

## City Council Special Meeting Agenda

**Date:** 9/11/18  
**Time:** 4:15 p.m.  
**Location:** City Hall Council Chambers

- Mayor Matt Hall
  - Donny Anderson
  - Karen Ballinger
  - Jerry Fritz
  - Landon Greer
  - Glenn Nielson
  - Stan Wolz
  - City Administrator, Barry Cook
  - Administrative Services Officer, Cindy Baker
  - City Attorney, Scott Kolpitcke
- 
- 4:15-4:35 – Informational Item - Possible Future Drainage of Cody & Markam Reservoirs
    - Staff Reference – Rick Manchester, Parks, Public Facilities & Recreation Director
    - Spokesperson – Wyoming Game & Fish Representative
- 
- 4:35-4:50 - Informational Item – Old Trail Town - Waterline
    - Staff Reference – Todd Stowell, City Planner
    - Spokesperson – Trail Town and/or Friends of Park County
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- 4:50-5:00 - Utility Adjustment Request
    - Staff Reference – Cindy Baker, Administrative Services Officer (ASO)
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- 5:00-5:20 - Rec Center Administrative Assistance Salary
    - Staff Reference - Barry Cook, City Administrator & Cindy Baker, ASO
    - Spokesperson – Jolene Selk and/or Rick Manchester
- 
- Updates – City Administrator
  - Council Committee Reports
  - Other Matters from Council
  - Meeting Reminders:
    - 
    - Tuesday, September 18, 2018** - Regular Council Meeting 7:00 p.m. Council Chambers
    - Tuesday, October 2, 2018** – Regular Council Meeting 7:00 p.m. Council Chambers

## SUMMARY REPORT

### OLD TRAIL TOWN PROPERTY TRANSFER AND WATER MAIN INSTALLATION

#### ACTION TO BE TAKEN

None at this time—Inform Council of plans related to Old Trail Town.

#### SUMMARY

Old Trail Town is making plans for future improvements. Those improvements will require permissions from City Council and others. Old Trail Town would like to know if City Council is open to their ideas before conducting needed engineering, surveying and legal work.

Their plans include installing a water main to Old Trail Town for fire protection purposes and acquiring a triangle-shaped piece of City property, which is currently part of property leased to Friends of Park County History, Inc. A portion of the triangle-shaped piece of land would be

developed with a new building, containing restrooms and potentially their gift shop/ticket sales (relocated from adjacent building). It would also allow room for installation of a water line south of the existing Old Trail Town buildings. The triangle area, although owned by the City and Leased by Friends of Park County History, is on the Old Trail Town side of an established fence line (current buck and rail fence and the previous wire fence). The current corner of the City property extends to the middle of the main entry boardwalk into the Old Trail Town facility.

In order for Old Trail Town to acquire ownership of the triangle-shaped area and use it for the contemplated purposes, it first would be necessary for the Friends of Park County History and City of Cody to amend their current lease agreement by removing that area from the lease (modify legal description). If that were to occur, the city could then sell the land through an auction or bidding process. Due to the location and other limitations on the piece of property, only Old Trail town could meet the bidding requirements.

It is noted that the exact size of the triangle is yet to be determined. There have been two different surveys of the triangle area in the past but neither accounted for building code setback or potential easement requirements. Based on a wood sided/framed building, there is a 10-foot setback



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requirement from the new property line. If the water main is routed along the south side of Old Trail Town as they plan to do, a 15-foot easement/clear area would be necessary. Old Trail Town would continue to coordinate with the City staff and Friends of Park County History to identify the exact size.

To conduct the bidding process for sale of the land, staff would need to know if Council wishes to establish a minimum bid based on assessed value, or if they would accept less. The closest comparison for assessed value is the neighboring property to the southeast, which has a 2018 appraised value of \$3.98 per square foot by the county assessor's office. If that value were used, the value of the triangle area would likely be in the range of \$8,000 to \$12,000.

The property transfer would need to occur through the lot line adjustment process. The survey documents, deed, and recording fees would be the responsibility of the successful bidder—presumed to be Old Trail Town.

The route of the water main installation is related to this whole situation in the following manner. The shortest and cheapest route for the water main would be along the east portion of the leased property. Friends of Park County History has been opposed to the water main being installed across the property they lease, with the possible exception of the triangle area. In response, Old Trail Town has since decided that locating the water main in the Demaris Street right-of-way (or an adjacent easement) is an acceptable alternative if it results in them being able to acquire the triangle area. This route avoids the concerns of Friends of Park County History related to disturbance of the natural area and vegetation.

The water main route down Demaris Street would also allow the main to be more readily extended further down Demaris Street. As such, the portion of the main in Demaris Street should be accepted as a city main once it is constructed by the developer (Old Train Town). Engineering, DEQ permits, and construction of the water main would be the responsibility of Old Trail Town. The main that extends from Demaris Street into Old Trail Town would be a private main or service line.

Friends of Park County History also apparently has a concern that if the lease is opened up for modification, that the City may want other amendments to the agreement (it was quite the legal battle initially). Staff has no such intent. If Council could confirm they have no intent for any changes to the lease other than to remove the triangle area, it should allay that concern.

### **FISCAL IMPACT**

If the lease agreement is amended and the triangle area sold, the City could see income from the value of the land sale—amount depends on the minimum bid that is set.

### **ATTACHMENT**

Letter from Old Trail Town to Friends of Park County History, Inc.

### **ALTERNATIVES**

Whether or not Council is open to amending the lease with Friends of Park County History, and selling the triangle-shaped piece of property to Old Trail Town (presuming they are the successful bidder). All contemplated actions would be presented at future Council meetings for approval.

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**SIMPSON, KEPLER & EDWARDS, LLC**

The Cody, Wyoming Division of

**BURG SIMPSON ELDREDGE HERSH & JARDINE, P.C.**

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Chris Edwards – Of Counsel

July 26, 2018

Friends of Park County History, Inc.  
C/O Tonia Grdina, Registered Agent  
PO Box 361  
Cody, WY 82414

Re: Old Trail Town Restroom Proposal

Dear Friends of Park County History, Inc.:

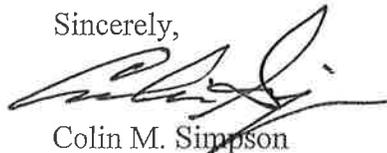
I write on behalf of Old Trail Town (OTT) and the Museum of the Old West concerning their proposal to acquire a .045 acre +/- parcel in lot 11 of the Demaris Subdivision that is currently leased to the FOPCH by the City of Cody. I know you reviewed and declined to act on a similar issue in 2017 related to land needed for water and sewage. This request is for enough land upon which to build a restroom east of an adjacent to the OTT gift shop in the SE corner of Lot 34 as shown on Maps A and B accompanying.

Currently, the OTT gift shop is located in the extreme SE corner of Lot 34. The only bathrooms serving OTT are a couple of Porta Pottys that are shown on the north end of the wagon barn as show on Map B. They are quite a distance from the gift shop and the OTT entrance and often causes tourist to bother the business owners to the south of the OTT parking lot for restroom facilities. Old Trail Town is requesting the .045 acre parcel so it may be a erect a restroom adjoining the east side of the gift shop that may be accessed through the gift shop. This is not an issue of needing any type of easement for water or sewage as those problems have been solved.

I have reviewed Dave Reetz's July 17, 2017 letter to Bob Logan and note the concern of the FOPCH about altering the northern boundary of the park. Old Trail Town believes that restrooms are very important to a good visitor experience and a normal facility for such an attraction. Old Trail Town believes that the city of Cody would vacate the requested parcel in favor of OTT and deed the parcel to OTT if the FOPCH would agree to its removal/vacation from the current Lease with the City, hence this request.

Old Trail Town would cover all costs of this transaction. Jimmy Covert, the President of Old Trail Town, and I would like to meet with you and your Board to answer any questions you all may have. Thank you for your favorable consideration of this proposal.

Sincerely,

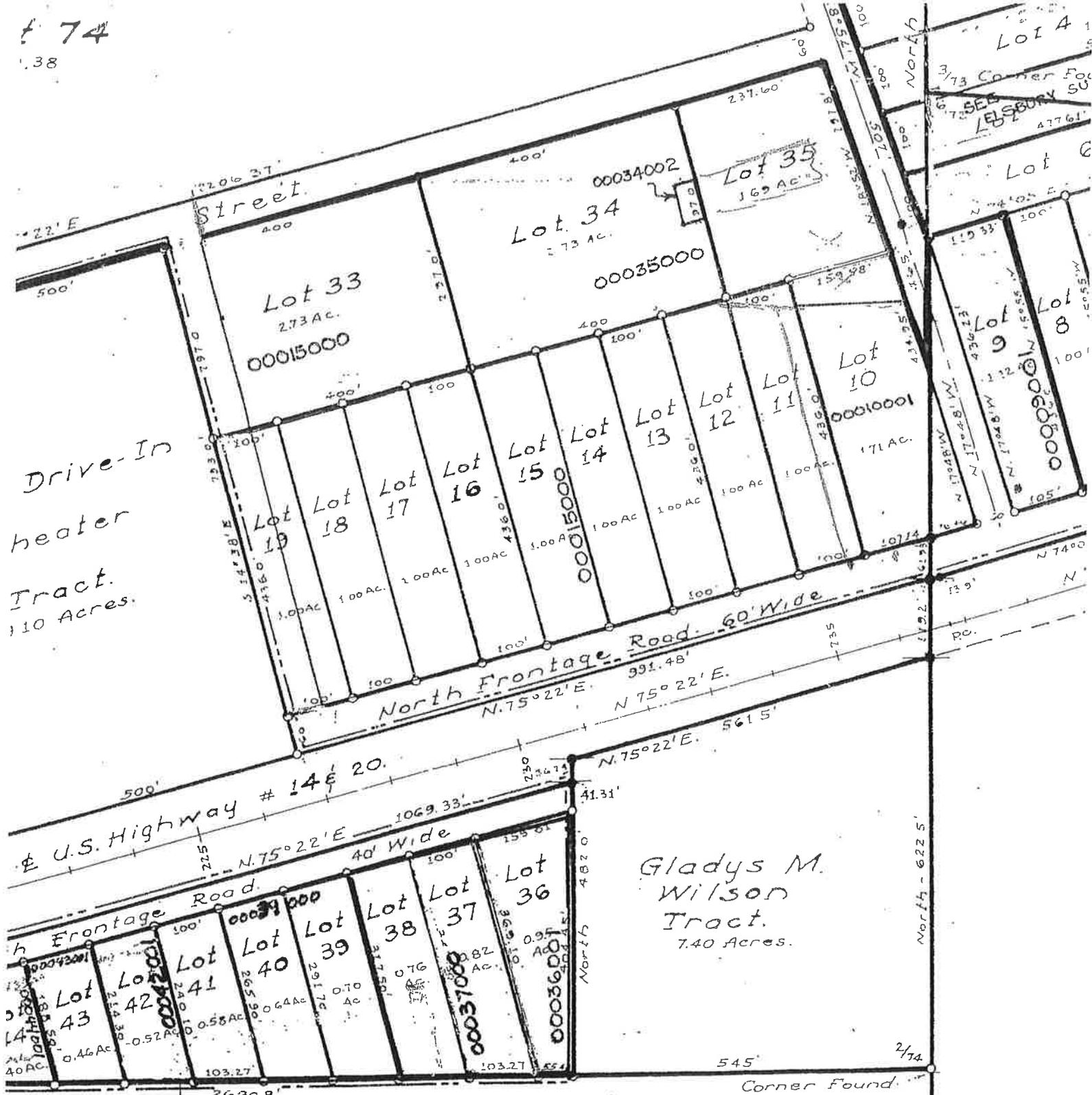


Colin M. Simpson

CC: Client & Mayor Matt Hall

74

138



Drive-In  
heater  
Tract.  
110 Acres.

Gladys M.  
Wilson  
Tract.  
7.40 Acres.

Lot 6  
Sec. 3  
38.51

Scale: 1 Inch = 200 ft.

# MAP A

# S

STATE OF WYOMING }  
County of Park } ss.

I, Mary A. Lilley, a notary public,  
in and for the county, aforesaid, hereby

Lot



PORTA POTTYS

MAP B

MEETING DATE: SEPTEMBER 18, 2018  
DEPARTMENT: ADMINISTRATIVE SERVICES  
PREPARED BY: CINDY BAKER  
PRESENTED BY: CINDY B,

## **AGENDA ITEM SUMMARY REPORT**

### **Utility Account Adjustment Request**

**ACTION ITEM: - If Council Recommends this would be considered at the 9/18/18 meeting for action :**

Approve the refund of \$2.60/per thousand gallons of water for usage recorded during the period July 1, 2018 up to or through Sept 30. Also approve the sewer charge, based on usage, to be adjusted and refunded for anything during this period that would be identified as usage above their normal average.

Note: The utility account in question is located at 1601 22<sup>nd</sup> Street. The ending date will be adjusted accordingly if work is completed prior to Sept 30<sup>th</sup>.

#### **BACKGROUND**

Mark Kronfuss and Stephanie Manuele own the property located at 1601 22<sup>nd</sup> St. The water line that services this property is considered the “end of the loop” aka “dead end”. With the subdivision work in their area the customers have noted an orange color in the treated water coming out of their faucets (this was first reported early in July). The City Water Department responded to this inquiry and determine there was iron in the water due to the subdivision work. The City has “flushed” the lines multiple times and the water clears up for a short period of time. The customer also noted water will clear up after running water for a period of time before each usage, but it concerned with the amount of water they are having to watch go down the drain and the cost associated with this. It is anticipated that the work involved that is creating this issue will be done as soon as the end of August, but may go into September. Once this work is completed the customer will not experience this issue. Being on this dead-end loop, this is the only customer that has been affected by this construction.

#### **SUMMARY**

Typically, the City Ordinance would allow staff to make an adjustment to the water usage and/or sewer usage based on incorrect reads or a proven leak. Being that neither is the case here, but identifying that the customer is utilizing more water than necessary or normal in order to have clear tap water to drink, cook with, bath, clean clothes etc., the City Staff is requesting the Council to consider and approve a refund of water usage during the time impacted, as well as, a credit for sewer charges above the normal average usage.

The City has two read periods recorded in during this time, with a third and possible forth period that could be considered during this time frame. Based on the two read periods/usage the City has recorded, the City would be requesting a refund of the 15 thousand gallons of water utilized at \$2.60/ptg and 5-thousand-gallon adjustment on sewer at \$1.84 or \$48.20 for these two periods.

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Based on these two periods the City could potential see another \$24.10 or \$48.20 be refunded for the remaining time that the water line could be affected.

**FISCAL IMPACT**

Depending on Council course of action, the City could refund a minimum of \$48.20 up to \$100.00.

**ALTERNATIVES**

1. Approve request
2. Deny request
3. Approve alternative request with recommendation from Council

**RECOMMENDATION**

Since the City has identified this concern, provided multiple flushing of the line with minimal short-term results, staff recommends the Council approve the request of the refund.

**AGENDA & SUMMARY REPORT TO:**