

City of Cody City Council

AGENDA

Tuesday May 5, 2015 – 7:00 p.m. (Pre-Meeting to begin at 6:30 p.m.)
Meeting Place: City of Cody Council Chambers – 1338 Rumsey Avenue, Cody, WY

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

1. 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. Approval of Minutes: Regular Meeting Minutes from 4/21/15.
- b. Approval of vouchers and payroll in the amount of \$1,121,739.37.
- c. Award Bid 2015-01 - Sale of Parcel of Public Land – Lot 7 Blk 12 Valley View Subdivision (Haugen St) to Don E. Hicks for the amount of \$29,500 and authorize the Mayor to sign documents relating to sale.
- d. Approve Change Order #1 – Rec Center LED Retrofit in the amount of \$14,750 and authorize the Mayor to sign said documents relating to change order.

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. Consider a request from Legion Baseball to close the north end of 16th Street, parking area above Milward Simpson Field, for home games and tournaments.
Staff Reference: Rick Manchester, Parks, Public Facilities and Recreation Director
Spokesperson: Bart Grenz, Legion Manager
- b. Consider a request form Legion Baseball to reduce their per game field cost from \$75/per game to \$25/per game with consideration the reduction is in exchange for the Legion Baseball team completing all infield preparation for all of their games and tournaments.
Staff Reference: Rick Manchester, Parks, Public Facilities and Recreation Director
Spokesperson: Bart Grenz, Legion Manager

- c. Approve the preliminary and final plats for the Blackburn 1 Minor Subdivision.
Staff Reference: Todd Stowell, City Planner
Spokesperson: Ed Higbie and/or Sage Civil Engineer Rep

- d. **ORDINANCE 2015-04 – FIRST READING**
AN ORDINANCE TO ADOPT AN ENTRY CORRIDOR OVERLAY DISTRICT AS TITLE 10, CHAPTER 17 OF THE CITY OF CODY CODE.
Staff Reference: Todd Stowell, City Planner

- e. **ORDINANCE 2015-05 – THIRD AND FINAL READING**
AN ORDINANCE TO AMEND TITLE 7, CHAPTER 2, SECTION 12 OF THE CITY OF CODY CODE PERTAINING TO SIDEWALK CAFES
Staff Reference: Todd Stowell, City Planner

- f. **ORDINANCE 2015-03 –THIRD AND FINAL READING**
AN ORDINANCE TO AMEND TITLE 11, CHAPTER 6 OF THE CITY OF CODY CODE PERTAINING TO BOUNDARY LINE ADJUSTMENTS AND TO INCLUDE A NEW ARTICLE THEREIN CALLED “LOT CONSOLIDATIONS”.
Staff Reference: Todd Stowell, City Planner

- 5. Tabled Items
- 6. Matters from Staff Members
- 7. Matters from Council Members
- 8. Adjournment

**City of Cody
Council Proceedings
Tuesday, April 21, 2015**

Council Member made a motion seconded by Council Member to enter into an Executive Session at 6:00 p.m. pursuant to W.S. 16-4-405(a)(ii) (to consider the appointment, employment right to practice or dismissal of a public officer, professional person or employee, or to hear complaints or charges brought against an employee, professional person or officer); and 16-4-405(a)(ix) to consider or receive any information classified as confidential by law. Council Member made a motion seconded by Council Member to exit the Executive Session at 6:37 p.m. No action was taken.

A regular meeting of the Cody City Council was held in the Council Chambers at City Hall in Cody, Wyoming on Tuesday, April 21, 2015 at 7:00 p.m.

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

Absent: Council Member Jerry Fritz

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

Council Member Miller made a motion seconded by Council Member Greer to approve the agenda as amended, removing item c from the Conduct of Business. Vote was unanimous.

Council Member Miller made a motion seconded by Council Member Ballinger to approve the consent calendar as presented including approval of Minutes: Approval of Minutes: Special Meeting Minutes from 4/2/15 and Regular Meeting Minutes from 4/7/15, approval of vouchers and payroll in the amount of \$1,391,736.39, approval an agreement between the City of Cody and Red Canyon River Trips, for an encroachment license and leases agreement for public right of way located on Beck Avenue between 12th Street and the first approach west of 12th Street, for the term May 1, 2015 through September 30, 2015. Vote was unanimous.

At 7:10 p.m. the Mayor entered into a public hearing to determine if it is in the public interest for the City of Cody to apply for a Business Ready Community Enhancement Grant from the Wyoming Business Council up to \$500,000 to provide funding to replace out of compliance playground equipment with all-inclusive ADA compliant play space at Mentock Park, located at 901 Blackburn. Cindy Baker, Administrative Services Officer and Rick Manchester, Parks, Public Facilities and Recreation Director provided background information as it relates to the WBC Grant and features of an all inclusive playground design includes. After calling for comments three times and there being none further, the Mayor closed the public hearing at 7:20 p.m.

Council Member Anderson made a motion seconded by Council Member Greer to approve a request from Cody High School Class of 2015 to sponsor the CHS graduation party for an amount not to exceed \$680.00, with the funds coming out of the Council contingency line item. Vote was unanimous.

Council Member Ballinger made a motion seconded by Council Member Anderson to approve a request from Cody High School Class of 2015 to close off a portion Beck Ave. for registration and the start of a 5K race that will begin at the intersection of Beck Ave and 11th St on Saturday, May 9th with the race starting at 9am. Vote was unanimous.

Being no motion a request from Casey Cobourn to close the South end of Pintail Street failed.

RESOLUTION 2015-08

A RESOLUTION AUTHORIZING SUBMISSION OF AN APPLICATION OF THE WYOMING BUSINESS COUNCIL-BUSINESS READY COMMUNITIES PROGRAM FOR A COMMUNITY ENHANCEMENT GRANT.

Council Member Ballinger made a motion seconded by Council Member Greer to approve Resolution 2015-08. Vote was unanimous.

RESOLUTION 2015-09

A RESOLUTION AUTHORIZING THE SUBMISSION OF A COUNTY WIDE CONSENSUS BLOCK GRANT APPLICATION TO THE STATE LOAN AND

INVESTMENT BOARD ON THE BEHALF OF THE GOVERNING BODY FOR PARK COUNTY FOR THE CITY OF CODY AND TOWN OF MEETEETSE FOR CONSTRUCTION PROJECTS AND EQUIPMENT. Council Member Anderson made a motion seconded by Council Member Greer to approve Resolution 2015-09. Vote was unanimous.

ORDINANCE 2015-05 – FIRST READING

AN ORDINANCE TO AMEND TITLE 7, CHAPTER 2, SECTION 12 OF THE CITY OF CODY CODE PERTAINING TO SIDEWALK CAFES. Council Member Wolz made a motion seconded by Council Member Ballinger to approve Ordinance 2015-05 on First Reading. Vote was unanimous.

ORDINANCE 2015-03 – SECOND READING

AN ORDINANCE TO AMEND TITLE 11, CHAPTER 6 OF THE CITY OF CODY CODE PERTAINING TO BOUNDARY LINE ADJUSTMENTS AND TO INCLUDE A NEW ARTICLE THEREIN CALLED “LOT CONSOLIDATIONS”. Council Member Anderson made a motion seconded by Council Member Wolz to approve Ordinance 2015-03 on Second Reading. Vote was unanimous.

There being no further business, Mayor Brown adjourned the meeting at 8:11 p.m.

Cynthia Baker
Administrative Services Officer

Nancy Tia Brown
Mayor

Vendor Name Vendor No	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Inventory Number
ADVANCED INFO SYSTEMS							
129162							
	12208	CYCLE 1 OUTSOURCE BILLS	04/15/2015	394.67	394.67	05/06/2015	
	12215	CYCLE 2 OUTSOURCE BILLS	04/22/2015	177.89	177.89	05/06/2015	
Total 129162:				572.56	572.56		
ATWOOD, CAROL							
130390							
	3243015	REFUNN UTILITY DEPOSIT	04/24/2015	91.74	91.74	05/06/2015	
Total 130390:				91.74	91.74		
BIG COUNTRY CONCRETE, LLC							
130245							
	1109	CONCRETE	04/07/2015	480.00	480.00	05/06/2015	
	1109	CONCRETE	04/07/2015	1,462.00	1,462.00	05/06/2015	
Total 130245:				1,942.00	1,942.00		
BLANK, NICOLE							
130381							
	9066015	REFUND UTILITY DEPOSIT	04/14/2015	44.37	44.37	05/06/2015	
Total 130381:				44.37	44.37		
BLUE CROSS BLUE SHIELD OF WYOMING							
1360							
	042015	INSURANCE PREMIUM	04/20/2015	113,124.81	113,124.81	05/06/2015	
	042015	INSURANCE PREMIUM	04/20/2015	1,044.85	1,044.85	05/06/2015	
Total 1360:				114,169.66	114,169.66		
C & C WELDING							
1690							
	18520	SANITATION REPAIRS	03/10/2015	2,591.10	2,591.10	05/06/2015	
	18532	METAL	03/13/2015	10.40	10.40	05/06/2015	
Total 1690:				2,601.50	2,601.50		
CITY OF CODY							
2260							
	042315	Utilities	04/23/2015	2,728.13	2,728.13	05/06/2015	
	042315	Utilities	04/23/2015	82.53	82.53	05/06/2015	
	042315	Utilities	04/23/2015	594.08	594.08	05/06/2015	
	042315	Utilities	04/23/2015	116.50	116.50	05/06/2015	
	042315	Utilities	04/23/2015	305.33	305.33	05/06/2015	
	042315	Utilities	04/23/2015	87.70	87.70	05/06/2015	
	042315	Utilities	04/23/2015	88.65	88.65	05/06/2015	
	042315	Utilities	04/23/2015	257.24	257.24	05/06/2015	
	042315	Utilities	04/23/2015	314.22	314.22	05/06/2015	
	042315	Utilities	04/23/2015	47.93	47.93	05/06/2015	
	042315	Utilities	04/23/2015	601.24	601.24	05/06/2015	
	042315	Utilities	04/23/2015	127.50	127.50	05/06/2015	
	042315	Utilities	04/23/2015	546.11	546.11	05/06/2015	
	042315	Utilities	04/23/2015	240.76	240.76	05/06/2015	
	042315	Utilities	04/23/2015	161.00	161.00	05/06/2015	

Vendor Name Vendor No	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Inventory Number
	042315	Utilities	04/23/2015	298.27	298.27	05/06/2015	
	042315	Utilities	04/23/2015	23.00	23.00	05/06/2015	
	042315	Utilities	04/23/2015	267.14	267.14	05/06/2015	
	042315	Utilities	04/23/2015	192.03	192.03	05/06/2015	
	042315	Utilities	04/23/2015	42.00	42.00	05/06/2015	
	042315	Utilities	04/23/2015	42.00	42.00	05/06/2015	
	042315	Utilities	04/23/2015	33.14	33.14	05/06/2015	
	042315	Utilities	04/23/2015	563.01	563.01	05/06/2015	
	042315	Utilities	04/23/2015	138.49	138.49	05/06/2015	
	042315	Utilities	04/23/2015	23.00	23.00	05/06/2015	
	042315	Utilities	04/23/2015	159.20	159.20	05/06/2015	
	042315	Utilities	04/23/2015	151.95	151.95	05/06/2015	
	042315	Utilities	04/23/2015	29.94	29.94	05/06/2015	
	042315	Utilities	04/23/2015	161.00	161.00	05/06/2015	
	042315	Utilities	04/23/2015	83.71	83.71	05/06/2015	
	042315	Utilities	04/23/2015	43.80	43.80	05/06/2015	
	042315	Utilities	04/23/2015	30.46	30.46	05/06/2015	
	042315	Utilities	04/23/2015	3,387.37	3,387.37	05/06/2015	
	042315	Utilities	04/23/2015	10,162.12	10,162.12	05/06/2015	
	042315	Utilities	04/23/2015	1,258.94	1,258.94	05/06/2015	
	042315	Utilities	04/23/2015	324.27	324.27	05/06/2015	
	042315	Utilities	04/23/2015	190.75	190.75	05/06/2015	
	042315	Utilities	04/23/2015	133.52	133.52	05/06/2015	
	042315	Utilities	04/23/2015	2.99	2.99	05/06/2015	
	042315	Utilities	04/23/2015	793.08	793.08	05/06/2015	
	042315	Utilities	04/23/2015	191.60	191.60	05/06/2015	
	042315	Utilities	04/23/2015	232.25	232.25	05/06/2015	
	042315	Utilities	04/23/2015	31.88	31.88	05/06/2015	
	042315	Utilities	04/23/2015	30.16	30.16	05/06/2015	
	042315	Utilities	04/23/2015	342.42	342.42	05/06/2015	
	042315	Utilities	04/23/2015	974.13	974.13	05/06/2015	
	042315	Utilities	04/23/2015	39.00	39.00	05/06/2015	
	042315	Utilities	04/23/2015	216.67	216.67	05/06/2015	
	042315	Utilities	04/23/2015	363.60	363.60	05/06/2015	
	042315	Utilities	04/23/2015	43.31	43.31	05/06/2015	
	042315	Utilities	04/23/2015	5,824.68	5,824.68	05/06/2015	
	042315	Utilities	04/23/2015	33.14	33.14	05/06/2015	
	042315	Utilities	04/23/2015	46.26	46.26	05/06/2015	
				<hr/>	<hr/>		
	Total 2260:			33,203.20	33,203.20		
				<hr/>	<hr/>		
CITY OF CODY							
127400							
	042815	PETTY CASH PD - ALCOHOL C	04/28/2015	18.12	18.12	05/06/2015	
	042815	PETTY CASH PD - TOBACCO C	04/28/2015	10.97	10.97	05/06/2015	
	042815	PETTY CASH PD - NOTARY FEE	04/28/2015	18.00	18.00	05/06/2015	
				<hr/>	<hr/>		
	Total 127400:			47.09	47.09		
				<hr/>	<hr/>		
CODY'S TOWN TAXI							
129972							
	041715	TIPSY TAXI VOUCHERS	04/17/2015	182.00	182.00	05/06/2015	
				<hr/>	<hr/>		
	Total 129972:			182.00	182.00		
				<hr/>	<hr/>		
CONLON, MARGARET							

Vendor Name Vendor No	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Inventory Number
130386							
	12211516	REFUND UTILITY DEPOSIT	04/20/2015	13.76	13.76	05/06/2015	
Total 130386:				13.76	13.76		
COOK, BARRY 126526							
	42215	TRAVEL REIMBURSEMENT	04/22/2015	33.22	33.22	05/06/2015	
Total 126526:				33.22	33.22		
COWBOY TIMBER TREATING INC 3250							
	033115	GUARD RAIL 12TH STREET	03/31/2015	660.00	660.00	05/06/2015	
Total 3250:				660.00	660.00		
CUSTOM GARAGE DOOR LLC 127015							
	3117	DOOR REPAIR	04/07/2015	75.00	75.00	05/06/2015	
Total 127015:				75.00	75.00		
DEPT OF FAMILY SERVICES 125899							
	0233-MAR15	BACKGROUND CHECKS - REC	04/20/2015	30.00	30.00	05/06/2015	
Total 125899:				30.00	30.00		
DEROS, TREVOR 130387							
	10123928	REFUND UTILITY DEPOSIT	04/20/2015	57.82	57.82	05/06/2015	
Total 130387:				57.82	57.82		
DW ELECTRIC 129940							
	10599	GREEN ACRES LIFT STATION	04/10/2015	304.54	304.54	05/06/2015	
Total 129940:				304.54	304.54		
ELECTRO TEST AND MAINTENANCE, INC. 4060							
	15-053	MINSKE SUB BUSHING REPAIR	03/11/2015	2,313.00	2,313.00	05/06/2015	
Total 4060:				2,313.00	2,313.00		
ENERGY WEST 2630							
	042415	UTILITIES	04/24/2015	386.14	386.14	05/06/2015	
	042415	UTILITIES	04/24/2015	85.64	85.64	05/06/2015	
	042415	UTILITIES	04/24/2015	3.88	3.88	05/06/2015	
Total 2630:				475.66	475.66		
ENGINEERING ASSOCIATES							

Vendor Name Vendor No	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Inventory Number
4140							
	042115	BAC T TESTS	04/21/2015	25.00	25.00	05/06/2015	
	042115	BAC T TESTS	04/21/2015	25.00	25.00	05/06/2015	
Total 4140:				50.00	50.00		
ENNIS PAINT, INC							
4145							
	282485	PAINT	04/06/2015	26,678.19	26,678.19	05/06/2015	
Total 4145:				26,678.19	26,678.19		
FIRST AMERICAN TITLE INSURANCE COMPANY							
130388							
	042215	TITLE REVIEW	04/22/2015	150.00	150.00	05/06/2015	
Total 130388:				150.00	150.00		
FORWARD CODY WYOMING, INC							
127450							
	041015	COMMUNITY FUNDING ALLOCA	04/10/2015	5,072.00	5,072.00	05/06/2015	
	CODY LABS -	CODY LABS WAREHOUSE	04/28/2015	672,678.00	672,678.00	05/06/2015	
Total 127450:				677,750.00	677,750.00		
GDA ENGINEERS							
4620							
	4/17/15 00001	SURVEY WORK FOR BBCOW	04/17/2015	620.00	620.00	05/06/2015	
Total 4620:				620.00	620.00		
HART, ZACHORY W							
129890							
	042215	REIMBURSE FOR Rx SAFETY G	04/22/2015	120.00	120.00	05/06/2015	
Total 129890:				120.00	120.00		
HD SUPPLY POWER SOLUTIONS, LTD							
6730							
	2774423-02	Vault, 3 phase transf	04/21/2015	1,734.37	1,734.37	05/06/2015	VLT3TRAN
	2774423-02	FREIGHT	04/21/2015	686.62	686.62	05/06/2015	
	2820167-01	HABITAT FOR HUMANITY (LES	04/06/2015	593.65	593.65	05/06/2015	
	2820226-01	HABITAT FOR HUMANITY (LES	04/06/2015	1,021.05	1,021.05	05/06/2015	
Total 6730:				4,035.69	4,035.69		
HIGH COUNTRY ROOFING							
128476							
	001997	RE-ROOF GAZEBO @ BECK LA	04/10/2015	1,100.00	1,100.00	05/06/2015	
Total 128476:				1,100.00	1,100.00		
HOLM BLOUGH & COMPANY							
5020							
	3326	MOUNTAIN SPIRIT HABITAT FO	04/20/2015	10,617.40	10,617.40	05/06/2015	

Vendor Name Vendor No	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Inventory Number
Total 5020:				10,617.40	10,617.40		
KELLOG, HEATHER D							
130382							
	14223027	REFUND CREDIT BALANCE	04/16/2015	126.96	126.96	05/06/2015	
Total 130382:				126.96	126.96		
MCI COMM SERVICE							
130077							
	6DA74955 4/11	LONG DISTANCE FOR 307-587-	04/11/2015	31.55	31.55	05/06/2015	
Total 130077:				31.55	31.55		
MORRELL, HEIDI							
130389							
	366833	REC CENTER REFUND	04/24/2015	11.00	11.00	05/06/2015	
Total 130389:				11.00	11.00		
NORCO, INC.							
128948							
	15725320	CO2	04/07/2015	213.02	213.02	05/06/2015	
	15811614	CO2	04/21/2015	15.61	15.61	05/06/2015	
	15814476	CO2	04/21/2015	118.26	118.26	05/06/2015	
Total 128948:				346.89	346.89		
OLIVE GLENN GOLF & CC							
7450							
	041015	COMMUNITY FUNDING ALLOCA	04/10/2015	1,845.45	1,845.45	05/06/2015	
Total 7450:				1,845.45	1,845.45		
POWELL VALLEY RECYCLING							
127122							
	040715	BALING WIRE	04/07/2015	1,340.00	1,340.00	05/06/2015	
Total 127122:				1,340.00	1,340.00		
RIGGKE, KYLIE							
130391							
	10004041	REFUND UTILITY DEPOSIT	04/27/2015	156.21	156.21	05/06/2015	
Total 130391:				156.21	156.21		
ROCKY MOUNTAIN POWER							
7570							
	04/17/15	UTILITIES	04/17/2015	38.36	38.36	05/06/2015	
	04/17/15	UTILITIES	04/17/2015	245.17	245.17	05/06/2015	
Total 7570:				283.53	283.53		
SAGE CIVIL ENGINEERING							
124355							
	2540	JENNI LANE EASEMENT WORK	04/07/2015	2,449.04	2,449.04	05/06/2015	

Vendor Name Vendor No	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Inventory Number
Total 124355:				2,449.04	2,449.04		
SPOMER, AMY							
129434							
	10.0630.29	REFUND FOR OVERPAYMENT	04/23/2015	759.52	759.52	05/06/2015	
Total 129434:				759.52	759.52		
STERLING CODIFIERS							
128669							
	16609	CODE CODIFYING SUPPLEMEN	03/31/2015	786.00	786.00	05/06/2015	
Total 128669:				786.00	786.00		
TITTLE, JAMIE							
130392							
	12147022	REFUND UTILITY DEPOSIT	04/27/2015	156.15	156.15	05/06/2015	
Total 130392:				156.15	156.15		
TONKIN PROPERTIES LLC							
130383							
	15979013	REFUND CREDIT BALANCE	04/16/2015	25.19	25.19	05/06/2015	
Total 130383:				25.19	25.19		
WALKER JO LYNN							
130384							
	15259013	REFUND CREDIT BALANCE	04/16/2015	1.98	1.98	05/06/2015	
Total 130384:				1.98	1.98		
WESCO RECEIVABLES CORP							
10480							
	662723	SUPPLIES	04/21/2015	169.88	169.88	05/06/2015	
Total 10480:				169.88	169.88		
WISC/UPS							
130385							
	14289610	REFUND OVER PAYMENT	04/16/2015	1,035.33	1,035.33	05/06/2015	
Total 130385:				1,035.33	1,035.33		
WYOMING DEPT OF AGRICULTURE							
123502							
	1901-1 2015	POOL LICENSING FEES	04/13/2015	50.00	50.00	05/06/2015	
	1901-2 1015	POOL LICENSING FEES	04/13/2015	50.00	50.00	05/06/2015	
	1901-3 2015	POOL LICENSING FEES	04/13/2015	50.00	50.00	05/06/2015	
	1901-4 2015	POOL LICENSING FEES	04/13/2015	50.00	50.00	05/06/2015	
Total 123502:				200.00	200.00		
WYOMING PEACE OFFICERS ASSC.							
127646							
	2015	WPOA DUES	04/20/2015	210.00	210.00	05/06/2015	

Vendor Name Vendor No	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	Date Paid	Inventory Number
Total 127646:				210.00	210.00		
Grand Totals:				887,873.08	887,873.08		

Payroll Total \$228,366.05

Total \$1,116,239.13

Report Criteria:

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

Harris Trucking - retainage payout for WWTF Discharge Replacement
\$5,500.24

NEW GRAND TOTAL \$1,121,739.37

MEETING DATE:	MAY 5, 2015
DEPARTMENT:	ADMINISTRATIVE SERVICES
PREPARED BY:	CINDY BAKER
DEPT. DIR. APPROVAL:	_____
CITY ADM. APPROVAL:	_____

AGENDA ITEM SUMMARY REPORT

Bid 2015-01 – Sale of Parcel of Public Land

ACTION TO BE TAKEN

Consider awarding Bid 2015-01 to Don E Hicks for the amount of \$29,500.00.

SUMMARY

Two bidders submitted bids for Bid 2015-01- Sale of Public Land – Lot 7 Blk 12 Valley View Subdivision (TBA) Haugen Street. These bids were opened at City Hall on April 28th at 2:00 p.m.

Don E Hicks submitted a bid in the amount of \$29,500, accompanied by the required bid guarantee of 5% of the total bid amount and bid documents.

Colin Simpson submitted a bid in the amount of \$15,300. The required bid documents were not completed and a personal check was submitted for the bid guarantee (personal checks are not accepted form for bid guarantee). The bid was lower than the minimum bid price of \$25,000, not meeting the requirements of the bid, this bid was rejected.

BACKGROUND

The City of Cody advertised for sale two parcels of public land - Lot 7 Blk 12 Valley View Subdivision – Haugen Street, as well as Lot 8 Blk 6 – Valley View Subdivision – Cover Street (Bid 2015-02). In 2011 the Council declared the two lots in Valley View as surplus and staff has advertised for bids both as a sealed bid and through the on-line auction process. Most recently the two lots were advertised through the sealed bid process, with a minimum bid of \$25,000/per lot. Two bids were received on Lot 7 Blk 12 (one not meeting the minimum) and one bid on Lot 8- Blk 6 (Bid 2015-02) again not meeting the minimum bid amount. One of the two parcels was deeded to the City, while the other the City acquired for the amount of \$21,404.92 which included SID payoff and back taxes.

FISCAL IMPACT

If awarded the City of Cody would see an increase of revenue for FY14-15 in the amount of \$29,500. Per bid documents, the buyer is responsible for all closing cost, thus there is no expense to the City for the sale of this property.

AGENDA ITEM NO. _____

ALTERNATIVES

Approve or deny the award of Bid 2015-01 – Sale of Parcel of Public Land – Lot 7 Blk 12 Valley View

RECOMMENDATION

Staff recommends the City Council award Bid 2015-01 to Don E Hicks for the sale of parcel of public land in the amount of \$29,500. No action will be taken on Bid 2015-02 and staff will consider advertising for sale in the near future.

ATTACHMENTS

1. Bid packet 2015-01

AGENDA & SUMMARY REPORT TO:

Don E Hicks



**TABLE OF CONTENTS
BID NO. 2015-01**

DOCUMENTS INCLUDED IN PACKET FOR BID NO 2015-01

	<u>Pages</u>
1. ADVERTISEMENT FOR BID (ON THIS PAGE, BELOW)	1
2. INSTRUCTION SHEET	2
3. BID PROPOSAL FORM	3-4

For more information: City of Cody 307-587-7511

**ADVERTISEMENT FOR BIDS
BID NO. 2015-01**

The City of Cody is requesting sealed bids for a parcel of public land described as Lot 7 Blk 12 Valley View Subdivision (TBD) Haugen Street. Bids are to be addressed to the City of Cody, P.O. Box 2200, 1338 Rumsey Avenue, Cody, Wyoming 82414 and shall be marked with the bid number on the outside of the envelope.

The sealed bids must be returned to the City of Cody no later than April 28, 2015 at 2:00 p.m. The bid opening will be held at that time at Cody's City Hall. A bid packet may be obtained from City Hall or by calling 527.7511.

The City reserves the right to reject any and/or all bids and further reserves the right to waive any informalities if deemed in the best interest of the City. No bid may be considered unless accompanied by the required bid guarantee of 5% of the total bid amount.

Cynthia Baker
Administrative Services Officer
The City of Cody

Publish: April 7, 2015
April 14, 2015
April 21, 2015



INSTRUCTIONS: BID # 2015-01 – SALE OF PUBLIC LAND

The Bidder agrees to supply a sealed bid for the purchase of the parcel of public land as described below:

Lot 7 Blk 12 Valley View Subdivision TBD Haugen Street

The minimum bid price is \$25,000.00 and all bids lower than \$25,000.00 will not be considered. Buyer will be responsible for all closing costs associated with the sale and should be prepared to close within 30 days of Council's approval of bid.

The City reserves the right to reject any and/or all bids and further reserves the right to waive any informality if deemed in the best interest of the City.

The undersigned warrants that he/she has read and understands the requirements of the City of Cody, that he/she encloses a bid bond in the amount of not less than five percent (5%) of the "TOTAL BID" amount. All bid guarantees must be received in the form of a cashier's check or money order. No personal or business checks will be accepted as a bid guarantee. If a bid is received without the necessary 5% bid guarantee it will be rejected.

Award of bid shall be made by Notice of Award, which shall be accompanied by a binding agreement to supply the unit pursuant to the bid documents. Bidder warrants that Bidder has read the proposed agreement and agrees to the terms and conditions contained therein.

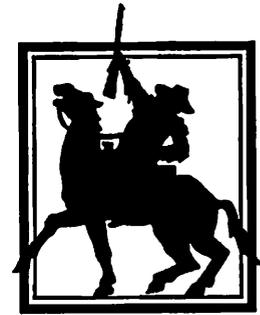
Bids are to be addressed to the City of Cody, P.O. Box 2200, 1338 Rumsey Avenue, Cody, Wyoming 82414 and shall be marked "**Bid No. 2015-01 Public Land Sale**" on the outside of the envelope. If bidders would like to view the parcel or have further questions, please contact Cindy Baker by calling 527-7511.

The sealed bids must be returned to the City of Cody no later than April 28, 2015 at 2:00 PM. which will be the date and time of the bid opening.

BID PROPOSAL FORM - BID 2015-01

City of Cody, Wyoming

Mayor and City Council
City of Cody
PO Box 2200
1338 Rumsey Avenue
Cody, WY 82414



CITY OF CODY
WYOMING

The undersigned Bidder agrees to purchase the surplus materials listed on page 4 of this packet.

The offer made herein shall be binding for 30 days after the date of bid opening.

Award of bid shall be made by Notice of Award, which shall be accompanied by a binding agreement to purchase the units listed on page 4 pursuant to the bid documents. Bidder warrants that Bidder has read the proposed agreement and agrees to the terms and conditions contained therein. Buyer will be responsible for all closing cost associated with sale and should be prepared to close within 30 days or the time frame specified by the City of Cody upon receipt of Notice of Award.

Date _____

Signature

Typed or Printed Name

Company

Mailing Address

City, State and Zip

E-mail Address



**SPECIFICATION / PROPOSAL FORM
PUBLIC LAND
BID NO. 2015-01 Sale Public Land**

Number of Items	Item Description	Special Instructions	# You Are Bidding On	Written Value of Bid	Numerical Bid Price
(1)	Lot 7 Blk. 12 Valley View Subdivision; TBD Haugen Street; Vacant Residential Lot – Size 100’x100’ – zoned AA residential	Minimum Bid Price of \$25,000.00			
Total Price Bid					

MEETING DATE: MAY 5, 2015
DEPARTMENT: PUBLIC FACILITIES
PREPARED BY: RICK MANCHESTER,
DIRECTOR
PRESENTED BY: RICK MANCHESTER

AGENDA ITEM SUMMARY REPORT

Rec Center LED Retrofit Change Order #1

ACTION TO BE TAKEN:

Request City Council to authorize the Mayor to sign LED Retrofit Change Order #1 for \$14,750. The amount is to purchase 50 Corn Lights 100WCL and installation. The lights will be used to replace the wall packs in the swimming pool.

SUMMARY OF INFORMATION:

While preparing the retrofit project we were concerned about the budget. We decided not to include the wall packs until we were sure the budget would allow for the replacements. Since we received such a favorable bid I would like to go ahead and replace the wall packs also. I have negotiated the CO#1 price from \$18,780 to the current cost of \$14,750. By replacing the wall packs, we will have greater illumination on the pool deck. This will be especially helpful early in the morning, later in the evening and on overcast days when we have less natural light coming through the windows.

FISCAL IMPACT

The budget was \$100,000 and the bid came in at \$85,838.68, plus cost of \$1,000 paid to Ameruo International. The Change Order is \$14,750 making the total project cost \$101,588.68. The additional \$1,588.68 would be charged to Improvements Other Than Buildings, Account - Capital Improvement Program 38-420-7408

ALTERNATIVES

1. Staff recommends approving the Change Order #1.
2. Do not approve the Change Order.
3. Replace a portion of the lights

ATTACHMENTS

1. CO#1 from Electrical Ally.

AGENDA & SUMMARY REPORT TO:

Loren Hazel
Electrical Ally Inc.
3419 Appalachian Avenue
Cody WY 82414
Electricalally@hotmail.com
307-586-3782

AGENDA ITEM NO. _____



3419 Appalachian Ave.

electricalally@hotmail.com

Phone # 307-586-3782

Change Order

Date	Estimate #
4/17/2015	365

Name / Address
CITY OF CODY ATTN: RICK MANCHESTER P.O. BOX 2200 CODY, WYOMING 82414

Project			
REC CENTER LED RETROFIT			
Qty	Description	Rate	Total
50	CHANGE ORDER TO ADD 50 WALLPACKS IN THE POOL AREA TO THE LED RETROFIT PROJECT. 100W CORN LIGHT 100WCL LABOR FOR INSTALLATION	240.00 2,750.00	12,000.00 2,750.00
Total			\$14,750.00

MEETING DATE: MAY 5, 2015
DEPARTMENT: PARKS AND RECREATION
PREPARED BY: RYAN SELK, PARKS AND
PATHWAYS SUPERVISOR
PRESENTED BY: RYAN SELK AND
RICK MANCHESTER

AGENDA ITEM SUMMARY REPORT

Legion Baseball Street Closure Request

ACTION TO BE TAKEN:

Request that City Council allows Legion Baseball to close (Very North end of 16th Street, parking area above Milward Simpson Field) for home games and tournaments. The closure is to require spectators to pay an entrance fee for Legion games.

SUMMARY OF INFORMATION:

Legion Baseball has for a very long time, in the past, blocked off the parking area above the Milward Simpson Memorial Field to collect fees from spectators of their games and tournaments. They would like Council approval to continue this action in the future. This does block access for people not wanting to watch the games but to get to Hugh Smith Park. However, there is an alternate road to Hugh Smith off of 19th Street.

FISCAL IMPACT:

The City does not collect or share any of the gate money received by Legion Baseball.

ALTERNATIVES:

1. Do not allow the street closure
2. Allow the street closure
3. Allow the street closure, but also allow unimpeded access to Hugh Smith Park

ATTACHMENTS:

1. Agenda Request Form
2. Google map of closure location

AGENDA & SUMMARY REPORT TO:

Bart Grenz, Legion Manager
PO Box 1213
Cody WY 82414
bgrenz@park6.org
(307) 250-3236

AGENDA ITEM NO. _____

City of Cody Agenda Request Form

In order to fully prepare the Council for their meetings, individuals wishing to appear before the Council are asked to complete the following information prior to placement on the agenda. You may be notified by mail, telephone or e-mail of the date you have been scheduled to appear. You may also be contacted by City staff prior to the meeting to see if your concerns can be addressed without appearing before the Council.

Please provide the following detailed information relating to your concern or request. This form (and any relevant attachments) is due no later than seven days prior to a Council meeting to allow sufficient time for internal review. Council packets are prepared the Wednesday prior to the Tuesday meetings. Meetings are held the first and third Tuesday of each month. Please complete the following information in full and return to City of Cody PO Box 2200 Cody, WY 82414 (Fax 307-527-6532)

Name of person to appear before the Council Cody American Legion Baseball

Organization Represented Katie McClure

Date you wish to appear before the Council _____

Mailing Address PO Box 1213 Telephone 307-366-8158

E-Mail Address katie031@bresnan.net

Preferred form of contact: Telephone X E-Mail _____

Names of all individuals who will speak on this topic Katie McClure, Bart Grenz
Bret Morris

Event Title (if applicable) _____

Date(s) of Event (if applicable) ~~2015~~ Home games & tournaments

Full description of topic to be discussed (include all relevant information, attach additional sheet if necessary) Request for partial closure of the end of 16th st. to charge admission for games. We would still allow complete and free access to parks and other fields. The street is used as a parking lot during games.

Which City employee(s) have you spoken to about this issue? Rick Manchester

Signature [Handwritten Signature] Date 4/22/15



Google earth

feet 1000
meters 300



MEETING DATE: MAY 5, 2015
DEPARTMENT: PARKS AND RECREATION
PREPARED BY: RYAN SELK,
PARKS AND PATHWAYS SUPERVISOR
PRESENTED BY: RYAN SELK & RICK MANCHESTER

AGENDA ITEM SUMMARY REPORT

Legion Baseball Request for Fee Reduction

ACTION TO BE TAKEN:

Staff requests that the City Council approves the Legion Baseball request to reduce their per game field cost. The current fee is \$75 per game. Legion is requesting a fee of \$25/game and staff recommends \$38/game. The fee reduction is in exchange for Legion Baseball team completing all infield preparation for all of their games.

SUMMARY OF INFORMATION:

The City Parks crew is often unable to meet the high expectations due to caring for seven other fields, often all on the same day. The majority of Legion games fall on weekends and evenings, which requires Parks staff to be paid overtime or if possible flex their time.

The Legion coaching staff has expressed interest in the past regarding the City allowing the Legion team and coaching staff to prep their field before games and between games. They are a very capable group that knows what they need, when they need it, and how to get it done.

FISCAL IMPACT:

Depending on selected alternative.

36 scheduled home games, not including tournaments (Tournament info not available)

- | | |
|---|-----------|
| 1.) Status Quo \$75/game=\$2,700 minus seasonal staff wages approx. (\$1,140) = | \$1,560 |
| 2.) \$38/game (No staff wages) | = \$1,368 |
| 3.) \$25/game (No staff wages) | = \$900 |

ALTERNATIVES:

1. Status Quo--\$75/game--City completes field prep
2. \$25/game--Legion completes field prep
3. \$38/game--Legion completes field prep
4. Other

ATTACHMENTS:

1. Agenda Request Form

AGENDA & SUMMARY REPORT TO:

Bart Grenz, Legion Manager
PO Box 1213--Cody WY 82414
bgrenz@park6.org
(307) 250-3236

AGENDA ITEM NO. _____

City of Cody Agenda Request Form

In order to fully prepare the Council for their meetings, individuals wishing to appear before the Council are asked to complete the following information prior to placement on the agenda. You may be notified by mail, telephone or e-mail of the date you have been scheduled to appear. You may also be contacted by City staff prior to the meeting to see if your concerns can be addressed without appearing before the Council.

Please provide the following detailed information relating to your concern or request. This form (and any relevant attachments) is due no later than seven days prior to a Council meeting to allow sufficient time for internal review. Council packets are prepared the Wednesday prior to the Tuesday meetings. Meetings are held the first and third Tuesday of each month. Please complete the following information in full and return to City of Cody PO Box 2200 Cody, WY 82414 (Fax 307-527-6532)

Name of person to appear before the Council Bart Grenz
Organization Represented Cody American Legion Baseball
Date you wish to appear before the Council _____
Mailing Address PO Box 1213 Telephone 307-250-3236
E-Mail Address bgrenz@park6.org
Preferred form of contact: Telephone _____ E-Mail X
Names of all individuals who will speak on this topic Bart Grenz, Katie McClure,
Bret Morris
Event Title (if applicable) _____
Date(s) of Event (if applicable) April - Aug 2015 - Home A & B games
Full description of topic to be discussed (include all relevant information, attach additional sheet if necessary) The ~~base~~ Legion baseball program requests a decrease in game day fees in exchange for the team prepping the field instead of a city employee. We are proposing the fee be \$25 instead of \$75. We will drag, chalk, prepare →
Which City employee(s) have you spoken to about this issue? Ryan Selk
Signature [Signature] Date 4/22/15

* Please send agenda to Bart

the pitching mound and home plate ~~the~~ before any home games. It was discussed with us that we would be able to use the city dragger, chalker and chalk.

MEETING DATE:	MAY 5, 2015
DEPARTMENT:	CITY PLANNER
PREPARED BY:	TODD STOWELL
CITY ADM. APPROVAL:	_____
PRESENTED BY:	TODD STOWELL

AGENDA ITEM SUMMARY REPORT
The Preliminary and Final Plats of the Blackburn 1 Minor Subdivision

ACTIONS TO BE TAKEN

Approve the preliminary and final plats of the Blackburn 1 Minor Subdivision.

SUMMARY

The Higbie Family Revocable Trust has submitted a preliminary plat and final plat for a two-lot minor subdivision. The 0.72-acre property is Lot 9 of the Blackburn Planned Unit Development at the north end of Blackburn Street. On September 23, 2014, the Planning and Zoning Board approved a "duplex" style shop/office project on the property, which project is almost completed. As anticipated, the property owner has now submitted the application to divide the property in half, thereby separating each half of the "duplex" onto its own lot.

Staff has worked with the surveyor and applicant such that the preliminary and final plat documents address all necessary items. The plats note the private nature of the sewer system and street system. A lot owner's association is already in place for the maintenance of the private infrastructure. Utility connections for each lot have already been completed in conjunction with the construction of the building.

The Planning and Zoning Board recommends approval of the preliminary plat along with noted variances to the alley requirement and sidewalk requirement. They noted that variances were granted with the underlying Planned Unit Development subdivision, and now there are no alley or sidewalk systems for this minor subdivision to tie into.

The Board recommends approval of the final plat as presented.

RECOMMENDATIONS:

Preliminary Plat:

Approve the preliminary plat for the Blackburn 1 Minor Subdivision, with the variances to the alley and sidewalk requirements.

Final Plat:

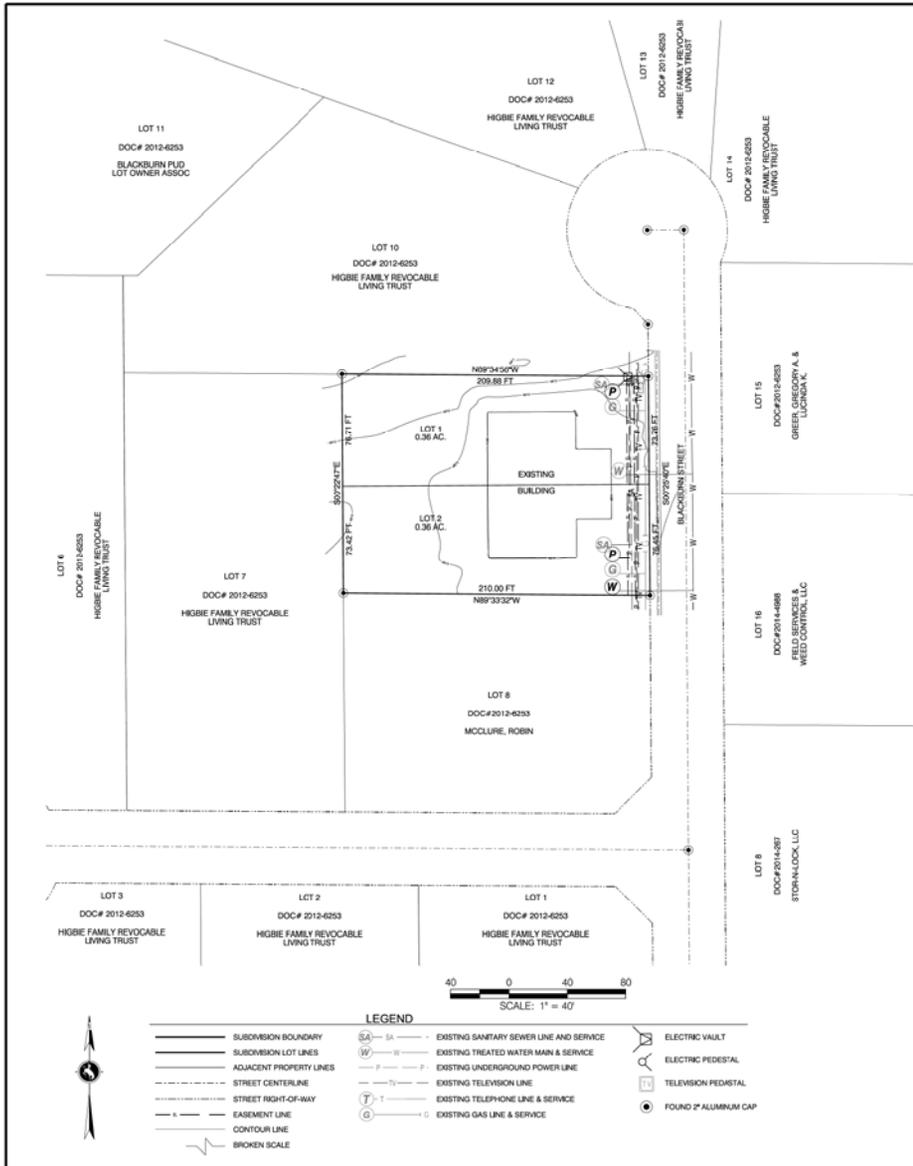
Approve the final plat for the Blackburn 1 Minor Subdivision, as presented.

ATTACHMENTS:

Preliminary Plat and Final Plat

AGENDA & SUMMARY REPORT TO: Ed Higbie and Sage Civil Engineering

AGENDA ITEM NO. _____



NOTES

- TOTAL SUBDIVISION AREA IS 0.72 ACRES +/-.
- PROPOSED SITE USAGE IS COMMERCIAL.
- ZONING FOR THIS SUBDIVISION IS D-3.
- EXISTING UTILITIES (REFER TO BLACKBURN SUBDIVISION RECORD DRAWINGS):
 CITY OF CODY - TREATED WATER: 6 FT DEPTH (APPROX.)
 CITY OF CODY - ELECTRICAL: 36-48 IN DEPTH (APPROX.)
 BLACKBURN PUD LOT OWNERS ASSOCIATION - SANITARY SEWER: 10 IN PVC,
 7 FT DEPTH (APPROX.)
 ENERGY WEST - GAS LINE: 3 FT DEPTH (APPROX.)
 TCT - EXISTING WITHIN 10-FT EASEMENT ALONG EAST SIDE OF SUBDIVISION
 CHARTER- EXISTING WITHIN 10-FT EASEMENT ALONG EAST SIDE OF SUBDIVISION
 CENTURY LINK- EXISTING WITHIN 10-FT EASEMENT ALONG EAST SIDE OF SUBDIVISION
 CODY CANAL - NOT IN THE AREA
 NRW - NOT IN THE AREA
 5. WATER RIGHTS FOR THIS PROPERTY HAVE BEEN DETACHED.
 6. CONTOURS SHOWN ARE 1-FT INTERVALS.
 7. PARTY WALL AND HANDICAP PARKING AGREEMENT: THE OWNERS OF THE BLACKBURN 1
 MINOR SUBDIVISION LOTS HEREBY AGREE THAT THE PARTY WALL WITHIN THE BUILDING
 STRUCTURE (ALSO KNOWN AS THE LOT LINE) BETWEEN THE TWO LOTS CANNOT BE
 PENETRATED IN ANY NATURE BECAUSE IT IS A FIREWALL.
 IT IS ALSO AGREED THAT IF THERE IS ANY DAMAGE TO THE PARTY WALL, THE PERSON WHO
 CAUSED THE DAMAGE SHALL BE REQUIRED TO REPAIR THE WALL WITH NO COST TO THE
 ADJOINING LOT OWNER. IT IS FURTHER AGREED THAT THE HANDICAP PARKING SPACE WILL
 BE SHARED BY BOTH LOT OWNERS. THIS AGREEMENT SHALL BE PART OF A WARRANTY DEED.

DESCRIPTION OF LANDS

A PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 LOT 9 OF THE AMENDED BLACKBURN P.U.D. AS RECORDED IN PLAT CABINET K, PAGE 162,
 LOCATED WITHIN LOT 15 OF THE FAIR ACRES WEST SUBDIVISION, BEING A PORT OF TRACT 40,
 RESURVEY T.53N., R.101W., 6TH P.M., CITY OF CODY, PARK COUNTY, WYOMING.

EASEMENT NOTES

- AN EXISTING 10-FT WIDE UTILITY EASEMENT ALONG THE EAST BOUNDARY OF LOT 9 OF THE BLACKBURN PUD.
- AN EXISTING 5-FT WIDE SANITARY SEWER EASEMENT ALONG THE EAST BOUNDARY OF LOT 9 OF THE BLACKBURN SUBDIVISION.

SUBDIVISION NOTES

- BEARING BASE: BEARINGS AND DISTANCES SHOWN ON THIS PLAT ARE GEODETIC BASED ON THE WYOMING STATE PLANE COORDINATE SYSTEM, NAD83, WYOMING WEST CENTRAL ZONE.
- ALL SURVEY WORK WAS COMPLETED TO AN ACCURACY OF 1:15,000.
- TOTAL SUBDIVISION AREA IS 0.72 ACRES.
- THIS SURVEYOR DID NOT COMPLETE AN ABSTRACT TITLE SEARCH AS PART OF THIS SURVEY. THE LANDS WITHIN THE BLACKBURN 1 MINOR SUBDIVISION MAY BE SUBJECT TO ADDITIONAL EASEMENTS OR RIGHT-OF-WAYS NOT SHOWN HEREON.

REQUESTED VARIANCES

- CITY ORDINANCE 11-4-2 (P): A VARIANCE TO THE REQUIREMENT FOR ALLEYS IS HEREBY REQUESTED.
- CITY ORDINANCE 11-4-2 (Q): A VARIANCE TO THE REQUIREMENT FOR SIDEWALKS IS HEREBY REQUESTED.

APPROVALS

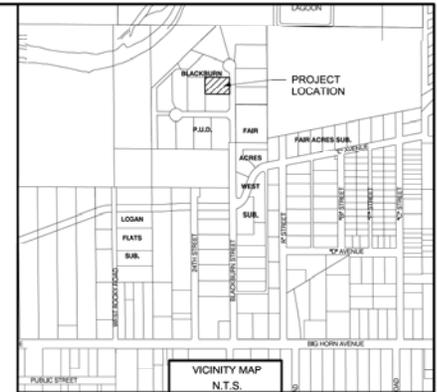
CITY PLANNING AND ZONING BOARD
 RECOMMENDED FOR APPROVAL THIS DAY OF _____, 20____
 BY THE CITY PLANNING AND ZONING BOARD OF CODY, WYOMING.

BY CHAIRMAN: _____

CITY COUNCIL
 APPROVED THIS DAY _____, 20____ BY
 THE CITY COUNCIL OF CODY, WYOMING.

BY MAYOR: NANCY TIA BROWN

ATTESTED BY: ADMINISTRATIVE SERVICES DIRECTOR



CERTIFICATE OF SURVEYOR

I, PAUL R. CAMPBELL, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF WYOMING, DO HEREBY CERTIFY AS FOLLOWS: THE LANDS SHOWN HEREON WERE SURVEYED BY ME OR UNDER MY DIRECT SUPERVISION; THE LANDS SURVEYED ARE CORRECTLY DESCRIBED IN THE DESCRIPTION OF LANDS AND THE SUBDIVISION THEREOF IS CORRECTLY SHOWN ON THIS PLAT, WHICH IS DRAWN TO THE SCALE INDICATED; I AM FAMILIAR WITH THE CITY OF CODY SUBDIVISION REGULATIONS AND BELIEVE THIS SUBDIVISION COMPLIES WITH THEM IN EVERY RESPECT.

PAUL R. CAMPBELL
 WYOMING REGISTRATION NO. 2571 L.S.

PRELIMINARY PLAT

BLACKBURN 1 MINOR SUBDIVISION

BEING A DIVISION OF LOT 9
 OF THE AMENDED BLACKBURN PUD
 RESURVEY T.53N., R. 101 W., 6TH P.M.,
 CITY OF CODY, PARK COUNTY, WYOMING

DEVELOPER / OWNER:

HIGBIE FAMILY REV. TRUST
 213 N. 44TH STREET
 CODY, WY 82414
 DOC# 2012-6253

ENGINEER & SURVEYOR:

SAGE CIVIL ENGINEERING
 AND SURVEYING
 2844 BELMONT AVE. 716 E. ROCKWELL AVE.
 CODY, WY 82414 FREDERICK, WY 82001
 307-527-0915 307-527-0915

APRIL 04, 2015 PROJECT # 2015-08 FIELD SURVEY NOV 16TH - NOV 21ST 2014
 DRAWN BY: SP 2015-08_Prelim_Plat BY: SP FIELD BOOK: 14388A

MEETING DATE:	MAY 5, 2015
DEPARTMENT:	CITY PLANNER
PREPARED BY:	TODD STOWELL
CITY ADM. APPROVAL:	_____
PRESENTED BY:	TODD STOWELL

AGENDA ITEM SUMMARY REPORT
An Ordinance to Adopt an Entry Corridor Overlay District
as Title 10, Chapter 17 of the City of Cody Code

ACTION:

First Reading of Ordinance 2015-04, adopting an Entry Corridor Overlay District, which includes landscaping standards. The official public hearing will be held at the May 19, 2015 Council meeting.

BACKGROUND:

It is currently a requirement of the City code that landscaping plans be submitted for approval by the Planning and Zoning Board for all new development in commercial and industrial zoning districts. However, there are no specific standards to guide applicants or the Planning and Zoning Board in the preparation and review of those plans. With the intent of establishing specific landscaping standards for properties along the entry corridors (commercial areas along the state highways), the City Council directed the formation of a subcommittee to prepare an ordinance for their consideration. The attached ordinance is the result of the work of the subcommittee and Planning and Zoning Board.

The proposed ordinance creates an “overlay” district, much like the downtown architectural district, in that it establishes standards in addition to those of the underlying zoning district. The first part of the ordinance sets up the overlay, while the balance of the ordinance outlines the landscaping standards for properties within that overlay.

A few highlights of the ordinance:

- The overlay requirements (landscaping) only apply to new development and redevelopment.
- A minimum of 5% of the property is to be landscaped.
- If <10% expansion or redevelopment, the project is exempt.
- If 10-75% expansion or redevelopment, proportional compliance is required.
- >75% expansion or redevelopment, full compliance is required.
- A variety of landscaping materials are acceptable, provided they are arranged to give a 3D presence to the landscaped area.

FISCAL IMPACT

No direct impacts to the City budget are anticipated.

ATTACHMENTS

Ordinance 2015-04 and Exhibit “A” (Overlay District Boundary on Zoning Map).

ALTERNATIVES

Approve, deny, or amend Ordinance 2015-04.

AGENDA ITEM NO. _____

RECOMMENDATION

The Planning and Zoning Board recommended approval of Ordinance 2015-04 at their April 14, 2015 meeting.

ORDINANCE NO. 2015-04

AN ORDINANCE TO ADOPT AN ENTRY CORRIDOR OVERLAY DISTRICT AS TITLE 10, CHAPTER 17 OF THE CITY OF CODY CODE

WHEREAS, on April 14, 2015, the City of Cody Planning, Zoning, and Adjustment Board recommended adoption of an ordinance to create an Entry Corridor Overlay District, with associated landscaping standards, which recommendation the governing body has received and fully considered; and,

WHEREAS, the ordinance will provide direction to applicants as they prepare their landscaping plans for development along the City's entry corridors, and to the Planning and Zoning Board as they review those plans;

WHEREAS, the Entry Corridor Overlay District and associated standards are intended to improve, protect and conserve property values; promote health and general welfare; and prevent the overcrowding of land; and,

WHEREAS, after holding a properly advertised public hearing on May 19, 2015, and considering all public comments, the governing body has determined that it is in the public interest to adopt an Entry Corridor Overlay District as Title 10, Chapter 17 of the City of Cody code.

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

SECTION 1: The following is hereby adopted as Title 10, Chapter 17, of the City of Cody Code:

CHAPTER 17 **ENTRY CORRIDOR OVERLAY DISTRICT**

10-17-1 PURPOSE: The purpose of the entry corridor overlay district is to promote attractive development and redevelopment along the main commercial corridors of the City. The implementation of this overlay zone will help make the community more attractive and livable; improve and maintain property values; enhance the appeal of the City to residents, tourists and other visitors; and promote increased economic activity.

10-17-2 OVERLAY DISTRICT: The entry corridor overlay district is an overlay district, in that the standards set forth herein are in addition to those of the underlying zoning district.

10-17-3 DISTRICT BOUNDARIES: The entry corridor overlay district includes those properties identified as such on Exhibit A to this ordinance, and shall hereafter be identified on the official zoning district map of the City of Cody. Furthermore, any development or redevelopment project that is partially within the entry corridor overlay district shall be subject to the regulations of this chapter as if it were fully located within the district.

10-17-4 APPLICABILITY: Any redevelopment or new development within the overlay district, whether conducted within a building or outdoors (e.g. vehicle display), shall be subject to the full provisions of this chapter; with the following exceptions:

- A. Residential buildings with less than four dwelling units shall be exempt from the requirements of this chapter.
- B. Replacement of a building due to its destruction from accidental fire, explosion or other casualty, act of God, the public enemy, or intentional acts other than those caused directly or indirectly by the owner shall be exempt; provided a

building permit for such replacement is obtained within 365 days of the destructive event. This exception applies only to the extent and size of the previously existing building.

- C. Redevelopment that involves voluntary replacement of less than ten (10) percent of a building, and new development that increases building size or outdoor use area by less than ten (10) percent, need not comply with the requirements of this chapter. The percentage shall be calculated from the date of adoption of this ordinance.
- D. Redevelopment that involves voluntary replacement of 10 to 75 percent of a building, and new development that increases building size or outdoor use area by 10 to 75 percent, need only provide landscaping according to the requirements of section 10-17-5 in proportion to the percent of redevelopment/development. The percentage shall be calculated from the date of adoption of this ordinance. (Note: Redevelopment that involves voluntary replacement of more than 75 percent of a building, and new development that increases building size or outdoor use area by more than 75 percent shall fully comply with the landscaping requirement of section 10-17-5.)

10-17-5 LANDSCAPING:

- A. Landscaping shall be provided within the entry corridor overlay district in the following manner.
 - 1. A minimum of five percent of the subject property shall be landscaped, except as noted below. For purposes of calculating the size of the subject property, any undevelopable land (e.g. hillside) shall not be included. Existing landscaping that is healthy and otherwise meets the standards of this chapter may be counted towards this requirement.
 - 2. The required landscaping shall be primarily located in the front of the property and should typically be along the street frontage, in landscaped islands, and next to the building.
 - 3. Landscaping materials shall be of sufficient size, number, and variety to give a three-dimensional presence (height, width, and depth) to the landscaped area(s).
 - 4. Suitable landscaping materials include trees, shrubs, groundcover, flowers, ornamental grasses, decorative rock, landscape boulders, water features, works of art, and other similar materials approved by the Planning and Zoning Board.
 - 5. Trees shall be of good quality and measure in size a minimum of 1 ½ inch caliper (tree diameter, measured 6" above ground) if deciduous, and a minimum of four (4) feet in height if evergreen. Tree seedlings and whips may supplement larger trees, but alone shall not be considered sufficient where trees are used to comply with 10-17-5(A)(3) above.
 - 6. All vegetation is to be climate and location appropriate, such that it will grow and thrive where planted.
 - 7. All landscape plants shall be provided with a method of irrigation.
 - 8. Up to one-fourth of the required landscaping may be located in the public street right-of-way when the street is improved with curb, gutter and sidewalk and not identified for future widening on any WYDOT or City transportation improvement plan. Any landscaping within the right-of-way further requires an encroachment permit from WYDOT or Public Works, as applicable.
 - 9. Protection of utility lines in landscape areas shall be accomplished by complying with the requirements outlined in Title 7 Chapter 4 of the City Code.
 - 10. If a final certificate of occupancy for the project is desired prior to completion of the landscaping, the property owner or lessee shall provide a financial security in such form and amount acceptable to the City to guarantee installation of all landscaping by a date agreeable to the City, based on the specific characteristics of the situation. If weather is not a factor, a typical deadline will be 90 days from the date of occupancy. If

weather precludes installation, the deadline shall not be later than June 15th of the next growing season.

- B. Maintenance required. All landscaping required by this chapter or previously approved site plans is to be maintained in a healthy, weed-free, manner. Dead and severely diseased vegetation shall be replaced with similar types of healthy living plants, or as otherwise authorized by the Planning and Zoning Board so that the intent of the landscaping plan is met.

Plans: Landscape plans shall be submitted to the City for all landscaping required pursuant to this section. The plans shall be drawn to scale and depict the type, number, sizes and approximate locations of all landscaping materials. Review and approval of landscaping plans shall be by the Planning and Zoning Board. Landscaping plan review is to be conducted in conjunction with required site plan or landscape and architectural review, when such review is required. If no other review is required, the landscape plan review may be conducted independently by the Board. The Planning and Zoning Board has authority to approve, deny, or require modifications to landscaping plans, based upon the standards of this chapter.

SECTION 2: EFFECTIVE DATE. That this Ordinance shall become effective after final passage and publication in the Cody Enterprise as required by law.

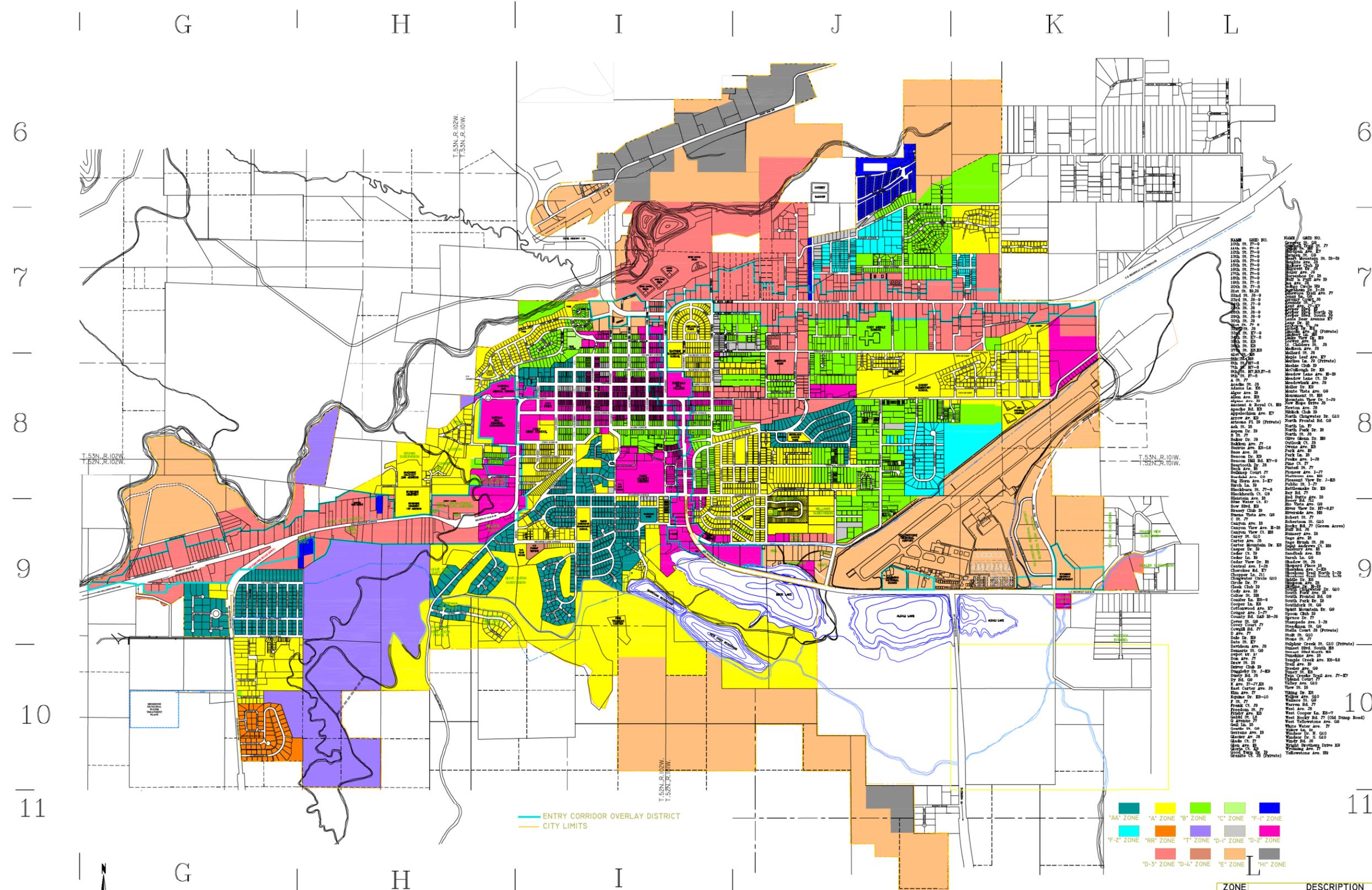
SECTION 3: SEVERABILITY. Should any portion of this ordinance be found for any reason to be unconstitutional, unlawful or otherwise void or unenforceable, the balance of the ordinance shall be severable therefrom, and shall survive such declaration, remaining in full force and effect.

PASSED ON FIRST READING: _____
PASSED ON SECOND READING: _____
PASSED ON THIRD READING: _____

Nancy Tia Brown, Mayor

Attest:

Cynthia Baker
Administrative Services Director



NAME	GRID NO.	NAME	GRID NO.
10th St	7-9	10th St	7-9
11th St	7-9	11th St	7-9
12th St	7-9	12th St	7-9
13th St	7-9	13th St	7-9
14th St	7-9	14th St	7-9
15th St	7-9	15th St	7-9
16th St	7-9	16th St	7-9
17th St	7-9	17th St	7-9
18th St	7-9	18th St	7-9
19th St	7-9	19th St	7-9
20th St	7-9	20th St	7-9
21st St	7-9	21st St	7-9
22nd St	7-9	22nd St	7-9
23rd St	7-9	23rd St	7-9
24th St	7-9	24th St	7-9
25th St	7-9	25th St	7-9
26th St	7-9	26th St	7-9
27th St	7-9	27th St	7-9
28th St	7-9	28th St	7-9
29th St	7-9	29th St	7-9
30th St	7-9	30th St	7-9
31st St	7-9	31st St	7-9
32nd St	7-9	32nd St	7-9
33rd St	7-9	33rd St	7-9
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36th St	7-9	36th St	7-9
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92nd St	7-9	92nd St	7-9
93rd St	7-9	93rd St	7-9
94th St	7-9	94th St	7-9
95th St	7-9	95th St	7-9
96th St	7-9	96th St	7-9
97th St	7-9	97th St	7-9
98th St	7-9	98th St	7-9
99th St	7-9	99th St	7-9
100th St	7-9	100th St	7-9

NO.	REVISION	DATE	BY
100	DRG. 2004-01 RESERVING 1/2" AND 1/4" STAIRCASE AVENUE	01/07/05	...
101	DRG. 2004-01 RESERVING 1/2" AND 1/4" STAIRCASE AVENUE	01/07/05	...
102	DRG. 2004-01 RESERVING 1/2" AND 1/4" STAIRCASE AVENUE	01/07/05	...
103	DRG. 2004-01 RESERVING 1/2" AND 1/4" STAIRCASE AVENUE	01/07/05	...
104	DRG. 2004-01 RESERVING 1/2" AND 1/4" STAIRCASE AVENUE	01/07/05	...
105	DRG. 2004-01 RESERVING 1/2" AND 1/4" STAIRCASE AVENUE	01/07/05	...
106	DRG. 2004-01 RESERVING 1/2" AND 1/4" STAIRCASE AVENUE	01/07/05	...
107	DRG. 2004-01 RESERVING 1/2" AND 1/4" STAIRCASE AVENUE	01/07/05	...
108	DRG. 2004-01 RESERVING 1/2" AND 1/4" STAIRCASE AVENUE	01/07/05	...
109	DRG. 2004-01 RESERVING 1/2" AND 1/4" STAIRCASE AVENUE	01/07/05	...
110	DRG. 2004-01 RESERVING 1/2" AND 1/4" STAIRCASE AVENUE	01/07/05	...
111	DRG. 2004-01 RESERVING 1/2" AND 1/4" STAIRCASE AVENUE	01/07/05	...
112	DRG. 2004-01 RESERVING 1/2" AND 1/4" STAIRCASE AVENUE	01/07/05	...
113	DRG. 2004-01 RESERVING 1/2" AND 1/4" STAIRCASE AVENUE	01/07/05	...
114	DRG. 2004-01 RESERVING 1/2" AND 1/4" STAIRCASE AVENUE	01/07/05	...
115	DRG. 2004-01 RESERVING 1/2" AND 1/4" STAIRCASE AVENUE	01/07/05	...
116	DRG. 2004-01 RESERVING 1/2" AND 1/4" STAIRCASE AVENUE	01/07/05	...
117	DRG. 2004-01 RESERVING 1/2" AND 1/4" STAIRCASE AVENUE	01/07/05	...
118	DRG. 2004-01 RESERVING 1/2" AND 1/4" STAIRCASE AVENUE	01/07/05	...
119	DRG. 2004-01 RESERVING 1/2" AND 1/4" STAIRCASE AVENUE	01/07/05	...
120	DRG. 2004-01 RESERVING 1/2" AND 1/4" STAIRCASE AVENUE	01/07/05	...



NOTE: OVERLAY APPLIES TO NON-AVIATION AREAS ONLY.

ZONE	DESCRIPTION
AA	RESIDENTIAL
A	RESIDENTIAL
B	RESIDENTIAL
C	RESIDENTIAL
D-1	LIMITED BUSINESS
D-2	GENERAL BUSINESS
D-3	OPEN BUSINESS / LIGHT INDUSTRIAL
D-4	HIGH TECH/DATA PROCESSING/LIGHT MANUFACTURING
E	INDUSTRIAL
F-1	MOBILE HOME
F-2	MOBILE HOME
H-1	HEAVY INDUSTRIAL ZONE
P.U.D.	PLANNED UNIT DEVELOPMENT
RR	RURAL RESIDENTIAL
T	TRANSITIONAL

ORDINANCE NO. 2015-05

AN ORDINANCE TO AMEND TITLE 7, CHAPTER 2, SECTION 12 OF THE CITY OF CODY CODE PERTAINING TO SIDEWALK CAFÉS

WHEREAS, the governing body has determined that it is in the public interest to amend Section 7-2-12 of the City of Cody Code.

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

SECTION 1: Title 7, Chapter 2, Section 12, Sidewalk Café's is hereby amended to read as follows:

7-2-12: SIDEWALK CAFÉS:

7-2-12-1: PURPOSE:

It shall be the purpose of this section 7-2-12 to permit and encourage sidewalk dining in the downtown architectural district, as referenced in section 9-2-2 of this code, that is compatible with other uses of the public sidewalk when it does not negatively impact health, safety and welfare of city residents and visitors. The city finds that sidewalk cafes encourage a pedestrian oriented environment, help to create a visually attractive atmosphere and streetscape, and promote overall commerce.

7-2-12-2: PERMIT REQUIRED:

Private commercial use of public sidewalks for the purpose of operating a sidewalk cafe in the city is prohibited unless a permit is obtained as provided in this section 7-2-12.

7-2-12-3: DEFINITIONS:

MAJOR SIDEWALK CAFE PERMIT: A seasonal permit issued by the governing body, and renewable by application to the administrative services officer for a sidewalk café that conforms to the procedures and regulations of this section 7-2-12, for sidewalk cafe operations serving alcoholic and nonalcoholic beverages.

MINOR SIDEWALK CAFE PERMIT: A seasonal permit issued by the administrative services officer based upon approval by the public works director or designee for a sidewalk café that conforms to the procedures and regulations of this section 7-2-12, for sidewalk cafe operations serving nonalcoholic beverages only.

SIDEWALK CAFE: An outdoor dining area located on a public sidewalk in the downtown architectural district, that is provided with waiter/ waitress service or counter service. A sidewalk café contains readily removable tables and chairs and may contain railing and planters. It is otherwise unenclosed by fixed walls and is open to the air, except that it may have an awning or umbrellas, or other nonpermanent covers.

7-2-12-4: SIDEWALK CAFE STANDARDS; MINOR AND MAJOR PERMITS:

A. Clear Lane: A minimum sixty inch (60") clear pedestrian path must be maintained at all times to allow adequate pedestrian movement; provided, the governing body may authorize a narrower pedestrian path, not less than 36", for short distances when the sidewalk café is not located in Wyoming Department of Transportation right-of-way and pedestrian traffic is minimal. Any area potentially subject to overhang from parked vehicles shall not be included as part of the required pedestrian path. Potential vehicle overhang shall be determined pursuant to Table 2 of Section 10-16-10.

B. Nonhazardous Location: Cafes shall only be permitted where it is determined that the use will not create a hazard and where it will not create a sight distance obstruction for motor vehicle operators.

C. Location to Associated Establishment: Sidewalk cafes may only be located adjacent to the establishment with which they are associated.

D. Furnishings: Furnishings of a sidewalk cafe shall consist solely of readily removable awnings, covers, railings, tables, chairs, planters containing plants and accessories. Furnishings may not be attached, even in a temporary manner, to the sidewalk or other public property, except that covers and railings may be secured by means of flush mounted anchors in a manner to be approved by the public works director. No objects which are part of a sidewalk cafe, except lighting fixtures, railing, awning or other nonpermanent covers, may be attached, even in a temporary manner, to any building or structure on which the sidewalk cafe abuts. All furnishings and fixtures shall be removed from public property at any time that the sidewalk café permit is inactive, such as during the dates of November 2nd through March 31st, or in the case of permit revocation.

E. Refuse Storage: No structure or enclosure to accommodate the storage of accumulated garbage may be erected or placed adjacent to or separate from the sidewalk cafe on public property.

F. Interference with Public Service Facilities: A sidewalk cafe shall not interfere with any public service facility, such as telephone, mailbox or bench, located on a sidewalk.

G. Impact on Adjacent Properties: Operation of a sidewalk cafe shall not adversely impact adjacent or nearby residential, religious, educational or commercial properties, and shall be in accordance with all applicable codes and regulations.

H. Electrical Requirements: All electrical wiring and fixtures associated with or part of the sidewalk cafe shall be permitted by the building department then installed and remain in conformance with the appropriate codes of the city.

I. Quality of Furnishings: Tables, chairs, umbrellas and any other objects provided with the sidewalk cafe shall be of quality design, materials and workmanship both to ensure the safety and convenience of users and to enhance the visual and aesthetic quality of the urban environment.

J. Noise: Noise from the sidewalk cafe shall not interfere with residential, lodging, or other property uses in the area.

K. Closing Upon Violation: The establishment of a sidewalk cafe pursuant to the permit (minor or major), and the operation and maintenance of a sidewalk cafe, shall be considered to be a privilege and not a right, and the governing body reserves the authority to order the closing of any sidewalk cafe forthwith upon the conviction of a permittee in municipal court of a violation of this section.

L. Fees for Permit: The fees for the permit under this section 7-2-12 shall be seventy five dollars (\$75.00) for a minor sidewalk cafe, one hundred fifty dollars (\$150.00) for a major sidewalk cafe, or those fees on file with the administrative services officer which have been approved by the governing body by resolution. No permit shall be issued by the administrative services officer unless the fees required by this section 7-2-12 are paid.

M. Insurance Requirement: Each permittee of a minor sidewalk cafe shall file with the administrative services officer evidence of liability insurance equal to one million dollars (\$1,000,000.00) per occurrence. Also, the applicant shall provide proof of

insurance at the time of application. The applicant shall require the insurance carrier to provide the city with thirty (30) days' prior written notice of cancellation of any policy.

N. Nonliability: A signed agreement to defend, indemnify, save, and hold harmless the city and all of its officers, agents or employees from any liability for damages resulting from any and all occupancy and operations under a permit granted pursuant to this section 7-2-12 shall be submitted along with the application to the administrative services officer.

7-2-12-5: SIDEWALK CAFE STANDARDS; MAJOR PERMITS:

A. Liquor License Required: Major sidewalk cafes must hold a current city liquor license.

B. Standards: Major sidewalk cafes shall meet all the requirements set forth in section 7-2-12-4 of this chapter, in addition to the following standards:

1. Outdoor dining areas serving alcoholic beverages shall be continuously supervised by employees of the establishment.

2. Alcoholic beverages may be served in a fenced or enclosed area immediately adjacent to the building in which the licensed room is located. A sign, one square foot, reading "No Food or Beverages Allowed beyond Fence/Enclosure" shall be posted at a conspicuous location within the perimeter of the outdoor cafe serving alcoholic beverages.

3. The location of sidewalk cafes where alcohol is served shall be subject to the requirements of title 3, chapter 2 of this code.

C. Responsible Party for Violation: The party responsible for the enforcement of the provisions of this section 7-2-12 and compliance therewith in each instance is the permittee, and any prosecution for a violation of this section 7-2-12 shall be against the permittee.

7-2-12-6: OPERATING RESTRICTIONS; MINOR AND MAJOR PERMITS:

A. Hours of Operation: All sidewalk cafes shall cease sales or services by ten o'clock (10:00) P.M. each night and all areas shall be vacated by twelve o'clock (12:00) midnight.

B. Display of Permit: The permit evidencing permitting of the sidewalk cafe in accord with this section 7-2-12 shall be prominently displayed.

C. Serving Patrons: The restaurant shall not serve food or beverages to a patron at a sidewalk cafe area unless that patron is seated at a table or counter.

D. Appearance of Cafe: Sidewalk cafes and the public property on which they are located shall be kept neat and clean at all times and free from any substance that may cause damage to the sidewalk or cause pedestrian injury. Sidewalk cafe areas must remain clear of litter, food scraps and soiled dishes at all times.

7-2-12-7: OPERATING RESTRICTIONS; MAJOR PERMITS:

All alcoholic beverages to be served at sidewalk cafes shall be dispensed from the licensed dispensing room as set forth by the liquor license. Alcoholic drinks shall only be served to patrons seated at tables or counters. The drinking of alcoholic beverages by a member of the public while a patron at a sidewalk cafe, within the confines of the sidewalk cafe area, shall not be construed as a violation of any ordinance controlling open containers in a public area. The operator of the sidewalk cafe must be a city liquor

license holder, if he intends to service alcoholic beverages in the sidewalk cafe area, and shall comply with all other laws and regulations concerning the serving of alcoholic beverages in the state.

7-2-12-8: MINOR AND MAJOR SIDEWALK CAFE PERMITTING PROCEDURES:

A. Authority: The administrative services officer, with approval of the public works director or designee, is authorized to issue a seasonal permit to operate a minor sidewalk cafe on public property; provided, that the standards set forth in section 7-2-12-4 of this chapter have been found to be in compliance. The administrative services officer may also grant renewals of major sidewalk café permits pursuant to compliance with applicable standards of this chapter.

B. Operating Season: The seasonal permit shall allow the operation of a sidewalk cafe from April 1 up to and including November 1 of any calendar year. A permit may also be issued for less than a full season or for a stipulated number of operating days. The permit fee will not be prorated.

C. Review Of Application And Site Plans: Application and site plans for sidewalk cafe permits (minor and major) shall be reviewed by the public works director and administrative services officer.

D. Site Plan Approval:

1. A permit application available from the administrative services officer for site plan approval shall be submitted to the administrative services officer, public works director or designee. The application shall state the following:

- a. Name of the individual/business;
- b. Individual/business address;
- c. Address of sidewalk occupancy;
- d. Property owner if other than applicant;
- e. Written authorization from the owner of the adjacent associated property to submit the application, where the applicant is not the owner of the associated property;
- f. Name of planner, engineer, architect or agent;
- g. Dates of occupancy;
- h. Hours of occupancy;
- i. Capacity of existing associated establishment;
- j. Proposed capacity of sidewalk cafe;
- k. Area of occupancy (square feet and dimensions);
- l. Use of musical instruments or sound reproduction system;
- m. If application is a new application or renewal;
- n. A site plan drawn to the specifications of this section;
- o. Proof of liability insurance for one million dollars (\$1,000,000.00); and

p. Executed indemnity agreement.

2. The site plan and the accompanying application shall show the following:

a. The applicant's entire property and adjacent properties on a site plan with streets for a distance of at least twenty five feet (25') on either side of the property boundaries fronting the right of way, at a scale of one-eighth inch equals one foot ($\frac{1}{8}'' = 1'$), or other scale showing adequate detail.

b. A detailed plan showing the design, relevant details and location of all temporary structures, such as awnings, planters, landscaping, railings, tables, chairs and other equipment, as well as lighting and electrical outlet locations.

c. All exterior lighting shall be shown on the site development plan and shall be of such type and location and shall have such shading as will prevent the source of light from being seen from any adjacent roadway or residential property.

d. If the use of a musical instrument and/or sound amplifying system is planned, the applicant must be aware that complaints of excessive loud noise could result in a disturbing the peace violation, as provided in section 5-2-5 of this code.

3. The administrative services officer or designee shall distribute copies of the site development plan to the chief of police, fire marshal, city planner, and public works director for review and comments in relation to compliance with this and all other city ordinances.

4. If the applicant is not the owner of the subject property, a written letter shall be provided from the property owner stating his approval of the sidewalk cafe. Said letter shall be submitted with any application.

5. Property owners adjacent to the subject property and those located on the same block and side of the street shall be notified in writing by the applicant of the intent to establish a sidewalk cafe prior to submittal of any application. Adjacent owners shall also be requested to complete the form, included with the application, indicating support or objection to the application. These letters of support or objection shall be submitted with the application.

E. Decision: Based upon the review comments as listed above, the public works director or designee may approve, approve with conditions, refer the application back to the applicant for modification, or deny the application. If approved, the administrative services officer shall issue the minor sidewalk cafe permit.

F. Letter of Denial; Appeal: If the application for a minor sidewalk cafe permit is denied, the applicant shall receive a letter with the reason for denial. It shall be the applicant's option to appeal the decision to the city council by requesting an agenda request form from the administrative services officer.

G. Governing Body Approval: Major sidewalk cafe permits are subject to approval of the governing body. After review by city staff, the application shall be placed on an agenda for review by the governing body. The governing body shall then approve, approve with conditions, refer the application back to the applicant for modification, or deny the application.

7-2-12-9: TERM OF PERMITS AND RENEWAL PROCEDURES; MINOR AND MAJOR SIDEWALK CAFE PERMITS:

A. Term: A sidewalk cafe permit (minor or major) shall be valid for one season (April 1 through November 1) only.

B. Renewal: A renewal based upon the previous permit may be approved by the administrative services officer without full staff review, if the application meets the following conditions:

1. Ownership of the business has not changed.
2. Ownership of the property has not changed.
3. There has been no change to the site development plan.
4. There are no outstanding code violations.
5. The application is reviewed by the planning department to verify compliance.
6. Each permittee of a sidewalk cafe (minor or major) shall file with the administrative services officer evidence of liability insurance equal to one million dollars (\$1,000,000.00) per occurrence.
7. The renewal application is submitted on or before March 1 of each year to allow adequate time for staff review and renewal permit issuance prior to the beginning of the season.
8. The renewal is subject to all conditions placed on the original permit.
9. Failure by the permittee to submit all required documentation as set forth in this section 7-2-12 shall be the basis for denying a renewal permit.

7-2-12-10: PERMIT ASSIGNMENT OR TRANSFER PROHIBITED:

No permittee shall assign or transfer a sidewalk cafe permit.

7-2-12-11: APPEAL UPON DENIAL OR REVOCATION OF A PERMIT:

A. Revocation Or Suspension: Any permit granted under the provisions of this section 7-2-12 may be revoked or suspended at the action of the governing body for failure to comply with any sections of this section 7-2-12, any conditions of approval, or if there are any statutory liquor license infractions, upon the recommendation of any of the city departments that participated in the permit review process.

B. Removal of Furnishings; Cease of Operations: Upon revocation of a permit, all furnishings and fixtures shall be removed from public property within twenty four (24) hours. Upon suspension, all sidewalk café operations shall cease until such time as the permit is brought into compliance or it has been revoked.

7-2-12-12: VIOLATIONS:

Any person who operates a sidewalk cafe without a permit or who shall violate any of the provisions of this section 7-2-12 shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than seven hundred fifty dollars (\$750.00), to which shall be added court costs up to the maximum allowed by law.

7-2-12-13: SEVERABILITY:

If any clause, sentence, paragraph or part of this section 7-2-12 shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof; but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

SECTION 2: EFFECTIVE DATE. That this Ordinance shall become effective after final passage and publication in the Cody Enterprise as required by law.

PASSED ON FIRST READING: APRIL 21, 2015

PASSED ON SECOND READING: _____

PASSED ON THIRD READING: _____

Nancy Tia Brown, Mayor

Attest:

Cynthia Baker
Administrative Services Director

ORDINANCE NO. 2015-03

AN ORDINANCE TO AMEND TITLE 11, CHAPTER 6 OF THE CITY OF CODY CODE PERTAINING TO BOUNDARY LINE ADJUSTMENTS AND TO INCLUDE A NEW ARTICLE THEREIN CALLED "LOT CONSOLIDATIONS".

WHEREAS, on March 24, 2015, the City of Cody Planning, Zoning, and Adjustment Board held a public hearing pertaining to a proposal to amend the Boundary Line Adjustment section of the City of Cody code and include a new section therein pertaining to Lot Consolidations;

WHEREAS, the Planning, Zoning, and Adjustment Board made a recommendation that the proposed amendments be adopted, which recommendation the governing body has received and fully considered; and,

WHEREAS, after considering all public comments, the governing body has determined that it is in the public interest to adopt an ordinance to amend Title 11, Chapter 6 to amend the provisions for Boundary Line Adjustments and include a new section pertaining to Lot Consolidations.

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

SECTION 1: Title 11, Chapter 6 is hereby amended to read as follows:

CHAPTER 6 BOUNDARY LINE ADJUSTMENTS AND LOT CONSOLIDATIONS

ARTICLE A. BOUNDARY LINE ADJUSTMENTS

11-6A-1: APPLICATION REQUIRED:

Boundary line adjustments, as defined in section 11-1-3 of this title, shall require application to and review by the city, as set forth herein.

Application for a boundary line adjustment shall be made on a form provided by the city, which form shall include the name and address of the applicant and property owner(s), the existing legal descriptions of the properties involved, and the reason for the boundary line adjustment. A draft of the deed(s) that will be used to effectuate the property transfer(s) and a draft record of survey must accompany the application. The application must be accompanied by the payment of an application fee as set by the city council.

11-6A-2: BOUNDARY LINE ADJUSTMENT REQUIREMENTS:

- A. Property Survey: Boundary line adjustments require a property survey prepared by a licensed land surveyor that shows all easements, buildings, utilities, property encroachments, curb cuts and pertinent right of way improvements. The property survey shall contain a title of "Boundary Line Adjustment Record of Survey", and necessary approval blocks and signature lines, including the surveyor's certificate, the owner's certificate(s) with a notary block, a certificate for approval by the city planner, and a County clerk and recorder acceptance. A draft of the record of survey document shall be submitted with the application. If the property owner is a corporation or LLC, they shall provide a resolution or other evidence of signatory authority to execute the documents.
- B. Boundaries Identified: The boundary line adjustment record of survey shall identify the exterior boundaries of all properties involved in the boundary line adjustment, show the new interior property line(s), and clearly indicate the property being

transferred and merged into the receiving parcel. Legal descriptions of the adjusted parcels shall be provided on the survey, and survey markers set to delineate the parcel boundaries.

- C. Binding Covenant: The boundary line adjustment record of survey and the property conveyance document shall contain a binding covenant that the land being conveyed is for the sole purpose of conducting a boundary line adjustment and is not to be sold or transferred as a separate parcel by the grantee, heirs and assigns.

11-6A-3: BOUNDARY LINE ADJUSTMENT APPROVAL/RECORDING:

A. Approval Criteria

The city planner shall authorize the boundary line adjustment application if it meets the requirements of this article.

- (1) The parcels to be adjusted must share a common boundary for more than a single point, and not otherwise be separated by a public right-of-way or alley.
- (2) The adjustment is not for the purpose of evading the development standards of the zoning or subdivision code.
- (3) The adjustment will not result in a violation of any land use, subdivision, development, or design standards set forth in the City of Cody code.
- (4) As applicable, proper easements are established for utility services and access.
- (5) The adjustment does not attempt to vacate or abandon any easement or right-of-way of record.
- (6) All property taxes on the parcels are current (not past due).
- (7) As applicable, the adjustment is consistent with the terms and conditions of any previously approved development plan that is still in effect.

If the application is denied, the city planner shall issue said decision in writing, stating the reason(s) therefore. The applicant may file an appeal of the written decision to the planning, zoning and adjustment board pursuant to City of Cody Code 10-4-3, within 10 business days of the decision.

B. Recording

Within 90 days of the boundary line adjustment authorization, as evidenced by the signature of the city planner on the survey, the completed survey and the deed(s) for the property transfer(s) shall be recorded with the county clerk. After recording, a copy of the recorded survey and deed(s) shall be provided to the City. If these documents are not recorded within 90 days, the authorization shall automatically become null and void.

C. Financing

The City boundary line adjustment authorization process does not include a review of financial interests in the properties. Modifications to financing such as mortgage releases and loan modifications may be needed to maintain compliance with lender requirements. It is the responsibility of the property owner to ensure that any financing companies are notified of the boundary line adjustment and that their requirements are met.

ARTICLE B. LOT CONSOLIDATIONS

11-6B-1 PURPOSE

The lot consolidation process is for the purpose of combining two or more parcels of land into a single parcel. Adjacent parcels that have been consolidated pursuant to this Article shall be treated as a single lot for building code, zoning code, and property transfer purposes.

The lot consolidation process is not to be used in cases where a plat vacation or plat alteration process is appropriate, such as when easements or rights-of-way are to be altered or vacated.

11-6B-2 APPLICATION AND REVIEW CRITERIA

A. Persons desiring to consolidate parcels pursuant to this Article shall submit an application to the City Community Development Department. The application shall establish whether the following requirements are met.

1. The parcels to be consolidated must share a common boundary for more than a single point, and not otherwise be separated by a public right-of-way or alley.
2. The parcels must be under identical, common ownership and financing, if any. The applicant is to supply copies of all current deeds and financing documents to demonstrate such with the application.
3. The consolidation is not for the purpose of evading the development standards of the zoning or subdivision code.
4. The consolidation will not result in a violation of any zoning, subdivision, development, or design standards set forth in the City of Cody code.
5. As applicable, the consolidation is consistent with the terms and conditions of any previously approved development plan that is still in effect.
6. An accurate legal description must be provided. If the lot consolidation involves unplatted parcels (e.g. metes and bounds descriptions) the applicant shall have a surveyor prepare a legal description of the consolidated parcel. If the parcels are unplatted and the existing legal descriptions are not fully coordinated (e.g. use different basis of bearings) a record of survey map shall be prepared by a licensed surveyor to establish the legal description and property boundary for the consolidated parcel. If the lots are all platted lots within a legal subdivision, the consolidated legal description will simply be a list of the lots.
7. Property taxes on all parcels must be current (not past due).
8. Any outstanding lot assessments from an improvement district or special taxing district must be paid in full prior to filing the lot consolidation declaration.

B. Lot consolidations that meet all of the above requirements shall be authorized by the city planner. If the requirements are not met, the application shall be amended to meet the requirements or be denied. If the application is denied, the city planner shall issue said decision in writing, stating the reason(s) therefore. The applicant may file an appeal of the written decision to the planning, zoning and adjustment board pursuant to City of Cody Code 10-4-3, within 10 business days of the decision.

11-6B-3 APPROVAL AND RECORDING

A. When a lot consolidation is authorized in accordance with this Article, the property owner shall execute a Lot Consolidation Declaration and file the declaration with the county clerk. If the property owner is a corporation or LLC, they shall provide a resolution or other evidence of signatory authority to execute the property transfer. The form shall be in substantially the following format:

Lot Consolidation Declaration

This declaration is made this __ day of (Month, Year), by (Property owner), hereinafter referred to as "declarant".

Recitals:

1. *Declarant is the owner of that certain real property located within the City of Cody, Park County, Wyoming, described as follows:
(Legal Descriptions of parcels)*
2. *Declarant desires to consolidate the above referenced parcels into a single consolidated parcel pursuant to City of Cody code.*
3. *By executing this document, the declarant hereby consolidates said parcels into a single consolidated parcel, which consolidated parcel is to be treated as a single lot or parcel for building code, zoning code, and property transfer purposes.*
4. *Once this form is executed, no portion of the consolidated parcel shall be individually conveyed or transferred without obtaining subdivision authorization from the City of Cody pursuant to the subdivision requirements in the City of Cody ordinances.*

5. *The declarant and City of Cody are parties to this declaration, which declaration is binding on the owner, heirs, and devisees of said property.*

Now therefore, the following real property is hereby consolidated into a single parcel/lot, as described herein.

(Consolidated Legal Description)

(Signature block)

(Notary block)

B. Within 30 days of the City authorization of the lot consolidation, the lot consolidation declaration, and record of survey if any, shall be recorded with the county clerk, or the authorization shall automatically become null and void. A copy of the recorded document shall be provided to the City.

SECTION 2: EFFECTIVE DATE. That this Ordinance shall become effective after final passage and publication in the Cody Enterprise as required by law.

SECTION 3: SEVERABILITY. Should any portion of this ordinance be found for any reason to be unconstitutional, unlawful or otherwise void or unenforceable, the balance of the ordinance shall be severable therefrom, and shall survive such declaration, remaining in full force and effect.

PASSED ON FIRST READING: APRIL 7, 2015

PASSED ON SECOND READING: APRIL 21, 2015

PASSED ON THIRD READING: _____

Nancy Tia Brown, Mayor

Attest:

Cynthia Baker
Administrative Services Director