

City of Cody City Council

AGENDA

Tuesday, April 7, 2020 – 7:00 p.m. (Pre-Meeting to begin at 6:00 p.m.)
Meeting Place: City of Cody Council Chambers – 1338 Rumsey Avenue, Cody, WY

Pre-Meeting – 6:00 – Pre-Meeting Agenda –

- a. Return payment fees
- b. Deposit Refund Policy – temporary option
- c. FFRCA – Employer 2/3 – Employee 1/3 pay Option Discussion
- d. Public Works Essential Personnel and Work Schedule Options

Note: any pre-meeting item will need to be added to Agenda for consideration and approval

Meeting Called to Order

Pledge of Allegiance

Moment of Silence

Roll Call

Mayor's Recognitions and Announcements

1. Consent Calendar

All items under the consent calendar will be acted upon in one motion unless a Councilmember or member of the public requests that an individual item be taken up under Conduct of Business.

- a. Approval of Minutes: Regular Minutes from March 17, 2020
- b. Approve Vouchers and payroll in the amount of \$975,494.59.
- c. Designate various City property items as surplus and authorize the sale through an online auction process.
- d. Approve the extension of Quote 2018-05 Fuel, Extending the current fuel contract with Bailey enterprises Inc. for a period of one year beginning on July 1, 2020.

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.

James Klessens – Forward Cody Update

3. Public Hearing

- a. A public hearing to determine if it is in the public interest to transfer ownership of the retail liquor license to Local Hospitality, LLC dba Big Horn Liquor located at 3330 Big Horn Avenue currently held by Soaring Peak Enterprises

- b. A public hearing to determine if it is in the public interest to annex and zone approximately 7.29 acres owned by Harold Musser

4. Conduct of Business

- a. Consider approving a retail liquor to Local Hospitality, LLC dba Big Horn Liquor located at 3330 Big Horn Avenue currently held by Soaring Peak Enterprises

Staff Reference: Cindy Baker, Administrative Services Officer
Spokesperson: Robert Min, Local Hospitality LLC

- b. Ordinance 2020-03 First Reading
An Ordinance relating to the Annexation to the City of Cody Wyoming of Lands owned by Harold Musser.

Staff Reference: Todd Stowell. City Planner

- c. Appoint Todd Evans to the Contractor Board (HVAC) for a three-year term ending December 31, 2022

Staff Reference: Cindy Baker, Administrative Services Officer

- d. Approve the preliminary plat of the Landing Subdivision, a 58-lot subdivision by Kip Thiel Constructions with associated variances and conditions of approval.

Staff Reference: Todd Stowell, City Planner

- e. Resolution 2020-06
A Resolution of the Governing Body for the City of Cody, Park County Wyoming Providing consent for the Housing Authority of The City of Cheyenne AKA the Cheyenne Housing Authority to Provide Second Loan Opportunities for the purchase of Affordable Housing within the city of Cody Park County Wyoming by Qualifying Low to Moderate Income Households.

Staff Reference: Cindy Baker, Administrative Services Officer

5. Tabled Items

6. Matters from Staff Members

7. Matters from Council Members

8. Adjournment

Upcoming Meetings:

- **April 14, 2020 – Tuesday – Council Work Session – 5:00 p.m.**
- April 21, 2020 – Tuesday – Regular Council Meeting – 7:00 p.m.**

**City of Cody
Council Proceedings
Tuesday, March, 17, 2020**

A regular meeting of the Cody City Council was held in the Council Chambers at City Hall in Cody, Wyoming on Tuesday, March 17, 2020 at 7:00 p.m.

Present: Mayor Matt Hall, Council Members, Diane Ballard, Glenn Nielson, Jerry Fritz and Heidi Rasmussen, City Administrator Barry Cook, City Attorney Scott Kolpitzke, and Administrative Services Officer, Cindy Baker.

Absent: Council Member Landon Greer

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

Council Member Fritz made a motion seconded by Council Member Baily to amend the agenda to include items G and H to the conduct of business. Vote was unanimous.

Council Member Fritz made a motion seconded by Council Member Rasmussen to approve the Consent Calendar as presented, including the approval of Minutes: Regular Minutes from March 3, 2020 and Minutes from Special Work Session March 10, 2020; approve Vouchers and payroll in the amount of \$1,645,220.71; approve a request from the Cody Fire Department to close 11th Street between Sheridan Avenue and Beck Avenue from 8:00 a.m. on Friday May 1st to 5:00 p.m. on Sunday May 3rd, 2020 for the annual Cody Fire School and authorize the Cody Fire Department to utilize City Barricades for this street closure, approve the Stampede Parades on the 2nd, 3rd and 4th of July; sponsor the \$100 permit fee per parade; sponsor other associated staffing and equipment cost in the amount to be determined and approved during the FY20-21 budget approval process and those funds to be funded out of the Lodging Tax fund. (estimated funding \$47,500.00; authorize the submission of a Wyoming Office of Homeland Security FY2020 State Homeland Security Grant, designate used exercise equipment as surplus and authorize staff to proceed with selling them through a sealed bid process, authorize the mayor to sign the agreement between the City of Cody and BankCard USA for merchant card services at the Recreation Center and approve the Revised City of Cody Personnel Policy Manual to be effective April 1, 2020. Vote was unanimous.

Council Member Ballard made a motion seconded by Council Member Fritz to appoint Josh Allison to the CPAC for a three-year term ending 12/31/22. Vote was unanimous.

Council Member Nielson made a motion seconded by Council Member Rasmussen to approve a new taxi license to Explore Cody Transportation/Wyoming Wild West Adventures LLC. Vote was unanimous.

Council Member Rasmussen made a motion seconded by Council Member Fritz to approve a request from Ryan Brown representing the Celebrities Against Cancer Softball Fundraiser to allow the sale of malt beverages and open container (permits required) for the City property adjacent to (parking lot between Hugh Smith Park and Legion Ballfield) and Legion Ballfield. Also consider allowing the use of the Colt Bus for transportation of celebrity participants to and from event, authorizing City Attorney to create a MOU for future approval. Approval contingent upon event organizers following all staff recommendations/requirements noted. Vote was unanimous.

Ordinance 2020-02 First Reading

An Ordinance Rezoning a Portion of Lot 3 of the Beacon Hill Minor Subdivision, Located Within the City of Cody Park County, Wy to Medium-Low Density Residential (R-2). Council Member Nielsen

made a motion seconded by Council Member Rasmussen to approve Ordinance 2020-02 on First Reading. Vote was unanimous.

Ordinance 2020-01 – Third and Final Reading

An Ordinance Amending Title 8, Chapter 2, Article II Section 40-B-2, of the City of Cody Code: Water; Domestic Service. Council Member Rasmussen made a motion seconded by Council Member Nielsen to approve Ordinance 2020-01 on Third and Final Reading. Vote was unanimous.

Resolution 2020-05

A resolution amending the City of Cody Final Budget for Fiscal Year 19-20. Council Member Fritz made a motion seconded by Council Member Ballard to approve Resolution 2020-05. Vote was unanimous.

Council Member Ballard made a motion seconded by Council Member Baily to adopt provisions for employees as it relates to the COVID-10 situation based on staff recommendations for Option 2. Vote was unanimous.

Council Member Fritz made a motion seconded by Council Member Rasmussen to approve annual surfacing in the Gym and racquetball Courts during the current closure. Noting if approved cost will be presented as a budget amendment at a future meeting. Vote was unanimous.

There being no further action Mayor Hall adjourned the meeting at 7:48 p.m.

Matt Hall, Mayor

Cindy Baker, Administrative Services Officer

Report Criteria:

Invoice.Detail.Input date = 03/31/2020,03/20/2020

Invoice.Batch = {NOT LIKE} "1"

Secondary Name	Invoice	Description	Invoice Date	Total Cost
ACKER ELECTRIC INC (270)				
	UT-0220-0002	REFUND OVERPAYMENT ON PERMIT # UT-0220-0002	03/26/2020	1,622.33
Total :				1,622.33
Total ACKER ELECTRIC INC (270):				1,622.33
ADVANCE HEATING & A/C INC (131402)				
	20419	PTB MOTOR HEATER	03/03/2020	1,415.10
Total :				1,415.10
Total ADVANCE HEATING & A/C INC (131402):				1,415.10
AMERICAN FAMILY LIFE ASSUR (550)				
	911498	AFLAC PREMIUM	03/20/2020	2,322.21
Total :				2,322.21
Total AMERICAN FAMILY LIFE ASSUR (550):				2,322.21
ARNOLD, LANCE (131683)				
	2082	REC CENTER REFUND	03/18/2020	7.00
Total :				7.00
Total ARNOLD, LANCE (131683):				7.00
ASAY, MEGHAN (132088)				
	2083	REC CENTER REFUND	03/18/2020	80.00
Total :				80.00
Total ASAY, MEGHAN (132088):				80.00
ASAY, NICK (132087)				
	2084	REC CENTER REFUND	03/18/2020	25.00
Total :				25.00
Total ASAY, NICK (132087):				25.00
AUNE, SCOTT (132089)				
	2085	REC CENTER REFUND	03/18/2020	18.00
Total :				18.00
Total AUNE, SCOTT (132089):				18.00
BACON, PAIGE (131212)				
CODY MOBILE ART STUDIO	45	HOMESCHOOL ART	03/23/2020	231.00
Total :				231.00

Secondary Name	Invoice	Description	Invoice Date	Total Cost
Total BACON, PAIGE (131212):				231.00
BALDWIN, RACHEL (132081)				
	13.7040.86	REFUND UTILITY DEPOSIT	03/12/2020	211.79
Total :				211.79
Total BALDWIN, RACHEL (132081):				211.79
BIG HORN REDI-MIX, INC (1190)				
DBA BIG HORN PRECAST	378790	SAND SLURRY	02/27/2020	611.00
Total :				611.00
Total BIG HORN REDI-MIX, INC (1190):				611.00
BLUE CROSS BLUE SHIELD OF WYOMING (1360)				
	040120	INSURANCE April 2020	03/20/2020	140,262.74
Total :				140,262.74
Total BLUE CROSS BLUE SHIELD OF WYOMING (1360):				140,262.74
BONNER LAW FIRM PC (132080)				
	031120	REFUND OVERCHARGE FOR COMMUNITY DEVELOPMENT FEE	03/11/2020	20.00
Total :				20.00
Total BONNER LAW FIRM PC (132080):				20.00
BOWDEN, LISA (132093)				
	2086	REC CENTER REFUND	03/24/2020	35.00
Total :				35.00
Total BOWDEN, LISA (132093):				35.00
BOWEN, KAREN (132094)				
	2087	REC CENTER REFUND	03/24/2020	60.00
Total :				60.00
Total BOWEN, KAREN (132094):				60.00
BRETTELL, MARTHA (132095)				
	2088	REC CENTER REFUND	03/24/2020	50.00
Total :				50.00
Total BRETTELL, MARTHA (132095):				50.00
BYE-JECH, SHIRLEY (125116)				
	2090	REC CENTER REFUND	03/24/2020	66.00
Total :				66.00
Total BYE-JECH, SHIRLEY (125116):				66.00

Secondary Name	Invoice	Description	Invoice Date	Total Cost
CARY, KARRI (131334)				
	2095	REC CENTER REFUND	03/24/2020	20.00
Total :				20.00
Total CARY, KARRI (131334):				20.00
CENTURY LINK (10091)				
	31920	UTILITIES - CENTURY LINK	03/19/2020	41.21
Total :				41.21
Total CENTURY LINK (10091):				41.21
CITY OF CODY (2260)				
	033120	UTILITIES - CITY OF CODY	03/31/2020	3,097.47
	033120	UTILITIES - CITY OF CODY	03/31/2020	5,506.37
	033120	UTILITIES - CITY OF CODY	03/31/2020	132.03
	033120	UTILITIES - CITY OF CODY	03/31/2020	615.68
	033120	UTILITIES - CITY OF CODY	03/31/2020	698.64
	033120	UTILITIES - CITY OF CODY	03/31/2020	832.96
	033120	UTILITIES - CITY OF CODY	03/31/2020	3,733.81
	033120	UTILITIES - CITY OF CODY	03/31/2020	10,232.73
	033120	UTILITIES - CITY OF CODY	03/31/2020	32.57
	033120	UTILITIES - CITY OF CODY	03/31/2020	5,237.09
	033120	UTILITIES - CITY OF CODY	03/31/2020	5,170.89
	033120	UTILITIES - CITY OF CODY	03/31/2020	47.10
	033120	UTILITIES - CITY OF CODY	03/31/2020	1,333.11
	033120	UTILITIES - CITY OF CODY	03/31/2020	1,311.42
	033120	UTILITIES - CITY OF CODY	03/31/2020	1,311.42
	033120	UTILITIES - CITY OF CODY	03/31/2020	528.53
	033120	UTILITIES - CITY OF CODY	03/31/2020	1,193.49
	033120	UTILITIES - CITY OF CODY	03/31/2020	39.00
	033120	UTILITIES - CITY OF CODY	03/31/2020	24.00
Total :				41,078.31
Total CITY OF CODY (2260):				41,078.31
CODY TREE SURGERY (131773)				
	1163	TREE REMOVAL TAGGART HILL	03/05/2020	1,000.00
	1174	TREE REMOVAL	03/05/2020	2,550.00
Total :				3,550.00
Total CODY TREE SURGERY (131773):				3,550.00
COLLIER, BARRON (129173)				
	2089	REC CENTER REFUND	03/24/2020	33.00
Total :				33.00
Total COLLIER, BARRON (129173):				33.00
CRUSER, JAMIE (132096)				
	2092	REC CENTER REFUND	03/24/2020	80.00

Secondary Name	Invoice	Description	Invoice Date	Total Cost
Total :				80.00
Total CRUSER, JAMIE (132096):				80.00
DAVIS, RAJAN (131392)				
	2091	REC CENTER REFUND	03/24/2020	100.00
Total :				100.00
Total DAVIS, RAJAN (131392):				100.00
DEARBORN LIFE INSURANCE COMPANY (131563)				
	040120	INSURANCE April 2020	03/20/2020	367.34
Total :				367.34
Total DEARBORN LIFE INSURANCE COMPANY (131563):				367.34
DEPT OF FAMILY SERVICES (125899)				
ATTN: CENTRAL REGISTRY	0233-2020	BACKGROUND CHECKS - REC CENTER/YOUTH PROGRAMS	03/16/2020	20.00
ATTN: CENTRAL REGISTRY	0233-2020	BACKGROUND CHECK - AQUATICS	03/16/2020	30.00
Total :				50.00
Total DEPT OF FAMILY SERVICES (125899):				50.00
DONCHAK, KATHY (132097)				
	2096	REC CENTER REFUND	03/24/2020	60.00
Total :				60.00
Total DONCHAK, KATHY (132097):				60.00
DOSS, CAMERON (132098)				
	2097	REC CENTER REFUND	03/24/2020	63.00
Total :				63.00
Total DOSS, CAMERON (132098):				63.00
DUNKS, CHRIS (132091)				
	2081	REC CENTER REFUND	03/11/2020	68.00
Total :				68.00
Total DUNKS, CHRIS (132091):				68.00
EASTMAN, RINDA (129952)				
	032020	PERSONAL TRAINER - REC CENTER	03/25/2020	152.96
Total :				152.96
Total EASTMAN, RINDA (129952):				152.96
FALES, JACKIE (131310)				
	2094	REC CENTER REFUND	03/24/2020	5.00

Secondary Name	Invoice	Description	Invoice Date	Total Cost
Total :				5.00
Total FALES, JACKIE (131310):				5.00
FARLOW, IRENE (131831)				
DBA: CODY CAB LLC	040720	TIPSY TAXI PROGRAM	04/07/2020	567.00
Total :				567.00
Total FARLOW, IRENE (131831):				567.00
FORWARD CODY WYOMING, INC (127450)				
	031320	GUNWERKS MANUFACTURING FACILITY ENGINEERING	03/13/2020	410,716.00
Total :				410,716.00
Total FORWARD CODY WYOMING, INC (127450):				410,716.00
FOWLER, JUSTIN (131207)				
	2093	REC CENTER REFUND	03/24/2020	40.00
Total :				40.00
Total FOWLER, JUSTIN (131207):				40.00
FUHRIMAN, JAMES (132086)				
	3.0472.35	REFUND UTILITY DEPOSIT	03/17/2020	55.02
Total :				55.02
Total FUHRIMAN, JAMES (132086):				55.02
GAIL CONSTRUCTION, LLC (130009)				
	UT-0220-0003	REFUND OVERPAYMENT ON UT-0220-003	03/20/2020	462.96
Total :				462.96
Total GAIL CONSTRUCTION, LLC (130009):				462.96
GATES, HEATH (132085)				
	13.7023.16	REFUND UTILITY DEPOSIT	03/16/2020	104.17
Total :				104.17
Total GATES, HEATH (132085):				104.17
GROATHOUSE CONSTRUCTION (4680)				
	31220	REFUND OVERPAYMENT ON LICENSE #UT-0220-0004	03/12/2020	1,939.52
Total :				1,939.52
Total GROATHOUSE CONSTRUCTION (4680):				1,939.52
HARRIS TRUCKING AND CONSTRUCTION CO. (4780)				
	133606	ROAD BASE	02/29/2020	13,207.50
	133652	ROAD BASE	03/11/2020	20,014.13

Secondary Name	Invoice	Description	Invoice Date	Total Cost
Total :				33,221.63
Total HARRIS TRUCKING AND CONSTRUCTION CO. (4780):				33,221.63
HARRISON, TIMOTHY BRUCE (131713)				
BLUE ASPEN ENTERPRISES LLC	200010	POWER FOR STEAM TABLE AT AUDITORIUM	03/01/2020	75.00
BLUE ASPEN ENTERPRISES LLC	200010	INSTALL NEW PUMP SEAL/REPAIR HAIR DRYER IN MENS ROOM	03/01/2020	150.00
BLUE ASPEN ENTERPRISES LLC	200010	INSTALL NEW PUMP SEAL/REPAIR HAIR DRYER MENS LOCKER RM	03/01/2020	150.00
BLUE ASPEN ENTERPRISES LLC	200011	HEATER 2AB PTB	03/01/2020	1,103.33
Total :				1,478.33
Total HARRISON, TIMOTHY BRUCE (131713):				1,478.33
HORTON, NATHAN (132092)				
	4.0530.24	REFUND UTILITY DEPOSIT	03/19/2020	133.61
Total :				133.61
Total HORTON, NATHAN (132092):				133.61
HUME JR, EDGAR (132082)				
	14.0386.31	REFUND UTILITY DEPOSIT	03/12/2020	98.92
Total :				98.92
Total HUME JR, EDGAR (132082):				98.92
MORRISON-MAIERLE INC (130985)				
	204306	2019 ADA RAMPS PROJECT-CONSTRUCTION ADMIN	02/28/2020	1,086.00
Total :				1,086.00
Total MORRISON-MAIERLE INC (130985):				1,086.00
MSPS (127866)				
MOUNTAIN STATES PIPE & SUPPLY	INV14498	Kamstrup 5/8" x 3/4" meter	03/17/2020	6,100.00
MOUNTAIN STATES PIPE & SUPPLY	INV14498	ltron 100W ERT, W/PLUG	03/17/2020	4,050.00
MOUNTAIN STATES PIPE & SUPPLY	INV14498	SHIPPING	03/17/2020	140.79
Total :				10,290.79
Total MSPS (127866):				10,290.79
NCPERS GROUP LIFE INS (125412)				
C/O MEMBER BENEFITS	032020	PREMIUM	03/20/2020	432.00
Total :				432.00
Total NCPERS GROUP LIFE INS (125412):				432.00
NORTHWEST PIPE (7400)				
	7284907	29TH VALVE PITS	03/09/2020	2,469.70
	7285854	Saddle Tapping PVC 8x1	03/09/2020	100.54
	7289700	29TH VALVE PITS	03/12/2020	284.15

Secondary Name	Invoice	Description	Invoice Date	Total Cost
Total :				2,854.39
Total NORTHWEST PIPE (7400):				2,854.39
ONDLER, NICK (132090)				
	2080	REC CENTER REFUND	03/11/2020	75.00
Total :				75.00
Total ONDLER, NICK (132090):				75.00
PARK COUNTY LANDFILL (129053)				
	02292020	LANDFILL CHARGES - FEB 2020	02/29/2020	41,982.00
Total :				41,982.00
Total PARK COUNTY LANDFILL (129053):				41,982.00
PAVEMENT MAINTENANCE INC (7825)				
	20-27	SNOW REMOVAL	02/04/2020	2,850.00
Total :				2,850.00
Total PAVEMENT MAINTENANCE INC (7825):				2,850.00
PROVIDENT LIFE & ACCIDENT INS (128033)				
	32020	PREMIUMS	03/20/2020	74.02
Total :				74.02
Total PROVIDENT LIFE & ACCIDENT INS (128033):				74.02
RAINES, KATHERINE (132084)				
	12.2140.29	REFUND UTILITY DEPOSIT	03/16/2020	138.68
Total :				138.68
Total RAINES, KATHERINE (132084):				138.68
RIVER OAKS COMMUNICATIONS CORP (131184)				
	032520	TCT FRANCHISE AGREEMENT	03/25/2020	2,756.25
Total :				2,756.25
Total RIVER OAKS COMMUNICATIONS CORP (131184):				2,756.25
ROCKY MOUNTAIN POWER (7570)				
	031920	UTILITIES - ROCKY MOUNTAIN POWER	03/19/2020	29.08
	031920	UTILITIES - ROCKY MOUNTAIN POWER	03/19/2020	251.62
Total :				280.70
Total ROCKY MOUNTAIN POWER (7570):				280.70
SABER PEST CONTROLL LLC (131183)				
	AUD137	PEST CONTROL - AUDITORIUM	03/16/2020	80.00
	CH137	PEST CONTROL - CITY HALL	03/19/2020	60.00

Secondary Name	Invoice	Description	Invoice Date	Total Cost
	E124	PEST CONTROL - ELECTRIC	03/02/2020	80.00
	P136	PEST CONTROL - PUBLIC WORKS SHOP	03/02/2020	50.00
	P136	PEST CONTROL - PUBLIC WORKS SHOP	03/02/2020	25.00
	P136	PEST CONTROL - PUBLIC WORKS SHOP	03/02/2020	25.00
	R135	PEST CONTROL - RECYCLING/SANITATION	03/04/2020	60.00
	REC137	PEST CONTROL - REC CENTER	03/16/2020	90.00
	REC137	PEST CONTROL - REC CENTER	03/16/2020	90.00
	W135	PEST CONTROL - WASTEWATER DEPT	03/04/2020	50.00
Total :				610.00
Total SABER PEST CONTROLL LLC (131183):				610.00
SCHRAMM, EMMIE M (132083)				
OR SCHRAMM TRAVIS	9.0310.12	REFUND UTILITY DEPOSIT	03/13/2020	84.03
Total :				84.03
Total SCHRAMM, EMMIE M (132083):				84.03
SYSTEMS GRAPHICS INC (129162)				
ADVANCED INFO SYSTEMS	15080	OUTSOURCE BILLS	03/13/2020	17.94
ADVANCED INFO SYSTEMS	15080	OUTSOURCE BILLS	03/13/2020	110.89
ADVANCED INFO SYSTEMS	15080	OUTSOURCE BILLS	03/13/2020	101.53
ADVANCED INFO SYSTEMS	15080	OUTSOURCE BILLS	03/13/2020	100.84
ADVANCED INFO SYSTEMS	15080	OUTSOURCE BILLS	03/13/2020	125.31
ADVANCED INFO SYSTEMS	15083	OUTSOURCE BILLS	03/19/2020	6.60
ADVANCED INFO SYSTEMS	15083	OUTSOURCE BILLS	03/19/2020	40.80
ADVANCED INFO SYSTEMS	15083	OUTSOURCE BILLS	03/19/2020	37.36
ADVANCED INFO SYSTEMS	15083	OUTSOURCE BILLS	03/19/2020	37.10
ADVANCED INFO SYSTEMS	15083	OUTSOURCE BILLS	03/19/2020	46.11
Total :				624.48
Total SYSTEMS GRAPHICS INC (129162):				624.48
T & R ELECTRIC SUPPLY COMPANY (129569)				
308 SW 3RD STREET	4119738	REFUND BID BOND 2019-12	03/30/2020	229.65
Total :				229.65
Total T & R ELECTRIC SUPPLY COMPANY (129569):				229.65
TECH PRODUCTS (126248)				
	89741	URD TAGGING TAGS	03/02/2020	2,292.19
Total :				2,292.19
Total TECH PRODUCTS (126248):				2,292.19
THE OFFICE SHOP INC (7440)				
	133235	COPIER CONTRACT - POLICE DEPARTMENT	03/06/2020	1,423.25
	134648	COPIER CONTRACT - SHOP	03/26/2020	10.54
	134648	COPIER CONTRACT - SHOP	03/26/2020	10.54
	134648	COPIER CONTRACT - SHOP	03/26/2020	9.29
	134648	COPIER CONTRACT - SHOP	03/26/2020	10.54
	134648	COPIER CONTRACT - SHOP	03/26/2020	10.54
	134648	COPIER CONTRACT - SHOP	03/26/2020	10.52

Secondary Name	Invoice	Description	Invoice Date	Total Cost
Total :				1,485.22
Total THE OFFICE SHOP INC (7440):				1,485.22
THE RADAR SHOP (128503)				
	RS-11209	A13 RADAR REPAIRED	02/19/2020	283.00
Total :				283.00
Total THE RADAR SHOP (128503):				283.00
T-O ENGINEERS INC (131708)				
	17113311495	BEACON HILL WATER TANK	03/06/2020	509.20
	17113311495	BEACON HILL WATER TANK	03/06/2020	250.80
Total :				760.00
Total T-O ENGINEERS INC (131708):				760.00
UNUM LIFE INSURANCE - LIFE (127935)				
	127935	PREMIUM	03/20/2020	1,213.50
Total :				1,213.50
Total UNUM LIFE INSURANCE - LIFE (127935):				1,213.50
VAN AUKEN, TRUTH (131597)				
	32520	PERSONAL TRAINER	03/25/2020	490.92
Total :				490.92
Total VAN AUKEN, TRUTH (131597):				490.92
WATCHGUARD INC (131557)				
	4REINV0010319	WG IN-CAR SYSTEM FOR NEW POLICE UNIT	01/30/2020	5,105.00
	BCMINV0009033	BODY CAMERA	01/28/2020	1,169.00
Total :				6,274.00
Total WATCHGUARD INC (131557):				6,274.00
WEST PARK HOSPITAL (10500)				
DBA CODY REGIONAL HEALTH	111219	BOMB TEAM MEDICAL CHECK	11/12/2019	210.00
DBA CODY REGIONAL HEALTH	122019	BLOOD DRAW - CASE 19-1249	02/27/2020	222.00
Total :				432.00
Total WEST PARK HOSPITAL (10500):				432.00
WESTERN UNITED ELECTRIC SUPPLY (10605)				
	6006113	xlmr 3 ph 500 kVA URD 208Y/120 7.2kv	03/17/2020	12,902.22
	6006417	ELBOW ARRESTORS	03/23/2020	210.01
Total :				13,112.23
Total WESTERN UNITED ELECTRIC SUPPLY (10605):				13,112.23

Secondary Name	Invoice	Description	Invoice Date	Total Cost
WYOMING CHILD SUPPORT (132047)				
	32020	Garnishment	03/20/2020	225.23
Total :				225.23
Total WYOMING CHILD SUPPORT (132047):				225.23
WYOMING DEPARTMENT OF TRANSPORTATION (130279)				
WYDOT FINANCIAL SERVICES	39	BEET JUICE DE-ICER FOR 2020 WINTER SEASON	03/02/2020	1,028.19
Total :				1,028.19
Total WYOMING DEPARTMENT OF TRANSPORTATION (130279):				1,028.19
WYOMING HEALTH FAIRS (131158)				
	B0016437	BLOOD DRAW - WELLNESS BENEFIT	03/04/2020	40.00
	B0016437	BLOOD DRAW - WELLNESS BENEFIT	03/04/2020	40.00
	B0016437	BLOOD DRAW - WELLNESS BENEFIT	03/04/2020	40.00
Total :				120.00
Total WYOMING HEALTH FAIRS (131158):				120.00
WYOMING LAW ENFORCEMENT ACADEMY (10900)				
	A-0598	WLEA PO BASIC	02/11/2020	766.00
Total :				766.00
Total WYOMING LAW ENFORCEMENT ACADEMY (10900):				766.00
Grand Totals:				<u>734,373.62</u>

Report GL Period Summary

GL Period	Amount
03/20	734,373.62
Grand Totals:	<u>734,373.62</u>

Vendor number hash: 8504038
 Vendor number hash - split: 11055414
 Total number of invoices: 85
 Total number of transactions: 128

Terms Description	Invoice Amount	Discount Amount	Net Invoice Amount
Open Terms	734,373.62	.00	734,373.62
Grand Totals:	<u>734,373.62</u>	<u>.00</u>	<u>734,373.62</u>
		Payroll 04/01/2020	241,120.97
			<u>975,494.59</u>

AGENDA ITEM SUMMARY REPORT

Declaration of Surplus Property

ACTION TO BE TAKEN:

Designate various City property items as surplus and authorize the sale through an online auction process.

SUMMARY OF INFORMATION:

Periodically, City departments submit a list of surplus property and abandoned items to sell at an online auction through PublicSurplus.com. Due to the current health directives an auction date has not yet been set. Once the date is determined, a newspaper ad will be placed and the auction listed on the City's website. The following is a list of items to be declared surplus:

<i>Item Descriptions</i>		
1996 Ford F250	Power Converter	Jack
2000 Freightliner	Segway	Kenmore Ice Maker
2009 Chevy Impala	Shop Light	Kenmore Stove
2012 Chevy Impala	Typewriter	Kitchen Cart
Ball Chair	Ultra Tough Tool Set	Kobolt Bag n Tools Set
Battery Charger	Under Desk Keyboard Tray	Kobolt Box n Hand Tool Set
Beats Solo	Vise	LD Toner Cartridges ((5)
Bench Grinder	Wall Mounted White Board	Misc Hats
Corner Desk	Dell Latitude Laptop (2)	Misc Office Products
Cash Drawers & Bags	Dell Optiplex Computer (6)	Nexiq Link USB Adapter
Cherry Picker	Dell Power Edge Server (3)	Peace Bag
DecorFlame Heater	Dell Power Edge Computer (5)	Projector
Dell Dimension Computer	Dell Precision Computer (3)	Rigid Bag n Power Tools
Dell Monitors (2)	Oscillating Fans (4)	Rolling Cart
Side Table (2)	HP Toner Cartridges (3)	

FISCAL IMPACT

Auction fees are charged to the buyer so there is no expense to the City other than the cost of required advertising which runs about \$150 to \$200. It is difficult to determine how much revenue the City will receive from the sale of these items. There are a few larger-ticket items in the auction that should bring good prices, and some items will have minimum bid amounts. If each of these items sell for the reserve the City would receive at least \$8,000. Past auctions have generated between \$5,000 and \$25,000 for the City.

ATTACHMENTS

None

MEETING DATE: APRIL 7, 2020
DEPARTMENT: PUBLIC WORKS
PREPARED BY: ROB KRAMER
PRESENTED BY: PHILLIP BOWMAN

AGENDA ITEM SUMMARY REPORT

Extension of Quote 2018-05 Fuel

ACTION TO BE TAKEN:

Approve the extension of Quote 2018-05 Fuel, extending the current fuel contract with Bailey Enterprises Inc. for a period of one year beginning on July 1, 2020.

SUMMARY OF INFORMATION:

In June of 2018 the City Council approved the award of Quote 2018-05 Fuel to Bailey Enterprises Inc. Quote packets were sent to Bailey Enterprises Inc., Brad Hall and Associates, and Homax Oil partnering with Conoco Country Store. Bailey Enterprises Inc. submitted the lowest price per gallon, and was able to meet the necessary requirements.

This quote had a provision allowing the City to extend the agreement for two additional one-year periods. On April 16, 2019 Council approved the extension of the contract for one year. That agreement will end on June 30, 2020.

At this time staff respectfully requests that we extend the current contract with Bailey Enterprises Inc. for another year, beginning on July 1, 2020.

The quote process requires staff to reacquaint all of the interested parties with our requirements, and make certain that the company's electronic information can match with our fuel program utilized at the shop. In addition, if a new company provides a lower quote, new charge cards must be produced for each vehicle, and all users must be readjusted to a new location and process. Bailey Enterprises did provide the low quote in 2018 and does provide two fueling locations.

Mike Bailey, President/CEO of Bailey Enterprises Inc., has been contacted and Bailey Enterprises Inc. would agree to extend the current agreement for one more year if approved by Council.

FISCAL IMPACT

Funding for this fuel is being budgeted within the Fiscal Year 2020/2021 Budget. Renewal would mean going forward with the same costs over rack as this current fiscal year.

AGENDA ITEM NO. _____

ALTERNATIVES

1. Approve the staff request to allow the extension of Quote 2018-05 Fuel for a period of one year beginning on July 1, 2020.
2. Request staff to prepare a new quote for services to begin on July 1, 2020.

ATTACHMENTS

1. Request for Quotation, Quote 2018-05 Fuel
2. Price Comparison for Quote 2018-05

AGENDA & SUMMARY REPORT TO:

1. Mike Bailey, Bailey Enterprises Inc., mbailey@gowithbailey.com

2018 Quote

	Price per Gallon Minus Rack and Tax	
	Bailey Enterprises Inc.	Homax Oil Sales
Unleaded	\$0.1362	\$0.2900
Midgrade	\$0.1362	\$0.2900
Premium	\$0.1362	\$0.2900
Diesel	\$0.1246	\$0.2900
Diesel Winter Grade	\$0.2246	\$0.0000

	Freight Rate	
	Bailey Enterprises Inc.	Homax Oil Sales
Unleaded	\$0.0562	\$0.0800
Midgrade	\$0.0562	\$0.0800
Premium	\$0.0562	\$0.0800
Diesel	\$0.0646	\$0.0800

	Overhead	
	Bailey Enterprises Inc.	Homax Oil Sales
Unleaded	\$0.0600	\$0.1500
Midgrade	\$0.0600	\$0.1500
Premium	\$0.0600	\$0.1500
Diesel	\$0.0400	\$0.1500

	Profit	
	Bailey Enterprises Inc.	Homax Oil Sales
Unleaded	\$0.0200	\$0.0600
Midgrade	\$0.0200	\$0.0600
Premium	\$0.0200	\$0.0600
Diesel	\$0.0200	\$0.0600

	Other Info	
	Bailey Enterprises Inc.	Homax Oil Sales
Cost for ASCII File	\$ -	\$ -



REQUEST FOR QUOTATION
Quote # 2018-05

The City of Cody will accept quotes until 2:00 p.m., May 24, 2018 at City Hall, 1338 Rumsey Ave. for the following fuels:

Unleaded Gasoline
Mid-Grade Gasoline
Premium Grade Gasoline
Diesel Fuel

Matt Hall
Mayor

Donny Anderson
Karen Ballinger
Landon Greer
Jerry Fritz
Glenn A. Nielson
Stan Wolz
Council Members

C. Edward Webster II
Municipal Judge

Barry A. Cook
City Administrator

1338 Rumsey Avenue
P.O. Box 2200
Cody, WY 82414

(307) 527-7511
Fax (307) 527-6532

It is estimated that the City utilizes approximately 93,000 gallons of fuel per year, approximately half of this use being diesel fuel. Quantities do vary by product and are not guaranteed. Quantities should not be construed to represent either a maximum or minimum quantity to be used during the contract term.

Fuel is to be dispensed by a Card System. Cards are to be set for a single vehicle or equipment so that one card can be locked out without exchanging all of the cards. Must be able to provide PINs for each card. Fuel entry must be able to accommodate mileage and hours. On a weekly basis the SUPPLIER must be able to e-mail the mileage and usage of any vehicles or equipment to fleet@cityofcody.com. On a monthly basis, concurrent with billing, SUPPLIER must be able to deliver all usage and billing information to the City of Cody in a comma delimited by field ASCII file or other acceptable format (preferably Microsoft Excel). The SUPPLIER must provide proof of rack prices at the end of each month.

Quotes are to be per gallon price with state tax included. Quotes must delineate separately the "Rack", "Freight", "Overhead", "Profit", "State Tax" and "Total Quote" (as a local government entity, the City of Cody is exempt from Federal Excise Tax).

Date of price to be as of May 15, 2018. The successful supplier will begin dispensing fuels for the City of Cody on July 1, 2018. This agreement is to extend for a period of one (1) year with the City retaining the option to extend the agreement for two additional one (1) year periods.

Submit quotes to City of Cody, 1338 Rumsey Avenue, PO Box 2200, Cody, WY 82414 and mark on the outside of the envelope "2018-05 FUEL QUOTE". All quotes must be submitted on an official quote form (attached). Additional copies can be obtained by emailing kylieh@cityofcody.com.

In accordance with the provisions of Section 16-6-101 through Section 16-6-106 of the Wyoming Statutes, 1997 republished edition, preference is hereby given to materials, supplies, equipment, machinery, and provisions produced, manufactured, supplied or grown in Wyoming, quality being equal to articles offered by the competitors outside the state. ***Any supplier claiming preference must submit evidence of Wyoming residency as defined in Wyoming Statute 16-6-101.***

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

Rob Kramer

City of Cody
Streets and Vehicle Maintenance Superintendent

Quote Specification Form – Quote # 2018-05

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

The undersigned supplier agrees to provide fuel for the City of Cody pursuant to the specifications and invitation to quote below:

	Rack Price	Freight Rate	Overhead	Profit	State Tax	Total Quote Price per Gallon
Unleaded						
Midgrade						
Premium						
Diesel						

_____ I acknowledge that I can provide the City with a comma delimited ASCII file at no additional cost to the City.

_____ I acknowledge that I can provide the City with a comma delimited ASCII file at an additional cost to the City of _____ (per month, per gallon, other as noted).

_____ Any additional costs outlined on an attached page.

What, if any, additional fees would apply if the City were to pay the monthly statement with a credit card. _____

Supplier Comments: _____

The undersigned understands that the City Council of the City of Cody shall determine in its sole discretion the most responsible supplier, and the City Council may reject any and all quotes or make substitutions, waive defects it deems unsubstantial in any quote, and that if an award is made, the City Council will award the quote in the best interest of the City. Award of quote is subject to Council budget appropriation for this purchase. The offer made herein shall be binding for 30 days after the date of quote opening.

Quote Submitted By

Company Name: _____

Authorized Signature: _____

Printed Name: _____

Business Address: _____

Phone Number: _____

Email Address: _____

MEETING DATE: APRIL 7, 2020
DEPARTMENT: ADMINISTRATIVE SERVICES
PREPARED BY: CINDY BAKER,
ADMINISTRATIVE SERVICES OFFICER
PRESENTED BY: CINDY BAKER,
ADMINISTRATIVE SERVICES OFFICER

AGENDA ITEM SUMMARY REPORT

Request for Transfer of Ownership of a Retail License

ACTION TO BE TAKEN:

Approve the transfer of ownership of a Retail Liquor License from Soaring Peak Enterprises located at 3330 Big Horn Avenue to Local Hospitality LLC dba Big Horn Liquor located at the same address, contingent upon confirmation of sale of said property and issued on actual date of sale.

SUMMARY OF INFORMATION:

On March 3rd the City of Cody received an application to transfer of ownership a retail license issued Soaring Peak Enterprises located at 3330 Big Horn Avenue to Local Hospitality LLC dba Big Horn Liquor located at the same address

The applicant has provided all required documentation requested by the State of Wyoming Liquor Division, as well as, the City of Cody. A public hearing was advertised to be held on April 7th prior to the action of consideration of this transfer.

Transfer if approved will be issued upon verification of sale of property. If property sale does not occur, transfer will not take place and Soaring Peak Enterprises would retain retail license.

FISCAL IMPACT

Transfer fee of \$100

ALTERNATIVES

The City may deny the transfer of ownership based on Wyoming State Statutes Title 12. If the City denies a renewal application, the applicant may appeal to the District Court.

ATTACHMENTS

1. Transfer Application from requestor.

AGENDA & SUMMARY REPORT TO:

Soaring Peak Enterprises
Local Hospitality LLC

AGENDA ITEM NO. _____

NEW OR TRANSFER LIQUOR LICENSE OR PERMIT APPLICATION

FOR LIQUOR DIVISION USE ONLY		
Customer #:	_____	
Trf from:	_____	
Reviewer:	Initials	Date
Agent:	_____	____/____/____
Chief:	_____	____/____/____

To be completed by City/County Clerk

Local License #: _____

License Fees Annual Fee: \$ _____ Date filed with clerk: 3/3/2020

Prorated Fee: \$ _____ Advertising Dates: (2 Weeks) _____

Transfer Fee: \$ 100.00 3/19 & 3/26

Publishing Fee: \$ 450.00 Hearing Date: 4/7/2020

Publishing Fee Direct Billed to Applicant:

License Term: _____ / _____ / _____ Through _____ / _____ / _____
Month Day Year Month Day Year

LICENSING AUTHORITY: Begin publishing promptly. As W.S. 12-4-104(d) specifies: **NO LICENSING AUTHORITY SHALL APPROVE OR DENY THE APPLICATION UNTIL THE LIQUOR DIVISION HAS CERTIFIED THE APPLICATION IS COMPLETE.**

Applicant: Local Hospitality, LLC

Trade/Business Name (dba): Big Horn Liquor

Building to be licensed/Building Address: 3330 Big Horn Ave
Number & Street

Cody Wyoming 82414 Park
City State Zip County

Mailing Address: 1108 14th Street #503
Number & Street or P.O. Box

Cody Wyoming 82414
City State Zip

Business Telephone Number: (307) 578-8484 Fax Number: ()

E-Mail Address: info@amtenllc.com

Brief legal description and the zoning of the licensed building or site for licensed building: W.S. 12-4-102 (a) (vi)
BOYDSTON MINOR SUB. LOT 1 (25,265 SF)

FILING FOR	FILING IN (CHOOSE ONLY ONE)	FILING AS (CHOOSE ONLY ONE)
<input type="checkbox"/> NEW LICENSE	<input checked="" type="checkbox"/> CITY OF: <u>CODY</u>	<input type="checkbox"/> INDIVIDUAL
<input type="checkbox"/> TRANSFER OF LOCATION	<input type="checkbox"/> COUNTY OF: _____	<input type="checkbox"/> PARTNERSHIP
<input checked="" type="checkbox"/> TRANSFER OWNERSHIP	<input checked="" type="checkbox"/> ASSIGNMENT LETTER ATTACHED	<input type="checkbox"/> LP/LLP
FORMERLY HELD BY: <u>Soaring Peak Enterprises</u>		<input checked="" type="checkbox"/> LLC
		<input type="checkbox"/> CORPORATION
		<input type="checkbox"/> LTD PARTNERSHIP
		<input type="checkbox"/> ORGANIZATION
		<input type="checkbox"/> OTHER _____

TYPE OF LICENSE OR PERMIT (CHOOSE ONLY ONE)

<input type="checkbox"/> RETAIL LIQUOR LICENSE <input type="checkbox"/> ON-PREMISE ONLY (BAR)	<input type="checkbox"/> RESTAURANT LIQUOR LICENSE <input type="checkbox"/> RESORT LIQUOR LICENSE <input type="checkbox"/> BAR AND GRILL	<input type="checkbox"/> MICROBREWERY <input type="checkbox"/> WINERY <input type="checkbox"/> DISTILLERY SATELLITE <input type="checkbox"/> WINERY SATELLITE <input type="checkbox"/> COUNTY RETAIL or SPECIAL MALT BEVERAGE PERMIT
<input type="checkbox"/> OFF-PREMISE ONLY (PACKAGE STORE)	LIMITED RETAIL (CLUB) <input type="checkbox"/> VETERANS CLUB <input type="checkbox"/> FRATERNAL CLUB <input type="checkbox"/> GOLF CLUB <input type="checkbox"/> SOCIAL CLUB	SPECIAL DESIGNATIONS <input type="checkbox"/> CONVENTION FACILITY <input type="checkbox"/> CIVIC CENTER/EVENT CENTER/ PUBLIC AUDITORIUM <input type="checkbox"/> GOLF CLUB <input type="checkbox"/> GUEST RANCH <input type="checkbox"/> RESORT
<input checked="" type="checkbox"/> COMBINATION ON/OFF PREMISE (BOTH BAR & PACKAGE STORE)		

To Assist the Liquor Division with scheduling inspections: **WHEN DO YOU OPERATE?**

<input checked="" type="checkbox"/> FULL TIME (e.g. Jan through Dec) <small>(specify months of operation)</small>	<input type="checkbox"/> SEASONAL/PART-TIME DAYS OF WEEK (e.g. Mon through Sat)	<input type="checkbox"/> NON-OPERATIONAL/PARKED HOURS OF OPERATION (e.g. 10a - 2a)
from <u>Jan</u> to <u>Dec</u>	from <u>Mon</u> to <u>Sun</u>	from <u>10a</u> to <u>2a</u>

ALL APPLICANTS MUST COMPLETE QUESTIONS 1- 6

1. BUILDING OWNERSHIP: Does the applicant? W.S. 12-4-103 (a) (iii)

- (1) **OWN** the licensed building? YES (own)
- (2) **LEASE** the licensed building? (Lease must be through the term of the liquor license) YES (lease)

If Yes, please submit a copy of the lease and indicate:

- (A) When the lease expires, located on page 1 paragraph 3.2 of lease.
- (B) Where the **Sales** provision for alcoholic or malt beverages is located, on page 1 paragraph 2.2 of lease.
(MUST contain a provision for SALE OF ALCOHOLIC or MALT BEVERAGES.)

2. To operate your liquor business, have you assigned, leased, transferred or contracted with any other person (entity) to operate and assert total or partial control of the license and the licensed building? W.S. 12-4-601 (b) YES NO
3. Does any manufacturer, brewer, rectifier, wholesaler, or through a subsidiary affiliate, officer, director or member of any such firm: W.S. 12-5-401, 12-5-402, 12-5-403
- (a) Hold any interest in the license applied for? YES NO
- (b) Furnish by way of loan or any other money or financial assistance for purposes hereof in your business? YES NO
- (c) Furnish, give, rent or loan any equipment, fixtures, interior decorations or signs other than standard brewery or manufacturer's signs? YES NO
- (d) If you answered YES to any of the above, explain fully and submit any documents in connection there within:
-
4. Does the applicant have any interest or intent to acquire an interest in any other liquor license issued by this licensing authority? W.S. 12-4-103 (b) YES NO
- If "YES", explain: _____

5. If applicant is filing as an Individual, Partnership or Club: W.S. 12-4-102 (a) (ii) & (iii)

Each individual, partner or club officer must complete the box below.

True and Correct Name	Date of Birth	Residence Address No. & Street City, State & Zip <i>DO NOT LIST PO BOXES</i>	Residence Phone Number	Have you been a DOMICILED resident for at least 1 year and not claimed residence in any other state in the last year?	Have you been Convicted of a Felony Violation?	Have you been Convicted of a Violation Relating to Alcoholic Liquor or Malt Beverages?
				YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
				YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
				YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
				YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
				YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
				YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>

(If more information is required, list on a separate piece of paper and attach to this application.)

6. If the applicant is a Corporation, Limited Liability Company, Limited Liability Partnership or Limited Partnership: W.S. 12-4-102 (a) (iv) & (v)

Each stockholder holding, either jointly or severally, ten percent (10%) or more of the outstanding and issued capital stock of the corporation, limited liability company, limited liability partnership, or limited partnership, and every officer, and every director must complete the box below.

True and Correct Name	Date of Birth	Residence Address No. & Street City, State & Zip <i>DO NOT LIST PO BOXES</i>	Residence Phone Number	No. of Years in Corp or LLC	% of Corporate Stock Held	Have you been Convicted of a Felony Violation?	Have you been Convicted of a Violation Relating to Alcoholic Liquor or Malt Beverages?
Robert Min	6/24/68	1142 13th St. Cody, WY 82414	(307)201-2949	1st year	100%	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
						YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
						YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
						YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
						YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>
						YES <input type="checkbox"/> NO <input type="checkbox"/>	YES <input type="checkbox"/> NO <input type="checkbox"/>

(If more information is required, list on a separate piece of paper and attach to this application)

7. BAR AND GRILL LICENSE:

Have you submitted a valid food service permit or application? W.S. 12-4-413 (a) YES NO

8. RESTAURANT LICENSE:

(a) Give a description of the dispensing room(s) and state where it is located in the building. W.S. 12-4-408 (b) (e.g. 10 x 12 room in SE corner of building): _____

(b) Have you submitted a valid food service permit or application? W.S. 12-4-407 (a) YES NO

(c) Have you attached a drawing of the establishment that includes the restaurant dispensing room(s)? W.S. 12-4-410 (f) YES NO

9. RESORT LICENSE:

Does the resort complex:

(a) Have an actual valuation of at least one million dollars, or have you committed or expended at least one million dollars (\$1,000,000.00) on the complex, excluding the value of the land? W.S. 12-4-401(b)(i) YES NO

(b) Include a restaurant and a convention facility which will seat at least one hundred (100) persons? W.S. 12-4-401(b)(ii) YES NO

(c) Include motel, hotel or privately owned condominium, town house or home accommodations approved for short term occupancy with at least one hundred (100) sleeping rooms? W.S. 12-4-401(b)(iii) YES NO

(d) If no on question (c), have a ski resort facility open to the general public in which you have committed or expended not less than 10 million dollars (\$10,000,000.00)? W.S. 12-4-401(b)(iv) YES NO

(e) Are you contracting/leasing the food and beverage services? W.S. 12-4-403(b)
1. If Yes, have you submitted a copy of the food and beverage contract/lease? YES NO

10. MICROBREWERY LICENSE:

Will the license be held in conjunction with another liquor license? W.S. 12-4-412(b)(iii) YES NO

(a) If "YES", please specify type: RETAIL RESTAURANT RESORT BAR AND GRILL WINERY

(b) Do you self distribute your products? W.S. 12-2-201(a) (Requires wholesaler license with the Liquor Division) YES NO

(c) Do you distribute your products through an existing malt beverage wholesaler? W.S. 12-2-201(g)(i) (Requires authorization to sell license with the Liquor Division) YES NO

11. WINERY LICENSE:

Will the license be held in conjunction with another liquor license? W.S. 12-4-412(b)(iii) YES NO

(a) If "YES", please specify type: RETAIL RESTAURANT RESORT BAR AND GRILL MICROBREWERY

12. LIMITED RETAIL (CLUB) LICENSE:

FRATERNAL CLUBS W.S. 12-1-101(a)(iii)(B)

(a) Has the fraternal organization been actively operating in at least thirty-six (36) states? YES NO

(b) Has the fraternal organization been actively in existence for at least twenty (20) years? YES NO

13. LIMITED RETAIL (CLUB) LICENSE:

VETERANS CLUBS W.S. 12-1-101(a)(iii)(A):

(a) Does the Veteran's organization hold a charter by the Congress of the United States? YES NO

(b) Is the membership of the Veteran's organization comprised only of Veterans and its duly organized auxiliary? YES NO

14. LIMITED RETAIL (CLUB) LICENSE:

GOLF CLUBS W.S. 12-1-101(a)(iii)(D)/W.S. 12-4-301(e):

(a) Do you have more than fifty (50) bona fide members? YES NO

(b) Do you own, maintain, or operate a bona fide golf course together with clubhouse? YES NO

(c) Are you a political subdivision of the state that owns, maintains, or operates a golf course? YES NO

1. Are you contracting/leasing the food and beverage services? W.S. 12-5-201(g) YES NO

2. If Yes, have you submitted a copy of the food and beverage contract/lease? YES NO

LEASE AGREEMENT

THIS LEASE AGREEMENT (the "Agreement") is made and entered into this 7 day of March, 2020, by and between the following parties and upon the following terms and conditions:

(1) Parties

The parties to this Agreement, hereinafter referred to as LESSOR and LESSEE, respectively, are:

- 1.1 LESSOR: Joseph C. Boydston 2014 Revocable Living Trust;
- 1.2 LESSEE: Local Hospitality, LLC, a Wyoming limited liability company; and
- 1.3 Joseph C. Boydston 2014 Revocable Living Trust and Local Hospitality, LLC, a Wyoming limited liability company collectively, (the "Parties").

(2) Premises Leased

LESSOR hereby leases to LESSEE the following premises situated in Cody, Park County, Wyoming, to wit:

- 2.1 A building owned by LESSOR and located at 3330 Big Horn Avenue, Cody, Wyoming 82414, (the "Property").
- 2.2 Pursuant to W.S. § 12-4-103(a)(iii) and Wyoming liquor license no. 652 ("License 652"), this Agreement shall provide that alcoholic or malt beverages may be sold upon the leased premises pursuant to the laws of the City of Cody, Park County and the State of Wyoming.
- 2.3 LESSOR grants LESSEE access to the property at 3330 Big Horn Avenue from the adjoining property at 3328 Big Horn Avenue, Cody Wyoming 82414 also owned by the LESSOR.

(3) Term

The term of this Agreement shall be as follows:

- 3.1 Date of Beginning of Base Term: Later of April 8, 2020 or First day of the Big Horn Liquor license transfer date after being approved by the City of Cody and the state of Wyoming.
- 3.2 Date of Termination of Base Term: two year from the beginning date of the lease.

(4) Rental

The rent to be paid by LESSEE to LESSOR, the place of payment of the same and the dates of the payment of the same shall be:

- 4.1 Initial Base Rental amount of: \$1,100 per month.
- 4.2 Base Rental amount will increase by \$ 50 per month starting April 8 or effective beginning lease date of the second year.

- 4.3 Place of Payment: 124 Siddle Drive, Cody, Wyoming 82414.
- 4.4 Dates of Payment: Payment of any expense covered by this paragraph shall be due within 5 days of the 15th day of each month for the same.
- 4.5 Late Payment Penalty: If LESSEE is ten (10) or more days late with any month's payment, LESSEE shall be liable for a \$5 per day late payment for every day LESSEE's payment is late.

(5) Repair or Alteration of Premises

- 5.1 LESSEE accepts possession of said premises in the same condition in which they are received on the date of this Agreement.
- 5.2 LESSEE shall not have the right to make alterations or structural changes in or upon said premises without the prior written consent of LESSOR.

(6) Utilities

The expense of all utilities servicing said premises shall be paid by LESSEE.

(7) Maintenance of Premises

- 7.1 LESSOR will be responsible for the repair and maintenance of said premises during the term of this Agreement.

(8) Inspection and Access

LESSOR shall have the right to go upon said premises at reasonable times and hours, upon reasonable request to LESSEE, to inspect the same for the purpose of ascertaining compliance with the terms of this Agreement.

(9) Claims of Third Parties

LESSEE shall indemnify LESSOR and hold LESSOR harmless from and against any and all claims of third parties arising from the conduct of LESSEE upon said premises, or otherwise arising by reason of any alleged negligence of LESSEE or LESSEE's agents or employees.

LESSOR shall indemnify LESSEE and hold LESSEE harmless from and against any and all claims of third parties arising from the conduct of LESSOR or LESSOR'S agents or employees upon said premises.

Any damage to said premises or the building in which the same are situated resulting from the negligence of LESSEE or of LESSEE's agents or employees shall be the liability of LESSEE to LESSOR, or shall be repaired by LESSEE.

(10) Use of Premises

LESSEE shall utilize said premises for legitimate business purposes only and shall neither engage in nor permit any activity thereon in violation of the laws of the City of Cody, Park County or the State of Wyoming.

JAS *CH*

(11) Assignment

- 11.1 LESSEE may not assign, sublet or permit occupancy of said premises by third persons without the prior written consent of LESSOR.

(12) Liability of LESSOR

LESSOR shall not be liable to LESSEE for any damage occasioned to the property of LESSEE from the water, electricity or gas supplied to said premises or otherwise, in any manner, from the plumbing thereof, fire, structural failure or loss from natural causes sustained upon said premises.

(13) Covenants of LESSOR

LESSOR covenants that LESSOR is the owner in fee of the premises forming the subject matter of this Agreement and that LESSEE shall have peaceful and quiet enjoyment of said premises throughout the term of this Agreement.

(14) Default and Termination

- 14.1 Upon the occurrence of any event of default, LESSOR may, in addition to any other remedy or right given by law, terminate this Agreement by service of written notice of such termination upon LESSEE and thereupon enter upon said leased premises, or any part thereof, upon the date specified in such notice and retake possession of said premises. If LESSOR does not elect to so terminate the Agreement, LESSOR shall have the right at its election to re-enter the premises, with or without legal process, and to remove LESSEE's signs and all property and effects of LESSEE; and if LESSOR so desires, re-let the premises or any part thereof upon such terms and to such persons as may seem appropriate to LESSOR.
- 14.2 Each of the following shall be deemed an event of default:
- a. Default in the payment of the rental provided for herein.
 - b. Breach by LESSEE of any of the covenants or other obligations of LESSEE set forth herein.
 - c. Abandonment of the premises by LESSEE.
 - d. The making of an assignment by LESSEE for the benefit of creditors or the filing by LESSEE or against LESSEE of a petition in bankruptcy, the filing of any petition against LESSEE for the foreclosure of any judgment lien against said leasehold, or the levy of any writ of execution upon said leasehold.
- 14.3 Notice of Default and Cure Period. Upon the Default by either Party (the "Defaulting Party") of its material obligations under this Agreement, the other Party (the "Non-defaulting Party") shall notify the defaulting Party of such Default within five (5) business days, which notice shall specify the particulars of such Default with reference to the particular sections of this Agreement that have been breached, and require that the defaulting Party cure

such Default within ten (10) business days; provided, however, that if (i) such Default (other than any payment default) is capable of being cured, but not within such ten (10) day period, and (ii) the defaulting Party uses its best efforts to cure such default, such ten (10) business day period shall be extended for so long as diligent efforts are being applied to cure such Default (but not longer than three (3) months).

(15) Redelivery of Possession

Upon the expiration of the term herein set forth, or any extension thereof, or upon termination of this Agreement in any manner herein provided, LESSEE will surrender possession and occupancy of said premises to LESSOR without any other or further notice than the terms of this Agreement.

(16) General

- 16.1 This Agreement constitutes the entire agreement of the parties, and all representations of the parties made heretofore have been embodied herein and no other representations have been made. This Agreement supersedes all prior and contemporaneous written or oral agreements, correspondence and understandings between the parties hereto with regard to the subject matter hereof.
- 16.2 This Agreement may only be amended by written instrument setting forth the specific amendment and executed by both parties hereto.
- 16.3 In the event of any conflict, it is understood and agreed that the law of the State of Wyoming shall govern. Any litigation concerning this Agreement shall be venued in Circuit Court or District Court, Fifth Judicial District, Park County, Wyoming.
- 16.4 This Agreement and all obligations and rights hereunder shall extend to and be binding upon the heirs, personal representatives and assigns of LESSOR and of LESSEE.
- 16.5 In the event of a default under this Agreement, the defaulting party shall reimburse the non-defaulting party or parties for all costs and expenses reasonably incurred by the non-defaulting party or parties in connection with the default, including without limitation all attorneys' fees. Additionally, in the event a suit or action is filed to enforce this Agreement or with respect to the Agreement, the prevailing party or parties shall be reimbursed by the other party for all costs and expenses incurred in connection with the suit or action, including without limitation reasonable attorney's fees.

(17) Lessee's Option To Purchase

Provided LESSEE is not in default beyond all notice and applicable cure periods hereunder, LESSEE shall have the right to purchase the Property at any time during the

Handwritten initials and a signature in the bottom right corner of the page.

Term, including any extension, of this Lease upon giving notice in writing to LESSOR (the "Purchase Notice") at least ninety (90) days prior to the expiration of the term hereof of LESSEE's intention to purchase the Property. If LESSEE exercises this Option to Purchase, then LESSEE shall purchase and LESSOR shall sell the Property upon the terms and conditions as mutually agreed upon by LESSOR and LESSEE (the "Purchase Terms"). Upon the closing of title pursuant to the above-mentioned Purchase Terms, this Lease shall terminate and end. The purchase price for the Property ("Purchase Price") shall be determined by agreement of the LESSOR and LESSEE, or, if the LESSOR and LESSEE fail to reach an agreement within fifteen (15) days of the LESSEE's Purchase Notice, then by a credentialed real property appraiser selected and agreed to by both parties. The option to purchase shall expire without notice upon the termination of this Lease unless the option was exercised prior to such termination, provided that this option to purchase shall continue after any amendment, continuation or reinstatement of this Lease.

(18) Notices

Any notice, request, claim, demand, waiver, consent, approval or other communication which is required or permitted hereunder shall be in writing and shall be deemed given if delivered via email and by registered or certified mail, postage prepaid, by nationally recognized overnight courier service, as follows:

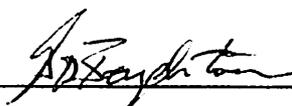
To LESSOR: Joseph C. Boydston 2014 Revocable Living Trust
 124 Siddle Drive, Cody, Wyoming 82414
 jerryboydston@gmail.com

To LESSEE: Local Hospitality, LLC
 1108 14th St. #503, Cody, Wyoming 82414
 info@amtenllc.com

SO AGREED as of the date and year first above written:

**GERALD D. BOYDSTON,
LESSOR**

**LOCAL HOSPITALITY, LLC,
LESSEE**

By: 

By: 

Title: TRUSTEE

Title: MANAGER

Date: 3-7-2020

Date: 3/7/20

ASSIGNMENT AGREEMENT

This Assignment Agreement made on February 22, 2020, by and between **Soaring Peak Enterprises**, a Wyoming Corporation, **Vaughn Place** and **Brenna Place** (the owner of Big Horn Liquor store business located at 3330 Big Horn Ave, Cody, WY 82414), hereinafter referred to as (the "Assignor") and **Local Hospitality, LLC**, a Wyoming Limited Liability Company with mailing address of 1108 14th St. #503, Cody, WY 82414 hereinafter referred to as (the "Assignee"), in consideration of the mutual covenants herein contained and other good and valuable consideration, hereby unconditionally and irrevocably shall assign and transfer unto, all right, title and interest in and to the following once Assignee obtains the approval from the State of Wyoming and City of Cody to transfer the following license:

FULL RETAIL LIQUOR LICENSE (in good standing with licensing authority) for "Big Horn Liquor" store at 3330 Big Horn Ave, Cody, WY 82414 under Title 12 of Wyoming Alcoholic Beverage, and without being delinquent in paying sales taxes pursuant to W.S. 12-2-306.

The Assignor warrants and represents that said the above license is in full force and effect and is fully assignable.

The Assignor fully warrants that it has full rights and authority to enter into this assignment and that the rights and benefits assigned hereunder are free and clear of any lien, encumbrance, adverse claim or interest by any third party.

This assignment shall be binding upon and inure to the benefit of the parties, and their successors and assigns.

Signed this day of:

ASSIGNOR:

Soaring Peak Enterprises

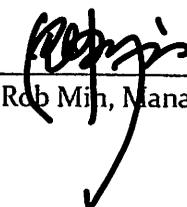
By: 
Vaughn Place, President

By: 
Vaughn Place, Individually

By: 
Brenna Place, Individually

ASSIGNEE:

Local Hospitality, LLC

By: 
Rob Min, Manager



March 2, 2020

To:

The City of Cody
1338 Rumsey Ave
Cody WY 82414

Re: Application for Transfer of Retail Liquor License

To whom it may concern:

Local Hospitality, LLC has an active open checking account with Pinnacle Bank. The applicant is in good standing with the bank and considered financially sound for purposes of their respective license application. Please contact me at 307-527-7186 with any questions or for additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Garrett Gowney", written over a horizontal line.

Garrett Gowney
Vice President
Commercial Loans



MEMBER FDIC

MEETING DATE:	APRIL 7, 2020
DEPARTMENT:	COMMUNITY DEVELOPMENT
PREPARED BY:	TODD STOWELL
CITY ADM. APPROVAL:	_____
PRESENTED BY:	TODD STOWELL

AGENDA ITEM SUMMARY REPORT
An Ordinance to Annex and Zone Approximately 7.29 Acres Located Between
the Centerline and Right Bank of the Shoshone River
Ordinance 2020-03

ACTION:

Consider Ordinance 2020-03 to annex and zone approximately 7.29 acres owned by Harold Musser.

BACKGROUND:

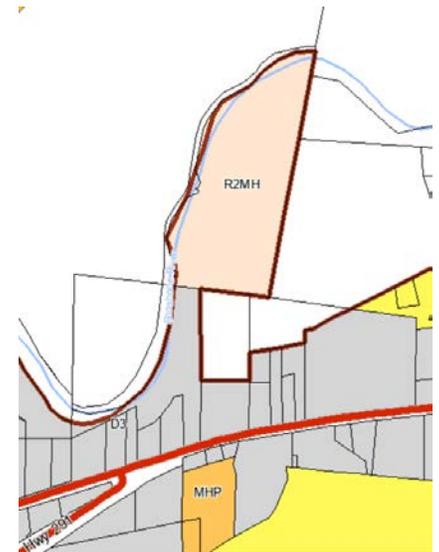
Harold Musser has submitted a petition for the annexation to the City of Cody of 7.29 acres of his property located between the centerline of the Shoshone River and the existing City limits on the south and east bank of the river. Currently, the City limits are at the east bank of the river through these two parcels, yet the boundaries of the two parcels are at the centerline of the river. The annexation would move the city limits to the existing parcel boundaries at the centerline of the Shoshone River.

It is also requested that the annexed land be zoned the same as the rest of each parcel to which it belongs. That means the south portion, within the Amended Frisby-Musser subdivision, is proposed as Open Business (D-3) and the north portion, within Parcel A is proposed as Medium-Low Density, Manufactured Home (R2-MH). The existing zoning map is shown to the right.



PROCEDURE:

The annexation process is outlined in Wyoming Statute 15-1. The property owner has petitioned for annexation pursuant to section 15-1-403. An annexation report has been prepared as required, and is enclosed. A public hearing has been scheduled for the April 7th council meeting, and notice of the public hearing, availability of the annexation report, and the zoning request has been provided as required. Comments have been received from three neighboring property owners indicating “no objection” to the annexation and zoning.



Before the land can be annexed, the governing body is to make the following findings at the public hearing. Staff comments supporting each finding are noted in italics. The Planning and Zoning Board reviewed the proposal at their March 24, 2020 meeting and recommend approval.

AGENDA ITEM NO. _____

§ 15-1-402. Annexing territories; findings required; when contiguity not deemed affected; annexation report.

(a) Before any territory is eligible for annexation, the governing body of any city or town at a hearing as provided in W.S. 15-1-405 shall find that:

(i) An annexation of the area is for the protection of the health, safety and welfare of the persons residing in the area and in the city or town;

Comment: The annexation allows city services, include city police services, to be provided to the property, which services can benefit the health, safety and welfare of the future occupants of the property.

(ii) The urban development of the area sought to be annexed would constitute a natural, geographical, economical and social part of the annexing city or town;

Comment: The centerline of the river is a natural, geographical boundary, which would allow future annexation across the river, if there were ever a desire to do so. As such, there are potential economic and social benefits that may eventually result.

(iii) The area sought to be annexed is a logical and feasible addition to the annexing city or town and the extension of basic and other services customarily available to residents of the city or town shall, within reason, be available to the area proposed to be annexed;

Comment: Annexation of the property is logical and feasible. There is no plan for provision of utility services to the annexed area, as development of the river is not possible in that manner.

(iv) The area sought to be annexed is contiguous with or adjacent to the annexing city or town, or the area meets the requirements of W.S. 15-1-407;

Comment: The area is contiguous.

(v) If the city or town does not own or operate its own electric utility, its governing body is prepared to issue one (1) or more franchises as necessary to serve the annexed area pursuant to W.S. 15-1-410; and

Comment: Not applicable, as the City of Cody operates its own electric utility.

(vi) The annexing city or town, not less than twenty (20) business days prior to the public hearing required by W.S. 15-1-405(a), has sent by certified mail to all landowners and affected public utilities within the territory a summary of the proposed annexation report as required under subsection (c) of this section and notice of the time, date and location of the public hearing required by W.S. 15-1-405(a).

Comment: The materials were sent by certified mail as required on March 4, 2020.

Survey

An annexation survey with a legal description is required and has been provided.

FISCAL IMPACT

No significant measurable fiscal impacts to the City budget are expected.

AGENDA ITEM NO. _____

ALTERNATIVES

Approve or deny Ordinance 2020-03.

RECOMMENDATION

Review the proposed findings and approve Ordinance 2020-03 to annex the subject property, place it in Ward 3, and zone the properties consistent with the balance of the parcels to which they belong—the north piece to R-2MH and the south piece to D-3.

ATTACHMENTS

Annexation Report with Survey
Ordinance 2020-03

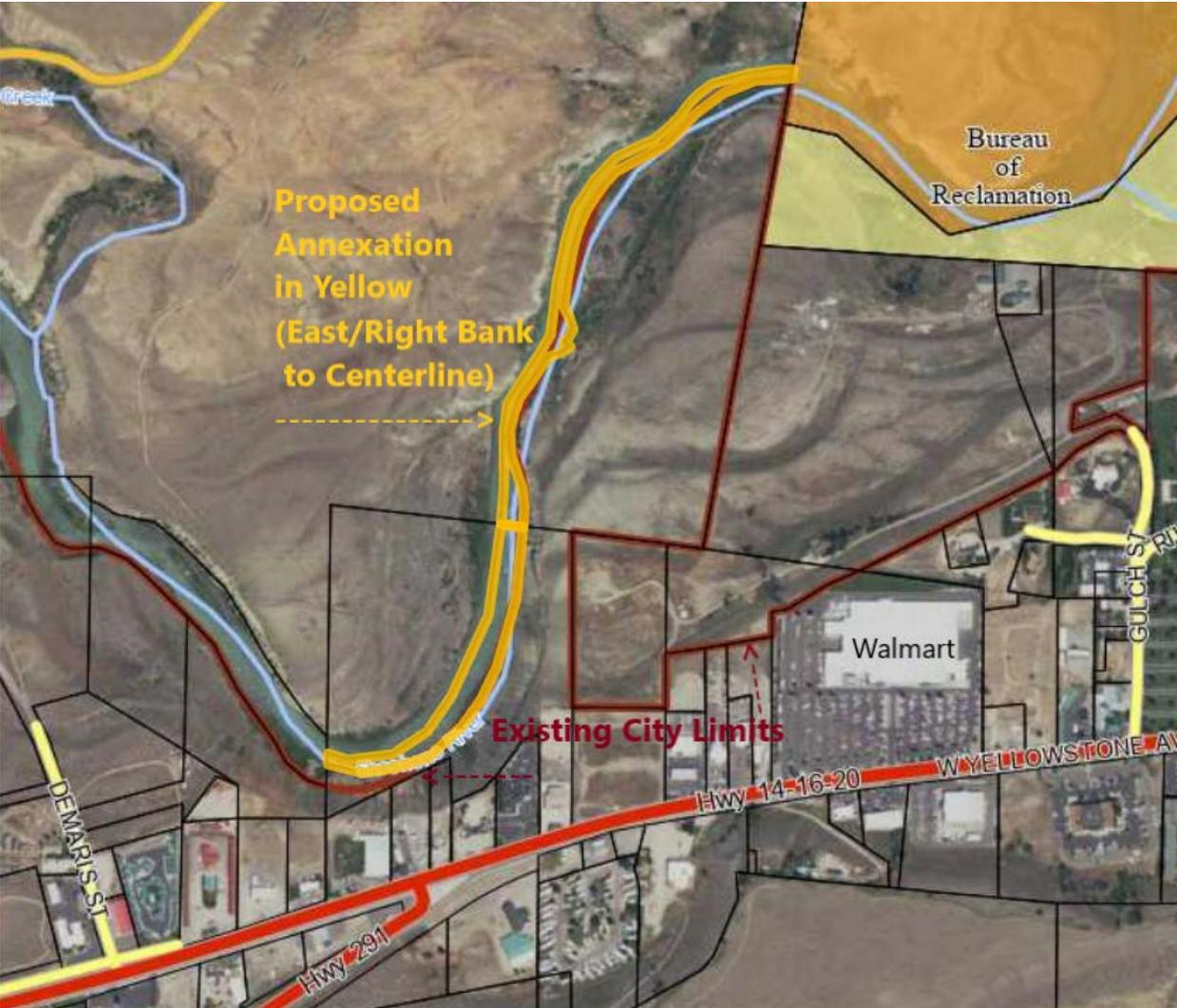
AGENDA & SUMMARY REPORT TO:

Harold Musser

AGENDA ITEM NO. _____

ANNEXATION REPORT FOR THE SHOSHONE RIVER ANNEXATION

The proposed annexation to the City of Cody of approximately 7.29 acres located between the centerline of the Shoshone River and the east (right) bank of the Shoshone River (existing City limits). The area is shown approximately below and in detail on the attached annexation plat (Exhibit A).



This report was prepared by the City of Cody in accordance with Wyoming Statute 15-1-204(c).

Item 1. The total estimated cost of infrastructure improvements required of all landowners by the annexing municipality related to the annexation;

As the property proposed for annexation is vacant, below the ordinary high-water mark of the Shoshone River, and not proposed for development, there is no need or request for installation of city services or infrastructure to serve the annexed property. Therefore, estimated cost for infrastructure improvements is zero.

Item 2. A list of basic and other services customarily available to residents of the city or town and a timetable when those services will reasonably be available to the area proposed to be annexed;

Services customarily available to residents of the City include sanitary sewer, domestic water, raw water (irrigation), electricity, gas, sanitation collection, police, fire, and emergency response.

Emergency response and fire protection services are already provided to the area. Police protection would be provided upon annexation.

Utility services for City sanitary sewer, domestic water, raw water (irrigation), and electricity are not needed or requested, as the annexation area is not anticipated to be developed, or at least not developed in a manner that would require these utilities. Therefore, there is no plan or timetable for providing these services.

3. A projected annual fee or service cost for services described in #2 above;

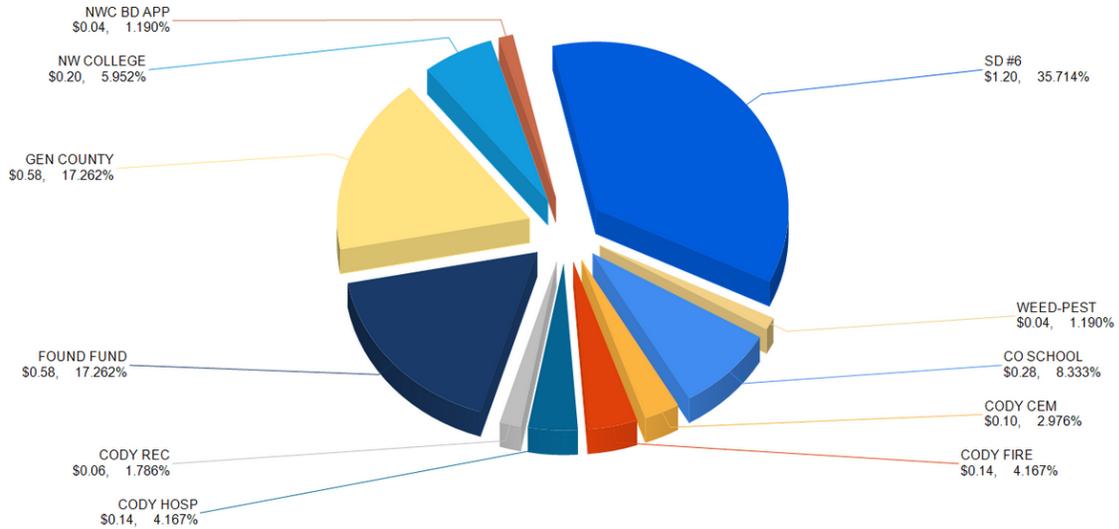
Unless and until utility services are utilized, which is not anticipated, there are no annual/monthly utility fees charged by the City. There are no annual/monthly fees for police, fire, or emergency response, as these services are paid for through property taxes.

4. The current and projected property taxes;

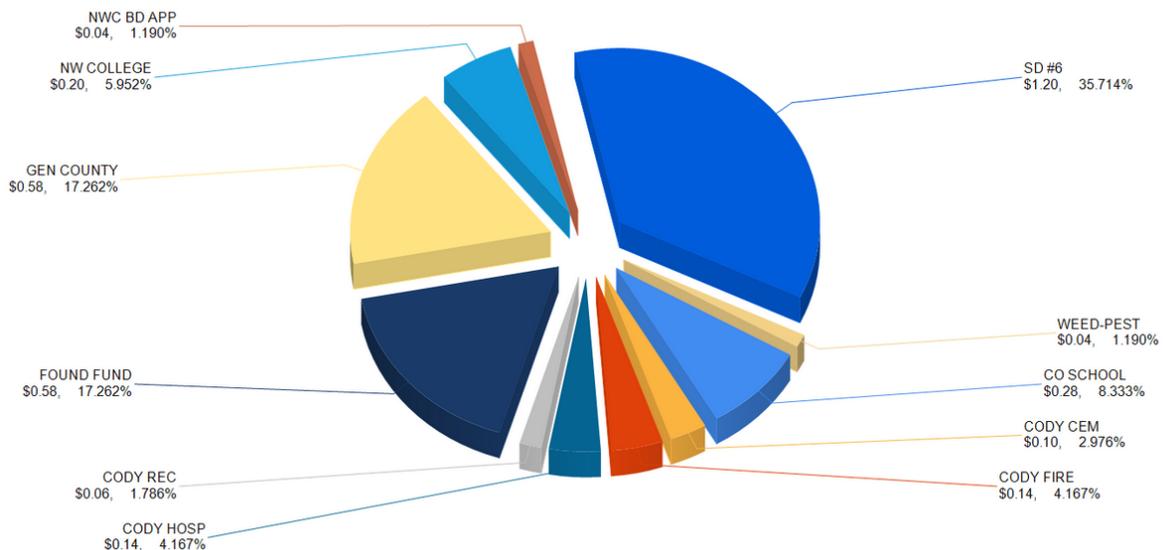
The annexation includes two tax parcels. Property taxes for the year 2019 were \$6.72 (\$3.36 for the north parcel and \$3.36 for the south parcel). The taxes were distributed as shown on the following page. The 2019 taxes were based on a "land only" value of \$1,000 (\$500 each parcel) from which the County calculated an assessed value of \$96.00 (\$48.00 each parcel). For comparison purposes, using the same assessed value of the property and the same mill rates for all other entities, total property taxes would be \$7.20 if the property were located within the City. This is a \$0.48 difference due to the City's general mill levy rate of 5.0 per thousand. The City does not anticipate changing its mill rate.

The two tax parcels of the annexation are legally part of two adjacent parcels and only have separate tax numbers due to being located outside of the City limits. It is anticipated that each will be merged with their adjacent parcel already in the City, upon annexation.

Tax Year: 2019, Property TaxID: 0000R0029627
Total Tax Collection: \$3.36
DISTRIBUTION SUMMARY



Tax Year: 2019, Property TaxID: 0000R0036653
Total Tax Collection: \$3.36
DISTRIBUTION SUMMARY



5. The cost of infrastructure improvements required within the existing boundaries of the municipality to accommodate the proposed annexation.

Again, because the property is vacant and is not anticipated to be developed, at least not in a manner that would necessitate infrastructure improvements, the cost of infrastructure improvements required within the existing boundaries of the City to accommodate the proposed annexation is zero.

ORDINANCE 2020-03

AN ORDINANCE RELATING TO THE ANNEXATION TO THE CITY OF CODY, WYOMING OF LANDS OWNED BY HAROLD MUSSER

WHEREAS, notice of a public hearing to consider the annexation and zoning of the subject property was published in the Cody Enterprise on March 12 and 19th, 2020, and mailed to owners of properties within and within 140 feet of the subject property on March 4, 2020, as required;

WHEREAS, the Cody Planning and Zoning Board reviewed the annexation and accompanying zoning request at their March 24, 2020 regular meeting and recommend approval as requested;

WHEREAS, the City of Cody does not exercise authority granted under Wyoming Statue 15-3-202(b)(ii);

WHEREAS, a public hearing was held on April 7, 2020 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 proposed ordinance;

WHEREAS, the Cody City Council makes the following findings in accordance with Section 402(a) of Article 4 of Chapter 1 of Title 15, Wyoming Statutes, for the reasons noted in the agenda summary:

- (i) An annexation of the area is for the protection of the health, safety and welfare of the persons residing in the area and in the city or town;
- (ii) The urban development of the area sought to be annexed would constitute a natural, geographical, economical and social part of the annexing city or town;
- (iii) The area sought to be annexed is a logical and feasible addition to the annexing city or town and the extension of basic and other services customarily available to residents of the city or town shall, within reason, be available to the area proposed to be annexed (Making note that no utility services are needed or proposed for the annexed land);
- (iv) The area sought to be annexed is contiguous with or adjacent to the annexing city or town, or the area meets the requirements of W.S. 15-1-407;
- (v) If the city or town does not own or operate its own electric utility, its governing body is prepared to issue one (1) or more franchises as necessary to serve the annexed area pursuant to W.S. 15-1-410 (Not Applicable); and,
- (vi) The annexing city or town, not less than twenty (20) business days prior to the public hearing required by W.S. 15-1-405(a), has sent by certified mail to all landowners and affected public utilities within the territory a summary of the proposed annexation report as required under subsection (c) of this section and notice of the time, date and location of the public hearing required by W.S. 15-1-405(a).

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 approve the proposed ordinance;

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

Section 1. The following described territory is hereby annexed to the City of Cody, Wyoming:

Those lands located between the centerline of the Shoshone river and the South and East bank (right bank) of the Shoshone River, more particularly described on the attached survey identified as Exhibit "A", which by this reference is made a part hereof.

Section 2. The territory described in Section 1 of this ordinance is hereby made a part of Ward Number 3 of the City of Cody, Wyoming.

Section 3. The territory annexed to the City of Cody, Wyoming by this Ordinance is hereby zoned as follows:

That portion within Parcel A of Record of Survey recorded under Document #2016-2119 in Plat Cabinet N at Page 18, Records of Park County, WY, is hereby zoned Medium-Low Density Manufactured Home (R-2MH); and

That portion within the Amended Plat Frisby-Musser Subdivision, Records of Park County, WY, is hereby zoned Open Business/Light Industrial (D-3);

as outlined in Title 10, City of Cody code. The Official Zoning Map of the City shall be amended to show the annexation and zoning designation.

Section 4. The survey map of the annexation, a copy of which is attached as Exhibit "A", and which has been provided pursuant to W.S. 15-1-413, shall be filed pursuant to said statute.

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

PASSED ON FIRST READING
PASSED ON SECOND READING
PASSED ON THIRD READING

Matt Hall, Mayor

Attest:

Cynthia Baker, Administrative Services Director

ANNEXATION TO THE CITY OF CODY, WYOMING

WITHIN LOT 4-A OF THE AMENDED PLAT FRISBY-MUSSER SUBDIVISION
AND WITHIN TRACT 80, T.52N., AND T.53N., R.102W., 6th P.M., RESURVEY
PARK COUNTY, WYOMING

ANNEXATION DESCRIPTION

A PARCEL OF LAND IN TRACT 80, TOWNSHIP 52 AND 53 NORTH, RANGE 102 WEST OF THE SIXTH PRINCIPAL MERIDIAN, PARK COUNTY, WYOMING ACCORDING TO THE GOVERNMENT RESURVEY; AND IN LOT 4A OF THE AMENDED FRISBY-MUSSER SUBDIVISION AS RECORDED IN BOOK K, AT PAGE 13 OF THE PLAT RECORDS ON FILE IN THE OFFICE OF THE PARK COUNTY CLERK AND RECORDER, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THAT PORTION OF LANDS DESCRIBED IN THOSE DEEDS RECORDED AT DOCUMENT NUMBER 2009-7621 AND DOCUMENT NUMBER 2019-1165 OF THE DEED RECORDS ON FILE IN THE OFFICE OF THE PARK COUNTY CLERK AND RECORDER LYING SOUTHEASTERLY OF THE CENTERLINE OF THE SHOSHONE RIVER AND NORTHERLY AND WESTERLY OF THE EXISTING CORPORATE LIMITS OF THE CITY OF CODY APPROXIMATELY FOLLOWING THE SOUTHEAST BANK OF THE SHOSHONE RIVER AS SHOWN HEREON.

NOTES:

1. BEARINGS ARE BASED ON THE CITY OF CODY DATUM WHICH IS BASED ON THE WYOMING COORDINATE SYSTEM NAD 83/53 WEST CENTRAL ZONE.
2. THE EQUIPMENT USED FOR THE SURVEY WAS RTK GPS SURVEY GRADE TRIMBLE R-10 RECEIVERS.
3. THE BOUNDARY OF THE PROPERTY WAS DETERMINED USING DEED RECORDS, PLAT RECORDS, AND MONUMENTS FOUND IN PLACE ON THE PREVIOUS SURVEY.
4. THIS DRAWING IS NOT INTENDED TO SHOW ALL RIGHTS OF WAY, EASEMENTS, PUBLIC OR PRIVATE UTILITIES, IRRIGATION FACILITIES, OTHER IMPROVEMENTS OR FLOOD PLAIN AREAS UPON THE PARCEL OR PARCELS DELINEATED HEREON. THIS SURVEYOR DID NOT CONDUCT A COMPLETE TITLE SEARCH, ABSTRACT STUDY OR HAZARD INQUIRY FOR THE LANDS SHOWN HEREON.

CENTERLINE OF RIVER BEING THE SOUTH AND EASTERLY BOUNDARY OF LOT 5-A AS SHOWN ON THE AMENDED PLAT FRISBY-MUSSER SUBDIVISION RECORDED IN DOCUMENT 2009-7194, CABINET K, PAGE 13 OF THE PLAT RECORDS ON FILE IN THE OFFICE OF THE PARK COUNTY CLERK AND RECORDER ROTATED 0°24'37" CLOCKWISE TO MATCH CODY OF CODY CONTROL DATUM.

LINE	BEARING	DISTANCE	RECORD	BEARING
L1	S72°38'30"E	80.79	(573°03'06"E)	
L2	N63°10'44"E	204.35	(N62°46'07"E)	
L3	N65°12'11"E	183.35	(N64°47'34"E)	
L4	N63°49'39"E	194.36	(N63°25'03"E)	
L5	N23°32'15"E	363.89	(N23°07'39"E)	
L6	N06°56'41"E	357.25	(N06°32'05"E)	

LEGEND

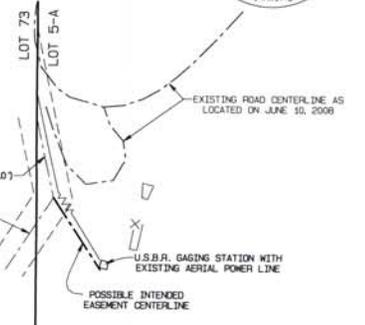
- 5/8" REBAR WITH 2" ALUM. CAP SET
- REBAR WITH ALUM. CAP FOUND
- BRASS CAP FOUND
- STONE FOUND
- 1 1/2" IRON PIPE FOUND
- 1" IRON PIPE FOUND
- NAIL FOUND
- NAIL SET
- REBAR FOUND
- MANHOLE (UNIDENTIFIED)
- RECORD DIMENSIONS SHOWN THIS ()
- LANDS TO BE ANNEXED BY THE CITY OF CODY

CERTIFICATE OF SURVEYOR (OATH)

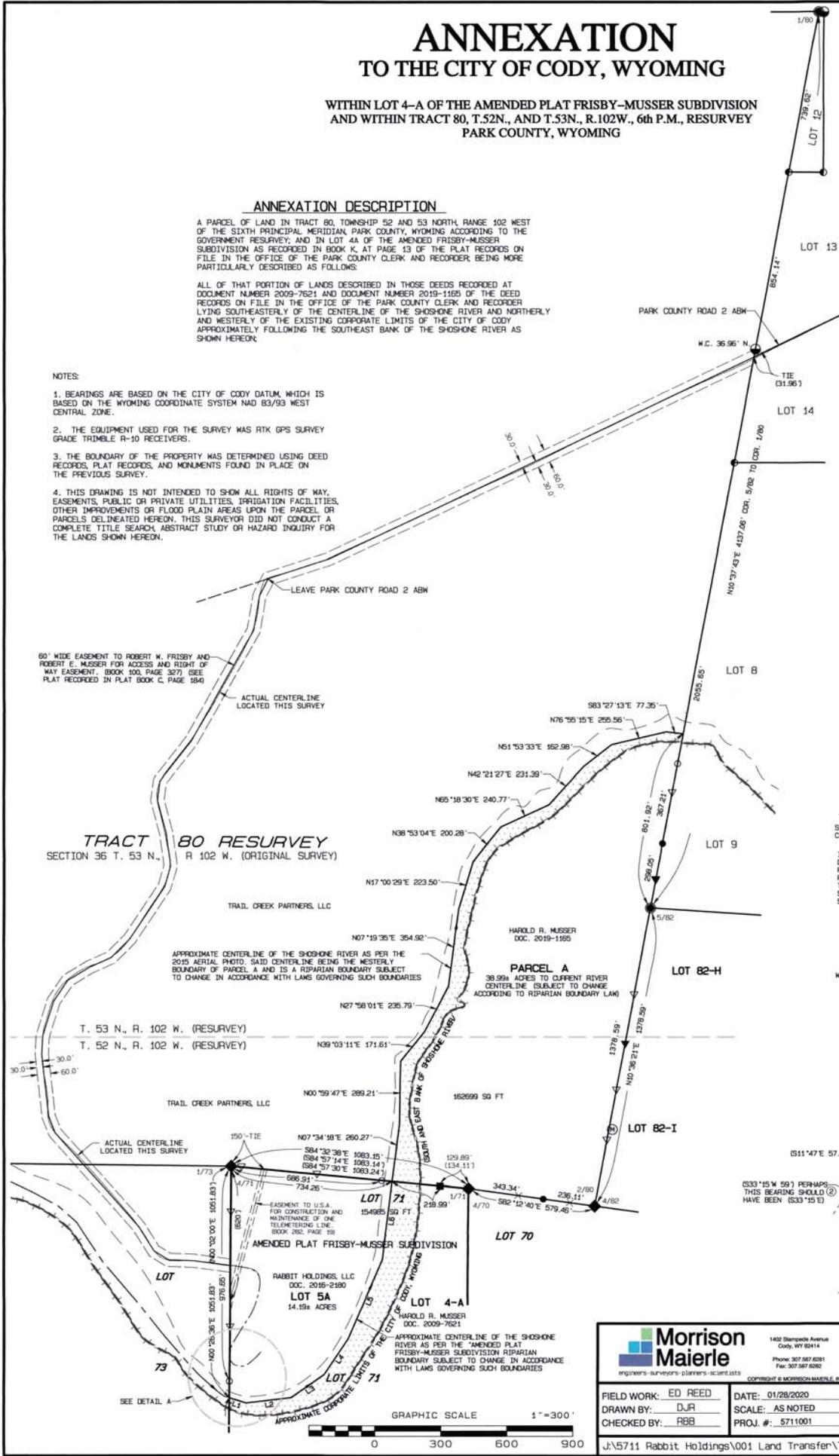
STATE OF WYOMING)
COUNTY OF PARK)
I, RUSSELL B. BLOUGH ON BEHALF OF MORRISON MAIERLE OF CODY, WYOMING DO HEREBY CERTIFY THAT THIS MAP WAS PREPARED FROM THE RECORD DATA FROM PREVIOUS SURVEYS DONE BY HOLM BLOUGH AND COMPANY RECORDED IN PLAT BOOK N PAGE 19 AND PLAT BOOK K PAGE 13 OF THE PLAT RECORDS IN THE PARK COUNTY CLERK AND RECORDER'S OFFICE. THAT THIS MAP CORRECTLY SHOWS THE RESULTS OF SAID SURVEY AND THAT THE MONUMENTS FOUND ON SET ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF.



WYOMING L.S. REGISTRATION NO. 10014
MORRISON-MAIERLE, INC.
BY: RUSSELL B. BLOUGH (AGENT)



DETAIL A
SCALE: 1" = 60'



Morrison Maierle
engineers - surveyors - planners - scientists

1402 Stampede Avenue
Cody, WY 82414
Phone: 307.567.6261
Fax: 307.567.6262

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LOT	TRACT	TOWNSHIP	RANGE
71	80	52 NORTH 52 & 53 N	102 WEST 102 WEST

6th PRINCIPAL MERIDIAN
PARK COUNTY, WYOMING

DATE: 01/28/2020
SCALE: AS NOTED
PLOTTED DATE: Mar 30, 2020

FIELD WORK: ED REED
DRAWN BY: DJR
CHECKED BY: RBB
PROJ. #: 5711001

CLIENT: HAROLD R. MUSSER
SHEET 1 OF 1



CITY OF CODY
WYOMING

BOARDS AND COMMISSIONS
CITIZEN INTEREST FORM
(PLEASE PRINT OR TYPE)

Form Due No Later Than Friday, March 13, 2020

Application Date 3-12-2020

NAME Todd A. Evans Phone (h) (307) 250-2480

RESIDENCE ADDRESS 2537 Frank Court E-Mail todd@evans307.com

MAILING ADDRESS 1108 19th St #228

Employment (firm and occupation/profession) Evans HVAC Phone (w) (307) 213-9918

Educational Background Trade School (HVAC) BA Cal. State Hayward (Mass Comm)

Previous or Current Public Experience (elective or appointive) No

Present Service Activities (civic organizations, volunteering, etc) Buffalo Bill Art Show + Sale

PLEASE MARK THE FOLLOWING BOARD/COMMISSION YOU ARE APPLYING FOR:

Contractor Board HVAC TE (1 position open) - Term to end December 31, 2022

Please note: Council plans on potential interview of applicants at the Work Session on Tuesday, March 24th starting at 5:00 p.m. - you will be contacted to confirm an interview if applicable.

Are you applying to serve on only one City of Cody board? Yes No

If no, indicate other Boards/Commissions N/A

What special experience or education do you have for serving on the board/commission to which you are applying?

mediation between home owners + Contractors, Taught HVAC trade

Why are you interested in serving on this board/commission? To become more involved with City of Cody civic activities, To learn, become better rounded in my trade and become better versed in any licensed trade possible,

Applications must be submitted by MARCH 13, 2020 Should you change your mind after applying and wish not to be considered, please contact Cindy Baker, Administrative Services Officer at 527-7511.

Return Form to:
Administrative Services Officer
City of Cody
PO Box 2200
Cody WY 82414

Signature: Todd Evans

MEETING DATE:	APRIL 7, 2020
DEPARTMENT:	COMMUNITY DEVELOPMENT
PREPARED BY:	TODD STOWELL
CITY ADM. APPROVAL:	_____
PRESENTED BY:	TODD STOWELL

AGENDA ITEM SUMMARY REPORT

The Preliminary Plat of The Landing Subdivision

ACTIONS TO BE TAKEN

Approve the preliminary plat of the Landing Subdivision, a 58-lot subdivision by Kip Thiel Construction, with the associated variances and conditions of approval.

SUMMARY

Kip B. Thiel Construction Inc. has submitted a preliminary plat application for a 58-lot subdivision on a 17.57-acre property located at the north end of 37th Street, about 235 feet north of the intersection with Cherokee Road. The property is currently undeveloped and all proposed lots are intended for single-family residences. A rezone application is currently in process to zone all of the property Residential R-2. Council approved the first reading of the rezone ordinance on March 17, 2020.



This is a complex subdivision, and there are several details that will not be known until the wetland jurisdiction is settled, more detailed drainage analysis is completed, and construction plans are developed. This preliminary plat review is intended to provide direction needed to complete and submit the construction plans for review with the final plat. A detailed analysis is found in the attached report to the Planning & Zoning Board, and the accompanying attachments. Particularly note the policy guidance needed relating to transfer of the surface water rights (is City willing to pay for the processing of the transfer in order to receive water rights?); ownership and maintenance responsibility of the tract containing the detention basin, pathway, and natural open space (Public Use Area—City owned but maintained by homeowners?); and how to balance lack of state law pertaining to storm water runoff in what is proposed for the subdivision versus what the downstream owner (Harold Musser) is requesting (see attached email). The preliminary plat review is also made with the understanding that the recent development agreement for the underlying Beacon Hill Minor subdivision will need to be modified, with Council approval, before or with the final plat review.

RECOMMENDATION:

that the City Council approve the preliminary plat for The Landing, and the following variances, subject to the listed conditions:

Subdivision Variances:

1. Allow 50-foot right-of-way width with 10' utility easements to each side, rather than 60-foot right-of-way.

AGENDA ITEM NO. _____

2. Allow reduced visibility and curvature radius in street at NE corner.
3. No alleys are required.

Conditions:

1. The existing development agreement must be amended to match the proposed subdivision utility and irrigation plan prior to or in conjunction with the final plat.
2. This preliminary plat review is based on an assumption that the wetland is not jurisdictional and can be eliminated. Provide verification from WYDEQ. If that is not the case, the City maintains the option of conducting additional review of the subdivision relating to the wetland prior to final plat approval.
3. All surface water rights shall be transferred to the City of Cody, at no expense to the City. Paperwork shall be submitted to the State engineer within two years of final plat approval.
4. Incorporate all specified conditions in an updated preliminary plat drawing, to be submitted with the final plat application.
5. The street improvements shall continue and tie into the asphalt at Sheridan Avenue and the intersection of 37th Street and Cherokee Road in a manner that meets engineering best practices and standards—likely requiring cutting and removing some asphalt at each location.
6. Fix the curve along Lots 49-51 so that its centerline is tangent to the centerline of the street as it continues to the northeast. Do the same with the curve at the southeast corner of the plat, and be sure it has the 100-foot separation between reverse curves.
7. Meet the Public Use Area requirement through a combination of land dedication (area outside of the detention basin) and value of trail improvements. If that is insufficient, cash-in-lieu shall be provided to reach the calculated required value. (Provide the property purchase price to allow staff to calculate value of 1.16 acres, or we will use the school district's appraisal price in the calculation.)
8. A maintenance agreement and/or homeowner's association shall be established for maintenance of the storm water detention basin and any associated improvements, as explained in the staff report. Submit the proposed agreement with the final plat. Also include an explanatory note referencing such on the final plat.
9. Provide dust control during subdivision development as needed to prevent dust impacts to neighboring properties.
10. Provide a final drainage report with the construction documents. The drainage report must be amended to take into account the items noted in the staff report and otherwise satisfy Public Works that it meets the City storm water policy and applicable water law.
11. The final plat application and construction documents shall otherwise comply with the City subdivision ordinance.

ATTACHMENTS:

Planning & Zoning Board Staff Report, with application narratives, Preliminary Plat, Preliminary drainage map.

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

MEETING DATE:	MARCH 24, 2020	TYPE OF ACTION NEEDED	
AGENDA ITEM:		P&Z BOARD APPROVAL:	
SUBJECT:	PRELIMINARY PLAT OF THE LANDING SUBDIVISION— A 58-LOT SUBDIVISION. SUB 2020-02	RECOMMENDATION TO COUNCIL:	X
PREPARED BY:	TODD STOWELL, CITY PLANNER	DISCUSSION ONLY:	

PROJECT OVERVIEW

Kip B. Thiel Construction Inc. has submitted a preliminary plat application for a 58-lot subdivision on a 17.57-acre property located at the north end of 37th Street, about 235 feet north of the intersection with Cherokee Road. The property is currently undeveloped and all proposed lots are intended for single-family residences. A rezone application is currently in process to zone all of the property Residential R-2. Council approved the first reading of the rezone ordinance on March 17, 2020.



Development Agreement

The property is part of the 3-lot subdivision known as the Beacon Hill Minor Subdivision. The other two lots are to the east and to the south. The lot to the east is owned by Harold Musser and the lot to the south is owned by Park County School District #6. The lots are subject to a development agreement that outlines responsibility for utility and access improvements. The plans for utility installation have since changed, and while all three lot owners and Public Works are apparently agreeable to the changes, the development agreement has not yet been modified to reflect the current utility plans. This preliminary plat review is based on the development agreement being amended to reflect the utility plan on which the preliminary plat is based. Amendment of the development agreement will need to occur prior to or in conjunction with the final plat application.

Wetland Situation

The National Wetland Inventory Map shows a wetland on the property—the green shape on this map. It is expected that the wetland exists primarily, if not exclusively, due to irrigation runoff and an irrigation ditch that flows into the swale. The disclaimer for the map notes, “The wetland information displayed at this site show wetland type and extent using a biological definition of wetlands. **There is no attempt to define the limits of proprietary jurisdiction of any Federal, state, or local government, or to establish the geographical scope of the regulatory programs of government agencies.**”



The property owner has received a jurisdictional wetland determination from the Army Corps of Engineers, dated February 5, 2020 (attached) that concludes that the wetland is not within their jurisdiction. However, they note that “wetlands determined to be non-jurisdictional by USACE, fall under the jurisdiction of the State of Wyoming. Impacts to wetlands greater than 1 acre are regulated and mitigation is required by the Wyoming Department of Environmental Quality.” The property owner is now working with DEQ to receive their determination and hear whether any permitting or mitigation is required. Due to the growing season for wetland plants, a valid wetland delineation will not be able to be performed for the next five weeks or so.

This preliminary plat review is based on an assumption that the wetland is not jurisdictional and can be eliminated. If that is not the case, it is recommended that the City maintain the option of conducting additional review of the subdivision relating to the wetland. The authority for this is clearly outlined in City code section 11-4-1(A) Unsuitable Land.

Irrigation

There are two issues to discuss related to irrigation. The first is the irrigation from the Cody canal system that enters the property at the south boundary through an open ditch and contributes to the wetland. It is staff’s understanding, and confirmed with the Cody canal manager that at the point this ditch enters the Kip Thiel property it is a waste ditch, in that it does not serve any properties downstream. As such it is not required that it be continued through the property to a downstream irrigation user. If the developer wishes to keep the wastewater ditch situation as is—dumping onto the property, that is an option. Alternatively, it could be taken back to a main canal in the Cody Canal system (e.g. piped to the Watkins Lateral), if necessary easements are acquired. This may solve the wetland issue.

The second issue is transfer of the water rights from the property. The applicant indicates that they are willing to transfer the surface water rights from the property to the City, as required by 11-3-3(B)(1). The City (at least staff’s opinion) would like the

water rights, but believe the process would be difficult if done before the City completes the water master plan that is currently underway. Therefore, it is proposed that additional time be granted before the paperwork is required to be filed (2 years from final plat approval). While the applicant would like the City to file the paperwork—the subdivision ordinance puts that responsibility on the applicant. However, it is suggested that the applicant work with the adjacent owners (School District and Harold Musser) on a joint application to the State and split the costs, as it sounds like they may want to transfer part or all of their water rights as well.

SUBDIVISION REGULATIONS

The 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: The proposed streets will tie in to Sheridan Avenue and 37th Street in a manner that will match those existing streets. (Note: While the preliminary plat drawing shows the streets ending at the right-of-way line, they will need to extend to the actual paved street.) In order to match alignments, it is expected that some reworking of the 37th and Cherokee intersection may also be needed. The construction plans submitted with the final plat will need to include such details.

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

Comment: The streets reflect the concept of the street master plan, which was included in the development agreement for the Beacon Hill Minor subdivision, by connecting 37th Street with Sheridan Avenue through the subdivision. This map is from the street master plan. This road is designed as a local access street.

C. Jogs Prohibited: Street jogs shall be prohibited unless, because of very unusual conditions, the commission and council determine that the offset is justified.

Comment: There are no internal street jogs.

D. Topography: Streets shall have a logical relationship to the topography.

Comment: The street design adequately considers the topography of the site.

E. Intersections: Intersections shall be at or near right angles whenever possible.

Comment: Met.

F. Local Streets: Local streets will be designed to discourage through traffic.

Comment: Met. The proposed street includes a 90-degree turn in the northeast portion of the subdivision, and is the longest route through the subdivision, which will help discourage cut-through traffic.

G. Cul-De-Sacs: Cul-de-sacs shall be permitted, providing they are no longer than five hundred feet (500'), including the area at the end of said cul-de-sac; and further providing, that the property line to property line diameter of the cul-de-sac be at least one hundred feet (100'). Design specifications for curb, gutter, sidewalk and distance from property line to sidewalk shall be in accordance with the typical section of a "residential street", as defined by the master street plan. Surface drainage shall be towards the intersecting streets whenever possible, but may be out of the cul-de-sac through a drainage easement as a last alternative.

Comment: Met.

H. Dead End Streets, Alleys: Dead end streets and alleys (with the exception of cul-de-sacs) shall be prohibited, unless they are designed to connect with future streets or alleys on adjacent lands that have not been platted. If a dead end street or alley is allowed, for the above reasons, a temporary turnaround shall be constructed for public use until the street or alley is extended.

Comment: Until Phase 3 (the area west of the detention basin) is constructed, there will be a dead-end street at the north end of Phase 1. While the turnaround does not meet the full cul-de-sac dimensions normally required, the fire marshal is okay with the turnaround provided as a temporary situation. The alley will also be available for turnaround use.

I. Half Streets: Half streets will be prohibited...

Comment: Not applicable.

J. Reverse Curves: Reverse curves on...residential and marginal streets and alleys shall have at least one hundred feet (100') of tangent length between reverse curves

Comment: The alignment of 38th Street coming into the subdivision does not clearly meet this standard, yet the alignment of this section of street needs some engineering work in general. It is also noted that the curb at the north end of 37th is not drawn in tangent to the street to the northeast, which needs fixed. The applicant's engineer should review the designs and if necessary, discuss with the Public Works Director.

K. Widths and Grades: Street, alley and easement/right of way widths and grades shall be as follows:

	<i>Minimum Right Of Way Width</i>	<i>Minimum Grade</i>	<i>Maximum Grade</i>
<i>Residential street</i>	<i>60 feet</i>	<i>0.3 percent</i>	<i>7.0 percent</i>

Comment: The subdivision ordinance has not been updated to reflect the street profiles of the street master plan, so a variance is requested to the right-of-way width. The proposal would provide a 50-foot wide right-of-way as shown in the street master plan, plus a 10-foot utility easement to each side of the right-of-way, which is adequate to accommodate the street design. Grades will be verified in the construction plans.

L. Vertical Curve Length: The minimum length of vertical curves shall be as follows... Arterial, collector and residential streets: 15 times the algebraic difference in the rate of grade

Comment: Appears to be met—will verify with construction plans.

M. Visibility: Clear visibility, measured along the centerline of the street shall be as follows...Residential street 200 feet

Comment: Met, with the exception of the 90-degree turn in the northeast portion of the subdivision. However, the 90-degree turn is intentional and supported by Public Works to both discourage cut-through traffic and control vehicle speed. The corner is set up to meet intersection standards.

N. Curvature Radius: The minimum radius of curvature on the centerline of a street shall be as follows...Residential street 200 feet

Comment: Met, with the exception of the 90-degree turn.

O. Streets with Interior Angles: ...

Comment: Not applicable.

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... Alleys shall be constructed with a minimum of six inches (6") of crushed aggregate base course for the finished surface. The specification for the gradation of the crushed aggregate base course may be obtained from the city engineer.

Comment: A 30-foot wide alley, with a 20-foot wide driving surface is proposed behind the lots along the east end of the subdivision. The applicant requests a variance to the alley requirement for all other lots. It is noted that alleys are not needed in this case for garbage collection. Garbage collection will be with roll outs.

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, zoning and adjustment 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: All new streets serving the subdivision will be constructed with curb, gutter, sidewalk and streetlights, per the development agreement and City standards.

R. Street Cross Section: The minimum typical street cross section for each type of street shall be as shown on the master street plan. Details of the city standards for typical paving, curb, gutter, sidewalk, alley aprons and valley gutter sections may be obtained from the city engineer.

Comment: The local street standard is proposed.

S. Valley Gutters: The use of valley gutters in areas where storm sewer facilities exist or are proposed will be discouraged.

Comment: No valley gutters are indicated at this point.

T. Drainage: The area to be subdivided shall be designed to provide proper and sufficient drainage. Runoff and storm sewer systems shall be designed to adequately drain the subdivision and adjacent area that will drain into the subdivision. All stormwater systems shall be designed to achieve zero increase in runoff and shall be in compliance with the city stormwater management policy, as amended. They shall be designed and constructed to allow runoff and stormwater to flow by gravity from the subdivision to an adequate outlet. When an existing storm sewer trunk line is available, the proposed system shall be designed to connect to it. When an existing storm sewer trunk line is not available, a drainage plan must be developed that is acceptable to the city.

Comment: A preliminary drainage design has been provided (see attached). With the exception of Sub-basin #3 which is hillside and not affected by the subdivision, all drainage will be directed to the proposed detention basin in the middle of the subdivision. The basin will be constructed to detain the 100-year 2-hour storm, with discharge points to slowly release the water.

Public Works requests the following changes or clarifications to the storm water plan. They will need to be reflected in the final storm water plan submitted with the preliminary plat.

- a) The 12" storm outlet starting near Lots 54 and 55 and running over to the hillside to the northwest appears unnecessary and is not the historical discharge

basin for that water. That discharge would be onto City property, and quickly into a private drainage ditch that has questionable capacity. We believe this storm water discharge pipe should be eliminated.

- b) The drawing shows a point discharge (wrong location, but that is not the issue), at the north property line. Staff understanding of WY water law is that historical discharge rates are allowed at historical locations, but that no point discharge can be created without permission of the receiving property owner. To avoid the point discharge, the pipe will need to be ended sufficiently before the north property line that the water can be dispersed in a historical sheet flow (e.g. rip rapped and graded area).
- c) Clarify the existing/historical grade break between flow towards the hillside to the northwest and flow eastward. Be sure the final drainage report analyzes this appropriately.

The method of lining the storm water swale is not identified in the application. It is anticipated that it will be natural grass vegetation.

In recent history, the city typically requires drainage facilities that serve only the subdivision to be maintained by the lot owners. What is less consistent is whether drainage swales are located in the right-of-way, a common area tract, or a tract transferred to the City. While the applicant would like the City to accept ownership and maintenance responsibility of the detention basin, staff's recommendation is to only accept ownership of the land, and have maintenance be the responsibility of the homeowners—at least for now. While the WY State legislature recently passed a bill that will allow municipalities to create a storm water utility (charge customers for storm water facility construction and maintenance), the City has not taken action to do so. If a stormwater utility is created in the City of Cody, it is anticipated that the City would take over maintenance of some existing storm water facilities, but until that happens, it is simply staff speculation. Placing the tract of land in ownership of the City alleviates the necessity of the homeowners carrying liability insurance on the tract.

A maintenance agreement or homeowner's association outlining the maintenance of the detention basin will be needed. The agreement will need to include a provision that the City can enforce the agreement.

U. Lot Requirements: All lots within a proposed subdivision will meet the following requirements:

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

Comment: All lots meet minimum size requirements (5,500 square feet for R-2 zoning).

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

Comment: As proposed.

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

Comment: Met.

4. Strip lots established with the intent of restricting access to streets or alleys will be prohibited.

Comment: Met.

V. Blocks: Blocks shall be at least three hundred feet (300') long, normally, not to exceed six hundred sixty feet (660') long. All blocks shall normally be of sufficient width to allow for two (2) tiers of lots of approximately equal width and an alley.

Comment: A variance is likely needed. The residential development does not tie in to the commercial/light industrial land to the north and east in an attempt to keep it isolated from the commercial traffic.

Section 11-5-1, DEVELOPMENT AND IMPROVEMENT also includes standards for construction. Most of those items are simply verified in the construction plans and/or as part of the final plat review. Those that warrant discussion at this point are noted below.

Items 'C' through 'M' can be met and will be reflected in the construction plans. (Includes street design, street signs, sewer services for each lot, storm water plan, new water main and services, fire hydrants, addressing irrigation ditch, providing all utilities reasonably expected, and street lighting.)

N. Public Use Areas: There shall be conveyed to the city an area or areas of land or the cash equivalent thereof, on the basis of one acre per fifty (50) prospective dwelling units, to provide for parks, fire stations, recreational areas and other public uses. ... This open space requirement shall be waived if the proposed subdivision is located in an area that has been previously subdivided and the above requirement was satisfied at that time.

Comment: The subdivision is not part of a previous land division that provided public use area, so compliance is required at this time. At 58 lots/dwelling units, the land area would be 1.16 acres. The applicant would prefer that the City simply accept ownership of the tract that contains the drainage basin as satisfying this requirement. However, the City is not excited about accepting maintenance responsibility for additional park or open space land. In addition, at this point it is unknown how much of the tract will be needed for the storm water drainage basin, and historically drainage basins have not been counted towards meeting the requirement.

All of that being said, the applicant does propose to install a trail around the perimeter of the tract, that would connect to the 37th Street intersection and the interior road network in four places. Staff believes that there is high public demand for new trails in the Cody community and is open to the idea of accepting the trail improvements toward meeting the Public Use Area requirement. It is requested that the applicant provide the estimated costs of the trail and associated land value of the portion of the tract not

developed as the detention basin, and if it is valued sufficiently, that the City accept that as sufficient to meet the Public Use area requirement.

If this plan is acceptable, staff is also open to phasing the trail improvements—e.g. dedicate land with Phase 1, construct east side of loop and connection to 37th with Phase 2, and construct west side of loop with Phase 3.

OTHER:

1. Irrigation Water: The property has irrigation water rights in the Cody Canal system. The Beacon Hill Minor Subdivision application noted that those water rights were being retained on all three lots and that a distribution system would be constructed. The plan has now changed and most if not all of the three property owners would like to transfer those rights than install the distribution system. To get out of the requirement would require amendment of the development agreement. However, there are also procedural limitations to transferring the water to the City at this time, as required by the subdivision ordinance. Staff is hopeful that once the City's water master plan is completed (about one year), that those limitations regarding transfer to the City will no longer exist.

Staff recommends that the water rights be transferred to the City, but that the applicant be allowed at least two years before having to file the transfer paperwork with the State. As specified by the subdivision ordinance, it would be the developer's responsibility, but we note that it looks like a joint application could be done with the other Beacon Hill Minor Subdivision property owners and that costs could be shared. The Cody Canal manager is personally agreeable to the water rights going to the City raw water system—hopefully the State Engineer will be as well.

2. Utility Easements: The proposed plat would vacate utility easements provided on the Beacon Hill Minor Subdivision that will not be used, if the utility portion of the development agreement is amended as intended. This will require the signatures of all property owners within the Beacon Hill Minor Subdivision on the final plat.

3. Street Names: Street naming is in process and names approved by the emergency services committee will be submitted with the final plat.

VARIANCES:

The variances noted are to be reviewed under the following standard of 11-5-2(B):

If during the approval process of a proposed subdivision it can be shown that strict compliance with the requirements of this title will result in extraordinary hardship to the subdivider due to unusual topography or other similar land conditions, or where the subdivider can show that variances will make a greater contribution to the intent and purpose of this title, the commission and council may, upon written request and proper

justification, grant a variance to this title so that substantial justice may be done and the public interest secured; provided, that any such variance will not have the effect of nullifying the intent and purpose of this title.

Staff would recommend that the Board find that the variances noted in the section below be found to "*make a greater contribution to the intent and purpose of this title*" than if those improvements were required at this time, subject to the clarifications noted.

POTENTIAL MOTION:

Recommend that the City Council approve the preliminary plat for The Landing, and the following variances, subject to the listed conditions:

Subdivision Variances:

1. Allow 50-foot right-of-way width with 10' utility easements to each side, rather than 60-foot right-of-way.
2. Allow reduced visibility and curvature radius in street at NE corner.
3. No alleys are required.

Conditions:

1. The existing development agreement must be amended to match the proposed subdivision utility and irrigation plan prior to or in conjunction with the final plat.
2. This preliminary plat review is based on an assumption that the wetland is not jurisdictional and can be eliminated. Provide verification from WYDEQ. If that is not the case, the City maintains the option of conducting additional review of the subdivision relating to the wetland prior to final plat approval.
3. All surface water rights shall be transferred to the City of Cody, at no expense to the City. Paperwork shall be submitted to the State engineer within two years of final plat approval.
4. Incorporate all specified conditions in an updated preliminary plat drawing, to be submitted with the final plat application.
5. The street improvements shall continue and tie into the asphalt at Sheridan Avenue and the intersection of 37th Street and Cherokee Road in a manner that meets engineering best practices and standards—likely requiring cutting and removing some asphalt at each location.
6. Fix the curve along Lots 49-51 so that its centerline is tangent to the centerline of the street as it continues to the northeast. Do the same with the curve at the southeast corner of the plat, and be sure it has the 100-foot separation between reverse curves.
7. Meet the Public Use Area requirement through a combination of land dedication (area outside of the detention basin) and value of trail improvements. If that is

insufficient, cash-in-lieu shall be provided to reach the calculated required value.

(Provide the property purchase price to allow staff to calculate value of 1.16 acres, or we will use the school district's appraisal price in the calculation.)

8. A maintenance agreement and/or homeowner's association shall be established for maintenance of the storm water detention basin and any associated improvements, as explained in the staff report. Submit the proposed agreement with the final plat. Also include an explanatory note referencing such on the final plat.
9. Provide dust control during subdivision development as needed to prevent dust impacts to neighboring properties.
10. Provide a final drainage report with the construction documents. The drainage report must be amended to take into account the items noted in the staff report and otherwise satisfy Public Works that it meets the City storm water policy and applicable water law.
11. The final plat application and construction documents shall otherwise comply with the City subdivision ordinance.

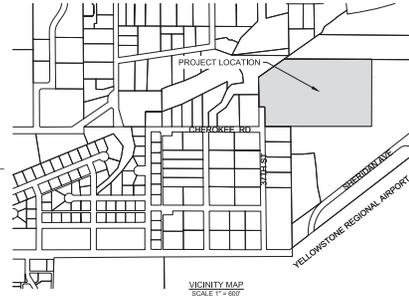
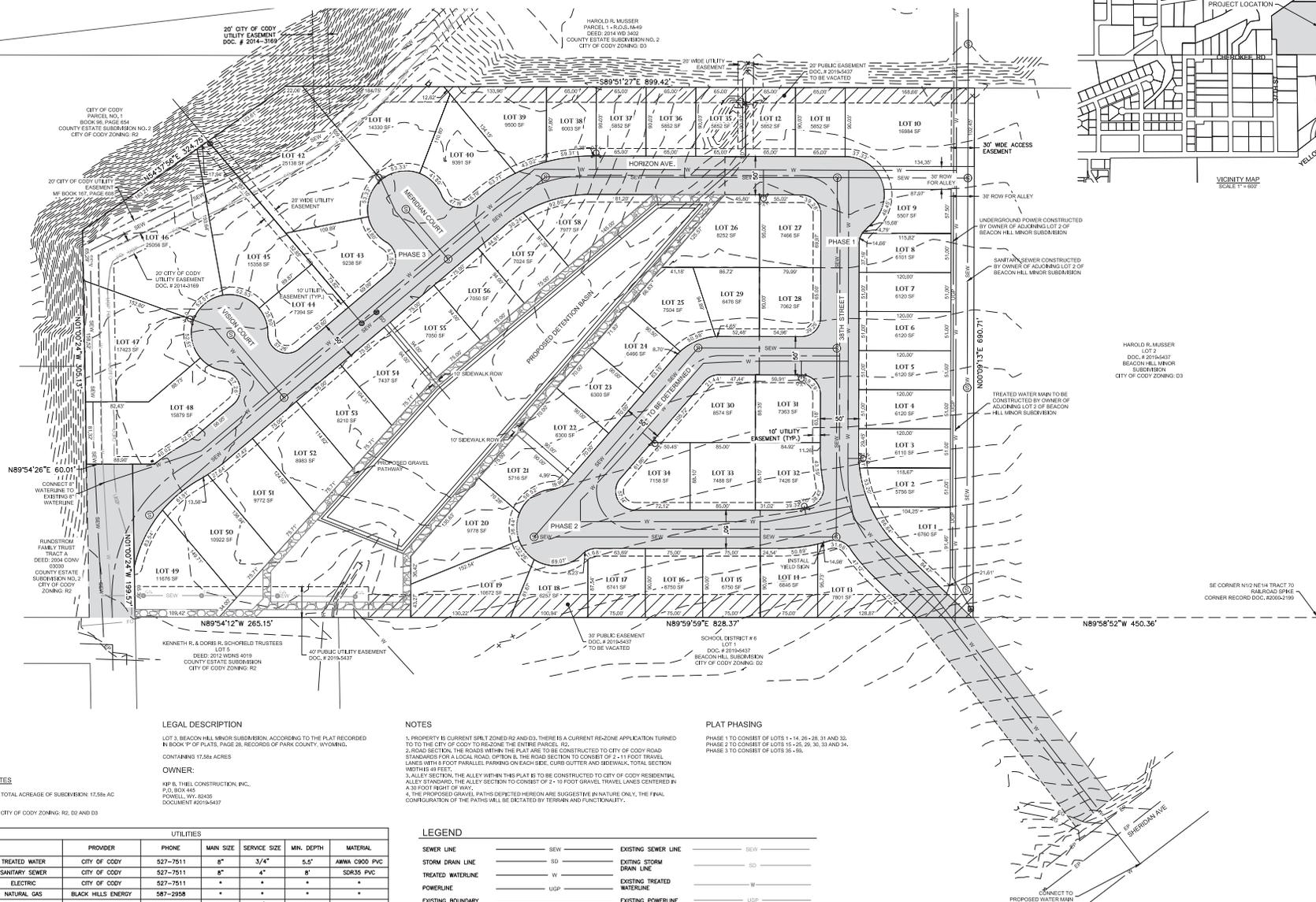
ATTACHMENTS:

Application narratives, Preliminary Plat, Preliminary drainage map (electronic version only).

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THE PRELIMINARY PLAT OF
THE LANDING
 A SUBDIVISION OF LOT 3 OF BEACON HILL MINOR SUBDIVISION

HAROLD R. MUSSER
 PARCEL 11-R203-8449
 DEED: 2014 WD 3402
 COUNTY ESTATE SUBDIVISION NO. 2
 CITY OF CODY ZONING: D3



HAROLD R. MUSSER
 LOT 2
 DOC. # 2018-6437
 BEACON HILL MINOR
 SUBDIVISION
 CITY OF CODY ZONING: D3

SE CORNER N10 N1/4 TRACT 70
 RAILROAD/SIKE
 CORNER RECORD: DOC. #2008-2199

LEGAL DESCRIPTION

LOT 3, BEACON HILL MINOR SUBDIVISION, ACCORDING TO THE PLAT RECORDED IN BOOK P OF PLATS, PAGE 28, RECORDS OF PARK COUNTY, WYOMING, CONTAINING 17.284 ACRES

OWNER:

KIP B. THEIL CONSTRUCTION, INC.
 P.O. BOX 445
 POWELL, WY. 82425
 DOCUMENT #2018-3487

NOTES

- PROPERTY IS CURRENT SRL ZONED R2 AND D3. THERE IS A CURRENT RE-ZONE APPLICATION TURNED IN TO THE CITY OF CODY TO REZONE THE ENTIRE PARCEL, RD.
- ROAD SECTION: THE ROADS WITHIN THIS PLAT ARE TO BE CONSTRUCTED TO CITY OF CODY ROAD STANDARDS FOR A LOCAL ROAD. OPTION B: THE ROAD SECTION TO CONSIST OF 2 - 11 FOOT TRAVEL LANES WITH 8 FOOT PARALLEL PARKING ON EACH SIDE, CURB OUTER AND SIDEWALK, TOTAL SECTION WIDTH 34 FEET.
- ALLEY SECTION: THE ALLEY WITHIN THIS PLAT IS TO BE CONSTRUCTED TO CITY OF CODY RESIDENTIAL ALLEY STANDARDS. THE ALLEY SECTION TO CONSIST OF 2 - 10 FOOT GRAVEL TRAVEL LANES CENTERED IN A 30 FOOT RIGHT OF WAY.
- THE PROPOSED GRAVEL PATHS DEPICTED HEREON ARE SUGGESTIVE IN NATURE ONLY. THE FINAL CONFIGURATION OF THE PATHS WILL BE DICTATED BY TERRAIN AND FUNCTIONALITY.

PLAT PHASING

- PHASE 1 TO CONSIST OF LOTS 1, 14, 26, 28, 31 AND 32.
- PHASE 2 TO CONSIST OF LOTS 11, 24, 29, 30, 33 AND 34.
- PHASE 3 TO CONSIST OF LOTS 35 - 58.

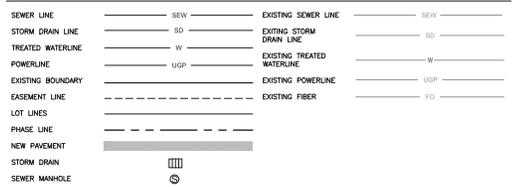
NOTES

- TOTAL ACREAGE OF SUBDIVISION: 17.284 AC
- CITY OF CODY ZONING: R2, D2 AND D3

UTILITIES						
	PROVIDER	PHONE	MAIN SIZE	SERVICE SIZE	MIN. DEPTH	MATERIAL
TREATED WATER	CITY OF CODY	527-7511	8"	3/4"	5.5'	AWWA C900 PVC
SANITARY SEWER	CITY OF CODY	527-7511	8"	4"	8'	SDR35 PVC
ELECTRIC	CITY OF CODY	527-7511	*	*	*	*
NATURAL GAS	BLACK HILLS ENERGY	587-2958	*	*	*	*
STORM**	CITY OF CODY	527-7511	***	N/A	***	RCP
TELECOMMUNICATIONS**	CHARTER/SPECTRUM	866-874-2389	*	*	*	*
TELECOMMUNICATIONS**	CENTURYLINK	587-7159	*	*	*	*
TELECOMMUNICATIONS**	TCT WEST	568-3357	*	*	*	*

* UTILITY PROVIDER TO SPECIFY INSTALLATION DETAILS AND MATERIALS. THESE UTILITIES ARE TO BE INSTALLED IN A COMMON TRENCH IN THE 12' UTILITY EASEMENT.
 ** TELECOMMUNICATIONS TO BE CO-LOCATED WITH ELECTRIC AND GAS UTILITIES.
 *** SITE AND DEPTH OF STORM SEWER DETERMINED BY DRAINAGE DESIGN.

LEGEND



REVISIONS		DATE		BY	
NO.	DESCRIPTION	DATE	LOCATED	NO.	BY

T-O ENGINEERS
 CONSULTING ENGINEERS, SURVEYORS & PLANNERS
 502 33RD STREET
 CODY, WY 82414
 PHONE: (307) 570-4111 WWW.T-ENGINEERS.COM
 BIRTH: # CODY A COURTESY/ALLEN / HARBOR CITY
 WYOMING PROFESSIONAL REGISTRATION

PRELIMINARY PLAT OF THE LANDING
 A PARCEL OF LAND
 LOCATED IN TRACT 70, RESURVEY
 TOWNSHIP 53 NORTH, RANGE 101 WEST,
 6TH P.M., CITY OF CODY
 PARK COUNTY, WYOMING

DATE: 05/25/2020
 PROJECT: 190508
 SHEET: 1



Todd Stowell <todds@cityofcody.com>

Landing Prerliminary Plat

Harold Musser <hrmusser@mbauction.com>

Mon, Mar 23, 2020 at 2:49 PM

To: Todd Stowell <todds@cityofcody.com>

Cc: Phillip Bowman <pbowman@cityofcody.com>, Kip Thiel <kipthiel@outlook.com>, Terry Gardenhire <terrygardenhire@park6.org>, Mark Musser <mrmusser@mbauction.com>, "Morris, Josh" <jmorris@to-engineers.com>

Todd,

I have a couple of comments to make on the above mentioned preliminary plat.

1. On page 3 of your report, you have indicated that the School District, Kip Thiel Construction Inc. and Harold Musser would do the application to transfer the water rights from the property owners to the City of Cody. And yet in all of our discussions, it was pretty much determined that the water rights have quite a bit of value, and we would give them to the City, if the City would do the paperwork on the transfer. I believe that is how the last conversation ended. This was a very generous offer on our part and now it seems like the conversation has changed. I think your condition #3 on the potential motion should be amended to state that the City would not pay for any water rights being transferred to the City and for that consideration the City would do the paperwork at the City's expense, at no additional cost to the developers. (The City has an on staff attorney and an on staff engineers to accomplish this.)

2. On page 2 of your report, the Cody Canal manager confirmed that the waste ditch that has been dumping water on the Kip Thiel property is a waste ditch, not a head ditch. And yet on the plat there is a 20' easement going to my property to get rid of any overflow. I do not want any overflow impacting my property to the north. (See note T (b) on page 7 of your report. Also Josh in his second letter states that "a pipe on the northern lot line will be installed to discharge water out of the detention basin to the north". Again, I do not want any discharge of water from the planned subdivision to be discharged onto my property.

On the letter from Josh Morris of T-O Engineers, he has incorrectly stated that "the underground power that Harold Musser intends to install". The underground power is being installed and paid for by the School District.

I am fully supportive of Kip's subdivision, however the drainage needs to be kept on his property or worked out between all involved.

Thanks,

Harold Musser - CAI, AARE, AMM
Musser Bros. Inc.
Auctions & Real Estate
[1131 13th St., Suite 101](#)
[Cody, WY. 82414](#)
O: 307.587.2131
C: 307.272.2266
E: harold@mbauction.com
W: www.mbauction.com



March 12, 2020

Todd Stowell
City of Cody
1338 Rumsey Ave.
Cody, WY 82414

RE: Preliminary Plat Submittal for The Landing Subdivision

Dear Todd,

Thank you for assistance and guidance laying out the new subdivision on Lot 3 of the Beacon Hill Minor Subdivision. This cover letter is intended to supplement the comments provided last week as it relates to the preliminary plat and application for the major subdivision.

Street Names

We have renamed Breitling, Longitude, and Latitude that you provided comments on. Kip is currently not sure what name he wants to use for Breitling, but he intends to have it prepared before the P&Z meeting. We will update you accordingly.

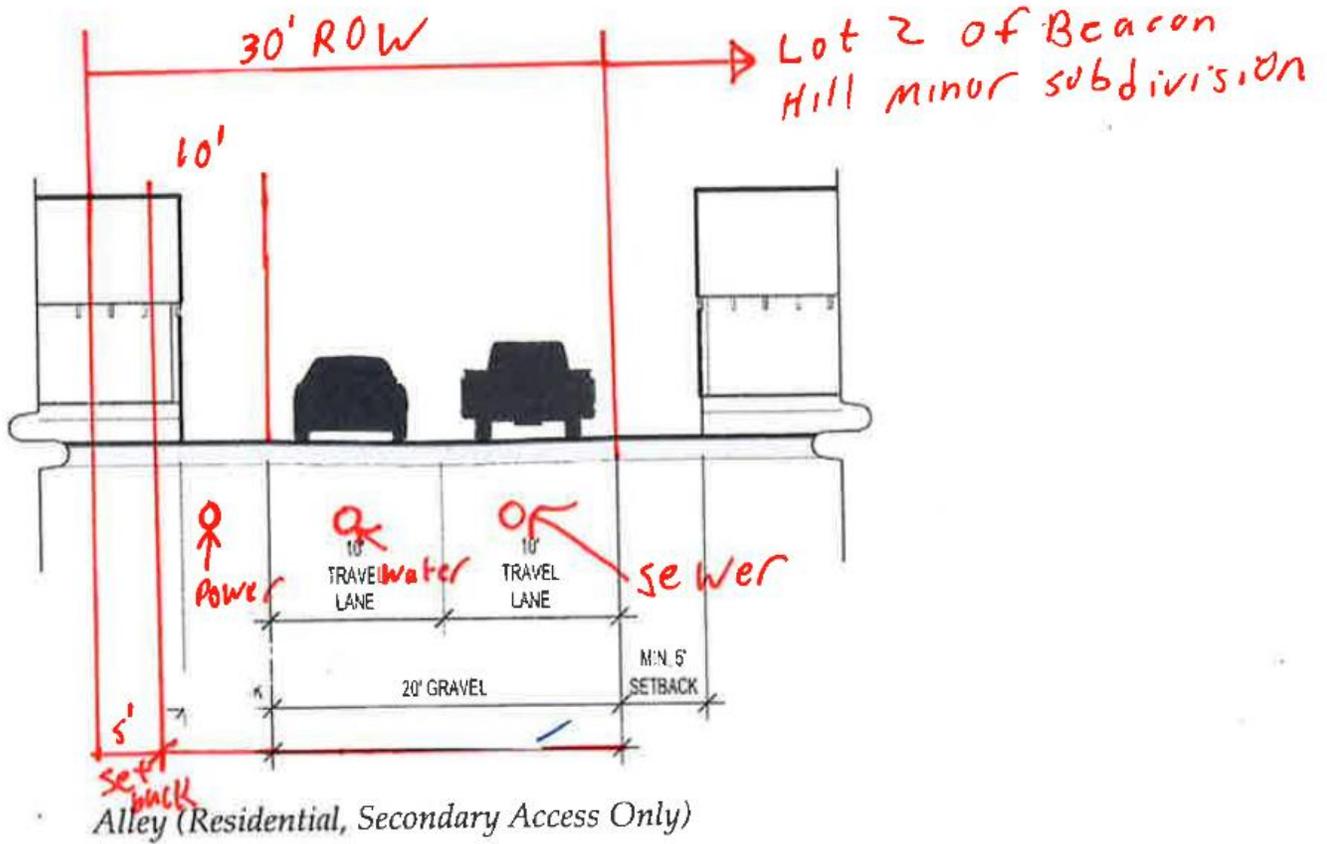
Sewer and Water Main on North Street/Utilities

We have flipped the water and sewer main in the section of street east of lot 38. Additionally, we added the underground power that Harold Musser intends to install.

Alley

We removed the northern section of the alley right of way adjacent to Lot 10 and changed it into an easement. We also provided a cross-section of the alley below showing the proposed location of the drive lanes and utilities within the alley.

Finally, we adjusted the entry into the alley to be closer to perpendicular. The inside radius for the travel lane will be able to accommodate a large truck, such as a garbage truck.



Streets

The street right of way throughout the subdivision was increased to 50 feet. Also, the curve by Lots 1 and 2 and off of 37th Street were increased to 200-foot radius. The corresponding lots were updated, and the lot count was reduced to 58 as a result.

We also rotated the tie in for the loop street that connects to 38th Street.

Pathways

The pathway within the public use area is connected to 37th Street across the existing easement.

Drainage

We included an updated letter with exhibits describing our plan for drainage. We will include actual calculations and design values when we submit the construction drawings.

We currently intend to not remove the irrigation drainage from the site. We are interested in any alternatives the City has but we are confident the detention basin can contain the irrigation flows with our design storm.

Wetland

The State of Wyoming Department of Environmental Quality (DEQ) allows up to one acre of wetland to be removed before requiring mitigation. At this time, we are not sure how much wetland exists, if any, and intend to complete a delineation as soon as possible, which should be around the middle to end of May. Ultimately, we will plan on complying with DEQ regulations if any removal is required.

Schedule

Moving forward we intend to begin work on the Final Plat and construction drawings in the next few weeks. Here is our tentative schedule:

- April 10th – Submit the water and sewer plans and design to the DEQ. We will provide a copy of the permit review set to Phillip.
- May 4th – Submit plans and specifications for City of Cody review.
- May 25th – Submit the Final Plat for approval at the June 9th Planning and Zoning Meeting.

We look forward to continuing this project and gathering additional input from staff and the Planning and Zoning Board. In the event additional information is required or any questions arise please do not hesitate to reach out to us at 307-587-3411.

Sincerely,
T-O Engineers



Josh Morris, PE

Enclosures: Drainage Letter
Preliminary Plat – Revised

03/12/2020

Todd Stowell
City of Cody
1338 Rumsey Ave.
Cody, WY 82414

RE: Thiel Major Subdivision – Drainage Design Rework

Todd,

The drainage design for Thiel Major Subdivision will require changes based upon concerns of the discharge point initially proposed. Please consider this letter a concise overview of the new system design.

The new design will require the open area dividing the Subdivision at the center of the development to be graded to detain all surface flows from Sub-Basins 1, 2 and 4 (as shown on the attached drainage plan), as well as, the small lateral ditch entering the property from the South. Note that Sub-Basin 3 is that acreage on the far north and west of the subdivision where capture of storm runoff is impractical due to existing topography. The detention basin will be designed to hold a water volume equivalent to a 100-year, 2-hour storm. After a brief analysis of the anticipated flows, the open area will be able to detain this volume until discharge can slowly release the water.

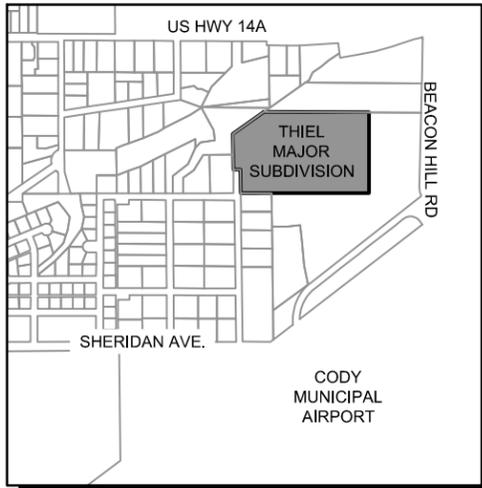
The design will require several discharge pipes at varying pipe elevations. A pipe on the southern side of the detention basin will redirect water to the initial point of discharge on the western lot line. Similarly, a pipe on the northern lot line will be installed to discharge water out of the detention basin to the north. Both pipes will be designed to limit the outflow to historical values of peak rates of discharge. In the event of a storm event greater than a 100-year, 2-hour design storm, the northern portion of the detention basin will be graded such to allow overland flow into the historic discharge swale to the north.

This redesign is preliminary and still subject to change upon further project developments and City of Cody recommendations.

Sincerely,
T-O Engineers



Josh Morris, PE



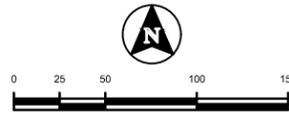
VICINITY MAP
NTS

LEGEND

- SUBDIVISION BOUNDARY
- PROPOSED STORM FLOW
- SD --- PROPOSED STORM SEWER
- IR --- EXISTING IRRIGATION DITCH
- PROPOSED 48" STORM MANHOLE
- PROPOSED STORM INLET
- PROPOSED DRAINAGE DIRECTION
- ▨ SUB-BASIN #1
- ▩ SUB-BASIN #2
- ▧ SUB-BASIN #3
- ▦ SUB-BASIN #4

PRELIMINARY DRAINAGE DESIGN
THE LANDING

MAJOR SUBDIVISION OF LOT 3 OF THE BEACON HILL MINOR SUBDIVISION
CODY, PARK COUNTY, WYOMING
2020



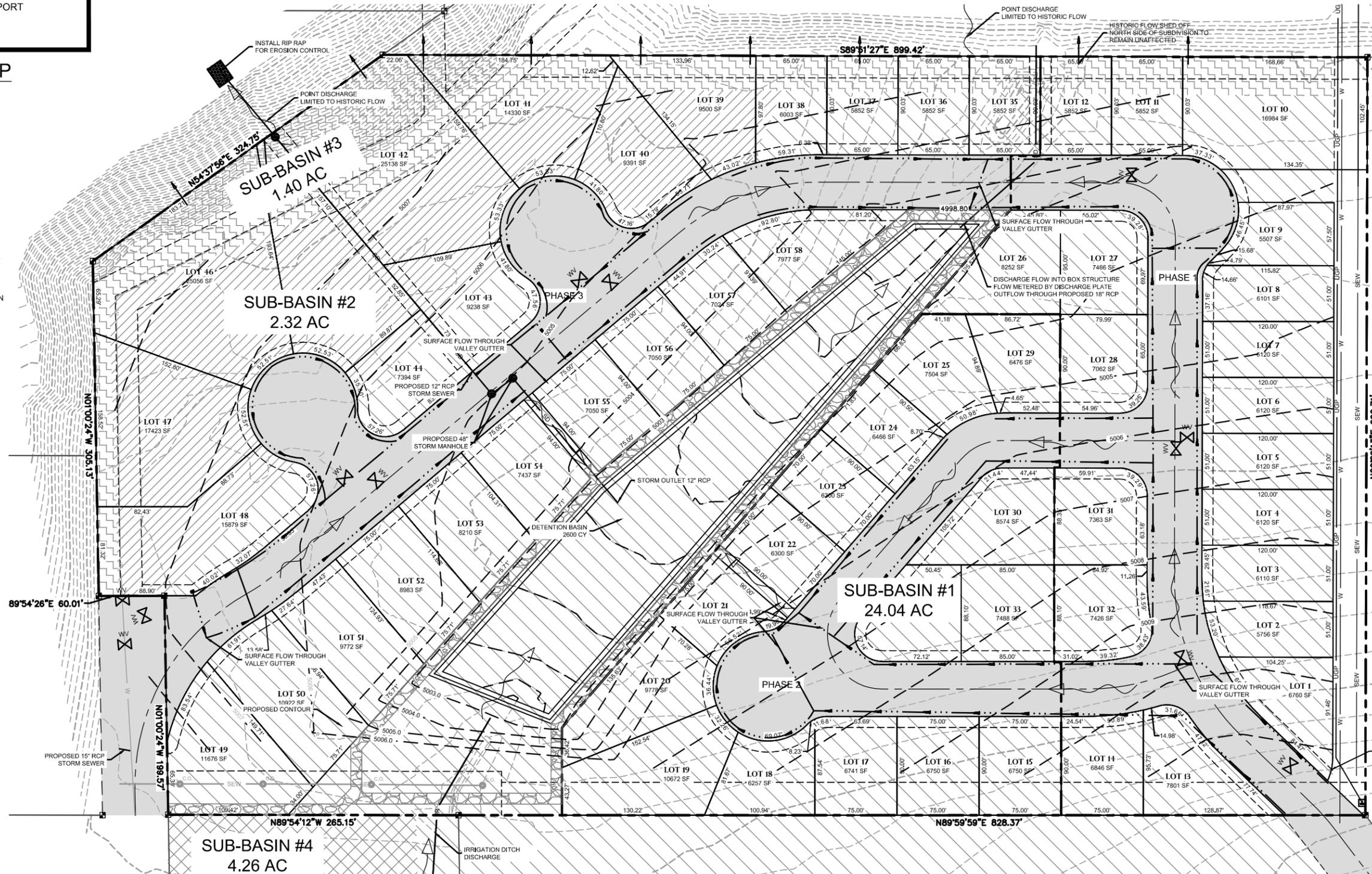
GENERAL NOTES

- TOTAL DRAINAGE BASIN ACREAGE - 32.13 AC
- TOTAL LENGTH OF STORM SEWER - 555 LF
- DETENTION BASIN VOLUME - 2900 CY, METERED OUTFLOW BY ORIFICE PLATE, WEIR OR SIMILAR DESIGN
- PRELIMINARY STORM DRAINAGE SYSTEM DESIGNED PER CITY OF CODY STORM WATER MANAGEMENT POLICY, CODY IRRIGATION DISTRICT ADVISED ON HISTORICAL IRRIGATION OUTFLOWS FROM AREA
- ALL UTILITY LOCATIONS AND PIPE SIZES ARE PRELIMINARY AND ARE SUBJECT TO CHANGE

DEVELOPER

KIP B. THIEL CONSTRUCTION
P.O. BOX 445
POWELL, WY 82435
PH: 307-250-3743

58 BUILDABLE LOTS
17.58 TOTAL ACRES



NO.	REVISIONS	DESCRIPTION
1	DESIGNED	PRELIMINARY UTILITY LAYOUT
2	DRAWN	
3	CHECKED	
4	APPROVED	

T-O ENGINEERS
CONSULTING ENGINEERS, SURVEYORS & PLANNERS
502 33RD STREET
CODY, WY 82414
PHONE: (307) 567-3411 WWW.T-O-ENGINEERS.COM
BOISE • CODY • COEUR D'ALENE • HEBER CITY
MERIDIAN • SPOKANE

PRELIMINARY DRAINAGE DESIGN
THIEL MAJOR SUBDIVISION

ATTENTION:
1" ON 22x34 SHEET or 1/2" ON 11x17 SHEET, THEN DRAWING IS NOT TO SCALE.

DATE: 01/08/2020
PROJECT: 190598
SHEET: C1.00

811 CALL BEFORE YOU DIG!
CALL 811 INC.
PRIOR TO COMMENCING UNDERGROUND WORK
DIAL: 811

NOTE:
THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN APPROXIMATELY ONLY PRIOR TO CONSTRUCTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO INFORM ALL UTILITY COMPANIES OF THE CONSTRUCTION SCHEDULE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. THE CONTRACTOR IS RESPONSIBLE FOR ANY AND ALL DAMAGE WHICH MAY OCCUR BY FAILURE TO EXACTLY LOCATE AND PROTECT ALL UTILITIES.

K:\190598\3_Acadwng\Modell_P_sketch\190598-DrainageModel.dwg, 3/12/2020 5:22:36 PM, T.Ireland
K:\190598\3_Acadwng\Modell_P_sketch\190598-DrainageModel.dwg, 3/12/2020

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DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
WYOMING REGULATORY OFFICE
2232 DELL RANGE BOULEVARD, SUITE 210
CHEYENNE WY 82009-4942

February 5, 2020

Kip Thiel
Kip B. Thiel Construction
P.O. Box 445
Powell, WY 82435

Dear Mr. Thiel:

This letter is in response to a request we received on January 8, 2020, from T-O Engineers, for an approved jurisdictional determination on Lot 3 of the Beacon Hill Minor Subdivision in Cody. This project is located in N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 34, Township 53 North, Range 101 West, Park County, Wyoming, 6th Principle Meridian.

The U.S. Army Corps of Engineers regulates the placement of dredged and fill material into waters of the United States in accordance with Section 404 of the Clean Water Act (33 U.S.C. 1344). The term "waters of the United States" has been broadly defined by statute, regulation, and judicial interpretation to include all waters that were, are, or could be used in interstate commerce such as streams, reservoirs, lakes and adjacent wetlands. The Corps regulations are published in the *Code of Federal Regulations* as 33 CFR Parts 320 through 332. Information on Section 404 program requirements in Wyoming can be obtained from our web site at <http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Wyoming.asp>

Based on our evaluation of the information provided by T-O Engineers and TRC Companies, it appears that Lot 3 contains a waste water drainage ditch that was excavated in uplands, and a wetland that is considered isolated. Therefore, these aquatic resources are not considered waters of the United States as defined at 33 CFR Part 328.3(a).

In the March 28, 2000, edition of the *Federal Register* (Vol. 65, No. 60), the Corps implemented an administrative appeals process for jurisdictional determinations. This letter and enclosed form serve as an approved jurisdictional determination. Wyoming Department of Transportation and other affected parties can appeal this determination to the Northwestern Division Appeals Review Officer, Melinda Larsen, using the enclosed *Notification of Administrative Appeal Options and Process and Request for Appeal* form. Section I Part D of the form explains the appeal procedure. Please complete Section II if you disagree with this determination and send it to Ms. Larsen at the address on the form prior to **April 5, 2020**, or forfeit the right to an administrative appeal.

As a result of this analysis, a Department of the Army authorization is not required for regulated activities in this area because the activities would not result in discharges of dredged or fill material into waters of the United States. This determination does not eliminate requirements to obtain any other applicable federal, state, tribal, or local permits.

This determination is valid for a period of 5 years, until **February 5, 2025** unless changes in the condition of the landscape or new information warrants reconsideration. Thank you for your interest in cooperating with requirements of the U.S. Army Corps of Engineers' regulatory program. Please contact Project Manager, Paige Wolken by phone at (307) 772-2300 or by email at Paige.M.Wolken@usace.army.mil or and reference file NWO-2019-02185 if you have any questions.

Sincerely,



Michael T. Happold
Program Manager
Wyoming Regulatory Office

Enclosures

Copy furnished:

Josh Morris
T-O Engineers
502 33rd Street
Cody, Wyoming 82414

The Omaha District, Regulatory Branch, Wyoming Regulatory Office is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete a Customer Service Survey found on our web site <http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Wyoming.aspx> Paper copies of the survey are also available upon request for those without Internet access.



**APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 5 February 2020

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CENWO-OD-RWY, Kip B. Thiel Construction wetland, NWO-2019-02185-RWY

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Isolated Wetland

State: Wyoming County/parish/borough: Park City:Cody
Center coordinates of site (lat/long in degree decimal format): Lat. 44.530719N; Long.-109.014731W
Universal Transverse Mercator: NAD 83

PLSS SW1/4 NW 1/4 Section 34, Township 53 North, Range 101 West, Laramie County, Wyoming, 6th PM

Name of nearest waterbody: Sage Creek
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: N/A
Name of watershed or Hydrologic Unit Code (HUC): 10080014 Shoshone

- Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
- Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date: 24 January 2020 (pmw)
- Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

- Waters subject to the ebb and flow of the tide.
 - Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.
Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: Pick List

Elevation of established OHWM (if known): .

2. Non-regulated waters/wetlands (check if applicable):³

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: An isolated wetland (see attached map) is a depressional feature collecting waste water at the terminus of an irrigation upland ditch drain, the latter of which is a Preamble Water - upland ditch. Waste water collects and is absorbed by coarse soils and is not conveyed or adjacent to an ancestral drainage, jurisdictional irrigation ditch acting as a tributary, or stream (RPW). There is no use for the transport of interstate commerce on or associated with this isolated wetland. No surface

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

or subsurface hydrologic connection exists to Sage Creek, located 6,578 feet (1.25 mile) to the northwest or to the Shoshone River located 1.46 miles to the north.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: _____.

Summarize rationale supporting determination: _____.

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is “adjacent”: _____.

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: **Pick List**

Drainage area: **Pick List**

Average annual rainfall: _____ inches

Average annual snowfall: _____ inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.

Project waters are **Pick List** river miles from RPW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Project waters are **Pick List** aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: _____.

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

Identify flow route to TNW⁵:
Tributary stream order, if known:

(b) **General Tributary Characteristics (check all that apply):**

Tributary is: Natural
 Artificial (man-made). Explain:
 Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: feet
Average depth: feet
Average side slopes: **Pick List**.

Primary tributary substrate composition (check all that apply):

Silts Sands Concrete
 Cobbles Gravel Muck
 Bedrock Vegetation. Type/% cover:
 Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: Pick List

Tributary gradient (approximate average slope): %

(c) **Flow:**

Tributary provides for: Pick List

Estimate average number of flow events in review area/year: Pick List

Describe flow regime:

Other information on duration and volume:

Surface flow is: **Pick List**. Characteristics:

Subsurface flow: **Pick List**. Explain findings:

Dye (or other) test performed:

Tributary has (check all that apply):

Bed and banks
 OHWM⁶ (check all indicators that apply):
 clear, natural line impressed on the bank the presence of litter and debris
 changes in the character of soil destruction of terrestrial vegetation
 shelving the presence of wrack line
 vegetation matted down, bent, or absent sediment sorting
 leaf litter disturbed or washed away scour
 sediment deposition multiple observed or predicted flow events
 water staining abrupt change in plant community
 other (list):
 Discontinuous OHWM.⁷ Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

High Tide Line indicated by: Mean High Water Mark indicated by:
 oil or scum line along shore objects survey to available datum;
 fine shell or debris deposits (foreshore) physical markings;
 physical markings/characteristics vegetation lines/changes in vegetation types.
 tidal gauges
 other (list):

(iii) **Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain:

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

⁶ A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

Identify specific pollutants, if known: .

(iv) Biological Characteristics. Channel supports (check all that apply):

- Riparian corridor. Characteristics (type, average width): .
- Wetland fringe. Characteristics: .
- Habitat for:
 - Federally Listed species. Explain findings: .
 - Fish/spawn areas. Explain findings: .
 - Other environmentally-sensitive species. Explain findings: .
 - Aquatic/wildlife diversity. Explain findings: .

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain: .

Wetland quality. Explain: .

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain: .

Surface flow is: **Pick List**

Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .

Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain: .

Ecological connection. Explain: .

Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: .

Identify specific pollutants, if known: .

(iii) Biological Characteristics. Wetland supports (check all that apply):

- Riparian buffer. Characteristics (type, average width): .
- Vegetation type/percent cover. Explain: .
- Habitat for:
 - Federally Listed species. Explain findings: .
 - Fish/spawn areas. Explain findings: .
 - Other environmentally-sensitive species. Explain findings: .
 - Aquatic/wildlife diversity. Explain findings: .

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed: .

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
 TNWs: linear feet width (ft), Or, acres.
 Wetlands adjacent to TNWs: acres.
2. **RPWs that flow directly or indirectly into TNWs.**
 Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: .
 Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: .

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.
Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**
 Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

⁸See Footnote # 3.

- Tributary waters: linear feet width (ft).
 - Other non-wetland waters: acres.
- Identify type(s) of waters: .

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 - Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
 - Wetlands directly abutting an RPW where tributaries typically flow “seasonally.” Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from “waters of the U.S.,” or
- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain: .
- Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
 - Other non-wetland waters: acres.
- Identify type(s) of waters: .
- Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.

⁹ To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in “*SWANCC*,” the review area would have been regulated based solely on the “Migratory Bird Rule” (MBR).
- Waters do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above): **Preamble Water - upland ditch: an irrigation waste water ditch that was excavated and terminates in an upland.**

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: **0.48** acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: **TO Engineers and TRC Companies.**
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: .
- Corps navigable waters’ study: .
- U.S. Geological Survey Hydrologic Atlas: .
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: **WY-Cody.**
- USDA Natural Resources Conservation Service Soil Survey. Citation: .
- National wetlands inventory map(s). Cite name: .
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): **Google Earth June 26, 2015, Sept 23, 2012, CorpsMaps –unknown date.**
 - or Other (Name & Date): **Provided by consultant: Diane Thomas, TRC Consultants, Dec 2019 .**
- Previous determination(s). File no. and date of response letter:.
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD:

Additional information regarding the local irrigation system extent, volume, duration and frequency of flow an potential connectivity were provided through personal communication with Jerry Bales, Cody Canal Irrigation District and confirmed by the land owner through the consultants cited in Section IV(A) above.

Isolated wetlands are not waters of the United States due to a ruling by the U.S. Supreme Court on January 9, 2001 in the case of *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*.

Note: wetlands determined to be non-jurisdictional by the USACE, fall under the jurisdiction of the State of Wyoming. Impacts to wetlands greater than 1 acre are regulated and mitigation is required by the Wyoming Department of Environmental Quality.

EPA concurrence received 4 February 2020.

Minardi, Diana <minardid@stifel.com>

Jan 24, 2020, 1:52
PM

Hello Cindy,

After reaching out to you via voicemail this morning, I thought I would follow-up with this email. In regards to the existing Welcome Home Wyoming program, we are incorporating enhancements which will benefit your constituents. All we need is the Participation Resolution executed by the City of Cody. I have attached a draft resolution to this email, for your use.

We also thought the following information by the Cheyenne Housing Authority would be helpful, please feel free to use the information for your needs.

Here are some highlights for the program:

Since 2014, Welcome Home Wyoming has offered first mortgages and down payment assistance to borrowers throughout the State.

We now have moved to provide the down payment assistance via a no interest 2nd loan that is forgivable after 36 months. This is expected to lower the interest rate to the borrowers.

Assistance is offered at levels up to 5% of the first mortgage amount.

The Cheyenne Housing Authority does not use any bond capacity to fund the assistance for the program. The down payment assistance is provided by the value generated by the loans in the secondary mortgage market.

In exchange for obtaining the down payment assistance, the borrowers accept a slightly higher interest rate than they would in absence of the assistance.

There is no cost to your city for participation in the program.

CHA pays the startup costs and the ongoing operational costs for the program.

Thanks much for your assistance!

Diana

Cheyenne Housing Authority's Executive Director
Greg Hancock, Executive Director
(307) 633-8320
ghancock@cheyennehousing.org

Scott Riffle and DeDe Cross
(303) 391.5453
riffles@stifel.com and crossde@stifel.com

DIANA MINARDI

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RESOLUTION NO. __2020-06_____

A RESOLUTION OF THE GOVERNING BODY FOR THE CITY OF CODY, PARK COUNTY, WYOMING PROVIDING CONSENT FOR THE HOUSING AUTHORITY OF THE CITY OF CHEYENNE, A/K/A THE CHEYENNE HOUSING AUTHORITY TO PROVIDE SECOND LOAN OPPORTUNITIES FOR THE PURCHASE OF AFFORDABLE HOUSING WITHIN THE CITY OF CODY, PARK COUNTY, WYOMING BY QUALIFYING LOW TO MODERATE INCOME HOUSEHOLDS.

WHEREAS, available affordable housing in a community satisfies a basic human need for shelter, contributes the overall health and safety of a community and can attract and retain employees to your community, thus helping to stabilize populations within a community; and

WHEREAS, available affordable housing is essential to the economic vitality of all communities and the construction of affordable homes can help stimulate economic growth to that community; and

WHEREAS, the Housing Authority of the City of Cheyenne, a/k/a the Cheyenne Housing Authority was created by the City of Cheyenne, Laramie County, Wyoming in 1971 pursuant to the authority conferred in Wyoming State Statute §15-10-101; and

WHEREAS, Wyoming Statute §15-10-103(a)(vi) provides the Housing Authority of the City of Cheyenne, a/k/a the Cheyenne Housing Authority to make loans for the provision of housing for occupancy by persons of low income; and

WHEREAS, the Housing Authority of the City of Cheyenne, a/k/a the Cheyenne Housing Authority has created and developed the “Welcome Home Wyoming Program” to assist qualified households purchase affordable housing through a partnership with lenders and loan servicers since 2015; and

WHEREAS, the Housing Authority of the City of Cheyenne, a/k/a the Cheyenne Housing Authority desires to enhance and expand the “Welcome Home Wyoming Program” by providing a second loan option opportunity for qualified households in the City of Cody, Park County Wyoming; and

WHEREAS, the City of Cody, Park County, as well as many other municipalities across the state are facing economic downturns, reductions in direct and indirect funding streams, and subject to a declining availability of affordable housing inventory units in our community; and

WHEREAS, there are no additional municipal costs or associated municipal undertakings required in extending the availability of the “Welcome Home Wyoming Program” to our great city; and

WHEREAS, municipalities are created statutorily and all rights are enabled through legislation; and

WHEREAS, Wyoming State Statute §15-1-105 provides that any powers capable of exercise by a municipality or county under this chapter may be exercised jointly and the area of operation of any municipalities, county or housing authority or any combination of these bodies operating jointly may be increased to include additional contiguous areas upon the request or consent, by resolution of the governing body of the municipality within which the additional area lies; and

WHEREAS, facilitating the ability and opportunities for low and moderate income households to purchase affordable housing within the City of Cody, Park County, Wyoming, provides enumerable benefits to the City of Cody, Park County, including but not limited to economic development, economic vitality, helps stabilize its' population, provide stability for vulnerable families, helps reduce homelessness in addition to a plethora of other health and safety benefits to the community.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF CODY, PARK COUNTY, WYOMING that the exercise within the corporal limits of City of Cody, Park County, Wyoming, by the Housing Authority of the City of Cheyenne, a/k/a the Cheyenne Housing Authority, to facilitate and provide second loan opportunities for the purchase of affordable housing by low and moderate income households is hereby consented to and the consent to the exercise of powers conferred herein shall remain in full force and effect until it has been withdrawn pursuant to formal action approved by a majority of the governing body hereto.

PASSED, APPROVED, AND ADOPTED this 7th day of April, 2020.

[City of Cody, Park County, a Wyoming
Municipal Corporation

Matt Hall, Mayor

ATTEST:

Cindy Baker, City/County Clerk