

City of Cody
Council Proceedings
Tuesday, June 7, 2011

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

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

Absent: None

Mayor Brown called the meeting to order at 7:05 p.m.

Council Member Miller made a motion to move item 4n, "Ordinance 2011-19" to new item 4a in Conduct of Business, and to move 4g "Request for Extended Hours for Retail Liquor License Holders" from Conduct of Business to Consent Agenda new item 1j, seconded by Council Member Edwards. Vote was unanimous.

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

Police Officer Justin Dollard was introduced by Police Chief, Perry Rockvam and received his Oath of Office from Administrative Services Officer, Cindy Baker.

Mayor Brown informed the public of the Yellowstone Park Winter Use Draft Plan comment period that ends July 18th. Information was also provided in reference to the advance hydro prediction service tracking of the North Fork of the Shoshone River water levels.

Council Member Miller made a motion seconded by Council Member Edwards to approve the consent calendar as amended including the approval of Special Meeting Minutes on 5/12/11, 5/16/11, 5/17/11, 5/18/11 and Regular Meeting Minutes on 5/17/2011. Approve vouchers and payroll in the amount of \$829,742.95. Award Quote 2011-07 - Fuel to Homax Oil sales, partnering with Conoco Country Store for supplying fuel to the City of Cody for FY 2011-2012. Approve the Stampede Parades on the 2nd, 3rd and 4th of July and sponsor the \$100 permit fee per parade and require the Stampede Parade Committee to provide proof of insurance for all three parades. Appoint Michael Barton as a Hearing Officer for the City of Cody. Declare equipment and miscellaneous items as surplus and authorize staff to proceed with the auction process for sale of such equipment and miscellaneous items. Approve Change Order #3 - Cody Auditorium ADA renovation ramp not to exceed \$350.00. Award Bid Number 2011-01 - Construction Contract for Cody City Hall Energy Retrofit Project in the amount of \$162,776 to Ace Electric, Laurel, MT and authorize the Mayor to enter into a construction contract with Ace Electric. Declare a 1984 Ford Bronco II, valued less than \$500.00, as a surplus vehicle and direct staff to proceed in donating said vehicle to the Cody Volunteer Fire Department for training purposes. Approve the request from Gail Nace of the Silver Dollar Bar to allowing retail liquor license holders to operate with modified hours on July 1st, 2nd, and 3rd, 2011 allowing retail liquor license holders to stay open until 4 a.m. conditional upon those who intend to operate until 4 p.m. must notify the City of Cody Administrative Services Officer of this intent by June 30, 2011, and designate the Chief of Police or his designee the authority to revoke the extended hours provision during these dates if a situation arises where it is necessary to close the establishments earlier. Vote was unanimous.

At 7:25 p.m. Mayor Brown began the public hearing to determine if it is in the public interest to grant a new restaurant liquor license to Luzh-S Co dba Chinatown located at 937 Sheridan Avenue. After calling for public comments three times and there being none, Mayor Brown began the second public hearing to determine if it is in the public interest to participate in the Wyoming Business Council - Business Committed Grant to assist in the development of a warehouse building for Cody Laboratories.

James Klessens gave a brief history of Cody Labs and warehouse facility

After calling for public comments three times and there being none, Mayor Brown began the third public hearing to determine if it is in the public interest to consider a zone change from

“B” Residential to “D-1” Limited Business for Gee Properties, LLC for the property located at 702 and 708 Platinum Avenue.

Steve Payne, Public Works Director provided background information on the zone change, indicated property owners within 140’ of the property had been notified and notices for both public hearings were sent to the adjacent landowners by certified mail. All letters that were received in reference to the zone change have been entered into the official public record. In addition, the zone change legal notice was printed in the Cody Enterprise on May 4, 2011.

Dr. Allen Gee, Gee Properties, LLC spoke in reference to the requested zone change.

Citizens speaking opposed to the zone change were: Fred Strow, Cindy Wildman, Karen Ballinger, Ken Stockwell, Tami Capron, Gordon Ross, and Joann Chenoweth. Comments and concerns stemmed around traffic, commercial businesses encroaching on residential neighborhood, safety of children and animals, preserving residential neighborhoods and empty commercial property elsewhere to choice from.

Those in support were: Julie Vance, Laurence Stinson, Tim Ward, and Harold Musser.

Comments stemmed around community need and patient support, area already has outlying commercial business, community development and actual site plans.

James Klessens commented he was not voicing an opinion if favor or opposed but referenced being an issue due to growth in the community and making a decision on facts not emotions.

After calling for public comments three times and there being none, Mayor Brown closed the Public Hearing at 9:08 p.m.

ORDINANCE 2011-19 3rd and Final 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 table Ordinance 2011-19 on 3rd and Final Reading. Vote was unanimous.

Council Member Wolz made a motion seconded by Council Member Cloud to Consider approving a new restaurant liquor license for Luzh-S Co. dba Chinatown located at 937 Sheridan Avenue contingent upon issuance of a Certificate of Occupancy for this business. Vote was unanimous.

RESOLUTION 2011-05
A RESOLUTION AUTHORIZING SUBMISSION OF APPLICATION TO THE WYOMING BUSINESS COUNCIL-BUSINESS READY COMMUNITIES FOR A BUSINESS COMMITTED GRANT TO ASSIST IN THE DEVELOPMENT OF A WAREHOUSE BUILDING FOR CODY LABORATORIES Council Member Anderson made a motion seconded by Council Member Edwards to approve resolution 2011-05. Vote was unanimous.

Council Member Edwards made a motion seconded by Council Member Anderson to approve and authorize the Mayor to sign the Revenue Recapture Plan associated with the Wyoming Business Council Business Ready Communities for a Business Committed Grant to assist in the development of a warehouse building for Cody Laboratories. Vote was unanimous.

Council Member Miller made a motion seconded by Council Member Anderson to table the request for a zone change from “B” Residential to “D-1” Limited Business for Gee Properties, LLC for the property located at 702 and 708 Platinum Avenue. Vote was unanimous.

Council Member Miller made a motion seconded by Council Member Cloud to approve a request from Lance and Jacqueline Miner to place a fence within the public right-of-way on Burlington Street. Authorized the Mayor to enter into a lease agreement between the Miner’s and the City of Cody with conditions recommended by staff. Lease agreement to include a fee of \$1.00 per year. Vote was unanimous.

Council Member Edwards made a motion seconded by Council Member Anderson to approve the request from Park County Leadership Institute for the City of Cody to sponsor

both breaks and lunch for the 2011-2012 Park County Leadership Class not to exceed \$400.00. Funds to be taken out of FY10-11 contingency fund. Vote was unanimous.

Council Member Fritz made a motion seconded by Council Member Edwards to approve a pawnbroker license for Michelle Jones dba Yellowstone Trading Company contingent upon receiving proof of a State of Wyoming Pawnbroker license and State sales tax number. Vote was unanimous.

Barb Beck, Consulting, Mitigation Planning Contractor, discussed the Draft Hazard Mitigation Plan. No action was taken.

Council Member Cloud made a motion seconded by Council Member Wolz To approve allowing vendors to sell food and other approved wares during the 2011 Concerts in the Park series from July 8th to September 3rd at City Park with conditions outlined in the contract agreement for such activity. Vendors who have a transient merchant license will have the \$25.00 fee waived. All other vendors will pay the \$25.00 fee regardless of residency. Vote was unanimous.

RESOLUTION 2011-04

A RESOLUTION AMENDING THE FY2010-2011 BUDGET IN THE AMOUNT OF \$166,049.00. Council Member Miller made a motion seconded by Council Member Edwards to approve Resolution 2011-04. Vote was unanimous.

ORDINANCE 2011-21 ANNUAL TAX LEVY 1st Reading
AN ORDINANCE FOR THE AMOUNT OF TAX LEVY FOR THE CITY OF CODY, WYOMING FOR THE FISCAL YEAR ENDING JUNE 30, 2012.

Council Member Miller made a motion seconded by Council Member Anderson to approve Ordinance 2011-21 on 1st Reading. Vote was unanimous.

ORDINANCE 2011-20 BUDGET APPROPRIATION 1st Reading
AN ORDINANCE PROVIDING FOR THE ANNUAL APPROPRIATION OF MONEY FOR THE MAINTENANCE OF THE CITY OF CODY, WYOMING FOR THE FISCAL YEAR ENDING JUNE 30, 2012.

Council Member Miller made a motion seconded by Council Member Fritz to approve Ordinance 2011-20 on 1st Reading. Vote was unanimous.

ORDINANCE 2011-02 3rd and Final 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 Miller made a motion seconded by Council Member Fritz to pass Ordinance 2011-02 on 3rd and Final Reading. Vote was unanimous.

ORDINANCE 2011-03 3rd and Final Reading as amended.
AN ORDINANCE AMENDING SECTION 10-15-2 OF THE CITY OF CODY MUNICIPAL CODE BY PROVIDING DEFINITIONS AND LANGUAGE FOR SIGNAGE ORDINANCES

Council Member Cloud made a motion seconded by Council Member Anderson to pass Ordinance 2011-03 on 3rd and Final Reading as amended. Vote was unanimous.

ORDINANCE 2011-04 3rd and Final 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 Fritz made a motion seconded by Council Member Cloud to pass Ordinance 2011-04 on 3rd and Final Reading. Vote was unanimous.

ORDINANCE 2011-05 3rd and Final 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 Anderson made a motion seconded by Council Member Fritz to pass Ordinance 2011-05 on 3rd and Final Reading. Vote was unanimous.

ORDINANCE 2011-06 3rd and Final 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 Wolz made a motion seconded by Council Member Miller to pass Ordinance 2011-06 on 3rd and Final Reading. Vote was unanimous.

**ORDINANCE 2011-07 3rd and Final Reading as amended.
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 Anderson to pass Ordinance 2011-07 on 3rd and Final Reading as amended. Vote was unanimous.

**ORDINANCE 2011-08 3rd and Final Reading.
AN ORDINANCE REPEALING SECTION 10-15-7 OF THE CITY OF CODY MUNICIPAL CODE AND RESERVING THAT SECTION FOR FUTURE USE**

Council Member Wolz made a motion seconded by Council Member Edwards to pass Ordinance 2011-08 on 3rd and Final Reading. Vote was unanimous

**ORDINANCE 2011-09 3rd and Final Reading.
AN ORDINANCE AMENDING SECTION 10-15-8 OF THE CITY OF CODY MUNICIPAL CODE BY DESIGNATING RESIDENTIAL SIGN DISTRICTS**

Council Member Cloud made a motion seconded by Council Member Fritz to pass Ordinance 2011-09 on 3rd and Final Reading. Vote was unanimous

**ORDINANCE 2011-10 3rd and Final Reading as amended.
AN ORDINANCE AMENDING SECTION 10-15-9 OF THE CITY OF CODY MUNICIPAL CODE BY DESIGNATING COMMERCIAL SIGN DISTRICTS**

Council Member Miller made a motion seconded by Council Member Edwards to pass Ordinance 2011-10 on 3rd and Final Reading as amended. Vote was unanimous.

**ORDINANCE 2011-11 3rd and Final 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 Edwards made a motion seconded by Council Member Anderson to pass Ordinance 2011-11 on 3rd and Final Reading. Vote was unanimous

**ORDINANCE 2011-12 3rd and Final 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 Edwards to pass Ordinance 2011-12 on 3rd and Final Reading. Vote was unanimous

**ORDINANCE 2011-13 3rd and Final 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 Fritz made a motion seconded by Council Member Edwards to pass Ordinance 2011-13 on 3rd and Final Reading. Vote was unanimous

**ORDINANCE 2011-14 3rd and Final 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 3rd and Final Reading. Vote was unanimous

**ORDINANCE 2011-15 3rd and Final 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 Edwards to pass Ordinance 2011-15 on 3rd and Final Reading. Vote was unanimous

**ORDINANCE 2011-16 3rd and Final Reading.
AN ORDINANCE REPEALING SECTION 10-15-15 OF THE CITY OF CODY MUNICIPAL CODE**

Council Member Anderson made a motion seconded by Council Member Cloud to pass Ordinance 2011-16 on 3rd and Final Reading. Vote was unanimous

There being no further business to come before the Governing Body, Mayor Brown adjourned the meeting at 11:04pm

Cindy Baker
Administrative Services Officer

Nancy Tia Brown
Mayor

VOUCHER LIST FOR 06/07/11

CHECK DATE 06/08/11

Payee		Amount
A & I DISTRIBUTORS	oil	387.30
ACE HARDWARE	supplies	1429.79
ADVANCED VETERINARY CARE	canine care	78.75
ADVANTAGE/THOMCO	supplies	458.22
AIR FILTER SOLUTIONS INC	filters	1506.95
ALDRICH LUMBER CO	supplies	438.52
ALLEN VANGUARD INC	bomb robot accessories	8500.00
ALSCO	towels & rugs	300.72
AMERICAN RED CROSS	training	70.00
AMERICAN WELDING & GAS INC	supplies	539.69
AMERI-TECH EQUIPMENT	sanitation truck	145192.00
ANDRUS, VINCENT	refund permit fee	15.00
APPLIED GRAPHICS	decals	45.00
ARROWHEAD SCIENTIFIC INC	supplies	39.95
ASPEN PRACTICE P.C.	evaluation	1189.00
ATCO INTERNATIONAL	chemicals	261.00
B & H PHOTO VIDEO	council chamber upgrades	3233.95
BAKER, CYNTHIA	mileage reimbursements	106.59
BARN FEED AND PET	dog food	35.09
BEACON ATHLETICS	supplies	1465.00
BEVENGER, SAYGAR	refund utility deposit	81.29
BIG HORN HORTICULTURAL	right of way clearing	4000.00
BIG HORN PAINT	paint	81.58
BIG HORN REDI-MIX	sand	230.00
BIG HORN WHOLESALE	supplies	1031.59
BLAKEMAN PROPANE, INC	propane	23.49
BLOEDORN LUMBER	supplies	125.04
BLUE CROSS BLUE SHIELD OF WY	premiums	87594.41
BOONE'S MACHINE SHOP	rental / supplies	346.96
BORDER STATES INDUSTRIES	St. light repairs	851.78
BRESNAN COMMUNICATIONS	internet	481.39
BROWNELL'S	supplies	701.26
CALIFORNIA CONTRACTOR'S SUPPLY	supplies	89.70
CARPET HUT	grout	183.30
CDW GOVERNMENT, INC	equipment	398.10
CHERRY ENGINEERING, INC.	equipment	10585.16
CHIEF SUPPLY	uniforms	49.99
CITY OF CODY	utilities	31243.29
CLARK WIRELESS	parts	249.00
CLOUD, CHARLES	mileage reimbursements	61.20
CLOWARD, SAVANNAH	refund utility deposit	25.34
CODY OVERHEAD DOOR	repairs	50.00
CODY ROTARY CLUB	dues	165.00
CODY WINNELSON	supplies	230.25
COLONIAL RESEARCH CHEMICALS	supplies	283.36
CRUM ELECTRIC	supplies	575.12

CYAIR-CODY YLWSTN AIR IMP	special funding allocation	13000.00
DANA KEPNER CO	meters	4153.01
DOMINO'S PIZZA	Arbor day	88.00
DON F. SHREVE, JR. ESQ.	professional services	479.36
E.I.T. CORPORATION	bomb team equipment	1148.75
EAGLE OF CODY	forms	1149.92
ECOLAB PEST ELIM. DIV.	pest control	180.00
EMBLEM ENTERPRISES, LLC	uniforms	50.09
ENERGY WEST	utilities	3881.39
ENGINEERING ASSOCIATES	professional services	4643.55
ETC., LLC	case #11-967	75.00
FARM PLAN CORP	parts / supplies	251.67
FASTENAL CO	parts	70.27
FERGUSON WATERWORKS	fittings	4617.56
FORSCH, MICHAEL L	refund utility balance	85.34
FRED PRYOR SEMINARS	training	199.00
FREMONT MOTOR CODY INC	parts	742.51
GAMBLES	supplies	2.99
GARY'S RUBBER STAMP & SIGN	notary stamp	21.45
GLASS MASTERS	windshield repair	60.00
GUNSMOKE LLC	refund utility deposit	134.23
H B I INSURANCE	notary bond	50.00
HARRIS TRUCKING & CONST CO	Cougar Ave/chip seal/16th St	197453.24
HASCO INDUSTRIAL SUPPLY	uniforms	454.48
HD SUPPLY UTILITIES LTD	transformer	6298.37
HEYDENBERK, TRAPP	reimburse for gasoline	56.48
HILTI, INC	saw blades	310.84
HOLM BLOUGH & CO	16th St. storm sewer upgrade	10335.50
I STATE TRUCK CENTER	parts	44.65
ICMA RETIREMENT	contributions	10448.88
INDUSTRIAL SYSTEMS INC	charts	50.00
INLAND TRUCK PARTS	parts	21.06
K MART	supplies	10.45
KENCO SECURITY & TECHNOLOGY	alarm - City Hall	1915.02
KINCHELOE PLUMBING AND HEATING	parts	239.06
LAERDAL MEDICAL CORP	parts	99.95
LEGEND COMMUNICATIONS	advertising	851.96
LET'S TALK CELLULAR	phone charger	30.00
LINCOLN COMMERCIAL POOL EQUIP	parts / freight	411.65
LYLE SIGNS INC	street signs	132.31
MARTIN, MARIAH	refund utility deposit	10.18
MCCUMBER LOCKSMITH	keys	3.00
MCCORMACK, BRUCE	refund court payment	65.00
MCDONALD, L.H. "BUD"	reimburse for P & Z training	192.03
MEINECKE & SITZ	professional services	988.10
MENIG, GEORGE	reimburse for study material	311.32
MICKLESON, SUE	rec center refund	18.00
MIDWEST FENCE CO.	repairs	470.00
MOUNTAIN WEST INC	uniforms	1037.65
NATIONAL LEAGUE OF CITIES	membership	1117.00
NORCO	supplies	168.77
NORMONT EQUIPMENT CO	safety supplies	2931.00

NORTHWEST PIPE	parts	2159.16
PARK COUNTY CIRCUIT COURT	cv-2010-1027	279.53
PHILIPS, LARRY	refund utility deposit	74.73
PIZZA ON THE RUN	meeting expense	157.40
POWELL TRIBUNE	advertising	174.00
PRO-BUILD	Legion bleacher seats / supplies	1753.06
PURCHASE ADVANTAGE CARD	rec center programs	33.98
PURCHASE POWER	postage	2019.99
QUAD STATE INSTRUCTORS, INC	membership	65.00
QUALITY UTILITY EQUIP SUPPLY	tools	2067.17
QWEST	phone charges	704.76
R & A SAFETY	random testing	150.00
ROCKY MOUNTAIN POWER	utilities	221.27
ROGER'S SPORT CENTER	supplies	50.45
RON'S EXXON	supplies	26.25
S & P BRAKE & CLUTCH SUPPLY	parts	210.83
S & S AUDIO - VIDEO INC	equipment	69.99
SCHRADER METAL & DESIGN	repairs	21.06
SEARS	supplies	19.99
SHERWIN-WILLIAMS CO	Legion bleachers	640.93
SHOSHONE OFFICE SUPPLY	supplies	1497.36
STARTIN, TOBY	mileage reimbursement	96.39
STEWART'S MERCANTILE	meeting expense	57.15
STINSON, BLAKE	reimburse for expenses	30.00
STROUPE PEST CONTROL CO	pest control	138.00
THE UPS STORE	postage	65.65
TNT SPRINGS INC	parts	699.74
TRIPLE L SALES	parts	170.03
U S POST OFFICE	postage permit #33	2300.00
V F W CLUB	supplies	45.00
V-1 PROPANE	propane	12.71
VEOLIA TECHNICAL SOLUTIONS	equipment	1370.60
WAL MART COMMUNITY BRC	supplies	1179.30
WATCO POOLS	chemicals	896.21
WATERWORKS INDUSTRIES	inventory	3087.00
WCSTELECOM	long distance	211.45
WEBSTER MOTORS, INC	parts	813.99
WEST PARK HOSPITAL	cases for PD	396.75
WESTERN PATHOLOGY CONSULTANTS	random testing	279.00
WESTERN UNITED ELECTRIC SUPPLY	supplies	980.12
WHITED FLOOR SURFACING	refinish gym / racquetball floors	9530.00
WOMACK MACHINE SUPPLY	fittings	39.06
WOODWARD TRACTOR	rental / supplies	866.88
WY CHILD SUPPORT	child support	318.46
WYOMING ASSN OF MUNICIPALITY	WAM convention	910.00
WYOMING DEPT OF TRANSPORTATION	Circle Dr / Sheridan Ave	1426.92
WYOMING LAW ENFORCEMENT	training	370.00
YANKEE CAR WASH	car washes	100.45
	TOTAL	615377.93