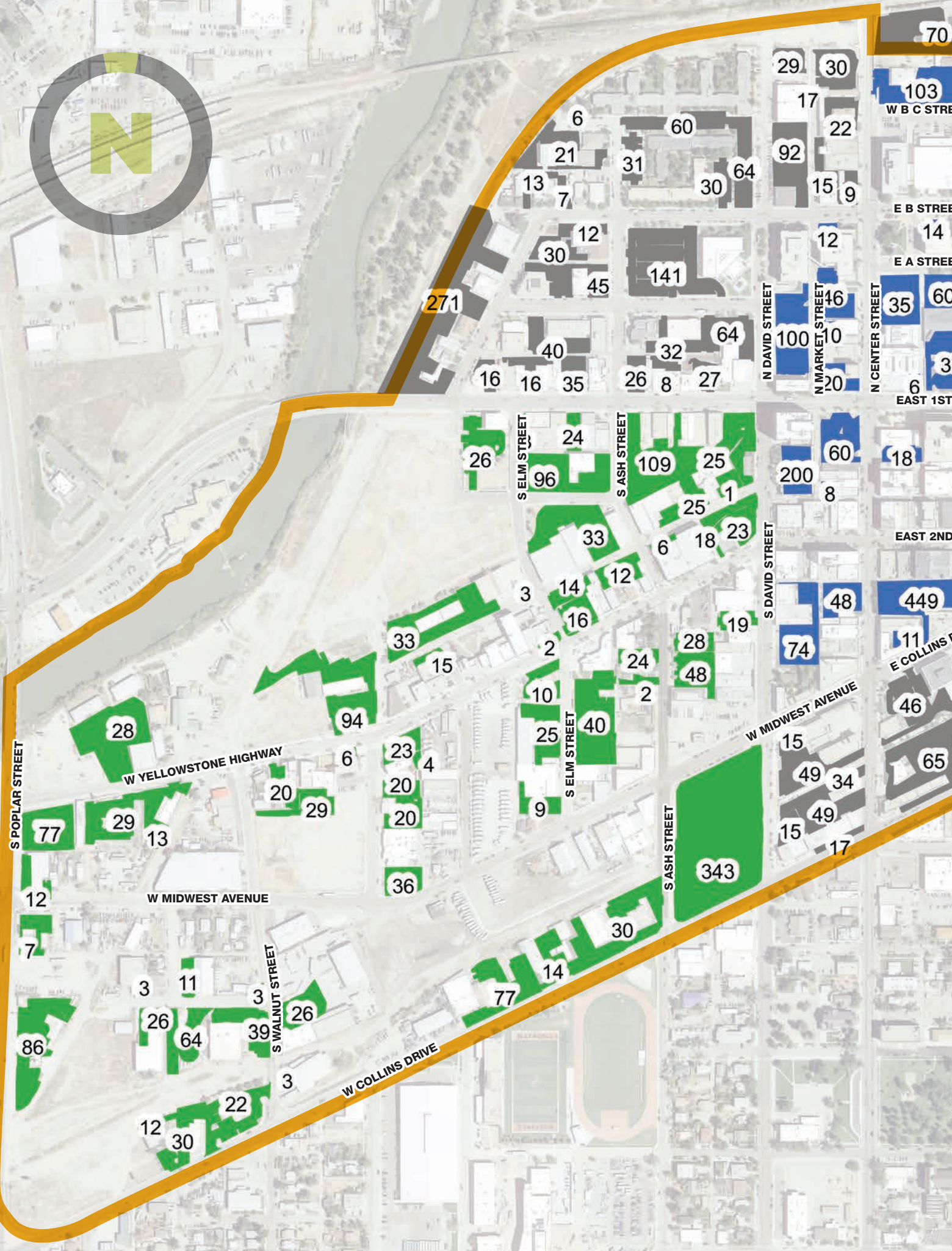
#### Study Area

The overall study area for this project is outlined below in orange. Two sub-areas were identified for special focus and deeper analysis into parking behaviors and trends based on their unique characteristics. These areas, shown below, are the Downtown Business District and the Old Yellowstone District.



Inventories of public and private parking facilities accessible to field technicians on the date of collection are shown below. Each facility is labeled with number of available parking spaces and highlighted to match its respective sub-area, where applicable, and summarized in the graphs and tables that follow.









## Off-Street Parking Inventory

### Key

Observed Parking Occupancy  
Peak Hour, 10:00am

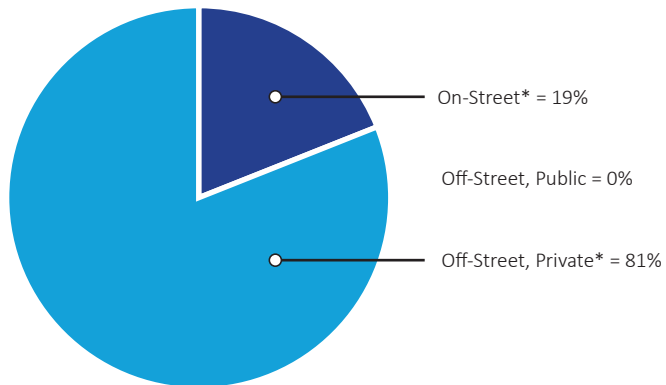
- Urban Center
- Downtown Business District
- Old Yellowstone District
- Project Boundary

### Off-Street Spaces Per Sub-Area

Study Area	Public Off-Street Spaces	Private Off-Street Spaces	Total Off-Street Spaces
Urban Center (overall study area)	509	6,079	6,588
Downtown Business District	509	994	1,503
Old Yellowstone District	0	1,896	1,896

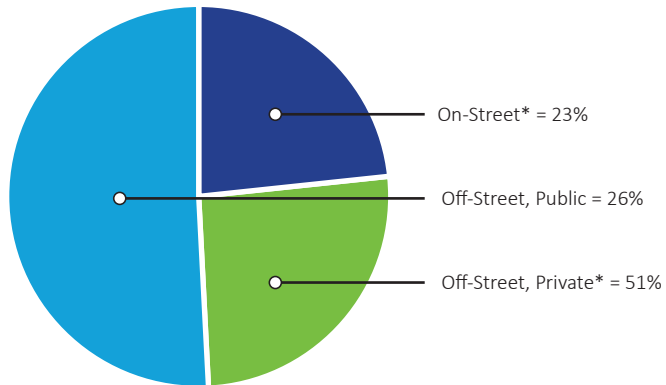


## Existing Parking Supply



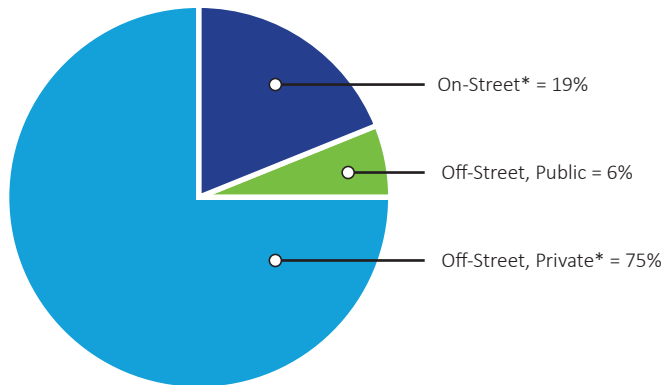
### Urban Center (Overall Study Area)

FACILITY TYPE	CAPACITY
On-Street*	1,512
Off-Street, Public	509
Off-Street, Private*	6,079
<b>TOTAL</b>	<b>8,100</b>



### Downtown Business District

FACILITY TYPE	CAPACITY
On-Street*	456
Off-Street, Public	509
Off-Street, Private*	994
<b>TOTAL</b>	<b>1,959</b>



### Old Yellowstone District

FACILITY TYPE	CAPACITY
On-Street*	443
Off-Street, Public	0
Off-Street, Private*	1,896
<b>TOTAL</b>	<b>2,339</b>

*\*Unmarked facilities are estimated based on 20 lineal feet per space divided by total uninterrupted feet of curb space or 350 square feet per space divided by total square footage of lot.*

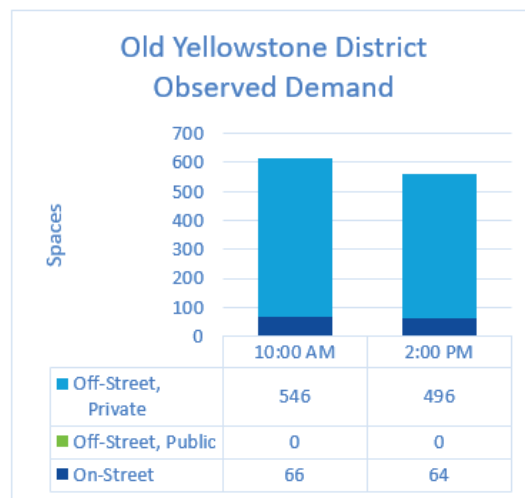
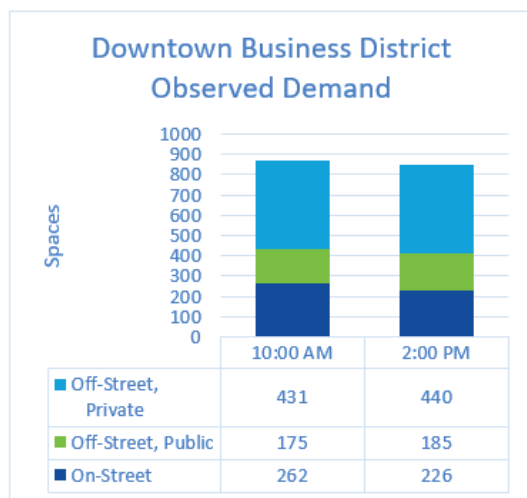
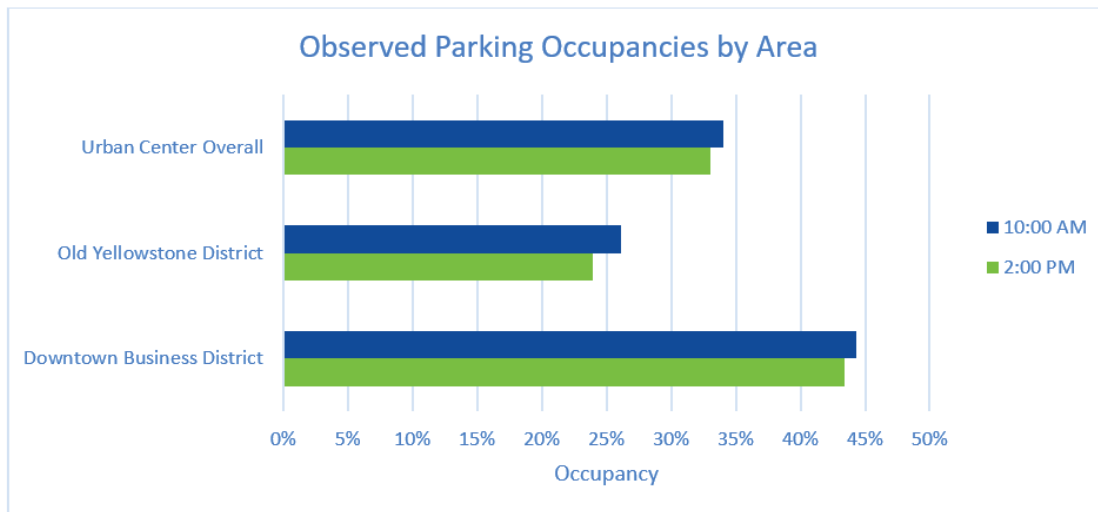


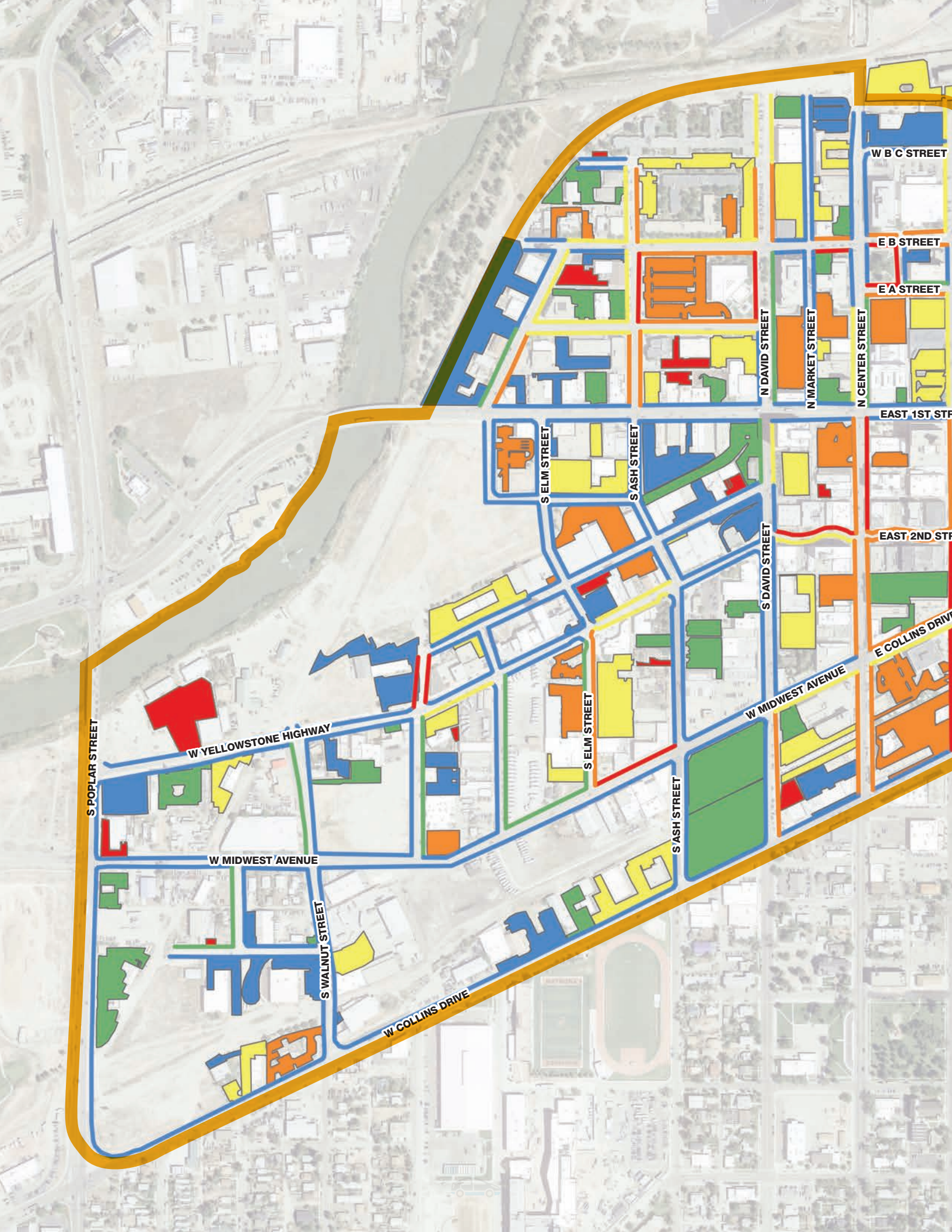
## Existing Parking Demand

Kimley-Horn performed manual counts to capture parking occupancy and behavioral data for the Study on Tuesday, December 12, 2017 with counts beginning at approximately 10:00AM and 2:00PM. This date was selected to represent a typical weekday at typical peak hours for a central business district.

The industry “best practice” threshold for identifying demand constraints for a system is when occupancies consistently reach 85% of capacity, known as “Effective Capacity.” Interestingly, this level of occupancy does not necessarily have to occur across the entire system for users to have trouble finding parking. When facilities with the highest demand (and in the most popular locations) are consistently full, the perception of parking availability can deteriorate throughout an entire urban center.

The figure below graphically depicts parking occupancies by type for the overall Study Area, whereas the heat maps on the following pages show parking occupancies by facility for each collection period. As demonstrated in the graph below, the peak hour was observed to occur during morning collection.





S POPLAR STREET

W YELLOWSTONE HIGHWAY

W MIDWEST AVENUE

S WALNUT STREET

W COLLINS DRIVE

S ELM STREET

S ASH STREET

S ELM STREET

S ASH STREET

S DAVID STREET

N DAVID STREET

N MARKET STREET

N CENTER STREET

W B C STREET

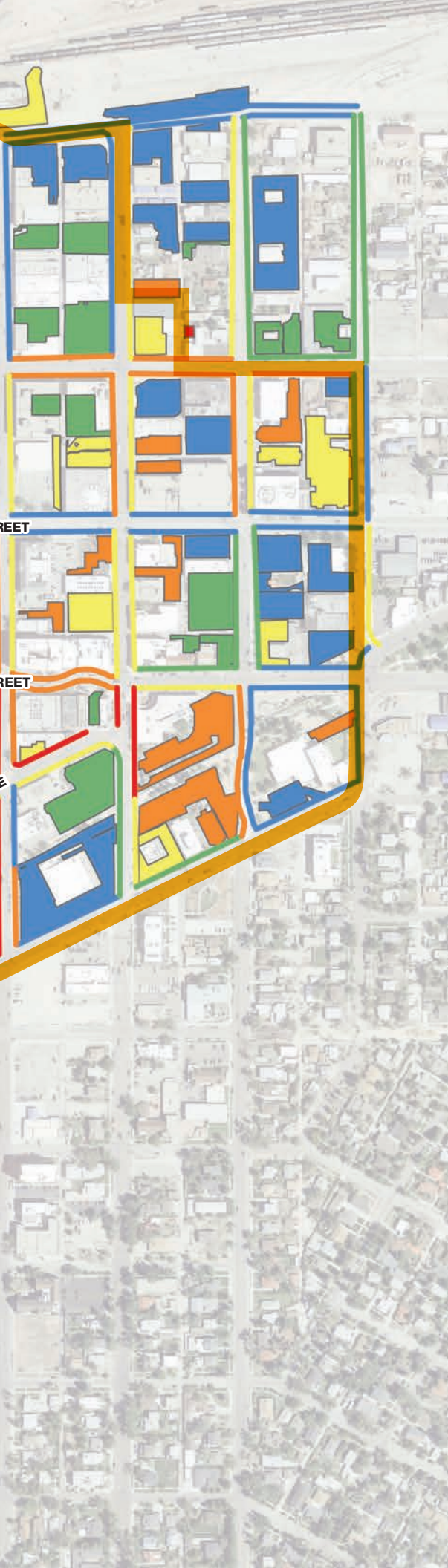
E B STREET

E A STREET

EAST 1ST STREET

EAST 2ND STREET

E COLLINS DRIVE



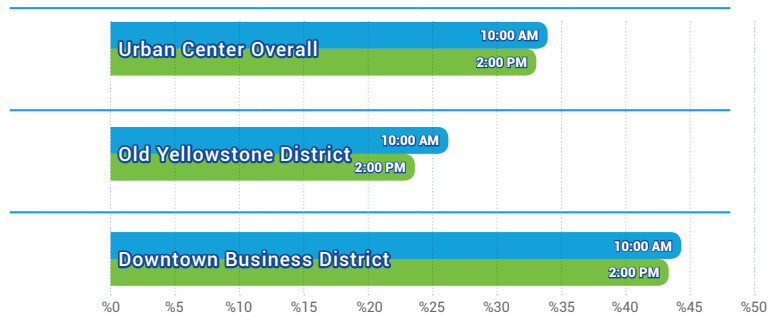
## Peak Hour Occupancy

### Key

#### Observed Parking Occupancy Peak Hour, 10:00am

- 0 – 50%
- 50 – 75%
- 75 – 85%
- 85 – 90%
- 90+%
- Project Boundary
- No Parking

## Observed Parking Occupancies by Area



## Average On-Street Parking Duration and Turnover

In addition to occupancy data, manual counts of on-street parking duration and turnover were performed on a sampling of core business district block-faces. Eight block faces encompassing 2nd Street between David Street and Beech Street were used for the parking duration assessment. This information was analyzed further to include insight into length of stay, turnover of availability, and violations within this area during the peak usage time-frame. Parking within this area has a two-hour time limit.

Block Face	Capacity	Number of Parked Vehicles by Length of Stay (hours)					Total Vehicles	Total Duration	Average Duration	Average Turnover	Number of Violations	Violation Hours
		0-1	1-2	2-3	3-4	4-5						
David to Center EB*	13	22	4	1	2	0	29	41	1.41	2.23	3	5
David to Center WB	12	8	15	1	1	2	27	55	2.04	2.25	4	9
Center to Walcott EB	13	38	4	1	0	0	43	49	1.14	3.31	1	1
Center to Walcott WB	13	42	5	0	0	0	47	52	1.11	3.62	0	0
Walcott to Durbin EB	10	26	5	0	0	0	31	36	1.16	3.10	0	0
Walcott to Durbin WB	12	25	7	2	1	1	36	54	1.50	3.00	4	7
Durbin to Beech EB	11	5	0	0	4	1	10	26	2.60	0.91	5	11
Durbin to Beech WB	8	6	4	2	0	1	13	25	1.92	1.63	3	5
<b>Total Area</b>	<b>92</b>	<b>172</b>	<b>44</b>	<b>7</b>	<b>8</b>	<b>5</b>	<b>236</b>	<b>338</b>	<b>1.43</b>	<b>2.57</b>	<b>20</b>	<b>38</b>

\*Parking in the right-on-way was partially blocked to accommodate off-street construction activities within a commercial business.

As the data in the table above indicates, parking along 2nd Street between David Street and Beech Street turned over approximately 2.57 times (compared to an industry standard goal of 5 - 6 “turns per space per day). The vehicles parking in these spaces stayed an average of 86 minutes (1.43 hours). Two block faces, however, were observed to exceed an average duration of stay beyond the 2-hour time restriction for the area. These included the eastbound side of 2nd Street between Durbin Street and Beech Street, as well as the westbound side between David Street and Center Street. It should be noted that construction efforts for an off-street commercial building were underway in the section between David Street and Center, and these spaces were utilized by related vehicles and equipment. Altogether, 20 time violations were observed within the five-hour time collection period for a total of approximately 38 violation hours. These violation hours represent an additional 19 vehicles that could have been accommodated in this area with no time violations.

The lack of parker compliance with posted time limits is significant and indicates a low level of enforcement. Effective utilization of time-restricted parking is dependent upon active enforcement that achieves the intended level of turnover. The level of turnover reflects how effectively those spaces are utilized. Since on-street parking is considered to be the most

## THE VALUE OF DOWNTOWN PARKING

Customer access to on-street parking brings sales directly to businesses.

**AVERAGE DAILY TURNOVER**  
PER OCCUPIED STALL



**AVERAGE RETAIL SALE**  
PER CUSTOMER TRANSACTION

**\$31.55**

**DAILY POTENTIAL RETAIL SALES**  
PER OCCUPIED STALL

**\$176.68**

**NUMBER OF SHOPPING DAYS**  
PER YEAR



**ANNUAL POTENTIAL RETAIL SALES**  
PER OCCUPIED STALL

**\$53,534**

Destination Downtown outreach staff conducted a parking study among 30 retail businesses in the downtown core.



convenient parking within the system, effective utilization of these spaces is important to the health of downtown business that depend on customer and visitor convenience.

This concept is best demonstrated in a recent study out of Vancouver, Washington which concluded that sales increased due to higher parking turnover rates because each parking space could accommodate more customers throughout the day. Having enforcement practices and regulations that promote turnover can have beneficial economic impacts. In the instance of Vancouver, having an average turnover rate of 5.6 vehicles per day, an average retail transaction of \$31.55, and 303 shopping days in the year, the potential retail sales per occupied stall was found to be \$53,534 per year.

<sup>1</sup>Employee Parking in Downtown Vancouver, WA, City of Vancouver, WA 2014 [https://www.cityofvancouver.us/sites/default/files/fileattachments/community\\_and\\_economic\\_development/page/17196/downtown\\_vancouver\\_employee\\_parking\\_guide.pdf](https://www.cityofvancouver.us/sites/default/files/fileattachments/community_and_economic_development/page/17196/downtown_vancouver_employee_parking_guide.pdf)

## Future Parking Demand

As noted in the parking supply/demand assessment earlier in this report, overall utilization of existing parking resources at the peak demand period is below 50%. By promoting shared parking and implementing a more active parking management function, much of the parking demand for the new development projects noted below can be accommodated using existing parking resources (apart from the proposed Convention Center project).

## Potential Development Sites

Looking forward, several potential development projects within the defined study area were identified for evaluation. Most are small and included the following:

1. Source Gas Property – to be used for multi-story residential (North of W Midwest Ave, between Walnut and Spruce). Project assumptions include:
  - A. All residential.
  - B. Assumed # of units: 30
  - C. Assumed number of bedrooms per unit: 2
2. Former Milos Property – to be used for office space, residential, and retail. (on NE corner of S Ash and W Midwest Ave). Project assumptions include:
  - A. 1 office for 3 employees (1,240 sf.)
  - B. 3 two-story retail/residential units
    - i. Retail: 3 units at 1,250 sf
    - ii. Residential: 3 units with 2 bedrooms per unit and 1250 sf/unit
3. Former Ka-Larks Property – to be used for retail. Across the street from the Wyoming Plant Company, 355 S Ash.
  - A. Assumed Retail Square Footage: 5,040 sf.
4. Former Livery Stable – to be used for retail
  - A. Assumed retail square footage: 9,640 sf.
5. Former Plains Building – possible uses include retail or public space, or mixture located at 322 S David St.
  - A. Assumed retail square footage: 29,000 sf.
6. Convention Center – although Council rejected the idea of the center going on the Former Plains Building parcel, this idea is still alive. The most plausible site at this point would be the site of vacant land along the River, along S Walnut St, just south of W 1st St. The last proposal that was made public said this would be a facility that would house 200 hotel rooms, a 55,000 square feet conference center and 400 parking spaces.

## Other Potential Parking Demand Impacts

While not technically a new development site, The Lyric, located at 230 S. Yellowstone Highway is seeing continued growth and success. Their intent is reportedly to grow to a point where they can host events that may bring in several hundred, if not 1,000 individuals, in a single evening.

See map of potential development locations on the following page.



## Future Parking Demand Projections

The following table summarizes the projected parking demands for each of the potential development projects above.

Forecast Parking Demand from Anticipated Developments								
Location	Land Use/Units of Measure	Quantity	ITE #	Rate		Demand	Reduction for Transit / TDM	Total Demand
Source Gas Property	Residential (Units)	30	230	1.46	per unit	44	5%	42
Former Milos Property	Office (Sq. Ft.)	1,240	701	2.4	per KSF	3	5%	3
	Retail (Sq. Ft.)	3,750	820	2.65	per KSF	10	5%	10
	Residential (Units)	3	230	1.46	per unit	5	5%	5
The Lyric (Future expansion)								
	Lobby - Banquets/Weddings	400 seats	NPA	0.3/seat	seats	120	5%	114
	Large Theaters (4 each: 231 seats)	924 seats	NPA	0.3/seat	seats	277	5%	263
	Small Theaters (4 each: 100 seats each)	400 seats	NPA	0.3/seat	seats	120	5%	114
Farmer Ka-Larks Property	Retail (Sq. Ft.)	5,040	230	1.46	per KSF	8	5%	8
Former Livery Stable	Retail (Sq. Ft.)	9,640	820	2.65	per KSF	26	5%	25
Former Plains Building	Retail (Sq. Ft.)	29,000	820	2.65	per KSF	77	5%	74
Convention Center	Hotel (rooms)	200	ULI	1.25	per room	250	5%	238
	Convention Center (Sq. Ft.)	55,000	ULI	8	per KSF	440	5%	418
<b>Total:</b>						<b>1380</b>		<b>1314</b>

## State Campus Development in the Old Yellowstone District

While information on this potential development project has been limited, plans for a new state office building complex are moving forward in the general area outlined below:

An estimated parking demand of between 400 and 450 surface parking spaces is anticipated to be provided by the State if this project proceeds.







## Future Development Projects Analysis

Given the cluster of proposed development projects and the success and prospect of continued growth of The Lyric as indicated on the map below, the lot indicated on the map with a star should be considered as a potential public parking development site. It is estimated that between 140 and 175 spaces could be gained on this lot depending on configuration, landscaping, etc.

This cluster of development is also very close to the existing City parking structure, creating further justification for some significant investment in parking structure improvements to enhance the attractiveness, safety and utilization of this parking asset.



## Summary

Based on the limited parking supply/demand assessment detailed above, the City of Casper does not have a parking supply problem (even at the peak parking demand periods, overall demand never exceeded 50% of the parking supply). What Casper currently needs is greater parking management expertise and a reorganization of the approach to parking and overall “access management”.





# Current Parking Program Assessment

SECTION

# 4

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## IV. Current Parking Program Assessment

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This chapter provides an overview of the current parking management functions currently in place in Casper, WY and identifies several key issues that will be addressed later in this report.

### Authority and Legal Framework

- The Casper Parking Ordinance (Chapter 10.36 of the municipal code) outlines the general rules, regulations and prohibitions related to parking in the downtown Casper area.
- Per the ordinance, the city manager, by and through his or her designee, is hereby authorized to develop and enforce rules and regulations, designate and post prohibitions, limitations, regulations and exceptions thereto, regarding parking motor vehicles within the city limits of Casper.
- The ordinance lays out a number of “general parking rules and prohibitions”, defines recreational vehicles, addresses vehicle removal authorization, defines penalties and enforcement, etc.

### Operational Guidance

#### Parking Regulations Manual *(Dated April 20, 2010)*

This document was provided for review and provides the following information:

- A review of the Casper Municipal Parking Code (Section 10.36)
- An overview of parking in the downtown district
- Permanent reserved parking permit types and application processes
  - Handicapped parking permit
  - Recreational vehicle parking permits
  - Loading zone parking permits
  - Critical parking – Schools parking permit
  - Parkway parking permits
- Temporary parking permit types and application processes
  - Temporary special needs parking permits
  - Construction parking permits
- Courtesy parking tickets and permits
- Bus stops
- Snow emergency routes

#### Special Events Policy *(Draft)*

The Special Events Planning Guide and Policy document includes elements such as:

- Event types/classifications
- Authorization and permitting
- Fees
- Notification Plan
- Required event planning forms, including:
  - Event site plan
  - Emergency Action Plan
  - Closure of streets, trails and sidewalks
  - Waste management plan
  - Public notification plan
  - Parking plan
  - Security plan
  - Weather contingencies
  - Insurance

#### Event Parking Plan *(Required for all events)*

- Customers will need to anticipate the parking needs of their attendees. Parking is legal on most city streets within the City of Casper, and many parks and public places have their own parking lots. But for many events,



available on-street parking and parking in public lots will not be sufficient to accommodate all of the attendees. The parking plan will need to include a reasonable estimate for the number of cars that will be at the event, and the Plan should explain how the Customer will arrange to ensure that those parking spaces will be available for their guests.

- Parking plans will likely include some combination of the following:
  - An assessment of on-site parking capacity, including on-site parking lots and nearby street parking spaces.
  - Advisories and/or advertising that instruct attendees on where to park and how to get to the event.
- Arrangements made with the owners of nearby private parking lots. This might include:
  - Lots owned by area businesses, schools, or churches. The owner of these lots will need to certify that these arrangements have been made.
  - Parking Attendants,
  - Plans that involve attendees parking farther than they normally would from the event site, including the Customer’s plan for how to inform attendees of this fact, and how to encourage attendees to follow this plan.
  - For very large events: shuttle busing from designated parking areas.

## Organization

- City provides on-street parking enforcement
- City provides maintenance services to public parking facilities
- DDA manages the municipal parking garage and the “1st and Center” parking lot under a limited management agreement

## Off-Street Parking Resource Management

- Provided primarily by the DDA via a limited management agreement.
  - Per the management agreement (Contract for Professional Services) recitals:
    - The City is seeking professional services related to management of the Municipal Parking Structure located at 230 South Wolcott Street, hereinafter known as the “Facility” and the Municipal Parking Lot located at 106 North Center Street, hereinafter known as “Parking Lot No. 1;”.
- Key terms of the management agreement are spelled out in the agreement documenting specific responsibilities of both the DDA and the City of Casper.
- Time of Performance:
  - The services of the Contractor shall be for four and one-half (4 ½ ) years beginning January 1, 2016 and ending on June 30, 2020. With the consent of the City Council and the Board of Directors of the Contractor, this contract may be renewed on an annual basis without any changes in the provisions.
- The City parking garage is operated:
  - Monday – Thursdays from 11:00 AM – 10:00 PM
  - Fridays from 11:00 Am – 12:00 AM
  - Saturdays and Sundays – Free Parking
  - Monthly parking rates for the garage are:
    - \$37/month for “covered parking”
    - \$32/month (Business rate for multiple spaces)
    - \$14/month for uncovered parking
    - Costs for the 1st and Center Lot is \$32/month



## On-Street Parking / Enforcement

Per the Casper Police Department provided organizational chart (dated 2016), the force has approximately 142 positions (99 Sworn officers and 43 civilian officers). 3 the civilian officers are noted on the organization chart under the Field Operations Bureau/Traffic and Schools Unit as Community Service Officers (CSOs)/Parking.

Casper Police Department uses the DigiTicket and Cardinal systems to issue parking citations. Both systems are operated by computer and attached to the City of Casper computer network.

DigiTicket is a system used by all sworn and non-sworn officer that enforce traffic and parking violations. DigiTicket also communicates directly with the Casper Municipal Court systems for criminal cases. DigiTicket does allow the user to input the owner/driver information into the system. DigiTicket does not have a timed parking feature.

The Cardinal system communicates directly with TicketTrack which is a system used by the City of Casper Finance Division. Cardinal is only used for downtown timed parking. This system allows the user to place a registration into the system, time stamp that registration and then will automatically print a parking citation if the registration is placed in the system again after a 2 hour time limit. This system has its positive aspects as it allows the user to monitor 2 hour parking limits with ease. The negative aspect of the system is that it does not allow the user to input owner information, thus causing the issue with "Owner-less Tickets" being written.

Some other technologies being considered by the Casper Police Department are:

- Digital Parking Meters
- License Plate Readers
- The use of video or "Coban Video" to mark cars in 2-hour limit parking spaces.



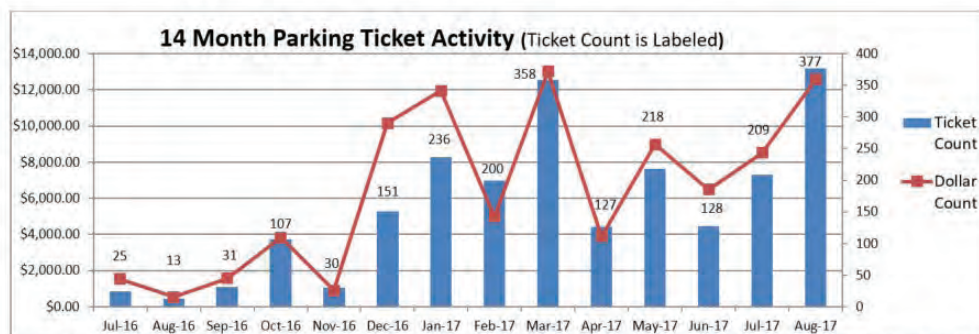
## Key Issues

Currently it is very difficult to enforce parking violations in downtown Casper in a marked vehicle due to the layout of streets in the downtown area.

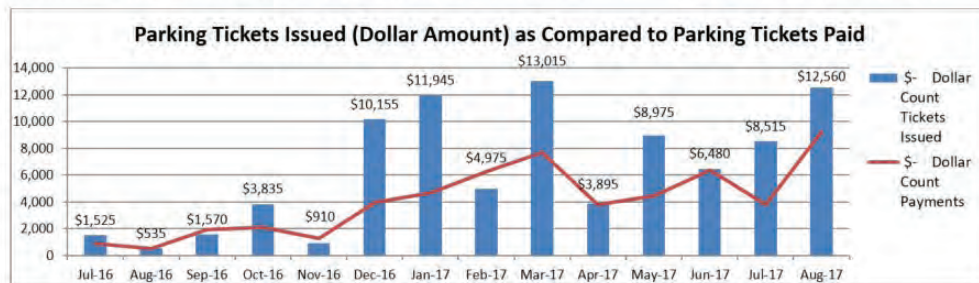
Recently the Casper Police Department has become aware of an issue within the process of collecting fines for Parking Violations that are issued by the Casper Police Department Officers and Community Service Officers.

Currently the City of Casper Finance Department voids parking citations and fines that are not paid within 60 days. A recent examination of just the first week of January 2016, \$750.00 in parking violation fines were voided simply because the person receiving the citation failed to act upon it.

One of the issues faced by the Finance Department was dealing with "Owner-less Tickets" or tickets that are issued simply to the license plate or Vehicle Identification Number and do not list a name and address for an owner or responsible party.



As of October 12, 2017 the parking ticket receivable is \$75,627, with a total count of tickets in Ticketrak at 1,551. Of these 1,551 tickets 261 of are ownerless. The ownerless tickets account for \$7,985 of the \$75,627 balance. Ownerless tickets are consistently voided to keep count down.





## Analysis:

A report entitled “History of Parking Ticket Activity since January 2015 – October 2017” was reviewed and analyzed. The table to the right summarizes the key results:

- Currently there is nothing written into the Casper City Parking Ordinance that addresses the two-hour limits on downtown parking. It is routine for the Community Service Officers to produce a copy of the current signage posted in the downtown area for the court to enforce parking violation.
- Recently the Casper Police Department has become aware of an issue within the process of collecting fines for Parking Violations that are issued by the Casper Police Department Officers and Community Service Officers.
- Citizens that received parking citations are advised that they have 10 days to pay the fine or set a court date to dispute the charge. If the citizen does not address the issue within ten days a notice is sent to the citizen advising them that they have an outstanding parking violation that they need to address. After that process is completed, no further follow up takes place and no enforcement action will be taken. Therefore, there is no repercussion for citizens who choose to ignore the fact that they have received a parking citation.
- Currently the City of Casper Finance Department voids parking citations and fines that are not paid within 60 days. The current practice makes the job of enforcing parking within the City of Casper useless at best. A recent examination of just the first week of January 2016, \$750.00 in parking violation fines were voided simply because the person receiving the citation failed to act upon it. The number of citations issued that week was 22 and 11 of those were voided due to inaction resulting in a 50% dismissal of issued citations.
- One of the issues faced by the Finance Department was dealing with “Owner-less Tickets” or tickets that are issued simply to the license plate or Vehicle Identification Number and do not list a name and address for an owner or responsible party. The Casper Police Department Community Service Officers have created a shared document between Finance and their office that allows the Community Service Officer to locate responsible information, place it into the document, allowing the Finance Customer Service Representative to place a name with the violation and send out a notice. This however, does nothing to alleviate the issue with citation and fines being voided due to inaction.
- The Community Service Officers also completed a Parking Comparison by reaching out to similar sized departments in Wyoming and surrounding states to determine how they enforce parking violations in their jurisdiction. This study found that most other jurisdictions either function the same as Casper by voiding tickets that are not addressed within 60 days or they hire a collection agency to collect fines that are older than 60 days.
- Below in information gathered as of October 12, 2017 related to citations issued and voided for a two year period.
- Of approximately \$89,000 is issued citations, nearly \$55,000 in citations were paid. This equates to approximately a 62% “citation collections ratio”, compared to an industry standard of approximately 80%.
- Another area of note is the wide variation of citations issued per month. Based on the 14-month sample provided, the average monthly dollar value of citations is approximately \$6,350. The highest monthly citation value was noted in March 2017 with a total of \$13,015 (over double the average month value) and the lowest monthly citation value was in August 2016 with only \$535 in citations issued.

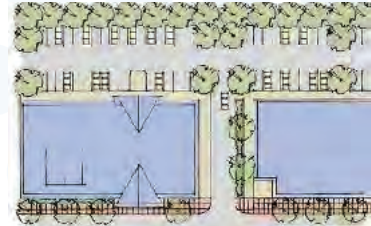
		Tickets Issued (\$ Value)	Tickets Paid (\$ Value)
2016	JUL	\$1,525.00	\$915.00
	AUG	\$535.00	\$530.00
	SEP	\$1,570.00	\$1,620.00
	OCT	\$3,835.00	\$2,000.00
	NOV	\$910.00	\$710.00
	DEC	\$10,155.00	\$4,000.00
2017	JAN	\$11,945.00	\$4,200.00
	FEB	\$4,975.00	\$6,000.00
	MAR	\$13,015.00	\$7,950.00
	APR	\$3,895.00	\$3,900.00
	MAY	\$8,975.00	\$4,200.00
	JUN	\$6,480.00	\$6,400.00
	JUL	\$8,515.00	\$3,900.00
	AUG	\$12,560.00	\$8,600.00
		<b>\$88,890.00</b>	<b>\$54,925.00</b>
<b>Approximate "Citation Collections Ratio" = 62%</b> <b>Industry Standard is 80%</b>			



Section 17.94.100 of the Casper Municipal Code (Parking Regulations) was reviewed as part of the current program assessment review. This section of the code deals with building uses and parking requirements in the Old Yellowstone District. Another section of the code, Section 17.94.110 addresses Shared Parking Agreements. This is an important topic and is addressed in the strategic plan.

A document entitled “Site Development Standards - Parking Lot Design” was reviewed. It addresses parking lot design, including adherence to the principles of Crime Prevention Through Environmental Design (CPTED), traffic patterns, pedestrian safety, lighting, screening, drainage, construction requirements, etc. Parking is also addressed as an element of the City’s Form-Based code.

*Parking located at the rear of building. From Form-Based Code.*





# Peer City Parking Programs

SECTION

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## V. Peer City Parking Programs

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The following “Peer City” reviews provide “Case Study Snap Shots” of similar sized municipalities. Casper is just beginning to consider a more comprehensive approach to parking management. The following four programs provide a snapshot of how these other communities integrate parking management into their larger community development strategies and provides some sense of their program’s size and scope.

It is recommended that the City of Casper reach out to these peer cities and develop a cooperative relationship with the parking and mobility programs of these communities. Based on our experience, these communities will be extremely helpful in sharing their knowledge, experience and expertise as Casper begins to focus on enhancing their parking management program.



# Boulder



## City of Boulder Parking Services, Boulder, Colorado • Population 103,840

### Program Overview

Boulder Parking Services manages the parking garages, on-street systems and enforcement for Boulder's three major commercial areas: downtown Boulder, University Hill and, when completed, Boulder Junction. They also manage 10 Neighborhood Permit programs throughout the City. Their mission is to provide quality parking programs including: enforcement, maintenance, and alternative modes services through the highest level of customer service, efficient management and effective problem solving.

### Quick Stats

- 2,700 on-street spaces
- 2,194 spaces in garages
- 1,300 bike parking spaces
- 6,392 EcoPass holders
- On-street paid parking via multi-space meters
- Pay-by-phone available
- Offers free weekend parking in garages
- Enhanced wayfinding through variable messaging signage
- Piloting sensors in garages to indicate space availability
- Installed parking meters in 1946
- 2014 parking revenue: \$10,721,689

### Revenue for 2014 by Sources

- On-street meter – 33%
- Short term garage-hourly – 17%
- Long term garage-permits – 26%
- Parking products – garage/on-street – 6%
- NPP-resident/commuter – 1%
- Enforcement – 16%

### Downtown Vitality

- Average Commercial Lease (Rent)/Sq. Ft.: \$29.01
- Retail Mix:
  - Retail: 60%
  - Restaurants and Bars: 40%
- Retail Sales Mix:
  - Restaurants and Bars: 55%
  - Retail: 45%
- Downtown Vacancy: Very low (<3%)





## Challenges & Opportunities

- Boulder's parking management and parking district system has a long history, with the first parking meters installed on Pearl Street in 1946. During the past decades, Boulder's parking system has evolved into a nationally recognized, district-based, multi-modal access system that incorporates transit, bicycling and pedestrians, along with automobile parking.
- The City takes an integrated approach to parking management and actively encourages the use of alternative modes of transportation. 56% of people accessing downtown by car, 19% walk, 9% take the bus, 9% bike and 9% use other methods like carpooling.
- Boulder has a sophisticated customer base that is used to shopping in larger cities where on-street paid parking is common, so they don't hear a lot of complaints from customers about paying for parking.
- Revenue from on-street paid parking supports other downtown initiatives, including and EcoPass for all downtown employees, Transportation Demand Management efforts and downtown amenities like public art and pop-jet fountains.
- There is a fairly "significant" group of downtown business owners who feel that on-street parking should be free. However, downtown Boulder inc. (DBI) staff indicate that on Sundays when parking is free, all on-street spaces are completely filled by employees hours before any businesses even open.
- Even with the City's strong emphasis on encouraging the use of public transit, biking and walking when accessing downtown, there is still a 1,500+ person waiting list for a downtown parking permit and an estimated shortage of nearly 2,500 additional spaces by 2022.
- Due to the limited supply of parking in downtown Boulder, there is not enough parking inventory to support both employees and customers, so the DBI supports the City charging for parking on-street.
- As part of an ongoing, multi-year planning project (Access Management and Parking Strategy or "AMPS"), the City is creating a toolbox of funding mechanisms (i.e., Parking Benefit District, TDM District) for commercial districts who want to manage parking and raise revenue.

## Contact Information

**Ms. Melissa Yates**  
*Department of Vitality*  
City of Boulder

Phone: 303.413.7300

Address: 1500 Pearl Street, Suite 302  
Boulder, Colorado 80302

Email: [YatesM@BoulderColorado.gov](mailto:YatesM@BoulderColorado.gov)

# Missoula



## Missoula Parking Commission, Missoula, MT • Population: 69,122

### Program Overview

The Missoula Parking Commission (MPC) manages three parking garages, 12 surface lots, the on-street system and enforcement for downtown Missoula. They also manage a Residential Permit Parking Program adjacent to the University of Montana. Their mission is to work with government, businesses and citizens to provide and manage parking and parking alternatives – the MPC identifies and responds to changing parking needs and opportunities.

### Quick Stats

- 1,100 on-street spaces
- 1,275 spaces in garages
- 200 bike racks
- Installed parking meters in 1948
- Currently implementing new multi-space meters and Pay-by-Phone
- Offer “1st hour free” in garages
- 2014 parking revenue: \$1,557,656

### Revenue for 2014 by Sources

- Lease spaces – 44%
- Parking meters – 31%
- Parking tickets – 14%

### Downtown Vitality

- Average Commercial Lease (Rent)/Sq. Ft.: \$15.12
- Retail Mix:
  - Retail: 65%
  - Restaurants and Bars: 35%
- Retail Sales Mix:
  - Retail: 60%
  - Restaurants and Bars: 40%
- Downtown Vacancy: 13%







### Challenges and Opportunities

- The Missoula Parking Commission's biggest focus right now is working on implementation of new smart meter technology and transitioning to a different rate structure (from .25/hour to \$1.00/hour). They have selected multi-space meters with a Pay-by-Phone option.
- Their second biggest priority is stakeholder and community education. The MPC works to communicate pro-actively to stakeholders about why rates are changing and that there are multiple options available for customers including less expensive off-street garage parking.
- The Missoula Downtown Partnership (MDP) actively works with the MPC to keep downtown stakeholders informed about the changes in parking management policy and technology.
- While there is a small vocal downtown business owners group who feel that parking should be free on-street, the MDP supports the MPC's use of on-street paid parking to ensure turnover and availability for customer parking.
- MDP staff and board members were heavily involved in the community engagement efforts that surrounded the recent selection of new parking meter technology for downtown Missoula.
- Increased meter rates have allowed the MPC to decrease their reliance on revenue from fines, and they have seen compliance increase and fine revenue decrease.
- The MPC recently used meter revenues to invest in the award-winning Park Place parking structure. Almost immediately after the commitment was made to build Park Place, a developer purchased a significantly-sized adjacent property that had long been vacant.
- Having meters provides a diversified revenue stream that has helped MPC navigate the recession.

### Contact Information

**Mr. Rod Austin**  
*Director*  
Missoula Parking Commission

Phone: 406.552.6250  
Address: 128 West Main Street  
Missoula, Montana 59802  
Email: [RAustin@ci.missoula.mt.us](mailto:RAustin@ci.missoula.mt.us)

# Eugene



## Epark: City of Eugene Parking Services • Population: 159,190

### Quick Stats

- 996 on-street spaces
- 2,627 spaces in garages
- 917 bike spaces; 100 bike racks
- On-street parking is a mixture of coin-operated and single-space credit card meters
- Pay-by-phone available (off-street only)
- Offer "1st hour free" in two largest garages (~1,000 spaces)
- Installed parking meters in 1939
- 2014 parking revenue: \$3,100,000

### Revenue by Sources

- Leased commercial space: 18%
- Monthly garage permits: 41%
- On-street meter revenue: 19%
- Daily garage parking: 12%
- Citations (in garages): 1%
- Special events: 3%
- Citations (on-street): 6%

### District Vitality

- Average Commercial Lease (Rent)/Sq. Ft.: \$24.00
- Retail Mix:
  - Retail: 50%
  - Restaurants and Bars: 50%
- Retail Sales Mix:
  - Retail: 36%
  - Restaurants and Bars: 34%
  - Other: 30%
- District Vacancy: 25%





### Challenges and Opportunities

- Epark Eugene has parking management jurisdiction for the entire city of Eugene including enforcement of public streets on the University of Oregon campus. The downtown program (which includes 52-block area) accounts for about half the overall program in size and in revenue generated.
- There is a mixture of coin-operated meters and single-space credit card enabled meters throughout downtown Eugene and on the University of Oregon campus. Multi-space meters are also being piloted in some areas.
- The City is currently transitioning from a Residential Parking Permit Program (RPPP) that costs \$40/annually to a market-based fee structure that will cost \$150 per quarter (or \$600/annually).
- In 2010, parking meters were removed from a 12-block area in downtown Eugene where the City wanted to incentivize redevelopment. Now that the area is nearly redeveloped, the business owners are asking the City to reinstall meters to encourage turnover and address the issue of employees parking on-street.
- The biggest challenge that Epark is currently facing is its decentralized organizational structure. Maintenance of the off-street facilities is currently managed by another City department, as is fine adjudication.
- Downtown Eugene offers a variety of transportation options, including bus depot, train station and Bus Rapid Transit connect to the University of Oregon.
- According to the Eugene Chamber (Downtown Eugene Inc.), off-street garages are almost never at capacity, however there are very few available on-street spaces.
- While downtown vacancy is at about 25%, this is mostly because there are a few very large vacant spaces; most of the smaller retail spaces leased at the beginning of summer 2015.
- Downtown retail is majority locally-owned and can be very seasonal; there are some businesses that aren't open for months at a time (especially when school is not in session).
- Parking garage safety is biggest concern for downtown business and property owners.

### Contact Information

**Jeff Petry**  
*Parking Services Manager*  
City of Eugene, Oregon  
EparkEugene.com

Phone: 541.682.5079  
Address: 99 West 10th Avenue  
Eugene, Oregon 97401  
Email: [jeff.t.petry@ci.eugene.or.us](mailto:jeff.t.petry@ci.eugene.or.us)

# Spokane



## City of Spokane Parking Services • Population: 212,052

### Program Overview

In the downtown core, Spokane's 800 modern parking meters accept Visa, Master Card, and most American coins, providing multiple payment options for new visitors and regular users. Outside the downtown core, customers will see 2,700 traditional coin-operated parking meters that have been in use for decades.

The City is currently rolling out a Pay-by-phone option for all of the meters, whether modern or traditional, which is available for many of the meters now and should be completed over the next several months.

### Contact Information

#### Andrew Rolwes

*Vice President of Public Policy and Parking  
Downtown Spokane Partnership*

Phone: 509.456.0580 ex 109

Fax: 509.747.3127

Address: 10 N Post Street, #400  
Spokane, WA 99201

Email: [ARolwes@Downtownspokane.net](mailto:ARolwes@Downtownspokane.net)

### Quick Stats

- 9,401 total parking stalls
- 3,500 on-street spaces
- 5,901 off-street in 29 lots and garages
- 917 bike spaces; 100 bike racks
- On-street parking is a mixture of coin-operated and single-space credit card meters
- Pay-by-phone being implemented in 2015-2016
- Offer "1st our Free" in two largest garages (~1,000 spaces)
- Installed parking meters in 1939
- 2014 Parking Revenue: \$3,100,000

### Revenue

- Leased commercial space: 18%
- Monthly garage permits: 41%
- On-street mater revenue: 19%
- Daily garage parking: 12%
- Citations (in garages): 1%
- Special events: 3%
- Citations (on-street): 6%

### Downtown Vitality

- Retail Mix:
  - Retail: 50%
  - Restaurants and Bars: 50%
- Retail Sales Mix:
  - Retail: 36%
  - Restaurants and bars: 34%
  - Other: 30%
- District Vacancy: 25%

# Washington



## Peer City Parking Program Summary

These “Peer City Reviews” are provided to give an overview of the scope and programs of several similar communities who have fairly sophisticated and well-developed parking programs. Rather than “peer cities” we consider these to be “cities we can learn from”. Contact information for the leaders of these community parking programs have been provided. Each contact listed has agreed to be a resource for the City of Casper and share information on their program as you continue to evolve your parking program. Developing a solid network of peer communities can be an effective way to learn and improve your program over time.



# Community Engagement and Communications

## SECTION

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## VI. Community Engagement and Communications

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### Community Outreach Overview

From December 2017 through February 2018, the Casper Urban Center Parking Plan Project Team led a multi-faceted outreach campaign designed to discover, frame and prioritize feedback from downtown and community stakeholders related to the current and future parking experience in Casper’s Urban Center.

This chapter provides an overview of the variety of opportunities for stakeholder engagement and education that were offered throughout the project, highlights consistent themes – observed by the consultant team and self-reported by the community – and concludes with strategies for incorporating identified stakeholder priorities into the Urban Center Parking Plan.

The chapter is organized as follows:

- In-Person Community Outreach Event Summaries
  - A. Project Kick-off & Town Hall Meeting
  - B. Informal Downtown Business Owner Discussion
  - C. Project Open House
  - D. “Coffee Talk” Session
- Feedback from Project Steering Committees – Technical and Community Stakeholder
- Online Survey Results
- Summary of Stakeholder Priorities and Key Themes
- Conclusion



## In-Person Community Outreach Event summaries

Several in-person events (all open to the community and publicized widely via traditional and social media) provided the foundation for the parking plan's community outreach strategy. The following section summaries each in-person event along with key themes.

### Town Hall Meeting

#### Overview

- **Date:** Wednesday, December 13, 2017, 5:30-7:30 p.m.
- **Location:** Fox Theatre
- **Format:** 30-Minute Presentation + 30-Minute Q&A
- **Attendees:** Approximately 30

#### Key Themes

- **Increasing Demand:** Upcoming development projects in and around downtown will impact levels of parking demand.
- **Permit Programs:** Need to address food truck regulations.
- **Enforcement:** Need to encourage compliance without discouraging visitors from coming downtown.
- **Parking Space Size and Design:** Need to address angled vs. parallel parking and size appropriately for predominant vehicle size.

### Downtown Business Owner Informal Discussions

#### Overview

- **Date:** Tuesday, February 13, 2018, between 9:30 – 11:00 a.m.
- **Businesses Visited:** Four (4) – one coffee shop / deli and three retailers (furniture, apparel and audio/visual)

#### Key Themes

- **Employee/Owner Parking:** Some employees and store owners park on-street rather than in designated off-street lots.
- **Validation Program:** Current program is not well-understood by business owners nor the parking public.
- **Enforcement:** Inconsistent enforcement of time limits, both perceived and observed.
- **Pedestrian Safety:** Perception that some downtown streets are unsafe for pedestrians; vehicles move quickly and do not yield appropriately for pedestrians at crosswalks.
- **Signage and Communication:** Need improved on-street signage to help encourage use of the parking garage and to indicate where public parking is available.
- **Loading Zones:** Few options for downtown stores, often temporarily park on street with flashers on for loading/unloading.



## Community Open House

### Overview

- **Date:** Tuesday, February 13, 2018; 11:00 a.m. – 3:00 p.m.
- **Format:** Four (4) Stations with Boards, staffed by consultant team members and MPO staff members
- **Materials:** Seven (7) Information Boards, Activity Board, Online Survey Station, Comment Box

### Key Themes

- **Pedestrian and Bicycle Enhancements:** Pedestrian walkways, pedestrian malls, and additional bike lanes are needed to improve the pedestrian experience and encourage longer walking tolerances.
- **Employee Parking:** Suggest incentivizing employees (via lower monthly pricing) to use off-street facilities and the parking garage.
- **Parking Space Size and Design:** Identify opportunities to maximize curb space by determining appropriate application for angled vs. parallel parking; please keep in mind that many individuals in Wyoming drive larger vehicles when calculating parking stall size.
- **Residential Parking:** There are limited options for downtown residents due to on-street restrictions.
- **Enforcement:** Enforcement improves (temporarily) when complaints are made; however, enforcement could be improved during both peak and non-peak times.
- **Permit Programs:** Need to address food truck regulations.
- **Paid Parking:** On-street metered parking should be considered in high demand areas.

## “Coffee Talk” Session

### Overview

- **Date:** Wednesday, February 14, 2018. 7:00 – 8:00 a.m.
- **Format:** Brief Presentation + Q&A session

### Key Themes

- **Pedestrian Safety:** Perception that some downtown streets are unsafe for pedestrians.
- **Permit Programs:** Need to address food truck regulations.
- **Parking Space Size and Design:** Identify opportunities to maximize curb space by determining appropriate application for angled vs. parallel parking; please keep in mind that many individuals in Wyoming drive larger vehicles when calculating parking stall size.
- **Enforcement:** Need to encourage compliance without discouraging visitors from coming downtown.
- **Streetscape:** Need to address parklets and other private usage of on-street parking spaces (i.e., construction staging).
- **Employee Parking:** Need to address where downtown employees should park, especially lower-wage earner / service employees.
- **Increasing Demand:** Upcoming development projects in and around downtown will impact levels of parking demand.
- **Local Context:** Recommendations need to be tailored to Casper to fit within the local context; sensitive to “general” recommendations.
- **Clear, Consistent, and Straightforward Recommendations:** Parking management and signage should be clear, straightforward, and easy to understand.

## Feedback from Project Steering Committees

Two complementary Steering Committees were assembled to help guide the development of Casper's Urban Center Parking Plan: a Technical Steering Committee consisting of key City and MPO staff, and a Community Stakeholder Committee consisting of downtown retailers, restaurateurs, property owners and business owners. The following section summarizes the key themes and priorities of both groups.

### Technical Steering Committee

#### Overview

- Members: 9
- Meetings:
  - A. Wednesday, December 13, 2017
  - B. Wednesday, February 14, 2018

👤 Andrew Beamer .....Public Services Director  
👤 Shad Rodgers.....Streets Superintendent  
👤 Liz Becher .....Director of Community Development  
👤 Craig Collins.....City Planner  
👤 Sgt. Scott Jones.....Casper Police Department  
👤 Jackie Warney .....Casper Police Department  
👤 Kevin Hawley .....Casper DDA  
👤 Pam Jones .....Casper Area MPO  
👤 Aaron Kloke .....Casper Area MPO/City of Casper

#### Key Themes

- **Increasing Demand:** Weekday midday continues to be the peak period, but recent growth in restaurants and bars have added demand during evening hours. Off-street parking during evenings at restaurants and bar is often full. Weekend demands have increased in the morning and early afternoon in some areas, with employees and residents often parking on street. Additionally, upcoming development projects could add to parking demand in the Urban Center.
- **Pedestrian Safety:** Perception that some downtown crossings are unsafe for pedestrians. Traffic speed is also an issue.
- **Pedestrian and Bicycle Demands:** Observed increasing demand for dedicated bike lanes, racks and pedestrian paths.
- **Parking Requirements for Developments:** Some confusion and public frustration with projects that do not provide off-street parking; active policy discussion about responsibility to provide parking (public vs. private).
- **On-Street Paid Parking:** Casper previously had on-street meters; this option should be considered as a viable option for Casper again.
- **Employee Parking:** Many employees park on-street, even when off-street permit programs are available.
- **Enforcement:** Current collection rates are low compared to number of citations issued. Collection process needs to be improved and presents a significant source of lost parking system revenue as currently managed.
- **Permit Programs and Loading Zone Management:** Police Department receives frequent complaints regarding overtime violations, loading zones, food trucks, use of alleys, and general curb space management practices (i.e., lengthy construction staging parking in on-street spaces).
- **On-Street Parking Availability:** Perception among business owners that lack of parking availability in the Urban Center causes them to lose business.
- **Parking Garage Enhancements:** Potential need for lighting, security, maintenance, restroom, and signage improvements; some lighting improvements planned.
- **Event Management:** Eclipse event was well-managed and provides a positive, local example of how things can be managed effectively.
- **Parking Supply:** There is some interest in exploring public/private shared parking options and potentially additional public supply to meet expected increases in demand.



## Community Stakeholder Committee

### Overview

- **Members:** 10
- **Meetings:**
  - A. Thursday, December 14, 2017
  - B. Tuesday, February 13, 2018

### Key Themes

- **Parking Garage Enhancements:** Perception that parking garage is dark, uninviting, and poorly maintained during the winter.
- **Event Management:** Need to develop event plans, particularly for events that close downtown streets; eclipse event was well-managed and provides a positive, local example of how things can be managed effectively.
- **Permit Programs and Loading Zone Management:** Need to address food truck regulations, deliveries, and construction vehicle use.
- **Parking Requirements for Developments:** Perceived inconsistency in application of private off-street parking requirements (e.g. some property owners report having to pay to provide off-street parking at their own expense, while others report receiving an exemption).
- **Parking Garage Costs and Utilization:** Perceived to be cost-prohibitive for some downtown employees (especially service industry and part-time employees); frequently vacant reserved spaces contribute to perception that garage is underutilized.
- **Validation Program:** Need to review program effectiveness and utilization.
- **Residential Parking:** Limited options for downtown residents; many park on the street.
- **Increasing Demand:** Upcoming development projects in and around downtown will impact levels of public parking demand.
- **Signage and Communication:** Need improved on-street signage and improved online information; one-way streets make garage access confusing.
- **On-Street Paid Parking:** Any meter program would need to address short trips. There is support for a 20-minute free option (i.e., Boise, ID) as well as designated loading zones, employee parking, and provision of multiple time limit options. Group was open to exploration of paid parking as a viable parking management strategy for Casper.

-  Jacquie Anderson .....Jacque's Bistro
-  Bob Ide, Owner .....Ide Land and Leasing Company
-  Todd Smith .....State of Wyoming
-  Kate Sarosy .....Statewide volunteer president for AARP
-  Kathy Edwards .....Cadillac Cowgirl
-  Brettnee Tromble .....First Interstate Bank
-  Randy Pryde .....Movie Palace
-  John Huff .....Yellowstone Garage
-  Pete Fazio .....Eggington's Restaurant
-  Tom Heald .....Wyoming Plant Company



## Online Survey Results

An online survey was widely publicized via traditional and social media, and open to participation between February 12th and March 14th, 2018. The survey was designed to gather feedback and priorities from Casper residents, visitors, employees, and business owners. 147 individuals completed the survey.

### Demographics

#### GENDER IDENTITY

Female: 60%    Male: 38%    No Answer: 2%



#### AGE

17-39: 29%    40-59: 41%    60+: 27%    No Answer: 2%



#### DOWNTOWN/OLD YELLOWSTONE DISTRICT RESIDENT, VISITOR, EMPLOYEE, OR BUSINESS OWNER

Visitor: 42%    Employee: 25%    Business Owner: 26%    Resident: 7%



### Downtown/Old Yellowstone District Employees

Responses: 34

- **Parking Location:** 68% park off street in a private lot; 23% park off street in a public lot or garage, 9% park on street.
- **Typical Parking Experience:** 91% can find close parking in a reasonable amount of time; 9% feel parking is usually not close to their destination.
- **Weekday (M-Th) Parking:** 63% occasionally find it challenging to find parking between 9 a.m. and 3 p.m.; 30% do not find it challenging to find parking.
- **Friday Parking:** 54% occasionally find it challenging to find parking between 9 a.m. and 3 p.m.; 21% do not find it challenging to find parking.
- **Saturday Parking:** 56% do not find it challenging to find parking; 16% find it challenging to find parking after 5 p.m.
- **Sunday Parking:** 61% do not find it challenging to find parking; 35% find it challenging to find parking between 9 a.m. and 1 p.m.
- **Paid Parking:** 79% of downtown employees do not pay to park while at work; 18% pay but their employer covers the cost, and 3% pay for their own parking.

### Downtown/Old Yellowstone District Residents

Responses: 14

- **Overnight Parking:** 64% park off-street in a lot or garage; 36% park on-street.
- **Public Parking:** 54% feel there is enough public parking; 38% do not (8% neutral).
- **Resident Parking:** 54% feel there is enough resident parking; 46% feel there is not.
- **Bicycling:** 43% do not feel downtown is welcoming for bicyclists; 29% feel it is (29% neutral).
- **Walking:** 38% feel downtown is welcoming for pedestrians; 23% feel it is not (38% neutral).
- **Transit:** 23% feel downtown is not well-served by public transit; 15% feel it is (62% neutral).
- **Weekday (M-Th) Parking:** 50% generally do not find it challenging to find parking; 25% find it challenging to find parking after 5 p.m.



- **Friday Parking:** 50% generally do not find it challenging to find parking; 38% find it challenging to find parking after 5 p.m.
- **Saturday Parking:** 50% generally do not find it challenging to find parking; 38% find it challenging to find parking after 5 p.m.
- **Sunday Parking:** 88% do not find it challenging to find parking.
- **Typical Parking Experience:** 50% can find close parking in a reasonable amount of time; 43% feel parking is usually not close to their destination.

### Downtown/Old Yellowstone District Business Owners

Responses: 35

#### BUSINESS TYPES

Professional: 43%    Retail: 34%    Service: 14%    Dining/Other: 9%



#### BUSINESS SIZE

1-5: 60%    6-10: 20%    11-20: 11%    21-100: 9%



- **Parking for Employees:** 69% provide parking for employees; 20% do not (11% provide parking for some employees only).
- **Employee Parking Location:** 77% tell their employees where to park; 23% do not.
- **Walking Distance:** 74% feel that one block or less is a reasonable distance for their customers to walk and 20% feel two blocks is reasonable (6% do not think about this).
- **Customer Parking:** 54% feel there is typically enough parking for their customers within a reasonable distance; 46% do not.
- **Mode of Travel:** 94% think the majority of their customers arrive by car.
- **Weekday (M-Th) Parking:** 62% think the highest demand for parking near their business occurs between 11 a.m. and 1 p.m., and 19% think the highest demand is after 5 p.m.
- **Friday Parking:** 48% think the highest demand for parking near their business occurs between 11 a.m. and 1 p.m., and 26% think the highest demand is after 5 p.m.
- **Saturday Parking:** 50% think the highest demand for parking near their business occurs between 11 a.m. and 3 p.m. on Saturdays. 23% do not feel there are any high demand times on Saturdays.
- **Sunday Parking:** 50% think the highest demand for parking near their business occurs between 9 a.m. and 3 p.m. on Sundays. 45% do not feel there are any high demand times on Sundays.
- **On-Street Parking:** 51% think customers of area businesses are parking in the on-street parking spaces closest to their business, 26% think it is employees or business owners of area businesses, and 23% think it is a combination of other users.

### Downtown/Old Yellowstone District Visitors

Responses: 61

#### FREQUENCY OF VISIT

Regularly: 69%    Occasionally: 29%    Rarely: 2%



- **Mode of Travel:** 87% typically drive downtown, 8% typically walk or bike, and 5% typically use a combination of modes.



- **Finding Parking:** 52% typically find parking within 2 minutes, 36% typically find parking within 3 to 5 minutes, and 12% find it typically takes more than 5 minutes to find parking.
- **Parking Location:** 84% of downtown visitors typically park on-street.
- **Typical Parking Experience:** 70% of visitors can find close parking in a reasonable amount of time, while 26% feel parking is usually not close to their destination.

## All Respondents

- **Biggest Challenges with Parking in Downtown/Old Yellowstone District:**
  - A. Finding an available space that is close to their destination
  - B. Finding an available space quickly
- **Top 3 Preferred Parking Management Strategies within Downtown/Old Yellowstone District:**
  - A. Develop a Downtown Employee Parking Program
  - B. Identify Opportunities for Shared Parking
  - C. Enhanced Enforcement of Existing Parking Rules and Regulations
- **Most Common Suggestions for Improving Parking Management:**
  - A. Enhanced Enforcement (22% of comments)
  - B. Incentivize the Use of Off-Street Facilities (21% of comments)
  - C. Pedestrian Improvements (9% of comments)
  - D. More Public Parking Options (9% of comments)

Appendix 33. documents the detailed results of the parking study on-line survey.

## Stakeholder Priorities and Key Themes

Community members expressed a wide variety of concerns, priority issues, and recommendations related to parking within Casper's Urban Center during the three-month community outreach campaign. Each comment received – both from in-person engagement opportunities and via online efforts – was grouped into one of approximately 30 categories to help identify the issues that represent the key priorities of the community. The following section summarizes First, Second, and Third Tier priorities as a means to help organize the information gathered. During the development of the Urban Center Parking Plan, all feedback received was considered while crafting study recommendations.

### Tier 1 Priorities

Tier 1 Priorities were expressed consistently through a variety of outreach events and within the online survey. Addressing these issues should serve as a key focus of the Urban Center Parking Plan recommendations.

#### Incentivize the Use of Off-Street Facilities

- Consider options to encourage employees to use the parking garage and other off-street facilities rather than occupy on-street parking spaces.
- Costs associated with parking in the parking garage incentivizes employees to park on-street or in private lots, and alternative options should be studied.

#### Enhanced Enforcement

- Current enforcement levels are not consistent enough with inadequate penalties for repeat offenders to serve as an effective deterrent for employees and other long-term parkers.
- Enforcement philosophy should strike a balance that both effectively cites and fines repeat offenders without serving as a deterrent to downtown visitors.



## **Pedestrian Enhancements**

- There is a strong desire among community stakeholders to improve the downtown pedestrian environment including streetscape enhancements, crosswalk treatments to improve safety, and potential consideration for a downtown pedestrian mall.
- Many community members indicated that during special events, visitors are willing to walk several blocks to their destination.

## **Tier 2 Priorities**

Tier 2 priorities were expressed in some form during nearly all outreach activities. While Tier 2 priorities were voiced nearly as often as Tier 1 priorities, there was not always consensus on potential solutions.

## **Additional Public Parking Options**

- While not all community members feel that Casper needs additional public parking in the near-term, a combination of local areas of high demand (2nd Street) and upcoming development projects that will potentially increase demand has led many to feel Casper should begin working to identify areas to add additional parking supply for the future (within 3-5 years).
- Many community members expressed interest in pursuing shared parking arrangements with private lot owners to increase the number of public parking options in downtown.

## **Parking Garage Enhancements**

- There is a perception that the parking garage is dark, challenging to navigate, not welcoming for larger vehicles, and has limited payment options.
- Improved lighting, additional winter maintenance, re-striping to accommodate large and small vehicles, wayfinding improvements, and upgraded access kiosks were all suggested as potential improvements.

## **Clear, Consistent Signage and Wayfinding**

- There is a strong desire among community members for simple, clear, and consistent signage that effectively communicates parking information and regulations (i.e., hours, cost, public/private).
- Many feel that current wayfinding signage is inadequate and does not effectively direct visitors to available parking areas. The one-way streets can add to this challenge.

## **On-Street Regulations, Permits, and Loading Zones**

- Food trucks are popular among some community members while others feel they unfairly occupy limited numbers of on-street parking spaces. The need to address this hot button issue was the only item mentioned during every outreach opportunity, in-person and online.
- Loading zone usage, temporary permits for construction activities, and on-street residential parking restrictions were all voiced as key concerns.
- Clear, consistent, and understandable management of the on-street public parking system was a key desire and common theme.

## **Event Management**

Parking issues tend to emerge during events in Downtown Casper, and consistent event management was expressed multiple times as a priority.

## **Paid On-Street Parking**

- Some community members suggested on-street paid parking as a method to manage parking in areas of highest demand. This approach, if used, should use allow for multiple payment options, multiple time stay options, and should be easy for visitors to navigate and use. This suggestion was tied to the desire of community members to help incentivize use of the downtown garage.



### Tier 3 Priorities

Tier 3 priorities were expressed by at least two or more individuals during outreach activities and should serve as a reference as recommendations are developed. They are presented as community recommendations rather than key themes:

- Update, improve, modify or discontinue the Validation Program
- Analyze the appropriate application for angled vs. parallel parking to maximize limited curb space
- Invest in bicycle improvements such as bike lanes and bike racks
- Invest in improved transit service
- Modify parking spaces to accommodate larger vehicles
- Allow free, unrestricted overnight parking on-street
- Clarify, communicate and consistently apply parking requirements for new developments
- Invest in mixed-use parking/retail rather than a single-use parking structures

### Conclusion

When viewed comprehensively, feedback received from the stakeholder outreach process supports three “big-picture” themes:

1. **Consistent, Integrated Approach to Parking Management:** The most consistent theme expressed through the outreach process was that on-street regulations, off-street public parking options, and enforcement should work together to ensure that employees and long-term parkers understand clearly where to park so that short-term parkers (visitors and customers) are able to quickly and easily find downtown parking. Enforcement should support this approach by focusing on identifying, citing, and collecting fines from repeat offenders.
2. **Clear and Straightforward Signage and Wayfinding:** Available parking options need to be easy to understand and navigate so that all users can easily find parking to meet their needs. This includes on-street parking signs, navigational signs to off-street parking options, as well as signage within the downtown parking garage.
3. **Focus on Enhancing the Pedestrian Experience in Downtown:** Many community members expressed a strong desire to ensure that pedestrians feel safe and welcome in Downtown from the time they park their car until they arrive at their destination. Streetscape improvements, crosswalk enhancements, and additional lighting and winter maintenance within the garage will all help to improve the pedestrian experience and ensure that as Casper grows, the Urban Center feels inviting and welcoming to all.

These themes, along with the supporting detail provided by the tiered priorities, will help to inform the recommendations developed as part of Casper’s Urban Center Parking Plan.

Appendix 34. provides a detailed parking program “Strategic Communications Plan and Implementation Strategy”. Components of the Strategic Communications Plan include:

- Program Brand Development, Messaging and Key Audiences
- Media Tools and Platforms
- Additional Communication Tools and Tactics
- Public Relations
- Communications Plan Implementation Framework
- Staffing and Staff Development
- Annual Communications, Marketing and Stakeholder Engagement Planning
- Media Relations Planning
- Implementation Matrix

Appendix 39 provides strategies for enhancing pedestrian safety in parking environments.







# Parking Program Management and Organization

SECTION

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## VII. Parking Program Management and Organization

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### Parking Program Management and Organization

As the parking profession has evolved, several very effective parking system organizational models have emerged. Each of these models has its own strengths and weakness depending on several factors including the parking system's size, degree of development, programs offered, political landscape, community goals, etc. The four most successful and commonly utilized organizational models are:

- A Consolidated (“vertically integrated”) City/District Department model
- The Parking Authority model
- The “Contract” or Business District model
- The Parking District model

There are of course several variations and hybrids of these models, but these are the four primary alternatives commonly seen across the country. Each of these models is detailed in more depth in Appendix 35, but they all have one common factor that contributes to their success: They all address the major problem associated with the “horizontally integrated model” previously described.

When evaluating which organizational option will work best in a specific community, it is important to ask community stakeholders to create a prioritized set of evaluation criteria. A typical list of criteria would include determining which organizational option:

- Best supports economic development
- Best reflects the image and personality of the community
- Is most efficient/cost effective
- Is most customer-friendly
- Is most politically feasible
- Is most focused on the vision
- Is easiest to achieve
- Is most responsive to businesses and stakeholders
- Is most financially viable
- Provides the most effective coordination

Appendix 35 provides detailed descriptions of several parking system organizational models that have shown demonstrated success in recent years. Each organizational model description is illustrated by an example of a specific program based on that model.



## Recommended Program Organizational Option

Kimley-Horn and Associates, Inc. assessed and ranked each of the major models described above. The table below summarizes our organizational options assessment:

City of Casper – Organizational Model Analysis						
	Status Quo	City Dept. Model	BID/DDA Contract Mgmt. Model	Parking Authority Model	Professional Services/Out-Sourced Mgmt. Model	Hybrid
Supports economic revitalization	1	8	8	8	8	8
Most efficient and cost effective	1	7	6	5	8	8
Most customer friendly	2	6	6	6	6	6
Most politically feasible	2	8	3	6	7	8
Most focused on vision	2	7	5	7	7	8
Easiest to achieve	5	6	4	5	5	7
Most responsive to business and DT stakeholders	2	7	6	7	5	7
Most financially viable	5	7	4	6	6	8
Most effective coordination	2	6	4	6	5	5
Provides needed parking management expertise	2	5	5	5	9	9
Best promotes long-term growth	2	8	3	9	7	8
Facilitates intergovernmental coordination	2	7	2	7	6	7
Supports the principal of "Vertical Integration"	2	8	5	8	6	8
Facilitates DT re-branding/ integration with DT master plan goals	2	6	3	6	6	6
Promotes alternative transportation and multi-modal transportation options	1	5	2	5	4	5
Fosters innovation and mission broadening	2	7	3	7	5	7
Effectively identifies and engages with local "community champions"	2	7	4	6	4	7
Ability to recruit or develop the best possible program leader	2	6	3	8	4	6
<b>Total:</b>	<b>39</b>	<b>121</b>	<b>76</b>	<b>117</b>	<b>108</b>	<b>128</b>

### Consultant ranking of estimated effectiveness in achieving category objectives:

1 = Very low level of effectiveness

10 = Very high level of effectiveness



Our recommended approach proposes the adoption of a “hybrid” of several of the organizational models described above in an attempt to account for several key factors that are specific to the current and future conditions in the City of Casper and the Old Yellowstone District. Some of these community specific factors include:

- The size of the community
- The fact that parking management will essentially be a new operational function and that there is a *lack of existing expertise* to manage this discipline
- The desire for improved coordination and collaboration between the City and State (with the pending new State Office Building / campus masterplan)
- The desire to promote the recently adopted Comprehensive Plan
- The desire to leverage parking management as a tool for community and economic development.

The recommended option is described in more detail below:

The rationale for this a recommendation is summarized below:

**The preferred organizational option for the City of Casper merges the following two organizational models:**

- The City Department model
- The Professional Services/ Out-Sourced Management Model

This approach is seen as the best option for the City of Casper for the following reasons:

1. The Professional Services model envisions a small, lean staff that could be housed in the City, preferably in the Community Development department. Part of this recommendation is in recognition that the overall program will be relatively small, reflecting the size of the community and the relative program budget. This option begins small from a staffing perspective, but is scalable over time if needed.
  - A. Initially a program director/manager, with a limited support staff or even shared support staff is envisioned. Depending on how quickly new program initiatives advance (for example if new technology acquisition and deployment are pursued), a “special projects” coordinator may be needed (or this type of position could be evaluated as part of the private parking management contract).
  - B. The program director/manager position should have strong planning, program development and communications abilities. He/She needs to be able to generate trust and confidence in the community and with the City Council and community stakeholders.
  - C. The primary responsibility of the program director/manager, initially, will be program and policy development and assuming the hiring of a private parking management firm (at least initially), he/she will provide contract management and administrative services.
    - i. This would include such items as:
      - a. Coordinating with other City departments/functions
      - b. Recommending parking rates/fines and other policies
      - c. Reviewing and approving program operational budgets
      - d. Implementing directives from and reporting to the city administration and City Council
      - e. Developing an RFP to hire a private parking management firm
      - f. Working with the private parking management firm to develop standard operating polices/ procedures in a variety of areas (see Appendix 38 – “20 Characteristics of Effective Parking Management Programs”)

See Appendix 40 – Casper Parking Manager Position for more detail on the recommended parking manager position description.



2. The Outsourced management component recognizes that no significant parking management expertise currently exists within City. By engaging a private parking management firm (at least for an initial three-year term) will provide the following benefits:
  - A. Helps ensure that the program gets successfully established
  - B. Provides a base of parking management experience and competence
  - C. Provides the City or County with a built-in advisory function during the early years (all the major private parking management firm will pitch this as a benefit)
  - D. Provides established business practices, tools, forms, policies, procedures, etc. – in essence the private parking management firm can help get all the program operational basics in place more quickly and efficiently than can be done by creating a program from scratch with only internal resources.
  - E. The private parking management firms will provide a robust set of system reporting options including detailed revenue and expense reports, program budgets, maintenance programs, etc.

After the initial three-year term of the private parking management firm, an assessment should be conducted to determine whether the firm has delivered enough value for the parking management fee to be continued or whether the program could be managed exclusively with in-house staff.

3. The Casper Advisory Board envisions a community advisory board made up of 5 to 7 individuals representing different aspects of the community
  - A. Examples of the type of expertise desired for parking commission members might include:
    - i. One county and/or state representatives
    - ii. Multiple City staff representatives. City positions that typically are involved in a parking commission board might include 2 of 3 of the following:
 

<ol style="list-style-type: none"> <li>a. Mayor or City Manager’s designee</li> <li>b. City Council member(s) whose districts are represented</li> <li>c. Economic Development Director</li> </ol>	<ol style="list-style-type: none"> <li>d. Planning Director</li> <li>e. Finance Director</li> <li>f. Public Works Director</li> <li>g. Transit Director</li> </ol>
--	--
    - viii. Invested community representatives
 

<ol style="list-style-type: none"> <li>a. Representative of a large employer</li> <li>b. Property owners / Developers</li> <li>c. Business leaders/Merchant’s Association leaders, etc.)</li> </ol>	<ol style="list-style-type: none"> <li>d. Representative from the transit agency</li> <li>e. Active transportation advocates</li> </ol>
---	---
4. The new parking program should have a dedicated manager responsible for managing on-street, off-street and parking enforcement functions.
5. All parking revenue streams should be consolidated to support parking as a dedicated enterprise fund.
6. To achieve a more fully integrated parking program, it is envisioned that additional functions will be added over about a five-year period. These additional functions should include:
  - A. A more robust parking planning function (working with City Planning on parking and related transportation issues). There are a number of parking specific planning tools that will be recommended. Parking should also be at the table when issues related to zoning code changes and parking requirements are debated and amended.
  - B. Better integration and collaboration with downtown management and economic development programs. One of the lessons learned from other parking commission models is the extent to which



parking can become a true community partner in terms of downtown revitalization and development efforts. Collaborative program initiatives and participation on boards and committees and generally closer working relationships can generate significant community wide benefits to all parties.

- C. A specific focus on developing programs related to transportation demand management, transportation alternatives and other sustainable transportation program options should be developed over time. In the long-term, the parking program should evolve to adopt a more comprehensive and balanced mobility management function.

## Program Reorganization Action Plan

### Step One: Recruit and Hire a Parking Management Professional

- Develop a parking manager position description and begin recruitment. (See tools and examples provided)
- It is recommended that this position be located within the Community Development Department.

**Note:** while the DDA has been doing an adequate job of managing parking with very limited resources in recent years, we see the need for an increased investment in parking management expertise and resources as a critical element in advancing the parking program to the level at which it can eventually become a self-funding enterprise. An enhanced connection to community/economic development and planning and a more direct interface with other parking related City departments is also seen as critical at this formative stage of parking program development.

- We highly encourage a close and collaborative relationship with the DDA which could include participation on the parking advisory board and could also involve special contracts whereby the DDA is contracted to provide “clean and safe” programs or marketing support for the parking program.
- Ensure that all parking management functions are placed under this single operational entity.
- Establish the parking program as dedicated enterprise fund with all parking related revenue streams.

### Step Two: Engage a Professional Parking Management Firm

- Develop an RFP for parking management services and engage a professional parking management firm to assist in program formation and development for a least an initial three-year term.

### Step Three: Community Engagement and Advisory Board

- Utilize the extensive community feedback on parking issues from this study as the starting point for developing and prioritizing initial program action plans
- Constitute a Parking Advisory Board to provide on-going program development and management feedback
- Meet monthly to craft a program development agenda in association with the new parking manager and parking management firm
- Develop a parking program financial overview summary to be reviewed on a regular basis (See Appendix 22.- Consolidated System Financial Report)
- Use the “20 Characteristics of Effective Parking Programs” framework as the basis for program development. Also reference the International Parking Institute’s “Accredited Parking Program” (APO) documents to inform program development with a long-term goal of achieving IPI program accreditation. (See Appendix 38. - 20 Characteristics of Effective Parking Management and Appendices 3 and 4.)

### Step Four: Action Plan

- Utilizing the “Primary Action Items” list from this study, it is recommended that the new parking manager and parking management firm develop a specific set of “Year One” program development action items. This draft action plan should be vetted through the parking advisory board, City administration (and other impacted departments) as well as City Council to ensure that the program gets off to a strong start.
- See appendix # 9 for a draft “New Parking Manager Integration-Action Plan”



- Refinement and adoption of new parking program’s Vision/Mission and Guiding Principles documents will help set the program direction and vision
- Development of a robust and comprehensive set of parking management policies and procedures is a key task for the parking management firm in the first year.

The following section outlines a comprehensive set of internal parking program elements that should be addressed as the program evolves.

### Internal Parking Program – Roles and Responsibilities

The City of Casper parking program should have complete responsibility for the management of all parking related program elements, including the following program components:

- **Off-Street Parking Facility Management** – This includes day-to-day operations of parking facilities (both garage and surface) as well as maintenance, management, marketing, and security of facilities.
- **On-Street Parking Resource Management** – This component includes management of un-metered and potentially metered on-street spaces, which could include commercial districts, transit station areas, and neighborhood areas.
- **Collaborative Management of Private Assets** – This includes working with private sector property and business owners, as well as developers, to define shared or leased parking management agreements, or development plans for public-private partnerships related to parking facility construction. Additional program revenues could potentially be generated by having the Parking Commission manage private parking assets on a shared revenue basis.
- **Parking Enforcement** – Enforcement includes introduction of on-street and off-street parking enforcement, management of citations, collection of violations revenue etc. Adjudication of parking citations should be a function separated from the department that issues the citations.
- **Parking Planning and Policy Development** – This includes developing plans and policies to support the parking program, as well as coordinating with area stakeholders such as businesses, churches, medical campuses, residents, regional transportation districts and local/state transit agencies. Coordination with City planning departments is also an expectation.
- **Special Event and Downtown Management Coordination** – This includes developing plans and coordinating parking management policies and procedures related to special events. A close working relationship between the DDA, local event venues, and other private sector groups that host large events will be required.
- **Technology Acquisition and Management** – This includes the planning, acquisition, management, and maintenance of parking management, revenue control systems, communications, and associated technologies to help manage and support a data-driven program operation. Developing a comprehensive web-based parking management system that can grow and evolve with the program is highly recommended. Coordination with City IT departments as it relates to technology acquisition and implementation is recommended.
- **Operations and Maintenance** – Operations and maintenance includes the overall day-to-day operation of the program’s assets and the ongoing routine, preventive, and reactive maintenance needs of the program assets. Outsourcing of day-to day operations to a private parking management firm is recommended as discussed above.
- **Finance and Budgeting** – This includes developing, adapting, and managing annual and program budgets, as well as capital acquisition and ongoing maintenance and management costs. Developing maintenance reserves and parking repair and replacement reserve funds should be a long-term priority. As stated earlier, it is recommended that the parking department will be established as a separate enterprise fund.
- **Mobility/Transportation Alternative Programs** – A longer term goal of the program will be to evolve programs that will include the introduction and management of mobility improvements intended to enhance the transportation system and support an efficient parking and mobility program.

One of the most important actions that needs to be undertaken is the authorization of a parking director/manager position and the recruitment/hiring of a parking director/manager. We highly recommend that the City recruit and hire a high caliber individual that has both parking and transportation management experience and also excellent communications skills, the vision to guide program development and someone who can work well in a team environment.





Parking is more complex and inter-related than many other City functions. Parking can also be very controversial and needs a manager that can generate confidence and trust while also being politically astute. As the department evolves into a more robust, mature program with an expanded scope of services, it is recommended that the parking manager position be reviewed with an eye toward the development of a “Parking Director” or “Parking Administrator” level position. An extensive document has been provided in the report appendices which provides an overview of parking administrator positions from around the country including salary information, examples of program scopes and several example position descriptions.

As the department expands its scope and matures, new potential areas of staff development and recruitment might include “accounting and auditing”, “planning and community education” and “special projects”.

This organizational recommendation also envisions some form of Parking Advisory Council to provide a mechanism for ensuring on-going community engagement and input. The envisioned Parking Advisory Council should attempt to recruit a range of community leaders who are both invested in downtown Casper and have strong business backgrounds to provide sound direction and guidance. Developing some level of authority to affect or at least recommend policy decisions is important to ensure that high quality board members see their role as having value and that they are not merely ceremonial.

A framework should be developed whereby certain “policy-level decisions” are defined as the responsibility of the City Council and more “operational level decisions” are ceded to the Parking Advisory Council and/or parking director/manager. If there are certain policy decisions that the City Council decides should be made only by elected officials, these policy areas should be defined up front.

For a more detailed discussion of organizational options and operating methodologies, please see Appendix 35.



## Parking System Operating Methodologies

### Operating Methodologies

Once a management structure has been determined, operating methodologies are another organizational/management consideration. There are three primary methodologies for operating parking programs. These are:

1. **Self-Operation** The managing entity or owner operates the parking program itself. For example, a downtown parking authority could hire the necessary staff to operate the parking system internally.
2. **Outsourced – Management Contract** The facility owner or managing organization contracts a private parking management firm to handle day-to-day operations and maintenance through a management contract. Through the management contract, the private parking management firm is either paid a fixed management fee and/or a percentage of gross revenues and is reimbursed by the owner for all costs incurred in the operation.
3. **Outsourced – Concession Agreement** The facility owner or managing organization contracts a parking management firm to assume full responsibility for all aspects of the operation, including expenses, and the parking management firm pays the owner a guaranteed amount and/or a percentage of gross revenues (or a combination).
4. A variation on these basic methodologies that is just being introduced in the US parking market is that of parking system “monetization”. A more detailed description of each option is provided in the Appendix 35. - Parking System Organizational Options - Whitepaper.



## Financial Framework and Strategies

### Current Parking Program Review

Parking in downtown Casper is currently managed by the DDA

### Recommended Parking Program Financial Structure

Initially, it is assumed that the new parking program will be funded from the City's general fund. However, the long-term goal will be to develop the parking program as a self-sustaining enterprise fund capable of covering its own operating and maintenance expenses. Ultimately, the program should strive to be able to also cover parking facility maintenance reserves and even future new parking facility development.

For this financial vision to become a reality, the most effective approach would be to implement paid on-street parking. The model below illustrates the revenue generation potential of this strategy; however, it should be noted that the primary objective of paid on-street parking is not revenue generation, but maximizing the utilization of on-street parking for the local businesses that depending on having available and convenient customer parking. This is achieved by managing on-street parking as a short-term, high turn-over parking resource. This fundamental concept should be coupled with the principal that on-street parking rates should ideally be higher than off-street parking rates.

### On-Street Paid Parking Revenue and Capital Expense Model

The following is an overview of a preliminary on-street parking meter revenue projection model. This model was developed with number of key assumptions/variables that can be modified. Key variables include:

- Number of metered spaces in the "meter district area"
- Hours of operation per day
- Number of days per week
- Number of weeks per year
- Hourly parking rate
- Estimated utilization rate

This methodology provides an estimated annual meter revenue per year. The model also estimates projected parking meter equipment capital costs as well as system configuration, installation and training costs and provides an estimated capital investment payoff. The variable elements noted above can be changed in the model and results will flow through the model adjusting the projected parking revenue estimate.

The on-street parking meter revenue projection model provided on the following page estimates first year annual meter revenues of approximately \$471,000.00 with capital equipment costs of approximately \$541,500.00 leading to a first-year net revenue figure of -\$166,000.00. However, the net revenue to the parking program in year number two is approximately \$471,000.00. This level of net revenue should be consistent for the subsequent years, providing a solid base of revenue to parking operations and over time could also fund a range of other new program initiatives and eventually funds to develop additional parking assets.



The following section presents a draft program budget to estimate program operating expenses and other potential revenue sources.

Revenues	Assumptions	Estimated Parking Revenues 2019
<b>Parking Garage Revenue</b> - Monthly/Contract Parking - Transient/Hourly Parking	\$43/space/month- Covered Parking (259 spaces)- 80% Utilization	\$106,915
	\$35/space/month- Business Rate (30 spaces)- 80% Utilization	\$10,080
	\$20/space/month- Uncovered (91 spaces)- 80% Utilization	\$17,472
	\$2 minimum (2 hours)(69 hourly spaces)- 70% Utilization X average fee of \$3 for 250 days per year	\$36,225
	\$1 per hour (after 2 hours)	
<b>Sub-Total Garage Revenues</b>		<b>\$170,692</b>
<b>Parking Lot Revenue</b> <i>Note: Parking is currently free on weekends and holidays</i>	\$43/space/month- Covered Parking (259 spaces)- 80% Utilization	\$106,915
	\$35/space/month- Business Rate (30 spaces)- 80% Utilization	\$10,080
	\$20/space/month- Uncovered (91 spaces)- 80% Utilization	\$17,472
	\$2 minimum (2 hours)(69 hourly spaces)- 70% Utilization X average fee of \$3 for 250 days per year	\$36,225
	\$1 per hour (after 2 hours)	
<b>Sub-Total Garage Revenues</b>		<b>\$170,692</b>



# Draft Parking Program Budget



Draft Parking Program Preliminary  
Project Budget Outline  
Apr-18

The goal of this preliminary parking program budget outline is to give a high-level estimation of potential parking program revenues and expenses as well as recommended capital program elements.

REVENUES	Assumptions	Estimated Parking Revenues 2019	
<b>Parking Garage Revenue</b>			
- Monthly/Contract Parking	\$43/space/month - Covered Parking (259 spaces) Assumed 80% utilization	\$	106,915.00
	\$35/space/month - Business Rate (30 spaces) Assumed 80% utilization	\$	10,080.00
	\$20/space/month - Uncovered (91 spaces) Assumed 80% utilization	\$	17,472.00
	\$2.00 minimum (2 hours) (69 hourly spaces) Assumed 70% utilization x average fee of \$3.00 for 250 days per year	\$	36,225.00
	\$1.00/hr (after 2 hours)		
	Sub-Total Garage Revenues:	\$	170,692.00
<b>Parking Lot Revenue</b>	\$43/space/month (1st and Center Lot = 55 spaces) Assumed 90% utilization	\$	25,542.00
	Note: Parking is currently free on weekends and holidays		
<b>On-Street Meter Revenue</b>	Based on On-Street Parking Revenue Model proved by KH	\$	470,934.00
<b>Special Event Parking Revenue</b>	Assumes free parking for events	\$	-
<b>Parking Enforcement Revenue</b>	Based on parking citation receivables report from July 2016 - Aug 2017	\$	75,627.00
	Construction, Parkway, School, Loading Zone, Recreational Vehicle, Handicap permits, etc	\$	5,000.00
<b>Permitting Fees</b>		\$	5,000.00
	<b>Total Operating Revenue</b>	\$	747,795.00
<b>EXPENSES</b>			
<b>Gross Wages</b>	Parking Administrator Salary (\$60K) and 4 FTEs of parking staff from parking management firm - including a parking manager (\$190K)	\$	250,000.00
<b>Grounds Maintenance</b>	Assumes only parking garage and 1st and Center Lot	\$	3,500.00
<b>Total Insurance</b>	Based on similar programs	\$	10,000.00
<b>Management Fees</b>	Assumes engagement of a private parking management firm	\$	55,000.00
<b>Payroll Taxes</b>	Based on similar programs	\$	3,829.00
<b>On-Street Meter Supplies</b>	Based on similar programs	\$	12,500.00
<b>Postage and Delivery</b>	Based on similar programs	\$	300.00
<b>Printing and Reproduction</b>	Based on similar programs	\$	500.00
<b>Bank Service Charges</b>	Based on similar programs	\$	100.00
<b>Total Professional Fees</b>	Based on similar programs	\$	10,500.00
<b>Staff Development and Training</b>	Based on similar programs	\$	6,000.00
<b>Security</b>	Based on similar programs	\$	28,500.00
<b>Signage</b>	Based on similar programs	\$	2,500.00
<b>Total Supplies</b>	Based on similar programs	\$	5,100.00
<b>Total Utilities</b>	Based on similar programs	\$	36,000.00
	<b>Total Operating Expenses</b>	\$	424,329.00
	<b>Net Results:</b>	\$	323,466.00
<b>RECOMMENDED CAPITAL INVESTMENTS</b>			
<b>Capital Equipment for On-Street Meters</b>	Includes approximate 450 meters, installation, testing, commissioning and system configuration/training costs.	\$	637,000.00
			Estimated pay-back in approximately 1.3 years.
<b>Investment in Mobile License Plate Recognition software and equipment</b>	Based on recent acquisition from a similar municipality	\$	75,000.00
			Estimated pay-back in approximately 2.0 years.
<b>Parking Garage Enhancements Project</b>	Painting facility interiors, equipment upgrades, lighting upgrades, count system, etc.	\$	250,000.00
	<b>Total Estimated Capital Expenses</b>	\$	962,000.00

### Notes on Recommended Capital Investments:

- The revenues from the recommended investment in on-street parking meters are included in the revenue projections.
- The investment in a mobile LPR system to enhance parking enforcement program is expected to improve operational efficiency, citation collections and citation revenues.
- Parking garage enhancements and improved management are expected to improve garage revenues by at least 20%.



## Parking Program Financial Plan Template

As the parking program evolves, the development of a parking program “financial plan” is highly recommended. For municipal parking programs, having a detailed and well-defined financial plan is considered an industry best practice. The program financial plan would ideally address the following major elements:

- Program Overview
- Program Background
- Planning and Policy Framework
- Key Operational Objectives
- Fund Balance and Reserve Policy
- Uses of Parking Revenues Policy
- Debt Policy
- Rates Policy
- Annual Updates

Appendix 37 is a template for developing the recommended parking system financial plan (with sample text for illustrative purposes only).





# Streetscape Design/Curb Lane Right-of-Way Management

SECTION

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## VIII. Streetscape Design/Curb Lane Right-of-Way Management

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### Chapter Overview

The purpose of this review of potential “Curb Lane / Right-of-Way Management” strategies is to define the efficient use of downtown curb lane space and improve signage that communicates the uses to the public.

The overall goal of this report chapter is:

Whether the use is for public parking, transit, loading, passenger vehicles for hire, food trucks, or valet parking, the City of Casper desires to enhance the downtown experience for all users of the curb lane. The following elements are included in this document:

- Definitions for curb lane priorities for specific curb uses in downtown
- Guidance and schematic recommendations for communicating regulatory messages and
- Recommended curb lane operational configurations

For this review, there are three distinct groupings of streets and curb uses, including:

Evaluate curb lane usage in the downtown area to develop a more consistent approach to signage, parking, enforcement, and management, resulting in a more inviting and appealing downtown experience.

1. **Core Streets** – including most of the streets within the Urban Center study area
2. **Residential Streets**
3. **Remaining Streets** – those streets not covered by the first two categories

### Proposed Street Type Priorities

The following draft priority listings were developed by the consultants to ensure that uses are applied appropriately and that the intent of the street network is properly administered. These priorities were developed with current conditions in mind; however, as the City evolves, these priorities should also evolve to reflect their changing importance in downtown and the Old Yellowstone District. Consistent with current urban design approaches, the primary priority on all streets should be the pedestrian experience. The goal of these strategies is to promote a “park once” mentality that transforms all drivers entering downtown into pedestrians once they reach their first destination. While the pedestrian experience does not necessarily occur in the curb lane, management and design decisions should support the fact that all streets need to enhance the pedestrian experience.



Signature Street	Primary/Secondary Street	Residential Street
<ol style="list-style-type: none"> <li>1. Transit Operations</li> <li>2. On-Street Parking</li> <li>3. Loading (Passenger, commercial, taxi/TNC, valet, etc.)</li> <li>4. Traffic Capacity</li> </ol>	<ol style="list-style-type: none"> <li>1. Transit Operations</li> <li>2. Traffic Capacity</li> <li>3. On-Street Parking</li> <li>4. Commercial Loading</li> <li>5. Passenger Loading</li> </ol>	<ol style="list-style-type: none"> <li>1. Parking (residents)</li> <li>2. Transit Operations (on the periphery)</li> <li>3. Residential Loading</li> </ol>

### Curb Lane Street Type Priorities

The primary method for restructuring and defining the curb lane uses in the downtown is through the development of Curb Lane Street Type Priorities, which present specific guidelines and recommendations for various uses along the curb. The following descriptions provide a general overview of recommendations for the various curb uses.

#### On-Street Parking

- On-street parking uses should be grouped consistently throughout Downtown – future curb lane management decisions should try to keep on-street parking consistently focused on the center block, unless some other use (i.e. transit loading) takes precedent on that block.
- The City should evaluate the use of short term parking, or “Customer Convenience Zones” in areas adjacent to commercial uses that require a higher level of turnover.
- The City should explore implementing paid on-street parking to better manage parking demand, prioritize short-term parking use, and influence parking turnover.
- If the City chooses to implement new meter technology in the downtown area in the future, parking occupancy and revenue data collected throughout the year (from the new on-street parking meters) should identify areas of higher occupancy and continue to expand the paid parking coverage area.
- The City should also consider redefining its parking violation fine structure, to provide more leniency to first-time or occasional offenders, while being more aggressive toward habitual violators.

#### Transit

- A vehicle parked at a bus stop should receive a fine similar to a traffic obstruction fine during peak hour (\$50 + tow).
- To minimize potential conflicts, bus stops should be located closer to the center of the block. Signage should be used to regulate “Stopping or Standing” at a bus loading area.
- It is recommended that the local transit system evaluate ridership data and look to potentially combine bus stops where fewest boarding’s are currently occurring.

#### Commercial Loading

- It is recommended that commercial delivery businesses buy an annual or temporary loading zone permit in various classes to provide several choices to suit their operational needs. The permit system would include multiple tiers, with each tier providing a greater level of flexibility for the user.
- In conjunction with this tiered permit system, the City will need to implement stricter and more punitive fines related to parking violations in a commercial vehicle loading zone.
- The City should also add a handful of strategically placed “long-term” loading zones, that would allow for longer delivery times (two to three hour durations). This application could also potentially apply to “Food Trucks” or



other special uses.

#### **Passenger Loading – Taxis / Transportation Network Services (TNCs - Uber/Lyft, etc.)**

- Taxis and TNCs should be restricted from parking in paid parking spaces while on-duty or
- Loading/unloading passengers.
- To provide a greater range of options for taxi/TNC vehicles, nighttime use of Commercial Vehicle Loading Zones should be restricted to taxi/TNC or valet use.

#### **Passenger Loading - Valet**

- Valet stands are a special use and should be located on the sides of blocks. In the event that transit is not present on the block, valet stands should be located as close to the center of a block face as possible, to minimize traffic and pedestrian impacts. The City should continue to try to minimize valet operations to one per block face where possible.
- If valet parking programs are implemented in Casper, the City should consider collecting an annual application fee of \$200 per valet operation, additional fees should be collected to monetize the valuable curb space that is being utilized by valet services, especially if the City implements on-street paid parking operations.

#### **Residential Permit Parking**

- Block faces on residential streets should be set up to maximize on-street parking, to the benefit of the adjacent residents. Loading should be interspersed throughout for larger deliveries, but most residential level deliveries can occur in short term parking spaces. Taxi and valet stands should be prohibited in residential areas.
- Because there are a limited number of on-street spaces throughout the entire downtown, it is recommended that the City adopt a policy where downtown residents may park in on-street spaces with a permit. On-street residential permits should note any potential restrictions such as for snow plowing, street cleaning, etc.

#### **Vehicular Capacity**

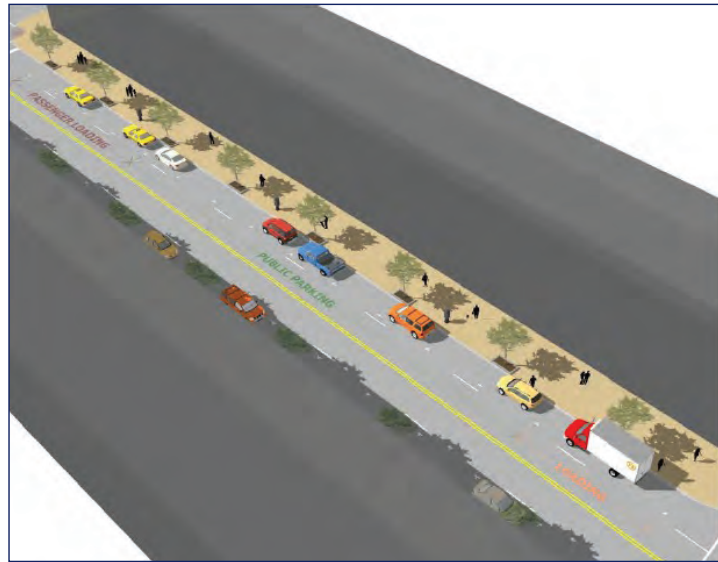
- If vehicle capacity becomes an issue (peak period traffic congestion), it is recommended that peak hour parking restrictions be placed only on streets near the downtown core and secondary streets where there is unacceptable vehicular congestion.



## Standard Block Face

Based on the street priority recommendations defined for the curb uses, block face templates were defined for the downtown area, including a standard block face and a residential street block face.

These block face templates were designed to provide the City with a starting point when evaluating new street configurations or development plans. This combination will provide guidance and the tools to evaluate and implement curb lane management strategies for any number of developments. Shown to the right, is an oblique aerial view of the standard block face template, which centrally groups the on-street parking for the block, buffered by commercial and passenger loading. The commercial loading is purposely placed on the entering side of the curb lane to provide better access for delivery vehicles.



## Signage Recommendations

Conceptual level signage examples were developed as part of the study process. The conceptual level example signs were developed using MUTCD (Manual on Uniform Traffic Control Devices) guidelines, but were further adapted to meet the unique constraints of the downtown environment. Three approaches were developed and are further described below.

The three approaches to the signage concepts include:

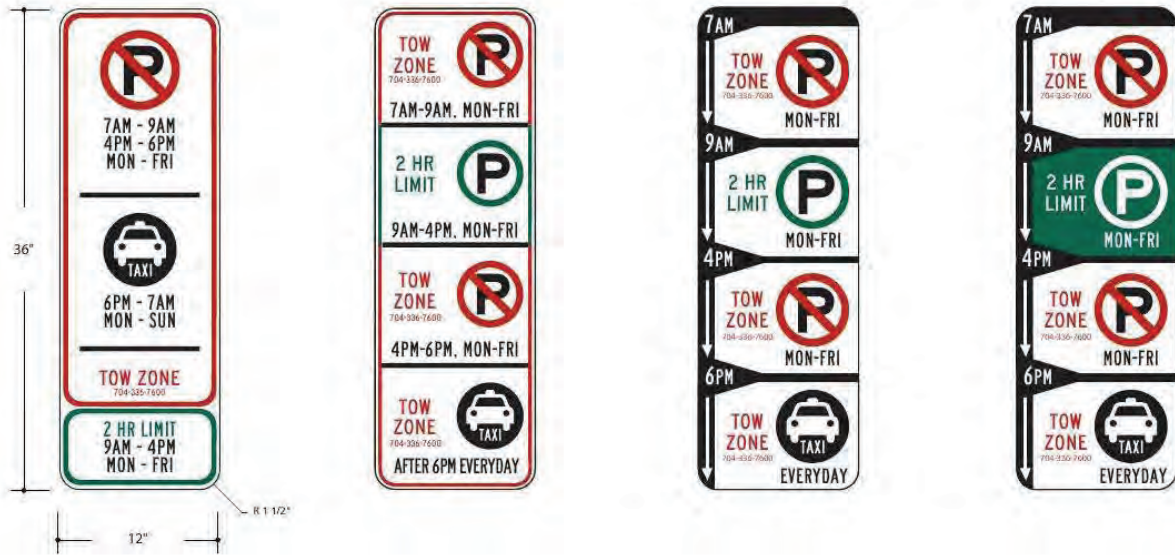
1. **Standardization Approach** – This basic approach uses MUTCD guidelines and standards to provide a more consistent approach to regulatory messaging. This approach standardizes signage and cleans up conflicting messaging and varying sign types throughout downtown.
2. **Graphic Symbol** – utilizing symbols to represent recurring uses along the curb, such as commercial loading, taxis, or buses. The use of symbols (supported by text) creates an easier to understand curb-side environment, including for out-of-town motorists or visitors from another country.



3. **Timeline Approach** – this approach is specific to curb lanes that have multiple uses throughout a given day. The timeline approach uses the human tendency and instinct to respond to temporal and chronological data to present the regulatory messages in a way that is easier to comprehend, learn and follow, especially when implemented consistently throughout a large area.



# Manual on Uniform Traffic Control Devices – Parking Signage



The MUTCD, a document issued by the Federal Highway Administration (FHWA), specifies standards for traffic signs, road surface markings, and traffic signals. Guidelines include shapes, colors, and fonts used in regulatory signage.

Specifically related to parking and curbside signage, MUTCD Sections 2B.46 – 48 provide general guidelines for regulatory signage. The general guidelines are stated as: Signs governing the parking, stopping, and standing of vehicles cover a wide variety of regulations, and only general guidance can be provided here. The word “standing” when used on the R7 and R8 series of signs refers to the practice of a driver keeping the vehicle in a stationary position while continuing to occupy the vehicle.

The MUTCD does not provide specific regulations related to parking signage, but rather general guidelines that should inform the development of regulatory messages and signage. Some of the general guidelines found in the document include:

### Signage Design/Regulatory Messages

- The legend on parking signs shall state the applicable regulations
- Parking signs should display the following information from top to bottom, in the order listed:
  - The restriction or prohibition
  - The times of day it is applicable, if not all hours, and
  - The days of the week it is applicable, if not every day
  - If colors are used for color coding of parking time limits, the colors green, red, and black should be the only colors that are used.
- Parking signs shall comply with the standards of shape, color, and location
- Where parking is prohibited at all times or at specific times, the basic design of the parking sign shall have a red legend and border on a white background
- Where only limited-time parking or parking in a particular manner are permitted, the signs shall have a green legend and border on a white background
- Where parking is prohibited during certain hours and time-limited parking or parking in a particular manner is permitted during certain other time periods, the red Parking Prohibition and green Permissive Parking signs may be designed as follows:
  - Two 12 x 18-inch parking signs may be used with the red Parking Prohibition sign installed above or to the left of the green Permissive Parking sign; or
  - The red Parking Prohibition sign and the green Permissive Parking sign may be combined to form a landscape sign on a single 24 x 18-inch sign, or a vertical sign on a single 12 x 30-inch sign.
- The words NO PARKING may be used as an alternative to the No Parking symbol. The supplemental educational plaque, NO PARKING, with a red legend and border on a white background, may be used above signs incorporating the No Parking symbol.
- To make the parking regulations more effective and to improve public relations by giving a definite warning, a TOW-AWAY ZONE plaque may be appended to, or incorporated in, any parking prohibition sign.
- Where parking spaces that are reserved for persons with disabilities are designated to accommodate wheelchair vans, a VAN ACCESSIBLE plaque shall be mounted below the handicap sign. The handicap sign shall have a green legend and border and a white wheelchair symbol on a blue square, all on a white background.

**Note:** “Signage Pollution” (over signage) is a potential concern. In cities where we have recommended this approach, the goal is to typically reduce the number of total signs and provide signage which is simpler and more understandable to the occasional user.

### Paid Parking

- If a fee is charged for parking and a mid-block pay station is used instead of individual parking meters for each parking space, pay parking signs should be used. Pay Parking signs should be used to define the area where the



pay station parking applies. Pay Station signs should be used at the pay station or to direct road users to the pay station.

- If the pay parking is subject to a maximum time limit, the appropriate time limit (number of hours or minutes) shall be displayed on the Pay Parking and Pay Station signs.

#### **Directional Guidance**

- If the parking restriction applies to a limited area or zone, the limits of the restriction should be shown by arrows or supplemental plaques. If arrows are used and if the sign is at the end of a parking zone, there should be a single-headed arrow pointing in the direction that the regulation is in effect. If the sign is at an intermediate point in a zone, there should be a double headed arrow pointing both ways. When a single sign is used at the transition point between two parking zones, it should display a right and left arrow pointing in the direction that the respective restrictions apply.
- As an alternate to the use of arrows to show designated restriction zones, word messages such as BEGIN, END, HERE TO CORNER, HERE TO ALLEY, THIS SIDE OF SIGN, or BETWEEN SIGNS may be used.

#### **Signage Placement, Orientation, and Placement**

- When signs with arrows are used to indicate the extent of the restricted zones, the signs should be set at an angle of not less than 30 degrees or more than 45 degrees with the line of traffic flow in order to be visible to approaching traffic.
- Spacing of signs should be based on legibility and sign orientation.
- At the transition point between two parking zones, a single sign or two signs mounted side by side may be used.
- If the zone is unusually long, signs showing a double arrow should be used at intermediate points within the zone.
- If the signs are mounted at an angle of 90 degrees to the curb line, two signs shall be mounted back to back at the transition point between two parking zones, each with an appended THIS SIDE OF SIGN supplemental plaque.
- If the signs are mounted at an angle of 90 degrees to the curb line, signs without any arrows or appended plaques should be used at intermediate points within a parking zone, facing in the direction of approaching traffic. Otherwise the standards of placement should be the same as for signs using directional arrows.
- To minimize the number of parking signs, blanket regulations that apply to a given district may, if legal, be posted at district boundary lines.

It is recommended that a current traffic and regulatory signage review be conducted to document current conditions, issues, inconsistencies, etc. Recommended signage categories for organizational purposes include:

- General Signage – No Parking, etc.
- No Parking – With Restrictions
- Taxis and Limousines
- Loading Zones
- Passenger Loading Zones
- Parking Allowed
- Neighborhood, Convention Center or Event Venue Parking



## Curb Lane/Right of Way Management Recommendations

The following section provides the core recommendations for the various curb lane uses throughout downtown. These recommendations are intended to drive implementation and management decisions.

These strategies are built from existing policies, best management practices from peer cities, and creative strategies that intend to further define the curb uses and provide a more consistent and comprehend-able curb lane experience.

### On-Street Parking

Throughout downtown, the most predominant curb use and type is on-street parking. This use makes up the majority of the available curb space, which is appropriate because it is the most sought after and utilized curb use throughout the downtown business district. In the previously defined curb space priorities, on-street parking is considered to be one of the primary priorities, only behind transit operations and pedestrian/vehicular experience (depending upon street type). For Casper, it is recommended that a primary goal should be to maximize the amount of on-street parking capacity. Many of the recommendations in this section are focused on that desire.

On-street parking should be regulated in a manner that provides accessible and convenient spaces, with logical structure, signage, regulation, and payment options (if on-street paid parking is implemented. As an example, it is not feasible to have short duration parking in the same area as longer duration parking, because motorists could confuse the two, leading to unwanted enforcement issues or an unsatisfying downtown experience.

The following sections provide recommendations related to the location, orientation, regulation, and application of on-street parking throughout downtown.

#### Block Face Location

Because of the abundance of on-street parking throughout downtown, it is difficult to define a specific location for on-street parking along the curb face. In an ideal setting, on-street parking would be the central use along a block, buffered by loading zones or taxi stands. However, in some locations it may be necessary to locate on-street spaces at the end of a block to account for transit loading or commercial vehicle loading. In other locations, especially in evening operations, it may be necessary to locate on-street parking on the end of blocks, buffering valet parking operations.

Of all the curb uses identified in this document, on-street parking needs to remain the most flexible in its location and placement. **However, one constant that should be applied throughout downtown is to provide similar groupings of on-street spaces.** Short duration parking (e.g. 30 minute limits) should not be included within the same block that has mostly two-hour parking. Similarly, passenger loading, commercial vehicle loading, and taxi stands should not be placed in the center of on-street parking sections. Rather, these uses should be located to buffer on-street uses from the intersection. The application and location of on-street parking should be decided based on adjacent land uses and competing curb lane needs.

#### Orientation

Throughout downtown, parking is primarily oriented parallel to the curb face. This is a factor of available right-of-way and road space, which is not likely to change dramatically as downtown continues to evolve. **As development and redevelopment continues to occur, parallel parking should remain the orientation of choice.** This provides for varying uses throughout the day (e.g. on-street parking to vehicular capacity during peak hours), and allows for the most efficient movement of transit throughout the area. The City should be aware of alternative parking orientations which could be considered in new or redeveloped locations, either as a means to provide additional parking capacity or street traffic calming. For those areas of downtown considering traffic calming or road conversions, other methods may be appropriate based upon the available street right-of-way (such as the configuration of Second Street).





## Time Limits and Restrictions

The use of time limits and restrictions is a tool used to enact turnover and circulation within parking spaces, providing greater access for adjacent retail throughout the day. Within downtown, the time limits are generally two hours or less. **Generally, this policy is appropriate and should be maintained throughout the community. However, in certain locations, especially with a higher influence of “short-term” retail stores (e.g. coffee shops, dry cleaners, take-out food), the City could consider using short term Customer Convenience Zones to provide a larger capacity of parking that turns over quickly.**

By implementing a shorter duration time limit, such as 30 minutes rather than two hours, a parking space could turnover sixteen times in an eight-hour period, rather than four times. If an average shopping trip takes 30 minutes and an average purchase level is \$5, a retailer could make an additional \$60 per day, or a little more than \$15,000 per year. Conversely, on the fringe areas of downtown, where parking utilizations are lower, the City could consider providing longer term parking based on demand.

### Parking Rates

In an ideal parking system, on-street parking rates are set higher than the off-street rates to entice motorists to direct long-term parking trips into off-street parking facilities.

If on-street paid parking is implemented in the downtown business district, the recommended meter rates would be \$1 per hour, putting on-street and off-street rates into the proper relationship and encouraging both on-street space turnover and off-street parking utilization.

### Technology

It is recommended that the City consider implementing pay-by-plate meter technology to make the on-street retail parking more available to short-term users. **In addition to implementing new pay station technology, the City should consider some additional add-on features for its on-street system, both to enhance customer service and operations.**

The first is the addition of a pay-by-cell phone feature, connected to the new pay stations. This feature provides an additional payment option for consumers, and can serve to lower transaction fees for credit card transactions, as those fees are generally passed on to the consumer in a pay-by-cell phone system. Many current pay-by-cell systems require little to no infrastructure or capital cost for the City.

Additional technology options could include the use of smart phone applications or in-car navigation systems to direct motorists to available parking, and to communicate changes to curbside lane restrictions.

### Enforcement

From an enforcement standpoint, the following recommendations should be implemented in an effort to enhance enforcement operations.

- Apply additional training to enforcement officers regarding city-specific information related to events, attractions, and general downtown knowledge and orientation. This recommendation is intended to have enforcement officers serve as ambassadors to promote the downtown and provide assistance for visitors.
- Adding Saturday as an additional enforcement day
- Extending current enforcement times to 6pm
- Renewing focus on expired meter violations
- Rotating enforcement officers to different beats on regular intervals
- Utilizing License Plate Recognition software to actively seek out scofflaws



Fine Number	Violation Rate
1 <sup>st</sup> Violation	\$25.00 or warning
2 <sup>nd</sup> Violation	\$30.00
3 <sup>rd</sup> Violation	\$35.00
4 <sup>th</sup> Violation	\$40.00
5 <sup>th</sup> Violation or higher	\$50.00 + booting (motorists must pay all outstanding tickets to get boot removed)

The City should also consider redefining its parking violation fine structure, to provide more leniency to first-time or occasional offenders. By providing a tiered parking violation structure, first-time offenders are warned of potential violations and the citation is used more for education than enforcement. Higher tiered violations would be more substantial, and would be aimed at curbing habitual violators and scofflaws. An example fine structure is shown in the table to the left.

### Electric Vehicle Charging Stations

A new application in on-street parking is the provision of electric vehicle charging stations.

The use of on-street parking for electric vehicle charging stations is a relatively new concept in the United States, with San Francisco, CA being one of the first implementers. In the picture to the right, vehicle charging stations require a specific permit for parking privileges.



If the City begins to consider these charging stations, special thought needs to be given to time limits, parking charges, and vehicles restrictions. Initially, the use of this

technology may be low and the City can operate the spaces like any others in downtown. However, as demand for these spaces increases, the City will need to restrict usage to electric vehicles that are charging only. Enforcement of these spaces should include a fine high enough to deter regular vehicles from parking in the space (~\$50).

As the City reviews time limits for these spaces, it may need to expand beyond the traditional two-hour limit to allow for sustained charging operations. However, the City should not allow unregulated parking by charging vehicles, as some parkers will take advantage of the free service for numerous hours. The City should work with the charging system vendor to identify appropriate time limits that allow for suitable charging without losing the space to a lone charger for an extended period. As with all other spaces, electric vehicle charging spaces should be subject to peak hour restrictions and associated fines and towing.



## Transit

General recommendations and standards for locating transit stops along the curb lane in downtown were developed in response to passenger loading/unloading priorities. The provision of efficient transit operations and reliable service to passengers promotes multi-modal operations, sustaining Casper's growth as a dynamic "park once" City. Because vehicles illegally parked or encroaching onto stop locations are detrimental to transit operations, these vehicles should receive heavy fines. A vehicle parked at a bus stop should receive a fine similar to a traffic obstruction fine during peak hour (\$50 + tow). The space markings and signage should clearly communicate this message to motorists.

The locations of bus stops are important to system operations. Locating stops close to intersections is recommended for transit operations. To minimize potential conflicts bus stops should be located at the ends of the block to the extent practicable.

## Passenger Loading – Taxis/TNCs

The growth of TNCs is and a wide range of alternatives uses for curb-lane real estate (bike corrals, dedicated car share spaces, parklets, passenger loading zones, bus stops, etc.) is causing a reprioritization of curb lane usage policies nationwide. Existing policies in Casper do not prohibit taxis from stopping or standing in on-street parking spaces, which is an issue when a private vehicle cannot park on the street because a taxi is using the space. The following are recommended additions to the existing taxicab policy, which are based on the parking needs in downtown.

- No vehicle shall stop, stand or park a vehicle other than a taxi in a taxicab stand.
- Taxis shall not stand or park on any street at any place or parking space other than in designated taxicab stands except while actually engaging in the expeditious loading and unloading of passengers.
- Taxis/TNCs will be allowed to utilize curb space in commercial loading zones after 6pm, when commercial loading restrictions are no longer effective.
- Separating taxi/TNC operations from other users along the curb allows for better curb management practices while still providing space for passenger loading. In addition, it is not always necessary to provide taxi/TNC parking along every block since not every land use requires the need for taxi/TNC services.
- When taxi/TNC stands are required on a block, it is recommended that they be located at the end of blocks, near intersections, to provide a buffer for pedestrians utilizing on-street parking spaces or transit passengers loading and unloading. This is consistent with the recommended placement of commercial loading zones, which taxi/TNC can utilize after 6pm, and will reduce confusion about where taxis are allowed to stop or stand on the street.
- Creating dedicated taxi/TNC stands and locating the stands near intersections will clean up the curbside use and provide adequate service to downtown patrons. Furthermore, these recommendations will reduce conflicts with competing uses and illegal queuing by taxis/TNCs.



## Passenger Loading – Valet

We are not aware of any existing policies related to valet operations in Casper, but as the downtown becomes more active with new restaurants and other attractions, the desire to provide valet services is likely to grow. The following draft valet parking recommendations are provided should the need arise in the future.

### Location and Limitations

- Valet stands should be located at or near the center of a block face, where vehicular queuing is less likely to impact traffic operations at nearby intersections.
- Centralized placement of valet stands will minimize conflicts and create uniformity in Uptown. Using a centralized location also allows multiple valet stands to be combined, serving several businesses on one block face.
- Building upon this centralized approach, valet stands should be restricted to one operation per block face, which should limit the pedestrian and traffic flow disruption. More importantly, limiting to one valet stand per block will minimize the number of on-street parking spaces removed for valet transfer.

### Valet Fee Structure

It is recommended that the City collect an annual application fee of \$200 per valet operation, additional fees should be collected to monetize the valuable curb space that is being utilized by valet services, especially if the City implements paid parking operations. Suggested fees include both Operations and Parking Obstructions:

**Operations Fee** - The Operations Fee would require the valet companies to pay a basic fee to operate a valet stand in downtown. This fee would be collected annually and would be paid for per valet stand. If a valet company operates multiple stands in downtown, a premium price would be paid for the first stand and reduced fee would be assessed for additional stands.

**Parking Obstruction Fee** - The Parking Obstruction Fee would require the valet parking operator to pay for the valuable on-street parking spaces that would be removed for valet services. This fee is intended to encourage the valet operators to efficiently utilize the curb space and minimize impacts to on-street parking. The parking obstruction fee would be assessed annually and be paid for per removed space. An example of the fee schedule can be found below:

FEE TYPE	ANNUAL COST*
Application Fee	\$200
Parking Obstruction	\$250 per space
Operational Fee	\$50
Each additional location	\$10 per additional stand

*These fees are examples only and are primarily based upon fees used in Austin, Texas. If adopted, these fees should be studied and potentially adjusted to be based on the Casper market.*



## Residential Permit Parking

At some point in the future, the City of Casper may need to develop a residential parking permit program for the neighborhoods in or near to downtown. Urban Center residents desire to park near or adjacent to their homes, often in public on-street spaces.

### Block Face

When determining how a block face should look on residential designated streets within the downtown area, on-street parking should be the first priority to serve residents. Taxi and valet stands should be prohibited on residential streets, because their use and operation is detrimental to the residential nature of the areas.

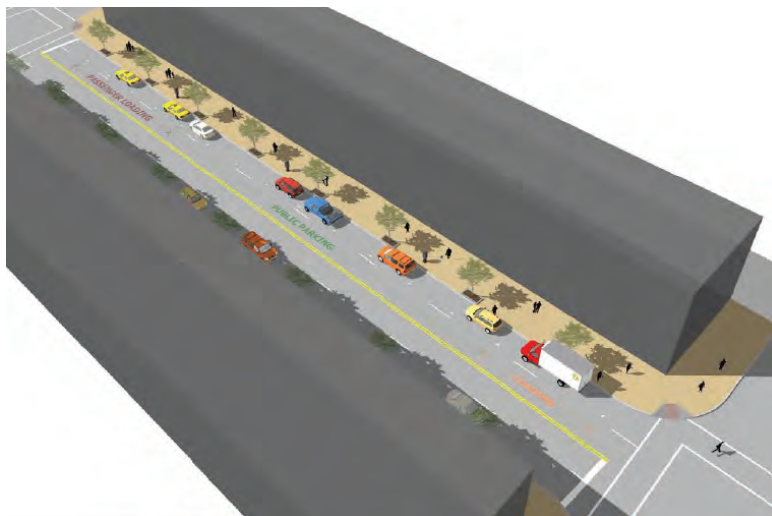
### Residential Permit Policy

The residential parking permit policies may vary per residential area. This is due to the varying demands for parking and special event conditions within each location. Some areas have denser residential development. Other areas are impacted by special event conditions from various venues.

Most residential parking permit areas charge a very modest fee for permits (just enough to cover the program's cost (often as low as \$15 / year). Please see Appendix 28 for a whitepaper on developing a residential parking permit program.

### Standardized Block Layout

The intent of this block face configuration is to provide on-street parking capacity, centrally located and grouped for easy location by downtown users. The parking is buffered by loading zones, both commercial and passenger (taxi in this example). Under this example, the City can use one Pay-by-Space pay station, while also minimizing signage.



## Residential Streets



The intent of this block face configuration is to provide residential permit parking capacity. Residential loading operations would take place in the on-street parking spaces, given the less common nature of this type of loading. Residential loading could mean home delivery, move-in/move-out procedures, and passenger loading and unloading.



### Second Street Pilot Project

The implementation and phasing of the curb lane study recommendations will need to occur over time, as development and redevelopment needs dictate. However, one of the recommendations of this study is to conduct a pilot project of recommendations along Second Street.

The following elements should be considered for inclusion in the Second Street Curb Management Pilot Study

- **Curb Management** – implementation of specified curb lane use priorities
- **Policy and Enforcement Practices** – implement prescribed approaches to commercial vehicle loading, taxi stands, transit operations, and food truck practices.



The following categories further describe the intended application:

- **Commercial Vehicle Loading Zone Practices** – implement annual or temporary commercial vehicle loading classes on an area wide basis.
- **Passenger Loading Practices** – for taxi/TNC operations, implement restrictions on an area wide basis to gauge their effectiveness.
- **Signage and Messaging** – the signage recommendations outlined in this chapter should be implemented along signature and secondary streets in the downtown business district, including the timeline signage (where appropriate) and the standardized approach to parking signage.

#### **Pilot Program Implementation Strategies**

Second Street is a key retail area of the downtown. Many of the curb lane management recommendations could be tested on an incremental basis. Note everything should be done at once, but testing out of new parking signage concepts, commercial and vehicle loading zones, parking enforcement practices, etc. could be done as distinct test cases. These “pilots” should be done with the advance knowledge and input from local area business and their feedback should be an integral part of the pilots when testing new concepts and applications.

Another example of a priority project that could involve the community might be a design competition to incorporate art into the public parking garage as part of a garage enhancement project. Local artists could be invited to develop mural projects or other creative ideas on garage walls. The winning designed would be commissioned as a public art project.



## Parking Design Guidelines

A requested element of the request for proposals for this project was a set of parking garage design guidelines. This document was developed for the Casper Area MPO and the City of Casper as a guide for future parking structure design in Downtown Casper. It contains information to help developers and designers incorporate parking structure components into proposed projects. The concepts presented will help produce functional, well-designed and patron friendly parking structures that will become valued infrastructure elements for the Downtown. The concepts are presented so that common design mistakes can be avoided by being addressed early in the design process. The document is based on Kimley-Horn's internal Guidelines for Functional Parking Design and should be periodically updated to reflect state-of-the-art parking design practices and principles. Please see Appendix 26 for these design guidelines.







# **Parking Management Strategies / New Parking Program Implementation Plan**

**SECTION**

**9**



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20 Characteristics of Effective Parking Management Programs

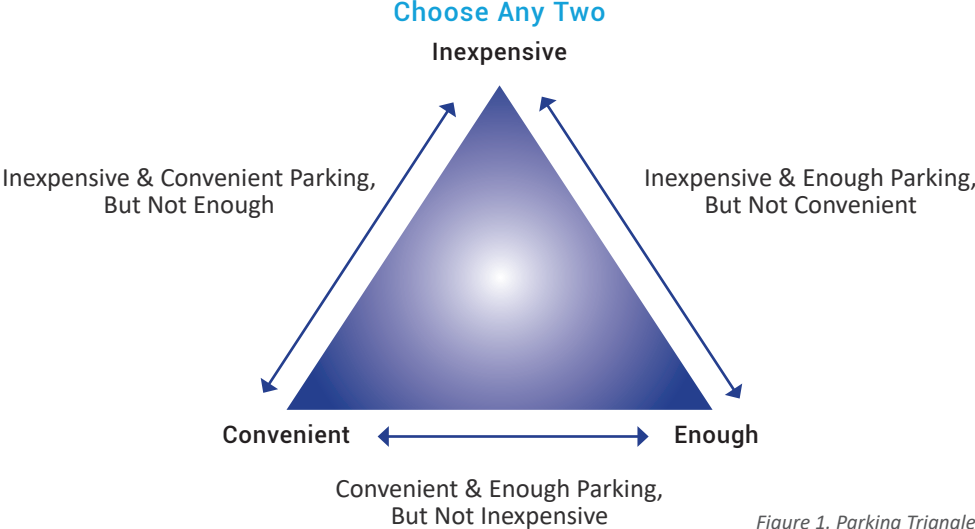


Figure 1. Parking Triangle

Introduction

There is one element common to every study and every downtown - parking is always a source of frustration and contention. It is amazing how emotional an issue parking can be. This is because it affects people so directly. Think about it – how many other areas involve issues of personal safety/security, finance, convenience, wayfinding, accessibility and customer service? Because parking creates the first and last impression of your community, one question we will address is: How can that “parking experience” best be managed? We’ll get back to that question shortly.

An interesting truism about parking is illustrated in the graphic below.

Everyone wants three things when it comes to parking:

- 1. They want there to be plenty of it
- 2. They want it to be very convenient and
- 3. They want it to be inexpensive (and preferably free).

Unfortunately, you can have any two, but not all three. This ushers in the need for a policy decision. If you choose to have inexpensive and convenient parking you will likely not have enough. This option may be acceptable if you want to use the lack of spaces as part of a demand management strategy to encourage the use of transportation alternatives.

If you choose to have inexpensive and enough parking it will not be very convenient. With this choice, you may be adopting a strategy that utilizes less expensive remote parking supported with shuttle operations (at least for employees).



If you choose to have convenient and enough parking, it will not be means you have chosen to develop structured parking. The national ranges from \$5,000 to \$8,000 per space. Above grade parking structure space. Below grade parking can range between 1.5 to 2 times the cost dependent upon soil conditions and other factors. Another consideration utility, maintenance and security costs are significantly higher with s

developing a comprehensive parking plan for municipalities is based on our “20 Characteristics of Effective Parking Programs” approach.

In urban environments, the choice is most often made to have “convenient and enough” parking. This strategic decision and the significant capital investment it requires, creates the need to assure that these investments are well managed and responsive to the communities they serve.

Based on our work evaluating numerous parking systems of various sizes and complexity across the country, Kimley-Horn has identified a set of 20 Characteristics, that when combined into an integrated programmatic approach can provide the basis for a sound and well managed parking system. We’ve found that the twenty characteristics provide a solid foundation for communities who are working to manage parking in a way that balances convenience, availability and cost.

A parking system that has all twenty of these characteristics, as listed at right and discussed in detail below, is well on its way to being in a class apart from the majority of parking systems. The ultimate goals are a system that provides professional management, understands the role it plays in contributing to the larger objectives of the downtown or shopping district and is responsive to the community to which it serves.

## 20 CHARACTERISTICS of Effective Parking Programs

1. Vision and Mission
2. Parking Philosophy/Guiding Principles
3. Parking Planning
4. Community Involvement
5. Appropriate Organization
6. Staff Development and Training
7. Safety, Security, and Risk Management
8. Effective Communications
9. Consolidated Parking Program
10. Financial Reporting and Planning
11. Strategic Parking Management
12. Operational Efficiency
13. Facilities Maintenance Programs
14. Effective Use of Technology
15. Parking System Marketing / Promotion
16. Positive Customer Service Programs
17. Special Events Parking Programs
18. Parking Enforcement
19. Transportation Demand Management
20. Competitive Environment



## Summary

The importance of parking as one of the most visible and often controversial elements of a downtown's infrastructure is often underestimated. Parking, when well-managed, can be a key component in attracting and supporting new development and is essential to sustaining healthy and vibrant downtowns.

### "Charting the Right Course"

Based on our experience with similar sized communities, the Kimley-Horn project team drafted a preliminary set of program goals and guiding principles.

The purpose of these program goals and guiding principles is to establish a strategic framework upon which to build a new parking management plan for the City of Casper. Included in this section are the following elements:

- A draft vision statement
- A draft mission statement
- Draft Guiding Principles

The overall parking program recommendations were developed to support this draft program vision / mission and guiding principles.

#### **Draft Vision Statement:**

"The Casper parking program will strive to develop a superior, customer-oriented parking system, responding to the current and future needs of parkers, including visitors, employees, employers, and property owners through active planning, management, coordination, and communications."

"The Casper parking program shall be considered an integral component of the community's economic development strategies and programs."

#### **Draft Mission Statement:**

"The Casper parking program is committed to enhancing the parking experience for the City's customers and stakeholders. Parking policies, planning, and programs will effectively support the community's strategic goals and objectives."



## Recommended Guiding Principles

The goal in crafting these guiding principles for the parking program is to develop a comprehensive approach to parking management for the City of Casper that will provide an integrated, action-oriented, and accountable system of parking and access management strategies that supports, facilitates and contributes to a sustainable and vibrant community. These principles are strategic in nature, responsive to the needs of the community and aligned with the larger community's strategic and economic development goals.

These parking program Guiding Principles will encourage the use of parking and other transportation resources to support and facilitate priority economic development goals and serve prioritized user groups. They will also serve as a foundation for near and long-term decision-making relating to parking management and development in the downtown.

### Draft Guiding Principle Categories:

1. Organization/Leadership
2. Community and Economic Development
3. Leveraging Technology
4. Planning /Urban Design
5. Effective Management/Accountability
6. Customer Service Orientation
7. Communications/Branding /Community Education
8. Accountability/Financial Management
9. Integrated Mobility Management
10. Sustainability

A statement better defining each the ten draft guiding principles is provided on the following pages.

### Guiding Principle #1 – Organization/Leadership

**The parking management program will be “vertically-integrated” with responsibility for:**

Managing on-street parking

- Managing City owned off-street parking
- Coordination with privately owned off-street parking
- Parking enforcement/citation management and adjudication
- Parking planning and development
- Transportation demand management

Consolidating the various parking functions under a single entity will establish a consolidated system that is action-oriented, responsive, and accountable with improved coordination and operating efficiencies.

Recruiting a strong leader is a key element for success. The organization leader must have strong vision and communications skills, specialized parking and planning expertise, and be capable of educating other community leaders, stakeholders and private sector partners on the importance and relevance of a strong parking management organization. Strong general management and financial program development skills are also required.



## Guiding Principle #2 – COMMUNITY and ECONOMIC DEVELOPMENT



**The Casper parking management system will be guided by community and economic development goals and City Council adopted policy directives that are the result of collaborative processes between Parking program staff, other agencies and involved stakeholders.**

The Casper parking program will use its resources to promote mixed-use and shared-use parking strategies as well as promoting alternative transportation modes through the creation of incentives, partnerships and programs to attract private investment; this will include reviewing and updating existing city parking requirements, as appropriate.

The Casper parking management program will assume a leadership role in developing public policies that support parking and mobility management as a key element of the downtown economic development strategy.

It is envisioned that the Casper parking management program will work in partnership with City economic development, the Casper DDA and other entities actively engaged in community and economic development work in the downtown. The addition of City's new parking management focus in economic development projects will encourage the leveraging of strategic parking development as a significant tool to promote targeted and prioritized development projects in downtown.

## Guiding Principle #3 – Leveraging Technology

**The Casper parking management system will be an adopter of technology solutions to enhance customer service and parking information options.**

A key goal is to make parking less of an impediment to visiting the downtown and more of an amenity.

Technology will be leveraged to streamline and simplify access to parking and will be a key parking management strategy. Another key technology related goal is to enhance the efficiency and effectiveness of parking management staff and programs.

## Guiding Principle #4 – Planning / Visioning/ Policy/ Urban Design

**The Casper parking management system shall have an active and comprehensive planning function.**

The Casper parking management system will be included in all strategic development and transportation planning efforts. The parking management system will work with City planning staff to review and evaluate parking zoning requirements, the development of parking design standards that promote good urban design principles related to parking structures and mixed-use projects, and the creation of transit oriented development parking standards.



Effective parking planning will mean an improved understanding of parking supply/demand conditions on an on-going basis, and ultimately the development of parking infrastructure that will enhance and better support the community strategic goals and urban design.

**The vision of an enhanced planning and policy development function will be pursued on multiple levels.**

Parking management strategies and programs should support and compliment other access modes as a means to better facilitate the accessibility and user-friendliness of downtown Casper as a preferred regional destination. Resources shall be effectively planned and managed to promote and support multiple access modes into and around the downtown. Primary access modes include automobile, transit, bike/motorcycle and pedestrian users.

Well-defined parking facility design criteria, parking related streetscape enhancements and effective integration of signage and wayfinding elements are all areas that this principle will promote. Parking management will work toward developing a parking system that continues to be self-supporting and sets aside funds for maintenance reserves and future capital asset funding.

### **Guiding Principle #5- Effective Parking Management/Accountability**

**The Casper parking management system will strive to be a forward thinking, “best-in-class” parking program.**

The Casper parking management system should anticipate future patron needs in the context of community and economic development and other planning initiatives and seek to integrate supportive parking and multi-modal access strategies as appropriate.

Evaluation of other parking management best practices and new technologies should occur on an on-going basis. Effective facility maintenance, infrastructure reinvestment and other system management fundamentals will be routinely addressed. Emphasis will be placed on enhancing parking facility appearance, maintenance, safety and security, regardless of facility ownership. The parking management system will promote standards to encourage comprehensive and pro-active facility maintenance and security plans.

Facility maintenance reserves and other maintenance best practices will be encouraged in the City-owned facilities. Publicly available parking facilities marketed through the Casper parking management system will agree to a community developed set of parking facility standards. Participating facilities will be routinely monitored.

Parking facilities will incorporate public art and creative level identification/theming to enhance the parking experience for their patrons and make parking facilities more navigable and inviting.

### **Guiding Principle #6 – Customer Service Orientation**

**Parking will promote the City of Casper as a desirable destination for workers, businesses, shopping, dining, and recreation by making parking a positive element of the overall community experience.**

The Casper parking management system will strive to develop and coordinate private and publicly owned parking facilities that are clean, convenient and safe.

Parking enforcement staff will present a friendly and professional appearance and receive on-going customer service and community ambassador training.

Ongoing goals of the parking management organization will include: Responsiveness to community needs, openness to fresh ideas and active participation in community planning and events.

One major goal of the Casper parking management system is to create a parking program that will be easy for the visitor to understand and to access. This will be accomplished through the use of common branding and marketing,





an integrated signage plan, validation programs, a web-based information clearing house, special events programs, etc.

Management of the on-street parking system will be enhanced over time through investments in new technology and more customer friendly parking enforcement policies.

The Casper parking management system should aim high and strive to achieve a Best-In-Class parking program. All aspects of the City parking should reflect an understanding of what the customer desires in terms of a positive and memorable experience. After a few years, it is recommended that the Casper Parking program work toward achieving “accreditation” through the International Parking Institute’s “Accredited Parking Organization” (APO) program.

Special programs to address retail enhancement initiatives, shared-use parking, employee parking, special/large events parking, etc. will be developed. These programs will be developed in a collaborative manner and designed to support larger community goals and objectives.

### **Guiding Principle #7 – Communications/Branding/Marketing and Community Education**

Parking management programs and facilities will be developed to function as a positive, marketable asset for the City of Casper.

Parking management strategies and programs will be cross-marketed to promote the City as a unique and visitor-friendly regional destination. Parking availability shall be well publicized to enhance the perception of parking as a positive element of the community experience. Reinvestment of parking resources back into the downtown will be promoted. The Casper parking management system will develop an effective branding program.

In addition to web-based information, the Casper parking management system will develop educational materials on topics such as: parking development trends, parking safety tips, etc. The organization will also promote discussion with parking facility owners/operators on topics such as facility condition assessments, maintenance program development, parking management best practices, etc.

City parking programs and information shall be well promoted and marketed. The Casper parking management system will work closely with the Casper DDA, and the City’s Economic Development department and other community agencies/stakeholders to promote, educate and market parking programs.

### **Guiding Principle #8 – Accountability / Financial Management**

**The parking system will strive, over time, to be financially self-supporting and accountable to stakeholders.**

Parking management will work toward developing a parking system that is self-supporting and sets aside funds for maintenance reserves and future capital asset funding.

By aligning approved parking revenue streams from on-street, off-street, enforcement, (and potentially special assessment fees and fee-in-lieu programs), it is possible to develop a parking system that self-funds all operating and maintenance expenses, facility maintenance reserves, planning studies and future capital program allocations. A consolidated parking revenue and expense statement should be developed to document all parking related income streams and expenditures to give a true accounting of parking finances.

### **Guiding Principle #9 – Integrated Mobility Management**

**The Casper parking management system will support a “Park Once” philosophy and a balance of travel modes, including bus, vehicular, bicycle and pedestrian, to meet community-wide access goals. Parking strategies and initiatives will be coordinated and aligned with the Casper Land Use and Transportation Plan.**



The parking management plan will promote a “park once” strategy that uses parking supply efficiently and emphasizes “linkages” to other forms of transportation.

The parking program will be a supporter and potentially a funding partner for a variety of transportation demand management programs and transportation alternatives that promote improved community access and a more sustainable parking and transportation program.

### Guiding Principle #10 – Sustainability

**Initiatives to promote more sustainable and efficient operations will be actively pursued.**

While initial program funding may have to come from City general funds for program staffing and initial capital equipment acquisitions, implementation of “paid on-street parking”, if pursued, will provide the program with a new source of revenue capable of providing a sustainable funding source to get the new program up and running.

“Green” strategies that can result in more efficient use of parking facilities and provide other benefits, including reduced congestion and pollution, improved transportation choices, more efficient land-use, and improved streetscape aesthetics.

A more comprehensive discussion of the “20 Characteristics of Effective Parking Programs” can be found in Appendix 38.

## Primary Action Items

### Introduction

The following actions are necessary first steps toward developing an enhanced parking program for the City of Casper. These initial steps are needed to establish the new management structure and to begin to upgrade the systems and staff capabilities needed to achieve the goals of providing a more customer focused, sustainable and self-supported parking program for the community. This required investment is needed to provide the parking program with the tools needed to effectively manage the system. These initial steps will also support the primary goals of enhancing customer services and economic development by making downtown more appealing to businesses wishing to relocate or to remain downtown. All the stakeholder feedback to date agrees that an effective public parking system is an important element in the revitalization of Downtown Casper.

Many of the recommendations and concepts presented in the Parking Strategic Plan may be unfamiliar to some readers and may require more detail to be completely understood. In an attempt to keep the main report document as concise as possible, we have provided a series of Appendices to provide more background on some topics, including tools to aid in program implementation such as sample agreements, sample manuals, supporting articles and whitepapers, policy recommendations, process checklists, etc. At relevant points within the strategic plan, notes are provided to refer the reader to a specific appendix item.

A discussion of each set of Primary Action Items follows on the next page.



## Primary Action Item #1: Adopt New Program Vision and Mission Statements and Recommended Parking Program Guiding Principles, Hire a Parking Management Professional (or engage a parking management firm), Create a Parking Advisory Board and Implement Parking Management Best Practices

This report identified the need for well-defined vision and mission statements and related program “Guiding Principles” relative to parking and provides recommended vision and mission statements as well as a comprehensive set of guiding principles as the basis of a new program strategic framework.

It is recommended that the City shift the responsibility for parking management from the DDA to a City department function within the Community Development department and hire an experienced Parking Manager (and possibly engage a private parking management firm). The new program manager should work collaboratively with the City’s Planning Department and recommended “Parking Advisory Board” to review and refine these draft documents and adapt them as needed the basis of new parking program strategic plan.

To further promote program development, a document containing an extensive collection of Parking Management Best Practices and large set of appendices (Parking Management Toolkit) has been provided as part of this study. It is recommended that these documents be used as resources to identify additional program enhancements going forward.

### Primary Responsibility:

New City Parking Program, City of Casper Community Development Department/MPO

### Key Partners:

Related City Departments and a new Parking Advisory Board

### Time-frame:

Complete by May 2019

### Supportive Documents/Tools Provided:

Appendix 18. Sample Parking Administrator Position Description

Appendix 9. New Parking Manager Integration-Action Plan

Appendix 27. Parking Management Best Practices

## Primary Action Item #1

- Adopt New Program Vision and Mission Statements and Recommended Parking Program Guiding Principles
  - Hire a Parking Management Professional (and possibly engage a parking management firm)
  - Create a Parking Advisory Board
- and*
- Implement Parking Management Best Practices

Review the Parking Management Best Practices document (Appendix 27) and other tools provided to identify additional program enhancement going forward.



## Primary Action Item # 2: Begin a process to evaluate investment in New On-Street and Off-Street Parking Technology

One of the primary strategies to make downtown parking more visitor friendly, improve operational efficiencies and enhance parking revenues is to upgrade the parking system's technologies.

Developing a parking management technology master plan to provide a web-based parking management platform that is capable of providing the latest customer services and revenue/access control functionality is highly recommended. Appendix 17 provides a parking technology overview and a peer cities review for more detailed information related to current technologies and specific management applications in similar municipalities with more advanced parking management programs.

Implementing paid on-street parking is a well-documented best practice and would help the City address several issues identified in the course of this study. However, on-street paid parking is somewhat controversial and if pursued will require significant additional public outreach and planning. It has been documented in many cities across the country that implementing new "smart parking meters" (either multi-space or single-space credit card enabled meters) improves customer parking availability on-street through increased parking turnover and provides an important funding source to pay for future parking system capabilities in terms of staffing, technology (such as mobile LPR enforcement systems, etc.) as well as funding for parking structure maintenance and repair work.

Pay-by Cell Phone/Mobile Apps are additional payment options that the City should consider due to the very tangible customer benefits that these options provide.

The Parking program should develop an RFP process for new parking technology and potentially on-street meter acquisition as a first step to developing a practical set of parking management functions and new customer service offerings. This should be followed by a thorough analysis of what the City can afford in terms of its initial investment and based on the projected revenue increases, lay out a defined plan to continue system upgrades going forward. Consideration should also be given to alternative purchasing strategies such as equipment leasing or other special offers such as lease-to-own or partnerships where by equipment is provided at no or reduced cost based on a sharing of system revenues.

The latest on-street meter and enforcement technologies include features that enable improved operational efficiencies and enhanced revenues by automating the citation issuance process, improving citation collection ratios (through better documentation), reducing the need for daily meter collections (just-in-time-collections), reduced number of meters (if multi-space meters are chosen), enforcement route optimization based on improved management data from the meters, etc.

The introduction of this new technology will also come with some increased costs related to communications fees,

### Primary Action Item #2

- Begin a process to evaluate Investment in New On-Street and Off-Street Parking Technology

Upgrading the parking system's technologies is a key strategy to make downtown parking more visitor friendly, improve operational efficiencies and enhance parking revenues.

On-Street parking enforcement and meter technology have the greatest potential for achieving the stated goals above.

Pay-by-Cell Phone/Mobile Apps are another payment options that provides very tangible customer benefits.

The introduction of new technology will also come with some increased costs. Increasing on-street parking rates in conjunction with the technology upgrades is recommended.



credit card and cell phone transaction charges, etc. To help defray these new system costs, setting initial on-street parking rates to \$1.00/hour is recommended. This move will also help keep on-street and off-street rates in proper alignment (on-street, short-term parking rates should be higher than off-street rates). A white paper on the latest on-street parking technologies is provided as a resource to support this action item.

**Primary Responsibility:**

New City Parking Program, City of Casper Community Development Department/MPO

**Key Partners:**

City Clerk's Office, City Finance, IT and Purchasing Departments, Parking Advisory Board, City Administrator, City Council

**Time-frame:**

Parking Technology RFP issued by the 2nd Qtr. 2019,  
New Technology Implementation Strategy completed by the 4th Qtr. 2019  
Implementation 1st quarter 2020

**Supportive Documents/Tools Provided:**

Appendix 17. On-Street Parking Technology Whitepaper  
Appendix 27. Parking Management Best Practices  
Appendix 23. License Plate Recognition/Park+ Whitepaper



### Primary Action Item # 3: Leverage Parking as a Community and Economic Development Strategy and Develop a Comprehensive Parking Planning Function

Link parking planning to larger community and economic development initiatives.

Review Appendix 10 - A white paper on the topic of "Parking as an Economic Development Strategy" for more specifics.

Review Appendix 7 - For example guidelines for using parking as an economic development strategy.

Recommended parking planning activities include:

- On-going monitoring of parking supply/demand and land use data on a facility/lot specific basis.
- Documentation of lot/facility utilization on a regular periodic basis will allow the parking program to better manage existing resources as well as plan for future parking needs.
- Consider investing in a GIS-Based Parking Demand modeling software (Park+).
- Recommended new on-street parking meters will also provide the parking program with improved management and system utilization data. However, simply having the data is not enough. It must be collected, tracked and analyzed for it to be of value from a planning perspective.
- Beyond parking data collection and analysis, the on-going assessment of potential long-term parking development sites, the creation of a parking lot and structure design guidelines (See Appendix 26 for provided design guidelines) and the development of a parking specific capital projects list are all parking specific planning efforts that are expected from an effective parking program.

Parking and transportation are important support systems that are most effective when specific programs, policies and philosophies are aligned with a larger downtown master plan. Incorporating this Parking Strategic Plan with any updates to the Downtown Strategic Plan is highly recommended.

#### Primary Responsibility:

New City Parking Program, City of Casper Community Development Department/MPO

#### Key Partners:

City Planning, City Finance, City Administrator, City Council

#### Time-frame:

Develop a list of prioritized parking planning action items by July 2018.

#### Supportive Documents/Tools Provided:

- Appendix 10. Parking as an Economic Development Strategy
- Appendix 5. Developing a Retail Support Strategy
- Appendix 7. Guidelines for Parking as an Economic Development Strategies
- Appendix 1. Recommended Reading List for Parking Professionals
- Appendix 20. Tax Increment Financing Whitepaper
- Appendix 16. Parking In-Lieu Fees Whitepaper

### Primary Action Item #3

- Leverage Parking as a Community and Economic Development Strategy
- Develop a Comprehensive Parking Planning Function

On-going monitoring of parking supply/demand on a facility/lot specific basis is encouraged.

Documentation of lot/facility utilization on a regular periodic basis will allow the Parking Authority to better manage existing resources as well as plan for future parking needs.



#### Primary Action Item # 4: Improve utilization of the existing parking garage (Wolcott and Center Streets) by investing in needed repairs/recommended upgrades.

An “aesthetic assessment” of the Casper parking garage was conducted in 2009 by Paul D. Mack, P.E. of Parking Consultants, LLC. We agree with most of the comments and recommendations of this limited assessment.

We are aware that some limited improvements in garage lighting have been implemented, but recommend that complete lighting system upgrade to new LED lighting be funded in conjunction with a project to paint the garage interiors white be prioritized.

A strategy of addressing the “First 30 Feet” of each parking facility is a recommended first step in showing some immediate progress. Key elements of the “First 30 Feet” approach include:

- Cleaning and painting
- Add/improve facility identification signage review/consolidation
- Adding “Welcome” and “Thank You” messaging at entrances and exits
- Enhanced lighting
- Landscaping

Other specific garage enhancement recommendations include:

- Paint the interior of the garage white
- Paint interior stair and elevator lobbies
- Upgrade garage security equipment with Code Blue or similar equipment.
- Review and improve entry/exit, wayfinding and rate signage. (A system developed by PictoForm provides well-designed, low maintenance parking garage signage and is recommended for consideration.
- Remove unnecessary, repetitive or “negative tone” signage (“No Trespassing” signs)
- Develop garage level theming “super graphics” as a tool to add color and visual interest to garage. (See Appendix 32 “A New Canvas - Wayfinding Graphics and Art to Enhance Parking Facility Design”)
- Protect drainage pipes with protective guards
- Enhance garage exterior with an architectural treatment, enhanced lighting and facility identification signage.

Beyond the physical facility improvements noted above, it is recommended that a review of the current parking allocation of spaces within the garage be conducted

#### Primary Responsibility:

New City Parking Program, City of Casper Community Development Department/MPO

#### Key Partners:

City Engineering and Public Works Departments, City Finance Department, Casper Police Department

#### Time-frame:

Develop a garage enhancement action plan by September 2018.

Complete garage enhancement action plan by July 2019

#### Primary Action Item #4

- Improve utilization of the existing parking garage by investing in needed repairs/recommended upgrades

Enhance the existing facility by making it clean, safe, attractive and easy to access and pay.

Complete lighting system upgrade to new LED lighting in conjunction with a project to paint the garage interiors white.

Adopting the "First 30 Feet" strategy for each parking facility is a recommended first step to show some early progress.



**Supportive Documents/Tools Provided:**

Appendix 32. "A New Canvas - Wayfinding Graphics and Art to Enhance Parking Facility Design"

Appendix 36. "Poetry in Parking" Creativity in Parking Management from Eugene, OR

**Primary Action Item # 5: Develop a Proactive Facility Maintenance Program Including Regular Facility Condition Appraisals, Prioritized Facility Rehabilitation Plans and the Creation of Parking Facility Maintenance Reserves**

Maintaining clean, safe and attractive facilities is a core function of any parking program and has a significant impact on the perception of the program and the community it serves.

An important aspect of the City of Casper parking program will be a well-defined and effective long-term parking facility maintenance strategy. The development of an on-going and proactive facility condition appraisal process and prioritized facility rehabilitation program should be a high priority.

Review past records and determine the last time a structural condition appraisal has been conducted on City-owned parking structures. Review actions taken to date. Begin with the older structures and work forward as the newer facilities should have less structural issues. For facilities that have not had a condition appraisal in the past 5 years, schedule an appraisal in 2018. Use these formal engineering appraisals to identify and prioritize a maintenance and facility rehabilitation plan.

Another important dimension of a parking facilities maintenance program is to create a specific "maintenance reserve fund" program. Parking facilities are made of concrete and concrete deteriorates over time requiring significant investments in on-going maintenance and periodic restoration. Deferring maintenance will only cost the system more over time and without an effective program of routine maintenance and the setting aside of dedicated maintenance reserve funds; the likelihood of serious deferred maintenance leading to even higher maintenance and facility restoration costs is much more likely. Typical parking facility maintenance reserves are in the \$50.00 - \$75.00 per space per year range.

The maintenance plan should be in conformance with National Parking Association guidelines. A recommended parking facility maintenance scope and schedule are provided as Appendices 13 and 14.

**Primary Responsibility:**

New City Parking Program, City of Casper Community Development Department/MPO

**Key Partners:**

City Engineering and Public Works Departments, City Finance Department, Redevelopment Authority, City Finance, Parking Advisory Board

**Time-frame:**

Develop a comprehensive facility maintenance plan by September 2018.

Conduct facility condition appraisals as noted above.

Develop a policy regarding maintenance reserves by 3rd Qtr. 2018

**Primary Action Item #5**

- Develop a Proactive Facility Maintenance Program

Enhance the facility maintenance program. Make clean, safe and attractive facilities a signature element of the parking program (and the downtown overall)

Development of an on-going and proactive facility condition appraisal process and prioritized facility rehabilitation program should be a high priority.

Create a specific "parking maintenance reserve fund" program.





**Supportive Documents/Tools Provided:**

- Appendix 13. Parking Facility Maintenance Manual
- Appendix 14. Parking Facility Maintenance Schedule

**Primary Action Item #6: Develop a New Parking Program Brand and Marketing Program including significant on-going community outreach strategies**

Develop a strong and consistent parking program identity and brand, which includes visual identity, program mission, vision, core values, investment in new communication pieces, collateral, etc.

Develop a strategic communication plan designed to improve overall parking program communications with its wide range of community stakeholders (See recommended strategic communications plan in this report). Community outreach cannot be a one-time investment. Stakeholders and citizens should be continually engaged and asked for their feedback on major policy and programmatic decisions to help build trust and “show” that the City is taking citizen feedback into account.

Partner with existing organizations, like Casper Downtown Alliance on marketing campaigns to help combat the perception that downtown is vacant, unsafe and/or underutilized.

Develop consistent standards for parking program branded facility signage and wayfinding to help guide customers to parking options.

Train staff and parking program spokespeople on customer-focused internal and external communications procedures.

Develop an enhanced parking program website. Keep parking information current.

Leverage social media to improve community feedback and information dissemination.

Consider the development of Annual or Bi-Annual Parking Report. An example of a parking program annual report is provided in Appendix 8 and an annual report template is provided in Appendix 2.

**Primary Responsibility:**

New City Parking Program, City of Casper Community Development Department/MPO

**Key Partners:**

City Communications Department, City IT Department, Casper DDA

**Time-frame:**

See the Strategic Communications Plan section of this report for guidance on timing.

**Supportive Documents/Tools Provided:**

- Appendix 8. Parking Annual Report from the Missoula Parking Commission
- Appendix 2. Parking Annual Report Template

Primary Action Item #6

- Develop a New Parking Program Brand and Marketing Program including significant on-going community outreach strategies

Specific goals of this recommendation include:

- Improving the parking programs image
- Providing easier access to parking information
- Providing enhanced overall communications with key stake holder groups and the public at large
- Promotion of parking facility utilization



## Primary Action Item # 7: Invest in Training and Staff Development with a Goal of Mastering the Fundamentals of Parking System Management and Operations

The Casper Parking System is being developed from the ground up. This provides exciting opportunities avoid many common mistakes made by parking programs that have evolved over time.

A significant investment in staff training is recommended.

It is highly recommended that the new parking manager join the International Parking Institute (IPI) and attend the annual IPI conference. It is also recommended that the new parking manager engage with regional parking and transportation associations. Involvement in the International Downtown Association (IDA) is also recommended as this can help ensure that the new parking manager is well acquainted with not only parking technical issues, but also downtown management and development strategies.

A new program offered by the International Parking Institute is called the "Accredited Parking Organization" or APO. The APO program provides a structured program assessment and accreditation process for municipal and other institutional parking programs. Since the Casper program is just getting started, it may take a few years to achieve accreditation, but the program structure and assessment matrix is a valuable tool and process in and of itself. A document providing an overview of the APO program is provided in the report appendices.

Strategically invest in the use of consultants for technical expertise especially in the areas of new technology specification and more complex issues such as zoning and parking requirements reform and new facility planning and development.

### Primary Responsibility:

New City Parking Program, City of Casper Community Development Department/MPO

### Key Partners:

City HR and Training Departments

### Time-frame:

On-Going. Recommend attendance to the 2019 IPI Conference & Expo

### Supportive Documents/Tools Provided:

Appendix 38. 20 Characteristics of Effective Parking Programs  
Appendix 9. New Parking Manager Integration-Action Plan  
Appendix 1. Recommended Reading List for Parking Professionals  
Appendix 5. Developing a Retail Parking Support Strategy  
Appendix 27. Parking Management Best Practices Toolbox  
Appendix 15. Parking Garage Security Whitepaper  
Appendix 30. Valet Parking Program Development  
Appendix 24. IPI Emergency Preparedness Manual

## Primary Action Item #7

- Invest in Training and Staff Development

In developing a new parking program, there is always a steep learning curve and a need for investment in staff training and personnel development.

A significant number of educational papers and tools has been provided in the appendices to help with this process.

Join the International Parking Institute, the International Downtown Association and regional parking and transportation associations.

Invest in Peer City Program visits to learn from other programs and to develop a network of professional peers that can be called upon from time to time.

Participate in the IPI's APO program accreditation process.

Utilize the APO program structure as another program development tool.



- Appendix 29. Smart Parking Policies and TDM Strategies
- Appendix 28. Residential Parking Permit Programs Whitepaper
- Appendix 26. Parking Facility Design Guidelines
- Appendix 16. Parking In-Lieu Fees Whitepaper
- Appendix 31. KH TDM Quick Guide

**Primary Action Item # 8: Expand the Scope of the Parking Program Over Time to be More Supportive of Alternative Modes of Transportation and Embrace More of a “Mobility Management Philosophy”**

Downtown would benefit from increased investment in alternative modes of transportation.

The trend in the industry is to embrace a more holistic and integrated approach to parking and transportation – an “Integrated Mobility Management Strategy”.

Another important dimension to this recommendation is to be aware of the need to balance both the supply and demand sides of the parking and access equation. Building public parking is extremely expensive and leveraging alternative transportation and transportation demand management (TDM) strategies can reduce the need for additional parking over time.

TDM program elements support the Guiding Principle for Sustainability and a more balanced parking and transportation program.

Other strategies in this area that are being supported by parking systems around the country include: community bike-share programs, car-sharing programs, shared mobility innovations, bike racks and lockers, and traditional TDM strategies such as park and rides, preferential parking for car and van-pools, telecommuting, etc.

It is recognized that this is not the immediate priority for the City of Casper, but it is an important element and should be incorporated into the long-term program development strategy.

**Primary Responsibility:**

New City Parking Program, City of Casper Community Development Department/MPO

**Key Partners:**

MPO, Transit agency, Bike advocate programs, City Planning

**Time-frame:**

Longer-Term Strategy

**Supportive Documents/Tools Provided:**

- Appendix 29. Smart Parking Policies and TDM Strategies
- Appendix 31. TDM Quick Guide
- Appendix 27. Parking Management Best Practices Toolbox

Primary Action Item #8

- Expand the Scope of the Parking Program over Time to be More Supportive of Alternative Modes of Transportation and Embrace More of a “Mobility Management Philosophy”

Embrace a more holistic and integrated approach to parking and transportation— an “integrated Mobility Management Strategy”.

Leverage alternative transportation and Transportation Demand Management (TDM) strategies to reduce the need for additional parking over time.

TDM program elements support the Guiding Principle for Sustainability and a more balanced parking and transportation program.



**Primary Action Item # 9: Assess the Current Parking Enforcement Program Using the Tools Provided. Invest in Mobile License Plate Recognition Technology.**

To assist in a more thorough review and evaluation of the parking enforcement program, Kimley-Horn has provided the City with two significant tools to aid in this process:

- The first is a parking enforcement program audit checklist (Appendix 11)
- The second is a sample parking enforcement officer manual (Appendix 12)

These tools should be reviewed and customized to better define and enhance the current parking enforcement program.

- Consider investing in a Mobile License Plate Recognition system to improve parking enforcement consistency, efficiency and effectiveness. (See Appendix 25 – A whitepaper on License Plate Recognition)

**Primary Responsibility:**

New City Parking Program, City of Casper Community Development Department/MPO

**Key Partners:**

City Police Department, City IT Department

**Time-frame:**

Conduct reviews by May 2018

**Supportive Documents/Tools Provided:**

- Appendix 11. Parking Enforcement Program Audit Checklist
- Appendix 12. Sample Parking Enforcement Officer Manual
- Appendix 23. Whitepaper on License Plate Recognition

**Primary Action Item #9**

- Assess the Current Parking Enforcement Program Using the Tools Provided
- Invest in Mobile LPR Technology

Use the provided parking enforcement officer handbook and parking enforcement program audit checklist to better define and enhance the current parking enforcement program. Consider investing in a Mobile License Plate Recognition system to improve parking enforcement consistency, efficiency and effectiveness.



## Primary Action Item # 10: Establish the parking program as a separate enterprise fund and combine all parking related revenue streams into this fund.

One of the big advantages that the City of Casper has the opportunity to leverage is the nearly “blank slate” that currently exists related to program organizational and financial structuring.

By aligning all related parking revenue streams into one parking enterprise fund, the City has the potential to achieve one of the most important goals of any parking program – the ability to create, over time, a truly self-supporting enterprise that can cover all its own operating and maintenance funding, the creation of parking maintenance reserves and ultimately the funding of future parking facility capital development projects.

Parking revenues from the following sources should contribute to the parking enterprise fund:

- Off-street parking revenues
- On-street parking revenues (if/when applicable)
- Parking enforcement revenues
- Special event parking revenues
- Parking management fees for management of private facilities (if applicable)
- Future parking fee-in-lieu revenues (if applicable)
- Future parking assessment district revenues (if applicable)
- Policies should be developed to define the appropriate use of parking revenues. Generally speaking, the following priorities are recommended related to the approved use of parking revenues:
  - Operations and maintenance
  - New technology acquisition
  - Parking facility maintenance reserves
  - TDM and mobility management support initiatives
  - New facility capital investments
  - Downtown vitality support
  - Contributions to the General Fund

### Primary Responsibility:

New City Parking Program, City of Casper Community Development Department/MPO

### Key Partners:

City Finance and Legal Departments

### Time-frame:

Establishment of the financial structure of the department should be an early priority.

### Supportive Documents/Tools Provided:

Appendix 22. Consolidated System Financial Report  
Appendix 37. Parking System - Financial Plan Template

## Primary Action Item #10

- Establish the parking program as a separate enterprise fund and combine all parking related revenue streams into this fund.

By aligning all related parking revenue streams into one parking enterprise fund, the City has the potential to achieve one of the most important goals of any parking program – the ability to create a truly self-supporting enterprise that can cover all its own operating and maintenance funding, parking maintenance reserves, and ultimately the funding of future parking facility capital development projects.

Parking revenues from the following sources should contribute to the parking enterprise fund.

- Off-street parking revenues
- On-street parking revenues
- Parking enforcement revenues
- Special event parking revenues
- Parking management fees for management of private facilities (if applicable)
- Future parking fee-in-lieu revenues (if applicable)
- Future parking assessment district revenues (if applicable)



**Primary Action Item # 11: Consider conducting a pilot program on Second Street of the proposed Streetscape Design/Curb Lane Management and signage recommendations.**

Review proposed “street type” descriptions and priorities.

Review proposed block face functional configurations.

Review signage approaches and recommendations

Review signage placement, orientation and placement recommendations.

Apply these design and signage recommendations into a pilot program plan to be implemented on Second Street (or potentially another core street in the downtown Business district area).

Conduct stakeholder feedback sessions to gauge community feedback to the proposed changes in right-of way/curb lane management strategies and signage.

**Primary Responsibility:**

New City Parking Program, City of Casper Community Development Department/MPO

**Key Partners:**

City of Casper Traffic Engineering and Police Departments

**Time-frame:**

Early to mid 2019

**Primary Action Item # 11**

- Review proposed "Street Type" descriptions and priorities
- Review proposed block face functional configurations
- Review signage approaches and recommendations
- Review signage placement, orientation and placement recommendations
- Apply these design and signage recommendations into a pilot program plan to be implemented on Second Street (or potentially another core street in the downtown Business district area
- Conduction stakeholder feedback sessions to gauge community feedback to the proposed changes in right-of-way/curb lane management strategies and signage



## Secondary Action Items

### Action Item #S-1 – Stakeholder “Report Cards”

The Casper Parking Program should develop Parking Action Plan “Report Cards” or updates to keep the new Parking Advisory Board and community stakeholders informed and educated as to program development progress. These report cards or updates could involve the development of a concise set of parking program benchmarks that would be tracked over time.

#### Intended Results:

Progress reporting could also take the form of a simplified “Action Plan Report Card” for specific stakeholder groups. This format could also be combined with a feedback mechanism to create an ongoing mechanism for community input and program development/refinement.

### Action Item #S-2 – Develop Specific Overflow and Event Management Parking Strategies

Overflow parking plans describe the management strategies that will be applied when parking facilities fill, for example, during special events, peak shopping periods, or temporary reductions in parking supply. Below are some possible components of an overflow parking plan:

- Provide signs with directions to alternative nearby parking facilities.
- Provide adequate traffic and parking management staff during peak periods. Additional staff may be hired for special events.
- Provide information on parking and travel options for special event participants, highlighting those that can be used to avoid parking problems. For example, brochures that show both parking facility locations and transit options for major cultural or religious events.
- Encourage travelers to shift mode or use remote parking during peak periods. For example, retail employees can be required to use remote parking facilities or alternative commute modes during holiday shopping seasons.

### Action Item #S-3 – Parking/Access System Benchmarking

Identify a basic set of parking and access system benchmarks relevant to Downtown Casper and begin tracking. Document results/progress in an annual parking report.

Examples of recommended parking program benchmarks might include:

- Total Operating Cost per Space
- Total Revenue per Space
- Total Operating Costs per Parking Department FTE
- Total Revenue per Parking Department FTE
- Surface Parking Spaces as a Percent of Total Spaces
- Structured Surface Parking Spaces as a Percent of Total Spaces
- On-Street Parking Spaces as a Percent of Total Spaces
- Administrative Cost Per Space
- Administrative Costs as a Percent of Total Costs
- Security Costs per space
- Security Costs as a Percent of Total Costs
- Enforcement costs per metered space
- Enforcement costs per Citation Issued
- Percent of Citations Collected vs. Citations Issued
- Citation Revenue per Citation Issued
- Total Maintenance Cost per Space
- Total Maintenance Costs as a Percent of Total Costs

#### Intended Results:

Develop a baseline of parking operations measurements. Compare to peer cities. Track progress against baseline results and peer organizations. See Appendix 28: Recommended Parking Program Benchmarks

### Action Item #S-4 – Parking Facility Warranty Management

Collect all parking facility warranties into a three-ring binder or digital folder. Note all warranty expiration dates for



items such as elastomeric coatings, expansion joints, etc. Place these dates in Outlook or other calendar programs used by the agency as a “tickler” to conduct a walk-through inspection six months prior to warranty expiration. Schedule a representative of the contractor or manufacturer responsible to honor the warranty to participate in the inspection. Document inspection results with time and date stamped digital photos. Schedule repairs to warranty covered items prior to warranty expiration.

**Intended Results:**

Assure that warranty covered items are taken care of while still under manufacturer’s warranty. Average cost savings per facility \$10,000 - \$20,000.

**Action Item #S-5 – Energy Saving Options in Parking Facilities**

Invest in some new parking facility lighting systems for enhanced illumination and energy savings. We encourage the City to also evaluate options such as placing roof top and outer bay parking facility lighting on separate circuits so that these lights can be placed on photocells to reduce energy consumption during daylight hours.

**Intended Results:**

Utility expenses are a major parking operating expense. Evaluate options to minimize on-going expenses in this category.

**Action Item #S-6 – Develop an Internal Parking Program Operations Manual**

As a primary staff training tool, develop parking facility operations manuals. Many systems have a separate manual for each facility or one common manual with individual facilities each given a chapter. Note: Sample parking operations manuals are provided in Appendices 6 and 19.

**Intended Results:**

Document specific equipment and policies per facility for staff training as well as to document operating policies/procedures.

**Action Item #S-7 – Develop a Parking System Information Database/Become the Central Clearinghouse for Parking/Access Information**

Monitor and track parking rates, availability, owners, operators, contact info, etc. for all parking resources in Downtown (both public and private). Coordinate and provide information relative to other transportation options. Consider providing this data on multiple downtown related websites.

**Intended Results:**

Become a one-stop information clearinghouse for all downtown parking and access information (both public and private).

**Action Item #S-8 – Marketing Tie-ins for Parking to Special Events**

Work closely with the Casper Downtown Alliance to promote parking tie-ins in conjunction with downtown special event promotions, downtown attractions/venues, etc.

**Intended Results:**

This strategy leverages the shared benefits of joint marketing opportunities and promotes new parking/access system branding and marketing campaigns.







# Appendices and Parking Management Toolkit

SECTION

# 10



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## Appendices and Parking Management Toolkit

The City of Casper is in a unique position as it contemplates creating a new municipal parking program from the ground up. As such, these Appendices & Parking Management Tool Kit provide an extra set of tools, sample manuals, communications strategies and background materials to help the Community develop a strong foundation and understanding of the breadth and complexities of a modern parking and access management program.

Some of these items will be immediately applicable and others anticipate issues that may arise if certain recommendations are implemented. In any case, we hope that you find these resources valuable as you begin to build your program.

- Appendix 1** 2018 Recommended Reading List for Parking Professionals
- Appendix 2** Annual Parking Report Template
- Appendix 3** International Parking Institute - AP Program Manual
- Appendix 4** International Parking Institute - AP Matrix Final 2016
- Appendix 5** Developing a Retail Parking Support Strategy
- Appendix 6** Generic Parking Facility Rules and Regulations
- Appendix 7** Guidelines for Using Parking as an Economic Development Strategy
- Appendix 8** Missoula Parking Commission Annual Report 2012
- Appendix 9** New Parking Manager Integration-Action Plan
- Appendix 10** Parking as an Economic Development Strategy - White Paper
- Appendix 11** Parking Enforcement Program Audit Checklist
- Appendix 12** Sample Parking Enforcement Operations Manual
- Appendix 13** Parking Facility Maintenance Manual
- Appendix 14** Parking Facility Maintenance Schedule
- Appendix 15** Parking Garage Security White-paper
- Appendix 16** Parking In-Lieu Fees White-paper
- Appendix 17** Parking Meter Technology White-paper
- Appendix 18** Sample Parking Administrator Position Descriptions
- Appendix 19** Sample Parking Garage Operations Manual
- Appendix 20** Tax Increment Financing White-paper
- Appendix 21** Downtown Parking Districts and Economic Development - Case Studies in Innovative Parking Management
- Appendix 22** Consolidated System Financial Report
- Appendix 23** LPR/Park+ White Paper



- Appendix 24** IPI Emergency Preparedness Manual
- Appendix 25** Recommended Parking Program Benchmarks
- Appendix 26** Parking Structure Design Guidelines
- Appendix 27** Parking Management and Design Best Practices
- Appendix 28** Residential Parking Permit Programs White Paper
- Appendix 29** Smart Parking Policies and TDM Strategies
- Appendix 30** Valet Parking Program Development
- Appendix 31** Kimley-Horn TDM Quick Guide
- Appendix 32** "New Canvas" Art in Parking Article
- Appendix 33** Casper Online Parking Survey Results Summary
- Appendix 34** Strategic Communications Plan
- Appendix 35** Parking System Organizational Options - White Paper
- Appendix 36** Poetry in Parking - Creativity in Parking Management
- Appendix 37** Parking System - Financial Plan Template
- Appendix 38** 20 Characteristics of Effective Parking Management - White Paper
- Appendix 39** Enhancing Pedestrian Safety in Parking Environments
- Appendix 40** Casper Parking Manager Position

One of the major themes identified in the Strategic Parking Management Plan is the need to “master the fundamentals” of managing a municipal parking program. To this end, we have provided several documents that provide a comprehensive overview of the various elements that must be addressed to have a successful program. Appendix 38, entitled: “The Characteristics of Effective Parking Programs” provides a comprehensive program approach that can be used as a framework for program development.

We have also provided several very specific “tools” to help advance the Casper parking program in a number of operations focused areas. These tools range from a sample parking enforcement manual to a tool designed to critique and audit the existing enforcement program. Another example of an “operations focused tool” is a very detailed parking facility operations manual template. In every case, the goal of providing these sample documents is for the Casper parking program to use them as a basis and guide for creating similar documents specific to their operation.

Finally, in anticipation that the City will authorize, recruit and hire a new Parking Manager we have included several “white papers” on a number of parking planning and management topics that will hopefully put the new manager on the path to success. Examples include: security, valet parking, in-lieu fees, tax increment financing, successful approaches to evaluating parking rates, etc. Another interesting and valuable appendix item is the Parking System Accreditation Program developed by the International Parking Institute. Ultimately, we strongly encourage that it is our hope that these documents will provide valuable background information and practical tools to help advance and improve the Casper parking program as staff work to implement the primary recommendations contained in the Strategic Parking Management Plan.



**From:** Justin Schilling [mailto:[jschilling@wyomuni.org](mailto:jschilling@wyomuni.org)]  
**Sent:** Friday, October 4, 2019 2:32 PM  
**Subject:** APPLICATIONS OPEN: 2019 Community Change Grants

Good afternoon WAM,

Please find below a grant opportunity brought to my attention by my friend Sara over at WYDOT. Take a look and see if it's something that might help your community!

Have a great weekend!  
Justin @ WAM

**From:** Sara Ellis <[sara.ellis@wyo.gov](mailto:sara.ellis@wyo.gov)>  
**Sent:** Wednesday, October 2, 2019 9:23 AM  
**To:** Justin Schilling <[jschilling@wyomuni.org](mailto:jschilling@wyomuni.org)>  
**Subject:** Fwd: APPLICATIONS OPEN: 2019 Community Change Grants

Hey Justin,

I wanted to share this grant opportunity with you. I didn't know if your membership would be interested in these. Feel free to include it in your weekly email if you'd like.

**Sara Janes-Ellis**

Local Government Coordinator  
Wyoming Department of Transportation  
5300 Bishop Blvd.  
Cheyenne, WY 82009-3340  
[\(307\) 777-4438](tel:(307)777-4438) Desk  
[\(307\) 630-0472](tel:(307)630-0472) Mobile  
[sara.ellis@wyo.gov](mailto:sara.ellis@wyo.gov) - [www.dot.state.wy.us](http://www.dot.state.wy.us)

20 years strong  
AMERICA  
WALKS

Support Walkable  
Communities



# America Walks Opens Applications for 2019 Community Change Grants

Applications Due November 8 at 5 pm Eastern  
[Apply Here](#)

America Walks has seen firsthand that the passion, innovation and hard work of advocates and local organizations to advance safe, equitable, accessible, and enjoyable places to walk and move are what create the foundation for walkable communities across the US. This grant program will work to provide support to the growing network of advocates, organizations, and agencies using innovative, engaging, and inclusive programs and projects to create change at the community level.

Funded projects should:

- Increase physical activity and active transportation in a specific community
- Work to engage people and organizations new to the efforts of walking and walkability
- Demonstrate a culture of inclusive health
- Create and support healthy, active, and engaged communities

[Learn More and Apply Here](#)

Help Us Spread the Word About this Webinar



[Help Us Support the Community Change Grant Program](#)

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STAY CONNECTED

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**From:** Justin Schilling [mailto:jschilling@wyomuni.org]

**Sent:** Friday, October 4, 2019 3:16 PM

**To:** Renee Jordan-Smith <rjordansmith@casperwy.gov>

**Subject:** Word from WAM - WAM/WCCA Energy Lease Program, Grant Management Workshop, USDA Broadband Summit, Fall Workshop Agenda.



Wyoming  
Association of  
Municipalities  
*Building Strong Communities*

## *Word from WAM!*

*A Weekly Message*

**WAM-WCCA Energy Lease Program  
Request for Proposals**



## Up to \$100,000 in Zero Interest Leases Available for Energy Efficiency Projects in Your Town

The WAM-WCCA Joint Oversight Board will have nearly \$450,000 available to lend this year. Applications are due into WAM by no later than December 13th, so don't delay.



For more information and the application please [click here](#).

If you have any questions, please contact Earla at 307-632-0398, or via e-mail by [clicking here](#).

## CALLING ALL MAYORS!!!

The USDA Wyoming Broadband Summit is coming up next Thursday, October 10th from 8:30 a.m. to 5 p.m. at the Casper Events Center. The USDA is hoping to have at least one mayor from each county in Wyoming in attendance.

Here's a link to the [agenda](#).

For more information, or to register please contact Wally Wolski, Wyoming State Director of Rural Development for the U.S. Department of Agriculture at [Wally.Wolski@usda.gov](mailto:Wally.Wolski@usda.gov)

## Grant Management Workshop in Casper

Casper Police Department and Grant Writing USA will present a two-day grant management workshop, November 14-15, 2019. This training is for grant recipient organizations across all disciplines. Attend this class and you'll learn how to administer government grants and stay in compliance with applicable rules and regulations.

[Click here for full event details.](#)

We are excited to offer Wyoming Association of Municipalities members and their staff a special tuition rate of \$565. Please use code "WYASSN" to receive this \$30 discount off full price at registration. Tuition includes Grant Management USA's 500-

page grant management workbook and reference guide. Seating is limited, online reservations are necessary.

Multi-enrollment discounts and discounts for Grant Writing USA returning alumni are also available. Tuition payment is not required at the time of enrollment.

Complete event details including learning objectives, class location, graduate testimonials and online registration are [available here](#).

Contacts:

Janet Darling

Grant Writing USA

888.290.6237 toll free

[janet@grantwritingusa.com](mailto:janet@grantwritingusa.com)

Sgt. Nunn

Casper Police Department

307.235.8490

[snunn@casperwy.gov](mailto:snunn@casperwy.gov)

## Agenda for WAM Fall Workshop

# 2019 Fall Workshop

for Finance Directors, Administrators and Managers

## Wednesday October 16th

6:30 p.m. Welcome Dinner, Wolf Hotel, 101 E. Bridge Ave, Saratoga, WY 82331

## Thursday October 17th

8:00 a.m. Breakfast

9:00 a.m. 2019 Revenue Deep Dive: Effective Municipal Budget Forecasting Using State Tools:  
Joe Coyne, Community Builders Inc.

Municipal Investing 101: Troy Hunsucker, Peaks Investments - River Cabin

10:30 a.m. Break

11:00 a.m. WBC Evolution Update: Sarah Fitz-Gerald, Wyoming Business Council

12:30 p.m. Lunch

1:30 p.m. Wyoming Government Investment Fund Update: Joan Evans,  
George K Baum & Company

Solving the F66: Rich Cummings, Wyoming State Department of Audit - River Cabin

3:00 p.m. Break

3:30 p.m. Short Term Rental Issues: Todd Stowell, Community Development Director, Cody

6:00 p.m. Dinner

## Friday October 18th

8:00 a.m. Breakfast

9:00 a.m. Wyoming's Leadership in Blockchain Technologies and How Micro  
Bonding Could Benefit You: J.W. Rust, Tim Furey, Emma Channing,  
Alvarez & Marsal Public Sector Services  
Ransomware and Other Cyberthreats: Special Agent Neeki Carter,  
FBI Casper Field Office - River Cabin

10:30 a.m. Break

11:00 a.m. Wyoming's Economic Future: Dr. Wenlin Liu, Chief Economist,  
State of Wyoming

12:30 p.m. Adjourn - Safe Travels Home!

## Saratoga Hot Springs Resort October 16-18, 2019

601 Pik Pike Rd., Saratoga, WY 82331 - (307) 326-5261



**REGISTER NOW!** WAM Fall Workshop is coming up October 16-18 at the beautiful Saratoga Hot Springs Resort. This event is designed for Finance Directors, Administrators and Managers, and will feature an agenda filled with timely and informative topics relating to the financial wellbeing of your municipality. Come learn, connect and engage with your peers from across the state!

[Registration and lodging information is available by clicking here.](#)

To check out the Saratoga Hot Springs Resort, please click the video below.



Saratoga Resort & Spa | Things to do in Wyoming

**Cheyenne Downtown Development  
Authority Offering Synthetic Skating Rink  
For Sale**



## FOR SALE: 40'x60' Synthetic Ice Rink, Skates & Accessories: \$5,000

This rink set up is owned by the Cheyenne Downtown Development Authority (DDA) and has been used for the past 3 years. The DDA does not have the staff and volunteer capacity to run it and is letting it go.

This is a one-stop, "take all" package for a synthetic ice-rink set up. It contains everything needed except synthetic ice lubricant treatment and the "skate shed". (A local shed-builder loaned us a shed to use.) Buyer is responsible for loading and transportation to new location (a large U-haul is recommended). A smooth, flat surface is required to lay the rink on. Rink can be used indoors or out.

Rink Related:

- Synthetic ice tiles that fit together to make a 40'x60' rink
- 32 White plastic fence sections approx. 5' long to surround the rink - these are not in great shape due to previous issues with wind
- 4 Long wooden benches (approx 12' long)

Skate Related:

- Approximately 70 pair of ice skates in a range of sizes: children - adult - in 4 totes

- 1 Skate Sharpener
- 4 Plastic Shelf Units to hold skates
- 34 Grey rubber mats (for walkway & under benches)
- 3 Bags of disposable booties (for those who don't want to wear ice skates)
- Lysol spray
- 2 Plastic sleds

Decorating/Misc Related:

- 3 Strings of clear Christmas lights
- 1 "Disco" projection light
- 12 "Light poles" set into cement in 5 gal buckets (approx 6' tall) to hold lights around edge of rink
- 2-5 gal buckets of lights/extension cords
- Garland- 2 totes & bag
- Wreaths & garland - 1 tote
- Decorations- pine cones, Christmas decorations - 1 tote
- 2- 4 ft by 6 ft spiral tree decorations that stake into the ground
- 8-5 gal buckets of playground sand (used to help steady fence panels)
- 2 Rolls duct tape
- 2 Pallets

Admin Related:

- Log-in book
- Liability Waivers
- Signs
- First-aid kit
- Donation jar

For more info: Vicki Dugger, [vicki@downtowncheyenne.com](mailto:vicki@downtowncheyenne.com); 307-433-9730 x4.



One Call of Wyoming

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cities and towns

tel: 307.632.0398 | fax: 307.632.1942 | [www.wyomuni.org](http://www.wyomuni.org)





Forward Casper and Forward Sheridan present

# *Wyoming Aerospace and Defense Industry Supply Chain Conference*

**Casper Events Center**

**October 7 & 8, 2019**

**Registration for this event will end  
Saturday Oct. 5th at 5 p.m.**

**Forward Casper**   
caeda

**FORWARD SHERIDAN** 



This **Wyoming Aerospace and Defense Industry Supply Chain Conference** will provide an opportunity for Wyoming manufacturers and technology companies to be introduced to the aerospace and defense (A&D) market through direct interaction with “Prime” A&D companies with operations in Colorado, Utah, Montana, and North and South Dakota.

### Key Points for Wyoming companies:

1. A&D viewed as a high-value industry market that demonstrates supply chain demand for services today.
2. Wyoming companies possess the skills, capacity, and performance to address critical mission requirements
3. Wyoming’s geographical position to Colorado, Utah, Montana, North and South Dakota make it an ideal supplier location for key A&D prime contractors in those states.
4. Our businesses bring proven experience in some of the most challenging climates and locales.

Wyoming companies will achieve five primary objectives from participating in this conference.

1. Awareness of industry dynamics, opportunities, and challenges
2. Establish initial framework and relationships to build into this market
3. Educate the A&D Prime companies on Wyoming businesses capabilities
4. Educate Wyoming Businesses on the vast opportunities in the A&D market
5. Initial introductions of Wyoming Companies to prime A&D Contractor key influencers.

# Prospective Agenda

## Day 1, Monday, October 7, 2019

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**9 – 11 am : Registration**

**11 – 11:15 am : Introduction and Welcome Address**

**Pledge of Allegiance**

**Invocation**

**Justin Farley** (CEO, Forward Casper) and

**Jay Stender** (CEO, Forward Sheridan)

**11:15 am – 1 pm : Opening Address and Lunch**

**Congresswoman Liz Cheney**) and **Senator John Barasso** (message from **Senator Mike Enzi**)

Introduction by **John Tucker** (CEO, Vacutech)

### Core Program

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**1 – 1:45 pm : Wyoming National Guard: Who we are**

**Major General Greg Porter**, Wyoming National Guard

**1:45 – 2:30 pm : Space Command**

**Lt. Colonel Brandon Herbeck**

**2:30 – 2:45 pm : Afternoon Tea/Coffee Break`**

Hosted by **Wells Fargo, Wyoming**

**3 – 3:45 pm : NASA Overview**

**Arthur Maples**, Director of Strategic Partnership, Space Technology Directorate, Denver Colorado

**3:45 – 4:30 pm : Colorado Aerospace & Defense Industry Growth and Potential**

Presented by **Major General Jay Lindell**, USAF, (Ret.), Aerospace and Defense Industry Champion at the Colorado Office of Economic Development and International Trade

**4:30 – 5 pm : Closing remarks**

**Senator Barrasso**

**5:45 – 7 pm : Cocktail Hour**

Gruner Brothers Brewing, Casper, Wyoming

**7 – 9 pm : Wyoming-Style Barbeque Dinner**

# Day 2, Tuesday, October 8, 2019

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**7 – 8 am : Breakfast**

**8 – 8:30 am : Wyoming Welcome, Direction, and Commitment**

Presented by The Honorable Mark Gordon, Governor of Wyoming (confirmed) and Senator John Barrasso (confirmed)

**8:30 – 9:30 am : Market needs and qualifying experience requirements from Northrop Grumman, Boeing, and Lockheed Martin.**

*Moderated by Steve Griffin (confirmed)*

- Boeing (confirmed)
- Lockheed Martin (confirmed)
- Northrop Grumman (confirmed)

**9:30–10:15 AM Market Experiences from Wyoming companies Perspective**

- Kennon Products Inc.
- L & H Industrial
- Trihydro
- Bairco Construction

**10:15 – 10:30 am : Break**

**9:45 – Noon : B2B Introductions and Prime Contractor Information Booths**

**Noon : Conference Adjournment**

Registration for this two-day, intensive A&D suppliers conference, is only \$89.

Registration will close on Saturday Oct. 5th at 5 p.m.

Take this chance to learn more about business opportunities in the aerospace and defense industry.

[Click here to sign up.](#)

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## Overnight lodging

**Ramkota Hotel** – \$92/night and includes a full, hot breakfast buffet. Rooms are listed under CAEDA. (307) 266-6000

**Quality Inn** – \$82/night, one person and \$5.00 more for two people.  
(307) 266-2400

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For more information and to sign-up, contact Justin Farley, (307) 577-7011 or email: [justin@caeda.net](mailto:justin@caeda.net).