

# City of Cody City Council

## AGENDA

**EXECUTIVE SESSION –6:00 p.m. – To consider or receive information classified as confidential by law - pursuant to Wyoming State Statute 16-4-405(a)(ix) and to consider the purchase of real estate – pursuant to Wyoming State Statute 16-4-405(a)(vii).**

Tuesday, December 2, 2014 – 7:00 p.m. (Pre-Meeting 6:30 p.m.)

Meeting Place: City Hall – Council Chambers – 1338 Rumsey Avenue, Cody, WY

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Meeting Called to Order  
Pledge of Allegiance  
Moment of Silence  
Roll Call  
Agenda Review and Approval  
Mayor's Recognitions and Announcements

Proclamation – Wreaths Across America

Consent Calendar: All items under the consent calendar will be acted upon in one motion unless a Councilmember or member of the public requests that an individual item be taken up under Conduct of Business.

- a. Approve Minutes of the Executive Session from 11/14/14 and Regular Meeting Minutes from 11/18/14.
  - b. Approve Vouchers and Payroll in the amount of \$ 566,425.52.
  - c. Authorize the Mayor to sign the SSBCI Performance and Representation and Warranties Certification.
  - d. Authorize the submission of a ballot voting for Donna Geho and Brad Basse to be elected to the Local Government Liability Pool Board for a three year term beginning January 1, 2015, and authorize the Mayor to sign the ballot for the City of Cody.
  - e. Authorize the Mayor to sign a Professional Tree Trimming Services Contract with Arbor Solutions Tree Care.
  - f. Authorize the Mayor and City Council Members to sign letter to Yellowstone National Park in regards to the proposed fee increase.
  - g. Authorize the Mayor to grant a two-week extension to record the final plat of Holm View Addition No. 5 Subdivision.
2. Public Comments: The City Council welcomes input from the public. In order for everyone to be heard, please limit your comments to five (5) minutes per person. The Guidelines for the Conduct of City Council Meetings do not allow action to be taken on public comments.
  3. Public Hearing
  4. Conduct of Business
    - a. **ORDINANCE 2014- 17 – THIRD AND FINAL READING  
AN ORDINANCE VACATING, ABANDONING AND CONVEYING A  
PORTION OF THE COUGAR AVENUE RIGHT-OF-WAY ADJACENT  
TO 2202 COUGAR AVENUE.**

Staff Reference: Todd Stowell, City Planner

- b. **ORDINANCE 2014-18 - SECOND READING**  
**AN ORDINANCE AMENDING TITLE IX, CHAPTER 1, SECTION 2 OF THE CODY CITY CODE PERTAINING TO BUILDING CONTRACTORS' EXAMINATION BOARD; ESTABLISHED; COMPOSITION; QUALIFICATIONS OF MEMBERS; MEETINGS; APPOINTMENT AND TERM OF OFFICE.**  
Staff Reference: Steve Payne, Public Works Director
  
- c. **ORDINANCE 2014-19 – FIRST READING**  
**AN ORDINANCE REZONING CERTAIN LANDS IN THE AREA SOUTH OF COUGAR AVENUE AND EAST OF THE SHADOW MOUNTAIN SUBDIVISION LOCATED WITHIN THE CITY OF CODY, PARK COUNTY, WYOMING TO RESIDENTIAL “B”**  
Staff Reference: Todd Stowell, City Planner
  
- d. **RESOLUTION 2014-09**  
**A RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE QUARTERLY CERTIFICATION ON USE OF ALLOCATED FUNDS AND THE ANNUAL CERTIFICATION OF PERFORMANCE AND REPRESENTATIONS AND WARRANTIES DOCUMENTS AS REQUIRED BY THE UNITED STATES DEPARTMENT OF TREASURY FOR THE SSBCI BOARD**  
Staff Reference: Leslie Brumage, Finance Officer
  
- e. **RESOLUTION 2014-10**  
**A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF AN INVESTMENT ACCOUNT WITH KAISER AND COMPANY/PERSHING LLC AND DESIGNATING CITY STAFF MEMBERS AS AUTHORIZED INDIVIDUALS TO ACT ON BEHALF OF THE CITY REGARDING INVESTMENT ACTIVITIES.**  
Staff Reference: Leslie Brumage, Finance Officer
  
- f. **RESOLUTION 2014-12**  
**A RESOLUTION AMENDING THE CITY OF CODY FINAL BUDGET FOR FISCAL YEAR 2014-2015**  
Staff Reference: Leslie Brumage, Finance Officer

2. Tabled Items

3. Matters from Staff Members or Council Members

## Proclamation

**Whereas**, in 2007, the Worchester family, along with veterans and other volunteers formed “Wreaths Across America” to continue and expand a ceremony began in Arlington; and

**Whereas**, this non-profit organization continues the Arlington tradition to honor veterans at cemeteries across the nation as part of its mission to Remember, Honor and Teach with the help of fundraising groups, corporate and individual contributions, donations and volunteers; and this effort has grown every year and,

**Whereas**, in 2013 Wreaths Across America national volunteers laid over 540,000 memorial wreaths at over 900 locations in the U.S. and beyond, and

**Whereas**, the Yellowstone Regional Composite Squadron of the Civil Air Patrol participates in this nationwide volunteer effort; and

**Whereas**, more than 80 volunteer trucking companies and drivers help deliver wreaths, and

**Whereas**, all wreaths will be laid at the same time at gravesites at state and national veterans’ cemeteries, as well as local cemeteries; and

**Whereas**, the 2014 theme is “Remember, Honor, Teach – Don’t Say I Should Have, Say I Did!” and

**Whereas**, the number of wreaths laid depends upon the number of sponsors; and

**Whereas**, this is an annual event occurring each December as a veterans outreach program to remind people of how important it is to “Remember, Honor and Teach”; and

**Whereas**, Wreaths Across America is committed to teaching younger generations about the values of their freedoms and the importance of knowing those who have sacrificed to protect those freedoms.

**Now, therefore I**, Mayor Nancy Tia Brown by virtue of the authority vested in me as Mayor of Cody, Wyoming, do hereby proclaim Saturday, December 13<sup>th</sup>, 2014 as “Wreaths Across America” in Cody, Wyoming and urge all citizens to recognize and participate in its observance.

Signed \_\_\_\_\_  
Mayor Nancy Tia Brown

SEAL

Attest \_\_\_\_\_  
Cynthia Baker, Administrative Services Officer

**City of Cody**  
**Council Proceedings**  
**Friday, November 14, 2014**

An Executive Meeting of the Cody City Council was held at the Sunset House Restaurant in Cody, Wyoming on Friday, November 14, 2014 at 8:30 a.m.

Present: Mayor Nancy Tia Brown, Council Members Donny Anderson, Bryan Edwards, Jerry Fritz, Landon Greer, Steve Miller, Stan Wolz, and City Administrator Barry Cook.

Absent: None.

Mayor Brown called the meeting to order at 8:30 a.m.

Council Member Miller made a motion seconded by Council Member Anderson to enter in to an Executive Session at 8:30 a.m. pursuant to Wyoming State Statute 16-4-405(a)(x) (personnel matters) and Wyoming State Statute 16-4-405(a)(vii) (to consider purchase of real estate when the publicity regarding the consideration would cause a likelihood of an increase in price). Council Member Miller made a motion seconded by Council Member Anderson to exit the Executive Session at 1:15 p.m. No action was taken.

There being no further discussion, the meeting adjourned at 1:15 p.m.

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Barry Cook  
City Administrator

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Nancy Tia Brown  
Mayor

**City of Cody  
Council Proceedings  
Tuesday, November 18, 2014**

A regular meeting of the Cody City Council was held in the Council Chambers at City Hall in Cody, Wyoming on Tuesday, November 18, 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 7:05 p.m.

Steve Payne, Public Works Director gave an overview of the City of Cody's snow and ice removal plan.

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

Council Member Miller made a motion seconded by Council Member Fritz to approve the consent calendar including approve Minutes of the Special Meeting from 10/30/14 and Regular Meeting Minutes from 11/4/14; appoint the Mayor and Donny Anderson or Landon Greer as Voting Delegate and alternate, respectively, for the 2015 WAM Winter Workshop; award Bid No. 2014-13 to Vermeer Rocky Mountain for New 12" Brush Chipper in the amount of \$40,000 less a trade in value of \$10,000, leaving a new total bid of \$30,000; award Quote 2014-12 to Harris Trucking & Construction Co. for 3,000 tons of 3/8" chip seal aggregate in the amount of \$18.50 per ton for a total price of \$55,500; grant a request for a 30-day extension to record the final plat of the Holm View No. 5 Addition subdivision, noting requestor will pay associated subdivision fees; and authorize the Mayor to sign the Certificate of Acceptance as it relates to the Wyoming Department of Transportation project on the east corridor, aka as Big Horn Avenue, within the City of Cody. Vote was unanimous.

At 7:15 p.m. Mayor Brown entered into a public hearing to determine if it is in the public interest to adopt a new ordinance establishing definitions and regulations for Accessory Dwelling Units (a.k.a. accessory apartments), by amending the city zoning ordinance. Todd Stowell, City Planner provided background information as it pertains to this matter. Mr. Largent spoke in favor of this ordinance. After calling for comments three times, and there being no further comments, Mayor Brown closed the public hearing at 7:20 p.m.

Council Member Fritz made a motion seconded by Council Member Wolz to approve Vouchers and Payroll in the amount of \$1,399,373.04. Council Member Greer recused himself from the vote. Vote was unanimous from the remaining Council Members.

Council Member Greer made a motion seconded by Council Member Anderson to approve the request from the Cody Events Committee to hold a bon fire at the Chamber Parking Lot on Saturday, December 6, 2014 in conjunction with the Annual Cody Country Christmas Celebration. Vote was unanimous.

Council Member Wolz made a motion seconded by Council Member Fritz to approve a request to write a letter of support for a traffic study between Powell and Cody to determine if a public transportation system is warranted, noting the County has been asked to sponsor the grant application. Vote was unanimous.

Council Member made a motion seconded by Council Member to accept an application to amend the Amended Greenwing Addition subdivision by removing or modifying a buffer restriction as recommended by the Planning and Zoning Board, with the exception of the buffer requirement to be eliminated on the west side, with the plan amendment document to be reviewed and approved by the City Attorney. Vote was unanimous.

**ORDINANCE 2014-16 - THIRD AND FINAL READING  
AN ORDINANCE ADOPTING PROVISIONS FOR ACCESSORY DWELLING  
UNITS BY AMENDING CITY OF CODY CODE TITLE 10, CHAPTERS 1 AND 7  
THROUGH 11.**

Council Member Edwards made a motion seconded by Council Member Greer to remove Section B item 9. Voting in favor were Council Members Greer, Edwards and Fritz. Opposed were Council Members Anderson, Miller, Wolz and Mayor Brown. Motion failed.

Council Member Edwards made a motion seconded by Council Member Greer to remove Section C entirely. Council Members Greer, Edwards and Fritz. Opposed were Council Members Anderson, Miller, Wolz and Mayor Brown. Motion failed.

Council Member Wolz made a motion seconded by Council Member Anderson to approve Ordinance 2014-17 on Third and Final Reading. Voting in favor were Council Members Anderson, Miller, Fritz, Wolz and Mayor Brown. Opposed were Council Members Greer and Edwards. Motion carried.

**ORDINANCE 2014- 17 - SECOND READING**

**AN ORDINANCE VACATING, ABANDONING AND CONVEYING A PORTION OF THE COUGAR AVENUE RIGHT-OF-WAY ADJACENT TO 2202 COUGAR AVENUE.** Council Member Anderson made a motion seconded by Council Member Fritz to approve Ordinance 2014-17 on Second Reading. Vote was unanimous.

**ORDINANCE 2014-18 - FIRST READING**

**AN ORDINANCE AMENDING TITLE IX, CHAPTER 1, SECTION 2 OF THE CODY CITY CODE PERTAINING TO BUILDING CONTRACTORS' EXAMINATION BOARD; ESTABLISHED; COMPOSITION; QUALIFICATIONS OF MEMBERS; MEETINGS; APPOINTMENT AND TERM OF OFFICE.**

Council Member Anderson made a motion seconded by Council Member Greer to approve Ordinance 2014-18 on First Reading. Vote was unanimous.

There being no further business, Mayor Brown adjourned the meeting at 8:08 p.m.

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Cindy Baker  
Administrative Services Officer

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Nancy Tia Brown  
Mayor

Vendor Name Vendor No	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Inventory Number
<b>813-NCPERS WYOMING</b>							
<b>125412</b>							
	10312014	PREMIUM	11/12/2014	400.00	400.00	11/13/2014	
Total 125412:				400.00	400.00		
<b>A &amp; I DISTRIBUTORS</b>							
<b>127557</b>							
	2551092	OIL	11/12/2014	659.45	659.45	12/03/2014	15W40
Total 127557:				659.45	659.45		
<b>ACE HARDWARE</b>							
<b>2390</b>							
	293720	PEST CONTROL	11/06/2014	5.99	5.99	12/03/2014	
Total 2390:				5.99	5.99		
<b>ADVANCED INFO SYSTEMS</b>							
<b>129162</b>							
	11851	CYCLE 4 OUTSOURCE BILLS	11/08/2014	233.09	233.09	12/03/2014	
	11882	CYCLE 1 OUTSOURCE BILLS	11/14/2014	393.35	393.35	12/03/2014	
Total 129162:				626.44	626.44		
<b>ALSCO</b>							
<b>126551</b>							
	1070279	TOWELS - REC CENTER	11/17/2014	17.50	17.50	12/03/2014	
	1070295	RUGS - CITY HALL	11/17/2014	35.45	35.45	12/03/2014	
	1070297	RUGS - AUDITORIUM	11/17/2014	126.50	126.50	12/03/2014	
Total 126551:				179.45	179.45		
<b>AMERICAN FAMILY LIFE ASSUR</b>							
<b>550</b>							
	123099	AFLAC PREMIUM	11/12/2014	2,177.46	2,177.46	11/13/2014	
Total 550:				2,177.46	2,177.46		
<b>AMERUO INTERNATIONAL, LLC</b>							
<b>130241</b>							
	191116	REC CENTER LED LIGHTING	11/19/2014	1,000.00	1,000.00	12/03/2014	
Total 130241:				1,000.00	1,000.00		
<b>ARNOLD, DOUGLAS</b>							
<b>130243</b>							
	354997	REC CENTER REFUND	11/19/2014	125.00	125.00	12/03/2014	
Total 130243:				125.00	125.00		
<b>ATCO INTERNATIONAL</b>							
<b>127716</b>							
	IO418558	CHEMICALS	10/31/2014	398.00	398.00	12/03/2014	
Total 127716:				398.00	398.00		

Vendor Name Vendor No	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Inventory Number
<b>BAKER, CINDY</b>							
<b>129714</b>							
	112114	TRAVEL REIMBURSEMENT	11/21/2014	450.26	450.26	12/03/2014	
Total 129714:				450.26	450.26		
<b>BIG COUNTRY CONCRETE, LLC</b>							
<b>130245</b>							
	1087	CURB, GUTTER, SIDEWALKS	11/10/2014	10,025.76	10,025.76	12/03/2014	
	1087	CURB, GUTTER, SIDEWALKS	11/10/2014	2,130.24	2,130.24	12/03/2014	
Total 130245:				12,156.00	12,156.00		
<b>BIG HORN WHOLESALE</b>							
<b>1210</b>							
	14628	SUPPLIES	11/11/2014	38.19	38.19	12/03/2014	
Total 1210:				38.19	38.19		
<b>BLANKENSHIP QUALITY CONCRETE</b>							
<b>1320</b>							
	719	CONCRETE WORK	11/18/2014	13,236.54	13,236.54	12/03/2014	
	719	CONCRETE WORK	11/18/2014	1,992.00	1,992.00	12/03/2014	
	719	CONCRETE WORK	11/18/2014	703.54	703.54	12/03/2014	
Total 1320:				15,932.08	15,932.08		
<b>BLUE CROSS BLUE SHIELD OF WYOMING</b>							
<b>1360</b>							
	111714	PREMIUMS	11/17/2014	12.12	12.12	12/03/2014	
	111714	PREMIUMS	11/17/2014	113,542.75	113,542.75	12/03/2014	
Total 1360:				113,554.87	113,554.87		
<b>BOONE'S MACHINE SHOP</b>							
<b>1400</b>							
	59079	ROLL OUT BRACKETS	11/04/2014	689.95	689.95	12/03/2014	
	8280	TRENCH BOX RENTAL - RUMS	10/22/2014	420.00	420.00	12/03/2014	
	8300	EXCAVATOR RENTAL - RUMSE	10/22/2014	1,927.59	1,927.59	12/03/2014	
	8330	MAN LIFT RENTAL	10/17/2014	75.00	75.00	12/03/2014	
Total 1400:				3,112.54	3,112.54		
<b>BORDER STATES INDUSTRIES, INC</b>							
<b>1420</b>							
	908431960	EQUIPMENT REPAIR	11/19/2014	233.12	233.12	12/03/2014	
Total 1420:				233.12	233.12		
<b>BRISTOW, RONALD</b>							
<b>129517</b>							
	9168044	REFUND UTILITY DEPOSIT	11/12/2014	11.15	11.15	12/03/2014	
Total 129517:				11.15	11.15		
<b>BROWNING, ZACH</b>							

Vendor Name Vendor No	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Inventory Number
130171							
	10.1100.20	REFUND CREDIT BALANCE	11/14/2014	145.93	145.93	12/03/2014	
Total 130171:				145.93	145.93		
<b>BRUCE, ROY</b> <b>125028</b>							
	3.0960.20	REFUND CREDIT BALANCE	11/14/2014	230.20	230.20	12/03/2014	
Total 125028:				230.20	230.20		
<b>C &amp; C WELDING</b> <b>1690</b>							
	18154	REPAIR SLICE STEPS / GATE	10/20/2014	659.00	659.00	12/03/2014	
Total 1690:				659.00	659.00		
<b>CITY OF CODY</b> <b>2260</b>							
	111414	Utilities	11/14/2014	460.94	460.94	12/03/2014	
	112114	Utilities	11/21/2014	2,943.56	2,943.56	12/03/2014	
	112114	Utilities	11/21/2014	48.59	48.59	12/03/2014	
	112114	Utilities	11/21/2014	627.43	627.43	12/03/2014	
	112114	Utilities	11/21/2014	164.23	164.23	12/03/2014	
	112114	Utilities	11/21/2014	379.44	379.44	12/03/2014	
	112114	Utilities	11/21/2014	76.03	76.03	12/03/2014	
	112114	Utilities	11/21/2014	125.04	125.04	12/03/2014	
	112114	Utilities	11/21/2014	251.97	251.97	12/03/2014	
	112114	Utilities	11/21/2014	385.91	385.91	12/03/2014	
	112114	Utilities	11/21/2014	81.27	81.27	12/03/2014	
	112114	Utilities	11/21/2014	616.88	616.88	12/03/2014	
	112114	Utilities	11/21/2014	530.69	530.69	12/03/2014	
	112114	Utilities	11/21/2014	407.43	407.43	12/03/2014	
	112114	Utilities	11/21/2014	186.00	186.00	12/03/2014	
	112114	Utilities	11/21/2014	461.02	461.02	12/03/2014	
	112114	Utilities	11/21/2014	48.00	48.00	12/03/2014	
	112114	Utilities	11/21/2014	282.53	282.53	12/03/2014	
	112114	Utilities	11/21/2014	33.14	33.14	12/03/2014	
	112114	Utilities	11/21/2014	658.06	658.06	12/03/2014	
	112114	Utilities	11/21/2014	104.53	104.53	12/03/2014	
	112114	Utilities	11/21/2014	23.00	23.00	12/03/2014	
	112114	Utilities	11/21/2014	141.44	141.44	12/03/2014	
	112114	Utilities	11/21/2014	195.12	195.12	12/03/2014	
	112114	Utilities	11/21/2014	71.75	71.75	12/03/2014	
	112114	Utilities	11/21/2014	161.00	161.00	12/03/2014	
	112114	Utilities	11/21/2014	133.94	133.94	12/03/2014	
	112114	Utilities	11/21/2014	41.70	41.70	12/03/2014	
	112114	Utilities	11/21/2014	68.04	68.04	12/03/2014	
	112114	Utilities	11/21/2014	47.49	47.49	12/03/2014	
	112114	Utilities	11/21/2014	3,168.59	3,168.59	12/03/2014	
	112114	Utilities	11/21/2014	9,505.75	9,505.75	12/03/2014	
	112114	Utilities	11/21/2014	1,283.10	1,283.10	12/03/2014	
	112114	Utilities	11/21/2014	330.50	330.50	12/03/2014	
	112114	Utilities	11/21/2014	194.41	194.41	12/03/2014	
	112114	Utilities	11/21/2014	136.09	136.09	12/03/2014	
	112114	Utilities	11/21/2014	46.75	46.75	12/03/2014	
	112114	Utilities	11/21/2014	727.00	727.00	12/03/2014	

Vendor Name Vendor No	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Inventory Number
	112114	Utilities	11/21/2014	326.46	326.46	12/03/2014	
	112114	Utilities	11/21/2014	164.74	164.74	12/03/2014	
	112114	Utilities	11/21/2014	49.60	49.60	12/03/2014	
	112114	Utilities	11/21/2014	47.39	47.39	12/03/2014	
	112114	Utilities	11/21/2014	470.18	470.18	12/03/2014	
	112114	Utilities	11/21/2014	1,141.29	1,141.29	12/03/2014	
	112114	Utilities	11/21/2014	39.00	39.00	12/03/2014	
	112114	Utilities	11/21/2014	247.55	247.55	12/03/2014	
	112114	Utilities	11/21/2014	408.07	408.07	12/03/2014	
	112114	Utilities	11/21/2014	66.07	66.07	12/03/2014	
	112114	Utilities	11/21/2014	4,386.13	4,386.13	12/03/2014	
	112114	Utilities	11/21/2014	24.85	24.85	12/03/2014	
Total 2260:				32,519.69	32,519.69		
<b>CODY CHILD CARE CENTER</b>							
<b>130149</b>							
	1133017	REFUND UTILITY DEPOSIT	11/18/2014	362.85	362.85	12/03/2014	
Total 130149:				362.85	362.85		
<b>CODY ROTARY CLUB</b>							
<b>2765</b>							
	609	ROTARY - RICK MANCHESTER	11/08/2014	32.50	32.50	12/03/2014	
	609	ROTARY - RICK MANCHESTER	11/08/2014	32.50	32.50	12/03/2014	
Total 2765:				65.00	65.00		
<b>CUSTOM DELIVERY SERVICE</b>							
<b>3343</b>							
	182397	DELIVERY CHARGES	10/31/2014	109.73	109.73	12/03/2014	
Total 3343:				109.73	109.73		
<b>D.W. LATIMER, INC</b>							
<b>129661</b>							
	2879	19TH ST EXCAVATION	11/11/2014	579.00	579.00	12/03/2014	
Total 129661:				579.00	579.00		
<b>DOLLARD, JUSTIN</b>							
<b>129368</b>							
	1810427	REIMBURSE FOR SAFETY GLA	11/17/2014	100.00	100.00	12/03/2014	
Total 129368:				100.00	100.00		
<b>DW ELECTRIC</b>							
<b>129940</b>							
	10508	TROUBLESHOOT PUMP	11/11/2014	63.00	63.00	12/03/2014	
Total 129940:				63.00	63.00		
<b>ECOLAB PEST ELIM. DIV.</b>							
<b>128686</b>							
	4949373	PEST CONTROL - REC CENTER	11/10/2014	122.00	122.00	12/03/2014	
	4949374	PEST CONTROL - AUDITORIUM	11/10/2014	70.00	70.00	12/03/2014	
	4949375	PEST CONTROL - CITY HALL	11/10/2014	50.00	50.00	12/03/2014	

Vendor Name Vendor No	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Inventory Number
	4949376	PEST CONTROL - EL SHOP	11/10/2014	50.00	50.00	12/03/2014	
	4949377	PEST CONTROL - SANT/RECY	11/10/2014	50.00	50.00	12/03/2014	
	4949378	PEST CONTROL - SHOP	11/10/2014	70.00	70.00	12/03/2014	
Total 128686:				412.00	412.00		
<b>ENERGY WEST</b>							
<b>2630</b>							
	111114	UTILITIES - SHOP	11/11/2014	257.94	257.94	12/03/2014	
	111114	UTILITIES - SHOP	11/11/2014	71.07	71.07	12/03/2014	
	111114	UTILITIES - SHOP	11/11/2014	41.81	41.81	12/03/2014	
	111114	UTILITIES - SHOP	11/11/2014	29.26	29.26	12/03/2014	
	111114	UTILITIES	11/11/2014	101.09	101.09	12/03/2014	
	111114	UTILITIES	11/11/2014	29.48	29.48	12/03/2014	
	111914	UTILITIES	11/19/2014	546.29	546.29	12/03/2014	
	111914	UTILITIES	11/19/2014	148.47	148.47	12/03/2014	
Total 2630:				1,225.41	1,225.41		
<b>ENGINEERING ASSOCIATES</b>							
<b>4140</b>							
	3411012	WWTF DISCHARGE REPLACEM	11/18/2014	1,904.50	1,904.50	12/03/2014	
	3411013	WWTF PRETREATMENT	11/18/2014	4,773.00	4,773.00	12/03/2014	
Total 4140:				6,677.50	6,677.50		
<b>FASTENAL COMPANY 01WYCDY</b>							
<b>126018</b>							
	WYCDY57039	PAINT CABINET	11/07/2014	568.27	568.27	12/03/2014	
Total 126018:				568.27	568.27		
<b>FINISHING TOUCH</b>							
<b>126968</b>							
	31019	VEHICLE TOWING - CASE 14-14	11/07/2014	150.00	150.00	12/03/2014	
Total 126968:				150.00	150.00		
<b>FRANZEN, LLC</b>							
<b>130244</b>							
	1139-1	REFUND OVERPAYMENT ON E	11/14/2014	209.65	209.65	12/03/2014	
Total 130244:				209.65	209.65		
<b>GALLS, LLC</b>							
<b>123014</b>							
	002637666	UNIFORM C23	10/31/2014	16.20	16.20	12/03/2014	
Total 123014:				16.20	16.20		
<b>GDA ENGINEERS</b>							
<b>4620</b>							
	00001 11/17/14	WATER MAIN SURVEY	11/17/2014	2,202.50	2,202.50	12/03/2014	
Total 4620:				2,202.50	2,202.50		

Vendor Name Vendor No	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Inventory Number
<b>GLOBAL TECHNOLOGY RESOURCES INC</b>							
<b>130118</b>							
	ICO434457	COMPUTER SUPPORT	10/02/2014	819.00	819.00	12/03/2014	
Total 130118:				819.00	819.00		
<b>GRAINGER</b>							
<b>4635</b>							
	9576003629	REPAIR STEAM ROOM	10/22/2014	305.75	305.75	12/03/2014	
Total 4635:				305.75	305.75		
<b>HD SUPPLY POWER SOLUTIONS, LTD</b>							
<b>6730</b>							
	2700878-01	SYSTEM REPAIRS	11/10/2014	232.74	232.74	12/03/2014	
	2700878-02	SUBSTATION MAINT	11/10/2014	614.76	614.76	12/03/2014	
Total 6730:				847.50	847.50		
<b>HERLSON, JENNIFER AND/OR</b>							
<b>129652</b>							
	14508018	REFUND UTILITY DEPOSIT	11/20/2014	30.39	30.39	12/03/2014	
Total 129652:				30.39	30.39		
<b>HOLM BLOUGH &amp; COMPANY</b>							
<b>5020</b>							
	3136	MOUNTAIN SPIRIT HABITAT FO	11/12/2014	9,888.38	9,888.38	12/03/2014	
Total 5020:				9,888.38	9,888.38		
<b>JERRY THEIL &amp; SONS</b>							
<b>128809</b>							
	109-40	REFUND OVERPMT ON EL SUB	11/14/2014	1,430.35	1,430.35	12/03/2014	
Total 128809:				1,430.35	1,430.35		
<b>LONG BUILDING TECH INC</b>							
<b>125191</b>							
	SRVCE006799	REPAIR STEAM ROOM	11/05/2014	666.04	666.04	12/03/2014	
Total 125191:				666.04	666.04		
<b>LYLE SIGNS INC</b>							
<b>123209</b>							
	1314213	SIGN BLANKS SHEETING	11/11/2014	1,495.20	1,495.20	12/03/2014	
Total 123209:				1,495.20	1,495.20		
<b>MCI COMM SERVICE</b>							
<b>130077</b>							
	111114	LONG DISTANCE FOR 307-587-	11/11/2014	31.59	31.59	12/03/2014	
Total 130077:				31.59	31.59		
<b>MOUNTAIN STATES PIPE &amp; SUPPLY</b>							

Vendor Name Vendor No	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Inventory Number
127866							
	332664-00	ITRON PIT LID ADAPTERS	11/10/2014	312.70	312.70	12/03/2014	
Total 127866:				312.70	312.70		
<b>MOUNTAIN WEST SCREEN PRINTERS</b>							
<b>6930</b>							
	E2304	UNIFORMS - EL DEPT	11/18/2014	12.10	12.10	12/03/2014	
Total 6930:				12.10	12.10		
<b>NORTHWEST PIPE</b>							
<b>7400</b>							
	1375108	6" Megalug for PVC, w/acc.	10/24/2014	417.20	417.20	12/03/2014	1290-W
	1378084-1	HYD METER BACKFLOW REPAI	11/07/2014	74.39	74.39	12/03/2014	
	1378373	1" CC x Comp corp stop	11/05/2014	134.00	134.00	12/03/2014	1112-W
	1381259	ROCKY RD STORM SEWER	11/05/2014	479.86	479.86	12/03/2014	
	1382597	1" comp. x 3/4" comp. adapter	11/07/2014	43.50	43.50	12/03/2014	1109-W
	1382597	1" Flare x CTS Compression Ada	11/07/2014	162.00	162.00	12/03/2014	1091-W
	1382597	FREIGHT	11/07/2014	22.77	22.77	12/03/2014	
	1382598	3/4" Flare x CTS Comp Adapter	11/07/2014	110.40	110.40	12/03/2014	1090-W
Total 7400:				1,444.12	1,444.12		
<b>ONE-CALL OF WYOMING</b>							
<b>127665</b>							
	36545	ONE CALL FEES OCT 2014	11/07/2014	90.00	90.00	12/03/2014	
Total 127665:				90.00	90.00		
<b>OPATZ ELECTRIC MOTOR REPAIR</b>							
<b>7470</b>							
	16550	NORTH LIFT PUMP REPAIR	11/10/2014	783.10	783.10	12/03/2014	
Total 7470:				783.10	783.10		
<b>PHILLIPS, JENNIFER C</b>							
<b>127068</b>							
	111914	REIMBURSE FOR MILEAGE	11/19/2014	101.92	101.92	12/03/2014	
Total 127068:				101.92	101.92		
<b>PROVIDENT LIFE &amp; ACCIDENT INS</b>							
<b>128033</b>							
	10312014	PREMIUMS	11/12/2014	183.44	183.44	11/13/2014	
Total 128033:				183.44	183.44		
<b>QUALITY ASPHALT PAVING, INC</b>							
<b>125010</b>							
	1439	ASPHALT - WEST AVE	11/10/2014	577.50	577.50	12/03/2014	
Total 125010:				577.50	577.50		
<b>R &amp; A SAFETY</b>							
<b>127690</b>							
	2351	RANDOM & PRE-EMPLOYMENT	11/10/2014	90.00	90.00	12/03/2014	

Vendor Name Vendor No	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Inventory Number
	2351	RANDOM & PRE-EMPLOYMENT	11/10/2014	90.00	90.00	12/03/2014	
	2351	RANDOM & PRE-EMPLOYMENT	11/10/2014	40.00	40.00	12/03/2014	
	2351	RANDOM & PRE-EMPLOYMENT	11/10/2014	70.00	70.00	12/03/2014	
Total 127690:				290.00	290.00		
<b>RMEL</b>							
<b>123513</b>							
	8817 - 2015	2015 RMEL DUES -REF CO ID 8	11/12/2014	460.00	460.00	12/03/2014	
Total 123513:				460.00	460.00		
<b>ROCKY MOUNTAIN POWER</b>							
<b>7570</b>							
	111714	UTILITIES	11/17/2014	42.56	42.56	12/03/2014	
	112114	UTILITIES	11/17/2014	245.61	245.61	12/03/2014	
Total 7570:				288.17	288.17		
<b>ROSENCRANSE, JENNIFER</b>							
<b>123495</b>							
	111414	REIMBURSE - AUG PRUDENTIA	11/14/2014	16.00	16.00	12/03/2014	
Total 123495:				16.00	16.00		
<b>ROYAL SWITCHGTEAR MANUFACTURING</b>							
<b>129614</b>							
	51305	MINSKE SUBSTATION REPAIR	11/10/2014	503.07	.00	12/03/2014	
Total 129614:				503.07	.00		
<b>SAGE REALTY</b>							
<b>130237</b>							
	16624011	REFUND UTILITY DEPOSIT	11/10/2014	500.00	500.00	12/03/2014	
Total 130237:				500.00	500.00		
<b>SKARSHAUG TESTING LAB</b>							
<b>9320</b>							
	193280	SAFETY SUPPLIES	11/11/2014	762.64	762.64	12/03/2014	
Total 9320:				762.64	762.64		
<b>SMITH, KATE</b>							
<b>130238</b>							
	3216031	REFUND UTILITY DEPOSIT	11/13/2014	62.30	62.30	12/03/2014	
Total 130238:				62.30	62.30		
<b>SOUTHWESTERN EQUIPMENT</b>							
<b>9422</b>							
	030268	C06 PACKER, C05 ROLLOUT AT	11/10/2014	8,780.00	8,780.00	12/03/2014	
	030268	C06 PACKER, C05 ROLLOUT AT	11/10/2014	1,560.00	1,560.00	12/03/2014	
Total 9422:				10,340.00	10,340.00		

Vendor Name Vendor No	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Inventory Number
<b>STEPHENS, SHIRLEY 130239</b>							
	354101	REC CENTER REFUND	11/12/2014	100.00	100.00	12/03/2014	
Total 130239:				100.00	100.00		
<b>TWO MEDICINE 130120</b>							
	205944	TWO MEDICINE WEBSITE AND	11/01/2014	345.00	345.00	12/03/2014	
Total 130120:				345.00	345.00		
<b>UNUM LIFE INS - LTD 127843</b>							
	10312014	LONG TERM DISABILITY - PRE	11/12/2014	2,859.40	2,859.40	11/13/2014	
Total 127843:				2,859.40	2,859.40		
<b>UNUM LIFE INSURANCE - LIFE 127935</b>							
	10312014	PREMIUM	11/12/2014	1,726.40	1,726.40	11/13/2014	
Total 127935:				1,726.40	1,726.40		
<b>VERMEER ROCKY MTN. INC 128111</b>							
	E00848	BRUSH CHIPPER	11/19/2014	30,000.00	30,000.00	12/03/2014	
Total 128111:				30,000.00	30,000.00		
<b>WAL-MART STORES INC 130240</b>							
	1132	REFUND OVERPAYMMENT ON L	11/12/2014	190.00	190.00	12/03/2014	
Total 130240:				190.00	190.00		
<b>WAYNE'S BOOT SHOP 10430</b>							
	12094	SAFETY BOOTS - CHAN RICHA	11/06/2014	180.00	180.00	12/03/2014	
	12436	SAFETY BOOTS - TERRY SCHN	09/26/2014	180.00	180.00	12/03/2014	
	12439	SAFETY BOOTS - JAMES KEEN	09/30/2014	180.00	180.00	12/03/2014	
	12441	SAFETY BOOTS - HOLLY FAIRM	10/01/2014	160.00	160.00	12/03/2014	
Total 10430:				700.00	700.00		
<b>WCS TELECOM 124746</b>							
	21694046	LONG DISTANCE	11/01/2014	137.49	137.49	12/03/2014	
Total 124746:				137.49	137.49		
<b>WITIW, MICHAEL 130242</b>							
	354429	REC CENTER REFUND	11/18/2014	36.00	36.00	12/03/2014	
Total 130242:				36.00	36.00		

Vendor Name Vendor No	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Inventory Number
<b>WOMACK MACHINE SUPPLY CO.</b>							
<b>128944</b>							
	0120818	HYDRAULIC FITTINGS	11/03/2014	3.96	3.96	12/03/2014	
Total 128944:				3.96	3.96		
<b>WOODWARD TRACTOR CO</b>							
<b>10660</b>							
	93992	CHAIN SAW CHAIN	09/11/2014	20.36	20.36	12/03/2014	
Total 10660:				20.36	20.36		
<b>WYOMING DEPARTMENT OF WORKFORCE SERVICES</b>							
<b>10670</b>							
	10312014	CONTRIBUTIONS	11/12/2014	6,749.53	6,749.53	11/13/2014	
	10312014	VOLUNTEERS PD	11/12/2014	12.30	12.30	11/13/2014	
	10312014	VOLUNTEERS REC	11/12/2014	118.87	118.87	11/13/2014	
	10312014	VOLUNTEERS	11/12/2014	4.10	4.10	11/13/2014	
Total 10670:				6,884.80	6,884.80		
<b>WYOMING RETIREMENT SYSTEM</b>							
<b>10950</b>							
	9722-4	CONTRIBUTIONS -	11/12/2014	65,993.23	65,993.23	11/13/2014	
Total 10950:				65,993.23	65,993.23		
Grand Totals:				338,593.83	338,090.76		
PAYROLL TOTAL \$228,334.75				TOTAL \$ 566,425.52			

## Report Criteria:

- Detail report.
- Invoices with totals above \$0 included.
- Paid and unpaid invoices included.

MEETING DATE: DECEMBER 2, 2014

DEPARTMENT: ADMINISTRATIVE SERVICES

PREPARED BY: LESLIE BRUMAGE

PRESENTED BY: LESLIE BRUMAGE

## **AGENDA ITEM SUMMARY REPORT**

### **SSBCI CERTIFICATION REPORT**

#### **ACTION TO BE TAKEN:**

Authorize the Mayor to sign the SSBCI Performance and Representation and Warranties Certification.

#### **SUMMARY OF INFORMATION:**

Along with many other cities and towns in Wyoming the City of Cody is a participant in the State Small Business Credit Initiative. This program is authorized through the Small Business Administration for the purpose of providing pledged collateral accounts to lending institutions to enhance the collateral coverage for business loans.

In order for the Board to request the third disbursement of funds from the U.S. Treasury each member city and town must sign and submit a Certification of Performance and Representation and Warranties document. This document certifies that SSBCI funds have been used in compliance with the Allocation Agreement.

#### **FISCAL IMPACT**

None

#### **ALTERNATIVES**

The Council may approve or not approve the report at its discretion.

#### **ATTACHMENTS**

1. Certification of Performance and Representation and Warranties
2. Summary Report of SSBCI Funds Utilized to Date
3. Independent Accountant's Report

#### **AGENDA & SUMMARY REPORT TO:**

None

**AGENDA ITEM NO. \_\_\_\_\_**

**CERTIFICATION OF PERFORMANCE  
AND REPRESENTATIONS AND WARRANTIES**

United States Department of the Treasury  
Main Treasury Building, Room 1310  
1500 Pennsylvania Avenue  
Washington, D.C. 20220

Reference is made to the Allocation Agreement dated as of December 4, 2012 (the "Allocation Agreement"), between the **United States Department of the Treasury** ("Treasury") and the Participating Municipalities. Capitalized terms used herein and not defined herein shall have the respective meanings ascribed to them in the Allocation Agreement.

This certification is delivered to Treasury pursuant to paragraph 2 ("Subsequent Disbursement Requests of Allocated Funds") of Annex 2 ("Disbursement Policies and Procedures") attached to the Allocation Agreement. The undersigned, on behalf of each Participating Municipality, hereby makes the following certifications as of the date of this certification:

1. the Participating Municipality has performed and complied with all applicable terms, covenants, agreements and conditions required by the Allocation Agreement to be performed or complied with by it as of this date;
2. the representations and warranties set forth in the Allocation Agreement and in the Assurances (Non-Construction) contained as part of the Application are true and correct in all material respects;
3. the Participating Municipality has expended, transferred, or obligated 80 percent or more of the last disbursed one-third of Allocated Funds for federal contributions to, or for the account of, the Participating Municipality's Approved Municipal Programs; and
4. the authority of the undersigned to execute and deliver this certification on behalf of the Participating Municipality is valid and in full force and effect.

By: \_\_\_\_\_ (Signature)

Print Name: \_\_\_\_\_

Print Title: \_\_\_\_\_

Print Name of Participating Municipality: \_\_\_\_\_

Date: \_\_\_\_\_

**SSBCI Funds Utilized to Date**

**Other Credit Support Programs (OCSPs)**

Participating State **LARAMIE WY**

OCSPs	Loan/Investment Unique Identifier #	Participating Lender/Investor or Designated/Implementing Agency or Contracting Entity	Date Commitment Issued	Total Amount of Loan/Investment	Total Lender/Investor \$	SSBCI \$ Obligated	SSBCI \$ Expended	SSBCI \$ Transferred (Mostly Relevant to Venture Capital Programs)	Date Closed
Credit Guarantee Program	108-0313-001	First Northern Bank of Wyoming	3/6/2013	\$100,000.00	\$50,000.00		\$50,000.00		04/17/2013
Credit Guarantee Program	116-0113-002	Sundance State Bank	5/27/2013	\$40,000.00	\$20,000.00		\$20,000.00		06/18/2013
Credit Guarantee Program	115-0813-004	1st Bank Division of Glacier Bank	7/18/2013	\$2,498,378.00	\$1,938,378.00		\$560,000.00		08/15/2013
Credit Guarantee Program	117-1113-005	Platte Valley Bank	8/14/2013	\$50,000.00	\$25,000.00		\$25,000.00		08/26/2013
Credit Guarantee Program	101-0213-006	First Interstate Bank	9/11/2013	\$126,000.00	\$63,000.00		\$63,000.00		09/11/2013
Credit Guarantee Program	106-0613-009	Security State Bank	10/17/2013	\$343,606.00	\$176,606.00		\$167,000.00		10/30/2013
Credit Guarantee Program	106-1313-007	First National Bank of Gillette	10/14/2013	\$44,230.00	\$22,230.00		\$22,000.00		11/12/2013
Credit Guarantee Program	106-0613-010	Security State Bank	10/28/2013	\$61,185.00	\$31,185.00		\$30,000.00		11/14/2013
Credit Guarantee Program	102-0713-003	Capital West Bank	6/4/2013	\$13,490,581.00	\$12,490,581.00		\$1,000,000.00		12/06/2013
Credit Guarantee Program	102-1813-113	Tri-County Bank	12/19/2013	\$530,000.00	\$462,550.00		\$67,450.00		12/31/2013
Credit Guarantee Program	101-0913-012	Jonah Bank	11/30/2013	\$2,242,000.00	\$1,742,000.00		\$500,000.00		01/23/2013
Credit Guarantee Program	106-0614-114	Security State Bank	1/2/2014	\$344,000.00	\$258,000.00		\$86,000.00		2/13/2014
Credit Guarantee Program	115-0813-008	1st Bank Division of Glacier Bank	9/30/2013	\$962,150.00	\$772,150.00		\$190,000.00		2/24/2014
Credit Guarantee Program	106-0614-116	Security State Bank	1/29/2014	\$500,000.00	\$250,000.00		\$250,000.00		2/24/2014
Credit Guarantee Program	114-1613-011	Meridian Trust Federal Credit Union	11/14/2013	\$270,000.00	\$232,500.00	\$37,500.00	\$0.00		
Credit Guarantee Program	103-0614-115	Security State Bank	2/12/2014	\$220,676.00	\$110,338.00		\$110,338.00		8/13/2014
Credit Guarantee Program	103-0614-117	Security State Bank	2/20/2014	\$187,500.00	\$187,500.00		\$75,000.00		5/15/2014
Credit Guarantee Program	106-0614-118	Security State Bank	2/24/2014	\$1,554,000.00	\$1,554,000.00		\$500,000.00		3/7/2014
Credit Guarantee Program	106-0614-119	Security State Bank	2/25/2014	\$200,000.00	\$200,000.00		\$100,000.00		4/16/2014
Credit Guarantee Program	106-0614-126	Security State Bank	5/2/2014	\$425,000.00	\$212,500.00		\$212,500.00		5/27/2014
Credit Guarantee Program	101-0214-128	First Interstate Bank	5/9/2014	\$265,500.00	\$132,750.00		\$132,750.00		5/20/2014
Credit Guarantee Program	106-0614-127	Security State Bank	4/30/2014	\$45,000.00	\$22,500.00		\$22,500.00		5/15/2014
Credit Guarantee Program	102-0914-124	Jonah Bank	4/10/2014	\$1,265,500.00	\$965,500.00		\$300,000.00		5/13/2014
Credit Guarantee Program	107-1914-123	Commerce Bank of Wyoming	4/16/2014	\$1,975,000.00	\$1,050,000.00		\$925,000.00		5/22/2014
Credit Guarantee Program	106-0314-122	First Northern Bank of Wyoming	4/4/2014	\$220,667.00	\$160,667.00		\$60,000.00		4/15/2014
Credit Guarantee Program	101-0214-129	First Interstate Bank	5/19/2014	\$798,727.00	\$399,364.00		\$399,363.00		9/2/2014
Credit Guarantee Program	106-0614-130	Security State Bank	9/8/2014	\$810,000.00	\$413,350.00		\$396,650.00		9/19/2014
Credit Guarantee Program	106-0614-131	Security State Bank	9/8/2014	\$236,371.00	\$121,371.00		\$115,000.00		9/19/2014
Credit Guarantee Program	106-0314-120	First Northern Bank of Wyoming	3/13/2014	\$100,000.00	\$50,000.00		\$50,000.00		3/24/2014
Credit Guarantee Program	101-1114-121	Platte Valley Bank	3/20/2014	\$49,501.00	\$25,317.00		\$24,184.00		4/3/2014
Credit Guarantee Program	102-2014-132	ANB Bank	9/25/2014	\$600,000.00	\$300,000.00		\$300,000.00		10/1/2014
Credit Guarantee Program	117-1114-133	Platte Valley Bank	9/22/2014	\$360,000.00	\$310,000.00	\$50,000.00			
Credit Guarantee Program	106-0614-134	Security State Bank	9/30/2014	\$340,000.00	\$170,000.00	\$170,000.00			
Credit Guarantee Program	106-0614-135	Security State Bank	9/30/2014	\$50,000.00	\$25,000.00	\$25,000.00			
Credit Guarantee Program	114-1514-136	Rawlins National Bank	10/3/2014	\$2,721,000.00	\$2,221,000.00	\$500,000.00			
Administrative Expenses							\$347,645.00		

Sub-totals for OCSP	\$34,026,572	\$20,586,018	\$782,500	\$7,101,380	\$0
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Name of Program 2

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Sub-totals for OCSP	\$0	\$0	\$0	\$0	\$0
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Name of Program 3

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Sub-totals for OCSP	\$0	\$0	\$0	\$0	\$0
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<b>TOTALS (ALL OCSPs)</b>	<b>\$34,026,572</b>	<b>\$20,586,018</b>	<b>\$782,500</b>	<b>\$7,101,380</b>	<b>\$0</b>
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Total \$ Expended, Obligated, Transferred (OCSPs & CAP) \$7,883,880

1st/2nd Disbursement of SSBCI \$ \$4,345,556  
 1st/2nd Disbursement of SSBCI \$x 80% \$3,476,445  
 \$7,822,001

**SSBCI \$ Obligated**

SSBCI funds that have been committed to pay for the amounts of orders placed, contracts awarded, goods and services received, and similar transactions during a given period that will require payment by the Approved State Program during the same or a future period. For OCSPs, examples of obligated funds include:

- a) SSBCI funds that have been committed, pledged, or otherwise promised, in writing, to a specific borrower as part of a loan participation, collateral support, or direct lending program;
- b) SSBCI funds that have been committed, pledged, or otherwise promised, in writing as part of a venture capital investment transaction (e.g., a promissory note);
- c) SSBCI funds that have been set aside to cover obligations arising from loan guarantees, loan participations, or collateral support agreements as part of an approved program; or,
- d) SSBCI funds that have been committed, pledged, or promised in writing for allowable administrative expenses (e.g. an executed contract for services).

**SSBCI \$ Expended**

SSBCI funds that have been used to pay charges that have been incurred either on a cash or accrual basis by or for an Approved State program.

For OCSPs, examples of expended funds include:

- a) SSBCI funds that have been disbursed to a specific borrower (or disbursed to a specific lender as part of a commitment to a specific transaction) as part of a loan participation, collateral support, or direct lending program;
- b) SSBCI funds that have been invested in specific small businesses, pursuant to a venture capital investment; or,
- c) SSBCI funds that have been disbursed allowable administrative expenses.

**SSBCI \$ Transferred (Mostly Relevant to Venture Capital Programs)**

SSBCI funds that have been transferred by the state, territory, or municipality receiving SSBCI funds to the designated/implementing agency, or the contracting entity, that is charged with administering the day-to-day operations of the program, as a reimbursement for actual expenses incurred or when there is a clearly documented actual and immediate cash need to fund a loan or investment to an eligible small business or to pay for any allowable administrative expenses.



INDEPENDENT ACCOUNTANT'S REPORT  
ON APPLYING AGREED-UPON PROCEDURES

To Management and the Board of Directors of the  
Wyoming Smart Capital Network, LLC and its  
Consortium of Wyoming Municipalities

We have performed the procedures enumerated below, in Attachment A, which were agreed to by the Board of Directors of Wyoming Smart Capital Network, LLC and its Consortium of Wyoming Municipalities, solely to assist you in evaluating the completeness, accuracy and compliance with the SSBCI National Standards for Compliance and Oversight, SSBCI Policy Guidelines and the approved procedures and policies of the Board. Management and the Board are responsible for the preparation and compliance requirements of the reports.

This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of these procedures is solely the responsibility of those parties specified in the report. Consequently, we can make no representation regarding the sufficiency of the procedures described in Attachment A either for the purpose for which this report has been requested or for any other purpose.

The procedures and the findings are included in attachment A.

We were not engaged to, and did not, conduct an audit, the object of which would be the expression of an opinion on the accounting records. Accordingly, we do not express such an opinion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the board or directors and management of Wyoming Smart Capital Network, LLC and its Consortium of Wyoming Municipalities and is not intended to be and should not be used by anyone other than those specified parties.

*Mader Tschacher Peterson & Co.*

Laramie, Wyoming  
November 5, 2014

505 South Third, Suite 100  
Laramie, Wyoming 82070  
(307) 755-1040 FAX (307) 742-4944

## Attachment A: Procedures and Findings

1. Pursuant the Allocation Agreement dated December 4, 2012 between the United States Department of Treasury and the Laramie Consortium Participating Municipalities, we have reviewed the disbursements and commitments by the Consortium by Development Capital Networks, LLC. The Laramie Consortium Participating Municipalities approved and funded 35 projects since inception. There are also five projects that have been committed but not yet finalized. Per our review of the supporting documentation, the following summarizes the funds expended and/or committed by the Laramie Consortium Participating Municipalities as of November 5, 2014.

<u>Description</u>	<u>Amount</u>
Collateral Support payments	\$ 6,753,735
Administrative Expenses	347,645
Collateral Support obligations	<u>782,500</u>
Total Expended and Obligated	<u>\$ 7,883,880</u>

MEETING DATE: DECEMBER 2, 2014

DEPARTMENT: ADMINISTRATIVE SERVICES

PREPARED BY: LESLIE BRUMAGE

PRESENTED BY: LESLIE BRUMAGE

## **AGENDA ITEM SUMMARY REPORT**

### **Local Government Liability Pool Ballot**

#### **ACTION TO BE TAKEN:**

Authorize the Mayor to sign a ballot voting for Donna Geho and Brad Basse to be elected to the Local Government Liability Pool Board for terms beginning January 1, 2015.

#### **SUMMARY OF INFORMATION:**

There are two LGLP Board positions that will be vacated on January 1, 2015. As a member of LGLP the City of Cody Council is allowed one vote for each open position.

The candidates for this election for the Special District Position are: Donna Geho – Glenrock Area Solid Waste Disposal District and Nancy Pieropan – Fremont County Weed & Pest Control District. Both are experienced candidates with Donna being a sitting LGLP board member since 2012.

There is only one candidate (the incumbent) for the County Commissioner Position: Brad Basse – Host Springs County Commissioner.

#### **FISCAL IMPACT**

None

#### **ALTERNATIVES**

N/A

#### **ATTACHMENTS**

1. LGLP ballot form

#### **AGENDA & SUMMARY REPORT TO:**

None

**AGENDA ITEM NO. \_\_\_\_\_**

# Local Government Liability Pool

PO Box 20700  
Cheyenne WY 82003-7015

## Official Ballot

The Local Government Liability Pool Rules and Regulations, Chapter II, Section 1, states the board shall be comprised of two (2) county commissioners, two (2) elected municipal *officials*, two (2) representatives of special districts and one (1) at-large member. Chapter II, Section 2, states members of the board will be elected from among participating local governmental entities upon the nomination and vote of the governing body of the member entities.

There will be two (2) board positions open as of January 1, 2015. The positions are: one (1) county commissioner and one (1) special district position. The board positions are for three-year terms.

Each participating entity shall be allowed one vote for each open position. The majority of the votes received by the Executive Director will constitute the successful elective.

### **Special District Position (3-year term)**

Vote for one (1) of the two (2). Listed Alphabetically

#### **Donna Geho – Glenrock Area Solid Waste Disposal District**

Donna M. Geho, C.M.C. was appointed to the LGLP Board in January 2012, representing the Glenrock Area Solid Waste Disposal District where she has been a sitting board member since 2010.

Donna is the Clerk/Treasurer for the Town of Glenrock. She has worked for the Town since May 1986, and was appointed to her current position in 1992. Donna has served as WAMCAT Secretary, WAMCAT President 2003-2005, and was named Clerk/Treasurer of the Year in 2010 and 2013. She was involved in the development of the IIMC accredited Wyoming On-Line/On-Land Institute that allowed 10 Wyoming clerks to gain their certification, and sat on the Development Committee for the current Wyoming Municipal Institute. Donna just completed a 3-year board position with the International Institute of Municipal Clerks for Region VIII, representing ten states (AZ, CO, ID, MT, NM, NE, ND, SD, UT and WY), and is currently the Vice-Chair of the IIMC Education Committee. She also serves on Glenrock Economic Development as the municipal liaison; and the Wyoming Association of Municipalities Joint Powers Insurance Committee (WAM-JPIC).

Previously, she has served on the Glenrock Area Chamber of Commerce, 2 years as Secretary/Treasurer; the Deer Creek Days Committee Treasurer; Wyoming Community Gas, sitting as Chairman for 5 years; WAM Leadership Training; and the WAM Legislative Services Committee.

#### **Nancy Pieropan – Fremont County Weed & Pest Control District**

Nancy Pieropan grew up in rural western Massachusetts. She earned a Bachelor's degree in Plant and Soil Science from the University of Massachusetts in 1980, and moved to Lander that year.

Nancy took a job with the City of Lander as the Weed & Pest Control Supervisor in 1981, where she worked for 9 years. During the 1990's, she owned and operated a successful child care facility in downtown Lander. Since 1999, she has been employed by Fremont County Weed & Pest Control District as an assistant supervisor. Her job responsibilities include the revision of the personnel and safety manuals.

Nancy was appointed to the Lander City Council in 2001, and has run for that office in 3 general elections. Currently, she serves as Council President. She has served on the boards of the Lander Chamber of Commerce and the Fremont County Weed & Pest Control District. During those terms, she had the opportunity to be the Chamber President and the Weed & Pest Board Chairperson.

Nancy has served as the President of the Wyoming Mosquito Management Association and the Secretary of the Wyoming Weed & Pest Council.

**LGLP Ballot Continued On The Back Side Of This Page**

(over)

**Local Government Liability Pool  
Official Ballot-Continued**

**County Commissioner Position (3-year term)**

**Brad Basse – Hot Springs County Commissioner  
(Running Unopposed)**

Brad Basse is currently one of the county commissioner members of the LGLP Board of Directors and is serving as the Board Chairman.

Brad has been a Hot Springs County Commissioner since June 2001. He is also co-owner of JADECO, Inc., an electrical contracting company based in Thermopolis and Worland. He has served or currently serves on the following boards:

1. LGLP Board since January 1, 2007, has previously served as Vice-Chairman
2. Basin Authority Child Support Enforcement, Board Chairman
3. Thermopolis Hot Springs Economic Development
4. Big Horn Basin Nature & Discovery Center JPB, Treasurer
5. Wyoming County Commissioners Association
6. Big Horn Federal Savings Bank Board of Directors, Thermopolis Branch
7. St. Paul Lutheran Board of Elders, Treasurer

\*\*\*\*\*

Name of entity submitting ballot: \_\_\_\_\_

Name of person submitting ballot: \_\_\_\_\_

Signature of person submitting ballot: \_\_\_\_\_

**Ballots are due back in this office no later than December 31, 2014 @ 5:00 P.M.  
We encourage emailed ([lglp@lglp.net](mailto:lglp@lglp.net)) or faxed (307-638-6211) copies.**

In addition, the LGLP Board wants to thank the Town of Dayton Mayor Bob Wood, for his 10 years of service on the LGLP Board. Bob will be leaving the LGLP Board as he has decided not to run for mayoral re-election for the Town of Dayton. The Board will be appointing someone to fill the remainder of Bob's term. His term expires 1/1/16.

If you know someone (must be an elected municipal position) that would be interested, please contact the LGLP office at the numbers above.

MEETING DATE:	DECEMBER 2, 2014
DEPARTMENT:	PUBLIC WORKS
PREPARED BY:	STEVE PAYNE
DEPT. DIR. APPROVAL:	_____
CITY ADM. APPROVAL:	_____
PRESENTED BY:	STEPHEN W. PAYNE

## **AGENDA ITEM SUMMARY REPORT** **Professional Tree Trimming Services Contract**

### **BACKGROUND**

Staff requests the Council authorize the Mayor to sign a Professional Tree Trimming Services Contract with Arbor Solutions Tree Care.

On October 30, 2014 the City of Cody issued a Request for Services for Professional Tree Trimming Services and invited all of the local firms to submit a quote. The City received the following quotes.

Business Name	Aerial Trimming & Removal	Ground Trimming & Removal	Stump Grinding	Emergency Work Addition	Timeframe for Action
Arbor Solutions Tree Care	\$100.00	\$100.00	\$50.00	\$35.00	1-2 weeks
Cody Tree Surgery	\$120.00	\$100.00	\$100.00	No Additional Charge	2-3 weeks

### **SUMMARY**

The City requires Professional Tree Trimming Services every year to assist with tree trimming within alleys, rights-of-ways, and parks. A request for proposal was prepared and issued to all of the local firms. The city received two (2) quotes as outlined above. Staff requests the Council authorize the Mayor to sign a Professional Tree Trimming Services Contract with Arbor Solutions Tree Care.

### **FISCAL IMPACT**

The contract indicates that Arbor Solutions Tree Care will complete Aerial Trimming and Removal for \$100/Hr, Stump Grinding for \$50/Hr, Ground Trimming and Removal for \$100/Hr. Emergency Work as defined by the contract will be charged at \$35/Hr.

### **ALTERNATIVES**

1. Deny the request to authorize the Mayor to sign the attached Professional Tree Trimming Services Contract with Arbor Solutions Tree Care.
2. Approve the request to authorize the Mayor to sign the attached Professional Tree Trimming Services Contract with Arbor Solutions Tree Care.

**AGENDA ITEM NO. \_\_\_\_\_**

**RECOMMENDATION**

Staff recommends that the Council authorize the Mayor to sign the attached Professional Tree Trimming Services Contract with Arbor Solutions Tree Care.

**ATTACHMENTS**

1. Professional Tree Trimming Services Contract

PROFESSIONAL TREE TRIMMING SERVICES  
SCOPE OF WORK



CITY OF CODY  
WYOMING

Nancy Tia Brown  
MAYOR

Donny Anderson  
Bryan Edwards  
Jerry Fritz  
Landon Greer  
Steve Miller  
Stan Wolz  
COUNCIL MEMBERS

C. Edward Webster II  
MUNICIPAL JUDGE

Barry A. Cook  
CITY ADMINISTRATOR

1338 Rumsey Avenue  
P.O. Box 2200  
Cody, Wyoming 82414

(307) 527-7511  
FAX (307) 527-6532

Quote

Name of Firm: Cody Tree Surgery  
Address: P.O. Box 3098 - Cody, WY. 82414  
Phone: 307-587-6133 Cell: \_\_\_\_\_ Fax: 307-587-6133

Contact Name: L. J. O'Mara

Number of Personnel: See Rates Below - 2 to 3 men

Equipment: 2 - 65 ft bucket trucks  
2 - chippers  
2 - dump trucks  
1 - stump grinder

Qualifications: Certified arborists on staff and have had the same ownership since 1992. We have worked for all the cities in the big horn basin including Cody numerous times throughout those years.

ISA Certification # RM-0523A or City License \_\_\_\_\_

Hourly Rate for Aerial Trimming and Removal: \$120<sup>00</sup> includes 3 man crew

Hourly Rate for Ground Trimming and Removal: \$100<sup>00</sup> includes 2 man crew

Hourly Rate for Stump Grinding: \$100<sup>00</sup> includes 2 man crew

Hourly Rate addition for Emergency Work: no additional charge

Timeframe for Action after Notification of Need: Usually 2 to 3 weeks during the summer, but immediately could be arranged.

Availability: Immediate



International  
Society  
of Arboriculture™  
ISA Certified Arborist®

Larry J. O'Mara

Certificate Number:

RM-0523A

Expiration Date:

Dec 31, 2016



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/13/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Wyoming Financial - Cody P.O. Box 1898 Cody, WY 82414 Lucas Anderson	<b>CONTACT NAME:</b> Lucas Anderson	
	<b>PHONE (A/C, No, Ext):</b> 307-527-6201	<b>FAX (A/C, No):</b> 307-527-6853
<b>E-MAIL ADDRESS:</b> landerson@werfcs.com		
<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>
<b>INSURER A:</b> Liberty Mutual Insurance		
<b>INSURER B:</b>		
<b>INSURER C:</b>		
<b>INSURER D:</b>		
<b>INSURER E:</b>		
<b>INSURER F:</b>		

**INSURED** Cody Tree Surgery  
PO Box 3098  
Cody, WY 82414

**COVERAGES**

**CERTIFICATE NUMBER:**

**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			01CH8216757	05/22/2014	05/22/2015	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input checked="" type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			24CC2806716	05/22/2014	05/22/2016	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

<b>CERTIFICATE HOLDER</b>  CITCCO1  City of Cody P.O. Box 2200 Cody, WY 82414	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

PROFESSIONAL TREE TRIMMING SERVICES  
SCOPE OF WORK



**CITY OF CODY**  
**WYOMING**

Nancy Tia Brown  
**MAYOR**

Donny Anderson  
Bryan Edwards  
Jerry Fritz  
Landon Greer  
Steve Miller  
Stan Wolz  
**COUNCIL MEMBERS**

C. Edward Webster II  
**MUNICIPAL JUDGE**

Barry A. Cook  
**CITY ADMINISTRATOR**

1338 Rumsey Avenue  
P.O. Box 2200  
Cody, Wyoming 82414

(307) 527-7511  
FAX (307) 527-6532

**Quote**

Name of Firm: Arbor Solutions Tree Care LLC

Address: PO Box 2941 Cody, WY 82414

Phone: 307-250-5702 Cell: 307-250-7137 Fax: \_\_\_\_\_

Contact Name: Aaron Danforth

Number of Personnel: 2 Full Time, 2 Part Time

Equipment: 1982 Ford F250 Dump Truck, 1981 Altec Whisper  
Chipper, Vermeer SC222 Stumpgrinder, Assorted  
Chainsaws, Hedge Trimmers, 2 Sets Tree Climbing  
Equipment, Assorted Rigging Equipment

Qualifications: I am an ISA Certified Arborist and  
am currently working towards my CTSP. We have  
also begun working towards TCIA Accreditation.  
We adhere to all ANSI A300 ~~and~~ work standards  
and ANSI Z133 Safety Standards. We have  
previous experience doing ROW projects for the City

ISA Certification # RM-7544A or City License Yes

Hourly Rate for Aerial Trimming and Removal: \$100/hr

Hourly Rate for Ground Trimming and Removal: \$100/hr

Hourly Rate for Stump Grinding: \$50/hr

Hourly Rate addition for Emergency Work: \$35/hr

Timeframe for Action after Notification of Need: 1-2 week to  
begin projects

Availability: Weather Permitting, we can set aside 4-5  
days per month for city work. More can be set  
aside as needed.

Over ↘

In an effort to decrease confusion + increase communication here are the different basic pruning specifications I use.

ROW (Right of Way) - Trees and brush will be cleared out of Right-of-Way in accordance with City Ordinances. Proper cuts will be made when possible, but the ROW is given priority.

Light Prune - Trees & Brush will be raised to a height specified or City Ordinance, whichever is greater. Broken limbs will be removed. Deadwood removed down to 3". Agency requesting work will be made aware of any suggested additional pruning.

Mid Prune - Same as above. Additionally: Deadwood removed down to 1.5". Basic Crown thinning will be performed.

File Prune - Same as above. Additionally: Deadwood removed down to .5". Full thinning & weight reduction where applicable.

Structural Prune - Codominant stems will be subordinated to promote dominant leaders. Single leaders will be maintained. Permanent branches will be chosen in accordance with site requirements and non-permanent branches will be subordinated to slow growth while promoting healthy stem growth.



**CITY OF CODY**  
**WYOMING**

Nancy Tia Brown  
**MAYOR**

Donny Anderson  
Bryan Edwards  
Jerry Fritz  
Landon Greer  
Steve Miller  
Stan Wolz  
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C. Edward Webster II  
**MUNICIPAL JUDGE**

Barry A. Cook  
**CITY ADMINISTRATOR**

1338 Rumsey Avenue  
P.O. Box 2200  
Cody, Wyoming 82414

**(307) 527-7511**  
**FAX (307) 527-6532**

Yellowstone National Park  
Management Assistant Office  
P.O. Box 168  
Yellowstone National Park, WY 82190

Re: Fee Proposal

To Whom It May Concern:

The Governing Body for the City of Cody, Wyoming, the east gateway to Yellowstone, would like to express our concerns regarding the proposed restructured park entrance fees.

As a local governmental community we understand the need to explore increased revenues in order to meet ever increasing costs for services. However, we believe the amount of the proposed increase as well as the structure of the fee will make it prohibitive to some and discouraging to others. We are sure this is not the intent of the proposed fee restructure for Yellowstone National Park.

We have the following concerns with the proposed fee restructure for Yellowstone National Park.

- We believe that the fee structure should not have a three day option. The fee plan should only have a seven (7) day option providing greater flexibility and is certainly easier to understand.
- We believe the plan should include both Yellowstone National Park and Teton National Park for one purchased pass. Since they are both connected it would provide a better traveling experience.
- We believe that a more modest increase of \$5, \$10, or \$15 dollars for the current seven (7) day pass would benefit both the park and our community. Doubling the cost to \$50.00 will leave less discretionary spending in our community and the park.
- The plan should be simple and easy to understand. The proposed restructure is confusing and difficult to understand.

The City of Cody certainly appreciates the unique experience Yellowstone National Park provides to the vacationing public, and we thank you for the opportunity to submit our comments on the proposed park entrance fees.

Sincerely,

Nancy Tia Brown  
Mayor, City of Cody

Steve Miller  
Councilman, City of Cody

Donny Anderson  
Councilman, City of Cody

Bryan Edwards  
Councilman, City of Cody

Jerry Fritz  
Councilman, City of Cody

Landon Greer  
Councilman, City of Cody

Stan Wolz  
Councilman, City of Cody

MEETING DATE:	DECEMBER 2, 2014
DEPARTMENT:	CITY PLANNER
PREPARED BY:	TODD STOWELL
CITY ADM. APPROVAL:	_____
PRESENTED BY:	TODD STOWELL

## **AGENDA ITEM SUMMARY REPORT**

### **Extension for the Final Plat of the Holm View Addition No. 5 Subdivision**

#### **ACTION TO BE TAKEN**

Grant a two-week extension to record the final plat of the Holm View Addition No. 5 subdivision.

#### **SUMMARY**

The subdivision ordinance requires that a final plat be recorded with the county clerk within 100 days of the City Council's approval of the final plat, or the approval becomes null and void, unless an extension of time is granted by the Council. The 100-day deadline for recording the Holm View Addition No. 5 expired October 22, 2014, without the final plat being recorded. A 30-day extension to November 21, 2014 was granted at the last council meeting, which the owner and city staff thought would be sufficient. Unfortunately, that schedule was based on what we through would occur with a related water right transfer that was pending before the State Board of Control, and their decision was not entirely as expected. As a result, additional paperwork related to water rights was needed for this subdivision, and the plat could not be recorded without that paperwork. An additional two-week extension is requested for the recording of the plat.

Staff does not see any reason why granting the extension would adversely affect anything related to the subdivision.

#### **RECOMMENDATION:**

Grant a two-week extension to Holm View Addition, LC to record the final plat of the Holm View No. 5 Addition. The deadline would be December 5, 2014.

#### **AGENDA & SUMMARY REPORT TO:**

Roy Holm

**AGENDA ITEM NO. \_\_\_\_\_**

**ORDINANCE 2014-17**

**AN ORDINANCE VACATING, ABANDONING AND CONVEYING A PORTION OF THE COUGAR AVENUE RIGHT-OF-WAY ADJACENT TO 2202 COUGAR AVENUE.**

WHEREAS, pursuant to Wyoming Statute § 15-6-104, the governing body of the City of Cody may vacate streets or parts thereof;

WHEREAS, Lafe and Amy Shaw, as owners of 2202 Cougar Avenue, have submitted an application to vacate a portion of the Cougar Avenue right-of-way immediately adjacent to their property;

WHEREAS, notice of a public hearing before the City Council to consider the vacation request was published in the Cody Enterprise on October 16, 21, and 23, 2014, and mailed to owners of property within 300 feet on October 16, 2014;

WHEREAS, a public hearing was held on November 4, 2014 before the City Council at their regular meeting, as advertised, at which meeting the City Council heard comments from all persons wishing to speak for or against the requested street vacation;

WHEREAS, the Cody City Council has thoroughly reviewed the matter and deems that it is in the best interest of the public to vacate and abandon the right-of-way requested, as described in Exhibit A, and to convey the same to the adjacent property owners upon the completion of certain requirements that are outlined forthwith;

BUT RESERVING AND EXCEPTING unto the City of Cody, Wyoming a utility easement over and across all of the right-of-way to be vacated; and, reserving and excepting an easement and right of way for a public roadway over and across the east twenty feet of said land; and,

WHEREAS, the vacation, abandonment and conveyance of the above-described property will not be injurious, detrimental or inconvenient to the City of Cody, Wyoming or to the public.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CODY, WYOMING that:

1. The real property described in Exhibit A is hereby vacated and abandoned by the City of Cody, Wyoming and is hereby conveyed to Lafe and Amy Shaw upon completion of Conditions A and B noted herein.

CONDITION A: Lafe and Amy Shaw shall provide payment in the amount of \$520.00.

CONDITION B: Lafe and Amy Shaw shall pay all publication fees related to adoption of this ordinance.

2. That upon completion of the conditions noted in #1 above, that the Mayor and City Clerk are hereby authorized and directed to convey by Quitclaim Deed the real property described in Exhibit A, reserving unto the City a utility easement over and across all of said property and an easement and right-of-way for a public roadway over and across the east twenty feet thereof. The deed document shall be provided by Lafe and Amy Shaw and recorded with the County Clerk at their expense.

This ordinance shall become effective after final passage and publication in the Cody Enterprise.

PASSED ON FIRST READING \_\_\_\_\_

PASSED ON SECOND READING

\_\_\_\_\_

PASSED, ADOPTED AND APPROVED ON  
THIRD AND FINAL READING

\_\_\_\_\_

\_\_\_\_\_  
Nancy Tia Brown, Mayor

ATTEST:

\_\_\_\_\_  
Cindy Baker, Administrative Services Director

**ORDINANCE 2014-18**

**AN ORDINANCE AMENDING TITLE IX, CHAPTER 1, SECTION 2 OF THE CODY CITY CODE PERTAINING TO BUILDING CONTRACTORS' EXAMINATION BOARD; ESTABLISHED; COMPOSITION; QUALIFICATIONS OF MEMBERS; MEETINGS; APPOINTMENT AND TERMS OF OFFICE**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CODY, PARK COUNTY, WYOMING, as follows:**

Section 9-1-2 of the Cody City Code shall be amended to provide as follows:

There is hereby established a contractors' examination board, also to act as the board of appeals and referred to herein as "the board". The board shall consist of ten (10) members. One member shall be an at large member who is a resident of the city; one member shall be an architect or civil engineer; one member shall be a licensed HVAC Contractor, one member shall be a city council member; two (2) members shall be licensed building contractors; two (2) members shall be licensed plumbing contractors; and two (2) members shall be licensed electrical contractors. The members of the board shall each be appointed by the mayor with the approval of the governing body, for a three (3) year term. Terms of members shall begin on January 1 and shall be staggered, with no more than four (4) members reaching the end of their term at the end of each calendar year. Subsequent appointments shall be for three (3) years each unless to fill an unexpired term. Members appointed to fill vacancies shall serve until the end of the term which they were appointed to fulfill, and may be reappointed for successive three (3) year terms. At the discretion of the governing body, members may be appointed for more than one term. The board shall meet at such intervals as necessary for the proper performance of its duties, but in any case, shall meet not less than twice each year.

**THIS ORDINANCE SHALL BECOME EFFECTIVE AT THE FINAL PASSAGE AND PUBLICATION IN THE CODY ENTERPRISE.**

PASSED ON FIRST READING: \_\_\_\_\_

PASSED ON SECOND READING: \_\_\_\_\_

PASSED, ADOPTED AND APPROVED  
ON THIRD AND FINAL READING: \_\_\_\_\_

\_\_\_\_\_  
Nancy Tia Brown, Mayor

ATTEST:

\_\_\_\_\_  
Cynthia Baker, Administrative Services Director

MEETING DATE:	DECEMBER 2, 2014
DEPARTMENT:	CITY PLANNER
PREPARED BY:	TODD STOWELL
CITY ADM. APPROVAL:	_____
PRESENTED BY:	TODD STOWELL

**AGENDA ITEM SUMMARY REPORT**  
**Consideration of a Request to Rezone Four Acres South of Cougar Avenue and East of the Shadow Mountain Subdivision to Residential "B"**  
**Ordinance 2014-19**

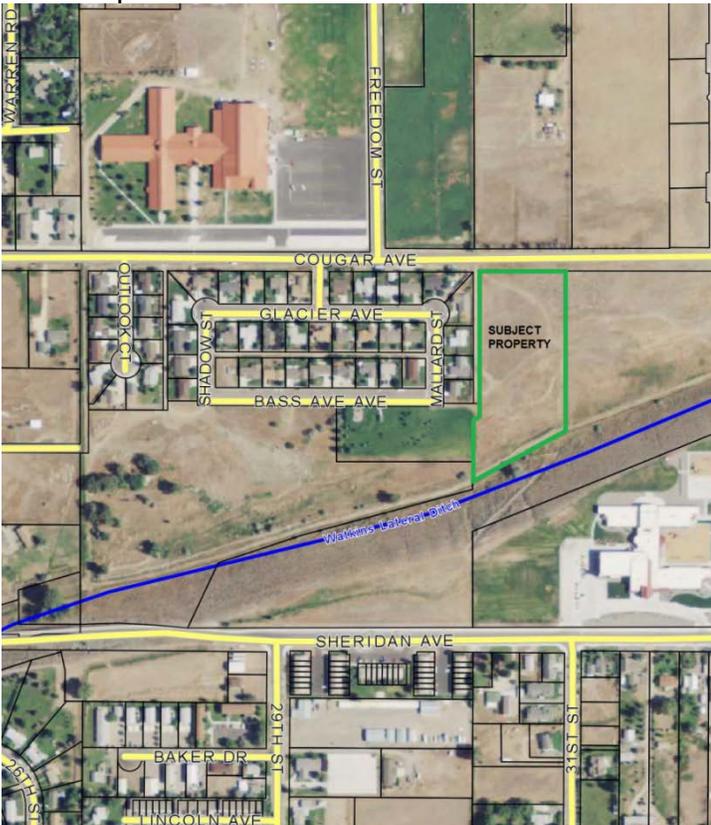
**ACTION:**

First Reading of Ordinance 2014-19 to rezone four acres south of Cougar Avenue and east of the Shadow Mountain subdivision to Residential "B".

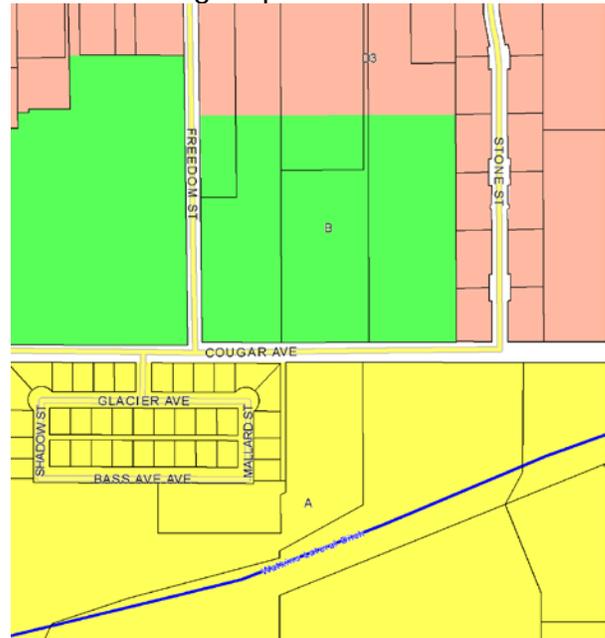
**BACKGROUND:**

At the November 12, 2014 meeting, the Planning, Zoning, and Adjustment Board held a properly advertised public hearing to consider a request from the Higbie Family Revocable Living Trust to rezone the four-acre property indicated on the map below.

Area Map:



Current Zoning Map:



**AGENDA ITEM NO. \_\_\_\_\_**

The Board further considered the rezone application at their November 25, 2014 meeting and made a recommendation to the City Council to approve the rezone subject to the property owner entering into a development agreement to abide by the density and building type restrictions of the “medium-density residential” master plan designation that is on the property. The restriction would include no more than four attached units per building, and no more than 32 dwelling units on the 4.0 acres (8 units per acre). A draft development agreement has been prepared and attached, which reflects the Planning and Zoning Board recommendation.

### **REVIEW STANDARDS**

The attached staff report to the Planning and Zoning Board contains a more detailed summary and analysis. Please refer to the report for additional discussion on the review standards.

### **FISCAL IMPACT**

There do not appear to be any direct costs to the City budget in approving or denying the request.

### **ALTERNATIVES**

Approve or deny the requested rezone. Please note that pursuant to Wyoming Code, and Section 10-5-2 of City of Cody code:

*“§ 15-1-603. **Regulations; protest makes change ineffective; exception; hearing and notice.***

*(a) If there is a protest against a change in the regulations, restrictions or district boundaries signed by the owners of twenty percent (20%) or more of the area of the lots included in the proposed change, or of those immediately adjacent within a distance of one hundred forty (140) feet, the change is not effective except upon the affirmative vote of three-fourths (3/4) of all the members of the governing body. In determining the one hundred forty (140) feet, the width of any intervening street or alley shall not be included.*

As of the time of this staff report, three written protests have been received (all from within the Shadow Mountain Subdivision), which represent an area well below 20% of the land area noted, so a simple majority is all that is needed to approve the rezone. Two responses in favor have been received. A map indicating the responses is attached. Staff will provide an update on written protests at the meeting.

### **RECOMMENDATION**

The Planning and Zoning Board recommends approval of the requested rezone subject to the property owner entering into a development agreement limiting development to no more than 32 dwelling units on the 4.0 acres (8 units per acre), and that no building will contain more than four dwelling units.

### **ATTACHMENTS**

Ordinance 2014-19 and accompanying development agreement.  
Planning and Zoning Staff Report.

### **AGENDA & SUMMARY REPORT TO:**

Ed Higbie

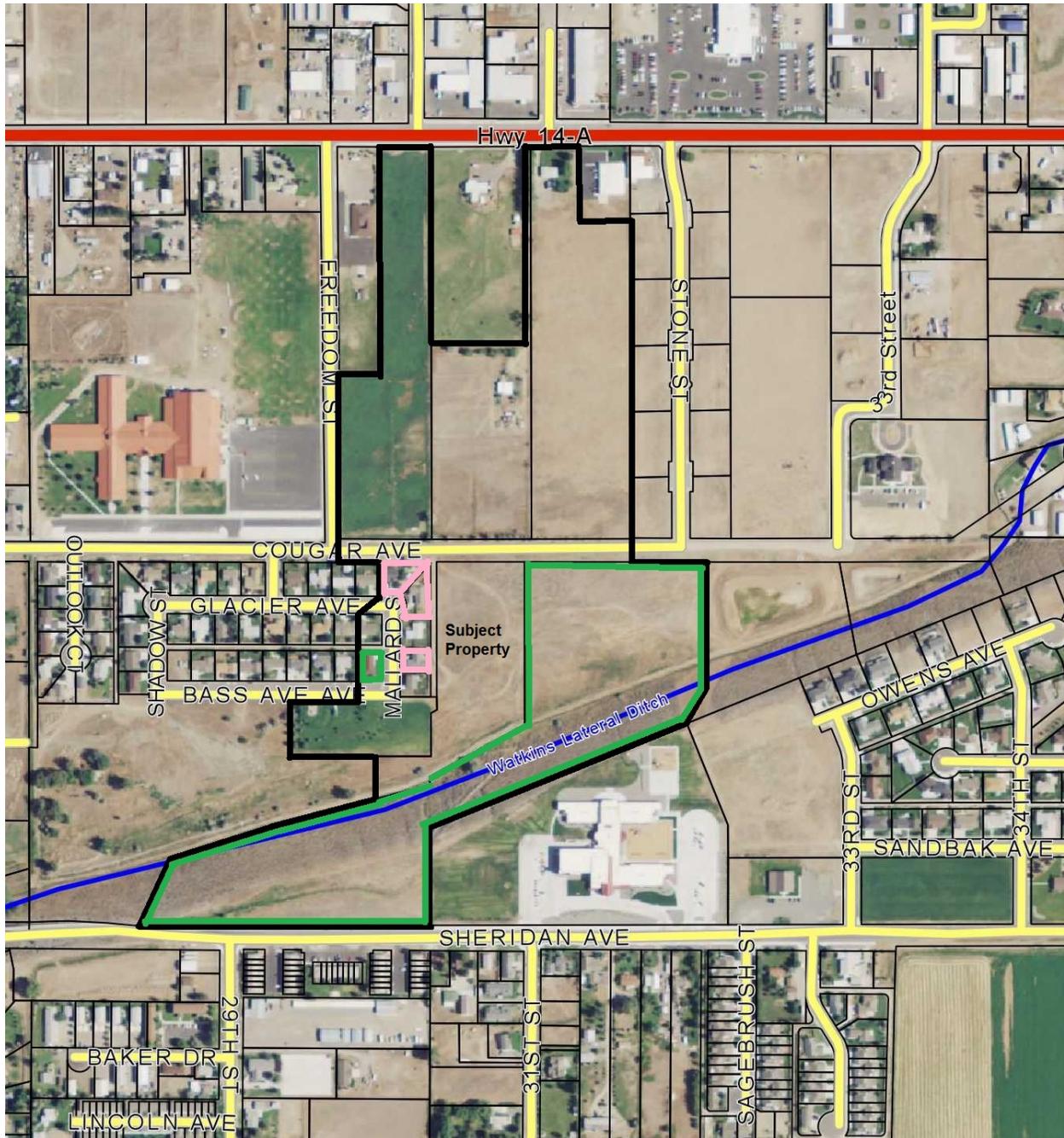
**AGENDA ITEM NO. \_\_\_\_\_**

# NEIGHBOR NOTICE MAP

Black Outline-Notice Area.

Green-Favorable response.

Pink-Objection to rezone.



**Response Letter from Owner of Neighboring Property:**

(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Planning and Zoning Board Members:

I am familiar with the rezone proposal by Ed Higbie as described above. I am the legal owner of 2937 Glacier Ave  
(Address or property location)

I have NO OBJECTION to the Plat Amendment Request.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Comments: \_\_\_\_\_

\*\*\*\*\*

I OBJECT to the Plat Amendment Request:

Name: Roy Carson

Address: 2937 Glacier Ave Cody Wyo

Specific Reason(s) for Objection: It will increase Traffic by High Speeds like before, with the gates it's maintained, and not ~~maintained~~ used as a Race Strip AND the dust is Unbearable!

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: \_\_\_\_\_

P.S. The city police would make good money on Speeding tickets, If they open the Street up to Stone + 33rd streets

ADVANCE. THE PLANNING AND ZONING BOARD WILL CONSIDER ALL COMMENTS IN THEIR RECOMMENDATION TO THE CITY COUNCIL ON THE matter.

double car 5 speeding on Stone they love it!

**Response Letter from Owner of Neighboring Property:**

(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Planning and Zoning Board Members:

I am familiar with the rezone proposal by Ed Higbie as described above. I am the legal owner of 808 Mallard St  
(Address or property location)

I have NO OBJECTION to the Plat Amendment Request.

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Comments: \_\_\_\_\_

\*\*\*\*\*

I OBJECT to the Plat Amendment Request:

Name: Luis F. Martinez

Address: 808 Mallard St.

Specific Reason(s) for Objection: to much Traffic especially with the middle school being so close. Also property values would go down. Area would look better if left

If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address: E-mail address: luis-martinez7@hotmail.com

as a residential Area.

X



CITY OF CODY  
WYOMING

**NOTICE OF PUBLIC HEARING  
AND OPPORTUNITY TO COMMENT**

**Notice to Owners of Neighboring Properties:**

Please return this letter by Nov. 6, 2014 to:

Date: October 24, 2014

Cody Planning & Zoning  
P.O. Box 2200  
Cody, WY 82414

RE: **REQUEST TO REZONE 4.0 ACRES TO RESIDENTIAL "B"**

**THE CITY OF CODY HAS RECEIVED THE FOLLOWING REQUEST. YOUR COMMENTS WOULD BE APPRECIATED.**

Applicant's Name(s): Ed Higbie (Higbie Family Revocable Living Trust)  
Subject Property: 4.0 acres south of Cougar Avenue and immediately east of the Shadow Mountain Subdivision, being a portion of the vacated part of the Shadow Mountain subdivision. See attached map.  
Request: Rezone the property noted from Residential "A" to Residential "B".

**Description:** The City of Cody Planning and Zoning Board will hold a public hearing Wednesday, November 12, 2014, at 12:00 p.m. (noon) or as soon thereafter as practical, in the City Council Chambers located in City Hall at 1338 Rumsey Avenue, to consider the request to rezone the subject property from Residential "A" to Residential "B", which zoning district is described in City of Cody Code 10-7C and is considered a multi-family zone.

Information regarding the request is available by contacting the Community Development Dept. in City Hall, or calling (307) 527-7511. Everyone is welcome to comment. If hearing assistance is needed, please call 527-7511, 24 hours in advance. The Planning and Zoning Board will consider all comments in their recommendation to the City council on the matter.

**Response Letter from Owner of Neighboring Property:**

(Responses may be submitted in any written format. The following form is provided for your convenience.)

Dear Planning and Zoning Board Members:

I am familiar with the rezone proposal by Ed Higbie as described above. I am the legal owner of 819 MALLARD  
(Address or property location)

I have **NO OBJECTION** to the Plat Amendment Request.

Name: PEGGY NEFF  
Address: 27 LANE 19 P.O. BOX 1312 CODY, WY 82414  
Comments: HE OWNS IT... AS LONG AS HE FOLLOWS CITY ORDINANCES, HE'S GOOD TO GO  
\*\*\*\*\*

I **OBJECT** to the Plat Amendment Request:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Specific Reason(s) for Objection: \_\_\_\_\_

**If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address:** E-mail address: \_\_\_\_\_

\*\*\*\*\*

I **OBJECT** to the Plat Amendment Request:

Name: William B. Wilson  
Address: 820 Mallard St.  
Specific Reason(s) for Objection: Object to multi-family units adjacent to my property.

**If you would like to receive a copy of the Planning and Zoning Board agenda materials for this request, please provide your email address:** E-mail address: wmb-wilson@hotmail.com

William B. Wilson  
820 Mallard St.  
Cody ,WY 82414  
307 250-1060

Mr. Todd Stowell, AICP  
City Planner  
1338 Rumsey Avenue  
P.O. Box 2200  
Cody, WY 82414

November, 21, 2014

Dear Mr. Stowell,

This letter is written in opposition to Ed Higbie's request to rezone the 4.0 acres east of Shadow Mountain subdivision from Residential "A" to Residential "B".

The current zone designation, Residential "A", allows for two-family units consisting of single level dwellings with a height limit of 28 feet. Residential "B" zoning would allow construction of four-plex units that would consist of two story dwellings with a height limit of 35 feet.

According to Ed Higbie's project proposal during the November 12 council meeting, rezoning would allow for the construction of four-plex units but only provide four additional units as part of the development plan.

Two story buildings adjacent to the Shadow Mountain subdivision would significantly detract from the visual quality of the area since the majority of dwellings are currently single level homes. Is the impact to the viewshed of the area worth the additional 4 units that would be provided by the zone change.

Please share this with the council members. Thank you for your consideration on this matter.

Sincerely,



RECEIVED

NOV 20 2014

CITY OF CODY

**ORDINANCE 2014-19**

**AN ORDINANCE REZONING CERTAIN LANDS IN THE AREA SOUTH OF COUGAR AVENUE AND EAST OF THE SHADOW MOUNTAIN SUBDIVISION LOCATED WITHIN THE CITY OF CODY, PARK COUNTY, WYOMING TO RESIDENTIAL "B".**

WHEREAS, the City of Cody received an application from the Higbie Family Revocable Living Trust requesting a rezone of approximately four acres located south of Cougar Avenue and east of the Shadow Mountain subdivision from Residential "A" to Residential "B", which lands are described in attached Exhibit "A";

WHEREAS, the Planning and Zoning Board conducted a properly advertised public hearing on November 12, 2014 and further reviewed the proposal at their November 25, 2014 meeting;

WHEREAS, the Planning and Zoning Board recommended that the governing body of the City of Cody rezone said lands to Residential "B", subject to the property owner entering into a development agreement with the City to limit the density and type of dwellings to conform to the "medium density residential" designation and description found in the Cody Master Plan; and,

WHEREAS, the City Council finds that it is in the best interest of the public to rezone the four-acre property to Residential "B", subject to the property owner entering into the development agreement attached as Exhibit B.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CODY, WYOMING:

- Section 1: That the property located south of Cougar Avenue and east of the Shadow Mountain subdivision, as described in Exhibit A, shall be and the same is hereby rezoned to Residential "B", as set forth in City of Cody Code 10-7C.
- Section 2: That the Mayor and Higbie Family Revocable Living Trust execute the development agreement provided as Exhibit B, and Higbie Family Revocable Living Trust shall cause the same to be recorded with the Park County Clerk and Recorder.
- Section 3: That the official zoning map of the City of Cody is amended to show the foregoing zone change.

Effective Date. This Ordinance shall become effective after final passage and publication in the Cody Enterprise.

PASSED ON FIRST READING: \_\_\_\_\_

PASSED ON SECOND READING: \_\_\_\_\_

PASSED, ADOPTED AND APPROVED  
ON THIRD AND FINAL READING: \_\_\_\_\_

\_\_\_\_\_  
Nancy Tia Brown, Mayor

ATTEST:

\_\_\_\_\_  
Cynthia Baker, Administrative Services Director



# HOLM, BLOUGH and COMPANY

CONSULTING ENGINEERS AND LAND SURVEYORS

1402 Stampede Ave., Cody, WY 82414

(307) 587-6281

Fax 587-6282

Roy Holm, PE & LS

Paul Blough, LS

## EXHIBIT A

June 19, 2009

Job No. 09-092

ED HIGBIE

### LEGAL DESCRIPTION OF A PORTION OF

### THAT PORTION OF SHADOW MOUNTAIN SUBDIVISION THAT HAS BEEN VACATED

A portion of that portion of the Shadow Mountain Subdivision that has been vacated as shown on the plat of said vacation recorded as Document No. 2003-12227 and filed in Plat Cabinet "G" at page 151 of the records of the Clerk and Recorder of Park County, Wyoming and located within the City of Cody, Park County, Wyoming and being more particularly described as follows:

Beginning at the northeast corner of said vacated Shadow Mountain Subdivision; thence South  $00^{\circ}22'10''$  East along the easterly line thereof, a distance of 548.58 feet to the southeasterly corner thereof; thence South  $60^{\circ}53'17''$  West along the southerly boundary of said vacated Shadow Mountain Subdivision, a distance of 333.30 feet to a point on the east line of the Ted Ebert Park, if said east line were extended southerly; thence North  $00^{\circ}23'05''$  West along said extended line, a distance of 83.78 feet to the southeast corner of that portion of said Ted Ebert Park as conveyed to the City of Cody by the quitclaim deed recorded as Document No. 2004-741 of the deed records of said Park County Clerk and Recorder; thence continuing North  $00^{\circ}23'05''$  West along said east line Ted Ebert Park, a distance of 142.45 feet to a corner thereof; thence North  $42^{\circ}41'23''$  East, a distance of 29.28 feet to the east line of the alley lying easterly of Lots 12 through 15 of the Shadow Mountain Subdivision as shown on the plat thereof filed in Plat Cabinet "F" at page 84 of said records, if said east line were extended southerly; thence North  $00^{\circ}23'05''$  West along said extended east line and the true east line of said alley, a distance of 462.37 feet to the south line of Cougar Avenue; thence North  $89^{\circ}52'23''$  East along said south line Cougar Avenue, a distance of 272.43 feet to the point of beginning.

Said parcel of land contains 4.01 acres, more or less, and is subject to all easements and/or rights of way which have been legally acquired.

Modification in any way of the foregoing legal description terminates all liability of the surveyor who prepared that description.



On this day personally appeared before me Ed Higbie, to me known as the individual(s) described herein and who executed the within and foregoing instrument and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein stated.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Notary Public and for the State of Wyoming.

My Commission Expires \_\_\_\_\_

Accepted by the City of Cody, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Nancy Tia Brown, Mayor

STATE OF WYOMING        )  
  ) ss.  
COUNTY OF PARK        )

On this day personally appeared before me Nancy Tia Brown, to me known as the individual(s) described herein and who executed the within and foregoing instrument for the uses and purposes therein stated.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
City Clerk and Notary Public and for the State of Wyoming.

My Commission Expires \_\_\_\_\_

**CITY OF CODY  
PLANNING, ZONING AND ADJUSTMENT BOARD  
STAFF REPORT**

<b>MEETING DATE:</b>	NOVEMBER 12, 2014	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	
<b>SUBJECT:</b>	REQUEST FROM THE HIGBIE FAMILY REVOCABLE LIVING TRUST TO REZONE 4.0 ACRES TO RESIDENTIAL "B". ZON 2014-01	RECOMMENDATION TO COUNCIL:	X
<b>PREPARED BY:</b>	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

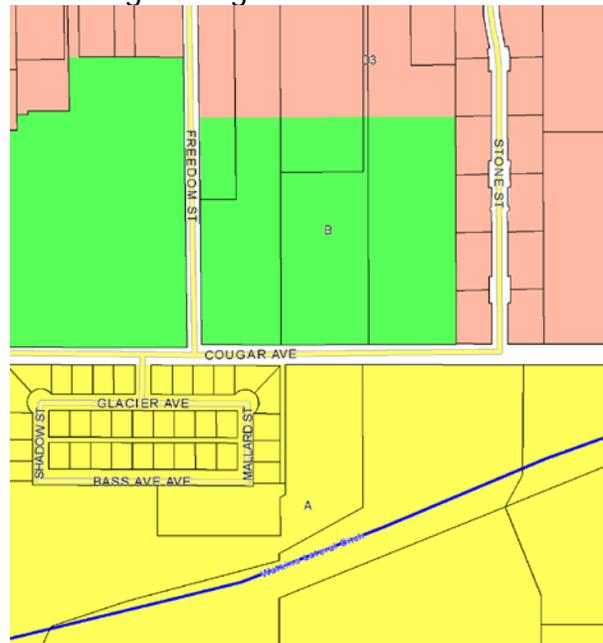
**PROJECT DESCRIPTION:**

Ed Higbie, on behalf of the Higbie Family Revocable Living Trust, has submitted an application to rezone 4.0 acres from Residential "A" to Residential "B". The property is located on the south side of the Cougar Avenue right-of-way, immediately east of the Shadow Mountain subdivision. The subject property is currently vacant and zoned Residential "A", which zone allows one and two-family dwellings, as well as some forms of day care, home business, and civic uses.

**Existing Conditions:**



**Existing Zoning:**



<i>DIRECTION</i>	<i>EXISTING USE</i>	<i>ZONING</i>
North	Primarily undeveloped.	Residential B
East	Vacant.	Residential A
South	Sunset Elementary above hillside.	Residential A
West	Shadow Mountain subdivision, park	Residential A

**PROCEDURE:**

The following section is found in the City of Cody code.

***10-5-1: CITY COUNCIL AUTHORITY:***

*The city council may by ordinance at any time, on its own motion or petition, or upon the recommendations by the planning and zoning commission, amend, supplement or change the regulations or districts herein or subsequently established; provided, however, that a public hearing shall first be held in relation thereto, after one publication of notice of the time, place and purpose of such hearing, in an official newspaper, at least fifteen (15) days prior to such hearing. (1960 Compilation § 26-115; amd. Ord. 86-5; Ord. 87-3)*

The public hearing has been advertised to occur with the Planning and Zoning Board, based on the thought that many of the details can be worked through before it is considered by the city council.

**LEGAL STANDARD OF REVIEW:**

The rezoning of land is a legislative action, and therefore subject to the “reasonably debatable” standard of legal review, as opposed to a “preponderance of evidence” standard. In other words, if the decision-makers find that there is at least one good reason that the rezone application should be approved or denied, then that is sufficient to justify their decision, and the court will typically uphold it. This method allows the decision-makers to give weight to the components of the evidence they believe most important, based on their values and values of the community.

**REVIEW CRITERIA:**

The Cody zoning ordinance does not have specific criteria outlined for granting or denying rezone requests. The following general standards for zoning are found in Wyoming state law, Section 15-1-601(d). Note that the standards are in the context of initially adopting an overall zoning plan for a community, yet they can still provide guidance for reviewing site specific proposals, so they are referenced here.

*(d) All regulations shall be made:*

*(i) In accordance with a comprehensive plan and designed to:*

Staff Comment: The City adopted a new comprehensive plan (a.k.a. master plan) this past year. Per the master plan “The Future Land Use Map...will be the guide for future zoning and development within the City.” The portion of the Future Land Use Map for this area is below. The dark yellow area that designates this property and the property to the east is “Medium-Density Residential”, which is for “residential neighborhood development with an average density of eight dwelling units per gross acre.” The types of housing contemplated for medium-density residential areas include “single-family detached homes, two family homes (a.k.a. duplexes), common wall units (two attached single-family units), and townhouses or stacked dwellings of up to four attached units.” The City has not yet created a zone to implement the medium-density residential designation described in the master plan.

Future Land Use Map:



The notable differences between the medium density designation in the master plan and the Residential B zoning district requested, are that the Residential B zoning district allows more density and effectively no limitation on the number of units in a building (e.g. apartment buildings). However, the information that the applicant has shared with staff indicates that his contemplated development plan is within the parameters of the medium density designation outlined in the master plan. He describes his intent for a cul-de-sac development consisting of duplexes, four-plexes, and maybe tri-plexes.

The master plan states, "While rezone applications may be submitted for consideration after adoption of this plan, the City Council maintains the responsibility to rezone properties in compliance with the Future Land Use Map only when they are satisfied that sufficient zoning controls are in place to ensure land use compatibility and compliance with all pertinent components of the master plan and applicable state statutes." To address the differences between what the Residential "B" zone would typically allow, versus what the medium-density designation and the applicant contemplate, staff recommends use of a development agreement to restrict future development of the property to the medium-density standards.

*(A) Lessen congestion in the streets;*

Staff Comment: Cougar Avenue is not presently constructed along the frontage of this property, other than as a gravel maintenance/emergency access road. The construction of Cougar Avenue to a paved standard is viewed as a prerequisite to development of the subject property. This will address the dust concerns that some of the neighbors have identified.

The developed portion of Cougar Avenue typically operates without significant traffic congestion. The exception would be during school drop-off/pick-up times immediately in front of the middle school. As many parents drive their children to school, additional congestion will result from any residential development in the city or neighboring county areas—therefore the impact is not specific to this rezone. If anything, the proximity of the development to the school means that middle school children from this subdivision are more likely to walk instead of ride, and the overall trip lengths are minimized compared to more distant locations (think reduced gas expenses and reduced time behind the wheel).

It is also pointed out that the congestion analysis is not a comparison to no development, but the difference between existing zoning and proposed zoning. Based on the layout of the vacated portion of the Shadow Mountain subdivision that previously existed for this property, 24 dwelling units were previously planned on the subject property under the Residential A standards. The latest plan that the applicant discussed with staff would result in 24 to 28 units, although up to 32 units would be permitted under the 8 unit per acre guidance of the master plan.

*(B) Secure safety from fire, panic and other dangers;*

Staff Comment: Slightly increased density due to the Residential “B” zoning, limited to the medium-density residential definition of the master plan, is not expected to disproportionately increase fire, panic, or other physical dangers.

*(C) Promote health and general welfare;*

Staff Comment: Rephrased, would the zoning contemplated be an asset to the community? Based on local and national trends and demographic projections, attached housing configurations are growing in demand. While historically attached housing made up only a small fraction of new construction, in the last few years it has steadily increased market share and now constitutes half of all new dwellings in the city (based on 2012 and 2013 building permit data). The current zoning of the property would allow duplex development. The rezone desired by the developer would allow more options for configuration—specifically 3- and 4-plex configuration.

*(D) Provide adequate light and air;*

Staff Comment: Both the Residential “A” and Residential “B” zones limit lot coverage to 50%. Maximum building height in Residential “A” is 28 feet, where Residential “B” is 35 feet. The primary method of providing adequate light and air is through building setbacks. In this instance, there is also a 20-foot wide alley that separates the subject property from the residential lots to the west.

*(E) Prevent the overcrowding of land;*

Staff Comment: What constitutes “overcrowding” is subject to personal interpretation, but as far as measuring it by the capacity of the utility and public systems, the systems are adequate to serve the contemplated medium-density

scenario.

(F) Avoid undue concentration of population;

Staff Comment: Again, this is subject to personal interpretation, yet it is not thought that population would be overly concentrated if the medium-density restrictions of the master plan are followed.

(G) Facilitate adequate provisions for transportation, water, sewerage, schools, parks and other public requirements.

Staff Comment: This is believed to apply more to the overall zoning plan for the city, rather than an individual property. Nevertheless, the physical ability to readily extend transportation, water, and sewer systems to the property does exist. Impacts for parks and other public facilities are addressed at the time of subdivision through land dedication, or fee in lieu.

(ii) With reasonable consideration, among other things, of the character of the district and its peculiar suitability for particular uses;

Staff Comment: It is interpreted that this language primarily refers to the creation of zoning districts and the particular types of development that should be permitted within each zone. In addition, it could refer to how well the proposed zone reflects what is already in the area. Admittedly, the adjacent development to the west is single-family residential in character. However, across the street is the potential for Residential B development of apartment complexes. The medium-density scenario contemplated is between the two extremes.

(iii) With a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city or town; and

Staff Comment: In the present case, the immediate concerns of the single-family neighborhood are likely at odds with the developer's intent of creating a residential neighborhood with a variety of housing options, as contemplated in the master plan. However, there is an apparent demand for the type of housing the owner intends to develop on this property. If there are statements that the rezone will negatively affect the value of neighboring buildings, staff may agree if the rezone were to mean apartment complexes, but with the medium-density limitations suggested and the isolated configuration of the planned development, it is doubtful that any significant changes to neighboring property values would occur.

(iv) With consideration given to the historic integrity of certain neighborhoods or districts and a view to preserving, rehabilitating and maintaining historic properties and encouraging compatible uses within the neighborhoods or districts, but no regulation made to carry out the purposes of this paragraph is valid to the extent it constitutes an unconstitutional taking without compensation.

Staff Comment: This property and surrounding properties do not include any buildings of significant historic character. The present integrity of the neighboring subdivision will

be preserved, as the contemplated development is physically removed and isolated traffic-wise from the Shadow Mountain subdivision.

**OTHER:**

*Significant Changes:*

When reviewing rezones it is beneficial to consider whether there has been a change in circumstances since the property was designated with its current zone, and whether there is a public need for the type of zoning requested.

The property was annexed into the city as part of the northeast Cody annexation in January 1986. It was zoned Residential "A" on June 2, 1986. Since that time there have been two major master plan updates, construction of the middle school, and new utility extensions to the area.

*Proximity to Like Zoning:*

The subject property is directly across the street from a Residential B zone. Therefore, it is clearly an extension of the zone, as opposed to an isolated "spot zone".

*Development Constraints:*

It is noted that the National Wetlands Inventory map shows potential wetlands at the northwest and southern ends of the property. The presence or absence of these wetlands will need to be verified by a qualified professional prior to any physical development of the property.

*Public Hearing:*

Please note that this staff report was prepared without the benefit of the information that will be provided at the public hearing. All public comment needs to be considered. If the owners of more than 20% of the lots within 140 feet of the rezone area object to the rezone, it cannot be made effective without the vote of  $\frac{3}{4}$  of the city council (6 of the 7 council members).

**ATTACHMENTS:**

Application, public comments.

**ALTERNATIVES:**

Recommend approval or denial of the requested rezone.

**RECOMMENDATION:**

The City Planner recommends a favorable recommendation for the rezone, subject to the execution of a development agreement by the property owner to abide by the density and building type restrictions of the "medium-density residential" master plan designation—meaning no more than four attached units per building, and no more than 32 dwelling units on the 4.0 acres.

MEETING DATE: DECEMBER 2, 2014

DEPARTMENT: ADMINISTRATIVE SERVICES

PREPARED BY: LESLIE BRUMAGE

PRESENTED BY: LESLIE BRUMAGE

## AGENDA ITEM SUMMARY REPORT

### Resolution 2014-09

#### **ACTION TO BE TAKEN:**

Approve a resolution authorizing the Mayor to sign the quarterly and annual certifications for the SSBCI board as they are presented.

#### **SUMMARY OF INFORMATION:**

Along with many other cities and towns in Wyoming the City of Cody is a participant in the State Small Business Credit Initiative. This program is authorized through the Small Business Administration for the purpose of providing pledged collateral accounts to lending institutions to enhance the collateral coverage for business loans.

Under the Cooperative Agreement, each participating municipality is required to review and approve quarterly and annual reports prepared by the program's auditor. These reports are reviewed by the SSBCI auditor for program compliance and an Independent Accountant's Report is issued. These reports are also reviewed by each board member.

Due to the timing of when the reports are available from the auditors and the subsequent submittal requirements by the US Treasury, the process of getting the certifications approved by the Governing Body and executed by the Mayor at times hinders the ability of the City to comply with the filing deadlines.

As part of the original agreement the Council has already appointed the Mayor as the Authorized Municipal Official to sign the required reports therefore instead of bringing each report to the Council, this Resolution would allow the Mayor to sign the reports as they are presented.

#### **FISCAL IMPACT**

None

#### **ALTERNATIVES**

1. Pass Resolution 2014-09 allowing the Mayor to sign the certification reports as they are presented.
2. Do not pass Resolution 2014-09 and continue to require staff to present the reports to the Council to authorize the Mayor to sign.

#### **ATTACHMENTS**

None

**AGENDA ITEM NO. \_\_\_\_\_**

**RESOLUTION 2014-09**

**RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE QUARTERLY CERTIFICATION ON USE OF ALLOCATED FUNDS AND THE ANNUAL CERTIFICATION OF PERFORMANCE AND REPRESENTATIONS AND WARRANTIES DOCUMENTS AS REQUIRED BY THE UNITED STATES DEPARTMENT OF TREASURY FOR THE SSBCI BOARD.**

WHEREAS, the City of Cody participates in the State Small Business Credit Initiative and is a member of the Laramie Consortium Participating Municipalities Board; and

WHEREAS, the Governing Body is required to submit quarterly and annual certifications to the United States Department of Treasury related to the activities of the Board; and

WHEREAS, the Governing Body appointed the Mayor as the Authorized Municipal Official to sign the required reports; and

WHEREAS, the Finance Officer has been designated as the City of Cody's representative on the Board and is responsible for reviewing and verifying the accuracy of these certifications; and

WHEREAS, the process of getting the certifications approved by the Governing Body and executed by the Mayor at times hinders the ability of the City to comply with the filing deadlines established by the United States Treasury; and

WHEREAS, the Governing Body believes it is appropriate to delegate authority to the Mayor to sign the required certifications;

NOW, THEREFORE, BE IT RESOLVED by the City of Cody, Wyoming as follows:  
The Mayor is hereby authorized to sign the quarterly and annual certifications on behalf of the City of Cody, Wyoming.

This authorization shall remain in effect until revoked or rescinded by a vote of the Governing Body.

PASSED, APPROVED AND ADOPTED this 2<sup>nd</sup> day of December 2014.

\_\_\_\_\_  
Nancy Tia Brown, Mayor

Attest:

\_\_\_\_\_  
Cynthia Baker, Administrative Services Officer

MEETING DATE: DECEMBER 2, 2014

DEPARTMENT: ADMINISTRATIVE SERVICES

PREPARED BY: LESLIE BRUMAGE

PRESENTED BY: LESLIE BRUMAGE

## **AGENDA ITEM SUMMARY REPORT**

### **Resolution 2014-10**

#### **ACTION TO BE TAKEN:**

A Resolution authorizing the establishment of an investment account with Kaiser and Company/ Pershing LLC and designating City staff members as authorized individuals to act on behalf of the City regarding investment activities.

#### **SUMMARY OF INFORMATION:**

In July 2014 the City Council selected Kaiser and Company as the investment firm for the City and authorized the Mayor to sign the investment agreement upon approval by the City attorney. The terms of the agreement have been accepted by both parties and as part of opening the investment account a Resolution by the Council is required to establish the authorized individuals to act on behalf of the City regarding investment decisions. Per the financial management policy, those individuals are identified as the City Administrator and Finance Officer.

#### **FISCAL IMPACT**

None

#### **ALTERNATIVES**

1. Pass Resolution 2014-10
2. Don't pass Resolution 2014-10

#### **ATTACHMENTS**

None

#### **AGENDA & SUMMARY REPORT TO:**

None

**AGENDA ITEM NO. \_\_\_\_\_**

**RESOLUTION NO. 2014-10**

**A RESOLUTION AUTHORIZING THE ESTABLISHMENT OF AN INVESTMENT ACCOUNT WITH KAISER AND COMPANY/PERSHING LLC AND DESIGNATING CITY STAFF MEMBERS AS AUTHORIZED INDIVIDUALS TO ACT ON BEHALF OF THE CITY REGARDING INVESTMENT ACTIVITIES.**

WITNESSETH

**WHEREAS**, the Governing Body for the City of Cody, Wyoming desires to:

- (1) Engage in cash investment transactions in any and all forms of holdings as authorized by W.S. 9-4-817 and 9-4-831, any other state law authorizing a type of investment, and in accordance with the City of Cody’s investment policy.
- (2) Establish and maintain an asset management account from which account funds are directly spent on investments; and
- (3) Name the following individuals who have signed below as authorized persons to act on behalf of the City regarding investment activities

\_\_\_\_\_  
Barry A.Cook, City Administrator      Signature

\_\_\_\_\_  
Leslie E. Brumage, Finance Officer      Signature

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CODY, WYOMING** that the individuals named above are authorized and empowered to (1) give written or verbal orders in the said account or accounts for the purchase, sale or other disposition of investment holdings as authorized by W.S. 9-4-817 and 9-4-831, any other state law authorizing a type of investment, and in accordance with the City of Cody’s investment policy, (2) to deliver and to receive from Kaiser and Company/Pershing LLC, on behalf of the City of Cody monies, stocks, bonds and other securities, (3) establish and maintain an asset management account from which funds are directly spent, (4) sign acknowledgements of the correctness of all statements of accounts, and (5) make, execute and deliver under the City of Cody seal any and all written endorsements, releases and documents necessary or proper to effectuate the authority hereby conferred; the within authorization of each of said officers to remain in full force and effect until written notice of the revocation thereof shall have been received by Kasier and Company/Pershing LLC.

PASSED, APPROVED AND ADOPTED THIS \_\_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
Nancy Tia Brown, Mayor

ATTEST:

\_\_\_\_\_  
Cynthia Baker, Administrative Services Officer

CERTIFICATE

I, Cynthia Baker, Administrative Services Officer, hereby certify that the foregoing Resolution was adopted by the City of Cody at a regular meeting held on \_\_\_\_\_, and that the meeting was held accordingly to law; and that said Resolution has been duly entered in the minutes of the meeting.

\_\_\_\_\_  
Administrative Services Officer

MEETING DATE: DECEMBER 2, 2014  
DEPARTMENT: ADMINISTRATIVE SERVICES  
PREPARED BY: LESLIE BRUMAGE, FINANCE  
OFFICER  
PRESENTED BY: LESLIE BRUMAGE, FINANCE  
OFFICER

## **AGENDA ITEM SUMMARY REPORT** **Resolution 2014-12 Budget Amendment**

### **ACTION TO BE TAKEN:**

Approve the resolution amending the FY14-15 budget.

### **SUMMARY OF INFORMATION:**

The City of Cody adopted the budget for FY14-15 on June 17, 2014. Per State Statute, budgets may be amended through Resolution by the City Council. This request includes the following amendments:

- 1) A transfer of expense in the amount of \$40,880 in the Water Fund from the Rumsey Ave waterline project to the Wyoming Ave waterline project. Cash in the Water Fund will not be impacted.
- 2) A correction to the 16<sup>th</sup> Street Storm Sewer and Water Line Grant projects to reflect the correct cost allocations between Streets and Water, increasing the Streets expense by \$13,671 and decreasing the Water expense by \$19,880. Also, to increase revenue in the amount of \$6,515 in the General Fund and increase revenue in the amount of \$58,484 in the Water Fund that was previously unclaimed due to errors in the draw down requests.
- 3) A correction to the Parks, Facilities and Recreation vehicle allowance to reflect a reduction in expense of \$1,800. This expense was over-budgeted in error.
- 4) An increase to the Vehicle Replacement Fund revenue of \$10,275 and a corresponding increase in expense due to increased costs for the John Deere loader and the new chipper. The cost increases were due to lower trade in values than originally budgeted. This will be funded through an increase in the vehicle replacement allocation expenses in the General Fund, Solid Waste Fund and Electric Fund. There will be no impact to cash in these funds because the increase to the vehicle replacement allocation expense in each fund will be offset by a reduction in other expense line items.
- 5) An increase in the pass through grant revenue for the Park County Arena Board project in the amount of \$46,180. Expenses incurred in FY13-14 were reimbursed in FY14-15 but not budgeted to be received in this year.

### **FISCAL IMPACT**

The General Fund will reflect increased revenue of \$52,695 and increased expenses of \$11,871 resulting in a net increase in cash of \$40,824.

The Vehicle Replacement fund will reflect increased revenue of \$10,275 and increased expenses of \$10,275 resulting in a zero net change to cash.

**AGENDA ITEM NO. \_\_\_\_\_**

The Water Fund will reflect an increase in revenue of \$58,484 and a decrease in expenses of \$19,880 resulting in a net increase in cash of \$78,364.

The total net effect on unrestricted cash for all funds is an increase of \$119,188.

**ALTERNATIVES**

At its discretion the City Council may approve or deny the Resolution.

**ATTACHMENTS**

1. Resolution 2014-12

**AGENDA & SUMMARY REPORT TO:**

1. None

**RESOLUTION 2014-12**

**A RESOLUTION AMENDING THE CITY OF CODY FINAL BUDGET FOR FISCAL YEAR 2014-2015**

WITNESSETH:

WHEREAS, the final budget for Fiscal Year 2014-2015 was duly adopted by the City of Cody with Ordinance No 2013-14 on June 17, 2014 in accordance with the State of Wyoming Statutes; and

WHEREAS, the City of Cody Council has determined it is appropriate to amend the final budget, in accordance with proper governmental accounting and financial reporting practices; and

WHEREAS, funds are available to cover such amendments as designated in the requested action.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE City of Cody, the following action was authorized by the City of Cody Council:

	Current Budget	Proposed Amendment	Amended Budget
<b>REVENUES</b>			
General Fund	\$ 14,267,620	\$ 52,695	\$ 14,320,315
Vehicle Replacement Fund	\$ 551,103	\$ 10,275	\$ 561,378
Lodging Tax Fund	\$ 101,797	\$ -	\$ 101,797
Public Improvements Fund	\$ -	\$ -	\$ -
Solid Waste Fund	\$ 2,271,092	\$ -	\$ 2,271,092
Water Fund	\$ 3,154,752	\$ 58,484	\$ 3,213,236
Wastewater Fund	\$ 1,407,180	\$ -	\$ 1,407,180
Electric Fund	\$ 12,482,682	\$ -	\$ 12,482,682
<b>TOTAL</b>	<b>\$ 34,236,226</b>	<b>\$ 121,454</b>	<b>\$ 34,357,680</b>
<b>EXPENSES</b>			
Mayor - Council	\$ 510,873	\$ -	\$ 510,873
City Administrator	\$ 198,099	\$ -	\$ 198,099
Administrative Services	\$ 1,492,506	\$ -	\$ 1,492,506
Pass Through Grants	\$ 3,111,424	\$ -	\$ 3,111,424
Police	\$ 3,121,682	\$ -	\$ 3,121,682
Parks Maintenance	\$ 1,360,124	\$ (720)	\$ 1,359,404
Public Facilities	\$ 542,194	\$ (120)	\$ 542,074
Recreation Center	\$ 1,121,917	\$ (180)	\$ 1,121,737
Aquatics	\$ 821,114	\$ (780)	\$ 820,334
Community Development	\$ 564,119	\$ -	\$ 564,119
Streets	\$ 1,622,466	\$ 13,671	\$ 1,636,137
Vehicle Maintenance	\$ 284,073	\$ -	\$ 284,073
Vehicle Replacement	\$ 538,400	\$ 10,275	\$ 548,675
Lodging Tax	\$ 110,253	\$ -	\$ 110,253
Public Improvements	\$ 100,000	\$ -	\$ 100,000
Solid Waste Fund	\$ 2,140,361	\$ -	\$ 2,140,361
Water Fund	\$ 3,097,586	\$ (19,880)	\$ 3,077,706
Wastewater Fund	\$ 1,851,148	\$ -	\$ 1,851,148
Electric Fund	\$ 12,534,991	\$ -	\$ 12,534,991
<b>TOTAL</b>	<b>\$ 35,123,330</b>	<b>\$ 2,266</b>	<b>\$ 35,125,596</b>

Projected Total Ending Unrestricted Cash at June 30th	\$ 9,328,109	\$ 119,188	\$ 9,447,297
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PASSED, APPROVED AND ADOPTED THE 2<sup>ND</sup> DAY OF DECEMBER 2014

\_\_\_\_\_  
Nancy Tia-Brown, Mayor

Attest:

\_\_\_\_\_  
Cynthia Baker, Administrative Services Officer