



City Council Special Meeting Agenda REVISED

Date: 10/9/18

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
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- 4:15-4:20 – Appoint three (3) Council Members to Audit Committee (to meet Wednesday, October 31st at 11:00a.m.)
 - 4:20-4:30 – Informational Item - Art League – Project Update
 - 4:30-4:40 – Sidewalk Obstruction Standards Discussion
 - Staff Reference – Todd Stowell, City Planner
 - 4:40-4:45 – Informational Item – Amend City Code Pertaining to Privy Vaults
 - Staff Reference – Todd Stowell, City Planner
 - 4:45-4:55 - Update/Initial Finding – Rumsey and Beck Avenue Intersections
 - Staff Reference – Todd Stowell, City Planner
 - 4:55 – 5:15 - Discuss the architectural plan requirements
 - Staff Reference: Todd Stowell, City Planner
 - 5:15 - Executive Session** - Pursuant to Wyoming State Statute 16-4-405 (a)(x) – personnel and 16-4-405 (a)(ix) to consider or receive information classified confidential by law.
 - Updates – City Administrator - Board Appointment Citizen Application Process
 - Council Committee Reports
 - Other Matters from Council
 - Meeting Reminders:
 - Tuesday, October 16, 2018** - Regular Council Meeting 7:00 p.m. Council Chambers
 - Tuesday, November 6, 2018** – Regular Council Meeting 7:00 p.m. Council Chambers
 - Tuesday, November 13, 2018** – Special Work Session 4:15 p.m. Council Chambers

SUMMARY REPORT SIDEWALK OBSTRUCTION STANDARDS

ACTION TO BE TAKEN

Determine whether the City should have specific standards for placement of obstructions on sidewalks along the downtown side streets.

SUMMARY

The following section of City code is used to regulate the placement of objects on sidewalks throughout the City.

7-2-7: OBSTRUCTIONS; BUILDINGS, FENCES, SIGNS, ETC.:

No person shall erect, build or set up in the city, in whole or in part, any fence, signpost, shop or any other building or obstruction whatever, in or upon any street, alley, sidewalk or other public place, provided, however, merchandise, A-frame signs, merchandising props and flowerpots may be placed on the sidewalk by a merchant in front of its business as long as the same does not impede pedestrian traffic or interfere with parked cars or passengers exiting same. No A-frame sign shall be larger than two feet by four feet (2' x 4'). No sign, awning or other obstruction shall be suspended from any building into or over any sidewalk, street or alley, so as to obstruct or interfere with the pedestrian traffic or vehicle traffic, nor shall any sign, awning or other obstruction be suspended in or over any portion of the street other than the sidewalk line. (1960 Compilation § 15-707; amd. Ord. 89-4)

The "main street" portion of Sheridan Avenue has further restrictions pursuant to an agreement with WYDOT. For example, on Main Street, all objects are required to be up against the building/property line and not extend more than two feet into the sidewalk (2 ½ feet allowed in practice). Also, the use of the flag holders in the sidewalk are limited to U.S. Flags. As observed, the City code language does not have such specific language.

With the lack of guidance from the code language, staff has generally been interpreting that a minimum 5-foot wide clear path must be maintained on sidewalks on the side streets of downtown. However, the position of the objects such as A-frame signs tend to "float" so that one day a suitable path is there, but the next day it is not. We also see temporary objects for activities such as the cornhole game on city sidewalks. The idea has been presented that maybe the City should have specific standards on the downtown side streets that are similar to the main street standards. Due to the sidewalk widths around the City, the option to have anything on the sidewalk is effectively limited to the downtown area, so that is the area where further standards would be applicable.

AGENDA ITEM NO. _____

FISCAL IMPACT

Amending the municipal code would require publication costs and codifier costs.
If there is simply a stated policy, no impacts to the budget would occur.

ALTERNATIVES

Provide direction to staff.

SUMMARY REPORT AMEND CITY CODE PERTAINING TO PRIVY VAULTS

ACTION TO BE TAKEN

Information only at this point. If action is planned, an ordinance will be provided for future consideration.

SUMMARY

The following section of City code has been interpreted to prohibit privy vaults (a.k.a. porta potty, outhouse, honey bucket) within the City. Staff has historically required persons wanting to place a privy vault in the City for any extended amount of time to request permission for such from City council. However, the language if applied literally would not allow placement for any amount of time. In addition, there is no provision for council to grant any permission to locate a privy vault in the City—the waivers are effectively just a notice that the City will not enforce the provision for a certain instance.

Staff has developed some language to be added (in red) to the section that will organize and clarify the City code to reflect current practice.

8-3-11: PRIVIES, CESSPOOLS, ETC., DECLARED NUISANCES; REMOVAL WHERE CITY SEWER AVAILABLE; PORTABLE TOILETS:

In the interests of sanitation and the protection of public health, any and all privy vaults and cesspools within the city or its police jurisdiction are hereby declared to constitute a nuisance and a menace to health, and the same shall be removed whenever a connection to a city sewer is available.

Notwithstanding the above, a portable toilet may be placed in the city limits on property where any of the following is occurring:

- A. At an active construction site for which a building permit has been issued;
- B. At an active street, utility, or pipeline project that is a City project, or for which a city encroachment permit has been issued; and,
- C. During a special event held in a public or non-profit venue, for up to seven days.

The portable toilet shall be pumped and cleaned regularly to prevent odor and health impacts to neighboring properties.

For any other instance where a portable toilet may be necessary, a request may be made to the governing body, and the Council may determine whether and under what conditions the request may be granted, based on concerns with odor, aesthetics, health hazards, and safety.

ALTERNATIVES

Provide direction to staff.

AGENDA ITEM NO. _____

MEETING DATE: OCTOBER 9, 2018
DEPARTMENT: COMMUNITY DEVELOPMENT
PREPARED BY: TODD STOWELL, AICP
CITY ADM. APPROVAL: _____
PRESENTED BY: TODD STOWELL

SUMMARY REPORT

INITIAL FINDINGS FOR RUMSEY AVENUE AND BECK AVENUE INTERSECTIONS (PARKING AND SIGHT DISTANCE)

ACTION TO BE TAKEN

Discussion. Request the new P.W. Director to study the dimensions used to mark "No Parking" at the Rumsey Avenue and Beck Avenue intersections and report to Council if any changes are recommended. Also, ask him to study the intersection of Rumsey and 12th Street for making it a 4-way stop, and report to Council.

SUMMARY

The city has received complaints about inadequate sight distance at certain intersections along Rumsey Avenue and Beck Avenue. The primary intersections of concern have been Rumsey Avenue and 12th Street, and Beck Avenue and 12th Street, both of which have a through movement that does not stop.

In an effort to help identify why these intersections are particularly noted as unsafe, staff went and measured each of the intersections on Rumsey Avenue and Beck Avenue, from 10th to 15th, and how far the "no parking" yellow paint extended from each intersection. In essence, we were simply seeing how consistent the "no parking" markings were at each intersection, to see if that was the issue. (Spoiler—It is not the issue.)

Most 2-way stop intersections in the study area have 53 to 61 feet from the street centerline to the far end of the yellow "No Parking" curb to the driver's left, as they are stopped at the stop sign. The northeast corner of the Beck Avenue and 12th Street intersection, provides 50 feet so the perception that visibility being more limited at that segment is verified compared to other intersections in the study area, but only by a few feet, and only when compared to the left view. It turns out there are also a number of instances when visibility to the right is just as limited as the Beck Avenue and 12th Street segment that is of concern, when discounted for the angle of the parking spaces that occurs.

As an apparent conclusion, perception and perhaps just the number of users of the Beck Avenue and 12th Street intersection are likely why that intersection is receiving complaints. It is also likely that there are vehicles in the parking spaces more often there than other intersections that have the same striping dimensions, but rarely have vehicles parked there.

The method used by staff was somewhat "quick and dirty" compared to actual sight distance studies that would be more accurate. Yet those would take several hours of time and involve working out in the street with associated traffic control, so we opted for the method we used.

While staff did not measure available sight distance at all of the intersections, it is relatively safe to say that none of the intersections have the "ideal" sight distance recommended when vehicles are in

AGENDA ITEM NO. _____

all of the parking spaces. It is a balance of safety and availability of parking. Planning staff is not ready to make any recommendations on changing the standard "No Parking" dimensions at intersections without more detailed study by the P.W. Director.

For the Rumsey and 12th Street intersection, based on discussions with some of the public, staff feels that it may be time to make that intersection a 4-way stop, in order to increase safety while preserving parking. It is recommended that the intersection be studied by the new P.W. Director, as it would likely involve more than installing a couple of new stop signs.

We have been using the "No Truck Parking" at the Rumsey and 12th and Beck and 12th intersections long enough to know that the signs are ignored and that enforcement is difficult at best.

ALTERNATIVES

Provide direction to staff.

WYOMING STATE STATUTE

33-4-112. Persons required to qualify or register as "architect"; exceptions.

All persons shall register as an architect in order to make architectural plans and specifications for buildings except those buildings which are specifically exempted in W.S. 33-4-117.

33-4-114. Prohibited acts; penalty for violations.

(a) It is a misdemeanor for any person to:

(i) Sell, fraudulently obtain or furnish any license or renewal license to practice architecture or landscape architecture; or

(ii) Without being licensed under this act:

(A) Advertise, represent or in any manner hold himself out as an architect or landscape architect;

(B) Engage in the practice of architecture or landscape architecture;

(C) Use in connection with his business or name, or otherwise assume, use or advertise any title or description, or engage in any other conduct which reasonably might be expected to mislead another to believe the person is an architect or landscape architect; or

(D) Without being an officer of the corporation, to engage in the practice of architecture or landscape architecture as a corporation.

33-4-116. Documents, plans and designs; seal required.

An architect or landscape architect shall affix his seal to all documents, plans or designs he provides.

33-4-117. Exemptions.

(a) Nothing in this act prohibits any person from preparing plans and specifications, designing, planning or administering the construction contracts for the construction, alteration, remodeling or repair of any of the following:

(i) Private residences;

(ii) Garages, commercial or industrial buildings, office buildings, preengineered metal buildings and buildings for the marketing, storage or processing of farm products and warehouses, which do not exceed two (2) stories in height, exclusive of a one (1) story basement, and which under applicable building code or codes, are not designed for occupancy by more than ten (10) persons;

(iii) Farm buildings;

(iv) Nonstructural alterations of any nature to any building if the alterations do not affect the safety of the occupants of the building.

(b) Nothing in this act shall be construed:

(i) As curtailing or extending the rights of any other legally recognized profession;

(ii) As prohibiting the practice of architecture by any legally qualified architect of this state or another state who is employed by the United States government while in the discharge of his official duties;

(iii) To prevent the independent employment of a registered professional engineer for any professional service related solely to civil, structural, mechanical or electrical engineering in connection with any building or building project.

(c) This act in no way supersedes, overrides or amends the provisions of chapter 29 of this title regarding registration of professional engineers and professional land surveyors.