

City of Cody
Council Proceedings
Tuesday, May 3, 2011

A regular meeting of the Cody City Council was held in Council Chambers of City Hall in Cody, Wyoming on Tuesday, May 3, 2011 at 7:00 p.m.

Present: Mayor Nancy Tia Brown, Council Members Steve Miller, Jerry Fritz, Stan Wolz, and Charles Cloud, Bryan Edwards and Donny Anderson, City Administrator, Jenni Rosencranse, City Attorney, Scott Kolpitcke and Administrative Officer, Cindy Baker

Absent: Council Members

Mayor Brown called the meeting to order at 7:03 p.m.

Council Member Miller made a motion seconded by Council Member Edwards to amend the agenda to add item "F" to the consent agenda, the Reduction of Reserve Price on Surplus Sweeper, and approve agenda as amended. Vote was unanimous.

Police Chief Perry Rockvam and Sergeant Jon Beck recognized Officer Van Auken.

Mayor Brown read a proclamation declaring May 15th through May 21st as National Public Works Week in Cody, Wyoming.

John Gallenger and Pam Noesner with Park County Peddlers' presented the City of Cody a check in the amount of \$6,000 in reference to the professional services contract with IMBA Trail Solutions.

Council Member Wolz made a motion seconded by Council Member Cloud to approve the consent calendar including the approval of Special Meeting Minutes on 4/12/11, 4/14/11, 4/21/11 and Regular Meeting Minutes on 4/19/2011, approval of vouchers and payroll in the amount of \$1,039,997.19, approve Change Order #1 and #2 for the Cody Auditorium ADA Renovation Grant for a credit of \$900.00 and an additional charge of \$605.00 respectively and authorize the Mayor to sign the change order request, authorize the Mayor to sign the acknowledgement of cancellation of the franchise bond issued by Lexon Insurance Company on behalf of Bresnan Communications and accept the new franchise bond issued to the City of Cody from Traveler's Insurance Company, approve and authorize the Mayor to enter into a contract in the amount of \$50,000 between the City of Cody and Duncan and Allen for legal services regarding the electrical service acquisition of the North Cody distribution facilities and approve reducing the reserve price to \$20,350 on the surplus sweeper and authorize offering the sale of the equipment to the highest bidder at the end of the auction if the reserve price is not met. Vote was unanimous.

Council Member Cloud made a motion seconded by Council Member Fritz to grant the request from the Baker Brothers to sell bottled water in the right of way on Sheridan Avenue during the summer and enter into an agreement requiring an 80/20 split. Location, contract and beneficiary of City's' split to be worked out with staff. Council Member Miller friendly amendment to authorize the Mayor to sign such agreement. Council Member Cloud and Fritz accepted amendment. Vote was unanimous

Council Member Miller made a motion seconded by Council Member Edwards to remove item “a” under tabled items from the table. Vote was unanimous

Council Member Cloud made a motion seconded by Council Member Fritz to award the City of Cody Property Insurance for a one year period commencing July 1, 2011, with the Wyoming Association of Risk Management Property Pool in the amount of \$31,840. Vote was unanimous.

Council Member Miller made a motion seconded by Council Member Edwards to approve the agenda as amended. Consider a request from the Kefar Shriners to hold a carnival in Cody June 1 through June 5, 2011 between 8th and 10th Street, and on 9th Street between Sheridan Avenue and Beck Avenue; authorize the closure of the streets beginning on May 30, 2011 at 8:00 a.m. until June 6, 2011 at 11:00 a.m.; and approve the request contingent on the following recommendations and conditions: require proof of insurance for the event and list the City of Cody as an additional insured; require an encroachment permit to be obtained and paid for prior to the event; require that the actual costs associated with additional garbage receptacles, electric and water usage be paid for within 30 days of the event; require North Star Amusements repair the street at their expense and to the satisfaction of the Streets Superintendent; prohibit North Star Amusements from pounding stakes into any private property; authorizing the City Park Restrooms to remain open until midnight each night; a gratis electrical inspection of the temporary service; provide for an emergency vehicle lane, and for North Star Amusements to provide the most current inspection documents of the carnival equipment and obtain a transient merchant license. Vote was unanimous.

Governing Body considered a request from Chris Good, dba TNT Fireworks to sell fireworks out of a temporary structure on the south end of the Wal-Mart parking lot running parallel to Yellowstone Avenue contingent on obtaining written permission from Wal-Mart to locate on their property, to provide proof of liability insurance, and to provide for on-site fire protection. Request died due to lack of motion.

Governing Body considered a request from Mr. Ron Spomer to construct a fence within the public right-of-way on Walker Avenue. Request died due to lack of motion.

Governing Body recessed at 8:37 reconvening at 8:46.

Council Member Miller made a motion seconded by Council Member Anderson to approve a request from Wes Allen of Sunlight Sports for the two hour limited parking on both sides of the 1100 block of Sheridan Avenue from May 1 – Sept 1. Vote was unanimous.

Council Member Miller made a motion seconded by Council Member Wolz to approve a request from Buck Wilkerson to authorize a traffic detour on Lt. Childers Street on May 30th for a dedication ceremony. Vote was unanimous.

Buck Wilkerson discussed the Enduring Freedom Monument plan for the Wyoming Veteran’s Memorial Park project. No action was taken.

ORDINANCE 2011-17 2nd Reading.
AN ORDINANCE AMENDING CITY OF CODY MUNICIPAL CODE BY
AMENDING TITLE 5, CHAPTER 3, SECTION 21,
PERTAINING THE FEEDING OF DEER

Council Member Fritz made a motion seconded by Council Member Wolz to pass Ordinance 2011-17 on 2nd reading. Vote was unanimous.

ORDINANCE 2011-18 2nd Reading.

AN ORDINANCE AMENDING CITY OF CODY MUNICIPAL CODE BY RENUMBERING TITLE 5, CHAPTER 3, SECTION 21, PERTAINING TO PENALTIES, AS TITLE 5, CHAPTER 3, SECTION 22

Council Member Anderson made a motion seconded by Council Member Cloud to pass Ordinance 2011-18 on 2nd reading. Vote was unanimous.

ORDINANCE 2011-01 3rd and Final Reading

AN ORDINANCE RE-ZONING A TRACT OF LAND LOCATED WITHIN A PORTION OF LOT 82RS2, SEC. 31 O.S. T 53 N, R 101 W, CITY OF CODY, WYOMING FROM RESIDENTIAL “A” DISTRICT TO LIGHT BUSINESS “D1” DISTRICT.

Council Member Miller made a motion seconded by Council Member Edwards to pass Ordinance 2011-01 on 3rd and final reading. Vote was unanimous.

ORDINANCE 2011-19 1st Reading

AN ORDINANCE RE-ZONING A TRACT OF LAND LOCATED WITHIN A PORTION OF TRACT 82-C, RESURVEY, T.53 N., R.101 W., 6TH P.M., CITY OF CODY, PARK COUNTY, WYOMING FROM RESIDENTIAL “A” DISTRICT TO GENERAL BUSINESS “D2” DISTRICT.

Council Member Miller made a motion seconded by Council Member Cloud to pass Ordinance 2011-19 on 1st reading. Vote was unanimous.

Council Member made Cloud motion seconded by Council Member Miller to remove from the table Ordinances 2011-02 through Ordinance 2011-16. Vote was unanimous.

ORDINANCE 2011-02 1st Reading.

AN ORDINANCE AMENDING SECTION 10-15-1 OF THE CITY OF CODY MUNICIPAL CODE BY PROVIDING THE INTENT AND PURPOSE OF THE SIGN CODE

Council Member Wolz made a motion seconded by Council Member Anderson to pass Ordinance 2011-02 on 1st reading. Vote was unanimous.

ORDINANCE 2011-03 1st Reading.

AN ORDINANCE AMENDING SECTION 10-15-2 OF THE CITY OF CODY MUNICIPAL CODE BY PROVIDING DEFINITIONS AND LANGUAGE FOR SIGNAGE ORDINANCES

Council Member Anderson made a motion seconded by Council Member Cloud to pass Ordinance 2011-03 on 1st reading. Vote was unanimous.

ORDINANCE 2011-04 1st Reading.

AN ORDINANCE AMENDING SECTION 10-15-3 OF THE CITY OF CODY MUNICIPAL CODE BY PROVIDING REGULATIONS AND STANDARDS OF THE SIGN CODE

Council Member Cloud made a motion seconded by Council Member Miller to pass Ordinance 2011-04 on 1st reading. Vote was unanimous.

ORDINANCE 2011-05 1st Reading.

AN ORDINANCE AMENDING SECTION 10-15-4 OF THE CITY OF CODY MUNICIPAL CODE BY PROVIDING INTERPRETATION PROVISIONS TO THE SIGN CODE

Council Member Miller made a motion seconded by Council Member Cloud to pass Ordinance 2011-05 on 1st reading. Vote was unanimous.

ORDINANCE 2011-06 1st Reading.

AN ORDINANCE AMENDING SECTION 10-15-5 OF THE CITY OF CODY MUNICIPAL CODE BY PROVIDING ADMINISTRATIVE PROCEDURES WITH REGARD TO THE SIGN CODE

Council Member Miller made a motion seconded by Council Member Anderson pass Ordinance 2011-06 on 1st reading. Vote was unanimous.

ORDINANCE 2011-07 1st Reading.

AN ORDINANCE AMENDING SECTION 10-15-6 OF THE CITY OF CODY MUNICIPAL CODE BY PROVIDING GENERAL PROVISIONS REGARDING THE SIGN CODE

Council Member Cloud made a motion seconded by Council Member Fritz to pass Ordinance 2011-07 on 1st reading. Vote was unanimous.

ORDINANCE 2011-08 1st Reading.

AN ORDINANCE REPEALING SECTION 10-15-7 OF THE CITY OF CODY MUNICIPAL CODE AND RESERVING THAT SECTION FOR FUTURE USE

Council Member Fritz made a motion seconded by Council Member Cloud to pass Ordinance 2011-08 on 1st reading. Vote was unanimous

ORDINANCE 2011-09 1st Reading.

AN ORDINANCE AMENDING SECTION 10-15-8 OF THE CITY OF CODY MUNICIPAL CODE BY DESIGNATING RESIDENTIAL SIGN DISTRICTS

Council Member Miller made a motion seconded by Council Member Fritz to pass Ordinance 2011-09 on 1st reading. Vote was unanimous

ORDINANCE 2011-10 1st Reading.

AN ORDINANCE AMENDING SECTION 10-15-9 OF THE CITY OF CODY MUNICIPAL CODE BY DESIGNATING COMMERCIAL SIGN DISTRICTS

Council Member Fritz made a motion seconded by Council Member Anderson to pass Ordinance 2011-10 on 1st reading. Vote was unanimous

ORDINANCE 2011-11 1st Reading.

AN ORDINANCE AMENDING SECTION 10-15-10 OF THE SIGN CODE FOR THE CITY OF CODY MUNICIPAL CODE BY PROVIDING DEFINITION FOR ILLEGAL, NON-CONFORMING AND ABANDONED SIGNS

Council Member Fritz made a motion seconded by Council Member Cloud to pass Ordinance 2011-11 on 1st reading. Vote was unanimous

ORDINANCE 2011-12 1st Reading.

AN ORDINANCE AMENDING SECTION 10-15-11 OF THE CITY OF CODY MUNICIPAL CODE BY PROVIDING FOR REMOVAL OF SIGNS

Council Member Miller made a motion seconded by Council Member Fritz to pass Ordinance 2011-12 on 1st reading. Vote was unanimous

ORDINANCE 2011-13 1st Reading.
AN ORDINANCE AMENDING SECTION 10-15-12 OF THE CITY OF CODY MUNICIPAL CODE BY PROVIDING PROCEDURE FOR REVIEW AND APPEAL REGARDING CITY OF CODY SIGN CODE

Council Member Wolz made a motion seconded by Council Member Fritz to pass Ordinance 2011-13 on 1st reading. Vote was unanimous

ORDINANCE 2011-14 1st Reading.
AN ORDINANCE AMENDING SECTION 10-15-13 OF THE CITY OF CODY MUNICIPAL CODE PROVIDING FOR PENALTIES FOR VIOLATION OF THE SIGN CODE

Council Member Fritz made a motion seconded by Council Member Cloud to pass Ordinance 2011-14 on 1st reading. Vote was unanimous

ORDINANCE 2011-15 1st Reading.
AN ORDINANCE REPEALING SECTION 10-15-14 OF THE CITY OF CODY MUNICIPAL CODE

Council Member Miller made a motion seconded by Council Member Cloud to pass Ordinance 2011-15 on 1st reading. Vote was unanimous

ORDINANCE 2011-16 1st Reading.
AN ORDINANCE REPEALING SECTION 10-15-15 OF THE CITY OF CODY MUNICIPAL CODE

Council Member Cloud made a motion seconded by Council Member Fritz to pass Ordinance 2011-16 on 1st reading. Vote was unanimous

Steve Payne, Public Works Director updated the Governing Body in reference to the City's Raw Water.

Council Member Anderson attended the Fire School held in Cody this past weekend.

Council Member Miller reminded downtown business owners of the annual sidewalk washing June 4.

There being no further business to come before the Governing Body, Mayor Brown adjourned the meeting at 10:02 p.m.

Cynthia D Baker
Administrative Services Officer

Nancy Tia Brown
Mayor

VOUCHER LIST FOR 05/03/11

CHECK DATE 05/04/11

Payee		Amount
A & I DISTRIBUTORS	oil	401.50
A.M. LEONARD, INC	landscape supplies	132.97
ACADEMIC SPECIALTIES INC	basketball goal	213.00
ACE HARDWARE	supplies	279.11
ALDRICH LUMBER CO	supplies	355.96
ALSCO	towels & rugs	271.18
AMERICAN WELDING & GAS INC	supplies	243.93
ANDERSON FORKLIFT	forklift repairs	1256.59
BARN FEED AND PET	dog food	102.62
BETTER BODY FITNESS	fitness equipment	10777.86
BIG HORN PRECAST	storm sewer box	1105.00
BIG HORN REDI-MIX INC	sand / system repairs	94.00
BIG HORN WHOLESALE	supplies	79.96
BILLINGS POLICE DEPT	training	200.00
BLUE CROSS BLUE SHIELD OF WY	premiums	92547.31
BORDER STATES INDUSTRIES	cable / repairs	4198.90
BRESNAN COMMUNICATIONS	internet	115.04
C & C WELDING	repairs	70.88
CAD-1, INC.	training	780.00
CITY OF CODY	utilities	28483.87
CLINGMAN, JIM	reimburse for safety glasses	120.00
CODY NEWSTAND	Arbor day door prizes	208.74
CODY PAINT & BODY	towing	70.00
CODY WINNELSON	fittings	51.58
CPS DISTRIBUTORS INC	supplies	2322.23
CRUM ELECTRIC	supplies	255.38
CUSTOM GARAGE DOOR LLC	repairs	100.00
DBW CONSTRUCTION	refund fees	100.00
EAGLE RECOVERY & TOWING	towing	615.00
ENERGY WEST	utilities	5200.54
ENGINEERING ASSOCIATES	2AB project	48616.68
EVANS, KATHY	refund credit balance	39.66
FARM PLAN CORP	fire resistant clothing	215.00
FASTENAL COMPANY	parts	89.80
FOOD SERVICE OF AMERICA	concessions	145.00
FORWARD CODY WYOMING	Eleutian grant	9400.00
GAMBLES	supplies	3.99
GARY'S RUBBER STAMP & SIGN	notary stamps	48.95
GEM EXERCISE EQUIPMENT REPAIR	repairs on equipment	1616.00
GLOBAL EQUIPMENT CO	supplies	63.77
HBI INSURANCE	premiums	57.00
HALL'S SAFETY EQUIPMENT	uniforms	1461.60
HANNON, KIERSTIN	refund utility deposit	30.56
HARRIS TRUCKING & CONSTRUCTION	2AB project	58688.02
HD SUPPLY UTILITIES LTD	cable / tools	1054.00
ICMA RETIREMENT	contributions	6979.90

INTERSTATE BATTERIES	batteries	385.80
K-B COMMERCIAL PRODUCTS	supplies	493.69
LANNAN'S SUPPLY	supplies	729.50
LET'S TALK CELLULAR	phone case	15.00
MACHINERY POWER & EQUIPMENT	parts	88.78
MIDWEST FENCE CO	ball field fence repair	102.00
MOUNTAIN WEST INC	uniforms	457.17
MURRA, JOAN	mileage reimbursement	15.00
NORTHWEST COCA-COLA	concessions	58.12
NORTHWEST PIPE	inventory	2774.36
OKADA, PETER	referee	137.50
OWEN, DON	referee	112.50
PARK COUNTY	landfill charges	63502.00
PARK COUNTY CIRCUIT COURT	court case	302.93
PATTERSON, JERRICA	refund utility deposit	71.39
PEREZ, EDGAR	utility refund	18.09
PIZZA ON THE RUN	meeting expense	61.97
PLAN ONE ARCHITECTS	professional fees	4635.00
PRODUCTION MACHINE	plastic containers	717.94
PROFORCE LAW ENFORCEMENT	taser supplies	607.95
PURCHASE ADVANTAGE CARD	meeting expense	25.11
QWEST	phone charges	706.77
R & A SAFETY	drug testing	640.00
RED EAGLE FOOD STORES	kerosene	12.78
ROCKY MOUNTAIN POWER	utilities	222.87
ROCKY MOUNTAIN SEGWAY	parts	222.79
RON'S EXXON	propane	11.90
SCHOENING, WILLIAM D	referee	100.00
SECRETARY OF STATE	notary	30.00
SHERWIN-WILLIAMS COMPANY	supplies	63.00
SHOSHONE OFFICE SUPPLY	supplies / furniture	2864.01
STAYWELL COMPANY	training	315.12
STROH'S INDUSTRIAL LUBRICANT	grease	65.00
SWARCO REFLEX	paint striping beads	1464.00
THE UPS STORE	shipping	42.05
TITAN ACCESS	parts	112.73
TRIPLE L SALES	23rd St storm sewer	31.26
U S POST OFFICE	postage for billing permit #33	2300.00
UNIVERSITY OF WYOMING	training	175.00
VAN AUKEN, JOSH	reimburse for travel expense	12.48
WAL MART COMMUNITY BRC	supplies	331.40
WASTEQUIP	end cap dumpsters	51.25
WATCO POOLS	chemicals	907.28
WATTHOUR ENGINEERING CO	meter repairs	68.48
WCSTELECOM	long distance	196.60
WESTERN PATHOLOGY CONSULT	drug testing	279.00
WESTERN UNITED ELECTRIC	system repairs	11.51
WY CHILD SUPPORT	child support	159.23
WYOMING BANK & TRUST	water bond payment	11679.58
WYOMING BANK & TRUST	electric bond payment	26297.59
WYO DEPT OF AGRICULTURE	licensing renewals	250.00
WYOPASS	membership	440.00

YELLOWSTONE DIVERS, LLC

scuba instructor

150.00

TOTAL

404788.56

809577.12