

City of Cody
Council Proceedings
Tuesday, September 16, 2014

At 5:45 p.m. Council Member Miller made a motion seconded by Council Member Edwards to enter in an Executive Session to consider or receive information classified as confidential by law and to discuss potential litigation pursuant Wyoming State Statute 16-4-405. At 6:45 p.m. Council Member Miller made a motion seconded by Council Member Edwards to exit the Executive Session. No Action was taken.

A regular meeting of the Cody City Council was held in the Council Chambers at City Hall in Cody, Wyoming on Tuesday, September 16, 2014 at 7:00 p.m.

Present: Mayor Nancy Tia Brown, Council Members Donny Anderson, Bryan Edwards, Jerry Fritz, Landon Greer, Steve Miller and Stan Wolz, City Administrator Barry Cook, City Attorney Scott Kolpitcke and Administrative Services Officer, Cindy Baker.

Absent: None.

Mayor Brown called the meeting to order at 7:00 p.m.

Council Member Miller made a motion seconded by Council Member Fritz to approve the agenda as presented. Vote was unanimous.

Mayor Brown read a proclamation declaring September 17-23, 2014 as Constitution Week.

Council Member Miller made a motion seconded by Council Member Fritz to approve the consent calendar as amended, removing item c to Conduct of Business as item g., including approval of the Regular Meeting Minutes from 09/2/14; approve Vouchers and Payroll in the amount of \$1,996,823.17; authorize the payment in the amount of \$2,775 to Mark Musser for an electrical easement; award Bid 2014-10 to Jerry's Electric for surplus transformers for a price of \$7,730.00. Vote was unanimous.

At 7:12 p.m. the Mayor entered into a public hearing to determine if it is in the public interest to approve a transfer of location of a retail liquor license for Soaring Peak Enterprises dba Soaring Peak Liquor and Saloon from 544 Yellowstone to 1102 Beck Avenue. Cindy Baker, Administrative Services Officer provided background information as it relates to this request. Brenna Place, Soaring Peak Enterprises thanked staff for their assistance in this process. After calling for public comment three times and there being none this public hearing was closed at 7:18 p.m. and the Mayor entered into the second public hearing to determine if it is in the public interest to approve a transfer of ownership of a retail liquor license from Gulch Street Properties LLC dba Whole Foods Trading Co. located at 1134 13th Street to Walmart Stores, Inc. dba Walmart located at 321 Yellowstone Avenue. Cindy Baker, Administrative Services Officer provided the Governing Body with background information, as well as, entering 10 written correspondence into the record, five opposed, five in favor of the request. Scott Kolpitcke, City Attorney provided the criteria from State Statute 12-4-104 in which the Governing Body will utilize in denying or approving the request. Dale Cowan, Gulch Street Properties spoke in favor of the transfer. Ed Webster, Attorney for Gulch Street Properties, reviewed the State Statute, as well as, being in favor of this transfer. John Dickson, Walmart and Steve Simonton, Attorney for Walmart provided background information as it relates to the request. Speaking in opposition were Maria Stevens (CHS – Youth for Justice), Quinton McCoes (CHS), Jessica Dollard (CHS-CAN), Colin Simpson Attorney for Brad Hall Fuel aka Good to Go Stores), Shawn Boyles, Attorney for Brad Hall Fuel, John Darby, Irma; Don Sherman, WalMart employee in favor of this request. After calling for public comment three times and there being none the public hearing was closed at 9:45 p.m.

Council Member Miller made a motion seconded by Council Member Fritz to approve a request from Cody High School Student Council to use Beck Lake Park on Thursday, October 2, 2014 for the Homecoming Bon Fire, to close Sheridan Avenue for the Homecoming Parade on Friday, October 3, 2014 at 1:00 p.m., contingent upon approval from WYDOT and providing liability insurance and sponsor other associated staffing and equipment cost in the amount of \$766.52 to be funded out of the Lodging Tax fund. Also to approve the street closure of Beck Avenue between 8th and 9th Street during the hours of 5:00 p.m. and 8:00 p.m. on October 3rd (homecoming) and October 17th (senior nights) for tailgating parties and other football related activities and events with the condition of a win. Vote was unanimous.

Council Member Edwards made a motion seconded by Council Member Wolz to approve the transfer of location the retail liquor license from 544 Yellowstone Avenue to 1102 Beck Avenue for the retail license held by Soaring Peak Enterprises dba Soaring Peak Liquor and Saloon to park as a non-operational license for up to two years. Vote was unanimous.

Council Member made a Miller motion seconded by Council Member Fritz to table the request to approve the transfer of ownership of a retail liquor license from Gulch Street Properties LLC dba Whole Foods Trading located at 1134 13th Street to Walmart Stores, Inc. dba Walmart located at 321 Yellowstone Avenue. Voting in favor were Council Members Greer, Anderson, Miller, Fritz and Mayor Brown. Voting opposed were Council Members Edwards and Wolz. Motion carried.

Council Member Edwards excused himself from the rest of the meeting and a five minute break was taken.

RESOLUTION 2014-08

A RESOLUTION AUTHORIZING THE USE OF FIREARMS FOR HUNTING WITHIN A DESIGNATED AREA OF THE COPRORATE LIMITS OF THE CITY OF CODY. Council Member Wolz made a motion seconded by Council Member Greer to approve Resolution 2014-08. Vote was unanimous.

ORDINANCE 2014-14 THIRD AND FINAL READING

AN ORDINANCE VACATING, ABANDONING AND CONVEYING A PORTION OF THE 14TH STREET RIGHT OF WAY ADJACENT TO 622 14TH STREET AND 1401 WYOMING AVENUE (LOT 8, BLOCK 2, SECOND ADDITION TO TOWN OF CODY). Council Member Anderson made a motion seconded by Council Member Wolz to approve Ordinance 2014-14 on Third and Final Reading. Vote was unanimous.

ORDINANCE 2014-15 THIRD AND FINAL READING

AN ORDINANCE VACATING, ABANDONING AND CONVEYING A 10-FOOT WIDE ALLEY LOCATED SOUTH OF 1707 29TH STREET (LOT 71-28A OF THE MCLAIN SUBDIVISION). Council Member Greer made a motion seconded by Council Member Fritz to approve Ordinance 2014-15 on Third and Final Reading. Vote was unanimous.

Council Member Wolz made a motion seconded by Council Member Greer to approve the request from Central Wyoming Neurosurgery to terminate their lease of Suite A in the Nichol Mall effective November 1, 2014 instead of December 31, 2014. Vote was unanimous.

There being no further business, Mayor Brown adjourned the meeting at 10:23 p.m.

Cindy Baker
Administrative Services Officer

Nancy Tia Brown
Mayor

| VENDOR NAME | DESCRIPTION | AMOUNT |
|-----------------------------------|-------------------------------|-----------|
| 813-NCPERS WYOMING | PREMIUMS | 384.00 |
| A & I DISTRIBUTORS | OIL | 426.05 |
| ACE HARDWARE | SUPPLIES | 453.42 |
| ADVANCED INFO SYSTEMS | OUTSOURCE BILLS | 818.02 |
| ALLDATA, LLC | ALL DATA PROGRAM SUBSCRIPTION | 1500.00 |
| AMERICAN FAMILY LIFE ASSURANCE | ALFLAC PREMIUMS | 2243.92 |
| AMERICAN WELDING & GAS, INC. | SUPPLIES | 108.21 |
| ANDERSON, NEAL | REFUND UTILITY DEPOSIT | 160.44 |
| ARBOR SOLUTIONS TREE CARE | RIGHT OF WAY CLEARING | 1200.00 |
| ASPEN PRACTICE P.C. | PRE-EMPLOYMENT TESTING | 1694.00 |
| BEADLES, ROBYN | REC CENTER REFUND | 5.00 |
| BETTER BODY FITNESS | ANNUAL MAINTENANCE | 1829.00 |
| BLOEDORN LUMBER | SKYLINE SUBDIVISION PROJECT | 9.49 |
| BLUE CROSS BLUE SHIELD OF WYOMING | INSURANCE PREMIUMS | 105697.25 |
| BOBCAT OF BIG HORN BASIN, INC. | PARTS | 2745.48 |
| BOOT BARN, INC | UNIFORMS | 262.45 |
| BORDER STATES INDUSTRIES, INC | SYSTEM UPGRADE - CONDUIT | 2797.74 |
| BOYS & GIRLS CLUB OF PARK COUNTY | COMMUNITY FUNDING ALLOCATION | 1500.00 |
| BRIGHT FUTURES MENTORING PROGR | COMMUNITY FUNDING ALLOCATION | 525.00 |
| BURNS, CANDACE | REFUND UTILITY DEPOSIT | 129.05 |

| | | |
|---------------------------------------|--|-----------|
| CALVIN BENNETT CONSTRUCTION INC | REFUND CONTRACTOR LICENSE FEE | 150.00 |
| CARQUEST AUTO PARTS | REPAIR PARTS | 260.89 |
| CELLEBRITE USA, CORP. | CELLEBRITE UFED UPGRADE - INVESTIGATIONS | 4584.99 |
| CENTURY LINK | PHONE CHARGES | 37.25 |
| CHARTER | INTERNET - MINI GOLF | 49.90 |
| CHEYENNE POLICE DEPARTMENT | WAGE REIMBURSEMENT - HELLS ANGELS | |
| CITY OF CODY | EVENT | 7222.12 |
| CITY OF CODY | UTILITIES | 2046.10 |
| CITY OF LANDER | PETTY CASH REIMBURSEMENT - PD | 56.00 |
| CITY OF ROCK SPRINGS | WAGE REIMBURSEMENT - HELLS ANGELS | |
| CODY CAB | EVENT | 3263.57 |
| CODY CHILD CARE CENTER | WAGE REIMBURSEMENT - HELLS ANGELS | |
| CODY WINNELSON COMPANY | EVENT | 1652.86 |
| COPENHAVER KATH KITCHEN KOLPITCKE LLC | TIPSY TAXI VOUCHERS | 98.00 |
| CRUM ELECTRIC | DEPOSIT REFUND | 624.47 |
| CUMMINS - ROCKY MT LLC | TEFLON TAPE | 2.01 |
| CUSTOM GARAGE DOOR LLC | LEGAL SERVICES | 6918.42 |
| DARLING, CHERYL | INVENTORY / PROJECTS | 513.43 |
| DELL MARKETING | PARTS - REC CENTER BUS | 145.26 |
| DENNY MENHOLT CHEVROLET | 14' DOOR EAST BAY | 2730.00 |
| DIVERSIFIED INSPECTIONS | REC CENTER REFUND | 28.00 |
| DIVISION OF VICTIM'S SERVICES | COMPUTERS, SUPPLIES, LECENSE | 33575.23 |
| EARPHONE CONNECTIO | CONNECTOR | 69.19 |
| EASTMAN, RINDA | EQUIPMENT INSPECTIONS | 4025.00 |
| ELECTRICAL ALLY, INC. | CRIME VICTIM'S COMP - AUG 2014 | 459.00 |
| EMPIRE WEST INC | ACCESS FOR NEW RADIOS FOR EARPIECES | 541.05 |
| ENERGY WEST | PERSONAL TRAINING - REC CENTER | 24.00 |
| ENGINEERING ASSOCIATES | INSTALL EMERGENCY STOPS | 5598.27 |
| EVIDENT, INC. | HYDRANT EXTENSION | 749.02 |
| FARM PLAN CORPORATION | UTILITIES | 10608.99 |
| FASTENAL COMPANY 01WYCDY | PROFESSIONAL FEES / PROJECTS | 27834.70 |
| FORWARD CODY WYOMING, INC | METH TEST KITS | 60.50 |
| FREMONT MOTOR CODY, INC | CHAIN LINK | 22.35 |
| GAMBLES | MATERIAL & SUPPLIES | 258.25 |
| GDA ENGINEERS | CODY LABS WAREHOUSE PROJECT | 179118.00 |
| GEORGE T. SANDERS COMPANY | PARTS | 798.85 |
| GLOBAL TECHNOLOGY RESOURCES INC | PIPE SEALANT | 5.04 |
| GOOD 2 GO STORES | PROFESSIONAL FEES - FIELD WORK | 310.00 |
| GOOGLE, INC. | REC CENTER - STEAM ROOM SENSOR | 175.00 |
| GRADIANT MOUNTAIN SPORTS LLC | COMPUTER SUPPORT | 819.00 |
| GREAT WEST LINEN SUPPLY | FUEL | 27450.58 |
| GURRERA, FRANK | GOOGLE - EMAIL | 4000.00 |
| H B I INSURANCE | SUP YOGA BOARD RENTAL FEES (4) | 40.00 |
| HARRIS TRUCKING & CONST. CO | TOWELS | 35.00 |
| HD SUPPLY POWER SOLUTIONS, LTD | REFUND UTILITY DEPOSIT | 18.71 |
| HEARTLAND PAPER COMPANY | BOND - CINDY BAKER | 100.00 |
| HODGES, JOSHUA | ASPHALT / PROJECTS | 2072.26 |
| I STATE TRUCK CENTER | INVENTORY / SYSTEM REPAIRS | 590.66 |
| JACK'S TRUCK & EQUIPMENT | MATERIAL & SUPPLIES | 460.75 |
| JLG TRAINING ASSOCIATES INC | REFUND UTILITY DEPOSIT | 18.29 |
| JONES, AMY | PARTS | 1082.09 |
| KEEGAN & WINSLOW LAW FIRM | DEF FLUID | 184.53 |
| KENCO SECURITY & TECHNOLOGY | MID MANAGEMENT SEMINAR | 235.00 |
| KITCHEN, SCOTT | PERSONAL TRAINING - REC CENTER | 29.93 |
| KOONS, JOHN H | PROFESSIONAL FEES | 297.00 |
| LARAMIE COUNTY SHERIFF OFFICE | BATTERY - SECURITY SYSTEM | 185.00 |
| LEXISNEXIS MATTHEW BENDER | REIMBURSE FOR MILEAGE | 40.32 |
| LINEBERGER, THERESA | RESTITUTION FROM MC-1205-044 | 150.00 |
| LOMCO INC | WAGE REIMBURSEMENT - HELLS ANGELS | |
| | EVENT | 1423.98 |
| | WY CRIMINAL & TRAFFIC LAW MANUALS | 1202.86 |
| | REC CENTER REFUND | 136.00 |
| | CHIP SEAL OIL TRUCKING | 7616.57 |

| | | |
|------------------------------------|--|------------|
| MARSCHMAN, SHARON | REC CENTER REFUND | 43.00 |
| MICHAELS, SCOTT | REFUND UTILITY DEPOSIT | 23.25 |
| MIDWEST FENCE CO | SKLINE SUB DIV PROJECT | 30.00 |
| MITCHELL, KEN | REFUND UTILITY DEPOSIT | 150.52 |
| MOORE, CHARLES | CONCERT SOUND TECHNICIAN | 100.00 |
| MOTOR PARTS INC | REPAIR PARTS | 1236.66 |
| MOUNTAIN STATES PIPE & SUPPLY | METERS | 26727.09 |
| MOUNTAIN WEST SCREEN PRINTERS | UNIFORMS | 32.00 |
| NICKLES, MONTGOMERY W | CONCERT SOUND TECHNICIAN | 100.00 |
| NORCO, INC. | CO2 | 254.77 |
| NORMONT EQUIPMENT COMPANY | YELLOW STREET MARKERS / PARTS | 862.87 |
| NORTHWEST PIPE | INVENTORY | 454.12 |
| OLIVER, JOHN | REC CENTER REFUND | 50.00 |
| PARK COUNTY | LEC CONTRACT AND UTILITIES | 30124.89 |
| PARK COUNTY ANIMAL SHELTER | ANIMAL SERVICE CONTRACT | 3750.00 |
| PARK COUNTY LANDFILL | LANDFILL CHARGES | 75872.00 |
| PARK COUNTY READY MIX | SAND SLURRY | 765.00 |
| PARK COUNTY SHERIFF | INCARCERATION - AUG 2014 | 120.00 |
| PAWNEE IRRIGATION EVERGREEN | SKYLINE SUBDIV PROJECT | 109.05 |
| POCKET PRESS, INC. | POCKET WY CRIMINAL & TRAFIC LAW BOOKS | 215.76 |
| POTTS, ROBERT | REC CENTER REFUND | 30.00 |
| PRO-BUILD | CHIP SEAL PAPER | 463.70 |
| PROFFITS LAWN CARE | CONTRACTED MOWING | 630.00 |
| PROVIDENT LIFE & ACCIDENT INS | PREMIUMS | 183.44 |
| RANDOL, DAVIS S | REFUND CREDIT BALANCE | 164.84 |
| ROCKY MOUNTAIN POWER | UTILITIES | 457.72 |
| RON'S EXXON | PROPANE | 64.79 |
| SCHUH, TIM | REC CENTER REFUND | 94.50 |
| SECHRIST, DAVID J | PERSONAL TRAINING REC CENTER | 259.35 |
| SHOSHONE MUNICIPAL PIPELINE | SMP WATER PURCHASES - AUG 2014 | 150401.04 |
| SHOSHONE OFFICE SUPPLY | KEY | 14.00 |
| SITZ III, ALEX H. | PROFESSIONAL FEES | 65.88 |
| SMITH, JESSE | REFUND UTILITY DEPOSIT | 136.77 |
| SOUTHWESTERN EQUIPMENT | SANITATION TRUCK PARTS | 707.14 |
| STOTZ EQUIPMENT | GATOR WHEELS | 320.92 |
| TCT WEST | PHONES / INTERNET | 1964.57 |
| THE UPS STORE | SUPPLIES | 65.46 |
| TRIPLE L SALES | MARKING PAINT | 73.50 |
| TROXEL, TIMOTHY | RESTITUTION | 1839.01 |
| U S BANK PURCHASE CARD | TRAVEL/MTG EXPESNE / SUPPLIES/ REPAIRS | 28204.25 |
| UNUM LIFE INS - LTD | LONG TERM DISABILITY PREMIUM | 2830.34 |
| US POSTMASTER | 2 MONTHS POSTAGE FOR UTILITY BILLING | 3700.00 |
| | WAGE REIMBURSEMENT - HELLS ANGELS | |
| UNIVERSITY OF WY POLICE DEPARTMENT | EVENT | 3331.32 |
| V-1 PROPANE | PROPANE | 117.38 |
| VERIZON | CELL PHONE SERVICE | 2383.84 |
| VISA | REPAIR PARTS / TRAVEL EXPENSE | 947.02 |
| WATCO POOLS | POOL CHEMICALS | 1072.34 |
| WAYNE'S BOOT SHOP | SAFETY BOOTS (4) | 700.00 |
| WEAD, SARA | REFUND LIFE INSURANCE PREMIUM | 19.20 |
| WESTERN EMULSIONS | CHIP SEAL OIL | 63227.10 |
| WESTERN PATHOLOGY CONSULTING, INC | RANDOM TESTING | 243.00 |
| WIND RIVER TRENCHING, INC | SKYLINE SUBDIV PROJECT | 5347.50 |
| WOODWARD TRACTOR CO | CONCRETE SAW BLADE | 112.17 |
| WYOMING DEPT OF TRANSPORTATION | SYSTEM UPGRADE - BIG HORN AVE | 45.42 |
| WYOMING DEPT OF WORKFORCE SERVICES | CONTRIBUTIONS | 7623.17 |
| WYOMING MUNICIPAL POWER AGENCY | POWER PURCHASE - AUG 2014 | 794848.75 |
| WYOMING RETIREMENT SYSTEM | CONTRIBUTIONS | 66715.52 |
| Y TEX CORPORATION | SUPPLIES | 36.00 |
| YELLOWSTONE REGIONAL AIRPORT | SEPTEMBER FUNDING | 15693.33 |
| ZHANG, GUANGCE | REFUND UTILITY DEPOSIT | 89.20 |
| | TOTAL | 1763153.22 |

