

# City of Cody City Council

## AGENDA

Tuesday, October 4, 2016 – 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

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

### Recognitions

Certificate of Appreciate - Dane Austin (presented by Bert Pond)  
Recognition – Cody Rotary Club (presented by Rick Manchester)  
Volunteer Recognition - Boy Scouts (presented by Eric Asay)

### 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 Minutes from September 20, 2016 meeting.
- b. Approve an Access and Utility Easement between City of Cody, Hill Enterprises Limited Partnership and the Cody Canal District as it relates to Lot 5, 6, 7 and 8 of the Hill Subdivision, and authorize the Mayor to sign said document.
- c. Authorize Wyoming Legacy Meats to discharge a firearm as occasionally necessary for animal slaughter operations.

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

- a. A Public Hearing to determine if it is in the public interest to vacate, abandon and convey the North Frontage Road right-of-way adjacent to 225 W. Yellowstone Ave.

### 4. Conduct of Business

- a. Informational Presentation – Lodging Tax  
Spokesperson: Claudia Wade, PCTC
- b. Approval of vouchers and payroll in the amount of \$573,059.84.
- c. Approve the preliminary and final plats of the DJ Minor Subdivision.

Staff Reference: Todd Stowell, City Planner

- d. ORDINANCE 2016-15 –THIRD AND FINAL READING AS AMENDED  
AN ORDINANCE VACATING, ABANDONING AND CONVEYING A PORTION OF THE NORTH FRONTAGE ROAD RIGHT-OF-WAY ADJACENT TO 203 W. YELLOWSTONE AVENUE AND 1910 DEMARIS STREET.**

Staff Reference: Todd Stowell, City Planner

- e. ORDINANCE 2016-16 –FIRST READING  
AN ORDINANCE VACATING, ABANDONING AND CONVEYING A PORTION OF THE NORTH FRONTAGE ROAD RIGHT-OF-WAY ADJACENT TO 225 W. YELLOWSTONE AVENUE.**

Staff Reference: Todd Stowell, City Planner

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

**Upcoming Meetings:**

**October 18, 2016 – Tuesday – Regular Council Meeting 7:00 p.m.**

**City of Cody**  
**Council Proceedings**  
**Tuesday, September 20, 2016**

A pre-meeting was held at 6:30 p.m. to discuss the agenda for the Regular Meeting. No action was taken.

A regular meeting of the Cody City Council was held in the Council Chambers at City Hall in Cody, Wyoming on Tuesday, September 20, 2016 at 7:00 p.m.

Present: Mayor Brown, Council Members Donny Anderson, Karen Ballinger, Landon Greer, and Stan Wolz, City Attorney Scott Kolpitzke and Administrative Services Officer, Cindy Baker.

Absent: Council Members Jerry Fritz and Steve Miller

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

Council Member Greer made a motion seconded by Council Member Ballinger to approve the agenda. Vote was unanimous.

Mayor Brown proclaimed September 17-23, 2016 as Constitution Week.

Council Member Greer made a motion seconded by Council Member Anderson to approve the consent calendar which includes approval of Minutes –Special Meeting from September 1, 2016 and Regular Minutes from September 6, 2016 meeting; award Bid 2016-13 to Park County Implement for John Deere 1575 w/60' mulching deck in the amount of \$33,350.00, less a trade in value of 6,500.00 for a net amount of \$26,850.00; approve the street closure of Sheridan Avenue between 10<sup>th</sup> and 14<sup>th</sup> Streets from 3:30pm to 6:30pm, actual event running 4:00 – 6:00, on Monday, October 31<sup>st</sup>, 2016 during the Downtown Halloween Festival and sponsor cost in the amount of \$1,567.93 from the council contingency fund, require insurance for the event and complete the WYDOT application. Vote was unanimous.

At 7: 21 p.m. the Mayor entered into a Public Hearing to determine if it is in the public interest to vacate, abandon and convey the North Frontage Road right-of-way in front of the Cody Cowboy Village and Cody Cattle Company properties at 203 W Yellowstone Avenue and 1910 DeMaris Street. Todd Stowell, City Planner provided background information as it relates to this issue. After calling for comments three times and there being none at 7:29 p.m. the public hearing on this matter closed.

At 7:29 p.m. the Mayor entered into the second Public Hearing to determine if it is in the public interest to approve a Plat Amendment to consolidate several lots of the DeMaris Subdivision into two larger lots, vacate a portion of the Demaris Street right-of-way, and vacate a portion of the North Frontage Road right-of-way. Todd Stowell, City Planner provided background information as it relates to this issue. After calling for comments three times and there being none the public hearing closed at 7:37 p.m.

Council Member Ballinger made a motion seconded by Council Member Wolz to approve vouchers and payroll in the amount of \$1,745,681.68. Council Member Greer recused himself from the vote due to a conflict of interest. Vote was unanimous from the remaining Council Members.

Council Member Anderson made a motion seconded by Council Member Greer to approve a Plat Amendment to consolidate several lots of the DeMaris Subdivision into two larger lots, vacate a portion of the DeMaris Street right-of-way, and vacate a portion of the North Frontage Road right-of-way. Vote was unanimous.

Council Member Wolz made a motion seconded by Council Member Ballinger to award Bid #2016-07 for the amount of \$372,857 to Children's Playstructures & Recreation as the lowest (and only) responsive bidder. Authorize the Mayor to enter into and sign all necessary contract and forms related to said project, contingent upon review and approval by the City Attorney. Vote was unanimous.

**RESOLUTION 2016-17**

**A RESOLUTION APPROVING PROPOSITION FOR RENEWAL OF A FOUR PERCENT (4%) LODGING TAX IN PARK COUNTY, STATE OF WYOMING, SAID PROPOSITION TO BE PLACED ON THE GENERAL ELECTION BALLOT**

ON NOVEMBER 8, 2016. Council Member Ballinger made a motion seconded by Council Member Greer to approve Resolution 2016-17. Vote was unanimous.

**ORDINANCE 2016-15 – SECOND READING AS AMENDED  
AN ORDINANCE VACATING, ABANDONING AND CONVEYING A PORTION  
OF THE NORTH FRONTAGE ROAD RIGHT-OF-WAY ADJACENT TO 203 W.  
YELLOWSTONE AVENUE AND 1910 DEMARIS STREET.**

Council Member Greer made a motion seconded by Council Member Ballinger to approve Ordinance 2016-15 on Second Reading as amended. Vote was unanimous.

**ORDINANCE 2016-14 – THIRD AND FINAL READING  
REPEALED IN ITS ENTIRETY THE HEREIN BELOW IDENTIFIED SECTIONS  
OF TITLE 4, CHAPTER 5, THE REQUIREMENT FOR SLAUGHTERHOUSE  
BUSINESS LICENSE, OF THE CITY OF CODY MUNICIPAL CODE.** Council  
Member Anderson made a motion seconded by Council Member Greer to pass  
Ordinance 2016-14 on Third and Final Reading. Vote was unanimous.

There being no further action Mayor Brown adjourned the meeting at 8:04 p.m.

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Mayor Nancy Tia Brown

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Cynthia Baker, Clerk

## ACCESS & UTILITY EASEMENT

**THIS ACCESS & UTILITY EASEMENT** (the "**Agreement**") is dedicated, conveyed, made, and entered into this \_\_\_ day of \_\_\_\_\_, 2016, by and among HILL ENTERPRISES LIMITED PARTNERSHIP, a Wyoming limited partnership, having an address of 1139 Rumsey Avenue, Cody, Wyoming 82414 ("**Hill**"), the CITY OF CODY, WYOMING (the "**City**"), and the CODY CANAL DISTRICT (the "**District**"). Hill, the City and the District are referred to herein collectively as the "**Parties**" and individually as a "**Party**".

WHEREAS, Hill is the owner of the following described parcels of property located in the City of Cody, Park County, Wyoming:

Lot 5, HILL SUBDIVISION, located within the SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> and the SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> Lot 61 Resurvey, Section 5 Original Survey T.52N., R.101W., 6th P.M., City of Cody, Wyoming, and as located in Book "F" of plats, Page 122, according to the records of the County Clerk and Recorder of Park County, State of Wyoming ("**Lot 5**");

Lot 6, HILL SUBDIVISION, located within the SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> and the SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> Lot 61 Resurvey, Section 5 Original Survey T.52N., R.101W., 6th P.M., City of Cody, Wyoming, and as located in Book "F" of plats, Page 122, according to the records of the County Clerk and Recorder of Park County, State of Wyoming ("**Lot 6**");

Lot 7, HILL SUBDIVISION, located within the SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> and the SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> Lot 61 Resurvey, Section 5 Original Survey T.52N., R.101W., 6th P.M., City of Cody, Wyoming, and as located in Book "F" of plats, Page 122, according to the records of the County Clerk and Recorder of Park County, State of Wyoming ("**Lot 7**"); and

Lot 8, HILL SUBDIVISION, located within the SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> and the SE<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> Lot 61 Resurvey, Section 5 Original Survey T.52N., R.101W., 6th P.M., City of Cody, Wyoming, and as located in Book "F" of plats, Page 122, according to the records of the County Clerk and Recorder of Park County, State of Wyoming ("**Lot 8**");

WHEREAS, an access and utility easement over and across the following described property (the "**Dedicated Easement Area**") was dedicated to the City pursuant to that certain Plat of HILL SUBDIVISION, located in Book "F" of plats, page 122, according to the records of the County Clerk and Recorder of Park County, State of Wyoming (the "**Dedicated Easement**"):

A 40.00 FOOT WIDE EASEMENT STRIP WITHIN LOTS 5, 6, 7 AND 8 OF HILL SUBDIVISION WITHIN THE CITY OF CODY, PARK COUNTY, WYOMING, SAID HILL SUBDIVISION PLAT BEING FILED IN PLAT CABINET F AT PAGE 122 IN THE OFFICE OF THE PARK COUNTY CLERK; SAID EASEMENT STRIP BEING COINCIDENT WITH A PORTION OF THOSE ACCESS AND UTILITY EASEMENTS SHOWN ON SAID PLAT OF HILL SUBDIVISION, THE CENTERLINE OF SAID STRIP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A MAGNETIC NAIL WITH WASHER MARKING THE NORTHWEST CORNER OF SAID LOT 8, THE POINT OF BEGINNING

LABELED POB HEREON; THENCE ON AND ALONG THE WEST LINE OF SAID LOT 8, S.00°00'01"E., 418.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8; THENCE ON AND ALONG THE WEST LINE OF SAID LOT 5, S.00°00'01"E., 30.00 FEET TO THE SOUTH LINE OF THAT 30' ACCESS AND UTILITY EASEMENT SHOWN ON SAID HILL SUBDIVISION, THE TERMINUS OF SAID CENTERLINE, LABELED TERM HEREON, SAID STRIP CONTAINING 17,920 SQUARE FEET OR 0.411 ACRES; and

WHEREAS, the Parties desire to memorialize the terms of the Dedicated Easement that govern the use and enjoyment thereof.

**NOW THEREFORE**, in consideration of the premises and mutual covenants contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereto, intending to be legally bound, hereby agree as follows:

1. **Recitals**. The foregoing recitals are true and correct and by this reference are hereby incorporated into this Agreement.

2. **Access Easement**.

(a) **Grant**. Hill hereby grants, conveys, declares, and establishes, for the benefit, use, and enjoyment of Hill, the City, the District, and the owners of Lots 5, 6, 7, and 8, an exclusive access easement for both vehicular and pedestrian ingress and egress ("**Access Easement**") over and across the Dedicated Easement Area. For clarification, the Access Easement is granted only to authorized personnel of each grantee, and not to members of the public or to constituents or patrons of any grantee.

(b) **Maintenance and Repair of Access Easement Area**. The owner of Lot 7 and the Owner of Lot 8 shall each, at its own expense, maintain the portion of the Dedicated Easement Area located on their respective lots in good condition, repair and cleanliness, provided that each owner of Lot 5, 6, 7, and 8 will be obligated to repair any damage to the Dedicated Easement caused by such owner, its employees, invitees, agents and contractors.

(c) **Purpose**. The Access Easement shall be used solely for ingress and egress to the above-referenced lots in connection with regular business operations.

3. **Utility Easement**.

(a) **Definitions**. As used herein: (i) "**Utility Improvements**" means all pipes, lines, cables, and other utilities located within the Dedicated Easement Area from time to time installed by the City, the District, or the owners of Lots 5, 6, 7, or 8 to allow Utilities to be connected to any of Lots 5, 6, 7, or 8; and (ii) "**Utilities**" means facilities for the distribution, conveyance, and/or transmission, and/or transportation of telecommunications, electrical power, natural gas, surface water drainage, potable water, reclaimed water, raw water, waste water, or similar utility services.

(b) **Grant**. Hill hereby grants, conveys, declares and establishes for the benefit, use and enjoyment of the District, the City, and the owners of Lots 5, 6, 7, and 8 an exclusive utility easement ("**Utility Easement**") on, over, under, across, and through the Dedicated Easement. The

purpose of the Utility Easement shall be for: (i) installing/constructing Utility Improvements in order to bring Utilities from, through, under, and across the Easement Area to such Lots, as necessary or desirable for use and occupancy of such Lots; and (ii) for the operation, flow, passage, use, and connection of Utilities and Utility Improvements associated therewith.

(c) **Notice to City.** Prior to the installation of any utility infrastructure, owners of any Lot within the Utility Easement shall notify the City of such installation, and shall cooperate with the City to ensure that no interference or disruption occurs to City utilities.

4. **Warranty of Title.** Hill warrants that it has full right and authority to enter into this Agreement and to grant the Access Easement and the Utility Easement and, subject to all matters of record, Hill owns fee simple title to each of Lots 5, 6, 7 and 8.

5. **Right to Emplace Locked Gate; Temporary Parking.** The owners of Lots 7 and 8 are specifically authorized and entitled to obstruct the Access Easement by emplacement of a single locked gate across the same (in a location mutually agreeable between them) in order to secure their properties and material, but all parties to whom the Access Easement is dedicated and conveyed shall specifically be entitled to free access through said gate at all times, and shall be permitted a key for the same. The Access Easement is otherwise to remain unobstructed and open to large vehicular access, except that the owners of Lots 7 and 8 may also park vehicles within the easement right-of-way of their respective lots so long as such parking does not interfere with vehicular access to Lots 5, 6, 7, or 8.

6. **Notices and Communications.** Whenever any Party hereto desires or is required to give any notice, demand, consent, approval, satisfaction, or request with respect to this Agreement, each such communication shall be in writing and shall be effective only if it is delivered by personal service (which shall include delivery by delivery service or over-night delivery service,), or mailed, by United States certified mail, postage prepaid, and addressed as follows:

**If to Hill:**

Hill Enterprises Limited Partnership  
1538 Alger Avenue  
Cody, WY 82414

**If to the City**

City of Cody  
P.O. Box 2200  
Cody, WY 82414

**If to the District:**

Cody Canal Irrigation District  
113 6Qs Road  
Cody, WY 82414

**If to Black Hills:**

Black Hills Energy Northwest WY LLC  
2320 Mountain View Road  
Cody, WY 82414

Such communications, when personally delivered, shall be effective upon receipt; provided that notices received on a day that is not a business day, or after 5:00 p.m. (at the location to which delivery is to be made) on a business day shall be deemed received on the next business day. Notice to Party shall not be effective or received unless and until each required copy of such notice is dispatched to the specified recipient(s) using the same delivery method as that used for the notice given. The inability to deliver a notice because of a changed address of which no notice was given or an inoperative facsimile number for which no notice was given of a substitute number, or any rejection or other refusal to accept any notice, shall be deemed to be the receipt of the notice as of the date of such inability to deliver or rejection or refusal to accept. Any Party may change its

address for such communications by giving notice thereof to all other Parties in accordance with the requirements of this Section.

7. **Covenants Run with the Land.** This Agreement, and the rights and interests created herein, shall be appurtenant to, and run with title to, each of Lots 5, 6, 7, and 8, and shall be binding upon and inuring to the benefit of the Parties hereto and their respective successors and assigns in title for the uses and purposes herein provided. Notwithstanding anything in the foregoing provisions of this Agreement to the contrary, no Party to this Agreement shall have any duties, responsibilities or liabilities hereunder after such Party has conveyed title to its property to a third party, except for any duties, responsibilities, or liabilities that may have arisen prior to such conveyance. This limitation of responsibility following any conveyance, however, shall not in any way limit or restrict the perpetual appurtenance of this Agreement to the property described herein, nor shall it limit, restrict, or terminate the perpetual easement granted to the City of Cody.

8. **Reservation of Use.** Each Party retains the right to use its property for any and all purposes and uses that do not unreasonably interfere with the other Party's easement rights as set forth above. Nothing in this easement grant shall be construed to allow or authorize any party or property owner to utilize the Access Easement or the Utility Easement in any way which would interfere with the City of Cody's use thereof, including but not limited to the operation of the City of Cody's utility lines, and the City of Cody's unlimited access the same.

9. **General Provisions.** The Parties further agree as to the following general provisions:

(a) **Severability.** If any one or more of the terms of this Agreement are deemed to be invalid or unenforceable by a court of law, the validity, enforceability, and legality of the remaining provisions of this Agreement will not in any way be affected or impaired thereby, provided that: (i) each Party receives the substantial benefit of its bargain with respect to the transaction contemplated hereby; and (ii) the ineffectiveness of such provision would not result in such a material change as to cause completion of the transactions contemplated hereby to be unreasonable for either Party.

(b) **Future Cooperation.** The Parties agree to use commercially reasonable efforts to cause to be executed, acknowledged or delivered any and all such further instruments and documents as may be necessary or proper, in the reasonable opinion of either Party, in order to carry out the intent and purpose of this Agreement.

(c) **Legal Proceedings.** In the event that either Party hereto hires an attorney to enforce any term of this Agreement, the Party prevailing in said dispute, enforcement action, or legal proceeding shall be entitled to recover reasonable attorneys', paralegals' and other professionals' fees (including those incurred on any re-hearing or appeal) and costs incurred incidental thereto from the Party not prevailing in said legal proceedings.

(d) **Entire Agreement, Modification or Termination.** This Agreement constitutes the entire agreement of the Parties with regard to the subject matter hereof. The terms and provisions of this Agreement may be modified or terminated only by a written instrument signed by the Parties hereto.

(e) **Construction.** Each Party hereto hereby acknowledges that all Parties hereto participated equally in the drafting of this Agreement and that, accordingly, no court construing this Agreement shall construe it more stringently against one Party than the other.

**IN WITNESS WHEREOF**, the Parties have caused this Agreement to be executed as of the date first set forth above.

**Hill Enterprises Limited Partnership**

By: \_\_\_\_\_  
RONALD D. HILL, Trustee of the Ronald D. Hill Trust, dated May 11, 2001, as General Partner of Hill Enterprises Limited Partnership

**City of Cody**

By: \_\_\_\_\_

**Cody Canal Irrigation District**

By: \_\_\_\_\_

Acknowledged:  
**Black Hills Northwest Wyoming Gas Utility Company, LLC**

By: \_\_\_\_\_

STATE OF WYOMING        )  
  ) ss.  
COUNTY OF PARK        )

On the \_\_\_\_ day of September, 2016, before me personally appeared, Ronald D. Hill, Trustee of the Ronald D. Hill Trust, dated May 11, 2001, to me personally known, who, being by me duly sworn, did say that he is Trustee of that Trust which is the General Partner of Hill Enterprises Limited Partnership; that said *Access and Utility Easement* was signed on behalf of said Partnership by authority of the General Partner; and that said General Partner acknowledged said instrument to be the free act and deed of said Partnership.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

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STATE OF WYOMING        )  
  ) ss.  
COUNTY OF PARK        )

The above and foregoing *Access and Utility Easement* was acknowledged before me this \_\_\_\_ day of September, 2016, by \_\_\_\_\_ as the \_\_\_\_\_ of the City of Cody.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

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STATE OF WYOMING        )  
  ) ss.  
COUNTY OF PARK        )

The above and foregoing *Access and Utility Easement* was acknowledged before me this \_\_\_\_ day of September, 2016, by \_\_\_\_\_ as the \_\_\_\_\_ of the Cody Canal Irrigation District.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public  
My commission expires: \_\_\_\_\_

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## AGENDA ITEM SUMMARY REPORT

### Authorization for Wyoming Legacy Meats to Discharge Firearms at 74 Road 2AB

#### ACTION TO BE TAKEN:

Authorize Wyoming Legacy Meats to discharge a firearm as occasionally necessary for animal slaughter operations.

#### PROJECT SUMMARY:

Wyoming Legacy Meats is working on updating the former Cody Meat slaughterhouse at 74 Road 2AB into a USDA approved slaughterhouse and meat processing facility. As part of that USDA licensing, all slaughtering of animals will be overseen by an on-site USDA inspector. The primary kill method is with what is known as a "capture bolt gun" that uses a 9mm blank load to activate a piston. No bullet is discharged from a capture bolt gun. In what is expected to be the very rare situation where the capture bolt gun does not immediately produce the desired result, or in the event of an occasional emergency, the use of a .22 caliber bullet discharged from a pistol is proposed. Apparently this is a common backup kill method in the industry.

The City of Cody Code contains the following provision:

#### *5-4-1: DISCHARGING GENERALLY:*

*No person shall discharge any firearm or air gun of any type or description within the city, except by permission of the chief of police or the city council, granted for special occasions, except in proper position for firing salutes or by command of a proper military or police officer in the performance of official duty, or in a shooting range or gallery authorized by the governing body. Special occasions for which permission may be granted shall include, but not be limited to, parades, festivals, demonstrations, exhibits, mock gunfighter performances, wild west shows and rodeos. (1960 Compilation § 8-501; amd. Ord. 00-6)*

#### ANALYSIS

The property is located in the Heavy Industrial zoning district, which permits slaughterhouses. Also, the building has been used in the past as a slaughterhouse and noise from the discharge of firearms has never been an issue to our knowledge. The business will have a kill room interior to the building. The combination of the relatively small caliber of bullet (.22) and the heavy-walled kill room (cinder block on 3 sides and steel on the other), is expected to retain any misfired bullet within the room, and to keep most noise from the discharge of weapons from escaping the building.



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

Existing neighboring uses are as follows:

DIRECTION	USE	ZONING
North	Log yard	Heavy Industrial
East	Vacant Forward Cody lot	Heavy Industrial
South	Vacant Forward Cody lot and railroad tracks	Heavy Industrial
West	Western Area Power	Heavy Industrial

None of the neighboring uses appear to be sensitive to gunshot noise.

The hours of operation of the meat processing facility is planned to be 8:00 to 5:00 six days a week, and the slaughtering will be limited to two days a week, at least initially.

Safety related to the firearms will be addressed by training within the business, and oversight by the USDA inspector. The business has a self-interest to ensure safety and avoid shooting up their special-coated walls and ceiling.

Issues related to actual gun ranges, such as pollution/lead impacts and use by the public are not applicable to this situation.

**FISCAL IMPACT**

No direct impacts to the city budget are expected.

**ATTACHMENTS**

Agenda request form.

**ALTERNATIVES**

Approve or deny the request. Applying conditions is an option.

**RECOMMENDATION**

Authorize Wyoming Legacy Meats to discharge firearms as described, in the kill room at 74 Road 2AB, subject to the following:

1. Only trained employees of Wyoming Legacy Meats are authorized to discharge a firearm. Training may be done internally within the company.
2. The use of bullets is limited to the backup kill method and true emergency situations.

**AGENDA & SUMMARY REPORT TO:**

Max Bennett, Wyoming Legacy Meats

**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)

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Name of person to appear before the Council Max Bennett

Organization Represented Wyoming Legacy Meats

Date you wish to appear before the Council Oct 4, 2016

Mailing Address 74 Road 2AB Telephone 307-272-7546

E-Mail Address max@wyominglegacymeats.com

Preferred form of contact: Telephone  E-Mail

Names of all individuals who will speak on this topic Max Bennett

Event Title (if applicable) \_\_\_\_\_

Date(s) of Event (if applicable) Ongoing -

Full description of topic to be discussed (include all relevant information, attach additional sheet if necessary) Request permission to discharge firearm within the city limits as required for animal slaughter and processing

Which City employee(s) have you spoken to about this issue? Todd Stowell.

Signature [Handwritten Signature] Date 9/28/2016

Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Period
<b>ADVANCED INFO SYSTEMS</b>					
<b>129162</b>					
13298	CYCLE 1 OUTSOURCE BILLS	09/16/2016	4.12	.00	916
13298	CYCLE 1 OUTSOURCE BILLS	09/16/2016	49.43	.00	916
13298	CYCLE 1 OUTSOURCE BILLS	09/16/2016	70.02	.00	916
13298	CYCLE 1 OUTSOURCE BILLS	09/16/2016	28.83	.00	916
13298	CYCLE 1 OUTSOURCE BILLS	09/16/2016	259.49	.00	916
13303	CYCLE 2 OUTSOURCE BILLS	09/21/2016	1.79	.00	916
13303	CYCLE 2 OUTSOURCE BILLS	09/21/2016	21.49	.00	916
13303	CYCLE 2 OUTSOURCE BILLS	09/21/2016	30.45	.00	916
13303	CYCLE 2 OUTSOURCE BILLS	09/21/2016	12.54	.00	916
13303	CYCLE 2 OUTSOURCE BILLS	09/21/2016	112.85	.00	916
Total :			591.01	.00	
Total 129162:			591.01	.00	
<b>ANIXTER, INC.</b>					
<b>130622</b>					
3288382-04	SYSTEM REPAIRS	08/31/2016	224.16	.00	916
3319401-00	CABLE	08/31/2016	1,909.41	.00	916
3322125-00	SYSTEM UPGRADE	08/31/2016	408.19	.00	916
3335077-00	SYSTEM REPAIRS	09/14/2016	635.23	.00	916
3335077-01	SYSTEM MAINTENANCE	09/14/2016	386.05	.00	916
3335077-02	SYSTEM MAINTENANCE	09/13/2016	393.38	.00	916
Total :			3,956.42	.00	
Total 130622:			3,956.42	.00	
<b>BAILEY ENTERPRISES INCORPORATED</b>					
<b>130546</b>					
091516	Unleaded Fuel	09/15/2016	304.17	.00	916
091516	Unleaded Fuel	09/15/2016	88.81	.00	916
091516	Unleaded Fuel	09/15/2016	896.05	.00	916
091516	Diesel Fuel	09/15/2016	177.50	.00	916
091516	Unleaded Fuel	09/15/2016	431.93	.00	916
091516	Unleaded Fuel	09/15/2016	97.74	.00	916
091516	Unleaded Fuel	09/15/2016	28.99	.00	916
091516	Diesel Fuel	09/15/2016	807.82	.00	916
091516	Unleaded Fuel	09/15/2016	177.12	.00	916
091516	Diesel Fuel	09/15/2016	2,111.73	.00	916
091516	Unleaded Fuel	09/15/2016	55.49	.00	916
091516	Diesel Fuel	09/15/2016	82.11	.00	916
091516	Unleaded Fuel	09/15/2016	268.99	.00	916
091516	Diesel Fuel	09/15/2016	136.03	.00	916
091516	Unleaded Fuel	09/15/2016	194.71	.00	916
091516	Diesel Fuel	09/15/2016	156.25	.00	916
091516	Unleaded Fuel	09/15/2016	316.25	.00	916
Total :			6,331.69	.00	
Total 130546:			6,331.69	.00	
<b>BATES, KARA</b>					
<b>130660</b>					
17.0733.16	REFUND UTILITY DEPOSIT	09/15/2016	83.04	.00	916

Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Period
Total :			83.04	.00	
Total 130660:			83.04	.00	
<b>BLUE CROSS BLUE SHIELD OF WYOMING</b>					
<b>1360</b>					
091916	INSURANCE PREMIUM	09/19/2016	110,744.63	.00	916
091916	INSURANCE PREMIUM	09/19/2016	4,364.55-	.00	916
Total :			106,380.08	.00	
Total 1360:			106,380.08	.00	
<b>BORDER STATES INDUSTRIES, INC</b>					
<b>1420</b>					
911817852	Wire, primary 1/0 strd, jacketed,25KV	09/08/2016	6,818.00	.00	916
911817852	Wire, primary 1/0 strd, jacketed,25KV	09/08/2016	6,818.00	.00	916
911824577	Wire, primary, 500MCM cu, jacketed, 25KV	09/09/2016	45,942.57	.00	916
911861749	Arrestor, 10 kV MOV Overhead	09/16/2016	771.60	.00	916
911861749	CABLE	09/16/2016	411.11	.00	916
9119840132	Vault, 1 phase transf	09/13/2016	1,181.15	.00	916
Total :			61,942.43	.00	
Total 1420:			61,942.43	.00	
<b>BURLINGAME, SCOTT</b>					
<b>128683</b>					
090816	REIMBURSE FOR UNIFORM EXPENSE	09/08/2016	100.00	.00	916
Total :			100.00	.00	
Total 128683:			100.00	.00	
<b>C &amp; C WELDING, INC</b>					
<b>1690</b>					
20122	METAL FABRICATION	09/13/2016	284.00	.00	916
Total :			284.00	.00	
Total 1690:			284.00	.00	
<b>CITY OF CODY</b>					
<b>2260</b>					
092716	Utilities	09/27/2016	948.25	.00	916
092716	Utilities	09/27/2016	12,324.24	.00	916
092716	Utilities	09/27/2016	1,942.94	.00	916
092716	Utilities	09/27/2016	3,451.51	.00	916
092716	Utilities	09/27/2016	10,354.53	.00	916
092716	Utilities	09/27/2016	1,163.12	.00	916
092716	Utilities	09/27/2016	299.59	.00	916
092716	Utilities	09/27/2016	533.24	.00	916
092716	Utilities	09/27/2016	13,964.44	.00	916
092716	Utilities	09/27/2016	15,890.64	.00	916
092716	Utilities	09/27/2016	521.49	.00	916
092716	Utilities	09/27/2016	2,133.02	.00	916
092716	Utilities	09/27/2016	33.08	.00	916

Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Period
092716	Utilities	09/27/2016	2,376.15	.00	916
Total :			65,936.24	.00	
Total 2260:			65,936.24	.00	
<b>2261</b>					
092116	POLICE ID CARDS	09/21/2016	120.00	.00	916
092116	DEED FILING	09/21/2016	15.00	.00	916
092116	EASEMENT FILING	09/21/2016	18.00	.00	916
092116	TITLE & PLATES	09/21/2016	20.00	.00	916
092116	EASEMENT FILING	09/21/2016	21.00	.00	916
Total :			194.00	.00	
Total 2261:			194.00	.00	
<b>COLLINGWOOD, MICHAEL</b>					
<b>130984</b>					
3.0250.37	REFUND UTILITY DEPOSIT	09/14/2016	153.44	.00	916
Total :			153.44	.00	
Total 130984:			153.44	.00	
<b>DONHAM, JEFFERY</b>					
<b>130987</b>					
432501	REC CENTER REFUND	09/14/2016	68.00	.00	916
Total :			68.00	.00	
Total 130987:			68.00	.00	
<b>ECOLAB INC</b>					
<b>128686</b>					
8366953	PEST CONTROL - WW LAB	09/19/2016	76.07	.00	916
Total :			76.07	.00	
Total 128686:			76.07	.00	
<b>ENERGY LABORATORIES, INC</b>					
<b>4120</b>					
28778	DISCHARGE PERMIT TESTING	09/21/2016	150.00	.00	916
Total :			150.00	.00	
Total 4120:			150.00	.00	
<b>GEORGE, MEGAN</b>					
<b>130988</b>					
432492	REC CENTER REFUND	09/14/2016	21.60	.00	916
Total :			21.60	.00	
Total 130988:			21.60	.00	

Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Period
<b>GILL, RICHARD</b>					
<b>130983</b>					
MC-1512-019	REFUND CASH BOND ON MC-1512-019	09/21/2016	250.00	250.00	916
Total :			250.00	250.00	
Total 130983:			250.00	250.00	
<b>GLOBAL TECHNOLOGY RESOURCES INC</b>					
<b>130118</b>					
IC0438938	COMPUTER SUPPORT	09/15/2016	819.00	.00	916
Total :			819.00	.00	
Total 130118:			819.00	.00	
<b>GOSCMSA</b>					
<b>4593</b>					
20160907-16	GOSCMSA DUES	07/01/2016	100.00	.00	916
Total :			100.00	.00	
Total 4593:			100.00	.00	
<b>HARRIS TRUCKING AND CONSTRUCTION CO.</b>					
<b>4780</b>					
128387	ASPHALT	08/31/2016	1,312.64	.00	916
128423	ASPHALT	09/10/2016	507.52	.00	916
128430	SAND	09/10/2016	69.00	.00	916
Total :			1,889.16	.00	
Total 4780:			1,889.16	.00	
<b>MCCORD, VIVIAN</b>					
<b>130856</b>					
15.3010.11	REFUND UTILITY DEPOSIT	09/16/2016	40.27	.00	916
15.3015.10	REFUND UTILITY DEPOSIT	09/16/2016	153.49	.00	916
Total :			193.76	.00	
Total 130856:			193.76	.00	
<b>MCFARLAND CASCADE</b>					
<b>6480</b>					
UMI-0031671	Pole, class 4, 50'	09/19/2016	703.00	.00	916
UMI-0031671	Pole, class 4, 45'	09/19/2016	5,990.00	.00	916
UMI-0031671	Pole, class 4, 45'	09/19/2016	2,995.00	.00	916
UMI-0031671	BH-POLE, CLASS 1/2 45'	09/19/2016	2,736.00	.00	916
Total :			12,424.00	.00	
Total 6480:			12,424.00	.00	
<b>MCGONAGLE, BRIAN</b>					
<b>130990</b>					
432447	REC CENTER REFUND	09/14/2016	125.00	.00	916

Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Period
Total :			125.00	.00	
Total 130990:			125.00	.00	
<b>MIDWEST ENTERPRISES</b>					
<b>6650</b>					
33116	SANTIATION SHOP FENCE	09/09/2016	4,348.00	.00	916
Total :			4,348.00	.00	
Total 6650:			4,348.00	.00	
<b>MORRISON MAIERLE</b>					
<b>130985</b>					
166088	SUNSET BLVD WATERLINE	09/02/2016	4,305.93	.00	916
Total :			4,305.93	.00	
Total 130985:			4,305.93	.00	
<b>MOUNTAIN STATES LIGHTING</b>					
<b>128210</b>					
7588	STREET LIGHT REPAIRS	08/30/2016	525.00	.00	916
Total :			525.00	.00	
Total 128210:			525.00	.00	
<b>MOUNTAIN STATES PIPE &amp; SUPPLY</b>					
<b>127866</b>					
INV2321	Kamstrup 5/8" x 3/4" meter	09/12/2016	5,750.00	.00	916
INV2321	Irtton 100W ERT, W/PLUG	09/12/2016	3,888.00	.00	916
INV2321	FREIGHT	09/12/2016	111.86	.00	916
Total :			9,749.86	.00	
Total 127866:			9,749.86	.00	
<b>NEWMAN, SHAYNA</b>					
<b>130991</b>					
10.1239.29	UTILITY DEPOSIT REFUND	09/20/2016	60.70	.00	916
Total :			60.70	.00	
Total 130991:			60.70	.00	
<b>NORTHWEST PIPE</b>					
<b>7400</b>					
1697033	Clamp Repair 6" x 15"	09/12/2016	229.02	.00	916
1697033	8" Smith Blair #441 coupler	09/12/2016	180.74	.00	916
1697033	4" Smith Blair #441 coupler, red x blue	09/12/2016	146.50	.00	916
Total :			556.26	.00	
Total 7400:			556.26	.00	

	Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Period
<b>PARK COUNTY</b>						
<b>7670</b>						
	69	1/2 OF BUILDING MAINT ADMIN SIDE	09/13/2016	550.00	.00	916
Total :				550.00	.00	
Total 7670:				550.00	.00	
<b>PLAN ONE ARCHITECTS</b>						
<b>7980</b>						
	1603-6	CODY CUPBOARD	09/15/2016	3,300.00	.00	916
	1642-2	MENTOCK PARK	09/15/2016	8,125.00	.00	916
	1642-2	MENTOCK PARK	09/15/2016	8,125.00	.00	916
Total :				19,550.00	.00	
Total 7980:				19,550.00	.00	
<b>QUALITY ASPHALT PAVING, INC</b>						
<b>125010</b>						
	1567	ASPHALT LAYDOWN	08/31/2016	2,562.50	.00	916
Total :				2,562.50	.00	
Total 125010:				2,562.50	.00	
<b>R &amp; A SAFETY</b>						
<b>127690</b>						
	3394	PRE-EMPLOYMENT & RANDOM TESTING	09/07/2016	60.00	.00	916
	3394	PRE-EMPLOYMENT & RANDOM TESTING	09/07/2016	90.00	.00	916
Total :				150.00	.00	
Total 127690:				150.00	.00	
<b>ROCKY MOUNTAIN POWER</b>						
<b>7570</b>						
	091616	UTILITIES	09/16/2016	296.46	.00	916
	091616	UTILITIES	09/16/2016	28.12	.00	916
Total :				324.58	.00	
Total 7570:				324.58	.00	
<b>SAY WHERE STORAGE</b>						
<b>130576</b>						
	186324	PARKS SHOP DEMO STORAGE	09/10/2016	225.00	.00	916
Total :				225.00	.00	
Total 130576:				225.00	.00	
<b>SCHOCK, CHERYL</b>						
<b>130986</b>						
	432503	REC CENTER REFUND	09/14/2016	51.00	.00	916
Total :				51.00	.00	

Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Period
Total 130986:			51.00	.00	
<b>SOUTHWESTERN EQUIPMENT</b>					
<b>9422</b>					
0033084	SANITATION REPAIRS	09/13/2016	12,800.00	.00	916
Total :			12,800.00	.00	
Total 9422:			12,800.00	.00	
<b>SPOMER, AMY</b>					
<b>129434</b>					
10.0630.29 201	REFUND FOR OVERPAYMENT	09/26/2016	624.76	.00	916
Total :			624.76	.00	
Total 129434:			624.76	.00	
<b>STERLING CODIFIERS</b>					
<b>128669</b>					
18212	CODE CODIFICATION	08/23/2016	509.00	.00	916
Total :			509.00	.00	
Total 128669:			509.00	.00	
<b>THE OFFICE SHOP INC</b>					
<b>7440</b>					
42355	COPIER CONTRACT - REC CENTER	08/29/2016	1,894.33	.00	916
Total :			1,894.33	.00	
Total 7440:			1,894.33	.00	
<b>US POSTMASTER</b>					
<b>129112</b>					
092016	2 MONTHS POSTAGE FOR UTILITY BILLING	09/20/2016	3,700.00	.00	916
Total :			3,700.00	.00	
Total 129112:			3,700.00	.00	
<b>VAN DEER, KELLY</b>					
<b>130992</b>					
435819	REC CENTER REFUND	09/23/2016	75.00	.00	916
Total :			75.00	.00	
Total 130992:			75.00	.00	
<b>VOSEN, SARAH</b>					
<b>130989</b>					
432499	REC CENTER REFUND	09/14/2016	170.00	.00	916
Total :			170.00	.00	
Total 130989:			170.00	.00	

Invoice Number	Description	Invoice Date	Net Invoice Amount	Amount Paid	GL Period
<b>WESCO RECEIVABLES CORP</b>					
<b>10480</b>					
040009	SUPPLIES	09/08/2016	220.50	.00	916
040376	SUPPLIES	09/09/2016	29.00	.00	916
040787	SYSTEM REPAIRS	09/12/2016	166.55	.00	916
041546	SYSTEM UPGRADES	09/14/2016	221.28	.00	916
041547	SYSTEM REPAIRS	09/14/2016	405.54	.00	916
042966	SYSTEM UPGRADES	09/20/2016	26.96	.00	916
Total :			1,069.83	.00	
Total 10480:			1,069.83	.00	
<b>WESTERN UNITED ELECTRIC SUPPLY</b>					
<b>10605</b>					
4085760	Xfmr 3 ph 75KVA URD 120/208 7200	09/08/2016	6,153.68	.00	916
4085768	SYSTEM REPAIRS	09/08/2016	169.80	.00	916
4085914	SYSTEM REPAIRS	09/06/2016	79.00	.00	916
4085915	SYSTEM REPAIRS	09/06/2016	287.64	.00	916
4086020	Conduit, 6" PVC - 3' radius 90	09/10/2016	244.80	.00	916
Total :			6,934.92	.00	
Total 10605:			6,934.92	.00	
<b>WYOMING STATE TREASURER</b>					
<b>123070</b>					
100116	UNCLAIMED PROPERTY REMITTANCE	10/01/2016	3,798.18	.00	916
Total :			3,798.18	.00	
Total 123070:			3,798.18	.00	
<b>WYOMING STEEL SERVICES LLC</b>					
<b>129345</b>					
004882	RECYCLING HAULING	09/08/2016	475.00	.00	916
Total :			475.00	.00	
Total 129345:			475.00	.00	
Grand Totals:			337,078.79	250.00	
			Payroll 9/21/16	235,981.05	
				573,059.84	

Report Criteria:

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

MEETING DATE:	OCTOBER 4, 2016
DEPARTMENT:	COMMUNITY DEVELOPMENT
PREPARED BY:	TODD STOWELL
CITY ADM. APPROVAL:	_____
PRESENTED BY:	TODD STOWELL

## **AGENDA ITEM SUMMARY REPORT**

### **The Preliminary and Final Plats of the DJ Minor Subdivision**

#### **ACTIONS TO BE TAKEN**

Approve the preliminary and final plats of the DJ Minor Subdivision.

#### **SUMMARY**

Dan Hunter of Silver Gate Enterprises has submitted an application for a two-lot minor subdivision of his 1.15-acre property located southeast of the Cougar Avenue and Blackburn Street intersection. Lot 1 is currently vacant. Lot 2 is being developed with storage units. The preliminary plat drawing and final plat are attached.



#### **SUBDIVISION REGULATIONS**

Although most regulations are met, multiple subdivision variances have been requested. The requested variances are listed on the preliminary and final plat documents, and discussed in the attached staff report to the Planning and Zoning Board. Please refer to that report for the detailed analysis.

#### **RECOMMENDATION:**

The Planning and Zoning Board recommends that the City Council grant the variances requested and approve the preliminary and final plats of the DJ Minor Subdivision, subject to the following conditions:

1. That the surface water rights be transferred in a timely manner to a third party.
2. Provide a 7-foot wide utility easement along Blackburn Street.
3. Provide a private utility/sewer easement from Blackburn Street to Lot 2.
4. Show the installation of sidewalk along Cougar Avenue on the preliminary plat. The developer is responsible for its installation to city standards.
5. Pay applicable utility fees (water tap fee for Lot 1) prior to the mayor signing the final plat. (Note: Electrical fee already paid.)
6. That the developer otherwise completes the improvements noted on the preliminary plat.

As some of the conditions involve the preliminary and final plat drawings, the approval would be with the understanding that updated documents will be provided for the mayor's signature.

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

**ATTACHMENTS:**

Planning and Zoning Board Packet, with the Preliminary Plat and Final Plat

**AGENDA & SUMMARY REPORT TO:**

Dan Hunter

Sage Civil Engineering

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

<b>MEETING DATE:</b>	SEPTEMBER 27, 2016	<b>TYPE OF ACTION NEEDED</b>	
<b>AGENDA ITEM:</b>		P&Z BOARD APPROVAL:	
<b>SUBJECT:</b>	DJ MINOR SUBDIVISION— A TWO-LOT SUBDIVISION. SUB 2016-08	RECOMMENDATION TO COUNCIL:	X
<b>PREPARED BY:</b>	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

**PROJECT OVERVIEW**

Dan Hunter of Silver Gate Enterprises has submitted an application for a two-lot minor subdivision of his 1.15-acre property located southeast of the Cougar Avenue and Blackburn Street intersection. Lot 1 is currently vacant. Lot 2 is being developed with storage units. The preliminary plat drawing and final plat are attached.



The property is located in the Open Business/Light Industrial (D-3) zone, which has no minimum lot size. The dividing lot line would be located five feet west of the north storage unit and 9.5 feet west of the south storage unit, which would be ten feet from the back of the proposed cross-fit building if it is developed per the site plan.

**Existing Conditions:**



**SUBDIVISION REGULATIONS**

Applicable subdivision ordinance requirements are as follows. Staff comments follow each requirement. When a variance from the standard is involved, it is noted.

11-4-2: STREETS, ALLEYS AND EASEMENTS:

*A. Alignment: All proposed streets, alleys and easements shall align horizontally and vertically with existing streets, alleys and easements adjacent to or lying near the subdivision.*

Comment- No new public streets or alleys are proposed.

*B. Conform to Master Street Plan: All streets shall conform to the city master street plan for size and approximate alignment.*

Comments- Cougar Avenue is fully improved to applicable street standards. The Master Street Plan does not indicate any future streets through this property. North Street is shown as a minor residential access street on the Master Street plan, which requires a 45-foot wide right-of-way. Although only 40 feet exists, the street profile can fit within the 40 feet and there is an addition 10-foot utility easement to accommodate the power poles and other dry utilities. Therefore, no right-of-way for North Street is requested.

Blackburn Street is identified as a major arterial on the Master Street plan, which requires a 100-foot right-of-way. Public Works and Planning Staff have reviewed the situation and believe no more than a major collector street profile would ever be constructed, which normally requires 80 feet of right-of-way. Only 66 feet of right-of-way currently exists. Again the street profile can just fit within the existing 66 feet, but there needs to be a utility easement provided for the utilities that would be relocated when the street is widened. Ten feet would be preferred for the utility easement, although seven feet would be adequate to provide the equivalent width of 80 feet.

The reduced right-of-way widths constitute a variance. Staff supports the variance request, provided a 7-foot wide utility easement is provided along Blackburn Street.

*Items "C" through "O" are standards that relate to construction of new public streets and are not applicable to this project.*

*P. Alleys: Alleys shall be required in all subdivisions with the minimum width being twenty feet (20'), unless extreme conditions preclude the feasibility of alleys...*

Comment: The property already has three frontages. Also the lots are sufficiently large to accommodate on-site garbage collection. Staff believes the variance to the alley requirement can be granted due to the frontage and lot size situation.

*Q. Curb, Gutter, Sidewalk, Paved Streets: Curb, gutter, sidewalk and paved streets shall be required in all proposed subdivisions unless waived in accordance with criteria set*

*out in subsection 11-5-2B of this title by the planning and zoning board, and the city council. All waivers of curb, gutter and sidewalks shall require acknowledgment by the developer on the final plat that future improvement districts for the development of curb, gutter and sidewalks shall be supported by future owners of the lots and be so noted on the final plat. The developer shall be responsible for demonstrating to the city that the grades and location of the proposed improvements shall be compatible with all future development in the area.*

Comment: The applicant requests waivers for construction of North Street and Blackburn Street to these standards. The Certificate of Dedication on the plat includes improvement district language to the effect referenced. Staff supports the waiver, as neither street has the necessary design work and the curb and gutter systems would not tie into anything. Cougar Avenue is fully developed, with the exception of sidewalk. It is the developer's responsibility to install sidewalk along the Cougar Avenue frontage as part of the subdivision. While this has been included on the site plans, it is missing from the preliminary plat, and should be added.

*Items "R" and "T" are standards that relate to streets and drainage that are not applicable to this project, provided no improvements to North Street or Blackburn Street are required at this time.*

*U. Lot Requirements:*

*1. Lots shall be sited to meet the requirements of the appropriate zoning.*

Comment: Met

*2. Every lot shall abut upon or have access to an approved street or cul-de-sac.*

Comment: Met.

*3. Side lot line shall be at approximately right angles to the street line on which the lot faces.*

Comment: Met.

*4. Strip lots...will be prohibited.*

Comment: Met.

*V. Blocks:...* Comment: Met.

**Section 11-5-1, DEVELOPMENT AND IMPROVEMENT** also includes standards for construction. Applicable sections are listed below.

*F. Sanitary Sewer: ...Each lot within the proposed subdivision shall be connected to a minimum eight-inch (8") diameter sewer main by a minimum four-inch (4") diameter sewer service line. The service lines shall be extended from the sewer main to the property line according to city standards. The use of individual septic systems will not be permitted when a sanitary sewer main is available...*

Comment: Lot 1 is proposed to connect to the sewer main located in Blackburn Street. Sewer is not in Cougar Avenue or North Street. As storage units are being

constructed on Lot 2, the applicant requests a variance to providing Lot 2 with sewer. Because the life of the storage units is likely 30 years or more, staff is agreeable to not installing the line at this time. However, there must be a way for sewer to be extended to the lot in the future. No other route exists other than across Lot 1. An appropriate easement must be provided (minimum 10 feet—recommend 12 feet or more) across Lot 1.

*G. Storm Sewer...*

Comment: Minor subdivisions are exempt from the storm water policy, but future development is not.

*H. Water...*

Comment: Domestic water for Lot 1 is proposed as shown on the preliminary plat. It is recommended that a one-inch service line be considered due to the distance from the tap to the potential usage point—a 3/4" meter can still be used. A variance to providing Lot 2 with water at this time is requested. The applicant will need to coordinate the water tap and fees with public works.

*I. Fire Hydrants...*

Staff Comment: Hydrants exist on Blackburn Street and North Street at the spacing required.

*J. Open Drains, Irrigation Ditches: All open drains and irrigation ditches shall be buried or, if possible, eliminated.*

Comment: The applicant requests a variance to piping the ditch along the east property line. The ditch is currently concrete lined from Sheridan Avenue to Cougar Avenue. Each of the other lots along this section of ditch were developed without piping the ditch, as those developments occurred prior to the requirement.

*K. Utilities: All utilities (electrical service, natural gas, telephone, cable TV, etc.) shall be installed underground, whenever possible, in the streets, alleys or utility easements shown on the final plat. All buried utilities will be placed before the finished surface is placed on the streets or alleys ... It will be the developer's responsibility to ensure that all utilities necessary or reasonably expected are placed within the proposed subdivision.*

Comments:

Power. Electrical service is available at the northeast corner of the property. Conduit from the transformer to Lot 1 is required at this time. The preliminary plat shows the planned line. If Lot 2 ever needs power, it would tie in directly to the transformer.

Cable/TV/Internet. Telecommunication services are available to each lot.

Natural Gas: Natural gas is available in Blackburn and Cougar Avenue.

*M. Street Lighting...*

Comment: Street lighting exists along Cougar Avenue at the North Street and Blackburn Street intersections.

*N. Public Use Areas: ...*

Comment: Minor subdivisions are exempt from this requirement.

**OTHER:**

**Irrigation:** The applicant requests a variance to the requirement to transfer the surface water rights to the City of Cody. They instead request permission to transfer them to the Cody Canal irrigation district. An agreement between the parties to accomplish such is required prior to final plat approval, and apparently will be submitted before or at the meeting.

Staff has relayed to the Council in the recent past that the City has adequate irrigation water rights for the immediate future and that the State engineer's office is beginning to be concerned that the City is stockpiling water rights. As such, approval of the variance is recommended, provided the agreement is presented.

**RECOMMENDATION:**

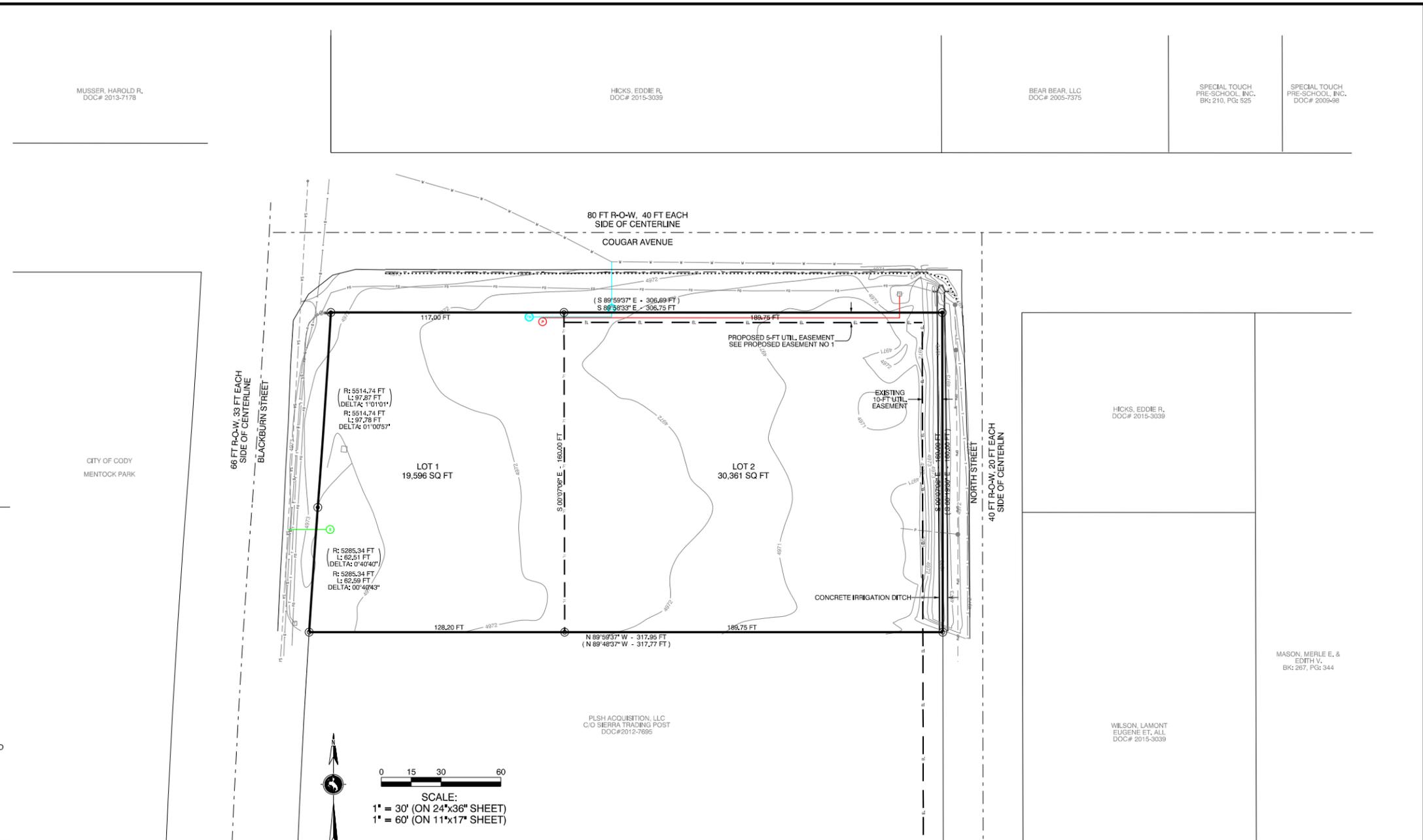
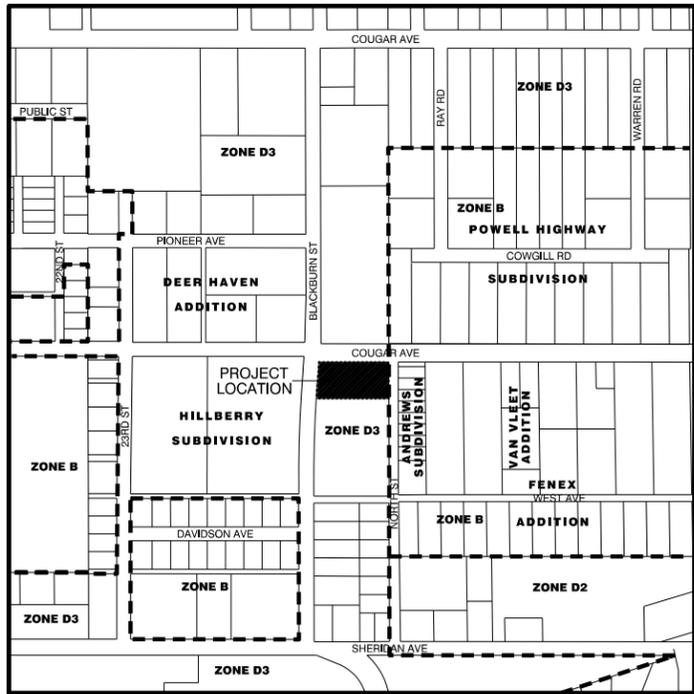
*(Provided the water right transfer agreement is in place)*

Recommend that the City Council grant the variances requested and approve the preliminary and final plats of the DJ Minor Subdivision, subject to the following conditions:

1. That the surface water rights be transferred in a timely manner to the Cody Canal Irrigation District.
2. Provide a 7-foot wide utility easement along Blackburn Street.
3. Provide a private utility/sewer easement from Blackburn Street to Lot 2 (10-foot minimum width).
4. Show the installation of sidewalk along Cougar Avenue on the preliminary plat. The developer is responsible for its installation to city standards.
5. Pay applicable utility fees (water tap fee for Lot 1) prior to the mayor signing the final plat. (Note: Electrical fee already paid.)
6. That the developer otherwise completes the improvements noted on the preliminary plat.

**ATTACHMENTS:**

Preliminary Plat  
Final Plat



**VARIANCE REQUESTS**

VARIANCES ARE REQUESTED FOR CONSTRUCTION OF THE FOLLOWING STANDARD DESIGN ITEMS REQUIRED BY CITY OF CODY ORDINANCE:

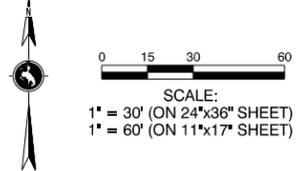
- CITY ORDINANCE 11-4-2(k): RIGHT-OF-WAY WIDTHS.
  - A. EXISTING WIDTH OF BLACKBURN STREET: 66-FT (100-FT REQUIRED)
  - B. EXISTING WIDTH OF NORTH STREET: 40-FT (45-FT REQUIRED)
- CITY ORDINANCE 11-4-2(p): ALLEYS.
  - A. NO ALLEYS ARE PROPOSED AS PART OF THE DJ MINOR SUBDIVISION
- CITY ORDINANCE 11-4-2(q): CURB, GUTTER, SIDEWALK, PAVED STREETS.
  - A. BLACKBURN STREET
    - 1. CURB (NONE EXISTING)
    - 2. GUTTER (NONE EXISTING)
    - 3. SIDEWALK (NONE EXISTING)
    - 4. PAVEMENT WIDTH; VARIES, 32-FT TO 37-FT (61-FT REQUIRED)
  - B. NORTH STREET
    - 1. CURB (NONE EXISTING)
    - 2. GUTTER (NONE EXISTING)
    - 3. SIDEWALK (NONE EXISTING)
    - 4. PAVEMENT WIDTH; VARIES (34-FT REQUIRED)
- CITY ORDINANCE 11-5-1(f): SANITARY SEWER
  - A. NO PROPOSED SEWER SERVICE TO LOT 2 OF THE DJ MINOR SUBDIVISION
- CITY ORDINANCE 11-5-2(h): TREATED WATER
  - A. NO PROPOSED TREATED WATER SERVICE TO LOT 2 OF THE DJ MINOR SUBDIVISION
- CITY ORDINANCE 11-5-1(i): OPEN DRAINS, IRRIGATION DITCHES.
  - A. A VARIANCE TO THE REQUIREMENT FOR BURYING THE IRRIGATION DITCH ALONG NORTH STREET IS REQUESTED

**SUBDIVISION NOTES**

1. SUBDIVISION AREA IS 1.15 ACRES.
2. NO AREAS WITHIN THE SUBDIVISION ARE SUBJECT TO FLOODING OR WETLANDS.
3. SUBDIVISION ZONING IS ZONE D3.
4. ADJACENT ZONING IS ZONE B AND ZONE D3.
5. EXISTING UTILITIES:
  - SANITARY SEWER MAIN LOCATED WITHIN BLACKBURN STREET R-O-W.
  - TREATED WATER MAIN LOCATED WITHIN BLACKBURN ST., COUGAR AVE, AND NORTH ST. R-O-W'S.
  - UNDERGROUND POWER LOCATED ALONG EAST BOUNDARY OF SUBDIVISION.
  - UNDERGROUND FIBER OPTIC LOCATED WITHIN BLACKBURN STREET R-O-W.
  - UNDERGROUND TELEPHONE (CABLE) LOCATED WITHIN BLACKBURN STREET R-O-W.
6. PROPOSED UTILITIES (SEE PROPOSED SERVICES SHOWN HEREON):
  - SANITARY SEWER SERVICE
  - TREATED WATER SERVICE
  - UNDERGROUND POWER SERVICE
  - UNDERGROUND GAS SERVICE

**EASEMENT NOTES**

- EXISTING EASEMENTS:
- 1: A 10 FOOT UTILITY EASEMENT DEDICATED ON THE PLAT OF THE HILLBERRY SUBDIVISION ALONG THE EAST LINE OF LOT 4 OF SAID SUBDIVISION.
  - 2: A RIGHT-OF-WAY EASEMENT GRANTED TO OIL FIELDS POWER COMPANY HAVING NO SPECIFIED WIDTH FOR THE PURPOSE OF AN ELECTRIC TRANSMISSION LINE
- PROPOSED EASEMENTS:
- 1: A 5-FOOT UTILITY EASEMENT FOR THE BENEFIT OF LOT 1 OF THE DJ MINOR SUBDIVISION



**LEGEND**

—	SUBDIVISION BOUNDARY	—	CONTOUR LINE (1-FT INTERVAL)	—	PROPOSED TREATED WATER SERVICE - 3/4-INCH HDPE, - MINIMUM DEPTH: 5.5-FT.
- - -	SUBDIVISION LOT LINES	—	EDGE OF PAVEMENT	—	PROPOSED UNDERGROUND POWER - 3/4-INCH SCHED. 40 PVC, - MINIMUM DEPTH: 3-FT.
—	ADJACENT PROPERTY LINES	—	TOP BACK OF CURB	—	PROPOSED SANITARY SEWER SERVICE - 4-INCH PVC, - MINIMUM DEPTH: 4-FT.
- - -	STREET CENTERLINE	—	TOP OF CONCRETE DITCH		
- - -	EASEMENT LINE	—	UNDERGROUND FIBER OPTIC		
○	FOUND 2" ALUMINUM CAP ON 30" IRON PIPE	—	UNDERGROUND TELEPHONE		
⊕	FOUND 3-1/4" BRASS CAP ON 30" IRON PIPE	—	UNDERGROUND GAS		
⊙	SET 2" ALUMINUM CAP ON 5/8" X 24" REBAR	—	UNDERGROUND POWER		
(100 FT)	RECORD DIMENSIONS	—	OVERHEAD POWER		
		—	SANITARY SEWER		
		—	TREATED WATER		

**LEGAL DESCRIPTION**

A PARCEL OF LAND BEING A PART OF LOT 4 OF THE HILLBERRY SUBDIVISION, LOCATED WITHIN TRACT 71, RESURVEY T.53N., R.101W., 6TH P.M., CITY OF CODY, PARK COUNTY, WYOMING; SAID LANDS BEING DESCRIBED IN DOC# 2015-8654 ON FILE IN THE OFFICE OF THE PARK COUNTY CLERK AND RECORDER, SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 4 OF THE HILLBERRY SUBDIVISION EXCLUDING LANDS DESCRIBED IN DOC# 2012-7695 AND LANDS DESCRIBED IN DOC# 144203

**SURVEY NOTES**

1. BEARING BASE FOR THIS SURVEY IS GEODETIC BASED ON THE WYOMING STATE PLANE COORDINATE SYSTEM, NAD83(2011) WYOMING WEST CENTRAL ZONE.
2. ALL SURVEY WORK WAS COMPLETED TO AN ACCURACY OF 1:15,000.
3. RECORD EASEMENTS SHOWN HEREON ARE BASED ON OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY POLICY NO.: 0X-09424344. THE LANDS SHOWN HEREON MAY BE SUBJECT TO ADDITIONAL EASEMENTS NOT SHOWN HEREON.

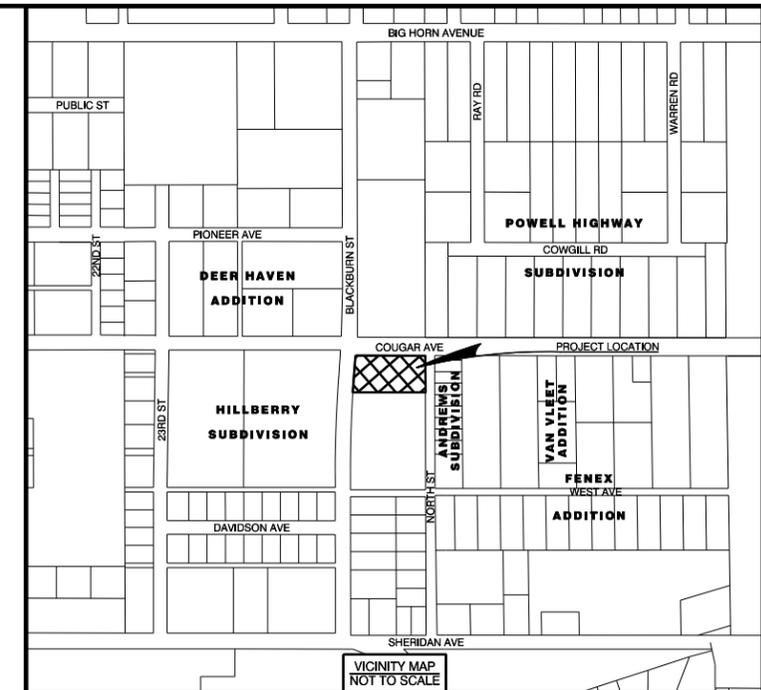
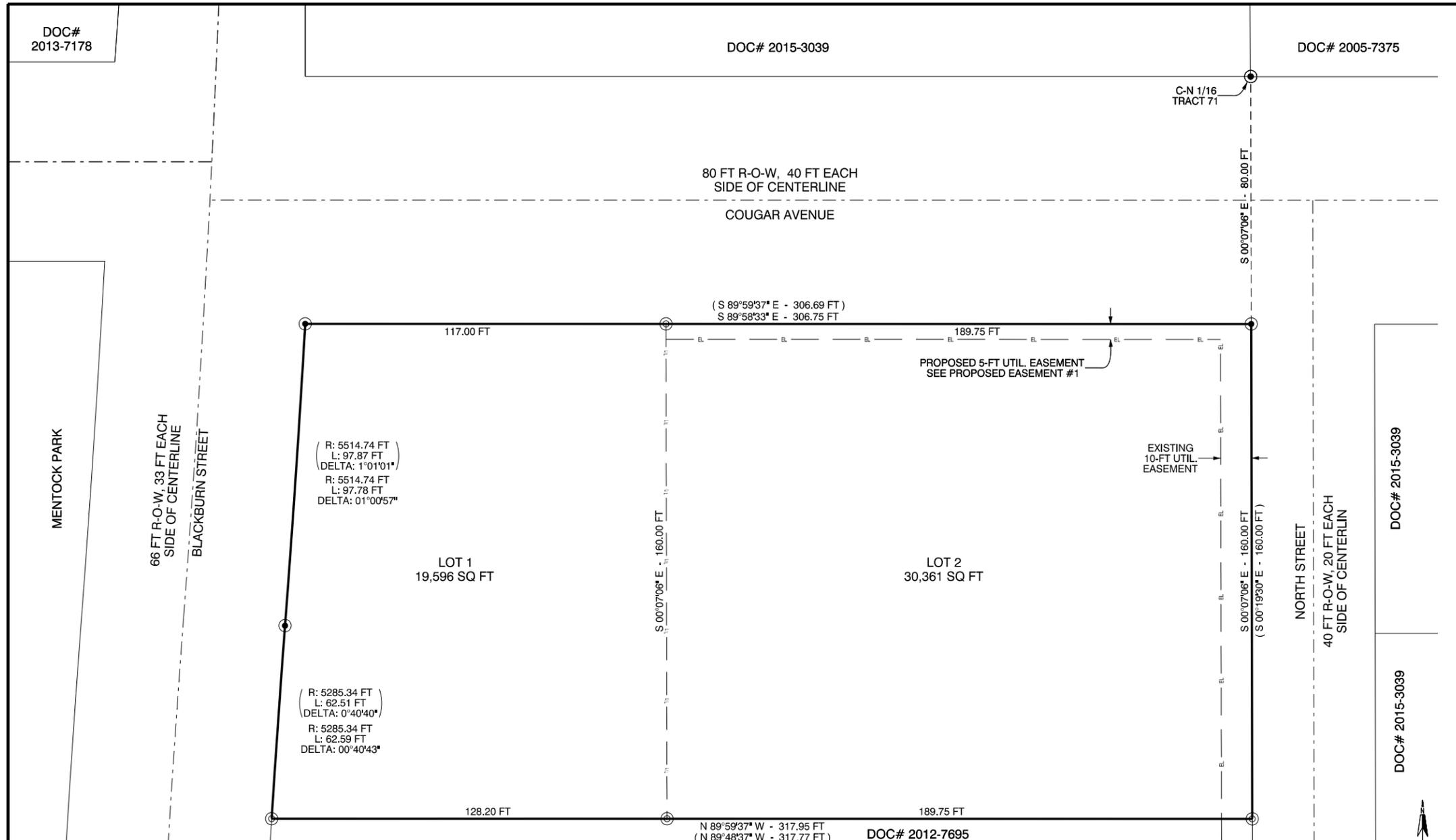
**PRELIMINARY PLAT**

<p>DEVELOPER:</p> <p>SILVER GATE ENTERPRISES, LLC. 1432 SHERIDAN AVE. CODY, WY 82414</p> <p>DOC#2016-6654</p>	<p>ENGINEER</p> <p>SAGE CIVIL ENGINEERING</p> <p>2824 BIG HORN AVENUE CODY, WY 82414 PHONE: (307) 527-0915 FAX: (307) 527-0916</p> <p>2725 W MAIN ST P.O. BOX 1163 RIVERTON, WY 82501 PHONE: (307) 240-5915</p> <p>www.sagedcivilengineering.com</p>	<p>DJ MINOR SUBDIVISION</p> <p>LOCATED WITHIN A PORTION OF LOT 4, OF THE HILLBERRY SUBDIVISION</p> <p>TRACT 71, RESURVEY T.53N., R.101W. 6TH P.M. CITY OF CODY, PARK COUNTY, WYOMING</p> <p>PREPARED: SEPTEMBER 15, 2016 DRAWN BY: DT CHK BY: BJF</p> <p>FIELD SURVEY: JULY, 2016 FIELD BOOK: 1A372 PAGES 1-70 PRJ #2016-16</p>
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DOC# 2013-7178

DOC# 2015-3039

DOC# 2005-7375



CERTIFICATE OF SURVEYOR

I, BRETT J. FARMER, OF CODY, WYOMING, BEING 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...

BRETT J. FARMER  
WYOMING REGISTRATION NO. 15644 L.S.

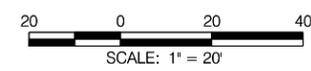
APPROVALS

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

CITY COUNCIL  
APPROVED THIS \_\_\_ DAY \_\_\_, 20\_\_\_ BY THE CITY COUNCIL OF CODY, WYOMING.

BY MAYOR: NANCY TIA BROWN

ATTESTED BY: ADMINISTRATIVE SERVICES DIRECTOR



VARIANCES GRANTED BY THE CODY CITY COUNCIL

- CITY ORDINANCE 11-4-2(k): RIGHT-OF-WAY WIDTHS.
  - A. EXISTING WIDTH OF BLACKBURN STREET: 66-FT (100-FT REQUIRED).
  - B. EXISTING WIDTH OF NORTH STREET: 40-FT (45-FT REQUIRED).
- CITY ORDINANCE 11-4-2(p): ALLEYS.
  - A. NO ALLEYS ARE PROPOSED AS PART OF THE DJ MINOR SUBDIVISION.
- CITY ORDINANCE 11-4-2(g): CURB, GUTTER, SIDEWALK, PAVED STREETS.
  - A. BLACKBURN STREET:
    - 1. CURB (NONE EXISTING)
    - 2. GUTTER (NONE EXISTING)
    - 3. SIDEWALK (NONE EXISTING)
    - 4. PAVEMENT WIDTH: VARIES, 32-FT TO 37-FT (61-FT REQUIRED)
  - B. NORTH STREET:
    - 1. CURB (NONE EXISTING)
    - 2. GUTTER (NONE EXISTING)
    - 3. SIDEWALK (NONE EXISTING)
    - 4. PAVEMENT WIDTH: VARIES (34-FT REQUIRED)
- CITY ORDINANCE 11-5-1(f): SANITARY SEWER.
  - A. NO SEWER SERVICE TO LOT 2 OF THE DJ MINOR SUBDIVISION.
- CITY ORDINANCE 11-5-1(h): TREATED WATER.
  - A. NO TREATED WATER SERVICE TO LOT 2 OF THE DJ MINOR SUBDIVISION.
- CITY ORDINANCE 11-5-1(i): OPEN DRAINS, IRRIGATION DITCHES.
  - A. A VARIANCE TO THE REQUIREMENT FOR BURYING THE IRRIGATION DITCH ALONG NORTH STREET.

RECORDERS ACCEPTANCE

STATE OF WYOMING )  
COUNTY OF PARK ) SS.  
THIS INSTRUMENT WAS FILED FOR THE RECORD ON THE \_\_\_ DAY OF \_\_\_, 20\_\_\_, AT \_\_\_ O'CLOCK, \_\_\_m. AND WAS DULY RECORDED IN PLAT CABINET \_\_\_ ON PAGE \_\_\_.

FINAL PLAT

**ENGINEER**  
SAGE CIVIL ENGINEERING  
2824 BIG HORN AVENUE  
CODY, WY 82414  
PHONE: (307) 527-0915  
FAX: (307) 527-0916  
www.sagecivilengineering.com

2725 W MAIN ST  
P.O. BOX 1153  
RIVERTON, WY 82501  
PHONE: (307) 240-5915

**DJ MINOR SUBDIVISION**  
LOCATED WITHIN A PORTION OF LOT 4,  
OF THE HILLBERRY SUBDIVISION  
TRACT 71, RESURVEY T.53N., R.101W., 6TH P.M.  
CITY OF CODY, PARK COUNTY, WYOMING

PREPARED: SEPTEMBER 15, 2016  
DRAWN BY: DT, BJF  
CHK BY: BJF  
2016-16\WRK2016-16\_Final Plat.dgn

FIELD SURVEY: AUGUST 8, 2016  
FIELD BOOK 373  
PAGES 43 - 49  
PRJ #2016-16 CLIENT: DAN HUNTER

LEGEND

- SUBDIVISION BOUNDARY
- SUBDIVISION LOT LINES
- ADJACENT PROPERTY LINES
- STREET CENTERLINE
- EASEMENT LINE
- FOUND 2" ALUMINUM CAP
- FOUND 3-1/4" BRASS CAP ON 30" IRON PIPE
- SET 2" ALUMINUM CAP ON 5/8" X 24" REBAR
- (100 FT) RECORD DIMENSIONS

SUBDIVISION NOTES

- BEARING BASE: BEARINGS AND DISTANCES SHOWN ON THIS PLAT ARE GRID NORTH 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.
- UNITS SHOWN HEREON ARE U.S. SURVEY FEET.
- TOTAL SUBDIVISION AREA IS 1.15 ACRES.
- RECORD DIMENSIONS SHOWN AS (100.00 FT) ARE FROM THE PLAT OF THE HILLBERRY SUBDIVISION RECORDED IN BOOK "E" OF PLATS, PAGE 176, ON FILE IN THE OFFICE OF THE PARK COUNTY CLERK AND RECORDER.
- RECORD EASEMENTS SHOWN HEREON ARE BASED ON OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY POLICY NO. 0X-09424344. THE LANDS SHOWN HEREON MAY BE SUBJECT TO ADDITIONAL EASEMENTS NOT SHOWN HEREON.

EASEMENT NOTES

- EXISTING EASEMENTS:
- A 10 FOOT UTILITY EASEMENT DEDICATED ON THE PLAT OF THE HILLBERRY SUBDIVISION ALONG THE EAST LINE OF LOT 4 OF SAID SUBDIVISION.
  - A RIGHT-OF-WAY EASEMENT GRANTED TO OIL FIELDS POWER COMPANY HAVING NO SPECIFIED WIDTH FOR THE PURPOSE OF AN ELECTRIC TRANSMISSION LINE REFERENCED IN BK 71, PG 76 ON FILE IN THE OFFICE OF THE PARK COUNTY CLERK.
- PROPOSED EASEMENTS:
- A 5-FOOT UTILITY EASEMENT FOR THE BENEFIT OF LOT 1 OF THE DJ MINOR SUBDIVISION

CERTIFICATE OF DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS THAT WE, THE UNDERSIGNED, ALL HEIRS AND/OR ASSIGNS HEREBY CERTIFY THAT WE ARE THE OWNERS AND PROPRIETORS OF THE LANDS NOTED HEREON IN THE DESCRIPTION OF LANDS; THAT WE HAVE CAUSED SAID LANDS TO BE SURVEYED; THAT THE SUBDIVISION OF SAID LANDS IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS...

DAN HUNTER, PRESIDENT  
SILVER GATE ENTERPRISES, LLC

STATE OF WYOMING )  
COUNTY OF PARK ) SS

THE FOREGOING CERTIFICATE OF OWNER WAS ACKNOWLEDGED BEFORE ME BY DAN HUNTER, PRESIDENT OF SILVER GATE ENTERPRISES, LLC, ON THIS \_\_\_ DAY OF \_\_\_, 20\_\_\_, WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

DESCRIPTION OF LANDS

A PARCEL OF LAND BEING A PART OF LOT 4 OF THE HILLBERRY SUBDIVISION, LOCATED WITHIN TRACT 71, RESURVEY T.53N., R.101W., 6TH P.M., CITY OF CODY, PARK COUNTY, WYOMING; SAID LANDS BEING DESCRIBED IN DOC# 2015-6654 ON FILE IN THE OFFICE OF THE PARK COUNTY CLERK AND RECORDER, SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
LOT 4 OF THE HILLBERRY SUBDIVISION EXCLUDING LANDS DESCRIBED IN DOC# 2012-7695 AND LANDS DESCRIBED IN DOC# 144203.

**ORDINANCE 2016-15**

**AN ORDINANCE VACATING, ABANDONING AND CONVEYING A PORTION OF THE NORTH FRONTAGE ROAD RIGHT-OF-WAY ADJACENT TO 203 W. YELLOWSTONE AVENUE AND 1910 DEMARIS STREET.**

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

WHEREAS, Fred-T-Mac, LLC as owner of 1910 Demaris Street and Richard MacGregor and William Thielemann as owners of 203 W. Yellowstone Avenue, have submitted an application to vacate a portion of the North Frontage Road right-of-way immediately adjacent to their respective properties as further depicted on Exhibit A;

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

WHEREAS, a public hearing was held on September 6, 2016 before the City Council at their regular meeting, as advertised, at which meeting the City Council heard comments from all persons wishing to speak for or against the requested right-of-way vacation;

WHEREAS, the Cody City Council has thoroughly reviewed the matter and deems that it is in the best interest of the public and the City of Cody to vacate and abandon the right-of-way requested, as described in Exhibit A;

BUT RESERVING AND EXCEPTING unto the City of Cody, Wyoming a utility easement over and across all of the right-of-way to be vacated; and,

WHEREAS, the vacation, abandonment and conveyance of the above-described properties is in the best interests of the public and the City of Cody, and will not be injurious, detrimental or inconvenient to the City of Cody, Wyoming or to the public, provided certain conditions are met as outlined below.

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

1. Upon completion of Items #2, #3, and #4 below, and simultaneous therewith, the portion of the North Frontage Road right-of-way described in Exhibit A is vacated and abandoned by the City of Cody, Wyoming, excepting and reserving unto the City of Cody a utility easement over, under and across all of said property. The easement shall include the right of the City of Cody, Wyoming to excavate for, construct, install, operate, maintain, renew, replace, and repair water, electrical and other utility lines and other appurtenant hardware and fixtures related to such lines and utilities, together with the right of ingress and egress to and over such easement at any time for the purposes of patrolling, inspecting, repairing, building, maintaining and accessing such utility lines and related infrastructure, and further including the right to trim or cut down any trees, vegetation or shrubbery which may interfere with the maintenance or operation of such utility lines and related infrastructure. In addition, the easement shall specifically identify that no buildings or similar structures shall be placed in the utility easement and that all utilities shall be protected and fully accommodated during any development of the property by the landowner. Examples of such accommodations shall include maintaining minimum cover and

clearance over and around the utility components, adjusting manholes and valves to any altered grades, and providing concrete collars around any manholes, inlets, or valves in any driving areas.

The Mayor and City Clerk are hereby authorized and directed to convey by Quitclaim Deed the real property described in Exhibit A, reserving unto the City a utility easement as noted above. The deed documents shall be provided by those receiving the land and be recorded with the County Clerk at their expense. Parcel A is to be conveyed to Fred-T-Mac, LLC as the adjacent landowner and merged therewith, and Parcel B is to be conveyed to Richard MacGregor and William Thielemann as the adjacent landowners and merged therewith. The parcels of vacated right-of-way are not to be conveyed separately from the property into which they are hereby merged. Furthermore, said deeds shall contain a restriction that no billboard or other form of off-premise advertising shall be placed on or above the vacated North Frontage Road right-of-way; provided, the existing Old Trail Town sign and any replacement sign thereof for Old Trail Town only shall be exempt from this restriction. The exemption shall not be transferrable.

2. Richard MacGregor and William Thielemann shall grant and record an access easement over and across the northeast corner of Parcel B, consisting of a triangle area, measuring at least 11.58 feet along the east property line and 20.78 feet along the north property line of Parcel B. The easement shall run with the land in perpetuity, and shall be for the benefit of the properties that have access to the connecting access easement, as shown on the plat of the Elsbury subdivision, recorded in Book E of plats, Page 194, records of Park County, WY; and as described in document #2002-7971, records of Park County, WY.
3. Richard MacGregor and William Thielemann shall grant and record a private utility easement over and across the east 20 feet of Parcel B. The easement shall run with the land in perpetuity, and shall be for the benefit of the properties that have access to the connecting utility easement to the north, as described in document #2002-7971, records of Park County, WY.
4. Fred-T-Mac LLC, and Richard MacGregor and William Thielemann shall grant and record a utility easement for PacifiCorp's facilities, as requested by PacifiCorp.

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

PASSED ON FIRST READING

September 6, 2016

PASSED ON SECOND READING

September 20, 2016

PASSED, ADOPTED AND APPROVED ON  
THIRD AND FINAL READING

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

ATTEST: \_\_\_\_\_

Cindy Baker, Administrative Services Director

MEETING DATE:	OCTOBER 4, 2016
DEPARTMENT:	COMMUNITY DEVELOPMENT
PREPARED BY:	TODD STOWELL
CITY ADM. APPROVAL:	_____
PRESENTED BY:	TODD STOWELL

**AGENDA ITEM SUMMARY REPORT**  
**An Ordinance to Vacate, Abandon, and Convey a Portion of**  
**the North Frontage Road right-of-way adjacent to**  
**225 W. Yellowstone Avenue**

**ACTION**

Public Hearing and First Reading of an ordinance to vacate, abandon and convey the North Frontage Road right-of-way in front of the Sandhill Partners, LLC property at 225 W. Yellowstone Avenue.

**BACKGROUND**

Pearre Williams, on behalf of Sandhill Partners, LLC, as owner of 225 W. Yellowstone Avenue (Lot 10 of the DeMaris Subdivision) has submitted an application requesting vacation of the North Frontage Road as it borders the Sandhill Partners property. The North Frontage Road right-of-way is located adjacent to the State Highway 14-16-20 right-of-way and does not contain an improved city street, but does contain utilities. An aerial photo showing the current property lines, city utilities, and easements is shown. The area currently contains a portion of a parking lot. The existing public sidewalk is outside of the North Frontage Road right-of-way. A survey of the proposed vacation is attached.



**ANALYSIS**

Due to the existing utilities, all of the vacated right-of-way will be retained as a utility easement. The transition from a right-of-way to a utility easement effectively means that the City is giving up the option of constructing a public street in the right-of-way. The right-of-way for a frontage road was originally established with the DeMaris Subdivision in February 1965. Since then, the area has developed in a manner that has not utilized the frontage road concept.



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

The property to the west is owned by the City but leased to “Friends of Park County History, Inc.”, a Wyoming nonprofit corporation. It is a 99-year lease that began in 2003. The leased property is served by access at its southwest corner and also has a highway turnout. It does not rely on the North Frontage Road in front of the subject property for access. The subject property itself utilizes access off of DeMaris Street (a.k.a. DeMaris Springs County Road).

An existing Rocky Mountain Power overhead line crossing the east portion of the right-of-way is accommodated by a separate easement, which easement document will also be recorded and is addressed in the ordinance.

Notice of the public hearing was provided by certified mail to neighboring properties within 300 feet (8 total) and by publication in the newspaper on September 15, 2016. As of September 27, 2016, four favorable response letters and no letters of opposition had been received.

### **FUTURE BILLBOARDS**

In an effort to minimize future billboards along this stretch of the entry corridor, staff recommends a limitation that would prohibit installation of future billboards and other forms of off-premise signage on the vacated right-of-way. This restriction has been utilized on other vacated segments of the North Frontage Road, including along the Cody Stampede, Fred-T-Mac and Bill Thielemann properties. The limitation is included in the proposed ordinance.

### **FISCAL IMPACT**

There do not appear to be any direct costs to the City budget in approving the requested vacation. As the right-of-way was originally a donation to the City and the City has not expended any funds to construct a street in the area, legal advice is that no compensation from the property owners for the value of the land is permitted. In essence, the city is simply giving up the right to build a street at that location.

### **ALTERNATIVES**

Approve or deny the first reading of the ordinance.

### **ATTACHMENTS**

Ordinance 2016-16

### **RECOMMENDED MOTION**

Approve Ordinance 2016-16 to vacate the portion of the North Frontage Road right-of-way in front of 225 West Yellowstone Avenue, as requested.

**ORDINANCE 2016-16**

**AN ORDINANCE VACATING, ABANDONING AND CONVEYING A  
PORTION OF THE NORTH FRONTAGE ROAD RIGHT-OF-WAY  
ADJACENT TO 225 W. YELLOWSTONE AVENUE.**

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

WHEREAS, Sandhill Partners, LLC as owner of 225 West Yellowstone Avenue (Lot 10 of the DeMaris Subdivision) has submitted an application to vacate the portion of the North Frontage Road right-of-way immediately adjacent to said property, as further depicted on Exhibit A;

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

WHEREAS, a public hearing was held on October 4, 2016 before the City Council at their regular meeting, as advertised, at which meeting the City Council heard comments from all persons wishing to speak for or against the requested right-of-way vacation;

WHEREAS, the Cody City Council has thoroughly reviewed the matter and deems that it is in the best interest of the public and the City of Cody to vacate and abandon the right-of-way requested, as described in Exhibit A;

BUT RESERVING AND EXCEPTING unto the City of Cody, Wyoming a utility easement over and across all of the right-of-way to be vacated; and,

WHEREAS, the vacation, abandonment and conveyance of the above-described properties is in the best interests of the public and the City of Cody, and will not be injurious, detrimental or inconvenient to the City of Cody, Wyoming or to the public, provided certain conditions are met as outlined below.

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

1. Upon completion of Item #2 below, and simultaneous therewith, the portion of the North Frontage Road right-of-way described in Exhibit A is vacated and abandoned by the City of Cody, Wyoming, excepting and reserving unto the City of Cody a utility easement over, under and across all of said

property. The easement shall include the right of the City of Cody, Wyoming to excavate for, construct, install, operate, maintain, renew, replace, and repair water, sewer, electrical and other utility lines and other appurtenant hardware and fixtures related to such lines and utilities, together with the right of ingress and egress to and over such easement at any time for the purposes of patrolling, inspecting, repairing, building, maintaining and accessing such utility lines and related infrastructure, and further including the right to trim or cut down any trees, vegetation or shrubbery which may interfere with the maintenance or operation of such utility lines and related infrastructure. In addition, the easement shall specifically identify that no buildings or similar structures shall be placed in the utility easement and that all utilities shall be protected and fully accommodated during any development of the property by the landowner. Examples of such accommodations shall include maintaining minimum cover and clearance over and around the utility components, adjusting manholes and valves to any altered grades, and providing concrete collars around any manholes, inlets, or valves in any driving areas.

The Mayor and City Clerk are hereby authorized and directed to convey by Quitclaim Deed the real property described in Exhibit A, reserving unto the City a utility easement as noted above. The deed documents shall be provided by Sandhill Partners, LLC and be recorded with the County Clerk at their expense. Parcel A is to be conveyed to Sandhill Partners, LLC as the adjacent landowner and merged therewith. The parcel of vacated right-of-way is not to be conveyed separately from the property into which it is hereby merged. Furthermore, said deed shall contain a restriction that no billboard or other form of off-premise advertising shall be placed on or above the vacated North Frontage Road right-of-way.

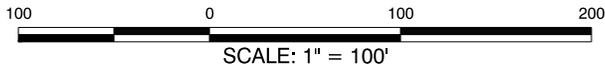
2. Sandhill Partners, LLC shall grant and record a utility easement for PacifiCorp's facilities, as requested by PacifiCorp.

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

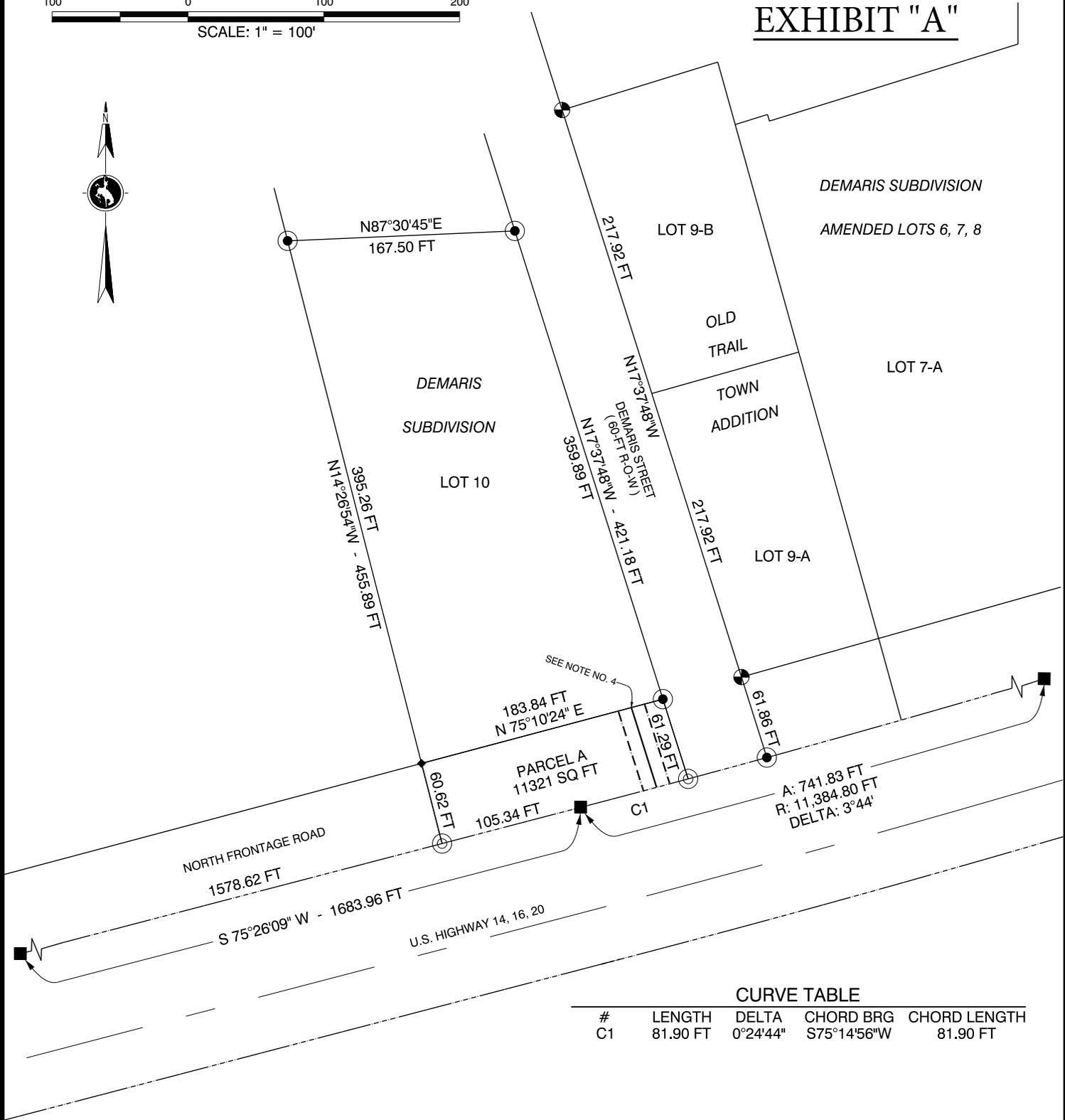
PASSED ON FIRST READING \_\_\_\_\_  
PASSED ON SECOND READING \_\_\_\_\_  
PASSED, ADOPTED AND APPROVED ON \_\_\_\_\_  
THIRD AND FINAL READING \_\_\_\_\_

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

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



# EXHIBIT "A"



### CURVE TABLE

#	LENGTH	DELTA	CHORD BRG	CHORD LENGTH
C1	81.90 FT	0°24'44"	S75°14'56"W	81.90 FT

### NOTES

1. BEARING BASE IS GEODETIC BASED ON THE WYOMING STATE PLANE COORDINATE SYSTEM, NAD83(2011), WEST CENTRAL ZONE.
2. PARCEL A SHOWN HEREON ARE TO BE SUBJECT TO A PUBLIC UTILITY EASEMENT DEDICATED TO THE CITY OF CODY ENCOMPASSING THE ENTIRETY OF SAID PARCELS.
3. VACATION OF PARCELS A PER CITY COUNCIL ORDINANCE NO. \_\_\_\_\_.
4. A 20 FOOT WIDE POWER EASEMENT BENEFITING PACIFIC POWER AND LIGHT CO., LOCATED WITHIN PARCEL A SHOWN HEREON, SAID EASEMENT BEING 10 FEET EACH SIDE OF A CENTERLINE BEING PARALELL TO AND 24 FEET WEST OF THE WEST RIGHT-OF-WAY OF DEMARIS STREET.

### LEGEND

- PROPERTY BOUNDARY
- US HIGHWAY R-O-W
- R-O-W CENTERLINE
- EASEMENT LINE
- FOUND 2" ALUMINUM CAP
- SET 2" ALUMINUM CAP
- FOUND 3" BRASS CAP
- FOUND R-O-W MONUMENT
- FOUND 5/8" REBAR

### CERTIFICATE OF SURVEYOR

I, BRETT J. FARMER, OF CODY WYOMING, BEING A DULY LICENSED SURVEYOR IN THE STATE OF WYOMING, HEREBY CERTIFY THAT THE INFORMATION SHOWN HEREON IS BASED ON FIELD SURVEY MEASUREMENTS MADE BY ME ON SEPTEMBER 13, 2016 AND THAT IT IS A RECORD OF SURVEY SHOWING A RIGHT-OF-WAY AREA TO BE VACATED WITHIN A PORTION OF NORTH FRONTAGE ROAD LOCATED WITHIN THE DEMARIS SUBDIVISION WITHIN THE CITY OF CODY, PARK COUNTY, WYOMING.

BRETT J. FARMER  
WYOMING REGISTRATION NO. 15644, LS

### RECORD OF SURVEY

SHOWING:

PROPOSED VACATION OF  
CITY OF CODY RIGHT-OF-WAY WITHIN  
A PORTION OF NORTH FRONTAGE ROAD

LOCATED WITHIN DEMARIS SUBDIVISION,  
LOT 72A, RESURVEY T.52N., R.102W., 6TH P.M.,  
CITY OF CODY, PARK COUNTY, WYOMING



2824 BIG HORN AVE.  
CODY, WY 82414  
OFFICE: 307-527-0915  
FAX: 307-527-0916

SEPT. 16, 2016  
BY: DB CHK: BF  
PROJ. # 2016-76  
BK: 1A329 PG: 60