

City of Cody City Council

AGENDA

Tuesday, May 3, 2011 - 7:00 p.m. (Pre-Meeting to begin at 6:30 p.m.)
Meeting Place: City of Cody Council Chambers – 1338 Rumsey Avenue, Cody, WY

Meeting Called to Order

Pledge of Allegiance

Moment of Silence

Roll Call

Agenda Review and Approval

Mayor's Recognitions and Announcements

- Recognition of Officer Van Auken
- Proclamation declaring May 15th through May 21st as National Public Works Week in Cody, Wyoming

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: Special Meeting Minutes on 4/12/11, 4/14/11, 4/21/11 and Regular Meeting Minutes on 4/19/2011.
- b. Approval of vouchers and payroll in the amount of \$609,574.32.
- c. Approve Change Order #1 and #2 for the Cody Auditorium ADA Renovation Grant for a credit of \$900.00 and an additional charge of \$605.00 respectively and authorize the Mayor to sign the change order request.
- d. Authorize the Mayor to sign the acknowledgement of cancellation of the franchise bond issued by Lexon Insurance Company on behalf of Bresnan Communications and accept the new franchise bond issued to the City of Cody from Traveler's Insurance Company
- e. Approve and authorize the Mayor to enter into a contract in the amount of \$50,000 between the City of Cody and Duncan and Allen for legal services regarding the electrical service acquisition of the North Cody distribution facilities.

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.

- a. Presentation of contribution from the Park County Peddlers?

3. Public Hearing

4. Conduct of Business

- a. Consider a request from the Baker Brothers to sell bottled water in the right of way on Sheridan Avenue during the summer.

Staff Reference: Rick Manchester, Parks, Recreation and
Facilities Director
Spokesperson: David, Brandon, Brian & Bradley Baker

- b. Consider removing item “a” under tabled items from the table.
- c. Consider a request from the Kefar Shriners to hold a carnival in Cody June 1 through June 5, 2011 between 8th and 10th Street, and on 9th Street between Sheridan Avenue and Beck Avenue; authorize the closure of the streets beginning on May 30, 2011 at 8:00 a.m. until June 6, 2011 at 11:00 a.m.; and approve the request contingent on the following recommendations and conditions: require proof of insurance for the event and list the City of Cody as an additional insured; require an encroachment permit to be obtained and paid for prior to the event; require that the actual costs associated with additional garbage receptacles, electric and water usage be paid for within 30 days of the event; require North Star Amusements repair the street at their expense and to the satisfaction of the Streets Superintendent; prohibit North Star Amusements from pounding stakes into any private property; authorizing the City Park Restrooms to remain open until midnight each night; a gratis electrical inspection of the temporary service; provide for an emergency vehicle lane, and for North Star Amusements to provide the most current inspection documents of the carnival equipment.

Staff Reference: Perry Rockvam, Police Chief
Spokesperson: David C. Hough or Riley Cooke

- d. Consider a request from Chris Good, dba TNT Fireworks to sell fireworks out of a temporary structure on the south end of the Wal-Mart parking lot running parallel to Yellowstone Avenue contingent on obtaining written permission from Wal-Mart to locate on their property, to provide proof of liability insurance, and to provide for on-site fire protection.

Staff Reference: Cindy Baker, Deputy Clerk
Spokesperson: Chris Good, TNT Fireworks.

- e. Consider a request from Mr. Ron Spomer to construct a fence within the public right-of-way on Walker Avenue.

Staff Reference: Steve Payne, Public Works Director
Spokesperson: Ron Spomer

- f. Consider a request from Wes Allen of Sunlight Sports for the two hour limited parking signs on the 1100 block of Sheridan Avenue from May 1 – Sept 1.

Staff Reference: Steve Payne, Public Works Director
Spokesperson: Wes Allen, Sunlight Sports

- g. Consider a request from Buck Wilkerson to authorize a traffic detour on Lt. Childers Street on May 30th for a dedication ceremony.

Staff Reference: Steve Payne, Public Works Director
Spokesperson: Buck Wilkerson

- h. Discuss the Enduring Freedom Monument plan for the Wyoming Veteran's Memorial Park project.

Spokesperson: Buck Wilkerson

- i. **ORDINANCE 2011-17 2nd Reading.**

AN ORDINANCE AMENDING CITY OF CODY MUNICIPAL CODE BY AMENDING TITLE 5, CHAPTER 3, SECTION 21, PERTAINING TO THE FEEDING OF DEER

Staff Reference: Scott Kolpitzke, City Attorney

- j. **ORDINANCE 2011-18 2nd Reading.**

AN ORDINANCE AMENDING CITY OF CODY MUNICIPAL CODE BY RENUMBERING TITLE 5, CHAPTER 3, SECTION 21, PERTAINING TO PENALTIES, AS TITLE 5, CHAPTER 3, SECTION 22

Staff Reference: Scott Kolpitzke, City Attorney

- k. **ORDINANCE 2011-01 3rd and Final Reading**

AN ORDINANCE RE-ZONING A TRACT OF LAND LOCATED WITHIN A PORTION OF LOT 82RS2, SEC. 31 O.S. T 53 N, R 101 W, CITY OF CODY, WYOMING FROM RESIDENTIAL "A" DISTRICT TO LIGHT BUSINESS "D1" DISTRICT.

Staff Reference: Steve Payne, Public Works Director

- l. **ORDINANCE 2011-19 1st Reading**

AN ORDINANCE RE-ZONING A TRACT OF LAND LOCATED WITHIN A PORTION OF TRACT 82-C, RESURVEY, T.53 N., R.101 W., 6TH P.M., CITY OF CODY, PARK COUNTY, WYOMING FROM RESIDENTIAL "A" DISTRICT TO GENERAL BUSINESS "D2" DISTRICT.

Staff Reference: Steve Payne, Public Works Director

Spokesperson: Bruce Eldredge, BBHC

5. Tabled Items

- a. Consider accepting the proposal for the City of Cody Property Insurance for a one year period commencing July 1, 2011, with the Wyoming Association of Risk Management Property Pool in the amount of \$31,840, as recommended by Dave Ebertz Risk Management Consulting.

- b. **ORDINANCE 2011-02 1st Reading.**

AN ORDINANCE AMENDING SECTION 10-15-1 OF THE CITY OF CODY MUNICIPAL CODE BY PROVIDING THE INTENT AND PURPOSE OF THE SIGN CODE

- c. **ORDINANCE 2011-03 1st Reading.**
AN ORDINANCE AMENDING SECTION 10-15-2 OF THE CITY OF CODY MUNICIPAL CODE BY PROVIDING DEFINITIONS AND LANGUAGE FOR SIGNAGE ORDINANCES

- d. **ORDINANCE 2011-04 1st Reading.**
AN ORDINANCE AMENDING SECTION 10-15-3 OF THE CITY OF CODY MUNICIPAL CODE BY PROVIDING REGULATIONS AND STANDARDS OF THE SIGN CODE

- e. **ORDINANCE 2011-05 1st Reading.**
AN ORDINANCE AMENDING SECTION 10-15-4 OF THE CITY OF CODY MUNICIPAL CODE BY PROVIDING INTERPRETATION PROVISIONS TO THE SIGN CODE

- f. **ORDINANCE 2011-06 1st Reading.**
AN ORDINANCE AMENDING SECTION 10-15-5 OF THE CITY OF CODY MUNICIPAL CODE BY PROVIDING ADMINISTRATIVE PROCEDURES WITH REGARD TO THE SIGN CODE

- g. **ORDINANCE 2011-07 1st Reading.**
AN ORDINANCE AMENDING SECTION 10-15-6 OF THE CITY OF CODY MUNICIPAL CODE BY PROVIDING GENERAL PROVISIONS REGARDING THE SIGN CODE

- h. **ORDINANCE 2011-08 1st Reading.**
AN ORDINANCE REPEALING SECTION 10-15-7 OF THE CITY OF CODY MUNICIPAL CODE AND RESERVING THAT SECTION FOR FUTURE USE

- i. **ORDINANCE 2011-09 1st Reading.**
AN ORDINANCE AMENDING SECTION 10-15-8 OF THE CITY OF CODY MUNICIPAL CODE BY DESIGNATING RESIDENTIAL SIGN DISTRICTS

- j. **ORDINANCE 2011-10 1st Reading.**
AN ORDINANCE AMENDING SECTION 10-15-9 OF THE CITY OF CODY MUNICIPAL CODE BY DESIGNATING COMMERCIAL SIGN DISTRICTS

- k. **ORDINANCE 2011-11 1st Reading.**
AN ORDINANCE AMENDING SECTION 10-15-10 OF THE SIGN CODE FOR THE CITY OF CODY MUNICIPAL CODE

**BY PROVIDING DEFINITION FOR ILLEGAL, NON-
CONFORMING AND ABANDONED SIGNS**

- l. **ORDINANCE 2011-12 1st Reading.**
**AN ORDINANCE AMENDING SECTION 10-15-11 OF THE
CITY OF CODY MUNICIPAL CODE BY PROVIDING FOR
REMOVAL OF SIGNS**

 - m. **ORDINANCE 2011-13 1st Reading.**
**AN ORDINANCE AMENDING SECTION 10-15-12 OF THE
CITY OF CODY MUNICIPAL CODE BY PROVIDING
PROCEDURE FOR REVIEW AND APPEAL REGARDING
CITY OF CODY SIGN CODE**

 - n. **ORDINANCE 2011-14 1st Reading.**
**AN ORDINANCE AMENDING SECTION 10-15-13 OF THE
CITY OF CODY MUNICIPAL CODE PROVIDING FOR
PENALTIES FOR VIOLATION OF THE SIGN CODE**

 - o. **ORDINANCE 2011-15 1st Reading.**
**AN ORDINANCE REPEALING SECTION 10-15-14 OF THE CITY OF
CODY MUNICIPAL CODE**

 - p. **ORDINANCE 2011-16 1st Reading.**
**AN ORDINANCE REPEALING SECTION 10-15-15 OF THE
CITY OF CODY MUNICIPAL CODE**
6. Matters from Staff Members
7. Matters from Council Members

Adjournment

Upcoming Meetings

Special City Council Meeting: Thursday, May 12, 2011 @ 4:15 p.m. – Council Chambers
Regular City Council Meeting: Tuesday, May 17, 2011 @ 7:00 p.m. – Council Chambers

CODY POLICE DEPARTMENT

1402 River View Drive Cody, Wyoming 82414



CHIEF OF POLICE
Perry Rockvam

ADMINISTRATION
307.527.8720
307.527.8721

DISPATCH
307.527.8700

March 25th, 2011

Officer Josh Van Auken
Cody Police Department

Officer Josh Van Auken:

On Tuesday, March 22, 2011, at approximately 2128, you responded to an ambulance call that described a woman as having an asthma attack, unresponsive, and unknown if she was still breathing. When you arrived, you were the first person on scene. You quickly assessed the situation, ascertained that the woman had no pulse, was not breathing, and her skin and lips were blue. You initiated CPR and maintained an open airway until EMS personal arrived on scene. Shortly thereafter, a pulse was reestablished and the woman began to breathe with assistance.

I later learned that the woman, who is only 29 years of age, was then transported to the emergency room for further treatment. She did make a full recovery and both her and her husband, the reporting person of the incident, are very thankful and grateful to you.

Josh, through your immediate response and quick actions, you saved this woman's life. You have demonstrated exemplary action in your response to the call. Your continued enthusiasm, dedication, and service to the community and the Cody Police Department are worth recognition. This letter is to inform you of my appreciation for a job well done and I commend you for your efforts.

Sincerely,

A handwritten signature in cursive script that reads "Jonathan C. Beck".

Jonathan C. Beck
Cody Police Sergeant

Cc: City Administrator
Personnel Director

Proclamation

“National Public Works Week”

Whereas, public works services provided in our community are an integral part of our citizens’ everyday lives; and

Whereas, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, streets and highways, public buildings, and solid waste collection; and

Whereas, the health, safety and comfort of this community greatly depends on these facilities and services; and

Whereas, the quality and effectiveness of these facilities, as well as their planning, design, and construction, is vitally dependent upon the efforts and skill of public works officials; and

Whereas, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people’s attitude and understanding of the importance of the work they perform,

Now therefore, *I call upon the citizens of Cody and civic organizations to acquaint themselves with the issues involved in providing our public works and to recognize the contributions which public works officials make every day to our health, safety, comfort, and quality of life;*

Now Therefore, Be It Resolved *that I, Nancy Tia Brown, Mayor of Cody, hereby designate May 15, 2011 through May 21, 2011, as “National Public Works Week” in Cody, Wyoming.*



CITY OF CODY
WYOMING

Nancy Tia Brown
Mayor

Cynthia Baker
Deputy Clerk

**City of Cody
Council Proceedings
Tuesday, April 12, 2011**

A special meeting of the Cody City Council was held in Conference Room A of City Hall in Cody, Wyoming on Tuesday, April 12, 2011 at 4:00 p.m.

Present: Mayor Nancy Tia Brown, Council Members Steve Miller, Bryan Edwards, Jerry Fritz, Donny Anderson, Charles Cloud and Stan Wolz, City Attorney, Scott Kolpitke, City Administrator, Jenni Rosencranse

Absent: None

Mayor Nancy Tia Brown called the meeting to order at 4:00 p.m.

The Governing Body held individual special funding hearings with the following groups:

Absaroka Head Start	\$5,000
Big Brothers Big Sisters of NW Wyoming	\$2,000
Boys & Girls Club of Park County	\$7500
Bright Futures Mentoring Program	\$1,200
Buffalo Bill Historical Center	\$20,000
CASA of the 5th Judicial District	\$2,000
Cody Council on Aging	\$45,000
Cody Heritage Museum	\$10,000
Cody Stampede Board	\$6,500
Cody Stampede Parade Committee	\$6,000
Cody Yellowstone Air Improvement Resources	\$40,000
Cody's Wild West Balloon Festival	\$1,000
Crisis Intervention Services	\$6,000
Forward Cody Wyoming, Inc.	\$40,000
Mannahouse	\$4,000
Mountain Spirit Habitat for Humanity	\$25,000
Olive Glenn Golf & Country Club	\$50,000
Park County Animal Shelter	\$3,000
Park County Arena Board (Riley Arena)	\$12,500

Park County Court Supervised Treatment Program (Formerly Drug Court)	\$6,500
Park County Leadership Institute	\$2,500
Park County Youth Services	\$40,000
The Food Closet	\$2,000
Wyoming Senior Citizens Inc	\$1,000

No action was taken. Mayor Brown adjourned the meeting at 7:32 p.m.

Jenni Rosencranse
City Administrator

Nancy Tia Brown
Mayor

City of Cody
Council Proceedings
Thursday, April 14, 2011

A special meeting of the Cody City Council was held in Council Chambers of City Hall in Cody, Wyoming on Thursday, April 14, 2011 at 4:00 p.m.

Present: Mayor Nancy Tia Brown, Council Members Steve Miller, Bryan Edwards, Jerry Fritz, Donny Anderson, Charles Cloud and Stan Wolz, City Attorney, Scott Kolpitke, City Administrator, Jenni Rosencranse and Acting Administrative Services Director, Cindy Baker.

Absent: None

Mayor Nancy Tia Brown called the meeting to order at 4:01 p.m.

Brent Holder presented the Governing Body the Special Funding request for Cody Skylighter's. No action was taken.

Roger Gelder and Sue Bischoff, Big Horn Radio Network representatives requested the Governing Body consider a request from the Big Horn Radio Network to allow sandwich boards to be placed in a variety of places advertising the Home and Garden Show on Friday, April 15th and Saturday, April 16th, 2011.

Council Member Miller made a motion seconded by Council Member Cloud to allow the placement of four sandwich boards on private property for up to four days conditional upon Big Horn Radio Network obtaining permission to place the signs from the property owner and directed staff to work with Big Horn Radio Network in reference to equitable compensation for publishing the minutes for the special meeting. Vote was unanimous.

Jenni Rosencranse, City Administrator informed the Council that during review and process of budget that there were funds that could be available for purchasing of audio/video upgrades for Council Chambers in the amount of \$14,720 using the Council Contingency fund. In addition, she discussed purchasing several printers and scanners for no more than \$3,000 for the Administrative Services Department to be paid for out of the computer software and hardware line item in the Administrative Services Department Budget. Toby Startin, CISA, explained to the council what issues there are with the video/audio equipment and what the proposed purchase would resolve. The Governing Body directed staff to proceed with purchasing all of the above items.

Rick Manchester, Parks, Recreation & Public Facilities Director discussed the BLM Mountain Bike Park Schematic Plan Development. The Governing Body directed staff to prepare the Agenda Summary and present the agreement for the regular City Council meeting to be held on April 19th.

Jenni Rosencranse, City Administrator presented the Council with a draft resolution from the City of Cheyenne in reference to Liquor License Criteria. Staff was directed to continue research with other communities to see if there are similar criteria that have been established for issuance of liquor licenses and bring back to Council for consideration and review.

Jenni Rosencranse, City Administrator provided the Governing Body a list of eligible projects for the State Land and Investment Board Consensus Fund Grant. Staff was directed to revise the spreadsheet to further breakout some items, add the dog park cost, discuss with staff on any priorities and bring back to the Council.

The Governing Body reviewed Council Agenda for April 19, 2011. No action was taken.

Council Member Fritz reported on the traffic committee meeting. He commended Steve Payne and the Street Department on the asphalt completed on Ingram Drive and commended staff on the new brochure on traffic for community.

Council Member Cloud reported that a Big Horn Basin Transportation meeting will be coming up and some discussion will evolve around the lack of the bus routes being advertised for the area and the variety of media available for such advertising.

Council Member Wolz reported Forward Cody is working with a company to set up business in Cody that should offer job opportunities for up to 12 people and would be using an existing empty building.

Council Member Miller reported on the next phase of the road construction and that the last two easements for Shoshone Municipal Pipeline were obtained.

Council Members Edwards and Anderson will be out of town next week.

Steve Payne, Public Works Director gave the Governing Body a reported on the status of the Cougar Avenue Project. Originally half of the avenue was barricaded off still allowing an east and west lane of traffic. However, upon examination of the open trench, he instructed staff to close the entire avenue for safety concerns. Signage has been erected and as soon as utilities are secured in the trench, the trench will be filled and the road will be reopened.

Rick Manchester, Parks, Recreation and Facilities, Director invited the Governing Body to attend a retirement party for John Brod, Irrigation Specialist, at the Parks Shop on Friday the 15th from 2:00-3:30.

Mayor Nancy Tia Brown reminded the Governing Body of the upcoming meeting with Powell, Meeteetse and Park County Elected Officials regarding SLIB Consensus Funds on Thursday the 21st at 6:30 p.m., in the board room at the Yellowstone Regional Airport.

There being no further business to discuss, the Mayor adjourned the meeting at 6:32 p.m.

Cindy Baker
Deputy Clerk

Nancy Tia Brown
Mayor

City of Cody
Council Proceedings
Thursday, April 21, 2011

A special meeting of the Cody City Council was held at the Yellowstone Regional Airport Ticketing Lobby in Cody, Wyoming on Thursday, April 21, 2011 at 4:00 p.m.

Present: Mayor Nancy Tia Brown, Council Members Steve Miller, Jerry Fritz, Charles Cloud and Stan Wolz, City Administrator, Jenni Rosencranse, Members of the Park County Commissioners and Park County Clerk and staff, Meeteetse Town Council and Powell City Council and City Administrator

Absent: Council Members Donny Anderson and Bryan Edwards

Commissioner Bucky Hall called the meeting to order at 6:30 p.m.

The elected officials discussed the 2011 State Land and Investment Board Consensus Funding and ways in which to allocate the money.

Discussion was held regarding what each local government wanted to use the money for. It was determined that \$130,000 would be taken from the \$1,661,247.15 available and allocated to the Town of Meeteetse to be used specifically for the Sanitation Truck that they need. The remaining \$1,531,247.15 would be divided based on the population formula for Park County, the City of Powell and the City of Cody. The Park County Clerk is to recalculate the allocation of money based on the population formula and notify the group with the new figures.

Mayor Scott Mangold approached the City of Cody and Park County Commissioners with the idea putting a general purpose one cent tax on the ballot in November. He stated that he would like to come before each governing body to request a resolution be passed in June. He shared his research with the group on how much money could be generated each year with the tax. The figure that he projected for the City of Cody was \$1.9 million. In addition, he shared with the group the cost for holding a special election in November for the tax. The City of Cody's estimated share would be approximately \$7,900.

There being no further business to discuss, Commissioner Hall adjourned the meeting at 7:32 p.m.

Jennifer Rosencranse
City Administrator

Nancy Tia Brown
Mayor

City of Cody
Council Proceedings
Tuesday, April 19, 2011

A regular meeting of the Cody City Council was held in Council Chambers of City Hall in Cody, Wyoming on Tuesday, April 19, 2011 at 7:00 p.m.

Present: Mayor Nancy Tia Brown, Council Members Steve Miller, Jerry Fritz, Stan Wolz, and Charles Cloud, City Administrator, Jenni Rosencranse, City Attorney, Scott Kolpitzke and Acting Administrative Services Director, Cindy Baker

Absent: Council Members Bryan Edwards and Donny Anderson

Mayor Brown called the meeting to order at 7:05 p.m.

Council Member Miller made a motion seconded by Council Member Cloud to approve the agenda as presented. Vote was unanimous.

Steve Payne, Public Works Director introduced new employees Kreg Breshears, Journey Electric Lineman and Andrew Johnston, Street Maintenance Worker I.

Mayor Nancy Tia Brown read a proclamation declaring April as the Month of the Military Child. Julie White and Trudy Zaffarano-Anderson spoke briefly on the proclamation and the year round activities and events in recognition of the military and their families.

Mayor Brown read a proclamation declaring May as the Month of National Water Safety Month in Cody, Wyoming.

Council Member Miller made a motion seconded by Council Member Fritz to approve the consent calendar including the approval of Special Meeting Minutes on 3/31/11 and Regular Meeting Minutes on 4/05/2011; approval of vouchers and payroll in the amount of \$1,260,350.98; enrollment in the WYIFS system and authorize payment of the monthly tax obligation to be made electronically and outside the normal voucher process and authorize the Mayor to sign two agreements, one for the Electric sales tax and one for the Rec Center concessions sales tax; award Bid No. 2011-04 for surplus transformers to T & R Electric, Coleman, S.D. in the amount of \$16,500.55; accept the professional services contract with IMBA Trail Solutions to complete a schematic design for a mountain bike park on BLM and City land south of Beck Lack Park and authorize the Mayor to sign the agreement upon review by the City Attorney. Vote was unanimous.

Garrett Growney of the Cody Country Chamber of Commerce presented the City of Cody a check in the amount of \$3,000 in reference to the professional services contract with IMBA Trail Solutions.

Al Schultz of the Cody Stampede Board discussed the board's interest in the additional retail liquor license that the City of Cody will have available.

At 7:28 p.m. Mayor Brown began the public hearing to determine if it is in the public interest to consider modifying the definitions in the sign code; modifying regulations for exempted signs; modifying the regulations for residential and commercial sign districts;

allowing for inflatable signs in commercial zones; allowing for signs for nonprofit organizations; creating regulations for signs in planned unit developments; modifying the sign regulations for hospitals, medical facilities, churches, museums, and schools; adding tables for sign dimensions and limitations, providing for penalties for violations and procedures for the removal of signs; clarifying the authority of the Planning and Zoning Commission over signs; repealing sections 10-15-14 and 10-15-15; removing the ordinance prohibiting the feeding of deer out of the zoning code and moving it to Chapter 5; and adding definitions and regulations for Planned Unit Developments to the zoning code.

Scott Kolpitzke, City Attorney gave a brief history and summary of the sign code review.

After calling for public comments three times and there being none, Mayor Brown began the second public hearing to determine if it is in the public interest to approve a zone change for the Buffalo Bill Memorial Association dba Buffalo Bill Historical Center for a portion of their property located at 720 Sheridan Avenue from "A" Residential to D-2 General Business district, with the exception of a 150 foot deep section along the south and west sides aligning with the current residences.

Steve Payne, Public Works Director provided background information on the zone change, indicated property owners within 140' of the property had been notified and notices for both public hearings were sent to the adjacent landowners by certified mail. All letters that were received in reference to the zone change have been entered into the official public record. In addition, the zone change legal notice was printed in the Cody Enterprise on April 4, 2011.

Bruce Eldgridge, Executive Director of the Buffalo Bill Historical Center and Paul Brock, Director of Operations spoke in reference to the requested zone change.

Dale Schmaltz, neighboring resident made comments generally in favor of the re-zoning, and questioned the BBHC in reference to further restricting a time period on the property that would remain "A" zone.

After calling for public comments three times and there being none further, Mayor Brown closed the public hearing at 7:56 p.m.

Council Member made Cloud motion seconded by Council Member Fritz to table Ordinances 2011-02 through Ordinance 2011-16. Vote was unanimous.

ORDINANCE 2011-17 1st Reading.

AN ORDINANCE AMENDING CITY OF CODY MUNICIPAL CODE BY AMENDING TITLE 5, CHAPTER 3, SECTION 21, PERTAINING THE FEEDING OF DEER

Council Member Fritz made a motion seconded by Council Member Wolz to pass Ordinance 2011-17 on first reading. Vote was unanimous

ORDINANCE 2011-18 1st Reading.

AN ORDINANCE AMENDING CITY OF CODY MUNICIPAL CODE BY RENUMBERING TITLE 5, CHAPTER 3, SECTION 21, PERTAINING TO PENALTIES, AS TITLE 5, CHAPTER 3, SECTION 22

Council Member Wolz made a motion seconded by Council Member Fritz to pass Ordinance 2011-18 on first reading. Vote was unanimous.

ORDINANCE 2011-01 on 2nd Reading

AN ORDINANCE RE-ZONING A TRACT OF LAND LOCATED WITHIN A PORTION OF LOT 82RS2, SEC. 31 O.S. T 53 N, R 101 W, CITY OF CODY, WYOMING FROM RESIDENTIAL “A” DISTRICT TO LIGHT BUSINESS “D1” DISTRICT.

Council Member Miller made a motion seconded by Council Member Wolz to pass Ordinance 2011-01 on second reading. Vote was unanimous.

Council Member Miller made a motion seconded by Council Member Wolz directing staff to draft an ordinance rezoning the Buffalo Bill Memorial Association, dba the Buffalo Bill Historical Center’s property located at 720 Sheridan Avenue from “A” Residential to D-2 General Business district, with the exception of a 150 foot deep section along the south and west sides aligning with the current residences with the four conditions as outlined by staff. Vote was unanimous.

Council Member Miller made a motion seconded by Council Member Wolz to table the proposal for the City of Cody property insurance. Vote was unanimous.

Rick Manchester, Parks, Recreation and Public Facilities Director reported the City has received 1463 deer surveys and approximately 500 have been tallied. Plans are for the Deer Task force to meet in mid May.

Steve Payne, Public Works Director informed the Governing Body and Citizens that the raw water will be on May 2nd, watering starts Tuesday and Wednesday based on address. In addition, he updated the Governing Body on the street closure on Cougar Avenue, between 19th and Blackburn.

Council Member Miller reminded downtown merchants the first Saturday in June is set for the washing of the sidewalks.

There being no further business to come before the Governing Body, Mayor Brown adjourned the meeting at 9:10 p.m.

Cynthia D Baker
Acting Administrative Services Director

Nancy Tia Brown
Mayor

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD	Inventory No
127557	A & I DISTRIBUTORS	203177	OIL	04/13/2011	401.50			10W30
Total 127557					401.50	.00		
128999	A.M. LEONARD, INC.	C111037829	LANDSCAPE SUPPLIES	04/05/2011	107.98			
		C111038825	GREENHOUSE SUPPLIES	04/06/2011	24.99			
Total 128999					132.97	.00		
123784	ACADEMIC SPECIALTIES INC	24745	BASKETBALL GOAL	04/08/2011	213.00			
Total 123784					213.00	.00		
2390	ACE HARDWARE	202570	TOOLS	03/03/2011	2.79			
		203575	NUTS AND BOLTS	03/22/2011	7.25			
		203698	MARKERS	03/24/2011	4.28			
			BOLTS		2.38			
		203738	BOLTS	03/24/2011	3.98			
		204632	SUPPLIES	04/08/2011	8.98			
		204712	SUPPLIES	04/11/2011	11.97			
		204783	HAMMER / BUNGEE CORD	04/12/2011	28.94			
		204827	SUPPLIES	04/12/2011	3.29			
		204931	SUPPLIES	04/14/2011	1.96			
		204943	SUPPLIES - COUGAR AVE	04/14/2011	4.18			
		204952	HORSESHOE PARK IRRIGATION	04/14/2011	46.65			
		204954	SUPPLIES	04/14/2011	18.99			
		205013	EXTENSION CORD	04/15/2011	114.99			
		205084	SCREEN MATERIAL - REC CENTER	04/16/2011	11.99			
		205299	SUPPLIES	04/20/2011	6.49			
Total 2390					279.11	.00		
450	ALDRICH LUMBER CO	430337	SUPPLIES	04/04/2011	18.49			
		430445	SUPPLIES	04/06/2011	5.10			
		430579	LATH FOR STAKING PROJECTS	04/08/2011	42.85			
		430580	CREDIT FOR WOOD LATH	04/08/2011	37.47			
		430581	LATH FOR STAKING PROJECTS	04/08/2011	53.97			
		430715	DUGOUT REPAIR	04/11/2011	93.89			
		430840	SUPPLIES	04/13/2011	19.99			
		430897	LANDSCAPE SUPPLIES	04/14/2011	57.92			
		430902	SUPPLIES	04/14/2011	7.20			
		430915	SUPPLIES	04/14/2011	47.86			
		430972	SUPPLIES	04/15/2011	35.58			
		431118	SUPPLIES	04/18/2011	10.58			
Total 450					355.96	.00		
126551	ALSCO	725130	TOWELS	04/08/2011	29.53			
		725927	RUGS - CITY HALL	04/12/2011	45.95			
		725928	RUGS - AUDITORIUM	04/12/2011	159.43			
		726272	RUGS - SHOP	04/13/2011	6.73			
		727054	TOWELS	04/15/2011	29.54			
Total 126551					271.18	.00		
128592	AMERICAN WELDING & GAS, IN	01243866	SUPPLIES	04/08/2011	110.25			
		01248767	CO2	04/14/2011	66.84			
		01251209	CO2	04/18/2011	66.84			

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD	Inventory No
Total 128592					243.93	.00		
695	ANDERSON FORKLIFT	20727	FORKLIFT REPAIRS	04/11/2011	1,129.09			
		20728	FORKLIFT RENTAL PRICE CORRECTION	04/11/2011	127.00 .50			
Total 695					1,256.59	.00		
972	BARN FEED AND PET	208492	DOG FOOD - ABBY	04/13/2011	38.99			
		209046	DOG FOOD - MAX	04/25/2011	63.63			
Total 972					102.62	.00		
127727	BETTER BODY FITNESS	1719	MAINTENANCE ON FITNESS EQUIPME	09/20/2010	522.86			
		2056	FITNESS EQUIPMENT	03/24/2011	10,255.00			
Total 127727					10,777.86	.00		
1182	BIG HORN PRECAST	6264	STORM SEWER BOX	04/08/2011	1,105.00			
Total 1182					1,105.00	.00		
1190	BIG HORN REDI-MIX INC	358260	BALLFIELD SAND	04/14/2011	46.00			
		358346	SYSTEM REPAIR	04/25/2011	24.00			
		358348	SYSTEM REPAIR	04/25/2011	24.00			
Total 1190					94.00	.00		
1210	BIG HORN WHOLESALE	129684	SUPPLIES	04/14/2011	46.00			
		129687	SUPPLIES	04/14/2011	33.96			
Total 1210					79.96	.00		
129010	BILLINGS POLICE DEPARTMENT	042011	TRAINING - C23	04/20/2011	200.00			
Total 129010					200.00	.00		
1360	BLUE CROSS BLUE SHIELD OF	041811	INSURANCE PREMIUM INSURANCE PREMIUM	04/18/2011	952.18 - 93,499.49			
Total 1360					92,547.31	.00		
1420	BORDER STATES INDUSTRIES I	902222071	CABLE	04/08/2011	2,971.10			
		902222072	EQUIPMENT REPAIR	04/08/2011	1,228.80			
Total 1420					4,199.90	.00		
123538	BRESNAN COMMUNICATIONS	040411-PD	INTERNET - PD	04/04/2011	68.10			
		041511-REC	REC CENTER- CABLE	04/15/2011	46.94			
Total 123538					115.04	.00		
1690	C & C WELDING	12977	WATER CRANE REPAIRS	03/10/2011	56.84			
		13121	SUPPLIES	04/12/2011	14.04			
Total 1690					70.88	.00		
127582	CAD-1, INC.	3979	AUTO CAD TRAINING - UTANA DYE	04/13/2011	780.00			

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD	Inventory No
Total 127582					780.00	.00		
2260	CITY OF CODY	041511	UTILITIES	04/15/2011	417.49			
		042211	UTILITIES	04/22/2011	2,111.31			
			UTILITIES		1,236.11			
			UTILITIES		10,021.19			
			UTILITIES		2,500.51			
			UTILITIES		1,449.70			
			UTILITIES		1,226.21			
			UTILITIES		626.63			
			UTILITIES		4,293.16			
			UTILITIES		4,601.56			
Total 2260					28,483.87	.00		
126745	CLINGMAN, JIM	08398	REIMBURSE FOR SAFETY GLASSES	04/09/2011	120.00			
Total 126745					120.00	.00		
2690	CODY NEWSTAND	10113008	ARBOR DAY DOOR PRIZES	04/11/2011	208.74			
Total 2690					208.74	.00		
2715	CODY PAINT & BODY INC.	0001965	TOWING CASE #11-747/11-748	04/20/2011	70.00			
Total 2715					70.00	.00		
2850	CODY WINNELSON COMPANY	108154-00	GALVANIZED FITTINGS	04/13/2011	2.31			
		108188-00	RAW WATER FITTINGS	04/14/2011	49.27			
Total 2850					51.58	.00		
124245	CPS DISTRIBUTORS INC	1392251-00	IRRIGATION SUPPLIES	04/04/2011	2,322.23			
Total 124245					2,322.23	.00		
3300	CRUM ELECTRIC	1211627-00	SUPPLIES FOR EQUIPMENT	03/02/2011	48.02			
		1214512-00	SUPPLIES FOR EQUIPMENT	03/14/2011	120.05			
		1223250-00	SUPPLIES	04/14/2011	40.30			
		1223837-00	NEW SERVICE	04/18/2011	24.41			
		1225304-00	SERVICE REPAIR	04/22/2011	22.60			
Total 3300					255.38	.00		
127015	CUSTOM GARAGE DOOR LLC	1663	FIX THE EYE ON DOOR 10	04/10/2011	100.00			
Total 127015					100.00	.00		
129004	DBW CONSTRUCTION	70-2	REFUND P&Z REVIEW FEES	03/14/2011	100.00			
Total 129004					100.00	.00		
126679	EAGLE RECOVERY & TOWING	5301	TOWING CASE 11-656	04/18/2011	125.00			
		5306	TOWING CASE 11-670	04/18/2011	490.00			
Total 126679					615.00	.00		
2630	ENERGY WEST	040811	UTILITIES	04/08/2011	435.87			

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD	Inventory No
			UTILITIES		1,120.95			
			UTILITIES		1,535.73			
			UTILITIES		208.41			
			UTILITIES		703.79			
			UTILITIES		323.41			
		041811	UTILITIES	04/18/2011	872.38			
Total 2630					5,200.54	.00		
4140	ENGINEERING ASSOCIATES	3104009	NORTH CODY TREATED WATER & SE'	04/14/2011	38,893.34			
			NORTH CODY TREATED WATER & SE'		9,723.34			
Total 4140					48,616.68	.00		
124826	EVANS, KATHY	14411015	REFUND CREDIT BALANCE	04/13/2011	39.66			
Total 124826					39.66	.00		
4210	FARM PLAN CORPORATION	2633543	FIRE RESISTANT CLOTHING	04/16/2011	215.00			
Total 4210					215.00	.00		
126018	FASTENAL COMPANY 01WYCD\	/YCDY34473	NUTS & BOLTS	04/11/2011	9.62			
		/YCDY34505	PAINTING PARTS	04/12/2011	40.14			
		/YCDY34535	SAW BLADES	04/13/2011	20.75			
		/YCDY34551	DRILL BITS	04/14/2011	19.29			
Total 126018					89.80	.00		
123727	FOOD SERVICE OF AMERICA	3900980	Nacho Cheese	04/08/2011	115.34			20044
			Nacho Chips		22.66			20043
			FUEL SURCHARGE		7.00			
Total 123727					145.00	.00		
127450	FORWARD CODY WYOMING, IN	8	ELEUTIAN GRANT	04/19/2011	9,400.00			
Total 127450					9,400.00	.00		
4450	GAMBLES	407730	SUPPLIES	04/18/2011	3.99			
Total 4450					3.99	.00		
4480	GARY'S RUBBER STAMP & SIGN	89092	STAMP	03/30/2011	24.00			
		89197	NOTARY STAMP - C14	04/13/2011	24.95			
Total 4480					48.95	.00		
129005	GEM EXERCISE EQUIPMENT RE	1906	MAINTENANCE ON FITNESS EQUIPME	12/08/2010	1,616.00			
Total 129005					1,616.00	.00		
123893	GLOBAL EQUIPMENT COMPAN\	104022168	SUPPLIES	03/30/2011	63.77			
Total 123893					63.77	.00		
12306	H B I INSURANCE	51784-1	UMBRELLA POLICY	03/18/2011	7.00			
		51800	NOTARY BOND - JUSTON WEAD	04/11/2011	50.00			

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD	Inventory No
Total 12306					57.00	.00		
126187	HALL'S SAFETY EQUIPMENT	0411-0293	UNIFORMS PRICE CORRECTION	04/08/2011	1,461.10 .50			
Total 126187					1,461.60	.00		
129006	HANNON, KIERSTIN	3246025	REFUND UTILITY DEPOSIT	04/15/2011	30.56			
Total 129006					30.56	.00		
4780	HARRIS TRUCKING & CONST. C	PAY #11-2AB	PAY EST #11 - N CODY 2AB PROJECT	04/21/2011	55,753.62			
		RET #11-2AB	RETAINAGE #11 - N CODY 2AB PROJE	04/21/2011	2,934.40			
Total 4780					58,688.02	.00		
6730	HD SUPPLY UTILITIES LTD	1658448-02	TOOLS	04/13/2011	190.00			
		1703059-00	CABLE	04/12/2011	864.00			
Total 6730					1,054.00	.00		
5170	ICMA RETIREMENT-457-#303143	041311	ICMA - CONTRIBUTIONS	04/18/2011	6,979.90	6,979.90	04/18/2011	
Total 5170					6,979.90	6,979.90		
126715	INTERSTATE BATTERIES -BILLII	47014464	BATTERIES FOR EQUIPMENT	04/12/2011	385.80			
Total 126715					385.80	.00		
5700	K-B COMMERCIAL PRODUCTS	2900117.001	BRUSHES FOR SWEEPER - REC CENT	03/31/2011	219.69			
		2910582.001	CLEANING SUPPLIES	03/31/2011	274.00			
Total 5700					493.69	.00		
5980	LANNAN'S SUPPLY	083340	SUPPLIES	04/05/2011	729.50			
Total 5980					729.50	.00		
126952	LET'S TALK CELLULAR	15342	CELL PHONE CASE	03/18/2011	15.00			
Total 126952					15.00	.00		
124257	MACHINERY POWER & EQUIPM	5CS0006115	FUEL SHUT OFF FOR PACKER	04/06/2011	88.78			
Total 124257					88.78	.00		
6650	MIDWEST FENCE CO	29025	BALL FIELD FENCE REPAIR	04/11/2011	102.00			
Total 6650					102.00	.00		
6930	MOUNTAIN WEST INC	021163	UNIFORMS	04/07/2011	305.54			
		021167	UNIFORMS	04/06/2011	98.53			
		021202	UNIFORMS	04/18/2011	53.10			
Total 6930					457.17	.00		
128825	MURRA, JOAN	041511	MILEAGE REIMBURSEMENT	04/15/2011	15.00			

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD	Inventory No
					15.00	.00		
128189	NORTHWEST COCA-COLA	040511	CONCESSION SUPPLIES	04/05/2011	58.12			
					58.12	.00		
7400	NORTHWEST PIPE	1712393	4 1/2" SAFETY FLANGE REPAIR KIT	04/06/2011	151.13			1281-W
			HYDRANT REPAIR PARTS		116.70			
		1713838	HYDRANT METER	04/11/2011	806.25			
		1714848	1 1/4" COMPRESSION COUPLING	04/11/2011	144.20			1283-W
			1 1/2" compression coupling		177.56			1149-W
			1 1/4" COMPRESSION X MIP ADAPTER		21.59			1284-W
			6" MJ x MJ gate valve		1,194.60			1258-W
		1714927	1 1/4" COMPRESSION X MIP ADAPTER	04/11/2011	129.54			1284-W
			BRASS FITTINGS		32.79			
					2,774.36	.00		
123146	OKADA , PETER	042211	VOLLEYBALL REFEREE	04/22/2011	137.50			
					137.50	.00		
125181	OWEN, DON	042211	VOLLEYBALL REFEREE	04/22/2011	112.50			
					112.50	.00		
7670	PARK COUNTY	033111	INCARCERATION COST - MARCH 2011	04/26/2011	750.00			void from March
		040411	LANDFILL CHARGES	04/04/2011	63,034.00			
			LANDFILL CHARGES		352.00			
			LANDFILL CHARGES		116.00			
		60	ELECTION EXPENSE 2010	04/26/2011	5,621.67			void from March
					57,436.33	.00		63,502.00
128493	PARK COUNTY CIRCUIT COURT	041311	CV-2010-1027	04/18/2011	302.93	302.93	04/18/2011	
					302.93	302.93		
129007	PATTERSON, JERRICA	4066024	REFUND UTILITY DEPOSIT	04/15/2011	71.39			
					71.39	.00		
128733	PEREZ, EDGAR	14535020-1	REPROCESS UTILITY REFUND	04/15/2011	18.09			
					18.09	.00		
7970	PIZZA ON THE RUN	9368	MEETING EXPENSES	04/11/2011	61.97			
					61.97	.00		
7980	PLAN ONE ARCHITECTS	041511-5	CITY HALL RETROFIT	04/15/2011	3,850.00			
		041511-7	ADA RAMP - AUDITORIUM	04/15/2011	785.00			
					4,635.00	.00		
128981	PRODUCTION MACHINE	039760	PLASTIC CONTAINERS	03/07/2011	301.14			
		039867	PLASTIC CONTAINERS	03/07/2011	416.80			

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD	Inventory No
	Total 128981				717.94	.00		
127755	PROFORCE LAW ENFORCEMEN	108776	TASER SUPPLIES	04/11/2011	607.95			
	Total 127755				607.95	.00		
430	PURCHASE ADVANTAGE CARD	012748	COUNCIL MEETING EXPENSE	04/12/2011	25.11			
	Total 430				25.11	.00		
10091	QWEST	041911	PHONE CHARGES	04/19/2011	706.77			
	Total 10091				706.77	.00		
127690	R & A SAFETY	1324	PRE-EMPLOYMENT & RANDOM TESTI	04/06/2011	60.00			
			PRE-EMPLOYMENT & RANDOM TESTI		160.00			
			PRE-EMPLOYMENT & RANDOM TESTI		200.00			
			PRE-EMPLOYMENT & RANDOM TESTI		100.00			
			PRE-EMPLOYMENT & RANDOM TESTI		30.00			
			PRE-EMPLOYMENT & RANDOM TESTI		30.00			
			PRE-EMPLOYMENT & RANDOM TESTI		60.00			
	Total 127690				640.00	.00		
4970	RED EAGLE FOOD STORES	0110120-IN	KEROSENE FOR BURNING WEEDS	04/12/2011	12.78			
	Total 4970				12.78	.00		
7570	ROCKY MOUNTAIN POWER	042111	UTILITIES	04/21/2011	34.45			
			UTILITIES		188.42			
	Total 7570				222.87	.00		
128987	ROCKY MOUNTAIN SEGWAY	110310DG1B	PARTS - BOMB UNIT EQUIPMENT	03/24/2011	222.79			
	Total 128987				222.79	.00		
8760	RON'S EXXON	0147729	PROPANE	04/12/2011	11.90			
	Total 8760				11.90	.00		
123147	SCHOENING, WILLIAM D	042211	VOLLEYBALL REFEREE	04/22/2011	100.00			
	Total 123147				100.00	.00		
123386	SECRETARY OF STATE	041311	NOTARY -UTANA DYE	04/13/2011	30.00			
	Total 123386				30.00	.00		
127725	SHERWIN-WILLIAMS COMPANY	0205-3	SUPPLIES	04/08/2011	63.00			
	Total 127725				63.00	.00		
9140	SHOSHONE OFFICE SUPPLY	0080866	SUPPLIES	04/02/2011	18.00			
		0080872	DEPOSIT BAGS	04/13/2011	218.95			
		0081138	OFFICE SUPPLIES	04/11/2011	97.71			
		0081143	MATERIALS AND SUPPLIES	04/11/2011	17.99			
		0081150	COLORED PAPER	04/11/2011	15.02			

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD	Inventory No
		0081171	TONER	04/12/2011	88.99			
		0081195	SUPPLIES	04/13/2011	4.34			
		0081237	FURNITURE	04/14/2011	1,200.00			
			OFFICE SUPPLIES		866.61			
		0081269	SUPPLIES	04/19/2011	10.38			
		0081296	PARTS FOR PAPER PUNCH	04/20/2011	58.09			
		0081387	FILING CABINET	04/22/2011	219.99			
		80886	6 X 9 ENVELOPES	04/19/2011	47.94			
	Total 9140				2,864.01	.00		
124776	STAYWELL COMPANY	6658366	PROGRAM BOOKS	04/01/2011	296.37			
		6659572	NEW FA/CPR POSTERS	04/04/2011	18.75			
	Total 124776				315.12	.00		
9630	STROH'S INDUSTRIAL LUBRICA	1758	EQUIPMENT GREASE	04/14/2011	65.00			
	Total 9630				65.00	.00		
127138	SWARCO REFLEX	90019666	PAINT STRIPING BEADS	04/06/2011	1,464.00			
	Total 127138				1,464.00	.00		
6240	THE UPS STORE	3839	SHIPPING - PD	04/15/2011	33.49			
		4133	EVIDENCE SHIPPING	04/22/2011	8.56			
	Total 6240				42.05	.00		
128471	TITAN ACCESS	1C07653	SWITCH, PUSH BUTTON/51 FREIGHT	04/14/2011	102.18 10.55			IC 84134639
	Total 128471				112.73	.00		
9980	TRIPLE L SALES	I-16677	23RD ST STORM SEWER	04/08/2011	31.26			
	Total 9980				31.26	.00		
10050	U S POST OFFICE	050111	POSTAGE FOR BILLING PERMIT #33	05/01/2011	2,300.00			
	Total 10050				2,300.00	.00		
129011	UNIVERSITY OF WYOMING	050311	TRAINING TRAINING	04/26/2011	50.00 125.00			
	Total 129011				175.00	.00		
129009	VAN AUKEN, JOSH	5968	REIMBURSE FOR TRAVEL EXPENSE	04/18/2011	12.48			
	Total 129009				12.48	.00		
10330	WAL MART COMMUNITY BRC	04893	ASAP SUPPLIES	04/11/2011	39.90			
		04984	REC CENTER PROGRAMS	04/20/2011	24.35			
		05593	Pizza	04/08/2011	19.50			20045
			Ramen Soup		5.64			20050
			Snack Cakes		6.54			20027
			NAPKINS		2.68			25000
		05594	ASAP SUPPLIES	04/08/2011	4.00			
		05595	TRAINING / MEETING	04/08/2011	51.72			

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD	Inventory No
		05596	SUPPLIES	04/08/2011	18.72			
		06778	Fruit Snacks	04/19/2011	8.28			20026
			Pizza		31.44			20045
			Ramen Soup		9.40			20050
			Snack Cakes		26.28			20027
		06896	LAB SUPPLIES	04/18/2011	82.95			
	Total 10330				331.40	.00		
129008	WASTEQUIP	11114368	END CAP - DUMPSTERS	04/08/2011	51.25			
	Total 129008				51.25	.00		
10370	WATCO POOLS	11807	CHEMICALS	04/12/2011	907.28			
	Total 10370				907.28	.00		
123634	WATTHOUR ENGINEERING CO	109527	METER REPAIR	04/18/2011	68.48			
	Total 123634				68.48	.00		
124746	WCSTELECOM	20862836	LONG DISTANCE	04/01/2011	196.60			
	Total 124746				196.60	.00		
10570	WESTERN PATHOLOGY CONSU	CP1596	RANDOM TESTING - PD	03/31/2011	90.00			
			RANDOM TESTING - ELEC		36.00			
			RANDOM TESTING - STREETS		40.50			
			RANDOM TESTING - SHOP		13.50			
			RANDOM TESTING - SANITATION		36.00			
			RANDOM TESTING - WATER		22.50			
			RANDOM TESTING - WASTE WATER		13.50			
			RANDOM TESTING - REC		27.00			
	Total 10570				279.00	.00		
10605	WESTERN UNITED ELECTRIC S	4008450	SYSTEM REPAIRS	04/07/2011	11.51			
	Total 10605				11.51	.00		
127631	WY CHILD SUPPORT #167207	041311	CHILD SUPPORT #167207/CV 1124836	04/18/2011	159.23	159.23	04/18/2011	
	Total 127631				159.23	159.23		
124522	WYOMING BANK & TRUST	041511	WATER BOND PAYMENT	04/15/2011	200.00			
			WATER BOND PAYMENT		11,479.58			
	Total 124522				11,679.58	.00		
123957	WYOMING BANK AND TRUST	041511	ELECTRIC BOND PAYMENT	04/15/2011	26,297.59			
	Total 123957				26,297.59	.00		
123502	WYOMING DEPT OF AGRICULTI	1901 -- 1	POOL LICENSING FEES	04/01/2011	50.00			
		1901 -- 2	POOL LICENSING FEES	04/01/2011	50.00			
		1901 -- 3	POOL LICENSING FEES	04/01/2011	50.00			
		1901 -- 4	POOL LICENSING FEES	04/01/2011	50.00			
		1901 -- 5	FOOD LICENSE RENEWAL - 1237 REC	04/01/2011	50.00			

Vendor	Vendor Name	Invoice No	Description	Inv Date	Net Inv Amt	Amount Paid	Date PD	Inventory No
Total 123502					250.00	.00		
125411	WYOPASS	321-2011-M6	WYOPASS MEMBERSHIPS (P & Z)	03/21/2011	440.00			
Total 125411					440.00	.00		
126713	YELLOWSTONE DIVERS, LLC	041911	SCUBA INSTRUCTOR	04/19/2011	150.00			
Total 126713					150.00	.00		

Total Paid: 7,442.06

Total Unpaid: 390,975.83

Grand Total: 398,417.89

750.00

5,621.67 add in voided checks from March

TOTAL \$404,788.56

PAYROLL 204,785.76

TOTAL \$609,574.32

MEETING DATE:	NEXT AVAILABLE
DEPARTMENT:	PARKS, RECREATION, & PUBLIC FACILITIES
PREPARED BY:	RICK MANCHESTER
DEPT. DIR. APPROVAL:	RMM
CITY ADM. APPROVAL:	_____
PRESENTED BY:	RICK MANCHESTER

Cody Auditorium ADA Renovation—CHANGE ORDERS

For Your Information
 Action Necessary
 Response Requested

BACKGROUND and SUMMARY

Change Order #1—The City is in the process of completing a new ADA Ramp to enter the Cody Clubroom. The project is funded by the Wyoming Business Council with a 10% match from the City. The City also agreed to complete a small portion of the demolition under the terms of the grant. This change order represents the credit from the contractor for the demo we will be completing.

Change Order #2—the current contract with Groathouse Construction included using existing exterior doors and door jams. Upon further investigation we have determined that there are sections in the wood used for the door jams that have deteriorated beyond repair. The architect and the general contractor agree that the work is necessary. I have reviewed the contract and determined that the existing contract does not include the door jams and I recommend that we complete the additional work identified in change order #2. This is not a result of an error or an omission; it is a result of not knowing the existing conditions until demo and construction begins.

FISCAL IMPACT

Change Order #1 is a \$900 credit to the City.
 Change Oder #2 is a \$605 increase to the contract.

RECOMMENDATION

Authorize the Mayor to approve the change orders as presented.

ATTACHMENTS

Change order correspondence from Plan One Architects.

AGENDA ITEM NO. _____



**CHANGE ORDER
BREAKDOWN OF COSTS**

PROJECT: 1101 - Cody Auditorium / Cody Club Room Renovations

Date: 01-Apr-11

CHANGE ORDER PROPOSAL NO: 1 - Revised

Prepared By: Fred Bronnenberg

REASON FOR CHANGE: Addition of Builders Risk Policy, Deletion of Selective Demolition, Change in Specified Benches

RESP	CAT.	DESCRIPTION	QUANTITY	UNIT	UNIT COST	LABOR	MATERIAL	SUBCONTRACT	OTHER	ADD	DEDUCT
GCI	BP1	Selective Demolition	1	ls		(\$900)					(\$900)

SUBTOTALS: (\$900)

(\$900)

NOTES:

ADD SUBTOTAL (\$900)

DEDUCT SUBTOTAL

SUBTOTAL (\$900)

OH/PROFIT

TOTAL COST (\$900)

ACCEPTED:

Plan One / Architects: _____

DATE: 4.18.11

Owner: _____

DATE: _____



CHANGE ORDER BREAKDOWN OF COSTS

PROJECT: 1101 - Cody Auditorium / Cody Club Room Renovations

Date: 18-Apr-11

CHANGE ORDER PROPOSAL NO: 2R

Prepared By: Fred Bronnenberg

REASON FOR CHANGE: Replace pair of entry doors

RESP	CAT.	DESCRIPTION	QUANTITY	UNIT	UNIT COST	LABOR	MATERIAL	SUBCONTRACT	OTHER	ADD	DEDUCT
GCI	BP1	Selective Demolition	4	hrs	\$38	\$152				\$152	
		Install New Frame (wood) and re-install pair of HM doors	6	hrs	\$38	\$228				\$228	
GCI	BP9	New Frame	1	ls			\$160		\$10	\$170	
SUBTOTALS:						\$380	\$160		\$10	\$550	

NOTES: This is revised to show removal and re-installation of the existing doors, and installing new jam legs at the hinge locations.

ADD SUBTOTAL	\$550
DEDUCT SUBTOTAL	
SUBTOTAL	\$550
OH/PROFIT	\$55
TOTAL COST	\$605

ACCEPTED: _____
 Plan One / Architects: *[Signature]*
 Owner: _____

DATE: 4.18.11
 DATE: _____

MEETING DATE: MAY 3, 2011
DEPARTMENT: ADMINISTRATIVE SERVICES
PREPARED BY: LESLIE BRUMAGE, FINANCE
OFFICER
DEPT. DIR. APPROVAL: _____
CITY ADM. APPROVAL: _____

AGENDA ITEM SUMMARY REPORT

Bresnan Franchise Bond Re-Issue

BACKGROUND

On July 1, 2002 the City of Cody entered into a franchise agreement with Bresnan Communications LLC. In July 2010 Cablevision Systems Corporation notified the City of Cody of their acquisition of Bresnan Broadband Holdings LLC, including the territory serviced by Bresnan Communications.

SUMMARY

The City recently received a notice of cancellation of the franchise bond issued by Lexon Insurance Company on behalf of Bresnan Communications. This cancellation notice provides the 30-day written notice as required by the franchise agreement. Cablevision Systems Corporation doing business as Bresnan Communications LLC has provided a new bond issued by Travelers Casualty and Surety Company of America. Lexon Insurance Company has requested the City sign and return the acknowledgement of cancellation to them.

FISCAL IMPACT

None

ALTERNATIVES

At its discretion the City Council may approve or deny signing the acknowledgement, however under the terms of the franchise agreement, Lexon has the right to cancel the bond with proper notification which they have provided.

RECOMMENDATION

Authorize the Mayor to sign the acknowledgement of cancellation.

ATTACHMENTS

1. Notice of Cancellation of franchise bond
2. New franchise bond reissued by Travelers Casualty and Surety Company of America

AGENDA & SUMMARY REPORT TO:

1. None

AGENDA ITEM NO. _____

FRANCHISE BOND

**Travelers Casualty and Surety Company of America
One Tower Square, Hartford, CT 06183**

Bond Number 105528932

KNOW ALL MEN BY THESE PRESENTS, That, we, BRESNAN COMMUNICATIONS, LLC, as Principal, and Travelers Casualty and Surety Company of America, a corporation of the State of Connecticut, as Surety, are held and firmly bound unto CITY OF CODY 1338 Rumsey Avenue Cody, WY 83414-3784, as Obligee, in the sum of Twenty Thousand and 00/100 Dollars, (\$ 20,000.00) lawful money of the United States of America, to be paid unto said Obligee, its successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the above bound Principal has entered into a written agreement dated 07/01/2002, with the Obligee, which grants a Franchise to the Principal for use of its public streets and places to transmit and distribute electrical impulses through an open line-coaxial antenna system located therein. Principal has agreed to faithfully perform and observe and fulfill all terms and conditions of said Franchise agreement referred to above and said agreement is hereby made a part of this bond with like force and effect as if herein set forth in length.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, That if the above named Principal, its successors or assigns, does and shall well and truly observe, perform and fulfill its obligation as set forth in the above mentioned Franchise agreement, for which a bond must be posted, then the above obligation to be void; otherwise to remain in full force and effect.

The bond is subject, however, to the following express conditions:

FIRST: That in the event of a default on the part of the Principal, its successors or assigns, a written statement of such default with full details thereof shall be given to Surety promptly, and in any event, within thirty (30) days after the Obligee shall learn of such default, such notice to be delivered to Surety at its Home Office in Hartford, Connecticut by registered mail.

SECOND: That no claim, suit or action under this bond by reason of any such default shall be brought against Surety unless asserted or commenced within (12) twelve months after the effective date of any termination or cancellation of this bond.

THIRD: That this bond may be terminated or canceled by Surety by 30 days prior notice in writing to Principal and to Obligee, such notice to be given by certified mail. Such termination or cancellation shall not affect any liability incurred or accrued under this bond prior to the effective date of such termination or cancellation. The liability of the Surety shall be limited to the amount set forth above and is not cumulative.

FOURTH: That no right of action shall accrue under this bond to or for the use of any person other than the Obligee, and its successors and assigns.

IN WITNESS WHEREOF, the above bound Principal and the above bound Surety have hereunto set their hands and seals on the 14th day of December, 2010.

BRESNAN COMMUNICATIONS, LLC

By: *Philip D'Ambrosia*
Philip D'Ambrosia - SVP Tax
Travelers Casualty and Surety Company of America

By: *Debra A. Deming*
Debra A. Deming, Attorney-in-Fact

MEETING DATE: 5/03/2011
DEPARTMENT: PUBLIC WORKS
PREPARED BY: BERT POND
DEPT. DIR. APPROVAL: _____
CITY ADM. APPROVAL: _____
PRESENTED BY: STEVE PAYNE

AGENDA ITEM SUMMARY REPORT

Duncan & Allen Engagement for Legal Services

BACKGROUND

As part of the North Cody Annex electric distribution takeover from Rocky Mountain Power, we have been using Duncan & Allen as our legal counsel for the purchase of facilities from Rocky Mountain Power. We are currently moving into the negotiation phase of this process. Because of this, Duncan & Allen have prepared an engagement letter for legal services during this process. Duncan & Allen previously represented the City of Cody during the takeover of the Northeast Cody system, then owned by PacifiCorp which is now know as Rocky Mountain Power. Duncan & Allen was successful in getting favorable terms for the previous purchase and has extensive experience in municipal takeovers and purchases of IOU owned facilities.

SUMMARY

Duncan & Allen has prepared an engagement letter which outlines the terms of the engagement and the proposed legal strategy they will use during the negotiation and takeover process. That letter is attached to this agenda item summary along with a spreadsheet detailing the potential cost of such representation. It should be noted that the cost figures includes review of bond documents which would only be charged to the City if it pursues a bond issue for the purchase of Rocky Mountain Power's facilities in the North Cody Annex. At this point, it is probable that the City will enter into a loan agreement with Wyoming Municipal Power Agency for the takeover and will not need to issue bonds.

FISCAL IMPACT

The cost for legal services is estimated to be \$50,000 not to be exceeded without approval by the City of Cody. This includes \$20,000 for review of financial documents, which should be substantially less if the City pursues a loan with WMPA.

ALTERNATIVES

The alternative to engaging Duncan & Allen as our legal representative would be to hire local legal counsel or to use the City attorney for this work. Duncan & Allen has extensive experience in distribution system takeovers nationwide and has performed this work for the City of Cody previously.

RECOMMENDATION

It is the recommendation of the City of Cody Public Works staff that the council approve the engagement of Duncan & Allen for legal counsel on the takeover of the North Cody Annex distribution facilities for \$50,000.

AGENDA ITEM NO. _____

ATTACHMENTS

- 1) Engagement for Legal Services letter from Duncan & Allen dated April 15, 2011.
- 2) RMP Purchase DA Budget Estimate dated 4/15/11.

AGENDA ITEM NO. _____

MEETING DATE: MAY 3, 2011
DEPARTMENT: PARKS, RECREATION, & PUBLIC
FACILITIES
PREPARED BY: RICK MANCHESTER
DEPT. DIR. APPROVAL: RMM
CITY ADM. APPROVAL: _____
PRESENTED BY: RICK MANCHESTER

Water Sales on Sheridan Ave.

For Your Information

Action Necessary

Response Requested

PROBLEM/OPPORTUNITY

The Baker Brothers; Brandon, Brian, and Bradley have requested permission to sell bottled water in the right of way on Sheridan Ave. during the summer. The boys are all under 16 years old.

BACKGROUND and SUMMARY

On the surface this is a simple youth project such as a mobile lemonade stand. The Bakers are seeking permission to sell water bottles and advertise a specific brand of bottled water (Sunlight Springs) on Sheridan Ave. (State ROW.) If this were an adult project, sales on public right of way (ROW) require an agreement with the City. The agreement with Charlie's hot dog stand is on City property (Bell Plaza or City Park) or on a cross street that is City ROW (12th street kitty corner from IRMA.) The agreement with Charlie is an 80/20 split in gross revenue. The City receives 20 cents for every dollar collected.

FISCAL IMPACT

There is minimal revenue to the City and no cost.

ALTERNATIVES

1. Do NOT require an 80/20 contract; give the Baker Brothers permission to sell water on sidewalks, and other City property on Sheridan Ave.
2. Deny the request but ask staff to brainstorm locations and assist the boys in finding another suitable location. For example the Irma, Zapata's, or Taco Johns.
3. Take no action either allowing or denying the request.

RECOMMENDATION

Council discretion

ATTACHMENTS

Agenda Request Form

AGENDA & SUMMARY REPORT TO: David Baker (Dad) at dbaker@eleutian.com

AGENDA ITEM NO. _____

City of Cody Agenda Request Form

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

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

Name of person to appear before the Council BRANDON BAKER

Organization Represented BAKER BROTHERS

Date you wish to appear before the Council _____

Mailing Address 927 CANYON AVE Telephone 307-250-3035

E-Mail Address DBAKER@ELEGIAN.COM

Preferred form of contact: Telephone E-Mail _____

Names of all individuals who will speak on this topic BRANDON BAKER

Full description of topic to be discussed (include all relevant information, attach additional sheet if necessary) WE WOULD LIKE TO SELL 12 OZ BOTTLES OF SUNLIGHT SPRINGS WATER ON MAIN ST. DURING THE SUMMER. WE WILL SELL THEM OUT OF A PORTABLE COOLER DURING THE HOTTEST TIMES OF THE DAY

Which City employee(s) have you spoken to about this issue? NONE


Signature

4-15-11
Date Submitted

Dave Ebertz Risk Management Consulting

PO Box 1526, Gillette, WY 82716
(307) 685-0614 – dcebertz@daveebertz.com

March 27, 2011

Ms. Jennifer Rosencranse, City Administrator
City of Cody
PO Box 2200
Cody, WY 82414

RE: Property Insurance Proposal
Recommendation

Dear Ms. Rosencranse:

On March 21, 2011, proposals were opened for the City's Property Insurance/Risk Financing Program. Four proposals were received. Three commercial Insurance proposals were received from Traveler's through the Meeker Insurance Agency, LLC, Great American Insurance Companies, the incumbent, and Cincinnati Insurance Companies, both the latter through Payne Financial Group. The fourth proposal was provided by the Wyoming Association of Risk Management (WARM) Property Pool.

My role has been to collect underwriting information, compile specifications, and to analyze the resulting proposals. The purpose of this letter is to recommend a program based on that analysis.

The Great American Insurance Companies Proposal was found to be incomplete. I therefore disqualified the proposal and removed it from further analysis. It also did not indicate any unique coverage perspective, or a competitive price.

Recommendation

The proposal offered by the Wyoming Association of Risk Management Property Pool is recommended.

- With a very few exceptions the WARM Pool provides exceptional coverage.
- The Pool has incorporated all of the optional enhancements that were identified during my risk assessment, at a cost that is \$12,038 less than the expiring program.
- The premium is \$19,582 less than the Traveler's Insurance proposal, second lowest price.
- The WARM organization, its broker and service providers have a history of providing excellent service.
- The recommended premium includes all options plus an additional \$100 to increase the Employee Fidelity limit from \$1 Million to \$2 Million.

Wyoming Association of Risk Management Premium

\$ 31, 840

Discussion

The criteria for my recommendation are the completeness and quality of coverage, the sufficiency of the companies and the agency preparing the proposal, and the cost of the coverage.

It is virtually impossible to have a proposal that meets all of the specified requirements, and it is also impossible to anticipate all coverage contingencies. In reviewing the proposal documents and supporting information, I look for those areas where there is a lack of needed coverage, or where the coverage proposed is substantially different from what I expect. To clarify and confirm coverage, I go from the Proposal Document to review the language the actual policy forms what the bidder is required to provide as part of their proposal.

The WARM Pool comes very close to meeting all requirements. It has very few discrepancies and I am satisfied after review that the coverage is as represented. In many areas which are too numerous to review, it goes well beyond the requirements of the specifications. The Pool concept while not unknown to the City of Cody is fundamentally different from an insurance program. The enclosed "Pool Discussion" might be helpful in understanding this difference.

The proposal offered by Meeker Insurance Agency LLC, using Travelers Insurance Companies is a very respectable program. There are very few deficiencies, none of them key elements to the integrity of the protection that it would provide. As is typical I had a number of follow-up questions, Ron Meeker and the Traveler's underwriters were very responsive. If the City should choose to use a Commercial Insurance program, I can recommend without hesitation the Meeker/Travelers Proposal.

The Base Proposal offered by Cincinnati is good; however, the Flood and Earthquake coverage is very expensive. In the attached Premium Summary I have removed the Flood Coverage for a savings of \$8,000. At that cost, the coverage is overpriced. More details are included in the Coverage Analysis attached. The Cincinnati proposal indicated that for the optional, but important auto physical damage coverage, "on premises" coverage is available but a price is not specified. I had identified the "aggregate loss" of a large part of your vehicle fleet as a major uninsured exposure. This coverage would have answered that need. Unfortunately when questioned, Cincinnati could not provide a price. Even though the proposed premium for the Cincinnati proposal is the highest option, it does not have the optional, but important Automobile Physical Damage coverage.

The attached documentation is a more detailed review of the strengths and weaknesses of each program. I concede that although I include objective comparisons and tabulations, there is a degree of subjectivity in this review. They are in "drill down" order starting with the general Proposal Premium Summary and Coverage Analysis and ending with two very terminology intensive summaries that I have prepared for the purpose of analyzing the many aspects of the proposals received.

I welcome any further questions, and the opportunity to meet with you or your City Council, if you wish further discussion.

It has been my pleasure to work with the City of Cody. I have enjoyed my time in Cody and the opportunity to work with you and the City staff members. Your responsiveness in providing me with guide service and answering my many questions has been exceptional.

Best regards,

David C Ebertz ARM-P CPCU

Attachments

Introduction to Attachments

The following documents are attached:

1. Premium Options – A tabulation of premiums for each proposal.
2. Coverage Analysis - Narrative summary of some of the key coverage concepts and differences found in the competing proposals
3. Pool Discussion - Review of pools and the Wyoming Association of Risk Management Property Pool proposal. Pools are fundamentally different from insurance programs and although the City of Cody is currently using the LGLP as their Liability Risk Financing mechanism, a discussion might be helpful.
4. Summary of Limits and Deductibles
5. Summary of Interrogatories – Questions asked in the Proposal Document.

City of Cody
Summary of Proposed Premiums
Effective July 1, 2011

Bidding Agency	Payne Financial Group	Payne Financial Group	Meeker Insurance, LLC	Payne Financial Group	WARM Property Pool
Company #1	Great American Ins Cos	Great American Ins Cos	Travelers/Phoenix	Cincinnati	Alliant Ins PEPiP
Company #2	Existing Program	Travelers (Crime)		Travelers (Crime)	Chartis (Crime)

Existing Coverage Premiums

Property	29,961	38,935	35,888	29,791	26,625
Terrorism Coverage	Included	Included	Included	223	Included
Flood Coverage	Included	1,561	Included	8,000	Included
Earthquake Coverage	Included	1,561	Included	5,000	Included
Electronic Data Processing	6,775	Included	Included	2,709	Included
Terrorism	Included	Included	Included	Included	Included
Boiler and Machinery/Mechanical Breakdown	1,875	2,432	Included	8,784	Included
HSB	5,267	6,000			
Terrorism	Included	Included	Included	64	Included
Total Existing Coverage	43,878	50,489	35,888	54,571	26,625

Changed or Additional Coverage Premiums

Property					
Alternative Deductible of \$5,000		(3,294)	(2,800)		Included
Extra Expense \$1,000,000		Included	800	280	Included
Business Income \$1,000,000		Included	Included	560	Included
Boiler and Machinery/Mechanical Breakdown					
Alternative Deductible of \$5,000		(420)	(1,661)	(1,316)	Included
Extra Expense \$500,000		Included	Included		Included
Extra Expense \$1,000,000		Included	Included	2,952	Included
Mobile Equipment		6,245	6,576	5,355	1,215
Alternative Deductible of \$5,000		(767)	Available		Included
Terrorism		Included	Included	59	Included
Vehicle Physical Damage - Comprehensive		22,325	5,248	No Bid	3,300
Vehicle Physical Damage - Collision		Included	6,163	No Bid	Included

City of Cody
Summary of Proposed Premiums
Effective July 1, 2011

Bidding Agency	Payne Financial Group	Payne Financial Group	Meeker Insurance, LLC	Payne Financial Group	WARM Property Pool
Radios		Included	Included	No Bid	Included
Specifically Covered Items		180	Included	172	Included
Crime Coverages		1,137	608	1,137	600
Employee Dishonesty \$500,000		Included	200	Included	N/A
Employee Dishonesty \$1,000,000		Not Quoted	200	Not Quoted	Included
Total Changed or Additional Coverage Premiums		25,406	15,334	9,199	5,115
Total Proposed Premiums		75,895	51,222	63,770	31,740
				No Auto Physical Dam	
Unrequested Options and Proposal Specific adjustments					
Increase Fidelity to \$2,000,000					100
Add Faithful Performance			200	Included	Included
Flood Coverage				(8,000)	
Cyber Liability					Included
Total with Unrequested Options	43,878	75,895	51,422	55,770	31,840
Variance from Current Program	Existing premium	Not included in Review	7,544	11,892	(12,038)

City of Cody
Summary Proposals and Coverage Considerations
Effective July 1, 2011

On March 21, 2011, the City of Cody accepted proposals for Financial Services to include Property Insurance/Risk Financing. Four proposals were received.

Commercial insurance proposals were received from Meeker Insurance Agency using Travelers Insurance Company, and two from Payne Financial Group, one using the incumbent Great American Insurance Companies and one using Cincinnati Insurance Companies.

A proposal was also received from the Wyoming Association of Risk Management (WARM) Property Pool. I have included in a separate document, a review of the pools in general and an introduction to the WARM Property Pool. You have been a member of the Local Government Liability Pool and are familiar with the pool concept.

Steps in the Review Process

The first review step is a tabulation of the "Limits and Deductibles." The purpose of this report is to confirm that the bidder has met the basic requirements of the Request for Proposal, and to identify those areas where there are deviations, both positive and negative from the requested limits and coverage. A second, more detailed review of the coverage terms is in the "Summary of Interrogatories." This is a tabulation of the questions that were included in the Specifications. Although both reports are very terminology intensive, I am including them for your reference.

The last step is an independent review of the specimen policy forms and other supporting documents provided by the agent or that I have developed in my review. I work closely with the bidding agent as needed. The purpose of this review is not to comprehensively review every aspect of the coverage, but to clarify ambiguities, and find any coverage problems not anticipated in drafting the specifications. Special emphasis is on those areas in which I have seen problems in the past. Each company will approach coverage differently. I have attempted to reconcile differences. No company can fully comply with all requested coverage items.

Contending Proposals

Travelers Insurance Company/Meeker Insurance Agency – Travelers Insurance Company is a solid company. They are experienced in underwriting public entities with a dedicated division within the company for that purpose. Ron Meeker is an experienced insurance agent and an active member of the community with a vested stake in the City of Cody.

Great American Insurance Company/Payne Financial Group - is the incumbent company and agency. I reviewed the proposal and decided that I would not pursue this proposal through the balance of the evaluation process. First, the proposal was not accompanied by the required sample policy forms which would allow me to reconcile discrepancies and check details of the coverage. Second, it was apparent from the beginning that the coverage offered no distinguishing features. Third, even the initial review revealed that surprisingly for an incumbent company, the pricing was very uncompetitive with the other proposals.

Cincinnati Insurance Companies/Payne Financial Group – The second proposal offered by the Payne Financial Group also did not have the policy forms, however Mr. Watson was able to get the required documents to me by the next morning. Jim Watson is an experienced agent who is familiar with the City of Cody.

WARM Property Pool – is the only property pool for public entities in Wyoming. As such it is a natural companion, not only to the WARM Liability Pool, but also the Local Government Liability Pool who currently provides your liability risk financing. The pool is managed out of Cheyenne with a professional staff which includes loss control specialists and a dedicated trainer. Denise Freeman came up through the ranks at the WARM organization and has proven to be a very progressive manager. The supporting Broker, Alliant Insurance Services places both the reinsurance and provides technical expertise. The reinsurance is provided by a program Alliant has developed, the Public Entity Property Insurance Program (PEPIP), which is an advanced product full of innovation.

Current Coverage Review

My first step in working with the City of Cody was to do a preliminary review of the current coverage. This review revealed a number of potential deficiencies. During my on-site visit in November I was able to verify the coverage as compared to the exposures that I found. The deficiencies that I found were:

- Auto and Contractor's equipment aggregate physical damage exposure. It is apparent that at some point in the past, it was decided to forgo physical damage on the City's vehicles and equipment. However, with the concentration of risk at the City's shops, a fire or other incident could easily cause a major aggregate loss.
- Fidelity (Employee Dishonesty) Bond. The City's only fidelity coverage is apparently on the City Treasurer. Although this position has an obvious exposure, most fidelity losses are perpetrated by a much less visible employee. Further there have been a number of fidelity losses of upwards of \$1,000,000 in Wyoming.
- Inland Marine coverage. There were a number of items which were written on inland marine coverage forms which upon examination should have been considered Business Personal Property. Conversely there were several items that are traditionally inland marine items that were not included in your insurance program. Admittedly there is some judgment involved in this allocation.
- Unscheduled Buildings and Locations. – There were a number of locations that were not on your Statement of Values. Again there is room for judgment in scheduling buildings. However, to qualify for "blanket" and "agreed amount" status, two of the keys to good property coverage, all property and at least all locations, need to be accounted for. Again with the "blanket" and "agreed amount" the replacement costs need to be business like, but the inclusiveness of the schedule is more important.

With the exception of the Vehicles and Mobile Equipment, costs of these changes are very modest. In designing the specifications I attempted to include the changes as “Options” to clearly segregate the cost changes because of coverage vs. changes caused by pricing differences.

The attached schedule of proposed premium is helpful in identifying the changes. Different companies have very different pricing models. Cincinnati broke out almost everything, while the WARM Pool included almost everything. The top part of the first page was an admittedly rough attempt to duplicate your existing coverage. The balance of the chart illustrates the additional and changed coverages. The last few lines are possible adjustments that could be made depending on the proposal that the City selects.

Coverage Issues

The building values, schedules and other exposures have been updated as part of this proposal process. The changes have been incremental. Because all of the proposals address the major issues, the following summary might seem to dwell on details. Please keep in mind that with any summary or proposal, all the contingencies of coverage cannot be covered. Further, I have used my experience and training to interpret coverage. The final arbiter of coverage is the company and ultimately the courts.

Deductibles

Your current program has a basic deductible of \$2,500 for your property exposures with somewhat lower deductibles for some of your inland marine lines. All companies were offered an option for a \$5,000 deductible with a lower deductible for some inland marine and vehicle coverages. The WARM Pool only offers a \$5,000 deductible with a major advantage that their deductible applies only once per occurrence. None of the other companies can offer that advantage. This is discussed in the pool discussion later in this report.

Limits and Sublimits

As I mention above, the Limit of Property Insurance needs to be a reasonable representation of the values of the property to be insured and accepted by the underwriter; however, with current insurance practices it has become more of a “rating base” as opposed to a limit. There are three principles which when written into the policy or exist, a properly written policy pretty much guarantees full repair or replacement of a damaged or destroyed building.

- Agreed Amount – If the company underwriter and the City “agree” to the values on the Statement of Values, the company will waive the requirement that a destroyed building or in the case of a Blanket, be insured at a set percentage of its actual Replacement Cost.
- Blanket – The total of the Blanket is the only limit applicable to a loss. All companies have agreed to blanket the property with the exception of Cincinnati who is blanketing Buildings and Business Personal Property (BPP) separately. This restriction gives us a little less comfort, but the difference is probably not significant.
- Spread of Risk – Not everything on the City SOV will be destroyed in the same incident.

All companies have Sublimits for various exposures. All, with a very few exceptions met the sublimits asked for in the specifications. The Pool offers sublimits well in excess of the requested limits. The only exceptions would be the lower Business Income and Extra Expense limits offered by Cincinnati and the Pollution Cleanup which is not offered by the Pool. The total Limit for all companies is the specified \$36,594,800, with exception of Cincinnati which has split the limit as mentioned above and the Pool which has a \$1 Billion limit for all losses to the pool for a single occurrence.

The Pool Aggregate limit has two provisions not in the other coverages. It applies to all lines including autos, and all inland marine exposures and any business income of extra expense claims. It also applies to any other entities that might be impacted by the same loss. Since Park County is also a WARM Property Pool member any catastrophic claims could impact both entities. I would contend that \$1 Billion is sufficient for the most pervasive catastrophe.

Replacement Cost Coverage

All proposals complied with the Request for Proposals by providing Replacement Coverage for Building and Business Personal Property. I also asked for Replacement Cost Coverage on the Vehicle, Mobile Equipment and other Inland Marine Lines. This prevents the need to replace partially depreciated equipment, or multiple pieces of equipment with new equipment, wreaking havoc with your vehicle and equipment replacement funds. Several proposals indicated that it might be available after binding and additional review, however only the WARM Pool has this feature built into their program.

Auto/Mobile Equipment Physical Damage

As mentioned above, your current program does not include Automobile Physical Damage. The main concern to me was the aggregate exposure of a loss involving multiple vehicles, pieces of Mobile Equipment, as well as other property. The coverage that is applicable is the Comprehensive as opposed to the Collision coverage. If you should take the Meeker/Travelers option, you might consider not purchasing the Collision coverage. You can purchase Comprehensive without Collision, but not vice versa.

The Mobile Equipment coverage does make the distinction between Comprehensive and Collision coverage.

Crime

As mentioned above, the City did not have Fidelity (Employee Dishonesty) coverage for the entire City employee base. All proposals except the Cincinnati proposal offered options to write a limit of \$1,000,000 with the exception of the Cincinnati proposal which offered only \$500,000. The WARM Pool has a minimum limit of \$1,000,000 with an option to increase the limit to \$2,000,000 for an additional \$100. Because the incremental cost is reasonable, I suggest that the City buy the highest limit offered by the selected proposal.

Two proposals from Payne and WARM were able to provide excess Fidelity coverage for the City Treasurer who is also required to have an individual Bond. This is a new and a good development.

The current coverage for Money and Securities provides a limited \$5,000 for the theft, destruction or disappearance of money and checks or other securities. Based on an estimated average exposure, I asked for a \$65,000 limit. The Meeker proposal provided that amount. The Payne proposal rounded it to \$100,000. The WARM pool automatically provides \$1,000,000.

Cyber-Liability

One of the emerging exposures is liability for identity theft and the attendant requirement for loss mitigation if your customer or employee data should be compromised. Because most insurance companies consider this to be a liability rather than a property exposure, I did not request a proposal for this exposure. However, the WARM Property Pool includes this coverage as part of their program. The Pool relies on this coverage for data exposures including loss of data due to virus, hackers, or electrical surge. The down side of this approach is that this coverage has a \$50,000 deductible. It does have \$2,000,000 limit for most of the clauses.

Flood and Earthquake

The coverage for property (Buildings and BPP) Flood and Earthquake are traditionally separate from the other perils. Because of the many ways that a company can present this coverage, I did not specify a limit or a deductible. The proposals differ widely in limits, deductibles and cost.

Company	Flood Limit	Flood Deductible	Flood Cost	Earthquake Limit	Earthquake Deductible	Flood Cost
Current	\$10M	\$10K		\$10M	\$10K	
Travelers	\$2M	\$50K	Included	\$2M	\$50K	Included
Cincinnati	\$10M	\$50K	\$8,000	\$10M	\$100K	\$5,000
WARM	\$25M	\$25K	Included	\$25M	\$100K	Included

I would consider the Flood exposure to be very low. However, The Earthquake exposure is high. If you take the Cincinnati proposal, I would suggest that you not take the Flood coverage.

Pool General Considerations.

It is impossible to describe all the enhancements that are built into the WARM Pool coverage. It is written from a totally different perspective than a conventional property insurance policy. It incorporates very high limits, very broad coverage and blanket coverage provisions which put it into a different class than any individual commercial insurance policy. The decision to use the WARM Property Pool depends on your comfort level with the pool concept and the WARM organization. I refer you to the Pool Discussion which follows this document in my review for more detail.

City of Cody
Review of the WARM Property Pool Option
July 1, 2011

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One of the three proposals for your Property program came from the Wyoming Association of Risk Management (WARM) Property Pool. Through your membership in the Local Government Liability Pool, you are familiar with the pool concept. However, the purpose of this review is to provide a general overview of Pools and the WARM Property Pool.

A risk financing pool is an alternative to the more familiar commercial insurance program. The two methods of providing risk financing; pools vs. commercial insurance, are fundamentally different. The decision to join a pool is a policy decision, and the decision must go beyond the normal cost, or a line-by-line coverage review.

The WARM Property Pool was formed in 1995 as a joint powers board by the four founding members of the WARM Liability Pool, (the City of Cheyenne, City of Laramie, Laramie County and Natrona County) along with Albany County and Park County as a companion to the WARM Liability Pool which was formed about 10 years earlier as a response to the crisis in the public entity liability markets. Even though the membership of the Liability Pool has remained small, the membership of the independently governed Property Pool has grown to 40 public entities.

Philosophical and Organizational Differences

As a customer of a private insurance company, you are treated as a business that happens to be a municipality. As a customer, you are removed from the governance and the direct financial ramifications of the company's insured losses. Conversely, as a member of a Pool, you are involved in the governance of the pool and accept responsibility for working with the organization and its members. You are tied to your fellow members for the performance and financial success of the pool.

Private insurance companies normally provide loss control services. Often these services are information gathering departments for the company underwriters. In this mode they inspect your premises, tell you what needs to be fixed, and then report to the companies so that underwriting changes can be made. At best, they are truly responsive to the needs of the entity and provide meaningful services, independent of the underwriting needs of the company. Regardless of the level of service provided, this service is usually free of additional cost. In a pool, the members can collectively sponsor programs and services tailored to the needs of the members. The WARM organization has a trainer on staff and has access to a wide range of educational resources. In addition as a member of an association of likeminded organizations and you have access to a resource that can be consulted on safety, loss control and risk management issues.

A Pool is not an insurance company subject to the regulation of the Wyoming Insurance Department. Their solvency is not guaranteed by the Wyoming Insurance Solvency fund. They are not rated by a rating agency. The governance and the financial stability of a pool is inherently more risky than a fully insured plan.

Legal Basis of Insurance Pools

In 1985, the nation was in a “liability crisis” during which public entities, as well as many other businesses, experienced radically higher premium, reduction in coverage and often the cancellation of insurance policies. The Legislature authorized public entities to form Joint Powers Boards for cooperative risk financing (W.S.16-1-102 – 108, et seq.) Federal statutes also allow organizations to form Risk Retention Groups for sharing liability exposures. Although availability has eased, it is against this background that both the LGLP and the WARM Liability Pools were formed. The WARM Property Pool was formed in 1995 as a service to their liability members; however, it has expanded much faster than the sister liability pool. It now has about 40 members.

Coverage Issues

Structure of the Coverage - Property

This review will not attempt a detailed review of the coverages provided; however, some larger issues need to be considered. Pools by their nature, have access to broader coverage and terms than a separate City policy. The group buying power opens new markets and gives the pool advantages that are not available to a single entity. The higher Self Insured Retention insulates the insurance company from some smaller losses and provides a financial “buy in” that gives an insurance company more flexibility in providing coverage. The Pool Property insurance, including the proposed WARM Pool can take advantage of a very different insurance policy.

The property portion of the policy covers not only the traditional property and “inland marine” exposures, but also auto physical damage losses. For the current year, after a “per occurrence” deductible of \$5,000; the pool retains the next \$ 70,000 (Specific Self Insured Retention) per occurrence. After the \$75,000 is paid, reinsurance pays the balance of the loss. The loss fund is reinsured when payments exceed an annual aggregate retention of \$ 225,000. If the Aggregate Retention is fully expended, the \$10,000 continues as a maintenance deductible. This does not impact the entities. **It is possible the Pool Board might increase the specific and aggregate retentions.** The pool currently has a loss fund of approximately \$1,400,000.

Because the Pool currently fully funds the aggregate deductible, the risk of assessment is not likely but is legally possible. The pool can occasionally pay claims which are not subject to the aggregate retention. If this is not done wisely, the retained liability could become greater than pool funds. There is also a risk that the collective claims experience will make reinsurance expensive or impossible to get. The chance of this contingency is probably much less likely than that of a hard market that would make commercial insurance unaffordable.

Deductible

In one of the major advantages of the pool policy, only one deductible would apply to any one Occurrence. For example if a vehicle storage building burned with vehicles and mobile equipment inside, only one deductible would apply regardless of the number of buildings, vehicles and pieces of equipment were damaged. With a commercial insurance policy there is a separate deductible for property, each inland marine line and then for each vehicle.

The other side of this provision is that for those exposures that currently have a lower deductible, the deductible would still be \$5,000. The normal net effect is that over the long run, you could have a higher expenditure for deductibles, but costs would be more predictable.

Occurrence Limit

The occurrence limit is \$1 Billion, which would apply to all entities impacted by a single occurrence. Even though it applies to all property losses including loss of income, extra expense, vehicles, and inland marine losses, it should be adequate for any one occurrence. Even though Park County is also a member of the WARM Property Pool, with the geographical spread of risk in Wyoming, this would be very unlikely that the occurrence limit would be exceeded. This occurrence limit “reinstates” for each new occurrence. There are per occurrence sublimits for the various subsidiary coverages such as Transit and Extra Expense, but they are all well in excess of the limits requested and they also reinstate after each loss.

Breakdown Coverage

Breakdown (Boiler and Machinery) coverage is provided as an endorsement to the property policy and is not subject to the pool retention. As with the balance of the WARM Pool proposal, the limits are well in excess of the requested limits.

Flood and Earthquake

The Flood and Earthquake coverages have separate annual aggregates of \$25,000,000 for each peril. There are also \$25,000 and \$50,000 respectively, deductibles. Because the limits do not “reinstates” after each occurrence, it is conceivable that a prior incident involving another member’s property would limit or exhaust the coverage available for the City. Because you are collocated with Park County, we would need to assume that at the very least we would need to share these limits with the County. For the Commercial insurance proposals the highest limit was \$10,000,000 and the deductibles were generally \$50,000 or higher.

Crime

The Crime policy is also written on its own Pool blanket policy which is “outside” of the property blanket. Again the limits are well in excess of the requested limit. The City’s current program has very limited crime coverage. The Pool also offers a number of enhancements that are not often available, including coverage excess of any individual bonds that are in place for the City Treasurer.

The Pool Decision

Again, because the City of Cody has been with a Liability Pool, you are familiar with how a Pool works; however, it is often useful to review the decision to use a Pool rather than commercial insurance to finance your risk.

The advantages of a risk financing pool are:

- Broad coverage. Generally you should be able to expect broader coverage with a pool because of the increased buying power of the larger group, and the increased flexibility that a reinsurance company can utilize because of the relatively high self insured retention.
- Increased control. The pool members select its board and management. They collectively have control over the operation of their pool. By enforcing good loss control and by using an increased retention, changes in the insurance markets can be mitigated.
- Lower costs. The administrative costs of the pool are lower than a commercial insurance company. The reinsurance provider can use a lower “uncertainty factor” because the Pool

assumes some of the risk. The pool expenses can be categorized as (1) Administrative and service costs, (2) reinsurance costs, and (3) loss fund contributions.

- Improved service. A Pool can tailor claims service and the loss control services to meet the specific needs of the members.

The disadvantages of a risk financing pool are:

- There is a risk of a supplemental assessment. If pool costs should exceed the resources available, the members would be assessed to pay the difference.
- As with any board, there are uncertainties about the ongoing management. This uncertainty should not exceed that which we have seen in the commercial insurance market. Your direct participation in the pool will give the City influence and insight.
- You are making a commitment to share your risk with other entities. The losses in another entity could affect an individual member. Although the same concept applies to commercial insurance, the much smaller numbers in a pool make the effects more immediate.
- A City's involvement must be considered a long term commitment. It is more difficult to move out of a pool than a commercial insurance program.
- The management of a pool is much less regulated than is a commercial insurance company.

**City of Cody
Limits and Deductibles
July 1, 2011**

	2010 - 2011 Current	2011 - 2012 Requested	2011 - 2012 Meeker/Travelers	2011 - 2012 Payne/Cincinnati	2011 - 2012 WARM Prop Pool
Property					
Real and Business Personal Property	31,277,455	36,594,800	36,594,800	32,319,000	1,000,000,000
				4,275,800	Agg Plan Limits
Deductible	2,500	2,500	2,500	2,500	5,000
Blanket	Included	Included	Included	Split Blankets	Included
Replacement Cost	Agreed	Agreed	Agreed	Agreed	Agreed
Agreed Amount	Agreed Value	Agreed Value	Agreed Value	Agreed Value	Agreed Value
Additional Coverages Enhancement	2,500,000				
Extra Expense	Enhancement	500,000	500,000	300,000	50,000,000
Business Income	No Coverage	500,000	500,000	100,000	500,000
Personal Property In Transit	50,000	50,000	50,000	100,000	25,000,000
Newly acquired Real Property	1,000,000	1,000,000	1,000,000	2,000,000	25,000,000
Newly acquired Personal Property	500,000	500,000	500,000	Included	Included
Pollution Cleanup		25,000	250,000	50,000	Not Included
Detached Signs	No Coverage	10,000	10,000	100,000	Included
Other Park Property	Not Specified	500,000	500,000	Incl in Bldg Limit	Included
Personal Property at Another Location	100,000	100,000	100,000	50,000	25,000,000
Spoilage and Contamination	Enhancement	10,000	10,000	10,000	Included
Valuable Papers - Other than Electronic	Enhancement	1,000,000	1,000,000	250,000	Included
Accounts Receivables	Enhancement	Not Specified	None	None	Included
Ordinance and Law					
Clause A	Included	Included	Included	Included	Included
Clause B	250,000	250,000	250,000	1,000,000	Included
Clause C	500,000	500,000	500,000	Included in B	Included
Sublimits and extensions					
Property of Others	Enhancement	Bidder Option	Included	Accepted	Accepted
Employee's Personal Effects	Enhancement	Bidder Option	Included	See Detail	Accepted
Attached Signs	No Coverage	Bidder Option	100,000	Accepted	Accepted
Fences	No Coverage	Bidder Option	50,000	100,000	Accepted
Foundations and other Underground Property	No Coverage	Bidder Option	must be Scheduled	Accepted	Need to be Schd
Retaining Walls Not Part of a Buildings	No Coverage	Bidder Option	50,000	Accepted	Scheduled
Land Excavations, Grading and Filling	No Coverage	Bidder Option	Decline	Decline	Decline
Lawns Trees and Shrubs	2,500	Bidder Option	50,000	50,000	1,000,000
Off Premises Utility Interruption	Enhancement	Bidder Option	50,000	75,000	Accepted
Extra Expense Civil Authority	No Coverage	Bidder Option	30 Days	Decline	30 Days

City of Cody
Limits and Deductibles
July 1, 2011

	2010 - 2011	2011 - 2012	2011 - 2012	2011 - 2012	2011 - 2012
	Current	Requested	Meeker/Travelers	Payne/Cincinnati	WARM Prop Pool
Flood	10,000,000	Bidder Option	2,000,000	10,000,000	25,000,000
Deductible	10,000	Bidder Option	50,000	50,000	25,000
Earthquake	10,000,000	Bidder Option	2,000,000	10,000,000	25,000,000
Deductible	10,000	Bidder Option	50,000	100,000	50,000
Boiler and Machinery					
Direct Damage	28,723,657	atement of Values	atement of Values	atement of Values	100,000,000
Newly Acquired	1,000,000	Requested	Accepted	Accepted	Accepted
Business Income/Extra Expense	Not Covered	Bidder Option	500,000	100,000	Included
Expediting Expense	50,000	50,000	50,000	100,000	Included
Data Restoration	50,000	50,000	50,000	1,000,000	10,000,000
Spoilage/Consequential Damage	50,000	50,000	50,000	50,000	10,000,000
Utility Interruption	Not Covered	50,000	50,000	50,000	10,000,000
Ordinance or Law	50,000	50,000	50,000	50,000	Included
Contingent Business Income	50,000	50,000	50,000	50,000	Included
Contingent Extra Expense	Not Covered	50,000	50,000	50,000	Included
Hazardous Substances	50,000	50,000	50,000	50,000	1,000,000
Ammonia/Refrigerant Contamination		50,000	50,000	50,000	10,000,000
Water Damage		50,000	50,000	50,000	10,000,000
Deductible	2,500	2,500	2,500	2,500	5,000
Boiler and Machinery - Minske and Pendley Substations					
Direct Damage	2,337,278	Included	Included	Included	Included
Deductible	2,500				
Deductibles Transformers	25,000				
Mobile Equipment					
Blanket Unscheduled Items Under \$5,000	Not Covered	100,000	100,000)/ \$2,500 or Under	Included
Scheduled Equipment	Not covered	1,685,060	1,685,060	1,685,060	Included
Newly Acquired Per Item		50,000	50,000	50,000	Included
Leased and Rented Equipment including cranes	100,000				Included
Deductible	1,000	2,500	2,500	2,500	Included
Miscellaneous Tools and Equipment (Max \$500 any one Item)	100,000				Included
Police Mobile Equipment	567,653	Other Cov			
EOD Equipment	310,046	Other Cov			
Deductible for EOD Equipment	2,500				

**City of Cody
Limits and Deductibles
July 1, 2011**

	2010 - 2011 Current	2011 - 2012 Requested	2011 - 2012 Meeker/Travelers	2011 - 2012 Payne/Cincinnati	2011 - 2012 WARM Prop Pool
Business Auto	Not Covered			No Coverage	
Comprehensive Deductible		2,500	2,500		Included
Collision Deductible		2,500	2,500		Included
Electronic Data Processing					
Equipment	Enhancement	800,000	800,000	800,000	Included
Data, Programs, and Media	Enhancement	200,000	200,000	200,000	Included
Equipment, Data, Media Unscheduled Locations	??	10,000	10,000	50,000	Included
Equipment, Data, Media in Transit	??	10,000	10,000	50,000	Included
Newly Acquired Locations	??	20,000	20,000	250,000	Included
Extra Expense	None	100,000	100,000	499,000	Included
Business Income	None	100,000	100,000	Incl in EE	Included
Deductible	2,500	1,000	1,000	1,000	Included
Deductible Equipment Breakdown	2,500	2,500	2,500	2,500	Included
Specifically Covered Items			Property	Property	
Radio Communications Tower	Not Covered	37,513	37,513	37,513	Included
Electronic Sign "Cody Quad Center"	Not Covered	30,000	30,000	30,000	Included
Deductible per Loss		2,500	In Property	In Property	Included
Crime					
Public Employee Dishonesty Bond with Faithful Performance	Not Covered	250,000	250,000	500,000	1,000,000
Deductible Dishonesty	Not Covered	2,500	2,500	2,500	10,000
Forgery or Alteration	Not Covered	500,000	500,000	500,000	1,000,000
Deductible		2,500	2,500	2,500	10,000
Money and Securities on Premises	5,000	65,000	65,000	100,000	1,000,000
Money and Securities off Premises	5,000	65,000	65,000	100,000	1,000,000
Deductible	500	2,500	2,500	2,500	10,000
Cyber Liability					
Annual Aggregate Limit of Liability for Entire Pool					20,000,000
Annual Aggregate Limit of Liability Per Member for Information Security & Privacy					2,000,000
Annual Policy Aggregate for Privacy Notification Costs					1,000,000
Annual Member Aggregate for Penalties for Regulatory Defense and Penalties					2,000,000
Annual Member Aggregate for Penalties for Website Media Content Liability					2,000,000

**City of Cody
Limits and Deductibles
July 1, 2011**

	2010 - 2011	2011 - 2012	2011 - 2012	2011 - 2012	2011 - 2012
	Current	Requested	Meeker/Travelers	Payne/Cincinnati	WARM Prop Pool
Cyber First Party Exposures					
Annual Member Cyber Extortion Loss					2,000,000
Annual Member Data Protection Loss and Business Interruption					2,000,000
Sublimits for Business Interruption per Hour					25,000
Forensic Expense Sublimit					25,000
Dependent Business Sublimit					100,000
Retention per Loss					50,000

City of Cody
Summary of Interrogatories
July 1, 2011

	Interrogatory	Priority				Travelers/Meeker			Payne - Cincinnati			Warm Property Pool			
		Required	Important	Good	Nice	Accepted	Declined	Comments	Accepted	Declined	Comments	Accepted	Declined	Comments	
General Terms and Conditions															
	Agreement to Editing Terms	x				x			x				x		
	Named Insured	X				x			x				x		
	Effective Date	X				x			x				x		
	Admitted in Wyoming			X		x			x				x		
	Compliance with Surplus Lines Laws					NA			NA				x		
	Ninety Day Notice of Cancellation		X			x			x				x		
	Company has an A Rating or better with Bests		X			x			x				x		
	Underwriters Provided					Blank			x				x		
	Agreed Underwriting			X		x			x				x		
	Loss Control Program		X			x			x				x		
	Policy Not Assessable		X			x			x				x		
Property Coverage															
	Blanket Valuation	X				x							x		
	Replacement Cost Valuations	X				x			x				x		
	Agreed Value	X				x			x				x		
	Ninety percent Coinsurance Alternative					NA			NA				NA		
	Extra Expense as requested		X			x			X				300k		x
	Transit		X			x			X						x
	Unscheduled locations		X			x							X		50K w/10K item
	Newly Acquired Real Property location at \$1M			X		x			x						x
	Excluded Skateboard Park					x			x						x
	Valuable Papers		X			x							x		
	Miscellaneous Park Property			X		x			x				x		
	Miscellaneous Park Property Perils					x			x				x		
	Miscellaneous Storage Locations			X		x			x				x		
	Spoilage of Perishable Goods		X			x			x				x		
	Property of Others			X		x			x				x		
	Additional Sublimits														
	Personal Property of others		X			x			x				x		
	Employee's Property			X		x			50K				25K Emp/1K item		x
	Property of Others at Replacement Cost			X		x			x				x		
	Attached Signs		X			100K			x				x		
	Fences		X			50K			x				100k		x

City of Cody
Summary of Interrogatories
July 1, 2011

	Interrogatory	Priority				Travelers/Meeker			Payne - Cincinnati			Warm Property Pool		
		Required	Important	Good	Nice	Accepted	Declined	Comments	Accepted	Declined	Comments	Accepted	Declined	Comments
	Foundations and underground property			X		x	Entered in DXT 362		X			x		Up to 1000 ft
	Retaining Walls not Part of the Building			X		50K			X			x		If Scheduled
	Land, excavations, grading and Filling			X			x			X			x	
	Lawns, trees, shrubs, plants			X		50K			X		50k	x		

City of Cody
Summary of Interrogatories
July 1, 2011

	Interrogatory	Priority				Travelers/Meeker			Payne - Cincinnati			Warm Property Pool		
		Required	Important	Good	Nice	Accepted	Declined	Comments	Accepted	Declined	Comments	Accepted	Declined	Comments
	Off Premises Utility interruption				X	50K			X		75k	x		
	Property Includes Automobiles					Auto		Researching				x		
	Inland Marine Includes Automobiles						x					NA		
	Separate Auto Physical Damage Section					x						NA		
	Replacement Cost Automobile Coverage						ACV					x		
	Mobile Equipment included in Property					x						x		
	Mobile Equipment on Separate Inland Marine Form					x			x			NA		
	Mobile Equipment Replacement Cost					x	Scheduled only		ACV	Option Avil		x		
	Flood Covered in Base Proposal					x				x		x		
	Flood Limit					2M			10M		50K ded	25M		25K ded
	Earthquake Covered in Base Proposal					x				x		x		
	Earthquake Limit					2M			10M		100K ded	25M		50K ded
	Civil Authority Day Limit			X		30 Days				x		30		
	Ordinance or Law		X			x			x		B&C 1M Comb	x		
	Increased Period of Restoration				x	x				x		x		
	Utility Service Direct Damage			x		x			x			x		
	Utility Service Interruption - Direct Damage			x		x			x			x		
	Utility Service Interruption - Time Element			x		x			x			x		
	Spoilage of Perishable Goods - Direct Damage and Time		X			x				x	On Prem Only	x		
	Collapse Coverage			x			x			x		x		
	Terrorism INCLUDED					x				x		x		
	No Debris Removal Sublimit			x		x	25% Add			x	250k	x		
	Coverage for removal of all debris			x			x			x			x	
	Pollutant Cleanup and Removal		X			x	250k		x		50K	x		
	Yard Property Limit 1000 Ft			x		x			x			x		
	No Protective Safeguards Provision		X			x				x		x		
	Joint Loss Agreement with B&M carrier	X				x		On Prop	x			x		
	Requirement to build on same premises waived		X				x			x		x		
	Rental Value Coverage			x		x				x		x		
	Business Income Agreed Value			x		x				x		x		
	Civil Authority Coverage 4 weeks		X			x				x		x		
	Ingress/Egress Coverage			x		x	30 Day			x		30 days		10 miles
	Boiler and Machinery													
	Newly Acquired 90 Day			X		x				x		x		
	Definition of Equipment	X				x				x		x		

City of Cody
Summary of Interrogatories
July 1, 2011

	Interrogatory	Priority				Travelers/Meecker			Payne - Cincinnati			Warm Property Pool		
		Required	Important	Good	Nice	Accepted	Declined	Comments	Accepted	Declined	Comments	Accepted	Declined	Comments
	Definition Includes Electrical Substations			X		x			x			x		
	Definition Includes Water/Wastewater infrastructure					x			x			x		
	Covered Breakdown					x			x			x		
	Covered Property					x			x			x		

City of Cody
Summary of Interrogatories
July 1, 2011

Interrogatory	Priority				Travelers/Meeker			Payne - Cincinnati			Warm Property Pool		
	Required	Important	Good	Nice	Accepted	Declined	Comments	Accepted	Declined	Comments	Accepted	Declined	Comments
No Direct Damage Coinsurance					x			x			x		
Covered Equipment					x			x			x		Owned Equip not cov
Replacement Cost Coverage		x			x				x	BE101 pg 5	x		
Expediting Expenses		x			x			x		100k	x		
Data and media			x			x	EDP Sect	X			x		
Business Income and Extra Expense		x			500K			X			x		
Utility interruption Consequential Damage Coverage		X			x			X		1 mile Limitation	x		to be owned by the City
Consequential Loss - Spoilage	X				x			x			x		
Hazardous Substances		x			x			x			x		
Refrigerant Contamination		x			x			x		Ammonia Only	x		
Water Damage			x		x			x			x		
Improved Equipment Coverage			x			x			x			x	
Terrorism INCLUDED					x				x	Options	x		
Joint Loss Agreement	X				x			x			x		
Mobile Equipment													
Proposed as an Option					x			x			x		
All Risk Coverage					x			x			x		
Replacement Cost Coverage - Newer Equipment					x		All Equip		x	Available	x		
Coinsurance/Agreed Amount					x				x		x		
Blanket Coverage for Unscheduled Items		X			x				x	2500 per Item	x		
Unscheduled Items					x				x	5K limit	x		
Newly Acquired Equipment		X			x				x	60 days	x		
Remove Crane or Derrick Boom Coverage Limitation					x				x	Review	x		
Modify Crane or Derrick Limitation					x				x		NA		
Terrorism INCLUDED					x				x	Option	x		
Business Auto Physical Damage													
Recognize that Physical Damage only is written					x					Quote for On prem only	x		
Liability is with the LGLP					x						x		
Comprehensive is quoted separately form Collision					x						x		All Included
Fleet Automatic Coverage		X			x		Auditable				x		
Waive Depreciation on Newer Vehicles						x					x		Replacement cost provided
Emergency Vehicle Electronic Equipment					x						x		
Remove Crane/Boom Limitation					x							x	
Modify Crane/Boom Limitation					x							x	

**City of Cody
Summary of Interrogatories
July 1, 2011**

	Interrogatory	Priority				Travelers/Meeker			Payne - Cincinnati			Warm Property Pool		
		Required	Important	Good	Nice	Accepted	Declined	Comments	Accepted	Declined	Comments	Accepted	Declined	Comments
	No More than Two Deductibles apply to a loss Concurrent Property Loss Deductible			X	X		X					X	X	

City of Cody
Summary of Interrogatories
July 1, 2011

	Interrogatory	Priority				Travelers/Meeker			Payne - Cincinnati			Warm Property Pool		
		Required	Important	Good	Nice	Accepted	Declined	Comments	Accepted	Declined	Comments	Accepted	Declined	Comments
Electronic Data Processing														
	Separate Inland Marine Coverage Part			X		X			X					Enhancement
	No Schedule					X			X				X	
	Definition of Covered Property													
	Computers and network servers		X			X			X				X	
	Laptops and Portable devises		X			X			X				X	
	Scads Equipment		X			X			X				X	
	Digital Radio Equipment		X			X			X				X	
	Uninterruptible Power Supply Equipment		X			X			X				X	
	Printers, scanners and Copiers		X			X			X				X	
	Telecommunication Equipment		X			X			X				X	
	Provide 90 day coverage at newly acquired locations		X			X			X				X	
	Provide coverage at unscheduled locations Incl homes of Emp	X						X	X				X	
	Provide Transit Coverage	X				X			X				X	
	Use upgraded value in determining the loss rather than RC			X			X			X		Plus 20%	X	
	Use reproduction cost for data, programs and media		X			X				X			X	
	all Risk Perils					X			X				X	
	Perils													
	Extremes of Temperature & Humidity			X		15k			X				X	Terms of the policy
	Power Supply Disturbances			X		X			X		Not Intentional		X	
	Electrical or Magnetic Injury		X			X			X				X	
	Mechanical Breakdown		X			X			X				X	
	Viruses, internally or externally generated		X			X			X				X	
	Hacking either internal or external		X			X			X				X	
	Extra Expense Coverage		X			X			X				X	
	No Monthly Limitation on Extra Expense			X					X				X	
	Business Income		X			X			X				X	
	Deductible is waived if higher deductible is assess on loss			X			X			X			X	
	Terrorism INCLUDED					X			X				X	
Specifically Covered Items and Property Groups														
	Tower added to SOV					X			X				X	
	Sign Added to SOV					X			X				X	
	Waive Deductible			X			X			X			X	

**City of Cody
Summary of Interrogatories
July 1, 2011**

	Interrogatory	Priority				Travelers/Meeker			Payne - Cincinnati			Warm Property Pool		
		Required	Important	Good	Nice	Accepted	Declined	Comments	Accepted	Declined	Comments	Accepted	Declined	Comments
Crime														
	Named Insureds					x			x					x
	Other Entities for which the District Holds Funds	x					x		x					x
	Discovery Basis					x			x					x
	Extend to 120 Days						x	60 Days	x		CRI-7225-0109			x
	Property of Others for which the City is not legally liable					x			x					x
	Blanket Coverage for all Employees					x			x					x
	Erica Compliance						x			x				x
	Terminated Employees						x	30 days	x		CRI 7059-0109		x	
	Retired Employees					x			x					x
	Persons required by Law to have a bond				x		x		x		CRI 7131-0109			x
	Include Volunteers as covered employees				x	x			x					x
	Credit Card		x			x			x					x
	Add Faithful Performance as a covered peril		x			x			x					x

Bold does not meet desired standards and item is Required or Important

MEETING DATE: MAY 3, 2011
DEPARTMENT: CODY POLICE DEPT.
PREPARED BY: CHIEF ROCKVAM
DEPT. DIR. APPROVAL: APRIL 19, 2011
CITY ADM. APPROVAL: _____
PRESENTED BY: CHIEF ROCKVAM

AGENDA ITEM SUMMARY REPORT

Request from Kefar Shriners to hold their Annual Carnival in Cody between June 1-5, 2011

BACKGROUND

The Kefar Shriners are requesting permission to hold a carnival in Cody between Wednesday , June 1, 2011, and Sunday, June 5, 2011, on Beck Avenue, between 8th and 10th Street, and on 9th Street, between Sheridan and Beck Avenue.

SUMMARY

David Hough, on behalf of Kefar Shriners, is requesting permission for North Star Amusement to hold a carnival in Cody on the dates requested above. This will be the 5th year in a row that North Star Amusements has held a carnival in Cody, and the 3rd year in a row that the carnival has been held on Beck Avenue and 9th Street. This location has been specifically requested as it is close to the downtown area and has proven to be the location that offers the best attendance.

Requested Street Closures:

- Beck Avenue, between 8th and 10th Street
- 9th Street, between Sheridan Avenue and Beck Avenue

Proposed Schedule and Hours of Operation:

- Monday, May 30, 2011, 08:00 a.m., streets closed for carnival arrival, staging and set-up (streets will then remain closed until the re-opening of the streets on Monday, June 6th, 2011 at 11:00 a.m.
- Tuesday, May 31, 2011, carnival set-up day.
- Wednesday, June 1, 2011, hours of operation will be from 2:00 p.m. 11:00 p.m.
- Thursday, June 2, 2011, hours of operation will be from 2:00 p.m. to 11:00 p.m.
- Friday, June 3, 2011, hours of operation will be from 2:00 p.m. to 11:00 p.m.
- Saturday, June 4, 2011, hours of operation will be from 1:00 p.m. to 11:00 p.m.
- Sunday, June 5, 2011, hours of operation will be from 1:00 p.m. to 6:00 p.m.
- Monday, June 6, 2011, by 11:00 a.m., carnival will be torn down and streets re-opened.

NOTE: Last year, the carnival used Wednesday as a set-up day. This year the carnival is requesting permission to operate the carnival from 2:00 p.m. to 11:00 p.m.

AGENDA ITEM NO. _____

NOTE: Last year, streets were re-opened on Monday, at 10:00 p.m. This year, the carnival is requesting permission to keep streets closed until 11:00 p.m. (One (1) hour later than the previous year.)

Additional Requests:

- Additional dumpsters
- Electrical hook-ups
- Barricades for the closure of the streets
- Water meter and water usage via a fire hydrant
- The public restrooms remain open until 2400 hrs. during each day of operation

FISCAL IMPACT

Fiscal impacts to the City may include:

- Fees associated with the placement of additional dumpsters.
- Fees, if any, associated with extra garbage pick-up due to the additional dumpsters and the carnival.
- Fees associated with providing electricity i.e., hook-up charges.
- Fees associated with the use of electricity
- Fees, if any, associated with the placement and set-up of barricades and use of City streets.
- Roadway damage, if any, resulting in stakes being driven into the roadway to secure rides/concession stands.

ALTERNATIVES

An alternative would be for the carnival to seek permission to hold their event on private property as has been done in previous years.

RECOMMENDATION

Staff is not making a recommendation on this item; however, staff would request that the following be taken into consideration prior to a decision rendered:

- The City of Cody require that North Star Amusements provide a copy of their insurance policy and the City of Cody is listed as an additionally insured party on the insurance policy.
- Long term damage to the roadway, if any, due to stakes being driven through the roadway.
- Reimbursement to the City of Cody for the additional services provided to North Star Amusement for the carnival.
- The Cody City Electric Division inspect the electrical hook-ups for the carnival employee's trailers staged at the Stampede Rodeo Grounds.
- The City of Cody require that the carnival provide their yearly equipment inspection report on their amusement equipment.

ATTACHMENTS

- City of Cody Agenda Request Form

AGENDA ITEM NO. _____

AGENDA & SUMMARY REPORT TO:

1. David C. Hough
1914 Ash Street
Cody, WY 82414
307-587-3341
codydave7@yahoo.com

City of Cody Agenda Request Form

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

Please provide the following detailed information relating to your concern or request. This form (and any relevant attachments) is due no later than seven days prior to a Council meeting to allow sufficient time for internal review. Council packets are prepared the Wednesday prior to the Tuesday meetings. Meetings are held the first and third Tuesday of each month. Please complete the following information in full.

Name of person to appear before the Council DAVID Hough

Organization Represented KETAR SHRINE CLUB (ABOUT CARNIVAL)

Date you wish to appear before the Council AS SOON AS POSSIBLE

Mailing Address 1914 Ash St.; Cody, WY 82414 Telephone 307-587-3341

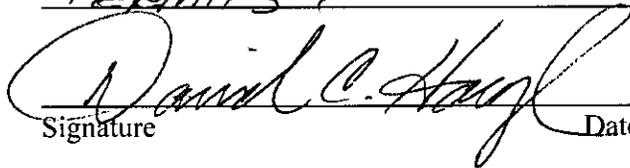
E-Mail Address CODYDAVE7@YAHOO.COM

Preferred form of contact: Telephone E-Mail

Names of all individuals who will speak on this topic DAVID Hough AND POSSIBLY RILEY COOKE - SAME AS LAST YEAR

Full description of topic to be discussed (include all relevant information) KETAR SHRINE CLUB WANTS TO "AGAIN" HAVE NORTH STAR AMUSEMENTS DO A CARNIVAL FOR US AGAIN. NORTH STAR AMUSEMENT NEEDS TO SET UP ON BECK AVENUE FROM 8TH STREET TO 10TH STREET AND 9TH STREET FROM BECK AVENUE TO SHERIDAN AVENUE. DATE MAY 30 TO JUNE 6TH 2011. WE WILL NEED 2 WATER METERS AND 1 ELECTRICAL METER. EVERYTHING THE SAME AS LAST YEAR.

Which City employee(s) have you spoken to about this issue? CITY COUNCIL! LAST YEAR! I NEED TO MEET TO GET PERMITS.


Signature

4-12-2011

Date Submitted

MEETING DATE: MAY 3, 2011
DEPARTMENT: ADMINISTRATIVE SERVICES
PREPARED BY: CINDY BAKER
DEPT. DIR. APPROVAL: _____
CITY ADM. APPROVAL: _____
PRESENTED BY: CINDY BAKER

AGENDA ITEM SUMMARY REPORT

Temporary Fireworks Sale

BACKGROUND

TNT Fireworks, operated by Chris Good is requesting permission to sell fireworks out of a temporary structure on the south end of the Wal-Mart parking lot running parallel to Yellowstone Ave. Mr. Good has received permission from Wal-Mart to use this area for this purpose. The structure is a storage container that is secure and water-tight, with built in shelving. The structure would not be placed sooner than June 7, 2011 and would be open for sales June 9th selling through July 4th. The structure would be removed by July 10, 2011.

SUMMARY

In accordance with Section 5-5-1 of the Municipal Code, Fireworks and pyrotechnics that are permitted by the Wyoming Statutes to be used or sold within the state, can be offered for sale, exposed for sale and sold from the Saturday commencing the Memorial Day weekend through Labor Day in the city in open business/light industrial D-3 districts. The building or structure used for such purposes shall be permanent in nature and fixed to a foundation that is part of the real property and the same shall not contain any goods or merchandise other than fireworks and pyrotechnics.

Each firework and pyrotechnic business shall obtain a business license as provided for in Title 3, Chapter 1 of the Municipal Code and the annual license fee shall be twenty five dollars (\$25.00).

FISCAL IMPACT

Revenue of \$25.00 permit fee.

ALTERNATIVES

1. Deny the Request
2. Approve the Request as submitted
3. Approve the Request with staff recommendations

RECOMMENDATION

If the Governing Body approves this request, Staff recommends the following conditions be considered:

1. Provide liability insurance
2. Provide on-site fire protection
3. Permission in writing from Wal-mart

ATTACHMENTS

AGENDA ITEM NO. _____

1. Agenda request form
2. City of Cody Fireworks Permit Application (Informational)

AGENDA & SUMMARY REPORT TO:

1. Chris Good, TNT Fireworks

City of Cody Agenda Request Form

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Name of person to appear before the Council Chris Good

Organization Represented TNT Fireworks

Date you wish to appear before the Council April 19, 2011

Mailing Address 60 Lane 9 Powell Telephone 307-202-1634

E-Mail Address pyrocrow@msn.com

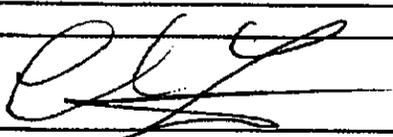
Preferred form of contact: Telephone E-Mail

Names of all individuals who will speak on this topic Chris Good

Full description of topic to be discussed (include all relevant information)

* Please see attached *

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


Signature

4-12-11
Date Submitted

Revised 3/2007

Full description of topic to be discussed...

We have received permission from Wal-Mart to use a portion of their parking lot for temporary fireworks sales. On the City of Cody Fireworks License/Permit Instructions sheet under General Information #2 it states.

"The building or structure used for such purposes shall be permanent in nature and fixed to a foundation that is part of the real property and shall not contain any goods or merchandise other than fireworks and pyrotechnics."

We are requesting permission to bring in a temporary structure placed on the south end of the parking lot running parallel to Yellowstone Ave. (please see attached diagram) The temporary structure will be a storage container that is secure and water-tight. It will have built in shelving and serve as a fireworks stand. The structure will be placed no sooner than June 7th. It will be open for sales June 9^h selling through July 4th and be removed by July 10, 2011.



City of Cody Fireworks License/Permit Instructions

GENERAL INFORMATION:

1. Fireworks and pyrotechnics that are permitted by Wyoming State Statutes to be used or sold within the state, can be offered for sale and sold within the Saturday commencing the Memorial Day weekend through Labor Day in the City in open business/light industrial "D-3" districts.
2. The building or structure used for such purposes shall be permanent in nature and fixed to a foundation that is part of the real property and shall not contain any goods or merchandise other than fireworks and pyrotechnics.
3. Each firework and pyrotechnic business shall obtain a license and pay an annual fee of \$25.00. This fee does not apply to public display permits.
4. The City council has the authority to grant permits within the City limits for supervised public displays of fireworks by individuals, the City, amusement parks and other organizations.
5. No license or permit shall be transferable or assignable.
6. Full disclosure of the City laws governing fireworks and pyrotechnic licenses and permits appears in City Ordinance 5-5-1 through 5-5-3.

NEW LICENSES:

- Step 1: Complete a Fireworks License/Permit application and turn it in to the Administrative Services office at City Hall.
- Step 2: Upon receipt of a completed application the City will schedule a hearing at the next available regularly scheduled Council meeting.
- Step 3: The applicant should appear at the hearing to answer any questions or provide additional information as needed by the Council in deciding whether or not to issue the license.
- Step 4: If the Council approves the application, the applicant must pay all fees prior to the issuance of the license. Once all fees are paid, the City will issue the license certificate.

RENEWAL OF LICENSES:

In December of each year, the Administrative Services division will mail out renewal applications for the following license year to all active licensees. Fireworks licenses expire December 31st of each year and the renewal must be complete by that date for license holders to continue to operate. If the renewal process is not completed, the license will expire and may be subject to revocation by the Council.

When you receive your renewal application, review the information for accuracy, make any changes necessary, and submit the renewal application and the following required attachments and fees to the Administrative Services Division at City Hall:

- (a) payment of the \$25.00 annual license fee

Upon receipt of the renewal application, required attachments, and fees the City will issue the renewal license certificate.

If you do not intend to renew your license, sign the non-renewal statement at the bottom of the renewal application and return it to Administrative Services. The license will be inactivated at that time. If you do not renew your license and at a later date decide to operate as a fireworks/pyrotechnic business again you must go through the New License process to obtain another license.

MEETING DATE: MAY 2, 2011
DEPARTMENT: ENGINEERING DEPT
PREPARED BY: STEPHEN W. PAYNE
DEPT. DIR. APPROVAL: _____
CITY ADM. APPROVAL: _____
PRESENTED BY: STEPHEN W. PAYNE

AGENDA ITEM

Mr. Spomer's Request to Place Fencing within the Public Right-of-Way

BACKGROUND

Attached is a request from a Mr. Ron Spomer to construct a fence within the public right-of-way on Walker Ave. Walker Ave is located at the far south end of Stolt Street and is aligned East/West. The Walker Ave. has not been developed as a formal street, but instead is predominantly used as an access to Mr. Spomer's property and a pedestrian pathway to Carey Street.

Mr. Spomer proposes to build a White Picket Fence west of his existing flower garden and a 7' high deer resistance fence with 52' cattle panels and poultry wiring. The fence would encroach into the right-of-way by approximately 15' and would be about 90' in length. The total square foot encroachment would be about 1350 SF. The attached photos indicate that there is already a significant encroachment into the right-of-way made of railroad tie enclosure and plantings.

In 2008, the City received a complaint from people attempting to use the Walker Ave./pedestrian pathway. The complaint alleged that Mr. Spomer was using the right-of-way as his own private storage yard and was storing trailers, camp trailers, snow machines, water tanks, wood and other debris within the right-of-way. The way in which the materials were stored limited the use by the public of the right-of-way. The Council directed staff to draft a letter to Mr. Spomer demanding that all stored materials unlicensed to be removed from the right-of-way (reference the attached letter). Mr. Spomer did comply with the intent of the letter and most of the materials were removed from the right-of-way. New materials have made their way into the right-of-way as outlined above.

SUMMARY

Mr. Spomer owns property at 115 Walker Ave. Mr. Spomer indicates that he has a beautiful garden located within the right-of-way and would like to retain the integrity of the garden by constructing a fence around the garden to protect the flower growing therein from the numerous deer in the area. The request is to fence public right-of-way of approximately 1359 S in size.

FISCAL IMPACT

None.

ALTERNATIVES

- a) Approve the request as presented.
- b) Approve the request with modifications/conditions.
- c) Vacate the right-of-way in favor of Mr. Spomer and request compensation for the value of the land. This option would require a public hearing before proceeding with the vacation.
- d) Deny the request.

RECOMMENDATION

Just in the last week, staff has requested fencing to be removed from the public right-of-way. Staff would recommend that the request is denied. If the Council is inclined to allow the fencing, staff would suggest that Mr. Spomer address the issue with a request for vacation of the land, be required to pay for all proceedings (public hearing and publication costs) and compensate the Public for the value of the land if approved.

ATTACHMENTS

1. Mr. Spomer's Request

AGENDA ITEM NO. _____

2. Pictures of the area in question
3. Partial copy of Plat.

AGENDA & SUMMARY REPORT TO:

1. Mr. Spomer

Valley View Subdivision

Buena Vista Avenue

East 1936.7'

596.0'

350'

100'

Lot 11
409.0'
401.2' 1.01 Ac.

Lot 12
393.5' 0.97 Ac.

Lot 13
385.7' 0.95 Ac.

Lot 14
377.2' 1.01 Ac.

Lot 15
368.7' 0.99 Ac.

Lot 16
353.7' 1.68 Ac.

Lot 17
344.6' 0.93 Ac.

Lot 18
335.5' 0.98 Ac.

Lot 19
325.1' 1.06 Ac.

Lot 20
316.5' 2.00 Ac.

Lot 21
310.18' 1.00 Ac.

Lot 7
87.5'
87.5'
150'
150'
.30 Ac. .30 Ac.

Lot 8
175'
100'
100'
100'
0.40 Ac.

Lot 9
175'
100'
100'
100'
0.40 Ac.

Lot 10
175'
100'
100'
100'
0.48 Ac.

Lot 5
490'
490'
3.00 Ac.

Lot 4
11.94 Ac.

Lot 3
2.45 Ac.

Lot 1
100'
100'
100'
100'
0.44 Ac.

Lot 2
400'
400'
400'
400'
0.92 Ac.

Walker Avenue

1071'

1271'

100'

100'

Lot 23
208.4'
129 Ac. 2.68 Ac.

Lot 24
5.00 Ac. 1271'

Lot 22
208.4'
1.29 Ac. 2.69 Ac.

Lot 25
5.00 Ac. 1271'

Lot 21
208.4'
1.29 Ac.

Lot 26
5.00 Ac. 1271'

Valley Avenue

Lot 27
5.00 Ac. 1271'
1281'

Lot 28
5.00 Ac. 1821.18'

East - 2156.88'

Southfork Secondary Highway

Stoll Street

Carey Street

North 0003' West - 1404.15'

42
77

3/77
1/65





City of Cody Agenda Request Form

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Name of person to appear before the Council Ron Pomeroy

Organization Represented SELF

Date you wish to appear before the Council SOON

Mailing Address 115 WALKER AVE Telephone 899-3358

E-Mail Address _____

Preferred form of contact: Telephone E-Mail _____

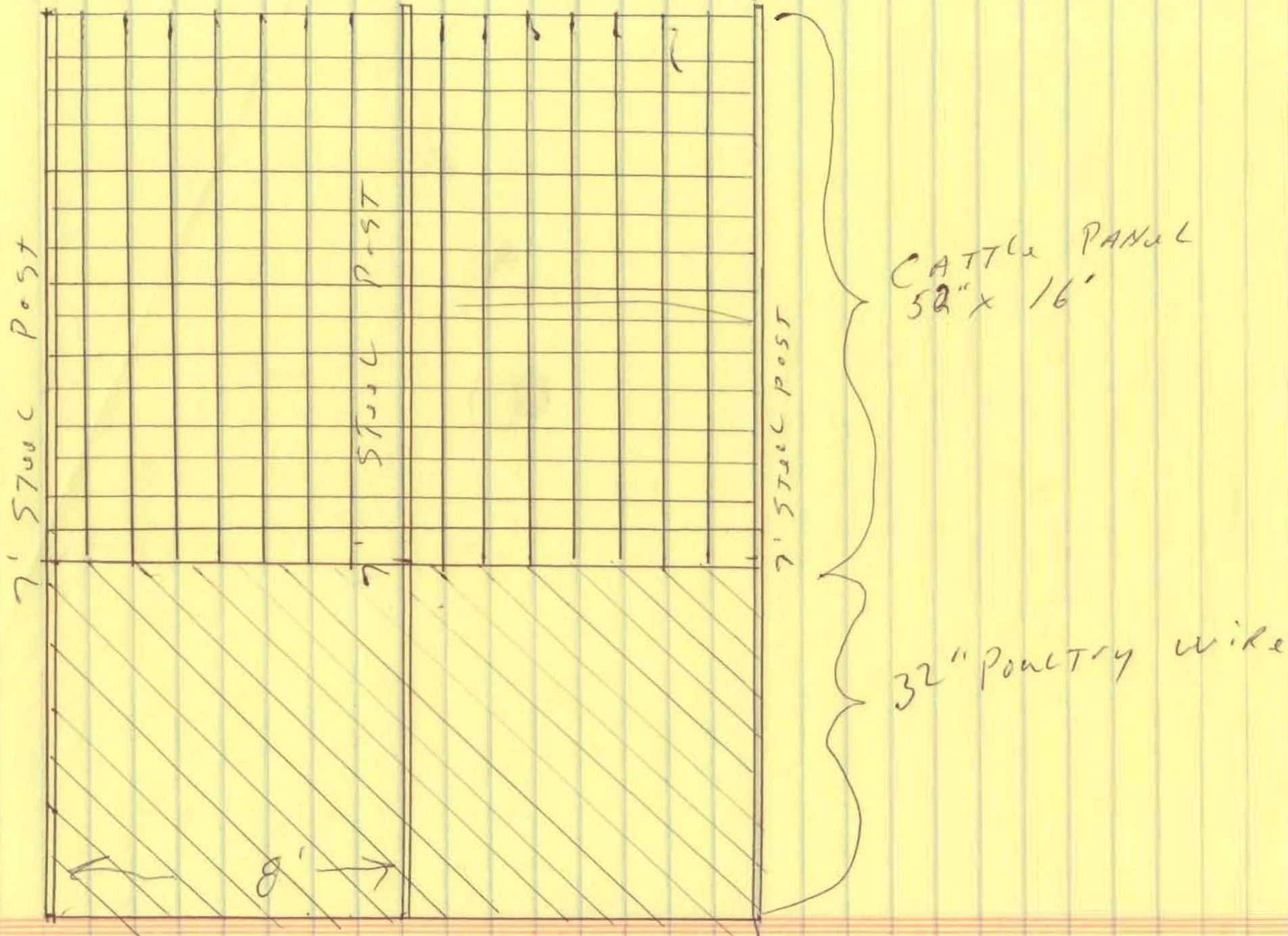
Names of all individuals who will speak on this topic SELF

Full description of topic to be discussed (include all relevant information, attach additional sheet if necessary) I wish to build a

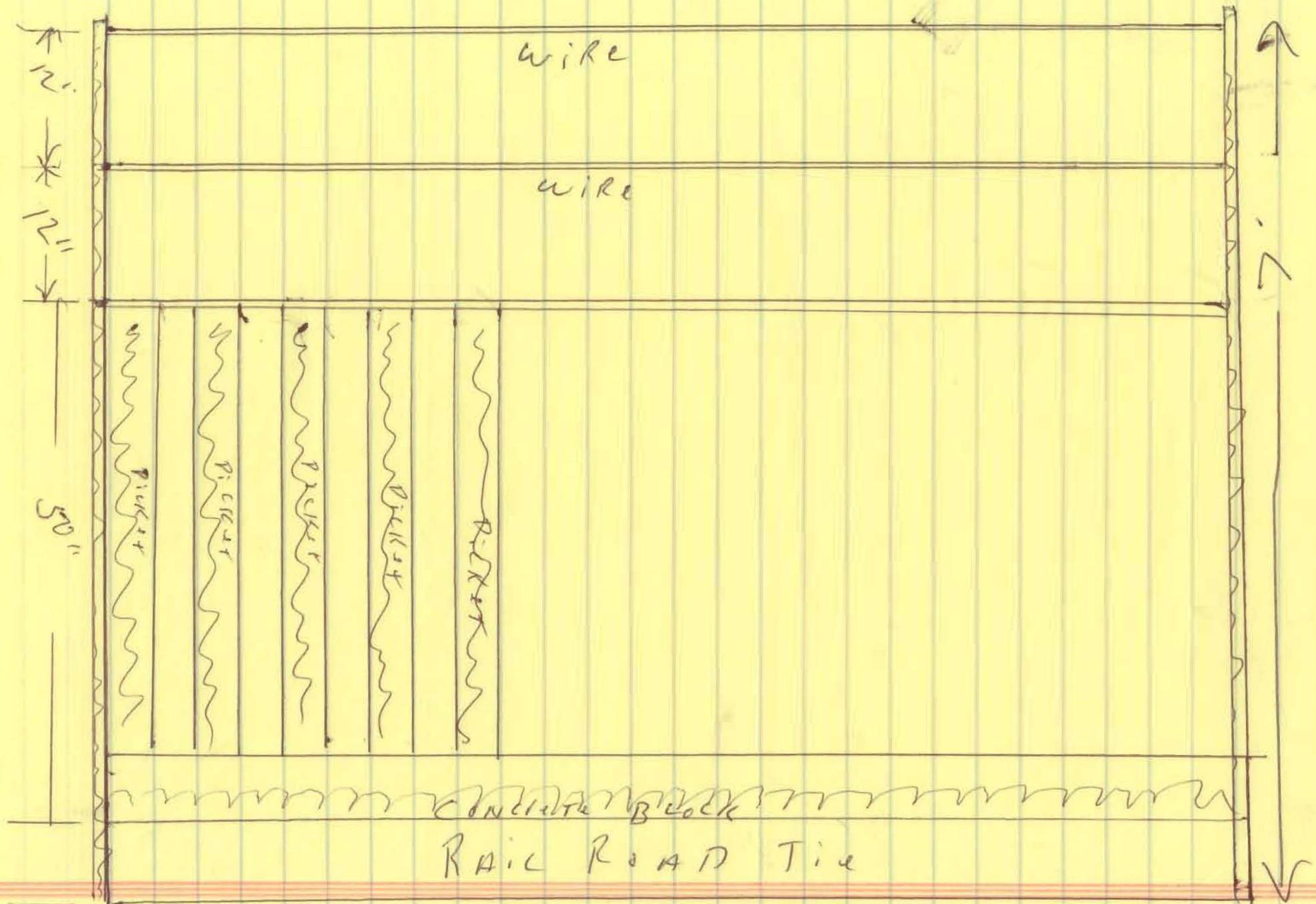
FENCE ON CITY PROPERTY THAT YOU DIED,
ABLE TO BEAUTIFY, DEER PROBLEMS, WOULD
a wind break.

Which City employee(s) have you spoken to about this issue? STEVE PAYNE

Signature _____ Date Submitted 4-14-2011



← 16' →
 MONTE BALOS HELPED BUILD THIS FENCE
 AROUND DON KURT'S & MONTE'S GARDEN



D Pop DEAD Beautiful 3 year old
 SAMPLE ~~to~~ 115 WALKER Ave.

← 106 →

Wide Deer Fence 7'

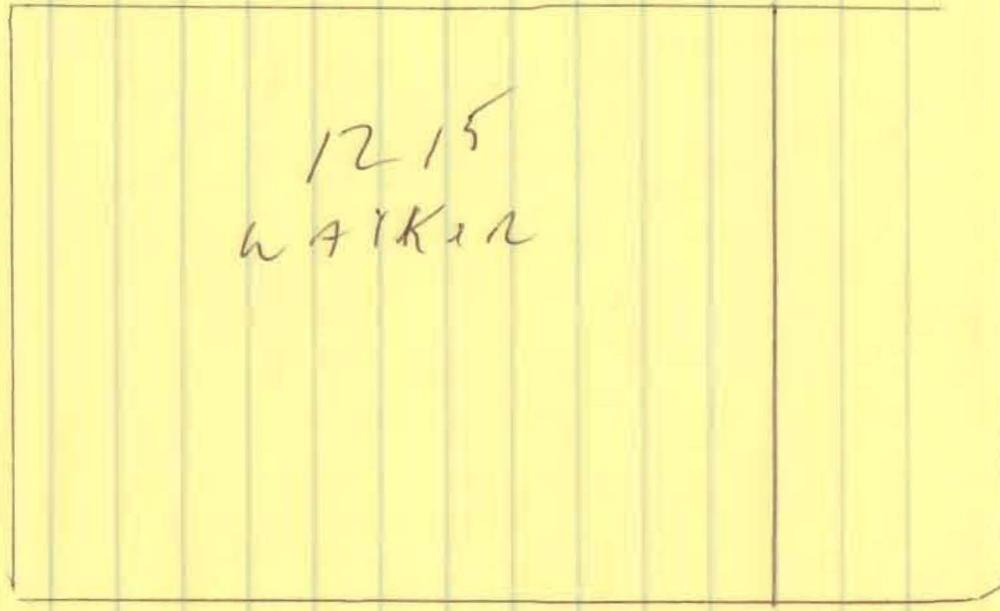
CITY RIGHT OF WAY I HAVE ENCLOSED PERMISSION TO BEAUTIFY. LATTER ENCLOSED

PROPERTY LINE

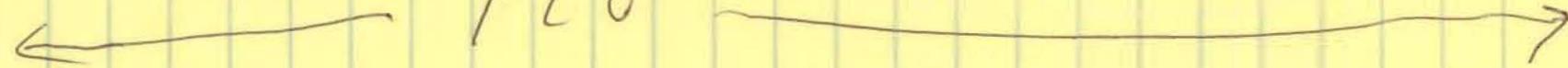
WIND BREAK

PERKUT WHITE APPROX 40" HIGH FENCE WIRES TO 7' HIGH

EXISTING 3 BARBED FENCE



Wide Deer Fence 7' 120'





CITY OF CODY
WYOMING

Roger Sedam
MAYOR

Nancy Tia Brown
Samuel P. Krone
Clifford C. Main
Steve Miller
Paul E. Rankin
Jona Vanata
COUNCIL MEMBERS

Scott E. Kolpitcke
CITY ATTORNEY

C. Edward Webster II
MUNICIPAL JUDGE

Andy Whiteman
CITY ADMINISTRATOR

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

(307) 527-7511
FAX (307) 527-6532

October 20, 2008

Ron Spomer
115 Walker Avenue
Cody, WY 82414

Re: Wood Chips, dirt piles, boats, barricades, Camper trailers, snow machines and trailers, water tanks, wood, and other debris stored within the City right-of-way.

Dear Mr. Spomer,

The Cody City Council met on October 16, 2008 for their regularly scheduled pre-Council meeting. During that meeting, the Council discussed the letter that was sent to you from this office regarding the storage of materials on City right-of-way (reference letter dated October 9, 2008) and also discussed your subsequent on-site meeting with Council member Steve Miller. During the Council meeting, the Council reviewed an AutoCAD map that showed your property, the topography of the area and the City right-of-way. The Council discussed how the matter of storing materials on the right-of-way came to the attention of the City (customer complaint), some of the applicable ordinances referenced in the letter (Ordinance 2-4, Ordinance 11-4, Ordinance 29-33) and the issues of health, safety and welfare of the public and finally concerns with establishing any precedence that could impact the City if similar issues arise on other properties within the City of Cody.

Following a lengthy discussion of the issues, the Council reaffirmed the letter sent to you on October 9, 2008 and directed me to send this letter. The Council appreciates your actions in removing many items from the right-of-way following the receipt of the October 9, 2008 letter and directs that pursuant to previously referenced ordinances, you must remove all remaining private materials that are stored on the City right-of-way from the right-of-way by October 23, 2008 and that you must cease and desist from storing materials on the right-of-way. If you have registered and licensed vehicles stored on the right-of-way these may remain, but must be moved so that they do not impede or interfere with the pedestrian pathway that crosses the city right-of-way crossing to the South of your lot. Further, the Council asked me to encourage you to meet with Monte Bales with the City Parks and Facilities Department (527-5275) to discuss possible options that the City can do to assist you in improving the aesthetics/landscaping of the area.

Thank you in advance for your cooperation in this matter. Please feel free to give me a call if you have any question or concerns.

Sincerely,

Stephen W. Payne, P.E.
Public Works Director
City of Cody

*I SEE NO PROBLEM WITH
WHAT MR. SPOMER HAS DONE.
IF HE NEEDS, HE CAN EASILY
MOVE THE TIRE CONTAINERS*
Monte Bales

Cc: City Attorney and file



BUILDING PERMIT APPLICATION

BUILDING PERMIT WILL NOT BE ISSUED UNTIL ALL REQUIRED ITEMS HAVE BEEN APPROVED.
 CONSTRUCTION SHALL NOT BEGIN UNTIL PERMIT HAS BEEN ISSUED.
 COMMENCING OF CONSTRUCTION WITHOUT A PERMIT WILL BE CAUSE TO IMPLEMENT INVESTIGATION FEES.
 WORK COMPLETED SHALL MEET CODES AND MAY BE SUBJECT TO REMOVAL.

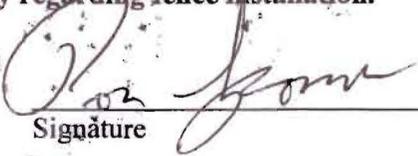
APPLICANT: Please enter the following information, if applicable.		
JOB ADDRESS: <u>115 WALKER AVE</u>		
OWNER: <u>RON SPOMER</u>	ADDRESS: <u>115 WALKER AVE</u>	PHONE: <u>587-9310</u>
CONTRACTOR: <u>SELF</u>	ADDRESS:	PHONE:
SUBCONTRACTOR:	ADDRESS:	PHONE:
ARCHITECT OR DESIGNER:	ADDRESS:	PHONE:
ENGINEER:	ADDRESS:	PHONE:
VALUATION INCLUDING PLUMBING, MECHANICAL & ELECTRICAL: \$ _____		
USE OF BUILDING:		
DESCRIBE WORK: <u>White Picket Wood Fence west of flower garden - 7' Deer fence 52" cattle panel top bottom 32" poultry wire total 7' must have 50 deer will not jump. Conservatively speaking I have the largest type - number of flaws in the area. Deer a real problem what they don't eat they stomp into the ground - or rub their antlers on.</u>		
NOTICE!		
SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, HEATING, VENTILATING OR AIR CONDITIONING.		
THIS PERMIT IS NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 180 DAYS, OR IF WORK IS SUSPENDED OR ABANDONED FOR 180 DAYS.		
I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT.		
ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT.		
THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.		
SIGNATURE OF CONTRACTOR OF AUTHORIZED AGENT <u>Ron Spomer</u>		(DATE) <u>4-12-11</u>
SIGNATURE OF OWNER IF OWNER BUILDER _____		(DATE) _____
ADDITIONAL INFORMATION:		

STAFF: This portion to be used by staff only.				
LEGAL DESCRIPTION	LOT NO:	BLOCK:	SUBDIVISION:	WARD:
CATEGORY	COMMERCIAL: <input type="checkbox"/>		NEW DWELLING: <input type="checkbox"/>	SMALL JOB: <input type="checkbox"/>
RATE CODE: _____	PERMIT FEE: \$ _____	RATE CODE: _____	PLAN CHECK FEE: \$ _____	TOTAL \$ _____
PERMIT NO.: _____	SIGNATURE: _____			DATE: _____

FENCE PERMITTING PROCESS

1. All fence permits must be approved by the Building Official or the Assistant Building Inspector.
2. All applicants must meet with the inspection division before a permit is issued. This includes permit requests received by fax from fence installers.
 - A. The purpose of this meeting is to review the property and determine if there are any known easements and whether or not can they be fenced in.
 - B. Are there survey pins establishing the boundary of the property?
3. Applicants must provide a site plan indicating the proposed location of the fence to be erected.
4. Lot lines must be established by the owner and fences may not cross utility easements. Exceptions may be permitted when approved by the Building Official. Typically, these exceptions occur when an owner proposes to fence across an easement. Under these circumstances, the owner must agree to install a removable panel crossing the easement and not to place posts within the easement area.
5. All fences must be erected on or within the lot's property line and shall not exceed the maximum height of 6'-0" (six feet).
6. Applicant must sign this information sheet as well as complete and sign a building permit application.
7. An inspection may be required to show where the fence is to be located before fence posts are permanently installed.
8. A final inspection shall be requested by the owner or contractor upon completion.
9. Fences installed without the proper inspections are subject to removal. In addition, if the fence is not in compliance it shall be removed immediately. Failure to remove a fence found to be in violation will be cause to turn the complaint over to the City's Attorney for prosecution.

I understand and agree to comply with all procedures established by the City of Cody regarding fence installation.


Signature

4-12-11
Date



CITY OF CODY, WYOMING
DEVELOPMENT & REVIEW FEES INVOICE

Number: 310-2
Issue Date: 04/12/2011

Issued To:

SPOMER, RON
115 WALKER AVE
CODY WY 82414

FILE COPY

Project Location: 115 WALKER AVENUE
Project Description: FENCE PLANS OVER 6' HEIGH
Legal Description: LOT 10 VALLEY VIEW SUBDIVISION NO 2

<u>Code</u>	<u>Description</u>	<u>Quantity</u>	<u>Fee</u>
519.00	FENCE PLANS OVER 6' HIGH	1.00	\$ 25.00

TOTAL DUE: 04/12/2011 \$ 25.00

When you provide a check as payment you authorize us to either use information from your check to make a one-time electronic fund transfer from your account or to process the payment as a check transaction. For inquiries please call an Administrative Services representative at 307-527-7511.

THIS IS YOUR INVOICE - PLEASE PAY FROM THIS COPY Please include this portion with your payment to ensure proper credit to your account.

City of Cody
PO Box 2200
Cody, WY 82414

Name: SPOMER, RON
Acct #: 310 Invoice#: 310-2
Amount Due: \$ 25.00

CITY OF CODY
1338 RUMSEY AVENUE
P O DRAWER 2200
CODY WY 82414-2200

307 527-7511

Receipt No: 8.001143

Apr 12, 2011

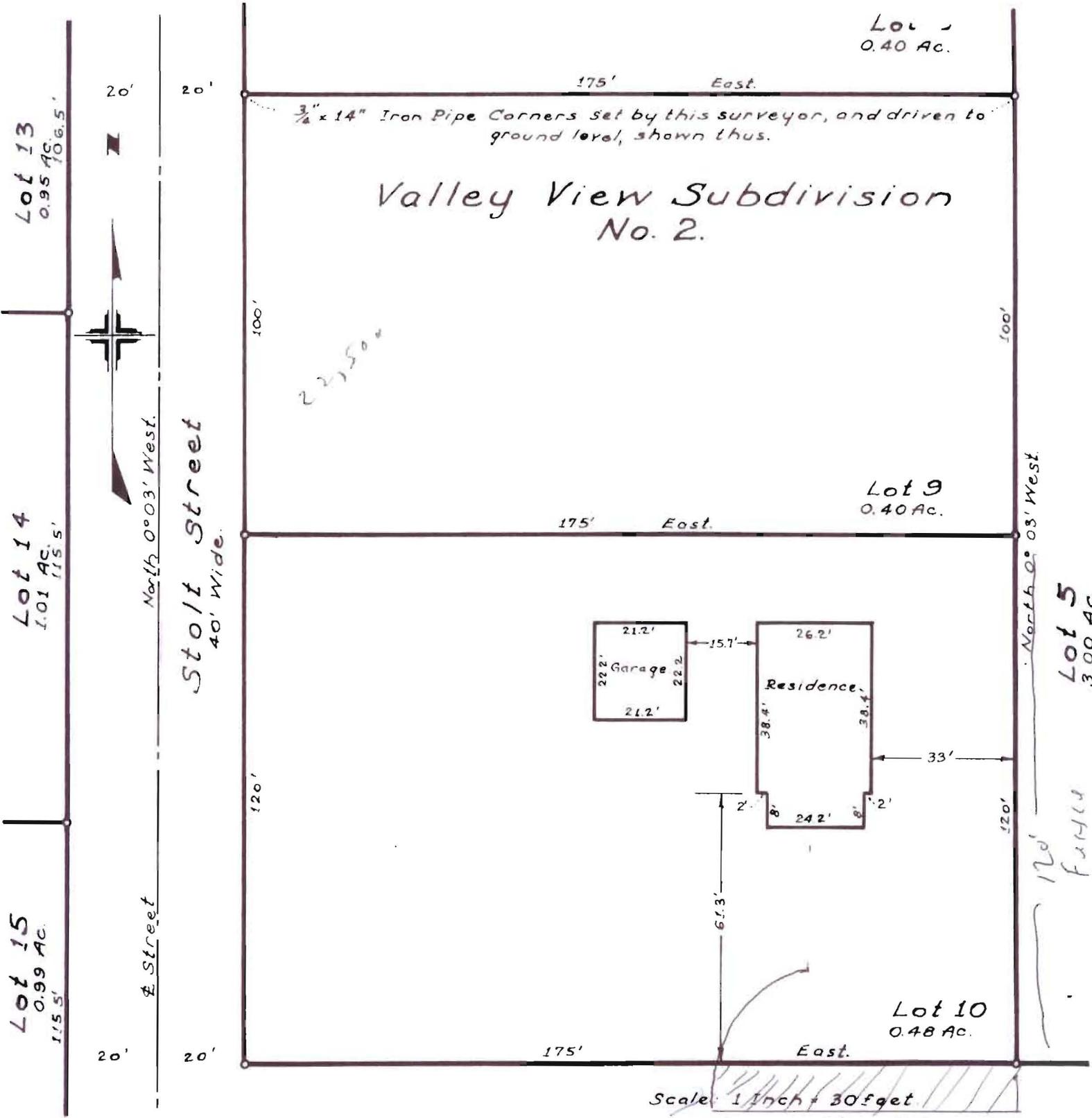
310 SPOMER, RON
115 WALKER AVE
CODY WY 82414
BUSINESS LICENSES - LICENSE PAYMENTS 25.00

Total: 25.00

CHECK - Wells Fargo Chk No: 1273 25.00
Total Applied: 25.00

Change Tendered: .00

04/12/11 03:26PM



Walker Avenue
110.5' Wide

City Republic
90 feet

CERTIFICATE OF SURVEYOR.

STATE OF WYOMING)
County of Park) ss

I, William H. Greever, hereby certify that the details which appear on this plat are the true and accurate results of an actual survey made by me on the 3rd and 4th of May, 1976.

I further certify that no encroachments exist on the property here shown.

William H. Greever
William H. Greever,
Surveyor,
Cody, Wyoming.

Wyo. Reg. No. 135, L. S.

Plat showing the details of the Property of RONALD G. SPOMER, and NANCY L. SPOMER, located on Lots 9 and 10, Valley View Subdivision near Cody, Wyoming.

X 5147.5

STOPS

3



City of Cody Agenda Request Form

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

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

Name of person to appear before the Council Wes Allen

Organization Represented Sunlight Sports

Date you wish to appear before the Council ASAP

Mailing Address 1131 Sheridan Ave Telephone 587-9517

E-Mail Address sunlight@sunlightsports.com

Preferred form of contact: Telephone _____ E-Mail _____

Names of all individuals who will speak on this topic Wes Allen, Tim Wade

Full description of topic to be discussed (include all relevant information, attach additional sheet if necessary) I will request that the city erect the May 1 – Sept 1 parking limit signs on the 1100 block of Sheridan Avenue. I have spoken to several other businesses in our block regarding this issue, and we are in agreement that the signs would be beneficial for our businesses during the summer.

Which City employee(s) have you spoken to about this issue? Steve Payne

Signature _____ Date Submitted 3/25/11

City of Cody Agenda Request Form

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

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

Name of person to appear before the Council BUCK WILKERSON

Organization Represented WY Veterans Park Committee

Date you wish to appear before the Council MAY 3RD 2011

Mailing Address 45 DALE DRIVE Cody Telephone 272-0096

E-Mail Address BUCKW@BRESMAN.NET

Preferred form of contact: Telephone E-Mail

Names of all individuals who will speak on this topic BUCK WILKERSON

Full description of topic to be discussed (include all relevant information, attach additional sheet if necessary) Request detour on Ft Childrens Street for Dedication Ceremony 30 MAY. Present the plan for Enslaving Freedom monument in WY Veterans Memorial Park.

Which City employee(s) have you spoken to about this issue? Mayor Brown - Steve Bayre.


Signature

4-27-2011
Date Submitted

ORDINANCE NO. 2011- 17

**AN ORDINANCE AMENDING CITY OF CODY MUNICIPAL
CODE BY AMENDING TITLE 5, CHAPTER 3, SECTION 21,
PERTAINING THE FEEDING OF DEER**

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

Section 5-3-21 SHALL READ AS FOLLOWS:

A. It shall be unlawful for any person to place, distribute or allow any device or any fruit, grain, mineral, plant, salt, vegetable, seed or bird seed or other materials (food) outdoors on any public or private property which feeds or attracts deer.

1. It shall be the duty of each property owner or occupant to remove any and all food placed on the property in violation of this ordinance. Failure to remove such food within 24 hours after written notice from the City, or otherwise continuing to feed deer after receiving notice from the City, shall constitute a violation of this ordinance.

2. It shall be the duty of each property owner or occupant to remove any device placed on the property from which deer actually feed. Alternatively, the property owner or occupant may modify such a device to prevent deer from having access to or feeding from the device, or make such other changes to the property that prevent deer from having any access to the device. The failure to remove such a device or to make such modifications within 24 hours after notice from the City shall constitute a separate violation of this ordinance.

3. PRESUMPTION. There shall be a rebuttable presumption that either of the following acts are for the purpose of feeding deer:

a. The placement of fruit, grain, mineral, plant, salt, vegetable or other materials in an aggregate quantity of less than two quarts at a height of less than six feet off the ground;

b. The placement of fruit, grain, mineral, plant, salt, vegetable or other materials in an aggregate quantity of two quarts or more in a drop feeder, automatic feeder, or a similar device regardless of the height of the fruit, grain, mineral, plant, salt, vegetable or other material.

B. EXCEPTIONS. This ordinance shall not apply to the following:

1. Planted material growing in gardens, or standing crops;
2. Naturally growing materials, including but not limited to fruit and vegetables;
3. Stored crops provided the stored crop is not intentionally made available to deer;
4. Deer feeding authorized by the City Council or the Wyoming Game and Fish Department for a specified public purpose;
5. The normal feeding of livestock and/or the practice of raising

crops and crop aftermath, including hay, alfalfa and grains, produced, harvested, stored or fed to domestic livestock in accordance with normal agricultural practices;

6. The cultivation of a lawn or garden; or
7. The feeding of birds where the bird food is made unavailable to the deer.

This Ordinance shall become effective at the final passage and publication in the Cody Enterprise as required by law.

PASSED ON FIRST READING: _____ April 19_, 2011_____

PASSED ON SECOND READING: _____, 2011

PASSED ON THIRD READING: _____, 2011

Nancy Tia Brown
Mayor

ATTEST:

Cynthia Baker
Acting Administrative Services Director

ORDINANCE NO. 2011- 18

**AN ORDINANCE AMENDING CITY OF CODY MUNICIPAL
CODE BY RENUMBERING TITLE 5, CHAPTER 3, SECTION 21,
PERTAINING TO PENALTIES, AS TITLE 5, CHAPTER 3,
SECTION 22**

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

Section 5-3-21 SHALL READ BE RENUMBERED AS 5-3-22:

This Ordinance shall become effective at the final passage and publication in the
Cody Enterprise as required by law.

PASSED ON FIRST READING: _____April 19 , 2011_____

PASSED ON SECOND READING: _____, 2011

PASSED ON THIRD READING: _____, 2011

Nancy Tia Brown, Mayor

ATTEST:

Cynthia Baker
Acting Administrative Services Director

ORDINANCE 2011-01

AN ORDINANCE RE-ZONING A TRACT OF LAND LOCATED WITHIN A PORTION OF LOT 82RS2, SEC. 31 O.S. T 53 N, R 101 W, CITY OF CODY, WYOMING FROM RESIDENTIAL “A” DISTRICT TO LIGHT BUSINESS “D1” DISTRICT.

WHEREAS, said tract being more particularly described as follows:

The West 150 feet of the following described parcel:

BEGINNING at the Northeast corner of the SE/4SE/4 Section 31, Township 53 North, Range 101 West, 6th P.M., Park County, Wyoming, according to the records of the County Clerk and Recorder of Park County, State of Wyoming, according to the original Government Survey; thence southerly along the east line of said Section 31 for a distance of 181.5 feet; thence westerly parallel to the north line of said subdivision for a distance of 450 feet; thence northerly parallel to the east line of said subdivision for a distance of 181.5 feet to the north line thereof, thence easterly along the north line of said subdivision for a distance of 450, more or less, to the POINT OF BEGINNING.

WHEREAS, The Buffalo Bill Memorial Association, dba The Buffalo Bill historical Center, is requesting a zone change for their property located at 726 Allen Ave. from a residential “A” Zoning District to a Limited Business “D-1” Zoning District.

WHEREAS following a public hearing held by the City Council on March 15, 2011 at 7:00 PM, the City Council have determined that it was in the best interest of the public to re-zone the property; and

WHEREAS, there were limited protests made at the public hearing and the City Council determined the property should be rezoned.

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

1. That the following described property situated in the City of Cody, Park County, Wyoming, shall be and the same is hereby rezoned to a Limited Business “D-1” District, to-wit:

The West 150 feet of the following described parcel:

BEGINNING at the Northeast corner of the SE/4SE/4 Section 31, Township 53 North, Range 101 West, 6th P.M., Park County, Wyoming, according to the records of the County Clerk and Recorder of Park County, State of Wyoming, according to the original Government Survey; thence southerly along the east line of said Section 31 for a distance of 181.5 feet; thence westerly parallel to the north line of said subdivision for a distance of 450 feet; thence northerly parallel to the east line of said subdivision for a distance of 181.5 feet to the north line thereof, thence easterly along the north line of said subdivision for a distance of 450, more or less, to the POINT OF BEGINNING.

2. That the official zoning map of the City of Cody shall be amended to show the foregoing zone change.
3. That this Ordinance shall become effective after final passage and publication in the Cody Enterprise.

PASSED ON FIRST READING: APRIL 5, 2011

PASSED ON SECOND READING: APRIL 19, 2011

PASSED, ADOPTED AND
APPROVED ON THIRD AND
FINAL READING: _____

Nancy Tia Brown, Mayor

ATTEST:

Cynthia Baker
Acting Administrative Services Director

ORDINANCE 2011-19

AN ORDINANCE RE-ZONING A TRACT OF LAND LOCATED WITHIN A PORTION OF TRACT 82-C, RESURVEY, T.53 N., R.101 W., 6TH P.M., CITY OF CODY, PARK COUNTY, WYOMING FROM RESIDENTIAL "A" DISTRICT TO GENERAL BUSINESS "D2" DISTRICT.

WHEREAS, said tract being more particularly described as follows:

Commencing at the Southeast Corner of said Tract 82-C; thence N.88°35'56"W., along the southerly line of said Tract 82-C, 705.52 feet; thence N.3°03'12"E., parallel with the westerly line of said Tract 82-C, 55.02 feet, to a point on the northerly right-of-way line of Allen Avenue, being the Point of Beginning; thence N.3°03'12"E., parallel with the westerly line of said Lot 82-C, 150.06 feet; thence N.88°35'56"W., parallel with said southerly line of Lot 82-C, 388.44 feet; thence N.3°03'12"E., parallel with said westerly line of Lot 82-C, 1060.51 feet, to a point on the southeasterly right-of-way line of Monument Street; thence northeasterly along said southeasterly right-of-way line, along a curve concave southeasterly and having a radius of 350.00 feet and a radial bearing of N.31°47'47"W., through a central angle of 4°10'07", an arc length of 25.47 feet; thence N.62°22'20"E., along said southeasterly right-of-way line, 22.98 feet; thence along Sheridan Avenue's southerly right-of-way line the following: easterly along a curve concave southerly and having a radius of 50.00 feet, through a central angle of 87°57'17", an arc length of 76.75 feet; thence S.29°40'23"E., 17.45 feet; thence southeasterly along a curve concave northeasterly and having a radius of 104.00 feet, through a central angle of 38°56'12", an arc length of 70.68 feet; thence S.20°34'12"W., 5.00 feet; thence easterly along a curve concave northerly and having a radius of 109.00 feet, through a central angle of 65°07'02", an arc length of 123.88 feet; thence N.43°06'21"E., 23.23 feet; thence northeasterly along a curve concave southeasterly and having a radius of 40.00 feet, through a central angle of 46°46'41", an arc length of 32.66 feet; thence N.89°53'02"E., 92.36 feet; thence southeasterly along a curve concave southwesterly and having a radius of 15.00 feet, through a central angle of 90°00'00", an arc length of 23.56 feet; thence N.89°53'02"E., 434.08 feet; thence N.0°06'58"W., 12.00 feet; thence N.89°53'02"E., 129.10 feet, to a point on the westerly right-of-way line of 8th Street; thence S.1°02'06"W., along said westerly right-of-way line, 1226.17 feet, to said northerly right-of-way line of Allen Avenue; thence N.88°35'56"W., along said northerly right-of-way line, 653.58 feet, to the Point of Beginning. Containing 26.87 acres, more or less.

WHEREAS, The Buffalo Bill Memorial Association, dba The Buffalo Bill historical Center, is requesting a zone change for a portion of their property located at 720 Sheridan Ave. from a residential "A" Zoning District to a General Business "D-2" Zoning District.

WHEREAS following a public hearing held by the City Council on April 19, 2011 at 7:00 PM, the City Council have determined that it was in the best interest of the public to re-zone the property; and

WHEREAS, there were limited protests made at the public hearing and the City Council determined the property should be rezoned.

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

1. That the following described property situated in the City of Cody, Park County, Wyoming, shall be and the same is hereby rezoned to a General Business "D-2" District, to-wit:

Commencing at the Southeast Corner of said Tract 82-C; thence N.88°35'56"W., along the southerly line of said Tract 82-C, 705.52 feet; thence N.3°03'12"E., parallel with the westerly line of said Tract 82-C, 55.02 feet, to a point on the northerly right-of-way line of Allen Avenue,

being the Point of Beginning; thence N.3°03'12"E., parallel with the westerly line of said Lot 82-C, 150.06 feet; thence N.88°35'56"W., parallel with said southerly line of Lot 82-C, 388.44 feet; thence N.3°03'12"E., parallel with said westerly line of Lot 82-C, 1060.51 feet, to a point on the southeasterly right-of-way line of Monument Street; thence northeasterly along said southeasterly right-of-way line, along a curve concave southeasterly and having a radius of 350.00 feet and a radial bearing of N.31°47'47"W., through a central angle of 4°10'07", an arc length of 25.47 feet; thence N.62°22'20"E., along said southeasterly right-of-way line, 22.98 feet; thence along Sheridan Avenue's southerly right-of-way line the following: easterly along a curve concave southerly and having a radius of 50.00 feet, through a central angle of 87°57'17", an arc length of 76.75 feet; thence S.29°40'23"E., 17.45 feet; thence southeasterly along a curve concave northeasterly and having a radius of 104.00 feet, through a central angle of 38°56'12", an arc length of 70.68 feet; thence S.20°34'12"W., 5.00 feet; thence easterly along a curve concave northerly and having a radius of 109.00 feet, through a central angle of 65°07'02", an arc length of 123.88 feet; thence N.43°06'21"E., 23.23 feet; thence northeasterly along a curve concave southeasterly and having a radius of 40.00 feet, through a central angle of 46°46'41", an arc length of 32.66 feet; thence N.89°53'02"E., 92.36 feet; thence southeasterly along a curve concave southwesterly and having a radius of 15.00 feet, through a central angle of 90°00'00", an arc length of 23.56 feet; thence N.89°53'02"E., 434.08 feet; thence N.0°06'58"W., 12.00 feet; thence N.89°53'02"E., 129.10 feet, to a point on the westerly right-of-way line of 8th Street; thence S.1°02'06"W., along said westerly right-of-way line, 1226.17 feet, to said northerly right-of-way line of Allen Avenue; thence N.88°35'56"W., along said northerly right-of-way line, 653.58 feet, to the Point of Beginning. Containing 26.87 acres, more or less.

2. That the official zoning map of the City of Cody shall be amended to show the foregoing zone change.
3. That the Buffalo Bill Memorial Association, dba The Buffalo Bill Historical Center there will be filed a survey map which depicts the property to be rezoned along with a notation on said map indicating a non-commercial access line along Monument Street and Allen Ave. for that portion of the property that remains Residential "A" zone.
4. That the Buffalo Bill Memorial Association, dba The Buffalo Bill Historical Center, in the event that the property that remains residential "A" is sold, will comply with the City of Cody ordinances regarding the buffer zone,.
5. That this Ordinance shall become effective after final passage and publication in the Cody Enterprise.

PASSED ON FIRST READING: _____

PASSED ON SECOND READING: _____

PASSED, ADOPTED AND
APPROVED ON THIRD AND
FINAL READING: _____

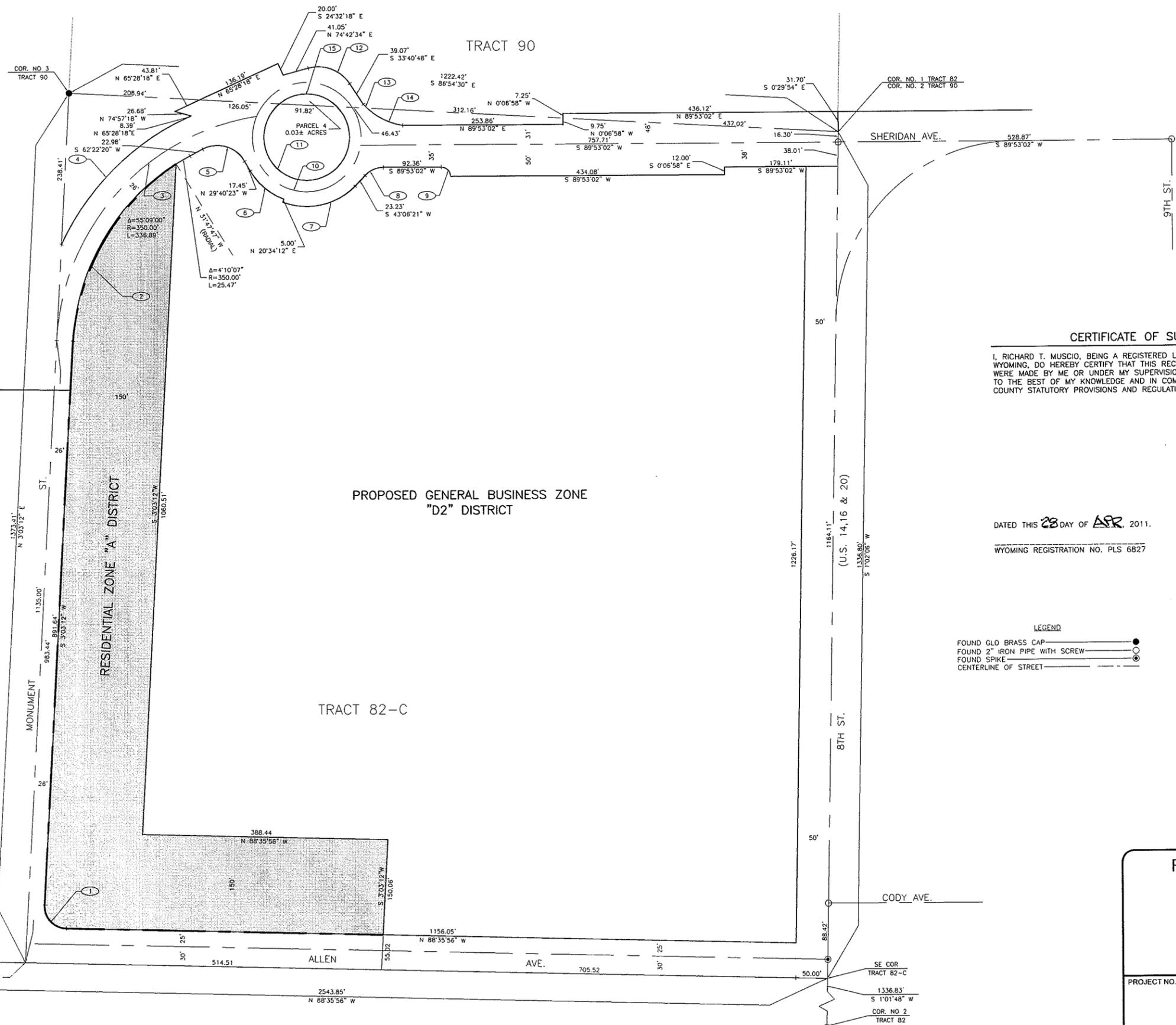
Nancy Tia Brown, Mayor

ATTEST:

Cynthia Baker
Deputy Clerk

CURVE DATA		
C. NO.	DELTA	ARC LENGTH
1	51°59'08"	55.99
2	59°19'00"	362.38
3	78°18'12"	513.86
4	49°52'11"	287.25
5	87°52'11"	78.75
6	35°56'12"	70.88
7	65°07'02"	123.88
8	49°46'41"	32.89
9	59°09'07"	23.59
10	32°02'00"	545.35
11	27°04'27"	58.02
12	71°26'28"	74.99
13	67°03'35"	75.07
14	52°23'11"	66.01
15	84°52'33"	100.79

NON-COMMERCIAL ACCESS LINE
NO COMMERCIAL ACCESS ALLOWED ACROSS
THIS LINE TO THE PROPOSED "D2" ZONE.



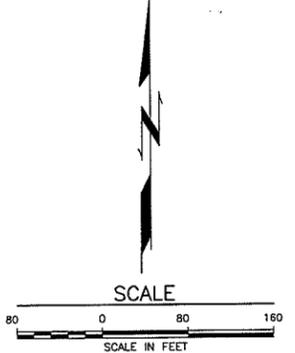
CERTIFICATE OF SURVEYOR

I, RICHARD T. MUSCIO, BEING A REGISTERED LAND SURVEYOR IN THE STATE OF WYOMING, DO HEREBY CERTIFY THAT THIS RECORD OF SURVEY AND SURVEY WERE MADE BY ME OR UNDER MY SUPERVISION AND THAT BOTH ARE ACCURATE TO THE BEST OF MY KNOWLEDGE AND IN COMPLIANCE WITH ALL STATE AND COUNTY STATUTORY PROVISIONS AND REGULATIONS.

DATED THIS 28 DAY OF APR. 2011.
WYOMING REGISTRATION NO. PLS 6827



- LEGEND
- FOUND GLO BRASS CAP
 - FOUND 2" IRON PIPE WITH SCREW
 - FOUND SPIKE
 - CENTERLINE OF STREET



RECORD OF SURVEY
SHOWING
ZONING BUFFER
WITHIN
TRACT 82-C, RESURVEY,
T.53N. R.101W, 6TH P.M.
PARK COUNTY, WYOMING
BUFFALO BILL HISTORICAL CENTER

PROJECT NO. 111218

GDA ENGINEERS
ENGINEERING • SURVEYING • PLANNING
1508 STAMPEDE AVE., CODY, WYOMING 82414

ORDINANCE NO. 2011- 02

AN ORDINANCE AMENDING SECTION 10-15-1 OF THE CITY OF CODY MUNICIPAL CODE BY PROVIDING THE INTENT AND PURPOSE OF THE SIGN CODE

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

Section 10-15-1 SHALL READ AS FOLLOWS:

10-15-1: SIGNS

Intent and Purpose: It shall be the intent and purpose of this Sign Code (hereinafter referred to as "Code") to regulate the size, number, illumination, movement of, maintenance of and locations of signs and other advertising symbols, markings or devices; to allow the business and residential community equal and fair opportunity to advertise and promote activities, products and services without discrimination; to protect and promote the health, safety and welfare of the public; to encourage aesthetic creativity while preserving and enhancing historic places and preventing the proliferation of unsightly advertising.

This Ordinance shall become effective at the final passage and publication in the Cody Enterprise as required by law.

PASSED ON FIRST READING: _____, 2011

PASSED ON SECOND READING: _____, 2011

PASSED ON THIRD READING: _____, 2011

ATTEST:

Nancy Tia Brown
Mayor

Cynthia Baker
Acting Administrative Services
Director

ORDINANCE NO. 2011- 03

AN ORDINANCE AMENDING SECTION 10-15-2 OF THE CITY OF CODY MUNICIPAL CODE BY PROVIDING DEFINITIONS AND LANGUAGE FOR SIGNAGE ORDINANCES

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

Section 10-15-2 SHALL READ AS FOLLOWS:

10-15-2: CONSTRUCTION OF LANGUAGE AND DEFINITIONS

A. Construction of Language: The following rules of construction shall apply to this chapter:

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text of this chapter and any caption, illustration, summary table, or illustrative table, the text shall control.
3. The word "shall" is always mandatory. The word "may" is permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. A "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "maintained for" or "occupied for".
7. The word "person" includes any person, firm, partnership, association, corporation, company or organization of any kind.
8. Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction "and, or, or either . . . or", the conjunction shall be interpreted as follows:
 - "And" indicates that all the connected items, conditions, provisions, or events shall apply.
 - "Or" indicates that at least one of the connected items, conditions, provisions or events shall apply.
 - "Either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
9. The word "includes" shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

B. Definitions:

A-FRAME SIGN: Any sign placed directly on the ground and connected, at the top or side, to form a "A" or other similar shape. No A-frame sign shall be larger than two feet by four feet (2' x 4'). See Section 7-2-7 of the City Code for additional regulations on A-Frame signs.

ABANDONED SIGN: A sign which advertises a business, entity, establishment or organization which is no longer in operation, or a service, activity or product that is no longer available where the sign is displayed; or an off-premise sign which is vacant of copy or which advertises a business, entity, establishment, organization, product or service which no longer exists or is no longer provided, except as otherwise provided in this Code. A sign which advertises or promotes a business, entity, establishment, partnership, individual or organization (hereinafter the business) which has ceased operations or is no longer providing products or services to the public for nine months or more shall be deemed to be abandoned. Staff may grant an extension of up to two months upon a showing by the property or owner that the business has resumed or will resume operations within that period of time.

ADVERTISING DEVICE: Any balloon, flag, pennant, propeller, oscillating, rotating, pulsating light or other contrivance except a sign, used to attract attention for the purpose of promoting the sale of products or services.

ADVERTISING STATUARY: Any imitation or representation of a person or thing which is sculpted, modeled or cast in any solid or plastic substance, material, or fabric and used for commercial purposes.

ADVERTISING SIGN: Any sign directing attention to a business, commodity, good, product, service, or entertainment conducted, sold or offered.

ALTERATION: Any change of size, shape, illumination, position, location, construction or supporting structure, to cause to change or make different without changing into something else or permanently losing its former characteristics.

ANIMATED SIGN: Any sign that changes its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or a special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns or bands of light, or expanding or contracting shapes, not including electronic changeable copy signs.

ATTACHED: An on-premises sign that is attached to a building wall or other surface. Awning signs, canopy signs, window signs, projecting signs, and wall signs are all considered attached signage.

AWNING SIGN: On-premises attached sign displayed to or incorporated into the surface of an architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering or non-rigid materials, and/or fabric on a supporting framework that may be either permanent or retractable.

AREA OF SIGN: Sign area is the entire surface area of a sign including non-structural trim. The supports, uprights or structures on which any sign is mounted shall not be included in determining sign area. Sign area for cutout letters or displays shall include the total cumulative area within the periphery of the collective cutout letters or display which can be enclosed within a rectangle or series of attached rectangles. If a sign consists of a symbol or statuary, the entire surface

area of the symbol or statuary which can be enclosed within a rectangle shall be determined as the sign area.

BANNER: A strip of cloth, plastic, or similar material with copy and/or graphics produced in a professional manner and intended to be hung or suspended without a rigid enclosing framework, and affixed to a building or railing which is located outdoors and is generally used as a temporary sign per section 10-15-9(I) of these regulations.

BALLOON: An inflatable device which does not exceed 10 inches in diameter, and is sealed to contain air or gas, and is anchored to the ground, a vehicle, structure or any other fixed object used for the purpose of advertising or drawing attention to a business, activity, commodity, service, sale or product.

BEACON OR FLASHING SIGNS: Signs which feature flashing or rotating lights, strobes, or strands of lights.

BILLBOARD: A board or panel used for the display of posters, printed or painted advertising matter, either illuminated or non-illuminated, which directs attention to goods, merchandise, entertainment or services offered elsewhere than the premise where the sign is located.

BUILDING FRONTAGE: See Section 10-1-1.

BULLETIN BOARD: A board or frame containing a material which facilitates the addition or removal of announcements, bulletins, displays, information, or advertising.

BUSINESS SIGN: A sign which directs attention to a business, profession, commodity, service or entertainment sold or offered upon the premises where such a sign located or to which it is attached.

CANOPY OR MARQUEE SIGN: A structure, either detached from or attached to and extending from the enclosed portion of a building, and used principally to provide shelter in connection with activities conducted in the principal building. This definition includes but is not limited to fuel stations, banks and pharmacies.

CHANGEABLE COPY SIGNS (MANUAL): A sign on which copy or sign panels may be changed manually in the field, such as boards with changeable letters or changeable pictorial panels.

CONSTRUCTION AND DEVELOPMENT SIGN: A temporary sign allowed for a limited period of time that identifies a development under construction as well as design, construction and marketing information for a development.

CONVENIENCE SIGN: Any sign which conveys information such as "restrooms", "no parking", "entrance", "exit" and the like, and is designed to be viewed on site or adjacent to the site by pedestrians and/or motorists.

COPY: The wording or message on a sign surface either in permanent or removable letter or panel form.

DANGEROUS OR DEFECTIVE SIGN: A sign which is not maintained and/or which is not safe.

ELECTRONIC MESSAGE BOARD: A sign, or portion of a sign, that displays an electronic image and/or video, which may or may not include text. Such signs include any sign, or portion of a sign, that uses changing lights to form a sign message or messages or use electronic means to change the sign message. Electronic message boards include but are not limited to signs also known as Electronic Reader Boards, Electronic Message Center Signs, Tri-Panel Message Systems and Commercial Electronic-Variable Message Signs (CEVMS).

EXTERNALLY ILLUMINATED: A sign that features artificial illumination from a light source which provides light directly onto the sign face, or portions of the sign face, or its background, which light is then reflected back to the viewer.

FLAGS: Flags or insignia of any nation, state, county, city, religious, civic or educational institution, except flags used in connection with a commercial promotion or as an advertising device.

FLUSH MOUNTED WALL SIGN: A sign attached to, painted on or erected against the wall of a building or structure which extends no more than twelve (12) inches from the wall surface upon which it is attached and whose display surface is parallel to the face of the building.

FREESTANDING SIGN: An on-premises sign, identifying the principal use conducted on the lot where the sign is located, that is placed on or anchored in the ground with one or more supports and that is not part of a building or other structure. Can also be referred to as a ground, monument, pole, or pylon sign.

FRONTAGE: See Section 10-1-1.

GRADE: See Section 10-1-1.

GRADE PLANE: See Section 10-1-1.

GROUND LEVEL: See Section 10-1-1.

HOME OCCUPATION SIGN: A sign used in conjunction with a home occupation as defined in Section 10-7A-1(E).

HOSPITAL: An institution where sick or injured are given medical or surgical care.

IDENTIFICATION SIGN: A permanent sign announcing the name of a subdivision, group housing project, church, school, park, planned shopping center, planned industrial center or public area.

INFLATABLE SIGNS: An inflatable sign is a ground-mounted or tethered sign that is manufactured of plastic, cloth, canvas, or other light fabric and inflated, with air, or other gas. Inflatable signs shall include those which are sealed, and those through which air or gas is continuously blown by a fan, blower, or other device. Inflatable signs do not include balloons.

ILLEGAL SIGN: An illegal sign is any sign failing to conform to the provisions and requirements of this Code.

ILLUMINATED SIGN: A sign lighted by or exposed to artificial lighting

either by lights in the sign or directed towards the sign.

INDIRECTLY ILLUMINATED SIGN: Any sign which has light cast on its surface from an exterior source including electric lights or luminous tubes.

INTERNALLY ILLUMINATED SIGN: A sign that features artificial illumination from a light source located behind the sign face and which transmits light through the sign face or portions of the sign face to the viewer, also known as backlit illumination. Exposed neon tubing and similar lighting shall not be considered an internally illuminated sign. A light from a source concealed or contained within the sign, and which becomes visible through a translucent surface.

JOINT DIRECTIONAL SIGN: A sign used by three (3) or more businesses to identify all the tenants within a particular development.

LOT: See Section 10-1-1.

MAINTAIN: To permit a sign, structure or any part of each to continue or to repair or refurbish a sign, structure or any part of either.

MARQUEE SIGN: Signage placed over the entrance to a hotel or theater stating either the name of the establishment or, in the case of theatres, the play or movie and the artist(s) appearing at that venue.

MASTER SIGN PROGRAM: A coordinated system of signing intended to produce consistent, uniform and equitable placement of signs at a shopping center or building containing multiple businesses (containing two (2) or more), i.e., multiple use facility, mall/shopping centers.

MONUMENT SIGN: Any sign supported by its own base and not by a pole or other support structure, not exceeding fourteen (14) feet in height.

MULTIPLE USE FACILITY: A commercial or industrial park, office complex, shopping mall or other facility which serves two or more businesses.

NEON SIGN: An illuminated sign containing a glass tube filled with neon or phosphors which are bent to form letters, symbols or other shapes.

NONCONFORMING SIGN: Any sign which was lawfully erected prior to the effective date of this Code or is located in newly annexed territory which does not comply with the provisions of this code.

ON-PREMISE SIGN: A sign displaying information pertaining only to a business, industry, activity, or profession located on the premises where the sign is displayed, and pertaining only to the name of the business, type of product sold, manufactured, or assembled, and/or service, activity, or entertainment offered on said premises, including business identification or occupancy signs.

OFF-PREMISE SIGN: A sign or billboard which is used or intended for use to advertise, identify, direct or attract the attention of the public to a business, institution, product, organization, event or location offered or existing other than upon the same premise where the sign or billboard is displayed.

PANEL CHANGE OUT: Removing and/or replacing the advertising or copy area panels(s) of a sign without replacing or modifying the sign structure.

PARCEL: See Section 10-1-1.

PEDESTRIAN ORIENTED SIGN: A permanent sign that directs pedestrian traffic without reference to or including the name of a product sold or service performed on the lot.

PENNANT: Any series of small flag like or streamer like pieces of cloth, plastic or paper, or similar material attached in a row to any staff, cord and building, at only one or two edges, the remainder hanging loosely.

PERMANENT SIGN: A sign that is attached or mounted to a building, post, frame, pole, mast with bolts, concrete footings or foundations, or such similar devices.

POLITICAL SIGN: A temporary sign used in connection with a local, state, or national election or referendum.

PORTABLE SIGN: A sign not permanently attached to the ground or other permanent structure, including but not limited to signs with attached wheels, A-frame signs, signs attached or painted on vehicles parked and visible from the street.

PREMISE: See Section 10-1-1.

PRIMARY PUBLIC ENTRANCE: An entrance to a business which is open to the public during its normal and customary hours of operations and the entrance used as the primary ingress and egress to the business by the public.

PROJECTING SIGN: An on-premise attached sign end-mounted or otherwise attached to an exterior wall of a building and which projects not more than three (3) feet from the wall to which it is attached.

PROJECTING STRUCTURE: The physical structure by which a projecting sign is affixed or mounted to a building.

PUBLIC SIGNS: Signs required to be maintained by law or governmental order, rule or regulation.

PUBLIC RIGHT-OF-WAY WIDTH: See Section 10-1-1.

REAL ESTATE SIGN: An on-premise(s) sign for the purpose of advertising the sale or lease, or the completion of the sale or lease, of real estate when erected or displayed on the property so advertised and removed within fourteen (14) days of sale or lease. No building permit required for individual lot signs.

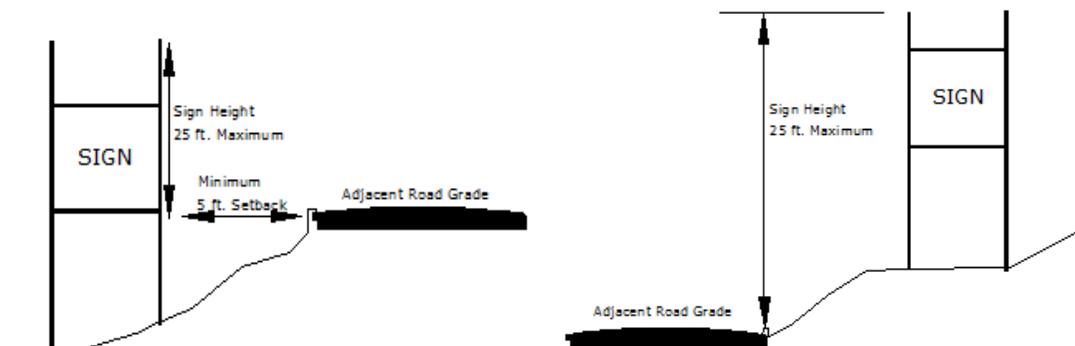
ROOF SIGN: Any sign, any part of which is located on or attached to a roof or on top of a parapet wall.

SETBACK: See Section 10-1-1.

SIGN: Any object, device, display or structure or part thereof situated outdoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business,

product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images. The term "sign" includes, but is not limited to, every projecting sign, ground sign, pole sign, window sign, vehicle sign, awning, canopy, marquee, changeable copy sign, illuminated sign, flashing sign, animated sign, temporary sign, portable sign, pennant, banner, streamer, or any other attention-getting device or other display whether affixed to a building or separate from a building. For the purpose of removal, "sign" shall also include all sign structures.

SIGN HEIGHT: The height of an on-premise freestanding sign shall be measured from the road to which the sign is oriented or average grade of the site where the sign is located; whichever is higher, to the top of the highest attached component of the sign, the sign face, sign structure, and any other appurtenance. Any change in a site's grade specifically designed to increase a sign's height shall be included as part of the sign's height.



SINGLE-FACED SIGN: Any sign consisting of or having only one inscribed, printed, or marked face, which is designed and constructed to be visible from only one side.

SNIPE SIGN: Any sign made of any material, including paper, cardboard, wood and metal, when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the premise upon which said sign is located.

SPECIAL EVENT: A sign advertising only the name, time and place of any bona fide fair, carnival, festival, bazaar, rodeo or similar event, when conducted by a public agency, civic, non-profit or charitable cause. Special events signs shall not be displayed more than thirty (30) days consecutively. Special event signs will need a permit.

SPONSOR SIGNS: A sign placed on the property of a city, county, school district, or nonprofit organization, and said sponsor sign represents a company or organization which has financially contributed to said entity. A sponsor sign to be placed on property owned by the City of Cody must be approved by the City Council.

STREET: See Section 10-1-1.

STREET NUMBERS: Numbers placed on a building for the purpose of identifying the address or location. Premises identification shall meet the requirements of the city's building code.

SUBDIVISION DEVELOPMENT SIGNS: This off-site sign may contain advertising in connection with the name of the subdivision, development firm, building contractor, real estate sales firm, and may

refer to materials, appliances, supplies and building trades used in construction of the dwellings, or services provided by the developer. The sign shall be removed six (6) months after the last lot is constructed upon. See Table Schedule for size requirements at the end of the chapter.

SUSPENDED SIGN: An on-premises attached sign that is suspended from the underside of a horizontal plane surface or arm, such as a canopy or marquee, and is supported by such surface.

TEMPORARY SIGN: An impermanent sign for advertising or displaying, which is visible for a limited period of time not to exceed one hundred and eighty days (180) in any twelve-month period (examples of temporary signs include but are not limited to banners, and inflatables). Temporary A-frame signs are limited to a period of time not to exceed seven (7) days as permitted within this code.

V-SHAPED SIGN: A sign that is attached to the building with an angle of thirty (30°) degrees or greater between the two faces. Its areas shall be computed by adding the areas of the two faces together. If the angle between the two faces is less than thirty (30°) degrees, its area shall be computed in the same manner as for a double faced sign.

WALL SIGN: An on-premise sign affixed to or painted on the wall of any building and completely in contact with the building throughout its greatest dimension, which does not extend beyond the main wall of the building more than fifteen (15) inches except in accordance with these regulations. A painted work of art or mural is not considered a wall sign. A window sign is considered a wall sign.

WALL MURAL: A work of art, such as a painting applied directly to a wall, fence, pavement, or similar surface that is purely decorative in nature and content, and does not include advertising by picture or verbal message.

WINDOW SIGNS: An on-premise wall sign that is permanently etched into, attached to, or painted on the outside of a window and is legible from outside the window.

This Ordinance shall become effective at the final passage and publication in the Cody Enterprise as required by law.

PASSED ON FIRST READING: _____, 2011

PASSED ON SECOND READING: _____, 2011

PASSED ON THIRD READING: _____, 2011

ATTEST:

Nancy Tia Brown
Mayor

Cynthia Baker
Acting Administrative Services
Director

ORDINANCE NO. 2011-04

AN ORDINANCE AMENDING SECTION 10-15-3 OF THE CITY OF CODY MUNICIPAL CODE BY PROVIDING REGULATIONS AND STANDARDS OF THE SIGN CODE BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CODY, PARK COUNTY, WYOMING:

Section 10-15-3 SHALL READ AS FOLLOWS:

10-15-3: REGULATIONS AND STANDARDS

- A. Regulations and Standards: The following regulations apply to all signing and/or to the specific type of sign hereinafter indicated:
1. Any sign support which has been abandoned and no longer contains a sign must be removed in accordance with Section 10-15-10.
 2. In all instances, any sign erected within the City must comply with the provisions of the building code.
 3. Every sign shall be maintained in a safe, presentable and good structural material condition at all times, including the repair and replacement of defective parts, painting, repainting, cleaning or other acts required for the maintenance of said sign, as determined by the Planning, Zoning and Adjustment Board. If the sign is does not comply with adequate safety standards, the City shall require its removal in accordance with Sec. 10-15-10 and 10-15-11.
 4. No persons shall maintain or allow to be maintained on any premise owned or controlled by him, any sign which is in a dangerous or defective condition.
 5. No sign, awning or other obstruction shall be suspended from any building into or over any sidewalk, street or alley, so as to obstruct or interfere with the pedestrian traffic or vehicle traffic, nor shall any sign, awning or other obstruction be suspended in or over any portion of the street beyond the sidewalk.

B. General Standards: The following standards apply to all signs unless specifically exempted in other parts of this ordinance:

1. Curvilinear, circular, and other unique shapes that incorporate graphics are encouraged.
2. On-Premise Sign Area Measurement Provisions: The measurement of the area of signs shall be determined as follows.
 - a. Measurement of Internally Illuminated Signs and Signs Consisting of a Permanent Structure with Removable Panels: The area of internally illuminated signs and signs consisting of a permanent structure with panels designed to be removed and/or replaced for periodic maintenance or change of tenant(s) shall be computed as the smallest rectangle that will encompass the extreme limits of the illuminated or changeable panels and structure less than three (3) inches wide, regardless of sign shape and whether or not open spaces exist. Any cutouts or extensions shall be included in the area of the sign. In the case of separate signs sharing a common structure, the open spaces between the panels shall not be counted as sign area.
 - b. Area of Multi-Faced Signs: Signs constructed back-to-back, with faces in approximately parallel planes (such as both sides of a single panel), shall count as only one sign both in number and area. All other signs having multiple faces, including cylinders, shall have all surfaces included in the calculations for sign area. If a sign is V-shaped, with an angle of thirty (30°) degrees or greater between the two faces, its areas shall be computed by adding the areas of the two faces together. If the angle between the two faces is less than 30 degrees, its area shall be computed in the same manner as for a double faced sign.
 - c. Area of Multi-Tenant Signs, Changeable Copy Signs, or Electronic Message Boards: The face and frame of a portion of a sign that includes the names of individual tenants or an area for changeable or electronic copy shall count toward the total area of the sign.
 - d. Measurement of All Other Signs: Sign area for all other signs shall consist of the smallest rectangle or sum of contiguous rectangles which completely encompasses the sign message, including letters, words, and graphic elements. This method of measurement shall also apply to words and graphic elements

painted onto windows, awnings and canopies.

3. Off Premise Signs:

a. Any wall, projecting or freestanding sign allowed under this chapter may be used to advertise off-premise businesses or products as a substitute for a sign on the same site where the business is located. Off premise sign plan review applications shall require written consent from the property owner(s) of the off premise site. Off-premise signs must conform to the regulations that apply to the premises where the sign is located.

b. Temporary A-frame Signs:

i. Organizations and businesses (profit or non-profit) may place temporary A-frame signs off premise under the following regulations:

1. Must complete application and obtain permit from the City of Cody. No fees shall be charged for application and permitting process for temporary A-frame signs.
2. Each organization and/or business may receive one permit per year and each permit will be valid for seven consecutive days.
3. No more than five permits will be issued for the same seven day period. Permits will be issued on a first come first served basis.
4. No applicant is allowed to place more than six temporary A-frame signs within the City.
5. All temporary A-frame signs must conform to the definition of A-frame signs as defined within this code.
6. Each applicant shall be responsible for insuring that each temporary A-frame sign is securely grounded so as to avoid signs being blown by wind to any other location not authorized by the permit, in addition, applicant must monitor each sign on a daily basis during the seven day permit period to ensure the signs are in compliance with the application approved.
7. The City of Cody shall reserve the right to remove any and all signs which are not in the location

approved by the permit process or any sign that has become a safety hazard to traffic and/or pedestrians.

8. All signs must be placed in pre-approved locations as follows:
 - a. Public Property: No signs shall be placed within the public right of way except for as otherwise allowed by City Code.
 - b. Private Property: No signs shall be placed on private property without the express written consent of the property owner, and such written consent is presented to the City of Cody with the application.

4. Attached, projecting and marquee signs: The following rules and regulations shall apply to attached, projecting and marquee signs.
 - a. The area of an attached sign where the sign consists of letters, numerals or symbols painted on or affixed to a wall shall be the entire area within a continuous perimeter enclosing the extreme limits of the message delineated by the letters, numerals or symbols.
 - b. The area an attached or suspended sign where the letters, numerals or symbols are on a sign surface which is hung or affixed to a structure shall be the total area of the hung or affixed surfaces. If a sign has two (2) or more display faces, the area of all faces and all non-contiguous surfaces is included in determining sign area.
 - c. The background area of a sign shall not be included in the sign area only when such background is an integral part of the building.

5. Measurement of allowable sign area for uses with more than one street frontage: Signs may be located on any side of the building involved, but the total sign area of all signs may not exceed the total cumulative allowable square footage for all street frontages.

6. Location: The following rules and standards shall apply in establishing the location of signs within the City of Cody.

- a. No portion of a sign, except exempted signs, shall be located within the City or State right-of-way or sight distance triangles except as permitted through the application process which must have approval by both the City of Cody Governing Body and the Wyoming Department of Transportation. Signs placed on City Streets other than State Highways must submit an application to the City of Cody. Persons wishing to place a sign which encroaches upon a State Highways must complete an application and obtain approval from the State of Wyoming Highway Department. Those forms can be picked up in the Planning Department at City Hall or at the Wyoming Department of Transportation. Hand carried signs will be allowed within the right-of-way as long as it is not a hazard to the community.

Signs are considered as structures and must observe setback requirements for each zoning district as delineated in the city zoning code.

- b. No sign shall be located in a manner that impairs ingress and egress through windows, doors, or other means of entering or exiting from a structure or building.
 - c. No sign shall be placed as to impede the sight distance and vision of motorists.
 - d. Projecting signs located over public pedestrian ways shall be placed not less than eight (8) feet from the travel way to the bottom of the sign. The projecting edge of the sign shall be at least two (2) feet back from any curb line.
7. Illumination: The following rules and standards shall apply in establishing the type of illumination which may be used for signs within the City of Cody.
- a. At the Planning Department's discretion, any proposed external, internal, backlit or indirect lighting application may be required to submit professionally prepared plans depicting the types of lighting to be used.
 - b. All signs containing electrical wiring shall be subject to the provisions of the Electrical Code in place at that time and electrical plans and specifications shall be submitted to the Building Official for review, approval and building permit

issuance.

- c. A sign with blinking, chasing, flashing or moving effects; or a sign displaying intermittent or flashing lights similar to those used in governmental traffic signals or used by police, fire, ambulance, or other emergency vehicles are prohibited. Such signs include beacons, spotlights, searchlights, or reflectors and signs which revolve, or rotate or swing by mechanical means.
 - d. Exterior Illumination: Exterior illumination shall be allowed, provided that the following criteria are satisfied: Any externally illuminated sign shall be shielded so as not to cast direct light onto any residential district and as not to create a safety hazard.
 - e. Internally Illuminated: Internal illumination may be allowed, provided that the following criteria are satisfied: The proposed light source shall not be visible from the exterior of the sign, which shall include the back, edges, and sides.
 - f. Backlit or Indirectly Illuminated Signs: Backlit/Indirectly Illuminated signs may be allowed, provided that the following criteria are satisfied: Signs shall be illuminated from a source mounted on the structure behind the proposed sign and shall not be visible through the sign. Lighting shall be visible only along the edges of the sign and light shall not extend more than three (3) inches beyond the sign edges.
8. Structural and safety considerations. All electrical services for sign lighting shall be provided with underground or hidden devices or otherwise in compliance with the International Electrical Code as is currently adopted by then in effect.
9. Billboards as defined in Section 10-15-2-B shall be allowed only in Zoning District D-3, and E.
10. Electronic Message Boards and Animated Signs:
- a. Electronic message boards and animated signs shall be separated from other electronic message board and animated signs by at least 35 feet.

- b. When located within 150 feet of a residentially-used lot, all parts of the electronic changeable copy sign must be oriented so that no portion of the sign face is visible from an existing or permitted principal structure on any residential lot.
- c. The sign must be located on the site of the use identified or advertised by the sign.
- d. Electronic message boards and animated signs will not be permitted in residential zones.
- e. The leading edge of the sign must be a minimum distance of 100 feet from an abutting residential district boundary.
- f. The sign must not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum of illumination of 500 nits (candelas per square meter) between dusk to dawn as measure from the signs face at maximum brightness.
- g. Animated signs must have an automatic dimmer control to produce a distinct illumination level to a lower level fro the time period between one half hour before sunset and one half-hour after sunrise; and
- h. Audio speakers or any form of pyrotechnics are prohibited in association with a sign.
- i. Animated signs shall be permitted only in the following zones: D-2, D-3, and E Industrial. In addition, animated signs may be permitted in the Downtown Business District, but must have special approval by the Planning and Zoning Board. Approval will be based on consideration of adjacent signage, the size of the proposed signage and must all submittals must be accompanied by approval documents from WYDOT.
- j. Electronic message boards shall be permitted only in the following zones: D-2, D-3 and E Industrial. In addition, animated signs may be permitted in the Downtown Business District, but must have special approval by the Planning and Zoning Board. Approval will be based on consideration of adjacent signage, the size of the proposed signage and must all submittals must be accompanied by approval documents from WYDOT.

This Ordinance shall become effective at the final passage and

publication in the Cody Enterprise as required by law.

PASSED ON FIRST READING: _____, 2011

PASSED ON SECOND READING: _____, 2011

PASSED ON THIRD READING: _____, 2011

ATTEST:

Nancy Tia Brown
Mayor

Cynthia Baker
Acting Administrative Services
Director

ORDINANCE NO. 2011- 05

AN ORDINANCE AMENDING SECTION 10-15-4 OF THE CITY OF CODY MUNICIPAL CODE BY PROVIDING INTERPRETATION PROVISIONS TO THE SIGN CODE

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

Section 10-15-4 SHALL READ AS FOLLOWS:

10-15-4: INTERPRETATION PROVISIONS

- A. Provision Intent: The provisions of this chapter are not intended to abrogate any other ordinance of the City which is more restrictive than the provisions of this chapter.
- B. Uncertainty of Ordinance Provisions: Whenever the application of this chapter is uncertain due to ambiguity of its provisions, the application shall be referred to the Planning, Zoning and Adjustment Board for a determination and clarification.
- C. Severability: If any section, subsection, sentence, clause, phrase or portion of this chapter is, for any reason, held invalid or unconstitutional or unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

This Ordinance shall become effective at the final passage and publication in the Cody Enterprise as required by law.

PASSED ON FIRST READING: _____, 2011

PASSED ON SECOND READING: _____, 2011

PASSED ON THIRD READING: _____, 2011

ATTEST:

Nancy Tia Brown
Mayor

Cynthia Baker
Acting Administrative Services
Director

ORDINANCE NO. 2011- 06

AN ORDINANCE AMENDING SECTION 10-15-5 OF THE CITY OF CODY MUNICIPAL CODE BY PROVIDING ADMINISTRATIVE PROCEDURES WITH REGARD TO THE SIGN CODE

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

Section 10-15-5 SHALL READ AS FOLLOWS:

10-15-5: ADMINISTRATIVE PROCEDURES

A. Reviews and Permits Required:

1. Sign Plan Review: It is unlawful to erect, construct, reconstruct, alter, paint or change the use of any sign as defined in this code without first applying for a sign plan review and receiving approval from the City. No sign plan review shall be approved unless it is found to comply with all appropriate provisions of this Code or a special exemption has been obtained. Signs listed as exempt in this Code shall not be subject to these regulations.
2. Exception: Routine maintenance, repair and repainting which does not enlarge or alter a sign, may be performed on a previously approved sign without submitting a sign plan. A replacement of exact size, dimension and shape of any sign face shall be exempted provided that it meets all requirements of the sign code.
3. Building Permit: Upon approval of the sign plan review the owner, owner's representative, or contractor must obtain a building permit prior to the installation of any sign. Exempt signs as listed in this Code shall not require a building permit.
4. Electrical Permits: Any sign or portion of a sign that is powered by or lit with electricity must obtain an electrical permit.
5. Wyoming Department of Transportation Permit: Prior to placing any sign in the Downtown Architectural District, adjacent to any State Highway or within any State right-of-way, the applicant must submit an application to the Wyoming Department of Transportation (WYDOT) and must obtain approval from WYDOT.

B. Sign Plan Review Process:

1. Application: Sign plan review applications shall be obtained from the City Planning Department. A completed application shall be submitted to the Planning Department by the owner or his authorized agent. The application shall contain, or have attached thereto, the following information:
 - a. The name and address of the owner or other person in control of

the premise upon which the sign or advertising structure is to be constructed, erected, posted or displayed, the name of the person erecting the sign or structure; the address and legal description of the premise upon which the proposed sign or advertising structure is to be located and the frontage of the lot or building. For V-shaped signs the applicant must provide the degree of the angle between sign faces.

- b. A site plan which identifies the location of all exterior signs existing or proposed for the premise. The plan must include building elevations with signs depicted. Sign elevations must indicate overall and letter/figure dimensions, colors, materials, and illumination for each sign.
 - c. Two (2) drawings containing plans and specifications which indicate the method of construction and anchoring to the building or ground; the total area of the proposed sign in square feet; the height of the proposed advertising structure from ground level; and an electrical wiring plan if the sign is to be supplied with electricity.
2. Application Review: Within twenty-one (21) days of filing a completed application the Planning Department shall review the sign review application. The Planning Department shall determine if the proposed sign and application are in compliance or noncompliance with this Code. The Planning Department shall either approve the application, deny the application due to noncompliance with this or other City ordinances or regulations which may apply, or refer the application directly to the Planning, Zoning and Adjustment Board in situations where the Department is uncertain as to the interpretation or application of this code to the proposed sign. Every sign plan review approved by the Planning Department shall expire by limitation and become null and void if a building permit is not issued by the Building Department within one hundred eighty (180) days of the date of approval of such review. Additional time may be permitted with authorization of the Planning Department.
 3. Review Approval: If the Planning Department has determined the sign and application is in compliance with this Code and other ordinances and regulations which may apply, the Planning Department shall approve the sign plan review for the proposed sign and direct the applicant to the Building Department for building permit review and issuance.
 4. Review Application Retention: The Planning Department shall retain one copy of the sign plan review application. The review application and subsequent approval or denial shall be retained at the office of the Planning Department until such time as the sign no longer exists.
 5. Review Fees: Each application for a sign review shall be accompanied by a review fee as set forth by section 10-3-2 of this City Code.

6. Appeal from the Decision of the Planning Department: Upon denial of a sign plan review by the Planning Department, the applicant may submit a modified application for reconsideration to the Planning Department, or file an appeal to the Planning, Zoning and Adjustment Board. An appeal from the decision of the Planning Department shall be filed with the Planning Department within thirty calendar (30) days of the denial of a sign plan. The appeal shall contain twelve (12) copies of detailed drawings, drawn to scale, containing complete plan specifications which indicate the method of construction and anchoring to the building or ground; the total area of the proposed sign in square feet; and the height of the proposed advertising structure from ground level. The appeal must state the reason why the applicant feels the Planning Department's decision was in error. The Planning, Zoning and Adjustment Board shall consider the appeal at its next regularly scheduled meeting or as promptly as practicable at a subsequent regularly scheduled meeting. The applicant shall be given written notice of the date, time and place of the hearing. The burden shall be on the applicant to demonstrate why the Planning Department's decision was in error, and to show that the proposed sign complies with the City Code. The appeal shall be limited to a determination by Planning, Zoning and Adjustment Board of whether the Planning Department erred in determining that the application did not comply with the City Code. The board shall render a decision on the appeal within thirty (30) days of the meeting.

This Ordinance shall become effective at the final passage and publication in the Cody Enterprise as required by law.

PASSED ON FIRST READING: _____, 2011

PASSED ON SECOND READING: _____, 2011

PASSED ON THIRD READING: _____, 2011

ATTEST:

Nancy Tia Brown
Mayor

Cynthia Baker
Administrative Services Director

ORDINANCE NO. 2011- 07

AN ORDINANCE AMENDING SECTION 10-15-6 OF THE CITY OF CODY MUNICIPAL CODE BY PROVIDING GENERAL PROVISIONS REGARDING THE SIGN CODE

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

Section 10-15-6 SHALL READ AS FOLLOWS:

10-15-6: GENERAL PROVISIONS

- A. Exempted Signs: The following signs shall be exempt from the provisions of this code providing that they meet the requirements set forth in this section.
1. Public Right-of-Way: All signs erected in a public right-of-way by a public agency controlling or directing traffic and information signs shall be exempt from the provisions of this Code.
 2. Official flags: "Official flags" include flags of the United States of America, the state of Wyoming, and other states of the United States, counties, municipalities, and official flags of foreign nations recognized by the United States government, provided they are kept in good repair. The maximum size of any one (1) flag shall be twenty-four (24) square feet with the exception of the United States of America flag which may be any size. Flag poles may not exceed twenty-five feet (25') as measured from final grade. Up-lighting of all flags except the flag of the United States of America is prohibited. Flag Poles within the airport overlay zone may be subject to additional regulations, and shall require approval of the manager of Yellowstone Regional Airport to ensure compliance with FFA and Yellowstone Regional Airport rules and regulations.
 3. Other Flags and pennants: Other flags are flags that are not official flags as defined above. Examples of other flags include flags of schools, universities, colleges, sports teams, churches, religious groups, and non-profit or charitable organizations. The maximum size of a flag or pennant shall be twenty four (24) square feet.
 4. Signs grouped together at the entrance(s) to the City which represent community clubs and organizations (Lions, Rotary, Eagles, etc.), religious institutions and the like.
 5. Signs inside buildings: Any sign inside a building or inside a window, except flashing, animated or rotating signs intended to be visible from outside the building. "Open" and "Closed" signs shall be exempt as described below.

6. Political signs: Political signs may be displayed so long as they are removed within ten (10) days after the election to which they refer. Said signs shall be located entirely on private property.
7. Identification, for sale or for rent signs: Owner identification or occupant identification signs for residential structures, private warning signs and for sale or for rent signs, none of which may exceed six (6) square feet on one face or twelve (12) square feet on two faces.
8. Signs on vehicles: Signs in or upon a vehicle provided that the vehicle is not left standing in conspicuous places and used primarily as an advertising device.
9. Bulletin boards: Public, charitable and religious institutions may construct bulletin boards if they are located on the premise of such institution and comply with the provisions of this Code and are not more than sixteen (16) square feet in area.
10. Menu signs at drive-through and drive-in restaurants: Said signs shall not be designed to be read from the public right-of-way or to attract attention to the site from the right-of-way.
11. Decorative signs: Decorative signs clearly incidental to, and commonly or customarily associated with any national, local or religious holiday, except where a characteristic of the sign is specifically prohibited in all cases (for example, traffic distractions); limited to a maximum of thirty (30) square feet and a maximum height on fifteen (15) feet, unless given approval by the Planning and Zoning Board for additional height.
12. Prohibited activities signs located on a premise posting said premise for warning or other prohibitions on trespassing, hunting, fishing, swimming or other prohibited activities: Such signs shall be no greater than three (3) square feet in area and shall be spaced no closer than fifty (50) feet apart, except as otherwise provided in other applicable City ordinances. Setback requirements shall not apply to such signs.
13. Open-closed hours: Door and window signs that designate hours and "open" and "closed" shall not exceed four (4) square feet and not more than one of each is allowed per business entrance.
14. Vacancy-no vacancy: All "vacancy" or "no vacancy" signs are not to exceed three and one-half (3 ½) square feet, and not more than one per business is allowed.
15. Wall murals that do not contain advertising.
16. The inscription of names (or dates) of buildings, when etched into masonry in one location on any business or premise: Each letter of an inscription may not exceed twenty-four (24) inches in height and the total engraved area may not occupy more than twenty (20) square feet of the surface of the building. In addition, buildings designated by the city council, the State of Wyoming, or

the United States as having historical significance to the community are allowed one historical plaque per street frontage not to exceed one (1) square foot.

17. Signs posted by governmental entities within public parks and trails, school property including but not limited to street and traffic signs, interpretive signs, identification signs, scoreboards, etc.

18. All signs existing as of the date of passage of the ordinance codified in this section provided that such signs are in conformance with previous Cody Municipal Code requirements.

B. Prohibited Signs: The following signs shall not be allowed in the City of Cody.

1. Any sign not specifically authorized in accordance with the provisions of this chapter is prohibited.

2. Mechanical signs, including signs containing moving, swinging, or rotating parts, unless specifically permissible as part of the allowable signage enumerated in this chapter.

3. Signs which create a safety hazard by obstructing clear view of pedestrian or vehicular traffic.

4. Signs constituting a traffic hazard. No person shall install or maintain or cause to be installed or maintained any sign which mimics, simulates or imitates in size, color, lettering or design any traffic sign or signal, or which makes use of the words "stop", "look", "danger" or any other words, phrases, symbols, or character in such a manner to interfere with, mislead or confuse traffic.

5. Signs on doors, windows or fire escapes. No sign shall be installed, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape, except those signs as required by other Codes or Ordinances.

6. Signs in proximity to utility lines. No sign plan shall be approved for any sign, and no sign shall be constructed or maintained, which has less horizontal or vertical clearance from authorized communication or energized electrical power lines than that prescribed by the laws of the state of Wyoming, the ordinance of the City of Cody, or other applicable rules, regulations and codes.

7. Signs on public property including streets, medians, islands, parkways, sidewalks, traffic control signposts, utility poles, and trees. Signs are prohibited on any utility pole, traffic sign post, traffic signal or any other official traffic control device. No person except a Public Officer in performance of a public duty shall affix, by any means, any form of sign, on any public property or within the public right of way.

8. Signs will not be located on Publicly Owned property unless permission has been granted through City Council.

9. Roof signs as defined herein.
10. Signs which produce audible noise or sounds.
11. Signs which emit visible smoke, vapor, particles or odor.
12. Snipe signs as defined herein.
13. Rotating signs or signs utilizing a strobe light(s) are prohibited.

This Ordinance shall become effective at the final passage and publication in the Cody Enterprise as required by law.

PASSED ON FIRST READING: _____, 2011

PASSED ON SECOND READING: _____, 2011

PASSED ON THIRD READING: _____, 2011

ATTEST:

Nancy Tia Brown
Mayor

Cynthia Baker
Administrative Services Director

ORDINANCE NO. 2011- 08

AN ORDINANCE REPEALING SECTION 10-15-7 OF THE CITY OF CODY MUNICIPAL CODE AND RESERVING THAT SECTION FOR FUTURE USE

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

Section 10-15-7 SHALL BE REPEALED, AND THIS SECTION SHALL BE RESERVED FOR FUTURE USE BY THE GOVERNING BODY.

This Ordinance shall become effective at the final passage and publication in the Cody Enterprise as required by law.

PASSED ON FIRST READING: _____, 2011

PASSED ON SECOND READING: _____, 2011

PASSED ON THIRD READING: _____, 2011

ATTEST:

Nancy Tia Brown
Mayor

Cynthia Baker
Administrative Services Director

ORDINANCE NO. 2011- 09

**AN ORDINANCE AMENDING SECTION 10-15-8 OF THE
CITY OF CODY MUNICIPAL CODE BY DESIGNATING
RESIDENTIAL SIGN DISTRICTS**

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

Section 10-15-8 SHALL READ AS FOLLOWS:

10-15-8: Sign Districts:

- A. Except otherwise provided , signs are permitted in all zoning districts as accessory uses, in accordance with the provisions contained in this title. The type of signs permitted within a zone, the number, placement, area, and use of signs in various zoning districts of the city are contained in the "Table Specific Regulations by Zone" following the designated sections.
- B. Residential Sign Districts: Residential Sign District includes any parcels located within the incorporated City limits designated AA, A, B, C, F-1, F-2, T and RR. See "Table Specific Regulations by Zone" following this sections.
- C. Sign District AA or RR: No sign shall be erected or structurally altered, unless otherwise provided herein, except for one or more of the following uses:
 - 1. Address numbers shall be placed on a building for the purpose of identifying the address or location. Premises identification shall meet the requirements of the Municipal Code and the International Building Code.
 - 2. All signs shall attach flush with the wall of the building.
- D. Sign Districts A, B, C, and T: No sign shall be erected or structurally altered, unless otherwise provided herein, except for one or more of the following uses:
 - 1. All signs allowed in AA or RR;
 - 2. Address numbers shall be placed on a building for the purpose of identifying the address or location. Premises identification shall meet the requirements of the Municipal Code and the International Building Code.
 - 3. Group day care homes (GDCH) and group day care centers (GDCC) are subject to the following conditions: All signs must come before the Planning, Zoning, and Board for approval.
- E. Sign Districts F-1 and F-2:
 - 1. Signs shall only be located at the entrance into the Mobile Home Park.

Table Inset for the type of signs permitted, the number of signs allowed, placement, area and use of signs within Residential Sign Districts:

TABLE SPECIFIC REGULATIONS BY SIGN DISTRICT						
RESIDENTIAL SIGN DISTRICTS						
AA, RR						
Sign Type	Category Permitted	Max. Number	Max. Area by Zone Lot	Max. Area per Face	Max. Height and Length	Notes
Attached Wall	Residential Identification Sign	1 per premise	12 sq. ft.	6 sq. ft.		
	Non-residential	1 per premise	6 sq. ft.	3 sq. ft.		(e)(f)
Attached Wall	Home Occupation/ Family Daycare	1 per lot	300 sq. in.	150 sq. in.		All signs must be approved by P&Z Board (e)

A, B, C, and T						
Sign Type	Category Permitted	Max. Number	Max. Area by Zone Lot	Max. Area per Face	Max. Height and Length	Notes
Attached Wall	Residential Identification Sign	1 per premise	12 sq. ft.	6 sq. ft.	5 ft.	
Attached Wall, Freestanding	Residential Complex Identification	1 per primary street access	32 sq. ft.	16 sq. ft.	6 ft.	(e)
Attached Wall	Home Occupation	1 per lot	300 sq. in.	150 sq. in.		All signs within an "A Residential Zone" must be approved by P&Z Board (e)
Freestanding	Construction	2 per premise	64 sq. ft.	32 sq. ft.	6 ft.	(e)
	Nonresidential	1 per premise	6 sq. ft.			(e)
Attached Wall	Group Day Care Home, Group Day Care Centers, Preschools, and Group Homes	1 per lot	32 sq. ft.	16 sq. ft.		All signs must be approved by P&Z Board (e)

F-1/F-2 Mobile Home/Mobile Home Park						
Sign Type	Category Permitted	Max. Number	Max. Area by Zone Lot	Max. Area per Face	Max. Height and Length	Notes
Freestanding	Identification	2 per Mobile Home Park	32 sq. ft. per entrance of Mobile Home Park	16 sq. ft.	6 ft.	(e)
	Nonresidential	1 per premise	6 sq. ft.			(e)
Attached Wall	Home Occupation	1 per lot	300 sq. in.	150 sq. in.		All signs must be approved by P&Z Board (e)

All Sign Districts							
Sign Type	Sign Category	Max. Number	Max. Area by Lot	Area Zone	Max. Area per Face	Max. Height and Length	Notes
Freestanding Attached	Sponsor signs						Must be approved by City Council.
Freestanding	Real Estate	1 sign per platted subdivision or property entrance. Max. of 2	32 sq. ft.		16 sq. ft.	6 ft.	
Freestanding	Subdivision Signs	1 sign per platted subdivision or property entrance. Max. of 2	48 sq. ft.		24 sq. ft.	6 ft.	(e)(f)(i)
	Golf Course/ Recreational Facilities	All signage must be approved by P&Z Board.					
(a) No sign shall be attached to a building at a height above the third story unless the business which the sign advertises is located above the third story, in which case the sign may be on the same story as the business.							
(b) In no event shall a roof sign be permitted							
(c) In no case shall the height of a freestanding sign exceed twenty-five (25) feet.							
(d) Wall signs shall not extend above the roof line or be secured to the top of a parapet wall.							
(e) No Internal Illumination.							
(f) Illuminated sign will not be allowed in residential district unless authorized by Planning, Zoning and Adjustment Board.							
(h) Additional provision may apply in the zoning districts. See applicable district provisions							
(i) Cannot be placed within an utility easement or Right-of-Way							

This Ordinance shall become effective at the final passage and publication in the Cody Enterprise as required by law.

PASSED ON FIRST READING: _____, 2011

PASSED ON SECOND READING: _____, 2011

PASSED ON THIRD READING: _____, 2011

ATTEST:

Nancy Tia Brown
 Mayor

Cynthia Baker
 Administrative Services Director

ORDINANCE NO. 2011- 10

AN ORDINANCE AMENDING SECTION 10-15-9 OF THE CITY OF CODY MUNICIPAL CODE BY DESIGNATING COMMERCIAL SIGN DISTRICTS

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

Section 10-15-9 SHALL READ AS FOLLOWS:

10-15-9: COMMERCIAL SIGN DISTRICTS

A. D-1 Limited Business Sign District

1. D-1 Limited Business Sign District includes any parcel located within the incorporated City limits that is designated as a D-1 zone shown on the zoning map.
2. Use: No sign shall be erected or structurally altered, unless otherwise provide herein, except for one or more of the following uses:
 - a. Any sign allowed in the Downtown Business Sign District is permitted in D-1 Sign District.
 - b. See "Table Specific Regulations by Sign District" following this section.
3. Commercial Signs: All signs shall attach flush with the wall of the building.
4. Permitted Temporary / Seasonal Signs
 - a. A sign displayed on an interim, short-term basis. Examples include special business sales, new business openings, special events, and limited time sales or offers for goods, products, services, or facilities located on premise. A temporary sign is differentiated from a permanent sign in that a permanent sign is attached to a building or structure or affixed in the ground. A temporary sign is mobile and freestanding. A temporary use shall not be displayed for more than one-hundred and eighty (180) consecutive days. Any electrical temporary sign shall comply with all city electrical codes. Off premise, temporary A-frame signs shall be limited to not more than seven (7) consecutive days, must be permitted, and must comply with other provisions as defined in this code.
5. Banners
 - a. Periodic Display of Banners and Advertising Flags: Banners and Advertising Flags are permitted subject to these regulations.
 - (1) Banners must be displayed as a wall sign or attached to railings, and must be securely fastened so that it may not be blown down, in whole or in part. Any other location for display of a banner or advertising flag must be approved through the Planning, Zoning, and Adjustment Board.
 - (2) Advertising Flags must be securely fastened.

- (3) Banners and Advertising Flags must be of professional quality construction and appearance pursuant to the definition in Section 10-15-3 of this Chapter.
- (4) If the banner/advertising flag becomes damaged or detached, the banner or flag must be removed or repaired within forty-eight (48) hours.
- (5) Banners shall be subject to the time limits for temporary / seasonal signs described above.

B. D-2 General Business Sign District

1. D-2 General Business Sign District includes any parcel located within the incorporated City limits that is designated as a D-2 zone shown on the zoning map, except for signage located within the Downtown Business Sign District.
 2. Use: No sign shall be erected or structurally altered, unless otherwise provide herein, except for one or more of the following uses:
 - a. Any sign allowed in the Downtown Business Sign District and the D-1 sign district is permitted in a D-2 Sign District.
 - b. Inflatable Signs:

Where allowed, individual businesses may use inflatable signs. Inflatable signs maybe singular or multiple, tethered or ground mounted provided that the total aggregated square footage does not exceed one hundred and fifty (150) square feet. No individual inflatable sign shall exceed twenty (20) feet in length. For the purpose of calculating total square footage of inflatable signs, the calculation shall be based on the length and width measurement of a cross-section through the center of the inflatable sign. Inflatable signs may not be used for off-premise advertising. Businesses seeking to use inflatable signs must provide design and construction details to demonstrate compliance with City wind load requirements, how the electricity will be supplied to the inflatable, and to demonstrate that anchoring mechanisms will not present a danger to the public. All permits for inflatable signs will provide a site plan showing existing structures, power poles, trees, street and pedestrian paths, and all other features which may be impacted by the inflatable.
- (1) Tethered, inflatable sign: the maximum altitude at which a tethered inflatable sign can be flown is twenty (20) feet, as measured from the ground immediately beneath the anchor point to the point of connection at the top of the tethered inflatable sign. No tethered inflatable sign can be flown or anchored in any manner that presents a safety hazard or otherwise endangers the public. No minimum setback from property line is required for the anchor point; however no portion of the tether or the inflatable sign shall be allowed to encroach onto the right of way of streets and pedestrian

pathway, and on the air space of adjoining public or private property lines.

- (2) Ground mounted, inflatable signs: the maximum height of a ground anchored inflatable sign shall be twenty (20) feet. The sign shall be located at least ten (10) feet from all property lines and ten (10) feet from a driveway or parking area access lane. On a corner lot, no signs shall be located within the required site triangle. All wires shall be within the property lines. No minimum setback from property lines is required for the anchor point; however no portion of the tether or the inflatable sign shall encroach onto the right of way of streets and pedestrian pathways, and on the air space of adjoining public or private property lines.

C. D-3 Open Business/Light Industrial, D-4 High Tech/Data Processing/Light Manufacturing, and E Industrial Sign Districts

1. D-3 Open Business/Light Industrial, D-4 High Tech/Data Processing/Light Manufacturing, and E Industrial Sign Districts include any parcel located within the incorporated City limits that is designated D-3, D-4, and E zone as shown on the zoning map.
2. Use: No sign shall be erected or structurally altered, unless otherwise provide herein, except for one or more of the following uses:
 - a. Any sign allowed in D-2 General Business Sign District is permitted in D-3 Open Business/Light Industrial, D-4 High Tech/Data Processing/Light Manufacturing, and E Industrial Sign Districts.
 - b. Billboards: Billboards as defined in Section 10-15-2(b) are allowed within the corporate limits of the City subject to the following conditions and requirements being met:
 - (1) Billboards shall not be allowed, except in D-3, and E Sign Districts, unless erected by the City for the purpose of directing the public to and/or identifying the Cody downtown business area.
 - (2) Billboards shall not be allowed within one thousand (1,000) feet of the following intersections: Big Horn Avenue and 16th Street; 17th Street and Sheridan Avenue; 8th Street and Yellowstone Avenue; Yellowstone and West Yellowstone Avenues and South Fork Road.
 - (3) Illumination of billboards shall be provided by shielded lights anchored at the bottom of the sign and directed at the face of the sign without spilling off the sign.
 - (4) See "Table Specific Regulations by Zone" following this chapter for Billboard size requirements.

D. Planned Unit Development Sign District

1. Planned Unit Development Sign District includes any parcel located within the incorporated City limits that is designated as a Planned Unit Development zone shown on the zoning map, except for signage located within the Downtown Business Sign District.
2. A Planned Unit Development (P.U.D.) Sign District is developed as a single entity under a plan which may provide a variety of land uses, housing types and densities, and which provides design characteristics in addition to those ordinarily allowed by right or condition in the zoning district in which it is located. It is intended that each P.U.D. will be a separate development, having different design characteristics for the uses and improvements, based upon a particular site situation. Commercial establishments within planned unit developments where the underlying zoning is residential shall be permitted signage as if the lot were in D-2 General Business Sign District.
3. All signage will be approved through the Planned Unit Development Process.

E. Downtown Business Sign District

The Downtown Business Sign District is located one-half (1/2) Block North of Sheridan Avenue up to and including the alley between Sheridan and Rumsey and a one-half (1/2) Block South of Sheridan Avenue up to and including the alley between Sheridan and Beck Avenue, and from the east side of 9th Street (including those lots and buildings on the east side of 9th street), to the west side of 16th Street (including those lots and buildings on the west side of 16th Street).

1. No sign shall be erected or structurally altered, unless otherwise provide herein, except for one or more of the following uses:
2. Any sign allowed in D-1 Limited Business is permitted in the Downtown Business Sign District.
 - a. Allowable Increase in Area: The Planning, Zoning and Adjustment Board may allow an increase in the sign area up to one hundred percent (100%) in such instances where there are two (2) separate business entrances not visible from one location or when the multiple use facility is accessible from (2) two or more streets. No more than one (1) sign per business may be visible on any building from any one location. This provision applies to all signs unless specifically excluded elsewhere in this Code.

F. Hospitals and Urgent Care Clinics

The Hospitals and Urgent Care Clinics are unique in nature and require separate signage within the city. There is a need for flexibility for these facilities due to the services these facilities provide. The intent of this section is to have clear and visible signage for the health and safety of the community. Regardless of which zoning district hospitals and urgent care clinics are located, such uses shall be permitted the following signs:

1. Emergency and Trauma center signs shall not require a permit.
2. The areas of the facility that face or are next to a residential neighborhood will not be allowed to have illuminated signage.

Areas that are facing or within a commercial district will be allowed to have illuminated signage.

3. All signage will be approved through the Planning, Zoning and Adjustment Board.

G. Churches, Museums, & Libraries Sign Districts

Regardless of the sign district in which a church, museum, public library or fraternal organization is located, such uses shall be permitted the following signs:

1. Illuminated Signage will be allowed but with conditions as follows:
 - a. The signage can only be illuminated during night time functions, and the lights cannot be direct as to flood on to residential property if facility is next to a residential neighborhood.
 - b. All illuminated signs for churches, museums, school and fraternal organizations shall be approved by the Planning, Zoning and Adjustment Board.

Table Inset for the type of signs permitted, the number of signs allowed, placement, area and use of signs within Commercial Sign Districts:

TABLE SPECIFIC REGULATIONS BY SIGN DISTRICT							
COMMERCIAL SIGN DISTRICTS							
D-1 Limited Business Sign District							
Sign Type	Category Permitted	Max. Number	Max. Area per Face	Max. Area by Zone Lot	Max. Height and Length	Max. Length	Notes
Freestanding	Identification	1 per street frontage, 1 max.	32 sq. ft.	50 sq. ft.	10 ft.		(c)(e)(f)(k)
Attached Wall	Business	Attached: 1 per face of storefront, 1 per street frontage, not to exceed 2 signs per establishment max.	32 sq. ft.	32 sq. ft.			(a)(b)(d)(e)(f)(g)(j)(k)
Marquee Projecting Signs Awning Suspended		Max. 2 additional hanging panels per projecting sign.	32 sq. ft.	32 sq. ft.	Projecting Signs shall be not less than 8 feet from travel way to the bottom of sign and the edge of the sign shall be at least 2 feet back from curb.		(e)(f)(g)
Freestanding	Construction	1 per premise		32 sq. ft.	6 ft.		(e)(f)(g)
Real Estate	Temporary Sign	1 per street frontage	16 sq. ft.	6 sq. ft. for residential lots, 32 sq. ft. for subdivision	6 ft.		Must be placed on the property. (i)
Banners	Temporary Sign		32 sq. ft.				
Inflatable	Temporary Sign						Not allowed within this District

D-2 General Business Sign District							
Sign Type	Category Permitted	Max. Number	Max. Area per Face	Max. Area by Zone Lot	Max. Height and Length	Max. Length	Notes
Freestanding	Identification		300 sq. ft.	600 sq. ft.	25 ft.		(g)(h)
Attached Wall	Business		150 sq. ft.	300 sq. ft.			
Marquee Projecting Signs Awning Suspended			25 sq. ft.	50 sq. ft.	Projecting Signs shall be not less than 8 feet from travel way to the bottom of sign and the edge of the sign shall be at least 2 feet back from curb.		(a)(b)(d)(g)(k)
Attached Wall	Residential Identification Sign	Attached: 1 per each dwelling		1 sq. ft.	5 ft.		
Attached Wall, Freestanding	Residential Complex Identification	Attached: 2 per face of building, 1 per entrance into complex, not to exceed 4 signs per establishment max.		32 sq. ft.	18 ft.		Residential Development (h)
Freestanding	Construction		32 sq. ft.	64 sq. ft.	10 ft.		
	Joint Directory		40 sq. ft.	80 sq. ft. max.	8 ft.		For 3 or more businesses will have to put together a Master Sign Program
Real Estate	Temporary Sign	1 per street frontage	16 sq. ft.	6 sq. ft. for residential lots, 32 sq. ft. for subdivision	6 ft.		Must be placed on the property. (i)
	Non-residential			6 sq. ft.			
Banners	Temporary Sign		32 sq. ft.				
Electronic Message Boards, Animated Signs			32 sq. ft.				
Inflatable/ Flags	Temporary Sign			150 sq. ft.	20 ft.		See Section 10-15-8-III (c)(1)(i)(ii) for specific regulations (h)

D-3 Open Business/Light Industrial, D-4 High Tech/Data Processing/Light Manufacturing, and E Industrial Sign Districts							
Sign Type	Category Permitted	Max. Number	Max. Area per Face	Max. Area by Zone Lot	Max. Height and Length	Max. Length	Notes
Freestanding	Identification		300 sq. ft.	600 sq. ft.	25 ft.		(h)
Attached Wall	Business		150 sq. ft.	300 sq. ft.			
Marquee Projecting Signs Awning Suspended			25 sq. ft.	50 sq. ft.	25 ft. Clear 8 ft. above grade.		(a)(b)(d)(g)(k)

	Joint Directory	2 per project, group of businesses, or shopping center	40 sq. ft.	80 sq. ft.	8 ft.		For 3 or more businesses will have to put together a Master Sign Program
	Billboards		300 sq. ft.	600 sq. ft.	25 ft. in height is maximum, the bottom may not be less than 10' from the ground	60 ft in length max.,	Spacing shall be at least 1000 feet apart from any other billboard on the same side of the street. Billboards will not be allowed in a D-4 Zoning District (h)
Banners	Temporary Sign		32 sq. ft.				
Electronic Message Boards, Animated Signs			32 sq. ft.				
Real Estate	Temporary Sign	1 per street frontage	16 sq. ft.	6 sq. ft. for residential lots, 32 sq. ft. for subdivision	6 ft.		Must be placed on the property. (i)
Inflatable/Flags	Temporary Sign			150 sq. ft.	20 ft.		See Section 10-15-8-III (c)(1)(i)(ii) for specific regulations (h)
Freestanding	Construction		32 sq. ft.	64 sq. ft.	10 ft.		

P.U.D. Planned Unit Development Sign District						
All SIGNS IN A PLANNED UNIT DEVELOPMENT WILL BE DONE THROUGH THE PLANNED UNIT DEVELOPMENT PROCESS						
Sign Type	Category Permitted	Max. Number	Max. Area by Zone Lot	Max. Area per Face	Max. Height and Length	Notes
Freestanding	Temporary Construction	2 per zone lot or subdivision.	96 sq. ft. max. for 2 street frontages	48 sq. ft.	6 ft.	

Downtown Business Sign District							
Sign Type	Category Permitted	Max. Number	Max. Area per Face	Max. Area by Zone Lot	Max. Height and Length	Max. Length	Notes
Freestanding	Identification	1 per premise	240 sq. ft.	480 sq. ft.	25 ft.		(g)
Attached Wall	Business	Attached: 1 per face of store front, 1 per street frontage, not to exceed 2 signs per establishment max.	1.5 x the lineal feet of frontage	1.5 x the lineal feet of frontage			(a)(b)(d)(g)(j)(k)
Marquee Projecting Signs Awning Suspended		Max. 2 additional hanging panels per projecting sign.	25 sq. ft.	50 sq. ft.	Projecting Signs shall be not less than 8 feet from travel way to the bottom of sign and the edge of the sign shall be at least 2 feet back from curb.		(a)(b)(d)(g) may include a max. of (2) two additional suspended signs per projecting sign.
Banners	Temporary Sign		32 sq. ft. per sign face				

Electronic Message Boards, Animated Signs			32 sq. ft.				May be permitted after consideration of adjacent signage, size of proposed sign & subject to review and approval by WYDOT
Construction Signs	Temporary Sign	1 per premise		32 sq. ft. Max	6 ft.		
Real Estate	Temporary Sign	1 per street frontage	16 sq. ft.	6 sq. ft. for residential lots, 32 sq. ft. for subdivision	6 ft.		Must be placed on the property. (i)
Inflatable	Temporary Sign						Not allowed within this district.

E Zoning District							
Sign Type	Category Permitted	Max. Number	Max. Area per Face	Max. Area by Zone Lot	Max. Height and Length	Max. Length	Notes
Freestanding	Identification		550 sq. ft.	700 sq. ft.	25 ft.		(h)
Attached Wall	Business		150 sq. ft.	300 sq. ft.			
Marquee Projecting Signs Awning Suspended			25 sq. ft.	50 sq. ft.	25 ft. Clear 8 ft. above grade.		(a)(b)(d)(g)(k)
	Joint Directory	2 per project, group of businesses, or shopping center	40 sq. ft.	80 sq. ft.	8 ft.		For 3 or more businesses will have to put together a Master Sign Program
Banners	Temporary Sign		32 sq. ft.				
Inflatable/Flags	Temporary Sign			150 sq. ft.	20 ft.		See Section 10-15-8-III (c)(1)(i)(ii) for specific regulations (h)
	Billboards		300 sq. ft.	600 sq. ft.	25 ft. in height is max. the bottom may not be less than 10' from the ground	60 ft in length max.	Spacing shall be at least 1000 feet apart from any other billboard on the same side of the street. Billboards will not be allowed in a D-4 Zoning District (h)
Freestanding	Construction		32 sq. ft.	64 sq. ft.	10 ft.		
Real Estate	Temporary Sign	1 per street frontage	16 sq. ft.	6 sq. ft. for residential lots, 32 sq. ft. for subdivision	6 ft.		Must be placed on the property. (i)

Hospital-Urgent Care Clinics							
Sign Type	Category Permitted	Max. Number	Max. Area per Face	Max. Area by Zone Lot	Max. Height and Length	Max. Length	Notes
Attached Wall	Identification						All Signage must be approved through P&Z Board
Freestanding (Monument)	Identification						All Signage must be approved through P&Z Board
Marquee Projecting Signs Awning Suspended							All Signage must be approved through P&Z Board

Churches, Museums, & Libraries							
Sign Type	Category Permitted	Max. Number	Max. Area per Face	Max. Area by Zone Lot	Max. Height and Length	Max. Length	Notes
Attached Wall	Identification						All Signage must be approved through P&Z Board.
Freestanding (Monument)	Identification						All Signage must be approved through P&Z Board.
Bulletin							All Signage must be approved through P&Z Board.

All Zones							
Freestanding Attached	Sponsor Signs	no limit	no limit	no limit	no limit		Must be approved by City Council.
Freestanding	Real Estate	1 per platted subdivision or property entrance.	16 sq. ft.	32 sq. ft.	6 ft.		(f)(e)(g)(l)
(a) No sign shall be attached to a building at a height above the third story unless the business which the sign advertises is located above the third story, in which case the sign may be on the same story as the business.							
(b) In no event shall a roof sign be permitted							
(c) In no case shall the height of a freestanding sign exceed twenty-five (25) feet.							
(d) Wall signs shall not extend above the roof line or be secured to the top of a parapet wall.							
(e) No Internal Illumination.							
(f) Illuminated sign will not be allowed in residential district unless authorized by Planning, Zoning and Adjustment Board.							
(g) All signs must be permitted by WYDOT except all City side streets.							
(h) Signs located within the Airport Overlay Zone will need to meet with the Airport Board for height restrictions.							
(i) Cannot be placed within an utility easement or Right-of-Way							
(j) Multiple Tenant Buildings. The total permitted attached sign area shall be allocated to tenants based on the building frontage of each individual tenant.							
(k) Additional provision may apply in the zoning districts. See applicable district provisions							
(l) An on-premises freestanding sign is permitted only at a primary entrance, with a minimum separation of two hundred (200) feet between any two (2) permitted on-premise signs on the lot.							

This Ordinance shall become effective at the final passage and publication in the Cody Enterprise as required by law.

PASSED ON FIRST READING: _____, 2011

PASSED ON SECOND READING: _____, 2011

PASSED ON THIRD READING: _____, 2011

ATTEST:

Nancy Tia Brown
 Mayor

Cynthia Baker
 Administrative Services Director

ORDINANCE NO. 2011- 11

**AN ORDINANCE AMENDING SECTION 10-15-10 OF THE
SIGN CODE FOR THE CITY OF CODY MUNICIPAL CODE BY
PROVIDING DEFINITION FOR ILLEGAL,
NON-CONFORMING AND ABANDONED SIGNS**

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

Section 10-15-10 SHALL READ AS FOLLOWS:

10-15-10: ILLEGAL, NONCONFORMING AND ABANDONED SIGNS

A. General: In order to achieve the general purposes and objectives of this Code as specified in Section 10-15-1, it is necessary to provide for the removal of signs which are illegal, nonconforming and abandoned. The following subsections detail the method of correction and/or disposition required.

B. Illegal Signs; Disposition: Any illegal sign shall be removed from the premise upon which it is located within thirty (30) days of delivery of a written notice of violation, and shall not be installed on the premises or elsewhere in the City until a sign plan review has been approved and a building permit is issued. The written notice shall be delivered:

1. In person to either the property owner or occupant of the property where the sign is located; or
2. By certified mail, return receipt requested to either the owner or occupant of the property where the sign is located; or
3. By leaving a copy of the notice with an individual over the age of 18 at the property where the sign is located, or at the residence or regular place of business of the owner or person in possession of the premises.
4. If property is unoccupied and the owner cannot with reasonable diligence be ascertained or located, then the planning department shall cause a copy of the notice to be published in a newspaper of general circulation in the city, once a week for three consecutive weeks, and shall further cause a copy of the aforesaid notice to be posted on the property.

The written notice shall contain the physical address or legal description of the property where the sign is located; a description of the violation or violations, including reference to the applicable sections of the City Code; and shall state that failure to remove or correct the sign or signs within thirty (30) days may result in removal of the sign or signs by the City at the expense of the property owner and / or occupant, and may also result in a citation to municipal court and a fine not to exceed \$750.

C. Nonconforming Signs:

1. Pre-existing Signs: Signs already in existence and displayed prior to July 1, 2011 and which do not conform to the regulations prescribed herein may be allowed to remain so long as they are maintained and repaired pursuant to Section 10-15-3(a)(3). Such signs may be modified, repaired and maintained so long as modifications, repairs or maintenance do not increase the degree of non-conformance.
2. When fifty (50) percent or more of a nonconforming sign is repaired, repainted, replaced or altered such repairs shall be made to conform to the requirements of this code at the time of such alteration or repair, and the property owner or person displaying such sign shall apply for a sign permit.
3. A permit to replace a sign shall not be required if a pre-existing sign (as defined herein) suffers substantial which requires the complete replacement of the sign, and such damage is due to an act of God, or other unforeseeable acts not the fault of the property owner or the person displaying the sign.

D. Abandoned Signs; Disposition: Abandoned signs shall be removed by the owner of the premise on which the sign is located. Upon failure of the owner to remove an abandoned sign, the Planning Department or Building Official shall proceed as described in Section 10-15-11 of this Code.

E. Dangerous or Defective Signs; Disposition: Any dangerous or defective sign shall be repaired or removed by the owner of the premise or the owner of the sign. Upon failure of the owners to repair or remove a dangerous or defective sign, the Planning Department or Building Official shall proceed as described in Section 10-15-11 of this Code.

This Ordinance shall become effective at the final passage and publication in the Cody Enterprise as required by law.

PASSED ON FIRST READING: _____, 2011

PASSED ON SECOND READING: _____, 2011

PASSED ON THIRD READING: _____, 2011

ATTEST:

Nancy Tia Brown
Mayor

Cynthia Baker
Administrative Services Director

ORDINANCE NO. 2011- 12

AN ORDINANCE AMENDING SECTION 10-15-11 OF THE CITY OF CODY MUNICIPAL CODE BY PROVIDING FOR REMOVAL OF SIGNS

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

Section 10-15-11 SHALL READ AS FOLLOWS:

10-15-11: REMOVAL OF SIGNS

A. General:

1. Any illegal, nonconforming, abandoned, dangerous or defective sign which is not removed from the premise by the owner/user/property owner shall be subject to removal by the City in accordance with the provisions and procedures detailed in this subsection. Any person who fails to comply with the provisions of this section shall be guilty of a misdemeanor and shall be subject to the penalties set forth in Section 1-4-1 of the Cody City Code.
2. Removal by the City:
 - a. Upon failure of the owner/user/property owner to comply with a written notice to remove a sign, the Planning Department or Building Official is hereby authorized to cause such illegal, nonconforming, abandoned, dangerous, or materially, electrically or structurally defective sign to be removed.
 - b. Any time periods provided in this section shall be deemed to commence the date the notice is delivered or if by publication, then from the date of last publication.
 - c. Notwithstanding the above, in cases of emergency, the City Administrator may cause the immediate removal of a dangerous or defective sign without notice.
3. Disposal of Signs – Costs:
 - a. Any sign removed by the City pursuant to the provisions of this section shall become the property of the City and may be disposed of in any manner deemed appropriate by the City. The cost of the removal of the sign by the City shall be considered a debt owed to the City by the owner of the sign and the owner of the premise, and may be recovered in an appropriate court action by the City. The cost of removal shall include any and all incidental expenses incurred by the City in connection with the sign's removal.
 - b. If it shall be necessary for the City to remove a sign pursuant to the provisions hereof, and it should be practicable to sell or salvage any material derived in the aforesaid removal, the City may sell the same at private or public sale at the best price

obtainable and shall keep an accounting of the proceeds thereof. Such proceeds, if any, shall be used to offset the costs of removal to be charged to the sign owner or property owner and shall be the responsibility of the sign owner or property owner. Should the proceeds exceed the costs, the excess shall be paid to the owner of the premise from which the sign is removed, or to the owner of said sign, whenever claim therefore is established.

4. Failure to Remove:

Failure to remove any illegal, nonconforming, abandoned, dangerous or defective sign and subsequent failure by the Planning Department or Building Official to give notice to the business/user/property owner of the provisions of this section, shall not be deemed or constitute a waiver of any violations of this Code, nor shall such an action be deemed to constitute a determination that any such sign is legal, in conformity with this Code, or to be given any special status.

This Ordinance shall become effective at the final passage and publication in the Cody Enterprise as required by law.

PASSED ON FIRST READING: _____, 2011

PASSED ON SECOND READING: _____, 2011

PASSED ON THIRD READING: _____, 2011

ATTEST:

Nancy Tia Brown
Mayor

Cynthia Baker
Administrative Services Director

ORDINANCE NO. 2011- 13

AN ORDINANCE AMENDING SECTION 10-15-12 OF THE CITY OF CODY MUNICIPAL CODE BY PROVIDING PROCEDURE FOR REVIEW AND APPEAL REGARDING CITY OF CODY SIGN CODE

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

Section 10-15-12 SHALL READ AS FOLLOWS:

10-15-12: REVIEW AND APPEAL AUTHORITY

- A. Interpretation of sign regulations: When it is required that an interpretation be given to the standards and regulations specified in this code, said interpretation shall be made by the Planning, Zoning and Adjustment Board, and shall remain final unless appealed to and over-ruled by the City Council.
- B. Deviation, waiver, or vary from the sign code: When an applicant wants to deviate or vary from the standards contained in this Code, the applicant shall apply for a Special Exemption pursuant to 10-14-2 of the Cody City Code.

This Ordinance shall become effective at the final passage and publication in the Cody Enterprise as required by law.

PASSED ON FIRST READING: _____, 2011

PASSED ON SECOND READING: _____, 2011

PASSED ON THIRD READING: _____, 2011

ATTEST:

Nancy Tia Brown
Mayor

Cynthia Baker
Administrative Services Director

ORDINANCE NO. 2011- 14

AN ORDINANCE AMENDING SECTION 10-15-13 OF THE CITY OF CODY MUNICIPAL CODE PROVIDING FOR PENALTIES FOR VIOLATION OF THE SIGN CODE

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

Section 10-15-13 shall read as follows:

10-15-13: PENALTIES

- A. Violation Unlawful: The violation of or failure to comply with any of the provisions of this chapter or the erection, use or display of any sign not in compliance with all the terms and provisions of this chapter shall be declared to be a misdemeanor, punishable in the City of Cody Municipal Court by a fine not to exceed \$750.

- B. Revocation of Permit: Failure to abide by and faithfully comply with any and all terms and conditions that may be attached to the granting of any sign permit pursuant to the provisions of this chapter, or failure to abide by the terms and provisions of this code, shall constitute grounds for the revocation of the permit by the City Planner or Building Official.

This Ordinance shall become effective at the final passage and publication in the Cody Enterprise as required by law.

PASSED ON FIRST READING: _____, 2011

PASSED ON SECOND READING: _____, 2011

PASSED ON THIRD READING: _____, 2011

ATTEST:

Nancy Tia Brown
Mayor

Cynthia Baker
Administrative Services Director

ORDINANCE NO. 2011- 15

AN ORDINANCE REPEALING SECTION 10-15-14 OF THE CITY OF CODY MUNICIPAL CODE

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

Section 10-15-14 IS REPEALED in its entirety, and this section shall be reserved for future use by the Governing Body.

This Ordinance shall become effective at the final passage and publication in the Cody Enterprise as required by law.

PASSED ON FIRST READING: _____, 2011

PASSED ON SECOND READING: _____, 2011

PASSED ON THIRD READING: _____, 2011

ATTEST:

Nancy Tia Brown
Mayor

Cynthia Baker
Administrative Services Director

ORDINANCE NO. 2011- 16

AN ORDINANCE REPEALING SECTION 10-15-15 OF THE CITY OF CODY MUNICIPAL CODE

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

Section 10-15-15 IS REPEALED in its entirety, and this section shall be reserved for future use by the Governing Body.

This Ordinance shall become effective at the final passage and publication in the Cody Enterprise as required by law.

PASSED ON FIRST READING: _____, 2011

PASSED ON SECOND READING: _____, 2011

PASSED ON THIRD READING: _____, 2011

ATTEST:

Nancy Tia Brown
Mayor

Cynthia Baker
Administrative Services Director